

The Supreme Court
State of Washington

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November 18, 2014

David Schumacher, Director
Office of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113

Dear Mr. Schumacher:

With this letter I am pleased to transmit copies of the 2015-2017 biennial budget request on behalf of the Washington Supreme Court, Administrative Office of the Courts, and the State Law Library. Also included are the 2015-2017 biennial budget requests for the Washington State Court of Appeals, Office of Public Defense, and Office of Civil Legal Aid.

While the Supreme Court continues to rigorously review all requests for new or increased funding, the budget requests by the Office of Public Defense and the Office of Civil Legal Aid are being transmitted as submitted to the court. Both organizations are independent judicial branch agencies that report to advisory or oversight governing committees, which approve those agency budgets.

The remaining requests were vetted through a branch wide review and prioritization process that included a wide variety of stakeholders, the Supreme Court Budget Committee and the Washington Supreme Court. A number of funding requests were eliminated from consideration during this process. The requests that were approved are contained in the attached documents and represent, in the view of the court, the most prudent choices given the current economic situation and the most pressing needs.

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If you should have any questions regarding our process or the budget submittal, please do not hesitate to contact me at (360) 357-2037. You may also contact Ramsey Radwan, Director of Management Services Administrative Office of the Courts at (360) 357-2406 or ramsey.radwan@courts.wa.gov.

Sincerely,



Barbara A. Madsen
Chief Justice

c: Hon. Kevin Korsmo, COA
Kay Newman, State Law Library
Callie Dietz, AOC
Joanne Moore, OPD
James Bamberger, OCLA
Ramsey Radwan, AOC

JUDICIAL BRANCH OVERVIEW

There are four levels of court in Washington State: the Supreme Court, the Court of Appeals, the superior courts, and courts of limited jurisdiction comprised of district and municipal courts.

The Supreme Court is located in the Temple of Justice on the state capitol grounds in Olympia. Courtrooms of the three divisions of the state Court of Appeals are located in Seattle, Tacoma, and Spokane. Courthouses in each of the state's 39 counties house superior court courtrooms. Each county has at least one district court and most of the state's cities and towns have municipal courts.

Types of Cases

All cases filed in the courts are either civil or criminal.

Civil

Civil cases are usually disputes between private citizens, corporations, governmental bodies, or other organizations. Examples are actions arising from landlord and tenant disputes, personal injuries, breaches of warranty on consumer goods, contract disputes, adoptions, marriage dissolutions (divorce), probates, guardianships, and professional liability suits.

Decisions are based upon a preponderance of evidence. The party suing (plaintiff) must prove his or her case by presenting evidence which is more convincing to the tier of facts (judge or jury) than the opposing evidence.

There are special court procedures for the protection of citizens threatened by harassment and domestic violence. Residents may obtain documents for requesting orders for protection by contacting the office of their county clerk.

Criminal

Criminal cases are brought by the government against individuals or corporations accused of committing crimes. The government makes the charge because a crime is considered an act against all of society. The prosecuting attorney charges a person (the defendant) with a crime and thereafter pursues the case through trial on behalf of the government (plaintiff). The prosecution must prove to the judge or jury that the defendant is guilty beyond a reasonable doubt.

The more serious crimes are called felonies and are punishable by more than a year's confinement in a state prison. Examples of such crimes are arson, assault, larceny, burglary, murder, and rape.

Lesser crimes are called misdemeanors and gross misdemeanors. Both are punishable by confinement in a city or county jail. Examples of gross misdemeanors are theft of property or services valued up to \$250 and driving while under the influence (DUI) of alcohol or drugs. Among the many types of misdemeanors are disorderly conduct, and prostitution.

Trial Process

Whether the case is civil or criminal, or tried by a judge or jury in a superior, district, or municipal court, the procedure is essentially the same. There may be some differences from court to court, however.

Jury Selection

Jurors are randomly selected from voter registration rolls and lists of those who are valid driver's license or "identocard" holders. In superior courts, 12 persons are seated on a jury. In district courts, the jury consists of six or fewer people.

In district, municipal, and superior courts, jury selection is handled in the same manner. Selection, or *voir dire*, consists of questions asked of juror candidates by the judge and attorneys to determine if they have biases that would prevent them from hearing the case. Questions can be general (directed at the whole panel) or specific (directed at specific candidates).

If an answer indicates that a prospective juror may not be qualified, that individual may be *challenged for cause* by a party, through his or her attorney. It is up to the judge to decide whether the individual should be disqualified.

After questions have been asked, peremptory challenges--those for which no reason need be given--may be exercised by an attorney and the prospective juror will be excused. Just how many challenges may be exercised depends on the type of case being tried. How they are exercised (orally or in writing) depends upon local procedure. After all challenges have been completed, the judge will announce which persons have been chosen to serve on the case. Those not chosen are excused.

After the judge or clerk administers the oath to the jurors, the case begins. Because the plaintiff always has the burden of proof, his or her attorney makes the first opening statement.

Opening Statements

An opening statement is an outline of the facts a party expects to establish during the trial. The plaintiff opens first, then the defendant. The defendant can choose to delay making an opening statement until after the plaintiff rests or presents his or her evidence.

Evidence

Evidence is testimony and exhibits presented by each side, admitted by the judge. The plaintiff presents evidence by direct examination of witnesses, who are then subject to cross examination by the defendant. After the plaintiff rests, the defendant presents witnesses who may be cross examined by the plaintiff's attorney.

After the defendant rests, the plaintiff may present rebuttal evidence. Following that, the evidentiary phase of the trial is over.

Jury Instructions

The judge then instructs the jury on how the law must be applied to that case. Jurors may be given written copies of the instructions.

Closing Arguments

When the judge has instructed the jury, attorneys for each party make closing arguments. As with opening statements, the plaintiff speaks first. After the defendant presents closing arguments, the plaintiff is allowed time for rebuttal.

Jury Deliberations

After closing arguments, the bailiff or other court-designated person escorts the jury to the jury room to begin deliberations. While deliberating, jurors are not allowed to have contact with anyone, except as designated by the court.

Criminal Sentencing

In Washington, superior court judges make sentencing decisions under a determinate sentencing system.

Under the determinate sentencing system, offenders convicted of felony crimes are sentenced according to a uniform set of guidelines. The guidelines structure, but do not eliminate, a sentencing judge's discretion. The purpose of the system is to assure that those sentenced for similar crimes, and who have comparable criminal backgrounds, receive similar treatment.

The guidelines are based on...

...seriousness of the offender's crime(s)

...the offender's criminal history

A judge can depart from these guidelines but only if compelling circumstances exist. Only sentences imposed outside of the guidelines can be appealed.

All convictions, adult or juvenile, include mandatory penalty assessments which are deposited in the state's victim compensation fund. A judge may also order the offender to make restitution to victims for damages, loss of property, and for actual expenses for treatment of injuries or lost wages.

Those convicted of misdemeanors may be given probation and/or time in a local jail. Violating the terms of probation can result in a longer jail term.

Crime Victims and Witnesses

State law "ensure(s) that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that rights extended (to them) are honored and protected...in a manner no less vigorous than the protection afforded criminal defendants."

The law lists the rights of crime victims and witnesses and, in some cases, their families. These include the right to be told about the outcome of a case in which they were involved, and to be notified in advance if a court proceeding at which they were to appear has been canceled.

If threatened with harm, victims and witnesses have the right to protection. They also have the right to prompt medical attention if injured during the commission of a crime. While waiting to testify, they must be provided with a waiting area away from the defendant and the defendant's family and friends.

Stolen property is to be returned quickly. Criminal justice system personnel are expected to help victims and witnesses work out employment-related problems that might arise during the periods of time they are involved in the trial.

Alternate Dispute Resolution

Many disputes do not need to be resolved in an open public court setting. "Alternative dispute resolution" (ADR) offers a variety of ways to resolve disputes in lieu of an official trial. ADR can be conducted in any manner to which the parties agree--it can be as casual as a discussion around a conference table, or as structured and discreet as a private court trial.

Advantages to solving conflicts through ADR include decreased litigation costs and an expedited outcome. The most commonly used techniques are mediation and arbitration.

Mediation

Mediation is a confidential, voluntary, non-binding process which uses a neutral third party to guide parties towards a mutually beneficial resolution of their disagreement. Resolutions are created to suit both parties, and may include an agreement not available via the court system.

The mediator does not impose his or her will or judgment on the parties, but helps them decide for themselves whether to settle, and on what terms. The mediator is a catalyst, helping parties reach agreement by identifying issues, exploring possible bases for agreement, and weighing the consequences of not settling.

Mediation works well in one-on-one disputes and in large, multi-group conflicts. It is effective in all types of civil matters, and may occur before or after the filing of a lawsuit. Although attorneys may be present during the mediation process, they are not essential to the process.

Arbitration

In arbitration, a neutral third party is chosen to hear both sides of the case, and then resolves it by rendering a specific decision or award. Arbitration is a common way of solving disputes with insurance companies on specific claims.

An arbitration proceeding is similar to a regular court trial. The main difference is that arbitration can be either binding or non-binding, as agreed in advance by the disputing parties. If binding arbitration has been chosen, the decision or award is final.

In Washington counties with a population of 100,000 or more, the superior court may require mandatory arbitration of some civil actions, usually those in which the sole relief sought is a money judgment. Unlike voluntary arbitration, mandatory arbitration operates under the authority of the court system. By law, it can only be used to settle disputes of \$50,000 or less.

Court Organization

Jurisdiction

Courts of limited jurisdiction include district and municipal courts. District courts are county courts and serve defined territories, both incorporated and unincorporated, within the counties. Municipal courts are those created by cities and towns.

More than two million cases are filed annually in district and municipal courts. Excluding parking infractions, four out of every five cases filed in all state courts are filed at this level. This is due primarily to the broad jurisdiction these courts have over traffic violations and misdemeanors.

District Courts

District courts have jurisdiction over both criminal and civil cases. They have criminal jurisdiction over misdemeanors and gross misdemeanor cases that involve traffic or non-traffic offenses. Examples include: Driving while under the influence of intoxicating liquor or drugs (DUI), reckless driving, driving with a suspended driver's license, and assault in the fourth degree. Preliminary hearings for felony cases are also within the jurisdiction of the district courts. The maximum penalty for gross misdemeanors is one year in jail and a \$5,000 fine. The maximum penalty for misdemeanors is 90 days in jail and a \$1,000 fine. A defendant is entitled to a jury trial for these offenses. Juries in courts of limited jurisdiction are composed of six people as opposed to superior court juries, which have 12 people.

Jurisdiction in civil cases includes damages for injury to individuals or personal property as well as penalty and contract disputes in amounts of up to \$75,000. District courts also have jurisdiction over traffic and non-traffic infractions, a civil proceeding for which a monetary penalty--but no jail sentence--may be imposed. District courts may also issue domestic violence and anti-harassment protection orders. They also have jurisdiction to hear change-of-name petitions and certain lien foreclosures. More information on these procedures can be obtained by contacting your local district court.

Small claims are limited to money claims of up to \$5,000. These are filed and heard in the Small Claims Department of the district court. Generally, each party is self-represented--attorneys are not permitted except with the permission of the judge. Witnesses may not be subpoenaed, but may be allowed to voluntarily testify for a party. Examples of cases heard: neighborhood disputes, consumer problems, landlord/tenant matters and small collections. The district court clerk can provide specific information about filing a claim.

Municipal Courts

Violations of municipal or city ordinances are heard in municipal courts. A municipal court's authority over these ordinance violations is similar to the authority that district courts have over state law violations. The ordinance violation must have occurred within the boundaries of the municipality. Like district courts, municipal courts only have jurisdiction over gross misdemeanors, misdemeanors, and infractions. Municipal courts do not accept civil or small claims cases. As with district courts, municipal courts can issue domestic violence protection orders and no-contact orders. A municipal court can issue antiharassment protection orders upon adoption of a local court rule establishing that process.

Traffic Violation Bureaus (TVB)

In addition to a municipal court, cities can establish traffic violation bureaus or TVBs. TVBs handle traffic violations of municipal ordinances that involve no possible incarceration. The primary purpose of a traffic violation bureau is to expedite the handling of traffic cases that do not require any judicial involvement. The TVB is under the supervision of the municipal court, and the supervising court designates those traffic law violations that a TVB may process.

Domestic Violence and Antiharassment Orders

District and municipal courts are confronted daily with domestic violence issues. Besides adjudicating criminal domestic violence and antiharassment cases, courts of limited jurisdiction may also enter protection orders. These are no-contact orders, orders of protection, and antiharassment orders. No-contact orders and orders of protection can be obtained in either a municipal or district court. Antiharassment orders can be obtained in district courts, as well as in municipal courts that have adopted local court rules establishing the process. Court personnel are knowledgeable about domestic violence issues and can assist a victim in completing domestic violence or antiharassment forms. However, court personnel cannot give legal advice.

Appeals from Courts of Limited Jurisdiction

Cases are appealed from "the record" made in the lower court. In courts of limited jurisdiction, the record is made from an electronic recording of the original proceedings and court documents. The cases are appealed to superior court where only legal errors from the proceeding in a lower court are argued.

There is no additional evidence or testimony presented on appeal. The one exception is an appeal from a small claims case. Small claims cases are heard de novo (or anew) in superior court on the record from the court of limited jurisdiction.

Judges

District court judges are elected to four-year terms. Municipal court judges may be elected or appointed to a four-year term, depending on state law provisions. All judges are required to attend 45 hours of judicial training every three years.

Judges of courts of limited jurisdiction belong to the District and Municipal Court Judges' Association. The association was created by state statute to study and make recommendations concerning the operation of courts served by its members.

Court Support Personnel

Courts of limited jurisdiction are served by administrative support staff. Under the direction of the presiding judge, the staff is responsible for maintaining the court's fiscal, administrative, and court records.

Probation

Courts of limited jurisdiction have authority to order probation for up to two years, except in DUI convictions where a court can order probation for up to five years. A probation counselor administers programs that provide pre-sentence investigations, supervision, and probationary treatment for misdemeanor offenders in a district or municipal court.

Probation counselors can make sentencing recommendations to the court, including appropriate treatment (i.e. drug and alcohol counseling) that an offender should receive. The probation counselor periodically advises the district/municipal court judges of an offender's progress while the offender is under supervision.

Superior Courts

Jurisdiction

Because there is no limit on the types of civil and criminal cases heard, superior courts are called general jurisdiction courts. Superior courts also have authority to hear cases appealed from courts of limited jurisdiction.

Most superior court proceedings are recorded, so a written record is available if a case is appealed. Appellate courts can then properly review cases appealed to them. Some superior courts use video recordings instead of the customary written transcripts prepared by court reporters.

Appeals

Appeals may be made to the Court of Appeals. In some cases, they go directly to the Supreme Court.

Juvenile

Juvenile court is a division of the superior court, established by law to deal with youths under the age of 18 who commit offenses (offenders) or who are abused or neglected (dependents). Like adults, juvenile offenders are sentenced according to a uniform set of guidelines. Taking into account the seriousness of the offenses committed and the history of the subject's prior offenses, the guidelines establish a range of sentences and sentence conditions.

A juvenile sentence or disposition outside the standard range is possible if the court finds the standard disposition would amount to a "manifest injustice," to the juvenile or to the community. Dispositions within the standard range are not appealable; manifest injustice dispositions are.

Dependent children are usually placed under the care of the state's Department of Social and Health Services (DSHS). Courts frequently place such children outside the home for varying periods of time.

Districts

All superior courts are grouped into single or multi-county districts. There are 30 such districts in Washington State. Counties with large populations usually comprise one district, while in less-populated areas, a district may consist of two or more counties. A superior courthouse is located in each of Washington's 39 counties. In rural districts, judges rotate between their counties as needed. Each county courthouse has its own courtroom and staff.

Judges

Superior court judges are elected to four-year terms. Vacancies between elections are filled by appointment of the Governor, and the newly-appointed judge serves until the next general election. To qualify for the position, a person must be an attorney admitted to practice in Washington.

There is a presiding judge in each county or judicial district who handles specific administrative functions and acts as spokesperson for the court.

Superior court judges belong to an organization, established by law, called the Superior Court Judges' Association. Specific committees of the association work throughout the year to improve the court system and to communicate with other court levels, the Legislature, bar associations, the media, and the public.

Officers of the organization are elected each year at the association's annual spring conference.

Court Support Personnel

Bailiff -- Responsibilities and designation of a court bailiff vary from one court to another, depending upon the needs of the court served. The bailiff's primary duties are to call the court to order, maintain order in the courtroom, and attend to the needs of jurors. In some counties, bailiffs with legal training serve as legal assistants to the judge.

County Clerk -- The county clerk is an elected or appointed official who maintains the court's official records and oversees all record-keeping matters pertaining to the operation of the courts. Among other things, the county clerk may be responsible for notification of jurors, maintenance of all papers and exhibits filed in cases before the court, and filing cases for the superior court.

Commissioner -- Most courts employ court commissioners to ease the judges' caseload. Court commissioners are usually attorneys licensed to practice in Washington. Working under the direction of a judge, court commissioners assume many of the same powers and duties of a superior court judge. Matters heard by the court commissioner include probate, uncontested marriage dissolutions, the signing of court orders for uncontested matters, and other judicial duties as required by the judge. The state constitution limits each county to no more than three court commissioners, but additional commissioners may be appointed for family law and mental health matters.

Court Administrator -- Many superior courts employ court administrators. Their functions vary, depending upon the policies of the court served. Generally, the court administrator is responsible for notification of jurors, supervision of court staff, assisting the presiding judge in budget planning for the court, assignment of cases, and implementation of general court policies.

Juvenile Court Administrator -- The juvenile court administrator directs the local juvenile court probation program and provides general administrative support to the juvenile division of superior court. Each of the state's juvenile courts is unique in the range and diversity of programs and services it offers, though all offer some type of diagnostic and diversion services. A number of juvenile court administrators direct county-level detention programs. The administrator is generally appointed by judges of the superior court; however, in a few counties, judges have transferred this responsibility to the county legislative authority.

Court Reporter -- Stenographic notes are taken in court by a court reporter as the record of the proceeding. Some court reporters assume additional duties as secretary to one or more judges.

Court of Appeals

Agency Goals and Objectives

Created in 1969 (Washington State Constitution Article IV, Section 30; RCW 2.06), the Court of Appeals serves as the intermediary appellate court for the state of Washington. Statutes give the Court exclusive appellate jurisdiction in almost all appeals from a lower court decision and court rules require the Court to accept review of a final judgment entered in any action in Superior Court.

The purpose of the Court of Appeals is to review cases and to render written opinions that state the grounds for the decision. The Court's objective is to provide this review in a timely manner.

Judges

The 22 Court of Appeals judges on the Court serve six-year staggered terms to ensure that all judges are not up for reelection at the same time. Each division is divided into three geographic districts and a specific number of judges must be elected from each district. Each division serves a specific geographic area of the state. The divisions are divided as follows:

Division I

District 1: King County, from which seven judges must be elected

District 2: Snohomish County, from which two judges must be elected

District 3: Island, San Juan, Skagit and Whatcom counties, from which one judge must be elected

Division II

District 1: Pierce County, from which three judges are elected

District 2: Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, from which two judges are elected

District 3: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum Counties, from which two judges are elected

Division III

District 1: Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, from which two judges are elected

District 2: Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman Counties, from which one judge is elected

District 3: Chelan, Douglas, Kittitas, Klickitat and Yakima Counties, from which two judges are elected

To qualify for a position on the Court of Appeals, a person must have practiced law in Washington State for five years and, at the time of election, lived for a year or more in the district from which that position was drawn. Vacancies are filled by the Governor and the appointee serves until the next general election.

Although the Court of Appeals is a statewide court, each division has its own administrative staff and manages its own caseload. There is a Chief Judge--a position that rotates every two years--at each division. An Acting Chief Judge is also selected. The Chief Judge serves as the administrative manager of the division and is assigned specific responsibilities by the court rules for Personal Restraint Petitions.

The full Court elects a Presiding Chief Judge each year, and the position rotates among the three divisions according to court rules. The Presiding Chief Judge acts as the liaison and spokesperson for the Court of Appeals with all other levels of the judicial system.

The Presiding Chief Judge works with an Executive Committee that consists of the Chief Judges of each division and the Acting Chief Judge of Division I. The main responsibilities of this group include administering the budget, recommending and implementing policies for the full Court, establishing special committees, and appointing members of the Court to serve on judicial related committees.

Primary Functions Performed

The primary function of the Court of Appeals is to render decisions on cases that come before the Court. All Notices of Appeal, Notices of Discretionary Review and Personal Restraint Petitions (habeas corpus) are reviewed by the Court.

In disposing of cases, the appellate court may reverse, remand, affirm, or modify the decision being reviewed and may take other action as the merits of the case and the interest of justice may require. Only decisions of the Court having precedential value are published.

The function of disposing of cases involves numerous steps. As soon as an appeal is received by the Court, it is screened to determine its appealability. Court rules outline criteria for accepting cases from a Notice of Appeal, a Notice of Discretionary Review or a Personal Restraint Petition.

Once the case is accepted, a perfection schedule is set establishing the dates for attorneys to submit documents and for the record on review to be received by the Court of Appeals. The clerk in each division of the Court monitors compliance with these perfection schedules. The clerks are also responsible for docketing all case information into the automated ACORDS case-management system, and for managing all cases from acceptance to mandate.

After briefs in a case have been received, they are carefully screened to determine what path the case will take. With the increase in filings over the past several years, the Court has recognized that it must be innovative and creative in its approach to decision making.

It is neither possible nor necessary for every case accepted in the Court to be scheduled for oral argument before a panel of judges. Instead, the Court is more responsive and fair to litigants when it segregates the cases so that some may be decided more quickly by commissioners or without oral argument. This allows the complex cases to be scheduled for full oral argument.

Traditionally each division has followed a similar schedule for hearing cases. In the past, all divisions set cases for three terms each year. Time in between was dedicated to opinion drafting. However, one of the Court's responses to the increase in case filings has been to increase the number of cases decided by the judges. Judges now rotate serving on a monthly judge's motion calendar or on a panel with pro-tem judges, and sitting calendars are scheduled year round. The time available to prepare opinions has decreased as the judges' caseload has increased.

The client groups directly served by the Court of Appeals are attorneys and the litigants they represent who have cases before the Court. This means the client groups change daily as new cases are filed and other cases are mandated. Indirectly the Court serves all residents of Washington as it renders decisions that affect all citizens.

Court of Appeals-Mission

The Court of Appeals, pursuant to Article IV, Section 30, of the Washington State Constitution and Chapter 2.06 Revised Code of Washington, is the state's non-discretionary appellate court with authority to *reverse* (overrule), *remand* (send back to the lower court), *modify*, or *affirm* the decision of the lower courts.

The Court's mission remains one of providing an independent, accessible, and responsive forum for the just resolution of disputes.

Court of Appeals-Goal

The primary goal of the Court of Appeals is:

A judicial system which provides equal justice and engenders public respect and confidence.

Major Strategies

To achieve its mission and goal, the Court of Appeals will employ the following major strategies:

- Provide leadership in the development of a comprehensive judicial branch strategic plan that will include actions to ensure the court system is an continues to be responsive to the needs of Washington citizens.
- Streamline processes, eliminate redundant and unnecessary functions, and realign resources to better accomplish the work of the Court of Appeals.
- Encourage and facilitate greater use of information and telecommunications technologies to streamline business processes and the exchange of information throughout the criminal justice system.

The Supreme Court

Jurisdiction

The Supreme Court is the state's highest court. Its opinions are published, become the law of the state, and set precedent for subsequent cases decided in Washington.

The Court has original jurisdiction over petitions against state officers and can review decisions of lower courts if the money or value of property involved exceeds \$200. The \$200 limitation is not in effect if the case involves a question of the legality of a tax, duty, assessment, toll, or municipal fine, or the validity of a statute.

Direct Supreme Court review of a trial court decision is permitted if the action involves a state officer, a trial court has ruled a statute or ordinance unconstitutional, conflicting statutes or rules of law are involved, or the issue is of broad public interest and requires a prompt and ultimate determination.

All cases in which the death penalty has been imposed are reviewed directly by the Supreme Court. In all other cases, review of Court of Appeals decisions is left to the discretion of the court.

Motions to be determined by the Court, as well as petitions for review of Court of Appeals decisions, are heard by five-member departments of the Court. A less-than-unanimous vote on a petition requires that the entire court consider the matter.

All nine justices hear and dispose of cases argued on the appeal calendar. Each case is decided on the basis of the record, plus written and oral arguments. Exhibits are generally not allowed and no live testimony is heard.

The Supreme Court is the final rule-making authority for all of the state's courts. Though local courts make their own rules of procedure, these rules must conform to, or not conflict with, those established by the Supreme Court. In addition, the Supreme Court has administrative responsibility for operation of the state court system. It also has a supervisory responsibility over certain activities of the *Washington State Bar Association*, including attorney disciplinary matters.

Justices

The nine Supreme Court justices are elected to six-year terms. Terms are staggered to maintain continuity of the court. The only requirement for the office is that the prospective justice be admitted to the practice of law in Washington State. Vacancies are filled by appointment of the governor until the next general election.

Court Support Personnel

Bailiff -- A court-appointed official, the bailiff announces the opening of each session of the Court and performs a variety of other duties as required by the Court.

Clerk -- Appointed by the Court, the clerk of the Supreme Court maintains the Court's records, files, and documents. The clerk is also responsible for managing the Court's caseload (including the preparation of its calendars), arranging for *pro tem* (temporary) judges, and docketing all cases and papers filed.

The clerk supplies attorneys, opposing counsel, and other appropriate counsel with copies of Supreme Court briefs, and records attorney admissions to the practice of law in Washington State. The clerk also rules on costs in each case decided by the Court, and may also rule on various other procedural motions. The clerk is assisted by a deputy clerk and supporting staff.

Commissioner -- The commissioner, also appointed by the Court, decides those types of motions which are not required by court rule to be decided by the justices. Called *rulings*, these decisions are subject to review by the Court. The commissioner also heads the Court's central staff. The commissioner and other attorneys on the central staff assist the Court in screening cases to determine which ones should be accepted for full hearing. The Court is asked to hear more than 1,000 cases each year, though only a small portion of these can be accepted.

Court Administrator -- Washington State's Court Administrator is appointed by the Supreme Court and is responsible for the execution of administrative policies and rules in Washington's judicial system. With the assistance of a support staff, the administrator compiles court statistics; develops and promotes modern management procedures to accommodate the needs of the state's courts; studies and evaluates information relating to the operations and administrative methods of the judicial system; and provides pertinent information to the members of the judicial community, the other branches of government, and the general public. The administrator's staff also prepares and submits budget and accounting estimates relating to state appropriations for the judicial system.

Reporter of Decisions -- Appointed by the Supreme Court, the reporter of decisions is responsible for preparing Supreme Court and Court of Appeals decisions for publication. Decisions are published in weekly "advance sheets" and in the permanent volumes of *Washington Reports* and *Washington Appellate Reports*.

Law Clerk -- Law clerks primarily provide research and writing assistance to the justices.

Law Librarian -- The state law librarian is appointed by the Supreme Court to maintain a complete, up-to-date law library. The librarian also provides legal research services for the Supreme Court, the Court of Appeals, and court personnel.

How Courts are Financed

Funds to support Washington's courts come from state and local sources.

