

The Supreme Court
State of Washington

MARY E. FAIRHURST
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
E-MAIL MARY.FAIRHURST@COURTS.WA.GOV

October 18, 2017

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 2018 supplemental budget request on behalf of the Administrative Office of the Courts, Office of Public Defense, and Office of Civil Legal Aid for transmittal to the legislature.

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

The requests contained in the attached documents represent, in the view of the court, the most prudent choices given the current economic situation and the most pressing needs.

If you should have any questions regarding our process or the budget submittal, please do not hesitate to contact me at (360) 357-2053. You may also contact Ramsey Radwan, Director of Management Services Administrative Office of the Courts at (360) 357-2406 or ramsey.radwan@courts.wa.gov.

Very truly yours,

Mary E. Fairhurst
Chief Justice

cc: Ms. Callie T. Dietz, State Court Administrator,
Administrative Office of the Courts
Ms. Joanne Moore, Director, Office of Public Defense
Mr. James Bamberger, Director, Office of Civil Legal Aid
Mr. Ramsey Radwan, AOC

Recommendation Summary (CB Detail)

Agency: 055 Admin Office of the Courts

10:34:11AM

Version: S1 2018 Supplemental

10/16/2017

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB AA AFRS Extract		115,661	68,029	183,690
2017-19 Current Biennium Total		115,661	68,029	183,690
Total Carry Forward Level		115,661	68,029	183,690
Percent Change from Current Biennium				
Carry Forward plus Workload Changes		115,661	68,029	183,690
Percent Change from Current Biennium				
M2 AB JSTA Fund Shift		1,040	(1,040)	
M2 AC Thurston County Impact Fee		811		811
M2 AD AC-ECMS			390	390
M2 AE Employment Security Department		182		182
Total Maintenance Level		117,694	67,379	185,073
Percent Change from Current Biennium		1.8%	(1.0)%	.8%
PL AF EDE - Carry Forward		4,339		4,339
PL AG EDE - Fund Shift		1,123		1,123
PL AH Staffing - SCJA		240		240
PL AI Equipment Replacement			2,265	2,265
Subtotal - Performance Level Changes	0.0	5,702	2,265	7,967
2017-19 Total Proposed Budget		123,396	69,644	193,040
Percent Change from Current Biennium		6.7%	2.4%	5.1%

Recommendation Summary (CB Detail)

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10:34:11AM

Version: S1

10/16/2017

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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M2 AB JSTA Fund Shift

Funding is provided from the General Fund-State to replace a revenue shortfall in Judicial Stabilization Trust Account (JSTA),

M2 AC Thurston County Impact Fee

Funding is provided for the disproportionate impact on Thurston County resulting from mandatory and discretionary civil case filings.

M2 AD AC-ECMS

Funding is provided for the ongoing maintenance, maturation and enhancement of the new Appellate Court Enterprise Content Management System (AC-ECMS) for the Washington State Supreme Court and Court of Appeals.

M2 AE Employment Security Department

Pursuant to RCW 50.44.020, the Administrative Office of the Courts requests funding for the payment of unemployment compensation invoices from the Department of Employment Security remaining unpaid through June 30, 2017 and funds for anticipated invoices in FY 2018 and 2019.

PL AF EDE - Carry Forward

Funds are provided to continue the implementation of the Expedited Data Exchange with King County District Court and County Clerk's Office.

PL AG EDE - Fund Shift

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

PL AH Staffing - SCJA

Funding is provided for the implementation of an agreement between the Administrative Office of the Courts and the Superior Court Judges Association.

PL AI Equipment Replacement

Funding is provided to replace end of life equipment and to improve performance of heavily used JIS services at the Administrative Office of the Courts and at the courts.

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: JSTA to General Fund Shift

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

Funding is provided from the General Fund-State to replace a revenue shortfall in Judicial Stabilization Trust Account (JSTA).

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 16A-1	\$0	(\$1,840,000)	(\$1,875,000)	(\$1,875,000)
Fund 001-1	\$0	\$1,840,000	\$1,875,000	\$1,875,000
Total Cost	\$0	\$0	\$0	\$0
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. N	\$0	\$0	\$0	\$0

Package Description

RCW 36.18.020 (5)(a) states that until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county. Judicial Stabilization Trust Account funds are used to provide direct services to municipal, district, superior and appellate courts, as well as to provide civil legal aid services as required by RCW 2.53, parents' representation in dependency and termination cases, for appellate indigent defense services, for trial level indigent defense services in criminal cases for public defense as required by RCW 2.70.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Revenue collected and deposited into the Judicial Stabilization Trust Account (JSTA) has declined the last several fiscal years. Below are the revenue collections amounts received since fiscal year 2013:

- FY13 - \$5,942,000
- FY14 - \$6,035,000
- FY15 - \$5,669,000
- FY16 - \$5,340,000
- Projected for FY17 - \$5,050,000

Overall civil filings are down approximately 25-30 percent. The current biennial appropriation is \$11,864,000 with anticipated revenue of approximately \$10,024,000. The estimated shortfall is \$1,840,000.

NOTE: While the Administrative Office of the Courts (AOC) is requesting the supplemental funding, a shortfall in the Judicial Stabilization Trust Account will also impact the Office of Civil Legal Aid (OCLA) and the Office of Public Defense (OPD). Funds deposited in the JSTA will be used to support the current appropriation levels in all three organizations.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Because funds are used for public defense, civil legal access and to offset the costs of local courts, any reduction will severely reduce access to justice.

Access to Necessary Representation

A reduction in funding will impact contracts for services management by the Office of Public Defense and the Office of Civil Legal Aid.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

Judicial Stabilization Trust Account funds are used to provide direct services to municipal, district, superior and appellate courts, as well as to provide civil legal aid

services as required by RCW 2.53, parents' representation in dependency and termination cases, for appellate indigent defense services, for trial level indigent defense services in criminal cases for public defense as required by RCW 2.70.

What are other important connections or impacts related to this proposal?

