

State of the Judiciary

Chief Justice Gerry L. Alexander, Washington Supreme Court

Written Message to the Washington Legislature

January 9, 2006, in Olympia, Washington

Dear Senator Brown, Senator Hewitt, Speaker Chopp and Representative DeBolt,

As we enter 2006, let me take this opportunity to wish you a Happy New Year and a productive legislative session ahead. The start of a new year always brings new opportunities and challenges, and I am sure this year will be no exception.

Tradition holds that the Chief Justice delivers a State of the Judiciary Address to a joint session of the Washington State Legislature every other year. I have been pleased to receive this invitation over the years. With this letter, I hope to continue communications among our branches by providing you, as leadership of the Washington State Legislature, and the Governor with an interim report on the state of our judicial system on behalf of the 425 judges who serve the public in our appellate and trial courts.

As you may recall, during my last address I highlighted findings of a Trial Court Funding Task Force and our "Justice in Jeopardy" legislative proposal aimed at improving the operations of our trial courts in Washington. A core finding of this task force was that there must be a rebalancing of responsibility for the funding of trial courts so that the state government contributes in a more equitable way, along with local government, to the operations of the superior, district, and municipal courts. As an example of the current funding imbalance, in 2003 Washington State ranked 50th of the 50 states in terms of funding for its trial courts, prosecution and indigent defense, with less than three-tenths of one percent of the state's budget dedicated to the funding of the judicial branch of government.

The judiciary was very gratified with the legislature's response to our initiative. Due to actions last session, we have taken an important first step toward improving trial court operations, indigent defense, parental representation in termination and dependency cases, and civil equal justice funding throughout Washington State.

We look forward to reporting on the many efficiencies and improvements that will be made by trial courts this year, thanks to the passage of E2SSB 5454. This bill created Trial Court Improvement Accounts which are currently being established throughout the state. We are confident these funds will have a very positive impact on our justice system at the trial level.

While we have made great strides, we still have a long road ahead. From the start of this significant effort, the Board for Judicial Administration (BJA)—the policy-setting body of the state's judiciary—recognized that securing adequate and stable funding for Washington's trial courts would require an incremental, long-term approach.

Accordingly, the "Justice in Jeopardy" initiative continues in the interim session in 2006 with an agenda consisting of four supplemental budget requests and two proposed bills which I would like to bring to your attention.

Juror Research Project

At the request of the BJA and with the approval of the Supreme Court, the Administrative Office of the Courts (AOC) will submit a supplemental budget request of \$569,000 to conduct a research project in several "pilot courts" on the effect of increased juror pay on juror response rates and the demographic composition of jury pools.

Juror compensation in most counties has been at the minimum rate of \$10 per day since 1959. Increasing the level of compensation for jurors has been a goal of the judiciary for many years.

While we obtained a future increase in juror pay in the 2001 legislative session, this increase never became effective because it was rescinded in the second year of the biennium as the State's then financial situation worsened.

It is our hope that the research project, which would be funded by a supplemental budget appropriation, will determine whether there is a cause-and-effect relationship between increased juror pay and juror response rates.

Courts of Limited Jurisdiction

The BJA will also seek passage of legislation that would require all municipal court judge positions to be elected by the year 2010. The objective of this proposal is to promote increased accountability and independence in the judiciary. The District and Municipal Court Judges' Association has endorsed this initiative.

The BJA will also seek introduction of a bill to clarify the conditions under which a city may contract with another city for the provision of court services. Members of the judiciary are working closely with city and county representatives to draft a bill that we can support together.

Office of Civil Legal Aid

One of the greatest achievements of 2005 was passage of legislation to address the unmet civil legal needs of our state's vulnerable citizens. RCW 2.53.005 establishes the new Office of Civil Legal Aid (OCLA) and the Civil Legal Aid Oversight Committee.

I am happy to report that the Supreme Court appointed Jim Bamberger of Spokane as the executive director of this new office in June, and he has been working diligently with the oversight committee to meet the requirements and mission of the new office — to administer state-funded legal aid services, monitor use of state funds, report on the status of access to the civil justice system for low-income people, and make recommendations to court officials and state lawmakers regarding legal aid funding and resources.

As one of its first acts, the Office of Civil Legal Aid has submitted a supplemental budget request of approximately \$600,000 to restore funding for emergency civil representation of domestic violence victims. The judiciary supports this request.

Public Defense

Another major priority of the "Justice in Jeopardy" effort in the last legislative session was to encourage the State to share more equitably in funding indigent defense services. The legislature responded by appropriating funds to the Washington State Office of Public Defense for the purpose of providing technical assistance and training to public defenders. The funds were also directed to support indigent defense improvements in three pilot courts.

In the 2006 legislative session, the Office of Public Defense will submit two supplemental budget requests, including:

\$11.0 million to reach full state funding of the parent's representation program to all counties statewide by the end of this biennium.

\$15.9 million to fund HB 1542 which provides state funding for criminal indigent defense distributed on a formula basis to counties that commit to moving toward and meeting criminal indigent defense standards.

The judiciary also supports this funding request.

Judicial Information System

One item unrelated to the "Justice in Jeopardy" initiative, but of great importance to courts, is the upgrading or "migration" of the Washington State Judicial Information System (JIS) to more modern technology.

We have, for a number of years, been fortunate in Washington to have one of the most efficient judicial information systems in the nation, one that has truly been a model for other states. However, the system has in large part become a victim of its own success. While JIS was a state-of-the-art system 25 years ago, as with many aging computer networks, the JIS no longer meets all the needs of our courts. And JIS does not easily allow court information to be shared with other justice agencies such as the Washington State Patrol and law enforcement, which, as you know, is now imperative.

To maximize our success in this complex endeavor, the JIS Committee, chaired by Justice Bobbe Bridge, is in the midst of a very thorough review of the overall progress and direction of the JIS Migration Project. The committee will be making difficult and important decisions in the year ahead on our far-reaching plans to integrate and improve the various court computer applications used across the state, and I expect to have more to report in 2007.

Finally, on behalf of the dedicated judges of Washington State, I would like to reinforce our commitment to the rule of law in our democracy. Washington judges will steadfastly continue

their efforts to ensure the promise of equal justice for all Washington citizens. In large part, the cornerstone of this commitment rests upon adequate and stable funding for the trial courts and we pledge to stay the course in achieving this long-term goal. The action of legislative leaders and the Governor in 2005 represents an important first step in the right direction for Washington's courts. We are deeply grateful for your support.

I would also like to express how pleased I am to serve alongside you as a leader in our separate, yet equal branches of government. I thank you for the warm welcome that you accord me and my fellow justices during the opportunities we have to gather. I wish you all the best in the year ahead.

Please feel free to share this update with colleagues or staff as you deem appropriate. I would also extend an invitation for you to contact me directly, or our State Court Administrator Janet McLane if you should have any questions regarding the proposals discussed in this letter.

Sincerely,
Chief Justice Gerry Alexander
Washington Supreme Court