

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, MAY 18, 2018
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Mary Fairhurst, Chair
Supreme Court

Judge Judy Rae Jasprica, Member Chair
District and Municipal Court Judges' Association
Pierce County District Court

Judge Scott Ahlf, President
District and Municipal Court Judges' Association
Olympia Municipal Court

Judge Bryan Chushcoff
Superior Court Judges' Association
Pierce County Superior Court

Judge George Fearing
Court of Appeals, Division III

Judge Gregory Gonzales
Superior Court Judges' Association
Clark County Superior Court

Judge Dan Johnson
District and Municipal Court Judges' Association
Lincoln County District Court

Judge Mary Logan
District and Municipal Court Judges' Association
Spokane Municipal Court

Judge Bradley Maxa
Court of Appeals, Division II

Judge Sean Patrick O'Donnell, President
Superior Court Judges' Association
King County Superior Court

Judge Kevin Ringus
District and Municipal Court Judges' Association
Fife Municipal Court

Judge James E. Rogers
Superior Court Judges' Association
King County Superior Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

Justice Charles Wiggins
Supreme Court

NON-VOTING MEMBERS:

Ms. Callie Dietz
State Court Administrator

Vacant, President
Washington State Bar Association

Judge Blaine Gibson, President-Elect
Superior Court Judges' Association
Yakima County Superior Court

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Rebecca Robertson, President-Elect
District and Municipal Court Judges' Association
Federal Way Municipal Court

Judge Michael Spearman, Presiding Chief Judge
Court of Appeals, Division I

The **Mission** of the Board for Judicial Administration is to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government.

The **Vision** of the Board for Judicial Administration is to be the voice of the Washington State courts.



Board for Judicial Administration (BJA)

Friday, May 18, 2018 (9 a.m. – 12 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:00 a.m.
2. Welcome and Introductions	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:00 a.m.
3. Minority and Justice Commission	Justice Mary Yu	9:05 a.m.
4. Pattern Forms Committee	Commissioner Rebekah Zinn Ms. Merrie Gough	9:25 a.m. Tab 1
5. Policy and Planning Committee Items <i>Action: Approval of amended charter</i> <i>Action: Approval of revised Principal Policy Goals</i>	Judge Rebecca Robertson	9:45 a.m. Tab 2
6. Branch Communication <i>Action: Make recommendations to the Policy and Planning Committee for further development</i>	Judge Rebecca Robertson Ms. Jeanne Englert	9:50 a.m. Tab 3
7. Expired Resolution Protocol <i>Discussion: What should happen after resolutions expire?</i>	Chief Justice Mary Fairhurst	10:05 a.m.
8. Racial and Ethnic Bias Resolution <i>Discussion: Possible readoption of resolution</i>	Ms. Callie Dietz	10:10 a.m. Tab 4
9. Standing Committee Reports a) <i>Budget and Funding Committee</i> b) <i>Court Education Committee</i> c) <i>Policy and Planning Committee</i> d) <i>Legislative Committee</i>	Judge Ann Schindler Judge Judy Rae Jasprica Judge Rebecca Robertson Judge Kevin Ringus	10:20 a.m. Tab 5
Break		10:30 a.m.

10. Task Force Updates <i>Information: Update</i>	Ms. Jeanne Englert	10:45 a.m. Tab 6
11. Training on Workplace Harassment in the Judicial Branch <i>Discussion: Conference of Chief Justices resolution</i>	Judge Ann Schindler	10:55 a.m. Tab 7
12. 2019-2021 Budget Request Snapshot <i>Information: General overview of the 2019-2021 Budget Requests</i>	Judge Ann Schindler Mr. Ramsey Radwan	11:05 a.m. Tab 8
13. Office of Civil Legal Aid Overview and Update	Mr. Jim Bamberger	11:25 a.m. Tab 9
14. March 16, 2018 Meeting Minutes <i>Action: Motion to approve the minutes of the March 16, 2018 meeting</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:40 a.m. Tab 10
15. BJA Business Account Holders <i>Action: Approval to remove Misty Butler as an account holder on the account, to add Jeanne Englert, and to keep Brady Horenstein, Jan Nutting and Dirk Marler.</i>	Ms. Jeanne Englert	11:45 a.m.
16. Information Sharing a) JISC Minutes – May 2, 2018 b) Q1 BJA Account Report c) Dues Collection Progress d) Roundtable		11:45 a.m. Tab 11
17. Meeting Review	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:55 a.m.
18. Adjourn		12:00 p.m.
Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		

Next meetings:

- June 15, 2018 - AOC SeaTac Office**
- September 21, 2018 - AOC SeaTac Office**
- October 19, 2018 - AOC SeaTac Office**
- November 16, 2018 - AOC SeaTac Office**

The organization goals of the Board for Judicial Administration are 1) Speaking with One Voice; 2) Branch Communication; 3) Committee Coordination; and 4) Committee Composition.

Tab 1

A hand holding a blue pen is writing on a document. In the background, a calculator is visible. The scene is set against a blue background.

Washington State
Pattern Forms
Committee

Annual Report 2018

The Washington State Pattern Forms Committee develops and maintains standard court forms for the public, the courts, and the legal profession.

We break down barriers to justice by creating accurate and easily-accessible statewide court forms.

Pattern Forms Committee 2018 Annual Report

Committee Chair: Rebekah Zinn,
Thurston County Superior Court
Commissioner

AOC Staff: Merrie Gough & Mark
DeForrest, Senior Legal Analysts

Quick Facts:

- The Committee maintains **829** court forms.
- The Washington State Supreme Court created the Committee in 1978. This is our **40th anniversary!**
- The Superior Court Judges' Association recommends or appoints the chairs of the committee and its eight subcommittees.
- **92 volunteers** represent the judiciary, clerks, lawyers, government agencies, public interest groups, and law enforcement.
- None of this work can be accomplished without the determination and talent of our staff, consisting of **1.5 FTE** in the Administrative Office of the Courts.

Goal One: Increase Participation

A **public comment tool** was launched on the Washington Courts website, and will be advertised more widely. Anyone can now easily comment on forms.

The Committee and Subcommittee **member seats** are being reviewed to ensure that key interest groups and diverse geographic regions are represented, without overburdening our resources.

Goal Two: Use Resources Efficiently & Effectively

The Committee is setting standard guidelines and **workflow** expectations to bring uniformity and reduce duplicative decision-making.

Workload and **priorities** are being assessed to ensure that we can effectively accomplish our core missions, while innovating in a strategic manner.

Goal Three: Increase Access

The **website** is difficult to use and we are taking the first steps to redesign it.

Technology is changing and we would like to explore how to best serve our community's needs in a digital world.

May 10, 2018

TO: Members, Washington Pattern Forms Committee

FR: Merrie Gough, Legal Analyst

Re: Washington Pattern Forms Committee Membership

A Supreme Court Order of May 14, 1986, designated the member organizations to appoint to a four year term their representatives to the Pattern Forms Committee as follows:

- Superior Court Judges' Association (2)
- District and Municipal Court Judges' Association (2)
- Washington State Bar Association (1)
- Washington State Prosecuting Attorneys' Association (1)
- Washington State Public Defenders' Association (1)
- Washington State Association of County Clerks (1)
- Association of Washington Superior Court Administrators (1)
- Washington Association for Court Administrators (1)
- Administrator for the Courts (1)

Total members: 11

The current members of the committee and their respective organizations are listed below.

2018 WASHINGTON PATTERN FORMS COMMITTEE MEMBERS

(Updated May, 2018)

Name of member	Organization	Term
Rebekah Zinn, Commissioner/Staff Attorney, Chair Thurston County Superior Court	Superior Court Judges' Association	Term expires 12/31/2018
Hon. Kristin Ferrera Chelan County Superior Court	Superior Court Judges' Association	Term expires 12/31/2020
Hon. Tracy Staab Spokane Municipal Court	District and Municipal Court Judges' Association	Term Expires 12/31/2021
Hon. Bill Hawkins Island County District Court	District and Municipal Court Judges' Association	Term expires 12/31/2020
Tristen Worthen Douglas County Clerk Alternate: Susan Speiker, Chief Deputy Okanogan County Clerk's Office	Washington Association of County Clerks	Term expires 11/30/2020
Katheryn Seymour, Administrator Bonney Lake Municipal Court Alternate: Ellen Attebery, Administrator King County District Court	District and Municipal Court Management Association (formerly Washington Association for Court Administrators)	Term expires 12/31/2019
Jill Mullins Cedar Law PLLC	Washington State Bar Association	Term expires 1/31/2019
June I. Tomioka, Project Attorney Wash. Ass'n of Prosecuting Attorneys	Wash. Association of Prosecuting Attorneys	Term expires 12/31/2019
Kari Reardon	Washington Public Defenders' Association/Washington Association of Criminal Defense Lawyers	Term expires 12/31/2019
Not Appointed	Access to Justice Board	Term expires
Ms. Pamela M. Hartman Beyer Court Administrator Thurston County Superior Court	Association of Washington Superior Court Administrators Pres.: Frank A. Maiocco, Jr. (360) 337-7140	Term expires 12/31/2018
Rob Mead Washington State Law Librarian	Washington State Law Library	Began 3/1/17 Expires 2/28/2018
Not Appointed	Administrative Office of the Courts	
AOC Staff: Merrie L. Gough Senior Legal Analyst, AOC		

**Washington Pattern Forms Committee
and Subcommittee Leadership**

(May, 2018)

Committee/Subcommittee	Chair
Pattern Forms Committee	Commissioner Rebekah Zinn
Domestic Relations	Hon. Janet Nelson
Felony Judgment and Sentencing	Hon. Suzan Clark
Juvenile Court	Hon. Christine Schaller
Courts of Limited Jurisdiction	Hon. Tracy Staab
Protection Orders	Commissioner Jennie Laird
Guardianship	Commissioner Rebekah Zinn
10.77 RCW	Hon. Michael Finkle
71.05 RCW	Commissioner Tony M. Rugel

Tab 2



Board for Judicial Administration (BJA)

POLICY AND PLANNING STANDING COMMITTEE CHARTER

I. Committee Title

Policy and Planning Committee

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Charge or Purpose

The charge and purpose of the Policy and Planning Committee is to create and manage a process of engagement within the judicial branch around policy matters affecting the courts of Washington, to identify and analyze priority issues, and to develop strategies to address those issues. In doing so the standing committee will work to advance the mission, vision and principal policy goals of the BJA.

The Policy and Planning Committee shall:

1. Create and oversee a planning process on a two-year cycle that accomplishes the following:
 - a. Sets out a clear and accessible plan and schedule for outreach to justice system partners and stakeholders that provides multiple opportunities for input and identifies major decision points.
 - b. Provides for preliminary identification of issues advanced for attention by the BJA.
 - c. Produces written analyses of proposed issues that outlines the substance of the issue, its impact on the courts, the scope of potential strategies to address the issue, the potential benefits and risks of undertaking a strategic initiative to address the issue, a statement of desired outcomes and the feasibility of achieving desired outcomes, the major strategies that might be employed to address the issue, the resources necessary, and a timeline.
 - d. Provides analyses of issues to branch stakeholders for their review and additional input.
 - e. Selects one or more issues for recommendation as strategic initiatives to be sponsored by the BJA.

- f. For any strategic initiative approved by the BJA drafts and submits to the BJA a proposed charter for a steering committee or task force to implement the initiative. The charter should provide for the composition of the task force or steering committee, its charge, desired outcomes of the campaign, its deliverables, a timeline for reporting and ending of the body, and a detailed identification of resources necessary to implement the initiative, including staff and fiscal resources.
 - g. Produces recommendations to the BJA for action, referral, or other disposition regarding those issues not recommended for a strategic initiative.
 - h. Provides a critique and recommendations for changes in the planning process for consideration in subsequent cycles.
2. Serve as the oversight body of any committee or task force created to implement a strategic initiative.
 3. Identify strategic goals of the BJA and propose recommendations to address them in conjunction with the other standing committees.
 4. Propose a process and schedule for the periodic review of the mission statement, vision statement, and principle policy goals of the Board for Judicial Administration, and oversee any process to propose revisions and present proposed changes to the BJA.
 5. Provide analyses and recommendations to the BJA on any matters referred to the standing committee pursuant to the bylaws of the Board.

IV. Policy Area

The committee is authorized to research and make recommendations regarding any area of policy affecting the courts of Washington which is within the plenary authority of the BJA.

V. Expected Deliverables or Recommendations

The Policy and Planning Committee will produce interim and final reports and recommendations, analyses of issues conducted during its planning cycle, and reports of the status of ongoing strategic initiatives.

VI. Membership

~~All members of the Policy and Planning Committee shall be voting members regardless of voting status on the full body.~~

The Chief Justice and Member Chair shall nominate for the Board's approval the chair and members of the committee. The chair will serve a two-year term and rotate between the SCJA and the DMCJA.

Committee members will be represented from the following and selected based on a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.

Representative

Chief Justice
BJA Member, SCJA
BJA Member, DMCJA
COA Presiding Chief Judge
SCJA President-Elect
DMCJA President-Elect

The ~~committee chair~~Board for Judicial Administration, by majority vote of the representative members may appoint the following members:

Chief Justice

COA presiding Chief Judge

SCJA President-Elect

DMCJA president-Elect

~~two~~one superior court judges,

~~two~~one district court or municipal court judges,

~~one member of the Court Management Council,~~

one member from Association of Washington Superior Court Administrators

one member from District and Municipal Court Management Association

one member from Washington Association of Juvenile Court Administrators

the Executive Director of The Washington State Bar or designee, and

one at-large member (optional).

All members of the Policy and Planning Committee shall be voting members regardless of voting status on the full body.

VII. Terms

The terms of committee members shall not exceed two years. The Board may reappoint members of the committee to one additional term. The terms of BJA members shall coincide with their term and seat on the BJA. Terms will begin on July 1 and end on June 30.~~A president-elect of a judicial associations shall serve on the committee until becoming president.~~

~~The terms of any additional members shall be two years, beginning on July 1 and ending on June 30 or even-numbered years.~~

VIII. Other Branch Committees Addressing the Same Topic

There are a number of existing committees within the branch created to address policy in specific subject matter areas or functions. The Policy and Planning Committee has a uniquely general assignment concerning any policy matter that affects the judicial branch.

IX. Other Branch Committees with Which to Partner

The Policy and Planning Committee will conduct its work in consultation with the other standing committees of the BJA.

The Policy and Planning Committee will initiate and maintain dialog with a number of branch entities and committees both within and outside of the judicial branch.

Branch committees and entities include:

- Washington Supreme Court
- Court of Appeals
- Superior Court Judges' Association
- District and Municipal Court Judges' Association
- Judicial Information System Committee
- Access to Justice Board
- Gender and Justice Commission
- Minority and Justice Commission
- Office of Public Defense
- Office of Civil Legal Aid

Other entities include:

- Office of the Governor
- Washington State Legislature
- Washington State Bar Association
- Washington Association of Prosecuting Attorneys
- Washington Association of Criminal Defense Attorneys
- Washington State Association for Justice
- Washington State Association of Counties
- Association of Washington Cities
- Washington State Association for Municipal Attorneys

X. Reporting Requirements

The Policy and Planning Committee shall provide a final report and recommendations near the conclusion of its two-year planning cycle, and shall provide an interim biennial report of activities and the status of any ongoing strategic initiatives or other projects.

XI. Duration/Review Date

The standing committee should be reviewed every three years to ensure that it is functioning consistent with its charge, producing deliverables and that the mission and goals of the BJA are being advanced. The first review should occur in 2018 and reoccur every three years thereafter.

Adopted: July 18, 2014
Amended: September 19, 2014
September 18, 2015
March 18, 2016

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

“Justice in all cases shall be administered openly, and without unnecessary delay.”

Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of justice in the state.

The judicial branch in Washington State is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect.

The principal policy goals of the Washington State Judicial Branch

1. **Fair and Effective Administration of Justice.** 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. Washington courts will affirmatively identify and eliminate bias-based practices and procedures that deny fair treatment for persons due to their race, gender, ability or other personal characteristics unrelated to the merits of their cases.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel-legal representation.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.

5. **Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.

The Mission of the Board for Judicial Administration

The mission of the Board for Judicial Administration is to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government.

The Vision of the Board of Judicial Administration

The vision of the Board of Judicial Administration is to be the voice of the Washington State Courts.

Tab 3



March 23, 2018

TO: Board for Judicial Administration
FROM: BJA Policy and Planning Committee
RE: WASHINGTON STATE JUDICIAL BRANCH COMMUNICATION

Purpose

The BJA has adopted improving branch communication as one of their organizational goals.

Branch Communication - Multiple methods of communication should be explored with the intent of keeping each other informed, offering expertise and support, and eliminating the duplication of efforts. Open and honest communication should be encouraged to assure that issues or problems are identified and resolved.

The purpose of this memo is to address the BJA's goal of improving branch communication and to make recommendations to the BJA for adoption and implementation.

Branch Communication

Effective branch communication is important for several reasons. The Washington court system is decentralized, meaning that there is no central source of governance. Outside of court rule, each court and court level is able to administer their courts and identify system improvements how they deem most appropriate for their needs. This approach emphasizes the value placed on local independence. Recognizing the value of local independence, but respecting the importance of collaboration, there is value in the branch being aware of issues and improvements taking place across the state.

The BJA is the only place in the branch where every level of court is represented and where those voices come together to be heard. Its influence is based on the value of being a forum in which branch information can be shared and compiled. The compilation of court system issues and improvements can facilitate the combining of resources, reduce the duplication of efforts, and support statewide strategic branch planning.

Recommendations

Exploration and development of multiple methods of branch communication are the first steps to achieve the BJA's goal. Listed below are the Policy and Planning Committee's (PPC) recommendations that fall into three categories

- 1.) Branch Coordination
- 2.) In-person Communication
- 3.) Written Communication.

The Committee requests that the BJA identify which recommendations they would like to formally adopt to achieve the BJA's goal of improving branch communication.

Branch Coordination

- The BJA/PPC will work with the judges and management associations to develop better ways to communicate/collaborate. This may include facilitated discussions during meetings or through a survey.
- A judge's leadership meeting will be held each spring with the intent of sharing information and identifying ways to collaborate on improvement efforts. This information may be used to help the Policy and Planning Committee identify strategic initiatives.
- Time after the BJA meeting could be used as an opportunity for branch leadership to meet and coordinate i.e. trial courts, appellate courts.

In-Person Communication

- BJA meetings are used as a forum for branch entities to share issues affecting the branch and to develop a collaborative approach for system improvement. Members of the branch, who are not members of the BJA, should understand the process of and be encouraged to bring policy issues to the BJA for consideration. A list of questions to prompt meaningful sharing would be developed.
- BJA members are charged with the responsibility to report back on BJA work to their respective boards, benches and conferences.
- Explore opportunities to share information about the branch structure, judicial organizations, and the BJA's role during Judicial College. Perhaps there could be a speaker at lunch that would discuss these areas. The Policy and Planning Committee would work with the Court Education Committee to coordinate this.
- The Policy and Planning Committee would develop a checklist of considerations for associations when bringing new initiatives to the BJA.

Written Communication

- The BJA co-chairs would send an email to the branch outlining the priorities areas/accomplishments of the BJA 3-4 times a year.
- An annual report of BJA accomplishments is published and distributed statewide. PPC would determine who else does annual reports and if annual reports are done, who gets them?
- Share the BJA meeting materials, in advance, to identified association/committee listservs and include a statement about contacting the association/committee BJA liaison with any questions.
- The branch receives the AOC Activity Report prepared for the Supreme Court.
- Each quarterly issue of the Full Court Press will highlight the work of the BJA. This is currently happening. BJA areas of focus and achievements are shared in the Chief Justice's State of the Judiciary.
- The BJA website would be reviewed and revised to allow better access to information.

Tab 4

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington

WHEREAS, equal justice is fundamental to the American system of government under law; and

WHEREAS, racial and ethnic bias have no place in the justice system; and

WHEREAS, facially neutral policies and practices that have a disparate impact on people of color contribute significantly to disproportionalities in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias distort decision-making at various stages in the criminal and civil justice system, thus contributing to disproportionality and disparate treatment in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias matter in ways that are not fair, that do not advance legitimate public safety objectives, that produce disproportionality, disparate treatment and disparate impact in the criminal and civil justice system, and that undermine public trust and confidence in our legal system; and

WHEREAS, the judiciary, consistent with its obligation to administer justice fairly, efficiently and effectively, has a vital role to play in ensuring that existing and proposed rules, policies and practices are fair and do not result in racial or ethnic disproportionality and disparate impact in the criminal and civil justice system; and

WHEREAS, the Board for Judicial Administration as the policy-making body of Washington's judicial branch of government plays a leadership role to ensure fairness in the justice system,

NOW THEREFORE, BE IT RESOLVED that the Board for Judicial Administration endorses and strongly advocates a well-coordinated effort by the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to accomplish the following:

- (1) Educate the public and those in the justice system on racial and ethnic disproportionality, disparate treatment and disparate impact occurring in the justice system;
- (2) Evaluate existing and proposed rules, policies and practices to determine whether they contribute to racial and ethnic disproportionality or disparate impact in the justice system, and if so, how such impacts can be avoided or corrected;
- (3) Identify corrective measures and pursue system-wide improvements in racial and ethnic fairness;
- (4) Measure and evaluate progress in addressing these issues that are critical to a fair and impartial system of justice in Washington; and
- (5) Develop and implement action plans to accomplish the objectives above to eliminate racial and ethnic disproportionality, disparate treatment and disparate impact in the justice system; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration encourages the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to work with members of the executive and legislative branches, as appropriate, to promote the adoption of laws, policies and evidence-based practices shown to be effective in reducing racial and ethnic disproportionality and disparate impact in the criminal and civil justice system.

Approved by the Board for Judicial Administration at their July 15, 2011 meeting

Tab 5



May 7, 2018

TO: Board for Judicial Administration Members

FROM: Judge Judy Rae Jasprica, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: COURT EDUCATION COMMITTEE REPORT

I. Work in Progress

The CEC is meeting on May 10, 2018 and will focus on the three strategic priorities outlined in the At-A-Glance document. CEC members will review the Court System Education Funding Task Force's survey and answer specific questions from the Task Force to help them with their communication plan.

II. Short-term Goals

The CEC is reviewing the BJA Charter and the current CEC policies. The goal is to have each of these documents updated along with the Judicial College policies, Mandatory Continuing Judicial Education Standards, and the Guidelines and Responsibility document.

The CEC would like to hold yearly mini-workshops or Judicial Education Leadership Institutes (JELI) in order to provide education training to all the education committees on adult education principles, instructional design development, core competencies for the judiciary and the specific roles within the court (judicial officer, administrator, and line staff).

III. Long-term Goals

- Continue to plan and develop court system education.
- Develop a stable and adequate funding source for court education and work with the BJA Court System Education Funding Task Force.



May 5, 2018

TO: Board for Judicial Administration Members

FROM: Judge Rebecca Robertson, Chair, Policy and Planning Committee

RE: REPORT OF POLICY AND PLANNING COMMITTEE

The Policy and Planning Committee (PPC) met March 16, 2018. The PPC reviewed its current composition structure and identified areas for improvement. Recommendations will be submitted to the BJA for review and approval at the May meeting.

The PPC developed a proposal for branch communication activities to be submitted to the BJA for review at the May meeting. These will be further developed after the BJA provides input.

The PPC continued to discuss the strategic initiative planning process. Members decided to develop a request for proposals in order to provide a broader opportunity for submission of ideas and priorities from different judicial entities, associations, and commissions.



May 10, 2018

TO: BJA Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brady Horenstein, AOC Associate Director, Legislative & Judicial Relations
RE: BJA Legislative Committee Update

The Legislative Committee is now preparing for the 2019 Legislative Session, which will convene on January 14. In addition to reviewing and taking positions on bills with judicial branch impact, the Legislative Committee will bring a proactive legislative agenda to the BJA later this fall. Here's the BJA Legislative Agenda development timeline:

1. Call for legislative proposals to associations and commissions – *Sent April 2018*.
2. Proposals due August 15, 2018.
3. BJA Legislative Committee will meet in early September to review proposals.
4. Based on questions/feedback, staff will work with entities to hone proposals.
5. BJA Legislative Committee will meet in early October to develop final recommendations to bring to the full BJA.
6. BJA will review and adopt the 2019 Legislative Agenda at its October meeting.
7. BJA Legislative Committee will develop legislative strategy and identify sponsors in November/December.

With the 2018 session now in the rearview mirror, AOC and court staff are working diligently to implement a number of bills that passed. We have included the final 2018 Legislative Session Summary that outlines all court interest/impact bills that passed.

Candidate filing week commences May 14. We'll then have a final list of legislators that are running for re-election. A number of legislators have already announced their retirement, which will have a huge impact on a number of court-related policy areas. One interesting race will be in the 48th District, where former Senator Rodney Tom has announced plans to run again and challenge incumbent Senator Patty Kuderer.

We are also working to update our legislative communications/outreach strategy. Ideas we're exploring include reinstating the regional BJA-sponsored receptions around the state and opportunities for all branch entities to get together and discuss legislative efforts and joint strategy before session begins.



April 24, 2018

TO: Chief Justice Mary E. Fairhurst, BJA Chair
Judge Laurel H. Siddoway, COA Presiding Chief
Judge Blaine G. Gibson, SCJA
Judge Scott K. Ahlf, DMCJA
Justice Charles W. Johnson & Justice Mary Yu, Minority and Justice Commission
Justice Steven C. González, Interpreter Commission
Justice Sheryl Gordon McCloud & Judge Marilyn G. Papa, Gender and Justice Commission
Justice Bobbe Bridge, (Ret.) & Ms. Connie Lambert-Eckel, Commission on Children in Foster Care
Justice Mary Yu, BJA Public Trust & Confidence Committee
Judge Judy Rae Jasprica & Judge Douglas J. Fair, BJA Court Education Committee
Judge James W. Lawler, Certified Professional Guardian Board
Judge Robert A. Lewis & Commissioner Tony Rugel, WINGS Steering Committee
Ms. Susan L. Carlson, Court Management Council
Ms. Callie Dietz, State Court Administrator

FROM: Judge Kevin Ringus, BJA Legislative Committee Chair

RE: BOARD FOR JUDICIAL ADMINISTRATION 2019 LEGISLATIVE AGENDA

The Board for Judicial Administration (BJA) has a standing Legislative Committee, which consists of judges from all levels of court. The purpose of the Legislative Committee is to develop a proactive legislative agenda on behalf of the BJA as well as recommend positions on legislation of interest to the BJA.

In order to prepare for the 2019 Legislative Session that convenes on January 14, 2019, we are soliciting legislation proposals. Examples of these from prior years include [HB 1285](#) (modifying oath requirements for interpreters in legal proceedings), [HB 1140](#) (extending surcharges on court filing fees for deposit into the Judicial Stabilization Trust account), and [HB 1111](#) (concerning court transcripts). The Legislative Committee will review all proposals and make recommendations to the BJA this fall.

While the Legislative Committee will consider all legislative proposals from the court community, we are particularly interested in proposals that further the Principal Policy Goals of the Judicial Branch (attached) and are at the request of a board, commission, association, or BJA committee. We invite you to submit ideas for our consideration using the attached form by August 15, 2018.

Please do not hesitate to reach out to Brady Horenstein, AOC Associate Director, Legislative and Judicial Relations at brady.horenstein@courts.wa.gov or (360) 357-2113. As staff to the Legislative Committee, Brady is able to help craft proposals and answer questions about the process.

Thank you in advance for your proposals. We look forward to working with you to improve Washington's justice system.

Attachments

Washington Justice Leaders

April 24, 2018

Page 2

cc: Judge Marlin J. Appelwick, COA
Judge Kitty-Ann van Doorninck, SCJA
Judge Stephen Warning, SCJA
Judge Samuel Meyer, DMCJA
Ms. Kelley Amburgey-Richardson, AOC
Ms. Crissy Anderson, AOC
Ms. Judith Anderson, AOC
Ms. Cindy Bricker, AOC
Ms. Misty Butler Robison, BJA
Ms. Carolyn Cole, AOC
Ms. Cynthia Delostrinos, AOC
Ms. Margaret Fisher, AOC
Ms. Sharon Harvey, AOC
Mr. Brady Horenstein, AOC
Ms. Stacey Johnson, AOC
Mr. Robert Lichtenberg, AOC
Mr. Dirk Marler, AOC
Mr. Ramsey Radwan, AOC
Ms. Intisar Surur, AOC/SCJA

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WASHINGTON
COURTS

Board for Judicial Administration Legislative Committee 2019 Legislation Proposal Form

Please submit completed forms and any supporting documentation to Brady Horenstein, AOC Associate Director, Legislative and Judicial Relations at brady.horenstein@courts.wa.gov.

Proposals should be submitted by August 15, 2018.

Request Title

Provide a one sentence title for the proposal.

Requesting Entity (Organization & Contact Person)

Provide organization name, contact person and their contact information.

Request Background

Provide a paragraph explaining how and why the proposal was developed. Is the proposal a product of a work group or task force?

Summary/Request Justification

Summarize the request and explain how it will further the Principal Policy Goals.

RCW(s) Impacted (please provide strikethrough if possible)

Provide RCWs and the requested changes to existing statutes. If requesting a new statute, identify RCW chapter(s) where it should be added.

Court Level Impact

Summarize the court level impact and identify specific court levels (i.e., CLJ, Superior Court, Court of Appeals, Supreme Court).

Fiscal Impact

If enacted, will there be costs to implement this proposal? Will AOC, courts, or other agencies have an ongoing fiscal impact as a result?

Legislative Strategy Recommendations

Identify potential messages/talking points to legislators. Have legislators or staff participated in any discussions about the proposal? If known, identify specific legislators that could be champions or allies.

Stakeholder Impact

Provide a list of all stakeholders and whether they are likely to support or oppose the proposal.

Potential Opposition

Provide a list of organizations or entities that may oppose the legislation and a brief explanation of why if known.

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of justice in the state.

The judicial branch in Washington State is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect.

The Principal Policy Goals of the Washington State Judicial Branch

1. **Fair and Effective Administration of Justice.** 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.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.

