

The Supreme Court  
State of Washington

DEBRA L. STEPHENS  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
POST OFFICE BOX 40929  
OLYMPIA, WASHINGTON  
98504-0929



(360) 357-2050  
E-MAIL Debra.Stephens@COURTS.WA.GOV

November 20, 2020

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

Dear Mr. Schumacher:

With this letter I am pleased to transmit the 2021-2023 biennial budget request on behalf of the Washington Supreme Court, Administrative Office of the Courts, and the State Law Library. Also included are the 2021-2023 biennial budget requests for the Washington State Court of Appeals, Office of Public Defense, and Office of Civil Legal Aid.

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

The remaining requests were vetted through a branch wide review and prioritization process that included a wide variety of stakeholders. With the exception of the requests submitted by the independent judicial branch agencies, the requests contained in the attached documents represent, in the view of the Court, the highest priorities of the state judicial branch.

If you should have any questions regarding our process or the budget submittal, please do not hesitate to contact me at (360) 357-2049. You may also contact Ramsey Radwan, Director of Management Services, Administrative Office of the Courts, at (360) 357-2406 or [Ramsey.radwan@courts.wa.gov](mailto:Ramsey.radwan@courts.wa.gov).

Very truly yours,

A handwritten signature in black ink, appearing to read "Debra L. Stephens", with a long, sweeping underline.

Debra L. Stephens  
Chief Justice

cc: Ms. Dawn Marie Rubio  
Mr. Ramsey Radwan  
Presiding Chief Judge Bradley A. Maxa  
Ms. Joanne Moore  
Mr. Jim Bamberger

# JUDICIAL BRANCH OVERVIEW

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

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

## **Types of Cases**

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

### ***Civil***

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

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

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

### ***Criminal***

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

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

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

## **Trial Process**

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

### ***Jury Selection***

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

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

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

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

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

## ***Opening Statements***

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

## ***Evidence***

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

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

## ***Jury Instructions***

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

## ***Closing Arguments***

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

## ***Jury Deliberations***

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

## ***Criminal Sentencing***

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

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

The guidelines are based on...

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

....the offender's criminal history

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

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

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

### ***Crime Victims and Witnesses***

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

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

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

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

### **Alternate Dispute Resolution**

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

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

### ***Mediation***

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

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

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

### ***Arbitration***

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

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

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

## **Court Organization**

### ***Jurisdiction***

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

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

### **District Courts**

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

Jurisdiction in civil cases includes damages for injury to individuals or personal property as well as penalty and contract disputes in amounts of up to \$100,000. District courts also have jurisdiction over traffic and non-traffic infractions, a civil proceeding for which a monetary penalty--but no jail sentence--may be imposed. District courts may also issue domestic violence and anti-harassment protection orders. They also have jurisdiction to hear change-of-name petitions and certain lien foreclosures. More information on these procedures can be obtained by contacting your local district court.

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



## **Municipal Courts**

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

### ***Traffic Violation Bureaus (TVB)***

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

### ***Domestic Violence and Anti-harassment Orders***

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

### ***Appeals from Courts of Limited Jurisdiction***

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

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

## ***Judges***

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

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

## ***Court Support Personnel***

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

## ***Probation***

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

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

## **Superior Courts**

### ***Jurisdiction***

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

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

## **Appeals**

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

## **Juvenile**

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

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

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

## **Districts**

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

## **Judges**

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

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

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

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

### ***Court Support Personnel***

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

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

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

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

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

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

## **Court of Appeals**

### ***Agency Goals and Objectives***

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

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

### **Judges**

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

#### **Division I**

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

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

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

#### **Division II**

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

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

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

#### **Division III**

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

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

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

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

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

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

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

### ***Primary Functions Performed***

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

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

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

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

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

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

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

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

### ***Court of Appeals-Mission***

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

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

## ***Court of Appeals-Goal***

The primary goal of the Court of Appeals is:

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

## ***Major Strategies***

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

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

## **The Supreme Court**

### ***Jurisdiction***

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

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

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



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

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

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

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

### ***Justices***

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

### ***Court Support Personnel***

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

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

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

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

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

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

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

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

## **How Courts are Financed**

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

### **State Sources**

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

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

### **Local Sources**

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

# Washington State SUPREME COURT

## INTRODUCTION

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

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

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

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

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

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

## Primary Functions Performed and Clients Served

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

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

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

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

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



Dollars in Thousands

**ABS024 Recommendation Summary**  
**Supreme Court**  
**2021-23 Regular Budget Session**  
**SC2123 - Supreme Court 2021-2023 Biennium**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	60.9	18,449	674	19,123
<b>2019-21 Current Biennium Total</b>	<b>60.9</b>	<b>18,449</b>	<b>674</b>	<b>19,123</b>
CL 91B DES Consolidated Mail Rate Increase	0.0	1	0	1
CL 92C Archives/Records Management	0.0	(1)	0	(1)
CL 92E Legal Services	0.0	1	0	1
CL 92J CTS Central Services	0.0	0	0	0
CL 92K DES Central Services	0.0	10	0	10
CL 92R OFM Central Services	0.0	8	0	8
CL 97 Merit System Increments	0.0	94	0	94
CL AG Office of the Attorney General	0.0	(29)	0	(29)
CL BSA Move Pension Fund Shift to Agencies	0.0	674	(674)	0
CL EOFS Salaries for Elected Officials	0.0	101	0	101
CL G06 State Public Employee Benefits Rate	0.0	28	0	28
CL G6MR Medicare-Eligible Retiree Subsidy	0.0	3	0	3
CL GL9 Non-Rep General Wage Increase	0.0	211	0	211
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	6	0	6
CL SC Salary Survey Implementation	0.0	4	0	4
<b>Total Carry Forward Level</b>	<b>60.9</b>	<b>19,560</b>	<b>0</b>	<b>19,560</b>
Percent Change from Current Biennium	.0%	6.0%	(100.0)%	2.3%
	0.0	0	0	0
<b>Total Maintenance Level</b>	<b>60.9</b>	<b>19,560</b>	<b>0</b>	<b>19,560</b>
Percent Change from Current Biennium	.0%	6.0%	(100.0)%	2.3%
	0.0	0	0	0
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2021-23 Total Policy Level</b>	<b>60.9</b>	<b>19,560</b>	<b>0</b>	<b>19,560</b>
Percent Change from Current Biennium	.0%	6.0%	(100.0)%	2.3%

**CL BSA Move Pension Fund Shift to Agencies**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**ABS024 Recommendation Summary**  
**Supreme Court**  
**SC2123 - Supreme Court 2021-2023 Biennium**  
*Dollars in Thousands*

**Report Number: ABS024**

<b>Input Parameters</b>	<b>Entered as</b>
Session	2021-23 Regular
Agency	045
Version Source	A
Version	SC2123
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y

# ADMINISTRATIVE OFFICE OF THE COURTS

## INTRODUCTION

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

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

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

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

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

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

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

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



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

### **Primary Functions Performed and Clients Served**

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

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

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

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

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

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

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

- Court management analysis and technical assistance.
- Staff support to numerous boards, commissions, and committees.
- Liaisons to judicial and court management groups.
- Judicial education and training.
- Law-related education/information for schools and the public.

- Publication of court rules, procedures manuals, and bench book guides.

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

- Development, submittal and monitoring of biennial and supplemental budgets.
- Accounting of all expenditures.
- Revenue forecasting.
- Risk management.
- Administrative and court public records distribution.
- Processing of employee payroll and vendor payments.
- Securing competitive procurements, and amendments.
- Purchasing.
- Ensuring facility, safety, security, and maintenance.
- Contract Management.

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

## **Clients**

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



Dollars in Thousands

**ABS024 Recommendation Summary**  
**Admin Office of the Courts**  
**2021-23 Regular Budget Session**  
**AOC01 - AOC 2021-2023 Biennium Budget**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	459.6	135,317	77,381	212,698
<b>2019-21 Current Biennium Total</b>	<b>459.6</b>	<b>135,317</b>	<b>77,381</b>	<b>212,698</b>
CL 1163 Domestic Violence	(0.2)	(96)	0	(96)
CL 5149 Monitoring w/ Victim Notif.	(0.3)	(68)	0	(68)
CL 5450 Adding Superior Court Judges	1.0	298	0	298
CL 5604 Uniform Guardianship	0.0	(862)	0	(862)
CL 5720 Involuntary Treatment Act	0.0	(25)	0	(25)
CL 6268 Abusive Litigation/Partners	0.0	93	0	93
CL 6641 Sex Offender Treatment Availability	0.0	5	0	5
CL 91B DES Consolidated Mail Rate Increase	0.0	1	0	1
CL 91M DES Motor Pool Fleet Rate Increase	0.0	1	0	1
CL 92C Archives/Records Management	0.0	(1)	0	(1)
CL 92D Audit Services	0.0	1	0	1
CL 92E Legal Services	0.0	2	0	2
CL 92J CTS Central Services	0.0	(209)	0	(209)
CL 92K DES Central Services	0.0	(5)	0	(5)
CL 92R OFM Central Services	0.0	52	0	52
CL 9D Pension Rate Changes	0.0	1	0	1
CL A1 Trial Court Funding Language Access	(0.3)	1,686	0	1,686
CL A7 Guardianship Services	0.0	60	0	60
CL B4 Odyssey Continuing Operations	0.0	0	20	20
CL B7 Odyssey Maintenance	0.0	120	0	120
CL BSA Move Pension Fund Shift to Agencies	0.0	4,572	(4,572)	0
CL C5 Thurston County Impact Fee	0.0	(2,188)	0	(2,188)
CL CTNS Court Text Notification System	0.0	(333)	0	(333)
CL DVRA Domestic Violence Risk Assessment	0.0	(50)	0	(50)
CL E0FS Salaries for Elected Officials	0.0	1,123	0	1,123
CL FBCU Firearm Background Check Unit	2.5	666	0	666
CL FTE1 FTE Adj. - Guardianship	(0.8)	0	0	0
CL FTE2 FTE Adj. - Judicial Information Sys	(49.0)	0	0	0
CL G06 State Public Employee Benefits Rate	0.0	94	61	155
CL G6MR Medicare-Eligible Retiree Subsidy	0.0	11	7	18
CL GL9 Non-Rep General Wage Increase	0.0	1,067	530	1,597
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	37	19	56
CL JISA Judicial Information Systems	0.0	0	(25,808)	(25,808)
CL SCJR Superior Court Judge Reimbursement	0.0	(600)	0	(600)
CL SCYT Youth Solitary Confinement	0.0	(112)	0	(112)
CL TR State Court System Online Training	0.6	351	0	351
CL UGA1 Uniform Guardianship Implementation	0.0	1,977	0	1,977
<b>Total Carry Forward Level</b>	<b>413.2</b>	<b>142,986</b>	<b>47,638</b>	<b>190,624</b>
Percent Change from Current Biennium	(10.1)%	5.7%	(38.4)%	(10.4)%
<b>Maintenance – Other Changes</b>				
ML J8 The LFO Calculator	0.0	61	0	61
ML J9 Trial Court Funding Language Access	0.0	2,726	0	2,726

**ABS024 Recommendation Summary**  
**Admin Office of the Courts**  
**AOC01 - AOC 2021-2023 Biennium Budget**  
*Dollars in Thousands*

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
<b>Maintenance – Other Total</b>	<b>0.0</b>	<b>2,787</b>	<b>0</b>	<b>2,787</b>
<b>Total Maintenance Level</b>	<b>413.2</b>	<b>145,773</b>	<b>47,638</b>	<b>193,411</b>
Percent Change from Current Biennium	(10.1)%	7.7%	(38.4)%	(9.1)%
<b>Policy – Other Changes</b>				
PL J0 Web Services Support	1.0	319	0	319
PL J1 New Judge Position - King County	1.0	318	0	318
PL J2 Judicial Need Dev Weighted CL Study	1.5	620	0	620
PL J3 Realizing Change Through Research	1.0	301	0	301
PL J4 Resp Behav Health Needs - Courts	4.0	1,071	0	1,071
PL J6 Trial Court Legal Services	3.0	769	0	769
PL J7 Court Equity and Access Team	5.0	1,518	0	1,518
PL K1 AC-ECMS Operations & Maintenance	5.0	0	2,000	2,000
PL K2 External Equipment Replacement	0.0	0	252	252
PL K3 Info Net Hub - EDR Future Integr	0.0	0	500	500
PL K4 Internal Equipment Replacement	0.0	0	2,503	2,503
PL K5 Juvenile Court Portfolio Enh	3.5	0	1,032	1,032
PL K6 CLJ Case Management System	33.8	0	16,835	16,835
<b>Policy – Other Total</b>	<b>58.8</b>	<b>4,916</b>	<b>23,122</b>	<b>28,038</b>
<b>Subtotal - Policy Level Changes</b>	<b>58.8</b>	<b>4,916</b>	<b>23,122</b>	<b>28,038</b>
<b>2021-23 Total Policy Level</b>	<b>472.0</b>	<b>150,689</b>	<b>70,760</b>	<b>221,449</b>
Percent Change from Current Biennium	2.7%	11.4%	(8.6)%	4.1%

**ABS024 Recommendation Summary**  
**Admin Office of the Courts**  
**AOC01 - AOC 2021-2023 Biennium Budget**  
*Dollars in Thousands*

**CL BSA Move Pension Fund Shift to Agencies**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**ML J8 The LFO Calculator**

Funding is requested to continue support of the Legal Financial Obligations (LFO) Calculator, a web-based tool that provides ready access to current statutes and case-law governing LFOs.

**ML J9 Trial Court Funding Language Access**

Funding is requested to expand the state Interpreter Reimbursement Program to help additional courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters. This request will fund this program based on the approved 2019-2021 Biennium request.

**PL J0 Web Services Support**

Funding is requested for additional Web Services staff support that is necessary to serve the increasing demand for secure and reliable judicial branch web-based services and publications

**PL J1 New Judge Position - King County**

Funding is requested for the ongoing costs for a 54th King County Superior Court judge position expected to be authorized January 1, 2021.

**PL J2 Judicial Need Dev Weighted CL Study**

Funding is requested to develop a judicial needs weighted caseload study.

**PL J3 Realizing Change Through Research**

Funding is requested to fund a senior research associate position. This position will focus on research related to race, gender, foreign and signed language groups, and how the courts interact and administer justice to such historically marginalized groups.

**PL J4 Resp Behav Health Needs - Courts**

Funding is requested to develop a statewide court Behavioral Health Response Team to facilitate the development and implementation of a statewide response to individuals involved in the justice system who have behavioral health needs and assist with therapeutic courts' evaluation efforts.

**PL J6 Trial Court Legal Services**

Funding is requested for additional professional legal staff who will provide legal research, legal materials, and training to judicial officers.

**ABS024 Recommendation Summary**  
**Admin Office of the Courts**  
**AOC01 - AOC 2021-2023 Biennium Budget**  
*Dollars in Thousands*

**PL J7 Court Equity and Access Team**

Funding is requested to develop a statewide Court Equity and Access Team. This team will provide leadership and corresponding professional expertise and capacity to pursue and provide infrastructure and support for court system policy, planning, programming, and data collection and evaluation for critical court services to ensure equal access to civil justice, especially for unrepresented court users, low income, and those who come from historically marginalized backgrounds.

**PL K1 AC-ECMS Operations & Maintenance**

Funding is requested to establish permanent staffing for the maintenance, operations, and support of the Appellate Court information systems and web pages.

**PL K2 External Equipment Replacement**

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

**PL K3 Info Net Hub - EDR Future Integr**

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

**PL K4 Internal Equipment Replacement**

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

**PL K5 Juvenile Court Portfolio Enh**

Funding is requested to expand AOC staff to sustain support for and enhance the juvenile court application Portfolio.

**PL K6 CLJ Case Management System**

Funding is requested to continue the implementation of the new Commercial-Off-The-Shelf (COTS) Case Management System (CMS) for the Courts of Limited Jurisdiction (CLJ) and probation offices. This project will continue the replacement of the legacy Courts of Limited Jurisdiction Case Management System (CLJ-CMS) known as DISCIS.

**ABS024 Recommendation Summary**  
**Admin Office of the Courts**  
**AOC01 - AOC 2021-2023 Biennium Budget**  
*Dollars in Thousands*

**Report Number: ABS024**

<b>Input Parameters</b>	<b>Entered as</b>
Session	2021-23 Regular
Agency	055
Version Source	A
Version	AOC01
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y



Dollars in Thousands

**ABS 029 Summarized Revenue by Account and Source  
 Administrative Office of the Courts  
 Agency Level  
 2021-23 Regular Budget Session  
 AOC01 - AOC 2021-2023 Biennium Budget**

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2022	FY2023	FY2022	FY2023	FY2022	FY2023	
<b>001 - General Fund</b>							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	53,600	52,700	0	0			
Total - 0405 - Fines, Forfeits - S	53,600	52,700	0	0	53,600	52,700	106,300
<b>001 - General Fund - State</b>	<b>53,600</b>	<b>52,700</b>			<b>53,600</b>	<b>52,700</b>	<b>106,300</b>
<b>Total - 001 - General Fund</b>	<b>53,600</b>	<b>52,700</b>			<b>53,600</b>	<b>52,700</b>	<b>106,300</b>
<b>11K - WA Auto Theft Prev</b>							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	5,420	4,710	0	0			
Total - 0405 - Fines, Forfeits - S	5,420	4,710	0	0	5,420	4,710	10,130
<b>11K - WA Auto Theft Prev - State</b>	<b>5,420</b>	<b>4,710</b>			<b>5,420</b>	<b>4,710</b>	<b>10,130</b>
<b>Total - 11K - WA Auto Theft Prev</b>	<b>5,420</b>	<b>4,710</b>			<b>5,420</b>	<b>4,710</b>	<b>10,130</b>
<b>12T - Brain Injury Acct</b>							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	3,556	5,029	0	0			
Total - 0405 - Fines, Forfeits - S	3,556	5,029	0	0	3,556	5,029	8,585
<b>12T - Brain Injury Acct - State</b>	<b>3,556</b>	<b>5,029</b>			<b>3,556</b>	<b>5,029</b>	<b>8,585</b>
<b>Total - 12T - Brain Injury Acct</b>	<b>3,556</b>	<b>5,029</b>			<b>3,556</b>	<b>5,029</b>	<b>8,585</b>
<b>21M - Distrac Drvng Prev</b>							
0405 - Fines, Forfeits - S							
90 - Maintenance Level Revenue	8	6	0	0			
Total - 0405 - Fines, Forfeits - S	8	6	0	0	8	6	14
<b>21M - Distrac Drvng Prev - State</b>	<b>8</b>	<b>6</b>			<b>8</b>	<b>6</b>	<b>14</b>
<b>Total - 21M - Distrac Drvng Prev</b>	<b>8</b>	<b>6</b>			<b>8</b>	<b>6</b>	<b>14</b>

543 - Judicial Info System



**ABS 029 Summarized Revenue by Account and Source**  
**Administrative Office of the Courts**  
**Agency Level**  
**AOC01 - AOC 2021-2023 Biennium Budget**  
*Dollars in Thousands*

	Maintenance Level		Policy Level		Annual Totals		Biennial Total
	FY2022	FY2023	FY2022	FY2023	FY2022	FY2023	
0299 - Other Licenses Permi - S							
90 - Maintenance Level Revenue	16,677	16,677	0	0			
Total - 0299 - Other Licenses Permi - S	16,677	16,677	0	0	16,677	16,677	33,354
0470 - Court Fees and Fines - S							
90 - Maintenance Level Revenue	3,935	3,935	0	0			
Total - 0470 - Court Fees and Fines - S	3,935	3,935	0	0	3,935	3,935	7,870
<b>543 - Judicial Info System - State</b>	<b>20,612</b>	<b>20,612</b>			<b>20,612</b>	<b>20,612</b>	<b>41,224</b>
<b>Total - 543 - Judicial Info System</b>	<b>20,612</b>	<b>20,612</b>			<b>20,612</b>	<b>20,612</b>	<b>41,224</b>
<b>Agency: 055 AOC - State</b>	<b>83,196</b>	<b>83,057</b>			<b>83,196</b>	<b>83,057</b>	<b>166,253</b>
<b>Total - Agency: 055 AOC</b>	<b>83,196</b>	<b>83,057</b>			<b>83,196</b>	<b>83,057</b>	<b>166,253</b>

**ABS 029 Summarized Revenue by Account and Source**  
**Administrative Office of the Courts**  
**Agency Level**  
**AOC01 - AOC 2021-2023 Biennium Budget**  
*Dollars in Thousands*

**Report Number: ABS029**

**Input Parameters**

Session	2021-23 Regular
Agency	055
Version	AOC01
Program	Agency Level
Include Text	Y
For Word	N
Display Parameter Page	Y

Washington State Judicial Branch  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** The LFO Calculator

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:**

Funding is requested to continue support of the Legal Financial Obligations (LFO) Calculator, a web-based tool that provides ready access to current statutes and case-law governing LFOs.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$34,000	\$27,000	\$27,000	\$27,000
<b>Total Cost</b>	<b>\$34,000</b>	<b>\$27,000</b>	<b>\$27,000</b>	<b>\$27,000</b>
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0	0	0	0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Goods and Services	\$34,000	\$27,000	\$27,000	\$27,000
<b>Total</b>	<b>\$34,000</b>	<b>\$27,000</b>	<b>\$27,000</b>	<b>\$27,000</b>

**Package Description:**

This budget package is to continue the maintenance and online hosting of the LFO Calculator. The LFO Calculator is a web-based tool that provides ready access to current statutes and case-law governing LFOs and provides transparency throughout the process. It assists courts in thoroughly inquiring into an individual's ability to pay and converts the total LFO amount into monthly payments; factors in additional costs such as probation, and gives the defendant an accurate amount that all parties can understand.

Link to the LFO Calculator: <https://beta.lfocalculator.org/>

**Current Level of Effort:**

- **Online Hosting Cost:** \$900/month – *Monthly cost to host LFO Calculator online*
- **Annual Development Cost:** \$1600/year – *Annual cost to make legislatively mandated changes*

- **FTEs:** >0.1 FTE – *The current staffing that supports the continued operation and maintenance is the Supreme Court Commission’s Manager. The staff spends less than 10% of their time making sure that the monthly Online Hosting invoices are paid, and on an annual basis, communicating with the developer the legislative changes that need to be made to the LFO Calculator.*

The LFO Calculator was created in 2016 through a grant received by the Minority and Justice Commission, from the Department of Justice (DOJ). The DOJ grant, “The Price of Justice: Rethinking the Consequences of Justice Fines and Fees,” was a national effort to reform court practices around the assessment and collection of court fines and fees that disproportionately punish those without the means to pay. Washington State was one of only five states to receive funding for efforts to address LFOs in our state. The LFO Calculator was proposed as an innovative tool that could serve as a solution.

