



**Court Funding Task Force
November 25, 2002
Wyndham Hotel, SeaTac**

Members present: Mr. Jeff Amram; Ms. Cheryl Bleakney; Mr. John Cary; Commissioner Mike Chapman; Ms. Edsonya Charles; Mr. John Connelly, Jr.; Mr. David Donnan; Judge Stephen J. Dwyer; Ms. Joan Ferebee; Judge Deborah Fleck; Judge Gordon Godfrey; Judge Robert Harris; Mr. Roland Hjorth; Ms. Rena Hollis; Judge Stephen J. Holman; Mr. James Kirkham Johns; Representative Ruth Kagi; Senator Jim Kastama; Judge Dirk Marler; Ms. Mary McQueen; Judge James M. Murphy; Judge Kathleen O'Connor; Judge Michael Roewe; Mr. Mike Runyan; Judge John Schultheis; Mr. Robby Stern; and Mr. Ron Ward

Guests present: Ms. Sophia Byrd; Mr. Doug Levy; Mr. James E. Macpherson Mr. J. Richard Manning; Mr. Ron Mattson; and Ms. Gail Stone

Staff present: Ms. Jude Cryderman; Mr. Doug Haake; Mr. Jeff Hall; Ms. Janet McLane; Ms. Yvonne Pettus; and Mr. Ramsey Radwan

[Call to Order](#)

In the absence of Mr. Wayne Blair, chair, Judge Deborah Fleck called the meeting to order.

[Minutes](#)

The minutes of the October 7, 2002 meeting were approved as published.

[What We Know About Court Funding](#)

Ms. McLane and Ms. Pettus made the following presentation.

History of PSEA

- Court Improvement Act of 1984 (effective July 1, 1985)
- Goal: Simplify 30+ statutes governing court fees, fines, forfeitures, and assessments
- Replace existing dedicated fees and accounts with a single 60% assessment on all fines in district/ municipal courts (1984). Split total 68/32%
- Add an additional 30% assessment on all fines (1986). No split – state received all

PSEA Statute. . .then

RCW 43.08.250

“The legislature shall appropriate funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims compensation, judicial education, judicial information system, civil representation of indigent person, winter recreation parking, and state game programs.”

PSEA Statute. . .now

“legislature *may* appropriate monies for appellate indigent defense and other operations of the office of public defense, AG criminal litigation unit, TASC, crime victim advocacy, justice information network, treatment for supplemental security income clients, sexual assault treatment, operations of the AOC, school security, alternative school start-up, programs for disruptive students, criminal justice data collection, WSP criminal justice activities, drug court operations,

unified family courts, local court backlog assistance, local government extraordinary criminal justice costs, domestic violence treatment, DOC community corrections, local government reimbursements for criminal and civil justice legislation, DOC offender-based tracking system, meth-related law enforcement, and drug/alcohol treatment.”

Beyond PSEA

Exceptions/New Uses for Court Revenue:

- Unique DUI split (1995)
 - Various filing fee splits
 - Interest on delinquent accounts (1996)
 - WSP crime lab (1992)
 - JIS infraction penalty (1994)
 - Emergency trauma care fee (1997)
 - Legislative assessment for local government criminal justice (2001)
-

Court Revenue

Appellate Court Revenue

- Filing fees for the Supreme Court and the Court of Appeals are deposited 100% in the state general fund.
- Miscellaneous fees received by the appellate courts are also deposited 100% in the state general fund.
- \$444,960 was collected in FY00

and \$437,745 in FY 01.

Superior Court Revenue

- Civil filing fees are split 54% to county and 46% to PSEA
 - The \$12-\$15 law library contribution is deducted from the 54% county portion
- Restitution collected is sent to the victim – first priority for collection by statute
- Criminal fines and fees are split 68% to the county and 32% to PSEA
- Court costs (public defender, jail, witness, jury) are retained 100% by the county
- Crime Victim Assessment (\$500/\$250) is split 34% to county, 34% to local crime victims funds, 32% to PSEA
- Interest accrues on LFOs. Interest is split 25% to county, 25% to local court fund, 25% to PSEA, 25% to JIS

