

Board for Judicial Administration

January 18, 2008

Board for Judicial Administration

January 18, 2008
12:15 p.m.
Temple of Justice
Olympia

Agenda

1. Judicial Access to AOC Legislative Bill Tracker (12:15 p.m.)	Mr. Jeff Hall	
2. Call to Order (1:00 p.m.)	Chief Justice Gerry Alexander Judge Vickie Churchill	
3. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
Action Items		
4. December 14, 2007 Minutes Action: Motion to approve the minutes of the December 14, 2007 meeting	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
5. Proposed Amendment to Interpreter Funding Conditions Action: Motion to approve the amendment to interpreter funding conditions	Mr. Chris Ruhl	Tab 2
Reports and Information		
6. Legal Financial Obligations Collections Report	Ms. Barb Miner	Tab 3
7. JLARC Report on Office of Public Defense	Ms. Joanne Moore	Tab 4
8. Water Work Group Status Report	Mr. Rick Neidhardt	Tab 5
9. Legislative Update	Ms. Mellani McAleenan	Tab 6
10. Access to Justice Board	Mr. M. Wayne Blair	
11. Washington State Bar Association	Mr. Stan Bastian	
12. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge Marlin Appelwick Judge Christine Quinn-Brintnall Judge John Schultheis Judge Vickie Churchill Judge Stephen Shelton	
13. Other Business BJA Financial Report Next meeting: February 15 Beginning at 9:30 a.m. at the Kilroy Tower, SeaTac	Chief Justice Gerry Alexander Judge Vickie Churchill Mr. Jeff Hall	

**Board for Judicial Administration
December 14, 2007
Kilroy Tower
SeaTac, Washington**

Members Present: Chief Justice Gerry Alexander, Chair; Judge Vickie Churchill, Member Chair; Judge Marlin Appelwick; Mr. Stan Bastian (by phone); Judge Leonard Costello; Judge Sara Derr; Judge Susan Dubuisson; Judge Deborah Fleck; Ms. Paula Littlewood; Justice Barbara Madsen; Judge Larry McKeeman; Judge Robert McSeveney; Judge Marilyn Paja; Judge Linda Portnoy; Judge Christine Quinn-Brintnall; Judge Stephen Shelton; and Mr. Butch Stussy

Guests Present: Mr. M. Wayne Blair, Ms. Roni Booth, Mr. Ron Carpenter, Judge Anne Ellington, Ms. Kathy Martin, Mr. Joseph McGuire, Mr. Paul Sherfey, and Ms. Renee Townsley

Staff Present: Ms. Beth Flynn, Mr. Doug Haake, Mr. Jeff Hall, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, Mr. Chris Ruhl, and Ms. Caroline Tawes

Judge Churchill called the meeting to order.

November 16, 2007 Minutes

It was moved by Judge Shelton and seconded by Justice Madsen to approve the November 16, 2007, meeting minutes as written. The motion carried.

Access and Accommodations Coordinator

Judge Ellington stated that courts need an ADA resource in order to come into compliance with ADA legal obligations. Washington is one of the very few states that do not have a statewide ADA coordinator for the judiciary.

Judge Ellington wants to raise awareness of this issue and is hoping to find legislative support for an ADA coordinator bill. There are many advocacy groups with this issue as their legislative priority for 2008. Judge Ellington wants to let everyone know how important this is and that a lot of work can be done with a small amount of resources. The budget request for two years is approximately \$210,000 as a start-up budget.

Chief Justice Alexander agreed that this is an important issue that should be addressed. However, the Supreme Court made a conscious decision not to ask for funding of any new "policy" budget items in the 2008 supplemental budget request. Chief Justice Alexander indicated that it would be most appropriate for the court to consider this request for inclusion in the 2009 budget submission.

2008 Legislative Agenda and Report

Ms. McAleenan received correspondence from Benton County District Court requesting an additional judicial position. One court commissioner is getting ready to retire and they would like to replace that court commissioner with a full-time judge position. A request for support for creating a new judge position is pending before the Board of Benton County Commissioners.

It was moved by Judge Appelwick and seconded by Judge Fleck that the BJA support the request for one additional judicial position in Benton County District Court contingent upon the approval to support the request by the Board of Benton County Commissioners. The motion carried.

Ms. McAleenan also shared that there is no plan by the BJA to pursue the interpreter legislation this year but Representative Patricia Lantz is pursuing it. The most recent draft legislation was included in the meeting packet. The bill may need some changes and Ms. McAleenan is looking into the costs to comply with the bill.

JIJ Implementation Committee

Mr. Hall reported that at the most recent JIJ Implementation Committee meeting the approved a revised committee membership. Following the meeting, there was considerable discussion by a large group of committee members regarding the adopted membership structure. A consensus developed that the adopted membership list should be scaled back to that originally proposed in the meeting materials with the only addition being Ms. Jan Michels. Mr. Blair shared that they wanted to name Ms. Michels to the Committee in order to benefit from her experience. She was involved in the Justice in Jeopardy Initiative from the beginning.

It was moved by Judge Fleck and seconded by Judge Costello to approve the revised committee charter and membership as described in the meeting materials with the addition of Ms. Jan Michels. The motion carried.

Court Operations Committee

The proposed membership for the Trial Court Operations Funding Committee was distributed in the meeting materials. Judge Fleck would like to have nine members on the committee instead of six.

Judge Fleck moved and Judge Shelton seconded to have three committee members from each group (SCJA, DMCJA, CMC) on the Trial Court Operations Funding Committee. The motion carried.

Access to Justice Board

Mr. Blair presented a recommendation from the ATJ Board and WSBA Board of Governors that Judge Steven González be reappointed to the ATJ Board as the BJA representative. Currently, Judge González serves on the ATJ Board as a representative of the WSBA Board of Governors. His current term is due to expire and the Board of Governors would like to advertise for his upcoming term as a Board of Governors representative.

It was moved by Judge McSeveney and seconded by Judge Portnoy to name Judge González as the BJA representative on the Access to Justice Board for a three-year term beginning in May. The motion carried.

Washington State Bar Association

Ms. Littlewood reported that the WSBA is undertaking several efforts to help with Washington flood victims.

- An e-mail will be sent to the membership providing information regarding donations to the Salvation Army or United Way.
- The Young Lawyer's Division is establishing a toll-free number for low-income people to receive assistance for legal issues.
- WSBA is helping to coordinate information about volunteers who are offering office space or homes to lawyers who need assistance.

The Board of Governors meeting was in Everett last week and they met with the leadership of the Snohomish County Bar and all Snohomish County Superior Court judges. They discussed the unified family court issue along with a number of other issues.

Mr. Bastian authored an op-ed piece that was published in the *Seattle Post-Intelligencer* on December 5. It was somewhat in response to R-67 and the negative advertisements associated with the initiative and listed all the important work attorneys do in the legal community.

The WSBA is currently working on the following projects:

- **Judicial Selection Task Force**—This topic will be covered in a future *Bar News* issue.
- **Legal Technician Rule**—Looking at a future *Bar News* issue to educate the broad membership on this rule.
- **Local Rules**—Concentrating on bringing some uniformity to the local rules.

There being no further business, the meeting was adjourned.



January 11, 2008

TO: Board for Judicial Administration

FROM: Chris Ruhl, Court Services Manager

**RE: PROPOSED REVISIONS TO INTERPRETER SERVICES FUNDING
CONDITIONS**

In July 2007, the BJA approved the attached Funding Conditions / Payment Structure for the \$1.56 million in Interpreter Services Funding appropriated by the 2007 Legislature for FY08-09.

The implementation of this appropriation is now well underway. The interpreter services funding plan and criteria for FY08-09 envision a group of ten multi-court initial implementation sites that will also serve as demonstration projects, in order to generate the data needed to demonstrate the impact of state funding of court interpreter and language assistance services. The implementation sites will serve as a laboratory for developing and implementing innovations and best practices in providing those services, and as a catalyst for improving such services statewide. Initial implementation sites include multi-court collaborations in Benton-Franklin, Chelan-Douglas, Clark, Kitsap, Okanogan, Pierce, Skagit, Snohomish and Yakima Counties, as well as a collaborative of ten municipal courts in South King County.

Not unexpectedly for a statewide project of this scope, the practical realities of implementation at the trial court level are calling for refinement of the Funding Conditions. In particular, the initial implementation sites for this funding have strongly requested AOC and BJA to reconsider the Funding Conditions governing (1) the payment rate for Qualified interpreters; (2) the requirement to utilize only Certified or Registered interpreters in languages for which Washington Certified or Registered interpreters currently exist; and (3) utilization of American Sign Language (ASL) interpreters.

Attached are the proposed revisions to the Interpreter Services Funding Conditions. The sections that have been revised are highlighted. New language is underlined; deleted language is indicated by ~~strikethrough~~. Note especially the proposed changes to Funding Condition No. 1. They are intended to address the issue of the current lack of available interpreters in Certified and Registered languages, which is acute in certain languages and/or parts of the state.

The proposed revisions were presented to the Court Management Council for review, discussion and approval at its January 9 meeting. The CMC approved the changes and added two additional language clarifications to Funding Condition No. 2 as well. Together, these changes reflect an effort to strike the right balance between aggressively pursuing the ultimate goal of equal access to Washington's courts for LEP, Deaf and Hard of Hearing Persons, and acknowledging the current realities of interpreter availability and the interpreter market. The ASL interpreter changes (Funding Condition No. 6) also reflect a better understanding of the landscape of ASL interpreting in Washington.

These revisions are being presented to the BJA on January 18 with a request for a motion to approve the changes as proposed. Approval by the BJA will allow the Interpreter Funding Implementation to proceed on schedule.

INTERPRETER SERVICES FUNDING

FUNDING CONDITIONS / PAYMENT STRUCTURE

Following are the conditions and payment structure for the interpreter services funding. They generally reflect those set forth in the decision package presented to the legislature which ultimately resulted in receipt of this funding.

1. The AOC will reimburse trial courts for 50% of the cost of certified, registered or qualified interpreters subject to the following requirements:
 - a. Certified Languages
Compensation for interpreters for certified languages will only be reimbursed for compensation paid to certified interpreters. Notwithstanding, if either (1) the AOC master interpreter list for certified languages does not include any interpreters certified for a particular language, or (2) after diligent search, a certified interpreter cannot be obtained for a particular language; then reimbursement will be provided for compensation to an interpreter who is otherwise qualified on the record pursuant to Chapter 2.43 RCW for services provided on or before December 31, 2008.
 - b. Registered Languages
Compensation for interpreters for registered languages will only be reimbursed for compensation paid to registered interpreters. Notwithstanding, if either (1) the AOC master interpreter list for registered languages does not include any interpreters registered for a particular language, or (2) after diligent search, a registered interpreter cannot be obtained for a particular language; then reimbursement will be provided for compensation to an interpreter who is otherwise qualified on the record pursuant to Chapter 2.43 RCW for services provided on or before December 31, 2008.
 - c. Non-Certified and Non-Registered Languages
Compensation for interpreters for languages for which neither certification nor registration is offered will be reimbursed where the interpreter has been qualified on the record pursuant to Chapter 2.43 RCW.

Implementation sites will be expected to work closely with AOC and the Interpreter Commission to encourage and assist interpreters to become certified in needed certified languages (such as Somali, Arabic and Mandarin), and to become registered in needed registered languages.

2. Certified or registered Court Interpreters are compensated at a rate of \$50 per hour with up to a either a one or two hour minimum. Qualified

interpreters are compensated at a rate of up to \$50 per hour with up to a two hour minimum. Interpreter compensation in excess of \$50 per hour or requiring a guarantee of payment for more than a two hour minimum (where the actual interpreter service ultimately provided was not more than two hours) will be the sole responsibility of the court. Compensation for services provided in excess of the one or two hour minimum must be charged and paid in 30 minute increments.

3. The cost of staff interpreters will be reimbursed for interpreter services only, under the same conditions as in (1) above, up to a maximum total salary of \$60,000 plus 27% in benefits (i.e., state reimbursement = \$30,000 plus 13.5% in benefits).
4. The cost of contract interpreters will be reimbursed under the same conditions as in (1) above, up to a maximum equivalent of \$50 per hour for the actual number of hours of interpreting.
5. The AOC will reimburse trial courts for up to 50% of the cost of interpreter travel and mileage in accordance with the Dept. of Social and Health Services (DSHS) interpreter travel and mileage reimbursement policy. See **INTERPRETER TRAVEL AND MILEAGE REIMBURSEMENT** for details. Travel and mileage will only be reimbursed for certified, registered or qualified interpreters per (1) above.
6. In order to receive funding for American Sign Language (ASL) interpreters, courts must use either (a) an interpreter with an SC:L or comparable legal specialist certification, (b) interpreters provided or referred by DSHS Office of Deaf and Hard of Hearing (ODHH) or a community center for the hard of hearing, or (c) if after diligent search no ASL interpreter can be obtained under (a) or (b), an interpreter with at least an RID Certificate of Interpretation / Certification of Transliteration (CI/CT) or comparable generalist certification. Interpreters obtained under (b) ~~and must be paid pay them~~ according to the scale set by ODHH. See RCW 2.42.130, 2.42.170. Under the current DSHS state contract, this pay rate is typically \$50 per hour with a one hour minimum. ASL interpreter compensation in excess of \$50 per hour or requiring a guarantee of payment for more than a two hour minimum (where the actual interpreter service ultimately provided was not more than two hours) will be the sole responsibility of the court.
7. Travel and mileage costs for ASL interpreters will be reimbursed under the same conditions as for spoken language interpreters per (5) above.

8. The AOC will reimburse local jurisdictions for up to 50% of the cost of using certified, registered or qualified interpreters (per (1) above) by telephone for LEP persons in court proceedings, up to a maximum of \$1.64 per minute (with no minimum service time).
9. The AOC will reimburse local jurisdictions for up to 50% of the cost of Language Line services for telephone interpreting outside of the courtroom – e.g., at the court front counter or self-help center – when such services are used through the state’s contract with Language Line.
10. The interpreter services funding can only be used to pay for interpreter services currently being paid out of the applicant’s budget (or budgets, in the case of multi-court collaborative applicants).
11. Funding recipients will periodically bill AOC and be reimbursed for interpreter costs rather than receiving funds as a grant.

INTERPRETER TRAVEL AND MILEAGE REIMBURSEMENT

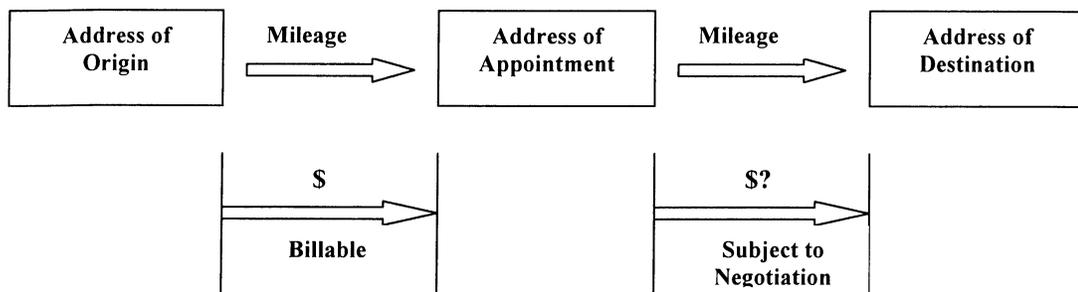
Interpreter mileage or travel time will be reimbursed as follows:

MILEAGE

Interpreter mileage will be reimbursed in accordance with the prevailing Office of Financial Management (OFM) Policy and Guidance rate. The court will notify interpreters of any change in the OFM rate before it becomes effective.

Mileage will be reimbursed on a from “address of origin”¹ to “address of appointment”² basis. The court and interpreter will negotiate reimbursement for mileage traveled from the “address of appointment” to “address of destination”³ on a case by case basis. (NOTE: Courts are encouraged to have a consistent policy regarding the return trip.) In Eastern Washington, due to the scarcity of interpreters and vast distance for portal to portal travel, it is recommended that the court reimburse the interpreter for mileage on an “address of appointment” to “address of destination” or round trip basis⁴.

Interpreter mileage related to an appointment is billable if a required party fails to appear. If the interpreter fails to appear, he/she will not be paid for mileage. “Failure to appear” means a non-appearance by the limited English proficiency, deaf or hard of hearing client, attorneys, witnesses or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing. Mileage related to appointments that have been cancelled where the interpreter has received prior notice of the cancellation is not billable.



¹ “Address of origin” means the interpreter’s home, office or immediately previous appointment meeting place.

² “Address of appointment” means the courthouse or other location of the interpreter assignment.

³ “Address of destination” means the interpreter’s home, office or immediately next appointment meeting place.

⁴ “Roundtrip” means from the interpreter’s home/office to the appointed meeting place, followed by the interpreter’s return to their home/office.

TRAVEL TIME

Travel time will be reimbursed on a from “address of origin” to “address of appointment” basis. The court and interpreter will negotiate reimbursement for travel time from “the address of appointment” to “address of final destination” on a case by case basis at the time the appointment is requested. (NOTE: Courts are encouraged to have a consistent policy regarding the return trip.) In Eastern Washington, due to the scarcity of interpreters and vast distance for portal to portal travel, it is recommended that the court reimburse the interpreter for travel time on an “address of appointment” to “address of destination” or round trip basis.

Interpreters must travel for a minimum of sixteen (16) miles, and one-half hour, to be eligible for travel time reimbursement. Exceptions to the sixteen (16) mile minimum requirement shall be made when the use of a ferry contributes to the one half hour or more of travel time.

Travel time will be reimbursed at a rate of one half the hourly interpreter rate for each hour of travel. Example: Interpreter traveled four hours to an appointment and the hourly rate is \$50. One half of the hourly rate is \$25. The calculation would be $4 \times \$25 = \100 for travel time.

Distance	Reimbursable
Origin \longrightarrow Appointment 0 -15 Miles	Mileage Only
Origin \longrightarrow Appointment 16+ Miles	Mileage or Travel* (but not both)

*Travel can be claimed only when traveling time is $\frac{1}{2}$ hour (30 minutes) or more.

Interpreter travel time related to an appointment is billable if a required party fails to appear. If the interpreter fails to appear, he/she will not be paid for travel. “Failure to appear” means a non-appearance by the limited English proficiency, deaf or hard of hearing client, attorneys, witnesses or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing. Travel time related to appointments that have been cancelled where the interpreter has received prior notice of the cancellation is not billable.

**2007 Report to the
Washington State Legislature**
on the
Fiscal Impact
of
**ESSB 5990, or
Chapter 379, Laws of 2003**
and
**SSB 5256, or
Chapter 362, Laws of 2005**

The Washington Association of County Officials,
For
The Washington State Association of County Clerks
November, 2007

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Report Prepared by
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Finance and Information Services Manager
King County Clerk's Office

Introduction and Executive Summary

Overall, the changes implemented by ESSB 5990 and follow-up legislation reduced the State's financial commitment to support Legal Financial Obligation (LFO) collections, yet yielded increased total collections, increased restitution payments to victims of crimes, increased revenues to the State and the crime victims' compensation funds, and increased cost recoupment to counties. The continuation of this resounding success needs to be ensured by provision of adequate funding to support clerks' collection operations.

Clerks rely on State funding for salaries and benefits of staff who provide collection services, and for mailing statements and delinquency notices to defendants who are out of compliance with their payment schedules. **Since passage of ESSB 5990, staff salaries and benefits have increased in most counties by more than 10%, postage has increased 11%, the number of new LFOs created annually has increased 13%, the legislature has added superior court gross misdemeanor collections to the clerks' work load, and the resulting number of cases DOC has transferred to the clerks for collection has increased dramatically.** State funding to support collections, however, has remained static. To address this, the Washington State Association of County Clerks (WSACC) will make a supplemental funding request. **The amount of the additional funds being requested (\$450,000 annually) by WSACC is less than the additional funding they bring into State agencies through the increased LFO collections.**

The transfer of criminal LFO collection responsibility from DOC to county clerks has yielded a significantly increased rate of collection from a smaller state investment of funds. Overall collections have increased state-wide by 11.3% over the previous year, or by \$3.05 million, and have increased by 39.8% or \$8.59 million over 2003 collections. Restitution payments to victims of crime increased by \$1.11 million, or by 9.8% over 2006 collections, and increased by \$4.59 million, or 57.9% over 2003. **In fact, restitution and restitution interest payments are expected to exceed \$12.5 million during 2007, and is the most rapidly increasing component of total collections.**

Revenue collected for the State is expected to exceed \$4.0 million this year. This represents an increase of \$574,803 annually or 16.6% over the amount collected in 2003. Collection of Crime Victims' Compensation funds is expected to exceed \$2.12 million in 2007, which represents an increase of \$323,426 annually, or 18.0% over the amount collected in 2003.

The Administrative Office of the Courts (AOC) conducts regular monthly billing of outstanding LFOs. AOC received supplemental funding during 2006 to cover the cost of a postal rate increase, and to expand the regular monthly billing to encompass gross misdemeanor cases transferred to clerks for collection under SSB 5256. It is believed that this, coupled with on-going enhancements to collection practices by clerks, is responsible for the continued growth of total collections during the year. It is expected that total collections will exceed \$30 million for the year, by the end of 2007 (based on actual collections from the first nine months of 2007).

The clerks are continuing to make LFO collections a priority, and continue to exchange information about best practices and to conduct training sessions on those practices that are proving particularly effective. It is anticipated that collections results will continue to improve throughout the next several years. This will depend, however, on sufficient funding being made available to allow clerks to continue to upgrade collection practices and increase efficiencies.

State LFO collection funding enables the monthly billing of offenders with outstanding LFOs, and provides the clerks with resources to be able to assist obligors to remain in compliance with their payment schedule and help improve re-entry. The importance of continued, stable state funding cannot be over-emphasized.

