

BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

MEETING PACKET

**FRIDAY, September 17, 2021
9:00 A.M.**

VIDEOCONFERENCE

Board for Judicial Administration Membership

2021–2022



VOTING MEMBERS:

Chief Justice Steven González, Chair
Washington State Supreme Court

Judge Tam Bui, Member Chair
District and Municipal Court Judges' Association
Snohomish County District Court

Judge David Estudillo, President
Superior Court Judges' Association
Grant County Superior Court

Judge Rebecca Glasgow
Court of Appeals, Division II

Judge Marilyn Haan
Superior Court Judges' Association
Cowlitz 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 David Mann
Court of Appeals, Division I

Justice Raquel Montoya-Lewis
Washington State Supreme Court

Judge Rebecca Pennell
Court of Appeals, Division III

Judge Rebecca Robertson
District and Municipal Court Judges' Association
Federal Way Municipal Court

Judge Michael Scott
Superior Court Judges' Association
King County Superior Court

Judge Charles Short, President
District and Municipal Court Judges' Association
Okanogan County District Court

Judge Paul Thompson
Superior Court Judges' Association
Snohomish County Superior Court

Judge M. Scott Wolfram
Superior Court Judges' Association
Walla Walla Superior Court

NON-VOTING MEMBERS:

Judge Marlin Appelwick,
Presiding Chief Judge
Court of Appeals, Division I

Judge Jennifer Forbes, President-Elect
Superior Court Judges' Association
Kitsap County Superior Court

Commissioner Rick Leo, President-Elect
District and Municipal Court Judges' Association
Snohomish County District Court

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

Kyle Sciuchetti, President
Washington State Bar Association

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, September 17, 2021 (9 a.m. – noon)

Zoom Meeting

AGENDA

<p>1. Call to Order Welcome and Introductions</p>	<p>Chief Justice Steven González Judge Tam Bui</p>	<p>9:00 a.m.</p>
<p>2. Presentation: Gender and Justice Commission's Gender Justice Report Information Sharing</p>	<p>Justice Sheryl Gordon McCloud Dr. Dana Raigrodski Sierra Rotakhina Kelley Amburgey-Richardson</p>	<p>9:05 Tab 1</p>
<p>3. BJA Member Orientation</p> <p><i>BJA member Overview</i> <u>Member Guide</u></p> <p><i>Small group discussion</i> Answer the following questions and briefly report back to the larger Board.</p> <ul style="list-style-type: none"> • What is one thing I can do to improve morale and well-being in the judicial branch? • What is one way in which I can help promote the Board's goals this year? 	<p>Chief Justice Steven González Judge Tam Bui</p>	<p>9:35</p>
<p>4. BJA Task Forces Court Recovery</p> <p>Court Security Motion: Amend and readopt the BJA Resolution in Support of Court Security</p>	<p>Chief Justice Steven González / Jeanne Englert</p> <p>Judge Rebecca Robertson/ Penny Larsen</p>	<p>10:10 Tab 2</p>
<p>Break</p>		<p>10:20–10:30</p>
<p>5. Standing Committee Reports</p> <p>Budget and Funding Committee Motion: Prioritize and vote on Supplemental Budget requests</p>	<p>Judge Mary Logan/ Chris Stanley</p>	<p>10:30 Tab 3</p>

<p>Court Education Committee Motion: Approve proposed changes to GR26 and GR26 standards.</p> <p>Legislative Committee</p> <p>Policy and Planning Committee Motion: Expire the Guardianship and Civil Legal Needs resolutions</p>	<p>Judge Tam Bui/Judith Anderson</p> <p>Judge Kevin Ringus/ Brittany Gregory</p> <p>Judge Rebecca Robertson/ Penny Larsen</p>	
<p>6. Judicial Leadership Summit Follow up: recommendations and activities Discuss advisory committee proposal</p>	<p>Chief Justice Steven González Jeanne Englert Brittany Gregory</p>	<p>11:35 Tab 4</p>
<p>7. Motion: Approve May 21, 2021 Minutes</p>	<p>Chief Justice Steven González</p>	<p>11:45 Tab 5</p>
<p>8. Information Sharing BJA Business Account Summary</p>	<p>Chief Justice Steven González Judge Tam Bui</p>	<p>11:50 Tab 6</p>
<p>9. Adjourn</p>		<p>12:00</p>
<p>Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or jeanne.englert@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.</p>		

Next meetings: Location TBD if not listed

- October 15 – 9:00 – 12:00 - Zoom**
- November 19 – 9:00 – 12:00 Joint BJA and CMC Meeting - Zoom**
- February 18 – 9:00 – 12:00**
- March 18 – 9:00 – 12:00**
- May 20 – 9:00 – 12:00**
- June 17 – 9:00 – 12:00**

TAB 1

2021 Gender Justice Study

In order to gain a better understanding of gender bias in the courts today, the Washington State Supreme Court Gender and Justice Commission conducted the 2021 Gender Justice Study (2021 Study). The study focuses on the intersection of gender and race, poverty, and other identities.

The 2021 Study evaluates the status of the recommendations from the Commission's 1989 gender bias study; presents updated data, research, and literature on 17 topic areas related to the justice system; highlights areas where data and research are lacking; and presents goals and recommendations for addressing inequities identified in the study. In addition, the Commission conducted five projects to fill research and data gaps identified in the course of conducting the 2021 Study.

The Gender Justice Study contains a number of recommendations to address gender and other inequities identified in the course of analyzing data, reviewing the literature, conducting projects to fill gaps in the literature, and working with experts. The recommendations work toward meeting five goals:

1. Improve data collection in every area of the law that this report covers: ensure collection and distribution of accurate, specific, data, disaggregated by gender, race, ethnicity, and LGBTQ+ status, in the criminal, civil, and juvenile areas of law covered here.
2. Improve access to the courts in every area of the law that this report covers: expand remote access, adopt more flexible hours, increase access to legal help, reduce communication barriers, and ensure that courts treat all court users in a trauma responsive manner.
3. Address the impacts of the vast increase in convictions and detentions over the last generation: (a) recognize and remedy the increase in conviction rates and incarceration length of women, especially Black, Indigenous, and other women of color, and (b) recognize and remedy the consequences that the increased incarceration of Black, Indigenous and other men of color over the last generation has had on women and other family members.
4. Reduce reliance on revenue from court users to fund the courts.
5. Determine what evidence-based curricula work for judicial and legal education on gender and race bias.

Washington State Supreme Court Gender and Justice Commission Gender Justice Study Chapters

PART I: GENDER, THE LEGAL COMMUNITY, AND BARRIERS TO ACCESSING THE COURTS

- Chapter 1: Gender and Financial Barriers to Accessing the Courts
- Chapter 2: Communication and Language as a Gendered Barrier to Accessing the Courts
- Chapter 3: Gender and Barriers to Jury Service
- Chapter 4: The Impact of Gender on Courtroom Participation and Legal Community Acceptance

PART II: GENDER, CIVIL JUSTICE, AND THE COURTS

- Chapter 5: Gender and Employment Discrimination and Harassment
- Chapter 6: Gender Impacts in Civil Proceedings as They Relate to Economic Consequences Including Fee Awards and Wrongful Death
- Chapter 7: Gender Impact in Family Law Proceedings

PART III: GENDER, VIOLENCE, YOUTH, AND EXPLOITATION

- Chapter 8: Consequences of Gender-Based Violence: Domestic Violence and Sexual Assault
- Chapter 9: Juvenile Justice and Gendered and Racialized Disparities
- Chapter 10: Commercial Sex and Exploitation

PART IV: THE GENDERED IMPACT OF THE INCREASE IN CONVICTIONS AND INCARCERATION

- Chapter 11: Incarcerated Women in Washington
- Chapter 12: Availability of Gender Responsive Programming and Use of Trauma Informed Care in Washington State Department of Corrections
- Chapter 13: Prosecutorial Discretion and Gendered Impacts
- Chapter 14: Sentencing Changes and Their Direct and Indirect Impact on Women
- Chapter 15: The Gendered Impact of Legal Financial Obligations
- Chapter 16: Consequences of Incarceration and Criminal Convictions for Parents, Their Children, and Families


2021: HOW GENDER AND RACE AFFECT JUSTICE NOW



GENDER AND JUSTICE COMMISSION

Promoting Gender Equality
in the Justice System

The 2021 Gender Justice Study found evidence of many gender inequities in Washington State’s justice system. These inequities most frequently impact Black, Indigenous, and people of color who are women, transgender, and gender nonconforming.

 **The costs of accessing Washington courts has the greatest impact on single mothers; Black, Indigenous, and women of color; LGBTQ+ people; and those with disabilities.**


Lack of affordable child care limits the ability of low-income women to get to court, underscoring the need for flexible court schedules and online access to court.

Gender, the Legal Community, and Barriers to Accessing the Courts


- » The costs of accessing Washington courts—such as user fees, child care, and lawyers—create barriers. This has the greatest impact on single mothers; Black, Indigenous, and women of color; LGBTQ+ people; and those with disabilities.
- » Lack of affordable child care limits the ability of low-income women to get to court, underscoring the need for flexible court schedules and online access to court.
- » Lack of court interpreters and translated materials disadvantages people with distinct communication needs. This is a particular concern for those seeking protection from domestic violence, including immigrant women and families.
- » Black, Indigenous, and women of color are not well represented in jury pools. Higher juror pay and research on challenges for female jurors are needed.
- » Women, particularly Black, Indigenous, and other women of color, continue to face bias and pay disparities in the legal profession. Women and men of color are also underrepresented in judicial and law firm leadership positions.

Gender, Civil Justice, and the Courts

- » The highest rates of workplace discrimination and harassment affect Black, Indigenous, and women of color; women doing farm work, domestic labor, and hospitality work; people with disabilities; and LGBTQ+ workers.
- » Those most impacted by workplace discrimination and harassment have difficulty reporting incidents and finding lawyers. They may receive unequal court outcomes by gender, race, and ethnicity.
- » A 2021 workplace survey of employees in Washington courts, superior court clerk offices, and judicial branch agencies found that employees who identified as American Indian, Alaska Native, First Nations, or other Indigenous Group Member (86%), bisexual (84%), gay or lesbian (73%), and women (62%) reported the highest rates of harassment.
- » Current practices for valuing life for wrongful death and other tort claims devalue the lives of women and Black, Indigenous, and people of color.
- » Data suggests that gender and other biases in family law proceedings can impact custody, child support, and maintenance decisions.



Employees who identified as American Indian, Alaska Native, First Nations, or other Indigenous Group Member (86%), bisexual (84%), gay or lesbian (73%), and women (62%) reported the highest rates of harassment.




Despite improvements in the law and its enforcement, barriers to justice remain for victims of gender-based violence. The large numbers of missing and murdered Indigenous women and people remain a key concern.

Gender, Violence, Youth, and Exploitation

- » Domestic violence and sexual assault mostly harm women and LGBTQ+ people—particularly those who are Black, Indigenous, people of color, immigrants, or living in poverty. They face barriers to reporting such gender-based violence.
- » Despite improvements in the law and its enforcement, barriers to justice remain for victims of gender-based violence. The large numbers of missing and murdered Indigenous women and people remain a key concern.
- » The law requiring mandatory arrests in domestic violence cases may have unintended adverse effects on women, people of color, immigrants, those living in poverty, and LGBTQ+ people.
- » Girls, LGBTQ+ people, and youth with disabilities take different pathways into the juvenile justice system than youth who are not a part of these populations, and have different needs inside the system.
- » Boys are targeted for commercial sexual exploitation in larger numbers than previously known. But women, youth of all genders, LGBTQ+ people, those in poverty, and Black, Indigenous and communities of color are the main targets.
- » The justice system response to commercial sexual exploitation has greatly improved but still treats many in the sex industry, including exploited populations, as criminals.

The Gendered Impact of the Increase in Convictions and Incarceration

- » While men of color have suffered the brunt of mass incarceration, the number of women incarcerated in Washington grew exponentially and largely in the shadows between 1980 and 2000. Their numbers continue to increase while the very high incarceration rates for men decrease.
- » Our pilot project found that Black, Indigenous, and women of color are convicted and sentenced at rates two to eight times higher than white women.
- » Jail and prison programs and policies are developed for men and often do not meet the needs of women or transgender and gender nonconforming people.
- » Incarcerated mothers are more likely than fathers to be primary caregivers. Mothers are thus more likely to lose their children to out-of-home care during their incarceration.
- » Racial disparities in arrests negatively influence pretrial bail decisions, which influences plea deals, affects charging decisions, and creates a higher likelihood of incarceration and longer sentences for both men and women of color.
- » There is little data on the gender impacts of legal financial obligations (LFOs). The available research suggests that while men face higher LFOs, women face greater challenges trying to pay both their own LFOs and those of people close to them.

 Our pilot project found that Black, Indigenous, and women of color are convicted and sentenced at rates two to eight times higher than white women.



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Gender and Justice Commission
Administrative Office of the Courts
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Access the complete study and pilot project reports on the Gender and Justice Commission website [@www.courts.wa.gov/genderjustice](http://www.courts.wa.gov/genderjustice).

TAB 2



September 17, 2021

TO: Board for Judicial Administration (BJA) Members

FR: Judge Sean O'Donnell and Judge Rebecca Robertson
Co-Chairs, BJA Court Security Task Force

RE: MOTION AND REPORT OF THE COURT SECURITY TASK FORCE

Motion Request: Amend and Readopt BJA Resolution in Support of Court Security.

The Court Security Task Force Co-Chairs present this motion to add a section to the BJA Resolution in Support of the Importance of Court Security. The amended motion includes an addition to acknowledge security incidents and heightened level of threats that have been reported to the Administrative Office of the Courts by court staff throughout the state.

Your consideration to readopt the amended resolution is respectfully requested.

Task Force Update:

The Task Force met on June 29 to discuss submitting a funding request for the 2022 supplemental budget. The decision was made to submit a request for funding Phase 2 of the original budget request approved by the BJA in March 2020. The supplemental request is for approximately \$1.6 million to meet the needs of courts for security equipment, small capital projects to enhance security, audits, and statewide training. Members discussed that ideally AOC can begin allocating the \$750,000 received in the 2021-2023 biennium budget to the courts before next legislative session to determine ongoing need. The decision package was submitted to the AOC in early August.

After the decision package submittal, the DMCJA requested that funds be requested for court security officers who could perform entry screening and other security duties. The AOC Budget Director and the Court Security Task Force Co-Chairs agreed and \$2.7 million was added to funding request for consideration by the BJA. Thus, the final supplemental funding request is for \$4.6 million.

The AOC is hiring the Court Security Resource Coordinator and the recruitment for the fiscal analyst is underway. The funding implementation plan is in development. Courts will be able to apply for funding for security equipment and audits later this year.

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

In Support of the Importance of Court Security

WHEREAS, a safe environment is fundamental to the ability to access justice in our Courts; and

WHEREAS employees, jurors, litigants and members of the public have a right to safe and secure courthouses; and

WHEREAS increases in security incidents and heightened threats in courthouses warrant urgent action to improve safety measures; and

WHEREAS our government has a duty to take reasonable steps to provide for security in our courthouses;

NOW THEREFORE, BE IT RESOLVED that the Board for Judicial Administration endorses and strongly advocates a well-coordinated effort by all branches of state and local government, the Washington State Bar Association, and interested stakeholders to ensure adequate funding and support necessary to provide basic security and safety measures for our courts.

ADOPTED BY the Board for Judicial Administration on March 16, 2012.

READOPTED BY the Board for Judicial Administration on August 19, 2016

AMENDED and READOPTED BY the Board of Judicial Administration on September 17, 2021

TAB 3



September 17, 2021

TO: Members of the Board for Judicial Administration
FROM: Christopher Stanley, Chief Financial & Management Officer
RE: Economic & Budget Update

The Economy

Both the national and state economies continue to recover at an impressive rate. Almost 1 million new jobs were created in July across the United States while the unemployment rate dropped to 5.4 percent. Washington continues to beat the national average with a 5.1% unemployment rate. The job creation rate in August dropped precipitously, but it is unclear if that is indicative of a trend or if the economy is simply “spooked” by the Delta Variant. The housing market in Seattle continues to be super-heated, although there are signs of cooling in the future. Consumer confidence is up but wavering on inflation fears. There is a risk of a “flash-recession” due to stagflation (too much money in the system with no economic growth to support it). The Delta Variant remains a wild card as it remains to be seen how quickly vaccination efforts can gain steam and if that can ward off an economic slowdown. Consumer confidence was down in August, and that will continue to be a key indicator to keep tabs on in the future.

Upside: Americans are sitting on \$2 trillion in “excess savings,” funds that would otherwise have ended up in the economy had there not been a pandemic. If vaccinations pick up steam and restrictions lift around the holiday season, we could see substantial economic growth in the last quarter of the year as the holidays provide a natural release of these funds.

2022 Supplemental Budget Development

The draft 2022 Supplemental Budget Request is attached. The Administrative Office of the Courts is preparing to request approximately \$30M across 17 packages. This is a \$10M increase from the biennial request, however many of the current packages are at the request of external organizations.

The Budget and Funding Committee has made a prioritization recommendation, which will be presented at the September 17 meeting. After your approval, I will forward these recommendations to the Supreme Court Budget Committee on September 29 for final review before a presentation before the full court on October 4. The budget request centers around three themes:

- Secure the Judicial Branch
- Right-Size Staffing and Salaries
- Maintain the IT Infrastructure of the Judicial Branch

Administrative Office of the Courts
Proposed 2022 Supplemental Budget Request
September 2021

				TOTAL REQUEST:	17.5	\$30,805,000
Agency	Level	Title	Summary	FTE	Amt Requested	
AOC	ML	Upgrade Appellate Court Case Management System	The Administrative Office of the Courts requests one-time expenditure authority to make minor upgrades to the Appellate Courts Enterprise Content Management System (AC-ECMS). These upgrades will increase functionality of the system and increase access to justice for Washingtonians. This upgrade was originally planned for the project, but was not able to be executed prior to the expenditure authority expiring.	-	\$200,000	
AOC	ML	Maintain Funding for Uniform Guardianship Act	PLACEHOLDER: The Administrative Office of the Courts requests funding to continue covering the costs associated with the court-appointed attorneys and visitor requirements set forth in the Uniform Guardianship Act, as amended and codified in RCW Title 11, Chapter 11.130. The Legislature provided funding for only one year, not on an ongoing basis.	-	\$8,000,000	
AOC	ML	Fully Fund Supreme Court Move Costs	PLACEHOLDER: The Administrative Office of the Courts requests full funding of the costs associated with moving the Supreme Court to a temporary office building in Tumwater while the Temple of Justice is renovated.	-	TBD	
AOC	ML	Shift General Fund-State Appropriations	The state general fund appropriations for costs associated with the Blake v. Washington (Blake) decision and Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA) are adjusted between fiscal years.	-	TBD	
AOC	ML	Fund Increased Legal Financial Obligations Postage Costs	Funding is requested to cover the increased postage and production costs for mailing required Legal Financial Obligations (LFO) billings.	-	\$116,000	
AOC	PL	Secure Washington Courts	Funding is requested to purchase the basic security equipment and services that courts need in order to provide safe access to justice to the communities of Washington State.	-	\$4,436,000	
AOC	PL	Provide Safe and Secure Access to Justice	The Administrative Office of the Courts (AOC) requests \$159,000 per year to fund a Courthouse Security Officer to evaluate and improve courthouse and courtroom security at all court levels in order to better protect judicial branch staff and Washingtonians that are accessing the justice system.	1.0	\$159,000	
AOC	PL	Retain and Recruit Staff with Competitive Salaries	The Administrative Office of the Courts requests funding for full implementation of long-needed salary increases for AOC staff, as identified in the recent 2021 Comprehensive Judicial Branch Salary Survey. These increases will make judicial branch agencies a competitive employer of choice in a job market tilted heavily in favor of job seekers.	-	\$832,000	
AOC	PL	Increase Judicial Branch Support	The Administrative Office of the Courts (AOC) requests 4.0 FTE and \$449,000 in Fiscal Year 2023 and ongoing costs in order to provide effective support to the Judicial Branch.	4.0	\$449,000	
AOC	PL	Provide Staff to the District and Municipal Court Judges' Association	The Administrative Office of the Courts requests \$131,000 in Fiscal Year 2023 and ongoing costs to hire a senior court program analyst to assist the District and Municipal Court Judges' Association (DMCJA) with policy development and implementation.	1.0	\$131,000	

Administrative Office of the Courts
Proposed 2022 Supplemental Budget Request
September 2021

Agency	Level	Title	Summary	FTE	Amt Requested
AOC	PL	Support Family and Juvenile Court Improvement	The Administrative Office of the Courts (AOC) requests ongoing funding to equitably distribute and cover costs in ten courts currently participating in the Family and Juvenile Court Improvement Program (FJCIP) and to restore funding for six additional courts to return to the program. AOC also requests funding for staff to oversee the program, as well as funds to conduct an evaluation of the program and perform process and performance monitoring in support of quality improvement.	2.5	\$1,188,000
AOC	PL	Facilitate Equitable and Effective Resentencing Under Blake v. Washington	The Administrative Office of the Courts (AOC) requests \$300,000 for a short-term position to facilitate and coordinate the equitable and efficient resentencing of individuals impacted by the recent State of Washington v. Blake decision. This "Scheduling Referee" is necessary to equitably and efficiently manage statewide calendaring of remote resentencing hearings between all superior courts and the Department of Corrections and is critical to the swift administration of justice.	2.0	\$314,000
AOC	PL	Recruit Americorps Members to Assist Local Programs	The Administrative Office of the Courts, on behalf of the Washington Association of Child Advocate Programs, requests pass-through funding for 20 AmeriCorps members to assist local child advocate programs with the recruitment of additional volunteers in their communities. These efforts would focus on expanding not only the number of volunteers, but also the diversity of the groups to better reflect the communities they serve.	1.0	\$266,000
AOC	PL	Provide Consistent Legal Representation to Children	The Administrative Office of the Courts, on behalf of the Washington Association of Child Advocate Programs (WACAP), requests pass-through funding for ten regional program attorneys administered by WACAP for the 35 volunteer Title 13 guardian ad litem programs (GAL) in Washington State. With this funding, WACAP would receive eight regional attorneys, one tribal/ICWA specialist attorney, and one supervising attorney.	-	\$1,484,000
AOC	PL	Restore Revenue Lost During Pandemic	The Administrative Office of the Courts requests \$9.6M in General Fund-State funding on a one-time basis to backfill substantial revenue losses experienced during the COVID-19 pandemic. The Judicial Information System Account has experienced a \$6.4M loss to-date with a projected \$9.6M loss through February 2022.	-	\$9,600,000
AOC	PL	Increase Access to Justice with E-Filing	The Administrative Office of the Courts requests \$2.8M per year to cover the electronic filing fees of non-governmental parties in district and municipal courts. A new case management system built for courts of limited jurisdiction includes the ability to file motions and documents electronically. In order to prevent undue hardship as individuals access the justice system, the AOC – in collaboration with the District and Municipal Courts – requests funding to making e-filing free for users.	-	\$2,800,000

Administrative Office of the Courts
Proposed 2022 Supplemental Budget Request
September 2021

Agency	Level	Title	Summary	FTE	Amt Requested
AOC	PL	Implement Data Quality Program	The Administrative Office of the Courts requests funding to provide on-going support for a Data Quality Program. The recent transition from a centralized Judicial Information System (JIS) to diverging case management systems implemented by certain courts has increased the volume of data anomalies and complexity of ensuring accurate and timely court data for statewide reporting, statistical analysis, and decision making. Additional funding and staffing is needed to adequately manage the existing and emerging backlog of data quality issues to improve data quality for the Washington State court system.	6.0	\$830,000
TOTAL				17.5	\$30,805,000

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Upgrade Appellate Court Case Management System

Budget Period: 2022 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests one-time expenditure authority to make minor upgrades to the Appellate Courts Enterprise Content Management System (AC-ECMS). These upgrades will increase functionality of the system and increase access to justice for Washingtonians. This upgrade was originally planned for the project, but was not able to be executed prior to the expenditure authority expiring.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
543-1	\$0	\$200,000	\$0	\$0
Total Cost	\$0	\$200,000	\$0	\$0
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Contracts	\$0	\$200,000	\$0	\$0
Total	\$0	\$200,000	\$0	\$0

Package Description:

This is a technical expenditure authority request. The Administrative Office of the Courts finished the Appellate Court Case Management System under budget, but not within the biennium under its existing expenditure authority. The agency needs \$200,000 of expenditure authority from the Judicial Information Systems Account in the current biennium in order to complete this upgrade.

