



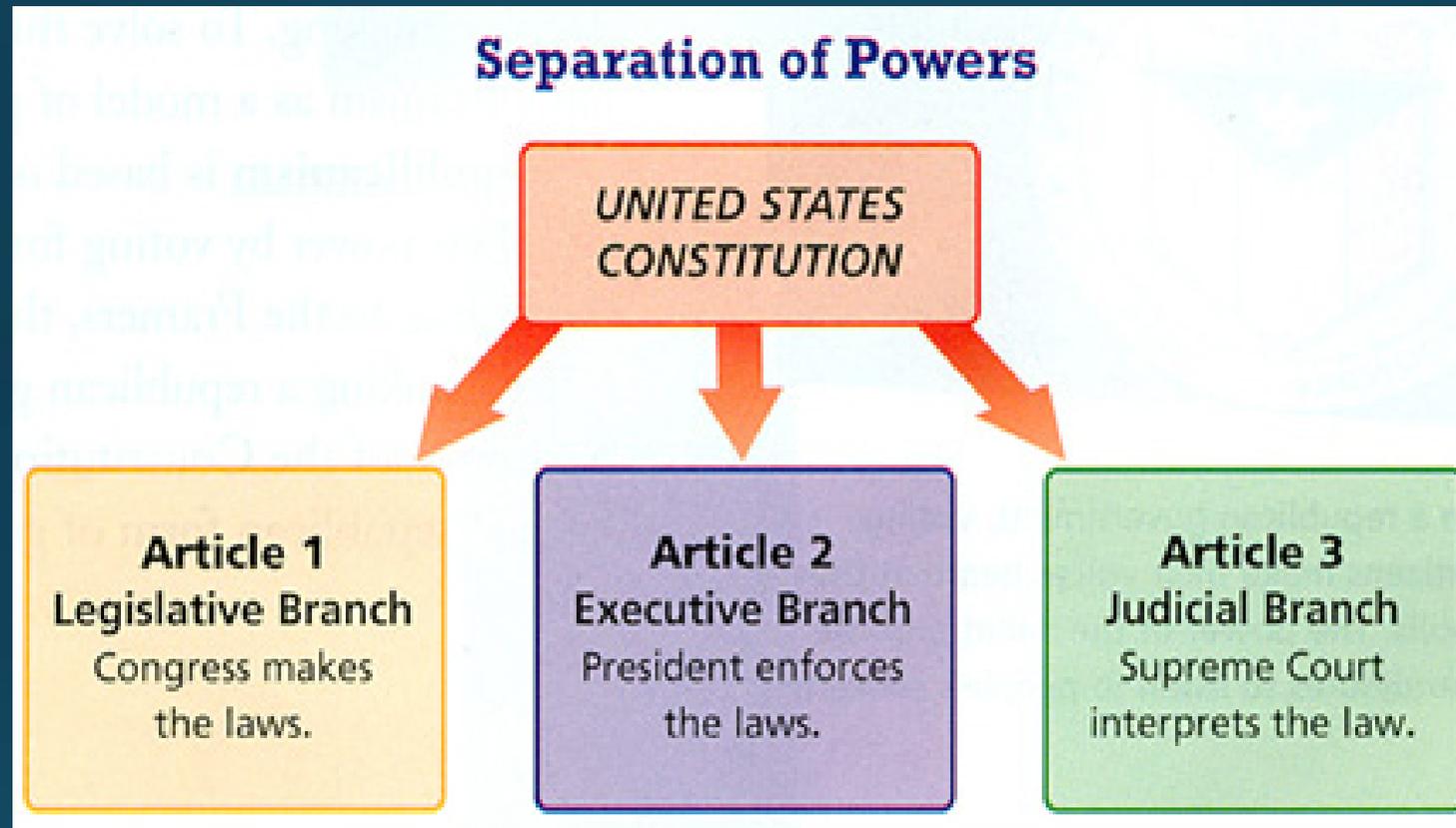
The People's Court

The Role of Municipal Court in Local Government

Presented by: Hon. Lisa M. Leone

Des Moines Municipal Court

Three Co-equal Branches of Government



WA St. Const., Art. 2

WA St. Const., Art. 3

WA St. Const., Art. 4



Role of the Judiciary

“... The United States legal system is based upon the principle that an **independent, impartial, and competent judiciary**, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, **the judiciary plays a central role in preserving the principles of justice and the rule of law...**”

- Preamble to the
Canons of Judicial Conduct

- Judge has a legal and ethical obligation to administer justice according to the law, without fear or favor.
- Judicial independence fosters public confidence in the administration of justice.
- Judge has the authority to rule upon the constitutionality of local ordinances.

