

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, JUNE 20, 2014
9:00 A.M.**

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

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Kevin Ringus, Member Chair
District and Municipal Court Judges' Association
Fife Municipal Court

Judge Janet Garrow
District and Municipal Court Judges' Association
King County District Court

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

Judge Jill Johanson
Court of Appeals, Division II

Judge Linda Krese
Superior Court Judges' Association
Snohomish County Superior Court

Judge Michael Lambo
District and Municipal Court Judges' Association
Kirkland Municipal Court

Judge John Meyer
Superior Court Judges' Association
Skagit County Superior Court

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

Justice Susan Owens
Supreme Court

Judge Jeffrey Ramsdell, President
Superior Court Judges' Association
King County Superior Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Laurel Siddoway
Court of Appeals, Division III

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

Judge Veronica Alicea-Galvan, President
District and Municipal Court Judges' Association
Skagit County District Court

NON-VOTING MEMBERS:

Judge David Steiner, President-Elect
District and Municipal Court Judges' Association
King County District Court East Division - Bellevue

Judge Harold Clarke III, President-Elect
Superior Court Judges' Association
Spokane County Superior Court

Ms. Callie Dietz
State Court Administrator

Mr. Anthony Gipe, President-Elect
Washington State Bar Association

Judge Kevin Korsmo
Presiding Chief Judge
Court of Appeals, Division III

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Patrick Palace, President
Washington State Bar Association



Board for Judicial Administration (BJA) Meeting
Friday, June 20, 2014 (9 a.m. – Noon)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Judge Kevin Ringus	9:00 a.m.
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2. Welcome and Introductions	Judge Kevin Ringus	9:00 a.m.
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Reports and Information

3. BJA Public Trust and Confidence Committee Video	Justice Mary Fairhurst	9:05 a.m.
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4. GR 31.1 Report	Mr. John Bell	9:20 a.m. Tab 1
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Action Items

5. May 16 Meeting Minutes Action: Motion to approve the minutes of the May 16, 2014 meeting	Judge Kevin Ringus	9:35 a.m. Tab 2
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6. Misdemeanant Corrections Budget Request Action: Motion to move the Misdemeanant Corrections budget request forward		9:37 a.m. Tab 3
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7. Budget Request Prioritization Action: Prioritize the budget requests approved by the BJA during their May meeting	Ms. Renée Lewis	9:45 a.m. Tab 4
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Break		10:35 a.m.
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Reports and Information

8. Interim Standing Committee Charters	Ms. Shannon Hinchcliffe Interim Committee Chairs	10:50 a.m. Tab 5
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9. Court Reform and Regional Courts Report	Ms. Shannon Hinchcliffe Mr. Steve Henley	11:40 a.m. Tab 6
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10. Administrative Manager's Report	Ms. Shannon Hinchcliffe	11:50 a.m. Tab 7
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BJA Meeting Agenda

June 20, 2014

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11. Other Business Next meeting: July 18 AOC SeaTac Office, SeaTac	Judge Kevin Ringus	11:55 a.m.
12. Adjourn		Noon
<p>Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>		

Tab 1

June 16, 2014

TO: Board of Judicial Administration
FROM: John Bell
RE: GR 31.1 Forms and Policies

Accompanying this memo are six documents that have been developed by the GR 31.1 Core Work Group and subsequently reviewed and edited by the Executive Oversight Committee and the BJA Implementation Oversight Committee. Three of these documents were also sent to the External Work Group to review for usability by the public. The six documents are:

1. Internal Administrative Records Policy
2. Obtaining Administrative Records
3. Request for Inspection
4. Response to Request
5. Tracking Log
6. Invoice

ADMINISTRATIVE RECORDS REQUESTS - PROCEDURES

I. POLICY STATEMENT:

The Court/Judicial Agency shall respond promptly to all administrative records requests.

This shall be done in accordance with both the letter and the spirit of the General Rule 31.1 (GR 31.1 Access to Administrative Records) and case law related to the disclosure of administrative judicial records.

A. Overview

This policy sets forth the process by which the judicial branch handles administrative records requests. Information for members of the public interested in filing a request for administrative records is contained in GR 31.1 and the public policy contained at www.courts.wa.gov.

B. Staffing of Administrative Records Requests

Each court or judicial agency shall have a designated public records officer and, if possible, one backup that is responsible for processing all administrative record requests for the court or judicial agency. A court's Public Records Officer shall report to the Presiding Judge or the Presiding Judge's designate. The judicial agency's Public Records Officer should report to the agency's Director or the Director's designate.

C. Processing of Records Requests

1. Distribution of Requests and Preservation of Records

The public records officer will determine which employees may have records responsive to the request and email the text of the request, or a summary, to the appropriate staff, setting a time for response and ensure that any records potentially responsive to the request will not be destroyed pending the processing of the request.

2. Searching for Responsive Documents

Each employee contacted shall either (1) indicate that he or she has no responsive documents; (2) indicate that he or she has responsive documents and provide them; (3) specify a reasonable time within which he or she can search for the records and provide a more thorough response; or (4) describe how the request should be clarified. If the employee has responsive documents, he or she should provide them to the Public Records Officer, and, if documents are exempt (or may be exempt) from public disclosure, provide a summary of why the documents are or may be exempt, with specific reference to the provision of GR 31.1, state or federal law that is the basis for the exemption. In the event it is difficult to produce copies of the responsive documents, either because of their size or format or because they are numerous, the employee should contact the Public Records Officer to determine whether there are options to producing copies. The Public Records Officer shall ensure that records of former staff members also are searched for requested information.

The staff shall assemble the individual responses and provide a consolidated response to Public Records Officer. If applicable, the Public Records Officer shall also ensure that records of former staff members were searched for the requested information.

3. Providing Response to the Requestor

The Public Records Officer shall respond to the requestor within five business days after receiving the request by: (1) providing responsive documents along with a statement of why any documents are exempt from disclosure; (2) providing a date by which responsive documents will be provided; or (3) requesting clarification of the request. The Public Records Officer will make every effort to work with the requestor to clarify the request and to provide responsive documents. Upon request, the Public Records Officer will provide a copy of any public records responses to the organizational unit that participated in providing documents, noting if a protective order precludes disclosure of any documents.

4. Protective Orders

If any employee becomes aware of a court order that limits the disclosure of any administrative records, he or she should communicate the substance of such order, and provide a copy of the order to the Public Records Officer. Likewise, if the Public Records Officer is aware of any court order requiring the disclosure, nondisclosure, or preservation of any administrative records the Public Records Officer will notify the staff in possession of the requested information.

5. Requests Received by Division Employees

On occasion a requestor may direct a request for identifiable documents to a specific employee, court, or judicial agency. In the event that an employee receives a public records request, the employee shall indicate to the requestor that they are not the designated person to receive public records requests. Employees should direct requestors to submit their request to the designated Public Records Officer, provide the contact information for the Public Records Officer to the requestor, and alert the Public Records Officer to expect a records request.

6. Electronic Records

The Public Records Officer will work with the requestor to determine the appropriate format for providing responsive records. If records are requested with metadata intact, the Public Records Officer will work with the appropriate Information Technology Department (IT) to provide records in native format to the extent possible. If the request is for records that can best be provided through customized access to electronic records, the Public Records Officer shall work with the necessary staff that have responsive documents to determine the appropriate means of response.

7. Tracking Public Records Requests

The Public Records Officer shall track public records requests and their related communications with requestors by logging all requests, responses, exemptions, and other communication regarding the requests.

II. RESPONSIBILITIES:

- A. All courts and judicial agencies** must make every effort to comply with the letter and spirit of GR 31.1 and respond by the due date as provided by the Public Records Officer.
- B. The Public Records Officer** shall coordinate the overall public records process, work with requestors to clarify requests, forward requests to judicial officers, judicial staff, or judicial agency employees, provide timely responses to requestors, and track all requests, exemptions, and responses.
- C. Court or judicial branch staff** shall promptly forward administrative records requests received from the Public Records Officer to appropriate staff members, ensure that those staff members make a diligent search for responsive records in a timely manner, ensure that requested records are not destroyed pending any request for them, and timely provide division responses to the Public Records Officer.
- D. The Court or Judicial Agency's Information Services Division** shall work with the Public Records Officer in responding to requests for electronic records and assist in providing customized access to electronic records where appropriate.

OBTAINING JUDICIAL BRANCH ADMINISTRATIVE RECORDS

The Washington State Courts and judicial branch agencies would like to assist you in understanding the court rule governing access to judicial branch administrative records, as well as the process for obtaining those records.

We provide this information as a guide. This is not a legal document and creates no legal rights of action beyond those established in the court rules and procedures outlined below.

The Supreme Court has adopted a rule regarding inspection and copying of judicial branch administrative records. This is General Court Rule 31.1 (GR 31.1). GR 31.1 represents the commitment of the judicial branch to the open administration of justice as provided in article I, section 10 of the Washington State Constitution. It is the policy of the judicial branch to facilitate access to administrative records; however, there are some exemptions and limitations that may apply to administrative records requests.

This is an overview of your right to access judicial administrative records. If you need more specific information, you should refer to GR 31.1.

What Is A Judicial Branch Administrative Record?

A judicial branch “administrative record” is a public record created by or maintained by a court or judicial branch agency that is related to the management, supervision, or administration of the court or judicial branch agency.

A court or judicial branch agency includes:

- The Washington State Supreme Court
- The three Divisions of the Washington Court of Appeals
- County Superior and District Courts
- Municipal Courts
- Administrative and Clerks’ Offices of the above courts
- Any other state judicial branch entity identified in GR 31.1(k)

The record may be in a variety of forms such as:

- A written document
- An audio or video recording
- A picture
- An electronic disk
- A magnetic tape
- An e-mail message

Court Records (Case Records) and Chambers Records are not Administrative Records.

Court records (or case records) are not administrative records and access to those records are subject to different rules, policies, and forms. Court records are records that relate to in-court proceedings, such as case files, dockets, and calendars. Public access to these records is governed by General Court Rule 31 ([GR 31](#)).

“Chambers records” are not administrative records. Chambers records are controlled and maintained by a judge’s chambers and they are not open to public access.

What Administrative Records Are Available for Inspection?

Unless specifically exempted under court rule, statute or case law, all administrative records maintained by a court, court clerk’s office, court administrative office, or other judicial branch entity are available for public inspection. You are entitled access to administrative records under reasonable conditions, and to obtain copies of those records upon paying the costs of researching, copying, and/or scanning the records. The public records officer involved in reviewing your request may ask for specific or clarifying information in order to ensure that it is responded to properly.

Exempt Administrative Records

While the state judiciary strongly encourages disclosure of administrative records, certain information may be withheld if prohibited under GR 31.1, other court rules, federal statutes, state statutes, court orders, or case law. These “exemptions” are listed in GR 31.1. If the exemption is unclear, the judicial branch records officer will look to relevant exemptions listed in the [Public Records Act \(RCW 42.56\) for guidance](#). Exemptions listed beyond those in GR 31.1 exist and may be found elsewhere in Washington state law and federal law.

Many of the exemptions are designed to protect the privacy rights of individuals. Other exemptions are designed to protect the independent decision-making of the courts and the judicial branch agencies that assist them.

We encourage you to consult with the court or judicial branch agency’s public records officer to determine whether the court documents you seek are publicly accessible or exempt from public view.

Although part of a record may be exempt from public view that does not mean the entire administrative record is exempt. In those cases, the court or judicial branch agency has the obligation to redact (black out) the information it believes is not subject to disclosure and provide you the rest.

If you are denied access to all or part of a judicial administrative record, the court or judicial branch agency must document why it believes denial is justified and offer you the opportunity to seek review of the decision not to make the records available.

A Court or Judicial Agency Is Not Required to Create Records

While in general, a court or judicial branch agency must provide access to existing administrative records in its possession, a court or judicial agency is not required to collect or organize information to create a record that does not exist at the time of the request.

How to Request Records

A request for administrative records must be in writing and the request can be initiated in person, by mail, e-mail or fax. The addresses and telephone numbers of courts and judicial branch agencies are listed in most current telephone directories, or you can obtain the telephone number of a court or branch judicial agency by calling the Washington State Administrative Office of the Courts at 360-753-3365, Monday through Friday, excluding holidays, between the hours of 8:00 a.m. and 5:00 p.m. Also, a court directory that includes telephone numbers, mailing and email addresses is located at www.courts.wa.gov.

Each court or judicial branch agency is required to:

- Help requestors in obtaining administrative records.
- Explain how the administrative records process works.
- Provide the mailing address, telephone number, fax number, and e-mail address of the court or judicial branch agency public records officer.

If you request certain administrative judicial branch records, the court or judicial branch agency will make them available for inspection or copying (unless they are exempt from disclosure) during customary office hours.

You should make your request as specific as you can. For your benefit and that of the court or judicial branch agency, the request must be in writing. A written request helps to identify specific records you wish to inspect and provides guidance to the records officer. Most courts and judicial branch agencies will have an administrative records request form they will ask you to use.

You may inspect records and request that the court or judicial branch agency provide you with copies. If copying does not disrupt the court or judicial branch agency's operations, copies can be made promptly. Otherwise, the records officer will work with you to identify those records you want, and have them copied for you. Courts and

judicial branch agencies are authorized to charge for copies. Courts and judicial agencies may enact reasonable rules to protect records from damage or disorganization and to prevent disruption of operations.

The Court or Judicial Agency Response to a Request

Courts and judicial branch agencies will respond to an administrative records request within five working days of its receipt or, in the case of small courts that convene infrequently, no more than 30 calendar days from the date of its receipt. The response will acknowledge receipt of the request and either (a) provide the record(s) or (b) acknowledge your request and include a good-faith estimate of the time needed to provide records responsive to the request. If a request is not clear, the court or judicial branch agency may ask you for further clarification.

The Court or Judicial Agency May Notify Affected Persons and May Seek Court Protection

The court or judicial agency may notify people to whom the record pertains that release of the record has been requested. The agency, or a person to whom the record applies, may ask a court to prevent your inspection of the record. If the person asks the court to prevent disclosure, the records request will not be acted on until the court decides whether to grant the request to prevent disclosure.

Fees

There is no fee for inspecting public records. But courts and judicial branch agencies may charge a fee for the actual costs of researching, copying or scanning records for you.

If a Request is Denied

If your administrative records request is denied, you may ask the court or judicial branch agency to conduct an internal review of the denial. Your internal review request must be submitted within 90 days from the denial by the public records officer. The court or judicial branch agency has forms available to request review of a decision. These will be provided to you by the public records officer. The review proceeding will be held within five working days of the request, except those courts that convene infrequently, which shall have the review within 30 calendar days. If it is not reasonably possible to convene the review hearing within five working days, then within that five working day period the court or judicial branch agency will schedule the review for the earliest practical date.

External Review: If you do not agree with the result of the internal review process, you can request an external review of a denial. Request for an external review must be submitted within 30 days after you receive the internal review decision that you want reviewed. You may choose between two external review alternatives:

- Request external review of the decision by a visiting judge or outside decision maker.
- File a civil action in superior court challenging the administrative records decision; or

If you seek review of a decision made by a court or a judicial branch agency that is under a court's direct supervision to a court, the outside review shall be by a visiting judicial officer. If you seek review of a decision made by a judicial branch agency that is not directly supervised by a court to a court, the outside review will be by a person agreed upon by you and the judicial branch agency. If you and the judicial branch agency cannot agree upon a decision maker, the presiding superior court judge in the county in which the judicial branch agency is located will either conduct the review or appoint a person to conduct the review. Review proceedings are informal and summary. The decision resulting from the informal review proceeding may be further reviewed in superior court.

is located]. If you would like a printed copy of the procedures contact the public records officer using the information noted below.

Public Records Officer:

Name: _____ Phone () _____

Fax: () _____ E-mail Address: _____

Request Received: _____ at _____ AM/PM

By: _____

DRAFT

**Response to Request for Review and/or Copies of Administrative Records
Pursuant to GR 31.1**

To Whom It May Concern:

Your request for administrative records was received on _____. Please see the boxes checked below to determine how to proceed.

Further action is needed in order to process your request. In order to be most responsive, the court/judicial branch agency would like you to clarify all or part of your Records Request. Please contact the Public Records Officer at your earliest convenience.

Name: _____

Telephone Number: _____ E-mail: _____

There are no administrative records responsive to your request.

The requested records will be available as copies no later than _____. The cost to you for copies of the documents you request is \$ _____

Staff will need to research documents to properly comply with your records request. Research fees are set by court rule at \$30 per hour. It is estimated that it will take _____ hours to research your request.

Total cost for copies and research fees (if applicable) is \$ _____. This cost must be prepaid before the documents are provided to you. Yes No

Due to the size of your request, a deposit in the amount of \$ _____ is required.

If you do not wish to pay for copies but prefer to review the documents please contact the Public Records Officer to arrange a suitable time for viewing. Public Records Officer

_____ can be reach by telephone at _____ or by email
at _____.

Your request for public records has been received. The record(s) you requested are exempt from disclosure pursuant to GR 31.1(l) for the following reasons: Personal Identifying Information Family Court Mediation Files Juvenile Court Probation Social Files Minutes of meetings held exclusively among judges along with any staff.

Other: _____

The record(s) you request have been redacted for the following reasons:

If you wish to appeal the Public Records Officer's decision(s) on your request, you must file an appeal as outlined in GR 31.1 and in the enclosed Appeal Procedures.

Please be aware that people named in the documents you requested may have been notified of your request. General Court Rule 31.1 (GR 31.1) states that any person who is identified in a requested document may ask for the document not to be disclosed because of safety, security, and/or right to privacy concerns. It is possible that legal action will be taken to prevent the disclosure of the records you have requested. If this happens, we will wait until a judge has had an opportunity to review and act on the request to prevent publication.

Please be aware that chambers records – records maintained or created by judges or their chambers staff, are not administrative records subject to disclosure under GR 31.1.

Tab 2



Board for Judicial Administration (BJA) Meeting

Friday, May 16, 2014 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Kevin Ringus, Member Chair
Judge Veronica Alicea-Galvan
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge John Meyer
Judge Sean O'Donnell
Justice Susan Owens
Mr. Patrick Palace
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Laurel Siddoway (by phone)
Judge Scott Sparks

Public Present:

Mr. Tom Goldsmith
Mr. Rowland Thompson

Guests Present:

Judge Bryan Chushcoff
Mr. Michael Fenton
Judge Michael Finkle
Justice Steven González
Representative Ruth Kagi
Mr. Bruce Knutson
Ms. Sonya Kraski (by phone)
Judge James Lawler
Mr. Michael Merringer
Mr. Ryan Murrey
Mr. Paul Sherfey (by phone)
Judge Charles Snyder

AOC Staff Present:

Mr. John Bell
Ms. Shirley Bondon
Mr. David Elliott
Ms. Beth Flynn
Mr. Steve Henley
Ms. Shannon Hinchcliffe
Ms. Renée Lewis
Mr. Robert Lichtenberg
Ms. Regina McDougall
Mr. Ramsey Radwan

March 21 BJA Meeting Minutes

It was moved by Judge Sparks and seconded by Judge Ramsdell to approve the March 21 BJA meeting minutes. The motion carried.

Preliminary Budget Request Presentations

Mr. Radwan stated that this is a process to move general fund budget requests that impact the Administrative Office of the Courts' (AOC) budget forward or not. It is not a thumbs up or thumbs down, it is more to endorse the request. The BJA cannot stop a request from moving forward, the Supreme Court Budget Committee will give weight to recommendations made by the BJA. The BJA will vote on each request after all the presentations are made.

Economic Forecast: When considering the budget requests, the BJA needs to be aware of the four-year state budget and revenue outlook. In the most current outlook, everything remains

slightly positive. Decisions from court cases are not included in the budget outlook (e.g. *McCleary*) but the revenue will need to come from somewhere. If the Governor and the Legislature approve a cost of living adjustment (COLA) for state employees and teachers there would be another unanticipated big expense to the budget. Even though the budget outlook appears to be okay, there are a great deal of unknowns in the budget that would have to be plugged. Many of these costs could impact the judicial branch and do not take into consideration the demand on funds above the carry-forward revenue.

Presentations:

Employee Salary Adjustment: Mr. Radwan reported that the AOC, Court of Appeals and Supreme Court have hired a company to benchmark their positions. This will provide the agencies with a repeatable process for the future and with the data to request salary increases for certain positions. This funding request is for the cost of the salary increases which are unknown at this point in time since the benchmarking has not been completed.

It was moved by Judge Schindler and seconded by Judge Garrow to move the Employee Salary Adjustment budget request forward. The motion carried.

Becca Programs: Mr. Knutson stated that funding is requested to provide Becca Program services for youth found in violation of court orders. The current state funding does not fund the services for these youth. These are the most vulnerable children served. If evidence-based juvenile services are funded so youth can be referred, it will help the youth. For truancy, they would like funding for coordination of services. There is a proactive connection between the youth and the parent and funding would pay for 12 hours of family-based classes. For At Risk Youth (ARY) and Child in Need of Services (CHINS) they are recommending 30 group sessions for youth and 8-12 weeks of in-home intensive functional family therapy intervention. Not all Becca youth or families will need these services and there will be a recommendation to assess them when they are out of compliance to determine if they should use these services. This request is for \$2.5 million per year for the next biennium and will fund services for about 4,000 children.

It was moved by Judge Ramsdell and seconded by Judge Garrow to move the Becca Programs budget request forward. The motion failed.

Juvenile Court and Juvenile Detention Alternatives Initiative: This request is made on behalf of the Washington Association of Juvenile Court Administrators (WAJCA) and the Juvenile Detention Alternatives Initiative (JDAI) statewide Steering Committee and the Washington State Center for Court Research (WSCCR). Mr. Knutson reported that this request is for two staff. The first position would provide continued WSCCR support for juvenile court research and analysis. This position is needed to figure out a way to keep kids out of detention but without putting public safety at risk. Some courts can collect the necessary research data but the majority do not have the capacity. The second position would measure the effectiveness of JDAI which is a best practice and is one of the best nationwide initiatives that has resulted in positive changes. JDAI improves public safety and helps youth and families. Counties participating in JDAI have driven down their state costs for commitment significantly. This request is for \$394,000 for the biennium which includes the cost to add two FTEs (salaries and benefits) as well as some start-up costs such as computer equipment.

It was moved by Chief Justice Madsen and seconded by Judge Schindler to move the Juvenile Court and Juvenile Detention Alternatives Initiative budget requests forward. The motion carried.

CASA Restoration and State CASA Funding: Mr. Merringer reported that this request is for \$1.6 million for restoration of the CASA pass-through money. It will fund an increase in the number of Court Appointed Special Advocate (CASA) volunteers and provide additional support to Washington State CASA, a nonprofit organization. The funding saves the counties hundreds of thousands of dollars and is crucial funding for even moderate to high programs in counties and is probably why small counties are able to have this program. Mr. Murrey stated that the State CASA request is for \$75,000 a year to fund training opportunities for volunteers and program management staff. The federal government will reimburse 30¢ for every dollar spent on CASA training. The funding will help with the annual conference and two program management coordinators. Each CASA volunteer has to go through 40 hours of training before taking a case and the program management trainers train the trainers.

It was moved by Judge O'Donnell and seconded by Judge Sparks to move the CASA Restoration and State CASA Funding budget request forward. The motion carried with Justice Owens opposed.

Family and Juvenile Court Improvement Program (FJCIP) Expansion: Representative Kagi stated that she has been very involved with foster care issues while she has been in the Legislature. She heard about the difficulties families were having coming to court for dependency hearings and seeing different judges and delays. Sometimes the judges presiding did not appear to want to be there and/or aware of the issues involved with families in child welfare. She tried to develop a strategy to address this and talked to judges in other states who had dedicated juvenile court judges and she sponsored a bill to address these issues and it did not pass. She sat down with Judge Deborah Fleck to determine what could be done to address these issues and the FJCIP bill came out of those discussions. The grant program provides some pretty detailed oversight but does not require longer rotations or that commissioners be consistent. The commissioner issue is very real. In some jurisdictions, longer rotations would probably benefit children and families.

Representative Kagi spoke with Ms. McDougall last year and they pulled together a group to talk about how to improve outcomes for children and families. They took a look at this in the interim to discuss what other changes should be made to improve the court process to effectively move these cases through despite the complexity. Representative Kagi stated that the Amara group is continuing to meet and hoping to put together some research on the most effective practices. They are pushing to get something in early December and will draft a bill to introduce in January.

The funding would increase the number of participating courts from 13 to 17-21, depending upon workload factors. The total request is \$558,000 for the biennium.

Judge Krese shared that the Superior Court Judges' Association (SCJA) is supporting this request. The 13 counties who have funding have shown improvement and her county has shown amazing improvement in the timelines. The FJCIP coordinator who is funded by this program has done a wonderful job. Parents' attorneys were wary that this would work for their clients but the reality is that reunification is up 10% and the time to reunification has improved

and they do not end up being failed reunifications. Children need permanency and do not need to wait to get that.

It was moved by Judge Meyer and seconded by Judge Ramsdell to move the FJCIP Expansion budget request forward. The motion carried.

Guardianship Monitoring Program: Judge Lawler stated that this funding request is for a new program that does not currently exist. He is the Chair of the Certified Professional Guardian Board which oversees the licensing, discipline and training for the 271 certified professional guardians in the state. It is a fairly intensive program that they have right now. They do not deal with the monitoring of the cases—that is up to the courts. There are only a few courts in the state that have effective monitoring. There are about 15,000 lay guardians who are doing this work. In many of the smaller counties, their work is not being monitored because there is no funding and no staff. It is a problem now and will become a bigger problem as the population ages. The \$956,000 funding request proposes adding four regional coordinators who would be charged with getting volunteers, auditing reports, visiting incapacitated persons and reporting back to the court so there would be meaningful review. The benefit is that it will help protect the incapacitated person in the aging population. If counties already have a tracking system in place, they will not have to change.

There was no motion to move this request forward.

Misdemeanant Corrections: Judge Alicea-Galvan stated that this request arose from changes in statutes having to do with driving under the influence. It would fund a system of assessment and case management for offenders supervised under orders of courts of limited jurisdiction. The proposed system targets progressive corrections strategies to frequent misdemeanor level offenders, with a goal to provide meaningful intervention and interrupt criminal progression to more serious behavior. Many of the courts do not even have a probation department in place. Some counties also have very limited resources. They need supervision because it would address accountability of the defendants, cost savings, and recidivism. They would like something that will help courts supervise misdemeanants.

They looked at the model that was used by the Office of Public Defense for defense funding. They will also look at the amount of funding they began with.

This is brand new, and has not been done previously. They are bringing it to AOC because it is a court function.

Chief Justice Madsen will talk with the Governor about this and possibly funding it with Judicial Reinvestment Act funds. They are focusing on probation so this might fit into that nicely.

It was moved by Judge Alicea-Galvan and seconded by Judge Ramsdell to move the Misdemeanant Corrections budget request forward. Judge O'Donnell asked for a friendly amendment to delay the vote until the next meeting when the cost is known. Judge Alicea-Galvan and Judge Ramsdell agreed to the friendly amendment. The motion carried.

It was suggested that this request be modified to a program development request.

Telephonic Interpreting: Justice González stated that we know that without language there is not justice. The consequence is that someone will walk into a courthouse with a need with workers who cannot communicate with them. It is stressful and often requires a return visit. They are suggesting a need for the state to recognize and fund interpreters. The funding is currently primarily local. The first request is for telephonic interpreting. This is for the person who needs to come into the courthouse and needs a form, needs something explained, etc. The inability to help is extreme when you cannot communicate. It would offset 50% of the funds used for interpreting services. It will also reduce the stress level and tension for staff.

It was moved by Justice Owens and seconded by Judge Alicea-Galvan to move the Telephonic Interpreting budget request forward. The motion carried.

Trial Court Funding for Language Access: The other request is for the hearings themselves and would have state funding offset 50% of the interpreter costs to all superior, district, and municipal courts for limited English speakers. Currently, only partial state funding is available in 52 trial courts. The court administrators and judges are in support of this.

It was moved by Judge Alicea-Galvan and seconded by Judge Garrow to move the Trial Court Funding for Language Access budget request forward. A friendly amendment was added, and accepted, requesting that the computer component IT governance be included in the request. The motion carried.

It was requested that the June meeting materials include the BJA Resolution in Support of Language Access in the Courts and the letter from the Department of Justice to King County.

Therapeutic Court Coordinator: Judge Finkle stated that \$191,000 is being requested for the biennium to fund an AOC staff person to support, enhance and evaluate therapeutic courts in Washington. What makes the position important is that there needs to be a therapeutic courts repository. There needs to be some consistent point of reference. There are lots of different models. Drug court models are one way, mental health courts are another. There are more models than there are mental health courts. A staff person can keep track of best practices, emerging practices, promising practices that are one step off. Without someone to keep track of those processes all this knowledge can get lost when a judge rotates off a therapeutic courts committee. The staff person can keep track of some of those trends. Judge Finkle would not be surprised if some of the trends the statewide workgroup identified get reenergized. Without a statewide coordinator it might be difficult to get information about new therapeutic courts. It is also difficult to identify where courts want to change. One thing done nationally is that they convened a national work group to look at constitutional issues. Data collection is another thing the therapeutic courts can do to measure their success. Having a centralized staff person might enable them to develop some standardized way of measuring that can work for all of the jurisdictions and then there will be someone who can step up and do that. Finally, a staff person really needs to get Washington to where we ought to be as a court system. Therapeutic courts are expanding, not going away.