The clerks were granted access to Employment Security Department (ESD) data in Substitute Senate Bill 5168 during the 2004 legislative session. While the clerks have struggled over several issues with ESD for the past several years, WSACC is happy to report that those issues have been resolved at this time, and believes that access to this badly needed data is imminent.

The clerks, through the Washington Association of County Officials (WACO), are planning to sponsor legislation that will further enhance LFO collections in this state. The anticipated legislation will revise several statutes governing the collection of LFOs to grant authority to clerks to issue Notices to Withhold and Deliver, just as DOC can do presently.

Engrossed Substitute Senate Bill 5990 was passed by the Washington State Legislature during the 2003 regular session, and became law on October 1, 2003. Section 20 of the bill added a new section to RCW 36.23, and reads in part: "The Washington Association of County Officials shall report on the amounts of legal financial obligations collected by the county clerks to the appropriate committees of the legislature no later than December 1, 2004, and annually thereafter." Following is the fourth such annual report.

Outstanding Issues

While transfer of the LFO collection program has met with significant success thus far, the cost of operating a successful collection program has increased each year, yet funding from the state to support this work has remained flat. Clerks use the state funding primarily to pay for staff salaries and for mailing notices to obligors. In the time since the current funding level was established, the cost for staff salaries and benefits has increased by more than 10% in most counties. The cost of postage has increased 11%. The number of new financial obligations being created each year has increased by 13%¹. The number of financial obligations being transferred from DOC to the clerks has increased dramatically.

To address this situation the clerks submitted a request for additional funding in October, 2007. Specifically, the clerks have requested supplemental funding in 2008 in the amount of \$450,000, as well as for \$900,000 per biennium thereafter. The WSACC also requested that the categorization of the state funding provided to support AOC and the clerks' collections activities be changed to "vendor rate increase", so that the amount of these funds provided in future years will be increased as the cost of doing business increases.

Through the clerks' efforts state revenue funds are now receiving more than \$500,000 annually in excess of the amount they were receiving prior to transfer of LFO collections to the clerks. The clerks have demonstrated this is a sound investment of state funds. The volume of work continues to grow and the cost of doing the work continues to rise. The clerks need to have continued support for this stellar level of performance to continue to be realized.

¹ The source of this data is the AOC Superior Court Statistics web site. See Table 18 in the Appendix.

History

During its 2003 session, the Washington State Legislature enacted ESSB 5990 into law in Chapter 379, Laws of 2003. This legislation, in conjunction with the Governor's budget for the following biennium, effected significant changes on the organizational structure and functioning of DOC and on the process for collection of criminal LFOs within this State. The Governor's initial proposal included shifting collection responsibility to the State Department of Social and Health Services (DSHS). Because all LFO data is provided from clerk-generated financial data and because LFOs originate from criminal court orders (Judgments and Sentences), and out of concern that DSHS' historic emphasis and expertise has been in the civil and family law areas, the clerks proactively negotiated for collections to be turned over to them to handle and manage.

The resulting legislation, in summary, provides that individuals being convicted in a Superior Court in this state are to undergo a risk assessment by DOC, and be assigned a risk management designation ranging from "A" to "D," with "A" representing the highest risk to the community. Subject to certain exceptions DOC is no longer responsible for supervision of those offenders receiving a risk management rating of "C" or "D." Responsibility for collection of LFOs was transferred to the County Clerk for each respective county for all non-DOC supervised offenders. Responsibility for monthly billing on non-DOC supervised cases was also transferred from DOC to AOC. These changes were phased in between July, 2003 and January 1, 2004.

Three million dollars was appropriated for the biennium to the clerks and AOC for this new body of work. Of the \$3 million, approximately \$1.2 million is allocated per biennium to AOC for contracted mailing of monthly statements to offenders. The remainder is distributed among the county clerks based on a formula created and unanimously approved by the county clerks and distributed by the Washington State Association of County Officials (WACO). The formula for distribution of these funds is based upon the relative volume of criminal sentences entered in each county during the years 1998 through 2002.² Table #1 in the appendix contains the data used to distribute these funds.

In July, 2003, DOC began closing the cases that they were no longer involved with, pursuant to 5990, and transferring them to the respective clerk's offices. In October 2003, the clerks became legislatively enabled to take many of the administrative collection actions that had been reserved to DOC prior to that time. In January 2004, AOC assumed responsibility for the monthly billing of non-DOC supervised obligors. At that time, AOC sent approximately 79,000 statements each month.

Substitute Senate Bill 5256 was passed by the Washington State Legislature during the 2005 regular session, and became law on May 10, 2005, in Chapter 362, Laws of 2005. This legislation expanded DOC's ability to transfer LFO collection responsibility to county clerks to

² The source of this data is the AOC Superior Court Statistics web site. See Table 1 in the Appendix.

gross misdemeanor cases in much the same fashion as ESSB 5990 allows in the case of felony convictions.

Due to the passage of SSB 5256, AOC has increased the number of monthly statement mailings to approximately 101,000 statements per month.³ In order to cover the added expense of mailing additional monthly statements and to cover the increase in postage rates, AOC sought and was granted supplemental funding. It is important that this incremental funding continue as well as the overall LFO program budget and recently requested supplemental funding be provided on an on-going basis, to facilitate the clerk's ability to continue collections work.

The years 2005 through 2007 have seen tremendous growth in LFO collections and greatly expanded adherence to LFO payment schedules. Total collections in these three years alone have increased 38.7%, or nearly 13% per year. In addition, collections in each category of funding have increased as well. Total LFO collections in 2003, when ESSB 5990 became effective mid-year, were just over \$21.5 million. Total collections in 2007 are expected to exceed \$30.1 million. During this period, restitution and interest payments to crime victims have gone from \$7.9 million to \$12.5 million. Revenue to the state has gone from \$3.5 million to \$4.0 million. While specific statistics are not available to verify this, most clerks feel the number of defendants in compliance with payment schedules has increased significantly, thus improving their chances for a successful re-entry into society.

In the face of a funding source that has remained flat for the past three years, the WSACC will be making a request for supplemental funding of \$450,000 for 2008, and for continuation of this funding of \$900,000 in the 2009-2010 biennium and ongoing. To support this request, clerks point to the fact that in the time since the current funding level was established staff salaries have increased in most counties by at least 10%, postage rates have increased by 11%, and the number of defendants sentenced annually has increased by 13%. Most of the state funding is used by clerks to pay for staff salaries and mailing notices to defendants. The clerks also point out that as a result of their assuming collection responsibility funds generated to the state have increased by \$500,000 annually.

³ AOC requested and received supplemental funding to increase the volume of monthly statement mailings, and to offset the increase in postage rates.

Summary of Results

2003 and 2004 were both transition years for implementation and management of the various processes, policies and practices necessary for LFO collections in Washington State. The following data compares collection results from 2002 as a baseline, and 2003-2007.⁴ It should be noted that there is significant variation in the results among the counties. It is believed that some of this variation is attributable to demographic factors, some is attributable to the local culture and practice of each county's bench, prosecutor and law enforcement community, local laws addressing additional fines or penalties, and the maturity and resources available for an individual county's collection program.

As noted above, 2005 represents the first full year the clerks were engaged in LFO collections without significant transition occurring. During 2005, twenty-six counties experienced an increase in total LFO collections. Twenty-nine counties experienced an increase in 2006 over 2005 collection levels, and twenty-eight counties are experiencing an increase in 2007 over 2006 collections. Overall, statewide LFO collections have increased by 11.3% during the year. Total collections have increased by over 39.7% since the enactment of ESSB 5990. The largest percentage increases in the current year occurred in Franklin, Adams and Whatcom counties.⁵ The largest percentage increases in total collections since the implementation of ESSB 5990 have occurred in Benton, Franklin and Spokane counties.⁶ Nine counties experienced growth in collections of more than 20% over 2006 levels,⁷ and twenty-five have experienced growth of more than 20% since the enactment of ESSB 5990.⁸

Figure #1 following demonstrates the overall success being achieved by the re-structuring of the LFO collection program.⁹ During 2002, total LFO collections state-wide were \$21,857,291. During 2003 they declined slightly to \$21,561,825, which represents a decrease of just 1.4%. During 2004 total collections increased to \$21,736,238, or an increase of 0.7%. During 2005 total collections increased to \$24,713,728. This represents an increase of 13.7% over the 2004 collection total. 2006 collections increased to \$27,093,957, which represents an increase over 2005 of 9.6%. 2007 collections are expected to total \$30,148,160, which represents an increase

⁴ Actual data gathered for 2007 is from the months of January through September. For purposes of comparison, these figures have been annualized, on the basis of there having been 190 business days during the first nine months of the year, while there are 254 business days during all of 2007, and factoring in a historical 20.1% decline in LFO collections during the month of December.

⁵ Franklin 47.5%; Adams 44.9%; Whatcom 39.5%.

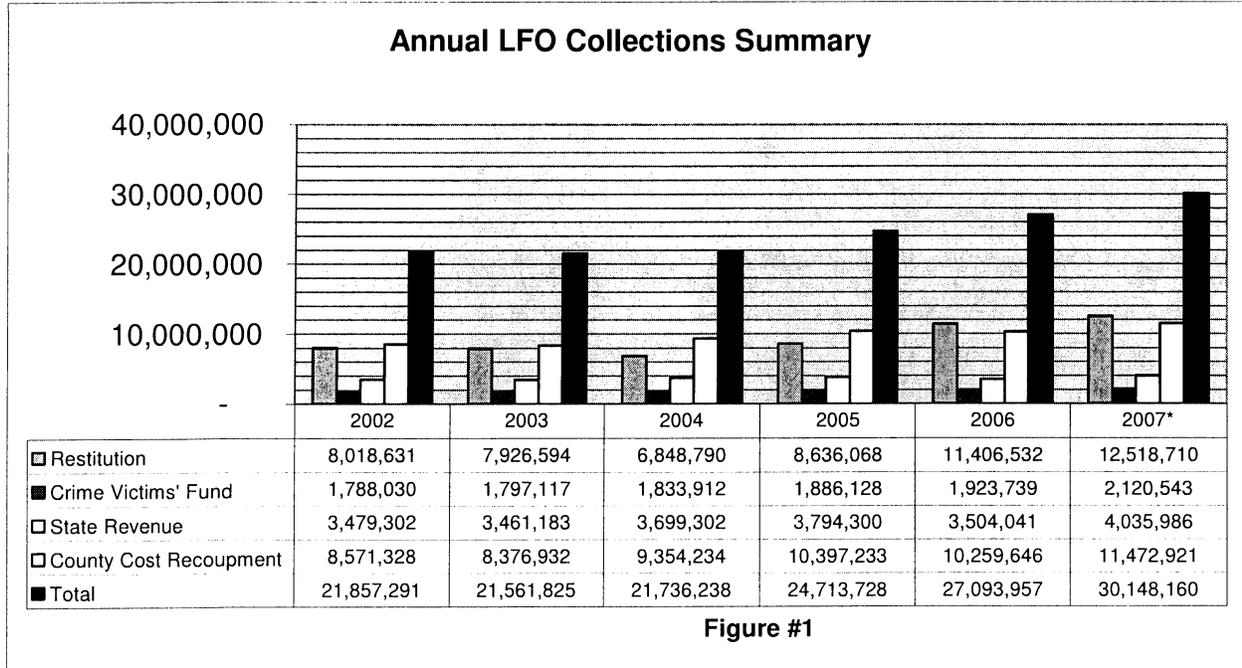
⁶ Benton 206.0%; Franklin 164.0%; Spokane 111.0%.

⁷ Adams 44.9%; Clallam 202.6%; Franklin 47.5%; Grays Harbor 30.1%; Pend Oreille 26.2%; Skagit 36.4%; Spokane 30.2%; Wahkiakum 22.0%; Whatcom 39.5%.

⁸ Adams 88.5%; Asotin 69.4%; Benton 206.0%; Chelan 62.1%; Clallam 34.8%; Clark 49.8%; Cowlitz 42.6%; Douglas 57.4%; Franklin 164.0%; Garfield 69.5%; Grays Harbor 38.1%; Island 48.4%; Kitsap 59.5%; Lewis 40.6%; Mason 91.6%; Pacific 29.5%; Pend Oreille 21.2%; Skagit 46.7%; Skamania 51.2%; Spokane 111.0%; Stevens 76.1%; Thurston 47.1%; Whatcom 48.3%; Whitman 36.0%.

⁹ It should be noted that some small transactions share common account coding in the Judicial Accounting Sub System between juvenile and adult LFOs. The effect of this overlap is that exact figures for the breakout of revenues and restitution from adult and juvenile LFO collections cannot be calculated. It is estimated, however, that the effect of this commonality constitutes less than 0.11% of the total transaction amounts being reported. The result of this influence is to slightly overstate revenue items and to slightly understate restitution.

of 11.3% over 2006 collections, and 39.7% more than total collections in 2003. This increase in collections is significant, especially considering the reduced amount being invested by the State on LFO collections prior to implementation of ESSB 5990.



*Figures for 2007 are annualized projections based on actual collection figures for the months of January through September, 2007

Figure #1

Figures #2 through #7 in the appendix demonstrate the percentage makeup of LFO collections for each of the years of 2002 through 2007. These charts demonstrate a shift in the makeup of funds collected during this period. Initially, implementation of charging collection fees by many clerks’ offices caused a slight shift in the makeup of collections in favor of county cost recoupment.¹⁰ Although these collection fees are smaller than DOC cost of supervision fees, the latter are not included in total LFO collection figures because they are collected by DOC outside of the clerks’ accounting system. Clerks’ collection fee reimbursement amounts, on the contrary, are included in total collection figures, which cause this apparent shift, while in reality the cost to the obligor is reduced.

Restitution, as a percentage of total collections has increased significantly during 2006 and 2007. In fact, last year at this time restitution and restitution interest was projected to slightly exceed

¹⁰ Items included in the category labeled “County Recoupment” include all amounts going to the county, including the county CX fund, the court current expense fund, local drug, cleanup and lab funds, and local fines and penalties. Revenue items included in the category labeled “State Revenue” include all revenues going to the state Public Safety and Education Accounts (PSEA1 and PSEA3), the state Judicial Information System (JIS) account, crime lab funding, the state DNA account, various wildlife related penalties, and the state Indigent Defense fund.

\$10.0 million for the year 2006. With the final numbers in now for 2006 one can see that restitution and restitution interest collected actually exceeded \$11.0 million. While it is difficult to pinpoint the exact causes for this, it is believed that factors contributing to this include an increase in the number of larger payments being made towards LFOs. As economic conditions move towards more real estate refinancing, and as clerks become more adept at securing interests in assets outside their counties and in taking other collection actions, it is increasingly common for them to receive large, “lump sum” payments. In these events, typically the bulk of the lump sum payment goes towards restitution, and these large payments can have a profound effect on LFO collection totals.

The portion of funding which goes to Crime Victim Protection funds (CVP) has increased to over \$2.12 million anticipated in 2007, up from \$1.92 million in 2006 and up from \$1.80 million 2003. This reflects an increase during 2007 of 10.2% or \$196,804 over 2006, as well as a steady increase since implementation of ESSB 5990.

“State Revenue” which includes funds to the Public Safety and Education (PSEA1 and PSEA3) accounts, State Crime Lab and Judicial Information System Account has exhibited performance similar to the CVP discussed above. Collections are expected to exceed \$4.03 million in 2007. This represents an increase \$574,803 annually, or 16.6% over 2003 collections.

Table #2 below shows the dollar breakdown in collections for each of the years of 2002-2007, as well as the percentage change in each fund category for each year over the 2002 base year.

Table #2
Comparison of LFO Collection Totals
In the Years 2002-2007

	Crime		State	County	
	Restitution	Victims' Fund	Revenue	Recoupment	Total
2002	8,018,631	1,788,030	3,479,302	8,571,328	21,857,291
2003	7,926,594	1,797,117	3,461,183	8,376,932	21,561,825
2004	6,848,790	1,833,912	3,699,302	9,354,234	21,736,238
2005	8,636,068	1,886,128	3,794,300	10,397,233	24,713,728
2006	11,406,532	1,923,739	3,504,041	10,259,646	27,093,957
2007	12,518,710	2,120,543	4,035,986	11,472,921	30,148,160
% Change '07/'02	56.12%	18.60%	16.00%	33.85%	37.93%
% Change '07/'03	57.93%	18.00%	16.61%	36.96%	39.82%
% Change '07/'04	82.79%	15.63%	9.10%	22.65%	38.70%
% Change '07/'05	44.96%	12.43%	6.37%	10.35%	21.99%
% Change '07/'06	9.75%	10.23%	15.18%	11.83%	11.27%

Table #2 illustrates a shift in the makeup of total LFO collections during this transition period. During the period from 2005 through 2007 total adult LFO collections continues to increase at a significant rate. In terms of dollars, restitution and interest on restitution paid to crime victims continued to show the largest increase – more than \$1.1 million over 2006, and nearly \$4.6 million over 2003. It is worth noting that each funding category from LFO collections has increased in terms of real dollars significantly since the enactment of ESSB 5990 and SSB 5256.

During 2003, DOC transitioned most eligible felony cases to the clerks for collection. The impact of this on the defendants is that they are no longer obligated to pay DOC cost of supervision fees of \$200 per year, but may be required to pay clerks' offices for collection services, up to \$100 per year.¹¹ Because the fees to compensate DOC for the cost of supervision are not included elsewhere in these figures, and because the clerks' office collection cost recoupment is reflected in these figures in county recoupment, a small shift in the makeup of funds collected is seen since transition of collection responsibilities in favor of county recoupment. It is anticipated that this increased proportion of county funds in relation to total adult LFO collections will continue into the future, unless the growth in collection of restitution and interest on restitution for crime victims continues to outpace county recoupment. It is worth noting, however, that county recoupment funds are used to assist clerks in collecting on outstanding LFOs, and that this cost may be considerably less than the defendants would be required to pay if DOC were supervising collection on their cases.

¹¹ Collection fees of up to \$100 per case per year are allowed by RCW 19.16.500.

Variation (State-Wide & Year-to-Year)

There is considerable variation from one county to the next in the amount of LFO collections as well as in the makeup of those funds collected. Tables #11-15 in the appendix show a breakdown of collections in dollars and percentage of total for each of the years that ESSB 5990 has been in effect. The impact of large, lump-sum payments on LFOs can have a significant impact on LFO collection totals. This can be especially pronounced on smaller counties where, although the general trend in total collections is upwards, one or more large payments in a given year can result in a huge increase in total collections for one year, followed by a decline the following year.

In the current year, funds collected for the Crime Victims' Funds range from a high of 9.8%, (\$175,193) in Snohomish County, to a low of 4.1% (\$1,163) in Ferry County. Likewise, revenue to the state ranges from a proportional low of 9.6% (\$9,287) in San Juan County, to a high of 20.3% (\$132,669) in Chelan County. Restitution and interest ranges from a proportional high of 67.4% (\$19,238) in Ferry County, to a low of 21.0% (\$284,698) in Kitsap County.

Not surprisingly, King County collects the highest total LFO dollar amount (\$5,242,246). However, Clark and Pierce Counties nearly tie for the second highest collection amount (\$2,961,559 in Clark, and \$2,901,828 in Pierce). Clark County collects the highest dollar amount of recoupment for the county (\$1,773,173) as compared to \$1,242,220 in King County, followed by Benton County with \$1,020,235. Proceeds to the Crime Victims' Protection fund is again led by King County at \$464,493, followed by Pierce County at \$217,852 and Spokane County at \$197,788. Similarly, proceeds to the State of Washington is led by King County with \$570,645, followed by Pierce County with \$358,746 and by Spokane County with \$355,464. The leaders in collection of restitution and restitution interest are King County with \$2,964,888 expected in 2007, followed by Pierce County with \$1,384,669 and Spokane County with \$1,100,004.

The total number of outstanding adult LFO accounts range from 102,711¹² in King County, 60,968 in Pierce County and 28,144 in Spokane County, to 105 in Garfield County.¹³ The highest collections per individual LFO come from San Juan County (\$411.21), Columbia County (\$262.31) and Whitman County (\$246.66).

Obviously, there are a number of factors that contribute to these differences. For example, most, but not all counties, charge to help fund the work of LFO collections. This contributes significantly to county recoupment in some jurisdictions, whereas other counties may only charge for collection services in limited situations, or have opted not to charge for collection work at all. Some counties have a number of local fines or penalties charged against certain types of cases. In some counties, public defense recoupment is collected by the clerk as part of the LFO, whereas in other counties this is collected by other entities. In some counties, the

¹² Number of outstanding adult A/Rs is as of 9/30/2007.

¹³ Appendix Table 8.

bench routinely orders discretionary or locally authorized fines or fees that provide local income, while other jurisdictions do not.

The rate of change of LFO collections from one year to the next also varies significantly by county. Some county clerks have operated LFO collection programs which have been supplemental to DOC collections for a number of years, while other counties have just initiated collection programs with the implementation of ESSB 5990.

As discussed previously, the clerks will continue to carefully analyze the practices in those counties that are experiencing the greatest success in LFO collections, and adapt those most successful practices to each county, as appropriate.