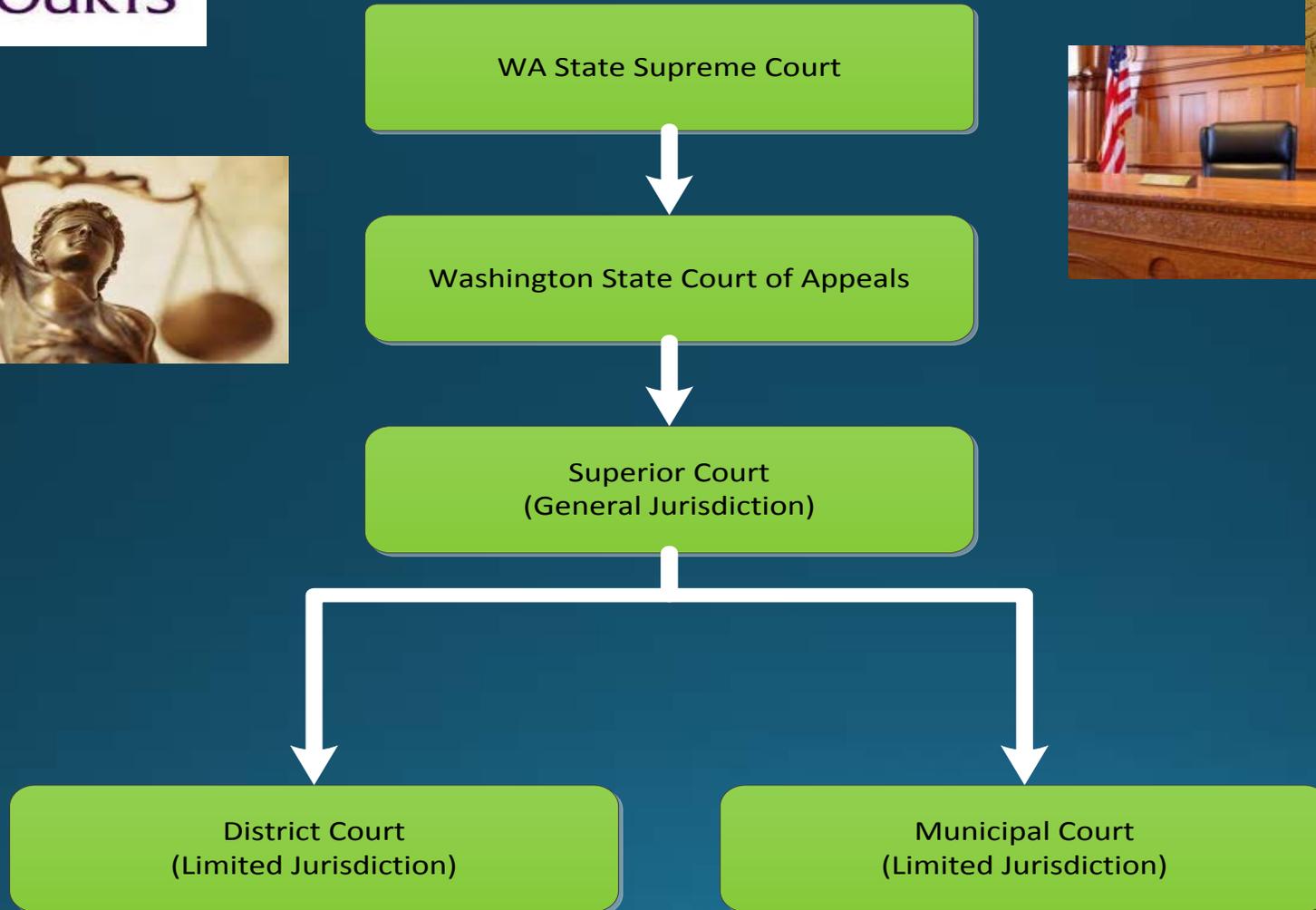
General Rule 29 & Judicial Independence

GR 29 outlines the duties and authority of presiding judge:

- Sets policy and guide operation of the Court
- Supervises the business of the judicial district
- Develops and manages Court budget
- Decides hiring / firing and sets working conditions of court staff
- Manages case flow and calendaring of cases
- Judicial responsibilities **may not be delegated** to either the Legislative or Executive branch of government