Background

Over the past year, Washington’s Appellate Court system successfully transitioned from a paper-based manual process environment to electronic court records and workflows. To facilitate this significant transition, the appellate courts, working with the Judicial Information Systems Committee (JISC) and the Washington State Legislature, received funding over the past several biennia for two information systems projects: 1) ITG 45, Appellate Court – Enterprise Content Management System (AC–ECMS) and 2) ITG 252, Appellate Electronic Court Records.

The Supreme Court and the Court of Appeals made the Appellate Electronic Court Record the official record of the appellate courts effective January 2021, and the project ended in June 2021 due to the expiration of appropriated funding. While this project enhanced and expanded workflow capabilities for appellate case types and processes, there is a small amount of additional work that couldn't be completed before funding expired on June 30, 2021. While this is a small amount of work, the upgrade work required is delaying full functionality of the system.

The OnBase Version Upgrade from 2017 to Enhancement Pack 4 (EP4) or newer requires 888 ImageSoft IT development hours at a cost of \$200,000 (\$225 per hour).

In order to fully utilize this brand-new content management system, we need to keep up to date with the newest security requirements, maintain compatibility with applications, web browsers, and operating systems and increase OnBase performance.

What's New In Enhancement Pack 4

The new version of OnBase supports most major web browsers such as Chrome, Edge, Firefox, Safari and Internet Explorer. The current version only allows Internet Explorer and older version of Firefox.

This upgrade improves text search functionality, better experience with Document Composition, auto-promoting code changes, improved monitoring and notification and other improved functionalities. The current full text functionality will be unsupported by the vendor soon and the vendor recommends upgrading to the latest version every two years to stay compliant with OnBase standards. IDOL module that we currently use for full-text search has reached its end of life and is currently not working at expected levels. Upgrading to the new version of OnBase also ensures compatibility with the latest versions of third-party integrations and ensures our system remains stable and secure with the latest security patches, equipping us to meet current compliance standards and reducing risk.

AOC's objective is to create an Incremental Parallel Upgrade process (IPUP) per Hyland's recommendation that is seamless to the end users, while continuing to support the users and keeping on track with our timelines, testing and implementation. With IPUP, we will have the ability to run multiple versions of our solution in parallel from the same database. OnBase can accommodate any OnBase version running side-by-side at the same time. With IPUP, the OnBase solution will always be available with zero downtime.

Current Level of Effort:

This supplemental decision package is to request funding to purchase IT development hours from ImageSoft necessary for completing the IT development for the OnBase version upgrade.

Currently, the Appellate Court maintenance and operations team has two OnBase System administrator/developer positions at pay range 70. These positions are responsible for the maintenance and operations activities for OnBase and is unable to complete the IT development work necessary for the OnBase Version upgrade.

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

The following assumptions were used to estimate the workload and staffing required to complete the work effort described above:

1. AOC IT Governance (ITG) process was followed to request, analyze (Business and Technical), review and approve the work requests for OnBase Version Upgrade.
2. The OnBase Version Upgrade work effort was earmarked to be completed during the ITG 252 Electronic Court Records effort during the 2019-2021 biennium. The work was not completed due to resourcing and level of effort.
3. Due to the level of effort and complexity for the OnBase IT development needs, internal OnBase IT developers will not have the bandwidth or expertise to complete the development work.
4. Existing AOC and ImageSoft resources will be needed to complete this work effort which include:
 - a. Business Analyst
 - b. Court Technology Education
 - c. Architecture
 - d. ISD Operations (ACORDS and OnBase Maintenance)
 - e. Web Services (Appellate E-Filing)
 - f. Infrastructure
 - g. Data Dissemination
 - h. Contracts
 - i. Quality Assurance
 - j. Security
 - k. Project Management
 - l. ImageSoft (IT Development Work)
5. The Appellate Court applications support the Supreme Court and three Court of Appeals Divisions in the state of Washington. As such, the tolerance for using maintenance and operations resources which would delay work or require downtime of the overall systems and web pages will be low.

Decision Package Justification and Impacts

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

Accessibility.

Upgrading to the most current OnBase version will provide free and open access to the public and Washington State Bar Association, better court user experience as it eliminates problem issues associated with the older version, and gives court users new features for optimal use and experience.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

Upgrading OnBase to the most current version critical to maintaining effective Appellate court management. Without the version upgrade would require the courts and AOC to continue to work through the issues they experience by using an outdated version.

Appropriate Staffing and Support.

Continued reliability of appellate court record systems is mission critical. This supplemental decision package will fund the development needs for the work efforts needed in OnBase. Without the funding, it will require the courts to continue to use an outdated version of OnBase. If internal resources are used for this effort, maintenance and operations needs will slow down significantly and the time it takes for these work efforts will take longer as the internal AOC resources are not trained to complete the work needed.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

The only two alternatives that exists are 1) to use internal AOC resources who would need to be trained to do the version upgrade while also being required to complete maintenance and operations work or 2) do not do the version upgrade.

What are the consequences of not funding this request?

If this request is not funded, AOC will not have the resources necessary to develop the version upgrade. Courts would be required to continue to use an outdated version of OnBase. Continuous use of an outdated version of OnBase could jeopardize the ability of AOC to adequately support the Appellate Courts, therefore, hindering the ability of courts and justice partners to operate effectively.

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

After careful consideration and a thorough review of the AOC appellate maintenance and operations development staffing resources, it has been determined there is not adequate development staffing to complete the identified work needed and to continue work efforts earmarked for the maintenance and operations support team.

Other supporting materials:

- ITG 287 OnBase Version Upgrade Analysis

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Maintain Funding for Uniform Guardianship Act

Budget Period: 2022 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

PLACEHOLDER: The Administrative Office of the Courts (AOC) requests funding to continue covering the costs associated with the court-appointed attorneys and visitor requirements set forth in the Uniform Guardianship Act. The Legislature provided funding for only one year, not on an ongoing basis. As a placeholder, the existing funding level is requested. However, the AOC is preparing a recommendation by December 31 regarding future funding levels and will update this request at that time.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$8,000,000	\$0	\$0
Total Cost	\$0	\$8,000,000	\$0	\$0
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Grants	\$0	\$8,000,000	\$0	\$0
Total	\$0	\$8,000,000	\$0	\$0

Package Description:

In light of the legislative direction in ESSB5092, Section 115(14) to prepare a report on how to forecast future funds for distribution, this request is a placeholder. The report is due December 31, 2021 and this package will be updated when the report is released.

In the 2021-23 biennial budget, the Administrative Office of the Courts (AOC) received one-year funding to reimburse counties for the costs of court-appointed attorneys and court visitors required by the Uniform Guardianship ACT (UGA). AOC requests ongoing funding for UGA court appointments in order to adequately implement the act.

Current Level of Effort:

The Administrative Office of the Courts received an appropriation of \$8,000,000 of the General Fund for Fiscal Year 2022 for the purpose of reimbursing counties for UGA appointment costs. See Session Law 2021 [5092-S.SL Sec. 115\(14\)](#).

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

5092-S.SL Sec. 115(14) directed the AOC to report on the distributions made to local courts and to provide “a recommendation on how to forecast distributions for potential future funding by the legislature” by December 31, 2021. Therefore, revenue assumptions, calculations, and details are pending and subject to AOC’s recommendations.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

For the UGA to be fully implemented, funding is necessary to pay for court-appointed attorneys in both adult and minor guardianship cases. Courts cannot absorb these costs without additional funding.

Accessibility.

Court accessibility is increased because, absent funding, indigent individuals who are respondents to a petition for either an adult or minor guardianship will be unable to obtain legal representation. Further, the role of a court visitor will provide valuable information to the Court which unrepresented individuals might otherwise struggle to communicate to the Court.

Access to Necessary Representation.

Funding will ensure that representation is available for minors and parents, and adults as required under the UGA. See below.

I. Article 3 – Adult Guardianships

Attorney Appointments for Adults: The Uniform Guardianship Act, specifies that an adult respondent has the right to counsel at any point in a guardianship, conservatorship, or other protective arrangement proceedings. (RCW 11.130.285 (1)(a)). Moreover, the court **must** appoint an attorney, at public expense, to represent adult respondents that are: 1) indigent, 2) for whom the expense of a private attorney is a financial hardship, or 3) do not have practical access to funds. (RCW 11.130.285 (1)(c)).

II. Article 2 – Minor Guardianships

Attorney Appointments for Minors and Parents: The UGA specifies that the court may appoint counsel to represent the interests of both the minor and the parent(s) where specific conditions exist (RCW 11.130.200) including when the minor is twelve years of age or older and the court determines need (RCW 11.130.200(1)(c)). The court **must** appoint an attorney, at the public expense, to represent a parent if the parent has appeared in the proceeding and is indigent. (RCW 11.130.200 (5) (a)(b)).

Commitment to Effective Court Management.

This funding ensures that the court is fully able to carry out the Uniform Guardianship Act as directed in statute.

Sufficient Staffing and Support.

Funds requested directly support the ability of local courts to appoint legal personnel sufficient to meet the requirements of the UGA.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

There is no other funding source for this activity.

What are the consequences of not funding this request?

Washington's 39 Superior Courts do not have the funds needed to pay for the professional appointments required by the UGA. Without funding, the UGA cannot be fully implemented nor the positive effects of these provisions be realized, which will impact thousands of Washington families. Lack of funding for attorneys jeopardizes the rights of the adult and minor respondents to legal counsel in guardianship cases. Lack of funding for court visitors diminishes the amount of crucial information needed by the court to render an appropriate decision in the best interests of the respondent. Lack of funding overall will result in a higher risk of abuse for persons subject to guardianships. Lack of funding may also put other court services to the public at risk, such as pretrial services and courthouse facilitators if the courts are required to use existing funds to fulfill the mandatory appointments required by the UGA.

Other supporting materials:

AOC funding recommendation will be provided by Dec 31, 2021.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Fully Fund Supreme Court Move Costs

Budget Period: 2022 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

PLACEHOLDER: The Administrative Office of the Courts requests full funding of the costs associated with moving the Supreme Court to a temporary office building in Tumwater while the Temple of Justice is renovated.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$TBD	\$TBD	\$TBD	\$TBD
Total Cost	\$TBD	\$TBD	\$TBD	\$TBD
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Goods & Services	\$TBD	\$TBD	\$TBD	\$TBD
Total	\$TBD	\$TBD	\$TBD	\$TBD

Package Description:

Section 1114 of the 2021-23 biennial capital budget bill authorizes the Department of Enterprise Services to renovate the HVAC, lighting, and water systems within the Temple of Justice. This requires the removal of all Supreme Court staff and Justices as well as a limited number of staff from the Administrative Office of the Courts to a temporary location.

In the summer of 2021, the Supreme Court selected a temporary location at the state office complex in south Tumwater, co-located with the Department of Health and the Department of Social and Health Services. Unfortunately, the operating costs included in the operating budget for the project were not nearly sufficient to cover related move costs. While certain costs have been covered, such as temporary storage facilities and a project planner to facilitate the move, a majority of rent costs and tenant improvements to the vacant space have not been covered. Because the initial budget for these temporary costs was placed into the Administrative Office of the Courts budget, AOC is requesting additional funds to cover the unbudgeted costs.

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

Previous appropriations included \$140,000 per year for rent costs, and approximately \$400,000 for temporary storage and tenant improvements in the temporary space.

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

This decision package is a “placeholder”. When actual costs are available they will be provided.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

The fair and effective administration of justice includes covering the costs of conducting court business.

Accessibility.

Accessibility includes covering the costs of conducting court business.

Access to Necessary Representation.

Access to necessary representation includes covering the costs of conducting court business.

Commitment to Effective Court Management.

Commitment to effective court management includes covering the costs of conducting court business.

Sufficient Staffing and Support.

Funding these costs will ensure that the Court has adequate space to conduct court business.

What is the impact on other state agencies?

N/A.

What is the impact to the Capital Budget?

Funding these costs will allow the capital project to continue without interruption.

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

N/A.

Is the request related to or a result of litigation?

N/A.

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

The Court has worked with its partners at the Department of Enterprise Services Buildings and Grounds to shift a portion of existing rent to cover the temporary rent

costs, but a balance remains to be covered. There is no other existing budget with sufficient capacity to cover these costs.

What are the consequences of not funding this request?

The Temple of Justice renovation may be interrupted and critical repairs to the heating and cooling systems as well as the lighting and plumbing systems will be delayed.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Shift General Fund-State Appropriations

Budget Period: 2022 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

PLACEHOLDER: The appropriations for costs associated with the Blake v. Washington decision and Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act are adjusted between fiscal years. This is a placeholder since the fiscal year just began and these funds are just now being spent. A more accurate figure will be available in January 2022 and this package will be updated at that time.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$-1,000,000	\$1,000,000	\$0	\$0
Total Cost	\$-1,000,000	\$1,000,000	\$0	\$0
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Grants	\$-1,000,000	\$1,000,000	\$0	\$0
Total	\$-1,000,000	\$1,000,000	\$0	\$0

Package Description:

In 2021 the legislature provided funding in fiscal year 2022 for the costs associated with case resentencing, case vacating and refunding legal financial obligations (LFOs) resulting from the Blake decision. Funding was also provided in fiscal year 2022 to assist with the costs associated with providing counsel and visitors in specific guardianship cases.

The package seeks to shift the previously appropriated funding between fiscal years 2022 and 2023.

Current Level of Effort:

In fiscal year 2022 the legislature appropriated:

\$23.5 million to assist counties that are obligated to refund legal financial obligations previously paid by defendants whose convictions or sentences were affected by the *State v. Blake* ruling.

\$44,500,000 to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision,

\$8 million to local courts for costs associated with the court-appointed attorney and visitor requirements set forth in the Uniform Guardianship Act.

Data indicate that expenditures for the purposes noted above will not solely be incurred during Fiscal Year 2022. Therefore a fiscal year adjustment is necessary.

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

This decision package is a “placeholder”. The AOC will provide actual amounts needed for transfer between fiscal years to the legislature at a later date.

Decision Package Justification and Impacts

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

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

Cities and counties do not have the resources necessary to implement the changes associated with *State v. Blake* or the UGA. Funds provided to the AOC are State General Fund fiscal year-specific appropriations and cannot be expended beyond FY 2022 (June 30, 2022). This adjustment between fiscal years is required to allow for full implementation using legislatively approved funding.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

Partially. Funding for the Blake decision was provided in the 2021 legislative session.

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

Cities and counties do not have the resources necessary to implement the changes associated with State v. Blake or the UGA.

What are the consequences of not funding this request?

Costs for the program will be incurred during FY 2023. At this time, the AOC does not know what costs will be required. Without this funding shift between fiscal years, the AOC will not have appropriation authority to cover these costs.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Fund Increased Legal Financial Obligations Postage Costs

Budget Period: 2022 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests funding to cover the increased postage and production costs for mailing required Legal Financial Obligations (LFO) billings.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$58,000	\$58,000	\$58,000	\$58,000
Total Cost	\$58,000	\$58,000	\$58,000	\$58,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Goods & Services	\$58,000	\$58,000	\$58,000	\$58,000
Total	\$58,000	\$58,000	\$58,000	\$58,000

Package Description:

Chapter 379, Laws of 2003 (ESSB 5990) transferred the billing, monitoring and collection of LFOs to the Administrative Office of the Courts (AOC) and the states' county clerks. The bill amended RCW 9.94A.760 to require the AOC mail individualized billings to each offender with an unsatisfied LFO who is not under supervision by the Department of Corrections (DOC).

Ongoing funding was provided for mailing and production costs. However, as postage and production rates increase, additional funding is required.

Current Level of Effort:

Current funding for LFO postage and production costs is \$355,000 per fiscal year.

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

The vendor that provides production of LFO billings services to the AOC has informed the agency that postage and production costs will increase in Fiscal Year 2022.

Actual and estimated costs for postage and production will substantially exceed current available funding. Costs are expected to increase \$58,000 per fiscal year in the 2021-2023 Biennium.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

N/A.

Accessibility.

N/A.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

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

Sufficient Staffing and Support.

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

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

None.

Is the request related to or a result of litigation?

No.

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

Over the years, the AOC has continuously reviewed the LFO billing process and evaluated methods to reduce the number and frequency of billings. Changes in the billing cycle, such as fewer billings per year, may reduce costs but would significantly reduce collections.

What are the consequences of not funding this request?

The AOC would not be in compliance with state law regarding LFO billings. Collections for LFOs, including restitution, would decline.

Other supporting materials:

N/A

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Secure Washington Courts

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts, on behalf of the Court Security Task Force and the District and Municipal Court Judges Association, requests funding to purchase the basic security equipment and services that courts of limited jurisdiction need in order to provide safe access to justice to the communities of Washington State.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$4,436,000	\$2,800,000	\$2,800,000
Total Cost	\$0	\$4,436,000	\$2,800,000	\$2,800,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Goods and Services	\$0	\$4,436,000	\$2,800,000	\$2,800,000
Total	\$0	\$4,436,000	\$2,800,000	\$2,800,000

Package Description:

In the 2021–2023 biennial budget, the legislature appropriated \$767,000 to the Administrative Office of the Courts (AOC) for funding to implement the first phase of securing trial courts in Washington State. Additional funding is requested to implement the next phase of the judicial branch’s plan to provide security and safe access to justice for all who enter these public spaces.

Inconsistent and inadequate security measures and resources in courthouses remain a major concern and high priority for the court community in Washington State. Additional funding is needed to ensure that by the year 2025, all courthouses meet the minimum security standards set forth in General Rule 36 (GR 36), Trial Court Security. While initial funding focused on courthouses in shared sites with no/low entry screening, this additional will expand focus to all other courts that do not meet minimum security standards. In these times of civil unrest and continuing federal government warnings of the threat of domestic terrorism, courthouses need resources to address security vulnerabilities that jeopardize public safety in our institutions of justice.

Several serious and tragic incidents have occurred in courthouses that did not have entry screening or other security measures. A few of these include:

- In 1995, the shooting deaths of [Susanna Blackwell](#), her unborn child and two friends, Phoebe Dixon and Veronica Laureta, by her estranged husband during their divorce proceeding in the King County Courthouse, resulted in the immediate implementation of entry screening at the courthouse. Of note, in 2021 over 60 courthouses statewide still lack entry screening resources.
- In 2012, Judge David Edwards was stabbed in the [Grays Harbor County Courthouse](#), along with a sheriff deputy who was also shot with her own gun. Entry screening and other security improvements were immediately implemented.
- In 2018, [Lewis County Judge R.W. Buzzard chased inmates](#) attempting to escape the courtroom. Months prior, Judge Buzzard physically intervened when a man attacked an attorney in the courtroom. He noted that the county officials were working to make courtrooms safer, but lacked funding for more security staff.
- In late July 2021, a courthouse employee in the King County courthouse was attacked and assaulted. It was not a security guard, but another courthouse employee that came to the individual's rescue and restrained the suspected assailant.