2018 LEGISLATIVE SESSION SUMMARY REPORT





WASHINGTON
COURTS

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Office of Legislative & Judicial Relations
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*The mission of the Administrative Office of the Courts is
"to advance the efficient and effective operation of the
Washington Judicial System."*

**AOC has worked for more than 60 years to fulfill
this mission for all levels of court.**

2018 LEGISLATIVE SUMMARY

We are pleased to present to you a summary of 2018 legislation of interest to the Washington Judiciary. Legislators passed hundreds of bills during the short 60 day session on a whole host of topics, including 66 bills that we've identified with some level of court interest or impact. A few of these with especially significant impact include comprehensive legal financial obligations reform ([E2SHB 1783](#)), a revised Uniform Parentage Act ([ESSB 6037](#)), and modifications to auto-decline/exclusive adult jurisdiction statutes ([E2SSB 6160](#)).

Several other high profile bills that had stalled in prior years found their way to the Governor's desk this year, including the Voting Rights Act ([ESSB 6002](#)) and Breakfast After the Bell ([2ESHB 1508](#)). Legislators also made waves when they passed a legislative public records bill ([ESB 6617](#)), which the Governor ultimately vetoed.

Certainly the highlight of the session was the supplemental operating budget, which provides significant additional funding for mental health, K-12 education, and financial aid. The budget also includes funding to address the Supreme Court's most recent *McCleary* order. Legislators capitalized on very positive revenue growth that provided more than \$1 billion in additional revenue to work with.

Several notable court impact bills failed to pass this year, including the repeal of the death penalty ([SB 6052](#)), driving while license suspended 3rd decriminalization ([SSB 6189](#)), traffic LFO consolidation ([HB 2421](#)), and juvenile records sealing ([SB 5694](#)). We expect those bills to return next session in one form or another.

As you read through the following bill summaries, please do not hesitate to contact us at AOC with questions. You can also find detailed information about a bill on the Legislature's website by visiting <http://app.leg.wa.gov/billinfo/> and entering the 4-digit bill number.

Numerous AOC staff were involved in screening, analyzing, and monitoring hundreds of bills for their potential effects on the business of the courts, AOC programs and services, and the Judicial Information System. Although only a small percentage of bills introduced actually make it to the Governor's desk for signature and become law, they all must be reviewed for potential impact.

Once a bill becomes law, AOC staff start working on implementation. Between updating and creating pattern forms, law table work, making JIS changes, and updating documentation, AOC staff will spend over 1,000 hours implementing legislation this year.



1,410

Bills introduced and screened



390

Bills tracked by AOC staff



66

Court interest/impact enacted bills

BILL TRACKERS

Analyzing and monitoring legislation is no small task. The following individuals at AOC made up our 2018 Legislative Team. They worked diligently to identify issues and track bills throughout the session. Without them, none of our legislative work would be possible.

Lynne Alfasso
Court of Appeals

Kelley Amburgey-Richardson
Domestic violence, sexual assault, human trafficking

Judith Anderson
Judicial education

Angie Autry
CLJ-CMS

J Benway
District and Municipal court (non-traffic crimes and CLJ civil actions)

Cindy Bricker
Juvenile dependency

Jennifer Burnam
JIS impact

Misty Butler Robison
Board for Judicial Administration

Carolyn Cole
Race & justice issues

Vicky Cullinane
ISD business relations, CLJ

Cynthia Delostrinos
Commissions, race and justice issues, trafficking, victims, DV

Curtis Dunn
ISD business relations, Appellate, Superior and Juvenile Courts

Merrie Gough
Pattern forms

Sondra Hahn
Bill Tracker coordination; jury issues

Stephanie Happold
Data dissemination

Sharon Harvey
District and Municipal court (infractions, misdemeanors/gross misdemeanors, traffic-related, photo enforcement, tolls)

Shannon Hinchcliffe
Legal and judicial ethics

Charlotte Jensen
Court data and reporting

Stacey Johnson
Probate, guardianship, elder law

Mike Keeling
ISD, JIS impact, state government IT

Sam Knutson
Judicial impact notes

Keturah Knutson
ISD impact/coordination

Renée Lewis
Judicial impact notes

Bob Lichtenberg
Interpreters

Dirk Marler
Court services staff and program impact

Elaine McLaughlin
Odyssey Portal

Jan Nutting
Public records

Michelle Pardee
Law table impact

Yvonne Pettus
JIS impact

Ramsey Radwan
Appropriations, budget, capital, funding accounts

Janet Skreen
Superior court policy and procedure & juvenile court practices, operations, funding, detention, family law and juvenile offender

Keri Sullivan
JIS impact

Intisar Surur
Superior Court Judges' Association policy analyst

Jane VanCamp
Human Resources

Anne Watson
Superior court law and procedures (felonies, criminal legislation, civil legislation unique to superior court)

Kathleen Wyer
JIS impact, training (Implementation)

Law enforcement[Initiative 940](#) and [ESHB 3003](#)

Chapter 11, 2018 Laws

Court Levels: Superior

Categories: Criminal, Other/Informational

Effective Date: 6/7/2018

The Legislature enacted I-940, which is an initiative to the Legislature. I-940 requires law enforcement officers to receive violence de-escalation training and mental health training, establishes a duty of law enforcement officers to provide first aid, and establishes a good faith standard for law enforcement officer use of deadly force criminal liability. The Legislature amended several I-940 provisions through the passage of ESHB 3003, which was contingent on the passage of I-940.*

**At the time of this publication, a Thurston County Superior Court judge has ruled the Legislature's actions as unconstitutional and ordered I-940 to be placed on the November ballot without the ESHB 3003 amendments.*

Crime victim participation[SHB 1022](#)

Chapter 86, 2018 Laws

Court Levels: Superior, Juvenile, District/
Municipal

Categories: Other/Informational

Effective Date: 6/7/2018

Provides a procedure for immigrant victims of criminal activity or trafficking to obtain law enforcement certification on U.S. citizenship and immigration service forms.

Military/consumer protection[HB 1056](#)

Chapter 197, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Forms

Effective Date: 6/7/2018

Expands the definition of "service member" for purposes of the Washington Service

Members Civil Relief Act (SMCRA) to include an active member of the US armed forces who is either stationed in or a resident of Washington state and a member of a military reserve component or the national guard who is stationed in Washington state. Provides a process for active service members ordered to permanently change station or to deploy for 30 days or more to terminate, suspend, and reinstate their contracts for telecommunications, internet, health studio, subscription television, and commercial mobile radio services.

Court-ordered restitution[HB 1058](#)

Chapter 123, 2018 Laws

Court Levels: Superior

Categories: Court Funding & Fees

Effective Date: 6/7/2018

Prohibits the court from postponing the commencement of restitution payments until an offender is released from total confinement. An offender's inability to make payments while confined cannot be the basis for a sentence violation unless the ineligibility results from a refusal to accept an offer of employment to a class I or II job or a termination from such a job for cause.

Civil arbitration[EHB 1128](#)

Chapter 36, 2018 Laws

Court Levels: Superior

Categories: Civil, Court Funding & Fees

Effective Date: 9/1/2018

Replaces "mandatory" with "civil" in reference to arbitration laws under chapter 7.06 RCW. Increases the money judgment amount for arbitrable civil actions to \$100,000 on approval by two-thirds of the judges of a superior court. Adopts procedural rules for arbitration hearings and discovery. Sets qualifications for arbitrators. Requires that a notice of appeal from arbitration be signed by the aggrieved

party. Increases the maximum arbitration filing fee from \$220 to \$250 and the trial de novo filing fee from \$250 to \$400. Applies to cases filed on or after September 1, 2018.

Student loan assistance

[3SHB 1169](#)

Chapter 199, 2018 Laws
Court Levels: Superior, District/Municipal
Categories: Civil, Forms
Effective Date: 6/7/2018

Enacts the Student Opportunity, Assistance, and Relief Act. Repeals multiple provisions allowing suspension of professional licenses due to student loan default. Adds a cell phone, personal computer, and printer to personal property items exempt from garnishment. Increases bank account and wage garnishment exemptions for judgments on private student loan debt and caps interest. Modifies garnishment forms to specify private student loan debt and to notify debtors of exemption rights.

Municipal financial services

[SHB 1209](#)

Chapter 237, 2018 Laws
Court Levels: Superior, Juvenile, District/Municipal
Categories: Accounting, Other/Informational
Effective Date: 6/7/2018

Amends the public depository statute to include credit unions in the definition of public depositories allowed to accept public deposits greater than the maximum insured amount over the maximum insured amount only from counties with a population of 300,000 persons or less, or from public funds depositories located in a county with a population of 300,000 persons or less.

Job applicants/arrests, etc.

[2SHB 1298](#)

Chapter 38, 2018 Laws
Court Levels: All
Categories: Civil, Criminal, Salaries & Benefits
Effective Date: 6/7/2018

Enacts the Washington Fair Chance Act. Prohibits employers from inquiring about an applicant's criminal background or conducting a criminal history background check until after the employer has initially determined that the applicant is otherwise qualified for the position. Employers are restricted from categorically excluding applicants with a criminal background. Certain employers are exempted, including employers hiring a person who will or may have unsupervised access to children or vulnerable persons, employers who are expressly permitted or required under another federal or state law to consider an applicant's criminal background, and law enforcement or criminal justice agencies. Authorizes and directs the Attorney General's Office to enforce the Act.

Behavioral health authority

[2ESHB 1388](#)

Chapter 201, 2018 Laws
Court Levels: Superior, District/Municipal
Categories: Civil, Forms
Effective Date: 7/1/2018

Transfers responsibilities for the oversight and purchasing of behavioral health services from the Department of Social and Health Services (DSHS) to the Health Care Authority (HCA), except for the operation of the state hospitals. The responsibility for administering the Involuntary Treatment Act is changed from the DSHS and the behavioral health organizations to the HCA and the behavioral health organizations. Notifications related to the restoration of a person's right to possess a firearm are sent to the HCA, rather than the DSHS. The DSHS's electronic database that must be consulted when determining eligibility

to possess a firearm is changed to the HCA's electronic database.

Shared leave/pregnancy

[ESHB 1434](#)

Chapter 39, 2018 Laws

Court Levels: Appellate

Categories: Salaries & Benefits

Effective Date: 7/1/2018

Expands the existing Shared Leave Program for state employees to include parental leave to bond with an employee's newborn, adoptive, or foster child, and for employees who are sick or temporarily disabled because of pregnancy disability. The Shared Leave Program allows employees to share accumulated leave with other employees under certain circumstances.

Higher ed student protection

[E2SHB 1439](#)

Chapter 203, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Regulates for-profit higher education institutions and private vocational schools to protect students from unfair business practices. Expands students' remedies to include actions under the Consumer Protection Act.

Workplaces/gender pay equity

[2SHB 1506](#)

Chapter 116, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Creates a new chapter in Title 49 RCW (labor regulations) to update the Washington equal pay act, addressing income disparities, employer discrimination, and retaliation practices. Fundamentally, an employer may not discriminate in providing employment opportunities based on gender. In addition

to administrative remedies, an employee may bring a civil action, with a three-year statute of limitations, for violation of career advancement, wage discussion, and retaliation provisions. The court may award damages, as well as ordering reinstatement and injunctive relief.

Therapeutic courts

[SHB 1524](#)

Chapter 205, 2018 Laws

Court Levels: Superior

Categories: Court Funding & Fees

Effective Date: 6/7/2018

Treatment services that are authorized to be funded through the Criminal Justice Treatment Account (CJTA) are expanded to include recovery support services, such as housing, vocational training, and mental health counseling.

Homeless housing and assistance

[E2SHB 1570](#)

Chapter 85, 2018 Laws

Court Levels: District/Municipal

Categories: Accounting, Court Funding & Fees, JIS

Effective Date: 6/7/2018

Establishes the Washington Housing Opportunities Act. Provides additional resources to address housing needs through the Department of Commerce. Increases the homeless housing and assistance document recording surcharge from \$40 to \$62 and makes it permanent. The effect of this bill and HB 2578 is to increase the recording fee associated with name changes from \$74 to \$99.

Hanford/occupational disease

[SHB 1723](#)

Chapter 9, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

Creates a prima facie presumption for Hanford nuclear site workers that specified diseases and conditions are occupational diseases for purposes of industrial insurance coverage. The presumption applies to decisions made after the bill's effective date, regardless of the date of last injurious exposure or claim filing. When a court's final decision is to allow a claim for benefits, the court shall order that all reasonable costs of appeal, including attorney fees and witness fees, be paid to the worker/beneficiary by the opposing party.

Removes interest on nonrestitution legal financial obligations (LFOs) imposed in superior court or courts of limited jurisdiction. Upon motion, courts must waive nonrestitution interest on LFOs that accrued prior to June 7, 2018 (the bill's effective date).

Prohibits courts from imposing costs on an offender who is indigent. A defendant who is not in default on cost payments may request the court to convert unpaid costs to community service hours if the unpaid balance creates an undue hardship.

Requires restitution payment prioritization: first, proportionally to restitution to victims that have not been fully compensated from other resources, second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims, third, proportionally to crime victims' assessments, and fourth, proportionally to costs, fines, and other assessments.

Upon an indigency finding, courts must grant permission for LFO payments to be made in installments. Courts are prohibited from sanctioning a defendant for failure to pay LFOs unless the failure to pay was willful, which can only occur if the defendant has an ability to pay. Failure to pay LFOs is not willful if the defendant is homeless or mentally ill.



E2SHB 1783 (Legal financial obligations) Bill Signing

Legal financial obligations

[E2SHB 1783](#)

Chapter 269, 2018 Laws

Court Levels: Appellate, Superior, District/Municipal

Categories: Accounting, Court Funding & Fees, Criminal, Forms, JIS

Effective Date: 6/7/2018

Courts are not required to impose a DNA database fee if the defendant's DNA was collected previously as a result of a prior conviction.

Courts are not required to refund or reimburse prior LFO payments, including interest.

Dependency petitions[HB 1790](#)

Chapter 17, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 6/7/2018

Probation officers no longer need to review dependency petitions when the Department of Social and Health Services files the dependency petition.



2SHB 1896 (Civics education) Bill Signing

Civics education[2SHB 1896](#)

Chapter 127, 2018 Laws

Court Levels: Informational

Categories: Other/Informational

Effective Date: 6/7/2018

Expands the Civics Education Teacher Training Program within the Office of the Superintendent of Public Instruction (OSPI) to develop teacher training materials and provide teacher training and professional learning opportunities across the state. Requires school districts beginning with or before the 2020-21 school year to provide a mandatory one-half credit civics education course for high school students. Directs OSPI to select two school districts to serve as demonstration sites for expanded civics education. Transfers the administration responsibilities of the Washington History Day Program from the Washington State Historical Society to OSPI.

Residential real property[2ESHB 2057](#)

Chapter 306, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Addresses services and processes available when residential real property is abandoned or in foreclosure. Makes changes to nonjudicial foreclosures, including access to preserve

property from waste or nuisance, beneficiary declarations, notices of default, and deceased borrowers and successors in interest. Establishes a violation of the Consumer Protection Act for failing to comply with statutory requirements before accelerating a reverse residential mortgage obligation or commencing foreclosure.

Worker safety on roadways and roadsides[HB 2087](#)

Chapter 18, 2018 Laws

Court Levels: District/Municipal

Categories: Criminal, Infractions

Effective Date: 6/7/2018

Adds "construction zone workers" to the list of people who drivers must move to the left lane for when driving on Washington highways and roadways. It also establishes a traffic infraction for the reckless endangerment of work zone workers.

Federal tax info/background checks[HB 2208](#)

Chapter 9, 2018 Laws

Court Levels: Appellate (AOC)

Categories: Other/Informational

Effective Date: 6/7/2018

Requires that all current and prospective state agency employees who are or may be authorized to access federal tax information have a fingerprint criminal history record check

through the Washington State Patrol criminal identification system and the FBI. Agencies must establish background check policies that satisfy Internal Revenue Service requirements.

Sexually violent predators

[HB 2271](#)

Chapter 31, 2018 Laws
Court Levels: Superior
Categories: Civil
Effective Date: 3/21/18

Overturms the *Marcum* decision as to postcommitment show cause hearings under RCW 71.09.090. If the state produces prima facie evidence that a committed person continues to be a sexually violent predator, an unconditional release trial may not be ordered unless the committed person produces evidence satisfying RCW 71.09.090(4)(a) and (4)(b)(i) or (ii). If the state produces prima facie evidence that a less restrictive alternative is not appropriate, an unconditional release trial may not be ordered unless the committed person produces both satisfactory evidence and a proposed placement that meets the requirements of RCW 71.09.092. Applies retroactively and prospectively to all petitions filed under chapter 71.09 RCW.

Civil legal aid

[SHB 2308](#)

Chapter 21, 2018 Laws
Court Levels: Informational
Categories: Civil
Effective Date: 6/7/2018

Establishes legislative findings that civil legal problems experienced by low-income people in the state exceed the state-funded civil legal aid system's capacity to address. Directs the



SHB 2308 (Civil legal aid) Bill Signing

Office of Civil Legal Aid (OCLA) to periodically assess the most prevalent civil legal problems experienced by low-income people in the state and the capacity of the state-funded legal aid system to meet the legal needs arising from such problems. Modifies provisions related to allowable state-funded civil legal aid services. Authorizes the use of state funds for matters relating to employment, disability rights, education, administrative agency decisions, and discrimination prohibited by local, state or federal law.

Technical corrections

[HB 2368](#)

Chapter 22, 2018 Laws
Court Levels: Superior, Juvenile, District/
Municipal
Categories: Forms, Other/Informational
Effective Date: 6/7/2018

Technical clean-up bill; primarily corrects outdated statutory cross-references. Section 7 amends the firearm possession statute; Section 9 clarifies RCW 26.50.070 regarding domestic violence ex parte temporary protection orders.

Jury selection[SHB 2398](#)

Chapter 23, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal

Effective Date: 6/7/2018

Jury selection provisions are expanded to prohibit exclusion based on creed, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal. The new law specifically states that it does not affect a party's right to peremptory challenges, or general challenges for cause (for failure to meet the statutory qualifications for a juror or inability to perform the duties of a juror), or the right to challenges for cause because of a prospective juror's actual or implied bias, or a judge's duty to excuse an "unfit" person as defined in RCW 2.36.110.

Discriminatory covenants[SHB 2514](#)

Chapter 65, 2018 Laws

Court Levels: Superior

Categories: Civil, Court Funding & Fees

Effective Date: Section 1 – 1/1/2019; Section 2 – 6/7/2018

Provides recording of restrictive covenant modification documents as an alternative to the judicial procedure for striking discriminatory language from written real property instruments under RCW 49.60.227 and 64.38.028. Prohibits fees or surcharges for filing/recording modification documents.

Pistol license eligibility[EHB 2519](#)

Chapter 226, 2018 Laws

Court Levels: Superior, Juvenile, District/Municipal

Categories: Forms

Effective Date: 6/7/2018

Amends statutes pertaining to the issuance of concealed pistol licenses (CPL). Prohibits a law enforcement agency from returning a CPL until the agency verifies that the CPL holder is eligible to possess the CPL.

Housing options[E2SHB 2578](#)

Chapter 66, 2018 Laws

Court Levels: District/Municipal

Categories: Accounting, Civil, JIS

Effective Date: 6/7/2018

Amends the Landlord-Tenant Act to prohibit a landlord from refusing to rent or lease a property based on the otherwise qualified tenant's source of income. "Source of income" includes benefits or subsidies, emergency rental assistance, veteran benefits, and Social Security benefits. Authorizes a civil action for violations of this provision. Establishes the Landlord Mitigation Program within the Department of Commerce funded through an increase to the "Affordable Housing for All" surcharge. The Program will provide reimbursements to landlords of private market rental units rented to low-income tenants using a housing subsidy for certain claims, including damages and unpaid rent.

Peer support group counselors[HB 2611](#)

Chapter 165, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal

Effective Date: 6/7/2018

Expands the testimonial privilege to the communications of a limited authority law enforcement officer (employed by Department of Corrections, State Parks and Recreation Commission, Department of Natural Resources, Liquor and Cannabis Board, or Gambling Commission) and a peer support group counselor during counseling.

Graduated re-entry program[SHB 2638](#)

Chapter 166, 2018 Laws

Court Levels: Superior

Categories: Forms

Effective Date: 6/7/2018

Creates a partial confinement graduated re-entry program. Authorizes the Department of Corrections to transfer an offender from a DOC facility to home detention if they determine that a graduated re-entry program is appropriate.

Domestic assault/employment[HB 2661](#)

Chapter 47, 2018 Laws

Court Levels: All

Categories: Civil, New/Amended Crimes, Other/Informational, Salary & Benefits

Effective Date: 6/7/2018

Prohibits employers from discriminating against an employee or prospective employee because the individual is an actual or perceived domestic violence, sexual assault, or stalking victim. Requires employers to make reasonable safety accommodations at the request of a domestic violence, sexual assault, or stalking victim unless the accommodation would create an undue hardship on the employer.

Students/out-of-home care[ESHB 2684](#)

Chapter 129, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 9/1/2018

Students placed in out-of-home care must remain enrolled in the school they were attending at the time they entered out-of-home care if it is in the student's best interest. Several student-centered factors must be taken into consideration by school district and

child welfare department personnel. A foster care liaison will be designated for each school district. A dispute resolution process will be developed by the office of the superintendent of public instruction to resolve disagreements about school placement.

CDL medical certificates[SHB 2696](#)

Chapter 49, 2018 Laws

Court Levels: District/Municipal

Categories: Infractions

Effective Date: 4/30/2019

Aligns RCW 46.25.055, 46.25.057, and 46.25.075 with the code of federal regulations, namely, 49 C.F.R. Sec. 391, which provides for medical examinations and certificates of physical examination. Makes it a traffic infraction for a commercial driver to drive a commercial vehicle while downgraded for not maintaining a current medical certificate with the Department of Licensing.

Child interview recordings[ESHB 2700](#)

Chapter 171, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Criminal, Family & Juvenile, Forms

Effective Date: 3/22/2018; Section 2 expires and Section 3 takes effect on 7/1/2018

Exempts audio and video recordings of child forensic interviews that depict or describe allegations of child abuse, child neglect, or exposure to violence from the Public Records Act except by court order upon a showing of good cause and notice to the child's guardian. Requires that audio and video recordings of child interviews disclosed in a criminal or civil proceedings are subject to a protective order unless the court finds good cause that the interview should not be subject to such order. A violation of this order is subject to a civil penalty up to \$10,000.

Search warrants/municipal courts[SHB 2752](#)

Chapter 50, 2018 Laws

Court Levels: District/Municipal

Categories: Criminal

Effective Date: 6/7/2018

Amends RCW 2.20.030 to provide that if the jurisdiction of a district or municipal court encompasses all or part of more than one county, a judge for that district or municipal court may issue a search warrant for any person or evidence located anywhere within the state as long as the county in which the offense is alleged to have occurred is one of the counties within that court's jurisdiction.

Board of tax appeals administration[EHB 2777](#)

Chapter 174, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

Makes changes to the required qualifications, training, and duties of members of the Board of Tax Appeals (BTA). Requires the BTA to report on the handling and disposition of its appeal docket. Makes changes to the qualifications of tax referees.

The Governor vetoed Sections 6, 8, 11, 17, and 18 of the bill.

Service animal misrepresentation[SHB 2822](#)

Chapter 176, 2018 Laws

Court Levels: District/Municipal

Categories: Infractions

Effective Date: 1/1/2019

Makes regulations governing service animals (dogs & miniature horses) more restrictive. Creates a new civil infraction for misrepresenting a service animal.

Campaign finance[ESHB 2938](#)

Chapter 304, 2018 Laws

Court Levels: All (Judges)

Categories: Civil, Judicial Elections

Effective Date: 6/7/2018

Changes the factors the court may consider in assessing a civil penalty for campaign disclosure violations, authorizes a new citizen's action, and authorizes court costs and fees for an action brought under the chapter.

The Governor vetoed Sections 9 and 10 of the bill.

Legal tech. fees/DV cases[SB 5213](#)

Chapter 84, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Family & Juvenile

Effective Date: 6/7/2018

Expands the court's authority to include reimbursing petitioners for limited license legal technician fees incurred in actions for domestic violence protection orders under chapter 26.50 RCW.

Suicide/firearm right waiver[SSB 5553](#)

Chapter 145, 2018 Laws

Court Levels: Superior

Categories: Civil, Forms, Other/Informational

Effective Date: 1/1/2019

Creates a new program to allow people to file a voluntary waiver of firearm rights with the clerk of the court in any county in Washington state.

Relatives/child visitation[SB 5598](#)

Chapter 183, 2018 Laws

Court Levels: Superior

Categories: Court Funding & Fees, Family & Juvenile, Forms, JIS

Effective Date: 6/7/2018

Authorizes a non-parent relative to request court-ordered visitation with a child if the relative and child have an ongoing and substantial relationship and denying visitation risks harm to the child. The child and relative's interaction, companionship, mutual interests, and affection forms and sustains an ongoing and substantial relationship. The relative and child must share the expectation and desire for an ongoing relationship. The relationship must have substantial continuity for at least two years or, if the child is under age two, for at least half of the child's life.

Pretrial release programs[SB 5987](#)

Chapter 276, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, Forms

Effective Date: 6/7/2018

This bill is the Legislature's response to *Blomstrom v. Tripp*, 189 Wash.2d 379 (2017), which held that random urinalysis (UA) testing during the pretrial phase is unconstitutional. Authorizes district, municipal, and superior court judges to require the defendant to submit to such testing to determine the defendant's compliance with the condition when the judge determines that this condition is necessary to protect the public from harm.

Campaign finance disclosures[SSB 5991](#)

Chapter 111, 2018 Laws

Court Levels: All (Judges)

Categories: Judicial Elections

Effective Date: 1/1/2019

Requires nonprofit organizations, not otherwise defined as political committees making contributions or expenditures in Washington election campaigns above specified thresholds, to file organizational statements with the Public Disclosure Commission and disclose certain contributors, regardless of the organization's primary purpose. Many other provisions are created.

Bump-fire stocks[ESB 5992](#)

Chapter 7, 2018 Laws

Court Levels: Superior

Categories: Criminal, New & Amended Crimes

Effective Date: Sections 1 and 2 – 7/1/2018;

Sections 3-9 – 7/1/2019;

Sections 10-12 – 6/7/2018

Defines "bump-fire stock" as "a butt stock designed to be attached to a semiautomatic firearm with the effect of increasing the rate of fire achievable to that of a fully automatic firearm by using the energy from the recoil of the firearm to generate reciprocating action that facilitates repeated activation of the trigger" under RCW 9.41.010. Effective 7/1/18, it is unlawful to manufacture or sell a bump-fire stock. Effective 7/1/19, it is unlawful to manufacture, own, buy, sell, loan, furnish, transport, possess, assemble, or repair a bump-fire stock. Use of a bump-fire stock in the commission of a felony is a class A felony. Illegally possessed bump-fire stocks are declared to be contraband subject to seizure. The Washington State Patrol is directed to establish and administer a bump-fire stock buy-back program for relinquishment of the devices.

Workplace sexual harassment/NDAs[SSB 5996](#)

Chapter 117, 2018 Laws

Court Levels: All

Categories: Other/Informational, Salaries & Benefits

Effective Date: 6/7/2018

Prohibits employers from requiring an employee or a prospective employee as a condition of employment, to sign a nondisclosure agreement that prevents the employee from disclosing workplace-related sexual harassment or sexual assault, including between employees or between employer and employee off the work premises. Declares that such agreements are void and unenforceable.

Voting rights act[ESSB 6002](#)

Chapter 113, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

Establishes the Washington Voting Rights Act. A political subdivision violates the act when elections exhibit polarized voting and where members of a protected class do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of members' rights. Authorizes political subdivisions to change their electoral systems to remedy potential violations. Creates a cause of action and authorizes courts to order appropriate remedies for violations, including redistricting within a political subdivision.

Uniform parentage act[ESSB 6037](#)

Chapter 6, 2018 Laws

Court Levels: Superior

Categories: Family & Juvenile, Forms, JIS

Effective Date: 1/1/2019

Modifies statutory provisions surrounding

surrogacy agreements that require court proceedings, codifies de facto parentage, and makes many changes regarding assisted reproduction, binding effect of parentage determinations, inspection of records, parentage affidavits, rescission of parentage affidavits, genetic testing, and competing claims of parentage, among others.

Sexual harassment/NDAs[ESSB 6068](#)

Chapter 118, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 6/7/2018

Makes unenforceable any provision of a nondisclosure agreement that would limit production of past sexual harassment or assault evidence by a party to a civil action for sexual harassment or assault. Directs the court to enter orders to protect the identity of the victim or alleged victim unless that person consents to disclosure. Applies to actions pending as of the effective date and actions filed after the effective date.

Commitment hearings by video[SSB 6124](#)

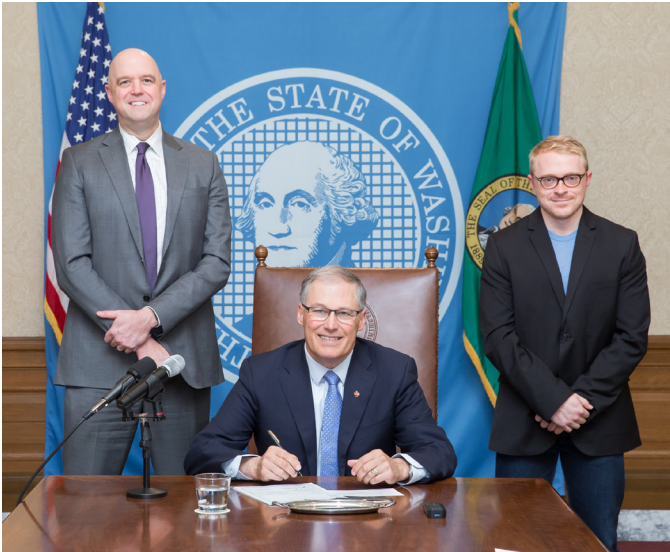
Chapter 305, 2018 Laws

Court Levels: Superior

Categories: Civil, Forms

Effective Date: 6/7/2018

Authorizes petitioners, respondents, witnesses and presiding judicial officers to participate in person or by video as determined by the court in Involuntary Treatment Act proceedings. Also allows witnesses to appear telephonically. Authorizes the court to require parties or witnesses to participate in person.



SSB 6124 (ITA hearings by video) Bill Signing

Vehicle manufacturers and dealers

[ESSB 6137](#)

Chapter 296, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

A new motor vehicle dealer or an association, primarily owned by the dealers and representing their interests, may bring a petition to the Department of Licensing for an adjudicative proceeding or a civil suit for damages, declaratory relief, or to enjoin further violations. Authorizes the court to increase an award of damages up to an amount not to exceed three times the actual damages sustained for a willful violation. Other provisions are included in the bill, not germane to superior court.