Appendix

Table #1

Criminal Sentencing in Washington State During the Years 1998 through 2002

Criminal Sentences by County					
<i>Washington Superior Courts (1998-2002)</i>				Distribution Formula	
County	1998-2002 Average	County Share	County Share of 1.8M	Year 1	Year 2
Adams	95	0.30%	\$ 5,425.10	\$ 3,013.94	\$ 2,411.16
Asotin	121	0.39%	\$ 6,935.89	\$ 3,853.27	\$ 3,082.62
Benton	832	2.65%	\$ 47,624.13	\$ 26,457.85	\$ 21,166.28
Chelan	373	1.19%	\$ 21,368.48	\$ 11,871.38	\$ 9,497.10
Clallam	298	0.95%	\$ 17,053.58	\$ 9,474.21	\$ 7,579.37
Clark	1945	6.18%	\$ 111,317.55	\$ 61,843.08	\$ 49,474.47
Columbia	28	0.09%	\$ 1,590.90	\$ 883.84	\$ 707.07
Cowlitz	852	2.71%	\$ 48,768.67	\$ 27,093.71	\$ 21,674.96
Douglas	167	0.53%	\$ 9,533.98	\$ 5,296.66	\$ 4,237.33
Ferry	27	0.09%	\$ 1,533.68	\$ 852.04	\$ 681.63
Franklin	345	1.10%	\$ 19,766.13	\$ 10,981.19	\$ 8,784.95
Garfield	12	0.04%	\$ 686.72	\$ 381.51	\$ 305.21
Grant	631	2.00%	\$ 36,087.21	\$ 20,048.45	\$ 16,038.76
Grays Harbor	470	1.49%	\$ 26,885.15	\$ 14,936.19	\$ 11,948.95
Island	148	0.47%	\$ 8,492.46	\$ 4,718.03	\$ 3,774.42
Jefferson	110	0.35%	\$ 6,294.95	\$ 3,497.19	\$ 2,797.75
King	8279	26.32%	\$ 473,757.70	\$ 263,198.72	\$ 210,558.98
Kitsap	1332	4.23%	\$ 76,226.08	\$ 42,347.82	\$ 33,878.26
Kittitas	207	0.66%	\$ 11,823.05	\$ 6,568.36	\$ 5,254.69
Klickitat	106	0.34%	\$ 6,088.93	\$ 3,382.74	\$ 2,706.19
Lewis	759	2.41%	\$ 43,446.58	\$ 24,136.99	\$ 19,309.59
Lincoln	51	0.16%	\$ 2,895.68	\$ 1,608.71	\$ 1,286.97
Mason	293	0.93%	\$ 16,744.56	\$ 9,302.53	\$ 7,442.03
Okanogan	256	0.81%	\$ 14,638.61	\$ 8,132.56	\$ 6,506.05
Pacific	115	0.36%	\$ 6,558.19	\$ 3,643.44	\$ 2,914.75
Pend Oreille	53	0.17%	\$ 3,044.47	\$ 1,691.37	\$ 1,353.10
Pierce	5101	16.22%	\$ 291,925.30	\$ 162,180.72	\$ 129,744.58
San Juan	36	0.11%	\$ 2,037.27	\$ 1,131.82	\$ 905.45
Skagit	421	1.34%	\$ 24,092.48	\$ 13,384.71	\$ 10,707.77
Skamania	64	0.20%	\$ 3,685.41	\$ 2,047.45	\$ 1,637.96
Snohomish	1933	6.15%	\$ 110,630.83	\$ 61,461.57	\$ 49,169.26
Spokane	1658	5.27%	\$ 94,893.46	\$ 52,718.59	\$ 42,174.87
Stevens	173	0.55%	\$ 9,911.68	\$ 5,506.49	\$ 4,405.19
Thurston	1434	4.56%	\$ 82,063.22	\$ 45,590.68	\$ 36,472.54
Wahkiakum	19	0.06%	\$ 1,064.42	\$ 591.34	\$ 473.07
Walla Walla	274	0.87%	\$ 15,703.03	\$ 8,723.91	\$ 6,979.12
Whatcom	870	2.76%	\$ 49,764.42	\$ 27,646.90	\$ 22,117.52
Whitman	88	0.28%	\$ 5,013.07	\$ 2,785.04	\$ 2,228.03
Yakima	1479	4.70%	\$ 84,626.98	\$ 47,014.99	\$ 37,611.99
State Total	31454	100.00%	\$ 1,800,000.00	\$ 1,000,000.00	\$ 800,000.00

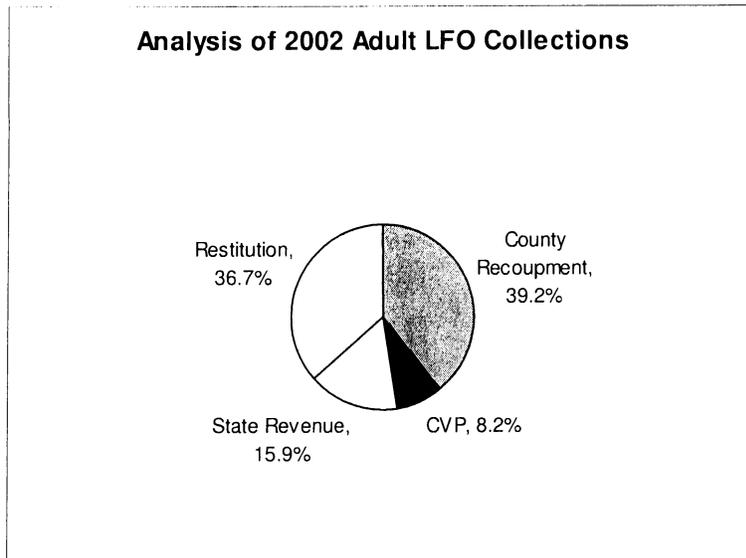


Figure #2

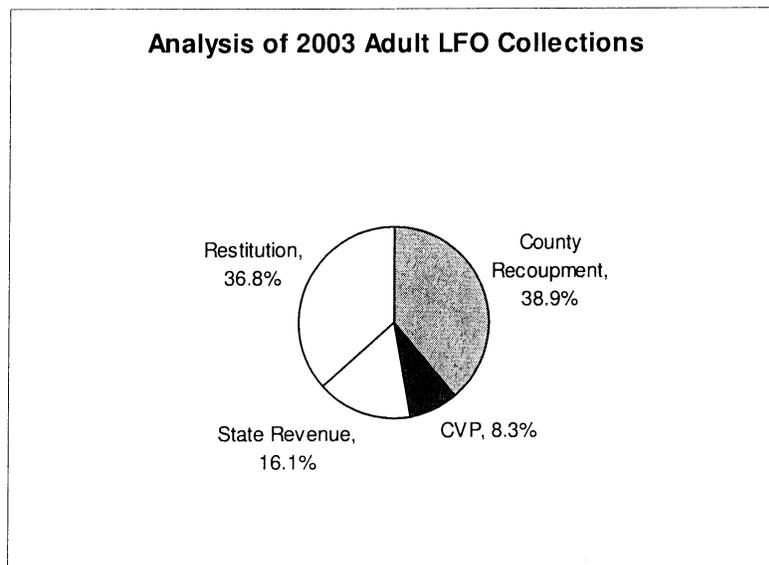


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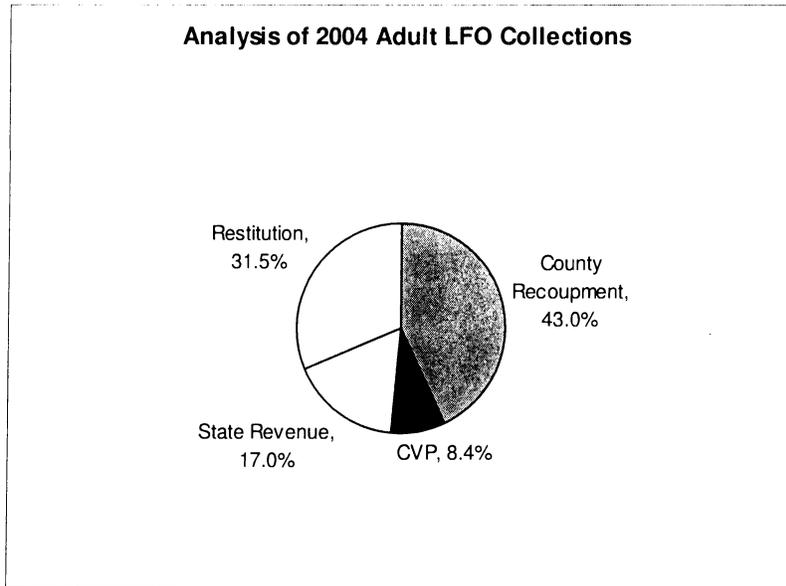


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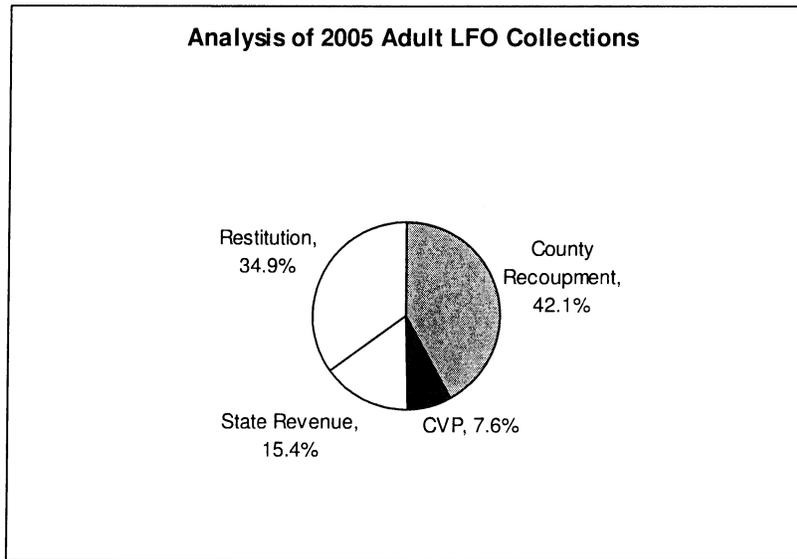


Figure #5

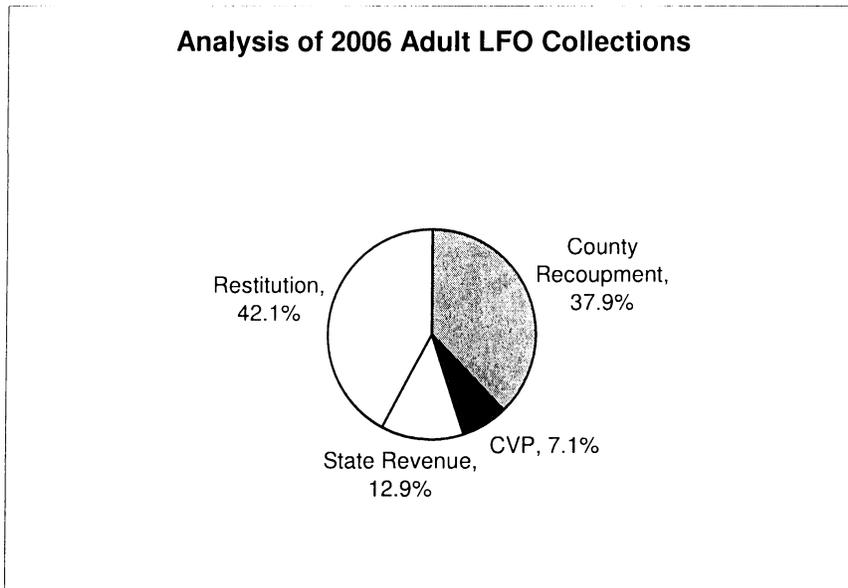


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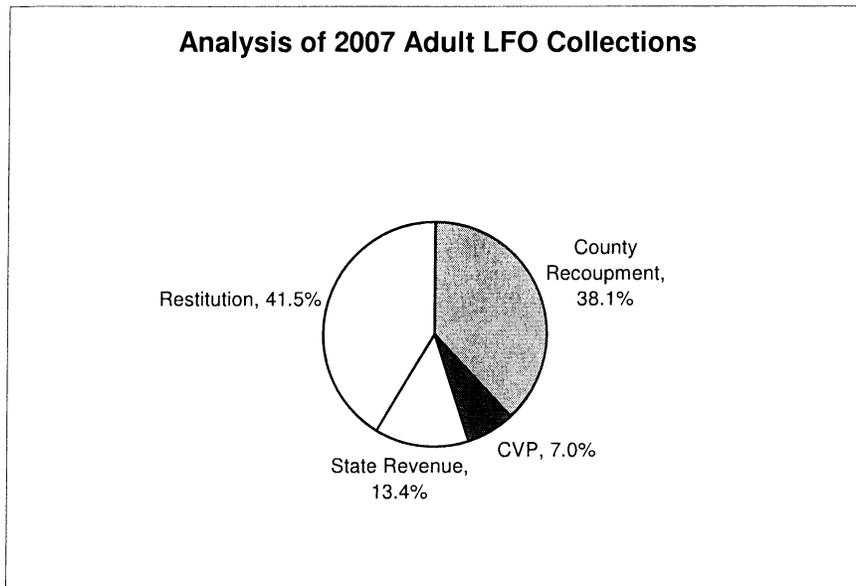


Figure #7

Table #8
Average Dollars Collected per Open Account Receivable
During the Year 2007

<u>Average Dollars Collected per AR</u>	<u>2007</u>	<u>No. of LFOs</u>
Adams	\$ 106.42	1,465
Asotin	\$ 218.14	1,336
Benton	\$ 191.09	11,086
Chelan	\$ 133.81	4,893
Clallam	\$ 109.32	3,416
Clark	\$ 126.78	23,360
Columbia	\$ 262.31	234
Cowlitz	\$ 73.63	10,421
Douglas	\$ 206.01	1,733
Ferry	\$ 93.29	306
Franklin	\$ 106.84	5,054
Garfield	\$ 208.11	105
Grant	\$ 70.67	6,624
Grays Harbor	\$ 71.32	6,401
Island	\$ 158.08	1,506
Jefferson	\$ 207.59	870
King	\$ 51.04	102,711
Kitsap	\$ 80.20	16,871
Kittitas	\$ 148.83	2,088
Klickitat	\$ 104.26	1,231
Lewis	\$ 96.04	8,553
Lincoln	\$ 88.91	592
Mason	\$ 124.33	2,973
Okanogan	\$ 89.89	2,513
Pacific	\$ 91.99	1,531
Pend Oreille	\$ 152.52	340
Pierce	\$ 47.60	60,968
San Juan	\$ 411.21	236
Skagit	\$ 110.56	4,982
Skamania	\$ 233.83	620
Snohomish	\$ 92.12	19,379
Spokane	\$ 86.63	28,144
Stevens	\$ 184.54	1,418
Thurston	\$ 85.23	16,617
Wahkiakum	\$ 199.50	170
Walla Walla	\$ 98.12	3,460
Whatcom	\$ 82.84	11,809
Whitman	\$ 246.66	772
Yakima	\$ 28.07	22,748

Average Dollars Collected per LFO in 2007

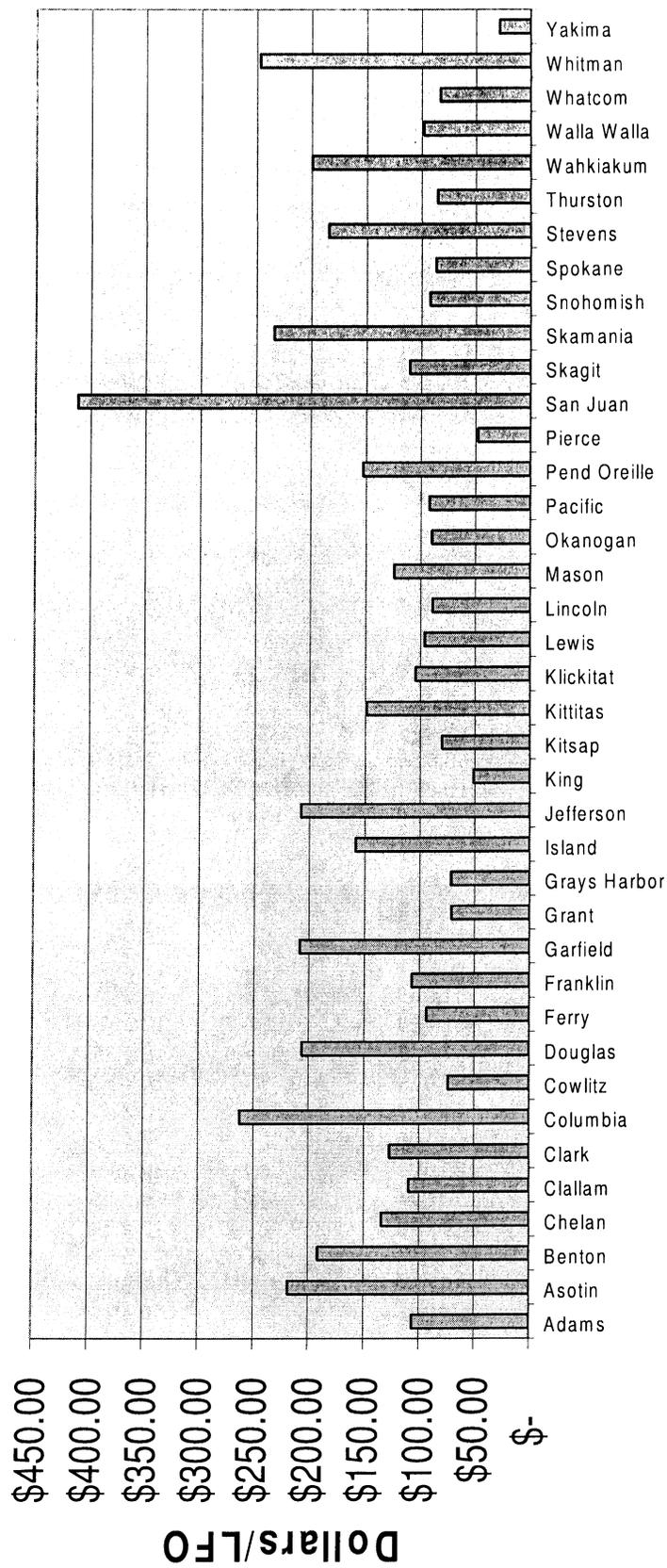


Figure #9

Table #10**Percentage Change in Total Collections**

Percent Change In Total Collections	2007	2006	Percent Change
Adams	155,907	107,637	44.85%
Asotin	291,436	261,451	11.47%
Benton	2,118,430	1,791,270	18.26%
Chelan	654,739	654,954	-0.03%
Clallam	373,423	413,350	-9.66%
Clark	2,961,559	2,974,916	-0.45%
Columbia	61,381	64,969	-5.52%
Cowlitz	767,332	722,875	6.15%
Douglas	357,011	312,509	14.24%
Ferry	28,546	25,839	10.48%
Franklin	539,949	366,101	47.49%
Garfield	21,851	30,528	-28.42%
Grant	468,086	456,632	2.51%
Grays Harbor	456,533	350,973	30.08%
Island	238,074	220,632	7.91%
Jefferson	180,602	153,199	17.89%
King	5,242,246	4,788,249	9.48%
Kitsap	1,353,016	1,320,473	2.46%
Kittitas	310,758	268,979	15.53%
Klickitat	128,341	143,112	-10.32%
Lewis	821,450	721,946	13.78%
Lincoln	52,634	57,549	-8.54%
Mason	369,641	417,816	-11.53%
Okanogan	225,902	182,058	24.08%
Pacific	140,841	159,882	-11.91%
Pend Oreille	51,856	41,076	26.24%
Pierce	2,901,828	2,575,035	12.69%
San Juan	97,046	105,674	-8.16%
Skagit	550,813	403,759	36.42%
Skamania	144,977	127,723	13.51%
Snohomish	1,785,190	1,655,321	7.85%
Spokane	2,438,229	1,872,069	30.24%
Stevens	261,674	224,936	16.33%
Thurston	1,416,220	1,259,732	12.42%
Wahkiakum	33,915	27,805	21.97%
Walla Walla	339,502	306,736	10.68%
Whatcom	978,283	701,544	39.45%
Whitman	190,422	232,196	-17.99%
Yakima	638,517	592,449	7.78%
	<u>30,148,160</u>	<u>27,093,957</u>	11.27%