Background

Documenting courthouse security incidents is an important way for courts to identify patterns and risks that could be avoided or mitigated through improved security measures. The AOC's online court incident reporting form has been in place since 2013. In 2018, incident reporting increased after its use became mandatory. Incidents were likely under-reported prior to 2018. Since April 2013, 890 incidents have been reported by courts to the AOC through the online incident self-report form.

In response to the number and severity of incidents reported and the experiences of judges and court community members, the Washington State Supreme Court adopted General Rule 36 Trial Court Security (GR 36) in November 2017, requiring courts to document security incidents and encouraging them to establish well-coordinated efforts to provide basic security and safety measures in Washington courts¹. Currently there are over 100 court facilities in Washington State that do not meet the minimum security standards established in GR 36.

In an effort to help courts improve security, the Board for Judicial Administration created the Court Security Task Force (Task Force) in 2018 to ensure that all courts meet the

¹ Court Rules of General Application are established to govern matters deemed critical to the operation of courts.

seven minimum court security standards established in GR 36 (g) by 2025. The minimum security standards were derived from consultations with courthouse security experts from the U.S. Marshals Service, the National Center for State Courts, and local governments. These minimum standards are widely acknowledged by security professionals as the foundations of adequate courthouse security.

Minimum Security Standards established in General Rule 36:

- (1) *Policy and Procedure Guide for all Court and Clerk Personnel.*
- (2) *Weapons Screening by Uniformed Security Personnel at all Public Entrances.*
- (3) *Security Audits Every Three Years.*
- (4) *Security Cameras Recording with Loops of at Least Seven days with Signage.*
- (5) *Duress Alarms at Multiple Strategic Locations.*
- (6) *Emergency Notification Broadcast System.*
- (7) *Active Shooter/Comprehensive Security Training.*

The funds requested will be used to purchase equipment and services for the courts who need them the most in order to meet the minimum security standards set forth in GR 36 (g).

The challenges faced by courts in rural counties to provide safe public access

All Washington courts were surveyed in 2020 and the data revealed that courts in rural counties were much less likely to meet the minimum standards due to a lack of funding. Maintaining a safe and secure courthouse is a responsibility under the purview of judges, however the funding to implement security measures is under the scope of local governments.

Smaller and/or rural jurisdictions often do not have the financial resources to implement court security measures. The lack of funding for security improvements expose the public and court personnel to the threat of serious harm and injury. Domestic and intimate partner violence cases, family court disputes, sexual assaults, and contentious civil cases are already emotionally charged situations. Additionally, there are increasing numbers of court participants with untreated behavioral health and substance disorder challenges that further increase the risk of security incidents that compromise public safety and can lead to tragic and preventable injuries and fatalities.

State funding is needed to address the risks to public safety and protect the members of the community who access these smaller courthouses and court personnel who are working in unsafe and non-secure environments.

Findings from the court security needs assessment

In 2019, the Task Force conducted a needs assessment and received responses from 111 courts that had less than full-time entry screening at all public entrances. The most significant finding is that despite the efforts of courts to comply with GR 36, over 63 court buildings did not have any entry screening at public entrances which helps keep weapons and contraband out of the courthouse. A report published by the National Center for State Courts (NCSC) in 2010, considered to be a principal reference guide for courts security professionals, stated that keeping dangerous items and people from entering the court building was the number one goal of a security improvement

strategy². Additionally, 61 courts reported the need for other security equipment such as fully functioning security cameras and duress alarms. Most of the smaller courts reported that they never had an external security audit, or that their last assessment was several years ago. The Task Force recognizes that bringing all courts into compliance with the minimum standards of GR 36 is a long-term iterative process that will take several years of focused efforts to accomplish.

Strategies to address the problem

The Task Force's strategy maximizes the benefits of state funding by developing a prioritized grant pool that would be administered by the Administrative Office of the Courts. In Phase One, courts that were (1) located in a shared courthouse and (2) do not have entry screening, had first priority for funding equipment and services needed to meet the minimum security standards set forth in GR 36 (g). In Phase Two, all courts that do not have the resources to conduct entry screening or meet other GR 36 minimum security standards will be prioritized.

Current Level of Effort:

The current proposal continues the prioritized grant pool program to serve the remaining courts that need funding to meet the minimum security standards of GR 36.

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

Calculations are based on data collected from the court security needs assessment for courts with limited and no entry screening. Court personnel provided information on the security equipment, services, and staff they need in order to meet GR 36 minimum security standards.

Calculations:

Entry screening security equipment. Cost estimates for magnetometers, hand wands, weapon lock boxes, security cameras, and wireless combined duress alarms/emergency notification systems needed for courthouses to meet the minimum requirements of GR 36. Also included is \$1,000 per courthouse for low-cost/high-yield security improvement equipment or supplies identified by the Washington Association of Sheriffs & Police Chiefs (WASPC) audit teams, such as security film and door locks.

Security Implementation Costs: Funds will be used to construct entry screening stations, updating wiring and structures for the installation of screening equipment, security cameras and duress alarms and emergency notification systems.

An estimated 20 courts will need approximately \$15,000 for additional infrastructure costs to support the security equipment for a total of \$300,000.
20 courts x \$15,000 = \$300,000

² Guidelines for Implementing Best Practices in Court Building Security: Costs, Priorities, Funding Strategies and Accountability p. 2010. National Center for State Courts. Available at: <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/153/>

Security Audits: The AOC will partner with WASPC to conduct security audits for approximately 83 courts at \$1000 per audit. Costs include travel expenses and lodging for 10 peer assessors and staff time to coordinate visits. The audit teams will use industry standards to provide courts with best practices and other recommendations, including plans for implementing low-cost/high-yield security improvements specific to the unique needs of each courthouse.

83 courts x \$1000 per audit = \$83,000

Statewide Safety and De-escalation Training: Conduct expert consultant seminars and develop customized online training for judicial officers and members of the court community in order to prevent or react safely to security incidents and acts of violence. Based on institutional knowledge of the court community education process, \$40,000 is needed to develop training programs and/or provide scholarships to trainings.

Table I – Costs Required to Complete Implementation of First Phase

Line Item	FY 2022 Appropriated	FY 2023 Supplemental Request
Entry Screening Equipment	485,000	1,223,000
Security Audits	17,000	83,000
Security Implementation Costs		300,000
Court Security Coordinator and Financial Specialist	265,000	
Statewide Security Training System		40,000
Total	767,000	1,646,000

The 2019 Court Security Needs Assessment (CSNA) found that the equivalent of approximately 62 fulltime screeners would be needed to meet the need for fulltime court security screening staff at Washington courts. Some courts need one officer, other courts need more than one officer because they have multiple entrances, and some courts need less than one staff (for example, if they had only part-time staff coverage because they are not open fulltime). The statewide average of hourly billing rates for an unarmed screener is \$22.00 per hour, or \$45,000 per year for private vendors. This totals to \$2.8 million per year for 62 fulltime screeners. This rate includes all benefits and associated staff costs. These costs would be ongoing.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

Citizens expect to be safe when they enter a public courthouse. Funding to improve court security will help courts ensure that citizens’ rights to safety are respected. Victims of domestic and intimate partner violence, participants in child custody matters, and other victims are especially vulnerable when courts do not have adequate security in place.

Accessibility.

Maintaining safe access to public facilities is critical. Courthouses that are unable to meet basic safety requirements because they lack the funding pose a potential barrier for victims and witnesses, citizens filing protection orders, children coming to court for interviews, and other members of the community.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

Maintaining safe and secure courtrooms and court space is needed for effective court management.

Sufficient Staffing and Support.

Staffing was funded in the 2021-2023 biennial budget, no additional staffing is needed for 2022.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

Federal and private grants were explored, however there are no options at this time.

What are the consequences of not funding this request?

The safety of community members and court users is at risk when adequate security resources are not in place. Research show mass shootings in rural areas, combined with the highly emotive aspects of court business such as cases dealing with dependency, domestic violence, etc. make courts without suitable security measures at high risk for serious and tragic consequences.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Provide Safe and Secure Access to Justice

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests \$159,000 per year to fund a Courthouse Security Officer to evaluate and improve courthouse and courtroom security at all court levels in order to better protect judicial branch staff and Washingtonians that are accessing the justice system.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$159,000	\$152,000	\$152,000
Total Cost	\$0	\$159,000	\$152,000	\$152,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	1.0	1.0	1.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$0	\$100,000	\$100,000	\$100,000
Benefits	\$0	\$34,000	\$34,000	\$34,000
Goods / Services	\$0	\$5,000	\$5,000	\$5,000
Travel	\$0	\$12,000	\$12,000	\$12,000
Equipment	\$0	\$8,000	\$1,000	\$1,000
Total	\$0	\$159,000	\$152,000	\$152,000

Package Description:

Courthouses are unfortunately no strangers to violence and threats of violence. In recent years, a number of incidents have occurred at courthouses across Washington State, some recent examples:

- August, 2021: King County Superior Court, a courthouse employee was attacked in a courthouse restroom, the attack was characterized as an attempted rape. This event is the latest incident at the courthouse, which has recently been the site of several physical assaults, open-air drug dealing, and other crimes. The King County Sheriff announced the building wasn't safe and told employees to work from home.

- July 19, 2021: Cowlitz County Superior Court, a person entered the courthouse upset about a protection order. Security was notified, as the person refused to leave and was uncooperative. The person threw objects at courthouse staff. When law enforcement arrived, the person was asked if he had any guns and the person responded “No, and it’s a good thing or else you’d all be dead, I’m serious”.
- August 18, 2020: Yakima District Court, additional security had to be called to be present for a sentencing hearing, as the previous time the person being sentenced had appeared a fight broke out involving 40 people.

The state has an obligation to ensure that those individuals seeking justice, and those individuals working with and for our court system have a reasonable expectation of security while also maintaining Washingtonians’ access to our judicial system. A Courthouse Security Officer (CSO) based at AOC would assist courts at all levels with courthouse/courtroom security expertise. The CSO would function as a statewide expert and would conduct security audits to improve security at all court levels. The CSO would conduct security training for court staff and would coordinate with federal, state, and local law enforcement as needed to improve courthouse/courtroom security.

Currently, each court is responsible for its own security audits and typically addresses concerns after incidents. Practically speaking, addressing security issues *after* incidents doesn’t resolve root cause issues. Post-incident security typically only plugs gaps exposed by the incident versus conducting a pre-incident system-wide review. Additionally, the prospect of hundreds of municipal, district, superior, and appellate courts each hiring their own security coordinator – even procuring their own contracted services – would see costs potentially run in the millions of dollars when a single coordinator could provide these services for far less on a per capita basis.

Current Level of Effort:

The AOC does not have a security expert to assist the Supreme Court, Court of Appeals, Superior Courts, or District and Municipal Courts on courthouse/courtroom security needs.

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

Costs for the Courthouse Security Officer are displayed in Table I, below.

Table I – Courthouse Security Officer Cost Detail

Assumptions:

Salary and benefits estimated at Range 73, commensurate with other senior program managers. Goods and services include standard costs for office supplies, training, communications, etc. Equipment includes standard costs for computer, office equipment and furniture. Ongoing standard replacement costs are included. Travel costs are estimated based on need for extensive annual statewide travel.

Court Security Officer	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Biennium Total
FTE		1.0	0.5	1.0	1.0	1.0
Salaries		100,308	100,308	100,308	100,308	200,616
Benefits		34,105	34,105	34,105	34,105	68,209
Goods/Services		5,000	5,000	5,000	5,000	10,000
Travel		12,000	12,000	12,000	12,000	24,000
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	159,413	159,413	152,413	152,413	304,825

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

Improved security would allow court patrons to receive safe, fair, and effective administration of justice in their cases.

Accessibility.

Providing improved security as recommended by the new court security officer would allow patrons and staff to feel and be safer as they access the court.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

Providing a court security officer for the courts would allow the various courts to proactively address security issues rather than just responding to issues after a security incident.

Sufficient Staffing and Support.

N/A.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

One alternative would be to continue court operations under growing security concerns and in the face of increased instances of security issues without making a coordinated effort to address these concerns. Each court would be responsible for its own security audits and addressing concerns after the fact or procuring its own security reviews.

This alternative was rejected for two reasons: Cost and practical implications. Practically speaking, addressing security issues *after* incidents doesn't resolve root cause issues. Post-incident security typically only plugs gaps exposed by the incident versus conducting a pre-incident system-wide review. Additionally, the prospect of hundreds of municipal, district, superior, and appellate courts each hiring their own security coordinator – even procuring their own contracted services – would see costs potentially run in the millions of dollars when a single coordinator could provide these services for far less on a per capita basis.

What are the consequences of not funding this request?

Courts would continue to be unprepared for potential security issues, gaps in security would continue to be exposed and exploited, and Washingtonians engaging with the judicial system would continue to be at risk.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Retain and Recruit Staff with Competitive Salaries

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests funding for full implementation of long-needed salary increases for AOC staff, as identified in the recent 2021 Comprehensive Judicial Branch Salary Survey. These increases will make judicial branch agencies a competitive employer of choice in a job market tilted heavily in favor of job seekers.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$757,000	\$757,000	\$757,000
543-1	\$0	\$75,000	\$75,000	\$75,000
Total Cost	\$0	\$832,000	\$832,000	\$832,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries/Benefits	\$0	\$832,000	\$832,000	\$832,000
Total	\$0	\$832,000	\$832,000	\$832,000

Package Description:

A salary survey recently commissioned by the Administrative Office of the Courts determined that there are a large number of judicial branch staff, including dozens of staff at AOC, who are paid at salaries far below the public sector market rate. The AOC requests \$832,000 per year to bring staff salaries closer to parity with the salaries of comparable positions in the public sector. Doing so will ensure that the hardworking staff that serve the judicial branch are paid fairly and equitably. The fair and equitable administration of justice begins with AOC's commitment to its staff.

Background

The AOC serves as the administrative, legal and business infrastructure arm of the judicial branch and is responsible for administering the legal system, supporting all facets and functions of Washington's judicial branch and ensuring access to justice.

AOC has four divisions: Administrative Services, Court Services, Information Services, and Management Services.

Since at least the early 2000s, there has been a significant salary disparity between salaries in the Washington Attorney General’s office and the salaries for most staff categories in comparable positions, ranging from administrative support personnel, to staff attorneys, to department heads. There is also a significant market disparity between salaries in the AOC and comparable positions in the private sector. A recent comprehensive salary survey completed in July 2021 by the Segal Group confirmed these disparities, finding that the salaries of AOC staff lagged behind market averages by an average of 15% to 20% in aggregate. Midpoint and maximum salary rates are notably below both the public and private sector markets. A prior study in 2014 showed similar disparities. AOC is asking for adequate funding to close these gaps.

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

This package does not seek to expand or alter current programs or services.

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

Based on recommendations by the Segal Group, Table I below displays the amounts required by AOC position benchmark¹ and staff FTE.

**Table I – Salary Increase Recommendation
State General Fund**

Position Benchmark	FTE	Fiscal Year		
		FY 2023	FY 2024	FY 2025
Court Budget Advisor	1.0	9,439	9,439	9,439
Court Education Professional	3.0	14,713	14,713	14,713
Court Program Analyst	33.0	334,795	334,795	334,795
Human Resources Specialist	3.0	37,382	37,382	37,382
Legal Services Senior Analyst	5.0	151,956	151,956	151,956
Senior Accountant	9.0	208,654	208,654	208,654
State General Fund Total:	54.0	756,939	756,939	756,939

Judicial Information Systems Account

Position Benchmark	FTE	Fiscal Year		
		FY 2023	FY 2024	FY 2025
Enterprise Architect	2.0	29,394	29,394	29,394
IT Project Manager	6.0	45,571	45,571	45,571
JIS Total	8.0	74,965	74,965	74,965

Total All Funds	62.0	831,904	831,904	831,904
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¹ The Segal Group grouped similar AOC positions into “benchmark” categories. Within these benchmark categories, specific positions may have different job titles.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

The fair, efficient, and effective administration of justice requires great commitment and professionalism by AOC staff. This package will assist in achieving that goal by maintaining high staff morale, improved retention, and more productive recruiting. The work of AOC has a profound effect on the people of Washington and its legal community. AOC has committed to addressing and correcting injustice, and we must start by ensuring that staff are paid fairly and equitably.

Accessibility.

AOC is committed to ensuring accessible participation of the public. Staff provide service with professionalism, commitment to justice and equal access to the courts. This package will aid in AOC sustaining that effort by ensuring retention of our excellent staff and attracting new staff for open positions.

Commitment to Effective Court Management.

Improving the efficiency of court management is closely tied to staff morale, retention of effective staff, and staff recruitment. This request will have a direct effect on these efforts.

Sufficient Staffing and Support.

The AOC provides administrative, legal and business infrastructure for the judicial branch of government in Washington. This includes direct support for the Supreme Court, Court of Appeals, Office of Public Defense, Office of Civil Legal Aid, and the State Law Library, as well as providing the same types of support for courts at all levels statewide. Having sufficient staff with the required skills and professional commitment is essential to these tasks. The 2021 and 2014 salary surveys identified major discrepancies in AOC staff salaries when compared with similar positions in both the public and private sector. That situation has continued with detrimental effects on staff morale, retention, recruiting. This request will directly address this situation.

What is the impact on other state agencies?

It will improve the judicial branch's service to other agencies.

What is the impact to the Capital Budget?

N/A.

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

N/A.

Is the request related to or a result of litigation?

N/A.

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

AOC has no capacity in its existing budget to solve these salary issues, and could not identify any effective alternatives or options apart from the proposed package. There is no more effective means of improving staff morale, retention, and recruiting.

What are the consequences of not funding this request?

While we have a staff deeply committed to our work, we know that staff have left for higher paid positions in other courts, as well as private and other public sector work. If we fail to remedy salary disparity, we will struggle to attract applicants who can bring the high level of professionalism and commitment to justice we require.

Other supporting materials:

2021 Compensation Study by The Segal Group

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Increase Judicial Branch Support

Budget Period: 2022 Supplemental Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests 4.0 FTE and \$449,000 in Fiscal Year 2023 and ongoing costs in order to provide effective and critical support to the Judicial Branch.

During the 2021 Legislative session, new offices and programs were added to the business of the Administrative Office of the Courts and other Judicial Branch agencies, all needing programmatic support including the following: Behavioral Health Team; Equity and Access Team; Family & Youth Justice programs; Family Treatment Courts; Early Childhood Courts; and Eviction Resolution Pilot Programs. These new teams and programs will add staff that require human resources support, policy support, as well as communications support such as announcements to the public regarding program operations, media education and additional outreach to communities that need services.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$449,000	\$421,000	\$421,000
Total Cost	\$0	\$449,000	\$421,000	\$421,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	4.0	4.0	4.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$0	\$295,000	\$295,000	\$295,000
Benefits	\$0	\$102,000	\$102,000	\$102,000
Goods & Services	\$0	\$20,000	\$20,000	\$20,000
Equipment	\$0	\$32,000	\$4,000	\$4,000
Total	\$0	\$449,000	\$421,000	\$421,000

Package Description:

The Administrative Office of the Courts provides critical support to the various agencies of the Judicial Branch, as well as to the various boards, commissions, and associations that support Washington's court system. Historically, AOC has not utilized an indirect overhead rate to finance its back-office functions and has resorted to infrequent

requests for additional staffing after service gaps occur. While the agency is working towards the development of an indirect rate that will provide more regular funding for these critical functions, additional positions are necessary in the interim.

AOC provides various levels of assistance with recruitment, onboarding, payroll, benefits, and other human resources assistance and customer service to not only its own agency, but also to the Supreme Court, Court of Appeals, Law Library, Office of Civil Legal Aid, and Office of Public Defense – a total of 507 employees. In addition, the human resources and finance offices process payroll and benefits for an additional 196 Superior Court Judges, also providing information and customer service in these areas.

Over the past three years, AOC staffing has grown through legislative investment from 238 employees to 275 employees and the expansion of AOC court programs funded effective July 1, 2021 is projected to increase staffing to more than 300 employees during this fiscal year. With the recent growth in staffing and supported initiatives, the 2.0 FTEs for human resources and 1.0 FTE for legislative policy support at AOC is *substantially* smaller than similarly-sized agencies.

AOC is only able to provide 1.0 FTE for legislative policy analysis. It is important that AOC is able to carefully review legislation for potential impacts on the court, as the agency represents the judicial community across all court levels. It is unlikely that the legislature will be able to get comprehensive information on how a bill will impact courts and their operations without feedback from AOC. An additional Court Program Analyst will help fill this gap.

The office of communications provides media relations and outreach operations for the Washington state judiciary, the Administrative Office of the Courts and Supreme Court.

In addition to media relations, the office manages Washington Court's social media channels; design of the Washington Courts website; coordinates civics education programs statewide; produces internal and external outreach publications for the judicial branch and the public; and provides communications outreach and support to all committees, commissions and programs authorized by the Administrative Office of the Courts and affiliated judicial branch agencies.

Current workload of staff greatly expanded prior to the 2021 Legislative session action, due to additional COVID-19 related workgroups, commissions and necessary public outreach. The expansion to include necessary communications support for the new programs and offices cannot be absorbed with current staffing levels. Even with the existing 4.0 FTEs, the communication team is overwhelmed by the efforts required to support the numerous initiatives and teams hosted by AOC.

