

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, OCTOBER 16, 2020
9:00 A.M.**

VIDEOCONFERENCE

Board for Judicial Administration Membership

2020-2021



VOTING MEMBERS:

Chief Justice Debra Stephens, Chair
Washington State Supreme Court

Judge Gregory Gonzales, Member Chair
Superior Court Judges' Association
Clark County Superior Court

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

Judge Doug Federspiel
Superior Court Judges' Association
Yakima County Superior Court

Judge Michelle Gehlsen, President
District and Municipal Court Judges' Association
King County District Court

Judge Rebecca Glasgow
Court of Appeals, Division II

Justice Steven González
Washington State Supreme Court

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

Judge David Kurtz
Superior Court Judges' Association
Snohomish County Superior Court

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

Judge David Mann
Court of Appeals, Division I

Judge Rebecca Pennell
Court of Appeals, Division III

Judge Judith Ramseyer, President
Superior Court Judges' Association
King County Juvenile Court

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

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

NON-VOTING MEMBERS:

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

Kyle Sciuchetti, President
Washington State Bar Association

Judge Bradley Maxa,
Presiding Chief Judge
Court of Appeals, Division II

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

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

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

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



Board for Judicial Administration (BJA)

Friday, October 16, 2020 (9 a.m. – noon)

Zoom Meeting

AGENDA

<p>1. Call to Order Welcome and Introductions Information Sharing</p>	<p>Chief Justice Debra Stephens Judge Gregory Gonzales</p>	<p>9:00 a.m.</p>
<p>2. Presentation: Minority and Justice Commission Information sharing</p>	<p>Justice Mary Yu/Frank Thomas</p>	<p>9:35 Tab 1</p>
<p>3. Presentation: Public Trust & Confidence Information sharing</p>	<p>Justice Mary Yu</p>	<p>10:05</p>
<p>4. BJA Task Forces Court Recovery</p> <p>Court Security Action: Motion to withdraw the budget proposal for consideration for 2021 Legislative Session</p> <p>Court System Education Funding Action: Motion to dissolve the Task Force</p>	<p>Chief Justice Debra Stephens/Judge Judith Ramseyer/Jeanne Englert</p> <p>Judge Rebecca Robertson/Penny Larsen</p> <p>Judge Doug Fair/Jeanne Englert</p>	<p>10:20 Tab 2</p>
<p>Break</p>		<p>10:35</p>
<p>5. Budget and Funding Committee 2021-2023 Biennial Budget Requests Discussion and prioritization</p>	<p>Judge Mary Logan/Ramsey Radwan</p>	<p>10:45</p>
<p>6. Standing Committee Reports Court Education Committee</p> <p>Legislative Committee</p> <p>Policy and Planning Committee Information sharing and recommendations on Board diversity</p>	<p>Judge Gregory Gonzales/Judith Anderson Judge Kevin Ringus/Dory Nicpon</p> <p>Judge Michael Scott/Penny Larsen</p>	<p>11:15 Tab 3</p>
<p>7. Sept. 18, 2020 Meeting Minutes</p>	<p>Chief Justice Debra Stephens</p>	<p>11:45 Tab 4</p>

Action: Motion to Approve the Minutes of the September 18, 2020 Meeting		
8. Information Sharing Announcements Meeting Review	Chief Justice Debra Stephens	11:50
9. Adjourn		12:00
Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or jeanne.englert@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		

Next meetings: November 20, 2020 – Zoom Meeting
February 19, 2021 – Zoom Meeting
March 19, 2021 – Meeting location TBD
May 21, 2021 – Meeting location TBD
June 18, 2021 – Meeting location TBD

TAB 1



WASHINGTON STATE MINORITY AND JUSTICE COMMISSION: INITIATIVES

For fiscal year 2021, the Minority and Justice Commission is engaged in efforts to evaluate and eradicate racial bias in the following areas of law and court administration:

- **Legal Financial Obligations.** Commission staff are finalizing a report on LFO statistics and practices in Washington State following the completion of LFO research by the multi-entity LFO Consortium. The Consortium was formed following the Commission's Symposium on LFO impacts in 2017. MJC has further commissioned a report on survey data from Pierce County's LFO reconsideration day. MJC contracted Dr. Karin Martin to aggregate and analyze the survey data, which will provide unprecedented insight into the demographics and qualitative impacts of LFO debt.
- **Mass Incarceration of Women and Girls of Color.** MJC is unpacking and evaluating what impact the mass incarceration of women and girls in Washington State has had on communities of color since 1980. MJC will continue to pursue research and education on the topic in advance of the 2021 Symposium, which is dedicated to exploring the topic of mass incarceration of women and girls of color. This fall, the Commission will publish a special report on juvenile detention of girls of color that looks at statewide detention data at the intersection of geography, race, and gender. The Commission is also pursuing pretrial research related to adult incarceration of both men and women.
- **Systemic Racism Education.** MJC continues to prioritize its role as a central resource for educating judicial officers and legal professionals about the existence of racial bias in courts, and what can be done to eradicate it. In addition to programming at annual judicial conferences, MJC is working in concert with other judicial organizations to provide emergency education sessions relating to the fallout from COVID-19, such as its impact on housing.
- **Legal Workplace Diversity.** MJC, its members, and partner organizations have begun adapting many of the diversity programs held annually to a virtual platform in light of COVID-19. MJC is preparing to update the Judges of Color directory to enable aspiring judicial officers to connect with community mentors.
- **Legislation & Rules Committee.** MJC has established a new subcommittee, the Legislation & Rules Committee, to create an institutional resource for BJA, lawmakers, and other interested parties to evaluate the race equity implications for the courts of proposed rules and legislation. The Committee plans to track bills and proposed court rules and provide evidence-based analysis and expertise to help all parties make more informed decisions.
- **Court Equity in Reopening.** The Commission is engaged in a wide variety of constituent conversations about how to equitably reopen court processes to full capacity. From jury diversity, to access to justice issues, to public health concerns, Washingtonians of color are disproportionately at risk of losing their right to utilize the courts in full as a result of COVID-19. MJC will continue to work in concert with BJA and every level of court to ensure the most equitable return to full operations, and to capitalize on many gains made in terms of access to justice as a result of many court operations going virtual.

TAB 2



October 16, 2020

TO: Board for Judicial Administration (BJA) Members
FR: Judge Sean O'Donnell and Judge Rebecca Robertson
Co-Chairs, BJA Court Security Task Force
RE: REPORT OF THE COURT SECURITY TASK FORCE

Motion Request: Withdraw the court security funding decision package

The Court Security Task Force Co-Chairs recommend a motion for the BJA to withdraw the Court Security Task Force 2021-2023 budget request from consideration

Background:

On March 20, 2020, the BJA approved the court security funding request and a decision package was submitted to the AOC on June 5, 2020. Over the course of the past summer, it became evident that the economic impacts from the COVID-19 pandemic would have lasting and substantial impact on state resources.

Current State:

The Task Force Co-Chairs and Ramsey Radwan are in agreement that now is an inopportune time to present this novel funding request to the state due to the economic impacts of the COVID-19 pandemic.

Future Task Force activities:

The Task Force will continue to work on activities that do not require funding and will create a new strategic plan for future court security funding needs



BOARD FOR JUDICIAL ADMINISTRATION

Court System Education Funding Task Force

Final Report

October 2020



Court System Education Funding Task Force

Judge Joe Burrows, Co-Chair, Benton County Superior Court

Judge Doug Fair, Co-Chair, Snohomish County District Court, South Division

Judge Gregory Gonzales, Clark County Superior Court

Judge Cecily Hazelrigg, Court Appeals, Division 1

Trish Kinlow, Tukwila Municipal Court Administrator, Court Management Council

Dirk Marler, Administrative Office of the Courts, Director, Court Services Division

Dory Nicpon, Administrative Office of the Courts, Associate Director, Office of Judicial and Legislative Relations

Kevin Plachy, Washington State Bar Association

Ramsey Radwan, Administrative Office of the Courts, Director, Management Services Division

Judge Charles Short, Okanogan County District Court

Judge Lori K. Smith, Court of Appeals, Division 1, Representative, Supreme Court Commissions

Administrative Office of the Courts (AOC) Task Force staff and report prepared by:

Jeanne Englert, MSW, MPA

Manager, Board for Judicial Administration

Washington State Administrative Office of the Courts

Overview

Everyone entering a courthouse has the right to expect competent court personnel, accurate information, and equal access to justice. Over the past ten years, court education funding has remained the same while information and staffing have not. Judicial and court personnel turnover, changes to laws, and increasing numbers of self-represented litigants have impacted communities and courts. Better access to and additional kinds of training are needed for all court system personnel to address these issues.

In March 2017 the Board for Judicial Administration (BJA) established the [Court System Education Funding Task Force](#) (Task Force) to obtain adequate and sustainable funding for court system education. The Task Force collected information on funding levels, training costs, resource needs, and the impact of court education. The Task Force submitted a legislative funding proposal for the 2019–21 biennium and, while the Senate supported the online training system, there was no additional funding for court education in the 2019 legislative budget.

Please refer to the Task Force's [Mid-Term Report October 2019](#) for additional 2019 legislative and advocacy activities.

2020 Legislative Session

In the 2020 Legislative Session, the Task Force submitted a supplemental budget request to develop an online learning management system and hire staff to develop online curricula.

The Task Force developed and implemented a communication and advocacy campaign. The Task Force revised previously developed materials and disseminated them to key stakeholders. A web-based Legislative Communication Toolkit, including a one-page handout, talking points, and a question and answer resource document, was shared with stakeholders. The primary goals of the campaign were to convey the importance of timely, accessible, and sustainable court training and receive additional court education funding.

Funding Request 2020 Talking Points

- 1) The Washington Judiciary is requesting \$207,000 in 2020 and approximately \$550,000 in the next Biennium to ensure new judicial officers and court personnel get timely access to the training needed to effectively serve the public. Funding will ensure equal access for small and rural courts that struggle to afford sending judges and court staff to training opportunities.

Funds will be used to develop and implement a statewide online training system which can provide immediate and sustainable training opportunities to all courts. This system will reduce learning and development expenditures, ensure access to up-to-date information, target diverse learning audiences, and increase opportunities for required trainings.

- 2) The training needs of the judicial branch have increased due to a myriad of factors including new legislation, constant changes in the existing law, and the high turnover of judicial officers, county clerks, administrators, and staff. A recent survey revealed

that almost 50% of judicial officers and 63% of new administrators received no training during their first six months on the job.

- 3) New judges are typically highly experienced legal professionals in specialty practice areas. Judges are required to be proficient in all areas of the law. They need knowledge and training to preside over continuous changes in law, policy, and technology.
- 4) Well-trained judicial officers and court staff foster confidence in the judicial process. Better outcomes for the public means greater trust in state and local government. Research has shown that people tend to comply with court orders and the law if they perceive that court proceedings and the laws are fair.
- 5) Proper training is essential to making sure the intent of the legislature is carried out in the cases that come through the courts. Last year alone the Legislature passed more than 130 bills that impacted the court system, including protection orders, family law and parentage, guardianship, mental health, public records, and juvenile justice. That was a significant increase from the 150 bills that were passed 2016–2018 that impacted the court system.
- 6) The “age wave” is here and is creating huge turnover on the bench and among court staff. Nearly a third of the district and municipal court and superior court bench were replaced in the last few years. Court of Appeals judges are retiring in similar numbers. We need additional dollars to train these new judges.
- 7) Timely training is critical to informed and effective responses to increasing numbers of self-represented litigants and mental health, domestic violence, and drug addiction cases swamping the courts.

As part of the advocacy efforts, the Task Force conducted in person meetings with legislators on the House and Senate budget committees and law and justice committees, and with regional legislators from the Task Force member’s community. Task Force members, justices, and other stakeholders met with 23 Senators and 52 Representatives in person and contacted 18 legislators by letters or email. The legislators funded the online training package in the 2020 Supplemental budget.

Lessons Learned

The following are lessons learned from the 2020 Supplemental Request.

Data can help tell the story.

While most people generally agree education is important, the impact of court education can be challenging to quantify as it is difficult (and perhaps impossible) to directly correlate training with outcomes. The two data points that seemed to resonate with legislators were 1) the number of bills passed the previous session significantly increased in comparison to past bills; and 2) the judiciary has experienced a high amount of turnover.

Increased, broader stakeholder, and regional support is critical to success.

There was a team of judicial officers and other court personnel who met with legislators over a three week period. Furthermore, judges came from across the state (it was especially critical to have judges from Eastern Washington) and met with key committee legislators and other local legislators. The meetings helped to connect local community needs and challenges to the budget request.

Non-competing BJA funding priorities and a realistic budget request were helpful.

Advocating for one BJA priority at a time was helpful in messaging the need for additional funds. It was also useful that the funding priority was realistic and created sustainable educational opportunities with impact across the state.

Building relationships, coordinating efforts, and consistent messaging are necessary.

Developing the communication and advocacy campaign helped focus efforts and activities with key stakeholders. Additionally, meeting with legislators two years in a row helped build relationships and identification with court education needs. Having engaged and committed policy staff was critical in helping coordinate these efforts and will be an important factor for future efforts.

Next Steps

The Task Force decided not to submit another budget request for 2021–23 and explored alternative funding streams. Given the current state budget situation and difficulty in diverting existing revenue streams, the Task Force decided not to explore other legislative options for funding at this time.

The Court System Education Funding Task Force chairs and members recommend to the BJA to dissolve the Task Force.

The Task Force accomplished their goal in securing education funding for their top priority (online learning) and discussed other funding options even though these options are not feasible at this time. The AOC has also expressed interest in considering other educational options such as including court education funds with new legislation. The BJA Court Education Committee will continue exploring and implementing educational opportunities moving forward.



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TAB 3



October 7, 2020

TO: Board for Judicial Administration Members

FROM: Judge Gregory M. Gonzales, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

Dr. Scott Hillstrom started on October 12, 2020 as our new Distance Learning Coordinator. Scott has over 15+ years of experience in instructional design, education technology (eLearning), adult learning theory and strategies, and project/program management and extensive experience with learning management system administration. He has a BA in Visual Communication and Digital Media Production – Northern Arizona University; MA in Educational Technology – San Diego State University; PhD in Instructional Design – Capella Minneapolis, and is currently working on a MBA in Human Resource Leadership. He received a Certificate in Project Management from Mesa College. We are excited to have him on board.

