

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, FEBRUARY 19, 2016
9:00 A.M.**

**AOC OLYMPIA OFFICE
1112 QUINCE STREET SE
OLYMPIA, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Scott Sparks, Member Chair
Superior Court Judges' Association
Kittitas County Superior Court

Judge Thomas Bjorgen
Court of Appeals, Division II

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

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

Judge Scott Collier
Superior Court Judges' Association
Clark County Superior 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 Michael Lambo
District and Municipal Court Judges' Association
Kirkland Municipal Court

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

Justice Susan Owens
Supreme Court

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

Judge Ann Schindler
Court of Appeals, Division I

Judge Laurel Siddoway
Court of Appeals, Division III

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

NON-VOTING MEMBERS:

Ms. Callie Dietz
State Court Administrator

Judge Michael Downes, President-Elect
Superior Court Judges' Association
Snohomish County Superior Court

Mr. William Hyslop, President
Washington State Bar Association

Judge J. Robert Leach
Presiding Chief Judge
Court of Appeals, Division I

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge G. Scott Marinella, President-Elect
District and Municipal Court Judges' Association
Columbia County District Court



Joint Board for Judicial Administration (BJA)

Friday, February 19, 2015 (9:00 a.m. – Noon)

AOC, Puget Sound Room, 1112 Quince Street SE, Olympia

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
3. December 18, 2015 Meeting Minutes Action: Motion to approve the minutes of the December 18, 2015 meeting	Chief Justice Barbara Madsen Judge Scott Sparks	9:05 a.m. Tab 1 (Page 5)
4. Administrative Manager Update	Ms. Misty Butler	9:05 a.m. Tab 2 (Page 13)
5. Civil Legal Needs Study	Mr. Jim Bamberger	9:10 a.m. Tab 3 (Page 15)
6. Northwest Justice Project Relicensing Program	Ms. Karen Campbell	9:40 a.m. Tab 4 (Page 50)
7. WINGS Program	Commissioner Tony Rugel	10:10 a.m. Tab 5 (Page 71)
Break		10:30 a.m.
8. State Budget Update	Mr. Ramsey Radwan	10:45 a.m. Tab 6 (Page 113)
9. Legislative Report	Ms. Mellani McAleenan Judge Sean Patrick O'Donnell	11:00 a.m. Tab 7 (Page 119)
10. Standing Committee Reports <ul style="list-style-type: none"> • Budget and Funding Committee • Court Education Committee • Policy and Planning Committee <i>Action: Recommendation on judicial evaluations and charter amendments</i>	Judge Bryan Chushcoff Judge Judy Rae Jasprica Judge Janet Garrow	11:15 a.m. Tab 8 (Page 127)
11. SCJA Legislation Update	Chief Justice Barbara Madsen Judge Scott Sparks	11:35 a.m.
12. Other Business <ul style="list-style-type: none"> • Next meeting: March 18 AOC SeaTac Office 	Chief Justice Barbara Madsen Judge Scott Sparks	11:50 a.m. Tab 9 (Page 141)
13. Adjourn		Noon

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.

Tab 1



Board for Judicial Administration (BJA) and Court Management Council Meeting

Friday, December 18, 2015 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Scott Sparks, Member Chair
Judge Thomas Bjorgen
Judge Bryan Chushcoff
Judge Harold Clarke III
Ms. Callie Dietz
Judge Michael Downes
Judge Janet Garrow
Mr. William Hyslop
Judge Judy Rae Jasprica
Judge Michael Lambo
Judge J. Robert Leach
Ms. Paula Littlewood
Judge G. Scott Marinella
Judge Sean O'Donnell
Justice Susan Owens
Judge Kevin Ringus
Judge Ann Schindler
Judge Laurel Siddoway
Judge David Steiner

Court Management Council Members Present:

Ms. Callie Dietz, Co-chair
Ms. Renee Townsley
Ms. Linda Baker
Ms. Ruth Gordon
Mr. Frank Maiocco
Ms. Kim Morrison (by phone)
Mr. Dennis Rabidou
Ms. Paulette Revoir
Ms. Jane Severin

Public Present:

Dr. Page Carter

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Monto Morton
Mr. Ramsey Radwan

Judge Sparks called the meeting to order.

November 20, 2015 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Schindler to approve the November 20, 2015 BJA Meeting Minutes. The motion carried.

Court Manager of the Year Award/Court Management Council Annual Update

Court Management Council Annual Update: Ms. Dietz explained that the Court Management Council (CMC) was created by the Supreme Court in 1987 and it is a statewide forum for the administrators for all levels of courts.

Ms. Townsley reported that one of the projects the CMC has been working on is the court transcriptionist changes. In June 2015 the Supreme Court adopted the proposed revisions to the transcriptionist rules and they were implemented September 1, 2015.

Ms. Dietz also stated that one of the CMC's major projects this past year was addressing jury duty scams that have been occurring in Washington State. Several elderly people have been bilked out of thousands of dollars. The CMC created a flyer and sent it to all courts, the media, and other organizations. The National Center for State Courts (NCSC) liked it so much that they asked if they could distribute it to different states for their use and the CMC approved their request. Another project they worked on was to create a one-page information sheet that provides an overview of the work of the CMC.

Ms. Townsley reported that the future work of the CMC is looking at GR 17. It was adopted in 1993 and courts are moving away from facsimile transmissions. The CMC is also looking at GR 30 (electronic filing) and in light of the Superior Court Case Management System (SC-CMS) and the new appellate court system, the CMC wants to make sure courts are prepared for the future.

The CMC members collaborate and keep each other informed of issues. Ms. Townsley appreciates the support of Mr. Marler and Ms. Caroline Tawes. They do a great job for them. Ms. Dietz also brings a lot of experience and great ideas to the CMC.

The CMC is working with the BJA Court Education Committee (CEC) to support them in their efforts to get more education for court administrators and staff. They have discussed whether or not there should be mandatory education for staff and they are looking at what that would look like. They need the support of the judges to support education for administrators. Any help they could give them to support that would be appreciated.

Ms. Dietz thanked the members of the CMC for being at the meeting and for supporting the CMC throughout the year and all of the work that they do to support the administration of justice.

Court Manager of the Year Award: Ms. Dietz stated that this year the CMC had some of the best candidates for the Court Manager of the Year Award and it was a struggle to choose someone. They look for someone who exemplifies leadership and professionalism. A plaque with the name of the recipient is displayed on the wall at the AOC SeaTac Office. The recipient is presented with a vase that the person can take home with them.

There were eight nominees this year: Ms. Kathy Brack, Lewis County Clerk; Ms. Lynne Campeau, Issaquah Municipal Court Administrator; Ms. Lindy Clevenger, Clallam County Superior Court Administrator; Ms. Kelly Martin, Franklin County District Court Administrator; Mr. Ron Miles, Spokane County Superior Court Administrator; Ms. Ela Selga, Clark County District Court Administrator; Ms. Fona Sugg, Chelan County Superior Court Administrator; and Ms. Renee Townsley, COA Division III Clerk. This year they had a tie. One of the recipients was not able to be here. Mr. Miles is one of the award winners and Ms. Dietz traveled to Spokane last week to present his award at their court Christmas party. Judge Clarke said that Mr. Miles has worked at Spokane County Superior Court for about 15 years and he is a wonderful guy. What speaks to his credit as much as anything is that he has about five to six weeks left on the job and he is there every day working extremely hard and getting the next court administrator up to speed. He has never seen anyone who works that hard. He has integrity, commitment to the court and everyone at Spokane County Superior Court will have to shoulder more of the load with him gone.

Ms. Dietz reported that there is another individual who is equally deserving of the award who was nominated by all of the judges at her court. Ms. Renee Townsley has been at the Court of Appeals, Division III, since 2006 and has been active a number of years on a number of levels and is a tireless member of the Appellate Court Electronic Content Management System project. Her knowledge, ability to work with people, and dedication is outstanding. Judge Siddoway stated that Ms. Townsley serves in Division III which is populated with a lot of new judges. She identifies issues before they become problems and provides great service to those who appear in their court. They are happy to have her receive the award.

Ms. Townsley was presented with a vase. She said that she is humbled to be nominated, much less to be chosen. She added that the award has gone to a lot of talented people over the years and it is a privilege to be part of the justice system in Washington.

BJA Public Trust and Confidence Committee Appointment

It was moved by Judge Steiner and seconded by Judge Jasprica to appoint Ms. Mary Crawford to the BJA Public Trust and Confidence Committee. The motion carried.

Washington State Center for Court Research (WSCCR)

Dr. McCurley provided an overview of the essential business of the WSCCR. Staff answer questions in a structured way bringing experience and training into how they gather data and sort through it. They include research from around the world pertaining to courts and try to keep current on research regarding operations of courts, administration of justice, effectiveness of court structure and how courts can adapt themselves to meet the needs of customers.

Dr. McCurley stated that WSCCR works with a variety of groups on research projects. Examples are Supreme Court commissions, adult and juvenile courts, the BJA, DSHS, OFM, WSIPP, and the Caseload Forecast Council. They also work with universities on joint research projects.

Some of their projects are funded with dedicated grants or contract funding and some are funded with state general funds. Examples of projects completed and programs launched since 2006 include sustained reporting on dependency case timeliness and outcomes, juvenile probation evidence-based treatment utilization and outcomes, and multisystem youth; occasional reporting on the truancy petition process and on racial and ethnic disparity in juvenile courts; development and validation of the Washington Assessment of the Risks and Needs of Students, development of research databases for juvenile court risks and needs assessment and for offender and dependency-related contact with the courts across the life course; and annual calculation of judicial needs for the trial courts. Information regarding the number of WSCCR staff, projects they work on, and how they are funded was provided in the meeting materials. There are currently two AOC researchers funded with state funds, and another two with dedicated grant or other funding.

The WSCCR manager reports directly to Ms. Dietz as part of the Office of Court Innovation which also includes the Supreme Court Commissions.

Future potential projects are: therapeutic courts; sentencing, community supervision and treatment; criminal career analysis (juvenile, adult misdemeanor, adult felony); pretrial risk assessment; detention; recidivism analysis; education and employment outcomes; legal financial obligation (LFO) analysis; juvenile firearm use; and adult racial and ethnic disparity.

The Oversight Committee sifts through and prioritizes research requests and requests need to go through the process.

Judge Schindler acknowledged all the hard work Dr. McCurley has done and the recognition he receives nationally.

Washington State Bar Association (WSBA)

Mr. Hyslop is the President of the WSBA and is the first president from Spokane in 15 years. He was preceded by Mr. Anthony Gipe and will be followed by Ms. Robin Haynes who is also from Spokane. Ms. Littlewood has been with the WSBA for 12 years and has been the director for nine of those years. The WSBA is just finishing its 125th anniversary.

There are 37,917 WSBA members and 25,678 of them are active in Washington State. There are a total of 31,815 active members. Bar numbers now exceed 50,000 and there are 28 sections with over 10,000 memberships; 18 committees, councils, boards and panels; and six Supreme Court created boards staffed and administered by the WSBA.

There are projected membership changes in the future. There are a small number of incoming members and 50% of their membership will transition out due to retirement in the next 15 years. They are netting about 900 new lawyers a year including those joining the profession as second career lawyers. Law school applications nationwide are down about 50%. People are coming into the profession and then leaving which is now a focus of the WSBA.

The WSBA has 14 members of their Board of Governors and they expect to add community members to the Board. Many bar associations across the United States feel that they benefit from community members on their boards. They are also looking at changing their name from the WSBA to the Washington State Bar in reference to their responsibilities as a regulatory agency. They are busy preparing for the future of the profession to be responsive to the needs of their members and the public they serve.

Ms. Littlewood reported that the WSBA no longer utilizes strategic plans. They now use strategic goals which they update about every three years. The idea is that they are very focused. They use three criteria to determine their strategic goals. The goal must be something the WSBA has not been doing but should be doing or are doing but not putting enough emphasis on it; it has to be measurable; and it has to be a goal within itself, not a means to another goal.

Mr. Hyslop reported that the issues on the forefront are the Civil Legal Needs Update Study and the escalating cost of civil litigation which needs to involve both the WSBA and the courts. They would like to work with the courts on this during the spring. The future will bring demographic shifts, increasing consumer demand, and regulatory changes.

The WSBA is active and engaged, working together to champion justice, and appreciating their close working relationship with the courts. They are always working to be effective and relevant for their members and the public they serve. They are very pleased to have this opportunity for discussion today and they look forward to ongoing discussion.

Administrative Manager's Report

Ms. Butler stated that she followed up with standing committee staff regarding the communications plan and staff communication. They discussed communication between the standing committees and developed questions the committees should ask when working on activities (see meeting materials for a list of the questions). In addition, a list of recommendations regarding communication is included in the meeting materials.

Ms. Butler spent the summer and fall meeting with most of the BJA members and she asked them how the BJA member orientation can be improved. The overall consensus was that the orientation should take place during the first BJA meeting after member turnover and it should include a governance expert and information about the structure of the BJA. Ongoing orientation should include a mentoring component and annual presentations from organizations the BJA works with.

During the November BJA meeting there was a request to look at how BJA members are added to standing committees. Chief Justice Madsen asked Ms. Butler to work on some ideas and come back to the BJA with some proposals. Ms. Butler suggested two options: 1) the BJA members could notify the BJA co-chairs if they are uncomfortable with their standing committee assignment, and 2) an e-mail could be sent to all BJA members during the summer asking if they are happy with their standing committee assignments. It is possible that changes will not be possible because of space constraints but at least they could ask and possibly move to a different standing committee.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler reported that the BFC is meeting later today to make sure they all understand the budget deadlines and what the process is. The BJA approved the criteria for evaluating budget proposals at the last meeting. The BFC is working on the criteria for budget cuts in the event they have budget cuts. Their first priority is to focus on the budget proposals.

Court Education Committee (CEC): Judge Jasprica stated that the CEC is working on the biennial budget request for education funding. The budget request will be part of the AOC budget.

Policy and Planning Committee (PPC): Judge Garrow reported that the PPC has been moving forward with the strategic issue initiative. They have identified five issue areas and have organized stakeholder workgroups to address each. There are about 40 individuals from 24 stakeholder organizations participating in the project. The workgroups will be meeting in the coming weeks and each is tasked with producing a short proposal for a two-year initiative. Judge Garrow thanked Mr. Henley for his efforts in managing the project.

The PPC is looking at expanding the membership of their committee and will discuss the idea at their meeting this afternoon.

The issue of judicial evaluations was sent to the PPC to evaluate and they discussed it at their last meeting. They do not see this as an initiative that the BJA should endorse. The committee intends to provide the rationale for their recommendation as well as give recognition to the group that developed the proposal. They will provide a written response back to the BJA at the next meeting.

Legislative Committee (LC): Judge O'Donnell stated that the LC met this week and set session goals: 1) preserve funding for the branch; 2) promote and pass the BJA's transcriptionist bill; 3) promote LFO and CROP legislation (as long as the bills are similar to last year's versions); and 4) refocus on communication amongst the LC and other standing committees and stakeholders such as the ATJ Board, Gender and Justice Commission, etc. The LC will also focus on criteria employed when analyzing legislation. For many years it has been a less formal process and the LC is working on providing the criteria. They have processes in place for crisis communication if the time is short and they are reanalyzing the process to see if there are improvements they can make. Judge Schindler asked that the LC consider the BFC criteria when creating their criteria.

Ms. McAleenan reported that the BJA Legislative Reception could be held Thursday, February 18 and then the February 19 BJA meeting could be moved to Olympia. By consensus, the BJA approved the reception date and moving the February 19 meeting to Olympia.

BJA Next Steps Regarding the Office of Superior Court Judges

There was discussion about next steps regarding the proposed Office of Superior Court Judges because there is a need to address the issues whether or not the legislation passes.

Creating a group to work on a Memorandum of Understanding was discussed and the need to include all court levels. At the very least, staffing concerns between the court associations and AOC need to be addressed.

Justice Owens moved to table this discussion until the February 19 meeting. Judge Schindler seconded the motion but withdrew her second so this could be discussed.

After discussion, Judge Schindler reasserted her second to the motion made by Justice Owens to table this discussion until the February 19 BJA meeting. The motion carried.

Recap of Motions from the December 18, 2015 meeting

Motion Summary	Status
Approve the November 20, 2015 BJA meeting minutes.	Passed
Approve the appointment of Ms. Mary Crawford to the BJA Public Trust and Confidence Committee.	Passed
Table the Office of Superior Court next steps discussion until the February BJA meeting.	Passed

Action Items from the December 18, 2015 meeting

Action Item	Status
<u>November 20, 2015 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 	<p>Done</p> <p>Done</p>
<u>Miscellaneous</u> <ul style="list-style-type: none"> • Ms. Dietz will send the CMC Jury Poster to the federal AOC and the WSBA • E-mail the BJA regarding lodging for February meeting • Revise 2016 BJA meeting schedule to reflect Olympia location for February meeting • Update Master Calendar with Olympia location for February meeting • Ms. Butler will meet with standing committee staff to determine if there should be committee member orientation and discuss committee member turnover 	<p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p>
<u>BJA Public Trust and Confidence Committee Appointment</u> <ul style="list-style-type: none"> • Send appointment letter 	<p>Done</p>
<u>Office of Superior Courts</u> <ul style="list-style-type: none"> • Add to February BJA meeting agenda 	<p>Done</p>

Tab 2



Board for Judicial Administration (BJA)

BJA Business Account Bookkeeper Transition

February 5, 2016

TO: Board for Judicial Administration (BJA) Members
FROM: Misty Butler, BJA Administrative Manager
CC: Dirk Marler and Mellani McAleenan
RE: BJA Business Account Bookkeeper Transition

On January 28, 2016, Colleen Clark submitted a letter of resignation as the BJA bookkeeper for the BJA Business Account, effective February 19, 2016. Ms. Clark has served in the position for the last eight years and we are grateful for her service. The purpose of this memo is to outline the next steps in transitioning her responsibilities.

Selection Process

AOC employee Jan Nutting verbally expressed interest in the position and the BJA Administrative Manager inquired as to the process of selecting the bookkeeper in the past, however there was no one that could remember. Ms. Nutting submitted her interest, experiences and references in writing and the BJA co-chairs and administrative manager agreed to offer her the position.

Compensation

According to account records, the BJA bookkeeper has been paid \$50 per month for at least the last 20 years. The workload varies. During months that they are just paying expenses and reconciling the account they spend two to three hours. However, during a dues collection period (every two to three years and for four to six months) they spend approximately 15 hours per month sending notices, collecting payments, and making deposits.

The BJA co-chairs and administrative manager agreed that it was time to raise the compensation rate for the bookkeeper. That rate has changed from \$50 per month to \$100 per month.

Audit

As suggested by the BJA, an external audit of the account covering 2008-2015 was recently completed. The methodology of the audit was to look for inconsistencies between written policies and procedures and actual practice. It was also an opportunity to identify areas in the accounting process where information could be lost or processed incorrectly. The results of the audit indicated small areas that can be improved. No serious concerns were discovered.

Ms. Clark and Ms. Nutting will transition responsibilities during the remainder of February. During the transition process the findings of the audit will be incorporated to ensure compliance with written policies and procedures. The BJA Administrative Manager will present the complete audit and steps to come into compliance during the March BJA meeting.

Tab 3

2015 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY UPDATE

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

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

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

The growing number of legal problems is among the key findings within the 2015 Washington State Civil Legal Needs Study Update commissioned by a special committee of the Washington State Supreme Court.

Average number of legal problems per household	
2003	2014
3.3	9.3

The new study is the first rigorous assessment of legal problems experienced by low-income Washingtonians since the state's landmark 2003 Civil Legal Needs Study. The data come from a statewide survey of Washington's low-income residents by Washington State University's Social and Economic Sciences Research Center.

The findings are significant and sobering. Low-income Washingtonians who face one

Some of the Key Findings:

- **Civil legal issues are common.** Seven in 10 low-income households in Washington State face at least one significant civil legal problem each year. The average number of problems per household increased from 3.3 in 2003 to 9.3 in the 2014 survey.
- **The most common problems have changed.** Health care, consumer/finance and employment now represent the three areas with the highest percentage of problems.
- **Race, ethnicity and other personal characteristics affect the number and type of problems people have.** These personal characteristics also affect the degree to which people experience discrimination or unfair treatment and the degree to which they are able to get legal help.
- **Victims of domestic violence and/or sexual assault experience the highest number of problems per capita of any group.** Fully 100% of those who have been a victim of domestic violence and/or sexual assault will experience important civil legal problems. These problems occur in every substantive category from health care, to housing, to family law, consumer and employment.
- **Many are adversely affected by data tracking.** Significant numbers of low-income households experience unfair treatment on the basis of their credit histories, prior involvement with juvenile or adult criminal justice system and/or their status as a victim of domestic violence or sexual assault.
- **There is a widespread legal literacy problem.** A majority of low-income people do not understand that there are legal remedies for the problems they experience and that they would benefit from getting legal help.
- **The vast majority of people face their problems alone.** More than three-quarters (76%) of those who have a legal problem do not get the help they need.
- **Most low-income people have limited confidence in the state's civil justice system.** Low-income people generally lack trust and confidence in the civil justice system. Perceptions about the fairness and effectiveness of the system to help solve problems experienced by "people like me" differ significantly on the basis of race, ethnicity and other characteristics.

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

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

civil legal problem often have other serious and related legal problems at the same time. And, for many, these serious problems are compounded by race, ethnicity, age, disability, immigration status or their status as a victim of domestic violence or sexual assault.