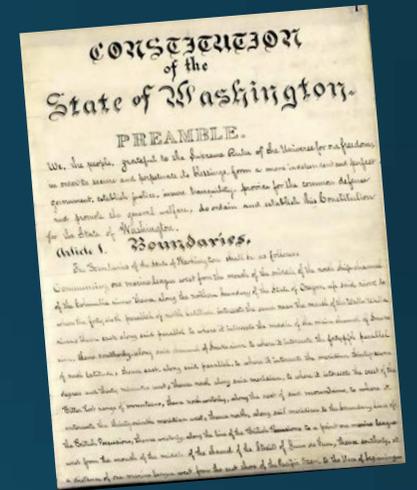
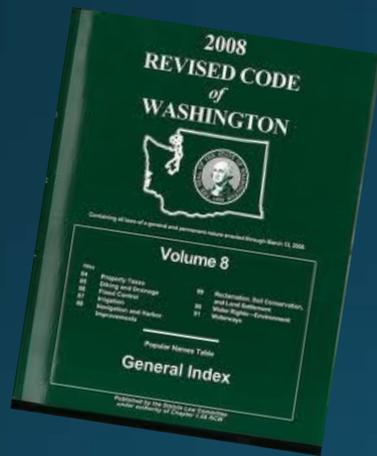


Judicial Branch - Washington State



Legal Authority for Municipal Court

- Washington State Constitution creates right to impartial judge (Art. 4, Sec. 12)
- Washington State statute empowers cities to create their own municipal courts (RCW 3.50.010)
- Des Moines City Ordinance authorizes the creation of the Court (DMMC 2.28.010)



Jurisdiction of Municipal Courts - RCW 3.50

- Jurisdiction of all **criminal** violations of city ordinances -
 - Misdemeanors (max sentence 90 days in jail and \$1,000 fine)
 - Gross misdemeanors (max sentence 364 days in jail and \$5,000 fine)
- Jurisdiction of all **civil** violations of city ordinances -
 - Traffic violations
 - Animal code (incl. "dangerous dog" petitions)
 - Nuisance / Abatement
- Authority to issue domestic violence no-contact orders and anti-harassment protection orders in pending criminal cases



Funding of Municipal Courts



RCW 39.34.180(1): “Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdiction. . . and must carry out these responsibilities through the use of their own courts, staff, and facilities . . .”

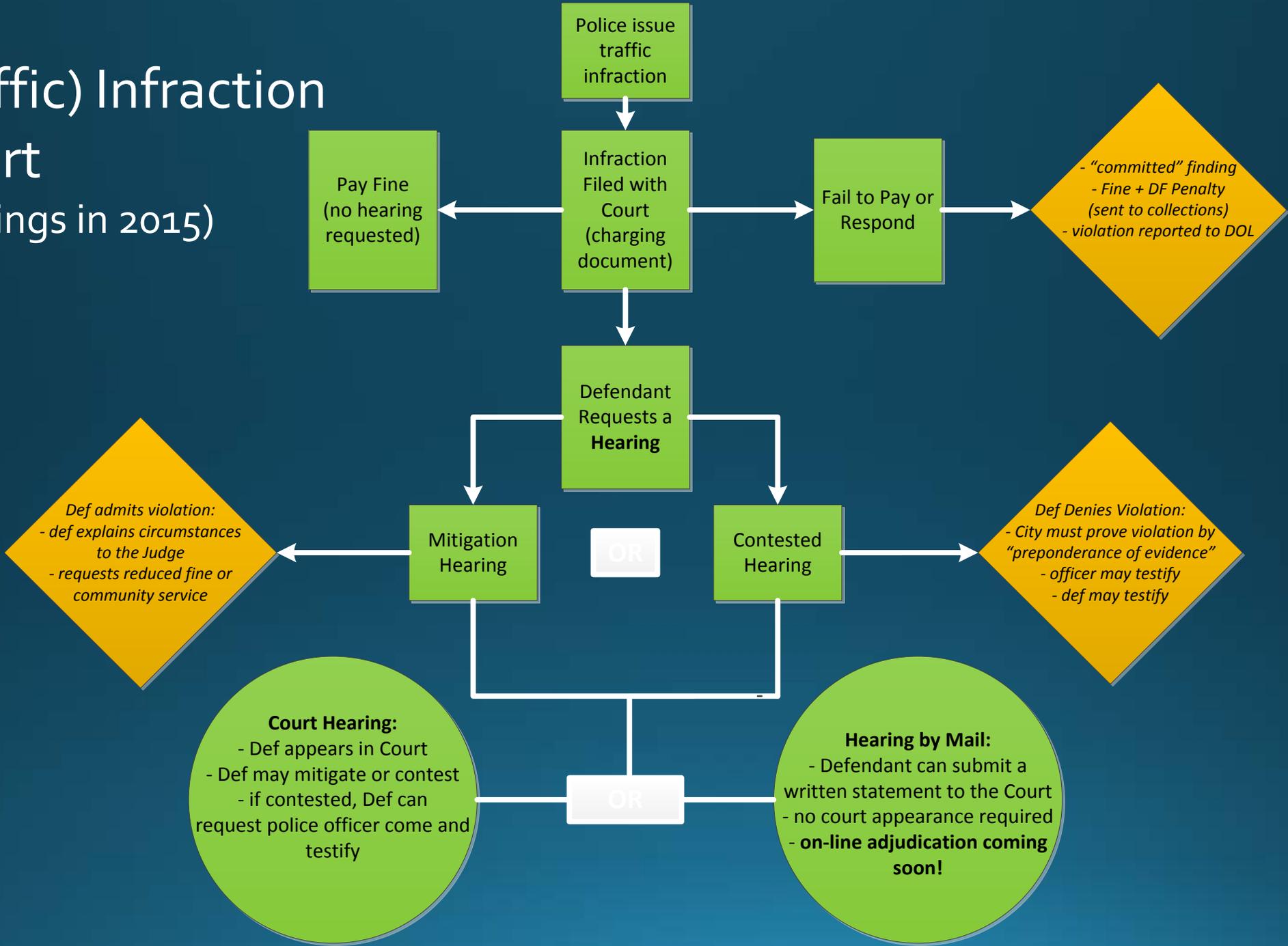
RCW 3.50.080: “All costs of operating the municipal court . . . shall be paid wholly out of the funds of the City . . . ”