Juvenile Court Revenue

- Offender fines are split 68% to the county and 32% to PSEA. These LFOs do not accrue interest.
- Crime Victim Assessment (\$100/\$75) is split 34% to county, 34% to local crime victims fund, 32% to PSEA
- Court costs (public defender, jail, witness, jury) are retained 100% by the county

Superior Court PSEA Contribution

- In FY 02 superior courts contributed \$8.5 million to PSEA

Courts of Limited Jurisdiction Revenue

- Traffic infractions
- Criminal
- Civil

CLJ – Traffic Infractions

- Calculation of typical \$86 penalty

\$37 base penalty (includes \$12 JIS fee)

Plus

Base penalty x 90% PSEA (60% + 30%) (RCW 3.62.090(1) & (2))

= \$70.3 (per IRLJ 6.2(a) this is rounded up to \$71)

+ \$5 Trauma Care (RCW 46.63.110 (7))

+ \$10 Legislative Assessment (RCW 46.63.110(8a))

= \$86

Distribution of Traffic Infraction Revenue

- Base penalty plus 60% PSEA minus \$12 is distributed 68% to local government and 32% to PSEA
- \$12 of base penalty is distributed to JIS
- 30% PSEA assessment on the base penalty is distributed 100% to PSEA
- \$5 of total penalty is distributed 100% to Trauma Care
- \$10 of total penalty is distributed 68% to local government and 32% to PSEA

- From \$86 traffic infraction citation

Local government retains \$39.29

PSEA receives \$29.71

JIS receives \$12

Trauma Account received \$5

CLJ Criminal – DUI

- Calculation of Total Penalty
Base penalty plus base penalty times 60% PSEA
- Distribution of Total Penalty
Total penalty is distributed 68% to local government and 32% to PSEA

CLJ Criminal – Non-DUI

- Calculation of Total Penalty
Base penalty plus base penalty times 90% PSEA (60% + 30%)
- Distribution of Penalty
Base penalty plus 60% PSEA is distributed 68% to local government and 32% to PSEA
30% PSEA assessment on the base penalty is distributed 100% to PSEA

CLJ Civil

- Civil filing fees are split 68% to county and 32% to PSEA
The \$6 law library contribution is deducted from the 68% county portion
- Small claims filings fees are split 68% to county and 32% to PSEA
No law library contribution is deducted from the county portion

CLJ PSEA Contribution

- In FY 02 district courts contributed \$33.4 million to the PSEA

- In FY 02 municipal courts contributed 23.9 million to the PSEA

Washington Court Personnel—Staff and Judges

Court Level	Actual FTEs	Predicted Need Estimate for 2003
Superior Court Judicial Officers	222.6	237.9
District Court Judicial Officers	113.3	104.7

Number of Municipal Courts by Judicial Officer

Full time	.75 FTE or more	.50-.74 FTE	.25-.49 FTE	.24-.1 FTE	.09 or less
13	8	10	12	34	44

2001 Court Staffing Levels

Municipal Court	District Court	Superior Court	County Clerk
631.03	719.63	514.86	766.27
24%	27%	20%	29%

Summary of Court Expenditures

1997-2001

- Total superior court expenditures increased 39.14%
- Total juvenile court expenditures

increased 14.27%

- Total county clerk expenditures increased 25.18%
- Total district court expenditures increased 18.76%
- Total municipal court expenditures increased 18.84%

Email survey questions asked:

1) During the current budget cycle process, was your court/office requested to submit a budget that included a certain level of budget reduction, e.g., from the previous year?

2) What was your court's/office's response to that request, e.g., negotiated a different percentage reduction, submitted a budget with no reduction, etc.,?

3) If you court/office took a reduction, how did your court/office take that reduction? (Reduced staff, cut back on supplies, etc.)

Email Survey Results – Superior Court (19 responses)

- 13 courts (68%) were requested to submit reduced budgets
- Budget reductions requested ranged from 1% to 11%
- Reductions were taken by

Reducing staff, not filling open positions, reclassifying positions, reducing pro tem use, travel, jury expenses, transportation, witness fees, professional services.