It was moved by Judge Alicea-Galvan and seconded by Judge Sparks to move the Therapeutic Court Coordinator budget request forward. The motion failed.

It was requested that the BJA Resolution on Drug Courts and Other Problem-solving Courts be included in the June meeting materials.

GR 31.1 Update

Mr. Bell reported that the GR 31.1 Implementation Work Group has drafted five forms and two policies which have gone through the Core Work Committee, the Executive Oversight Committee and the External Review Committee. They will be sent to the BJA Implementation Oversight Group to review and, if approved, there will be policies for the BJA to review at the June meeting.

Mr. Radwan stated that the Core Work Committee will look at a calendar to determine the implementation date proposal and it will be brought back to the BJA for approval.

Interim Standing Committee Charter Updates

Court Education Committee: They are still trying to determine if their “Charge or Purpose” will include non-judicial officers and if they will be voting members.

Budget and Funding Committee: One recommendation from the Budget and Funding Committee will be to sunset the Trial Court Operations Funding Committee. This will be on the July meeting agenda for action.

Legislative Committee: The Legislative Committee is on track to have their charter ready to go by the June meeting.

Policy and Planning Committee: They are meeting today and on track to wrap everything up.

Court Reform and Regional Courts Report

This was provided as information only.

Administrative Manager’s Report

This was provided as information only.

Other Business

Judge Ringus and Chief Justice Madsen thanked Judge Snyder and Judge Svaren for their service to the BJA.

The next meeting is June 20.

There being no further business, the meeting was adjourned.

Recap of Motions from the May 16, 2014 meeting

Motion Summary	Status
Approve the March 21, 2014 BJA meeting minutes	Passed
Move the employee salary adjustment budget request forward	Passed
Move the Becca programs budget request forward	Failed
Move the juvenile court and juvenile detention alternatives initiative (JDAI) staff budget request forward	Passed
Move the CASA restoration and state CASA funding budget request forward	Passed with Justice Owens opposed
Move the FJCIP expansion budget request forward	Passed
Delay the vote on the misdemeanor corrections budget request until the next meeting	Passed
Move the telephonic interpreting budget request forward	Passed
Move the trial court funding for language access budget request forward with IT governance included in the request	Passed
Move the therapeutic court coordinator budget request forward	Failed

Action Items from the May 16, 2014 meeting

Action Item	Status
<u>March 21, 2014 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Post the minutes online Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	Done Done
<u>Budget Requests</u> <ul style="list-style-type: none"> Add misdemeanor corrections budget request to June agenda for action Include resolution regarding interpreters and DOJ letter to King County in May packet with interpreter budget request Include therapeutic courts resolution in next packet Include additional budget information in June packet 	Done Done Done Done
<u>GR 31.1 Update</u> <ul style="list-style-type: none"> Add GR 31.1 Policies to the June BJA meeting agenda 	Done
<u>Interim Standing Committee Charter Updates</u> <ul style="list-style-type: none"> Add Trial Court Operations Funding Committee sunset request to the July BJA meeting agenda 	

Tab 3

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Misdemeanant Corrections
Supervision Enhancement

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

This package proposes a grant managed process to fund a system of assessment and case management for offenders ordered to supervision and conditions by a court of limited jurisdiction. For a court to be eligible for state funding, the probation division must comply with assessment and case management standards. The proposed system of offender management is optional and outcomes will be measured by re-offending rates. The proposed system targets progressive corrections strategies to frequent misdemeanor level offenders, with a goal to provide meaningful intervention and interrupt criminal progression to more serious behavior.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 450,000	\$ 650,000	\$ 1,100,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	1.0	1.0	1.0

Package Description

The Misdemeanant Corrections Association (MCA) is the Washington state association for misdemeanor probation officers. This funding request is made by the MCA, the DMCJA, and supported by the Trial Courts Advocacy Board and Adult Static Risk Assessment Oversight Committee.

In Washington's Courts of Limited Jurisdiction (CLJ), supervision of offenders can be executed in various ways. Some CLJ, or misdemeanor probation departments, perform pre-trial supervision in addition to post-conviction supervision. Existing probation services perform post-conviction supervision ordered by a CLJ. If no probation department exists, generally, the court will conduct some form of bench probation –that could mean a court clerk reviewing the case for compliance or it could mean the judge reviewing each case.

This budget package proposes a progressive corrections based system which includes assessment, defined supervision practices, and outcome evaluation for re-offending rates.

The Washington State Center for Court Research, in cooperation with the Washington State University, are currently researching criminogenic characteristics of frequent CLJ offenders who primarily serve confinement in local jails. County, city and state funders have shared interest in addressing recidivism in a meaningful way with this population of offenders. If meaningful intervention was available, ordered, and supervised, the impact would be felt in two ways: (1) possible reduction in jail costs and population control (including out of county housing costs) and (2) measure overall impact on recidivism rates, including risk to community.

The strategy to measure recidivism in an operational environment, such as CLJ probation, is to consider arrest and violations which has direct relevance for DUI offenders undergoing monitoring. Also, there is current capacity to track prosecution and conviction for re-offending behavior (and severity). The recidivism evaluation should occur at 6-month intervals, beginning with each sentencing. Employment is another relevant outcome, or protective factor, which can be measured at the beginning, during, and at the conclusion of supervision.

The adult static risk assessment (ASRA) is an automated, validated, actuarially-based assessment that categorizes a defendant's risk to re-offend and risk of violence into the following categories: low, moderate, high property, high drug, and high violent. Case management principles support the use of evidence based interventions to target defendants and offenders who score in the moderate or high risk ranges. The low risk offenders should receive minimal intervention because increased exposure to higher risk populations (even at the court house) it is likely to increase their own risky behavior. The use of confinement alternatives, programs, and targeted case management strategies should be available for those who score moderate or high on the ASRA. That categorization of risk will determine the use of enhanced CLJ probation services, which is the basis for the funding request.

State resources are needed to adequately provide staffing for enhanced case management practices of defendants ordered to supervision by a court of limited jurisdiction. There is a relationship between lowering re-offending behavior and effective case management strategies. This funding proposal articulates a strategy to staff CLJ misdemeanor probation units (some including pre-trial services) to provide improved level of intervention that include application of the ASRA. Not only will this provide an immediate impact to jail populations, it will provide long term data and the ability to evaluate offender characteristics that fall between juvenile and felony criminal activity.

The state will see a rapid return on investment by expecting regular reports back on

intervention effectiveness on recidivism and criminal filing trends. In theory, the felony filing rate will decrease if the mid-level offenders (generally referred for misdemeanors) experience meaningful intervention as part of their CLJ supervision.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

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

Measure Detail

Impact on clients and service

Impact on other state services

Relationship to Capital Budget

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

ARLJ 11 requires that a risk assessment be conducted on every probationer to determine the level of supervision. If courts use the ASRA to determine risk to re-offend and risk for violence, the data can be shared between courts (via JABS) and the assessment is subject to modern validation studies. Use of ASRA is tied to disbursement of state funding to enhance CLJ probation model, which will be a deliverable listed in a contract between the state and city or county.

Alternatives explored

Distinction between one-time and ongoing costs and budget impacts in future biennia

The package requests grant funding for an opt-in supervision system enhancement at the CLJ supervision level. Within 2 years of state supported supervision practices, the jurisdictions that opted in will be measured for re-offending behavior, and the outcome of that evaluation will demonstrate the effectiveness of applying a system of assessment and case management to the CLJ offender population.

Effects of non-funding

If state funding to enhance case management standards and practices for supervision ordered through a court of limited jurisdiction is not approved or funded, the level of meaningful intervention available to this population of offenders will remain inconsistent in our state, and where it doesn't exist at all, judges or clerks will conduct "bench probation/supervision". The current form of probation can be described as surveillance, and does very little or nothing to change criminogenic attributes.

Expenditure calculations and assumptions and FTE assumptions

The model of funding the system is grant based; Administrative Office of the Courts to local CLJ jurisdiction. State funding will be allotted by the Legislature to the AOC, who will accept applications from CLJ jurisdictions wishing to participate.

In the application process, CLJ jurisdictions will outline case management strategies and court operational enhancements that require funding to meet the standards for assessment and case management. The ASRA is a defined process with minimal workload impacts. The sophisticated system of case management is based on standards approved by the MCA and vetted by the Washington State Center for Court Research, which requires staff resources. The local improvement plan will include state resources for staff to meet the demands of the outlined system of case management standards. The system improvement for qualified and selected courts will be measured at least every six months based on new referrals from law enforcement to a trial court. Within two years, with regular reporting, the state and local jurisdiction will clearly understand the extent of state and local cost savings. The grant program will operate within the budget allocated. The amount of state resources allocated will limit the number of courts who can opt into the corrections supervision enhancement.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 50,000	\$ 50,000	\$ 100,000
Non-Staff Costs	\$ 400,000	\$ 600,000	\$ 1,000,000
Total Objects	\$ 450,000	\$ 650,000	\$ 1,100,000

Tab 4

Previously Requested Materials

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington
On Drug Courts and Other Problem-Solving Courts

WHEREAS, Drug Courts have proven to be a highly effective strategy for reducing alcohol and other drug use and recidivism among criminal offenders with chemical dependency and addiction problems; and

WHEREAS, in addition to Drug courts, the principles and methods of Problem-Solving Courts¹ have been shown to offer a very promising strategy for addressing a wide variety of other case types in which addiction, mental health or other behavioral issues are a significant causative factor; and

WHEREAS, broad support exists, both in Washington and other states, for the principles and methods commonly used in Problem-Solving Courts, including ongoing judicial leadership, integration of treatment services with judicial case processing, close monitoring of and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations; and

WHEREAS, through the efforts of the National Association of Drug Court Professionals (NADCP), the National Drug Court Institute, the National Center for State Courts and others, drug court research has resulted in many areas of consensus regarding the best practices for drug courts; and

WHEREAS, the Race and Criminal Justice Task Force² has recommended that Washington Courts expand the use of Therapeutic (i.e., Problem-Solving) Courts as one way to address racial disparity in the administration of justice in criminal cases,

NOW THEREFORE BE IT RESOLVED that the Board for Judicial Administration strongly supports Problem-Solving Courts in general and Drug Courts in particular; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration supports:

- 1) The development and expansion of Drug Courts and other Problem-Solving Courts in Washington.
- 2) Adequate funding for these courts.
- 3) The development, identification and adoption of best practices and promising practices in Drug Courts and other Problem-Solving Courts.
- 4) The collection of data through the Washington State Center for Court Research on Drug Courts and other Problem-Solving Courts to evaluate and monitor outcomes and performance.
- 5) Appropriate training for judicial officers and staff on the principles and methods of Drug Courts and other Problem-Solving Courts.
- 6) The education of law students, lawyers and judges concerning the existence and principles of Drug Courts and other Problem-Solving Courts.

¹ Problem-Solving Courts are also often referred to as Therapeutic Courts.

² The Task Force is a collaborative effort by Washington's three law schools, initiated by the Seattle University School of Law's Korematsu Center.

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

In Support of Language Access Services In Court

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

WHEREAS, language barriers can create impediments to access to justice for individuals who are limited-English proficient; and

WHEREAS, it is the policy of the State of Washington “to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.43.010 (Interpreters for non-English speaking persons); and

WHEREAS, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

WHEREAS, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

WHEREAS, the Board for Judicial Administration recognizes the benefit that interpreting services provide to limited English proficient litigants and to the fact-finder in the efficient and effective administration of justice; and

WHEREAS, the Board for Judicial Administration previously adopted a Resolution to, among other things, “remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.” (Board for Judicial Administration, Civil Equal Justice); and

WHEREAS, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

NOW, THEREFORE, BE IT RESOLVED:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language-related impediments to access to the justice system for limited English proficient litigants; and
- 3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

ADOPTED BY the Board for Judicial Administration on July 20, 2012.



U.S. Department of Justice
Civil Rights Division

*Federal Coordination and Compliance Section-NWB
950 Pennsylvania Ave, NW
Washington, DC 20530*

CERTIFIED, RETURN-RECEIPT REQUESTED

AUG 27 2012

Ms. Callie Dietz
Interim State Court Administrator
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Mr. Paul Sherfey
Chief Administrative Officer
Ms. Martha Cohen
Coordinator for Interpreter Services
King County Courthouse
516 Third Avenue
Seattle, WA 98104

Re: 171-82-22

Interpretation in King County Superior Court, Seattle, Washington
and Related Complaints and Inquiries Regarding Language Access in
Washington State Courts

Dear Ms. Dietz, Mr. Sherfey, and Ms. Cohen:

This letter is to update you on our review of a complaint from Mr. Zelalem Argaw regarding a failure to provide language assistance services in King County Superior Court, to advise you of additional complaints we have received regarding language assistance services in King County courts and elsewhere in the state, and to explain several concerns we have identified in the course of our review to date. We have appreciated the Superior Court's cooperation and attentiveness to our review of the specific complaint. We have noted the progress made in King County and in the state over the years to improve and expand language assistance services in court proceedings and operations. Thus, this letter is intended to seek your continued engagement in resolving the limited concerns we have identified, offer our technical assistance, and avert the need for further investigation.

I. Legal Background

As we have set out in prior communications, DOJ is authorized to investigate complaints to determine a recipient's compliance with Title VI and the Safe Streets Act, to issue findings, and, where appropriate, to negotiate and secure voluntary compliance. 42 U.S.C. § 2000d, 28 C.F.R. Part 42, Subpart C and Subpart D. When DOJ is unable to secure voluntary compliance by a recipient, the Department has the authority to suspend or terminate financial assistance to a

recipient provided by DOJ or to bring a civil suit to enforce the rights of the United States under applicable federal, state, or local law. 28 C.F.R. § 42.108; 28 C.F.R. § 42.210.

DOJ issued Guidance in 2002 pursuant to Title VI, the Title VI regulations, and Executive Order 13166, explaining that recipients of financial assistance should take “every effort . . . to ensure competent interpretation for LEP individuals during all hearings, trials, and motions.” Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 67 Fed. Reg. 41,455, 41,471 (June 18, 2002). In 2010, the Assistant Attorney General for the Civil Rights Division issued a letter to all Chief Justices and State Court Administrators describing the obligation of state courts under Title VI, the Safe Streets Act, and implementing regulations to provide LEP individuals with meaningful access to court proceedings, notwithstanding any conflicting state or local laws or court rules. The letter described several practices “that significantly and unreasonably impede, hinder, or restrict participation in court proceedings and access to court operations based upon a person’s English language ability,” including denying LEP parties access to court interpreters in civil proceedings and charging LEP parties for the cost of interpreter services. The Assistant Attorney General explained that DOJ views “access to all court proceedings as critical.” The letter further clarified that providing interpreters only “in limited categories of cases, such as in criminal, termination of parental rights, or domestic violence proceedings” significantly and unreasonably restricts participation by LEP individuals. In addition, the letter explained that charging one or more parties for the costs of the interpreter denies LEP individuals meaningful access as “Title VI and its regulations prohibit practices that have the effect of charging parties, impairing their participation in proceedings, or limiting presentation of witnesses based upon national origin.”

II. Review of Mr. Argaw’s Complaint Against King County Superior Court

In a letter dated March 28, 2011, the Federal Coordination and Compliance Section (FCS) of the Civil Rights Division, U.S. Department of Justice informed the King County Superior Court that Mr. Zelalem Argaw had alleged the Superior Court did not provide him with foreign language interpreter services in a pro se civil matter. Based on the information we have received from the Superior Court and the complainant, we have identified two particular areas of concern: first, that the Court may be making determinations of English proficiency based on written submissions to the court without separately assessing whether the LEP person can understand and communicate effectively during in-court proceedings; and second, that the Court has not to date extended free interpreter services in all civil cases.

A. Determinations of English proficiency should be made based on whether an interpreter is requested or it appears that one is needed; written documents submitted in a case should not be the basis for determining that an individual is English proficient and can proceed without an interpreter, particularly when it is not clear that the person wrote the documents or that those documents reflect oral proficiency.

Mr. Argaw’s complaint alleged that the Superior Court did not provide him an Amharic interpreter when he appeared in the matter of Zelalem Argaw v. Iquique U.S., LLC, Unimak Vessel, 09-2-15712-0 SEA. He initiated the civil action in Superior Court without the assistance

of an attorney. Mr. Argaw also alleged in his complaint that he had considerable difficulty understanding the court proceedings because an Amharic interpreter was not provided. To assess Mr. Argaw's allegations, we reviewed the documents and judicial training materials provided by the Superior Court and the transcript from the proceeding held on May 21, 2010.

In a letter dated August 25, 2011, the Superior Court explained that the 2008 Superior Court Language Assistance Plan established procedures to identify and assess the language needs of LEP individuals and to notify court users of the right and availability of interpreter services. Under the Plan, all incoming Superior Court judges receive one-on-one training to implement the plan and the requirements of Title VI and related federal regulations – a commendable model practice:

The King County Superior Court Language Access Plan describes three ways a court can determine the need for an interpreter: 1) the LEP person requests the interpreter; 2) the court personnel or judge may determine that an interpreter is appropriate for a court hearing; 3) outside agencies may notify the court of the need for an interpreter. Regarding the second option, the Plan explains that “when it appears that an individual has any difficulty communicating, the court staff or judge should err on the side of providing an interpreter to ensure full access to the courts.” Page 1 of the Washington State Courts Bench Card: Courtroom Interpreting, dated April 2008, also explains when an interpreter should be provided by the court:

“Presume a need for an interpreter when an attorney or litigant indicates a party or witness requests one. If an interpreter is not requested, but it appears a party/witness has limited English proficiency, a judge should ask questions on the record to assess the need for an interpreter.”

According to the August 2011 Superior Court letter, the judge in this case was able to make an ongoing assessment of Mr. Argaw's potential need for interpreter services based upon the written documents submitted to the court; the letter further explained that it was the practice of the judge to engage in a colloquy with a pro-se party who appears to be LEP in order to ascertain the need for an interpreter.

The transcript of the May 21, 2010 hearing demonstrates that Mr. Argaw could communicate in English to some extent, but that he told the court that English was his second language and that he could understand some, but not all of what was being said and had a hard time communicating. The transcript does not appear to contain a colloquy focused on determining English language proficiency. The May 21, 2010 proceeding begins with the judge asking “Are you Mr. Argaw” to which Mr. Argaw replied “Yes, Sir.” The judge then asks “Mr. Argaw, you're here without an attorney to represent you, is that correct?” to which Mr. Argaw responds “Correct.” The judge then asks Mr. Argaw the following question:

“And you understand from the documents that have been served on you by the defendants that we are here today on the defendants' motions, two motions: One, to dismiss the case because of your failure to comply with prior orders relating to discovery in this case, and the second motion is a motion for summary judgment. That motion alleges that there is no legal basis for your action at this point, that all of the law and the facts are on the side of the defendants, in essence, and that there are no genuine issues of material fact. And

the defendant is arguing that they are entitled to judgment as a matter of law because of that. You have not filed any legal documents opposing either of these motions. Could you explain to me why that is?"

Mr. Argaw replies:

"First of all, I'd like to tell you just it's my second language. You know, I understand some of what you tell me. I cannot understand some of -- you know, even to explain to you, it's so hard for me. The second thing, it's a big disadvantage without attorney to just tell you just -- or I don't know about the law. I don't know about the -- the rules, you know. Even I don't know about what word I have to use to tell you, just explain myself..."

Mr. Argaw does not directly respond to the judge's question about the filing of legal documents in opposition to the defendant's motions. At this point in the May hearing, Mr. Argaw was not asked questions to assess his need for an interpreter and was not provided an interpreter. Mr. Argaw faced obstacles as a pro se party -- challenging under any circumstances -- but for an LEP individual to do so without the assistance of an interpreter adds significantly to the difficulty.

According to the Superior Court letter, the judge in this matter relied a great deal on the written documents Mr. Argaw submitted to the court to assess his need for an interpreter. While the Superior Court Plan and judicial training materials describe several methods to assess an individual's need for an interpreter, the language of the documents submitted to the court is not a method that is mentioned. Since parties must submit documents to the court that are written in English, using the contents of these documents to assess an individual's need for an interpreter seems ineffective, as they could have been written by someone else.

When we compared the correspondence provided by the Superior Court and spoke to Mr. Argaw, it seems that he did not write the documents that were submitted to the court. The written correspondence provided by the Superior Court included a December 18, 2009 email from Mr. Argaw to Mr. David Bratz, opposing counsel in this matter. In the last two lines of the December 18, 2009 email, Mr. Argaw writes:

"i can not anwer the same time to money question, i don have attorney and English my second language so you make things essayer."

We then compared the December 18, 2009 email to a letter Mr. Argaw allegedly wrote to the Superior Court a month later on January 22, 2010. The first two sentences of the January 22, 2010 letter illustrate the difference:

"My name is Zelalem Argaw and I am handling my case in pro per. I understand that an Order was given for me to attend a deposition and I am willing to travel to Seattle to attend a deposition, however, the Defense attorney, David C Bratz, is not working with me to set the date."

Given the discrepancy in English language fluency between the December email from Mr. Argaw, and the January letter and other documents submitted to the Superior Court, we called Mr. Argaw, with an Amharic telephone interpreter, to ask him about the documents he had submitted to the Superior Court in this case. Mr. Argaw explained that he did not write the English documents that were submitted to the Superior Court but that those documents were written by either his uncle, whom he explained has a Master's Degree from a university in the United States, or by a friend who is an accountant. According to Mr. Argaw, both his uncle and his friend speak Amharic and English. Thus, he shared with us that he would tell either individual in Amharic what to write in the English documents because he himself has a limited ability to read and write in English, he did not have an attorney representing him in this case, and he knew the Superior Court required him to submit all of his documents in English. Mr. Argaw also said that when he was at the Superior Court for this case, he told the judge that he had a limited ability to speak English and asked for an interpreter. The Superior Court indicated to us that it had no record of the request for an interpreter, though the transcript provides support for his statement that he was limited in English proficiency.

Relying on written documents submitted by an individual when such documents are required to be in English and may be written by someone else is an ineffective way to assess the need for interpreter services and appears inconsistent with Superior Court policies and procedures. The Superior Court should advise judges and court staff that written documents submitted in a case should not be the basis for determining that an individual is English proficient and can proceed without an interpreter, particularly when it is not clear that the person wrote the documents or that those documents reflect oral proficiency. Instead, when an interpreter has not been requested, but it appears that a party or witness may be limited English proficient, a judge should ask the individual active response questions (requiring more than a "yes" or "no" answer and probing the person's ability to understand and respond to more complicated conceptual questions in English) on the record to assess the need for an interpreter.¹

B. Policies that provide for some litigants to be charged for interpreting expenses raise concerns about Title VI compliance.

In addition, we have received a number of additional formal complaints and informal inquiries regarding policies in the King County Superior and District Court, and elsewhere in the state, that fail to provide interpreters free of charge when a litigant is determined to be non-indigent. The August 25, 2011 response letter we received from the Superior Court highlights the broader issue of coverage for non-indigent parties as well. The training materials submitted explain that federal law requires interpreters for LEP individuals in all proceedings, but then also explain how state law allows non-indigent civil litigants to be charged for interpreting expenses.

The policies and procedures included in the Superior Court training materials illustrate a longstanding practice of requiring non-indigent LEP individuals to pay for interpreters in civil proceedings. An August 24, 1998 Superior Court memorandum, included in Section 4 of the training materials, explains that pursuant to RCW § 2.43, the "Court pays for interpreter services in civil case only if there is a finding of indigency." Page 1 of the Interpreter Payment Procedures document dated October 8, 2008 also explains that in civil matters "the Court will

¹ See, e.g., DOJ Guidance 67 Fed. Reg. 41,455, 41,471 (June 18, 2002).

provide an interpreter at public expense if the party requesting interpreter services proves indigence..." While the current Superior Court Plan explains that it was developed to provide services to LEP individuals in compliance with Title VI and Title VI implementing regulations and "to insure equal access to court services for persons with limited English proficiency," Section III A. of the Plan references RCW § 2.43, which requires non-indigent LEP individuals to pay for interpreters in civil matters.

Interpreter policies and procedures are also described in the Superior Court judicial training presentation "Working with Court Interpreters." This presentation has a section entitled "When are Courts Required to Provide Interpreters at Court Expense? State and Federal Requirements." The two slides in this section of the presentation explain how recipients or sub-recipients of federal financial assistance must ensure meaningful access to:

1. All LEP parties and witnesses in all hearing types;
2. Court-managed and Court-mandated programs and services; and
3. Court appointed counsel, guardians, or others required by the court to communicate with the LEP person.

The next slide in the same presentation seems to rely upon Washington State law to limit the provision of interpretation by charging non-indigent LEP individuals. The slide entitled "WA State Requirements: Non-English Speakers," explains that "[t]he court provides interpreters in all proceedings. Non-indigent civil litigants can be charged interpreting expenses." The policy of charging non-indigent individuals in civil proceedings for the cost of interpreters is also stated on page 1 of the Washington State Courts Bench Card: Courtroom Interpreting. The Bench Card explains that for criminal cases, traffic infractions, all proceedings initiated by the government, or where an LEP individual is compelled to appear, interpreter costs are paid by the government body. In all other legal proceedings, however, the Bench Card explains that "interpreter costs are borne by non-English speaking persons unless determined to be indigent."

As is explained in the background discussion above and in our prior correspondence, the Division's view is that charging non-indigent litigants for the costs of necessary language services is inconsistent with the nondiscrimination requirements of Title VI. We were pleased to note the July 20, 2012 Resolution of the Board for Judicial Administration of the State of Washington In Support of Language Access Services In Court. In this resolution, the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language-related impediments to access to the justice system for limited English proficient litigants; and
- 3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

This resolution, if implemented, would significantly address our concerns with regard to existing policy. We seek your assurance that implementation of this Resolution and of the

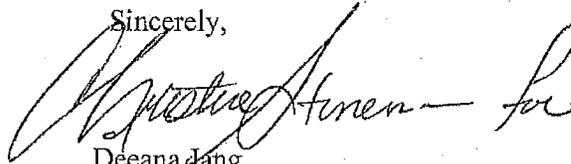
continued efforts undertaken by officials, employees, and stakeholders of the Washington State Courts will resolve the concerns raised with our office.

III. Proposed Next Steps

We have determined that the best course of action is to inform you of the concerns raised by our review to date, as well as the continuing incoming complaints and inquiries. We propose that you inform us within **30 days** of steps that the Washington Courts in general, and the King County Superior Court in particular, have for modifying the policies and practices, particularly in light of the July 20 Board for Judicial Administration Resolution. We would be pleased to work with you to ensure a solution that would avert the need for additional review and would instead focus on ensuring full language access to the court system.

We look forward to hearing from you on this proposal. Please contact Mr. Michael Mulé, the attorney assigned to this matter, at (202) 514-4144. Please direct any written correspondence about this matter to the address listed above or fax it to (202) 307-0595, referencing the DOJ matter number cited at the beginning of this letter. We very much appreciate your assistance in resolving this matter and look forward to speaking with you.

Sincerely,



Deeana Jang
Chief

Federal Coordination and Compliance Section
Civil Rights Division

✓ cc: Ms. Jenny A. Durkan, United States Attorney, Western District of Washington



U.S. Department of Justice

*United States Attorney
Western District of Washington*

*Please reply to:
J. Michael Diaz
Assistant United States Attorney
Direct Line: (206) 553-4358*

*700 Stewart Street, Suite 5220 Tel: (206) 553-7970
Seattle WA, 98101-1271 Fax: (206) 553-4065
www.usdoj.gov/usao/waw*

January 9, 2014

Via Email and First Class U.S. Mail

Mr. Paul Sherfey
Chief Administrative Officer
King County Superior Court
King County Courthouse
516 Third Avenue
Seattle, WA 98104

Re: Review of Interpretive Services in King County Superior Court;
DOJ # 171-82-22

Dear Paul:

Thank you for providing the training materials in your letter dated October 9, 2013. They were helpful. Thank you also for the productive telephone conferences on September 11, October 7, and December 23, 2013. Once again, we appreciate the collaborative spirit in which our discussions have progressed.

As discussed during our most recent telephone conference, the purpose of this letter is to notify you that — contingent upon your agreement to the terms of this letter, memorialized by your signature below and return of this letter to my office — the Department of Justice (“DOJ”) Civil Rights Division and the U.S. Attorney’s Office for the Western District of Washington are closing the above-referenced review. The file will remain open only for purposes of ensuring compliance with certain terms below, in the manner described below.

To first briefly summarize where we have been: by letters dated March 28, 2011 and August 27, 2012, the DOJ Civil Rights Division’s Federal Coordination and Compliance Section informed your office that DOJ was reviewing allegations of failure to provide appropriate language assistance services by the King County Superior Court (“KCSC”) for possible discrimination on the basis of national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, (“Title VI”). As we advised in that correspondence, the DOJ is responsible for investigating complaints of violations of Title VI, as well as other federal laws, made against recipients of federal financial assistance from DOJ. Rather than initiating a formal investigation at that time, we informed you of the allegations and offered to work with you to reach a productive and amicable resolution.