Online education continues to be developed and delivered by the Education Team. Most associations have cancelled their 2021 spring programs and will be moving their education into an online format. The 2021 Annual Conference is still slated to be a live program.

The Education Team's Faculty Development program, which is normally a week-long in-person program, will now be an online program over a two-week period with an additional week of online presentations. New Judicial College faculty are required to attend the in-state Faculty Development Program before teaching at the college. If there is room available, association education committee members and AOC personnel may attend the program.

Association of Washington Superior Court Administrators held a *UGA and Minor Guardianship* online webinar.

Ms. Pam Dittman, Court Education Professional, is assisting the CLJ-CMS team to host a series of *Thursdays with DMCMA* throughout October to provide education and training on preparing for the new CLJ-CMS system being developed. Though not funded by the CEC, it is a collaboration of resources.

Mr. Phil Zitzelman, Court Education Professional, is assisting Ms. Crissy Anderson, Court Association Coordinator in hosting a *Drug Court Facilitators* webinar and a *Courthouse Facilitators* webinar.

The Superior Court Judges' Association's Education Committee created a two-part webinar focusing on the *Uniform Guardianship Act: Minor Guardianships*. A webinar on *Civil Hot Topics* is tentatively scheduled for late October.

The Washington Association of Juvenile Court Administrators is scheduling their 2021 Spring Program in November. Portions of the program will be facilitated by Dr. De Hicks, focusing on *Strategic Positioning*.

With the cancellation of in-person spring programs, the CEC Budget Committee met to discuss ways to continue to fill in the needed education and training gap.

The Education Team completed the NJC online Faculty Development course.

Though not funded by the CEC, the Judicial Assistance Services Program (JASP) held their annual Peer Counselor Training via ZOOM. Guest faculty, Dr. Susanne Kanther, discussed *Living in Limbo*, followed by an *Active Listening* training for the peer counselors. Ms. Judith Anderson facilitated this six-hour interactive training.

Work in Progress

Develop a strategic plan to implement the online education platform, and prioritize projects.

Onboard a new Distance Learning Coordinator.

Continue work on Inside Courts Education and Training site.



October 16, 2020

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

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

At the Board meeting in September, the Board voted to seek introduction of legislation regarding continuity of operations in single judge courts and to support the need for a ninth superior court judge for Thurston County Superior Court (TCSC). This includes seeking BJA-request legislation for the additional position after the AOC receives documentation of an approved local budget with funding for the county's portion of the additional judge's salary. Through staff, the Legislative Committee has engaged TCSC and the Single Judge Work Group regarding the Board's decisions and the associated near term work of the Legislative Committee.

The committees of the legislature convened virtually in September and are expected to do so again in late November/early December. A panel composed of Chief Justice Debra Stephens, Ms. Dawn Marie Rubio, and Judges Michelle Gehlsen and Judith Ramseyer presented to the House Civil Rights and Judiciary Committee regarding COVID-19 Impacts on Washington Courts. Panelists addressed challenges and innovations among courts in Washington as well as how the legislature can support the recovery of courts through funding and carefully discussing with the judiciary contemplated legislation that will have significant impacts to courts. The Senate Law and Justice Committee may feature this topic and panel at an upcoming meeting.

Legislative Committee Next Activities

On October 26, 2020, the Legislative Committee will meet to develop its legislative engagement strategies for the 2021 legislative session, including for the BJA-request legislation related to single judge courts and exchange information about the legislative priorities for various court levels and entities.

October 16, 2020

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

Committee Work Plan Update:

Adequate Funding Project

The committee is moving forward with a plan to survey Presiding Judges and Administrators regarding their prioritized needs for adequate and stable funding and looking at the data available

Increasing BJA membership diversity

The PPC presents the following recommendations for consideration by the BJA

1. Create the expectation that current and former BJA members will personally reach out to a wide variety of potential candidates in their respective associations.
 - Discussion recruitment and member composition at one BJA meeting per year.
 - Include expectation on the BJA member responsibilities page of the member guide.
 -
2. Provide a recruitment notice that associations can use to publicize vacancies. (See draft example for review)
 - Current process is that AOC association staff track committee term end dates, consult with association presidents regarding vacancies and send recruitment notices to members.
 - The BJA can take a more proactive role by providing a recruitment notice for AOC association staff to disseminate widely to association members.

3. Work with judicial associations' diversity committees and association presidents to recruit diverse members on to the BJA.
 - BJA Co-Chairs or selected members could request time on committee agendas to vet the recruitment notice and talk about the recruitment and nomination processes for membership openings that are not pre-assigned by BJA rules (BJAR 2)



The Board for Judicial Administration is Recruiting New Members

The Board for Judicial Administration (BJA) seeks a new member to join judges and senior administrators from all court levels to accomplish the vision of the BJA to be the unified voice of Washington Courts. 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. Please join us in this task.

Why become a member? Here is what members have to say...

(Short quotes from current/former members on what they find meaningful/valuable)

- Chief Stephens:
- Judge Gonzales:
- Current or Former Member:

Leadership and Decision Making Opportunities for You...

- Lend your experience and voice on policy decisions for the courts
- Create solutions to improve the administration of justice
- Take the lead on a project of interest that advances the BJA mission

We are seeking individuals who are...

- Inquisitive and curious about court operations and programs
- Committed to improving access to justice and reducing racial disparities
- Consensus builders that appreciate opposing viewpoints
- Have experience or interest in judicial administration
- Of different races, ethnicities, genders, ages, religions, sexual orientations, and cultures, and of diverse ideas, abilities, styles, backgrounds, experiences, and beliefs – we want the BJA to reflect the diversity of the communities our courts serve.

For 2019–2021 the goal of the BJA is to grow in its ability to:

- 1) Speak with a unified voice – The BJA speaks with a unified message and identifies ways to better tell our story as a branch.
- 2) Collaborate and build relationships – The BJA explores and develops ways to collaborate and build relationships both within the judicial branch and with all our justice partners.
- 3) Value Diversity – The BJA values diversity in its work, membership, and committees, and must work intentionally to address diversity, especially racial and ethnic diversity, through increasing membership composition and continuity and policy considerations.

The BJA meets on 8 Friday mornings per year from 9 am – noon. Board members serve on standing committees dedicated to legislative issues, budget and finance, education and policy and planning.

For more information go to the [BJA website](#) or consult the [BJA MemberGuide.pdf](#)

You may also contact BJA Co-Chairs, Chief Justice Debra.Stephens@courts.wa.gov and Judge Gregory.Gonzales@clark.wa.gov or BJA Manager, Jeanne.Englert@courts.wa.gov

TAB 4



Board for Judicial Administration (BJA) Meeting
Friday, September 18, 2020, 9:00 a.m. – 12:00 p.m.
Videoconference

DRAFT MEETING MINUTES

BJA Members Present:

Chief Justice Debra Stephens
Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge David Estudillo
Judge Doug Federspiel
Judge Michelle Gehlsen
Judge Rebecca Glasgow
Justice Steven González
Judge Dan Johnson
Judge Mary Logan
Judge David Mann
Judge Bradley Maxa
Judge Rebecca Pennell
Judge Judith Ramseyer
Judge Kevin Ringus
Dawn Marie Rubio
Judge Michael Scott
Judge Charles Short

Guests Present:

Jim Bamberger
Esperanza Borboa
Timothy Fitzgerald
Robert Mead
Tristen Worthen

Administrative Office of the Courts

(AOC) Staff Present:

Crissy Anderson
Judith Anderson
Jeanne Englert
Penny Larsen
Dirk Marler
Dory Nicpon
Ramsey Radwan
Caroline Tawes

Call to Order

Judge Gonzales called the meeting to order at 9:03 a.m. Chief Justice Stephens recognized the new BJA members and announced the Public Trust and Confidence presentation was rescheduled to the October BJA meeting.

Court Recovery Task Force Summit Follow Up

The Court Recovery Task Force (CRTF) Summit was held on August 25, 2020 via Zoom. Jeffery Robinson opened the Summit with a video of his work. Small group discussions followed the video, and Jeanne Englert included a compilation of the group discussion responses in the meeting materials.

BJA participants discussed the responses and their reactions to the Summit.

- Judges are sometimes expected to make changes in the system, but there are limits to what judges can do;
- There was reinforcement of the importance of cooperation and collaboration among stakeholders;

- There should be a sharing of ideas, needs, and interests to break down silos;
- Judges can't change the law but can advocate;
- There is a lack of individual and collective awareness of the race equity crisis in the judicial community;
- There is a lack of inclusion and critical voices at the table;
- Any process that advances race equity is a good step;
- There needs to be tangible action;
- The judiciary needs more education from entities such as the Department of Social and Health Services;
- In rewriting rules to adjust to current circumstances there is an opportunity to reconsider assumptions;
- It is important to recognize defensive reactions;
- Awareness of the truth and recognizing communal guilt and shame is important to move forward.

The CRTF committees have been meeting regularly to discuss best practice recommendations to address disparities. There will be regular updates at BJA meetings.

Recognition Awards

Chief Justice Stephens proposed instituting recognition of local heroes and those who have taken on large projects in the court community. There would be significant outreach to the court community for recommendations. There will be a race equity component and lens. More formal criteria will be developed. Suggestions on the name of the award are welcome.

It was moved by Judge Gehlsen and seconded by Justice González to institute a recognition program for the court community and to form a work group to develop criteria. The motion carried unanimously.

Volunteers for the work group were Judge Ramseyer, Judge Gehlsen, and Dawn Marie Rubio. Suggestions about the recognition program may be sent to Jeanne Englert.

BJA Racial Equity Work Group

Judge Gonzales, representatives from the Superior Court Judges' Association (SCJA), the District and Municipal Court Judges' Association (DMCJA), and other associations, met to discuss forming a work group on racial equity. Justice Yu suggested the Minority and Justice Commission (MJC) work with courts to develop a summit in the next few months. Rather than create another BJA work group, the MJC will provide oversight as courts take the lead and listen to the community and court customers about their concerns and discover what is and isn't working from the perspective of the community and court customers. Topics from the Court Recovery Summit will be incorporated into this work. There was a discussion on the importance of including community members and court users from the beginning of the process.

Budget and Funding Committee 2021-2023 Biennial Budget Requests

The Budget and Funding Committee (BFC) recommended a change to the budget development process. The BFC recommends, due to current circumstances, postponing the presentation to the Court Funding Committee (CFC) until the next biennium. The BFC will instead make budget priority recommendations to the BJA, and the BJA can assess the priorities and forward the prioritized budget requests to the Supreme Court for consideration.

The budget requests represent about a 6% increase in the General Fund budget that passes through AOC. The BFC will prioritize the requests and bring those priorities to the October BJA meeting.

There was a discussion on possible advocacy efforts for Interpreter Program funding. The Interpreter Funding Task Force does not need to be reconstituted, but it makes sense to talk to those who worked on the funding effort last time to continue their work with the Legislature. AOC staff will assist with these efforts.

June 19, 2020 Meeting Minutes

It was moved by Judge Federspiel and seconded by Judge Scott to approve the June 19, 2020, BJA meeting minutes. The motion carried unanimously.

Standing Committee and Task Force Reports

Legislative Committee (LC): Judge Ringus thanked AOC staff Dory Nicpon and Sondra Hahn for their work. The LC solicited proposals from all court levels and judicial entities for the 2021 legislative session. Two work groups were formed: 1. To address a response plan for the potential reintroduction of the Clean Slate Act legislation; 2. To address the continuity of operations in single judge courts statewide.

The Single Judge Courts Work Group recommended continuity of operations plans for single judge courts and a court rule amendment to GR 29.

It was moved by Judge Scott and seconded by Judge Johnson to seek legislative sponsorship of the bill draft numbered Z-0916.1/20 as BJA-request legislation and support the adoption of a proposed court rule amendment to GR 29. The motion carried unanimously.

The LC received a proposal requesting that Thurston County Superior Court add a ninth judge.

It was moved by Judge Ramseyer and seconded by Judge Gonzales to support the need for a ninth Thurston County Superior Court judge; to testify in support of any legislation that proposes to adjust the statutorily-authorized number of Thurston County Superior Court judges from eight to nine that is introduced in the 2021–23 biennium; and the BJA will only seek legislative sponsorship of BJA-request legislation to adjust the number of Thurston County Superior Court judges from eight to nine after AOC receives documentation of an approved local budget with funding for the county’s portion of the additional judge’s salary. The motion carried unanimously.

There was a discussion on the upcoming legislative session. It may be a combination of in-person and virtual assemblies. The legislature is seeking to halve the number of proposals reduced, so proposals should be consolidated when possible, or postponed.

Court Security Task Force: The Task Force is waiting to hear about the budget decision package that they submitted. They are working on a court security toolkit that will be available on the Courts web site.

Court Education Funding Task Force: There will be a report at the October BJA meeting.

Court Education Committee (CEC): Decisions are being made about the 2021 spring programs. Most will be online. In 2021, the Annual Conference will be in-person in September. It will be one day shorter than usual.

The CEC Budget Committee is considering other educational opportunities in light of the canceled programs.

Information Sharing

Judge Gehlsen announced that DMCJA support staff Sharon Harvey has accepted another position. If anyone would like to send a message to Sharon Harvey, Judge Gehlsen can forward that message.

Other

There being no further business, the meeting was adjourned at 12:05 p.m.