Juvenile Court (16 responses)

- 11 courts (73%) were requested to submit reduced budgets
- Budget reductions requested ranged from 1% to 10%
- Reductions were taken by

Reducing staff, not filling open positions, reclassifying positions, reducing contractual services, travel, training, operating supplies, capital outlay, and maintenance and operations

County Clerk (7 responses)

- 6 clerks (86%) were requested to submit reduced budgets
- Budget reductions requested ranged from 1.7% to 10%
- Reductions were taken by

Reducing staff, not filling open positions, taking a salary reduction. Reducing supplies, extra help, public defense, jury expenditures, maintenance & operation. Discontinuing microfilming.

District Court (15 responses)

- 9 courts (60%) were requested to submit reduced budgets.
- Budget reductions requested ranged from 1.8% to 11%
- Reductions were taken by

Reducing staff, cutting overtime, reducing pro tem expenditures, closing locations, reducing operating costs, training, M & O. Eliminating travel, lodging, and meals for judges attending

education sessions.

Municipal Court (26 responses)

- 16 courts (62%) were requested to submit reduced budgets
- Budget reductions requested ranged from 3% to 12%
- Reductions were taken by

Reducing staff, judge's hours, absorbing salary & benefits increases, not filling open positions, cutting extra help, supplies, services, capital outlay, travel, communications, training, overtime, printing, equipment

Historical Perspective – Superior Court Funding in Washington State

Judge Godfrey provided an overview of funding for the superior courts.

1932

Initiative process. Income tax (initiative 69) passed by public. Cap on property taxes (measure 94). Income tax struck down by Supreme Court, Culliton vs. Chase, 174 Wash. 363.

1936

Legislature changed "uniform"

1937

MVET (graduated income tax). Governor slashed 25-30% of salaries for women working for state, county, city government unless they were able to proof they were the breadwinner.

Salaries of superior court judges: ½ paid by state and ½ paid by county.

1979

Initiative 62 — State cannot put burden local government with any new programs unless they fund them.

1980

King County received 5 new judges. Senator Talmadge inquired of Attorney General Gorton--how does initiative 62 affect request for additional judges? The Attorney General responded "It is our considered opinion that if the legislature, during its current (1980) session, increases the number of superior court judgeships within a given county, the state will be required by 6(1) of Initiative No. 62 to reimburse that county for its added costs arising by reason of those new judgeships."

The Attorney General's opinion was referenced in Seattle vs. State, 100 Wn.2d 16, 666 P.2d 351 (1983), authored by Justice Pearson and in State v. Howard, 106 Wn.2d 39, 722 P.2d 783 (1985), authored by Justice Durham.

1990

Legislature passed the Criminal Justice Funding Act of 1990. The Act provided that money appropriated shall not supplant existing local funding for criminal justice programs.

Justice Godfrey reminded the Task Force that courts are a branch of government, not part of the criminal justice system. He continued, one of the requirements of the legislature is to properly fund courts.

Next, Judge Godfrey reviewed the chart outlining the 1989 and 1996 criminal justice expenditures, along with the revenue received for criminal justice funding for 1996.

Existing Standards and Recommendations

Pending Caseload Reports

Ms. McLane provided a brief overview of the pending caseload reports provided to Task Force.

Core Functions of Courts

Civil Cases between Private Litigants

Criminal Cases

Non-criminal Cases involving Government

Reviewing Cases on Appeal

Administration

Regulating Attorneys

Civil

Core--discovery, motions, contempt, ex parte, jury/bench trials, final decisions and enforcement of judgments

Noncore—arbitration, settlement conferences, mediation, court facilitators, monitoring guardianships, family court services, wedding ceremonies

Handled by other entity—family law (except with children), performing weddings, monitoring guardianships, name changes (except minors), impound hearings, small claims, de novo trials in small claims

Criminal

Core—warrants, competency, pre-trial, extradition, discovery, bench/jury trials, decline hearings, post-trial matters, contempt, special inquiry proceedings

Noncore—coroner's inquests, diversion,

probation, counseling, detention,
probation supervision

Handled by other entity—coroner's
inquest, diversion, probation, counseling,
detention, probation supervision

