The Supreme Court

State of Washington

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Honorable Jeannie Darneille
Washington State House of Representatives
436B Legislative Building
P. O. Box 40600
Olympia, WA 98504-0600

Re: Judicial Branch Budget Reductions

Dear Representative Darneille:

Again, thank you for attending the November 30 dinner. I found it very interesting and remember that during our conversation you mentioned your belief that the judicial branch has not sustained budget cuts of the same magnitude taken by some executive branch agencies. Because there was not time for further discussion, I ask that you please allow me this opportunity to augment information you may have received.

Agencies within the judicial branch perform a host of functions, most of which are either directly mandated by the constitution or provide foundational support without which we could not meet our constitutional obligations.

As verified by House Office of Program Research staff, the judicial branch has sustained over $32 million in reductions since 2009. With the advent of the November 2010 revenue forecast, I have again instructed state judicial branch agencies to provide additional budget reduction recommendations, beyond the 6.3 percent reductions already submitted. Recommendations received to date will bring the reduction to over 8 percent of nonconstitutional activities.

There are three possible ways in which one may express the level of reductions as compared to the judicial branch base general fund budget. The first is as a straight percentage. As reported by House fiscal staff, this comparison would indicate that the judicial branch has sustained a 12.6 percent budget reduction.

In the second manner of comparison, the general fund base would be adjusted to reflect the cost of constitutionally mandated functions and legislatively imposed budget provisos. In this instance, the percentage reduction is 17 percent.

The third comparison would adjust the general fund base by the costs of constitutionally mandated functions as well as those costs necessary to support those functions, including costs for staff counsel, policy staff, and production staff. This approach produces a reduction of 19.3 percent.

It is neither accurate nor fair to discuss the magnitude of across-the-board budget reductions without first identifying costs of activities that are constitutionally mandated or protected by the Legislature through budget provisos. Further, comparing reductions suffered by an entire branch to activities that are clearly nonconstitutional is misleading.

As I have previously stated, the judicial branch will continue to assess essential roles, functions, and services and make the difficult distinctions between the areas of services that we *should* provide and those we *must* provide. However, further reduction decisions will be made only after ensuring that we are able to meet our constitutional mandate.

I welcome an opportunity to spend a few minutes with you to discuss this further. I do not want to leave, unanswered, any lingering impression that the judicial branch has failed to "share the pain" of this dire economic environment.

Sincerely,

Barbara A. Madsen
Chief Justice

c: Jeff Hall, AOC
Joanne Moore, OPD
James Bamberger, OCLA
Ramsey Radwan, AOC
Mellani McAleenan, AOC