Table #11

**2003 Adult LFO Collections
in Dollars and Percent, by County**

	County		Crime Victims'		State		Restitution		
	Recoupment	Crime	Fund	Revenue	Restitution	Total	Total	Total	
	County	% of	Victims'	% of	State	% of	% of		
2003	Recoupment	Total	Fund	Total	Revenue	Total	Restitution	Total	Total
Adams	42,127	50.94%	5,282	6.39%	17,568	21.24%	17,716	21.42%	82,692
Asotin	92,025	53.49%	11,775	6.84%	33,065	19.22%	35,189	20.45%	172,054
Benton	307,404	44.41%	46,218	6.68%	122,325	17.67%	216,265	31.24%	692,213
Chelan	141,904	35.14%	29,669	7.35%	61,170	15.15%	171,111	42.37%	403,853
Clallam	118,939	42.94%	18,563	6.70%	36,201	13.07%	103,267	37.28%	276,970
Clark	1,082,314	54.76%	110,628	5.60%	325,198	16.45%	458,398	23.19%	1,976,539
Columbia	17,925	34.91%	2,794	5.44%	5,671	11.04%	24,954	48.60%	51,344
Cowlitz	268,847	49.97%	47,988	8.92%	86,214	16.02%	134,987	25.09%	538,036
Douglas	102,181	45.04%	14,466	6.38%	38,234	16.85%	71,980	31.73%	226,862
Ferry	6,508	24.65%	2,026	7.67%	3,386	12.82%	14,486	54.86%	26,406
Franklin	136,010	66.49%	16,043	7.84%	49,762	24.33%	2,750	1.34%	204,565
Garfield	6,104	47.34%	976	7.57%	2,636	20.44%	3,179	24.65%	12,894
Grant	217,639	38.80%	58,088	10.36%	97,687	17.42%	187,476	33.42%	560,889
Grays Harbor	143,368	43.35%	22,322	6.75%	55,245	16.71%	109,768	33.19%	330,704
Island	60,149	37.50%	14,084	8.78%	27,154	16.93%	34,768	21.68%	160,398
Jefferson	101,935	28.68%	12,085	3.40%	29,674	8.35%	211,724	59.57%	355,417
King	1,017,505	23.21%	420,835	9.60%	616,637	14.07%	2,328,314	53.12%	4,383,292
Kitsap	486,660	57.37%	51,498	6.07%	97,387	11.48%	212,794	25.08%	848,338
Kittitas	113,480	41.25%	20,753	7.54%	46,855	17.03%	93,987	34.17%	275,075
Klickitat	78,187	55.85%	10,883	7.77%	27,926	19.95%	23,000	16.43%	139,995
Lewis	390,362	66.80%	43,003	7.36%	143,929	24.63%	7,052	1.21%	584,346
Lincoln	22,331	41.54%	2,945	5.48%	8,389	15.60%	20,094	37.38%	53,759
Mason	94,277	48.87%	18,823	9.76%	35,269	18.28%	44,543	23.09%	192,912
Okanogan	68,629	34.95%	16,833	8.57%	34,559	17.60%	76,331	38.87%	196,353
Pacific	47,026	43.25%	4,814	4.43%	12,293	11.31%	44,597	41.02%	108,730
Pend Oreille	13,440	31.40%	3,476	8.12%	7,285	17.02%	18,603	43.46%	42,802
Pierce	928,846	34.07%	287,051	10.53%	440,155	16.14%	1,070,262	39.26%	2,726,314
San Juan	37,267	44.41%	3,718	4.43%	12,765	15.21%	30,173	35.95%	83,923
Skagit	69,732	18.58%	25,910	6.90%	50,021	13.33%	229,721	61.20%	375,385
Skamania	43,609	45.47%	6,364	6.64%	15,339	15.99%	30,596	31.90%	95,909
Snohomish	416,809	30.01%	147,382	10.61%	264,546	19.05%	559,949	40.32%	1,388,686
Spokane	332,088	28.74%	90,578	7.84%	171,255	14.82%	561,463	48.60%	1,155,385
Stevens	51,439	34.61%	15,319	10.31%	27,841	18.73%	54,008	36.34%	148,607
Thurston	426,200	44.28%	97,759	10.16%	181,646	18.87%	256,879	26.69%	962,485
Wahkiakum	26,210	63.66%	3,275	7.96%	7,802	18.95%	3,881	9.43%	41,169
Walla Walla	118,950	37.10%	17,305	5.40%	37,550	11.71%	146,778	45.78%	320,583
Whatcom	415,605	63.00%	49,636	7.52%	127,302	19.30%	67,130	10.18%	659,673
Whitman	73,182	52.27%	9,104	6.50%	20,152	14.39%	37,579	26.84%	140,016
Yakima	259,720	43.98%	36,847	6.24%	83,092	14.07%	210,839	35.71%	590,497
Total	8,376,932	38.81%	1,797,117	8.33%	3,461,183	16.03%	7,926,594	36.72%	21,586,070

Table #12

**2004 Adult LFO Collections
in Dollars and Percent, by County**

	County		Crime		State				
	Recoupment	Crime	Fund	Victims'	Revenue	Restitution			
	County	% of	Victims'	% of	State	% of			
2004	Recoupment	Total	Fund	Total	Revenue	Total	Restitution	Total	Total
Adams	42,741	49.66%	6,823	7.93%	19,019	22.10%	17,482	20.31%	86,065
Asotin	121,586	54.80%	15,126	6.82%	43,109	19.43%	42,050	18.95%	221,870
Benton	464,065	53.71%	52,026	6.02%	144,553	16.73%	203,401	23.54%	864,045
Chelan	181,717	37.56%	31,925	6.60%	68,842	14.23%	201,341	41.61%	483,824
Clallam	144,558	40.24%	23,296	6.48%	42,569	11.85%	148,854	41.43%	359,277
Clark	1,255,474	61.73%	103,896	5.11%	319,095	15.69%	355,507	17.48%	2,033,971
Columbia	27,792	46.38%	3,461	5.77%	8,955	14.94%	19,718	32.90%	59,925
Cowitz	367,209	55.78%	59,098	8.98%	118,456	18.00%	113,496	17.24%	658,259
Douglas	115,610	48.44%	16,466	6.90%	43,201	18.10%	63,397	26.56%	238,674
Ferry	7,389	30.46%	1,768	7.29%	4,363	17.99%	10,741	44.27%	24,261
Franklin	134,144	54.38%	16,836	6.83%	50,314	20.40%	45,381	18.40%	246,674
Garfield	14,336	44.19%	1,386	4.27%	5,797	17.87%	10,919	33.66%	32,439
Grant	219,889	41.14%	55,876	10.45%	99,424	18.60%	159,331	29.81%	534,519
Grays Harbor	128,148	42.98%	19,919	6.68%	55,357	18.57%	94,749	31.78%	298,173
Island	56,461	37.49%	13,437	8.92%	25,242	16.76%	55,482	36.84%	150,622
Jefferson	85,419	49.98%	7,271	4.25%	16,033	9.38%	62,196	36.39%	170,918
King	1,232,627	31.81%	437,227	11.28%	655,384	16.91%	1,550,107	40.00%	3,875,345
Kitsap	592,335	60.22%	59,491	6.05%	113,930	11.58%	217,801	22.14%	983,556
Kittitas	88,491	40.03%	18,640	8.43%	34,188	15.46%	79,767	36.08%	221,086
Klickitat	91,581	57.06%	12,707	7.92%	31,515	19.63%	24,706	15.39%	160,509
Lewis	288,101	40.80%	46,327	6.56%	145,169	20.56%	226,452	32.07%	706,048
Lincoln	25,294	35.80%	2,722	3.85%	9,913	14.03%	32,723	46.32%	70,652
Mason	104,740	42.48%	19,022	7.72%	44,438	18.02%	78,336	31.77%	246,537
Okanogan	47,709	22.88%	15,735	7.55%	31,908	15.30%	113,146	54.27%	208,497
Pacific	52,569	44.53%	3,563	3.02%	11,478	9.72%	50,446	42.73%	118,055
Pend Oreille	14,836	37.26%	4,195	10.54%	8,391	21.07%	12,395	31.13%	39,817
Pierce	1,083,861	44.38%	265,025	10.85%	515,405	21.11%	577,715	23.66%	2,442,007
San Juan	26,574	28.66%	3,663	3.95%	12,376	13.35%	50,111	54.04%	92,724
Skagit	69,356	14.47%	28,283	5.90%	49,985	10.43%	331,599	69.20%	479,223
Skamania	58,503	49.74%	7,035	5.98%	17,193	14.62%	34,876	29.65%	117,607
Snohomish	374,089	27.83%	142,786	10.62%	235,918	17.55%	591,534	44.00%	1,344,327
Spokane	500,917	37.14%	111,687	8.28%	217,099	16.09%	519,180	38.49%	1,348,883
Stevens	49,105	32.08%	17,824	11.64%	30,606	19.99%	55,557	36.29%	153,093
Thurston	485,377	47.12%	98,822	9.59%	198,260	19.25%	247,701	24.04%	1,030,160
Wahkiakum	20,257	66.68%	2,049	6.74%	5,588	18.40%	2,483	8.17%	30,377
Walla Walla	98,562	40.94%	15,584	6.47%	31,251	12.98%	95,373	39.61%	240,770
Whatcom	353,950	59.95%	44,891	7.60%	115,215	19.51%	76,345	12.93%	590,401
Whitman	88,260	39.91%	13,339	6.03%	34,187	15.46%	85,341	38.59%	221,127
Yakima	240,604	43.59%	34,686	6.28%	85,579	15.51%	191,052	34.62%	551,921
Total	9,354,234	43.04%	1,833,912	8.44%	3,699,302	17.02%	6,848,790	31.51%	21,736,238

Table #13
2005 Adult LFO Collections
in Dollars and Percent, by County

	County		Crime Victims'		State		Restitution		
	Recoupment	Crime	Fund	State	Revenue				
	County	% of	Victims'	% of	State	% of		% of	
2005	Recoupment	Total	Fund	Total	Revenue	Total	Restitution	Total	Total
Adams	41,801	47.85%	7,061	8.08%	20,624	23.61%	17,877	20.46%	87,363
Asotin	169,881	61.03%	15,550	5.59%	54,435	19.55%	38,503	13.83%	278,368
Benton	712,096	54.07%	68,070	5.17%	184,030	13.97%	352,734	26.78%	1,316,930
Chelan	232,738	40.13%	40,902	7.05%	105,188	18.14%	201,189	34.69%	580,017
Clallam	143,872	39.68%	24,965	6.88%	46,994	12.96%	146,786	40.48%	362,617
Clark	1,340,486	52.40%	102,742	4.02%	270,945	10.59%	844,210	33.00%	2,558,383
Columbia	25,589	25.11%	3,507	3.44%	10,177	9.99%	62,631	61.46%	101,905
Cowlitz	394,833	56.36%	60,265	8.60%	121,134	17.29%	124,361	17.75%	700,592
Douglas	136,472	42.09%	20,063	6.19%	55,209	17.03%	112,486	34.69%	324,231
Ferry	10,859	33.16%	2,018	6.16%	5,936	18.13%	13,931	42.54%	32,744
Franklin	151,584	50.68%	18,852	6.30%	61,376	20.52%	67,306	22.50%	299,117
Garfield	9,607	53.90%	1,211	6.79%	5,155	28.92%	1,852	10.39%	17,825
Grant	218,815	44.46%	48,821	9.92%	96,126	19.53%	128,350	26.08%	492,111
Grays Harbor	137,552	43.84%	21,028	6.70%	60,000	19.12%	95,205	30.34%	313,785
Island	72,829	41.71%	15,599	8.93%	34,781	19.92%	51,410	29.44%	174,618
Jefferson	54,753	38.26%	8,851	6.18%	16,236	11.34%	63,279	44.21%	143,118
King	1,318,026	28.12%	464,998	9.92%	674,582	14.39%	2,229,463	47.57%	4,687,068
Kitsap	733,949	61.47%	67,095	5.62%	137,936	11.55%	255,010	21.36%	1,193,990
Kititas	115,353	52.97%	16,834	7.73%	33,852	15.55%	51,713	23.75%	217,752
Klickitat	59,134	42.12%	11,542	8.22%	26,203	18.67%	43,499	30.99%	140,378
Lewis	426,459	49.89%	49,193	5.75%	157,856	18.47%	221,304	25.89%	854,813
Lincoln	18,791	42.13%	2,640	5.92%	8,311	18.63%	14,863	33.32%	44,606
Mason	167,457	53.89%	23,196	7.47%	54,372	17.50%	65,693	21.14%	310,717
Okanogan	97,038	48.28%	17,642	8.78%	42,285	21.04%	44,040	21.91%	201,006
Pacific	71,745	56.01%	3,671	2.87%	16,579	12.94%	36,103	28.18%	128,099
Pend Oreille	21,496	45.13%	3,784	7.94%	9,812	20.60%	12,540	26.33%	47,632
Pierce	879,007	34.21%	230,691	8.98%	392,908	15.29%	1,066,557	41.51%	2,569,162
San Juan	23,769	29.07%	2,959	3.62%	7,742	9.47%	47,302	57.85%	81,772
Skagit	110,500	19.21%	33,871	5.89%	73,883	12.85%	356,857	62.05%	575,110
Skamania	48,721	50.73%	7,336	7.64%	17,314	18.03%	22,670	23.60%	96,041
Snohomish	364,725	28.14%	121,635	9.38%	220,246	16.99%	589,623	45.49%	1,296,230
Spokane	592,646	41.50%	135,401	9.48%	256,930	17.99%	443,239	31.03%	1,428,216
Stevens	48,909	29.04%	18,067	10.73%	32,119	19.07%	69,328	41.16%	168,423
Thurston	524,293	47.38%	100,855	9.11%	200,680	18.14%	280,722	25.37%	1,106,549
Wahkiakum	25,142	60.97%	2,125	5.15%	5,568	13.50%	8,398	20.37%	41,233
Walla Walla	111,303	34.22%	16,007	4.92%	35,869	11.03%	162,119	49.84%	325,298
Whatcom	477,698	61.62%	49,585	6.40%	125,968	16.25%	121,961	15.73%	775,212
Whitman	80,422	38.58%	15,189	7.29%	30,716	14.73%	82,146	39.40%	208,472
Yakima	226,884	52.49%	32,306	7.47%	84,224	19.49%	88,808	20.55%	432,222
Total	10,397,233	42.07%	1,886,128	7.63%	3,794,300	15.35%	8,636,068	34.94%	24,713,728

Table #14

**2006 Adult LFO Collections
in Dollars and Percent, by County**

	County		Crime Victims'		State		Restitution		
	Recoupment	Crime	Fund	Revenue	Total	Restitution	Total	Total	
	% of	Victims'	% of	State	% of		% of		
2006	Recoupment	Total	Fund	Total	Revenue	Total	Restitution	Total	Total
Adams	44,353	41.21%	7,970	7.40%	17,454	16.22%	37,860	35.17%	107,637
Asotin	122,482	46.85%	12,031	4.60%	34,862	13.33%	92,076	35.22%	261,451
Benton	776,334	43.34%	93,229	5.20%	201,752	11.26%	719,955	40.19%	1,791,270
Chelan	301,887	46.09%	53,542	8.17%	142,448	21.75%	157,078	23.98%	654,954
Clallam	127,336	30.81%	24,170	5.85%	42,457	10.27%	219,387	53.08%	413,350
Clark	1,625,676	54.65%	116,465	3.91%	316,902	10.65%	915,874	30.79%	2,974,916
Columbia	23,945	36.86%	3,221	4.96%	7,666	11.80%	30,137	46.39%	64,969
Cowlitz	393,609	54.45%	62,102	8.59%	115,774	16.02%	151,390	20.94%	722,875
Douglas	106,785	34.17%	20,425	6.54%	42,203	13.50%	143,096	45.79%	312,509
Ferry	8,975	34.74%	1,786	6.91%	4,892	18.93%	10,186	39.42%	25,839
Franklin	97,998	26.77%	20,070	5.48%	52,716	14.40%	195,318	53.35%	366,101
Garfield	10,404	34.08%	2,007	6.57%	3,603	11.80%	14,513	47.54%	30,528
Grant	187,128	40.98%	41,341	9.05%	77,497	16.97%	150,667	33.00%	456,632
Grays Harbor	145,619	41.49%	20,996	5.98%	58,973	16.80%	125,385	35.72%	350,973
Island	68,643	31.11%	15,551	7.05%	29,133	13.20%	107,306	48.64%	220,632
Jefferson	81,975	53.51%	9,318	6.08%	18,914	12.35%	42,992	28.06%	153,199
King	1,006,840	21.03%	421,690	8.81%	450,463	9.41%	2,909,256	60.76%	4,788,249
Kitsap	801,471	60.70%	72,308	5.48%	148,553	11.25%	298,141	22.58%	1,320,473
Kittitas	96,903	36.03%	19,059	7.09%	32,225	11.98%	120,792	44.91%	268,979
Klickitat	67,907	47.45%	12,229	8.55%	24,525	17.14%	38,451	26.87%	143,112
Lewis	316,412	43.83%	43,615	6.04%	104,090	14.42%	257,829	35.71%	721,946
Lincoln	19,179	33.33%	3,023	5.25%	7,606	13.22%	27,741	48.20%	57,549
Mason	163,478	39.13%	25,132	6.02%	58,696	14.05%	170,510	40.81%	417,816
Okanogan	62,993	34.60%	15,512	8.52%	28,829	15.83%	74,724	41.04%	182,058
Pacific	94,328	59.00%	6,179	3.86%	14,127	8.84%	45,249	28.30%	159,882
Pend Oreille	16,573	40.35%	3,198	7.78%	6,966	16.96%	14,339	34.91%	41,076
Pierce	883,143	34.30%	222,460	8.64%	362,865	14.09%	1,106,567	42.97%	2,575,035
San Juan	23,077	21.84%	3,955	3.74%	7,475	7.07%	71,167	67.35%	105,674
Skagit	101,360	25.10%	36,048	8.93%	68,803	17.04%	197,549	48.93%	403,759
Skamania	63,081	49.39%	10,359	8.11%	20,151	15.78%	34,132	26.72%	127,723
Snohomish	350,802	21.19%	125,119	7.56%	233,323	14.10%	946,078	57.15%	1,655,321
Spokane	655,931	35.04%	159,152	8.50%	279,950	14.95%	777,035	41.51%	1,872,069
Stevens	53,422	23.75%	17,939	7.98%	29,903	13.29%	123,672	54.98%	224,936
Thurston	582,954	46.28%	109,182	8.67%	210,151	16.68%	357,445	28.37%	1,259,732
Wahkiakum	16,002	57.55%	1,563	5.62%	4,172	15.00%	6,068	21.82%	27,805
Walla Walla	113,425	36.98%	16,729	5.45%	33,491	10.92%	143,091	46.65%	306,736
Whatcom	350,558	49.97%	49,896	7.11%	93,950	13.39%	207,140	29.53%	701,544
Whitman	75,170	32.37%	12,267	5.28%	27,546	11.86%	117,213	50.48%	232,196
Yakima	221,489	37.39%	32,902	5.55%	88,936	15.01%	249,121	42.05%	592,449
Total	10,259,646	37.87%	1,923,739	7.10%	3,504,041	12.93%	11,406,532	42.10%	27,093,957

Table #15

**2007 Adult LFO Collections
in Dollars and Percent, by County**

	County		Crime Victims'		State		Restitution		
	Recoupment	Crime	Fund	Revenue					
	County	% of	Victims'	% of	State	% of	Restitution	% of	Total
2007 Annualized	Recoupment	Total	Fund	Total	Revenue	Total	Restitution	Total	Total
Adams	48,328	31.00%	11,389	7.31%	23,237	14.90%	72,952	46.79%	155,907
Asotin	146,987	50.44%	13,371	4.59%	42,768	14.67%	88,311	30.30%	291,436
Benton	1,020,235	48.16%	106,275	5.02%	238,203	11.24%	753,717	35.58%	2,118,430
Chelan	276,151	42.18%	44,671	6.82%	132,669	20.26%	201,248	30.74%	654,739
Clallam	124,102	33.23%	22,057	5.91%	39,438	10.56%	187,826	50.30%	373,423
Clark	1,773,173	59.87%	122,599	4.14%	342,042	11.55%	723,745	24.44%	2,961,559
Columbia	28,580	46.56%	3,107	5.06%	6,964	11.35%	22,729	37.03%	61,381
Cowlitz	410,708	53.52%	64,154	8.36%	124,819	16.27%	167,650	21.85%	767,332
Douglas	121,609	34.06%	24,474	6.86%	54,561	15.28%	156,367	43.80%	357,011
Ferry	5,012	17.56%	1,163	4.07%	3,133	10.98%	19,238	67.39%	28,546
Franklin	144,724	26.80%	26,201	4.85%	64,088	11.87%	304,936	56.47%	539,949
Garfield	8,204	37.55%	1,707	7.81%	2,842	13.01%	9,098	41.64%	21,851
Grant	183,527	39.21%	42,960	9.18%	87,358	18.66%	154,241	32.95%	468,086
Grays Harbor	145,901	31.96%	22,248	4.87%	59,161	12.96%	229,223	50.21%	456,533
Island	74,985	31.50%	16,065	6.75%	33,106	13.91%	113,918	47.85%	238,074
Jefferson	81,787	45.29%	9,041	5.01%	18,014	9.97%	71,761	39.73%	180,602
King	1,242,220	23.70%	464,493	8.86%	570,645	10.89%	2,964,888	56.56%	5,242,246
Kitsap	828,193	61.21%	74,802	5.53%	165,322	12.22%	284,698	21.04%	1,353,016
Kittitas	120,209	38.68%	22,396	7.21%	39,826	12.82%	128,327	41.30%	310,758
Klickitat	61,444	47.88%	10,189	7.94%	23,223	18.09%	33,485	26.09%	128,341
Lewis	376,635	45.85%	50,153	6.11%	126,011	15.34%	268,651	32.70%	821,450
Lincoln	17,184	32.65%	4,257	8.09%	8,715	16.56%	22,478	42.71%	52,634
Mason	175,254	47.41%	25,204	6.82%	57,019	15.43%	112,165	30.34%	369,641
Okanogan	68,351	30.26%	18,699	8.28%	41,212	18.24%	97,640	43.22%	225,902
Pacific	59,240	42.06%	7,693	5.46%	17,118	12.15%	56,789	40.32%	140,841
Pend Oreille	14,317	27.61%	3,173	6.12%	6,178	11.91%	28,188	54.36%	51,856
Pierce	940,561	32.41%	217,852	7.51%	358,746	12.36%	1,384,669	47.72%	2,901,828
San Juan	24,023	24.75%	3,991	4.11%	9,287	9.57%	59,746	61.56%	97,046
Skagit	113,659	20.63%	39,953	7.25%	81,355	14.77%	315,847	57.34%	550,813
Skamania	66,821	46.09%	13,138	9.06%	23,254	16.04%	41,764	28.81%	144,977
Snohomish	495,517	27.76%	175,193	9.81%	330,893	18.54%	783,587	43.89%	1,785,190
Spokane	784,974	32.19%	197,788	8.11%	355,464	14.58%	1,100,004	45.11%	2,438,229
Stevens	56,854	21.73%	21,488	8.21%	35,528	13.58%	147,804	56.48%	261,674
Thurston	624,743	44.11%	117,147	8.27%	248,170	17.52%	426,159	30.09%	1,416,220
Wahkiakum	19,312	56.94%	1,983	5.85%	5,398	15.92%	7,221	21.29%	33,915
Walla Walla	120,204	35.41%	17,016	5.01%	33,197	9.78%	169,084	49.80%	339,502
Whatcom	369,739	37.79%	57,515	5.88%	105,261	10.76%	445,768	45.57%	978,283
Whitman	54,125	28.42%	11,716	6.15%	24,271	12.75%	100,310	52.68%	190,422
Yakima	245,327	38.42%	33,224	5.20%	97,491	15.27%	262,475	41.11%	638,517
Total	11,472,921	38.06%	2,120,543	7.03%	4,035,986	13.39%	12,518,710	41.52%	30,148,160