Current Level of Effort:

AOC currently employs at 2.0 FTEs to provide front-line human resources services and 4.0 FTEs to provide front-line communications and public outreach for all Judicial Branch agencies. Human resources support extends to personnel / payroll services for superior court judges as well.

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

This request is for 1.0 FTE Human Resources Consultant, 1.0 FTE communications officer, 1.0 FTE digital communications officer, and 1.0 FTE Court Program Analyst.

Staff and related costs are detailed below. In addition to personnel costs, standard per-FTE costs are included for goods and services and equipment.

Table I – Position Costs Detail

1.0 FTE Communications Officer						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		66,000	66,000	66,000	66,000	132,000
Benefits		23,000	23,000	23,000	23,000	46,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	102,000	102,000	95,000	95,000	190,000

1.0 FTE Digital Communications Officer						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		78,000	78,000	78,000	78,000	156,000
Benefits		27,000	27,000	27,000	27,000	54,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	118,000	118,000	111,000	111,000	222,000

1.0 FTE Human Resources Consultant						
Object	FY 2022	FY 2023	Total	FY 2024	FY 2025	Total
Salaries		71,000	71,000	71,000	71,000	142,000
Benefits		24,000	24,000	24,000	24,000	48,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	108,000	108,000	101,000	101,000	202,000

1.0 FTE Court Program Analyst						
Object	FY 2022	FY 2023	Total	FY 2024	FY 2025	Total
Salaries		80,292	80,292	80,292	80,292	160,584
Benefits		27,920	27,920	27,920	27,920	55,840
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	121,212	121,212	114,212	114,212	228,424

Total Costs						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries	-	295,292	295,292	295,292	295,292	590,584
Benefits	-	101,920	101,920	101,920	101,920	203,840
Goods & Services	-	20,000	20,000	20,000	20,000	40,000
Travel	-	-	-	-	-	-
Equipment	-	32,000	32,000	4,000	4,000	8,000
Total	-	449,212	449,212	421,212	421,212	842,424

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

AOC provides recruitment, payroll, benefits, onboarding and other customer services for the judges and staff who directly support the mission of the Washington State Courts. Additionally, new communication tools are needed to reach BIPOC¹ communities. Traditional media outreach does not truly reach communities that need courts assistance the most.

Accessibility.

N/A.

Access to Necessary Representation.

With this additional funding, we will be able to effectively support additional teams and programs, and help effectively provide access to representation for traditionally unrepresented groups. The following teams and programs will receive additional support:

- New AOC Behavioral Health Team
- New AOC Equity & Access Team
- New Family & Youth Justice programs, including family treatment courts and early childhood courts

Commitment to Effective Court Management.

Appropriately-sized human resources and communications offices lead to effective court management by meeting standard timelines for personnel support and providing adequate communications support for new statewide-mandated programs.

Sufficient Staffing and Support.

With the event of the recent pandemic, the need for effective human resources and statewide communications for the judicial branch has never been higher.

The COVID-19 pandemic has increased the workload of human resources staff, who have been assisting with the development of related processes (including building access and vaccination verifications) and communications to employees. Employment dynamics are changing, and remote work is increasing; we need to continue to develop processes to respond to these changes. While technology automates many aspects of the recruitment process, there are still impacts that require human efforts and additional staffing is needed in HR as a result.

Current communications staff have also taken on additional job duties related to internal, external and media relations for the judicial branch in Washington State:

- Creation of a statewide courts COVID-19 resource page;
- Virtual court directory;
- Staffing support to a Resuming Jury Trials Workgroup; Court Recovery Task Force; Eviction Resolution pilot program

¹ BIPOC; Black, Indigenous (and) People of Color.

Additionally, our standard book of business has expanded. During the 2021 Legislative session, new offices and programs were added to the business of the Administrative Office of the Courts requiring announcements to the public regarding their operations, media education and additional outreach to communities that need the services.

We need additional staffing to provide human resources support for increasing staff and programs, including diversity/equity/inclusion efforts, management training, developing and implementing an employee feedback system, and continued compliance with state and federal employment laws.

What is the impact on other state agencies?

If funded, these positions will also strengthen ongoing collaborations and support to the following:

- * Office of Civil Legal Aid
- * Court of Appeals
- * Office of Public Defense
- * Supreme Court
 - * Minority & Justice Commission
 - * Gender & Justice Commission
 - * Racial & Justice Consortium

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

One alternative that was briefly explored was an indirect rate to be assessed among all programs in order to “right-size” back-office functions such as human resources and communications. However, such a move would reduce programmatic funding as there was no administrative rate built into those funding models. Before this alternative can be implemented, certain functions need to be adequately funded so that future funding can incorporate an indirect rate so as to avoid impacting programmatic funds.

What are the consequences of not funding this request?

Without additional funding, human resources and communication support to the Judicial Branch will be negatively impacted, forcing the units to delay assistance to agencies and programs beyond a time frame that is normal in a workload prioritization model. Certain programs may experience longer hiring delays and certain programs may not be properly marketed to the public, decreasing exposure of programs designed to reach

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Provide Staff to the District and Municipal Court Judges' Association

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests \$131,000 in Fiscal Year 2023 and ongoing costs to hire a senior court program analyst to assist the District and Municipal Court Judges' Association with policy development and implementation.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$131,000	\$124,000	\$124,000
Total Cost	\$0	\$131,000	\$124,000	\$124,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	1.0	1.0	1.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$0	\$89,000	\$89,000	\$89,000
Benefits	\$0	\$29,000	\$29,000	\$29,000
Goods & Services	\$0	\$5,000	\$5,000	\$5,000
Equipment	\$0	\$8,000	\$1,000	\$1,000
Total	\$0	\$131,000	\$124,000	\$124,000

Package Description:

RCW 3.70.040 requires the District and Municipal Court Judges' Association (DMCJA) to improve the administration of justice in courts of limited jurisdiction and to recommend and support proposals to that end. The Administrative Office of the Courts (AOC) currently provides two full-time staff (one staff coordinator and one administrative support staff) to support DMCJA's 14 committees. This leaves DMCJA understaffed and unable to complete work mandated by statute. A senior court program analyst will assist with the development, implementation, monitoring and evaluation of court programs and court operations, which will enable the DMCJA to meet its policy and statutory goals.

RCW 3.70.040 specifically mandates the following tasks for the DMCJA:

“(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results; (2) Promulgate suggested rules for the administration of the courts of limited jurisdiction not inconsistent with the law or rules of the Supreme Court relating to such courts; (3) Report annually to the Supreme Court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.”

A dedicated policy analyst is needed to work on policy and cost analysis regarding legislation and legislative proposals. Demands during the legislative session (particularly short sessions) have extremely short deadlines, and limited AOC staffing has prevented DMCJA from being effectively able to participate in discussions with the legislature. Fiscal notes, memoranda, and policy papers often require an extremely short turnaround time. It can be difficult for current AOC staff assigned to DMCJA to meet these deadlines. A policy analyst would make DMCJA more effective in crafting persuasive and compelling analysis that accurately represents the views of the courts of limited jurisdiction.

Current Level of Effort:

AOC currently has 2 FTEs assigned to support DMCJA, one court association coordinator and one court program specialist. This request is to add 1 new FTE in order for AOC to further assist DMCJA.

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

This Decision Package seeks \$131,000 in Fiscal Year 2023 and ongoing costs to pay for 1.0 FTE Senior Court Analyst to provide additional staff support to DMCJA. Costs are displayed below. Standard per-FTE costs are included for goods and services and equipment.

1.0 FTE Senior Court Analyst						
Object	FY 2022	FY 2023	Total	FY 2024	FY 2025	Total
Salaries		89,000	89,000	89,000	89,000	178,000
Benefits		29,000	29,000	29,000	29,000	58,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	131,000	131,000	124,000	124,000	248,000

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

Currently, DMCJA does not have an assigned AOC analyst to assist with their work, compared to the Superior Court Judges' Association (SCJA) which has two dedicated AOC senior court program analysts to support the work of SCJA. Given that the day-to-day reality for court users within the SCJA trial courts is much different than the DMCJA trial courts, this unequal distribution increases the risk that many court users will not have a voice as decisions are made within the judicial, legislative, and executive branches.

An AOC senior court program analyst assigned to DMCJA would manage the participation of diverse stakeholder groups in the development, implementation, and evaluation of significant, high-impact changes to judicial programs, court processes, practices, and staffing to improve the efficiency, effectiveness, and integrity of court operations as well as enhance Washingtonians' experiences and outcomes.

Accessibility.

One of the DMCJA's goals is to make the court and its resources more accessible to all members of the public. This analyst will assist DMCJA in examining ways to ensure that court rules, processes, and procedures meet the needs of all litigants in the judicial process.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

The AOC senior court program analyst will study existing court administrative procedures, and help develop and implement new management techniques. This will involve planning, implementing, monitoring, and evaluating court program components that have significant impact on judicial programs.

Sufficient Staffing and Support.

The AOC senior court program analyst will help current AOC staff assigned to DMCJA manage complex and highly technical major projects, design and analyze alternative management techniques, and estimate the statewide impact of implementing proposed changes.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

The only alternative would be the status quo, which places the burden of this policy work on already fully loaded staff. The AOC does not have sufficient staff to fully support DMCJA.

What are the consequences of not funding this request?

If this request is not funded, DMCJA efforts will continue to be understaffed, which would delay the development and implementation of improved court programs and resources. Lack of adequate AOC staffing has slowed DMCJA's ability to innovate and improve the delivery of justice in the courts of limited jurisdiction. Because the district and municipal courts interact with the public more than other court levels, how they deliver justice is vital. Without more assigned AOC staffing, the DMCJA is unable to fully support its committees, and will be less likely to identify potential roadblocks to making the court system, and its resources, more accessible to the public.

Other supporting materials:

None.

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

- No
- Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Support Family and Juvenile Court Improvement

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests ongoing pass-through funding to equitably distribute and cover costs in ten courts currently participating in the Family and Juvenile Court Improvement Program (FJCIP) and to restore pass-through funding for six additional courts to return to the program. AOC also requests funding for staff to oversee the program, as well as funds to conduct an evaluation of the program and perform process and performance monitoring in support of quality improvement.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$1,188,000	\$1,167,000	\$1,167,000
Total Cost	\$0	\$1,188,000	\$1,167,000	\$1,167,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	2.5	2.5	2.5
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$0	\$229,000	\$229,000	\$229,000
Benefits	\$0	\$74,000	\$74,000	\$74,000
Goods & Services	\$0	\$15,000	\$15,000	\$15,000
Equipment	\$0	\$24,000	\$3,000	\$3,000
Grants	\$0	\$846,000	\$846,000	\$846,000
Total	\$0	\$1,188,000	\$1,167,000	\$1,167,000

Package Description:

In 2008, Second Substitute House Bill 2822 established the Family and Juvenile Court Improvement Program (FJCIP) as a result of a partnership between the legislative branch and the judicial branch. The legislature wanted to improve the dependency system consistent with Unified Family Court (UFC) principles. The courts agreed with this methodology and wanted improvements to be focused on local circumstances. The FJCIP was created to fund these reform and improvement efforts. The guiding principles for reform are based on the UFC methodology as well as state and federal

timelines related to processing dependency cases. The primary focus of FJCIP is working with other stakeholders in family and juvenile court operations to support timely, effective resolution of dependency cases and to coordinate dependency court improvement efforts.

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

Funding was reduced to \$598,819 after the first year, due to significant statewide budget cuts resulting from the Great Recession, and the annual FJCIP program budget has remained stagnant for the past 12 years. The funding reduction resulted in elimination or reduction of innovative projects, training, and travel. Due to the increase in costs over time, current funding now only covers 75 percent of the salaries and benefits for the FJCIP coordinator positions. Despite these cuts, there are ten superior courts continuing to participate in the FJCIP program: Chelan, Clallam, Island, Jefferson, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston. This annual investment of less than \$600,000 realizes financial benefits over time and leads to better outcomes for children and families. As shown on the following page, the FJCIP courts are more compliant with the dependency timeliness measures than non-participating courts. Additionally, in response to the pandemic, FJCIP coordinators helped courts and judicial officers troubleshoot challenges, implement new technologies, and keep information flowing across the court community.

Considering the successful initial history of the program, the Administrative Office of the Courts (AOC) requests the following:

- \$336,000 for full and equitable funding for existing FJCIP coordinator positions.
- \$510,000 for funding for six additional courts to return to the program after leaving due to budget cuts.
- \$131,000 for funding for a dedicated program manager to oversee and support the FJCIP. AOC has done its best to manage this program since 2008, but doesn't have the personnel resources to provide proper oversight and support. A program manager will provide consistent training for FJCIP staff regarding stakeholder meeting facilitation, data research and presentation, continuous quality improvement, and also support a peer community of practice. The program manager will also develop a program model that provides some flexibility at the local court level, along with development of a five-year strategic plan to for statewide implementation. This position will also be responsible for producing the annual FJCIP report to the legislature. A part-time administrative secretary (\$63,000) is needed to provide administrative support to the program manager.
- \$148,000 for funding for the Washington State Center for Court Research in the Administrative Office of the Courts for a Sr. Court Research Associate to conduct an ongoing assessment of policies and practices that relate to differences in outcomes and an expansion of outcomes to include well-being indicators, such as school engagement and academic progress, juvenile and criminal court involvement, and intergenerational child welfare involvement. Funding would also be used to conduct an evaluation of the FJCIP program to aid in development of a program model and

assist in providing a roadmap for statewide implementation of best practices for this program in a thoughtful, methodic approach.

Current Level of Effort:

Currently the AOC receives an appropriation of \$598,819 to distribute to counties participating in the FJCIP program. The following table displays Fiscal Year 2020 FJCIP funding distribution (July 1, 2019 – June 30, 2020).

County	Actual Expenditures		Spending Plan
	Cost to Counties	Reimbursed by AOC	Contracts
Chelan	56,629	19,325	19,325
Clallam	38,530	23,415	29,673
Island	32,874	19,989	19,989
Jefferson	14,861	13,256	14,420
King	124,516	93,589	85,175
Kitsap*	88,964	88,964	90,146
Pierce	128,857	112,802	108,160
Snohomish	118,723	100,689	93,946
Spokane	89,548	61,908	56,000
Thurston	81,013	65,063	63,265
Total	774,515	599,000	580,099

* Lower this year due to staff changes.

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

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

A new funding formula is proposed to fairly allocate program funds to cover the costs of FJCIP coordinator positions. The formula groups counties and assigns funds based on the average number of dependency cases filed in 2018, 2019 and 2020.

Large counties receive \$125,000/year

- Over 225 average filings/year
- Counties that qualify: Clark, King*, Pierce*, Snohomish*, Spokane*

Medium counties receive \$95,000/year

- 66-225 average filings/year
- Counties that qualify: Benton, Clallam*, Cowlitz, Grant, Grays Harbor, Kitsap*, Lewis, Mason, Skagit, Thurston*, Walla Walla, Whatcom, Yakima

Small counties receive \$50,000/year

- 15-65 average filings/year
- Counties that qualify: Adams, Chelan*, Douglas, Franklin, Island*, Jefferson*, Kittitas, Klickitat, Okanogan, Pacific, Stevens

* denotes current FJCIP counties

Counties with fewer than 15 dependency cases filed per year would be eligible to share funding in partnership with another county.

Based on this formula, the following amounts are requested for existing FJCIP counties.

County	County Type	Allocation	Average Case Filings 2018-2020
Chelan	Small	50,000	52
Island	Small	50,000	28
Jefferson	Small	50,000	17
Clallam	Medium	95,000	91
Kitsap	Medium	95,000	141
Thurston	Medium	95,000	165
King	Large	125,000	779*
Pierce	Large	125,000	624
Snohomish	Large	125,000	466
Spokane	Large	125,000	587
TOTAL		\$935,000	

**Note: 2019 case filing numbers are not available for King County, so the average was computed using 2018 and 2020 data only.*

Cost would be an increase of \$336,181 over the current appropriation.

	Est. Annual Cost
<p>Increase FJCIP grant amounts according to the formula to fairly allocate funds to cover FJCIP Coordinator salaries and benefits in 10 currently participating counties.</p> <p><i>Funding current FJCIP sites using the funding formula would cost \$935,000, while AOC currently receives \$598,819 to fund the FJCIP program, a difference of \$336,181.</i></p>	\$336,181
<p>Increase FJCIP grant amount to cover the addition of 6 counties.</p> <p><i>Utilizing the funding formula, add six new counties with the following costs:</i></p> <p><i>1 Large - \$125,000</i></p> <p><i>3 Medium - \$285,000</i></p> <p><i>2 Small - \$100,000</i></p>	\$510,000

Costs are included for 1.0 FTE Senior Court Program Analyst, 1.0 FTE Senior Research Associate, and 0.5 FTE Administrative Support. These staff will provide program oversight and training for FJCIP courts, develop the FJCIP model, and provide ongoing assessment of the FJCIP program and child welfare outcomes. Standard per-FTE costs are included for goods and services and equipment. The table below displays detailed costs.

1.0 FTE Senior Court Program Analyst						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		89,000	89,000	89,000	89,000	178,000
Benefits		29,000	29,000	29,000	29,000	58,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	131,000	131,000	124,000	124,000	248,000

1.0 FTE Senior Research Associate						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		103,000	103,000	103,000	103,000	206,000
Benefits		32,000	32,000	32,000	32,000	64,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	148,000	148,000	141,000	141,000	282,000

0.5 FTE Administrative Secretary						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		37,000	37,000	37,000	37,000	74,000
Benefits		13,000	13,000	13,000	13,000	26,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Travel			-			-
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	63,000	63,000	56,000	56,000	112,000

Total Staff Costs						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries	-	229,000	229,000	229,000	229,000	458,000
Benefits	-	74,000	74,000	74,000	74,000	148,000
Goods & Services	-	15,000	15,000	15,000	15,000	30,000
Travel	-	-	-	-	-	-
Equipment	-	24,000	24,000	3,000	3,000	6,000
Total	-	342,000	342,000	321,000	321,000	642,000

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

FJCIP courts collaborate with the Department of Children, Youth, and Families and court partners to identify and address areas in the system where there are inequitable outcomes and disproportionate impacts on BIPOC families.

Accessibility.

FJCIP coordinators work with court staff to assess the needs of families, caregivers and court partners engaged in the dependency and family court systems. Utilizing continuous quality improvement principles, FJCIP Coordinators help develop programs

and processes to improve access to and engagement with the courts for parents, children and caregivers. During the pandemic, FJCIP coordinators helped courts and judicial officers trouble-shoot challenges, implement new technologies and keep information flowing across the court community. As a result, FJCIP courts were well-positioned to ensure that essential court functions continued, while also helping to protect staff and the public in an uncertain and rapidly changing environment.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

The FJCIP coordinators identify areas in need of improvement, training and programs to improve efficiencies. Coordinators monitor filing statistics and refine court calendaring to support more efficient case flow and recommend changes to court forms and recording of information to be more effective. Coordinators serve as a point of communication with court partners for dependency operations. Coordinators also assist with statewide court improvement efforts, including improvements to the dependency database and serving on multidisciplinary committees, such as the BJA Court Recovery Task Force and the Innovative Dependency Court Collaborative.

Sufficient Staffing and Support.

The FJCIP program provides local courts with a dedicated court coordinator to help convene local stakeholders to work on issues in their communities, informed by data, research, and the experience of peer courts across the state. Courts with FJCIP coordinators have demonstrated improved compliance with case timeliness measures required by federal and state law, as compared to courts without FJCIP resources. The coordinators provide key case flow support to judicial leadership by monitoring timeliness indicators and identifying and implementing system improvements such as early case conferences and mediation programs.

What is the impact on other state agencies?

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

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

AOC has done its best to support the FJCIP program since 2008, through many budget challenges. There is no dedicated funding for AOC staff to oversee and support this program.

What are the consequences of not funding this request?

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

Other supporting materials:

[Family and Juvenile Court Improvement Program 2020 Report to the Legislature](#)

[Family and Juvenile Court Improvement Program Highlights from 2020](#)

[Family and Juvenile Court Improvement Program 2018 Report to the Legislature](#)
(provides a comprehensive description of programs for each FJCIP court)

[Dependent Children in Washington State: Case Timeliness and Outcomes 2020 Annual Report](#)

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Facilitate Equitable and Effective Resentencing Under Blake v. Washington

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC), on behalf of the Superior Court Judges Association, requests \$300,000 for a short-term position to facilitate and coordinate the equitable and efficient resentencing of individuals impacted by the recent State of Washington v. Blake decision. This “Scheduling Referee” with accompanying administrative support is necessary to equitably and efficiently manage statewide calendaring of remote resentencing hearings between all superior courts and the Department of Corrections. This is critical to the swift administration of justice.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$63,000	\$251,000	\$0	\$0
Total Cost	\$63,000	\$251,000	\$0	\$0
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	2.0	2.0	0	0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries & Benefits	\$57,000	\$225,000	\$0	\$0
Equipment	\$6,000	\$26,000	\$0	\$0
Total	\$63,000	\$251,000	\$0	\$0

Package Description:

On February 25, 2021, the Washington State Supreme Court entered its decision in [*State of Washington v. Blake*](#), invalidating as unconstitutional the crime of simple possession of a controlled substance under RCW 69.50.4013. The Supreme Court voided the law both prospectively and retroactively, and courts must provide relief to all persons with simple drug possession convictions.