Over the last two years, as memorialized in the various letters exchanged, we have received information from the KCSC that has permitted us to complete our review, and the KCSC has voluntarily taken significant action, both in training and practice, to supplement current KCSC policies with respect to interpreter services and to respond to concerns raised during the review. This letter is the product of this amicable, patient, and persistent collaboration.

Through this period of cooperation, we were able to reach the following terms of agreement:

- (1) The KCSC commits to provide, or, as the case may be, continue to provide, at no cost to limited English proficient (“LEP”) individuals, timely and appropriate language assistance services in all court proceedings and operations, both civil and criminal, other than when it is the responsibility of other government bodies pursuant to state law. In all other instances, the KCSC will provide certified or qualified interpretation services free of charge to (a) LEP parties, witnesses, or victims; (b) LEP parents, legal guardians, or custodians of minor children who are parties, witnesses, or victims; and (c) LEP legal guardians or custodians of adult parties, witnesses, or victims. The KCSC otherwise will continue its existing training, operations and practices with respect to its interpreter services.
- (2) At the end of every three months (quarterly) after January 1, 2014, for a period of 18 months, the KCSC will submit to the DOJ a financial report that identifies (a) the amount spent on interpreter services for the foregoing quarter, (b) whether and by how much those costs exceeded the line budget, and (c) whether that expenditure amount is consistent or not with the same time period for the preceding year.
- (3) Should the provision of no cost foreign language interpreter services greatly exceed the budgeted amount and additional funding be needed to provide those services, the KCSC will make its best efforts to secure the additional funding needed to continue to provide meaningful access, including interpreter services, at no cost to LEP parties, witnesses, etc. in all court proceedings and operations, both civil and criminal.
- (4) Should those best efforts by KCSC to secure a sufficient budget fail, the DOJ and the KCSC will reconvene and agree to work in good faith to accomplish our shared goal, as stated in paragraph (1) above.
- (5) The KCSC will revise its interpreter manual to reflect the foregoing and conduct training on the manual for its judicial officers. It is our understanding that nearly all KCSC judges attend the annual state-wide Superior Court Judges and Administrator’s Conferences, which includes sessions on interpreter use. It is further our understanding that new KCSC judges receive individualized training upon starting and that the KCSC conducts ad hoc training as needed on interpreter issues, such as that conducted at the Judges Committee Meeting in June of this year.

If you still agree to these terms, please sign the last page below and return this document to my office. Once received, this office will keep the file open only for the purposes of terms (2)-(4) above. Although we do not expect it, should there be a material breach of any term of the agreement, DOJ has the discretion to reopen this matter and assess the need for additional review and/or a formal investigation.

This letter does not constitute a finding that the KCSC is or will be in full compliance with Title VI or other federal laws, nor does it address other potential claims of discrimination on the basis of national origin that may arise from the activities of the KCSC. Likewise, this letter does not constitute an admission by KCSC with regard to any specific allegation reviewed in this matter, nor a finding that the KCSC is not or has not been in full compliance with Title VI or other federal laws.

The purpose of this letter, instead, is to memorialize (a) the KCSC's commitment to devise and implement the above policies, plans, and procedures, which the parties agree, when fully implemented, will address the DOJ's concerns regarding the KCSC compliance with the non-discrimination provisions of Title VI language access obligations as they relate to access to court proceedings and operations by LEP individuals; and (b) the status of the DOJ's review of those complaints, its intent to close its review of those complaints, and its future limited involvement in the matter.

Please note that this letter does not affect any rights that the individual complainant(s) may have to file private lawsuits regarding the concerns raised in their complaints to the DOJ. We will retain the complaints for our records and take the information provided into account if we receive similar future complaints against the KCSC.

We are obligated to inform you that recipients may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either taken action or participated in an action to secure rights protected by the civil rights laws the DOJ enforces. The protection against retaliation extends to recipient employees who provide information or otherwise cooperate with the DOJ's review. Any individual who alleges such harassment or intimidation may file a complaint with the DOJ. We would investigate such a complaint if the situation warrants.

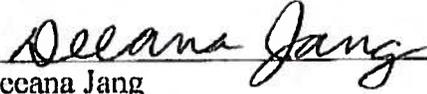
Under the Freedom of Information Act, it may be necessary to release information and related correspondence and records shared by recipients and complainants upon request. In the event that we receive such a request, we will seek to protect, to the extent provided by law, personal information which, if released, could constitute an unwarranted invasion of privacy.

If you have any questions concerning this letter or any of its terms, please contact J. Michael Diaz at the number above, or Michael Mulé, the Civil Rights Division attorney assigned to this matter, at (202) 514-4144 or Michael.Mule@usdoj.gov. We look forward to hearing from you.

Sincerely,



J. Michael Diaz
Assistant United States Attorney
Western District of Washington



Decana Jang
Chief
Federal Coordination and Compliance Section
Department of Justice
Civil Rights Division

cc:

Ms. Christina Dimock, Assistant United States Attorney, Western District of Washington
Mr. Michael Mulé, DOJ Civil Rights Division, Federal Coordination and Compliance Section
Mr. Tom Kuffel, Senior Deputy Prosecuting Attorney, King County Prosecutor's Office
Ms. Callie Dietz, State Court Administrator, Administrative Office of the Courts

Agreed to this 21st day of January, 2014.



Paul Sherfey, on behalf of King County Superior Court

Current Budget Materials

2015-2017 Preliminary Budget Requests to be Prioritized
by the
Board for Judicial Administration
June 20, 2014

Title	FTE	Funding Requested	Supported by the BJA
Employee Salary Adjustment	FTE 0.0	\$TBD	
Funding is requested to bring selected salaries to an appropriate level. Staff salaries have not been compared to comparable public and private employees for over six years and staff has not received a cost of living increase since September 2008.			
CASA Restoration & State CASA Funding	FTE 0.0	\$1,392,000	
Funding is requested to increase the number of Court Appointed Special Advocate volunteers and provide additional support to Washington State CASA, a nonprofit organization.			
FJCIP Expansion	FTE 0.0	\$558,000	
Funding is requested for expansion of the Family and Juvenile Court Improvement Program as proposed by a member of the legislature. The proposal would increase the number of participating courts from 13 to 17-21, depending upon workload factors.			
Juvenile Court and Juvenile Detention Alternatives Initiative (JDAI) Staff	FTE 2.0	\$394,000	
Funding is requested to provide coordination and quality assurance for probation and detention programs.			
Misdemeanant Corrections	FTE 1.0	\$1,100,000	Decision delayed until June
Funding is requested for a system of assessment and case management for offenders supervised under orders of courts of limited jurisdiction. The proposed system targets progressive corrections strategies to frequent misdemeanor level offenders, with a goal to provide meaningful intervention and interrupt criminal progression to more serious behavior.			
Telephonic Interpreting	FTE 0.5	\$1,324,000	
Funding is requested to offset 50% of the costs for telephonic interpretation for interactions outside courtroom proceedings (for example, filing paperwork, paying fines, requesting information).			
Trial Court Funding for Language Access	FTE 0.5	\$6,609,000	
Funding is requested for further improvement of quality and availability of interpreting services for civil and criminal proceedings in the courts.			
Total General Fund Requests	FTE 4.0		\$ 11,377,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Employee Salary Adjustment

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Funding is requested to bring selected staff at the Administrative Office of the Courts to an appropriate level.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
01-1 General Fund State 543-1 Judicial Information Systems Account	\$ TBD	\$ TBD	\$ TBD
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Budget reductions sustained by the Administrative Office of the Courts have made staff salary increases impossible over the past several years.

A compensation survey will be carried out to contrast judicial branch staff salaries with salaries of comparable public and private sector positions. Funding is requested to bring selected salaries to an appropriate level as determined by the survey.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

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

The Administrative Office of the Courts is staffed by a skilled workforce. Many of the employees are now paid at a rate below salaries paid in equivalent positions elsewhere. The Administrative Office of the Courts requests funding to bring selected salaries to an appropriate level, supporting valued staff and improving the ability of the AOC to recruit and retain skilled employees.

Measure Detail

Impact on clients and service

None

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

Distinction between one-time and ongoing costs and budget impacts in future biennia

These costs are ongoing in nature.

Effects of non-funding

Further delaying salary increases will make recruitment and retention of qualified staff more difficult.

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$ 0	\$ 0	\$ 0

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Court Appointed Special Advocate (CASA) Programs

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

This package requests (1) an increase to state funds that support local CASA programs which will increase volunteer recruitment and (2) secure state funds for State CASA to support CASA programs.

(1) Court Appointed Special Advocates are volunteers who advocate for abused and neglected children in dependency court as volunteer guardians ad litem. State funds are requested to increase the number of volunteers available to local CASA programs in Washington State. (\$621,000 per FY)

(2) The request includes state funds to pass through the AOC to support activities provided to CASA programs by State CASA, a non-profit organization. This funding will target training, networking, and technical assistance to assist local CASA programs develop capacity to advocate for abused and neglected children. Funding would support training activities and on-site technical assistance to CASA programs throughout Washington State. (\$75,000 per FY)

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 696,000	\$ 696,000	\$ 1,392,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

Background and Need:

State and federal laws mandate the appointment of a guardian ad litem (GAL) for all abused and neglected children in dependency cases. In 35 counties and three tribal courts, CASA volunteers serve as volunteer guardians ad litem to represent the best interest of these children. Combined, these programs supervise over 2,000 CASA volunteers annually who provide advocacy to over 6,000 children (over half of all children in dependency). CASA programs in Washington are a blend of court-based, nonprofit and tribal court programs, which are funded by a combination of county, state and private sources.

Statewide, only about half of the 10,000 children in the dependency system at any given time have a CASA volunteer to represent their best interests. Local CASA programs are stretched beyond capacity in their efforts to comply with the law. Currently, in densely populated areas (King, Snohomish, Pierce, Kitsap, Clark, Spokane, Yakima, Benton/Franklin), only about half the children in dependency are represented with a CASA volunteer. The other half typically are represented by a staff GAL with a case load exceeding 75 children. In rural areas, programs struggle with inadequate, unstable funding and do not have sufficient staff capacity to recruit and retain volunteers while maintaining a GAL case load as well.

Local program increase:

Additional CASA volunteers are needed due to increased dependency filings in our state (4,864 in 2013), the continuation of a trend that began in 2010. The National CASA best practice standard is 1 volunteer supervisor to 30 volunteers who can supervise up to 90 children. Because of increased dependency filings, and to ensure that no child was without a voice in court, many CASA programs resort to assigning staff directly to these cases. This leads to a decreasing ability for those programs to recruit and retain volunteers. Funding is needed to increase local program capacity to recruit, train and retain additional CASA volunteers to provide these children the high quality advocacy efforts they deserve to ensure safe and permanent homes.

There are volunteers in every community waiting to represent children in dependency. Programs lack staff and resources to recruit, train and supervise volunteers. The request for state funding will build the capacity of CASA programs to increase the number of children represented and ensure high quality volunteer representation.

Washington State's Justice in Jeopardy Report and the Court Improvement Plan both address representation of children by a guardian ad litem (GAL). GAL representation of children is a high priority for increased state funding because it is mandated by statute. In addition, to ensure access to justice, representation of children's best interests has become increasingly important since many jurisdictions have implemented increased funding for parent representation.

Training, networking, and technical assistance increase:

Washington State CASA is a non-profit organization that coordinates two annual CASA

program manager's seminars. Traditionally, these have been held in the spring and fall. State CASA also maintains working knowledge of CASA program practice around the state. State CASA is responsible for establishing and providing resources to programs such as a manager's listserv, compliance with National CASA best practice standards, maintaining state compliance of the CASA core training curriculum, functioning as a help desk for programmatic issues and serving as a general communications hub amongst CASA programs statewide.

Washington State CASA works with local programs to provide on-site technical assistance, including strategic planning, volunteer recruitment and retention support, training of local staff on the use of the National CASA volunteer core training curriculum.

As a 501(c)(3) charitable organization, State CASA is able to pursue a wide variety of funding streams to support local program capacity and sustainable efforts and to reduce program's sole reliance on state and county government sources. State CASA currently administers a federal IV-E training reimbursement contract, project specific grants from a variety of sources to increase volunteer recruitment, retention and training, and actively encourages individual contributions from donors to support state and local advocacy efforts for children.

Washington State CASA hosts an annual conference for CASA volunteers, staff, lawyers and more who will have the opportunity to engage with each other and learn from experts in the child welfare field to better inform their child advocacy practice. Unlike other conferences, this conference is designed for CASA volunteers and attracts speakers from around the state to present on ways CASA advocates can ensure better outcomes for the children.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Currently, only half of the dependent children statewide are represented by a CASA volunteer. Some courts are not currently able to comply with the statutory mandate to appoint a GAL, due to the limited capacity of CASA programs to recruit, train, supervise and support CASA volunteers as a result of funding cuts in both state and county funding.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Children of color are disproportionately represented in the dependency system. One opportunity associated with additional CASA funding is the ability to focus recruiting a more diverse pool of volunteers that is consistent with the diversity of children in each jurisdiction.

Programs are interested in recruiting volunteers who, for example, speak Spanish, are knowledgeable in specific cultural customs and norms and who represent the many diverse communities of Washington.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

The dependency system is focused on the determining what is in the best interests of the child. As an officer of the court, CASA volunteers act as fact-finders for the judges, providing

them with information that they may never get otherwise, advocating for the child's best interest along the way. CASA volunteers gather information from court documents, social workers' files, and educational, medical and therapy records. They also speak with the child, family members, school officials, health providers, and other professionals involved in the child's life. CASA volunteers use this information, as well as firsthand observations, to advocate for the child in court, at school, and in other aspects of their lives. The CASA's role is to consider what is in the child's best interest and to make sure that each child's individual needs are met and convey that message to the court.

CASA volunteers are specially trained and appointed by a judge to serve as a volunteer guardian ad litem (GAL) for an abused or neglected child. They are committed to determining and speaking for that child's best interests throughout the process. The volunteer is an official part of the judicial proceeding, working alongside attorneys and social workers as an appointed officer of the court. CASA volunteers ensure that the decisions being made on behalf of children they advocate for are timely, appropriate, in compliance with federal and state laws and in the best interests of the child. CASA volunteers investigate a child's history, facilitate communication between concerned adults, advocate for services and appropriate placement, and ultimately make recommendations-to the judge – in that child's best interest.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Judges rely on trained CASA volunteers who bring an independent voice into the courtroom. They are the judge's 'eyes and ears' and are crucial in helping the court to make sound decisions about a child's future.

State CASA contributes to effective court management by supporting programs, their staff and volunteers throughout Washington. State CASA leverages opportunities and secures resources on a regional and statewide level so that local programs can maximize their direct support to abused and neglected children through training of staff and volunteers, opportunities to share best practices in child advocacy and by providing technical assistance such as compliance with National CASA best practice standards and CASA program specific data collection and analyses in conjunction with statewide child advocacy

partners, local court administration and public and private investors in the child welfare system.

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

The mission of this proposal is focused on the delivery of high quality and effective child advocacy through the use of trained and adequately supported community volunteers. In order to successfully accomplish this goal and to therefore affect positive outcomes for children, additional resources are needed to recruit, train and supervise additional volunteers.

Measure Detail

Impact on clients and service

Impact on other state services

Relationship to Capital Budget

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

Effects of non-funding

Increased CASA volunteers will serve dependent youth in the following ways:

- (1) Children assigned to CASA volunteers were approximately 50 percent less likely to re-enter the dependency system.
- (2) Children with a CASA volunteer had more services ordered, more services actually implemented, and more appropriate services.
- (3) Children represented by a CASA volunteer have fewer placements and spend less time in the system.
- (4) Children who have CASA support are more likely to achieve permanency.
- (5) Preliminary results of a five-year longitudinal study suggest that CASA volunteers have a lasting positive impact on children's attitudes and behaviors.
- (6) Annually donate hundreds of thousands of hours of service to advocate for children statewide saving state and local budgets millions of dollars through the use of volunteers.

State CASA anticipates the following outcomes as a result of receiving state funds:

- Increased local program capacity to serve more children with CASA volunteers
- Increased capability to pursue and secure additional CASA funding from non-public sources
- Increasing tailored and higher quality CASA volunteer recruitment, retention and training at the local level
- Adherence to National CASA best practice standards for volunteer advocacy and CASA program operations

Impact on other state services

Increased CASA funding will positively effect the quality of child representation statewide. Several studies, including a national report by the U.S. Department of Justice, validate outcomes with CASA volunteers in comparison to the general foster care population which have residual benefits to the state.

A child with a CASA volunteer is:

- More likely to achieve permanence
- Half as likely to re-enter foster care
- Substantially less likely to spend time in long-term foster care
- More likely to have a plan for permanency, especially children of color
- More likely to do better in school (pass all courses, less likely to have poor conduct in school, and less likely to be expelled)
- More likely to have a positive attitude towards the future, an ability to work with others and to resolve conflicts
- Likely to score better on nine protective factors

Relationship to Capital Budget

None.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None.

Alternatives explored

CASA programs have been assigning children directly to staff as a measure of last resort. This is an un-sustainable model, for as more children are assigned to staff directly, overall program capacity to recruit, train and supervise volunteers is diminished, thus resulting in lower quality advocacy for all children assigned to the program.

State CASA is engaged in a continual process of development and renewal. Several statewide partners have provided input on alternative suggestions and solutions to provide support for local CASA programs achieving their goals of serving CASA volunteers.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The proposed budget level will continue for future biennia. Programs will continue to assess future needs based on future dependency filings and the needs of local courts.

Effects of non-funding

CASA programs struggle to provide volunteers to all cases to which the program is assigned. Current active CASA volunteers will not have the level of support and supervision

needed to ensure retention. Staff with high case loads of volunteers, who often carry dependency cases themselves, will continue to have excessive workloads and be unable to engage in adequate recruitment and support activities. In addition, high caseloads contribute to high staff turnover, which impacts the stability and quality of the program. Insufficient funding puts dependent children at risk and presents liability issues for the State's dependency system.

The effects of non-funding would continue the slow and steady degradation of State CASA's network and inefficient redundancy throughout the network. CASA programs have come to expect training and technical assistance provided by State CASA and use the training provided by State CASA as a means of augmenting local efforts in volunteer recruitment, training and retention.

Expenditure calculations and assumptions and FTE assumptions

This statewide funding proposal for local CASA program staff the National CASA best practices standards and would restore funding that was appropriated during the 2007-2009 biennium funding.

State CASA currently employs one full-time executive director dedicated to carrying out the mission of the organization and overseen by the Washington State CASA Board of Directors.

Training expenses include lodging, meals, program travel, and State CASA staff preparation / coordination time and speaker reimbursement. On-site Technical Assistance includes staff time and travel expenses.

Funding sought under this proposal will be spent in the following categories:

Two-day Spring Program Managers Training.....\$15,000
 Fall Program Manager's Training.....\$7,000
 Annual Conference.....\$45,000
 Onsite Technical Assistance.....\$8,000

Total Request:\$75,000

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$	\$	\$
Non-Staff Costs	\$ 696,000	\$ 696,000	\$1,392,000
Total Objects	\$ 696,000	\$ 696,000	\$1,392,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Family and Juvenile Court Improvement Plan Expansion

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Family and Juvenile Court Improvement Program (FJCIP) is a product of a partnership between the judicial and legislative branches of government. The BJA developed FJCIP as a strategic approach to improving court operations consistent Unified Family Court principles. This reform structure is supported by the legislature who has requested an expansion plan for FJCIP. The budget package includes funds to expand FJCIP into additional superior courts to promote best practices in family and juvenile court operations as requested by the legislature.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 186,000	\$ 372,000	\$ 558,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	0	0	0

Package Description

The Family and Juvenile Court Improvement Plan, RCW 2.56.030, coordinates courts' efforts on Superior/Family and Juvenile cases, to strategically implement principles of Unified Family Court (UFC) which were adopted as best practices by the Board for Judicial Administration in 2005. FJCIP funding and framework for superior courts exist in thirteen counties to implement enhancements to their family and juvenile court operations that are consistent with UFC principles, including longer judicial rotations. The FJCIP allows flexible implementation centered on core elements including stable leadership, education, and case management support. The statewide plan promotes a system of local improvements, but is limited to courts who were selected for FJCIP funding. The

demonstrated successes in FJCIP courts is a result of appointing judicial leaders to create actionable plans to enhance court operations. The coordinators work closely with the assigned chief judge to implement local court improvements associated with UFC best practices.

FJCIP is a product of a partnership between the judicial and legislative branches of government. The courts developed FJCIP as a strategic approach to improving court operations consistent with the legislature who provided funding. The budget package includes funds to expand FJCIP into additional superior courts to promote best practices in family and juvenile court operations as requested by the legislature.

FJCIP courts have initiated and sustained court operational improvements as a result of FJCIP which have demonstrated favorable outcomes. The program sustained a reduction in funding (19.3% or \$309,000 in 2009). As a result, funding for ancillary support such as education was eliminated, and all funding was dedicated to maintaining adequate staffing levels for FJCIP courts. That funding prioritization worked, and the programs continued to operate without significant interruption.

The legislature has requested an FJCIP expansion strategy to encourage local improvement consistent with UFC principles in additional jurisdictions. The existing pilots have demonstrated positive outcomes associated with cases managed by FJCIP (see attached report from Dependency Time Standard Report). FJCIP provides funding for system improvement in selected courts because state FJCIP funding pays for staff to coordinate and implement the identified improvement projects. FJCIP is not a program where best practices or strategies can be adopted in courts that do not have coordinator support. Therefore, expansion of FJCIP relies on additional state resources.

The conservative expansion plan is to fund up to four FTEs in the 2015-2017 budget. The division of the FTEs can either be assigned to between four courts and eight courts depending on if the workload justifies a full FTE or .5 FTE. The AOC team has used research, in particular the Annual Dependency Time Standard Report, to identify counties that have lower compliance with mandatory dependency deadlines, to prioritize funding for county expansion of FJCIP.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

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

Measure Detail

Impact on clients and service

Impact on other state services

Relationship to Capital Budget

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

Additional FJCIP contracts will need to be executed to accommodate the additional courts selected to receive state funding.

Alternatives explored

Distinction between one-time and ongoing costs and budget impacts in future biennia

Effects of non-funding

If this budget package is not funded, and assuming the program does not receive reductions, the thirteen FJCIP courts will continue to sustain improvements to court processes in the capacity they do now. There are basic court management or coordination efforts that can impact the quality of case processing that are consistent with UFC principles. These modifications have happened to a large extent by using court leadership and innovation that does not require additional funding. These enhancements will be maintained at their current level as long as salaries are adequate to keep staff with experience and expertise.

FJCIP provides a framework for the chief judge to exercise court leadership and direct modifications to court operations to improve services and support to the court, staff, and the public.

If existing FJCIP courts are under-funded and expansion of FJCIP is not realized, the result will be a continued political effort to propose legislation or to modify the constitution that would adjust the structure of superior court, or courts of general jurisdiction. Efforts are currently underway to make family and juvenile court a specific court type, administered and funded separate from superior court operations. This alternative has significant policy and funding implications for the state and local governments. The justification for this type of radical change is to improve case processing of family and juvenile cases, consistent with Unified Family Court principles which are also the foundation of FJCIP court plans. A better investment strategy for the state to accomplish improvement goals to family and juvenile court operations is to expand FJCIP funding rather than create a completely independent and more costly separation of case types that would require an entirely separate administration.

Effects of not funding FJCIP expansion is a more expensive alternative.

Expenditure calculations and assumptions and FTE assumptions

The funding requested will expand FJCIP by four coordinators, which adds between between four and eight courts in 2015-2017. The AOC determines the appropriate level of case coordinator the court is eligible for (half or full) depending on the number of judges and case filings.

The amount requested is based on an equivalent state salary and benefit package for a range 62 (monthly top step in range \$93,059).

Expenditure calculations and assumptions and FTE assumptions

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 0	\$ 0	\$ 0
Non-Staff Costs	\$ 186,000	\$ 372,000	\$ 558,000
Total Objects	\$ 186,000	\$ 372,000	\$ 558,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Juvenile Court and Juvenile Detention Alternatives Initiative Staff

Budget Period 2015-2017 Biennial Budget

Budget Level Maintenance Level

Agency Recommendation Summary Text

Juvenile Court services and operations consists of 2 major components, probation and detention. Both of these components are data-driven by outcome measures related to evidence based intervention programs and detention alternative services. Probation and Detention programs require policy level coordination and quality assurance. The requested positions are necessary to maximize local and state investment in juvenile court services and operations.

To uphold the integrity of juvenile court services and operations, the requested positions are 1 FTE for a data analyst and quality assurance specialist and 1 FTE for JDAI statewide coordinator.

The request is made on behalf of the Washington Association of Juvenile Court Administrators, the Juvenile Detention Alternatives Initiative Statewide Steering Committee, and the Washington State Center for Court Research.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 202,000	\$ 192,000	\$ 394,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	2	2	2

Package Description

NEED

Data and Research Specialist (1 FTE)

Since 2000, Washington State juvenile courts have entered data on risk and needs of juvenile offenders into an assessment database. All youth who receive intervention services through juvenile court undergo a risk and needs assessment (Washington State Juvenile Court Risk Assessment). The Risk Assessment software collects and populates the database through an external vendor. The entire assessment process to manage juvenile offenders includes static risk assessment, dynamic needs assessment, case management strategies, case plans, assignment to evidence based interventions, and measurement of recidivism and other outcomes. While a sophisticated data collection process exists for probation, similar data collections systems and infrastructure for detention centers does not exist.

The Washington State Center for Court Research lacks sustainability to support the juvenile courts to extract relevant data and conduct analysis to influence public policy, funding, and court oversight of programs, the assessment, and staff. Detailed juvenile court probation program data generated in Washington is nationally recognized but absent adequate research support, the data sources continue to grow without a proportional growth in the courts' ability to make informed choices about reforms aimed at targeting services to court involved youth and their families. Systematic data related to detention and alternative programs does not exist. The lack of assigned research and data analysis to support juvenile court probation and detention services limits effectiveness.

The legislature requires annual reporting of data by each juvenile court for probation services (CJAA report/Block Grant Report as defined in RCW 13.40). Absent support from the Washington State Center for Court Research, detailed outcome reporting is not available. The AOC also has a statutory obligation, as defined in RCW 2.56.030, to collect and compile statistical data and make reports of court business.

Juvenile Detention Alternatives Initiative (JDAI) (1 FTE)

JDAI reflects a series of statewide reform principles that guide use of secure juvenile detention which include detention risk assessment and alternatives to juvenile detention. The mission of JDAI is to eliminate inappropriate or unnecessary use of secure confinement for juveniles and redirect resources to fund alternatives to secure confinement without risking safety of families or the public. The objective of the statewide steering committee is to promote implementation of eight JDAI principles to improve detention screening, usage, alternatives to detention, and measure impacts on youth of minority populations. Washington juvenile courts do not have a standard data collection system for detention. The ten individual courts that are identified as "JDAI pilots" have created internal systems to screen offenders and collect detention data.

These pilot courts are supported by the statewide coordinator. The interest in JDAI is growing, but as the coordinator position is currently designed, JDAI is unable to expand. Because of this limitation, courts who are not identified as JDAI courts do not have screening tools or detention data. There is no statewide effort to collectively show detention use and alternatives in juvenile court. Aside from advocating for data system upgrades, policy level analysis that

promote implementation of JDAI principles would be the responsibility of the JDAI coordinator and research staff team.

SOLUTION

Statewide support and promotion of probation and detention reform efforts require dedicated staff attention with an equal focus on data and policy. Lesser levels of program support will result in no advancement of best practices for detention reform and an actual decrease in probation research support (time limited funding source). Absent dedicated research and policy staff for probation and detention, the performance of juvenile court operations will continue to be undocumented and disjointed.

COMPARISON

Data and Research (1 FTE)

The Research Associate will maintain critical evaluation and reporting requirements mandated but not funded by the Legislature related to juvenile offender management systems (detention, assessment, and services). Currently, a .5 research associate is being funded from resources from the Washington State Association of Juvenile Court Administrators (WAJCA) and the Executive Branch (JRA). This is a temporary accommodation to meet the statutory demands of the legislature. Funding the position via this agreement is absolutely not sustainable. Funding for this position is coming from funds that otherwise support direct evidenced-based services to system youth. Development of detention data on a statewide basis has not been done to date. Investment in data development and reporting will inform budgeting, create alternatives to secure detention, and reinvest in programs.

JDAI (1 FTE)

Advancing JDAI as a statewide initiative benefits all courts who use detention. If funded, the research and policy analyst would be responsible to promote best practices within the courts and developing strategies and systems to easier manage data that can be used to evaluate detention practices.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Juvenile probation and detention service, based on proven best practices, improves fair and efficient administration of justice. The most important element of probation services and detention (based on JDAI principles) is for youth in the juvenile justice system to be placed in programs and assigned to levels of confinement consistent with their risk level. These goals can only be accomplished with policy support and outcome measures. Courts do not want probation or detention systems to assign youth to programs if they poses a risk to the youth.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Probation programs and secure detention are used regularly, based on objective and subjective determination of risk. Probation assessment assigns youth to evidence based programs and JDAI strategies include assessment that objectively informs the court on the need for secure confinement. These assessments greatly influence the path of intervention for youth and need uniform application across juvenile courts. Assessment tools objectively evaluate the youth and provide additional detail for decision makers. While the Washington Risk Assessment unifies the standard for probation services, use of some or all JDAI principles and strategies will standardize detention screening practices across all juvenile courts.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

The wellbeing of youth in the juvenile justice system can be defined by various practices for probation and detention managed by Washington's juvenile courts.