Table #16

**Percent Change in 2007 Adult LFO Collections
Over 2006 Collections, by County**

Percent Change by Category, 2007/2006					
	Total	Restitution		State	County
<u>2007/2006</u>	<u>Collections</u>	<u>& Interest</u>	<u>CVP</u>	<u>Revenue</u>	<u>Recoupment</u>
Adams	44.85%	92.69%	42.91%	33.14%	8.96%
Asotin	11.47%	-4.09%	11.14%	22.68%	20.01%
Benton	18.26%	4.69%	13.99%	18.07%	31.42%
Chelan	-0.03%	28.12%	-16.57%	-6.86%	-8.52%
Clallam	-9.66%	-14.39%	-8.74%	-7.11%	-2.54%
Clark	-0.45%	-20.98%	5.27%	7.93%	9.07%
Columbia	-5.52%	-24.58%	-3.53%	-9.16%	19.36%
Cowlitz	6.15%	10.74%	3.30%	7.81%	4.34%
Douglas	14.24%	9.27%	19.83%	29.28%	13.88%
Ferry	10.48%	88.86%	-34.86%	-35.95%	-44.16%
Franklin	47.49%	56.12%	30.55%	21.57%	47.68%
Garfield	-28.42%	-37.31%	-14.96%	-21.12%	-21.15%
Grant	2.51%	2.37%	3.92%	12.72%	-1.92%
Grays Harbor	30.08%	82.82%	5.96%	0.32%	0.19%
Island	7.91%	6.16%	3.30%	13.64%	9.24%
Jefferson	17.89%	66.92%	-2.98%	-4.76%	-0.23%
King	9.48%	1.91%	10.15%	26.68%	23.38%
Kitsap	2.46%	-4.51%	3.45%	11.29%	3.33%
Kittitas	15.53%	6.24%	17.51%	23.59%	24.05%
Klickitat	-10.32%	-12.91%	-16.69%	-5.31%	-9.52%
Lewis	13.78%	4.20%	14.99%	21.06%	19.03%
Lincoln	-8.54%	-18.97%	40.79%	14.58%	-10.40%
Mason	-11.53%	-34.22%	0.28%	-2.86%	7.20%
Okanogan	24.08%	30.67%	20.54%	42.95%	8.51%
Pacific	-11.91%	25.50%	24.51%	21.17%	-37.20%
Pend Oreille	26.24%	96.58%	-0.78%	-11.32%	-13.62%
Pierce	12.69%	25.13%	-2.07%	-1.14%	6.50%
San Juan	-8.16%	-16.05%	0.91%	24.24%	4.10%
Skagit	36.42%	59.88%	10.83%	18.24%	12.13%
Skamania	13.51%	22.36%	26.83%	15.40%	5.93%
Snohomish	7.85%	-17.18%	40.02%	41.82%	41.25%
Spokane	30.24%	41.56%	24.28%	26.97%	19.67%
Stevens	16.33%	19.51%	19.79%	18.81%	6.42%
Thurston	12.42%	19.22%	7.30%	18.09%	7.17%
Wahkiakum	21.97%	19.00%	26.85%	29.39%	20.69%
Walla Walla	10.68%	18.17%	1.72%	-0.88%	5.98%
Whatcom	39.45%	115.20%	15.27%	12.04%	5.47%
Whitman	-17.99%	-14.42%	-4.49%	-11.89%	-28.00%
Yakima	7.78%	5.36%	0.98%	9.62%	10.76%
Totals	11.27%	9.75%	10.23%	15.18%	11.83%

Table #17

**Percent Change in Total Adult LFO Collections
by County, by Year**

Percent Change in Total Collections					
	<u>2007/2006</u>	<u>2007/2005</u>	<u>2007/2004</u>	<u>2007/2003</u>	<u>2007/2002</u>
Adams	44.8%	78.5%	81.1%	88.5%	110.6%
Asotin	11.5%	4.7%	31.4%	69.4%	66.6%
Benton	18.3%	60.9%	145.2%	206.0%	191.5%
Chelan	0.0%	12.9%	35.3%	62.1%	64.3%
Clallam	-9.7%	3.0%	3.9%	34.8%	21.7%
Clark	-0.4%	15.8%	45.6%	49.8%	41.1%
Columbia	-5.5%	-39.8%	2.4%	19.5%	52.9%
Cowlitz	6.1%	9.5%	16.6%	42.6%	38.9%
Douglas	14.2%	10.1%	49.6%	57.4%	71.0%
Ferry	10.5%	-12.8%	17.7%	8.1%	2.7%
Franklin	47.5%	80.5%	118.9%	163.9%	132.5%
Garfield	-28.4%	22.6%	-32.6%	69.5%	82.3%
Grant	2.5%	-4.9%	-12.4%	-16.5%	-17.5%
Grays Harbor	30.1%	45.5%	53.1%	38.0%	33.2%
Island	7.9%	36.3%	58.1%	48.4%	no '02 data
Jefferson	17.9%	26.2%	5.7%	-49.2%	-50.5%
King	9.5%	11.8%	35.3%	19.6%	21.7%
Kitsap	2.5%	13.3%	37.6%	59.5%	55.4%
Kittitas	15.5%	42.7%	40.6%	13.0%	107.1%
Klickitat	-10.3%	-8.6%	-20.0%	-8.3%	-2.5%
Lewis	13.8%	-3.9%	16.3%	40.6%	10.4%
Lincoln	-8.5%	18.0%	-25.5%	-2.1%	-18.6%
Mason	-11.5%	19.0%	49.9%	91.6%	81.2%
Okanogan	24.1%	12.4%	8.3%	15.0%	no '02 data
Pacific	-11.9%	9.9%	19.3%	29.5%	10.3%
Pend Oreille	26.2%	8.9%	30.2%	21.2%	-10.6%
Pierce	12.7%	12.9%	18.8%	6.4%	15.5%
San Juan	-8.2%	18.7%	4.7%	15.6%	29.3%
Skagit	36.4%	-4.2%	14.9%	46.7%	69.0%
Skamania	13.5%	51.0%	23.3%	51.2%	42.6%
Snohomish	7.8%	37.7%	32.8%	28.6%	10.8%
Spokane	30.2%	70.7%	80.8%	111.0%	95.0%
Stevens	16.3%	55.4%	70.9%	76.1%	88.6%
Thurston	12.4%	28.0%	37.5%	47.1%	45.9%
Wahkiakum	22.0%	-17.7%	11.6%	-17.6%	18.2%
Walla Walla	10.7%	4.4%	41.0%	5.9%	26.1%
Whatcom	39.4%	26.2%	65.7%	48.3%	23.3%
Whitman	-18.0%	-8.7%	-13.9%	36.0%	51.0%
Yakima	7.8%	47.7%	15.7%	8.1%	-2.4%

Table #18

**Criminal Sentencing in Washington State
During the Years 2002 through 2006**

Criminal Sentences by County, Washington Superior Courts (2002-2006)								
Total Sentence Information from "Criminal Case Completions and Sentences" Statistical Report								
County	2002	2003	2004	2005	2006	2002-2006 Average	County Share	County Share of 1.8M
Adams	109	89	167	124	145	127	0.36%	\$ 6,430
Asotin	168	166	206	196	191	185	0.52%	\$ 9,402
Benton	963	895	1165	1501	1354	1176	3.31%	\$ 59,617
Chelan	436	475	472	490	505	476	1.34%	\$ 24,119
Clallam	379	298	390	393	401	372	1.05%	\$ 18,875
Clark	2237	2314	2262	2455	2307	2315	6.52%	\$ 117,399
Columbia	36	18	25	29	16	25	0.07%	\$ 1,258
Cowlitz	1105	1203	1099	1081	1245	1147	3.23%	\$ 58,147
Douglas	178	198	188	209	213	197	0.56%	\$ 10,000
Ferry	26	25	32	35	29	29	0.08%	\$ 1,491
Franklin	326	344	303	357	410	348	0.98%	\$ 17,648
Garfield	13	18	13	16	16	15	0.04%	\$ 771
Grant	720	878	654	782	613	729	2.05%	\$ 36,989
Grays Harbor	546	532	560	605	649	578	1.63%	\$ 29,332
Island	167	221	199	176	194	191	0.54%	\$ 9,706
Jefferson	95	69	74	119	136	99	0.28%	\$ 5,000
King	8656	7636	7883	7765	8431	8074	22.75%	\$ 409,461
Kitsap	1436	1492	1507	1681	1612	1546	4.35%	\$ 78,381
Kittitas	250	288	236	253	274	260	0.73%	\$ 13,195
Klickitat	105	162	146	145	170	146	0.41%	\$ 7,384
Lewis	858	828	830	764	646	785	2.21%	\$ 39,819
Lincoln	57	32	36	47	40	42	0.12%	\$ 2,150
Mason	316	299	303	344	339	320	0.90%	\$ 16,238
Okanogan	259	268	248	268	288	266	0.75%	\$ 13,500
Pacific	106	123	152	184	183	150	0.42%	\$ 7,587
Pend Oreille	35	38	32	37	36	36	0.10%	\$ 1,805
Pierce	5103	4971	4938	4963	5002	4995	14.07%	\$ 253,328
San Juan	28	18	40	49	40	35	0.10%	\$ 1,775
Skagit	457	494	582	562	685	556	1.57%	\$ 28,196
Skamania	46	48	52	100	81	65	0.18%	\$ 3,317
Snohomish	2309	2141	2177	2310	2496	2287	6.44%	\$ 115,959
Spokane	2149	2479	2869	3083	3139	2744	7.73%	\$ 139,144
Stevens	174	188	209	201	192	193	0.54%	\$ 9,777
Thurston	1497	1615	1598	1548	1475	1547	4.36%	\$ 78,432
Wahkiakum	31	20	13	18	21	21	0.06%	\$ 1,045
Walla Walla	339	330	345	343	351	342	0.96%	\$ 17,323
Whatcom	1045	1199	1176	1480	1454	1271	3.58%	\$ 64,445
Whitman	109	102	117	151	138	123	0.35%	\$ 6,258
Yakima	1630	1689	1702	1665	1724	1682	4.74%	\$ 85,298
State Total	34499	34203	35000	36529	37241	35494	100%	\$ 1,800,000
						12.85%	Percentage increase in current 5 year average	

**State of Washington
Joint Legislative Audit and Review Committee (JLARC)**



**Office of Public Defense
Sunset Review**

Proposed Final Report

January 9, 2008

*Upon request, this document is available
in alternative formats for persons with disabilities.*

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The Joint Legislative Audit and Review Committee (JLARC) works to make state government operations more efficient and effective. The Committee is comprised of an equal number of House members and Senators, Democrats and Republicans.

JLARC's non-partisan staff auditors, under the direction of the Legislative Auditor, conduct performance audits, program evaluations, sunset reviews, and other analyses assigned by the Legislature and the Committee.

The statutory authority for JLARC, established in Chapter 44.28 RCW, requires the Legislative Auditor to ensure that JLARC studies are conducted in accordance with Generally Accepted Government Auditing Standards, as applicable to the scope of the audit. This study was conducted in accordance with those applicable standards. Those standards require auditors to plan and perform audits to obtain sufficient, appropriate evidence to provide a reasonable basis for findings and conclusions based on the audit objectives. The evidence obtained for this JLARC report provides a reasonable basis for the enclosed findings and conclusions, and any exceptions to the application of audit standards have been explicitly disclosed in the body of this report.

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Acknowledgements

We appreciate the assistance provided by the Supreme Court and Office of Public Defense staff in conducting this study. In particular, we would like to thank the Office of Public Defense staff for their availability and responsiveness.

**OFFICE OF PUBLIC
DEFENSE SUNSET REVIEW
PROPOSED REPORT**

JANUARY 9, 2008



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Report Summary

The Office of Public Defense

In Washington, individuals are guaranteed the right to be represented by an attorney when they are threatened with loss of liberty or when their children may be taken from them. When a defendant is indigent, or too poor to hire a lawyer, he or she is eligible for a court appointed defense attorney at government expense.

The Office of Public Defense (OPD) was established in 1996 by Substitute Senate Bill 6189 as an independent agency within the judiciary branch with a dual purpose. The Legislature directed OPD to “implement the constitutional guarantee of counsel” and “ensure the effective and efficient delivery of the indigent appellate services funded by the state of Washington” (RCW 2.70.005).

Initially, OPD’s duties related exclusively to the second, more specific duty, ensuring the effective and efficient delivery of indigent defense services for appeals, and OPD had no duties related to defendants’ trials. Beginning in 2001, the Legislature has progressively expanded the duties of OPD. These expansions relate to the first, more general duty, to “implement the constitutional guarantee of counsel.”

Currently, OPD has duties in six areas:

1. Operating a program that contracts for state funded appellate indigent defense in all 39 counties;
2. Operating a Parents’ Representation Program that contracts for defense counsel for parents in a dependency proceeding or termination of parental rights proceeding in 25 of the 39 counties;
3. Providing continuing education and training for public defenders;
4. Compiling and prioritizing counties’ extraordinary criminal justice costs and reporting these annually to the Legislature;
5. Consulting with counties to assist them with improving their indigent defense; and
6. Operating a grant program that assists counties and cities with meeting standards or improving indigent defense outcomes.

OPD is Scheduled to Sunset

The Office of Public Defense is scheduled to terminate on June 30, 2008, pursuant to the Washington Sunset Act (RCW 43.131.389 to 43.131.390). As required by this legislation, JLARC conducted a sunset review to assist policymakers with deciding whether the Office should be continued, modified, or terminated.

Results of JLARC's Sunset Review

As a result of its sunset review, JLARC finds that OPD is substantially:

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

JLARC Recommendation

The Legislature should repeal the Sunset provision and permit OPD to continue without substantive modification.

- Absent specific action by the Legislature, the Office of Public Defense will cease to exist on June 30, 2008.
- The state would continue to have an obligation for the Constitutional guarantee of counsel, even if the Office of Public Defense were terminated.

BACKGROUND

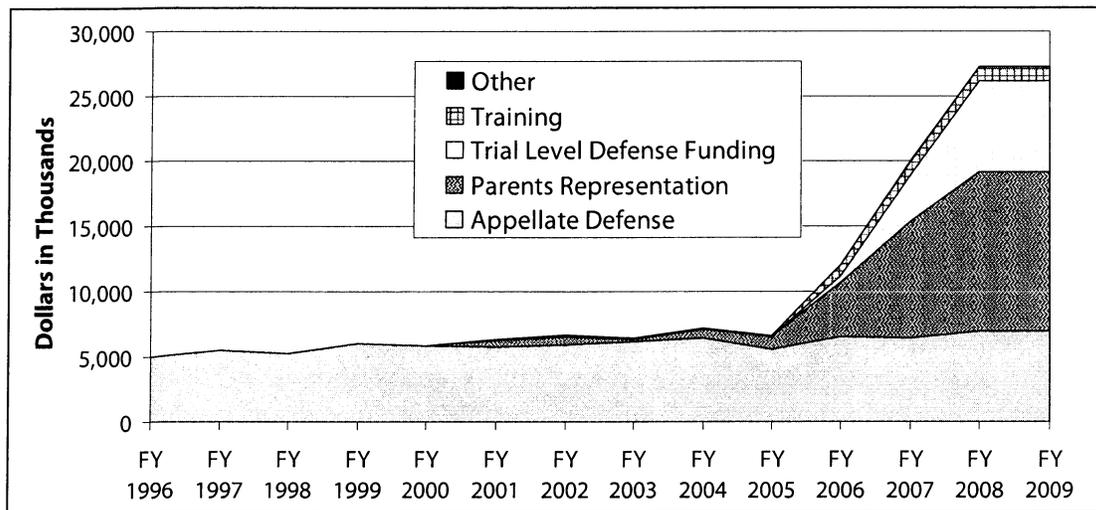
The Office of Public Defense (OPD) was established in Chapter 2.70 RCW with an enabling provision that states the Legislature’s intent that it “implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of the indigent appellate services funded by the state of Washington.”¹ At the time OPD was established, its only duties related to the second part of this charge, ensuring the effective and efficient delivery of indigent appellate services, without hiring attorneys to represent clients.²

The Legislature has since expanded OPD’s responsibilities to a point that appellate indigent defense now represents only about 25 percent of OPD’s budget. However, the added responsibilities all fit within the legislative intent that OPD “implement the constitutional guarantee of counsel.”

OPD currently manages a \$54 million budget and has a staff of 15. None of the staff represent clients in court. Representing indigent persons in court is done by contracted attorneys who are managed and supervised by OPD staff. The bulk of OPD’s budget is paid to contractors, pilot programs, counties, and cities under programs set in statute or budget provisos.

In 2005, the Legislature began expanding OPD’s duties in the areas of parents’ representation, improvement of public defense at the trial level, and training. Consequently, there has been a dramatic increase in the funding to OPD since 2005. However, as Figure 1 shows, the funding increases have related to the new and expanded duties assigned to OPD by the Legislature, not to significant increases in the original duty, indigent appellate defense.

Figure 1 – OPD Funding Has Increased As Its Duties Have Expanded



Source: Senate Ways & Means data, JLARC analysis of OPD data.

¹ RCW 2.70.005.

² RCW 2.70.020 (“The office of public defense shall not provide direct representation of clients.”).

In preparing this report, JLARC was able to rely on the financial audits by the State Auditor's Office to determine that these payments are made properly and that OPD has adequate controls on the payment process. This allowed JLARC to focus on the efficiency and economy portions of the second objective.

What is a JLARC Sunset Review?

Before an agency is scheduled to terminate under the Sunset Act, JLARC is required to study the agency and answer several questions. The Sunset Act requires the agency to provide JLARC with performance goals and targets at the time the sunset is established. OPD worked with JLARC in 2000 to meet this requirement for the appellate indigent defense program, which was OPD's primary duty at the time. Since that time, the Legislature has greatly expanded OPD's duties and appellate indigent defense now reflects only about one-quarter of OPD's budget.

The study scope and objectives were designed to answer the Sunset Act questions for the full range of OPD services.

The four objectives address the question: To what degree is the state's Office of Public Defense:

- 1) Complying with legislative intent as contained in Chapters 2.70, 10.73, 10.101, and 43.330 RCW and budget provisos?
- 2) Operating in an efficient and economical manner, with adequate cost controls in place?
- 3) Reaching expected performance goals and targets?
- 4) Duplicating activities performed by another agency or the private sector?

The report also briefly reviews the possible impacts of termination or modification of the Office if the Legislature were not to accept JLARC's recommendation to repeal the Sunset Provision.

Challenges with this Sunset Review

The intent to "implement the constitutional guarantee of counsel" can only be measured qualitatively, and there is very little additional expression of legislative intent against which to measure OPD. Where there is an expression of intent, it may or may not be codified. For a number of duties, the only expression of intent is in an expired budget proviso or appropriation clause in a bill, or, in some cases, the staff budget notes on expired budgets.

Organization of the Report

The remainder of the report is structured around OPD's duties and JLARC's statutory sunset questions. Specifically, there are sections on the following OPD program areas:

- Indigent Appellate Defense
- Parents' Representation Program
- Training
- Trial-Level Programs

Each of these sections discusses the programs in light of the four sunset questions. The final section, Trial-Level Programs, contains three briefer discussions of smaller or newer programs.

INDIGENT APPELLATE DEFENSE

Introduction

The Office of Public Defense (OPD) was charged with ensuring “the effective and efficient delivery of the indigent appellate services funded by the state of Washington” in 1996. The law prohibits OPD staff from directly representing clients in court. Consequently, OPD contracts with attorneys to represent indigent persons on appeal. OPD’s role has been to establish procedures with the goal of: improving the quality of appellate defense, ensuring that appropriate indigency screening has occurred, establishing a process for accurate and timely payment to the attorneys providing defense, and providing appellate defense attorneys with resources and training. While the responsibility for appointing the appellate attorney originally rested with the trial court and OPD worked with those county level courts to meet the appellate defense standards, all attorneys for indigent appeals are now appointed by the appellate court and, with one exception,³ contracted by OPD.

Does the Indigent Appellate Defense Program Meet Legislative Intent?

At the time OPD was established, appellate attorneys were appointed by trial courts, and it has been reported that many did not have the skills or experience needed to be effective. OPD worked with the trial courts to encourage appointment of OPD’s contract attorneys, who were required to operate under the public defense standards. By 2005, about 80 percent of appellate attorneys were appointed from among OPD’s contract attorneys. In documents submitted to the Court and Legislature, OPD has reported that the quality of appellate work from the remaining 20 percent varied widely, however, and as a result, the Supreme Court changed the appointment process in 2005. Under the new process, the Court of Appeals appoints the attorney based on a recommendation from OPD, and virtually all indigent appeals where there is a right to an attorney are handled by attorneys under contract with OPD.

