



**WASHINGTON  
COURTS**  
ADMINISTRATIVE OFFICE OF THE COURTS

# Washington Judicial Branch Budget Request Presentation

Friday, June 8, 2018 9:00 a.m. to 3:30 p.m.

Chief Justice's Reception Room Temple of Justice  
Olympia, Washington

TO LISTEN TO PRESENTATIONS: (877) 820-7831, PIN 751738 #

9:00 a.m.-9:30 a.m.	Introduction	
	Overview of materials	Ramsey Radwan
	Overview of statewide revenue and expenditure history- <b>Pages 3-7</b>	
	Overview of Process- <b>Pages 8-15</b>	Chief Justice Fairhurst
9:30 a.m. – 11:30 a.m.	Non-Information Technology Requests - Administrative Office of the Courts	
	Trial Court Funding for Language Access- <b>Pages 16-24</b>	Justice Gonzalez and Judge O'Donnell
	Essential Court Training and Court System Online Training- <b>Pages 25-34</b>	Judge Douglas Fair
	CASA Program Expansion and Enhancement- <b>Pages 35-45</b>	Ryan Murrey
	Finding Fathers and Family and Juvenile Court Program Restoration- <b>Pages 46-58</b>	Cindy Bricker
	Therapeutic Courts Best Practices- <b>Pages 59-63</b>	Callie Dietz, Brady Horenstein
	Guardian Monitoring and Guardianship Services- <b>Pages 64-76</b>	Stacey Johnson
	Bench Books- <b>Pages 77-81</b>	Dirk Marler
	Web Services- <b>Pages 82-89</b>	Dirk Marler and Kathy Wyer
	Thurston County Impact Fee	TBD
11:30 a.m. – 12:30 p.m.	Working Lunch	
12:30 p.m. – 1:30 p.m.	Information Technology Requests - Administrative Office of the Courts	
	AOC Information Technology Requests- <b>Pages 90-135</b>	Vonnie Diseth
1:30 p.m. – 2:45 p.m.	Requests submitted by agencies of the judicial branch	
	Supreme Court- <b>Pages 136-139</b>	Ramsey Radwan
	Court of Appeals- <b>Pages 140-143</b>	Judge Siddoway
	Office of Public Defense- <b>Pages 144-169</b>	Joanne Moore
	Office of Civil Legal Aid- <b>Pages 170-190</b>	Jim Bamberger

2:45 p.m. – 3:30 p.m.

Closing comments and questions

Persons with disabilities requiring accommodation may contact Jenny Kropelnicki at [jenny.kropelnicki@courts.wa.gov](mailto:jenny.kropelnicki@courts.wa.gov) to discuss assistance needed. While notice 5 days prior to the event is preferred, every effort will be made to provide accommodation when requested.

An electronic version of these materials can be found at:

[Proposed 2019-2021 Detailed Decision Packages, presented June 8, 2018](#)



# WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

TO: Washington Judicial Branch Stakeholders  
FROM: Ramsey Radwan  
SUBJECT: 2019-2021 BIENNIAL BUDGET REQUEST PRESENTATIONS  
DATE: May 10, 2018

The Board for Judicial Administration and the Court Funding Committee are pleased to extend an invitation to the presentation of 2019-2021 judicial branch biennial budget requests at a meeting on Friday June 8, 2018.












The purpose of this meeting is for all participants to gain a better understanding of each funding request; to increase awareness of the impact the funding, or lack thereof, would have on the public and the courts; and to provide an opportunity for the presenters to provide additional information as necessary.

The presentations will be given in the Chief Justice's reception room at the Temple of Justice. The meeting will begin at 9:00 a.m. and continue to 3:30 p.m. The Committee will break from 11:30 – 12:30 for lunch and discussion. Presentations will begin again at 12:30. Parking is available in the non-reserved spots in the Governor's Mansion parking lot just west of the Temple of Justice.

Please follow this link [Agenda and Materials](#) for the June 8 2018 Judicial Branch Budget Request Presentation to access the full packet including the agenda, budget information and proposed budget request packages.

Please contact me at [ramsey.radwan@courts.wa.gov](mailto:ramsey.radwan@courts.wa.gov) if you should have any questions.

# Washington State Capitol Campus

-  Government building
-  Visitor Parking - \$1.50 per hour (requires exchange)
-  Intercity Transit
-  Entrance
-  Parking
-  Dash Free shuttle
-  Point of Interest
-  Bikerack
-  School Bus Parking
-  Guard Station
-  Electric Vehicle Parking

Apr. 2014





## **Revenue Forecast Update June 2018**

On February 15, 2018 the Economic and Revenue Forecast Council (ERFC) updated the general fund, near general fund and Opportunity Pathways Account (NGF+) forecast for the current and ensuing biennium. A revised forecast will be released June 15, 2018.

### **2017-2019 Biennium-Figure 1**

The February forecast projects that current NGF+ revenue will be \$628 million more than the November 2017 forecast, representing a 1.4% increase.

The current 2017-2019 NGF+ forecast of \$45 billion is \$5.9 billion greater than the initial February 2014 forecast for the 2017-2019 biennium. This represents a 15% increase in the forecast since February 2014.

The current NGF+ forecast of \$45 billion is \$5.9 billion (15.2%) greater than 2015-2017 collections.

### **2019-2021 Biennium-Figure 1**

The February 2018 revenue forecast projects that 2019-2021 NGF+ revenue will be \$659 million more than the November 2017 forecast. This represents a 1.4% increase.

The current 2019-2021 NGF+ forecast of \$49 billion is \$5 billion greater than the initial February 2016 forecast for the 2019-2021 biennium. This represents an 11.4% increase in the forecast since February 2016.

The current near general fund forecast of \$49 billion is \$4.1 billion (9%) greater than 2017-2019 forecast and represents a \$10 billion/25.7% increase in revenue when compared to 2015-2017 collections.

### **Budget Outlook-Figure 2**

During the last judicial branch biennial budget presentation we faced a potential budget deficit of \$3+ billion for the 2017-2019 biennium. Today, however, there is a positive, albeit small, projected ending balance. Note that the projected ending balance is not the same as the budget stabilization ending balance.

As noted in Figure 2 the projected ending NGF+ ending balance is \$103 million, which represents .02% of resources. It's important to note that in 2012 the legislature amended RCW 48.88.055 to include a provision that allows an adjustment in projected revenue if the revenue is not projected to grow by 4.5% or more. In other words, if revenue is not projected to grow by 4.5% then an amount will be added to the forecast to achieve a 4.5% growth rate. For the 2019-2012 biennium \$335 million was added. If the adjustment had not been made, the NGF+ projected ending balance would indicate a deficit.

**Expenditures-Figure 3**

It is currently anticipated that the estimated total resources will cover the costs of currently authorized activities at current levels for the 2019-2021 biennium. Note this does not include enhancements for new or existing programs or costs associated with caseload increases.

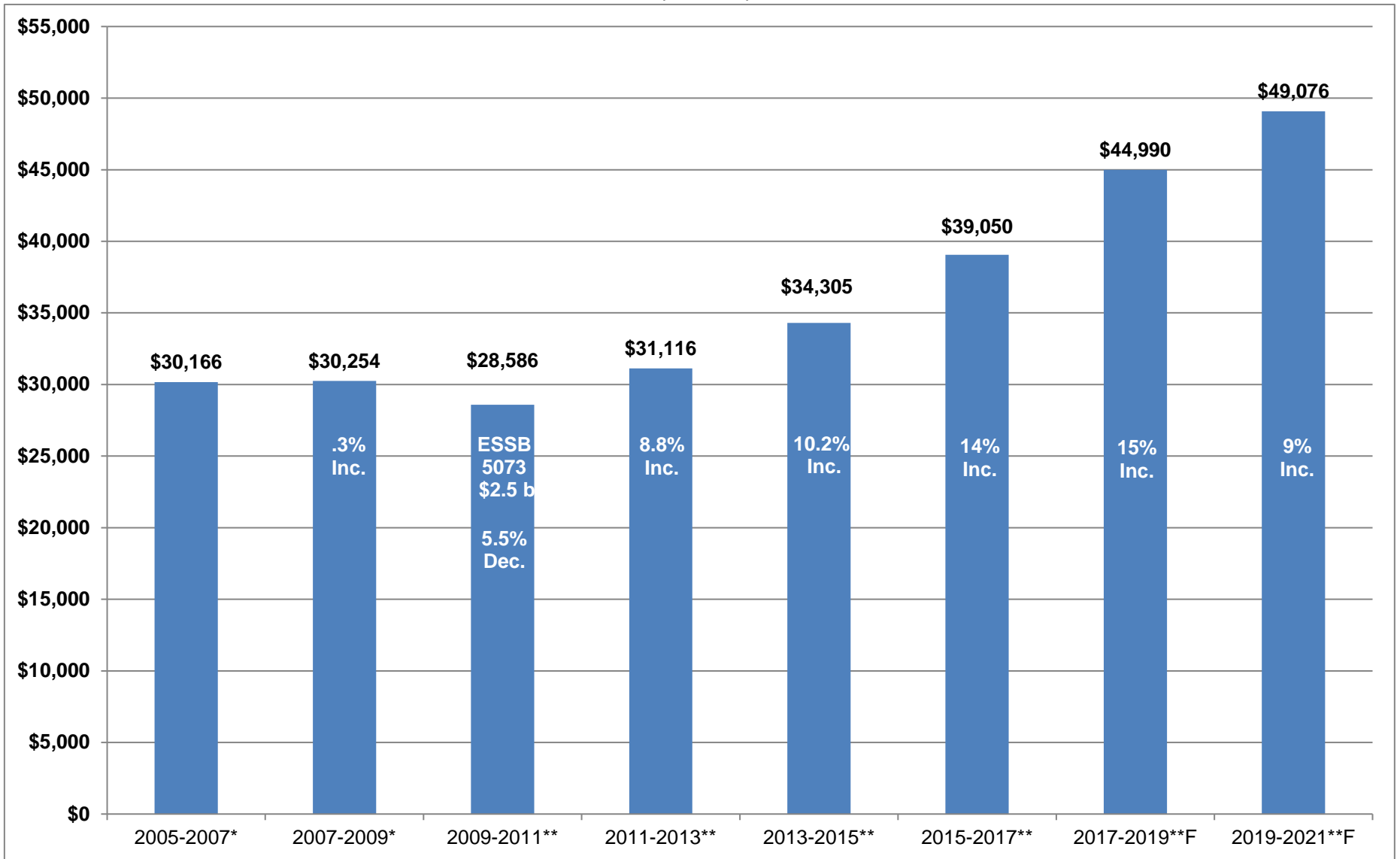
Although current projections indicate a small budget surplus, a very minor downward change in economic activity or an increase in costs could easily consume the surplus.

In conclusion, significant competition for scarce resources can be expected during the 2019 legislative session unless new or enhanced revenue sources are identified.

**Information from the Economic and Revenue Forecast Council**

## Revenue Collection and Forecast History (Near General Fund Accounts)

(in millions)

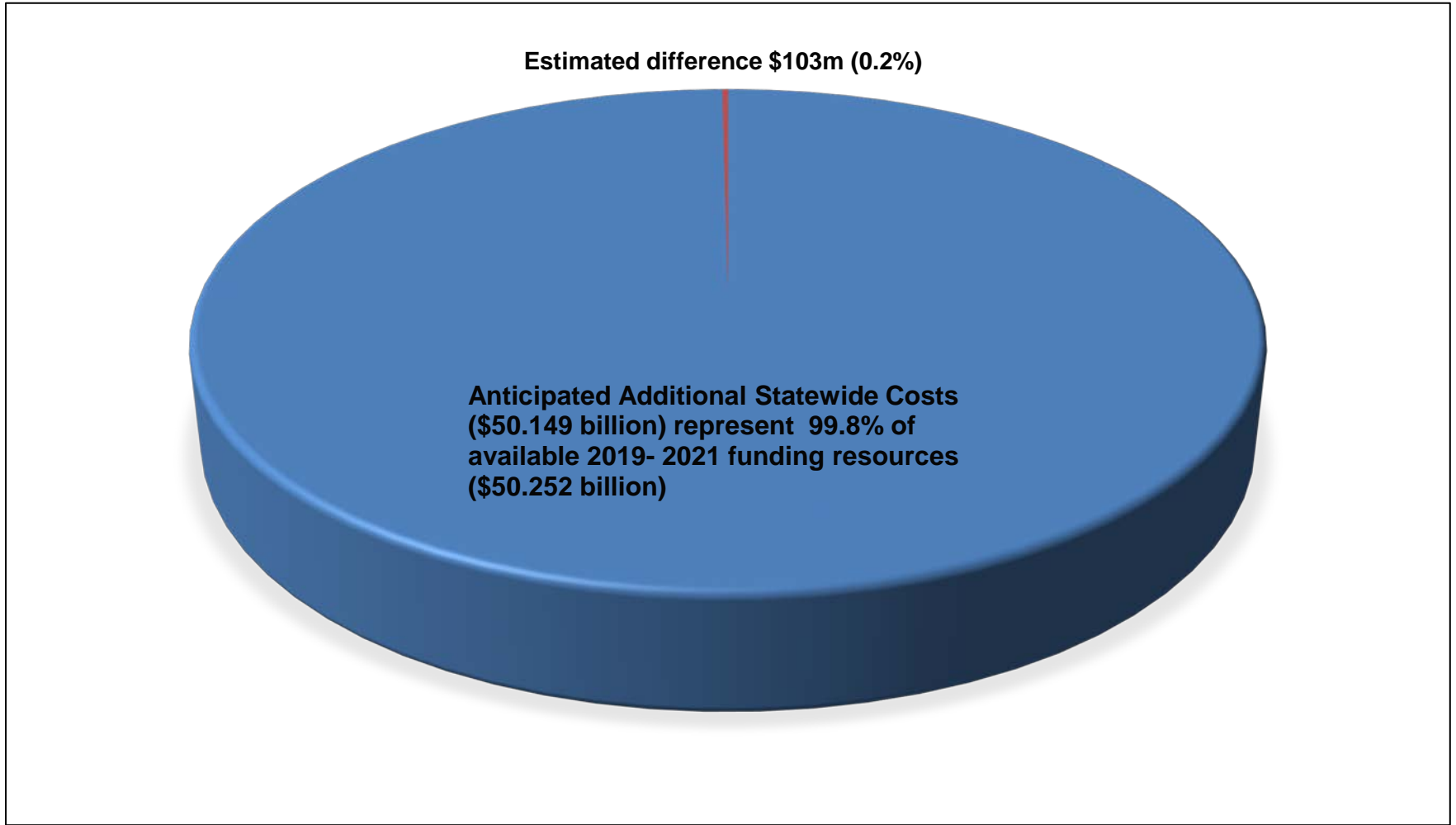


\* State general fund, related funds (moved to state general fund in 2009) and education legacy trust.

\*\* State general fund, related funds (to state general fund in 2009), education legacy trust and opportunities pathway account.