Exclusive adult jurisdiction

[E2SSB 6160](#)

Chapter 162, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Criminal, Family & Juvenile,

Forms, JIS

Effective Date: 6/7/2018

Moves the following offenses from the

exclusive original jurisdiction of adult court to the exclusive original jurisdiction of juvenile court when committed by a youth aged 16 or 17: robbery 1; drive by shooting; burglary 1 if juvenile has a prior felony or misdemeanor offense; and any violent offense when juvenile is alleged to have been armed with a firearm. Creates a new A++ sentencing range. Option B offenses are increased. A discretionary decline hearing may not be set unless the juvenile is at least age 15 and charged with a felony which is a serious violent offense, or unless the juvenile is age 14 or younger and charged with murder 1 or murder 2. Mandatory decline hearings are eliminated, except for allegations of escape when a juvenile is serving a minimum sentence to age 21. Jurisdiction is retained until age 25. Washington State Institute for Public Policy (WSIPP) must study and report on impact on community safety, racial disproportionality, recidivism, state expenditures, and youth rehabilitation by the end of 2031.

Common interest ownership

[SSB 6175](#)

Chapter 277, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil

Effective Date: 7/1/2018

Creates the Washington Uniform Common Interest Ownership Act, which contains comprehensive provisions for the formation, management, and termination of common interest communities, including condominiums, cooperatives, and plat communities.

FAST act compliance

[SB 6218](#)

Chapter 105, 2018 Laws

Court Levels: District/Municipal

Categories: Infractions

Effective Date: 6/7/2018

This bill amends RCW 46.44.030 in order to comply with the Fixing America's Surface

Transportation (FAST) Act by providing length and weight standards for vehicles. Violating these requirements is a traffic infraction.

Extended foster care eligibility

[SSB 6222](#)

Chapter 34, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile, Forms

Effective Date: 7/1/2018

Expands eligibility for youth requesting extended foster care services. Authorizes youth who reach age 18 to request extended foster care services at any time before they reach age 21. Removes the limitation on number of times the youth can request extended foster care services through age 21.

Unfair labor practices SOL

[SB 6231](#)

Chapter 252, 2018 Laws

Court Levels: Superior

Categories: Civil

Effective Date: 6/7/2018

Amends the state collective bargaining statutes to provide a six-month statute of limitations for unfair labor practice complaints filed in superior court as well as with the Public Employment Relations Commission.

Apprenticeships/foster and homeless youth

[2SSB 6274](#)

Chapter 232, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 6/7/2018

Creates an additional postsecondary pathway to apprenticeships and preapprenticeships (similar to Passport to College Program) for former foster and unaccompanied homeless youth.

Dept. of Children, Youth and Families (DCYF) technical changes

[SB 6287](#)

Chapter 58, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile, Forms

Effective Date: 7/1/2018

Changes references to Children's Administration to the new Department of Children, Youth and Families. Makes other minor technical changes.

DV harassment/firearms

[SB 6298](#)

Chapter 234, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Criminal, New & Amended Crimes

Effective Date: 6/7/2018

Makes it unlawful to possess a firearm if convicted or found not guilty by reason of insanity of harassment against a family or household member on or after the effective date of the bill.

Employment contracts/discrimination

[SSB 6313](#)

Chapter 120, 2018 Laws

Court Levels: All

Categories: Civil, Other/Informational, Salaries & Benefits

Effective Date: 6/7/2018

Provides that any employment agreement that requires an employee to waive their right to file a Washington Law Against Discrimination (WLAD) or federal antidiscrimination complaint, or requires a discrimination claim to be resolved using a confidential dispute resolution process is void and unenforceable.

Intrastate food safety[SSB 6318](#)

Chapter 236, 2018 Laws

Court Levels: Superior, District/Municipal

Categories: Civil, Criminal, New & Amended Crimes

Effective Date: 6/7/2018

Moves provisions from the Washington Food, Drug, and Cosmetics Act related to food to a new chapter in Title 15 RCW, creating the Food Safety and Security Act, in order to protect the public from adulteration, misbranding, and false advertisement of food in intrastate commerce. Also creates a new chapter in Title 77 RCW for provisions relating to fish and shellfish labeling. In addition to administrative enforcement, misdemeanors are specified and actions may be brought to enjoin violations in Thurston County Superior Court or a court of competent jurisdiction.

Child support[SSB 6334](#)

Chapter 150, 2018 Laws

Court Levels: Superior

Categories: Family & Juvenile, Forms

Effective Date: 6/7/18; Sections 201-401 take effect 1/1/19

Revises the economic table and removes age categories effective 1/1/19. Health care coverage provisions are amended effective 6/7/18. Self-support reserve limitation is clarified to refer to 125% of the federal poverty guideline for a one-person family effective 1/1/19.

Private management/child welfare[SB 6407](#)

Chapter 284, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile, Forms

Effective Date: 7/1/2018; Sections 3, 8, 13, 20, 33, 36 and 66 take effect July 1, 2018; Sections 2, 7, 12, 19, 32, 35, and 65 expire July 1, 2018

Eliminates provisions relating to child welfare case management by private supervising agencies.

Kinship caregiver legal support[2SSB 6453](#)

Chapter 80, 2018 Laws

Court Levels: Superior, Juvenile

Categories: Family & Juvenile

Effective Date: 6/7/2018

Authorizes the Department of Children, Youth and Families to purchase legal representation for parents or kinship caregivers of children who are at risk of being dependent, or who are dependent, to establish or modify a parenting plan or secure an order establishing other relevant civil legal relationships authorized by law when necessary for the child's safety, permanency or well-being. This does not create an entitlement to legal representation nor does it create judicial authority to order the department to purchase legal representation for a parent or kinship caregiver.

Outpatient behavioral health[ESSB 6491](#)

Chapter 291, 2018 Laws

Court Levels: Superior

Categories: Civil, Forms

Effective Date: Sections 1-4, 6, 7, 9, 11, 12, 13 & 15 – 4/1/18; Sections 5, 8, and 10 – 7/1/26; Sections 4, 7, & 9 expire 7/1/26.

Expands Assisted Outpatient Mental Health Treatment to include a need for treatment related to a substance use disorder, and renames it to assisted outpatient behavioral health treatment (AOBHT). Eligibility requirements for AOBHT are reduced by eliminating the requirement that a person is unlikely to survive safely in the community without supervision and reducing the requirement of two occasions to one occasion that the person has been detained by a court for involuntary treatment during the preceding

36 months. The initial petition process for AOBHT is extended and simplified: the time for a designated crisis responder (DCR) to complete an initial AOBHT investigation is extended to 48 hours, provided that the person may not be detained for the investigation for any period longer than allowed by current law; the AOBHT petition may be filed by the DCR alone, without a declaration from a second licensed professional; the time for superior court review of the AOBHT petition is extended to within five judicial days of filing the petition; and the DCR must provide the person with a summons to the court hearing, along with designation of appointed counsel and proof of services as provided in current law. In a final hearing after a Joel's Law petition, the court may order a Designated Crisis Responder to file a petition for AOBHT. Other changes are included.

Juvenile offense diversion

[ESSB 6550](#)

Chapter 82, 2018 Laws

Court Levels: Juvenile

Categories: Family & Juvenile, Forms, JIS

Effective Date: 6/7/18; Sec. 2 expires 7/1/19;

Sec. 3 effective 7/1/19

Authorizes a prosecutor to file or divert any complaint within the jurisdiction of juvenile court which is supported by probable cause and not subject to mandatory diversion, except that the prosecutor must file an offense which is a sex offense or violent offense other than assault 2 or robbery 2; the case of a juvenile has been referred from a diversion unit for prosecution; or the case of a juvenile who desires prosecution instead of diversion. In making a filing decision, the prosecutor may be, but is not required to be, guided by the length, seriousness, and recency of the juvenile's criminal history and the circumstances of the alleged offense. A prosecutor, juvenile court probation counselor, or diversion unit may refer a juvenile to a community-based program or restorative

justice program. A diversion agreement may exclude restitution owed to an insurance provider when calculating the actual loss incurred by a victim of the offense. A juvenile may participate in up to 20 hours of positive youth development as part of a diversion agreement.

Makes optional the requirement for members of the community to meet with a juvenile and advise the court when a juvenile is ordered to make community restitution. A juvenile's criminal records must be destroyed when the defendant reaches 18 years of age if the records consist of successfully completed diversions and counsel and release agreements, or both, which were successfully completed after the effective date of the bill, and there is no restitution owing in the case.

Youth discharge/homelessness

[SSB 6560](#)

Chapter 157, 2018 Laws

Court Levels: Juvenile

Categories: Family & Juvenile

Effective Date: 6/7/18; Section 2 – 1/1/19

Directs the Department of Children, Youth & Families (DCYF) and Office of Homeless Youth (OHY) must jointly develop a plan, with specific state agency actions and any legislative recommendations, to ensure that, by December 31, 2020, no unaccompanied youth is discharged from a publicly funded system of care into homelessness. Publicly funded system of care is defined as the child welfare system, behavioral health system, and juvenile justice system, and OHY programs. DCYF must submit the plan to the Legislature and Governor by December 31, 2019.

2018 SUMMARY CATEGORY INDEX

Category	Bill #	Page	Court*
Accounting			
Municipal financial services	1209	4	S, J, D/M
Homeless housing and assistance	1570	5	D/M
Legal financial obligations	1783	6	A, S, D/M
Housing options	2578	9	D/M
Civil			
Military/consumer protection	1056	3	S, D/M
Civil arbitration	1128	3	S
Student loan assistance	1169	4	S, D/M
Job applicants/arrests, etc.	1298	4	All
Behavioral health authority	1388	4	S, D/M
Higher ed student protection	1439	5	S, D/M
Workplaces/gender pay equity	1506	5	S, D/M
Hanford/occupational disease	1723	6	S
Residential real property	2057	7	S, D/M
Sexually violent predators	2271	8	S
Civil legal aid	2308	8	N/A
Jury selection	2398	9	S, D/M
Discriminatory covenants	2514	9	S
Housing options	2578	9	D/M
Peer support group counselors	2611	9	S, D/M
Domestic assault/employment	2661	10	All
Board of tax appeals administration	2777	11	S
Campaign finance	2938	11	All
Legal tech. fees/DV cases	5213	11	S, D/M
Suicide/firearm right waiver	5553	11	S
Voting rights act	6002	13	S
Sexual harassment/NDAs	6068	13	S, D/M
Commitment hearings by video	6124	13	S
Vehicle manufacturers and dealers	6137	14	S
Common interest ownership	6175	14	S, D/M
Unfair labor practices SOL	6231	15	S
Employment contracts/discrimination	6313	15	All
Intrastate food safety	6318	16	S, D/M
Outpatient behavioral health	6491	16	S

* A = Appellate Courts; S = Superior Courts; J = Juvenile Courts; D/M = District & Municipal Courts

2018 SUMMARY CATEGORY INDEX CONTINUED

Category	Bill #	Page	Court
Court Funding & Fees			
Court-ordered restitution	1058	3	S
Civil arbitration	1128	3	S
Therapeutic courts	1524	5	S
Homeless housing and assistance	1570	5	D/M
Legal financial obligations	1783	6	A, S, D/M
Discriminatory covenants	2514	9	S
Relatives/child visitation	5598	12	S
Criminal			
Law enforcement	940/3003	3	S
Job applicants/arrests, etc.	1298	4	All
Legal financial obligations	1783	6	A, S, D/M
Worker safety on roadways and roadsides	2087	7	D/M
Jury selection	2398	9	S, D/M
Peer support group counselors	2611	9	S, D/M
Child interview recordings	2700	10	S, J
Search warrants/municipal courts	2752	11	D/M
Pretrial release programs	5987	12	S, D/M
Bump-fire stocks	5992	12	S
Exclusive adult jurisdiction	6160	14	S, J
DV harassment/firearms	6298	15	S, D/M
Intrastate food safety	6318	16	S, D/M
Family & Juvenile			
Dependency petitions	1790	7	S, J
Students/out-of-home care	2684	10	S, J
Child interview recordings	2700	10	S, J
Legal tech. fees/DV cases	5213	11	S, D/M
Relatives/child visitation	5598	12	S
Uniform parentage act	6037	13	S
Exclusive adult jurisdiction	6160	14	S, J
Extended foster care eligibility	6222	15	S, J
Apprenticeships/foster and homeless youth	6274	15	S, J
DCYF technical changes	6287	15	S, J

2018 SUMMARY CATEGORY INDEX CONTINUED

Category	Bill #	Page	Court
Family & Juvenile continued			
Child support	6334	16	S
Private management/child welfare	6407	16	S, J
Kinship caregiver legal support	6453	16	S, J
Juvenile offense diversion	6550	17	J
Youth discharge/homelessness	6560	17	J
Forms			
Military/consumer protection	1056	3	S, D/M
Student loan assistance	1169	4	S, D/M
Behavioral health authority	1388	4	S, D/M
Legal financial obligations	1783	6	A, S, D/M
Technical corrections	2368	8	S, J, D/M
Pistol license eligibility	2519	9	S, J, D/M
Graduated re-entry program	2638	10	S
Child interview recordings	2700	10	S, J
Suicide/firearm right waiver	5553	11	S
Relatives/child visitation	5598	12	S
Pretrial release programs	5987	12	S, D/M
Uniform parentage act	6037	13	S
Commitment hearings by video	6124	13	S
Exclusive adult jurisdiction	6160	14	S, J
Extended foster care eligibility	6222	15	S, J
DCYF technical changes	6287	15	S, J
Child support	6334	16	S
Private management/child welfare	6407	16	S, J
Outpatient behavioral health	6491	16	S
Juvenile offense diversion	6550	17	J
Infractions			
Worker safety on roadways and roadsides	2087	7	D/M
CDL medical certificates	2696	10	D/M
Service animal misrepresentation	2822	11	D/M
FAST act compliance	6218	14	D/M

2018 SUMMARY CATEGORY INDEX CONTINUED

Category	Bill #	Page	Court
JIS			
Homeless housing and assistance	1570	5	D/M
Legal financial obligations	1783	6	A, S, D/M
Housing options	2578	9	D/M
Relatives/child visitation	5598	12	S
Uniform parentage act	6037	13	S
Exclusive adult jurisdiction	6160	14	S, J
Juvenile offense diversion	6550	17	J
Judicial Elections			
Campaign finance	2938	11	All
Campaign finance disclosures	5991	12	All
New/Amended Crimes			
Domestic assault/employment	2661	10	All
Bump-fire stocks	5992	12	S
DV harassment/firearms	6298	15	S, D/M
Intrastate food safety	6318	16	S, D/M
Other/Informational			
Law enforcement	940/3003	3	S
Crime victim participation	1022	3	S, J, D/M
Municipal financial services	1209	4	S, J, D/M
Civics education	1896	7	N/A
Federal tax info/background checks	2208	7	AOC
Technical corrections	2368	8	S, J, D/M
Domestic assault/employment	2661	10	All
Suicide/firearm right waiver	5553	11	S
Workplace sexual harassment/NDAs	5996	13	All
Employment contracts/discrimination	6313	15	All
Salaries & Benefits			
Job applicants/arrests, etc.	1298	4	All
Shared leave/pregnancy	1434	5	AOC, A
Domestic assault/employment	2661	10	All
Workplace sexual harassment/NDAs	5996	13	All
Employment contracts/discrimination	6313	15	All

Tab 6



May 1, 2018

TO: Board for Judicial Administration Members

FROM: Justice Steven González, Judge Sean O'Donnell, and Judge Andrea Beall,
Co-Chairs

RE: INTERPRETER SERVICES FUNDING TASK FORCE UPDATE

BJA Strategic Initiative

The Interpreter Services Funding Task Force released the Funding Court Interpreters Report 2018 which can be found here:

http://www.courts.wa.gov/programs_orgs/pos_bja/?fa=pos_bja.interpreterServicesFunding.

The Task Force submitted one budget decision packet, expansion of the reimbursement program which includes increased program funding for recruitment, testing and training of certified interpreters. The Task Force met in April to start developing their communication campaign and formed a workgroup to continue working on the proposed activities. The Task Force meets again in June to finalize their communication campaign.

The Task Force continues to explore avenues to obtain customer feedback. The Task Force teamed up with the Interpreter Commission to implement two interactive discussion sessions in May (Spokane and SeaTac) with attorneys who work with interpreters. During the sessions, *Local Factors Impacting Interpreter Services: Improving Meaningful Communication in the Courtroom*, speakers will discuss state-level efforts to improve courtroom interpreting and current strategies to improve meaningful communication in court matters. Participants will provide feedback about local factors that impact courts' interpreter services.

Co-chair Judge Downes retired in April. Judge Sean O'Donnell is the new Co-chair representing the SCJA.



May 1, 2018

TO: Board for Judicial Administration Members

FROM: Judge Douglas Fair and Judge Joseph Burrowes, Co-Chairs

RE: REPORT OF COURT SYSTEM EDUCATION FUNDING TASK FORCE

BJA Strategic Initiative

The Court System Education Funding Task Force released the Court System Training Needs Report 2018 which can be found here:

http://www.courts.wa.gov/programs_orgs/pos_bja/?fa=pos_bja.courtSystemEdFunding

The Task Force submitted two budget decision packets: 1) online training, and 2) expansion of training opportunities and increased costs for existing trainings. The Task Force met in April to develop their communication campaign and discuss other funding options for court system education. They meet again in June to finalize their communication campaign.

The Task Force is working with the BJA CEC to obtain additional information from associations' and committees' court education committees on local impacts/examples of education/training – what happens when there are well-trained court personnel and what happens when there are inadequate or untimely training opportunities?

Tab 7

CONFERENCE OF CHIEF JUSTICES

Resolution 2

In Support of Commitment to Awareness and Training on Workplace Harassment in the Judicial Branch

WHEREAS, the Conference of Chief Justices is committed to the rule of law and to strict observance of laws relating to conduct in the workplace; and

WHEREAS, the Conference of Chief Justices has historically championed gender equity in the state courts and in 1988 passed a resolution urging each Chief Justice to establish separate task forces devoted to the study of gender bias in the court system and minority concerns as they relate to the judicial system; and

WHEREAS, recent events have raised public awareness of pervasive sexual harassment in the workplace in government, the media, and private industry; and

WHEREAS, State codes of judicial conduct require judges, in the performance of their judicial duties, not to manifest bias or prejudice or engage in harassment (including sexual harassment) and not to permit court staff, court officials, or others subject to the judge's direction and control to do so; and

WHEREAS, a judicial disciplinary commission exists in every state to hold judges accountable; and

WHEREAS, as a separate branch of government, the judicial branch has the duty to protect its employees against harassment and intimidation in the workplace;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices encourages the judicial branch of each state to establish and maintain policies:

- (1) to provide every judge and employee with training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited by law; and
- (2) to establish procedures for recognizing and responding to harassment and harassment complaints; and

BE IT FURTHER RESOLVED that the National Center for State Courts shall create a repository of resources that address workplace harassment in the state courts, including model policies and procedures.

Tab 8

**Administrative Office of the Courts
Proposed 2019 – 2021 Biennial Budget Request
June 2018**

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

**Administrative Office of the Courts
Proposed 2019 – 2021 Biennial Budget Request
June 2018**

Guardianship Services	2.0	\$1,708,000	
Funding is requested to increase the number of public guardian contracts for guardianship services necessary to ensure that low-income people with diminished capacity receive adequate, effective & meaningful access.			
Judicial Bench Books	3.0	\$487,000	
Funding is requested for staffing to revise outdated legal reference guides known as “bench books” or “bench guides” that are needed by judges.			
Web Services	1.0	\$277,000	
Funding is requested for additional Web Services staff support necessary to serve the increasing demand of multiple programs and exchanges.			
Total-Non-IT Request SGF	FTE 18.0	\$19,407,000	

Administrative Office of the Courts – <u>Information Technology Requests-Presented as Prioritized by JISC</u>			
Title	FTE	Amount Requested	Priority
CLJ-CMS	21.50	\$14,486,000	
Funding is requested to continue the selection and implementation of a case management system for the Courts of Limited Jurisdiction.			
SC-CMS Ongoing Operations	6.0	\$1,440,000	
Funding is requested to establish permanent funding for staff to perform maintenance, operations and support of the SC-CMS.			
Odyssey Continuing Operations Support	8.0	\$707,000	
Funding is requested for continuing operations support staff for the Odyssey superior court case management system’s transition from project to operational status.			
Odyssey Business & Training Support-SGF	8.5	\$2,017,000	
Funding is requested to retain staff to adequately support the Superior Courts and county clerks that have implemented Odyssey.			
Odyssey Maintenance	0.0	\$2,030,000	
Funding is requested for semi-annual maintenance and support payments for the Odyssey case management system.			

**Administrative Office of the Courts
Proposed 2019 – 2021 Biennial Budget Request
June 2018**

EDR Operations & Maintenance-SGF	8.0	\$1,881,000	
Funding is requested to establish permanent staffing for maintenance and operations of the Information Networking Hub – Enterprise Data Repository.			
AC-ECMS-Project-SGF	4.0	\$2,207,000	
Funding is requested for implementation of Appellate Electronic Court Records in the 2019-2021 biennium.			
EDR Future Integrations-SGF	0.0	\$1,500,000	
Funding is requested to integrate additional case management systems with the Information Networking Hub – Enterprise Data Repository (EDR).			
Internal Equipment Replacement	0.0	\$1,913,000	
Funding is requested to replace end of life equipment and to improve performance of heavily used JIS services.			
Odyssey Development Hours	0.0	\$574,000	
Funding is requested for additional Tyler development hours for system corrections, modifications or enhancements such as E-Filing, restitution priority, unclaimed property report, etc.			
External Equipment Replacement	0.0	\$1,646,000	
Funding is requested to replace aged computer equipment at the courts and county clerk's offices.			
Total All Information Tech. Requests	FTE 56.0	\$30,401,000	
Total All Requests-AOC	FTE 74.0	\$49,808,000	Approx. a 22% increase in SGF

**Administrative Office of the Courts
Proposed 2019 – 2021 Biennial Budget Request
June 2018**

Information Only

Supreme Court			
Title	FTE	Amount	
Comprehensive Salary Survey Implementation	FTE 0.0	\$660,000	
Funding is requested to adjust law clerks salary to the market range identified in the 2014 comprehensive salary survey.			
Total Request-Supreme Court	FTE 0.0	\$660,000	Approx. a 4% increase in SGF

Court of Appeals			
Title	FTE	Amount	
Comprehensive Salary Survey Implementation	FTE 0.0	\$1,624,000	
Funding is requested to adjust law clerks salary to the market range identified in the 2014 comprehensive salary survey.			
Total Request-Court of Appeals	FTE 0.0	\$1,624,000	Approx. a 4% increase in SGF

**Administrative Office of the Courts
Proposed 2019 – 2021 Biennial Budget Request
June 2018**

Information Only

Office of Public Defense			
Title	FTE	Amount	
Contractor Retention	FTE 0.0	\$6,000,000	
Funding is requested to address significant inequities in compensation for state-contracted public defense representation.			
Pass-Through Funding to WDA	FTE 0.0	\$610,000	
Funding is requested to address the need for services from the Washington Defender Association.			
Disproportionality Training Coordinator	FTE 1.0	\$281,000	
Funding is requested for a coordinator to provide contract attorneys with resources necessary to address bias in indigent right to counsel cases.			
Contract/Fiscal Support Staff	FTE 1.0	\$155,000	
Funding is requested to assist with workload related to the administration of some 300 contracts and 14,000 invoices.			
Court Reporter/Transcriptionist Rate Adjustment-Appellate Cases	FTE 0.0	\$660,000	
Funding is requested to implement Supreme Court Order 2500-B-582 to increase the per-page payment for preparation of verbatim reports for indigent cases on appeal.			
Attorney General	FTE 0.0	\$400,000	
Funding is requested to cover agency costs for Attorney General legal services related to a class-action lawsuit.			
Total Request-Office of Public Defense	FTE 2.0	\$8,106,000	Approx. a 9% increase in SGF

**Administrative Office of the Courts
Proposed 2019 – 2021 Biennial Budget Request
June 2018**

Information Only

Office of Civil Legal Aid			
Title	FTE	Amount	
Vendor Rate Adjustment	FTE 0.0	\$1,159,000	
Funding is requested to address known and measurable increases in personnel and leasehold expenses. .			
Vendor Rate Adjustment-COLA	FTE 0.0	\$648,000	
Funding is requested to cover the state's share of cost of living adjustments for the Northwest Justice Project's July 2019 and July 2020 COLA.			
Civil Justice Reinvestment Plan-Phase 2	FTE 0.0	\$9,623,000	
Funding is requested to underwrite Phase 2 of the Civil Justice Reinvestment Plan. Funding will allow for the gradual addition of 40 legal aid attorneys statewide.			
Vendor Rate Adjustment-Pro Bono-Placeholder	FTE 0.0	\$1,000,000	
Funding is requested to address significant compensation problems experienced by pro bono programs throughout Washington State.			
Total Request-Office of Civil Legal Aid	FTE 0.0	\$12,430,000	Approx. a 33% increase in SGF
Total All Non-Information Tech. Requests	FTE 74.0	\$42,227,000	
Total All Information Tech. Requests	FTE 56.0	\$30,401,000	
Total All Requests-Branch	FTE 74.0	\$72,628,000	
Total Proposed Branch SGF Request \$50.5 million - approximately 16% greater than carryforward level.			

Tab 9



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

Mission Statement

The provision of civil legal aid services to indigent persons is essential to the proper and effective administration of justice in a democratic society governed by the rule of law.

The mission of the Office of Civil Legal Aid is to underwrite and effectively oversee the effective delivery of civil legal assistance to low-income people in Washington State.

The Office of Civil Legal Aid is dedicated to effective stewardship of public funds entrusted to it and accountability to those for whom such funds have been made available.

Principal Programs

- General Civil Legal Aid (RCW 2.53.030)
- Civil Legal Aid to Crime Victims (VOCA)
- Children's Legal Representation (RCW 13.34.100(6))
- Family Law Forms Automated Document Assembly System (effective 2018)



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Olympia, WA 98504
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CIVIL JUSTICE REINVESTMENT PLAN

September 2016

1. Context

The 2015 Civil Legal Needs Study Update (CLNS Update) documents that seventy-one percent (71%) of low-income households in Washington State experience one or more civil legal problems each year and that, of these, at least seventy-six percent (76%) do not get any legal help they need to solve these problems.

Sixty-five percent (65%) of those who experience at least one civil legal problem each year do not seek legal help. According to comments offered by respondents to the CLNS Update survey instrument, many – if not most – do not know that the problem they experienced was legal in nature. This lack of understanding is consistent with national studies¹ which confirm that low-income people have significant difficulties making the link between the problems they experience and the need for legal help.

In addition, many who experienced one or more civil legal problems either did not know where to go for legal help or felt that they could not afford to the legal help that they needed. Finally, of those who did seek legal help, fully one-third got no help whatsoever. Others got some level of help. Of those who got any help, 17% report that they were able to fully resolve their legal problem and another 44% got some help in resolving their problem. While the study did not inquire into the level of service respondents received, it is reasonable to assume (in light of current legal aid delivery system capacity) that many of those who either had limited resolution or no resolution to their problems were unable to receive the level of direct legal assistance that they needed to solve their problems.

2. Legal Aid Staffing and Minimum Access

Since 1975, the standard for “minimum access”² to civil legal aid services has been 1 FTE attorney for every 5,000 people living at or below 125% of the federal poverty level. When the

¹ See the most recent discussion in the US Department of Justice National Institute of Justice, Office for Access to Justice, the National Science Foundation and White House Interagency Legal Aid Roundtable, *Civil Legal Aid Research Workshop Report* (February 2016), published at <https://www.ncjrs.gov/pdffiles1/nij/249776.pdf>, at 7 (characterizing the presentation of Dr. Rebecca Sandefur).

² The 2:10,000 figure was established by the Board of Directors of the federal Legal Services Corporation (LSC) in 1975 to serve as the floor for federal investment in the newly created LSC. This figure was used to guide congressional appropriations from 1975-1980 (from \$75 million to \$300 million) by which time minimum

standard was adopted, there was no organized system to develop, deliver and track the contributions of volunteer attorneys involved in civil legal aid delivery. Thus, the formula assumed that there needed to be 1 professional staffed legal aid attorney for every 5,000 eligible low income residents (or, as it was then-characterized, 2:10,000).

In Washington State we have developed a robust and effective system of volunteer attorney recruitment and engagement. Through 17 local, bar sponsored (and often bar operated) community-based programs, thousands of volunteer legal aid attorneys deliver more than 46,000 hours of free legal help to low-income residents eligible for state-funded civil legal aid services.³ At 2,000 hours per FTE attorney per year, this contribution delivers the rough equivalent of 23 FTE civil legal aid attorneys.⁴

The balance of the state-funded civil legal aid delivery system consists of professional staff legal aid attorneys employed by the statewide Northwest Justice Project and four specialized providers of civil legal aid services that provide services to specific hard-to-serve client populations or on matters for which unique client service expertise or delivery approaches offer the most effective approach to responsive legal aid delivery.⁵ Together the state-funded staffed legal aid programs employ about 107 full time attorneys.

According to the Census Bureau, nearly 1.2 million Washingtonians live at or below 125% of the federal poverty level.⁶ Using the 1:5,000 formula, 240 full time attorneys are needed to achieve minimum access levels of client service delivery capacity. The combined current client service capacity of the state-funded legal aid system is 130 FTE attorneys. This results in a ratio of 1 FTE equivalent civil legal aid attorney for every 9,450 people living at or below 125% of the federal poverty guideline. The net shortfall is 110 FTE attorneys.

3. Self-Diagnosis, Self-Referral, Self-Help and Other Strategies

The 2015 CLNS Update documents that low-income people experience the greatest number of legal problems in the areas of health care, consumer/finance and employment. At the same time, it tells us that low-income residents are most likely to self-diagnose their problems as being legal in nature and seek legal help with respect to problems relating to family law, rental housing and consumer/finance (mostly debt collection and bankruptcy). This finding is not surprising, as matters arising in these areas are often (a) understood as presenting problems for which solutions are urgently required and (b) matters where the judicial system is the exclusive or most logical forum for the resolution of the problems presented.

access had been achieved. See, Erlich, *Giving Low-Income Americans Minimum Access to Legal Services*, 64 A.B.A.J. 696 (1978).

³ Eligibility for state-funded civil legal aid services is governed by [RCW 2.53.030](#).