Activities supported by the JSTA, including direct services to municipal, district, superior and appellate courts, civil legal aid services as required by RCW 2.53, parents' representation in dependency and termination cases, for appellate indigent defense services, for trial level indigent defense services in criminal cases for public defense as required by RCW 2.70 will all be affected.

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

N/A

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

The state's appellate, superior and district courts will be impacted if supplemental funds are not provided. In addition, citizens that rely on state funded criminal and civil representation will be adversely impacted. Fewer legal representatives will be hired which will cause case delays and ineffective counsel. These adverse impacts could lead to additional lawsuits against the state increasing costs far greater than the funding being requested.

How has or can the agency address the issue or need in its current appropriation level?

The Administrative Office of the Courts, Office of Public Defense and the Office of Civil Legal Aid cannot use existing appropriation levels to meet the demand for services as required by the state constitution and state statute.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Thurston County Impact Fee

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text: Funding is provided for the disproportionate impact on Thurston County resulting from mandatory and discretionary civil case filings.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1	\$405,000	\$406,000	\$405,000	\$406,000
Total Cost	\$405,000	\$406,000	\$405,000	\$406,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. N	\$405,000	\$406,000	\$405,000	\$406,000

Package Description

The Administrative Office of the Courts (AOC) receives funding that is distributed to the Thurston County Clerk and Superior Court. Funding is requested to restore a 50% reduction in funding for the disproportionate impact on Thurston County resulting from mandatory and discretionary civil case filings in necessary to ensure timely case processing and to avoid costly litigation resulting from delayed case processing.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Restoration of a previous reduction.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Restoration of funding will allow the Thurston County Superior Court and Clerk's Office to continue to process cases in a timely manner, thereby ensuring access to timely adjudications.

Access to Necessary Representation

N/A

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

Restoration of funding will allow the Thurston County Superior Court and Clerk's Office to maintain current staffing levels that will allow for the continuation of timely care processing thereby ensuring timely adjudications.

What are other important connections or impacts related to this proposal?

N/A

What is the impact on other state agencies?

If funding is not restored, cases filed by the Office of the Attorney General will be delayed increasing costs. Further, delayed civil case processing could impact other state agencies regarding public records, ballot title cases and administrative law review cases.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

N/A

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

If funding is not restored, cases filed by the Office of the Attorney General will be delayed increasing costs. Further, delayed civil case processing could impact other

state agencies regarding public records, ballot title cases and administrative law review cases. Restoration of funding will allow the Thurston County Superior Court and Clerk's Office to maintain current staffing levels that will allow for the continuation of timely care processing thereby ensuring timely adjudications.

How has or can the agency address the issue or need in its current appropriation level?

No.

Other supporting materials:

Supporting calculations and documentation will be provided prior to session.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Appellate Court Enterprise Content Mgmt System

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text: Funding is provided for the ongoing maintenance, maturation, and enhancement of the new Appellate Court Enterprise Content Management System (AC-ECMS) for the Washington State Supreme Court and Court of Appeals.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 543-1	\$0	\$390,000	\$0	\$0
Total Cost	\$0	\$390,000	\$0	\$0
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	0	\$390,000	\$0	\$0

Package Description

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

The AC-ECMS project was initiated using the IT governance process established by the AOC and approved by the JISC.

This request incrementally advances the Washington State Appellate Courts toward the goal of fully electronic courts providing efficient, automated service to citizens, attorneys and justice partners.

Funds are requested to continue AC-ECMS system enhancement, maintenance, and support. Components of this request include continued product development, software purchases, professional training, IT infrastructure costs and vendor support.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Expenditure calculations for application software and infrastructure were based on vendor pricing. Calculations for professional services were based on market rate.

Cost Description	Est. Cost
Hyland OnBase Application Enabler Enterprise (plus 1 yr. maint.)	\$33,728
Hyland OnBase Document Composition (plus 1 yr. maint.)	\$25,760
Hyland OnBase Reporting Dashboards (plus 1 yr. maint.)	\$12,880
OnBase Upgrade by ImageSoft (no tax)	\$44,400
Technical Training (no tax)	\$60,692
1,000 hours of ImageSoft Prof. Svcs. (blended rate, no tax)	\$212,500
Total	\$389,960

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

The AC-ECMS provides standardized appellate court electronic filing (E-filing) services statewide. Standardized E-filing practices and services may reduce entrance costs, as well as facilitate access to the appellate courts. As the system matures, similar automation will increase the effectiveness of services of citizens, attorneys and justice partners.

Access to Necessary Representation

Funding will standardize business practices across the state, thereby improving service and making appellate attorney filing processes more efficient and effective.

Commitment to Effective Court Management

The AC-ECMS has improved court operations by implementing a single document and business workflow management system that is common to all Washington Appellate Courts. It ensures consistent practices among the three divisions of the Court of Appeals and the Supreme Court and improves data and information flow. It also provides

- Improved tracking and analysis capabilities
- Enhanced data sharing capabilities
- Cost avoidance through the elimination of redundant data entry

- Flexibility to meet new and emerging business needs
- Error reduction through training, standardization of business practices and value-limited data entry fields.

Appropriate Staffing and Support

This request seeks to fund the appropriate support level needed to maintain and mature the existing AC-ECMS.

What are other important connections or impacts related to this proposal?

All court levels need support for the technology which allows them to maintain smooth operations and thus foster public confidence. The AC-ECMS allows the Supreme Court and Court of Appeals to streamline operations thereby enhancing the effective and efficient administration of justice.

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

N/A

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

The investment made in the AC-ECMS will not be efficiently leveraged to capture the gains presented by the new system.

How has or can the agency address the issue or need in its current appropriation level?