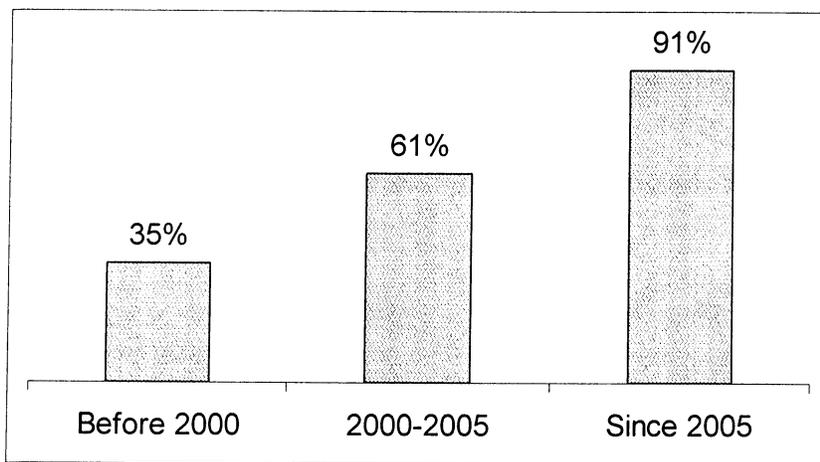
OPD has established rigorous RFP and evaluation processes for contracting and retaining attorneys in order to improve the quality of indigent appellate defense. The cornerstone of both processes is the in-depth evaluation of attorneys’ briefs both before contracting and as part of the evaluation while under contract. OPD has terminated contracts for failure to meet deadlines, violation of the rules of professional conduct, maintaining excessive caseloads in addition to the OPD contract, and unacceptable work quality. Further, where OPD is concerned about a particular attorney’s work product, but the concern does not rise to the level of contract

³ In about five cases per year, non-contract attorneys apply to OPD for appointment as appellate counsel for specific cases and are appointed. In many of these cases, the case originated at the district or municipal court level and was appealed to the Superior Court, and the applying attorney may already have represented the client in the Superior Court appeal and be familiar with the appellate issues. The attorneys must pass OPD’s “Provisional Appointment” application process before appointment at the appellate court level. This application process is designed to ensure the quality of defense.

termination, OPD has chosen to use one-year contract renewals and improvement plans to monitor these attorneys. At the end of the one-year contract, if there are still significant concerns, OPD does not renew the contract. Following its first appellate contract, OPD put 14 contractors on one-year contracts under this process and chose not to renew ten of these contracts after the one-year period.

JLARC worked with OPD to survey appellate judges to obtain their observations of the effectiveness of OPD and its contracted appellate attorneys. Twenty of the 22 Court of Appeals judges and three of the nine Supreme Court justices responded to the survey. The survey explored two areas: the effectiveness of indigent appellate attorneys and OPD's efficiency.

Figure 2 – Appellate Judges' Ratings of Effectiveness Increased as More OPD Contracted Attorneys Were Appointed to Indigent Appeals



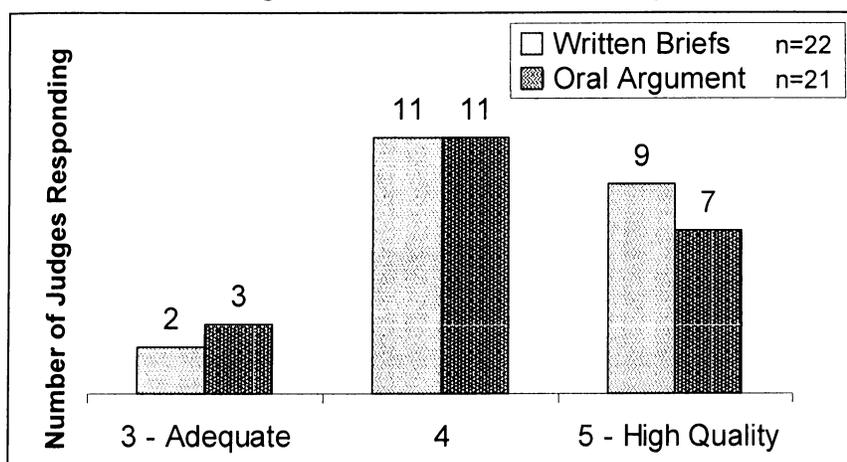
Source: Office of Public Defense Indigent Appeals Survey.

Judges were asked several questions about attorney effectiveness. In the major question of overall attorney effectiveness, the percentage of judges rating appellate attorneys at 4 or 5, with 5 meaning “very effective” grew from 35 percent, for the period before 2000, to 91 percent for the period since 2005, as shown in Figure 2.

Judges also rated the quality of oral argument and written briefs by OPD contracted attorneys. Again, there was a five-point scale with 5 meaning “high quality” and again, the overwhelming majority of appellate court judges scored OPD contract attorneys at a 4 or 5 on the scale, as shown in Figure 3. None of the judges rated the quality of briefs or oral argument as less than adequate.

Is the

Figure 3 – Appellate Judges Give OPD’s Contracted Attorneys Good Ratings for Written Briefs and Oral Argument



Source: Office of Public Defense Indigent Appeals Survey.

Indigent Appellate Defense Program Operating in an Efficient and Economical Manner?

In the September 2007 survey of appellate judges, the judges were asked to rate the efficiency of the OPD process for the appointment of appellate attorneys on a scale of 1-5 with 5 being “very efficient.” Twenty-one of the 23 judges (91 percent) rated this process as efficient or very efficient.

OPD’s funding needs fluctuate with the number of appellate cases filed. Case filings vary with decisions beyond the control of OPD.

Despite the fluctuations in OPD’s caseload and consequent funding needs, OPD has taken a number of measures to maximize the predictability of its budget and minimize its costs and the state’s cost for appeals. The following are among the most significant of these measures:

1. OPD established procedures and training for indigency screening, to ensure that state-funded defense services are provided to only those who qualify as indigent.
2. OPD established a “presumptive fee” payment structure in which it makes payments on receipt of documentation that certain procedural steps have occurred in the case, rather than as an hourly fee. Presumptive fees are defined in the biennial or annual contract and are higher for more complex cases than for simpler cases.⁴ This ensures that more experienced attorneys handling more challenging cases are not disadvantaged by the type of cases they handle. Attorneys also have the ability to negotiate additional funding if something unforeseen occurs. Unforeseen occurrences include things such as changes in the law during appeal, discovery of unexpected claims, or requests from the court for supplemental briefs. This payment structure provides a maximum of predictability in OPD’s budget and ensures that cases proceed before payment is made. It also encourages

⁴ In this arrangement, the length of the trial transcript is used as a proxy for complexity of the case.

efficient use of time by attorneys, without penalizing those with cases that are outside the normal expectations for the amount of effort.

3. OPD limited payments when a defendant withdraws the appeal before a brief is filed or where an attorney files an “*Anders* Brief,” which is a brief in which the appellate attorney seeks to withdraw from the case because there is no non-frivolous issue for appeal. The limitation on payment for *Anders* Briefs was a response to excessive filing of what OPD and the US Supreme Court believe should be a rare type of brief.
4. OPD has instituted deadlines and documentation requirements for submission of invoices. This means that payments are made close in time to the events in the case and increases the predictability of the budget. OPD audits the invoices to ensure that payments made are for valid claims. Audits by the State Auditor found that OPD’s internal controls on the payment process were adequate.
5. In selecting the necessary documentation for the invoice for the initial brief, OPD chose to require an electronic copy of the brief that was filed with the court. This has permitted OPD to develop a searchable “brief bank” as a research tool for OPD’s contracting attorneys without requiring any additional work of the attorneys. The brief bank currently has over 8,800 briefs. Brief banks are one of the tools established for efficiency in large law firms. OPD’s brief bank provides that large firm economy for research and argument structure to its contractors, many of whom have solo or small office practices.
6. At the request of the Supreme Court and the Legislature, OPD was able to develop a presumptive fee structure for death penalty appeals and personal restraint petitions. The presumptive fee for each of these cases is separately determined following review by an out-of-state death penalty expert. OPD then contracts with counsel for that particular case. OPD used models in other states to inform the development of its presumptive fee structure. Like the fee structure on non-death penalty cases, an attorney faced with unforeseen circumstances may request additional funding. OPD has historically granted these requests when documented. This change has enabled the Court to appoint counsel for these cases after a hiatus in which no qualified attorneys would take these cases due to the low payments. Timely appointment of counsel is necessary to meet constitutional requirements, provides for more efficient administration of appeals, and where an appeal overturns the death penalty, creates savings for the Department of Corrections by returning the convicted person to the regular prison population.
7. Based on its ongoing review of its contractors’ appellate caseloads and time records, OPD recently recommended an increase in appellate caseloads to the Washington State Bar Association (WSBA) Committee on Public Defense standards. The recommendation was adopted by the Committee and the WSBA Board of Governors and referred to the Supreme Court. The recommendation was based on OPD’s experience with appeals. Increasing caseloads means fewer attorneys can handle more cases, improving office efficiency. This recommendation applies only to appellate cases.

Is the Indigent Appellate Defense Program Meeting its Performance Goals and Targets?

OPD established five outcome measures to assess its performance in appellate indigent defense. These measures were documented in JLARC's Pre-Sunset Report (01-6). OPD documented these measures and provided the data to JLARC.

MEASURE 1: In at least 75 percent of statewide appeals, indigent defense will be provided by attorneys working under OPD contracts.

OUTCOME: OPD met this objective in 2003, and included this information in their annual report. Since the 2005 changes to court rules, virtually all indigent appellate defense has been provided by attorneys under OPD contract.

MEASURE 2: At least 70 percent of appellate judges responding to an OPD survey will rate the quality of indigent appeal services as "effective."

OUTCOME: OPD has exceeded this target. In a September 2007 survey, 91 percent of appellate judges rated OPD contracted attorneys as effective or very effective.

MEASURE 3: At least 70 percent of appellate judges responding to an OPD survey will indicate they feel such services are being provided efficiently.

OUTCOME: OPD has exceeded this target. In a September 2007 survey, appellate judges were asked to rate the efficiency of the OPD process for the appointment of appellate. Twenty-one of the 23 judges (91 percent) rated this process as efficient or very efficient.

MEASURE 4: Less than 5 percent of indigent appellate defense briefs will be rejected by the court as being of unacceptable quality.

OUTCOME: OPD has met this target. In a September 2007 survey, appellate judges were asked what percentage of briefs they had rejected for either failure to conform to court rules or for unacceptable quality before 2005 and after 2005. One judge indicated rejecting more than five percent of briefs before 2005, but all judges indicated that they had rejected less than five percent of briefs after 2005. While half the judges indicated rejecting at least one brief for failure to conform to court rules, all but two judges indicated that they had never rejected a brief for unacceptable quality.

MEASURE 5: The contract fee funding method for death penalty appellate cases will be increased to 100 percent of the cases.

OUTCOME: OPD has met this target. All indigent death penalty appeals and personal restraint petitions are now handled by qualified death penalty counsel and are paid under a presumptive fee contract with the Office of Public Defense.

To What Degree is OPD Duplicating Activities Performed by Another Agency or the Private Sector?

The state is constitutionally required to provide appellate public defense because indigent defendants are unable to access private defense representation. Consequently, there is, by definition, no private duplication of services. While there are trial-level defense agencies and defense attorneys contracted with local government, there is no agency duplication because trial-level agencies do not have the authority to submit names of counsel to the appellate court for appointment.

PARENTS' REPRESENTATION PROGRAM

Introduction

Dependency proceedings are court hearings that occur when the state has removed a child from his or her parent's custody because the child has been abandoned, abused, neglected, or no one is able to care for him or her. The purpose of these proceedings is to establish whether the child can return to the parent's custody, what must occur to make that happen, and if the child cannot return to the parent's custody, to develop another option for the child.

Termination proceedings are court hearings to terminate a person's parental rights because the person's child has been in state custody for 15 months and the parent has been unable to correct the problems that make it unsafe for the child to be in the parent's home.

Although dependency and termination proceedings are civil proceedings, because of the fundamental rights involved, parents have a right to counsel in these proceedings.⁵ Therefore, this duty falls under the broad charge of OPD's enabling legislation that it was established for the "implementation of the constitutional right to counsel."⁶

In 1999, the Legislature asked OPD to develop a proposal to address the costs of legal representation and reasonably related expenses for indigent parents and others in dependency and termination proceedings.⁷ The proposal was to address the increased number of cases filed by the state, how this effected indigent defense costs, and recommend strategies to ensure establishment of an equitable method of paying for indigent defense costs in these proceedings.

OPD provided the Legislature with a report and proposal in December 1999, and during the 2000 Legislative Session, OPD was asked to develop a pilot program in two courts. The courts chosen for the pilots were Benton-Franklin Juvenile and Pierce County Juvenile Court. The Legislature began expanding the program in 2005, and it now operates in 25 of the state's 39 counties. As with indigent appellate defense, OPD contracts with attorneys to provide these services.

Does the Parents' Representation Program Meet Legislative Intent?

The Parents' Representation Program was first funded to **enhance** the representation of parents in dependency and termination proceedings. The 2001 Supplemental Operating Budget included a proviso establishing a dependency and termination legal representation funding pilot program, specifying the program goal and necessary components of the program, as follows:

⁵ All parents have a statutory right to counsel in dependency and termination proceedings so indigent parents have the right to publicly funded counsel. Any parent who could be charged with a crime as a result of the proceedings has a federal constitutional right to counsel. A parent who has abused, neglected, or abandoned his or her child could be charged with a crime. Consequently, almost all parents in dependency and termination proceedings have a federal constitutional right to counsel in addition to their statutory right.

⁶ RCW 2.70.005.

⁷ Chapter 371, Laws of 1999 (SSB 5744).

- Enhance the quality of legal representation, thereby reducing the number of continuances requested by defense counsel, including requests based on unavailability of counsel.
- Do not exceed 90 dependency and termination cases per full-time attorney.
- Implement enhanced practice standards including, but not limited to, those related to reasonable case preparation and delivery of adequate client advice.
- Use investigative and expert services in appropriate cases.
- Implement effective indigency screening of all parents, guardians, and legal custodians represented by appointed counsel in these cases.
- Contract for an independent evaluation of the program, with an interim report.

OPD's performance related to these measures is discussed in the performance goals and targets section on the following page.

The Legislature has greatly expanded the program based on the overall view of the pilot programs' success. When it expanded the program, the Legislature changed the previous requirement for counties to continue including a share of their defense funding for this program. As stated in the 2005-07 Biennial Operating Budget Notes, "The new funding to expand the program to additional counties **will relieve the counties of the financial burden** of defending the cases." The implementation of a Parents' Representation Program in a county under the expansion language generates savings in the county budget. OPD is aware that several counties have used those savings to make improvements in other trial-level public defense services.

Presiding judges and commissioners in counties with Parents' Representation Programs rate their programs highly. In a September 2007 online survey by OPD, judges rated the quality of indigent parents' representation in dependency and termination of parental rights cases at an average score of 4.2 on a 5-point scale, and rated the quality of OPD Parents' Representation Program attorneys' preparation for court proceedings at an average score of 4.3. The survey was completed by 13 of the 15 courts with programs. Because some counties are combined into joint judicial districts, these 15 courts represent programs in 18 counties.

Is the Parents' Representation Program Operating in an Efficient and Economical Manner?

While this program began with a \$500,000 proviso, it now represents a \$24.3 million biennial commitment and constitutes about 45 percent of OPD's total budget. The Legislature began expanding the Parents' Representation Program to additional counties in 2005. The program is currently operational in Benton, Clallam, Clark, Cowlitz, Ferry, Franklin, Grant, Grays Harbor, Kitsap, Kittitas, Pacific, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, and Yakima counties. It is expanding to seven additional counties this fall: Chelan, Jefferson, Klickitat, Mason, Skamania, Thurston and Wahkiakum.

It is difficult to identify cost efficiencies in a program where the state is expanding its role and, as a result, its costs. However, OPD established an application process for counties who wanted a Parents' Representation Program in order to target limited funds where they will have the most impact. OPD's goal, within the available funding, has been to ascertain which juvenile courts had

the greatest need and could be expected to experience the greatest positive impacts from the program, thereby maximizing the impact of the state funds. OPD's application process has considered such things as the size of caseload, level of interest, existing need, reported outcomes, potential for impacting need and potential for court improvement.

The payments that OPD makes under the Parents' Representation Program are audited by the State Auditor. These audits have found that OPD has adequate controls on their processes.

Is the Parents' Representation Program Meeting Performance Goals and Targets?

With one amendment discussed in Measure 2, OPD uses the original criteria from the 2001 proviso as the goals and standards for the program. Consequently, JLARC is using these as the six performance goals and targets for this program.

MEASURE 1: The goal of the program is to enhance the quality of legal representation, thereby reducing the number of continuances requested by defense counsel, including requests based on unavailability of counsel.

OUTCOME: OPD meets this target. A final evaluation of the first two pilots in 2002 reported that defense continuances due to over scheduling had dropped to four percent from six percent in the first report.

An interim evaluation looked at the reasons for continuances in the first few months of the program and showed that OPD attorneys and their clients caused fewer continuances than either the state or the court. Further, most defense attorney continuances related to their clients, not to the attorney schedule. The largest single reason for continuances (33 percent) was a need for further information; for example, a paternity determination or the results of a criminal trial.

In 2007, OPD surveyed the 15 courts in which there are Parents' Representation Programs. Thirteen courts responded, and ten of the 13 had noticed a reduction in continuances (77 percent).

OPD will be better able to answer specific questions about current caseloads in the near future. It has developed and implemented an automated database tied to its invoice and payment system. The database includes information about continuances and other outcomes. OPD and its vendor are currently in process with programming to permit reporting of relevant information, including the number of continuances per case, who requested them, and why they were requested.

MEASURE 2: The Parents' Representation Program will not exceed 90 dependency and termination cases per full-time attorney.

OUTCOME: OPD meets this target. OPD adopted the 90-case caseload requirements and enhanced caseload standards as part of the pilot program contracts and enforced

them, up to terminating or not renewing contracts with program attorneys who will not limit outside practice so that their caseloads comport with the standard.

In 2003, following review and approval by its Advisory Committee, OPD lowered the caseload standard to 80 cases per full-time attorney to permit adequate time for case preparation and communication with the clients.

MEASURE 3: The Parents' Representation Program will implement enhanced practice standards including, but not limited to, those related to reasonable case preparation and delivery of adequate client advice, as identified in OPD's 1999 report.

OUTCOME: OPD met this target. The enhanced parents' representation standards are part of the contract that program attorneys and firms sign with OPD. This permits OPD to enforce adherence to the standards.

The interim evaluation of the two pilots demonstrated that attorneys were spending more time on each case and, overall, that 84 percent of attorney time was used for case preparation and client communication. This was a very substantial increase over the time reported in the 1999 OPD report that led to the establishment of the program.

MEASURE 4: The Parents' Representation Program will use investigative and expert services in appropriate cases.

OUTCOME: OPD meets this target. OPD provides funding for investigators, social workers, and other expert services, and conducts training for attorneys in the appropriate use of these resources. It also trains the investigators and social workers in how to effectively assist counsel. OPD has chosen not to renew contracts when attorneys do not use these resources appropriately.

MEASURE 5: OPD will implement effective indigency screening of all parents, guardians, and legal custodians represented by appointed counsel in these cases.

OUTCOME: OPD met this target. OPD developed and conducted statewide training for personnel involved in indigency screening of parents, guardians, and legal custodians involved in dependency and termination proceedings. In addition, on implementing a Parents' Representation program, OPD has ensured indigency screening is being performed by the court before attorneys are appointed. OPD has periodically updated the status of indigency screening practices in the program courts.

OPD also published a new statewide report on indigency screening practices.⁸ The report includes a simplified indigency screening form that OPD developed, has piloted, and recommends using as a basis for indigency determinations.

⁸ OPD, Update on Criteria and Standards for Determining and Verifying Indigency, October 2007.

OPD is currently providing this form and training in its use to all program court personnel who are responsible for ensuring effective indigency screening.

MEASURE 6: OPD will contract for an independent evaluation of the program, with an interim report.

OUTCOME: OPD met this measure. Both evaluations were conducted by Northwest Crime and Social Research, Inc. The interim evaluation was submitted to the Legislature in January 2001. The final evaluation was submitted in February 2002. While this study discussed the costs and benefits of the program, the benefits discussion was largely qualitative while the cost discussion was a brief recitation of the funding and an approximation of the average funding per case.

The program has had two additional reviews of the pilot sites, each of which focused more narrowly on particular aspects of the program. The first, by the National Council of Juvenile and Family Court Judges in 2003, found noticeable differences in case processing timeframes, time spent in out-of-home care, and case outcomes among the samples. While it acknowledged that there were other factors that may also have contributed to these results, the evaluators found it "evident" that the Parents' Representation Program was having a positive impact on the legal representation of parents in dependency and termination proceedings.

The second, by the Northwest Institute for Children and Families Evaluation Services Team in 2005, was restricted to cases that resulted in reunification and for those cases found similar benefits. However, because the study looked only at reunifications and not the full range of case outcomes, the findings cannot be generalized to the full programs in either county or to other counties.

To What Degree is OPD Duplicating Activities Performed by Another Agency or the Private Sector?

The state provides public defense because indigent defendants are unable to access private defense. Consequently, there is, by definition, no private duplication of services. As explained below, there is also no duplication of services with another agency.

In 24 of the 25 counties in which it operates Parents' Representation Programs, all the defense attorneys representing parents in dependency and termination cases have contracts with OPD. In Pierce County, because the pilot funding was not sufficient for OPD to contract both with the Department of Assigned Counsel and conflict counsel (who represent additional parents in multiple parent cases), OPD and Pierce County have divided the responsibility in a manner that assures there is no duplication of services.