State Sources

Only a small portion of the total cost of operating state government is devoted to the courts. Court operations funded directly by the state include those of the Supreme Court (including the Supreme Court Clerk's Office, the Reporter of Decisions, the State Law Library, and the Administrative Office of the Courts), the Court of Appeals, half of the salaries and one hundred percent of the benefits of

superior court judges, and a smaller portion of salaries of district and qualifying municipal court judges.

Local Sources

As is the case at the state level, the amount spent to support local courts is small relative to expenditures made for other city and county government operations. Though local governments finance the major portion of the state's judicial system, during recent years those expenditures have represented only six percent of all funds spent by local governments. Local funds support the cost of court administration, grand juries, local law libraries, court facilities, civil process services, petit juries, and witness expenses.

WASHINGTON STATE SUPREME COURT

INTRODUCTION

As the state's "court of last resort," the Washington State Supreme Court reviews over 1,300 cases each year. The Supreme Court has almost total discretion in deciding which cases it will hear, although it automatically reviews those cases involving the death penalty. The Court also has administrative responsibility for the state court system as well as supervisory responsibilities over certain activities of the Washington State Bar Association, including attorney discipline.

The case-related activity of the Court is most publicly visible when cases have reached the oral argument stage. Before cases ever reach this stage, Court staff must screen potential cases, document and research issues, compile typewritten trial records which include court papers filed in the case and the printed arguments (briefs) of the attorneys. Only then is the case scheduled for oral argument.

At a private conference held after the oral argument, the justices reach their preliminary decision and assign one justice to write the Court's opinion. Writing an opinion is a complex process, often involving months of additional research and discussion. If the Court's decision on a case is not unanimous, other justices may write either a dissenting opinion or a concurring opinion. The Court's decision, when published, becomes a legal precedent to serve as a guide to lawyers and judges in future cases.

Deciding cases is only one of the Court's functions. The Court is also responsible for administering the state's entire judicial system. The Court establishes the rules of operation for all other courts in the state – district, municipal, superior, and appellate – and governs the admission, practice, and conduct of attorneys and judges. More than 200 courts with 2,500 judicial and court personnel comprise the Washington State Court System.

The ultimate responsibility for the administration of Washington State's judicial system resides with the Chief Justice, who is selected by the Court every four years. The Chief Justice presides at all Supreme Court sessions, administers the judicial branch of state government, chairs the state judicial conference, and represents the Court and the judicial system in public appearances. Because much of the administrative decision making is collegial, it is necessary for the Chief Justice to establish and coordinate numerous activities and committees.

The mandate of the Supreme Court is to provide for the prompt and orderly administration of justice in the state and to rule on issues properly brought before it. To accomplish this, the Court decides cases, publishes opinions, adopts rules of procedure, and provides continuing guidance for the judiciary and the bar.

Primary Functions Performed and Clients Served

In its role as the state's highest court, the Supreme Court performs these three major functions:

- Hearing cases.
- Interpreting and applying the law.
- Writing opinions setting forth its interpretation and application of the law.

In its role as the administrative body for the state's judicial system, the Supreme Court performs these two additional functions:

- Providing leadership for Washington's judicial system.
- Promulgating rules governing Washington's judicial system.

The citizenry of the state of Washington are served by the Supreme Court.

2013-15 Current Biennium Total

CL AH Carry Forward Level	60.9	14,089	14,089
Total Carry Forward Level	60.9	14,089	14,089
Percent Change from Current Biennium			
M1 90 Maintenance Level Revenue			
Carry Forward plus Workload Changes	60.9	14,089	14,089
Percent Change from Current Biennium			
M2 AA Reinstatement of Merit Increments		128	128
M2 AB Step Increase (M)		72	72
M2 AC Court Operations		100	100
Total Maintenance Level	60.9	14,389	14,389
Percent Change from Current Biennium			
PL A1 Employee Salary Adjustment			
PL A2 Security for the Supreme Court			
Subtotal - Performance Level Changes	0.0		
2015-17 Total Proposed Budget	60.9	14,389	14,389
Percent Change from Current Biennium			

M2 AA Reinstatement of Merit Increments

The Supreme Court requests funding to reinstate salary step increases for eligible employees. Staff salaries were frozen four years ago as part of the austerity measures necessitated by severe budget reductions. Employees did not advance to the next salary step within their salary ranges, as is customary for state employees.

M2 AB Step Increase (M)

Funding is requested to implement the additional step increase approved by the legislature. Because of the magnitude of the budget cuts sustained by the Supreme Court in recent years, there is no additional money for the increase to Step M.

M2 AC Court Operations

Funding is requested to more fully support the constitutionally mandated operations of the Washington Supreme Court. Having sustained reductions totaling 17% of its operating budget since 2009, it is increasingly difficult for the Court to carry out its mission.

PL A1 Employee Salary Adjustment

Funding is requested to bring selected Supreme Court staff salaries to the appropriate level as determined by a salary survey.

PL A2 Security for the Supreme Court

Funding is requested to provide a security detail for the Temple of Justice on the Washington State Capitol Campus.

State of Washington
Decision Package Revenue Detail

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Budget Period: 2015-17
Agency: 045 Supreme Court
Version: B1 15-17 Budget Request
Package Program:
Budget Level: M1
Decision Package Code: 90
Decision Package Title: Maintenance Level Revenue

Last Updated: Oct 23 2014 10:26AM

Fiscal Year: 2016

Fund-Source

	Agency Level	Total
001-0525 Filing Fees - Priv/L	50,400	50,400
Total	50,400	50,400

Fiscal Year: 2017

Fund-Source

	Agency Level	Total
001-0525 Filing Fees - Priv/L	50,400	50,400
Total	50,400	50,400

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Supreme Court

Decision Package Title Reinstatement of Merit Increments

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

The Supreme Court requests funding to reinstate salary step increases for eligible employees. Staff salaries were frozen four years ago as part of the austerity measures necessitated by severe budget reductions. Employees did not advance to the next salary step within their salary ranges, as is customary for state employees.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 64,000	\$ 64,000	\$ 128,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

In order to achieve reductions totaling 17% of its budget, the Supreme Court was forced to eliminate salary step increases for current employees.

There are approximately 55 employees at the Supreme Court, including the commissioner, staff attorneys, security officer, judicial assistants, and court clerk. Those employees who are at the top of their salary ranges are not eligible for further step increases. This request seeks to provide step increases for those employees who are not yet at the top of their salary ranges

and who are eligible for step increases, but who did not receive increases due to the budget reductions implemented by the Supreme Court.

Allowing each of these eligible employees to receive a step increase on the next Periodic Increment Date (PID) would begin the process of bringing them to the salary they should be receiving based on their tenure in the job class. Restoring step increases would assist in the retention of these skilled employees.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Supreme Court staff salaries were frozen the past four years to enable the Court to operate on a severely reduced budget. The affected employees have continued to carry out their duties despite the fact that they did not receive step increases as they were earned. Restoring the Court's ability to provide step increases to eligible employees will ensure that court personnel are effectively supported.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Although increases have been frozen for some time, Supreme Court staff cannot be expected to serve indefinitely without receiving the merit increments they have earned.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

It will be difficult to recruit and retain qualified employees if merit increments cannot be provided.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 64,000	\$ 64,000	\$ 128,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 64,000	\$ 64,000	\$ 128,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Supreme Court

Decision Package Title Step Increase as Authorized by the Legislature

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to implement the additional step increase approved by the legislature. Because of the magnitude of the budget cuts sustained by the Supreme Court in recent years, there is no additional money for the increase to Step M.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 36,000	\$ 36,000	\$ 72,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Since 2009, the Supreme Court has sustained a 17% reduction to its operating budget. In order to achieve those reductions the Supreme Court made significant reductions in programs and operating expenditures. During the 2011-2013 biennium, step increases were halted due to lack of funding.

Now that an additional step has been added to the salary schedule, funding is requested to enable eligible employees to move to Step M.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Many long-term employees of the Supreme Court are eligible for the increase to Step M as provided by the legislature. The Supreme Court wishes to provide this increase earned by its employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Implementation of this increase has been delayed due to lack of funding.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The costs are ongoing.

Effects of non-funding

Recruitment and retention will continue to be challenging as other state agencies continue to provide both ordinary salary increments as well as the additional increment (step M) for their employees.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 36,000	\$ 36,000	\$ 72,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 36,000	\$ 36,000	\$ 72,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Supreme Court

Decision Package Title Court Operations

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to more fully support the constitutionally mandated operations of the Washington Supreme Court. Having sustained reductions totaling 17% of its operating budget since 2009, it is increasingly difficult for the Court to carry out its mission.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 50,000	\$ 50,000	\$ 100,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Since 2009, the Washington Supreme Court (Supreme Court) has sustained substantial reductions to its operating budget. In order to achieve reductions totaling 17% of its operating budget, the Supreme Court was forced to freeze staff salaries, reduce department head salaries, eliminate costs resulting from holding court in areas other than Olympia, virtually eliminate funding for Access to Justice programs, and reduce other operating expenditures by as much as 50%.

Over 86% of the non-staff budget is redistributed to central service agencies. These services and the associated costs are established by the central service agencies, and as such are beyond the control of the Supreme Court. They cannot be managed in a manner that would allow for service reductions leading to cost reductions. The remaining 14% of the non-staff budget is dedicated to ensuring that the Supreme Court

can operate. This category includes the costs of telephones, document reproduction, postage and other business necessities.

As noted above, the Supreme Court has implemented budget austerity initiatives to enable it to function within the confines of its legislative appropriations. It is increasingly difficult for the Supreme Court to focus on and carry out its core mission under the present constraints. As an example, normal operating supply purchases have been cancelled due to increased Attorney General litigation costs.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The Supreme Court must have adequate base funding in order to carry out its constitutional mandate. Additional funding will enable the Court to operate effectively and efficiently.

Measure Detail

Impact on clients and service

The Supreme Court budget has been reduced to a level that impedes its ability to effectively operate. Almost all of the Court's non-staff funding is dedicated to non-controllable costs such as rent, Attorney General services, statewide information technology service costs, and other non-discretionary costs.

Impact on other state services

None.

Relationship to Capital Budget

None.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None.

Alternatives explored

The Supreme Court has implemented a number of cost reduction initiatives (see above). However the budget has been reduced to a point that does not allow for efficient and effective operation.

Distinction between one-time and ongoing costs and budget impacts in future biennia

This request is ongoing in nature.

Effects of non-funding

If additional funding is not provided, certain costs will not be paid.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 50,000	\$ 50,000	\$ 100,000
Total Objects	\$ 50,000	\$ 50,000	\$ 100,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Supreme Court

Decision Package Title Employee Salary Adjustment

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to bring selected Supreme Court staff salaries to the appropriate level as determined by a salary survey.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ TBD	\$ TBD	\$ TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Budget reductions sustained by the Supreme Court have made staff salary increases impossible over the past several years. Staff salaries have not been compared to those of public and private employees in parallel positions for more than six years and staff have not received a cost of living increase since September 2007.

A compensation survey will be carried out to compare judicial staff salaries with salaries of comparable public and private sector positions. Funding is requested to bring selected salaries to an appropriate level as determined by the survey.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

The Washington Supreme Court is staffed by a skilled workforce. Many of the employees are now paid at a rate below salaries paid in equivalent positions elsewhere. The Supreme Court requests funding to bring selected salaries to an appropriate level, supporting valued staff and improving the ability of the Court to recruit and retain skilled employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Staff salaries have been frozen for several years.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These costs are ongoing in nature.

Effects of non-funding

Further delaying salary increases will make recruitment and retention of qualified staff more difficult.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ TBD	\$ TBD	\$ TBD
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 0	\$ 0	\$ 0

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Supreme Court

Decision Package Title Security for the Supreme Court

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to provide a security detail for the Temple of Justice on the Washington State Capitol Campus.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 State General Fund	TBD	TBD	TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Although the Washington State Patrol provides security for the Legislative Building and the Capitol Campus, there has been no dedicated security presence in the Temple of Justice.

Housed in the Temple of Justice are the nine elected Supreme Court justices, the Clerk and Commissioner of the Supreme Court, the Reporter of Decisions, the Law Library and approximately 60 staff. Because tourists and visitors are invited to observe court proceedings and tour the facility, the public, justices and court staff are frequently exposed and vulnerable.

Funding is requested for a State Patrol presence to protect the public, justices, Supreme Court staff, Law Library staff and those conducting business and visiting the Temple of Justice. Washington State Patrol personnel on site would have the ability to anticipate

and deter threats and to act quickly when assistance is needed. In addition to providing surveillance and protection during court proceedings, trained law enforcement personnel would ensure a rapid and safe response in an emergency situation or natural disaster.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

A State Patrol presence would provide security not only for the elected judicial officers but for staff, attorneys, and visitors to the Temple of Justice.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

The Supreme Court is also working with the Department of Enterprise Services to implement security features recommended by DES and the U.S. Marshal’s Service.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs are ongoing.

Effects of non-funding

Continuing to leave the state’s highest court unprotected could have disastrous results.

Expenditure calculations and assumptions and FTE assumptions

The request is a placeholder. More information will be provided at a later date.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	TBD	TBD	TBD
Total Objects	TBD	TBD	TBD

ADMINISTRATIVE OFFICE OF THE COURTS

INTRODUCTION

The mission of the Washington State Administrative Office of the Courts is to advance the efficient and effective operation of the Washington State Judiciary.

The Washington State Administrative Office of the Courts (AOC), operating under the direction of the Supreme Court, executes administrative policies and rules as applicable to the Washington judicial system, examines the operations of the court system, and makes recommendations for improvement. This court system includes the Supreme Court, Court of Appeals, superior courts (including juvenile departments), and the courts of limited jurisdiction (district and municipal courts).

The AOC operates within a framework atypical of other state agencies in Washington. In addition to Supreme Court review and approval, proposed services and systems to be developed by the AOC are reviewed by one or more of four policy boards: the Board for Judicial Administration (BJA), the Board for Court Education (BCE), the Court Management Council (CMC), and the Judicial Information System Committee (JISC). These committees and boards are the means by which the Washington court community builds consensus to guide the AOC's efforts.

The AOC functions in a unique and complex environment, necessitated by the agency's responsibility to remain responsive to changes mandated by the judicial, legislative, and executive branches of state government.

On behalf of the Supreme Court and the courts of the state of Washington, the AOC has prepared the following biennial budget request. The content and format of this budget request were developed to reflect the business environment within which Washington State courts and the AOC operate.

The AOC continues to focus its efforts and resources on two primary goals. The first goal is to improve the efficiency of court operations; the second goal is to improve the effectiveness of court operations.

The AOC intends to measure progress toward the attainment of these goals by:

- Increasing the number of interagency and intergovernmental electronic data exchange systems.
- Providing the information technology infrastructure that will allow users to file case information electronically.
- Improving the quality and availability of interpreting services and to reduce interpreter costs at the local level.

- Developing a strategic approach to improving court operations consistent with Unified Family Court principles.
- Providing policy level coordination and quality assurance to probation and detention programs.

Primary Functions Performed and Clients Served

The Administrative Office of the Courts was established by the Washington State Legislature in 1957 and operates under the direction and supervision of the Chief Justice of the Supreme Court, pursuant to Chapter 2.56 RCW.

The AOC is organized into the four functional areas described below.

ADMINISTRATION provides overall management of the AOC based on direction and guidance from the Supreme Court. Administration is engaged in the following functions and areas of support:

- Overall management of AOC operations.
- Representation of the judicial branch in matters involving the legislative and executive branches of state, federal, and local government.
- Coordination of the annual judicial conference.
- Active membership on state and national judicial policy boards and committees.
- Recruitment, employee training, and advisory services.

The **INFORMATION SYSTEMS DIVISION** supports court access to and use of automated information processing systems. Over 16,000 users access data on the Judicial Information System (JIS). Information from more than three-quarters of the cases filed in Washington State is recorded on the JIS. Major functions and support areas include:

- Maintenance of a statewide JIS person database.
- Development of new automated applications.
- Acquisition and maintenance of hardware and software necessary to support court applications.
- Support for, and improvement of, existing automated court applications.
- Consultation and training on the use of new and existing applications.
- Establishment of hardware and software standards.

The **JUDICIAL SERVICES DIVISION** provides comprehensive professional and technical support to the state's more than 200 courts and approximately 2,500 judicial officers and court staff. Major functions and support areas include:

- Court management analysis and technical assistance.
- Staff support to numerous boards, commissions, and committees.
- Liaisons to judicial and court management groups.
- Judicial education and training.
- Law-related education/information for schools and the public.
- Publication of court rules, procedures manuals, and bench book guides.

- Research and court management information reporting.

The **MANAGEMENT SERVICES DIVISION** provides services to employees of the Supreme Court, Court of Appeals, Law Library, and the AOC. Major functions and support areas include:

- Development and monitoring of biennial and supplemental budgets.
- Accounting of all expenditures.
- Processing of employee payroll and vendor payments.
- Securing competitive procurements, and amendments.
- Purchasing.
- Ensuring facility, safety, security, and maintenance.
- Contract Management.

In addition to these four primary areas of function, the AOC Courts provides coordination, support, and oversight of the funding for a variety of special programs including the Board for Court Education, the Gender and Justice Commission, and the Minority and Justice Commission.

Clients

The primary clients of the AOC are Washington's citizenry, its judicial officers and courts, and the court managers and employees associated with those courts. The AOC also provides services to a rapidly-widening circle of local and state agencies that are closely tied to the criminal and social problems currently being addressed by the courts. In addition, the AOC provides the JIS Link, a highly popular information service offering access (on a cost-recovery basis) to certain public record court case data contained in the Judicial Information System databases.

2013-15 Current Biennium Total

CL AQ Carry Forward Level	389.0	107,015	37,080	144,095
Total Carry Forward Level	389.0	107,015	37,080	144,095
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
Carry Forward plus Workload Changes	389.0	107,015	37,080	144,095
Percent Change from Current Biennium				
M2 AA JIS Maintenance Costs			1,159	1,159
M2 AB BOXI v4 Upgrade			773	773
M2 AC Mason County Superior Court Judge	1.0	236		236
M2 AD Technical Adjustment Technology		278		278
Total Maintenance Level	390.0	107,529	39,012	146,541
Percent Change from Current Biennium				
PL A1 Trial Court Language Access	0.5	5,070		5,070
PL A2 Employee Salary Adjustment				
PL A3 FJCIP Expansion		428		428
PL A4 JDAI Staff	2.0	302		302
PL A5 SC-CMS	24.5		12,598	12,598
PL A6 CLJ-CMS	11.0		4,429	4,429
PL A7 CLJ COTS Prep			1,297	1,297
PL A8 INH CLJ			1,440	1,440
PL A9 External Equipment Replacement			1,849	1,849
PL B1 Internal Equipment Replacement			516	516
PL B2 AC-CMS			313	313
Subtotal - Performance Level Changes	38.0	5,800	22,442	28,242
2015-17 Total Proposed Budget	428.0	113,329	61,454	174,783
Percent Change from Current Biennium				

M2 AA JIS Maintenance Costs

Funding is requested for ongoing costs of software and hardware maintenance for the Judicial Information System (JIS). Costs have increased substantially and the Administrative Office of the Courts (AOC) has not received full funding for software support.

M2 AB BOXI v4 Upgrade

Funding is requested to ensure continued support for Business Objects, a valuable business intelligence tool. This query tool is used to access data in the Enterprise Data Warehouse, the central judicial data repository, for reporting purposes and for the fulfillment of data dissemination requests. This tool is used by courts as well as by the Administrative Office of the Courts (AOC).

M2 AC Mason County Superior Court Judge

Funding is requested for a new superior court judge in Mason County as approved by the legislature.

M2 AD Technical Adjustment Technology

Funding is requested to correct errors in the computations used to implement information technology savings.

PL A1 Trial Court Language Access

Funding is requested to extend a grant program to improve the quality and availability of interpreting services and to reduce interpreter costs at the local level. In addition, funding is requested to offset costs associated with on-demand telephonic interpretation to ensure that limited English proficiency is not a barrier to full participation in court services. The total increase reflects state resources to fund interpreter services in all criminal and civil cases at all levels of trial courts. This funding increase would achieve 100% funding over three biennia.

PL A2 Employee Salary Adjustment

Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.

PL A3 FJCIP Expansion

Funding is requested for expansion of the Family and Juvenile Court Improvement Program (FJCIP). This program, developed as a strategic approach to improving court operations consistent with Unified Family Court principles, is supported by a legislator who has requested an expansion plan for the FJCIP. The budget package includes funds to expand FJCIP into additional superior courts to promote best practices in family and juvenile court operations as requested by the legislator.

PL A4 JDAI Staff

Funding is requested for intervention programs and detention alternative initiative services to maximize juvenile court services and operations. Probation and detention programs require policy level coordination and quality assurance. The requested positions are 1 FTE for a data analyst and quality assurance specialist and 1 FTE for JDAI statewide coordinator.

The request is made on behalf of the Washington Association of Juvenile Court Administrators, the Juvenile Detention Alternatives Initiative Statewide Steering Committee, and the Washington State Center for Court Research.

PL A5 SC-CMS

Funding is requested to continue implementation of the new commercial off-the-shelf (COTS) case management system for the superior courts. This funding will be used to complete Phase 2 (Solution Design & Development), Phase 3 (Pilot Court Deployment), Phase 4 (Early Adopter Deployment), and to begin Phase 5 (Statewide Rollout) of the project.

PL A6 CLJ-CMS

Funding is requested for development and implementation of the new case management system for courts of limited jurisdiction (CLJ). This project will replace the outdated AOC system (DISCIS) currently in use by the courts.

PL A7 CLJ COTS Prep

Funding is requested to prepare relevant systems for launch of the case management system for courts of limited jurisdiction (CLJ-CMS). This request is similar to the request for funding to prepare for the superior court case management system (SC-CMS) when the funding for that project was initially requested.

PL A8 INH CLJ

Funding is requested for the expansion, development and implementation of the information networking hub (INH) to support the proposed case management system for the courts of limited jurisdiction (CLJ-CMS). INH provide a comprehensive set of data exchanges that are bi-directional and in real time to meet the data sharing needs of the courts.

PL A9 External Equipment Replacement

Funding is requested to replace aged computer equipment at the Washington courts, as well as to provide information technology for judicial officers and court and clerks' office staff, thus ensuring equitable access to the Judicial Information System (JIS).

PL B1 Internal Equipment Replacement

Funding is requested to replace end-of-life equipment and to improve performance of heavily used JIS services.

PL B2 AC-CMS

Funding is requested to continue implementation of the new commercial off-the-shelf (COTS) case management system for the Appellate Courts Content Management System. Because of timing of implementation and payments, AOC has requested \$313,000 be reduced from the 13-15 budget and moved to 15-17.

Decision Package Revenue Detail

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Budget Period: 2015-17
Agency: 055 Admin Office of the Courts
Version: B1 15-17 Budget Request
Package Program:
Budget Level: M1
Decision Package Code: 90
Decision Package Title: Maintenance Level Revenue

Last Updated: Oct 23 2014 9:32AM

Fiscal Year: 2016

Fund-Source

	Agency Level	Total
001-0405 Fines, Forfeits	83,060,000	83,060,000
11K-0405 Fines, Forfeits	7,300,000	7,300,000
12T-0405 Fines, Forfeits	1,300,000	1,300,000
16A-0425 Filing/Legal Svcs	6,000,000	6,000,000
543-0299 Other Licenses Permi	16,500,000	16,500,000
543-0440 Indirect Cost Reimb	3,000,000	3,000,000
Total	117,160,000	117,160,000

Fiscal Year: 2017

Fund-Source

	Agency Level	Total
001-0405 Fines, Forfeits	84,755,000	84,755,000
11K-0405 Fines, Forfeits	7,300,000	7,300,000
12T-0405 Fines, Forfeits	1,300,000	1,300,000
16A-0425 Filing/Legal Svcs	6,000,000	6,000,000
543-0299 Other Licenses Permi	16,500,000	16,500,000
543-0440 Indirect Cost Reimb	3,000,000	3,000,000
Total	118,855,000	118,855,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency	Administrative Office of the Courts
Decision Package Title	JIS Software and Hardware Maintenance Costs
Budget Period	2015-2017 Biennial Budget
Budget Level	Maintenance Level

Agency Recommendation Summary Text

Funding is requested for ongoing costs of software and hardware maintenance for the Judicial Information System (JIS). Costs have increased substantially and the Administrative Office of the Courts (AOC) has not received full funding for software support.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 487,000	\$ 672,000	\$ 1,159,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Over the last two biennia, additional products have been added to the JIS software portfolio. These products must be supported through annual maintenance.

1. Computer Associates Clarity is a project management tool for JIS projects. New maintenance cost is \$61,000 per fiscal year.
2. DataStudio PureQuery is a high-performance data access platform that makes it easier to monitor, develop, optimize, secure, and manage data access to JIS data. New maintenance cost is \$11,000 per fiscal year.

3. Data Studio Developer provides a complete development and testing environment for building database objects, queries, database logic, and pureQuery applications. New maintenance cost is \$27,000 per fiscal year.
4. Rational Functional Tester Plus is a functional and regression testing solution bundle to test a variety of software applications including Java Web, .NET, and thick client technology-based applications. Total maintenance cost for Rational Suite is \$131,389 per fiscal year.

Hardware equipment purchased in prior years with multiple years of annual maintenance built into the purchase, now requires additional support.

A 5% to 15% increase per year in maintenance costs for both software and hardware maintenance is anticipated.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objective identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The mission of the Administrative Office of the Courts is to support the courts in the fair and effective administration of justice. This is done in part by providing centralized administration, fiscal services, and support for technology for Washington State courts and judicial branch agencies. Managing technology to ensure that information systems are current and data is both secure and available is a key component in the administration of justice.

Measure Detail

Impact on clients and service

The AOC cannot provide effective support for the judicial branch without modern infrastructure.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Not Applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

The costs are ongoing as the demand for more software increases.

Effects of non-funding

Without maintenance, AOC will be required to remove some of the software currently used in the Judicial Branch.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 487,000	\$ 672,000	\$ 1,159,000
Total Objects	\$ 487,000	\$ 672,000	\$ 1,159,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Business Objects (BOXI) v4 Upgrade

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to ensure continued support for Business Objects, a valuable business intelligence tool. This query tool is used to access data in the Enterprise Data Warehouse, the central judicial data repository, for reporting purposes and for the fulfillment of data dissemination requests. This tool is used by courts as well as by the Administrative Office of the Courts (AOC).

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems	\$ 723,000	\$ 50,000	\$ 773,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Funding is requested to ensure continued support for Business Objects, a valuable query tool used to access data in the Enterprise Data Warehouse (the central judicial data repository). This tool is used by courts as well as by the Administrative Office of the Courts (AOC) for reporting purposes and to fulfill data dissemination requests.

In order to maintain and support the use of the court's query tool, implementation of an upgrade to Business Object version 4 is necessary. Support for the existing version 3.1 will end in December 2015.

This request covers both the increased software fee and the cost of a vendor to support installation of the upgrade with implementation and training.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

All court levels need support for the technology which allows them to respond to decision makers quickly and effectively. Providing valuable tools that are state-of-the-art will maintain business continuity.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Business Objects, the business intelligence tool, makes more of the courts' data accessible for extraction, filtering, and reporting. Providing the ability for customers to view Judicial Information System (JIS) information through a user-friendly interface enhances the ability to evaluate, manage, and respond in a timely manner.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Properly functioning technology solutions allow courts to focus on implementing more efficient workflows, thereby reducing the time court users are in court or navigating the judicial system.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Implementing new and current versions of software eases the need for increasing resources for support of older versions. Managing technology solutions that are outdated and no longer follow industry drivers is not efficient. Keeping both the hardware and software infrastructure in a deprecated status in order to support the software introduces risk.

