

# The Supreme Court

State of Washington

**BARBARA A. MADSEN**  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2037  
E-MAIL [J.B.MADSEN@COURTS.WA.GOV](mailto:J.B.MADSEN@COURTS.WA.GOV)

November 1, 2016

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 2017-2019 biennial budget request on behalf of the Supreme Court, Administrative Office of the Courts, and the State Law Library. Also included are the 2017-2019 biennial budget requests for the Washington State Court of Appeals, the Office of Public Defense, and the Office of Civil Legal Aid.

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

The remaining requests were vetted through a recently enhanced 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 important funding requests were eliminated from consideration during this process. The remaining requests represent the highest priorities of the state judicial branch.

If you should have any questions regarding our process or the budget submittal, please do not hesitate to contact me at (360) 357-2029. You may also contact Ramsey

David Schumacher, Director, OFM  
November 1, 2016  
Page 2

Radwan, Director of Management Services Administrative Office of the Courts at (360)  
357-2406 or [ramsey.radwan@courts.wa.gov](mailto:ramsey.radwan@courts.wa.gov).

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Madsen".

Barbara A. Madsen  
Chief Justice

c: Hon. Lisa Worswick, Presiding Chief Judge, COA  
Callie Dietz, Director, AOC  
Ramsey Radwan, AOC  
Rob Mead, State Law Librarian  
Joanne Moore, Director, OPD  
Jim Bamberger, Director, OCLA

## 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 \$100,000. 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 caseflow (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.

State of Washington  
**Recommendation Summary**  
 (By Agency Priority)

Agency: **045 Supreme Court**

3:00:33PM

11/7/2016

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>2015-17 Current Biennium Total</b>				
CL AA 2017 - 19 Carry Forward Level	60.9	15,327		15,327
<b>Total Carry Forward Level</b>	<b>60.9</b>	<b>15,327</b>		<b>15,327</b>
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
<b>Carry Forward plus Workload Changes</b>	<b>60.9</b>	<b>15,327</b>		<b>15,327</b>
Percent Change from Current Biennium				
M2 AC Continuation of Merit Increments		490		490
<b>Total Maintenance Level</b>	<b>60.9</b>	<b>15,817</b>		<b>15,817</b>
Percent Change from Current Biennium				
PL AB Salary Survey Implementation		569		569
<b>Subtotal - Performance Level Changes</b>		<b>569</b>		<b>569</b>
<b>2017-19 Total Proposed Budget</b>	<b>60.9</b>	<b>16,386</b>		<b>16,386</b>
Percent Change from Current Biennium				

**M2 AC Continuation of Merit Increments**

The Supreme Court requests funding to continue providing salary step increases for eligible employees.

**PL AB Salary Survey Implementation**

Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for Supreme Court employees.

### State of Washington

Summarized Revenue by Account and Source

Budget Period: 2017-19  
Dollars in thousands  
045 - Supreme Court  
Agency Level  
B1 - 2017 - 19 Biennium Budget  
Supporting Text Excluded

11/8/2016  
4:10PM

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2018	FY2019	FY2018	FY2019	FY2018	FY2019	
<b>001 - General Fund</b>							
Total - 0525 - Filing Fees - Priv/L - P/L	50	50			50	50	100
<b>001 - General Fund - Private/Local</b>	<b>50</b>	<b>50</b>			<b>50</b>	<b>50</b>	<b>100</b>
<b>Total - 001 - General Fund</b>	<b>50</b>	<b>50</b>			<b>50</b>	<b>50</b>	<b>100</b>
<b>045 - Supreme Court - Private/Local</b>	<b>50</b>	<b>50</b>			<b>50</b>	<b>50</b>	<b>100</b>
<b>Total - 045 - Supreme Court</b>	<b>50</b>	<b>50</b>			<b>50</b>	<b>50</b>	<b>100</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Supreme Court
<b>Decision Package Title</b>	Continuation of Merit Increments
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Maintenance Level

**Agency Recommendation Summary Text**

The Supreme Court requests funding to continue providing salary step increases for eligible employees.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 288,000	\$ 202,000	\$ 490,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

**Package Description**

In order to achieve reductions totaling nearly 17% of the Supreme Court budget, salaries were frozen and employees worked without customary salary step increases beginning in 2011.

In 2015 with funding from the legislature, the Supreme Court was able to reinstate step increases for eligible employees. (Those employees who are at the top of their salary ranges are not eligible for further step increases.) The employees were advanced to the salary step they would have achieved, had salaries not been frozen.



Allowing each of these eligible employees to again receive a step increase on the next Periodic Increment Date (PID) would continue the process of bringing them to their appropriate salary level based on tenure in the job class. Continued step increases will assist in the retention of these skilled employees.

**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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

Supreme Court staff salaries were frozen for several years to enable the Court to operate on a severely reduced budget. Affected employees continued to carry out their duties, despite the fact that they did not receive step increases as they were earned. Continuing to provide step increases to eligible employees demonstrates effective support for court personnel.

**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**

There is no alternative. When necessary, Supreme Court staff served the people of Washington without receiving the merit increments they earned. Most employees of our state receive annual salary step increases, and it is appropriate for the Supreme Court to again provide periodic salary step increases for eligible staff.

**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**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 288,000	\$ 202,000	\$ 490,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 288,000</b>	<b>\$ 202,000</b>	<b>\$ 490,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

**Agency** Supreme Court

**Decision Package Title** Comprehensive Salary Survey Implementation

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

### Agency Recommendation Summary Text

Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for Supreme Court employees.

### Fiscal Detail

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 296,000	\$ 273,000	\$ 569,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

The Supreme Court is committed to providing adequate compensation to all employees based on position classification and experience. The Human Resources Planning Group completed a comprehensive judicial branch salary survey for all non-judicial job classifications within the Washington State Supreme Court in December 2014. The survey found that the salaries of Supreme Court staff trail the identified market averages by an average of 15 percent, with Staff Attorneys and Law Clerks averaging 25 percent below market.

## **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

In 2014, the judicial branch initiated a comprehensive salary survey of judicial branch job classifications. The results of that effort indicated that the current salaries of Supreme Court employees is substantially below market. Funding for this request is necessary to adequately compensate Court employees and address ongoing recruitment and retention problems. Funding is requested to move these employees to a salary range more closely aligned with the salary survey.

In addition to the compensation adjustments for permanent long term Supreme Court employees, the Court is requesting additional funding for Law Clerk positions. Law Clerks are usually hired for a two year clerkship and receive an average salary of \$53,286, or 20% below the market average for comparable positions. This situation has resulted in recruitment and retention problems for the Court.

Given the substantial differential in compensation of law clerks compared to market, the salary for Supreme Court law clerks must be raised significantly. The proposed salary for Supreme Court Law Clerks is \$64,620 per year.

### **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 are ongoing costs.

**Effects of non-funding**

None.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 296,000	\$ 273,000	\$ 569,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 296,000</b>	<b>\$ 273,000</b>	<b>\$ 569,000</b>

# 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.
- Research and court management information reporting.

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 and implementation 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.

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, submittal and monitoring of biennial and supplemental budgets.
- Accounting of all expenditures.
- Revenue forecasting.
- Risk management.
- Administrative and court public records distribution.
- 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 provides coordination, support, and oversight of the funding for a variety of special programs including the Board for Judicial Administration, Judicial Information Systems Committee, Court Education Committee, 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.



State of Washington  
**Recommendation Summary**  
 (By Agency Priority)

Agency: 055 Admin Office of the Courts

10:16:45AM

11/9/2016

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>2015-17 Current Biennium Total</b>				
CL CL Carry Forward	394.0	118,202	33,423	151,625
<b>Total Carry Forward Level</b>	<b>394.0</b>	<b>118,202</b>	<b>33,423</b>	<b>151,625</b>
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
<b>Carry Forward plus Workload Changes</b>	<b>394.0</b>	<b>118,202</b>	<b>33,423</b>	<b>151,625</b>
Percent Change from Current Biennium				
M2 AY Legal Financial Obligations		152		152
M2 AZ Odyssey Continuing Operations	4.0		1,429	1,429
<b>Total Maintenance Level</b>	<b>398.0</b>	<b>118,354</b>	<b>34,852</b>	<b>153,206</b>
Percent Change from Current Biennium				
PL A1 New Generation Education	1.0	396		396
PL A2 Pattern Forms	1.5	299		299
PL A4 Courthouse Facilitator Training	1.0	268		268
PL C2 Trial Court Funding for LA	0.5	4,305		4,305
PL B7 Web Services Support	2.0	487		487
PL B5 Salary Adjustment		200		200
PL B9 Staffing - SCJA	2.0	423		423
PL A6 SC-CMS	14.0		12,000	12,000
PL B8 CLJ-CMS	24.5		13,146	13,146
PL A9 External Equipment Replacement			1,226	1,226
PL B3 Expedited Data Exchange CF	3.0	3,100		3,100
PL C1 Expedited Data Exchange		2,413		2,413
<b>Subtotal - Performance Level Changes</b>	<b>49.5</b>	<b>11,891</b>	<b>26,372</b>	<b>38,263</b>
<b>2017-19 Total Proposed Budget</b>	<b>447.5</b>	<b>130,245</b>	<b>61,224</b>	<b>191,469</b>
Percent Change from Current Biennium				

**CL CL Carry Forward**

Funding is requested to restore funding for the production and mailing of Legal Financial Obligations (LFO) for county clerks and for the Department of Corrections.

**M2 AY Legal Financial Obligations**

Funding is requested to restore funding for the production and mailing of Legal Financial Obligations (LFO) for county clerks and for the Department of Corrections.

**M2 AZ Odyssey Continuing Operations**

Funding is requested for continuing operations support staff for the Odyssey superior court case management system's transition from project to operational status.

**PL A1 New Generation Education**

Funding is requested to provide cost-effective training to the new generation of court personnel. This request provides funding for the development of online delivery models, timely training for new judges and court personnel, and essential training for presiding judges and court administrators.

**PL A2 Pattern Forms**

Funds are requested for additional legal and administrative support necessary to meet the growing demand from the legislature and stakeholders to maintain forms.

**PL A4 Courthouse Facilitator Training**

Funding is requested to provide regular educational opportunities for courthouse facilitators.

**PL A6 SC-CMS**

Funding is requested to continue the successful implementation of the new commercial off the shelf (COTS) case management system for the Superior Courts.

**PL A9 External Equipment Replacement**

Funds are sought to replace aged computer equipment at the courts needed to provide access to JIS.

**PL B3 Expedited Data Exchange CF**

Funding is requested to continue the implementation of the Expedited Data Exchange with King County District Court and County Clerk's Office.

**PL B5 Salary Adjustment**

Funding is requested for partial implementation of the 2014 Comprehensive Judicial Branch Salary Survey for employees of the Administrative Office of the Courts.

**PL B7 Web Services Support**

Funding is requested to strengthen and modernize the web services provided by the Administrative Office of the Courts in order to meet the increasing demands of multiple programs and exchanges.

**PL B8 CLJ-CMS**

Funding is requested to continue the implementation of the new commercial off the shelf (COTS) case management system for the Courts of Limited Jurisdiction.

**PL B9 Staffing - SCJA**

Funding is requested to allow implementation of an agreement between the Administrative Office of the Courts and the Superior Court Judges Association.

**PL C1 Expedited Data Exchange**

Funding is requested to offset expenditures from the Judicial Information System account for Expedited Data Exchange activities performed during the 2015-2017 biennium.

**PL C2 Trial Court Funding for LA**

Funding is requested to begin implementation of fully funding interpreter services in all criminal and civil cases at the trial court level.

## State of Washington

### Summarized Revenue by Account and Source

Budget Period: 2017-19  
 Dollars in thousands  
 055 - Admin Office of the Courts  
 Agency Level  
 B1 - 17-19 Budget Request  
 Supporting Text Excluded

11/8/2016  
 4:01PM

	Maintenance Level		Performance Level		Biennium Totals		
	FY2018	FY2019	FY2018	FY2019	FY2018	FY2019	Total
<b>001 - General Fund</b>							
Total - 0405 - Fines, Forfeits - S	76,909	77,792			76,909	77,792	154,701
Total - 0690 - Special Transfers - S	(1,205)	(1,205)			(1,205)	(1,205)	(2,410)
<b>001 - General Fund - State</b>	<b>75,704</b>	<b>76,587</b>			<b>75,704</b>	<b>76,587</b>	<b>152,291</b>
<b>Total - 001 - General Fund</b>	<b>75,704</b>	<b>76,587</b>			<b>75,704</b>	<b>76,587</b>	<b>152,291</b>
<b>11K - WA Auto Theft Prev</b>							
Total - 0405 - Fines, Forfeits - S	6,500	6,500			6,500	6,500	13,000
<b>11K - WA Auto Theft Prev - State</b>	<b>6,500</b>	<b>6,500</b>			<b>6,500</b>	<b>6,500</b>	<b>13,000</b>
<b>Total - 11K - WA Auto Theft Prev</b>	<b>6,500</b>	<b>6,500</b>			<b>6,500</b>	<b>6,500</b>	<b>13,000</b>
<b>12T - Brain Injury Acct</b>							
Total - 0405 - Fines, Forfeits - S	1,250	1,250			1,250	1,250	2,500
<b>12T - Brain Injury Acct - State</b>	<b>1,250</b>	<b>1,250</b>			<b>1,250</b>	<b>1,250</b>	<b>2,500</b>
<b>Total - 12T - Brain Injury Acct</b>	<b>1,250</b>	<b>1,250</b>			<b>1,250</b>	<b>1,250</b>	<b>2,500</b>
<b>543 - Judicial Info System</b>							
Total - 0299 - Other Licenses Permi - S	19,950	19,950			19,950	19,950	39,900
Total - 0470 - Court Fees and Fines - S	4,100	4,100			4,100	4,100	8,200
Total - 0690 - Special Transfers - S	1,205	1,205			1,205	1,205	2,410
<b>543 - Judicial Info System - State</b>	<b>25,255</b>	<b>25,255</b>			<b>25,255</b>	<b>25,255</b>	<b>50,510</b>
<b>Total - 543 - Judicial Info System</b>	<b>25,255</b>	<b>25,255</b>			<b>25,255</b>	<b>25,255</b>	<b>50,510</b>
<b>055 - Admin Office of the Courts - State</b>	<b>108,709</b>	<b>109,592</b>			<b>108,709</b>	<b>109,592</b>	<b>218,301</b>
<b>Total - 055 - Admin Office of the Courts</b>	<b>108,709</b>	<b>109,592</b>			<b>108,709</b>	<b>109,592</b>	<b>218,301</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Legal Financial Obligations (LFO)
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Maintenance Level

### Agency Recommendation Summary Text

Funding is requested to restore funding for the production and mailing of Legal Financial Obligations (LFO) for county clerks and for the Department of Corrections.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 76,000	\$ 76,000	\$ 152,000
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

Chapter 379, Laws of 2003 (ESSB 5990) transferred the billing, monitoring and collection of legal financial obligations (LFO) to the Administrative Office of the Courts (AOC) and the states' county clerks. The bill amended RCW 9.94A.760 to require that the Administrative Office of the Courts mail individualized billings to each offender with an unsatisfied legal financial obligation who is not under supervision by the department. The billing directed payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and the

cost of supervision, parole, or probation assessments to the Department of Corrections.

Funding was appropriated for mailing and production costs. Since 2009 over \$740,000 has been cut from the LFO mailing and production budget. The AOC has implemented several cost reduction measures including form redesign, reducing the frequency of mailing and data cleansing. The current annual allocation for LFO production and mailing is approximately \$335,000.

Despite cost reduction efforts, costs to produce and mail the billings substantially exceed funds available. Actual and estimated annual costs are approximately \$411,000.

### **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

The Administrative Office of the Courts is mandated to coordinate and pay for the LFO billings.

**Appropriate Staffing and Support.**

The appropriate level of funding will allow AOC to continue to distribute the billings on a quarterly basis.

### **Measure Detail**

**Impact on clients and service**

Without an increase in funding, AOC will be unable to continue to produce and mail the LFO invoices for DOC and for the county clerks offices on a quarterly basis. If invoices are not consistently mailed, restitution payments will likely decrease.

**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**

As noted in the narrative, AOC has continued to implement methods to reduce the number and frequency of the billings. However, collections would likely decrease by a significant amount if the billing cycle were changed to a semi-annual basis. The cost of producing and mailing each item would increase due to design and weight changes. In addition, there would be a one time redesign charge.

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

The costs are ongoing.

**Effects of non-funding**

Funding at the current level will require the implementation of a semi-annual billing cycle. Because of the population being served, collections will likely decline.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 76,000	\$ 76,000	\$ 152,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 76,000</b>	<b>\$ 76,000</b>	<b>\$ 152,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Odyssey Continuing Operations Support
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Maintenance Level

### Agency Recommendation Summary Text

Funding is requested for continuing operations support staff for the Odyssey superior court case management system's transition from project to operational status.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>543-1 JIS Account</b>	\$ 469,000	\$ 960,000	\$ 1,429,000
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	0	8	8

### Package Description

Since 2013 the Administrative Offices of the Courts has worked with contracted vendors and State Superior Courts to replaced the legacy case management system currently used by state superior courts. In fiscal year 2016 the Odyssey case management system became operational in 5 superior courts and effectively shifted from a development project to a support system in place for court management. With the transition from development to active use, the Administrative Office of the Courts is requesting funding to provide ongoing technical and operational support to superior courts using the new case management system.



The positions in which funding is requested for include:

Two (2) Customer Service Positions - One position to support case management and one position to support personnel management.

Three (3) System Integrator - To support communications from legacy systems to Odyssey.

One (1) Security Administrator - To support granting access to various public users (prosecutors, law enforcement agencies, etc.).

One (1) Report Writer - To support enterprise custom reporting through extensive knowledge of structured query language.

One (1) Configurations Specialist - To support ongoing product enhancements and maintenance patches released by the vendor.

### **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.**

Customer support for both the legacy and new Odyssey systems is critical to the day-to-day operations of the courts, whether a judge on the bench needs assistance or staff in the county clerk's office needs assistance closing the financial statements. Providing these services will foster the efficient and effective administration of justice by ensuring that judges and staff have the knowledge and support necessary to hear and decide cases and to properly record pre- and post-court case actions.

#### **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.

#### **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.

#### **Commitment to Effective Court Management.**

Washington courts will employ and maintain systems and practices that enhance effective court management.

The Odyssey system is designed to increase the effectiveness of court management by streamlining the administration of justice from various perspectives. Odyssey supports fast more efficient means of managing; case schedules, fee collections, disbursements, arbitration, civil and criminal proceedings.

**Appropriate Staffing and Support.**

Funding for this request will make AOC staff available to assist courts and county clerks' offices that have transitioned to the new court case management system while maintaining support for those courts and clerks' offices that have not transitioned. Continued assistance and system maintenance is critical to ensuring that practices and outcomes are consistent statewide.

**Measure Detail**

**Impact on clients and service**

Maintenance, configuration and customer support for both existing and new systems are necessary to ensure that courts and county clerks' offices can seamlessly function during the transition and implementation of a new statewide court case management system. Without support for both the legacy and new systems and the staff using them, the risk of serious error increases. Incorrect or incomplete data could lead to uniformed decisions and adverse consequences.

**Impact on other state services**

Maintaining existing systems while developing new integrations is extremely important to state agencies such as the Departments of Corrections and Licensing as well as superior courts that have systems that augment or use data from the case management system.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

There are no viable alternatives; the request for staff has been vetted, analyzed and reduced. Use of contract staff is not cost effective and contract staff turnover is extremely high.

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

Funding for staff will be ongoing.

**Effects of non-funding**

Maintenance, configuration, and customer support for both existing and new systems are necessary to ensure that courts and county clerks' offices can seamlessly function during the transition and implementation of a new statewide court case management system. Without support for both the legacy and new systems and the court staff using them, the risk of serious error increases. Incorrect or incomplete data could lead to uninformed decisions and adverse consequences.