TRAINING PROGRAM

Introduction

Practicing attorneys must participate in ongoing training and continuing legal education to maintain their licenses to practice. In addition, there are defense standards adopted by the bar association and referenced in statute that require public defense attorneys to have annual continuing education specific to public defense. While most of OPD's training is focused on contracted attorneys, OPD also trains other public defenders, public defense support staff, social workers, and investigators. The training is delivered using several methods. OPD provides:

1. Continuing legal education (CLE) programs at both the trial and appellate level;
2. Training in small groups and for individual contract attorneys, social workers, and investigators through OPD's staff supervising attorneys and social services managers;
3. A resource attorney and CLE courses for death penalty qualified attorneys and those pursuing this qualification through a contract with the Death Penalty Assistance Center;
4. Pass-through funding to the Washington Defender Association which offers state-funded CLE courses, resource attorneys to public defenders, and materials (i.e., desk books) to public defense attorneys under contract with OPD;
5. Online legal reference resources to OPD's contracting attorneys including a proprietary brief bank, access to the Judicial Information System, and online legal research tools; and
6. Individual monitoring and supervision of contracted staff, if there are concerns about the quality of work.

Does the OPD Training Program Meet Legislative Intent?

RCW 2.70.005, OPD's enabling statute, charges OPD with the duty to "implement the constitutional guarantee of counsel" and the Budget Notes related to implementation of E2SSB 5454 (2005),⁹ which included training funding, repeatedly state one purpose as "to improve indigent defense services."

Improving indigent defense services is part of implementing the constitutional guarantee of services because the constitutional guarantee is more than the mere physical presence of an attorney in the courtroom. The constitutional guarantee contains the premise that the representation is competent. Consequently, to the extent that public defenders are becoming trained in better defense practices and tools, have the resources they need and are able to meet defense standards relating to supervision and consulting, OPD's training and resources are a step toward improving indigent defense services, and thereby implementing the constitutional guarantee of counsel.

⁹ Chapter 457, Laws of 2005 §20(1) (court funding legislation that contained an appropriations for OPD training).

Each of the six training methods listed in the introduction to this chapter are focused on improving public defense through both OPD contract attorneys and the public defense community in general. In a number of these areas, OPD is the only source of training. Further, OPD has an evaluation process for its CLE programs, and the evaluations by the participants are positive. Consequently, OPD appears to be meeting legislative intent with its training program.

Does the OPD Training Program Operate in an Efficient and Economical Manner?

OPD has taken opportunities to maximize training opportunities while minimizing costs in a number of the areas listed above. The primary way OPD has done this is by targeting its continuing legal education (CLE) courses to underserved markets and tailoring the content of the presentation to the specific needs of the public defense community in the community where the class is being held. This will be discussed further under duplication of services.

A second way that OPD economizes is that it has sought and received grants to cover some training costs. OPD received a grant to cover the full outside costs of the first Parents' Representation Conference in 2004, including all facility costs. OPD has sought and received grants for producing the extensive training materials it provides its attorneys. OPD also economizes in the selection of locations in which it offers CLE courses. OPD reports that, when possible, it selects sites at which it can obtain rooms for free or at a discount and where it can provide economical food and beverage service, particularly for trainings that include substantive lunch sessions.

A third way that OPD has ensured that its program operates in an efficient and economical manner is the double use of materials and staff. For example, OPD developed its online brief bank using the briefs required to document attorney invoices. Similarly, when OPD contracted with the Washington Defender Association (WDA) for two resource attorneys, it knew that the two attorneys needed to be available full-time, but their time would not always be occupied in consulting, so the contract requires them to write a reference manual for use by trial-level defense attorneys.

Is the OPD Training Program Meeting Performance Goals and Targets?

The Legislature has not provided OPD with criteria for its training. However, there are two criteria that can be applied to measure OPD's performance in the area of training. The first relates to external standards of quality for CLE. The second is an OPD internal goal.

MEASURE 1: Do the trainings offered meet criteria for attorneys to earn required CLE credit toward both their licensing requirements and Standard #9 of the Defense Standards, which requires defense attorneys to obtain seven CLE credits per year in defense training related to their caseloads?

OUTCOME: OPD meets this target. OPD applies for and receives CLE credit for each course. OPD's courses average 7.68 CLE credits apiece. This means that

attorneys may be able to meet Defense Standard #9 with minimal disruption to their trial schedule.

MEASURE 2: During the 2005 Legislative Session, OPD set a goal that training funds would be used to target contract attorneys working in non-urban areas.” The context of this goal was the appropriation of funding for trial-level training.

OUTCOME: OPD meets this target. Since January 2006, 65 percent of OPD’s non-appellate courses have been located outside the Seattle-Metro, Spokane, and Vancouver areas. Of the six courses that were located in these urban areas, three were regional trainings in Spokane or Vancouver, urban areas surrounded by rural counties, and the location was central to attorneys in those non-urban areas. If these three courses are also counted, the percentage of targeted courses is 82 percent.

To What Degree is OPD Duplicating Activities Performed by Another Agency or the Private Sector?

There are three major providers of criminal defense training: OPD, the Washington Defenders’ Association (WDA) and the Washington Association of Criminal Defense Lawyers (WACDL). In addition to its own programs, OPD provides specialized death penalty defense training through a contract with the Death Penalty Assistance Center (DPAC).¹⁰ As shown in Figure 4, between January 2001 and December 31, 2006, these organizations offered 868.75 continuing legal education credits focused on criminal defense training.

Figure 4 – OPD is the Largest Provider of Defense CLE Courses

Year	2001	2002	2003	2004	2005	2006	Total
OPD Units	5.75	7.00	23.50	32.00	25.25	107.00	200.50
DPAC Units	0.00	33.00	20.50	18.25	10.50	25.75	108.00
OPD & DPAC Total	5.75	40.00	44.00	50.25	35.75	132.75	308.50
WDA Units	34.00	11.50	55.00	34.50	84.75	40.00	259.75
WACDL Units	55.50	43.75	60.50	53.25	36.75	50.75	300.50
Annual Totals	95.25	95.25	159.50	138.00	157.25	223.50	868.75

Source: WSBA Mandatory CLE Database (<http://pro.wsba.org/SponsorHome.asp>).

¹⁰ OPD contracts with DPAC to provide specialized death penalty defense training and a resource attorney for public defenders with death penalty cases. JLARC aggregated DPAC training courses with those offered by OPD because OPD funds the training and DPAC is contractually obligated to provide it. By contrast, state funding for WDA currently passes through OPD’s budget, but the funding is designated by the Legislature and is not the result of a contractual obligation OPD.

Training Program

The vast majority of the WDA and WACDL CLE courses are offered in major metropolitan areas of the state (Seattle-Metro, Vancouver, and Spokane), while the majority of OPD courses are offered in less urban settings.

Although there have been infrequent defense training courses in the specialized areas of criminal appeals, parents' representation, and the death penalty, OPD is the only **regular source** of specialty defense CLE credits for death penalty defense, indigent appellate defense, and parents' representation since it began offering these trainings.

Training Type	OPD's Portion
Death Penalty	100% since 2002
Criminal Appeals	92% since 2001
Parents' Representation	83% since 2003

When looking at general trial-level defense, OPD has taken steps to ensure that it does not duplicate services.

- First, OPD targets course content to issues requested by the attorneys in the region where the class is being held, limits the courses to public defense attorneys, and individually invites the attorneys in the area to the class in order to maximize attendance and the interaction between practitioners in the same geographical region. This attention to regional and local needs and direct interaction with invited attorneys is unique among providers.
- Second, OPD offers classes outside the major urban areas, so that defense attorneys can obtain this training near their practices.

JLARC has determined that, because of the scope of training services OPD provides and OPD's targeting of CLE course content and location, there is little substantive duplication in OPD's training program.

TRIAL-LEVEL PROGRAMS

Overview

There are three remaining duty areas for OPD: preparing the annual Extraordinary Criminal Justice Costs Report, providing county consulting, and three new programs to improve trial-level indigent defense. The trial-level indigent defense improvement programs include three pilot programs and a state grant program to counties and cities. Each of these duty areas is either too small or too new for a full discussion of all the objectives and will be addressed together in a summary manner. Further, each of these programs is a unique duty established by the Legislature and assigned to OPD. As a consequence, there is no duplication of services with other agencies or the private sector.

Extraordinary Criminal Justice Costs

Every year the OPD prepares a report of extraordinary criminal justice costs for which counties have petitioned for reimbursement. The report establishes priorities for reimbursement. Extraordinary criminal justice costs are unforeseen costs related to investigation and litigation of first degree aggravated murder cases.

The Legislature required OPD to establish procedures for this report and prepare it annually in consultation with the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC).

To prepare the report, OPD must audit the counties' petitions to ensure that they include only permitted costs and that these costs are adequately documented. OPD verifies county documentation and ranks each county by the impact of claimed cases on its budget. OPD, WAPA, and WASPC also consider whether the county uses death penalty qualified defense attorneys for these cases, placing a higher priority on those counties that do. Using a death penalty qualified attorney at the trial level will reduce expenses at the appellate level.

The primary objective in this program is that OPD produce a timely and valid annual report to guide legislators. OPD has consulted with WAPA and WASPC and submitted the report each year since 1999, and the operating budgets for each year show that the Legislature has partially funded at least the first priority each year, and in some years has partially funded additional priorities from the list. Further, the Legislature generally has not funded extraordinary criminal justice costs from requests outside this report.

County Consulting

The Office of Public Defense provides training and technical assistance to counties to improve the provision of trial-level criminal indigent defense. These consulting services were mandated in E2SSB 5454 (2005) and funded in both the 2005-07 and the 2007-09 Operating Budgets.

Following the effective date of the legislation, OPD publicized this opportunity through presentations to the Fall Judicial Conference, the Superior Court Judges' Association Best Practices Committee, and the Washington State Association of Counties (WSAC) Conference, and the Washington State Bar Association.

OPD has met with judges or public defenders in Clallam, Benton, Pierce, King, Spokane, Clark, Grays Harbor, Mason, Kitsap, Thurston, Walla Walla, and Okanogan counties and with county commissioners or other officials in Skagit, Thurston, Benton, Clark, and Kitsap counties. Following consultations in these 14 counties, ten counties have made changes ranging from the adoption of ordinances and review of contracts to the establishment of public defender offices. One additional county resolved a dispute between the court and the defenders on the use of defense funds. There is no mandate on the counties to use the training and technical assistance they receive, so the fact that 11 of 14 counties have taken action following consulting implies that the counties find the service relevant and valuable.

While the legislation does not have strong intent language or establish performance targets, we found evidence that the training and technical assistance OPD provides is resulting in local changes to improve public defense and implement the constitutional guarantee of counsel.

Trial-level Indigent Defense

Engrossed Second Substitute Senate Bill 5454 (E2SSB 5454) appropriated \$1 million for “a criminal indigent defense pilot program for persons charged with felony or misdemeanor offenses.”¹¹ The appropriation required the pilot to include “effective implementation of indigency screening; enhanced defense attorney practice standards; and use of investigative and expert services.”¹²

The following session, the 2006 Supplemental Operating Budget provided that “Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).”¹³ The budget notes indicate that \$3 million was appropriated in addition to the pilot funding to improve criminal indigent defense services at the trial level. 2SHB 1542 established the county and city grant program for improving criminal indigent defense services at the county and city levels. This program is codified at RCW 10.101.050 through 10.101.080.

Pilot Programs

OPD used the \$1 million appropriation to fund three trial-level pilot programs. Because OPD worked within the already existing structures of public defense in these three locations, it was able to leverage its funding to go beyond the expectation of one trial-level pilot program. The three pilots are distinct. They are in three different types of trial court and handle a different sort of case than OPD has previously addressed. Two of the programs handle misdemeanor cases and

¹¹ The section also appropriated \$1.3 million for “criminal indigent defense assistance and enhancement in the trial courts.” This is the funding source for county training and technical assistance consulting and trial-level defense training.

¹² Chapter 457, Laws of 2005 (E2SSB 5454) §20 (1)).

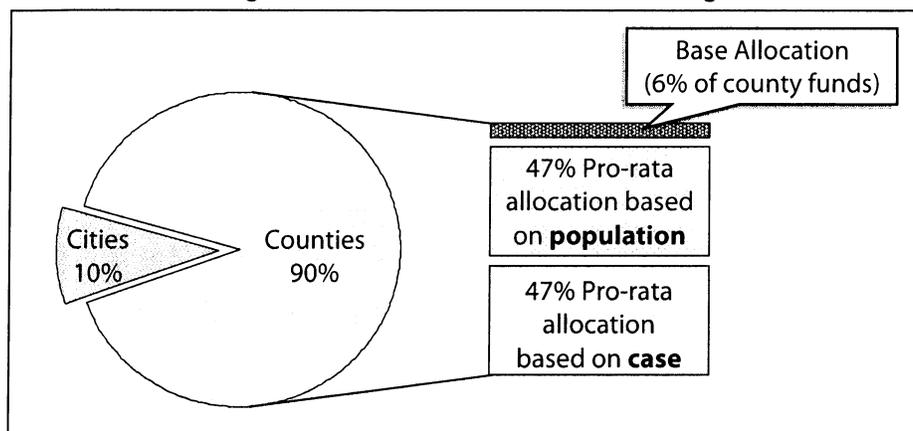
¹³ Chapter 372, Laws of 2006 (ESSB 6386 § 113(3)).

the third is in a juvenile court. The three pilots are described in Appendix 3. OPD evaluated the first year of the pilots using an independent evaluator. The quantitative portion of this evaluation was based on OPD’s required documentation and the qualitative portion was based on extensive stakeholder interview. OPD plans a final evaluation in late 2008 that will update the earlier report and, to the extent possible, look at impacts on the court process.

County and City Grants

In 2006, 38 of Washington’s 39 counties applied for trial-level defense improvement grants under 2SHB 1542.¹⁴ 2SHB 1542 was codified into Chapter 10.101 RCW, which specifies eligibility criteria for counties, identifies categories of programs and actions for which counties can spend this funding, and establishes a formula for disbursing the funds. The disbursement formula is laid out in Figure 5. OPD reviewed the applications, worked with counties to ensure that their intended uses were permitted by the statute, and disbursed the funds as required.

Figure 5 – Distribution of Grant Funding



Source: RCW 10.101.070.

This method of funding the county grants minimizes the cost of administering the program because there is no competitive process and OPD does not determine the value of each proposal. However, because the formula is not linked to the county’s anticipated costs, OPD has little control over the effectiveness and efficiency of county use. OPD is required to determine whether the counties are using the funds for purposes specified in statute. If not, there is a procedure established to correct the improper use. However, OPD does not have authority to designate how counties use the funds within allowable categories.

The 10 percent of the appropriation for city grants has many fewer specifications. While cities must still conform to the eligibility criteria and use the grant for an allowable program or action, the city grants are established as competitive grants and OPD has discretion in how the funding is distributed and for what purposes it is used.

This is the first year of the funding and OPD will begin reviewing the use of funds in early 2008.

¹⁴ Douglas County did not apply.

CONCLUSION AND RECOMMENDATION

Findings

The Office of Public Defense is meeting legislative intent, operating in an efficient and economical manner, with adequate cost controls in place, is meeting established goals and targets, and does not substantially duplicate services offered by other agencies or the private sector.

Termination of the Office of Public Defense would have substantial and wide-reaching ramifications on the court system in Washington State. The right to counsel is a constitutional right, and provision of counsel for indigent defendants is a government responsibility

<p style="text-align: center;">If the Legislature does not act, the Office of Public Defense will cease to exist on June 30, 2008.</p>

Recommendation

Recommendation 1

The Legislature should repeal the Sunset provision and permit OPD to continue without substantive modification.

Legislation Required:	Yes
Fiscal Impact:	None
Reporting Date:	June 30, 2008

APPENDIX 1: SCOPE & OBJECTIVES

OFFICE OF PUBLIC DEFENSE SUNSET REVIEW

SCOPE AND OBJECTIVES

AUGUST 23, 2007



STATE OF WASHINGTON
JOINT LEGISLATIVE AUDIT AND
REVIEW COMMITTEE

STUDY TEAM
Fara Daun

PROJECT SUPERVISOR
Keenan Konopaski

LEGISLATIVE AUDITOR
Ruta Fanning

Joint Legislative Audit &
Review Committee
506 16th Avenue SE
Olympia, WA 98501-2323
(360) 786-5171
(360) 786-5180 Fax

Website:
www.jlarc.leg.wa.gov
e-mail: neff.barbara@leg.wa.gov

Why is JLARC Performing a Sunset Review of the Office of Public Defense?

The Office of Public Defense (OPD) is scheduled to terminate on June 30, 2008, pursuant to the Washington Sunset Act. As required by this legislation, JLARC will conduct a sunset review to assist policymakers with deciding whether the Office should be continued, modified, or terminated.

Background

In Washington, individuals are guaranteed the right to be represented by an attorney when they are threatened with loss of liberty or when their children may be taken from them. When a defendant is indigent, or too poor to hire a lawyer, he or she is eligible for a court appointed defense attorney at government expense.

The Office of Public Defense was established in 1996 by Substitute Senate Bill 6189 as an independent agency within the judiciary branch with a dual purpose. The Legislature directed OPD to “implement the constitutional guarantee of counsel” and “ensure the effective and efficient delivery of the indigent appellate services funded by the state of Washington” (RCW 2.70.005).

Initially, OPD’s duties related exclusively to the second, more specific duty, ensuring the effective and efficient delivery of indigent defense services for appeals and had no duties related to defendants’ trials. Beginning in 2001, the Legislature has progressively expanded the duties of OPD. These expansions relate to the first, more general duty, to “implement the constitutional guarantee of counsel.”

Currently, OPD has duties in six areas:

1. Operating a contract program for state-funded appellate indigent defense in all 39 counties;
2. Operating a parents’ representation program that provides defense counsel for parents in a dependency or termination of parental rights proceeding in 25 of the 39 counties;
3. Compiling and prioritizing counties’ extraordinary criminal justice costs and reporting these annually to the Legislature;
4. Consulting with counties to assist them with improving their indigent defense;
5. Providing continuing education and training for public defenders; and
6. Operating a grant program that assists counties and cities with meeting standards or improving indigent defense outcomes.

Absent specific action by the Legislature, the Office of Public Defense will cease to exist on June 30, 2008.

Study Scope

This review will examine the operations and duties of the Office of Public Defense. The review will focus on the evaluation criteria specified by the Washington Sunset Act.

Study Objectives

JLARC will address the following four questions.

To what degree is the state's Office of Public Defense:

- 1) Complying with legislative intent as contained in Chapters 2.70, 10.73, 10.101, and 43.330 RCW and budget provisos?
- 2) Operating in an efficient and economical manner, with adequate cost controls in place?
- 3) Reaching expected performance goals and targets?
- 4) Duplicating activities performed by another agency or the private sector?

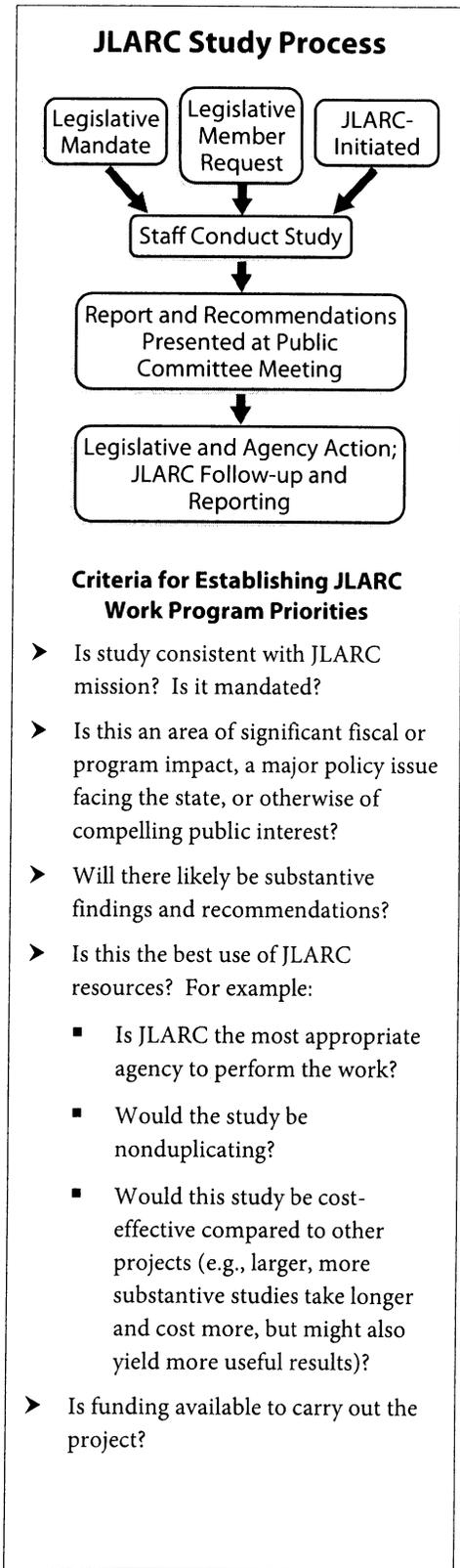
The report will also review the possible impacts of termination or modification of the Office and make a recommendation whether to terminate, modify, or continue the Office without modification.

Timeframe for the Study

Staff will present the preliminary report at the JLARC meeting in November 2007, and the proposed final report with agency responses at the JLARC meeting in January 2009.

JLARC Staff Contact for the Study

Fara Daun (360) 786-5174 daun.f@leg.wa.gov



APPENDIX 2: AGENCY RESPONSES

- Washington State Office of Public Defense
- The Supreme Court
- Office of Financial Management

Appendix 2: Agency Responses



Internet Email: opd@opd.wa.gov

**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164
FAX (360) 586-8165

DATE: December 5, 2007

TO: Ruta Fanning, Legislative Auditor
Joint Legislative Audit and Review Committee

FROM: Joanne Moore, Office of Public Defense Director 

RE: **Preliminary Report "Office of Public Defense Sunset Review"**

Thank you for the opportunity to comment on JLARC's preliminary report on the "Office of Public Defense Sunset Review."