No, funding is necessary to ensure continued enhancement of the AC-ECMS.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Employment Security

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text: Pursuant to RCW 50.44.020, the Administrative Office of the Courts requests funding for payment of unemployment compensation invoices from the Department of Employment Security remaining unpaid through June 30, 2017 and funds for anticipated invoices in FY 2018 and 2019.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1	\$132,000	\$50,000	\$50,000	\$50,000
Total Cost	\$132,000	\$50,000	\$50,000	\$50,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	\$132,000	\$50,000	\$50,000	\$50,000

Package Description

- Pursuant to RCW 50.44.020, the Administrative Office of the Courts requests funding for payment of unemployment compensation invoices from the Department of Employment Security remaining unpaid through June 30, 2017 and funds for anticipated invoices in FY18 and FY 2019. The amount currently due is \$82,000. The annual amount due to Employment Security averages \$50,000 per year. Therefore, \$132,000 is requested for FY 2018 and \$50,000 is requested for FY 2019.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

N/A

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

N/A

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

N/A

What is the impact on other state agencies?

If funding is not provided the Department of Employment Security will be underfunded.

What is the impact to the Capital Budget?

No

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

The AOC will not pay invoices from the Department of Employment Security.

How has or can the agency address the issue or need in its current appropriation level?

The agency cannot use existing appropriation level.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Expedited Data Exchange – Carry Forward

Budget Period: 2018 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text: Funds are provided to continue the implementation of the Expedited Data Exchange with King County District Court and County Clerk’s Office.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1	\$0	\$4,339,000	\$0	\$0
Total Cost	\$0	\$4,339,000	\$0	\$0
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. C	\$0	\$4,339,000	\$0	\$0

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. Funds from the Judicial Information System Account (JIS) were appropriated for the 2017-2019 biennium. Funding from the state general fund is requested in order to reduce the financial risks of other successful information technology projects being implemented such as the Superior Court Case Management System, Courts of Limited Jurisdiction Case Management System and system integrations with justice partners such as the Departments of Corrections, Licensing, Social and Health Services and others.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Computation is based upon current appropriation level.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

N/A

Commitment to Effective Court Management

The EDE project will allow King County Superior and District Court information to be shared throughout the state as well as allow other counties to access King County data.

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

N/A

What is the impact on other state agencies?

The EDE project will allow numerous state and local agencies one point of access for statewide court case management data.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

If funding from the state general fund is not provided, continued replacement of the superior and limited jurisdiction court case management systems will be jeopardized. In addition, integrations with state and local governmental agencies may be delayed due to lack of funding.

How has or can the agency address the issue or need in its current appropriation level?

No. Because funds for the EDE project were appropriated from the JIS account, all other IT projects and activities will be adversely impacted. The EDE project is necessary to accommodate the counties that are not transitioning to the new statewide Superior Court Case Management System (SC-CMS).

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Expedited Data Exchange – Fund Shift

Budget Period: 2018 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text: Funding is provided to offset expenditures from the Judicial Information System account for Expedited Data Exchange activities performed during the 2015-2017 biennium.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1	\$0	\$1,123,000	\$0	\$0
Total Cost	\$0	\$1,123,000	\$0	\$0
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	\$0	\$1,123,000	\$0	\$0

Package Description

In 2015 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 and activities, 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.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

This request reflects the amount of JIS expenditures that occurred during the 2015-2017 biennium.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Replacement of these funds will allow AOC to successfully complete the replacement of legacy systems. Replacing the legacy systems will ensure that self-represented litigants, as well as those litigants receiving assistance, have an easier time navigating the court system as well as having more opportunities to participate.

Access to Necessary Representation

Replacement of these funds will allow AOC to successfully complete the replacement of legacy systems. 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.

What are other important connections or impacts related to this proposal?

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. Without this funding full and timely implementation of new court case management systems will be jeopardized.

What is the impact on other state agencies?

Replacement of these funds will allow AOC to successfully complete the replacement of legacy systems and continue with integration projects that provide data transfers to other state agencies (the Departments of Corrections, Licensing, Social and Health Services, and others) in a timely and accurate manner.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

No.

What alternatives were explored by the agency and why was this option chosen?

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

What are the consequences of not funding this request?

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.

How has or can the agency address the issue or need in its current appropriation level?

No. Funding from the state general fund is necessary to avert future IT issues that will arise due to lack of funding.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Staffing – Superior Court Judges Association

Budget Period: 2018 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text: Funding is provided for the implementation of an agreement between the Administrative Office of the Courts and the Superior Court Judges Association.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1	0	\$240,000	\$240,000	\$240,000
ATotal Cost	0	\$240,000	\$240,000	\$240,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	2.0	2.0	2.0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. A	0	\$166,000	\$166,000	\$166,000
Obj. B	0	\$58,000	\$58,000	\$58,000
Obj. E	0	\$8,000	\$8,000	\$8,000
Obj. G	0	\$8,000	\$8,000	\$8,000

Package Description

The Administrative Office of the Courts and Superior Court Judges Association (SCJA) agreed that two permanent full time staff would be added to provide the SCJA with policy support and development. These staff are solely dedicated to provide policy work for the SCJA. In order to ensure the agreement is not breached, funding is required to ensure staff can be maintained at the agreed upon amount.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

Prior to the agreement, staff resources were assigned on a request-by-request basis; some requests were fulfilled, some were not.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Standard costs and salary and benefits for 2 court program analyst positions at Range 64 Step L. An additional \$4,000 for goods/services and travel.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

N/A

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

The SCJA will have two full time staff solely dedicated to superior court policy development which will allow them to develop new or recommend enhancements to current RCW's regarding such things as legal financial obligations, therapeutic courts, mandatory court forms and other judicial policy.

What are other important connections or impacts related to this proposal?

What is the impact on other state agencies?

N/A.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

N/A

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

Statewide policy enhancements regarding such things as legal financial obligations, therapeutic courts and mandatory court forms will not be thoroughly vetted and implemented.

How has or can the agency address the issue or need in its current appropriation level?