⁴ Substantial additional volunteer contributions are made through dedicated pro bono programs operated at large (principally Seattle-based) law firms and through large in-house corporate counsel offices.

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

⁶ 2014 5-Year American Community Survey

Given the widespread inability of low-income to self-diagnose and effectively access legal aid services for problems with a legal dimension, intentional effort needs to be made to expand outreach, legal education, informational tools and technology applications, and related resources to help them do so. Further, dedicated capacity needs to be developed to identify and reach members of low-income communities that experience cultural, linguistic, ability and other barriers that compound the general limited ability of people understand the legal dimensions of the problems they are experiencing and self-refer for legal help.

The civil judicial system is complex and premised on an adversarial relationship between contesting parties, both of whom are represented by attorneys. Under the Code of Judicial Conduct, the independent judicial officer is significantly constrained from assisting any party, even those who are not represented by an attorney.

Unfortunately, a growing and increasing majority of family law litigants are not represented by an attorney.⁷ This can result in significant imbalances in power between those who have counsel and those who do not. Further, the growing numbers of unrepresented (or self-represented) parties in family law (and other) cases causes significant drag on the machinery of justice, with self-represented litigants often misfiling documents, failing to complete forms properly and otherwise running afoul of court processes and procedures.

Led nationally by the Self-Represented Litigants Network, the Legal Services Corporation, the National Center for State Courts and others, there is a growing effort to develop and place more technology based tools in the hands of self-represented litigants trying to navigate the civil justice system. A central focus of these efforts has been the development of technology systems designed to enable self-represented litigants to complete (and in some locations electronically file) court forms through automated document assembly systems. These “TurboTax-like” systems offer an iterative and sequential series of questions, the answers to which allow the back end of the system to populate required forms with appropriate data and prepare them for review, printing and filing.

The Washington State Supreme Court recently approved 211 [family law forms](#) that have been translated from legalese into plain language. The product of nearly six years of work, these forms are now required to be used in all cases. The Access to Justice Board, Northwest Justice Project and Administrative Office of the Courts collaborated on translating and securing Supreme Court approval of these forms.

The development and publication of the plain language forms offers a singular opportunity to empower self-represented litigants to be more effective and more successful in participating in civil family law proceedings. Given the national public and private sector interest in expanding legal literacy and access to self-help resources, significant opportunities exist to attract matching funds to state-level investment in the automation of the new family law forms. Through an anticipated inter-agency Memorandum of Understanding between the Office of Civil Legal Aid (OCLA), the Administrative Office of the Courts (AOC), the Access to Justice Board and

⁷ Recent information from the Administrative Office of the Courts suggests that at least one party is unrepresented in nearly 80% of all family law cases, and that both parties are unrepresented in upwards of 60% of such cases.

possibly the Northwest Justice Project, OCLA will assume lead agency status in managing a multi-agency effort to automate the new family law forms. This effort will be carried out consistent with usability and other requirements established by the Supreme Court in its Access to Justice Technology Principles and other relevant considerations.

4. Statewide Infrastructure and Support

Any system as complex as the statewide legal aid delivery system must have sufficient infrastructure, training and support to ensure that services are effectively and economically delivered, are responsive to the most prevalent and pressing needs of clients, deliver results and outcomes that are responsive to client needs and legal rights and are sophisticated and agile enough to take advantage of new and emerging technologies and evidence-based best-practices. This will require dedicated staff and resources to support training, research and to effectively monitor outputs and outcomes realized for clients.

5. Components of the 2016 Civil Justice Reinvestment Plan

A. Helping People Understand Their Legal Problems; Expanding Self-Help Tools; Fostering New Public-Private Partnerships to Develop and Implement Innovative Delivery Strategies

Efforts here will focus on developing and investing resources to (a) expand the ability of low-income people to understand their rights, prerogatives and responsibilities under the law, (b) enable them to understand the potential legal dimensions of the problems that they are experiencing and make informed decisions about whether and, if so, when and where to seek help from an appropriate legal aid provider, and (c) expand self-help resources that will better enable them to solve their legal problems without or with limited assistance of a legal professional. Focus will not only be on those with technology capability and access to internet-based services, but also on those who lack such capabilities or consistent access to the internet, as well as those who experience language, cultural and other barriers.

In addition to automating the new plain language family law forms, a number of opportunities exist to help low-income people better understand their legal rights, self-diagnose their legal problems and gain access to a civil justice system that is otherwise out of reach. Strategies may include developing new smart-phone applications that will allow individuals to assess their current situations, understand their legal rights, and tell them where and how to get legal information, assistance and, if need be, representation. Other potential ideas may include technology-loaded vehicles that will enable legal aid staff and volunteers to be more present on a regular basis at locations where low-income people go and to reach out and connect with communities who are not connected or who experience social, cultural, language, mental health and other barriers (such as homelessness, geographic isolation or restrictions on their mobility (e.g., trafficking victims)) to learn about their legal rights and get help with problems before they become acute.

There is a wealth of private sector technology programming and development capacity in Washington State. Like its federal counterpart, the Legal Services Corporation, OCLA proposes to seek a sum of funding each biennium to competitively stimulate new public-private partnerships in delivery approaches and development of innovative technology applications that will enhance the ability of low-income people to identify and solve their legal problems by themselves.

Investment Required: \$250,000 per year for automation of self-help forms (Phase 1); \$100,000 per year Phase II and beyond)⁸; \$150,000 per year for Technology Innovation Partnership investment (Phase I) designed to stimulate public-private partnerships that generate delivery system innovations (including technology based applications) focused on expanding the ability of people to understand their rights, self-diagnose the legal nature of the problems they are experiencing and self-refer into the civil legal aid system. (Phase II funding moves to \$400,000 per year).

Total Biennial Increase Over Current Levels: \$1.0 million (Phase I -- \$800,000).

B. Expanding Volunteer Lawyer Involvement and Service Delivery

The market value of current services delivered by volunteer attorneys working in association with the 17 community based volunteer attorney programs is nearly \$11.5 million per year.⁹ The value of organized pro bono services is equal to about 85% of the current annual appropriation for civil legal aid.

While the level of service is laudable, there is substantial untapped opportunity for greater volunteer involvement in legal aid delivery. The key to effectively tapping the potential level of volunteer services is to have high quality, professional staff involved in the recruitment, training, mentoring, support and referral of clients to these volunteer attorneys. Strategically expanding and upgrading staff support within the community-based volunteer attorney programs will expand the number of attorneys and attorney hours dedicated to addressing the civil legal problems of low-income people in Washington State. The Access to Justice Board's Pro Bono Council advises that with sufficient additional investment in volunteer program staff, an additional 12,000 to 16,000 hours of volunteer attorney services can be secured on an annual basis – increasing the leveraged volunteer attorney contribution by between 25% and 30% (or the equivalent of 6-8 FTE) over current levels.

Total Biennial Increase Over Current Levels: \$2.0 million (Phase I -- \$1.125M).

⁸ Phase I covers the FY 2017-19 biennium. Phase II covers FY 2019-21 and beyond.

⁹ This assumes a market value of \$250/hr.

C. Achieving Minimum Access Through Expanded Professional Civil Legal Aid Staffing

The core of the civil legal aid system is and will always be the professional staffed legal aid programs. Northwest Justice Project (NJP) is the principal state-funded legal aid program. NJP hosts the statewide legal aid call center (CLEAR), staffs and supports the statewide legal aid self-help resources website ([Washington Law Help](#)), provides statewide coordination and support for professional civil legal aid attorneys across the state and maintains client service offices in 17 locations around the state. In addition, there are four state-funded specialized civil legal aid providers that serve specific client populations and carry substantive expertise in specific areas of law. These include TeamChild (serving youth simultaneously involved in multiple legal forums), Seattle Community Law Center (serving homeless disabled residents of King and Snohomish Counties on matters relating to SSI and SSDI), Solid Ground Benefits Legal Services (serving families with legal problems involving state governmental assistance) and the Unemployment Law Project (serving clients contesting denials or terminations from claims for unemployment insurance benefits).

After incorporating the effective FTE contributions of current and potential volunteer attorney efforts, the 2016-17 addition of 20 FTE attorneys underwritten with federal Victim of Crime Act (VOCA) funds and current levels of basic field client service staffing in these programs, there remains a gap of **88 FTE attorneys** from the required level needed to achieve minimum access (using the 1FTE:5,000 eligible person standard).

At an average fully loaded cost of \$125,000/FTE attorney/year,¹⁰ the total increase required to achieve minimum access legal aid staffing is \$11,000,000 per year.

Total Biennial Increase Over Current Levels: \$22,000,000 (Phase I -- \$9,687,500)

D. Statewide Infrastructure, Support and Accountability

Effective operation of the statewide civil legal aid system requires intentional efforts to ensure coordination and support for staff and volunteers involved in civil legal aid delivery at the local, regional and statewide levels. As is the case in the indigent defense arena, resources must be expressly dedicated to ensure that professional staff and volunteer attorneys are trained in the substance of the legal problems experienced by low-income people and the skills necessary to effectively address them. Additionally, there must be appropriate staff dedicated to ensure coordination of client service delivery and the quality and accountability of services delivered. Finally, systems must be established to monitor the substance and impact of the additional services funded through this Reinvestment Plan to ensure accountability to taxpayers, other investors and clients. Direct incremental outlays for training, support, research and outcomes monitoring will be \$300,000 per year. An additional \$200,000 will be needed for expanded staff at the Office of Civil Legal Aid to manage the civil legal aid program.

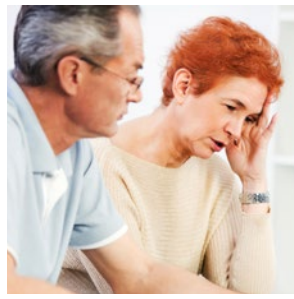
Total Biennial Increase Over Existing Levels: \$1,000,000 (Phase I -- \$400,000)

¹⁰ This is the average fully loaded cost (salary, benefits, administration, and overhead) of a 5-7 year attorney at the Northwest Justice Project.

Total Biennial Increase Above Current Levels:

Total incremental funding to achieve minimum access, maximize volunteer attorney involvement, expand the ability of low-income people to self-diagnose their legal problems and expand self-help tools, and ensure effective support for the statewide civil legal aid system:

\$26,000,000 (Phase I -- \$12,012,000)



2015 WASHINGTON STATE
CIVIL LEGAL NEEDS STUDY UPDATE

Civil Legal Needs Study Update Committee
Washington State Supreme Court - *October 2015*





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WASHINGTON'S CIVIL JUSTICE SYSTEM MUST SERVE ALL OF US

This Report summarizes the findings of the 2015 Washington Civil Legal Needs Study Update (CLNS Update). Conducted in late 2014, the Report updates a similar study published by a task force appointed by the Washington State Supreme Court in 2003. Like its predecessor, this Report was commissioned by a special committee of the Washington State Supreme Court.

The 2003 Civil Legal Needs Study was the first rigorous assessment of the unmet civil legal needs of low-income families in Washington State. The 2003 study found that three of every four households experienced at least one civil legal problem, and that nearly nine in ten of those who had a problem did not get the help they needed. The 2003 study galvanized a decade-long effort to increase capacity to address the civil legal problems of low-income Washingtonians and secure the resources to achieve this goal.

Unfortunately, in the years that followed, the economy fell into recession, throwing greater numbers of Washingtonians into poverty, the most since the Great Depression. The face of poverty changed, as members of racial and ethnic minority groups experienced disproportionate consequences of both this recession and its aftermath. Changing government policies and private sector practices also contributed to new and ever more complex legal problems for those living in poverty.

By 2014, the Washington Supreme Court had become increasingly aware that the

2003 Study was outdated and no longer the most relevant or reliable source of information upon which policy makers could make investment decisions and legal aid providers could make strategic decisions about where, when and how to target their limited services. The Court appointed a 12-member Civil Legal Needs Study Update Committee to conduct a fresh assessment of the prevalence and substance of civil legal problems experienced by low-income individuals and families. The Committee engaged Washington State University's Social and Economic Sciences Research Center (WSU-SESRC) to conduct the study. Beginning in June 2015, WSU-SESRC published a series of reports outlining in detail the results of the study. These can be found at: <http://ocla.wa.gov/reports>.

This Report synthesizes and presents the core highlights of that research. The findings are sobering. Low-income Washingtonians routinely face multiple civil legal problems that significantly affect their everyday lives. These problems are experienced to greater degrees by low-income persons of color, victims of domestic violence or sexual assault, persons with disabilities and youth. The compound effect of these problems on individuals and families today is even more acute than it was a decade ago, with the average number of civil legal problems per low-income household having nearly tripled since 2003.

At the same time, and despite much work over the last decade, our state's civil justice system does not serve Washington's poorest residents the way that it should. Most

low-income people do not get the help they need to solve their legal problems, and significant majorities of low-income people do not believe they or others like them will receive fair treatment by our civil justice system.

This Report challenges us to do better:

- It challenges us to ensure that low-income residents understand their legal rights and know where to look for legal help when they need it.
- It challenges us to squarely address not only the scope of problems presented, but the systems that result in disparate experiences depending on one's race, ethnicity, victim status or other identifying characteristics.
- It challenges us to be aware of the costs and consequences of administering a system of justice that denies large segments of the population the ability to assert and effectively defend core legal rights.

Ultimately, it challenges us to work all the harder to secure the investments needed to deliver on the promise embedded in our constitutional history and our nation's creed – that liberty and justice be made available “to all.”



JUSTICE CHARLES K. WIGGINS, *Chair*
Civil Legal Needs Study Update Committee

EXECUTIVE SUMMARY

LOW-INCOME WASHINGTONIANS FACE MULTIPLE CIVIL LEGAL PROBLEMS BUT FEW GET THE HELP THEY NEED



Many Do Not Believe They'll Receive Fair Treatment From the State's Civil Justice System

Justice is absent for low-income Washingtonians who frequently experience serious civil legal problems.

More than 70% of the state's low-income households experience at least one civil legal problem each year on matters affecting the most fundamental aspects of their daily lives, including accessible and affordable health care; the ability to get and keep a job; the right to financial services and protection from consumer exploitation; and the security of safe and stable housing.

Those who face one such problem, often have other serious and related problems at the same time. One struggling mom says she feels as though one problem simply leads to another:

"The day I got custody of my son, I was laid off. Three years later, I'm still having trouble making a living. My son is ADHD and autistic. I can't keep minutes on my phone and keep food in my house. Police have been racial profiling. It's just been hard."

Many see their problems compounded by race, ethnicity, age, disability, immigration status or status as a victim of domestic violence or sexual assault.

While the U.S. Constitution guarantees all people, regardless of their ability to pay, the right to legal representation in a criminal trial, it does not extend that right to people who have civil legal problems. That leaves a majority of low-income individuals and families in Washington to face and resolve their problems alone – without the help of a lawyer, no matter how complex or life-changing a problem may be. And it leads many to feel a high level of distrust in the civil justice system and its ability to help people like them.

Indeed, the Justice Gap¹ in Washington is real and it is growing. This calls out for a thoughtful, significant and coordinated response.

This Report spotlights the key findings of the 2015 Civil Legal Needs Study Update – a rigorous and methodologically sound inquiry into the type and prevalence of civil legal problems low-income families and individuals face today.

1 The "Justice Gap" refers to the difference between the number of problems experienced by low-income Washingtonians for which they need legal help and the actual level of legal help that they receive to address such problems.

Some of the key findings:

- **Civil legal issues are common.** Seven in ten low-income households in Washington State face at least one significant civil legal problem each year. The average number of problems per household increased from 3.3 in 2003 to 9.3 in the latest, 2014 survey.
- **The most common problems have changed.** Health care, consumer/finance and employment now represent the three areas with the highest percentage of problems.
- **Race, ethnicity and other personal characteristics affect the number and type of problems people have.** These personal characteristics also affect the degree to which people experience discrimination or unfair treatment and the degree to which legal help is secured.
- **Victims of domestic violence and/or sexual assault experience the highest number of problems per capita of any group.**
- **Many are adversely affected by data tracking.** In addition to discrimination and unfair treatment of legally protected classes of people (for example, race), significant percentages of low-income households experience unfair treatment on the basis of their credit histories, prior involvement with the juvenile or adult criminal justice system and/or their status as a victim of domestic violence or sexual assault.
- **There is a significant legal literacy problem.** A majority of low-income people do not understand that the problems they experience have a legal dimension and that they would benefit from getting legal help.
- **The vast majority of people face their problems alone.** More than three-quarters (76%) of those who have a legal problem do not get the help they need.
- **Most low-income people have limited confidence in the state's civil justice system.** Also perceptions about the fairness and effectiveness of the system to help solve problems experienced by "people like me" differ significantly on the basis of race, ethnicity and other characteristics.

FACING COMPLEX PROBLEMS ON THEIR OWN



“I HAD NO IDEA WHAT I WAS DOING,”

ANNA CONFESSED

Desperate to stop her abusive ex-spouse from gaining custody of their daughter but unable to afford a lawyer, Anna spent hours in the local library with court documents spread on the counter and plugging quarters into the copy machine.

She didn't understand how the judicial system worked and admitted to making “a lot of mistakes.” She missed so many days of work to be in court that she lost her job at a Skookum shipyard.

Every year Washington's lowest income residents experience an onslaught of civil legal problems. A mother and her kids are evicted from their apartment following a domestic violence dispute. A family drowning in medical bills sees no other choice but bankruptcy. Low-wage workers do not get paid or they have wages improperly withheld. Families are harassed by debt collection companies, often for non-existent debts. Children do not get the special educational services that they need and fall

behind in school. Couples divorce and fight over child custody and family matters.

Low-income individuals and families face these and other significant life-changing issues without legal help and with little understanding of how to navigate the justice system on their own.

The Washington Civil Legal Needs Study Update assesses the type and complexity of civil legal problems low-income individuals and families face. The quotes and personal stories contained within this Report portray the real-life experiences of many whose voices are not often heard.

The updated data is drawn from a statewide survey of more than 1,600 low-income Washingtonians conducted by WSU-SESRC in late 2014. (See Appendix A for detailed survey methodology). It reveals substantive changes both in the number and nature of problems confronting those living in poverty since the 2003 Washington Civil Legal Needs Study was published.

This Report outlines the nature of the civil legal problems low-income Washingtonians are grappling with today. The intent is to inform discussions about how these issues are addressed by the public, state leaders, legal aid providers and the civil justice system.

More than 400 people who participated in the survey offered additional, largely anonymous comments when asked at the end of the questionnaire if they had anything more to add. Some of those comments are reflected within without their names or other identifying information.

This Report also contains stories of people who did not participate in the survey but agreed to share their stories so that justice system leaders, policy makers and the public would understand the very real human experience behind the numbers. Their names have been changed and their stories are italicized.

SEVEN IN TEN LOW-INCOME HOUSEHOLDS FACE AT LEAST ONE CIVIL LEGAL PROBLEM EACH YEAR... AND THEY LIKELY HAVE MORE THAN ONE



“MY HOMELESSNESS WAS THE RESULT OF JOB LOSS, DUE TO AN EXTENDED ILLNESS AND HOSPITALIZATION.”

2014 SURVEY RESPONDENT

The Civil Legal Needs Study Update underscores what many people know all too well: One problem often leads to another, and then another. Some people find themselves caught in a spiral of legal problems that causes them to lose a job and then, in succession, their housing and whatever financial resources they had.

More than 70% of the low-income households in Washington face at least one civil legal problem during a 12-month period. This finding remains relatively unchanged between the 2003 Civil Legal Needs Study and this 2015 Report.

However, there is a critical difference between 2003 and today: The average number of civil legal problems per household tripled over the past decade.

The 2003 Civil Legal Needs Study found low-income households in the state faced an average of 3.3 legal problems within the previous 12 months. The 2014 survey reveals the number of legal problems confronting Washington low-income residents jumped to an average of 9.3 problems within a year’s time.

Average number of legal problems per household	
2003	2014
3.3	9.3

Survey results compared	2003	2014
Households experienced at least one legal problem	75-79%	71.1%
Average number of legal problems per household	3.3	9.3
Households with four or more legal problems	38-54%	46.3%

TODAY'S MOST COMMON PROBLEMS INVOLVE ISSUES RELATING TO HEALTH CARE, CONSUMER/FINANCIAL SERVICES AND EMPLOYMENT



Despite expanded access to public and private health insurance under the federal Affordable Care Act, health care soared to the top of the list of the most prevalent problems facing low-income Washingtonians. More than 43.4% of all 2014 survey respondents identified at least one problem related to health care, a huge increase from 18.8% in the 2003 survey when housing issues were the No. 1 concern.

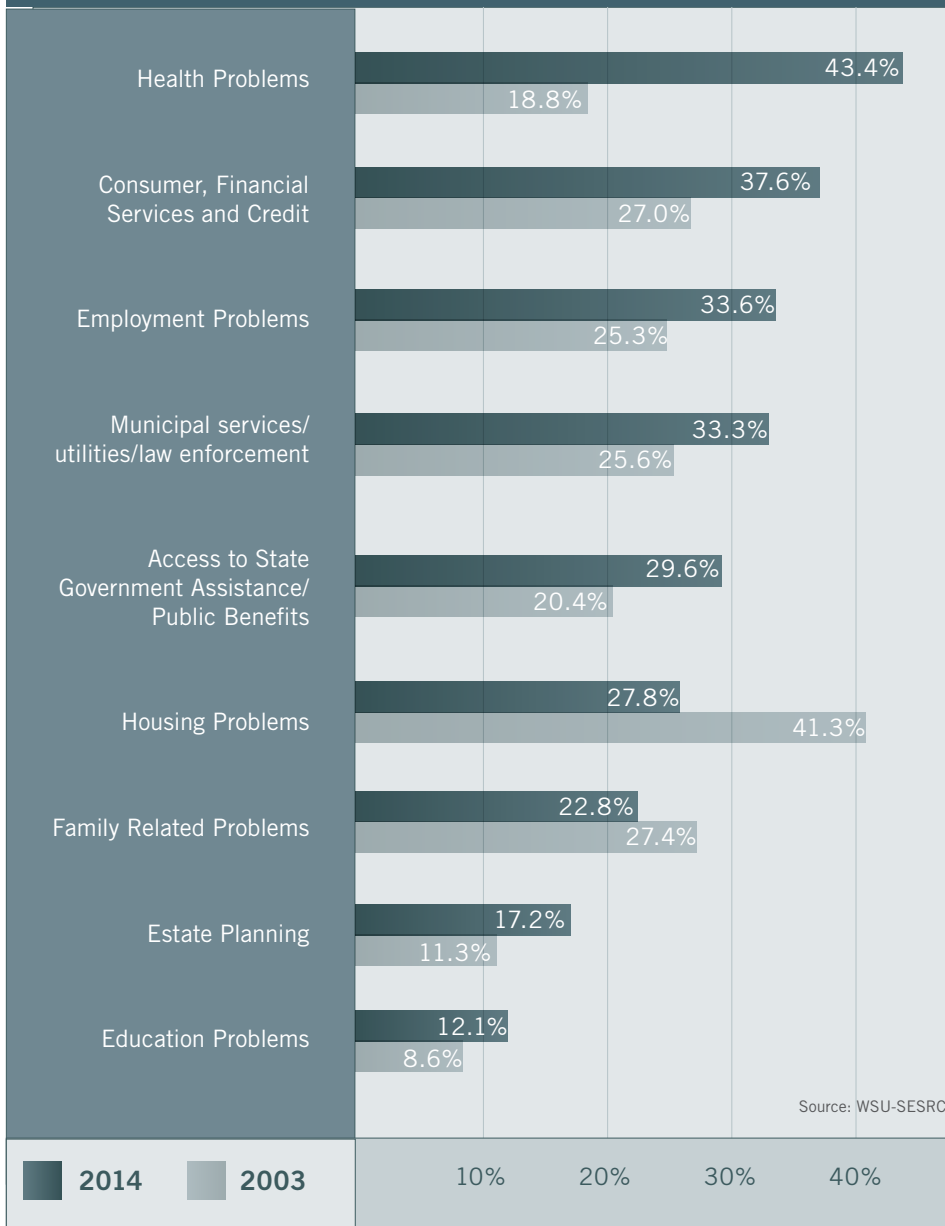
There were other significant changes in the types of problems experienced by low-income Washingtonians between 2003 and 2014.

For example, in 2003 low-income people reported the highest prevalence of problems in the areas of housing, family relations and employment. More than 10 years later, health care and consumer/finance represent the most frequent areas where people experience the greatest number of problems, with employment closing out the top three.

“I AM SINGLE AND PREGNANT AND HAVE NO IDEA WHAT MY LIVING SITUATION WILL BE LIKE IN THE COMING MONTHS. I RECENTLY SUSTAINED AN INJURY WITH NO DISABILITY INSURANCE, USED ALL MY PAID TIME OFF THAT I WAS SAVING FOR THE BIRTH OF MY BABY AND AM CURRENTLY WORRIED ABOUT HOW I AM GOING TO PAY THE BILLS.”

2014 SURVEY RESPONDENT

CHANGES IN PREVALENCE OF LEGAL PROBLEMS (2003 VS. 2014)



While access to necessary and appropriate health care services is an important problem, issues relating to medical care cost recovery -- medical bills and medical debt and related debt collection -- pose even more common problems. And low-income Washingtonians do not realize there are legal remedies to those problems. For example, people are not told, nor do they realize, they are entitled to charity care at a non-profit hospital. As a result, they do not assert those legal rights or ask a lawyer to help them solve such problems.

Problems involving consumer, debt collection, access to credit and financial services rank No. 2 in the list of most common problems reported by Washington's low-income households. Of those who identify at least one civil legal problem, 37.6% face at least one problem in the consumer/finance area.

Reflecting the transition from reliance on governmental support to the low-wage economy that is prevalent today, nearly half (45%) of all survey respondents reported that they were employed at least part-time. Fully one third (33.6%) of all respondents (those actively employed and those not working) reported at least one problem related to employment

Low-Income Washingtonians Face Many Other Significant Civil Legal Issues

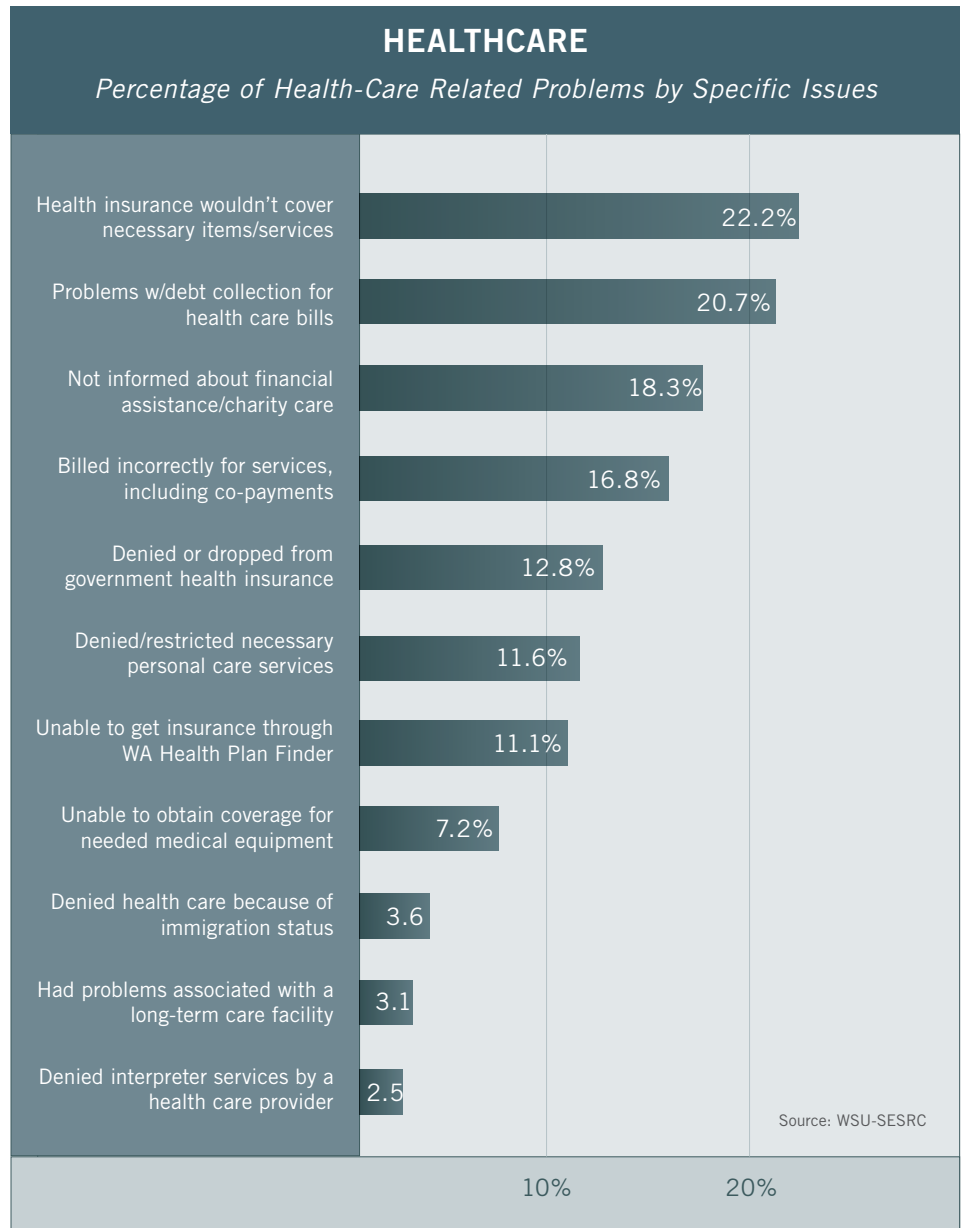
The low-income households and individuals who responded to the 2014 survey reported a total of 7,460 separate civil legal problems, not including those related to discrimination and unfair treatment.

“I HAVE OVER \$80,000 IN MEDICAL DEBT FROM WHEN I DIDN’T HAVE HEALTH INSURANCE AND AM ALSO UNABLE TO AFFORD TO FILE FOR BANKRUPTCY.”

