

King County District Court **ATTACHMENT A**
Office of the Presiding Judge
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2003-210

J. Wesley Saint Clair
Chief Presiding Judge

Tricia L. Crozier
Chief Administrative Officer

April 30, 2003

The Honorable Cynthia Sullivan
Chair, King County Council
Room 1200
King County Courthouse

Re: Proviso – Meeting the Provisions of Motion 11491

Dear Councilmember Sullivan:

Thank you for the opportunity to submit ideas regarding the District Court's budget for the upcoming years. As you know, the King County District Court has suffered enormous budget cuts over the past several years. The District Court's budget reductions have been disproportionately larger than many other King County departments, and the largest of the criminal justice agencies when compared to each agency's budget.

The District Court's losses include nearly 60 people (33 of which were actually laid off and the remainder through a hiring freeze) plus the closure of two court facilities. There have been many anticipated and unanticipated increases in the Court's workload caused by the closures of Renton and Federal Way, including the fact that for every case that was transferred to another division from those courts, two separate data bases must now be accessed by the staff and judges in order to develop an accurate history and status of the case. Additionally, workspace has become so limited that some of our active files must be kept in (already full) storage containers in the parking lot at the Kent courthouse.

Due to our current understaffing levels, the Court has been struggling to meet its service standards to the public in many areas. There has been an amazing team effort to "keep the ship afloat" by everyone involved, including the judges. The District Court is struggling on all fronts to get caught up on its work, to maintain the level of accuracy and care required, and to provide the customer service that is reasonable to expect from a District Court. We can honestly say that our efforts to cooperate with the Executive's and the Council's requests to tighten our belt has resulted in our squeezing the lifeblood out of every cent allocated to the District Court budget.

Not only have we been cooperating, we have been leaders in reducing the average population of the jail and in implementing valuable programs such as the relicensing program, mental health

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court and domestic violence court. On the other hand, we are not proud of our phone tree system that we have been forced to implement or the delays in civil cases and other matters that are unavoidable under the circumstances.

It has been extremely difficult for District Court to make these very tough decisions over the last years. Perhaps the most troubling of all was the necessity of laying off much needed staff. In the past District Court had always found ways to meet our budget reductions by reducing line items and through the use of attrition. The budget office recently handed out a spreadsheet (attached) showing the FTE level by CX Department from 1999 through 2003. District Court was surprised to note that while its FTE level had been reduced all other criminal justice agencies had actually increased their FTE level during this time frame:

Recap of Budget Office Spreadsheet

<u>Agency</u>	<u>1999 FTEs</u>	<u>2003 FTEs</u>	<u>FTE Change</u>
District Court*	254.4	212.9	-41.5
Superior Court**	270.5	370.0	+99.5
Judicial Administration	175.0	202.0	+27.0
Prosecuting Attorney***	443.1	465.1	+22.0
Sheriff***	872.0	941.0	+69.0
Adult and Juvenile Detention	818.0	917.0	+99.0
Public Defense***	23.5	25.5	+2.0

*60 people reduced totaling 41.5 FTEs.

**Most of this increase may be due to a merger with Juvenile Probation.

***This increase may be due to the Ridgeway case and/or contract backed.

In spite of being stretched too thin already; the District Court continues to search for new ways to achieve further savings of the county's limited dollars and to increase revenue. The budget office is recommending that District Court meet a \$1.2 million budget reduction in 2004. In the years 2005 and 2006 District Court will be expected to take similar cuts in the budget.

Our plan for meeting the \$1.2 million target reduction in 2004 is:

- District Court will assume collection of our probation fees. Currently the finance office is collecting the probation fees on behalf of District Court. The Court already collects the fines, fees and assessments it imposes. This will eliminate duplicate work by two agencies and confusion to defendants - a savings to the county and the District Court of approximately \$600,000.
- District Court recommends not filling the judicial position left vacant by Judge Wacker's passing. This will save judicial salary, benefits, and pro tem time totaling approximately \$185,000.

- District Court anticipates exceeding projected revenues for 2003 by \$500,000-\$700,000. (District Court has exceeded its target revenue number every year since 1999. In 2002 we exceeded our projected revenues by more than \$700,000.) Although the budget office has not recently given the Court credit for exceeding revenue projections, the extraordinary circumstance and the historical ability of the Court to exceed projections warrants such credit. Credit for exceeding revenue projections of \$415,000 is being requested.

District Court is unable to give details of how it will reduce its budget in future years because certain significant legislative and executive decisions affecting the District Court are not available to us at this time. Specifically, the District Court's budget decisions will be molded by outcomes in three areas: long-term facilities plans; legislation on the number of judges; and decisions on contracting with cities for court services.

The District Court has been reduced from nine divisions to three divisions with multiple locations. Executive Sims has stated that the locations will also be reduced to three. The executive has promised to provide a long-term facilities plan, however, has not yet done so. Current contract obligations with cities require the current number of locations. Furthermore, there is no facility in the East Division or the South Division that can accommodate the workload and staff for the entire division, even if all the contracts with the Cities were not renewed. The Court has proven that it will close facilities when appropriate, however, closing facilities is not a viable option at this time.

