



# Justice in Jeopardy Bulletin

## UPCOMING

### EVENTS

- November 6, Presentation to the state League of Women Voters, Bellevue.
- November 15, Legislative Dinner, SeaTac.
- December 2, Legislative Dinner, Olympia.
- December 8, Tri-Cities Legislative Dinner and *Tri-City Herald* Editorial Board Meeting.
- December 9, Spokane Legislative Dinner and *Spokesman Review* Editorial Board Meeting.
- December 13, Yakima Legislative Dinner and *Yakima Herald* Editorial Board Meeting.

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## Board for Judicial Administration Working to Reverse Trial Court Funding Crisis

An historic effort to reform court funding in Washington State is now in the hands of an Implementation Committee, appointed by the Board for Judicial Administration (BJA) to carry on nearly two years of work by a statewide Court Funding Task Force.

The Committee will work on the many legislative recommendations made by the Task Force for stabilizing trial court funding across the state.

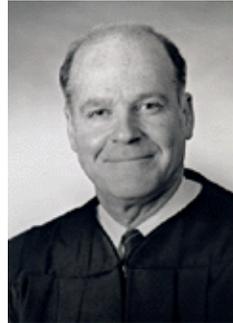
Co-chaired by Washington Supreme Court Chief Justice Gerry Alexander and King County Superior Court Judge Deborah Fleck, the committee is focusing this legislative session on three key areas in desperate need as identified by the Task Force — trial court operations, public defense and civil legal aid.

The statewide Court Funding Task Force was established in late 2002 as state and local budget crises seriously threatened justice services throughout the state.

The crises exposed the unstable and inequitable nature of Washington's court funding system, which ranks last among all 50 states for state contributions to trial court funding and public defense. The state currently pays less than 15 percent of the cost of the court system, with only three tenths of one percent of the state budget dedicated to the courts. Public defense services are funded entirely at the local level.

With local jurisdictions paying the vast majority of operating costs of the state's court system, the Task Force noted that inequitable funding has led to unstable funding of justice services for state citizens. Consisting of more than 100 judges, attorneys, advocates, educators and citizens from across the state, the Task Force also concluded that state laws and policies are significant drivers of escalating court costs.

"The current funding system is not adequate, is not stable, and is seriously uneven across the state from jurisdiction to jurisdiction," Washington Supreme Court Chief Justice Gerry Alexander told the House Judiciary Committee early this year. "It substantially interferes with our trial courts' ability to perform their core functions at all levels."



*"Washington Court Funding is not adequate, is not stable and is seriously uneven across the state from jurisdiction to jurisdiction..."*

—Chief Justice Gerry Alexander

The Task Force is now finished with its extensive research and proposals for legislative changes. Its primary recommendation is achieving a more equitable balance between state and local funding of courts in order to stabilize the court system and improve justice for state citizens.

A legislative proposal, described in detail on the following page, has been approved in concept by the BJA. The Implementation Committee, which includes former Task Force Chair Wayne Blair, is committed to moving forward to make stabilization of court funding a reality.

# Justice in Jeopardy Legislative Package Under Consideration for 2005/2007

A comprehensive set of legislative proposals are being formed by the Board for Judicial Administration (BJA) Court Funding Implementation Committee to alleviate the court funding crisis in trial court operations, indigent defense services and civil legal aid.

The following is a listing of the current proposals under consideration and their status as of mid-November.

## Trial Court Funding

Approved in concept by the BJA, the following legislative proposals were recommended by the Implementation Committee for 2005-2007 regarding trial court operations:

- **Jury Fees:** State assumption of 50 percent of the cost of jury fees and mileage costs. Adoption of the jury fee structure recommended by the Jury Commission of \$10 for the first day of service and higher fees for each subsequent day.
- **District Court Judges Salaries:** State assumption of 50 percent of the cost of district court judges salaries, and inclusion of district court judges in the JRS account, with the state paying 100 percent of the JRS cost.
- **Municipal Court Judges Salaries:** State assumption of 50 percent of the cost of municipal court judges salaries and inclusion of municipal court judges in the JRS account, with the state paying 100 percent of the JRS cost if: the municipal court judge is an elected position, and the municipal court judge is compensated at a rate equal to at least 95 percent of a district court judge salary.
- **Local Trial Court Improvement Account:** Establishment of a dedicated "Trial Court Improvement Account" in each jurisdiction funded in an amount equal to 50 percent of the savings realized in each jurisdiction as a result of state assumption of 50 percent of CLJ judge salaries and jury fees/mileage.
- **Filing Fees:** A filing fee proposal increasing superior court filing fees by \$90, district court filing



fees by \$24, and increases in miscellaneous fees without dedication at either the state or local level.