One struggling mom explains how one problem leads to another and then another:

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

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

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

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

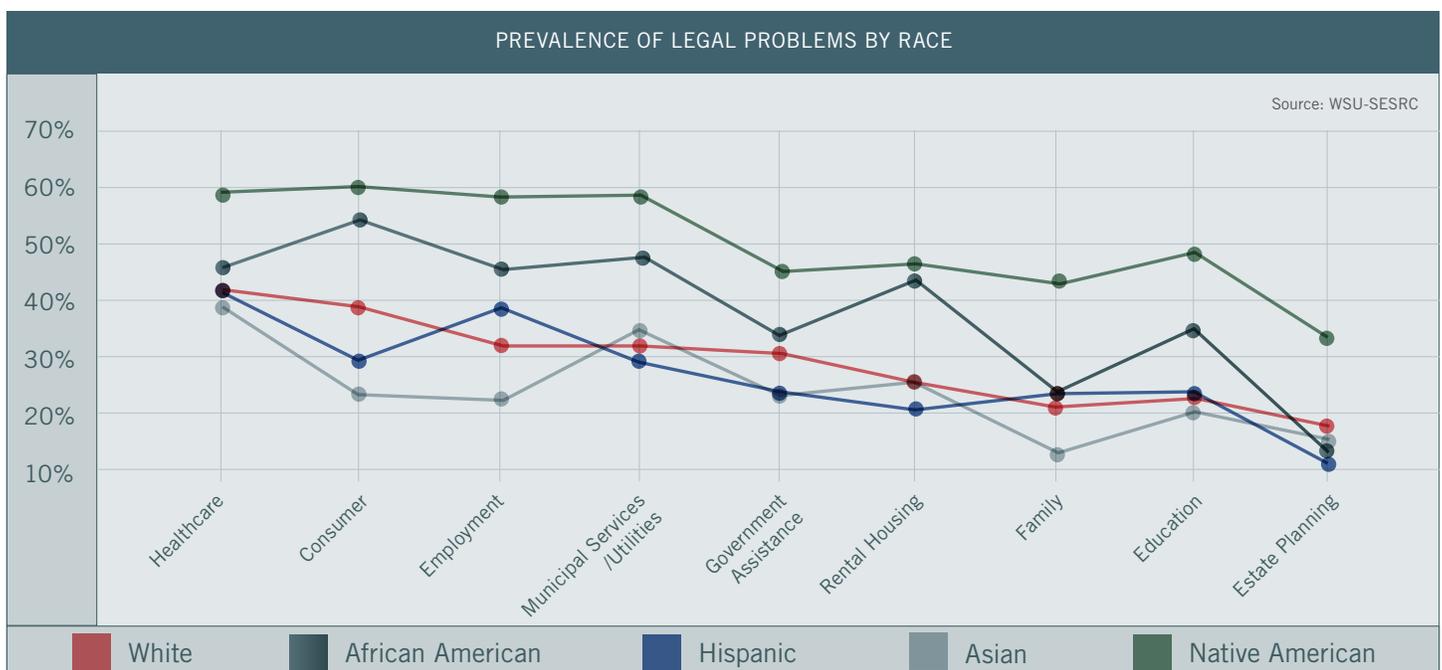
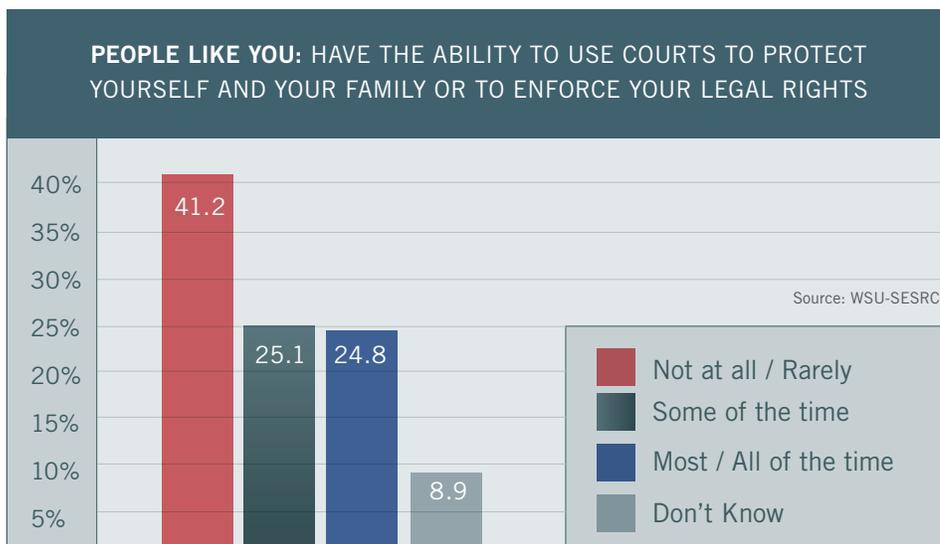
From Justice Charles K. Wiggins, Chair, Civil Legal Needs Study Update Committee

This Report challenges us to do better.

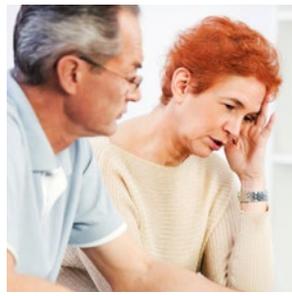
- It challenges us to ensure that low-income residents understand their legal rights and know where to look for legal help when they need it.
- It challenges us to squarely address not only the scope of problems presented, but the systems that result in disparate experiences depending on one’s race, ethnicity, victim status or other identifying characteristics.
- It challenges us to be aware of the costs and consequences of administering a system of justice that denies large segments of the population the ability to assert and effectively defend core legal rights.
- Ultimately, it challenges us to work all the harder to secure the investments needed to deliver on the promise embedded in our constitutional history and our nation’s creed – that liberty and justice be made available “to all.”



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



ACCESS THE FULL REPORT, OCTOBER 2015 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY UPDATE, AS WELL AS SUPPORTING TECHNICAL DOCUMENTS AT WWW.OCLA.WA.GOV/REPORTS/



2015 WASHINGTON STATE
CIVIL LEGAL NEEDS STUDY UPDATE

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





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WASHINGTON'S CIVIL JUSTICE SYSTEM MUST SERVE ALL OF US

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

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

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

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

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

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

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

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

This Report challenges us to do better:

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

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



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

EXECUTIVE SUMMARY

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



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

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

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

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

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

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

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

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

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

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

Some of the key findings:

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

FACING COMPLEX PROBLEMS ON THEIR OWN



“I HAD NO IDEA WHAT I WAS DOING,”

ANNA CONFESSED

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

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

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

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

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

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

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

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

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

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

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



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

2014 SURVEY RESPONDENT

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

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

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

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

Average number of legal problems per household	
2003	2014
3.3	9.3

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

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



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

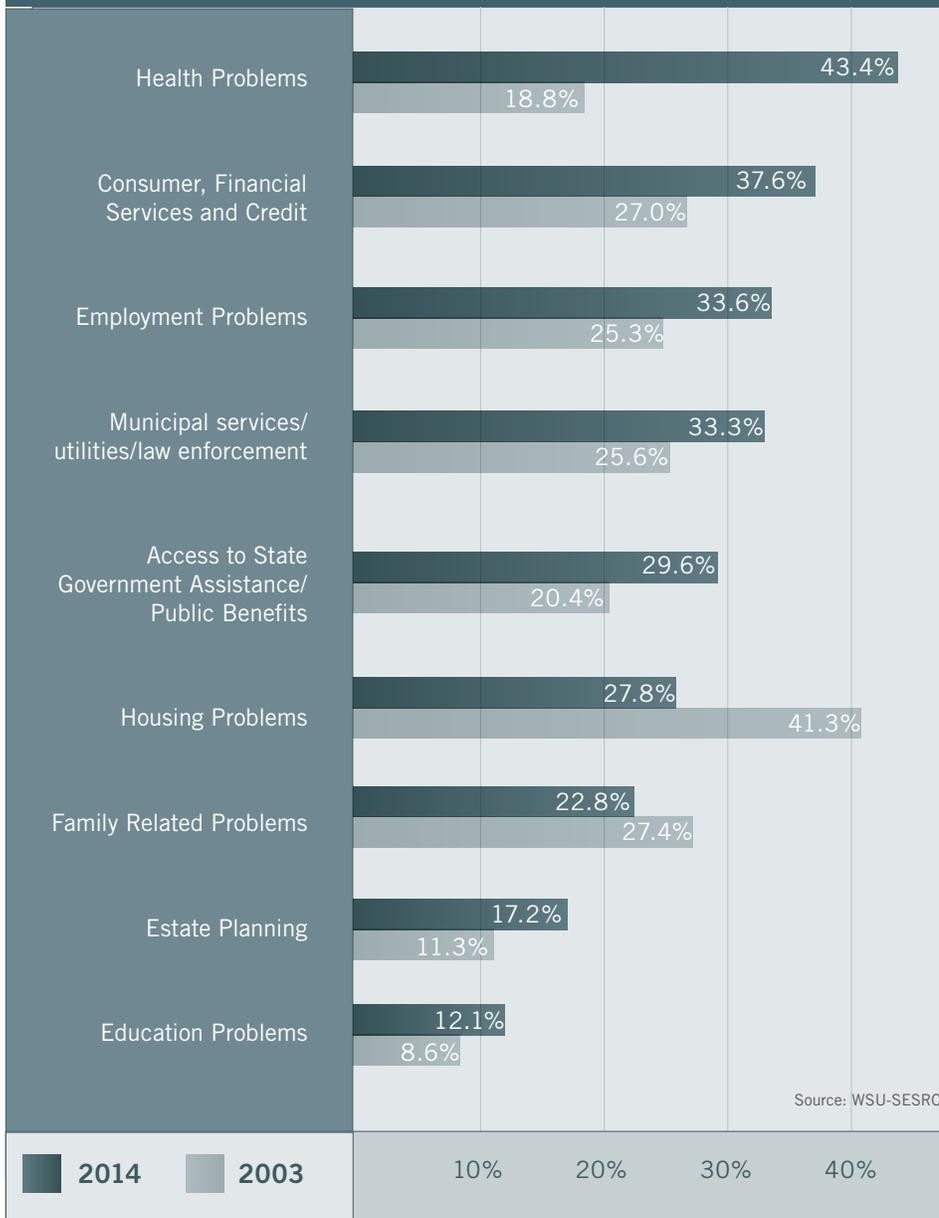
There were other significant changes in the types of problems experienced by low-income Washingtonians between 2003 and 2014.

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

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

2014 SURVEY RESPONDENT

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



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

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

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

Low-Income Washingtonians Face Many Other Significant Civil Legal Issues

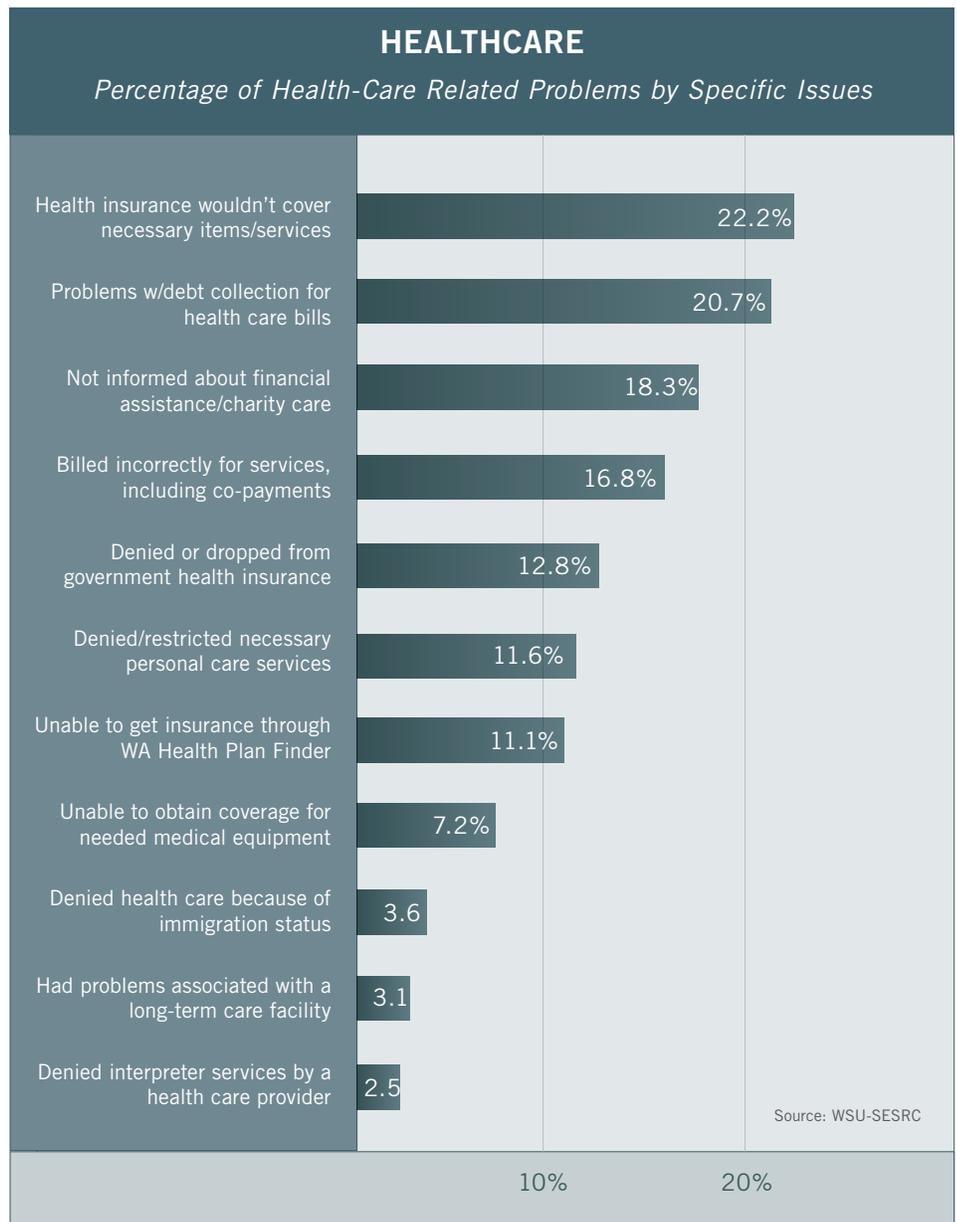
The low-income households and individuals who responded to the 2014 survey reported a total of 7,460 separate civil legal problems, not including those related to discrimination and unfair treatment.

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

2014 SURVEY RESPONDENT

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

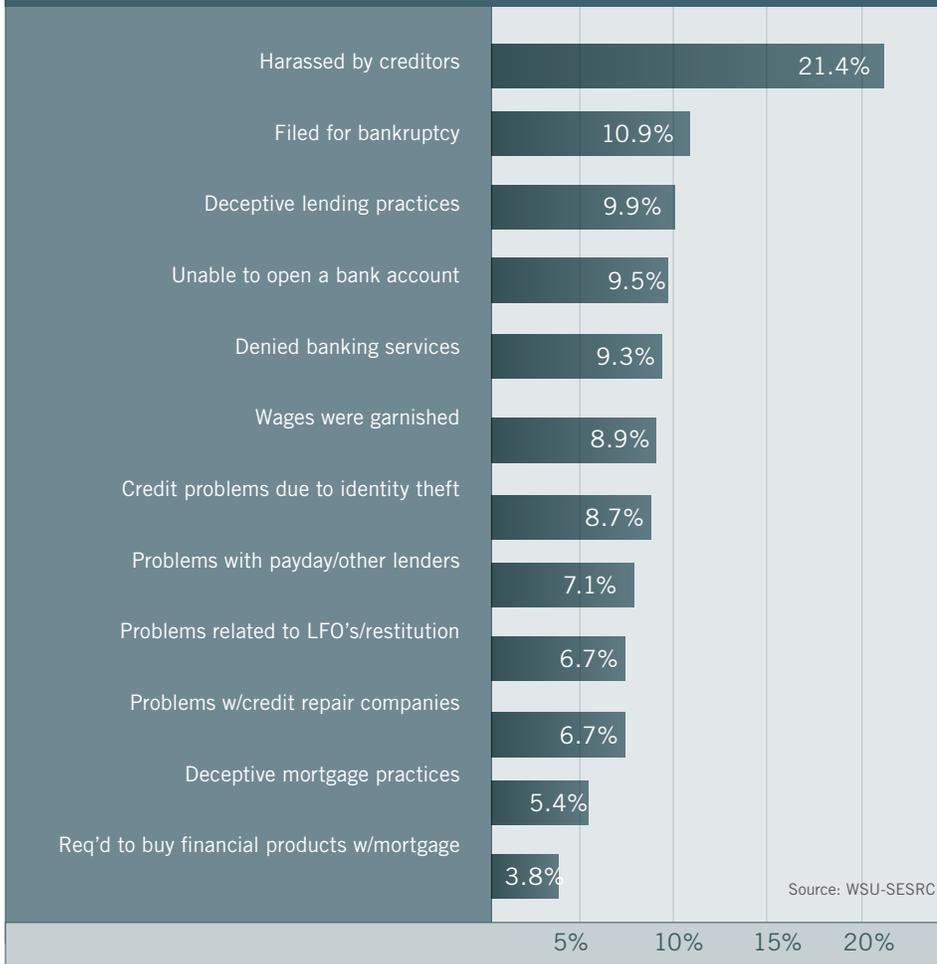
- **Municipal services and utilities.** Low-income households experience significant problems with law enforcement, and have substantial difficulties getting and keeping essential utility services.
- **Access to government assistance.** Individuals and families often have state government-provided benefits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



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

2014 SURVEY RESPONDENT

CONSUMER, FINANCIAL SERVICES AND CREDIT PROBLEMS BY SPECIFIC ISSUE



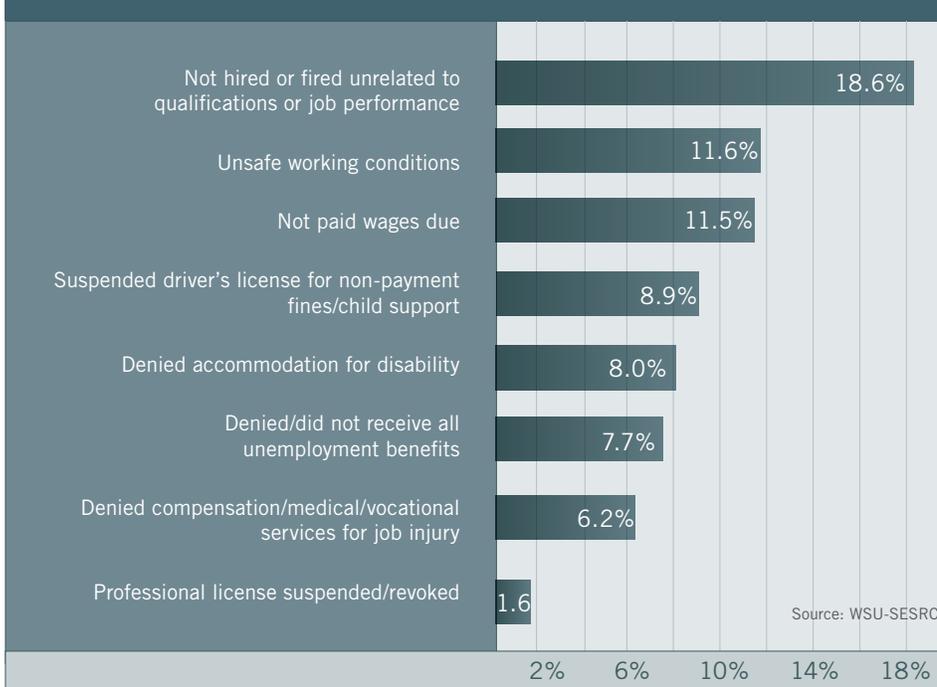
- **Education.** The most common problems include issues relating to unsafe schools, school discipline including suspension and expulsion, and the inability to complete school because of multiple moves and homelessness.