2014 SURVEY RESPONDENT

In addition to health care, consumer/finance and employment, other substantive issues include:

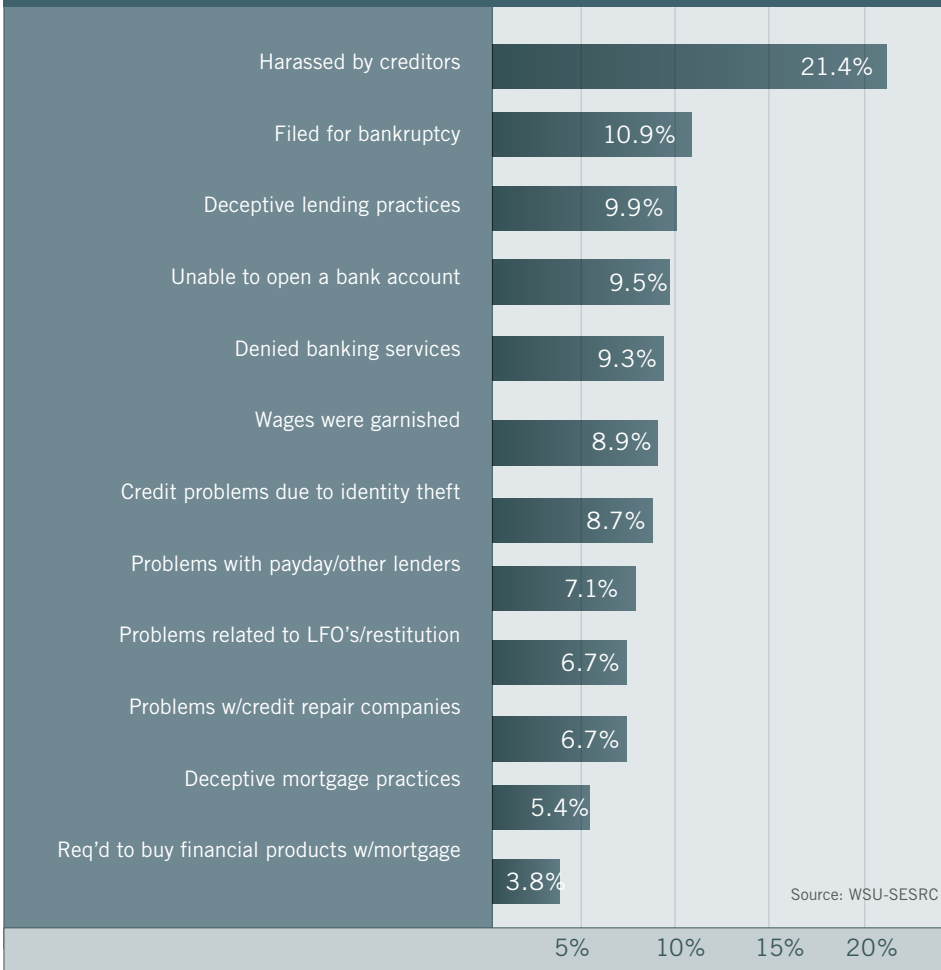
- **Municipal services and utilities.** Low-income households experience significant problems with law enforcement, and have substantial difficulties getting and keeping essential utility services.
- **Access to government assistance.** Individuals and families often have state government-provided benefits denied, terminated or reduced. People experience problems related to the Earned Income Tax Credit or are denied or terminated from federal Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits.
- **Rental housing.** The most common problems include landlord disputes, unsafe housing conditions and problems related to eviction or termination of a lease.
- **Family-related problems.** Principal problems involve issues arising from family conflict, including child custody and support and problems associated with being a victim of domestic violence or sexual assault.
- **Estate planning and guardianship.** Individuals or families need help with a will or estate plan or inheritance problem. Some have difficulty administering an estate, trust or will.



“IT WOULD BE VERY HELPFUL IF THERE WERE MORE ACCESS TO LOW-INCOME LEGAL RESOURCES FOR DISABLED PEOPLE, ESPECIALLY BECAUSE MY ROOMMATE AND I ARE IN DANGER OF BEING EVICTED AFTER OUR APARTMENT COMPLEX WAS FORECLOSED AND THE NEW MANAGEMENT DOES NOT WANT LOW-INCOME PEOPLE IN THE COMPLEX.”

2014 SURVEY RESPONDENT

CONSUMER, FINANCIAL SERVICES AND CREDIT PROBLEMS BY SPECIFIC ISSUE



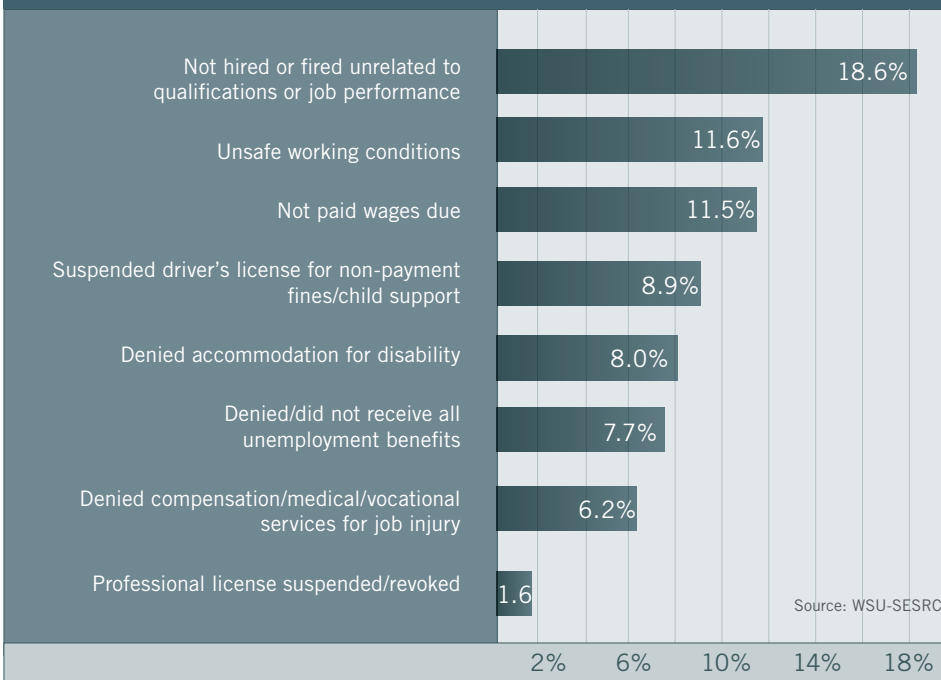
- **Education.** The most common problems include issues relating to unsafe schools, school discipline including suspension and expulsion, and the inability to complete school because of multiple moves and homelessness.

Sixteen-year-old Molly finally worked up the courage to tell her parents she had been sexually assaulted by her brother from the time she was 6 until age 12. She also hinted that she is a lesbian. Her family not only refused to believe her, they threatened to pull her out of high school and keep her at home.

“ONE DAY I WAS AT SCHOOL AND I JUST DIDN’T GO HOME. I DIDN’T HAVE A JOB OR MONEY,”

SAID MOLLY, WHO EVENTUALLY FOUND HOUSING WITH A LEGAL ASSISTANT’S HELP.

EMPLOYMENT PROBLEMS BY SPECIFIC ISSUE



WHO YOU ARE MATTERS

The 2014 survey was designed to measure whether people experience different problems or are treated differently because of legally protected characteristics such as race, ethnicity, age, gender, sexual orientation or disability.²

The survey also probed whether low-income people are treated differently or unfairly because of their credit history and a prior juvenile or adult criminal record or whether low-income people are treated differently or experience different legal problems because of their status as an immigrant, military service member or veteran, or because they or someone in their household is involved with the child welfare system, a victim of domestic violence or sexual assault, or incarcerated in a juvenile or adult correction facility.

The findings show that who you are, indeed, matters.

Native Americans, African-Americans, people who identify as Hispanic or Latino, victims of sexual assault, young adults and families that include military members or veterans experience substantially greater numbers of problems and different types of problems than the low-income population as a whole. Often these problems adversely affect their ability to get or keep a job, secure stable housing and access necessary consumer credit. They also lead to greater difficulties with debt collection and their ability to secure government benefits to which they are entitled by law.

Native Americans and African-Americans Experience Higher Rates of Legal Problems Than Other Low-Income Washingtonians

“The justice system is unfair to black people and not willing to help us.” 2014 survey respondent



“AT WORKSITES, BECAUSE I AM SPANISH, I AM TREATED VERY BAD.”

2014 SURVEY RESPONDENT

Native Americans and African-Americans not only represent a disproportionately larger share of Washington’s low-income population, they also face disproportionately more problems in areas that affect the quality of their daily lives as well as limit future opportunities.

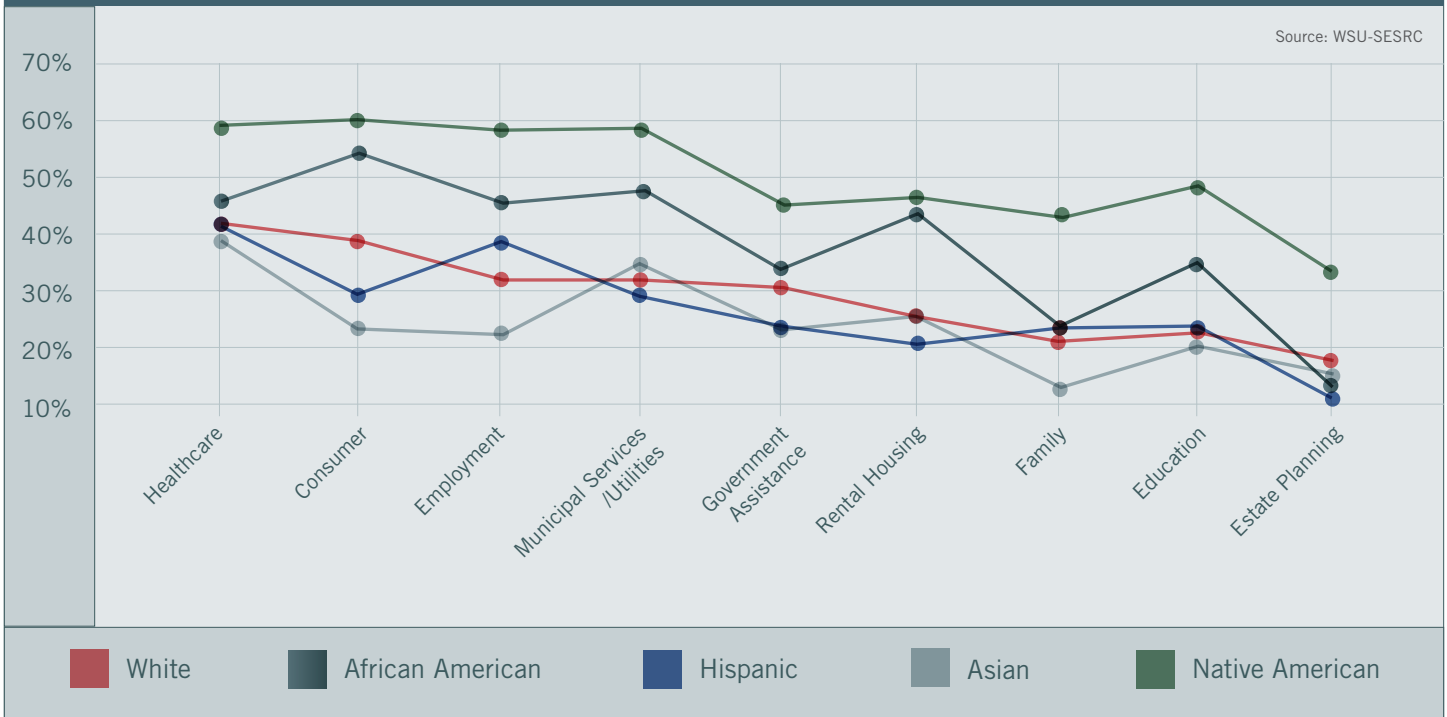
For example, while one-third (33%) of the general population with at least one civil legal problem has an issue related to employment, well over half (56.7%) of low-income Native American households have an employment problem and close to half (44.7%) of low-income African-American households face an employment issue.

While fewer than one-third (27.8%) of all low-income households suffer at least one problem with rental housing, 42.9% of Native American households, 41.5% of African-American households, and 37.8% of households that include a person with a disability have rental housing problems.

² The CLNS Update Committee intended to include low-income persons who identify as lesbian, gay, bisexual, transgender or who were questioning their sexual orientation or gender identity or expression as one of the target groups. Questions relating to this group inadvertently did not get incorporated into the survey instrument. The CLNS Update Committee is now updating its survey data to ensure fair representation of members of this target group.

PREVALENCE OF LEGAL PROBLEMS BY RACE

Source: WSU-SESRC



Group members experience common problems

The Civil Legal Needs Study Update also sought to determine what problems specific groups have in common because of their status or history. Below are the top substantive problem areas among the groups identified within the survey:

- **Persons with disabilities.** Denial or termination of government disability assistance; denial or limited access to government services because of failure to make reasonable accommodation for their disability; denial or limited access to services from a private business because of lack of accommodation or other factor.
- **Immigrants.** Problems with immigration status, including the inability to secure legal authorization to live or work in the U.S.; denial of housing, employment, health care, etc. because of immigration status; job-related harassment because of immigration status.
- **Native Americans.** Denial of services from an Indian tribe or community-based organization that serves Native Americans; denial of services from the Bureau of Indian Affairs or Indian Health Services;

problems with estate planning and protection of inherited trust property; discriminated against or terminated from a job by a tribe or tribally owned business.

- **Military service members and veterans.** Denial of veteran’s (VA) disability, educational or other benefits and services; problems related to discharge status; inability to access necessary care for service-related physical or mental health conditions.
- **Youth and young adults (Ages 15 to 21).** Discrimination and unfair treatment by law enforcement; problems getting housing, a job or education due to present or prior involvement in the juvenile justice

system; problems related to involvement in the child welfare or foster care system.

- **Persons involved in the child welfare system.** Investigated by Child Protective Services (CPS); coerced or attempted coercion into giving up custody of child; involuntarily given psychotropic medication to manage behavior.
- **Persons in juvenile and adult correction facilities.** Problems with visitation or communication with family members and friends; lack of access to legal help or law-related materials; lack of planning or support for re-entry after detention or incarceration.

“DISCOURAGED. AS A SENIOR CITIZEN WITH DISABILITIES, I FEEL AS THOUGH I AM OVERLOOKED BY THE SYSTEM.”

2014 SURVEY RESPONDENT

MANY SUFFER HIGHER DEGREES OF DISCRIMINATION AND UNFAIR TREATMENT BECAUSE OF RACE, ETHNICITY AND OTHER STATUS-BASED CHARACTERISTICS

Even though she'd paid both her rent and utility bills, Tiffany's landlord tried to have her lights and water shut off and persuaded a police officer to post a three-day eviction notice on her door.

The officer approached Tiffany's 11-year-old son while she was away, telling him he didn't want to "make it harder for folks like you to live here." Tiffany, who is African-American, was convinced "folks like you" referred to her race, especially because the landlord made it clear he wanted to move a white family into the house.

Tiffany found a volunteer lawyer who helped get the three-day eviction dropped. However, Tiffany decided to move her family anyway because she feared her experience with the landlord would not get any better.

The 2003 Civil Legal Needs Study found that more than a quarter (27%) of all respondents reported one or more problems involving one or more forms of discrimination. In designing the 2014 survey, researchers built in questions that would look more deeply at these issues in order to better understand the types of discriminatory and unfair treatment low-income people experienced.

To this end, the 2014 survey asked not only whether and to what degree low-income people experience discrimination and unfair treatment on the basis of legally protected classifications (e.g., race, ethnicity, national origin, gender, age, disability, sexual orientation), it asked whether and to what degree people experience discrimination and unfair treatment on the basis of other characteristics including their credit history, prior involvement in the juvenile or criminal justice system, immigration status, status as a military service member or veteran, status as a victim of domestic violence or sexual

assault and status as a youth between the ages of 15 and 21.

The findings make it clear that, as a whole, low-income people in Washington are profoundly affected by discrimination and other forms of unfair treatment. Across the entire spectrum of low-income respondents with at least one civil legal problem, 44.1% experienced a problem that involves discrimination or unfair treatment.

These problems are compounded if a person is of color, has a disability, is a victim of

TIFFANY DECIDED TO MOVE HER FAMILY ANYWAY BECAUSE SHE FEARED HER EXPERIENCE WITH THE LANDLORD WOULD NOT GET ANY BETTER.

domestic violence or is between the ages of 15 and 21.

Nearly four in ten low-income African-Americans (36.9%) and nearly three of ten low-income Native Americans (27.6%) experience at least one problem involving discrimination or unfair treatment based on race or color. Two in ten people who identify as Hispanic or Latino (19.6%) have a problem involving discrimination or unfair treatment and related to their race or color.

Jorge was current on his rent and in compliance with his lease, but his landlord claimed he was intimidating and threatening people in the landlord's office. These allegations were racially tinged and never proven, but Jorge was still evicted.

These are not just problems that crop up once in a while. They are struggles individuals and families encounter every day.

More than four in ten low-income African-Americans experience discrimination or unfair treatment related to employment (40.5%) or rental housing (44.6%). Nearly four in ten low-income Native Americans (38.2%) experience discrimination or unfair treatment when it comes to accessing financial services or dealing with consumer issues.

Persons with disabilities who are also low-income report higher rates of discrimination or unfair treatment in areas related to their employment (35.4%), rental housing (32.4%), consumer/financial issues (32.7%) and health care (32.4%).

Low-income young people between the ages of 15 and 21 experience a 43% higher rate of discrimination and unfair treatment than the state's low-income population as a whole.

The survey found more than four of ten (41.3%) low-income young people struggle with discrimination or unfair treatment related to employment. In addition, 10.1% of respondents ages 15 to 21 suffer discrimination or unfair treatment related to their sexual orientation, more than three times the rate (2.9%) experienced by the state's general low-income population.

VICTIMS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT EXPERIENCE THE MOST PROBLEMS OF ALL

Maria's boyfriend was extremely angry when she ended their relationship. His reaction quickly escalated to physical assault and someone called the police. Afterwards, the landlord told the apartment manager to evict Maria and her three young daughters because "if the police have to come, she is somebody we don't want in the building."

The landlord relented only after Maria begged to stay. Her family kept their home but she faced a frightening choice when she was physically assaulted a second time.

"I didn't call the police because I didn't want to get evicted," she said. "I knew if the police came one more time, I thought the landlord would really push me out."

While 71% of all low-income Washington residents experience at least one civil legal problem, fully 100% of those who have been a victim of domestic violence and/or sexual assault (DV/SA victims) will experience important civil legal problems.

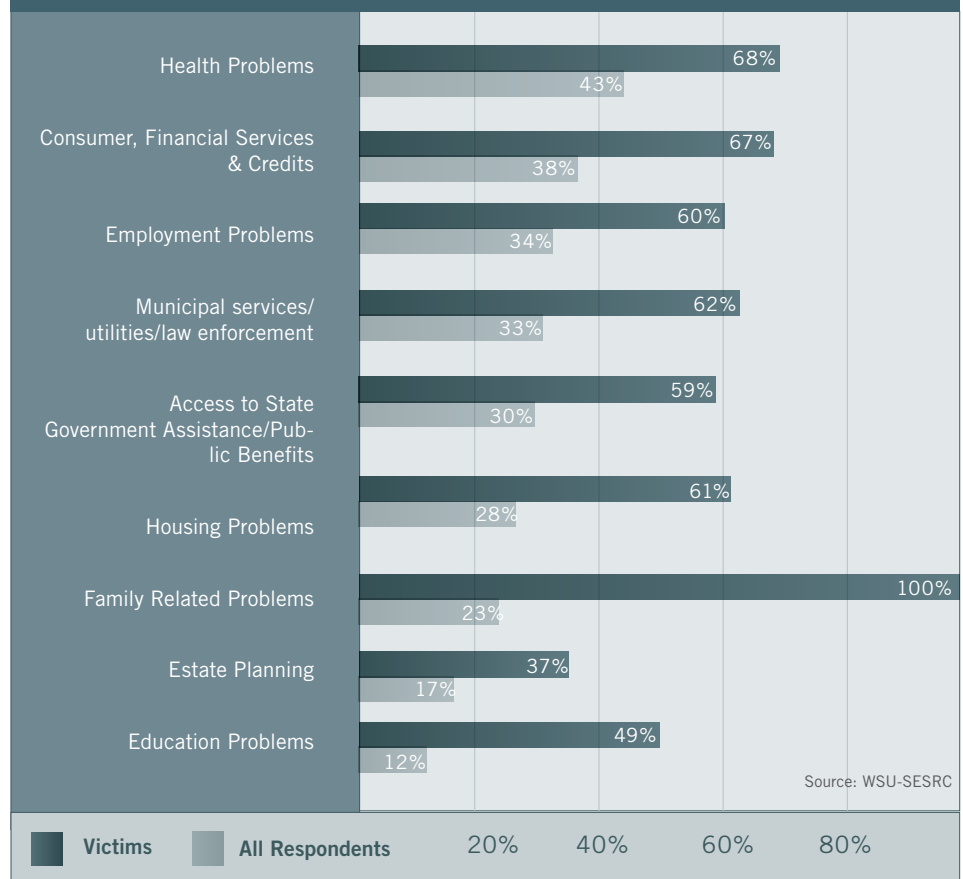
Low-income Washingtonians who have suffered domestic violence or been a victim of sexual assault experience an average of 19.7 legal problems per household, twice the average experienced by the general low-income population. They experience legal problems at substantially higher rates than the general low-income population across the entire spectrum of legal problem areas, including family relations, health care, consumer-finance, municipal services, rental housing and employment.

The majority of the domestic violence/sexual assault victims responding to the survey were female (83.5%), more than half (53.5%) were between the ages of 18 and 39 and 62.5% lived in a household with children.

Here, too, the survey results demonstrate the disproportionate impact that race, ethnicity and certain other characteristics have on the degree to which people experience important civil legal problems.



DOMESTIC VIOLENCE/SEXUAL ASSAULT VICTIMS EXPERIENCE MUCH HIGHER RATES OF LEGAL PROBLEMS



Low-income people who have been a victim of domestic violence and/or sexual assault and who identify as African-American, Native American, Hispanic/Latino, LGBTQ,

have a disability or who are young are more than twice as likely to experience discrimination and unfair treatment than members of the overall low-income population.

DATA TRACKING ENABLES DISCRIMINATION AGAINST THOSE WITH PAST JUSTICE SYSTEM INVOLVEMENT AND CREDIT PROBLEMS

“I’M OVER 70. I’M OF MIXED RACE. I’M GAY. I HAVE A PAST FELONY (FROM 35+YEARS AGO) AND I’M ON SSI. ...IT ISN’T EASY TO EVEN LOCATE WHAT SERVICES THERE ARE, AND THEN IF THERE IS A SERVICE TO BE FOUND, TO BE INFORMED THAT I’M NOT ELIGIBLE TO RECEIVE THAT SERVICE FOR ONE OR MORE OF THE ABOVE LISTED REASONS.”

2014 SURVEY RESPONDENT

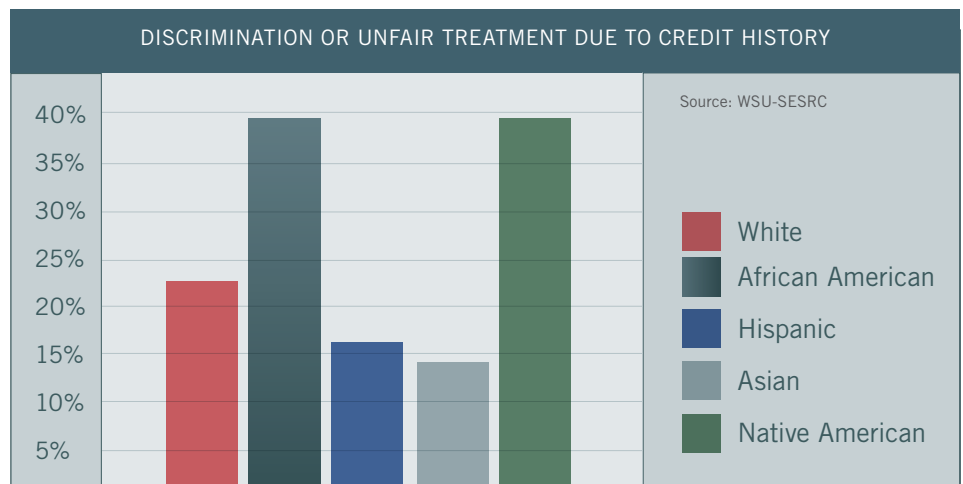
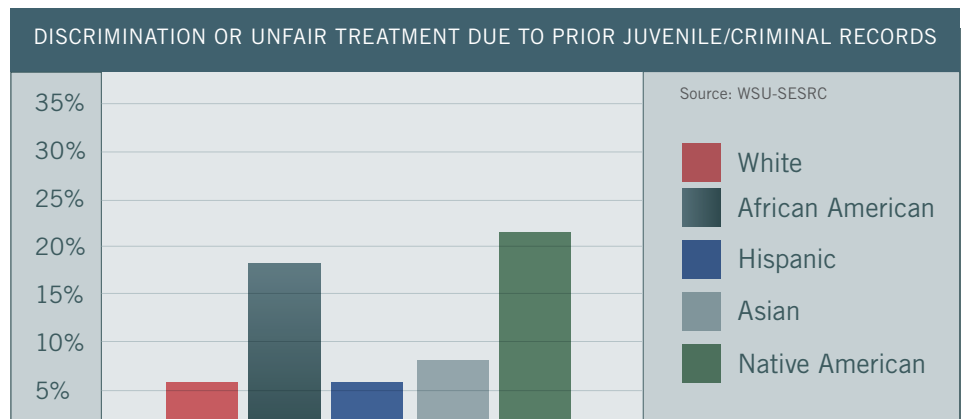
The widespread commercial use of databases and data mining practices makes it easier today for a landlord or prospective employer to check on an applicant’s credit history or court records. For many, that means past mistakes adversely affect a person’s current and future ability to secure housing, get a job, or take care of their financial needs.

Although Washington was among the first states in the nation to limit the circumstances in which employers can rely upon credit history in making hiring decisions ³, nearly one in four of the 2014 survey respondents (23%) said they have been discriminated against or treated unfairly because of their credit history.

Not surprisingly, given the higher level of poverty experienced by members of these groups, African-Americans (38.8%), Native Americans (38.8%), people with disabilities (30.8%) and victims of domestic violence or sexual assault (44.1%) experience substantially higher levels of discrimination and unfair treatment due to their credit history than the general low-income population.

People with juvenile or criminal records also find it hard to get that second chance.

Nearly one in ten (9%) experience discrimination or unfair treatment because they



had a prior juvenile or adult criminal record. Reflecting their disproportionate involvement in the criminal and juvenile justice systems, low-income African-Americans and

Native Americans experience significantly greater levels of these problems than the general low-income population.

3 RCW 19.182.020

THE MAJORITY OF LOW-INCOME WASHINGTONIANS FACE THEIR CIVIL LEGAL PROBLEMS ALONE



In 2003, more than 85% of low-income people in the state faced their legal problems without help from an attorney. Many people didn't understand that the issue they faced – be it financial or family or something else – had a legal solution. Others simply did not know where to find help.

The 2014 survey found little change. The vast majority of people face their problems alone. Of those who experienced a civil legal problem, at least 76% do not get the help they need to solve their problems. Sixty-five percent of those who have a civil legal issue do not pursue help at all.

The latest findings confirm a significant and persistent Justice Gap in Washington, where low-income Washingtonians continue to face their problems without necessary legal help, no matter how serious or complex the problem may be and regardless of the potential short- or long-term consequences.

There is one notable difference from the 2003 study, however. While just 12% of the state's low-income who had a civil legal problem got at least some assistance in 2003; 24% of the households that had one or more legal problems received some kind of assistance in 2014, whether it was from the toll-free legal aid hotline (CLEAR), a non-profit legal aid program or a private attorney.

“I FEEL LIKE WE DON'T UNDERSTAND THE TYPES OF LEGAL SERVICES OUT THERE THAT ARE AVAILABLE TO FAMILIES LIKE US. WE AVOID LEGAL ISSUES BECAUSE WE CAN'T PAY THE COURT FEES.”

2014 SURVEY RESPONDENT

MOST PREVALENT PROBLEMS PEOPLE EXPERIENCE		
Source: WSU-SESRC		
1	43.4%	Health Care
2	37.6%	Consumer, Financial Services, Credit
3	33.6%	Employment
4	33.3%	Municipal Services/Utilities
5	29.6%	Access to Government Assistance

PROBLEMS PEOPLE MOST OFTEN SEEK LEGAL HELP		
Source: WSU-SESRC		
1	28%	Housing
2	22%	Family & Domestic Problems
3	20%	Consumer, Financial Services, Credit
4	19%	Healthcare
5	16%	Disability-Related Problems

Nearly a third (30%) of those who sought help but could not get it said they could not afford to pay for it. Others reported they were unable to get through on busy phone lines or that nobody returned their calls. Some said they were confused by the information they had received.

While low-income people experience the greatest number of problems in the areas of health care, consumer/finance and employment, these are not the problems for which low-income people most often get legal help. Instead, low-income people seek and get help most often when faced with problems involving rental housing, family relations and consumer/finance.

These appear to be problem areas where, from the perspective of the low-income person, there is a clearer understanding

that their problem is legal in nature or that resolution of the problem requires court involvement, such as eviction, divorce, custody, debt collection or bankruptcy.

