DISTRICT COURT
GRANT COUNTY

MEDIA RELEASE

FEBRUARY 12, 2010

Attached is the 2010 State of the Grant County District Court report issued by Judge Whitener-Moberg and Judge Richard Fitterer, along with the 2010 State of the Judiciary Address issued by Chief Justice Barbara Madsen. These reports highlight pressing challenges facing the Grant County District Court and all courts statewide.

Any questions please contact Barbara J Smith,
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February 5, 2010

2010 State of the Grant County District Court

Dear Grant County Board of Commissioners and Citizens:

Attached is the Chief Justices State of the Judiciary Address to the Legislature, the Executive, and the Citizens.

The Judges, Commissioner, Administrators, and Staff, wish to share that with you and the following facts particular to our Court.

Our caseload grew to 31,840 civil and criminal cases in 2009, a little more than the statewide average cited by Chief Justice Madsen. Revenue collected by the Court was in excess of Four Million Dollars, after the State share a little less than half is retained by the County. After paying the expenses of the Court, $524,242 was paid over to the County General Expense Fund. The Court has paid the General Expense Fund over Four and a half Million Dollars in the last decade. Last years net was less than average, possibly accounted for by general economic conditions. Many other conditions completely out of control of the Court influence that bottom line, from Congressional changes in D.C., to our local weather. Expenditures have been consistent at six percent of the Current Expense Fund Expenditures, ten percent of total Law and Justice expenditures.
Mandatory jail set by the Legislature is just that, mandatory. Where jail is not required, and where it is appropriate, Work Crew and Community Service hours are being substituted, freeing up an already crowded jail at much less expense. Many people are asking to do community service on fines which we are required to allow by state law. The cleaning, painting, etc. these people do is a valuable service to our community although not readily measurable with the resources we have available.
Use of commercial collection appears to have been beneficial and we will continue to use that resource. We are mindful of the philosophy that we are all better off with licensed and insured drivers in the oncoming lane so will continue our attempts to get those eligible relicensed. The agency doing our collections is cooperative in that effort.

We continue to struggle with staff shortages having had to lay off two and a half staff member at the beginning of 2009 because of budget deficits. To maintain our core function we've been required to make minor adjustments to hours of service available to the public. This was not a change we wanted to make but necessary to get the required work done. We thank the BOCC for recent authorization of lead clerk positions in our quest for further efficiencies. We remain at your service.

Janis Whitener- Moberg
Presiding Judge

Richard C. Fitterer
Judge

January 22, 2010

2010 State of the Judiciary Address

Dear members of the Washington State Legislature, Governor Gregoire, Elected Officials, and Citizens of the state of Washington:

In keeping with tradition and with a desire to continue open communications among our branches of government and with the public, I am delivering this interim report on the state of our judicial system on behalf of the more than 400 judges who serve the public in our appellate and trial courts.

State of the Judiciary

The mission of Washington courts is to protect rights and liberties guaranteed by the constitution and laws of the United States and the state of Washington, impartially uphold and interpret the law, and provide open, just, and timely resolution of all matters before the courts.

On behalf of the judicial branch, I can report that Washington's judiciary remains strong, though we continue to face increased demands and budget challenges in our trial and appellate courts.

As you know, our state's judicial system is present in every county in our state as well as in most of our cities and towns. The judicial branch is represented by 9 justices of the Supreme Court, 22 judges of our Courts of Appeal, 188 judges of our superior courts, and 208 full and part-time judges of our district and municipal courts.

These justices and judges manage caseloads that collectively total more than two million filings each year—**more than one filing for every three citizens of our state**.

Being a judge is a tremendous honor, but it is also a great responsibility.

State of the Judiciary Address
January 22, 2010

Each day, judicial officers and court staff across our state interact with and impact the lives of thousands of individuals. From Walla Walla to Aberdeen and from Bellingham to Vancouver, the need for justice can be found:

- For a woman and her children, seeking protection from an abusive partner.
- For a senior citizen victimized by a home foreclosure scam.
- For parents, hoping to adopt a child from the foster care system.
- For a small business, in a civil dispute between former owners trying to end the partnership and keep the business afloat.
- For a teen, critically injured in an automobile accident and unable to work for the rest of his life.

These personal stories that judges hear every day remind us that our legal system is about ensuring that basic rights and protections are available to every citizen of our state.

In these difficult economic times state courts throughout the nation are struggling with increases in caseloads due to the faltering economy, doing more with less while struggling to keep the courthouse doors open, as required by our federal and state constitutions. Here in Washington it is the same.

My colleagues at the trial court levels have shown extraordinary leadership in the face of our state's fiscal crisis, working diligently with local counties and cities and the state on ways to save programs that affect the lives of so many of our state's citizens.

However, the financial crisis is taking a serious toll. Funded primarily at the local level, our superior courts have taken the brunt of cuts to date, with more than $10 million in combined cuts in 2009. Projected cuts for 2010 are more than $7 million, adding up to more than $17 million in reductions in the past two years alone. This has resulted in elimination of drug courts and juvenile court services and delays of civil trials.