The statute invalidated by *Blake* was enacted in 1971, and while pending charges have been dismissed, the number of persons potentially entitled to relief may exceed

100,000. As of May 31, 2021, 17,400 individuals under the jurisdiction of the Department of Corrections were identified with a simple possession conviction in their current sentence or criminal history and may be entitled to resentencing under *Blake*. Of these, 4,751 individuals are currently detained in a DOC prison facility. The number of persons with historic convictions and those potentially entitled to reimbursement for legal financial obligations paid due to an invalidated conviction is still being determined.

Time is of the essence, and incarcerated persons and those under active community supervision are the highest priority for relief. Resentencing can range from immediate release or release in the near future, to advancing a release date still months or years in the future. Each case must be individually assessed in consultation with the defendant. To address the volume of remediation required by *State v. Blake*, AOC requests funding of a Scheduling Referee to work with a triage team of lawyers and data analysts to manage an agreed framework to prioritize incarcerated individuals eligible for relief and equitably distribute remote hearing resources statewide to expedite resentencing opportunities.

Current Level of Effort:

These are new positions to begin as soon as possible, anticipated for a term of approximately one-year, potentially subject to an extension for a second year.

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

Proposed Staff for Scheduling/Coordinating *Blake* Cases at DOC

	FTE	FY 22 (Apr-Jun)	FY 2023	Total
Scheduling Referee	1.0	\$36,250	\$145,000	\$181,250
Admin Support	1.0	\$20,214	\$80,856	\$101,070
Office/Equipment/Goods and Services		\$6,407	\$25,630	\$32,037
Total	2.0	\$62,871	\$251,486	\$314,357

Scheduling Referee: One temporary full-time Court Program Director to manage statewide coordination and scheduling of remote in-custody *Blake* resentencing hearings.

- In coordination with the Department of Corrections (DOC), develop and manage a master calendar for remote release/resentencing hearings at twelve DOC facilities
- Coordinate with triage attorneys to schedule remote hearings between DOC and local counties according to agreed prioritization structure
- Maintain case management reports documenting metrics specific to hearings and outcomes
- Participate in the development of templates, forms, and resources relevant to processing *Blake* claims

- Revise scheduling process as needed and in consultation with partner entities
- Supervise support staff to assist with data collection, analysis, and documentation

Administrative Support/Scheduling Clerk: One temporary full-time Administrative Assistant to provide administrative support to the Scheduling Referee.

- Under the direction of the Scheduling Referee, facilitate requests from courts for remote resentencing hearings at DOC facilities
- Maintain records and data reporting
- Provide additional support services as needed

Office/Equipment funding includes computers and software necessary to manage large databases; manage and calendar large numbers of cases across all DOC facilities and Washington counties; communication with DOC, courts, triage attorneys, and system stakeholders; prepare and submit reports as required.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

It is *imperative* that the thousands of individuals currently under sentence for a conviction invalidated by *Blake* be prioritized for relief. This requires that statewide responses be coordinated so that relief is not simply provided on a first-come, first-served basis. Many persons under sentence have language, cognitive, or access barriers that prevent them from initiating their own petitions for relief. Accordingly, superior courts and DOC have worked closely together to identify all persons in DOC confinement who have an invalidated conviction in their record and to identify those persons by county of commitment and anticipated release date. This allows counties to triage those individuals potentially entitled to immediate relief or relief in the near future. While all DOC facilities can conduct remote sentencing hearings, the number is limited in each facility on a daily basis. By working closely with DOC and county triage attorneys, the Scheduling Referee can efficiently schedule hearings across DOC and the state based on priority guidelines agreed to by criminal justice system stakeholders. In this way, persons who can most benefit from this relief can be addressed first, regardless of whether they reside in a populace county with many resources to assist them or a rural county that is unable to offer the same level of support.

Accessibility.

A central Scheduling Referee that monitors and prioritizes all *Blake* cases at DOC facilities and works closely with county triage attorneys will ensure that those inmates eligible for immediate relief and those with disabilities, language barriers, or lack of access will have the timely and equitable relief to which they are entitled.

Access to Necessary Representation.

Each county will identify attorneys to triage their cases based on agreed guidelines, who will work closely with the Scheduling Referee to schedule resentencing hearings according to priority guidelines. Counties without internal counsel to perform this function will be served by the Office of Public Defense (OPD) Triage Attorney team (OPD is requesting additional funds for this as well). The Scheduling Referee will continue to work with other justice system partners to streamline all aspects of the remote hearing process, including representation by counsel at the county level and the ability of attorneys and defendants to conduct confidential communications.

Commitment to Effective Court Management.

A central Scheduling Referee will efficiently and equitably manage the *Blake* caseload at DOC facilities, helping to ensure that individuals whose sentences are shortened by *Blake* are prioritized so they receive timely relief according to their recalculated sentence length. If a person entitled to release does not have a resentencing hearing until the new release date has passed, that person is denied justice. A coordinated process promotes the efficient engagement of DOC facilities and supports superior courts with information to equitably process local caseloads subject to relief.

Sufficient Staffing and Support.

The Scheduling Referee provides a resource available to all superior courts, and assumes much of the case management burden experienced by individual courts due to the volume of *Blake* resentencing hearings. Individual courts will continue to schedule resentencing hearings that cannot be conducted remotely and will require transporting the defendant to the county of origin. This is expected to be a small number of cases.

What is the impact on other state agencies?

AOC has the support of the DOC, County Clerks, Office of Public Defenders, Washington Defender Association, Washington Association of Prosecuting Attorneys, and other criminal justice system stakeholders to hire a Scheduling Referee. Triage attorneys will collect and analyze background information to prioritize need. The Scheduling Referee will minimize the number of interactions DOC facility staff and county representatives must have with local courts to arrange for remote hearings.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

Yes. *State v. Blake*, 197 Wash.2d 170, 481 P.3d 521 (2021)

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

At the very end of the 2021 Legislative session, the Legislature appropriated \$44.5 million to the Administrative Office of the Courts “to assist counties with costs of resentencing and vacating the sentences of defendants whose convictions or sentences are affected by the *State v. Blake* decision.” Session Law 5092-S.SL. Sec. 114 (5). Criminal justice partners had been meeting since March to discuss a coordinated

approach to tackle the monumental task resulting from the *Blake* decision. All system partners, including DOC, Washington Association of Prosecuting Attorneys (WAPA), Office of Public Defense (OPD), Washington Defender Association (WDA), Washington State Association of County Clerks (WSACC), and Superior Court Judges' Association (SCJA), agreed a centralized Scheduling Referee and specific metrics identified to prioritize resentencing hearings was the best way to expeditiously and equitably conduct resentencing hearings statewide across DOC's twelve prison facilities. There was no agreement, however, that any of the \$44.5 million may be used for a centralized function. All stakeholders continue to agree the proposed centralized Scheduling Referee is a viable and effective structure if associated costs can be funded outside of the \$44.5 million appropriated in 2021.

What are the consequences of not funding this request?

If the Scheduling Referee and support staff are not funded, each of the thirty-nine counties across the state will need to individually schedule remote sentencing hearings with DOC's twelve institutions. Approximately 1,000 *Blake*-related cases have been processed since March 1, but many of the cases that have been resolved were agreed orders that did not require hearings. Not all hearings that have been held have resulted in releases or resentencing as some were merely preliminary to determine if an inmate is eligible for *Blake* relief. **As of May 31, 2021, 4,751 *Blake*-affected persons remain in DOC custody, a number that may take several years to process.** As the numbers decrease, however, case complexity increases. A first-come, first-served system does not identify inmates who may be more deserving than those already processed, but have language barriers, intellectual challenges, or lack of where-with-all to initiate their own petitions. Triage attorneys, working with DOC data unique to each county, can identify and prioritize these cases. Based on agreed priority guidelines, the Scheduling Referee can equitably schedule remote hearings for all counties. Consequently, an inmate from a rural county whose relief is more immediate than a person from a large county with more resources can receive relief sooner rather than later. Unquestionably, counties will continue to address all persons entitled to relief whether institutionalized, under community supervision, or no longer involved in the criminal justice system, and costs associated with this work should be reimbursed with the monies appropriated in the 2021 Legislative session. The triage structure centralized through a Scheduling Referee will prioritize those persons most deserving of timely relief.

Other supporting materials:

See proposal description, priority resentencing tiers, and resentencing guidelines, attached.

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

- No
- Yes

Washington State Judicial Branch 2022 Supplemental Budget Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Recruit AmeriCorps Members to Assist Local Programs

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts, on behalf of the Washington Association of Child Advocate Programs, requests pass-through funding for 20 AmeriCorps members to assist local child advocate programs with the recruitment of additional volunteers in their communities. These efforts would focus on expanding not only the number of volunteers, but also the diversity of the groups to better reflect the communities they serve.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$266,000	\$266,000	\$1.53 M
Total Cost	\$0	\$266,000	\$266,000	\$266,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	1.0	1.0	1.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Personnel Costs	\$0	\$186,000	\$186,000	\$186,000
Training and materials	\$0	\$80,000	\$80,000	\$80,000
Total	\$0	\$266,000	\$266,000	\$266,000

Package Description:

The Administrative Office of the Courts (AOC) seeks pass-through funding to the Washington Association of Child Advocate Programs (WACAP) for 20 AmeriCorps members statewide to assist local child advocate Guardian Ad Litem (GAL) programs in volunteer recruitment, screening, and on-boarding. AmeriCorps members will be housed in local programs throughout Washington with the full-time program coordinator providing project coordination and oversight at WACAP.

These AmeriCorps members will assist these 20 local programs in community-based recruitment activities, including attending community events such as county fairs, community days and other celebrations, scheduling speaking engagements to promote child advocates and the need for volunteers, develop and distribute recruitment

materials such as videos, brochures and signage, assist with local social media messaging and assist volunteers in getting prepared to take the next core training, including assisting with fingerprinting and registering them for the next statewide training.

The project coordinator at WACAP will assist local programs with finding appropriate members, coordinate regional and functional member teams and administer the federal AmeriCorps grant. The project coordinator will also be responsible for developing and administering a two-day AmeriCorps member orientation where the members will be introduced to their role and each other. Finally, each local program awarded an AmeriCorp member will also receive \$1500 to use towards the production of advocate recruitment materials.

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

Currently, local programs receive approximately \$3 million total in state funding, which comprises approximately 23 percent of the programs' organizational expenditures. The balance is mainly supported by local county funding (70 percent) and local fundraising efforts (2 percent.) There has not been an increase in state funding for local programs since 2007 when the initial \$4 million budget was established, but which has been subsequently cut by 25 percent over the last decade. Additional funding of \$310,000 per year to support statewide training, recruitment and technical assistance for local programs was completely eliminated and never restored.

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

Each AmeriCorps member costs approximately \$20,000 per year; our request is for 20 members. The majority of this stipend will be covered by a federally-sourced Americorps grant; however, there is a 24 percent match requirement. It is these funds ($\$20,000 \times 20 = \$400,000 \times .24 = \$96,000$) plus a position to coordinate the effort (\$105,000 including benefits and standard FTE costs) that make up the bulk of this request. We are also requesting funds to train and on-board the members (\$20,000), travel reimbursement (\$15,000) and \$1,500 recruitment budget per site (\$30,000.) The total budget request is for \$266,000.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

Our experience in recruiting volunteers tells us that recruiters are more successful in recruiting volunteers that share a common experience or identity. Our desire and hope is to recruit a diverse group of AmeriCorps members that will enable us to recruit a more diverse pool of potential advocates who more closely resemble the children and families we serve.

It's no secret that historically, our advocates are predominately white, straight, retired women. However, one of the things we quickly began to notice as we were doing our

on-line trainings over the past year was the increasing diversity of the volunteers. When we asked the participants, they told us it was because now that the training was online, it was much easier to fit it in their schedule and they could take the training from the comfort of their home.

We believe that having recruiters that look like the people we're trying to recruit as child advocates coupled with the accessibility of our on-line training will result in a substantially more diverse volunteer pool.

Accessibility.

See discussion above.

Access to Necessary Representation.

State and Federal law require that abused and neglected children have someone to represent their best interests in court when they are subjects of a dependency proceeding:

RCW 13.34.100(1)

The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary.

42 U.S.C. § 5106a(b)(2)(A)(xiii)

...provisions and procedures requiring that in every case involving a victim of child abuse or neglect which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, including training in early childhood, child, and adolescent development, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed to represent the child in such proceedings.

There are approximately 8,500 children with open an active dependency in Washington State. Currently, 45 percent of the children have a volunteer advocate assigned; 25 percent are assigned to staff GALs, 25 percent to attorneys, and 5 percent waiting for an advocate. Staff caseloads range from anywhere from 40-70 children per FTE, and sometimes in excess of 100 children per FTE. Adding additional staff was eliminated as an option due to the associated cost of personnel. The only way we can expand the number of children served is with more volunteers.

Commitment to Effective Court Management.

Our volunteer advocates each represent 2-3 children and contribute at least 5-10 hours per month per child. Even at the lower end of this equation, the efficiency of the program effectively doubles the hours of advocacy one paid staff guardian ad litem can provide. Combine this with the volunteer's focus on one child/sibling group at a time, and the child advocacy program is unsurpassed in both efficiency and effectiveness. As the number of available volunteers advocates increase, staff caseloads decrease. The results in better overall best interest advocacy for those served by both volunteers and staff.

Sufficient Staffing and Support.

With limited budgets from both the state and county, our local child advocate programs have been forced to prioritize case and volunteer management over volunteer recruitment, especially during the pandemic. This proposal seek to “inject” a new recruitment class of volunteers to revitalize child advocacy in Washington State.

What is the impact on other state agencies?

Enhanced opportunity for partnerships and co-recruitment endeavors with other organizations seeking “volunteers” in child welfare – e.g., foster parents, child serving and placing agencies like Treehouse and Amara.

What is the impact to the Capital Budget?

N/A

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

N/A

Is the request related to or a result of litigation?

N/A

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

Over the years, we’ve experimented with various types of strategies. Most recently and prior to the pandemic, WACAP brought in a consultant for one of our Program Development Meetings to assist programs in developing a volunteer recruitment strategy for their local program. While programs reported learning a great deal from the meeting, subsequent follow up and data collection revealed not much had changed. When asked, most reported that the information was beneficial, but they simply did not have the time necessary to do the actual recruiting with the demands of high caseloads and volunteer management.

What are the consequences of not funding this request?

Fewer available volunteers means that staff take on higher and higher caseloads or more children are placed on a waitlist.

Other supporting materials:

N/A.

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

- No
- Yes

Washington State Judicial Branch 2022 Supplemental Budget Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Provide Consistent Legal Representation to Children

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts, on behalf of the Washington Association of Child Advocate Programs (WACAP), requests pass-through funding for ten regional program attorneys administered by WACAP for the 35 volunteer Title 13 guardian ad litem programs (GAL) in Washington State. With this funding, WACAP would receive eight regional attorneys, one Tribal/ICWA specialist attorney, and one supervising attorney.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$ 0	\$1,484,000	\$1,484,000	\$1,484,000
Total Cost	\$0	\$1,484,000	\$1,484,000	\$1,484,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Regional Program Attorneys	\$0	\$1,260,000	\$1,260,000	\$1,260,000
Coordinating Attorney	\$0	\$140,000	\$140,000	\$140,000
Training, travel, goods & services	\$0	\$84,000	\$84,000	\$84,000
Total	\$0	\$1,484,000	\$1,484,000	\$1,484,000

Package Description:

Access to legal resources and the best interest’s standard consultation for most volunteer guardian ad litem programs (GAL) across the state is minimal. Only the three largest programs (King, Pierce and Snohomish) have attorneys on staff for dependency matters; the remaining programs report that they struggle to find appropriate and consistent legal representation and consultation.

This portion of our proposal seeks to balance the equation of legal representation in

dependency matters as it currently stands. While the state legislature recognized the need for client-directed, stated-interests legal representation for children 8 and above during the past legislative session, there is additional considerations that must be made for children 8 and younger who may not be able to direct their own counsel and thus need enhanced best interests arguments to be more properly considered by the court.

The Washington Association of Child Advocate Programs (WACAP), the support organization for all of our state's 35 volunteer GAL programs, requests funding for ten full-time attorney contracts to provide legal representation and consultation for our network of 35 volunteer guardian ad litem programs statewide. The attorneys will be selected in consultation with local GAL program managers and based in the geographic region of the GAL programs they support. This proposal also includes one attorney that specializes in tribal/ICWA related cases to provide consultation for five tribal GAL programs as well as consultation to all GAL programs regarding Native American children dependency cases and as our entire dependency system navigates and fully embraces the "reason to know" standard as outlined in "In re ZJG" for Native American children and families.

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

Eight of these attorneys will be out in the field; one will oversee the project and attorneys through the WACAP office in addition to coordinating appellate responses in dependency and termination cases; and one will work with our five tribal programs as well as providing additional support for Native children involved in state court. Attorney contracts will be administered by WACAP and overseen by an attorney on staff who will coordinate the project, administer the contracts and ensure that attorneys are adequately trained, knowledgeable in performing the functions requested by the programs and understand their role. The WACAP staff attorney will also be responsible for providing consultation to programs on meeting requirements of any new state legislation as it occurs. Attorneys under contract will be required to participate in quarterly meetings and trainings provided by WACAP. The total cost is projected to be \$1.5 million/year for under this proposal using comparable rates to the Office of Public Defense parents' attorneys (\$140,000/year.)

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

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

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

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

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

Currently minimal expenditures. As mentioned previously, only our state’s 3 largest programs (King, Pierce and Snohomish) have consistent access to an attorney for their program and volunteers.

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

Salary/contract rates for full time FTE contracts was based on OPD’s compensation rate of \$140,000 per full-time attorney contract. Eight regional program attorneys were selected based on number of dependent children in the region, along with geographic considerations (i.e., it’s probably not feasible to have one attorney representing all of central Washington.)

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

Currently, all parties in dependencies have access to legal counsel either directly (parents), indirectly (the State, through the AGs office) or will eventually (youth 8 and above) except children under 8. Children under 8 at the time of filing represented 64% of new cases in 2020. This lack of access to counsel for best interests positions is

inherently and structurally unfair for younger children. As a result, there are many *best interest* arguments and positions on behalf of children that could be brought before the court if local programs had better access to attorneys for our advocates and children and allow the court to make more fair and effective best interests of the child rulings.

In addition, the eight proposed regional program attorneys and ICWA/tribal attorney will provide legal interests “issue spotting” for cases before the court and when necessary and in the child’s best interest including motioning the court for independent council to be assigned to the child.

Accessibility.

As part of this proposal, AOC is also asking for an ICWA/tribal attorney as well. Washington currently has five tribal volunteer guardian ad litem programs (Quileute, Spokane, Yakama, Kalispel, and Port Gamble S’Klallam)—by far the most of any state in the country. The proposed ICWA specialist attorney will provide the same type of support for Tribal CASA programs in Tribal Court as the regional program attorneys provide in state court.

Additionally, this will position advocates, particularly those who have been through the “ICWA institute” to be able to provide stronger and legally effective advocacy for the Native American children they serve through the effective use of counsel. The ICWA/tribal attorney will be able to take stronger positions on ensuring that active efforts are being employed by the state when working with Native American children and families as well as ensuring that the court will know when there is “reason to know” a child is native American and holding the system accountable.

Access to Necessary Representation.

“When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and safety of the child should prevail.” - RCW 13.34.202

This package provides critical and necessary representation to children so that the rights and safety of these children have a voice for which to advocate. The legislature has already taken steps to fund these efforts, and this package will continue efforts that have yielded successful outcomes in King, Snohomish, and Pierce counties.

Commitment to Effective Court Management.

GAL programs and their volunteers essentially appear before the court as pro se litigants in all but three counties in Washington. While our advocates and program staff in their capacity as a GAL can technically file motions and cross examine witnesses (even in situations such as a termination of parental rights trial), having access to legal counsel to assist with and perform these duties on behalf of the program will allow for a more proper way for the court to consider best interests determinations.

Sufficient Staffing and Support.

All but six of our GAL programs are court-based programs, and all serve at the local court’s discretion. Having access to an attorney to support their local program has been one of our program’s top priority for years.

This regional model is also a very efficient use of limited state resources. Programs indicate that not every case or child needs an attorney to appear with them at every single hearing. But when issues become critical and contested, sometimes the best interests of the child gets lost because of the inability of the child to effectively and substantially participate in the proceedings.

What is the impact on other state agencies?

Programs having access to their own attorney will reduce reliance on other parties to perform legal best interest actions that should be done by the local program.

What is the impact to the Capital Budget?

None.

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

None.

Is the request related to or a result of litigation?

None specifically.

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

In counties without attorney access for their program, a variety of ad hoc solutions are employed: finding another party (either the parents, AAG, tribe, or the child's attorney) sympathetic to the GAL's concern to file the appropriate motion; using county attorneys with little to no experience with dependency matters and pro bono support from a board or advisory board member, posting the question/request on our program listserv or simply acting as pro se litigants. This proposal seeks to enhance all dependency GAL programs access to legal support by providing regional program attorneys who are compensated sufficiently to provide full-time GAL support to the counties they will serve. Current local county-employed attorneys will not be impacted by this proposal, but will be encouraged to attend the trainings and staffing's provided by the WACAP office for the regional program attorneys.

What are the consequences of not funding this request?

Children under 8 will continue to have to wait for years before their best interests are properly presented to the court.