**FIGURE 1**

## 2019 - 2021 Resources vs Anticipated Costs - Statewide

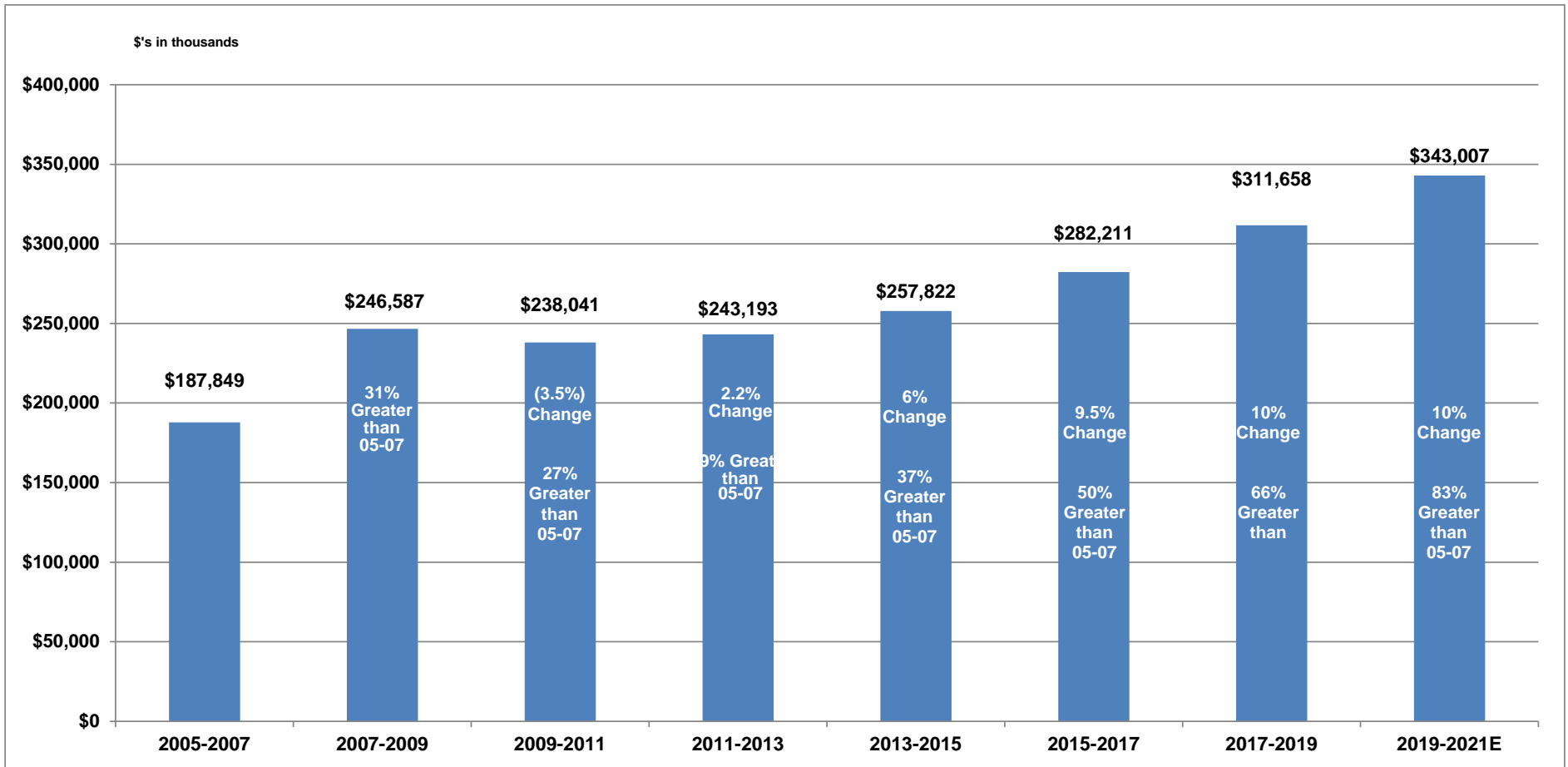


Amounts noted are estimates and will change. Information from House Conference Committee Summary Report 2018 Supplemental

**FIGURE 2**



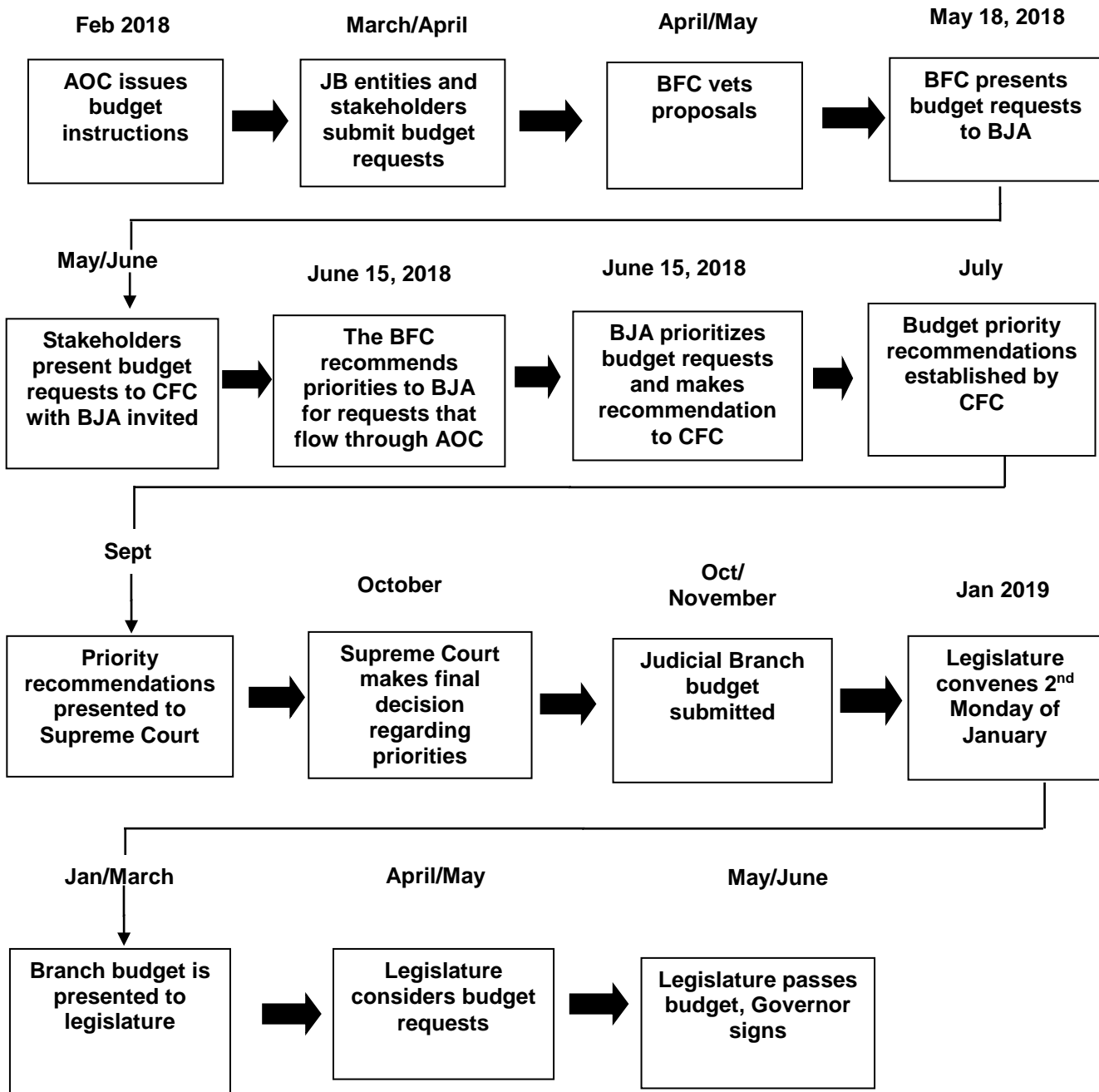
### State Judicial Branch Near General Fund Appropriation History



Historic branch growth is almost solely comprised of new or expanded pass through or direct service programs, new superior court judges and compensation rate changes authorized by the legislature. There is very little growth in internal agency staffing or programs.

**FIGURE 3**

## 2019-2021 Biennial Budget Development Process-Requests That Flow Through AOC



<sup>1</sup> JB-Judicial Branch; BFC-BJA Budget and Funding Committee; CFC-Court Funding Committee  
Revised 2-5-18

## **Board for Judicial Administration Budget and Funding Committee Criteria**

The Budget and Funding Standing Committee (BFC) of the Board for Judicial Administration is responsible for reviewing, making recommendations, and initially prioritizing budget requests submitted to the BJA. The following criteria will be used by the BFC to evaluate budget proposals submitted to the BJA.

### **Mandatory Criteria**

- The budget request is for an activity essential to a constitutional, statutory or court rule mandate.
- The budget request is necessary to carry out the Principal Policy Goals of the Washington State Judicial Branch
  - Fair and Effective Administration of Justice in all Civil and Criminal Cases
  - Accessibility
  - Access to Necessary Representation
  - Effective Court Management
  - Appropriate Staffing and Support.
- The budget request implements a resolution adopted by the BJA.

### **Additional Criteria**

- The budget request provides a complete and detailed description of the justification for the request, written in plain language so that an outside reader will understand the problem and the proposed solution. The request will include the following elements.
  - A description of the funding requested supported by empirical data.
  - Specifically identified outcomes.
  - Organizations and groups that support the request.
  - The impact if not funded.
- The request is an innovative approach or a more effective means of addressing a mandate or the principal policy goals, and includes a description of the justification and proposed empirical evaluation criteria.
- The budget request builds on or enhances existing and ongoing efforts and seeks to achieve more cost-effective outcomes.
- The request is designed to mitigate or eliminate structural or systemic funding problems.

**2019-21 Judicial Branch Biennial Budget Request**

	<u>GF</u>	<u>JST</u>	<u>JIS</u>	<u>Total</u>
<b>2019-2021 Carry Forward Level</b>	<b>\$307,786,000</b>	<b>\$11,868,000</b>	<b>\$32,568,000</b>	<b>\$352,222,000</b>
AOC Trial Court Funding for Language Access (GF-S)	\$2,160,000	\$0	\$0	\$2,160,000
AOC Timely and Essential Court Training (GF-S)	\$911,000	\$0	\$0	\$911,000
AOC Statewide Court System Online Training (GF-S)	\$496,000	\$0	\$0	\$496,000
AOC CASA Program Expansion and Enhancement (GF-S)	\$10,900,000	\$0	\$0	\$10,900,000
AOC Finding Fathers - Dependency Cases (GF-S)	\$152,000	\$0	\$0	\$152,000
AOC Family and Juvenile Court Improvement Program (GF-S)	\$577,000	\$0	\$0	\$577,000
AOC Therapeutic Courts (GF-S)	\$340,000	\$0	\$0	\$340,000
AOC Guardianship Monitoring (GF-S)	\$1,399,000	\$0	\$0	\$1,399,000
AOC Guardianship Services (GF-S)	\$1,708,000	\$0	\$0	\$1,708,000
AOC Judicial Bench Books (GF-S)	\$487,000	\$0	\$0	\$487,000
AOC Web Services (GF-S)	\$277,000	\$0	\$0	\$277,000
AOC Thurston County Impact Fees (GF-S)	\$1,622,000	\$0	\$0	\$1,622,000
AOC CLJ-CMS (JIS)	\$0	\$0	\$14,486,000	\$14,486,000
AOC SC-CMS Operations Support (JIS)	\$0	\$0	\$1,440,000	\$1,440,000
AOC Odyssey Continuing Operations Support (JIS)	\$0	\$0	\$707,000	\$707,000
AOC Odyssey Business and Training Support (GF-S)	\$2,017,000	\$0	\$0	\$2,017,000
AOC Odyssey Maintenance (JIS)	\$0	\$0	\$2,030,000	\$2,030,000
AOC EDR Operations and Maintenance (GF-S)	\$1,881,000	\$0	\$0	\$1,881,000
AOC AC-ECMS (GF-S)	\$2,207,000	\$0	\$0	\$2,207,000
AOC EDR Future Integrations (GF-S)	\$1,500,000	\$0	\$0	\$1,500,000
AOC Internal Equipment Replacement (JIS)	\$0	\$0	\$1,913,000	\$1,913,000
AOC Odyssey Development Hours (JIS)	\$0	\$0	\$574,000	\$574,000
AOC External Equipment Replacement (JIS)	\$0	\$0	\$1,646,000	\$1,646,000
SC - Comprehensive Salary Survey Implementation	\$660,000	\$0	\$0	\$660,000
COA Law Clerk Salary Survey Implementation (GF-S)	\$1,624,000	\$0	\$0	\$1,624,000
OCLA Vendor Rate Adjustment - Maintain Current Client (GF-S)	\$1,158,771	\$0	\$0	\$1,158,771
OCLA Vendor Rate Adjustment COLA (GF-S)	\$647,775	\$0	\$0	\$647,775
OCLA Civil Justice Reinvestment - Phase 2 (GF-S)	\$9,622,800	\$0	\$0	\$9,622,800
OCLA Vendor Rate Adjustment - Pro Bono (GF-S)	\$1,000,000	\$0	\$0	\$1,000,000
OPD Contractor Retention	\$6,000,000	\$0	\$0	\$6,000,000
OPD Pass-Through Funding to Washington Defender Association	\$610,000	\$0	\$0	\$610,000
OPD Disproportionality Training Coordinator	\$280,700	\$0	\$0	\$280,700
OPD Contract/Fiscal Support Staff	\$154,700	\$0	\$0	\$154,700
OPD Court Reporter/Transcriptionist Payment Rate for Indigent Appeals	\$660,000	\$0	\$0	\$660,000
OPD Attorney General - Litigation Defense	\$400,000	\$0	\$0	\$400,000
<b>Total Requests</b>	<b>\$51,452,746</b>	<b>\$0</b>	<b>\$22,796,000</b>	<b>\$74,248,746</b>
<b>Total 19-21 Budget</b>	<b>\$359,238,746</b>	<b>\$11,868,000</b>	<b>\$55,364,000</b>	<b>\$426,470,746</b>