**Expenditure calculations and assumptions and FTE assumptions**

Calculations are based upon the staff classifications noted above.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 469,000	\$ 960,000	\$ 1,429,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 469,000</b>	<b>\$ 960,000</b>	<b>\$ 1,429,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	New Generation Court Personnel Education
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

Funding is requested to provide cost-effective training to the new generation of court personnel. This request provides funding for the development of online delivery models, timely training for new judges and court personnel, and essential training for presiding judges and court administrators.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 182,000	\$ 214,000	\$ 396,000
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	1	1	1

### Package Description

#### Background:

With the rapid influx of new court personnel and significant reductions in the budget of the Administrative Office of the Courts (AOC), the judicial branch lacks the necessary resources to adequately train the new generation of judicial officers and court staff. On behalf of the Court Education Committee of the Board of Judicial Administration (BJA), the AOC requests funding for the development of efficient and cost-effective delivery systems to be used in training judicial officers and court personnel statewide. This training will address areas of training not met by the current system and provide

specific knowledge and skill development for new judicial officers, county clerks, administrators and court personnel.

The rapid turnover of court personnel and judges in recent years has outpaced the resources available to provide timely training on best practices, changes in law and procedure, and other skills that are essential to access to justice in our geographically and culturally diverse state. Since 2012, there has been an unprecedented turnover in judicial officers and court personnel: 35 percent turnover of appellate judges, 35 percent of superior court judges, 20 percent of district and municipal court judges, 46 percent of county clerks, 59 percent of superior court administrators, 13 percent of district and municipal court administrators, and 38 percent of juvenile court administrators. This rate is expected to continue over the next decade.

New judges must attend a one-week Judicial College program within their first year in the position. In 2016, out of the 29 Judicial College attendees, 27 percent had been on the bench deciding cases for six to seven months before they could attend the college, and 35 percent were on the bench at least twelve months. These judicial officers did not have access to training to help them build their knowledge and skills on the bench.

The AOC, with guidance from the judges, clerks, and administrators on the BJA Court Education Committee, is responsible for providing training to court personnel at all court levels. General Rule 26; See, RCW 2.56.030, .060; RCW 13.32A, 13.34, and 13.40; RCW 9A.36.080; RCW 43.113, .115 and .117.

General Rule 26 – Mandatory Continuing Judicial Education:

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

RCW 2.56.060 – Annual conference of judges:

The supreme court of this state may provide by rule or special order for the holding in this state of an annual conference of the judges of the courts of record of this state, judges of the courts of limited jurisdiction, and invited members of the bar, for the consideration of matters relating to judicial business, the improvement of the judicial system and the administration of justice.

RCW 2.56.030 – (AOC powers and duties) specifies education-related duties:

The administrator for the courts shall...:

- (10) Administer programs and standards for the training and education of judicial personnel;
- (14) Within available funds, develop a curriculum for a general understanding of child

development, placement, and treatment resources, as well as specific legal skills and knowledge of relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules, interviewing skills, and special needs of the abused or neglected child. This curriculum shall be completed and made available to all juvenile court judges, court personnel, and service providers and be updated yearly to reflect changes in statutes, court rules, or case law;

(16) Develop a curriculum for a general understanding of crimes of malicious harassment, as well as specific legal skills and knowledge of RCW 9A.36.080, relevant cases, court rules, and the special needs of malicious harassment victims. This curriculum shall be made available to all superior court and court of appeals judges and to all justices of the Supreme Court;

(17) Develop, in consultation with the criminal justice training commission and the commissions established under chapters 43.113, 43.115, and 43.117 RCW, a curriculum for a general understanding of ethnic and cultural diversity and its implications for working with youth of color and their families. The curriculum shall be available to all superior court judges and court commissioners assigned to juvenile court, and other court personnel. Ethnic and cultural diversity training shall be provided annually so as to incorporate cultural sensitivity and awareness into the daily operation of juvenile courts statewide;

No state funding is currently available to provide essential training for presiding judge-administrator teams who are responsible for leading our courts. Effective and efficient management of courts requires knowledge and skills in the courts' administrative roles and responsibilities, budgeting, human resource management, and related topics.

The creation of an effective and efficient online delivery system and funding for specific trainings is more cost effective and efficient in meeting the needs of judicial officers and court personnel in small or rural courts. Small and rural court judges, administrators, and personnel would not have to travel or take extensive time away from the court. Online trainings can provide specific trainings at any time relating to their responsibilities and enhance the functions of our courts statewide. The development of a production and delivery infrastructure would allow programs to be videotaped, edited, or possibly Internet-streamed to improve training access throughout the state, including court personnel and judicial officers in small and rural courts for whom travel is a significant barrier.

The AOC already has a distance learning product in place; what it lacks is a skilled Court Education Professional (CEP) to manage and create a robust, cost-effective online learning knowledge base.

Training and development of county clerks, administrators, and other court personnel is very limited or non-existent. These personnel are the first individuals encountered by the public, yet skills and ability training is rarely available to a new court employee,

county clerk, or administrator. Customer service, data accuracy, and due process all start at the front desk and continue throughout the court system process. If forms or procedures change, court personnel need immediate training but often do not receive it because of resource constraints. Development of online training capability is necessary to provide immediate training throughout the state, particularly on emergent changes to laws, forms, and procedures.

Current situation:

In a 2015 survey of all the judicial and administrative associations' education committees, responses were unanimous in stating that current funding levels and training resources are not sufficient.

"This is a critical time to train our appellate judges, as over half have joined the court since funding was cut, and they need to be able to attend programs specifically designed for the work they do and the legal issues they encounter." — Justice Debra Stephens, Chair, Appellate Education Committee and Court Education Committee Representative.

"To achieve the goal of highly effective judges and commissioners, and provide relevant and substantial education, funding needs to return to a higher level. . ." — Judge T.W. "Chip" Small, Education Committee Co-Chair, Superior Court Judges' Association Education Committee and Court Education Committee Representative.

"There is no [state] funding available to assist Association members in either attending national conferences or in developing, via "train-the-trainer" programs . . . this substantially limits the State's overall ability to establish robust/standardized programs which effectively train future court leaders. . ." — Mr. Frank Maiocco, Administrator, Kitsap County Superior Court, President, Association of Washington Superior Court Administrators.

"Inadequate or infrequent trainings on SCOMIS, JIS, or the accounting program (JRS), results in inconsistencies in entering data statewide. Clerks train their own staff, but having a statewide training on these systems is invaluable." — Ms. Kimberly Allen, Grant County Clerk, Court Education Committee Representative.

"DUI regional training was eliminated for lack of [state funding] and other grant funding in 2011. The DMCJA education committee would like to implement specialized training on critical DUI Issues." — Judge Joseph Burrowes, District and Municipal Court Judges' Association Education Committee Co-Chair, Benton Franklin District Court.

"It is our position that we (DMCMA) do not have adequate funding for our educational needs. Based on the fact that membership to DMCMA and education is not mandatory for court administrators we struggle to reach all courts in Washington. While we are educating a larger population of court managers and court staff, many rural courts cannot afford to send court managers, nor court staff to training. The lack

of court education for these courts hinders them from meeting standards and being abreast of how to respond/adjust to legislative changes, DOL requirements, state and federal interpreter requirements, and general caseload management issues.” — Ms. Margaret Yetter, Kent Municipal Court, District and Municipal Court Management Association Education Committee Co-Chair, Court Education Committee Representative.

“We would like to have ongoing curriculum and program development education to enhance our knowledge base and skill for future educational development . . . to ensure consistent quality and content across all associations.” — Ms. Paula Holter-Mehren, Co-Chair, Juvenile Court Administrators Education Committee, Pend Oreille, Ferry, Stevens Juvenile Courts and Court Education Committee Representative.

**Proposed Solution:**

The training needs of the judiciary have increased due to ongoing complexities of the laws, new initiatives, new forms, and a high turnover of judicial officers, county clerks, administrators, and court personnel with more turnover anticipated in the future. All this is in addition to the continual need to train experienced judicial officers, county clerks, administrators and court personnel in order for the courts to remain a vital public service. The lack of training in emerging areas of the law, as well as changes in laws, procedures, and forms will result in courts being out of sync with the communities they serve.

The BJA Court Education Committee has concluded that investing in an online delivery system is the most cost-efficient method for addressing emergent training needs of new judicial officers, county clerks, administrators, court personnel, and presiding judges. An expert will provide legal information via phone and e-mail and an electronic newsletter and will develop and coordinate training events throughout the state.

**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.**

Judicial officers and court personnel work hard every day to serve their communities, but due to limited resources, isolation, and time constraints, they often find themselves unable to access timely and essential trainings. Lack of local funding for training and the cost of employing temporary staff to cover the work of the court while they are away continue to hamper judicial officers and court personnel to keep up-to-date on basic policies and procedures and best practices necessary for the fair and effective administration of justice. Each legislative session there are changes to civil and criminal laws, to pattern forms, and to procedures at all levels of court, and judicial officers need to know how these changes impact their sentencing practices and



decision making, and administrators need training on the changes in order to be effective and efficient. This request would open up resources to develop training to meet their needs in a timely, efficient, and cost-effective manner. On-demand webinars that are developed, scheduled, and facilitated will disseminate the information quickly and at low cost. Trainings can be recorded, edited, and placed in a knowledge-based repository created by the AOC.

#### **Accessibility.**

Judicial officers, county clerks, administrators, and court staff have the responsibility and duty to their communities to provide access to the court system. This includes providing special services such as an interpreter (no matter the language) or other special accommodations. Yet, the courts rarely have the resources needed to keep judicial officers and court personnel up-to-date on how to best serve their communities. This is especially true in the small and rural courts that do not have the resources to address the needs of veterans or persons with addictions or mental health concerns. These issues are as prevalent within their communities as they are in larger communities. Specialized training and resources are needed to help judicial officers, court administrators, and line-staff recognize and address these sometimes underlying issues in cases within their courts. Working with therapeutic court committees within the various judicial and administrative associations and the Court Interpreter's Commission, a library of extensive online trainings (live, recorded, or self-paced) would be developed.

#### **Access to Necessary Representation.**

Every individual who comes to court expects representation at the highest professional level and judicial officers hearing their cases who are fair and unbiased in their rulings. Ensuring the highest quality of justice in our courts requires affording the judicial officers and staff in these courts access to quality training, including online and regional training programs. The new judicial officers who attend the in-state judicial college often come on the bench a few months before the college itself and have remarked that having an ethics resource and "how to" information would be invaluable to them as they are learning their new role and responsibilities. In 2016, out of the 29 Judicial College attendees, over 27 percent of the new judicial officers had been on the bench six to seven months before they could attend the college, and 35 percent were on the bench twelve plus months. The development of online and specific trainings to address not only the upfront training needs of new judicial officers, but also county clerks and administrators and all court personnel, will uphold the integrity of the judicial system and the rights of those utilizing its services.

#### **Commitment to Effective Court Management.**

New administrators and county clerks currently do not have access to intensive and transformative training in the area of court management. In the past, there was

funding to develop the knowledge, skills, and abilities of court staff to manage their courts effectively and efficiently. Online and specific training programs will benefit the community that depends on them. There is a need for specialized training and there are several national organizations that specialize in training judicial officers and administrators to become future leaders. Funding individuals to attend those programs is also cost-effective since most programming is via webinars and on subject areas that are not available in our state. Training assistance, especially for those in small or rural courts who would not have to travel to take training courses, begins to develop an extensive, well-trained administrative staff across the state to succeed those retiring, which in turn improves the commitment to effective court management across the state.

#### **Appropriate Staffing and Support.**

The hiring and management of court personnel is a complex and demanding process. Presiding judges, administrators and county clerks must be trained sufficiently in matters relating to human resources so they will have the skills to appropriately manage and train their employees. Since comprehensive and coordinated training has not been available to court administrators or county clerks, it has been up to their predecessors to train them. This risks perpetuating bad practices and inconsistency in basic court procedures and support across the state. As current court leadership begins to retire, the depth of their knowledge and their training will disappear. Successors need the ability to train extensively on best practices in the area of human resources and budgeting in order to continue the effectiveness and efficiency of the court.

#### **Measure Detail**

##### **Impact on clients and service**

Funding is needed to develop programs that address the basic knowledge, skills, and abilities required to fairly and effectively manage the courts. Funds would be utilized to create training modules designed specifically for new judicial officers, county clerks, administrators, and court personnel. Trainings could be developed specifically for small and rural courts (both judicial officers and court personnel) as well as for presiding judges and their administrative teams. Funding would be used as training assistance for judicial officers and administrators who seek specialized trainings both, in-state and out-of-state, that improve their effectiveness in the court and on the bench.

This request would also fund a new educator with specialized skills in producing web-based programs, including webinars, recordings of live programs, self-paced programming, and assessments. This staff member would conduct needs assessments; determine gaps in training for judicial officers, administrators, county clerks, and court personnel; and develop a comprehensive plan of cost-effective and efficient ways to deliver needed training.

**Impact on other state services**

Other state programs will benefit indirectly through the enhanced efficiency and effective trainings provided to the judicial officers and court personnel.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

Limited grant funding may be available but does not provide sustainable programs and services.

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

Costs noted in this request will continue into future biennia.

All costs are ongoing and not a one-time request. It is the intent of the Court Education Committee and the AOC to seek stable, ongoing funding to meet evolving training needs of the courts, judicial officers, county clerks, administrators, and court personnel.

**Effects of non-funding**

Rural and small courts continue to lag behind in their ability to access statewide training. Funding is required to develop programs to address their needs in order to ensure equal access to justice across the state. Small and rural court judicial officers, administrators and line-staff often forgo any of the limited trainings because of the disproportionate impact on small county and city budgets. They should have access to up-to-date and informative training to ensure consistent application of the law and access to justice across the state. In addition, there is an urgent need to provide timely, cost-efficient training for court personnel across the state, as we welcome a new generation of court personnel whose work will shape the justice system for years to come.

**Expenditure calculations and assumptions and FTE assumptions**

	FY 1	FY 2
Court Education Professional	\$109,409	\$111,980
Hardware – CEP	\$5,000	\$2,000
Software – CEP	\$2,000	\$1,000
Travel – CEP	\$2,000	\$4,000

Faculty travel (recordings)	\$2,000	\$4,000
Materials	\$500	\$1,000
Facility costs (recordings)	\$2,000	\$4,000
Equipment rental	\$4,000	\$6,000
Online training development	\$10,000	\$10,000
New judicial officers, court personnel online training development	\$10,000	\$10,000
Presiding Judge/online and live program development	\$5,000	\$30,000
Training assistance	\$30,000	\$30,000
<b>Total Costs</b>	<b>\$181,909</b>	<b>\$213,980</b>
<b>Biennial Total</b>		<b>\$395,889</b>

#### Definitions:

##### Court Education Professional (Instructional Designer):

In conjunction with current educators, the CEP would manage the online training development process and delivery system. This person would evaluate trainings and technologies and build the infrastructure for the development of online trainings available to the court system. This individual would work closely with clients, researching and incorporating proven learning strategies and best practices during the development of trainings. The specific skills needed for this position would be online curriculum development, instructional design, needs assessment, writing and editing skills, and experience in online learning technologies and pedagogies (methods and practice of teaching).

##### Hardware – CEP:

These costs are the standard start-up costs of setting up the working area of an AOC employee (phone, computer, standard software, chair, etc.).

##### Software – CEP:

These costs are for specific software needed to develop online trainings. This software goes beyond the standard Microsoft Suite provided by the AOC, such as Mindflash, ProProfs, or other software that would meet the need.

##### Travel – CEP:

The CEP needs to understand the stakeholders and their particular needs and to understand the nature of the courts, the resources for judicial officers, county clerks, administrators and court personnel that are available, and to assess how best to develop course content. He or she would meet with various association education committees to discuss their specific needs.

##### Faculty Travel (recording):

It is anticipated there will be a need to record faculty for specific trainings. These funds would be utilized to bring faculty to a controlled studio site to be filmed and

recorded.

**Materials:**

Production of materials is crucial to trainings. Checklists, instructional manuals, and training materials are some of the materials needed to augment any training.

**Facility Costs (recording):**

The AOC does not currently have a studio site and may have to rent a site from a local organization or businesses, such as the Washington State Bar Association or film companies, until the AOC can find funding to develop their own site. This also includes editing capabilities.

**Equipment Rental:**

The AOC currently has limited video and audio equipment. It does not have specific lighting or support software to help with recording, editing and producing quality training modules.

**Online Training Development:**

These are funds needed to conduct a needs assessment of the various stakeholders and address the training needs of judicial officers, county clerks, administrators, and court personnel who have experience but lack specific training. Funding could be used for as-needed webinars or trainings as laws change.

**Online Training – New Judicial Officers, County Clerks, Administrators and Court Personnel:**

These funds would be targeted specifically to the development of online modules for new judicial officers, county clerks, administrators, and court personnel. New employees have more immediate and basic training needs such transition to the bench, managing the courtroom, caseload management, role in the community, and ethics. These trainings would address immediate "how to" questions for the new judicial officer. The new county clerk and administrator face the same issues and would benefit from online resources to help them manage their new role.

**Presiding Judge and Administrator Program:**

In 2008 all training funds were eliminated for Presiding Judge and Administrator training. Since then the Presiding Judge and Administrator Education Committee have conducted limited webinars and the associations have sponsored portions of an in-person training. The development of an up-to-date website for Presiding Judges and Administrators currently exists on the AOC extranet; however, it lacks a library of online training modules for new and experienced Presiding Judges and Administrators, and a repository for recorded webinars. There is also a need to fund an in-person training for Presiding Judges and Administrators every other year to allow the Presiding Judge and Administrator Education Committee to design more in-depth trainings to develop knowledge, skills, and abilities that cannot be obtained via the online training format. The BJA recognizes the specific trainings needed for the state's

court leadership, yet funds are not available to do so.

**Training Assistance:**

Training assistance is a cost-effective way to allow judicial officers, administrators, and court personnel to attend specific out-of-state trainings that meet their particular needs. Assistance would be governed by the CEC, who would develop criteria and limitations in the allocation and use of the funding. Attending national programs provides judicial officers and court personnel, at all court levels, to bring innovative ideas and resources back to the state and many become future faculty for training programs. It is more cost effective to pay the registration fee for an administrator to attend a National Center for State Court webinar than fund their travel costs to attend in-person. Judicial officers needing specialized training would have the opportunity to attend national programs to provide specific skill building training not available in-state (e.g., capital cases management, finances in the courtroom, therapeutic courts (veteran courts, mental health courts, drug courts.))

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 109,000	\$ 112,000	\$ 221,000
Non-Staff Costs	\$ 73,000	\$ 102,000	\$ 175,000
<b>Total Objects</b>	<b>\$ 182,000</b>	<b>\$ 214,000</b>	<b>\$ 396,000</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Pattern Forms - Maintenance, Translation, and Implementation of Access to Technology Principle
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

**Agency Recommendation Summary Text**

Funds are requested for the additional legal and administrative support necessary to meet the growing demand from the legislature and stakeholders to maintain forms.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 151,000	\$ 148,000	\$ 299,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	1.5	1.5	1.5

**Package Description**

Washington statutes direct the Administrative Office of the Courts to develop, maintain, and, in some instances, translate pattern forms for use in Washington Courts. Legislators, U.S. Department of Justice (DOJ) Guidance, court stakeholders, the Access to Justice community and public participants have asked for court forms to be accessible, easier to understand, and to be translated.

One staff person supports the Pattern Forms Committee and subcommittees, coordinating maintenance and translation of over 700 pattern forms. Administrative

staff support has been reduced and the dedicated staff person cannot support more than mandatory updates related to forms and translation.

#### Drafting and Maintaining Pattern Forms:

Several statutes direct AOC to develop and maintain mandatory or model pattern forms, instructions and other supporting documentation, they include:

RCW 26.18.220, mandatory domestic relations pattern forms

RCW 13.34.035, mandatory dependence pattern forms

RCW 26.50.035, mandatory domestic violence forms

RCW 7.90.180, mandatory sexual assault protection order forms

RCW 74.34.035, mandatory vulnerable adult protection forms

RCW 10.14.050, model unlawful harassment protection order forms

RCW 10.99.040, mandatory domestic violence no-contact order

CrRLJ 7.3, judgment and sentence form

The Washington Pattern Forms Committee and its six subcommittees create forms and oversee all maintenance and redrafting. For example, in 2015, pursuant to Laws of 2015, 1st Spec. Sess., Ch. 7, sec. 12, the committee was required to draft Forensic Evaluation and Competency Restoration Orders and Involuntary Civil Commitment Orders which temporarily increased the work of the subcommittees and permanently increased the ongoing maintenance by twenty-one forms. Form maintenance includes updating forms when there is a legislative or case law change and updating any translation associated with the form. The AOC currently maintains more than 700 pattern forms.