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

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

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

EMPLOYMENT PROBLEMS BY SPECIFIC ISSUE



WHO YOU ARE MATTERS

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

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

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

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

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

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



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

2014 SURVEY RESPONDENT

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

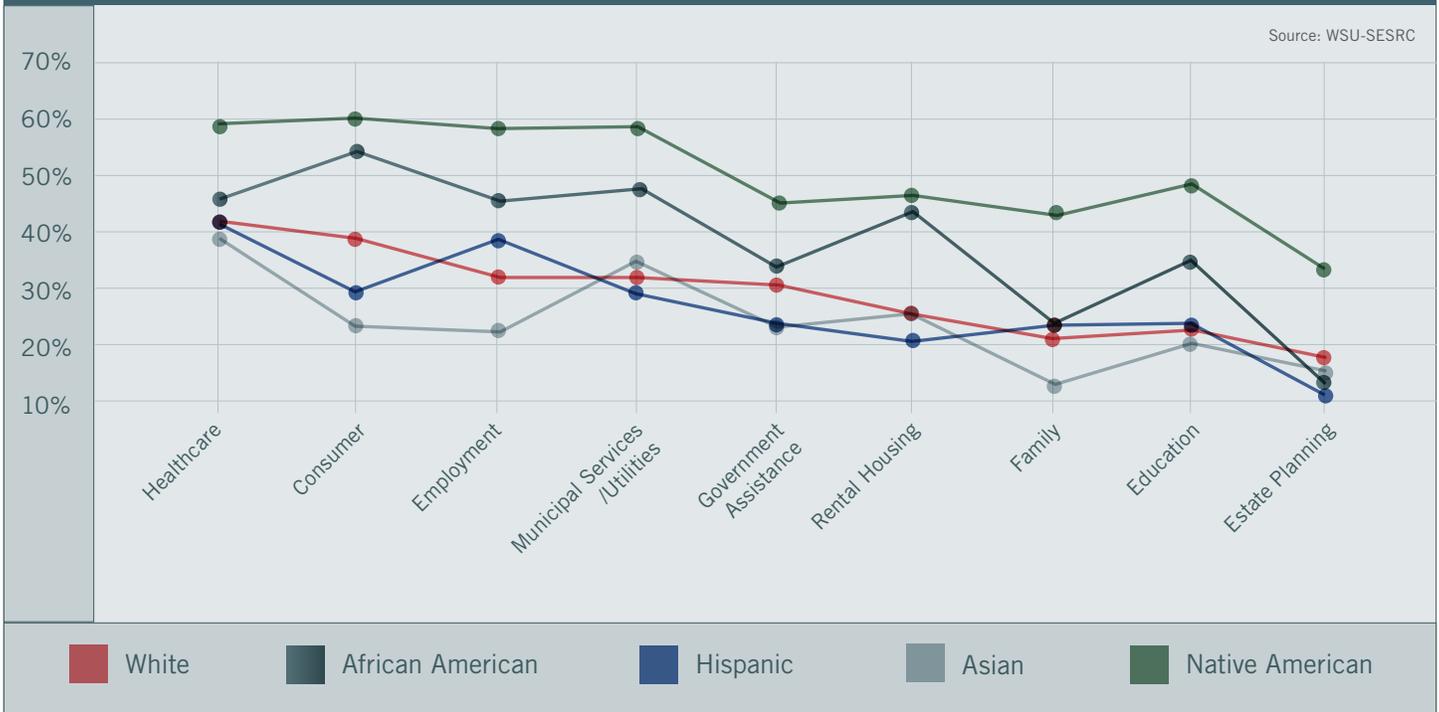
For example, while one-third (33%) of the general population with at least one civil legal problem has an issue related to employment, well over half (56.7%) of low-income Native American households have an employment problem and close to half (44.7%) of low-income African-American households face an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

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

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

PREVALENCE OF LEGAL PROBLEMS BY RACE

Source: WSU-SESRC



Group members experience common problems

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

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

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

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

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

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

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

2014 SURVEY RESPONDENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

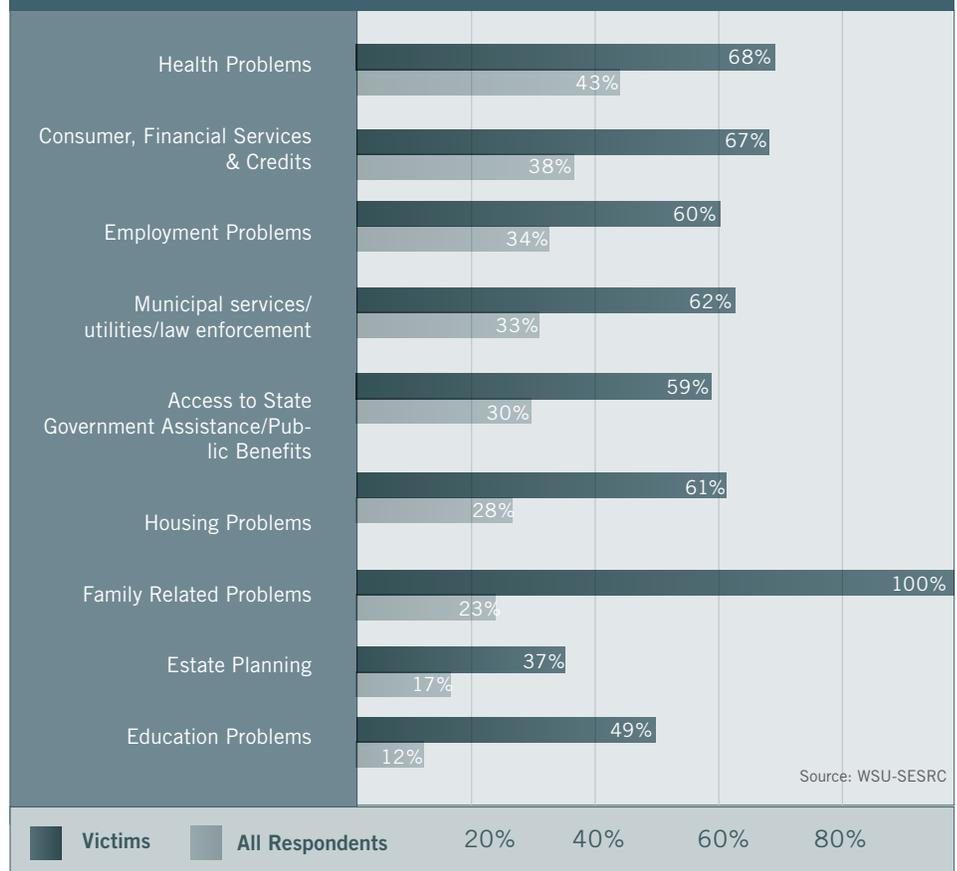
Low-income Washingtonians who have suffered domestic violence or been a victim of sexual assault experience an average of 19.7 legal problems per household, twice the average experienced by the general low-income population. They experience legal problems at substantially higher rates than the general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

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

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



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



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

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

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

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

2014 SURVEY RESPONDENT

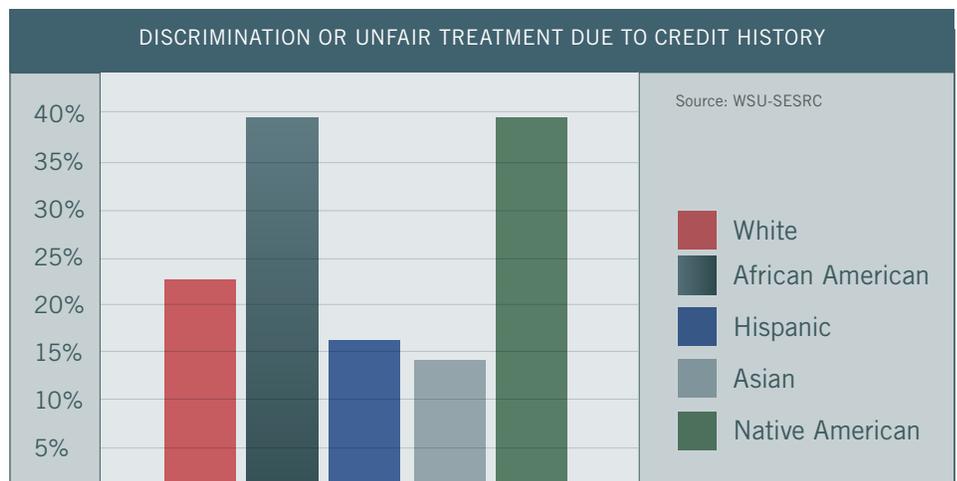
The widespread commercial use of databases and data mining practices makes it easier today for a landlord or prospective employer to check on an applicant’s credit history or court records. For many, that means past mistakes adversely affect a person’s current and future ability to secure housing, get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

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

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

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

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



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

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

3 RCW 19.182.020

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



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

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

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

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

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

2014 SURVEY RESPONDENT

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

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

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

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

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

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

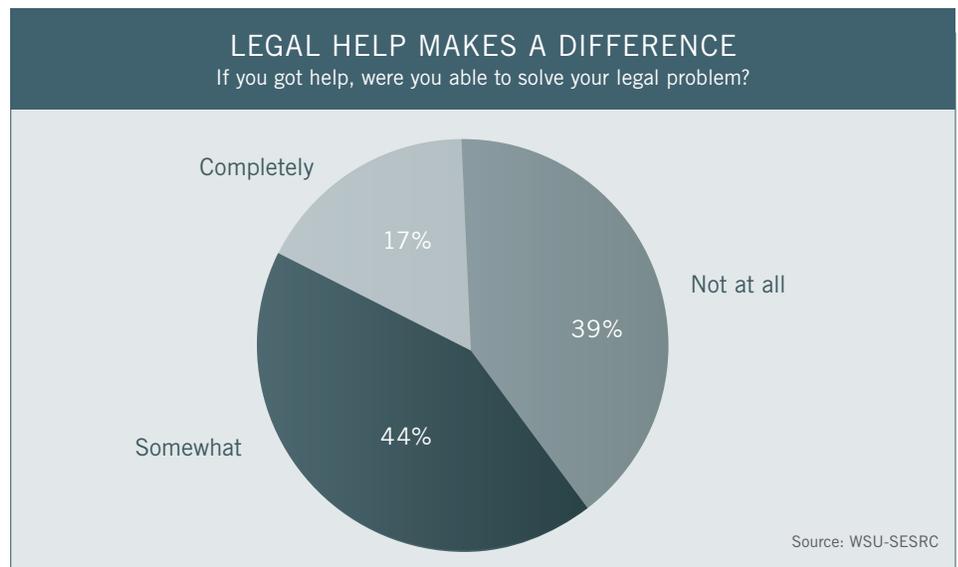
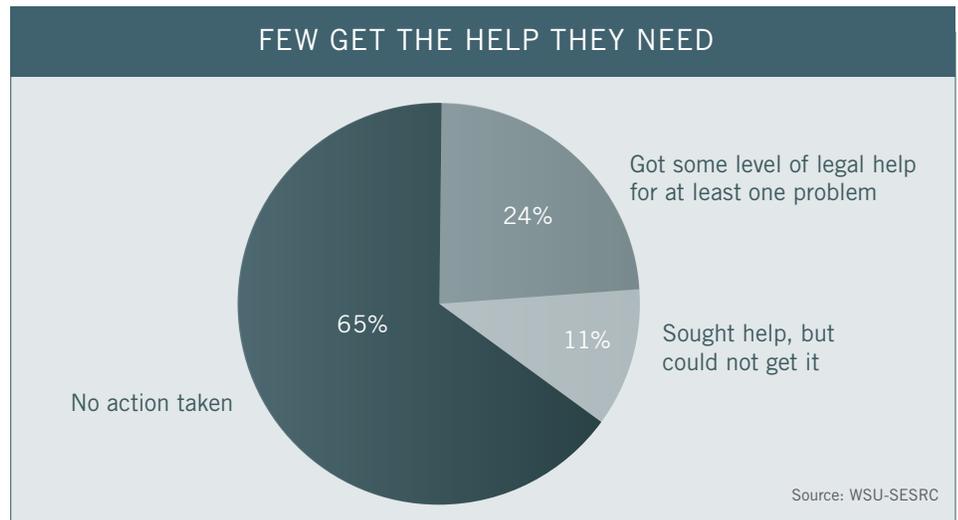
With other issues, such as denial of service, discrimination and unfair treatment or employment, people may not understand that these problems have a legal solution. Or, even if they recognize the legal component, they are not sure whether or how to seek legal assistance.

Even Limited Legal Assistance Helps People Solve Problems

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

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

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



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



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

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

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

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

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

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

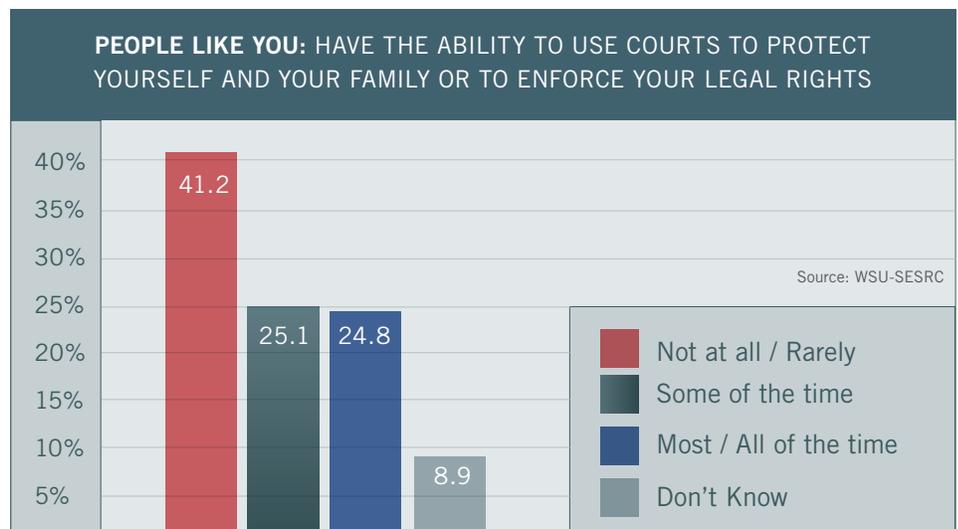
civil legal system is a forum to which they can confidently turn for the resolution of important legal problems.

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

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

that the legal system can solve their important problems.

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



THE CHALLENGE



TURNING FINDINGS INTO ACTION

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

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

A veteran wrote:

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

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

One person wrote:

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

Another shared:

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

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

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

One person asked:

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

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

ABOUT THIS UPDATE:

WHY, WHO, WHEN, WHERE & HOW

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

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

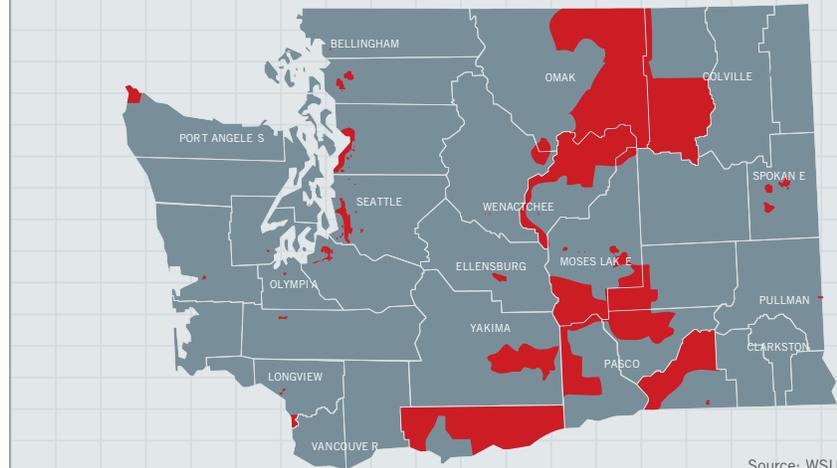
- Understand the nature, gravity and consequences of legal problems that low-income people face in Washington State.
- Identify new civil legal problems that have emerged since the 2003 study.
- Assess the impact those problems have on low-income individuals and families.

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

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

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

HIGH POVERTY CENSUS TRACTS SURVEYED



Source: WSU-SESRC

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

 Target Census Tracts

SURVEYS COMPLETED BY HOUSEHOLDS ACROSS THE STATE



Source: WSU-SESRC

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

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

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

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

To be eligible, individuals needed to have

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

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

SURVEY REFLECTS WASHINGTON'S LOW-INCOME DEMOGRAPHICS

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

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

MORE WASHINGTONIANS LIVE IN POVERTY THAN EVER BEFORE



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

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

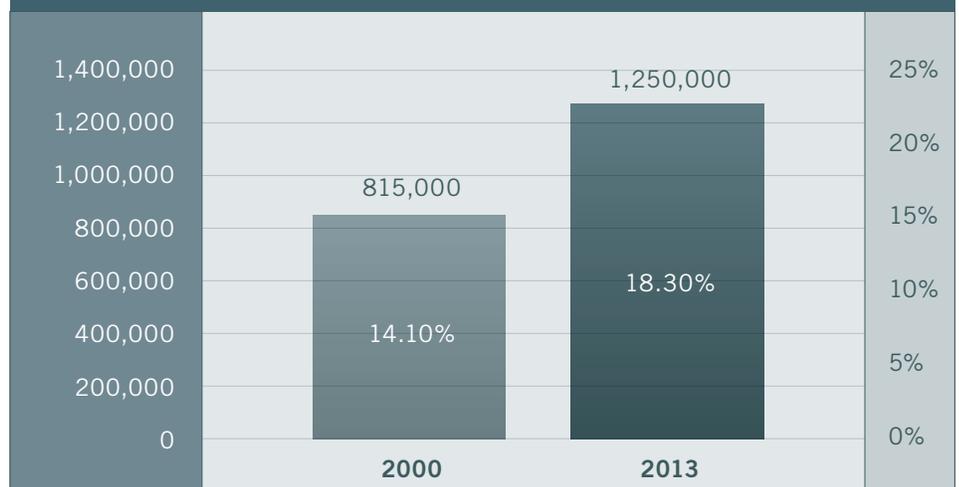
Poverty's grip is also stronger for members of minority and ethnic groups. The latest census figures show Blacks/African Americans who comprise just 4% of Washington's total population and Hispanic/Latinos who account for about 12% of the total population were twice as likely as non-Hispanic whites to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

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

2014 SURVEY RESPONDENT

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

Source: U.S. Census



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

ACKNOWLEDGMENTS

The 2014 Civil Legal Needs Study Update Committee would like to thank those who dedicated resources and time to make this update possible:

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

The Update Committee also extends its appreciation to Washington State University's Social and Economic Sciences Research Center (SESRC) researchers Danna Moore and Arina Gertseva for providing expert guidance concerning project implementation, to other SESRC staff and students at Washington State University for support in the conduct of the survey and data analysis, to the staff of the Office of Civil Legal Aid for coordinating and staffing this effort, to the Washington State Center for Court Research, to members of the CLNS Update Technical Advisory Work Group, and to the thousands of low-income residents throughout Washington State who took the time to participate in this survey.

Committee Members/Staff

Washington State Supreme Court 2014 Civil Legal Needs Study Update Committee

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- JUSTICE STEVEN GONZÁLEZ, WASHINGTON STATE SUPREME COURT, REPRESENTING THE WASHINGTON SUPREME COURT ACCESS TO JUSTICE BOARD
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- RUTH GORDON, JEFFERSON COUNTY CLERK, REPRESENTING THE WASHINGTON SUPREME COURT GENDER AND JUSTICE COMMISSION
- HON. ANITA DUPRIS, CHIEF JUDGE, COLVILLE TRIBAL COURT OF APPEALS
- NINFA QUIRÓZ, REPRESENTING SEA MAR COMMUNITY HEALTH CENTERS
- SALLY PRITCHARD, REPRESENTING UNITED WAY OF SPOKANE COUNTY
- VIRLA SPENCER, REPRESENTING THE CENTER FOR JUSTICE IN SPOKANE

- JAMES A. BAMBERGER, DIRECTOR, WASHINGTON STATE OFFICE OF CIVIL LEGAL AID, PROJECT COORDINATOR



APPENDICES

Appendix A: Methodology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix B: Master Tables

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix C: Target Survey Groups

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

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

Appendix D: Substantive Problem Areas

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

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

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

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

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

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

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

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

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

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

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

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



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Tab 4



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Northwest Justice Project

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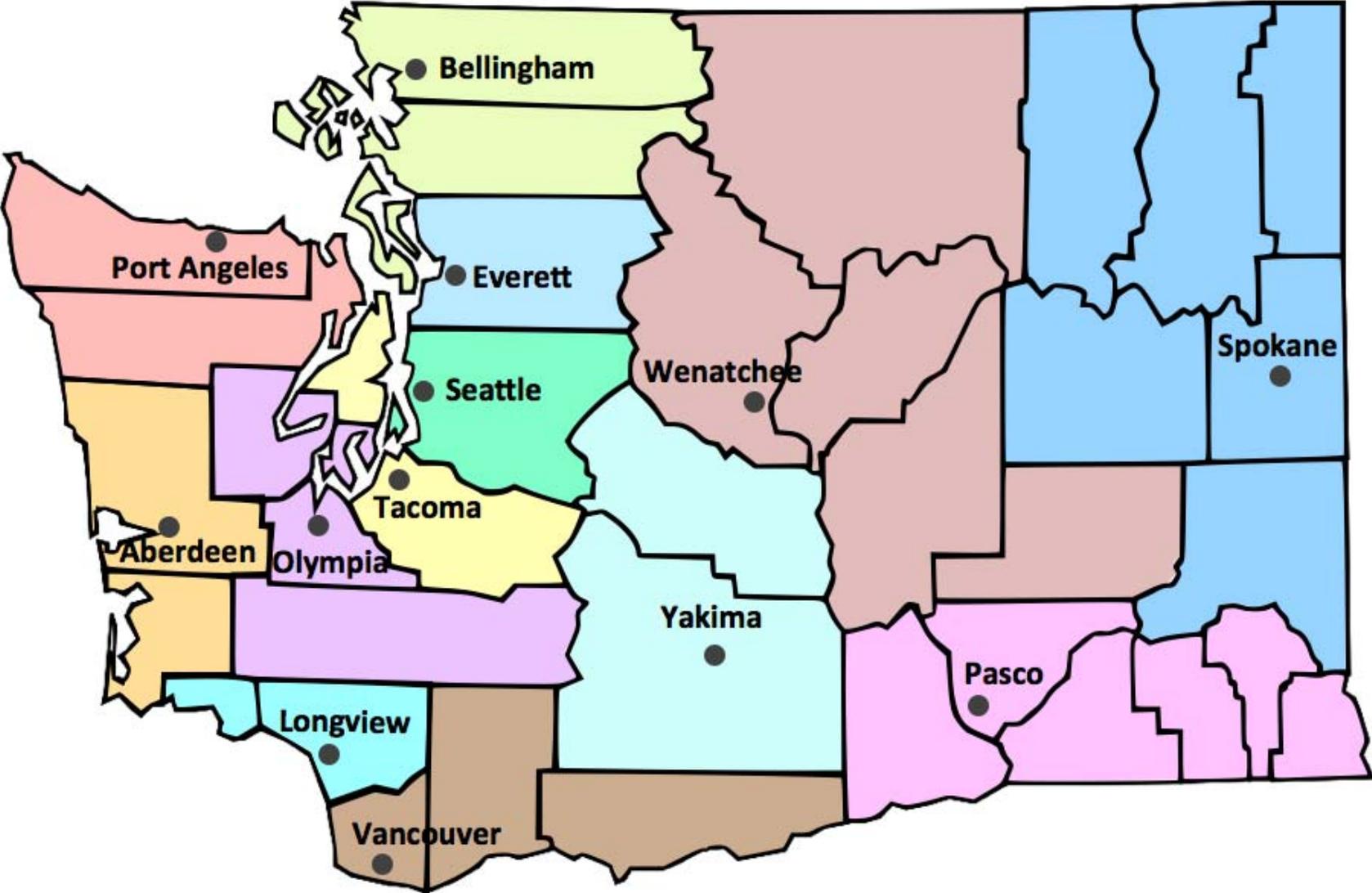


Northwest Justice Project

NJP's Mission

To secure justice through high quality legal advocacy that promotes the long-term well-being of low-income individuals, families, and communities.