## 2019-2021 Administrative Office of the Courts Biennial Budget Request

	GF	JST	JIS	Total	% Inc
<b>2019-2021 Carry Forward Level</b>	<b>\$124,785,000</b>	<b>\$6,691,000</b>	<b>\$32,568,000</b>	<b>\$164,044,000</b>	
Trial Court Funding for Language Access (GF-S)	\$2,160,000	\$0	\$0	\$2,160,000	
Timely and Essential Court Training (GF-S)	\$911,000	\$0	\$0	\$911,000	
Statewide Court System Online Training (GF-S)	\$496,000	\$0	\$0	\$496,000	
CASA Program Expansion and Enhancement (GF-S)	\$10,900,000	\$0	\$0	\$10,900,000	
Finding Fathers - Dependency Cases (GF-S)	\$152,000	\$0	\$0	\$152,000	
Family and Juvenile Court Improvement Program (GF-S)	\$577,000	\$0	\$0	\$577,000	
Therapeutic Courts (GF-S)	\$340,000	\$0	\$0	\$340,000	
Guardianship Monitoring (GF-S)	\$1,399,000	\$0	\$0	\$1,399,000	
Guardianship Services (GF-S)	\$1,708,000	\$0	\$0	\$1,708,000	
Judicial Bench Books (GF-S)	\$487,000	\$0	\$0	\$487,000	
Web Services	\$277,000	\$0	\$0	\$277,000	
Thurston County Impact Fees (GF-S)	\$1,622,000	\$0	\$0	\$1,622,000	
CLJ-CMS (JIS)	\$0	\$0	\$14,486,000	\$14,486,000	
SC-CMS - Operations Support (JIS)	\$0	\$0	\$1,440,000	\$1,440,000	
Odyssey Continuing Operations Support (JIS)	\$0	\$0	\$707,000	\$707,000	
Odyssey Business and Training Support (GF-S)	\$2,017,000	\$0	\$0	\$2,017,000	
Odyssey Maintenance (JIS)	\$0	\$0	\$2,030,000	\$2,030,000	
EDR Operations and Maintenance (GF-S)	\$1,881,000	\$0	\$0	\$1,881,000	
AC-ECMS Project (GF-S)	\$2,207,000	\$0	\$0	\$2,207,000	
EDR Future Integrations (GF-S)	\$1,500,000	\$0	\$0	\$1,500,000	
Internal Equipment Replacement (JIS)	\$0	\$0	\$1,913,000	\$1,913,000	
Odyssey Development Hours (JIS)	\$0	\$0	\$574,000	\$574,000	
External Equipment Replacement (JIS)	\$0	\$0	\$1,646,000	\$1,646,000	
<b>Total Requests</b>	<b>\$28,634,000</b>	<b>\$0</b>	<b>\$22,796,000</b>	<b>\$51,430,000</b>	<b>31.35%</b>
<b>Total 19-21 Budget</b>	<b>\$153,419,000</b>	<b>\$6,691,000</b>	<b>\$55,364,000</b>	<b>\$215,474,000</b>	

**Trial Court Funding for 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.

**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.

**Statewide Court System Online Training** - Funding is requested to develop a statewide online delivery system for training judicial officers and court staff.

**CASA Program Expansion and Enhancement** - Funding is requested to provide for local CASA program expansion and development, legal support and representation for youth in care, and training and volunteer recruitment support through augmented services with the Washington State CASA.

**Finding Fathers - Dependency Cases** - Funding is requested to provide courts with reliable, fast and low-cost DNA testing for alleged fathers in dependency and termination of parental rights cases.

**Family and Juvenile Court Improvement Programs** - Funding is requested to provide increased funding to cover costs in current FJCIP courts and provide funding for one to three additional courts. Funding is requested to conduct an evaluation of the program and develop a five-year strategic plan for statewide implementation.

**Therapeutic Courts Best Practice Implementation** - 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.

**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.

**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.

**Judicial Bench Books** - Funding is requested for staffing to revise outdated legal reference guides known as "bench books" or "bench guides" that are needed by judges.

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

**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.

**Courts of Limited Jurisdiction Management System - CLJ-CMS** - Funding is requested to continue the selection and implementation of the new commercial off the shelf case management system for the Courts of Limited Jurisdiction. This project will replace the outdated AOC system (DISCIS).

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

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

**Odyssey Business and 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.

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

**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.

**Appellate Electronic Court Records (AC-ECMS)** - Funding is requested for implementation of Appellate Electronic Court Records in the 2019-2021 biennium.

## 2019-2021 Administrative Office of the Courts Biennial Budget Request

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

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

**Odyssey Development Hours** - Funding is requested for additional Tyler development hours for system corrections, modifications or enhancements such as E-Filing, restitution priority, unclaimed property report, etc.

**External Equipment Replacement** - Funding is requested to replace aged computer equipment at the courts and county clerks' offices.

DRAFT

## Administrative Office of the Courts – General Fund State Requests

Title	FTE	Amount Requested	Priority
<b>Trial Court Funding for Language Access</b>	<b>1.0</b>	<b>\$2,160,000</b>	
Funding is requested to expand the state Interpreter Reimbursement Program to help fund additional courts, increase funds to courts now receiving assistance, and to provide additional testing and training for qualified interpreters.			
<b>Timely and Essential Court Training</b>	<b>1.0</b>	<b>\$911,000</b>	
Funding is requested to expand training opportunities and provide financial support to judicial officers and court staff to attend training.			
<b>Statewide Court System Online Training</b>	<b>1.5</b>	<b>\$496,000</b>	
Funding is requested to develop a statewide online delivery system for training judicial officers and court staff.			
<b>CASA Program Expansion &amp; Enhancement</b>	<b>0.0</b>	<b>\$10,900,000</b>	
Funding is requested for local CASA program expansion and development, legal support and representation for youth in care, and training and volunteer recruitment support through augmented services with the Washington State CASA.			
<b>Finding Fathers – Dependency Cases</b>	<b>0.0</b>	<b>\$152,000</b>	
Funding is requested to provide courts with reliable, fast, and low-cost DNA testing for alleged fathers in dependency and termination of parental rights cases.			
<b>Family &amp; Juvenile Court Improvement Program</b>	<b>0.5</b>	<b>\$577,000</b>	
Funding is requested to provide increased in current Family & Juvenile Court Improvement Program (FJCIP) and provide funding for one to three additional courts. Funds will also be used for a study to evaluate the program, and develop a five-year strategic plan for statewide implementation.			
<b>Therapeutic Courts</b>	<b>1.5</b>	<b>\$340,000</b>	
Funding is requested for a statewide therapeutic courts coordinator to work with courts to stand up and operate these courts more effectively.			
<b>Guardianship Monitoring</b>	<b>6.5</b>	<b>\$1,399,000</b>	
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.			

Title	FTE	Amount Requested	Priority
<b>Guardianship Services</b>	<b>2.0</b>	<b>\$1,708,000</b>	
Funding is requested to increase the number of public guardian contracts for guardianship services necessary to ensure that low-income people with diminished capacity receive adequate, effective & meaningful access.			
<b>Judicial Bench Books</b>	<b>3.0</b>	<b>\$487,000</b>	
Funding is requested for staffing to revise outdated legal reference guides known as “bench books” or “bench guides” that are needed by judges.			
<b>Web Services</b>	<b>1.0</b>	<b>\$277,000</b>	
Funding is requested for additional Web Services staff support necessary to serve the increasing demand of multiple programs and exchanges.			
<b>Thurston County Impact Fee</b>	<b>0.0</b>	<b>\$1,622,000</b>	
Funding is requested for the disproportionate impact of civil case filings in Thurston County.			
<b>Total-Non-IT Request SGF</b>	<b>FTE 18.0</b>	<b>\$21,029,000</b>	

<b>Administrative Office of the Courts - <u>JIS Requests</u></b>			
Title	FTE	Amount Requested	Priority
<b>CLJ-CMS</b>	<b>21.50</b>	<b>\$14,486,000</b>	
Funding is requested to continue the selection and implementation of a case management system for the Courts of Limited Jurisdiction.			
<b>SC-CMS Ongoing Operations</b>	<b>6.0</b>	<b>\$1,440,000</b>	
Funding is requested to establish permanent funding for staff to perform maintenance, operations and support of the SC-CMS.			
<b>Odyssey Continuing Operations Support</b>	<b>8.0</b>	<b>\$707,000</b>	
Funding is requested for continuing operations support staff for the Odyssey superior court case management system's transition from project to operational status.			



<b>Title</b>	<b>FTE</b>	<b>Amount Requested</b>	<b>Priority</b>
<b>Odyssey Business &amp; Training Support-SGF</b>	<b>8.5</b>	<b>\$2,017,000</b>	
Funding is requested to retain staff to adequately support the Superior Courts and county clerks that have implemented Odyssey.			
<b>Odyssey Maintenance</b>	<b>0.0</b>	<b>\$2,030,000</b>	
Funding is requested for semi-annual maintenance and support payments for the Odyssey case management system.			
<b>EDR Operations &amp; Maintenance-SGF</b>	<b>8.0</b>	<b>\$1,881,000</b>	
Funding is requested to establish permanent staffing for maintenance and operations of the Information Networking Hub – Enterprise Data Repository.			
<b>AC-ECMS-Project-SGF</b>	<b>4.0</b>	<b>\$2,207,000</b>	
Funding is requested for implementation of Appellate Electronic Court Records in the 2019-2021 biennium.			
<b>EDR Future Integrations-SGF</b>	<b>0.0</b>	<b>\$1,500,000</b>	
Funding is requested to integrate additional case management systems with the Information Networking Hub – Enterprise Data Repository.			
<b>Internal Equipment Replacement</b>	<b>0.0</b>	<b>\$1,913,000</b>	
Funding is requested to replace end of life equipment and to improve performance of heavily used JIS services.			
<b>Odyssey Development Hours</b>	<b>0.0</b>	<b>\$574,000</b>	
Funding is requested for additional Tyler development hours for system corrections, modifications or enhancements such as E-Filing, restitution priority, unclaimed property report, etc.			
<b>External Equipment Replacement</b>	<b>0.0</b>	<b>\$1,646,000</b>	
Funding is requested to replace aged computer equipment at the courts and county clerk's offices.			
<b>Total All Information Tech. Requests</b>	<b>FTE 56.0</b>	<b>\$30,401,000</b>	
<b>Total All Requests-AOC</b>	<b>FTE 74.0</b>	<b>\$51,430,000</b>	

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

**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
<b>Total Cost</b>	<b>\$237,000</b>	<b>\$1,923,000</b>	<b>\$2,832,000</b>	<b>\$3,740,000</b>
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
<b>Total</b>	<b>\$237,000</b>	<b>\$1,923,000</b>	<b>\$2,832,000</b>	<b>\$3,740,000</b>

**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

DRAFT



Trial Court Funding For Language Access - Appendix A		2013-17 5-Year Average Case Counts			Estimated Costs		
Rural Counties	Estimated Population-2017 State OFM Data	Superior Court Cases	Courts of Limited Jurisdiction Court Cases	Total	Superior Court	Courts of Limited Jurisdiction	Total
Adams	19,870	77	732	809	\$11,935	\$113,460	\$125,395
Asotin	22,290	2	4	6	\$310	\$620	\$930
Chelan*	76,830	270	997	1,267	\$41,850	\$154,535	\$196,385
Clallam	74,240	9	74	83	\$1,395	\$11,470	\$12,865
Columbia	4,100	2	14	16	\$310	\$2,170	\$2,480
Douglas*	41,420	42	882	924	\$6,510	\$136,710	\$143,220
Ferry	7,740	2	2	4	\$310	\$310	\$620
Garfield	2,200	1	7	8	\$155	\$1,085	\$1,240
Grant	95,630	264	2,560	2,824	\$40,920	\$396,800	\$437,720
Grays Harbor	72,970	56	661	717	\$8,680	\$102,455	\$111,135
Jefferson	31,360	2	53	55	\$310	\$8,215	\$8,525
Kittitas	44,730	14	662	676	\$2,170	\$102,610	\$104,780
Klickitat	21,660	13	304	317	\$2,015	\$47,120	\$49,135
Lewis	77,440	60	533	593	\$9,300	\$82,615	\$91,915
Lincoln	10,700	46	71	117	\$7,130	\$11,005	\$18,135
Mason	63,190	57	514	571	\$8,835	\$79,670	\$88,505
Okanogan*	42,110	59	493	552	\$9,145	\$76,415	\$85,560
Pacific	21,250	7	126	133	\$1,085	\$19,530	\$20,615
Pend Oreille	13,370	2	5	7	\$310	\$775	\$1,085
San Juan	16,510	5	13	18	\$775	\$2,015	\$2,790
Skamania	11,690	2	21	23	\$310	\$3,255	\$3,565
Stevens	44,510	3	15	18	\$465	\$2,325	\$2,790
Wahkiakum	4,030	3	8	11	\$465	\$1,240	\$1,705
Walla Walla	61,400	47	313	360	\$7,285	\$48,515	\$55,800
Whitman	48,640	4	62	66	\$620	\$9,610	\$10,230
<b>Sub-Total, Rural</b>	<b>929,880</b>	<b>1,049</b>	<b>9,126</b>	<b>10,175</b>	<b>\$162,595</b>	<b>\$1,414,530</b>	<b>\$1,577,125</b>

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
<b>Sub-Total, Mixed</b>	<b>1,065,920</b>	<b>1,443</b>	<b>13,101</b>	<b>14,544</b>

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
<b>\$223,665</b>	<b>\$2,030,655</b>	<b>\$2,254,320</b>

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
<b>Sub-Total, Urban</b>	<b>5,314,500</b>	<b>2,954</b>	<b>26,292</b>	<b>29,246</b>
<b>Grand Total</b>	<b>7,310,300</b>	<b>5,446</b>	<b>48,519</b>	<b>53,965</b>

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
<b>\$457,870</b>	<b>\$4,075,260</b>	<b>\$4,533,130</b>
<b>\$844,130</b>	<b>\$7,520,445</b>	<b>\$8,364,575</b>

\*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

**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
<b>Total Cost</b>	<b>\$354,000</b>	<b>\$557,000</b>	<b>\$588,000</b>	<b>\$628,000</b>
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
<b>Total</b>	<b>\$354,000</b>	<b>\$557,000</b>	<b>\$588,000</b>	<b>\$628,000</b>

**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

**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
<b>Total Cost</b>	<b>\$202,000</b>	<b>\$294,000</b>	<b>\$252,000</b>	<b>\$252,000</b>
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
<b>Total</b>	<b>\$202,000</b>	<b>\$294,000</b>	<b>\$252,000</b>	<b>\$252,000</b>

**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

DRAFT

Washington State Judicial Branch  
2019 – 2021 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** CASA Program Expansion and Enhancement

**Budget Period:** 2019 – 2021 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

This request is for funds to provide for local CASA program expansion and development, legal support and representation for youth in care, and training and volunteer recruitment support through augmented services with the Washington State CASA.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$5,450,000	\$5,450,000	\$5,450,000	\$5,450,000
<b>Total Cost</b>	<b>\$5,450,000</b>	<b>\$5,450,000</b>	<b>\$5,450,000</b>	<b>\$5,450,000</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Grants	\$5,450,000	\$5,450,000	\$5,450,000	\$5,450,000

**Package Description:**

The statewide CASA proposal is broken down into three items for consideration:

- \$3.8 million per year for local CASA program reinvestment and expansion
- \$1.4 million per year for Regional CASA Program Attorneys
- \$250k per year to support Washington State CASA’s statewide training and volunteer recruitment efforts

This request puts forward the best thinking and planning regarding local CASA program expansion and development, legal support and representation for youth in care, and training and volunteer recruitment support through augmented services with the Washington State CASA.