#### Plain Language Forms:

Washington Association of County Clerks and Washington Association of Superior Court Administrators have requested plain language forms. The Access to Justice Board's Pro Se Plan prioritized domestic relations forms and completed them with limited AOC staff assistance in February 2016. The Pattern Forms Committee with AOC staff are responsible for maintaining those forms on an ongoing basis.

#### Technological Adaptation of Pattern Forms:

AOC has the competency to adapt the forms but not the capacity. Pattern forms were originally drafted and adopted in a Microsoft WORD format and were mailed or posted for download on the courts website. The Washington Association of County Clerks, Washington Association of Superior Court Administrators and others have requested that forms be more accessible in a simplified electronic format. While the agency owns the technology to create "fillable" forms which are more interactive with the drafter and can create an online document assembly of a large subset of the forms, the AOC does not have sufficient staff available to adapt and maintain the forms within new technology platforms. The new case management systems provide both challenges and opportunities to adapt traditional forms to the platform and make them more accessible to pro se litigants by using products created to work with these



systems.

**Translating Pattern Forms and Materials:**

Court demographics have demanded, and the court community has requested, that the AOC translate these forms in order to make them accessible to the growing Limited English Proficiency (LEP) public. Executive Order 13166 and DOJ Guidance explains that court systems receiving federal assistance, either directly or indirectly, must provide meaningful access to Limited English Proficient (LEP) persons. The requirement for translation of forms continues to grow, for example 2ESHB 1553 requires AOC to create forms and materials for the Certificate of Restoration of Opportunity and have them translated into multiple languages.

**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.**

All parties, including pro se litigants, need to be able to understand and easily fill out pleadings for their cases. Creating and maintaining standardized pattern forms that conform to current technology and are easy to read is consistent with Access to Justice Technology Principles and contributes to the fair and effective administration of justice.

**Accessibility.**

Pattern forms are key to parties' access. Some statutes require AOC to translate protection order instructions into the languages spoken by the five most significant LEP populations in Washington state (RCW 26.50.035-mandatory domestic violence forms; RCW 7.90.180-mandatory sexual assault protection order forms; RCW 74.34.035-mandatory vulnerable adult protection order forms). Every time the law is changed, the forms, and their respective translations, must be updated. We currently await vacancy or agency savings at the end of the year to see if funding is available for translations. This does not allow us to plan for or secure cost-efficient translators with regularity.

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

Maintaining statewide pattern forms enhances effective court management by providing courts with a standardized work product that they do not have to create independently. For example, the recently standardized mental health proceedings

forms give some relief to courts who don't deal with the competency issues on a regular basis but can adopt the statewide form if they do hear relevant issues. Creating fillable forms would assist the courts with legibility issues.

**Appropriate Staffing and Support.**

Statewide pattern forms assist court management by creating useful, comprehensive forms for their use. Having current (and translated) pattern forms allows jurisdictions to focus on their core functions and not the independent task of updating forms themselves.

**Measure Detail**

**Impact on clients and service**

Postive impact: Fillable forms for domestic relations would be created and maintained. Fillable forms for other sets of forms could be created and maintained. Instructions, summaries of changes and other optional forms would be updated or created if necessary. Translation of 10 vital forms into the five common languages. The committee could determine which non-mandatory forms would be translated into other languages based on demand and monies allocated.

Impact on clients if not funded: In order to try to keep pace with the growing body of pattern forms, AOC must prioritize its focus on maintaining the current body of pattern forms and instructions, along with implementing legislative mandates related to forms. If staff capacity is not increased, AOC will continue to be unable to adapt those forms to different technology platforms - leaving them as simply "paper forms." Ancillary documents to the forms such as summaries of changes, brochures or other publications may continue to not be completed. Currently, one legal analyst and one quarter of an administrative secretary is dedicated to the Pattern Forms Committee and all statewide pattern forms and related assignments.

**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**

Alternatives have been explored and used for the last ten years. In 2007 and 2008 the

Washington Pattern Forms Committee and Interpreter Commission formed an ad hoc Forms Translation Committee which developed a translator protocol and selected the top five language groups in the state. The committee discussed whether the domestic relation forms that had been translated into Spanish by the Northwest Justice Project and King County Superior Court should be placed on the statewide website. They found that the forms did not comply with the forms protocol which calls for three reviews. At that time, the Interpreter Commission used available funds to assist in translating forms in Spanish. Additionally, the Access to Justice Board's Pro Se Plan Committee entered into contracts to convert 142 forms into plain language. They had a contract attorney and volunteers convert the domestic relations forms into plain language forms. Although collaborative one-time efforts move forms forward, whether it be in translation or plain-language, the responsibility to update those forms remains with AOC staff and the Pattern Forms Committee.

Reallocation of current staff and administrative support has been explored but both classifications are at capacity with their current duties. AOC currently outsources discrete tasks such as proofreading of forms between offices when possible, however this support is infrequent and unable to support the more substantive demands for maintenance.

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

This request represents ongoing costs to absorb the increased demand and build continuity into the support of pattern forms.

#### **Effects of non-funding**

If the decision package is not funded, the judicial branch will continue to prioritize statutorily required forms but will not necessarily be able to continue to create or update all of the desired forms and relevant documentation and publication. Adapting statewide pattern forms to fillable forms and other interactive formats for pro se litigants will not be achieved and translation of documents will continue to be very limited to those which are statutorily required. AOC language access practices will be inconsistent with federal requirements. Local trial courts must expend more money to create and or translate forms they can use if AOC is unable to provide them which results in inefficiency and potential inconsistency.

#### **Expenditure calculations and assumptions and FTE assumptions**

A) Legal Staff to Draft and Maintain Statewide Pattern Forms - 1 FTE

This FTE would work with the currently assigned analyst to cover the workload of over 700+ statewide pattern forms, instructions, summaries of changes and other relevant publications. This person would also be an alternate staff person for Pattern Forms Committee and a primary staffer for drafting subcommittees. This staff person would also be responsible for managing ongoing translation responsibility for statewide pattern forms. If over time, they have additional capacity past forms, translation coordination, and committee work, they can contribute to Legal Services publications

such as benchbooks, legal opinions and liaison work with new case management system form products.

**B) Administrative Support - .5 FTE**

This .5 FTE would support the current and new analyst with committee duties and assist with creating and updating fillable .pdf form for statutory required forms.

**C) Translation of Statewide Pattern Forms -** The translation protocol which was agreed upon by the Washington Interpreter Commission and the Pattern Forms Committee requires translation and two reviews by a total of three different interpreters to ensure accuracy. The Supreme Court Language Access Plan, as of 2015, requires the identification of vital forms and information and translated into the five most common languages as determined by the Interpreter Commission. According to the LAP the five most common languages are: Spanish, Chinese (Simplified), Vietnamese, Russian, and Korean. Statutes require Spanish translation of nine forms. AOC currently has a list of 10 vital forms which have not been translated. Based on previous translation contracts, AOC estimates translation the translation of 10 vital forms in the five common languages would cost approximately \$20,000.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 136,000	\$ 136,000	\$ 272,000
Non-Staff Costs	\$ 15,000	\$ 12,000	\$ 27,000
<b>Total Objects</b>	<b>\$ 151,000</b>	<b>\$ 148,000</b>	<b>\$ 299,000</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Courthouse Facilitator Training
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

**Agency Recommendation Summary Text**

Funding is requested to provide regular educational opportunities for courthouse facilitators.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 133,000	\$ 135,000	\$ 268,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	1	1	1

**Package Description**

The Administrative Office of the Courts is required to assist counties in administering courthouse facilitator programs. This support includes training, GR 27 Advisory Committee support, and developing facilitators' qualifications.

General Court Rule (GR) 27 states in pertinent part:

(b)The Washington State Supreme Court shall create a Family Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications and administer a curriculum of initial and ongoing training

requirements for family law courthouse facilitators. The Administrative Office of the Courts shall assist counties in administering family law courthouse facilitator programs.

A 2008 report by the Washington State Center for Court Research at AOC concluded: ...By opening the doors of the courthouse to a large number of individuals who cannot afford legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping litigants navigate a complex system of forms and procedures, facilitator programs have, by all accounts, significantly improved the administration of justice.

... [S]elf-represented litigants who use facilitator services, as a whole, have more positive court experiences, have a greater sense that justice was served, and have more trust and confidence in the courts than those who do not use facilitator services.

In 2016, the legislature passed SB 5647, Chapter 295 Laws of 2015, allowing counties to create a guardianship courthouse facilitator program. A suggested amendment to GR 27 has been brought forward by the Access to Justice Board. This decision package assumes the expansion of GR 27 to include other substantive areas of law, including but not limited to guardianship cases under Title 11 RCW.

The courthouse facilitator program was established in family law cases under Title 26 RCW in seven pilot counties in 1992-1993. An evaluation of the pilot programs was conducted by Urban Policy Research, finding that the program was successful and brought advantages to both the court and to self-represented litigants. In 1993, legislation was passed and codified at RCW 26.12.240, permitting counties to establish a family law courthouse facilitator program and authorizing courts to impose a capped filing fee surcharge and uncapped user fee for facilitator services. Consistent with the recommendations outlined by the Urban Policy Research report, GR 27 was adopted in 2002 and authorized courthouse facilitators to assist self-represented litigants with family law related matters. This assistance was achieved by providing information about local court procedures; helping with selection and completion of family law forms and child support schedules; making referrals to legal aid and social services resources, interpreters and other court services; and reviewing forms to ensure their conformity with local court rules and procedures. The objective is to enable facilitators to help unrepresented litigants work their way through the complex court system, thereby increasing the chance of their securing appropriate relief and reducing staff and costs burdens carried by court and clerical staff who find themselves spending more and more time addressing the deluge of unrepresented family law litigants.

As each program was developed locally, variances evolved and continue to exist among the programs across the state. Administration of the programs is almost evenly divided between the local County Clerk's Office and local court administrators. A handful of counties outsource the function, utilizing contracts with pro bono legal programs or private attorneys. Over time, additional counties established family law

facilitator programs. As of 2016, programs are now operational in 34 counties. Counties without programs are Adams, Ferry, Kittitas, Pacific, and Walla Walla. Guardianship courthouse facilitator programs have been established in only a few counties and operate without formal training.

Training of courthouse facilitators for the most part has been sporadic. In the very early years, counties tried to offer yearly all-day trainings, with agendas developed by ad-hoc committees of facilitators and program managers. Hosting counties covered expenses for materials. Each of the counties provided travel and lodging expenses for their facilitators to attend the distant trainings. Additional funding in the late 1990's came from the Access to Justice Board, by means of stipends for the Access to Justice Conference registration fee, lodging, and provision of meeting space and lunch the day before the conference. Eventually that support was lost as many facilitators sent staff for the pre-conference training only, and not the full conference. By the early 2000's, part-time staff at the Administrative Office of the Courts was hired to assist with establishing regular trainings with the bulk of expenses borne by the AOC.

When GR 27 was passed in 2002, AOC provided staff support to the GR 27 Advisory Committee, which created the Courthouse Facilitator Training Manual. In January 2004, trainings were increased to twice-yearly. Because of the severe economic crisis, counties had indicated they would not be able to continue sending facilitators to training, so AOC completely funded four trainings from October 2009 to April 2011. No in-person trainings have been held since April 2011. However, facilitators have been afforded opportunity to attend recent Children's Justice Conferences under the federal STOP grant because of inclusion of domestic violence training at the conference. In the past two years, 28 facilitators have attended this conference.

Webinars were conducted in December 2015 and April 2016. An in-person domestic violence training, funded by a federal STOP Grant, is planned for May 23, 2016. AOC continues to provide support for the courthouse facilitators' ListServ, consultation, and technical support.

#### CURRENT NEEDS:

Current needs are for bi-monthly webinar trainings, semi-annual in-person trainings, and an immediate, and thereafter regular, update of the Courthouse Facilitator Training Manual. In the two months of in-person trainings, no webinar training would be conducted. A sample training schedule is below:

January – Webinar

March – Webinar

April – In-person education

May – Webinar

July – Webinar

September – Webinar

October – In-person education

November – Webinar

The Courthouse Facilitator Training Manual's substantive law portion currently addresses only family law. Guardianship law must be immediately addressed to support existing and newly-created programs. Eventually, as other substantive areas of law are added to facilitator programs, those areas will also need to be added. Such areas are anticipated to be unlawful detainer actions, appeals from lower courts and administrative law hearings, and adoptions, particularly step-parent adoptions.

The GR 27 Courthouse Facilitator Advisory Committee has been dormant for many years. Its chief accomplishment was the creation of the Courthouse Facilitator Training Manual. The Committee must be revamped to assist with the updating of the manual, direction for development of webinar and in-person training modalities, and establishment of minimum and ongoing qualifications for courthouse facilitators. Funding for regular, quarterly Advisory Committee meetings is needed (travel, lodging, and per diem), as well as compensation for any experts that may be needed as consultants or contributing authors.

Additionally, no mechanism now exists for tracking compliance with qualification and training requirements. Once those requirements have been established by the GR 27 Advisory Committee, principles of consumer protection and public trust and confidence in the court system requires that accountability for these public servants' credentials to provide service. Careful examination of competing principles (autonomy over employees; consumer protection; costs and benefits; economy of scale; etc.) will reveal to what degree such a system will operate. For purposes of this request, a moderate approach is suggested, similar to the process for reporting continuing judicial education credits. The FTE encompasses compliance tracking as well as the training and GR 27 Advisory Committee duties.

Courthouse facilitators have no cohesive organization, such as the Superior Court Judges' Association and pay no dues. No other organization provides regular training for courthouse facilitators.

### **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.**

Fair, efficient, and effective administration of justice in civil cases requires equitable treatment of litigants with attorney representation and of litigants who are unrepresented. Unnecessary repeated visits to the clerk's office for filing documents and unnecessary multiple court hearings to obtain relief are often the plight of litigants who attempt to handle civil cases without the assistance of trained and knowledgeable



attorneys. Provision of all allowed services by trained and knowledgeable courthouse facilitators reduce staff and judicial time, promote the efficient administration of justice in more timely resolution of cases, and helps maintain the public trust and confidence in the courts.

#### **Accessibility.**

Access to justice requires a system that can be utilized by litigants without attorneys. Unrepresented status is very often, but not always, a result of inadequate financial resources. Not only do courthouse facilitators offer direct services, such as assistance with forms identification and completion, but programs also offer referrals to interpreter services, housing assistance, and community resources. Adequate and stable education funding will avoid "justice by geography" with resource-poor counties being able to provide well-trained facilitators.

#### **Access to Necessary Representation.**

Not many other interests at stake rise to the level of family, home, and the right to govern oneself. Courthouse facilitators provide necessary and meaningful guidance – but not substantive legal advice or representation – to thousands of litigants in superior courts each year. It is precisely the inaccessibility to affordable, competent legal representation that led to the development of the courthouse facilitator program in Washington. Public trust and confidence in the justice system requires that court staff providing assistance be informative, educated, and able to competently relay vital information. Consumer protection principles led to the development of GR 27, which itself provides for establishment of initial and ongoing training. It is precisely because users of facilitator services are by definition unrepresented that the need for educated, competent facilitators is mandated.

#### **Commitment to Effective Court Management.**

Providing courts with adequately trained courthouse facilitators who can provide efficient, necessary services will promote practices that enhance effective court management. From appropriate calendaring to offering "do-it-yourself" classes, courts can improve court management of unrepresented civil cases.

#### **Appropriate Staffing and Support.**

A hallmark of effectively supported court personnel is competent, focused, and relevant training opportunities. Confidence of program managers in their qualified staff gives opportunity for meaningful oversight, guidance, and growth.

#### **Measure Detail**

##### **Impact on clients and service**

Impact on clients and service will be apparent in increased courthouse facilitator knowledge and application of that knowledge. Improved accuracy in assistance with:

selection and completion of forms; calculation of child support; provision of procedural and process information; and overall preparation for court appearances should lead to fewer mistakes in form completion and filing, fewer and more efficient court hearings, and enhanced confidence in the court system. Court and clerical staff, and judicial officers should spend less time providing explanations and information to unrepresented litigants who have used facilitator services.

#### **Impact on other state services**

Other state services, such as the Division of Child Support's establishment and enforcement services, should be strengthened with better-educated facilitators who have had regular and frequent training on child support matters. Aging and Long-Term Support Administration may find better-functioning guardians of vulnerable adults because of court personnel duly trained and qualified to provide assistance with guardianship matters. Parents needing an approved parenting plan to resolve a dependency case will work with facilitators who have received up-to-the date training on parenting plans designed to promote protection of children with provisions established by the dependency court.

#### **Relationship to Capital Budget**

No capital expenditures are needed to implement this request.

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

Changes to GR 27 will be needed to accommodate provision of facilitation services in more areas of law. As other areas of law, enabling legislation similar to RCW 26.12.240 is necessary to provide partial funding, absent adequate and stable state-sourced funding.

#### **Alternatives explored**

The last five years have served as exploration of alternatives. Limited funding was provided by the federal STOP Grant, but with decreased grants amounts, that funding is uncertain, and of limited benefit because of the narrowly defined assistance facilitators can provide in domestic violence and dependency cases. The last in-person training was hosted by Skagit County Superior Court, on a shoe-string budget, with donated meals and refreshments. No other county in the ensuing years has stepped forward to host a training. AOC's Legal Department has struggled with inadequate resources for maintaining and updating existing benchbooks or creating new benchbooks.

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

One-time costs are those needed to develop a training manual for each additional area of law encompassed by GR 27.

#### **Effects of non-funding**

Effects of non-funding will be maintenance of the status quo, with limited to no

opportunities for in-person trainings, creation of new training manuals, upkeep of existing manuals, and support of the Advisory Committee, which would lend oversight and guidance. Additionally, resources have not been adequate to update and maintain the existing initial Courthouse Facilitator Training Manual; without additional resources to do so likely means the Manual will not be updated in the foreseeable future.

Costs noted in this request will continue into future biennia.

### **Expenditure calculations and assumptions and FTE assumptions**

#### Assumptions:

- 1.0 FTE will be required to carry out the responsibilities of conducting family law courthouse facilitator education and GR 27 Advisory Committee support.
- Because knowledge of substantive law and research abilities are required to support development and delivery of training materials, a court association coordinator level, or other attorney equivalent position, is necessary.
- Administrative staff support is estimated at .1 for event coordination, material preparation, and assistance with tracking of training compliance. An additional .1 FTE would be needed for every two areas of law added to GR 27. Additional administrative staff support is not requested for this biennium but may be necessary in the future.
- Off-site venue for training will be needed for family law facilitators, as capacity at SeaTac AOC has been exceeded. SeaTac AOC is anticipated to be adequate for guardianship facilitator training for at least the next two biennia, based on the historical growth of the family law facilitator program.
- Additional new substantive law initial training manuals do not need to include guidance on facilitation strategies, as that section of the existing initial family law facilitator training manual needs minor updating. A comprehensive training curriculum in five discrete areas was created under personal services contract for \$50,000. It is assumed that an initial training manual can be developed for \$5,000 per subject area and that an additional two areas (including guardianship) will be added in the request biennium.

#### Non-staff costs include:

- \* Courthouse Facilitator Attendance at Semi-annual in-person training events
- \* Venue for training
- \* Speaker costs
- \* Program materials
- \* Personal Service Contract(s) for training manual development for new areas of law
- \* Necessary meeting expenses

1 FTE Court Association Coordinator or Equivalent at \$110,000 per year

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 110,000	\$ 110,000	\$ 220,000
Non-Staff Costs	\$ 23,000	\$ 25,000	\$ 48,000
<b>Total Objects</b>	<b>\$ 133,000</b>	<b>\$ 135,000</b>	<b>\$ 268,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Trial Court Funding for Language Access - Criminal and Civil
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

Funding is requested to begin implementation of fully funding interpreter services in all criminal and civil cases at the trial court level.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 301,000	\$ 4,004,000	\$ 4,305,000
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	0.5	0.5	0.5

### Package Description

This request will extend the success of the current cost reimbursement program to all trial courts over the next three biennia. 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 percent funding spread out over three biennia.