No.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Equipment Replacement

Budget Period: 2018 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text: Funding is provided to replace end of life equipment and to improve performance of heavily used JIS services at the Administrative Office of the Courts and at the courts.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 543-1	\$0	\$2,265,000	\$1,100,000	\$1,200,000
Total Cost	\$0	\$2,265,000	\$1,100,000	\$1,200,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Revenue	FY 2018	FY 2019	FY 2020	FY 2021
N/A	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	0	\$1,500,000	\$700,000	\$700,000
Obj. J	0	\$765,000	\$400,000	\$500,000

Package Description

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past twenty (20) years, JIS usage has grown from 2,500 users to over 16,000 users (an increase of over 540%) and the volume of data stored in the JIS databases has increased 9% per year, and more recently 30% per year (with the SC-CMS Application data). These increases in both user and data volumes not only require that current software and hardware be expanded but it also necessitates the need to employ newer, more technologically advanced, hardware and software. The funds will also be used 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.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

N/A

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

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

Type	Quantity	Unit Price	Total
Computers	772	\$1,460	\$1,127,000
Laptops	150	\$1,780	\$267,000
Laser Printers	208	\$Variable	\$247,000
Impact Printers	225	\$2,776	\$625,000
Total			\$2,266,000

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Up-to-date and functional information technology equipment allows court staff and court users to easily access court case and court process information. Aged equipment may not be compatible with current software technology thereby impeding a user's ability to access information on a timely base.

Access to Necessary Representation

N/A

Commitment to Effective Court Management

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

Appropriate Staffing and Support

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

What are other important connections or impacts related to this proposal?

N/A

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

N/A

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

N/A

What are the consequences of not funding this request?

Continued usage of aged equipment may lead to the delay of information provided to court users; increased costs associated with repairing aged equipment; failure of equipment during court hearings; failure of equipment used to provide information to self represented litigants; and increased litigation costs resulting from case delays.

How has or can the agency address the issue or need in its current appropriation level?

No.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Recommendation Summary (CB Detail)

Agency: 056 Office of Public Defense
Version: S1 First Year Supplemental

10:44:13AM
 10/16/2017

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB AH AFRS Extract		84,097	3,710	87,807
2017-19 Current Biennium Total		84,097	3,710	87,807
Total Carry Forward Level Percent Change from Current Biennium		84,097	3,710	87,807
Carry Forward plus Workload Changes Percent Change from Current Biennium		84,097	3,710	87,807
M2 AE Transitional Appellate Atty Costs		1,393		1,393
M2 AF Contractor Retention		3,628		3,628
M2 AG Attorney General's Office		1,024		1,024
Total Maintenance Level Percent Change from Current Biennium		90,142 7.2%	3,710	93,852 6.9%
Subtotal - Performance Level Changes	0.0			
2017-19 Total Proposed Budget Percent Change from Current Biennium		90,142 7.2%	3,710	93,852 6.9%

M2 AE Transitional Appellate Atty Costs

Funding is requested to cover a sustained increase in the indigent appellate workload. The workload increase is due largely to intensified case complexity as measured by the length of the average trial transcript, and must be addressed under the Supreme Court Standards for Indigent Defense. Funds to meet emergency contingent case costs in FY 2018 and FY 2019 are needed as well as funds for the implementation of four additional attorney contracts in FY 2019.

M2 AF Contractor Retention

OPD requests funding to address significant inequities in compensation for mandatory state-funded public defense services. Low defense compensation, which is not competitive with other government attorney jobs, is impeding OPD's ability to recruit and retain qualified contract attorneys to ensure constitutional and statutory rights to counsel to indigent persons on appeal and indigent parents involved in dependency and termination cases. A contract rate adjustment is also necessary for RCW 71.09 civil commitment attorneys, who have not had a compensation increase for many years.

M2 AG Attorney General's Office

Funding is requested to cover agency costs for legal services to defend an ongoing class-action lawsuit filed against OPD and the State of Washington.

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Transitional Appellate Attorney Costs

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text

Funding is requested to cover a sustained increase in the indigent appellate workload. The workload increase is due largely to intensified case complexity as measured by the length of the average trial transcript, and must be addressed under the Supreme Court Standards for Indigent Defense. Funds to meet emergency contingent case costs in FY 2018 and FY 2019 are needed as well as funds for the implementation of four additional attorney contracts in FY 2019.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
001-1	\$536,000	\$857,000	\$660,424	\$539,000
Total Cost	\$536,000	\$857,000	\$660,424	\$539,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. N	\$536,000	\$857,000	\$660,424	\$539,000

Package Description

Both OPD and attorneys appointed to represent indigent clients are required to limit per-attorney workload and to comply with strict caseload limits adopted by the Supreme Court Standards for Indigent Defense. The standards limit appellate attorneys to 36 cases per year with an average of 350 pages of trial transcript. Transcript length is the most reliable proxy for determining the complexity of issues on appeal.

OPD has experienced a significant upsurge in indigent appellate attorney workload due to increased lengths of trial transcripts. For the past two fiscal years, OPD addressed the workload increase by engaging part-time emergency contingent case attorneys paid per case rather than contracted annually, because it was not clear what proportion of the workload increase was a temporary spike and what was likely permanent. Through this approach, OPD was able to respond to the workload as it developed without obligating the agency to pay for annual contracts that might prove wasteful if the

workload increase did not continue over time. The Legislature provided supplemental funds to offset FY 2017 increased costs in the FY 2017 supplemental budget.

Attorneys appointed on a contingent basis are paid a fee on the assignment of a case, on the filing of the brief, and on the case's closing. Because briefs take several months to file at minimum, brief fees are often paid in the next fiscal year after the attorney's appointment and closing costs may be paid two years after appointment. OPD plans to continue to rely on contingent appointments in FY 2018. Transition to full-time contractors will thus still require a temporary budget increase in FY2019 as OPD brings on full-time contractors while still paying outstanding brief and closing fees from assignments made in the previous fiscal years.

The higher indigent appellate workload level is expected to continue into the future. Transitioning from emergency contingent cases appointed on a piece work basis to four additional full-time contractors will enable OPD to meet the appointment demands of the appellate system by recruiting and retaining attorneys committed to the specialized practice of appellate law. Administration of annual full-time contracts is an efficient use of OPD staff time, and allows meaningful oversight of contract performance and addresses quality issues in a timely manner.