Funding for the local CASA programs will be distributed by AOC based on a funding formula developed by the JCAs and approved by the SCJA. Regional program attorneys and funding for statewide training and recruitment support will be administered by AOC through a contract with Washington State CASA.

### ***Local CASA Program Reinvestment and Expansion:***

In 1977, a Seattle juvenile court judge concerned about making drastic decisions with insufficient information conceived the idea of citizen volunteers speaking up for the best interests of abused and neglected children in the courtroom. From that first program has grown a network of nearly 1,000 CASA and guardian ad litem programs that are recruiting, training and supporting volunteers in 49 states and the District of Columbia, including thirty-six CASA programs in Washington State that also include five tribal CASA programs.

CASA volunteers come from all walks of life, encouraging community involvement in a nationwide problem by allowing individuals to take ownership in a solution. CASA volunteers bring the community perspective into dependency proceedings, thus contributing to the court's desire to operate openly and fairly. Furthermore, by relying on professionally trained and supervised volunteers to provide best interest advocacy for dependent children, CASA volunteers combine efficiency and effectiveness to the court process on a scale unmatched by many other programs.

To put this in perspective: National CASA standards indicate that one volunteer supervisor can supervise 30 volunteers, each representing 2-3 children each and contributing 5-10 hours per month per child. Even at the minimal end of this equation, the efficiency of the CASA program effectively doubles the hours of advocacy one paid staff guardian ad litem can provide. Combine this with the CASA volunteer's focus on one child/sibling group at a time, and the CASA child advocacy program is unsurpassed in both efficiency and effectiveness in providing the court a "best interest" perspective of the child's situation.

In 2017, there were 16,291 children involved in our state's dependency system. CASA volunteers served 6,136 (38%) of those cases – our lowest percentage of kids CASA representation in the past 10 years. Increasingly alarming is the jump in the number of children on waitlists to be assigned a CASA volunteer – from near negligible numbers in previous years to 10% in 2017.

As the court is well aware, CASA volunteers provide a vital resource to dependency court judges and commissioners in providing best interests advocacy for the children for whom they serve and making reports to the court. This includes both best interest's recommendation as well as conveying the child's wishes to the court.

In addition to what CASA volunteers provide to the court, consider too the level of service and commitment they provide to the children for whom they advocate:

- ***Consistency and longevity.*** By and large, CASA volunteers stay with the child throughout the entirety of their case in the dependency system. Our average CASA has a length of service from 2-3 years – the duration of the typical dependency case. Comparing this to the other professionals on the case – particularly given the recent well-discussed surge in social worker turnover, judicial rotations, foster care placements, professionals who leave mid-case to pursue other career opportunities, CASA volunteers tend to stay with a case to its conclusion, often being the only consistent person in the child's life during the dependency.

- **Low caseloads.** The average CASA volunteer represents 2-3 children at a time, usually a sibling group. We're fond of saying that you could not pay for the amount of time CASA volunteers freely give to advocate for their children to whom they're assigned. Our typical CASA volunteer donates 5-10 hours per child, per month. CASA volunteers are also required to visit with their CASA children each month per best practice standards. In the alternative, the standard caseload for attorneys representing children is 60-80 active children at any given time; our staff (paid) guardians ad litem average 75 kids per FTE, in some areas caseloads exceed 100+. While professionals can (and most certainly do) provide zealous advocacy for some of their clients some of the time, the reality of the situation is that many of the professionals are merely monitoring most cases and putting out fires when crises emerge.
- **Clearly defined roles and responsibilities.** The CASA volunteer role is clearly defined by federal and state statute, and by state and local court rules. Specifically:
  - 42 U.S.C. § 5106a(b)(2)(A)(xiii):  
 "...provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings."
  - RCW 13.34.105(1): Details out many of the CASA/GAL's duties, including:
    - (a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;
    - (b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;
    - (c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;
    - (d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;
    - (e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties;
    - (f) To represent and be an advocate for the best interests of the child;
    - (g) To inform the child, if the child is twelve years old or older, of his or her right to request counsel and to ask the child whether he or she wishes to have counsel, pursuant to \*RCW 13.34.100(6). The guardian ad litem shall report to the court that the child was notified of this right and indicate the child's position regarding appointment of counsel. The guardian ad litem shall report to the court his or her independent recommendation as to whether appointment of counsel is in the best interest of the child; and

- (h) In the case of an Indian child as defined in RCW 13.38.040, know, understand, and advocate the best interests of the Indian child.

To be clear, the problem we face in increasing the number of children with a CASA volunteer statewide is primarily due to the limited capacity of CASA paid staff to supervise, recruit and train volunteers. The largest limiting factor in achieving the court's goal of best interest's advocacy for every child in dependency is not a lack of community members wanting to be CASA volunteers. Rather, it is a lack of local program staff capacity to properly supervise, support and renew our volunteers.

In the 10 largest programs across the state, volunteer coordinators are supervising 40 or more volunteers at a ratio of 1:40. The National CASA standard – or recommended ratio – is 1 CASA staff member to 30 CASA volunteers, or 1:30. There's simply no where to put additional CASA volunteers. When these programs attempt to recruit more CASA volunteers and surpass current levels, they can no longer retain CASA volunteers on the back-end with the necessary support, supervision and training, making their efforts to increase overall CASA volunteer numbers for naught.

Likewise, attempts to assign new volunteers to staff already carrying cases – even with a plan to reduce direct representation caseloads as new volunteers take their cases – have failed as well. As any person with any experience in CASA/GAL advocacy can tell you: dependency cases will fill any and all space you provide them. Staff with their own cases tend to put out the fires on their own caseloads, and the volunteers feel unsupported – so they leave.

It's been 10 years since CASA has seen an increase in state resources for best interest's advocacy for children in our state's dependency system. During that same time, Parent's Representation allocation has increased from \$11.5 to \$22 million per year; the push for child legal representation has begun to take hold in the form of pilot projects in two counties to assign attorneys to all children at the onset of dependency at a cost of \$650,000 per year. During that same timeframe, due to cuts to the court's overall state funding budget, CASA's allocation decreased from \$3.9 million/year to its current level of \$3.2 million/year.

This request provides the necessary increase in capacity at the local program level to support additional CASA volunteers through the addition of staff volunteer supervisors. It also provides a clear signal from the courts that CASA advocacy is something to strive for statewide.

Our current plan is to focus on assigning a CASA volunteer for every child under 12 as a starting point (85% of all new dependency filings involve a child under 12), and to have those CASA volunteers be appointed to children as quickly as possible in the process, with a goal of CASA assignment within 30 days of the petition filing. This will be the organizational/network focus leading up to the request and for the biennium we receive the funds as we meet together at our program staff meetings, regional meetings, site visits and annual conference.

If our funding request is successful, we anticipate increasing our statewide volunteer pool to 3,000 active CASA volunteers advocating for 10,000+ children by the end of the



biennium. This will represent a 67% increase in the number of active volunteers and a 62% increase in the number of children served.

**Regional CASA Program Attorneys:**

Access to legal resources and consultation for most CASA programs across the state is minimal. Only the three largest programs (King, Pierce and Snohomish) have attorneys on staff for dependency matters; the remaining programs report that they struggle to find appropriate and consistent legal representation and consultation.

This portion of our proposal seeks to balance the equation of legal representation in dependency matters as it currently stands.

Washington State CASA proposes state funding for 10 full-time attorney contracts to provide legal representation and consultation for CASA programs statewide. The attorneys will be selected in consultation with local CASA program managers and based in the geographic region of the CASA programs they support. This proposal also includes one attorney that specializes in tribal/ICWA related cases to provide consultation for five tribal CASA programs as well as consultation to all CASA programs regarding Native American children dependency cases.

Under this proposal, programs will receive a monthly allotment of hours based on the number of children in dependency in their county and they will be free to use these hours as best fits their local legal needs. For example, CASA programs may use attorneys in preparing and filing motions, appearing in court, case staffing, trial preparation and participation, and dependency-related legal consultation.

We are requesting \$1.4 million/year for Regional Program Attorneys under this proposal at comparable rates to OPD parents' attorneys. Eight of these attorneys will be out in the field; one will oversee the project and attorneys at the state CASA office in addition to coordinating appellate responses in dependency and termination cases; and one will work with our five tribal CASA programs as well as providing additional support for Native children involved in state court. Attorney contracts will be administered by Washington State CASA and overseen by an attorney on staff who will coordinate the project, administer the contracts and ensure that attorneys are adequately trained, knowledgeable in performing the functions requested by the programs and understand their role. The Washington State CASA staff attorney will also be responsible for providing consultation to programs on meeting requirements of new state legislation as it occurs. Attorneys under contract will be required to participate in quarterly meetings and trainings provided by Washington State CASA.

Regional program attorneys under this proposal will have following duties, similar to those found in the job descriptions for the program attorneys in King, Snohomish and Pierce Counties:

- Independently represent CASA volunteers at Superior Court hearings, trials, depositions, related motions, and settlement conferences, note motions on CASAs' behalf. Prepare CASA volunteers to represent themselves at hearings and trials the attorney is unable to attend.
- Provide legal advice and consultation to CASA volunteers regarding specific cases to which the CASA is assigned. Such advice includes but is not limited to, review

and editing of CASA reports, assistance in negotiating agreed orders and settlements, and preparing for trials and hearings.

- Attend dependency and termination fact finding trials, pre-trial conferences, review hearings, motion hearings, shelter care hearings and settlement conferences.
- Advise program staff and volunteers of new procedures, court decisions and statutes in a specialized area of practice.
- Provide legal advice and training to program staff, including the Program Manager, concerning CASA and case-related matters.
- Research, write and respond to briefs, memoranda, pleadings and other legal papers. File motions, finalize CASA reports for filing when submitted for highly contested matters; prepare proposals to various operations committees.
- Provide orientation training regarding legal issues for new CASAs, and ongoing training related to Dependency and/or CASA practice; prepares training materials.
- Provide legal interests “issue spotting” for cases before the court and when necessary and in the child’s best interest, motion the court for independent council to be assigned to the child.

***Support statewide CASA volunteer training and volunteer recruitment efforts:***

The economic downturn of 2009 not only had a significant impact to local CASA programs, but to the state office as well. Prior to 2009, Washington State CASA was allocated \$316,000 in state funding per year to assist with program development, support and training. This was funding to Washington State CASA was completely eliminated in 2009. This portion of the request would support Washington State CASA to provide additional training and recruitment resources for local CASA programs as programs look to expand their volunteer base and provide additional opportunities for training CASA volunteers and staff. Services will be provided through the addition of staff and/or contractors. Any remaining funding will be designated to support training and recruitment through the Washington State CASA with a direct AOC contract.

***Training:***

Funds would be used to hire a full-time training director to develop and curate training opportunities for CASA program staff and volunteers. These training opportunities will include:

- Annual Statewide CASA conference.
- Regional “mini” conferences.
- Training of new volunteer coordinators through our recently developed curriculum on volunteer management and support.
- “Training of the Facilitators” to CASA staff in the use and facilitation of the National CASA curriculum for new volunteers.
- Development and roll out of additional curriculum/trainings on Washington State specific laws and court rules regarding the CASA’s role, ICWA, CASA’s role in eliminating disproportionality in the child welfare system.

***Volunteer Recruitment and support:***

Funds would be used to develop a CASA volunteer specific recruitment strategy to support State CASA’s and local program volunteer recruitment activities. For phase I, WaCASA would contract with a consultant to develop this plan; phase II would include implementing the plan that may include additional staff (either contract or FTE

depending on the level of need), with remaining funds used to support local recruitment efforts that may include production of brochures, ads, posters, etc. or other recruitment related costs.

**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.**

CASA's current state level allocation is \$3.2 million dollars per year. With the added proposal, the new total would be \$7 million dollar per year, distributed to local programs via a funding formula overseen by the Washington Juvenile Court Administrators. As many programs use a blend of county, grants and private sector contributions to fund staff positions and program activities, specific FTE levels at the local level are difficult to determine.

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

*Local Program funding:*

The current funding formula developed by the Juvenile Court Administrators provides two levels of "small county" base: \$25,000 per program where the average active dependency caseload is less than 45 children per year; and \$50,000 per program for those falling between 45 and 90 children per year. The remaining counties receive a \$50,000 base allocation, and then a "per child" allocation above 90 children.

In arriving at the \$3.8 million dollar/year additional request, there seemed to be a "reasonable" amount for CASA statewide programs to absorb starting in year one (e.g., the max number of new volunteer coordinators for the largest program – King County would be 7 or eight) while still meeting substantial objectives of serving a total of 10,000 children with volunteers by the biennium's end and assuming the distribution formula stays relatively the same based on the same principles stated above. This obviously could change based on changes to the funding formula at the discretion of the Juvenile Court Administrators.

*Regional Program Attorneys:*

Salary/contract rates for a full time FTE was based on OPD's compensation rate of \$120,000 per full-time attorney contract. Eight regional program attorneys were selected when caseload/active children size, along with geographic considerations (i.e., it's probably not feasible to have one attorney representing all of central Washington.)

*Funding for Washington State CASA:*

There is currently one full-time FTE at Washington State CASA, and the current budget is \$250,000 per year. This proposal seeks to add two critical needs of the local programs – training and recruitment support. The additional \$250,000 in state funding will provide an additional stable platform of on-going funding that isn't grant driven (and therefore predictable and not at the mercy of changing foundation/individual priorities) on which to build on the success of the program.

## **Decision Package Justification and Impacts**

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

#### **Accessibility.**

Consider a pre-verbal child. How does the court receive information about what is in this child's best interests? The child can't direct legal counsel; the social worker on the case is mandated by policy to consider the child's safety first; and the parents' failure (particularly at the early stages of the case) to provide a safe and stable environment for the child is what necessitated the dependency action in the first place. It is the CASA volunteer who provides the court the necessary information on the pre-verbal child so that the dependency process is open and accessible to the children the court is trying to serve.

Additionally, CASA volunteers receive training on legal and cultural issues before being assigned cases as required by 13.34.100(9). In addition to the 30 hours of initial training the CASA volunteer receives prior to their appointment, CASA volunteers are mandated by National CASA best practice standards to undergo an additional 12 hours of training yearly to ensure they are kept up to date with current child welfare trends, policy and statutory requirements regarding the children they serve.

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

As stated previously, both state and federal law mandate the appointment of someone to represent a child's best interest in court. In addition to providing more CASA volunteers to advocate for children's best interests, this proposal seeks to augment the efficacy of the CASA volunteer by providing CASA programs access to regional program attorneys statewide.

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

CASA programs are effective engines of innovation and implementation in providing the court an enhanced ability to provide effective court management and successful outcomes for children who are the subjects of dependency proceedings. CASA programs across the state have assisted in the development and implementation of programs such as Family Treatment Court, Parent for Parent, Best for Babies, Paternity Establishment, ATEAM (mentors for adolescents in foster care) and many, many other programs.

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

The 2007 CASA funding package was used to solidify CASA program management statewide by providing a base level of funding for all CASA programs statewide. This next phase of expansion will focus on "scaling up" the CASA model by providing additional CASA volunteer supervisors in mid to large size programs.