At our district and municipal court levels, budget cuts are impeding core functions, forcing court closures, and eliminating telephonic assistance to the public. Other jurisdictions have resorted to shortening the hours that the public has to resolve basic legal issues such as paying a traffic infraction or petitioning for a domestic violence protection order.

In several recent reports to the Legislature, we have highlighted findings of a Trial Court Funding Task Force and our Justice in Jeopardy legislative proposals aimed at improving the operations of our trial courts.

A core finding of this task force was that there must be a rebalancing of 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.

The judicial branch, backed by the Legislature's support beginning in 2004, has embarked on a rigorous and far-reaching effort to address the State's legal obligation to ensure fair and timely administration of court proceedings and provide equal justice for all.

Just as you have partnered with us in the past on this effort, we have committed to partnering with you during this fiscal crisis. While we represent a very small fraction of the state budget—**less than 1 percent**—the judiciary at the state level, as with all levels of government, sustained major reductions in funding last year.

These cuts totaled more than $16 million between our state's Administrative Office of the Courts (AOC), Supreme Court, Court of Appeals, State Law Library, Office of Public Defense, and Office of Civil Legal Aid. While every effort was made to reduce areas with the least impact on direct services, these levels of cuts—particularly to AOC, which included a 19.3 percent reduction to its operating budget—has resulted in direct loss of services to the appellate and trial courts, as well as to all citizens throughout our state.

One program in particular that is in danger of being eliminated this year is the Office of Public Guardianship, which was established by the Legislature in 2007 to assist the estimated 4,500 state residents who are incapacitated and need the help of a guardian to live independently.

Each of these 4,500 Washingtonians has a unique story. Without the assistance of a public guardian, some go without needed medical treatment or lose housing that might have been preserved and end up in institutional settings. Some cycle from the street to a mental hospital or jail, and, finally, some are exploited financially or abused.

We hope to work with you in the current session to assure that gains we have made in this area are preserved.

Administering Justice

As Chief Justice, I also chair the policy-setting body for the judiciary, our state's Board for Judicial Administration (BJA), which represents every level of court.

In the coming year, we will be proceeding with the following issues aimed at improving the administration of justice:

- Election of Municipal Court Judges: In Washington State, we have a long history of nonpartisan election of judges and we need to be sure that we have a system that fosters judicial independence at all levels of court. Currently, municipal courts are the only level of court that allow for exclusive appointment and reappointment by the executive or legislative branch of a city. Election of independent judges is a vital part of upholding the public's confidence in the judiciary, and we want to introduce this level of accountability to the voters at the municipal court level formally via legislation this year.

  I had the pleasure of helping to swear in our newly elected municipal court judges at the Supreme Court last month, and as a former Seattle Municipal Court judge, this is an item of great interest to me.

- Long-term Planning: We have started the process of long-term planning for the judiciary with our ultimate goal of providing equal access to a fair and effective system of justice for all without excess cost, inconvenience, or delay and with sensitivity to an increasingly diverse society. From increasing public confidence in the judiciary to performance audits to improve the functioning of local courts, this effort is fundamental to providing justice for the citizens of our state.

On another topic, BJA has recently initiated a Public Records Act Work Group, including members of the judiciary, the Washington Coalition for Open Government, and the Washington State Bar Association to issue recommendations on how to best respond to requests for judicial records, which are currently governed by multiple authorities: court

rules, the Public Records Act (as a nonbinding guideline), other statutes, and the common law.

We will keep you apprised of the recommendations of this work group and any proposed court rules or proposed legislation that may result.

Public Defense

Another vital part of the Justice in Jeopardy (JIJ) initiative is our state's constitutional obligation to provide public defense.

More than 230,000 criminal charges and other legal actions are filed against low-income Washington residents each year. Until 2005, counties and cities funded trial level criminal public defense services entirely on their own.

Five years ago, the Legislature amended chapter 10.101 RCW to establish the state's public defense improvement program, first funded in 2006.

Washington's new involvement in criminal public defense came in response to compelling indicators that public defense has long been inadequate in most of the state. Since that time, almost all of Washington counties and a number of cities have implemented public defense improvements, targeting priority provisions of the Washington State Bar Association's Standards for Indigent Defense Services. In general, the participating local jurisdictions have used the chapter 10.101 RCW funds forwarded to them by the State effectively and efficiently to improve local public defense representation.

However, there is still much work to be done. The Office of Public Defense's (OPD) most recent report on the criminal public defense system in Washington shows troubling deficiencies remain in the constitutional and statutory guaranties of counsel. In particular, excessively high caseloads, low compensation for contract attorneys, and inadequate oversight in the administration and delivery of trial level criminal public defense services require ongoing and focused attention.

In other program areas OPD has amassed an impressive track record over the years, starting with improving the quality of public defense in the appellate courts. Ninety-one percent of

appellate court judges now rate the quality of OPD's appellate attorneys as "very effective," according to a legislative audit of the agency in 2008. OPD's program to provide quality counsel to indigent parents who have a right to an attorney in child dependency cases also is showing dramatic results. There has been a 39 percent increase in the rate[1] of successful family reunifications in counties with the OPD Parents Representation Program, and cases also are being resolved more quickly—which provides significant savings in state costs for foster care.

