



Municipal Courts: The Myths Revealed

Over the years, there has been a great deal of talk about Washington's Courts of Limited Jurisdiction (CLJ) – much of it riddled with misunderstandings about municipal courts. For starters, some believe that district courts are simply better than municipal courts. A Justice Management Institute study recently commissioned by the Administrative Office of the Courts addressed that myth, saying that not one of the CLJ models was better or worse than the others. In fact, different models work better for different communities.

"We specifically do not find any of the three models of providing limited jurisdiction court services to be clearly superior [or] inferior to other models." (Somerlot and Baehler, p.1)

Cities know that different local court structures work better for different communities. Over 130 cities choose to use the municipal court system, either as individual municipal courts or together with neighboring cities in a community court model. For the communities where they exist, municipal courts meet local needs in ways that district courts cannot. **Attacks on the value and integrity of municipal courts are based on myths not facts.**

Myth 1: Municipal courts exist to make money for cities

Municipal courts do not receive state funding for their operations. They are funded through city general funds, a portion of which is revenue raised by the courts themselves.

Though some claim that cities only have municipal courts to raise revenue for other city operations, the AOC-commissioned Justice Management Institute report determines this claim to be false. The researchers found, "The degree of perceived significance of revenue production was higher in the contracted courts¹ than in the municipal courts. **This is contrary to the suggestion that municipal courts exist primarily as revenue producing devices for their municipalities**" (Somerlot and Baehler, p. 24).

In fact, municipal court expenses exceeded revenue in 2002, a typical year. According to the Administrative Office of the Courts, cities expended nearly \$60 million in 2002 for court operations but raised only \$55 million in revenue – a shortfall of \$5 million.

Myth 2: Appointed judges are improperly influenced by cities

Current statute allows judges who are compensated for less than 35 hours per week to be appointed by the Mayor or City Manager and confirmed by the City Council. Approximately 100 cities use part-time, appointed judges – some of which appoint municipal court judges who are also elected district court judges, while others appoint local attorneys.

¹ "Contracted courts," for purposes of the report, were those cities who contract for court services with the District Court.

Is it true that roughly 90% of the judges that serve cities lack judicial independence? Measuring a perceived lack of independence by the judiciary is difficult, at best. Two arguments have been made to support the assumption that this is true:

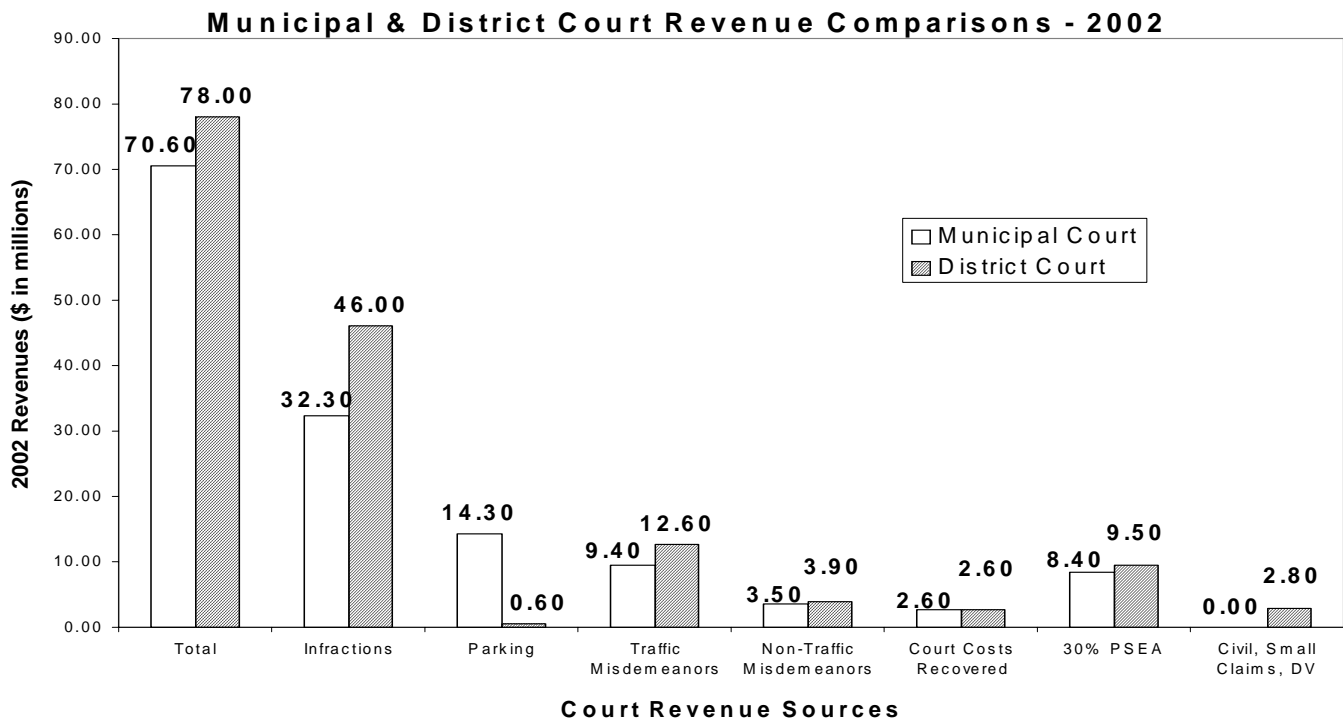
- 1) *Revenue comparison* – if municipal courts raise and retain more revenue than district courts, they must be improperly influenced by the city council or administration to impose revenue-generating sanctions.
- 2) *Operational control* – municipal court judges do not retain the authority to control the operations of their courts.

