

Justice in Jeopardy Bulletin

Volume II, Issue I

February 2006

Chief Justice Calls for Action in Interim State of the Judiciary Address

The historic effort to reform court funding in Washington State remains in full swing in 2006, as leadership of the Board for Judicial Administration's (BJA) Court Funding Task Force Implementation Committee carries on nearly two years of work by a statewide Court Funding Task Force.

Washington Supreme Court Chief Justice Gerry Alexander unveiled the 2006 Legislative proposal in a written, interim State of the Judiciary Address to Governor Christine Gregoire and leadership of the Washington State Legislature.

"As you may recall, during my last address I highlighted findings of a Trial Court Funding Task Force and our "Justice in Jeopardy" legislative proposal aimed at improving the operations of our trial courts in Washington. A core finding of this task force was that there must be a rebalancing of responsibility for the funding of trial courts so that state government contributes in a more equitable way, along with local government, to the operations of the superior, district, and municipal courts," Alexander wrote.

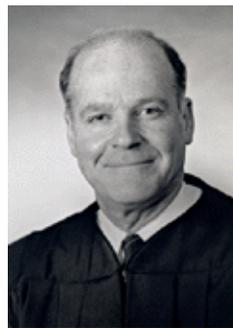
Highlighting the statistic that less than three-tenths of one percent of the state's budget is dedicated to the funding of the judicial branch of government, he gave credit to the Legislature for its action in the 2005 session to improve conditions.

"The judiciary was very gratified with the Legislature's response to our initiative," he said. "Due to actions last session, we have taken an important first step toward improving trial court operations, indigent defense, parental representation in termination and dependency cases, and civil equal justice funding throughout Washington State."

Alexander continued to say that the judiciary looks forward to reporting on the many efficiencies and improvements that will be made by trial courts this year, thanks to the passage of 2ESSB 5454 creating Trial Court Improvement Accounts. "We are confident these funds will have a very positive impact on our justice system at the trial level."

While highlighting the accomplishments, Alexander stated that the work must continue for sessions to come. "While we have made great strides, we still have a long road ahead. From the start of this significant effort, the BJA—the policy-setting body of the state's judiciary—recognized that securing adequate and stable funding for Washington's trial courts would require an incremental, long-term approach."

Accordingly, the "Justice in Jeopardy" initiative continues in the interim session in 2006 with an agenda consisting of four supplemental budget requests and two proposed bills which are described on the following page.



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Justice in Jeopardy Legislative Package for 2006

From the start of the Court Funding Task Force efforts, the Board for Judicial Administration (BJA) recognized that securing adequate and stable funding for Washington's courts would require an incremental, long-term approach. In that vein, the "Justice in Jeopardy" initiative is still going strong with the 2006 agenda consisting of four supplemental budget requests and two policy bills:

Juror Research Project

At the request of the BJA and with the approval of the Supreme Court, the Administrative Office of the Courts (AOC) has submitted a supplemental budget request of \$569,000 to conduct a research project on the effect of increased juror pay on juror response rates and the demographic composition of jury pools.

Compensation of jurors has been at the rate of \$10 per day since 1959 and increasing this level of compensation has been a goal of the judiciary for many years. While strides were made at the conclusion of the Washington State Jury Commission in 2000, they were, unfortunately, short-lived due to a subsequent state fiscal crisis.

The BJA's objective is that this research project will determine whether a cause-and-effect relationship exists between increased juror pay and juror response rates. If such a relationship is shown, the judiciary could make a strong case for increased compensation in the future.

Office of Civil Legal Aid (OCLA)

Headed by Director Jim Bamberger, the Office of Civil Legal Aid has submitted a supplemental budget request of approximately \$600,000 to replace lost funding in the Department of Community, Trade and Economic Development budget for emergency civil representation of domestic violence victims.



Public Defense

Another major priority of the "Justice in Jeopardy" effort last session was to see that the state share more equitably in funding indigent defense services.

Through the Washington State Office of Public Defense, two supplemental budget requests were submitted, including:

- \$11.0 million to reach 100% state funding of the parent's representation program providing full funding to all counties statewide by the end of this biennium.
- \$15.9 million to fund HB 1542 which provides state funding for criminal indigent defense distributed on a formula basis to counties that commit to moving toward and meeting criminal indigent defense standards.

Courts of Limited Jurisdiction

At the request of the BJA, a policy bill has been introduced that would require all municipal court judge positions be elected beginning with the 2010 term of office. Electing all municipal court judges has been a long standing policy goal of the BJA and was also a specific recommendation of the Court Funding Task Force's Courts of Limited Jurisdiction Work Group. Further, the District and Municipal Court Judges' Association also adopted this policy position prior to the introduction of the legislation.

The BJA and the Association of Washington Cities (AWC), after a long effort to formulate a joint bill, sought and received introduction of separate bills which clarify the authority of cities to contract with other cities for the provision of municipal court services. While the BJA bill did not survive the first legislative cut-off, the AWC proposal continues to move forward. The AWC bill was subject to significant amendment in the House Judiciary Committee and now includes a requirement that the presiding judge be invited to participate in the negotiations of the agreements and for municipal courts to exercise jurisdiction over anti-harassment and domestic violence protection orders.

Trial Court Improvement Account Update

With passage last session of 2ESSB 5454, Trial Court Improvement Accounts were created to help ease the financial burden of trial courts throughout our state.

In February, the second quarterly distribution was made to counties and cities for the state's contribution toward district court and qualifying municipal court judges' salaries. More than \$600,000 has been distributed to counties and cities for deposit into their court improvement accounts, with an average quarterly payment per full-time judge of approximately \$2,700.