In a 2008 review of OPD, the Joint Legislative Audit and Review Committee (JLARC) found that OPD's implementation of qualifications-based contracts resulted in improved judicial ranking of the effectiveness and efficiency of OPD appellate attorneys from 35 percent prior to the contract system to 91 percent after full implementation. Retaining specialist appellate attorney appointments, rather than part-time contingent appointments, has been a key factor in sustaining this improvement in the quality of appellate practice.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

- FY18 Contingent Case Costs
- FY18 new assignments and the phase out of FY17 and FY16 assignments (briefs and closings).
- No additional Contracted Attorneys in FY 2018
- TOTAL \$535,690

- FY19 Contingent Case Costs & Transition to Contracted Attorneys
- No new contingent assignments in FY19
- FY18, FY17 and FY16 phase out of briefs and closings.
- \$317,952
- Four Additional Contracted Attorneys - \$539,000
- TOTAL \$ \$857,000
- FY20 Four ongoing additional contracted attorneys \$539,000
- FY18 & FY17 phase out of briefs & closing costs \$121,424
- FY21 Four ongoing additional contracted attorneys

It is anticipated that the contingent cases (assignments, briefs and closings) will be fully phased out by FY21.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

The Washington Constitution requires the state to appoint counsel for indigent criminal defendants on appeal, and various statutes and court rules require appointment of counsel for indigent persons in certain non-criminal matters, such as orders of dependency, termination of parental rights, and civil commitment. The state is constitutionally obligated to provide effective counsel. Funding this request will ensure that OPD can readily provide quality attorneys for court appointment in all indigent appeals.

Commitment to Effective Court Management

Funding this request will ensure that qualified, effective attorneys are contracted and routinely available for timely court appointment in all indigent appeals. Delays in case assignments can lead to long untenable backlog in the appellate courts, as occurred in the 1990s.

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

Full-time contracts with specialized appellate practitioners help ensure that attorneys have the experience, knowledge, and skill necessary to effectively represent clients involved in routine as well as unusual cases at all levels of the appellate process. Retention and cultivation of experienced appellate attorneys has greatly contributed to OPD's history of providing quality representation to indigent clients.

What is the impact on other state agencies?

Funding this request will allow indigent appeals to proceed in a timely manner with adequate OPD oversight, which supports efficient case flow in the Court of Appeals and Supreme Court. Timely appeals that result in reversal of the trial court decision may reduce the period of time the state is responsible for incarceration, supervision, foster care services, etc.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

OPD considered the alternative of continuing to handle the increased workload by continuing to use contingent appointments on a case-by-case basis. That alternative is less effective and efficient and is not consistent with the agency's strategic plan for appellate services. OPD's strategic plan requires the agency to engage in meaningful contract monitoring and to conduct routine quality evaluations of appellate contract performance, which requires an ongoing contract relationship and a significant volume of work for each attorney.

What are the consequences of not funding this request?

How has or can the agency address the issue or need in its current appropriation level?

Other supporting materials:

Funding this request will ensure that OPD-contracted appellate attorneys maintain workloads that allow them to devote the necessary time and attention to effectively represent each client, consistent with the caseload limits established by the Supreme Court Standards for Indigent Defense.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Contractor Retention

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

OPD requests funding to address significant inequities in compensation for mandatory state-funded public defense services. Low defense compensation, which is not competitive with other government attorney jobs, is impeding OPD's ability to recruit and retain qualified contract attorneys to ensure constitutional and statutory rights to counsel to indigent persons on appeal and indigent parents involved in dependency and termination cases. A contract rate adjustment is also necessary for RCW 71.09 civil commitment attorneys, who have not had a compensation increase for many years.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
001-1	\$0	\$3,628,000	\$3,628,000	\$3,628,000
Total Cost	\$0	\$3,628,000	\$3,628,000	\$3,628,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. N	\$0	\$3,628,000	\$3,628,000	\$3,628,000

Package Description

Funds are requested to compensate state-contracted public defense attorneys commensurate with the market for other government-funded attorneys. Standard One of the Washington State Bar Association Standards for Indigent Defense and Principle Eight of The American Bar Association Ten Principles of a Public Defense Delivery System direct that public defense attorneys should be compensated at a rate reflecting their training and experience and commensurate with other government attorneys.

The requested funding is the minimum necessary to get closer to compensation parity and address difficulties in recruiting and retaining qualified defense attorneys for OPD contracts. The state must provide adequately resourced defense attorneys capable of maintaining mandatory performance levels in representing indigent persons who have a constitutional or statutory right to counsel.

The 2017-19 biennial operating budget included a relatively small amount of new funding and earmarked much of it for OPD contracted social services workers. The remaining funds allowed only a 1.25% percent increase for OPD contract attorneys. In comparison, all state employees received a 2 percent COLA in FY 18 and are scheduled for another 4 percent increase in FY 19; they have also received increased vacation allowances.

Appellate and Parents Representation Program attorneys
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 also contracts with 171.1 FTE (FY18) attorneys around the state who provide public defense in 34 counties for indigent parents who have a right to counsel in dependency and termination cases. (OPD is funded to begin service in FY 19 in the five remaining counties, at which time the number of contracted attorney FTEs will increase to 179.3.) OPD's contract attorneys have approximately 17 years of professional experience on average. Their significant experience is a necessity as they are for the most part working independently without direct supervision.

As of FY 2018, total annual compensation for OPD's contracted appellate and parents' attorneys ranges from about \$112,500 to \$136,123 per FTE, (depending on experience and location). From this contract amount, they must cover all business costs, including retirement, business taxes, office costs, professional insurance, and support staff. A 2016 survey and report produced by compensation consultant Arthur J. Gallaher & Co. found at that time the average OPD contract attorneys' necessary business expenses were \$45,804, with a median of \$45,287.

After subtracting necessary business expenses the average full-time OPD contract attorney in 2016 received a salary equivalent of \$80,935 with a median salary equivalent of \$74,213. Gallagher reported that OPD contract attorneys received a salary equivalent \$32,433 less per year than the average salary received by other publicly funded attorneys.