Data and Research Specialist

Correct application of risk assessment tools enhance effective court management by directing resources to populations that are most in need of supervision, services, and alternatives to formal confinement.

JDAI

Confinement will be necessary to provide protection to victims, youth, families, and the public in general. However, the juvenile justice system has developed and validated tools to inform courts on appropriate application of confinement, a system that has been heavily relied upon. Formal confinement is the most expensive option available to a court. Stakeholders from counties and state are equally interested in attending to the wellbeing of youth in our system while at the same time have proven strategies to provide alternatives to secure confinement. If implemented, detention reform consistent with JDAI will promote strategies to improve court management of juvenile offenders.

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

Local court operations will be better managed if probation and detention system enhancements are staffed and supported at the statewide level. The requested positions are critical if improvements, consistent with probation quality assurance and JDAI principles, are to be applied statewide. Currently there is no complete picture of juvenile detention usage across the State. The mandates of the current JDAI sites is burdensome and not reasonable for some courts to adopt. Once the policy and research analyst position is funded, critical infrastructure to support JDAI can be built, data systems altered, assessment tools consolidated. Once these accomplishments are done, all courts in Washington State can make adjustments to align their practices with JDAI principles without falling prey to the roadblocks that currently exist.

Measure Detail

Impact on clients and service

Trial courts serve the public and juvenile court services include probation and detention programs. The youth and families are directed to juvenile court because of law violating behavior. Various interventions and restrictions are applied to youth in attempt to reduce anti- social behavior and promote pro-social behavior. Outcome of these various strategies and programs is measured, data analyzed, and then used to sustain programs and interventions that show an impact at stopping re-offending behavior. The requested positions are critical to continual measurement of effectiveness and continual improvement, which is the hallmark of the juvenile court continuum of intervention.

The JDAI statewide steering committee promotes principles and strategies in courts that are not currently identified as JDAI sites, while at the same time create mechanisms to ease the process so all courts make efforts to adopt JDAI strategies. The JDAI principles outline detention practices that courts support, but workload associated with adopting JDAI practices has caused reforms to be unattainable to many courts. The steering committee will rely on the research and policy analyst position to address these potential barriers on behalf of juvenile courts.

Clients of JDAI also include juvenile courts, administrators and detention managers. The work of the steering committee will impact the interest that juvenile courts, the detention centers, and the county executive branch have to implement detention enhancements consistent with JDAI.

Lastly, direct clients of JDAI are the youth and children served across the state by juvenile court services. The wellbeing of youth in the juvenile justice system are directly impacted by judicial decisions made about confinement. The more alternatives that are created and sanctioned as part of JDAI, the more appropriate orders can be made while minimizing disruption to a family or school, which might in fact be protective factors for a youth.

Impact on other state services

N/A

Relationship to Capital Budget

N/A

Required changes to existing Court Rule, Court Order ,RCW, WAC, contract, or plan

N/A

Alternatives explored

The current agreement to fund .5 FTE for probation research specialist is temporary and not sustainable. Funding for the position otherwise would be spent to provide services to youth

and families.

The JDAI statewide steering committee was populated and organized in mid-2013. Prior to this request for 1.5 FTE, there had not been an organized effort to collect and analyze statewide data for the purposes of detention reform.

Distinction between one-time and ongoing costs and budget impacts in future biennia

The funding request is for 2 FTE that will have ongoing responsibilities to the AOC, statewide steering committee, and local courts. The need for staff funding is ongoing.

Effects of non-funding

If the positions are not filled, the juvenile court systems of probation and detention will have reduced effectiveness. To date, the probation system has yielded local and state savings. The JDAI principles are spreading throughout the state, but lack cohesion and data collection. The ability to promote best practices for probation and detention requires data, quality assurance, and outcome measurement. Juvenile courts' ability to provide targeted and effective interventions requires these positions. If they are not funded, juvenile courts risk not complying with data and reporting standards mandated by the state. Furthermore, JDAI courts will continue to operate in isolation, additional courts will not meet JDAI standards, and recruitment for a new statewide coordinator will not be fully funded. There will be no centralized data collection process or statewide understanding of detention needs. Under the current structure, some courts have advanced their practices but those improvements will not be duplicated across other juvenile courts if dedicated research and policy staff resources are not assigned.

Expenditure calculations and assumptions and FTE assumptions

The estimated cost of 1 FTE coordinator and policy analyst and 1 FTE at Center for Court Research is included as an estimate. The coordinator/policy analyst FTE is calculated as the equivalent of a range 62 employee at AOC (\$93,059 salary and benefits at the top step annually). The estimate for the research specialist FTE is calculated as a range 65 (\$98,550 salary and benefits annually). In addition, \$5,000 per FTE has been added for equipment, furniture, etc.

The responsibilities of these positions are equal parts research and policy analysis. There are also front end responsibilities to work with the current AOC data applications to modify or use in order to implement a reliable system of detention data collection. Once the current system is altered to allow data entry, the research analyst will be able to communicate with local courts and other stakeholders (steering committee and legislature) about statewide impact of detention usage.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 192,000	\$ 192,000	\$ 384,000
Non-Staff Costs	\$ 10,000	\$ 0	\$ 10,000
Total Objects	\$ 202,000	\$ 192,000	\$ 394,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Misdemeanant Corrections
Supervision Enhancement

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

This package proposes a grant managed process to fund a system of assessment and case management for offenders ordered to supervision and conditions by a court of limited jurisdiction. For a court to be eligible for state funding, the probation division must comply with assessment and case management standards. The proposed system of offender management is optional and outcomes will be measured by re-offending rates. The proposed system targets progressive corrections strategies to frequent misdemeanor level offenders, with a goal to provide meaningful intervention and interrupt criminal progression to more serious behavior.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 450,000	\$ 650,000	\$ 1,100,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	1.0	1.0	1.0

Package Description

The Misdemeanant Corrections Association (MCA) is the Washington state association for misdemeanor probation officers. This funding request is made by the MCA, the DMCJA, and supported by the Trial Courts Advocacy Board and Adult Static Risk Assessment Oversight Committee.

In Washington's Courts of Limited Jurisdiction (CLJ), supervision of offenders can be executed in various ways. Some CLJ, or misdemeanor probation departments, perform pre-trial supervision in addition to post-conviction supervision. Existing probation services perform post-conviction supervision ordered by a CLJ. If no probation department exists, generally, the court will conduct some form of bench probation –that could mean a court clerk reviewing the case for compliance or it could mean the judge reviewing each case.

This budget package proposes a progressive corrections based system which includes assessment, defined supervision practices, and outcome evaluation for re-offending rates.

The Washington State Center for Court Research, in cooperation with the Washington State University, are currently researching criminogenic characteristics of frequent CLJ offenders who primarily serve confinement in local jails. County, city and state funders have shared interest in addressing recidivism in a meaningful way with this population of offenders. If meaningful intervention was available, ordered, and supervised, the impact would be felt in two ways: (1) possible reduction in jail costs and population control (including out of county housing costs) and (2) measure overall impact on recidivism rates, including risk to community.

The strategy to measure recidivism in an operational environment, such as CLJ probation, is to consider arrest and violations which has direct relevance for DUI offenders undergoing monitoring. Also, there is current capacity to track prosecution and conviction for re-offending behavior (and severity). The recidivism evaluation should occur at 6-month intervals, beginning with each sentencing. Employment is another relevant outcome, or protective factor, which can be measured at the beginning, during, and at the conclusion of supervision.

The adult static risk assessment (ASRA) is an automated, validated, actuarially-based assessment that categorizes a defendant's risk to re-offend and risk of violence into the following categories: low, moderate, high property, high drug, and high violent. Case management principles support the use of evidence based interventions to target defendants and offenders who score in the moderate or high risk ranges. The low risk offenders should receive minimal intervention because increased exposure to higher risk populations (even at the court house) it is likely to increase their own risky behavior. The use of confinement alternatives, programs, and targeted case management strategies should be available for those who score moderate or high on the ASRA. That categorization of risk will determine the use of enhanced CLJ probation services, which is the basis for the funding request.

State resources are needed to adequately provide staffing for enhanced case management practices of defendants ordered to supervision by a court of limited jurisdiction. There is a relationship between lowering re-offending behavior and effective case management strategies. This funding proposal articulates a strategy to staff CLJ misdemeanor probation units (some including pre-trial services) to provide improved level of intervention that include application of the ASRA. Not only will this provide an immediate impact to jail populations, it will provide long term data and the ability to evaluate offender characteristics that fall between juvenile and felony criminal activity.

The state will see a rapid return on investment by expecting regular reports back on

intervention effectiveness on recidivism and criminal filing trends. In theory, the felony filing rate will decrease if the mid-level offenders (generally referred for misdemeanors) experience meaningful intervention as part of their CLJ supervision.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

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

Measure Detail

Impact on clients and service

Impact on other state services

Relationship to Capital Budget

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

ARLJ 11 requires that a risk assessment be conducted on every probationer to determine the level of supervision. If courts use the ASRA to determine risk to re-offend and risk for violence, the data can be shared between courts (via JABS) and the assessment is subject to modern validation studies. Use of ASRA is tied to disbursement of state funding to enhance CLJ probation model, which will be a deliverable listed in a contract between the state and city or county.

Alternatives explored

Distinction between one-time and ongoing costs and budget impacts in future biennia

The package requests grant funding for an opt-in supervision system enhancement at the CLJ supervision level. Within 2 years of state supported supervision practices, the jurisdictions that opted in will be measured for re-offending behavior, and the outcome of that evaluation will demonstrate the effectiveness of applying a system of assessment and case management to the CLJ offender population.

Effects of non-funding

If state funding to enhance case management standards and practices for supervision ordered through a court of limited jurisdiction is not approved or funded, the level of meaningful intervention available to this population of offenders will remain inconsistent in our state, and where it doesn't exist at all, judges or clerks will conduct "bench probation/supervision". The current form of probation can be described as surveillance, and does very little or nothing to change criminogenic attributes.

Expenditure calculations and assumptions and FTE assumptions

The model of funding the system is grant based; Administrative Office of the Courts to local CLJ jurisdiction. State funding will be allotted by the Legislature to the AOC, who will accept applications from CLJ jurisdictions wishing to participate.

In the application process, CLJ jurisdictions will outline case management strategies and court operational enhancements that require funding to meet the standards for assessment and case management. The ASRA is a defined process with minimal workload impacts. The sophisticated system of case management is based on standards approved by the MCA and vetted by the Washington State Center for Court Research, which requires staff resources. The local improvement plan will include state resources for staff to meet the demands of the outlined system of case management standards. The system improvement for qualified and selected courts will be measured at least every six months based on new referrals from law enforcement to a trial court. Within two years, with regular reporting, the state and local jurisdiction will clearly understand the extent of state and local cost savings. The grant program will operate within the budget allocated. The amount of state resources allocated will limit the number of courts who can opt into the corrections supervision enhancement.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 50,000	\$ 50,000	\$ 100,000
Non-Staff Costs	\$ 400,000	\$ 600,000	\$ 1,000,000
Total Objects	\$ 450,000	\$ 650,000	\$ 1,100,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Telephonic Interpreting for Language Access To Court Services

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Access to full use of our courts requires clear lines of communication both inside and outside the courtroom. When persons with limited English proficiency are scheduled for proceedings, prearrangements are made for interpreting services. However, in-person interpreting is not typically available for the many instances when individuals call or visit the courts to file paperwork, pay fines, or request information. This proposal is to obtain state funding to offset 50% of the costs associated by on-demand telephonic interpretation to ensure that language is not a barrier from full participation in court services.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 662,000	\$ 662,000	\$ 1,324,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	.5	.5	.5

Package Description

Introduction

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have limited English proficiency. Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially incorrect judicial orders and verdicts.

According to the U.S. Census the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington increased by 50.1% between 2000 and 2010 from 279,497 to 419,576. This shift in Washington's population has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

Legal Obligations

RCW Chapter 2.43.10 identifies the legislative intent for ensuring language access:

"It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them."

In 2007, the Legislature enacted specific standards instructing each trial court to develop language assistance plans which address the provision of language access both inside and outside of the courtroom. Such plans shall include "a process for providing timely communication with non-English speakers by all court employees who have regular contact with the public and meaningful access to court services, including access to services provided by the clerk's office." RCW 2.43.090 (1)(d).

Meaningful access to all court program and activities, both inside and outside the courtroom, is also required by the U.S. Department of Justice for indirect and direct recipients of federal funding. Non-compliance with federal standards may result in the withdrawal of federal funding. As stated by Thomas E. Perez, Assistant Attorney General, in an August 26, 2010 letter addressed to all chief justices and state court administrators,

"Some states provide language assistance only for courtroom proceedings, but the meaningful access requirement extends to court functions that are conducted outside the courtroom as well... Access to these points of public contact is essential to the fair administration of justice, especially for unrepresented LEP persons. DOJ expects courts to provide meaningful access for LEP persons to such court operated or managed points of public contact in the judicial process, whether the contact at issue occurs inside or outside the courtroom."

Current Situation

Currently, courts regularly provide interpreting during legal proceedings, and in some instances the interpreters are available to interpret for litigants outside of the courtroom when interacting with staff. In rare situations, courts may have bilingual staff able to provide direct services in a language other than English. In most situations, however, customers call or come to court on an unscheduled basis, and the court has no advance warning when interpreting is needed for LEP persons. In these cases, courts frequently ask the LEP persons to return with friends or family members to act as interpreters. Since these family members are untrained and untested, it is questionable how accurately they understand and interpret the information, and whether their personal biases infuse the communication. Similarly, given the sensitive nature of why many people access the courts, persons (e.g. domestic violence victims) may face scrutiny or shame in asking acquaintances to serve as their interpreters.

Description of Program

This request is to obtain state funding to offset 50% of the local cost for contracted telephonic interpreting services for non-courtroom interactions. The State of Washington administers contracts with national telephonic interpreting companies, and all trial courts are eligible to obtain services at these rates. Participant courts will enter into contracts with the Administrative Office of the Courts for reimbursement of telephonic interpreting costs for court interactions outside of courtroom proceedings. Courts will submit appropriate invoices to the AOC Court Interpreter Program detailing their telephonic interpreting usage, and qualifying expenses will be reimbursed at 50%. Data will be submitted electronically, so that the AOC can track statewide trends for telephonic interpreting based on court location and language.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for LEP individuals without quality interpretation services. Full access to court services and effective management of court cases require communication between litigants and court staff outside of the courtroom.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

With the far majority of court staff, services, websites and documents being provided in English only, LEP individuals have limited opportunity to access court services. Further, LEP individuals who are required to bring their own family or friends to interpret risk preserving accuracy in communication, or may be hindered due to the sensitive nature of the matters leading them to court.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

On-demand telephonic interpreting services will assist court staff in more effectively serving the LEP public, and processing their cases. Interpretation from objective language experts will avoid confusion or misunderstandings, and ensure that parties are informed of their rights and responsibilities.

Measure Detail

Impact on clients and service

With the availability of State funding, many courts will continue to rely on LEP persons bringing their own family and friends to interpret.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None

Alternatives explored

With limited budgets, courts must currently prioritize the use of limited interpreting funds. Priorities lie with in-person courtroom interpretation.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Telephonic interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.

Effects of non-funding

Courts will continue to provide interpreting services when possible, but prioritization of resources will remain focused on courtroom proceedings. The absence of structure for ensuring interpretation in non-courtroom services will run afoul of both state and federal requirements.

Expenditure calculations and assumptions and FTE assumptions

The average per minute cost with these companies is \$.90, and may vary based on the language. In the majority of requested languages, the companies will connect the requester with an interpreter upon demand.

Currently there are approximately 15,200 cases in Washington courts which have an interpreter assigned to them. It is estimated that each litigant for each case will have an average of nine encounters at non-courtroom related operations, such as calling the court with questions, setting up payment plans, completing forms or other paperwork, meeting with facilitators, etc. These conversations typically last 5 minutes, but when interpreted, take at least twice the amount of time. The anticipated full annual cost for telephonic interpreting is \$1,231,200:

15,200 cases x 9 encounters x 10 minutes x \$.90/minute = \$1,231,200

With a 50% State reimbursement component, this would also constitute the full amount needed for the biennium. The request also includes .5 FTE for AOC for administrative work in contracts and fiscal.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 46,000	\$ 46,000	\$ 92,000
Non-Staff Costs	\$ 616,000	\$ 616,000	\$1,232,000
Total Objects	\$ 662,000	\$ 662,000	\$ 1,324,000

Washington State Judicial Branch 2015-2017 BIENNIAL BUDGET REQUEST

Decision Package

Agency Administrative Office of the Courts

Decision Package Title Trial Court Funding for Language Access
Criminal and Civil

Budget Period 2015-2017 Biennial Budget

Budget Level Policy Level

Agency Recommendation Summary Text

Utilizing state funds allocated by the 2007 Legislature, the Administrative Office of the Courts developed an effective program to improve the quality and availability of interpreting services and to reduce costs at the local level. This allocation has improved state and federal statutory compliance for 52 superior, district and municipal courts and has to that extent preserved the integrity of the judicial process.

The request will extend the success of the grant program to all trial courts over a period of time. The total increase reflects state resources to fund interpreter services in all criminal and civil cases at all levels of trial courts. This funding increase would achieve 100% funding spread out over 3 biennia.

Fiscal Detail

Operating Expenditures	FY 2016	FY 2017	Total
001-1 General Fund State	\$ 3,305,000	\$ 3,304,000	\$ 6,609,000
Staffing	FY 2016	FY 2017	Total
FTEs (number of staff requested)	.5	.5	.5

Package Description

Introduction

The administration of justice requires clear communication in the courtroom. Using properly

credentialed interpreters is imperative in cases involving people who have hearing loss and need sign language interpreters or those who have limited English proficiency as a result of national origin.

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have functional hearing loss or have limited English proficiency. Failure to provide clear, concise interpretation services denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies, additional costs caused by court hearing delays and continuances, and potentially incorrect judicial orders and verdicts.

According to the U.S. Census the number of foreign-born, limited English proficient (LEP) persons age 5 and older in Washington increased by 50.1% between 2000 and 2010 from 279,497 to 419,576. In addition to that population, the number of persons with hearing loss needing court interpreting services has grown, as evidenced by the increasing expense local jurisdictions have faced for sign language interpreting costs. This growth of demand within Washington has directly impacted local courts resources, and their ability to fund state and federal requirements to provide interpretation services.

Legal Obligations

RCW Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires courts to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel.

RCW 2.43.030 compels courts to "... use the services of only those language interpreters who have been certified by the administrative office of the courts..." when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs courts to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires courts to pay all interpreting costs in civil matters for LEP persons who are indigent.

Courts that are direct or indirect recipients of federal funding are obligated to meet higher standards of ensuring language access to the LEP public. These courts are required to take reasonable steps to meet standards established by Title VI of the 1964 Civil Rights Act and the Omnibus Crime Control and Safe Streets Act, which taken together, have more expansive access requirements for ensuring language access. Under the DOJ standards for compliance with those statutes, state courts receiving federal financial assistance cannot allocate or otherwise charge the costs of interpreter services to the parties involved in the court proceeding, including civil cases, or make any type of indigent determinations that assess the ability of a party to contribute to the costs. Furthermore, to be consistent with DOJ language access requirements, courts must provide meaningful access to all court programs and activities, including court functions provided outside of the courtroom.

The inability of many local courts to fully fund interpreter services creates a non-compliance atmosphere across the state that may result in the withdrawal of federal funds by the U.S. Department of Justice.

History of State Funding

The 2007 Legislature recognized the increased financial demand faced by local courts to ensure language access for Deaf and LEP communities, and allocated \$1.9 million to the Administrative Office of the Courts (AOC) for purposes of passing that funding to local courts to support language access costs. This money was designed to be used in assisting courts develop and implement Language Access Plans, as well as offset 50% of interpreter expenses for qualifying courts. The AOC developed an effective program to improve the quality of interpreting, reduce costs at the local level, and improve compliance with state and federal requirements.

After nearly seven years of implementation, state funds transformed court interpreter services for those counties. Because reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates, the Washington courts and communities have received higher quality interpreting services. Participating courts submit data on their interpreter usage to the AOC, which helps identify language needs, actual costs, and geographic trends. The 50% cost-sharing requirement has encouraged participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

Funding Levels

In 2007 the Washington Judiciary asked the Legislature to provide 50% reimbursement for the cost of court interpreters statewide. In response the Legislature appropriated \$1.9 million biannually in pass-through money to the courts. This money was designed to be used in assisting courts develop and implement Language Access Plans (LAPs) as a condition of receiving funding, as well as offset 50% of interpreter expenses for those courts with LAPs. Due to the extraordinary fiscal environment in 2009, the LAP funding was eliminated, and the reimbursement funds dropped to \$1,221,004 biannually. This represented a decrease of 36% in language access funding for participating local trial courts that met the reimbursement requirements and the funding was only sufficient for fifty-two superior, district and municipal courts representing ten counties. While the program has continued in light of those cuts, the funding only lasts approximately seven months per fiscal year. Funding is clearly insufficient to expand into additional trial courts necessary to maintain compliance with federal statutes and regulations as well as meet current local funding requirements under the current allocation scheme.

Narrative Justification and Impact Statement

This package contribute to the Judicial Branch Principle Policy Objectives identified below.

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

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Judicial officers cannot effectively preside over proceedings involving Deaf or limited English proficient (LEP) parties, witnesses or participants without being able to accurately

communicate with them. Public trust and confidence in the courts begins, at a minimum, with the public being able to effectively access and participate in the judicial process. Such participation is not possible for individuals with hearing loss that need sign language interpretation and for LEP individuals without quality interpretation services.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Court proceedings and court services are not accessible to Deaf persons or LEP persons who are not provided with meaningful access using interpreting services. In addition, those individuals who interact with court staff for civil and criminal matters, such as child support matters, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, are often unable to fully understand what is required due to inability of many courts to afford using quality interpreting services at those court services access points.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Efficient and effective court interpreter management requires implementation of practices and policies which save money, yet ensure high quality language access. Courts involved with the state reimbursement program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaborating with neighboring courts.

Measure Detail

Impact on clients and service

With the availability of State funding, nearly all local and county courts will be able to provide court interpreting services and will more easily be able to afford the higher costs associated with credentialed court interpreters, especially if the market cost for those services are extraordinary due to language resource scarcity or location. Access to higher quality interpreters will improve the accuracy of communication in the courtroom. It would also create a more seamless integration of access to court functions and court services outside the courtroom for those with language barriers.

Impact on other state services

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

It would require language changes to RCW 2.43.040 (2), (3) and

(5). Alternatives explored

There are no local funding alternatives that would not require state support to be in compliance with state judicial policy objectives and federal statutory requirements as regards language access obligations. With limited budgets, local courts must prioritize which hearing types they will provide interpreters at court expense. Therefore, some courts continue to charge litigants for interpreter expenses in non-indigent civil matters as is allowed by RCW 2.43 language, which jeopardizes the state's federal funding compliance for court programs.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Court interpreter funding will be an ongoing cost, fluctuating based on immigration trends in the Washington population.

Effects of non-funding

Prior to program implementation, courts paid lower hourly rates for interpreting services. As a result of this program participant courts are paying higher hourly interpreter rates for credentialed interpreters in order to receive higher quality services. While those courts are spending less local money because of the State's contribution, the rates paid by those courts have greatly impacted courts not participating in the program because interpreters now expect all trial courts to pay the same higher rates. Courts not in receipt of state funding are forced to either pay the higher hourly rates in order to ensure interpreting services, or risk losing interpreters to the program participant courts who pay higher amounts. Most Washington trial courts have increased their interpreter fees without increased revenues, thereby reducing funds for other court services. As previously noted, the current funding level only lasts for a portion of the fiscal period for the majority of participating courts. When the funding is used up, those courts often resort to using non-credentialed interpreters that charge less, which defeats the judicial policy purpose of ensuring meaningful access through the use of quality services based on a quality threshold.

Additionally, US DOJ and King County Superior Court have mutually agreed on ways to satisfy federal expectations to provide interpreters for non-indigent civil litigants and is likely that the agreement will serve as a baseline for compliance for other Washington courts in any future DOJ action. Full state funding will address the US DOJ mandate.

Expenditure calculations and assumptions and FTE assumptions

Interpreter Cost Data:

While the AOC has court interpreter data from a variety of courts, it does not have full data on actual court interpreter expenditures for all Superior, District and Municipal trial courts. To estimate costs, it is necessary to categorize court jurisdictions as urban county, rural county and rural county with a city, because typically courts must pay higher costs for interpreter services when interpreters do not live nearby. Most credentialed (certified or registered) court interpreters live in cities.

To calculate a measure of projected expenditures, the estimate includes a ratio of proceedings covered by current statute to those civil proceedings that would be added. According to 2011 case load data, approximately one-third more superior court proceedings would be added due to the removal of the indigency criteria. By applying that ratio to the total reported spending from case load data on criminal interpretation (\$4,905,417), it is possible to derive an estimate for spending on civil proceedings and to come up with a statewide estimate total for interpreter services ($\$4,905,417 * 133\% = \$6,524,276$).

The state expenditure cost for one-half of the criminal and civil interpreter costs is \$3,262,138 per year.

As the survey figures represent 2010 cost and 2011 case load data, the most conservative approach to estimating the biennial expenditure for FY 2015-17 is to use the annual figure using superior court-based case load data. This amounts to at least \$6.524 million per biennium. The figure can be further refined in order to be more accurate due to the increase in interpreter rates and caseloads across the state since the 2011 survey.

Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Funding for an additional .5 FTE is requested as a Range 62 (annual salary and benefits \$46,529) to serve as a project manager to coordinate funding distribution and oversee deliverables. The project manager will develop and monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, and provide technical support to participating courts. Expansion of the state grants to local court jurisdictions requires additional staff.

Object Detail	FY 2016	FY 2017	Total
Staff Costs	\$ 46,000	\$ 46,000	\$92,000
Non-Staff Costs	\$ 3,259,000	\$ 3,258,000	\$6,517,000
Total Objects	\$ 3,305,000	\$ 3,304,000	\$ 6,609,000

WASHINGTON STATE JUDICIAL BRANCH
2014 SUPPLEMENTAL BUDGET REQUEST

Proposed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: Centralized Interpreter Scheduling
Budget Period: 2014 Supplemental Budget Request
Budget Level: Policy Level

Recommendation Summary Text

State and federal laws require Washington courts to provide meaningful access to courts and court services for persons who are hearing impaired or have limited English proficiency (LEP). Failure to provide clear, concise interpretation for LEP individuals doing business at the court, but outside the courtroom, denies these individuals that opportunity, leading to mistrust, confusion, and administrative inefficiencies. The administration of justice requires clear communication in all phases of the case life cycle. Additionally, communications from the federal Department of Justice have indicated that interpretive services must be extended to all court house interactions, not just to proceeding within the courtroom.

Scheduling of interpreters for court hearings is currently a manual process in most courts. It is time consuming and often leads to inefficient scheduling as the staff doing the scheduling are not able to compare interpreter pay rates, driving distances, and other specifics which affect cost.

Use of a centralized, automated scheduling software will eliminate the manual process and allow schedulers to specify how much an interpreter will be paid and the distance the interpreter will need to travel for the hearing.

Fiscal Detail

Operating Expenditures		<u>FY 2015</u>		<u>Total</u>
Sum of All Costs		\$34,300		\$34,300
Staffing		<u>FY 2015</u>		<u>Total</u>
FTEs (number of staff requested)		0		0

Package Description:

Background

RCW Chapter 2.43 prescribes the requirements for providing court interpreter services in Washington courts. Additionally, the U.S. Department of Justice (DOJ) has taken the position that courts receiving federal funding are required to take reasonable steps to meet Title VI

requirements in ensuring language access, including providing and paying for interpreters in all cases. Failure to do so may result in the withdrawal of federal funds by the federal Department of Justice.

Current Situation

With the exception of three courts, courts schedule interpreters manually. When the need for an interpreter arises, a clerk looks at the list of qualified interpreters and begins calling or emailing them. Whichever interpreter is first contacted and available is usually the one that gets the job. Besides being highly inefficient, it also means that the least expensive and/or nearest interpreter is not always being scheduled, leading to higher interpreter costs.

Two district courts and one superior court have implemented an automated system which allows interpreters to view proceedings needing interpreters and then schedule themselves for the proceeding. The first interpreter to schedule gets the job, which eases the work of the court, but does not guarantee that the court is hiring the least expensive interpreter. It also negates opportunities to hire a single interpreter for multiple proceedings. This system has been "gamed" by computer savvy interpreters writing scripts to automatically schedule themselves into proceedings, thereby double booking themselves and cutting out potentially less expensive interpreters.