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.

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 American Community Survey 1-Year Estimates, the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington who speak a language other than English in their home increased by 50,561 between 2010 and 2014, growing from 717,942 to 768,503 persons. In addition to that population set, the number of persons with hearing loss needing court interpreting services has grown, as evidenced by the increased per case expense local jurisdictions have incurred for sign language interpreting services. 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. The inability of many local courts to fully fund interpreter services creates a non-compliance atmosphere across the state that can result in the withdrawal of federal funds by the U.S. Department of Justice.

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires the appointing authority (i.e., the court) 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 the governmental body initiating the legal proceedings to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires the governmental body 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 Department of Justice (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.

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. This money was designed to be used in assisting courts to develop and implement Language Access Plans (LAP), as well as offset 50 percent 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. This money was designed to be used in assisting courts with creating Language Access Plans (LAPs) as a condition of receiving funding, as well as to serve to offset 50 percent (or up to \$25 per hour) of interpreter expenses for those courts with approved LAPs.

After nearly 10 years of implementation, this reimbursement program has improved court interpreter services for those counties participating in the current cost reimbursement program. 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 percent 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.

Due to the extraordinary fiscal environment over the succeeding years since 2009, the reimbursement funds have dropped to approximately \$1.2 million biennially and is used solely to cover in-person and telephonic interpreting services provided in court. This represents a decrease of 36% in language access funding for those fifty-two superior, district and municipal courts representing ten counties that are in the program. While the program has continued in limited capacity, the funding for the participating courts only reimburses 50 percent of the costs for approximately seven months of their fiscal year qualifying interpreter costs. In addition to not being able to fully fund 50 percent of a participating court's annual interpreter expenses, funding is clearly insufficient to expand into additional trial courts, which is necessary to maintain compliance with federal statutes and regulations.

### **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.**

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.

**Accessibility.**

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 because many courts are unable to afford quality interpreting services at those court services access points.

**Access to Necessary Representation.**

N/A

**Commitment to 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.

**Appropriate Staffing and Support.**

N/A

**Measure Detail**

**Impact on clients and service**

With the availability of expanded 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 in those cases where the market cost for those services is extraordinary due to language resource



scarcity or the hearing location. Access to higher quality interpreters will improve the accuracy of communication in the courtroom.

**Impact on other state services**

None.

**Relationship to Capital Budget**

None.

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

It would require language changes to RCW 2.43.040.

**Alternatives explored**

There are no local funding alternatives that would not require state support in order to be in compliance with state and federal statutory requirements as regards language access obligations.

**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 the current 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. Washington trial courts have increased their interpreter reimbursement 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 reimbursement funds are depleted, participant courts often resort to using non-credentialed interpreters that charge less, which adversely impacts the quality of services received.

**Expenditure calculations and assumptions and FTE assumptions**

**CURRENT REIMBURSEMENT PROGRAM INTERPRETER COST DATA:**

While the AOC has court interpreter usage and language data from a variety of courts, it does not have complete data on actual court interpreter expenditures for all Superior,

District and Municipal trial courts. However, by computing the average interpreter cost per case incurred by courts in the reimbursement program and extrapolating that figure to all JIS-reported cases for which a language type was noted, one can arrive at an estimate of the total annual expense for interpreter services in legal proceedings. The data takes into account all those cases that were filed with a language noted, which is not to mean that all those cases actually went to a hearing. However, by using the cases filed statistic, it denotes the upper limit of the funding need as the cases filed statistic is generally an under reported statistic due to the fact that not all courts are consistent with entering language need data.

For all courts in fiscal year 2015, JIS logged 54,118 cases filed in which a language type was denoted. Of those, 15,082 were filed in the courts participating in the Reimbursement Program. Those courts reported interpreter expenses of \$2,343,058 in FY 15. This gives an average interpreting cost of \$155 per case filed to be used as a calculation factor to arrive at projected program costs.

Total interpreter expenses for those participating courts have not increased by any significant degree since the FY 2010-11 period as shown below:

Statewide Actual Expenditures for courts in the Reimbursement Program:

2010-11	\$2,369,771
2011-12	\$2,296,420
2012-13	\$2,233,589
2013-14	\$2,044,882
2014-15	\$2,339,761

The increase in expenditures borne by the courts is due primarily to slightly higher per hour costs being charged by interpreters in many languages as well as the use of 2-person interpreter teams for hearings of two hours or longer.

Courts currently in the Court Reimbursement Program will continue to receive contracts for FY 18-19 using the current biennial allocation of \$1.2 Million. If this request is funded those courts and other courts not in the program will be required to complete an application for reimbursement funding that will take into consideration submitted historical interpreter cost and associated caseload interpreter need data as well as interpreter availability in the region for the most needed languages. Contract award amount criteria will be developed by the AOC using the data provided by applying courts.

AOC will need to hire one half-time FTE to support program expansion as well as invest resources in developing additional reporting and data collection applications.

The implementation-prior-to-award period is expected to last up to 8 months, as local court staff training on using the online database reporting application and contract development will be needed in advance of the disbursement of Program funds. This

leaves 4 "billable" months out of FY18 in which the courts with contract awards will be compensated for 50% of their in-person civil and criminal case interpreting costs.

The first year expansion phase will result in contract award amounts to rural courts currently not in the Program, primarily because rural courts do not have enough interpreters available locally and have to pay travel expenses in order to secure their in-person interpreting services from AOC-credentialed interpreters. Due to their lower tax revenues and higher per case costs compared to larger cities and counties, they will benefit sooner from state support in order to comply with state statutes as well as comply with federal language access policies.

In the second fiscal year of the biennium, the reimbursement program could either expand to include both Urban/Rural and Urban counties identified in Appendix A or be limited to only Rural and Urban/Rural counties, with Urban counties being added to the program in the FY 19-21 biennium. The cost projections for FY 19 inclusive of both disbursement scenarios are outlined below.

#### Cost Projections:

Using caseload data for Superior Courts (SC) and Courts of Limited Jurisdiction (CLJ) from fiscal years 2014 and 2015 the estimated annual cost total for rural counties is \$274,130\*.

\*(Referring to Appendix A: Rural Courts FY14-15 costs: \*\$3,289,565 / 2 years= \$1,644,782 divided by 12 months =\$137,065/month x 4 months =\$548,260, applying the 50 percent reimbursement equates to \$274,130 for 4 months of projected FY18 interpreter expense reimbursement).

Subtracting contract awards of \$30,034 for FY16 program participation by those courts now in the Program leaves an estimated need of \$244,096 for FY18 for those Rural County Courts not in the program at present.

In order to fully develop the program it is assumed that cost reimbursement will not begin until March 2018. Accordingly for FY 18 an additional \$244,096 will be needed to reimburse courts for 50 percent of the costs associated with civil and criminal cases during FY 18. Funding for 0.5 FTE and IT staff costs is also required.

For FY19, the annual all-Rural Court 50% reimbursement amount would be \$792,357, computed as follows:

Current estimated total biennial cost: \$3,289,565

Current estimated total annual cost: \$1,644,782

Estimated reimbursement amount (50%): \$822,391

Less current annual reimbursement amount: \$30,034

Estimated annual rural court reimbursement amount FY 19: \$792,357

For FY 19, the annual urban/rural county 50% reimbursement amount would be \$1,107,858, computed as follows:

Current estimated total biennial cost: \$4,963,875

Current estimated total annual cost: \$2,481,938

Estimated reimbursement amount (50%): \$1,240,969

Less current annual reimbursement amount: \$133,111

Estimated annual rural court reimbursement amount FY 19: \$1,107,858

For FY19, the annual urban court 50% reimbursement amount would be \$2,047,243, computed as follows:

Current estimated total biennial cost: \$9,978,280

Current estimated total annual cost: \$4,989,140

Estimated reimbursement amount (50%): \$2,494,570

Less current annual reimbursement amount: \$447,327

Estimated annual rural court reimbursement amount FY 19: \$2,047,243

Total FY19 reimbursement, at 50% is estimated to be:

Rural Courts: \$792,357

Urban/Rural: \$1,107,858

Urban: \$2,047,243

Total \$3,947,458

Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Funding for an additional .5 FTE is requested at Range 62 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 all local court jurisdictions requires additional staff.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 57,000	\$ 57,000	\$ 114,000
Non-Staff Costs	\$ 244,000	\$ 3,947,000	\$ 4,191,000
<b>Total Objects</b>	<b>\$ 301,000</b>	<b>\$ 4,004,000</b>	<b>\$ 4,305,000</b>

**Biennial Figures**

**Appendix A**

		2014-2015 Case Counts			Estimated Costs		
Rural Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total	Superior Court	Courts of Limited Jurisdiction	Total
Adams	18,720	423	1,566	1,989	\$65,565	\$242,730	\$308,295
Asotin	21,722		9	9	\$0	\$1,395	\$1,395
Chelan	73,111	342	2,019	2,361	\$53,010	\$312,945	\$365,955
Columbia	3,970	3	25	28	\$465	\$3,875	\$4,340
Douglas	39,027	131	1,714	1,845	\$20,305	\$265,670	\$285,975
Ferry	7,577	2	3	5	\$310	\$465	\$775
Garfield	2,203	1	17	18	\$155	\$2,635	\$2,790
Grant	90,828	1,064	5,492	6,556	\$164,920	\$851,260	\$1,016,180
Grays Harbor	68,669	79	1,286	1,365	\$12,245	\$199,330	\$211,575
Island	74,322	8	91	99	\$1,240	\$14,105	\$15,345
Jefferson	29,196	3	94	97	\$465	\$14,570	\$15,035
Kittitas	41,383	56	1,221	1,277	\$8,680	\$189,255	\$197,935
Klickitat	20,620	26	270	296	\$4,030	\$41,850	\$45,880
Lewis	74,613	148	1,197	1,345	\$22,940	\$185,535	\$208,475
Lincoln	10,286	2	146	148	\$310	\$22,630	\$22,940
Mason	59,386	190	1,010	1,200	\$29,450	\$156,550	\$186,000
Okanogan	40,688	187	1,049	1,236	\$28,985	\$162,595	\$191,580
Pacific	20,415	17	241	258	\$2,635	\$37,355	\$39,990
Pend Oreille	12,861		11	11	\$0	\$1,705	\$1,705
San Juan	15,787	5	28	33	\$775	\$4,340	\$5,115
Skamania	11,152	6	37	43	\$930	\$5,735	\$6,665
Stevens	43,258	9	43	52	\$1,395	\$6,665	\$8,060
Wahkiakum	3,931	4	15	19	\$620	\$2,325	\$2,945
Walla Walla	56,330	149	641	790	\$23,095	\$99,355	\$122,450
Whitman	45,745	8	137	143	\$930	\$21,235	\$22,165
<b>Sub-Total, Rural</b>	<b>885,800</b>	<b>2,861</b>	<b>18,362</b>	<b>21,223</b>	<b>\$443,455</b>	<b>\$2,846,110</b>	<b>\$3,289,565</b>

  

Mixed Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total	Superior Court	Courts of Limited Jurisdiction	Total
Benton	180,612	651	4,736	5,387	\$100,905	\$734,080	\$834,985
Clallam	70,772	13	159	172	\$2,015	\$24,645	\$26,660
Cowlitz	101,101	198	1,087	1,285	\$30,690	\$168,485	\$199,175
Franklin	82,660	942	4,865	5,807	\$146,010	\$754,075	\$900,085
Skagit	117,171	455	2,335	2,790	\$70,525	\$361,925	\$432,450
Whatcom	203,319	236	1,463	1,699	\$36,580	\$226,765	\$263,345
Yakima	243,859	2,625	12,260	14,885	\$406,875	\$1,900,300	\$2,307,175
<b>Sub-Total, Mixed</b>	<b>999,494</b>	<b>5,120</b>	<b>26,905</b>	<b>32,025</b>	<b>\$793,600</b>	<b>\$4,170,275</b>	<b>\$4,963,875</b>

  

Urban Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total	Superior Court	Courts of Limited Jurisdiction	Total
Clark	435,897	741	2,454	3,195	\$114,855	\$380,370	\$495,225
King	1,995,579	5,789	29,692	35,481	\$897,295	\$4,602,260	\$5,499,555
Kitsap	24,388	80	864	944	\$12,400	\$133,920	\$146,320
Pierce	788,490	1,370	9,013	10,383	\$212,350	\$1,397,015	\$1,609,365
Snohomish	726,099	1,268	8,674	9,942	\$196,540	\$1,344,470	\$1,541,010
Spokane	467,915	282	1,325	1,587	\$40,610	\$205,375	\$245,985
Thurston	253,225	372	2,472	2,844	\$57,660	\$383,160	\$440,820
<b>Sub-Total, Urban</b>	<b>4,691,603</b>	<b>9,882.0</b>	<b>54,494</b>	<b>64,376.0</b>	<b>\$1,531,710</b>	<b>\$8,446,570</b>	<b>\$9,978,280</b>

  

<b>Grand Total</b>	<b>8,576,897</b>	<b>17,863</b>	<b>99,761</b>	<b>117,624</b>	<b>\$2,768,765</b>	<b>\$15,462,955</b>	<b>\$18,231,720</b>
--------------------	------------------	---------------	---------------	----------------	--------------------	---------------------	---------------------

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Web Services Support
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

Funding is requested to strengthen and modernize the statewide web services provided by the Administrative Office of the Courts in order to meet the increasing demands of multiple programs and exchanges.

### Fiscal Detail

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 248,000	\$ 239,000	\$ 487,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	2	2	2

### Package Description

The need for, as well as the type of web services, has changed dramatically during the last few years. Rather than simply producing a page containing generalized information, the the Administrative Office of the Courts (AOC) now manages complicated interfaces; facilitates collaboration between agencies, courts, and applications; and provides assistance to a wide variety of customers. Advancements have changed the way the judicial branch operates as well as the public's expectations about how they will interact with courts.

Staff of the Administrative Office of the Courts (AOC) support almost 300 courts, as well as state and federal agencies, law enforcement entities, prosecutors, criminal justice partners, and the public. External agencies, such as the FBI Criminal Justice Information Services Division (NICS) require access to more data through Internet exchanges and web portals. These services, along with the many applications now changing due to modernization through commercial, off-the-shelf (COTS) products, require ongoing infrastructure upgrades, security, and staff.

Five new major technology projects, affecting all court levels, are underway at the AOC. Supporting the projects in process, in addition to supporting vital day-to-day operations, exceeds the capacity of the current web services team. To meet the demand for easy, fast, accurate, and secure access to information, there must be advanced operations and infrastructure, along with staff to steward information and development. Problem identification and resolution, once fairly simple, now require sifting through multiple levels of servers, applications, load balancers, code, and security applications. Tracking and mitigation activities double as security tightens and technology advances and expands.

As new technology applications come online, the volume of work has and will continue to increase. Not only must new applications be developed and integrated into legacy and COTS systems, but existing applications must be sustained and supported until they are retired - a process that can take years due to roll-out schedules across the state.

In order to ensure that accurate, timely and secure information is available to the public and our stakeholders, two additional full time staff are required.

Funding is also requested for specialized software and equipment, estimated at \$9,000. Application licenses/subscriptions as well as hardware is necessary to ensure staff have the tools needed to develop, implement and monitor new and revitalized web services.

### **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.**

Fair and effective administration of justice starts with access to information. The Washington Courts' website and its applications have an important role in being the repository for judicial information. The website and related applications must be available 24/7, to suite the changing public demographic and access demands as well as to ensure data sharing with local, state and federal agencies. The AOC will be better positioned to help state and federal agencies, law enforcement, prosecutors,

criminal justice partners and the public if this request is funded.

#### **Accessibility.**

Washington courts, court facilities, and court systems require important data received through Internet exchanges and web portals. These services require ongoing infrastructure upgrades, security, and staff in order to maintain accessibility.

#### **Access to Necessary Representation.**

Having properly supported data applications and websites is important for all stakeholders in judicial proceedings and research. This is particularly important to self-represented litigants.

#### **Commitment to Effective Court Management.**

Properly functioning and secure web services and applications have the potential to significantly improve court operations. This allows 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.**

Advanced information technology and web services have changed the way governments operate. Escalating trends demand information be easy to access, quick to retrieve, and secure. These advances require advanced operations and infrastructure, along with staff to steward information and development. By supporting the Web Services FTE decision package, the AOC is better positioned to meet the needs of the Judicial Branch. It enables courts to be more effective, and provides enhanced functionality without increasing court staff while providing the public with greater access to information.

#### **Measure Detail**

##### **Impact on clients and service**

Web Services provides essential information to several state & federal agencies, local law enforcement agencies, prosecutors, other criminal justice partners, and the public. Web Services reduces costs to Washington Courts and the public by enabling expanded access to critical judicial information and self-service options.

Services and applications that are built for court communities, professionals and the public are listed below:

- Supreme Court : Clerk's Office, Law Library, Commissioners Office
- Judicial Services: Trial Court Services, Judicial Education, Legal Services, Court Business and Technology
- Court of Appeals: Divisions I, II, III
- Management Service Division: Contracts, Data Dissemination, Budget, Guardianship



## & Elder Services

- Trial Courts: Superior, District & Municipal
- Administrative Services: Human Resources, Judicial & Legislative Office
- Information Service Division: Security, Operations, Data, Quality Assurance, Infrastructure, Case Mgmt. Projects
- State/Federal/Public: FBI, DOL, DSHS, DOC, SOS, Vendors, Public

## **Impact on other state services**

Vital information from the courts is provided through AOC 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.

## Service Examples:

Attorney notifications - nightly JIS data run to create a list of calendared cases for attorneys. Extracted JIS case information is electronically distributed to Attorneys.

Court Briefs - nightly run associates JIS data with briefs uploaded by the appellate courts.

## Appellate Courts

Briefs are made available on the public website.

JIS Table Structures and JIS Codes Application extracts used to describe DB2 table elements All Courts

Convicted Felon and Restoration of Voter's Rights Report Application reports cases with felony conviction and Voter Rights restoration.

A nightly process selects the data for reporting to DOL and generation of Felony Convicted Notification data.

ETP Reporting CLJ reporting for tickets filed electronically with the court.

Courts of Limited Jurisdiction (CLJ)

Washington State Patrol (WSP)

Firearms Reporting for Mental Health Commitment's Application provides courts the ability to identify mental health cases that need to be reported to NICS and DOL.

Nightly run looks for new cases or changes to existing cases FBI

National Instant Criminal Background Check System (NICS)

Department of Licensing (DOL)

Trial Courts

Firearms Report for Juveniles and DV Applications report Qualifying Juvenile Offenders and Adult Criminal DV Related Misdemeanors Convictions to DOL.

Nightly JIS extracts send information to DOL via their web service, and PDF reports to courts confirming the mandated reporting has completed. Department of Licensing (DOL)

Superior Courts

Opinion Upload An application allows courts to upload and distribute opinions.

Appellate Courts, Reporter of Decisions, LEXIS. Public Court Of Appeals Dockets (COA) Nightly creates COA dockets Court of Appeals WSHA Reporting Generates nightly WSHA report Washington State Hospital Association Public Bulk Data JIS Link Allows agencies/organizations to download public data from AOC site.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

Contracting for additional support has been explored. This option lacks stability and would also require additional funding, divert already scarce resources for re-training of new contractors.

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

Most of the costs identified in this request will continue into future biennia.

**Effects of non-funding**

There are many demands on the capacity of Web Services. If non-funding occurs, projects will be delayed and productivity will suffer, both of which will adversely impact state and federal agencies, law enforcement, prosecutors, criminal justice partners and the public.