As the economy improves and business costs continue to rise, OPD finds it increasingly difficult to retain and recruit qualified contract defense attorneys at the current pay level. Appellate attorneys experienced a 15.5 percent turnover in FY 16, including the departure of the longtime director of a mid-size Seattle contract firm as well as several Eastern Washington practitioners, and a similar number left in FY 2017. Both of OPD's contracted appellate firms in Seattle report substantial difficulty in hiring qualified attorneys to fulfill their OPD contracts. Some well-regarded parents' attorneys also have left the OPD Parents Representation Program for the stated reason of inadequate compensation, with an 11.9 percent turnover in FY 16. These include attorneys in Kitsap, Kittitas, Mason, and Pierce counties, as well as multiple attorneys in Snohomish, Spokane, Stevens, and Yakima counties.

RCW 71.09 Sexually Violent Predator Attorneys (SVP)

In 2013, the Legislature transferred the SVP public defense program to OPD. Twenty-two attorneys are under contract with 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. After many years with no compensation increase, RCW 71.09 contract attorneys need an adjustment to reflect inflation.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

2019 OPD Contractor (Parents Representation & Appellate) Salary difference of \$19,065.00 X 179.3 FTE contracts in FY19 (17 years average experience) = \$3,418,355.

71.09 (Civil Commitment) CPI Increase
2013-2017 = \$9,539 x 22 FTE contracts in FY19 = \$209,858 FY19

Total FY19 Contracted Attorneys (Parents Representation, Appellate & 71.09) = \$3,628,213.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

It is widely accepted that state-funded public defense attorneys should be compensated in parity with other publicly funded attorneys. The requested increase will ensure that OPD can retain and recruit well-qualified contract attorneys to serve indigent persons who have a constitutional or statutory right to counsel.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

Funding this increase will ensure that every indigent appellant, parent, and RCW 71.09 respondent in OPD cases is appointed a well-qualified attorney who can provide effective assistance of counsel, as required by the Constitution.

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

The right to counsel provided 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.

What are the consequences of not funding this request?

Without the requested rate increase, OPD expects to continue to lose qualified contract attorneys 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 would be expected to prevail in meritorious cases. Foster care costs would be expected to increase due to derogated defense representation of parents in dependency and termination.

How has or can the agency address the issue or need in its current appropriation level?

OPD’s current appropriation is already committed to paying for other obligations.

Other supporting materials:

Gallagher report attached.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Attorney General’s Office

Budget Period: 2018 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text: Funding is requested to cover agency costs for legal services to defend an ongoing class-action lawsuit filed against OPD and the State of Washington.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
001-1	\$512,000	\$512,000	\$486,000	\$486,000
Total Cost	\$512,000	\$512,000	\$486,000	\$486,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. E	\$512,000	\$512,000	\$486,000	\$486,000

Package Description

OPD requests funding to cover required payments for legal representation and related services to defend a class-action lawsuit brought by the ACLU against OPD and the state of Washington. (Davison v. State of Washington and Washington State Office of Public Defense.)

The lawsuit alleges that the State and OPD have a federal and state constitutional duty to ensure that indigent respondents charged in juvenile offender matters in Grays Harbor County receive adequate public defense and that the State and OPD have violated this duty. As of mid-September, the trial court has certified the class and the Davison case is proceeding on a course toward trial. A trial date has not yet been set. If the state is found liable, the monetary exposure is significant.

As a state agency OPD is represented by the Attorney General’s Office, which invoices client agencies for actual costs associated with defending against lawsuits. Based on several months of billing in FY 17 and recently updated AGO projections, the AGO has

advised that the lawsuit is expected to require as much as \$511,625 per year to cover AAG time and litigation costs.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

The Budget Director for the Attorney General has provided OPD with the following breakdown of anticipated costs:

	FY18	FY19
• 1 AAG FTE and legal support staff	\$236,000	\$236,000
• Expert witnesses (1,250 hours x \$400/hr)	\$250,000	\$250,000
• 50 depositions (\$850 per deposition)	\$ 21,250	\$ 21,250
• Travel (26 trips @ \$350 per trip)	\$ 4,375	\$ 4,375

Experts, depositions and travel are direct litigation costs and will not be required beyond FY19.

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

N/A

Access to Necessary Representation

OPD must be able to access and pay for legal representation to defend against a lawsuit.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

N/A

What is the impact on other state agencies?

The AGO is directed to recover payment of actual costs from client agencies in order to provide legal services. (See Ch. 43.10 RCW.)

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

Yes. This request is made to defend a class-action lawsuit brought by the ACLU against OPD and the state of Washington. (Davison v. State of Washington and Washington State Office of Public Defense.)

What alternatives were explored by the agency and why was this option chosen?

There are no viable alternatives to defend against major litigation such as that facing OPD.

What are the consequences of not funding this request?

OPD would not have legal representation with regards to this lawsuit.

How has or can the agency address the issue or need in its current appropriation level?

OPD does not have the funding in its current appropriation to meet the projected costs.

Other supporting materials:

N/A

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Recommendation Summary (CB Detail)

Agency: 057 Office of Civil Legal Aid
Version: S1 First Year Supplemental

10:28:07AM
 10/16/2017

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB AG Afrs Extract		32,716	1,843	34,559
2017-19 Current Biennium Total		32,716	1,843	34,559
Total Carry Forward Level Percent Change from Current Biennium		32,716	1,843	34,559
Carry Forward plus Workload Changes Percent Change from Current Biennium		32,716	1,843	34,559
Total Maintenance Level Percent Change from Current Biennium		32,716	1,843	34,559
PL AE Civil Justice Reinvestment Plan		1,553		1,553
PL AF Family Law Automated Docs		300		300
Subtotal - Performance Level Changes	0.0	1,853		1,853
2017-19 Total Proposed Budget Percent Change from Current Biennium		34,569 5.7%	1,843	36,412 5.4%

PL AE Civil Justice Reinvestment Plan

Funding to implement Phase 1 of the Civil Justice Reinvestment Plan by adding 15 FTE attorneys above currently authorized levels.

PL AF Family Law Automated Docs

Funding to automate, deploy and host plain language family law form document assembly system.