Measure Detail

Impact on clients and service

Improved features will be available for court customers to enhance their reporting capabilities and information delivery. Robust administrator-level functionality improves the security framework and audit traceability.

Impact on other state services

Judicial partners will benefit from more timely and accurate delivery of judicial information.

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

No other alternatives were reviewed. The negative impact to customers to learn a new tool poses too great a risk.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The license model for future Business Object platforms has been modified to a per seat basis by SAP. Once implemented, yearly maintenance will continue as an ongoing cost.

Effects of non-funding

The software will be unsupported and eventually will be difficult to administer with no resources available to troubleshoot in case of a critical stoppage. If courts are unable to effectively access their data for decision support, this could negatively impact court operations.

Expenditure calculations and assumptions and FTE assumptions

The costs for Business Objects Enterprise is \$414,000 with an additional \$45,000 required for Network/Server capacity and performance. \$264,000 is requested for implementation, consulting and training. Ongoing maintenance is \$50,000 per year for a total request of \$773,000.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 723,000	\$ 50,000	\$ 773,000
Total Objects	\$ 723,000	\$ 50,000	\$ 773,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Mason County Superior Court Judge

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested for a new superior court judge in Mason County as approved by the legislature.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 118,000	\$ 118,000	\$ 236,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	1	1	1

Package Description

The Washington State Legislature recognized the need for an additional judge in the Mason County Superior Court and approved the position in the 2014 legislative session. However, funding was not provided at that time. This request is for funding for salaries and benefits to support the approved third superior court judge position for Mason County.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objective identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

The legislature has determined that an additional judge is needed in Mason County; therefore, funding is requested for the support of that position. The Administrative Office of the Courts pays 50% of the salary and 100% of the benefits for all superior court judges in the State of Washington.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Alternatives explored

Not Applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

The position is permanent and funding will be ongoing.

Effects of non-funding

The Administrative Office of the Courts would not have sufficient funding for the salary and benefits to support a third judge for Mason County Superior Court.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 118,000	\$ 118,000	\$ 236,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 118,000	\$ 118,000	\$ 236,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Technical Adjustment for Technology Savings

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to correct errors in the computations used to implement information technology savings.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$139,000	\$139,000	\$278,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)			

Package Description

Funding is requested to correct errors in the computations used to implement information technology savings. The primary error was the assumption that the state general fund was the source of information technology (IT) expenditures. In fact, there were no state general fund IT expenditures. A secondary error that can be found throughout the computational documents appears to be an indiscriminate exclusion of reductions assigned to non-state general fund accounts. A number of non-state general fund accounts were randomly excluded from the reduction exercise including funds 081, 104 and 173 (sample of the non-state general fund accounts excluded). Further, 100% of the expenditures, regardless of fund source, for the Department of Transportation were excluded from the exercise. Also, it appears that AOC was penalized for following instructions regarding X and Y expenditure coding, many agencies chose not to code expenditures as instructed.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

Reductions to services provided to the trial courts such as delayed assistance with statewide court case management system questions and corrections.

Impact on other state services

None

Relationship to Capital Budget

None

Alternatives explored

Not Applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

Correction of the error will be ongoing.

Effects of non-funding

Service reductions will continue.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 139,000	\$ 139,000	\$278,000
Total Objects	\$ 139,000	\$ 139,000	\$278,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Trial Court Funding for Language Access
Criminal and Civil

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to extend a grant program to improve the quality and availability of interpreting services and to reduce interpreter costs at the local level. In addition, funding is requested to offset costs associated with on-demand telephonic interpretation to ensure that limited English proficiency is not a barrier to full participation in court services. The total increase reflects state resources to fund interpreter services in all criminal and civil cases at all levels of trial courts. This funding increase would achieve 100% funding over three biennia.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 1,146,000	\$ 3,924,000	\$ 5,070,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	.5	.5	.5

Package Description

Introduction

The administration of justice requires clear communication in the courtroom. Using properly credentialed interpreters is imperative in cases involving people who have hearing loss and need sign language interpreters or those who have limited English proficiency as a result of national origin.

State and federal laws require Washington courts to provide meaningful access to court

proceedings and court services for persons who have functional hearing loss or have limited English proficiency. Failure to provide clear, concise interpretation services denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies, additional costs caused by court hearing delays and continuances, and potentially incorrect judicial orders and verdicts.

According to the U.S. Census the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington increased by 50.1% between 2000 and 2010 from 279,497 to 419,576. In addition to that population, the number of persons with hearing loss needing court interpreting services has grown, as evidenced by the increasing expense local jurisdictions have faced for sign language interpreting costs. This growth of demand within Washington has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

Legal Obligations

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires courts to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel.

RCW 2.43.030 compels courts to "... use the services of only those language interpreters who have been certified by the Administrative Office of the Courts..." when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs courts to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires courts to pay all interpreting costs in civil matters for LEP persons who are indigent.

Courts that are direct or indirect recipients of federal funding are obligated to meet higher standards of ensuring language access to the LEP public. These courts are required to take reasonable steps to meet standards established by Title VI of the 1964 Civil Rights Act and the Omnibus Crime Control and Safe Streets Act, which taken together, have more expansive access requirements for ensuring language access. Under the DOJ standards for compliance with those statutes, state courts receiving federal financial assistance cannot allocate or otherwise charge the costs of interpreter services to the parties involved in the court proceeding, including civil cases, or make any type of indigent determinations that assess the ability of a party to contribute to the costs. Furthermore, to be consistent with DOJ language access requirements, courts must provide meaningful access to all court programs and activities, including court functions provided outside of the courtroom.

Meaningful access to all court programs and activities, both inside and outside the courtroom, is also required by the U.S. Department of Justice for indirect and direct recipients of federal funding. Non-compliance with federal standards may result in the withdrawal of federal funding. As stated by Thomas E. Perez, Assistant Attorney General, in an August 26, 2010 letter addressed to all chief justices and state court administrators:

"Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well... Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access

for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom."

Currently, courts regularly provide interpreting during legal proceedings, and in some instances the interpreters are available to interpret for litigants outside of the courtroom when interacting with staff. In rare situations, courts may have bilingual staff able to provide direct services in a language other than English. In most situations, however, customers call or come to court on an unscheduled basis, and the court has no advance warning when interpreting is needed for LEP persons. In these cases, courts frequently ask the LEP persons to return with friends or family members to act as interpreters. Since these family members are untrained and untested, it is questionable how accurately they understand and interpret the information, and whether their personal biases infuse the communication. Similarly, given the sensitive nature of why many people access the courts, persons (e.g. domestic violence victims) may face scrutiny or shame in asking acquaintances to serve as their interpreters.

The inability of many local courts to fully fund interpreter services creates a non-compliance atmosphere across the state that may result in the withdrawal of federal funds by the U.S. Department of Justice.

History of State Funding

The 2007 Legislature recognized the increased financial demand faced by local courts to ensure language access for Deaf and LEP communities, and allocated \$1.9 million to the Administrative Office of the Courts (AOC) for purposes of passing that funding to local courts to support language access costs and onetime funding for the development of limited English proficiency plans. This money was designed to be used in assisting courts develop and implement Language Access Plans, as well as offset 50% of interpreter expenses for qualifying courts. The AOC developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve compliance with state and federal requirements.

After nearly seven years of implementation, state funds transformed court interpreter services for those counties. Because reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates, the Washington courts and communities have received higher quality interpreting services. Participating courts submit data on their interpreter usage to the AOC, which helps identify language needs, actual costs, and geographic trends. The 50% cost-sharing requirement has encouraged participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

Funding Levels

In 2007 the Washington Judiciary asked the Legislature to provide 50% reimbursement for the cost of court interpreters statewide. In response the Legislature appropriated \$1.9 million biannually in pass-through money to the courts. This money was designed to be used in assisting courts develop and implement Language Access Plans (LAPs) as a condition of receiving funding, as well as offset 50% of interpreter expenses for those courts with LAPs. Due to the extraordinary fiscal environment in 2009 and 2011, the onetime LAP funding was eliminated, and the reimbursement funds dropped to \$1,221,004 biannually. This represented a decrease of 21% in reimbursement funding for participating local trial courts that met the reimbursement requirements. The funding is only sufficient for fifty-two superior, district and municipal courts representing ten counties. While the program has continued in light of those

cuts, the funding only lasts approximately seven months per fiscal year. Funding is clearly insufficient to expand into additional trial courts necessary to maintain compliance with federal statutes and regulations as well as meet current local funding requirements under the current allocation scheme.

Funding for telephonic interpreting services has never been provided to courts. This request is to obtain state funding to offset 50% of the local cost for contracted telephonic interpreting services for non-courtroom interactions. The State of Washington administers contracts with national telephonic interpreting companies, and all trial courts are eligible to obtain services at these rates. Participant courts will enter into contracts with the Administrative Office of the Courts for reimbursement of telephonic interpreting costs for court interactions outside of courtroom proceedings. Courts will submit appropriate invoices to the AOC Court Interpreter Program detailing their telephonic interpreting usage, and qualifying expenses will be reimbursed at 50%. Data will be submitted electronically, so that the AOC can track statewide trends for telephonic interpreting based on court location and language.

Narrative Justification and Impact Statement

This package contribute to the Judicial Branch Principle Policy Objectives identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Judicial officers cannot effectively preside over proceedings involving Deaf or limited English proficient (LEP) parties, witnesses or participants without being able to accurately communicate with them. Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for individuals with hearing loss that need sign language interpretation and for LEP individuals without quality interpretation services. Full access to court services and effective management of court cases require communication between litigants and court staff outside of the courtroom.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Court proceedings and court services are not accessible to Deaf persons or LEP persons who are not provided with meaningful access using interpreting services. In addition, those individuals who interact with court staff for civil and criminal matters, such as child support matters, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, are often unable to fully understand what is required due to inability of many courts to afford using quality interpreting services at those court services access points.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Efficient and effective court interpreter management requires implementation of practices and policies which save money, yet ensure high quality language access. Courts involved with the state reimbursement program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaborating with neighboring courts.

On-demand telephonic interpreting services will assist court staff in more effectively serving the LEP public, and processing their cases. Interpretation from objective language experts will avoid confusion or misunderstandings, and ensure that parties are informed of their rights and responsibilities.

Measure Detail

Impact on clients and service

With the availability of State funding, nearly all local and county courts will be able to provide court interpreting services and will more easily be able to afford the higher costs associated with credentialed court interpreters, especially if the market cost for those services are extraordinary due to language resource scarcity or location.

Access to higher quality interpreters will improve the accuracy of communication in the courtroom and for other court services. It would also create a more seamless integration of access to court functions and court services outside the courtroom for those with language barriers.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

Changes are required to RCW 2.43.040 (2), (3) and (5).

Alternatives explored

There are no local funding alternatives that would not require state support to be in compliance with state judicial policy objectives and federal statutory requirements as regards language access obligations. With limited budgets, local courts must prioritize for which hearing types they will provide interpreters at court expense. Therefore, some courts continue to charge litigants for interpreter expenses in non-indigent civil matters as is allowed by RCW 2.43 language, which jeopardizes the state's federal funding compliance for court programs.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Court interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.

Effects of non-funding

Prior to program implementation, courts paid lower hourly rates for interpreting services. As a result of this program participant courts are paying higher hourly interpreter rates for credentialed interpreters in order to receive higher quality services. While those courts are spending less local money because of the State's contribution, the rates paid by those courts have greatly impacted courts not participating in the program because interpreters now expect all trial courts to pay the same higher rates. Courts not in receipt of state funding are forced to either pay the higher hourly rates in order to ensure interpreting services, or risk losing interpreters to the program participant courts who pay higher amounts. Most Washington trial courts have increased their interpreter fees without increased revenues, thereby reducing funds for other court services. As previously noted, the current funding level only lasts for a portion of the fiscal period for the majority of participating courts. When the funding is used up, those courts often resort to using non-credentialed interpreters that charge less, which defeats the judicial policy purpose of ensuring meaningful access through the use of quality services based on a quality threshold.

Courts will continue to provide interpreting services when possible, but prioritization of resources will remain focused on courtroom proceedings. The absence of structure for ensuring interpretation in non-courtroom services will run afoul of both state and federal requirements. Additionally, US DOJ and King County Superior Court have mutually agreed on ways to satisfy federal expectations to provide interpreters for non-indigent civil litigants and is likely that the agreement will serve as a baseline for compliance for other Washington courts in any future DOJ action. Full state funding will address the US DOJ mandate.

Expenditure calculations and assumptions and FTE assumptions

Interpreter Cost Data:

While the AOC has court interpreter data from a variety of courts, it does not have full data on actual court interpreter expenditures for all Superior, District and Municipal trial courts. To estimate costs, it is necessary to categorize court jurisdictions as urban county, rural county and rural county with a city, because typically courts must pay higher costs for interpreter services when interpreters do not live nearby. Most credentialed (certified or registered) court interpreters live in cities.

To calculate a measure of projected expenditures, the estimate includes a ratio of proceedings covered by current statute to those civil proceedings that would be added. According to 2011 case load data, approximately one-third more superior court proceedings would be added due to the removal of the indigency criteria. By applying that ratio to the total reported spending from case load data on criminal interpretation (\$4,905,417), it is possible to derive an estimate for spending on civil proceedings and to come up with a statewide estimate total for interpreter services ($\$4,905,417 \times 133\% = \$6,524,276$).

The state expenditure cost for one-half of the criminal and civil interpreter costs is \$3,262,138 per year.

As the survey figures represent 2010 cost and 2011 case load data, the most conservative approach to estimating the biennial expenditure for FY 2015-17 is to use the annual figure using superior court-based case load data. This amounts to at least \$6.524 million per biennium. The figure can be further refined in order to be more accurate due to the increase in interpreter rates and caseloads across the state since the 2011 survey.

Telephonic Interpreting cost data:

The average per minute cost with these companies is \$.90, and may vary based on the language. In the majority of requested languages, the companies will connect the requester with an interpreter upon demand.

Currently there are approximately 15,200 cases in Washington courts which have an interpreter assigned to them. It is estimated that each litigant for each case will have an average of nine encounters at non-courtroom related operations, such as calling the court with questions, setting up payment plans, completing forms or other paperwork, meeting with facilitators, etc. These conversations typically last 5 minutes, but when are interpreted, take at least twice the amount of time. The anticipated full annual cost for telephonic interpreting is \$1,231,200:

15,200 cases x 9 encounters x 10 minutes x \$.90/minute = \$1,231,200.

Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Funding for an additional .5 FTE is requested as a Range 62 (annual salary and benefits \$46,529) to serve as a project manager to coordinate funding distribution and oversee deliverables. The project manager will develop and monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, and provide technical support to participating courts. Expansion of the state grants to local court jurisdictions requires additional staff. The expectation is that it will take a few months to fully implement the programs, therefore, full funding will not be reached until fiscal year 2017.

The Washington State Interpreter Commission will determine the funding allocation between telephonic interpreting and cost reimbursement for civil proceedings

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 46,000	\$ 46,000	\$ 92,000
Non-Staff Costs	\$ 1,100,000	\$ 3,878,000	\$ 4,978,000
Total Objects	\$ 1,146,000	\$ 3,924,000	\$ 5,070,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Employee Salary Adjustment

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
01-1 General Fund State 543-1 Judicial Information Systems Account	\$ TBD	\$ TBD	\$ TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Budget reductions sustained by the Administrative Office of the Courts have made staff salary increases impossible over the past several years.

A compensation survey will be carried out to contrast judicial branch staff salaries with salaries of comparable public and private sector positions. Funding is requested to bring selected salaries to an appropriate level as determined by the survey.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

The Administrative Office of the Courts is staffed by a skilled workforce. Many of the employees are now paid at a rate below salaries paid in equivalent positions elsewhere. The Administrative Office of the Courts requests funding to bring selected salaries to an appropriate level, supporting valued staff and improving the ability of the AOC to recruit and retain skilled employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

None

Distinction between one-time and ongoing costs and budget impacts in future biennia

These costs are ongoing in nature.

Effects of non-funding

Further delaying salary increases will make recruitment and retention of qualified staff more difficult.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ TBD	\$ TBD	\$ TBD
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 0	\$ 0	\$ 0

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Family and Juvenile Court Improvement Plan Expansion

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested for expansion of the Family and Juvenile Court Improvement Program (FJCIP). This program, developed as a strategic approach to improving court operations consistent with Unified Family Court principles, is supported by a legislator who has requested an expansion plan for the FJCIP. The budget package includes funds to expand FJCIP into additional superior courts to promote best practices in family and juvenile court operations as requested by the legislator.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 146,000	\$ 282,000	\$ 428,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The Family and Juvenile Court Improvement Plan, RCW 2.56.030, coordinates courts' efforts on Superior/Family and Juvenile cases, to strategically implement principles of Unified Family Court (UFC) which were adopted as best practices by the Board for Judicial Administration in 2005. FJCIP funding and framework for superior courts exist in thirteen counties to implement enhancements to their family and juvenile court operations that are consistent with UFC principles, including longer judicial rotations. The FJCIP allows flexible implementation centered on core elements including stable leadership, education, and case management support. The statewide plan promotes a system of local improvements, but is limited to courts who were selected for FJCIP funding. The demonstrated successes in FJCIP courts is a result of appointing judicial leaders to create actionable plans to enhance court operations. The coordinators work

closely with the assigned chief judge to implement local court improvements associated with UFC best practices.

FJCIP is a product of a partnership between the judicial and legislative branches of government. The courts developed FJCIP as a strategic approach to improving court operations consistent with the legislature who provided funding. The budget package includes funds to expand FJCIP into additional superior courts to promote best practices in family and juvenile court operations as requested by the legislature.

FJCIP courts have initiated and sustained court operational improvements as a result of FJCIP which have demonstrated favorable outcomes. The program sustained a reduction in funding (19.3% or \$309,000 in 2009). As a result, funding for ancillary support such as education was eliminated, and all funding was dedicated to maintaining adequate staffing levels for FJCIP courts. That funding prioritization worked, and the programs continued to operate without significant interruption.

The legislature has requested an FJCIP expansion strategy to encourage local improvement consistent with UFC principles in additional jurisdictions. The existing pilots have demonstrated positive outcomes associated with cases managed by FJCIP (see attached report from Dependency Time Standard Report). FJCIP provides funding for system improvement in selected courts because state FJCIP funding pays for staff to coordinate and implement the identified improvement projects. FJCIP is not a program where best practices or strategies can be adopted in courts that do not have coordinator support. Therefore, expansion of FJCIP relies on additional state resources.

The conservative expansion plan is to fund up to four FTEs in the 2015-2017 budget. The division of the FTEs can either be assigned to between four courts and eight courts depending on if the workload justifies a full FTE or .5 FTE. The AOC team has used research, in particular the Annual Dependency Time Standard Report, to identify counties that have lower compliance with mandatory dependency deadlines, to prioritize funding for county expansion of FJCIP.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

Additional FJCIP contracts will need to be executed to accommodate the additional courts selected to receive state funding.

Alternatives explored

Not applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs will be ongoing.

Effects of non-funding

If this budget package is not funded, and assuming the program does not receive reductions, the thirteen FJCIP courts will continue to sustain improvements to court processes in the capacity they do now. There are basic court management or coordination efforts that can impact the quality of case processing that are consistent with UFC principles. These modifications have happened to a large extent by using court leadership and innovation that does not require additional funding. These enhancements will be maintained at their current level as long as salaries are adequate to keep staff with experience and expertise.

FJCIP provides a framework for the chief judge to exercise court leadership and direct modifications to court operations to improve services and support to the court, staff, and the public.

If existing FJCIP courts are under-funded and expansion of FJCIP is not realized, the result will be a continued political effort to propose legislation or to modify the constitution that would adjust the structure of superior court, or courts of general jurisdiction. Efforts are currently underway to make family and juvenile court a specific court type, administered and funded separate from superior court operations. This alternative has significant policy and funding implications for the state and local governments. The justification for this type of radical change is to improve case processing of family and juvenile cases, consistent with Unified Family Court principles which are also the foundation of FJCIP court plans. A better investment strategy for the state to accomplish improvement goals to family and juvenile court operations is to expand FJCIP funding rather than create a completely independent and more costly separation of case types that would require an entirely separate administration.

Effects of not funding FJCIP expansion is a more expensive alternative.

Expenditure calculations and assumptions and FTE assumptions

The funding requested will expand FJCIP by three coordinators, which adds between three and eight courts in 2015-2017. The AOC determines the appropriate level of case coordinator the court is eligible for (half or full) depending on the number of judges and case filings.

The amount requested is based on an equivalent state salary and benefit package for a range 62 (monthly top step in range \$93,059).

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 146,000	\$ 282,000	\$ 428,000
Total Objects	\$ 146,000	\$ 282,000	\$ 428,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Juvenile Court and Juvenile Detention Alternatives Initiative (JDAI) Staff

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested for intervention programs and detention alternative initiative services to maximize juvenile court services and operations. Probation and detention programs require policy level coordination and quality assurance. The requested positions are 1 FTE for a data analyst and quality assurance specialist and 1 FTE for JDAI statewide coordinator.

The request is made on behalf of the Washington Association of Juvenile Court Administrators, the Juvenile Detention Alternatives Initiative Statewide Steering Committee, and the Washington State Center for Court Research.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 110,000	\$ 192,000	\$ 302,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	2	2	2

Package Description

NEED

Data and Research Specialist (1 FTE)
 Since 2000, Washington State juvenile courts have entered data on risk and needs of juvenile offenders into an assessment database. All youth who receive intervention services through juvenile court undergo a risk and needs assessment (Washington State Juvenile Court Risk Assessment). The Risk Assessment software collects and populates the database through an

external vendor. The entire assessment process to manage juvenile offenders includes static risk assessment, dynamic needs assessment, case management strategies, case plans, assignment to evidence based interventions, and measurement of recidivism and other outcomes. While a sophisticated data collection process exists for probation, similar data collections systems and infrastructure for detention centers does not exist.

The Washington State Center for Court Research lacks sustainability to support the juvenile courts to extract relevant data and conduct analysis to influence public policy, funding, and court oversight of programs, the assessment, and staff. Detailed juvenile court probation program data generated in Washington is nationally recognized but absent adequate research support, the data sources continue to grow without a proportional growth in the courts' ability to make informed choices about reforms aimed at targeting services to court involved youth and their families. Systematic data related to detention and alternative programs does not exist. The lack of assigned research and data analysis to support juvenile court probation and detention services limits effectiveness.

The legislature requires annual reporting of data by each juvenile court for probation services (CJAA report/Block Grant Report as defined in RCW 13.40). Absent support from the Washington State Center for Court Research, detailed outcome reporting is not available. The AOC also has a statutory obligation, as defined in RCW 2.56.030, to collect and compile statistical data and make reports of court business.

Juvenile Detention Alternatives Initiative (JDAI) (1 FTE)

JDAI reflects a series of statewide reform principles that guide use of secure juvenile detention which include detention risk assessment and alternatives to juvenile detention. The mission of JDAI is to eliminate inappropriate or unnecessary use of secure confinement for juveniles and redirect resources to fund alternatives to secure confinement without risking safety of families or the public. The objective of the statewide steering committee is to promote implementation of eight JDAI principles to improve detention screening, usage, alternatives to detention, and measure impacts on youth of minority populations. Washington juvenile courts do not have a standard data collection system for detention. The ten individual courts that are identified as "JDAI pilots" have created internal systems to screen offenders and collect detention data.

These pilot courts are supported by the statewide coordinator. The interest in JDAI is growing, but as the coordinator position is currently designed, JDAI is unable to expand. Because of this limitation, courts who are not identified as JDAI courts do not have screening tools or detention data. There is no statewide effort to collectively show detention use and alternatives in juvenile court. Aside from advocating for data system upgrades, policy level analysis that promote implementation of JDAI principles would be the responsibility of the JDAI coordinator and research staff team.

SOLUTION

Statewide support and promotion of probation and detention reform efforts require dedicated staff attention with an equal focus on data and policy. Lesser levels of program support will result in no advancement of best practices for detention reform and an actual decrease in probation research support (time limited funding source). Absent dedicated research and policy staff for probation and detention, the performance of juvenile court operations will continue to be undocumented and disjointed.

COMPARISON

Data and Research (1 FTE)

The Research Associate will maintain critical evaluation and reporting requirements mandated but not funded by the Legislature related to juvenile offender management systems (detention, assessment, and services). Currently, a .5 research associate is being funded from resources from the Washington State Association of Juvenile Court Administrators (WAJCA) and the Executive Branch (JRA). This is a temporary accommodation to meet the statutory demands of the legislature. Funding the position via this agreement is absolutely not sustainable. Funding for this position is coming from funds that otherwise support direct evidenced-based services to system youth. Development of detention data on a statewide basis has not been done to date. Investment in data development and reporting will inform budgeting, create alternatives to secure detention, and reinvest in programs.

JDAI (1 FTE)

Advancing JDAI as a statewide initiative benefits all courts who use detention. If funded, the research and policy analyst would be responsible to promote best practices within the courts and developing strategies and systems to easier manage data that can be used to evaluate detention practices.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Juvenile probation and detention service, based on proven best practices, improves fair and efficient administration of justice. The most important element of probation services and detention (based on JDAI principles) is for youth in the juvenile justice system to be placed in programs and assigned to levels of confinement consistent with their risk level. These goals can only be accomplished with policy support and outcome measures. Courts do not want probation or detention systems to assign youth to programs if they pose a risk to the youth.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Probation programs and secure detention are used regularly, based on objective and subjective determination of risk. Probation assessment assigns youth to evidence based programs and JDAI strategies include assessment that objectively informs the court on the need for secure confinement. These assessments greatly influence the path of intervention for youth and need uniform application across juvenile courts. Assessment tools objectively evaluate the youth and provide additional detail for decision makers. While the Washington Risk Assessment unifies the standard for probation services, use of some or all JDAI principles and strategies will standardize detention screening practices across all juvenile courts.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

The wellbeing of youth in the juvenile justice system can be defined by various practices for probation and detention managed by Washington's juvenile courts.

Data and Research Specialist

Correct application of risk assessment tools enhance effective court management by directing resources to populations that are most in need of supervision, services, and alternatives to formal confinement.

JDAI

Confinement will be necessary to provide protection to victims, youth, families, and the public in general. However, the juvenile justice system has developed and validated tools to inform courts on appropriate application of confinement, a system that has been heavily relied upon. Formal confinement is the most expensive option available to a court. Stakeholders from counties and state are equally interested in attending to the wellbeing of youth in our system while at the same time have proven strategies to provide alternatives to secure confinement. If implemented, detention reform consistent with JDAI will promote strategies to improve court management of juvenile offenders.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Local court operations will be better managed if probation and detention system enhancements are staffed and supported at the statewide level. The requested positions are critical if improvements, consistent with probation quality assurance and JDAI principles, are to be applied statewide. Currently there is no complete picture of juvenile detention usage across the State. The mandates of the current JDAI sites is burdensome and not reasonable for some courts to adopt. Once the policy and research analyst position is funded, critical infrastructure to support JDAI can be built, data systems altered, assessment tools consolidated. Once these accomplishments are done, all courts in Washington State can make adjustments to align their practices with JDAI principles without falling prey to the roadblocks that currently exist.