#### **What is the impact on other state agencies?**

*Key Outcomes for the CASA/GAL Model:*

For a more comprehensive list (including citations) of positive outcomes for children in dependency with a CASA volunteer, please visit:

[http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5332511/k.7D2A/Evidence\\_of\\_Effectiveness.htm](http://www.casaforchildren.org/site/c.mtJSJ7MPIsE/b.5332511/k.7D2A/Evidence_of_Effectiveness.htm)

A child with a CASA/GAL volunteer is more likely to find a safe, permanent home:

- More likely to be adopted;
- Half as likely to reenter foster care;
- Substantially less likely to spend time in long-term foster care; and
- More likely to have a plan for permanency, especially children of color.

Children with CASA volunteers get more help while in the system:

- More services are ordered for the children.

And are more likely to have a consistent, responsible adult presence.

- Volunteers spend significantly more time with the child than a paid guardian ad litem.

Children with CASA volunteers spend less time in foster care:

- “It is quite remarkable that children without CASA involvement are spending an average of over eight months longer in care, compared to children having CASA involvement.”

And are less likely to be bounced from home to home.

- CASA volunteers improve representation of children;
- Reduce the time needed by lawyers;
- More likely than paid lawyers to file written reports;
- For each of nine duties, judges rated CASA/GAL volunteers more highly than attorneys; and
- Highly effective in having their recommendations adopted by the court.

Children with CASA volunteers do better in school:

- More likely to pass all courses;
- Less likely to have poor conduct in school; and
- Less likely to be expelled.

And score better on nine protective factors:

- Neighborhood resources, interested adults, sense of acceptance, controls against deviant behavior, models of conventional behavior, positive attitude towards the future, valuing achievement, ability to work with others and ability to work out conflicts.

### **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?**

Not yet -- although there are a number of appellate cases where the issue of child representation is at the forefront. This proposal embraces the CASA model and incorporates the support of an attorney for the volunteer CASA. The regional program attorney, in furtherance of the child's best interests, can make legal arguments, file motions, appeal decisions, and inform the child of their legal rights while the child's best

interests are promoted in and outside of court by the CASA through investigation and advocacy.

We believe that the strength of this model is its fiscal economy as we seek additional public funding. By providing CASA programs, and therefore CASA volunteers, with access to a skilled attorney allows any legal interests that may arise throughout to be properly addressed the case without requiring every child to have an attorney. The cost of a volunteer advocate is far less than paying for attorney/GAL advocacy for every child.

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

Staff GALs:

In many of the mid- to large sized counties, programs rely on staff guardians ad litem to fulfil the requirement of 13.34.100. Caseloads for these paid professionals range anywhere from 50 to 100+ children per person. While the appointment of staff GALs to children in dependency meets the technical requirements of best interests' advocacy, staff GALs' high caseloads prohibit them from providing the same level of advocacy that a CASA volunteer (who generally are advocating for 2-3 children at a time) can provide. Furthermore, National CASA discourages the use of paid staff – and there has been recent discussion that National may revoke membership of programs who extensively rely on staff GALs as opposed to volunteers. They would jeopardize our ability to use the CASA name as well as materials they provide, such as the National CASA volunteer curriculum.

**What are the consequences of not funding this request?**

CASA programs in urban areas will be unable to meet the statutory mandate for CASA volunteers to represent children's best interests. The 1800 currently active CASA volunteers will not have the level of support and supervision needed to ensure retention. Staff with high caseloads of CASA volunteers (who often carry dependency cases themselves) will continue to have excessive workloads and be unable to engage in adequate recruitment and support activities, thus continuing the cycle of losing and replacing the same number of volunteers each year. In addition, high caseloads contribute to high staff turnover, which impacts the stability and quality of the program. Insufficient funding puts dependent children at serious risk and presents liability issues for the child representation in the dependency system.

We're already beginning to feel the effects of inadequate funding: there are over 1,000+ children on a wait list to receive a CASA...statewide, we've gone from being able to represent 7,190 at our peak year in 2014 – we're now down to 6,136 kids served with 300 fewer active volunteers. It's a disturbing trend, and we're uncertain how we can right the ship without increased resources from the State in the next biennium.

**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 see the attached “CASA Program Statistics Report 2017” for additional county specific data or visit our website ([www.wacasa.org](http://www.wacasa.org)) for additional reports and information.

**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

DRAFT

Washington State Judicial Branch  
2019 – 2021 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Finding Fathers – Dependency Cases

**Budget Period:** 2019 – 2021 Biennial Budget

**Budget Level:** Policy

**Agency Recommendation Summary Text:**

Funding is requested to provide courts with reliable, fast, and 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	\$76,000	\$76,000	\$76,000	\$76,000
<b>Total Cost</b>	<b>\$76,000</b>	<b>\$76,000</b>	<b>\$76,000</b>	<b>\$76,000</b>
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	\$66,000	\$66,000	\$66,000	\$66,000
Grants	\$10,000	\$10,000	\$10,000	\$10,000
<b>Total</b>	<b>\$76,000</b>	<b>\$76,000</b>	<b>\$76,000</b>	<b>\$76,000</b>

**Package Description:**

**Background**

Establishing paternity early in a child’s life has been demonstrated to positively impact dependency case processing and outcomes for children. In addition to earlier case resolution, definitively establishing paternity increases the likelihood of a father’s early engagement and lasting family reunification. Even in cases where reunification is with the mother, fathers who become engaged early in the dependency process are more likely to stay involved in the lives of their children. 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 system<sup>1</sup>. Identifying biological fathers can also expand the pool of relative placements and resources available to children who might otherwise be placed in foster care. For these reasons, it

<sup>1</sup> 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



is important that courts have efficient access to DNA testing, and the funding available to obtain the tests.

In the majority of dependency cases where paternity is a question, the process for establishing biological paternity is handled by the Support Enforcement Division of the Prosecuting Attorney's office. On average, support enforcement orders are entered after a six-month process (because support enforcement orders are retroactive under RCW 26.26.150, timeliness is not as critical as for dependency cases). Dependency case processing allows a very limited period of time for parents to establish legal party status, participate in services, correct any parental deficiencies, and secure placement of the child.<sup>2</sup> The strictly limited timeline increases the importance that alleged fathers establish paternity as soon as possible.<sup>3</sup>

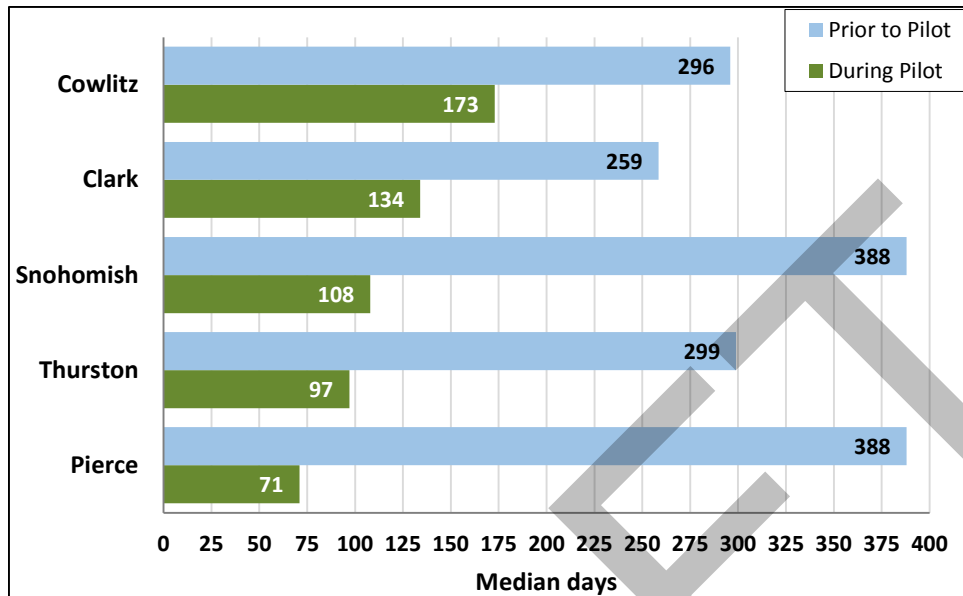
The Establishing Biological Paternity Early Pilot Project (EBPEPP) has provided several juvenile courts in Washington State with an opportunity to secure paternity testing early in the process. During the project, testing was performed on alleged fathers and children (motherless testing) in individual 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:

<sup>2</sup> RCW 13.34.136, RCW 13.34.145.

<sup>3</sup> RCW 13.04.011 defines parent for purposes of dependency and termination cases as the biological or adoptive parent. Establishing legal paternity is not necessary for a biological parent to gain party status in a case brought under RCW 13.34.

**Differences in the Median Waiting Time between Filing a Dependency Petition and DNA Results Prior to the Pilot and During the Pilot by Court**



Some expected outcomes of early paternity testing include the following:

- Earlier overall case resolutions of all permanency types, including reunification with parents, guardianships, and adoptions;
- Reduction in overall judicial workload due to fewer hearings; and
- Improved likelihood that children will be placed with a relative rather than in foster care.

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 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.**

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><b>Paternity Testing Fees</b></p> <p>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</p> <p>The Attorney General's Office provided the number of dependency cases statewide with alleged fathers during 2015-2016, 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 &amp; child) = \$36,000            600 cases x \$25 x 2 (alleged father &amp; 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>	\$66,000	\$66,000
<p><b>Grants to participating counties</b></p> <p>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>	\$10,000	\$10,000

**Decision Package Justification and Impacts**

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

**Accessibility.**

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.**

Once biological paternity is established per RCW 13.34.030, the father receives full party status and is entitled to attorney representation pursuant to Title 13.34 RCW.

**Commitment to Effective Court Management.**

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.**

As mentioned above, reducing unnecessary hearings and trials reduces the caseload, easing the overburdened court system and increasing the amount of support staff can provide to litigants and parties.

**What is the impact on other state agencies?**

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?**

The pilot program showed that timely paternity testing produces marked efficiencies in dependency and termination cases, and many courts are eager to institute or continue this program. One alternative would be for each county to contract with LabCorp and pay for their own DNA testing. However, funding has proved difficult on a court-by-court basis. Each court would need to add the estimated amount for testing to their budget and submit the new request to the county administration and convince the county commissioners or councilmembers this would be a good investment of funds. No courts presently implementing the program have seen local funding requests as feasible, and it is predictable that a number of courts would see this option as a roadblock.

**What are the consequences of not funding this request?**

The courts currently participating in the program will continue to struggle every year to find a source of funding. For the counties that currently don't have this program, alleged fathers will be at a disadvantage, unnecessary hearings and trials will impact the court system and increase the workload of attorneys and caseworkers. Children will be harmed due to a reduction in relative placement opportunities for them.

Various cost saving potentials will not be realized. The Attorney General's Office generally publishes on any and all unknown fathers to avoid any unnecessary delays. Estimating cost savings is not an easy task because the cost of publication varies greatly from area to area and from paper to paper. Courts often run several publications at one time. Some publications are done outside of the ordering county (if a parent is known to reside outside of the ordering county, the publication is done using their last known location). Cost savings from better relative placements, reduced court and attorney caseloads, and reduced time to case dismissal would not occur.

**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:**

- Establishing Biological Paternity Early Pilot Project in Dependency and Termination Cases Report (see 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:** Administrative Office of the Courts

**Decision Package Title:** Family and Juvenile Court Improvement Program

**Budget Period:** 2019 – 2021 Biennial Budget

**Budget Level:** Policy

**Agency Recommendation Summary Text:**

Funding is requested to cover costs in current Family and Juvenile Court Improvement Program (FJCIP) courts, provide funding for one to three additional courts, to conduct an evaluation of the program, and develop a five-year strategic plan for statewide implementation.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$286,000	\$291,000	\$291,000	\$291,000
<b>Total Cost</b>	<b>\$286,000</b>	<b>\$291,000</b>	<b>\$291,000</b>	<b>\$291,000</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0.5	0.5	0.5	0.5
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Salaries	\$44,000	\$44,000	\$44,000	\$44,000
Benefits	\$15,000	\$15,000	\$15,000	\$15,000
Contracts	\$80,000	0	0	0
Goods/Services	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$5,000	\$0	\$0	\$0
Grants	\$140,000	\$230,000	\$230,000	\$230,000
<b>Total</b>	<b>\$286,000</b>	<b>\$291,000</b>	<b>\$291,000</b>	<b>\$291,000</b>

**Package Description**

**Background:**

In 2008, Second Substitute House Bill 2822 established the Family and Juvenile Court Improvement Program (FJCIP) as a result of a partnership between the legislative branch and the judicial branch. The legislature wanted to improve the dependency system consistent with Unified Family Court (UFC) principles. The courts agreed with this methodology and wanted improvements to be focused on local circumstances. 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.