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Civil Justice Reinvestment Plan – Minimum Access

Budget Period: 2018 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding to implement Phase I of the Civil Justice Reinvestment Plan by adding 15 FTE attorneys above currently authorized levels.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
001-1	\$0	\$1,552,500	\$2,025,000	\$2,025,000
Total Cost	\$0	\$1,552,500	\$2,025,000	\$ 2,025,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. C	\$0	\$1,552,500	\$2,025,000	\$2,025,000

Package Description

OCLA seeks funding to complete implementation of Phase I of the Civil Justice Reinvestment Plan endorsed by the Legislature in the FY 2018-19 operating budget (ESSB 5883, sec. 116(2)). The funding will be used to add an additional 15 FTE legal aid attorneys, thus bringing staff capacity 1/3 of the way toward closing the capacity gap documented in the 2015 Civil Legal Needs Study and the minimum access target established in the Reinvestment Plan. These attorneys will be strategically deployed across the state to promote equity of access to legal aid services and move the state closer toward the 1:5,000 attorney to eligible client ratio throughout Washington State. Funding requested will allow the addition of 8 FTE attorneys effective July 1, 2018 and an additional 7 FTE attorneys commencing January 1, 2019.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service. In accordance with the Civil Justice Reinvestment Plan developed by the bipartisan Civil Legal Aid Oversight Committee, OCLA requested funding for an additional 55 FTE's to close a 90 FTE gap between current staffing levels and the level needed to achieve minimum access of 1 FTE attorney (including pro bono services

calculated at 2,000 hours/FTE legal aid attorney) for every 5,000 people living at or below 125% of the federal poverty level (FPL). The FY 2017-19 biennial budget embraced the goal set forth in the Civil Justice Reinvestment Plan and provided funding for an additional of 15 FTE legal aid attorney positions commencing with an initial 10 starting on January 1, 2018 and an additional 5 starting July 1, 2018. Informed by a regional client service capacity analysis, these attorneys will be deployed geographically consistent with client needs and capacity gaps. The requested additional 15 FTE attorneys will allow OCLA to close one-third (1/3) of the current minimum access capacity gap in the FY 2018-19 biennium.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

OCLA will phase in the additional 15 positions, with 8 FTE starting July 1, 2018 and 7 starting January 1, 2019. The average fully loaded (salary, benefits, support, overhead) expenditure for a mid-level (5-8 year) experienced attorney position is \$135,000 per year.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

Expanding civil legal aid capacity furthers the objective of ensuring access and accessibility to the civil justice system for people who are limited by income, language, culture, ability and other barriers.

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 and protecting important legal rights than those without. The 2015 Civil Legal Needs Study 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.

The Civil Justice Reinvestment Plan offers an intentional and predictable timetable for achieving minimum access to essential civil legal aid services for low-income and vulnerable people throughout Washington State. Expanding the number of civil legal aid attorneys is necessary if meaningful steps are to be taken to close the Justice Gap documented in the 2015 Civil Legal Needs Study. While the Legislature funded 15 additional positions in the FY 2018-19 operating budget, an additional 15 are required if to achieve relevant and stable legal aid capacity that offers equity of access (albeit below minimum access levels) for all eligible people regardless of where they live.

OCLA will phase in the additional 15 positions, with 8 FTE starting July 1, 2018 and 7 starting January 1, 2019. These additional positions will bring statewide legal aid capacity one-third (1/3) of the way toward achieving the minimum access level of 1:5,000 FTE's to persons living at or below 125% of FPL.

Commitment to Effective Court Management

N/A

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

The Civil Justice Reinvestment Plan developed by the Office of Civil Legal Aid and endorsed by the bipartisan Civil Legal Aid Oversight Committee, the Access to Justice Board, the Legal Foundation of Washington and others established 1:5,000 as the minimum standard for achieving meaningful access to necessary legal help. Going into the 2017 legislative session there was a capacity gap of more than 90 FTE legal aid attorneys. The FY 2018-19 operating budget provided funding for 15 additional attorney positions that, when deployed, will bring the capacity gap down to 75 FTE. In order to ensure a solid and stable floor that offers equity of access for low-income clients throughout Washington state, OCLA seeks funding for an additional 15 FTE attorneys, bringing the total of new capacity up to 30 FTE in the biennium -- one-third (1/3) of the number necessary to achieve minimum access.

What is the impact on other state agencies?

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.

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

The Legislature has endorsed and begun to fund implementation of the Civil Justice Reinvestment Plan. As set forth in RCW 2.53.010, ensuring access to justice through civil legal aid is an important state responsibility. While substantial efforts are undertaken to augment state investment with private charitable contributions and pro bono legal aid efforts, there is no alternative to the state expanding its investment in this core governmental function.

What are the consequences of not funding this request?

Failure to fund will further retard the effort to take meaningful steps toward closing the civil justice gap documented in the 2015 Civil Legal Needs Study and ensure equitable access to critically needed civil legal aid services for low-income and vulnerable people throughout Washington state. A large number of those who have civil legal problems will continue to unnecessarily experience negative consequences because of their inability to timely secure essential civil legal advice, assistance and representation.

How has or can the agency address the issue or need in its current appropriation level?

The current appropriation funds 15 new FTE's over the course of the biennium. While meaningful, it does little to close the minimum access capacity gap that is the focus of the legislatively endorsed Civil Justice Reinvestment Plan. This request seeks to increase the funded number of additional FTE's to 30 by the end of the biennium. This cannot be accomplished within currently appropriated funding levels.

Other supporting materials:

The 2015 Civil Legal Needs Study documented a tremendous gap between the most urgent civil legal problems low income people experience and the ability of the civil legal aid system to meet their needs. Access to civil legal representation is often essential if individuals are to be able to assert and, where necessary, defend important civil legal rights both within and without the formal judicial system. Achieving minimum access civil legal aid capacity of 1FTE:5,000 people at or below 125% of FPL is the primary strategy for ensuring meaningful access to and the ability of low-income people to participate in the civil justice system.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No

Yes

Washington State Judicial Branch
2018 Supplemental Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Family Law Automated Document Assembly

Budget Period: 2018 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding to automate, deploy and host plain language family law form document assembly system.