Field Office Service Areas





Northwest Justice Project

GENERAL CASE PRIORITIES

- ◆ Housing/Foreclosure
- ◆ Family Law
- ◆ Consumer Law
- ◆ Public Benefits/Health
- ◆ Education & Youth Law
- ◆ Disabilities Law
- ◆ Specialized Funded Projects



Specialized Service Delivery

Statewide: Native American Unit
Farmworker Unit
Veterans Project
FCAT
Foreclosure Prevention Unit

Local: Medical-Legal Partnership (Seattle)
Pierce Homeless Families (Tacoma)
RISE (mothers/re-entry) (Seattle)
IRLAP (North Central Washington)
Seattle DV



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Northwest Justice Project

SAF-REMOVING BARRIERS TO EMPLOYMENT





THE PROBLEM

As of December 31, 2014, the number of unique individuals whose driving privilege was suspended in Washington based on FTA holds was 375,231.



SOCIAL COSTS

- Arrest and convictions for DWLS 3 cost more than \$100 million annually excluding incarceration costs.
 - DWLS 3 has accounted for up to 1/3 of annual misdemeanor filings
- Many stakeholders have identified driver's license suspension as the #1 barrier to employment
- Suspensions fall most heavily on:
 - Low-income people
 - Racial and ethnic minorities



DISPARATE IMPACT

JIS Data

Shows higher percentages of unpaid tickets among minority populations

Relicensing Program Participation

Spokane: African-American participation is more than three-times the population

Clark County: African-American participation is more than five-times the population

Seattle Times Investigation

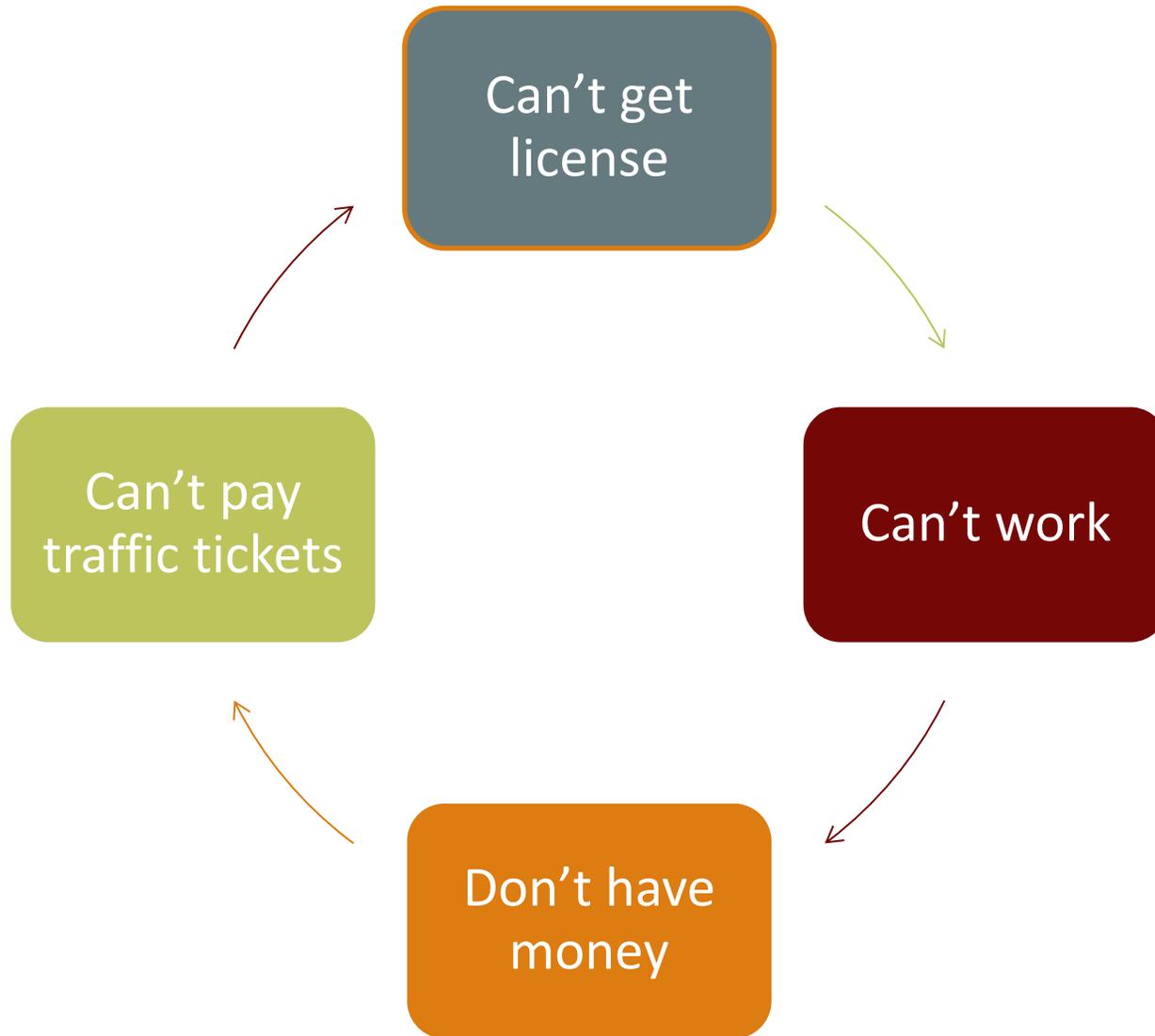
African-Americans: 9% of driving-age population, but 18.6% of traffic stops

Black drivers received 1.43 tickets per stop, whites received 1.28

NJP relicensing caseloads (statewide):

African Americans: 9% of cases, 3.9% of population

Native Americans: 19% of cases, 1.8% of population



Barrier #1: Poverty/Unemployment

- **Collection fees:**

- Collection agency may immediately add fee of up to 50% of balance
- Minimum fee: 100% of debt up to \$100



WASHINGTON STATE LEGISLATURE

RCWs > Title 19 > Chapter 19.16 > Section 19.16.500

Legislature Home

House of Representatives 19.16.480 << 19.16.500 >> 19.16.510

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RCW 19.16.500

Public bodies may retain collection agencies to collect public debts — Fees.

(1)(a) Agencies, departments, taxing districts, political subdivisions of the state, counties, and cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person, including any restitution that is being collected on behalf of a crime victim.

(b) Any governmental entity as described in (a) of this subsection using a collection agency may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee incurred or to be incurred. The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account and up to thirty-five percent of the unpaid debt over one hundred thousand dollars per account is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable. Any fee agreement entered into by a governmental entity is presumptively reasonable.

(2) No debt may be assigned to a collection agency unless there has been a written agreement between the governmental entity and the collection agency (ii) that the debt may be assigned to a collection agency for the purpose of collecting the debt if notice was attempted.

(3) Collection agencies assigned debts under this section shall not be considered assignees of private creditors.

(4) For purposes of this section, the term debt shall include fines and other monetary obligations under this section.

[2011 c 57 § 2; 1997 c 387 § 1; 1982 c 65 § 1.]

Notes:

Interest rate: RCW 43.17.240.

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RCW 19.16.500(1)(b): “The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account ... is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable.”

Barrier #2: Private Collections

Date and Number	Type	Court
3/29/2010 [REDACTED]	No license on person	Lakewood Muni Court Municipal 253-512-2258
10/29/2006 [REDACTED]	Driving while license suspended or revoked in the 3rd degree	Olympia Muni Court Municipal 360-753-8312
10/29/2006 [REDACTED]	Driving without liability insurance	Olympia Muni Court Municipal 360-753-8312
5/19/2006 [REDACTED]	Driving while license suspended or revoked in the 3rd degree	Yelm Muni Court Municipal 360-458-3242
7/28/2005 [REDACTED]	Driving without liability insurance	King Co Ct Seattle 3 District 206-205-9200

Five Holds
Three Courts

Barrier #3: Multiple Holds

Relicensing SUMMITS





SUMMIT OUTCOMES

Desire for uniform regional or statewide system

Frustration with “holdout” jurisdictions

Inefficient and confusing for each court to have its own practices

High DWLS 3 caseloads are a major concern

DWLS 3 filing fees a significant expense

More pressing with new P.D. caseload standards taking effect

Ambivalence toward life skills classes

Tending toward opposition if \$ required

Community service as an option for drivers who cannot pay

Need for more statistical data identified

Suspensions (number, length, reasons, racial disparities)

Costs (uncollected fines, court/police/legal hours, jail etc.)



STATEWIDE RELICENSING PROGRAM: NJP PROPOSAL

Drivers may consolidate all WA suspending traffic debt into single plan

- Income-based payment plan

- Holds released so long as driver remains current in payments

State agency could administer

- Directly or by contract with PAR-type company

- Would need staff, infrastructure to establish and administer plans

- Would need ability to receive, account for, and disburse funds to courts

Self-funded

- Administrative fees on participants' accounts



ANTICIPATED BENEFITS OF PROGRAM

- Simple and direct method for suspended drivers to regain license
- Decrease in costs and burdens of license suspension
- Increase in fine collections
- Decrease in uninsured driving

Tab 5



Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

Board for Judicial Administration
February 19, 2016

VULNERABLE POPULATIONS

- Elderly
- Dementia
- Traumatic Brain Injury
- Developmental Disabilities
- Mental Illness



HISTORY OF WINGS

In 2011 the National Guardianship Network (NGN) sponsored the Third National Guardianship Summit and recommended a change in the approach taken to adult guardianships.

Although well intended, studies concluded that state task forces that advocated for legislative changes did not always include all stakeholders and often did not continue functioning for long-term implementation of changes.

The primary recommendation for change was a call for “coordinated state court-community partnerships” or WINGS to improve ways the courts and guardians practice and to improve the lives of people who may need guardians.



After the conference NGN sought and received support from the State Justice Institute and the Albert and Elaine Borchard Foundation on Law and Aging to help implement state WINGS pilot programs.

The goal was to have a state's highest court partner with other guardianship stakeholders to establish a WINGS entity to:

- Identify strengths and weaknesses in the state's current system;
- Address key policy and practice issues;
- Engage in outreach, education, and training; and
- Serve as an on-going problem solving mechanism.



HISTORY OF WINGS

In 2014, NGN and the State Justice Institute sought applications from state high courts to create a WINGS program. The Washington State Supreme Court, with the support of other guardianship stakeholders, submitted a request for a WINGS grant.

Washington, the District of Columbia, Indiana, Minnesota, and Mississippi each received a \$7,000 WINGS grant.

In Washington, other stakeholders pledged more than \$14,000 in matching funds to leverage the \$7,000 WINGS grant.



- Created a 12 person Steering Committee to guide the work of stakeholders;
- Administered an online needs assessment survey where more than 400 stakeholders statewide responded;
- Held a conference, where 205 diverse stakeholders discussed and prioritized recommendations;
- Established four committees to refine and implement 23 recommendations; and
- Planning a second conference for March 17, 2016.

- Change the title “Title 11 Guardian ad litem” (2017).
- Change the statutory reference “incapacitated person” (2017)
- Draft a statewide court rule requiring use of standardized reporting forms (2017).
- Develop a proposal for statewide guardianship monitoring (2017).
- Develop a proposal for a Guardianship Ombudsman (2017).
- Develop a proposal to address guardian ad litem credentialing, registry and selection and the investigative process (2017)



- Develop a plan to provide reduced fee or free legal services.
- Develop a plan to provide conflict resolution services.
- Provide a court-appointed attorney to the person needing guardianship services.
- Establish additional minimum qualifications for Guardians ad litem.
- Establish a hotline to respond to guardian questions and grievances.
- Improve professional guardian certification.
- Require WSP and FBI background checks for lay guardians.
- Improve minimum qualifications for all guardians.



- Post information on the web that will help the family and friends of persons needing decisional support understand the guardianship process.
- Develop a training to help all professionals involved with the guardianship process understand roles and responsibilities.
- Develop and present a guardianship document monitoring process for all courts.
- Improve the online lay guardian training and develop a training manual.
- Develop and train stakeholders about alternatives to guardianship including supported decision-making.



- Develop new or revised standards of practice for lay and professional guardians that address specific issues of concern including:
 - Conflict of Interest.
 - Isolation of persons in a guardianship.





WINGS Tips

State Replication Guide For Working Interdisciplinary Networks Of Guardianship Stakeholders

2014



Produced by the **National Guardianship Network**
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and the **Borchard Foundation Center on Law and Aging**
SJI award # SJI-12-N-157



Disclaimer

This publication was produced by the American Bar Association Commission on Law and Aging on behalf of the National Guardianship Network, which consists of 11 national organizations dedicated to effective adult guardianship law and practice. The views expressed in this document have not been approved by the governing or policy-setting bodies of the American Bar Association and should not be construed as representing policy of these organizations.

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WINGS Tips

State Replication Guide For Working Interdisciplinary Networks Of Guardianship Stakeholders

2014

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Introduction

The 2011 Third National Guardianship Summit, sponsored by the National Guardianship Network, made a key recommendation for change. It called for **coordinated state court-community partnerships**—“Working Interdisciplinary Networks of Guardianship Stakeholders” or “WINGS.” Such broad-based, collaborative working groups can drive changes that will affect the ways courts and guardians practice, and improve the lives of people who have or may need guardians.

States have lacked this kind of ongoing mechanism to continually evaluate “on the ground” guardian practice, to consistently target solutions for problems, and to ensure regular communication among stakeholders.

All too often, state task forces identify and advocate for needed legislative changes, but may not continue functioning for long-term implementation of the changes—and may not always include the essential gamut of stakeholders in the judicial, legal, aging, disability, guardianship, and mental health networks.

Over the past 25 years, adult guardianship reform recommendations repeatedly have urged the creation of court-community partnerships, and the 2011 Summit recommendation for WINGS builds on this history:

- **A 1988 National Guardianship Symposium** (“Wingspread”) proposed the development of “multidisciplinary guardianship and alternatives committees” to “serve as a planning, coordinating and problem-solving forum for the state’s guardianship system.”
- **The 2001 Second National Guardianship Conference** (“Wingspan”) suggested that state and local jurisdictions have an “interdisciplinary entity focused on guardianship implementation, evaluation, data collection, pilot projects, and funding.”
- **Follow-up 2004 “Action Steps”** emphasized that these interdisciplinary entities are at the core of adult guardianship practice improvement.
- **A 2010 Conference of State Court Administrators** report recommended the establishment of statewide guardianship task forces to resolve guardianship issues.

The Third National Guardianship Summit and the WINGS initiative are sponsored by the National Guardianship Network



The National Guardianship Network, established in 2002, consists of 11 national organizations dedicated to effective adult guardianship law and practice.

These organizations are

- AARP
- The American Bar Association Commission on Law and Aging
- The American Bar Association Section of Real Property, Trust and Estate Law
- The Alzheimer’s Association
- The American College of Trust and Estate Counsel
- The Center for Guardianship Certification
- The National Academy of Elder Law Attorneys,
- The National Center for State Courts
- The National College of Probate Judges
- The National Disability Rights Network
- The National Guardianship Association

See www.NationalGuardianshipNetwork.org

To encourage the implementation of WINGS, the National Guardianship Network sought and received support from the **State Justice Institute** and the **Albert and Elaine Borchard Foundation Center on Law and Aging** to help initiate state WINGS pilots. The aim was for the state's highest court to partner with community agencies and groups in establishing and maintaining a WINGS entity to:

- Identify strengths and weaknesses in the state's current system of adult guardianship and less restrictive decision-making options;
- Address key policy and practice issues;
- Engage in outreach, education and training; and
- Serve as an ongoing problem-solving mechanism to enhance the quality of care and quality of life of adults in or potentially in the guardianship and alternatives system.

The National Guardianship Network NGN selected four WINGS pilot states:

- The *New York* State Unified Court System;
- The *Oregon* State Unit on Aging, with leadership from the Oregon Judicial Department;
- The *Texas* Office of Court Administration; and
- The *Utah* Administrative Office of the Courts.

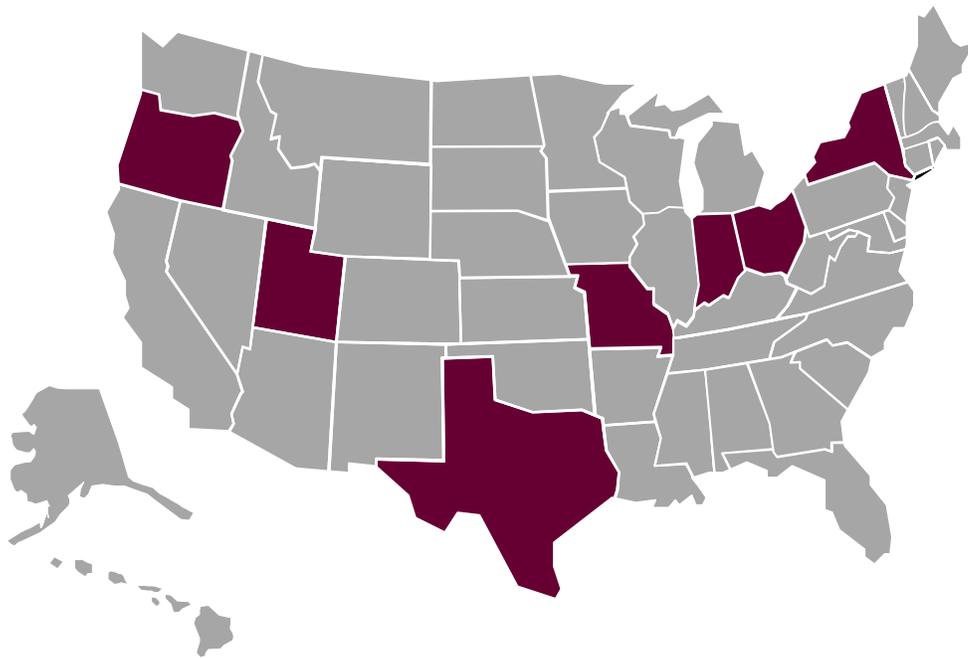
Three additional states already had such consensus and problem-solving groups in place or underway.

- In *Ohio*, an interdisciplinary Subcommittee on Adult Guardianship has been established under the state Supreme Court's Advisory Committee on Children, Families & the Courts.
- In *Missouri*, MO-WINGS grew out of a broadly inclusive task force convened by the Missouri Developmental Disabilities Council.
- In *Indiana*, an Adult Guardianship State Task Force also serves as a WINGS entity.

With these state WINGS groups underway, the National Guardianship Network seeks to build on their experience, offering guidance to additional states. *The goal is for all states to have WINGS—and for WINGS to work consistently and collaboratively over time to address adult guardianship issues and improve practice.*

WINGS States:

Indiana, Missouri, New York, Ohio, Oregon, Texas, Utah



In 2011, a trailblazing article on social change entitled “Collective Impact” stated that “Large-scale social change comes from better cross-sector coordination rather than from the isolated intervention of individual organizations” (Kania & Kramer 2011).

The concept of “collective impact” centers on bringing a group of important actors from different sectors to a common agenda. It involves highly structured collaborative efforts focused intensively on a tough social problem. The uneven practice of adult guardianship and inadequate use of less restrictive decision-making options is exactly such a challenging social/judicial problem. Courts, adult protective services, aging and disability agencies, and other stakeholders all have faced sobering budget constraints, and if guardianship is going to be improved, they **must come together** to do it.

Based on the “collective impact” concept and on the experience of the 2013 WINGS pilots, here are *ten hallmarks* of WINGS, and *ten steps* to launching and maintaining WINGS.

“ *Large scale social change comes from better cross-sector coordination rather than from the isolated intervention of individual organizations.* ”

Kania & Kramer 2011

Ten WINGS Hallmarks



The Indiana Adult Guardianship State Task Force, which became an Indiana WINGS group, in 2008 brought together over 35 member organizations supported by the major state agencies providing services to adults. In 2013, the Task Force secured legislative appropriations for volunteer guardian programs, an adult guardianship registry and establishment of an Office of Adult Guardianship.



“ Stakeholders work in disciplines that rarely overlap and are often geographically disparate from each other, with limited opportunities to collaborate and coordinate efforts to advance New York’s guardianship system. ”

New York WINGS sought to bring them together (New York WINGS 2014 Final Report).

1. WINGS groups are ongoing and sustainable.

WINGS is about constant, measurable, incremental changes over a long period that gradually make for a better system. Creating WINGS for your state is not about forming a group to tackle a single guardianship problem and closing the books. Instead, WINGS groups step back and take a broader, more sustained, long-term view—which might well include education, advocacy, and legislative objectives but looks beyond them.

In other words, don’t just produce a handbook, pass a law, or create a time-limited task force, but galvanize a process to **continually promote desired practices** through the efforts of all stakeholders.