The legislature is currently considering three bills that could have drastic effects upon the District Court:

- The bill reducing the number of District Court judges in King County from 26 to 21 and allowing King County to leave vacant judicial positions if the number of judges remaining exceeds the number approved by the legislature; and
- The Governor's proposed budget that would eliminate the type of probation that is currently being handled by our Department of Corrections probation contract unit.
- Legislation giving long-arm jurisdiction to District Court on SPAM cases under \$50,000 and allowing filing of SPAM cases in Small Claims Court for minor amounts.

The judicial bill is currently on the governor's desk awaiting signature. The number of judges will be reduced from 26 to 21 with the ability to leave vacancies unfilled. District Court will use judicial vacancies, as they occur, to meet target reductions and is including the first vacancy in its 2004 proposal. However, if additional vacancies do not occur, the savings obtained by reducing the number of judges won't be realized until the 2007 budget.

District Court has a contract with the Department of Corrections to provide probation services on some of the lower level offender cases. The Governor's proposed budget would eliminate probation for some of those cases. This contract is revenue backed. Reduction of the program, (by staff reductions thru layoffs) would coincide with reduction of the revenue. Although, the

future of this program is unknown, District Court anticipates the changes will have a neutral budget effect.

The Executive, the Council, the Court and the Budget Advisory Task Force are looking into the issue of what, if any, relationship should continue to exist between our contract cities and the county. Each of these issues could drastically affect the quantity and timing of budget cuts that could be absorbed by the court. The Court's current contracts with the cities run through December 31, 2004. This means new cases will continue to be filed in District Court for the entire year of 2004. If these contracts are terminated, the Court anticipates it will take another year at current staffing levels to process the work associated with these filed cases. It is crucial to note that if the contracts are terminated new cases will cease to be filed as of January 2005 (and the revenue from new filings will cease as of January 2005), while the number of judges cannot be reduced until January 2007- unless there are retirements during that time period.

Courts process a tremendous amount of paper filings yearly. District Court is no exception. The staff processes over one million pieces of paper every year. The cost of file folders is approximately \$40,000 annually. It takes a significant amount of facility space to store these folders, not to mention the space at archives to store them. Superior Court has implemented an Electronic Court Records (ECR) system and shreds its paper documents 30 days after scanning. District Court is examining joint utilization of Superior Court ECR system. The long-term savings in supplies, facilities and storage appear to be well worth the cost of this program. The Court is currently analyzing the costs of ECR and will include a request for funding in its 2004 budget package.

One possible long-term solution to containing trial court costs is to have a consolidated court system. From a user's perspective, the ideal would be, to have all King County municipal courts, district court, superior court and department of judicial administration consolidated into one trial court level, with a significant amount of state funding. Merging the Department of Judicial Administration (DJA) with Superior Court would seem to be the logical first step. Consolidation of courts is a major undertaking and is not something that can be done overnight. The use of ECR by the District Court and Superior Court would be a logical and necessary next step in any trial court consolidation in King County.

Seventeen cities contract with District Court for court services. The contracts are paid through a 75/25 split in revenues. The County receives 75% of the revenue and the city retains 25% of the revenue. The District Court agrees that this current contract does not fully recover the cost of providing city services. The County should renegotiate the contract to increase the County's portion of the revenue, thereby eliminating the subsidy and continue working towards the long-term goal of trial court coordination. In 2002 the cities 25% portion of the revenue was approximately \$1.1 million.

The District Court has implemented specialty courts (Relicensing Court, Mental Health Court and DV Court), handles felony-expedited hearings for Superior Court, and actively uses jail alternative programs when appropriate. The combined use of these new programs has helped District Court reduce its use of the jail by 32% in the last year. Terminating the city contracts and

creating additional municipal courts will further fracture the courts of limited jurisdiction in King County and reduce the efficiencies gained through these new programs.

The area of District Court services that draws the most funds from the general fund is the civil case types. The filing and administrative fees in District Court support only a minimal portion of the cost to provide the services. These fees are all set by state statute and have not been increased for several years. Superior Court is allowed by state statute to collect many fees for services that District Court is required to provide for free. District Court proposes that the civil fees be reviewed and legislation drafted to bring them more in line with the cost of service. I believe that the Board for Judicial Administration Trial Court Funding Task Force created by the Washington State Supreme Court is looking at this issue.

The District Court appreciates the cooperation and candid discussions which have been held with the Executive, members of the Council and the budget staff during these difficult fiscal times, and looks forward to further discussions as the County proceeds through the budget process.

Respectfully,



J. Wesley Saint Clair
Chief Presiding Judge

Cc: King County Council members
ATTN: David deCourcy, Chief of Staff
Shelley Sutton, Policy Staff Director
Rebecha Cusack, Lead Staff, BFM Committee
Anne Noris, Clerk of the Council

King County Executive Ron Sims
King County Sheriff Dave Reichert
The Honorable Norm Maleng, King County Prosecutor
The Honorable Richard Eadie, Presiding Judge, King County Superior Court
The Honorable Corinna Harn, Assistant Presiding Judge, District Court (KCDC)
District Court Judges, KCDC
Tricia L. Crozier, Chief Administrative Officer, KCDC
Paul Sherfey, Chief Administrative Officer, Superior Court
Steve Call, Director, Office of Management and Budget
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