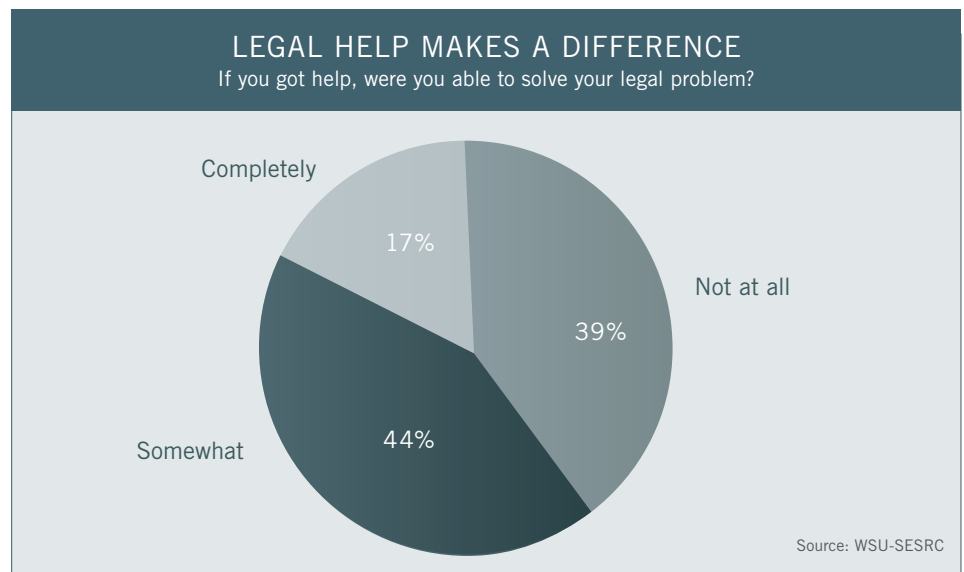
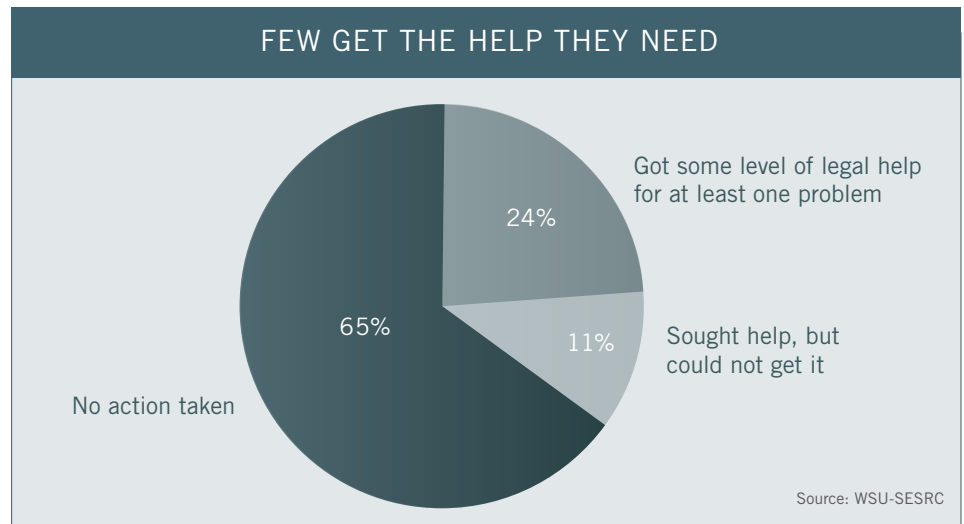
With other issues, such as denial of service, discrimination and unfair treatment or employment, people may not understand that these problems have a legal solution. Or, even if they recognize the legal component, they are not sure whether or how to seek legal assistance.

Even Limited Legal Assistance Helps People Solve Problems

John is deaf. He had a dispute with Section 8 housing inspectors and received an eviction notice.

“A woman came once with an interpreter. She didn’t show up the next time. I tried to write notes but the communication was not good,” he said. “Eventually, I did find a lawyer who could sign. A lot of deaf people don’t know what to do and they don’t know how to find a lawyer.”

As the 2003 Study found, and results from the 2014 survey confirm, those who get legal help – even limited legal advice or assistance – are able to solve their problems. Nearly two-thirds (61%) of those who sought and received some level of legal assistance were able to solve some portion of their legal problem. Of these, nearly 30% were able to resolve their problems completely.



MOST LOW-INCOME PEOPLE DO NOT HAVE CONFIDENCE IN WASHINGTON'S CIVIL JUSTICE SYSTEM



Roger was a teenager when he was convicted back in the 1980s for possession of a small amount of cocaine. He had no other felonies but his past record made it extremely difficult to find housing.

Even after a legal aid lawyer convinced a judge to clear the record, Roger had little confidence in the justice system.

“No, not really,” he said. “They can do anything they want and nobody can do anything about it.”

Some people do not think their problems have a civil legal dimension, or solution. The 2014 study demonstrates that many lack confidence that the civil justice system can or is even willing to help people like them. More than forty percent (41.2%) of respondents felt that they had little chance of protecting their legal rights or those of their families in the court system. When added to the percentage of those who felt that the courts might help them protect their legal rights “some of the time,” the number exceeds two-thirds of all respondents. Only 25% of respondents felt that they could protect their legal rights in court “all of the time” or “most of the time.”

Similarly, nearly sixty percent (58.4%) of respondents do not feel that they are treated fairly on a consistent basis within the civil justice system. And roughly the same percentage (58.6%) do not feel that the

“THEY CAN DO ANYTHING THEY WANT AND NOBODY CAN DO ANYTHING ABOUT IT.”

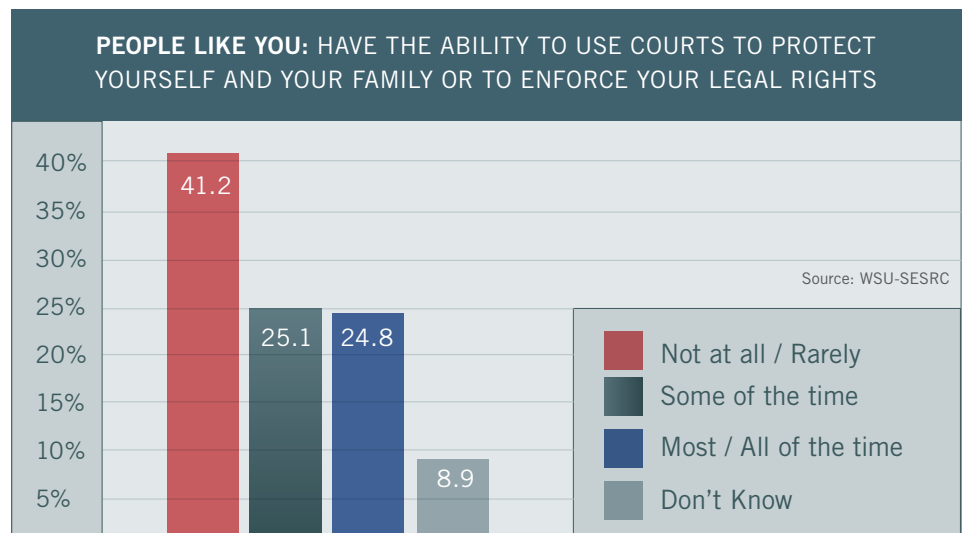
civil legal system is a forum to which they can confidently turn for the resolution of important legal problems.

Higher numbers of white respondents than non-white (35% vs. 25%) believe that the civil justice system will treat them fairly “all of the time” or “most of the time.”

Conversely, those with the highest proportion of legal issues have the least confidence

that the legal system can solve their important problems.

More than one in four (28.5%) of low-income African-Americans, nearly one-third (31.5%) of low-income Hispanic households and more than a third (34%) of those who have been victims of domestic violence or sexual assault believe the legal system solves their problems “rarely” or “not at all.”



THE CHALLENGE



TURNING FINDINGS INTO ACTION

More than 400 Washingtonians volunteered additional comments after they had completed the survey questions. Many recognized the impact the survey findings and this Report could have for them and for their neighbors.

Some shared deeply personal stories indicating how desperate they are for change. They don't understand their options and even if they do, they cannot get the help they need.

A veteran wrote:

"I moved here one year ago from Portland after my service to this country and I have had to sell my truck, all my tools and constantly fight to stay afloat. If it were not for my wife and child, I do not believe I would even fight to stay alive. People are struggling and it's getting worse. Thank you for trying to do something."

The discouraged veteran joined dozens of others who said they appreciated being able to play a role in making things better.

One person wrote:

"Muchas gracias por hacerme parte de esta encuesta.
(Thank you for making me part of this survey)"

Another shared:

"With my recent battles in state court as well as tribal court, I know how important a survey like this is. Best of luck to you in obtaining the information you need and thank you for allowing me to participate!"

Finally, others challenged the state to turn the findings into action:

"Will anything constructive get done about the legal problems mentioned in this survey?"

One person asked:

"Will people in my position, or worse off than I, get any sort of meaningful help?"

The answer to these questions, and so many others, is up to **all of us**.

ABOUT THIS UPDATE:

WHY, WHO, WHEN, WHERE & HOW

Preparations for this Washington State Civil Legal Needs Study Update began in the summer of 2012, when the Washington State Office of Civil Legal Aid, in consultation with the Washington Supreme Court's Access to Justice Board, convened 16 Washington community leaders for a Civil Legal Needs Scoping Group. Members were asked to assess the continuing relevancy of the landmark 2003 Civil Legal Needs Study and make recommendations regarding the need to update that study.

In December 2012, the group issued its recommendations. It determined that an update of the 2003 Study was necessary to ensure effective and relevant understandings of the civil legal problems experienced by low-income Washingtonians. The Scoping Group recommended that any such update be designed to:

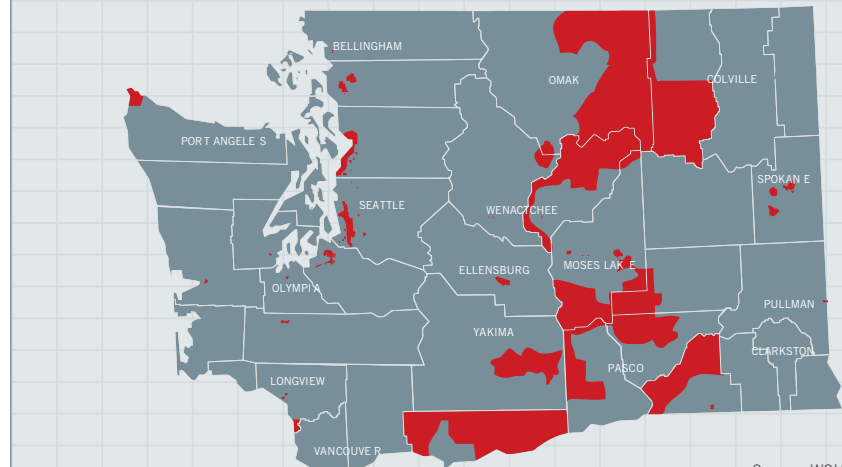
- Understand the nature, gravity and consequences of legal problems that low-income people face in Washington State.
- Identify new civil legal problems that have emerged since the 2003 study.
- Assess the impact those problems have on low-income individuals and families.

The group also recommended that any such update generate a more informed understanding of:

- How race, gender, age, disability and other factors affect the depth and type of civil legal problems people experience.
- Who gets help and who does not and whether those who do get legal help are able to achieve long-term solutions.

Finally, the group recommended that a blue ribbon panel led by a Justice of the Washington State Supreme Court guide the effort. Acting upon that recommendation, the Washington State Supreme Court established a 12-member Civil Legal Needs Study Update Committee. Justice Charles K. Wiggins was appointed to lead it.

HIGH POVERTY CENSUS TRACTS SURVEYED

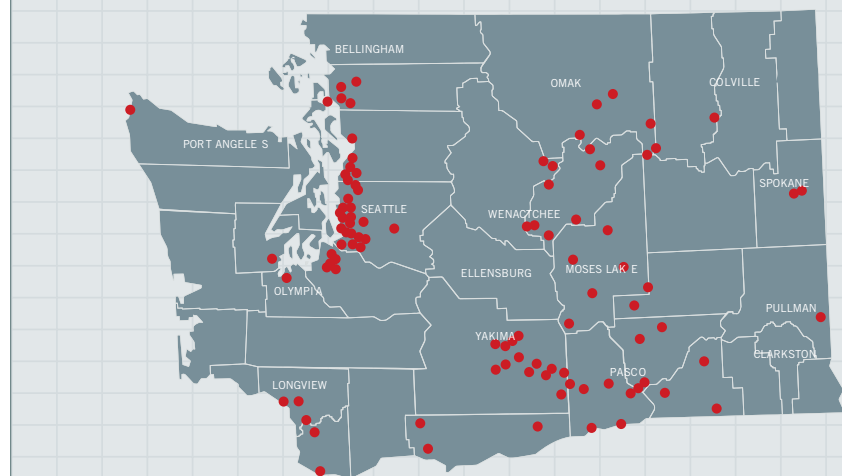


Source: WSU-SESRC

Survey randomly sent to 15,000 addresses in 126 census tracts with high poverty and high minority poverty rates

 Target Census Tracts

SURVEYS COMPLETED BY HOUSEHOLDS ACROSS THE STATE



Source: WSU-SESRC

With the objectives set, Washington State University's Social and Economic Sciences Research Center (WSU-SESRC) was engaged to conduct the comprehensive update of the civil legal problems experienced by Washington's low- and lowest-income residents.

Researchers identified 126 high poverty and high minority poverty census tracts throughout the state. They designed a 77-question survey instrument that inquired into more than 130 specific legal problems that might be experienced by low-income people within 18 potential problem areas including employment, health care, consumer, education, family relations

and access to government assistance. The survey also asked questions focused on the experience of those who tried to get legal help to resolve their problems and probed the experiences of members of certain demographic groups who might be expected to have different types of problems or different justice system experiences.

WSU-SESRC distributed and conducted the survey via regular mail, the internet and phone, including cell phones. A sample of 15,000 households was initially invited to participate.

To be eligible, individuals needed to have

a household income at or below 200% of the federal poverty guidelines set by the U.S. government. That means no more than \$23,340 for an individual living alone; \$31,460 for a two-person household; \$39,580 for a family of three; \$47,700 for a four-person household and no more than \$55,820 for five persons.

The survey was administered from October to December 2014. A total of 1,375 low-income respondents completed surveys, ensuring that the results would achieve the target of 95% confidence (+/- 3%). (See the appendices for more details on survey methodology.)

SURVEY REFLECTS WASHINGTON'S LOW-INCOME DEMOGRAPHICS

Race	Total	Poverty	Percent of Each Race in Poverty	Percent of Poverty Population	2014 CLNS Percentage Participation
White	5,343,321	668,475	12.5%	69.1%	57.6%
Black or African American	248,640	66,402	26.7%	6.9%	9.2%
American Indian and Alaska Native	92,760	23,815	25.7%	2.5%	6.3%
Asian	529,174	67,765	12.8%	7.0%	7.6%
Native Hawai'ian and other Pacific Islander	41,111	6,972	17.0%	0.7%	1.4%
Some other race	251,012	71,425	28.5%	7.4%	3.1%
Two or more races	330,244	62,428	18.9%	6.5%	3.6%
Total Poverty (including two or more races)	6,836,262	967,282	14.1%		
Hispanic or Latino origin					
Hispanic or Latino origin (of any race)	815,416	216,692	26.6%	22.4%	20.4%
White alone, not Hispanic or Latino	4,854,186	543,367	11.2%		

The survey participants mirror the racial and demographic groups represented at the same level or above their presence in the state's overall low-income population. Poverty data comes from the 2013 American Community Survey, United States Census Bureau.

MORE WASHINGTONIANS LIVE IN POVERTY THAN EVER BEFORE



The worst economic downturn since the 1930s, dealt a blow to every household in Washington State. Wages declined or stagnated. Many families lost their homes while others were caught in the net of high-interest predatory lending. The state's economy has slowly improved for some. The unemployment rate has dropped. However, Washington's most vulnerable residents were struggling prior to the latest recession, and they are not benefiting from the recovery.

According to the U.S. Census, the number and percentage of Washington residents living in poverty rose dramatically between 2000 and 2013. In 2013 Washington ranked among the top three states with the fastest rising poverty rate.

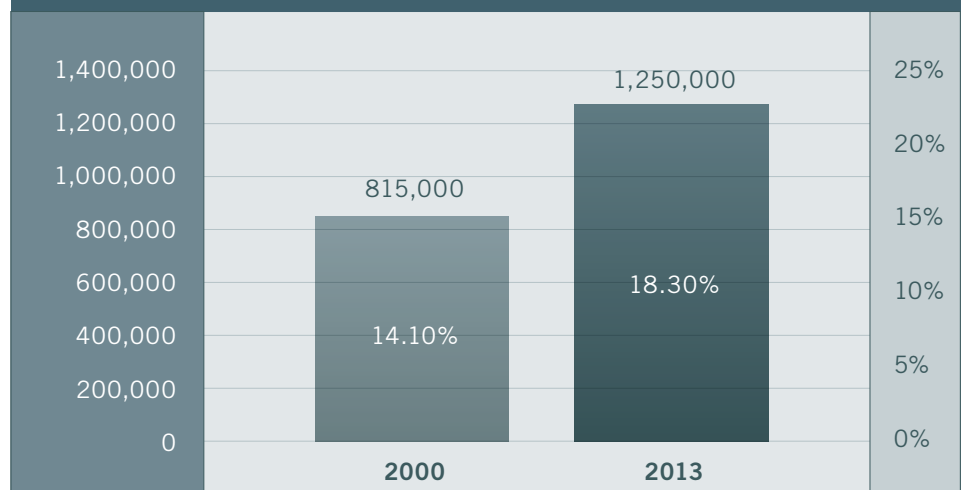
Poverty's grip is also stronger for members of minority and ethnic groups. The latest census figures show Blacks/African Americans who comprise just 4% of Washington's total population and Hispanic/Latinos who account for about 12% of the total population were twice as likely as non-Hispanic whites to have incomes at or below the poverty level. According to the U.S. Census Bureau's 2013 American Community Survey, more than a quarter of all Blacks or African-Americans (26.7%), Native Americans (25.7%) and Hispanic/Latinos (26.6%) living in Washington State had incomes below the federal poverty level. The corresponding level of non-Hispanic Whites is 12.5%

“WHEN YOU’VE WORKED ALL YOUR LIFE AND FIND YOURSELF, AT ALMOST 60, WITH NOTHING, IT’S QUITE A SHOCK.”

2014 SURVEY RESPONDENT

POVERTY RATE CHANGE FOR PERSONS LIVING AT OR BELOW 125% OF POVERTY (2000-2013)

Source: U.S. Census



*A person must have an income at or below 125% of the Federal Poverty Level to be eligible for legal aid.

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- WASHINGTON STATE OFFICE OF CIVIL LEGAL AID
- LEGAL FOUNDATION OF WASHINGTON
- WASHINGTON STATE SUPREME COURT GENDER AND JUSTICE COMMISSION
- WASHINGTON STATE SUPREME COURT MINORITY AND JUSTICE COMMISSION
- WASHINGTON STATE SUPREME COURT ACCESS TO JUSTICE BOARD
- WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL
- KING COUNTY DEPARTMENT OF PUBLIC DEFENSE
- WASHINGTON STATE BAR ASSOCIATION
- KING COUNTY BAR ASSOCIATION
- WASHINGTON STATE ASSOCIATION FOR JUSTICE

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Committee Members/Staff

Washington State Supreme Court 2014 Civil Legal Needs Study Update Committee

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- JUSTICE STEVEN GONZÁLEZ, WASHINGTON STATE SUPREME COURT, REPRESENTING THE WASHINGTON SUPREME COURT ACCESS TO JUSTICE BOARD
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APPENDICES

Appendix A: Methodology

In collaboration with OCLA, the CNLS Update Committee and a Technical Advisory Group convened by OCLA, SESRC developed a detailed strategy to employ multiple modes of data collection which effectively address the research agenda of the study. The study consisted on two components. The first component, the Probability Survey (PS), included a random probability based statewide (mail, web, and telephone) survey of adults in low- and lowest-income households.

To be eligible for the survey individuals must have a household income that falls at or below 200% of the federal poverty guidelines as established by the U.S. Department of Health and Human Services. In 2014, the average US poverty threshold for an individual living alone was \$11,670; for a two-person family, \$15,730; for a three-person family, \$19,790 and for a family of four, \$23,850. The federal poverty threshold was used to determine the eligibility of a household for participation in the survey.

In particular, the eligibility income for an individual living alone was \$23,340 or below; for a two-person household, \$31,460 or below; for a three-person household, \$39,580 or below; for a four-person household, \$47,700 or below; and for a five-person household \$55,820 or below.

To efficiently and effectively reach low-income individuals and households, 126 census tracts having more than 25% of individuals at or below 125% of poverty were selected for sampling.

The study used an Address Based Sample (ABS)—the sampling of addresses from a near universal database listing of addresses. An ABS frame is comprised of all residential addresses within a pre-defined geographic area and, thus, allows targeting the areas with the hard-to-reach demographic groups (e.g., lower income families, people with less education, those with disabilities, Blacks, Hispanics, rural residents, cell phone only households and households without phone service, etc.).

Another advantage of ABS frame is that it can be augmented with an array of socio-economic variables including household size, or neighborhood-level characteristics, such as mean income or education levels, predominant language spoken, and proportion of various racial or ethnic groups. This information can ensure the sample is more representative, particularly if the study wants to target and gain cooperation among the hard-to-reach demographic groups (i.e., people with disabilities, people of color, low-income individuals, new immigrants/English language learners, unemployed/displaced workers, and elders).

Finally, the residential addresses in the ABS frame can be matched against a database of telephone owners. Approximately 40 percent of the addressees in the sample had telephone numbers matched to

the location. This allowed for a mixed mode data collection (mail, internet, and phone), the best approach in resident surveying to maximize response rates. Mixing modes allowed us to ensure most members of the target population are given a chance to respond to a survey using a mode particularly appealing to them or using a mode that was only available to them.

Prior to conducting a large-scale probability survey, SESRC conducted a Pilot Study. The Pilot Study was designed to test the effect of prepaid cash incentives as well as promise of a \$20 payment upon completion of the survey on the response rate. The Pilot Study was initially fielded on August 8, 2014 and it continued through mid-September 2014.

Screening for the survey involved verifying that the respondent met the criteria of: 1) Being the most knowledgeable about family legal matters; and 2) Providing income information that allowed them to be classified by family income; and 3) Having family income below 200 percent of the Federal Poverty Level (FPL).

For the Pilot Study, a representative address based sample (ABS) of 2,000 households was selected from the 126 census tracts having more than 28% of individuals living at or below 125% of Federal Poverty Level (FPL). All 2,000 sample units were randomly allocated to one of the four experimental groups: 1) \$1 prepaid incentive and \$20 payment upon completion; 2) \$2 prepaid incentive and \$20 payment upon completion; 3) \$0 incentive but \$20 payment upon completion; and 4) \$0 prepaid incentive and \$0 payment upon completion. Members of all four groups were promised to be entered into a lottery drawing of one of three \$50 grocery certificates and one tablet computer upon completing the survey.

All four groups were recruited using a mail-based letter-invitation that asked the head of household or a person the most knowledgeable about family legal matters to complete the online survey. The incentives were mailed along with this invitation to members of the incentive groups.

Twelve days later after the initial recruitment mailing, the portion of the sample with mailing addresses only was sent a mail-based invitation to complete the survey in three possible ways: 1) complete an enclosed paper-based version of the survey and return it via mail in the enclosed return envelope; 2) complete the survey via web (URL and unique access code were provided); and 3) complete the survey via phone (a toll-free number to call was provided).

The portion of the sample with known phone numbers was contacted via phone fifteen days later after the initial recruitment mailing and respondents were given the option to complete the survey over the phone at the time of the contact or at the time scheduled by the respondent. If a respondent indicated he/she was unable to complete the survey by phone, he/she was offered the survey URL and unique access code as an alternative way to

complete the survey. An email message with the URL and access code were sent at the time of the phone call to those respondents opting for the internet. The phoning has continued throughout the data collection period.

Five days after the second contact, those with mail addresses only (no corresponding phone number tied to the location) received a postcard-reminder with the URL, username and password that allowed respondents to go to a web survey to complete the survey. Those with known phone numbers are being contacted via phone.

Finally, a week after the third contact the portion of the sample with mailing addresses was sent another mail-based invitation to complete the survey in three possible ways: 1) complete a replacement paper-based survey and return it via mail in the enclosed return envelope; 2) complete the survey via web (URL and unique access code were provided); and 3) complete the survey via phone (a toll-free number to call was provided). Those with known phone numbers are being contacted via phone and were given the option to complete the survey over the phone at the time of the contact or at the time scheduled by the respondent.

The pilot study showed that the \$2 prepaid incentive and \$20 payment upon completion is generating a substantially higher completion rate than the \$1 prepaid incentive and \$20 payment, and that both are exceeding the zero incentive. This combination of incentives (group 2 in the experiment) was chosen for the larger study because it yielded the highest proportion of responses.

The state-wide survey that was launched in October 2014 used the same data collection used in the pilot study. A sample of 15,000

households within 126 pre-selected census tracts with high concentration of poverty was invited to participate in the survey.

A total of 3,125 households distributed throughout the state participated in screening for eligibility for the study. 1,375 eligible low and lowest income households completed the probability survey. In addition, 224 low-income respondents participated in the non-probability survey.

A total of 1,375 completed questionnaires from eligible respondents is large enough to ensure a sample error of no larger than +/-3% sample error (SE) at the 95% confidence level. Thus, it is possible to draw conclusions about the low-income population as a whole that can be accepted with a high degree of confidence from observations about the survey respondents.

While conclusions about the entire sampling frame can be drawn with confidence, the word of caution is in order. The universe from which the sample was drawn—residential households—is only an approximation of the universe that the study seeks to measure. High degree of residential instability that was reflected in approximately 15% mailings returned to sender from the total number of surveys sent out indicates that some low and lowest income households were not reached. Further, some households may have limitations of language that prevented them from participating in the survey. Finally, some kinds of sensitive legal problems are difficult, under the best of conditions, to discuss with strangers. A telephone survey is less amenable to building the personal trust and confidence to induce the survey respondent to speak freely about sensitive matters like abuse, immigration problems, or a wide range of family issues.

Appendix B: Master Tables

Master Table 1A: Relative Percentage of Legal Problems Shown as a Percentage of Total Number of Legal Problems by Substantive Problem Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a disability	Military Service Members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	11.8%	10.2%	12.3%	11.7%	15.1%	9.5%	10.8%	7.4%	10.4%	10.5%	11.1%	11.8%	10.8%	11.5%	14.1%	10.6%	12.9%
Rental Housing	15.4%	15.7%	14.9%	17.4%	11.9%	15.9%	14.4%	11.3%	15.9%	15.6%	15.1%	13.9%	16.9%	12.0%	14.4%	15.7%	13.9%
Mobile Housing	0.5%	0.4%	0.6%	0.0%	0.6%	1.7%	1.1%	1.1%	0.6%	0.5%	0.7%	0.5%	0.9%	0.9%	0.5%	0.3%	1.0%
Municipal Services/Utilities	10.7%	10.2%	10.9%	12.1%	9.4%	11.7%	11.3%	9.5%	11.0%	10.2%	8.8%	11.1%	9.2%	10.8%	11.9%	10.6%	10.8%
Consumer	17.1%	17.6%	17.1%	21.5%	15.3%	15.9%	15.8%	14.0%	16.4%	16.6%	19.4%	16.4%	15.2%	15.6%	13.9%	16.6%	18.7%
Government Assistance	8.0%	8.7%	7.5%	6.2%	7.2%	8.0%	7.6%	7.2%	9.1%	9.1%	7.8%	8.0%	7.3%	7.7%	9.1%	8.2%	8.0%
Health care	20.5%	21.2%	20.4%	16.2%	21.9%	21.4%	18.5%	28.8%	20.8%	22.1%	19.4%	18.7%	15.8%	25.1%	19.9%	20.9%	20.6%
Family	7.4%	7.5%	7.4%	7.4%	8.9%	7.0%	8.0%	4.4%	7.0%	6.8%	6.8%	9.9%	14.7%	6.5%	6.8%	8.2%	6.0%
Education	3.6%	2.6%	4.3%	4.5%	5.6%	3.1%	4.9%	1.1%	3.0%	3.2%	3.9%	5.9%	4.2%	5.2%	5.7%	3.7%	3.1%
Estate Planning	5.1%	6.0%	4.5%	3.0%	4.0%	5.8%	7.6%	15.5%	6.0%	5.4%	7.1%	3.8%	4.9%	4.7%	3.9%	5.2%	5.0%
Number of Legal Problems	7,460	3,234	4,010	881	1,281	515	842	666	3,998	3,921	1,255	3,654	1,770	1,590	1,087	4,600	2,502
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	468
Mean number of problems per capita	6.05	5.10	6.85	7.80	5.10	5.54	10.79	2.97	6.15	8.41	6.18	7.00	17.88	4.88	7.20	6.25	5.35

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 2: Prevalence of Discrimination and Unfair Treatment Based on Demographic Identity by Substantive Problem Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a Disability	Military Service members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	35.5%	35.9%	35.5%	40.5%	36.6%	34.2%	35.3%	26.3%	35.1%	35.4%	31.1%	39.1%	50.0%	36.4%	41.3%	34.2%	38.7%
Rental Housing	26.9%	27.3%	27.1%	44.6%	17.0%	18.4%	27.9%	15.0%	26.4%	32.4%	20.6%	29.7%	50.0%	17.5%	26.7%	32.1%	18.1%
Home ownership	7.8%	6.0%	10.0%	13.5%	6.3%	2.6%	17.6%	2.5%	8.0%	8.4%	8.7%	11.3%	20.8%	7.7%	6.7%	9.7%	5.4%
Utility Services	7.2%	5.0%	8.4%	5.5%	8.0%	5.3%	17.6%	2.5%	8.0%	9.2%	4.9%	8.2%	18.1%	7.0%	10.7%	6.7%	6.3%
Municipal Services/Land Use	3.5%	2.6%	4.0%	1.4%	3.6%	0.0%	13.2%	5.0%	3.7%	4.9%	1.0%	2.3%	6.9%	4.2%	2.7%	3.5%	3.2%
Law Enforcement	18.7%	16.9%	21.1%	21.6%	19.6%	15.8%	33.8%	7.5%	17.0%	23.5%	21.4%	20.2%	31.9%	17.5%	24.0%	16.1%	23.4%
Consumer	28.2%	30.9%	27.4%	33.8%	21.4%	26.3%	38.2%	18.8%	28.6%	32.7%	31.1%	30.0%	37.5%	18.9%	26.7%	28.6%	30.2%
Health care	22.3%	23.3%	21.5%	16.2%	19.8%	21.1%	32.4%	16.5%	26.3%	32.4%	22.5%	19.5%	29.2%	23.1%	21.3%	23.5%	20.8%
Government Assistance	17.7%	16.7%	19.7%	14.9%	16.1%	15.8%	29.4%	13.8%	20.9%	25.7%	24.3%	19.6%	33.3%	16.2%	18.9%	19.2%	15.8%
Education	10.7%	9.0%	13.0%	8.1%	13.4%	10.5%	23.5%	8.8%	11.2%	11.2%	9.7%	12.1%	16.7%	11.9%	18.7%	11.6%	10.4%
Government Programs	5.2%	2.6%	7.7%	5.4%	5.4%	7.9%	13.2%	5.0%	6.2%	7.4%	7.8%	4.7%	15.3%	4.9%	9.3%	5.1%	5.0%
Access to private business svc.	6.6%	6.6%	6.4%	9.5%	2.7%	2.6%	11.8%	6.3%	7.1%	8.1%	7.8%	5.8%	9.7%	4.9%	12.0%	6.7%	6.8%
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Note: Percentages include reported problems involving discrimination and unfair treatment on the basis of credit history, juvenile and criminal justice system involvement, immigration status, veteran status and status of a victim of domestic violence or sexual assault

Master Table 2A: Relative Percentage of Legal Problems Involving Discrimination Based on Demographic Identity Shown as a Percentage of Total Number of Discrimination Problems by Substantive Problem Area and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a Disability	Military Service members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Employment	18.7%	19.6%	17.6%	18.9%	21.6%	21.3%	11.6%	20.6%	17.7%	15.3%	16.3%	19.3%	15.7%	21.4%	18.9%	17.4%	21.1%
Rental Housing	14.1%	14.9%	13.4%	20.8%	10.0%	11.5%	9.2%	11.8%	13.3%	14.0%	10.7%	14.6%	15.7%	10.3%	12.2%	16.3%	9.8%
Home ownership	4.1%	3.3%	5.0%	6.3%	3.7%	1.6%	6.4%	2.0%	4.1%	3.6%	4.6%	5.6%	6.5%	4.5%	3.0%	4.9%	2.9%
Utility Services	3.8%	2.7%	4.1%	2.5%	4.7%	3.3%	6.9%	2.0%	4.1%	4.0%	2.6%	4.0%	5.7%	4.1%	4.9%	3.4%	3.4%
Municipal Services/Land Use	1.8%	1.5%	2.0%	0.6%	2.1%	0.0%	4.6%	3.9%	1.9%	2.1%	0.5%	1.2%	2.2%	2.5%	1.2%	1.8%	1.7%
Law Enforcement	9.8%	9.3%	10.4%	10.1%	11.6%	9.8%	12.1%	5.9%	8.6%	10.2%	11.2%	10.0%	10.0%	10.3%	11.0%	8.2%	12.7%
Consumer	14.8%	16.9%	13.6%	15.7%	12.6%	16.4%	12.1%	14.7%	14.4%	14.1%	16.3%	14.8%	11.7%	11.1%	12.2%	14.5%	16.4%
Health care	11.7%	12.7%	10.6%	7.5%	11.6%	13.1%	11.0%	12.7%	13.3%	14.0%	11.7%	9.6%	9.1%	13.6%	9.8%	11.9%	11.3%
Government Assistance	9.3%	9.1%	9.8%	6.9%	9.5%	9.8%	9.2%	10.8%	10.5%	11.1%	12.8%	9.6%	10.4%	9.5%	8.5%	9.7%	8.6%
Education	5.6%	4.9%	6.5%	3.8%	7.9%	6.6%	7.5%	6.9%	5.6%	4.9%	5.1%	6.0%	5.2%	7.0%	8.5%	5.9%	5.6%
Government Programs	2.7%	1.5%	3.8%	2.5%	3.2%	4.9%	5.2%	3.9%	3.1%	3.2%	4.1%	2.3%	4.8%	2.9%	4.3%	2.6%	2.7%
Access to private business svc.	3.5%	3.8%	3.2%	4.4%	1.6%	1.6%	4.0%	4.9%	3.6%	3.5%	4.1%	2.9%	15.7%	2.9%	5.5%	3.4%	3.7%
Number of Legal Problems	1,209	551	603	159	190	61	173	102	640	658	196	519	230	243	164	731	408
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	468
Mean number of problems per capita	0.98	0.87	1.03	1.41	0.76	0.66	2.22	0.46	0.98	1.41	0.97	0.99	2.32	0.75	1.09	0.99	0.87

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault.