This kind of continuous action for change, continuous striving for improved practices, requires an ongoing coordinator. Since guardianship is a judicial process, and since courts are highly visible and influential stakeholders whose buy-in is critical, courts are probably best positioned to coordinate an ongoing WINGS effort.

2. WINGS are broad-based and interdisciplinary, including non-professionals.

Successful WINGS groups draw from the judicial, legal, aging, disability, guardianship and mental health networks, and more. Required stakeholders for the 2013 pilots included the court, the state unit on aging, adult protective services, and the protection and advocacy agency providing legal services for people with disabilities. NGN strongly encouraged involvement of Social Security Administration and Veterans Affairs regional representatives as well.

States went far beyond this, adding the bar association and a host of others (see Launch Step 2 on p. 12), seeking diversity in fields, expertise, geography, and minority status.

A broader range of stakeholders will spark more communication and understanding statewide.

3. WINGS are problem-solving in nature.

WINGS groups bring stakeholders together regularly—opening doors to communication and focusing collectively and intensively on problems that in the past have seemed intractable.

For example

- How can solid screening for other decision-making options become a regular practice?
- How can family guardians be consistently supported and educated?
- How can courts with resource constraints best oversee and assist guardians?

Since each stakeholder brings a unique perspective and familiarity with resources, a structured consensus-building process often can produce imaginative solutions not yet envisioned or tried.

4. WINGS groups look primarily to changes in practice, and extend beyond legislative changes.

State guardianship task forces in the past often existed for the sole purpose of crafting and passing improvements in guardianship statutory law. However, these enactments did not automatically translate into changes in practice—and problems frequently persisted.

For example, despite legislative improvements, practice in some areas may still include:

- conclusory diagnosis-based assessments,
- perfunctory hearings,
- appointment of guardians when other options would work,
- inconsistent submission of annual reports,
- uneven monitoring to spot any financial exploitation,
- lack of guardian knowledge about basic community resources,
- lack of attention to individual rights and self-determination, and
- lack of effective data collection.

To galvanize real change, WINGS targets the on-the-ground performance by each of the stakeholder groups, and continually assesses how the performance changes are working.



The Ohio WINGS entity, the Subcommittee on Adult Guardianship, was permanently established under the state Supreme Court's Advisory Committee on Children, Families and the Courts. It has an ongoing mission to improve guardianship practice in the state.

5. WINGS groups start with solutions that are short-term “low-hanging fruit,” to generate momentum.

Groups that have brainstormed adult guardianship problems often come up with long lists that can seem overwhelming. Money to “fix things” is scarce to nonexistent, and changes in entrenched practices can seem daunting. Stakeholders may get discouraged and the group can fall of its own weight.

One secret to success is a series of incremental changes that add up to a large-scale difference. To build initial momentum, look first to efforts that can realistically be accomplished in a fairly short time, showing that the group is capable of producing results—and giving impetus for future successes.

Here are some examples of **doable short-term objectives**. Because different stakeholder entities bring different skills, several tasks could be in play at once with individual stakeholders or in small working groups, with progress reports at the plenary WINGS meetings.

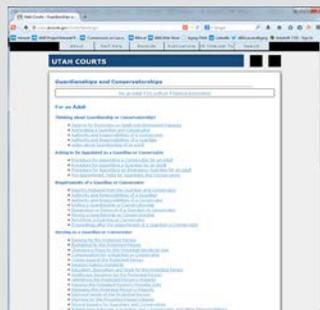
- Develop a website or Facebook page for family guardians.
- Include a link to aging and disability resources on the court website.
- Have courts distribute information on nursing home residents’ rights to new guardians.
- Schedule a meeting between the court administrative office and the regional Social Security office responsible for representative payees.
- Increase the number of family guardians in the state guardianship association, and gear presentations toward their needs.
- Have experienced conservators mentor new conservators.
- Develop brochures or handouts about decision-making options less restrictive than guardianship.
- Use state guardianship associations to train guardians about community living and transition programs underway.
- Convene a meeting or presentation on “supported decision-making.”
- Survey courts on obstacles to limited guardianships.
- Develop an educational piece for health professionals on decision-making and guardianship.



Bringing together on one website state resources and forms on adult guardianship and other options can be a simple, no-cost, effective step forward. Oregon and Utah WINGS created easily accessible webpages.



Oregon website
<http://www.oregon.gov/dhs/spwpd/pages/sua/elder-rights.aspx>



Utah website
<http://www.utcourts.gov/howto/family/gc/>

6. WINGS depends on “mutually reinforcing activities” of stakeholders; and fosters trust and communications among them.

The core of the “collective impact” concept is that while various stakeholders may have differing perspectives, with proper coordination, they can all work around a “common agenda” (Kania & Kramer). They don’t all need to do the same thing or be involved in every aspect of the WINGS initiative. But they can all pursue activities that promote the common agenda. Kania and Kramer state that:

Collective impact initiatives [encourage] each participant to undertake the specific set of activities at which it excels in a way that supports and is coordinated with the actions of others. The power of collective action comes not from the sheer number of participants or the uniformity of their efforts, but from the coordination of their differentiated activities through a mutually reinforcing plan of action.

Thus, for instance, courts may be more interested in achieving better guardianship management and efficient administration of cases, while disability advocates may focus on ways to hear and respect the voice of the individual. Each can work on objectives that fit into the overall vision of a better, more responsive, more person-centered approach.

7. WINGS includes a focus on rights and person-centered planning.

Because guardianship is a court process, it may be natural to highlight judicial needs such as improved petition and reporting forms, stronger more informative assessment instruments, court data systems, training for judges and court administrators, and tools for monitoring guardians. WINGS can reinforce these needs and make them more visible to funders and policymakers.

But WINGS brings an equal spotlight on self-determination. Individual rights and person-centered planning were prominent themes of the 2011 *Third National Guardianship Summit* that recommended WINGS. Moreover, the principles of “supported decision-making” clearly affects adult guardianship practice, and should be recognized and advanced by WINGS (see Appendix A).



Oregon WINGS created a person-centered planning tool for guardians to better understand the individual and the decisions needed.



In Texas, WINGS reports to the Texas Judicial Council’s Elders Committee, which received public comment on the practice of adult guardianship in the state.

8. WINGS groups welcome public input, and are transparent to the public.

As public-private entities addressing an important public purpose, WINGS groups should lean toward inclusivity and transparency. Complaints about guardianship sometimes go unheard, and can fester, perhaps appearing in press exposes.

WINGS meetings could be structured to allow time for input from the public—or, WINGS groups can sponsor public hearings that invite stories, complaints and suggestions. At the same time, WINGS committees also can convene more privately to assess specific scenarios and responses to specific problems.

9. WINGS groups make continuous adaptations.

Since WINGS are ongoing entities, they continuously evaluate the priority needs and the effectiveness of their activities. As there are changes in law, administration, affected populations, practices, and resources, WINGS may alter its course.

WINGS can engage in “formative evaluations,” constantly adapting to changing circumstances. For example, if WINGS finds mid-stream that there are immediate, pressing mental health systems problems affecting guardianship, it can shape its training and advocacy objectives to better meet the specific needs.

10. WINGS groups see themselves as part of a national network.

State WINGS groups are not alone. As more states develop WINGS, they will **collectively change the face of guardianship** and the ways decisions are made by and on behalf of individuals.

State WINGS groups can benefit from WINGS in other states. For instance, in the 2013 pilots, one state created a guardianship survey, which then was adapted and used by other states.

The more each WINGS group sees itself as part of a larger national reform effort, the more it will be empowered. Together, WINGS can be a real force in driving change.

Ten Steps to Launching and Maintaining WINGS

1. Designate a coordinator and a steering committee.

Court leadership in working with community partners concerning vulnerable individuals is imperative, and is directly aligned with the *High Performance Court Framework* (National Center for State Courts 2010). State court administrators launched and coordinated three of the four 2013 pilot WINGS networks (New York, Texas, and Utah). In Ohio, the WINGS group has been made a permanent subcommittee of the Supreme Court. In Oregon, the State Unit on Aging is the coordinator, but with the strong backing of the Oregon Judicial Department as a co-partner.

The coordinator (from the state court administrative office or elsewhere) must:

- Select a key group to form the steering committee;
- Convene the steering committee regularly to plan the first WINGS meeting;
- Secure a meeting space and manage meeting logistics;
- Compile and disseminate notes or a report on the first and subsequent meetings;
- Publicize WINGS to inform professionals and the public;
- Oversee the continuing WINGS meetings and subcommittee meetings;
- Ensure the collection of data on measurable improvements; and
- Plan for and seek funding to sustain WINGS.

Steering committees in the WINGS pilots ranged from five or six knowledgeable individuals representing key partners to a broader group of over 20. The steering committee must:

- Understand the WINGS concept and have the will to launch a WINGS group;
- Conduct a process to select initial priority issues;
- Identify stakeholder groups and individual representatives;
- Plan a carefully structured, facilitated, interactive agenda for the first meeting;
- Evaluate the meeting and plan for additional meetings; and
- Plan for and seek funding to sustain WINGS.



“ *Having a committed coordinator who glues everything together is important—somebody who is attentive to detail and is an effective relationship builder. The establishment of personal connections with committee members keeps them coming to meetings and continuing to accomplish tasks they have agreed to take on.* ”

2014 Utah WINGS
Final Report



Utah WINGS' broad-based, diverse membership was enhanced by recent additions from a Native American tribe, a non-profit that serves the Latino community, and the state Aging and Disability Resource Connection.

2. Identify stakeholders.

Draw from the judicial, legal, aging, disability, guardianship and mental health networks, and more. In the WINGS pilots, the number of participants in the first WINGS meeting (or “summit”) ranged from about 30 to 60. Those who attend should come well prepared to participate. Consider these stakeholders:

- **The highest state court, and the state court administrative office**

Involve both key judges and staff.

- **The state bar association, particularly the probate bar, and the elder and disability law bar**

Consider including any state chapter of the National Academy of Elder Law Attorneys.

- **The state unit on aging under the Older Americans Act, especially the state’s “legal assistance developer” often located in the state unit on aging**

The state unit on aging may be part of an “aging and disability resource center” (ADRC).

See www.eldercare.gov/ELDERCARE.NET/Public/About/Aging_Network/SUA.aspx

- **The state protection and advocacy agency**

This agency is part of a national, federally-mandated system of state agencies providing legally-based advocacy for people with disabilities.

See www.acf.hhs.gov/programs/aidd/resource/state-protection-and-advocacy-agencies

- **The state developmental disabilities planning council**

This council is part of a federally-mandated system promoting the interests and rights of people with disabilities and their families.

See www.acf.hhs.gov/programs/aidd/resource/state-councils-on-developmental-disabilities-contacts

- **The state adult protective services agency**

See www.napsa-now.org/get-help/help-in-your-area

- **State guardianship associations**
See www.guardianship.org/state_affiliates.htm
- **The state long-term care ombudsman, often located in the state unit on aging**
See www.ltombudsman.org/ombudsman
- **Professional guardians, both public and private**
- **Family and other lay guardians**
- **Mental health agencies**
- **Law enforcement representatives**
- **People with disabilities who are self-advocates**
See, for example, the “People First” organizations in many states: www.peoplefirst.org/usa.
- **The regional Social Security Administration (SSA) office**
SSA involvement is important to promote coordination between the federal SSA representative payee program and state courts with guardianship jurisdiction, which serve essentially the same population.

In Missouri-WINGS, the Social Security Administration representative conducted a presentation on Social Security representative payees to the Missouri Association of Public Administrators.
- **The regional VA office, to promote coordination of the VA fiduciary program with state courts**
- **Representatives from the health care, hospital, psychology and social work fields**
- **State AARP offices**
- **Alzheimer’s Association representatives**
- **State or local Arc chapters for people with disabilities**
See www.thearc.org/page.aspx?pid=2437



In Missouri-WINGS, the Social Security Administration representative conducted a presentation on Social Security representative payees to the Missouri Association of Public Administrators.

3. Identify initial priorities.

In the 2013 WINGS pilots, three states conducted a **statewide survey** as a start-off needs assessment. Such a survey can give a reasonable indication of priorities and can help to build an initial agenda. WINGS coordinators can collect background materials or have steering committee members prepare concise briefs on each priority topic for distribution to the stakeholder participants before the first WINGS meeting.

Oregon

The Oregon WINGS conducted an online survey based on recommendations from a 2008 state task force, and from the 2011 Third National Guardianship Summit. A total of 186 respondents completed the survey, representing all 36 counties. The survey included 21 statements to be rated as a priority. Oregon WINGS also surveyed its membership following the first full meeting on issues the group should address.

The issue consistently identified as highest priority was the establishment of statewide public guardianship services. Additional priorities were mandatory training and continuing education for professional guardians, education for lay guardians, standardized assessment of capacity, court monitoring improvements, and mandatory training for court visitors.

Texas

In Texas, the WINGS steering committee adapted the Oregon survey to Texas law and practice, and distributed it electronically throughout the state.

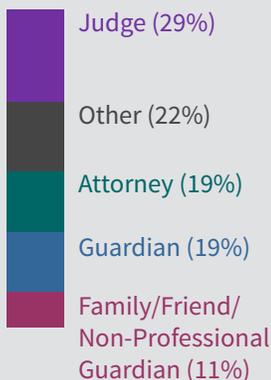
Over 290 respondents completed the survey. The top issues were: services to coordinate alternatives to guardianship; the need for statewide public guardianship; support services for family/friends to become guardians; support services to help and educate lay guardians; the need for standardized assessment forms; judicial training, and attorney training.



In New York a majority of the WINGS survey respondents identified the availability of guardian for indigent/low income individuals as a high priority.



In Texas, over 290 respondents completed a WINGS guardianship survey. The largest groups responding were lawyers and judges, but other practitioners and lay guardians responded as well.



New York

In New York, the WINGS steering committee sent a brief survey to each prospective meeting attendee. Fifty-six stakeholders responded. A substantial majority of the respondents (70%) identified the availability of guardians for indigent/low income individuals as a high priority issue. Other priority issues were: access to counsel for petitioners in low asset/indigent cases; availability of alternatives to guardianship, education, training and certification of guardians; and monitoring and oversight of guardians.

Utah

Utah had a remarkably broad steering committee that met several times in person, and identified 14 topics as most important to address at the initial WINGS summit. This list led to an “issues matrix” based on input at planning meetings, which in turn led to selection of three topic areas for consideration at the summit—how organizations can work collectively to improve services and decision-making; the use of medical evidence in guardianship proceedings; and the use of alternatives to guardianship, person-centered planning and supported decision-making.

4. Plan a consensus session.

Have the steering committee plan a full-day, working, **consensus-building meeting** to launch WINGS. The steering committee should structure the day tightly for maximum output. Consider opening the meeting with a speaker who can set the stage and rouse the group to action—perhaps the chief justice, a national expert, or a widely respected advocate.

Based on the identified priorities, the steering committee could plan for three or four working groups, each with a facilitator. Structure the groups to include a range of participants and expertise—for example, spreading among the groups the judges, attorneys, and family guardians. These working groups will form the heart of the day's session, and will take most of the time.

Structured working groups where everyone can be heard, and where problems and potential solutions are identified, are the heart of the initial WINGS meeting.

WINGS Tip

Structured working groups where everyone can be heard, and where problems and potential solutions are identified, are the heart of the initial WINGS meeting.



“Connections were established between agencies that sometimes serve the same population but do not communicate with each other or provide referrals. It certainly provided an educational opportunity and widened the understanding of gaps in the area of guardianship and beyond.”

2014 Utah WINGS
Final Report

WINGS Tip

The coordinator and steering committee should work to maintain a tightly planned structure yet include some informal time for networking, and some flexibility to change course if needed. Be sure to include lunch! Sharing food can often help to make connections among stakeholders. Food and snacks are great conversation starters, plus they give energy to the participants.



Oregon WINGS drafted a Charter to formalize its ongoing mission and objectives, to keep the group on course and to easily incorporate new members as needed.

Instruct the working group facilitators in conducting the sessions—directing the group members, within specific timeframes, to:

1. introduce themselves and their organization;
2. identify problems;
3. identify possible solutions; and
4. identify action steps.

Toward the end of the meeting, have each group present its discussion and priorities to the full summit. End with a strong, dynamic closing. (See examples of WINGS agendas for the initial meeting at Appendix B.)

5. Convene initial WINGS meeting.

The initial WINGS meeting will offer an opportunity for communications by participants who likely have not come together before. There will be some “aha” moments as stakeholders begin to recognize and understand each other’s role.

Aim to come out of the meeting with a working set of recommendations, and the makings of key ongoing workgroups for action. Plan for follow-up workgroup or committee meetings to focus on the recommendations.

Have the participants complete an evaluation of the session either at the end of the meeting or directly following the meeting. For example, Utah WINGS had the participants rate the agenda, content, facility, working groups, networking opportunities, and overall impact of the meeting.

6. Launch committees to focus on priorities.

There are two ways to form ongoing WINGS committees that will conduct much of the work. First, the workgroups from the initial meeting may continue as ongoing committees. Second, following the initial meeting, the coordinator may ask participants to choose the topic areas on which they want to work.

In Oregon, after the second meeting, WINGS formed four workgroups. Each workgroup has short-term, mid-term or long-term, and future (or other) projects. Participants chose the group that best suited their interests. The groups are: (1) training, education and supports for system partners; (2) support service for family/lay guardians; (3) protected person advocacy and system access; and (4) legislative/policy advocacy.

7. Meet regularly and foster continuing communication.

Plan to convene the full WINGS group regularly. For instance, in Oregon, WINGS meets quarterly. The Utah WINGS group has met bimonthly. Meeting frequency may depend on geography and costs. Plan at least biannual in-person meetings, with phone or video meetings in between. Meetings could piggyback on scheduled stakeholder events such as state guardianship association conferences.

WINGS workgroups can meet more frequently, either in person or by phone/video. (The coordinator could consider attending some of the workgroup meetings to maintain focus and avoid veering into another workgroup's tasks.)

An **expectation of regular, scheduled meetings** will help to sustain the group and build communications and trust.

8. Cultivate multiple, reinforcing stakeholder actions.

Each stakeholder brings special experience, skills and resources to the table. Each brings value to the full group and to the working committees. Each has its own channels of communication that can benefit the common agenda.

For instance, the court has a judicial education unit that can plan webinars or regional training sessions for judges on specific topics such as procedural requirements, assessments, person-centered planning or advance directives.

Many states have guardianship associations that can quickly and directly reach an array of guardianship practitioners.

AARP state offices may have resources to devote to certain objectives, and have a membership with powerful impact as advocates or volunteers. The state unit on aging has a widely used website to educate the public.

Aggregating all of these strategies can be a potent force for change.

If efforts for reform already have been underway, WINGS can build on these, reinforcing their effect, rather than starting over.

Collective impact efforts are most effective when they build from what already exists; honoring current efforts and engaging established organizations, rather than creating an entirely new solution from scratch. (Kania & Kramer)

For instance, in New York directly following the 2011 *Third National Guardianship Summit*, the Cardozo School of Law convened a guardianship reform conference in New York City, and the Vera Institute Guardianship Project made important advances, which both gave a solid platform on which WINGS could build in 2013.



“Something that proved most valuable to the success of Oregon WINGS was the inclusion of all stakeholders that were or have been involved in guardianship infrastructure enhancements. WINGS did not attempt to duplicate or assume leadership on existing efforts but instead worked to support such efforts.”

Oregon WINGS
2014 Final Report

WINGS Tip

Aggregating several sets of data gives a compelling view of the movement as a whole.



9. Collect data; evaluate to measure impact.

To fully realize the effectiveness of the WINGS effort requires the **methodical collection of data**. The “collective impact” strategy includes “a common set of measures to monitor performance, track progress toward goals, and learn what is or is not working” (Kania & Kramer). Rather than competing, WINGS stakeholders can agree on desired changes and the stakeholders can track progress. Aggregating several sets of data gives a compelling view of the movement as a whole.

Stakeholders can track “output” data such as the number of judges, attorneys, and guardians educated, the number of sessions, the number of lay guardians or informal caregivers and decision-makers supported, the amount of funding devoted to WINGS objectives.

More difficult but important is tracking more “outcome” oriented data such as the number of limited guardianships, the number of petitions diverted to less restrictive options, the change in percentage of reports timely filed, the change in respondent presence or participation at hearings, the use of “person-centered plans,” or the increase in advance planning to avoid guardianship.

A “report card” highlighting important data can spur public attention, funder attention, and action.

Don’t overlook collecting “stories” of “aha moments,” small changes in practice, or new networking opportunities fostered by WINGS connections.

10. Identify funding sources and strategies to sustain the group.

Funding is where some WINGS planners get stuck. The WINGS concept leverages action by multiple stakeholders, and thus gets real “bang for the buck”—a small amount of funding can generate a big wave of change. WINGS is not a high-cost undertaking—and gives a big payback.

How WINGS is strengthened by support for at least some of the time of the coordinator or coordinating “backbone” entity, and in some cases by subsidies for participant costs for attending at least the first meeting at a key location in the state.

NGN provided the four 2013 WINGS pilots with incentive support of \$7,000 each to launch the effort. This modest amount of funds paid for initial meeting expenses, and in some cases follow-up publications and limited studies. The WINGS groups report that the use of phone and video technology will allow working groups to meet regularly. Full WINGS meetings costs in the future may be absorbed as part of the court budget and/or by the member organizations.

A small amount of funding to boost coordination and sustain the early momentum is critical. Funders must recognize that supporting the collective efforts of the group will have a multiplier effect.