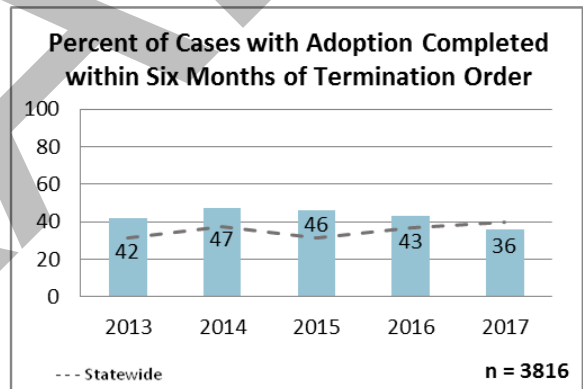
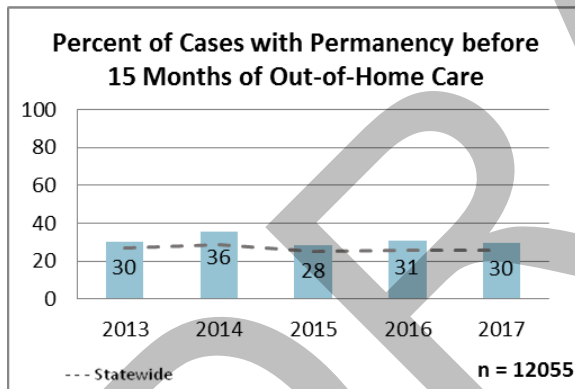
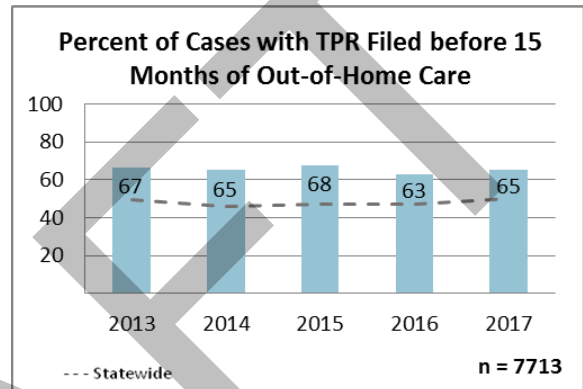
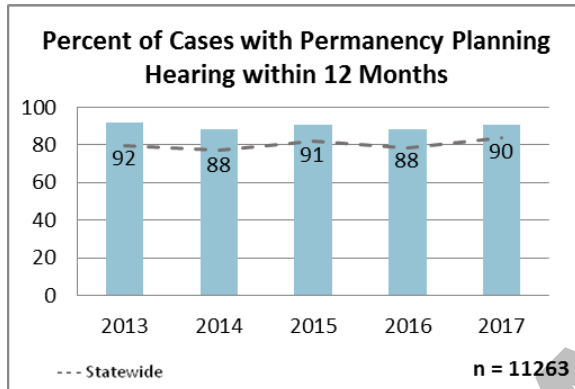
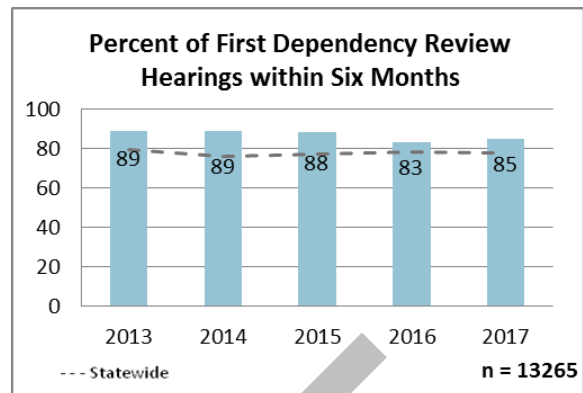
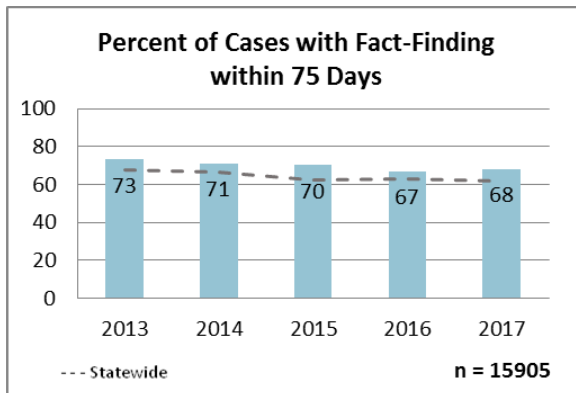
Funding was reduced after the first year, due to significant statewide budget cuts, and currently \$598,819 is allotted for FJCIP annually. The funding reduction resulted in elimination or reduction of innovative projects, training, and travel. Current funding only covers 83 percent of the salaries and 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. This annual investment of less than \$600,000 realizes financial benefits over time, not to mention better outcomes for children and families. 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.





**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 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
<b>TOTAL</b>	<b>\$719,234.18</b>	<b>\$598,819.00</b>	<b>\$598,819.00</b>

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.

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

	FY20	FY21
<p><b>Increase FJCIP grant amounts to cover salaries and benefits for FJCIP Coordinators in 10 currently participating counties.</b>  <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><b>Increase FJCIP grant amount to cover the addition of three small or one medium sized county.</b>  <i>Cost for a small county to hire a part-time FJCIP Coordinator is estimated at \$30,000, based on</i></p>		\$90,000

<p><i>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.</i></p> <p><i>Cost for a medium sized county is estimated at \$90,000 based on averaging costs of Kitsap and Thurston.</i></p>		
<p><b>Professional Services Contract for evaluation of the FJCIP program and development of a 5-year strategic plan for statewide implementation.</b></p> <p><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>	<b>\$80,000</b>	
<p><b>Increase AOC program staff .5 FTE to facilitate the evaluation process, development of strategic plan, and oversight and training of additional FJCIP courts.</b></p> <p><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>	<b>\$66,000</b>	<b>\$61,000</b>

**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.

**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.

**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.

**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).

**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
<b>Total Cost</b>	<b>\$175,000</b>	<b>\$165,000</b>	<b>\$165,000</b>	<b>\$165,000</b>
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
<b>Total</b>	<b>\$175,000</b>	<b>\$165,000</b>	<b>\$165,000</b>	<b>\$165,000</b>

**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:** 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
<b>Total Cost</b>	<b>\$439,000</b>	<b>\$960,000</b>	<b>\$945,000</b>	<b>\$945,000</b>
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
<b>Total</b>	<b>\$439,000</b>	<b>\$960,000</b>	<b>\$945,000</b>	<b>\$945,000</b>

**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

DRAFT

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:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 001	\$798,000	\$910,000	\$1,054,000	\$1,228,000
<b>Total Cost</b>	<b>\$798,000</b>	<b>\$910,000</b>	<b>\$1,054,000</b>	<b>\$1,228,000</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	2	2	2	2
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
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
<b>Total</b>	<b>\$798,000</b>	<b>\$910,000</b>	<b>\$1,054,000</b>	<b>\$1,228,000</b>

**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 \$798,000 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 \$908,000 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.

<b><u>Object Detail</u></b>	<b><u>FY2020</u></b>	<b><u>FY2021</u></b>
Staff Costs	\$198,000	\$188,000
Non-Staff Costs	\$600,000	\$720,000
<b>Total Objects</b>	<b>\$798,000</b>	<b>\$908,000</b>

**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:** Judicial Bench Books

**Budget Period:** 2019 – 2021 Biennial Budget

**Budget Level:** Policy

**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
<b>Total Cost</b>	<b>\$154,000</b>	<b>\$333,000</b>	<b>\$325,000</b>	<b>\$325,000</b>
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
<b>Total</b>	<b>\$154,000</b>	<b>\$333,000</b>	<b>\$325,000</b>	<b>\$325,000</b>

**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.

Judge Judy Rae Jasprica  
Chair, BJA CEC

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
<b>Total Cost</b>	<b>\$141,000</b>	<b>\$136,000</b>	<b>\$136,000</b>	<b>\$136,000</b>
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
<b>Total</b>	<b>\$141,000</b>	<b>\$136,000</b>	<b>\$136,000</b>	<b>\$136,000</b>

**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

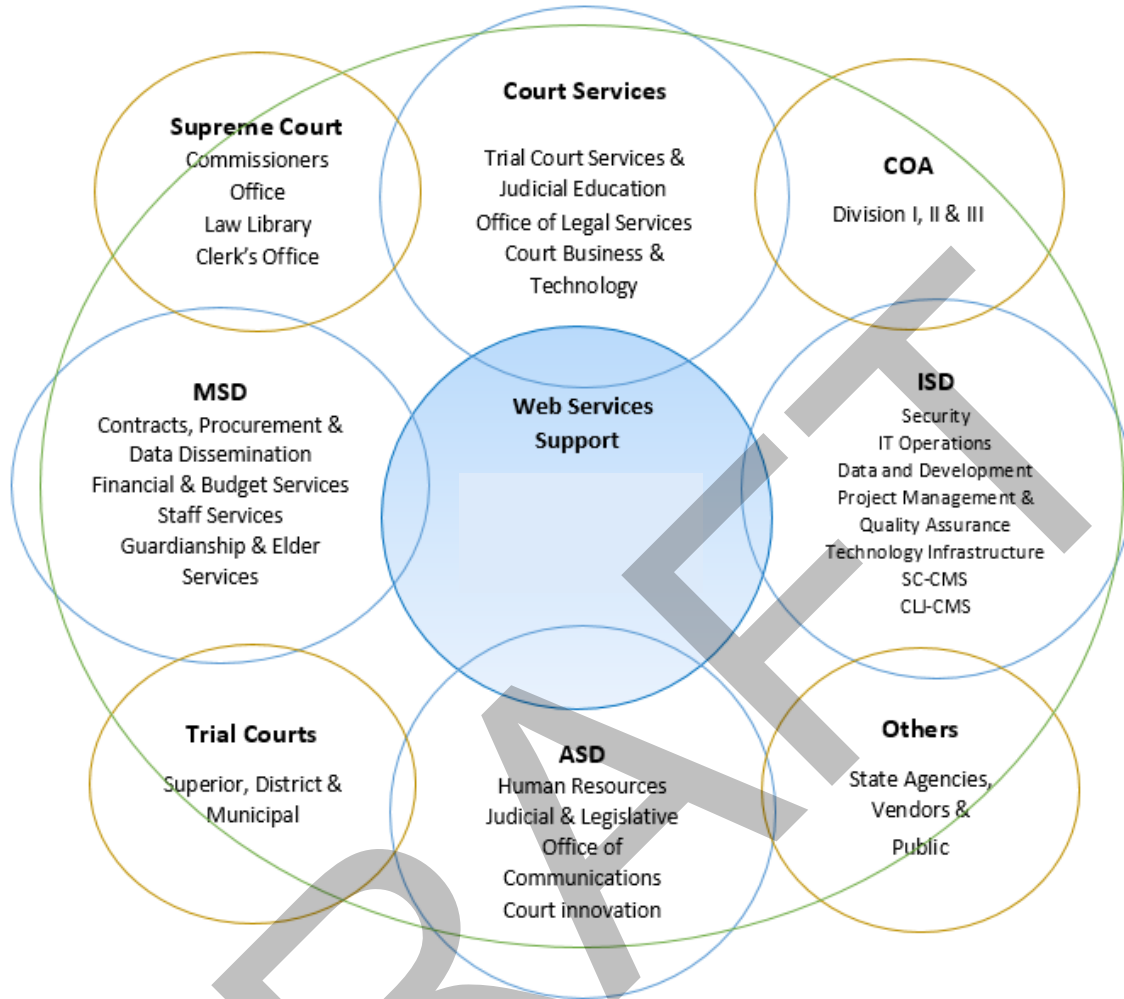


Figure 1 Stakeholder Collaboration

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:**

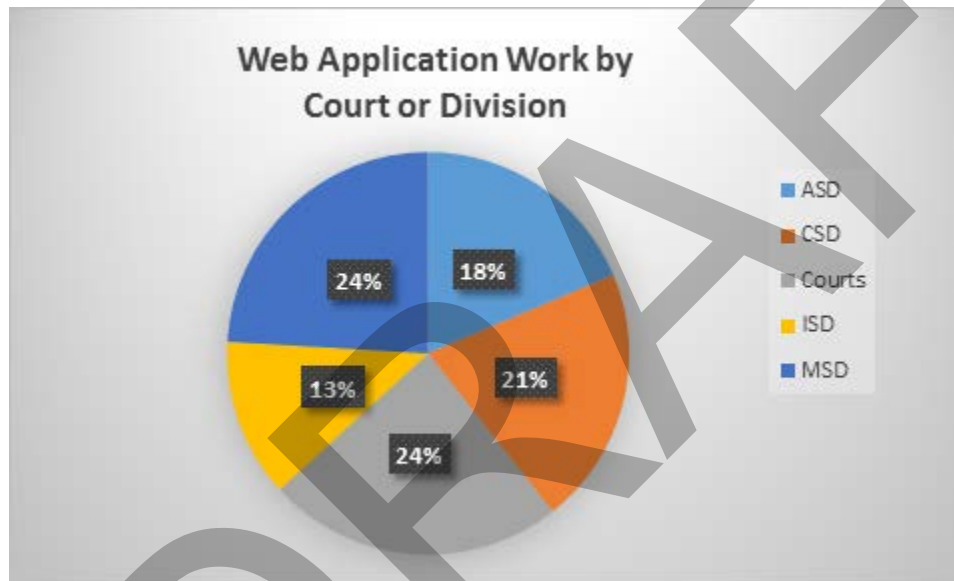
Web Services needs a minimum of one (1) additional Full Time Employee (FTE) Senior Developer.

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:** 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	\$811,000	\$811,000	\$811,000	\$811,000
<b>Total Cost</b>	<b>\$811,000</b>	<b>\$811,000</b>	<b>\$811,000</b>	<b>\$811,000</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0.0	0.0	0.0	0.0
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Grants	\$811,000	\$811,000	\$811,000	\$811,000
<b>Total</b>	<b>\$811,000</b>	<b>\$811,000</b>	<b>\$811,000</b>	<b>\$811,000</b>

**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.

**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

DRAFT

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:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 543	\$1,143,000	\$13,343,000	\$8,536,000	\$8,080,000
<b>Total Cost</b>	<b>\$1,143,000</b>	<b>\$13,343,000</b>	<b>\$8,536,000</b>	<b>\$8,080,000</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	13	30	34	35
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
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
<b>Total</b>	<b>\$1,143,000</b>	<b>\$13,343,000</b>	<b>\$8,536,000</b>	<b>\$8,080,000</b>

**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
<b>Total Cost</b>	<b>\$735,000</b>	<b>\$705,000</b>	<b>\$705,000</b>	<b>\$705,000</b>
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
<b>Total</b>	<b>\$735,000</b>	<b>\$705,000</b>	<b>\$705,000</b>	<b>\$705,000</b>

**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 ongoing 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 001	\$341,000	\$366,000	\$366,000	\$366,000
<b>Total Cost</b>	<b>\$341,000</b>	<b>\$366,000</b>	<b>\$366,000</b>	<b>\$366,000</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	8	8	8	8
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Salaries	\$225,000	\$250,000	\$250,000	\$250,000
Benefits	\$100,000	\$100,000	\$100,000	\$100,000
Goods/Services	\$10,000	\$10,000	\$10,000	\$10,000
Travel	\$6,000	\$6,000	\$6,000	\$6,000
<b>Total</b>	<b>\$341,000</b>	<b>\$366,000</b>	<b>\$366,000</b>	<b>\$366,000</b>

**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

**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	\$1,031,000	\$986,000	\$986,000	\$986,000
<b>Total Cost</b>	<b>\$1,031,000</b>	<b>\$986,000</b>	<b>\$986,000</b>	<b>\$986,000</b>
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
<b>Total</b>	<b>\$1,031,000</b>	<b>\$986,000</b>	<b>\$986,000</b>	<b>\$986,000</b>

**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

DRAFT



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

**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
<b>Total Cost</b>	<b>\$1,000,000</b>	<b>\$1,030,000</b>	<b>\$1,060,000</b>	<b>\$1,090,000</b>
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
<b>Total</b>	<b>\$1,000,000</b>	<b>\$1,030,000</b>	<b>\$1,060,000</b>	<b>\$1,090,000</b>

**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

DRAFT

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 543	\$897,000	\$984,000	\$979,000	\$979,000
<b>Total Cost</b>	<b>\$897,000</b>	<b>\$984,000</b>	<b>\$979,000</b>	<b>\$979,000</b>
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
<b>Total</b>	<b>\$897,000</b>	<b>\$984,000</b>	<b>\$979,000</b>	<b>\$979,000</b>

**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	\$1,134,000	\$1,073,000	\$99,000	\$72,000
<b>Total Cost</b>	<b>\$1,134,000</b>	<b>\$1,073,000</b>	<b>\$99,000</b>	<b>\$72,000</b>
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
<b>Total</b>	<b>\$1,134,000</b>	<b>\$1,073,000</b>	<b>\$99,000</b>	<b>\$72,000</b>

**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

DRAFT



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 001-1	\$750,000	\$750,000	\$0	\$0
<b>Total Cost</b>	<b>\$750,000</b>	<b>\$750,000</b>	<b>\$0</b>	<b>\$0</b>
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Contracts	\$750,000	\$750,000	\$0	\$0
<b>Total</b>	<b>\$750,000</b>	<b>\$750,000</b>	<b>\$0</b>	<b>\$0</b>

**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
<b>Total Cost</b>	<b>\$1,913,000</b>	<b>\$0</b>	<b>\$1,200,000</b>	<b>\$0</b>
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
<b>Total</b>	<b>\$1,913,000</b>	<b>\$0</b>	<b>\$1,200,000</b>	<b>\$0</b>

**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
<b>TOTAL</b>	<b>\$1,913,000</b>

**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
<b>Total Cost</b>	<b>\$172,000</b>	<b>\$402,000</b>	<b>\$0</b>	<b>\$0</b>
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
<b>Total</b>	<b>\$172,000</b>	<b>\$402,000</b>	<b>\$0</b>	<b>\$0</b>

**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  
ASSOCIATION OF  
COUNTY CLERKS

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June 1, 2018

Court Funding Committee Members  
c/o Ramsey Radwan  
Administrative Office of the Courts  
P.O. Box 41174  
Olympia, WA 98504-1174

RE: Support for Odyssey Development Hours Request

Dear Court Funding Committee Members:

We write today to ask for your support for the Odyssey Development Hours decision package, which is part of the Information Technology request package to be presented by Vonnie Diseth at the upcoming Budget Request Presentation. This decision package request will fund development hours by Tyler Technologies, the SC-CMS project vendor and owner of the Odyssey code, to make corrections and modifications to their product code in order to meet the requirements of the Washington Court system.