## Indigent Defense

- **Parental Representation in Dependencies:** 100 percent state funding for parental representation in dependency actions phased in over the biennium.
- **Criminal Indigent Defense Attorney Training:** An extended training program for new defense attorneys.
- **Local Government Resource Staff Positions:** Two staff positions within the Washington State Office of Public Defense (OPD) to provide technical assistance to local government regarding contracts and service delivery structure and to document practices.
- **Attorney Resource Staff Positions:** Contracted staff to provide legal advice, assistance, and support to public defenders.
- **Partial State Funding for Criminal Indigent Defense:** \$12.5 million from the state to provide direct fiscal support to local jurisdictions to increase the level of indigent defense services and stave off impending cuts.

## Civil Legal Aid Funding

The BJA voted to support the Washington Supreme Court's Task Force on Civil Equal Justice Funding's recommendations to: (1) transfer administration and oversight for state civil legal aid funding to a new Office of Civil Legal Aid in the judicial branch, and (2) seek an increase in state funding for legal aid to:

- Expand the capacity to provide legal aid through the Northwest Justice Project's CLEAR (Coordinated Legal Education, Advice and Referral) hotline;
- Expand the capacity to respond to the critical legal needs of low-income people who require extended legal assistance;
- Expand the Alliance's capacity to leverage additional volunteer attorney contributions.

## Trial Court Improvement Account Designed to Meet the Unique Needs of Each Jurisdiction

A proposal by the Court Funding Task Force to establish a Trial Court Improvement Account is aimed at helping local courts with the unique needs of their jurisdiction. Funding for the account will be realized by local savings of 1/2 of district court salaries and jury fees, should the State decide to fund these proposals.

Recognizing that the needs of trial courts are different from jurisdiction to jurisdiction, the local improvement account will allow counties and cities to determine where their greatest needs are — be it to

fund a judicial position that has already been authorized by the legislature but not yet funded, make capital improvements such as additional courtrooms, create therapeutic courts such as drug courts to cut down on local jail costs, or to create district court probation departments.

“The Task Force realized that every superior and district court in each county has very different needs,” said Jeff Hall, Executive Director of the Board for Judicial Administration. “It is our view that this approach will offer the flexibility needed by counties to improve their local courts.”

### Did you Know?

*While criminal justice costs account for an average of 70 percent of county budgets (costs for jails, courts, prosecution, public defense, and law enforcement) the amount dedicated to the trial courts seldom totals more than 6 percent of a local budget?*

## BJA Approves Courts of Limited Jurisdiction Work Group Findings

At its meeting in October, the Board for Judicial Administration (BJA) approved findings of the Court Funding Task Force’s Courts of Limited Jurisdiction Work Group (CLJWG) Report. The BJA will contemplate in the coming months which recommendations to present to the Washington State Legislature in the 2005 session.

In the short-term, the CLJWG recommends the following changes to Title 3 RCW in support of a more regionalized court structure.

- Clarify the statutory court options and encourage regionalization of courts of limited jurisdiction in Title 3 RCW.
- Update current provisions in Title 3 authorizing municipalities and counties to provide joint court services by interlocal agreement.

- Create a new section in Title 3 authorizing cities to contract with other cities to form regional municipal courts with elected judges.
- Elect judges at all levels of court to promote accountability and the independence of the judiciary.
- Limit district and municipal court commissioner authority to differentiate their responsibilities from those of elected judges.
- Amend Title 3 to emphasize a collaborative regional approach to provision of district and municipal court services by expanding the role and membership of the districting committee.
- Require each court of limited jurisdiction to provide court services to the public on a regularly scheduled basis at

established hours

- Authorize municipal courts to hear anti-harassment protection petitions.
- Require courts of limited jurisdiction to timely hear domestic violence protection orders or have clear, concise procedures to refer victims to courts where the service is available.
- Increase the civil jurisdiction amount in dispute that can be filed in district court to \$75,000.
- Require that district courts implement dedicated civil calendars and case scheduling.

Long-term recommendations relate to reorganization into regional courts funded by the state to offer predictable, recognized levels of service statewide and improve the quality of services to the public.

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## Mission Accomplished: Recommendation Adopted by Washington State Auditor

The Court Funding Task Force recommendation that expenditures for indigent defense services be reported as a separate functional group within the Local Government Financial Reporting System has been accepted by the Washington State Auditor's Office for implementation in FY 2005. The need to accurately gather state-wide indigent defense expenditure data was first identified in a 1975 Washington State Bar Association study.

The recommendation was made by the Task Force to develop an accurate picture of what is currently expended to support indigent defense services. Prior to FY 2003, indigent defense expenditure data was merged with trial court operations expenditure data. Beginning in FY 2003, indigent defense expenditure data was moved to the legal services reporting category resulting in indigent defense and prosecutorial expenditure data being merged.

### Court Funding Statistics

Funding responsibility for judicial, indigent defense, and prosecution varies widely across the U.S., with Washington ranking 50th in percentage of costs paid by the state versus local governments (cities and counties). States with the highest and lowest state percentages in 1999 include:

State	State funding	Local funding
Connecticut	92.2%	7.8%
Massachusetts	91.8%	8.2%
Delaware	91.2%	8.8%
Nevada	16.3%	83.7%
Michigan	15.4%	84.6%
Washington	14.7%	85.3%