There is no magic bullet for funding, but consider these ideas:

- Use the data collected, and any report card, to highlight the needs, and the combined power of the stakeholders.
- Draw on WINGS stakeholder relationships to make the best contacts with funders.
- Go for a combination of public and private monies.
- Find a “champion” to advance your cause with policymakers and funders.
- Catch the positive attention of the press.
- Support individual stakeholder efforts to seek funding that would help to address overall WINGS objectives.
- Give examples of things accomplished by WINGS that “don’t cost a dime” such as posting resources on stakeholder websites or providing community information to guardians and family decision-makers.
- Impress funders with the breadth of stakeholders and the potential for imaginative, often low-cost solutions.
- Tell funders that your WINGS is part of a national network that can drive changes in the lives of the growing number of elders and persons with disabilities.

WINGS Tip

Draw on WINGS stakeholder relationships to make the best contacts with funders.



In Texas, AARP agreed to host an upcoming state WINGS meeting.

Conclusion

WINGS can breathe fresh air into the drive by courts and community stakeholders to advance adult guardianship reform. Already, WINGS meetings have sparked numerable interactions that can have ripple effects in improved guardianship trends and in the lives of vulnerable people.

“*The establishment of WINGS in Oregon couldn't have come at a better time to help see the public guardian bill across the finish line. Without WINGS and the demonstration to the Senator that the continued strong interest in a public guardian program went well beyond just the 10-12 people that were a part of our Public Guardian Task Force, he may not have made the public guardian bill one of his two bills this session. . . . When the bill died last year, it could have stayed on that heap, but the momentum was here to make it a priority bill for him. And with [the] volunteer guardian bill passing . . . it's been a great session. We also have another state Senator asking broader guardianship related questions. . . There is a lot of momentum in Oregon.*”

Oregon WINGS coordinator, 2014



Appendices

Appendix A: References on Development of WINGS

- Center for Elders and the Court, National Center for State Courts, *Adult Guardianship Court Data and Issues Results from an Online Survey, 2010* (Recommendation #5 on Court Partnerships), http://guardianship.org/reports/Guardianship_Survey_Report.pdf
- Hanleybrown, Fay, Kania, John & Kramer, Mark, “Channeling Change: Making Collective Impact Work,” *Stanford Social Innovation Review*, pp. 1-8 (2012).
- Kania, John & Kramer, Mark, “Collective Impact,” *Stanford Social Innovation Review*, pp. 36-41 (Winter 2011).
- Nack, Julia, Dessin, Carolyn & Swift, Thomas, “Creating and sustaining Interdisciplinary Guardianship Committees,” *Utah Law Review*, Vol. 2012, No. 3, pp. 1667-1690.
- National Center for State Courts, *High Performance Court Framework* (2010), <http://cdm16501.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1874>.
- National Guardianship Network, http://nationalguardianshipnetwork.org/wings_reform.htm. See final reports from the 2013-2014 WING pilot states on the WINGS page. Final reports include detailed descriptions of formation of WINGS in each of the four states.
- Steele, Fred, “Results of Informal Survey on Guardianship-Related Recommendations,” *Elder Law Newsletter*, Oregon (October 2013).
- Third National Guardianship Summit: Standards of Excellence, Symposium Issue, *Utah Law Review*, Vol. 2012, No. 3.
- Wood, Erica, “WINGS: Court-Community Partnerships to Improve Adult Guardianship,” *2014 Trends in State Courts*, pp. 59-62, National Center for State Courts (2014).

Guardianship Resources

- Center for Elders and the Courts, National Center for State Courts: <http://www.eldersandcourts.org/Guardianship.aspx>
- American Bar Association Commission on Law and Aging: http://www.americanbar.org/groups/law_aging/resources/guardianship_law_practice.html
- National Guardianship Association: <http://www.guardianship.org>
- National Guardianship Network: <http://www.nationalguardianshipnetwork.org>

Supported Decision-Making Resources

- “Supported decision-making” is an emergent concept confirmed in the United Nations Convention on the Rights of Persons with Disabilities, Article 12. In supported decision-making the individual with a disability remains the decision-maker, with relationships and arrangements to assist the person in making and communicating decisions about his or her life. It maximizes independence and promotes self-advocacy. Because the concept affects the population of individuals with disabilities in need of decision-making support, it is an important topic for WINGS.
- See a list of articles at <http://www.americanbar.org/groups/disabilityrights/resources/crpd/article12.html>.

Appendix B: WINGS Initial Meeting Agendas

- New York—March 2014
- Oregon—August 2013
- Texas—November 2013
- Utah—November 2013

New York



WINGS Planning Summit

“Setting the Agenda for Guardianship in New York: Fewer Resources, Greater Collaboration”

March 11, 2014

White Plains, New York

- 8:15-9:00 Check-in and Continental Breakfast
- 9:00-9:05 Welcome
- 9:05-9:30 WINGS Overview
- 9:30 -9:35 Instructions to the working groups
- 10:00-3:00 Break into working groups
1. Pre-Commencement Guardianship Issues
 2. Models of Guardianship
 3. Post-Appointment Guardianship Issues: Education, Oversight and Resources
- 12:00-12:30 Lunch- A buffet box lunch will be provided
- 3:00-4:15 Presentations by the Subcommittees
- 25-minute presentation by each group which will include a summation of their discussion, the issues they will focus on, and their next step.
- 4:15- 4:30 Closing Remarks

Oregon



Oregon WINGS (Working Interdisciplinary Network of Guardian Stakeholders)

August 28, 2013

9:30- 12:30

Salem, Oregon

- I. Introductions
- II. History & Purpose of WINGS
- III. Goal of our Oregon WINGS group
- IV. Review of 2008 Oregon Task Force on Protective Proceedings
- V. Review 2011 National Guardianship Summit recommendations
- VI. Review of Aug. 2013 survey regarding Oregon guardianship needs
- VII. Discussion on priorities for improving Oregon guardianship practices
 - a. Next Steps?
- VIII. Begin discussion on WINGS grant related project
 - a. e.g., public outreach, training, pilot project, or ???

Texas

**Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)
Friday, November 15, 2013
Austin, Texas**

- 9-9:15 Welcome and Introductions
 9:15-9:30 Overview of Project Goals
 a. Texas WINGS
 b. WINGS in Other States
 9:30- 10:15 WINGS Survey Results
 10:15 -10:30 Break
 10:30- Noon Workgroup Discussions (Breakout Session)
 Noon -1 Networking Lunch
 1-1:30 Workgroup Discussions (Breakout Session)
 1:30- 2:30 Workgroup Reporting
 2:30- 2:45 Break
 2:45-3:45 Solutions Discussion
 3:45-4 Next Steps and Sustainability of WINGS Group

Utah

**WINGS Summit
November 6, 2013
8:30 to 4:00
Salt Lake City, Utah**

- 8:30 Registration and Continental Breakfast-Second floor lobby
 9:00 Keynote Address-Parley 1 &2 Rev. Tom Goldsmith, First Unitarian Church
 9:20 Objectives for the Day-Tim Shea, Administrative Office of the Courts
 9:30 Breakout Sessions (Explore Issues)
 • Agency Collective Impact (Aspen Room)
 • Evidence of Incapacity (Cedar Room)
 • Person Centered Planning and Supported Decision Making (Red Butte Room)
 11:45 Lunch (Second floor lobby)
 Address by Chris Burbank, Chief of Police, Salt Lake City
 1:00 Breakout Sessions (Resolve Issues)
 • Agency Collective Impact (Aspen Room)
 • Evidence of Incapacity (Cedar Room)
 • Person Centered Planning and Supported Decision Making (Red Butte Room)
 3:00 Reports and Recommendations Agency Collective Impact (Parley Room 1&2)
 • Evidence of Incapacity
 • Person Centered Planning and Supported Decision Making
 3:45 Wrap Up-Sally Hurme, AARP Health Education Team
 4:00 Adjourn

Appendix C: Example of WINGS Priority-Setting Survey

The Texas WINGS Steering Committee adapted an earlier Oregon WINGS survey to Texas law and practice, and distributed it electronically throughout the state. Over 290 respondents completed the survey. The largest groups responding were lawyers and judges, but other practitioners and lay guardians responded as well.

The top issues were: services to coordinate alternatives to guardianship; the need for statewide public guardianship; support services for family/friends to become guardians; support services to help and educate lay guardians; the need for standardized assessment forms; judicial training, and attorney training.

Texas WINGS Statewide Guardianship Survey

The National Guardianship Network has invited the Supreme Court of Texas to take a leadership role in adult guardianship reform—and specifically in the creation of an ongoing “Working Interdisciplinary Network of Guardianship Stakeholders” (WINGS). The purpose of WINGS is to bring together stakeholders from various disciplines with interest in the guardianship system for short-term and long-term planning and action to improve the state's guardianship system.

This survey is intended to use your knowledge of Texas' adult guardianship system to assist the Texas WINGS group in understanding which issues should be prioritized for short-term and long-term planning and action purposes. The survey should take 5 to 10 minutes to complete. Thank you for your assistance on this important project. Please contact Amanda Stites, Research Specialist, Texas Office of Court Administration, at 512-463-1643 or amanda.stites@txcourts.gov if you have any questions.

1. What is your relationship to guardians or guardianship procedures in Texas?

- | | |
|--|---|
| <input type="checkbox"/> Advocacy organization | <input type="checkbox"/> Judge |
| <input type="checkbox"/> Attorney | <input type="checkbox"/> Legislator/legislative staff |
| <input type="checkbox"/> CertifieGuardian (DADS) | <input type="checkbox"/> Medical professional |
| <input type="checkbox"/> CertifieGuardian (non-DADS) | <input type="checkbox"/> Mental health professional |
| <input type="checkbox"/> Certified Long-Term Care Ombudsman | <input type="checkbox"/> Professional in Aging |
| <input type="checkbox"/> Court Visitor | <input type="checkbox"/> Protective Services Specialist/Investigator of adult abuse |
| <input type="checkbox"/> Disability professional | <input type="checkbox"/> Self-advocate |
| <input type="checkbox"/> District/County Attorney | <input type="checkbox"/> Other: (Please specify.) |
| <input type="checkbox"/> Family/friend/non-professional guardian | |

2. Please provide the name of your advocacy organization.

3. Please indicate the type of judge.

- | | | |
|---|--|------------------------------------|
| <input type="checkbox"/> Appellate | <input type="checkbox"/> Statutory Probate | <input type="checkbox"/> Municipal |
| <input type="checkbox"/> District | <input type="checkbox"/> Constitutional County | <input type="checkbox"/> Associate |
| <input type="checkbox"/> Statutory County | <input type="checkbox"/> Justice of the Peace | <input type="checkbox"/> Retired |

4. How regularly do you practice adult guardianship matters?
- | | |
|--|---|
| <input type="checkbox"/> I have never handled a guardianship case. | <input type="checkbox"/> 11 to 20 cases a month |
| <input type="checkbox"/> Less than one case a month | <input type="checkbox"/> More than 20 cases a month |
| <input type="checkbox"/> 1 to 2 cases a month | <input type="checkbox"/> My entire practice is in adult guardianship matters. |
| <input type="checkbox"/> 3 to 5 cases a month | <input type="checkbox"/> Other (please specify) |
| <input type="checkbox"/> 6 to 10 cases a month | |
5. In which county or counties do you interact with Texas' adult guardianship system? (Select all that apply.)
- Anderson
 - Andrews
 - Angelina
 - Aransas
 - Archer
- (other counties follow, listed alphabetically)
6. In your area, are there barriers to obtaining guardianship-related services?
- Yes
 - No
7. Please indicate the barriers to obtaining guardianship-related services that exist in your area. Check all that apply.
- Distance to service providers
 - Limited health care services
 - Lack of transportation
 - Lack of legal services
 - Lack of community services
 - Lack of assisted living facilities
 - Other (please specify)
8. Please provide any additional information you would like to share about guardianship issues in your area.

9. For each issue listed, please indicate whether you think that the issue needs to be addressed as a high priority, moderate priority, low priority, not an issue that needs to be addressed or whether you are not sure.

	High Priority	Moderate Priority	Low Priority	Not Needed	Not Sure
Services to coordinate alternatives to guardianship should be established.	<input type="checkbox"/>				
Statewide public guardianship services should be established for adults in need of guardianship but without options (such as family members or resources) for a person to serve as guardian.	<input type="checkbox"/>				
Support services should be established to assist family/friend with becoming a guardian.	<input type="checkbox"/>				
Support services should be established to assist family/friend (non-professional) guardians to complete their legally mandated duties.	<input type="checkbox"/>				
Ongoing education/training should be required for family/friend (non-professional) guardians.	<input type="checkbox"/>				
Practices should be improved for actively monitoring the reasonableness of non-professional guardian compensation.	<input type="checkbox"/>				
Increased training and continuing education of private professional guardians should be required.	<input type="checkbox"/>				
Ongoing education/training regarding guardianships should be available to health professionals.	<input type="checkbox"/>				
A standardized form should be developed for courts to obtain an accurate and detailed assessment of a proposed protected person's functional limitations.	<input type="checkbox"/>				
A template should be created to assist guardians in developing a person-centered plan.	<input type="checkbox"/>				
Mediation availability in contested guardianship proceedings should be expanded.	<input type="checkbox"/>				
Personal information of those subject to guardianship should be better defined and protected.	<input type="checkbox"/>				
Standard forms for filing and fiduciary reporting should be created.	<input type="checkbox"/>				

	High Priority	Moderate Priority	Low Priority	Not Needed	Not Sure
Court monitoring of established guardianships should be improved.	<input type="checkbox"/>				
Courts should be authorized to require a guardian to remain serving until a succession plan is in place.	<input type="checkbox"/>				
Court visitors should be used in all cases.	<input type="checkbox"/>				
Court visitor programs should be established in each jurisdiction in Texas.	<input type="checkbox"/>				
Court visitor qualifications, standards and procedures should be established with uniformity.	<input type="checkbox"/>				
A mandatory training program for court visitors should be developed.	<input type="checkbox"/>				
Judges specializing in probate and guardianship should be established to handle the caseload in most areas of the state.	<input type="checkbox"/>				
Judicial training for judges on probate should be enhanced.	<input type="checkbox"/>				
Courts should have the authority to appoint an attorney for an indigent applicant and compensate the attorney appropriately.	<input type="checkbox"/>				
Judges should have broader authority to establish compensation structures for attorneys ad litem or guardians ad litem.	<input type="checkbox"/>				
Attorneys practicing guardianship law should be required to obtain specialized training.	<input type="checkbox"/>				
The Guardianship Certification Board should have the authority to review complaints against non-certified guardians.	<input type="checkbox"/>				
The appropriateness of court-initiated guardianships should be examined.	<input type="checkbox"/>				

10. Of these issues, please indicate the top three that you think would have the biggest impact on improving the state's guardianship system.

- Services to coordinate alternatives to guardianship should be established.
- Statewide public guardianship services should be established for adults in need of guardianship but without options (such as family members or resources) for a person to serve as guardian.
- Support services should be established to assist family/friend with becoming a guardian.

- Support services should be established to assist family/friend (non-professional) guardians to complete their legally mandated duties.
- Ongoing education/training should be required for family/friend (non-professional) guardians.
- Practices should be improved for actively monitoring the reasonableness of non-professional guardian compensation.
- Increased training and continuing education of private professional guardians should be required.
- Ongoing education/training regarding guardianships should be available to health professionals.
- A standardized form should be developed for courts to obtain an accurate and detailed assessment of a proposed protected person's functional limitations.
- A template should be created to assist guardians in developing a person-centered plan.
- Mediation availability in contested guardianship proceedings should be expanded.
- Personal information of those subject to guardianship should be better defined and protected.
- Standard forms for filing and fiduciary reporting should be created.
- Court monitoring of established guardianships should be improved.
- Courts should be authorized to require a guardian to remain serving until a succession plan is in place.
- Court visitors should be used in all cases.
- Court visitor programs should be established in each jurisdiction in Texas.
- Court visitor qualifications, standards and procedures should be established with uniformity.
- A mandatory training program for court visitors should be developed.
- Judges specializing in probate and guardianship should be established to handle the caseload in most areas of the state.
- Judicial training for judges on probate should be enhanced.
- Courts should have the authority to appoint an attorney for an indigent applicant and compensate the attorney appropriately.
- Judges should have broader authority to establish compensation structures for attorneys ad litem or guardians ad litem.
- Attorneys practicing guardianship law should be required to obtain specialized training.
- The Guardianship Certification Board should have the authority to review complaints against non-certified guardians.
- The appropriateness of court-initiated guardianships should be examined.

11. Please describe any additional issues you believe should be addressed by the WINGS group to improve guardianship processes in Texas



Produced by the National Guardianship Network
And Supported by the State Justice Institute
and the Borchard Foundation Center on Law and Aging
SJI award # SJI-12-N-157

Tab 6

The Supreme Court
State of Washington

BARBARA A. MADSEN
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
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TO: Justice Mary Fairhurst, Chair, JISC
Judge J. Robert Leach, Presiding Chief Judge, Court of Appeals
Judge Harold Clarke, President, SCJA
Judge David Steiner, President, DMCJA
Judge Scott Sparks, Member Chair, BJA
Judge Ann Schindler, Chair, BJA Budget and Funding Committee
Judge John Meyer, Chair BJA Court Education Committee
Judge Janet Garrow, Chair, BJA Policy & Planning Committee
Judge Sean O'Donnell, Chair, Legislative Committee
Judge David Svaren, Chair, Trial Court Advocacy Board
Dennis Rabidou, President, WAJCA
Frank Maiocco, President, AWSCA
William Hyslop, President, WSBA
Kim Morrison, President, WSACC
Ryan Murrey, Director, State CASA
Kay Newman, State Law Librarian
Jim Bamberger, Director, OCLA
Joanne Moore, Director, OPD
Reiko Callner, Executive Director, CJC
Ishbel Dickens, Chair, Access to Justice Board

FROM: Barbara Madsen, Chief Justice 

DATE: February 17, 2016

RE: 2017-2019 Biennial Budget Development and Submittal

It is time to begin the development of our biennial branch budget. Our goal is to develop and submit a branch-wide budget proposal that reflects our priorities and that will be supported by our stakeholders and the legislature.

The 2017-2019 budget development process will be somewhat different than the last biennial budget cycle. As you may recall, the Board for Judicial Administration (BJA) established four new or reconstituted standing committees in order to provide additional transparency and inclusion in policy, legislative, and budget matters. Of the four standing committees, the Budget and Funding Committee has the primary responsibility of reviewing and making recommendations regarding annual or biennial

budget requests. Specifically, the Budget and Funding Committee (Committee) is responsible for:

- Coordinating efforts to achieve adequate, stable, and long-term funding of Washington's courts to provide equal justice throughout the state, and
- Reviewing, recommending, and prioritizing budget requests routed through the BJA that impact the Administrative Office of the Courts (AOC).

The remaining standing committees may develop proposals that impact the AOC budget, if so those proposals will also follow the revised budget development and submittal process.

All requests that fall under the purview of the BJA will be reviewed and prioritized by the Committee. The Committee has developed a set of criteria that will be used to establish budget priorities and recommendations that will then be forwarded to the BJA for review, approval, or modification. During the review process the Committee may call on the proponents for additional information or presentation.

The Committee will review, evaluate, and prioritize requests during April 2016. The prioritized list will be forwarded to the BJA in May for review with a final BJA recommendation, to the Supreme Court Budget Committee, in June. The Supreme Court Budget Committee will again hold a budget request presentation in July to gather additional information and allow the proponents an opportunity to present their requests. The specific date and time will be announced at a later date.

Although the economic climate improved, the most recent revenue forecast indicates very little growth. As a result, financial resources are extremely limited and recovery of lost funding may be unlikely. We all have a responsibility to carefully examine every budget request. Proponents should submit only those requests that meet the criteria and that represent the highest priority.

The Supreme Court Budget Committee, as well as the full court, will consider a number of factors when deciding which budget requests move forward to the legislature. Factors include the priorities set by the Committee, recommendations from the BJA, the current and anticipated economic environment, constitutional and statutory requirements, and other factors.

Details of the budget development process may be found on the courts' webpage. Adherence to the established procedures and timeline is necessary to ensure that the process remains consistent and objective, ensuring that all requests forwarded to the legislature are sound and well vetted.

The Administrative Office of the Courts' Management Services Division will provide staff support for the development, submittal, and review of budget requests considered for inclusion in the court's budget proposal to the legislature. All draft

budget requests are due **April 6, 2016**. All final detailed decision packages are due on or before **May 2, 2016**. Please send all budget requests to Ramsey Radwan at ramsey.radwan@courts.wa.gov.

Information regarding presentations before the Supreme Court Budget Committee will be sent at a later date.