Proposed Solution

This request is to fund a statewide contract for automated interpreter scheduling. Using currently available software, the court will enter proceeding information (date, time, and venue), the language requirement, the rate the court is able to pay, and the distance within which costs can be paid as search criteria. The software then returns a list of interpreters who meet the criteria. The scheduler then chooses the interpreter from the list, the application sends an email to the interpreter asking for confirmation, and also sends reminder emails a set time before the proceeding is scheduled to occur.

This allows the scheduler to hire interpreters for multiple proceedings, avoids double booking, and gives control of costs to the court, rather than the interpreter. Additionally, the software can accommodate regional groupings of courts, allowing them to "share" interpreter time and cost. This regional approach has been used successfully by Snohomish County Superior and District Court, greatly reducing their interpreter expenses.

With almost 3000 proceedings per month requiring an interpreter, costs are estimated at \$34,300 to cover implementation and training expenses.

Washington courts must openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts. It is our obligation for the trial courts to provide a system that is open and accessible to all participants including those persons with limited English language proficiency, both inside the courtroom and for any court managed functions.

Narrative Justification and Impact Statement:

Describe the way in which way this package contributes to the Judicial Branch Principle Policy Objectives noted below.

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

By centralizing the scheduling of interpreters, their presence is guaranteed at proceedings at a reasonable cost, allowing for the fair and effective administration of justice to LEP litigants.

Accessibility

Providing equal access to the courts includes overcoming barriers to LEP litigants. The proposal decreases the cost of interpreters, allowing courts to meet this mandate in a more economical manner.

Access to Necessary Representation

Not all attorneys are bi-lingual nor is there a state licensed attorney in every language requiring representation in court. By providing certified interpreters, LEP litigants are guaranteed the same access to legal representation as English proficient litigants are.

Commitment to Effective Court Management.

Centralized interpreter scheduling will allow more effective management of cases by ensuring the presence of a certified interpreter at all required proceedings. This will promote effective court management by reducing the number of continued proceeding and assuring LEP litigants understand the outcomes of their cases resulting in fewer returns to court for additional litigation.

Appropriate Staffing and Support

Budget cuts in the judiciary have required the AOC to look for innovative ways to assist in meeting the staffing and support needs of the courts. Centralized interpreter scheduling will allow the correct bi-lingual resources to be available at the correct time at a reasonable cost.

Measure detail

Impact on clients and services

Funding of this proposal will allow proper scheduling of certified interpreters, positively impact the courtroom experience for LEP litigants, and streamline services for all participants in the legal process.

Impact on other state programs

None.

Relationship to Capital Budget

None.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

None.

Alternatives explored

Attempts to use internal AOC resources to create the software are unrealistic at this time given the commitment of those resources to implementing a new case management system for the superior courts.

Distinction between one-time and ongoing costs and budget impacts in future biennia

Setup and training are a one-time cost. The annual fee for use of the software will be ongoing.

Effects of non-funding

Courts will continue to incur higher than necessary interpreter costs.

Expenditure calculations and assumptions and FTE assumptions

Using census data to estimate the LEP population of the State, the total number of interpreter events¹, and an average software fee schedule, the following costs were calculated:

Annual number of interpreter events statewide:	60,085
Less interpreter events in counties using an <u>Existing scheduling method</u>	<u>(24,692)</u>
Total interpreter events	35,393

Monthly interpreter events	35,393/12 = 2949
Monthly fee @ 2949 events/month	\$1,200
Annual fee @ \$1,200/month	\$14,400
<u>Setup and training (one-time expense)</u>	<u>\$19,900</u>
Total cost for FY2015	\$34,300

<u>Object Detail</u>	<u>FY2015</u>	<u>Total</u>
Staff Costs	\$0	\$0
Non-Staff Cost	\$34,300	\$34,300
Total Objects	\$34,300	\$34,300

¹ And interpreter events is defined as one interpreter and a continuous occurrence of one or more hours (e.g., a single trial would be one event, as would multiple hearings in multiple cases if all are scheduled consecutively).

Tab 5



Board for Judicial Administration (BJA)

STANDING COMMITTEE CHARTER

I. Committee Title

Budget and Funding Committee (BFC)

II. Authority

The BFC is created pursuant to BJAR 3(b)(1) as amended.

III. Purpose and Policy

The BFC is created by the BJA and is responsible for 1) coordinating efforts to achieve adequate, stable and long-term funding of Washington's courts to provide equal justice throughout the state, and 2) reviewing and making recommendations, including prioritization, regarding proposed budget requests routed through the BJA.

Recommendation and Prioritization Criteria

The review and recommendations will be made in accord with the mission, core functions and Principal Policy Goals of the Washington State Judicial Branch and the Board for Judicial Administration.

The BFC will also take into consideration other factors including:

- Impact on constitutional and or state mandates
- Impact on the fair and effective administration of justice in all civil ,criminal , and juvenile cases
- Enhancement of accessibility to court services
- Improved access to necessary representation
- Improvement of court management practices
- appropriate staffing and support

The BFC has the authority to establish guidelines regulating the format and content of budget request information received for the purposes of review, recommendation and prioritization.

IV. Membership and Terms

Members of the BFC must be voting members of the BJA. Members will be selected by the representative associations.

Representative	Term/Duration
DMCJA Representative	End of BJA term
SCJA Representative	End of BJA term
COA Representative	End of BJA term

V. Committee Interaction

Groups interested in seeking BJA support for funding initiatives must submit materials in accordance with AOC and BFC guidelines. The BFC will communicate and coordinate with other BJA standing committees when budget requests impact their mission.

VI. Reporting Requirements

The BFC will review materials as submitted and forward its recommendation to the BJA.

VII. Budget Requested

Travel reimbursement \$1,000/year (5 people, 6 times per year)
Judge Pro Tem reimbursement \$0
Coffee and light refreshments \$150

VIII. AOC Staff Support Requested

Director, Management Services Division or AOC Comptroller
Trial Court Services Coordinator

IX. Recommended Review Date

January 1, 2019

Adopted: Mo/Day/Year

Amended: Mo/Day/Year



Board for Judicial Administration (BJA)

STANDING COMMITTEE CHARTER

I. Committee Title:

Court Education Committee (CEC)

II. Authorization:

Board for Judicial Administration Rules (Pending amendment to BJAR 3)

III. Charge or Purpose:

The CEC will improve the quality of justice in Washington by fostering excellence in the courts through effective education. The CEC will promote sound adult education policy, and develop education and curriculum standards for judicial officers and court personnel.

IV. Policy

The CEC will establish policy and standards regarding curriculum development, instructional design, and adult education processes for state-wide judicial education.

The CEC recommends adopting the National Association of State Judicial Educator's *Principles and Standards of Judicial Branch Education* listed below:

The goal of judicial branch education is to enhance the performance of the judicial system as a whole by continuously improving the personal and professional competence of all persons performing judicial branch functions.

- 1) Help judicial branch personnel acquire the knowledge and skills required to perform their judicial branch responsibilities fairly, correctly, and efficiently.
- 2) Help judicial branch personnel adhere to the highest standards of personal and official conduct.

- 3) Help judicial branch personnel become leaders in service to their communities.
- 4) Preserve the judicial system's fairness, integrity, and impartiality by eliminating bias and prejudice.
- 5) Promote effective court practices and procedures.
- 6) Improve the administration of justice.
- 7) Ensure access to the justice system.
- 8) Enhance public trust and confidence in the judicial branch.

V. Expected Deliverables or Recommendations:

The Court Education Committee shall have the following powers and duties:

1. To plan, implement, coordinate, or approve education and training for courts throughout the state.
2. Assure adequate funding for education to meet the needs of courts throughout the state and all levels of the court.
3. Collect and preserve curricula submitted by associations, to establish policy and standards for periodic review and update of curricula.
4. Develop and promote instructional standards for education programs.
5. Establish educational priorities.
6. Implement and update Mandatory Continuing Judicial Education Credits for Judicial Officers.
7. Develop working relationships with the other BJA standing committees (Policy and Planning, Legislative and Budget).
8. Develop and implement standard curriculum for the Judicial College.
9. Provide education for judges and administrators that focuses on the development of leadership skills and provide tools to be used in the daily management and administration of their courts.

VI. Membership:

Voting Members:

Three BJA members with representation from each court level.

Education committee chair/co-chair from each judicial association and level of court. If they have co-chairs, only one vote per association.

Annual Conference Education Committee Chair.

Education committee chair/co-chair or their designee from court administrator associations (DMCMA, SCA, JCA) and county clerks.

Appointments:

BJA Members: Appointed by the BJA co-chairs.

Judicial Members: Appointed by their respective Associations

Annual Conference Chair: Appointed by Chief Justice

Court Administrator and County Clerk Members: Appointed by their respective Association's

Chair of CEC: CEC members will elect their chair from among the three BJA members.

VII. Term Limits

Staggered terms recommended.

Representative	Term/Duration
BJA Representatives (3)	First population of members will be staggered. (3 year term)
Appellate Court Education Chair (1)	Term determined by their Association
Superior Court Judges' Association Education Committee Chair (1)	Term determined by their Association
District and Municipal Court Judges' Association Education Committee Chair (1)	Term determined by their Association
Annual Conference Chair or designee (1)	3 year term
Association of Washington Superior Court Administrators Education committee (1)	No term, no duration limit – Association's choice
District and Municipal Court Management Association education committee (1)	No term, no duration limit – Association's choice
Association of Juvenile Court Administrators education committee (1)	No term, no duration limit – Association's choice
Washington Association of County Clerks education committee (1)	No term, no duration limit – Association's choice

VIII. Other branch committees addressing the same topic

The CEC identified the following organizations involved in education:

- Association education committees.
- Annual Conference Committee.
- Gender and Justice Commission.

- Minority and Justice Commission.
- Court Interpreter Commission.
- Certified Professional Guardian Board.
- Court Improvement Training Academy.
- Commission on Children in Foster Care.
- AOC's Judicial Information Services Education.

The CEC will establish or continue relationships with the above named entities.

IX. Other branch committees to partner with

Foster continual relationships with BJA Legislative, Budget and Funding and Policy and Planning Committee. Court Education Committee will be in close contact with the other BJA standing committees in order to develop long-term strategies for the funding of education and the creation of policies and procedures that are aligned with the BJA strategies and mission statement.

X. Reporting Requirements (i.e. quarterly to the BJA)

This Court Education Committee will report at each regularly scheduled BJA meeting via paper or in-person.

XI. Budget Requested

Travel reimbursement for voting members only.

Meetings will occur on a monthly basis consisting of face-to-face and online meetings as needed.

\$4,000 each fiscal year.

XII. AOC Staff Support Requested

One AOC personnel from the Office of Trial Court Services and Judicial Education section.

XIII. Recommended Review Date

Every two years from adoption of charter.

Adopted: Mo/Day/Year
Amended: Mo/Day/Year



Board for Judicial Administration (BJA) Legislative Committee

STANDING COMMITTEE CHARTER

I. Committee Title

Board for Judicial Administration Legislative Committee

II. Authorization

BJAR 3

III. Charge

The purpose of the Legislative Committee is to develop proactive legislation on behalf of the Board for Judicial Administration and to advise and recommend positions on legislation of interest to the BJA and/or the BJA Executive Committee when bills affect all levels of court or the judicial branch as a whole.

IV. Policy Area

Staff to the Legislative Committee shall refer bills to the committee based on the following criteria:

- The topic is highly visual, controversial or of great interest to the judiciary;
- The bill applies to multiple court levels or the entire branch;
- The bill is referred by another entity;
- There is or could be disagreement between associations or judicial branch partners.

Legislation or ideas for legislation may be referred to the Legislative Committee by other entities at any time. Staff to the Legislative Committee shall confer with staff to the trial court associations for potential referrals when developing agendas. The Legislative Committee cannot reject referrals but may choose not to act on the referred issue or bill after discussion.

V. Expected Deliverables

The BJA Legislative Committee shall:

- Review and recommend positions on legislation as described in Section IV;
- Recommend action by associations or individual persons based on positions taken;
- React quickly as issues arise during the legislative session;
- Ensure regular communication and that no other committee's authority is being inappropriately or inadvertently usurped;
- Develop a communications plan regarding the how committee will interact with relevant stakeholders.
- During legislative sessions, conduct telephone conferences for the purpose of reviewing legislation and taking legislative positions. These calls should be held as soon as practicable in an effort to accommodate the weekly legislative schedule;
- During the interim, meet monthly or as needed, to develop legislative issues and potential "BJA request" legislation. These meetings should be held in conjunction with the standing BJA meetings whenever possible in order to minimize travel-related expenses and time away from court; and
- The BJA Executive Committee shall serve on the Legislative Committee as established under BJA 3(b) (1). A majority vote of the Executive Committee members shall be necessary for positions taken;
- The BJA Executive Committee shall take any emergency action necessary as a result of legislative proposals. All members of the Legislative Committee shall have a vote on the recommendation to the Executive Committee.
- Legislative Committee members shall be well versed in all bills they act upon and shall be expected to communicate all relevant positions or information to the organizations they represent, as well as other parties, including legislators, as needed.

VI. Membership

The BJA Legislative Committee shall be composed of

- The voting members of the BJA Executive Committee;
- DMCJA and SCJA Legislative Committee Chairs; and
- Three BJA members, one from each court level, as nominated and chosen by the BJA.
- Each member will have one vote per seat on the committee. In the event of co-chairs at an association level, that position will have only one vote.

- The chair of the Legislative Committee shall serve for a one-year term, shall be chosen from the three BJA members that are nominated by the BJA, and shall rotate between the three court levels.

VII. Term Limits

The term of standing committee members shall be two years. Each committee member may be reappointed by the Board for Judicial Administration to one additional two-year term.

Term limits should be consistent with a member's term on BJA or commensurate with the term in the office that compels participation on the Legislative Committee.

Representative	Term/Duration
Chief Justice (Exec Com)	Same as term as BJA Chair
BJA Member Chair (Exec Com)	Same as term as BJA Member Chair
COA Presiding Chief Judge (Exec Com)	Same as term as COA PCJ
SCJA President (Exec Com)	Same as term as SCJA President
DMCJA President (Exec Com)	Same as term as DMCJA President
DMCJA Legislative Committee Chair	Same as term as DMCJA LC Chair
SCJA Legislative Committee Chair	Same as term as SCJA LC Chair
BJA Member, SCJA Rep.	2 years
BJA Member, DMCJA Rep.	2 years
BJA member, Appellate Courts	2 years

VIII. Other Branch Committees to Partner With on Related Issues

- SCJA Legislative Committee;
- DMCJA Legislative committee; and
- Other Judicial Branch Boards, Commissions, and Associations.

IX. Reporting Requirements

The BJA Legislative Committee shall report monthly, or upon request, to the BJA.

During session, staff to the Legislative Committee will provide an update to the full BJA after the chair of the committee has made opening remarks.

The Legislative Committees shall report in writing to the Board for Judicial Administration as requested.

The Chair of the Legislative Committee shall attend one BJA meeting per year, at a minimum, to report on the committee's work, if so requested.

X. Budget Requested

In contemplation of activities beyond the legislative session, such as committee meetings and "retreats," as well as costs related to the legislative session, a budget of \$3,000 is requested.

Additional funding requests may be made to the BJA for special educational programs developed for legislators.

XI. AOC Staff Support Requested

- Associate Director, Office of Judicial and Legislative Relations
- Senior Court Program Analyst, Office of Trial Court Services & Judicial Education
- Senior Administrative Assistant

XII. Recommended Review Date

The committee will have a review date of every two years.

Adopted: Mo/Day/Year
Amended: Mo/Day/Year



Board for Judicial Administration (BJA)

PROPOSED COMMITTEE CHARTER: POLICY AND PLANNING STEERING COMMITTEE

I. Committee Title:

Policy and Planning Standing Committee

II. Authorization:

BJA Rule 3(b)(1) as proposed for amendment.

III. Charge or Purpose:

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

The Policy and Planning Standing Committee shall:

1. Create and oversee a planning process on a two-year cycle that accomplishes the following:
 - a. Sets out a clear and accessible plan and schedule for outreach to justice system partners and stakeholders that provides multiple opportunities for input from the judicial branch and identifies major decision points.
 - b. Provides for preliminary identification of issues advanced for attention by the BJA.
 - c. Produces written analyses of proposed issues that examine the substance of each issue, its impact on the courts, the scope of potential strategies to address the issue, the potential benefits and risks of undertaking a strategic initiative to address the

issue, a statement of desired outcomes and the feasibility of achieving desired outcomes, the major strategies that might be employed to address the issue, the resources necessary, and a timeline.

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

IV. Policy Area:

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

V. Expected Deliverables or Recommendations:

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

VI. Membership:

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

Representative	Term/Duration
Chief Justice Chair (BJA voting)	Ex officio
Superior Court Judge (BJA voting)	(TBD)
District or Municipal Court Judge (BJA voting)	(TBD)
Court of Appeal Chief Judge (BJA non-voting)	Ex officio
President-elect of the SCJA (BJA non-voting)	Ex officio
President-elect of the DMCJA (BJA non-voting)	Ex officio

VII. Term Limits:

The terms of members shall coincide with their term and seat on the BJA. The president-elects of the judicial associations shall serve on the committee until becoming president, and shall be then be replaced by the incoming president-elects.

VIII. Other Branch Committees Addressing the Same Topic:

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

IX. Other Branch Committees with Which to Partner:

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

Branch committees and entities include:

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

Other entities include:

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

XIII. Reporting Requirements:

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

X. Budget:

The anticipated activities of the Policy and Planning Standing Committee include regular meetings as well as outreach activities and events.

The costs of the regular meetings depends on frequency and the home locations of members. Assuming bi-monthly, separate from BJA meetings or other events: (6/yr): \$3,000.

The costs of outreach events cannot be calculated with certainty at this point. Some personal interactions will be necessary, either through events sponsored by the committee or by member attendance at events

sponsored by others. Outreach to locations statewide is recommended during the planning and implementation phases. (\$5,000 - \$10,000)

In addition the committee might employ a facilitator or consultant to assist in outreach planning and execution. (\$5,000)

(Total: \$13,000 - \$18,000)

XI. Formal Request for AOC Staff Support and Resources to Support the Committee on an Ongoing Basis:

Ongoing staffing of the standing committee:

- Planning Specialist .75 FTE
- BJA Manager .25 FTE
- Administrative Assistant .25 FTE

Subtotal: 1.25 FTE

Staffing for the Planning Cycle:

During the period in the planning cycle when issues are being analyzed the Policy and Planning Standing Committee is expected to require additional support of various AOC staff with expertise in: programmatic subject matter, legal, statistical, fiscal, information systems, and others. Total contribution on an annualized basis of:

- Subject Matter .50 FTE
- Legal .10 FTE
- Statistical .10 FTE
- Fiscal .10 FTE
- Information Systems .10 FTE
- Other .10 FTE
- Administrative Support .25 FTE

Subtotal: 1.25 FTE

Staffing of Strategic Initiatives:

At the conclusion of each planning cycle it is expected that the standing committee will propose a charter for a task force or steering committee to implement the selected strategic initiative. The proposed charters will include estimates of staffing needs.

XII. Duration/Review Date:

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



Board for Judicial Administration (BJA) Meeting Interim Standing Committees

USE CASES

Background:

The BJA is currently implementing a work plan to develop proposed charters for the four newly formed standing committees. One of the tasks within the work plan is to understand not only what each standing committee will do internally but also how they will interact with the full board and among each other. The team of eight AOC staff members who are staff to the interim committees suggested that it would be easier to understand how the committees might work together if examples, or scenarios, were developed for purposes of discussion.

Issues can come to the BJA through any number of avenues. Some are brought to the attention of the Chief Justice as a co-chair, some are raised by members to the full board, perhaps at the request of a judicial association or other entity, some are presented by other entities within the judicial branch, or by stakeholder organizations.

The scenarios below are not purely hypothetical but reflect actual circumstances that the BJA has encountered in the past under the existing committee structure and may encounter in the future with a new committee structure. In considering how the board and the standing committees might interact in a given scenario, several questions can be framed, including:

1. When a matter is initially brought to the attention of the BJA, what procedural options does or should the board or co-chairs have? (Schedule for action, referral to committee, table, etc.)
2. What should be reasonably expected of each committee when a matter is referred to it? Where an issue implicates the subject matter of more than one committee how can a referral be handled? What role does a committee have when it is not the referral committee but has an interest in the matter?
3. When sitting as the full board, who shall speak for the views of a standing committee?

USE CASE #1

One of the courts' justice partners approaches a BJA Member about wanting to get BJA support for their fiscal sustainability initiative. Their initiative is broad in scope calling for ongoing effort. It relates to the judicial branch in that the success of the initiative would improve or stabilize local funding for courts in general or for specific programs. It is

likely the initiative will result in proposed legislation but no legislation has been proposed yet.

USE CASE #2

A judicial officer contacts BJA staff about securing BJA's support for advancing education and funding for problem-solving courts in the State of Washington. Staff is aware that although there is a great deal of passion on behalf of some judicial members to support these courts, others have concerns about the role of the judicial branch in trying to deal with the social and economic dimensions of litigants' lives that have traditionally been the domain of the legislative and executive branches. The judicial officer asks that the matter be placed on the BJA agenda.

4/2/2014

Tab 6

COURT REFORM AND REGIONAL COURTS:
A REVIEW AND ANALYSIS OF REFORM
EFFORTS IN WASHINGTON'S COURTS OF
LIMITED JURISDICTION



BOARD FOR JUDICIAL ADMINISTRATION
WASHINGTON STATE COURTS

STEVE HENLEY AND SHANNON HINCHCLIFFE
APRIL 2014

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EXECUTIVE SUMMARY

The Board for Judicial Administration requested a review and analysis of all activity, including committee reports, studies and other products, produced in relation to efforts to address concerns with the courts of limited jurisdiction through the development of regional courts. This paper provides that review and analysis, including summaries of legislation enacted or considered affecting the courts of limited jurisdiction. The paper also provides a menu of options for possible future action by the Board.

Concerns raised over the years regarding the courts of limited jurisdiction, particularly part-time municipal courts, can be summarized as follows:

- Services are provided inconsistently across jurisdictions, with some jurisdictions providing limited services while others provide a full range of services.
- Practice and procedures are inconsistent across jurisdictions.
- Hours of access are inconsistent across jurisdictions, with some jurisdictions providing very limited hours of operation.
- There are no authoritative standards that define operational or performance expectations.
- Judicial independence is compromised where city officials, rather than judicial officers, exercise effective control over the operations of the court in some municipal courts, including budgeting and the hiring, firing and supervision of court employees.
- In some courts putative court staff serve multiple functions including within the executive functions of city government, do not identify as court employees, and do not receive court training and support.
- Public accountability of judicial officers is undermined where judicial officers are appointed rather than elected.
- Public trust and confidence in the courts is undermined where there is a public perception that the primary role of the court is to collect revenues for the city or county.
- Public trust and confidence in the courts is undermined where there is a public perception of conflict created when a part-time judge is also actively engaged in practice of law, particularly as prosecutor or criminal defense counsel.
- Small volume courts operate at a lower level of efficiency.

The analysis focuses on understanding these concerns as manifestations of an underlying tension between the judicial branch and local government regarding institutional control of the limited jurisdiction courts. The difficulties of governing effectively within a decentralized system are examined using the organizational theoretic framework of loose coupling. The analysis concludes that attempts to substantially address the identified concerns will only occur when the judicial branch and local governments are able to collaborate effectively and agree on strategies for improvement.

Finally, a menu of possible options for strategic steps is provided, ranging from major reform attempts to smaller projects to achieve incremental improvement. These include:

- Advance previously drafted legislation to create and fund regional courts
- Convene stakeholder workgroup or summit to develop a new proposal
- Create demonstration projects
- Develop performance measures
- Renew work on the recommendations of past studies: election of all judges legislation, compliance with ARLJ 12, trial court coordination councils

I. BACKGROUND

The Board for Judicial Administration (the BJA or Board) commissioned a study in 2012 of the state's limited jurisdiction courts, to be conducted by researchers with the National Center for State Courts (NCSC), with funding from the State Justice Institute (SJI).¹ The study, completed in 2013, examined the courts of limited jurisdiction using a methodology that included surveys and follow-up interviews with a sampling of city and court officials, and provided an assessment of the functioning of these courts along several dimensions. The results of this study are summarized in the appendix. The report included two recommendations: 1) that the BJA consider creation of a comprehensive set of standards for the limited jurisdiction courts with requirements for measuring and reporting performance against those standards; and 2) that the BJA consider conducting one or more evaluation projects of the regional court concept to further assess the impact of regionalization of limited jurisdiction court services.

On September 30, 2013, BJA Chair, Chief Justice Barbara Madsen, requested that BJA staff review the history of regionalization and provide it to the BJA to inform consideration of future actions. This paper is in response to that request. Detailed information of in-depth past studies, committees and workgroups related to Washington's courts of limited jurisdiction can be found in the appendix.

In addition to providing a historical review, this paper includes an analysis that contextualizes these studies within the backdrop of the political culture and governmental structure of Washington State. A discussion of the concepts of governance in a loosely coupled organization is included as it applies to the difficulties of governing local courts. This paper does not offer a specific course of action but provides a menu of possible future actions that the BJA may wish to consider.

II. SUMMARY OF BJA EFFORTS ON REGIONALIZATION WITHIN THE COURTS OF LIMITED JURISDICTION

The courts of limited jurisdiction are comprised of full and part-time municipal and district courts. These courts have changed significantly over time. These changes include everything from comprehensive court reform² to changes in subject matter jurisdiction and court organization.³ Some of these changes have been made as a direct result of the BJA's work on the issues. Other changes have been initiated by the legislature or by individual jurisdictions in collaboration with others.

The BJA has been actively working on increasing the effectiveness and efficiency of courts of limited jurisdiction since at least 1995, when the results of a commissioned statewide survey, known informally as *The Wilson Report*,⁴ were released. The Wilson Report identified seven major areas of concern and proposed over one hundred specific recommendations. Ownership of following up with the recommendations was divided between AOC, BJA and DMCA.

¹ John Doerner and Nial Raaen, *Study on the Courts of Limited Jurisdiction in the State of Washington*, National Center for State Courts, May 2013.

² HB 36, Justice Act of 1961 (SSB 111), and ESSB 4430.

³ RCW 3.50.815, *City of Medina v. Primm*, 160 Wash.2d 268, 157 P.3d, Wash 2007.

⁴ W. L. & C. J. Wilson, *Washington State Courts of Limited Jurisdiction Assessment Survey Report*, 1995-1997.

The next major initiative sponsored by the BJA was *Project 2001, Coordinating Judicial Resources for the New Millennium*.⁵ A major component of this initiative was consideration of trial court consolidation. At that time, the committee concluded that consolidation should not be attempted but that court reform should focus on improved performance and efficiencies. The committee encouraged courts to pool their resources to find new ways of solving common problems and created Trial Court Coordination Councils. This project and corresponding funding was eliminated in 2009 due to budget reductions.

In 2004, the Courts of Limited Jurisdiction Workgroup (CLJW) of the BJA Court Funding Task Force first advanced the concept of “regionalization.” The workgroup articulated six principles for courts of limited jurisdiction and developed a number of short-term and long-term recommendations. In 2005, the BJA slightly modified and then adopted the workgroup’s Regional Courts of Limited Jurisdiction Policy Statement:

Long term, the courts of limited jurisdiction in Washington State should be restructured as regional courts having a full range of judicial functions including jurisdiction over all applicable state laws, county and city ordinances, civil classes and small claims. Regional courts would be located in convenient locations serving both the public and other court users including law enforcement agencies, lawyers, and court personnel. Regional courts would operate full-time, have elected judges, and offer predictable recognized levels of service, including probation departments, and be appropriately funded by state and local government. A regional structure for courts of limited jurisdiction will offer convenience by making courts open and accessible to the public, and coordinate services, staff, and administration and achieve economies of scale for all participating jurisdictions.⁶

After this policy statement was adopted, several studies were conducted on different issues related to the organization of courts of limited jurisdiction, and workgroups have been created with different charges to study issues related to the fulfillment of the vision of regional courts. These efforts include the BJA commissioned study titled *Always the People, Delivering Limited Jurisdiction Court Services throughout Washington*,⁷ the enactment of the Trial Court Improvement Act,⁸ the proposed election of municipal court judges bill(s) and most recently, the study completed in 2013 by the National Center for State Courts.

Although some successes have been achieved through these efforts, the long-term vision of regional courts as articulated in the 2005 policy statement has not been realized.

III. ANALYSIS

The numerous examinations of the courts of limited jurisdiction conducted over the last 60 years, summarized above and in the appendix of this paper, reveal a long-standing dissatisfaction, primarily but not solely on the part of judicial branch leaders, with the organizational structure, operations and performance of the courts of limited jurisdiction, specifically with respect to smaller and part-time

⁵ *Project 2001, Coordinating Judicial Resources for the New Millennium, January 2001 BJA Final Recommendations as reported to the Legislature.*

⁶ BJA Meeting Minutes, November 18, 2005.

⁷ Douglas K. Somerlot and Aimee Baehler, *Always the People: Delivering Limited Jurisdiction Court Services Throughout Washington*, October 2003.

⁸ E2SSB 5454 Revising Trial Court Funding Provisions (Chapter 457, Laws of 2005).

municipal courts. The specific focus of this dissatisfaction has varied and shifted over time, but the basic issues have been generally consistent.