Both of these assumptions have been demonstrated to be false.

First, 2002 revenue data from the Administrative Office of the Courts shows that **district courts actually raise more revenue than municipal courts**. And, because cities keep all parking fines, but may only keep roughly 40% of other kinds of revenue, it may appear cities keep a larger portion of their total fines. A closer look reveals that parking infractions constitute the difference between court revenue retained by counties and cities (1% of district court revenues but fully 20% in municipal courts). See graph below.

Furthermore, the Justice Management Institute's (2003) report found, "**Judicial officers do not feel pressured to increase the collection rate to generate revenue or use alternatives to incarceration to control costs**" (Somerlot and Baehler, p. 47).

The JMI (2003) report also does not sustain the second claim, that municipal court judges lack independence in terms of their authority over court operations. The authors of the report state, "**There were no significant differences between the authority of municipal, contracted, or district court presiding judges to control the operations of the court**" (Ibid, p. 22).



Source: Administrative Office of the Courts – Courts of Limited Jurisdiction Revenue, 2002

Myth 3: Municipal judges are unethical.

Whether judges are elected or appointed, cities and citizens strive to select quality judges to preside over their courts.

Rather than rely on anecdotal information and stories about unethical judges, AWC looked at the number of sustained actions against elected and appointed judges in Washington State. An action could include dismissal, admonishment, reprimand, or censure.

According to data from the Washington Commission on Judicial Conduct, there were a total of 39 sustained actions against judicial officers in Washington State from 1998 to the present.²

Of the 39 sustained actions during this time, 25 were levied against elected superior, district, or municipal court judges. 19 were against appointed municipal court judges and superior court commissioners (CJC). Over each year, no judicial category consistently has actions sustained against them more than any other. (See table below.)

Table 1: Judicial Conduct Complaints							
# of sustained actions by judge type (1998-2002)							
Judge Type	1998	1999	2000	2001	2002	2003	Total
Appointed Municipal	3	3	2	1	4	1	14
Elected Municipal	0	0	0	0	1	0	1
Elected District	1	2	1	1	0	1	6
Appointed Superior	0	2	1	2	0	0	5
Elected Superior	1	1	3	2	3	2	12
Other	1	0	0	0	0	0	1
Total	6	8	7	6	8	4	39

Source: Washington Commission on Judicial Conduct

Cities' goals for municipal courts

- * Cities support an independent judiciary, viewing this as fundamental to public trust in government. We do not, however, believe electing all judges is the best way to ensure that independence.
- * Cities support additional revenue for Municipal Courts. Adequate funding for all municipal services, including courts, is essential to good government.
- * Cities support municipal courts' continuation as a full partner within the state court system, recognizing the efficiencies, convenience and ease of access these courts provide citizens.
- * Cities support legislation that clarifies the authority to contract via interlocal agreements to provide court services through community courts.

² These totals do not include complaints that were filed but not sustained.

References

Somerlot, D.K., and A. Baehler. (October 2003). "Always the People: Delivering limited jurisdiction court services throughout Washington." Justice Management Institute.

Administrative Office of the Courts. "Courts of Limited Jurisdiction Revenue, 2002." Retrieved from the web November 2003 at www.courts.wa.gov.

Commission on Judicial Conduct. "2002 Annual Report." Retrieved from the web November 2003 at www.cjc.state.wa.us.

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