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Opinion

Published on Sunday, May 30, 2004

State Funding of Courts is all Catawampus

The pressure is now on the state Legislature to do something about the abysmal track record for state funding of Washington's court system in general and the public-defense system in particular, with an eye toward taking some of the financial burden off local government.

A series by the Seattle Times, which was also published in this newspaper, revealed that public-defender programs in the state too often are not providing adequate legal counsel. Public defenders as a rule are overworked and underpaid, and the program itself is a huge drain on local government coffers.

The state bar association, saying it must speak for the indigent and vulnerable, has committed itself to sweeping reform of the public-defense system. The governing board of the association has unanimously approved a package of recommendations that call for state funding of indigent defense and creation of a meaningful system of oversight to ensure adequate legal counsel.

Without proper counsel for everyone, including those who can't afford it, the promise of equal justice is an empty one.

At about the same time the bar was zeroing in on indigent defense, state Supreme Court Chief Justice Gerry Alexander told this newspaper's editorial board that the funding mechanism of the entire court system, not just public defenders, is in dire need of complete overhaul.

Yakima County officials say the trial court system consumes about one-third of the total county budget. All law and justice programs, which includes the sheriff's and prosecutor's offices and the corrections department, account for a whopping 82 percent of the budget.

Obviously that's a staggering burden, but one in evidence all across the state.

Consider:

* State funding of the judicial branch of government accounts for less

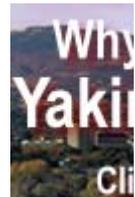
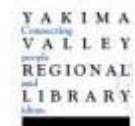


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than three-tenths of 1 percent of the total operating budget of Washington state. Included in that percentage are the full operating budgets for the Washington Supreme Court, its administrative departments, the Court of Appeals and half of the salaries of superior court judges statewide. In superior courts, in addition to half of all judicial salaries, juvenile departments receive about 35 percent of their funding from the state's Juvenile Rehabilitation Administration.

* All additional costs of operating the trial courts are borne by the state's 39 counties and numerous cities. District courts are funded exclusively by the counties. Municipal courts are funded exclusively by cities.

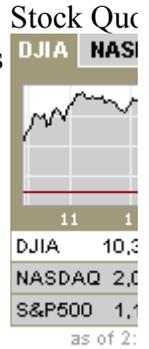
* Together, in fiscal year 2000, cities and counties paid about 89.2 percent of the cost of the trial courts — about \$45.5 million from the state and \$374.5 million from local government. In addition, counties and cities pay for 100 percent of criminal indigent defense costs for superior, district and municipal courts.

* According to the U.S. Department of Justice, Washington ranks at the absolute bottom — 50th — in state government contribution to funding trial courts, prosecution and indigent defense.

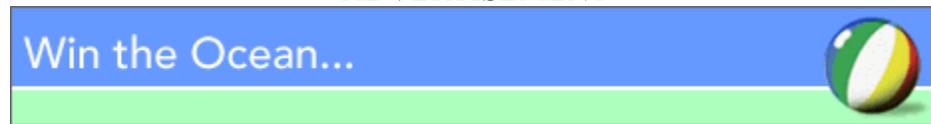
Those are bleak numbers. Little wonder such components as the public defender program can go wanting. Little wonder that plea bargaining to avoid costly trials and save time for prosecutors and public defenders is so prevalent.

Our courts are essentially a state system interpreting and enforcing state laws, yet too much of the burden is being borne by local government and taxpayers.

As a state we can, and must, do better.



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