Recap of Motions from the September 18, 2020 Meeting

Motion Summary	Status
Institute a recognition program and to form a work group to develop criteria for the court community.	Passed

Motion Summary	Status
Seek legislative sponsorship of the bill draft numbered Z-0916.1/20 as BJA-request legislation and support the adoption of a proposed court rule amendment to GR 29.	Passed
Support the need for a ninth Thurston County Superior Court judge; to testify in support of any legislation that proposes to adjust the statutorily-authorized number of Thurston County Superior Court judges from eight to nine that is introduced in the 2021–23 biennium; and the BJA will only seek legislative sponsorship of BJA-request legislation to adjust the number of Thurston County Superior Court judges from eight to nine after AOC receives documentation of an approved local budget with funding for the county’s portion of the additional judge’s salary.	Passed
Approve the June 19, 2020, BJA meeting minutes.	Passed

Action Items from the September 18, 2020 Meeting

Action Item	Status
The Court Education Funding Task Force will report at the October BJA meeting.	
Suggestions about the recognition program may be sent to Jeanne Englert.	
<u>June 19, 2020, BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online. • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done

Addendum



TO: Board for Judicial Administration
FROM: Ramsey Radwan
DATE: October 16, 2020
SUBJECT: Revenue and Budget Update

State Revenue Summary (statewide)

On June 17, 2020 the Economic and Revenue Forecast Council (ERFC) announced a \$9 billion reduction in revenue for the current and ensuing biennium. The reduction was approximately \$4 billion per biennium.

On September 23, 2020 the ERFC revised the reduction in revenue from \$9 billion to approximately \$4 billion, about \$2 billion less per biennium. The change in revenue should leave a positive balance to carryover to next biennium, assuming revenue remains as forecast and the proposed executive branch reductions are implemented.

While the forecast is still below the February 2020 estimate, this is good news. The likelihood of a special session to reduce budgets is now unlikely. To be safe, we should still be ready for possible reductions in the 2021-2023 biennium.

2021-2023 Budget Request Summary

Approximately \$4.7 million (6.3%) in additional state general fund is being requested in the AOC budget, pending BJA and Supreme Court approval.

For comparison purposes, the BJA was asked to prioritize approximately \$21 million in requests for the 2019-2021 biennium.

Attached are the BJA Budget and Funding Committee's priority recommendation for the 2021-2023 state general fund budget enhancement requests that flow through the AOC. The budget request materials (decision packages) are also attached.

**Washington State Judicial Branch
2021-2023 Biennial Budget Request
October 2020**

Administrative Office of the Courts – State General Fund Requests			BFC Priority	BJA Priority
Title	FTE	Amount Requested		
Trial Court Security Improvement	1.0	\$768,000	1	
Funding is requested to purchase the basic security equipment and services that courts need in order to provide safe access to justice to the communities of Washington State.				
New Judge Position – King County	1.0	\$318,000	2	
Funding is requested to add a 54 th judge to King County Superior Court.				
Trial Court Funding Language Access	0.0	\$2,726,000	3	
Funding is requested to expand the state Interpreter Reimbursement Program.				
The LFO Calculator	0.0	\$61,000	4	
Funding is requested to continue support of the Legal Financial Obligations (LFO) Calculator, a web-based tool that provides ready access to current statutes and case-law governing LFO's.				
Responding to Behavioral Health Needs in the Court	4.0	\$1,071,000	5	
Funding is requested to develop a statewide court Behavioral Health Response Team.				
Web Services Support	1.0	\$319,000	6	
Funding is requested for additional Web Services staff support, necessary to serve the increasing demand from multiple internal and external stakeholders.				
Trial Court Legal Services	3.0	\$769,000	7	
Funding is requested for additional legal staff to provide legal research, legal materials and training to judicial officers.				
Court Equity and Access Team	5.0	\$1,518,000	8	
Funding is requested to develop a statewide Court Equity and Access Team who will ensure equal access to civil justice.				

**Washington State Judicial Branch
2021-2023 Biennial Budget Request
October 2020**

Title	FTE	Amount Requested	BFC Priority	BJA Priority
Judicial Needs Development: Caseload Study and Sustainability of Essential Information	1.5	\$620,000	9	
Funding is requested to develop a judicial needs weighted caseload study.				
Realizing Change through Research	1.0	\$301,000	10	
Funding is requested to focus on research related to race, gender, foreign and signed language groups, and how the courts interact and administer justice to historically marginalized groups.				
Total 2021-2023 SGF Request-Pass Through /Programmatic	2.0			\$3,812,000
Total 2021-2023 SGF Request-Infrastructure	15.5			\$4,659,000
Total 2021-2023 SGF Proposal	17.5	\$8,471,000	Approximately a 6.3 % increase in general fund.	

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Trial Court Security Improvement

Budget Period: 2021-2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to purchase the basic security equipment and services that courts need in order to provide safe access to justice to the communities of Washington State.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$371,000	\$397,000	\$1,063,000	\$387,000
Total Cost	\$371,000	\$397,000	\$1,063,000	\$387,000
	FY 2022	FY 2023	FY 2024	FY 2025
Staffing				
FTEs	1	1	1	1
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$82,000	\$84,000	\$84,000	\$84,000
Benefits	\$34,000	\$36,000	\$36,000	\$36,000
Goods/Services	\$13,000	\$14,000	\$98,000	\$5,000
Travel	\$3,000	\$3,000	\$3,000	\$3,000
Equipment	\$239,000	\$260,000	\$842,000	\$259,000
Total	\$371,000	\$397,000	\$842,000	\$259,000

Package Description:

The Administrative Office of the Courts (AOC) and the Board for Judicial Administration (BJA) seek \$767,000 in the 2021–2023 biennium and \$1.5 million in 2023–2025 biennium to fund security improvements in Washington courthouses to provide safe and access for all who enter. Initially, funding will be deployed to small rural courts. Courthouse security has been one of the lead topics of discussion and concern at both the state and national levels. Yet, basic security measures and provisions remain inconsistent among courts throughout Washington. The purpose of this funding request is to reduce, and eventually prevent violent incidents from occurring in Washington courts.

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

- The 1994 shooting deaths of Susanna Blackwell, her unborn child and two friends, Phoebe Dixon and Veronica Johnson, by her estranged husband during their divorce proceeding in King Courthouse, resulted in the immediate implementation of entry screening at the courthouse.
- In 2012, Judge David Edwards was stabbed in the Grays Harbor County Courthouse, along with a sheriff deputy who was also shot with her gun. Entry screening and other security improvements were immediately implemented.
- In 2018, Lewis County Judge R.W. Buzzard chased inmates attempting to escape the courtroom. Months prior, Judge Buzzard physically intervened when a man attacked an attorney in the courtroom. He noted that the county officials were working to make courtrooms safer, but lacked funding for more security staff.

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

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

In an effort to help courts improve security, the BJA created the Court Security Task Force (Task Force) in 2018 to ensure that all courts meet the seven minimum court security standards established in GR 36 (g) by 2025. The minimum security standards were derived from consultations with courthouse security experts from the U.S. Marshalls Office, the National Center for State Courts, and local governments. These minimum standards are widely acknowledged by security professionals as the foundations of adequate courthouse security.

Minimum Security Standards established in General Rule 36:

- (1) *Policy and Procedure Guide for all Court and Clerk Personnel.*
- (2) *Weapons Screening by Uniformed Security Personnel at all Public Entrances.*
- (3) *Security Audits Every Three Years.*

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

- (4) *Security Cameras Recording with Loops of at Least Seven days with Signage*
- (5) *Duress Alarms at Multiple Strategic Locations*
- (6) *Emergency Notification Broadcast System*
- (7) *Active Shooter/Comprehensive Security Training*

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

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

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

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

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

Findings from the court security needs assessment

In 2019, the Task Force conducted a needs assessment and received responses from 111 courts that had less than full-time entry screening at all public entrances. The most significant finding is that despite the efforts of courts to comply with GR 36, over 63 court buildings did not have any entry screening at public entrances which helps keep weapons and contraband out of the courthouse. A report published by the National Center for State Courts (NCSC) in 2010, considered to be a principal reference guide for courts security professionals, stated that keeping dangerous items and people from entering the court building was the number one goal of a security improvement strategy². Additionally, 61 courts reported the need for other security equipment such as fully functioning security cameras and duress alarms. Most of the smaller courts reported that they either never had an external security audit, or that their last assessment was several years ago. The Task Force recognizes that bringing all courts into compliance with the minimum standards of GR 36 is long-term iterative process that will take several years of focused efforts to accomplish.

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

Strategies to address the problem

The Task Force's strategy maximizes the benefits of state funding by developing a prioritized grant pool that would be administered by the Administrative Office of the Courts. Courts that are (1) located in a shared courthouse and (2) do not have entry screening, will have first priority to funding for equipment and services needed to meet the minimum security standards set forth in GR 36 (g). In Washington, there are 17 shared-site courthouses in which a Superior and a District or Municipal court share a building and do not have the resources to conduct entry screening or meet other minimum security standards. Any remaining funds will be available to courts who are not in a shared courthouse and do not have entry screening at public entrances and other courts that do not meet GR 36 minimum standards.

Current Level of Effort:

AOC does not currently have a court security program or funding for court security.

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

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

Calculations:

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

Security Audits: The AOC will partner with WASPC to conduct security audits for approximately 100 courts. Costs include travel expenses and lodging for 10 peer assessors and staff time to coordinate visits. The audit teams will use industry standards to provide courts with best practices and other recommendations, including plans for implementing low-cost/high-yield security improvements specific to the unique needs of each courthouse.

AOC Court Security Coordinator & Fiscal Specialist: The statewide security coordinator will serve as content expert to assist courts with developing plans to meet the minimum security standards and access the prioritized grant pool funding with the primary goal of implementing security improvements to increase the safety of all who enter the courthouse. The fiscal specialist will administer the prioritized grant pool, conduct procurements, manage contracts, research federal, state and private grant opportunities and act as the fiscal steward of the project.

Item	FY 22	FY 23
Security equipment	\$ 231,615	\$ 259,505
Security Audits	\$ 8,000	\$ 9,000
AOC Court Security Coordinator & Fiscal Specialist*	\$ 131,375	\$ 128,016
Total	\$ 370,990	\$ 396,521

*Funding for positions includes standard FTE costs for goods and services, equipment, and travel/training costs. Additional costs are included for essential travel to courthouses and meeting costs with stakeholders to determine the security needs of the courthouses/facilities throughout Washington State.

Decision Package Justification and Impacts

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

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

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

Accessibility.

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

Access to Necessary Representation.

N/A.

Appropriate Staffing and Support.

Without appropriate staff support, program development, maintenance, and ongoing assistance and analysis will not occur. Without these efforts programmatic adjustments to affect efficiencies and to target funds to the most critical need will not occur.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

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

What are the consequences of not funding this request?

The safety of community members and court users are at risk when there are no security measures in place. Research show mass shootings in rural areas, combined with the highly emotive aspects of court business such as dependency cases, domestic violence, etc. make these small rural courts at high risk for serious and tragic consequences.

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

There is no current appropriation for courthouse security at the state level.

Other supporting materials:

See Appendices 1 and 2

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

No

Yes

**Washington State Judicial Branch
2022-2023 Biennium Supplemental
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: New Judge Position – King County

Budget Period: 2021-2023 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

Funding is requested for the ongoing costs for a 54th King County Superior Court judge position expected to be authorized January 1, 2021.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$159,000	\$159,000	\$159,000	\$159,000
Total Cost	\$159,000	\$159,000	\$159,000	\$159,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	1	1	1	1
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$95,000	\$95,000	\$95,000	\$95,000
Benefits	\$64,000	\$64,000	\$64,000	\$64,000
Total	\$159,000	\$159,000	\$159,000	\$159,000

Package Description:

A King County Superior Court 54th judge position is expected to be authorized January 1, 2021. The Administrative Office of the Courts (AOC) requires funding to pay the state share of salaries and benefits for this position.

Current Level of Effort:

Adds judicial capacity.

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

The AOC pays 50 percent of the salary and 100 percent of the benefit costs for a superior court judge position. The county pays the other 50 percent of the salary cost. Funding requested represents the amounts required to fully fund the state share of the judge position from July 2021 through June 2023.

Decision Package Justification and Impacts

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

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

Funding this request would expand judicial capacity in King County, and provide for the expansion of fair and effective administration of justice in civil and criminal cases.

Accessibility.

More cases can be resolved

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

Funding this request would expand judicial capacity in King County, and provide for the expansion of fair and effective administration of justice in civil and criminal cases.

Appropriate Staffing and Support.

Funding this request would allow for the addition of a 54th position of 58 currently authorized by statute.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No

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

No alternatives are available. The AOC is required by statute to pay the state share of personnel costs for a superior court judge.

What are the consequences of not funding this request?

Cases before superior courts in King County would be delayed or unresolved. .

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

Funding for this position is currently not available in the AOC budget.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Trial Court Funding Language Access

Budget Period: 2021–2023 Biennium Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

Funding is requested to expand the state Interpreter Reimbursement Program to help additional courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters. This request will fund this program based on the approved 2019-2021 Biennium request.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$909,000	\$1,817,000	\$1,817,000	\$1,817,000
Total Cost	\$909,000	\$1,817,000	\$1,817,000	\$1,817,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0	0	0	0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Grants	\$909,000	\$1,817,000	\$1,817,000	\$1,817,000
Total	\$909,000	\$1,817,000	\$1,817,000	\$1,817,000

Package Description:

Funding was approved for this program in the 2019-2021 Biennium. Carry-forward level (CFL) funding for the ensuing biennia was incorrectly determined. This request restores the previously approved funding level.

Current Level of Effort:

This request will provide additional courts reimbursement for interpreters and increase current funding for courts in the program. The total increase reflects state resources to fund 50% of interpreter services at all levels of trial courts.

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

FY22: the annual rural, mixed urban/rural county, and half of urban county 50% reimbursement amount would be \$2,664,000.

39,342 cases x \$155 per case x .50 reimbursement = \$3,049,000 – \$385,000 (current funds allocated to these county categories) = \$2,664,000.

Staffing and program costs will support expansion implementation and additional interpreter testing, recruitment and training.

FY23: the annual rural, mixed urban/rural county, urban county 50% reimbursement amount would be \$3,572,000.

53,965 cases x \$155 per case x .50 reimbursement = \$4,182,000 – \$610,500 (current funds allocated to these county categories) = \$3,572,000.

Staffing and program costs will support expansion implementation and additional interpreter testing, recruitment and training.

Carry Forward Level funding reduced available grant funding for these reimbursement purposes. Table I below, displays the requested difference.