Note: Percentages include reported problems involving discrimination and unfair treatment on the basis of credit history, juvenile and criminal justice system involvement, immigration status, veteran status and status of a victim of domestic violence or sexual assault

Master Table 3: Prevalence of Discrimination and Unfair Treatment by Category of Differential Treatment and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Disability	Military	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Race or color	13.7%	6.5%	21.8%	36.9%	19.6%	9.4%	27.6%	6.4%	12.8%	18.2%	9.6%	16.8%	30.3%	15.1%	19.6%	14.9%	12.6%
National origin	6.9%	4.3%	10.0%	9.5%	11.9%	8.3%	10.6%	1.0%	6.0%	8.0%	4.8%	8.0%	14.9%	15.3%	8.0%	6.6%	7.9%
Religion	4.5%	3.1%	6.5%	7.3%	4.5%	3.5%	15.5%	4.5%	5.4%	7.0%	6.9%	4.4%	11.8%	4.1%	7.9%	4.8%	4.8%
Native American Identity	3.1%	0.9%	5.6%	2.1%	2.2%	3.5%	27.6%	2.5%	4.1%	5.0%	3.7%	2.1%	9.1%	2.1%	3.6%	2.9%	3.3%
Gender	10.6%	10.7%	11.3%	13.7%	5.8%	10.8%	23.5%	7.5%	10.9%	14.4%	11.0%	10.7%	20.9%	5.9%	17.3%	13.5%	6.5%
Marital status	5.6%	4.9%	6.6%	4.2%	5.5%	3.6%	10.6%	2.0%	5.9%	8.1%	4.8%	6.3%	20.9%	3.8%	8.0%	6.8%	3.6%
Children in home	4.0%	2.9%	5.4%	8.4%	1.3%	3.5%	10.5%	0.5%	4.2%	5.6%	4.2%	8.2%	15.1%	3.1%	5.1%	5.4%	1.9%
Sexual orientation	2.9%	2.6%	3.3%	7.3%	1.8%	3.5%	7.4%	2.0%	3.3%	3.9%	3.7%	2.3%	10.5%	1.4%	10.1%	2.3%	3.6%
Age	14.1%	13.7%	14.9%	19.0%	8.4%	11.5%	24.7%	17.6%	16.1%	20.9%	17.4%	12.0%	31.0%	9.5%	22.0%	14.4%	14.0%
Veteran	1.8%	1.7%	1.9%	2.1%	0.0%	2.4%	4.2%	2.1%	2.1%	3.8%	8.4%	0.8%	6.8%	0.7%	1.4%	0.9%	3.3%
Disability	12.3%	13.5%	11.1%	12.4%	6.7%	7.1%	25.8%	7.0%	17.7%	29.5%	15.9%	8.2%	28.2%	5.1%	11.6%	13.5%	10.5%
Service dog	1.1%	0.7%	1.7%	2.1%	0.5%	1.2%	0.0%	0.0%	1.2%	2.2%	1.6%	1.5%	3.4%	0.7%	0.0%	1.2%	1.2%
Prior Juv. or crim. record	8.9%	8.0%	10.0%	18.4%	5.4%	7.1%	20.8%	2.0%	8.2%	13.3%	7.3%	9.5%	24.2%	4.5%	6.5%	8.7%	9.0%
Credit history	23.0%	23.6%	23.2%	38.8%	15.0%	14.1%	38.8%	12.5%	23.8%	30.8%	23.6%	26.0%	44.1%	14.6%	20.7%	24.9%	21.3%
Immigration status	4.5%	0.9%	8.9%	4.3%	12.8%	7.1%	7.4%	0.0%	4.5%	4.4%	2.1%	8.4%	14.9%	15.4%	8.8%	4.2%	5.3%
DV/SA Victim Status	5.4%	5.0%	5.8%	7.4%	4.5%	5.8%	10.5%	3.6%	5.5%	8.7%	4.3%	6.3%	36.0%	3.7%	5.0%	7.1%	2.4%
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 3A: Relative Percentage of Legal Problems Involving Discrimination Shown as a Percentage of Total Number of Discrimination Problems by Category of Differential Treatment and Demographic Group

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Disability	Military	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Race or color	11.4%	6.3%	15.2%	19.8%	19.2%	9.2%	10.5%	9.1%	9.8%	10.0%	7.3%	13.0%	9.5%	14.6%	12.9%	11.4%	11.5%
National origin	5.6%	4.2%	6.7%	4.7%	11.3%	8.0%	4.4%	1.4%	4.5%	4.3%	3.7%	6.0%	4.6%	14.6%	5.1%	5.0%	7.0%
Religion	3.7%	3.0%	4.4%	3.6%	4.2%	3.4%	5.3%	6.3%	4.0%	3.8%	5.3%	3.3%	3.5%	3.9%	5.1%	3.6%	4.3%
Native American Identity	2.5%	0.8%	3.7%	1.0%	2.1%	3.4%	11.4%	3.5%	3.1%	2.7%	2.8%	1.6%	2.8%	1.9%	2.3%	2.1%	3.0%
Gender	8.6%	10.3%	7.6%	6.8%	5.4%	10.3%	8.8%	10.5%	8.3%	7.8%	8.5%	8.1%	6.4%	5.5%	11.1%	10.2%	5.7%
Marital status	4.5%	4.7%	4.4%	2.1%	5.0%	3.4%	3.9%	2.8%	4.4%	4.3%	3.7%	4.8%	6.4%	3.6%	5.1%	5.1%	3.2%
Children in home	3.2%	2.8%	3.6%	4.2%	1.3%	3.4%	3.9%	0.7%	3.1%	3.0%	3.3%	6.2%	4.6%	2.9%	3.2%	4.1%	1.7%
Sexual orientation	2.3%	2.5%	2.2%	3.6%	1.7%	3.4%	3.1%	2.8%	2.5%	2.1%	2.8%	1.7%	3.2%	1.3%	6.5%	1.7%	3.2%
Age	11.6%	13.3%	10.2%	9.9%	7.9%	11.5%	9.2%	25.2%	12.3%	11.4%	13.4%	9.2%	9.2%	9.1%	14.3%	10.9%	12.8%
Veteran	1.4%	1.7%	1.3%	1.0%	0.0%	2.3%	1.3%	2.8%	1.6%	2.1%	6.5%	0.6%	2.1%	0.6%	0.9%	0.7%	3.0%
Disability	10.1%	13.1%	7.5%	6.3%	6.3%	6.9%	10.1%	9.8%	13.5%	16.2%	12.2%	6.2%	8.5%	4.9%	7.4%	10.3%	9.4%
Service dog	0.9%	0.7%	1.2%	1.0%	0.4%	1.1%	0.0%	0.0%	0.9%	1.2%	1.2%	1.1%	1.1%	0.6%	0.0%	0.9%	1.1%
Prior Juv. or crim. record	7.2%	7.8%	6.7%	9.4%	5.0%	6.9%	7.5%	2.8%	6.2%	7.3%	5.7%	7.1%	7.8%	4.2%	4.1%	6.5%	8.1%
Credit History	18.9%	23.1%	15.8%	20.8%	14.2%	13.8%	14.0%	17.5%	18.4%	17.1%	18.7%	20.0%	14.5%	14.0%	13.4%	19.1%	19.4%
Immigration status	3.7%	0.8%	5.9%	2.1%	12.1%	6.9%	3.1%	0.0%	3.4%	2.3%	1.6%	6.3%	4.6%	14.6%	5.5%	3.2%	4.7%
DV/SA Victim Status	4.3%	4.8%	3.9%	3.6%	4.2%	5.7%	3.5%	4.9%	4.1%	4.7%	3.3%	4.8%	11.3%	3.6%	3.2%	5.3%	2.1%
Number of Legal Problems	1,452	601	778	192	240	87	228	143	773	772	246	631	283	308	217	886	470
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	468

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Master Table 4: Relative Percentage of Legal Problems by Substantive Area and Region.

	King	Capitol	South-west	North Central	South Central	South East	North East	North-west	Overall Total
Employment	12%	9%	10%	12%	12%	15%	8%	14%	12%
Rental Housing	16%	17%	15%	17%	13%	14%	19%	15%	15%
Mobile/Manufactured Housing	0%	0%	0%	1%	1%	0%	0%	2%	1%
Municipal Services/Utilities	11%	11%	14%	9%	11%	8%	11%	11%	11%
Consumer/Finance	16%	20%	18%	17%	16%	15%	19%	18%	17%
Access Government Services	7%	9%	10%	8%	8%	9%	7%	8%	8%
Healthcare	21%	21%	21%	23%	22%	19%	18%	18%	21%
Family Related Problems	6%	7%	5%	6%	8%	10%	8%	9%	7%
Education Related Problems	4%	3%	2%	3%	5%	4%	3%	2%	4%
Estate	5%	4%	5%	6%	5%	6%	8%	4%	5%
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Number of Legal Problems	2,166	1,167	294	531	1,486	871	242	703	7,460
Number of Respondents	374	151	59	116	242	260	28	145	1,375

Master Table 5: Extent to Which the Civil Legal System Can Solve Important Problems by Demographic Group as Reported by Survey Participants

	All	White	Non-White	African-Americans	Hispanics	Asians	Native Americans	Seniors	Not employed	Persons with a disability	Military Service Members	Households with children	DV/SA victims	Immigrants	Youth	Women	Men
Not at all	10.2%	8.1%	12.0%	8.0%	17.2%	7.5%	3.9%	10.0%	9.8%	8.1%	9.5%	13.1%	13.8%	10.8%	8.8%	10.1%	9.9%
Rarely	16.5%	16.1%	17.5%	20.5%	14.3%	19.4%	18.2%	10.0%	16.2%	17.8%	11.4%	16.4%	20.2%	14.9%	16.3%	17.1%	15.8%
Some of the time	31.9%	34.2%	30.9%	35.7%	27.9%	25.8%	39.0%	24.9%	30.9%	36.3%	38.3%	29.0%	31.9%	24.1%	36.7%	32.2%	31.5%
Most of the time	21.2%	22.1%	19.4%	14.3%	19.7%	24.7%	24.7%	26.7%	20.7%	19.4%	21.9%	20.4%	16.0%	22.5%	22.4%	20.2%	23.1%
All of the time	7.6%	6.1%	9.5%	8.9%	12.7%	4.3%	7.8%	11.8%	8.7%	5.9%	9.0%	8.8%	12.8%	11.4%	6.1%	6.9%	8.2%
Do not know	12.6%	13.3%	10.6%	12.5%	8.2%	18.3%	6.5%	16.7%	13.6%	12.3%	10.0%	12.3%	5.3%	16.2%	9.5%	13.5%	11.4%
Number of Legal Problems																	
Number of respondents	1,234	634	585	113	251	93	78	224	650	466	203	522	99	326	151	736	469

Note: DV/SA abbreviation stands for Victims of Domestic Violence and Victims of Sexual Assault

Appendix C: Target Survey Groups

- White. Persons who identify as white or Caucasian.
- African-American. Persons identifying as black or African-American
- Hispanic/Latino. Persons identifying as of Hispanic or Latino origin, regardless of racial identity.
- Asian. Persons identifying as of Asian origin or descent
- Pacific Islander. Persons who identify as of Pacific Island origin or descent.
- Native American/Indian, Alaska Native or Hawai'ian. Persons who identify as Native American, American Indian, Alaska Native or Hawai'ian regardless of tribal membership.
- Mixed Race. Persons who identify as being of more than one race.
- Seniors. Persons age 65 or over.
- Youth. Persons between the ages of 15 and 21.
- Immigrants. Persons not born in the United States, regardless of legal status or authorization to be present or remain in the country.
- DV/SA Victims. Persons who affirmatively responded that they have been or are a victim of domestic violence or sexual abuse.
- Military Service Members and Veterans. Persons who are currently active or who have separated from the military, regardless of the reasons for separation
- Persons with Disabilities. Persons who identify as having a physical, mental health, sensory (vision, hearing, etc.) or developmental disability.
- Detained or Incarcerated Persons. Persons who, in the past 12 months, were involuntarily confined in a juvenile detention center, adult corrections facility or an immigration detention facility.
- LGBTQ. Persons who identify as lesbian, gay, bisexual, transgender or questioning of their sexual orientation or identity.¹
- Homeless Persons. Persons who answered affirmatively to the question "Are you homeless?"

¹ Unintentionally omitted from the probability survey, this group is the focus of a supplemental non-probability survey that will be completed in late 2015.

Appendix D: Substantive Problem Areas

Employment (including hiring, terms and conditions of employment, firing/termination, disability accommodation, unsafe working conditions, licensing, unemployment insurance and compensation for job-related injury)

Rental Housing (including the ability to apply for rental housing, terms and conditions of a lease, conditions of unit, termination of a lease or eviction, relocation assistance, return of security deposit, and housing safety and privacy)

Mobile or Manufactured Housing (including problems with purchase, financing, warranties and fees, mobile home park services rules and practices, eviction or relocation, and closure of mobile home parks)

Utility and Municipal Services (including access to or termination of essential utility services, billing and service disputes, land use and zoning, and issues relating to law enforcement)

Consumer, Financial Services and Credit (including access to mortgage, consumer credit and banking services, payday lending, unfair and deceptive lending practices, debt collection, garnishment, bankruptcy, car purchase and repossession, and legal financial obligations resulting from prior involvement in juvenile or criminal justice systems)

Access to Government Assistance (including ability to obtain and retain income, food, disability, housing or other state government assistance, SSI and SSDI benefits, crime victim compensation, Earned Income Tax Credit)

Health Care (including ability to secure private or government managed health insurance, insurance coverage issues, access to necessary medical, mental health and personal care services, medical services cost recovery, discrimination, and problems associated with long-term care providers)

Family Related Problems (including domestic violence and sexual assault, divorce/legal separation, custody and visitation, child support guardianship, paternity and exploitation of a vulnerable adult)

Education (including school discipline, suspension and removal, school safety, special educational services, educational services for homeless children, and bilingual education)

Child Welfare and Foster Care (including CPS investigation and intervention, foster parent licensing and services, quality of foster care, consequences of multiple foster care placements, involuntary administration of psychotropic medication, and extended foster care services)

Estate Planning, Guardianship and Related Issues (including wills, estate planning, powers of attorney, inheritance, probate or administration of trusts or wills, and guardianships)

Discrimination and Unfair Treatment (including discrimination based on legally protected characteristics or status as well as discrimination and unfair treatment based on credit history, prior involvement in the juvenile or criminal justice system, status as a victim of domestic violence or sexual assault, status as an active military member or veteran)



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Tab 10



Board for Judicial Administration (BJA) Meeting

Friday, March 16, 2018 (9 a.m. – 12 p.m.)

AOC SeaTac Office, 18000 International Blvd, Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Judy Rae Jasprica, Member Chair
Judge Scott Ahlf
Judge Bryan Chushcoff
Ms. Callie Dietz
Judge George Fearing
Judge Blaine Gibson
Judge Gregory Gonzales
Judge Dan Johnson
Judge Mary Logan
Judge Brad Maxa
Judge Sean O'Donnell
Judge Kevin Ringus
Judge Rebecca Robertson
Judge James Rogers
Judge Ann Schindler
Judge Scott Sparks
Judge Michael Spearman
Justice Charles Wiggins

Guests Present:

Ms. Kimberly Allen (by phone)
Judge Andrea Beall
Ms. Barbara Christensen (by phone)
Judge Douglas Fair (by phone)
Justice Steven González
Ms. Cynthia Marr
Mr. Paul Sherfey (by phone)

AOC Staff Present:

Ms. Lynne Alfasso
Ms. Misty Butler Robison
Ms. Jeanne Englert
Ms. Beth Flynn
Ms. Sharon Harvey
Mr. Brady Horenstein
Mr. Dirk Marler
Dr. Carl McCurley
Mr. Ramsey Radwan

Public Present:

Dr. Page Carter

Legislative Update

Judge Ringus announced that the Legislature wrapped up on time for the first time in several years. Mr. Horenstein stated it was a short 60 day session.

The Democrats controlled the House and Senate and a whole list of bills that had been stalled in previous years were passed this year. Mr. Horenstein highlighted a few of the bills that passed and included in the meeting materials a comprehensive list of bills that passed that impact courts. Some of the notable bills are E2SHB 1783, Legal Financial Obligations Reform; E2SSB 6160, Exclusive Adult Jurisdiction; SB 5987, Concerning Pretrial Release Programs, and 2SHB 1896, Expanding Civics Education in Public Schools.

Quite a few legislators are retiring this year and the list continues to grow.

One of the big issues that developed during the session was the public records for legislators bill which was vetoed by the Governor.

Budget Update

Mr. Radwan distributed a list of the supplemental budget requests and their final outcome in the meeting materials. He reviewed all of the requests and the results. The overall supplemental budget for the judicial branch was okay. AOC is working with Thurston County to develop methodology for the Thurston County Impact Fee. This fiscal year is fully funded but there is no funding for FY19 at this time. AOC and Thurston County will need to work to get FY19 funded and get permanent funding for the 2019-21 biennium.

Judge O'Donnell complimented Mr. Horenstein and his team and Chief Justice Fairhurst for their work getting funding for the Superior Court Judges' Association (SCJA) policy analyst position. The SCJA was very appreciative.

During the February meeting, there was a question about the percentage of state funds allocated to the judicial branch. One of the documents in the meeting packet from the National Center for State Courts (NCSC) stated the general fund contribution to the judicial branch in Washington State was .07%. The actual amount is .7% and it has been updated on the NCSC Web site.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler stated that the BFC is in the process of implementing the budget procedure that the BJA recently adopted for reviewing budget submittals and making recommendations. Mr. Radwan is scheduling meetings and organizing presentations.

Court Education Committee (CEC): Judge Jasprica reported that the CEC met on March 2. They spent a lot of time talking about the budget proposal from the Court Education Funding Task Force. They also discussed holding a mini-retreat to discuss programs and develop a curriculum plan. They would like to provide training to all education committee members about adult education so everyone is working off the same page and receiving the same training. It is a slow process but the CEC is continuing to move forward.

Policy and Planning Committee (PPC): Judge Robertson said the PPC previously reached out to all boards/committees/associations regarding their mandates and are now asking them how they can communicate more effectively. They are also reviewing their committee composition and terms and determining how to increase the continuity of the committee.

Legislative Committee (LC): Judge Ringus stated the LC will be coordinating with the two strategic initiative task forces and will be preparing for the next legislative session.

Interpreter Funding Strategic Initiative

Justice González stated there is a great team working on interpreter funding issues, including the BJA Interpreter Services Funding Task Force, Ms. Englert, Mr. Robert Lichtenberg, and the other Interpreter Program staff. He hopes this will be a successful funding request in the future and very much appreciates that the BJA adopted increased interpreter funding as a strategic initiative.

The meeting materials included a draft of the Funding Court Interpreters Report (survey findings). Some of the numbers included in the Interpreter Services Funding Task Force Funding Request document are likely to change but the funding request is what they plan to pursue. Some of the key findings of the interpreter services survey are that over 50% of the courts are using interpreters daily or weekly. Interpreter costs have increased over the last few years and courts reporting said they exceeded their budgets in the last two years by approximately 50%. In 2015 the courts responding with cost information for 2015 and 2016 spent approximately \$4.3 million in 2015 and \$5.5 million in 2016. Some courts reported costs ranging from \$10,000 - \$15,000 for one matter. The goal of the funding request is to expand the state interpreter reimbursement program by increasing interpreter funding and increase training and certification of interpreters so that more interpreters will be available.

The Task Force would like the funding request to be approved by the BJA with the knowledge that the figures could be adjusted as the decision package is finalized.

Judge Beall said that the general strategy is to increase participation in the current Interpreter Reimbursement Program. Only 41 court jurisdictions are currently in the program.

The Task Force plans to use the counties and cities as allies as the funding request moves forward.

It was moved by Judge Sparks and seconded by Judge Ahlf to approve the approach of the Interpreter Services Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process. The motion carried.

Education Funding Strategic Initiative

Judge Fair stated that information regarding the findings of the Court Education Funding Task Force is included in the meeting materials. He believes it addresses the issues that were raised through the training needs survey. The funding they are requesting addresses the top priority of timely and essential training opportunities for judges as soon as they come on the bench and other court personnel when they start their positions.

The Task Force did not move forward with a policy for mandatory court administrator training requirements. They will send a recommendation for consideration to the BJA and CEC. They also removed the benchbook recommendation and that is now going through AOC.

Some BJA members expressed concerns about online training being the top priority when most survey respondents appear to prefer in-person education. Those BJA members do not want online education to replace in-person education. There are worries about the signal it will send to the Legislature—is this an attempt to provide cheap training for judges and staff?

Ms. Englert responded that the CEC is hoping that in developing a good online education software system more people will use online training. They are looking at an emphasis on online training for other court personnel and are hoping that there will be more timely training closer to start date. They are also requesting additional funding for in-person training. Online training is not a replacement but rather an enhancement to provide more timely training opportunities.

Judge Fair mentioned that by and large judicial officers are happy with current training but that is not the case with line staff and administrators. The first funding request is to address the short-term need for timely training.

Judge Jasprica stated that from a CEC perspective, their online presence is lacking. They want to improve it and bring it up to a level that it becomes something people will want to do to address the timeliness issues. They want education that teaches staff what they need to know in the first three months on their job.

It was moved by Judge Jasprica and seconded by Judge Ringus to approve the approach of the Court Education Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process. The motion carried with Judge O'Donnell and Judge Rogers opposed.

Washington State Center for Court Research and the Center for Study and Advancement of Justice Efficiency

Dr. McCurley updated the BJA on the work of the Washington State Center for Court Research (WSCCR) at AOC. Their functions include research for policy development and basic research to add to the body of knowledge about courts and the population of court-involved people, program evaluation, performance reporting, decision support tools, providing data for researchers, support for incremental performance improvement, and to assess outside research.

The most important aspect is that WSCCR is interested in what constitutes effective research that actually gets used. In a decentralized system, making incremental improvements can take advantage of the diversity of experimentation and innovation that we already see across Washington's courts if that variety of innovation can be connected to measurement of outcomes. A variety of program innovations in one program area, such as pretrial screening for risk, plus measurement of outcomes for all of the innovations, enables us to select and promote more effective program designs. There are dozens of programs going on around the state. If they collect and analyze data, then all courts can benefit from the courts that innovate and learn from experience. It is notable in Washington that courts take ownership of their performance and increasingly want information that can help guide improvement efforts.

There are key attributes of organization that are associated with organization learning and continual incremental improvement. Leadership reinforces learning and experimentation. Information collection, analysis, education and training, and information transfer all lead to improved processes and practices. Other attributes that support organizational learning, such as psychological safety, appreciation of differences, openness to new ideas, and time for reflection, lead to innovation and improvement and are also associated with more efficient and effective operations.

At this time, research demand exceeds supply. WSCCR has partnered with the University of Washington and Washington State University to form the Study and Advancement of Justice Efficiency (SAJE). This is the only partnership in the country that has relationships with two universities. The results are better research coordination and increased capacity.

Judge Schindler noted that there is a policy in development to determine how limited funds should be spent on research projects.

There are currently 8.5 staff members in WSCCR of whom five are funded through general fund allocations to the AOC.

Chief Justice Fairhurst asked Dr. McCurley to talk about some of WSCCR's current projects. He responded that for juvenile courts, WSCCR is working on juvenile detention and working with courts to identify evidence-based programs for analysis. Their multi-system youth research has previously supported the Court Improvement Program. For adult courts they are currently working on pre-trial sentencing and supervision and risk assessments. They are also working on judicial needs estimates and sentencing and supervision for trial courts.

Speaking with a Unified Voice

Ms. Butler Robison noted that the BJA adopted four goals to work on and the first goal is speaking with one voice. The first step in meeting that goal is to get on the same page regarding what this means.

There are many ways the BJA is called upon to provide input. Chief Justice Fairhurst led the discussion of what that means, the value, etc. Some of the comments were:

- Speaking with one voice depends on what you are talking about. One of the mechanisms in place is the criteria employed to decide whether it is a branchwide issue or whether the branch should get behind an issue that pertains to one court level. While the BJA and judicial branch can be unified on an issue, there are different ways to approach it depending on the issue. It was noted that the BJA is not branchwide because it does not include the Office of Public Defense and the Office of Civil Legal Aid which are agencies within the judicial branch.
- The BJA has to have the authority to speak with one voice. The BJA is an organization without much authority. It is an advisor. Its only authority is to bring an issue to the body and if all levels of court weigh in and no one vetoes, there is consensus and the issue can go forward. If a court level vetoes, then the issue does not go forward.
- Leadership matters and things are currently on the right track. There was animosity in the past and that is not as much the case now. The BJA is going in the right direction.
- This is a forum for everyone to be heard and people can express their views even if everyone does not all end up with the same opinion, everyone can still be supportive.
- A unified voice is an ideal and what the BJA is striving toward. It is not something that can always be achieved. It makes sense that there will be times everyone cannot agree. What the BJA can do is continue to strive to move forward. The BJA wants the right result for the right reason but sometimes members disagree about how to get there. The focus on continually striving is what makes it a worthwhile goal.
- Right now, the budget process is something where the BJA plays only an advisory role. The Supreme Court gets the final say.
- Apart from the budget process, the BJA's resolutions are important as far as speaking with one voice.

- As the BJA discusses issues, where there are issues everyone is not in agreement, the BJA should agree on how they are going to message it so there is no one stepping on others' toes. The BJA can all agree on what the message is.
- The BJA is not very nimble. The BJA has long-term issues such as the strategic initiatives but also has the weekly legislative call where bills that affect the statewide courts are discussed and that is more nimble.
- The BJA is strongest during the legislative session when there are a few key people speaking to legislators. The more that the BJA can funnel issues through a process that leads to that, the better. It is a goal to make sure that AOC and operational courts communicate with legislators effectively and make sure everyone is informed.
- The BJA is valuable for several reasons. It does have significance. One of them is expertise. This is one of those things of how does the BJA restore the trustworthiness, relevance, etc. of the courts? Need to approach in small steps for improvement of the situation.

Chief Justice Fairhurst stated that it is really important to her that people feel they can talk in this room. She would like everyone to bring the honest, hard communications in the room. If BJA members cannot find their voice to have the conversation in the BJA meeting, they cannot go forward and have the conversations elsewhere.

JISC Overview and Update

Chief Justice Fairhurst gave an update on the Judicial Information System Committee (JISC). She has been the Chair of the JISC for a number of years and information technology (IT) is the one thing in the non-unified court system that is unified. The JISC sets policy for the Judicial Information System (JIS) and approves projects and priorities. Information about the JISC is located on Inside Courts (https://www.courts.wa.gov/committee/?fa=committee.home&committee_id=74).

There are four major IT projects moving forward at this time: the Superior Court Case Management System (SC-CMS), the Appellate Court Enterprise Content Management System (AC-ECMS), the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) and the Information Networking Hub (INH) – Expedited Data Exchange (EDE).

The SC-CMS project began September 2013. The largest implementation event is Event 7 which will be in June 2018. Odyssey is replacing SCOMIS, JRS and CAPS.