You will find contact information, templates, and detailed information at this Internet address:
http://www.courts.wa.gov/appellate_trial_courts/aocwho/?fa=atc_aocwho.display&fileID=msd

Thank you in advance for honoring the schedule and process. If you have questions, do not hesitate to contact me at (360) 357-2037, or call Ramsey Radwan at (360) 357-2406.

c: Supreme Court Budget Committee
Executive Committee, Court of Appeals
Callie Dietz, State Court Administrator
Narda Pierce, Supreme Court Commissioner
Ron Carpenter, Supreme Court Clerk
Ramsey Radwan, Director, Management Services Division

2017-2019 Budget Development, Review and Submittal Schedule

MONTH	TASK	DUE DATE
January 2016	AOC distributes budget instructions	
February 2016	AOC staff assist with budget request development	TBD
March 2016	Budget Instruction letter from Chief Justice distributed	
April 2016	<u>Draft budget requests are due to AOC</u> Requests must include: <ul style="list-style-type: none"> • Description of request • Description of benefit to be gained • Dollar amount and staffing 	April 6, 2016
April 2016	JISC review IT budget requests	April 20, 2016
April-May 2016	BJA Budget and Funding Committee evaluate requests based upon criteria	April 6-May 13, 2016
May 2016	<u>Final budget requests are due to AOC</u> Add'l information for the Budget and Funding Committee	May 2, 2016
May 2016	Supreme Court Budget Committee Briefing	TBD
May 2016	BJA Budget and Funding Committee present recommended priorities to BJA for discussion	May 20, 2016
June 2016	Supreme Court Budget Committee Briefing	TBD
June 2016	BJA makes recommendation to Supreme Court Budget Committee	June 17, 2016
June 2016	JISC approves 2017-2019 IT budget request	June 24, 2016
June 2016	Final date budget requests can be modified (minor modifications only)	June 30, 2016
July 2016	Supreme Court Budget Committee Briefing/Presentation-all budget requests	TBD
July 2016	Supreme Court Budget Committee meeting	TBD
August 2016	Supreme Court Budget Committee meeting Supreme Court Budget Committee makes recommendation to full court	TBD Aug. 31, 2016
September 2016	Supreme Court En Banc: final approval & submission to Legislature	Sept. 28, 2016

BJA Meeting Schedule	JISC Meeting Schedule	Revenue Forecast Schedule
May 20, 2016	April 22, 2016	N/A
June 17, 2016	June 24, 2016	June 15, 2016
August 19, 2016	August 26, 2016	N/A
September 16, 2016	October 28, 2016	September 21, 2016
November 18, 2016	December 2, 2016	November 16, 2016
December 16, 2016	N/A	N/A

Tab 7



Board for Judicial Administration House of Origin Fiscal Committee Cutoff Report

Current as of Thursday, February 11, 2016

Today is the 32nd day of the 60-day legislative session. Bills not necessary to implement the budget (NTIB) must have passed out of their house of origin fiscal committee by Wednesday in order to continue in the legislative process. The house of origin cutoff is February 17th.

Here are the highlights regarding bills BJA is tracking and other legislation of interest:

BJA Request Legislation

SHB 1111

SUMMARY: Updating the court transcriptionist statutes and implementing the recommendations of the Court Management Council, in conjunction with court rule passed last year. Technical amendments made in committee.

POSITION: BJA Request

STATUS: On House Suspension Calendar.

DMCJA Request Legislation

HB 2097

SUMMARY: Authorizing parity with superior courts in the setting of jury fees post-conviction.

POSITION: DMCJA request from 2015.

STATUS: Passed House Judiciary and is in House Rules.

HB 2371/~~HB 2463/SB 6402~~

SUMMARY: Provides that the requirement for a court to file a copy of any relied-upon document in the case file after consulting the Judicial Information System applies only if a party requests so.

POSITION: DMCJA Request

STATUS: HB 2371 is on House Suspension Calendar.

HB 2462/~~SB 6403~~

SUMMARY: When a surety surrenders a defendant to custody, the surrender must be made to the county or city jail affiliated with the jurisdiction issuing the warrant resulting in bail. Upon surrender, a person must be held until the next judicial day or until another bond is posted.

POSITION: DMCJA Request

STATUS: HB 2462 passed House Judiciary and is on the House Suspension Calendar.

~~HB 2529~~/2SSB 6297

SUMMARY: As amended, for counties with a population of less than 100,000, infraction revenue for Discover Pass violations is split 75% to the state and 25% to the county.

Further amended in Ways & Means to limit local retention of the fine to those counties whose infraction dismissal rate is less than 12%.

POSITION: DMCJA Request

STATUS: Senate Rules.

SCJA Request Legislation

HB 2587/SB 6538

SUMMARY: Revises two statutory references to the "Association of Superior Court Judges" to instead refer to the "Superior Court Judges' Association."

POSITION: SCJA Request

STATUS: Both bills passed their policy committees and are in Rules.

SSB 6317

SUMMARY: Creates the Office of Superior Courts as a new state agency within the judicial branch. Amended in Ways & Means to create the office within the Administrative Office of the Courts.

POSITION: SCJA Request. AOC and others opposed.

STATUS: Senate Rules.

DATA DISSEMINATION/ACCESS TO COURT RECORDS

ESHB 1553

SUMMARY: Creates a process by which a person with a criminal record can be granted a certificate of restoration of opportunity, which removes any professional bar imposed solely as a result of the conviction.

POSITION: BJA and SCJA Support

STATUS: House Rules.

SHB 2076/SSB 5752

SUMMARY: The Caseload Forecast Council (CFC) must produce (Senate - make recommendations for) racial impact statements on the effect proposed legislation will have on racial and ethnic minorities, including how legislation will impact the racial and ethnic composition of the criminal and juvenile justice systems.

POSITION: BJA supports study before implementation. SCJA support.

STATUS: Both bills are in their respective Rules Committees.

HB 2811/SB 6413

SUMMARY: Modifying residential landlord-tenant act provisions relating to tenant screening, evictions, and refunds.

POSITION: JISC Data Dissemination Committee concerns about criminal history records provision.

STATUS: House Rules and Senate Rules.

ELECTIONS

~~HB 2784~~

SUMMARY: Reduces size of Supreme Court to five.

POSITION: Watch

STATUS: Dead

~~HJR 4217~~

SUMMARY: Provides for two 4-year terms for Supreme Court justices.

POSITION: Watch

STATUS: Dead

~~SB 5685~~

SUMMARY: Requires the election of Supreme Court justices by district.

POSITION: BJA oppose

STATUS: Heard in Senate Law & Justice

SJR 8205

SUMMARY: Requires the election of Supreme Court justices by district.

POSITION: BJA watch

STATUS: Senate Rules

PROBLEM SOLVING COURTS

SB 6556

SUMMARY: Therapeutic courts may require a surety bond to ensure juvenile or adult offender participation in a treatment program.

POSITION: SCJA Watch

STATUS: Passed Senate Law & Justice and is in Senate Rules.

LEGAL FINANCIAL OBLIGATIONS

ESHB 1248

SUMMARY: Changes provisions for mandatory arbitration including raising fees and diverting some to indigent criminal defense.

POSITION: DMCJA pro on underlying bill. Position pending for amended

bill. STATUS: Passed House 85-12 and referred to Senate Law & Justice.

E2SHB 1390/~~SB 5713~~

SUMMARY: Eliminates interest accrual on the non-restitution portions of legal financial obligations and modifies standards to reduce or waive interest. Creates indigency exception. Establishes provisions governing payment plans and priority of payment of LFOs. Addresses sanctioning for noncompliance. Makes DNA fee a one-time payment. Has technology-related issues.

POSITION: Watch

STATUS: Bill passed House 97-0 and was referred to Senate Law & Justice.

SHB 2674/~~SB 6448~~

SUMMARY: Increases the local option filing fee surcharge in district court and adds the surcharge superior court for alternative dispute resolution.

POSITION: BJA concerns; SCJA oppose.

STATUS: House Rules. Senate bill is dead.

HB 2764

SUMMARY: Clarifies budget proviso from 2015 - \$900,000 of state general fund portion of traffic infraction fine increase is appropriated to the Office of Public Defense to be split 50-50 between cities and counties.

POSITION: Watch

STATUS: Passed House Appropriations, in House Rules.

SB 6642

SUMMARY: Creates priority payment tiers for legal financial obligations.

POSITION: Pending

STATUS: Senate Rules.

TRAFFIC

SHB 2085

SUMMARY: Requires the court to allow a person who is assessed a monetary penalty for a traffic infraction to enter into a community restitution plan in lieu of all or part of the monetary penalty if the person is indigent, otherwise qualified, and a plan exists in that community.

POSITION: No position

STATUS: House Rules

HB 2659/SSB 6360

SUMMARY: Developing a plan for the consolidation of traffic-based financial obligations. Senate version creates a workgroup led by the Attorney General. House version includes a more extensive workgroup led by the Administrative Office of the Courts.

POSITION: Support

STATUS: Both bills are in their respective Rules Committees.

SHB 2700

SUMMARY: Address impaired driving provisions related to destruction of records, license suspensions, vehicular homicide, phlebotomists, arrest and custody, victim impact panels, license suspensions and ignition interlock devices, 24/7 sobriety program.

POSITION: DMCJA support

STATUS: House Rules.

SB 6105

SUMMARY: Creating a new traffic offense of aggravated left lane driving.

POSITION: No position

STATUS: Senate Rules

SB 6236

SUMMARY: Concerning the 24/7 sobriety program.

POSITION: No position

STATUS: Senate Rules.

CRIMINAL

SHB 2558

SUMMARY: Creates the Joint Legislative Task Force on Jail Standards. Members include courts and court administration.

POSITION: DMCJA support, SCJA watch

STATUS: Passed House Public Safety and is in Rules.

~~HB 2706~~/SB 5105

SUMMARY: Making a fourth driving under the influence offense a felony.

POSITION: No position

STATUS: House bill died, Senate bill is in Rules

SB 6151

SUMMARY: Allows sexual assault protection orders to be entered permanently.

POSITION: SCJA support

STATUS: Passed Senate 48-0 and scheduled for hearing in House Judiciary.

~~SSB 6366~~

SUMMARY: Establishes a statewide DNA database for adults arrested for crimes against persons or residential burglary. Provides for destruction under certain circumstances.

Requires

AOC to perform a study.

POSITION: Pending

STATUS: Died in Senate Ways & Means.

~~HB 2789~~/SSB 6498

SUMMARY: Creating a testimonial privilege for alcohol and drug addiction recovery sponsors.

POSITION: No position

STATUS: Senate bill passed Law & Justice and is in Rules.

~~HB 2654/SB 6503~~

SUMMARY: The court may (senate) or must (house) determine the reliability of informant testimony outside the presence of the jury.

POSITION: Oppose

STATUS: House bill is dead. Senate bill died in Senate Ways & Means.

JUVENILE

~~HB 1734~~

SUMMARY: Directs AOC to participate in a One Family One Team Public-Private Partnership that will create court demonstrations with grants to superior courts that commit to an early intervention and a multi-disciplinary team-based approach for resolving child welfare cases.

POSITION: AOC pro. SCJA pro but with public funding.

STATUS: Bill heard in House Judiciary. Bill is dead but a budget proviso is possible.

SHB 2449

SUMMARY: Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

POSITION: SCJA support

STATUS: House Rules

~~SB 6557~~

SUMMARY: Reestablishing the juvenile justice partnership council under the Administrative Office of the Courts instead of DSHS/JRA.

POSITION: AOC support.

STATUS: Heard in Senate Human Services. Bill sponsor elected not to pursue upon receiving concessions from JRA.

OTHER

SHB 2496/~~SSB 6300~~

SUMMARY: A program is created at the Office of the Attorney General to provide pro bono legal aid to active duty military personnel and veterans.

POSITION: No position

STATUS: House bill is in Rules. Senate bill died in Ways & Means.

SSB 5449/~~HB 2111~~

SUMMARY: Creates a tax division of the court of appeals.

POSITION: Concerns

STATUS: Senate Rules.

SSB 6255

SUMMARY: The Legislature respectfully requests the commission on judicial conduct to adopt rules to discipline any judge who fails to disqualify themselves because their impartiality is questioned by contributions greater than \$1,000 to their election or who fails to disclose contributions greater than \$1,000 by a party to a case.

POSITION: Watch

STATUS: Passed Senate Law & Justice and is in Rules.

BUDGET

HB 2376/SB 6246

SUMMARY: Supplemental operating budget.

POSITION: Pro on original budget (contains Supreme Court budget)

STATUS: Heard in fiscal committees, expect House budget draft to be released around the third week of February.

Tab 8

BJA BUDGET AND FUNDING COMMITTEE AOC BUDGET REDUCTION CRITERIA

Preface:

A sizeable portion of the Administrative Office of the Courts' budget cannot be reduced due to several factors including, but not limited to, constitutional provisions, statutory provisions, statewide federal cost allocation rules and executed legal agreements. Funds allocated to superior court judges' salary and benefits, Becca/Truancy pass through funding, central service and revolving fund costs and lease payments are a few examples. The budget allocation for items exempted from reduction will be identified and removed from consideration prior to any reduction exercise.

- Will the reduction adversely impact an activity that meets a constitutional, statutory or court rule mandate?
- Will the reduction adversely impact the Principal Policy Goals?
- Will the reduction adversely impact a BJA resolution?
- Does the activity further AOC's mission, goals and/or objectives?
- What would be the programmatic consequences if the reduction were implemented?
 - Will the reduction impact the activity such that the remaining funding is insufficient to produce the intended outcome? Will remaining funding maintain an adequate level of service?
 - How will the reduction be perceived by the public? Legislature? Stakeholders?
 - Will the reduction shift costs to another organization(s) including local government?
- Have previous reductions been taken in this area?
- If the reduction were to occur are there funding or other alternatives?
- Is there research or data that supports reduction or exemption/exclusion from reduction?



February 11, 2015

TO: Board for Judicial Administration Members

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

RE: Court Education Committee Report

I. Work in Progress

The CEC met on December 11, 2015 and on January 22, 2016 to review recommendations from the budget committee's biennial budget requests. We also reviewed the proposed SJI grant, which was approved and sent to SJI by their February 1, 2016 deadline.

The CEC budget committee met electronically on December 15, 2015; January 5, 2016; and January 15, 2016; to continue working on the documentation for the two biennial funding packages. They submitted the draft to Mr. Ramsey Radwan for review and input. They will meet again on February 17, 2016, to review Mr. Radwan's suggestions and make changes as needed.

The Committee for the Education of Court Employees (CECE) met January 16 and January 22, 2016 to continue working on identifying the court education available to administrators, county clerks and line-staff and to identify the gaps in education which are missing. They will make a formal recommendation to the CEC in the next few months.

The upcoming meetings are:

- CEC meetings:
 - February 24, 2016 – Online
 - March 25, 2016 – SeaTac
 - April 25, 2016 – Online
 - May 20, 2016 – SeaTac (directly after the BJA meeting); and
 - June 15, 2016 - Online
- CEC Budget committee: February 17, 2016 – Online

- CECE meetings:
 - February 23, 2016 – Conference Call
 - February 29, 2016 – Conference Call

II. Short-term Goals

The CEC plans to:

- Adopt a communication plan to foster a holistic relationship between the other BJA standing committees.
- Develop an in-state Judicial Education Leadership Institute.
- Biennial request to the BJA, due in March 2016.

III. Long-term Goals

- If SJI grant approved, begin strategic planning and development of judicial branch education with consultant.
- Develop a stable funding source for court education.



February 11, 2016

TO: Board for Judicial Administration Members
FROM: Judge Janet Garrow, Policy and Planning Committee
RE: REPORT OF POLICY AND PLANNING COMMITTEE

The Policy and Planning Committee has met twice since the committee last reported to the BJA at its meeting of December 18, 2015. This report summarizes committee activities since that time.

I. Recommendation on Judicial Evaluations

The Committee approved a recommendation regarding a proposal to create a program within the judicial branch for the purposes of conducting evaluations of judges standing for re-election as well as candidates and applicants for judicial positions. For reasons explained in the committee's recommendation, the committee does not support such a concept. The recommendation has been provided to the BJA for consideration at its February 19, 2016 meeting.

II. Committee Membership

At the invitation of the full board, the committee considered the question of whether it would seek revision of its charter in order to modify its membership. The committee discussed the question at its meetings of November 20, and December 11, 2015, and concluded that it would seek authority to add up to five additional members.

The proposed additional members are:

- one superior court judge,
- one district court or municipal court judge,
- one member of the Court Management Council,
- the Executive Director of The Washington State Bar, and
- one at-large member.

The committee has provided to the board proposed amendments to its committee charter necessary to implement this membership expansion.

III. Strategic Issue Management Initiative

The committee continues to implement its Strategic Issue Management Initiative. The purpose of the project is to encourage the formation of collaborations of judicial branch stakeholders capable of developing and implementing mutually agreed upon strategies that address important issues facing the judicial system of Washington. The central vehicle for development of a collaborative strategy is the strategic issue proposal. Each strategic issue proposal is developed by a strategic issue workgroup comprised of representatives of justice system partners who have expressed an interest in the issue. Five subject-matter workgroups have been formed, comprised of approximately forty volunteers from twenty judicial branch stakeholder organizations. These are:

- Local Funding: justice system funding, state funding responsibilities, structural deficits, revenue sources.
- Juveniles: racial disproportionality, reliance on criminal sanctions, dependency and foster care.
- Access and Technology: access to the judicial process, e-everything.
- Mental Health: adult mental health, juvenile mental health, rules and case processing, availability of treatment and services.
- Indigent Defense: adequate funding, state funding, caseload monitoring, training

The expectation is that each group will meet once in person and subsequently work via email and telephone. Two of the workgroups (Indigent Defense and Mental Health) have had their in-person meeting and are currently developing their proposals. Local Funding will meet on Tuesday, February 22. Juveniles and Access and Technology will meet in early March.

The committee is hopeful that all five groups will be able to complete their proposals by the end of April. At that point the committee will review the proposals and circulate them to all of the stakeholder organizations participating in the project. The committee's goal is to provide recommendations on the proposals to the full BJA at its May meeting for action in June.

IV. Mission, Vision, Principal Policy Objectives, Goals of the BJA

The committee is charged with recommending a schedule and process for review of the higher-order elements of the board's existing planning elements. These are: the mission, vision, and strategic goals of the BJA, and the principal policy objectives of the judicial branch.

The committee is developing a plan and timeline to conduct these processes. It is likely that the committee will first complete its membership expansion, assuming it is approved, and then undertake this work in the second half of the current calendar year.



January 19, 2016

TO: Justice Barbara A. Madsen
Judge Scott Sparks
Co-Chairs, Board for Judicial Administration

FROM: Judge Janet Garrow, Chair, Policy and Planning Committee

RE: RECOMMENDATION ON JUDICIAL EVALUATIONS

A handwritten signature in black ink, appearing to read "Janet Garrow", written over the "FROM:" line of the memo.

BACKGROUND

In 2014 members of the Washington Chapter of the American Judicature Society submitted Proposed General Rule 35, entitled "Judicial Performance Evaluations," to the Washington Supreme Court. The proposed rule would "govern the procedure for evaluating the performance of judicial officers and individuals seeking election or appointment to the bench." (Proposal General Rule 35(a)(1).) On October 20, 2014, the Court, sitting *en banc*, referred the proposed rule to the Board for Judicial Administration for consideration.

The rule would create a "Judicial Performance Program Committee" which would oversee a "Judicial Performance Evaluation Program." Among the powers and duties of the Judicial Performance Evaluation Committee would be a responsibility to "conduct an evaluation of each judge whose term is ending, as well as each candidate for judicial office, and to disseminate the results of those evaluations to the public." (Proposed General Rule 35(b)(3)(g).) The program would be staffed by the Administrative Office of the Courts. (Proposed General Rule 35(b)(4).)

On December 20, 2014, proponents of the rule presented the proposal to the Board. On March 20, 2015, the Board took up the matter and ultimately voted to not support the proposal in the form presented. (Board Minutes, March 20, 2015) The Board approved a second motion referring the concept of judicial evaluations to the Policy and Planning Committee (the Committee) for recommendation. The Committee has reviewed materials provided by advocates of the proposed rule, as well as several letters in support of the proposal.

The Committee discussed the specific proposal and the general concept of judicial evaluations during its meetings on October 19 and November 20, 2015. The Committee concluded that a program of individual judicial evaluations, conducted by an entity within the judicial branch, would not be viable or advisable for the reasons outlined below.

DISCUSSION

The stated goals of the proposed evaluation system are: self-improvement of performance of sitting judges, provision of reliable and relevant information to voters, improvement of judicial education programs, and protection of an independent judiciary. (Proposed General Rule 35(a)(2).) The Committee is sympathetic to these concerns and commends the strong commitment and sustained efforts of advocates in seeking to address them. In the end, however, the Committee concluded that a program of individual judicial evaluations, housed within the structure of the judicial branch, would not be viable and would not be advisable as a matter of policy.

First, as a practical matter, the costs of developing and administering a quality system of judicial evaluations would be very substantial, and there is no indication that such funding would be forthcoming. No fiscal projections were provided with the proposed rule, but it would seem reasonable to assume that the impact would be in the range of several hundred thousand dollars at a minimum. Given the many unmet needs elsewhere in the judicial system it is not likely that such a program would be prioritized over other needs.

In addition, it is difficult to envision an evaluation system with a capacity to complete and publish evaluations for all judges and judicial candidates running statewide in a given election cycle within the time available. Judicial candidates would become subject to evaluation when they file candidacy papers. The evaluation process would then have to be completed between the date of filing for election and the date of the primary votes, when many elections are decided, a

relatively short time frame. Given the time constraints as well as volume, it is unclear what would occur if, for example, some evaluations were completed in advance of the date of the election but others were not.

In terms of policy considerations, the issues that an evaluation program seeks to address -- ongoing professional improvement, transparency to voters, improved judicial education programming, and support of judicial independence -- are all very important to the long-term institutional health of the judicial system, but the Committee is not convinced that a branch-sponsored evaluation program would be an effective approach to address these goals. In terms of professional development and judicial education, other, more direct and innovative programs might be more effective.

In terms of voter transparency and public confidence in the judiciary, just as judicial evaluation programs sponsored by private organizations can be perceived to advance the interests of the sponsoring organization, a state-sponsored evaluation program might be perceived, correctly or incorrectly, to favor the interests of the state or of the incumbent judiciary. It is foreseeable, therefore, that even the most well intentioned evaluation system may be perceived -- again, correctly or incorrectly -- as operating in the interests of incumbent judges, thus undermining rather than buttressing accountability and public confidence in the courts.

In sum, the Committee believes that a system of individual evaluations of judges and candidates, administered by the court system itself, would not be a viable or advisable vehicle to advance the goals of professional improvement, public transparency, improved judicial education or support for judicial independence.