Table I – Grant Funding Required Versus CFL

	FY 2022	FY 2023	FY 2024	FY 2025
Carry Forward Level	1,755,000	1,755,000	1,755,000	1,755,000
2019-21 Approved DP Grant Level	2,664,000	3,572,000	3,572,000	3,572,000
Difference	909,000	1,817,000	1,817,000	1,817,000

Decision Package Justification and Impacts

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

Accessibility.

Court proceedings and court services are not accessible without meaningful access to interpreter services for individuals who are limited English proficient or deaf or hard of hearing. Quality interpreting services are needed at all court services access points. Individuals who interact with court staff for matters such as child support issues, domestic violence protection forms and services, making payment plans for victim restitution or court fines, and/or housing evictions, need to fully understand what is required to move through the judicial process regardless of language.

Access to Necessary Representation.

Individuals with a stake in judicial proceedings should have meaningful access to counsel without language being a barrier to that access. Individuals must be able to communicate during attorney/client interviews and pretrial meetings and hearings. Interpreters must be provided for individuals who are limited English proficient or deaf or hard of hearing.

Commitment to Effective Court Management.

Efficient and effective court management requires implementation of interpreter practices and policies which save money, yet provide quality language access. Courts involved with the Reimbursement Program have taken substantial steps to modify their interpreter scheduling and payment practices to achieve better economies of scale, sharing of resources, and collaboration with neighboring courts. Expanding the

Reimbursement Program will support courts in being able to pay for qualified interpreters and working more efficiently to share scarce language resources.

Appropriate Staffing and Support.

Well-trained staff can provide consistent and accurate customer service such as how to request a hearing, how/where to file paperwork properly, and establishing time payment schedules and collection delays. For individuals who are limited English proficient or deaf or hard of hearing, it is especially important that staff understand and recognize language access issues and how to secure interpreters.

What is the impact on other state agencies?

Other state and local agencies depend on judicial officers and court personnel to understand and correctly apply changing legal requirements and to support them in fulfilling their own constitutional and statutory mandates. When individuals cannot communicate in the judicial process, they cannot effectively participate in proceedings, and understand information and forms. These can result in inefficiencies, delays, and added expense or lost revenue by other agencies. Additionally, certified court interpreters are used in other agencies.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

There are no funding alternatives. Washington trial courts have experienced increased interpreter costs without increased revenues or state reimbursement, thereby forcing expenditure reductions in other city/county services. Expanding the state reimbursement program to all courts helps provide equal access to justice for all individuals and increased access to qualified interpreters.

What are the consequences of not funding this request?

People need to be able to communicate in court matters. Without effective communication, it is not possible to achieve equal and fair access to justice or full engagement of all parties. Individuals must be able to present information and understand proceedings and rulings. Judicial officers cannot effectively preside over proceedings involving parties, witnesses or participants who are limited English proficient or deaf or hard of hearing without being able to accurately communicate with them. This can only be accomplished through the use of appropriately qualified interpreters.

Failing to provide timely interpreter services denies individuals the opportunity to participate fully in their court matter. For participants, it leads to mistrust and confusion. For courts, it leads to administrative inefficiencies and increased court costs due to continuances and delays. Inaccurate information creates a risk of incorrect judicial

orders or verdicts. For example, a judicial officer's order for a defendant to avoid contact with a victim of crime will be ineffective and may be legally unenforceable, if the subject of the order does not understand it.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: The LFO Calculator

Budget Period: 2021-2023 Biennial Budget

Budget Level: Maintenance Level

Agency Recommendation Summary Text:

Funding is requested to continue support of the Legal Financial Obligations (LFO) Calculator, a web-based tool that provides ready access to current statutes and case-law governing LFOs.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$34,000	\$27,000	\$27,000	\$27,000
Total Cost	\$34,000	\$27,000	\$27,000	\$27,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	0	0	0	0
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Goods and Services	\$34,000	\$27,000	\$27,000	\$27,000
Total	\$34,000	\$27,000	\$27,000	\$27,000

Package Description:

This budget package is to continue the maintenance and online hosting of the LFO Calculator. The LFO Calculator is a web-based tool that provides ready access to current statutes and case-law governing LFOs and provides transparency throughout the process. It assists courts in thoroughly inquiring into an individual's ability to pay and converts the total LFO amount into monthly payments; factors in additional costs such as probation, and gives the defendant an accurate amount that all parties can understand.

Link to the LFO Calculator: <https://beta.lfocalculator.org/>

Current Level of Effort:

- **Online Hosting Cost:** \$900/month – *Monthly cost to host LFO Calculator online*
- **Annual Development Cost:** \$1600/year – *Annual cost to make legislatively mandated changes*

- **FTEs:** >0.1 FTE – *The current staffing that supports the continued operation and maintenance is the Supreme Court Commission’s Manager. The staff spends less than 10% of their time making sure that the monthly Online Hosting invoices are paid, and on an annual basis, communicating with the developer the legislative changes that need to be made to the LFO Calculator.*

The LFO Calculator was created in 2016 through a grant received by the Minority and Justice Commission, from the Department of Justice (DOJ). The DOJ grant, “The Price of Justice: Rethinking the Consequences of Justice Fines and Fees,” was a national effort to reform court practices around the assessment and collection of court fines and fees that disproportionately punish those without the means to pay. Washington State was one of only five states to receive funding for efforts to address LFOs in our state. The LFO Calculator was proposed as an innovative tool that could serve as a solution.

The cost to develop the LFO Calculator was supported by Microsoft (see attached article), and also supported by grant funds. Over 400 volunteer hours were spent by members of the Commission working with developers to create the LFO Calculator. In June 2017, the LFO Calculator went live in 10 courts throughout the state. Ten judges representing different jurisdictions and court levels (5 Superior and 5 Courts of Limited Jurisdiction), participated in the “pilot” phase of the calculator, and used it in every single instance that they could. Their feedback was captured in the attached “Pilot Courts Feedback Survey”

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

- **Online Hosting Cost:** \$10,800/year (\$900/month)
The LFO Calculator was created using Microsoft Azure and is currently located and hosted on that platform. The monthly cost to host the LFO Calculator on Microsoft Azure ranges between \$800–\$900/month
- **One-Time Cost to Transition Technical Support:** \$7,200
There is a need to transition the LFO Calculator support from the current developer that created the program to a new entity that could provide ongoing maintenance and support. The current developer that we have been working with cannot continue to host the LFO Calculator. The cost to do the transition would be approximately \$7,200 (80 hours at \$90/hr).
- **Annual Development Cost:** \$12,000/year
Annual cost to make legislatively mandated changes (16–20hrs of development) and ongoing maintenance would be approximately \$1,000/month. We would contract with a local vendor whose primary business is to support web-based applications.
- **FTEs:** 0
No additional staff support will be required to support the LFO Calculator. The work would be absorbed using current staff for the Minority and Justice Commission. The support that would be required includes fielding any inquiries about the calculator and communicating fixes to the developer. This would take less than 0.1 FTE to support.

Decision Package Justification and Impacts

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

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

Financial data from courts and feedback from victims has shown that collection of LFOs, including restitution, has been ineffective because many defendants simply lack the ability to pay. While another purpose for LFOs is to serve as punishment of crime, research has shown that the punishment is not proportionate to the crime, with many defendants serving life under the courts' jurisdiction because of their inability to pay. LFOs unfairly punish the poor and disproportionately impact people of color.

Many efforts have been made in Washington to reform and change practices around LFOs to be fairer, such as recent case law, statutory changes, and education. Supporting the LFO Calculator is one way that we can ensure that the changes in law and education around LFOs are cemented into practice, and that we don't end up reverting back to old practices.

Accessibility.

The LFO Calculator provides more accessibility for judges to be able to quickly cite relevant case law and statutes pertaining to LFOs. It serves as a one-stop-shop on LFOs.

The LFO Calculator also allows more accessibility for attorneys and their clients in understanding what LFOs are mandatory, discretionary, waivable, and the legal authority for each.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

N/A.

Appropriate Staffing and Support.

N/A.

What is the impact on other state agencies?

N/A.

What is the impact to the Capital Budget?

N/A.

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

No.

Is the request related to or a result of litigation?

No.

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

Other alternatives that were explored include: (1) Transitioning the LFO Calculator to the AOC's current code environment (Cold Fusion), and (2) Having AOC web services staff take on the hosting and maintenance internally.

The first alternative would cost more and would require more AOC staff resources. This alternative would involve transitioning the code to AOC's current code environment, which would be extremely time consuming, would require additional resources for staff, and there is risk and uncertainty in the transition.

The second alternative would cost more and would require more AOC staff resources. This alternative would involve AOC web services taking on the management of the hosting and maintenance internally, and would require additional resources for staffing. We would need to ask for at least an additional part-time FTE who would need to become familiar with Microsoft Azure applications. There are currently no other AOC applications that are hosted in Microsoft Azure.

What are the consequences of not funding this request?

Time and Costs to Create the LFO Calculator are Lost - Approximately \$250,000 was spent on the development of the LFO Calculator. The cost was provided in-kind by Microsoft and the other portion was paid for with the Department of Justice grant. Thousands of hours were spent by judges and attorneys who volunteered time and provided input throughout the development and implementation process, providing feedback to create a calculator that is useful to judges, attorneys, and their clients. All of that work would be lost if we don't fund this request.

Effect on Current Users - The LFO Calculator is currently online and available for anyone to use at any time. Even during the pilot phase of the LFO Calculator, without doing outreach and education on it, we were seeing around 400 users a month. Users range from judges to public defenders, prosecutors, and the public at large.

Progress around LFO Reform Will be Lost – The LFO Calculator puts all of the existing LFO statutes and case law into one convenient location, making it a one-stop-shop for judges and attorneys to turn to when making LFO determinations. While a lot of the practice may be redundant in many instances, for those where it is not, and especially for new judges on the bench, having a resource like this is necessary to ensure that the laws governing LFOs are followed.

There has been a surge in new judges coming onto the bench who are not familiar with LFO practice. The extensive work done in the past 5 years (since *State v. Blazina*) to educate judges around LFOs does not apply to new judges, and any progress that was made to reform LFO practices within the judicial branch will be lost as the current bench retires. The new judges will benefit from the LFO Calculator, as it is a one-stop-shop to all of the laws and statutes pertaining to LFOs.

Burden of Uncollected Debt and Unfair Punishment – Defendants and victims bear the burden of an ineffective and inefficient LFO system. Victims do not receive restitution when LFOs are beyond what a defendant can reasonably pay. Defendants spend a lifetime under jurisdiction of the court when they receive amounts in LFOs they

cannot reasonably pay. Defendants have to make tough choices every time they get a bill from the court on whether to pay for basic necessities for living or pay their LFOs. Even after serving a sentence in prison, defendants still have the LFO burden. Often times it is a lifelong burden because they will never be able to pay off the debt. Unpaid LFOs also prevent individuals from being able to clear their records so they can find gainful employment or locate stable housing.

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

The grant funds ended in September 2019. The AOC Administrative Division has been able to pay for the hosting cost for the calculator, and because of recent agency savings, was able to provide the one-time cost to make 2020 legislative changes. There is no current appropriation in the Administrative Division's budget for the continued support of the LFO Calculator.

Other supporting materials:

- Article from Microsoft on LFO Calculator
- One-Page Description of LFO Calculator
- Link to LFO Calculator: <https://beta.lfocalculator.org/>
- LFO Pilot Sites Evaluation

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

- No
- Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Responding to Behavioral Health Needs in the Courts

Budget Period: 2021–2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to develop a statewide court Behavioral Health Response Team to facilitate the development and implementation of a statewide response to individuals involved in the justice system who have behavioral health needs and assist with therapeutic courts’ evaluation efforts.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$455,000	\$616,000	\$601,000	\$593,000
Total Cost	\$455,000	\$616,000	\$601,000	\$593,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	3	5	5	5
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$256,000	\$398,000	\$398,000	\$398,000
Benefits	\$96,000	\$142,000	\$142,000	\$142,000
Goods/Services	\$25,000	\$23,000	\$23,000	\$20,000
Travel	\$40,000	\$50,000	\$35,000	\$30,000
Equipment	\$38,000	\$3,000	\$3,000	\$3,000
Total	\$455,000	\$616,000	\$601,000	\$593,000

Package Description:

Washington courts need a centralized and coordinated effort to address behavioral health needs in the courts. The Administrative Office of the Courts (AOC) seeks \$1,200,321 to develop and implement a statewide Behavioral Health Response Team. This Team will facilitate the development and implementation of a coordinated statewide response to individuals involved in the justice system who have behavioral health needs, and assess data needs, develop evaluation efforts, and collect data. Staff will coach and educate the courts to use data and self-assessment tools, and participate in a peer-review program to improve their therapeutic court programs. Funding will allow the AOC Court Behavioral Response Team to develop subject matter expertise and

provide technical assistance, training, and resources to courts and behavioral health system partners throughout the state.

Behavioral health court needs.

Behavioral health is a broad term that considers how behaviors impact someone's physical and mental health. It includes both mental health and substance use, encompassing a continuum of prevention, intervention, treatment, and recovery support services.

Behavioral health experiences and needs have increased, impacting community services and responses and community partner relationships. The behavioral health experiences and needs are complex and often involve various community services to help ensure individuals receive the treatment and support needed. Courts have seen an increase in individuals with behavioral health needs accessing and involved in the justice system, as well as an increase in laws and policies addressing various behavioral health issues that impact the courts. Ever-changing community dynamics have created opportunities and challenges for community and statewide coordination.

While many communities have responded by developing therapeutic courts across the state, these courts are not in every community nor are the programs consistently organized and evaluated to ensure best practices. Already busy courts have to develop these programs by themselves which requires a tremendous amount of work. Furthermore, communities can benefit from generalized training and information on how to best work with individuals accessing the courts who may have behavioral health needs but who do not quite fit into the therapeutic court model.

An issue of statewide relevance.

As of 2019, there were approximately 112 therapeutic courts operating in Washington State consisting of drug courts, juvenile drug courts, family treatment courts, driving under the influence (DUI) courts, mental health courts, veterans' courts, community courts, and domestic violence courts.

The importance of therapeutic courts that align with national best practices has been recognized both in statute and broadly by the court community in our state.