**Expenditure calculations and assumptions and FTE assumptions**

Hardware and software costs are based on current market costs. Staff costs are based on current AOC staff costs for similar positions.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 239,000	\$ 239,000	\$ 478,000
Non-Staff Costs	\$ 9,000	\$	\$ 9,000
<b>Total Objects</b>	<b>\$ 248,000</b>	<b>\$ 239,000</b>	<b>\$ 487,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

**Agency** Administrative Office of the Courts

**Decision Package Title** Salary Adjustment

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

### Agency Recommendation Summary Text

Funding is requested for partial implementation of the 2014 Comprehensive Judicial Branch Salary Survey for employees of the Administrative Office of the Courts.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
001-1 General Fund State	\$ 100,000	\$ 100,000	\$ 200,000
543-1 JIS Acct	\$	\$	\$
<b>Total</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ 200,000</b>
Staffing	FY 2018	FY 2019	Total
FTEs (number of staff requested)	0	0	0

### Package Description

The Administrative Office of the Courts (AOC) is committed to providing adequate compensation to all employees based on position classification and experience. The Human Resources Planning Group completed a comprehensive judicial branch salary survey for all non-managerial job classifications within the AOC in December 2014.

The survey found that a number of the salaries of AOC staff trail the identified market rates. The AOC is requesting funding for three (3) bench mark positions; Senior Accountant, Court Program Analyst and Senior Legal Services Analyst.

**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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

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. Funding is requested 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**

These costs are TBD.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 100,000	\$ 100,000	\$ 200,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 100,000</b>	<b>\$ 100,000</b>	<b>\$ 200,000</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Staffing - Superior Court Judges Association
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

**Agency Recommendation Summary Text**

Funding is requested to allow implementation of an agreement between the Administrative Office of the Courts and the Superior Court Judges Association.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 213,000	\$ 210,000	\$ 423,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	2	2	2

**Package Description**

The Administrative Office of the Courts and the Superior Court Judges Association (SCJA) agreed that two permanent full time staff would be added to provide the SCJA will policy support and development. These staff are solely dedicated to provide policy work for the SCJA.

## **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

N/A

### **Measure Detail**

**Impact on clients and service**

The SCJA will have two full time staff solely dedicated to superior court policy development.

**Impact on other state services**

Implementation of policy initiatives could impact other state agencies and services.

**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 are ongoing costs.

**Effects of non-funding**

Services, that have yet to be identified, will be reduced or eliminated.

**Expenditure calculations and assumptions and FTE assumptions**

Standard costs and salary and benefits for 2 court program analyst positions.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 202,000	\$ 202,000	\$ 404,000
Non-Staff Costs	\$ 11,000	\$ 8,000	\$ 19,000
<b>Total Objects</b>	<b>\$ 213,000</b>	<b>\$ 210,000</b>	<b>\$ 423,000</b>



# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Superior Court Case Management System (SC-CMS)
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

Funding is requested to continue the successful implementation of the new commercial off the shelf (COTS) case management system for the Superior Courts.

### Fiscal Detail

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>543-1 JIS Account</b>	\$ 8,300,000	\$ 3,700,000	\$ 12,000,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	24.5	3.5	14

### Package Description

The 2011 Legislature funded a project for the AOC to replace its aging superior court case management system with a new commercial off-the-shelf (COTS) application. The application being implemented is known as "Odyssey". The Legislature reconfirmed its support of the project in 2013 and 2015 by extending the funding. In June of 2015, the pilot court in Lewis County was implemented and has been successfully using Odyssey since then. Three early adopter courts (Franklin, Thurston and Yakima counties) were implemented in November 2015, Snohomish county was implemented in May 2016 and Asotin, Columbia, Whitman and Garfield counties were

implemented in October 2016. The remaining 28 counties that are implementing Odyssey will be completed in 2018. Funding is requested to complete the successful statewide court case management system rollout during the 2017-2019 biennium.

### **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.**

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.

#### **Accessibility.**

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.

#### **Access to Necessary Representation.**

N/A

#### **Commitment to Effective Court Management.**

The Administrative Office of the Courts has established, as part of the SC-CMS project, a new Court Business Office (CBO) which will continue to conduct significant reviews 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.

#### **Appropriate Staffing and Support.**

N/A

### **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 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 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 caseload 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, caseload management, and other record keeping functions for the superior courts.

As a result of the feasibility study, the vendor recommended and the Judicial Information System Committee adopted option 3.

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

With the exception of ongoing operations staff, annual maintenance and licensing fees, this is a one-time request. Funding for the ongoing operations staff as well as ongoing maintenance and licensing costs will be requested in a separate package.

**Effects of non-funding**

Insufficient funding will result in the termination of a highly successful statewide information technology project. Further, local governments will be forced to use the existing system that is nearly 40 years old or be forced to purchase stand alone systems thereby further bifurcating case management and tracking at the superior court level.

**Expenditure calculations and assumptions and FTE assumptions**

Expenditures for staff, local implementation and the remaining contract amount are included.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 2,500,000	\$ 360,000	\$ 2,860,000
Non-Staff Costs	\$ 5,800,000	\$ 3,340,000	\$ 9,140,000
<b>Total Objects</b>	<b>\$ 8,300,000</b>	<b>\$ 3,700,000</b>	<b>\$ 12,000,000</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Administrative Office of the Courts
<b>Decision Package Title</b>	Courts of Limited Jurisdiction Case Management System
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

**Agency Recommendation Summary Text**

Funding is requested to continue the implementation of the new commercial off the shelf (COTS) case management system for the Courts of Limited Jurisdiction.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>543-1 JIS Account</b>	\$ 4,950,000	\$ 8,196,000	\$ 13,146,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	19	30	24.5

**Package Description**

This decision package will fund the continuation of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) implementation project. During the 17-19 biennium the project will focus on collaboration between AOC, the courts, probation departments, and the selected solution provider to configure the commercial off-the-shelf (COTS) product into the CLJ-CMS solution.

The CLJ-CMS project will replace and enhance the existing district and municipal court case management system known as DISCIS. The system was developed in the

1980's and over 250 courts use it to process more than 18 million transactions per month. Over 2 million cases, approximately 87% of the cases filed statewide, are filed each year in the district and municipal courts. In addition, limited jurisdiction courts annually collect and account for more than \$250 million in court fees, fines and recoupments, excluding restitution and other monies held in trust.

Project governance is management by the Judicial Information System Committee (JISC), the CLJ-CMS Steering Committee and the Court User Work Group (CUWG).

After the JISC approved the recommendation to acquire a commercial off the shelf (COTS) case management system the CUWG, comprised of judges, administrators, the state bar, member of the Access to Justice board and AOC staff spent a year and a half developing the business requirements for the new system.

A RFP was developed based on the business requirements and was released in September 2016. RFP responses are due in December 2016.

### **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.**

The current CLJ Case Management Information System (DISCIS) was implemented in the 1980's and is obsolete. While it does what it was designed to do and considered state of the art technology at the time, court business and technology needs have evolved. The vision of the CLJ-CMS provides a number of desired functions that are intended to address the needs of the courts for business improvement. Improved and expanded capabilities will help the courts meet their business needs by providing improved capabilities involving 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.**

There is more than one court filing for every three citizens in Washington. Vast numbers of people are served by our courts. The CLJ-CMS project will help in making Washington court data available to all, whether during a trial or by removing the need to travel physically to a court location for information. AOC will modernize the statewide legacy system that will allow faster flexibility to provide core court information at the local court level as well as at the state level. CLJ-CMS in particular will increase access to court information, reduce delays and reduce strain on judicial decision-makers that have been impacted by the loss of judicial officers and staff as a

result of current economic difficulties throughout government at all levels.

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

Courts make certain that basic rights and protections are available to Washington citizens. Supporting those basic rights efficiently through the provision of modern infrastructure and systems ensures that, in the end, those basic rights and protections do occur and that they are at the core of how the Washington courts function.

**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 Courts of Limited Jurisdiction 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 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, the 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**

None.

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

Costs noted in this request will continue into future biennia.

**Effects of non-funding**

- Delay of 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.
- System enhancement 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 expenditure calculation is based on anticipated project activities and staff and contractor costs.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 2,116,000	\$ 3,185,000	\$ 5,301,000
Non-Staff Costs	\$ 2,834,000	\$ 5,011,000	\$ 7,845,000
<b>Total Objects</b>	<b>\$ 4,950,000</b>	<b>\$ 8,196,000</b>	<b>\$ 13,146,000</b>



# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

**Agency** Administrative Office of the Courts

**Decision Package Title** External Equipment Replacement

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

### Agency Recommendation Summary Text

Funds are requested to replace aged computer equipment at the courts needed to provide access to JIS.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
543-1 JIS Account	\$ 1,226,000	\$	\$ 1,226,000
Staffing	FY 2018	FY 2019	Total
FTEs (number of staff requested)	0	0	0

### Package Description

Funds are requested to replace aged computer equipment at JIS courts 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**

**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.**

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.

### **Accessibility.**

N/A

### **Access to Necessary Representation.**

N/A

### **Commitment to Effective Court Management.**

To manage court effectively, equipment must be up to date in order to minimize information technology outages that negatively impact the court's business.

### **Appropriate Staffing and Support.**

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 (20) 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 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**

None.

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

None.

**Effects of non-funding**

None.

**Expenditure calculations and assumptions and FTE assumptions**

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

	FY18 Qty	Price	Total FY18
Computers	260	\$1,460	\$379,600
Laptops	7	\$1,780	\$12,460
Laser Printers	83	\$ varying	\$208,900
Impact Printers	225	\$2776	\$624,600
Total			\$1,225,560

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 1,226,000	\$	\$ 1,226,000
<b>Total Objects</b>	<b>\$ 1,226,000</b>	<b>\$ 0</b>	<b>\$ 1,226,000</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

**Agency** Administrative Office of the Courts

**Decision Package Title** Expedited Data Exchange - Carry Forward

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

**Agency Recommendation Summary Text**

Funding is requested to continue the implementation of the Expedited Data Exchange with King County District Court and County Clerk's Office.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 3,100,000	\$	\$ 3,100,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	6	0	6

**Package Description**

The original plan for the EDE Project, as funded by the Legislature in the 2015-2017 biennial budget, envisioned King County District Court (KCDC) implementing its new case management system during the 2015-2017 biennium. Based on the actual procurement results of KCDC, the planned implementation now falls in the 2017-2019 biennium. King County Department of Judicial Administration (KC DJA) anticipates implementing their new system in January 2018. The EDE Project anticipates that a portion of the funding authorized for the current biennium will need to be expended in the next biennium.

## **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.**

The EDE project is intended to provide the courts with a enterprise repository to collect and present statewide data from all systems regardless of whether they are provided by AOC or implemented by the local jurisdiction. Without this work, as courts implement their own case management systems, there will be no single source of statewide data.

### **Accessibility.**

The EDE project ensures accessibility of statewide data no matter which case management solution is used by the local court.

### **Access to Necessary Representation.**

N/A

### **Commitment to Effective Court Management.**

Accurate and complete statewide data is essential to the operation of the judiciary of the State of Washington.

### **Appropriate Staffing and Support.**

N/A

## **Measure Detail**

### **Impact on clients and service**

All users who access statewide data using AOC systems require access to statewide data to support judicial decision making.

### **Impact on other state services**

AOC provides data to numerous public agencies and justice partners. Without the EDE project, AOC itself will not have access to the statewide data needed to provide this information.

### **Relationship to Capital Budget**

None.

**Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.

**Alternatives explored**

There are no alternatives. Complete configuration and testing cannot occur or be finalized until both KCDC and KC DJA have fully implemented their new systems.

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

This is a one-time request. A separate decision package is being submitted to create the support structure required for future biennia.

**Effects of non-funding**

The EDE Project will not be able to continue functioning past June 30, 2017.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 462,000	\$	\$ 462,000
Non-Staff Costs	\$ 2,638,000	\$	\$ 2,638,000
<b>Total Objects</b>	<b>\$ 3,100,000</b>	<b>\$ 0</b>	<b>\$ 3,100,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

**Agency** Administrative Office of the Courts

**Decision Package Title** Expedited Data Exchange

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

### Agency Recommendation Summary Text

Funding is requested to offset expenditures from the Judicial Information System account for Expedited Data Exchange activities performed during the 2015-2017 biennium.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 2,413,000	\$	\$ 2,413,000
Staffing	FY 2018	FY 2019	Total
FTEs (number of staff requested)	0	0	0

### Package Description

In the 2015 session, the Washington State Legislature funded the Expedited Data Exchange (EDE) project in support of case management projects in King County District Court and the King County Department of Judicial Administration. The Judicial Information System Committee (JISC) and the Administrative Office of the Courts (AOC) agreed to begin implementation of the EDE with the understanding that full funding would be provided through the state General Fund rather than through the Judicial Information System (JIS) account. However, only a portion of the funding came from the state General Fund.



The AOC acknowledges that the EDE would have eventually been implemented. However, implementation would not have occurred for several years. Because the vast majority of the funding for the EDE came from the JIS account and because nearly \$29 million has been swept from the account, it is anticipated that there will be a severe cash flow issue which will put all other judicial branch information technology projects, including the EDE, at risk.

In order to fund and maintain statewide information technology projects, the JIS assessment has been adjusted three (3) times since the inception of the JIS account in 1994. However, nearly \$29 million has either been swept from the account through fund transfers, has been used to fund non-technology related activities, or has been used to fund information technology projects years before anticipated. The movement of \$29 million from the account has created a situation whereby existing and planned statewide legacy replacement projects are in jeopardy. These projects are crucial to the effective and efficient operation of the state's courts and thus are vitally important to the people of Washington State.

The AOC is requesting that the amount of funding previously agreed upon be transferred from the state General Fund to the JIS account.

### **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.**

While the EDE is an important project, it will only benefit one county at this time. It is imperative that the superior and limited jurisdiction court case management system replacements receive ample funding. These court systems will serve all citizens in 39 counties. Full implementation will make the courts more efficient and effective and will provide many more opportunities for self-represented litigants to access the system.

#### **Accessibility.**

Self-represented litigants, as well as those litigants receiving assistance, will have an easier time navigating the court system as well as having more opportunities to participate.

#### **Access to Necessary Representation.**

Access to vital data will be greatly enhanced once these systems are fully implemented.

#### **Commitment to Effective Court Management.**

Accurate and complete statewide data is essential to the operation of the judiciary of the State of Washington.

**Appropriate Staffing and Support.**

The replacement of these funds will allow AOC to more fully support the state's courts and county clerks' offices.

**Measure Detail**

**Impact on clients and service**

Full and timely implementation of new court case management systems will greatly benefit the clients who use the courts, in addition to reducing costs in the counties and cities that fully utilize these systems.

**Impact on other state services**

Data transfers to other state agencies (the Departments of Corrections, Licensing, Social and Health Services, and others) will be more timely and accurate.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

There is no acceptable alternative. Further delay of any of the projects is unacceptable.

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

The fund transfer is one-time in nature.

**Effects of non-funding**

Further delays in replacing legacy systems would:

- Cause local courts to purchase their own systems, leading to further bifurcation of the system.
- Adversely impact statewide data security and increase the cost of operations for state, county and city governments.
- Further decrease access to justice, and possibly increase costs from lawsuits or increase the usage of other state services.

In addition, replacement of these systems in the future would be more costly.

**Expenditure calculations and assumptions and FTE assumptions**

This request reflects the amount of JIS expenditures that occurred during the 2015-2017 biennium that should have come from the state General Fund.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 2,413,000	\$ 0	\$ 2,413,000
<b>Total Objects</b>	<b>\$ 2,413,000</b>	<b>\$ 0</b>	<b>\$ 2,413,000</b>

# 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 sole 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.

State of Washington  
**Recommendation Summary**  
 (By Agency Priority)

Agency: 046 State Law Library

3:01:45PM

11/7/2016

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>2015-17 Current Biennium Total</b>				
CL AA 2017 - 19 Carry Forward Level	13.8	3,193		3,193
<b>Total Carry Forward Level</b>	<b>13.8</b>	<b>3,193</b>		<b>3,193</b>
Percent Change from Current Biennium				
<b>Carry Forward plus Workload Changes</b>	<b>13.8</b>	<b>3,193</b>		<b>3,193</b>
Percent Change from Current Biennium				
M2 AB Publication Renewal Relief		55		55
<b>Total Maintenance Level</b>	<b>13.8</b>	<b>3,248</b>		<b>3,248</b>
Percent Change from Current Biennium				
<b>Subtotal - Performance Level Changes</b>				
<b>2017-19 Total Proposed Budget</b>	<b>13.8</b>	<b>3,248</b>		<b>3,248</b>
Percent Change from Current Biennium				

**M2 AB Publication Renewal Relief**

Funding is requested for the purchase and printing of official materials to meet the Court's requirement for citation to official documents. Appendix 5 to General Rule 14 states that legal citations should be "official sources, which in most instances are printed publications."



# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	State Law Library
<b>Decision Package Title</b>	Publication Renewal Relief for Court Materials
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Maintenance Level

### Agency Recommendation Summary Text

Funding is requested for the purchase and printing of official materials to meet the Court's requirement for citation to official documents. Appendix 5 to General Rule 14 states that legal citations should be "official sources, which in most instances are printed publications."

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
001-1 General Fund State	\$ 25,000	\$ 30,000	\$ 55,000
Staffing	FY 2018	FY 2019	Total
FTEs (number of staff requested)	0	0	0

### Package Description

Under SAR18, the State Law Library is responsible for maintaining a legal research library for users including (but not limited to) the Supreme Court, state officials and employees. Appendix 5 to General Rule 14 states that legal citations should be "official sources, which in most instances are printed publications."

The State Law Library has not received funding for inflation since the 2003-2005 Operating Budget, however the cost for printed materials continues to increase. The increased cost of primary legal materials for the most recent year was \$25,000. The

Law Library has continued to purge its print collection as it transitions to utilizing more legal electronic databases, however, these databases are sometimes not "official" or dependable.

As long as the Court requires citation to official documents, the State Law Library must continue to purchase official materials or print unofficial materials. After fourteen years, it is necessary to request publication renewal relief for the biennium to offset the increase.

### **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.**

In order for Supreme Court justices and Court of Appeals judges to perform their research and elected functions, they must have access to current valid, official legal information.

#### **Accessibility.**

Official print legal materials must be available for Supreme Court justices and Court of Appeals judges at the time/location needed.

#### **Access to Necessary Representation.**

N/A

#### **Commitment to Effective Court Management.**

In order for Supreme Court justices and Court of Appeals judges to effectively guide the Supreme Court and Court of Appeals, they must have access to current official legal information.

#### **Appropriate Staffing and Support.**

Print copies of legal official information are necessary to provide Supreme Court justices and Court of Appeals judges with the necessary tools of their profession.

### **Measure Detail**

#### **Impact on clients and service**

The State Law Library provides service to the Supreme Court, Administrative Office of the Courts, Attorney General, Legislature, Governor's Office, state government, and the public. Legal information provided should be current and correct. Judicial officials

depend on the State Law Library to provide valid primary material, and often state employees and the general public have no other resources for this information.

**Impact on other state services**

Other state programs will benefit by State Law Library users having access to valid legal information. Judicial delays and appeals can be avoided by users citing incorrect law and case citations.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

Offsite storage has been reduced, at the Legislature's suggestion, from three buildings to one in order to save money. Employee vacancies have been maintained to utilize salary savings for as long as possible. Due to annual print publication cost increases, this is no longer effective.

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

The publication increases will continue into future biennia. As long as the Court is required to cite to official publications (or nonofficial print publications), the State Law Library is obligated to maintain the materials.

**Effects of non-funding**

None.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 25,000	\$ 30,000	\$ 55,000
<b>Total Objects</b>	<b>\$ 25,000</b>	<b>\$ 30,000</b>	<b>\$ 55,000</b>

# 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.

State of Washington  
**Recommendation Summary**  
 (By Agency Priority)

Agency: 048 Court of Appeals

10:11:20AM

11/9/2016

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>2015-17 Current Biennium Total</b>				
CL AA 2017 - 19 Carry Forward Level	140.6	34,564		34,564
<b>Total Carry Forward Level</b>	<b>140.6</b>	<b>34,564</b>		<b>34,564</b>
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
<b>Carry Forward plus Workload Changes</b>	<b>140.6</b>	<b>34,564</b>		<b>34,564</b>
Percent Change from Current Biennium				
M2 AM Salary Adjustment Bow Wave		406		406
M2 AD Reinstatement of Merit Increments		523		523
M2 AC Division I - Lease Increase		70		70
<b>Total Maintenance Level</b>	<b>140.6</b>	<b>35,563</b>		<b>35,563</b>
Percent Change from Current Biennium				
PL AB Salary Survey Implementation		2,268		2,268
<b>Subtotal - Performance Level Changes</b>		<b>2,268</b>		<b>2,268</b>
<b>2017-19 Total Proposed Budget</b>	<b>140.6</b>	<b>37,831</b>		<b>37,831</b>
Percent Change from Current Biennium				

**M2 AC 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.

**M2 AD 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.

**M2 AM Salary Adjustment Bow Wave**

The Court of Appeals requests funding for salary adjustments made in FY 2016.