Measure Detail

Impact on clients and service

Trial courts serve the public, and juvenile court services include probation and detention programs. The youth and families are directed to juvenile court because of law violating behavior. Various interventions and restrictions are applied to youth in an attempt to reduce anti-social behavior and promote pro-social behavior. The outcome of these various strategies and programs is measured, data analyzed, and then used to sustain programs and interventions that show an impact at stopping re-offending behavior. The requested positions are critical to continual measurement of effectiveness and continual improvement, which is the hallmark of the juvenile court continuum of intervention.

The JDAI statewide steering committee promotes principles and strategies in courts that are not currently identified as JDAI sites, while creating mechanisms to ease the process so all courts make efforts to adopt JDAI strategies. The JDAI principles outline detention practices that courts support, but workload associated with adopting JDAI practices has caused reforms to be unattainable to many courts. The steering committee will rely on the research and policy analyst position to address these potential barriers on behalf of juvenile courts.

Clients of JDAI also include juvenile courts, administrators and detention managers. The work of the steering committee will impact the interest that juvenile courts, the detention centers, and the county executive branch have to implement detention enhancements consistent with JDAI.

Lastly, direct clients of JDAI are the youth and children served across the state by juvenile court services. The wellbeing of youth in the juvenile justice system are directly impacted by judicial

decisions made about confinement. The more alternatives that are created and sanctioned as part of JDAI, the more appropriate orders can be made while minimizing disruption to a family or school, which might in fact be protective factors for a youth.

Impact on other state services

N/A

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order ,RCW, WAC, contract, or plan

N/A

Alternatives explored

The current agreement to fund .5 FTE for probation research specialist is temporary and not sustainable. Funding for the position otherwise would be spent to provide services to youth and families.

The JDAI statewide steering committee was populated and organized in mid-2013. Prior to this request for 2.0 FTE, there had not been an organized effort to collect and analyze statewide data for the purposes of detention reform.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The funding request is for 2 FTE that will have ongoing responsibilities to the AOC, statewide steering committee, and local courts. The need for staff funding is ongoing.

Effects of non-funding

If the positions are not filled, the juvenile court systems of probation and detention will have reduced effectiveness. To date, the probation system has yielded local and state savings. The JDAI principles are spreading throughout the state, but lack cohesion and data collection. The ability to promote best practices for probation and detention requires data, quality assurance, and outcome measurement. Juvenile courts' ability to provide targeted and effective interventions requires these positions. If they are not funded, juvenile courts risk not complying with data and reporting standards mandated by the state. Furthermore, JDAI courts will continue to operate in isolation, additional courts will not meet JDAI standards, and recruitment for a new statewide coordinator will not be fully funded. There will be no centralized data collection process or statewide understanding of detention needs. Under the current structure, some courts have advanced their practices but those improvements will not be duplicated across other juvenile courts if dedicated research and policy staff resources are not assigned.

Expenditure calculations and assumptions and FTE assumptions

The estimated cost of 1 FTE coordinator and policy analyst and 1 FTE at Center for Court Research is included as an estimate. The coordinator/policy analyst FTE is calculated as the equivalent of a range 62 employee at AOC (\$93,059 salary and benefits at the top step annually).

The estimate for the research specialist FTE is calculated as a range 65 (\$98,550 salary and benefits annually). It is assumed they will not be hired until midway in FY 2016.

The responsibilities of these positions are equal parts research and policy analysis. There are also front end responsibilities to work with the current AOC data applications to modify or use in order to implement a reliable system of detention data collection. Once the current system is altered to allow data entry, the research analyst will be able to communicate with local courts and other stakeholders (steering committee and legislature) about statewide impact of detention usage.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 110,000	\$ 192,000	\$ 302,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 110,000	\$ 192,000	\$ 302,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Superior Court Case Management System

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to continue implementation of the new commercial off-the-shelf (COTS) case management system for the superior courts. This funding will be used to complete Phase 2 (Solution Design & Development), Phase 3 (Pilot Court Deployment), Phase 4 (Early Adopter Deployment), and to begin Phase 5 (Statewide Rollout) of the project.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 6,080,000	\$ 6,518,000	\$ 12,598,000
Staffing	FY 2014	FY 2015	Total
FTEs (number of staff requested)	24	25	24.5

Package Description

This request is supported by the Judicial Information System Committee (JISC), Superior Court Judges Association (SCJA), Association of Washington Superior Court Administrators (AWSCA), Washington State Association of County Clerks (WSACC), and the Administrative Office of the Courts.

Under the direction of the JISC, the Superior Court Case Management System (SC-CMS) project has procured a COTS solution and is currently implementing the selected solution to support the business functions of state superior courts and county clerks in 37 of the 39 superior courts in the state. This request is a continuation of decision packages approved in 2011-2013 and 2013-2015.

Specifically, the SC-CMS will support calendaring and caseflow management functions, along with tracking of participant/party information, case records and relevant disposition services functions in support of judicial decision-making, scheduling, and case management.

Current Project Status

The contract with selected vendor, Tyler Technologies, Inc., was executed on July 25, 2013, with official project kick off on September 12, 2013. SC-CMS is working with staff from the superior courts, the county clerks' offices, Tyler, and AOC toward Pilot Go-Live, with Thurston and Lewis counties scheduled as the first to participate in the spring of 2015.

Proposed Solution

Development work continues to integrate INH (Information Networking Hub) and COTS Preparation projects with legacy systems. Business Process review continues with the pilot courts and county clerks' offices to ensure greater understanding of process impacts.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Managing technology to ensure that systems used by Washington State courts are current and the data is secure and available is key to maintaining the highest level of public trust and confidence in the courts. It has been observed by the Chief Justice that, "essentially, the Judicial Information System (JIS) equals justice".

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

With more than one court filing for every three citizens in Washington, vast numbers of people are served by our courts. The SC-CMS project will assist in making Washington court data available to all, whether to a judge during a trial or to the public by removing the need to travel physically to a court location for information. SC-CMS in particular will increase access to court information, reduce delays, and enhance efficiency in the courts.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

The Administrative Office of the Courts has built, as part of the SC-CMS project, a new Court Business Office (CBO) which will conduct a significant review of court operations. In addition to providing services to courts implementing the new system, the CBO identifies ways in which all courts may benefit from shared processes and information.

Measure Detail

Impact on clients and services

In addition to serving as the statewide court case management system, the existing Judicial Information System (JIS) provides essential information to several state agencies, local law

enforcement agencies, prosecutors, criminal justice partners, and the public. The JIS is also responsible for accurately tracking, recording and distributing over \$240 million per year in state and local revenues (excluding restitution and other "trust" monies).

Implementation of a new Superior Court calendaring and case management system will provide:

- Enhanced data sharing capabilities.
- Cost avoidance through the elimination of redundant data entry.
- Error reduction through training, standardization of business practices, and value-limited data entry fields.
- Flexibility to meet new and emerging business needs
- Improved tracking and analysis capabilities.

Impact on other state services

Other state programs will benefit through AOC's enhanced efficiency and effectiveness. The AOC and courts exchange information and provide 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, Federal government, prosecutors and defense attorneys.

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Several significant alternatives were explored within the SC-CMS feasibility study completed by Management Technologies Group (MTG) in January 2012. The four alternatives were:

1. Use of the Pierce County Legal Information Network Exchange (LINX) application as an SC-CMS statewide.
2. Acquisition of a commercial application focused on calendaring, scheduling, and caseflow management for the superior courts.
3. Acquisition and central implementation of a full featured commercial application providing calendaring, scheduling, case flow management, and other record keeping functions for the superior courts.
4. Acquisition and local implementation of a full featured commercial application providing calendaring, scheduling, caseflow management, and other record keeping functions for the superior courts.

As a result of the feasibility study, MTG recommended option 3.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs noted in this request will continue into future biennia. Both one-time and ongoing costs are identified in the cost study on which this decision package request is based.

Effects of non-funding

- Delay or elimination in productivity gains made by replacing legacy software.
- Loss of operations with the risk of a 37-year-old mainframe system collapsing.
- Additional functionality, such as new or modified case types, would not be incorporated into the legacy system.
- Sentence and disposition information would remain at the case level.
- Human resource scheduling would remain a manual effort.
- Maintenance costs will continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

Expenditure calculations and assumptions and FTE assumptions

The cost calculations and assumptions began with the model of the recommended alternative provided in the feasibility study consultant MTG. Working with Tyler, the identified approach to meet the needs for a successful statewide rollout has been evaluated and include minor corrections in the project FTE resources needed; ongoing maintenance level costs and cost adjustments to reflect accelerated implementation as a result of the withdrawal of King County.

Category	FY 16	FY 17	Total
Contract Costs	\$2,764,000	\$3,092,000	\$5,856,000
Staff Costs	\$2,428,000	\$2,538,000	\$4,966,000
Local Implementation Costs	\$632,000	\$632,000	\$1,264,000
Equip & G/S Costs	\$256,000	\$256,000	\$512,000
Total Non-Contract Costs	\$3,316,000	\$3,426,000	\$6,742,000
Total 15-17 SC-CMS Request	\$6,080,000	\$6,518,000	\$12,598,000

Object Detail	FY 2014	FY 2015	Total
Staff Costs	\$ 2,428,000	\$ 2,538,000	\$ 4,966,000
Non-Staff Costs	\$ 3,652,000	\$ 3,980,000	\$ 7,632,000
Total Objects	\$ 6,080,000	\$ 6,518,000	\$ 12,598,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency	Administrative Office of the Courts
Decision Package Title	Courts of Limited Jurisdiction Case Management System
Budget Period	2015-2017 Biennial Budget
Budget Level	Policy Level

Agency Recommendation Summary Text

Funding is requested for development and implementation of the new case management system for courts of limited jurisdiction (CLJ). This project will replace the outdated AOC system (DISCIS) currently in use by the courts.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 JIS Account	\$ 1,289,000	\$ 3,140,000	\$4,429,000
Staffing	FY 2014	FY 2015	Total
FTEs (number of staff requested)	11	11	11

Package Description

The project is expected to be similar in size and scope to the superior court case management system (SC-CMS) project. During the 2015-2017 biennium, the project is expected to accomplish the following:

- End of requirements gathering
- Procurement (draft RFP through vendor kick-off)
- Vendor selection
- Fit analysis
- Configuration
- Training
- Beginning of Implementation phase

The attached staffing spreadsheet has been drafted by the project manager, requesting 19 FTEs at a salary cost of \$5M. As with SC-CMS, these positions are above and beyond the Administrative Office of the Courts' Information Services and Judicial Services Divisions' non-dedicated staff who will be working on the project.

Also including in the estimate is \$600,000 for vendor costs and \$100,000 for computer equipment including servers. This estimate is based largely on information gathered from the start-up of the SC-CMS project. Other costs are still to be determined with input from the SC-CMS team.

Commercial off the shelf (COTS) Prep refers to the costs needed to update existing Judicial Information System (JIS) services and processes to accommodate the new CLJ-CMS. COTS Prep costs will be requested in a separate decision package.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The current CLJ Management Information System (DISCIS) was implemented in the 1980s and is obsolete. While it does what it was designed to do and was considered state-of-the-art technology at the time, court business and technology needs have evolved. The goal of the CLJ-CMS is to provide a number of desired functions to address the business needs of the courts by providing improved capabilities through data management, access, and distribution; more robust calendar management and statistical reporting capabilities; enhanced business process automation and management; and improved service to partners and the public.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

With more than one court filing for every three citizens in Washington, vast numbers of people are served by our courts. The SC-CMS project will assist in making Washington court data available to all, whether to a judge during a trial or to the public by removing the need to travel physically to a court location for information. SC-CMS in particular will increase access to court information, reduce delays, and enhance efficiency in the courts.

Measure Detail

Impact on clients and service

In addition to serving as the statewide court case management system, the existing Judicial Information System (JIS) provides essential information to several state agencies, local law enforcement agencies, prosecutors, criminal justice partners, and the public. The JIS is also responsible for accurately tracking, recording and distributing over \$240 million per year in state and local revenues (excluding restitution and other "trust" monies).

Implementation of a new calendaring and case management system in courts of limited jurisdiction will provide:

- Enhanced data sharing capabilities.
- Cost avoidance through the elimination of redundant data entry.
- Error reduction through training, standardization of business practices, and value-limited data entry fields.
- Flexibility to meet new and emerging business needs
- Improved tracking and analysis capabilities.

Impact on other state services

Other state programs will benefit through enhanced efficiency and effectiveness. AOC and courts exchange information and depend on the systems of other agencies. We provide 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, Federal government, prosecutors and defense attorneys.

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Not applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs identified in this request will continue into future biennia.

Effects of non-funding

- Delay or elimination in productivity gains made by replacing legacy software.
- Loss of operations with the risk of old mainframe system issues
- Additional functionality would not be incorporated into the legacy system.
- Maintenance costs will continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

Expenditure calculations and assumptions and FTE assumptions

Cost calculations and assumptions are based on working assumptions from the SC-CMS project which is about three (3) years ahead of the CLJ-CMS project. Project management has developed a staffing plan with the contract costs based on AOC's experience with the SC-CMS vendor (Tyler Technologies, Inc.). There is no commitment that Tyler will be the chosen vendor for the CLJ-CMS procurement.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 1,214,000	\$ 1,240,000	\$2,454,000
Non-Staff Costs	\$ 75,000	\$ 1,900,000	\$1,975,000
Total Objects	\$ 1,289,000	\$ 3,140,000	\$4,429,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency	Administrative Office of the Courts
Decision Package Title	COTS Prep-Courts of Limited Jurisdiction (CLJ)
Budget Period	2015-2017 Biennial Budget
Budget Level	Policy Level

Agency Recommendation Summary Text

Funding is requested to prepare relevant systems for launch of the case management system for courts of limited jurisdiction (CLJ-CMS). This request is similar to the request for funding to prepare for the superior court case management system (SC-CMS) when the funding for that project was initially requested.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 563,000	\$ 734,000	\$ 1,297,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Modernization of the case management system for courts of limited jurisdiction will entail significant changes to existing applications, services, interfaces, and data bases. The following systems, activities, and agencies will likely be impacted by the new CLJ-CMS.

- Tracking of vehicle related violations
- Integration with Odyssey, the SC-CMS program (if CLJ is on different platform)
- Network support and capacity
- Infrastructure updates
- Electronic Ticket Processing access to DISCIS screens
- eTicketing
- Juvenile and Corrections System (JCS)

- Public web access
- JIS Link
- Department of Licensing - FTA, person record updates
- JABS - Displays CLJ case data
- Washington State Patrol disposition
- SCDX/INH
- Department of Fish and Wildlife
- Office of the Secretary of State
- State Auditor's Office
- Department of Corrections – Legal Financial Obligations billing data
- Washington State Bar Association
- Department of Health - Probate and state filing
- Data sent to other various data collection agencies

Funding will cover costs for preparation of infrastructure and applications prior to installation of a commercial, off-the-shelf (COTS) system. Included will be impact analysis, development of solution alternatives and recommendations, and testing of significant changes. It is likely that existing systems and applications need to be modified (for example, through mandated IT Governance request) to meet the customer needs while the project is in progress. Any approved changes will be communicated in a timely manner to the project manager for impact analysis before implementing such changes in production.

Narrative Justification and Impact Statement

This package contribute to the Judicial Branch Principle Policy Objectives identified below.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Using current technology to ensure that systems used by Washington State courts are efficient and the data is secure and available is key to effective court management.

Measure Detail

Impact on clients and service

CLJ-CMS will increase access to court information, reduce delays, and enhance efficiency in the courts.

Impact on other state services

Other state programs will benefit through AOC's enhanced efficiency and effectiveness. The AOC and courts exchange information and provide 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, Federal government, prosecutors and defense attorneys.

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Present systems are outdated and costly to maintain.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs will continue in ensuing biennia.

Effects of non-funding

- Delay or elimination in productivity gains made by replacing legacy software.
- Additional functionality, such as new or modified case types, would not be incorporated into the legacy system.
- Sentence and disposition information would remain at the case level.
- Human resource scheduling would remain a manual effort.
- Maintenance costs will continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

Expenditure calculations and assumptions and FTE assumptions

Costs shown are based on amounts determined through development of the SC-CMS project. It is expected that contract programmers will be brought in to study, update and retrofit systems and services as necessary.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 563,000	\$ 734,000	\$1,297,000
Total Objects	\$ 563,000	\$ 734,000	\$1,297,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Information Networking Hub Statewide Data For Courts of Limited Jurisdiction

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested for the expansion, development and implementation of the information networking hub (INH) to support the proposed case management system for the courts of limited jurisdiction (CLJ-CMS). INH provide a comprehensive set of data exchanges that are bi-directional and in real time to meet the data sharing needs of the courts.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 720,000	\$ 720,000	\$ 1,440,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The first phase of the Information Networking Hub provided bi-directional data sharing between the Legacy Judicial Information System (JIS) and the new Superior Court Case management System (Odyssey) so that non-converted courts would continue to receive statewide information. This strategy was employed to reduce risk to the Odyssey implementation.

The INH now needs to migrate current bi-directional data sharing to a unified statewide data repository that can be used for all courts and case management systems. This new method will support the existing JIS, Odyssey, and local case management systems operated by other counties and cities (Pierce County LINX, Seattle Municipal, Spokane Municipal, King County, etc.). Once in place, the new statewide repository will be used in the courts and by the public,

and will be the new information source for the JIS Link (a paid subscription service).

Funding is requested to address changes to the information networking hub (INH) necessary as a result of the CLJ case management system. The INH is currently being built to support the superior courts case management system. Impacts from the additional CLJ system will include the need to build our more data exchange services and possibly to retrofit some of the current services being provided.

Other new case-related services will be needed. These services, which differ from those required by the superior courts, are related to CLJ warrants, sentencing, proceedings, accounting, infractions, and parking. At a minimum, new services for CLJ case filing and those supporting CLJ case functionality and CLJ related accounting will be needed. Between 20 and 30 new services will be needed to handle CLJ cases and accounting, and an additional 20+ of the existing services involving person and case will require modification.

AOC can re-use most of the existing person services and even some of the case services as is, however, there may be the need to rework a number of services to handle variances between Odyssey and other systems.

The INH will unify the current data architecture, allowing for the exchange of data across disparate court information systems, while providing a single central data repository for storing statewide shared justice data. INH will provide a comprehensive set of bi-directional real time data exchanges for the CLJs.

We increased the number to fund both the work we need to do on the IN H services and middleware and to develop a solution to remove the temporary data replication fix we are putting in place to handle the gap between Odyssey and SCOMIS/JIS. Some funding is for new service development, existing services modifications, middleware and EDR updates, and integration work. Other funding was added to remove the data replication, which has been strongly recommended by Tyler.

In the case of CLJs the vendor selection will influence the need for the scale of INH work. Said another way, if the current superior court COTS provider is not selected there will be additional work for ISO above and beyond what would need to be done if the current vendor is selected.

INH is being built for the SC-CMS. INH will also need to provide a comprehensive set of data exchanges that are bi-directional and real time to meet the data sharing needs of the CLJ courts. These data exchanges will improve standardization of business and technology processes and data quality through the use of the National Information Exchange Model (NIEM) standards. By providing access to real time justice information across the state, judicial decision-making will be improved.

Narrative Justification and Impact Statement

This package contribute to the Judicial Branch Principle Policy Objectives identified below.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Using current technology to ensure that systems used by Washington State courts are efficient and the data is secure and available is key to effective court management.

Measure Detail

Impact on clients and service

The INH will provide the justice community a statewide repository of shared justice information and business services that will provide access to higher quality data in a timelier manner that will result in better decision making capability and resource efficiencies by court staff and judges across the state.

Impact on other state services

None

Relationship to Capital Budget

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

RCWs that have specific language that require usage of JIS will require modification, or as an alternative, the new data repository will be defined as being 'JIS'.

Alternatives explored

Direct point to point data exchanges between systems was considered and the INH was determined to be significantly less costly to implement and maintain.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs will continue in ensuing biennia.

Effects of non-funding

Delay or elimination in productivity gains, data quality improvements and cost savings made by implementing INH business services and statewide repository.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 720,000	\$ 720,000	\$ 1,440,000
Total Objects	\$ 720,000	\$ 720,000	\$ 1,440,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title External Equipment Replacement

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to replace aged computer equipment at the Washington courts, as well as to provide information technology for judicial officers and court and clerks' office staff, thus ensuring equitable access to the Judicial Information System (JIS).

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 920,000	\$ 929,000	\$ 1,849,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Funds are sought to replace aged computer equipment in Washington courts presently using the JIS by providing 100% of the information technology needed by judicial officers and 75% for court and clerk staff, a ratio that balances access to JIS with local computer applications.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.
Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and

civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The mission of the Administrative Office of the Courts is to support the courts in the fair and effective administration of justice, providing centralized administration, fiscal services, and technology support for all of the courts, trial and appellate. Managing technology to ensure that information systems are current and the data is secure and available is a key to continuing to maintaining the 'right to justice' in all cases.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Without modern infrastructure and the most current technology, the courts cannot be managed effectively.

Measure Detail

Impact on clients and service

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past twenty years, the JIS has grown from 2,500 users to over 16,000 users, or 540%, and the volume of data stored in the JIS databases has also increased by 9% per year.

The AOC is responsible for providing computer equipment to the state (Supreme Court and Court of Appeals), county clerks, county courts (superior and district) and city (municipal) courts. Judicial Information System Policy 1.2.1 calls for a 5-year replacement cycle for computers and other information technology equipment supplied by the AOC.

Because AOC replaces computer equipment on a cyclical basis, funding needs are periodic and short-term in nature. Accordingly, replacement monies are not part of the carry-forward or maintenance budget levels, and funding must be requested for each cycle. The AOC collaborates with the courts to share responsibility for providing equipment based on an equitable ratio approved by the JISC that reflects the percent of time personal computers are used for JIS versus local applications, such as document management systems and office programs.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Not Applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

AOC would be in violation of Judicial Information System Policy 1.2.1 that calls for a 5-year replacement cycle for computers and other information technology equipment supplied by the AOC.

Expenditure calculations and assumptions and FTE assumptions

Pricing per unit is as follows. Pricing includes shipping, sales tax, and 3 years of vendor warranty.

Fiscal Year 2016			
Number	Description	Unit Price	Total
720	Computers	\$1250	\$900,000
15	Laptops	\$1325	\$ 19,875
Total (rounded)			\$920,000

Fiscal Year 2017			
Number	Description	Unit Price	Total
495	Computers	\$1,250	\$618,750
40	Laptops	\$1,325	\$ 53,000
60	Cash Drawers	\$ 475	\$ 28,500
200	Receipt Printers	\$ 675	\$135,000
80	Slip Printers	\$1,175	\$ 94,000
Total (rounded)			\$929,000

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 920,000	\$ 929,000	\$ 1,849,000
Total Objects	\$ 920,000	\$ 929,000	\$ 1,849,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Internal Equipment Replacement

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to replace end-of-life equipment and to improve performance of heavily used JIS services.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 516,000	\$ 0	\$ 516,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past 20 years the JIS has grown from 2,500 users to over 16,000 users, an increase of over 540%. The volume of data stored in the JIS databases has generally increased 9% per year, and more recently 15% per year including eTicketing data. These increases in both user and data volumes require expansion of current software and hardware, and necessitates the need to employ newer, more technologically advanced hardware and software.

Server Consolidation and Virtualization: Consolidating the servers will allow us to reduce the physical number of servers we maintain, requiring less cooling, power, and space. With virtualized servers, standard servers are built and easily duplicated which will speed server deployment. Virtualization improves the Disaster Recovery process as the hardware dependencies of the servers are eliminated. By taking advantage of server virtualization, we will

be able to improve the efficiency of servers. Cost of this equipment and software licenses is \$200,000.

Switch Replacement: The Network Switches installed at the AOC, Supreme Court, and Court of Appeals have reached end of life and need replacement. These switches provide connectivity from the users' Personal Computer to the Network and are physically required in each location. Cost of this equipment and support licenses is \$260,000.

Wireless Access Point Replacements: The Wireless Access Points installed at the AOC, Supreme Courts, and Court of Appeals have reached end of life and are no longer supported by the vendor. We are unable to apply updates to the controllers as they do not support the access points. These access points are physically required at each location. Cost of this equipment and support licenses is \$56,000.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The mission of the Administrative Office of the Courts is to support the courts in the fair and effective administration of justice, providing centralized administration, fiscal services, and technology support for all of the courts, trial and appellate. Managing technology to ensure that information systems are current and the data is secure and available is key to effective court management.

Appropriate Staffing and Support.

Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

Without modern infrastructure and the most current technology, the courts cannot be managed effectively.

Measure Detail

Impact on clients and service

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past 20 years, the JIS has grown from 2,500 to over 16,000 users, or 540%. The volume of data stored in the JIS databases has also increased by 9% per year.

The AOC is responsible for providing computer equipment to the state (Supreme Court and Court of Appeals), county clerks, county courts (superior and district) and city (municipal) courts. Judicial Information System Policy 1.2.1 calls for a 5-year replacement cycle for computers and other information technology equipment supplied by the AOC.

Because AOC replaces computer equipment on a cyclical basis, funding needs are periodic and short-term in nature. Accordingly, replacement monies are not part of our carry-forward or maintenance budget levels, and funding must be requested for each cycle. The AOC collaborates with the courts to share responsibility for providing equipment based on an equitable ratio approved by the JISC that reflects the percent of time personal computers are used for JIS versus local applications, such as document management systems and office programs.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Not Applicable

Distinction between one-time and ongoing costs and budget impacts in future biennia

Costs are ongoing and funding will be requested in future biennia.

Effects of non-funding

Aged equipment is no longer supported by the vendors and outages cannot be repaired.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 516,000	\$ 0	\$ 516,000
Total Objects	\$ 516,000	\$ 0	\$ 516,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Appellate Courts Content Management System

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to continue implementation of the new commercial off-the-shelf (COTS) case management system for the Appellate Courts Content Management System. Because of timing of implementation and payments, AOC has requested \$313,000 be reduced from the 13-15 budget and moved to 15-17.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
543-1 Judicial Information Systems Account	\$ 313,000	\$ 0	\$ 313,000
Staffing	FY 2014	FY 2015	Total
FTEs (number of staff requested)	0	0	0

Package Description

Funding is requested to continue implementation of the new commercial off-the-shelf (COTS) case management system for the Appellate Courts Content Management System. Because of timing of implementation and payments, AOC has requested \$313,000 be reduced from the 13-15 budget and moved to 15-17.

This request is supported by the Washington Supreme Court, Court of Appeals, the Judicial Information Systems Committee (JISC), and the Administrative Office of the Courts (AOC).

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts

All court levels need support for the technology which allows them to maintain smooth operations and thus foster public confidence. The ECMS will allow both appellate courts to streamline operations thereby enhancing the effective and efficient administration of justice.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Appellate court ECMS will improve the court operations by replacing what today is essentially a manual workflow for documents. It will ensure that there are consistent practices between the three divisions of the Court of Appeals and improve data and information flow.

Measure Detail

Impact on clients and services

Implementation of a new ECMS will provide:

- Improved tracking and analysis capabilities.
- Enhanced data sharing capabilities.
- Cost avoidance through the elimination of redundant data entry.
- Flexibility to meet new and emerging business needs.
- Error reduction through training, standardization of business practices, and value-limited data entry fields.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

There were no other alternatives considered.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are one-time costs although there will be some maintenance costs in future biennia.