RCW 2.30.030 provides in pertinent part:

(2) While a therapeutic court judge retains the discretion to decline to accept a case into the therapeutic court, and while a therapeutic court retains discretion to establish eligibility for admission to the therapeutic court process unique to their community and jurisdiction, the effectiveness and credibility of any therapeutic court will be enhanced when the court implements evidence-based practices, research-based practices, emerging best practices, or promising practices that have been identified and accepted at the state and national levels. Promising practices, emerging best practices, and/or research-based programs are authorized where determined by the court to be appropriate. As practices evolve, the trial court shall regularly assess the effectiveness of its program and the methods by which it implements and adopts new best practices.

Coordinated and centralized effort needed to complement local programs.

Several key areas are hampering the implementation of therapeutic court best practices in our state. There is no statewide staffing to work with courts to help them develop and implement best practices; no means available to ensure that therapeutic courts are receiving relevant, targeted training on National Best Practice Standards; and data collection and application are inconsistent and irregular.

While AOC provides support to the courts and the judges, there is no state-level support in the form of training, technical assistance, data collection and evaluation, or implementation of therapeutic court operations. Decisions about therapeutic court organization, operations, and services are based on court preferences and local priorities. The result is varied program structures, activities, community partnerships, data collection practices, and participant outcomes. While independence allows for responsiveness to local needs, the lack of consistent statewide practices may lead to a lack of fidelity to the therapeutic court model and best practices, and reduced effectiveness. Differing data collection practices have limited the AOC's ability to analyze the impacts of the therapeutic courts.

Washington citizens and communities could also benefit from a coordinated statewide plan with the various stakeholders and professionals who are critical to ensuring successful implementation of therapeutic court practices and treatment options for individuals. A coordinated approach would help courts and communities address underlying causes of behavioral health issues, coordinate resources to help reduce recidivism, and maximize resources to ensure individuals obtain necessary services. Collaborative work may be guided by the Sequential Intercept Model (SIM) which is a stepped process for addressing behavioral health issues before justice system contact, with an emphasis on community-based services that can help residents with behavioral health needs without law enforcement or other justice system action. Within the justice system, the SIM model focuses on diversion to treatment, engagement with therapeutic courts, and other supportive sentencing and re-entry options.

Successes highlight the benefits to individuals and communities.

A Washington State Institute for Public Policy meta-analysis concluded drug courts produce a return on investment 100% of the time.¹ A Washington State Department of Social and Human Services (DSHS) analysis of drug court participants in Washington State found that reductions in crime following entry into Drug Court translate into a net benefit to taxpayers of \$22,000 per participant, or a \$4 return for every \$1 invested.²

There is also a significant increase in participant employment 18 months after drug court enrollment in Washington State. Additionally, drug courts keep kids out of foster care, impacting children and families for generations.

As one community court participant shared after successfully graduating from community court: "I was amazed how nice, understanding, and kind the judge and

¹ Washington State Institute for Public Policy (2018 December). Drug Courts: Adult Criminal Justice

² Mayfield, J., Estee, S., Black, C., Felver, B. (2013 July). Drug Court Outcomes: Outcomes of Adult Defendants Admitted to Drug Courts Funded by the Washington State Criminal Justice Treatment Account. Washington State Department of Social and Health Services: Research and Data Analysis Division.

prosecutor and lawyers were. This program helped to transform my life. Since starting here I've gotten a home, a car and started school. I love that this program helps to address each individual's problems and roadblocks and helps to get each person back on track and back into the community instead of just locking people up and turning a blind eye. Thank you for truly helping me."

Judges currently presiding over treatment courts in Washington have seen traditional court roles and community systems changing in response to the therapeutic court model. Team members have become service providers, and judges have seen an increased focus on positive rewards and reinforcements for program successes. Judges have strategized on creative problem solving and collaborative relationships when needed. Their increased understanding of behavioral health needs and available services have also helped inform non-therapeutic court cases and better understand behavioral health impacts on the individual and community.

Funding statewide system coordination, best practice implementation, and data collection and evaluation.

To help the courts realize the promise of healthier communities that comes with therapeutic courts, funding will create a Behavioral Health Response Team to facilitate the development and implementation of a coordinated statewide system to support courts as they respond to individuals with behavioral health needs who are involved in the justice system. The team will be able to assist the individual courts by a) using training and technical assistance to communicate with courts about research, practice, policy, program, and funding developments related to treatment courts; b) helping courts develop local capacity to assess program implementation in comparison to best-practice or research-based standards; and c) helping courts develop local capacity to measure recidivism, employment, and other outcomes of therapeutic court clients.

The Team can help courts and policy makers by increasing the visibility of therapeutic court operations through statewide reporting on therapeutic court programs, including the program model and local program capacity and clients' law-abiding behaviors and needs, and tracking performance over time and across jurisdictions. Courts need support to evaluate operations and manage therapeutic courts to the benefit of the public. Among the consistent lessons from evaluation of therapeutic court practices is that courts' investment in local management capacity to collect, reflect on, and respond to local process and outcomes data improves therapeutic court performance.

Specifically, these funds will help:

- 1) Collaborate with local courts to identify, develop, and implement the necessary program components that will allow for best practice operations and sustainability of therapeutic courts in Washington State.
- 2) Develop and facilitate implementation of a coordinated statewide plan to address the needs of court users with behavioral health issues who are engaged in the justice system. This will include collaboration across disciplines and among various court stakeholders, convening a statewide group to explore issues and developing a strategic plan and best practices, and exploring diversion and sentencing alternatives and other issues as identified in the assessment process.

- 3) Explore expansion of the Sequential Intercept Model, now used by a small number of courts in our state, and its implications for Washington State treatment courts.
- 4) Assess and develop suggested data collection and performance measures for state and local data collection procedures for county-level therapeutic courts.
- 5) Recommend assessment procedures that lead to practice and program improvements based on local and national review.
- 6) Develop a standardized training plan for emerging and sustained courts in order to align with best practice standards.
- 7) Identify and develop training and resources for all courts, regardless of whether or not they have a therapeutic court.
- 8) Analyze and evaluate proposed legislation and its probable impact upon program goals. Connect courts with local policy makers and provide policy makers with information to assist them in understanding the utility, operation, and function of therapeutic courts.
- 9) Provide ongoing technical assistance, training, and support to courts across the state.
- 10) Identify and connect courts with additional grants and other resources to sustain therapeutic courts.

Current Level of Effort:

AOC currently does not provide therapeutic court coordinator services.

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

- One Senior Court Program Analyst focused on statewide systems and policy efforts.
- Two Court Program Analysts focused on the larger behavioral health needs, specific behavioral health considerations and specific level of courts.
- One Researcher to develop and implement outcome evaluations, process evaluations, performance measures and data collection. This position will also provide local technical assistance to courts in data collection and evaluation efforts. (This position will start at half time and move to full time.)
- Half time Court Program Assistant to help with administration activities, event planning, data information support and overall team communications with courts.
- Travel (in and out-of-state) and training for therapeutic court program staff. \$30,000 per biennium.
- Meetings costs with stakeholder groups. \$40,000 to convene a statewide coordinating group in the first two years.
- Develop and implement statewide training. \$20,000 per biennium.

Note: Personnel costs include salaries, benefits and standard staff start-up and ongoing costs for each identified position.

Decision Package Justification and Impacts

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

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

In Washington State, therapeutic courts are implemented in a jurisdiction-specific manner, and practices vary among courts. The judiciary has an obligation to assess practices and results across the range of therapeutic courts and to provide support for the effective administration of these courts.

Accessibility.

Washington courts, court facilities, and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based, or other characteristics that serve as access barriers. Encouraging courts around the state to implement and operate therapeutic courts with best practices, better data collection and application, and evaluative processes will ensure that these courts are meeting the needs of all participants.

Access to Necessary Representation.

Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel. Constitutional right to counsel applies to therapeutic court participants in many respects and best practices recognize the important roles of the team members, including defense counsel.

Commitment to Effective Court Management.

Careful case management and progress oversight of treatment components are important mechanisms of effective court management. The therapeutic court model itself, with participants' progression through phases reaching standards, regular and frequent review hearings, and cooperative, collaborative team work, all addressed in best practices, contribute toward orderly, predictable, and organized management of therapeutic court cases. Increased training around behavior health needs and best practices will help courts recognize options and information for individuals more quickly. Data collection and evaluation efforts are critical to ensure local choices about program operations will be informed with relevant, up-to-date information. Research related to therapeutic courts has demonstrated particular practices, such as judicial leadership and the ongoing use of data at the court level, to be cost effective.

Appropriate Staffing and Support.

A centralized and coordinated Behavioral Health Response Team will serve as a valuable resource to judges and court managers throughout the state. Therapeutic court best practices address the roles and responsibilities of the judge and the multidisciplinary team. Robust self-assessment and peer review processes will help identify relative strengths and weaknesses of how the therapeutic court judge and team operate as both individuals and as collaborative team members to ensure that all personnel are adequately and effectively supported, which in turn support the entire system. An AOC-based Behavioral Health Response Team also provides Judicial Branch parity in the area of behavioral health. Presently, a staff member from the Health Care Authority sits on a national consortium of state level Problem-Solving Court Coordinators. There is no representative from the Washington judiciary. These staff positions would ensure that the Washington Judicial Branch could also participate in critical national court efforts around this issue.

What is the impact on other state agencies?

Other state agencies should benefit from improvement in AOC's internal behavioral health and therapeutic court operations. Locally, successful participants will not have to rely as much on social services as the participants move toward sobriety, education goals, stable housing, and productive employment. If jail time is reduced, incarceration costs of participants significantly decreases.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

Two federal drug court grant applications were not successful due to lack of consistency in practices across the state. A statewide coordination effort will increase best practice dissemination, communication, and collaboration, resulting in more consistently-provided services while maintaining individual community court needs.

What are the consequences of not funding this request?

If funding is not secured, AOC will continue to have no capacity to assist local courts with addressing the behavioral health needs of defendants and litigants. Local jurisdictions will continue to implement therapeutic courts with varying practices, possible lower success rates, and disparate data that make evaluation and comparisons difficult. Furthermore, services remain fragmented and treatment court goals may not be realized as effectively. In some communities, treatment courts may not be an option without funding, and individuals will not benefit from therapeutic interventions. Without outside financial support, local communities cannot afford to adequately address the behavioral health issues that are causing individual suffering and adverse community impacts.

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

The AOC has no funding for these positions.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Web Services Support

Budget Period: 2021-2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for additional Web Services staff support that is necessary to serve the increasing demand for secure and reliable judicial branch web-based services and publications.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$163,000	\$156,000	\$156,000	\$156,000
Total Cost	\$163,000	\$156,000	\$156,000	\$156,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	1	1	1	1
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$100,000	\$100,000	\$100,000	\$100,000
Benefits	\$32,000	\$32,000	\$32,000	\$32,000
Goods/Services	\$23,000	\$23,000	\$23,000	\$23,000
Equipment	\$8,000	\$1,000	\$1,000	\$1,000
Total	\$163,000	\$156,000	\$156,000	\$156,000

Package Description:

AOC Web Services supports and maintains web-based applications for the judicial branch as well as several statewide applications that serve state and federal agencies, justice partners and the public.

The public and the judiciary are transitioning from traditional paper publications to reliance on readily available web-based publications and services. For example, ordinary residents expect they can easily and reliably obtain new court forms, court rules, file an appeal, or get the latest news about emergency court closures or operational changes.

All of these web-based services and applications must be continuously available, secure from cyber-attacks, and efficiently published and updated.

Web-based services that were once considered optional are now a primary means for interacting with the public and conducting essential judicial branch business. Web Services staffing levels have not kept up with the demand for these now essential services.

Due to the increases in hacking activities, staff are often required to work on multiple web security upgrades and enhancements simultaneously. The small size of the Web Services team cannot sustain the enhanced demand for system services and availability and the increase in activity required to assess and implement security changes.

Web Services is no longer a splash page of internet information but complicated interfaces and collaboration with internal users as well as other agencies, courts, applications, and assistance. Advanced information technology has changed the way governments operate. Escalating trends demand information be easy to access, quick to retrieve, and secure. These advances come at a price, requiring advanced operations and infrastructure, along with staff to steward information and development.

External agencies, such as the Federal Bureau of Investigation (FBI) Criminal Justice Information Services Division National Instant Criminal Background Check System (NICS), require important data connected through Internet exchanges and web portals.

These services require ongoing infrastructure upgrades, security, and staff and are indicative of the many applications needing change due to modernization by COTS products.

Addressing and solving complex problems with limited staff presents a challenge in prioritizing tasks. For example, if Opinions from the Supreme Court do not show correctly on the court website staff must sift through multiple levels of servers, applications, load balancers, code, and firewalls. Tracking these instances and determining mitigation becomes more complex as security increases and technology advances.

This request adds staff capacity and adds efficiency through the planned implementation of configurable software that will support streamlined workflow processes and reduce maintenance required to support daily operational needs.

Current Level of Effort:

Current Level FTE count is three (3) FTE.

Decision Package expenditure, FTE and revenue assumptions, calculations and details: 1.0 FTE Senior Developer (range 70, step L) is required. Costs for specialized software (e.g., Dream Weaver at \$1,300 per year, and Business Process Engineering software (\$17,000) are included with standard FTE goods, services, and training costs. Standard per FTE equipment costs are included. Table I, below displays detailed costs by object of expenditure.

Table I – Detailed Cost Estimates

Object of Expenditure	FY22	FY23	FY24	FY25
Salary	99,816	99,816	99,816	99,816
Benefits	32,457	32,457	32,457	32,457
Sub-Total, Personnel Costs	132,273	132,273	132,273	132,273
Standard Goods / Services				
Standard Goods / Services	5,000	5,000	5,000	5,000
Dream Weaver Software License	1,300	1,300	1,300	1,300
Business Process Engineering Software License	17,000	17,000	17,000	17,000
Sub-Total, Goods & Services	23,300	23,300	23,300	23,300
Equipment	7,500	500	500	500
Total, All Objects	163,073	156,073	156,073	156,073

Decision Package Justification and Impacts

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

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

The public should expect secure and reliable access to information and services from the judicial branch. This package supports access to court forms, rules, opinions, directories, and other key information, which enhances the ability of all people to access the courts. Consistent, current and accurate web-based information and services improve court efficiency and improves fairness for the public by making the information available at all hours and reducing dependency on paper-based or paid subscription services.