**PL AB Salary Survey Implementation**

Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for Court of Appeals employees.



### State of Washington Summarized Revenue by Account and Source

Budget Period: 2017-19  
Dollars in thousands  
048 - Court of Appeals  
Agency Level  
B1 - 2017 - 19 Biennial Budget  
Supporting Text Excluded

11/8/2016  
4:08PM

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2018	FY2019	FY2018	FY2019	FY2018	FY2019	
<b>001 - General Fund</b>							
Total - 0525 - Filing Fees - Priv/L - P/L	400	400			400	400	800
<b>001 - General Fund - Private/Local</b>	400	400			400	400	800
<b>Total - 001 - General Fund</b>	400	400			400	400	800
<b>048 - Court of Appeals - Private/Local</b>	400	400			400	400	800
<b>Total - 048 - Court of Appeals</b>	400	400			400	400	800

Washington State Judicial Branch  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

**Agency** Court of Appeals

**Decision Package Title** Salary Adjustment Bow Wave

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Maintenance Level

**Agency Recommendation Summary Text**

The Court of Appeals requests funding for salary adjustments made in FY 2016.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 203,000	\$ 203,000	\$ 406,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

**Package Description**

Staff salaries were frozen in 2009 as part of the austerity measures necessitated by severe budget reductions. Job functions had not been reassessed during this time. After reviewing job descriptions, it was determined that select positions required a salary adjustment to ensure retention. Therefore, these staff received salary adjustments.

## **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

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 and have assumed new duties during this time. The staff should be compensated for these duties.

### **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**

None.

**Effects of non-funding**

It will be difficult to recruit and retain qualified employees if these pay increases cannot be sustained.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 203,000	\$ 203,000	\$ 406,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 203,000</b>	<b>\$ 203,000</b>	<b>\$ 406,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Court of Appeals
<b>Decision Package Title</b>	Reinstatement of Merit Increments
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	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.

### Fiscal Detail

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 214,000	\$ 309,000	\$ 523,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

In order to achieve and maintain reductions over the past eight years, the Court of Appeals implemented austerity measures which included elimination of salary step increases for current employees. The Court's operating budget is not sufficient to support such salary movement without the allocation of additional funding.

There are approximately 140 employees in the three divisions of the Court of Appeals including staff attorneys, judicial assistants, and court clerks. An agreement was previously reached whereby it was recognized that the Court of Appeals functions as

three autonomous courts each with fewer than 100 FTE's and can therefore include the cost of salary increments in the maintenance level request. Most recently, the Court has taken action to exclude temporary law clerk positions from increment eligibility thereby reinforcing the validity of treating the Court as an agency with fewer than 100 FTE's.

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. Allowing each of these 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.

Employees of the Court of Appeals should be treated comparably to other state employees by funding this merit increment request.

### **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

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 increase to eligible employees will ensure that court personnel are treated fairly and adequately compensated.

**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**

The Court would be forced to reduce staffing levels or furlough employees in order to fund earned merit increments.

**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**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 214,000	\$ 309,000	\$ 523,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 214,000</b>	<b>\$ 309,000</b>	<b>\$ 523,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Court of Appeals
<b>Decision Package Title</b>	Lease Increase - Division I
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	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 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 35,000	\$ 35,000	\$ 70,000
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	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**

**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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

N/A

**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**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 35,000	\$ 35,000	\$ 70,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 35,000</b>	<b>\$ 35,000</b>	<b>\$ 70,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Court of Appeals
<b>Decision Package Title</b>	Comprehensive Salary Survey Implementation
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for Court of Appeals employees.

### Fiscal Detail

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 1,134,000	\$ 1,134,000	\$ 2,268,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

The Court of Appeals is committed to providing adequate compensation to all employees based on position classification and experience. The Human Resources Planning Group completed a comprehensive judicial branch salary survey for all non-judicial job classifications within the Washington State Court of Appeals in December 2014. The survey found that the salaries of Court of Appeals staff trail the identified market averages by an average of 16 percent, with Senior Staff Attorneys and Law Clerks averaging 26 percent below market.

Funding is requested to implement the Survey's findings during the 2017-2019 biennium.

### **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

Reason For Change:

In the late 1990's the Court of Appeals noted that Court compensation levels were much lower for equivalent work at the local and federal level as well as in the private sector. In addition, recruitment and retention issues began to surface. In order to alleviate these issues the Court of Appeals directed its Personnel Committee to analyze and update all job descriptions to ensure they accurately represented the work being accomplished and to conduct a comprehensive salary survey to determine the appropriate salary for each position. Further, the Court directed the Personnel Committee to update the salary survey every four years. The first salary survey was conducted in 2000. In 2001, funding was requested to implement the salary survey findings, however, funding was not provided.

In 2006, the legislature approved funding to the Administrative Office of the Courts to engage the Department of Personnel to perform a total compensation survey that included all current job classifications within the Court of Appeals. The Survey noted that, on average, the salaries assigned to job classifications within the Court of Appeals trailed the identified markets by approximately 27.4 percent. As a result of that effort the Court of Appeals positions were reclassified and the legislature allocated funds in the 2005 – 2007 biennium for implementation of the salary reclassification effort.

Unfortunately, the salaries of Court of Appeals employees have been frozen since 2009, due to the economic downturn and the legislature's failure to fund merit increments. Most employees had their salaries frozen at mid-range and have not received a salary increase in more than seven years. This situation has led to the recurrence of below market salaries for Court employees and has resulted in difficulties in recruitment and selection of qualified employees associated with the below market average compensation.

In 2014, the Administrative Office of the Courts initiated another comprehensive salary survey of judicial branch job classifications. The results of that effort again reflect that the current salaries of some Court of Appeals employees are substantially below market. Funding for this request is necessary to adequately compensate Court employees and address ongoing recruitment and retention problems. Funding is requested to move these employees to the designated step within the current salary range equivalent to five percent under market.

Senior Staff Attorney -21.9% Range 74, Step I  
Staff Attorney -13.6% Range 69, Step G  
Senior Case Manager -13.8% Range 54, Step K  
Judicial Assistant -7.8% Range 52, Step L  
Case Manager -7.0% Range 48, Step K  
Law Clerk \$49,608 - \$64,620 (Range 56, Step M)

In addition to the compensation adjustments for permanent long term Court of Appeals employees, the Court is requesting additional funding for Law Clerk positions. The Law Clerk position was identified as the Court of Appeals position lagging farthest behind the market average at -30.1%. In response to the legislature's ongoing failure to fund merit increments for Court of Appeals employees, the Court froze law clerk salaries at Range 55, Step C. approximately six years ago. Law Clerks are usually hired for a two year clerkship and receive a fixed salary of \$49,608, or 30% below the market average for comparable positions. This situation has resulted in recruitment and retention problems for the Court.

One of the reasons given for the continued failure to fund merit increments for Court of Appeals employees has been that the Court is considered an "agency over 100 employees." Given the substantial differential in compensation of law clerks compared to market, the salary for Court of Appeals law clerks must be raised significantly. The Court recognizes the significant cost associated with setting the law clerk salary at a comparable market rate. The Court has agreed to establish a fixed, market based rate of compensation for law clerks. If approved, the Court will remove the law clerk position from the Judicial Branch salary schedule, and instead establish a fixed salary for all law clerks with no step or increment eligibility. By doing so, the Court will have less than 100 employees eligible for merit increments and therefore, substantially reduce the scope and cost of future merit increment funding. The proposed salary for Court of Appeals Law Clerks is \$64,620 per year. That salary is slightly more than the

market average of \$64,017 and represents the salary associated with Range 55, Step M of the current range.

**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**

None.

**Effects of non-funding**

None.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 1,134,000	\$ 1,134,000	\$ 2,268,000
Non-Staff Costs	\$	\$	\$
<b>Total Objects</b>	<b>\$ 1,134,000</b>	<b>\$ 1,134,000</b>	<b>\$ 2,268,000</b>

# 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.

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 2016. 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 - 2017-2019 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.

## 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.

State of Washington  
**Recommendation Summary**  
 (By Agency Priority)

Agency: 056 Office of Public Defense

3:05:02PM

11/7/2016

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>2015-17 Current Biennium Total</b>				
CL AA Carry Forward Level	16.2	78,404		78,404
<b>Total Carry Forward Level</b>	<b>16.2</b>	<b>78,404</b>		<b>78,404</b>
Percent Change from Current Biennium				
<b>Carry Forward plus Workload Changes</b>	<b>16.2</b>	<b>78,404</b>		<b>78,404</b>
Percent Change from Current Biennium				
M2 AC Parents Representation Program		1,320		1,320
<b>Total Maintenance Level</b>	<b>16.2</b>	<b>79,724</b>		<b>79,724</b>
Percent Change from Current Biennium				
PL AB Extension of Parents Rep Program	1.0	5,742		5,742
PL AD Contractor Retention		6,346		6,346
<b>Subtotal - Performance Level Changes</b>	<b>1.0</b>	<b>12,088</b>		<b>12,088</b>
<b>2017-19 Total Proposed Budget</b>	<b>17.2</b>	<b>91,812</b>		<b>91,812</b>
Percent Change from Current Biennium				

**M2 AC Parents Representation Program**

Funding is requested to meet the increase in the child welfare workload and associated costs.

**PL AB Extension of Parents Rep Program**

Funds are requested to extend the OPD Parents Representation Program to all counties. Additional funding will expand the program to Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, and Walla Walla counties and the remainder of Pierce county.

**PL AD Contractor Retention**

OPD requests a funding increase to address inequities in compensation for mandatory legal services.

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Washington State Office of Public Defense
<b>Decision Package Title</b>	Parents Representation Program Workload
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Maintenance Level

**Agency Recommendation Summary Text**

Funding is requested to meet the increase in the child welfare workload and associated costs.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 660,000	\$ 660,000	\$ 1,320,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

**Package Description**

Under the Permanency Initiative (PI), one-time funding has been allocated for legal services provided by the Office of Public Defense (OPD) and the Attorney General's Office (AGO) to support additional termination cases. However, completion of some termination cases has taken significantly more time than expected.

Termination case processes in a few counties take more than several months longer than the state average to resolve. Parents' attorneys must continue to represent their clients until the termination case is resolved. OPD's caseload increase funding does

not cover the additional representation costs for these lengthier terminations, though more attorneys must be provided.

For example, based on case filing rates, OPD planned to implement 17 attorneys in King County in 2015 and 2016. Due to ongoing workload changes, OPD added 5 attorneys with PI funds there. That number has been somewhat reduced as a large number of terminations have resolved. At this point, though the PI initiative is scheduled to end by FY 2018, OPD is projected to continue to need 3.5 attorneys to keep up with the workload on an ongoing basis. Funding is needed to support the 3.5 attorneys.

In addition, more funding is needed to pay for increased costs of parents' expert services. As in other similar types of cases, both sides in dependency and termination cases obtain experts when it is appropriate in order to provide scientific or supportive information to the judicial officer. In the 2006 appellate case *In re Dependency of V.R.R. v. D.S.H.S.*, the court reversed a termination order, finding the parents' attorney to be ineffective, partially due to his inability to obtain an expert. Recently, appellate courts in several states have reversed termination orders where parents' attorneys did not obtain an expert.

Program attorneys obtain medical, psychological, and social experts for proper representation in selected cases, and their use can speed earlier case resolution and permanency for children. In 2007, the AGO and OPD, along with multi-disciplinary child welfare representation groups, jointly created Guidelines for Expert Evaluations in Child Welfare Proceedings for use by all parties, and published on the Courts' website.

In recent years, the cost of parents' experts in dependency and termination cases has increased from about \$3,830 per attorney per year to \$5,144 per attorney per year.

### **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.**

These funding adjustments will ensure that the Parents Representation Program provides high-quality representation for parents in dependency and termination cases.

#### **Accessibility.**

N/A

#### **Access to Necessary Representation.**

The requested funding will ensure that all PRP parents in termination cases will be

represented throughout the case, and that PRP attorneys' caseloads meet the Supreme Court caseload standards. Parents will also be able to obtain appropriate experts when necessary for their cases.

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

N/A

**Measure Detail**

**Impact on clients and service**

Parents and families in dependency and termination cases must be represented by competent, skilled attorneys who have appropriate workloads. With continued adequate funding, PRP attorneys can continue to represent parents well, resulting in more reunifications and timelier resolution of cases, as well as foster care and adoption subsidy savings.

**Impact on other state services**

With adequate funding for parents' attorneys, they will be able to fully participate in cases. The beneficial aspects of enhanced parents' representation will continue to help produce accurate, informed case outcomes and an increased level of family reunifications.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

There is no alternative to the ability of parents' attorneys to maintain appropriate caseloads or their ability to obtain appropriate experts for their cases.

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

The need for additional funding for maintaining the increased workload is expected by the parties to be ongoing.

**Effects of non-funding**

OPD will be unable to maintain the 80-case caseload limit mandated by the Supreme Court Standards for Public Defense. Parents and families will be less successful in



these cases, resulting in unnecessary terminations of parental rights.

**Expenditure calculations and assumptions and FTE assumptions**

3.5 attorneys at \$146,250 per attorney (includes social worker and expert costs)  
equals \$511,875

113 existing contract attorneys at a \$1,314 expert fee increase equals \$148,482

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 660,000	\$ 660,000	\$ 1,320,000
<b>Total Objects</b>	<b>\$ 660,000</b>	<b>\$ 660,000</b>	<b>\$ 1,320,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Washington State Office of Public Defense
<b>Decision Package Title</b>	Statewide Extension of Parents Representation Program
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

Funds are requested to extend the OPD Parents Representation Program to all counties. Additional funding will expand the program to Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, and Walla Walla counties and the remainder of Pierce county.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 2,746,000	\$ 2,996,000	\$ 5,742,000
Staffing	FY 2018	FY 2019	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 legal representation inequalities between the state and parties in dependency and termination cases. OPD's investigation found severe disparities between state funding for the Attorney General's Office (AGO) for the initiation and pursuit of these cases and county funding spent for legal representation of the indigent parents involved.

Since the Legislature first began funding and expanding the Parents Representation Program (PRP) in 2000, evaluations have consistently shown that the program's improved representation promotes child welfare goals, including family reunifications and earlier permanency for children. National publications have lauded the impacts of the program, and other states are replicating it based on the successful Washington model.

Funds are requested to complete PRP implementation to the remaining nine counties, where 17% of Washington's cases are located. Indigent parents in these counties are represented by county-funded attorneys, who practice under widely disparate conditions and without vital resources. These attorneys often are burdened with excessive caseloads. They practice without the benefit of professional oversight, independent social worker or accessible expert resources, or specialized dependency/termination training.

Without full implementation of the Parents Representation Program, family reunifications and earlier permanency will continue to lag in the nine counties, and the state likely will consequently spend more for foster care and adoption subsidies.

### **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.**

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. The Legislature's extension of the PRP has resulted in efficient and effective assistance of counsel in the 83 percent of the state where it is implemented.

At present, since indigent parents in Adams, Douglas, Island, Lewis, Lincoln, Okanogan, San Juan, and Walla Walla counties and about half the indigent parents in Pierce County lack representation by PRP attorneys, they are deprived of equal opportunities to succeed in the cases that determine the future of their families and children. This is unfair, as all similarly situated indigent parents in the rest of the state receive the enhanced benefits of PRP services.

#### **Accessibility.**

N/A

#### **Access to Necessary Representation.**

Funding this request will ensure that indigent parents in all Washington counties receive appointment of well-qualified Parents Representation Program attorneys who

receive specialized training, access to independent social worker and evaluator resources, professional oversight, reasonable caseloads, and adequate compensation.

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

N/A

**Measure Detail**

**Impact on clients and service**

Extending the Parents Representation Program allows the state to meet its legal mandate to ensure that effective counsel is appointed for indigent parents in dependency and termination cases. Parent clients will have meaningful access to due process and needed services because their attorneys will be dedicated, specialized advocates who will promote their engagement in services and in the legal process. Parents represented by PRP attorneys are substantially more likely to succeed in their cases, thus restoring their families and meeting the intent of our child welfare laws.

Parents and children also benefit from earlier permanency caused by PRP representation, as shown by program evaluations. A major evaluation of over 12,000 DSHS dependency and termination case records proved the program both resulted in quicker reunifications and that adoptions and guardianships were entered one year earlier after its implementation (see the published evaluation in Children and Youth Services Review, Volume 34, Issue 7, July 2012.)

**Impact on other state services**

Court efficiency is increased when attorneys are prepared for court and 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.

Because the PRP increases family reunification rates, for each year it is operational in a county, cumulative alternate care savings increase. As the PRP has been extended to additional counties over the years, foster care and adoption costs reductions generated by the program continue to be substantial. This helps ameliorate other systemic changes not related to the PRP such as increased filing rates.

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

The right to counsel for indigent parents is a legal mandate. The alternative to ensuring these mandatory services statewide via the PRP is to maintain the status quo in the nine unserved or underserved counties and allow for inconsistent (and in many cases inadequate) representation.

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

Funding to extend the PRP would be an ongoing cost.

**Effects of non-funding**

Without funding to extend the Parents Representation Program statewide, indigent parents in 17 percent of the cases will continue to receive inconsistent and often inadequate quality representation in dependency and termination proceedings, in violation of legal mandates. Dependent children in these areas will spend longer periods of time in foster care. 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 PRP will continue to harm families, negatively impacting children's well being.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 112,000	\$ 112,000	\$ 224,000
Non-Staff Costs	\$ 2,634,000	\$ 2,884,000	\$ 5,518,000
<b>Total Objects</b>	<b>\$ 2,746,000</b>	<b>\$ 2,996,000</b>	<b>\$ 5,742,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Washington State Office of Public Defense
<b>Decision Package Title</b>	Contractor Retention
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

OPD requests a funding increase to address inequities in compensation for mandatory legal services.

### Fiscal Detail

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 3,173,000	\$ 3,173,000	\$ 6,346,000
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

An adjustment is required to compensate OPD-contracted professionals commensurate with the market for public sector attorneys and social workers employed by the state.

The request estimates the minimum necessary to address difficulties in recruiting and retaining qualified professionals and approach compensation parity for public sector law offices. National and state quality standards recommend that public defense attorneys and professional staff should be compensated at a rate commensurate with

their training and experience, and comparable to attorneys and staff in prosecutorial offices. The increase is needed to maintain mandatory performance levels in representing indigent persons who have a constitutional or statutory right to qualified and adequately resourced legal counsel to help appeal an improper ruling in a criminal trial, or reunify their family, or defend against a potential lifetime civil commitment.

**Appellate Program:**

OPD contracts with 39 FTE attorneys statewide to provide appellate representation for indigent persons who have a constitutional or statutory right to counsel on appeal. OPD-contracted appellate attorneys have on average more than 20 years of experience.

Principle Eight of The American Bar Association Ten Principles of a Public Defense Delivery System and Standard One of the Washington State Bar Association Standards for Indigent Defense direct that public defense attorneys should be compensated at parity with prosecutorial attorneys. With the 2015-17 COLA adding \$6,500 per attorney on an ongoing basis, compensation for OPD's indigent appellate attorneys now ranges from \$111,500 to \$126,500, plus very modest business stipends for group practices. Necessary attorney business costs must be paid out of the general contract compensation. In 2014, they were estimated to range from \$23,480 to \$57,557 per FTE, depending on taxes, staff and basic 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, \$76,600 per year. This total compensation amount must pay not only salary, but also must cover all standard benefits, including health insurance and retirement.

OPD is working with a professional compensation and human resources consulting firm to complete a cost of business survey of indigent appellate attorneys in various Washington counties, in order to update the 2014 survey. The updated results are expected to be available in the fall.

As the economy improves and business costs continue to rise, OPD finds it increasingly difficult to retain and recruit qualified contract appellate attorneys. Some well-regarded attorneys have already left the OPD program. A professional level of compensation for experienced attorneys who specialize in appellate practice is required.