The cost to develop the LFO Calculator was supported by Microsoft (see attached article), and also supported by grant funds. Over 400 volunteer hours were spent by members of the Commission working with developers to create the LFO Calculator. In June 2017, the LFO Calculator went live in 10 courts throughout the state. Ten judges representing different jurisdictions and court levels (5 Superior and 5 Courts of Limited Jurisdiction), participated in the “pilot” phase of the calculator, and used it in every single instance that they could. Their feedback was captured in the attached “Pilot Courts Feedback Survey”

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

- **Online Hosting Cost:** \$10,800/year (\$900/month)  
The LFO Calculator was created using Microsoft Azure and is currently located and hosted on that platform. The monthly cost to host the LFO Calculator on Microsoft Azure ranges between \$800–\$900/month
- **One-Time Cost to Transition Technical Support:** \$7,200  
There is a need to transition the LFO Calculator support from the current developer that created the program to a new entity that could provide ongoing maintenance and support. The current developer that we have been working with cannot continue to host the LFO Calculator. The cost to do the transition would be approximately \$7,200 (80 hours at \$90/hr).
- **Annual Development Cost:** \$12,000/year  
Annual cost to make legislatively mandated changes (16–20hrs of development) and ongoing maintenance would be approximately \$1,000/month. We would contract with a local vendor whose primary business is to support web-based applications.
- **FTEs:** 0  
No additional staff support will be required to support the LFO Calculator. The work would be absorbed using current staff for the Minority and Justice Commission. The support that would be required includes fielding any inquiries about the calculator and communicating fixes to the developer. This would take less than 0.1 FTE to support.

## **Decision Package Justification and Impacts**

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

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

Financial data from courts and feedback from victims has shown that collection of LFOs, including restitution, has been ineffective because many defendants simply lack the ability to pay. While another purpose for LFOs is to serve as punishment of crime, research has shown that the punishment is not proportionate to the crime, with many defendants serving life under the courts' jurisdiction because of their inability to pay. LFOs unfairly punish the poor and disproportionately impact people of color.

Many efforts have been made in Washington to reform and change practices around LFOs to be fairer, such as recent case law, statutory changes, and education. Supporting the LFO Calculator is one way that we can ensure that the changes in law and education around LFOs are cemented into practice, and that we don't end up reverting back to old practices.

### **Accessibility.**

The LFO Calculator provides more accessibility for judges to be able to quickly cite relevant case law and statutes pertaining to LFOs. It serves as a one-stop-shop on LFOs.

The LFO Calculator also allows more accessibility for attorneys and their clients in understanding what LFOs are mandatory, discretionary, waivable, and the legal authority for each.

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

N/A.

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

N/A.

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

N/A.

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

N/A.

### **What is the impact to the Capital Budget?**

N/A.

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

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?**

Other alternatives that were explored include: (1) Transitioning the LFO Calculator to the AOC's current code environment (Cold Fusion), and (2) Having AOC web services staff take on the hosting and maintenance internally.

The first alternative would cost more and would require more AOC staff resources. This alternative would involve transitioning the code to AOC's current code environment, which would be extremely time consuming, would require additional resources for staff, and there is risk and uncertainty in the transition.

The second alternative would cost more and would require more AOC staff resources. This alternative would involve AOC web services taking on the management of the hosting and maintenance internally, and would require additional resources for staffing. We would need to ask for at least an additional part-time FTE who would need to become familiar with Microsoft Azure applications. There are currently no other AOC applications that are hosted in Microsoft Azure.

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

***Time and Costs to Create the LFO Calculator are Lost*** - Approximately \$250,000 was spent on the development of the LFO Calculator. The cost was provided in-kind by Microsoft and the other portion was paid for with the Department of Justice grant. Thousands of hours were spent by judges and attorneys who volunteered time and provided input throughout the development and implementation process, providing feedback to create a calculator that is useful to judges, attorneys, and their clients. All of that work would be lost if we don't fund this request.

***Effect on Current Users*** - The LFO Calculator is currently online and available for anyone to use at any time. Even during the pilot phase of the LFO Calculator, without doing outreach and education on it, we were seeing around 400 users a month. Users range from judges to public defenders, prosecutors, and the public at large.

***Progress around LFO Reform Will be Lost*** – The LFO Calculator puts all of the existing LFO statutes and case law into one convenient location, making it a one-stop-shop for judges and attorneys to turn to when making LFO determinations. While a lot of the practice may be redundant in many instances, for those where it is not, and especially for new judges on the bench, having a resource like this is necessary to ensure that the laws governing LFOs are followed.

There has been a surge in new judges coming onto the bench who are not familiar with LFO practice. The extensive work done in the past 5 years (since *State v. Blazina*) to educate judges around LFOs does not apply to new judges, and any progress that was made to reform LFO practices within the judicial branch will be lost as the current bench retires. The new judges will benefit from the LFO Calculator, as it is a one-stop-shop to all of the laws and statutes pertaining to LFOs.

***Burden of Uncollected Debt and Unfair Punishment*** – Defendants and victims bear the burden of an ineffective and inefficient LFO system. Victims do not receive restitution when LFOs are beyond what a defendant can reasonably pay. Defendants spend a lifetime under jurisdiction of the court when they receive amounts in LFOs they

cannot reasonably pay. Defendants have to make tough choices every time they get a bill from the court on whether to pay for basic necessities for living or pay their LFOs. Even after serving a sentence in prison, defendants still have the LFO burden. Often times it is a lifelong burden because they will never be able to pay off the debt. Unpaid LFOs also prevent individuals from being able to clear their records so they can find gainful employment or locate stable housing.

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

The grant funds ended in September 2019. The AOC Administrative Division has been able to pay for the hosting cost for the calculator, and because of recent agency savings, was able to provide the one-time cost to make 2020 legislative changes. There is no current appropriation in the Administrative Division's budget for the continued support of the LFO Calculator.

**Other supporting materials:**

- Article from Microsoft on LFO Calculator
- One-Page Description of LFO Calculator
- Link to LFO Calculator: <https://beta.lfocalculator.org/>
- LFO Pilot Sites Evaluation

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Trial Court Funding Language Access

**Budget Period:** 2021–2023 Biennium Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:**

Funding is requested to expand the state Interpreter Reimbursement Program to help additional courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters. This request will fund this program based on the approved 2019-2021 Biennium request.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$909,000	\$1,817,000	\$1,817,000	\$1,817,000
<b>Total Cost</b>	<b>\$909,000</b>	<b>\$1,817,000</b>	<b>\$1,817,000</b>	<b>\$1,817,000</b>
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0	0	0	0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Grants	\$909,000	\$1,817,000	\$1,817,000	\$1,817,000
<b>Total</b>	<b>\$909,000</b>	<b>\$1,817,000</b>	<b>\$1,817,000</b>	<b>\$1,817,000</b>

**Package Description:**

Funding was approved for this program in the 2019-2021 Biennium. Carry-forward level (CFL) funding for the ensuing biennia was incorrectly determined. This request restores the previously approved funding level.

**Current Level of Effort:**

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.

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

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



39,342 cases x \$155 per case x .50 reimbursement = \$3,049,000 – \$385,000 (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 cases x \$155 per case x .50 reimbursement = \$4,182,000 – \$610,500 (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.

Carry Forward Level funding reduced available grant funding for these reimbursement purposes. Table I below, displays the requested difference.

**Table I – Grant Funding Required Versus CFL**

	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Carry Forward Level	1,755,000	1,755,000	1,755,000	1,755,000
2019-21 Approved DP Grant Level	2,664,000	3,572,000	3,572,000	3,572,000
<b>Difference</b>	<b>909,000</b>	<b>1,817,000</b>	<b>1,817,000</b>	<b>1,817,000</b>

**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?**

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 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:**

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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Web Services Support

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested for additional Web Services staff support that is necessary to serve the increasing demand for secure and reliable judicial branch web-based services and publications.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$163,000	\$156,000	\$156,000	\$156,000
<b>Total Cost</b>	<b>\$163,000</b>	<b>\$156,000</b>	<b>\$156,000</b>	<b>\$156,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	1	1	1	1
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$100,000	\$100,000	\$100,000	\$100,000
Benefits	\$32,000	\$32,000	\$32,000	\$32,000
Goods/Services	\$23,000	\$23,000	\$23,000	\$23,000
Equipment	\$8,000	\$1,000	\$1,000	\$1,000
<b>Total</b>	<b>\$163,000</b>	<b>\$156,000</b>	<b>\$156,000</b>	<b>\$156,000</b>

**Package Description:**

AOC Web Services supports and maintains web-based applications for the judicial branch as well as several statewide applications that serve state and federal agencies, justice partners and the public.

The public and the judiciary are transitioning from traditional paper publications to reliance on readily available web-based publications and services. For example, ordinary residents expect they can easily and reliably obtain new court forms, court rules, file an appeal, or get the latest news about emergency court closures or operational changes.

All of these web-based services and applications must be continuously available, secure from cyber-attacks, and efficiently published and updated.

Web-based services that were once considered optional are now a primary means for interacting with the public and conducting essential judicial branch business. Web Services staffing levels have not kept up with the demand for these now essential services.

Due to the increases in hacking activities, staff are often required to work on multiple web security upgrades and enhancements simultaneously. The small size of the Web Services team cannot sustain the enhanced demand for system services and availability and the increase in activity required to assess and implement security changes.

Web Services is no longer a splash page of internet information but complicated interfaces and collaboration with internal users as well as 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.

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.

Addressing and solving 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 staff must sift through multiple levels of servers, applications, load balancers, code, and firewalls. Tracking these instances and determining mitigation becomes more complex as security increases and technology advances.

This request adds staff capacity and adds efficiency through the planned implementation of configurable software that will support streamlined workflow processes and reduce maintenance required to support daily operational needs.

**Current Level of Effort:**

Current Level FTE count is three (3) FTE.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:** 1.0 FTE Senior Developer (range 70, step L) is required. Costs for specialized software (e.g., Dream Weaver at \$1,300 per year, and Business Process Engineering software (\$17,000) are included with standard FTE goods, services, and training costs. Standard per FTE equipment costs are included. Table I, below displays detailed costs by object of expenditure.

**Table I – Detailed Cost Estimates**

<b>Object of Expenditure</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
Salary	99,816	99,816	99,816	99,816
Benefits	32,457	32,457	32,457	32,457
<b>Sub-Total, Personnel Costs</b>	<b>132,273</b>	<b>132,273</b>	<b>132,273</b>	<b>132,273</b>
<b>Standard Goods / Services</b>				
Standard Goods / Services	5,000	5,000	5,000	5,000
Dream Weaver Software License	1,300	1,300	1,300	1,300
Business Process Engineering Software License	17,000	17,000	17,000	17,000
<b>Sub-Total, Goods &amp; Services</b>	<b>23,300</b>	<b>23,300</b>	<b>23,300</b>	<b>23,300</b>
Equipment	7,500	500	500	500
<b>Total, All Objects</b>	<b>163,073</b>	<b>156,073</b>	<b>156,073</b>	<b>156,073</b>

**Decision Package Justification and Impacts**

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

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

The public should expect secure and reliable access to information and services from the judicial branch. This package supports access to court forms, rules, opinions, directories, and other key information, which enhances the ability of all people to access the courts. Consistent, current and accurate web-based information and services improve court efficiency and improves fairness for the public by making the information available at all hours and reducing dependency on paper-based or paid subscription services.

**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.

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

This request will enhance reliability and security of vital information and services provided through AOC to the Washington State Patrol, Department of Corrections, Office of the Secretary of State, Sentencing Guidelines Commission, Department of Licensing, local law enforcement agencies, Federal government, and others.

**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?**

No viable alternatives are available; the request for staff must be met for continued operational support and to meet critical security needs.

**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 public access to judicial branch information and 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?**

It is not feasible to address this issue within current resources without significant negative impacts on security upgrades and other high priority projects and programs for the judiciary and to support legislative initiatives.

**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  
2022-2023 Biennium Supplemental  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** New Judge Position – King County

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:**

Funding is requested for the ongoing costs for a 54<sup>th</sup> King County Superior Court judge position expected to be authorized January 1, 2021.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$159,000	\$159,000	\$159,000	\$159,000
<b>Total Cost</b>	<b>\$159,000</b>	<b>\$159,000</b>	<b>\$159,000</b>	<b>\$159,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	1	1	1	1
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$95,000	\$95,000	\$95,000	\$95,000
Benefits	\$64,000	\$64,000	\$64,000	\$64,000
<b>Total</b>	<b>\$159,000</b>	<b>\$159,000</b>	<b>\$159,000</b>	<b>\$159,000</b>

**Package Description:**

A King County Superior Court 54<sup>th</sup> judge position is expected to be authorized January 1, 2021. The Administrative Office of the Courts (AOC) requires funding to pay the state share of salaries and benefits for this position.

**Current Level of Effort:**

Adds judicial capacity.

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

The AOC pays 50 percent of the salary and 100 percent of the benefit costs for a superior court judge position. The county pays the other 50 percent of the salary cost. Funding requested represents the amounts required to fully fund the state share of the judge position from July 2021 through June 2023.



## **Decision Package Justification and Impacts**

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

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

Funding this request would expand judicial capacity in King County, and provide for the expansion of fair and effective administration of justice in civil and criminal cases.

### **Accessibility.**

More cases can be resolved

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

N/A.

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

Funding this request would expand judicial capacity in King County, and provide for the expansion of fair and effective administration of justice in civil and criminal cases.

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

Funding this request would allow for the addition of a 54<sup>th</sup> position of 58 currently authorized by statute.

### **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?**

No alternatives are available. The AOC is required by statute to pay the state share of personnel costs for a superior court judge.

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

Cases before superior courts in King County would be delayed or unresolved. .

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

Funding for this position is currently not available in the AOC budget.

### **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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Judicial Needs Development: Weighted Caseload Study

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to develop a judicial needs weighted caseload study.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$426,000	\$194,000	\$121,000	\$121,000
<b>Total Cost</b>	<b>\$426,000</b>	<b>\$194,000</b>	<b>\$121,000</b>	<b>\$121,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	1.5	1.5	1	1
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$139,000	\$139,000	\$84,000	\$84,000
Benefits	\$47,000	\$47,000	\$29,000	\$29,000
Contracts	\$225,000	\$0	\$0	\$0
Goods/Services	\$5,000	\$5,000	\$5,000	\$5,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$8,000	\$1,000	\$1,000	\$1,000
<b>Total</b>	<b>\$426,000</b>	<b>\$194,000</b>	<b>\$121,000</b>	<b>\$121,000</b>

**Package Description:**

**Assessing the level of need for judicial officers:**

**Need:**

Every entity, public or private, must periodically assess whether its staffing and other resource levels are reasonably suited to support its mission, without either under- or over-staffing. The need to assess staffing is particularly apt when there are changes in the volume, nature and complexity of the work being done. Moreover, courts have limited power to control the flow of business into the courts or to exercise discretion in scheduling once a matter has been taken up. Under these circumstances, under-staffing and resulting delay will inevitably impede and increase the cost of the

administration of justice. Courts also have the obligation of all publicly funded organizations to make efficient use of resources and avoid unnecessary costs to taxpayers or litigants.

Washington State's courts have used two distinct methods for producing judicial needs estimates (JNE), a) the weighted caseload method (WCM), used by Washington Courts in the 1970s and 1980s and b) the objective workload method (OWM), used currently.

Weighted caseload method: In addition to planning meetings, focus groups, and surveys, WCM requires substantial, detailed records to be kept by judicial officers (judges and court commissioners) for each hearing and for off-bench time, whether case-related, administrative, for continuing legal education, or for other reasons; the judicial time tracking typically covers a span of 4 to 8 weeks. The time tracking feeds into generation of case weights, estimates of the time needed to handle specific types of cases from start to finish. The case weights are then applied to anticipated court-level caseloads (broken out by case type) to generate estimates of needed levels of judicial staffing per court.

Objective workload method: Seeking to avoid the significant resource requirements of generating WCM estimates, Washington's trial courts, working with AOC staff, created the OWM and it was adopted by Superior Courts in 2001 and District and Municipal Courts in 2002. Basically, OWM a) relies on the previous 5 years' data to calculate the average number of cases disposed per judicial officer in each level of court b) creates an estimate of the ensuing year's caseload for each court level (based on a 5-year trend) and then c) uses the results from a and b to calculate the number of judicial officers that would be needed to handle the upcoming caseload given the level of productivity (cases disposed per judge) from the previous 5 years. The current OWM-based JNE program operates on an annual basis, with updated estimates reported to the Courts and Legislature each October.

OWM validation: In 2001, the initial OWM estimates for Superior Courts were found to be comparable to those produced using case weights taken from a 1986 WCM study and estimates from a population growth model. But using the 1986 case weights can no longer be used as a benchmark for assessing the validity of OWM estimates; across the intervening years court practices have changed substantially, as with the Legislature's yearly increase in the number of criminal offenses and citation types within the RCW (related to an increase in opportunities for law enforcement to arrest and prosecutors to charge), more abundant and detailed evidence in criminal cases, best practices expectations in dependency cases and domestic violence cases, and the implementation of various types of therapeutic courts (drug courts, veterans' courts, mental health courts, and family treatment dependency courts).

The primary advantage of OWM estimates are that they can be updated readily each year by using data from a) an easily administered court staffing survey and b) data from annual caseload counts of cases filed, cases disposed, and, for District and Municipal Courts, hearings held. The primary disadvantage of OWM is that, because it measures only inputs, outputs, and staffing levels, it provides no explicit information about what judges actually do and no information about differences across courts in terms of

relative volume of different case types in each court's caseload, differences in practices across courts, or changes in practices within courts. Thus, OWM is actually best suited as a short-term, interim predictor of JNE that can provide reasonable estimates during the years between WCM assessments if no other information is available, provided that OWM estimates can be validated against predictions based on recent WCM case weights. Without routine refinements of OWM based on empirical observations of actual judicial time and functions, OWM estimates are subject to drift and ever-greater loss of validity.

It is appropriate that Washington's courts learn from their experience with OWM and return to a primary reliance on WCM, in line with the practice of the vast majority of U.S. courts, both state and federal. Routine, periodic WCM studies, which examine at a granular level the work performed by judicial officers, are the only approach to producing consistently valid judicial needs estimates, to deliver to courts the information about the resource demands of specific case types and associated case volumes, and to provide courts with information they need to discuss their specific local staffing levels with local and state funding authorities and with the public.

The Judiciary seeks to replace the current OWM program with a program of analyzing the work of the courts founded on the weighted caseload method. The goals of the program are to establish a high-quality baseline with a new WCM study for Superior and District Courts to be completed by June of 2022, and to then sustain the validity of estimates over time with data collection and analysis on a continual, rolling basis, cycling through all case types for both general and limited jurisdiction courts every five years.

The program to improve the validity, reliability, and usefulness of judicial needs estimates will require funding for a contractor to provide updated WCM estimates and funding for a new court research associate position.

### **Contracted weighted caseload study: costs for contracting**

The AOC requests \$225,000 for FY 2022 to contract with an experienced provider of weighted court caseload studies to produce new estimates of judicial need in Washington's Superior and District Courts. The provider will work with the AOC and courts to:

- a. Specify the project scope,
- b. Define the duration in minutes of the judicial year,
- c. Design Washington – specific data collection tools tailored to specific case types (e.g., criminal, collections, dependency, drug court),
- d. Provide training to courts on how to enter data for the time study,
- e. Collect, compile, clean, and analyze data,
- f. Assess particular challenges, related adaptive best practices, and the sufficiency of time to address the demands to sustain quality in the administration of justice,
- g. Review preliminary results with a judicial branch advisory committee, and,
- h. Deliver a written report containing a description of study methods, quantitative and qualitative results, all associated data, and court-specific recommendations for judicial staffing levels.

**Contracted weighted caseload study: costs for AOC:** Support from the AOC will be required if the contractor is to carry out the WCM study. AOC staff and the Court Business Information Coordinator will serve as advisors to the contractor and the project's Judicial Needs Advisory Committee (JNAC), review and comment on the design of data collection instruments for recording judge time, focus group protocols, and the adequacy of time survey instrument. AOC staff will participate in Judicial Needs Advisory Committee meetings and observe focus group sessions and the training sessions for judicial officers and other court staff intended to promote data quality. AOC staff will respond to questions from courts and from the contractor about proper categorization of time data. AOC staff will assist the JNAC with project design and review of preliminary results and participate in discussions of adjustment of results in response to input from focus groups and the adequacy of time survey. AOC will provide the contractor with yearly case volume and case type data needed to calculate judicial needs using the contractor-developed case weights. AOC will be specified as a recipient of all data produced, compiled, and cleaned by the weighted caseload study's contractor and will perform any supplemental enhancement and / or analysis of the data as directed by the JNAC.

**AOC efforts needed for sustaining timely and accurate judicial needs information:**

Maintaining the currency of accurate and informed analysis and description of the work of judicial officers will require planning, implementing, and adapting data collection that tracks how judicial officer time is used along with continual refinement of analysis and reporting, all of this with oversight from Washington's Judiciary.

- To develop and implement the transition from an OWM-based to a WCM-based program of JNE production, a Court Research Associate will be hired and will work with the JNE program team.
- The Court Research Associate will be responsible for:
  - Developing use of time measurement,
  - Data transfer from courts to AOC,
  - Conducting focus groups and surveys with judicial officers and other court staff as participants and respondents,
  - Analysis of time use data and qualitative data from focus groups and surveys,
  - Coordinating and communicating with trial courts' JNE Oversight Committees,
  - Communicating the results of analyses, and,
  - Responding to requests for supplemental analysis of JNE data to answer questions from the Judiciary about resource needs and court management of resources.
- The JNE Program Team will work with administrators, clerks, and judges to review current practices and case management and court recording systems and to assess whether they can be used to collect necessary in-court time data from court hearings for specific case types.
  - This effort will pertain to in-court data collection only; self-report of off-bench time use will still be required.

- Preliminary review indicates that some courts are entering some or all of the information that would be required to accurately reflect judge use of time in courtrooms.
  - Inclusive review and planning and training of court staff will be required, along with obtaining access to and analyzing the data.
- The Court Research Assistant, to the extent that self-reporting of in-court judicial time use remains necessary, will assess whether valid, representative data can be collected with sampling.
  - Sampling can provide information that equals, in terms of accuracy, population-based, universal data collection.
  - Analysis will be conducted of data from the WCM study to identify the extent and nature of variation, by case type and by court, in the time used for various judicial officer time expenditures.
  - Scenarios of sampling-based approaches to data collection will be presented to the oversight bodies to inform consideration of the tradeoffs associated with using sampling to collect time data as the basis of updates to the WCM case weights.
- Whether data is obtained by judicial self-report or automated systems, and whether the data is from all affected courts or from a sample of affected courts, the WCM JNE Program Team will seek to modify the standard approach to conducting WCM studies to make it feasible within staffing constraints.
  - The standard approach is to assess judicial needs across the entirety of a courts' business, all within a single study that examines all case types simultaneously.
  - The key to this will be a rolling assessment approach; rather than trying to assess judicial needs across all case types at a court level all at the same time, the Court Research Assistant will consult with the JNE oversight bodies to identify priorities for review and possible modification of case weights (based on time required for specific types of cases).
  - Priorities respond to changes in court programs, procedures, and practices, and other emergent conditions related to specific case types, such as modification to pretrial review or implementation of family dependency treatment court models.
  - Comprehensive review of judicial time requirements for all case types will occur on a routine basis within a span of five to seven years.
  - During the five to seven year span, more intensive gathering of time data and input from focus groups and surveys will likely be needed for a subset of case types, and some case types might be assessed more than once.