A Word About Legal Financial Obligations (LFOs)

- RCW 10.01.160(3): “The court shall not order a defendant to pay costs unless the defendant is or will be able to pay them. In determining the amount and method of payment of costs, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.”
- State v. Blazina, 182 Wash.2d 827, 838 (2015): In every case, the court must make an “individualized inquiry” regarding a defendant’s present and future ability to pay before imposing fines and fees.
- Investigation of Ferguson Police Department, Department of Justice Civil Rights Commission, March 4, 2015: “The impact that revenue concerns have on court operations undermines the court’s role as a fair and impartial judicial body.”

Civil (Traffic) Infraction Flow Chart (2,240 Hearings in 2015)

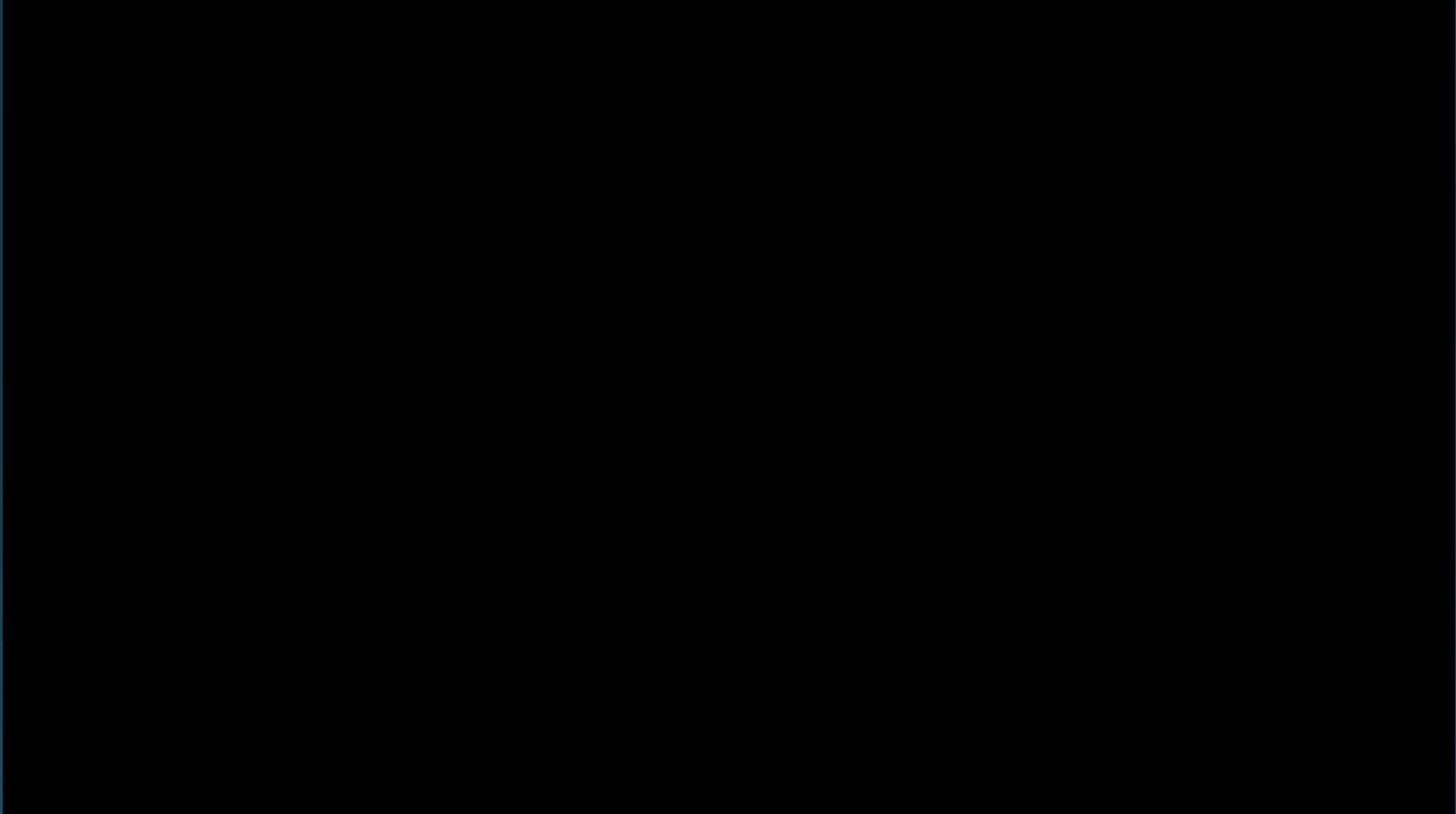


Right to a Jury Trial



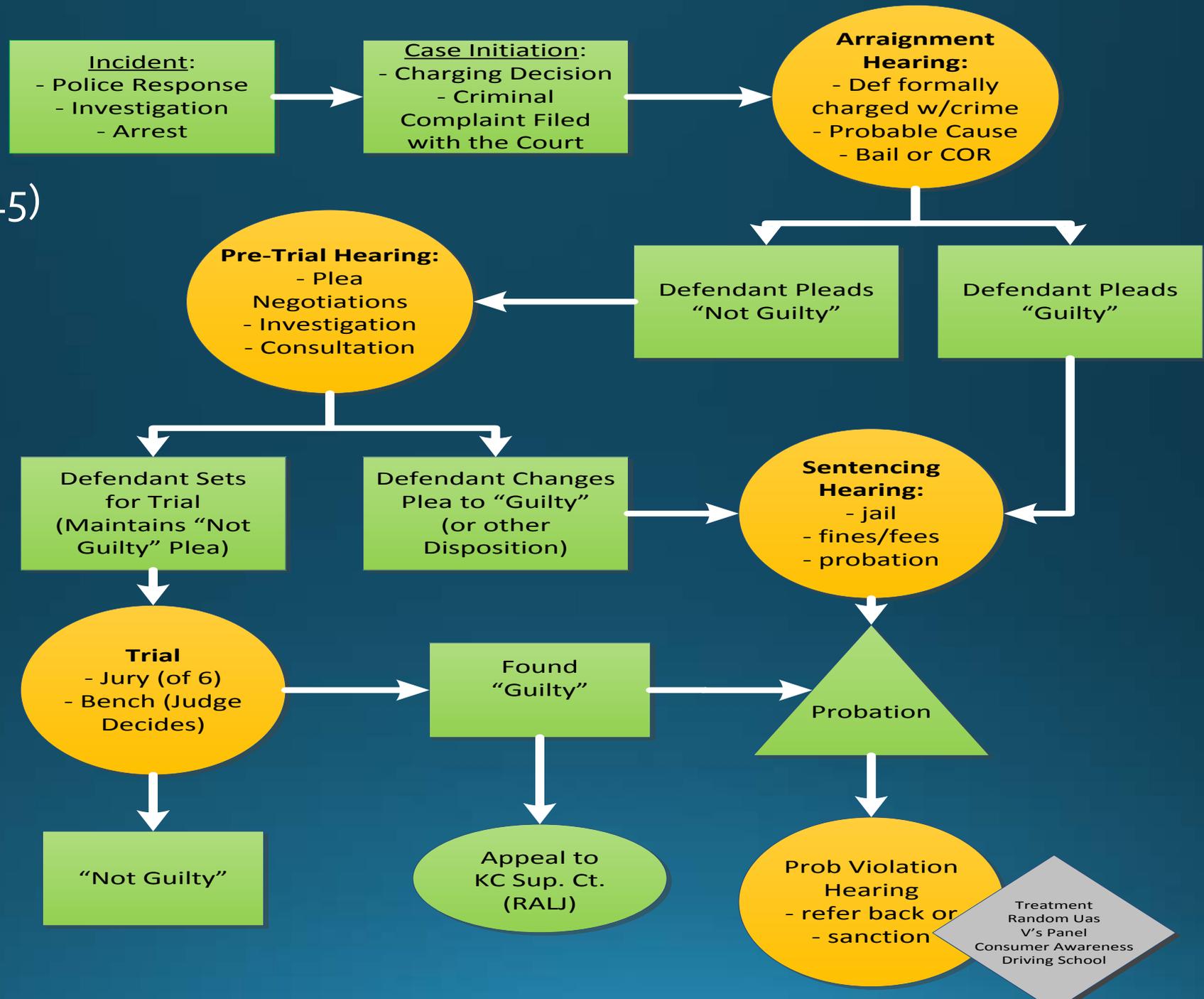
- Cornerstone of our criminal justice system
- Right to a jury -
 - Jury of 6 (misd./gross misd); Jury of 12 (felonies, civil)
 - jury pools drawn from King County residents
- Right to a speedy trial -
 - 90 days – out of custody / 60 days – in custody
 - Remedy for violation of speedy trial right = dismissal
- Right to an attorney at no cost (if indigent)
- Right to confront & question witnesses
- Right to present a defense
- Right to represent oneself
- Right to appeal a determination of guilt (KC Superior Court – RALJ Appeal)