**Parents Representation Program (PRP):**

OPD contracts with 113 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. Principle Eight of The American Bar Association's Ten Principles of a Public Defense Delivery System and Standard One of the Washington State Bar Association Standards for Indigent

Defense direct that public defense attorneys should be compensated at parity with prosecutorial attorneys. The majority of Parents Representation Program contract attorneys have approximately 17 years or more of professional experience on average, a necessity as they are for the most part working independently without direct supervision in the 31 program counties.

In 2015, the Legislature appropriated funds for a biennial COLA, which in 2017 increased their compensation by 5 percent. PRP attorneys are individually compensated between \$113,010 and \$127,000 per FTE, depending on experience and location. From this contract amount, they must pay for benefits, business costs, including taxes, office costs, professional insurance, and support staff.

A 2014 survey of OPD Parents Representation Program contract attorneys found that among all program counties, after payment of basic business costs, the average annual value of attorney salary and all benefits including health insurance and retirement was \$70,137 in total compensation.

The 2016 survey being completed by a professional consulting firm will report Parents Representation Program attorneys' cost of doing business. The updated results are expected to be available in the fall.

In recent years, PRP contract attorneys have continued to leave 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 direct supervision. Retaining skilled attorneys is critical to the program's ability to provide the requisite quality of representation for indigent parents, which has been demonstrated to improve family reunification rates and accelerate all types of permanency outcomes.

Social work support is a necessary component of the Parents Representation Program. OPD contracts with some 30 social workers. These social workers are critical in supporting parent attorneys' effective representations, consistent with Washington State Bar Association standards. Currently, full-time OPD-contracted social workers are compensated between approximately \$55,000 to \$63,000 annually. This amount covers salaries, health insurance and retirement contributions, and general business expenses.

PRP contract social workers' compensation needs to be adjusted to rates commensurate with DSHS social workers involved in dependency and termination cases by taking business costs into account. Social worker costs of business will be included in the survey results expected this fall.



RCW 71.09 Sexually Violent Predator Attorneys (SVP):

In 2013, the Legislature transferred the SVP public defense program to OPD. Twenty-three attorneys are under contract to OPD to handle these highly complex cases across the state. The defense attorney compensation level was set in 2006 pursuant to a court order establishing a rate of \$85.65 per hour for attorneys and \$46 per hour for paralegals. Subsequently, the state (DSHS) adopted this defense rate statewide, and it remained essentially unchanged when the program was transferred to OPD.

The total 2016 annual OPD contract payment per SVP attorney is \$174,870, which covers salary and benefits for 1 FTE attorney and .25 FTE paralegal as well as office space, supplies, technology, taxes and other general office expenses. After 10 years with no compensation increase, RCW 71.09 contract attorneys need an adjustment to reflect inflation in their basic business costs. The 2016 costs of business survey will cover OPD-contracted SVP attorneys.

### **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.**

N/A

**Accessibility.**

N/A

**Access to Necessary Representation.**

It is widely accepted that state funded public defense attorneys should be compensated in parity with adverse counsel. This increase will ensure that OPD can retain and recruit well-qualified appellate, Parents Representation Program, and RCW 71.09 contractors to serve indigent persons who have a constitutional or statutory right to counsel. Failure to fund this request will result in a shortage of qualified professionals willing to accept OPD contracts, and a failure to provide quality, mandatory defense services to indigent persons.

**Commitment to Effective Court Management.**

N/A

**Appropriate Staffing and Support.**

N/A

**Measure Detail**

**Impact on clients and service**

Funding this maintenance increase will ensure that every indigent appellant, indigent parent, and RCW 71.09 respondent who has a right to counsel in OPD cases is appointed a well-qualified attorney who can provide effective assistance of counsel.

**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 right to counsel provided to indigent appellants, parents, and respondents by OPD contract attorneys is legally required. Minimum professional qualifications 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 OPD 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. Fewer indigent clients are expected to prevail in meritorious cases. 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**

The actual requested amount is not yet known, pending completion of the current costs of business survey. The dollar amount requested below represents a placeholder estimate.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 3,173,000	\$ 3,173,000	\$ 6,346,000
<b>Total Objects</b>	<b>\$ 3,173,000</b>	<b>\$ 3,173,000</b>	<b>\$ 6,346,000</b>

# Washington State Office of Civil Legal Aid

## INTRODUCTION

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency established by the Legislature in 2005 to administer and oversee 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).

In addition to basic civil legal aid services authorized by RCW 2.53.030, OCLA recently entered into an interagency agreement with the Department of Commerce’s Office of Crime Victims Advocacy (OCVA) to provide civil legal assistance to victims of crime throughout Washington State. Pursuant to an Integrated Legal Assistance to Crime Victims Plan, OCLA contracts with seven (7) non-profit legal aid programs to ensure timely and effective legal assistance for victims of domestic violence, sexual assault, human trafficking, child abuse, wage theft and other crimes in concert with community based providers of related professional services. Funding for this program originates from funding made available through the federal Victims of Crime Act (VOCA). Unlike state-appropriated funding, VOCA crime victims funding is not limited to persons who meet indigency requirements.

In 2014, the Legislature directed OCLA to administer a new program providing attorneys for children who remain in foster care and subject to dependency proceedings six months following the termination of their parents’ legal rights. OCLA contracts with qualified private attorneys and defender agencies across the state to ensure effective, culturally competent legal representation consistent with these children’s stated interests and that is conducted in a manner that meets legislatively endorsed practice, caseload and training standards.

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 Jennifer A. Greenlee, Executive Director of the Civil Service Commissions of the city of Seattle.

OCLA is staffed by an agency Director, a Children's Representation Program Manager, a Civil Legal Aid to Crime Victims Program Manager and a .5 FTE Executive Assistant/Contracts Manager.

## **1. Basic Civil Legal Aid Program**

In 2014 more than seven in ten low income people experienced an important civil legal problem each year.<sup>1</sup> Of these 76% got no legal help to solve their problems.<sup>2</sup> Problems affect access to basic health and human services, family safety, access to and the ability to retain affordable housing, economic security, employment and freedom from economic exploitation, and a range of other issues that affect basic liberties and implicate core property rights. Low-income people who experience one civil legal problem on average experience nine such problems, most of which arise from a single problem or set of problems. Victims of domestic violence and sexual assault experience more problems across the entire spectrum problem areas and average about 18 problems per capita per year, most of which flow from their victimization.

The 2015 Civil Legal Needs Study Update (2015 CLNS Update) documented significant racial and other differentials in the experience of low-income people by race, immigration status, status as victims of domestic violence or sexual assault, youth and disability. People who identify as African American and Native American experience substantial levels of discrimination and differential treatment due to their prior involvement in the juvenile or criminal justice systems and their credit history.

More than 50% of those who experience problems with a legal dimension do not understand that they could benefit from legal advice or assistance, and do not seek legal help to solve these problems. Even for those who do understand the need for legal help, most cannot get it because they do not have the funds, do not know where to go and cannot get through to overwhelmed civil legal aid hotlines and community based legal aid providers. In the end, only 24% of those who experience one or more civil legal problems get any help at all.

Low-income people have little confidence in their ability to solve problems fairly through the courts or the civil justice system. More than two-thirds of respondents in the 2015 CLNS Update said that they did not believe that people like them can effectively use the courts to protect themselves, their families or to enforce their legal rights.

Demand for civil legal aid skyrocketed following the Great Recession of 2008-09, as low-income residents sought 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.

---

<sup>1</sup> Washington State Supreme Court Civil Legal Needs Study Update Committee, Civil Legal Needs Study Update, Final Report (October 2015).

<sup>2</sup> Discussion of the substance and prevalence of civil legal problems experienced by low-income people in this section is based on the findings of the 2015 Civil Legal Needs Study Update and related technical papers produced by Washington State University's Social and Economic Sciences Research Center (SESRC). Information relating to the 2015 CLNS Update is available at: <http://ocla.wa.gov/reports/>

While demand for legal help has increased, the capacity of the state-funded legal aid system to address these needs has declined substantially. During the period from 2009 – 2016, the number of state-funded basic field attorneys employed by the Northwest Justice Project (NJP) dropped from 105 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 10,881 closed cases in CY 2016.

Since 1975, the standard for “minimum access”<sup>3</sup> to civil legal aid services has been 1 FTE attorney for every 5,000 people living at or below 125% of the federal poverty level (FPL). When the standard was adopted, there was very little if any organized system to develop, deliver and track the contributions of volunteer attorneys. Thus, the formula assumed that there needed to be 1 staffed legal aid attorney for every 5,000 eligible low income residents (or, as it was then characterized, 2:10,000).

OCLA funding supports a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local, bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 46,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.<sup>4</sup> At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 23 FTE civil legal aid attorneys.

The balance of the civil legal aid delivery system consists of staff attorneys employed by the statewide Northwest Justice Project and four state-funded specialized providers of civil legal aid services that provide services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.<sup>5</sup> Along with full time staff attorneys employed by some of the larger volunteer attorney programs, the staffed legal aid programs together employ 107 full time attorneys.

According to the Census Bureau, nearly 1.19 million Washingtonians live at or below 125% of the federal poverty level.<sup>6</sup> Combining the staff and volunteer legal aid capacity, the ratio of FTE basic field legal aid attorneys to persons living at or below 125% of FPL is 1:9,154. When considered against the number of people living at or below 200% of FPL, this ratio declines to 1:15,931. As the CLNS Update so well documents, low-income people have little chance of getting the help they need to solve critical life and related legal problems given current levels of staffing and volunteer contributions.

---

<sup>3</sup> The 2:10,000 figure was established by the Board of Directors of the federal Legal Services Corporation (LSC) in 1975 to serve as the floor for federal investment in the newly created LSC. This figure was used to guide congressional appropriations from 1975-1980 (from \$75 million to \$300 million) by which time minimum access had been achieved. See, Erlich, *Giving Low-Income Americans Minimum Access to Legal Services*, 64 A.B.A.J. 696 (1978).

<sup>4</sup> Eligibility for state-funded civil legal aid services is governed by RCW 2.53.030.

<sup>5</sup> These are TeamChild, the Seattle Community Law Center, the Unemployment Law Project and the Family Advocacy Program at Solid Ground.

<sup>6</sup> [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_1YR\\_S1701&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S1701&prodType=table)

## 2. Crime Victims Legal Representation

Beginning in FY 2017, OCLA assumed administration of a federally funded Integrated Civil Legal Aid to Crime Victims Program. Funding for this program originates from the federal Crime Victims Fund and is made available from the US Department of Justice in accordance with the federal Victims of Crime Act (VOCA). The Department of Commerce's Office of Crime Victims Advocacy (OCVA) is the lead agency assigned to administer VOCA funding. Pursuant to its 2015-19 Victims of Crime Act State Plan,<sup>7</sup> OCVA has entered into an interagency agreement with OCLA to manage and oversee that portion of VOCA funding that is dedicated to providing civil legal aid to victims of crime.

OCLA has produced a Statewide Civil Legal Aid to Crime Victims Plan (Legal Aid to Crime Victims Plan)<sup>8</sup> which defines the core purpose and principal guidelines and expectations of the program. The Legal Aid to Crime Victims Plan identifies the participating legal aid programs and the VOCA-funded staff positions and activities throughout the state. Under applicable federal guidelines, VOCA funding is limited to providing limited legal assistance to address the emergent civil legal problems faced by crime victims. Unlike eligibility for basic civil legal aid, eligibility for VOCA funded services is not determined by income.

## 3. Children's Legal Representation

At any given time about 850 children remain in the dependency system six months following the termination of their parents' legal rights. Prior to establishment of the Children's Representation Program, these children were legally voiceless and unable to effectively promote their own interests in legal proceedings that would dictate every aspect of their future lives. In 2014, the Legislature enacted Laws of 2014, chapter 108 which created a right to counsel at public expense for these children. Representation was to be provided consistent with legislatively endorsed practice, training and caseload standards. RCW 13.34.100(6)(c)(i). Administration of this program was assigned to the Office of Civil Legal Aid. *Id.*; RCW 2.53.045.

The mission of the Children's Representation Program is to underwrite and oversee the delivery of standards based, meaningful, effective and culturally competent attorney representation for legally free children who remain in the foster care system six months following termination of their parents' legal rights, with the goal of achieving early permanent placements consistent with the children's stated interests and relevant child well-being indicators.

Children's Representation Program attorneys will, among other things:

1. Ensure the child's voice is considered in judicial proceedings;
2. Engage the child in his or her legal proceedings;
3. Explain to the child his or her legal rights;
4. Assist the child, through the attorney's counseling role, to consider the consequences of different decisions; and

---

<sup>7</sup> OCVA's State Plan can be found at <http://www.commerce.wa.gov/Documents/OCVA-VOCA-2015-2019-VOCA-State-Plan-FINAL.pdf>

<sup>8</sup> OCLA's Statewide Civil Legal Aid to Crime Victims Plan is found at: <http://ocla.wa.gov/wp-content/uploads/2016/07/Civil-Legal-Needs-for-Crime-Victims-Plan-July-2016.pdf>

5. Encourage accountability, when appropriate, among the different systems that provide services to children.

The object of the program is to facilitate timely and appropriate placements that are consistent with the children's stated interests and their long-term well-being and that accelerate permanency for them and their families.

## STRATEGIC PLAN<sup>9</sup>

### 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.<sup>10</sup>

Office of Civil Legal Aid, *Strategic Plan* at 1 (December 2008).

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)).<sup>11</sup> 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

RCW 2.53.030 outlines the substantive areas and related guidelines for operation of the basic state-funded civil legal aid program. Pursuant to RCW 2.53.020(3), the OCLA Director is to:

- (a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW 2.53.030;

---

<sup>9</sup> 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](http://www.ocla.wa.gov). The Strategic Plan has not yet been revised to include references to the Children's Representation Program or the Civil Legal Aid to Crime Victims Program. An update will be developed and published during the FY 2017-19 biennium.

<sup>10</sup> The mission will be updated to reflect the expanded role that OCLA has been assigned or assumed relative to the Children's Representation and Legal Assistance to Crime Victims programs.

<sup>11</sup> The ATJ Board's State Plan is currently under review and a revised State Plan will be published in early 2017.



- (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.

RCW 13.34.100(6) establishes the right to counsel at public expense for children who remain in a dependency proceeding six months following the termination of their parents' legal rights. RCW 13.34.100(6)(c)(i) and RCW 2.53.045 assign administration of the Children's Representation Program to OCLA.

## 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; secure sufficient funding to ensure ongoing, effective legal representation of legally free children.
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 the Judicial Branch: Ensure that the effective and economical delivery of 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. Effective, Standards-Based Representation of Legally Free Children: Develop systems to monitor, oversee and effectively support the provision of legal representation of legally free children consistent with the directives set forth in RCW 13.34.100(2)(6) and the standards referenced in that statute.
9. Effective Legal Assistance to Victims of Crime:  
Implement the Statewide Civil Legal Aid to Crime Victims Plan in a manner that ensures timely, responsive legal services delivered in consultation and coordination with community based providers of related professional services to victims of crime.

## 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 professional skills and substantive law training, interpreter services, leadership development initiatives, regional delivery planning and coordination, case management, 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 and executive branch initiatives.
- Monitor and report periodically on changes in the substance and frequency of civil legal problems experienced by low income people in Washington State.
- 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).
- Develop and oversee an integrated system that delivers effective civil legal aid services in concert with other community-based professional service providers to address problems that arise from criminal victimization and that will help victims of crime move beyond their victimization in ways that are consistent with their individual and family safety, security and well-being.

## MEASURES

For the general civil legal aid program, OCLA conducts a biennial fiscal and regulatory review of NJP's operations and conducts annual site visits to selected NJP regional field service offices. OCLA staff also participates in site visits of staff and volunteer legal aid providers that receive state funded via subcontracts. 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.<sup>12</sup>

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).
- Regularly provides other training, ongoing technical assistance and support, peer mentoring and other resources designed to ensure effective, standards-based legal representation.
- Conducts periodic performance reviews of contract attorneys.

---

<sup>12</sup> The State Auditor's Office conducted an audit of OCLA's contract management and oversight activities and found them to be appropriate to the task. SAO Report No. 1016878, June 9, 2016. No exceptions were noted.

## **EXTERNAL ENVIRONMENT**

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. The number of people in poverty grew by 40% between 2000 and 2013. In 2014, 17% of people in Washington State lived at or below 125% of FPL and 30% lived at or below 200% of FPL. There are deep and widening differentials in poverty rates between white and non-white populations. Twenty-seven percent (27%) of African Americans, the same percentage of people who identify as Hispanic/Latino and 26% of people who identify as Native American live below 100% of FPL. The poverty rate for people who identify as White is 12.5%.

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.

In recent years, 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 stagnant state funding and deep reductions in funding from other key sources of underwriting support.

These dynamics drive the findings published in the 2015 CLNS Update and demonstrate the gravity of the crisis facing low-income people and communities when faced with civil legal problems that affect core liberty, property, safety and other rights. The crisis demands immediate attention.

## **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. Even though the worst of the economic crisis is behind us and much of the state seems to be booming, many have been left behind; and many of these are forced to face complex problems that arise from or are associated with poverty, economic insecurity, discrimination/disparate treatment and the lack of an effective social safety net. For these people one problem often leads to a cascade of many. For example, 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 were 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 fester in every part of the state.

The state-funded civil legal aid system's delivery capacity has been reduced by nearly 20% over the past six years due to cuts in state funding and uncompensated increased costs of operation. As of January 1, 2016, NJP had a state-funded basic field client service footprint, including its

intake/referral staff and statewide advocacy coordinators, of 85 FTE attorneys. Case service priorities have been tightened to the point that only the most brutal and compelling cases are accepted for extended legal representation, while thousands with important problems receive little more than brief advice or assistance and a packet of self-help materials. Low-income people today have about as good a chance of securing necessary legal help for important legal problems as they do of winning the lottery.

## **STRATEGIES**

To address the crisis documented in the 2015 CLNS Update's findings, OCLA developed and the bipartisan Civil Legal Aid Oversight Committee established by RCW 2.53.010 unanimously endorsed a Civil Justice Reinvestment Plan (Plan). The Plan will invest in development and expansion of technology tools and related strategies to expand the ability of low-income people to understand their legal rights and make informed decisions about whether, when and where to go for legal help. It will also invest in expanded tools to help unrepresented people more effectively navigate the court system and engage in other legal self-help activities. The Plan will invest in expanded support for volunteer attorneys, with the goal of increasing volunteer services by 25% over four years. The Plan will also significantly expand staffed legal aid capacity so that Washington State achieves "minimum access" staffing of 1 effective legal aid attorney (including volunteer attorney) for every 5,000 people living at or below 125% of FPL. Finally, the Plan will invest in necessary training and support to ensure continuity of high quality services and develop systems to monitor the impact and effectiveness of additional investment in civil legal aid services, including net return on investment and public costs avoided due to the expansion of civil legal aid services.

In addition, OCLA will implement the new Integrated Civil Legal Aid to Crime Victims program and continue to effectively manage, monitor and report on the impact of the Children's Representation Program with respect to permanency rates/timelines, outcomes and indicators related to child well-being.

## **FINANCIAL PLAN**

Over the course of the FY 2017-19 and FY 2019-21 biennia, OCLA will seek significant graduated increases in funding for the basic civil legal aid program. These increases will be designed to ensure prudent and manageable expansion of the program consistent with the goals of the Civil Justice Reinvestment Plan and maintain client service capacity in light of known and measureable cost increases incurred by OCLA's civil legal aid service providers.

OCLA expects to operate the Children's Representation Program within the FY 2015-17 appropriation level.

## **STAFFING (3.5 FTE)**

The Office of Civil Legal Aid is staffed by a single FTE, the agency Director, a Children's Representation Program Manager, a Civil Legal Aid to Crime Victims Program Director and a .5 FTE Executive Assistant/Contracts Manager. To maximize operational efficiency and minimize administrative expenses, OCLA contracts with the Administrative Office of the Courts for essential fiscal, budget and related support.