Here is some background on the request: Earlier this year, those County Clerks already using the system assembled a list of the outstanding functionality in the Odyssey system related to items not yet delivered or not yet working. Some very important components are still not available in the system, such as unclaimed property functionality and several other necessary reports. Other missing items include the ability to add a protection order in a dependency case, the ability to add a secondary event code, and notification when a Well Identified Person (WIP) name is changed/altered in the system.

We recognize that AOC is prudently requesting Odyssey support and maintenance in the budget process, which is very necessary. However, some of the outstanding work will need to be accomplished by Tyler, which is the impetus of this request. Though we are glad to be operating in something other than a mid-70's-based mainframe system like SCOMIS, we certainly want to ensure that we have at *least* the functionality we enjoyed in SCOMIS, and not lose ground from missing or broken programming. This is where we find ourselves at this time.

If the system does not allow us to do our jobs, or requires more time to do our work, it is not just the clerks impacted – judges, court administrators, the public, attorneys, and others will be adversely affected. We thank you for your attention to this request. Should you have any

questions or need further information, please feel free to contact me. You may also want to contact Sonya Kraski at [Sonya.Kraski@snoco.org](mailto:Sonya.Kraski@snoco.org) or Linda Myhre Enlow at [enlowl@co.thurston.wa.us](mailto:enlowl@co.thurston.wa.us).

Sincerely,

*Barbara Christensen*  
President

DRAFT

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
<b>Total Cost</b>	<b>\$821,000</b>	<b>\$825,000</b>	<b>\$795,000</b>	<b>\$1,040,000</b>
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
<b>Total</b>	<b>\$821,000</b>	<b>\$825,000</b>	<b>\$795,000</b>	<b>\$1,040,000</b>

**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
<b>Total</b>	<b>722</b>	<b>\$820,600</b>	<b>784</b>	<b>\$825,400</b>

**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

DRAFT

## 2019-2021 Supreme Court Biennial Budget Request

	GF	JST	JIS	Total	% Inc
<b>2019-2021 Carry Forward Level *</b>	<b>\$16,765,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$16,765,000</b>	
<b>Budget Requests</b>					
Comprehensive Salary Survey Implementation	\$660,000	\$0	\$0	\$660,000	
<b>Total Request</b>	<b>\$660,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$660,000</b>	<b>3.94%</b>
<b>Total 19-21 Budget</b>	<b>\$17,425,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$17,425,000</b>	

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

DRAFT

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
<b>Total Cost</b>	<b>\$326,000</b>	<b>\$334,000</b>	<b>\$334,000</b>	<b>\$334,000</b>
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	0	0	0	0
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Salaries	\$265,000	\$279,000	\$279,000	\$279,000
Benefits	\$61,000	\$55,000	\$55,000	\$55,000
<b>Total</b>	<b>\$326,000</b>	<b>\$334,000</b>	<b>\$334,000</b>	<b>\$334,000</b>

**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

DRAFT

## 2019-2021 Court of Appeals Biennial Budget Request

	GF	JST	JIS	Total	% Inc
<b>2019-2021 Carry Forward Level</b>	<b>\$37,568,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$37,568,000</b>	
Law Clerk Salary Survey Implementation	\$1,624,000	\$0	\$0	\$1,624,000	
<b>Total Request</b>	<b>\$1,624,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,624,000</b>	<b>4.32%</b>
<b>Total 19-21 Budget</b>	<b>\$39,192,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$39,192,000</b>	

**Law Clerk Salary Survey Implementation** - Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for Court of Appeals employees.

DRAFT

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
<b>Total Cost</b>	<b>\$812,000</b>	<b>\$812,000</b>	<b>\$812,000</b>	<b>\$812,000</b>
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
<b>Total</b>	<b>\$812,000</b>	<b>\$812,000</b>	<b>\$812,000</b>	<b>\$812,000</b>

**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

DRAFT

**TO:** Members of the Court Funding Committee

**FROM:** Jim Bamberger, Office of Civil Legal Aid (OCLA) Director

Joanne Moore, Washington State Office of Public Defense (OPD) Director

**DATE:** May 8, 2018

**RE:** OPD and OCLA Budget Requests to the Legislature

We are writing to provide background and context for OPD and OCLA's role in the Supreme Court's budget request review/Court Funding Committee's budget request review process. In summary, OPD and OCLA's enabling statutes establish that they are independent judicial branch agencies and as such, though their budget requests are sent to the Legislature in the Court's package, they are reviewed through the biennial branch budget process, but not prioritized or revised.

For many years the Court has generously reviewed OPD and OCLA's requests, heard their presentations, and provided comments that have been of great benefit to the agencies in finalizing their decision packages. Following the Court's review, OPD and OCLA and their Advisory Committees have determined whether and what final changes should be made to their decision packages.

In the new CFC process, the two agencies' role will be similar. OPD and OCLA's decision packages are to be included in the CFC packet. As independent judicial branch entities, they will present their budget requests to the CFC and invitees at the June 8 presentations.

We welcome the CFC's questions or comments during this process, as CFC insights regarding OPD and OCLA's budgets are critically helpful to the agencies when deciding how to finalize their requests. Thank you for your review and feedback regarding our budget requests.

## 2019-2021 Office of Public Defense Biennial Budget Request

	GF	JST	JIS	Total	% Inc
<b>2019-2021 Carry Forward Level</b>	<b>\$88,769,000</b>	<b>\$3,714,000</b>	<b>\$0</b>	<b>\$92,483,000</b>	
Contractor Retention	\$6,000,000	\$0	\$0	\$6,000,000	
Pass-Through Funding to Washington Defender Association	\$610,000	\$0	\$0	\$610,000	
Disproportionality Training Coordinator	\$280,700	\$0	\$0	\$280,700	
Contract/Fiscal Support Staff	\$154,700	\$0	\$0	\$154,700	
Court Reporter/Transcriptionist					
Payment Rate for Indigent Appeals	\$660,000	\$0	\$0	\$660,000	
Attorney General - Litigation Defense	\$400,000	\$0	\$0	\$400,000	
<b>Total Request</b>	<b>\$8,105,400</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8,105,400</b>	<b>8.76%</b>
<b>Total 19-21 Budget</b>	<b>\$96,874,400</b>	<b>\$3,714,000</b>	<b>\$0</b>	<b>\$100,588,400</b>	

**Contractor Retention** - Funding is requested to address significant inequities in compensation for state-contracted public defense representation.

**Pass-Through Funding to Washington Defender Association** - Funding is requested to address the need for services from the Washington Defender Association.

**Disproportionality Training Coordinator** - Funding is requested 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.

**Contract/Fiscal Support Staff** - Funding is requested 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. This position will assist the Contracts Manager and provide agency-wide fiscal support.

**Court Reporter/Transcriptionist Payment Rate for Indigent Appeals** - Funding is requested to implement Supreme Court Order No. 2500-B-582 to increase the per-page payment for court reporter/transcriptionist preparation of verbatim reports of proceeding for indigent cases on appeal to the Washington Court of Appeals and the Washington Supreme Court.

**Attorney General - 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.



Washington State Judicial Branch  
2019 – 2021 Biennial Budget  
Decision Package

**Agency:** Office of Public Defense

**Decision Package Title:** Contractor Retention

**Budget Period:** 2019-2021 Biennium

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** OPD requests funding to address significant inequities in compensation for state-contracted public defense representation. Low defense compensation, which is not competitive with other government attorney jobs, is impeding OPD's ability to recruit and retain qualified contract attorneys to effectively represent indigent persons on appeal and indigent parents involved in dependency and termination cases.

**Summary:** The dollar amounts below are estimates, pending completion of an updated attorney cost-of-business survey by Arthur J. Gallagher & Co.

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
SGF 001	\$3,000,000	\$3,000,000	3,000,000	\$3,000,000
<b>Total Cost</b>	<b>\$3,000,000</b>	<b>\$3,000,000</b>	<b>\$3,000,000</b>	<b>\$3,000,000</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. N	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>	<b>3,000,000</b>

## **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 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 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 179.3 FTE attorneys around the state who provide public defense in all 39 counties for indigent parents who have a right to counsel in dependency and termination cases (many attorneys are full-time; others are part-time, especially in rural counties.) OPD's contract attorneys have 10 years or more of experience on average. Significant experience is a necessity as these attorneys are for the most part working independently without direct supervision.

### Attorney Turnover

The requested funding is necessary to address ongoing difficulties in recruiting and retaining qualified defense attorneys for OPD contracts. For example, during the first seven months of Fiscal Year 2018, OPD experienced substantial attorney turnover among its Parents Representation Program contractors, including 28 percent turnover in Snohomish County, 17 percent in Kitsap County, and 14 percent in King County. Attorney turnover in this practice area damages opportunities for client engagement, strains court resources, and negatively impacts critical case timelines.

In the appellate area, turnover is problematic as well. In addition, both of OPD's contracted appellate firms in Seattle report substantial difficulty in hiring qualified attorneys to fulfill their OPD contracts due to the low salary level.

### Compensation Survey

For Fiscal Year 2019, total annual compensation for OPD's contracted appellate and parents' attorneys ranges from about \$116,000 to \$140,000 per FTE, (depending on experience and location). This includes the 2% increases effective July 1, 2018 and January 1, 2019. From this contract amount, they must cover all business costs, including rent, business taxes, office costs, professional insurance, professional license dues, and support staff, as well as health insurance and retirement, among other expenses. The current cost of doing business as an OPD attorney contractor is being updated by a professional survey 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:**

The expenditure estimate is a placeholder, to be updated after the Gallagher survey is completed.

**Decision Package Justification and Impacts**

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

**Accessibility**

N/A

**Access to Necessary Representation**

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 ensuring the right to counsel.

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

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

DRAFT

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 Biennium

**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
SGF 001	\$305,000	\$305,000	\$305,000	\$305,000
<b>Total Cost</b>	<b>\$305,000</b>	<b>\$305,000</b>	<b>\$305,000</b>	<b>\$305,000</b>
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj.	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. Please include current expenditure authority level and FTEs.**

- 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 expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.**

[Click here to enter text.](#)

### **Decision Package Justification and Impacts**

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

#### **Accessibility**

N/A

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

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.

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

[Click here to enter text.](#)

**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

DRAFT



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 Biennium

**Budget Level:** Policy

**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
SGF 001	\$143,200	\$137,500	\$137,500	\$137,500
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	<b>\$143,200</b>	<b>\$137,500</b>	<b>\$137,500</b>	<b>\$137,500</b>
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	1	1	1	1
Revenue	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Object of Expenditure	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. A	\$110,000	\$110,000	\$110,000	\$110,000
Obj. B	\$27,500	\$27,500	\$27,500	\$27,500
Obj. E/J	\$5,700	Click here to enter text.	Click here to enter text.	Click here to enter text.

## 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. Please include current expenditure authority level and 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 Package Justification and Impacts**

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

**Accessibility**  
N/A

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

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.

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

[Click here to enter text.](#)

**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
SGF 001	\$79,700	\$75,000	\$75,000	\$75,000
<b>Total Cost</b>	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	1.0	1.0	1.0	1.0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. A	60,000	60,000	60,000	60,000
Obj. B	15,000	15,000	15,000	15,000
Obj. E/J	4,700	Click here to enter text.	Click here to enter text.	Click here to enter text.

**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. Please include current expenditure authority level and FTEs.**

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: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.**

Please refer to the staffing survey chart above.

**Decision Package Justification and Impacts**

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

**Accessibility**

N/A

**Access to Necessary Representation**

N/A

**Commitment to Effective Court Management**

N/A

**Appropriate Staffing and Support**

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.

**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:** Office of Public Defense

**Decision Package Title:** Court Reporter/Transcriptionist Payment Rate for Indigent Appeals

**Budget Period:** 2019-2021 Biennium

**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
SGF 001	\$330,000	\$330,000	\$330,000	\$330,000
<b>Total Cost</b>	<b>\$330,000</b>	<b>\$330,000</b>	<b>\$330,000</b>	<b>\$330,000</b>
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
Revenue	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. X	\$330,000	330,000	330,000	330,000

**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. Please include current expenditure authority level and FTEs.**

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. OPD projects it will spend \$1.6 million for court reporter costs in FY 2018.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.**

N/A

**Decision Package Justification and Impacts**

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

**Accessibility**

N/A

**Access to Necessary Representation**

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

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

DRAFT

FILED  
JAN - 4 2017  
SUPERIOR COURT

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF SETTING THE )  
BILLING RATE FOR TRANSCRIPTION OF )  
REPORTS OF PROCEEDINGS PURSUANT )  
TO RAP 15.4(d)(1) )  
\_\_\_\_\_ )  
)

**ORDER**  
No. 25700-B- 582

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 15.4(d)(1), the billing rate for the preparation of the original and one copy of reports of 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 will 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 4<sup>th</sup> day of January, 2018.

For the Court

Fairhurst, C.J.  
CHIEF JUSTICE

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 Biennium

**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
SGF 001	\$200,000	\$200,000	\$0	\$0
<b>Total Cost</b>	<b>\$200,000</b>	<b>\$200,000</b>	<b>\$0</b>	<b>\$0</b>
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. EM	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 N/A**

**Decision Package Justification and Impacts**

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

**Accessibility**

N/A

**Access to Necessary Representation**

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.