**Current Level of Effort:**

The current effort for yearly production of judicial needs estimates requires conducting the court staffing survey, compiling caseload counts for each court, and applying the mathematical models for estimating trends in filings and dispositions and regression analysis to produce court-specific estimates. It also requires communicating the results yearly to the trial court associations (the Superior Court Judges Association and the District and Municipal Court Judges Association) and responding to questions and input from specific courts about their responses to the staffing survey, significant changes to their caseload and practices, and the numerical value of their estimated judicial needs. This work mainly involves portions of the AOC.

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

### **State FY 2022**

Contractor cost of \$225,000 to conduct a weighted caseload study and related judicial needs estimates.

AOC Court Research Associate costs of \$128,340 (\$84,396 for salary, \$29,444 for benefits, \$5,000 for goods and services, \$2,000 for travel, and \$7,500 for equipment) and 0.5 Court Business Information Coordinator (\$54,359 salary, \$17,235 benefits): The Research Associate will a) support the contractor and courts as part of the weighted caseload study and b) begin development of the Judiciary's sustained weighted caseload method-based program for improved judicial needs calculations. The Court Business Information Coordinator will also assist the Oversight Committee and contractor with data collection design and provide expert consultation on Judicial Information System codes and data quality.

### **FY 2023**

AOC Court Research Associate yearly costs of \$121,340 (\$84,396 for salary, \$29,444 for benefits, \$5,000 for goods and services, \$2,000 for travel, and \$500 for equipment) and 0.5 Court Business Information Coordinator (0.5 FTE, \$54,359 salary, \$17,235 benefits): The Research Associate will work with other AOC staff and the courts on continued, iterative design and implementation of sustainable production of judicial needs estimates in support of court self-management, efficient and effective court operations, and responsiveness to changes in court business. The Court Business Information Coordinator will also assist with the trial court-level review and implementation of the WCM-based JNE model.

### **FY 2024 and ongoing**

AOC Court Research Associate yearly costs of \$121,340 (\$84,396 for salary, \$29,444 for benefits, \$5,000 for goods and services, \$2,000 for travel, and \$500 for equipment): The Research Associate will work with other AOC staff and the courts on continued, iterative design and implementation of sustainable production of judicial needs estimates in support of court self-management, efficient and effective court operations, and responsiveness to changes in court business.

## **Decision Package Justification and Impacts**

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

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

Having adequate time to review cases, conduct hearings, and consider decisions and to do so without undue delay is at the core of fair and effective administration of justice.

### **Accessibility.**

Avoiding the delay associated with overcrowded dockets, which follows from inadequate judicial time, is necessary if real accessibility is to occur.

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

N/A.



**Commitment to Effective Court Management.**

The current method of estimating the need for judges does not take account of the need for judge time devoted to court administration or management. A weighted caseload study will fill this information lacuna.

**Appropriate Staffing and Support.**

The direct object of the Weighted Caseload Study is to assess the adequacy of current judicial staffing.

**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?**

The RCW now directs the State Court Administrator to employ an “objective workload analysis” to generate JNE. A change to RCW 2.56.030(11) may be required to permit use of the weighted caseload method, although WCM can also be correctly described as “objective.”

**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 staff considered whether it would be better to conduct the study internally. That option would be difficult given the lack of staff who are sufficiently and appropriately experienced in this type of analysis.

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

The consequences of not funding the request will arise from the trial courts as a whole lacking the information that will enable them to clearly and comprehensively view how their level of judicial officer staffing relates to various aspects of their workload. They currently lack the reliable and objective evidence necessary to make deployment of internal resources as efficient and effective as possible. The adverse consequences also include an inability for the courts to make a substantiated case to local and state funders of the appropriateness of any decision about court funding.

**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. This request was funded in the 2019-2021 biennium, this is asking for continuation of funds.

**Other supporting materials:**

See:

1986 Washington Superior Court Weighted Caseload Study

Input-Output Model Methodology & Results Superior Court Judicial Needs Estimation (2005)

Judicial Needs Estimation for Courts of Limited Jurisdiction (2002)

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts  
**Decision Package Title:** Realizing Change through Research  
**Budget Period:** 2021-2023 Biennial Budget  
**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to fund a senior research associate position. This position will focus on research related to race, gender, foreign and signed language groups, and how the courts interact and administer justice to such historically marginalized groups.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$154,000	\$147,000	\$147,000	\$147,000
<b>Total Cost</b>	<b>\$154,000</b>	<b>\$147,000</b>	<b>\$147,000</b>	<b>\$147,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	1	1	1	1
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$105,000	\$105,000	\$105,000	\$105,000
Benefits	\$34,000	\$34,000	\$34,000	\$34,000
Goods/Services	\$5,000	\$5,000	\$5,000	\$5,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$8,000	\$1,000	\$1,000	\$1,000
<b>Total</b>	<b>\$154,000</b>	<b>\$147,000</b>	<b>\$147,000</b>	<b>\$147,000</b>

**Package Description:  
Unmet Research Needs**

The AOC provides necessary research functions for the various policy groups within the judicial branch, which includes the BJA, DMCJA, SCJA, WAJCA, Supreme Court Commissions, and others through the Washington State Center for Court Research. Due to resource limitations, AOC has been unable to meet some of the needs of these policy groups.

Specifically, research and the Supreme Court Commissions are positioned together under the AOC’s Administrative Division as “The Office of Court Innovation,” yet there are no dedicated staff or resources that allow them to fully realize their partnership.

Over the past couple of years, with assistance from temporary grant and legislative funding, they have been able to collaborate on projects like the DV Legislative Workgroups and Gender Justice/Bias Study supported by the Gender and Justice Commission, the Jury Diversity Demographic Survey by the Minority and Justice Commission, and the Pretrial Reform Task Force which was a collaboration between the SCJA, DMCJA, and the Minority and Justice Commission. The Commissions and other Associations appreciate being able to call on this expertise because they are uniquely positioned and qualified to work with Washington State Courts and all of its partners.

The Supreme Court Commissions have identified several unmet research needs related to the policy work they do:

- Minority and Justice Commission – Reports focusing on racial disproportionality in the courts. The last report focusing on race in Washington’s criminal justice system was 8 years ago. Other important policy topics that need continued reporting include LFOs, pretrial, and jury diversity.
- Gender and Justice Commission – Reports focusing on domestic violence and other forms of gender-based violence and gender bias. GJCOM is currently updating a study that identifies areas within the courts that gender bias exists. The last study was done over 30 years ago. There will be areas that need further research or continued research, such as the increase in incarceration rates for women, and many others.
- Interpreter Commission – Interpreter service usage, foreign and signed language community size and language needs, and resource needs analysis, especially with respect to translated court forms, proceedings information, and court services on all court websites.

This collaborative proposal will help the Washington State Courts begin to understand how they deliver justice to people, with an emphasis on understanding race, gender, and language access. Understanding where we are is necessary to taking the next steps towards where we want to go.

**Current Level of Effort:**

There are no current AOC resources that are devoted to this program or service.

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

Costs are included for 1.0 FTE Senior Research Associate (70/M). Costs are included for standard goods and services, travel, training, and equipment.

The 1.0 FTE senior research associate will be responsible for the ongoing research needs of the Supreme Court Commissions to look at issues of race, gender, and language access in the courts. Some of these specific areas include:

- Racial disproportionality in the courts;
- Gender-based violence (domestic violence and sexual assault) and other forms of gender bias in the courts;
- Need for and usage of language access services and resources including interpreters and textual document translators;

- Issue-Specific Research: Pretrial, legal financial obligations, domestic violence treatment, jury diversity, interpreter-related continuances, etc.

Current staffing capacity cannot take on additional work related to the issues identified above.

## **Decision Package Justification and Impacts**

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

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

The justice system is not fair and equal for all. We know that people of color are disproportionately represented in our criminal justice system. We know that women are disproportionately victims of gender based violence. We know that people who do not communicate in English do not truly have equal access to the courts. While we strive to create a justice system that is fair and equal to all, we know we still have a long way to go.

The Supreme Court Commissions are uniquely positioned to respond to these issues. Our activities involve education, stakeholder collaboration, engaging in policy, and research. Being able to partner with research will greatly assist this work by establishing a systematic approach utilizing research to identify where inequities exist so that we can begin to effectively implement solutions.

### **Accessibility.**

Research that helps us identify language access needs in the courts will help us figure out solutions to identified language access barriers.

When we address issues of disparity and unequal treatment based on race, gender, and other marginalized identities, we can begin to create courts that more people have trust and confidence in, and are thus more accessible.

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

Many issues related to disproportionality have direct linkages to certain groups in our society not having adequate access to representation. Study in areas related to race, gender, and language access will help us reveal areas where these groups do not have access to necessary and effective representation.

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

In order for our courts to be effective, they have to understand how they are serving all customers with a keen eye on fairness and justice. Are courts effectively providing and managing interpreter services? Are courts effectively providing treatment for domestic violence perpetrators? Are courts providing outcomes that are fair and just to all people regardless of their race, gender, or language background?

These questions require answers that can only be provided through research looking at court data. We understand that courts may not have the resources or expertise in reviewing and making sense of their local data and information, and we hope to be able to use this research position to also directly assist courts with reviewing and understanding their data as it relates to race, gender, and language access.

**Appropriate Staffing and Support.**

Over the years we have experienced time and time again the lack of resources and support to be able to study these very important issues within our justice system. Without funding this position we will not see or realize the changes that create a more fair and just system.

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

Other state agencies rely on this type of data from the courts to better understand systemic inequities that exist within our system of government as a whole. The courts are just one institution that is related to and has impacts in many other institutions, like education, healthcare, social services, law enforcement, and many others. Each institution has an impact on one another and on our society as a whole. Each system plays a part in contributing to systemic inequities, and until we as a court system do our part to better understand the impacts we are having on people, particularly people of color, women, and other historically marginalized groups, we won't be able to see change.

**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 AOC does not have additional funds to be able to support an added FTE. Although temporary funding from the legislature or grants has been helpful, it is ending and is unlikely be available again.

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

Inequities will continue to persist, change will be slower to be realized. In the case of the Gender Justice Study, it has been 30 years since an evaluation of gender bias in the courts was last funded. It has been 8 years since the last study on racial disproportionality in the courts. If we can't continue to assess implemented recommendations, we will not know whether those recommendations or changes had any impact. We won't have the ability to take compounding steps to realize change because we won't have the tools or resources to be able to track our progress. Without the ability to track our progress through research, the money and efforts we make to commission studies and recommendations may not make the difference that is intended.

The larger impact is on our state citizens. Inequities in any system have true social system and individual personal costs and are the reason for ongoing disparities.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Responding to Behavioral Health Needs in the Courts

**Budget Period:** 2021–2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to develop a statewide court Behavioral Health Response Team to facilitate the development and implementation of a statewide response to individuals involved in the justice system who have behavioral health needs and assist with therapeutic courts' evaluation efforts.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Fund 001	\$455,000	\$616,000	\$601,000	\$593,000
<b>Total Cost</b>	<b>\$455,000</b>	<b>\$616,000</b>	<b>\$601,000</b>	<b>\$593,000</b>
<b>Staffing</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	3	5	5	5
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$256,000	\$398,000	\$398,000	\$398,000
Benefits	\$96,000	\$142,000	\$142,000	\$142,000
Goods/Services	\$25,000	\$23,000	\$23,000	\$20,000
Travel	\$40,000	\$50,000	\$35,000	\$30,000
Equipment	\$38,000	\$3,000	\$3,000	\$3,000
<b>Total</b>	<b>\$455,000</b>	<b>\$616,000</b>	<b>\$601,000</b>	<b>\$593,000</b>

**Package Description:**

Washington courts need a centralized and coordinated effort to address behavioral health needs in the courts. The Administrative Office of the Courts (AOC) seeks \$1,200,321 to develop and implement a statewide Behavioral Health Response Team. This Team will facilitate the development and implementation of a coordinated statewide response to individuals involved in the justice system who have behavioral health needs, and assess data needs, develop evaluation efforts, and collect data. Staff will coach and educate the courts to use data and self-assessment tools, and participate in a peer-review program to improve their therapeutic court programs. Funding will allow the AOC Court Behavioral Response Team to develop subject matter expertise and



provide technical assistance, training, and resources to courts and behavioral health system partners throughout the state.

### **Behavioral health court needs.**

Behavioral health is a broad term that considers how behaviors impact someone's physical and mental health. It includes both mental health and substance use, encompassing a continuum of prevention, intervention, treatment, and recovery support services.

Behavioral health experiences and needs have increased, impacting community services and responses and community partner relationships. The behavioral health experiences and needs are complex and often involve various community services to help ensure individuals receive the treatment and support needed. Courts have seen an increase in individuals with behavioral health needs accessing and involved in the justice system, as well as an increase in laws and policies addressing various behavioral health issues that impact the courts. Ever-changing community dynamics have created opportunities and challenges for community and statewide coordination.

While many communities have responded by developing therapeutic courts across the state, these courts are not in every community nor are the programs consistently organized and evaluated to ensure best practices. Already busy courts have to develop these programs by themselves which requires a tremendous amount of work. Furthermore, communities can benefit from generalized training and information on how to best work with individuals accessing the courts who may have behavioral health needs but who do not quite fit into the therapeutic court model.

### **An issue of statewide relevance.**

As of 2019, there were approximately 112 therapeutic courts operating in Washington State consisting of drug courts, juvenile drug courts, family treatment courts, driving under the influence (DUI) courts, mental health courts, veterans' courts, community courts, and domestic violence courts.

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

### **Coordinated and centralized effort needed to complement local programs.**

Several key areas are hampering the implementation of therapeutic court best practices in our state. There is no statewide staffing to work with courts to help them develop and implement best practices; no means available to ensure that therapeutic courts are receiving relevant, targeted training on National Best Practice Standards; and data collection and application are inconsistent and irregular.

While AOC provides support to the courts and the judges, there is no state-level support in the form of training, technical assistance, data collection and evaluation, or implementation of therapeutic court operations. Decisions about therapeutic court organization, operations, and services are based on court preferences 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 statewide practices may lead to a lack of fidelity to the therapeutic court model and best practices, and reduced effectiveness. Differing data collection practices have limited the AOC's ability to analyze the impacts of the therapeutic courts.

Washington citizens and communities could also benefit from a coordinated statewide plan with the various stakeholders and professionals who are critical to ensuring successful implementation of therapeutic court practices and treatment options for individuals. A coordinated approach would help courts and communities address underlying causes of behavioral health issues, coordinate resources to help reduce recidivism, and maximize resources to ensure individuals obtain necessary services. Collaborative work may be guided by the Sequential Intercept Model (SIM) which is a stepped process for addressing behavioral health issues before justice system contact, with an emphasis on community-based services that can help residents with behavioral health needs without law enforcement or other justice system action. Within the justice system, the SIM model focuses on diversion to treatment, engagement with therapeutic courts, and other supportive sentencing and re-entry options.

### **Successes highlight the benefits to individuals and communities.**

A Washington State Institute for Public Policy meta-analysis concluded drug courts produce a return on investment 100% of the time.<sup>1</sup> A Washington State Department of Social and Human Services (DSHS) analysis of drug court participants in Washington State found that reductions in crime following entry into Drug Court translate into a net benefit to taxpayers of \$22,000 per participant, or a \$4 return for every \$1 invested.<sup>2</sup>

There is also a significant increase in participant employment 18 months after drug court enrollment in Washington State. Additionally, drug courts keep kids out of foster care, impacting children and families for generations.

***As one community court participant shared after successfully graduating from community court: "I was amazed how nice, understanding, and kind the judge and***

---

<sup>1</sup> Washington State Institute for Public Policy (2018 December). Drug Courts: Adult Criminal Justice

<sup>2</sup> Mayfield, J., Estee, S., Black, C., Felver, B. (2013 July). Drug Court Outcomes: Outcomes of Adult Defendants Admitted to Drug Courts Funded by the Washington State Criminal Justice Treatment Account. Washington State Department of Social and Health Services: Research and Data Analysis Division.

*prosecutor and lawyers were. This program helped to transform my life. Since starting here I've gotten a home, a car and started school. I love that this program helps to address each individual's problems and roadblocks and helps to get each person back on track and back into the community instead of just locking people up and turning a blind eye. Thank you for truly helping me."*

Judges currently presiding over treatment courts in Washington have seen traditional court roles and community systems changing in response to the therapeutic court model. Team members have become service providers, and judges have seen an increased focus on positive rewards and reinforcements for program successes. Judges have strategized on creative problem solving and collaborative relationships when needed. Their increased understanding of behavioral health needs and available services have also helped inform non-therapeutic court cases and better understand behavioral health impacts on the individual and community.

### **Funding statewide system coordination, best practice implementation, and data collection and evaluation.**

To help the courts realize the promise of healthier communities that comes with therapeutic courts, funding will create a Behavioral Health Response Team to facilitate the development and implementation of a coordinated statewide system to support courts as they respond to individuals with behavioral health needs who are involved in the justice system. The team will be able to assist the individual courts by a) using training and technical assistance to communicate with courts about research, practice, policy, program, and funding developments related to treatment courts; b) helping courts develop local capacity to assess program implementation in comparison to best-practice or research-based standards; and c) helping courts develop local capacity to measure recidivism, employment, and other outcomes of therapeutic court clients.

The Team can help courts and policy makers by increasing the visibility of therapeutic court operations through statewide reporting on therapeutic court programs, including the program model and local program capacity and clients' law-abiding behaviors and needs, and tracking performance over time and across jurisdictions. Courts need support to evaluate operations and manage therapeutic courts to the benefit of the public. Among the consistent lessons from evaluation of therapeutic court practices is that courts' investment in local management capacity to collect, reflect on, and respond to local process and outcomes data improves therapeutic court performance.

### **Specifically, these funds will help:**

- 1) Collaborate with local courts to identify, develop, and implement the necessary program components that will allow for best practice operations and sustainability of therapeutic courts in Washington State.
- 2) Develop and facilitate implementation of a coordinated statewide plan to address the needs of court users with behavioral health issues who are engaged in the justice system. This will include collaboration across disciplines and among various court stakeholders, convening a statewide group to explore issues and developing a strategic plan and best practices, and exploring diversion and sentencing alternatives and other issues as identified in the assessment process.

- 3) Explore expansion of the Sequential Intercept Model, now used by a small number of courts in our state, and its implications for Washington State treatment courts.
- 4) Assess and develop suggested data collection and performance measures for state and local data collection procedures for county-level therapeutic courts.
- 5) Recommend assessment procedures that lead to practice and program improvements based on local and national review.
- 6) Develop a standardized training plan for emerging and sustained courts in order to align with best practice standards.
- 7) Identify and develop training and resources for all courts, regardless of whether or not they have a therapeutic court.
- 8) Analyze and evaluate proposed legislation and its probable impact upon program goals. Connect courts with local policy makers and provide policy makers with information to assist them in understanding the utility, operation, and function of therapeutic courts.
- 9) Provide ongoing technical assistance, training, and support to courts across the state.
- 10) Identify and connect courts with additional grants and other resources to sustain therapeutic courts.

**Current Level of Effort:**

AOC currently does not provide therapeutic court coordinator services.

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

- One Senior Court Program Analyst focused on statewide systems and policy efforts.
- Two Court Program Analysts focused on the larger behavioral health needs, specific behavioral health considerations and specific level of courts.
- One Researcher to develop and implement outcome evaluations, process evaluations, performance measures and data collection. This position will also provide local technical assistance to courts in data collection and evaluation efforts. (This position will start at half time and move to full time.)
- Half time Court Program Assistant to help with administration activities, event planning, data information support and overall team communications with courts.
- Travel (in and out-of-state) and training for therapeutic court program staff. \$30,000 per biennium.
- Meetings costs with stakeholder groups. \$40,000 to convene a statewide coordinating group in the first two years.
- Develop and implement statewide training. \$20,000 per biennium.

Note: Personnel costs include salaries, benefits and standard staff start-up and ongoing costs for each identified position.

**Decision Package Justification and Impacts**

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

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

In Washington State, therapeutic courts are implemented in a jurisdiction-specific manner, and practices vary among courts. The judiciary has an obligation to assess practices and results across the range of therapeutic courts and to provide support for the effective administration of these courts.

### **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.

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

Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel. Constitutional right to counsel applies to therapeutic court participants in many respects and best practices recognize the important roles of the team members, including defense counsel.

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

Careful case management and progress oversight of treatment components are important mechanisms of effective court management. The therapeutic court model itself, with participants' progression through phases 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 therapeutic court cases. Increased training around behavior health needs and best practices will help courts recognize options and information for individuals more quickly. Data collection and evaluation efforts are critical to ensure local choices about program operations will be informed with relevant, up-to-date information. Research related to therapeutic courts has demonstrated particular practices, such as judicial leadership and the ongoing use of data at the court level, to be cost effective.

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

A centralized and coordinated Behavioral Health Response Team will serve as a valuable resource to judges and court managers throughout the state. Therapeutic court best practices address the roles and responsibilities of the judge and the multidisciplinary team. Robust self-assessment and peer review processes will help identify relative strengths and weaknesses of how the therapeutic court judge and team operate as both individuals and as collaborative team members to ensure that all personnel are adequately and effectively supported, which in turn support the entire system. An AOC-based Behavioral Health Response Team also provides Judicial Branch parity in the area of behavioral health. Presently, a staff member from the Health Care Authority sits on a national consortium of state level Problem-Solving Court Coordinators. There is no representative from the Washington judiciary. These staff positions would ensure that the Washington Judicial Branch could also participate in critical national court efforts around this issue.

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

Other state agencies should benefit from improvement in AOC's internal behavioral health and therapeutic court operations. Locally, 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 significantly decreases.

**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?**

Two federal drug court grant applications were not successful due to lack of consistency in practices across the state. A statewide coordination effort will increase best practice dissemination, communication, and collaboration, resulting in more consistently-provided services while maintaining individual community court needs.

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

If funding is not secured, AOC will continue to have no capacity to assist local courts with addressing the behavioral health needs of defendants and litigants. Local jurisdictions will continue to implement therapeutic courts with varying practices, possible lower success rates, and disparate data that make evaluation and comparisons difficult. Furthermore, services remain fragmented and treatment court goals may not be realized as effectively. In some communities, treatment courts may not be an option without funding, and individuals will not benefit from therapeutic interventions. Without outside financial support, local communities cannot afford to adequately address the behavioral health issues that are causing individual suffering and adverse community impacts.