Non-criminal—Government

Core—mental/alcohol/sexual predator
commitments, juvenile (CHINS, ARY,
dependency, termination, truancy), civil
infractions, restraining orders, property
seizure/forfeiture/impound, paternity,
eminent domain, enforcement of regs/
recall, abatement, taxpayer, writs
involving government, sexually
transmitted diseases

Handled by other entity—truancy and
civil infractions

Administration

Core—employ staff, prepare and
implement budget, receive/transmit/
account for funds, security, records of
case activity and judicial operations,
coordinate/share data, operational policies/
calendar management, adopt rules,
reporting requirements, jury management

Noncore—pursue funding, education,
assist legislature in getting information,
participate in enactment of laws, ethics
opinions, maintain county law libraries,
caseflow management

Handled by other entity—security,
receiving/accounting of funds, supreme
court clerk, law libraries, jury
administration

DMCJA Minimum Services

Judicial Officers

- Adequate number

- All attorneys
- All elected full-time
- All required to complete CJE hours

Court Staff

- Adequate number
- Judicial branch employees
- Required to complete education yearly
- Code of ethics

Other Court Services

- Adequate probation services in all courts
- Community service
- Full-function automated system
- Prosecution services in all contested criminal and infraction cases; indigent defense for all defendants who qualify
- Annual financial audit
- Complete reference materials, e. g., manuals, RCWs
- Interpreter services

Facilities

- All court facilities should meet minimum standards, including space, lighting, acoustical, security
- Court facilities should be open reasonable hours and accessible for handicapped persons

- All court proceedings should be recorded

Courts of Limited Jurisdiction Assessment Project

102 Recommendations summarized in executive summary:

Access/customer service

- Public information brochures and court forms in commonly used languages; good signage; 1-800 #'s for questions.

Accounting Procedures

- Enforce financial obligations via collection agencies; train state auditors in court business; adopt GAAP in all courts

Case Processing

- Use workload measures to monitor progress of cases; record all court proceedings

Compliance a with Rules and Statutes

- Hold probable cause and "next day" hearings on time

Costs

- Publish or post the costs a defendant or litigant will pay, assess costs in compliance with statutes; order recoupment of public defense costs when possible

Court Management

- Guidelines for excusing jurors; policies for recall of expired warrants and orders; follow records retention schedules

Facilities

- Accommodate persons with handicaps; comply with minimum standards for work/chambers/courtroom space

Probation Services

- All court must rely on probation services – some may be provided by court staff; training and education requirements are needed

Safety/Security

- All courts need fire, medical and security plans and trained staff

Independence of the Judiciary

- Model judicial services contract for part-time judges; performance standards for courts; clear authority for court staff

Contractual Agreements

- Should be a standard for charging fees between jurisdictions that contract for services; model contracts defining court services should be developed

Domestic Violence

- Clarify trial court jurisdiction in domestic violence cases and determine best practices for handling

Conclusions:

“Almost every concern about the delivery of judicial services. . . can be traced to funding limitations. State funding of CLJ courts is necessary. . .”

Proposed Work Groups

Following a brief discussion, the Task Force agreed to create an additional work group—structural changes for Courts of Limited Jurisdiction. The Task Force also discussed avenues for educating the public.

The Task Force agreed that the members of the Work Groups must be expanded beyond the Task Force.

Judge Fleck summarized the tasks as follows:

- 1) AOC Staff should identify tasks for the work groups;
- 2) Task Force members should sign-up for one or two work groups;
- 3) Work group chairs should be identified by the steering committee;
- 4) Stakeholder groups should be included in expanded membership, other possible members should be identified; and
- 5) Establish meeting schedule and assign staff

Other Business

Ms. McQueen introduced Mr. Jeff Hall. Mr. Hall recently joined AOC staff and will be working with the Board for Judicial Administration (BJA).

Mr. Hall advised the Task Force that the BJA supported the proposed filing fee increase at the superior court level. The proposal increases the filing fee by \$90 to \$200. Mr. Hall reported there is a possibility of an increase in the filing fee at the district court level, too.

There being no further business, the

meeting was adjourned.

Respectfully submitted,
Jude Cryderman

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