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

- No
- Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts
Decision Package Title: Restore Revenue Lost During Pandemic
Budget Period: 2022 Supplemental Budget
Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests \$9.6M in General Fund-State funding on a one-time basis to backfill substantial revenue losses experienced during the COVID-19 pandemic. The Judicial Information System Account has experienced a \$6.4M loss to-date with a projected \$9.6M loss through February 2022.

Summary:

Operating Revenue	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$9,600,000	\$0	\$0	\$0
Total	\$9,600,000	\$0	\$0	\$0
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Inter-Fund Transfer	\$0	\$0	\$0	\$0
Total	\$9,600,000	\$0	\$0	\$0

Package Description:

The Administrative Office of the Courts (AOC) administers the Judicial Information System Account (JIS) as established by [RCW 2.68.020](#). Funds in the account may be used to provide all necessary software and hardware for case management and other automated systems to Washington’s courts. Funds may also be used to provide judicial information system access to non-court users.

Revenue is generated by fees, fines, penalties and assessments as authorized in [RCW 2.68.030](#) and [2.68.040](#).

Between March 1, 2020 and July 1, 2021, the issuance and collection of these fines and fees dropped precipitously, dropping JIS account revenues to \$6.3M or 23 percent less than the amounts collected in the same period before the COVID-19 pandemic. See computation below.

Without a backfill of these funds, AOC will be faced with severe cutbacks to critical IT staff, possible cessation of the case management system for Courts of Limited Jurisdiction, and lack any funds for necessary equipment replacement for the judicial branch.

There is a long-term structural revenue issue in the JIS Account related to the trending decline in the issuance of infraction fines, fees, penalties, and assessments. This request relates solely to the short-term issue of the sharp decline caused by the pandemic. The long-term issue will be addressed in a future biennial budget request.

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

The JIS account 2021-2023 biennial appropriation is approximately \$60M. These funds support the development, implementation and maintenance of dozens of systems used by Washington’s Courts. Additionally, funds are used to support local courts and clerk’s offices and offset the cost of technology associated with court information systems.

Without adequate and stable funding, courts will develop and implement disparate court case management systems that may or may not effectively share data and increase costs across the state. Those courts in smaller jurisdictions will suffer as their systems and equipment reach end-of-life and capacity to replace them is severely limited or nonexistent. Further, access to justice across city and county lines will be impacted due to the disparate systems thereby creating a collection of “have” and “have not” courts.

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

	Pre-Pandemic	Pandemic - Year 1		
Calendar Month	Mar 2019-Feb 2020	Mar 2020-Feb 2021	Difference	Pct Diff
March	\$ 1,536,760	\$ 1,405,121	\$ 131,639	9%
April	\$ 1,823,209	\$ 1,530,454	\$ 292,755	16%
May	\$ 1,770,041	\$ 1,044,200	\$ 725,841	41%
June	\$ 1,682,952	\$ 857,359	\$ 825,593	49%
July	\$ 1,709,217	\$ 1,307,394	\$ 401,823	24%
August	\$ 1,872,294	\$ 1,276,000	\$ 596,294	32%
September	\$ 1,764,977	\$ 1,227,787	\$ 537,190	30%
October	\$ 1,798,026	\$ 1,341,803	\$ 456,223	25%
November	\$ 1,690,029	\$ 1,245,071	\$ 444,958	26%
December	\$ 1,414,480	\$ 1,107,452	\$ 307,028	22%
January	\$ 1,662,960	\$ 1,365,229	\$ 297,731	18%
February	\$ 1,383,849	\$ 1,179,721	\$ 204,128	15%
Total / Avg Pct			\$ 5,221,205	26%
	Pre-Pandemic	Pandemic - Year 2		
Calendar Month	Mar 2019-Feb 2020	Mar 2021-Jun 2021	Difference	Pct Diff
March	\$ 1,536,760	\$ 1,018,439	\$ 518,321	34%
April	\$ 1,823,209	\$ 1,558,888	\$ 264,321	14%
May	\$ 1,770,041	\$ 1,544,540	\$ 225,501	13%

June	\$	1,682,952	\$	1,592,731	\$	90,221	5%
July	\$	1,709,217	\$	1,307,394	\$	401,823	24%
August	\$	1,872,294	\$	1,276,000	\$	596,294	32%
September	\$	1,764,977	\$	1,227,787	\$	537,190	30%
October	\$	1,798,026	\$	1,341,803	\$	456,223	25%
November	\$	1,690,029	\$	1,245,071	\$	444,958	26%
December	\$	1,414,480	\$	1,107,452	\$	307,028	22%
January	\$	1,662,960	\$	1,365,229	\$	297,731	18%
February	\$	1,383,849	\$	1,179,721	\$	204,128	15%
Total / Avg Pct					\$	4,343,740	22%
<i>*Italicized figures based on projection</i>							

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

The administration of and access to justice will be adversely affected if lost revenue is not recouped. As costs continue to increase current and future revenue will be consumed by ongoing operational costs thereby eroding AOC's ability to maintain, enhance and replace aging court case management systems. Data may be lost or may be nonexistent, the ability of court users, such as pro bono users, to access systems will degrade and data sharing among and between organizations will become unduly expensive or cease as systems reach end-of-life and jurisdictions do not have the resources to replace the legacy systems.

Accessibility.

Over the last 30 years, the definition of "access to justice" has increasingly included access to information technology systems that support the administration of justice. Today, the justice system cannot function without the support of these systems. Without this funding, the justice system will experience considerable delays due to the failure of systems without the necessary support to maintain them.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

An effectively managed court includes its information technology systems. Without properly functioning systems, the court system will begin to function less efficiently as systems break down without support, locally-developed systems are implemented without statewide considerations, and staff that support these processes are laid off. The backfill of these lost funds will preserve the functioning of critical systems and retain essential staff to effectively manage the court system statewide.

Sufficient Staffing and Support.

These funds are critical to maintaining the necessary IT staff within AOC that maintain, develop, and administer systems across the judicial branch.

What is the impact on other state agencies?

As individual local, and possibly proprietary, systems are implemented agencies such as the Departments of Corrections, Children, Youth and Families, Social and Health Services, Licensing and the Washington State Patrol will incur greater costs and receive inconsistent data from the various jurisdictions.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

As increase in user fees is an unacceptable alternative. Increased costs will further increase legal financial obligations (LFOs) which disproportionately impact people of color and those that are, and have been, struggling financially. The short-term solution is to use federal funding to replenish lost funding.

What are the consequences of not funding this request?

The adverse consequences reach far and wide. All Washingtonians expect and deserve a judiciary that provides timely access to justice for all. Without proper and well-functioning judicial information systems vital data may be incorrect or nonexistent, electronic access to courts would be the realm of those individuals with adequate financial resources, only those cities and/or counties that can afford judicial information systems would have them and those with inadequate resources would be forced to use outdated systems or forgo systems altogether.

As individual local, and possibly proprietary, systems are implemented agencies such as the Departments of Corrections, Children, Youth and Families, Social and Health Services, Licensing and the Washington State Patrol will incur greater costs and receive inconsistent data from the various jurisdictions. Also data sharing between courts will be adversely impacted. Protection orders issued in one county or city may be unavailable to others, consolidation of and elimination of LFOs across jurisdictions would become more difficult.

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

No

Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Increase Access to Justice with E-Filing

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts, in collaboration with District and Municipal Courts, requests \$2.8M per year to provide electronic filing (eFiling) in district and municipal courts as part of the new Courts of Limited Jurisdiction Case Management System (CLJ-CMS). This funding will facilitate widespread adoption of this new technology, leading to more consistent and barrier-free access to safe and efficient remote services for victims and others persons seeking justice in the courts.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$2,800,000	\$2,800,000	\$2,800,000
Total Cost	\$0	\$2,800,000	\$2,800,000	\$2,800,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	0.0	0.0	0.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Contracts	\$0	\$2,800,000	\$2,800,000	\$2,800,000
Total	\$0	\$2,800,000	\$2,800,000	\$2,800,000

Package Description:

Sometimes referred to as the “People’s Courts,” District and Municipal Courts are by far the state’s highest volume courts. Filings in District and Municipal Courts average about 1,500,000 per year. These cases include Petitions for Domestic Violence Protection Orders, criminal matters such as DUI and Domestic Violence assaults, traffic infractions, small claims cases, and civil lawsuits.

Most Washington district and municipal courts still rely on a largely paper-based process. Documents must be hand-delivered during standard court business hours and then manually processed by court personnel. This is inconvenient and expensive for the public and inefficient for the courts.

eFiling can ease these burdens substantially. eFiling requires nothing to be printed, physically stored, or transported to the courthouse. Electronic documents can be

prepared and filed remotely from anywhere and at any time, making justice more accessible particularly for victims and working people.

eFiling is a critical component of a modern court system. It provides better service to the public, greater efficiency in our courts, and supports the ability to continue conducting essential court business remotely during emergencies such as a pandemic.

Although funding has been appropriated for the new case management system and the first statewide integrated probation management system, no funding has yet been appropriated to support eFiling.

The Judicial Information System Committee (RCW 2.68) selected the nation's premier vendor, Tyler Technologies, to provide the new case management system and probation system, and an eFiling solution that is fully integrated with the new case management system. This unique integration provides a user-friendly web-based service for the public and automated processing functions that improve operational efficiencies for the courts. The service also provides the ability for parties to electronically serve documents, providing additional convenience and reducing the cost of litigation.

The cost to provide eFiling, electronic service, customer support and maintenance of the secure service the CLJ-CMS project courts is \$2.8M per year.

Providing the ability to easily and without added cost file documents electronically will save transportation, parking and courier costs for litigants, free up space in courthouses and warehouses, and free up time for court personnel to process cases more efficiently. It will also encourage the widespread adoption of eFiling among courts of limited jurisdiction which will provide more consistent access to justice for victims and other litigants while promoting a more effective court system.

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

This is a new system – there is no current level of effort around e-filing.

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

The estimated costs are based on a quote provided by the system vendor to implement e-filing statewide.

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

The fair and effective administration of justice begins with efficient and accessible filing methods that are easy to use for all parties. Electronic filing does just that. Utilizing eFiling, parties do not have to find means of travel to courthouses or print centers. They can file simply and easily from any computer, reducing their carbon footprint and making

the administration of justice more effective. This funding will help ensure that eFiling is available to all filers in these courts without financial barriers.

Accessibility.

Electronic filing is an essential component of accessibility. It levels the playing field for those without means of transportation to courthouses and print centers. It makes justice accessible to all, and the system is accessible on any web-based device. By providing the service to all, the state will remove an unnecessary roadblock to filing for individuals that may not meet the technical definition of indigent, but who otherwise cannot afford the filing fees that accompany typical cases. Additionally, by removing this roadblock, we can encourage the widespread adoption of eFiling in the courts.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

Electronic filing is a model of effective court management. It frees up clerks and court staff from having to scan large stacks of paper; it frees up space to store all that paper; it makes notification of all parties in a case easier. By using the integrated eFiling solution adopted by the JISC, courts will benefit from enhanced automated functions that reduce manual work and data entry errors.

Sufficient Staffing and Support.

N/A.

What is the impact on other state agencies?

N/A.

What is the impact to the Capital Budget?

N/A.

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

N/A.

Is the request related to or a result of litigation?

N/A.

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

One alternative would be to pay for the service by charging system users for the service. Users would pay a fee of approximately \$5 fee each time they file. Exceptions could be granted for persons who are indigent, but this would require the person to complete a waiver request and the court to make a determination of indigency. This process may present a barrier to people seeking to access the justice system and discourage widespread adoption of eFiling by the public or the courts.

What are the consequences of not funding this request?

By not funding this request, the costs of electronic filing will be passed on to non-governmental entities in cases before district and municipal courts. Individuals that file or are responding to small claims filings will see an increase in fees. Individuals that want to contest their parking ticket or traffic violation will see an increase in fees. Many courts may not adopt e-filing as a rule in order to prevent these fees, and will leave the paper-based filing systems in place, requiring Washingtonians to continue to expend their time and resources in order to transport documents to a court.

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

- No
- Yes

**Washington State Judicial Branch
2022 Supplemental Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Implement Data Quality Program

Budget Period: 2022 Supplemental Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests funding to provide on-going support for a Data Quality Program. The recent transition from a centralized Judicial Information System (JIS) to diverging case management systems implemented by certain courts has increased the volume of data anomalies and complexity of ensuring accurate and timely court data for statewide reporting, statistical analysis, and decision making. Additional funding and staffing is needed to adequately manage the existing and emerging backlog of data quality issues to improve data quality for the Washington State court system.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
001-1	\$0	\$830,000	\$788,000	\$788,000
Total Cost	\$0	\$830,000	\$788,000	\$788,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0.0	6.0	6.0	6.0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$0	\$569,000	\$569,000	\$569,000
Benefits	\$0	\$183,000	\$183,000	\$183,000
Goods and Services	\$0	\$30,000	\$30,000	\$30,000
Equipment	\$0	\$48,000	\$6,000	\$6,000
Total	\$0	\$830,000	\$788,000	\$788,000

Package Description:

The current court data environment is increasing in complexity as more court case management systems emerge across Washington’s non-unified court system. Preserving a statewide view of accurate court data is a critical function that impacts the courts and other government agencies who are reliant on the data for judicial decision making, criminal investigations, backgrounds checks, sentencing, and reporting. Without an overall data strategy, governance, and consistently accurate data used for

the activities described above, decision making, reporting, services, and public safety will be at risk.

Between 2012 and 2021, the Administrative Office of the Courts (AOC) identified more than 872 data quality issues. These issues have multiple causes including past conversions, technical bugs, process errors, and data entry errors. It is not always easy to identify the root cause when first noticed, and some issues have multiple root causes. Each individual data quality issue may impact millions of records and hundreds of courts, multiple systems, and some pose greater impact and risk than others. AOC developed a process in an attempt to identify and fix the highest risk issues in partnership with the over 500 courts statewide. Since 2012, only 216 (25 percent) of those issues have been resolved. However, more work on data quality issues needs to be done not only to resolve the backlog but also to proactively monitor the new state and complexity of the court data systems.

To fully implement the Data Quality Program for AOC, dedicated full time staff are needed. In addition to the existing Data Quality Coordinator, we are requesting funds to hire 6 FTE positions dedicated specifically to resolving data quality issues as well as fully establishing a proactive statistically based approach to monitoring data quality between related systems to mitigate risk going forward. These positions consist of:

1. A dedicated Senior Integrator focused on data quality analysis supporting the operations and management of the Data Quality Program framework for all data stored in the AOC's case management systems, the enterprise data repository (EDR), and data warehouse for accuracy.
2. A dedicated Technical Integrator focused on data-centric solutions to support data quality processes to support the operations and management of the Data Quality Program.
3. A dedicated Business Analyst focused on court business data for the Superior and Juvenile Courts
4. A dedicated Business Analyst focused on court business data for the courts of limited jurisdiction and Appellate Courts
5. A Senior Court Program Analyst focused on developing and supporting a data governance framework.
6. An Enterprise Data and Information Architect focused on modernizing AOC's data architecture, creating an enterprise data strategy, and participating in the development and support of data governance.

Current Level of Effort:

Currently, only a Data Quality Coordinator FTE, Range 68, has been funded. The Data Quality Coordinator is responsible for creating and managing a data quality framework for the agency. The Data Quality Coordinator, in cooperation with the Court Business Office and Information Service Architects, created a set of processes for executing data quality activities. However, due to lack of dedicated resources, resolving data quality issues are slow to progress.

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

Staff costs for 6.0 FTEs are displayed below. Standard per-FTE costs have been included for goods and services and equipment.

2.0 FTE Business Analyst						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		186,000	186,000	186,000	186,000	372,000
Benefits		60,000	60,000	60,000	60,000	120,000
Goods & Services		10,000	10,000	10,000	10,000	20,000
Equipment		16,000	16,000	2,000	2,000	4,000
Total	-	272,000	272,000	258,000	258,000	516,000

1.0 FTE Integrator						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		96,000	96,000	96,000	96,000	192,000
Benefits		31,000	31,000	31,000	31,000	62,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	140,000	140,000	133,000	133,000	266,000

1.0 FTE Senior Integrator						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		105,000	105,000	105,000	105,000	210,000
Benefits		32,000	32,000	32,000	32,000	64,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	150,000	150,000	143,000	143,000	286,000

1.0 FTE Senior Court Program Analyst						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		91,000	91,000	91,000	91,000	182,000
Benefits		30,000	30,000	30,000	30,000	60,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	134,000	134,000	127,000	127,000	254,000

1.0 FTE Enterprise Architect						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries		91,000	91,000	91,000	91,000	182,000
Benefits		30,000	30,000	30,000	30,000	60,000
Goods & Services		5,000	5,000	5,000	5,000	10,000
Equipment		8,000	8,000	1,000	1,000	2,000
Total	-	134,000	134,000	127,000	127,000	254,000

Total Costs						
Object	FY 2022	FY 2023	Biennium Total	FY 2024	FY 2025	Total
Salaries	-	569,000	569,000	569,000	569,000	1,138,000
Benefits	-	183,000	183,000	183,000	183,000	366,000
Goods & Services	-	30,000	30,000	30,000	30,000	60,000
Equipment	-	48,000	48,000	6,000	6,000	12,000
Total	-	830,000	830,000	788,000	788,000	1,576,000

Decision Package Justification and Impacts

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

Fair and Effective Administration of Justice.

When judicial decision-makers have reliable data to inform their professional judgment, the outcomes improve life, liberty and property.

Accessibility.

When we identify where data errors exist in the systems, we can make corrections and prevent inaccuracies and judicial errors due to poor information. Monitoring court data systems for data quality issues reduces risk and improves trust in the justice system.

Access to Necessary Representation.

Better quality data helps produce better and more accurate research, which in turn provides insights into better judicial system functioning and fairness.

Commitment to Effective Court Management.

Good data quality leads to a more accurate understanding of judicial needs, court operation needs, justifies funding for judicial system needs, and enhances accurate understanding of judicial system outcomes.

Sufficient Staffing and Support.

Currently the AOC maintains all JIS systems. Since these systems are linked together, ensuring that the data in them is timely, accurate, and consistent is of utmost importance. Court data is a representation of real world events and it is imperative that any human error found is corrected immediately to avoid consequences that may impact life, liberty or property.

The AOC currently has one Data Quality Coordinator and no dedicated staff to work with courts and perform data quality duties on the scale that is needed. A Data Quality Process has been tested and applied with success, however it is still a largely a reactive process and resources are often shifted to other priorities. In order to fully carry out the framework of the Data Quality Process and provide the desired outcomes, the AOC needs dedicated staff to move the agency towards the ideal future proactive state.

What is the impact on other state agencies?

The risk of poor data quality for court data extends to other state and federal agencies through data exchanges. An erroneous record may travel to Washington State Patrol background check data, firearms¹, Department of Licensing, and Federal Bureau of Investigations which can potentially impact the public negatively downstream.

Below are a few examples of court data provided to and used by other state agencies:

- Department of Licensing

¹ In the data exchange, the agency sends orders of commitments for mental health treatment that are issues in both civil and criminal cases to the FBI's National Instant Criminal Background Check System (NICS) and the Washington State Department of Licensing (DOL). District and Municipal courts must report to NICS when a judgment of "not guilty by reason of insanity" has been entered in a criminal case as well as when an "Entry of the Order of Commitment-Competency Restoration Treatment" is entered by the court.

- Uses Convicted Felon Notification data for concealed pistol license revocations.
- Uses the Judicial Access Browser System (JABS) to review case data when looking at records/change requests to determine if the change can be made. DOL also has various exchanges where it gets conviction data, failure to appear notices and adjudications, or vehicle holds and releases to add to or remove to its records for drivers or vehicles.
- Receives reports directly from the county clerk on superior court judgments with no payments arising from an uninsured collision, RCW 46.29.310.
- Adult Criminal DV-Related Misdemeanor Convictions – DOL Firearms for concealed pistol license revocations.
- Washington State Patrol uses charge disposition data to update criminal background information for which WSP is responsible.
- Washington State Institute for Public Policy (WSIPP) receives criminal and juvenile case information plus juvenile probation risk and needs assessment information from AOC's Assessment Research Database for research purposes. WSIPP also receives local and state law table updates.
- Office of Financial Management (OFM) receives an extract of juvenile records from the Court Contact and Recidivism database.
- Department of Licensing and FBI's National Instant Criminal Background Check System (NICS) Denied Person Database receives Mental Health Commitments for Treatment reports related to possession of firearms.
- Department of Social and Health Services receives data in fraud-related convictions for the purposes of recovering costs due the state of Washington.
- Dependency case data is compiled and reported in the Dependency Dashboard available to the public. This data is also used to compile dependency interactive reports for dependency case managers for managing dependency timeliness requirements (state and federal). Dependency case data is also used to prepare the Timeliness of Dependency Case Processing Practices pursuant to 2007 legislation to information policy makers in creating and shaping dependency laws to improve outcomes for children in dependency actions.
- Department of Children, Youth & Families receives a weekly report of all approved Orders of Dependency entered in superior courts.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

Over many years, the AOC has attempted to resolve the known data quality issues using existing staff resources. This has not been successful primarily due to the following reasons:

1. Lack of dedicated specialty staff specifically to work on data quality issues, and;
2. Lack of tools and skillsets to proactively process huge volumes of data side-by-side to more efficiently identify anomalies.

Court data is complex, and as a reflection of the real-world, those complexities involve changes throughout time, statute changes, code changes, court process changes, court levels, regional variation and the general patterns reflecting complexities involved in day-to-day court cases and operations. Any changes made to the data must be done working closely together with all 500+ courts individually.

What are the consequences of not funding this request?