Accessibility.

Washington courts, court facilities, and court systems require important data connected through Internet exchanges and web portals. These services require ongoing infrastructure upgrades, security, and staff in order to maintain accessibility.

Access to Necessary Representation.

Having properly supported data applications and websites is important for all stakeholders in judicial proceedings and research. This is particularly important for self-represented litigants.

Commitment to Effective Court Management.

Properly functioning web services and applications can significantly improve court operations by allowing courts to focus on implementing efficient workflows and reduce the time court users are in court or navigating the judicial system.

Appropriate Staffing and Support.

Advanced information technology and web services have changed the way governments operate. Escalating trends demand information be easy to access, quick to retrieve, and secure. These advances come at a price, requiring advanced operations and infrastructure along with staff to steward information and development.

What is the impact on other state agencies?

This request will enhance reliability and security of vital information and services provided through AOC to the Washington State Patrol, Department of Corrections, Office of the Secretary of State, Sentencing Guidelines Commission, Department of Licensing, local law enforcement agencies, Federal government, and others.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

No viable alternatives are available; the request for staff must be met for continued operational support and to meet critical security needs.

What are the consequences of not funding this request?

Not funding this request will put AOC in the position of not having the resources necessary to maintain, operate, and enhance web applications and sites associated with projects and daily data sharing. This could jeopardize the ability of AOC to receive and disseminate court data on a statewide basis, hindering public access to judicial branch information and the ability of courts and justice partners to operate effectively.

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

It is not feasible to address this issue within current resources without significant negative impacts on security upgrades and other high priority projects and programs for the judiciary and to support legislative initiatives.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Trial Court Legal Services

Budget Period: 2021-2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested for additional professional legal staff who will provide legal research, legal materials, and training to judicial officers.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$260,000	\$509,000	\$497,000	\$497,000
Total Cost	\$260,000	\$509,000	\$497,000	\$497,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	2	4	4	4
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	155,000	349,000	349,000	349,000
Benefits	53,000	120,000	120,000	120,000
Goods/Services	25,000	25,000	20,000	20,000
Travel	4,000	6,000	6,000	6,000
Equipment	23,000	9,000	2,000	2,000
Total	\$260,000	509,000	497,000	497,000

Package Description:

This request would create a team of three staff attorneys and one administrative secretary to support trial courts with case-specific legal research, use that research to help create and update legal publications and practice resources, and to support education programs for trial court judges and commissioners.

Judges and court commissioners in superior, district and municipal courts are called upon to make life-altering decisions affecting personal liberty, public safety, parental rights and responsibilities, and more. Issues are often complex and require extensive legal research and analysis. Judges were once able to expect lawyers for each party to identify issues, supply briefs and argue their legal position. That time has passed.

Today, whether by their choice or circumstances, it is increasingly rare for both parties to have a lawyer and often both parties are unrepresented. The research and analysis that was once provided to the court by lawyers for the parties is no longer available.

A 2019 survey conducted by the Court Management Council found that Washington Superior Courts reported a 77% increase in the last three years in the number of self-represented litigants seeking court services. The State of the State Courts survey conducted in 2018 by the National Center for State Courts reported that 62% of registered voters volunteered "I don't believe I could effectively represent myself in court, regardless of what resources and information are provided to me."

This condition is likely to become more challenging in our post-COVID world. More individuals will represent themselves in court. More cases involving economic hardship of ordinary unemployed or underemployed people due to the financial crisis will come into the trial courts while judicial officers continue to work through daunting case backlogs and processes are instituted to protect public health that also make the work of the courts more difficult and less efficient.

Especially in small and rural courts of our state, judicial leaders agree the ability of judges to obtain assistance with legal research, have up to date legal reference materials at their disposal, and to receive training from law-trained individuals can play a vital role in helping courts continue to provide fair and effective service to all.

Current Level of Effort:

The Office of Legal Services and Appellate Court Support currently has three Senior Legal Analysts, a Principal Legal Analyst, a Manager, and 1.5 administrative FTEs that support pattern forms, pattern jury instructions, court rulemaking, legislative analysis, legal analysis and bench books. This staffing level is inadequate to support existing needs. As a result, many critical legal reference materials for the courts are years out of date and some have become obsolete. There is no capacity to routinely provide case-specific legal research and analysis for trial court judicial officers.

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

This funding request is for a Legal Services Principal Analyst to be hired on October 1, 2021 to begin providing services to the courts and to assist with hiring additional personnel for the work unit and establishing the program and protocols. A Senior Legal Analyst and Administrative Secretary will be added effective January 1, 2022. An additional Senior Legal Analyst will begin July 1, 2022. Funding is provided for equipment, travel, and training for continuing education as well as specialized training so staff can support plain language efforts of the agency and trial courts.

Decision Package Justification and Impacts

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

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

This request provides judicial officers with additional resources that will help them more efficiently address complex legal issues. These services are especially important in cases where one or more parties is not represented by an attorney and in small and rural courts. This will contribute to just, fair, accurate and timely disposition of legal matters. Resources are provided for training staff in plain language writing. It is expected the staff will help judicial officers draft documents using plain language where appropriate so they are better understood by non-attorneys.

Accessibility.

This request will help judicial officers understand and apply the requirements to ensure their facilities and operations are open and accessible to all participants regardless of income, language, culture, ability, or other access barrier.

Access to Necessary Representation.

The case research services, reference materials, and training provided by this request will help judicial officers understand and effectively apply constitutional and statutory guarantees of the right to counsel.

Commitment to Effective Court Management.

Ready access to legal research services and to concise, current, objective, and easily searched legal resource materials will help judicial officers make more timely and accurate decisions and provide judicial officers and court personnel with key information about critical legal requirements and best practices for ensuring that courts are effectively managed. This is expected to reduce delays, continuances, and appellate review.

Appropriate Staffing and Support.

This program provides an efficient means to offer staff support for legal research and publications for the trial courts by offering a dedicated statewide service. This is a level of staffing support that would not be practical in small and rural courts.

What is the impact on other state agencies?

State and local agencies depend on judicial officers to understand and correctly apply changing legal requirements to enable them to fulfil their own mandates. This program will help judicial officers perform important research and analysis, making them better prepared to correctly and efficiently address matters that come before them.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

- Reprioritize existing staff: Staff are fully dedicated to high priority or mandated and time-sensitive activities.
- Create a “pool” of temporary law clerks. This alternative would not provide consistently available support for the courts, would be complex to manage, and would not provide the duration and dedication necessary to develop subject matter expertise for publications and education programs.

What are the consequences of not funding this request?

Without legal research assistance and access to up to date reference guides, trial court judges and commissioners will find it increasingly difficult to provide timely, efficient, and legally accurate decisions in light of the growth in self-represented litigants.

Important legal resource materials relied upon by judicial officers to assist them in making quick and accurate decisions will not be updated with changes in law and practice. Reliance on outdated or obsolete materials increases the risk of legal error and delays, which can affect public safety and cause great inconvenience, cost, and injustice for the public. The longer updates are delayed, the greater the risk and the greater the time and expense that will be required to update or replace them in the future. Without current and accurate reference materials or training based on those materials, judicial officers may require more recesses, delay decisions by taking more cases under advisement, or continue more cases.

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

Current staffing level is not sufficient to satisfy existing high priorities. The additional services to support trial court judicial officers under this proposal could not be offered without the requested additional resources.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Court Equity and Access Team

Budget Period: 2021-2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to develop a statewide Court Equity and Access Team. This team will provide leadership and corresponding professional expertise and capacity to pursue and provide infrastructure and support for court system policy, planning, programming, and data collection and evaluation for critical court services to ensure equal access to civil justice, especially for unrepresented court users, low income, and those who come from historically marginalized backgrounds.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$649,000	\$869,000	\$854,000	\$849,000
Total Cost	\$649,000	\$869,000	\$854,000	\$849,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	4	6	6	6
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$378,000	\$548,000	\$548,000	\$548,000
Benefits	\$143,000	\$197,000	\$197,000	\$197,000
Goods/Services	\$35,000	\$70,000	\$70,000	\$70,000
Travel	\$40,000	\$50,000	\$35,000	\$30,000
Equipment	\$53,000	\$4,000	\$4,000	\$4,000
Total	\$649,000	\$869,000	\$854,000	\$849,000

Package Description:

While Washington State has been a leader in many access to justice related issues, we have not comprehensively approached services to ensure that all individuals, especially unrepresented court users, low income, and those who come from historically marginalized backgrounds, can access the information and assistance they need to resolve their civil legal problems. We need a statewide, coordinated effort to address the needs of unrepresented litigants and all who come into the courthouses.

The Administrative Office of the Courts (AOC) requests \$1,518,000 to create a Court Equity and Access Team that will: 1) provide statewide support for court system leadership to tackle policy and planning to support unrepresented litigants in the courts; 2) provide support for development and implementation of critical programs and initiatives designed to ensure equity and fairness of the court experience for users/participants; 3) directly support court services that provide access to the growing percentages of litigants who are unrepresented and/or are functionally unable to navigate the courts; 4) develop statewide systems and evaluation efforts that enhance our ability to understand whether goals have been achieved in providing access and justice for court system users, with a particular focus on unrepresented litigants and race, gender, language, sexual orientation, disability, and other historically disadvantaged groups; and 5) partner with traditional and nontraditional stakeholders to develop a coordinated and integrated plan to address the needs of all unrepresented individuals interacting with the courts.

Unrepresented litigants need increased access to courts:

A goal of the Washington Supreme Court is to ensure that all people who interact with our courts receive justice. Some Washington courts have implemented programs such as courthouse facilitators to help provide legal assistance and information, court-located child care programs, and plain language forms in many languages to assist individuals who interact with the legal system and do not have attorneys.

Efforts through the Supreme Court Commissions (Gender and Justice, Minority and Justice, Interpreter, Children in Foster Care) have found, in almost every area of the justice system, that women, people of color, people who identify as LGBTQ, people with disabilities, and people who communicate in a language other than English feel that they are not being afforded justice in our court system. Research has proven this to be the case in many instances for these particular groups, as time and time again we see these inequities permeate through almost every aspect of the courts and legal system as a whole.

The Washington State court system is highly decentralized which can often create challenges coordinating and implementing services. Because coordination is generally predicated upon available resources, interest, and local leadership, such efforts often result in disparate access, services, and resources across and between local jurisdictions.

Similarly, our access to justice partners throughout the state are often engaged in different service models dependent on local structures, funding, culture, needs, and resources. Those differences often lead to more fragmented services and confusion for unrepresented litigants.

As citizens, communities, and courts experienced COVID-19 impacts, the challenges of fragmented services and a lack of statewide coordination and expertise for providing services to unrepresented litigants became even more apparent. Increased civil legal needs resulting from unemployment and loss of housing, and needs for orders of protection could benefit from statewide coordination, technology considerations, language access, and consistent services across the state.

Why we need statewide resources to address these issues:

An AOC Court Equity and Access Team will help Washington State courts develop solutions for unrepresented litigants that address the unique needs of low-income people and engage in strategic partnerships with organizations that serve this community. This Team will also support policy implementation and research to address legal financial obligations and racial disproportionality in the justice system.

Washington has a limited set of resources available to assist unrepresented litigants in understanding the complexities of the legal system and trials. Resources vary across communities and courts depending on local resources, especially for small and rural courts.

While having a decentralized court system can support local innovation, engage more voices, and quickly effectuate local-level recommendations, it also presents incredible challenges for system changes and statewide coordination efforts. A 2016 ranking of state services and support for unrepresented litigants conducted by the National Center for Access to Justice at Fordham Law School (*Justice Index*) ranked Washington 37th out of 52 states and territories in providing access to courts for those without lawyers.

As of 2017, 11% of Washington's population lived below the federal poverty threshold. There is a significant gap between the legal needs of this population and the available resources to meet those needs. Private lawyers can be prohibitively expensive, even for those with middle class incomes. Washington State's civil legal aid programs are able to provide representation to less than half of the people that need help.

The Office of Civil Legal Aid (OCLA) published the *2015 Civil Legal Needs Study*, which defined the scale of our state's challenge in real terms: more than seven in ten low-income people experienced an important civil legal problem each year. Yet, 76% of these people had no professional legal help to solve their problems. These legal problems affected access to basic health and human services, family safety, affordable housing, economic security, employment, and freedom from economic exploitation, as well as a range of other issues that affect basic liberties and implicate core property rights. The *Needs Study* documented significant racial and other differentials in the experience of low-income people by race, immigration status, youth, and disability, and status as victims of domestic violence or sexual assault.

More than 50% of those who experience problems with a legal dimension in Washington State do not understand that they could benefit from legal advice or assistance and do not seek legal help to solve these problems. Even for those who do understand the need for legal help, most cannot obtain it because they do not have the funds, do not know where to go, and/or cannot get through to overwhelmed civil legal aid hotlines and community-based legal aid providers. In the end, only 24% of those who experience one or more civil legal problems get any help at all.

Funding will support critical activities:

Washington State citizens should have meaningful and equitable access to justice and be able to achieve timely and just outcomes in their cases. To accomplish these goals, funding will initially support an assessment of what services currently exist and what is needed for unrepresented litigants and court users from historically marginalized

backgrounds, strategic planning efforts to identify and implement systematic and collaborative efforts to address these needs, and the development of outcome measures focusing on litigant volume, litigant needs, and efficient use of resources to evaluate efforts. Funding will also support best practice identification and implementation, technical assistance, training, and ongoing performance management and evaluation efforts guided by continual quality improvement. The program management and evaluation process is critical to advance the practices that improve access to justice and to sustain practical action within the state. The performance management and evaluation plan will identify and track factors for success and measurable improvements in access to justice.

Inclusion and equity considerations will be at the forefront of all efforts. Work will be guided by our common commitment to equity, fairness, and justice, particularly for those who are unrepresented or have been historically marginalized. We strive to support local court systems that recognize and accommodate changing life situations, expectations, needs, and capacities of those who look to the court system or are involuntarily brought into it. Furthermore, planning and prioritization of the work and specific initiatives will be informed by the needs of those using the courts.