Criminal Case Flowchart

(2,130 hearings in 2015)



Criminal Justice System



JUDGE

PUBLIC DEFENDERS

PROSECUTOR

POLICE



The Work of a Judge

- On the bench
- Off the bench
- Beyond the bench



On the Bench . . .

- Set bail and/or conditions of release
- Accept pleas
- Decide issues of fact (motions & bench trials) & law
- Issue arrest warrants (for FTA/FTC)
- Review police applications for search warrants (24/7)
- Rule on admissibility of evidence at trial
- Impose sentence upon conviction, including terms of probation
- Grant / revoke deferred dispositions
- Rule on alleged violations of probation & impose sanctions for FTC



Off the Bench: Administrative Duties

- Supervise the daily operation of the court, including management of all personnel
- Develop policies and procedures that improve the court's effectiveness
- Supervise the court's accounts and auditing, as well as budget preparation
- Supervise preparation & filing of reports required by statute and court rule
- Ensure secure maintenance of case files and records
- Court Administrator key part of management!!



Beyond the Bench: Community Engagement



- Criminal Justice Community - engage other stakeholders in the conversation – law enforcement, social service organizations, local and state lawmakers, state assistance providers, and fellow judges
- Local Community- engage community members through talks like this or Law Week activities - sharing the work of the Court. Every interaction is an opportunity to share.
- School Community – teaching kids of all ages about civic responsibility and justice; encouraging tomorrow’s lawyers and judges today!

Court Innovation

- South King Co. Relicensing Program – partnership with neighboring courts; facilitates payment of fines deemed uncollectible while supporting relicensing efforts.
- Work Crew (Jail Alternative) – partnership with DOC, defendants work highly structured 8-hour days, earn valuable work experience and reduces jail costs for city.
- O-Court – expanding access to the court through on-line scheduling, payment, and adjudication of traffic infractions and traffic camera citations
- Probation & Court Services (2015)

Your Municipal Court Judge . . .

- Represents our constitutional system of justice in your city
- Enhances quality of life by adjudicating criminal cases that impact public safety
- Acts as a check on the actions of law enforcement
- Safeguards the rights of the accused by guaranteeing the right to a speedy trial before an impartial jury in criminal cases
- Safeguards the rights of victims by imposing appropriate sentences and probationary terms on those convicted of crimes against persons

Criminal Justice System



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