In sum, concerns include:

- Services are provided inconsistently across jurisdictions, with some jurisdictions providing limited services while others provide a full range of services.
- Practice and procedures are inconsistent across jurisdictions.
- Hours of access are inconsistent across jurisdictions, with some jurisdictions providing very limited hours of operation.
- There are no authoritative standards that define operational or performance expectations.
- City officials, rather than judicial officers, exercise effective control over the operations of the court in some municipal courts, including budgeting and hiring, firing and supervision of court employees.
- In some courts putative court staff serve multiple functions including within the executive functions of city government, do not identify as court employees, and do not receive court training and support.
- Public accountability of judicial officers is undermined where judicial officers are appointed rather than elected.
- Public trust and confidence in the courts is undermined where there is a public perception that the primary role of the court is to collect revenues for the city or county.
- Public trust and confidence in the courts is undermined where there is a public perception of conflict created when a part-time judge is also actively engaged in practice of law, particularly as prosecutor or criminal defense counsel.
- Small volume courts operate at a lower level of efficiency.

Beneath these ongoing concerns is a fundamental structural tension, embedded in Washington law, between the principles of judicial independence on the one hand and local autonomy on the other. Specifically there is concern over the ability of the judicial branch to exercise institutional control of its courts, and that local governments exercise an inordinate level of authority over the courts.

LOCAL AUTONOMY AND JUDICIAL INDEPENDENCE

Washington has a robust political culture, with local participation as one of its cornerstones. This culture has its formative roots in the pre-statehood era, when small communities, often remote from one another, were created and grew around various economic opportunities. By necessity these communities built the basic institutions of civic life, including local courts, and these institutions have come to define what it means to be a community.

Municipal officials value their institutions and are protective of their ability to manage their affairs locally. Throughout the decades of court reform efforts the cities have been clear and consistent in expressing the importance to them of local control. Regarding matters of criminal justice and the courts, the Association of Washington Cities has adopted the following policy statement:

City officials are best positioned to direct the criminal justice efforts that reflect community values and standards to ensure public safety within their boundaries. To achieve this, cities need an adequate array of resources, tools, and authority,

especially when criminal justice caseloads often rise during difficult economic times when traditional revenues are down.

This emphasis on local control has important implications for the courts and impedes the general national trends in court reform over the last century. The result of robust localism is, in the words of the NCSC consultants, a “predilection toward a high degree of city control over court operations (which) creates obvious concern in regards to judicial independence and the ability of the judiciary to exercise administrative authority over the court as an independent branch of municipal government.”⁹

The principle of local autonomy, as regards courts, comes into tension with the principle of judicial independence. Early conceptions of judicial independence focused on the individual judge, and the necessity that the judge be free from exogenous influences in the exercise of the adjudicatory function. “The judge must not only be independent – absolutely free of all influence and control so that he can put into his judgments the honest, unfettered and unbiased judgment of his mind – but he must also be freed of business, political and financial connections and obligations so that the public will recognize that he is independent.”¹⁰ The concern from this perspective is that justice requires the judge’s actions might be, or might be perceived to be, influenced by improper factors.

A more contemporary perspective of judicial independence emerged in the latter half of the twentieth century and focuses on the court as an institution rather than on the individual judge. This view starts with the recognition that a modern court is not a solitary judge making decisions in isolation, but is a complex organization with a number of inputs and outputs aside from judicial decision-making that have an impact on case outcomes. From this institutional perspective, justice requires not only that the judge, but that the court organization overall, be free from undue external influence.

From this institutional perspective it is important that the court, and court staff, be oriented to the distinct mission and goals of the court, rather than the somewhat divergent mission and goals of local government. This perspective is reflected in the Trial Court Performance Standards:

Standard 4.1: The trial court maintains its institutional integrity and observes the principle of comity in its governmental relations.

Commentary. For a trial court to persist in both its role as preserver of legal norms and as part of a separate branch of government, it must develop and maintain its distinctive and independent status. It also must be conscious of its legal and administrative boundaries and vigilant in protecting them. Effective trial courts resist being absorbed or managed by the other branches of government. A trial court compromises its independence, for example, when it merely ratifies plea bargains, serves solely as a revenue-producing arm of government, or perfunctorily places its imprimatur on decisions made by others. Effective court management enhances independent decision-making by trial judges.¹¹

⁹ John Doerner and Nial Raaen, *Study on the Courts of Limited Jurisdiction in the State of Washington*, National Center for State Courts, May 2013, 54.

¹⁰ John J. Parker, *The Judicial Office in the United States*, *Tennessee Law Review* 20 (1949), 705-706.

¹¹ *Trial Court Performance Standards with Commentary*, Bureau of Justice Assistance, United States Department of Justice, 1997.

Standard 5.3 addresses public perception:

Standard 5.3: The public perceives the trial court as independent, not unduly influenced by other components of government, and accountable.

Commentary. The policies and procedures of the trial court, and the nature and consequences of interactions of the trial court with other branches of government, affect the perception of the court as an independent and distinct branch of government. A trial court that establishes and respects its role as part of an independent branch of government and diligently works to define its relationships with the other branches presents a favorable public image.

The issue of institutional control recurs throughout the record concerning the municipal courts, from the 1960 report of the Legislative Council to the present. In the 2013 report for the BJA, NCSC researchers John Doerner and Nial Raaen summarized surveys and telephone interviews of municipal officials and judges:

The issue of administrative and local control over court services was perhaps the most consistent theme among those interviewed, particularly the municipal officials. . . . The inherent tension between the roles of presiding judges as the primary administrative officer of the court and city officials that fund and manage human resources is characteristic of jurisdictions with localized court funding.¹²

This structural tension notwithstanding, local governments in Washington are, nonetheless, the source of most trial court funding and Washington law provides municipalities with a range of options and considerable discretion regarding how they will meet statutory obligations to provide for courts and judicial services. They have naturally been protective of these prerogatives. In a governmental structure such as this it is evident that little change in the organizational structures or operations of the municipal or district courts of Washington is likely to occur without, at a minimum, the consent of the municipalities and counties, and more probably without their active participation in negotiating those changes. It is certainly difficult to conceive of a legislative proposal mandating substantive change succeeding over the opposition of the municipalities or counties.

At the same time the municipalities and counties do not appear to be immovably wed to the status quo, and they have indicated willingness to consider changes that improve court services or control costs. And so there exists possibilities for improvements that are mutually acceptable to both local governments and the state judicial branch. Any strategy intended to modify the limited jurisdiction courts must necessarily include a strategy to engage the municipalities and counties in discussions to design those modifications. The challenge is not in conceptualizing potential improvements, whether through regionalization or other strategies, but in creating a path for the courts and local governments to agree on those improvements.

GOVERNANCE IN A LOOSELY COUPLED COURT SYSTEM

In recent years, discussions within the national court community regarding court governance have come to understand non-unified court systems through the organizational theory framework of “loose

¹² John Doerner and Nial Raaen, *Study on the Courts of Limited Jurisdiction in the State of Washington*, National Center for State Courts, May 2013, 52.

coupling,” and to start to grapple with the unique challenges of guiding decentralized systems.¹³ “Loose coupling” refers to a pattern of structure and relations within a system in which interdependencies among component parts of a system, and between vertical layers of the system, are relatively weak. A loosely coupled system is one in which the central authority does not exercise direct command and control of the component parts and it does not supply all critical inputs, or resources needed by the parts. Rather, the component parts must look elsewhere for critical resources, and as a result, must balance responsiveness to the needs of those external sources with internal expectations and commitments. (For a full discussion of the application of coupling theory to the Washington court system see “Rethinking Planning in the Washington Court System” working paper, Administrative Office of the Courts, March 2014.) This conceptualization provides a useful model and vocabulary for thinking and talking about the Washington court system and its relationship with local courts and local government. In 2010, Gordon Griller, Director of the Trial Court Leadership Program at the NCSC’s Institute for Court Management, summarized the inherent challenge in governing a decentralized system:

There is little debate that to realize their full potential, loosely coupled organizations require some centralized management to achieve higher performance, greater efficiency, consistent direction, and economies of effort. So the real question is not autonomy versus subservience, or in organizational terms, decentralization versus centralization, but how the two concepts can best be blended to capture their strengths and minimize their disadvantages.¹⁴

More recently Mary McQueen, President of the National Center for State Courts, wrote that “(g)overning a loosely coupled organization requires a distinctive approach to leading.”¹⁵ She counsels court leaders to be more attentive to the “glue” (processes) that connects loosely coupled systems than to the formal structure of those systems. She calls for a deftness of leadership and attention to developing processes that are viewed as legitimate and, ultimately, helpful to the parts of the organization.

The broad sweep of judicial reforms over the last 60 years has been toward consolidation of state court systems in terms of court jurisdiction, funding, and administration.¹⁶ In writing about the future of court reform, Robert Tobin does not predict that the trend to consolidation will result in a complete vanquishing of local autonomy, but a shift in the boundaries of inter-branch relationships: “Localism will not lose its force as an influence acting on community level judicial systems, nor should it. At the same time the clear trend has been toward a more robust institutional concept of judicial independence, and with it a continued attention to boundaries between the judicial and the other branches of government.”¹⁷ This suggests that to make progress in improving the limited jurisdiction courts in general, and the smaller and part-time municipal courts in particular, the challenge will be in finding a workable framework for negotiating change with the counties and municipalities to advance the values and interests of both the judicial branch and local government. Entrenched commitment to the status quo, or insistence on unilateral control, would not be constructive in moving toward an improved state.

¹³ Mary Campbell McQueen, *Governance: The Final Frontier*, June 2013.

¹⁴ Gordon M. Griller, *Governing Loosely Coupled Courts in Times of Economic Stress*, National Center for State Courts, 2010, 49-50.

¹⁵ *Id.*

¹⁶ Tobin, Robert W., *Creating the Judicial Branch: The Unfinished Reform*. National Center for State Courts, 1998.

¹⁷ *Ibid.*

This challenge is not unique to the courts. Research on loosely coupled systems has focused primarily on education and health systems, but now is being applied more broadly. Practitioners have focused on the concept of a “collaborative capacity” as an indicator of the ability of components within a loosely coupled system to work together and sustain commitment to a shared undertaking.¹⁸ Where collaborative capacity can be enhanced and nurtured, a loosely coupled system can be capable of ongoing cooperation that produces favorable outcomes.¹⁹

CONCLUSION

The issues of concern in the courts of limited jurisdiction are long-standing and are compounded by a governmental structure that divides governing responsibility and authority over the courts between the judicial branch and local government. Improvements can be made, whether through regionalization of services or other strategies, but are likely to occur only where the judicial branch and local governments are able to collaborate on an ongoing basis in designing and implementing such improvements. The BJA has legitimated authority among the judiciary, and is accepted by stakeholders as the voice of the judiciary. The Board can serve a central and unique role as an intermediary among the levels of court and other stakeholders. If any progress is to be made, it will come as a result of the BJA reaching out to the counties and cities as well as other stakeholders and engaging them in meaningful conversations about the limited jurisdiction courts and steps that can be taken to improve them that are acceptable to both the judicial branch and local government. While the BJA considers strategies to address specific concerns regarding the courts of limited jurisdiction, it should also be attentive to building and strengthening relationships with component parts of the system and with key stakeholders, and should consider deliberate efforts to enhance the collaborative capacities of system dynamics.

IV. OPTIONS FOR FUTURE ACTION

BJA STRATEGIC GOAL 5.2

The BJA was created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State.²⁰ The current strategic plan of the BJA includes a goal regarding the courts of limited jurisdiction which states:

GOAL 5.2 IMPROVE THE QUALITY AND CONSISTENCY OF SERVICES OFFERED BY COURTS OF LIMITED JURISDICTION.

The commentary and objective related to this goal speak to implementation of the concept of regionalization, first adopted in 2005, as the means to achieve this goal. The strategy that has been pursued to implement regionalization included changes in law to allow consolidation of functions across jurisdictions, to authorize county-level trial court coordination councils, a budgetary strategy to direct state funding to support regionalized operations, and a requirement that all judicial officers be elected.

¹⁸ Pennie. G. Foster-Fishman, *Building Collaborative Capacity in Community Coalitions: A Review and Integrative Framework*, et al, Michigan State University, East Lansing, Michigan.

¹⁹ Jeffrey A. Alexander et al, *Sustainability of Collaborative Capacity in Community Health Partnerships*, Medical Care Research and Review, Vol. 60 No. 4 (2003).

²⁰ Board for Judicial Administration Rule (BJAR) 1.

These strategies have met with some success but have not achieved the desired result of fully formed regional courts.

The analysis provided in the last part describes an environment, both structural and cultural, in which local government retains a high degree of control over the organization and operations of the limited jurisdiction courts, including determining whether a municipality will even have a court. This structural and cultural environment has changed little in the decade since the goal of regionalization was first articulated by the Court Funding Task Force and adopted by the BJA. It is a governmental framework in which the capacity of the BJA and the judicial branch at the state level to unilaterally affect changes in the local courts is constrained by the limited mechanisms of command and control available to the branch, relative to more unified state court systems, and by operation of Washington's court funding structures.

This circumstance exemplifies the model of a loosely coupled system.²¹ If the BJA accepts the validity of this analysis, and also remains committed to a goal to "improve the quality and consistency of services offered by the courts of limited jurisdiction," the question then turns to consideration of strategies to advance this goal within the context of a loosely coupled governance structure.

In addition to Goal 5.2, the BJA also adopted Goal 6.2 in the 2008 strategic plan, which provides:

GOAL 6.2 PROMOTE THE INSTITUTIONAL INDEPENDENCE OF THE JUDICIAL BRANCH IN A WAY THAT WILL FOSTER MUTUAL RESPECT AND COOPERATION AMONG THE BRANCHES OF GOVERNMENT.

The Board has a number of options available to it, summarized below, ranging from attempts at broad reform, to modest and limited incremental improvements. This paper suggests that these options be considered by the Board in terms of: 1) compatibility with Goal 5.2 as well as 6.2 of the long-range strategic plan and the overall mission and goals of the branch, and 2) feasibility given the existing dispersion of governing authority within the judicial branch and local government, as well as the availability of necessary resources.

MENU OF STRATEGIC STEPS

1. Advance Previously Drafted Legislation to Create and Fund Regional Courts

The goal of creating regional courts was adopted by the BJA in 2005. In 2008, the Regional Courts Ad Hoc Workgroup enhanced the concept and prepared draft legislation for optional regional courts, including incentive funding for jurisdictions that elect to participate in a regional court. At its meeting of September 18, 2009, the Board agreed that it should not advance the proposal but hold it for possible advancement in a more favorable fiscal environment.²² The Board could renew this effort and seek consideration of this proposal in the legislature.

2. Convene Stakeholder Workgroup or Summit to Develop a New Proposal

The 2008 proposal was drafted by an ad hoc workgroup that included several judges and one district court administrator. It was staffed by the AOC. The cities and counties were not engaged in developing the proposal but only to comment on it after it was drafted. The BJA could consider

²¹ Weick, Karl E., *Educational Organizations as Loosely Coupled Systems*, Administrative Science Quarterly, 21 (1976).

²² BJA Minutes, September 18, 2009.

organizing a second effort to draft a proposal that includes local government stakeholders as meaningful participants from the start. If a proposal were to be jointly developed and supported by the judicial branch and local government it would likely have a greater probability of success in the legislature. This effort could be in the form of a workgroup or steering committee which would work over a period of months, perhaps a year, to develop a proposal.

In the alternative, the BJA could approach the cities and counties with a proposal to jointly sponsor a forum, or workshop, to discuss strategies for improving the quality and consistency of services offered in the courts of limited jurisdiction. This event could at least help forge consensus on a statement of basic values and goals, and possibly generate a framework to work cooperatively going forward.

3. Create Demonstration Projects

The NCSC study produced as one of its two recommendations the creation of evaluation, or demonstration, projects to test and study the concept of regionalization. The consultants suggested that four major areas be examined as part of the evaluation framework: 1) services impact, 2) organizational impact, 3) external impact, and 4) cost/benefit analysis.

Any demonstration projects would necessarily require the voluntary participation of several municipal governments in proximity to one another as well as the district court. In overseeing the project and evaluation the District and Municipal Court Judges' Association, the District and Municipal Court Management Association, the Association of Washington Cities, the Washington State Association of Counties, the Washington State Association of Municipal Attorneys, the individual courts, and the specific municipal governments should all be involved. Collection of usable, comprehensive and comparable data would be a concern. A demonstration project would likely be the topic of a multi-year study, using a combination of methodologies.

4. Develop Performance Measures

A recurring complaint in studies of the courts of limited jurisdiction is the lack of authoritative standards or measures against which performance of the courts of limited jurisdiction can be assessed and options in court structure and policy evaluated. In its 2013 study the NCSC recommended development of a set of comprehensive standards with the participation of municipalities, the DMCJA, AOC and others. Collateral to the creation and adoption of performance measures would be adoption of requirements for gathering and reporting of relevant data.

This recommendation mirrors similar recommendations produced by various study commissions and committees. The 1989 Judicial Council Task Force on Courts of Limited Jurisdiction, for example, recommended the adoption of operating standards for all of the courts of limited jurisdiction. The 1990 Commission on Washington Trial Courts recommended the establishment of "minimum standards for courts of limited jurisdiction in areas such as staffing, support services and programs in order to provide consistent and equal justice." The 1997 Wilson Report recommended that the branch establish "court operating standards in areas of staffing, support services, facilities and equipment, and others."

The technology of court performance measurement has evolved a great deal in recent decades. One change has been away from "standards," in the sense of targets or minimum requirements, and toward a terminology of "measures" as indicators that are useful for purposes of management and court improvement but do not impose normative expectations that might not fit the particular

situation of a court. One size, as has been said, does not fit all. The importance of performance statistics is often in the trend lines rather than the reported values at any given point in time.

Relevant to consideration of performance measures is progress toward identifying specific quantitative measures which should be present within the case management system. These measures can be specified to fields within a case management system so that reports can be generated for easy use. The conversation is timely with discussion of replacement of the legacy District/Municipal Court Information System (DISCIS) now known as JIS, with a new statewide case management system.

5. Renew Work on the Recommendations Of Past Studies

Detailed information regarding the delivery of services by courts of limited jurisdiction are contained within previous reports. Many recommendations resulting from these studies are still outstanding. For example, recommendations such as the proposed legislation for election of all judges, requiring courts to comply with ARLJ 12, and trial court coordination councils. The BJA may elect to pursue these more focused objectives.

a. *Election of All Judges Legislation*

Several iterations of this legislation have been approved and supported. Although the proposal makes the most sense in the context of the pursuit of regionalization, it also provides reinforcement for judicial independence and would advance the goal of consistency at least as regards mechanisms of public accountability.

b. *Compliance with ARLJ 12*

One of the short-term goals of the CWLJ was to require courts to post their hours regularly with AOC. This goal was somewhat accomplished by creating ARLJ 12 which requires courts of limited jurisdiction to report certain operational data annually. Unfortunately, only 60-70% of courts on average report the information and data are too limited to support significant conclusions. There is presently no enforcement mechanism for non-compliance with ARLJ 12. Although certification of courts of limited jurisdiction courts conditional on compliance has been suggested, the concept has not been adopted.

c. *Trial Court Coordination Councils*

Trial court coordination councils were created to encourage cooperation among trial courts at the local level. This strategy is in contrast to attempts to advance cooperation at the state level. Trial court coordination councils are still authorized, but funding to support collaborative projects ended in 2009. At this point in time it is believed that the only functional trial court coordination council is in King County.

The BJA may elect to make an effort to revitalize the coordination councils through a budget request. In doing so the Board may wish to target the use of funds to encourage regionalization of services. In addition the BJA may wish to consider ways to engage local government officials through the councils, either as members or through a specific outreach effort implemented at the local level through reconstituted coordination councils.

ASSESS RESOURCE REQUIREMENTS

The possible next steps described above are not exhaustive, and the options are not mutually exclusive. The Board may wish to pursue one, or several, or none. It is important to note that the summaries provided above do not include a discussion of the resources that would be required. Some of the options, such as demonstration projects or development of performance measures, would be substantial undertakings requiring a sustained commitment of resources over a number of years. Others would be less onerous but not insignificant. After choosing any option, a resource evaluation should be made and reviewed before proceeding.

APPENDIX: A SURVEY OF BJA EFFORTS
RELATED TO IMPROVING THE DELIVERY
OF JUDICIAL SERVICES AND
REGIONALIZATION IN WASHINGTON
COURTS OF LIMITED JURISDICTION

I. BRIEF ORGANIZATIONAL HISTORY OF THE COURTS OF LIMITED JURISDICTION

EARLY COURTS OF LIMITED JURISDICTION

While the state constitution creates the Washington Supreme Court and a general jurisdiction court known as the superior court, it delegates to the legislature the authority to create other courts, including limited jurisdiction courts. Article IV, Section 1 of the Washington State Constitution provides:

JUDICIAL POWER, WHERE VESTED. The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

Prior to 1961, limited jurisdiction “inferior” courts were comprised of justices of the peace along with an assortment of other local fee-funded courts including municipal courts, police courts, mayor’s courts and night courts. In Washington, as in other states in the 1950s, legal reform efforts began to focus on the trial courts. At that time, trial courts nationally were widely regarded as “externally dominated, highly disorganized, often unprofessional, and poorly managed, to the point where the integrity of the state courts was being seriously undermined.”²³

EARLY COURT REFORM EFFORTS

In 1957, the Legislative Council undertook a review of the trial courts and introduced a bill that would have consolidated the justices of the peace and other inferior courts into county-based “justice courts” to be funded by the counties rather than through fees.²⁴ The bill passed the House but died in the Senate on third reading on the last day of session. In 1961, the legislature approved a more incremental bill, mandating the replacement of justices of the peace with justice courts in the three most populous counties and authorizing them in the others as a county option.²⁵ Municipal and fee-based police courts could be maintained in counties without a justice court. In a county with a justice court, a municipality could also choose to create a department of the justice court or, if the population was under 20,000, could maintain an independent municipal court.

COURT IMPROVEMENT ACT OF 1984

This structure remained in place through the 1960s and 1970s. In the early 1980s attention again turned to reorganization of the courts of limited jurisdiction when a number of municipalities terminated their municipal codes and closed their courts to avoid the growing fiscal demands of prosecuting, defending and adjudicating cases. This eventually led to the most comprehensive reorganization of the trial courts of Washington in the modern era, the Court Improvement Act of 1984.²⁶ Under the Act, justice courts were retitled “district courts” and the remaining justices of the peace became district court judges. Other statutes relating to justice of the peace courts and police courts were repealed, leaving district courts and

²³ Robert W. Tobin, *Creating the Judicial Branch: The Unfinished Reform*. National Center for State Courts, 1998.

²⁴ HB 36 (1957).

²⁵ New Justice Court Act of 1961 (SSB 111, Laws of 1961, ch. 299).

²⁶ The Court Improvement Act of 1984 (ESSB 4430, Laws of 1984, ch. 258 § 1).

municipal courts as the only authorized courts of limited jurisdiction. In addition, municipalities could still form a department of the district court or enter into an agreement with the county for the district court to take cases originating within the jurisdiction.

STATUTORY RESPONSIBILITY TO PROVIDE COURT SERVICES

In 1996, the responsibilities of municipalities and counties were clarified in RCW 39.34.180, specifying that each county, city and town is responsible for the prosecution, adjudication, sentencing and incarceration of misdemeanors and gross misdemeanors committed by adults within the jurisdiction, whether charged under state law or city ordinance. A municipality could carry out these responsibilities with its own court, staff and facilities or may enter into an agreement with the county.²⁷

In addition to the ability to enter agreements with counties, municipalities began to form interlocal agreements with other municipalities to provide court services. Although not expressly allowed by statute, cities proceeded to enter into increasingly sophisticated court services agreements.

EFFECT OF CITY OF MEDINA V. PRIMM

In 2007, the Washington State Supreme Court weighed in on the court's authority to hear cases outside the geographical boundaries of their respective city or town pursuant to the interlocal agreements allowed under RCW 39.34.180 in *City of Medina v. Primm*.²⁸ In the majority opinion, the court concluded that cities may contract with another "to perform any governmental service," without exception for municipal court services and that the statutes did authorize extra-territorial operation of municipal courts pursuant to court-sharing agreements.

While the organization of district courts have remained largely unchanged since this ruling, the operations and administration of municipal courts have become a creature of both statute and interlocal agreements. Today, several regional arrangements for the delivery of court services have been established. In addition to municipalities that contract with a district court, some cities contract with other cities for court services or hold court in the same building as another city. In 2008, RCW 3.50.815 expressly allowed a city to fulfill its criminal justice responsibilities by entering in court services agreements with one or more cities.

Aside from the extra-territorial jurisdiction issue settled in *Primm*, other collateral issues continue to persist. Recently, the issue of terminating a municipal court within the judicial term has become the source of vigorous debate. Termination of municipal courts by the cities' executive and legislative branches has unseated both elected and appointed municipal court judges prior to the end of their judicial term, contrary to RCW 3.50.040 and RCW 3.50.050. In 2014, the District and Municipal Court Judges' Association sponsored a bill that would require cities to terminate their courts at the end of a statutory judicial term.²⁹ BJA voted to support the bill but it did not make it out of the House Judiciary Committee.

²⁷ ESSB 6211, Relating to Criminal Justice Costs (Laws of 1996, ch. 308).

²⁸ *City of Medina v. Primm*, 160 Wash.2d 268, 157 P.3d 379, 2007.

²⁹ HB 2601, Relating to Municipal Court Terms.

II. CURRENT ORGANIZATIONAL STATUS OF THE COURTS OF LIMITED JURISDICTION

ADMINISTRATIVE OFFICE OF THE COURTS' PUBLIC RECORDS REQUEST³⁰

In 2011, the Administrative Office of the Courts requested public records related to the operations of municipal courts from all cities served by a part-time judge in order to officially document them. Analysis of these documents identified nine areas of concern: 1) Judicial Salaries, 2) Terms of Office, 3) Judicial Discipline or Removal, 4) Judges Pro Tem, 5) Role of the Presiding Judge, 6) Staff Reporting Relationships, 7) Decisional Independence, 8) Institutional Independence, 9) Costs and Fees. The report provides specific information and examples, included but not limited to the following findings:

- Many cities have ordinances that give authority for the appointment of pro tem judges to city officials. Under current law, only the presiding judge has that authority.
- Most cities appear to honor the judge's independence and impartiality in the judge's adjudicatory role. However, provisions in some cities seem to intrude on the court's decisional independence.
- Some cities have enacted local fees that may either be prohibited by law or not authorized by law and that alter statutory revenue distribution schemes.

In response to these findings, the District and Municipal Court Judges' Association (DMCJA) created an ad hoc workgroup to review the documentation and contact each part-time judge about issues particular to his or her jurisdiction. The majority of the judges reported that they were working with their mayor and/or council to improve certain identified issues or agreed to do so if any municipal provision was in conflict with statutes or GR 29. Many judges reported that current practices and actual operations are in compliance.³¹ The DMCJA Board of Governors voted to continue to monitor the situation and send out a survey in early 2014, after judges take office, to follow-up on individual progress.

CURRENT ORGANIZATIONAL MODELS

In 2012, the Association of Washington Cities (AWC) conducted a survey of its constituent cities and towns to gather information about how municipalities are meeting their obligations under RCW 39.34.180. The survey asked whether the municipality operated its own court or was in an interlocal agreement with a district court or another municipality. It also gathered information on the hours of operations of the court, and whether the judge or judges were elected or appointed.

The results indicate that at the time there were 100 municipal courts operating in the state. The remainder of the 281 responding municipalities either contract with the district court or another municipal court, or have a department of a district court.

³⁰ Dirk Marler, *Part-Time Municipal Courts in Washington-Discussion Draft*, paper presented at BJA Meeting, Olympia, February 17, 2012.

³¹ *Judicial Independence & Part-Time Municipal Courts, DMCJA Workgroup Report*, presented at DMCJA Board of Governors Meeting, SeaTac, September 14, 2012.

Court Services	Number	Description
Tribal Court	1	
Self-Operated Municipal Court	100	84 are stand-alone; 16 provide court services to other municipalities
Contract with District Court	148	
Contract with Other Municipalities	23	23 contract with a self-operated municipal court
Operate as a Municipal Department of District Court	9	Expansion of this model is no longer authorized by statute
Total Responding to Survey	281	

In terms of hours of operation, 16 of the 100 courts operate 35 or more hours per week. The remainder operate less than 35 hours per week, including 59 courts that report operating less than 10 hours per week:

Judicial Hours of the 100 Self-operated Municipal Courts:	
Less than 10 hours per month	19
From 5 to 15 hours per month	14
Less than 10 hours per week	26
From 10 to 20 hours per week	12
From 21 to 34 hours per week	13
Over 35 hours per week (Full-time)	16
Total	100

These organizational models of service within district and municipal courts were categorized by the NCSC Courts of Limited Jurisdiction Study, as:

- Model 1: City operates its own stand-alone municipal court
- Model 2: City operates its own court and also one or more other courts under an interlocal agreement
- Model 3.1: City contracts for court services through the district court
- Model 3.2: City contracts for court services through another city
- Model 4: City receives court services through a department of a district court³²

³² John Doerner and Nial Raaen, *Study on the Courts of Limited Jurisdiction in the State of Washington*, National Center for State Courts, May 2013.