I am tremendously proud of the work of the Washington State Office of Public Defense, which is working to improve our ability to deliver on our constitutional duty to provide adequate representation to all indigent criminal defendants and indigent parents involved in dependency and termination proceedings.

Civil Legal Aid—Providing Access to Justice When it Matters Most

The third leg of the JIJ initiative is civil legal aid. Since 2005, state appropriations for civil legal aid have been administered by the Office of Civil Legal Aid (OCLA). These funds have been appropriated consistent with the Legislature's acknowledgement that "the provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of civil and criminal justice."

When there is nowhere else to turn, civil legal aid steps in. All over Washington State, civil legal aid attorneys and volunteers work together to provide much-needed legal aid help to those who cannot afford it on matters that affect the most basic needs—family safety and security, housing, and access to essential services and support.

The loss of a job very often translates into a parade of civil legal problems from access to unemployment benefits and continuing health care coverage, to protection from foreclosure and eviction, to protection from the demands of creditors and access to essential food and economic support services. Coupled with these are the increased stresses on families, which all too often result in family conflict and domestic violence.

[1] Note that the 39 percent increase in the rate of reunification equals 10 percent more cases.

Our state's civil legal aid system is struggling to meet the urgent civil needs of the newly poor and vulnerable. In King County, requests for legal assistance over the past year have risen as follows: unemployment benefits (498 percent), mortgage foreclosures (291 percent), medical assistance (290 percent), public assistance (148 percent), bankruptcy (145 percent), and domestic violence (97 percent). The OCLA reports similar increases in demand across the state.

In 2008, the state-funded Northwest Justice Project provided direct legal assistance and representation to 12,958 individual households with funding made available through the Office of Civil Legal Aid. These cases affected more than 28,000 individuals, of which more than 13,000 were children under the age of 18.

Cases involving family conflict comprised more than half (58 percent) of all cases. These cases focus on ensuring protection from domestic violence and threats to the life, safety, and security of families with children. The second most common area of legal assistance (28 percent of all cases) involved preservation of housing, including private and subsidized tenancies, foreclosure, and foreclosure rescue scams.

Our laws guarantee basic rights and protections to all of us, not just those who can afford a lawyer. But there is a dramatic civil justice gap between the legal needs of the economically disadvantaged and the legal help they receive. At this critical time, we must work together to maintain the current level of civil legal aid funding.

Technology: JIS Roadmap

The one budget request that we are pursuing relates to the critical primary information system for courts in Washington State—the Judicial Information System (JIS).

JIS's capabilities and benefits are far-reaching—protecting victims of domestic violence by ensuring judges, police, prosecutors, and community corrections officers gain timely access to related court orders, while providing information regarding outstanding warrants, prior and pending criminal cases, and convictions.

Most importantly, judges can access these records while making crucial decisions affecting the parties in real time.

This invaluable tool automates and supports the daily operations of the courts, improving efficiency while reducing costs. JIS also serves as a statewide clearinghouse for criminal history information and outstanding warrants. Essentially, this system provides the court with a comprehensive view of the legal history of a litigant who appears before the court.

The $3.9 million that we are requesting this year will assist in our long-term goal of improving the information system, which currently serves 16,000 court customers and 8,000 other users. This funding would be a fraction of the $600 million collected annually by JIS for the state and will allow the courts to continue providing streamlined services and accurate and up-to-date information.

We have already begun to see benefits in our quest for modernization:

- Efficient data exchanges among criminal justice agencies is reducing redundant data entry, which will save money and increase public safety by removing the opportunity for input errors.
- Specifically, use of electronic ticketing, made possible by creative partnerships at the state and local levels, is resulting in significant efficiencies for courts and law enforcement. While still a work in progress, as more law enforcement agencies and courts sign on to this new technology the impact will broaden over the coming years.

Ultimately, JIS provides essential information to the Washington State Patrol, Department of Corrections, Office of the Secretary of State, Sentencing Guidelines Commission, Department of Licensing, local law enforcement agencies, and prosecutors. Public defenders, the media, and law firms also use the system. It will be a critical component to implementing tolling on the SR 520 bridge as passed by the Washington State Legislature last year.

Closing

As my letter has outlined, this past year has been challenging and as the year came to a close, it was also a year of terrible loss.

In the wake of the tragic deaths of our dedicated law enforcement officers, I pledge our support in joining you in your review of the criminal justice system to determine how the system can be improved to avoid similar tragedies in the future.

In light of the Lakewood police officer shootings, our state's Superior Court Judges' Association has joined with representatives of the Washington Association of Sheriffs and Police Chiefs, the Washington Association of Prosecuting Attorneys, and others, at the request of the Governor, to determine what changes, if any, can be made to prevent such tragedy.

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

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 am honored to serve as the state's 55th Chief Justice, and I am also grateful to my predecessor, Gerry Alexander, for his leadership on the many issues that I have outlined here today.

If you should have any questions regarding the initiatives outlined in this letter, I invite you to contact me directly, or our State Court Administrator. I wish you all the best in the year ahead.

Sincerely,

Barbara A. Madsen
Chief Justice