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## Community Courts

### Cities and the BJA Disagree

- 31 cities in 9 counties provide court services through an interlocal agreement with a neighboring city. Cities assert that we have the authority for these "Community Courts" under current law – Title 39.46 RCW, the interlocal agreement statute.
- The Board for Judicial Administration (BJA) disagrees, stating that Title 3 RCW defines an exclusive list of models for court structures. "Community Courts" is not among them.

### Current Court Challenge

- Fuelled by a paper that the Administrative Office of the Courts distributed to all judges in the state and that was published in the *Bar News*, cities began to face legal challenges over their community court arrangements. Though unsuccessful in the past, the frequency of legal challenges is increasing.
- On November 4, 2004 King County Superior Court ruled "overwhelming constitutional and statutory authority exists to support the authority of cities to contract together by interlocal agreement for any service or function, including court services." The case involves consolidation of five separate appeals, challenging Kirkland's authority to hear cases on behalf of its contracting cities. It is expected to be appealed.

### Why do Cities have Community Courts?

- Providing court services in "Community Courts" is efficient, allowing cities to avoid the costs of each city creating its own court.
- It increases access for citizens by providing court services much closer to home, rather than driving to the District Court.
- It reduces jail transport costs and law enforcement overtime costs that would be required to travel to and from the District Court.
- It allows local law enforcement to spend more time patrolling their communities rather than traveling long distances to District Court.

### Legislative Efforts

In the 2003 session, the City of Bellevue and AWC introduced legislation (SB 5500) to clarify cities' authority to contract with each other for court services. The BJA opposed SB 5500 and introduced a competing proposal. Neither passed. An agreement could not be made prior to the 2004 session, so no further action on this issue was taken.

The BJA is now considering a Court Funding Task Force recommendation to support clarification of cities' authority to contract together for court services, but only if those judges are elected.

## **Cities Oppose Expanding the Election Requirements for Judges**

- Cities have long been opposed to changing the current statute for election of judges. Right now, judges who work fewer than 35 compensable hours in a week may be appointed. Full-time judges must be elected.
- While we fully agree that judges must be independent, we disagree that electing those judges ensures their independence. Due to the restrictions of the Judicial Code of Conduct, judges can't campaign the way other elected officials do, as they are prohibited from sharing views and concerns. This makes sense, as these are not policy-makers. But it leaves voters with very little information upon which to make an election decision.
- An appointing authority has the advantage of interviewing candidates, reviewing their experience and education, and speaking to references. Because the appointing authority is made up of elected officials, they are accountable to the voters. And, we have heard from many judges who do not want to run for election, and would likely not serve as a municipal court judge if that were a requirement, further limiting the pool of qualified candidates.

### **Bottom line**

Cities believe state law grants us the authority to contract together for court services. We are opposed to having to elect these judges, unless the number of hours requires that to occur.

## **Community Courts in Washington**

<b>Host City</b>	<b>Contracting Cities</b>
Auburn	Algona
Battle Ground	Ridgefield, La Center
Brewster	Pateros
Buckley	Carbonado
Enumclaw	Maple Valley
Kirkland	Clyde Hill, Yarrow Point, Medina, Hunts Point
Marysville	Lake Stevens, Arlington
Mercer Island <sup>1</sup>	Newcastle
Napavine	Vader
Nooksack	Everson
Sunnyside	Mabton
Tenino	Rainier
Wilkeson	South Prairie

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<sup>1</sup> Effective January, 2005