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

The AOC has no funding for these positions.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Trial Court Legal Services

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested for additional professional legal staff who will provide legal research, legal materials, and training to judicial officers.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$260,000	\$509,000	\$497,000	\$497,000
<b>Total Cost</b>	<b>\$260,000</b>	<b>\$509,000</b>	<b>\$497,000</b>	<b>\$497,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	2	4	4	4
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	155,000	349,000	349,000	349,000
Benefits	53,000	120,000	120,000	120,000
Goods/Services	25,000	25,000	20,000	20,000
Travel	4,000	6,000	6,000	6,000
Equipment	23,000	9,000	2,000	2,000
<b>Total</b>	<b>\$260,000</b>	<b>509,000</b>	<b>497,000</b>	<b>497,000</b>

**Package Description:**

This request would create a team of three staff attorneys and one administrative secretary to support trial courts with case-specific legal research, use that research to help create and update legal publications and practice resources, and to support education programs for trial court judges and commissioners.

Judges and court commissioners in superior, district and municipal courts are called upon to make life-altering decisions affecting personal liberty, public safety, parental rights and responsibilities, and more. Issues are often complex and require extensive legal research and analysis. Judges were once able to expect lawyers for each party to identify issues, supply briefs and argue their legal position. That time has passed.

Today, whether by their choice or circumstances, it is increasingly rare for both parties to have a lawyer and often both parties are unrepresented. The research and analysis that was once provided to the court by lawyers for the parties is no longer available.

A 2019 survey conducted by the Court Management Council found that Washington Superior Courts reported a 77% increase in the last three years in the number of self-represented litigants seeking court services. The State of the State Courts survey conducted in 2018 by the National Center for State Courts reported that 62% of registered voters volunteered "I don't believe I could effectively represent myself in court, regardless of what resources and information are provided to me."

This condition is likely to become more challenging in our post-COVID world. More individuals will represent themselves in court. More cases involving economic hardship of ordinary unemployed or underemployed people due to the financial crisis will come into the trial courts while judicial officers continue to work through daunting case backlogs and processes are instituted to protect public health that also make the work of the courts more difficult and less efficient.

Especially in small and rural courts of our state, judicial leaders agree the ability of judges to obtain assistance with legal research, have up to date legal reference materials at their disposal, and to receive training from law-trained individuals can play a vital role in helping courts continue to provide fair and effective service to all.

**Current Level of Effort:**

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. This staffing level is inadequate to support existing needs. As a result, many critical legal reference materials for the courts are years out of date and some have become obsolete. There is no capacity to routinely provide case-specific legal research and analysis for trial court judicial officers.

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

This funding request is for a Legal Services Principal Analyst to be hired on October 1, 2021 to begin providing services to the courts and to assist with hiring additional personnel for the work unit and establishing the program and protocols. A Senior Legal Analyst and Administrative Secretary will be added effective January 1, 2022. An additional Senior Legal Analyst will begin July 1, 2022. Funding is provided for equipment, travel, and training for continuing education as well as specialized training so staff can support plain language efforts of the agency and trial courts.



## **Decision Package Justification and Impacts**

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

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

This request provides judicial officers with additional resources that will help them more efficiently address complex legal issues. These services are especially important in cases where one or more parties is not represented by an attorney and in small and rural courts. This will contribute to just, fair, accurate and timely disposition of legal matters. Resources are provided for training staff in plain language writing. It is expected the staff will help judicial officers draft documents using plain language where appropriate so they are better understood by non-attorneys.

#### **Accessibility.**

This request will help judicial officers understand and apply the requirements to ensure their facilities and operations are open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.

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

The case research services, reference materials, and training provided by this request will help judicial officers understand and effectively apply constitutional and statutory guarantees of the right to counsel.

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

Ready access to legal research services and to concise, current, objective, and easily searched legal resource materials will help judicial officers make more timely and accurate decisions and provide judicial officers and court personnel with key information about critical legal requirements and best practices for ensuring that courts are effectively managed. This is expected to reduce delays, continuances, and appellate review.

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

This program provides an efficient means to offer staff support for legal research and publications for the trial courts by offering a dedicated statewide service. This is a level of staffing support that would not be practical in small and rural courts.

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

State and local agencies depend on judicial officers to understand and correctly apply changing legal requirements to enable them to fulfil their own mandates. This program will help judicial officers perform important research and analysis, making them better prepared to correctly and efficiently address matters that come before them.

#### **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?**

- Reprioritize existing staff: Staff are fully dedicated to high priority or mandated and time-sensitive activities.
- Create a “pool” of temporary law clerks. This alternative would not provide consistently available support for the courts, would be complex to manage, and would not provide the duration and dedication necessary to develop subject matter expertise for publications and education programs.

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

Without legal research assistance and access to up to date reference guides, trial court judges and commissioners will find it increasingly difficult to provide timely, efficient, and legally accurate decisions in light of the growth in self-represented litigants.

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 reference materials or training based on those materials, 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?**

Current staffing level is not sufficient to satisfy existing high priorities. The additional services to support trial court judicial officers under this proposal could not be offered without the requested additional resources.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Court Equity and Access Team

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to develop a statewide Court Equity and Access Team. This team will provide leadership and corresponding professional expertise and capacity to pursue and provide infrastructure and support for court system policy, planning, programming, and data collection and evaluation for critical court services to ensure equal access to civil justice, especially for unrepresented court users, low income, and those who come from historically marginalized backgrounds.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Fund 001	\$649,000	\$869,000	\$854,000	\$849,000
<b>Total Cost</b>	<b>\$649,000</b>	<b>\$869,000</b>	<b>\$854,000</b>	<b>\$849,000</b>
<b>Staffing</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	4	6	6	6
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$378,000	\$548,000	\$548,000	\$548,000
Benefits	\$143,000	\$197,000	\$197,000	\$197,000
Goods/Services	\$35,000	\$70,000	\$70,000	\$70,000
Travel	\$40,000	\$50,000	\$35,000	\$30,000
Equipment	\$53,000	\$4,000	\$4,000	\$4,000
<b>Total</b>	<b>\$649,000</b>	<b>\$869,000</b>	<b>\$854,000</b>	<b>\$849,000</b>

**Package Description:**

While Washington State has been a leader in many access to justice related issues, we have not comprehensively approached services to ensure that all individuals, especially unrepresented court users, low income, and those who come from historically marginalized backgrounds, can access the information and assistance they need to resolve their civil legal problems. We need a statewide, coordinated effort to address the needs of unrepresented litigants and all who come into the courthouses.

The Administrative Office of the Courts (AOC) requests \$1,518,000 to create a Court Equity and Access Team that will: 1) provide statewide support for court system leadership to tackle policy and planning to support unrepresented litigants in the courts; 2) provide support for development and implementation of critical programs and initiatives designed to ensure equity and fairness of the court experience for users/participants; 3) directly support court services that provide access to the growing percentages of litigants who are unrepresented and/or are functionally unable to navigate the courts; 4) develop statewide systems and evaluation efforts that enhance our ability to understand whether goals have been achieved in providing access and justice for court system users, with a particular focus on unrepresented litigants and race, gender, language, sexual orientation, disability, and other historically disadvantaged groups; and 5) partner with traditional and nontraditional stakeholders to develop a coordinated and integrated plan to address the needs of all unrepresented individuals interacting with the courts.

**Unrepresented litigants need increased access to courts:**

A goal of the Washington Supreme Court is to ensure that all people who interact with our courts receive justice. Some Washington courts have implemented programs such as courthouse facilitators to help provide legal assistance and information, court-located child care programs, and plain language forms in many languages to assist individuals who interact with the legal system and do not have attorneys.

Efforts through the Supreme Court Commissions (Gender and Justice, Minority and Justice, Interpreter, Children in Foster Care) have found, in almost every area of the justice system, that women, people of color, people who identify as LGBTQ, people with disabilities, and people who communicate in a language other than English feel that they are not being afforded justice in our court system. Research has proven this to be the case in many instances for these particular groups, as time and time again we see these inequities permeate through almost every aspect of the courts and legal system as a whole.

The Washington State court system is highly decentralized which can often create challenges coordinating and implementing services. Because coordination is generally predicated upon available resources, interest, and local leadership, such efforts often result in disparate access, services, and resources across and between local jurisdictions.

Similarly, our access to justice partners throughout the state are often engaged in different service models dependent on local structures, funding, culture, needs, and resources. Those differences often lead to more fragmented services and confusion for unrepresented litigants.

As citizens, communities, and courts experienced COVID-19 impacts, the challenges of fragmented services and a lack of statewide coordination and expertise for providing services to unrepresented litigants became even more apparent. Increased civil legal needs resulting from unemployment and loss of housing, and needs for orders of protection could benefit from statewide coordination, technology considerations, language access, and consistent services across the state.

**Why we need statewide resources to address these issues:**

An AOC Court Equity and Access Team will help Washington State courts develop solutions for unrepresented litigants that address the unique needs of low-income people and engage in strategic partnerships with organizations that serve this community. This Team will also support policy implementation and research to address legal financial obligations and racial disproportionality in the justice system.

Washington has a limited set of resources available to assist unrepresented litigants in understanding the complexities of the legal system and trials. Resources vary across communities and courts depending on local resources, especially for small and rural courts.

While having a decentralized court system can support local innovation, engage more voices, and quickly effectuate local-level recommendations, it also presents incredible challenges for system changes and statewide coordination efforts. A 2016 ranking of state services and support for unrepresented litigants conducted by the National Center for Access to Justice at Fordham Law School (*Justice Index*) ranked Washington 37th out of 52 states and territories in providing access to courts for those without lawyers.

As of 2017, 11% of Washington's population lived below the federal poverty threshold. There is a significant gap between the legal needs of this population and the available resources to meet those needs. Private lawyers can be prohibitively expensive, even for those with middle class incomes. Washington State's civil legal aid programs are able to provide representation to less than half of the people that need help.

The Office of Civil Legal Aid (OCLA) published the *2015 Civil Legal Needs Study*, which defined the scale of our state's challenge in real terms: more than seven in ten low-income people experienced an important civil legal problem each year. Yet, 76% of these people had no professional legal help to solve their problems. These legal problems affected access to basic health and human services, family safety, affordable housing, economic security, employment, and freedom from economic exploitation, as well as a range of other issues that affect basic liberties and implicate core property rights. The *Needs Study* documented significant racial and other differentials in the experience of low-income people by race, immigration status, youth, and disability, and status as victims of domestic violence or sexual assault.

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

**Funding will support critical activities:**

Washington State citizens should have meaningful and equitable access to justice and be able to achieve timely and just outcomes in their cases. To accomplish these goals, funding will initially support an assessment of what services currently exist and what is needed for unrepresented litigants and court users from historically marginalized

backgrounds, strategic planning efforts to identify and implement systematic and collaborative efforts to address these needs, and the development of outcome measures focusing on litigant volume, litigant needs, and efficient use of resources to evaluate efforts. Funding will also support best practice identification and implementation, technical assistance, training, and ongoing performance management and evaluation efforts guided by continual quality improvement. The program management and evaluation process is critical to advance the practices that improve access to justice and to sustain practical action within the state. The performance management and evaluation plan will identify and track factors for success and measurable improvements in access to justice.

Inclusion and equity considerations will be at the forefront of all efforts. Work will be guided by our common commitment to equity, fairness, and justice, particularly for those who are unrepresented or have been historically marginalized. We strive to support local court systems that recognize and accommodate changing life situations, expectations, needs, and capacities of those who look to the court system or are involuntarily brought into it. Furthermore, planning and prioritization of the work and specific initiatives will be informed by the needs of those using the courts.

**Specifically, funds will support a team of staff to:**

- 1) Collaborate with local courts to identify court and court user needs when litigants are unrepresented, as well as other access to justice barriers and successes. Advocate for changes to policy and produce best practices that other courts can look to for guidance to ensure access to and equity of court services.
- 2) Identify and consider expanding existing successful court and community activities and programming across the state, specifically including court facilitator programs, which support the needs of unrepresented litigants.
- 3) Conduct local and national reviews to guide recommendation of practice and program improvements. Identify, develop, and implement the necessary program components that will allow for best practice strategies in ensuring access and equity of court services.
- 4) Explore, identify, and implement technology considerations and initiatives that can be used to improve court practices, efficiencies, and services for unrepresented litigants.
- 5) Develop and facilitate implementation of a coordinated statewide plan to address the needs of unrepresented court users in the justice system. This will include collaboration across disciplines and among various court stakeholders; the convening of a statewide group with broad stakeholder involvement to explore issues and develop a strategic plan and best practices; and the exploration of other issues as identified in the assessment process.
- 6) Assess and develop suggested data collection, performance measures, and management training in continual quality improvement for state and local data collection procedures and user-centered approaches.
- 7) Identify and develop training and resources for all courts.
- 8) Analyze and evaluate proposed legislation and its probable impact upon project and program goals. Connect courts with local policy makers and provide policy makers with information to assist them in understanding the utility, operation, and function of court facilitator programs and other practices for serving unrepresented litigants.
- 9) Provide ongoing technical assistance, training, and support to courts across the state.
- 10) AOC staffing to follow-up on recommendations from statewide reports such as legal financial obligations and racial inequality issues in the courts.

11) Explore additional programming and funding needs as services are identified to enhance the experience and increase court access of unrepresented litigants.

**Current Level of Effort:**

These are new positions.

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

- One full-time Senior Court Program Analyst focused on statewide systems and policy efforts.
- Three full-time Court Program Analysts to focus on specific unrepresented litigant needs, technology considerations, and access considerations for different courts. There will also be a particular focus on how to innovate courts to be able to provide better access for particularly vulnerable populations such as immigrants, incarcerated individuals, victims of domestic violence, and individuals at risk for health complications due to COVID-19 categories. One of the positions will be a tribal liaison and support provider.
- One full-time Web Developer to assist in addressing, developing, and implementing the necessary technology to better support unrepresented litigants.
- One part-time Researcher to develop and implement outcome evaluations, process evaluations, performance management measures, and data development and collection. This position will also provide local technical assistance to courts in data collection, data-driven management, and program development and evaluation efforts.
- One part-time Court Program Assistant to help with administration activities, event planning, data information support, and overall team communications with courts.
- Additional travel (in- and out-of-state) and training for court equity and access staff. \$30,000 per biennium.
- Meetings costs with stakeholder groups. \$40,000 to convene a statewide coordinating group in the first two years.
- Develop and implement statewide training. \$20,000.
- Develop and implement programs and technology needs identified in the first year. \$40,000 in the second year of the biennium for anticipated improvements to technology and resources to increase access to justice for unrepresented litigants.

**Decision Package Justification and Impacts**

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

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

Washington courts will openly, fairly, efficiently, and effectively administer justice in all cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts. The AOC Court Equity and Access Team will work with courts to build and strategically deploy dedicated planning, research, and technical support capacity to help individual courts and, where appropriate and relevant, develop and support statewide capacities designed to ensure equity, fairness, and efficiency in our courts. The Team will support responsive local decision making guided by measures of need, effectiveness of court response, ongoing engagement with community groups, and user experience. A 2008 courthouse facilitators report by the Washington State Center for Court Research concluded that facilitator

programs have, by all accounts, significantly improved the administration of justice by opening the doors of the courthouse to a large number of individuals who cannot afford legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping litigants navigate a complex system of forms and procedures.

### **Accessibility.**

At the core of this request and proposed activities is that 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. Statewide activities and programs will be designed to address the needs of those least able to navigate court systems, especially those who are unrepresented.

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

Fair, efficient, and effective administration of justice in civil cases requires equitable treatment of litigants with attorney representation as well as those litigants who are unrepresented. Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Not many other interests at stake rise to the level of importance as family, home, and the right to govern oneself. Programs and activities for unrepresented litigants should provide necessary and meaningful guidance in the absence of substantive legal advice or representation.

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

Washington courts will employ and maintain systems and practices that enhance effective court management. The AOC Court Equity and Access team will work with courts to provide training and share best practices and policies to ensure courts have resources to effectively provide services to unrepresented individuals. Unnecessary repeated visits to the clerk's office for filing documents and multiple court hearings to obtain relief are often the plight of litigants who attempt to handle civil cases without the assistance of attorneys. Provision of all allowed services by trained and knowledgeable staff reduce staff and judicial time, promote the efficient administration of justice in more timely resolution of cases, and helps maintain the public trust and confidence in the courts. Additionally, from appropriate calendaring to offering "do-it-yourself" classes to increased technology options, courts can improve court management of unrepresented civil cases.

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

Public trust and confidence in the justice system requires that court staff providing assistance be informative, educated, and able to competently relay vital information. Funding will support an assessment of current services, including staffing support and training opportunities for court personnel, and the development of strategies to address service and staffing gaps.

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

Individuals with civil legal aid needs often have interactions with several different systems. Other state services, such as the Division of Child Support's establishment and enforcement services, should be strengthened by better-educated court personnel who have had regular and frequent training on child support matters. Aging and Long-Term Support Administration may find better-functioning guardians of vulnerable adults because of court personnel duly trained and qualified to provide assistance with guardianship matters. Parents needing an approved parenting plan to resolve a



dependency case will work with facilitators who have received up-to-the date training on parenting plans designed to promote protection of children with provisions established by the dependency court.

**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 has been an exploration of alternatives in the last five years. Limited funding was provided by the federal STOP Grant for court facilitators, but with decreased grants amounts, that funding is uncertain and of limited benefit because of the narrowly-defined assistance facilitators can provide in domestic violence and dependency cases. The AOC also applied for a national grant in 2019 to assess unrepresented litigant needs and services but did not receive funding.

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

Generally, Article 1, sec. 10 of the Washington Constitution directs that justice be administered in all cases without unnecessary delay. Consistent with this mandate, courts have a responsibility to ensure access to courts and the ability of all persons to assert and defend their legal rights in proceedings before them. This includes individuals who are not represented by an attorney or other authorized legal practitioner. While there are efforts underway to address some of the needs of unrepresented litigants, these are fragmented and inconsistent throughout the state. Without a statewide coordinated effort, technical assistance, and training, both unrepresented litigants and communities will continue to experience fragmented services, response to changing community dynamics may be delayed and varied, and individuals may not get the information they need to proceed with their cases.

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

There are no AOC positions dedicated to coordinating the work on unrepresented litigant issues and needs.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Appellate Court Systems Operations and Maintenance

**Budget Period:** 2021-2023 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 Appellate Court information systems and web pages.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 543	\$923,000	\$1,077,000	\$1,071,000	\$1,071,000
<b>Total Cost</b>	<b>\$923,000</b>	<b>\$1,077,000</b>	<b>\$1,071,000</b>	<b>\$1,071,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	4	6	6	6
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$444,000	\$594,000	\$594,000	\$594,000
Benefits	\$145,000	\$195,000	\$195,000	\$195,000
Goods/Services	\$278,000	\$261,000	\$264,000	\$264,000
Travel	\$12,000	\$15,000	\$15,000	\$15,000
Equipment	\$44,000	\$12,000	\$3,000	\$3,000
<b>Total</b>	<b>\$923,000</b>	<b>\$1,077,000</b>	<b>\$1,071,000</b>	<b>\$1,071,000</b>

**Package Description:**

The appellate court operation support model is an overarching program to provide the technical and business support infrastructure necessary to support all applications used by the Appellate Courts. This would include:

- Appellate Electronic Court Records (document management system);
- Appellate Court Record and Data Systems (Case Management System);
- E-filing (Portal);
- Inmate E-filing (Portal);
- Electronic Court Record Web Access web-based solution;
- Supreme Court and Court of Appeals Calendars (web page);
- Appellate Court Briefs and Opinions Upload (web page); and

- Washington State Bar Association (WSBA) Attorney Admission Exchange with the Supreme Court.

Over the last 10 years, the Appellate Courts have successfully made the transition from a paper-based manual process environment to electronic court records and workflows. To facilitate this significant transition, the appellate courts, working with the Judicial Information Systems Committee (JISC) and the Washington State Legislature, received funding for two information systems projects. ITG 45, Appellate Court – Enterprise Content Management System (AC – ECMS) and ITG 252, Appellate Electronic Court Records

The AC – ECMS project was funded and established in 2011 and was completed in 2017. This project focused on replacing three independently developed document management systems in the Court of Appeals and establishing document management capabilities in the Supreme Court. The Appellate Electronic Court Record project was funded in 2019 and will be completed on June 30, 2021. This project focused on the enhancement of the AC – ECMS functionality and expansion to include workflow capabilities for appellate case types and processes. The Supreme Court and the Court of Appeals are making the Appellate Electronic Court Record the official record of the appellate courts effective July 1, 2021. The successful transition from paper to electronic court records requires the establishment of this Appellate Court Operations support model to ensure the ongoing maintenance and support of the systems to protect the integrity and reliability of the appellate court record.

The successful implementation of Appellate Electronic Court Records was the product of more than just the addition of a document management system. The project implementation required significant integration with the appellate case management system (ACORDS) and the development of an E-Filing web portal and associated infrastructure. The integration of these technologies was critical to project success and ongoing resources must be established to maintain and support the application moving forward.

During the AC-ECMS project, two eFiling applications were developed by AOC using existing operational resources. One eFiling application is used by the public, case participants and justice partners and the Inmate eFiling is used by incarcerated inmates. Today, approximately 95% of all appellate court filings are electronically filed through the E-Filing portal. The Appellate Courts and DOC recently signed an official Interagency Agreement to implement Inmate eFiling for all Appellate Courts, the Washington State Penitentiary and seven DOC correctional centers. Work is underway to bring on the additional DOC correctional centers. Each day, approximately 150-200 documents are filed using these two eFiling applications. The AOC Web Development team supports nearly 180 web pages and are involved in development efforts and maintenance support for those web pages which are used by all Washington courts, AOC staff, justice partners, case participants and the general public. The technical staff are often times pulled away from the level of support needed for the eFiling applications. These applications also integrate with the AC-ECMS used by the Appellate Courts. In addition to the eFiling applications, the project and operations teams are currently working on assisting the Appellate Courts in making the electronic court record the official court record by building

a web based solution to deliver electronic court records to case participants, justice partners, and general public.

In addition to the eFiling integration work, the operations team has also completed and is currently supporting the integration between the ACORDS and Appellate Electronic Court Records. The team is also working with the WSBA and the Supreme Court to implement a new document and attorney applicant data exchange that will require ongoing support.

Appellate Electronic Court Records, E-Filing applications, and their suite of other services and products will need to be maintained and enhanced once the project ends at the conclusion of the 2019-2021 biennium. This decision package identifies the FTEs that will be necessary to provide support for the Appellate Courts' AC-ECMS, eFiling applications, and their associated suite of services and products. This decision package also identifies the resources needed to fund the agreed upon System Maintenance Agreement, OnBase license fees, training (AOC and OnBase), premium subscriptions for OnBase training, travel, and equipment.