Currently, all of the state's district courts and five city municipal courts are participating in the program. It is estimated that another three to five cities will qualify and begin participation within the next year. As more cities qualify and participate, the amount contributed per county and city will decrease as the amount available is fixed.

Last week the Board for Judicial Administration

distributed the first annual reporting form to each court participating in the program to gather information on the status of the funds that have been distributed.

The information will be used to report to the Legislature and the court community how the funding was or will be used, what improvements have been or will be implemented as a result and whether or not court improvement funds have been used to supplant local funding.

Examples of the information being requested include:

- A general description of how the funds were or will be spent.
- A description of how this expenditure has or will result in increased efficiencies or improve the level of services.
- A description of the outcomes for which there are or there will be measurable results and how the outcomes will be measured.

Judge Fleck Honored for Dedication to Court Funding

Award committees have been busy this year citing the characteristics of King County Superior Court Judge Deborah Fleck that have earned their attention.

In 2005, state lawmakers approved a comprehensive reform of trial court funding, not only providing millions more dollars for courts, but accepting and codifying the state's responsibility to play a bigger part in funding courts, indigent defense, civil legal aid and more.

It was a massive effort involving more than 100 active, diverse participants, and Fleck was key to initiating the effort and helping propel it forward, say court officials.

"She was more instrumental than anyone else in getting the ball rolling on what became the trial court funding initiative," said Washington Supreme Court Chief Justice Gerry Alexander. "I think she

deserves all these accolades. It was her vision that this could happen and her tenacity to see it through."



For that, among other reasons, she was named Outstanding Judge of the Year by the Washington State Bar Association, and received the King County Bar Association's (KCBA) 2005 President's Award.

"Judge Fleck understood that shrinking trial court budgets were not just the result of a downturn in the economy. She saw that they were the result of an antiquated, county-based funding

system and a long-term habit of under funding the justice system," King County Bar Association President John Cary wrote in the KCBA Bar Bulletin.

Fleck took action as president of the Superior Court Judges' Association (SCJA), Cary wrote, dedicating herself to brainstorming and focusing the long-range planning retreat on funding, as well as building a coalition of active partners.

When Fleck moved from the SCJA presidency to become co-chair of the Board for Judicial Administration (BJA) with Chief Justice Alexander, the funding reform effort moved with her, and became the BJA's Court Funding Task Force.

"She is a tireless worker," Cary wrote. "Whenever there was a significant meeting, she was there, actively involved and making sure that the meeting advanced toward the Task Force goals."

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A complete listing of
editorial endorsements and
news articles
regarding the Justice in
Jeopardy effort can be
found online via the
Washington Courts
Website at:
www.courts.wa.gov
(click on "Boards and
Commissions" then "Court
Funding Task Force". A
complete listing of articles
can be found under
"News")

WHAT OTHERS ARE SAYING

Excerpts of news reports and editorials

Juror pay is embarrassing

The Olympian (January 24, 2006)

"...The jury system in Washington state is in jeopardy. Thousands of citizens disregard their summons to jury service every year — a rejection of their civic duty. Some people simply can't be bothered. Others are intimidated by the process. Still others say jury service simply doesn't fit into their busy schedules. And for many residents the \$10 reimbursement simply makes jury service a financial impossibility.

Ten dollars a day is absurd, especially when employers don't always pay employees serving on juries. The \$10 minimum fee has been on the books since 1959. It is, as Gerry Alexander, chief justice of the Washington Supreme Court acknowledges, an "embarrassment."...

State should study chipping in to help local government

Editorial,
Yakima Herald Republic (January 24, 2006)

"...That said, we don't expect any major new money-raising mechanisms to come out of this 60-day, off-year session in Olympia. But lawmakers could put together a task force to look into new ways of doing business with local government and report back in regular budget-writing session in 2007.

Gerry Alexander, chief justice of the state Supreme Court, is promoting more state responsibility for trial courts. That's certainly one aspect of the system that needs attention, especially given the large number of expensive felony cases wending their way through county courts. Death-penalty cases are particularly onerous for county coffers and two defendants in county custody as of last week could face death penalty trials. There may be more and the going rate is about \$1 million each.

In a pre-session letter to legislative leaders

earlier this month, Alexander pointed out that an earlier finding of a Trial Court Funding Task Force was a need for a "rebalancing of responsibility for the funding of trial courts so that the state government contributes in a more equitable way, along with local government, to the operations of the superior, district, and municipal courts."

"As an example of the current funding imbalance, in 2003 Washington State ranked 50th of the 50 states in terms of funding for its trial courts, prosecution and indigent defense, with less than three-tenths of 1 percent of the state's budget dedicated to the funding of the judicial branch of government," Alexander wrote. Little wonder counties are strapped.

In Our View - Cheers & Jeers

The Columbian, January 21, 2006

Cheers: To the state Board of Judicial Administration for trying to do something about the lousy pay jurors get in this state: \$10 a day plus mileage. The board is asking the Legislature to boost the remuneration to the minimum wage of \$7.63 per hour.

A separate but related cheer goes to Gerry Alexander, chief justice of the Washington State Supreme court, for coming to the defense of counties that are struggling to pay for their court systems. In urging the Legislature to foot more of those costs, he said Washington ranks 50th among states in percentage of state support for trial courts.

Judges want to give jurors raise

Seattle Post-Intelligencer, January 9, 2006

"The people who'd been thrown together for jury duty in Seattle last week chatted over lunch about things strangers don't usually discuss -- how much money they were making and how they should get a raise.

"We all agreed that it might be more of an incentive to get people here," said Mariana Fisher, a medical technologist who said landing on a two-week trial would have simply been too hard on her budget.