State of Washington  
**Recommendation Summary**  
 (By Agency Priority)

Agency: 057 Office of Civil Legal Aid

9:18:00AM

11/9/2016

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
<b>2015-17 Current Biennium Total</b>				
CL AA CFL	2.5	27,644	380	28,024
<b>Total Carry Forward Level</b>	<b>2.5</b>	<b>27,644</b>	<b>380</b>	<b>28,024</b>
Percent Change from Current Biennium				
<b>Carry Forward plus Workload Changes</b>	<b>2.5</b>	<b>27,644</b>	<b>380</b>	<b>28,024</b>
Percent Change from Current Biennium				
<b>Total Maintenance Level</b>	<b>2.5</b>	<b>27,644</b>	<b>380</b>	<b>28,024</b>
Percent Change from Current Biennium				
PL AC Vendor Rate Adjustment		898		898
PL AB Vendor Rate Adjustment - COLA		673		673
PL AD Civil Justice Reinvestment	0.5	12,013		12,013
<b>Subtotal - Performance Level Changes</b>	<b>0.5</b>	<b>13,584</b>		<b>13,584</b>
<b>2017-19 Total Proposed Budget</b>	<b>3.0</b>	<b>41,228</b>	<b>380</b>	<b>41,608</b>
Percent Change from Current Biennium				

**PL AB Vendor Rate Adjustment - COLA**

The Office of Civil Legal Aid seeks a vendor rate adjustment to allow Northwest Justice Project to implement staff cost of living adjustments (COLA's).

**PL AC Vendor Rate Adjustment**

The Office of Civil Legal Aid seeks a vendor rate adjustment to address known and measurable personnel and rental cost increases to ensure continuity of client services at currently authorized levels.

**PL AD Civil Justice Reinvestment**

Funding is requested to underwrite Phase 1 of the Civil Justice Reinvestment Plan endorsed by the bipartisan Civil Legal Aid Oversight Committee and designed to address the civil legal aid capacity crisis documented in the 2015 Civil Legal Needs Study Update.

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

**Agency** Office of Civil Legal Aid

**Decision Package Title** Vendor Rate Adjustment

**Budget Period** 2017-2019 Biennial Budget

**Budget Level** Policy Level

### Agency Recommendation Summary Text

The Office of Civil Legal Aid seeks a vendor rate adjustment to address known and measurable personnel and rental cost increases to ensure continuity of client services at currently authorized levels.

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 305,000	\$ 593,000	\$ 898,000
<b>543-1 JIS Acct</b>	\$ 0	\$ 0	\$ 0
<b>Total</b>	<b>\$ 305,000</b>	<b>\$ 593,000</b>	<b>\$ 898,000</b>
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

Funding is requested for a vendor rate adjustment to protect legislatively authorized client service capacity in the face of known and measurable personnel and leasehold cost increases.

## **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.**

This request preserves current levels of legal aid services and staffing in the face of increased personnel and space/occupancy costs. Protecting existing capacity from further erosion will ensure continuity of existing levels of legal aid services to low-income families and individuals on legal matters affecting fundamental human needs.

#### **Accessibility.**

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 CLNS Update, disproportionately experience civil legal problems. Protecting existing levels of client service capacity from further erosion ensures continuity of client services for these people.

#### **Access to Necessary Representation.**

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. The 2015 CLNS Update documents that only 24% of low-income people who experience one or more civil legal problems get any help at all. While OCLA will seek funding to address the crisis documented in the 2015 study, it must first protect existing basic field client service capacity -- already down 20% from 2009 levels -- from further erosion.

#### **Commitment to Effective Court Management.**

N/A

#### **Appropriate Staffing and Support.**

N/A

### **Measure Detail**

#### **Impact on clients and service**

The 2015 CLNS Update documents a grave crisis in the availability of essential legal information, advice, assistance and representation. This vendor rate adjustment allows the Northwest Justice Project (NJP) to address significant known and measurable cost increases that, if unaddressed, will erode client service capacity beyond the 20% capacity loss experienced since 2009.

The NJP pays staff salaries pursuant to a Board-established salary scale. The scale provides for annual experiential increases (between 2-3% per year). The state's share of the salary and benefit costs associated with these increases is \$253,000 in FY 2018. This carries forward into the base for FY 2019. The incremental increase on



top of that amount for FY 2019 is \$261,389, for a total increase in the state's share of NJP's salary and benefit costs of \$514,798.

NJP will experience a very significant rent increase for its principal office space in Seattle. NJP maintains 25,000 square feet of space in Seattle at a current rate of \$22/sq. ft. While still in negotiation, NJP is looking at an increase of between 30% - 50% in rental expenses at that location in FY 2018 and beyond. To ensure equitable geographic presence within King County as contemplated in RCW 2.53.030(4), NJP will open a small office in Kent near the Norm Maleng Regional Justice Center. The state's share of NJP's projected increased occupancy costs in Seattle and elsewhere is \$52,000 in FY 2018, which will carry forward into FY 2019. An additional \$26,000 is anticipated in FY 2019, for a total increase in the state's share of NJP's occupancy costs of \$130,000 for the biennium.

**Impact on other state services**

This vendor rate adjustment is designed to protect existing client service capacity from further erosion. Additional loss of such capacity may have some negative impact on other state programs in situations where clients who might otherwise have gotten the help they needed to protect themselves from eviction or homelessness, secure federal disability benefits or other critical services were unable to do so.

**Relationship to Capital Budget**

N/A

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

N/A

**Alternatives explored**

While a large non-profit organization, Northwest Justice Project is subject to federal restrictions that limit its ability to maintain sufficient reserves to address increased costs of operation over time. This is compounded by the cost-reimbursable nature of its state contract, which requires full expenditure of contract funding each biennium. In light of these circumstances, NJP has no alternative but to seek a periodic vendor rate adjustment.

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

These are ongoing costs.

**Effects of non-funding**

Failure to fund will require Northwest Justice Project to reduce operating expenses by \$305,400 in FY 2018 and \$592,800 in FY 2019, for a total of \$898,200 for the biennium. Assuming these reductions are taken from staff, the impact will be a loss of

2 FTE's in 2018 and 3 more FTE's in 2019.

**Expenditure calculations and assumptions and FTE assumptions**

100% is passed through as a contract amendment to Northwest Justice Project. There are no agency staff expenditures.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 305,000	\$ 593,000	\$ 898,000
<b>Total Objects</b>	<b>\$ 305,000</b>	<b>\$ 593,000</b>	<b>\$ 898,000</b>

# Washington State Judicial Branch 2017-2019 BIENNIAL BUDGET REQUEST

## Decision Package

---

<b>Agency</b>	Office of Civil Legal Aid
<b>Decision Package Title</b>	Vendor Rate Adjustment - COLA Adjustment
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

### Agency Recommendation Summary Text

The Office of Civil Legal Aid seeks a vendor rate adjustment to allow Northwest Justice Project to implement staff cost of living adjustments (COLA's).

### Fiscal Detail

Operating Expenditures	FY 2018	FY 2019	Total
<b>001-1 General Fund State</b>	\$ 221,000	\$ 452,000	\$ 673,000
Staffing	FY 2018	FY 2019	Total
<b>FTEs (number of staff requested)</b>	0	0	0

### Package Description

Vendor rate adjustment to fund the state's share of 2%, 2%, and 2% COLA adjustments to Northwest Justice Project's attorney and non-attorney salary scale over the FY 2017-19 biennium. The COLA adjustments will allow NJP to protect salary comparability from further erosion relative to other publicly funded attorneys, protect its ability to recruit and retain high quality, well-trained attorneys, and protect its ability to recruit and retain trained support professionals vital to NJP operations.

## **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.**

Ensuring fair compensation for civil legal aid attorneys helps ensure the delivery of high quality, effective legal services over time without disruption caused by staff attrition and the need to replace them.

### **Accessibility.**

NJP attorneys are trained to provide services to persons with disabilities and limited English proficiency in accordance with applicable federal and state law as well as program policies. Staff attrition caused by non-comparable compensation requires NJP to spend funds training replacement staff to effectively serve persons with disabilities and limited English proficiency.

### **Access to Necessary Representation.**

A COLA adjustment will help protect NJP's ability to attract and retain trained civil legal aid attorneys over time and will reduce the risk of client service capacity disruptions caused by increased attrition due to compensation that is neither comparable to that of other publicly funded attorneys nor sufficient to allow attorneys to meet basic living needs and costs associated with law school debt.

### **Commitment to Effective Court Management.**

N/A

### **Appropriate Staffing and Support.**

N/A

## **Measure Detail**

### **Impact on clients and service**

According to an August 2016 salary compensation assessment conducted by Compensation Connections™, NJP attorney salaries fall far short of comparability for other publicly funded attorney positions. This lack of comparability is exacerbated given that NJP attorneys are not public employees and are not eligible to participate in the state's Public Employees Retirement System (PERS). Thus, employees wishing to capitalize their retirement must do so by reducing pre-tax earnings from salaries that are already below comparability.

NJP pays \$46,114 per year for an entry level attorney. By year 10-11, the salary

increases to \$65,113 and by year 14-15 the salary is \$74,075. According to the salary comparability assessment, these levels fall between 15-20% (preliminary estimate pre-final study) below the average level of other public attorneys in Washington State.

According to the American Bar Association, the average law school debt carried by recent graduates is \$84,000 if the attorney graduated from a public law school and \$122,000 if the attorney graduated from a private law school.

NJP's Board of Directors establishes the compensation policy for the program, and adopts the program's salary scales. Since 2008 NJP has adjusted its salary scales one time (a 3% adjustment in 2014). Housing and other costs have gone up substantially more over that time period in the Seattle and Puget Sound region where the great majority of NJP staff reside and practice. Retention in and recruitment to rural areas has also become more difficult.

Stagnant compensation coupled with increasing fiscal pressures has led to significant attorney attrition which, in turn results in disruptions in client services, a loss of internal substantive and skills expertise, disruption of community-based relationships and an unnecessary expenditure of resources to hire and train replacement attorneys at already inadequate compensation levels.

Similarly, NJP's highly trained non-attorney staff members who are essential to supporting the work of the attorneys and critical to NJP's ability to advance its access to justice mission have also endured 8 years of rising costs (with only one 3% increase). Given their critical role to providing essential services, NJP's non-attorney staff – whose compensation costs comprise 25% of NJP's total compensation expenses – need to be included within the COLA request, as such an increase would preserve and maintain the relative value of the critical services provided by non-attorney support staff.

NJP staff did not receive the benefit of the 3% and 1.8% COLA's enacted by the Legislature for state employees in FY 2015-17. Without a vendor rate adjustment, NJP will not benefit from the 2% 2% 2% salary increases negotiated by the Office of Financial Management with state employees which, if funded, will take effect on July 1, 2017, January 1, 2018 and July 1, 2018. NJP will thus fall further behind in the comparability of its salaries with those of similarly situated publicly funded attorneys. In an effort to protect current comparability relationships, NJP's Board intends to follow the approach negotiated with state employees and adjust salary scales by 2% on July 1, 2017, 2% on January 1, 2018 and July 1, 2018. The state's share of these increases will be \$672,825.

**Impact on other state services**

N/A

**Relationship to Capital Budget**

None.

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

None.

**Alternatives explored**

While a large non-profit organization, Northwest Justice Project is subject to federal restrictions that limit its ability to maintain sufficient reserves to address increased costs of operation over time. This is compounded by the cost-reimbursable nature of its state contract, which requires full expenditure of contract funding each biennium. As NJP cannot "bank" sufficient funds to underwrite this necessary COLA adjustment it must either seek additional funding or reduce client service capacity to fund it.

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

These are ongoing costs.

**Effects of non-funding**

Failure to fund the state's share of staff COLA's will require Northwest Justice Project to fund the COLA's from within existing operations. This will result in the diversion of \$672,825 from current client service operations during the FY 2017-19 biennium, which will translate into a loss of 4 FTE attorneys during the biennium.

**Expenditure calculations and assumptions and FTE assumptions**

100% is passed through as a contract amendment to Northwest Justice Project. There are no agency staff expenditures.

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 221,000	\$ 452,000	\$ 673,000
<b>Total Objects</b>	<b>\$ 221,000</b>	<b>\$ 452,000</b>	<b>\$ 673,000</b>

**Washington State Judicial Branch**  
**2017-2019 BIENNIAL BUDGET REQUEST**

**Decision Package**

---

<b>Agency</b>	Office of Civil Legal Aid
<b>Decision Package Title</b>	Civil Justice Reinvestment
<b>Budget Period</b>	2017-2019 Biennial Budget
<b>Budget Level</b>	Policy Level

**Agency Recommendation Summary Text**

Funding is requested to underwrite Phase 1 of the Civil Justice Reinvestment Plan endorsed by the bipartisan Civil Legal Aid Oversight Committee and designed to address the civil legal aid capacity crisis documented in the 2015 Civil Legal Needs Study Update.

**Fiscal Detail**

<b>Operating Expenditures</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>001-1 General Fund State</b>	\$ 3,787,500	\$ 8,225,000	\$ 12,012,500
<b>Staffing</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
<b>FTEs (number of staff requested)</b>	1	0	1

**Package Description**

Funding will underwrite the initial investment in the Civil Justice Reinvestment Plan (Reinvestment Plan). The Reinvestment Plan is designed to address the key findings of the 2015 Civil Legal Needs Study Update by (a) expanding the ability of low-income people to self-diagnose their legal problems, self-refer for legal help and gain access to essential self-help tools and resources; (b) expanding volunteer delivery of civil legal aid; (c) achieving "minimum access" client service capacity of 1 FTE equivalent legal aid attorney to every 5,000 people at or below 125% of the federal poverty level; and (d) ensuring effective support for high quality legal assistance and contemporaneous

assessment of the impact of increased investment in state-funded civil legal aid services, including outcomes achieved for low-income people, net return on investment and public costs avoided.

### **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.**

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 provides meaningful assistance to 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.**

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 CLNS Update, experience a much higher rate of civil legal problems. 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.**

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. The 2015 CLNS Update documents that only 24% of low-income people who experience one or more civil legal problems get any help at all. Many of the problems experienced by low-income people must be or are addressed through the courts and adjudicative administrative proceedings. In 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.**

N/A

## **Appropriate Staffing and Support.**

N/A

### **Measure Detail**

#### **Impact on clients and service**

In 2014 more than seven in ten low income people experience an important civil legal problem each year. Of these 76% received no legal help whatsoever in trying to solve their problems. Problems affect access to basic health and human services, family safety, access to and the ability to retain affordable housing, economic security, employment and freedom from economic exploitation, and a range of other issues that affect basic liberties and implicate core property rights. Low-income people who experience one civil legal problem on average experience nine (9) such problems, most of which arise from a single problem or set of problems. Victims of domestic violence and sexual assault experience more problems across the entire spectrum of problem areas and average about 18 problems per capita per year, most of which flow from their victimization.

The 2015 Civil Legal Needs Study Update (2015 CLNS Update) documented significant disparities in the experience of low-income people based on race, immigration status, status as victims of domestic violence or sexual assault, youth and disability. People who identify as African American and Native American experience substantially higher levels of discrimination and differential treatment than members of other groups.

More than 50% of those who experience problems with a legal dimension do not understand that they could benefit from legal advice or assistance, and do not seek legal help to solve these problems. Even for those who do understand the need for legal help, most cannot get it because they do not have the funds, do not know where to go and cannot get through to overwhelmed civil legal aid hotlines and community based legal aid providers. In the end, only 24% of those who experience one or more civil legal problems get any help at all.

Low-income people have little confidence in their ability to solve problems fairly through the courts or the civil justice system. More than two-thirds of respondents in the 2015 CLNS Update did not have confidence that people like them can protect themselves, their families or to enforce their legal rights in the civil justice system or the courts.

Between 2009 and 2014, the statewide Northwest Justice Project (NJP) lost 20% of its basic field client service staff capacity. It currently operates with 85 FTE basic field

client service staff attorneys from 17 community based locations including the statewide CLEAR call center. (This number does not include specially funded or special project attorneys underwritten with funds other than state funds or those providing services in areas of law not currently authorized under RCW 2.53.030.) Including all state-funded legal aid providers and the effective FTE contributions of pro bono attorneys across the state, there is just one FTE legal aid lawyer providing legal services to eligible clients in areas of state authorized assistance for every 9,200 people living at or below 125% of the federal poverty level (1:9,200).

OCLA's governing statute requires that client services be provided in a manner that "maximizes geographic access across the state." The deep staff reductions experienced between 2009 and the present aggravated longstanding geographic client service capacity disproportionalities and continue to threaten the viability of client service presence in key rural areas of the state.

To address the crisis documented in the 2015 CLNS Update's findings, OCLA developed and the bipartisan Civil Legal Aid Oversight Committee established by RCW 2.53.010 unanimously endorsed a Civil Justice Reinvestment Plan (Reinvestment Plan). The Reinvestment Plan will underwrite the development and expansion of technology tools and related strategies to expand the ability of low-income people to understand their legal rights and make informed decisions about whether, when and where to go for legal help. It will also underwrite development of expanded tools to help unrepresented people more effectively navigate the court system and engage in other legal self-help activities. The Reinvestment Plan will also expand support for volunteer attorneys, with the goal of increasing volunteer legal services by 25% over four years. The Reinvestment Plan will also significantly expand staffed legal aid capacity so that Washington State achieves "minimum access" staffing of 1 effective legal aid attorney (including the FTE equivalent of volunteer attorney contributions) for every 5,000 people living at or below 125% of FPL. Finally, the Reinvestment Plan will underwrite necessary training and support to ensure continuity of high quality services and develop systems to monitor the impact and effectiveness of additional investment in civil legal aid including net return on investment and public costs avoided due to the expansion of civil legal aid services.

Implementation of the Civil Justice Reinvestment Plan will substantially expand the number of low-income people who understand their legal rights, make informed decisions to seek legal help and, most importantly, get the legal help they need to solve their problems early, before they cascade into greater and ever more complex problems. By the end of this Phase 1 investment, direct legal aid services will be provided to 7,300 additional households per year, benefiting nearly 16,000 additional low-income people facing critical legal problems that affect personal and family safety and economic security, housing stability and homelessness, access to health and mental health services, and other issues affecting personal liberty and property rights. Many thousands of others will benefit from expanded technology based systems and self-help services that will provide greater access to the courts in

areas of high need.

#### **Impact on other state services**

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. Increased investment in civil legal aid is expected to help reduce caseload costs for other state funded programs and may also help leverage more federal dollars into the state. Studies in New York State, Illinois, Maryland, Alabama, Massachusetts and other states document that investment in civil legal aid returns substantial benefit to states and local communities well in excess of the cost of providing such services and substantially reduces public expenses that would otherwise be incurred in the absence of timely and effective legal aid.

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 brings new dollars into the state, results in less demand for scarce state-funded services and, in the case of those who were homeless at the time, saves local government on average \$50,000 per person per year (King County est.) in shelter, transportation and other costs.

#### **Relationship to Capital Budget**

None.

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

None.

#### **Alternatives explored**

The crisis documented in the 2015 Civil Legal Needs Update requires a substantial infusion of additional funding to achieve minimum access and sustainability. There is general agreement that civil legal aid -- as a core function of government and necessary to the proper function of the civil justice system -- should be underwritten with general tax revenues. Anticipating that current budget circumstances may dictate

consideration of alternatives, the bipartisan Civil Legal Aid Oversight Committee has and continues to consider revenue options that could generate sustaining funding at the levels required.

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

These are ongoing costs.

**Effects of non-funding**

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. Failure to fund the Civil Justice Reinvestment Plan will allow the problem to grow beyond our capacity to prudently address it; and will result in ever large numbers of low-income people being effectively written out of the civil justice system. For these people, the laws enacted by the Legislature will bear no meaning and carry no force. Failure to fund the Civil Justice Reinvestment Plan virtually guarantees that the picture presented in the next Civil Legal Needs Study Update a decade from now will be ever more dire.

**Expenditure calculations and assumptions and FTE assumptions**

<b>Object Detail</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>Total</b>
Staff Costs	\$ 86,000	\$ 86,000	\$ 172,000
Non-Staff Costs	\$ 3,701,500	\$ 8,139,000	\$ 11,840,500
<b>Total Objects</b>	<b>\$ 3,787,500</b>	<b>\$ 8,225,000</b>	<b>\$ 12,012,500</b>