Today, King County sends their case data to the EDR and the Appellate support team completed work in the Appellate Court suite of applications to retrieve the data from the EDR. Soon, the Superior Courts using the Odyssey Case Management System will begin the work to send the case data to the EDR. The Appellate support team will need to complete work to retrieve superior court case data from the EDR for the impacted Appellate Court applications.

Because of the increase in systems and applications in the Appellate Court portfolio and the increase in the customer base, the AOC has added a technical and business owner to help manage the day-to-day operations as well as developing and managing the long-term support and operation strategies.

**Current Level of Effort:**

This decision package is the initial request to establish additional FTEs necessary for the ongoing maintenance and operations. Currently, the Appellate Court support and maintenance team is staffed with permanent AOC staff, temporary staff funded by the project, and vendors. When the project ends, the project and vendor staff will no longer support the Appellate Court applications.

**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 Appellate Court applications and the associated suite of services and products:

1. All Appellate Court applications will be maintained and operated in a similar manner to existing AOC products and services.
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. The project OnBase technical developers responsible for developing the Appellate Electronic Court Records consists of three full-time project developer positions and three on-site OnBase developers. When the project ends, we will no longer have the three full-time project developers and the on-site OnBase developers will no longer assist with OnBase development and maintenance.
6. Changes to the EDR and the suite of associated services and products will require changes to Appellate Court applications, data exchanges, and data dissemination methodologies.
7. Technical support will be required by all existing customers utilizing the Appellate Court Applications and products. This support will be focused on helping customers solve issues related to performance, data access, solution architecture, and other technical issues.
8. The Appellate Court applications support the Supreme Court and three Court of Appeals Divisions in the state of Washington. As such, the tolerance for downtime of the overall systems and web pages will be low.
9. AOC will use a phased approach to recruit for and hire the new positions.
10. Business needs will be discovered that were not met by the AC-ECMS project.
11. Business and customer support consisted of one business analyst until recently when another business analyst (half-time dedicated to business analysis functions and half-time dedicated to Business Owner activities) joined the team to help support the Appellate Courts. The Appellate Courts do not have a dedicated AOC Customer Support Representative and all customer calls for all of the applications are handled by the two business analysts and AOC web development team members. This often results in slow response times and time away from needed business analysis and web development work. Examples of business and customer support are:
  - a. Answering questions and addressing training and system issues.
  - b. Address system outages, slowness or other issues.
  - c. Working with Appellate Courts to improve system behaviors to achieve desired business outcomes.

Projected new FTEs to meet staffing needs:

1. Customer Service Specialist (Range 58) – 1 (***Projected Start Date: 7/1/2022***)
2. Senior System Integrators (Range 70) – 4
  - a. Position #1: OnBase Workflow Administrator (***Projected Start Date: 8/1/21***)
  - b. Position #2: OnBase System Administrator (***Projected Start Date: 11/1/21***)
  - c. Position #3: Web Dev Senior System Integrator (***Projected Start Date: 8/1/21***)
  - d. Position #4: Web Dev Senior System Developer (***Projected Start Date: 8/1/21***)
3. Business Analyst (Range 66) – 1 (***Projected Start Date: 7/1/21***)

Each FTE would receive standard initial equipment costs in the first year and standard goods and services and travel costs each year. All AC-ECMS staff would be provided additional initial and ongoing training costs.

## **Decision Package Justification and Impacts**

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

#### **Accessibility.**

Accessibility to appellate electronic court records is critical. Implementation of Appellate Electronic Court Records will substantially enhance and expand access to appellate court case records. A public access site will provide free and open access to the public and Washington State Bar Association.

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

This request is critical to maintaining effective Appellate court management. Without staffing to support the additional applications and associated suite of services and products most courts would experience slower response time from AOC and potentially increased system down time which may lead to a significant degradation of the efficiency of the courts.

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

Continued reliability of appellate court record systems is mission critical. This package will create the FTEs required to appropriately staff and support the Appellate Court applications and the associated suite of services and products. Without the FTEs, training, and support funding 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?**

No.

#### **What is the impact to the Capital Budget?**

No.

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

No.

#### **Is the request related to or a result of litigation?**

No.

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

No reasonable alternatives exist for the continued support of the systems and the additional customer base after the AC-ECMS 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 support, maintain, operate and enhance the systems and associated products used by the Appellate Courts, thereby hindering the ability of courts and justice partners to operate effectively. Appellate case participants could experience delay in electronically filing their pleadings if filing portals cannot be maintained timely. Electronic filing, at the appellate level, is mandatory for anyone admitted to practice law in the State of Washington. Filing deadlines may be missed if the eFiling portal is not consistently monitored and maintained

to avoid site downtime. The public may also experience delay to court record access absent adequate web services support.

**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:**

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

Projected new FTEs to meet staffing needs:

1. Customer Service Specialist (Range 58) – 1 (*Projected Start Date: 7/1/2022*)
2. Senior System Integrators (Range 70) – 4
  - a. Position #1: OnBase Workflow Administrator (*Projected Start Date: 8/1/21*)
  - b. Position #2: OnBase System Administrator (*Projected Start Date: 11/1/21*)
  - c. Position #3: Web Dev Senior System Integrator (*Projected Start Date: 8/1/21*)
  - d. Position #4: Web Dev Senior System Developer (*Projected Start Date: 8/1/21*)
3. Business Analyst (Range 66) – 1 (*Projected Start Date: 7/1/21*)

**Customer Service Specialist (1):** Customer Service Specialist delivers customer support services for judicial information technology applications by providing consultation and problem resolution to customers using applications supported by AOC.

Since the project started, AOC has seen an increase of systems and applications used by the Appellate Courts such as two E-Filing Applications, a content management system and soon will support a Web Access document portal.

**Senior System Integrators (4):** The Appellate System and Application Portfolio is a suite of products and services that support all appellate related applications such as OnBase, the Content Management System, eFiling, electronic filing of the Appellate documents and ACORDS, the appellate case management system. There have been numerous requests from the Court of Appeals and Supreme Court requesting new workflows and processes. Requests include a new electronic exchange with the Washington State Bar Association (WSBA) for attorney admissions, a way to facilitate letter generation within the OnBase system and another major focus has been providing the general public electronic access to the appellate court documents as well as case participants and attorneys. There have been requests to implement and expand inmate eFiling service to other Department of Corrections (DOC) correctional centers. To support the growing need, four Senior System Integrator positions are required to maintain and enhance these tools. In order to support and maintain the entire Appellate related products and services portfolio, these positions are imperative to the success of supporting our Appellate Court Judiciary statewide data and content 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.

**Position 1: OnBase workflow administrator position.** The AC-ECMS is the Hyland OnBase document/workflow management system used by the Appellate Courts. This position is primarily responsible for the design, development, and implementation and production support of the AC-ECMS and workflow solutions. This position is responsible for configuring OnBase software to create workflows and automate manual processes in the application and is responsible for creating reports around workflows using the OnBase reporting and dashboard module. The position is also the backbone for integrating the content management with the case management system with advanced understanding of the overall impact and interconnections of the AOC system infrastructure. This position will replace three project developers who currently perform these functions for the project. Without this position, necessary changes, development, expertise and maintenance will not occur on externally imposed timelines.

**Position 2: OnBase system administrator position.** This position is responsible for leading, facilitating, and implementing the installation of OnBase Thick or Unity Client(s) on desktops as needed. This position is also responsible for the activities associated with the administering of the daily OnBase user and group set up, permissions, and privileges as required for OnBase end-users. This position also leads the efforts required for OnBase version upgrades, security patches, and installation of new licenses to any newly purchased OnBase modules. This position performs daily troubleshooting and resolution functions to ensure the delivery of files from the eFiling applications into OnBase. This position is also responsible for coordinating and working with the onsite OnBase Administrator staff to resolve issues and perform needed maintenance activities. This position replaces the three onsite OnBase System Administrators assigned to the AC-ECMS project.

**Position 3: Web development senior system integrator.** With more and more requests coming in from the Court of Appeals and Supreme Court to retrieve data from ACORDS (Case Management System) into OnBase (Content Management System) and assist with the efforts needed for the technical analysis to modernize ACORDS based on AOC architecture strategies and roadmaps. The AOC and Appellate courts need someone with expertise and abilities to evaluate and perform complex Structured Query Language (SQL) and advanced web development. Currently, staff are temporarily assisting with some of these duties which conflict with other project priorities and as a result projects are suffering greatly to meet the deadlines. This position will also be responsible for system data and content integrations with external entities such as the WSBA and also will be working on designing, developing, and maintaining the web portion of the Web Access solution which is the avenue to providing electronic access to documents for the public. Additionally, this position will help with developing new artifacts to integrate non-King county courts with EDR and Odyssey as well as assisting with the development needs of the ACORDS modernization.

**Position 4: Web development senior system developer.** During the AC-ECMS project, two new eFiling applications were built using existing permanent AOC developer resources. These applications process a high-volume of documents each day, and the volume will increase as we implement Inmate eFiling. After the Inmate eFiling application is fully implemented, all four courts and 8 DOC institutions will receive more documents electronically each day. As a result, this position is expected to provide the needed technical development and support. The eFiling applications and webpages used by the Appellate courts will need enhancements, upgrades and issues/outages. The AOC and



Appellate courts need someone with expertise and abilities to develop webpages and web based applications at a senior level. This position also will assist with the efforts needed for the technical analysis to modernize the eFiling applications based on AOC architecture strategies and roadmaps. Currently, staff are temporarily assisting with some of these duties which conflict with other project priorities and as a result projects are suffering greatly to meet the deadlines. As a result, all courts, including the Appellate Courts are experiencing slow responses to web pages and web based applications enhancements and resolve production issues and system outages. This position is a new position to provide the needed development expertise required by the web pages and web-based applications used by the Appellate Courts that is currently being performed by a permanent AOC web developer assigned to other web pages and web applications.

**Business Analyst (1):** 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 and processing of case data and documents. They communicate with AOC technical staff and customers about requirements, education, processes, and the risks and benefits associated with multiple case and content management systems. This position will be crucial in establishing requirements that bridge the differences between the various statewide Appellate Court systems.

Existing resources cannot adequately and effectively support the new content management system and the Electronic Court Record web access solution. This new Business Analyst primary function would be supporting the new systems developed during the project that is set to end on June 30, 2021.

These positions are necessary to maintain and operate the systems, 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 Appellate Court systems and applications will be significantly impacted and impact our ability to deliver quality services. Without additional skilled resources, AOC will be unable to meet the complexity of maintaining these products.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** External Equipment Replacement

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

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

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 543	\$250,000	\$2,000	\$1,600,000	\$600,000
<b>Total Cost</b>	<b>\$250,000</b>	<b>\$2,000</b>	<b>\$1,600,000</b>	<b>\$600,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	0	0	0	0
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Equipment	\$250,000	\$2,000	\$1,600,000	\$600,000
<b>Total</b>	<b>\$250,000</b>	<b>\$2,000</b>	<b>\$1,600,000</b>	<b>\$600,000</b>

**Package Description:**

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

**Current Level of Effort:**

Each biennium, the Administrative Office of the Courts (AOC) requests money for equipment replacement on a five year replacement cycle.

**Decision Package expenditure, FTE and revenue assumptions, calculations and details:** Number and type of devices by fiscal year.

Device	FY 2022		FY 2023	
	Equipment Count	Equipment Cost	Equipment Count	Equipment Cost
Computers	246	\$246,000	2	\$2,000
Laser Printers	4	\$1,000	0	\$0
Impact Printers	1	\$3,000	0	\$0
Total	251	\$250,000	2	\$2,000

**Decision Package Justification and Impacts**

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

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

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

**Accessibility.**

N/A.

**Access to Necessary Representation.**

N/A.

**Commitment to Effective Court Management.**

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 new SC-CMS application.

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

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

**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?**

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?**

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

**Other supporting materials:**

None.

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

No

Yes

Washington State Judicial Branch  
2019 – 2021 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

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

**Budget Period:** 2021-2023 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.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 543	\$0	\$500,000	\$0	\$0
<b>Total Cost</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Contracts	\$0	\$500,000	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$500,000</b>	<b>\$0</b>	<b>\$0</b>

**Package Description:**

Funding for this project was provided in the 2019-2021 omnibus operating budget. However, a detailed analysis revealed additional complexities with the current JIS integration that need to be addressed before further Odyssey integrations are implemented. Therefore, funding appropriated in the 2019-2021 biennium will not be expended.

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 was funded by the legislature in the 2015-2017 biennium with unspent funds carried over into the 2017-2019 biennium. That project implemented the minimum infrastructure necessary to support the King County Clerk’s Office (KCCO) integration to the EDR in July 2019 after they had migrated to their own local case management system KCSCRIPT in November 2018. Since that time, AOC has been working with the King

County District Court (KCDC) on their integration to the EDR in preparation for their migration to their own local case management system in the fall of 2020.

This funding is needed to continue the work required to integrate other existing case management systems with the EDR to provide a unified source of all court data statewide. This request will enable AOC to integrate Odyssey with the EDR. In addition, several jurisdictions already have, or plan to procure, independent local case management systems. Pierce County Superior Court operates a system known as LINX and Seattle Municipal Court has procured a new case management system as well. To best serve the public, and to comply with the JIS Data Standard for Alternative Court Record Systems, AOC will need to support the integration, by the respective jurisdictions, of these systems into the EDR.

**Current Level of Effort:**

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, participation of both the AOC and Odyssey vendor will be required.
3. The AOC has 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.**

N/A.

**Access to Necessary Representation.**

N/A.

**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 for AOC

to be able to fulfill its central role in the state as the trusted provider of complete statewide court data. These integration efforts will make operations easier for the courts and state agencies.

**Appropriate Staffing and Support.**

N/A.

**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?**

Funding for the EDE was provided in the 2015-2017 biennial budget, with the understanding that the EDR would be an on-going program integrating other systems as they were deployed.

**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 AOC Enterprise Data Repository (EDR). As jurisdictions make decisions to implement their own local case management systems, their data would no longer be available on a statewide basis. This would lead to gaps in consistent court data that is vital to many federal, state and local organizations.

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

While this request was funded in the 2019-2021 biennium, circumstances have led AOC to let the funding lapse, with the expectation that the funding will be made available in the 2021-2023 biennium.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Internal Equipment Replacement

**Budget Period:** 2021-2023 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 2022	FY 2023	FY 2024	FY 2025
Fund 543	\$2,503,000	\$0	\$0	\$0
<b>Total Cost</b>	<b>\$2,503,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	0	0	0	0
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Goods/Services	\$180,000	\$0	\$0	\$0
Equipment	\$2,323,000	\$0	\$0	\$0
<b>Total</b>	<b>\$2,503,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Package Description:**

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

**Current Level of Effort:**

As critical information technology equipment reaches its end-of-life AOC requests funding to replace the equipment to reduce the possibility of catastrophic failure and to reduce the possibility of security incidents.

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

**Word Processing Updates:**

The current versions of Microsoft Office software do not allow AOC to leverage the new collaboration tools being offered. Additionally, the current version will not be supported as of April 2023, necessitating replacement. Upgrading to current software versions will



allow us to take advantage of the new features and tools allowing us to achieve greater efficiencies and remain supported by the vendor. Cost of this upgrade is \$180,000.

### **Z/OS Processor Upgrade:**

Transaction counts (usage) on the JIS applications continues to grow. In 1991, the number of transactions in the JIS applications alone was 200,000 and is currently over 1.5 million daily transactions. Other applications (e.g., JABS, JCS, and ACORDS) are also seeing a growth in transactions. We are seeing 10-15% yearly growth in the number of JIS transactions being processed. Z/OS processors will continue to be required as long as JIS (DISCIS) is hosted on the current platform. This upgrade will be utilized until JIS (DISCIS) is fully replaced with the new CLJ-CMS. Cost of this equipment, software license upgrades, and three years of maintenance/support is \$1,400,000.

### **Network Core Switch Replacement**

The Network Core Switch utilized at the AOC will be end of life. This equipment services the servers, computers, printers, wireless access points, and other network connected devices. These devices will also be upgraded to support 10 Gigabit transfer speeds to support the denser virtual servers we utilize. These costs include maintenance and support for three years. Total Cost of this equipment is \$273,000.

### **Data Domain Backup Server Replacement**

The Data Domain Backup Device reaches its end of life in July 2022. The AOC maintains two data domain backup devices, one at the AOC facility and one at our disaster recovery location. These devices are critical for the backup and restoration of court case management and data systems. The vendor will no longer support end of life devices, therefore funding is requested to replace both. Total cost of this equipment is \$650,000.

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

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

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

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

#### **Accessibility.**

N/A.

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

N/A.

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

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 new 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 disruption to JIS services.

**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?**

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?**

Equipment is no longer supported by the vendors, causing potential outages and security incidents.

**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 that 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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Administrative Office of the Courts

**Decision Package Title:** Juvenile Court Portfolio Enhancements

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Policy Level

**Agency Recommendation Summary Text:**

Funding is requested to expand AOC staff to sustain support for and enhance the juvenile court application Portfolio.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 543	\$483,000	\$549,000	\$549,000	\$549,000
<b>Total Cost</b>	<b>\$483,000</b>	<b>\$549,000</b>	<b>\$549,000</b>	<b>\$549,000</b>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	3	4	4	4
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$319,000	\$390,000	\$390,000	\$390,000
Benefits	\$106,000	\$129,000	\$129,000	\$129,000
Goods/Services	\$20,000	\$20,000	\$20,000	\$20,000
Travel	\$8,000	\$8,000	\$8,000	\$8,000
Equipment	\$30,000	\$2,000	\$2,000	\$2,000
<b>Total</b>	<b>\$483,000</b>	<b>\$549,000</b>	<b>\$549,000</b>	<b>\$549,000</b>

**Package Description:**

In December 2018, the Administrative Office of the Courts (AOC) and the Juvenile Departments embarked on a technology strategic planning effort to address a number of functional concerns with the systems provided by the AOC and meet emerging business needs that are requiring new capabilities. The concerns and emerging needs include but are not limited to:

- A backlog list of work items to enhance the Juvenile and Corrections System (JCS) that is large (and continues to grow) and has become unmanageable over the years.

- The need to understand and systematically address the gaps and deficiencies of JCS, desired assessment functions, referrals, detention, probation, and including the dependencies on other systems like Legacy Judicial Information System (JIS), Superior Court Case management System (SC-CMS) and the Enterprise Data Repository (EDR).
- Planning for the future state of the AOC provided systems for the juvenile departments.
- Aligning with the IT governance and the biennial funding processes to fund enhancement requests as a result of this strategic planning.

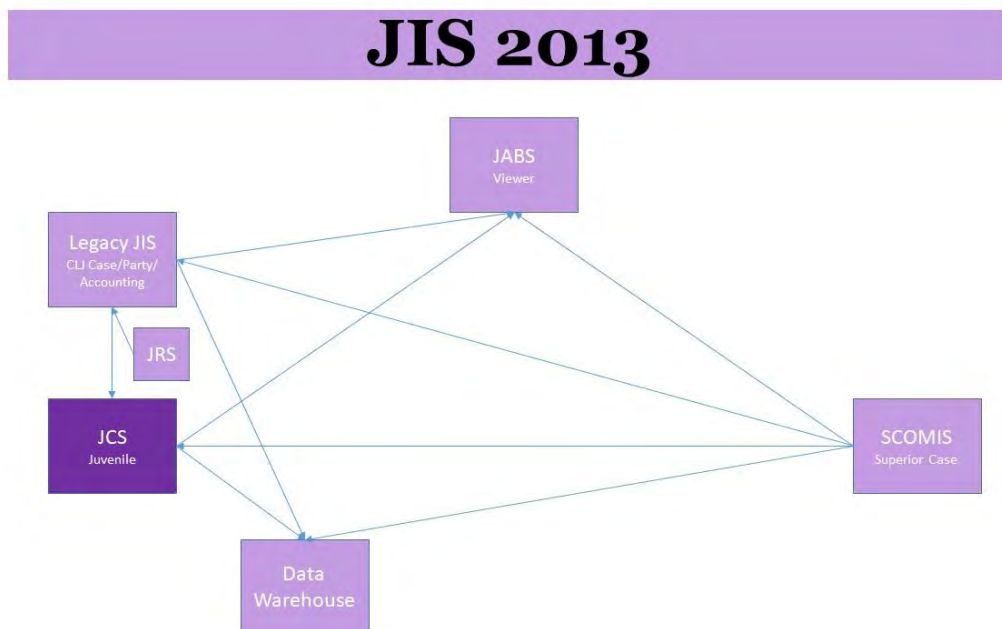
The planning committee, composed of juvenile court administrators, site coordinators, a detention manager, and AOC staff, defined a set of guiding principles to keep the planning effort focused and organized. With the guiding principles in mind, the planning committee examined and evaluated the current state of the technology portfolio. Through discussion and evaluation, the planning committee arrived at the following conclusions:

1. Address the JCS performance and maintenance issues.
2. Additional features and functional case management capabilities are needed.
3. Additional data reporting capabilities are needed.

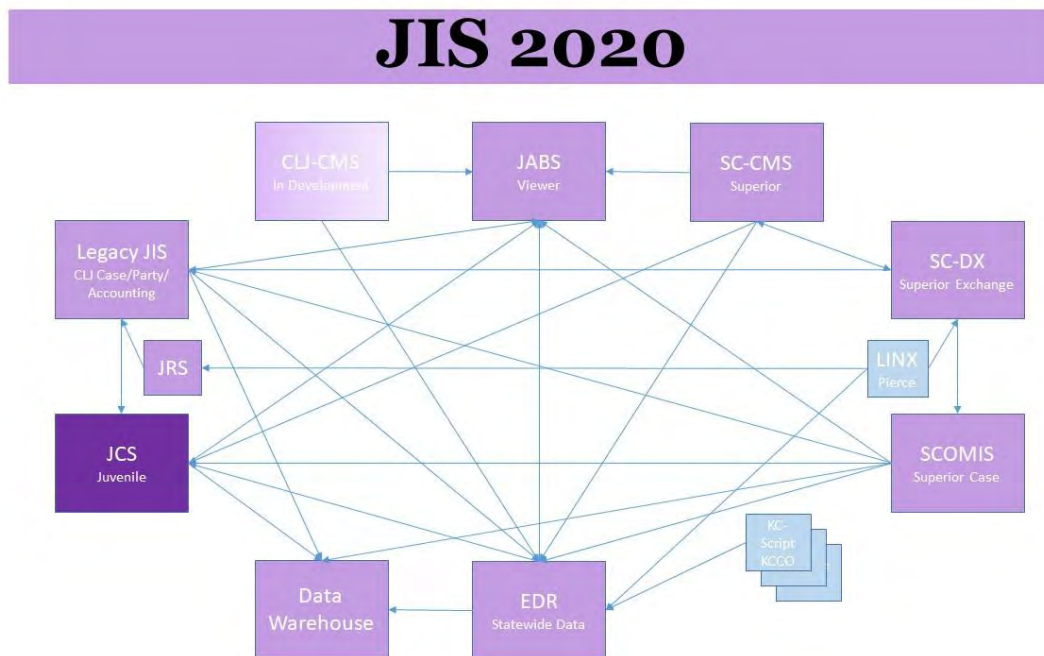
Focusing on the three issues above, the planning committee created a high-level roadmap that will guide the planning and execution process for the desired enhancements and capabilities.