Effects of non-funding

- Delay or elimination in productivity gains made by replacing legacy software.
- All of the work completed in 13-15 will be for nothing.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2016	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 313,000	\$ 0	\$ 313,000
Total Objects	\$ 313,000	\$ 0	\$ 313,000

WASHINGTON STATE LAW LIBRARY

INTRODUCTION

The Washington State Law Library acts as a key component in the administration of justice by ensuring access to legal information. The State Law Library serves a vital function by providing access to legal information resources for the judicial branch, the legislative and executive branches of state and local government, and the citizens of the State.

The State Law Library serves as a legal research library for the Supreme Court, the Court of Appeals, the Legislature, the Governor's Office, the Office of the Attorney General and all state employees. Publications are loaned throughout the state, and the library's internet reference and instant messaging provide a wealth of information to individuals unable to personally visit the library.

The State Law Library stands as a state treasure, valuable not only for the collection itself but also for the added value that the staff bring to the Library's core mission of providing legal research services. State Law Library staff perform at a consistent level of excellence, providing users with legal information in formats suitable to their requests and needs.

STRATEGIC PLAN

AGENCY MISSION

The Washington State Law Library provides access to a wide range of legal information resources for the judicial, legislative and executive branches of state and local government, and for citizens of the State of Washington.

The activities of the State Law Library improve the administration of justice by ensuring access to legal information by all citizens. Services of the State Law Library also improve efficiency for the judiciary and for other public employees by making legal resources available in a timely manner.

STATUTORY AUTHORITY

The State Law Library is established under RCW 27.20, which provides that the State Law Library is part of the judicial branch and is under the exclusive jurisdiction and control of the Supreme Court. The State Law Library is also governed by SAR 18 and by CAR 18.

Under SAR 18, the State Law Library "is to maintain a legal research library for the use of all state officials and employees, equipped to serve them effectively with legal research materials required by them in connection with their official duties." SAR 18 also states that the State Law Library serves employees of the

Supreme Court, the Office of the Administrator for the Courts, the Attorney General, the Legislature, the Governor's Office, and commissions, agencies and boards of all branches of state government.

Further, SAR 18 requires the State Law Librarian to establish, develop, and maintain libraries for each division of the Court of Appeals. CAR 18 also provides that the State Law Librarian shall counsel and advise in the selection of legal research materials for use by the Court of Appeals.

GOALS

- To improve public access to justice by providing excellent legal information resources in the most effective and cost-efficient method possible;
- To promote State Law Library services which will improve access to the courts and provide citizens with legal research information.

MAJOR STRATEGIES

To achieve its mission and goals the Law Library uses the following strategies:

- To maintain a high-quality collection of legal resources, providing a base of primary information for citizens throughout the state.
- To provide legal reference assistance in person, by telephone, and electronically, using the most effective methods available.
- To work with other libraries to promote the State Law Library services, utilizing interlibrary loan between libraries and sharing information to assist in collection development and cancellation choices.
- To partner with other libraries and state agencies to develop programs for delivering legal information resources to citizens throughout the state.
- To continue to provide alternative formats to print acquisitions, providing access to electronic information and legal resources when available.

MEASURES

During the biennium, the State Law Library will evaluate its services to users of the library, continually evaluating changes in use patterns, interlibrary loan requests, and internet reference questions. Measurements will help the Library assess who is using our services, so that we can best target user preferences and needs. Evaluation of electronic and personal legal reference assistance will enable the Library to continue providing high-quality legal assistance to its users.

We will measure changes in the collection, tracking the number of publications added or withdrawn, and we will evaluate the type of format best used. This will help us plan for space needs and evaluate the best ways to serve users. We will use selective ordering practices, supplementing publications in alternate years to reduce costs. Electronic legal databases will be upgraded, discontinued, or added depending on patron use.

We will also measure net additions of publications to the main library collection and to each library for the Court of Appeals. The total number of titles is now over 55,000 net per year.

EXTERNAL ENVIRONMENT

The State Law Library continues to see an increase in the demand for services. Patrons are comfortable accessing the internet and electronic services, so the Library's internet reference service will grow in its effectiveness, tapping into users' facility with online searching.

The collection itself will grow slowly, its growth fueled by the continuation of existing legal materials. The number of new acquisitions will actually decrease, balanced by increased utilization of electronic resources. The library will continue to offer training in new electronic legal databases as they are upgraded or added.

TRENDS

The tightening of the economy requires all organizations and businesses to work harder with fewer resources. Departments are expected to produce the same results with fewer employees and resources. To that end, it is critical that the State Law Library is a highly efficient organization, which can fill user requests quickly and efficiently.

It continues to be important to evaluate each patron and his/her needs, and meet these needs in the most effective way. The staff will continue to improve service to users, matching the information provided with the individual need.

STRATEGIES

The cost to maintain print publications has increased annually over ten percent. Publishers continually revise editions, further driving up legal publication costs over thirty percent. The Law Library continues its review of continuation costs, cancelling subscriptions as necessary and transitioning to electronic formats when possible. Before purchasing any new editions of titles currently held in the collection, the Law Library reviews use and relevance of past editions, weighing costs, citation frequency, and alternate formats.

The State Law Library continues to collect standard work load statistics which measure service provided to state employees, local government, and the general public. We continue to monitor use of the collection which helps us in implementing collection development strategies and maintaining excellent legal information resources.

The State Law Library continues to track net additions of volumes and titles to the main library and to each library for the Court of Appeals. In addition, we continue to measure the types of materials being added, such as bound volumes, microfiche or disk. This provides information on the growth and changes in the collection for program planning. The State Law Library monitors the electronic legal reference service, providing staffing and resources as required.

The Law Library utilizes an online library system that integrates functions for acquisitions, cataloging, circulation and serial records control. Migration to an offsite hosted system will enhance disaster preparedness and continue to maintain the library's electronic holdings.

The Law Library catalog is available to the public through the court's website, so that anyone with access to a computer can view the State Law Library's holdings and also send legal research questions. The Law Library continues to add computer links in its online catalog, so that library users can access electronic resources through this resource and send legal email questions and requests.

The Law Library will continue to upgrade public legal research terminals within the library so that library users can search legal research sites for information. These computer terminals will provide legal search capability to the public without the necessity of the library users needing to request staff assistance. This will enable the Law Library to provide a wide variety of legal information to the public while continuing to monitor costs.

The State Law Library continues to strengthen its participation in the electronic reference community, providing increased services electronically and partnering with organizations to provide a variety of information.

FINANCIAL PLAN

The State General Fund is the primary source of funding for the State Law Library. With publication maintenance costs continuing to increase in excess of inflation, the State Law Library anticipates it may require additional funds over the next several years to successfully meet its goals and objectives.

2013-15 Current Biennium Total

CL AF Carry Forward Level	13.8	2,979	2,979
Total Carry Forward Level	13.8	2,979	2,979
Percent Change from Current Biennium			
Carry Forward plus Workload Changes	13.8	2,979	2,979
Percent Change from Current Biennium			
M2 AA Step Increase (M)		13	13
M2 AB Migration to Innovative Interfaces		48	48
M2 AC Electronic Legal Services		10	10
Total Maintenance Level	13.8	3,050	3,050
Percent Change from Current Biennium			
PL A1 Employee Salary Adjustment			
Subtotal - Performance Level Changes	0.0		
2015-17 Total Proposed Budget	13.8	3,050	3,050
Percent Change from Current Biennium			

M2 AA Step Increase (M)

Funding is requested to implement the additional step increase approved by the legislature. Because of the magnitude of the budget cuts sustained by the Law Library in recent years, there is no additional money for the increase to Step M.

M2 AB Migration to Innovative Interfaces

Funding is requested for the upgrade of the Innovative Interfaces Inc. (III) automated electronic library system.

M2 AC Electronic Legal Services

The State Law Library requests funding to upgrade its electronic legal databases. Upgrades necessitated by increased library patron activity and improved services available, will maintain the Law Library's ability to provide up-to-date information while continuing to reduce costs.

PL A1 Employee Salary Adjustment

Funding is requested to bring selected Law Library staff salaries to an appropriate level.

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Law Library

Decision Package Title Step Increase as Authorized by the Legislature

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to implement the additional step increase approved by the legislature. Because of the magnitude of the budget cuts sustained by the Law Library in recent years, there is no additional money for the increase to Step M.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 5,000	\$ 8,000	\$ 13,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The Law Library seeks funding for those employees eligible for the additional step (step M) authorized by the legislature. The parameters established by the legislature will be used as the criteria to determine which Law Library staff are eligible for the additional increment.

Since 2009, the Law Library has sustained a 36% reduction to its operating budget. In order to achieve those reductions the Law Library made significant reductions to programs and operating expenditures. Without additional funding as requested, it will not be possible to provide the increase for eligible employees.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal

Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

State Law Library staff have continued to provide exceptional legal services throughout economic downturn, with no salary adjustment to compensate for increased costs of living.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

To provide salaries commensurate with work quality currently exhibited, present salaries of State Law Library staff should be adjusted.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

In order for the State Law Library to continue providing optimal services for the courts and public, staff salary levels should be increased.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Implementation of this increase has been delayed due to lack of funding.

Distinction between one-time and ongoing costs and budget impacts in future biennia

This request is ongoing in nature.

Effects of non-funding

Recruitment and retention will continue to be challenging as other agencies continue to provide both ordinary salary increments as well as the additional increment (step M).

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 5,000	\$ 8,000	\$ 13,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 5,000	\$ 8,000	\$ 13,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency State Law Library

Decision Package Title Migration to Innovative Interfaces

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested for the upgrade of the Innovative Interfaces Inc. (III) automated electronic library system.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 24,000	\$ 24,000	\$ 48,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Innovative Interfaces, Inc.'s Millennium is the State Law Library's current electronic library system. The State Law Library has maintained the system and server on site for fifteen years, since 1999. Innovative Interfaces, Inc. will no longer support its Millenium system off-site. The State Law Library must purchase Innovative Interfaces, Inc.'s Sierra, an upgrade to the present system. Therefore, Sierra will be hosted and maintained off site by Innovative Interfaces, Inc.

Innovative Interfaces Inc. (III) electronic library system enables the State Law Library to maintain its inventory; locate and circulate materials to the judicial branch, state agencies, other libraries and the public; and provide timely access to all users. III's hosted system, Sierra, will provide repair/replacement of hardware, system installation, upgrades and system backup. III will continually monitor its file systems, maintain the State Law Library's informational database, monitor and upgrade the software, and respond to computer security events.

The annual hosting fee covers repair/replacement of hardware, monitoring of hardware, system installation, system upgrades, and system backup. The Innovative Interfaces, Inc. secure server will be located off site, assisting disaster preparedness for the Supreme Court. The hosting fee also covers Innovative Interfaces, Inc.'s monitoring and tuning of file systems; configuration and maintenance of network identity, enabling/disabling, installation, and configuration of Innovative Interfaces, Inc. network services, proactive monitoring of software; and notification, investigation, and assistance with incident response for computer security events.

Narrative Justification and Impact Statement

This package contribute to the Judicial Branch Principle Policy Objectives identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

An organized technology system enables State Law Library staff to continue to provide current information to courts and the public, monitor expenditures, efficiently order materials, and carefully monitor print and electronic expenditures.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Automated ordering and records maintenance enable staff to provide correct and timely information to the court and public.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Utilizing an off-site system provides data security for the State Law Library's fiscal and information records.

Measure Detail

Impact on clients and service

Improved updates and interface will enable staff to more efficiently request and borrow materials for court and public users.

Impact on other state services

Staff will be able to quickly borrow materials for state agencies. As state agencies and libraries reduce budgets and cut resources, they rely heavily on services of the State Law Library.

Relationship to Capital Budget

None.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or

plan

None.

Alternatives explored

The current on site server will not be supported by Innovative Interfaces, Inc. The State Law Library would have to purchase another system, requiring high cost and staff time to transition to an inferior and ineffective product. Other systems do not have the capabilities of Innovative Interfaces, Inc. Sierra to track both print and electronic materials, request items from other libraries, track fiscal reports, or monitor and check in materials.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The hosting fee is an annual ongoing cost.

Effects of non-funding

Without funding, the electronic library system could not be updated.

Expenditure calculations and assumptions and FTE assumptions

The hosting fee is \$24,000 per year.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 24,000	\$ 24,000	\$ 48,000
Total Objects	\$ 24,000	\$ 24,000	\$ 48,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency State Law Library

Decision Package Title Electronic Legal Services

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

The State Law Library requests funding to upgrade its electronic legal databases. Upgrades necessitated by increased library patron activity and improved services available, will maintain the Law Library's ability to provide up-to-date information while continuing to reduce costs.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 5,000	\$ 5,000	\$10,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The Legislature has encouraged the State Law Library to begin migrating its legal resources from print to electronic. The State Law Library must upgrade its current electronic legal databases and add additional electronic legal information to continue to provide services and reduce print costs.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.
Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The State Law Library will be able to disseminate legal information quickly and effectively to an increased number of users, assisting court personnel and the public in the most cost-effective method.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Providing electronic legal information allows patrons unable to utilize the library in person due to physical, cultural, or geographic constraints to get necessary information. A wide range of electronic legal databases enables staff to provide information in the most effective way for individual patrons.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.*

Providing convenient, current, cost-effective legal information electronically saves time and money for legal service providers. The law library provides information to clients of legal service providers, saving time and money as clients' cases progress.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Providing the most up-to-date electronic legal information will support court personnel, managers, and court systems in accessing necessary information in a timely manner.

Measure Detail

Impact on clients and service

Clients will have increased accessibility to a wide range of electronic databases and reference finding tools. This will reduce the burden on the legal community and courts. Informed clients should not need lengthy counsel interaction and should be able to proceed in the legal system.

Impact on other state services

Providing improved electronic legal services will reduce time needed by state legal services.

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Free electronic legal databases currently available do not provide up-to-date information. Free search engines are slow, produce incorrect results, and the search methodology is ineffective. Patrons using free electronic legal databases often get a large amount of incorrect legal information, requiring multiple visits to other state agencies to get the correct information.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The cost of these electronic legal databases will be ongoing.

Effects of non-funding

Patrons would rely on out-of-date, free databases which would provide incorrect legal information.

Expenditure calculations and assumptions and FTE assumptions

WestlawNext upgrade: \$2,500 per year
LexisNexis upgrade: \$1,300 per year
Legal Library Guides Reference Software: \$1,200 per year

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 5,000	\$ 5,000	\$ 10,000
Total Objects	\$ 5,000	\$ 5,000	\$ 10,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency State Law Library

Decision Package Title Employee Salary Adjustment

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to bring selected Law Library staff salaries to an appropriate level.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ TBD	\$ TBD	\$ TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Budget reductions sustained by the Law Library have made staff salary increases impossible over the past several years. Staff salaries have not been compared to those of public and private employees in parallel positions for more than six years and staff have not received a cost of living increase since September 2008.

A compensation survey will be carried out to compare Law Library staff salaries with salaries of comparable public and private sector positions. Funding is requested to bring selected salaries to an appropriate level as determined by the survey.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

The Washington State Law Library is staffed by a skilled workforce. Many of the employees are now paid at a rate below salaries paid in equivalent positions elsewhere. The Law Library requests funding to bring selected salaries to an appropriate level, supporting valued staff and improving the ability of the Court to recruit and retain skilled employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Staff salaries have been frozen for several years.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These costs are ongoing in nature.

Effects of non-funding

Further delaying salary increases will make recruitment and retention of qualified staff more difficult.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ TBD	\$ TBD	\$ TBD
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 0	\$ 0	\$ 0

COURT OF APPEALS

Agency Goals and Objectives

Created in 1969 (Washington State Constitution - Article IV, Section 30; RCW 2.06), the Court of Appeals serves as the intermediary appellate court for the state of Washington. Statutes give the Court exclusive appellate jurisdiction in almost all appeals from a lower court decision, and court rules require the Court to accept review of a final judgment entered in any action in Superior Court.

The purpose of the Court of Appeals is to review cases and to render written opinions that state the grounds for the decision. The Court's objective is to provide this review in a timely manner.

Judges

The 22 judges of the Court of Appeals serve six-year terms, staggered to ensure that all judges are not up for re-election at the same time. Each division is divided into three geographic districts, and a specific number of judges must be elected from each district. Each division serves a defined geographic area of the state. The divisions are defined as follows:

Division I

District 1: King County, from which seven judges must be elected.

District 2: Snohomish County, from which two judges must be elected.

District 3: Island, San Juan, Skagit and Whatcom counties, from which one judge must be elected.

Division II

District 1: Pierce County, from which three judges are elected.

District 2: Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, from which two judges are elected.

District 3: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum Counties, from which two judges are elected.

Division III

District 1: Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, from which two judges are elected.

District 2: Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman Counties, from which one judge is elected.

District 3: Chelan, Douglas, Kittitas, Klickitat and Yakima Counties, from which two judges are elected.

To qualify for a position on the Court of Appeals, a person must have practiced law in Washington State for five years and, at the time of election, must have lived for a year or more in the district from which that position was drawn. Vacancies are filled by the Governor, with appointees serving until the next general election.

Although the Court of Appeals is a statewide court, each division has its own administrative staff and manages its own caseload. There is a Chief Judge--a position that rotates every two years--at each division. An Acting Chief Judge is also selected. The Chief Judge serves as the administrative manager of the division and is assigned specific responsibilities by the court rules for Personal Restraint Petitions.

The full Court elects a Presiding Chief Judge each year, and the position rotates among the three divisions according to court rules. The Presiding Chief Judge acts as the liaison and spokesperson for the Court of Appeals with all other levels of the judicial system.

The Presiding Chief Judge works with an Executive Committee that consists of the Chief Judges of each division and the Acting Chief Judge of Division I. The main responsibilities of this group include administering the budget, recommending and implementing policies for the full Court, establishing special committees, and appointing members of the Court to serve on committees involving the judiciary.

Primary Functions Performed

The primary function of the Court of Appeals is to render decisions on cases that come before the Court. All Notices of Appeal, Notices of Discretionary Review and Personal Restraint Petitions (habeas corpus) are reviewed by the Court.

In disposing of cases, the appellate court may *reverse* (overrule), *remand* (send back to the lower court), *modify*, or *affirm* the decision being reviewed and may take other action as the merits of the case and the interest of justice may require. Only decisions of the Court having precedential value are published.

Disposing of cases involves numerous steps. As soon as an appeal is received by the Court, it is screened to determine its appealability. Court rules outline criteria for accepting cases from a Notice of Appeal, a Notice of Discretionary Review or a Personal Restraint Petition. Once the case is accepted, a perfection schedule is set establishing the dates for attorneys to submit documents and for the record on review to be received by the Court of Appeals. The clerk in each division of the

Court monitors compliance with these perfection schedules. The clerks are also responsible for docketing all case information into the automated ACORDS case-management system, and for managing all cases from acceptance to mandate.

After briefs in a case have been received, they are carefully screened to determine what path the case will take. With the increase in filings over the past several years, the Court has recognized that it must be innovative and creative in its approach to decision making.

It is neither possible nor necessary for every case accepted in the Court to be scheduled for oral argument before a panel of judges. Instead, the Court is more responsive and fair to litigants when it segregates the cases so that some may be decided more quickly by commissioners or without oral argument. This allows the complex cases to be scheduled for full oral argument.

Traditionally, each division has followed a similar schedule for hearing cases. In the past, all divisions set cases for three terms each year. Time in between was dedicated to opinion drafting. However, one of the Court's responses to the increase in case filings has been to increase the number of cases decided by the judges. Judges now rotate their service on a monthly judge's motion calendar or on a panel with pro-tem judges, and sitting calendars are scheduled year round. The time available to prepare opinions has decreased as the judges' caseload has increased.

The client groups directly served by the Court of Appeals are attorneys and the litigants they represent who have cases before the Court. This means the client groups change daily as new cases are filed and other cases are mandated. Indirectly, the Court serves all residents of Washington as it renders decisions that affect all citizens.

Court of Appeals - Mission

The Court of Appeals, pursuant to Article IV, Section 30, of the Washington State Constitution and Chapter 2.06 Revised Code of Washington, is the state's non-discretionary appellate court with authority to reverse, remand, modify, or affirm the decision of the lower courts.

The Court's mission remains one of providing an independent, accessible, and responsive forum for the just resolution of disputes.

Court of Appeals - Goal

The primary goal of the Court of Appeals is:

A judicial system which provides equal justice and engenders public respect and confidence.

Major Strategies

To achieve its mission and meet its goal, the Court of Appeals will employ the following major strategies:

- Provide leadership in the development of a comprehensive judicial branch strategic plan that will include actions to ensure the court system is and continues to be responsive to the needs of Washington citizens.
- Streamline processes, eliminate redundant and unnecessary functions, and realign resources to better accomplish the work of the Court of Appeals.
- Encourage and facilitate greater use of information and telecommunications technologies to streamline business processes and the exchange of information throughout the criminal justice system.

2013-15 Current Biennium Total

CL AA Carry Forward Level	140.6	32,380	32,380
Total Carry Forward Level	140.6	32,380	32,380
Percent Change from Current Biennium			
M1 90 Maintenance Level Revenue			
Carry Forward plus Workload Changes	140.6	32,380	32,380
Percent Change from Current Biennium			
M2 AB Reinstatement of Merit Increments		620	620
M2 AC Step Increase (M)		2	2
M2 AD Division II Lease Increase		212	212
M2 AE Division I Lease Increase		114	114
Total Maintenance Level	140.6	33,328	33,328
Percent Change from Current Biennium			
PL A1 Employee Salary Adjustment			
Subtotal - Performance Level Changes	0.0		
2015-17 Total Proposed Budget	140.6	33,328	33,328
Percent Change from Current Biennium			

M2 AB Reinstatement of Merit Increments

The Court of Appeals requests funding to reinstate salary step increases for eligible employees. Staff salaries were frozen in 2009 as part of the austerity measures necessitated by severe budget reductions. Employees did not advance to the next salary step within their salary ranges, as is customary for state employees.

M2 AC Step Increase (M)

Funding is requested to implement the additional step increase approved by the legislature. Because of the budget constraints in recent years, there are no funds available to move eligible employees to Step M.

M2 AD Division II Lease Increase

The monthly lease payment for the building occupied by the Court of Appeals, Division II, will increase on July 1, 2015. Funding is requested to cover the additional cost.

M2 AE Division I Lease Increase

Funding is requested for an increase in the monthly lease payment for the building occupied by the Court of Appeals, Division I, in Seattle.

PL A1 Employee Salary Adjustment

Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.

State of Washington
Decision Package Revenue Detail

FINAL

11/19/2014

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Page: 1

Budget Period: 2015-17
Agency: 048 Court of Appeals
Version: B1 15-17 Biennial Budget Request
Package Program:
Budget Level: M1
Decision Package Code: 90
Decision Package Title: Maintenance Level Revenue

Last Updated: Oct 23 2014 10:29AM

Fiscal Year: 2016

Fund-Source

	Agency Level	Total
001-0525 Filing Fees - Priv/L	384,000	384,000
Total	384,000	384,000

Fiscal Year: 2017

Fund-Source

	Agency Level	Total
001-0525 Filing Fees - Priv/L	384,000	384,000
Total	384,000	384,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency	Court of Appeals
Decision Package Title	Reinstatement of Merit Increments
Budget Period	2015-2017 Biennial Budget
Budget Level	Maintenance Level

Agency Recommendation Summary Text

The Court of Appeals requests funding to reinstate salary step increases for eligible employees. Staff salaries were frozen in 2009 as part of the austerity measures necessitated by severe budget reductions. Employees did not advance to the next salary step within their salary ranges, as is customary for state employees.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 310,000	\$ 310,000	\$ 620,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

In order to achieve reductions over the past six years, the Court of Appeals implemented austerity measures which included elimination of salary step increases for current employees.

There are approximately 140 employees in the three divisions of the Court of Appeals, including staff attorneys, judicial assistants, and court clerks. While exempt from RCW 43.88 an agreement has been reached whereby OFM has recognized that the Court of Appeals functions as three autonomous courts each with fewer than 100 FTEs and can therefore include the cost of salary increments in the maintenance level request. Employees who are at the top of their salary ranges are not eligible for further step increases. This request seeks to

provide step increases for those employees who are not yet at the top of their salary ranges and who are eligible for step increases, but who did not receive increases due to the budget reductions implemented by the Court of Appeals.

Allowing each of these eligible employees to receive a step increase on their next Periodic Increment Date (PID) would begin the process of bringing them to the salary they should be receiving based on their tenure in the job class.

Restoring step increases would assist in the retention of these skilled employees.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Court of Appeals staff salaries were frozen in 2009 to enable the Court to operate on a severely reduced budget. The affected employees have continued to carry out their duties despite the fact that they did not receive step increases as they were earned. Restoring the Court's ability to provide step increases to eligible employees will ensure that court personnel are effectively supported.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Court of Appeals staff cannot be expected to serve indefinitely without receiving the merit increments they have earned.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

It will be difficult to recruit and retain qualified employees if merit increments cannot be provided.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 310,000	\$ 310,000	\$ 620,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 310,000	\$ 310,000	\$ 620,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Step Increase as Authorized by the Legislature

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested to implement the additional step increase approved by the legislature. Because of the budget constraints in recent years, there are no funds available to move eligible employees to Step M.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 1,000	\$ 1,000	\$ 2,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Although employees of the Court of Appeals are exempt from Civil Service regulations, the Court of Appeals has adopted a salary schedule that emulates the non-represented schedule used by the Executive Branch. However, during the 2009-2011 biennium, step increases for Court of Appeals employees were halted due to the lack of funding.

Now that an additional step has been added to by the legislature to the salary schedule, funding is requested to enable eligible judicial branch employees to move to Step M.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Long-term employees of the Court of Appeals are eligible for the increase to Step M as provided by the legislature. The Court of Appeals wishes to provide this increase for its employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Implementation of this increase has been delayed due to lack of funding.

Distinction between one-time and ongoing costs and budget impacts in future biennia

This request is ongoing in nature.

Effects of non-funding

Most eligible state employees have been given the Step M increase. Continued delay in implementation for Court of Appeals employees may make it more difficult to retain staff.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 1,000	\$ 1,000	\$ 2,000
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 1,000	\$ 1,000	\$ 2,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Division II Lease Increase

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

The monthly lease payment for the building occupied by the Court of Appeals, Division II, will increase on July 1, 2015. Funding is requested to cover the additional cost.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 106,000	\$ 106,000	\$ 212,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The lease for the building owned by the Department of Enterprise Services and occupied by the Court of Appeals, Division II, was renewed on June 30, 2010. Under the terms of the new lease, the monthly lease amount will increase on July 1, 2015. Funding is requested to pay the additional amount.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

None. This is a contractual obligation.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

The Court of Appeals would be unable to meet its obligations.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 106,000	\$ 106,000	\$ 212,000
Total Objects	\$ 106,000	\$ 106,000	\$ 212,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Division I Lease Increase

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Funding is requested for an increase in the monthly lease payment for the building occupied by the Court of Appeals, Division I, in Seattle.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$33,000	\$81,000	\$114,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The lease for the building occupied by Division I of the Court of Appeals includes an increase in the monthly amount effective September 1, 2015, as well as a provision for periodic increases tied to changes in the Consumer Price Index. Funding is requested to pay the additional amount.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

None. This is a contractual obligation.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These are ongoing costs.