Specifically, funds will support a team of staff to:

- 1) Collaborate with local courts to identify court and court user needs when litigants are unrepresented, as well as other access to justice barriers and successes. Advocate for changes to policy and produce best practices that other courts can look to for guidance to ensure access to and equity of court services.
- 2) Identify and consider expanding existing successful court and community activities and programming across the state, specifically including court facilitator programs, which support the needs of unrepresented litigants.
- 3) Conduct local and national reviews to guide recommendation of practice and program improvements. Identify, develop, and implement the necessary program components that will allow for best practice strategies in ensuring access and equity of court services.
- 4) Explore, identify, and implement technology considerations and initiatives that can be used to improve court practices, efficiencies, and services for unrepresented litigants.
- 5) Develop and facilitate implementation of a coordinated statewide plan to address the needs of unrepresented court users in the justice system. This will include collaboration across disciplines and among various court stakeholders; the convening of a statewide group with broad stakeholder involvement to explore issues and develop a strategic plan and best practices; and the exploration of other issues as identified in the assessment process.
- 6) Assess and develop suggested data collection, performance measures, and management training in continual quality improvement for state and local data collection procedures and user-centered approaches.
- 7) Identify and develop training and resources for all courts.
- 8) Analyze and evaluate proposed legislation and its probable impact upon project and program goals. Connect courts with local policy makers and provide policy makers with information to assist them in understanding the utility, operation, and function of court facilitator programs and other practices for serving unrepresented litigants.
- 9) Provide ongoing technical assistance, training, and support to courts across the state.
- 10) AOC staffing to follow-up on recommendations from statewide reports such as legal financial obligations and racial inequality issues in the courts.

- 11) Explore additional programming and funding needs as services are identified to enhance the experience and increase court access of unrepresented litigants.

Current Level of Effort:

These are new positions.

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

- One full-time Senior Court Program Analyst focused on statewide systems and policy efforts.
- Three full-time Court Program Analysts to focus on specific unrepresented litigant needs, technology considerations, and access considerations for different courts. There will also be a particular focus on how to innovate courts to be able to provide better access for particularly vulnerable populations such as immigrants, incarcerated individuals, victims of domestic violence, and individuals at risk for health complications due to COVID-19 categories. One of the positions will be a tribal liaison and support provider.
- One full-time Web Developer to assist in addressing, developing, and implementing the necessary technology to better support unrepresented litigants.
- One part-time Researcher to develop and implement outcome evaluations, process evaluations, performance management measures, and data development and collection. This position will also provide local technical assistance to courts in data collection, data-driven management, and program development and evaluation efforts.
- One part-time Court Program Assistant to help with administration activities, event planning, data information support, and overall team communications with courts.
- Additional travel (in- and out-of-state) and training for court equity and access staff. \$30,000 per biennium.
- Meetings costs with stakeholder groups. \$40,000 to convene a statewide coordinating group in the first two years.
- Develop and implement statewide training. \$20,000.
- Develop and implement programs and technology needs identified in the first year. \$40,000 in the second year of the biennium for anticipated improvements to technology and resources to increase access to justice for unrepresented litigants.

Decision Package Justification and Impacts

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

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

Washington courts will openly, fairly, efficiently, and effectively administer justice in all cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts. The AOC Court Equity and Access Team will work with courts to build and strategically deploy dedicated planning, research, and technical support capacity to help individual courts and, where appropriate and relevant, develop and support statewide capacities designed to ensure equity, fairness, and efficiency in our courts. The Team will support responsive local decision making guided by measures of need, effectiveness of court response, ongoing engagement with community groups, and user experience. A 2008 courthouse facilitators report by the Washington State Center for Court Research concluded that facilitator

programs have, by all accounts, significantly improved the administration of justice by opening the doors of the courthouse to a large number of individuals who cannot afford legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping litigants navigate a complex system of forms and procedures.

Accessibility.

At the core of this request and proposed activities is that 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. Statewide activities and programs will be designed to address the needs of those least able to navigate court systems, especially those who are unrepresented.

Access to Necessary Representation.

Fair, efficient, and effective administration of justice in civil cases requires equitable treatment of litigants with attorney representation as well as those litigants who are unrepresented. Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Not many other interests at stake rise to the level of importance as family, home, and the right to govern oneself. Programs and activities for unrepresented litigants should provide necessary and meaningful guidance in the absence of substantive legal advice or representation.

Commitment to Effective Court Management.

Washington courts will employ and maintain systems and practices that enhance effective court management. The AOC Court Equity and Access team will work with courts to provide training and share best practices and policies to ensure courts have resources to effectively provide services to unrepresented individuals. Unnecessary repeated visits to the clerk's office for filing documents and multiple court hearings to obtain relief are often the plight of litigants who attempt to handle civil cases without the assistance of attorneys. Provision of all allowed services by trained and knowledgeable staff reduce staff and judicial time, promote the efficient administration of justice in more timely resolution of cases, and helps maintain the public trust and confidence in the courts. Additionally, from appropriate calendaring to offering "do-it-yourself" classes to increased technology options, courts can improve court management of unrepresented civil cases.

Appropriate Staffing and Support.

Public trust and confidence in the justice system requires that court staff providing assistance be informative, educated, and able to competently relay vital information. Funding will support an assessment of current services, including staffing support and training opportunities for court personnel, and the development of strategies to address service and staffing gaps.

What is the impact on other state agencies?

Individuals with civil legal aid needs often have interactions with several different systems. Other state services, such as the Division of Child Support's establishment and enforcement services, should be strengthened by better-educated court personnel who have had regular and frequent training on child support matters. Aging and Long-Term Support Administration may find better-functioning guardians of vulnerable adults because of court personnel duly trained and qualified to provide assistance with guardianship matters. Parents needing an approved parenting plan to resolve a

dependency case will work with facilitators who have received up-to-the date training on parenting plans designed to promote protection of children with provisions established by the dependency court.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

There has been an exploration of alternatives in the last five years. Limited funding was provided by the federal STOP Grant for court facilitators, but with decreased grants amounts, that funding is uncertain and of limited benefit because of the narrowly-defined assistance facilitators can provide in domestic violence and dependency cases. The AOC also applied for a national grant in 2019 to assess unrepresented litigant needs and services but did not receive funding.

What are the consequences of not funding this request?

Generally, Article 1, sec. 10 of the Washington Constitution directs that justice be administered in all cases without unnecessary delay. Consistent with this mandate, courts have a responsibility to ensure access to courts and the ability of all persons to assert and defend their legal rights in proceedings before them. This includes individuals who are not represented by an attorney or other authorized legal practitioner. While there are efforts underway to address some of the needs of unrepresented litigants, these are fragmented and inconsistent throughout the state. Without a statewide coordinated effort, technical assistance, and training, both unrepresented litigants and communities will continue to experience fragmented services, response to changing community dynamics may be delayed and varied, and individuals may not get the information they need to proceed with their cases.

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

There are no AOC positions dedicated to coordinating the work on unrepresented litigant issues and needs.

Other supporting materials:

None.

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Judicial Needs Development: Weighted Caseload Study

Budget Period: 2021-2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to develop a judicial needs weighted caseload study.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$426,000	\$194,000	\$121,000	\$121,000
Total Cost	\$426,000	\$194,000	\$121,000	\$121,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	1.5	1.5	1	1
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$139,000	\$139,000	\$84,000	\$84,000
Benefits	\$47,000	\$47,000	\$29,000	\$29,000
Contracts	\$225,000	\$0	\$0	\$0
Goods/Services	\$5,000	\$5,000	\$5,000	\$5,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$8,000	\$1,000	\$1,000	\$1,000
Total	\$426,000	\$194,000	\$121,000	\$121,000

Package Description:

Assessing the level of need for judicial officers:

Need:

Every entity, public or private, must periodically assess whether its staffing and other resource levels are reasonably suited to support its mission, without either under- or over-staffing. The need to assess staffing is particularly apt when there are changes in the volume, nature and complexity of the work being done. Moreover, courts have limited power to control the flow of business into the courts or to exercise discretion in scheduling once a matter has been taken up. Under these circumstances, under-staffing and resulting delay will inevitably impede and increase the cost of the

administration of justice. Courts also have the obligation of all publicly funded organizations to make efficient use of resources and avoid unnecessary costs to taxpayers or litigants.

Washington State's courts have used two distinct methods for producing judicial needs estimates (JNE), a) the weighted caseload method (WCM), used by Washington Courts in the 1970s and 1980s and b) the objective workload method (OWM), used currently.

Weighted caseload method: In addition to planning meetings, focus groups, and surveys, WCM requires substantial, detailed records to be kept by judicial officers (judges and court commissioners) for each hearing and for off-bench time, whether case-related, administrative, for continuing legal education, or for other reasons; the judicial time tracking typically covers a span of 4 to 8 weeks. The time tracking feeds into generation of case weights, estimates of the time needed to handle specific types of cases from start to finish. The case weights are then applied to anticipated court-level caseloads (broken out by case type) to generate estimates of needed levels of judicial staffing per court.

Objective workload method: Seeking to avoid the significant resource requirements of generating WCM estimates, Washington's trial courts, working with AOC staff, created the OWM and it was adopted by Superior Courts in 2001 and District and Municipal Courts in 2002. Basically, OWM a) relies on the previous 5 years' data to calculate the average number of cases disposed per judicial officer in each level of court b) creates an estimate of the ensuing year's caseload for each court level (based on a 5-year trend) and then c) uses the results from a and b to calculate the number of judicial officers that would be needed to handle the upcoming caseload given the level of productivity (cases disposed per judge) from the previous 5 years. The current OWM-based JNE program operates on an annual basis, with updated estimates reported to the Courts and Legislature each October.

OWM validation: In 2001, the initial OWM estimates for Superior Courts were found to be comparable to those produced using case weights taken from a 1986 WCM study and estimates from a population growth model. But using the 1986 case weights can no longer be used as a benchmark for assessing the validity of OWM estimates; across the intervening years court practices have changed substantially, as with the Legislature's yearly increase in the number of criminal offenses and citation types within the RCW (related to an increase in opportunities for law enforcement to arrest and prosecutors to charge), more abundant and detailed evidence in criminal cases, best practices expectations in dependency cases and domestic violence cases, and the implementation of various types of therapeutic courts (drug courts, veterans' courts, mental health courts, and family treatment dependency courts).

The primary advantage of OWM estimates are that they can be updated readily each year by using data from a) an easily administered court staffing survey and b) data from annual caseload counts of cases filed, cases disposed, and, for District and Municipal Courts, hearings held. The primary disadvantage of OWM is that, because it measures only inputs, outputs, and staffing levels, it provides no explicit information about what judges actually do and no information about differences across courts in terms of

relative volume of different case types in each court's caseload, differences in practices across courts, or changes in practices within courts. Thus, OWM is actually best suited as a short-term, interim predictor of JNE that can provide reasonable estimates during the years between WCM assessments if no other information is available, provided that OWM estimates can be validated against predictions based on recent WCM case weights. Without routine refinements of OWM based on empirical observations of actual judicial time and functions, OWM estimates are subject to drift and ever-greater loss of validity.

It is appropriate that Washington's courts learn from their experience with OWM and return to a primary reliance on WCM, in line with the practice of the vast majority of U.S. courts, both state and federal. Routine, periodic WCM studies, which examine at a granular level the work performed by judicial officers, are the only approach to producing consistently valid judicial needs estimates, to deliver to courts the information about the resource demands of specific case types and associated case volumes, and to provide courts with information they need to discuss their specific local staffing levels with local and state funding authorities and with the public.

The Judiciary seeks to replace the current OWM program with a program of analyzing the work of the courts founded on the weighted caseload method. The goals of the program are to establish a high-quality baseline with a new WCM study for Superior and District Courts to be completed by June of 2022, and to then sustain the validity of estimates over time with data collection and analysis on a continual, rolling basis, cycling through all case types for both general and limited jurisdiction courts every five years.

The program to improve the validity, reliability, and usefulness of judicial needs estimates will require funding for a contractor to provide updated WCM estimates and funding for a new court research associate position.

Contracted weighted caseload study: costs for contracting

The AOC requests \$225,000 for FY 2022 to contract with an experienced provider of weighted court caseload studies to produce new estimates of judicial need in Washington's Superior and District Courts. The provider will work with the AOC and courts to:

- a. Specify the project scope,
- b. Define the duration in minutes of the judicial year,
- c. Design Washington – specific data collection tools tailored to specific case types (e.g., criminal, collections, dependency, drug court),
- d. Provide training to courts on how to enter data for the time study,
- e. Collect, compile, clean, and analyze data,
- f. Assess particular challenges, related adaptive best practices, and the sufficiency of time to address the demands to sustain quality in the administration of justice,
- g. Review preliminary results with a judicial branch advisory committee, and,
- h. Deliver a written report containing a description of study methods, quantitative and qualitative results, all associated data, and court-specific recommendations for judicial staffing levels.

Contracted weighted caseload study: costs for AOC: Support from the AOC will be required if the contractor is to carry out the WCM study. AOC staff and the Court Business Information Coordinator will serve as advisors to the contractor and the project's Judicial Needs Advisory Committee (JNAC), review and comment on the design of data collection instruments for recording judge time, focus group protocols, and the adequacy of time survey instrument. AOC staff will participate in Judicial Needs Advisory Committee meetings and observe focus group sessions and the training sessions for judicial officers and other court staff intended to promote data quality. AOC staff will respond to questions from courts and from the contractor about proper categorization of time data. AOC staff will assist the JNAC with project design and review of preliminary results and participate in discussions of adjustment of results in response to input from focus groups and the adequacy of time survey. AOC will provide the contractor with yearly case volume and case type data needed to calculate judicial needs using the contractor-developed case weights. AOC will be specified as a recipient of all data produced, compiled, and cleaned by the weighted caseload study's contractor and will perform any supplemental enhancement and / or analysis of the data as directed by the JNAC.

AOC efforts needed for sustaining timely and accurate judicial needs information:

Maintaining the currency of accurate and informed analysis and description of the work of judicial officers will require planning, implementing, and adapting data collection that tracks how judicial officer time is used along with continual refinement of analysis and reporting, all of this with oversight from Washington's Judiciary.