III. BJA EFFORTS TO IMPROVE THE EFFECTIVENESS AND EFFICIENCY OF COURTS OF LIMITED JURISDICTION

1995 COURTS OF LIMITED JURISDICTION ASSESSMENT SURVEY REPORT, KNOWN AS *THE WILSON REPORT*

In January 1995, then Chief Justice Barbara Durham commissioned a comprehensive survey of the policies, procedures, and facilities of Washington State's district and municipal courts. The statewide survey, which became known as *The Wilson Report*,³³ included four major phases: 1) Research, 2) Development and Testing of the Survey Instrument; 3) Survey Administration, 4) Analysis and Presentation of the results. Out of 190 courts, 136 were surveyed and an on-site interview process took approximately 7 hours.

The report identified seven major areas of concern based on their survey responses: 1) Leadership, 2) Separation of Powers, 3) State Funding, 4) Judicial Officers, 5) Delivery of Judicial Services, 6) Minimum Enforceable Operating Standards, and 7) Court Registration and Certification. Over one hundred specific recommendations on topics of access, accounting, case processing, compliance, costs, court management, facilities, probation services, security, judicial independence, contracts and domestic violence were put forward.

In response to the recommendations, the DMCJA created an action plan, responding to many of the recommendations and implemented several of the recommendations in their organizational operations. Although AOC and the DMCJA were given ownership of most of the recommendations, the BJA was tasked with a few recommendations such as studying the advisability of legislation on a few subject areas. Several of these recommendations were implemented and some remain outstanding today.

PROJECT 2001, COORDINATING JUDICIAL RESOURCES FOR THE NW MILLENNIUM

The Board of Judicial Administration, newly reconstituted in 2000, undertook as its first major initiative *Project 2001, Coordinating Judicial Resources for the New Millennium*. This project was an attempt to conduct "a thorough review of the judicial system, implement short-term solutions, and establish a continuing process for improving the courts."³⁴ A major component of the initiative was the consideration of trial court consolidation.

After considering the potential benefits and risks and studying a number of states who had recently unified different levels of court, the group concluded that consolidation should not be attempted, but rather that court reform should focus on how to improve performance and efficiencies within the current trial court structure.

Through its research on court performance, the committee found there are essential characteristics among successful trial courts, regardless of their jurisdiction or configuration. These keys to success are

³³ W. L. & C. J. Wilson, *Washington State Courts of Limited Jurisdiction Assessment Survey Report 1995-1997*.

³⁴ *Project 2001, Coordinating Judicial Resources for the New Millennium, January 2001 BJA Final Recommendations as reported to the Legislature, January 2001*.

the framework for the core recommendations of Project 2001:

- Clear authority of the presiding judge
- Flexible assignment of judges to cases
- Trial court coordination and collaboration³⁵

The committee also found that the BJA could play a crucial role in encouraging courts to pool their resources to find new ways of solving common problems. This signified a shift in the underlying approach to advancing improvements in the limited jurisdiction courts; a decades-long trend toward consolidation pivoted to a strategy to encourage “cooperation, coordination and collaboration” among the existing courts.³⁶ Implementation measures flowing from this shift included the establishment of Trial Court Coordination Councils in a number of jurisdictions, and the allocation of funds to incentivize collaborative endeavors. In April 2002, the Supreme Court created General Rule 29 which outlined, among other things, administrative responsibilities, duties and authority of presiding judges.

TRIAL COURT COORDINATION COUNCILS

The Trial Court Coordination Councils resolution envisioned that each jurisdiction would develop a comprehensive system of cooperation, coordination and collaboration among the trial courts and was a result of a Project 2001 recommendation. The goal was to work toward maximum utilization of judicial and other court resources by developing a comprehensive trial court coordination plan.³⁷

As a result of these plans, 16 projects were facilitated between various jurisdictions to further the goal of maximum utilization of resources in several areas. These projects included things such as reducing juror non-response rate, internet-based video conferencing, cross-court pro se assistance, cross-court issuance of protection orders, and trainings. Trial Court Coordination funding was eliminated in 2009 due to budget reductions and a final report was submitted at the September 2009 BJA meeting.³⁸

COURTS OF LIMITED JURISDICTION WORKGROUP (CLJW) OF THE BJA COURT FUNDING TASK FORCE

In 2002, the BJA created the Court Funding Task Force. The Task Force created four work groups, one of which was the Courts of Limited Jurisdiction Workgroup, chaired by Judge Ann Schindler. Their charge was to:

“study structural and court funding issues in courts of limited jurisdiction, district and municipal courts that result from multiple delivery systems in the same geographic area and recommend efficient and effective methods of delivering judicial services and whether changes such as

³⁵ *Id.* at vi.

³⁶ *Id.* at 1.

³⁷ http://www.courts.wa.gov/committee/?fa=committee.display&item_id=196&committee_id=89, last visited on March 3, 2014.

³⁸ BJA meeting minutes, September 18, 2009, 5.

consolidation of district and municipal courts should be made under the current system.”³⁹

2013-14 BJA members Justice Susan Owens and Judge Stephen Dwyer were part of the Task Force membership. This workgroup first advanced the concept of “regionalization,” a hybrid system that retained a role for municipalities, including deciding whether to provide a facility for a regional court within the municipality.

The workgroup articulated six “principles for courts of limited jurisdiction” that emphasized the need for courts to be managed effectively, efficiently, and independently.

- I. Courts will maintain their constitutional role as a separate, equal, and independent branch of government.
- II. Courts will be structured and function in a way that best facilitates the expeditious, efficient, and fair resolution of cases.
- III. Courts will be accessible to the community they serve and provide services that enable the public to navigate through the court process with a minimum of confusion.
- IV. The primary mission of the courts of limited jurisdiction is to expeditiously, efficiently, and fairly resolve cases and serve the residents of the community, not to generate revenue.
- V. Courts will operate in compliance with court rules and statutes.
- VI. Courts will be administered with sound management practices, which foster the efficient use of public resources and enhance the effective delivery of court services.⁴⁰

The workgroup provided both short-term and long-term recommendations. The short-term recommendations included changes to Title 3 RCW to support a more regionalized court structure. These proposals included:

1. Clarify the statutory court options and encourage regionalization of courts of limited jurisdiction. All courts of limited jurisdiction court models should be contained in Title 3 RCW.
2. Update current provisions in Title 3 authorizing municipalities and counties to provide joint court services by interlocal agreement.
3. Create a new section in Title 3 authorizing cities to contract with other cities to form regional municipal courts with elected judges.
4. Elect judges at all levels of court to promote accountability and the independence of the judiciary.
5. Limit district and municipal court commissioner authority to differentiate their responsibilities from those of elected judges.
6. Amend Title 3 to emphasize a collaborative regional approach to the provision of district and municipal court services by expanding the role and membership of the districting committee.
7. Require each court of limited jurisdiction to provide court services to the public on a regularly scheduled basis at established hours posed with the Administrative Office of the Courts.
8. Authorize municipal courts to hear anti-harassment protection petitions.

³⁹ *Court Funding Task Force, Courts of Limited Jurisdiction Delivery of Services Workgroup, Final Report, October 12, 2004, 3.*

⁴⁰ *Id.* 4.

9. Require courts of limited jurisdiction to timely hear domestic violence protection orders or have clear, concise procedures to refer victims to courts where the service is available.
10. Increase the civil jurisdiction amount in dispute that can be filed in district court to \$75,000.
11. Require district courts to implement dedicated civil calendars and case scheduling.⁴¹

The workgroup concluded by outlining the concept of a fully realized regional court. The BJA adopted the following as the Regional Courts of Limited Jurisdiction Policy Statement on November 18, 2005:

Long term, the courts of limited jurisdiction in Washington State should be restructured as regional courts having a full range of judicial functions including jurisdiction over all applicable state laws, county and city ordinances, civil classes and small claims. Regional courts would be located in convenient locations serving both the public and other court users including law enforcement agencies, lawyers, and court personnel. Regional courts would operate full-time, have elected judges, and offer predictable recognized levels of service, including probation departments, and be appropriately funded by state and local government. A regional structure for courts of limited jurisdiction will offer convenience by making courts open and accessible to the public, and coordinate services, staff, and administration and achieve economies of scale for all participating jurisdictions.⁴²

The BJA adopted the principles, implementation concepts and the short-term recommendations of the workgroup in 2004, and in 2005 adopted a slightly modified version of the long-term vision of a regional court.

2004 JUDICIAL MANAGEMENT INSTITUTE STUDY

In 2004, the BJA commissioned a study by the Justice Management Institute (JMI) to support the work of the Trial Court Funding Task Force. The study, *Always the People, Delivering Limited Jurisdiction Court Services throughout Washington*,⁴³ surveyed a select group of limited jurisdiction courts to assess court structure, practices, and the effects of parallel systems for providing limited jurisdiction court services.

The interviews which were conducted under the project elicited observations of the interviewees on the issue of court structure. The JMI gave findings in the concept areas of: 1) Limited Jurisdiction Court Structure, 2) Judicial Branch Independence, 3) Public Trust and Confidence, 4) Access to Justice, 5) Administration and Management, 6) Enforcement of Judgments, and 7) Compliance, Competence, and Training. They stressed the relationship between judicial branch independence and public trust and confidence. Public confidence is based on the perception that courts are a buffer between citizens and government. In order for courts to be a buffer, citizens must have ready access to a full range of court

⁴¹ *Id.*, 5.

⁴² BJA meeting materials, April 18, 2008, 25.

⁴³ Douglas K. Somerlot & Aimee Baehler, *Always the People: Delivering Limited Jurisdiction Court Services Throughout Washington*, October 2003.

services. The study found that the appearance of independence is heightened if judges are selected by other than the court's funding authority.

TRIAL COURT IMPROVEMENT ACT – E2SSB 5454

In 2005, the legislature, responding to an initiative of the BJA, expanded state funding to provide that the state would contribute to salaries of district judges and elected municipal court judges.⁴⁴ E2SSB 5454 created an Equal Justice Sub-account and provided for disbursement of funds in the account to local governments for partial reimbursement of district and qualifying municipal court judges' salaries. The original bill as passed, required 25% of the amount of revenues be distributed to the equal justice account for the 2005-2007 biennium and required 50% of revenues be contributed for the 2007-2009 and subsequent bienniums.

In 2009, the Legislature passed ESSB 5073 which eliminated the sub-account and directed the money to the General Fund instead and currently the salary reimbursement comes from the General Fund. This funding was part of a coordinated effort to provide additional state funding for courts of limited jurisdiction. It also removed the requirement for ongoing 50% funding and replaced it with more aspirational intent language to fund at 50%.

ELECTION OF MUNICIPAL COURT JUDGES BILL

In November 2005, a draft bill was presented to the BJA that incorporated several concepts from the court funding Task Force recommendations. The bill included: 1) electing all full-time and part-time judges by 2010, 2) allowance of a county to decrease the number of district court judges to be elected if a county contracts with a city for services and 3) the requirement that the judge must be elected of two or more cities that have contracted for services. In the 2006 legislative session, this legislation which became known as HB 3021 and SB 6342, was sponsored and introduced to change the election and appointment provisions for municipal court judges. Although the Senate version was voted out of the House, it died in the Rules Committee.

At the November 2009 BJA meeting,⁴⁵ members voted to continue to pursue legislation related to elections of municipal court judges and commissioners. This resulting bill was Senate Bill 6686 and while it made it over to the House Judiciary Committee, it was ultimately unsuccessful. When the BJA was asked whether or not to run the bill for the 2010 session, there was a consensus that it should be kept on the back burner but remain on the table and wait for a better economic climate.⁴⁶

REGIONAL COURTS AD HOC WORKGROUP

In 2008, the BJA created the Regional Courts Ad Hoc Workgroup, chaired by Judge Craig Matheson, to enhance the concept of a regional court and to draft legislation.⁴⁷ The intention was to produce a work

⁴⁴ E2SSB 5454 Revising Trial Court Funding Provisions (Chapter 457, Laws of 2005).

⁴⁵ BJA meeting minutes, November 20, 2009, 2.

⁴⁶ BJA meeting minutes, September 18, 2009, 4.

⁴⁷ BJA meeting minutes, April 18, 2008.

product that would serve as a starting point for discussions among stakeholders, leading to a proposal to be submitted in 2009.

The initial proposal included the following concepts: 1) giving the district and municipal courts the option to form a regional court of limited jurisdiction, 2) several state funding incentives to do so, 3) having judicial elections every six years, 4) grandfathering existing judicial officers, 5) filling vacancies in the same manner as superior court judges, 6) restructuring of districting committees and 7) incorporating some minimum standards for those municipalities who chose to create a satellite location of the regional court.⁴⁸

This project began in the spring of 2008 and was completed in November. In the intervening months, the national economy experienced a noticeable decline, and revenue forecasts for Washington projected a shortfall of more than five billion dollars. The proposed draft legislation which resulted from the effort, which included significant fiscal incentives for local participation, was not advanced due to the significant economic decline.

2008 BJA LONG-RANGE STRATEGIC PLAN

In 2008, the BJA adopted its most recent long-range strategic plan. This Long-Range Plan⁴⁹ was designed to formalize the vision of the BJA and to create a platform for ongoing operational deployment of goals, objectives and tasks. Specific to CLJs and the concept of regional courts, the plan included goal 5.2 and its associated commentary, objective and tasks:

GOAL 5.2 IMPROVE THE QUALITY AND CONSISTENCY OF SERVICES OFFERED BY COURTS OF LIMITED JURISDICTION.

COMMENTARY: The Court Funding Task Force recommended that courts of limited jurisdiction should be reorganized into regional courts funded by the state. These regional courts would have jurisdiction over all applicable state laws and county and city ordinances and causes of action as authorized by the legislature. Regional courts would operate full time, have elected judges, and offer predictable, recognized levels of service, including probation. A regional structure for courts of limited jurisdiction will decrease the proliferation of small, limited operation, part-time courts. Ideally, regional courts would offer convenience, consolidated services, staff and administration, and would achieve savings through economies of scale for all participating jurisdictions.

Objective: Organize courts of limited jurisdiction into convenient, regional courts which consolidate services now provided by multiple smaller courts.

Task: 1. In order to move toward the long-term goal of creating regional courts of limited jurisdiction, the BJA will support the update of Title 3 RCW including:

- Authorizing municipalities and counties to provide joint court services by interlocal agreement.
- Authorizing cities to contract with other cities to form regional municipal courts with elected judges.

⁴⁸ BJA meeting materials, September 18, 2009, 40-41.

⁴⁹ *The Long-Range Strategic Plan for the Board for Judicial Administration*, adopted at July 18, 2008 BJA meeting.

- Emphasizing a collaborative regional approach to provision of district and municipal court services by expanding the role and membership of the districting committee.

In the plan the Board succinctly frames the issue and describes the challenge in general terms:

- Goal 6.2: Promote the institutional independence of the judicial branch in a way that will foster mutual respect and cooperation among the branches of government.

2011 REGIONAL COURTS WORKGROUP

In March 2011, as a result of the discussion about whether or not to sponsor the municipal court elections bill for the upcoming session, the BJA created the Regional Courts Workgroup⁵⁰, chaired by Judge Sara Derr, and directed it to craft “a legislative proposal to modernize Washington’s courts of limited jurisdiction by regionalizing court services in a manner that promotes access to justice and administrative efficiency.”⁵¹

The workgroup concluded that the assortment of relationships between and among courts that already existed represented something of a naturally occurring experiment, and that the existing models should be evaluated to help determine the characteristics of effective collaboration among courts.⁵² The workgroup proposed several options to evaluate regional court models as “one size does not fit all” due to geography and other considerations. The workgroup suggested conducting pilot court studies which would utilize already existing models; the evaluation would gather data for two to four years. Before continuing with the pilot studies, the workgroup asked whether they should move forward, the BJA members did not register any specific objections.

The outcome of this workgroup represented somewhat of a shift: instead of proposing a regional court that would replace multiple courts, the several courts would continue to exist in some form of consortia that regionalized selected functions, including the judge function along with “back house” administrative operations.

In December 2011, AOC staff indicated that there was specific legislative interest in consolidation and then State Court Administrator Jeff Hall and Chief Justice Madsen spoke with NCSC regarding a funding proposal to gather data related to examine the cost and major operational features of municipal courts representing various types of organizational structure and governance and study the options for consolidation.⁵³

2013 NATIONAL CENTER FOR STATE COURTS STUDY ON COURTS OF LIMITED JURISDICTION

At the conclusion of the 2011 workgroup Mr. Hall submitted a proposal to the State Justice Institute for funding to conduct a study to evaluate existing court service arrangements in Washington. Funding was awarded, and the NCSC was contracted to conduct the study. This study began in the summer of 2012

⁵⁰ BJA meeting minutes, March 18, 2011, 5.

⁵¹ Regional Courts of Limited Jurisdiction Project Charter, approved at July 15, 2011 BJA meeting.

⁵² BJA meeting minutes, October 21, 2011, 2-3.

⁵³ BJA meeting minutes, December 9, 2011, 4-5.

and the BJA created a Regional Courts Study Oversight Committee, chaired by Judge David Svaren, to serve as a liaison with the researchers. The final report was submitted in May 2013.

The report was intended to be a prelude to possible court organization reform with the goal of achieving a court organizational structure that would make Washington courts of limited jurisdiction more efficient and effective service providers.⁵⁴

The final report described the perceived problems and benefits of the identified models and offered a comparative data analysis on various factors such as staffing and caseloads between the models. The study also discussed the lack of performance measure data upon which they could rely. The summary and observations provide commentary regarding municipal court organization, judicial independence, operational standards, judicial conduct and professionalism, court performance and consolidation.

The report made two recommendations. The first that the BJA could sponsor demonstration projects to evaluate the efficacy of the regionalization concept. The second is to undertake the development of a performance measurement system.

The demonstration projects should include four major areas in the project: 1) Services Impact, 2) Organizational Impact, 3) External Impact and 4) Cost/Benefit Analysis. Participants should include courts that are capable of providing all necessary data and judicial and executive leadership at the local level is necessary to the success.⁵⁵

The other recommendation made by the National Center for State Courts was that the judicial branch engage in performance measurement through a designated task force including the participation from municipalities, the District and Municipal Court Judges' Association, the Administrative Office of the Courts, and others, as appropriate, to develop a comprehensive set of standards applying to limited jurisdiction courts. This would include some mandatory requirements for measuring and reporting by the courts with respect to the established standards.⁵⁶

The BJA asked the Regional Courts Study Oversight Workgroup to provide its collective opinion regarding these two recommendations. The workgroup was generally supportive of an effort to develop a performance measurement system, and was not supportive of an initiative to create demonstration projects at the time, suggesting that the Board should first provide clear identification of the issues to be addressed.⁵⁷

⁵⁴ Id. 1.

⁵⁵ John Doerner and Nial Raaen, *Study on the Courts of Limited Jurisdiction in the State of Washington*, National Center for State Courts, May 2013, 60.

⁵⁶ John Doerner and Nial Raaen, *Study on the Courts of Limited Jurisdiction in the State of Washington*, National Center for State Courts, May 2013.

⁵⁷ Municipal Court Study Oversight Workgroup, *Review of NCSC Recommendations*, presented at the September 20, 2013 BJA meeting

Rethinking Planning in the Washington Judicial Branch

Introduction

For several years leaders of the Washington State court system have attempted to establish a long-range planning program for the state's judicial branch, focused on instituting a conventional strategic planning process. Judicial branch stakeholders, however, have traditionally viewed central planning with caution, particularly in the trial courts, and are reluctant to commit to a process with uncertain outcomes. These efforts have therefore met with limited success.

Nationally, court management professionals have begun to focus on the limitations of the traditional strategic planning model as a vehicle for guiding courts and court systems. These writers have concluded that conventional strategic planning, while capable of producing positive outcomes under the right conditions, is much less likely to be successful where favorable conditions are not present. Critical among the relevant conditions is the degree of centralization of authority and decision making within a given court system. Conventional planning is generally easier to accomplish and more likely to be successful where the system exhibits a higher degree of centralization, and more difficult and less effective in conditions of relative decentralization. An abstract concept that has emerged as a useful tool to discuss and analyze relative centralization within a system or organization is "coupling," where "loosely coupled" refers to a system where decision-making is relatively decentralized. These writers advocate that in a loosely coupled court system traditional strategic planning not be attempted, and instead planning and governance in such a system be tailored to the particular attributes of that system.

This paper reviews the recent history of planning in the Washington State judicial branch, explores the concept of loose coupling and its application to the Washington court system, and discusses the possibilities of an approach to planning for the judicial branch of Washington as a loosely coupled system.

Part I. Recent Planning Efforts

The Washington State judicial branch has not to date attempted a branch-wide strategic planning initiative, whether under the auspices of the Board for Judicial Administration (BJA or Board) or through another vehicle such as the Administrative Office of the Courts (AOC) or the office of the Chief Justice. To the extent planning has been carried out its scope has been limited. For example, the BJA developed a long-range plan in 2008 which was limited in scope to the BJA itself, and did not purport to plan for the wider branch. One goal in the BJA's strategic plan (Goal 3.1) was to create a long-range plan "for the judiciary." This phrase was chosen to distinguish the intention from an attempt to plan for the judicial branch more globally. This project, built on a compilation and review of past policy reports, was begun but discontinued. Other components of the branch have developed or attempted to develop long-range plans, including the Court of Appeals and the Administrative Office of the Courts. These plans were similarly limited in scope.¹

The planning efforts within the judicial branch prior to 2011 were largely independent of one another, although there was some overlap of membership and staffing. In early 2011, an assessment of existing planning efforts was conducted by AOC staff. The assessment identified a number of positive attributes of the planning work, but concluded:

(P)lanning activities to date also demonstrate several significant weaknesses. These deficiencies are important and potentially critical to long-term success, but they are neither fatal nor irreversible. Planning efforts are still at a stage where these deficiencies can be addressed and the process strengthened going forward. These weaknesses can be summarized as:

- There is a lack of clarity regarding the contemplated scope of the planning efforts, with subsequent overlap of efforts.
- Some key actors were not engaged in developing and managing the planning process.
- Outreach to key stakeholders regarding substance of plans has not yet substantially occurred.
- Planning efforts did not include comprehensive analyses of external and internal environments.
- Draft planning documents do not clearly identify and focus on major strategic issues.
- There is a risk of inconsistent direction emanating from separate plans.

¹ For a more thorough overview of planning efforts prior to the fall of 2012, see memo to Callie Dietz, *Summary and Status of Branch-Wide Strategic Planning Activities*, September 14, 2012.

- Insufficient staff and fiscal resources were allocated to support a comprehensive planning process.

The assessment went on to recommend several steps be taken to lay a foundation for a branch-wide planning initiative:

Branch leadership should consider identifying several guiding principles to be relied on in managing planning activities going forward, and to take a number of practical steps, consistent with these principles, to effectuate a more effective approach to planning efforts.

Guiding principles might include the following:

- Planning efforts should emphasize a collaborative approach, with a primary goal to create consensus among key stakeholders and constituencies around a shared understanding of major strategic issues, agreement on appropriate responses to these strategic issues, and to support the development of a successful coalition to carry out those responses.
- Planning should be forward thinking, capable of anticipating and responding to possible threats and opportunities in emergent environments.
- Planning should be practical, designed to provide both broad vision and strategic objectives of the branch as well as lead to specific guidance for component elements of the court system.
- Planning should focus on long-term strategic and structural issues rather than near-term tactical and operational issues.
- Planning efforts should be achievable, with an appropriate commitment of staff resources, funds for reasonable expenses, and availability of critical participants.

Advisory Workgroup

To advance this strategy, the Chief Justice formed an advisory workgroup in the summer of 2011 to discuss how a branch-wide planning effort might be organized. This group met three times from August 2011 to January 2012. The general intention was to follow a conventional approach to strategic planning, such as the Bryson model, and discussion came to focus on identifying or creating a planning body that would have sufficient credibility and organizational capacity to conduct an effective branch-wide planning initiative. The advisory body discussed the potential for the BJA and its Long-Range Planning Committee to serve as the institutional vehicle to lead a planning effort. The group saw this as problematic, and was concerned that the BJA was confronting growing perceptions, both internally and externally, that it lacked unity and a common sense of direction, and so was becoming ineffectual as a governing body. The conclusion of the advisory group was that at that time the BJA was not well

positioned as an institutional vehicle capable of this task. This view was not unanimous, and one member, a leading superior court judge, expressed the view that the BJA was the only legitimated body within the branch with the breadth of support necessary to lead a planning effort.

With the BJA eliminated for the time being as a potential vehicle for planning and no other apparent alternatives, the advisory body concluded that a planning effort could be organized under the auspices of the Chief Justice with support of major stakeholder constituencies. To explore this further and expand the discussion to key stakeholders, a meeting was convened in April 2012, with participants drawn from the leadership of the component parts of the judicial branch as well as representatives from the bar, county clerks, and state and local government. The meeting was facilitated by Dean Kellye Testy of the University of Washington School of Law. Discussions among presenters and participants were of a general nature, exploring some of the major challenges facing the state's justice system and the need to act collectively to address them. No specific proposal for a planning body or process was advanced.

Following the meeting, the Chief Justice sent letters to all participants thanking them for attending and asking them to confer with their constituencies and indicate their level of support for a planning effort. At this point the assumed paradigm for planning remained conventional: a large, multi-year project to develop a master plan for the judicial system. In response to the Chief Justice's outreach some of the participants wrote in full support of a planning initiative, while others expressed varying degrees of reservation.

BJA Retreat

In early 2012, while the discussions of the advisory group were taking place, the BJA had begun planning a retreat at which it would attempt to address growing concerns about the overall functionality of the body. As Chair of the BJA's Long-Range Planning Committee, Judge Chris Wickham had elected not to hold any meetings of that committee pending resolution of issues surrounding the role and structure of the BJA. Thus by August 2012, as feedback from the stakeholder meeting was being offered, the BJA was preparing for its retreat. In the interim Jeff Hall had resigned as State Court Administrator, and Callie Dietz had been appointed as Interim Administrator.

Ms. Dietz made arrangements with the National Center for State Courts (NCSC) for consultants Laura Klaversma and Tom Clarke to visit Washington for the purpose of advising her on governance and planning of the state court system. The consultants spent several days in the state, conducting

interviews with a range of branch leaders and with AOC staff. The consultants provided their assessment based on the interviews they conducted:²

Conclusions from Interviews:

The current long-range planning effort is ineffectual. This is due to at least two primary reasons.

1. There is no governance in place or accepted as governance to carry out the planning and implementation. The BJA, members and non-members, view the planning effort with distrust, disinterest or lack of understanding. The Washington Chief Justice and Supreme Courts of the past have been uninvolved and inactive in administering and leading any planning or governance effort. No precedence or cultural expectation that the Supreme Court or the Chief Justice would lead this.
2. The process, traditional strategic planning, is not a good fit for courts in general and particularly a heavily decentralized state such as Washington.

(Emphasis added.)

In addition to the site visit and interviews, Ms. Klaversma attended the BJA retreat. The consultants offered their conclusions and recommendations based on discussions at the retreat:

Conclusion from BJA Retreat:

During the BJA retreat it seemed that the members felt that there is a need for the BJA structure and culture to change in order to be effective. There was no indication that any of the members thought the BJA should cease to exist. The Board for Judicial Administration Rules (BJAR) state that one of its duties is to “establish a long-range plan for the judiciary.”

Recommendations:

1. The BJA structure, roles and responsibilities need to be clearly defined and acknowledged if it is to be of any value in governing or developing long-range planning.
2. The Commissions, Boards and Committees for the BJA and Associations need to be reviewed and modified to give clarity and authority to those within the BJA. This can also help in lessening the time strain on the volunteer judges, court administrators and

² Memorandum to Chief Justice Madsen and Interim SCA Callie Dietz, *Washington Long-Range Planning*, September 25, 2012.

clerks as well as staff in the Administrative Office of the Courts that support them.

3. Once the first two recommendations are completed, a Long Range Planning Effort designed for loosely coupled organizations can be initiated.

(Emphasis added.)

In sum, the outcome after over a year of discussions which included the deliberations of the advisory workgroup, the dialog with stakeholders, the BJA retreat, and the consultants' observations, was a clarifying focus on two critical facts: First, while it remains an open question whether the BJA is capable of leading planning efforts in the Washington State court system, the BJA is nonetheless the only entity within the branch that has any meaningful potential to manifest the legitimacy – the credibility, expertise and political support – necessary to lead in this area. Second, efforts to apply a conventional approach to planning, such as the Bryson model, had been misguided. Traditional strategic planning, which has been successful in other states, has been viewed with suspicion in Washington, and attempts to convince component parts of the branch to support such an initiative only exacerbated concerns that the planning process would lead to micro-management and loss of autonomy for parts of the branch designed for and accustomed to a relatively high degree of independence.

Following the retreat, as advised by the NCSC consultants, the BJA set about to reassess the structure, roles, and responsibilities of the BJA in an effort to form a stronger, more focused leadership entity. A parallel effort would review and reorganize its committees. Thereafter, the BJA would undertake the role of institutional sponsor for branch-wide planning, but would abandon conventional “master planning” and develop an approach designed for the non-unified, loosely-coupled system that the branch is.