Data quality issues will continue to occur and contribute to the growing and unresolved backlog that currently exists. The risk to the public and downstream organizations will only continue to magnify in both number and complexity.

Other supporting materials:

None.

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

No

Yes



September 8, 2021

TO: Board for Judicial Administration Members

FROM: Judge Tam Bui, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

Attached are the proposed changes to GR26 and the standards. The proposed changes were recommended by the SCJA Equality and Fairness Committee to include a directive that judicial officers must receive Diversity, Equality and Inclusiveness credits within their three-year reporting period. If approved, we will submit the proposed changes to the Supreme Court Rules Committee.

We instituted another year of scholarships for court personnel to attend either the Certified Court Manager (CCM) courses or the Certified Court Executive (CCE) programs sponsored by the National Center for State Court's Institute for Court Management.

There was a change in plans with the LMS due to contract negotiations, and the AOC has now contracted with the Department of Enterprise Services (DES), who has a contract with SumTotal. Configuration discussions are occurring and our account will be active within the month.

Since the last report, the Education team has completed the following webinars:

- *Search and Seizure* – 4-week program with Judge Robert McBeth (*retired*); twenty six judicial officers registered to attend the program.
- Virtual Presiding Judges and Administrator webinar in May on *Improving Understanding and Communication between Judicial and Executive Branch*. One hundred and fourteen registered for the one-hour program.
- *Neuroscience and Art: Art, Social Justice and Wellbeing* webinar conducted by Judge Anthony Gipe and Judge Mary Logan. Thirty-four attended the one-hour webinar.

The following spring programs were completed:

- *Virtual District and Municipal Court Management Association's Spring Program* in May. Two hundred and eight administrators registered to attend the five-day program.
- *Virtual District and Municipal Court Judges' Association's Spring Program* in May. Two hundred and five registered to attend the 4-day program. Superior Court Judges were invited to attend any portion of the program.

Work in Progress

We are currently in development of a self-paced Institute for New Court Employees' *Civics* course. The INCE sub-committee is scheduling webinars in October/November to provide a virtual INCE to new employees. They are also adding two new sections to the curriculum. The first is on *Stress Less: Dealing with Stress in Difficult Times*; the second on *Time Management and Prioritization Skills*. All these webinars will be recorded, and self-paced programming will be developed to eventually have the INCE totally online within the LMS, available on demand, and open to all court personnel.

The self-paced program, *For Those Who Escort Jurors*, is in the final production stage.

We are moving the 4-week *Search and Seizure* program into the LMS.

The Judicial College's *Court Media Relations* program is transitioning into a self-paced program. It will be a prerequisite for all newly elected or appointed judges before attending the Judicial College. It will also be available to all judicial officers and court personnel.

Ms. Pam Dittman, CEP, is spearheading a CEC project to review the content and format of the existing Judicial College curriculum. She and the Deans of the college will be bringing together various stakeholders to "reevaluate the Judicial College curriculum as a whole and recommend a revised curriculum incorporating both in-person and online delivery modalities."

We are currently in development of education and training outlined by the taskforce and the CEC. Priorities include on-demand education and training for new judges, administrators, county clerks and line-staff, along with education and training specifically designed for rural courts.

MANDATORY CONTINUING JUDICIAL EDUCATION

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

(a) Minimum Requirement. Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Judicial Administration's Court Education Committee (CEC) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the CEC. At least four and one half credit hours for each three-year reporting period shall be earned by completing programs in diversity, equity, and inclusion issues, as approved by the CEC. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement and one and one half credit hours toward the diversity, equity, and inclusion requirement.

(b) Judicial College Attendance.

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during ~~his or her~~ their term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a District Court, Municipal Court, Superior Court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College, shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. The CEC shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing judicial education credit shall be given for programs the CEC determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections (a) and (b) of this rule during the previous calendar year. If a judicial officer does not respond by January 31, their credits will be confirmed by default. Judicial officers who do not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the

direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout the Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002; amended effective November 26, 2002; December 31, 2003; December 31, 2007; January 1, 2013; December 8, 2015.]

**WASHINGTON STATE JUDICIAL EDUCATION
MANDATORY CONTINUING JUDICIAL EDUCATION STANDARDS**

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Court Education Committee (CEC)

The Court Education Committee is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors the quality of educational programs, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education (MCJE)

The responsibilities of the CEC will be to:

- a) Administer General Rule (GR) 26;
- b) Establish operating procedures consistent with this rule;
- c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5. Administrative Office of the Courts (AOC)

- a) ~~Administrative Office the Courts.~~ Under the direction of the Supreme Court and CEC, the (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout the state. The AOC will also track and monitor attendance at continuing judicial education programs accredited by the CEC.
- b) ~~Office of Trial Court Services and Judicial Education.~~ The Judicial Education Unit of AOC shall work with the CEC educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit AOC shall coordinate all CEC judicial education programs, provide staff for the CEC, and evaluate educational programs. Further, the ~~Judicial Education Unit~~ AOC staff shall provide support and assistance to judicial advisory committees in the planning,

development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The AOC shall maintain the official transcript for each judicial officer based on: 1) attendance records at all CEC accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

During ~~his or her~~ their three (3)-year reporting cycle, each judicial officer must complete forty-five (45) hours of CJE credits, six (6) of which are in the area of judicial ethics, and four and one half (4.5) are in the area of diversity, equity, and inclusion (DEI). This requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the CEC, as described below.

- a) At least thirty (30) hours, of which at least four (4) hours are in the area of judicial ethics, and three (3) hours in the area of DEI, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at, an accredited CJE course when and where the course is being presented; (2) presenting for, or participating through an electronic medium in, an accredited CJE course at the time the course is being presented; or (3) participating through an electronic medium in an accredited CJE course that has been pre-recorded, but for which faculty are available to answer questions while the course is being presented.
- b) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics and two (2) hours in the area of DEI, may be completed through self-study by listening to, or watching, pre-recorded accredited CJE courses. Judicial officers completing credits by self-study must report them to the AOC.
- c) Up to fifteen (15) hours, of which up to two (2) hours are in the area of judicial ethics, and two (2) hours in the area of DEI, may be completed through teaching at accredited CJE courses and/or publishing legal writing. A judicial officer may complete up to three (3) hours of teaching credits for each hour of presentation. Credits for published legal writing must be approved by the CEC. Judicial officers completing credits by teaching or writing must report them to the AOC.
- d) Up to three hours may be completed by visits to correctional and similar institutions. Judicial officers completing credits by institutional visits must report them to the AOC.

- e) Judicial officers may attend a combination of approved local, state, or national programs.
- f) A judicial officer may complete credits through other courses that directly aid the judicial officer in performing ~~his or her~~ their specific judicial duties and are approved by the CEC.

2. Carry-Over

If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of excess credits may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. The 15 credit hours that may be carried forward may include two (2) credit hours toward the ethics requirement and one and one half (1.5) credits of DEI.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) Washington State Supreme Court
- b) Administrative Office of the Courts
- c) Judicial education programs of Court Education Committee (CEC)
- d) Court of Appeals (COA)
- e) Superior Court Judges' Association (SCJA)
- f) District and Municipal Court Judges Association (DMCJA)
- g) Washington State Supreme Court Commissions ~~Minority and Justice Commission~~
- h) ~~Commission on Gender and Justice~~

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies and Web-based programs.
- b) American Academy of Judicial Education
- c) New York University's Appellate Judges Seminar
- d) University of Virginia's Master of Laws in the Judicial Process (LLM)
- e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges
- f) Programs approved for Tuition Assistance by CEC
- g) The Judicial Division of the American Bar Association (ABA)
- h) The Judicial Divisions of all National Bar Associations
- i) National Asian Pacific Bar Association
- j) National Bar Association
- k) Hispanic National Bar Association.
- l) National Conference of Women's Bar Associations
- m) North American South Asian Bar Association
- n) National Lesbian and Gay Lawyer Association
- o) National Association of Women Lawyers
- p) National Native American Bar Association
- q) Tribal Courts in Washington State and nationally

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the AOC an agenda of the program, which will be submitted to the CEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

- a) The judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.
- b) **Factors in Evaluating.** Factors which should be considered in evaluating a course include:
 - 1) The topic, depth, and skill level of the material.
 - 2) The level of practical and/or academic experience or expertise of the presenters or faculty.
 - 3) The intended audience.
 - 4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. **Programs That Do Not Qualify**

The following activities will not qualify for CJE credit:

- a) Continuing Professional Education courses that do **not** relate to substantive legal topics, DEI, or ethics, statutory, constitutional or procedural issues that come before the judicial officer when performing ~~his or her~~ their specific judicial duties.
- b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.
- c) Jury duty.
- d) Judging or participating in law school or mock trial competitions.
- e) Serving on professional (judicial or legal) committees/associations.

6. **Appeals**

A judicial officer may appeal the denial of program accreditation by the CEC. The appeal may be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the judicial officer's request. The Chair of the BJA shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the CEC.

Section 4: Responsibilities

1. **Sponsors of Accredited Programs**

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the AOC.

2. Individuals

- a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.
- b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).
- c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or self-study to the AOC which shall present those to the CEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section 5: Certification

1. Compliance

The AOC will send out a reminder of the end-of-the-year reporting requirement via judicial officers Listservs each year in August. The AOC will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year by January 1. After reviewing that progress report, judicial officers must either:

- a) Confirm it as an accurate record of their progress toward compliance with the rule, or;
- b) Provide additional information on programs attended with accompanying documentation and;
- c) File that report with the AOC on or before January 31 each year. If a judicial officer does not respond by January 31, their credits will be confirmed by default.

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of GR26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet Web site, publishing the information as part of any voter's guide produced by or under the direction of the AOC, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

- a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;
- b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;
- c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section 6: Approval

These standards were approved by the Board for Court Education on August 25, 2003, and by Washington Supreme Court in Court Order 786 on December 4, 2003.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of The Office of Trial Court Services and Judicial Education or the Chair of the CEC.

[Adopted effective July 1, 2002; amended effective November 26, 2002; December 31, 2003; December 31, 2007; January 1, 2013; December 8, 2015.]



September 17, 2021

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brittany Gregory, AOC Associate Director, Judicial and Legislative Relations
RE: BJA Legislative Committee Report

During the regular legislative session and any special session, the Legislative Committee (Committee) convenes weekly calls to discuss pending legislation. During the legislative interim, the Committee convenes as necessary to review and prepare legislative proposals and develop strategies for any upcoming legislative sessions.

On March 26, 2021, the Committee solicited legislative proposals for the 2022 legislative session from court levels and entities. The solicitation included information about the process and forms to submit a proposal, and asked for proposals and supporting documentation to be submitted by June 15, 2021. The Committee received five proposals: two requests from Snohomish County Superior Court, two requests from the BJA Court Recovery Task Force (CRTF) Juvenile Criminal Civil Committee, and one external proposal from the Attorney General's Office.

Snohomish County Proposals:

- (1) Request for an additional judge position
 - Executive's Office 2022 recommended budget included funding for an additional judge position. Assuming Snohomish County Council adopts this recommendation, local support would be secured.
 - Potential Prime Sponsor: Representative Lovick

- (2) Reviewing juvenile detention obligations for counties
 - Washington State counties with a population of 50,000 or more are required to maintain a juvenile detention facility. The proposal argues that counties should be allowed to explore the possibility of combining or reducing detention services based on costs.
 - Committee is exploring the possibility of presenting this proposal to WSAC for their 2022 legislative agenda.

BJA CRTF Juvenile Criminal Civil Committee Proposals:

- (1) Amending RCW 13.40.080(5) to create juvenile diversion extension

- Currently, diversion agreements may not exceed 6 months, unless additional time is needed for a juvenile to pay restitution to the victim. The proposal suggests adding language that would make the exception more broad by allowing for diversion agreements to be extended an additional 6 months if additional time is necessary to complete the terms of the agreement **or** to pay restitution to a victim, provided the juvenile agrees to the extension.
- Potential Prime Sponsor: Representative Harris-Talley

(2) Amending RCW 10.64.110 to eliminate fingerprinting at juvenile dispositions

- This proposal would eliminate the requirement in RCW 10.64.110 for juveniles to be fingerprinted at juvenile court dispositions.
- Potential Prime Sponsor: Representative Rule

External Proposal:

- This proposal would grant judges additional tools to take a defendant's mental health into account during sentencing by adding "mitigating circumstance" to RCW 9.94A.535(1) for persons experiencing mental illness at the time of the offense.
- Potential Prime Sponsor: Representative Simmons

In addition, the Committee has continued to examine the issue of continuity of operations in single judge courts statewide by reconvening the Single Judge Courts Work Group (Work Group). The Work Group, in coordination with Representative Dye, has decided to make some changes to the current draft language to clarify terms and allow for local input in the appointment process. Brittany is working on a new draft.

Legislative Committee Next Activities

The Committee will continue to meet with stakeholders to gather further information in order to develop recommendations regarding the 2022 BJA legislative agenda.

September 17, 2021

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Rebecca Robertson, Chair, Policy and Planning Committee (PPC)
RE: REPORT OF POLICY AND PLANNING COMMITTEE

Committee Work Plan Update:

The committee has not met since the last BJA meeting on May 21, 2021. Below is a summary of committee activities taking place at our next meeting later today.

Adequate Funding Project

The adequate funding work group will review the data and draft report of the finding from the Adequate Funding Survey that was sent in June 2021 to Presiding Judges and Court Administrator. The survey was designed to gather information on courts' top funding needs and priorities, their experiences and needs for support with budget requests at the local level, and opinions on exploring alternate funding structures.

The PPC intends to present a report with survey findings and recommendations for BJA consideration at the October or November BJA meeting.

Recruiting an At-Large PPC Member

The PPC is posting the recruitment flyer for the addition of an at-large member to several listservs including the Washington Bar Association and the Minority and Justice Commission. Members will be developing screening and selection criteria to evaluate candidates.

2021-22 work plan

The PPC is expecting assignments from the 2021 Judicial Leadership Summit in addition to the ongoing work of the Adequate Funding Work Group. Other work products include the 3-year review of the committee charter and monitoring BJA resolutions. Two resolutions regarding guardianship and civil legal needs have expired at the request of the authors, who will submit new resolutions at a later date. See attached motion for BJA action.



September 17, 2021

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Rebecca Robertson, Chair, Policy and Planning Committee (PPC)
RE: Motion to expire BJA resolutions
CC: Stacey Johnson, Guardian and Elder Services Manager
Jim Bamberger, Director of Civil Legal Aid

The Policy and Planning committee recommends a BJA motion to expire the following resolutions:

1. Working Interdisciplinary Network of Guardianship Stakeholders (Expires March 18, 2021).
2. 2015 Civil Legal Needs Study (Expires March 18, 2021)

Penny Larsen notified both authors in August of 2020 that their resolutions were expiring. Ms. Johnson and Mr. Bamberger requested to expire their respective resolutions as they have served their purposes and are no longer meaningfully relevant. They will consider working with the Policy and Planning Committee to draft new resolution in the future.

Judicial Leadership Summit 2021: Interbranch and Legislative Relations
June 18, 9:00 – 12:00
Summary Notes

Overview

The Board for Judicial Administration (BJA) sponsored the 2021 Judicial Leadership Summit on June 18, 2021, by Zoom. The courts want to develop better relationships with the executive and legislative branches to continue to improve access to justice and to plan for future policy and funding needs. Summit attendees included Supreme Court Justices, the Court of Appeals presiding judges, BJA Members, Superior Courts Judges' Association (SCJA) presidents and District and Municipal Courts Judges' Association (DMCJA) presidents, court administrators from every court level, clerks, and AOC leadership as well as state legislators and individuals from the Governor's office and the Office of Financial Management.

The Summit provided an opportunity to consider collaboratively and in small group discussions how to improve communications between branches and improve access to justice for people who need the courts. The Summit opened with representatives from each branch sharing ideas and goals for the morning. Participant small groups discussed ways to address interbranch relations, policy and funding considerations, and potential ways to more formally collaborate in the future.

Main themes from the meeting

1. All branches could benefit from increased and ongoing communication.
2. Participants agreed that interbranch meetings would be helpful in communicating policy and funding needs and to better understand different branch roles, processes, limitations, and timelines.
3. Judicial branch members could more effectively engage legislators and other stakeholders throughout the year and establish local relationships with legislators.

Recommendations

- 1) Develop a statewide court communication and advocacy plan and training on working with legislators (maybe a broader one and then more specific per issue as needed; there was a communications guide developed).
- 2) Explore proposals for creating and implementing an interbranch group (draft the groups who, what, when, why, etc.).
- 3) Develop a timeline of key policy and funding dates for each branch.
- 4) Review court legislative and funding proposals, processes, and timelines.
- 5) Continue to identify and collaborate with internal and external stakeholders.

Small Group Discussion Notes

Funding Considerations

What would be helpful to communicate about judicial branch funding and the process?

- Communicate with key legislators before the Legislative session about funding priorities and to get input on the information needed to draft successful decision packages; they can tell us what they need to know. Legislators' budget staff will make notes in preliminary budget.
- That some of the courts are funded by state and local counties and so are squeezed from both sides.
- Courts are trying to be responsible with funding, and do consider trends to try and ascertain what is needed.

What is the best way to garner support for funding needs?

- Garner internal and external stakeholder support as early as possible. Building ongoing relationships on many levels works well.
- Judicial officers should make connections within their local community and with key committee legislators.
- Don't wait until after the governor's budget has been transmitted and session has begun to communicate with legislators and legislative budget staff.
- Have a clearly identified problem, need, and solution. Make sure decision packages are well written and that those presenting the packages are well-versed to explain and answer questions.
- AOC presentations are helpful.
- A better understanding of each branch's role, especially a better understanding of judicial needs and priorities.
- Some needs may dictate specific meetings, but looking for broad policy terms and priorities are helpful. Legislators go through all the requests, determine what they can handle and what they cannot, define the issues, and then pass it to the budget committee.
- The role of legislative committee staff is huge in developing a communication line and committee staff can often discuss things longer than 15 minutes with a specific legislator which may be more effective.
- There are limitations but if the court explains the responsibilities they have (for example, how the *Blake* decision impacts the courts) the legislature can help resolve it. If there is a constitutional or statutory mandate, let legislators know that and how legislation impacts the courts.
- Communicate if court IT needs are a constitutional need. Don't feel tied to the budget cycle. Doing "minor" budgets, if legislators know about a specific need, is easy enough.

- **Q:** When courts know there will be an expensive ask from the judicial branch or one that will affect several courts, when do you start laying the ground work? Do you recommend starting a workgroup? **A:** Sometimes workgroups are good stakeholder meetings. All budget requests compete against everyone else, different legislators have different ideas of where money should be spent. Establish priorities. Be aware of revenue forecast and state of economy. If you have an important priority, set stage for it. You may not get it in one biennium.
- **Q:** Because the courts are a non-unified system, courts are always trying to work on issues like statewide vs. local funding. Any advice on ways to coordinate statewide and local needs?
 - Go statewide first and send everything to the legislature. The legislature will hand back what is local and are accustomed to prioritizing what they can and cannot do.
 - Unified approaches, not only with the courts, but other stakeholders, (i.e. law enforcement, BJA, AOC, OPD, prosecutors, etc.) are more likely to be noticed and are more meaningful if there is broader impact.
 - Legislators are not mediators. If something comes to the legislature and groups do not agree amongst themselves that is not effective. If something comes to the legislature well-vetted and supported then legislators can “drag” it further down the process. We don’t have time to educate ourselves on each matter.
 - There are vast differences at all court levels; urban and rural courts, east/west, and part-time courts. There are hundreds of personnel and differing needs. This makes finding a unified voice difficult. For courts, funding comes from the local level (county/city) and courts are not revenue generating which causes battles at the local level.
 - Most legislators don’t distinguish between the court levels. It’s just “the courts.” When hearing different perspectives on one policy, it is confusing to legislators. It would be ideal to have a more unified voice coming from the judicial branch.

Policy Considerations

How do we better communicate policy and funding considerations and information with legislators, especially new legislators, prior to session?

- Meet to talk about program policy development and funding needs
- Awareness of legislative branch timelines around policy and funding decisions. Some legislators feel like the judicial branch has no awareness of the kinds of deadlines in legislative session. For example, waiting until the *Blake* decision was published, which was after the policy committee cutoff.
- Legislators do not understand that some policy implementations are challenging because of the limitations of the case management systems.

- Invite key legislators to annual meetings or association meetings. It's good to stay bipartisan. Create more opportunities to interact. There is some reluctance due to separation of powers, so you must be judicious in requests.
- There are judges that have relationships with individual legislators. Find out which judges may have these relationships.
- Trial courts should stay in touch with cities and counties. They may have a different perspective.

What are best approach/strategies for working through these considerations?

- Produce a spreadsheet listing recent courts decisions and potential policy implications for discussion as Judge Appelwick does for the appellate court.
- Have a communication structure in place and timely processes to discuss issues; having the right people at the right time.
- **Q:** Is there insight on the fiscal impact of passed legislation and how we obtain funding down to the local level? **A:** That's tough, try to influence the process, there can be a delayed implementation date, set policy, and have people have to adjust to impact. Try to communicate. Adjust and not delay. Have to be specific how it will impact the courts, and when passed how it does impact the courts.
- Stay in touch with government affairs people on possible impacts of decisions.
- One example of successful collaboration is the judicial and executive branch working with DOL on technical problems from a policy decision.
- Get fiscal impact information out early to Legislative committees.
- A component of ongoing education should include what happens in the courts after legislation is passed. The legislature needs ongoing assessment of certain funding such as *Blake* funding use.