- To develop and implement the transition from an OWM-based to a WCM-based program of JNE production, a Court Research Associate will be hired and will work with the JNE program team.
- The Court Research Associate will be responsible for:
 - Developing use of time measurement,
 - Data transfer from courts to AOC,
 - Conducting focus groups and surveys with judicial officers and other court staff as participants and respondents,
 - Analysis of time use data and qualitative data from focus groups and surveys,
 - Coordinating and communicating with trial courts' JNE Oversight Committees,
 - Communicating the results of analyses, and,
 - Responding to requests for supplemental analysis of JNE data to answer questions from the Judiciary about resource needs and court management of resources.
- The JNE Program Team will work with administrators, clerks, and judges to review current practices and case management and court recording systems and to assess whether they can be used to collect necessary in-court time data from court hearings for specific case types.
 - This effort will pertain to in-court data collection only; self-report of off-bench time use will still be required.

- Preliminary review indicates that some courts are entering some or all of the information that would be required to accurately reflect judge use of time in courtrooms.
- Inclusive review and planning and training of court staff will be required, along with obtaining access to and analyzing the data.
- The Court Research Assistant, to the extent that self-reporting of in-court judicial time use remains necessary, will assess whether valid, representative data can be collected with sampling.
 - Sampling can provide information that equals, in terms of accuracy, population-based, universal data collection.
 - Analysis will be conducted of data from the WCM study to identify the extent and nature of variation, by case type and by court, in the time used for various judicial officer time expenditures.
 - Scenarios of sampling-based approaches to data collection will be presented to the oversight bodies to inform consideration of the tradeoffs associated with using sampling to collect time data as the basis of updates to the WCM case weights.
- Whether data is obtained by judicial self-report or automated systems, and whether the data is from all affected courts or from a sample of affected courts, the WCM JNE Program Team will seek to modify the standard approach to conducting WCM studies to make it feasible within staffing constraints.
 - The standard approach is to assess judicial needs across the entirety of a courts' business, all within a single study that examines all case types simultaneously.
 - The key to this will be a rolling assessment approach; rather than trying to assess judicial needs across all case types at a court level all at the same time, the Court Research Assistant will consult with the JNE oversight bodies to identify priorities for review and possible modification of case weights (based on time required for specific types of cases).
 - Priorities respond to changes in court programs, procedures, and practices, and other emergent conditions related to specific case types, such as modification to pretrial review or implementation of family dependency treatment court models.
 - Comprehensive review of judicial time requirements for all case types will occur on a routine basis within a span of five to seven years.
 - During the five to seven year span, more intensive gathering of time data and input from focus groups and surveys will likely be needed for a subset of case types, and some case types might be assessed more than once.

Current Level of Effort:

The current effort for yearly production of judicial needs estimates requires conducting the court staffing survey, compiling caseload counts for each court, and applying the mathematical models for estimating trends in filings and dispositions and regression analysis to produce court-specific estimates. It also requires communicating the results yearly to the trial court associations (the Superior Court Judges Association and the District and Municipal Court Judges Association) and responding to questions and input from specific courts about their responses to the staffing survey, significant changes to their caseload and practices, and the numerical value of their estimated judicial needs. This work mainly involves portions of the AOC.

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

State FY 2022

Contractor cost of \$225,000 to conduct a weighted caseload study and related judicial needs estimates.

AOC Court Research Associate costs of \$128,340 (\$84,396 for salary, \$29,444 for benefits, \$5,000 for goods and services, \$2,000 for travel, and \$7,500 for equipment) and 0.5 Court Business Information Coordinator (\$54,359 salary, \$17,235 benefits): The Research Associate will a) support the contractor and courts as part of the weighted caseload study and b) begin development of the Judiciary's sustained weighted caseload method-based program for improved judicial needs calculations. The Court Business Information Coordinator will also assist the Oversight Committee and contractor with data collection design and provide expert consultation on Judicial Information System codes and data quality.

FY 2023

AOC Court Research Associate yearly costs of \$121,340 (\$84,396 for salary, \$29,444 for benefits, \$5,000 for goods and services, \$2,000 for travel, and \$500 for equipment) and 0.5 Court Business Information Coordinator (0.5 FTE, \$54,359 salary, \$17,235 benefits): The Research Associate will work with other AOC staff and the courts on continued, iterative design and implementation of sustainable production of judicial needs estimates in support of court self-management, efficient and effective court operations, and responsiveness to changes in court business. The Court Business Information Coordinator will also assist with the trial court-level review and implementation of the WCM-based JNE model.

FY 2024 and ongoing

AOC Court Research Associate yearly costs of \$121,340 (\$84,396 for salary, \$29,444 for benefits, \$5,000 for goods and services, \$2,000 for travel, and \$500 for equipment): The Research Associate will work with other AOC staff and the courts on continued, iterative design and implementation of sustainable production of judicial needs estimates in support of court self-management, efficient and effective court operations, and responsiveness to changes in court business.

Decision Package Justification and Impacts

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

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

Having adequate time to review cases, conduct hearings, and consider decisions and to do so without undue delay is at the core of fair and effective administration of justice.

Accessibility.

Avoiding the delay associated with overcrowded dockets, which follows from inadequate judicial time, is necessary if real accessibility is to occur.

Access to Necessary Representation.

N/A.

Commitment to Effective Court Management.

The current method of estimating the need for judges does not take account of the need for judge time devoted to court administration or management. A weighted caseload study will fill this information lacuna.

Appropriate Staffing and Support.

The direct object of the Weighted Caseload Study is to assess the adequacy of current judicial staffing.

What is the impact on other state agencies?

None.

What is the impact to the Capital Budget?

None.

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

The RCW now directs the State Court Administrator to employ an “objective workload analysis” to generate JNE. A change to RCW 2.56.030(11) may be required to permit use of the weighted caseload method, although WCM can also be correctly described as “objective.”

Is the request related to or a result of litigation?

No.

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

AOC staff considered whether it would be better to conduct the study internally. That option would be difficult given the lack of staff who are sufficiently and appropriately experienced in this type of analysis.

What are the consequences of not funding this request?

The consequences of not funding the request will arise from the trial courts as a whole lacking the information that will enable them to clearly and comprehensively view how their level of judicial officer staffing relates to various aspects of their workload. They currently lack the reliable and objective evidence necessary to make deployment of internal resources as efficient and effective as possible. The adverse consequences also include an inability for the courts to make a substantiated case to local and state funders of the appropriateness of any decision about court funding.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity. This request was funded in the 2019-2021 biennium, this is asking for continuation of funds.

Other supporting materials:

See:

1986 Washington Superior Court Weighted Caseload Study

Input-Output Model Methodology & Results Superior Court Judicial Needs Estimation (2005)

Judicial Needs Estimation for Courts of Limited Jurisdiction (2002)

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

No

Yes

**Washington State Judicial Branch
2021 – 2023 Biennial Budget
Decision Package**

Agency: Administrative Office of the Courts

Decision Package Title: Realizing Change through Research

Budget Period: 2021-2023 Biennial Budget

Budget Level: Policy Level

Agency Recommendation Summary Text:

Funding is requested to fund a senior research associate position. This position will focus on research related to race, gender, foreign and signed language groups, and how the courts interact and administer justice to such historically marginalized groups.

Summary:

Operating Expenditures	FY 2022	FY 2023	FY 2024	FY 2025
Fund 001	\$154,000	\$147,000	\$147,000	\$147,000
Total Cost	\$154,000	\$147,000	\$147,000	\$147,000
Staffing	FY 2022	FY 2023	FY 2024	FY 2025
FTEs	1	1	1	1
Object of Expenditure	FY 2022	FY 2023	FY 2024	FY 2025
Salaries	\$105,000	\$105,000	\$105,000	\$105,000
Benefits	\$34,000	\$34,000	\$34,000	\$34,000
Goods/Services	\$5,000	\$5,000	\$5,000	\$5,000
Travel	\$2,000	\$2,000	\$2,000	\$2,000
Equipment	\$8,000	\$1,000	\$1,000	\$1,000
Total	\$154,000	\$147,000	\$147,000	\$147,000

**Package Description:
Unmet Research Needs**

The AOC provides necessary research functions for the various policy groups within the judicial branch, which includes the BJA, DMCJA, SCJA, WAJCA, Supreme Court Commissions, and others through the Washington State Center for Court Research. Due to resource limitations, AOC has been unable to meet some of the needs of these policy groups.

Specifically, research and the Supreme Court Commissions are positioned together under the AOC’s Administrative Division as “The Office of Court Innovation,” yet there are no dedicated staff or resources that allow them to fully realize their partnership.

Over the past couple of years, with assistance from temporary grant and legislative funding, they have been able to collaborate on projects like the DV Legislative Workgroups and Gender Justice/Bias Study supported by the Gender and Justice Commission, the Jury Diversity Demographic Survey by the Minority and Justice Commission, and the Pretrial Reform Task Force which was a collaboration between the SCJA, DMCJA, and the Minority and Justice Commission. The Commissions and other Associations appreciate being able to call on this expertise because they are uniquely positioned and qualified to work with Washington State Courts and all of its partners.

The Supreme Court Commissions have identified several unmet research needs related to the policy work they do:

- Minority and Justice Commission – Reports focusing on racial disproportionality in the courts. The last report focusing on race in Washington’s criminal justice system was 8 years ago. Other important policy topics that need continued reporting include LFOs, pretrial, and jury diversity.
- Gender and Justice Commission – Reports focusing on domestic violence and other forms of gender-based violence and gender bias. GJCOM is currently updating a study that identifies areas within the courts that gender bias exists. The last study was done over 30 years ago. There will be areas that need further research or continued research, such as the increase in incarceration rates for women, and many others.
- Interpreter Commission – Interpreter service usage, foreign and signed language community size and language needs, and resource needs analysis, especially with respect to translated court forms, proceedings information, and court services on all court websites.

This collaborative proposal will help the Washington State Courts begin to understand how they deliver justice to people, with an emphasis on understanding race, gender, and language access. Understanding where we are is necessary to taking the next steps towards where we want to go.

Current Level of Effort:

There are no current AOC resources that are devoted to this program or service.

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

Costs are included for 1.0 FTE Senior Research Associate (70/M). Costs are included for standard goods and services, travel, training, and equipment.

The 1.0 FTE senior research associate will be responsible for the ongoing research needs of the Supreme Court Commissions to look at issues of race, gender, and language access in the courts. Some of these specific areas include:

- Racial disproportionality in the courts;
- Gender-based violence (domestic violence and sexual assault) and other forms of gender bias in the courts;
- Need for and usage of language access services and resources including interpreters and textual document translators;

- Issue-Specific Research: Pretrial, legal financial obligations, domestic violence treatment, jury diversity, interpreter-related continuances, etc.

Current staffing capacity cannot take on additional work related to the issues identified above.

Decision Package Justification and Impacts

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

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

The justice system is not fair and equal for all. We know that people of color are disproportionately represented in our criminal justice system. We know that women are disproportionately victims of gender based violence. We know that people who do not communicate in English do not truly have equal access to the courts. While we strive to create a justice system that is fair and equal to all, we know we still have a long way to go.

The Supreme Court Commissions are uniquely positioned to respond to these issues. Our activities involve education, stakeholder collaboration, engaging in policy, and research. Being able to partner with research will greatly assist this work by establishing a systematic approach utilizing research to identify where inequities exist so that we can begin to effectively implement solutions.

Accessibility.

Research that helps us identify language access needs in the courts will help us figure out solutions to identified language access barriers.

When we address issues of disparity and unequal treatment based on race, gender, and other marginalized identities, we can begin to create courts that more people have trust and confidence in, and are thus more accessible.

Access to Necessary Representation.

Many issues related to disproportionality have direct linkages to certain groups in our society not having adequate access to representation. Study in areas related to race, gender, and language access will help us reveal areas where these groups do not have access to necessary and effective representation.

Commitment to Effective Court Management.

In order for our courts to be effective, they have to understand how they are serving all customers with a keen eye on fairness and justice. Are courts effectively providing and managing interpreter services? Are courts effectively providing treatment for domestic violence perpetrators? Are courts providing outcomes that are fair and just to all people regardless of their race, gender, or language background?

These questions require answers that can only be provided through research looking at court data. We understand that courts may not have the resources or expertise in reviewing and making sense of their local data and information, and we hope to be able to use this research position to also directly assist courts with reviewing and understanding their data as it relates to race, gender, and language access.

Appropriate Staffing and Support.

Over the years we have experienced time and time again the lack of resources and support to be able to study these very important issues within our justice system. Without funding this position we will not see or realize the changes that create a more fair and just system.

What is the impact on other state agencies?

Other state agencies rely on this type of data from the courts to better understand systemic inequities that exist within our system of government as a whole. The courts are just one institution that is related to and has impacts in many other institutions, like education, healthcare, social services, law enforcement, and many others. Each institution has an impact on one another and on our society as a whole. Each system plays a part in contributing to systemic inequities, and until we as a court system do our part to better understand the impacts we are having on people, particularly people of color, women, and other historically marginalized groups, we won't be able to see change.

What is the impact to the Capital Budget?

None.

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

No.

Is the request related to or a result of litigation?

No.

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

The AOC does not have additional funds to be able to support an added FTE. Although temporary funding from the legislature or grants has been helpful, it is ending and is unlikely be available again.

What are the consequences of not funding this request?

Inequities will continue to persist, change will be slower to be realized. In the case of the Gender Justice Study, it has been 30 years since an evaluation of gender bias in the courts was last funded. It has been 8 years since the last study on racial disproportionality in the courts. If we can't continue to assess implemented recommendations, we will not know whether those recommendations or changes had any impact. We won't have the ability to take compounding steps to realize change because we won't have the tools or resources to be able to track our progress. Without the ability to track our progress through research, the money and efforts we make to commission studies and recommendations may not make the difference that is intended.

The larger impact is on our state citizens. Inequities in any system have true social system and individual personal costs and are the reason for ongoing disparities.

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

After careful consideration and a thorough review of the AOC budget, it has been determined there is no funding for this activity.

Other supporting materials:

None.

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

No

Yes