At one point, it was thought that the AC-ECMS project might replace ACORDS but it was decided that it would be used for enterprise content management. There are now 10 automated workflows and more are being worked on. Some divisions of the Court of Appeals (COA) will only accept electronic documents. At this point the Supreme Court will accept both electronic and paper documents but in the future they may only accept electronic documents.

The CLJ-CMS project was not able to conclude contract negotiations with the apparent successful vendor. During contract negotiations, the vendor and Steering Committee were not able to come to an agreement. The Steering Committee went back to the second vendor but, after gathering more information, did not recommend them. The Steering Committee is taking a brief moment to thoroughly review all options. They are conducting additional research and

evaluating various proposals to move forward so they can be successful. While it is disappointing that a vendor was not selected from the initial procurement, it is better to figure that out prior to entering into a contract. They will stay on this until they have a solution that will serve the needs of the courts of limited jurisdiction.

The Expedited Data Exchange is needed because not all courts will use the state JIS applications. They need a central repository of statewide data so it is accessible to all. It is not just the courts that need to access the information, several state agencies and WSCCR need the information for their services.

Gender and Justice Commission Letter of Support

At the last meeting the BJA approved sending a letter of support for the Gender and Justice Commission's grant application. The draft letter was included in the meeting materials.

It was moved by Judge O'Donnell and seconded by Judge Ahlf to approve the letter supporting the Gender and Justice Commission's grant application. The motion carried.

February 16, 2018 Meeting Minutes

It was moved by Judge Ahlf and seconded by Judge Schindler to approve the February 16, 2018 BJA meeting minutes. The motion carried.

Information Sharing

- Chief Justice Fairhurst thanked Judge Gibson and Judge R. W. Buzzard for their work co-chairing the GR 37 Work Group. Judge Gibson thanked the excellent AOC staff support of Shannon Hinchcliffe.
- Ms. Marr told everyone to be on the lookout for the District and Municipal Court Management Association Spring Regional Training invitation. All court levels are invited to the training.
- Judge Ahlf thanked Mr. Horenstein and Judge Ringus for their work during legislative session.
- Justice Wiggins reminded everyone that this is an election year. There are a number of judges up for election and four judges from the Court of Appeals (COA) are retiring. He mentioned this because judges are an important source of information for people. Everyone needs to be very conscience about the elections.
- Judge Logan shared that Judge Shelley Szambelan was appointed to Spokane County Superior Court. If you have a chance, congratulate her.
- Judge Spearman shared that the four COA judges retiring are Judge Mary Kay Becker, Judge Ronald Cox, Judge Michael Trickey, and Judge Thomas Bjorgen.
- Judge Jasprica said that earlier in the meeting Judge Fair mentioned benchbooks being dropped from the Education Funding Task Force recommendation. She just wanted to let everyone know that a letter was sent to Ms. Dietz to address that through the AOC.
- Ms. Butler Robison stated that a dues notice will be sent out to judicial officers soon.
- Judge O'Donnell said that two weeks ago there was a task force meeting on the pre-trial reform effort and the task force's goal is to provide recommendations for the next legislative

session. He hopes the task force will come out with guidelines on using the risk assessment.

- Judge Fearing shared that 2019 is the 50th anniversary of the COA. They are planning events and will make a video that will be on TVW about the history of the court and will create a brochure about the court. Each division will have a celebration.
- Judge Gonzales gave kudos to all the committees supporting the courts.

Recap of Motions from the March 16, 2018 Meeting

Motion Summary	Status
Approve the approach of the Interpreter Services Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process.	Passed
Approve the approach of the Court Education Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process.	Passed with Judge O'Donnell and Judge Rogers opposed
Approve the letter supporting the Gender and Justice Commission's grant application.	Passed
Approve the February 16, 2018 BJA meeting minutes.	Passed

Action Items from the March 16, 2018 Meeting

Action Item	Status
<u>Gender and Justice Commission Letter of Support</u> <ul style="list-style-type: none"> • Finalize and send approved letter of support. 	Done
<u>February 16, 2018 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online. • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done

Tab 11

JUDICIAL INFORMATION SYSTEM COMMITTEE

March 2, 2018
10:00 a.m. to 12:30 p.m.
AOC Office, SeaTac WA

Minutes

Members Present:

Chief Justice Mary Fairhurst, Chair
Mr. Larry Barker
Judge Jeanette Dalton - Phone
Ms. Callie Dietz – Phone
Judge John Hart
Mr. Rich Johnson
Judge J. Robert Leach
Mr. Frank Maiocco
Judge G. Scott Marinella
Ms. Barb Miner
Chief Brad Moericke - Phone
Ms. Brooke Powell
Ms. Paulette Revoir
Judge David Svaren
Mr. Bob Taylor - Phone
Mr. Jon Tunheim - Phone

Members Absent:

Ms. Lynne Campeau

AOC Staff Present:

Mr. Kevin Ammons
Ms. Vicky Cullinane
Ms. Vonnie Diseth
Mr. Curtis Dunn
Mr. Brian Elvin
Mr. Brady Horenstein
Mr. Mike Keeling
Ms. Keturah Knutson
Mr. Dirk Marler
Mr. Ramsey Radwan
Ms. Maribeth Sapinoso
Mr. Mike Walsh
Ms. Aimee Vance
Mr. Kumar Yajamanam

Guests Present:

Mr. Tom Boatright
Mr. Othniel Palomino
Mr. Allen Mills

Call to Order

Chief Justice Fairhurst called the meeting to order at 10:00 a.m. and introductions were made.

March 2, 2018 Meeting Minutes

Chief Justice Fairhurst advised the Committee she had submitted edits to the March 2, 2018 meeting minutes and asked if there were any additional changes to be made. Hearing none, Chief Justice Fairhurst deemed the minutes approved.

JIS Budget Update

Mr. Ramsey Radwan reported on the 17-19 budget, presenting the green sheet which contains the budget for identified projects, expenditures, and forecast of expenditures. Concerning the Expedited Data Exchange, the first line indicates there is \$4.3 million allotted with approximately \$4.2 million identified to be expended, leaving a \$70,000 dollar variance. However, Mr. Radwan reported the \$70,000 variance is expected to be to be expended between now and June 30, 2019. He is currently working with Mr. Kevin Ammons to find out which line item it should go towards—whether it be staff or contracts, etc. Mr. Radwan reported the Superior Court Case Management System project (SC-CMS)

is allotted \$12 million, with \$10.5 million expended or contracted and about \$1.5 million leftover. Mr. Radwan stated he is waiting until the current session is over (hopefully March 8th), at which time he will take a look at the expenditures. He anticipates the balance will be spent by the end of the biennium. The Courts of Limited Jurisdiction Case Management System project (CLJ-CMS) contains \$10 million allotted with approximately \$4.4 million identified expenditures. This was based upon the previous estimate of the staffing levels between December 2017 and June 30, 2019, including estimated amounts for the CLJ-CMS contract as well as maintenance costs. Mr. Radwan informed the Committee those numbers will change and have not been reduced at this time due to not knowing what that snapshot will look like. However, the allocated amount of \$10 million will stay the same, but the amount anticipated to be expended between today and June 30, 2019 will be substantially reduced.

Mr. Radwan then turned the Committee's attention to the next tab containing the budget process. This was the budget process approved by the BJA at the February 16, 2018 meeting. This budget process is essentially the same as the budget process in the past, with the addition of the Court Funding Committee (CFC), a new review and prioritization recommendation committee. This committee will be comprised of five members from the Supreme Court Budget Committee, three members of the BJA Budget and Funding Committee (BFC) and three judicial members from the JISC Executive Committee. This body will be making the final recommendation concerning funding levels and priorities to the full court towards the end of the process. Mr. Radwan drew the Committee's attention to the second page containing the key dates. Mr. Radwan gave a brief explanation of the attached schedule, and pointed out key dates regarding decision packages, as well as the April JISC meeting where this Committee will review and approve IT budget requests. During this process, the BFC of the BJA will be vetting the packages and asking questions preparing for the May 18, 2018 BJA meeting where the packages will be presented. This will be what the BFC has gathered in addition to the information provided through the decision packages, and will provide their recommended priorities to the BJA.

Chief Justice Fairhurst clarified that this is a general fund budget request that flows through AOC to the BJA. JIS requests using JIS monies will be approved by the JISC and that is what will be passed on for approval. Chief Justice Fairhurst stated the main change is the addition of the CFC, where previously only the Supreme Court Committee heard the presentations. Chief Justice Fairhurst stated she felt it was important for the BJA, Supreme Court, and JISC to hear the information together as all are now seeking general fund money due to the lack of funds in the JIS account. This ensured the sharing of information and the sharing of the different roles people are playing. Thus, all having heard the information will then be able to make adjustments as needed. However, the Supreme Court will not be giving away their ultimate authority, as the CFC is providing only recommendations but can brief the BFC as much as possible to ensure they are comfortable with the information they are receiving. Chief Justice Fairhurst stated that in her view, this is a small step ensuring everyone has the same information at the same time who can understand the competing demands for general fund money. JISC will still give its approval; however, if more money is needed from the general fund to back fill into the JIS account or if technology has become so imperative that it is now competing with other budget items that would otherwise be general fund and AOC money. Chief Justice Fairhurst clarified that this process is helping complete the work earlier, which allows a larger body to hear the presentations together. This helps to elevate the roles the JISC and BJA play in their respective areas of governance in working with the Supreme Court. The Chief Justice noted that the BJA has not abdicated its

responsibilities for their AOC governance and the JISC has not abdicated its authority for the JIS fund, but now they will be together and hear all branch requests, which will then allow all parties to move forward. This is being done with the goal of relationship building and information sharing amongst all parties involved. Mr. Radwan added that at the May or June Branch Stakeholders Presentation Meeting all parties present to the CFC, including: JIS requests, general fund request, Office of Public Defense (OPD), Office of Civil and Legal Aid (OCLA), as well as the Supreme Court and Court of Appeals, should they have any. Then from June forward there will be final prioritization, setting processes, and then submitting to the Legislature for final consideration. Further discussion was held on clarification of the composition of CFC and the BFC.

Mr. Radwan reported on the blue sheet, which is a snapshot of the 2018 Supplemental Budget as it stands. Mr. Radwan alerted the Committee there have not been many changes since mid-February and it only represents AOC's budget, not OCLA or OPD. Mr. Radwan drew the Committee's attention to the first page, containing the Non-IT General State Fund Requests. Mr. Radwan briefly expounded on these requests, pointing out the variances between the AOC requested amounts and the House and Senate Proposals. Mr. Radwan then turned the Committee to the second page, containing the AOC Information Technology General Fund State Request and the AOC JIS Requests. Mr. Radwan briefed the Committee on the EDE Carryover and EDE Fund Shift. Mr. Radwan explained the Legislature has acknowledged there is a fund problem regardless of the source of the problem. While not identifying the problem, they have provided approximately \$2.6 million to backfill. While the House and Senate approaches differ, the end result is the same with AOC receiving the same monies.

Mr. Radwan summarized by stating everything is okay at the moment with the general funds to supplement the account. He believes the Legislature recognizes that revenues are going down and AOC is not spending money needlessly. In addition, the success of SC-CMS has helped them be less skeptical. Chief Justice Fairhurst added she believes the hard work and coordination between AOC and King County on the EDE project helps as well, because if it was not going well or the Legislature was hearing rumblings, they would be more skeptical. With the good reviews and good marks on multiple projects, Chief Justice Fairhurst pointed out AOC is one of the few agencies that have had significant and consistent success.

Legislative Update

Mr. Brady Horenstein gave the Legislative Update and provided a handout at the meeting. The handout outlined a few of the big bills that remain which Mr. Horenstein considers significant and/or have extraordinary court impact. Mr. Horenstein also pointed out the handout contained a report behind the memo with a number of bills being tracked with less court impact. Mr. Horenstein reminded the Committee if they have any questions to please contact him, as over 1,500 bills have been introduced this session (which is close to a record). Mr. Horenstein pointed to bill E2SHB 1783 Legal Financial Obligations (LFO), which has passed the House and Senate with slight variations. The next step will send it back for concurrence in the House with the expectation that it will pass with little significant changes from its current form. Mr. Horenstein summarized the bill as reducing interest from 12% to 0% on non-restitution and also requiring prioritization or sub-prioritization of restitution. While restitutions are already prioritized, this would prioritize victims above other entities (such as an insurance company). Mr. Horenstein described this as the technical piece that the AOC has looked at

on how to avoid legacy system work as it will affect a small number of cases in limited jurisdiction courts, where there are different types of restitution recipients. A lot of the court community, as well as the Minority Justice Commission and others, have been very involved in 1783 as this is a very significant policy reform that is expected to be implemented shortly.

Next, Mr. Horenstein drew the Committee's attention to E2SSB 6160 Exclusive Adult Jurisdiction, another piece of significant policy, especially for the Juvenile Courts. For a number of crimes, if committed by someone under age 18, they auto decline or are moved into adult court. This bill changes that. E2SSB 9160 extends juvenile court jurisdiction over a number of crimes to age 25, and modifies conditions when a person is subject to exclusive adult jurisdiction. Mr. Horenstein alerted the Committee this bill has already passed the House and Senate with minor variation. Mr. Horenstein stated the Superior Court judges supported this bill as well as a number of other members of the community.

Mr. Horenstein then pointed to 2SSB 6189 Driving While License Suspended Decriminalization. In addition to the decriminalization provisions, this bill in its most recent form would increase traffic infractions by \$2 for DOL IT systems and reduce General Fund and local government distributions. A number of groups have worked on this legislation, including the ACLU, with the support of Seattle City Attorneys as well as sheriffs and police chiefs. Currently, this bill has a ways to go and has not passed the Senate, but is still creating a lot of work for AOC. This is due to the advocates saying \$1.5 billion has been spent by state and local government to prosecute these offenses, since 1992. Consequently, some key legislators have looked at this and would like to recapture some of the savings that will come from the policy change. This in turn has led to a fairly complicated set up to hold back or change the distribution of traffic infractions. Mr. Horenstein described the bill as having a 50/50 chance of passing at this time. While generally bills this complicated have a hard time passing, this bill has a lot of key groups interested in it, and it may turn into something else with AOC continuing to watch its progress.

Mr. Horenstein mentioned a few other large IT bills that died in session that AOC has seen before, such as HB 2035 and SB 5694. HB 2035 would have required AOC to remove parking information from its online records portal, and SB 5694 dealt with juvenile record sealing. Another area to watch is ESB 6617, which has been getting a lot of media attention and relates to the Legislative Branch public records disclosure, SHB 2282, which regards net neutrality in Washington, and a series of firearms-related bills.

JIS Priority Project #1 (ITG 2): SC-CMS Update

Ms. Maribeth Sapinoso provided an update for the SC-CMS project, beginning with a summary of the last implementation for Event #6 Go Live: Clallam, Island, Jefferson, Kitsap, San Juan, Skagit, and Whatcom counties. All tasks and major milestones for Event #6 implementation were met as scheduled, including three Link-Only integrations, Lessons Learned, and advanced financial and forms training. Ms. Sapinoso also reported the recent and upcoming activities completed for Event #7 Go Live: Adams, Benton, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Stevens, and Walla Walla counties. Also reported was the successful implementation of the audit functionality for Odyssey Case Manager in December 2017 and the pre on-boarding activities for Event #8: Spokane and Clark County. Also discussed was the ongoing collaborative effort of representatives

from the Odyssey court community, AOC, and Tyler to address Odyssey support process improvements.

JIS Priority Project #4 (ITG 102): CLJ-CMS Project Update

Mr. Michael Walsh presented the project update on the CLJ-CMS project. While evaluating remaining procurement options, the Steering Committee asked the Project Team to assemble a meeting between Tyler Technologies, the RFP evaluators, and Steering Committee members to take a second look at the Odyssey solution proposal. This meeting goal was to focus on parts of the proposal where concerns were raised or clarifications requested.

A facilitated session was conducted the week of January 22, 2018, followed by a briefing with the court, probation and AOC staff in attendance. After considering the feedback, and additional research provided by the Project Team on large municipal courts and probation solutions implemented in other states, the Steering Committee reached a conclusion on the status of Tyler's Odyssey proposal.

The Steering Committee requested a decision from the JISC. In the decision point was the motion that the JISC approve the Committee's recommendation that the AOC should close the current CLJ-CMS RFP and re-evaluate our other options for a JIS (DISCIS) system replacement.

Motion: Mr. Larry Barker

I move that the JISC approve the CLJ-CMS Steering Committee's recommendation that the Administrative Office of the Courts (AOC) should close the current CLJ-CMS RFP (ACQ-2016-0701-RFP CLJ-CMS) and re-evaluate our options for a JIS (DISCIS) system replacement.

Second: Ms. Paulette Revoir

Voting in Favor: Chief Justice Mary Fairhurst, Mr. Larry Barker, Judge Jeanette Dalton, Ms. Callie Dietz, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Judge G. Scott Marinella, Ms. Barb Miner, Chief Brad Moericke, Ms. Brooke Powell, Ms. Paulette Revoir, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim

Opposed: None

Absent: Ms. Lynne Campeau

AOC Expedited Data Exchange (EDE) Pilot Implementation Project Update

Ms. Barb Miner presented the King County Clerk's Office (KCCO) update. Ms. Miner reported, that following discussions with their vendor, KCCO would not be making the April 2nd implementation date for their new Case Management System. Presently, a new date has not been determined; KCCO will let the Committee know when a new date is set. The setback is due to the need for some configuration rework to be done on the vendor's side. The question was asked if it was known how long the delay would be, and Ms. Miner let the Committee know they would have a better idea next week when the vendor will be on site.

Another question was asked if the data was still being sent to AOC. Ms. Miner deferred to Mr. Ammons for the answer. Mr. Ammons stated that in terms of the data from KCCO to AOC, back in December KCCO sent the first batch of approximately 1,000 cases. There were some problems in the data and AOC worked with the KCCO Program Manager, Mr. Shuyi Hu, and King County's IT department (KCIT). The 1,000 cases were then resent. Additional progress had been made in multiple areas (e.g. charges, conversion details, etc.), and KCCO sent about 1,700 cases. This was the original 1,000 plus 700 additional cases, which KCCO plans on resending this week. In terms of testing, it allows AOC to do basic sanity checks while a lot of what AOC is doing is helping Mr. Hu by looking at what is coming across. In the very first batch, there were some strange middle names that appeared to be addresses, so this helps in getting some of the basics done. However, things where we are relying on the data—such as for the Washington State Patrol disposition—it is not changing data, so you cannot see a case go from unresolved to resolved where it is triggered. This will still require a great amount of testing later on. Mr. Michael Keeling asked Mr. Ammons if the data AOC is receiving is still just converted data or newly created data. Mr. Ammons replied that to this point AOC has only received converted data. Mr. Rich Johnson followed up, reporting there has been talk about the impact, specifically to Appeals, in King County if the Expedited Data Exchange (EDE) is not in place. There have been follow up discussions since, and they have developed an interim solution; however, the solution has not been tested.

Mr. Othniel Palomino presented the King County District Court (KCDC) update. In terms of what has happened since the last report, KCDC has gone live with Phase 1 of the Civil Implementation and has been live for about four months. In addition, mandatory eFiling for attorneys has gone live while pro se are still not subject as yet. The Public Portal is live and in place with KCDC working on the rest of the implementation. In light of the other issues and scheduling issues surrounding the EDE project, KCDC has decided not to go live in two phases, as previously reported. KCDC will now combine two phases into one phase in order to reduce the overhead for all parties involved in the EDE program. Currently, normal project activities continue. KCDC will be starting the development of training materials on Monday and continue work on the configuration, which is still on schedule.

Chief Justice Fairhurst asked Mr. Palomino if KCCO is not ready when KCDC's combined go-live event is planned, would KCDC go live without KCCO or wait and go live at the same time as KCCO. Mr. Palomino replied that a detailed discussion has not been held nor a decision made at this time. Mr. Palomino stated KCDC technical staff are starting to work with the EDE team as they will need access to the standard queries in order to start building their side of the project. Mr. Palomino described it as a parallel development effort with a lot of complexity surrounding it; more information will be known next week.

Mr. Ammons presented the update on the Expedited Data Exchange (EDE) Project. Mr. Ammons began by stating that this update was prepared with a focus on the readiness of the EDE Program for KCCO's planned April 2nd, 2018 implementation of their new case management system. As the implementation has been delayed for a yet-to-be-determined amount of time, the presentation focuses on a hypothetical go-live at the beginning of April. He emphasized that the program continues to work to mitigate and minimize those impacts.

Mr. Ammons then went through an application by application review of the integration status and readiness for the go-live. He also identified the applications that were likely to experience the most significant impacts. Those applications were the partner Data Exchanges, JABS, and ACORDS.

After discussion, Mr. Ammons then presented information on the EDE Program's plan for communicating changes and events to the stakeholders statewide. He emphasized that planning for communications is continuing as an integral part of the overall project.

Ms. Barb Miner asked what the plan was, with CLJ-CMS being up in the air, whether AOC planned to directly connect the CLJ-CMS to EDR or to use replication through JIS. Mr. Ammons responded that it would not be replication through JIS but building a proxy. Mr. Ammons described this as pulling data from the new system and sending it straight into the EDR. Ms. Miner stated it appeared EDR completion was really essential the CLJ-CMS coming online. Mr. Ammons replied in the affirmative.

Proposal for Statewide Data Quality Governance Committee

Mr. Kumar Yajamanam gave a presentation on the proposal for a Statewide Data Quality Governance Committee. Mr. Yajamanam started by stating his objective was to present the Committee with very simple proposal that emphasizes the need to form a data governance body. Mr. Yajamanam stated the Committee has heard information on new activities, statewide systems being changed, and in addition King County has procured their own case management system. All of these components are leading to a complex environment where data quality governance is going to be critical to the future to ensure the quality of the data. Mr. Yajamanam drew the Committee's attention to slide two of his presentation, which outlined the complexity of the data. Mr. Yajamanam stated the number of stakeholders are increasing, as are the number of players that are touching the systems. The producers and consumers of information are expanding, as well as the different owners of information, in addition to changes in the sources and targets of the information. Mr. Yajamanam pointed to the chart on slide three showing an illustration of the different areas where data is touched. As technology grows, new capabilities such as eFiling, probation, and document management systems create new areas that touch the data. Courts with a different data management system may choose to convert their documents in a certain way. All the data is shared through the data integration process with the public and viewers downstream in the process. One of the biggest factors in the causation of high risk is each of the touch points impact the way the data changes. For example, business processes in each of the individual courts has an impact on what data is collected, how data is gathered and shared. A Legislative mandate may require a change with one court manually implementing the change and another doing a system wide change, leading to changes in what data is captured and what data is shared. The stakeholders are looking for complete and accurate information. Judges want to make decisions based on the best possible available information, complete case history, person information is backed up by the data in background checks.

Mr. Yajamanam stated older rules are currently in place, based on the existing JIS Standard and existing JIS systems. Generalizing the rules for data would then allow the rules to be applicable to all systems statewide. The same piece of information will mean the same thing across all systems. For example: eye color B will mean *brown* for all courts and not *blue* for some. This would look at

standardizing reference data management as well. AOC should be able to coach courts making these decisions, based on a consistent set of policies and guidelines.

The goal would be a governance structure which would be enhanced through tools and technologies where some automation is possible. This would also mean a very large amount of coordination in order to clean up data and bring all data into one standard. Chief Justice Fairhurst clarified for the Committee that at this time this is not an action item but a concept presentation. After the blessing of the JISC a charter could be drafted. Another step would be looking at making a JISC by-law amendment due to the addition of a committee should the data quality governance policy proceed. Chief Justice Fairhurst, in hearing no objections, deemed the concept blessed and decided AOC should continue the exploration of a data quality governing body.

Data Dissemination Committee Report (DDC)

Judge J. Robert Leach reported on the Data Dissemination Committee (DDC) which met this morning with a full agenda. The first issue before the DDC dealt with providing a method for Odyssey users who are registered or using the lobby portal to obtain birthdate years and financial information. The birthdate year is a way of confirming the identity of the person that is currently not displayed, including non-chronological information about an individuals that would allow the user to verify they were dealing with the person they thought they were dealing with. Providing the year information to register users was approved, but not for the lobby portal. The lobby portal was not approved due to security concerns. Concerning the financial information, currently a user cannot login and see how much they owe on a judgement or another legal financial obligation. Odyssey has the capability built in and it was approved by the DDC to use this feature.

Next the DDC dealt with a previous request from bail bondsmen to allow some JIS LINK users to have access to addresses. AOC staff were asked to provide an estimate on the amount of work required to provide this access. The estimate required a large amount of work on existing systems as well as a large amount of hours, and would require a long wait or the reprioritization of something else. The DDC ruled it was not feasible at this time. There is no money in the budget for it, and the bail bondsmen requesting the change did not want to put up the money, therefore it was denied.

The next issue dealt with judgments in juvenile cases in Odyssey, in particular the LFOs, which are not accessible to registered users. This presents a problem as registered users have been deemed to have constructive access to some financial judgments, but have no way of learning about those judgments. AOC has internally discussed creating a judgment search webpage rather than modifying Odyssey or giving backdoor access to the information. This would create one place people would be able go to find judgment information. The Committee was asked if they thought it was worth exploring further and replied in the affirmative.

Due to the concern that people acknowledge their obligation on how they are supposed to use data they have access to, new JIS LINK agreements have been prepared. This will confirm their acknowledgement to keep the information confidential and the entity employing them will be responsible for ensuring their users are following the rules. The DDC had indicated they wanted agreements with more "teeth" than what was presented and is currently in place. They will be receiving

some revised drafts back next month. Rather than auditing and verifying individual compliance, the idea is to have the entities that are contracting with us commit to auditing and verifying their compliance.

The next issue came up when it came to the DDC's attention that people who have agreements to access court data have in their contracts an obligation to preview with the courts their reports to ensure they are not misusing our data or disclosing data they are not supposed to. However, that has not been taking place. Ms. Stephanie Happold has spoken with contracted administration staff and we are now getting compliance with some of them. Further discussion is being held to ensure compliance happens elsewhere.

The DDC has been asked to present at the Fall Conference on expunging and sealing of cases. This would be for both the Superior Courts and Courts of Limited Jurisdiction level. Further discussions are being held on the type of presentation.

The last issue was the report promised by Judge Leach concerning the Legal Voices request under the Violence Against Women's act which limited internet access to protection order information. Judge Leach delivered a memo to the Legal Voices council in draft form requesting comment. Nothing has been received in return at this time.

Discussion was held as to whether it would be beneficial to have the DDC agenda included in the JISC packet or a handout if there were time constraints. It was agreed to be beneficial and the DDC agenda will be provided at each JISC meeting in the packet if ready at print or by handout at the meeting.

Board for Judicial Administration Report (BJA)

Chief Justice Fairhurst turned the Committee's attention to the BJA minutes in the JISC packet. The BJA and JISC reciprocally provide the minutes of their meetings so both committees are aware of the other's activities. Chief Justice Fairhurst stated she would be happy to answer any questions JISC members have.

Adjournment

Chief Justice Fairhurst reminded the Committee the next meeting will be taking place on April 27, 2018 and declared the meeting adjourned at 12:30pm.

Next Meeting

The next meeting will be April 27, 2017, at the AOC SeaTac Facility from 10:00 a.m. to 2:00 p.m.

Action Items

	Action Items	Owner	Status

BJA BUSINESS ACCOUNT
FIRST QUARTER 2018 SUMMARY

JANUARY - MARCH 2018			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$6489.95
LEGISLATIVE RECEPTION EXPENSE	\$3533.43		
OFFICE SUPPLIES AND POSTAGE	652.60		
BOOKKEEPING SERVICES	300.00		
TOTAL EXPENDITURES	\$4486.03		
TOTAL DEPOSIT (TEST)		\$0.81	
ENDING BALANCE			\$2004.73

BJA BUSINESS ACCOUNT
FIRST QUARTER 2018 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
1/11/2018	3765	ELYSE'S CATERING	LEGISLATIVE RECEPTION	\$1433.67	YES
1/31/2018	3766	ELYSE'S CATERING	LEGISLATIVE RECEPTION	1838.40	YES
2/2/2018	3767	JAN NUTTING	BOOKKEEPING SERVICES	300.00	YES
2/13/2018	3768	BRADY HORENSTEIN	LEGISLATIVE RECEPTION REIMBURSEMENT/DRY CLEANING	261.36	YES
3/27/2018	3769	JAN NUTTING	OFFICE SUPPLIES – REIMBURSEMENT FOR DUES COLLECTION MATERIALS	652.60	YES
				\$4486.03	

DEPOSIT DATE	AMOUNT
3/16/2018 – TEST DEPOSIT	0.81
TOTAL FOURTH QUARTER DEPOSITS	0.81

2018 BJA Dues Collection Detail

Figures reflect deposits through May 4, 2018. The dues collection cycle ends on June 30.

Deposit Date	Checks Deposited	Credit Card Payments
April 14, 2018	\$3945.00	\$555.00
April 20, 2018	1985.00	250.00
May 4, 2018	675.00	165.00
Subtotals	6605.00	970.00
Total Deposited to Date	\$7575.00	

Response Percentages Identified by Court Level

Figures reflect the response rates through May 4, 2018. The dues collection cycle ends on June 30.

Supreme Court Justices	Court of Appeals Judges	Superior Court Judges	District and Municipal Court Judges
77% response	64% response	33% response	30% response

Of the 430 judges who received the letter, 146 had responded as of May 4.

2015 Dues Collection Cycle Totals for Comparison

Figures reflect the response rates for the entire 2015 dues collection cycle.

<i>Supreme Court Justices</i>	<i>Court of Appeals Judges</i>	<i>Superior Court Judges</i>	<i>District and Municipal Court Judges</i>
<i>44% response</i>	<i>77% response</i>	<i>34% response</i>	<i>38% response</i>

Of the 434 judges, 166 responded. Total dues paid in 2015: \$8425.

Tab 12

Board for Judicial Administration Rules

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

BJAR PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

BJAR 1 BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2 COMPOSITION

(a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).

(b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.

(c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members that begin on July 1, 2017 shall be for less than a full term, two years, and shall thereafter be for a term of four years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on July 1. The Chief Justice, the President of Judges, and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010; July 4, 2017.]

BJAR RULE 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000; amended effective September 1, 2014.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII **Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
Amended 10/21/05
Amended 03/16/07

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BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of justice in the state.

The judicial branch in Washington State is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect.

The Principal Policy Goals of the Washington State Judicial Branch

1. **Fair and Effective Administration of Justice.** 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.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)