Both the restructuring and committee reorganization projects took much longer than anticipated. While the BJA ultimately did not adopt a proposal to restructure the Board, it has approved some of the proposed elements for restructure through the parallel committee reorganization. At present the BJA anticipates reorganizing its three standing committees into four, and renaming the Long-Range Planning Committee the “Policy and Planning Committee.” The charter to this committee is under development at this time.

Part II. Loose Coupling and the Washington State Court System

Strategic planning has proven to be a powerful tool in both the governmental and private sectors. Those state judicial systems that have successfully used conventional strategic planning are unified court systems. The traditional planning model, however, has not been generally effective, or even achievable, in the context of non-unified court systems. Unified court systems, relative to non-unified court systems, more closely resemble singular entities analogous to executive branch agencies or most business entities. Non-unified court systems are very different in structure and internal governance function, and more closely resemble complex organizations like large hospital systems, major universities and highly diversified corporations. Court management leaders, as the NCSC consultants who attended the BJA retreat indicated, have increasingly come to the conclusion that conventional strategic planning is not the best approach for a non-unified court system, as it has been found not to be for similar organizations in other sectors. In an article published in June 2012, Mary McQueen, President of the NCSC, wrote:

This paper suggests that court leaders and their allies may have based reform efforts on incompatible organizational models, which has hindered progress in improving court governance. Too much attention and energy has been focused on finding ways to emulate in the court environment what appears to work in administering or governing executive branch agencies and private businesses. This paper argues that court leaders should instead consider what is called a “loosely coupled organization” model for governing courts and look to the processes and mechanisms that the leaders of those organizations use to achieve effective governance.³

To understand why conventional planning is not well suited to “loosely coupled organizations,” and to understand how planning might be conducted within a loosely coupled organization, it is instructive to explore the concept of loose coupling and the dynamics of loosely coupled systems, and to consider how these dynamics differ from more unified systems.

The Concept of Loose Coupling

³ McQueen, Mary Campbell. *Governance, The Final Frontier*, Perspectives on Court Leadership, Harvard Kennedy School Program in Criminal Justice Policy and Management, June 2013.

What is today known as strategic planning originated in large bureaucracies and corporations, particularly as developed by the Rand Corporation for the Department of Defense during the post-war period to help manage the vast procurement programs of the modern defense industry. The underlying assumption of strategic planning is that the organization, whatever its scale, is fundamentally a machine in which the governance structure of the organization dictates and directs the behavior of its parts. Specifically, it is assumed that the organization has an executive apparatus which has an effective command and control capacity enabling it to make and carry out decisions about the operations of the organization, with specific mechanisms to control the deployment of resources, the creation of policies and goals, and the ability to give direction to the activities of the organization's employees. This bureaucratic and industrial model of organizations, rooted in industrial design, was the dominant view of organizations in the early and mid-twentieth century. It is known within the field of organizational theory as the "rational" perspective.

Other views of organizations emerged in the latter half of the century that came to understand organizations as much more complex entities than the rational perspective would indicate. The two principle perspectives came to be referred to as "natural systems" and "open systems" perspectives. The *natural systems* perspective emphasizes the human element, viewing organizations as not analogous to machines but instead as collectivities of people, human beings, drawn together for a common but limited purpose. From this perspective organizations are animated by individuals who exercise a degree of individual autonomy in making decisions about their commitment to the organization, their activities guided not exclusively or perhaps even primarily by the formal expectations of the organization. Organizations as seen from the *open systems* perspective are understood to exist and act and grow within and in response to their environments. Organizations are themselves seen as parts of larger systems, and are permeable, existing within and reactive to a larger ecosystem. Organizations respond to and move with forces external to the organization in ways sometimes in conflict with the intentions of the formal organizational structure emphasized in the rational perspective, and as well not always consistent with the will of individuals within them as emphasized in the natural perspective.

The construct of "coupling, within systems was developed in an attempt to integrate these very different perspectives into a more robust and dynamic understanding of organizations and organizational behavior. "Coupling" refers to the nature of relationships among parts of a system, specifically between whatever central authority exists at the hub and those parts which exist as spokes,

or satellites, within the system. “Loose coupling,” then, used generally, refers to a pattern of structure and relations within a system in which interdependencies among component parts of a system are relatively weak. Most particularly this means that the parts, or subsystems, within a loosely coupled system are less reliant on the central authority for critical inputs and so less responsive to the central authority. Critical inputs include resources, expertise and direction, and can have elements that relate to the “rational” nature of organizations, such as financial resources, as well as elements that relate to the “natural” or human aspects of organizations, such as professional satisfaction and recognition. The component parts within loosely coupled systems are relatively more dependent on local inputs, and are as a result proportionally more responsive to demands or expectations placed on it by local or external stakeholders. While loose coupling highlights weak connections within a system and relative autonomy of parts, it should not be confused with complete independence. The component parts are still integral elements of the system in which they exist, and retain a degree of connection, of interdependence, with the whole. The two words within the term itself set out this tension: *coupling* infers a close, reciprocal relationship, while *loose* infers a degree of flexibility, of space, within that relationship.

The concept of loose coupling within organizational theory was first applied to educational systems by Karl Weick. Weick wrote of the term: “it is important to highlight the connotation that is captured by this phrase and no other . . . By loose coupling, the author wishes to convey the image that coupled events are responsive, *but* that each event also preserves its own identity and some evidence of its physical and logical separateness . . . Loose coupling also carries connotations of impermanence, dissolvability and tacitness all of which are potential crucial properties of the “glue” that holds organizations together.”⁴ The degree to which one part of the system is willing to act in concert with another is, in other words, situational and episodic. Loosely coupled organizations demonstrate intra-system relationships characterized by divergence of perspectives and interests, and exhibit shifting patterns of cooperation and conflict. Negotiation and positioning are constant and ongoing. This is almost a polar opposite of the mechanistic view or the rational perspective, in which the central authority can direct and synchronize the movements of the parts. The concept of coupling is a way of understanding, a language for talking about, the underlying tension between centrality and dispersion of authority. It illuminates the dynamics of decision-making in a complex environment, and provides a

⁴ Weick, Karl E., *Educational Organizations as Loosely Coupled Systems*, Administrative Science Quarterly, 21 (1976).

framework for evaluating the relative costs and benefits of unity and uniformity versus flexibility and adaptability.

There are a number of aspects of loose coupling that are helpful to understand. First, coupling, whether close or loose, should not be interpreted as either a positive or negative trait, but rather as an aspect of an organization to be recognized, understood, and managed constructively. Tight coupling can result in a highly focused and disciplined organization, responsive to executive direction, but it can also lead to rigidity and a hide-bound culture, with less creativity, innovation and adaptability. Loose coupling, on the other hand, has the benefits of flexibility and localized responsiveness, but it can lead to global inefficiency, inconsistency, lack of accountability, and difficulty in implementing change. Over time coupling within a system can be loosened or tightened through structural and environmental changes, but adjustments should be done thoughtfully and the consequences carefully considered.

Further, organizations can and commonly do exist simultaneously as both closely coupled and hierarchical systems in some aspects and loosely coupled in others. Within systems there is often a tendency to have intra-system clustering and levels: multiple subsystems that specialize in certain system activities. Interdependencies and connections within subsystems are often tighter than among subsystems. In other words units within a loosely coupled system can be, and often are, themselves relatively tightly coupled. Managers often work to promote cohesion and teamwork at the work group level to increase the effectiveness of that unit. While these relatively autonomous and stable subsystems can pose challenges to leading change in the overall system, their internal integrity and adaptability gives a distinct survival advantage to the entire system.

Organizations can be simultaneously closely coupled along some axes – in some functions – and loosely coupled along others. That is to say that some aspects of an organization can be centrally controlled while control of others are dispersed. Franchise business models, for example, might tightly manage branding, marketing and quality control while loosely controlling facilities and labor management.

In related academic work, scholars have begun to focus on the effectiveness and sustainability of relationships within loose systems, and the characteristics that tend to make cooperative relationships stronger or weaker. The concept of “collaborative capacity” is used as a general indicator of the ability of components within a loosely coupled system to work together in a shared undertaking.⁵

⁵ Pennie G. Foster-Fishman, et al, *Building Collaborative Capacity in Community Coalitions: A Review and Integrative Framework*, et al, Michigan State University, East Lansing, Michigan.

Where collaborative capacity can be enhanced and nurtured, a loosely coupled system can be capable of ongoing cooperation that produces favorable outcomes.⁶

In assessing collaborative capacity, these scholars focus on environmental elements that create the broad context for the relationships, in a manner similar to the open systems perspective, and examine aspects of the environment such as historic/cultural, political, physical, and economic. In a nutshell, where these external aspects effect system participants in such a way that cooperation leads to greater value than non-cooperation, they will work toward cooperative outcomes; where the effects reduce value, they will withdraw from cooperation.

The Washington State Judicial Branch as a Loosely Coupled System

In most respects the Washington State judicial branch demonstrates the characteristics of a loosely coupled system, particularly as regards the trial courts and the branch agencies. First, excluding the Administrative Office of the Courts, the branch agencies – the Judicial Conduct Commission, the Office of Public Defense, and the Office of Civil Legal Aid – are almost entirely independent of branch leadership in terms of their general administration and governance. This independence is intentional and necessary for these entities to carry out their constitutional roles. Although they are a part of the judicial branch they are not for most purposes under the control of the judiciary and the courts. The Administrative Office of the Courts, in contrast, is closely coupled to the Supreme Court and the Chief Justice, and to a significant extent the appeals court and the trial courts.

Regarding the courts themselves, most aspects of the trial courts are loosely coupled with the Supreme Court, the AOC, and largely with each other. The primary driver of this looseness is the funding mechanisms of the trial courts, which are primarily local, more so than in any other state. Trial court facilities are built, owned and managed locally. State funding of the trial courts that does exist generally comes with little flexibility in its allocation, to the extent that much of it is literally referred to as “pass-through” funding. The process of creating and funding judgeships is shared between state and local government. In addition, the selection and retention of trial court judges is largely local, except when a governor can fill a vacancy. Most trial court staff positions are locally funded, with levels of compensation for staff, retirements and other personnel policies in the hands of local officials. Judicial compensation is set by the Commission on Salaries for Elected Officials, with input from branch

⁶ Jeffrey A. Alexander, et al, *Sustainability of Collaborative Capacity in Community Health Partnerships*, Medical Care Research and Review, Vol. 60 No. 4 (2003).

leadership. In short, with regard to the traditional mechanisms of institutional command and control of operational funding, facilities, hiring, compensation, and management of staff, little control is in the hands of the centralized leadership at the Supreme Court, the AOC, the BJA, or any other authority at the state level of the judicial branch, and much is under local control.

In regards to the core function of trial courts, the dissolution of criminal and civil cases, local courts must respond to workload demands dictated not by a central authority, but that are almost entirely locally generated and externally controlled. Prosecutors and decisions of law enforcement dictate much of the volume of work, not the Supreme Court or the AOC. Further, county government provides for most of the due process services such as indigent defense, court reporting, language interpretation, and expert witnesses. Local government is responsible for the provision of facilities and security. In sum, the workload demands and resources relevant to the operations of the trial courts flow not from the state judicial branch but from the local institutional environment. Under these circumstances it can be of little surprise that the trial courts can appear somewhat indifferent to the desires of the Supreme Court and the AOC, and more responsive to the needs and expectations of local stakeholders.

The Court of Appeals, and the Supreme Court in its capacity as a court, are more tightly aligned with the Supreme Court in its capacity of an administrative body, and with the AOC. These courts derive essentially all of their resources from the state budget, which is reviewed, submitted and advocated by the Supreme Court through processes managed by the AOC. This close coupling is somewhat limited to the administrative affairs of the respective courts. The judges and justices are free to be less closely coupled with respect to their jurisprudence, each keeping attuned to their own judicial philosophy as well as the particular electorate that they feel is responsible for their election and potential reelection. Contrast this system to a system with unelected judges, such as New Jersey, where the governor must reappoint a judge or justice for subsequent terms in office, or to a system such as the federal courts with lifetime tenure.

The most significant area of close coupling within the otherwise loosely coupled Washington judicial branch is the subsystem of technology and information management. Washington's technology infrastructure is rare among non-unified court systems, and is perhaps more unified than that of many unified state court systems.

Part III. Planning in a Loosely Coupled Judicial Branch

It is only recently that the court community nationally has come to understand and apply the conceptual framework of loose coupling to non-unified court systems, and begun to grapple with the challenges of guiding them. In 2010, Gordon Griller, Director of the Trial Court Leadership Program at the NCSC's Institute for Court Management, summarized the inherent tension in seeking to centralize planning for a decentralized system:

As in a business, the parallel judicial branch roles of the central office and branch entities take on a different character. A central administrative office of courts (AOC) targets a statewide court system that is consistent, predictable, and coordinated and provides baseline services among all trial courts. The goals are coherence and uniformity. Trial courts, on the other hand, are concerned about unique programs to address specific geographic, demographic, and procedural issues in their localities, which may range from rural to urban environments. The goals are autonomy and flexibility. As you would suspect, an inherent conflict of interests ensues.⁷

He continues:

There is little debate that to realize their full potential, loosely coupled organizations require some centralized management to achieve higher performance, greater efficiency, consistent direction, and economies of effort. So the real question is not autonomy versus subservience, or in organizational terms, decentralization versus centralization, but how the two concepts can best be blended to capture their strengths and minimize their disadvantages.

More recently Mary McQueen wrote that “(g)overning a loosely coupled organization requires a distinctive approach to leading.”⁸ Following Wieck, she counsels court managers to be more attentive to the “glue” (processes) that connects loosely coupled systems than to the formal structure of those systems. She calls for a deftness of leadership and attention to developing a process that is viewed as legitimate and, ultimately, helpful to the parts of the organization. Employing the work of Larry Hirschhorn she advocates that leaders should adopt two overarching objectives in attempting to manage a loosely coupled system: protecting and guiding. As described by Hirschhorn:

⁷ Griller, G., *Governing Loosely Coupled Courts in Times of Economic Stress*. Future Trends in State Courts 2010. NCSC.

⁸ *Supra* fn 1.

Leaders of loosely coupled or federated systems can plan for their future, but the plans they develop, the frameworks they use, the planning processes they deploy, must all fit the characteristics of the institution they lead. Recent experience suggests that planning consists of both protecting and guiding the system while acknowledging the semi-autonomous status of its component units. To protect the system, the executive keeps the system within its safety zone and manages its contradictions; to guide the system the executive develops strategic themes, builds a planning infrastructure and works at the “seams” between units, giving a boost to emerging synergistic combinations.⁹

In sum what Hirschhorn, Griller, McQueen and others recommend – including NCSC consultants Klaversma and Clarke following the BJA retreat – is an approach to planning that is dramatically different from the conventional strategic planning approach previously contemplated in Washington. Instead of a blue-ribbon commission that develops a comprehensive “master plan” for the entire system, they recommend a more modest, incremental strategy that is attentive to relationships, focusing on creating internal processes that encourage meaningful participation and engagement and are responsive to local needs. Leaders should not impose new demands on the component parts of the system, but instead work to determine what the parts need, in terms of protection from threats or guidance to improve functioning, and do that. In terms of the court environment, Griller suggests a focus on three elements:

In high-performing courts, decentralized decision making and operations must certainly be kept in balance with central strategies. Those strategies generally embrace three elements, which bind the separate units of the organization together and guide the direction of the whole organization: a common vision of a preferred future, helpful and productive support services that advance the capabilities of the organization’s component parts, and a shared understanding of the threats and opportunities facing the entire system.¹⁰

This guidance is consistent with the concept of collaborative capacity: where the overall context can be shaped and understood so that participants find greater value in cooperation than in non-cooperation, they will cooperate. Where participants perceive that cooperation will reduce their value received, they will resist or withdraw from cooperation.

The mechanism for approaching this challenge has come to be referred to as “campaign planning.” The idea is to facilitate mobilization of the parts of the organization around strategic themes that speak to the values of the component parts and offer promise of benefit. In a campaign approach

⁹ Hirschhorn, Larry, *Leading and Planning in Loosely Coupled Systems*.

¹⁰ Griller.

the intention is not to generate system goals centrally and provide detailed directions for implementing them, but to marshal energy and resources around objectives that are defined by and agreed upon by participants, and to encourage innovation in implementation. Indeed the underlying strategic goal may not even be to effectuate a given improvement as much as it is to build strength and reinforce the collaborative capacity among the parts of the system while preserving, even reinforcing, the advantageous aspects of decentralized decision-making and local autonomy.

An important characteristic of a campaign approach is that it is relatively less threatening than a broad strategic plan. Stakeholders are not asked to sign onto a comprehensive planning system, the outcomes of which can be uncertain, but to agree only to take on issues on a case-by-case basis. The aim is to create a deliberate process to identify areas where the parts of the system recognize the mutual benefit of acting in concert while retaining autonomy in other areas. This approach reflects and respects the nature of the organizational relationship; it is situational, episodic, contingent.

It should also be noted that the same process that identifies areas where cooperation would be beneficial would also lead to identification of the inverse – recognition and agreement that some areas of activity are better off decentralized. These areas, and the capacity of local courts to manage them, could also be improved by bringing clarity to the separate responsibility of the local courts and by enhancing their capacity to do so.

Role of the Board for Judicial Administration

Within the Washington State judicial branch, the BJA has a central and unique role as an intermediary among the levels of court and other stakeholders. The BJA has a degree of legitimated authority among the judiciary, and is accepted by stakeholders as the voice of the judiciary. What it does not have, as the Supreme Court and the Chief Justice do not have, is direct command and control over most aspects of the courts. Its strength under the current rules is its potential to act as the “glue” within the system, as a source of leadership.

The BJA is presently reorganizing into four standing committees, one of which will be the Policy and Planning Committee. The Policy and Planning Committee may be the most viable body to facilitate a redesigned planning effort. This committee should develop mechanisms for outreach, meaningful and ongoing, with the aim of building a guiding coalition. A strategic vision should be developed, but not specific long-term goals. The planning process should have a transparent and deliberate mechanism to identify and select major issues to be addressed through affirmative strategic initiatives – the

“campaigns” of campaign planning. These issues should be selected using pre-established criteria. Criteria might include: whether the issue affects multiple jurisdictions or levels of court; whether the issue represents a significant threat to the mission of the courts; whether addressing the issue has broad support throughout the coalition; and whether a campaign is likely to result in significant success.

Once an issue is identified and analyzed, and preliminarily selected by the policy planning committee, it should be presented to the BJA for consideration. If the BJA supports a strategic initiative around the issue, it can be presented to relevant key stakeholders. Stakeholders in this approach are not, as under a traditional planning process, being asked to support a comprehensive soup-to-nuts master plan, but to enlist in a specific campaign to address a specific issue or promote a specific program. Support for one campaign does not obligate the stakeholder to support other campaigns. Each effort has its own context.

The BJA and its nascent Policy and Planning Committee must consider how they will address their obligation to undertake planning for the judicial branch of Washington. Past attempts to employ a conventional strategic planning model have been unsuccessful. An approach such as the one outlined above may represent a feasible alternative, and should be given careful consideration.

Tab 7

6 Filed
Washington State Supreme Court

JUN - 6 2014

Ronald R. Carpenter
Clerk

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF
AMENDMENTS TO BJAR 3 — OPERATION

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)
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ORDER

NO. 25700-A-1066

The Board for Judicial Administration having recommended the adoption of the proposed amendments to BJAR 3, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendment as attached hereto are adopted.
- (b) That the amendment will be published in the Washington Reports and will become effective September 1, 2014.

DATED at Olympia, Washington this 6th day of June, 2014.

Johnson, J.

Carver, J.

Fairhurst, J.

Stevens, J.

Madsen, C.J.

Wiggins, J.

Keeler, M. J.

Conzalez, J.

Lyne, J.

Proposed Amendment

BJAR 3

Rule 3. Operation

- a. **Leadership.** The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. ~~The Member Chair shall serve as chair of the Long-range Planning Committee.~~ Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.
- b. **Committees.** Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.
 1. The Board shall appoint at least ~~three~~ four standing committees: Long-range Policy and Planning, Core Missions/Best Practices, Budget and Funding, Education, and Legislative. Other committees may be convened as determined by the Board.
 2. The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.



June 10, 2014

The Honorable Patty Murray
United States Senate
154 Russell Senate Office Building
Washington, D.C. 20510

Re: Senate bill 445 – The Local Courthouse Safety Act

Dear Senator Murray:

We write to ask for your support of the Local Courthouse Safety Act, Senate bill 445, sponsored by Senator Franken. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration, the organization that coordinates policy for courts of all levels in the State of Washington, strongly encourages support for this important legislation.

We appreciate your willingness to become a cosponsor of this legislation and hope you will encourage your colleagues to support it as well. It is important to note that this legislation does not ask for new money, but rather, it allows courts to access existing federal resources.

Attacks on judges and court personnel are a reality that continues unabated. Last year, a veterans' court judge in Thurston County was attacked at his home. A former court attendee threw acid onto the judge's face, injuring him, his home, and his pets. While this bill may not have prevented that attack, it is a stark reminder that egregious events occur all too frequently at courthouses across the state. In 2012, Grays Harbor County Superior Court Judge Dave Edwards was stabbed while coming to the aid of a sheriff's deputy during an unprovoked attack, in which she was shot by the assailant at the courthouse. Thankfully, neither injury was fatal. Attacks such as these are not just a local or state problem, but are a national one because they are occurring in all states of the union. Thus, this problem requires a federal and national solution.

That is why we strongly support the efforts embodied in S. 445. This bill would give local courts direct access to security equipment that federal agencies do not use. It also gives states the ability to tap into the Byrne Justice Assistance program and the State Homeland Security program for courthouse security improvements. Finally, the bill gives state courts access to training and technical assistance provided by the Justice Department's VALOR Initiative.

Honorable Patty Murray
June 10, 2014
Page 2

State courts are symbols of America's justice system and rule of law. With state courts providing for the security of court facilities at varying stages, federal efforts like those provided by S. 445 would expedite state efforts to provide needed security for state courts. We have entered a new era in terms of securing our courthouses and are faced with new and daunting challenges.

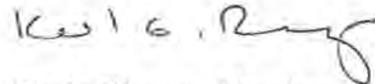
We are asking more of our court personnel, and the public fully expects their court systems to be safe and secure. Every day that we delay places our courts at some degree of risk. Only with federal funds specifically targeted to courts and their unique role can we hope to successfully meet this challenge.

Again, thank you for your support of S. 445. Please do not hesitate to contact us if you have any questions or if we can provide any assistance or information.

Sincerely,



Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



WASHINGTON COURTS

June 10, 2014

The Honorable Maria Cantwell
United States Senate
511 Dirksen Senate Office Building
Washington, DC 20510

Re: S. 445 – The Local Courthouse Safety Act

Dear Senator Cantwell:

We write to thank you for your support of the Local Courthouse Safety Act, S. 445, sponsored by Senator Franken. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

We appreciate your willingness to become a cosponsor of this legislation and hope you will encourage your colleagues to support it, as well. It is important to note that this legislation does not ask for new money, but rather, it allows courts to access existing federal resources.

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Honorable Maria Cantwell
June 10, 2014
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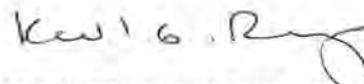
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Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Adam Smith
United States House of Representatives
2264 Rayburn HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Smith:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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June 10, 2014
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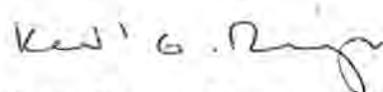
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Again, we would greatly appreciate your support of HR 953. Please do not hesitate to contact us if you have any questions or if we can provide any assistance or information.

Sincerely,



Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable David Reichert
United States House of Representatives
1127 Longworth HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Reichert:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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Honorable David Reichert
June 10, 2014
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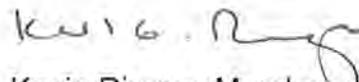
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Sincerely,



Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Susan DelBene
United States House of Representatives
318 Cannon HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative DelBene:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

We are hopeful you will become a cosponsor of this legislation and hope you will encourage your colleagues to support it, as well. It is important to note that this legislation does not ask for new money, but rather, it allows courts to access existing federal resources.

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Honorable Susan DelBene
June 10, 2014
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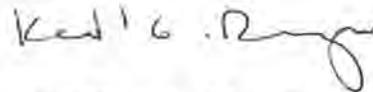
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Sincerely,



Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Denny Heck
United States House of Representatives
425 Cannon HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Heck:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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Honorable Denny Heck
June 10, 2014
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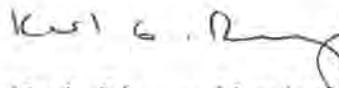
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Sincerely,



Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Derek Kilmer
United States House of Representatives
1429 Longworth HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Kilmer:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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Honorable Derek Kilmer
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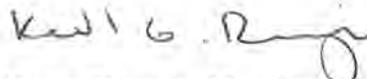
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Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Jaime Herrera Beutler
United States House of Representatives
1130 Longworth HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Herrera Beutler:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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June 10, 2014
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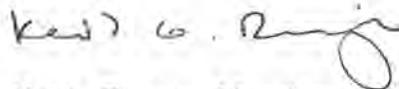
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Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Jim McDermott
United States House of Representatives
1035 Longworth HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative McDermott:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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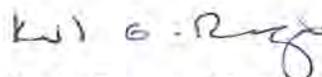
We are asking more of our court personnel, and the public fully expects their court systems to be safe and secure. Every day that we delay places our courts at some degree of risk. Only with federal funds specifically targeted to courts and their unique role can we hope to successfully meet this challenge.

Again, we would greatly appreciate your support of HR 953. Please do not hesitate to contact us if you have any questions or if we can provide any assistance or information.

Sincerely,



Barbara Madsen, Chair
Board for Judicial Administration



Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Rick Larsen
United States House of Representatives
2113 Rayburn HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Larsen:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

We are hopeful you will become a cosponsor of this legislation and hope you will encourage your colleagues to support it, as well. It is important to note that this legislation does not ask for new money, but rather, it allows courts to access existing federal resources.

Attacks on judges and court personnel are a reality that continues unabated. Last year, a District Court judge in Thurston County, who was also the presiding judge in Thurston County Veterans' Court, was attacked at his home. A former court attendee threw acid onto the judge's face, injuring him and his pets, and damaging his home. While this bill may not have prevented that attack, it is a stark reminder that egregious events occur all too frequently at courthouses across the state. In 2012, Grays Harbor County Superior Court Judge Dave Edwards was stabbed while coming to the aid of a sheriff's deputy during an unprovoked attack in which she was shot by the assailant at the courthouse. Thankfully, neither injury was fatal. Attacks such as these are not just a local or state problem, but are a national one because they are occurring in all states of the union. Thus, this problem requires a federal and national solution.

That is why we strongly support the efforts embodied in HR 953. This bill would give local courts direct access to security equipment that federal agencies do not use. It also gives states the ability to tap into the Byrne Justice Assistance program and the State Homeland Security program for courthouse security improvements. Finally, the bill

Honorable Rick Larsen
June 10, 2014
Page 2

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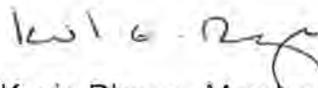
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Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Cathy McMorris Rodgers
United States House of Representatives
1230 Longworth HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative McMorris Rodgers:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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Honorable Cathy McMorris Rodgers
June 10, 2014
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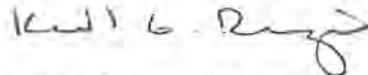
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Kevin Ringus, Member-chair
Board for Judicial Administration

cc: Judge Jeffrey Ramsdell, Superior Court Judges' Association
Judge Veronica Alicea-Galvan, District and Municipal Court Judges' Association
Ms. Callie T. Dietz, State Court Administrator
Board for Judicial Administration



June 10, 2014

The Honorable Richard Hastings
United States House of Representatives
1230 Longworth HOB
Washington, D.C. 20515

Re: HR 953 – The Local Courthouse Safety Act

Dear Representative Hastings:

We write to ask for your support of the Local Courthouse Safety Act, HR 953, sponsored by Representative Grayson. The Board for Judicial Administration believes that the approval of this legislation is a necessary step to securing our courts in this era of heightened awareness. The Board for Judicial Administration is the organization that coordinates policy for courts of all levels in the State of Washington and strongly encourages support for this important legislation.

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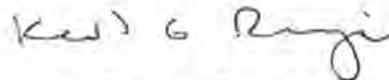
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Tab 8

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

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

BJAR
PREAMBLE

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

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

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

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

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

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

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

BJAR 3
OPERATION

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

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

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

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

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

[Adopted effective January 25, 2000.]

BJAR 4
DUTIES

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

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

(c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

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

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

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

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

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

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

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

ARTICLE II

Membership

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

ARTICLE III

Officers and Representatives

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

ARTICLE IV

Duties of Officers

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

ARTICLE V

Vacancies

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

ARTICLE VI **Committees**

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

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

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

ARTICLE VII **Executive Committee**

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

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

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

ARTICLE VIII **Regular Meetings**

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

ARTICLE IX **Special Meetings**

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

ARTICLE X **Quorum**

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

ARTICLE XI **Voting**

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

ARTICLE XII **Amendments and Repeal of Bylaws**

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

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

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BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

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

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

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

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

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

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

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

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

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

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

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

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

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

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

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