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

[Click here to enter text.](#)

**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



**TO:** Members of the Court Funding Committee

**FROM:** Jim Bamberger, Office of Civil Legal Aid (OCLA) Director

Joanne Moore, Washington State Office of Public Defense (OPD) Director

**DATE:** May 8, 2018

**RE:** OPD and OCLA Budget Requests to the Legislature

We are writing to provide background and context for OPD and OCLA's role in the Supreme Court's budget request review/Court Funding Committee's budget request review process. In summary, OPD and OCLA's enabling statutes establish that they are independent judicial branch agencies and as such, though their budget requests are sent to the Legislature in the Court's package, they are reviewed through the biennial branch budget process, but not prioritized or revised.

For many years the Court has generously reviewed OPD and OCLA's requests, heard their presentations, and provided comments that have been of great benefit to the agencies in finalizing their decision packages. Following the Court's review, OPD and OCLA and their Advisory Committees have determined whether and what final changes should be made to their decision packages.

In the new CFC process, the two agencies' role will be similar. OPD and OCLA's decision packages are to be included in the CFC packet. As independent judicial branch entities, they will present their budget requests to the CFC and invitees at the June 8 presentations.

We welcome the CFC's questions or comments during this process, as CFC insights regarding OPD and OCLA's budgets are critically helpful to the agencies when deciding how to finalize their requests. Thank you for your review and feedback regarding our budget requests.

## 2019-2021 Office of Civil Legal Aid Biennial Budget Request

	GF	JST	JIS	Total	% Inc
<b>2019-2021 Carry Forward Level</b>	<b>\$36,455,000</b>	<b>\$1,463,000</b>	<b>\$0</b>	<b>\$37,918,000</b>	
Vendor Rate Adjustment - Maintain Current Client	\$1,158,771	\$0	\$0	\$1,158,771	
Vendor Rate Adjustment COLA	\$647,775	\$0	\$0	\$647,775	
Civil Justice Reinvestment - Phase 2	\$9,622,800	\$0	\$0	\$9,622,800	
Vendor Rate Adjustment - Pro Bono	\$1,000,000	\$0	\$0	\$1,000,000	
<b>Total Request</b>	<b>\$12,429,346</b>	<b>\$0</b>	<b>\$0</b>	<b>\$12,429,346</b>	<b>32.78%</b>
<b>Total 19-21 Budget</b>	<b>\$48,884,346</b>	<b>\$1,463,000</b>	<b>\$0</b>	<b>\$50,347,346</b>	

**Vendor Rate Adjustment - Maintain Current Client** - Funding is requested to address known and measureable increase in personnel and leasehold expenses to protect existing legislatively authorized levels of client service capacity from erosion.

**Vendor Rate Adjustment COLA** - Funding is requested to cover the state's share of cost of living adjustments for the Northwest Justice Project of 2.2% effective July 1, 2019 and an additional 2.2% effective July 1, 2020.

**Civil Justice Reinvestment Plan** - 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.

**Vendor Rate Adjustment - Pro Bono** - Funding is requested to address significant compensation comparability problems experienced by subcontracted volunteer (pro bono) programs throughout Washington State.

DRAFT

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:** FY 2020-21

**Budget Level:** ML

**Agency Recommendation Summary Text:** Funding is requested to address known and measureable increase in personnel and leasehold expenses to protect existing legislatively authorized levels of client service capacity from erosion.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 001	\$414037	\$744734	\$744734	744734
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	<b>\$414037</b>	<b>\$744734</b>	<b>\$744734</b>	<b>744734</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	00	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. C	\$414037	\$744734	744734	744734
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

**Package Description**

OCLA's longstanding statewide civil legal aid vendor, the Northwest Justice Project (NJP), will experience significant increases in personnel and leasehold expenses in FY 2020-21. As outlined in the attached spreadsheet, the total increase in costs to maintain existing levels of client service is anticipated to be \$2,032,931, of which the state's share (57%) is \$1,158,771.

These are actual costs that NJP will incur that, if not addressed, will result in a substantial reduction of its client service capacity. At an average fully loaded cost of \$146,000 per mid-level FTE attorney, failure to fund this request may result in the loss of about 8 FTE attorneys over the course of the 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.** Please include current expenditure authority level and FTEs.

This request protects current legislatively authorized levels of client service staffing. It will not result in expanded services.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:** Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

Please see the attached spreadsheet that sets for the fiscal analysis in support of this request.

### **Decision Package Justification and Impacts**

**How does this package contribute to the Judicial Branch Principle 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 CLNS Update, disproportionately experience civil legal problems. Protecting existing levels of client service capacity from further erosion ensures continuity of client services for these people.

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

In an adversary civil justice system, those with an effective legal voice are much more likely to be successful in presenting their cases than those without. The 2015 CLNS Update 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 operating budget. 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 existing client service capacity from further erosion. Additional loss of client service capacity may 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?**

While a large non-profit organization, Northwest Justice Project is subject to federal restrictions that limit its ability to maintain sufficient reserves to address increased costs of operation over time. This is compounded by the cost-reimbursable nature of its state contract, which requires full expenditure of contract funding each biennium. In light of these circumstances, OCLA has no alternative but to seek a periodic maintenance level 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 \$414,037 in FY 2020 and \$744,734 in FY 2021, for a total of \$1,158,771 for the biennium. Assuming a fully loaded average mid-level attorney cost of \$146,000/FTE/yr., NJP can expect to lose the equivalent of 8 FTE attorneys from current levels by the end of the biennium.

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

As in past years, there are no alternatives than seeking a ML vendor rate adjustment to protect against attrition in NJP's client service staffing due to increased costs.

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

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

DRAFT

Washington State Judicial Branch  
2019 – 2021 Biennial Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Vendor Rate Adjustment -- COLA

**Budget Period:** FY 2019-21

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** Funding is requested to cover the state's share of cost of living adjustments for the Northwest Justice Project of 2.2% effective July 1, 2019 and an additional 2.2% effective July 1, 2020.

**Summary:**

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund 001	\$214353	\$433422	\$433422	\$433422
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	<b>\$214353</b>	<b>\$433422</b>	<b>\$433422</b>	<b>433422</b>
Staffing	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. C	\$214353	\$433422	\$433422	\$433422
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

## Package Description

A vendor rate adjustment is requested to fund the state's share of 2.2% and 2.2% cost of living adjustments (COLA) to Northwest Justice Project's (NJP) attorney and non-attorney salary scales over the FY 2019-21 biennium. The COLA's will allow NJP to protect salary comparability from further erosion relative to other publicly funded attorneys, protect its ability to recruit and retain high quality, well-trained attorneys, and protect its ability to recruit and retain trained support professionals vital to NJP operations.

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

NJP's July 1, 2018 Board approved Attorney salary scale is at \$50,376 per year for an entry level attorney. By year 10-11, the salary increases to \$71,131 and by year 14-15 the salary is \$80,921. According to the salary comparability assessment, these levels fall between 16% and 30% below the average level of other public attorneys in Washington State.

NJP's highly trained non-attorney staff members are essential to supporting the work of the attorneys and critical to NJP's ability to advance its access to justice mission. These staff have nearly a decade of rising costs few increases in compensation. Personnel costs for non-attorney staff comprise 25% of NJP's total compensation expenses.

According to the February Washington State Economic and Revenue Forecast, Table A1.1, the consumer price index (CPI) is expected to increase at 2.2% in 2020 and 2.2% in 2021. This figure is used as the multiplier for the state's share of COLA's included in this request.

State funding underwrites 57% of NJP's total operations. The total cost of the 2.2% & 2.2% COLA adjustments is \$1,136,450 in FY 2019-21. The state's share of these increases will be \$647,775.



**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.** Please include current expenditure authority level and FTEs.

N/A

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:** Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

COLA adjustments are based on NJP's existing staffing levels. There are no FTE changes or revenue assumptions related to this request.

### **Decision Package Justification and Impacts**

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

#### **Accessibility**

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

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

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

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

N/A

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

N/A

#### **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?**

No alternatives were explored. In order for NJP to protect staff salaries from further erosion in purchasing power and widen the comparability gap documented in the 2016 Comparability Study prepared by Compensation Connections, it is necessary to seek funding for the state's share of COLA adjustments that track projected CPI increases.

**What are the consequences of not funding this request?**

Failure to fund the COLA will lead to increased difficulties in filling vacant positions and increased attrition due to well-trained NJP staff finding comparable, better paying work with other publicly funded agencies. These in turn will have negative impacts on client service throughout the state.

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

N/A

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

Compensation Connections Comparability Survey 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:** Civil Justice Reinvestment – Phase 2

**Budget Period:** FY 2019-2021

**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:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$4374000	\$5248800	\$5832000	\$5832000
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 001	\$4374000	\$5328800	\$5832000	\$5832000
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. C	\$4374000	\$5328800	\$5832000	\$5832000
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

## 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.

**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.** Please include current expenditure authority level and FTEs.

The 2016 Civil Justice Reinvestment Plan endorsed by the bipartisan Civil Legal Aid Oversight Committee and the Supreme Court's Access to Justice Board established a "minimum access to civil legal aid" ("minimum access") standard of 1 FTE attorney (or pro bono service equivalent) for every 5,000 individuals living at or below 125% of the federal poverty level. At the time of its adoption in September 2016, publicly funded legal aid capacity fell 90 FTE short of the minimum access level.

In its FY 2017-19 budget submission, OCLA requested funding for an additional 55 FTE attorneys with the stated objective of closing the minimum access gap over two biennia. The Legislature provided funding to "implement the civil legal aid [*sic*] reinvestment plan" in both the biennial and supplemental operating budgets, funding an additional 20 FTE attorneys to be hired during the FY 2017-19 biennium. This leaves a gap of 70 FTE's between current authorized staffing levels and "minimum access."

This decision package outlines a funding request for an additional 40 FTE attorneys to be phased in over the course of the biennium. If funded, the remaining "minimum access" client service capacity gap will be reduced to 30 FTE's by the end of the biennium.

FTE's are calculated at the Northwest Justice Project's FY 2019-21 average fully loaded cost of \$146,000 per mid-level experienced attorney FTE (see attached). This fully loaded figure includes all direct, indirect and overhead costs.

Allocation and deployment of these additional FTE's will be informed by a OCLA's comprehensive [Client Demographics/Client Service Capacity Matrix](#) and extended

consultation with civil legal aid system leaders, to ensure that equity of access to state-funded legal aid client services is available to all regardless of where they live, barriers they experience in accessing services, the availability of alternative legal resources, and the substance of their presenting civil legal problems.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:** Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

Expenses associated with this decision package are driven by the fully loaded cost of FTE attorneys (\$146,000) and the timing of hiring over the course of the biennium as outlined in the table below.

Date of Hiring	Number	Average Fully Loaded Cost/FTE	FY 2020	FY 2021	FY 2019-21 Total	FY 2022	FY 2023	FY 2021-23
1-Oct-19	20	\$145,800	\$2,187,000	\$2,916,000	\$5,103,000	\$2,916,000	\$2,916,000	\$5,832,000
1-Jul-20	10	\$145,800	\$1,093,500	\$1,458,000	\$2,551,500	\$1,458,000	\$1,458,000	\$2,916,000
1-Jan-21	10	\$145,800	\$1,093,500	\$874,800	\$1,968,300	\$1,458,000	\$1,458,000	\$2,916,000
<b>Totals</b>			<b>\$4,374,000</b>	<b>\$5,248,800</b>	<b>\$9,622,800</b>	<b>\$5,832,000</b>	<b>\$5,832,000</b>	<b>\$11,664,000</b>

### Decision Package Justification and Impacts

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

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

Access to timely, competent and effective civil legal assistance is essential to the ability of litigants to effectively assert and defend important legal rights within the justice system. Such access is also essential for the courts to deliver on their constitutional duty to administer justice in all cases openly and without unnecessary delay. Wash. Const. art. 1, sec. 10. Civil legal aid provides meaningful assistance to low income people who lack any other means of participating in legal proceedings in which they are involved. In so doing, it is the vehicle through which the justice system offers both fairness and the appearance of fairness.

#### Accessibility

Persons with disabilities that limit their ability to effectively participate in judicial proceedings are disproportionately poor and, according to the 2015 CLNS, 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:** Please attach or reference any other supporting materials or information that will further help explain this request.  
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 – Pro Bono

**Budget Period:** FY 2019-21

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:** Funding is requested to address significant compensation comparability problems experienced by subcontracted volunteer (pro bono) 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 client services provided through these programs.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund 001	\$500000	\$500000	\$500000	\$500000
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Total Cost</b>	<b>\$500000</b>	<b>\$500000</b>	<b>\$500000</b>	<b>\$500000</b>
<b>Staffing</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
FTEs	0	0	0	0
<b>Revenue</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
Fund	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.	\$Click here to enter text.
<b>Object of Expenditure</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Obj. X	\$500000	\$500000	\$500000	\$500000
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

## Package Description

Funding is requested to underwrite a portion of expenses associated with achieving compensation comparability between the Northwest Justice Project (NJP) and 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 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 (with a few exceptions), 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. Recognizing the critical work of these programs, the 2017 Legislature appropriated \$875,000 in Civil Justice Reinvestment Plan funding to stimulate expanded pro bono involvement in the delivery of civil legal aid.

The 17 volunteer attorney programs are staffed by professional and paraprofessional staff who 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, state-appropriated funds have been subcontracted to the Legal Foundation of Washington to help underwrite a substantial portion of these programs' operations.

In recent years many of these programs have experienced substantial turnover in their professional and paraprofessional staff as well as difficulties in hiring replacement staff. Much of these problems can be 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. Upon request of the Access to Justice Board's Pro Bono Council, and well aware of these concerns, OCLA and LFW jointly contributed to a compensation comparability assessment conducted by Compensation Connections, a Seattle-based employer compensation consulting firm.

According to the preliminary information provided by Compensation Connections, staff salaries across the spectrum of professional and paraprofessional positions are substantially below comparability for similar positions in the non-profit sector and fall \_\_\_% below the level of compensation paid by NJP for similar positions.

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 \$500,000 in increased funding to help underwrite a portion of the cost of taking a first step toward compensation comparability for these volunteer attorney programs. The remaining portion (\$250,000 - \$300,000) of the cost is intended to be covered by LFW and other public and private funding sources available to the volunteer attorney programs. OCLA and LFW will work with the Pro Bono Council to ensure equitable investment of 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.** Please include current expenditure authority level and FTEs.

These are contracted services. The purpose of the vendor rate adjustment is to protect existing capacity, 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:** Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

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 LFW 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 Principle 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?**

OCLA and LFW have been concerned for years about the increase in staff turnover experienced by volunteer attorney programs. On recommendation from the ATJ Board's Pro Bono Council, OCLA and LFW jointly funded the compensation assessment that serves as the foundation of this request. 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?**

Continued high rates of staff turnover and an increasing inability to recruit those best positioned to provide the staff services and support necessary to maximize volunteer attorney involvement in the delivery of civil legal aid services.

**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 report from Compensation Connections.

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

Report from Compensation Connections

**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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