**Current Challenges:**

*With the exception of juvenile systems, AOC legacy systems at all other court levels have been replaced or are currently in the process of being replaced. The following diagrams demonstrate how the complexity in AOC systems has increased over the past few years.*



In order to continue court operations, a complex network of interfaces have been developed. In addition to maintaining these new systems and interfaces, circumstances require AOC to maintain existing systems and interfaces for several years into the future making our environment even more complex.



With all of these changes, the juvenile systems support team is attempting to tie the JCS system into this complicated network of new processes while maintaining all the links to existing systems. Many of the tasks needed to support our current architecture simply cannot be started without additional staffing.

Another area of concern is in report creation. The ability to create reports to draw meaningful information to enhance the juvenile business processes, alternative programs, and overall decision making is critical to the operations of the juvenile departments. Access to data and the ability to extract the data from the systems being used is very difficult.

At the same time, the Juvenile Departments' requirements for new functions and features continues to increase. Legislative requirements, Juvenile research, evidence based programs and diversion programs, just to name a few, continue to increase the Juvenile Departments' dependence on technology and automation.

**Proposed Solution:**

The juvenile planning committee and staff identified the areas in the current application portfolio where systems fail to meet the needs of the juvenile departments. The following tasks are required to keep the juvenile system portfolio viable:

**Modernize the Juvenile and Corrections System (JCS) and related integrations**

- Prepare for upcoming Legacy Systems decommissioning:  
Superior Court Integration

EDR Integration  
Security Migration  
Database Migration

- Perform badly needed system upgrades – browser support / version upgrades / associated software support,
- Migrate code from Magic xpa to Microsoft .NET core,
- Keep current with mandated legislative enhancements,
- Improve JCS performance, and,
- Enhance JCS Reporting capabilities.

### **Person Management**

- Create a complete person management module to replace the Legacy JIS person module.

### **Enhance Detention Module**

- Enhance the referral management module,
- Develop property management module,
- Develop incident management module,
- Develop officer collaboration module,
- Develop visitation tracking module, and,
- Develop a flexible series of detention reports.

### **Develop a Supervision/Probation Module**

- Develop Probation Module,
- Develop alternative detention management module,
- Develop truancy module,
- Develop at-risk youth module,
- Develop dual status youth management module,
- Develop dependency module,
- Build JCAT Assessment Tool,
- Integrate JCAT Assessment Tool into JCS,
- Integrate WSART tracking into JCS, and,
- Develop a flexible series of supervision reports.

### **Current Level of Effort:**

This decision package requests that we establish additional permanent FTEs necessary for the ongoing development, maintenance, and operations of the juvenile systems portfolio. Currently, juvenile systems are supported by:

- Dedicated staff:
  - Business Owner (part-time)
  - Business Analyst
  - Senior Developer
  - Developer
- Non-dedicated staff:
  - Business Analyst (part-time)
  - Software Tester

## **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 Juvenile Court applications and the associated suite of services and products:

1. All Juvenile Court applications will be maintained and operated in a similar manner to existing AOC products and services.
2. Production issues will routinely be encountered requiring correction, including development, testing and deployment activities.
3. Many new capabilities will need to be added to the juvenile system portfolio.
4. We expect the pace of development to be slower as new employees learn our systems and software environment and existing staff are assisting new staff with training.
5. Changes to the EDR and the suite of associated services and products will require changes to juvenile court applications, data exchanges, and data dissemination methodologies.
6. Technical support will be required by all existing customers utilizing the juvenile court applications and products. This support will be focused on helping customers solve issues related to performance, data access, solution architecture, and other technical issues.
7. The juvenile court applications provide critical support to the juvenile courts of the State of Washington. As such, the tolerance for downtime of the juvenile systems will be extremely low.
8. New business needs will continue to be discovered that are not specifically detailed in this request.

Projected new FTEs to meet staffing needs:

1. Business Analyst (Range 66) – 1
2. Senior Developers (Range 70) – 2
  - a. Position #1: .NET Developer
  - b. Position #2: Database and Integration Specialist
3. Software Tester (Range 66) – 1

Each new FTE would receive standard goods and services, training, travel, and equipment costs.

It is assumed that subsequent to funding, all positions would be recruited and hired by September 1, 2021.

## **Position Descriptions:**

### **Business Analyst (Range 66)**

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 and processing of case data and documents. They communicate with AOC technical staff and customers about requirements, education, processes, and the risks and benefits associated with multiple case and content management systems. This position will be crucial in establishing requirements that bridge the differences between the various statewide juvenile court systems.

The current dedicated business analyst position is responsible for the support and maintenance of the entire juvenile portfolio. This is a full-time responsibility without the addition of the new requirements required by the Juvenile Departments. This new Business Analysts' primary function would be supporting the new functions and systems developed as part of the juvenile systems expansion and modernization.

This position is necessary to design, build, maintain and operate the new systems, as well as respond to changes necessitated by changes in laws, court rules, and business process. Without this position, implementation of changes and maintenance of the juvenile court systems and applications will be significantly impacted and impact our ability to deliver quality services. Without additional skilled resources, AOC will be unable to meet the complexity of maintaining these products.

### **Senior Developer (Range 70) Position #1: .NET Developer**

AOC is currently transitioning development efforts into the Microsoft .NET realm. To effectively support these .NET systems, resources need to be hired or retrained to effectively support this environment.

This senior developer will be responsible for creating applications to support the expansion and modernization of the juvenile system portfolio. Juvenile systems are all custom developed and AOC is responsible for building all new modules and interfaces.

This position will also be responsible for the migration of JCS code from Magic xpa to .NET. This effort will align the JCS system with AOC strategic plans for custom development. It will also replace this obscure coding environment with a main-line technology. This will greatly simplify our efforts when hiring staff or contractors to work on the JCS system.

In addition to expert level skills in .NET development (including C#) this position will also need expert level skills in user interface (UI) development.

Current staff have no capacity to add these responsibilities to their current workload.



### **Senior Developer (Range 70) Position #2: Database and Integration Specialist**

This is a senior developer specializing in integrations and database technologies.

As illustrated above, the AOC JIS application portfolio has increased tremendously in complexity with the addition of new systems and ties to external, non-JIS systems. This has created a need for a collection of sophisticated interfaces between systems as well as database links to the Enterprise Data Repository (EDR).

The AOC and juvenile courts needs someone with expertise and abilities to evaluate and perform complex Structured Query Language (SQL) and advanced interface development.

Creating these system ties and interfaces requires a senior developer who, not only understands how these systems communicate with each other, but also understands how to work efficiently with databases.

Current staff have no capacity to add these responsibilities to their current workload.

### **Software Tester (Range 66)**

Software testers perform a critical role in the deployment of new systems. With the complexities introduced by new multiple inter-related systems at AOC, software testing has become exceedingly more important. Critical pieces of information pass from system to system. Ensuring the accuracy and completeness of data used in the juvenile system is of paramount importance related to the lives of the kids we represent.

We will require an experienced software tester with broad experience in system testing. The tester will also need working level expertise in Structured Query Language (SQL).

### **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 juvenile court management. Without staffing to support the existing juvenile portfolio as well as the additional application enhancements, the Juvenile Department will not be able to effectively process, track and manage juveniles through the system.

**Appropriate Staffing and Support.**

This decision package will create the FTEs required to appropriately staff and support the juvenile court applications and the associated suite of services and products. Without the FTEs and support funding 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?**

*Juvenile Departments* will benefit by the increased man power which will enable the AOC to provide more functionality to their case management system and reporting. The increased functionality for the Juvenile Departments will automate processes and functions currently performed manually by the Superior Courts.

The *Washington State Department of Children, Youth and Families* (DCYF) will benefit from the improved reporting capabilities in which the Juvenile Departments have an inter-reliant relationship.

**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 juvenile planning committee and staff identified three alternative approaches in the strategic plan.

- Option 1 - Modernize and Enhance JCS
- Option 2 – Augment JCS with Odyssey Supervision
- Option 3 – Enhance JCS without Additional Resources

The planning committee, using a predetermined evaluation criteria, examined each option. The results point to Option 1 as the leading and desired strategy.

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

If this request is not funded, AOC will not have the resources necessary to support, maintain, operate and enhance the systems and associated products used by the juvenile courts. This could jeopardize the ability of AOC to adequately support the juvenile courts, therefore, hindering the ability of courts and justice partners to operate effectively. In the case of juvenile work that is mandated by the legislature or court rule, resources will need to be taken from other areas preventing those areas from working 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:**

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  
2021 - 2023 Biennial Budget  
Decision Package

**Agency:** **Administrative Office of the Courts**

**Decision Package Title:** **Courts of Limited Jurisdiction Case Management System**

**Budget Period:** **2021-2023 Biennial Budget**

**Budget Level:** **Policy Level**

**Agency Recommendation Summary Text:**

Funding is requested to continue the implementation of the new Commercial-Off-The-Shelf (COTS) Case Management System (CMS) for the Courts of Limited Jurisdiction (CLJ) and probation offices. This project will continue the replacement of the legacy Courts of Limited Jurisdiction Case Management System (CLJ-CMS) known as DISCIS.

**Summary:**

<b>Operating Expenditures</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Fund 543	\$7,987,000	\$8,848,000	\$9,250,000	\$8,050,000
<b>Total Cost</b>	<b>\$7,987,000</b>	<b>\$8,848,000</b>	<b>\$9,250,000</b>	<b>\$8,050,000</b>
<b>Staffing</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	33	35	36	36
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Salaries	\$3,140,000	\$3,436,000	\$3,437,000	\$3,437,000
Benefits	\$1,045,000	\$1,142,000	\$1,143,000	\$1,143,000
Contracts	\$3,500,000	\$4,000,000	\$4,400,000	\$3,200,000
Goods/Services	\$30,000	\$30,000	\$30,000	\$30,000
Travel	\$240,000	\$240,000	\$240,000	\$240,000
Equipment	\$32,000	\$0	\$0	\$0
<b>Total</b>	<b>\$7,987,000</b>	<b>\$8,848,000</b>	<b>\$9,250,000</b>	<b>\$8,050,000</b>

**Package Description:**

This decision package will continue the funding of the CLJ-CMS implementation project. The Administrative Office of the Courts (AOC) recognizes that replacing a major legacy system is a multi-year effort and requires a multi-million dollar investment. During the 2021-2023 biennium, the project will focus on implementing electronic filing (eFiling) for all District and Municipal Courts. The AOC will also continue collaboration with the selected solution provider to continue deployment of the selected product to all District and Municipal Courts, and probation departments statewide.

**Current Level of Effort:**

Funding was provided in the 2019-2021 biennial omnibus budget. This request will continue funding the project previously authorized.

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

Expenditure and FTE estimates are based on the project work schedule, project work activities, and anticipated project deliverables.

A project plan was created including work activities of both the anticipated contractors engaged in the contract, 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 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 actual expenditures from similar sized projects that were completed at the AOC.

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

During the 2021-23 biennium, the project will have up to 35.4 FTE's with salary/benefits costs of \$8.7 million. In addition, approximately \$7.5 million is requested for vendor solution costs and other related contracts. Project costs, including travel and computer equipment is approximately \$572,000.

**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. The CLJ-CMS project will help make Washington court data available to all, either during a trial or by removing the need to physically travel to a court location for information. AOC will modernize legacy systems which will allow for faster access to core court information while ensuring that the system is easier to update. In particular, the CLJ-CMS courts will have increased access to court information, reduced delays and a reduced strain on judicial decision-makers.

**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 still does as intended and was considered state of the art at the time of implementation, court business and technology needs have evolved.

The CLJ courts have a vision which includes desired functions intended to address the needs of the courts and offers business improvement. The improved and expanded capabilities will assist the courts in meeting 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 judicial partners and the public.

### **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 \$250 million per year in state and local revenues (excluding restitution and other "trust" monies).

The new Courts of Limited Jurisdiction 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, 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 no longer makes business sense to continue to upgrade it to meet new requirements. The scope of work for this effort is similar to the Superior Courts Case Management System project which successfully concluded in 2018 and there are many lessons learned to be used to ensure a successful implementation for the Courts of Limited Jurisdiction. In addition, the CLJ-CMS project team worked with a vendor to complete a market study of the current market where this was recommended as the best approach.

**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 their own separate 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. This request was funded in the 2019-2021 biennium, this is asking for continuation of funds.

**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 LAW LIBRARY**

## **INTRODUCTION**

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

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

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

## **STRATEGIC PLAN**

### **AGENCY MISSION**

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

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

### **STATUTORY AUTHORITY**

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

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



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

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

## **GOALS**

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

## **MAJOR STRATEGIES**

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

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

## **MEASURES**

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

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

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

## **EXTERNAL ENVIRONMENT**

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

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

## **TRENDS**

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

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

## **STRATEGIES**

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

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

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

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

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

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

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

## **FINANCIAL PLAN**

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



Dollars in Thousands

**ABS024 Recommendation Summary**  
**State Law Library**  
**2021-23 Regular Budget Session**  
**LL2123 - Law Library 2021-23 Biennium**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	13.8	3,447	128	3,575
<b>2019-21 Current Biennium Total</b>	<b>13.8</b>	<b>3,447</b>	<b>128</b>	<b>3,575</b>
CL 91M DES Motor Pool Fleet Rate Increase	0.0	1	0	1
CL 92K DES Central Services	0.0	5	0	5
CL 92R OFM Central Services	0.0	1	0	1
CL BSA Move Pension Fund Shift to Agencies	0.0	128	(128)	0
CL G06 State Public Employee Benefits Rate	0.0	6	0	6
CL G6MR Medicare-Eligible Retiree Subsidy	0.0	1	0	1
CL GL9 Non-Rep General Wage Increase	0.0	21	0	21
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	1	0	1
<b>Total Carry Forward Level</b>	<b>13.8</b>	<b>3,611</b>	<b>0</b>	<b>3,611</b>
Percent Change from Current Biennium	.0%	4.8%	(100.0)%	1.0%
	0.0	0	0	0
<b>Total Maintenance Level</b>	<b>13.8</b>	<b>3,611</b>	<b>0</b>	<b>3,611</b>
Percent Change from Current Biennium	.0%	4.8%	(100.0)%	1.0%
	0.0	0	0	0
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2021-23 Total Policy Level</b>	<b>13.8</b>	<b>3,611</b>	<b>0</b>	<b>3,611</b>
Percent Change from Current Biennium	.0%	4.8%	(100.0)%	1.0%

**CL BSA Move Pension Fund Shift to Agencies**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**ABS024 Recommendation Summary**  
**State Law Library**  
**LL2123 - Law Library 2021-23 Biennium**  
*Dollars in Thousands*

**Report Number: ABS024**

<b>Input Parameters</b>	<b>Entered as</b>
Session	2021-23 Regular
Agency	046
Version Source	A
Version	LL2123
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y

# Court of Appeals

## ***Agency Goals and Objectives***

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

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

## ***Judges***

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

### **Division I**

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

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

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

### **Division II**

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

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

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

### **Division III**

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

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

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

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

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

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

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

### ***Primary Functions Performed***

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

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

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

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

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

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

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

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

### ***Court of Appeals - Mission***

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

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

### ***Court of Appeals - Goal***

The primary goal of the Court of Appeals is:

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



## ***Major Strategies***

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

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



Dollars in Thousands

**ABS024 Recommendation Summary**  
**Court of Appeals**  
**2021-23 Regular Budget Session**  
**COA2123 - Court of Appeals 2021-2023**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	140.6	41,946	1,492	43,438
<b>2019-21 Current Biennium Total</b>	<b>140.6</b>	<b>41,946</b>	<b>1,492</b>	<b>43,438</b>
CL 8V Capital Project Operating Costs	0.0	(184)	0	(184)
CL 92C Archives/Records Management	0.0	(5)	0	(5)
CL 92J CTS Central Services	0.0	(2)	0	(2)
CL 92K DES Central Services	0.0	(2)	0	(2)
CL 92R OFM Central Services	0.0	18	0	18
CL 97 Merit System Increments	0.0	82	0	82
CL BSA Move Pension Fund Shift to Agencies	0.0	1,492	(1,492)	0
CL BY Retirement Buy Out	0.0	(186)	0	(186)
CL EOFS Salaries for Elected Officials	0.0	235	0	235
CL G06 State Public Employee Benefits Rate	0.0	55	0	55
CL G6MR Medicare-Eligible Retiree Subsidy	0.0	6	0	6
CL GL9 Non-Rep General Wage Increase	0.0	458	0	458
CL GLB Non-Rep Premium Pay	0.0	4	0	4
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	16	0	16
<b>Total Carry Forward Level</b>	<b>140.6</b>	<b>43,933</b>	<b>0</b>	<b>43,933</b>
Percent Change from Current Biennium	.0%	4.7%	(100.0)%	1.1%
<b>Maintenance – Other Changes</b>				
ML 8L Lease Adjustments	0.0	75	0	75
<b>Maintenance – Other Total</b>	<b>0.0</b>	<b>75</b>	<b>0</b>	<b>75</b>
<b>Total Maintenance Level</b>	<b>140.6</b>	<b>44,008</b>	<b>0</b>	<b>44,008</b>
Percent Change from Current Biennium	.0%	4.9%	(100.0)%	1.3%
	0.0	0	0	0
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2021-23 Total Policy Level</b>	<b>140.6</b>	<b>44,008</b>	<b>0</b>	<b>44,008</b>
Percent Change from Current Biennium	.0%	4.9%	(100.0)%	1.3%

**ABS024 Recommendation Summary**  
**Court of Appeals**  
**COA2123 - Court of Appeals 2021-2023**  
*Dollars in Thousands*

**CL    BSA    Move Pension Fund Shift to Agencies**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**ML    8L    Lease Adjustments**

Funding is requested for increased lease costs associated with lease operating escalator provisions and tax assessments.

**Report Number: ABS024**

<b>Input Parameters</b>	<b>Entered as</b>
Session	2021-23 Regular
Agency	048
Version Source	A
Version	COA2123
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y

Washington State Judicial Branch  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Court of Appeals

**Decision Package Title:** Lease Increase

**Budget Period:** 2021-2023 Biennial Budget

**Budget Level:** Maintenance Level

**Agency Recommendation Summary Text:**

Funding is requested for increased lease costs associated with lease operating escalator provisions and tax assessments.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$27,000	\$48,000	\$0	\$0
<b>Total Cost</b>	<b>\$27,000</b>	<b>\$48,000</b>	<b>\$0</b>	<b>\$0</b>
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0	0	0	0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Good/Services	\$27,000	\$48,000	\$0	\$0
<b>Total Cost</b>	<b>\$27,000</b>	<b>\$48,000</b>	<b>\$0</b>	<b>\$0</b>

**Package Description:**

Funding is requested for increased lease costs for Court of Appeals facilities during the 2021 – 2023 Biennium. The request includes projected lease increase costs associated with leased space in Seattle (Division I) and Tacoma (Division II).

Division I's current lease is up for renewal/extension effective September 1, 2021. As the lease renewal process is just beginning, the Court does not have information available regarding any potential/projected increase in the base rent. Therefore, any increase in the rental rate will need to be addressed in a Fiscal Year 2022 Supplemental budget. This request is to secure funding for the projected operating escalator increases for the 2021 – 2023 biennium (\$7,200/Fiscal Year 2022 and \$8,640/Fiscal Year 2023).

In 2019, the Department of Enterprise Services informed Division II that the current facility was to be sold as instructed by the Legislature. Due to the uncertainty of the situation, including outstanding security and maintenance concerns, Division II secured

a new facility for the court. This request is to secure funding for the escalator provisions of the lease for the 2021 – 2023 biennium (\$19,700/Fiscal Year 2022 and \$39,000/Fiscal Year 2023).

**Current Level of Effort:**

None.

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

None.

**Decision Package Justification and Impacts**

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

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

N/A.

**Accessibility.**

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

**Access to Necessary Representation.**

N/A

**Commitment to Effective Court Management.**

N/A.

**Appropriate Staffing and Support.**

N/A.

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

None.

**What is the impact to the Capital Budget?**

N/A.

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

No.

**Is the request related to or a result of litigation?**

No.

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

None. The costs and disruption of relocation would be prohibitive.

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

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

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

There are no funds allocated to support the lease increase costs in the Court of Appeals current appropriation.

**Other supporting materials:**

None.

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

No

Yes

# Washington State Office of Public Defense

## AGENCY NARRATIVE

### OVERVIEW

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

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

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

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

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

### AGENCY MISSION

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

### STATUTORY AUTHORITY

The Office of Public Defense's enabling statute is Chapter 313, Laws of 2008, RCW 2.70 et. seq., which specifically authorizes OPD's programmatic activities. Additional legislative authority for the Extraordinary Criminal Justice Costs program is RCW 43.330.190; for the Indigent Defense Program, Chapter 10.101 RCW and RCW 43.08.250; for the Parents Representation Program, RCW 43.08.250; and for the SVP program, Chapter 71.09 RCW.

## **AGENCY GOALS**

Implement the constitutional guarantee of counsel at all court levels.

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

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

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

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

## **OBJECTIVES**

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

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

Improve parents' representation in dependency and termination cases.

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

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

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

## **STRATEGIES**

- Work under the direction of the Office of Public Defense Advisory Committee to develop and administer programs.



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

## **FINANCIAL OUTLOOK**

In 2013, the U.S. District Court of the Western District of Washington issued a decision in *Joseph Jerome Wilbur, et al., v. City of Mount Vernon, et al.*, holding that the cities of Mount Vernon and Burlington are liable under 42 U.S.C. §1983 for the systemic flaws that deprive indigent criminal defendants of their Sixth Amendment right to the assistance of

counsel. Among other requirements, the court ordered the cities to hire a Public Defense Supervisor to oversee, document, and report progress on improvements. Since then, cities and counties throughout the state have begun to review their own public defense programs in light of *Wilbur* as well as the Supreme Court's misdemeanor caseload standards that become effective January 2015.

The *Wilbur* case is just one of several lawsuits and news reports in recent years that have highlighted the substandard quality of trial level indigent defense in a large number of Washington jurisdictions. Others include a *Seattle Times* series, "Unequal Justice"; a WSBA Report by the Blue Ribbon Task Force on Indigent Defense; an ACLU report entitled "The Unfulfilled Promise of Gideon"; and two lawsuits against Grant County for failure to provide adequate indigent defense services in adult felony and juvenile offender cases. By all estimates, criminal public defense is grossly underfunded in Washington. Annually since 2007, OPD has published statewide reports on the current status of public defense in the counties and cities receiving state funding, and will publish another such report in 2016. These reports are based on individualized county and city data submitted to OPD through the RCW 10.101 petition process funded by the Legislature.