Fiscal Summary:

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
001-1	\$0	\$300,000	\$250,000	\$125,000
Total Cost	\$0	\$300,000	\$250,000	\$125,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	0	0	0	0
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
Obj. C	\$0	\$300,000	\$250,000	\$125,000

Package Description

OCLA seeks \$300,000 to commence development and deployment of an automated document assembly system to enable unrepresented litigants to properly select, complete and present properly completed forms for filing in family law proceedings in every judicial district in Washington State.

This effort is the result of multi-year process designed to enable unrepresented (pro se) litigants to more effectively represent themselves in family law proceedings where important interests are adjudicated. The goal is to expand access to justice, achieve greater efficiency in the processing of family law cases and reduce expenses resulting from unnecessary duplicative, inaccurate, or incomplete filings that result in wasted judicial system time and expenses.

Pursuant to an inter-agency Memorandum of Understanding between the Office of Civil Legal Aid (OCLA), the Administrative Office of the Courts (AOC), the Access to Justice Board and Northwest Justice Project (NJP), OCLA has been assigned responsibility to develop, deploy and maintain an automatic document assembly system that will enable unrepresented litigants to select and properly complete appropriate forms for filing in

family law matters. The automated document assembly system will work through a front-end interface that runs unrepresented family law litigants through a sequential, user-friendly series of questions that are then used to select and populate the appropriate forms.

The development of an automated document assembly system for the new mandatory plain language family law forms was included in the Civil Justice Reinvestment Plan which was recognized and endorsed by the Legislature in the FY 2018-19 operating budget (ESSB 5883, sec. 116(2)).

A broad based committee under the leadership of King County Superior Court Judge Susan Amini has been working since April 2017 to identify and define core business and technology requirements. A Request for Statement of Interest and Capacity was sent to automated document assembly software platform hosts and developers with the goal of issuing a formal RFP sometime this winter or spring, depending upon funding availability.

The project is envisioned as a collaborative state-federal effort. NJP submitted a request for \$185,000 in funding from the Legal Services Corporation (LSC) to underwrite project management over a two year period. Funding was approved by LSC in September 2017, conditioned on the availability of state funding for the project.

OCLA requests \$300,000 in state matching funds for FY 2018 to pay for initial licensing and related professional services needed to develop and program the sequential inquiries, program the forms, conduct user testing and perform other functions during year one of this initial two-year project.

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service.

There are no agency resources currently committed to this project.

Decision Package expenditure, FTE and revenue assumptions, calculations and details:

Should this request be funded, OCLA will seek one more significant investment (about \$250,000) in FY 2020. Thereafter, the annual cost of maintenance and updating of forms and interviews will be included as part of OCLA's basic operating costs. OCLA anticipates this will require about \$125,000 per year in ongoing staffing, support and programming. The anticipated project cost and functional breakdown of tasks is set forth in the attached LSC-TIG funding application which was conditionally approved in September 2017.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

The automated document assembly system will be designed to meet the requirements of the Supreme Court's ATJ Technology Principles, thereby enhancing access for persons who may have a range of physical, linguistic or other limitations. It will allow persons to complete and print out (and file where local judicial system capacity allows) their legal forms from any location, and will be accessible from a variety of technology platforms (computer, tablet, smart phone).

Access to Necessary Representation

Despite efforts to expand civil legal aid and pro bono capacity, the number of unrepresented family law litigants continues to grow. Automating the family law forms will enable those without representation to take the initial steps of pursuing their cases on their own, thus relieving the overburdened civil legal aid system from dedicated resources to routine cases. This frees staffed legal aid and pro bono capacity to focus on more complex, contested cases where civil legal representation is urgently needed.

Commitment to Effective Court Management

Unrepresented family law litigants impose an unnecessary and increasing time burden on short-staffed clerks, courthouse facilitators and judicial officers. Developing and deploying this system will reduce such burdens, enhance judicial efficiency and save costs currently incurred in the handling of family law cases where one or more litigants are not represented by an attorney.

Appropriate Staffing and Support

N/A

What are other important connections or impacts related to this proposal?

According to data from the Administrative Office of the Courts, one or more persons appears in an unrepresented capacity (pro se) in more than 50% of all family law cases. Pro se litigants often have difficulty identifying and successfully completing the necessary forms for filing in their family law cases. This causes unnecessary delay and often compromises pro se litigants' ability to effectively pursue their cases. It also results in a substantial waste of court and clerk time, as forms are often filled out incompletely, requiring multiple presentations before judicial officers. The automated document assembly system will enable pro se litigants to more effectively participate in their cases and secure relief in a more timely fashion.

What is the impact on other state agencies?

N/A

What is the impact to the Capital Budget?

N/A

Is change required to existing statutes, Court rules or contracts?

No

Is the request related to or a result of litigation?

No

What alternatives were explored by the agency and why was this option chosen?

The Legal Services Corporation's conditional commitment of \$185,000 to this project provides the necessary staffing capacity to move this effort forward. OCLA and others associated with this initiative continue to seek private sector partners who can provide in-kind and financial support for the effort both in the short term and over time. The \$300,000 request is necessary to take the first concrete steps toward development and deployment of the family law automated document assembly system.

What are the consequences of not funding this request?

Failure to fund the project may result in the loss of \$185,000 in funding from the Legal Services Corporation and push this project back well into FY 2020. It will also result in continued confusion, inefficiency and time-loss resulting from the inability of unrepresented litigants to select, properly complete and file mandatory family law court forms.

How has or can the agency address the issue or need in its current appropriation level?

The agency's FY 2018-19 appropriation does not include any funding to invest in this project.

Other supporting materials: Please attach or reference any other supporting materials or information that will help analysts and policymakers understand and prioritize your request.

The successful application materials for the Legal Services Corporation Technology Innovation Grant commitment are attached as is the Request for Statement of Interest and Capability published by the Technology Assisted Forms Working Group.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes