

The Supreme Court
State of Washington

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October 12, 2018

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 2019-2021 biennial budget request on behalf of the Washington Supreme Court, Administrative Office of the Courts, and the State Law Library. Also included are the 2019-2021 biennial budget requests for the Washington State Court of Appeals, Office of Public Defense, and Office of Civil Legal Aid.

The Supreme Court, Board for Judicial Administration, and Judicial Information System Committee 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.


With the exception of the requests submitted by the independent judicial branch agencies, the requests contained in the attached documents represent, in the view of the Court, 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

Mr. David Schumacher
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Radwan, Director of Management Services, Administrative Office of the Courts at (360) 357-2406 or ramsey.radwan@courts.wa.gov.

Very truly yours,

A handwritten signature in cursive script that reads "Mary E. Fairhurst" followed by a horizontal line.

Mary E. Fairhurst
Chief Justice

cc Ms. Callie Dietz
Mr. Ramsey Radwan
Presiding Chief Judge Laurel Siddoway
Mr. Rob Mead
Ms. Joanne Moore
Mr. Jim Bamberger

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 anti-harassment 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 Anti-harassment Orders

District and municipal courts are confronted daily with domestic violence issues. Besides adjudicating criminal domestic violence and anti-harassment cases, courts of limited jurisdiction may also enter protection orders. These are no-contact orders, orders of protection, and anti-harassment orders. No-contact orders and orders of protection can be obtained in either a municipal or district court. Anti-harassment 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 anti-harassment 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 appeal ability. 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 case flow (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.

Recommendation Summary

Agency: 045 Supreme Court

Version: 20192021 2019-2021 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	60.9	15,737	671	16,408
2017-19 Current Biennium Total	60.9	15,737	671	16,408
CL 92E Legal Services	0.0	1	0	1
CL 92J CTS Central Services	0.0	1	0	1
CL 92K DES Central Services	0.0	9	0	9
CL 92R OFM Central Services	0.0	(6)	0	(6)
CL AC Continuation of Merit Increments	0.0	80	0	80
CL BSA Move Pension Fund Shift to Agencies	0.0	(3)	3	0
CL G05 Biennialize Employee PEB Rate	0.0	2	0	2
CL GL9 Non-Rep General Wage Increase	0.0	333	0	333
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	3	0	3
CL GZF Paid Family Leave--Employer Premium	0.0	12	0	12
CL GZH DES Rate Compensation Changes	0.0	16	0	16
CL JUD1 Salaries for Elected Officials	0.0	58	0	58
Total Carry Forward Level	60.9	16,243	674	16,917
Percent Change from Current Biennium	.0%	3.2%	.4%	3.1%
Maintenance – Comp Changes				
ML97 Merit System Increments	0.0	470	0	470
Maintenance – Comp Total	0.0	470	0	470
Total Maintenance Level	60.9	16,713	674	17,387
Percent Change from Current Biennium	.0%	6.2%	.4%	6.0%
Policy – Comp Changes				
PL SC Salary Survey Implementation	0.0	660	0	660
Policy – Comp Total	0.0	660	0	660
Subtotal - Policy Level Changes	0.0	660	0	660
2019-21 Total Proposed Budget	60.9	17,373	674	18,047
Percent Change from Current Biennium	.0%	10.4%	.4%	10.0%

Recommendation Summary**Agency: 045 Supreme Court****Version: 20192021 2019-2021 Biennial Budget***Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CL 92E Legal Services CFL Adjustment for Legal Services				
CL 92J CTS Central Services CFL Adjustment for CTS Services				
CL 92K DES Central Services CFL Adjustment for DES Services				
CL 92R OFM Central Services CFL Adjustment for OFM Services				
CL GZF Paid Family Leave--Employer Premium A paid family and medical leave program was created by Chapter 5, Laws of 2017, 3rd Special Session. Beginning January 1, 2019, the state, as an employer, will be responsible for payment of employer premiums for employees not covered by a collective bargaining agreement. This item provides funding for this obligation.				
CL GZH DES Rate Compensation Changes CFL Adjstmnt - DES Rate for Compensation Changes				
ML 97 Merit System Increments The Supreme Court requests funding to continue providing salary step increases for eligible employees.				
PL SC Salary Survey Implementation Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for Supreme Court employees.				

Summarized Revenue by Account and Source

Agency: 045 Supreme Court

Session: 2019-21 Regular

Version: 20192021 - 2019-2021 Biennial Budget

All Programs at the Program Level

Supporting Text Included

Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2020	FY2021	FY2020	FY2021	FY2020	FY2021	
001 - General Fund							
90 - Maintenance Level Revenue	50	50					
Total - 0525 - Filing Fees - Priv/L - P/L	50	50			50	50	100
001 - General Fund - Private/Local	50	50			50	50	100
Total - 001 - General Fund	50	50			50	50	100
Agency: 045 SUP - Private/Local	50	50			50	50	100
Total - Agency: 045 SUP	50	50			50	50	100

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Supreme Court

Decision Package Title: Continuation of Merit Increments

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

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

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$188,000	\$282,000	\$282,000	\$282,000
Total Cost	\$188,000	\$282,000	\$282,000	\$282,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$157,000	\$235,000	\$235,000	\$235,000
Benefits	\$31,000	\$47,000	\$47,000	\$47,000
Total	\$188,000	\$282,000	\$282,000	\$282,000

Package Description:

Because the Supreme Court has fewer than 100 employees, a request is made to fund the merit increases that employees are entitled to. The agency cannot absorb the increase. If not funded, the salary step increases will once again be frozen. Continued step increases will assist in the retention of these skilled employees.

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

This is not an expansion or alteration of a current program or service.

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

The request is based on step increases the employees would receive in the 2019-2021 Biennium.

Decision Package Justification and Impacts

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

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.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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?

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.

What are the consequences of not funding this request?

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

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Supreme Court

Decision Package Title: Salary Survey Implementation

Budget Period: 2019 - 2021 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.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$326,000	\$334,000	\$334,000	\$334,000
Total Cost	\$326,000	\$334,000	\$334,000	\$334,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$265,000	\$279,000	\$279,000	\$279,000
Benefits	\$61,000	\$55,000	\$55,000	\$55,000
Total	\$326,000	\$334,000	\$334,000	\$334,000

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 Supreme Court in December 2014. The survey found that the salaries of Supreme Court staff trail the identified market averages by an average of 16 percent, with Senior Staff Attorneys and Law Clerks averaging 26 percent below market.

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

This is not an expansion or alteration of a current program or service.

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

The request is based on Senior Staff Attorneys moving to Range 74, Staff Attorneys to Range 69 and Law Clerks to Range 65.

Decision Package Justification and Impacts

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

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 select permanent long term Supreme Court employees, the Court is requesting additional funding for Law Clerk positions. Law Clerks receive a fixed beginning salary of \$55,728, 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.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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?

It will be difficult to recruit and retain qualified employees if higher salaries cannot be provided.

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

After careful consideration and a thorough review of the State of Washington Supreme Court budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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

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.

Recommendation Summary

Agency: 055 Admin Office of the Courts

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	412.5	113,709	75,210	188,919
2017-19 Current Biennium Total	412.5	113,709	75,210	188,919
CL 1163 Domestic Violence	(0.5)	(53)	0	(53)
CL 92D Audit Services	0.0	1	0	1
CL 92E Legal Services	0.0	6	0	6
CL 92J CTS Central Services	0.0	(13)	0	(13)
CL 92K DES Central Services	0.0	1	0	1
CL 92R OFM Central Services	0.0	(44)	0	(44)
CL 9D Pension and DRS Rate Changes	0.0	2	1	3
CL A6 Superior Courts Case Management	(14.0)	0	(12,000)	(12,000)
CL AC Thurston County Impact Fee	0.0	(811)	0	(811)
CL AE Employment Security	0.0	(82)	0	(82)
CL AH01 Superior Court Judges Assoc. Staff	0.5	120	0	120
CL AI Equipment Replacement	0.0	0	(2,265)	(2,265)
CL AY Legal Financial Obligations	0.0	(238)	0	(238)
CL B3 Expedited Data Exchange	(3.0)	0	(4,339)	(4,339)
CL B3JM Appellate Court CMS Project	0.0	0	(296)	(296)
CL BSA Move Pension Fund Shift to Agencies	0.0	8	(8)	0
CL CCSJ Cowlitz County Superior Judge	0.0	20	0	20
CL G05 Biennialize Employee PEB Rate	0.0	12	5	17
CL GL9 Non-Rep General Wage Increase	0.0	1,601	781	2,382
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	15	7	22
CL GZC CTS Fee for Service Adjustment	0.0	2	0	2
CL GZF Paid Family Leave--Employer Premium	0.0	60	27	87
CL GZH DES Rate Compensation Changes	0.0	5	0	5
CL INCP Incapacitated Persons	0.0	(3)	0	(3)
CL JISA Judicial Information Systems	0.0	0	(10,000)	(10,000)
CL JTSA Judicial Stabilization Trust Acct	0.0	(1)	1	0
CL JUD1 Salaries for Elected Officials	0.0	613	0	613
CL LF0C Local LFO Impact Grants	0.0	200	0	200
Total Carry Forward Level	395.5	115,130	47,124	162,254
Percent Change from Current Biennium	(4.1)%	1.2%	(37.3)%	(14.1)%
Maintenance – Other Changes				
MLB4 Odyssey Continuing Operations	2.0	0	696	696
MLB7 Odyssey Maintenance	0.0	0	2,030	2,030
MLC6 Legal Financial Obligations Postage	0.0	164	0	164
Maintenance – Other Total	2.0	164	2,726	2,890
Total Maintenance Level	397.5	115,294	49,850	165,144
Percent Change from Current Biennium	(3.6)%	1.4%	(33.7)%	(12.6)%
Policy – Other Changes				
PL A0 Family & Juvenile Court Improvement	0.5	729	0	729
PL A1 Trial Court Funding Language Access	1.3	2,160	0	2,160

Recommendation Summary

Agency: 055 Admin Office of the Courts

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
PL A2 Timely and Essential Court Training	1.0	911	0	911
PL A3 Court System Online Training	1.4	496	0	496
PL A4 Therapeutic Courts Best Practice	1.5	340	0	340
PL A5 Guardianship Monitoring	6.5	1,399	0	1,399
PL A7 Guardianship Services	2.0	1,718	0	1,718
PL A8 Benchbooks	2.3	487	0	487
PL A9 Web Services	1.0	277	0	277
PL B1 CLJ - Case Management System	21.5	0	14,486	14,486
PL B2 SC- Case Mgmt Sys - Ongoing Ops	6.0	0	1,440	1,440
PL B5 Odyssey Business & Training Support	8.5	2,017	0	2,017
PL B8 EDR Operations and Maintenance	7.5	1,881	0	1,881
PL B9 Appellate Electronic Court Records	3.5	2,207	0	2,207
PL C1 Internal Equipment Replacement	0.0	0	1,913	1,913
PL C2 External Equipment Replacement	0.0	0	1,646	1,646
PL C3 Odyssey Development Hours	0.0	0	574	574
PL C4 EDR Future Integrations	0.0	500	0	500
PL C5 Thurston County Impact Fee	0.0	2,188	0	2,188
Policy – Other Total	64.5	17,310	20,059	37,369
Subtotal - Policy Level Changes	64.5	17,310	20,059	37,369
2019-21 Total Proposed Budget	462.0	132,604	69,909	202,513
Percent Change from Current Biennium	12.0%	16.6%	(7.0)%	7.2%

Recommendation Summary**Agency: 055 Admin Office of the Courts****Version: 20192021 19-21 Biennial Budget***Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CL 92D Audit Services				
CFL Adjustment for Audit Services				
CL 92E Legal Services				
CFL Adjustment for Legal Services				
CL 92J CTS Central Services				
CFL Adjustment for CTS Services				
CL 92K DES Central Services				
CFL Adjustment for DES Services				
CL 92R OFM Central Services				
CFL Adjustment for OFM Services				
CL 9D Pension and DRS Rate Changes				
Biennialize Pension Funding				
CL GZC CTS Fee for Service Adjustment				
CFL Adjstmnt - CTS Fee for Service				
CL GZF Paid Family Leave--Employer Premium				

A paid family and medical leave program was created by Chapter 5, Laws of 2017, 3rd Special Session. Beginning January 1, 2019, the state, as an employer, will be responsible for payment of employer premiums for employees not covered by a collective bargaining agreement. This item provides funding for this obligation.

Recommendation Summary

Agency: 055 Admin Office of the Courts

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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CL GZH DES Rate Compensation Changes

CFL Adjstmnt - DES Rate for Compensation Changes

ML B4 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.

ML B7 Odyssey Maintenance

Funding is requested for semi-annual maintenance and support payments for the Odyssey case management system.

ML C6 Legal Financial Obligations Postage

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

PL A0 Family & Juvenile Court Improvement

Funding is requested for full reimbursement to current Family and Juvenile Court Improvement Program (FJCIP) courts, provide funding for one to three additional courts, to conduct an evaluation of the program, develop a five-year strategic plan for statewide implementation, and to provide funding for low-cost DNA testing for alleged fathers in dependency and termination of parental rights cases.

PL A1 Trial Court Funding Language Access

Funding is requested to expand the state Interpreter Reimbursement Program to help fund additional courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters.

PL A2 Timely and Essential Court Training

Funding is requested to expand training opportunities and provide financial support to judicial officers and court staff to attend training.

PL A3 Court System Online Training

Funding is requested to develop a statewide online delivery system for training judicial officers and court staff.

Recommendation Summary

Agency: 055 Admin Office of the Courts

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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PL A4 Therapeutic Courts Best Practice

Funding is requested for a statewide therapeutic courts coordinator to work with courts throughout the state to stand up and operate these courts more effectively.

PL A5 Guardianship Monitoring

Funding is requested for a regional program designed to monitor guardianships, ensuring that incapacitated persons are receiving the care and assistance needed and that the rights and freedoms of those in the care of guardians are protected .

PL A7 Guardianship Services

Funding is requested to enable the Office of Public Guardianship (OPG) within the Administrative Office of the Courts (AOC) to continue to provide the public guardianship services necessary to ensure that low-income people with diminished capacity receive adequate, effective and meaningful access to services, programs, or activities of public entities, including but not limited to courts and entitlement programs.

PL A8 Benchbooks

Funding is requested for staffing to revise outdated legal reference guides known as “bench books” or “bench guides” that are needed by judges.

PL A9 Web Services

Funding is requested for additional Web Services staff support necessary to serve the increasing demand of multiple programs and exchanges.

PL B1 CLJ - Case Management System

Funding is requested to continue the selection and implementation of the new commercial off the shelf (COTS) case management system for the Courts of Limited Jurisdiction. This project will replace the outdated limited jurisdiction case management system known as DISCIS.

PL B2 SC- Case Mgmt Sys - Ongoing Ops

Funding is request to establish permanent funding for staff to perform maintenance, operations and support of the Superior Court Case Management System (SC-CMS).

PL B5 Odyssey Business & Training Support

Funding is requested to retain staff to adequately support the Superior Courts and county clerks that have implemented the new Odyssey case management system.

Recommendation Summary

Agency: 055 Admin Office of the Courts

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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PL B8 EDR Operations and Maintenance

Funding is requested to establish permanent staffing for the maintenance, operations, and support of the Information Networking Hub – Enterprise Data Repository and other services and products developed and deployed under the Expedited Data Exchange Project.

PL B9 Appellate Electronic Court Records

Funding is requested for implementation of Appellate Electronic Court Records.

PL C1 Internal Equipment Replacement

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

PL C2 External Equipment Replacement

Funding is requested to replace aged computer equipment at the courts and county clerks' offices.

PL C3 Odyssey Development Hours

Funding is requested for additional development hours for Odyssey system corrections, modifications and/or enhancements to better support the Washington Courts business processes and improve productivity within the Superior Court and County Clerk's offices.

PL C4 EDR Future Integrations

Funding is requested to integrate additional case management systems with the Information Networking Hub - Enterprise Data Repository (EDR).

PL C5 Thurston County Impact Fee

Funding is requested to offset the additional costs associated with the disproportionate impact of civil filings in Thurston County resulting from mandatory and discretionary civil case filings.

Summarized Revenue by Account and Source

Agency: 055 Administrative Office of the Courts

Session: 2019-21 Regular

Version: 20192021 - 19-21 Biennial Budget

All Programs at the Program Level

Supporting Text Included

Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2020	FY2021	FY2020	FY2021	FY2020	FY2021	
001 - General Fund							
90 - Maintenance Level Revenue	67,400	67,800					
Total - 0405 - Fines, Forfeits - S	67,400	67,800			67,400	67,800	135,200
001 - General Fund - State	67,400	67,800			67,400	67,800	135,200
Total - 001 - General Fund	67,400	67,800			67,400	67,800	135,200
11K - WA Auto Theft Prev							
90 - Maintenance Level Revenue	6,270	6,204					
Total - 0405 - Fines, Forfeits - S	6,270	6,204			6,270	6,204	12,474
11K - WA Auto Theft Prev - State	6,270	6,204			6,270	6,204	12,474
Total - 11K - WA Auto Theft Prev	6,270	6,204			6,270	6,204	12,474
12T - Brain Injury Acct							
90 - Maintenance Level Revenue	1,134	1,113					
Total - 0405 - Fines, Forfeits - S	1,134	1,113			1,134	1,113	2,247
12T - Brain Injury Acct - State	1,134	1,113			1,134	1,113	2,247
Total - 12T - Brain Injury Acct	1,134	1,113			1,134	1,113	2,247
16A - Judicial Stabil Trst							
90 - Maintenance Level Revenue	7,000	7,000					
Total - 0425 - Filing/Legal Svcs - S	7,000	7,000			7,000	7,000	14,000
16A - Judicial Stabil Trst - State	7,000	7,000			7,000	7,000	14,000
Total - 16A - Judicial Stabil Trst	7,000	7,000			7,000	7,000	14,000

21M - Distrac Drvng Prev

Summarized Revenue by Account and Source

Agency: 055 Administrative Office of the Courts

Session: 2019-21 Regular

Version: 20192021 - 19-21 Biennial Budget

All Programs at the Program Level

Supporting Text Included

Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2020	FY2021	FY2020	FY2021	FY2020	FY2021	
90 - Maintenance Level Revenue	2	2					
Total - 0405 - Fines, Forfeits - S	2	2			2	2	4
21M - Distrac Drvng Prev - State	2	2			2	2	4
Total - 21M - Distrac Drvng Prev	2	2			2	2	4
543 - Judicial Info System							
90 - Maintenance Level Revenue	18,500	18,500					
Total - 0299 - Other Licenses Permi - S	18,500	18,500			18,500	18,500	37,000
90 - Maintenance Level Revenue	4,150	4,150					
Total - 0470 - Court Fees and Fines - S	4,150	4,150			4,150	4,150	8,300
543 - Judicial Info System - State	22,650	22,650			22,650	22,650	45,300
Total - 543 - Judicial Info System	22,650	22,650			22,650	22,650	45,300
Agency: 055 AOC - State	104,456	104,769			104,456	104,769	209,225
Total - Agency: 055 AOC	104,456	104,769			104,456	104,769	209,225

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Trial Court Funding for Language Access

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to expand the state Interpreter Reimbursement Program to help fund additional courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$237,000	\$1,923,000	\$2,832,000	\$3,740,000
Total Cost	\$237,000	\$1,923,000	\$2,832,000	\$3,740,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.6	1	1	1
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$132,000	\$92,000	\$92,000	\$92,000
Benefits	\$44,000	\$30,000	\$30,000	\$30,000
Contracts	\$10,000	\$3,000	\$3,000	\$3,000
Goods/Services	\$43,000	\$43,000	\$43,000	\$43,000
Equipment	\$8,000	0	0	0
Grants	0	\$1,755,000	\$2,664,000	\$3,572,000
Total	\$237,000	\$1,923,000	\$2,832,000	\$3,740,000

Package Description:

The Administrative Office of the Courts (AOC) and the Board for Judicial Administration (BJA) seek \$2,160,000 to provide additional courts reimbursement for interpreters and to increase current funding for courts in the Interpreter Reimbursement Program (Reimbursement Program). The program currently provides limited funds to only 33 courts. No new courts have been able to apply for these funds since the program's inception in 2008 and the courts that do receive funding routinely exhaust state funds within the first seven months of the fiscal year. The BJA created the Interpreter Services Funding Task Force to analyze the demand and funding needs for interpreters in Washington State courts. Over one-half of all Washington State courts frequently use qualified interpreters, either daily or weekly. Interpreter costs have increased over the

last two years with approximately one-half of the courts exceeding their allocated interpreter budgets. Requested funds will increase state reimbursement for interpreter services to local courts, with initial emphasis on small and rural courts and courts not currently in the program.

The public has a right to effectively access and meaningfully participate in the judicial process. The right of individuals who have limited English proficiency or are deaf or hard of hearing to interpreter services in order to be fully present at a trial, participate in their own defense, testify on their own behalf, and confront witnesses against them is well established in law. Failing to provide clear, accurate interpretation not only deprives individuals the opportunity to be heard and fully participate in legal proceedings, it puts the court at odds with constitutional and statutory law. Courts must have sufficient resources to carry out these mandates.

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for all participants. To give effect to the fourth, fifth and sixth amendments of the United States Constitution; Article 1, Sections 1, 10, and 22 of the Washington State Constitution; and Washington State laws; courts must provide a defendant who has limited English proficiency or is deaf or hard of hearing a qualified interpreter.

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. 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 matters for persons who have limited English proficiency and are indigent.

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, for court-ordered programs or activities, and for 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 litigants and witnesses who have limited English proficiency during legal proceedings.

Courts are constitutionally required to administer cases without unnecessary delay. A recent survey of Washington courts revealed that 59% of courts experienced delays in proceedings when interpreter services are unavailable and when interpreters are not local and must travel from a distant location. Consequently, most of these cases were rescheduled; a few were even dismissed if they missed speedy trial requirements. Increased funds are needed to recruit and test additional interpreters, with a focus on rarer languages and rural counties to address some of these delays.

The Funding Court Interpreters Report also found that approximately 66% of district and superior courts were most likely to use interpreters daily or weekly. Between 2015 and 2016, interpreter costs increased by \$1.2 million and approximately 50% of courts reporting exceeded their allocated budgets. Courts throughout the state have difficulties finding rarer language interpreters and qualified interpreters. Compared to urban courts, small and rural courts report more difficulties accessing qualified interpreters.

After nearly 10 years of implementation, the Reimbursement Program has improved court interpreter services for courts currently receiving funds. Reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates. The 50% program 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.

AOC requests \$2,160,000 to provide more courts with the opportunity to participate in the 50% Reimbursement Program and to increase current funding for courts in the program. Additional state funding will increase access to qualified interpreters and improve the accuracy of communication in the courtroom, particularly in rural areas. If funding is approved, there will be a priority in the first year to recruit small and rural courts into the program. Funds will also support staffing to monitor contracts and provide additional interpreter testing and training; develop more efficient testing options, including online testing for increased certification; and IT staff the first year to revise the Reimbursement Program applications and data reporting systems.

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

Due to the extraordinary fiscal environment since 2009, the reimbursement funding provided by the legislature has decreased to approximately \$610,500 annually. While the program has continued in limited capacity, funding for the participating 33 courts only reimburses 50% of the qualifying interpreter costs for approximately seven months of their fiscal year. This request will provide additional courts reimbursement for interpreters and increase current funding for courts in the program. The total increase reflects state resources to fund 50% of interpreter services at all levels of trial courts. Funds include 1 FTE for program implementation that will be ongoing and a .8 FTE for IT support during the first year.

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

Data Assumptions:

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. 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, an estimate can be made for the total annual expense for interpreter services in legal proceedings. Data is not reported on cases that actually went to a hearing with an interpreter. Using the "cases filed" computation identifies the upper limit of the funding need, which compensates for generally unreported data resulting from inconsistencies in language data entered.

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 data was used to calculate the average interpreter costs of \$155 per case filed which is used to project program costs.

Courts currently in the Reimbursement Program will continue to receive contracts for fiscal years 2020 and 2021 using the current biennial allocation of \$1.2 Million. Other courts not in the program will be required to complete an application for reimbursement funding that will consider submitted historical interpreter costs, associated caseload interpreter need, and interpreter availability in the region. Contract award amount criteria will be developed by the AOC using the data provided by applying courts.

The implementation-prior-to-award period will occur in the first 12 months. Prior to local fund disbursement, the online database reporting application and online resources will be revised and the contracting process will be developed and implemented in conjunction with AOC contracts management staff.

The second year expansion phase will result in contract award amounts to rural courts and mixed rural/urban courts currently not in the program. Rural courts have lower tax revenues and higher per case costs compared to larger cities and counties. Rural courts generally do not have a sufficient number of qualified local interpreters which results in higher travel expenses to secure in-person, AOC-credentialed, interpreters.

The 21-23 biennium will expand the Reimbursement Program to urban courts, thus ensuring all courts across Washington have access to qualified interpreters and funds to reimburse a portion of interpreter services.

Cost Projections

Refer to Appendix A for county specific information. Case numbers per county are based on a five year average.

Calculation used: Total number of cases multiplied by the average interpreter cost per case multiplied by the 50% reimbursement rate. Current program annual allocations for each county category were then subtracted from each year's total cost.

Program staff (including salary, benefits, equipment) will monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, provide technical support to participating courts and implement additional testing, training and recruitment. IT staff support for FY20 only will support online database reporting application and online resources revision. Funds will also support additional interpreter trainings, development of online testing, and training.

FY20: implementation-prior-to-award period.

FY21: the annual rural and mixed urban/rural county 50% reimbursement amount would be \$1,755,000.

$24,719 \text{ cases} \times \$155 \text{ per case} \times .50 \text{ reimbursement} = \$1,916,000 - \$161,000 \text{ (current funds allocated to these county categories)} = \$1,755,000.$

Staffing and program costs will support expansion implementation and additional interpreter testing, recruitment and training.

FY22: the annual rural, mixed urban/rural county, and half of urban county 50% reimbursement amount would be \$2,664,000.

$39,342 \text{ cases} \times \$155 \text{ per case} \times .50 \text{ reimbursement} = \$3,049,000 - \$385,000 \text{ (current funds allocated to these county categories)} = \$2,664,000.$

Staffing and program costs will support expansion implementation and additional interpreter testing, recruitment and training.

FY23: the annual rural, mixed urban/rural county, urban county 50% reimbursement amount would be \$3,572,000.

$53,965 \text{ cases} \times \$155 \text{ per case} \times .50 \text{ reimbursement} = \$4,182,000 - \$610,500 \text{ (current funds allocated to these county categories)} = \$3,572,000.$

Staffing and program costs will support expansion implementation and additional interpreter testing, recruitment and training.

Decision Package Justification and Impacts

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

Accessibility.

Court proceedings and court services are not accessible without meaningful access to interpreter services for individuals who are limited English proficient or deaf or hard of hearing. Quality interpreting services are needed at all court services access points. Individuals who interact with court staff for matters such as child support issues, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, need to fully understand what is required to move through the judicial process regardless of language.

Access to Necessary Representation.

Individuals with a stake in judicial proceedings should have meaningful access to counsel without language being a barrier to that access. Individuals must be able to communicate during attorney/client interviews and pretrial meetings and hearings. Interpreters must be provided for individuals who are limited English proficient or deaf or hard of hearing.

Commitment to Effective Court Management.

Efficient and effective court management requires implementation of interpreter practices and policies which save money, yet provide quality language access. Courts involved with the Reimbursement Program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaboration with neighboring courts. Expanding the Reimbursement Program will support courts in being able to pay for qualified interpreters and working more efficiently to share scarce language resources.

Appropriate Staffing and Support.

Well-trained staff can provide consistent and accurate customer service such as how to request a hearing, how/where to file paperwork properly, and establishing time payment schedules and collection delays. For individuals who are limited English proficient or deaf or hard of hearing, it is especially important that staff understand and recognize language access issues and how to secure interpreters.

What is the impact on other state agencies?

Other state and local agencies depend on judicial officers and court personnel to understand and correctly apply changing legal requirements and to support them in fulfilling their own constitutional and statutory mandates. When individuals cannot

communicate in the judicial process, they cannot effectively participate in proceedings, and understand information and forms. These can result in inefficiencies, delays, and added expense or lost revenue by other agencies. Additionally, certified court interpreters are used in other agencies.

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?

There are no funding alternatives. Washington trial courts have experienced increased interpreter costs without increased revenues or state reimbursement, thereby forcing expenditure reductions in other city/county services. Expanding the state reimbursement program to all courts helps provide equal access to justice for all individuals and increased access to qualified interpreters.

What are the consequences of not funding this request?

People need to be able to communicate in court matters. Without effective communication, it is not possible to achieve equal and fair access to justice or full engagement of all parties. Individuals must be able to present information and understand proceedings and rulings. Judicial officers cannot effectively preside over proceedings involving parties, witnesses or participants who are limited English proficient or deaf or hard of hearing without being able to accurately communicate with them. This can only be accomplished through the use of appropriately qualified interpreters.

Failing to provide timely interpreter services denies individuals the opportunity to participate fully in their court matter. For participants, it leads to mistrust and confusion. For courts, it leads to administrative inefficiencies and increased court costs due to continuances and delays. Inaccurate information creates a risk of incorrect judicial orders or verdicts. For example, a judicial officer's order for a defendant to avoid contact with a victim of crime will be ineffective and may be legally unenforceable, if the subject of the order does not understand it.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

- Appendix A is 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

Trial Court Funding For Language Access - Appendix A		2013-17 5-Year Average Case Counts		
Rural Counties	Estimated Population-2017 State OFM Data	Superior Court Cases	Courts of Limited Jurisdiction Court Cases	Total
Adams	19,870	77	732	809
Asotin	22,290	2	4	6
Chelan*	76,830	270	997	1,267
Clallam	74,240	9	74	83
Columbia	4,100	2	14	16
Douglas*	41,420	42	882	924
Ferry	7,740	2	2	4
Garfield	2,200	1	7	8
Grant	95,630	264	2,560	2,824
Grays Harbor	72,970	56	661	717
Jefferson	31,360	2	53	55
Kittitas	44,730	14	662	676
Klickitat	21,660	13	304	317
Lewis	77,440	60	533	593
Lincoln	10,700	46	71	117
Mason	63,190	57	514	571
Okanogan*	42,110	59	493	552
Pacific	21,250	7	126	133
Pend Oreille	13,370	2	5	7
San Juan	16,510	5	13	18
Skamania	11,690	2	21	23
Stevens	44,510	3	15	18
Wahkiakum	4,030	3	8	11
Walla Walla	61,400	47	313	360
Whitman	48,640	4	62	66
Sub-Total, Rural	929,880	1,049	9,126	10,175

Estimated Costs		
Superior Court	Courts of Limited Jurisdiction	Total
\$11,935	\$113,460	\$125,395
\$310	\$620	\$930
\$41,850	\$154,535	\$196,385
\$1,395	\$11,470	\$12,865
\$310	\$2,170	\$2,480
\$6,510	\$136,710	\$143,220
\$310	\$310	\$620
\$155	\$1,085	\$1,240
\$40,920	\$396,800	\$437,720
\$8,680	\$102,455	\$111,135
\$310	\$8,215	\$8,525
\$2,170	\$102,610	\$104,780
\$2,015	\$47,120	\$49,135
\$9,300	\$82,615	\$91,915
\$7,130	\$11,005	\$18,135
\$8,835	\$79,670	\$88,505
\$9,145	\$76,415	\$85,560
\$1,085	\$19,530	\$20,615
\$310	\$775	\$1,085
\$775	\$2,015	\$2,790
\$310	\$3,255	\$3,565
\$465	\$2,325	\$2,790
\$465	\$1,240	\$1,705
\$7,285	\$48,515	\$55,800
\$620	\$9,610	\$10,230
\$162,595	\$1,414,530	\$1,577,125

Trial Court Funding For Language Access - Appendix A		2013-17 5-Year Average Case Counts		
Mixed Counties	Estimated Population-2017 State OFM Data	Superior Court Cases	Courts of Limited Jurisdiction Court Cases	Total
Benton*	193,500	176	2,278	2,454
Cowlitz	105,900	78	505	583
Franklin*	90,330	206	2,525	2,731
Island	82,790	5	68	73
Skagit*	124,100	203	1,177	1,380
Whatcom	216,300	104	348	452
Yakima*	253,000	671	6,200	6,871
Sub-Total, Mixed	1,065,920	1,443	13,101	14,544

Estimated Costs		
Superior Court	Courts of Limited Jurisdiction	Total
\$27,280	\$353,090	\$380,370
\$12,090	\$78,275	\$90,365
\$31,930	\$391,375	\$423,305
\$775	\$10,540	\$11,315
\$31,465	\$182,435	\$213,900
\$16,120	\$53,940	\$70,060
\$104,005	\$961,000	\$1,065,005
\$223,665	\$2,030,655	\$2,254,320

Urban Counties	Estimated Population-2017 State OFM Data	Superior Court Cases	Courts of Limited Jurisdiction Court Cases	Total
Clark*	471,000	294	1,214	1,508
King*	2,153,700	1,600	14,541	16,141
Kitsap*	264,300	29	445	474
Pierce*	859,400	406	4,119	4,525
Snohomish*	789,400	439	4,391	4,830
Spokane	499,800	83	705	788
Thurston	276,900	103	877	980
Sub-Total, Urban	5,314,500	2,954	26,292	29,246
Grand Total	7,310,300	5,446	48,519	53,965

Superior Court	Courts of Limited Jurisdiction	Total
\$45,570	\$188,170	\$233,740
\$248,000	\$2,253,855	\$2,501,855
\$4,495	\$68,975	\$73,470
\$62,930	\$638,445	\$701,375
\$68,045	\$680,605	\$748,650
\$12,865	\$109,275	\$122,140
\$15,965	\$135,935	\$151,900
\$457,870	\$4,075,260	\$4,533,130
\$844,130	\$7,520,445	\$8,364,575

*Counties currently in the Reimbursement Program

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Timely and Essential Court Training

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to expand training opportunities and provide financial support to judicial officers and court staff to attend training.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$354,000	\$557,000	\$588,000	\$628,000
Total Cost	\$354,000	\$557,000	\$588,000	\$628,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	.75	1	1	1
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$63,000	\$84,000	\$84,000	\$84,000
Benefits	\$22,000	\$29,000	\$29,000	\$29,000
Goods/Services	\$83,000	\$259,000	\$288,000	\$320,000
Travel	\$134,000	\$141,000	\$149,000	\$157,000
Equipment	\$8,000	0	0	0
Grants	\$44,000	\$44,000	\$38,000	\$38,000
Total	\$354,000	\$557,000	\$588,000	\$628,000

Package Description:

The Administrative Office of the Courts (AOC) and the Board for Judicial Administrations' (BJA) Court System Education Funding Task Force (Task Force) and Court Education Committee (CEC), seek \$911,000 to develop critical court personnel training, provide financial assistance for those otherwise unable to attend essential training, and to meet the increased costs to provide training. The Task Force's Court System Training Needs Report found that judicial and court personnel often do not have access to timely and essential training. Proposed training and funding assistance will provide opportunities for personnel that currently have limited to no training opportunities. Funding is requested to provide additional training and distribute financial assistance to increase access to training.

General Rule 26 establishes the minimum requirements for continuing judicial education of judicial officers. The AOC, with guidance from the judges, clerks, and administrators on the BJA CEC, is responsible for providing training to court personnel at all court levels. General Rule 26; See, RCW 2.56.030 and 2.56.060; RCW 13.32A, 13.34, and 13.40; RCW 9A.36.080; RCW 43.113, 43.115 and 43.117.

Essential and Accessible Training Needed

The judicial system faces ever increasing societal demands for effective and informed responses to issues such as mental health, domestic violence, drug addiction, and complex trials. With the increasing numbers of self-represented litigants, changes in law, and dynamic social environments, it is critical that court personnel have accurate information and skills to effectively respond to changes.

In the Court System Training Needs Report, survey respondents overwhelmingly reported that more training opportunities, along with financial support to offset travel and registration costs, are needed for all positions. Almost 50% of judicial officers received no training until 6-12 months after taking the bench, and 63% of new administrators received no training until after six months of starting their positions. Less than 29% of court office personnel were able to attend the AOC's Institute for New Court Employee training. The program needed to be offered more frequently and often had a waiting list.

Around 50% of respondents reported there was insufficient funding for registration costs and for travel costs to attend in-person training. Respondents said that they can only attend free programs when available; that local funding for training was limited or non-existent; that without AOC they would not be able to attend training; and that scholarships and additional funding support was needed for all court levels.

Seventy-four percent (74%) of survey respondents specified that scholarships would help court system personnel access training that they cannot currently attend. Scholarships will help increase participation in training specific to their job positions and help court personnel receive essential training within the first six months of starting their positions.

New employees are often the first individuals the public sees upon entering the court. They need critical training in due process, customer service, and security--as it relates to both physical and data security. Bailiffs need to understand their roles, responsibilities and duties during trials and deliberation; the juror selection process; basic court technologies; and security to manage the courtroom and keep jurors safe. Funding is requested for development of additional training for court administrators, line staff, and bailiffs. Another new court employee training will be offered to accommodate increasing demands.

Presiding judge and administrator teams are charged with leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources to maximize the court's ability to resolve disputes fairly and expeditiously (GR 29). Critical in-person training for presiding judge and court administrator teams must be reinstated to provide skill-building and information necessary to effectively manage the courts.

The AOC requests \$911,000 to develop critical training, to support increased costs of existing training, and to provide much needed scholarships for personnel who otherwise would not have access to essential training when they start their positions. Funding will support the development of additional training focused on court administration and increase opportunities for line staff, bailiffs, and new court personnel; and add a court education professional to develop, coordinate and implement trainings. Additional funding for travel and registration costs will increase access to learning and skill-building opportunities and provide essential information for new personnel when it is most needed, as they start their positions.

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

Current funds provide only limited training opportunities for all court personnel in district and municipal courts, superior courts, and appellate courts in the 39 counties. Annually, \$312,500 is allocated to conduct training for thousands of court personnel, many of whom have limited to no training opportunities.

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

The AOC will hire a 1 FTE in the first year to develop training content and additional training. It is expected they would be hired in October, 2019. Personnel and related costs are estimated to be \$100,000 for court education staff during fiscal year 2020. The remainder of the request will be used for scholarships, standard low cost per diem reimbursements, and increased training costs.

Full funding for personnel costs are estimated to be \$120,000 in fiscal year 2021 for a full time court education professional. It is estimated that an additional \$155,000 will be necessary to provide additional in-person training events in fiscal year 2021. Additional training events may focus on presiding judge and court administrator team training, court administration training, and bailiff training. It is anticipated that scholarship funding will remain stable at \$44,000 in fiscal year 2021.

In order to keep pace with economic changes, the fiscal growth factor is used to adjust estimated non-personnel costs in fiscal years 2022 and 2023.

Decision Package Justification and Impacts

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

Accessibility.

Court personnel must ensure equal access to individuals using the court system. Yet, the courts rarely have the resources needed to keep judicial officers and court personnel informed and up-to-date so they can better serve their communities, including finding interpreters and addressing needs of veterans or persons with addictions and mental health issues. This is especially true in small and rural courts. Training will help judicial personnel recognize and address these issues.

Access to Necessary Representation.

N/A

Commitment to Effective Court Management.

Effective and efficient management of courts requires knowledge and skills in administrative roles and responsibilities, budgeting, human resource management, and related topics. New presiding judges and court administrators do not receive timely or comprehensive court management training. The Court System Training Report found that over 60% of new court administrators receive no training until after six months on the job. Implementing specific court administration trainings will help address overall court management needs and provide tools to respond to changing social environments and more effectively serve the public and community.

Appropriate Staffing and Support.

Well-trained personnel provide helpful customer service and information about court processes such as requesting a hearing, filing paperwork properly, and setting up time payments and collection delays. However, current training opportunities are limited or non-existent for line staff, bailiffs, and other court personnel. In order to facilitate access to justice and provide effective customer service, line staff need specialized training to understand the court system and due process, build job-related skills and decision-making ability, and to understand ethical responsibilities. Funding will help develop these trainings and make them available to personnel.

What is the impact on other state agencies?

Other state and local agencies depend on judicial officers and court personnel to understand and correctly apply changing legal requirements and to support them in fulfilling their own mandates. Inadequately trained personnel can lead to inefficiencies, delays, and added expense or lost revenue by other agencies.

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?

As set forth by RCW 2.56.030, the AOC is designated to provide training to court personnel. Due to past budget cuts and continued limited funding, programs such as the presiding judge and administrator team training, bailiff training, line staff trainings, and scholarships were eliminated. Without consistent funding, we cannot have consistent training of court personnel. There is no alternative funding.

What are the consequences of not funding this request?

Well-trained court personnel increase public trust and confidence by providing consistent and accurate information; processes that are just and timely; and full and fair hearings for every litigant. Each year the state legislature makes numerous changes to state statutes that impact civil and criminal laws, pattern forms, and procedures at all

levels of court. Judicial officers need to know how these state level changes influence their decisions and sentencing practices, and court personnel must be able to provide accurate information to the public. Uncertainties and delays can be costly to the public, can result in increased appeals, and can potentially affect case flow management and accurate data entry. Without funding for additional training, court personnel will not receive timely and critical skill-building and information necessary to effectively manage the courts, facilitate due process, provide customer service and provide information on updates and changes to laws. Without increased financial assistance, court personnel may not be able to attend critical trainings within the first six months of starting their positions.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Statewide Court System Online Training

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to develop a statewide online delivery system for training judicial officers and court staff.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$202,000	\$294,000	\$252,000	\$252,000
Total Cost	\$202,000	\$294,000	\$252,000	\$252,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.2	1.5	1	1
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$100,000	\$121,000	\$105,000	\$105,000
Benefits	\$36,000	\$43,000	\$38,000	\$38,000
Contracts	\$39,000	\$115,000	\$95,000	\$95,000
Goods/Services	\$9,000	\$11,000	\$10,000	\$10,000
Travel	\$2,000	\$4,000	\$4,000	\$4,000
Equipment	\$16,000	\$0	\$0	\$0
Total	\$202,000	\$294,000	\$252,000	\$252,000

Package Description:

The Administrative Office of the Courts (AOC) and the Board for Judicial Administrations' (BJA) Court System Education Funding Task Force (Task Force) and Court Education Committee (CEC), seek \$496,000 to develop a statewide online delivery system for training judicial officers and court personnel. The Task Force's Court System Training Needs Report found that new judicial and court personnel often do not have access to timely and essential training. This robust and cost-effective online training system will provide timely and critical knowledge and skill development for new judicial officers and court personnel. Funding will support content development and implementation of online training, as well as provide procurement and implementation of a learning management system.

General Rule 26 establishes the minimum requirements for continuing judicial education of judicial officers. The AOC, with guidance from the judges, clerks, and administrators on the BJA CEC, is responsible for providing training to court personnel at all court levels. General Rule 26; See, RCW 2.56.030, 2.56.060; RCW 13.32A, 13.34, and 13.40; RCW 9A.36.080; RCW 43.113, 43.115 and 43.117.

Timely and Accessible Training Needed

The training needs of the judiciary have increased due to ongoing complexities of the law, new legislation, and changes in the existing law, new forms, and high turnover of judicial officers, county clerks, and administrators. In the Court System Training Needs Report, survey respondents overwhelmingly reported that access to training was needed for their positions closer to their start date than when it was provided. Almost 50% of judicial officers received no training until 6-12 months after taking the bench, and 63% of new administrators received no training until after six months of starting their positions. During the Annual Judicial College in January 2018, it was found that 47% of the participants attending had waited 5 to 12 months for foundational courses provided during the college.

Rural court personnel currently have inadequate access to law-specific updates, administrative best practices, and peer-to-peer sharing opportunities. The Court System Training Needs Report results revealed that training opportunities for administrators and other court personnel are very limited or non-existent. Survey respondents reported that online training would be valuable for smaller courts when staff cannot leave the courthouse; for training opportunities when local funds or coverage are unavailable; and for office and front counter staff who currently have limited training opportunities.

Online training provides timely and flexible statewide training options, specifically on changes to laws, forms, and procedures for court personnel. Online training provides immediate access to resources and sustainable options for training information that is relevant for a number of years. It will also provide critical court management information for new presiding judge and court administrator teams who need this training but currently do not receive it. Rural courts will be able to access up-to-date information on best practices.

AOC requests \$496,000 to develop a comprehensive online training system that provides access to timely and essential training. Funding will support the development of a learning management system and staff to develop curriculum, courses and manage the learning management system. Initial development of training courses will be designed for new judicial officers, court administrators and court personnel. Special emphasis will be on small and rural courts and presiding judges and their administrative teams.

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

In the first year, AOC will hire personnel to develop content and procure the learning management system. Court education (.7FTE) and information technology (.5FTE) personnel and related costs are estimated at \$97,000 and \$63,000 respectively which includes \$5,000 per FTE for equipment for the first year. Development of online courses including content development, production, travel, and faculty costs are estimated at \$42,000.

Full funding for personnel costs in FY2021 are estimated to be \$113,000 for a court education professional (1FTE) and \$51,000 for IT support (.5FTE). These staff will continue to develop curricula and implement the learning management system. The cost of the learning management system is estimated to be \$70,000, and an additional \$60,000 is required for the ongoing development of online courses including content development, production, travel, and faculty costs.

Decision Package Justification and Impacts

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

Accessibility.

Court personnel must provide equal access to individuals using the court system. Courts have limited resources needed to keep judicial officers and court personnel informed and up-to-date so they can better serve their communities, including addressing needs of veterans or persons with addictions and mental health issues. This is especially true in small and rural courts. Specialized online training will help judicial personnel recognize and address these issues.

Access to Necessary Representation.

N/A

Commitment to Effective Court Management.

Effective and efficient management of courts requires knowledge and skills in the courts' administrative roles and responsibilities, such as budgeting, human resource management, and related topics. New presiding judges and court administrators do not receive timely or comprehensive court management training. The Court System Training Needs Report found that over 60% of new court administrators receive no training until after six months on the job. We anticipate 50% of the initial development of the online training will address court administration training. With access to immediate online education, presiding judges and administrators will be able to effectively manage case and court processes, build respect and understanding within the local community and facilitate resolution, all of which leads to effective use of resources and builds the public's trust and confidence in our court system.

Appropriate Staffing and Support.

Court personnel must provide accurate and consistent information to the public. This helps build public trust and confidence in the judiciary. Current training opportunities are limited or non-existent for line staff and other court personnel. Court administrators need training to effectively manage and support the court and staff in their work. Line staff

need specialized training to facilitate access to justice, provide effective customer service and understand overall court processes. Online training will provide information on topics such as public trust and confidence, purposes and responsibilities of the courts, case flow and workflow management, ethics, and accountability.

What is the impact on other state agencies?

Other agencies depend on judicial officers and court personnel to understand and correctly apply changing legal requirements and to submit accurate data necessary for those agencies to fulfill their own mandates. Inadequate training can lead to inefficiencies, delays, and added expense or lost revenue by other agencies.

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?

As set forth by RCW 2.56.030, the AOC is designated to provide training to court personnel. Current funding levels do not support the development and staffing necessary for an online training system. There are no adequate county and city online educational options available for specific court personnel training needs. The CEC researched other state judiciaries, such as California, Arizona and Idaho, who have developed robust online training for court personnel and judicial officers which has been successful in providing up-to-date training to all court personnel. The CEC and the Task Force feel the development of an online program fills the training gap for new court personnel, rural courts and presiding judge and administrator teams.

What are the consequences of not funding this request?

Each year the state legislature makes numerous changes to state statutes that impact civil and criminal laws, pattern forms, and procedures at all levels of court. Judicial officers need to know how these state level changes influence their decisions and sentencing practices, and court personnel must be able to provide accurate information to the public. Uncertainties and delays can be costly to the public, can result in increased appeals, and can potentially affect case flow management and accurate data entry. Online training provides immediate access to relevant and current resources and flexible statewide training options that may not otherwise occur in a timely and consistent manner if not funded. Court personnel may not be able to attend critical trainings within the first six months of starting their positions.

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

After careful consideration and thorough review of the AOC budget, it has been determined there is no funding for this activity.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Thurston County Impact Fee

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to offset the additional costs associated with the disproportionate impact of civil filings in Thurston County resulting from mandatory and discretionary civil case filings.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$1,094,000	\$1,094,000	\$1,094,000	\$1,094,000
Total Cost	\$1,094,000	\$1,094,000	\$1,094,000	\$1,094,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Grants	\$1,094,000	\$1,094,000	\$1,094,000	\$1,094,000
Total	\$1,094,000	\$1,094,000	\$1,094,000	\$1,094,000

Package Description

Many civil case types are statutorily required to be filed in Thurston County Superior Court. In addition, many other civil case types are also filed in Thurston County due to convenience, proximity to state agencies and proximity to the Office of the Attorney General.

These factors create a disproportionate workload on the superior court and clerk's office when compared to comparable sized courts. The legislature has asked that a new funding formula be developed in order to document the costs associated with the disproportionate workload and associated impacts.

The Administrative Office of the Courts (AOC), the Thurston County Superior Court and the Thurston County Clerk's Office are currently working together to gather the data that will be used to populate the revised formula.

It is anticipated that data collection, analysis and the results will be finalized by October 2018. The data and results will be used to update this funding request.

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

Prior to reduction by the legislature, the level of effort was \$811,000 per year.

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

Reinstatement of the amounts previously appropriated by the legislature. Amounts requested have been updated to include caseload data collection and analysis.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal 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 is the impact on other state agencies?

If funding is not provided civil cases filed by and against state agencies will be substantially delayed.

What is the impact to the Capital Budget?

None.

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?

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

What are the consequences of not funding this request?

If funding is not provided civil cases filed by and against state agencies will be substantially delayed.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Family and Juvenile Court Improvement Program

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for full reimbursement to current Family and Juvenile Court Improvement Program (FJCIP) courts, provide funding for one to three additional courts, to conduct an evaluation of the program, develop a five-year strategic plan for statewide implementation, and to provide funding for low-cost DNA testing for alleged fathers in dependency and termination of parental rights cases.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$362,000	\$367,000	\$367,000	\$367,000
Total Cost	\$362,000	\$367,000	\$367,000	\$367,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0.5	0.5	0.5	0.5
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$44,000	\$44,000	\$44,000	\$44,000
Benefits	\$15,000	\$15,000	\$15,000	\$15,000
Contracts	\$146,000	\$66,000	\$66,000	\$66,000
Goods/Services	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$5,000	\$0	\$0	\$0
Grants	\$150,000	\$240,000	\$240,000	\$240,000
Total	\$362,000	\$367,000	\$367,000	\$367,000

Package Description

Background:

In 2008, Second Substitute House Bill 2822 established the Family and Juvenile Court Improvement Program (FJCIP). The FJCIP was thus created to fund efforts to reform and enhance court systems that manage family and juvenile cases. The guiding principles for reform are based on the UFC methodology as well as state and federal timelines related to processing dependency cases. The primary focus for the administration of FJCIP is working with other stakeholders in family and juvenile court

operations to support timely, effective resolution of dependency cases and to coordinate dependency court improvement efforts.

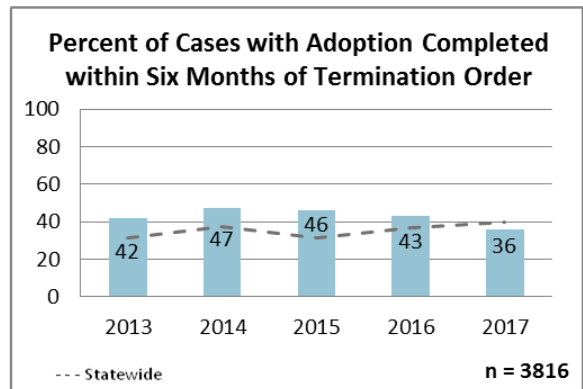
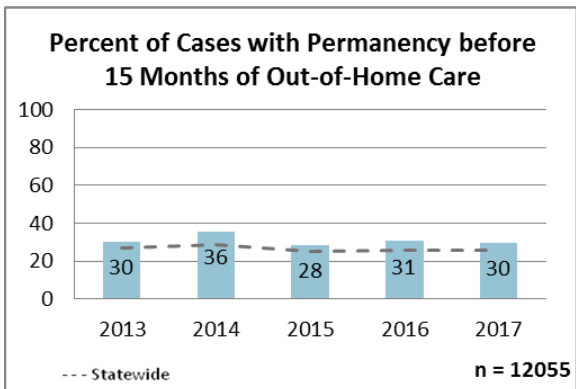
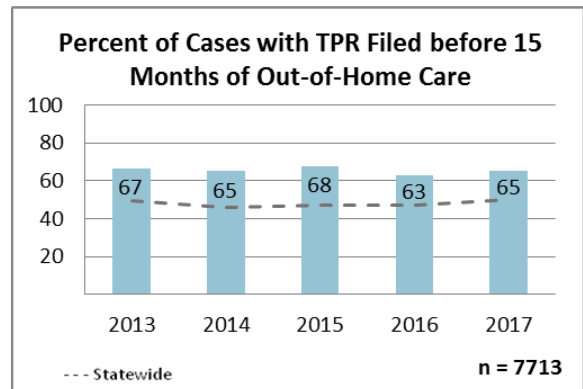
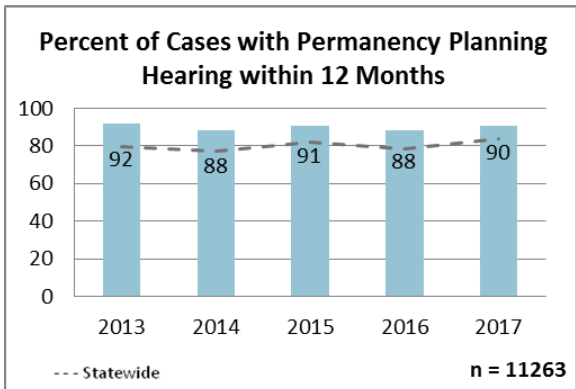
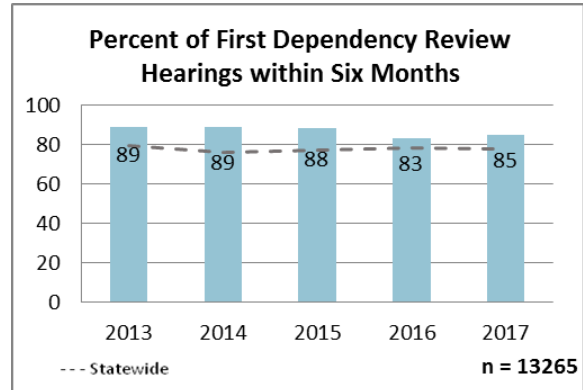
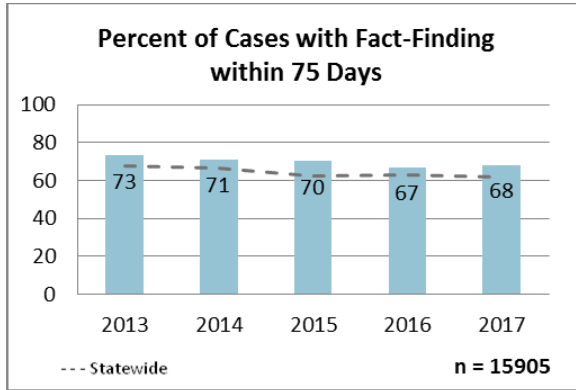
Initially, \$800,000 per year of state funding was provided for grants to 16 sites across the state. The money primarily funded case coordinators who worked with the juvenile court/UFC chief judges to conduct local court analysis of service delivery. Findings from the Dependency Timeliness Report were used to establish local improvement plans to facilitate improvements to court practices and by using the UFC principles as a guide.

Funding was reduced after the first year, due to significant statewide budget cuts, and currently \$598,819 is allotted for FJCIP annually. The funding reduction resulted in elimination or reduction of innovative projects, training, and travel. Current funding only covers 83 percent of the salaries and benefits for the FJCIP coordinator positions. Despite these cuts, there are ten superior courts continuing to participate in the FJCIP program: Chelan, Clallam, Island, Jefferson, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston. As shown on the following page, the FJCIP courts are more compliant with the dependency timeliness measures than courts in the rest of the state.

Full funding for the FJCIP coordinator positions is critical. The ultimate goal is for all dependency courts in Washington State to have funds available to support an FJCIP coordinator so that all could benefit from improved outcomes. An evaluation of the program, along with development of a five-year strategic plan, will provide a roadmap for statewide implementation of best practices for this program in a thoughtful, methodic approach.

PERFORMANCE OF THE FJCIP COURTS ON THE DEPENDENCY TIMELINESS INDICATORS

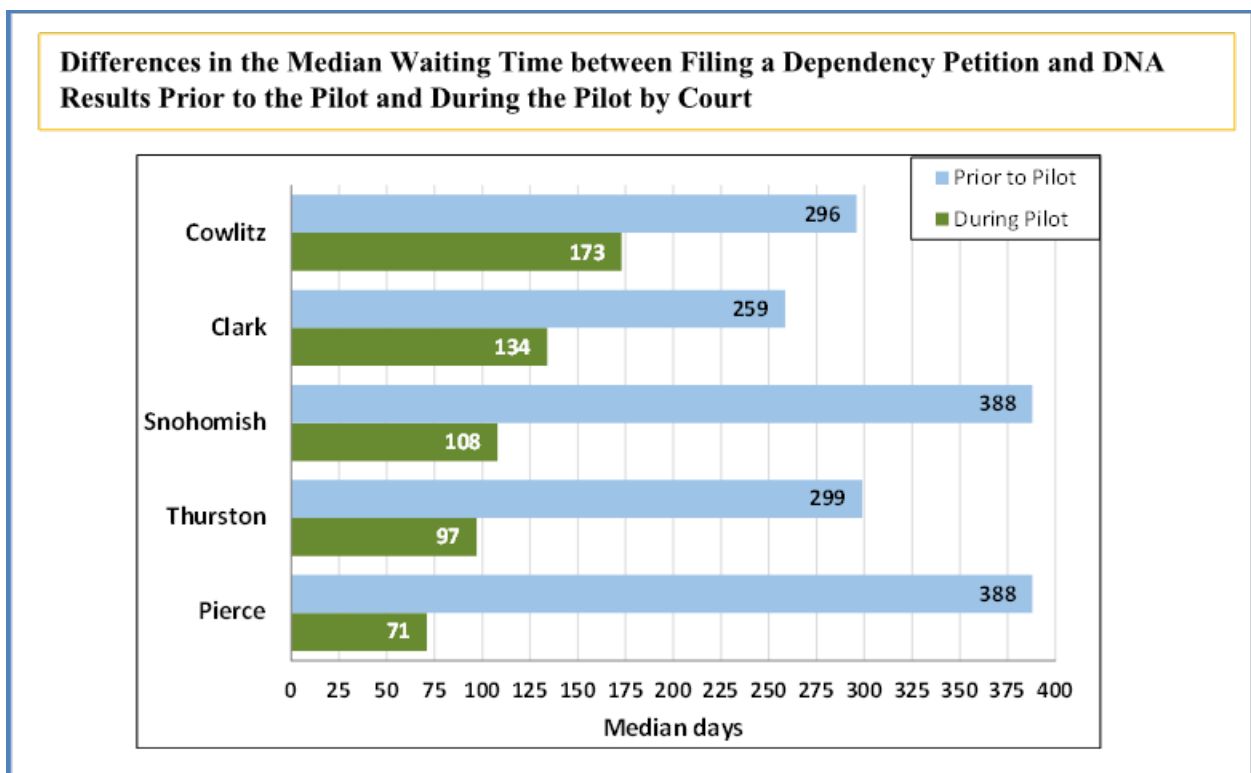
The following graphs compare FJCIP courts (blue bars) with statewide (dashes) compliance with federal and state dependency timeliness measures.



In addition, establishing paternity early in a child’s life has been demonstrated to positively impact dependency case processing and outcomes for children. Definitively establishing paternity increases the likelihood of a father’s early engagement and lasting family reunification. Fathers’ involvement is associated with improved child well-being and lower levels of child behavior problems, and children with involved fathers are less likely to re-enter the child welfare system¹. For these and other reasons, it is important that courts have efficient access to DNA testing, and the funding available to obtain the tests.

The Establishing Biological Paternity Early Pilot Project (EBPEPP) has provided several juvenile courts in Washington State with an opportunity to secure paternity testing early in the process. During the project, testing was performed on alleged fathers and children (motherless testing) in individual cases. Test fees were paid through the Administrative Office of the Courts (AOC) Court Improvement Program grant funding. The juvenile courts in Cowlitz, Clark, Pierce, Thurston, and Snohomish Counties participated in this project, which started in August of 2014 and ended on July 31, 2016.

The project succeeded in showing a significant reduction in the waiting time from filing the dependency petition to entering the DNA results:



The project also showed a significant cost-savings in paternity testing prices and reduced costs for publication. In cases that include an alleged father the Attorney General’s Office publishes legal advertisements designed to provide notice to fathers when their identity or location is unknown. Each County Clerk’s Office pays the

¹ Washington State Dependency Best Practices Report, Commissioned by the Washington State Supreme Court Commission on Children in Foster Care, Co-Chaired by Justice Bobbe J. Bridge (Ret.) & Denise Revels Robinson

newspaper for the legal notice to be published. The price for each advertisement varies, but averages around \$500. The paternity testing program has proved to be less expensive and significantly timelier than publishing in local newspapers, which is what traditionally happens if paternity cannot be established and there are alleged fathers. For the most part, the courts were able to direct an alleged father to be tested on site, ensuring that paternity could be established (or in some cases disestablished) in a timely manner.

As a result of the success of the pilot project, several Family and Juvenile Court Improvement Program (FJCIP) courts have struggled to implement this program in their jurisdictions as administrative support and funding allows. They recognize that identifying the biological father at the earliest juncture helps reduce time to permanency, which in turn reduces the strain of the dependency caseload on the court system.

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

Currently, the AOC receives an annual appropriation of \$598,819 to distribute to counties participating in the FJCIP program. The following table displays FJCIP funding distribution July 1, 2016 – June 30, 2017.

County	Actual Expenditures 7/1/16-6/30/17		Spending Plan
	Cost to Counties	Reimbursed by AOC	Contracts
Asotin/Garfield/Columbia	\$14,248.68	\$14,248.68	\$18,720.00
Chelan	\$43,546.00	\$19,325.00	\$19,325.00
Clallam	\$34,951.00	\$30,496.32	\$29,673.00
Island	\$29,782.00	\$19,989.00	\$19,989.00
Jefferson	\$12,761.00	\$12,286.54	\$14,420.00
King	\$108,700.00	\$86,308.56	\$85,175.00
Kitsap	\$105,880.00	\$94,015.99	\$90,146.00
Pierce	\$108,172.00	\$100,783.16	\$108,160.00
Snohomish	\$112,011.00	\$95,612.34	\$93,946.00
Spokane	\$76,770.00	\$59,837.66	\$56,000.00
Thurston	\$72,412.50	\$65,915.75	\$63,265.00
TOTAL	\$719,234.18	\$598,819.00	\$598,819.00

Asotin, Columbia, and Garfield counties did not renew their FJCIP contract for the July 2017- June 2018 contract period. Those funds will be distributed through the revenue sharing process to FJCIP counties that did not receive full compensation for actual expenditures.

In addition, the program provides \$10,500 annually to cover travel and meeting expenses for the FJCIP Oversight Steering Committee and FJCIP Coordinators to attend training and site visits.

The Establishing Biological Paternity Early Project is in various forms of implementation in several counties throughout the state. Some of the pilot counties have not been able

to continue the program due to lack of funding or other reasons. Several FJCIP courts saw Pierce County program's success and began implementation in their own courts in 2017. The tables below describe the status of the pilot programs, as well as implementation in other FJCIP courts.

Status of EBPEP Pilot Courts:

Pierce	The testing program began as part of the pilot project in September 2015, and approximately 150 tests are processed per year. It is regarded by all court partners as an enormous success. Due to the lack of stable funding, in order to keep the program going and on a temporary basis, DSHS Children's Administration (CA) has agreed to pay \$5,000 this year to cover costs of the testing and the Office of Public Defense (OPD) has to pay \$2,500. (Last year, CA paid 2/3 and OPD paid 1/3 of the cost and the court picked up the balance (under \$1,000).) 98 percent of alleged fathers are tested directly after court at the courthouse. Children are most often tested at the time of their placements.
Snohomish	The testing program began in August 2014 as part of the two-year pilot project, completing 36 tests. However, there were administrative problems and the program lapsed. As of March 2018, the court re-instituted the program because of its positive caseload impact. If ongoing funding can be secured, an estimated 150 tests are expected be conducted annually. On a one-year basis, the CA will fund 66 percent of the cost of testing and OPD will fund 33 percent.
Thurston	The testing program began in 2014 as part of the pilot project. It has covered an average of 45 tests per year. CA has funded testing on a temporary basis since the pilot ended. The number of tests is expected to increase once planned in-court testing begins, as more alleged fathers can be tested at shelter care hearings.
Clark	Participated in the program August 2014 through July 2016, and conducted 18 paternity tests. Currently there is no funding to continue the program.
Cowlitz	Participated in the program August 2014 through July 2016. The program could not be continued after Court Improvement Program funding ended. Parties are trying to find funding on a case by case basis when possible. This has caused delays in cases moving forward and children finding permanency.

Other FJCIP Courts Implementing the EBPEP Program:

Chelan	The program was implemented in October 2017. Superior Court has funded three cases so far, other sources of funding are being sought.
Kitsap	The program was implemented in July 2017. Thirty-one tests have been processed, with 60 estimated annually. This year, CA paid for the testing but there is no stable source of funding. Court partners have hugely supported implementation of the program.
Spokane	The court is working on establishing a program. Funding is not yet secured.

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

	FY20	FY21
<p>Increase FJCIP grant amounts to cover salaries and benefits for FJCIP Coordinators in 10 currently participating counties. <i>The cost to counties for salaries and benefits for FJCIP Coordinators for 7/1/16 – 6/30/17 was \$719,234. Superior Court Administrators provided salaries and benefits costs for FJCIP Coordinators for 2018, which totaled \$738,549. AOC currently receives \$598,819 to fund the FJCIP program, a difference of \$139,730, which rounds up to \$140,000</i></p>	\$140,000	\$140,000
<p>Increase FJCIP grant amount to cover the addition of three small or one medium sized county. <i>Cost for a small county to hire a part-time FJCIP Coordinator is estimated at \$30,000, based on averaging costs of Chelan, Clallam, Island and Jefferson listed in the chart above. Smaller counties have part-time coordinators because the number of cases is smaller in these counties. Cost for a medium sized county is estimated at \$90,000 based on averaging costs of Kitsap and Thurston.</i></p>		\$90,000
<p>Professional Services Contract for evaluation of the FJCIP program and development of a 5-year strategic plan for statewide implementation. <i>The National Council of Juvenile and Family Court Judges provided an estimate to conduct an evaluation of the FJCIP program and provide consultation on development of a 5-year strategic plan.</i></p>	\$80,000	
<p>Increase AOC program staff .5 FTE to facilitate the evaluation process, development of strategic plan, and oversight and training of additional FJCIP courts. <i>Cost of current FJCIP program staff .5 FTE Salaries \$44,000, and Benefits \$15,000, totaling \$59,000. Equipment \$5,000 year one; Goods/Services \$2,000 each year.</i></p>	\$66,000	\$61,000

	FY20	FY21
<p>Paternity Testing Fees The State of Washington has a contract (#03010) with Labcorp to provide genetic testing services at the contracted price: \$30 per test if the DNA sample is collected by the lab \$25 per test if the DNA sample is collected by the agency The Attorney General's Office provided the number of dependency cases statewide with alleged fathers during 2015-</p>	\$66,000	\$66,000

<p>2016, which provided the basis of an estimate of 1,200 cases per year with alleged fathers.</p> <p>Some courts will be collecting the DNA samples at the courthouse and some will be sending the alleged fathers and children to the lab. The estimate is based on half of the samples being collected by the lab and half collected by the agency. 600 cases x \$30 x 2 (alleged father & child) = \$36,000 600 cases x \$25 x 2 (alleged father & child) = \$30,000 For a total of \$66,000</p> <p>Labcorp will bill AOC on a monthly basis. Court Improvement Program staff will review the invoices and submit to the Fiscal Department for payment. Staff time will be absorbed by the Court Improvement Program.</p>		
<p>Grants to participating counties AOC will contract with participating counties to provide 15 percent administrative cost to the counties for implementing the program and providing an annual report to AOC.</p>	<p>\$10,000</p>	<p>\$10,000</p>

Decision Package Justification and Impacts

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

Accessibility.

FJCIP coordinators and court staff provide assistance to parents who are working through dependency and family court systems. If early testing determines an alleged father is the father, he becomes a full party and is provided all protections a parent receives in a dependency case. If the test determines an alleged father is not the father, he is removed from the case along with possible issues that could negatively impact his life (job, ability to volunteer at school, etc.)

Access to Necessary Representation.

N/A

Commitment to Effective Court Management.

The FJCIP coordinators provide case management to assist families in dependency to complete family law actions (parenting plans or non-parental custody), enabling the court to dismiss their cases more quickly. Coordinators also monitor filing statistics and refine court calendaring to support more efficient case flow.

Establishing paternity early in the case reduces unnecessary hearings and trials, and the cases resolve more quickly. For example, prior to the pilot project, there were at least three instances where cases made it all the way to the termination of parental rights trial prior to finding out the alleged father was not the biological or legal father. Early identification ends cases earlier.

As required by law, if the court finds that a biological father is a fit parent, children can be returned to their father and a dependency alleging the mother is unfit can be dismissed early on. In other cases, a biological father's paternal relatives can be considered as placement resources and children can exit foster care sooner. In other cases, alleged fathers who are determined not to be biological fathers are dismissed, reducing costs of attorneys and services going to alleged fathers.

Appropriate Staffing and Support.

FJCIP coordinators are necessary to improve case flow management for dependency cases, in order for dependency cases to increase compliance with state and federal timeliness measures.

What is the impact on other state agencies?

Coordination between the courts and other state agencies working on child welfare cases enhances the work done by involved state agencies; such as the Department of Children, Youth and Families; Office of Public Defense, Attorney General's Office; and Office of Civil Legal Aid.

Alleged fathers are dismissed from cases in which paternity is not established, reducing costs of attorneys and services going to alleged fathers. Social workers are better able to devote their time and attention to the legal parties to the case. State agencies affected are: OPD, the Attorney General's Office (AGO), CA (soon to be Office Children Youth and Families), and Child Support Enforcement.

What is the impact to the Capital Budget?

None.

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?

An alternative is to require the participating counties to provide a 15 percent match starting in FY 2019 and more equally distribute the FJCIP funds. However, it would be a particular hardship on current FJCIP counties, as they have already gone through the budget process, relying on the previous FJCIP grant allocation. To make the change now, would be a significant burden on several counties, which may impact their ability to retain their FJCIP coordinator position.

This request would provide 100 percent funding for two years, with the notice to participating counties that, starting in Fiscal Year 2022, they will be required to provide a 15 percent match. This process will give the counties enough time to prepare for the change, and give the FJCIP program increased available funding to provide grant opportunities to other interested counties, statewide.

What are the consequences of not funding this request?

Counties that are not currently receiving adequate funding may terminate the FJCIP coordinator position, resulting in lack of resources to properly track and improve the dependency court system. Lack of funding would potentially lead to loss of improved timeliness and outcomes in those counties achieved over the life of the grant.

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

AOC could continue funding each FJCIP court at the current appropriation level for two years, then reduce the funding allocation to 85 percent of salary and benefit costs for FJCIP coordinator positions. This would likely result in some counties terminating the FJCIP coordinator position, resulting in the consequences described above.

Other supporting materials:

- Family and Juvenile Court Improvement Program 2017 Report to the Legislature (attached).
- [Dependent Children in Washington State: Case Timeliness and Outcomes 2016 Annual Report](#) (add 2017 report when available in April).
- Establishing Biological Paternity Early Pilot Project in Dependency and Termination Cases Report can be found here: [Report](#)

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Judicial Bench Books

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for staffing to revise outdated legal reference guides known as “bench books” or “bench guides” that are needed by judges.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$154,000	\$333,000	\$325,000	\$325,000
Total Cost	\$154,000	\$333,000	\$325,000	\$325,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.6	3.0	3.0	3.0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$94,000	\$225,000	\$225,000	\$225,000
Benefits	\$34,000	\$78,000	\$78,000	\$78,000
Goods/Services	\$9,000	\$14,000	\$14,000	\$14,000
Travel	\$1,000	\$7,000	\$7,000	\$7,000
Equipment	\$16,000	\$9,000	\$1,000	\$1,000
Total	\$154,000	\$333,000	\$325,000	\$325,000

Package Description:

Judges and court commissioners must make multiple quick decisions about far-ranging topics, often from the bench, in a crowded courtroom full of people awaiting their own hearings. Those judges and court commissioners depend on reference materials called “bench books” or “bench guides” that must be concise, kept current with changes in the law, objective, and easily searched.

The Administrative Office of the Courts produces and attempts to maintain these reference materials in key areas of law and practice. However, current staffing levels are not sufficient to keep up with the needs of the judiciary and with rapid changes in legislation, case law, and court practice. As a result, bench books and practice guides in key areas of law are out of date or effectively obsolete.

The Administrative Office of the Courts seeks funding for two Sr. Legal Analysts and one Sr. Administrative Assistant. Sr. Legal Analysts will update current bench books, manage processes for obtaining judicial officer and other stakeholder input, establish standards, manage contracts with content providers, and develop additional content based on priorities of judicial officers. A Sr. Administrative Assistant is needed to proofread, format, and assist with stakeholder coordination and document review.

A survey conducted in 2018 by Board for Judicial Administration (BJA) Court System Education Funding Task Force found that 56% of judicial officers depend on these bench books for their decision making.

The Task Force recommended that the AOC seek this additional support for developing and maintaining bench books. The BJA Court Education Committee, which sets policy for court system education statewide, agreed that “finding resources for updating and maintaining bench books is critical” and also urged the AOC to seek additional funding to address the need.

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

The Office of Legal Services and Appellate Court Support currently has three Senior Legal Analysts, a Principal Legal Analyst, a Manager, and 1.5 administrative FTEs that support pattern forms, pattern jury instructions, court rulemaking, legislative analysis, legal analysis and bench books. Because each analyst has an area of emphasis and multiple duties, including extensive legislative analysis during the legislative session and post-session implementation, the task of reviewing, analyzing, and updating voluminous legal materials such as bench books is frequently interrupted by emergent issues. As a result, progress is slow and inefficient. This proposal would dedicate skilled legal resources to producing legal publications such as bench books.

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

One Senior Legal Analyst will be added in the first year to develop and update core bench book content. A Senior Administrative Assistant will also be hired to proofread and format materials and to coordinate meetings and communication with stakeholders. It is assumed both positions will be hired and begin work on November 1, 2019. Personnel costs in the first year are \$154,000, including salary, benefits, support, and overhead. A second Senior Legal Analyst will be added July 1, 2020 to manage stakeholder input on content priorities, work with judicial officers and practitioners to establish and maintain publication standards, establish and help lead groups of legal and subject matter experts to assist with developing content, and manage contracts with content providers. Personnel cost in year two are \$328,000 including salaries, benefits, support, overhead, and another \$5,000 for travel costs for stakeholder coordination. In addition, \$5,000 per FTE is requested for equipment during the year they are hired.

Decision Package Justification and Impacts

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

Accessibility.

Judicial officers and other court personnel must provide equal access to individuals using the court system. Concise, current, objective, and easily searched legal resource materials will provide judicial officers and court personnel with essential information about critical legal requirements and best practices for ensuring that courts are accessible to all.

Access to Necessary Representation.

Concise, current, objective, and easily searched legal resource materials will provide judicial officers and court personnel with key information about critical legal requirements and best practices for ensuring that courts understand and effectively implement the right to legal representation.

Commitment to Effective Court Management.

Concise, current, objective, and easily searched legal resource materials will provide judicial officers and court personnel with key information about critical legal requirements and best practices for ensuring that courts are effectively managed. Timely access to such materials help ensure that judicial officers have resources to make prompt and legally correct decisions, without which there may be additional delays, continuances, or appellate review.

Appropriate Staffing and Support.

N/A

What is the impact on other state agencies?

Other state and local agencies depend on judicial officers and court personnel to understand and correctly apply changing legal requirements and to support them in fulfilling their own mandates. Inadequately trained personnel or reliance on obsolete information can lead to inefficiencies, delays, and added expense or lost revenue by other agencies.

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?

AOC considered reprioritizing work of existing personnel, but doing so would negatively affect other priorities of the branch including branch legal analysis, legislative analysis, state and local rulemaking, pattern forms, pattern jury instructions, and judicial ethics opinions. AOC also considered outsourcing content creation, but additional staff resources would still be needed for procurement, contract management, quality control, contractor costs, and working with judicial stakeholders for their practical input and prioritization. The chosen approach provides the best opportunity to provide the needed

service by dedicating skilled legal personnel to produce core materials and manage the work of additional volunteer or contracted content providers to ensure that products are objective and meet the needs of the judicial community.

What are the consequences of not funding this request?

Important legal resource materials relied upon by judicial officers to assist them in making quick and accurate decisions will not be updated with changes in law and practice. Reliance on outdated or obsolete materials increases the risk of legal error and delays, which can affect public safety and cause great inconvenience, cost, and injustice for the public. The longer updates are delayed, the greater the risk and the greater the time and expense that will be required to update or replace them in the future. Without current and accurate bench books and bench guides, judicial officers may require more recesses, delay decisions by taking more cases under advisement, or continue more cases.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

- March 6, 2018 letter from BJA Court Education Committee co-chairs Judge Judy Rae Jasprica and Judge Douglas J. Fair to Callie Dietz

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



March 6, 2018

Ms. Callie Dietz
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98505-1170

Dear Callie:

As you know the Board for Judicial Administration (BJA) created the Court System Education Funding Taskforce which has been working with the CEC to focus on the top court educational priorities for the next biennium and continue to develop funding strategies in our effort to find adequate and sustainable funding for court education.

During the March 2, 2018 Court Education Committee we reviewed the funding priorities and will be moving forward with two biennial requests. The first will focus on funding online education and training, the second will focus on the expansion of educational programs and increasing the costs for existing programs.

The other priority identified by the Task Force was the need for funding to update and maintain the bench books. We agree that the funding for the updating and maintaining bench books is critical. This was also identified as priority at our stakeholder retreat we held last March. These bench books are invaluable in providing Judges as well as court staff with current information on any number of areas of law and procedure that the courts deal with daily. In the discussions at the recent CEC meeting, we determined that the bench books are not currently covered under the CEC budget, and we do not believe it should be covered in the two biennial requests. Therefore, we ask that you consider submitting a stand-alone biennial request for the improvement of the bench books so that this valuable resource will be recognized and funded.

Thank you for your consideration of this request. Of course, the CEC will full support any efforts made to fund these valuable resources.

Handwritten signature of Judge Judy Rae Jasprica in blue ink.

Judge Judy Rae Jasprica
Chair, BJA CEC

Handwritten signature of Judge Douglas J. Fair in blue ink.

Judge Douglas J. Fair
Co-Chair, BJA CEC

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Web Services Support

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for additional Web Services staff support necessary to serve the increasing demand of multiple programs and exchanges.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$141,000	\$136,000	\$136,000	\$136,000
Total Cost	\$141,000	\$136,000	\$136,000	\$136,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1	1	1	1
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$102,000	\$102,000	\$102,000	\$102,000
Benefits	\$32,000	\$32,000	\$32,000	\$32,000
Goods/Services	\$1,000	\$1,000	\$1,000	\$1,000
Travel	\$1,000	\$1,000	\$1,000	\$1,000
Equipment	\$5,000	\$0	\$0	\$0
Total	\$141,000	\$136,000	\$136,000	\$136,000

Package Description:

The AOC Web Services supports over 293 courts, state and federal agencies, law enforcement, prosecutors, criminal justice partners and the public.

Several major AOC Commercial-Off-The-Shelf (COTS) technology projects necessitate additional Web Services work on items such as API interfaces, applications, maintenance, and daily support for stakeholders both externally and internally.

External agencies, such as the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division National Instant Criminal Background Check System (NICS), require important data connected through Internet exchanges and

web portals. These services require ongoing infrastructure upgrades, security, and staff and are indicative of the many applications needing change due to modernization by COTS products.

These projects and daily operations now exceed the capacity of the current Web Services team.

Web Services is no longer a splash page of internet information but complicated interfaces and collaboration with other agencies, courts, applications, and assistance. Advanced information technology has changed the way governments operate. Escalating trends demand information be easy to access, quick to retrieve, and secure. These advances come at a price, requiring advanced operations and infrastructure, along with staff to steward information and development.

Demand for these essential services exceeds current staffing capacity.

Triaging complex problems with limited staff presents a challenge in prioritizing tasks. For example, if Opinions from the Supreme Court do not show correctly on the court website a triage must take place to find the problem. This triage includes sifting through multiple levels of servers, applications, load balancers, code, and firewalls. Tracking these instances and determining mitigation doubles as each security level tightens and technology advances and expands.

In addition to the Stakeholder Collaboration (Figure 1) Web Services staff are Subject Matter Experts in:

- Security—global web, application, and network security
- Business analysis
- Application development, testing, and support
- Web design and architecture
- Web usability, accessibility, and project management
- Content management
- Institutional application knowledge
- Database development—JIS, DB2, Data Warehouse/ODS/SQL
- Customer services—technical support
- JIS Link customer and technical support
- Project web support

This group of three (3) Individuals build and manage over 180 applications and multiple websites. They provide unprecedented partnering services as the Stakeholder Collaboration chart reveals.

Collaboration Chart

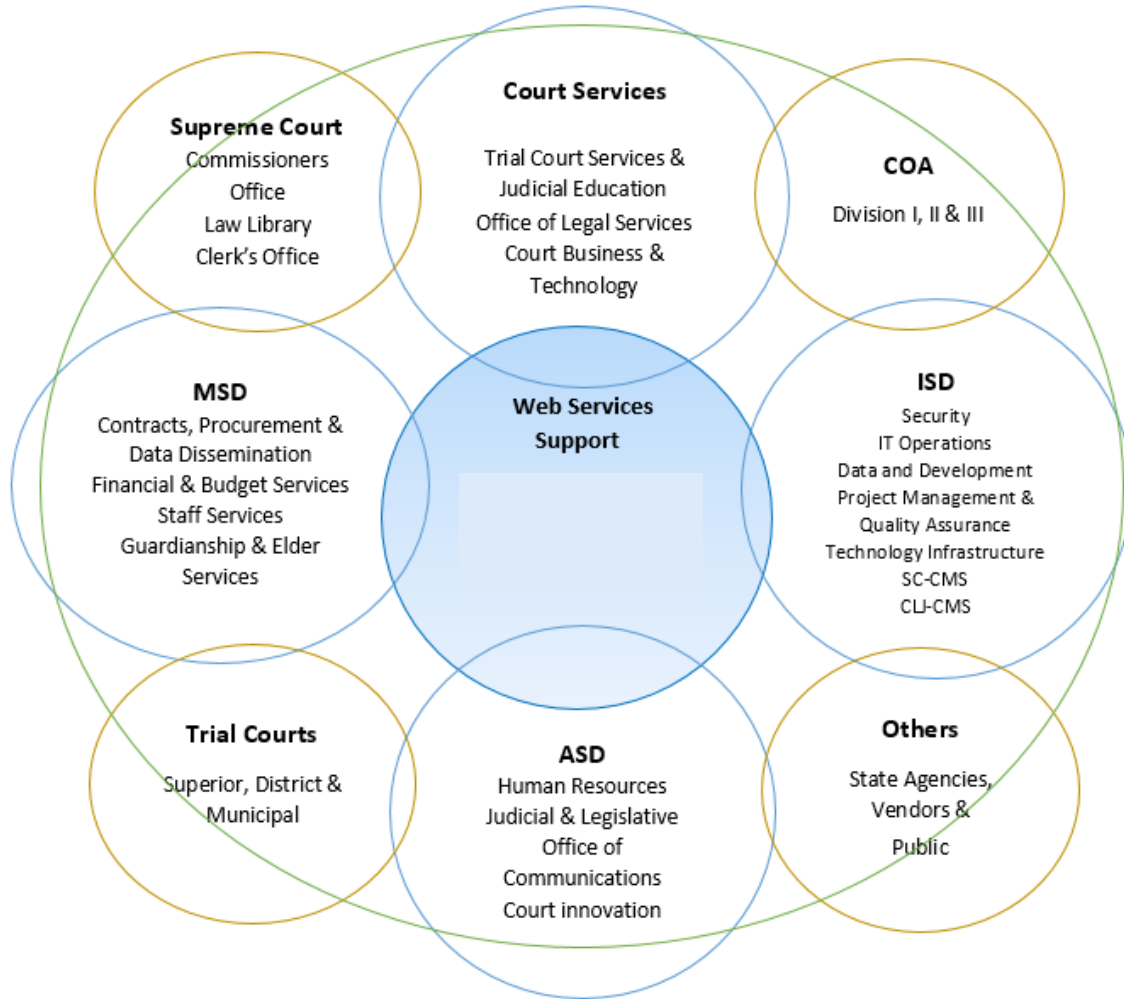


Figure 1 Stakeholder Collaboration

AOC has four major new and continuing Commercial-Off-The-Shelf (COTS) technology projects in various stages of completion. Each of these projects, which affect all levels of courts, necessitate Internet updates, web (API) interfaces, and support. There will be more demand for more web project work. In its current form, Web Services cannot keep up with daily operational duties let alone sophisticated development and strategic planning.

As new technology applications continue to come online, the volume of work will increase proportionately, not only to develop new applications but also to sustain and support existing applications. For example, a new server is being prepared to add to the two network servers. This will require Web Services support to on-board applications and test.

While new applications and updates continue, more and more emphasis is on web interfaces, portals, and exchanges. As this trend continues, Web Services support will not be sustainable.

Solution:

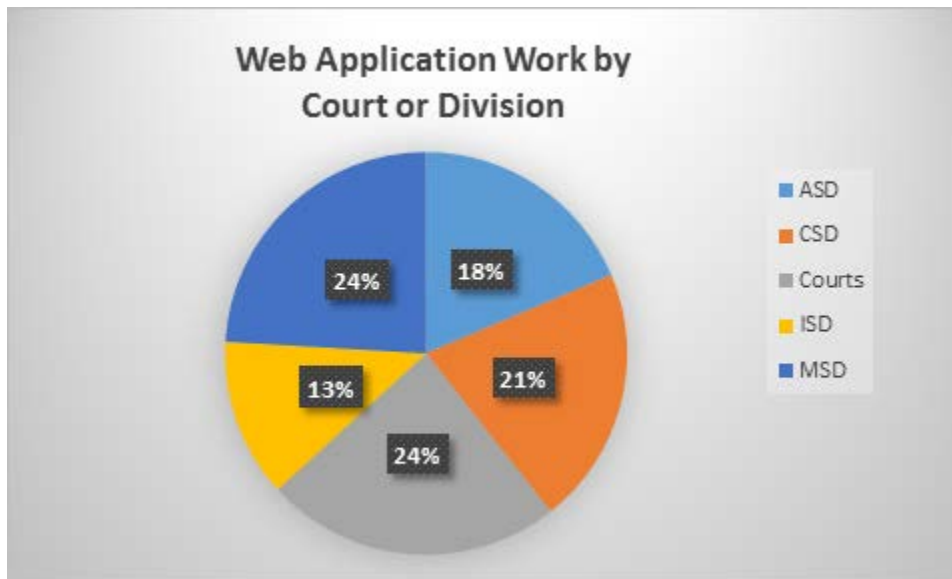
Web Services needs a minimum of one (1) additional Full Time Employee (FTE) Senior Developer.

The position will provide enhanced solutions to application integrations and reduce the crisis for operational support.

Additionally one (1) new DreamWeaver license/ 1-year subscription (\$1,138) and one (1) Developer PC, Monitors and Keyboard (\$2,000) will be required.

RightNow Incidents:

Many of the support calls or help tickets generate a RightNow Incident. RightNow incidents are trouble tickets dispersed to groups around the agency for resolution. Incidents vary in complexity, number of requests, and length of time to complete. From January 2017 to January 2018 1,879 incidents were assigned to Web Services.



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

Current Level FTE count is three (3) FTE.

Web Services provides essential information to several State and 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 expanding access to critical judicial information and self-service options.

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

- *Supreme Court*
Clerk's Office, Law Library, Commissioners Office, Reporter of Decisions, External Client Support.
- *Judicial Services*

Trial Court Services, Judicial Education, Legal Services, Court Business, and Technology.

- *Court of Appeals*
Divisions I, II, and III
Clerk's Office, External Client Support.
- *Management Service Division*
Contracts, Data Dissemination, Budget, Facilities, JIS Link, Guardianship and Elder Services.
- *Trial Courts*
Superior, District, and Municipal Courts.
- *Administrative Services*
Human Resources, Washington State Center for Court Research (WSCCR), and Office of Legislative and Judicial Relations.
- *Information Service Division*
Security, Operations, Data, Quality Assurance, Infrastructure, Case Mgmt. Projects.
- *State/Federal/Public*
FBI, Department of Licensing (DOL), Department of Social and Human Services (DSHS), Department of Corrections (DOC), Office of the Secretary of State (SOS), Department of Fish and Wildlife (DFW), Vendors, Public.

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

This request is for a Senior Developer at a range 72. In addition, additional license, equipment for the first year and goods/services and travel are included in the cost.

Decision Package Justification and Impacts

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

Accessibility.

Washington courts, court facilities, and court systems require important data connected 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 for self-represented litigants.

Commitment to Effective Court Management.

Properly functioning web services and applications can significantly improve court operations by allowing courts to focus on implementing efficient workflows and reduce 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 come at a price, requiring advanced operations and infrastructure along with staff to steward information and development. Support of the Web Services FTE Decision Package will position AOC to meet the need of the Judicial Branch Principle Policy Objectives. It will enable courts to be more effective and provide enhanced functionality without increasing court staff, while providing the public with greater access to information.

What is the impact on other state agencies?

Vital information from the courts is provided through AOC to the Washington State Patrol, Department of Corrections, and Office of the Secretary of State, Sentencing Guidelines Commission, Department of Licensing, local law enforcement agencies, Federal government, prosecutors, and defense attorneys.

Service Examples:

Application	Description	State Service/Stakeholder
Attorney Notifications	Nightly JIS data run to create a list of calendared cases for attorneys.	Extracted JIS case information emailed to Attorneys.
Court Briefs	Nightly run associates JIS data with briefs uploaded by the appellate courts.	Appellate Courts Briefs made available on the public website.
JIS Table Structures and JIS Codes	Application extracts used to describe DB2 table elements.	All courts and AOC staff.
Convicted Felon	Application reports cases with felony convictions. A nightly process selects the data for reporting to DOL and generation of Felony Convicted Notification data.	Department of Licensing.
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 commitments 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, DV, and Extreme Protection Orders	Applications report Qualifying Juvenile Offenders, Adult Criminal	Department of Licensing (DOL) Superior Courts.

	DV Related Misdemeanors Convictions, and cases with Extreme Protection Orders to DOL. Nightly JIS extracts send information to DOL via their web service, and PDF reports to courts confirming the mandated reporting has completed.	
Opinion Upload	An application allows courts to upload and distribute opinions.	Appellate Courts, Reporter of Decisions, LEXIS, the public.
Court Of Appeals Dockets (COA)	Nightly extract creates COA dockets	Court of Appeals (COA).
WSHA Reporting	Generates nightly WSHA report	Washington State Hospital Association (WSHA).
Public Bulk Data JIS Link Public Case Search Name Search	Allows agencies/organizations to download data from AOC site. Most data on the site controlled via a contract and fees charged for accessing the data.	Public.
Inmate Electronic Filing	Ability for inmates to file electronically with the Appellate Courts streamlining the filing process for the inmates, the correctional facility, and the courts.	Court of Appeals.
Appellate Courts' eFiling Portal	A business critical application that allows court staff, attorneys, prosecutors, reports, pro se litigants and others to electronically file documents with the four Appellate Courts. Documents filed via the portal are sent, along with their metadata, to a document management system used by the Appellate Courts.	Supreme Court, Court of Appeals, Trial Courts, Attorneys, Prosecutors, Court Reporters and Transcriptionists, Out of State Attorneys, WSBA, and pro se litigants.

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?

No viable alternatives are available; the request for staff must be met for continued operational support. Extending or postponing increasing the FTE capacity will impede service improvements provided to court users, agencies and the public. Outside contractors will need to be hired to work on projects and maintenance.

What are the consequences of not funding this request?

Not funding this request will put AOC in the position of not having the resources necessary to maintain, operate, and enhance web applications and sites associated with projects and daily data sharing. This could jeopardize the ability of AOC to receive and disseminate court data on a statewide basis, hindering the ability of courts and justice partners to operate effectively.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Guardianship Services

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to enable the Office of Public Guardianship (OPG) within the Administrative Office of the Courts (AOC) to continue to provide the public guardianship services necessary to ensure that low-income people with diminished capacity receive adequate, effective and meaningful access to services, programs, or activities of public entities, including but not limited to courts and entitlement programs.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$808,000	\$910,000	\$1,054,000	\$1,228,000
Total Cost	\$808,000	\$910,000	\$1,054,000	\$1,228,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	2	2	2	2
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$136,000	136,000	\$136,000	\$136,000
Benefits	\$50,000	\$50,000	\$50,000	\$50,000
Goods/Services	\$610,000	\$722,000	\$866,000	\$1,040,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$10,000	\$0	\$0	\$0
Total	\$808,000	\$910,000	\$1,054,000	\$1,228,000

Package Description:

Organizations supporting this request:

Disability Rights Washington, Anchor Guardianship and Case Management Services, Inc., Arc of Washington, Aging and Long-Term Support Administration, Washington State Hospital Association, Washington State LTC Ombudsman Program.

Background:

In 2007, the legislature appropriated \$1.5 million to develop the public guardianship program. In 2009, a legislature-directed 19 percent cut to AOC's operational budget

resulted in a moratorium on the acceptance of new public guardianship appointments. AOC was able to maintain funding for the existing 50 cases utilizing the savings incentive account. In 2010, the legislature partially restored funding of \$274,000, enabling OPG to accept additional cases from July 1, 2010 to June 30, 2011. In 2011, the legislature provided additional funding of \$265,000 for one fiscal year to fund existing caseload pending December 2011 completion of a Legislature-directed study by the Washington State Institute for Public Policy to “analyze the costs and off-setting savings to the state from the delivery of public guardianship services.” The 2012 House and Senate budgets contained funding to continue providing public guardianship services to OPG’s existing caseload.

Impact on clients and services:

The Administrative Office of the Courts/Office of Public Guardianship provides services to low-income incapacitated people who need guardianship services but cannot afford to pay for services. Without public guardianship services, people with diminished capacity will face significant risk of personal or financial harm because they are unable “to adequately provide for nutrition, health, and housing or physical safety” or “to adequately manage property or financial affairs.”

Guardianship services have the potential to significantly improve the quality of life for people with diminished capacity. An improved quality of life can result in important, intangible cost savings. Guardianship services enhance clients’ socialization, provide emotional support, assist clients with end-of-life arrangements, and re-establish clients’ relationships with family and friends

Current need:

Appropriating funding makes it possible for OPG to continue providing guardianship services to its existing caseload of low-income individuals with diminished capacity who need guardianship services in ten counties. The 2017 House and Senate budgets did not contain the funding needed to support continued maintenance and growth of the OPG.

Additional funding is needed to expand needed services statewide. Without additional funding, OPG will be unable to accept additional cases and many low income persons with diminished capacity will continue to have limited access to effective and meaningful services, programs, or activities of public entities, including but not limited to courts and entitlement programs. In addition, 4,000 to 5,000 people with diminished capacity will face significant risk of personal and financial harm because they are unable “to adequately provide for nutrition, health and housing or physical safety” or “to adequately manage property or financial affairs.”

Moreover, there is a need for more guardians to serve as public guardians. In order to educate current and potential guardians, additional staff will be required for program support and development, community outreach, and program evaluation. An estimated 5,000 low-income residents are in need of a guardian. The mission of the OPG, states, in part: “(W)ithin 10 years, qualified surrogate decision-makers will be available statewide to meet the need of low income individuals with limited capacity, who require assistance making decisions related to individual's health, safety, and financial affairs.”

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

There are currently 71 Washington State residents being serviced by the OPG. There are currently 14 public guardians and the majority of them are not currently taking new cases, and several are discussing retirement. The current program budget does not support staff.

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

In FY 2020 allocate a total of \$808,000 to enable the OPG to expand services and support the 71 residents currently receiving services. These funds will also allow the OPG to hire two staff supports for the program. 1 FTE would offer administrative support for OPG and 1 FTE would be responsible for developing a plan to achieve statewide expansion to ensure that low-income people with diminished capacity receive adequate, effective and meaningful access to services, programs, or activities of public entities, including but not limited to courts and entitlement programs. This person would also educate and engage the community regarding OPG and recruit new qualified OPGs.

In FY 2021 allocate a total of \$910,000 to expand OPG services to serve 20% more of the population in need.

Expenditure Calculations and Assumptions

- 1 FTE (Range 62).
- 1 FTE (Range 48).
- Annual guardianship fee per appointment \$4,500.
- Initial assessment per appointment \$1,000.
- Avg. annual legal fee per appointment \$500.
- FY 2020: 100 cases; FY 2021: 120 cases.

<u>Object Detail</u>	<u>FY2020</u>	<u>FY2021</u>
Staff Costs	\$198,000	\$188,000
Non-Staff Costs	\$610,000	\$722,000
Total Objects	\$808,000	\$910,000

Decision Package Justification and Impacts

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

Accessibility.

Increasing the funding to serve additional incapacitated persons will ensure that Washington States most vulnerable populations have access to the support and entitlements that protect them from financial and personal harm.

Access to Necessary Representation.

Pursuant to RCW 11.88.005 the legislature recognizes incapacitated persons cannot fully exercise their rights or provide for their basic needs without the support of a guardian. It is estimated that 4,000 to 5,000 low-income incapacitated persons are in need of a public guardian, but do not have access due to the limited resources of the OPG.

Commitment to Effective Court Management.

Expanding the OPG to include dedicated staff support and increasing funds to serve additional persons with diminished capacity will enhance effective court management. The staff support will analyze and evaluate the OPG to increase oversight of the program, demonstrate outputs to provide guidance to policy makers, and improve effective marketing and program execution.

Appropriate Staffing and Support.

Expanding the OPG to include dedicated staff support will increase public awareness of the program and help to support current and future OPGs in their efforts to serve persons with diminished capacities. The additional staff will also help to ensure that the OPG is efficiently assessed and monitored.

What is the impact on other state agencies?

Washington State Institute for Public Policy (WSIPP) completed and released reports required by statute discussing the costs and benefits of providing public guardianship services, and the need for said services. Links to the reports are provided below.

- **[Public Guardianship in Washington State: Costs and Benefits](#)**
- **[Assessing the Potential Need for Public Guardianship Services in Washington State](#)**

WSIPP's analysis of program outcomes and cost effectiveness for clients served by public guardians between 2008 and mid-2011 found the following:

- Average residential costs per client decreased by \$8,131 over the 30-month study period.
- Personal care decreased by an average of 29 hours per month for public guardianship clients, compared with an increase in care hours for similar clients.
- One in five public guardianship clients showed improvements in self-sufficiency during the study.

These savings accrue to the state.

Finally, if the role of public guardians were expanded to include providing services to those with developmental disabilities who are in diversion programs or correctional facilities or jails, public guardianship services could potentially reduce incarceration costs. Public guardians could assist in making post-incarceration connections with services, and also in making sure that the offender was able to understand and meet sentencing and probation requirements.

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?

Prior to appointment of a guardian, RCW 11.88.090(5)(e) directs the court-appointed guardian ad litem "to investigate alternate arrangements made, or which might be created, by or on behalf of the alleged incapacitated person, such as revocable or irrevocable trusts, durable powers of attorney, or blocked accounts; whether good cause exists for any such arrangements to be discontinued; and why such arrangements should not be continued or created in lieu of a guardianship."

What are the consequences of not funding this request?

The provision of public guardianship services reduces risks and costs associated with low-income people with diminished capacity. If funding is not provided and continued:

- There will be an increase in caseload within the jurisdiction of probate, civil and criminal courts, including disputes over eligibility for, and the scope of, governmental services, mental health matters, abuse and exploitation;
- The number of vulnerable adults at risk for exploitation will increase;
- Financial and other abuse that is difficult to detect because there is no individual or institution willing and able to intercede will increase;
- Incarceration becoming a replacement for treatment resulting from the inability of individuals to access needed services without the assistance of an appropriate surrogate;
- Inconsistent and sometimes poor decision making by well-meaning, but unqualified, surrogates;
- Individuals will be subject to over-treatment or under-treatment, or treatment that does not reflect their values or best address their well-being;
- Placement in settings more restrictive than individual need demands; and
- Repeated emergency hospitalizations resulting from the inability of individuals to obtain preventive healthcare without the assistance of an appropriate surrogate.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Guardianship Monitoring

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for a regional program designed to monitor guardianships, ensuring that incapacitated persons are receiving the care and assistance needed and that the rights and freedoms of those in the care of guardians are protected.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$439,000	\$960,000	\$945,000	\$945,000
Total Cost	\$439,000	\$960,000	\$945,000	\$945,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	4	9	9	9
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$290,000	\$647,000	\$647,000	\$647,000
Benefits	\$105,000	\$234,000	\$234,000	\$234,000
Goods/Services	\$20,000	\$42,000	\$52,000	\$52,000
Travel	\$4,000	\$12,000	\$12,000	\$12,000
Equipment	\$20,000	\$25,000	\$0	\$0
Total	\$439,000	\$960,000	\$945,000	\$945,000

Package Description:

The Challenge:

The number of people age 65 and older is increasing which is presenting new challenges across the US, and adding additional pressure to State guardianship programs. Alzheimer's disease and related dementias are becoming more common; as many as 5.5 million people in the United States are living with Alzheimer's. The number of younger adults with developmental disabilities and mental illness is also increasing. In 2017, the Office of Financial Management reports that over 15% of Washington State's residents are over 65 years old. The population of residents over 65 is estimated to increase by 40% by 2040. Additionally, 9% of Washington residents are adults with disabilities under the age of 65 years old.

It is reasonable to assume that these trends will result in a substantial increase in the number of court proceedings to protect vulnerable adults including abuse, neglect, and guardianships. Thus the need for protections such as qualified guardians and effective court monitoring of guardians increases. Unfortunately, lay guardians find it difficult to perform their duties with limited resources and assistance. Likewise the courts are finding it increasingly difficult to provide necessary guardian oversight. It is also difficult to plan for the growing demand for guardians and other protections without a thorough profile of incapacitated persons, their numbers, characteristics, and needs.

Background:

Guardianships are one alternative for people who are unable to manage their personal and/or financial affairs due to age-related diseases, mental illness, or developmental disability. The legislature set out a procedure for a court to determine whether a person should be found to be incapacitated and have a guardian appointed. Guardians have the authority to make personal and/or property decisions for the incapacitated person.

The guardians appointed by the courts are either professional guardians or lay guardians. A professional guardian, defined as a guardian who serves for pay in more than two cases, must be certified by the Supreme Court pursuant to GR 23. Lay guardians are often either family members of the incapacitated person or community volunteers.

The legislature also gave courts the authority and responsibility to direct and control guardians (RCW 11.92.010). This includes the authority to monitor existing guardianships to ensure that the incapacitated person is receiving the care and protection he or she needs. Monitoring helps courts to manage risks, prevent abuse, and increase public confidence in the judicial system.

National and state experts including the conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts, the American Bar Association, the US Government Accountability Office (GAO), and the Elder Law section of the Washington State Bar Association have acknowledged that there is insufficient data to determine the incidence of abuse of incapacitated persons by guardians, or if guardians are protecting incapacitated persons.

The findings, discussion, and conclusions of these entities solidifies the belief that there is little state-level guardianship data collected beyond filings and dispositions. As currently collected, county-level data in Washington State cannot be aggregated in a manner that makes it usable for effective guardianship monitoring, or provide guidance for policy makers and practitioners to strengthen the guardianship system and prevent elder abuse. Effective monitoring and reporting would (1) facilitate effective case processing; (2) gauge the extent of abuse by guardians and the extent to which guardians protect incapacitated persons from abuse; (3) gauge the effect of court orders; (4) provide useful feedback and support in a demanding role; and (5) have a preventive effect.

Washington's superior courts have addressed their responsibility to monitor guardianship cases in a variety of ways. It is concerning that many courts have no

monitoring program in place. In some counties, the monitoring program consists primarily of ensuring that the reports a guardian is required to file are filed in a timely manner, with little or no evaluation by the court of their contents or accuracy. Because the needs of an incapacitated person under guardianship may change over time and the guardian may need to make complex decision about health care, residential placement, finances and property, the court's oversight role is critical.

Proposed Solution:

Experts including the conference of Chief Justices, the Conference of State Court Administrators, the National Center for State Courts, the American Bar Association, the US Government Accountability Office (GAO), and the Elder Law section of the Washington State Bar Association point to many promising practices for improved court monitoring of guardianships, including: requiring use of an automated accounting program; requiring accountings to be reviewed by court staff; using trained staff to audit accountings; supplementing court staff with trained volunteers; and developing a unified guardianship data base.

In the late 80s, AARP created the model for a Volunteer Guardianship Monitoring Program that was used by several courts in Washington State. Today, Spokane Superior Court continues to successfully use this model to monitor guardianship under its jurisdiction. Volunteer monitoring programs have identified failures to report to the court, inadequate communication with protected persons and improper use of funds. This is a time-tested proven model and a similar model is recommended for Washington. Given the cost of one monitoring program per court a regional model is recommended.

The recommended model includes the following components:

Regional volunteer coordinator(s) - At least one person in each region will be designated as manager or coordinator of volunteers. This person will be responsible for:

- Recruitment and selection of volunteers;
- Working with local/regional educational institutions to arrange for student volunteers with backgrounds in financial, legal, medical, social services, and other related fields;
- Matching volunteers to cases and providing forms to get started on a case;
- Supervising, training, and supporting volunteers – including answering questions about cases, acting as liaison with court staff, and engaging in regular communication with volunteers;
- Reviewing volunteers' reports - including records checklist, court and board ordered financial accounting reviews, and visitation and needs checklist - for completeness and need for action; routing complex cases to a judge or other court staff for review when necessary;
- Routing questionable accounting for complete audit;
- Tracking court response to volunteers' recommendations and keeping volunteers informed;
- Maintaining volunteer records; tracking volunteer participation including number of cases completed and amount of time devoted to program;
- Handling volunteer reimbursement;
- Meeting with student volunteers to provide required oversight for educational credit;

- Conducting program evaluation and program development;
- Identifying and minimizing liabilities;
- Serving as a liaison with community agencies;
- Developing and implementing a procedure to regularly update contact information for each person in a guardianship and their court appointed guardian;
- Collecting and reporting data, such as (1) number of audits performed; (2) number of visits performed; and (3) status of guardianship cases- is the person under guardian deceased? Was the guardianship terminated, or is the guardianship active to the central office for statewide reporting and distribution;
- Placement and scheduling of volunteers;
- Arranging initial and ongoing training;
- Tracking the progress of the cases; and
- Reporting program results.

The following regions are recommended:

Region 1- Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Yakima;

Region 2- Island, King, San Juan, Skagit, Snohomish, Whatcom;

Region 3- Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, Wahkiakum;

Volunteer researchers, visitors and auditors - Volunteer researchers work with court records to prepare cases for assignment to volunteer visitors. Researchers obtain current addresses of incapacitated persons and verify the status of the court file. Volunteers visit the incapacitated person, assess well-being and prepare a report for the court. Auditors will review and audit accountings.

During the visits, volunteer visitors will observe the person in a guardianship. Utilizing an approved checklist volunteer visitors will assess the person's well-being and provide an assessment of the physical cleanliness of facility/house/room, conduct approved short screen for mental wellness- happiness/despair/fear of the person in a guardianship, and prepare a report to the court.

Volunteer auditors will perform a cursory review of the accounting and refer concerns to the professional audit team.

Professional auditors will review accountings to (1) determine accurate beginning and ending year balances; (2) ensure expenditures are appropriately substantiated; (3) confirm that expenditures are reasonable based on the needs of the protected person; and (4) confirm that all funds are accounted for.

Throughout monitoring and auditing. The coordinator will seek to identify essential adult guardianship data being collected and not being collected by the court system and determine the quality of data collected. They will develop an appropriate design for data collection and reporting pertaining to the number, type and status of guardianships and

regularly report to the courts. The coordinator will collect and analyze the data and prepare annual reports to share with the courts and the AOC.

Complaint Analysis:

When organizations gather and maintain data about complaints from customers, it is easier to implement a problem-solving process. A formal complaint handling can improve customer satisfaction and result in increased public confidence. In 2014, the legislature passed SB 5607 that established a guardianship complaint process. Unfortunately, complaints are received and acted on by 39 individual superior courts. There is no mechanism for sharing information between courts or for reviewing the aggregate data extracted from individual complaints to develop conclusions and make recommendations.

To address concerns, the Office of Guardianship and Elder Services (OGES) recommends developing a Memorandum of Understanding with all superior courts, where an agreement is set to send a copy of each complaint regarding conduct of a guardian and any action taken by a court regarding the complaint to the OGES. The OGES would record relevant complaint information and develop a report that includes all complaint data, including number of complaints received, number of complaints resolved, reasons for complaints, relationship of complainants to persons in a guardianship, and other relevant information.

To assist volunteer guardians, the OGES recommends establishing a guardianship helpline that will be staffed by a guardianship expert. The expert will provide legal information via phone, email, and e-newsletter. The expert will also develop and coordinate training events throughout the state.

Evidence-based Results:

An online centralized accounting program - Minnesota Probate Court designed, tested and is currently upgrading an online program designed to capture all transactions made by a guardian of the estate. Guardians of estates are required to create an account upload all financial documentation to their account, or provide documentation to the Audit Manager, so documentation can be uploaded to the guardian's account. The program provides an organized, consistent method to make sense of a shoebox of receipts that guardians often use to create and submit accountings to the court. This program saves staff time and provides ready access to expense and receipt details. It is also believed to minimize errors and provide the ability to quickly identify incomplete reports and potential financial exploitation.

In 2010, Minnesota courts employed a new model of monitoring that mandated auditing conservator accountings. In 2015, four full-time and three part-time auditors completed 1085 audits. Eighty-seven accountings involved possible loss of funds, where the auditor may have recommended court removal of the conservator and/or repayment of funds to the protected person. Concerns identified included loans from the protected person to the conservator, expenditures without court approval or expenditures not in the best interest of the protected person and the co-mingling of funds between the conservator and the protected person where there was no close family relationship.

To assist a relatively unsophisticated volunteer guardianship community, Wisconsin established, the Wisconsin Guardianship Support Center. The Center provides information and assistance on issues related to guardianship. The Center is staffed by an attorney who responds to request for information through a toll-free helpline or by e-mail. The Center fields more than 2,000 calls annually, produces a quarterly newsletter; and annually holds at least 12 outreach educational events.

In 2015, Nevada's Supreme Court's Commission to study the Administration of Guardianship made recommendations to allocate funds for guardianship monitoring in the final report. Nevada, total population 3 million, provided appropriate funding for 6 permanent staff for guardian monitoring.

States across the nation are demonstrating the leadership necessary to ensure protections for the elderly and vulnerable are in place. The nation is beginning to recognize that the increased need for guardians and monitoring cannot be ignored without severe repercussions. Spokane County is currently the only Washington state county with a monitoring program.

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

There is no current effort to monitor the guardians.

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

Fiscal and Object Detail assume that year one (FY 2020) will be used to establish the program and during year two (FY 2021) the program will ramp up.

FY 2020, the Office will hire four FTEs. One lead Regional Volunteer Coordinator at salary range 62, one lead Professional Auditor at salary range 58, one Guardianship Expert to staff the helpline at salary range 62, and one Program Assistant at salary range 50. These individuals will develop program policies and practices, develop volunteer training, and recruit additional staff and volunteers. In addition, \$5,000 per staff for the first year for equipment and \$1,000 per staff for travel.

FY 2021, the Office will hire five FTEs, two Regional Volunteer Coordinator at salary range 62, two Professional Auditors at salary range 58, and one Administrative Secretary at salary range 46.

Additional expenditures for FY 2021 will include non-staff cost including mileage for volunteers (50 volunteers at 100 miles each times \$0.54) \$2,700, Background checks (100 volunteers (2 to 4 per county) at \$53.00 each) \$5,300, Volunteer recruitment ads (39 counties at \$10 per column inch times 4 inch) \$1,560, and Volunteer training development \$10,000.

Additional expenditures for FY 2022 will include non-staff cost of FY 2021 plus an additional \$10,000 to support 100 volunteers.

Decision Package Justification and Impacts

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

Accessibility.

Improvements by courts in the monitoring of guardianships ensures that incapacitated persons are receiving the care they need and provides a systematic procedure for informing the courts about any concerns regarding care.

The development and dissemination of pattern forms for common guardianship matters would also improve accessibility. This program would encourage the continued development of pattern forms and translation of those forms into various languages.

Access to Necessary Representation.

Pursuant to RCW 11 alleged incapacitated persons have a conditional right to counsel because of the possible loss of individual rights. Application of that right is not uniform. A monitoring program will help ensure consistent application of the right and provide a system to ensure that representation occurs.

Commitment to Effective Court Management.

Creating a statewide system of best practices for monitoring programs will enhance effective court management. The data collected will be used to improve effective guardianship case management, and provide guidance for policy makers and practitioners to strengthen the guardianship system and prevent elder abuse. Effective monitoring will (1) facilitate effective case processing; (2) gauge the extent of abuse by guardians and the extent to which guardians protect incapacitated persons from abuse; and (3) shape guardianship policy, practices, training, and education.

Appropriate Staffing and Support.

The monitoring program is designed to include qualified paid staff to train and manage volunteers, audit accountings, receive, organize, and report to the court.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

The court has the authority to direct and control guardianships. Several counties have local rules that set out the procedures for reviewing guardian reports and the sanctions for filing late reports. It may be necessary to amend the local rules and set forth the specific authority under which court investigators/visitors would act, including a description of their duties and how the incapacitated person's rights would be protected in the process of the investigation.

Is the request related to or a result of litigation?

No.

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

In 2015, the AOC applied for an AmeriCorps grant from the Corporation for National and Community Services (CNCS). Although the application was not approved the local administrator for AmeriCorps grants, stated that guardianship monitoring represented a compelling need.

What are the consequences of not funding this request?

Monitoring of guardianships would continue to be addressed on a county by county basis with many counties having no monitoring programs. Incapacitated persons would continue to be at risk of having ineffective, negligent or criminal guardians managing their personal or financial affairs. There would continue to be wide variation between counties of acceptable guardianship practices, placing incapacitated persons at risk and reducing public confidence in the courts.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Therapeutic Courts Best Practice Implementation

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for a statewide therapeutic courts coordinator to work with courts throughout the state to stand up and operate these courts more effectively.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$175,000	\$165,000	\$165,000	\$165,000
Total Cost	\$175,000	\$165,000	\$165,000	\$165,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1.5	1.5	1.5	1.5
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$109,000	\$109,000	\$109,000	\$109,000
Benefits	\$46,000	\$46,000	\$46,000	\$46,000
Travel	\$5,000	\$5,000	\$5,000	\$5,000
Goods/Services	\$5,000	\$5,000	\$5,000	\$5,000
Equipment	\$10,000	\$0	\$0	\$0
Total	\$175,000	\$165,000	\$165,000	\$165,000

Package Description:

This package provides staff support to promote adherence to research based best practices in therapeutic courts all across the state to ensure that these courts produce results for participants and the communities they serve.

The importance of therapeutic courts that align with national best practices has been recognized both in statute and by the court community broadly in our state.

RCW 2.30.030 provides in pertinent part:

(2) While a therapeutic court judge retains the discretion to decline to accept a case into the therapeutic court, and while a therapeutic court retains discretion to establish processes and determine eligibility for admission to the therapeutic court process

unique to their community and jurisdiction, the effectiveness and credibility of any therapeutic court will be enhanced when the court implements evidence-based practices, research-based practices, emerging best practices, or promising practices that have been identified and accepted at the state and national levels. Promising practices, emerging best practices, and/or research-based programs are authorized where determined by the court to be appropriate. As practices evolve, the trial court shall regularly assess the effectiveness of its program and the methods by which it implements and adopts new best practices.

The Board for Judicial Administration supports therapeutic courts, as evidenced by a March 16, 2012, resolution that provides in pertinent part:

NOW THEREFORE BE IT RESOLVED that the Board for Judicial Administration strongly supports Problem-Solving Courts in general and Drug Courts in particular; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration supports:

- 1) The development and expansion of Drug Courts and other Problem-Solving Courts in Washington.
- 2) Adequate funding for these courts.
- 3) The development, identification and adoption of best practices and promising practices in Drug Courts and other Problem-Solving Courts.
- 4) The collection of data through the Washington State Center for Court Research on Drug Courts and other Problem-Solving Courts to evaluate and monitor outcomes and performance.
- 5) Appropriate training for judicial officers and staff on the principles and methods of Drug Courts and other Problem-Solving Courts.
- 6) The education of law students, lawyers and judges concerning the existence and principles of Drug Courts and other Problem-Solving Courts.

The Washington State Association of Drug Court Professionals passed a resolution in October 2015 to "adopt the National Adult Drug Court Best Practice Standards and urge all Drug Courts in Washington State to aspire to achieve them."

Washington's first adult drug courts were established in 1994. Currently adult drug courts operate in 24 of Washington's 39 counties. These courts are a part of the superior court in each county. Washington's situation is characterized by partial and disjointed statewide reporting of drug court activity and outcomes, limited implementation of best practices, and no coordinated training to address these challenges. Because Washington has a non-unified trial court system, operation of the courts is funded largely by counties. While AOC provides support to the courts and the judges, there is no state oversight or management of court operations. Decisions about drug court organization, operations, and services are based on court preference and local priorities. The result is varied program structures, activities, community partnerships, data collection practices, and participant outcomes. While independence allows for responsiveness to local needs, the lack of consistent support of the courts may lead to a lack of fidelity to the drug court model and best practices, and reduced effectiveness. Differing data collection practices have limited the AOC's ability to analyze the impacts of the drug courts.

A few key problem areas are hampering the implementation of best practices in our state: accumulation of data, and the lack of resources to develop a coordinated training and quality assurance process. There is no program to implement best practices in the drug courts; no means available to ensure that drug courts are receiving relevant, targeted training on National Best Practice Standards; and data collection and application are inconsistent and irregular.

National Best Practice Standards (attached) have been developed and released over the last five years, and actual implementation of these practices varies. For example, the use of sanctions and incentives varies widely and only a few courts use sanctions grids. There is a need to create awareness, and to enhance understanding and understanding about best practices. Additionally, the best practice standards contemplate regular measuring and evaluation, which both require competent data collection and application. Historically, adult drug courts in Washington have expressed concerns about evaluations and incorrect assumptions.

To address these problems, this budget request will provide for a centralized coordinator at AOC who will coach and empower the courts to use data, self-assessment tools, and participate in a peer review program to improve their drug court programs, and provide training on how to implement National Best Practice Standards. It will also allow AOC to develop subject matter expertise and provide someone who will work with and serve as a resource to these courts throughout the state.

This request builds on efforts in Washington to organize drug courts around best practices and improve services, including the 2011 "Statewide Drug Court Strategic Plan" that was developed by Division of Behavioral Health Recovery, the AOC, the Office of Washington State Attorney General, the Superior Court Judges' Association, drug courts, law enforcement, and the Association of Public Defenders.

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

AOC currently does not provide therapeutic court coordinator services.

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

Staff Costs

1 FTE Sr. Court Program Analyst or equivalent per biennium \$230,000

.5 FTE Administrative Assistant per biennium \$79,000

Non-staff costs

- Materials - \$5000 per year
- Travel expenses -- \$5000 per year
- Equipment \$5,000 per FTE for the first year

Assumptions:

- AOC staff time will be consistent over the two years of the biennium and will continue thereafter to train all courts on best practices.

Decision Package Justification and Impacts

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

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.

Encouraging courts around the state to implement and operate therapeutic courts with best practices, better data collection and application, and evaluative processes will ensure that these courts are meeting the needs of all participants, regardless of background.

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.

Constitutional right to counsel attaches to therapeutic court participants in many respects and their counsel are important members of the therapeutic team. Best practices recognize the important roles of the team members, including defense counsel.

Commitment to Effective Court Management.

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

Careful case management and progress oversight of components such as treatment lend to effective court management. The drug court model itself, with phases participants move through based on reaching standards, regular and frequent review hearings, and cooperative, collaborative team work, all addressed in best practices, contribute toward orderly, predictable, and organized management of drug court cases.

Appropriate Staffing and Support.

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

Best practices regarding the roles and responsibilities of the judge and the multidisciplinary team directly impact this policy objective. Robust self-assessment and peer review process will help identify relative strengths and weaknesses of how the drug court judge and team operate as both individuals and as collaborative team members to ensure that all personnel are adequately and effectively supported, and in turn support the entire system.

Additionally, a centralized therapeutic courts coordinator resource at AOC will serve as a valuable support resource to judges and court managers throughout the state. AOC has extensive experience providing support resources and expertise to courts in other areas. This service will follow this model of support.

What is the impact on other state agencies?

Other state services should derive benefit from improvement in drug court operations. Successful participants will not have to rely as much on social services as the participants move toward sobriety, education goals, stable housing, and productive employment. If jail time is reduced, incarceration costs of participants should decrease.

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?

Exploration of alternatives have included two failed federal drug court grant applications. The denial reasons included lack of consistency in practices across the state.

What are the consequences of not funding this request?

Effects of non-funding include maintenance of the status quo, with drug courts' continuation with inconsistent practices, possible lower success rates, and disparate data that make evaluation and comparisons difficult.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

Adult Drug Court Best Practice Standards, Volumes I and II, National Association of Drug Court Professionals. <http://www.nadcp.org/Standards/>

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
2019-2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Legal Financial Obligations Postage

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

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

Fiscal Summary:

Operating Expenditures	FY 2019	FY 2020	FY 2021	FY 2022
Fund 001-1	\$82,000	\$82,000	\$82,000	\$82,000
Total Cost	\$82,000	\$82,000	\$82,000	\$82,000
Object of Expenditure	FY 2019	FY 2020	FY 2021	FY 2022
Goods/Services	\$82,000	\$82,000	\$82,000	\$82,000
Total	\$82,000	\$82,000	\$82,000	\$82,000

Package Description:

Chapter 379, Laws of 2003 (ESSB 5990) transferred the billing, monitoring and collection of LFOs to the Administrative Office of the Courts (AOC) and the states' county clerks. The bill amended RCW 9.94A.760 to require that the AOC mail individualized billings to each offender with an unsatisfied LFO 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 annual allocation for LFO production and mailing is approximately \$335,000.

Despite cost reduction efforts, costs to produce and mail the billings substantially exceed available funds. Actual and estimated costs are approximately \$417,000.

This request will allow the AOC to continue to distribute the billings on a quarterly basis.

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.

See narrative above.

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

See narrative above.

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

The AOC is mandated to coordinate and pay for the LFO billings.

Appropriate Staffing and Support.

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

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?

As noted above, the AOC has continued to implement methods to reduce the number and frequency of billings. However, collections would likely decrease by a significant amount if (for example) 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.

What are the consequences of not funding this request?

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

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

No. Additional funding is required.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administration Office of the Courts

Decision Package Title: Courts of Limited Jurisdiction Case Management System

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to continue the selection and implementation of the new commercial off the shelf (COTS) case management system for the Courts of Limited Jurisdiction. This project will replace the outdated limited jurisdiction case management system known as DISCIS.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$1,143,000	\$13,343,000	\$8,536,000	\$8,080,000
Total Cost	\$1,143,000	\$13,343,000	\$8,536,000	\$8,080,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	13	30	34	35
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$652,000	\$2,140,000	\$2,764,000	\$2,871,000
Benefits	\$227,000	\$731,000	\$959,000	\$984,000
Contracts	\$184,000	\$9,300,000	\$4,511,000	\$3,955,000
Goods/Services	\$30,000	\$30,000	\$30,000	\$30,000
Travel	\$50,000	\$120,000	\$240,000	\$240,000
Equipment	\$0	\$1,022,000	\$32,000	\$0
Total	\$1,143,000	\$13,343,000	\$8,536,000	\$8,080,000

Package Description:

This decision package will fund the continuance of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) implementation project. The Administrative Office of the Courts (AOC) understands replacing a major legacy system is a multi-year effort and requires a multi-million dollar investment. During the 19-21 biennium the project will focus on collaboration between AOC, the courts, probation departments, and the selected solution provider(s) to configure and transform the Commercial off-the-shelf (COTS) product(s) into the CLJ-CMS solution. During the 21-23 biennium the project will be focused on deployment to all courts and probation departments statewide.

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

Currently there are six AOC staff supporting the project: a project manager, an administrative secretary, a solution architect and three business process engineers. The project manager and solution architect are part of the AOC permanent staff. The other four are funded through the current biennium funds appropriated to the CLJ-CMS project.

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

Expenditure and FTE estimates are based on project work schedule, project work activities, anticipated project deliverables, and the expected knowledge, skills, and abilities of the project staff.

A draft project plan was created including work activities of both the anticipated contractors engaged in the project, project staff, and court and probation subject matter experts. The work effort, key project milestones, and expected durations were applied to the project schedule. Staff resources were assigned to the work activities and workloads leveled to determine an appropriate timeline of the project.

A staff hiring schedule and a vendor product delivery schedule were created to establish the anticipated schedule of expenditures. Added to the planned expenditures were the anticipated costs for goods and services, travel, and capital outlay. These estimates were established using actuals expenditures from similar sized projects in progress at the AOC.

In addition, contractor costs for project oversight QA and contract consultation are included in the estimate.

During the 19-21 biennium the project will have up to 30 FTEs with salary/benefit costs of \$3.5M. In addition, approximately \$9.5M is requested for vendor solution costs and other related contracts. Project costs, including travel and computer equipment is approximately \$1.2M.

During the 21-23 biennium the project will have up to 36 FTEs with salary/benefits costs of \$7.4M. In addition approximately \$8.4M is requested for vendor solution costs and other related contracts. Project costs, including travel and computer equipment is approximately \$572,000. Also in the cost estimate is \$4.5M for vendor costs and \$100,000 for computer equipment including servers.

Decision Package Justification and Impacts

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

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 legacy systems at the local court level to allow faster flexibility to provide core court information. 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.

The current CLJ 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.

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.

What is the impact on other state agencies?

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.

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, and Office of the Secretary of State, Sentencing Guidelines Commission,

Department of Licensing, local law enforcement agencies, Federal government, prosecutors and defense attorneys.

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 current system is obsolete and it is no longer feasible to continue to attempt to upgrade it to meet new requirements. The scope of the work is similar to the Superior Court Case Management System project and there are learned lessons on its successful implementation. Therefore, it was determined that it would be best to replicate the implementation of that system.

What are the consequences of not funding this request?

If this request is not funded, AOC will not have the resources necessary to plan, acquire, manage implement and deploy the new CLJ-CMS solution. Functionally there would be:

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

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

Draft project plan.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Superior Court – Case Management System – Ongoing Operations

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is request to establish permanent funding for staff to perform maintenance, operations and support of the Superior Court Case Management System (SC-CMS).

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$735,000	\$705,000	\$705,000	\$705,000
Total Cost	\$735,000	\$705,000	\$705,000	\$705,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	6	6	6	6
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$519,000	\$519,000	\$519,000	\$519,000
Benefits	\$174,000	\$174,000	\$174,000	\$174,000
Goods/Services	\$6,000	\$6,000	\$6,000	\$6,000
Travel	\$6,000	\$6,000	\$6,000	\$6,000
Equipment	\$30,000	\$0	\$0	\$0
Total	\$735,000	\$705,000	\$705,000	\$705,000

Package Description:

The Superior Court Case Management System (SC-CMS) is a comprehensive case management system serving the county clerks and superior courts of the State of Washington. The SC-CMS system includes:

- Case data management
- Party data management (includes persons and businesses)
- Case document management
- Special tools for judges and judicial officers
- Publicly facing data access portal

The ongoing project to deploy SC-CMS was funded by the legislature. The project will be complete on December 31, 2018. Many tasks, currently performed by project staff, need to be transitioned to operational staff. This request addresses the areas of testing, security and case data replication.

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

This decision package is the initial request to establish the FTEs necessary for the on-going maintenance and operations of SC-CMS. Currently, the SC-CMS project is staffed with permanent AOC staff, temporary staff funded by the project, and vendors.

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

The following assumptions were used to estimate the workload and staffing required to support the SC-CMS and the associated suite of services and products:

1. The system will be maintained and operated in a similar manner to existing AOC products and services. This includes monitoring of availability, performance and other key indicators.
2. Production issues will routinely be encountered requiring correction, including development, testing and deployment activities.
3. New capabilities will be prioritized and added. The project is delivering basic functionality which will need to be expanded and enhanced over time.
4. The pace of new development and enhancements will be significantly slower than the rate of development under the project.
5. Changes to the SC-CMS system and the suite of associated services and products will require changes to applications, data exchanges, and data dissemination methodologies.
6. Technical support will be required by all existing customers using the SC-CMS. This support will be focused on helping customers solve issues related to performance, data access, solution architecture, and other technical issues.
7. The SC-CMS system is the primary case management system supporting 37 superior courts and county clerk's offices in the state of Washington. As such, the tolerance for downtime of the overall system will be low.
8. Data analytic support will be required that can specialize in data-centric analysis of data anomalies in addition to case management specific issues. This specialized support will differ significantly in that it will analyze and study the implications of data quality on multiple case management systems. Case management data is shared with other systems that support other court levels (Courts of limited jurisdiction and appellate). Accuracy and timeliness of sharing data to our judicial partners must be ensured.
9. Because of the nature of a new system, business needs will be discovered that were not originally identified in the SC-CMS project. Data operations on the scale of the SC-CMS project will expose gaps that will need to be filled immediately by the SC-CMS maintenance and support teams.

The cost for this budget request is based on the following details.

Projected new FTEs to meet staffing needs:

Testers (System Support Analysts – Range 66) – 2
Security Specialist (IT Specialist 2 – Range 62) – 1
IMMT Case replication (Integrators – Range 66) – 3

Each FTE would receive \$5,000 for initial equipment costs in the first year and then \$2,000 for goods and services and travel each year.

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

This request is critical to maintaining effective court management of 37 superior courts. Without staffing to support the SC-CMS system and the associated suite of services and products, we will run the risk of courts making decisions without access to the most complete and accurate data available.

Appropriate Staffing and Support.

This package will all for appropriate staffing and support for the SC-CMS system and the associated suite of services and products. Without the appropriate staff as requested, it will not be possible for AOC to maintain, support and enhance these new functions without impacting other, existing activities.

What is the impact on other state agencies?

Without the staffing requested by this package, the sharing of superior court data between AOC and numerous state agencies could be severely impacted. AOC provides superior court data to the following state agencies on a routine basis: Washington State Patrol, Secretary of State, Department of Licensing, Washington State Institute for Public Policy, Department of Corrections, , and the Department of Social and Health Services. In each case, vital agency functions are driven by the data that is exchanged. As statutes changes, modifications to the SC-CMS must be made to capture and exchange data as required by state law. If AOC does not make these changes, it will not have the superior court data available and could be required to establish an alternate manual or electronic process to provide data to the agencies above. This could impact key functions, including public safety, criminal history, legal financial obligations, and others.

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 SC-CMS system was approved and funded by the legislature. With any new system it must be understood that ongoing operational staff will be required when the project rollout is complete. No reasonable alternatives exist to this proposal to establish FTEs to support the system.

What are the consequences of not funding this request?

If this request is not funded, AOC will not have the resources necessary to maintain, operate and enhance the SC-CMS project and the associated products. This could jeopardize the ability of AOC to support the superior courts and clerk's offices in the management of case data on a statewide basis, hindering the ability of courts and justice partners to operate effectively.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

This decision package includes FTEs for the Information Services Division of AOC. The cost for this budget request is based on the following details.

Projected new FTEs to meet staffing needs:

1. Testers (System Support Analysts – Range 66) – 2
2. Security Specialist (IT Specialist 2 – Range 62) – 1
3. IMMT Case replication (Integrators – Range 66) – 3

The following paragraphs contain justifications for the positions.

Testers -- System Support Analysts (2): Testers are responsible for ensuring that any changes to the SC-CMS system, data or configuration do not introduce errors into the system.

The SC-CMS system receives regular bug fixes, enhancements and other patches. Changes are also required to support specific court needs and law changes enacted by the legislature. It is vitally important to have testers ensure accuracy and continuity within the SC-CMS system and associated products.

Security Specialist – IT Specialist 2 (1): A security analyst is required to maintain user access to the SC-CMS system. When complete, the SC-CMS system will have approximately 2,500 new user access records to maintain. There are many roles and many more combinations of access privileges within those roles. These roles regularly change and new users are constantly being added and taken away. Since no systems will be immediately retired, this is additional work for our security group. Considering the sensitivity of court data, it is vitally important that users have the proper access rights within the system.

IMMT Case Replication – Integrators (3): These positions provide the business-related and technical support for data integrations between multiple case management systems used by Washington’s judiciary. This functionality is responsible for the analysis of data integration errors on case data as they occur between these disparate systems. This is a necessary function in order to ensure the AOC is meeting the obligation of ensuring the accuracy and timeliness of statewide data continues to be available.

The capability necessary to perform this analysis involves the ability to evaluate XML messaging technology, query development and reverse engineer logging information in order to understand the root cause. Actions performed will result in resolution of the error or recommend the necessary action to court clerks in order to process the case data through the integration workflow. Through trend analysis and managed workflows, the assessment of integration anomalies gained through the knowledge of the JIS systems will be used to coordinate and recommend application and integration enhancements. This is not a capability that can be addressed from other entities within the organization.

The impact of not providing for these additional positions would greatly delay the ability to provide critical data to the case management system needed for our judiciary to evaluate and assess for proper decision making capabilities.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Odyssey Continuing Operations Support

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: 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.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$338,000	\$358,000	\$358,000	\$358,000
Total Cost	\$338,000	\$358,000	\$358,000	\$358,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	4	0	8	8
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$258,000	\$274,000	\$274,000	\$274,000
Benefits	\$64,000	\$68,000	\$68,000	\$68,000
Goods/Services	\$10,000	\$10,000	\$10,000	\$10,000
Travel	\$6,000	\$6,000	\$6,000	\$6,000
Total	\$338,000	\$358,000	\$358,000	\$358,000

Package Description:

Since 2013 the Administrative Office of the Courts (AOC) has worked with a vendor, state superior courts and county clerk’s offices to replace the legacy case management system currently used by state superior courts. As of 2018, Odyssey, the new superior court case management system, has become operational in 37 superior courts. Because the project has been successfully implemented staffing needs have shifted from development and implementation to support and maintenance. Partial funding for eight (8) operational support staff positions has been provided by the legislature. Full funding for those eight positions is now being requested.

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

This request is a continuation of a current service.

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

These staff are currently on board, however full permanent funding is required. There is carry forward level from 17-19 biennium when the request was originally made. The amount in this request is the additional amount needed to fully fund these positions.

Decision Package Justification and Impacts

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

Accessibility.

Customer support for the new Odyssey system is critical to the day-to-day operations of the superior courts and clerk's office, 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.

Access to Necessary Representation.

N/A.

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 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. Continued assistance and system maintenance is critical to ensuring that practices and outcomes are consistent statewide.

What is the impact on other state agencies?

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.

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?

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.

What are the consequences of not funding this request?

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

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Odyssey Business and Training Support

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to retain staff to adequately support the Superior Courts and county clerks that have implemented the new Odyssey case management system.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$1,031,000	\$986,000	\$986,000	\$986,000
Total Cost	\$1,031,000	\$986,000	\$986,000	\$986,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTE	8.5	8.5	8.5	8.5
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$720,000	\$720,000	\$720,000	\$720,000
Benefits	\$248,000	\$248,000	\$248,000	\$248,000
Goods/Services	\$9,000	\$9,000	\$9,000	\$9,000
Travel	\$9,000	\$9,000	\$9,000	\$9,000
Equipment	\$45,000	\$0	\$0	\$0
Total	\$1,031,000	\$986,000	\$986,000	\$986,000

Package Description:

Under the direction of the Judicial Information Systems Committee (JISC), the Administrative Office of the Courts (AOC) successfully executed a case management system replacement project for the Superior Courts. The project, known as Superior Court Case Management System (SC-CMS), is on target to complete implementation on December 31, 2018. Once completed, 37 counties and approximately 1,500 users across the Superior Courts' and County Clerks' staff will be using the new case management system called Odyssey.

Odyssey's scope of functionality and configuration is much broader than the old superior court case management system it replaced. There are added features and functions in Odyssey that are new for the AOC to support, maintain, and train, e.g.,

supervision, document management, exhibit management, automated forms creation, calendaring, judge edition, and a robust financial and accounting functionality. These improvements and efficiencies for the trial courts and the public require additional statewide support from the AOC.

This proposal requests eight and a half (8.5) permanent FTEs: five (5) FTE business analysts, one (1) FTE court technology educator, one and a half (1.5) FTE person records analysts/technicians, and one (1) FTE customer service staff. These staff will be required to adequately support Odyssey as it transitions from implementation into an operational and maintenance state.

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

Currently, there are nine (9) business analysts in the SC-CMS project. Five (5) are designated as case management business analysts, of whom three (3) are designated as financial analysts. There are also three (3) Odyssey customer services staff, three and a half (3.5) person/party record analysts/technicians, and two (2) Odyssey court technology educators.

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

This proposal requests eight and a half (8.5) permanent FTEs: five (5) FTE business analysts, one (1) FTE court technology educator, one and a half (1.5) FTE person records analysts/technicians, and one (1) FTE customer service staff. These staff will be required to adequately support Odyssey as it transitions from implementation into an operational and maintenance state. Each FTE would receive \$5,000 for initial equipment costs in the first year and then \$2,000 for goods and services and travel each year.

Odyssey Business Analysts:

Business analysis is a critical function and role in the support and maintenance of Odyssey. Odyssey is a highly configurable system that requires constant maintenance of the statewide and local configuration as laws, process, and the vendor product change. Configuration changes and adjustments to align with courts' and clerks' business processes is critical in ensuring complete and accurate court records that support public safety.

The requested business analysts will support the following business processes and functional areas within Odyssey case management system:

- Appeals
- Arbitration
- Supervision
- Calendaring/Scheduling
- Forms and Reports
- Reporting
- Supervision
- Criminal

- Non-criminal
- Charges and Disposition
- Judgments
- Minutes
- Exhibit Management
- Document Management
- Warrants and Protection Orders
- Case and document security

They will also support the accounting and financials business processes and functional areas within Odyssey Financial Manager:

- Banking
- Collections
- Accounts Receivable
- Remittance
- Charges, Fines and Fees
- Reconciliations
- Financial reports
- Receipting
- Check processing
- Chart of Accounts
- Bonds

Odyssey Court Technology Educator:

Currently, one (1) AOC Odyssey Court Technology Educator provides maintenance and operational support for courts with the Odyssey Case Management application.

All 1,500 users require initial and supplemental Odyssey training, along with a large near-term version enhancement scheduled by the vendor. Additional curriculum must be developed and comprehensive help files and user manuals must be created and maintained. Odyssey provides enhanced functionality for the courts, which serves the court community and the public well but requires expanded training and support at the state level.

This request would improve the student to Educator ratio from 1,500:1 to approximately 733:1.

This request will provide:

- Increased ability to build “on demand” course material available through web training resources such as Adobe Connect and Online Tutorials. This eliminates travel requirements and reduces student participant’s out-of-office time and expense.
- Courses tailored by Odyssey user role (i.e. Administrative, Financial, and Forms Management), which more effectively uses limited court system staff time
- Additional classes to expand capacity and offer scheduling flexibility that meet the needs of court system personnel.
- Continued assistance and system maintenance to ensuring practices and outcomes are consistent statewide.

Court Technology Educators are also an important second tier of triage for complicated issues from Odyssey Courts.

Inadequate state support for the 37 Odyssey counties will negatively affect the ability of the Superior Courts, County Clerks' offices, and Juvenile Court staff to effectively manage daily business within the court.

Person/Party Records Maintenance:

The level of staffing for the Person/Party Maintenance Team (PMT) needs to be maintained and transitioned from project positions to one and a half (1.5) permanent FTEs to handle the issues and change processes as they pertain to synchronization of person records among all case management systems used by the courts. The 1.5 staff currently in this role are in SC-CMS project positions but are now essential for maintenance level support.

The PMT is responsible for synchronizing and maintaining the integrity of person data for all court levels in the state of Washington. This team actively works in four separate case management systems to perform data cleanup, resolve data errors, synchronize alias relationships, and execute functions on behalf of court users. The work of the Person Maintenance Team is a vital component to ensure data accuracy and accurate criminal history of an individual. Not having the staff to perform these operations will negatively impact the courts, due process, and is a risk to public safety.

The PMT handles 3,190 issues per month, involving associating aliases, merging and unmerging records, and resolving data errors to ensure complete and accurate statewide case and criminal history data

Odyssey Customer Service:

The customer services staffing level will need to be maintained and transitioned from project positions to two (2) permanent FTEs. At present, the two (2) customer services staff designated to support Odyssey are in SC-CMS project positions. Insufficient staffing to support the courts regarding Odyssey issues will negatively impact the ability of the Superior Courts and County Clerks' office to accurately, effectively, and efficiently create, manage, and maintain court case and party records.

Customer services are the first responders when Odyssey system issues are reported to the AOC. Odyssey customer services staff triage the incoming issues, respond to the court customers, and execute the resolution or work closely with the business analysts, AOC subject matters experts, Tyler Technologies, or technical staff to arrive at a resolution.

The Odyssey customer services staff handles 227 Odyssey related incidents per month. These are often complex incidents range from case management topics, complex financial and accounting transactions, configuration change requests, business process questions, and training issues.

Decision Package Justification and Impacts

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

Accessibility:

This request impacts access to justice. The staff required to adequately maintain the new case management system will ensure that complete and accurate case records are being captured and available for access.

Access to Necessary Representation:

N/A.

Commitment to Effective Court Management:

This request supports effective court management by ensuring that data captured through the case management system is complete and accurate, ensuring the integrity of the case and financial management reports used to inform management of the courts and clerks' offices.

Appropriate Staffing and Support:

Funding for this request will make AOC staff available to assist courts and county clerks' offices on the Odyssey case management system. Continued business analysis, customer service, person data integrity, and education is critical to ensure practices and outcomes are consistent statewide.

What is the impact on other state agencies?

This request will impact other agencies such as Department of Social and Health Services (DSHS), Washington State Patrol (WSP), and Department of Licensing (DOL) as case and person data is shared through data exchanges. Partner agencies depend on timely, accurate, and complete data from courts to fulfill their own missions.

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?

No viable alternatives are available; the request for staff must be met to continue operational support. No additional vacant positions are available to fill this request.

What are the consequences of not funding this request?

If this request is not funded, there will be very limited resources available to support and train the clerks' offices and courts' use of the new case management system. This will result in delays in responding to issues which can impact public safety, incomplete and inaccurate data for decision making, and delays and inefficiencies in the trial courts.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials: Please attach or reference any other supporting materials or information that will further help explain this request.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Odyssey Maintenance

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

Funding is requested for semi-annual maintenance and support payments for the Odyssey case management system.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$1,000,000	\$1,030,000	\$1,060,000	\$1,090,000
Total Cost	\$1,000,000	\$1,030,000	\$1,060,000	\$1,090,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$1,000,000	\$1,030,000	\$1,060,000	\$1,090,000
Total	\$1,000,000	\$1,030,000	\$1,060,000	\$1,090,000

Package Description:

Since 2013 the Administrative Office of the Courts (AOC) has worked with a vendor, state superior courts and county clerk’s offices to replace the legacy case management system currently used by state superior courts. As of 2018, Odyssey, the new superior court case management system, has become operational in 37 superior courts. However, there is ongoing maintenance and support for the Odyssey case management system.

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

This request is a continuation of a current service.

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

Per the contract, the cost of ongoing Maintenance and Support is as follows. Year 7 is \$499,766 due on 7/1/2019 and \$499,766 due on 1/1/20. Year 8 is \$514,759 due on 7/1/20 and \$514,759 due on 1/1/21.

Decision Package Justification and Impacts

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

Accessibility.

Paying for the maintenance is critical to the continued operations of the Odyssey system.

Access to Necessary Representation.

N/A.

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 more efficient means of managing case schedules, fee collections, disbursements, arbitration, civil and criminal proceedings.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

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.

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?

There are no viable alternatives. The cost for the maintenance of Odyssey is necessary for the continued operations of the system.

What are the consequences of not funding this request?

If the maintenance is not paid, there will be a breach of contract.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Information Networking Hub – Enterprise Data Repository Operations and Maintenance

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to establish permanent staffing for the maintenance, operations, and support of the Information Networking Hub – Enterprise Data Repository and other services and products developed and deployed under the Expedited Data Exchange Project.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$897,000	\$984,000	\$979,000	\$979,000
Total Cost	\$897,000	\$984,000	\$979,000	\$979,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	7	8	8	8
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$639,000	\$734,000	\$734,000	\$734,000
Benefits	\$209,000	\$229,000	\$229,000	\$229,000
Goods/Services	\$7,000	\$8,000	\$8,000	\$8,000
Travel	\$7,000	\$8,000	\$8,000	\$8,000
Equipment	\$35,000	\$5,000	\$0	\$0
Total	\$897,000	\$984,000	\$979,000	\$979,000

Package Description:

The Information Networking Hub (INH) is an overarching program to provide the infrastructure necessary to transition AOC information technology operations to a data-centric architecture, making future system upgrades and replacements easier as most AOC services and integrations would focus on the INH. The center of the INH is a common data repository known as the Enterprise Data Repository (EDR), a data access environment and a set of data services to access the common data and integrate other applications. The Expedited Data Exchange (EDE) Project is a pilot program to implement the minimum infrastructure necessary to support King County District Court

(KCDC) and King County Clerk's Office (KCCO) as they migrate to their own local case management systems.

The EDE program was funded by the legislature for the 2015 – 2017 biennium, with unspent funding carried over into the 2017-2019 biennium. This project is establishing an Enterprise Data Repository (EDR) that will receive statewide data from AOC systems as well as from any local case management system implemented by individual jurisdictions. KCDC and KCCO will be the first jurisdictions providing data to the EDR as they implement their case management systems in 2018. The KCDC and KCCO data will be loaded into the EDR along with data from the existing Judicial Information Systems to provide a unified source of all data statewide.

The EDE Program is also creating a suite of services and products around the EDR that will be used to meet statewide business requirements. These services and products include integrations with existing applications, new partner agency data exchanges sourcing data from the EDR, and services such as data validation and person matching.

The EDR will also be used as the primary source of data for fulfilling data dissemination requests and public data availability, as required by law.

The EDR and its suite of services and products will need to be maintained and enhanced once the project ends at the conclusion of the 2017-2019 biennium. This decision package identifies the FTEs that will be necessary to provide support for the EDR and its associated suite of services and products.

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

This decision package is the initial request to establish the FTEs necessary for the on-going maintenance and operations. Currently, the EDE Program is staffed with permanent AOC staff, temporary staff funded by the project, and vendors. None of the permanent staff working on this project are currently assigned to FTEs intended primarily to support the EDR.

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

The following assumptions were used to estimate the workload and staffing required to support the EDR and the associated suite of services and products:

1. The system will be maintained and operated in a similar manner to existing AOC products and services. This includes monitoring of availability, performance and other key indicators.
2. Production issues will routinely be encountered requiring correction, including development, testing and deployment activities.
3. New capabilities will need to be added. The project is delivering basic functionality which will need to be expanded and enhanced over time.
4. The pace of new development and enhancements will be significantly slower than the rate of development under the project.

5. Changes to the EDR and the suite of associated services and products will require changes to applications, data exchanges, and data dissemination methodologies.
6. Technical support will be required by all existing customers utilizing the EDR. This support will be focused on helping customers solve issues related to performance, data access, solution architecture, and other technical issues.
7. KCDC and KCCO are two of the largest jurisdictions in the state, in terms of caseload, daily case management system transactions, users, and most other common metrics. The sheer volume of transactions occurring in the King County systems versus the total volume statewide will mean that a large percentage of data required for AOC and other justice partner's operations will primarily be available only through the EDR. As such, the tolerance for downtime of the overall system will be low.
8. Business support will be required that can specialize in data-centric issues as opposed to system-specific issues. The business support will differ significantly in that it will analyze and study the implications of data on multiple case management systems as well as solving business problems in a holistic manner by proposing solutions that bridge the differences in systems. Examples of business support are:
 - a. Coordination of the impact on changes to individual systems' data models on how data is sent to the EDR.
 - b. Identification of the impact on statewide data requirements based on changes to legislation, court rule, and public policy.
 - c. Reconciling differences in business rules between systems to achieve better presentation of statewide data with a consistent presentation paradigm.
 - d. Working with jurisdictions to improve integrations with the EDR to achieve desired business outcomes.
9. Business needs will be discovered that were not met by the EDE project. The pilot court implementation are not planned to occur before the end of state fiscal year 2018. Data operations on the scale of the EDE project will expose gaps that will need to be filled immediately by the EDR maintenance and operations.

Projected new FTEs to meet staffing needs:

Senior System Integrators (Range 70) – 3

Integrators (Range 66) – 1

System Support Analysts (Range 66) – 1

Court Business Coordinator (Range 68) – 1

Business Analysts (Range 66) – 2

Each FTE would receive \$5,000 for initial equipment costs in the first year and then \$2,000 for goods and services and travel each year.

Decision Package Justification and Impacts

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

Accessibility.

This request is not related to this objective.

Access to Necessary Representation.

This request is not related to this objective.

Commitment to Effective Court Management.

This request is critical to maintaining effective court management as some of the largest courts in the state implement local case management systems. Without staffing to support the EDR and the associated suite of services and products, access to data necessary for effective court management would require most courts to access multiple systems and manually identify linkages between person and case records amongst the various systems. By requiring courts to access multiple systems, many key business processes would require additional time and/or staff to complete, leading to a significant degradation of the efficiency of the courts.

Appropriate Staffing and Support.

This package will create the FTEs required to appropriately staff and support the EDR and the associated suite of services and products. Without the FTEs requested in this package, it will not be possible for AOC to maintain, support and enhance these new functions without impacting other, existing activities.

What is the impact on other state agencies?

Without the staffing requested by this package, the sharing of data between AOC and numerous state agencies would be severely impacted. AOC provides data to the following state agencies on a routine basis: Washington State Patrol, Secretary of State, Department of Licensing, Washington State Institute for Public Policy, Department of Corrections, Department of Fish and Wildlife, and the Department of Social and Health Services. In each case, vital agency functions are driven by the data that is exchanged. As statutes changes, modifications to the data required in each data exchange must be implemented and the exchanges must be managed proactively. If AOC does not have the data available to meet an agency's need, then the agency would be required to establish an alternate manual or electronic process to receive data from courts not on the statewide system. This could impact key functions, including public safety, criminal history, legal financial obligations, and others.

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?

AOC agreed with stakeholders from King County as part of the 2015 – 2017 biennial budget process to develop the EDR and the associated suite of services and products. Part of the assumptions of the original agreement was that this would be an on-going program offering by AOC to meet the data needs of the state judicial branch as well as statewide need for court data. No reasonable alternatives exist to this proposal to establish FTEs to support the program after the project concludes.

What are the consequences of not funding this request?

If this request is not funded, AOC will not have the resources necessary to maintain, operate and enhance the EDR and the associated products. This could jeopardize the ability of AOC to receive and disseminate court data on a statewide basis, hindering the ability of courts and justice partners to operate effectively.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

This decision package includes input from both the Court Services Division and the Information Services Division and includes FTE requests from both. The cost for this budget request is based on the following details.

Projected new FTEs to meet staffing needs:

1. Senior System Integrators (Range 70) – 3
2. Integrators (Range 66) – 1
3. System Support Analysts (Range 66) – 1
4. Court Business Coordinator (Range 68) – 1
5. Business Analysts (Range 66) – 2

The following paragraphs contain justifications for the positions.

Senior System Integrators (3): The Enterprise Data Repository and the associated suite of services and products establishes a new line of business functionality to collect statewide data in order to meet mandated business requirements. The EDR is needed to receive non-JIS court data in order to address this need. The establishment of a new support framework is required to maintain and enhance these tools and services as they do not exist anywhere in the AOC portfolio. In order to support and maintain the entire EDR related product portfolio, these positions are imperative to the success of supporting our Judiciary statewide data needs.

Senior System Integrators are expert level information technology professionals responsible for integrating systems in order to establish the flow of data, facilitate business processes, and provide for the seamless operation of integrations among those consuming this data.

The EDE Program has primarily been a system integration effort and relies heavily on the skill sets of these positions. These positions are necessary to maintain and operate the system, as well as respond to changes necessitated by changes in laws, court rules, and business process. Without these positions, implementation of changes and maintenance of the EDR will be significantly impacted and impact our ability to deliver quality statewide data. Without additional skilled resources, AOC will be unable to meet the complexity of maintaining these products.

Position 1: This is a data exchange focused position that will maintain code for 18 data exchanges for 7 justice partner agencies. The position will ensure functionality of the exchanges as upgrades and patches to hardware and software and database changes occur in the normal course of operations. They will recover exchanges due to equipment or software failures and communicate and coordinate issues with partner agency points-of-contact. Independently identify and resolve code defects. Coordinate and communicate independently with internal and external colleagues to update business processes with respect to required code changes due to legislative or court business process change. Determine business impact, resolve, or escalate issues resulting from failed tests. They will also coordinate with Data Dissemination to ensure service level agreement obligations are met and provide technical information to Data Dissemination as required.

Position 2: This is a data validation focused position and includes work related to data validation, person matching, and notifications to courts regarding data validation issues. A high degree of data and statistical analytics is needed to research complex scenarios dealing with person matching logic across multiple, independent case management systems. As defined by the business, refined person matching logic changes and expansion will extend the design to enhance discovery and decision making capabilities. They will enhance and maintain data validation operations, validation rules engine implementation and work with courts to ensure the effectiveness of the notification statewide related to data validation errors.

Position 3: This position is focused on the work related to maintenance and operations of the EDR. This position will have the primary responsibility to manage all integration implementations associated with any case management system supplying data to the EDR. They will ensure operations are monitored in order to provide the dissemination of said data to courts, partner agencies, and approved users. This individual will research complex scenarios dealing with data integration and solutions to business needs across multiple, independent case management systems. They will also collaborate with the business and manage coordination with regard the impact based upon the planning for design changes and implementation of enhancements to the EDR as well as update the central database for needed changes and expansion to the design based on research and performance. They will establish and maintain processes and services to allow all necessary integrations to occur in a secure and efficient manner.

Integrators (1): Integrators are information technology professionals responsible for integrating systems in order to establish the flow of data, facilitate business processes, and make the operations of a constellation of systems more seamless. The EDE Project has primarily been a systems integration effort and relies heavily on the skill sets of these positions. This position is necessary to maintain and operate the system, as well as respond to changes necessitated by changes in laws, court rules, and business process. Without this position, necessary changes and maintenance may not be able to occur on externally imposed timelines. This is an EDR and data warehouse focused position that will oversee the integration of EDR data into the data warehouse. The data is used to produce reports for court customers, state agencies, and federally required reports. The position will ensure data provided to the EDR is available in the data

warehouse. The position will also include work related to maintenance and operations of the EDR as well as serving as the central point of integration for all systems supplying data to the state system and disseminating said data to courts, partner agencies, and approved users.

System Support Analysts (1): System Support Analysts develop, integrate and maintain applications, software, systems and associated workflow processes for AOC information systems serving the needs of the Washington judiciary. This is a software tester position and is vital to be able to add testing capacity to meet the needs of the EDR, data exchanges, data validation, applications, and other new products associated with the EDR. The volume of system integration testing will increase significantly as the EDR transitions to operations and the additional testing capacity must be available to ensure thorough testing of key public safety applications.

Court Business Coordinator (1): The Court Business Coordinator will be responsible for a major new AOC function, Enterprise Data. This expert level professional coordinates activities related to this specific line of business. The Court Business Coordinator is a hands-on business analyst who provides a leadership and supervision to other Business Analysts assigned to the associated line of business. This position works closely with business and project stakeholders to define, set direction and priorities for solutions serving the needs of the Washington judiciary. The Court Business Coordinator will help establish and oversee the business direction of the EDR and the associated suite of services and products. They will be responsible for evaluating the Enterprise Business Data impacts of legislation, court rules, and public policy across the statewide data landscape. Based on the evaluation, the Court Business Coordinator will identify opportunities to tailor the Enterprise Data offerings to better meet new and changing business needs of the Washington courts. The Court Business Coordinator will also manage and update the JIS Data Standard for Alternative Court Record Systems. This position is necessary because a similar function does not exist as a permanent function within AOC.

Business Analysts (2): Business analysts serve as the key link between business needs and technology solutions. They coordinate, elicit, and update, Information Technology (IT) and Business Processes through requirements, documentation, and standards. Business analysts are crucial in that they contribute business perspective and analysis towards solutions and business needs for management, processing, and dissemination of data. Communicate with AOC and customers about requirements, education, processes, and the risks and benefits associated with multiple case management systems. These positions will be crucial in establishing requirements that bridge the differences between the various case management systems that will manage court cases statewide.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Appellate Electronic Court Records

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for implementation of Appellate Electronic Court Records.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$1,134,000	\$1,073,000	\$99,000	\$77,000
Total Cost	\$1,134,000	\$1,073,000	\$99,000	\$77,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	4	3	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$330,000	\$271,000	\$0	\$0
Benefits	\$109,000	\$90,000	\$0	\$0
Contracts	\$462,000	\$462,000	\$0	\$0
Goods/Services	\$125,000	\$247,000	\$99,000	\$77,000
Travel	\$4,000	\$3,000	\$0	\$0
Equipment	\$104,000	0	\$0	\$0
Total	\$1,134,000	\$1,073,000	\$99,000	\$72,000

Package Description:

At the request of the Supreme Court and Court of Appeals, the Administrative Office of the Courts (AOC) is seeking funding for the expansion of the current Appellate Court – Electronic Content Management System (AC – ECMS) to support the transition to Appellate Electronic Court Records for Washington State. Phase I of the AC – ECMS has been implemented and is being used by the Washington Supreme Court and Washington State Court of Appeals. The Appellate Electronic Court Records Project is an Information Technology Governance Request (ITG 252) of the Judicial Information Systems Committee (JISC). Over the past decade the JISC has prioritized the need to modernize existing systems and standardize technology applications at all court levels. As a result of these efforts, courts across the state have implemented common case

and document management systems to support timely and efficient case processing and effective court management.

In accordance with the appellate court technology strategic plan, Phase I of this effort at the appellate court level was the replacement of three existing independent internal document management systems developed locally by the divisions of the Court of Appeals and provide the Supreme Court with a document management system. The initial effort also included conversion of existing electronic documents in the Supreme Court into the new system. In addition to the development and implementation of a common statewide appellate document management system, Phase I of the project also included the development of a web portal by the Administrative Office of the Courts to facilitate and manage the electronic filing of appellate court pleadings on a statewide basis. The e-filing portal has been integrated with the appellate document management system and the case management system database to provide an integrated solution that provides for significant internal case processing efficiencies, improved movement of cases between divisions and courts, as well as significant savings and benefits to court users associated with electronic filing of appellate court documents. The Appellate ECMS was implemented in the Court of Appeals and Supreme Court during FY17. In doing so, the Supreme Court and Court of Appeals have made the transition to one statewide internal document management system for both Courts.

After implementation of Phase I, the appellate courts requested a supplemental budget allocation for FY19 to support continued development of Phase II of the Appellate ECMS document management system. The legislature allocated \$390,000 to support the continued development and implementation of the internal appellate electronic document application. The supplemental funding will result in additional case processing workflows in the Supreme Court and Court of Appeals including but not limited to opinion processing, Supreme Court panel workflows, calendar setting and case distribution, inmate electronic case filing, and case disposition. These efforts during FY19 will position the appellate courts to move forward with Appellate Electronic Court Records during the 19 – 21 biennium.

This request is for funding in the 19 – 21 biennium to support the transition from a common internal appellate court document management system to full Electronic Court Records (ECR) in the appellate courts.

Full Appellate Electronic Court Records is achieved when:

- The electronic document management system is the source of the official appellate court record;
- The appellate courts are no longer keeping court records in paper format;
- All pleadings filed by attorneys are filed electronically;
- Case participants and the public can and do access court documents electronically;
- All court case related business processes are supported by electronic workflows;
- Information sharing with justice partners is electronic;
- Case management systems data is well integrated with the document management system; and
- System and infrastructure are reliable, sustainable, and redundant.

The successful development and implementation of the appellate electronic filing portal, the statewide internal document management system, and integration with the case management system database have provided the foundation for the Appellate ECR environment. The most critical component of the transition to appellate electronic court records is access. The current internal document management system is not accessible to litigants, the bar, or the public. To make the transition to full appellate electronic court records (and an electronic official court record) this accessibility is required. The official court record is a public record and must be available for inspection, copying, and/or transferring within the appellate courts and judicial branch. The application as currently developed is not available to external court users. In addition to enhanced/required access, implementation of appellate electronic court records will require improved security, ongoing system maintenance and support, system reliability, redundancy, and sustainability, and archival functionality.

Implementation of a statewide appellate electronic court records application will enhance and improve appellate case processing, create internal case processing efficiencies, reduce appellate case processing delays, improve access to appellate court records for all courts, the bar, litigants, and the public. In addition to the benefits realized by court participants and the public, the elimination of manual, paper based case processing will reduce storage costs, improve internal case processing through electronic workflows, and expedite the filing and distribution processes.

Current Level of Effort:

As referenced previously this request is an expansion of the current Appellate ECMS application. In addition to the supplemental funding allocated in the 2018 supplemental budget, the application is supported by Administrative Office of the Courts (AOC) Information Services Division staff funded by the Judicial Information Systems (JIS) fund. Current permanent staffing is limited to one project manager. Additional technical staff are assigned based upon priority and availability.

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

This decision package requests funding for professional services, additional program modules, technical training, equipment, and additional project FTEs. Funding for additional FTE positions will be project related and limited to the duration of the project. The request includes the following components and projected expenditures:

Additional Staffing (Project Positions):

Business Analyst – 1 FTE, System Support Analyst Range 66, salary and benefits per year (beginning 7/1/2019) - \$117,000 with an additional \$5,000 for equipment the first year and \$2,000 per year for travel and goods/services.

Tester – 1 FTE, System Support Analyst Range 66 (beginning 9/1/2019), salary and benefits per year - \$117,000 with an additional \$5,000 for equipment the first year and \$2,000 per year for travel and goods/services.

Web Developer – 1 FTE, Senior System Integrator Range 70 (beginning 8/1/2019 and ending 7/31/2020), salary and benefits per year - \$128,000 (for one year) with an additional \$5,000 for equipment the first year and \$2,000 per year for travel and goods/services.

OnBase Developer - 1 FTE, System Support Analyst Range 66 (beginning 8/1/19), salary and benefits per year - \$117,000 with an additional \$5,000 for equipment the first year and \$2,000 per year for travel and goods/services.

Total Project Staffing Costs – \$467,000 for FY20, \$367,000 for FY21 for a total of \$834,000 for the biennium

Professional Services – Contract Programming Staff, 2,180 hours per year at \$212 per hour - \$462,000 per year or \$924,000 for the biennium.

Costs for the public viewing and document access environment – four court locations is estimated to be:

- four additional transaction terminals (four at \$1,000 each);
- associated transaction software (four at \$5,000 each); and
- vend/bill and reproduction equipment (four at \$20,000 each).

Total estimated cost for the public viewing kiosk environment for four court locations, \$104,000 (one time cost).

Technical Training for Project Staff - \$41,400 (\$24,000 FY20 and \$17,400 FY21)

Additional Program Modules - \$150,000 (FY20)

Software Upgrades – Upgrade to OnBase 19 - \$22,200 (FY21)

Subscription - \$8,500 per year

Infrastructure Costs - \$72,000 per year for redundant network continuing into 21-23 biennium.

Decision Package Justification and Impacts

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

Accessibility.

As previously noted, accessibility is a critical component of the transition from the current internal system to the proposed Appellate Electronic Court Record environment. The official court record is a public record and must be available for inspection, copying, and/or transferring within the appellate courts and judicial branch. The current internal AC-ECMS application is not available to external users. This request will provide the resources to establish access/viewing stations in each court location, as well as developing public access functionality to support access to the official court record through a web based interface. This will be accomplished by enhancing the current e-filing portal to support access for litigants and lawyers, and the development of a web portal for public access to court documents.

In addition to enhanced and improved access to appellate court records by the litigants, bar, and public, expansion of the existing application will enhance and improve access to appellate court records for trial courts, justice partners, and other court users.

Commitment to Effective Court Management.

Another critical component of this request relates to improvements in court management. Currently, paper based manual appellate court processes are inefficient, expensive, and antiquated. Phases I and II of the Appellate ECMS project have developed the application and infrastructure to make the transition to Appellate Electronic Court Records. Once completed, the new environment will reduce storage and transmittal costs, reduce records management costs, and improve accuracy, distribution, and timeliness of court work product and records. The implementation will substantially improve the effectiveness of appellate court management in Washington State.

Appropriate Staffing and Support.

The AOC and appellate courts have agreed to use existing staff to support development of the first phases of the project. Current resources must be supplemented to support development and implementation of Phase III, Appellate Electronic Court Records. The additional staffing being requested for Phase III are project in nature, meaning funding is requested for the duration of the development effort, the 2019 – 21 biennium. The need for ongoing maintenance and support resources will be evaluated and identified during the course of the project. Additional funding for maintenance and support will be included in future budget requests.

What is the impact on other state agencies?

Beyond improved access to appellate court records by state agencies, there will be no impact on other state agencies.

What is the impact to the Capital Budget?

N/A.

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

Minor modifications to court rules and/or appellate court general orders will be required. The transition to electronic court records is supported by the appellate bar and judges and justices of the courts. Existing professional services contracts will be renewed and/or revised as deemed necessary.

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 appellate courts have explored several options related to public, litigant, and lawyer access and use of electronic court documents, including but not limited to contracting for external entity web services, duplication of court documents on Secretary of State Archive site, and expanding existing in-house web services and e-filing portal. The option chosen represents the most cost effective solution, and one that does not include third party user fees for access to and/or filing of appellate court documents.

What are the consequences of not funding this request?

The existing Appellate ECMS system will continue to be an internal system without public accessibility, and appellate case processing will continue to be supported by manual, paper-based processes that are inefficient and expensive.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

Attached is the supporting Appellate ECMS Project Strategic Planning Outline and associated project implementation timeline.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Information Networking Hub – Enterprise Data Repository Future Integrations

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to integrate additional case management systems with the Information Networking Hub - Enterprise Data Repository (EDR).

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001		\$500,000	\$0	\$0
Total Cost		\$500,000	\$0	\$0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts		\$500,000	\$0	\$0
Total		\$500,000	\$0	\$0

Package Description:

The Information Networking Hub (INH) is an overarching program to provide the infrastructure necessary to transition Administrative Office of the Courts (AOC) information technology operations to a data-centric architecture, making future system upgrades and replacements easier as most AOC services and integrations would focus on the INH. The center of the INH is a common data repository known as the Enterprise Data Repository (EDR), a data access environment and a set of data services to access the common data and integrate other applications. The Expedited Data Exchange (EDE) Project is a pilot program to implement the minimum infrastructure necessary to support King County District Court (KCDC) and King County Clerk's Office (KCCO) as they migrate to their own local case management systems.

The EDE program was funded by the legislature for the 2015 – 2017 biennium, with unspent funding carried over into the 2017-2019 biennium. This project is establishing the EDR that will receive statewide data from AOC systems as well as from any local case management system implemented by individual jurisdictions. KCDC and KCCO will be the first jurisdictions providing data to the EDR as they complete the planned implementation of their case management systems in 2018. The KCDC and KCCO data will be loaded into the EDR along with data from the existing Judicial Information Systems to provide a unified source of all data statewide.

However, other case management systems exist which will not be integrated with the EDR at the end of the current project. There is currently no approved project to integrate AOC's Odyssey case management system with the EDR. This request would enable AOC to integrate Odyssey with the EDR. In addition, several jurisdictions already have, or plan to procure, independent case management systems. Pierce County Superior Court operates a system known as LINX, Seattle Municipal Court is procuring a new case management system. In order to best serve the public, and to comply with the JIS Data Standard for Alternative Court Record Systems, AOC would need to support the integration, by the respective jurisdictions, of these systems into the EDR.

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

A separate budget request will be submitted for funding necessary to maintain, operate, and enhance the EDR and its associated suite of services and products. No current level of effort is assigned to integration of Odyssey or non-AOC case management systems other than those for KCDC and KCCO.

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

The following assumptions were used to estimate the workload and staffing required to integrate Odyssey and one other non-AOC case management into the EDR:

1. The Odyssey case management system will be integrated in a similar manner to existing JIS to EDR integration pattern.
2. For the Odyssey integration, work will be required both on the part of AOC and on the part of Tyler Technologies, the vendor that provides Odyssey.
3. The EDE Maintenance and Operations budget request will be approved and AOC will have a knowledgeable team supporting the EDR and its suite of associated services and products.
4. AOC will provide technical and business support to any jurisdiction working to integrate an independent case management system with the EDR.
5. Integration of every system into the EDR raises a risk of discovering functionality specific to a system that will necessitate significant changes to the EDR.

The request is for contract costs for each year.

Decision Package Justification and Impacts

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

Accessibility.

This request is not related to this objective.

Access to Necessary Representation.

This request is not related to this objective.

Commitment to Effective Court Management.

This request is critical to maintaining effective court management as AOC continues to move closer to a data –centric architecture. As new case management systems are introduced into the state’s court system, integrating these systems is necessary in order for AOC to be able to fulfill its central role in the state as the trusted provider of complete statewide. These integrations efforts will make operations easier for the courts and state agencies.

Appropriate Staffing and Support.

This request is not related to this objective.

What is the impact on other state agencies?

AOC provides data to multiple state agencies to support public policy, public safety, and to enable key business processes at those partner agencies. Sourcing data from multiple systems raises significant concerns for partner agencies as inconsistencies in interpretation of the data could cause significant issue.

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?

AOC agreed with stakeholders from King County as part of the 2015 – 2017 biennial budget process to develop the EDR and the associated suite of services and products. Part of the assumptions of the original agreement was that this would be an on-going program integrating other systems in the future as they were deployed in the state.

What are the consequences of not funding this request?

If this request is not funded, AOC will not be able to integrate other case management systems with the EDR.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Internal Equipment Replacement

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

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

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$1,913,000	\$0	\$1,200,000	\$0
Total Cost	\$1,913,000	\$0	\$1,200,000	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Equipment	\$1,913,000	\$0	\$1,200,000	\$0
Total	\$1,913,000	\$0	\$1,200,000	\$0

Package Description:

Funding is requested to replace end of life equipment and to improve performance for heavily used JIS services. Use of and data exchange with 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 increased by 9% per year and more recently 45% per year with the SC-CMS application. Many of the components providing service for the JIS Applications have reached their effective end-of-life. This means the hardware vendor will no longer support the equipment if it fails, causing potential disruption to JIS services.

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

Each biennium, the agency requests money for equipment replacement. When it is not received, the agency does not replace aged equipment.

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

Virtualization of Equipment at the Court of Appeals

The three offices of the Washington State Court of Appeals are running on server equipment that is end of life. Each sites has about 5-8 servers performing various independent functions. This equipment is physically located at each office. It is intended to replace the equipment with virtual servers which will decrease the number at each location. Costs include maintenance and support for three years.

SAN Storage Replacement

The IBM DS8870 SAN storage used by most of the JIS Applications needs to be replaced because it is reaching maximum storage capacity, lacks encryptions capabilities and is reaching end of life. Costs include maintenance and support for three years.

Virtual Server Replacement

A number Virtual Servers and related software are at end of life.

Network Upgrade/Replacement – Load Balancers

With the upgrade of the Superior Court application and upcoming District/Municipal Court application, there has been a dramatic increase in network traffic. Because data is no longer a simple “green screen” but rather a “web page” causes an increase in network traffic - over 500%. The current traffic load balancers are reaching their current capacity and require replacement to support the new web based applications

Network Upgrade/Replacement – Firewall

With the upgrade of the Superior Court application and upcoming District/Municipal Court application, there has been a dramatic increase in network traffic. Because data is no longer a simple “green screen” but rather a “web page” causes an increase in network traffic - over 500%. The current firewalls are reaching their current capacity and require replacement support the new web based applications. In addition, there has been an increase in access our JIS system and we rely on the firewalls to only permit allowed traffic.

Storage Backup Software

A mainframe-based product is currently used to back up the Windows servers. While this method works, it puts extra dependences on the mainframe and in a disaster situation requires the mainframe to be functional before windows servers can be restored. Additionally most of the Windows Servers are virtualized and the current backup software does not take advantage of that. We need to switch to Windows based backup software, which takes advantage of the capabilities of our virtual backup devices at the AOC and our backup location.

Cost Summary

Item	Cost
COA Server Replacement	\$199,000
SAN Storage Replacement	\$643,000
VMWare Server Replacement	\$346,000
Network Upgrade/Replacement – Load Balancers	\$258,000

Network Upgrade/Replacement – Firewalls	\$372,000
Storage Backup Software	\$95,000
TOTAL	\$1,913,000

Decision Package Justification and Impacts

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

Appropriate Staffing and Support.

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

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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?

There are no other alternatives.

What are the consequences of not funding this request?

Equipment is no longer supported by the vendors and outages cannot be repaired. Courts will not be able to enter their JIS data.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Odyssey Development Hours

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for additional development hours for Odyssey system corrections, modifications and/or enhancements to better support the Washington Courts business processes and improve productivity within the Superior Court and County Clerk’s offices.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$172,000	\$402,000	\$0	\$0
Total Cost	\$172,000	\$402,000	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$172,000	\$402,000	\$0	\$0
Total	\$172,000	\$402,000	\$0	\$0

Package Description

Under the direction of the Judicial Information Systems Committee, the Administrative Office of the Courts (AOC) successfully executed a case management system replacement project for the Superior Courts. The project known as Superior Court Case Management System (SC-CMS) is on target to complete implementation on December 31, 2018. Once completed, 37 counties with a total of 1,466+ Superior Court and County Clerk staff will be using the new case management system called Odyssey.

While AOC owns the system, the Odyssey system code base is owned by Tyler Technologies and, per contract, AOC is not permitted to make modifications directly to the code base. Instead, AOC requests code changes from Tyler Technologies and pays for the changes at Tyler’s rate at the time.

As Superior Court and County Clerk staff become familiar with the new system, it is anticipated there will be areas requested where changing the new case management

system code base would increase efficiency in performing Washington business processes.

These requested changes are subject to a governance process that ensures the requests are vetted and approved at the appropriate levels based on business impact.

This decision package requests a funding account be established to support these changes.

Examples could include items such as: Electronic Filing of cases

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

N/A.

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

Odyssey Enhancements:

Expenditure calculations are based on historical recorded estimates provided by Tyler Technologies. The amount requested is determined by calculating the average size of requests from the historical enhancement requests developed and delivered during the implementation project.

We have developed an estimate on how much work could reasonably be completed over the biennium.

Calculation is hours * number of projects * Tyler Technology current rate.

Decision Package Justification and Impacts

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

Accessibility.

Enhancement requests may address accessibility.

Access to Necessary Representation.

Enhancement requests may address necessary representation.

Commitment to Effective Court Management.

Enhancement requests may address effective court management.

Appropriate Staffing and Support.

Funding for this request will provide AOC with the mechanism to enhance the Odyssey case management system when changes supporting greater efficiencies in court management, access to justice and/or necessary representation are identified.

What is the impact on other state agencies?

Enhancement requests may or may not impact other state agencies.

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?

No viable alternatives are available.

What are the consequences of not funding this request?

If this request is not funded, there will be no mechanism in place to fund enhancements to the Odyssey case management system in support of changing court needs and greater efficiencies in court management, access to justice and/or necessary representation.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: External Equipment Replacement

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to replace aged computer equipment at the courts and county clerks' offices.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 543	\$821,000	\$825,000	\$795,000	\$1,040,000
Total Cost	\$821,000	\$825,000	\$795,000	\$1,040,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Grants	\$821,000	\$825,000	\$795,000	\$1,040,000
Total	\$821,000	\$825,000	\$795,000	\$1,040,000

Package Description:

Funding is requested to replace aged computer equipment at trial and appellate courts and county clerk's offices.

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

Each biennium, the Administrative Office of the Courts (AOC) requests money for equipment replacement. When it is not received, the agency does not replace aged equipment.

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

Number and type of devices by biennium:

Device	FY20		FY21	
	Equipment Count	Equipment Cost	Equipment Count	Equipment Cost
Computers	375	\$375,000	637	\$637,300
Judges Laptops	124	\$136,400	80	\$88,000
Laser Printers	123	\$36,900	42	\$12,600
COA/TOJ Printer	77	\$191,800	0	\$0
Receipt Printers	0	\$0	0	\$0
Impact Printers	23	\$80,500	25	\$87,500
Total	722	\$820,600	784	\$825,400

Decision Package Justification and Impacts

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

Appropriate Staffing and Support.

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

What is the impact on other state agencies?

None

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?

There are no other alternatives.

What are the consequences of not funding this request?

Equipment is no longer supported by the vendors and outages cannot be repaired. Courts will not be able to enter data into the statewide court case management systems.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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 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.

Recommendation Summary

Agency: 046 State Law Library

Version: 20192021 2019-2021 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	13.8	3,274	128	3,402
2017-19 Current Biennium Total	13.8	3,274	128	3,402
CL 92K DES Central Services	0.0	3	0	3
CL 92R OFM Central Services	0.0	(1)	0	(1)
CL ABLV Required Publications	0.0	5	0	5
CL G05 Biennialize Employee PEB Rate	0.0	1	0	1
CL GL9 Non-Rep General Wage Increase	0.0	44	0	44
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	1	0	1
CL GZF Paid Family Leave--Employer Premium	0.0	3	0	3
CL GZH DES Rate Compensation Changes	0.0	8	0	8
Total Carry Forward Level	13.8	3,338	128	3,466
Percent Change from Current Biennium	.0%	2.0%	.0%	1.9%
Maintenance – Other Changes				
MLL1 Publication Renewal Relief	0.0	100	0	100
Maintenance – Other Total	0.0	100	0	100
Total Maintenance Level	13.8	3,438	128	3,566
Percent Change from Current Biennium	.0%	5.0%	.0%	4.8%
	0.0	0	0	0
Subtotal - Policy Level Changes	0.0	0	0	0
2019-21 Total Proposed Budget	13.8	3,438	128	3,566
Percent Change from Current Biennium	.0%	5.0%	.0%	4.8%

Recommendation Summary

Agency: 046 State Law Library

Version: 20192021 2019-2021 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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CL 92K DES Central Services

CFL Adjustment for DES Services

CL 92R OFM Central Services

CFL Adjustment for OFM Services

CL GZF Paid Family Leave--Employer Premium

A paid family and medical leave program was created by Chapter 5, Laws of 2017, 3rd Special Session. Beginning January 1, 2019, the state, as an employer, will be responsible for payment of employer premiums for employees not covered by a collective bargaining agreement. This item provides funding for this obligation.

CL GZH DES Rate Compensation Changes

CFL Adjstmnt - DES Rate for Compensation Changes

ML L1 Publication Renewal Relief

Funding is requested for the purchase of legal treatises to meet the Court's requirement for citation to official printed publications. Many publications have been cancelled during the past decade due to budget reductions and the effects of inflation.

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Washington State Law Library

Decision Package Title: Publication Renewal Relief for Legal Publications

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text: Funding is requested for the purchase of legal treatises to meet the Court’s requirement for citation to official printed publications. Many publications have been cancelled during the past decade due to budget reductions and the effects of inflation.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$50,000	\$50,000	\$0	\$0
Total Cost	\$50,000	\$50,000	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Equipment	\$50,000	\$50,000	\$0	\$0
Total	\$50,000	\$50,000	\$0	\$0

Package Description

Under Supreme Court Administrative Rule 18, the State Law Library is responsible for maintaining a legal research library for users including the Supreme Court, the Legislature, state officials, state employees, and citizens from across Washington.

Supreme Court Justices and Court of Appeals Judges require access to both primary law and legal treatises. The library received funding for the 2017-2019 biennium to update cancelled primary law subscriptions. The library needs additional funding in the 2020-2021 biennium to update some of the heavily used legal treatises that have been cancelled.

General Rule 14, Appendix 1, Principle 5 states that legal citations should be to “official sources, which in most instances are printed publications.” As a cost savings measure, the library has adopted a collection development policy that deems pdf images of print publications to be equivalent to print for this purpose, but most publications are

unavailable as full pdf page images. The text of some primary law is available online, but often contains errors and needs to be verified against the print for accuracy.

The annual inflation rate of legal print publications is 20%. In 2017, the library entered into a multi-year contract with the largest legal publisher to cap the annual inflation rate for print purchases at 1%. Nonetheless, the library has already cancelled many titles from this publisher that need to be renewed. The increased prices from other publishers also continue to climb at rates approaching 20%. Many heavily used legal treatise titles have been cut due to the combined impact of budget reductions and inflation. The annual cost to update all of these titles would exceed several hundred thousand dollars. The library is requesting a general fund increase of \$50,000 a year to start the process of updating the most important cancelled titles.

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

The library currently expends approximately \$412,000 for purchasing print legal publications.

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

The library reviewed the circulation statistics for the past fifteen years as well as the count we have been keeping for the past nine months of books that are “off the shelf” and used in the library but not checked out. These lists were used to determine which titles are most frequently used in print. The library then analyzed these titles to see which have been cancelled due to budget cuts and inflation. Finally, the library identified the cost of renewing subscriptions for the titles with the highest use. This list is included below under Other Supporting Materials.

Decision Package Justification and Impacts

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

Accessibility.

The services and collection of the Washington State Law Library provide key access to legal information to the citizens of the state. By providing access in both print and digital formats, we improve accessibility for patrons who need digital access to information due to impairments or distance from Olympia. The annual number of patron interactions (walk-in, email, and telephone) has doubled from 4,793 in FY02 to 9,867 from April 2017 to March 2018.

Access to Necessary Representation.

An updated law library is necessary for high quality legal research. The library routinely provides free copies of materials to lawyers working as public defenders, prosecutors, and legal services agencies, helping to ensure access to justice to the citizens of the state.

Commitment to Effective Court Management.

Efficient access to high quality legal publications is necessary for effective appellate.

Appropriate Staffing and Support.

None.

What is the impact on other state agencies?

The Washington State Law Library routinely provides reference services and access to legal information to the Legislature and executive branch agencies. We serve as the primary permanent repository for legal information for state government.

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 only alternative to this request is not updating the legal treatise collection.

What are the consequences of not funding this request?

This would limit the availability of legal treatises to the Supreme Court and Court of Appeals and hamper both efficiency and thoroughness in the appellate process, forcing the library to try to meet the needs of the courts through interlibrary loan. It would cut off access to this material by citizens who use the collection.

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

After careful consideration and a thorough review of the State Law Library budget, it has been determined there is no funding for this activity.

Other supporting materials:

This is a list of some of the most heavily cited treatises, in order of use, that have been cancelled, along with the annual cost to update these titles:

American Jurisprudence	\$23,260
Corpus Juris Secundum	\$21,097
Federal Practice and Procedure (Wright & Miller)	\$6,914
West's Federal Rules Decisions	\$6,145
McQuillin Municipal Corporations	\$8,767
Singer's Statutes and Statutory Construction (3 copies)	\$8,424
Washington Probate & Estate Administration	\$277
Newberg on Class Actions	\$1,934
Williston on Contracts	\$6,412
Mallen on Legal Malpractice	\$1,075
Wharton's Criminal Procedure	\$1,187
Drafting Wills and Trust Agreements, 4th ed.	\$1,466

Section 1983 Litigation	\$955
Alternative Dispute Resolution, 4th	\$444
National Consumer Law Center publications	\$1,640
Collier's on Bankruptcy	\$14,805
	\$104,802

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

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 appeal ability. 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.

Recommendation Summary

Agency: 048 Court of Appeals

Version: 20192021 2019-2021 Biennium Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	140.6	35,408	1,477	36,885
2017-19 Current Biennium Total	140.6	35,408	1,477	36,885
CL 92C Archives/Records Management	0.0	(1)	0	(1)
CL 92E Legal Services	0.0	1	0	1
CL 92J CTS Central Services	0.0	2	0	2
CL 92K DES Central Services	0.0	(1)	0	(1)
CL 92R OFM Central Services	0.0	(15)	0	(15)
CL 9D Pension and DRS Rate Changes	0.0	3	0	3
CL AC Division I - Lease Increase	0.0	4	0	4
CL AD Reinstatement of Merit Increments	0.0	114	0	114
CL BSA Move Pension Fund Shift to Agencies	0.0	(15)	15	0
CL G05 Biennialize Employee PEB Rate	0.0	4	0	4
CL GL9 Non-Rep General Wage Increase	0.0	764	0	764
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	7	0	7
CL GZF Paid Family Leave--Employer Premium	0.0	27	0	27
CL JUD1 Salaries for Elected Officials	0.0	127	0	127
Total Carry Forward Level	140.6	36,429	1,492	37,921
Percent Change from Current Biennium	.0%	2.9%	1.0%	2.8%
Maintenance – Other Changes				
ML 8V Lease Adjustments > 20,000 sq. ft.	0.0	184	0	184
Maintenance – Other Total	0.0	184	0	184
Maintenance – Comp Changes				
ML 97 Merit System Increments	0.0	236	0	236
Maintenance – Comp Total	0.0	236	0	236
Total Maintenance Level	140.6	36,849	1,492	38,341
Percent Change from Current Biennium	.0%	4.1%	1.0%	3.9%
Policy – Comp Changes				
PL A1 Law Clerk Salary Survey	0.0	1,624	0	1,624
Policy – Comp Total	0.0	1,624	0	1,624
Subtotal - Policy Level Changes	0.0	1,624	0	1,624
2019-21 Total Proposed Budget	140.6	38,473	1,492	39,965
Percent Change from Current Biennium	.0%	8.7%	1.0%	8.4%

Recommendation Summary

Agency: 048 Court of Appeals

Version: 20192021 2019-2021 Biennium Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CL 92C Archives/Records Management CFL Adjustment for Archives				
CL 92E Legal Services CFL Adjustment for Legal Services				
CL 92J CTS Central Services CFL Adjustment for CTS Services				
CL 92K DES Central Services CFL Adjustment for DES Services				
CL 92R OFM Central Services CFL Adjustment for OFM Services				
CL 9D Pension and DRS Rate Changes Biennialize Pension Funding				
CL GZF Paid Family Leave--Employer Premium A paid family and medical leave program was created by Chapter 5, Laws of 2017, 3rd Special Session. Beginning January 1, 2019, the state, as an employer, will be responsible for payment of employer premiums for employees not covered by a collective bargaining agreement. This item provides funding for this obligation.				
ML 8V Lease Adjustments > 20,000 sq. ft. Division I is requesting funding for increased rental costs, monthly operating escalator increases, and annual real estate tax increases associated with the renewal of the facilities lease in 2016.				

Recommendation Summary**Agency: 048 Court of Appeals****Version: 20192021 2019-2021 Biennium Budget***Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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ML 97 Merit System Increments

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

PL A1 Law Clerk Salary Survey

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

Summarized Revenue by Account and Source

Agency: 048 Court of Appeals

Session: 2019-21 Regular

Version: 20192021 - 2019-2021 Biennium Budget

All Programs at the Program Level

Supporting Text Included

Dollars in Thousands

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2020	FY2021	FY2020	FY2021	FY2020	FY2021	
001 - General Fund							
90 - Maintenance Level Revenue	400	400					
Total - 0525 - Filing Fees - Priv/L - P/L	400	400			400	400	800
001 - General Fund - Private/Local	400	400			400	400	800
Total - 001 - General Fund	400	400			400	400	800
Agency: 048 COA - Private/Local	400	400			400	400	800
Total - Agency: 048 COA	400	400			400	400	800

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Court of Appeals

Decision Package Title: Law Clerk Salary Survey Implementation

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

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

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$812,000	\$812,000	\$812,000	\$812,000
Total Cost	\$812,000	\$812,000	\$812,000	\$812,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$675,000	\$675,000	\$675,000	\$675,000
Benefits	\$137,000	\$137,000	\$137,000	\$137,000
Total	\$812,000	\$812,000	\$812,000	\$812,000

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 Law Clerks trail the identified market averages by an average of 30.1 percent below market.

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. Funding is requested to implement the Survey's findings during the 2019-2021 biennium.

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

This is not an expansion or alteration of a current program or service.

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

The request is based on moving all of the Law Clerks to an annual salary of \$68,580.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal 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 Court of Appeals has recruitment and retention difficulties with Law Clerks. Given the substantial differential in compensation of law clerks compared to market, the salary for Court of Appeals law clerks must be raised significantly.

What is the impact on other state agencies?

None

What is the impact to the Capital Budget?

None

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?

There is no alternative.

What are the consequences of not funding this request?

It will be difficult to recruit and retain qualified employees if the salaries are not raised.

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

After careful consideration and a thorough review of the Court of Appeals budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Court of Appeals

Decision Package Title: Continuation of Merit Increments

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

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

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$100,000	\$136,000	\$136,000	\$136,000
Total Cost	\$100,000	\$136,000	\$136,000	\$136,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$83,000	\$113,000	\$113,000	\$113,000
Benefits	\$17,000	\$23,000	\$23,000	\$23,000
Total	\$100,000	\$136,000	\$136,000	\$136,000

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.

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

This is not an expansion or alteration of a current program or service.

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

The request is based on step increases the employees would receive in the 2019-2021 biennium.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal 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 Court of Appeals 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.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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?

There is no alternative. When necessary, the Court of Appeals 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 Court of Appeals to again provide periodic salary step increases for eligible staff.

What are the consequences of not funding this request?

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

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Court of Appeals

Decision Package Title: Lease Increase

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

Division I is requesting funding for increased rental costs, monthly operating escalator increases, and annual real estate tax increases associated with the renewal of the facilities lease in 2016.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$82,605	\$100,675	\$0	\$0
Total Cost	\$82,605	\$100,675	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Goods/Services	\$82,605	\$100,675	\$0	\$0
Total	\$82,605	\$100,675	\$0	\$0

Package Description:

The Department of Enterprise Services renewed the Court’s facility lease in June 2016. The amended lease includes an increase in base rent effective September 1, 2019. In addition to the contractual rent increase, the lease requires monthly operating escalator payments, and payment of annual real estate taxes based on the annual property valuation. Funding is requested to support these lease obligations.

Decision Package Justification and Impacts

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

Accessibility.

In order to provide accessibility to the Court and Clerk’s Office the Court of Appeals must have “storefront” facilities to support walk in traffic and court operations. The Court of Appeals courtroom must also be accessible to the lawyers, litigants, and the general public.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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

No.

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

The costs and disruption of relocation are prohibitive. The Court estimates the cost of relocation alone at approximately \$3 million, which does not include any facilities costs.

What are the consequences of not funding this request?

The court will be unable to afford or pay the monthly rent.

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

After careful consideration and a thorough review of the COA budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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 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.

Recommendation Summary

Agency: 056 Office of Public Defense

Version: 1921REV 2019-21 REV OPD

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	16.2	86,577	3,992	90,569
2017-19 Current Biennium Total	16.2	86,577	3,992	90,569
CL 92J CTS Central Services	0.0	0	(2)	(2)
CL 92K DES Central Services	0.0	0	(1)	(1)
CL 92R OFM Central Services	0.0	0	(2)	(2)
CL AE Appellate Attorney Costs	0.0	321	0	321
CL AF Contractor Retention	0.0	1,590	0	1,590
CL AK Attorney General's Office	0.0	(411)	0	(411)
CL G05 Biennialize Employee PEB Rate	0.0	1	0	1
CL GL9 Non-Rep General Wage Increase	0.0	92	0	92
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	1	0	1
CL GZC CTS Fee for Service Adjustment	0.0	0	2	2
CL GZF Paid Family Leave--Employer Premium	0.0	3	0	3
CL PREP Parents Representation Expansion	0.0	980	0	980
Total Carry Forward Level	16.2	89,154	3,989	93,143
Percent Change from Current Biennium	.0%	3.0%	(.1)%	2.8%
Maintenance – Other Changes				
ML9Z Recast to Activity	0.0	0	0	0
MLD7 OAG - Litigation Defense	0.0	400	0	400
Maintenance – Other Total	0.0	400	0	400
Total Maintenance Level	16.2	89,554	3,989	93,543
Percent Change from Current Biennium	.0%	3.4%	(.1)%	3.3%
Policy – Other Changes				
PL D1 Contractor Retention	0.0	11,000	0	11,000
PL D2 Pass-Thru Funding WA Defender Assoc	0.0	610	0	610
PL D3 Disproportionality Training Coord.	0.0	281	0	281
PL D4 Contract/Fiscal Support Staff	0.0	155	0	155
PL D5 Court Reporter/Transcriptionist	0.0	566	0	566
PL D8 Dependency Caseload Parity	0.0	7,214	0	7,214
Policy – Other Total	0.0	19,826	0	19,826
Subtotal - Policy Level Changes	0.0	19,826	0	19,826
2019-21 Total Proposed Budget	16.2	109,380	3,989	113,369
Percent Change from Current Biennium	.0%	26.3%	(.1)%	25.2%

Recommendation Summary**Agency: 056 Office of Public Defense****Version: 1921REV 2019-21 REV OPD***Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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CL 92J CTS Central Services

CFL Adjustment for CTS Services

CL 92K DES Central Services

CFL Adjustment for DES Services

CL 92R OFM Central Services

CFL Adjustment for OFM Services

CL GZC CTS Fee for Service Adjustment

CFL Adjustmnt - CTS Fee for Service

CL GZF Paid Family Leave--Employer Premium

A paid family and medical leave program was created by Chapter 5, Laws of 2017, 3rd Special Session. Beginning January 1, 2019, the state, as an employer, will be responsible for payment of employer premiums for employees not covered by a collective bargaining agreement. This item provides funding for this obligation.

ML D7 OAG - Litigation Defense

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

PL D1 Contractor Retention

OPD requests funding to address significant inequities in compensation for state-contracted public defense representation. Low state defense compensation, which is not competitive with other government attorney jobs, is impeding OPD's ability to recruit and retain qualified contract attorneys to effectively represent indigent persons on appeal and indigent parents involved in dependency and termination cases. OPD experienced more than 18% turnover among under-compensated contract attorneys in Fiscal Year 2018.

PL D2 Pass-Thru Funding WA Defender Assoc

The Office of Public Defense (OPD) requests funding to address the need for services from the Washington Defender Association, which provides critical continuing legal education and case-specific resources for public defense attorneys throughout Washington State.

Recommendation Summary

Agency: 056 Office of Public Defense

Version: 1921REV 2019-21 REV OPD

Dollars in Thousands

Annual Average FTEs	General Fund State	Other Funds	Total Funds
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PL D3 Disproportionality Training Coord.

OPD requests funding to hire 1 FTE Disproportionality Training Coordinator to provide OPD-contracted attorneys and other public defense attorneys with resources necessary to address bias issues involved in indigent right to counsel cases .

PL D4 Contract/Fiscal Support Staff

OPD requests funding to add 1 FTE Contract Support Staff to assist with workload related to the administration of some 300 contracts and 14,000 invoices each fiscal year in OPD’s three statewide public defense programs – indigent appeals , parents representation, and RCW 71.09 civil commitment. This position will assist the Contracts Manager and provide agency-wide fiscal support.

PL D5 Court Reporter/Transcriptionist

OPD requests funding to implement Supreme Court Order No. 25700-B-582 to increase the per-page payment for court reporter / transcriptionist preparation of verbatim reports of proceedings for indigent cases on appeal to the Washington Court of Appeals and the Washington Supreme Court.

PL D8 Dependency Caseload Parity

The Office of Public Defense (OPD) requests funding to maintain equal justice for families in dependency and termination cases by ensuring defense attorney caseloads that are consistent with American Bar Association(ABA) recommendations and in parity with assistant attorney general caseloads. With an increasingly complex child welfare caseload, Parents Representation Program attorney caseloads should comply with the 60 parent client maximum recommendation of the ABA . OPD seeks contracted attorney and support staff to ensure parity and equal justice in child welfare cases .

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Contractor Retention

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

OPD requests funding to address significant inequities in compensation for state-contracted public defense representation. Low state defense compensation, which is not competitive with other government attorney jobs, is impeding OPD’s ability to recruit and retain qualified contract attorneys to effectively represent indigent persons on appeal and indigent parents involved in dependency and termination cases. OPD experienced more than 18% turnover among under-compensated contract attorneys in Fiscal Year 2018.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$5,499,600	\$5,499,600	\$5,499,600	\$5,499,600
Total Cost	\$5,499,600	\$5,499,600	\$5,499,600	\$5,499,600
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Grants	\$5,499,600	\$5,499,600	\$5,499,600	\$5,499,600
Total	\$5,499,600	\$5,499,600	\$5,499,600	\$5,499,600

Package Description:

OPD requests funds to compensate state-contracted public defense attorneys comparable to 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 2017-19 biennial operating budget and the 2018 supplemental budget included some small increases to begin to address the compensation gap between other publicly funded attorneys and OPD contract attorneys, but at this time a significant increase is necessary to make progress toward reasonable and competitive attorney compensation.

Contracts

OPD contracts with 43.42 FTE attorneys statewide to provide appellate representation for indigent clients who have a constitutional or statutory right to counsel on appeal. OPD also contracts with 139.9 FTE attorneys around the state who provide public defense in all 39 Washington counties for indigent parents who have a right to counsel in dependency and termination cases. (Many attorneys devote their practice full-time to the OPD contract; others contract for a part-time caseload, especially in rural counties.)

Parent's representation and appellate attorneys must be competent and experienced. Representation in these cases is, by necessity, specialized and involves highly consequential issues for the clients served. Significant experience is a necessity as these attorneys are for the most part contracting independently without direct supervision. The average experience level for Parents Representation Program attorneys is 16 years. Appellate attorneys have an average 17 years' experience.

Attorney Turnover

The requested funding is necessary to address ongoing and intensifying difficulties in recruiting and retaining qualified public defense attorneys for state contracts. For example, during Fiscal Year 2018, OPD experienced an average 18 percent turnover among its contracted attorneys statewide.

Attorney turnover has been extremely high in a number of counties. The Parents Representation Program in FY18 experienced 50% turnover in Chelan, Grant, and Mason counties, and 40% turnover in Yakima County, 36% in Kitsap County, 28% in Snohomish County, and 27% in Spokane County. Attorney turnover in this practice area damages opportunities for crucial client engagement, strains court resources, and negatively impacts critical case timelines.

The loss of even a single FTE contract attorney usually causes case delays, directly and negatively impacting as many as 80 families involved in the dependency process. (Supreme Court Standards establish a full-time caseload as 80 dependency cases.) Delays in dependency cases can mean longer stays for children in foster care, at significant state expense.

In the Appellate Program, attorney turnover is problematic as well. The longtime director of a mid-size Seattle firm recently departed, and both of the contracted appellate firms in Seattle report substantial difficulty in hiring qualified attorneys to fulfill their OPD contracts due to the low state compensation.

Compensation Gap

After subtracting necessary business expenses, the average full-time OPD contract attorney will earn a gross salary equivalent of \$82,889 in Fiscal Year 2019. This is about \$30,000 less than the average salary received two years ago by other publicly funded experienced attorneys in Washington, according to a 2016 salary survey conducted by Arthur J. Gallagher & Co.

For Fiscal Year 2019, total contract compensation for OPD's contracted appellate and parents' attorneys ranges from about \$116,000 to \$140,000 per FTE (depending on experience and location). From this total, contractors must cover all business costs,

including rent, business taxes, office costs, malpractice insurance, professional license dues, and support staff, as well as health insurance and retirement, among other expenses. In Fiscal Year 2018 the cost of doing business as an OPD contractor averaged \$46,303 per attorney FTE, according to a professional survey conducted by Arthur J. Gallagher & Co.

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

This does not entail any service expansion. Washington State OPD funds and administers all indigent defense in appeals and parents' representation statewide.

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

This Decision Package seeks only contract attorney compensation increases. Currently, after subtracting business expenses from the contract payment, the average full-time OPD contract attorney with 16-17 years of experience will earn a gross salary equivalent of \$82,889 in FY 2019. According to a 2016 Arthur J. Gallagher survey, other publicly funded attorneys with 16-17 years of experience were paid salaries averaging \$113,000. The salary equivalent difference of \$30,000 multiplied by OPD's 183.32 FTE contract attorneys equals \$5,499,600.

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

Widely accepted national and state standards provide that public defense attorneys are to be compensated at parity with other government-funded attorneys. The requested increase will allow progress toward parity for OPD contract attorneys. The request will help OPD retain and recruit qualified attorneys to effectively represent indigent persons who have a constitutional or statutory right to counsel.

Commitment to Effective Court Management.

Some trial courts have contacted OPD to express concern about attorney turnover. When turnover is high among contracted attorneys providing right to counsel representation for indigent defendants and parents, the trial courts often are unable to manage hearings and meet timelines, even those mandated by state and federal law.

Appropriate Staffing and Support.

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?

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?

There is no alternative to fair compensation for OPD contract attorneys appointed to represent indigent clients who have a constitutional or statutory right to counsel. OPD cannot contract with unqualified or "low bid" attorneys. The Washington Supreme Court Standards for Indigent Defense establish caseload limits as well as minimum professional qualifications for public defense attorneys in various practice areas. It is the government's duty to fairly compensate public defense attorneys, and increased compensation can only come through a legislative appropriation.

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

OPD's current appropriation is fully obligated to various necessary expenditures, most of which are directly related to meeting the state's obligation to ensure the right to counsel.

Other supporting materials:

The updated Gallagher survey report will be provided as soon as it becomes available.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Pass-Through Funding to Washington Defender Association

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

OPD requests funding to address the need for services from the Washington Defender Association, which provides critical continuing legal education and case-specific resources for public defense attorneys throughout Washington State.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$305,000	\$305,000	\$305,000	\$305,000
Total Cost	\$305,000	\$305,000	\$305,000	\$305,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$305,000	\$305,000	\$305,000	\$305,000
Total	\$305,000	\$305,000	\$305,000	\$305,000

Package Description:

The Washington Defender Association (WDA) is a statewide nonprofit resource agency serving 1,400-plus attorneys who provide constitutionally required public defense representation for indigent clients in criminal cases and some civil cases, such as mental health involuntary commitment. Many of these public defense attorneys are sole practitioners or practice in small firms contracting with a county or city, and they have limited access to critical public defense-oriented resources in their local communities. Pass-through funding from OPD allows WDA to provide these attorneys with relevant and affordable continuing legal education as well as access to highly experienced felony and misdemeanor consulting attorneys who are on-call to assist with issues in individual cases. For many years WDA has received state funding for these basic services that help develop and sustain effective assistance of counsel, as required by the U.S. and Washington Constitutions.

In recent years WDA has observed a need for additional resources in several critical areas, including: in-depth trial advocacy skills training for new attorneys; training for defense investigators and social workers and for attorneys on how to effectively use investigators and social workers; and training to develop specialized knowledge and skills in representing clients with mental illness.

The need for additional training and support services led WDA to hire two new positions in 2017.

- **Director of Legal Services:** Oversees the Continuing Legal Education (CLE) training program, including recruiting and assisting presenters in developing their training sessions (both in-person and via webinars); oversees the development of publications, briefs and resource materials to support defenders; and supervises the technical assistance attorneys to ensure the quality of their work and to support them in practice areas where they have less experience, and to act as their back-up as needed. .85 FTE dedicated to OPD services.
- **Program Coordinator:** Administrative support for CLE training program, publications, website, and online services. .8 FTE dedicated to OPD services.

WDA also needs to maintain a highly successful program originally established with a four-year grant that expires in December 2018.

- **The Incarcerated Parents Project (IPP):** Supports incarcerated parents and their families and public defenders representing incarcerated parents with cases in the child welfare, juvenile, and criminal systems. The program's resource attorney provided 325 case consultations in the past year as well as extensive training for public defense attorneys and others in the justice system who can assist incarcerated parents. IPP has been a leader in establishing a participatory defense project in Snohomish County and in working with the Legislature to expand the Family Sentencing Alternative. The IPP attorney works closely with parent advocates to provide training and support both inside Washington's prisons and for re-entry. An ongoing crucial initiative is working with jails to ensure appropriate meeting space for family visitations.

WDA has temporarily underwritten the costs for these three positions through a modest increase in member dues (which was intended to offset increased lease and other maintenance costs) and expenditure of reserve funds, but cannot continue such support past June 2019 when the available reserves will be exhausted.

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

Currently OPD passes state funds through to WDA in the amount of \$1,404,899 per biennium. WDA uses these funds to provide felony and misdemeanor resource attorneys, training, and other supports to public defense attorneys statewide.

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

WDA would use the requested additional funding to support critical services for public defense attorneys.

- Director of Legal Services (.85 FTE) and Program Coordinator (.8 FTE):
\$310,000 per biennium
- Incarcerated Parents Project (1 FTE):
\$300,000 per biennium

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

WDA services and resources assist government in meeting the constitutional mandate to provide effective assistance of counsel.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

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?

OPD inquired about WDA's ability to further raise member dues, use reserve funds, and secure grants. WDA has utilized these alternative fund sources to their maximum capacity and now requires state funding.

What are the consequences of not funding this request?

WDA will have to cut its staff and reduce services that are critical to develop and sustain adequate public defense representation.

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

OPD cannot increase pass-through funding to WDA without additional appropriation.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Disproportionality Training Coordinator

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

OPD requests funding to hire 1 FTE Disproportionality Training Coordinator to provide OPD-contracted attorneys and other public defense attorneys with resources necessary to address bias issues involved in indigent right to counsel cases.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$143,200	\$137,500	\$137,500	\$137,500
Total Cost	\$143,200	\$137,500	\$137,500	\$137,500
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1	1	1	1
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$110,000	\$110,000	\$110,000	\$110,000
Benefits	\$27,500	\$27,500	\$27,500	\$27,500
Goods/Services/Equip.	\$5,700	\$0	\$0	\$0
Total	\$143,200	\$137,500	\$137,500	\$137,500

Package Description:

OPD requests funding to add a Disproportionality Training Coordinator in order to provide sufficient resources to address systemic bias in indigent right to counsel cases. A disproportional number of public defense clients are people of color, as are dependency clients represented by OPD parents' attorneys in child welfare cases. It is of paramount importance that these clients be represented by attorneys who understand the impacts of racism and advocate effectively in individual representations to prevent adverse consequences of bias. An occasional training covering bias is insufficient; multiple ongoing and coordinated efforts are required. Attorneys need consistently available leading edge information and tools to be effective.

OPD seeks funding to hire a Disproportionality Training Coordinator in order to develop and disseminate appropriate resources to affirmatively represent clients who face disparities. The Disproportionality Training Coordinator would provide training to some

300 OPD contract attorneys in the program areas of parents' representation, appellate representation, and Chapter 71.09 RCW sex predator civil commitment. In addition, the Disproportionality Training Coordinator would work with OPD's statewide public defense improvement program under Chapter 10.101 RCW, which provides public defense attorney training in multiple locations in eastern and western Washington each year. The Disproportionality Training Coordinator would fulfill a critical role key to OPD's mission to implement the constitutional right to counsel.

The Disproportionality Training Coordinator's job duties would include, but not be limited to, the following:

- Plan, manage, and implement training for OPD contract attorneys, including topics of recognizing and addressing implicit bias in individual cases and in the system.
- Pursuant to RCW 10.101 training programs, implement continuing legal education for public defense attorneys throughout the state on implicit bias, attorney-client ethics related to implicit bias, and disparate treatment in criminal defense cases.
- Gather and disseminate data and research on disproportionality.
- Work with OPD parents' representation, appellate, 71.09 and RCW 10.101 public defense services managers to develop model forms, motions, memos, and briefs on systemic disproportionality, and provide them to contractors for use in individual case advocacy.
- Gather and develop advocacy tactics for detention hearings, trials, sentencings, and motion practice.
- Work with communities in developing resources and training for attorneys representing indigent clients of color.

The requested funding covers salary, benefits, and one-time start-up costs for office space configuration, furniture, supplies, computer, and phone.

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

None.

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

A very experienced attorney would be hired as a training coordinator at a salary of \$110,000 and a \$27,500 benefits cost. Start-up costs would equal \$5,700. OPD would provide other overhead from existing resources.

Decision Package Justification and Impacts

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

Accessibility.

N/A

Access to Necessary Representation.

Constitutional and statutory guarantees of the right to counsel must be implemented in an effective manner. It is critically important that the state's right to counsel programs recognize and address bias issues that are disproportionately present in indigent representation cases.

Commitment to Effective Court Management.

Washington Courts are committed to addressing potential and actual bias issues in the justice system, as evidenced by the statewide Minority and Justice Commission, Gender and Justice Commission, Tribal State Court Consortium, and various Supreme Court decisions and court rules. A Disproportionality Training Coordinator at OPD will help public defense attorneys play an important role in the court system's ongoing efforts to recognize and reduce bias.

Appropriate Staffing and Support.

The racially disproportionate nature of the criminal justice and child welfare systems is a central concern, but at present OPD does not have staff capability to fully address the complex issues involved. A Disproportionality Training Coordinator position is the most effective and efficient way OPD can carry out this responsibility on behalf of the state.

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?

Over the past few years OPD has included anti-bias training within existing resources. However, it has become increasingly clear that effectively addressing the ongoing need for public defense disproportionality training is a full-time job requiring specialized skills and abilities.

What are the consequences of not funding this request?

Without this position OPD will lack the ability to provide specialized training and consultation to OPD-contracted attorneys and others who represent indigent clients facing various biases and disparities in their cases.

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

OPD's current appropriation level is insufficient to support the robust, sustained training that is necessary to appropriately address bias issues in indigent representation cases.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Washington State Office of Public Defense

Decision Package Title: Contract/Fiscal Support Staff

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

OPD requests funding to add 1 FTE Contract Support Staff to assist with workload related to the administration of some 300 contracts and 14,000 invoices each fiscal year in OPD’s three statewide public defense programs – indigent appeals, parents representation, and RCW 71.09 civil commitment. This position will assist the Contracts Manager and provide agency-wide fiscal support.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$79,700	\$75,000	\$75,000	\$75,000
Total Cost	\$79,700	\$75,000	\$75,000	\$75,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	1	1	1	1
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$60,000	\$60,000	\$60,000	\$60,000
Benefits	\$15,000	\$15,000	\$15,000	\$15,000
Goods/Services/Equip.	\$4,700	\$0	\$0	\$0
Total	\$79,700	\$75,000	\$75,000	\$75,000

Package Description:

OPD requests funding to add 1 FTE Contract Support Staff to assist with workload related to the administration of some 300 contracts and 14,000 invoices each fiscal year in OPD’s three statewide public defense programs – indigent appeals, parents’ representation, and RCW 71.09 civil commitment. The new position will assist the Contracts Manager and provide agency-wide fiscal support.

Although OPD support staffing has not increased since 2009, the agency’s programmatic responsibilities have increased significantly since then. In Fiscal Year 2013, OPD assumed responsibility for all indigent defense services related to sex predator civil commitment cases under Chapter 71.09 RCW. Further, beginning in FY 2019, OPD is providing Parents Representation Program indigent services statewide.

OPD is responsible for approximately 33 percent more client services contracts in FY 2019 than in FY 2013. As the number of contracts has increased, so has the volume of work necessary to issue timely Requests for Qualifications (RFQs), review applications, select qualified contractors, negotiate and prepare annual contracts, and process related encumbrances, invoices and payments. In addition to workload associated directly with administering contracts, OPD staff also must carefully review and process thousands of invoices for non-contract expert services that are necessary for the effective representation of public defense clients. OPD's current support staffing is no longer able to keep up with the pace or the volume of work involved.

The requested funding covers salary, benefits, and one-time start-up costs for office space configuration, furniture, supplies, computer, and phone.

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

At present OPD has 1.50 fiscal staff and .50 budget staff. In a survey that OPD conducted of four other state agencies with similar biennial budgets, OPD fell below other comparable agencies' staffing configurations.

Agency	Current Biennial Budget	# of Invoices Per Fiscal Year	Fiscal/Budget FTEs
Office of Public Defense	\$90,569,000	14,000	2
Secretary of State	\$91,972,000	11,800	9
Liquor & Cannabis Board	\$96,642,000	13,000	10
State Auditor	\$85,931,000	5,290	9

The Administrative Office of the Courts processes OPD's payroll and OPD does not have a purchasing agent, so these positions were not included in the survey. The survey includes only positions associated with fiscal, budget, and contracts. OPD tracks all Parents Representation Program invoices by county code (sometimes split between several counties) and appropriation index codes, in association with master index codes, so each contract, encumbrance, and invoice can have two to four distribution lines.

Since the majority of OPD's budget is expended in agency-wide programs/contracts, it is imperative that staff have adequate processing time to ensure all coding is accurate and to closely monitor expenditures for projection purposes.

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

One new FTE would be added to OPD's budget and fiscal staff. The FTE would be paid a \$60,000 salary and would receive benefits at \$15,000. Start-up costs are \$4,700 for equipment. OPD would absorb other overhead costs within existing resources.

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support

By adding one additional support staff, the required administrative functions associated with managing contracts and paying invoices can be normalized and sustained. Job duties will be completed in a more efficient, timely, and consistently accurate manner.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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?

At this time there are no alternative solutions. Current staffing configurations can no longer keep up with the increased workload. As a result, tasks are not being completed in a timely manner and current staff are carrying unrealistic and unsustainable workloads.

OPD last increased its support staff positions in 2009. Since that time, the agency's biennial budget has increased from \$56,596,000 to \$90,569,000, due largely to a significant increase in the number of state public defense contracts and expert services administered by OPD.

What are the consequences of not funding this request?

Fiscal, budget, contract and related support staff tasks cannot be completed in a timely manner. The increased workloads have been an issue for some time and can no longer be effectively managed with current staffing levels.

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

OPD does not have excess funding for this position.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Court Reporter/Transcriptionist Payment Rate for Indigent Appeals

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

OPD requests funding to implement Supreme Court Order No. 25700-B-582 to increase the per-page payment for court reporter / transcriptionist preparation of verbatim reports of proceedings for indigent cases on appeal to the Washington Court of Appeals and the Washington Supreme Court.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$283,170	\$283,170	\$283,170	\$283,170
Total Cost	\$283,170	\$283,170	\$283,170	\$283,170
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Goods/Services	\$283,170	\$283,170	\$283,170	\$283,170
Total	\$283,170	\$283,170	\$283,170	\$283,170

Package Description:

OPD requests funding to implement Supreme Court Order No. 25700-B-582 to increase the per-page payment for court reporter / transcriptionist preparation of trial court transcripts of indigent cases on appeal to the Washington Court of Appeals and the Washington Supreme Court. The Court has determined that a \$0.55 cent per-page increase to \$3.65 per page is justified, if funded by the Legislature.

The Washington State Court Reporters Association and the King County-approved transcribers requested that the per-page rate be increased from the current \$3.10, which was set by the Supreme Court in 2006 and funded by the Legislature in 2007. A survey of inflation indexes, including the national Consumer Price Index and the Social Security cost-of-living adjustments, shows that if the transcription rate had kept up with

those measures it would be approximately \$3.65 today.

The proposed rate of \$3.65 per page also would bring transcript fees for Washington State indigent appeals in line with the rate paid by the Federal Public Defender. While a number of state and county agencies currently pay more than \$3.65 per page for court transcripts, most of these agencies pay for an expedited turnaround of 30 days or less. Appellate work, by contrast, allows more flexibility with 60-day turnaround, which can be further extended in most cases if necessary.

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

Pursuant to a 2006 Supreme Court Order and RAP 15.4(d)(1) OPD currently pays \$3.10 per page for court transcripts in indigent appeals. Court reporter costs vary from year-to-year. Using a 5-year average, OPD expended \$1.6M each fiscal year (FY14 through FY18).

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

In accordance with the Supreme Court order increasing the court reporter rate for indigent cases to \$3.65 per page, OPD would implement a 55 cent per page increase. At the current volume of work, OPD's court reporter costs would increase to \$1.87 million for FY 2020.

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

Timely and accurate transcripts of trial court proceedings are required in order for OPD-contracted appellate attorneys to effectively represent indigent clients on appeal.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

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?

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?

Court reporters and transcriptionists initially requested an increase to \$3.95 per page to prepare transcripts for indigent appeals. The OPD Advisory Committee reviewed the request and determined it was not supported by inflation data or page rates paid by other agencies for comparable public defense work and turnaround times. The Supreme Court issued an order to increase the rate to \$3.65 per page. OPD is requesting funding to cover a \$3.65 per-page rate pursuant to the Supreme Court order and because \$3.65 per page is supported by relevant inflation data and comparable public agency rates.

What are the consequences of not funding this request?

If this request is not funded, court reporters and transcriptionists may not be available to provide timely services for indigent appeals in Washington. They currently receive at least \$3.65 from other public agencies and they report that they typically bill private clients \$5 per page. Delayed transcript filings are a problem in many cases, and are expected to become worse if this increase is not funded.

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

The Court-ordered rate cannot be funded within OPD's current appropriation. Additional appropriation is required. OPD's current appropriation is fully obligated to various necessary expenditures, most of which are directly related to ensuring the right to counsel.

Other supporting materials:

Supreme Court Order No. 25700-B-582 is 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

FILED
JAN 14 2018
CLERK OF COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF SETTING THE
BILLING RATE FOR TRANSCRIPTION OF
REPORTS OF PROCEEDINGS PURSUANT
TO RAP 13.4(d)(7)

ORDER

No. 35700-B 482

On January 3, 2018, the Court considered the recommendation by the Office of Public Defense Advisory Committee that the per page rate for preparation of verbatim reports of proceedings for indigent review cases be increased. The Court unanimously approved the recommendation of a \$0.55 per page increase to a rate of \$3.65 per page, contingent on the Legislature appropriating funds for the increase.

Now, therefore, it is hereby

ORDERED:

1. Pursuant to RAP 13.4(d)(7), the billing rate for the preparation of the verbatim reports of proceedings for proceedings for indigent review cases, where an appropriate order of indigency has been entered, is hereby increased to \$3.65 per page.

2. The new per page rate of \$3.65 shall be implemented by the Office of Public Defense (OPD) upon the appropriation by the Legislature of the necessary additional funds to the OPD budget.

DATED at Olympia, Washington, this 7th day of January, 2018.

ENTERED

Frank J. Johnson
CHIEF JUSTICE

Washington State Judicial Branch

2019 – 2021 Biennial Budget Decision Package

Agency: Office of Public Defense
Decision Package Title: Dependency Caseload Parity
Budget Period: 2019 – 2021 Biennial Budget
Budget Level: Policy Level

Agency Recommendation Summary Text:

The Office of Public Defense (OPD) requests funding to maintain equal justice for families in dependency and termination cases by ensuring defense attorney caseloads that are consistent with American Bar Association (ABA) recommendations and in parity with assistant attorney general caseloads. With an increasingly complex child welfare caseload, Parents Representation Program attorney caseloads should comply with the 60 parent client maximum recommendation of the ABA. OPD seeks contracted attorney and support staff to ensure parity and equal justice in child welfare cases.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$3,607,030	\$3,607,030	\$3,607,030	\$3,607,030
Total Cost	\$3,607,030	\$3,607,030	\$3,607,030	\$3,607,030
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Grant/Benefits	\$3,607,030	\$3,607,030	\$3,607,030	\$3,607,030
Total	\$3,607,030	\$3,607,030	\$3,607,030	\$3,607,030

Package Description

This request seeks to establish and maintain equal justice for families in dependency and termination cases. The Office of Public Defense (OPD) requests funding to establish Parents Representation Program (PRP) caseloads in conformance with national standards, and in parity with a budget request from the Attorney General's Office (AGO), which is the prosecutor for these cases. The American Bar Association (ABA) recommends a maximum parents' attorney caseload of 60 clients. Standard Eight of The ABA Ten Principles of a Public Defense Delivery System further requires "parity between defense counsel and the prosecution with respect to resources ..."

Parents Representation Program History

The PRP was initiated by a legislatively funded pilot program in 2000. The pilot was a response to Senate Bill 5744, in which the Legislature directed OPD to develop a cost proposal report including “strategies to ensure that an equitable method of paying for indigent defense costs in dependency and termination cases is established.” OPD reported that though state laws guarantee appointed counsel to indigent parents, in many counties throughout the state, parents’ attorneys were performing poorly, to the detriment of families. The report also documented that the state Attorney General’s Office (AGO) was funded at more than twice the level to prosecute cases against parents as the parents’ attorneys were funded to represent them.

To address the equal justice imbalance, a PRP pilot program was legislatively funded from 2000 to 2005. Due to its success in obtaining better results for families and more timely case resolutions, the Legislature expanded the program statewide in stages, with the final expansion completed in July 2018. Currently State OPD is the exclusive provider of parents’ representation services. In addition to bringing more equal justice into the dependency and termination system, fairer treatment under the PRP has been shown to significantly increase family reunification successes and to significantly accelerate the resolution of cases. As a result, the Legislature has recognized that this equal justice investment is reducing the amount the state would otherwise spend on foster care, adoption subsidies, and systemic caseload costs.

Parity of Resources

To maintain the Parents Representation Program’s positive results and the equal justice impacts intended by the Legislature, parent attorneys’ workloads must be commensurate with those of opposing counsel. At this point, both AGO caseloads and PRP attorney caseloads are about 80-81 cases¹. However, the ABA recommends 60 cases for each agency attorney and 60 clients for each parents’ attorney. The recommendations are based on the ABA’s analysis of the two different types of representation. Like the AGO, OPD is requesting funding to implement these nationally recommended caseload levels.

There are significant differences in the work of OPD parents’ attorneys and assistant attorneys general (AAGs) who prosecute the cases. AAGs provide guidance to caseworkers and to the Department of Children, Youth and Families (DCYF). AAGs rely heavily on support staff to assist them in drafting documents and preparing for litigation. They also rely on the Department caseworkers for individual case investigation and case development.

OPD-contracted parents’ attorneys on the other hand have very little staff support. Attorney practice standards require them to personally carry out tasks such as communicating regularly with their parent clients. OPD attorneys spend 36% of their time explaining the system and case and counseling their clients, many of whom are from diverse cultures and have experienced significant life trauma. On an ongoing basis, parents’ attorneys must advocate with the Department and in Court for relative placements and appropriate visitation for children and their parents, as well appropriate rehabilitative services for their parent clients. They must personally conduct case

¹ Standard 3 of the Washington Supreme Court Standards for Indigent Defense establishes that parents’ attorneys caseloads should not exceed 80, and that when cases become more complex and difficult, the caseload limit should be reduced

investigations at every stage of the proceedings, including conducting discovery to review the agency case file, interviewing service providers, and obtaining all relevant records from various sources. They engage in case planning and attend out-of-court case meetings with their clients, such as Family Team Decision Meetings and staffing, as well as pretrial conferences, mediations, etc. They must identify, locate and interview all witnesses personally, and secure and prepare for expert witnesses. In addition, parents' attorneys must personally take all steps necessary to prepare for court hearings and litigation, because of their current negligible amount of clerical staff support. (A 2018 Arthur J. Gallagher survey found a median of parents' attorneys surveyed had no clerical staff support at all; overall, the average amount available for each attorney to spend on clerical staff was only \$5,000 for the year.) As well, parents' attorneys spend significant amounts of their time in court representing their clients in scheduled hearings and trials.

Demands on parents' attorneys have escalated in recent years, especially because of the opioid epidemic, which is increasingly pressuring the child welfare system, causing dependency and termination filings to rise and the complexity and difficulty of cases to intensify. Parents who become dependent on opioids or other drugs often have an impaired ability to parent. In 2018, Washington State was identified by the U.S. Department of Health and Human Services as having a high indicator of both drug use and of increasing child welfare cases.

Parents' attorneys must spend extra time working with these clients in order to provide support for them to be able to rehabilitate and reunify with their children if possible. Parents' attorneys are by necessity developing new communication methods for relating well with these clients. They must spend extra time developing case plans and working to maximize the appropriate services. Critically important, of course, is securing timely placement for their clients in treatment programs and in a number of cases advocating for funding for treatment.

Other correlated issues usually are present in families with opioid problems that require additional services and advocacy work. These can include domestic violence treatment and treatment for unresolved adverse experiences from parents' own childhoods, among other issues.

Current dependency caseloads also include an increasing number of incarcerated parents. In order to serve these families' needs, parents' attorneys must spend more time communicating in person and remotely, establishing appropriate visitation, and ensuring that the parents receive appropriate services while incarcerated.

Supports for Parents' Attorneys

In order to carry out their duties, PRP attorneys FTE originally were intended to each be able to maintain a ¼ FTE legal assistant. The legal assistant provided support with drafting court documents and preparing for hearings and trials, among other clerical tasks. Because of a lack of significant new funding to support contractors' cost-of-business increases over the past 13 years, the clerical staff resource has largely eroded. To achieve caseload parity, the ¼ time legal assistant resource needs to be funded for current PRP attorneys as well as the additional attorneys that would be added to achieve the ABA 60 client caseload.

PRP attorneys each have the services of a ¼ FTE social worker on separate contract with OPD. These PRP social workers are referred by the attorneys to assist in specific cases, in order to provide needed services to parent clients such as extra communication, case counseling, and transportation, etc. The additional attorneys needed to achieve the ABA’s 60 client caseload will require 3.5 additional contracted social work FTEs.

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

Decision packet expenditure/FTE Assumptions	Calculations
Current # of PRP dependency representations	9,230
ABA Caseload - one client for each dependency case	60
# of contract attorneys needed	154
Current # of FTE contract attorneys	140
Number of additional contract attorneys	14
Total for additional contract attorneys	\$1,785,854
Support Staff for 14 attorneys per additional attorney: Rate of \$60,202 (includes salary & benefits) X .25 legal assistants per additional attorney (14) = \$15,050	\$210,700
Social Workers at .25 FTE per attorney = 3.5 X \$66,776 each	\$233,716
Current Attorneys' Support Staff increase: Rate of \$15,050 minus \$5,216 (survey* staff average) = \$9,834 X current attorney FTE (140) *Gallagher Survey current average reported	\$1,376,760
Total per fiscal year	\$3,607,030
Total Biennium	\$7,214,060

Decision Package Justification and Impacts

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

Accessibility.
N/A.

Access to Necessary Representation.
Parents have a right to effective assistance of counsel in dependency and termination of parental rights cases. Manageable caseloads are critical to effectively representing parent clients in these cases.

Commitment to Effective Court Management.
N/A.

Appropriate Staffing and Support.
N/A.

What is the impact on other state agencies?

Parity of caseloads will ensure dependency and termination cases can move forward appropriately as the system will not become unbalanced. Timely case resolution will not be slowed, and the ongoing caseloads of courts and the stakeholders' will not be impaired.

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?

When the AGO included a budget request that would achieve the ABA caseload recommendations, OPD was obligated to pursue this request to maintain parity of resources, as required by the ABA Ten Principals of Public Defense Delivery System.

What are the consequences of not funding this request?

Failure to fund this request would leave OPD-contracted attorneys with significantly fewer resources than the prosecuting agency, and would lead to unequal justice for indigent parents. Positive case results, both case outcomes and the timeliness of case resolutions, would be derogated.

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

No.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Public Defense

Decision Package Title: Attorney General – Litigation Defense

Budget Period: 2019 - 2021 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

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

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$200,000	\$200,000	\$0	\$0
Total Cost	\$200,000	\$200,000	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Goods/Services	\$200,000	\$200,000	\$0	\$0
Total	\$200,000	\$200,000	\$0	\$0

Package Description:

OPD requests funding to cover required payments for legal representation and related services to defend an ongoing 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. The trial court certified the class in September 2017, depositions are in process, 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 Washington Attorney General’s Office, which invoices client agencies for actual costs associated with defending lawsuits. Based on billing in FY ‘17 and FY ‘18 as well as AGO projections, OPD estimates its litigation-related costs in this case will be at least \$200,000 in FY ‘20 and \$200,000 in FY ‘21.

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

The 2018 Supplemental Budget included \$174,000 for FY 2018 and \$237,000 for FY 2019 to cover OPD legal defense costs in this case.

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 Principal 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 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 to the agencies. (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 necessary in order 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 and the state.

What are the consequences of not funding this request?

OPD would not have legal representation and would not be able to defend against this lawsuit.

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

OPD does not have existing funding to meet the projected costs of this litigation. OPD's existing funding is fully obligated.

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



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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 administers federal Victim of Crime Act Funding to underwrite civil legal assistance to victims of crime throughout Washington State, pursuant to an interagency agreement with the Office of Crime Victims Advocacy in the state’s Department of Commerce.

OCLA also contracts with attorneys and defender agencies to represent children who remain in foster care and subject to dependency proceedings six months following the termination of their parents’ legal rights. OCLA provides support and oversight to ensure the provision of standards-based, culturally competent legal representation to promote and protect these children’s stated and legal interests.

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 Judge Greg Tripp (Ret.) from Spokane.

OCLA is staffed by an agency Director, a Children’s Representation Program Manager, a Civil Legal Aid to Crime Victims Program Manager and a full-time Senior Administrative Assistant.

1. Basic Civil Legal Aid Program

OCLA published the 2015 Civil Legal Needs Study (2015 CLNS), which defined the scale of our state's challenge in real terms - more than seven in 10 low-income people experienced an important civil legal problem each year.¹ Yet, 76% of these people had no professional legal help to solve their problems.² 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. The study outlined a "snowball effect" of how 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 CLNS 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 or 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 obtain it because they do not have the funds, do not know where to go, and/or 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.

Responding to the 2015 CLNS findings, the bipartisan Civil Legal Aid Oversight Committee adopted the 2016 Civil Justice Reinvestment Plan (2016 CJRP). The 2016 CJRP outlined a multi-biennial budget and policy agenda to increase the ability of low-income people to understand their legal problems, secure access to legal help, and develop tools to help them solve problems before they spiral out of control. The 2016

¹ Washington State Supreme Court Civil Legal Needs Study Update Committee, [Civil Legal Needs Study Update, Final Report](#) (October 2015).

² 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/>

CJRP also established a baseline level of client service capacity that the state should attain to achieve equity of access for low-income people with significant legal problems. This “minimum access”³ baseline standard is 1 FTE attorney (or the equivalent of pro bono service) for every 5,000 people living at or below 125% of the federal poverty level (FPL).

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 50,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.⁴ At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 25 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 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.⁵

The Legislature endorsed the 2016 CJRP commitment to minimum access in both the FY 2017-19 operating budget and FY 2019 supplemental operating budgets. It appropriated funding for 20 additional FTE attorneys, an automated document assembly system for unrepresented family law litigants, and expansion of investment in pro bono service capacity. As of January 1, 2019, the state-supported civil legal aid footprint will include 143 full-time, state-supported attorneys.

According to the 2017 American Community Survey (ACS), nearly 1.05 million Washingtonians live at or below 125% of the federal poverty level.⁶ 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 1:7,342. When considered against the number of people living at or below 200% of FPL (1.86 million), this ratio declines to 1:13,006. Thankfully, service capacity has increased as a result of the combined VOCA and state investment, though there remains more to do before low-income Washingtonians will have meaningful access to the help they need to solve critical legal problems.

2. Crime Victims Legal Representation

³ Minimum access was first embraced 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).

⁴ Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#) as it was amended in 2018 by Ch. 21, Laws of 2018.

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

⁶https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_S1701&prodType=table

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,⁷ 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 Plan⁸ 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 could dictate every aspect of their future lives. The Legislature, in the enacted Laws of 2014, chapter 108, 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 OCLA. *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

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

⁸ 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 PLAN⁹

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. RCW 2.53.005. The Office of Civil Legal Aid will secure, invest, and oversee sufficient funding for the statewide civil legal aid delivery system, and will effectively administer the Children's Representation Program consistent with applicable standards of practice. The Office of Civil Legal Aid will ensure the highest level of accountability to taxpayers and beneficiaries for services delivered with public funds entrusted to the agency.

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](#);
- (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 2015 CLNS; secure sufficient funding to ensure ongoing, effective legal representation of legally free children.

⁹ The Office of Civil Legal Aid adopted an agency Strategic Plan in 2008. The plan is under review and will be revised to reflect expanded agency responsibilities and increased public investment.

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 and manage 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 2018-2020 *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 low-income 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 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.¹⁰

¹⁰ 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.

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 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 of 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.

EXTERNAL ENVIRONMENT

Between 2008 and 2015, Washington State experienced a deep economic contraction and a slow, unequal recovery. Poverty rates have stabilized, but continue well above historic norms. According to the 2017 ACS, 14.4% of people in Washington State lived at or below 125% of FPL and 25.6% lived at or below 200% of FPL in 2017. There are deep and widening differentials in poverty rates between white and non-white populations. In 2017, 27% of African Americans, 19.0% of people who identify as Hispanic/Latino, and 25.2% of people who identify as Native American lived below 100% of FPL. The poverty rate for people who identify as White was 9.7%.

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.

After significant capacity reductions between 2009 and 2015, new resources were invested in the statewide legal aid system following publication of the 2015 CLNS. An additional 23 VOCA-funded attorneys were added in 2017, 20 Civil Justice Reinvestment Plan FTE's were funded in the current bi-ennium by the Legislature,

along with increased investment in volunteer legal aid service capacity. Today the combined state-supported client service capacity is 143 full-service legal aid attorneys.

TRENDS

Even though the worst of the economic crisis is behind us and much of the state's economy is as robust as ever, many were left behind; and many of these are forced to face complex problems that arise from, or are associated with, poverty, economic insecurity, housing 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, 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 epidemic of domestic violence continues to fester in every part of the state.

STRATEGIES

To address the crisis documented in the 2015 CLNS, the bipartisan Civil Legal Aid Oversight Committee worked with OCLA to develop the 2016 Civil Justice Reinvestment Plan. The 2016 CRJP has been embraced by the Legislature, with initial down payments made toward achieving minimum access capacity, expanding volunteer involvement in civil legal aid, and developing new systems to help unrepresented family law litigants successfully navigate the court system.

In addition, OCLA sought and successfully secured federal funding to develop and deploy a statewide legal assistance program for victims of crime. Initiated in the winter of 2016-17, the program provides a range of civil legal aid services to victims of crime throughout the state. The initial report on the crime victims program is available on OCLA's [website](#).

FINANCIAL PLAN

Over the course of the FY 2019-21 and FY 2021-23 biennia, OCLA will continue to seek 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 measurable cost increases incurred by OCLA's civil legal aid service providers. The goal is to achieve minimum access client service capacity by the end of FY 2023 and move the state's investment over to a maintenance level focus rather than the current expansion focus.

While caseloads continue to grow, OCLA expects to operate the Children's Representation Program within the FY 2017-19 appropriation level.

STAFFING (4.0 FTE)

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

Recommendation Summary

Agency: 057 Office of Civil Legal Aid

Version: 20192021 19-21 Biennial Budget

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	3.0	33,434	1,887	35,321
2017-19 Current Biennium Total	3.0	33,434	1,887	35,321
CL 92K DES Central Services	0.0	(1)	0	(1)
CL AB Vendor Rate Adjustment - COLA	0.0	94	0	94
CL ACLV Lease Adjustments	0.0	1	0	1
CL AD Civil Justice Reinvestment	(0.5)	1,525	0	1,525
CL AE Civil Justice Reinvestment Plan	0.0	1,014	0	1,014
CL AF Automated Family Law Documents	0.0	75	0	75
CL FCA 2ESSB 5890 Foster Care/Adoption	0.0	(1,371)	0	(1,371)
CL GL9 Non-Rep General Wage Increase	0.0	15	0	15
CL JAM1 Int'l Families Justice Coalition	0.0	(125)	0	(125)
CL JSTA Judicial Stabilization Trust Acct	0.0	(1)	1	0
Total Carry Forward Level	2.5	34,660	1,888	36,548
Percent Change from Current Biennium	(16.7)%	3.7%	.1%	3.5%
	0.0	0	0	0
Total Maintenance Level	2.5	34,660	1,888	36,548
Percent Change from Current Biennium	(16.7)%	3.7%	.1%	3.5%
Policy – Other Changes				
PL C1 Children's Rep Study Completion	0.0	38	0	38
PL C2 Civil Justice Reinvestment-Phase 2	0.0	7,737	0	7,737
PL C3 Vendor Rate Adjustment - Pro Bono	0.0	600	0	600
PL C4 Vendor Rate Adj - Maintain Current	0.0	3,078	0	3,078
PL C6 Childrens Representation Study Ext	0.0	467	0	467
Policy – Other Total	0.0	11,920	0	11,920
Subtotal - Policy Level Changes	0.0	11,920	0	11,920
2019-21 Total Proposed Budget	2.5	46,580	1,888	48,468
Percent Change from Current Biennium	(16.7)%	39.3%	.1%	37.2%

Recommendation Summary**Agency: 057 Office of Civil Legal Aid****Version: 20192021 19-21 Biennial Budget***Dollars in Thousands*

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
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CL 92K DES Central Services

CFL Adjustment for DES Services

PL C1 Children's Rep Study Completion

Reauthorization of unexpended funds from FY 2019 is requested to complete the study on the effectiveness of early appointment of attorneys for children in dependency cases, the report from which is due December 2019.

PL C2 Civil Justice Reinvestment-Phase 2

Funding is requested to underwrite Phase 2 of the Civil Justice Reinvestment Plan. Requested funding will allow for the graduated addition of 40 FTE legal aid attorneys statewide. This will improve equity of access to civil legal aid for low-income people in Washington and represent a significant step toward achieving the "minimum access" goals of the legislatively approved Civil Justice Reinvestment Plan.

PL C3 Vendor Rate Adjustment - Pro Bono

Funding is requested to address significant compensation equity problems experienced by subcontracted volunteer (pro bono) civil legal aid programs throughout Washington State. These problems contribute to difficulty in recruiting and retaining staff and high rates of staff turnover which, in turn, disrupts consistency of volunteer attorney involvement in the delivery of civil legal aid services.

PL C4 Vendor Rate Adj - Maintain Current

Funding is requested to address known and measureable increases in personnel expenses resulting from execution of a Collective Bargaining Agreement between Northwest Justice Project and its staff union. The vendor rate adjustment is needed to protect existing legislatively authorized levels of client service capacity including the twenty (20) FTE's funded by the Legislature in the FY 2017-19 biennium to begin implementation of the Civil Justice Reinvestment Plan.

PL C6 Childrens Representation Study Ext

OCLA requests reauthorization and reappropriation of unspent FY 2018 funds appropriated for the children's legal representation study funded in section 28 of 2ESSB 5890 (Ch. 20, Laws of 2017, 3rd Special Session) to carry said study forward through FY 2020 and to extend the period of time for filing the study report from December 2019 to December 2020.

Washington State Judicial Branch
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Civil Justice Reinvestment – Phase 2

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to underwrite Phase 2 of the Civil Justice Reinvestment Plan. Requested funding will allow for the graduated addition of 40 FTE legal aid attorneys statewide. This will improve equity of access to civil legal aid for low-income people in Washington and represent a significant step toward achieving the “minimum access” goals of the legislatively approved Civil Justice Reinvestment Plan.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000
Total Cost	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000
Total	\$2,275,500	\$5,461,200	\$6,068,000	\$6,068,000

Package Description:

OCLA requests funding to implement Phase 2 of the Civil Justice Reinvestment Plan endorsed by the Legislature in the FY 2018-19 operating (ESSB 5883, sec. 116(2)) and supplemental (ESSB 6032, sec. 115(2)). Funding requested will allow the addition of 40 FTE attorneys over the course of the FY 2019-21 biennium. The first twenty will be hired effective October 1, 2019, with ten more hired effective July 1, 2020 and the final ten hired effective January 1, 2021. As with the Phase 1 increase of 20 FTE’s, these attorneys will be deployed throughout Washington State to ensure equity of access to legal aid services for low-income residents as required by RCW 2.53.030(4).

Coupled with the twenty FTE’s authorized by the Legislature as part of the Phase 1 investment, hiring of these forty FTE’s will result in closing the 90 FTE minimum access client service capacity gap documented in the 2016 Civil Justice Reinvestment Plan by two-thirds.

1-Jul-20	10	\$151,700	\$0	\$1,517,000	\$1,517,000	\$1,517,000	\$1,517,000	\$3,034,000
1-Jan-21	10	\$151,700	\$0	\$910,200	\$910,200	\$1,517,000	\$1,517,000	\$3,034,000
Totals			\$2,275,500	\$5,461,200	\$7,736,700	\$6,068,000	\$6,068,000	\$12,136,000

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal 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, 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. Recent amendments to RCW 2.53.030 expressly expand authority for state funded legal aid providers to address issues relating to disability rights.

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 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 available resource limits, 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.

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 crisis documented in the 2015 Civil Legal Needs Study requires a substantial infusion of additional funding to achieve minimum access and sustainability. There is general agreement that, as a core function of government, principal support for civil legal aid should come from general state revenues.

That said, OCLA has been aggressive in identifying other sources of funding to help close the capacity gap documented in the 2016 Reinvestment Plan. One successful initiative involved the allocation of \$4.8 million per year in federal Victims of Crime Act (VOCA) funds to address the civil legal problems that crime victims experience incidental to their criminal victimization. Funding is allocated to OCLA through an interagency agreement with the Department of Commerce's Office of Crime Victims Advocacy. VOCA funds have resulted in the addition of 25 FTE attorneys engaged in legal assistance to victims of crime in areas authorized under RCW 2.53.030. These 25 FTE's are included in the calculation of the current "minimum access" client service capacity gap.

What are the consequences of not funding this request?

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 expand on the Legislature's commitment to implementing 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 continue this effort virtually assures that the picture presented in the next Civil Legal Needs Study Update a decade from now will remain as dire as that presented in the 2015 CLNS.

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

It is not possible to address the capacity gap within the current appropriation level.

Other supporting materials:

Fully loaded FTE calculation 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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Vendor Rate Adjustment – Maintain Current Client Service Capacity

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to address known and measureable increases in personnel expenses resulting from execution of a Collective Bargaining Agreement between Northwest Justice Project and its staff union. The vendor rate adjustment is needed to protect existing legislatively authorized levels of client service capacity including the twenty (20) FTE’s funded by the Legislature in the FY 2017-19 biennium to begin implementation of the Civil Justice Reinvestment Plan.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200
Total Cost	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200
Total	\$1,132,600	\$1,945,400	\$2,554,500	\$3,181,200

Package Description:

The principal statewide provider of state-funded civil legal aid services, Northwest Justice Project (NJP), will experience significant increases in personnel expenses in FY 2020-21 due to implementation of its first collective bargaining agreement (CBA). The anticipated three-year CBA will legally obligate NJP to:

1. Implement an across-the-board compensation increase that is projected to add an average of \$2,500 per FTE to the annual salary scales.
2. Require NJP to provide annual cost-of-living adjustments of about 2.5% per employee per year.
3. Provide annual experience-based step increases in salaries for all employees in the bargaining unit.

4. Require NJP to continue underwriting medical and dental insurance for employees and share costs for the same for dependents of employees.

In August 2016, an independent consulting firm, Compensation Connections, completed and submitted a salary compensation analysis for NJP attorney staff. The report (attached to this decision package) found that:

“Staff attorneys at Northwest Justice Project are the lowest paid in Washington State. Comparing actual pay for the Northwest Justice Project Attorneys to the market data midpoint, we found that Staff Attorneys at Northwest Justice Project are currently being paid an average of 44% less than attorneys in all other organizations, at all experience levels. The compensation disparity between Staff Attorneys at Northwest Justice Project and those working in public agencies is also apparent.”
Compensation Connections, Executive Summary (August 18, 2016) at 7.

Compounding the compensation equity issue is the fact that NJP is an independent contractor of state funded legal aid services. Because it is not a state agency, NJP staff are not eligible to participate in PERS. While NJP encourages and provides a small annual contribution to staff 403(b) retirement accounts, staff retirement investment is principally funded through the diversion of pre-tax dollars from salaries that are well-below comparability.

In its 2017-19 operating budget, the Legislature appropriated funds to underwrite the state's share of 2%, 2%, and 2% COLA's. It also provided funding to underwrite the state's share of step-increases on NJP's Board-approved salary scales. These increases allowed NJP staff to keep pace with existing compensation levels, but made no progress toward closing the compensation equity gap documented in the August 2016 report.

NJP staff unionized in 2017 in large part due to continuing concerns about the compensation equity gap. A three-year collective bargaining agreement (CBA) is expected to be executed by November 1, 2018 with the economic provisions of the contract effective January 1, 2019.

Because bargaining is ongoing and an agreement has not been concluded, the final figures are not yet available. However, the scope of the changes to NJP's compensation and benefit structure under discussion provide the basis for a reasonably reliable and realistic projection of the anticipated state share of personnel cost increases and corresponding revenue shortfalls that will need to be addressed in the FY 2019-21 biennium if current levels of client services are to be maintained. Specifically, these will include:

1. An initial upward scale adjustment the state's aggregate share of which will be about \$337,150.
2. Annual COLA increases in the range of 2% to 3% annually. This decision package assumes an average 2.5% per year COLA adjustment effective January 1, 2019, 2020, and 2021.
3. A right for all bargained employees to receive a step-increase for each year of experience.
4. Underwriting of health care and related benefits for all bargaining unit members and shared cost of dependent coverage, including responsibility for paying annual premium increases.

The state's total share (70%) of anticipated increased personnel costs associated with the CBA will be \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021. A spreadsheet outlining the expenditure increases is attached to this decision package. Final numbers will be provided immediately upon execution of the CBA.

Effective January 1, 2019, NJP will be legally required to meet its obligations under the CBA. Failure to secure funding to underwrite the incremental personnel costs resulting from the CBA will result in a need to immediately reduce NJP's client service capacity. At an anticipated average fully loaded cost¹ of \$151,700 per mid-level (7 year) FTE attorney, failure to fund this request may result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE's that the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

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

This decision package is designed to protect current client service capacity, including the majority of the capacity increases resulting from the Legislature's Phase I Civil Justice Reinvestment Plan (CRJP) appropriation. It protects at least 13 of the 20 CJRP attorney positions funded in the FY 2017-19 biennial and supplemental budgets from being lost in the FY 2019 – 21 biennium due to increased personnel expenses resulting from the CBA. Funding of this decision package will not result in expanded services.

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

Please see the attached spreadsheet that sets out the projected cost analysis underlying this request.

¹ "Fully loaded" costs for an attorney FTE include salary, fringe, and an allocation of program expenses, staff support, and administrative overhead (@10%). A breakdown of these costs is attached to this decision package.

Decision Package Justification and Impacts

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

Accessibility.

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 Civil Legal Needs Study (CLNS), 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 documented that only 24% of low-income people who experience one or more civil legal problems get any help at all. OCLA will continue to seek funding to address the crisis documented in the 2015 study consistent with the Civil Justice Reinvestment Plan approved by the Legislature in the FY 2017-19 biennial and supplemental operating budgets. At the same time, it must protect existing (including expanded) client service capacity from immediate erosion.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

This vendor rate adjustment is designed to protect the gains realized by the Legislature when it endorsed and funded the Civil Justice Reinvestment Plan in the FY 2017-19 biennial and supplemental operating budgets. Erosion of client service capacity will inevitably have negative impacts 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.

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?

NJP is the largest non-profit law firm in Washington State. It is the "qualified legal aid program" with which OCLA contracts pursuant to RCW 2.53.030(2). State appropriated

funds support nearly 122 FTE attorneys (and related overhead) who provide services in every corner of the state.

Upon certification by the National Labor Relations Board, NJP was legally obligated to negotiate with the staff union to address, among other things, compensation issues. NJP will be legally bound to comply with the terms of the final CBA.

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. See 45 C.F.R. Part 1628. This is compounded by the cost-reimbursable nature of its state contract, which requires full exhaustion of contract funding each biennium without any carryforward.

NJP has no source of funding to which to turn to mitigate the fiscal impact of the anticipated CBA. In light of these circumstances, OCLA has no alternative but to seek a vendor rate adjustment for NJP.

What are the consequences of not funding this request?

Failure to fund will require NJP to reduce operating expenses by \$1,132,600 in FY 2020 and \$1,945,400 in FY 2021, for a total of \$3,078,000 for the FY 2019-21 biennium. At an average fully loaded cost of \$151,700 per mid-level (7 year) FTE attorney, this would result in the loss of about 8 FTE attorneys in FY 2020 and an additional 5 FTE attorneys in 2021. This would effectively eliminate 65% of the 20 additional attorney FTE's that the Legislature intended be added with its FY 2017-19 investment in the Civil Justice Reinvestment Plan.

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

There are no alternatives than seeking a vendor rate adjustment to protect against attrition in NJP's client service staffing due to increased personnel costs resulting from the CBA.

Other supporting materials:

See attached worksheet

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Vendor Rate Adjustment – Pro Bono

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to address significant compensation equity problems experienced by subcontracted volunteer (pro bono) civil legal aid programs throughout Washington State. These problems contribute to difficulty in recruiting and retaining staff and high rates of staff turnover which, in turn, disrupts consistency of volunteer attorney involvement in the delivery of civil legal aid services.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$300,000	\$300,000	\$300,000	\$300,000
Total Cost	\$300,000	\$300,000	\$300,000	\$300,000
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$300,000	\$300,000	\$300,000	\$300,000
Total	\$300,000	\$300,000	\$300,000	\$300,000

Package Description

Funding is requested to underwrite a portion of costs to close a significant compensation equity gap between the Northwest Justice Project (NJP) and staff employed by the seventeen (17) independent volunteer attorney programs that, through an OCLA-approved subcontract with NJP, are funded to recruit, train, support and refer eligible clients for legal assistance from volunteer attorneys.

Volunteer attorney programs (VLP's) have long been critical private sector partners in the effort to meet the civil justice needs of low income people. In nearly every corner of the state staff in these programs work with local volunteer attorneys to provide legal aid services to clients in community based clinics and through the direct assignment of clients for representation by these volunteer attorneys. In 2017, the seventeen volunteer attorney programs engaged over two thousand volunteer attorneys who provided 69,000 hours of assistance to clients with problems in state-authorized areas

of law. At an average value of \$250/hr., these programs leveraged more than \$17 million in civil legal aid services.

Expanding the volunteer role in civil legal aid delivery is a core component of the Civil Justice Reinvestment Plan. In the FY 2017-19 operating budget, the Legislature embraced this objective and appropriated \$875,000 to stimulate expanded pro bono involvement in the delivery of civil legal aid. Following a competitive process, Pro Bono Enhancement Grants were issued to 11 VLP's in an effort to expand pro bono efforts.

The 17 VLP's range in size from one professional staff person (Yakima County Volunteer Attorney Services) to sixteen (King County Bar Association). A list of the programs by location is attached. Some have in-house attorney staff while others do not. Professional and paraprofessional staff in these programs manage every aspect of the organization, from basic non-profit and employer related functions through and including interviewing and referring eligible clients for legal assistance in state-eligible matters from trained volunteer attorneys.

For nearly 20 years, a portion of state-appropriated funds has been subcontracted to the Legal Foundation of Washington to help underwrite a substantial portion of VLP operations. In the aggregate, state funding represents about 50% of total VLP operations.

In recent years these programs have experienced substantial turnover in their professional and paraprofessional staff as well as difficulties in hiring replacement staff. According to a recent analysis, the VLP's experienced a 39% staff turnover rate in the previous two years. Much of this turnover is attributed to compensation that falls far short in both salary and benefits of that paid to employees at the state-funded NJP and other similarly situated non-profit organizations.

During 2018, OCLA worked with the statewide Pro Bono Council and the Legal Foundation to assess the magnitude of the compensation equity gap. Seattle-based Compensation Connections, a Seattle-based employer compensation consulting firm, was retained to assess the scope of the comparability problem and make recommendations regarding how to address it. Initial reports documenting the salary and benefits comparability between the VLP's and regional market comparisons were received on April 3, 2018. Following further consultations, additional research was conducted and supplemental report produced documenting the salary equity gap between VLP staff and functionally similar staff positions at the Northwest Justice Project.

The assessment (attached) concluded that 54% of VLP staff (45 of 83) are paid below the anticipated 2019 NJP pay scale for their position. Closing the total annual salary gap would require an additional \$648,963.

Also troubling is the substantial disparity when it comes to benefits. Nearly 30% of the programs (N=5) offer no healthcare benefits. Three programs provide a stipend for

each employee to purchase health care. Seven programs offer employer-sponsored health care benefits to full-time employees only, while only two (2) programs offer health care benefits to all employees.

This request seeks \$600,000 in FY 2019-21 to underwrite a portion of the cost of taking a first step toward compensation comparability for VLP staff. Additional contributions toward VLP compensation will be provided by the Legal Foundation of Washington and public and private funding sources available to the volunteer attorney programs.

OCLA continues to work with the Compensation Connections, the Legal Foundation of Washington and the Pro Bono Council to develop program-specific investment strategies for these funds.

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

These are sub-contracted services. The purpose of the vendor rate adjustment is to move toward equity of compensation within state-funded legal aid system and protect against staff turnover, which has been a recurrent experience in recent years.

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

The funding will be pooled with other resources to take initial steps toward compensation equity within the state-funded civil legal aid system. OCLA and the Legal Foundation of Washington will coordinate investment to allow programs to move toward compensation equity relative to one another as well as to the state-funded Northwest Justice Project.

Decision Package Justification and Impacts

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

Accessibility.

Volunteer attorneys often provide legal assistance and representation to persons who, because of disabilities, language access or other barriers, would be unable to meaningfully participate in legal proceedings. Language access services provided with support in part from state-appropriated funds ensure that LEP clients are effectively served and represented.

Access to Necessary Representation.

Volunteer (pro bono) legal aid services play a critical role in ensuring that unrepresented low-income individuals have the ability to meaningfully participate in legal proceedings in which they are involved. Pro bono attorneys augment the capacity of the core professional civil legal aid system, and expand the pool of attorney resources available to assist clients in matters ranging from family law and domestic violence to debt collection, bankruptcy, housing, guardianship, wills and estate protection.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

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?

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?

As co-funders of the VLP's, OCLA and the Legal Foundation of Washington have been concerned for years about the increase in staff turnover experienced by these programs. While this decision package requests a portion of the funding needed to take initial steps toward compensation equity, additional funding will be required from LFW and other public and private organizations that support these volunteer attorney programs.

What are the consequences of not funding this request?

Volunteer engagement is a "high touch" relations-based endeavor. Staff continuity is critical to developing and maintaining relations with and trust and confidence of volunteer attorneys. High rates of staff turnover create substantial disruption in these relationships which dampens the level and consistency of volunteer attorney involvement in the delivery of civil legal aid services. Failure to fund this request will result in continued high rates of staff turnover due to the lack of compensation equity and resulting disruptions in client service capacity.

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

There is no funding within the current appropriation to address the compensation equity issues identified in the reports from Compensation Connections.

Other supporting materials:

April 5, 2018 Report from Compensation Connections to the Pro Bono Council

August 28, 2018 Report from Compensation Connections to OCLA

List of Volunteer Attorney Programs

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: 2ESSB 5890 Children’s Representation Study Extension

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

OCLA requests reauthorization and reappropriation of unspent FY 2018 funds appropriated for the children’s legal representation study funded in section 28 of 2ESSB 5890 (Ch. 20, Laws of 2017, 3rd Special Session) to carry said study forward through FY 2020 and to extend the period of time for filing the study report from December 2019 to December 2020.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$400,000	\$67,000	\$0	\$0
Total Cost	\$400,000	\$67,000	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
	\$400,000	\$67,000	\$0	\$0
Total	\$400,000	\$67,000	\$0	\$0

Package Description:

Section 28 of 2ESSB 5890 directed the Office of Civil Legal Aid (OCLA) to contract with the Administrative Office of the Courts’ Washington State Center for Court Research (AOC/WSCCR) to conduct a study on the impact of early appointment of attorneys to represent children in dependency cases. The study was to be conducted comparing two “treatment” counties (Grant and Lewis) with two “control” counties (Whatcom and Douglas).

The Legislature appropriated \$648,000 for FY 2018 and \$648,000 for FY 2019 to cover the costs of attorney contracts to represent children in Grant and Lewis Counties. The Legislature appropriated \$75,000 for OCLA to contract with AOC/WSCCR to conduct the study. The legislation authorized AOC/WSCCR to work with additional qualified research organizations to conduct the study. A report is due to the Legislature in December 2019.

The \$648,000 per year appropriation was derived from a review of dependency caseloads in the two treatment counties. In developing the fiscal note, OCLA did not consider the time necessary to ramp up to full caseloads in both counties and the corresponding lower expenditure rate in year one of the study.

A year in, there are 124 open cases in Grant County and 92 open cases in Lewis County. Because the caseloads are higher than projected, OCLA has added attorney capacity above that projected at the time of the fiscal note. Even so, because of the slow ramp-up period, OCLA underspent the FY 2018 appropriation by \$467,000. OCLA expects to manage FY 2019 contract obligations within the FY 2019 appropriation level.

After consultation with OCLA, AOC/WSCCR engaged Joseph Mienko, a senior researcher at the University of Washington School of Social Work, to conduct the study. In a filing with the University of Washington's Institutional Review Board, Mr. Mienko advises that the short study duration contemplated in 2 ESSB 5890 will not be sufficient to achieve necessary power numbers to ensure statistical reliability of the results. Mr. Mienko writes:

Using standard parameters for the probability of Type I and Type II errors (.05 and .20 respectively), Schoenfeld (1983) provides formulas for the calculation of required sample sizes in the context of event history modeling. Specifically, given the aforementioned effect size, we would require 374 observed permanency events in order to have confidence in our analysis from the standpoint of statistical power. By the time the December 2019 report is due to the legislature, however, we estimate that we will have only observed 233 permanency events and a target survey sample of approximately 102 children. *In other words, as designed by the legislature, the current study is under powered.*

Expected Exits in Pilot Sites, as Predicted with Additional Resources

If additional funds are appropriated for this project during the 2019 legislative session, it is likely that we will observe enough permanency events to achieve the statistical power of 374 events. Specifically, with another year of funding, we would expect that the pilot could continue assigning attorneys through January of 2020. Assuming a similar reporting timeline to the current proviso, we could reasonably expect to have observed 478 permanency events by December of 2020.

Mienko IRB Submission at 13-14 (October 2018) (Italics added for emphasis). (Attachment 1)

In this decision package, OCLA requests that the Legislature reauthorize and reappropriate the unspent FY 2018 funds and extend the period of the study through FY 2020, with the initial report due to the Legislature pushed from December 2019 to December 2020. Appointments will continue through the end of 2019. This will ensure that there is a sufficient number of cases in the two treatment counties that will have

achieved permanency to allow the researchers to generate statistically reliable results to guide future legislative policy consideration on whether and, if so, under what circumstances to require the appointment of attorneys for children in dependency cases. The proposal includes moving a small amount of the unspent FY 2018 funds into FY 2021 to ensure timely wind-down of the study for cases in progress.

In addition to the IRB submission, OCLA also includes a letter from AOC/WSCCR Manager Dr. Carl McCurley sharing his professional opinion on the benefits of extending the study period. (Attachment 2)

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

This request seeks reauthorization and reappropriation of unspent FY 2018 funds to complete the legislatively directed study in ways that ensure statistical reliability of the results.

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

The funding will be used to extend the study through FY 2020 and submission of the AOC/WSCCR report to the Legislature on December 31, 2020.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal 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 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?

Change is required to extend the period for the study authorized by 2ESSB 5890. Suggested budget proviso language will be provided to staff and members.

Is the request related to or a result of litigation?

No.

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

This is the best option for completing and delivering a study that provides statistically reliable information upon which the Legislature may rely in making future policy decisions regarding the right to attorneys for children in dependency cases.

What are the consequences of not funding this request?

The study will be completed without sufficient numbers to ensure statistical reliability of the results.

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

N/A.

Other supporting materials:

See attached IRB Report and Letter from Dr. Carl McCurley.

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
2019 – 2021 Biennial Budget
Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Children’s Representation Study Completion

Budget Period: 2019 – 2021 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Reauthorization of unexpended funds from FY 2019 is requested to complete the study on the effectiveness of early appointment of attorneys for children in dependency cases, the report from which is due December 2019.

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$37,500	\$0	\$0	\$0
Total Cost	\$37,500	\$0	\$0	\$0
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$37,500	\$0	\$0	\$0
Total Cost	\$37,500	\$0	\$0	\$0

Package Description:

OCLA asks that \$37,500 in unexpended funds from FY 2019 be reauthorized to allow completion of the study funded by Sec. 28 of 2 ESSB 5890 (Ch. 20, Laws of 201), the report from which is due to the Legislature on December 31, 2019.

Section 28 of 2 ESSB 5890 funded a study on the effectiveness of early appointment of counsel in dependency cases. Section 28(2)(c) appropriated \$75,000 for the study and directed the Office of Civil Legal Aid to contract with the Washington State Center for Court Research at the Administrative Office of the Courts to perform the study. An initial report to the Legislature is due in December 2019 – which occurs outside of the current FY 2017-19 biennium -- in FY 2020.

OCLA contracted with WSCCR to do the study. OCLA will receive deliverables and incur about \$37,500 in expenditures prior to June 30, 2019. The remaining funds will be paid upon completion of the report for the Legislature in December 2019. This will

occur in FY 2020. OCLA will require expenditure authority to pay for the study in the next biennium.

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

Funding requested reflects funding previously appropriated but unspent because the final deliverable (the December 31, 2019 report to the Legislature) will occur outside the FY 2017-19 biennium.

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principal 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 is the impact on other state agencies?

None.

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?

None, this is a technical request to allow the legislative study to be completed.

What are the consequences of not funding this request?

The study will not be completed and the report required by the Legislature will not be delivered.

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

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