Effects of non-funding

The Court of Appeals would be unable to meet its obligations.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 33,000	\$ 81,000	\$ 114,000
Total Objects	\$ 33,000	\$ 81,000	\$ 114,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Court of Appeals

Decision Package Title Employee Salary Adjustment

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ TBD	\$ TBD	\$ TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Budget reductions sustained by the Court of Appeals have made staff salary increases impossible over the past several years. Staff salaries have not been compared to those of public and private employees in parallel positions for more than six years and staff have not received a cost of living increase since September 2007.

A compensation survey will be carried out to contrast judicial branch staff salaries with salaries of comparable public and private sector positions. Funding is requested to bring selected salaries to an appropriate level as determined by the survey.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

The Court of Appeals is staffed by a skilled workforce. Many of the employees are now paid at a rate below salaries paid in equivalent positions elsewhere. The Court of Appeals requests funding to bring selected salaries to an appropriate level, supporting valued staff and improving the ability of the Court to recruit and retain skilled employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Staff salaries have been frozen for several years.

Distinction between one-time and ongoing costs and budget impacts in future biennia

These costs are ongoing in nature.

Effects of non-funding

Further delaying salary increases will make recruitment and retention of qualified staff more difficult.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ TBD	\$ TBD	\$ TBD
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 0	\$ 0	\$ 0

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE AGENCY NARRATIVE

OVERVIEW

The Office of Public Defense (OPD) is an independent agency of the judicial branch.

OPD develops and administers programs under the supervision and direction of the Office of Public Defense Advisory Committee, as provided in Chapter 2.70 RCW. The Advisory Committee includes members appointed by the Chief Justice of the Washington State Supreme Court, the Governor, the Court of Appeals, and the Washington State Bar Association, and City and County representatives, in addition to two Senators and two Representatives selected from each of the two largest caucuses by the President of the Senate and Speaker of the House of Representatives, respectively.

OPD administers state funds appropriated for parents' representation in dependency and termination cases; for appellate indigent defense services; for trial level indigent defense services in criminal cases; and for consulting services for county and city officials regarding public defense contracts and other public defense issues. Since July 1, 2012, pursuant to Chapter 257 Laws of 2012, OPD also administers indigent defense services for all indigent respondents who have a right to counsel in sexually violent predator (SVP) cases filed by the state under Chapter 71.09 RCW. The 2012 Legislature transferred this statewide program to OPD from the Department of Social and Health Services (DSHS).

In 2008, the Legislature adopted ESB 6442 to statutorily reauthorize the Office of Public Defense, following a Sunset Review report by the Joint Legislative Audit and Review Committee (JLARC). The JLARC report found that OPD is substantially:

- *Meeting legislative intent, as expressed in statute and budget provisos;*
- *Operating in an efficient and economical manner, with adequate cost controls in place;*
- *Meeting its performance goals and targets as identified in the (agency's) pre-sunset plan, and is evaluating its performance in areas of responsibility established since 2001; and*
- *Not duplicating services provided by other agencies or the private sector.*

AGENCY MISSION

The Office of Public Defense's mandate is to “implement the constitutional and statutory guarantees of counsel and to ensure the effective and efficient delivery of indigent defense services funded by the state of Washington.” RCW 2.70.005.

STATUTORY AUTHORITY

The Office of Public Defense's enabling statute is Chapter 313, Laws of 2008, RCW 2.70 et. seq., which specifically authorizes OPD's programmatic activities. Additional legislative authority for the Extraordinary Criminal Justice Costs program is RCW 43.330.190; for the Indigent Defense

Program, Chapter 10.101 RCW and RCW 43.08.250; for the Parents Representation Program, RCW 43.08.250; and for the SVP program, Chapter 71.09 RCW.

AGENCY GOALS

Implement the constitutional guarantee of counsel at all court levels.

Ensure the efficient and effective delivery of indigent defense services in appellate courts.

Ensure the constitutional guarantee of counsel and the adequacy of representation for parents in dependency and termination cases.

Enact improvements in adequate criminal defense representation in the trial courts, thus implementing RCW 43.08.250.

Ensure the constitutional and statutory rights to counsel and the efficient administration of indigent defense services to all indigent respondents involved in SVP proceedings.

OBJECTIVES

Implement the constitutional guarantee of counsel by working with the trial and appellate courts and county governments to enhance indigent defense.

Maintain appropriate, high quality appellate attorney and costs payment systems, gather statistics, and issue reports to the Legislature and the Supreme Court in each fiscal year.

Improve parents' representation in dependency and termination cases.

Support the improvement of the state trial court indigent defense system under RCW 10.101.

Maintain the Extraordinary Criminal Justice Costs Act petition and priority process and submit prioritized lists to the Legislature in each fiscal year.

Establish and maintain effective and efficient administration of indigent defense in SVP cases statewide.

STRATEGIES

- Work under the direction of the Office of Public Defense Advisory Committee to develop and administer programs.
- Coordinate with the Supreme Court, the judges of each division of the Court of Appeals, the superior courts, and appellate attorneys to implement appellate indigent defense representation and to enhance the effectiveness of the representation.

- Maintain an appellate attorney appointment system mandated by Supreme Court Rules of Appellate Procedure 15.2.
- Maintain appropriate pay rates for all appointed indigent defense attorneys for appeals and maintain resources to support them.
- Administer the payment of attorney fees and costs for appellate indigent defense cases. Work with courts and attorneys to implement efficiencies in providing OPD services.
- Work with the courts, bar association, attorneys, and other interested parties to improve the quality of trial level indigent defense.
- Implement the processes of Chapter 10.101 RCW for trial level indigent defense as funding is appropriated.
- Implement RCW 10.101's mandate to establish a state-funded program for the improvement of public defense in the counties and cities by developing a petition process, auditing applications, and distributing funds.
- Pursue full state funding to implement adequate representation of parents in dependency and termination cases on a statewide basis.
- Establish, maintain and oversee the Parents Representation Program, thus providing effective assistance of counsel for parents in dependency and termination cases.
- Develop and implement attorney contracts to provide effective assistance of counsel and improve system efficiencies for indigent defense services in SVP cases statewide.
- Maintain statistics on appellate, parent's representation, and SVP cases funded through the state and submit annual reports to the Legislature and the Supreme Court.
- Distribute and process county petitions to claim reimbursement for aggravated murder cases, and prepare a prioritized list and submit it to the Legislature.

FINANCIAL OUTLOOK

In 2013, the U.S. District Court of the Western District of Washington issued a decision in *Joseph Jerome Wilbur, et al., v. City of Mount Vernon, et al.*, holding that the cities of Mount Vernon and Burlington are liable under 42 U.S.C. §1983 for the systemic flaws that deprive indigent criminal defendants of their Sixth Amendment right to the assistance of counsel. Among other requirements, the court ordered the cities to hire a Public Defense Supervisor to oversee, document, and report progress on improvements. Since then, cities and counties throughout the state have begun to review their own public defense programs in light of *Wilbur* as well as the Supreme Court's misdemeanor caseload standards that become effective January 2015. It appears that many are facing significant costs to implement the requirements of *Wilbur* and the pending caseload

standards. An interim Work Group on Misdemeanor Public Defense Costs is due to report on these costs to the House Judiciary Committee in December.

The *Wilbur* case is just one of several lawsuits and news reports in recent years that have highlighted the substandard quality of trial level indigent defense in a large number of Washington jurisdictions. Others include a *Seattle Times* series, “Unequal Justice”; a WSBA Report by the Blue Ribbon Task Force on Indigent Defense; an ACLU report entitled “The Unfulfilled Promise of Gideon”; and two lawsuits against Grant County for failure to provide adequate indigent defense services in adult felony and juvenile offender cases. By all estimates, criminal public defense is grossly underfunded in Washington. Annually since 2007, OPD has published statewide reports on the current status of public defense in the counties and cities receiving state funding, and will publish another such report in 2014. These reports are based on individualized county and city data submitted to OPD through the RCW 10.101 petition process funded by the Legislature.

In 2005, 2006, 2007 and 2013 the Legislature appropriated funds for multi-county expansions of the Parents Representation Program, to provide adequate representation for indigent parents in dependency and termination cases. Additional funds are necessary to expand the program to the remaining eight counties.

In 2012 the Legislature transferred from DSHS to OPD the administration of indigent defense services in SVP cases and appropriated funds to OPD for this purpose.

APPRAISAL OF EXTERNAL ENVIRONMENT/TRENDS IN CUSTOMER CHARACTERISTICS

Indigent Appellate Defense

Part of the Office of Public Defenses budget funds indigent appellate costs, including reimbursement for services of court reporters, court clerks, and appointed counsel. Most of these funds are paid for attorneys’ services.

In 2005, OPD implemented a new appellate attorney appointment system mandated by a Supreme Court amendment to Rules of Appellate Procedure 15.2. The rule establishes that the appellate courts will directly appoint indigent appellate counsel, using attorneys selected by OPD on a case-by-case basis.

OPD contracts with more than 40 attorneys across the state, including several firms and consortiums, to provide appellate representation. The caseload includes criminal cases as well as other cases involving basic rights such as criminal contempt convictions and involuntary civil commitments.

In general, appellate cases take from one to two years from filing to appellate court decision. Court reporter and court clerk costs are generally incurred at the beginning of the appellate case and are paid within its first year. In contrast, timing of attorney billing is more difficult to predict. OPD has a multiple-payment schedule that allows attorneys to bill as work is completed. The last two payments in each case, for filing the written brief and at the conclusion of the case, can occur sometime between six months and two years after the appeal is filed. The levels of indigent

appellate case filings continue to fluctuate from month to month. The new appointment system helps OPD track case filings.

Due to their complex and difficult nature, appellate death penalty cases cost more than any other type of indigent appellate defense. There are several death penalty appellate cases currently under consideration by the Supreme Court and it is likely that more will be filed during the -2015-2017 biennium. In addition, new death penalty charge notices are currently being considered at the trial level. Although Governor Inslee declared a moratorium on executions during his term, this action does not preclude death penalty charges, trials, or appeals.

Parents Representation Program

This program began in Fiscal Year 2001, when the Legislature assigned OPD a pilot program to implement enhanced representation for parents in dependency and termination proceedings. Since that time, OPD has worked to address major problems in this area. OPD's Parents Representation Program sets manageable caseload limits, implements professional standards of practice, and provides access to case support services so program attorneys can better assist their clients. This highly successful program is established in 31 counties throughout the state. The results are beneficial to children and families and all parties involved in these cases.

The Legislature established five program goals to enhance the quality of defense representation in dependency and termination hearings:

1. Reduce the number of continuances requested by attorneys, including those based on their unavailability.
2. Set maximum caseload requirements cases per full-time attorney.
3. Enhance defense attorneys' practice standards, including reasonable time for case preparation and the delivery of adequate client advice.
4. Support the use of investigative and expert services in dependency cases.
5. Ensure implementation of indigency screenings of parents, guardians, and legal custodians.

Several independent evaluations have verified that the Parents Representation Program has succeeded in achieving the goals set forth. The most recent evaluation, published nationally by a prestigious child welfare journal, found that the program significantly accelerates case resolution, benefitting all of the children involved.

Trial Level Indigent Defense

The 2005 Legislature adopted two bills relating to indigent defense representation in the State of Washington - House Bill 1542 and Senate Bill 5454.

House Bill 1542 (codified at Chapter 10.101 RCW) states "The legislature finds that effective representation must provide for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional of fairness, equal protection, and due process in all cases where the right to counsel attaches," and mandates that OPD disburse funds to counties contingent on their implementation of improvements in their public defense services. The 2006 Legislature appropriated \$3 million for the program, and the 2007 Legislature adopted about \$3.5 million in additional annual funds.

Under the bill's requirements, counties may qualify for a percentage of the state funding under a program administered by OPD if they meet the standards for public defense endorsed by the Washington State Bar Association or have made appreciable demonstrable improvements in the delivery of public defense services. Such improvements must include the counties' adoption of standards addressing the factors set forth in RCW 10.101.030; counties also must require that public defense attorneys attend training, require that attorneys who handle the most serious cases meet specified qualifications, provide extra compensation in extraordinary cases, and provide funding exclusive of attorneys' compensation for experts, investigators, and conflict cases. The bill also provides for a competitive grant program to improve public defense in municipal courts.

Senate Bill 5454 states "The legislature recognizes the state's obligation to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases." In accordance with this mandate and concomitant funding, OPD has set up several services to improve public defense in the counties. These include a regional training program for attorneys in rural counties, and a case consultation contract service so contract attorneys may discuss their cases with expert defense attorneys. OPD also provides consulting services for county and city officials on public defense contracts and other public defense issues.

Extraordinary Criminal Justice Costs

RCW 43.330.190 establishes OPD's duty to create, distribute, and process county petitions for reimbursement of aggravated murder case funds. In consultation with the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC), OPD develops a prioritized list and submits it to the Legislature at the beginning of each legislative session.

Sexually Violent Predator Program

The 2012 Legislature added SVP cases to OPD's administration of indigent defense contracts and services. The Legislature previously had directed OPD to conduct an analysis of indigent defense in these cases and to make recommendations for transferring this state obligation from DSHS to OPD. Based on OPD's analysis, the Legislature enacted Chapter 257 Laws of 2012 and appropriated funds to OPD for attorney contracts, expert services and other costs directly associated with providing effective indigent defense in these highly specialized and complex cases.

Based on data gathered during the first year of administering SVP defense services, OPD published a report in November 2013 that included information on the time to trial, continuances, and policy and budget recommendations, as required by Section 2 of the statute. OPD is preparing a second annual report, due to the Legislature in November 2014.

CONCLUSION

OPD administers a number of important programs to implement the constitutional guarantee of counsel and ensure the effective and efficient delivery of the indigent services funded by the state. Pursuant to our state's constitutional obligation to provide adequate representation for indigent criminal defendants, parents involved in dependency and termination cases, and respondents in SVP cases, OPD will require increased funding to effectively deliver these services on a statewide basis.

2013-15 Current Biennium Total

CL AA Carry Forward Level	16.2	67,651	3,648	71,299
Total Carry Forward Level	16.2	67,651	3,648	71,299
Percent Change from Current Biennium				
Carry Forward plus Workload Changes	16.2	67,651	3,648	71,299
Percent Change from Current Biennium				
M2 AB Technical Adjustment Civil Commit		400		400
M2 AC Contract Retention		5,465		5,465
M2 AE Parents Representation Increase		1,529		1,529
M2 AG Permanency Initiative Funding		1,474		1,474
Total Maintenance Level	16.2	76,519	3,648	80,167
Percent Change from Current Biennium				
PL A1 Parents Representation Expansion	1.0	4,980		4,980
Subtotal - Performance Level Changes	1.0	4,980		4,980
2015-17 Total Proposed Budget	17.2	81,499	3,648	85,147
Percent Change from Current Biennium				

M2 AB Technical Adjustment Civil Commit

This request seeks to biennialize the technical adjustment/funding sought in the 2015 Supplemental Budget process.

M2 AC Contract Retention

A compensation increase is requested to retain qualified contractors to ensure constitutional and statutory rights to counsel for indigent persons on appeal and for indigent parents involved in dependency and termination cases. A summer 2014 salary survey shows that, after paying necessary business costs, many professionals who contract with OPD to represent indigent appellants and parents earn significantly less than similarly qualified professionals engaged in an appellate or dependency practice on behalf of county Prosecutors, the state Attorney General, or the Department of Social and Health Services (DSHS).

M2 AE Parents Representation Increase

Dependency case filings have increased significantly over the past year and a half. A Parents Representation Program caseload adjustment is necessary in order to maintain required representation standards.

M2 AG Permanency Initiative Funding

Funding was received in the 2013-2015 biennial budget (2014 supplemental budget process) for legal services in both the Office of Public Defense and the Attorney General's Office to support a child welfare "Permanency Initiative" at the Department of Social and Health Services (DSHS). The funding was based on an anticipated increase in filing of termination of parental rights cases. The filings increase is anticipated to continue through the 2015-17 biennium and OPD will need additional funds to pay for parents' representation in these cases.

PL A1 Parents Representation Expansion

Funds are requested to expand the Parents Representation Program, which provides adequate legal representation for indigent parents involved in dependency and termination cases, to all juvenile courts statewide. The Office of Public Defense (OPD) Advisory Committee at its June meeting strongly encouraged OPD to pursue a final expansion to the eight counties not currently served by the Program.

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense

Decision Package Title: Technical Adjustment – 2013-2015 CFL Adjustment
Civil Commitment (Chapter 71.09 RCW)

Budget Period: 2015-2017 Biennial Budget Request

Budget Level: Maintenance Level

Recommendation Summary Text

This request seeks to biennialize the technical adjustment/funding sought in the 2015 Supplemental Budget process.

Fiscal Detail

Operating Expenditures		FY 2016		FY 2017		Total
001-1 State General Fund		\$ 200,000		\$ 200,000		\$ 400,000
Staffing		FY 2016		FY 2017		Total
FTEs		0		0		0

Package Description

Funding was received in the 2011-2013 Biennial budget for indigent defense services in the RCW 71.09 Civil Commitment Program (sexually violent predator), which the Legislature transferred from the Department of Social and Health Services (DSHS) to the Office of Public Defense (OPD). Initial funding in the amount of \$6,065,000 was provided in FY13, which included \$200,000 in start-up costs.

In the 2013-2015 carry-forward process, the \$200,000 was reduced from the initial funding, to a new base of \$5,865,000. This amount should have been the new base for both fiscal years; however, an additional \$200,000 was reduced from the correct base of \$5,865,000, resulting in an incorrect biennial reduction of \$400,000.

Narrative Justification and Impact Statement:

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.*

Impact on Clients and Services

With the correction of this technical error, OPD will continue to provide constitutionally required indigent defense services, and timely adjudication of RCW 71.09 cases will be able to continue in the courts.

Impact on other State programs

N/A

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

N/A

Distinction between one-time and ongoing costs and budget impacts in future biennia

The costs are expected to be ongoing.

Effects of non-funding.

Expenditures would exceed the appropriation.

Expenditure calculations and assumptions and FTE assumptions

\$200,000 needs to be restored in each fiscal year to correct the amount reduced to the base appropriation.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 200,000	\$ 200,000	\$ 400,000
Total Cost	\$ 200,000	\$ 200,000	\$ 400,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense

Decision Package Title: Contractor Retention – Appellate & Parents Representation

Budget Period: 2015-2017 Biennial Budget Request

Budget Level: Maintenance Level

Agency Recommendation Summary Text

A compensation increase is requested to retain qualified contractors to ensure constitutional and statutory rights to counsel for indigent persons on appeal and for indigent parents involved in dependency and termination cases. A summer 2014 salary survey shows that, after paying necessary business costs, many professionals who contract with OPD to represent indigent appellants and parents earn significantly less than similarly qualified professionals engaged in an appellate or dependency practice on behalf of county Prosecutors, the state Attorney General, or the Department of Social and Health Services (DSHS).

Fiscal Detail

Operating Expenditures		FY 2016		FY 2017		Total
001-1 State General Fund		\$1,822,000		\$3,643,000		\$5,465,000
<hr/>						
Staffing		FY 2016		FY 2017		Total
FTEs		0		0		0

Package Description:

A compensation increase is requested to retain qualified contractors to ensure constitutional and statutory rights to counsel for indigent persons on appeal and for indigent parents involved in dependency and termination cases. A summer 2014 salary survey shows that, after paying necessary business costs, many professionals who contract with OPD to represent indigent appellants and parents earn significantly less than similarly qualified professionals engaged in an appellate or dependency practice on behalf of county Prosecutors, the state Attorney General, or the Department of Social and Health Services (DSHS).

OPD-contracted appellate attorneys and Parents Representation Program attorneys and social workers are compensated at rates far below other publicly funded attorneys and social workers engaged in appellate or child welfare practices. An adjustment is required to compensate OPD contractors commensurate with the market for attorneys and social workers employed by the state and by county prosecutors.

The increase is needed to address difficulties in recruiting and retaining qualified professionals, and in maintaining mandatory standards of performance in these constitutionally and statutorily required representations of indigent parties.

Appellate Program:

OPD contracts with 38 FTE attorneys statewide to provide appellate representation for indigent persons who have a constitutional or statutory right to counsel on appeal. Compensation has not increased for this specialized mandatory service since 2008, though the contractors have had to pay more for malpractice insurance, technology, office space, support staff, taxes, and other basic business and law office requirements. OPD-contracted appellate attorneys have, on average, 20 years of experience.

Standard One of the Washington State Bar Association Standards for Indigent Defense directs that public defense attorneys should be compensated at parity with prosecutorial attorneys. A summer 2014 survey found that total contract compensation for OPD's indigent appellate attorneys ranged from \$105,000 to \$120,000. Necessary business costs range from \$23,480 to \$57,557 per FTE, depending on business taxes, staff and office costs, with a statewide average of \$42,690.

After subtracting necessary business costs, the full-time OPD appellate contract attorney compensation total is, on average \$70,595 per year. This compensation amount includes not only salary, but funds for all benefits, including health insurance and retirement.

In contrast, experienced deputy prosecuting attorneys handling criminal appeals earn an average annual salary of \$87,606 plus health insurance and retirement benefits worth between \$12,500 and \$28,000, and averaging approximately \$20,000. The average total salary and benefits for similarly experienced county prosecutors is \$107,606. As they are county employees, they pay no overhead costs. The requested compensation increase was determined based on data gathered in an OPD salary survey of deputy prosecuting appellate attorneys in five geographically and economically diverse eastern Washington and medium-sized western Washington counties.

The requested increase would be phased in over the biennium. Half of the increase would be implemented in FY16, and the full increase in FY17, to bring indigent appellate attorneys to the \$107,606 compensation level.

As the economy improves and business costs continue to increase, OPD faces difficulty retaining and recruiting qualified contract appellate attorneys unless it can increase contract

compensation. A professional level of compensation for experienced attorneys who specialize in appellate practice will help OPD retain and recruit qualified contractors.

Parents Representation Program Contract Attorneys:

OPD contracts with 104 FTE attorneys who practice as sole practitioners or in firms or county agencies to provide public defense in 31 counties for indigent parents who have a right to counsel in dependency and termination cases. Contract rates have not been adjusted for maintenance or other purposes since 2007. When rates were adjusted in 2007, they were set at levels that were minimally adequate at that time but no longer cover basic business costs and reasonable take-home pay for highly skilled attorneys.

Consistent with Supreme Court and Washington State Bar Association Standards for Indigent Defense, Parents Representation Program attorneys are mandated to maintain an office and telephone answering services or staff. They also must purchase supplies and pay for malpractice insurance, Bar dues, business taxes, and other professional costs.

Standard One of the Washington State Bar Association Standards for Indigent Defense directs that public defense attorneys should be compensated at parity with prosecutorial attorneys. The vast majority of Parents Representation Program contract attorneys are experienced, a necessity as they are for the most part working independently without direct supervision in the 31 program counties. PRP attorneys are compensated between \$102,000 and \$122,400 per FTE, depending on experience and location. Contract compensation for all costs averages about \$116,000 per FTE. Business costs vary by location, business tax levels, office costs, and staff services costs, among others.

A summer 2014 survey of OPD Parents Representation Program contract attorneys found that among all program counties, after payment of basic business costs, the average annual attorney salary and all benefits including health insurance and retirement was only \$70,137. Most program attorneys have from several to 20 or more years of experience. On average they have 12 years of experience.

In contrast, similar attorneys with 10 years experience practicing on behalf of the state Attorney General received compensation at an approximate average of \$89,546 per attorney to cover salary and benefits. Overhead costs and staff are funded through the Attorney General's Office.

Since 2012, approximately 10 percent of the Parents Representation Program contract attorneys have left the program for the stated reason of inadequate compensation. These include attorneys in Kitsap, Kittitas, Mason, and Pierce counties, as well as multiple attorneys in Snohomish, Spokane, Stevens, and Yakima counties.

Providing a professional level of compensation will ensure that OPD can contract with qualified attorneys who have dependency case experience and are reliably able to practice largely without supervision. Retaining skilled attorneys is critical to the program's ability to provide the

requisite quality of representation for parents, which has been demonstrated to improve family reunification rates and accelerate all types of permanency outcomes.

This maintenance request would phase in pay parity with assistant attorneys' general compensation over the biennium. Half the increase would be added in FY 2016, and the full increase in FY 2017, to bring the attorneys to an average of \$89,545 for all benefits and salary, distributed depending on qualifications, experience and regional cost variances. This professional level of compensation will ensure continued high quality parents representation by attorneys contracting with OPD.

Parents Representation Program Social Workers:

Social work support is a necessary component of the Parents Representation Program. OPD contracts with 27.6 social workers throughout the Program's 31 counties. Consistent with Washington State Bar Association standards, these social workers are critical in supporting parent attorneys' effective representations. Currently, full-time OPD-contracted social workers receive contract payments up to \$55,000 annually. This amount covers salaries and benefits such as health insurance and retirement, as well as business expenses such as insurance, supplies, office expenses, taxes, and so forth.

Almost all OPD-contracted social workers possess qualifications at the DSHS "Social Service Specialist 3" level. The yearly salary and benefits package for DSHS Social Service Specialist 3 employees averages \$48,000 for salary plus about \$15,000 for benefits, totaling about \$63,000 annually.

Parents Representation Program contract social workers' compensation needs to be adjusted to rates commensurate with the DSHS social workers who are involved in dependency and termination cases. The request phases in the compensation adjustment over the biennium, to a compensation level of \$59,000 for all benefits and salary for FY16 and \$63,000 for all benefits and salary for FY17, distributed depending on qualifications, experience and regional cost variances.

Narrative Justification and Impact Statement:

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.*

This increase will ensure that OPD can retain and recruit well-qualified Appellate and Parents Representation Program contractors to serve indigent persons who have a constitutional or statutory right to counsel. Failure to fund this request will result in a lack of qualified professionals willing to accept OPD contracts.

Measure Detail

Impact on Clients and Services

Funding this maintenance increase will ensure that every indigent appellant and indigent parent who has a right to counsel in OPD-served counties is appointed a well-qualified attorney who will provide effective assistance of counsel.

Impact on other State programs

N/A

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

The right to counsel provided to indigent appellants and parents by OPD contract attorneys is constitutionally and statutorily required. Minimum professional qualifications and maximum per-attorney caseloads are established by the Supreme Court Standards for Indigent Defense; OPD cannot contract with unqualified or "low bid" attorneys as the constitution guarantees effective assistance of counsel.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Funding for Appellate and Parents Representation Program contractor retention would be an ongoing cost.

Effects of non-funding.

Without this rate increase, OPD expects to continue to lose qualified contractors who are unable at current compensation rates to meet OPD's proven performance standards and the Supreme Court Standards for Indigent Defense. Foster care costs can be expected to increase due to derogated defense representation of parents in dependency and termination cases.