Board for Judicial Administration (BJA)

POLICY AND PLANNING STANDING COMMITTEE CHARTER

-- PROPOSED AMENDMENTS --

I. Committee Title

Policy and Planning Committee

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Charge or Purpose

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

The Policy and Planning Committee shall:

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

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

IV. Policy Area

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

V. Expected Deliverables or Recommendations

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

VI. Membership

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

Representative

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

The committee chair, by majority vote of the representative members may appoint the following members:

one superior court judge,

one district court or municipal court judge,

one member of the Court Management Council,

the Executive Director of The Washington State Bar, and

one at-large member.

VII. Terms Limits

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

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

VIII. Other Branch Committees Addressing the Same Topic

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

IX. Other Branch Committees with Which to Partner

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

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

Branch committees and entities include:

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

Other entities include:

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

X. Reporting Requirements

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

XI. Duration/Review Date

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

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

Tab 9



WASHINGTON
COURTS

**Court Management Council (CMC)
Annual Report**

2015

Prepared for the Board for Judicial Administration

Submitted February 2016

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February 5, 2015

Members of the Board for Judicial Administration (BJA):

We are pleased to present the Court Management Council (CMC) Annual Report.

In 2015 the CMC completed several projects, submitted new court rules approved by the Supreme Court Rules Committee, and developed a proposal for legislation sponsored by the BJA. Additionally, CMC formed several new subcommittees to focus the work of our Council on comprehensive education for court managers, county clerks and staff and on protocols for GR 17 and GR 30. Finally, the first “in person” meeting of the CMC since 2008 was held this year.

The CMC is an important contributor to the administration of justice in Washington courts. We hope the Board for Judicial Administration will continue to look to the CMC for input and assistance with matters that affect the administration of courts and clerks offices in our state.

Sincerely,

Handwritten signature of Callie T. Dietz in black ink.

Callie T. Dietz
CMC Co-Chair
State Court Administrator
Washington Administrative Office of the Courts

Handwritten signature of Renee Townsley in black ink.

Renee Townsley
CMC Co-Chair
Clerk/Administrator
Washington Court of Appeals, Division III

I. Background

The Court Management Council (CMC) was created by Supreme Court order 25700-B-217 in June 1987 to serve as a statewide forum for enhancing the administration of the courts. It is uniquely comprised of non-judicial court professionals, and established to recommend policy development and facilitate statewide organizational improvements that promote the quality of justice, access to the courts, future planning, and efficiency in court and clerks' office operations statewide.

Included in, but not limited to, the CMC members' responsibilities are: 1) serving as administrative subject-matter resources in the development and implementation of judicial branch legislation; 2) providing, by majority vote, direction to the Administrative Office of the Courts on other matters affecting the administration of the courts; and 3) fostering communication among the various entities providing court administration.

The CMC focus is on issues common across court levels, and may work in partnership with other associations, committees, or work groups, depending on the project or policy under consideration.

II. Members

2015 Court Management Council Members

In 2015, for the first time, some members were appointed to a one-year term so membership terms would be staggered. The following individuals served on the Council in 2015:

- Callie Dietz, Co-Chair, State Court Administrator, Administrative Office of the Courts
- Renee S. Townsley, Co-Chair, Court of Appeals Division III Clerk/Administrator
- Frank Maiocco, Association of Washington Superior Court Administrators, Administrator, Kitsap County Superior Court
- Jane Severin, Association of Washington Superior Court Administrators, Administrator, San Juan County Superior Court
- Paulette Revoir, District and Municipal Court Management Association, Administrator, Lynnwood Municipal Court
- Linda Baker, District and Municipal Court Management Association, Administrator, Poulsbo Municipal Court
- Dennis Rabidou, Washington Association of Juvenile Court Administrators, Administrator, Okanogan County Juvenile Court
- Pete Peterson, Washington Association of Juvenile Court Administrators, Administrator, Clallam County Juvenile Court
- Ruth Gordon, Washington State Association of County Clerks, Jefferson County Clerk

- Kim Morrison, Washington State Association of County Clerks, Chelan County Clerk
- Ronald R. Carpenter, Supreme Court Clerk

Administrative Office of the Courts (AOC) Staff

- Dirk A. Marler, Director, Judicial Services Division, AOC
- Caroline W. Tawes, Administrative Assistant, AOC

III. Summary of Activities in 2015

A. Meetings

The CMC held in-person meetings every one to two months until 2008 when budget cuts required the CMC to begin meeting every other month by phone, with the exception of the joint, in-person December meeting with the BJA. The CMC meets at least every quarter, and typically meets by phone every other month.

While updating the Bylaws, CMC members decided to add a second, in-person meeting to facilitate communication. In 2015, the first in-person meeting was held on August 19 at the AOC SeaTac office. Nine members attended. Guests included Ms. Misty Butler, who gave a BJA update, and Mr. Dan Hall, Vice President for Court Consulting at the National Center for State Courts (NCSC).

Mr. Hall discussed some recent projects at NCSC, including development of a state-of-the-art governance tool; development of an Internet portal for self-represented litigants; development of operational principles to help define the courthouse of the future; examination of engagement with minority communities; work by the Research Division of Court Consulting Services on new caseflow management practices in criminal cases; development of a procedural fairness curriculum for court staff; online security training; update of the study of managing high profile trials, with an emphasis on the use of social media; and development of CourtMD, a diagnostic tool to solve court problems modeled after medical applications.

Ms. Butler asked the CMC members to think about ways that the CMC and BJA can better work together, in addition to the joint meeting in December.

B. Projects

The CMC functions as an important forum for court managers to communicate and coordinate on the efficient administration of justice in their courts. In 2015, CMC members collaborated on several projects.

1. Jury Scam Project

Beginning in 2013 and continuing into 2014, several e-mail and telephone scams occurred. Both types of contact advised the person that he or she had failed to appear for jury service and could avoid arrest by paying a fine. AOC and courts around the state were contacted by residents who had received telephone calls or e-mails warning them of missed jury service.

After the concern was discussed at the CMC, AOC and several counties posted warnings on their Web sites. Additional action by Ms. Dietz and the CMC members included contacting the National Center for State Courts (NCSC) for suggestions and developing an information packet for CMC members to take to their association conferences.

The information packet contained a communications plan, a color copy of an informational poster, a letter to the editor template for publication in local newspapers, a list of possible locations to distribute and display the poster, and a list of locations where residents received scam e-mails or have been victimized by the scam. The information packet was sent to the CMC members on April 17, 2015, with a message to encourage colleagues and counties to send a letter to the editor of their local newspaper and distribute the poster. The goal was to distribute the information to the courts, colleagues, and the public by June 1, 2015.

Ms. Dietz received positive feedback from associations on the materials. Ms. Dietz shared the poster and other information with the National Center for State Courts (NCSC). The NCSC posted the information on their Web site and, due to high demand, ordered a second printing of the poster to distribute. The poster was designed by AOC staff Gini Niles.

A copy of the jury duty scam poster is in Appendix A.

2. Transcriptionist Rule Changes and Legislation

At the June 2009 meeting, CMC members discussed the issue that courts often struggle with the quality of court transcriptionists' work product and wanted to discuss ideas to tighten control over court transcriptionists' records, quality, and accountability. As a result, the CMC formed a subcommittee to investigate what court standards are in place and how courts in other states handle this.

The subcommittee work product, the *Final Report and Recommendations for Court Electronic Recording*, was approved at the February 8, 2012 CMC meeting. The subcommittee also recommended changes in court rules and statutes. The next step in this process was to officially seek comment on these recommended changes in court rules and statutes from CMC member associations. Comments were reviewed by the CMC members and then recommendations for rules and RCW changes were forwarded to the BJA for discussion.

In March 2014, the CMC submitted suggested court rule amendments to the Supreme Court Rules Committee. The BJA endorsed these suggested rules as well as companion legislation that was proposed in 2015.

The court rule changes were passed by the Supreme Court Rules Committee following a public comment period. Legislation to update the corresponding RCW 2.32.240 did not pass in 2015 but is being pursued again in the 2016 Legislative Session.

The new court rules became effective September 1, 2015 as noted in Appendix B.

3. Information Sheet

AOC staff created a one-page information sheet on the CMC. The information sheet notes the Supreme Court authority, the purpose and objectives, and the membership composition of the Council from the various court administration levels.

The sheet is a useful source of information for legislators and committees. A copy of the information sheet is in Appendix C.

4. Subcommittees

CMC members were asked to work with their respective associations to provide ideas about future CMC agenda topics and goals, and what information members would like to take back to their associations. Two topics deemed important were 1) developing a statewide standard of comprehensive education for court professionals and 2) discussing GR 17 and GR 30 and share lessons learned and standard protocol.

The CMC created two subcommittees to discuss mandatory training for court staff and suggestions for changes to GR 17 and/or GR 30. Both subcommittees planned to meet several times by teleconference and will report to the CMC in early 2016.

Mandatory training for court staff has been discussed for years but faces many impediments. Education is especially needed for small and rural courts where it may be difficult to have coverage for absent staff. Lack of funding is an issue for all courts. However, it is imperative that court managers and staff receive continuing education. Court personnel are responsible for many duties that significantly impact personal liberty and public safety. The subcommittee planned to investigate the availability of webinars, videotaped trainings, and other alternatives to traditional education, and the possibility of developing a standard of comprehensive education.

The subcommittee examining possible changes to GR 17 and/or GR 30 asked CMC members about their experience with original signatures and electronic filing. The subcommittee will examine statewide requirements for this rule.

C. Court Manager of the Year Award

First awarded in 1991, this annual award honors outstanding court managers who exemplify the leadership and ideals of their chosen profession. The CMC presents the Award each year to an individual whose leadership has been transformative on a regional or statewide basis and who has mobilized and unified people to take action for the greater good.

In early October each year, the CMC requests nominations from the court community statewide. Nominations are submitted to the CMC members, who vote for the winner. An inscribed award is presented each year at the CMC/BJA joint meeting in December.

Award recipients have been people who, apart from their noteworthy personal accomplishments, have raised the capacity of others to improve the administration of justice. Their leadership has had regional or statewide impact. A list of the Court Manager of the Year award criteria and past winners may be found in Appendix D.

In 2015 there were eight nominees for the Court Manager of the Year award. The 2015 Court Manager of the Year award was presented jointly to Spokane Superior Court Administrator Ron Miles and Court of Appeals Division III Administrator Renee Townsley. Mr. Miles's award was presented by Ms. Dietz at the Spokane County Superior Court Christmas party in Spokane on December 10, and Ms. Townsley's was presented at the December 18 joint BJA and CMC meeting.

Mr. Miles was nominated by Judge Sam Cozza of the Spokane County Superior Court. In his nomination, Judge Cozza noted Mr. Miles's budget management so the Superior Court could continue to serve the public, his support to various subcommittees and associations, and his involvement with implementation of a new information system for the court and implementation of new court rule GR 31.1, governing public access to court records.

Chief Judge Laurel Siddoway of the Court of Appeals, Division III in Spokane, nominated Ms. Townsley for the Award. Ms. Townsley was nominated for her activity in state and national professional organizations over the last 23 years, as well as her exceptional daily service to the public and judges and staff of Division III.

APPENDIX A
Jury Duty Scam Poster

PROTECT YOURSELF AGAINST JURY DUTY SCAMS

DID YOU KNOW?

Court officers will never ask for payment, a credit card or social security number for failure to appear for jury duty. Report suspicious activity immediately to your local law enforcement agency.



**DON'T GIVE OUT
PERSONAL INFORMATION
BY PHONE OR EMAIL**

APPENDIX B
Court Rules Changed and Adopted September 1, 2015

**COURT MANAGEMENT COUNCIL
Court Rules Changes
September 1, 2015**

Superior Court Special Proceedings Rules — Criminal

SPRC 3 – Court Reporters; Filing of Notes

Rules of Appellate Procedure

RAP 9.2 – Verbatim Report of Proceedings

RAP 9.3 – Narrative Report of Proceedings

RAP 9.4 – Agreed Report of Proceedings

RAP 9.5 – Filing and Service of Report of Proceedings – Objections

RAP 9.8 – Transmitting Record on Review

~~RAP 9.9 – Correcting or Supplementing Report of Proceedings Before Transmittal to Appellate Court~~

RAP 9.10 – Correcting or Supplementing Report of Proceedings Before Transmittal to Appellate Court

RAP 10.2(a) – Time for Filing Briefs

RAP 18.9 – Violation of Rules (Concerns Court Reporters w/ respect to verbatim reports)

Superior Court Civil Rules

CR 43(h) – Taking of Testimony

CR 80 – Court Reporters

Rules for Courts of Limited Jurisdiction

ARLJ 13 (a)

ARLJ 5.3

CRLJ 75 (c)

New Rules Recommended by Subcommittee

New Superior Court Criminal Rule – Electronic Recording Log

New Superior Court Civil Rule – Electronic Recording Log

New General Rule – Official Court Transcripts

CrR 8.10
ELECTRONIC RECORDING LOG

When the proceedings are electronically recorded, the court shall ensure that a written log of the proceedings is created that indicates the time of relevant events.

The judicial officer shall call the case name and cause number of each proceeding and shall assure that all case participants identify themselves for the record.

[Adopted effective September 1, 2015.]

CR 80.1
ELECTRONIC RECORDING LOG

When the proceedings are electronically recorded, the court shall ensure that a written log of the proceedings is created that indicates the time of relevant events.

The judicial officer shall call the case name and cause number of each proceeding and shall assure that all case participants identify themselves for the record.

[Adopted effective September 1, 2015.]

GENERAL RULE (GR) 35
OFFICIAL CERTIFIED SUPERIOR COURT TRANSCRIPTS

(a) Definitions.

(1) "Authorized transcriptionist" means a person approved by a Superior Court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding in that court.

(2) "Certified court reporter" means a person who meets the standards outlined in RCW 18.145.080.

(3) "Mentorship" means a professional relationship between an experienced, authorized transcriptionist or a certified court reporter and another transcriptionist for the purpose of providing guidance, encouragement, and professional advice.

(b) Official court transcripts may be completed and filed by (1) an official court reporter employed by the court or other certified court reporter; or (2) a court employee with job responsibilities to transcribe a report of proceedings; or (3) an authorized transcriptionist who has been approved by the jurisdiction conducting the hearing to be transcribed.

(c) Each court will determine who has the authority to approve transcriptionists for that jurisdiction.

(d) Except as otherwise ordered by the court the minimum qualification to become an authorized transcriptionist in order to complete and file an official certified court transcript from electronically recorded proceedings is certification as a court reporter or certification by AAERT (American Association of Electronic Reporters and Transcribers) or proof of one year of supervised mentorship with a certified court reporter or an authorized transcriptionist. Courts may require additional qualifications at their discretion.

(e) The certified court reporter or authorized transcriptionist shall attach to the official transcript filed with the court a certificate in substantially the following form:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. That I am a certified court reporter (or authorized transcriptionist);
2. I received the electronic recording directly from the trial court conducting the hearing;
3. This transcript is a true and correct record of the proceedings to the best of my ability, including any changes made by the trial judge reviewing the transcript;
4. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and

5. I have no financial interest in the litigation.

(Date and Place)

(Signature)

[Adopted September 1, 2015.] Corrected on September 24, 2015 to comply with Order 25700-A-1104.

APPENDIX C

CMC Information Sheet

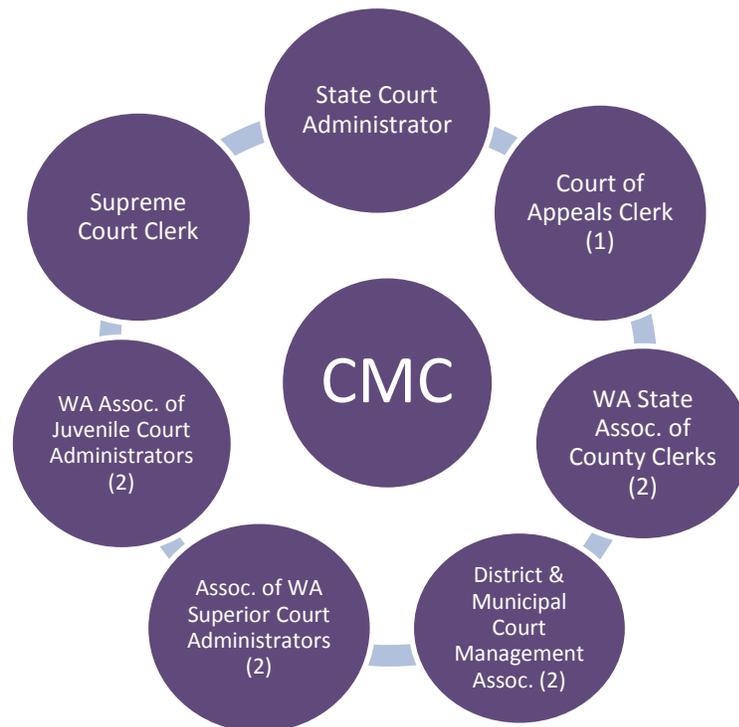


Court Management Council (CMC)

The CMC was established in 1987 by Supreme Court Order 25700-B-217 to encourage communication and coordination among court administrative personnel at all levels of court.

Specifically, the CMC serves as a statewide forum for enhancing the administration of the courts. It is uniquely comprised of non-judicial court professionals, and established to recommend policy development and facilitate statewide organizational improvements that promote the quality of justice, access to the courts, future planning, and efficiency in court and clerks' office operations statewide.

CMC members serve as administrative subject-matter resources in the development and implementation of judicial branch legislation; provide direction to the Administrative Office of the Courts (AOC) on other matters affecting the administration of the courts; and foster communication among the various entities providing court administration. Members include:



CMC Staff Contacts:

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Caroline Tawes
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APPENDIX D
Court Manager of the Year Criteria
And Previous Recipients

COURT MANAGEMENT COUNCIL
COURT MANAGER OF THE YEAR AWARD—2015

Eligibility Rules and Selection Guidelines

The selection of a court manager serving the courts of the state of Washington as the outstanding court manager in the state shall be in accordance with these rules adopted by the Court Management Council.

1. Consideration of nominees for the Court Management Award shall be commenced upon the filing, by a person other than the candidate, of a written nomination in the form approved by the Court Management Council. A selection committee shall be identified from among members of the Court Management Council. Any member who has been nominated for that year's award will be excluded from the selection committee.
2. A nominee for this award shall have completed at least five (5) consecutive years as court manager in a Washington State court and shall not have been retired for more than two (2) years.
3. Any person previously or currently employed by a Washington State court as the chief executive officer, administrator, clerk or manager is eligible for nomination. Nominees should have demonstrated leadership on a regional or statewide basis that is beyond the leadership expected of an individual court manager.
4. The selection committee may use various criteria to determine the award recipient including that the nominee made significant contributions to the court community in one or more of the following areas:
 - Enhancing the administration of justice in Washington's courts
 - Improving the quality of service in Washington's courts
 - Improving access to justice in Washington's courts
 - Enhancing expedition and timeliness of actions in Washington's courts
 - Promoting equality, fairness, and integrity in Washington's courts
 - Furthering independence and accountability of the judiciary
 - Instilling public trust and confidence in Washington's courts
5. The Court Management Council may revise or amend these rules and guidelines without notice to any nominator, nominee, or other person. Any change that would adversely affect a nomination the Council has begun to consider shall not be implemented while that nomination is pending.

Court Manager of the Year Award Recipients

1991	Lee Fish, Spokane County Juvenile Court
1992	Donna Karvia, Lewis County Clerk
1993	Mimi Walsh, Snohomish County Clerk's Office
1994	<i>No award</i>
1995	Bev Bright, Pierce County Superior Court
1996	Siri Woods, Chelan County Clerk
1997	Tricia Hansen (Crozier) King County District Court <i>and</i> Madelyn Botta, Kitsap County Superior Court
1998	Jan Michels, King County Superior Court Clerk <i>and</i> Virgil Hulsey
1999	Tom Kearney, San Juan Juvenile Court
2000	Eileen Possenti, Puyallup Municipal Court
2001	Pam Springer, Skagit County District Court
2002	<i>No award</i>
2003	Harold Delia, Yakima County Superior Court
2004	Siri Woods, Chelan County Clerk
2005	Barbara Miner, King County Superior Court
2006	Richard E. Carlson, Snohomish County Superior and Juvenile Courts
2007	Richard Johnson, Court of Appeals Division I
2008	Cathy Grindle, Director of Court Technology, King County District Court
2009	Michael Merringer, Island County Superior Court, Island County Juvenile Court
2010	Sharon Paradis, Administrator, Benton County Juvenile Court
2011	N.F. Jackson, Whatcom County Superior Court
2012	Frank Maiocco, Kitsap County Superior Court
2013	Delilah George, Skagit County Superior Court
2014	Susie Parker, Lewis County Superior Court
2015	Renee Townsley, Court of Appeals Division III <i>and</i> Ron Miles, Spokane Superior Court

Tab 10

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 RULE 3
OPERATION

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

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

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

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

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

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

BJAR 4
DUTIES

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

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

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

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

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

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

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

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

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

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

ARTICLE II

Membership

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

ARTICLE III

Officers and Representatives

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

ARTICLE IV

Duties of Officers

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

ARTICLE V

Vacancies

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

ARTICLE VI **Committees**

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

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

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

ARTICLE VII **Executive Committee**

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

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

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

ARTICLE VIII **Regular Meetings**

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

ARTICLE IX **Special Meetings**

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

ARTICLE X **Quorum**

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

ARTICLE XI **Voting**

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

ARTICLE XII **Amendments and Repeal of Bylaws**

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

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

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BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

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

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

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

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

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

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

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

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

**PRINCIPAL POLICY 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.)