

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Increase the State's Contribution to Salaries of Judges of Courts of Limited Jurisdiction

Budget Period: 2013-2015 Biennial Budget Request

Budget Level: Policy Level

Recommendation Summary Text

This proposal will increase the state's contribution to the funding of district and qualifying municipal court judges' salaries. The Trial Court Funding Taskforce concluded, and the Board for Judicial Administration supports, a trial court funding partnership between local and state governments. The state currently contributes approximately 17% toward the cost of limited jurisdiction judicial salaries. For their superior court counterparts, the State contributes 50% of judicial officers' salaries, passed through to the counties by the Administrative Office of the Courts.

This proposal will increase the State's share to 50% over a three year period.

Fiscal Detail

Operating Expenditures	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Sum of All Costs	\$ 2,090,000	\$ 4,179,000	\$ 6,269,000
Staffing			
	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
FTEs	0	0	0

Package Description:

In Chapter 457, Laws of 2005, the Legislature recognized that "trial courts are critical to maintaining the rule of law in a free society and that they are essential to the protection of the rights and enforcement of obligations for all" and began contributing toward the salaries of district and eligible elected municipal court judges as a step toward meeting a state commitment to improving trial courts in the state.

This proposal fulfills that commitment for the State to contribute equally to the salaries of district and elected municipal court judges. The proponents of this package present a balanced request considering the economic recession and slow recovery. While the Legislature explicitly recognizes the critical role of the trial courts, and has taken steps

to fulfill the obligation to fund in-part, they are also meeting extraordinary demands on the state budget. The decision package details a conservative approach to incrementally build the state budget to support the limited jurisdictions courts, which operate critical services for Washington citizens. This proposal provides an ideal opportunity for joint advocacy by the trial courts, Supreme Court, and Legislature to ensure sustainability and professional standards for all courts of limited jurisdiction.

District court judges are elected, but municipal judges may be either elected or appointed. The Court Funding Task Force "...also concluded that all judges in courts of limited jurisdiction should be elected to promote accountability and the independence of the judiciary." The Board for Judicial Administration has supported ways to incentivize cities to require election of judges and current statutory provisions exist as incentive for cities to elect their municipal court judges in return for the State salary contribution.

The State currently provides approximately 17% of the cost of the salaries of district and qualifying municipal court judges, with local government funds covering the remaining 83%. This request will increase the State's share of these salaries over a three year period to 50%. The savings realized by the local jurisdictions are to accrue in a Trial Court Improvement Account (TCIA) to be used to improve local court processes.

Narrative Justification and Impact Statement:

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

Fair and Effective Administration of Justice in All Civil and Criminal Cases. Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Budget impacts have been most severe on court services that are not mandated by law, but which promote public trust and confidence, provide equity in the court system, keep communities safe, and reduce recidivism. Limited jurisdiction courts have extensive exposure to citizens in our state. This proposal will increase sustainability of long term funding for salaries therefore encouraging longer commitment of judicial officers in limited jurisdiction courts.

The increase in the State's contribution to judicial salaries will improve the courts ability to maintain those services which provide for a fair and equitable judicial system.

Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.

Equal access to the courts includes issues such as location, court hours of operation, language, disability, adequate staffing, and many others. By accruing savings in a TCIA, local jurisdictions will be able to remain open each day, provide

sufficient staffing, and provide necessary accommodations to those with physical, language or other barriers.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Courts throughout Washington have utilized judicial officers such as pro tem judges and court commissioners to handle increasing caseloads. Cuts to judicial officer positions have resulted in judges having less time to prepare while being responsible for increased caseloads. Additionally, cuts to staff have included investigators, Guardians ad Litem, and Court Appointed Special Advocates. All this leaves judges with less time and information to make decisions. Cuts to judicial positions can be eased or eliminated if the State increases their share of salaries, with the accrued savings being used to reinstate ancillary services for the judicial officers.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Delays and errors in the courts are serious issues with implications for public safety. Cuts to court staff have resulted in loss of personnel to process case filings and documents, loss of assistance to self-represented persons, and reduced staff to directly support judges. Reductions in staff could be reversed from the savings accrued with additional State funding of qualifying judicial salaries.

Measure detail

- **Impact on clients and services**
None.
- **Impact on other state programs**
None.
- **Relationship to Capital Budget**
None.
- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**
None.
- **Alternatives explored**
- **Distinction between one-time and ongoing costs and budget impacts in future biennia**
These will be ongoing costs, increasing over three years until the State is paying 50% of qualifying judges' salaries.

Effects of non-funding

Courts will continue to struggle to maintain judicial staffing and efficiency at the local level.

Expenditure Calculations and Assumptions

<u>Object Detail</u>	<u>FY2014</u>	<u>FY2015</u>	<u>Total</u>
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$2,090,000	\$4,179,000	\$6,269,000
Total Objects	\$2,090,000	\$4,179,000	\$6,269,000

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