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

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

## **APPRAISAL OF EXTERNAL ENVIRONMENT/TRENDS IN CUSTOMER CHARACTERISTICS**

### *Indigent Appellate Defense*

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

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

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

In general, appellate cases take from one to two years from filing to appellate court decision. Court reporter and court clerk costs are generally incurred at the beginning of the appellate case and are paid within its first year. In contrast, timing of attorney billing

is more difficult to predict. OPD has a multiple-payment schedule that allows attorneys to bill as work is completed. The last two payments in each case, for filing the written brief and at the conclusion of the case, can occur sometime between six months and two years after the appeal is filed. The levels of indigent appellate case filings continue to fluctuate from month to month. The new appointment system helps OPD track case filings.

Due to their complex and difficult nature, appellate death penalty cases cost more than any other type of indigent appellate defense. There are several death penalty appellate cases currently under consideration by the Supreme Court and it is likely that more will be filed during the -2017-2019 biennium. In addition, new death penalty charge notices are currently being considered at the trial level. Although Governor Inslee declared a moratorium on executions during his term, this action does not preclude death penalty charges, trials, or appeals.

### Parents Representation Program

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

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

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

Several independent evaluations have verified that the Parents Representation Program has succeeded in achieving the goals set forth. The most recent evaluation, published nationally by a prestigious child welfare journal, found that the program significantly accelerates case resolution, benefitting all of the children involved.

### Trial Level Indigent Defense

The 2005 Legislature adopted two bills relating to indigent defense representation in the State of Washington - House Bill 1542 and Senate Bill 5454.

House Bill 1542 (codified at Chapter 10.101 RCW) states "The legislature finds that effective representation must provide for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional of fairness, equal protection, and

due process in all cases where the right to counsel attaches,” and mandates that OPD disburse funds to counties contingent on their implementation of improvements in their public defense services. The 2006 Legislature appropriated \$3 million for the program, and the 2007 Legislature adopted about \$3.5 million in additional annual funds.

Under the bill’s requirements, counties may qualify for a percentage of the state funding under a program administered by OPD if they meet the standards for public defense endorsed by the Washington State Bar Association or have made appreciable demonstrable improvements in the delivery of public defense services. Such improvements must include the counties’ adoption of standards addressing the factors set forth in RCW 10.101.030; counties also must require that public defense attorneys attend training, require that attorneys who handle the most serious cases meet specified qualifications, provide extra compensation in extraordinary cases, and provide funding exclusive of attorneys’ compensation for experts, investigators, and conflict cases. The bill also provides for a competitive grant program to improve public defense in municipal courts.

Senate Bill 5454 states “The legislature recognizes the state’s obligation to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases.” In accordance with this mandate and concomitant funding, OPD has set up several services to improve public defense in the counties. These include a regional training program for attorneys in rural counties, and a case consultation contract service so contract attorneys may discuss their cases with expert defense attorneys. OPD also provides consulting services for county and city officials on public defense contracts and other public defense issues.

#### *Extraordinary Criminal Justice Costs*

RCW 43.330.190 establishes OPD’s duty to create, distribute, and process county petitions for reimbursement of aggravated murder case funds. In consultation with the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC), OPD develops a prioritized list and submits it to the Legislature at the beginning of each legislative session.

#### *Sexually Violent Predator Program*

The 2012 Legislature added SVP cases to OPD’s administration of indigent defense contracts and services. The Legislature previously had directed OPD to conduct an analysis of indigent defense in these cases and to make recommendations for transferring this state obligation from DSHS to OPD. Based on OPD’s analysis, the Legislature enacted Chapter 257 Laws of 2012 and appropriated funds to OPD for attorney contracts, expert services and other costs directly associated with providing effective indigent defense in these highly specialized and complex cases.

Based on data gathered during the first year of administering SVP defense services, OPD published a report in November 2013 that included information on the time to trial, continuances, and policy and budget recommendations, as required by Section 2 of the statute.

## **CONCLUSION**

OPD administers a number of important programs to implement the constitutional guarantee of counsel and ensure the effective and efficient delivery of the indigent services funded by the state. Pursuant to our state's constitutional obligation to provide adequate representation for indigent criminal defendants, parents involved in dependency and termination cases, and respondents in SVP cases, OPD will require increased funding to effectively deliver these services on a statewide basis.



Dollars in Thousands

**ABS024 Recommendation Summary**  
**Office of Public Defense**  
**2021-23 Regular Budget Session**  
**OPD2123 - OPD 2021-23 Biennial Budget**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	17.2	94,844	4,087	98,931
<b>2019-21 Current Biennium Total</b>	<b>17.2</b>	<b>94,844</b>	<b>4,087</b>	<b>98,931</b>
CL 4ELS Federal Funding for Legal Services	0.0	(105)	0	(105)
CL 92D Audit Services	0.0	0	1	1
CL 92E Legal Services	0.0	0	1	1
CL 92R OFM Central Services	0.0	0	2	2
CL BSA Move Pension Fund Shift to Agencies	0.0	278	(278)	0
CL CVG1 Public Defense Support	0.0	(610)	0	(610)
CL CVG2 Parents for Parents Program	0.0	(44)	0	(44)
CL D3 Disproportionality Training Coord.	(0.5)	(5)	0	(5)
CL D701 Litigation Defense	0.0	(400)	0	(400)
CL D801 Parents Representation Program	0.0	(1)	0	(1)
CL DP01 Dependency Parenting Plan	0.0	100	0	100
CL G06 State Public Employee Benefits Rate	0.0	6	0	6
CL G6MR Medicare-Eligible Retiree Subsidy	0.0	1	0	1
CL GL9 Non-Rep General Wage Increase	0.0	66	0	66
CL GLU PERS & TRS Plan 1 Benefit Increase	0.0	2	0	2
CL IVE1 IVE Funding Adj: Parent's Rep Adj	0.0	105	0	105
CL IVE2 IVE Funding Adj:Par Rep. Adj depend	0.0	1	0	1
CL PFPP Parents for Parents Program	0.0	200	0	200
CL SW01 Social Work Rate Increase	0.0	180	0	180
<b>Total Carry Forward Level</b>	<b>16.7</b>	<b>94,618</b>	<b>3,813</b>	<b>98,431</b>
Percent Change from Current Biennium	(2.9)%	(.2)%	(6.7)%	(.5)%
	0.0	0	0	0
<b>Total Maintenance Level</b>	<b>16.7</b>	<b>94,618</b>	<b>3,813</b>	<b>98,431</b>
Percent Change from Current Biennium	(2.9)%	(.2)%	(6.7)%	(.5)%
	0.0	0	0	0
<b>Subtotal - Policy Level Changes</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2021-23 Total Policy Level</b>	<b>16.7</b>	<b>94,618</b>	<b>3,813</b>	<b>98,431</b>
Percent Change from Current Biennium	(2.9)%	(.2)%	(6.7)%	(.5)%

**CL BSA Move Pension Fund Shift to Agencies**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**ABS024 Recommendation Summary**  
**Office of Public Defense**  
**OPD2123 - OPD 2021-23 Biennial Budget**  
*Dollars in Thousands*

**Report Number: ABS024**

<b>Input Parameters</b>	<b>Entered as</b>
Session	2021-23 Regular
Agency	056
Version Source	A
Version	OPD2123
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y



## Washington State Office of Civil Legal Aid

1206 Quince St. SE  
Olympia, WA 98504  
MS 41183  
360-704-4135  
360-704-4003 (fax)

James A. Bamberger, Director  
jim.bamberger@ocla.wa.gov

### INTRODUCTION

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency established by the Legislature in 2005 to administer and oversee the delivery of state-funded civil legal aid services to eligible low-income people in Washington State. OCLA contracts with a statewide “qualified legal aid program,” the Northwest Justice Project (NJP), to provide direct and sub-contracted civil legal aid services to eligible low income clients on matters falling within the areas of authorized practice set forth in RCW 2.53.030(2). OCLA is required, among other things, to ensure that state-funded legal aid services are delivered “in a manner that maximizes geographic access throughout the state.” RCW 2.53.030(3).

In addition to basic civil legal aid services authorized by RCW 2.53.030, OCLA administers federal Victim of Crime Act Funding to underwrite civil legal assistance to victims of crime throughout Washington State, pursuant to an interagency agreement with the Office of Crime Victims Advocacy in the state’s Department of Commerce.

OCLA also contracts with attorneys and defender agencies to represent children who remain in foster care and subject to dependency proceedings six months following the termination of their parents’ legal rights. OCLA provides support and oversight to ensure the provision of standards-based, culturally competent legal representation to promote and protect these children’s stated and legal interests.

The Office of Civil Legal Aid is overseen by a bipartisan Civil Legal Aid Oversight Committee. RCW 2.53.010. The Oversight Committee includes members appointed by both caucuses of the House and Senate, three representatives appointed by the Supreme Court (including a client-eligible member), two representatives appointed by the Board for Judicial Administration, a representative appointed by the Governor, and a representative appointed by the Washington State Bar Association. The Oversight Committee is chaired by Judge Greg Tripp (Ret.) from Spokane.

OCLA is staffed by an agency Director, a Children’s Representation Program Manager, a Civil Legal Aid to Crime Victims Program Manager and a full-time Senior Administrative Assistant.



## 1. Basic Civil Legal Aid Program

OCLA published the 2015 Civil Legal Needs Study (2015 CLNS), which defined the scale of our state's challenge in real terms - more than seven in 10 low-income people experienced an important civil legal problem each year.<sup>1</sup> Yet, 76% of these people had no professional legal help to solve their problems.<sup>2</sup> Problems affect access to basic health and human services, family safety, access to and the ability to retain affordable housing, economic security, employment and freedom from economic exploitation, and a range of other issues that affect basic liberties and implicate core property rights. The study outlined a "snowball effect" of how low-income people who experience one civil legal problem on average experience nine such problems, most of which arise from a single problem or set of problems. Victims of domestic violence and sexual assault experience more problems across the entire spectrum problem areas and average about 18 problems per capita per year, most of which flow from their victimization.

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

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

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

Responding to the 2015 CLNS findings, the bipartisan Civil Legal Aid Oversight Committee adopted the 2016 Civil Justice Reinvestment Plan (2016 CJRP). The 2016 CJRP outlined a multi-biennial budget and policy agenda to increase the ability of low-income people to understand their legal problems, secure access to legal help, and develop tools to help them solve problems before they spiral out of control. The 2016

---

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

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

CJRP also established a baseline level of client service capacity that the state should attain to achieve equity of access for low-income people with significant legal problems. This “minimum access”<sup>3</sup> baseline standard is 1 FTE attorney (or the equivalent of pro bono service) for every 5,000 people living at or below 125% of the federal poverty level (FPL).

OCLA funding supports a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 50,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.<sup>4</sup> At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 25 FTE civil legal aid attorneys.

The balance of the civil legal aid delivery system consists of staff attorneys employed by the statewide Northwest Justice Project and four state-funded specialized providers of civil legal aid services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.<sup>5</sup>

The Legislature endorsed the 2016 CJRP commitment to minimum access in both the FY 2017-19 operating budget and FY 2019 supplemental operating budgets. It appropriated funding for 20 additional FTE attorneys, an automated document assembly system for unrepresented family law litigants, and expansion of investment in pro bono service capacity. As of January 1, 2019, the state-supported civil legal aid footprint will include 143 full-time, state-supported attorneys.

According to the 2017 American Community Survey (ACS), nearly 1.05 million Washingtonians live at or below 125% of the federal poverty level.<sup>6</sup> Combining the staff and volunteer legal aid capacity, the ratio of FTE basic field legal aid attorneys to persons living at or below 125% of FPL is 1:7,342. When considered against the number of people living at or below 200% of FPL (1.86 million), this ratio declines to 1:13,006. Thankfully, service capacity has increased as a result of the combined VOCA and state investment, though there remains more to do before low-income Washingtonians will have meaningful access to the help they need to solve critical legal problems.

## 2. Crime Victims Legal Representation

---

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

<sup>4</sup> Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#) as it was amended in 2018 by Ch. 21, Laws of 2018.

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

<sup>6</sup> [https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_17\\_1YR\\_S1701&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_1YR_S1701&prodType=table)

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

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

### **3. Children's Legal Representation**

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

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

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

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

---

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

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

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

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

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

### AGENCY MISSION

The provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of justice. RCW 2.53.005. The Office of Civil Legal Aid will secure, invest, and oversee sufficient funding for the statewide civil legal aid delivery system, and will effectively administer the Children's Representation Program consistent with applicable standards of practice. The Office of Civil Legal Aid will ensure the highest level of accountability to taxpayers and beneficiaries for services delivered with public funds entrusted to the agency.

### STATUTORY AUTHORITY

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

- (a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW [2.53.030](#);
- (b) Monitor and oversee the use of state funding to ensure compliance with this chapter;
- (c) Report quarterly to the civil legal aid oversight committee established in RCW [2.53.010](#) and the supreme court's access to justice board on the use of state funds for legal aid; and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and
- (d) Submit a biennial budget request.

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

### GOALS

OCLA works to achieve results in service of the following eight goals:

1. Funding: Secure funding necessary to address the most important civil legal needs of low-income people as documented by the 2015 CLNS; secure sufficient funding to ensure ongoing, effective legal representation of legally free children.

---

<sup>9</sup> The Office of Civil Legal Aid adopted an agency Strategic Plan in 2008. The plan is under review and will be revised to reflect expanded agency responsibilities and increased public investment.

2. Accountability: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements and is responsive to the most significant civil legal problems experienced by eligible low-income people within Washington State.
3. Equity: Ensure that eligible low-income people have equitable access to the type and quality of civil legal aid services they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based, or other characteristics.
4. State Support: Support efforts to establish and maintain statewide support infrastructure so that the state-funded civil legal aid system is best positioned to provide effective and economical client services over time.
5. Integration Within the Judicial Branch: Ensure that the effective and economical delivery of civil legal aid is institutionalized as an enduring responsibility and high priority of the Washington State judicial branch.
6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid and the state-funded civil legal aid system, consistent with best practices and relevant professional standards for civil legal aid delivery.
7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of eligible low-income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.
8. Effective, Standards-Based Representation of Legally Free Children: Develop and manage systems to monitor, oversee and effectively support the provision of legal representation of legally free children consistent with the directives set forth in RCW 13.34.100(2)(6) and the standards referenced in that statute.
9. Effective Legal Assistance to Victims of Crime: Implement the Statewide Civil Legal Aid to Crime Victims Plan in a manner that ensures timely, responsive legal services delivered in consultation and coordination with community-based providers of related professional services to victims of crime.

## MAJOR STRATEGIES

To achieve its mission and goals the Office of Civil Legal Aid employs the following strategies:

- Establish concrete client service expectations with appropriate accountability benchmarks in its contract with the Northwest Justice Project.

- Coordinate closely with the Supreme Court’s Access to Justice Board and other key institutions to ensure the effective, efficient, and coordinated delivery of civil legal aid services in authorized areas of representation, consistent with the requirements of RCW 2.53, the ATJ Board’s 2018-2020 *State Plan for the Delivery of Civil Legal Aid*, Washington State’s Civil Equal Justice Performance Standards and other recognized national standards for delivery of civil legal aid.
- Conduct reviews of state-funded legal aid programs to ensure compliance with statutory, contractual, fiscal and service delivery expectations, requirements and limitations.
- Provide effective staff support for the bipartisan Civil Legal Aid Oversight Committee.
- Ensure that sufficient resources are invested in critical statewide capacities needed to achieve effective, efficient and consistent client service delivery, including professional skills and substantive law training, interpreter services, leadership development initiatives, regional delivery planning and coordination, case management, GIS, and other technology-based systems, etc.
- Work to ensure that the unmet civil legal needs of low-income people are considered and, where appropriate, incorporated into judicial and executive branch initiatives.
- Monitor and report periodically on changes in the substance and frequency of civil legal problems experienced by low-income people in Washington State.
- Provide effective support and training for, and effective oversight of, attorneys appointed to represent legally free children, pursuant to RCW 13.34.100(2)(6).
- Develop and oversee an integrated system that delivers effective civil legal aid services in concert with other community-based professional service providers, to address problems that arise from criminal victimization and that will help victims of crime move beyond their victimization in ways that are consistent with their individual and family safety and well-being.

## MEASURES

For the general civil legal aid program, OCLA conducts a biennial fiscal and regulatory review of NJP’s operations, and conducts annual site visits to selected NJP regional field service offices. OCLA staff also participates in site visits of staff and volunteer legal aid providers that receive state-funded via subcontracts. These oversight activities are undertaken to ensure:

- Compliance with all statutory requirements set forth in RCW 2.53.030
- Effective and efficient delivery of state-funded civil legal aid services in authorized areas of legal representation that are responsive to the needs of eligible clients
- Effective coordination of the delivery of civil legal aid services with other relevant legal, social and human services in communities throughout Washington State
- Provision of services consistent with national and state-based professional standards and best practices.<sup>10</sup>

---

<sup>10</sup> The State Auditor’s Office conducted an audit of OCLA’s contract management and oversight activities and found them to be appropriate to the task. [SAO Report No. 1016878](#), June 9, 2016. No exceptions were noted.

The Office of Civil Legal Aid uses the following tools in evaluating the efficiency and effectiveness of state-funded civil legal aid service delivery:

- The requirements of RCW 2.53.030
- The ATJ Board's *State Plan for the Delivery of Civil Legal Aid Services*
- Regional client service delivery plans
- The ATJ Board's *Standards for Civil Legal Aid in Washington State* (2009)
- The federal Legal Services Corporation's *Performance Criteria* (May 2007)
- The ABA's *Standards for the Delivery of Civil Legal Services to the Poor* (rev. August 2006)
- Relevant standards for accounting and fiscal administration

In the area of children's legal representation in dependency cases, the OCLA has:

- Developed, and requires state-funded children's attorneys use, a web-based Case Activity, Reporting and Oversight System (CAROS) to monitor the performance of state-funded attorneys representing legally free children.
- Engaged the Court Improvement Training Academy at the University of Washington School of Law to develop and deliver training designed to enhance the ability of state-funded attorneys to represent children consistent with the standards referenced in RCW 13.34.100(2)(6).
- Regularly provides other training, ongoing technical assistance and support, peer mentoring and other resources designed to ensure effective, standards-based legal representation.
- Conducts periodic performance reviews of contract attorneys.

## **EXTERNAL ENVIRONMENT**

Between 2008 and 2015, Washington State experienced a deep economic contraction and a slow, unequal recovery. Poverty rates have stabilized, but continue well above historic norms. According to the 2017 ACS, 14.4% of people in Washington State lived at or below 125% of FPL and 25.6% lived at or below 200% of FPL in 2017. There are deep and widening differentials in poverty rates between white and non-white populations. In 2017, 27% of African Americans, 19.0% of people who identify as Hispanic/Latino, and 25.2% of people who identify as Native American lived below 100% of FPL. The poverty rate for people who identify as White was 9.7%.

Cuts in local and state services coupled with significant changes in public policies directly affecting the poor, disabled, and vulnerable have led to increased homelessness, a systematic lack of critical services for children, the mentally ill, and other vulnerable populations, and other signs of social decay.

After significant capacity reductions between 2009 and 2015, new resources were invested in the statewide legal aid system following publication of the 2015 CLNS. An additional 23 VOCA-funded attorneys were added in 2017, 20 Civil Justice Reinvestment Plan FTE's were funded in the current bi-ennium by the Legislature,



along with increased investment in volunteer legal aid service capacity. Today the combined state-supported client service capacity is 143 full-service legal aid attorneys.

## **TRENDS**

Even though the worst of the economic crisis is behind us and much of the state's economy is as robust as ever, many were left behind; and many of these are forced to face complex problems that arise from, or are associated with, poverty, economic insecurity, housing insecurity, discrimination/disparate treatment, and the lack of an effective social safety net. For these people one problem often leads to a cascade of many. For example, a hospital bill becomes a debt collection problem that, once collateralized, becomes a mortgage foreclosure. Family social and economic stress is increased as life-long wage earners find themselves without jobs or the ability to secure new employment, as bills and legal obligations pile up. These dynamics were compounded by the loss of extended unemployment insurance benefits for the long-term unemployed. The loss of health, child care and other support services creates additional stresses on family incomes, causing them to make choices between paying rent, utilities, child care, credit card debt, or other essential services. The epidemic of domestic violence continues to fester in every part of the state.

## **STRATEGIES**

To address the crisis documented in the 2015 CLNS, the bipartisan Civil Legal Aid Oversight Committee worked with OCLA to develop the 2016 Civil Justice Reinvestment Plan. The 2016 CRJP has been embraced by the Legislature, with initial down payments made toward achieving minimum access capacity, expanding volunteer involvement in civil legal aid, and developing new systems to help unrepresented family law litigants successfully navigate the court system.

In addition, OCLA sought and successfully secured federal funding to develop and deploy a statewide legal assistance program for victims of crime. Initiated in the winter of 2016-17, the program provides a range of civil legal aid services to victims of crime throughout the state. The initial report on the crime victims program is available on OCLA's [website](#).

## **FINANCIAL PLAN**

Over the course of the FY 2019-21 and FY 2021-23 biennia, OCLA will continue to seek graduated increases in funding for the basic civil legal aid program. These increases will be designed to ensure prudent and manageable expansion of the program consistent with the goals of the Civil Justice Reinvestment Plan, and maintain client service capacity in light of known and measurable cost increases incurred by OCLA's civil legal aid service providers. The goal is to achieve minimum access client service capacity by the end of FY 2023 and move the state's investment over to a maintenance level focus rather than the current expansion focus.

While caseloads continue to grow, OCLA expects to operate the Children's Representation Program within the FY 2017-19 appropriation level.