Recommendation	Agency Position	Comments
1A. The Legislature should repeal the Sunset provision and permit OPD to continue without substantive modification.	Concur	

711 South Capitol Way • Suite 106 • P.O. Box 40957 • Olympia, Washington 98504-0957

The Supreme Court
State of Washington

GERRY L. ALEXANDER
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40920
OLYMPIA, WASHINGTON
98504-0920



(360) 357-2029
FAX (360) 357-2085
E-MAIL J.G.ALEXANDER@COURTS.WA.GOV

December 4, 2007

RECEIVED

DEC - 6 2007

JLARC

Ms. Ruta Fanning
Legislative Auditor
Joint Legislative Audit and Review Committee
506 16th Avenue SE
Olympia, WA 98501-2323

Re: Preliminary Report—Office of Public Defense Sunset Review

Dear Ms. Fanning:

Thank you for the opportunity to comment on JLARC's preliminary report on the "Office of Public Defense Sunset Review."

I strongly concur in JLARC's recommendation that the legislature repeal the sunset provision and permit OPD to continue without substantive modification.

The judiciary has concluded that the Office of Public Defense carefully manages state indigent defense funds, administers program responsibilities capably, and has created and implemented a number of positive systemic changes.

Thus, I am pleased to see JLARC's only audit finding is that the "The Office of Public Defense is meeting legislative intent, operating in an efficient and economical manner, with adequate cost controls in place, is meeting established goals and targets, and does not substantially duplicate services offered by other agencies or the private sector." Also noteworthy is JLARC's recognition of the State's obligation to ensure the constitutional guarantee of counsel, which the U.S. Supreme Court identified 44 years ago in the landmark case *Gideon v. Wainwright*.

I look forward to your final report.

Sincerely,

A handwritten signature in cursive script that reads "Gerry L. Alexander".

Gerry L. Alexander
Chief Justice



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

Insurance Building, PO Box 43113 • Olympia, Washington 98504-3113 • (360) 902-0555

RECEIVED

DEC - 3 2007

JLARC

November 29, 2007

TO: Ruta Fanning, Legislative Auditor
Joint Legislative Audit and Review Committee

FROM: Victor A. Moore *V.A.M.*
Director

**SUBJECT: PRELIMINARY REPORT – OFFICE OF PUBLIC DEFENSE
SUNSET REVIEW**

Thank you for giving the Office of Financial Management (OFM) the opportunity to review JLARC's preliminary report on the Office of Public Defense Sunset Review.

Here is our response to the recommendation contained in the report.

Recommendation	Agency Position	Comments
1. The Legislature should repeal the Sunset provision and permit OPD to continue without substantive modification.	Concur	

We look forward to your final report. If you have any questions, please contact Garry Austin at (360) 902-0564.



APPENDIX 3: TRIAL-LEVEL PILOT PROGRAMS

OPD Trial-level Pilot Programs

	Bellingham	Grant County	Thurston County
Court Type	Municipal Court	Juvenile Court	District Court
Area Served	Urban	Rural	Mixed
Types of Cases	Misdemeanors and gross misdemeanors	Juvenile offenses	Misdemeanors and gross misdemeanors
Who provides defense services?	City contracts with an office of assigned counsel	County contracts with private attorneys as independent contractors	County public defense agency
How is supervision provided?	A private contractor and lead attorney provide on-site supervision	A private attorney with a separate practice provides off-site supervision	Agency has on-site supervision through its office director
OPD Funded Attorneys	2 new attorneys [Expands existing office from 3 to 5 attorneys]	2.25 new attorneys (jointly funded by OPD and Grant County) [Although this does not expand attorney resources, practice for pilot attorneys is limited to juvenile public defense]	3 new attorneys [Expands existing office unit from 2 to 5 attorneys]
OPD Funded Staff	1 full-time investigator 1 social worker/paralegal (half-time to each role)	1 part-time social worker 1 part-time office assistant	1 full-time paralegal Additional funding for investigators
OPD Goals for Pilots	Represent misdemeanor defendants at their arraignment Improve attorney-client communication Appropriate use of investigation and motions Reduce caseloads to 400 per attorney	Represent juveniles at their arraignment Improve attorney-client communication Appropriate use of investigation and motions Reduce caseloads to 250 per attorney	Represent misdemeanor defendants at their arraignment Improve attorney-client communication Appropriate use of investigation and motions Reduce caseloads to 400 per attorney

Source: Office of Public Defense.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-4132.2/08 2nd draft

ATTY/TYPIST: AI:ean

BRIEF DESCRIPTION: Modifying provisions relating to the office of public defense.

1 AN ACT Relating to the office of public defense; amending RCW
2 2.70.005, 2.70.010, 2.70.020, and 2.70.030; creating a new section; and
3 repealing RCW 43.131.389, 43.131.390, and 2.70.050.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the office of
6 public defense:

7 (a) Operates in an efficient and economical manner, with adequate
8 cost controls in place;

9 (b) Meets established goals and targets; and

10 (c) Does not substantially duplicate services offered by other
11 agencies or the private sector.

12 (2) Termination of the office of public defense would have
13 substantial and wide-reaching ramifications on the court system in
14 Washington state. The right to counsel is a constitutional right, and
15 provision of counsel for indigent defendants is a government
16 responsibility.

17 **Sec. 2.** RCW 2.70.005 and 1996 c 221 s 1 are each amended to read
18 as follows:

1 In order to implement the constitutional and statutory guarantees
2 of counsel and to ensure ((the)) effective and efficient delivery of
3 ((the)) indigent ((appellate)) defense services funded by the state of
4 Washington, an office of public defense is established as an
5 independent agency of the judicial branch.

6 **Sec. 3.** RCW 2.70.010 and 1996 c 221 s 2 are each amended to read
7 as follows:

8 The supreme court shall appoint the director of the office of
9 public defense from a list of three names submitted by the advisory
10 committee created under RCW 2.70.030. Qualifications shall include
11 admission to the practice of law in this state for at least five years,
12 experience in ((the representation of persons accused of a crime))
13 providing indigent defense services, and proven managerial or
14 supervisory experience. The director shall serve at the pleasure of
15 the supreme court and receive a salary to be fixed by the advisory
16 committee.

17 **Sec. 4.** RCW 2.70.020 and 1996 c 221 s 3 are each amended to read
18 as follows:

19 The director((, under the supervision and direction of the advisory
20 committee,)) shall:

21 (1) Administer all ((criminal appellate indigent defense)) state-
22 funded services in the following program areas:

23 (a) Trial court criminal indigent defense, as provided in chapter
24 10.101 RCW;

25 (b) Appellate indigent defense, as provided in this chapter;

26 (c) Representation of indigent parents qualified for appointed
27 counsel in dependency and termination cases, as provided in RCW
28 13.34.090 and 13.34.092;

29 (d) Extraordinary criminal justice cost petitions, as provided in
30 RCW 43.330.190;

31 (e) Compilation of copies of DNA test requests by persons convicted
32 of felonies, as provided in RCW 10.73.170;

33 (2) Submit a biennial budget for all costs related to ((state
34 appellate indigent defense)) the office's program areas;

35 (3) Establish administrative procedures, standards, and guidelines

1 for the office's program areas, including ((a)) cost-efficient systems
2 that provide((s)) for authorized recovery of costs;

3 (4) Provide oversight and technical assistance to ensure the
4 effective and efficient delivery of services in the office's program
5 areas;

6 (5) Recommend criteria and standards for determining and verifying
7 indigency. In recommending criteria for determining indigency, the
8 director shall compile and review the indigency standards used by other
9 state agencies and shall periodically submit the compilation and report
10 to the legislature on the appropriateness and consistency of such
11 standards;

12 ((+5)) (6) Collect information regarding ((indigency cases))
13 indigent defense services funded by the state and report annually to
14 the advisory committee, the legislature, and the supreme court;

15 ((+6)) (7) Coordinate with the supreme court and the judges of
16 each division of the court of appeals to determine how appellate
17 attorney services should be provided.

18 The office of public defense shall not provide direct
19 representation of clients.

20 **Sec. 5.** RCW 2.70.030 and 2005 c 111 s 1 are each amended to read
21 as follows:

22 (1) There is created an advisory committee consisting of the
23 following members:

24 (a) Three persons appointed by the chief justice of the supreme
25 court, ((including the chair of the appellate indigent defense
26 commission identified in subsection (3) of this section)) who shall
27 also appoint the chair of the committee;

28 (b) Two nonattorneys appointed by the governor;

29 (c) Two senators, one from each of the two largest caucuses,
30 appointed by the president of the senate; and two members of the house
31 of representatives, one from each of the two largest caucuses,
32 appointed by the speaker of the house of representatives;

33 (d) One person appointed by the court of appeals executive
34 committee;

35 (e) One person appointed by the Washington state bar association;

36 (f) One person appointed by the Washington state association of
37 counties; and

1 (g) One person appointed by the association of Washington cities.

2 (2) During the term of his or her appointment, no appointee may:

3 (a) Provide indigent defense services funded by a city, a county, or
4 the state, except on a pro bono basis; (b) serve as ~~((an appellate))~~ a
5 judge except on a pro tem basis or as ~~((an appellate))~~ a court
6 employee; or (c) serve as a prosecutor or prosecutor employee.

7 ~~((The initial advisory committee shall be comprised of the~~
8 ~~current members of the appellate indigent defense commission, as~~
9 ~~established by Supreme Court Order No. 25700-B, dated March 9, 1995,~~
10 ~~plus two additional legislator members appointed under subsection~~
11 ~~(1)(e) of this section. Members shall serve until the termination of~~
12 ~~their current terms, and may be reappointed. The two additional~~
13 ~~legislator members, who are not on the appellate indigent defense~~
14 ~~commission, shall each serve three year terms.))~~ Members of the
15 advisory committee shall receive no compensation for their services as
16 members of the ~~((commission))~~ committee, but may be reimbursed for
17 travel and other expenses in accordance with ~~((rules adopted by the~~
18 ~~office of financial management))~~ state law.

19 (4) The advisory committee shall:

20 (a) Meet at least quarterly;

21 (b) Review at least biennially the performance of the director, and
22 submit each review to the chief justice of the supreme court;

23 (c) Receive reports from the director;

24 (d) Make policy recommendations, as appropriate, to the legislature
25 and the supreme court;

26 (e) Approve the office's budget requests;

27 (f) Advise the director regarding administration and oversight of
28 the office's program areas; and

29 (g) Carry out other duties as authorized or required by law.

30 **NEW SECTION. Sec. 6.** The following acts or parts of acts are each
31 repealed:

32 (1) RCW 43.131.389 (Office of public defense--Termination) and 1998
33 c 108 s 2 & 1996 c 221 s 7;

34 (2) RCW 43.131.390 (Office of public defense--Repeal) and 1998 c
35 108 s 3 & 1996 c 221 s 8; and

36 (3) RCW 2.70.050 (Transfer to office of appellate indigent defense

1 powers, duties, functions, information, property, appropriations,
2 employees, rules, and pending business--Apportionment--Effect on
3 collective bargaining) and 2005 c 282 s 12 & 1996 c 221 s 6.

--- END ---

**BOARD FOR JUDICIAL ADMINISTRATION'S
WATER WORK GROUP**

STATUS REPORT

January 18, 2008

Background. The BJA created the Water Work Group in 2004. The work group was created in response to a legislative bill proposing the creation of a separate water court within the state judiciary. The work group was asked to study water courts and to make recommendations to the BJA, including as to the policy of removing jurisdiction over general water right adjudications from the superior courts and placing it in a new specialty court.

The Water Work Group reported back to the BJA in June 2004. In response to that report, the BJA in July of that year adopted a policy statement on water courts, the main conclusion of which reads:

“If the State decides to increase the number of ongoing general adjudications, then a new, specialized water court should be created to hear the cases. The water court should be separate from the superior courts.”

The BJA made additional refinements to its policy statement in September 2005 (changes related to the length of judicial terms and the manner of elections). A copy of the revised policy statement is attached.

Since that time, the stakeholder and legislative interest in creating a water court has died down. There haven't been any new water court bills introduced since the 2005 legislative session. The lack of recent interest appears to be tied to a growing recognition (due in large part to the BJA's position statement) that creating a new water court makes sense only if the state decides to ramp up the pace of the adjudications, which involves a significant amount of resources.

Current Project—Affidavits of Prejudice. In 2005, the BJA also asked the Water Work Group to draft language addressing the problem of affidavits of prejudice for general water right adjudications. Affidavits of prejudice are not workable in large general water right adjudications, which can involve thousands of different parties. The affidavit process needs to be revised, regardless of whether a water court is created.

The work group has gone through several drafts of legislation that would create new standards and procedures to replace the affidavit of prejudice for these cases. The proposal requires a party to present facts demonstrating that the water judge's impartiality might reasonably be questioned. This standard is adapted from language in our state's Code of Judicial Conduct and in other jurisdictions' standards on disqualifying judges. Most recently, the work group revised the draft after soliciting and receiving input from the Washington State Bar

Association. The draft is now very far along, and is almost ready for further review by the SCJA and BJA.

The need for replacing affidavits of prejudice is tied directly to the timing for when the next large general water right adjudication will be filed. The Department of Ecology has indicated that it will not file a new general adjudication during the current biennium. Instead, DOE is focusing its efforts for a new adjudication on the lengthy process of preparing the background documentation of water rights in particular basins, which needs to be done before a new adjudication can be filed. Thus, there is no pressing need to have our proposal be considered by the Legislature this session. Moreover, it has always been our intent that the affidavit of prejudice language would not be introduced in the Legislature as a stand-alone bill, but would be piggy-backed on other legislation addressing general water right adjudications, such as a water court bill or a DOE bill on streamlining the procedures for these adjudications. If we introduced a stand-alone bill, we would need to devote significant resources to pushing the bill through the Legislature ourselves, whereas DOE would shoulder the majority of the load otherwise. DOE shares the judiciary's interest in revamping the affidavit of prejudice process, and DOE has indicated that it considers our proposal a significant part of its anticipated bill.

Current Plans and Activities. Because there is no need to revise the affidavit of prejudice language this session, and because it will be much easier to revise the language as part of a DOE general adjudication bill in the 2009 legislative session, the work group is focusing on the 2009 session for completing this project, unless the BJA has a different perspective on this.

Because it looks like the push for water courts is waning, so that the affidavit issue is no longer tied to a major change in court structures, it may turn out that the affidavit issue becomes of greater interest to the SCJA than to the BJA. In any event, unless we hear to the contrary, we still plan to take our proposal first to the SCJA for review and then bring it back to the BJA.

Also, the work group is keeping a close eye on the concluding stages of the *Acquavella* litigation and the related prospects for the filing of a new case. Entry of a final decree in *Acquavella* could take place this summer. As *Acquavella* winds down, DOE will continue shifting additional resources into the preparation stages for the next general adjudication. We are paying particularly close attention to developments in Idaho, where officials are preparing a large water right adjudication for the Spokane Aquifer, which spans our common state border (approximately 60% of the aquifer lies in Idaho). Idaho's activities have increased concerns in eastern Washington over the need to protect our own citizens' rights in the aquifer.

**BJA WATER COURT WORK GROUP'S
RECOMMENDED CHANGES TO BJA'S POLICY STATEMENT
ON WATER COURTS**

*The following is the BJA's policy statement on water courts, adopted on July 16, 2004,
as revised on September 18, 2005.*

**A. CRITERIA FOR EVALUATING PROPOSALS ON WATER COURTS AND
ALTERNATIVE PROPOSALS:**

1. **Increased capacity.** A proposal should increase the system's capacity to hear a greater number of general water right adjudications.
2. **Timely and fair decisions.** A proposal should result in timely decisions, while still maintaining fundamental fairness and due process.
3. **Adequate and stable funding.** A proposal should provide a solid mechanism for ensuring adequate and stable funding, both at the outset and in future years.
4. **Efficiency and cost-effectiveness.** A proposal should provide for efficient use of limited resources. For example, expertise and specialization developed by judicial officers and staff in one general adjudication should be used in other adjudications.
5. **Flexibility.** A proposal should provide sufficient flexibility to allow for the assignment of judges, staff, and resources to the areas with the greatest need. A proposal should be sufficiently flexible to allow for the adoption of specialized rules that could streamline the procedures for general adjudications.
6. **Comprehensive solution.** A proposal should provide a comprehensive solution to the need for change.
7. **Accountability.** A proposal should provide for accountability to the public. Any new judicial entities must be accountable to the Washington State Supreme Court.

B. WATER COURT IMPLEMENTATION

1. **Creating a Water Court.** If the State decides to increase the number of ongoing general adjudications, then a new, specialized water court should be created to hear the cases. The water court should be separate from the superior courts.
2. **Types of Cases to Be Heard.** The water court should hear not only the general adjudications, but also other related water resource cases, such as appeals from PCHB's water resource decisions and challenges to administrative rules on in-stream flows. The water court's jurisdiction over these cases should be exclusive.
3. **State Funding.** The water court must be funded by the State. The counties and superior courts lack the resources to handle general adjudications.
4. **Selecting Judges.** Water court judges should be selected by competitive elections, although each newly-created judge position and vacancies should initially be filled by gubernatorial appointment from a slate of nominees submitted by the Supreme Court.

5. **Terms of Judges.** Water court judges should serve eight-year terms due to the length of time it takes for new judges to get up to speed on these cases. The terms should be initially staggered so that the judges are not all subject to election in the same year.
6. **Judicial Referees/ Commissioners.** The water court judges should be assisted by experienced judicial referees/commissioners, who would hold hearings and make initial decisions, subject to review by the judges. The judges would also decide the broader and more complicated issues.
7. **Staffing.** The water court should have its own, adequately funded clerk's office and administrative staff. Processing of general adjudications, and their large volume of paperwork, requires a coordinated and specialized use of technology, procedures, and staff resources.
8. **Organization of Court.** The court should have multiple divisions, to foster regional decision-making and accountability, although the court should have flexibility to shift workloads by assigning one division's case to a judge from another division.
9. **Regional Offices.** The water court should have offices in each division. Regional locations would allow judicial officers and staff to be in closer proximity to the litigants. Pleadings could be filed locally and hearings could be held locally.

C. PROCEDURAL ISSUES

1. **Affidavits of Prejudice.** Affidavits of prejudice should not be available in general adjudications. Parties in general adjudications would still have the right to seek a judge's recusal based on a showing of actual prejudice, bias, or conflict of interest.
2. **Other Procedural Changes.** Regardless of which judicial entity hears general adjudications, careful consideration should be given to streamlining the procedures for these cases, in order to provide for more timely decisions while still maintaining fundamental fairness and due process in all regards. Four such steps include:
 - a) Having the Department of Ecology complete a comprehensive background report at the outset of the general adjudication, promoting earlier resolution of claims;
 - b) Providing for limited special adjudications (although for cases involving federal/tribal water right claims, the adjudication would need to be sufficiently comprehensive to satisfy the McCarran Amendment);
 - c) Expanding the use of mediation; and
 - d) Authorizing the pre-filing of written testimony.

Board for Judicial Administration
2008 Legislative Session
POSITIONS for 01/14/2008 Conference Call

Bill	Description	Date	Position	Hearings / Comments
HB 1530 5601	Voters' pamphlets Mandating primary election voters' pamphlets. H Approp - Leg Link	01/14/2008	Support	02/06/2007 at 10:00 Chief volunteered to testify in support should Sam Reed make the request. Mellani will draft letter.
E2SHB 2176 6005	Interpreter services Revising provisions involving court interpreters. H 2nd Reading - Leg Link	01/14/2008	-----	H- Judiciary 02/20/2007 at 10:00
		01/14/2008	Concerns	BJA supports the current draft of the bill. However, Rep. Lantz plans a floor amendment for which the BJA has concerns. Mellani, Jeff and Chris R will meet with Rep. Lantz on 1/17/08.
HB 2465 6193	Legal financial obligations Giving county clerks authority to withhold and deliver funds from criminal defendants who owe legal financial obligations. H Judiciary - Leg Link	01/14/2008	Under Review	H- Judiciary 01/15/2008 at 10:00 Clerks to report at 1/18 BJA meeting. Bill will be reviewed then.
HB 2466	County clerk duties Modifying duties of county clerks. H Judiciary - Leg Link	01/14/2008	Under Review	H- Judiciary 01/15/2008 at 10:00 Clerks to report at 1/18 BJA meeting. Bill will be reviewed then.
HB 2557	Trial court operation Improving the operation of the trial courts. H Judiciary - Leg Link	01/14/2008	Support	H- Judiciary 01/16/2008 at 13:30 Rep. Goodman's bill. Judge Shelton will testify in support on behalf of DMCJA.
HB 2588	Office of public defense Modifying provisions relating to the office of public defense. H Judiciary - Leg Link	01/14/2008	Support	H- Judiciary 01/16/2008 at 13:30 Support budget request as well.
H 3769.3	Uniform interest rate - Leg Link	01/14/2008	No Position	
S 4023.1	Revising provisions setting the compensation of jurors - Leg Link	01/14/2008	No Position	Mellani will alert Sen. Marr of a drafting error in the bill.
SB 6217	District court clerk fees Regarding fees allowed as court costs in district courts. S Judiciary - Leg Link	01/14/2008	No Position	S - Judiciary 01/18/2008 at 13:30 DMCJA will re-review because BJA determined that the bill does not conflict with JIJ.
SB 6252	Cowlitz county judges Increasing the number of district court judges in Cowlitz county. S Judiciary - Leg Link	01/14/2008	-----	S - Judiciary 01/16/2008 at 15:30
		01/14/2008	Request	BJA request legislation.
SB 6311	Competency evaluations Revising procedures for competency evaluations and competency restoration. S HumServ/Corr - Leg Link	01/14/2008	Support	S - Human Services & Corrections 01/15/2008 at 13:30 Support contingent on funding.

