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Justice in Jeopardy Bulletin

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UPCOMING EVENTS

- October 6, Presentation at the joint meeting of the WSAC and WACO Board Meeting, Spokane
- October 11, Final Meeting of the Court Funding Task Force, SeaTac
- October 19, BJA's Public Education Committee, SeaTac
- November 6, Presentation to the State League of Women Voters, Bellevue

Committee Working to Implement Recommendations of Court Funding Task Force

As the Court Funding Task Force is concluding its work, the Board for Judicial Administration (BJA) has appointed an Implementation Committee to work on the many legislative recommendations related to trial court funding.

Co-chaired by Washington Supreme Court Chief Justice Gerry Alexander and King County Superior Court Judge Deborah Fleck, the BJA Court Funding Implementation Committee met on August 12 and September 29 to develop a proposed legislative package for the 2005/07 session. Wayne Blair, Chair of

the Court Funding Task Force also serves as vice-chair of the Committee.

The Committee is focusing its work on the three key aspects identified by the Court Funding Task Force in desperate need for increased funding: trial court operations, indigent defense, and civil legal aid.

A legislative proposal, described in detail on the following page, has been presented to the BJA and approved in concept, with further development of recommendations regarding the courts of limited jurisdiction expected within the next month.

A Message From Wayne Blair...

As we strive to implement the recommendations of more than two years of hard work by members of the Court Funding Task Force and its work groups, I would like to take this opportunity to thank those who have helped us to get where we are today.

Countless hours of work has gone into this effort, and in many ways our work is just beginning. The court community now will come together to implement the many recommendations of the Task Force, with the understanding this effort will take years.

Thank you to all the members of the Task Force for your dedication to the cause of trial court funding.

We hope you enjoy the first edition of the Justice in Jeopardy Bulletin, and we will continue to keep you informed of our progress as we charge ahead in the coming months.



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Justice in Jeopardy Legislative Package Under Consideration for 2005/2007

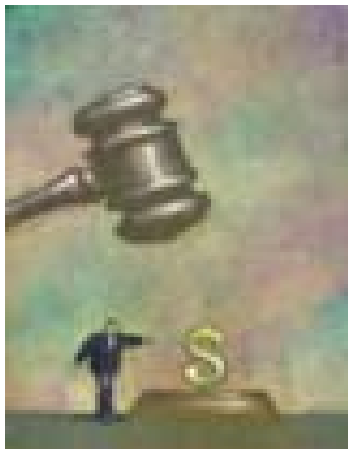
A comprehensive set of legislative proposals are being formed by the Board for Judicial Administration (BJA) Court Funding Implementation Committee to alleviate the court funding crisis in trial court operations, indigent defense services and civil legal aid.

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

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 \$45 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.

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.



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?

Equal Justice Coalition to Host Open Houses on October 27

The Alliance for Equal Justice, Washington State's coordinated network of civil legal aid providers, will host open houses in 19 locations across the state on Wednesday, October 27, 2004, to recognize local volunteer and legal aid attorneys and to raise awareness about the importance of civil legal aid in our state. Further information can be found online at:

<http://www.ejc.org/ohouse.html> or by calling 206-447-8168.

The Open House Project will highlight the Washington Supreme Court's Civil Legal Needs Study, which found that an overwhelming majority of low-income residents in Washington get little or no help with serious legal problems involving such basic needs as housing, family safety, and employment.

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%

**WHO TO CONTACT
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Interested in Speaking to a Local Organization? Justice in Jeopardy Speakers Packets Are Available!

If you are interested in speaking to a local civic or bar association on the current court funding crisis, please contact Wendy Ferrell with the Board for Judicial Administration's Court Funding Public Education Committee at 360-705-5331 or via e-mail at wendy.ferrell@courts.wa.gov speech, draft speaking points, audience handouts, a court funding "did you know?" fact sheet, and current news articles documenting the court funding crisis.

The Committee has compiled a court funding speakers packet complete with the following: model

As legislative recommendations are finalized by the BJA Court Funding Implementation Committee, additional materials will be added as they become available.

We're on the Web!

Interested in viewing powerpoint presentations and other items of interest relating to the court funding effort? Visit us online at www.courts.wa.gov

Comments to the Board for Judicial Administration's Court Funding Implementation Committee can also be made by sending an e-mail to: courtffunding@courts.wa.gov