## **STAFFING (4.0 FTE)**

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



Dollars in Thousands

**ABS024 Recommendation Summary**  
**Office of Civil Legal Aid**  
**2021-23 Regular Budget Session**  
**OCLA2123 - OCLA 21-23 Biennial Budget Req**

	Average Annual FTEs	General Fund State	Other Funds	Total Funds
CB T0PL Current Biennium Base	2.5	43,900	1,888	45,788
<b>2019-21 Current Biennium Total</b>	<b>2.5</b>	<b>43,900</b>	<b>1,888</b>	<b>45,788</b>
CL 92J CTS Central Services	0.0	1	0	1
CL AF Automated Document Assembly System	0.0	(165)	0	(165)
CL BSA Move Pension Fund Shift to Agencies	0.0	44	(44)	0
CL C1C6 Children's Representation Study	0.0	(505)	0	(505)
CL C2 Civil Justice Reinvestment-Phase 2	0.0	3,034	0	3,034
CL C401 Vendor Rate Increase	0.0	2,489	0	2,489
CL CR Children's Representation Study	0.0	(418)	0	(418)
CL CR01 Children's Repres. Caseload Adj.	0.0	(126)	0	(126)
CL CVG2 Tenant Evictions Study	0.0	(589)	0	(589)
CL GL9 Non-Rep General Wage Increase	0.0	14	0	14
CL KLSV Kinship Legal Services	0.0	25	0	25
CL RE Statewide Reentry Legal Aid Project	0.0	537	0	537
<b>Total Carry Forward Level</b>	<b>2.5</b>	<b>48,241</b>	<b>1,844</b>	<b>50,085</b>
Percent Change from Current Biennium	.0%	9.9%	(2.3)%	9.4%
	0.0	0	0	0
<b>Total Maintenance Level</b>	<b>2.5</b>	<b>48,241</b>	<b>1,844</b>	<b>50,085</b>
Percent Change from Current Biennium	.0%	9.9%	(2.3)%	9.4%
<b>Policy – Other Changes</b>				
PL P1 Childrens Rep Caseload Reduction	0.0	(330)	0	(330)
PL P2 Eliminate Funding for IFJC	0.0	(300)	0	(300)
PL P3 COVID Pandemic Legal Aid Services	1.0	10,440	0	10,440
PL P4 Eviction Rep Study Funding	0.0	568	0	568
<b>Policy – Other Total</b>	<b>1.0</b>	<b>10,378</b>	<b>0</b>	<b>10,378</b>
<b>Subtotal - Policy Level Changes</b>	<b>1.0</b>	<b>10,378</b>	<b>0</b>	<b>10,378</b>
<b>2021-23 Total Policy Level</b>	<b>3.5</b>	<b>58,619</b>	<b>1,844</b>	<b>60,463</b>
Percent Change from Current Biennium	40.0%	33.5%	(2.3)%	32.0%

**ABS024 Recommendation Summary**  
**Office of Civil Legal Aid**  
**OCLA2123 - OCLA 21-23 Biennial Budget Req**  
*Dollars in Thousands*

**CL BSA Move Pension Fund Shift to Agencies**

Employer pension contributions revert from the Pension Funding Stabilization Account to the State General Fund.

**PL P1 Childrens Rep Caseload Reduction**

Recent and projected reductions in caseloads of legally free children entitled to appointed counsel under RCW 13.34.100(6) require a downward adjustment to the FY 2021 budget. OCLA proposes to reduce FY 2021 GF-S expenditures by \$165,000.

**PL P2 Eliminate Funding for IFJC**

Dedicated funding for the International Families Justice Coalition (IFJC) is removed from carryforward level due to its inability to meet basic client service and capacity development performance objectives.

**PL P3 COVID Pandemic Legal Aid Services**

Funding is requested to continue front-line emergency civil legal aid services for individuals and families adversely affected by the COVID-19 pandemic.

**PL P4 Eviction Rep Study Funding**

Funding previously appropriated for a comparative eviction representation study is re-appropriated for the purpose of providing expanded eviction defense services in FY 2022.

**Report Number: ABS024**

<b>Input Parameters</b>	<b>Entered as</b>
Session	2021-23 Regular
Agency	057
Version Source	A
Version	OCLA2123
Version Option	(None)
Program	Agency Level
Roll Up	N
Include Budget Level Detail	CL,ML,PL
Include Text	Y
For Word	N
Display Parameter Page	Y

Washington State Judicial Branch  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Children’s Representation Caseload Reduction

**Budget Period:** FY 2022-2023

**Budget Level:** Policy

**Agency Recommendation Summary Text:** [Click here to enter text.](#)

Recent and projected reductions in caseloads of legally free children entitled to appointed counsel under RCW 13.34.100(6) require a downward adjustment to the FY 2021 budget. OCLA proposes to reduce FY 2021 GF-S expenditures by \$165,000.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund	(\$165,000)	(\$165,000)	(\$165,000)	(\$165,000)
Fund	<a href="#">\$Click here to enter text.</a>	<a href="#">\$Click here to enter text.</a>	<a href="#">\$Click here to enter text.</a>	<a href="#">\$Click here to enter text.</a>
<b>Total Cost</b>	<b>(\$165,000)</b>	<b>(\$165,000)</b>	<b>(\$165,000)</b>	<b>(\$165,000)</b>
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Obj. E	(\$165,00)	(\$165,000)	(\$165,000)	(\$165,000)
Obj. X	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>

**Package Description:**

Under RCW 13.34.100(6), dependency courts must appoint attorneys for children who remain dependent six months following termination of their parents’ legal rights. Under RCW 2.53.045, the Office of Civil Legal Aid recruits and pays attorneys appointed to represent these legally free children. As outlined below, OCLA anticipates the recent reduction in the average number of cases in which appointment is required will continue through into the FY 2022-23 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.

Current expenditure authority is \$1.65M per year of which 81.5% is GF-S and 18.5% is federal Title IV-E matching funds. The Children's Representation Program has one FTE.

**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 quarterly rolling six-month average of cases in which OCLA attorneys must be appointed has declined from a high of 1100 during the last six months of 2019 to the current level of 970 for the period April through July 2020. At an average of \$1500 per case, the projected savings is anticipated to be a little more than \$200,000 per fiscal year. We expect the new normal to continue around the 970 figure through FY 2022-23. OCLA will continue to closely monitor and timely report any changes (increases or continuing decreases).

Using federal Title IV-E matching funds, the Department of Children, Youth, and Families reimburses OCLA for a portion of expenses for children's representation. The current reimbursement rate is about 18.5%. To achieve a net reduction of \$200,000/fiscal year in program expenditures, OCLA proposes to reduce FY 2022 and FY 2023 GF-S appropriations by \$165,000 each, which will result in a reduction of \$37,200 in IV-E matching reimbursements each fiscal year.

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

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

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

N/A

**Accessibility**

N/A

**Access to Necessary Representation**

The right to representation is statutory. The reduction in this decision package does not affect the availability of appointed counsel for those who qualify under RCW 13.34.100(6).

**Commitment to Effective Court Management**

N/A

**Appropriate Staffing and Support**

N/A

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

None

**What is the impact to the Capital Budget?**

None

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

No

**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?**

Over-appropriation of state funds relative to caseload.

**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.

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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Eliminate dedicated funding for International Families Justice Coalition

**Budget Period:** FY 2022-23 biennium

**Budget Level:** Policy

**Agency Recommendation Summary Text:** [Click here to enter text.](#)

Dedicated funding for the International Families Justice Coalition (IFJC) is removed from carryforward level due to its inability to meet basic client service and capacity development performance objectives.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund	(\$150,000)	(\$150,000)	(\$150,000)	(\$150,000)
Fund	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>
<b>Total Cost</b>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Obj. E	(\$150,000)	(\$150,000)	(\$150,000)	\$150,000)
Obj. X	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>

**Package Description:**

The Office of Civil Legal Aid (OCLA) asks that the Legislature eliminate funding for the International Families Justice Coalition (IFJC) from its carryforward level. Initially funded with a \$125,000 capacity development budget proviso in the 2018 supplemental operating budget, funding for IFJC was continued and increased to \$150,000 per fiscal year through a budget proviso in the FY 2019-21 operating budget (sec. 115(5), ch. 357, Laws of 2020). While IFJC had lofty objectives to serve foreign nationals in need of legal assistance in family law cases, over the course of more than two years, it never achieved sufficient organizational capacity (including financial support from sources other than the state of Washington) to meet legislative and contractual client service



objectives. Because of this and repeated turnover of its single staff employee, OCLA terminated the contract effective September 30, 2020. OCLA believes that services to the low-income component of the target demographic should be underwritten with general legal aid funding and delivered by established legal aid service providers.

**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 seeks legislative confirmation of OCLA's termination of a legislatively designated but non-performing civil legal aid project.

**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 Principal Policy Objectives identified below?**

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

N/A

**Accessibility**

N/A

**Access to Necessary Representation**

As the IFJC was unable to significantly expand services to the target demographic after more than two years of state support (and without any meaningful level of private financial support), OCLA terminated the contract effective September 30, 2020. Services to low-income foreign nationals with family related problems will need to be provided by existing, well-established civil legal aid providers.

**Commitment to Effective Court Management**

N/A

**Appropriate Staffing and Support**

N/A

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

None

**What is the impact to the Capital Budget?**

None

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

No

**Is the request related to or a result of litigation?**

No

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

This option was chosen as a result of the non-profit organization's failure to meet designated organizational capacity and client service objectives and OCLA's assessment of its continuing inability to do so.

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

Limited impact on access to the low-income component of the target client population.

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

Family law services to low-income foreign nationals can and should be provided through well-established existing legal aid providers using base level funding.

**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Maintain COVID-19 Pandemic Legal Aid Services

**Budget Period:** FY 2022-2023

**Budget Level:** Policy

**Agency Recommendation Summary Text:** Funding is requested to continue front-line emergency civil legal aid services for individuals and families adversely affected by the COVID-19 pandemic.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund	\$5,440,000	\$5,000,000	\$3,000,000	\$3,000,000
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.
Staffing	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
FTEs	1	1	1	1
<b>Object of Expenditure</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Obj. E	\$5,440,000	\$5,000,000	\$3,000,000	\$3,000,000
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

**Package Description:**

From the very start, Governor Inslee, OFM leadership, state and local agency leads, and legislative leaders recognized the importance of making civil legal aid services available to individuals and families affected by the COVID-19 pandemic. By May 30<sup>th</sup>, \$3M in state Disaster Response Account and \$2.38M in federal Coronavirus Relief Funds (CARES Act) funding had been allocated to support emergency civil legal assistance in five core areas of impact: (a) unemployment insurance, (b) eviction and foreclosure defense, (c) family and individual safety, (d) employment, and (e) economic security. Of the \$2.38M in CARES Act funding, \$2.13M was allocated by OFM and \$250,000 in foreclosure assistance funding was made available through an interagency agreement between OCLA and the Department of Commerce. By mid-July, OCLA had executed all necessary contracts and launched the state’s comprehensive COVID-19 civil legal aid response.

The social, health, and economic impacts of the COVID-19 pandemic will not go away soon; they will long be felt by Washington residents – especially those that threaten basic legal rights and create or exacerbate pandemic-related civil legal problems. It is therefore critical to the health and safety of those most affected by the COVID-19 emergency – and to Washington state and local communities around the state -- to maintain support for these front-line emergency civil legal aid services. This decision package seeks \$11M in FY 2022-23 to (a) maintain, (b) allow for flexible adjustment of, (c) expand to include a dedicated foreclosure defense component, and (d) and begin to wind down COVID-19 related emergency civil legal aid services as the need for such services ebbs.

**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.

OCLA manages and oversees three core programs, two of which are state-funded and one of which is supported with federal Victims of Crime Act (VOCA) funds. Including a temporary .25% FTE managing the COVID-19 Unemployment Insurance Claimant Representation Program, OCLA has a total of 3.25 state-supported FTE's. One FTE is supported entirely with federal VOCA funds. Including the \$10M biennial VOCA funds, OCLA administers and oversees \$55.4M in state and federal funding during the FY 2019-21 biennium.

With DRA and federal CARES Act funding, OCLA stood up a comprehensive and coordinated emergency statewide response targeted on the most urgent and immediate civil legal problems experienced by individuals and families affected by the COVID-19 public health emergency, and the economic, health, housing, and related consequences of initial and continuing emergency orders. An outline of the services engaged, their focus, and the entities involved is set forth in the attached July 28, 2020 Interim Report (Attachment 1).

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

Even assuming the development and prompt deployment of a safe vaccine sometime in 2021 and a gradual return of economic activity thereafter, COVID-19 related civil legal needs will continue well into the next biennium and beyond. A more detailed description of these needs with reference to supporting data sources is attached (Attachment 2).

Consequently, OCLA will maintain critically needed front-line legal aid services in the principal areas currently supported with one-time DRA and CARES Act funding. With the lifting of state and local moratoria on evictions and federal protections for homeowners unable to keep up with their mortgage payments, eviction<sup>1</sup> and foreclosure

---

<sup>1</sup> A portion of continued eviction defense services will be continued in FY 2022 through re-appropriation of \$568,000 in unspent FY 2020-21 funding previously appropriated for an eviction defense study that was

defense will remain priority areas of emergency legal aid focus. So, too, will unemployment insurance as many thousands of Washingtonians will continue to struggle with un- and under-employment and challenges navigating ESD's labyrinth-like review and adjudication systems. The pandemic-related increase in both the numbers and lethality of incidents of domestic violence and sexual assault will require sustained responses as well. In addition, many new types of problems will be experienced including those involving worker health and safety, employment and re-employment discrimination, health care, consumer debt collection and related problems, and a range of problems related to protecting income security for those newly finding themselves at or near the margins. Finally, national and state experts agree that over the near- and longer-term poverty rates will increase dramatically and with them, the need for full-range legal assistance in each of the priority areas outlined in the FY 2015 Civil Legal Needs Study.

As the legal problems that flow from the pandemic and its echoes change over time, so will the specific investments in legal aid capacity be required to change. Consequently, OCLA seeks funding that is dedicated to continuing COVID-19 related emergency legal assistance in ways that allow agile, flexible, and relevant responses informed by demand data and information received from community-based legal aid program staff involved in the direct delivery of these services.

Of the funds sought, OCLA will allocate \$750,000 each fiscal year to help capitalize capacity to provide emergency COVID-19 related foreclosure defense services not yet funded with federal and state emergency COVID-19 funds. This will allow the Northwest Justice Project to add 5 full-time dedicated attorneys to help address the anticipated flood of foreclosures that will result from the lifting of federal forbearance protections and the lack of any meaningful federal or state-funded foreclosure defense program.<sup>2</sup>

Consistent with the current emergency civil legal aid program, COVID-19 services delivered in FY 2022-23 will be targeted to address the needs of communities that experience disproportionate numbers of legal problems and correspondingly high levels of need for civil legal aid as a result of the pandemic – low-wage and “essential” (including immigrant) workers who more often than not lack health insurance, members of communities of color, urban and reservation-based Native Americans, and others most vulnerable to experiencing and least able to respond to COVID-19 related legal problems.

As noted above, OCLA has only 3.25 state-funded employees. While the initial COVID-19 emergency civil legal aid program was developed, contracted, and managed for the most part by the agency Director, this is not sustainable.<sup>3</sup> OCLA must add one

---

terminated on legislative direction because the eviction moratoria effectively prevented evictions through the end of CY 2020. A separate decision package is submitted for this purpose.

<sup>2</sup> This will begin to address the critical shortfall in funding for civil legal aid services generated through the Foreclosure Fairness Account to meet the unprecedented number of Notices of Default that are forecasted by the industry to be issued in the spring of 2021.

<sup>3</sup> The Legislature was advised during the FY 2020 session that, even before COVID-19, OCLA staffing placed the agency at high risk of failure and that additional executive leadership was needed. While the House budget

professional position to take over day-to-day administration and oversight of the COVID-19 emergency civil legal aid program.

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

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

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

Many of the pandemic related civil legal problems must be addressed in our courts. Among these are eviction, family law, domestic violence, sexual assault cases, debt collection, garnishment and related consumer cases. Civil legal aid is critical to their ability to protect their rights, their homes, their safety and fair treatment in the courts and just outcomes in their cases. In many other cases, timely and effective civil legal aid will help mitigate the problem from spiraling out of control in ways that drive other problems for which court intervention will be required.

##### **Accessibility**

Pandemic related legal problems disproportionately affect individuals and communities that experience a range of obstacles to accessing the courts. These include, but are not limited to, members of communities of color, LGBTQ+ individuals, LEP individuals, foster children and youth, individuals with physical and behavioral health challenges, and immigrants. The availability of culturally and linguistically competent civil legal aid facilitates access to and the fairness of treatment in our courts for these individuals.

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

Since publication of the 2015 Civil Legal Needs Study, the Legislature, judicial branch, and other policy makers have increasingly recognized the need for a robust civil legal aid system to meet the justice needs of low-income people in Washington State. The COVID-19 emergency has brought the urgency of ensuring access to necessary representation into greater focus across the spectrum of pandemic-related legal problems. Absent continuing support for COVID-19 related legal assistance, many thousands of affected individuals will be forced to navigate the courts and court systems by themselves. Justice will be scarce; and public trust and confidence will fall precipitously as more and more people realize outcomes inconsistent with their legal rights on matters that affect their most basic needs.

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

N/A

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

N/A

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

---

provided funding for a Deputy Director, the final budget did not. A letter to the Legislature from consultants engaged by OCLA to review the agency's staffing situation and outlining their concerns is attached.

Every day OCLA-funded legal aid attorneys are engaged with and help promote core state policies being advanced by state and local agencies. From ensuring that unemployment decisions are based on sound grounds and individuals timely receive their benefits to ensuring accountability of schools to their duties to meet the educational needs of children and youth, to helping individuals access state and federal disability and income assistance, to working with law enforcement agencies to protect the safety and security of domestic violence and sexual assault victims, civil legal aid programs, staff, and volunteers complement core state and local objectives and ensure accountability of the agencies entrusted to deliver on them.

Absent continuation of COVID-19 emergency legal aid funding, many thousands of individuals and families will be wrongly evicted; thousands of homeowners will wrongly be foreclosed upon; debt collectors will prey on those unable to pay health care, consumer, and other debts, and wrongly garnish what few wages they receive; and so many more will find themselves on the brink of homelessness and economic calamity – all because of a small, unseen virus. This in turn will increase demand on overtaxed and under-capitalized homeless prevention programs, staff, and volunteers; and increase demand for state income, housing, health care, and food assistance.

State and local agencies look to civil legal aid programs, staff, and volunteers as the front-line defense to these negative outcomes and protection against unnecessary demands on their already under-funded services.

**What is the impact to the Capital Budget?**

NA

**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?**

From the start of the pandemic, OCLA diligently identified and pursued all available sources of COVID-19 emergency assistance. We were able to secure both state and federal emergency support to make front-line legal aid available to individuals and families with COVID-19 related or caused civil legal problems. We will continue to monitor the federal response to the pandemic and pursue every source of federal support that becomes available, with the goal of reducing demands on the state general fund during this unprecedented economic and fiscal emergency.

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

Failure to fund this decision package will effectively terminate the COVID-19 emergency civil legal aid program. As noted above, this will result in direct and immediate negative consequences to thousands of individuals and families across the state – the majority of whom have never needed publicly funded help in the past and who, for the first time, are reaching out in a moment of dire need. For these people, civil legal aid services is a lifeline, helping carry them from the urgency and fears in their moment of life and legal

crisis to a more stable situation as the most dire impacts of the pandemic-driven crisis recede. Taking away this lifeline serves no affirmative public purpose.

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

Despite recent gains, current levels of civil legal aid capacity remain below the “minimum access” level established by the 2016 Civil Justice Reinvestment Plan and embraced by the Legislature over the past four years. This level was never designed to address the succession of waves of new and exacerbated civil legal needs caused by the COVID-19 pandemic. Continuation of emergency funding is critical to the civil legal aid system’s continuing capacity to meet the emergency needs funded initially with state DRA and federal CARES Act support.

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

Documents attached: (a) Interim Report on Emergency COVID-19 Legal Aid Response, and (b) Outline of high priority COVID-19 related civil legal needs, (c) 2-28-2020 letter from Marcella Fleming Reed and Lori Homer re: OCLA agency staffing capacity.



**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  
2021 – 2023 Biennial Budget  
Decision Package

**Agency:** Office of Civil Legal Aid

**Decision Package Title:** Re-Appropriate and Re-Purpose Eviction Representation Study Funding

**Budget Period:** FY 2022

**Budget Level:** Policy

**Agency Recommendation Summary Text:** Funding previously appropriated for a comparative eviction representation study is re-appropriated for the purpose of providing expanded eviction defense services in FY 2022.

**Summary:**

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund	\$568,000	0	0	0
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.
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Obj. E	\$568,000	0	0	0
Obj. X	Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

**Package Description:**

On the recommendation of Senate and House policy leads, the Office of Civil Legal Aid asks that unexpended appropriations for the eviction legal representation study authorized in sec. 117(9), Ch. 415, Laws of 2019 (the FY 2019 – 2021 operating budget be re-appropriated are targeted for use exclusively to expand eviction defense services following the termination of relevant state and federal eviction moratoria.

As noted above, the Legislature appropriated funds in the FY 2019-21 operating budget for a research-based controlled comparative study of the differences in outcomes for

tenants facing eviction who receive legal representation and tenants facing eviction without legal representation in unlawful detainer cases. OCLA engaged the researchers at the University of Washington's Evans School of Public Policy and Governance to conduct the study in four counties. Protocols were developed, agreements reached with each of the study counties, contracts with attorneys signed, and the study officially commenced in January 2020.

The COVID-19 pandemic hit in February. Shortly thereafter, eviction moratoria were enacted and extended, and the courts ceased hearing eviction cases. On recommendation of the research team, the Eviction Representation Study Advisory Committee suspended the study through May 31<sup>st</sup>. By then the entire context for the study had changed. The eviction moratoria had been extended and there was limited prospect that courts would be hearing eviction cases until well into the fall at the earliest. At the same time OFM had allocated one-time funding to OCLA for the purpose of providing emergency eviction defense services to individuals facing eviction due to non-payment of rent. Consequently, on direction of the legislative sponsors of the study proviso – Sen. Patty Kuderer and Rep. Nicole Macri – the study was discontinued.

Of the \$625,000 appropriated for the study, only \$57,000 was spent before the study was terminated, leaving \$568,000 available for re-appropriation to help continue emergency eviction defense services into FY 2022.

Funding of this decision package will effectively reduce the amount of new (not previously appropriated funding) to continue emergency COVID-19 related eviction defense services into the FY 2022-23 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.

Re-appropriation these funds for eviction defense services in FY 2022 will help ensure continuity of eviction defense services beyond FY 2021 when current emergency COVID-19 expenditure authority expires.

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

Funding will be dedicated to continuing contracted eviction defense services in FY 2022 with emphasis on remote and rural renters not currently served by the ten Housing Justice Projects funded with COVID-19 emergency funds. This decision package complements and should be read in tandem with OCLA's decision package to maintain emergency COVID-19 civil legal aid services – including eviction defense services -- in FY 2022-23.

## **Decision Package Justification and Impacts**

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

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

Civil legal representation of tenants facing eviction will provide a level playing field and ensure their ability to have their cases heard on the merits.

### **Accessibility**

Continued eviction defense legal assistance will help ensure that residents of rural communities and others with significant cultural, language, and geographic barriers will continue to be assisted after expiration of emergency COVID-19 expenditure authority on June 30, 2021. Re-appropriation of these funds will enhance accessibility and availability of services to these tenants.

### **Access to Necessary Representation**

Funding will support continued access to civil legal representation for many people who, in the early part of FY 2022, will be facing eviction due to non-payment of rent.

### **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?**

This request is submitted on recommendation of the majority party policy leads in both the House and Senate. The alternative is for unexpended study funding to revert back to the state treasury. Funding of this decision package will reduce the need to appropriate new funding to continue emergency COVID-19 civil legal aid services in FY 2022 by \$568,000.

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

There will be less legal assistance available for tenants at a time when demand will skyrocket due to the termination of federal and state eviction moratoria.

**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.

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