



## Frequently Asked Questions

### Implementation of E2SSB 5454

- A. If the current municipal judge is appointed and the city passes an ordinance authorizing judicial elections and judicial salary of 95% of a district court judges' salary, will the city receive funding prior to the election?

Yes. The city will receive funding in the calendar quarter immediately following the certification. As an example: If the city passes the ordinance, submits the election ordinance in May and if the presiding judge submits the salary certification before the cut-off, the city will receive a payment in July.

- B. Will cities that have municipal departments be required to certify to AOC that they meet the requirements of Section 7 (20)(b)(i)(ii)?

No. E2SSB 5454 does not require certification for courts formed under Chapter 3.46 RCW.

- C. Will cities that have formed courts under Chapter 3.46 RCW (municipal departments) receive DIRECT contribution or will the funds be provided to the county?

Yes. AOC will request that the presiding district court judge annually verify/certify the amount of time (in FTE terms) that a judge(s) devotes to municipal departments. Quarterly contributions will then be based upon the certified FTE distribution.

- D. Will funding be provided if an elected judge leaves the bench, regardless of reason, and a pro temp judge is used?

No. The local legislative body should appoint an acting judge that will serve until the next election cycle. Because funds are distributed on a prospective basis and AOC will not "retract" funds due to mid-quarter vacancies, it is assumed that the city or county will not incur material costs that result from the temporary use of judges pro-tem.

For example: County X has 3 full-time judges. Contribution for the quarter ending December 31 is received on October 1. One judge retires on November 1. AOC will not ask the county to return any funding related to the retiring judge. It is assumed that the money saved from the retired judge would be used to offset the cost of a pro-tem. Further assume that a new judge is not appointed until



March 1. The county would certify 2 judges for 3 months and 3 judges for one month at the next certification interval.

- E. Will funding be provided if an elected judge leaves the bench, regardless of reason, and a commissioner is used?

No. The local legislative body should appoint an acting judge that will serve until the next election cycle. Because funds are distributed on a prospective basis and AOC will not “retract” funds due to mid-quarter vacancies, it is assumed that the city or county will not incur material costs that result from the temporary use of commissioners.

See the example above.

- F. What if the judge is appointed to a 4 year term in a non-elected position on January 1, 2004. The city amends the ordinance to make the position elected effective January 1, 2006. Would the city qualify for the state contribution during the judge's four year term?

No. The city would qualify for state contribution after the ordinance was amended to make the position elected, which in this example would be January 1, 2006.

- G. Must a jurisdiction fully expend its trial court improvement account within a certain time period?

E2SSB 5454 does not directly address this issue. Accordingly, it will be up to each jurisdiction to determine how long the funds are available for use.

- H. How will a “pro rata share” of a district court judge salary be computed?

Example: A city currently pays their part-time municipal court judge \$65,000 per year based upon a 24 hour workweek. What percentage of a district court judges’ salary does the \$65,000 represent?

Effective September 1, 2005 95% of a district court judges’ salary is \$115,941. A 24 hour work week is 60% of a standard work week. Therefore, a 60% judge would have to be paid \$69,547 per year to quality. The computations are:



September 1, 2005 district court judges' salary	\$122,012
95% of a district court judges' salary is	\$115,941
60% of the minimum salary is	\$ 69,547

In this example, the city would have to increase the municipal court judges' salary by \$9,547 per year in order to meet the 95% rule.

- I. What will be included when computing the annual salary for municipal court judges (the 95% rule)?

Normal salaries and wages plus longevity pay if all judges within the jurisdiction are eligible. Benefits such as social security, retirement, deferred compensation program matches will not be considered.