Expenditure calculations and assumptions and FTE assumptions

Appellate Attorneys

FY16

Additional \$17,198 to bring salary and benefits per attorney to \$87,793 x 38 FTEs

FY17

Additional \$34,397 to bring salary and benefits per attorney to \$104,991 x 38 FTEs

Parents Representation Program Attorneys

FY16

Additional \$9,704 to bring average contract salary and benefits per attorney to \$79,841 x 109 FTEs

FY17

Additional \$19,409 to bring average contract salary and benefits per attorney to \$89,545 x 109 FTEs

Parents Representation Program Social Workers

FY16

Additional \$4,000 to bring salary and benefits per social worker to \$63,000 x 27.6 FTEs

FY17

Additional \$8,000 to bring salary and benefits per social worker to \$67,000 x 27.6 FTEs

	FY16	FY17	TOTAL
Appellate Attorneys	\$ 653,524	\$1,307,086	\$1,960,610
Parents Rep Attorneys	\$1,057,736	\$2,115,581	\$3,173,317
Parents Rep Social Workers	\$ 110,400	\$ 220,800	\$ 331,200
TOTAL (Rounded for Request)	\$1,821,660	\$3,643,467	\$5,465,127

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$1,822,000	\$3,643,000	\$5,465,000
Total Objects	\$1,822,000	\$3,643,000	\$5,465,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense

Decision Package Title: Parents Representation Program Caseload Increase

Budget Period: 2015-2017 Biennial Budget Request

Budget Level: Maintenance Level

Recommendation Summary Text

Dependency case filings have increased significantly over the past year and a half. A Parents Representation Program caseload adjustment is necessary in order to maintain required representation standards.

Fiscal Detail

Operating Expenditures		FY 2016		FY 2017		Total
001-1 State General Fund		\$ 656,000		\$ 873,000		\$ 1,529,000
Staffing		FY 2016		FY 2017		Total
FTEs		0		0		0

Package Description

The OPD Parents Representation Program provides legally mandated representation for indigent parents in dependency and termination cases. Due to its successful record in improving outcomes for children and families and reducing children's time in foster care, since 2005, the Legislature has provided appropriations to expand the Program to about 85 percent of the state. In the 31 counties where the program is implemented, it is the sole source of all dependency and termination representation for indigent parents.

The number of cases handled by the Program is determined by the number of dependency and termination cases filed by the Department of Social and Health Services (DSHS). OPD must contract with attorneys and required support services in order to provide adequate representation to parents in 31 counties: Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Ferry, Franklin, Garfield, Grant, Grays Harbor, Jefferson, King, Klickitat, Kitsap,

Kittitas, Mason, Pacific, Pend Oreille, Pierce, Skagit, Skamania, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Yakima.

Practice standards for contracted attorneys and support services, along with OPD oversight to the program, are its hallmarks. Under the previous county-funded parent's representation system, high caseloads prevented attorneys from being able to properly represent parents and case outcomes were often unsatisfactory. The OPD caseload per FTE attorney is 80 open cases, consistent with the caseload limit adopted in the Supreme Court Standards for Indigent Defense Standard 3.4 which established the upper limit of 80 open dependency or termination cases for parents' attorneys.

In 2013, DSHS filed 5,156 dependency cases. The filings are projected to increase to 5,436 in 2014. This will cause an increased caseload totaling about 381 Parents Representation Program dependency cases (many case filings generate representations for two or more parents). Assuming this filing rate remains stable in FY16 and FY17, an estimated additional 4.76 FTE contract attorneys will be required to meet the increased caseload for dependencies. In FY17 it is expected that dependency filings will remain the same and about 33 percent of the increased filings from FY16 will result in termination case filings, requiring another 1.56 FTE contract attorneys.

Narrative Justification and Impact Statement:

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.*

The OPD Parents Representation Program provides legally mandated representation for indigent parents in dependency and termination cases. Due to its successful record in improving outcomes for children and families and reducing children's time in foster care, since 2005, the Legislature has provided appropriations to expand the Program to about 85 percent of the state.

Impact on Clients and Services

With the appropriation of these necessary funds, constitutionally and statutorily required effective representation of indigent parents will continue in the counties covered by the OPD Parents Representation Program.

Impact on other State programs

N/A

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

There are no alternatives to adequate funding for constitutionally and statutorily required parents representation that meets “effective assistance of counsel” standards.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The costs are expected to be ongoing.

Effects of non-funding.

Without additional funds, it can be expected that contract attorneys will refuse to take on excessive numbers of cases, or if they accept the cases, that representation standards cannot be met and families will suffer worse outcomes while children linger in foster care, causing the state foster care budget to escalate.

Expenditure calculations and assumptions and FTE assumptions

FY16

280 additional cases filed in 2014 x 85% of state = 238 cases in Parents Representation Program counties.

238 x 1.6 multiple PRP attorneys (many cases require 2 or more attorney representations) = 381 dependency representations divided by 80 cases per FTE contract attorney = 4.76 attorneys x \$137,900 compensation per attorney (including a .25 social worker and \$2,900 average expert costs) = 656,404. (Rounded for Request)

FY17

381 dependency representations plus 125.7 termination representations (about 33 percent of dependencies from FY16 are expected to result in terminations in FY17) = 508 cases.

508 cases divided by 80 cases per FTE contract attorney = 6.33 attorneys X \$137,900 per attorney (including a .25 social worker and \$2,900 for average expert costs) = \$872,907. (Rounded for Request)

Object Detail	FY 2016	FY 2017	Total
Staff Costs			
Non-Staff Costs	\$ 656,000	\$ 873,000	\$ 1,529,000
Total Cost	\$ 656,000	\$ 873,000	\$ 1,529,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense

Decision Package Title: Parents Representation – Permanency Initiative Funding

Budget Period: 2015-2017 Biennial Budget Request

Budget Level: Maintenance Level

Recommendation Summary Text

Funding was received in the 2013-2015 biennial budget (2014 supplemental budget process) for legal services in both the Office of Public Defense and the Attorney General’s Office to support a child welfare “Permanency Initiative” at the Department of Social and Health Services (DSHS). The funding was based on an anticipated increase in filing of termination of parental rights cases. The filings increase is anticipated to continue through the 2015-17 biennium and OPD will need additional funds to pay for parents’ representation in these cases.

Fiscal Detail

Operating Expenditures		FY 2016		FY 2017		Total
001-1 State General Fund		\$ 983,000		\$ 491,000		\$ 1,474,000
Staffing		FY 2016		FY 2017		Total
FTEs		0		0		0

Package Description

Funding was received in the 2013-2015 biennial budget (2014 supplemental budget process) for legal services in both the Office of Public Defense and the Attorney General’s Office to support a child welfare “Permanency Initiative” at the Department of Social and Health Services (DSHS). The funding was based on an anticipated increase in filing of termination of parental rights cases. The filings increase is anticipated to continue through the 2015-17 biennium and OPD will need additional funds to pay for parents’ representation in these cases.

OPD received \$225,000 in FY14 and \$1,721,000 in FY15 for Permanency Initiative costs. Because it appears that all the predicted termination cases will not be filed during the 2013-15 biennium, OPD anticipates returning funds to the state.

Narrative Justification and Impact Statement:

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.*

The AGO has prepared a 2015-17 updated Permanency Initiative request as well. OPD's anticipated caseload is based on the AGO's calculations. The AGO expects that as many as 263 additional Permanency Initiative termination case referrals may be made in 2015-17 and that the estimated 18-month period for discovery, trials and appeals will occur during the 2015-17 biennium, with about 66 percent of the costs occurring during FY16 and 33 percent of the costs occurring during FY17.

Impact on Clients and Services

OPD's Parents Representation Program provides dependency and termination case defense representation for indigent parents in about 85 percent of the state. These parents are dependent on OPD contract attorneys to ensure their guaranteed constitutional and statutory rights are protected.

Impact on other State programs

The funding is necessary to address increased parental rights termination filings from the DSHS "Permanency Initiative".

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

There are no alternatives to adequate funding for constitutionally and statutorily required parents representation that meets "effective assistance of counsel" standards.

Distinction between one-time and ongoing costs and budget impacts in future biennia

If the Permanency Initiative cases are filed as expected, it is anticipated that this will be one-time funding.

Effects of non-funding.

Without adequate funds to pay attorneys to represent indigent parents in termination of parental rights cases, it can be expected that contract attorneys will refuse to take an excessive number of cases, or if they accept the cases, that attorney caseload and quality

standards cannot be met. In either instance, there would be delays in moving children from high-cost foster care to permanency.

Expenditure calculations and assumptions and FTE assumptions

The AGO expects up to 263 new cases, totaling 420 termination representations the first year and 210 representations the second year. Like the AGO, OPD expects that 2/3 of the necessary funds will be expended in FY16 and 1/3 will be expended in FY17.

FY16

The average yearly termination case cost of \$2,340 x 420 cases = \$982,800 (Rounded for Request)

FY17

The average yearly termination case cost of \$2,340 x 210 = \$491,400 (Rounded for Request)

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 983,000	\$ 491,000	\$ 1,474,000
Total Cost	\$ 983,000	\$ 491,000	\$ 1,474,000

Washington State Judicial Branch
2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense
Decision Package Title: Parents Representation Program
Statewide Expansion
Budget Period: 2015-2017 Biennial Budget
Budget Level: Policy Level

Agency Recommendation Summary Text

Funds are requested to expand the Parents Representation Program, which provides adequate legal representation for indigent parents involved in dependency and termination cases, to all juvenile courts statewide. The Office of Public Defense (OPD) Advisory Committee at its June meeting strongly encouraged OPD to pursue a final expansion to the eight counties not currently served by the Program.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
011-1 General Fund State	\$ 2,490,000	\$2,490,000	\$ 4,980,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	1	1	1

Package Description

Program Background:

In 1999, the Legislature directed the Washington State Office of Public Defense (OPD) to report on inequalities in attorney funding in dependency and termination cases. OPD conducted an investigation of Washington's juvenile courts, finding severe disparities between state funding for the Attorney General's Office (AGO) for the initiation and processing of these cases compared to the funds provided by counties for legal representation of the indigent parents involved.

In 2000, the Legislature appropriated funds to OPD to create an enhanced parent representation pilot program in the Benton-Franklin and Pierce County juvenile courts.

Due to its success, the pilot program was continued until 2005. During the pilot, four independent evaluations verified the program's success in improving parents' representation. In addition, the evaluations showed that the outcomes for children and their families greatly improved, as parents were better able to address their parenting deficiencies. Based on these results, the Legislature has periodically expanded the program into additional counties.

This innovative program has been praised in national publications, including the *Juvenile and Family Court Journal*, the American Bar Association's *Children and the Law* newsletter *Courtworks*, and the National Council on Juvenile and Family Court Judges website, which publishes their evaluation of the program as a Technical Assistance Brief model for other states. The program's outstanding results shown by evaluations as promoting earlier permanency for children was published in the *Children and Youth Services Review* in 2012. Washington is a founding member of the American Bar Association's new parents' representation section.

The Need:

Funds are requested to implement the Parents Representation Program (PRP) in the eight counties currently lacking the Program. The Program would be expanded to counties in which indigent parents in dependency and termination cases are in emergent need of adequate attorney representation. About 15 percent of Washington state children and their indigent parents who are involved in dependencies and terminations still suffer emergent need for this Program. These cases not infrequently result in the permanent severance of their relationship to each other for all purposes.

Indigent parents in the 15 percent of the state without the Program are represented by county- funded attorneys, who practice under widely disparate contract terms and conditions, depending on the county. These attorneys often are burdened with excessive caseloads and practice without the benefit of professional oversight, independent social worker or investigator resources, or specialized dependency/termination training.

The Solution:

Indigent parents in dependency and termination cases are guaranteed the right to counsel, and the U.S. Supreme Court has declared that legal representation provided by government must be of adequate quality. In 2005, the Legislature declared "the legislature recognizes the state's obligation to provide adequate representation...to parents in dependency and termination cases." SB 5454. Since then, the Legislature has authorized the expansion of the Parents Representation Program in stages, several counties at a time. The Program is now implemented in 85 percent of the state. Several independent evaluations of the Parents Representation Program have shown that parents who are afforded the Program are substantially more likely to succeed in their cases, thus restoring their families, meeting the intent of our child welfare laws, and avoiding state-funded foster care and adoption subsidy costs totaling millions of dollars each year. This request would expand the Program to the remainder of the counties and would provide indigent parents in Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, and Walla Walla counties, and the currently unserved half of indigent parents in Pierce County, with access to representation by OPD-contracted Parents Representation Program attorneys, just like similarly situated indigent parents in the other 31 counties.

Comparison to Existing Funding and Performance

Without the requested funding and statewide expansion of the Parents Representation Program, the state would spend less on representing indigent parents but, based on Program evaluations that show improved family reunification and earlier permanency, the state likely would spend significantly more on foster care and adoption subsidies. Without funding to expand the state Program, local attorneys in these eight counties likely will continue to lack caseload controls, professional oversight, readily available social worker and investigator services, and crucial training.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

In 2005, the Legislature declared "the legislature recognizes the state's obligation to provide adequate representation...to parents in dependency and termination cases." SB 5454. Since then, the Legislature has authorized the expansion of the Parents Representation Program in stages, several counties at a time. The program is now implemented in 85 percent of the state. This request seeks funding for the remainder of the counties. At present, indigent parents in Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, and Walla Walla counties, and half the indigent parents in Pierce County, do not have access to representation by OPD-contracted Parents Representation Program attorneys while all similarly situated indigent parents in the other 31 counties receive OPD services.

OPD's enabling statute, RCW 2.70, establishes that the agency shall "administer all state- funded services ... (for) representation of indigent parents qualified for appointed counsel in dependency and termination cases, as provided in RCW 13.34.090 and 13.34.092

Expanding the Parents Representation Program will ensure program oversight and quality controls to provide a consistent level of service to indigent parents involved in dependency/termination cases statewide.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Funding this request will ensure that indigent parents in all Washington counties can receive appointment of well-qualified Parents Representation Program attorneys, all of whom receive specialized training, access to social worker and investigator

resources, professional oversight, reasonable caseloads, and adequate compensation.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

This request includes 1 FTE for a Parents Representation Program Managing Attorney at the OPD office in Olympia.

Measure Detail

Impact on clients and service

Implementation of the Parents Representation Program to all Washington counties will help meet the state's legal mandates, both constitutional and statutory, to ensure that effective counsel is appointed for indigent parents in dependency and termination cases. Program attorneys will have reasonable caseloads, enabling them to meet regularly and communicate with clients, ensure that parents have access to services designed to correct parental deficiencies, prevent court delays due to scheduling conflicts, and conduct high-quality case preparation, including access to experts and evaluators, timely discovery and case investigation, and participation in settlement negotiations when appropriate. The courts will be able to more effectively hold parents accountable for participating actively in services and the cases because their attorneys can ensure that they have timely and clear opportunities to do so. Program attorneys will hold all parties accountable for providing services that have been ordered by the court for parents.

Impact on other state services

Independent evaluations of the Parents Representation Program show that court efficiency is increased as continuances due to overscheduled attorneys are reduced. This increases the efficient use of judicial resources and leads to more high-quality, timely decisions regarding children's permanency.

Judicial officers in Parents Representation Program counties rate program services favorably. In a 2007 survey, judicial officers rated the Program's quality of representation at 4.2 on a 5 point scale.

A number of evaluations have found the Program increases family reunification rates. As a result, for each year the Program operates in a county, the cumulative alternate care savings increase. As the Program has expanded into additional counties over the years, foster care and caseload reductions generated by the Program continue to be substantial.

On a case-by-case basis, social workers and services providers will consistently be made more accountable because individual Program attorneys work with them to ensure that they provide services that have been ordered by the court and, if necessary, enforce services orders in court. This improves Washington's ability to fulfill mandatory federal review requirements.

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

The right to counsel for indigent parents is constitutionally or statutorily required. The alternative to providing these mandatory services by expanding the Parents Representation Program to the remaining eight counties is to maintain the status quo and allow for inconsistent (and in many cases inadequate) quality of representation from one county to the next.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Funding for Parents Representation Program expansion would be an ongoing cost.

Effects of non-funding

Without funding to expand the Parents Representation Program, indigent parents in 15 percent of the counties will continue to receive an inconsistent and often inadequate quality of representation in dependency and termination proceedings, in violation of legal mandates. Dependent children in these areas will spend greater periods of time in foster care at substantial cost to the state. The court system in these counties will continue to struggle with delays and continuances caused by attorneys with high caseloads. The system's failure to provide for checks and balances in the counties without the Program will continue to harm families, negatively impacting children's well-being.

Expenditure calculations and assumptions and FTE assumptions

The budget request seeks funding for about 1,408 parents' representations in the targeted counties. About 18 contract attorneys will be compensated at a rate of \$107,100- \$122,400 depending on experience level and the local cost of doing business, for full-time caseloads of 80 open cases. Compensation includes the attorney's salary, office rent, secretarial staff, Professional dues and licensing, and overhead. 4.12 social workers at \$55,000 annually are also included, as well as expert costs at \$2,500 per attorney annually. OPD would add another program manager at \$110,000 for salary and benefits.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 110,000	\$ 110,000	\$ 220,000
Non-Staff Costs	\$ 2,380,000	\$ 2,380,000	\$4,760,000
Total Objects	\$ 2,490,000	\$ 2,490,000	\$4,980,000

INTRODUCTION

In 2003 more than seven in ten low income people experience an important civil legal problem each year. (WASHINGTON SUPREME COURT TASK FORCE ON CIVIL EQUAL JUSTICE FUNDING, *Civil Legal Needs Study* (Sept. 2003)). Of these nearly 90% did not receive the legal assistance they need. (*Id.*). This was before the Great Recession and the ever growing income inequality chasm that has accompanied the economic recovery.

Over the past five years, job losses, housing foreclosures and major cuts in essential support services have driven an unprecedented spike in poverty rates. These in turn have caused an immediate and unprecedented spike in demand for civil legal aid services. The 2013 American Community Survey documents that 14.15% of Washington residents – 967,282 individuals – lived at or below 100% of the federal poverty level (FPL) in 2011.¹ The corresponding rate in 2005 was 11.9% (with 729,500 people living at or below 100% of the FPL).² About 1.25 million Washingtonians (18.3% of the population) now meet the base eligibility standard for civil legal aid, with household incomes at or below 125% of the federal poverty guideline;³ and more than 2.122 million Washington State residents live at or below 200% of poverty.⁴ While the recovery has assisted households with incomes at the top of the economic scale, those at the bottom have seen real income stagnate and decline over the past five years.⁵

Individuals and families living at or near the poverty level experience legal problems affecting the most basic human needs – protection of housing, preservation of family relationships and protection from domestic violence and abuse, preservation of employment, protection from consumer fraud and abuse, access to public/municipal services, and access to governmental assistance and health care.

¹ Source: US Census Bureau ACS Poverty in 2013 (October 2014)

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1701&prodType=table

²

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_05_EST_S1701&prodType=table

³ *Id.*

⁴ *Id.*

⁵ *See*, Romich, Poverty, Income Inequality Increase in Washington State,

<http://www.washington.edu/news/2014/09/18/poverty-income-inequality-increase-in-washington-state>; Balk, As Seattle Incomes Soar, Gap Grows Between Rich and Poor, <http://blogs.seattletimes.com/fyi-guy/2014/10/06/as-seattle-incomes-soar-gap-grows-between-rich-and-poor>

Following the start of the Great Recession, demand for civil legal aid skyrocketed, with low income residents looking for legal help with problems that flow from the direct and indirect consequences of the economic crisis and its aftermath. These include problems involving debt collection (including medical debt collection), unemployment insurance, mortgage foreclosure, access to affordable housing, eligibility for nutritional assistance, and matters relating to families in conflict.

At the same time as demand for legal help has increased, the capacity of the legal aid system to address these needs has declined substantially. During the period from 2009 – 2014, the base state-funded legal aid footprint declined from 105 FTE attorneys to the current level of 85. Case service statistics for state funded legal assistance declined correspondingly from 14,741 closed cases in CY 2009 to 9,241 closed cases in CY 2013.

Women and children disproportionately experience civil legal problems for which legal representation is required. According to the 2003 Civil Legal Needs Study, victims of domestic violence have the greatest number of civil legal needs and, in many cases, experience the greatest risk when needs for civil legal assistance are not met.⁶ Low income residents of rural Washington are disproportionately unable to secure the legal help they need to assert or defend important civil legal rights and prerogatives.

STRATEGIC PLAN⁷

AGENCY MISSION

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 justice. The mission of the Office of Civil Legal Aid is to work within the judicial branch and with the Supreme Court's Access to Justice Board to ensure justice for low income residents of Washington State through the funding and oversight of effective, economical and responsive state-funded civil legal aid services and to ensure accountability for state-appropriated funds dedicated to this purpose.

Office of Civil Legal Aid, *Strategic Plan* at 1 (December 2008).

OCLA administers and oversees the delivery of state-funded civil legal aid services to eligible low income people in Washington State. OCLA contracts with a statewide "qualified legal aid program," the Northwest Justice Project (NJP), to provide direct and sub-contracted civil legal aid services to eligible low income clients on matters falling within the areas of authorized practice set forth in RCW 2.53.030(2). OCLA is required, among other things, to ensure that state funded legal aid services are delivered "in a manner that maximizes geographic access throughout the state." RCW 2.53.030(3).

⁶ Washington Supreme Court, Task Force on Civil Equal Justice Funding, Civil Legal Needs Study (September 2003) at 29.

⁷ The Office of Civil Legal Aid adopted an agency Strategic Plan in 2008. A copy of that plan is available on the OCLA's website – www.ocla.wa.gov

The Office of Civil Legal Aid is overseen by a bipartisan Civil Legal Aid Oversight Committee. RCW 2.53.010. The Oversight Committee includes members appointed by both caucuses of the House and Senate, three representatives appointed by the Supreme Court (including a client-eligible member), two representatives appointed by the Board for Judicial Administration, a representative appointed by the Governor and a representative appointed by the Washington State Bar Association. The Oversight Committee is chaired by Spokane County Superior Court Judge Ellen K. Clark.

By Supreme Court Order, responsibility for planning and coordination of Washington State's civil legal aid delivery is assigned to the Court's Access to Justice Board (ATJ Board). The ATJ Board has adopted a comprehensive plan for the delivery of civil legal aid services to all low income residents in the state including, but not limited to, clients eligible for state-funded legal aid services. (WASHINGTON STATE ACCESS TO JUSTICE BOARD, *State Plan for the Delivery of Civil Legal Aid Services to Low Income Residents of Washington State* (1995; rev. 1999 and May 2006)). The ATJ Board's *State Plan* defines roles, expectations, responsibilities and accountability standards and systems designed to ensure the effective and efficient delivery of civil legal aid services. To the extent consistent with RCW 2.53.020 and .030 and consistent with direction provided by the bipartisan Civil Legal Aid Oversight Committee, the *State Plan* serves as a guide for developing budget proposals and establishing client service delivery and related performance expectations.

STATUTORY AUTHORITY

The Office of Civil Legal Aid (OCLA) is managed by the agency Director. Under RCW 2.53.020(3), the Director's charge is to:

- (a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW [2.53.030](#);
- (b) Monitor and oversee the use of state funding to ensure compliance with this chapter;
- (c) Report quarterly to the civil legal aid oversight committee established in RCW [2.53.010](#) and the supreme court's access to justice board on the use of state funds for legal aid; and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and
- (d) Submit a biennial budget request.

Effective July 1, 2014, OCLA was assigned responsibility to administer and oversee a program pursuant to which attorneys are appointed to represent children who remain legally free six months following the termination of the legal rights of their parents. RCW 2.53.045. OCLA has established the statewide Children's Representation Program and has added a full-time Children's Representation Program Manager to its staff.

GOALS

OCLA works to achieve results in service of the following eight goals:

1. Funding: Secure funding necessary to address the most important civil legal needs of low income people as documented by the Civil Legal Needs Study and related reports of the Supreme Court’s Task Force on Civil Equal Justice Funding.
2. Accountability: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements and is responsive to the most significant civil legal problems experienced by eligible low income people within Washington State.
3. Equity: Ensure that eligible low income people have equitable access to the type and quality of civil legal aid services they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based or other characteristics.
4. State Support: Support efforts to establish and maintain statewide support infrastructure so that the state funded civil legal aid system is best positioned to provide effective and economical client services over time.
5. Integration Within Judicial Branch: Ensure that the effective and economical civil legal aid is institutionalized as an enduring responsibility and high priority of the Washington State judicial branch.
6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid and the state-funded civil legal aid system, consistent with best practices and relevant professional standards for civil legal aid delivery.
7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of eligible low income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.
8. Ensuring Effective, Standards-Based Representation of Legally Free Children: Develop systems to monitor, oversee and effectively support the provision of legal assistance to legally free children consistent with the directives set forth in RCW 13.34.100(2)(6) and the standards referenced in that statute.

MAJOR STRATEGIES

To achieve its mission and goals the Office of Civil Legal Aid employs the following strategies:

- Establish concrete client service expectations with appropriate accountability benchmarks in its contract with the Northwest Justice Project
- Coordinate closely with the Supreme Court’s Access to Justice Board and other key institutions to ensure the effective, efficient and coordinated delivery of civil legal aid services in authorized areas of representation, consistent with the requirements of RCW 2.53, the ATJ Board’s *State Plan for the Delivery of Civil Legal Aid*, Washington State’s Civil Equal Justice Performance Standards and other recognized national standards for delivery of civil legal aid

- Conduct reviews of state-funded legal aid programs to ensure compliance with statutory, contractual, fiscal and service delivery expectations, requirements and limitations.
- Provide effective staff support for the bipartisan Civil Legal Aid Oversight Committee
- Ensure that sufficient resources are invested in critical statewide capacities needed to achieve effective, efficient and consistent client service delivery including skills and professional competency training, interpreter services, leadership development initiatives, regional delivery planning and coordination, case management, video conferencing, GIS and other technology based systems, etc.
- Work to ensure that the unmet civil legal needs of poor and vulnerable people are considered and, where appropriate, incorporated into judicial branch initiatives
- Monitor and report on changes in the substance and frequency of civil legal problems experienced by low income people in Washington State, including support a comprehensive update of the 2003 Civil Legal Needs Study
- Provide effective support and training for and effective oversight of attorneys appointed to represent legally free children pursuant to RCW 13.34.100(2)(6)

MEASURES

The Office of Civil Legal Aid conducts a biennial fiscal and regulatory review of the Northwest Justice Project's operations and conducts annual site visits to selected NJP regional field service offices. These oversight activities are undertaken to ensure:

- Compliance with all statutory requirements set forth in RCW 2.53.030
- Effective and efficient delivery of state funded civil legal aid services in authorized areas of legal representation that are responsive to the needs of eligible clients
- Effective coordination of the delivery of civil legal aid services with other relevant legal, social and human services in communities throughout Washington State
- Provision of services consistent with national and state-based professional standards and best practices.

The Office of Civil Legal Aid uses the following tools in evaluating the efficiency and effectiveness of state-funded civil legal aid service delivery:

- The requirements of RCW 2.53.030
- The ATJ Board's *State Plan for the Delivery of Civil Legal Aid Services*
- Regional client service delivery plans
- The ATJ Board's *Standards for Civil Legal Aid in Washington State* (2009)
- The federal Legal Services Corporation's *Performance Criteria* (May 2007)
- The ABA's *Standards for the Delivery of Civil Legal Services to the Poor* (rev. August 2006)
- Relevant standards for accounting and fiscal administration

In the area of children's legal representation in dependency cases, the OCLA has:

- Developed and requires state-funded children's attorneys to use a web-based Case Activity, Reporting and Oversight System (CAROS) to monitor the performance of state-funded attorneys representing legally free children.

- Engaged the Court Improvement Training Academy at the University of Washington School of Law to develop and deliver training designed to enhance the ability to state-funded attorneys to represent children consistent with the standards referenced in RCW 13.34.100(2)(6).
- Provides ongoing technical assistance and support, peer mentoring and other resources designed to ensure effective, standards-based legal representation.
- Developed other strategies to monitor and assess attorney performance.