How do the branches better communicate policy decisions and implementation challenges and needs?

- Create a formal structure where issues can be presented and resolved.
- Pending legislation: when courts are asked to estimate financial impact, there is not always enough time or information to develop accurate costs. Courts need more time to accurately think through and then document the associated costs.
- Don't sacrifice the good for the perfect; understand that courts move slowly by designed intention, they need a phased approach to legislative changes that have big impact and implementation may be less than perfect.
- Invite key legislators to courthouses for tours and meetings to better understand the court's work. Explain how a court's requests makes things better for constituents. There's a lot that legislators don't know about how courts operate.

How do we efficiently move forward necessary policy and operational changes that may need additional funding?

- Put them on the agenda of the interbranch group.

- Legislators are all ears to what courts need for successful implementation, but having the right people together at the right time (early!) is the key to efficiency.
- It would be good to know where the Legislature is on their process, how they can respond to a decision with consequences.
- Judicial branch needs to be open to change certain habits and perceptions.
- Improving communications within the branch is needed, not just across branches. There is a lack of communication within the branch and that can lead to the legislature questioning the courts' positions. Need transparency.
- Give clarity around the courts' costs, salaries, operational costs, differing needs.
- Spend more time educating the legislature on what is happening in the judicial branch and how it functions.
- Relationship building is two-way communication.
- Important for the legislators to know your priorities. These 10 things are most important...then these 4.
- **Q:** How do courts address changes when there is a budget shortfall? **A:** Need to look at how the legislature funds things. Fees are a good example. There needs to be more communication within the two branches on how things are funded. Any request to raise fees should be accompanied by an analysis first.
- **Q:** When should the judiciary approach the legislature? **A:** It depends. If it is to explain the judicial branch processes: during the summer. Past Labor Day is the starting point for the drafting of the bills. Fall is the time to start talking through your branch's objectives and goals for the session. And also meet after session.
- Schedule briefings with caucuses. Contact them to say here is the courts' budgetary ask for next session and why. Use them to present the budget and policy considerations, and test out conversations to then finesse later with legislators. After Thanksgiving, it becomes hard to present harder concepts.
- Look for members on appropriate committees and triage geographically so you can call on local judges to work with local legislators. A standing committee would also help increase understanding.
- Make sure your three points count. Courts are often at a disadvantage because of limitations and justice miscarriages, so make those three points count. Separate lobbying ethics from budget ethics. Again, there is no fixed schedule on policies, they are ongoing and there are regular meetings. Balance the equation.
- Courts and legislators both feel that some policy decisions came as a surprise.
- Working during the designing of the bills can help to identify constitution and statutory needs and operational impacts.
- **Q:** There are going to be big policies on racial justice and we need to start working on those relationships now to work together on them. We were told HB1320 DV protection orders were vetted by the courts which wasn't the case. We understand legislators receive a lot of information all the time. How do you process all the information? Is there a best practice? **A:** As a Committee Chair you know about a few bills at a time, but you can also check with judges ahead of time. The vast majority of bills come to the legislature in December, 80% of which

no one has seen before. Your best source of information is the chair of the legislative policy committee.

Interbranch Group Considerations

What would an interbranch group that can address relations and policy and funding needs look like?

- A group with members from all four caucuses, representatives from all court levels, and AOC leadership to meet regularly and well before session deadlines.
- A meeting parallel to when the Chief Justice meets with the Governor. Meet with legislators, DMCJA, SCJA, clerks, administrators.
- Invite representatives from the executive and legislative branch to BJA meetings periodically.
- Informal meetings – judges meeting with local legislators and building relationships.
- Formal meeting – a standing meeting, perhaps quarterly before the session (summer or immediately after session). The formal meeting is where you can lead and discuss your issues.
- Contact the Senior Policy person in the Governor’s office. They can help offer expertise and connect with other agencies.
- We could have a subgroup that will share information on significant cases with impact. There needs to be a more neutral spot to deposit info.

What are the goals and activities of the group?

- One group that addresses both policy and funding considerations is suggested, as too many committees are cumbersome.
- A separate group that addresses information technology, with members of JISC and the AOC’s Chief Technology Officer included would be helpful to address the tech investments, approaches, etc. It was noted that the legislature doesn’t understand the complexities of the technology environment of a non-unified court system. It is a lot of work to make it function as a unified system while meeting the needs and preferences of many individual courts.
- Meet 2 – 4 times a year. Fall/December, May/June.
- Work with the legal community and other stakeholders about thoughts and concerns which can be brought back to the Legislature in November.
- Have virtual meetings to start the relationship and then face-to-face meetings.
- Tie the meetings schedule to the release of the revenue forecasts; perhaps two weeks after the forecast is released.
- Establish a forum and identify these big problems each of branch is trying to solve and try to come to an agreement on how to solve it before a bill gets drafted. A DOL example was given. All judicial state technology is funded on traffic infractions. Have to find other ways to solve that issue.

Recommendations and activities

- 1) Develop a statewide court communication and advocacy plan and training on working with legislators.
 - Review the communication guide that was updated in the last two years.
 - Check with associations and commissions on their communication and advocacy plans.
 - Develop and provide a “working with legislators 101 training”.
 - Determine if any statewide advocacy campaigns are needed for policy or funding issues.
 - Develop statewide communication and advocacy plans if needed.

BJA Board and/or BJA legislative Committee – Winter 2021/22

- 2) Explore proposals for creating and implementing an interbranch group (draft the groups who, what, when, why, etc.).
 - Review any proposals from the other branches.
 - Create a group proposal if needed.
 - Determine next steps and implementation strategy.

BJA Planning team – Winter/Spring 2021/22

- 3) Develop a timeline of key policy and funding dates for each branch.
 - Compile and plot key timelines for policy and funding decision making for each branch.
 - Develop work flow process maps of branch to increase understanding of how and when work gets done to culminate into a legislative policy consideration or funding proposal.

BJA policy and Planning Committee – Fall/Winter 2021/22

- 4) Review court legislative and funding proposals, processes, and timelines.
 - Review and determine if current judicial branch timelines and processes need any revisions.

BJA Budget and Funding and Legislative Committees - Winter/Spring 2022

- 5) Continue to identify and collaborate with internal and external stakeholders.
 - Identify future presentations from various stakeholder groups.
 - Identify future collaborative efforts.

BJA Manager and committees’ support staff – 2021-2022

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3092.2/21 2nd ROUGH DRAFT

ATTY/TYPIST: KS:eab

BRIEF DESCRIPTION: Creating the interbranch ~~coordinating~~
~~committee~~ advisory committee on the judiciary.

AN ACT Relating to creating the interbranch ~~coordinating committee~~advisory committee on the judiciary; adding a new chapter to Title 2 RCW; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** There is created an interbranch advisory coordinating committee on the judiciary consisting of the following members:

(1) Two legislative members, one from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives. One member shall be a member of a committee having jurisdiction over general civil or criminal law matters and the other member shall be a member of a committee having jurisdiction over the state operating budget;

(2) Two legislative members, one from each of the two largest caucuses of the senate, appointed by the president of the senate. One member shall be a member of a committee having jurisdiction over general civil or criminal law matters and the other member shall be a member of a committee having jurisdiction over the state operating budget;

(3) One person representing the governor's office, appointed by the governor;

(4) One person representing the attorney general's office, appointed by the attorney general;

(5) One person representing cities, appointed by the association of Washington cities;

(6) One person who is an elected county councilmember representing counties, appointed by the Washington state association of counties;

(7) One person representing court clerks, appointed by the Washington state association of county clerks; and

(8) Six members from the judicial branch, appointed by the chief justice in consultation with the board of judicial administration,

supreme court, court of appeals, superior court judges association, district and municipal court judges association, administrative office of the courts, and access to justice board.

NEW SECTION. Sec. 2. The purpose of the interbranch advisory ~~coordinating~~ ~~committee on the judiciary~~ is to foster cooperation, communication, coordination, collaboration, and planning ~~regarding~~ regarding issues of mutual concern between the judicial and legislative branches ~~the work of the judicial branch~~. An additional purpose of the committee is to ~~...~~ suggest ways to provide access to justice and to court services in a just and equitable manner, and ~~and~~ cost efficient way.

NEW SECTION. Sec. 3. The interbranch advisory ~~coordinating~~ ~~committee on the judiciary~~ must select cochair at its initial meeting. One cochair must be a legislative member and the other cochair must be a judicial member. The committee may set its own meeting schedule. The committee ~~shall~~ may ~~review and discuss issues of mutual concern between the branches.~~ budget proposals for the judicial branch. ~~The budget proposals may relate to foundational work or special projects, whether involving the operating or capital budget.~~ ~~The committee may also review and discuss court rules or appellate decisions that may call for a legislative or executive branch response.~~ Examples include, but are not limited to:

- a. Funding legislative mandates
- b. Initiatives related to access to justice
- c. Issues of local concern
- d. Courthouse security
- e. Court technology infrastructure

Staff support for the committee will be jointly provided by the legislative branch and the administrative office of the courts. The

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office of financial management is directed to provide support as requested by the cochairs.

NEW SECTION. **Sec. 4.** The interbranch ~~advisory~~coordinating committee ~~on the judiciary~~ shall submit a recommendation to the legislative committees having jurisdiction over general civil or criminal law matters and having jurisdiction over the state operating budget by November 1, 2024, on whether the committee should be legislatively renewed or changed in any way.

NEW SECTION. **Sec. 5.** This chapter expires January 1, 2026.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 2 RCW.

--- END ---



Board for Judicial Administration (BJA) Meeting
Friday, May 21, 2021, 9:00 a.m. – 12:00 p.m.
Videoconference

DRAFT MEETING MINUTES

BJA Members Present:

Chief Justice Steven González
Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge David Estudillo
Judge Jennifer Forbes
Judge Michelle Gehlsen
Judge Rebecca Glasgow
Judge Dan Johnson
Judge Mary Logan
Judge David Mann
Judge Rebecca Pennell
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Michael Scott
Judge Charles Short
Justice Debra Stephens

Guests Present:

Esperanza Borboa
Barbara Carr
Timothy Fitzgerald
Chris Gaddis
Judge Heidi Heywood
Justice Charles Johnson
Justice Barbara Madsen
Sophia Byrd McSherry
Robert Mead
Justice Raquel Montoya-Lewis
Judge Kevin Ringus
Tristen Worthen

**Administrative Office of the Courts
(AOC) Staff Present:**

Crissy Anderson
Judith Anderson
Cindy Bricker
Jeanne Englert
Penny Larsen
Dirk Marler
Stephanie Oylar
Ramsey Radwan
Caroline Tawes
Lorrie Thompson

Call to Order

Chief Justice González called the meeting to order at 9:00 a.m.

Court Level Presentations

Supreme Court

The heating, air, and ventilation system at the Temple of Justice will be upgraded soon, requiring the residents to relocate.

Chief Justice González thanked the *State v Blake* workgroups who are beginning their work.

The Supreme Court continues to work on rules. The emergency orders in place will be lifted, probably in September, so courts have time to plan. Justice Johnson or Justice Yu, co-chairs of the Rules Committee, can answer questions.

Court of Appeals

The Court of Appeals was able to move ahead more easily this past year due to their transition to electronic records. Filings are down. Richard Johnson retired as the Court Administrator/Clerk in Division I, and Lea Ennis was selected for that position. Renee Townsley, Administrator/Clerk in Division III, will be retiring at the end of July, and Tristen Worthen has been hired for that position. Division II moved into new location in downtown Tacoma.

The Court of Appeals is easing out of COVID restrictions, and live arguments are expected to begin in September. The option will remain for some remote oral arguments, especially in Division III.

The Court of Appeals is working with Superior Courts on *Blake* processes. All three Court of Appeals divisions have discussed internal processes regarding transferring certain Administrative Procedures Act (APA) and the Land Use Petition Act (LUPA) appeals to the Court of Appeals.

The Court of Appeals may request upgrades to the OnBase system for public access to records. They are also working on the electronic transfer of records to the state archives.

Superior Court Judges' Association (SCJA)

The SCJA is committed to addressing racial justice issues including webinars and court trainings. The SCJA Legislative Committee identified two questions to guide their support of legislation: 1. What is the potential negative impact on people of color; and 2. Is the legislation a net positive or neutral in dismantling bias?

In 2021, the SCJA worked to secure funding for Uniform Guardian Act (UGA), and worked with the Court of Appeals on APA and LUPA cases. The SCJA hopes to continue a strong working relationship with District and Municipal Court Judges' Association (DMCJA) judges.

Three hundred thirty-three thousand dollars was appropriated to implement a statewide text messaging notification system. Some pilot counties will soon start to use the system, and the statewide rollout to interested Odyssey courts should occur before the end of the year.

The current focus is on resentencing issues in *Blake*. Efforts are focused on prioritizing incarcerated individuals without transporting them and those who may be eligible for immediate release. A scheduling referee will be used to coordinate this effort equitably across the state. The SCJA is working with justice partners to put a structure in place, and are working with the AOC to allocate funds.

The SCJA is currently working with the Unlawful Detainers Workgroup to help implement and advise members on SB 5160, and are working with the Office of Civil Legal Aid (OCLA) to develop judicial training and benchcards.

The AOC is working with the Department of Health (DOH) on developing industry-specific guidelines. Chief Justice González and Dawn Marie Rubio met with the DOH court liaisons, and discussed jury trials in particular. DOH is working on guidelines that AOC hopes to review early next week. In the meantime, Department of Labor and Industries guidelines have not changed.

District and Municipal Court Judges' Association (DMCJA)

There is still \$1.9 million of CARES funding available. Judge Gehlsen reminded participants to look at Inside Courts and put in application.

Judge Gehlsen thanked Chief Justice González and Justice Stephens for the Friday morning presiding judge meetings.

DMCJA Lobbyist Melanie Stewart is retiring after 41 years in that position. Legislation of note included passing an interlocal probation bill so a defendant may be monitored in one jurisdiction instead of multiple, \$750,000 in court security funding, \$4.5 million for therapeutic courts, and retaining funding for the Courts of Limited Jurisdiction Case Management (CLJCMS) project.

DMCJA priorities include racial justice and adding two judges of color to the board. Future efforts will include adequate court funding and work on eFiling and the courts of limited jurisdiction case management system.

The DMCJA will create a workgroup to begin work on *Blake*.

BJA Task Forces

Court Recovery Task Force (CRTF)

The CRTF website has been updated. Reports and activities are posted there.

The CRTF has issued three surveys, and courts are encouraged to share the surveys.

The CRTF is meeting every two months.

Court Security

The Court Security Task Force secured funding of \$750,000 for equipment and structural changes. They hope for more funding for equipment and staffing.

It was moved by Chief Justice González and seconded by Judge Gehlsen to extend the Court Security Task Force through June 2022. The motion carried unanimously.

Presentation: Court Orders and Rules

Justice Stephens presented an overview of how the Supreme Court may envision the court order and rules process moving forward, and what is being worked on now.

In the materials sent to the members was a collection of responses received regarding what emergency processes currently in place should be continued after the health crises is over. Justice Stephens also prepared an Excel spreadsheet that loosely categorizes the information. The actual responses were included, as well as rule proposals received to date to make some of the emergency orders permanent.

The goal behind the CRTF was to gather information, to assess the success or not of emergency measures, and to gather lessons learned to make proposals for moving forward.

Three rules will be published for comment through the GR 9 process:

1. Criminal rules to permanently authorize remote *voir dire* as an opt-in process.
2. New civil rule CR 39 to authorize and set out procedures for full remote civil jury trials.
3. The SCJA recommended amendments to CrR 3.4. This would amend a new version that went into effect earlier this year. The rule would allow the judge to determine appearance of defendant.

These rules will be reviewed at the June 3, 2021, *en banc* with a recommendation to publish for comment through September 30.

Presentation: Access to Justice Board (ATJ)

Esperanza Borboa reviewed the work and goals of ATJ, and discussed the ATJ priorities for 2021–22. Specific priorities and an ATJ overview were included in the meeting materials.

The ATJ is looking for new board members, and asked for recommendations.

Innovating Justice Award

The Innovating Justice Award was presented by Chief Justice González to Justice Barbara Madsen of the Washington State Supreme Court, and Judge Heidi Heywood presented the award to Kristy Hendrickson, Wahkiakum District Court Clerk.

Chief Justice González also acknowledged the work of Cindy Bricker and the COVID Rapid Response Workgroup.

Standing Committee Report

Budget and Funding Committee (BFC): Judge Logan thanked everyone involved in the 2021 Legislative Session.

Ramsey Radwan reviewed the items on the blue sheet included in the meeting materials and pointed out a new column on the blue sheet, the funding flag column. This column includes items categorized as custom, meaning those are items that the AOC has to work with legislative staff to find out what the Legislature intended and if those funds will automatically roll forward; if not, the AOC must develop a budget request for that item.

Ramsey Radwan will send instructions next week on the 2022 Supplemental Budget.

Court Education Committee (CEC): The CEC report was included in the meeting materials. Spring programs have been completed, and the Search and Seizure program is continuing. The request to modify GR 26 is moving forward.

Judith Anderson thanked Judge Gonzales for his work as Committee Chair, and welcomed incoming chair Judge Bui.

Legislative Committee (LC): Devon Connor-Green's Legislative Report was included in the meeting materials. BJA Request legislation request for a ninth Superior Court judge in Thurston County was successful. Work will continue on the Continuity of Operations in Single Judge Courts proposal for a subsequent legislative session.

Moving forward, there will be a workgroup for pretrial detention and release, civil protection, *Blake*, the LFO bill, and continuity of operations of single judge courts. A request for proposed legislative initiatives was sent by email in March. Request legislation proposals are due by June 15th.

Policy & Planning Committee (PPC): The PPC is focused on proposed plans for adequate funding for trial courts. The next step will be a survey sent to judges and

court administrators. The PPC will come back to the BJA with recommendations from that survey.

The PPC is also focused on increasing membership diversity on the BJA Board. They have developed a flyer to recruit a new member on the PPC.

Judicial Leadership Summit

Chief Justice González encouraged members to register for the Summit. The focus of the Summit will be increasing communication between and among the branches of government. He encouraged the members to look at the questions in the meeting packet and be ready to discuss them during the Summit breakout sessions.

There will be a smaller number of invitees this year, and participants are welcome to check with their associations and groups to get additional feedback on the Summit questions included in the meeting materials.

March 19, 2021 Minutes

It was moved by Judge Scott and seconded by Judge Gehlsen to approve the March 19, 2021, BJA meeting minutes. The motion carried unanimously with one abstention.

Meeting Schedule

It was moved by Judge Bui and seconded by Judge Logan to approve next year's BJA meeting schedule. The motion carried unanimously.

Information Sharing

The Judicial Leadership Summit will be held on June 18, and there will not be a June BJA meeting.

Chief Justice González recognized Justice Montoya-Lewis, Judge Forbes, Judge Bui, and Judge Haan joining the BJA, and thanked Justice Stephens and Judge Gonzales for their work on the BJA. Judge Bui will be taking over as the BJA member chair and CEC chair.

Judge Gonzales thanked the BJA members for their time, and members thanked Judge Gonzales and the other departing members for their work.

The AOC is working to find a successor for retiring Chief Financial and Management Officer Ramsey Radwan. The job announcement has been published widely. They hope the successful candidate will have a one month overlap with Ramsey Radwan. Brittany Gregory has been hired as the new Associate Director of the Office of Judicial

and Legislative Relations at AOC. She will begin work on June 1 and will attend the Judicial Leadership Summit.

Other

There being no further business, the meeting was adjourned at 11:48 a.m.

Recap of Motions from the May 21, 2021 Meeting

Motion Summary	Status
Extend the Court Security Task Force through June 2022.	Passed
Approve next year’s BJA meeting schedule.	Passed
Approve the March 19, 2021, BJA meeting minutes.	Passed

Action Items from the March 19, 2021 Meeting

Action Item	Status
The PPC is focused on proposed plans for adequate funding for trial courts. The next step will be a survey sent to judges and court administrators, with a goal to come back to the BJA with recommendations from that survey.	
Chief Justice González encouraged the BJA members to look at the questions in the meeting packet and be ready to discuss them during the Judicial Leadership Summit breakout sessions.	Ongoing
<u>March 19, 2021, 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

BJA BUSINESS ACCOUNT
SECOND QUARTER 2021 SUMMARY

APRIL-MAY-JUNE ACTIVITY SUMMARY			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$11,926.85
TOTAL EXPENDITURES	\$350.61		
TOTAL DEPOSITS		\$110.00	
ENDING BALANCE			\$11,686.24

BJA BUSINESS ACCOUNT
SECOND QUARTER 2021 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
4/2/2021	3803	WASHINGTON COURTS HISTORICAL SOCIETY	GAVEL – CHIEF JUSTICE GONZÁLEZ	150.00	YES
5/8/2021	3804	JEANNE ENGLERT	REPLACE CHECK #3800 LOST IN THE MAIL – REIMBURSEMENT FOR GIFT TO DEPARTING CHIEF JUSTICE	100.00	YES
5/20/2021	3805	CAROLINE TAWES	REIMBURSEMENT – MAT AND FRAME FOR DEPARTING BJA MEMBERS	78.75	YES
6/8/2021	3806	CAROLINE TAWES	REIMBURSEMENT – MAT AND FRAME FOR DEPARTING BJA MEMBERS	21.86	YES
			TOTAL EXPENDITURES	350.61	

DEPOSIT DATE	AMOUNT
TOTAL SECOND QUARTER DEPOSITS	\$110.00