EXTERNAL ENVIRONMENT

Over the past six years, Washington State has experienced a deep economic contraction and a slow, unequal recovery. Poverty rates continue to grow as does the number and gravity of the legal problems experienced by those living in poverty. Cuts in local and state services coupled with significant changes in public policies directly affecting the poor, disabled and vulnerable have led to increased homelessness, a systematic lack of critical services for children, the mentally ill and other vulnerable populations, and other signs of social decay.

During this same time, the statewide civil legal aid system, a model public/private partnership, has experienced multiple challenges that have undermined its ability to maintain presence and provide a sufficient level of relevant legal aid services to those who need them. These include deep reductions in funding from the state and other key sources of underwriting support.

TRENDS

Demand for civil legal aid is counter-cyclical. As times get tougher, the social and legal problems facing low income people and families increase. A hospital bill becomes a debt collection problem that, once collateralized, becomes a mortgage foreclosure. Family social and economic stress is increased as life-long wage earners find themselves without jobs or the ability to secure new employment and as bills and legal obligations pile up. These dynamics are compounded by the loss of extended unemployment insurance benefits for the long-term unemployed. The loss of health, child care and other support services creates additional stresses on family incomes, causing them to make choices between paying rent, utilities, child care, credit card debt or other essential services. The social epidemic of domestic violence continues to grow in every part of the state. Washington State continues to experience a spike in housing foreclosures and the number of persons faced with the threat of foreclosures⁸, an influx of military service personnel and families needing help with an array of life and related legal problems, and families victimized by increasingly aggressive predatory lenders.

These trends manifest in unprecedented levels of demand for civil legal aid services. They have also created substantial increases in demand on the civil justice system. A 2010 survey of judges conducted by the American Bar Association documents the strong correlation between the current economic crisis and (a) increasing demand on the court system, (b) increased numbers of

⁸ Efforts to address the deluge of pending and expected foreclosures have been assisted by the Attorney General's commitment of \$2.25 million per year over the next five years to support a range of civil legal assistance related to foreclosure prevention, mediation, and related civil legal problems for persons at or below 400% of FPL. *See* <http://www.atg.wa.gov/pressrelease.aspx?id=30552>

unrepresented litigants, and (c) increased numbers of litigants who have experienced real injustice in the course of their cases.⁹

In the face of this demand, the state-funded civil legal aid system's delivery capacity has been reduced by nearly 20% over the past four years due to cuts in state funding and uncompensated increased costs of operation. As of January 1, 2015, NJP will have a state-funded client service footprint, including its intake/referral staff and statewide advocacy coordinators, of 85 FTE attorneys. With more than 2 million eligible clients, this results in one state-funded attorney for every 15,000 residents living at or below 125% of the federal poverty guideline, and 1:25,000 for those living at or below 200% of FPL.

STRATEGIES

The Office of Civil Legal Aid will work to (a) secure funding to protect against further erosion in client service staff capacity due to the state's share of known and measurable personnel and occupancy cost increases, (b) secure funding to stabilize the statewide civil legal aid system so that it can remain available and relevant to low income residents in all parts of the state, (c) continue to provide effective oversight to ensure that state-funded services are delivered in the most effective and efficient manner consistent with the needs of eligible clients, the requirements of its governing statute, relevant performance standards and the expectations set forth in the ATJ Board's *State Plan*, (d) complete a comprehensive update of the substance and frequency of civil legal problems experienced by low income residents of Washington State and make recommendations to the Legislature and others relating to the findings of the update, and (e) complete the effective implementation of the Children's Representation Program, monitor outcomes and indicators of child well-being and provide periodic reports to the Legislature regarding the impact and effectiveness of providing representation for legally free children.

FINANCIAL PLAN

In the short term, OCLA will work to secure increases in state civil legal aid funding to mitigate increased operational costs and buy back a portion of the client service capacity lost in recent years, with the objective of stabilizing the system in the short term to the "new normal." Over the longer term, OCLA will work with the judicial branch and the legislature to ensure adequate funding to meet the most urgent civil justice needs of low income and vulnerable people in the state. OCLA will also work with the Washington State Bar Association, the Supreme Court's Access to Justice Board and other key organizations to increase the availability of private volunteer involvement in civil legal aid delivery – a component of the legal aid delivery system that in 2013 provided more than 65,000 total hours of help to state-eligible clients with an annual value of more than \$11,000,000.¹⁰

OCLA will also monitor caseload trends and seek funding sufficient to fully pay for the cost of attorneys appointed pursuant to RCW 13.34.100(2)(6).

STAFFING

⁹ <http://new.abanet.org/JusticeCenter/PublicDocuments/CoalitionforJusticeSurveyReport.pdf>

¹⁰ Source: Legal Foundation of Washington, 2013 Annual Report at 6.

<http://www.legalfoundation.org/sites/legalfoundation/upload/filemanager/LFW-2013-Annual-Report-to-post.pdf>

The Office of Civil Legal Aid is staffed by a single FTE, the agency Director and a Children's Representation Program Manager. For the FY 2013-15 biennium, total agency administrative expenses, including contracted administrative and statewide support services were 2.5% of total agency expenses. Given the expansion of the agency's mission and increased administrative duties, OCLA will request an additional 1 FTE for professional agency administrative assistance and contracts management in the FY 2015-17 biennium.

2013-15 Current Biennium Total

CL AE Carry Forward Level	2.0	23,637	1,463	25,100
Total Carry Forward Level	2.0	23,637	1,463	25,100
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
Carry Forward plus Workload Changes	2.0	23,637	1,463	25,100
Percent Change from Current Biennium				
M2 AA Maintain Existing Client Service		718		718
M2 AB Maintain Children's Representation	0.5	1,200		1,200
Total Maintenance Level	2.5	25,555	1,463	27,018
Percent Change from Current Biennium				
PL A1 Civil Legal Aid Enhancement	0.5	2,958		2,958
PL A2 Private/Local Authority			300	300
Subtotal - Performance Level Changes	0.5	2,958	300	3,258
2015-17 Total Proposed Budget	3.0	28,513	1,763	30,276
Percent Change from Current Biennium				

M2 AA Maintain Existing Client Service

OCLA seeks funding to mitigate against legally obligated increases in personnel expenses experienced by its client service provider, Northwest Justice Project.

M2 AB Maintain Children's Representation

Budget is required to fully fund the state's responsibilities under ch. 108, Laws of 2014 (codified at RCW 13.34.100(2)(6)), providing for state payment for attorney representation of children in dependency cases starting six months after termination of the legal rights of all parents.

PL A1 Civil Legal Aid Enhancement

Stabilize client service capacity at statewide Northwest Justice Project at minimum sustainable levels consistent with increased poverty population, client demand levels and complexity of civil legal problems; enhance capacity of state-funded volunteer and specialty legal aid providers to provide needed legal aid services; address critical agency administrative needs.

PL A2 Private/Local Authority

OCLA requests the Expenditure Authority for funding received from Private/Local Grants designated for specific purposes by the terms of the grants.

State of Washington
Decision Package Revenue Detail

FINAL

11/19/2014

2:00:33PM

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Budget Period: 2015-17
Agency: 057 Office of Civil Legal Aid
Version: B1 2015-17 Budget Request
Package Program:
Budget Level: M1
Decision Package Code: 90
Decision Package Title: Maintenance Level Revenue

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Fiscal Year: 2016

Fund-Source

	Agency Level	Total
001-0541 Contributions Grants	150,000	150,000
Total	150,000	150,000

Fiscal Year: 2017

Fund-Source

	Agency Level	Total
001-0541 Contributions Grants	150,000	150,000
Total	150,000	150,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Office of Civil Legal Aid

Decision Package Title Maintain Existing Client Service Capacity

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

OCLA seeks funding to mitigate client service capacity consequences of legally obligated increases in personnel related expenses experienced by its sole-source client service provider, Northwest Justice Project.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 237,000	\$ 481,000	\$ 718,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Protect legislatively authorized client service capacity in face of known and measurable personnel related cost increases.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest

level of public trust and confidence in the courts.

Access to timely, competent and effective civil legal assistance is essential to the ability of litigants to effectively assert and defend important legal rights within the justice system. Such access is also essential for the courts to deliver on the constitutional promise of administering real justice in all cases openly and without unnecessary delay. Civil legal aid offers a legal voice for low income people who lack any other means of participating in legal proceedings in which they are involved. In so doing, it is the vehicle through which the justice system offers both fairness and the appearance of fairness.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Persons with disabilities limiting their ability to effectively participate in judicial proceedings are disproportionately poor. The availability of civil legal aid services helps ensure that these people are able to assert their rights to reasonable accommodation and otherwise overcome access barriers that limit their ability to meaningfully participate in legal proceedings in which they are parties. The same is true for individuals who are limited English proficient (LEP) and who are also disproportionately poor. Legal aid helps them assert their language access rights and to effectively participate in proceedings in which they are involved.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. Legal aid offers a full spectrum of assistance to enable low-income people effectively participate in their legal cases. In those cases where the stakes are important, the issues complex and the other side is represented, an unrepresented individual is at a distinct disadvantage. Within the resource limits available, civil legal aid -- whether offered through a staffed legal aid program or a pro bono attorney -- levels the playing field and ensures that evidence and arguments of those with important interests at stake will be heard and considered on their merits. Protecting current levels of client service capacity will ensure that there is some minimal presence to address the needs of low income people on a statewide basis. Without such investment, *the system will lose another 5 FTE attorneys over the course of the biennium.*

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

N/A

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

N/A

Measure Detail

Impact on clients and service

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency that administers and oversees the state's investment in civil legal aid services. OCLA's activities relating to contracting and oversight of state civil legal aid funding is governed by RCW 2.53.020 and .030. The Legislature has directed that OCLA contract with a "qualified legal aid program" for the provision of civil legal aid services to eligible clients. RCW 2.53.030(2). OCLA contracts with the Northwest Justice Project to provide state-authorized and supported civil legal aid services.

NJP maintains a statewide client intake, access and referral system (CLEAR); regional and satellite offices in 17 locations throughout the state; a system to help underwrite state-eligible client services provided through 17 local volunteer attorney programs and 4 providers of specialized and targeted legal aid services; and training and professional development support for state-funded legal aid program staff and volunteers.

Over the past four years, NJP has lost 20 FTE client service positions. Its current footprint is now 82.5 basic field client service attorneys. A chart outlining basic field client service staffing changes since 2009 is attached.

The requested funding is necessary to protect the existing footprint against further erosion. OCLA seeks an amount that is equal to the state's percentage of total program *personnel* cost increases commensurate with the state's contribution to NJP's overall program operations (52%).¹ These are costs that must be incurred by NJP, as they reflect experiential progression on NJP's Board-adopted salary scale.

Impact on other state services

Further reduction in client service capacity means fewer clients served. It may also mean closure of one-attorney offices in one or more rural locations. Reduced client service capacity can and does have an indirect impact on demands for state and local services for victims of domestic violence, homeless persons, persons in need of medical or mental health services, etc.

Relationship to Capital Budget

N/A

¹ This request only seeks an adjustment to address known and measurable personnel cost increases (salaries and benefits), which represent more than 80% of NJP's total increase in operating costs over the biennium.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

This is a cost-driven need that is tied directly to state-funded client service capacity. The only alternative is a one-time vendor rate adjustment in the amount of 3.3% to carry forward through the biennium.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The amount requested will carry forward as part of the new base level of funding.

Effects of non-funding

NJP will lose an additional 5 FTE during the course of the FY 2015-17 biennium. Depending upon where such cuts are taken, it could further substantially reduce client service available through the statewide legal aid information, assistance and referral line (CLEAR) and/or further reduction of client service capacity in one of its 17 field or satellite locations and/or closure of one or more one-attorney offices.

Expenditure calculations and assumptions and FTE assumptions

Costs are determined on the basis of existing staffing levels by position and experience, actual costs associated with experiential progression on NJP's Board-approved salary scale and anticipated changes in related expenses for health care and other employer provided benefits.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 237,000	\$ 481,000	\$ 718,000
Total Objects	\$ 237,000	\$ 481,000	\$ 718,000

Northwest Justice Project OCLA-Funded Client Service Locations	2009 FTE Attorneys	2013 FTE Attorneys	Net Change 2009-2013	Residents @125% of FPL 2010	Counties Served
Bellingham	4.8	3.9	-0.9	68,150	Whatcom, Skagit, Island, San Juan
Everett	5	4	-1	76,237	Snohomish
King County	10.6	8.6	-2	241,707	King
Olympia	4	3	-1	56,874	Thurston, Mason, Lewis
Spokane	6	4	-2	97,426	Spokane, Lincoln, Whitman
Colville	2	2	0	13,694	Ferry, Stevens, Pend Oreille
Tacoma	7	6	-1	117,635	Pierce
Bremerton	2	2	0	29,992	Kitsap
Vancouver	5	5	0	59,693	Clark, Skamania, Klickitat
Walla Walla	2	1	-1	17,642	Walla Walla, Asotin, Garfield, Columbia
Pasco	1	2	+1	46,001	Benton, Franklin
Wenatchee	4	4	0	47,374	Chelan, Douglas, Adams, Grant
Omak	1.9	1.9	0	10,171	Okanogan
Yakima	5	3.8	-1.2	75,928	Yakima, Kittitas
Port Angeles	3	1	-2	18,029	Clallam, Jefferson
Aberdeen	3	1	-2	19,617	Grays Harbor, Pacific
Longview	3	2	-1	21,835	Cowlitz, Wahkiakum
Total Community-Based Client Service FTE's	69.3	55.2	-14.1		
Statewide Intake, Advice, Brief Service and Referral (CLEAR), Self-Help Support and Private Bar	32	27	-5		
Statewide Client Service Coordination, Training, Support and Supervision, and Publications Coordinator	4.8	3.6	-1.2		
Total State-Funded Client Service FTE's	106.1	85.8	-20.3		

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Office of Civil Legal Aid

Decision Package Title Maintain Children’s Legal Representation Capacity

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Budget is required to fully fund the state’s responsibilities under ch. 108, Laws of 2014 (*codified at* RCW 13.34.100(2)(6)), providing for state payment for attorney representation of children in dependency cases starting six months after termination of the legal rights of all parents.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 600,000	\$ 600,000	\$ 1,200,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	.5	.5	.5

Package Description

Funding is requested to fully fund implementation of 2ESSB 6126 (ch. 108, Laws of 2014) in FY 2015-17. The legislation, codified at RCW 13.34.100(2)(6), provides for the appointment of attorneys to represent children in dependency cases six months following termination of the legal rights of all parents. Section 2(6) of the legislation provides that the state will pay for legal representation that meets practice, caseload and training standards established in 2010 by a legislatively created Children's Representation Work Group. Section 3 (*codified at* RCW 2.53.045) of the legislation designates the Office of Civil Legal Aid as the agency to administer the system for ensuring accountability of legal representation to the referenced standards and to pay for

legal representation in qualifying cases. OCLA initiated this program effective July 1, 2014. Funding is requested to fully underwrite this program consistent with anticipated qualifying caseload numbers. The funding level reflects best current caseload information provided by the Children's Representation Program Manager (10/13/14) and preliminary billing information for Q1 of FY 2015. OCLA will continue to closely monitor payment levels and will adjust the level requested consistent with caseload and billing experience through the first two quarters of FY 2015.

Because OCLA will move to a direct attorney contract model in the 2015-17 biennium, this decision package assumes the hiring of a .5 FTE attorney contract administrator.

Narrative Justification and Impact Statement

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The Legislature determined that providing attorneys for children following the termination of the parent and child relationship is fundamental to protecting the child's legal rights and to accelerate permanency. Ch. 108, Laws of 2014, Sec. 1(1).

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Consistent with legislative findings and objectives, the provision of standards-based legal representation for children in qualifying cases will ensure that these most vulnerable parties will have an effective legal voice in matters that will profoundly affect the rest of their lives.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Funding is requested in order to fully fund the provision of effective, standards-based legal representation consistent with the legislative directive in RCW 13.34.100(2)(6) that courts appoint attorneys to represent children who remain legally free six months following entry of orders terminating all parental rights.

Measure Detail

Impact on clients and service

Consistent with stated legislative intent, OCLA funds and oversees attorneys appointed in cases where children no longer have a parent to advocate on their behalf and there is no other party to assert or defend their stated legal interests in the dependency proceeding post- termination of parental rights. Through a web-based Case Activity Reporting and

Oversight System (CAROS), OCLA monitors the activities and effectiveness of state-funded attorneys appointed to represent children under section RCW 13.34.100(2)(6). OCLA also monitors outcomes achieved in relation to specific child welfare indicators and court process timelines to determine the impact and effectiveness of attorney representation for these children.

Impact on other state services

It is anticipated that legal representation will expedite permanency for these children in ways that are consistent with appropriate child welfare indicators, thereby reducing costs associated with ongoing foster care and extended judicial proceedings.

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

This is to continue a program established pursuant to legislative directive and provide funding at a level dictated by actual caseload and billing experience. There are no alternatives.

Distinction between one-time and ongoing costs and budget impacts in future biennia

All costs are ongoing.

Effects of non-funding

Non-funding will result in either (a) non-compliance with the requirement in RCW 13.34.100(2)(6) that attorneys be appointed for children in qualifying cases or (b) the imposition of a legislative mandate directing counties to make such appointments without sufficient funding to pay for it in violation of RCW 43.135.060.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 49,000	\$ 49,000	\$ 98,000
Non-Staff Costs	\$ 551,000	\$ 551,000	\$ 1,102,000
Total Objects	\$ 600,000	\$ 600,000	\$ 1,200,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Office of Civil Legal Aid

Decision Package Title Civil Legal Aid Delivery Capacity Enhancement

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Stabilize client service capacity at statewide Northwest Justice Project at minimum sustainable levels consistent with increased poverty population, client demand levels and complexity of civil legal problems; enhance capacity of state-funded volunteer and specialty legal aid providers to provide needed legal aid services; address critical agency administrative needs.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 1,479,000	\$ 1,479,000	\$ 2,958,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	.5	.5	.5

Package Description

OCLA seeks \$2,880,000 in the FY 2015-17 biennium to stabilize basic civil legal aid service capacity across the state-funded legal aid delivery system. This request is designed to ensure that those facing the most profound civil legal problems have equitable access to the type and level of high quality civil legal assistance they need to address such problems regardless of where they live. OCLA also seeks \$78,000 in funding to add .5 FTE in professional administrative support to address critical agency functions and legal requirements.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Access to timely, competent and effective civil legal assistance is essential to the ability of litigants to effectively assert and defend important legal rights within the justice system. Such access is also essential for the courts to deliver on their constitutional duty to administer justice in all cases openly and without unnecessary delay. Wash. Const. art. 1, sec. 10. Civil legal aid offers a legal voice for low income people who lack any other means of participating in legal proceedings in which they are involved. In so doing, it is the vehicle through which the justice system offers both fairness and the appearance of fairness.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor. The availability of civil legal aid services helps ensure that these people are able to assert their rights to reasonable accommodation and otherwise overcome access barriers that limit their ability to meaningfully participate in legal proceedings in which they are parties. The same is true for individuals who are limited English proficient (LEP) and who are also disproportionately poor. Legal aid helps them assert their language access rights and to effectively participate in civil legal proceedings in which they are involved.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. Legal aid offers a full spectrum of assistance to help low-income people effectively participate in their legal cases. In those cases where the stakes are important, the issues complex and the other side is represented, an unrepresented individual is at a distinct disadvantage. Within the resource limits available, civil legal aid -- whether offered through a staffed legal aid program or a pro bono attorney -- levels the playing field and ensures that evidence and arguments of those with important interests at stake will be heard and considered on their merits.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

N/A

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

N/A

Measure Detail

Impact on clients and service

Budget reductions experienced over the past two biennia coupled with the lack of any maintenance level adjustments since the 2007-09 biennium have led to deep staffing cuts at the statewide staffed legal aid program, Northwest Justice Project (NJP). These in turn have resulted in deep reductions in client service, both at the field office level and at the statewide CLEAR intake, advice and referral center and correspondingly great hardship to those unable to effectively assert and defend their legal rights.

NJP lost 20% of its basic field client service staff between 2009 and 2013 (from 101.5 FTE attorneys involved in direct client service to 82.5 today) and the number of closed state-funded cases dropped from 14,700 to about 9,200. The vast majority of this case reduction came from NJP's CLEAR system. This reflects (a) the consequence of lost staffing and (b) the fact that CLEAR staff had to spend a substantially greater amount of time per case as they narrowed priorities to the most compelling, complex and time consuming legal matters. Today there is *one state-funded basic field staff attorney for every 15,000 individuals* in WA State living at or below 125% of the federal poverty level (FPL).

OCLA's governing statute requires that client services be provided in a manner that "maximizes geographic access across the state." The deep staff reductions realized in the field and at the statewide CLEAR system since 2009 have aggravated longstanding geographic client service capacity disproportionalities and now threaten the viability of client service presence in key rural areas of the state.

The budget request will allow NJP to cost-effectively restore 12 FTE attorney positions (depending upon experience level) to address these critical client service capacity and geographic proportionality issues.¹ It will also provide funding to enable other state-funded volunteer (pro bono) and specialty legal aid providers to upgrade client services in client service areas of greatest need. Finally, the budget request seeks funding for a .5 FTE professional administrative support staff person to assist OCLA manage the agency's ever growing array of legal, programmatic and administrative tasks and responsibilities.²

¹ NJP's average fully-loaded (personnel and overhead) cost per attorney is \$125,000, well below the cost of comparable attorneys in other state governmentally funded entities.

² Between 2005 and 2014, OCLA has operated with a single FTE, the agency Director. In 2014, the Legislature added a new program (ref. 2ESSB 6126) which required the hiring of a dedicated attorney Children's Representation Program Manager. The agency still has no internal administrative support capacity.

As a whole, the package is designed to (a) stabilize staffed legal aid capacity in the most rural and remote parts of the state as well as urban areas where there is a disproportionate lack of staffed legal aid presence or other alternative sources of legal help, (b) enhance the ability of volunteer attorney (pro bono programs) to recruit, train and effectively support a larger number private volunteer attorneys to provide assistance to eligible low income clients,³ (c) protect the core functions of providers that provide services to clients requiring specialized legal focus and substantive expertise, (d) otherwise ensure the continuing relevancy of the state civil legal aid system to those who need it most and (e) ensure that OCLA has sufficient professional administrative capacity to effectively discharge its oversight and basic agency functions.

Impact on other state services

In addition to meeting the critical justice needs of eligible clients, timely and effective civil legal aid - whether provided by a staffed legal aid attorney or a cooperating volunteer attorney -- solves problems that, if left unaddressed, often result in greater demand for state services or the expenditure of other scarce governmental resources. For example, legal assistance to secure protection from a domestically violent relationship can reduce demand on law enforcement and court services; legal assistance that protects a displaced worker's claim for unemployment insurance protects that worker's family security, housing and income stability while the worker seeks new employment; legal assistance that preserves a family's housing reduces demands on local and state homeless assistance; legal assistance that helps a returning veteran secure access to essential mental health services through the Veteran's Administration reduces demand on state services; legal assistance that secures appropriate special educational services for a failing student could help avoid that student's potential involvement in the juvenile justice system; legal help that results in securing a low income individual's eligibility for federal income and medical assistance programs results in less demand for scarce state-funded services and, in the case of those who were homeless at the time, saves local government about \$50,000 per person per year.

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

N/A

Alternatives explored

If the justice system is to be open and available to all who need it, and fairness to be achieved for those involved in it, there is no meaningful alternative to an increase in state investment in civil legal aid. Basic and consistent underwriting support for the state-funded civil legal aid system comes from three sources -- OCLA, the federal Legal Services Corporation (LSC) and interest on lawyers' trust accounts (IOLTA) and other funds administered by the Legal Foundation of Washington. In the current biennium, OCLA's appropriation was cut by

³ More than 65,000 hours of free legal services are provided by volunteer attorneys working through state-funded local pro bono programs.

\$980,000 from the FY 2013 carryforward level. Cumulative state budget cuts experienced since FY 2009 exceed \$2.73 million. This does not include more than \$2.4 million in requested but unfunded maintenance level adjustments in the FY 2009-11, FY 2011-13 and FY 2013-15 biennia. IOLTA funding (which helps support the operations of our state's volunteer and specialty legal aid programs) remains at historic lows due to near-zero interest rates. Federal funding remains well below the 2009 level.

The Access to Justice Board established by the Washington Supreme Court and its Equal Justice Coalition continue to work with the American Bar Association and its national partners to encourage Congress to increase funding for the Legal Services Corporation. Finally, private resource development, while increasing, still falls far short from filling resource capacity gaps.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Funding requested is ongoing.

Effects of non-funding

In both absolute and relative terms, NJP's client service delivery footprint is not sustainable. One attorney offices continue to be nursed in Walla Walla, Aberdeen and Port Angeles. Across the balance of the state, legal aid attorney-to-eligible client ratios test the limits of institutional relevancy. In King County, the Northwest Justice Project has one basic field legal aid attorney for more than 25,000 eligible clients. In Spokane and NE WA, the current number is about 1:24,000. In Pierce County, the current number is 1:19,000. In Benton-Franklin Counties, it is 1:23,000. Non-funding will lead to further erosion in access to necessary services, the likely closure of some rural offices and exacerbation of geographic disproportionalities.

Despite *leveraging more than 65,000 hours of volunteer attorney time* on state-eligible cases, volunteer attorney programs continue to operate on a shoestring and remain limited in their ability to effectively recruit, train and support the untapped pool of potential volunteer attorneys who, in turn, have the potential to serve many more clients on important matters without charge. Non-funding will limit these opportunities and further compromise efforts to develop and proliferate best practices in pro bono delivery and reduce unnecessary administrative redundancies amongst the 17 stand-alone volunteer attorney programs.

Non-funding will also result in continued erosion in the capacity of key specialized legal aid providers (TeamChild, Seattle Community Law Center, Unemployment Law Project, and Solid Ground) to cost-effectively deliver highly specialized civil legal aid services to some of the most vulnerable and isolated low-income residents of our state. This will place ever greater burdens on NJP to replicate this capacity at a time when it has neither the resources nor expertise to do so.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 39,000	\$ 39,000	\$ 78,000
Non-Staff Costs	\$ 1,440,000	\$ 1,440,000	\$ 2,880,000
Total Objects	\$ 1,479,000	\$ 1,479,000	\$ 2,958,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Office of Civil Legal Aid

Decision Package Title Private/Local Authority

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

OCLA requests the Expenditure Authority for funding received from Private/Local Grants designated for specific purposes by the terms of the grants.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 150,000	\$ 150,000	\$ 300,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

OCLA requests the Expenditure Authority for funding received from Private/Local Grants designated for specific purposes by the terms of the grants. Funding this request will provide additional resources for the agency's mission.

Narrative Justification and Impact Statement

Measure Detail

Impact on clients and services

None

Impact on other state services

None.

Relationship to Capital Budget

None.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None.

Alternatives explored

None.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Similar requests may be made in future biennia.

Effects of non-funding

This is a revenue request for the grantors' relying on Office of Legal Aid resources to distribute the funding to sub-grantees.

Expenditure calculations and assumptions and FTE assumptions

The request is based on past and anticipated future projects funding.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 150,000	\$ 150,000	\$ 300,000
Total Objects	\$ 150,000	\$ 150,000	\$ 300,000