



WASHINGTON  
COURTS

# AN EXAMINATION OF LOCAL LEVEL FUNDING IN WASHINGTON STATE COURTS

FINDINGS FROM THE 2021  
ADEQUATE COURT FUNDING SURVEY

BOARD FOR JUDICIAL ADMINISTRATION  
ADEQUATE FUNDING WORK GROUP  
& POLICY AND PLANNING COMMITTEE

June 2022

## Introduction

At the Board for Judicial Administration (BJA) Judicial Leadership Summit in August 2019, judicial officers and court leaders from around the state met to develop “Big Hairy Audacious Goals” focusing on providing efficient and effective administration of justice. At the end of the summit, members ranked the issues they discussed throughout the day. At the top of the ranking was *Adequate Court Funding*.

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### *Summary Notes from the 2019 Judicial Summit*

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*“We need funding for the courts and Administration of the Courts (AOC). We need adequate and dependable funding for court infrastructure (i.e., security, technology) and resources (i.e., interpreters, judicial officers, family court facilitators, and so on) to promote efficiencies and access to justice. How do we get the state to fund what we do and how do we tell them what we can do if they adequately fund us? How does funding ultimately impact the community and justice system? How can we reduce the number of unfunded mandates?”*

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The BJA tasked the Policy and Planning Committee (PPC) to develop recommendations for approaching the adequate funding issue. The PPC convened an Adequate Funding Work Group (Work Group) to provide the budget and research expertise needed for this project. Former AOC Budget Director Ramsey Radwan and Washington Courts Research Center Manager Carl McCurley agreed to join the PPC to work on this project. The Work Group met during PPC meetings and researched previous work and ideas for future study. The Work Group reviewed the materials from the large initiative titled “Justice in Jeopardy” that began in 2008 in response to the national recession. Justice in Jeopardy was successful in many of its objectives, however a major part of the success was due to the imposition of new fees and fines for court users. This strategy is not an option given the subsequent work on Legal Financial Obligations (LFOs), with the mission of reducing fines and fees to court users and putting the onus of funding courts with state and local legislators, not court users. To complement the previous Justice in Jeopardy work, the committee used a court user-centered lens to explore adequate funding issues by analyzing the core functions of courts and conducting a thorough literature review on court funding issues.

When the Work Group had a firm understanding of previous efforts and current funding issues, it became clear that there were no previous efforts to look at the primary way trial courts were funded in Washington state; through their local governments. This comprehensive survey was developed to gather information on local budget request processes, how courts addressed funding needs for their top program and management priorities, other funding streams, views on alternative court funding structures, and resources and technical assistance needed to pursue funding.

In the time between starting the Adequate Funding Work Group and conducting the survey, the state funding climate changed considerably. The COVID-19 pandemic brought more federal resources to the state and contrary to the gloomy predictions early on in the pandemic, state budget coffers in 2020 -2022 increased to \$13 billion in reserves. The AOC was successful in receiving state funds for many of the courts top funding priorities highlighted in the survey, including funding for therapeutic courts and access to justice efforts.

## SURVEY METHODOLOGY AND DEMOGRAPHICS

The survey was distributed to the trial courts Presiding Judges and Court Managers listservs with instructions to submit one survey per court. Seventy-four responses were received giving a 35% response rate which is in line with response rates for public agency surveys. However, some categories of responses were too small to be considered representative of all courts. Because of the small response rate, some portions of the data in this report was combined for all courts. When possible, data by court level was presented.

### Respondents by court type

Court Type	Number of Responses	Percentage of Respondents
Superior	20	28%
District	17	24%
Municipal	35	48%
Total	72	100%

### Jurisdiction size of respondents by court level

- 75% of Superior Court respondents were located in larger-urban areas.
- 50% of District Court respondents were located in larger-urban and half are located in semi-urban areas.
- 80% of Municipal Court respondents were located in semi urban areas, with less than 3% of respondents reporting from a rural area.
- Of the 39 counties, there were 9 rural areas that did not have responses.
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## HOW DO COURTS USE BUDGET REQUESTS TO ADDRESS FUNDING FOR PRIORITY PROGRAMS AND MANAGEMENT FUNCTIONS?

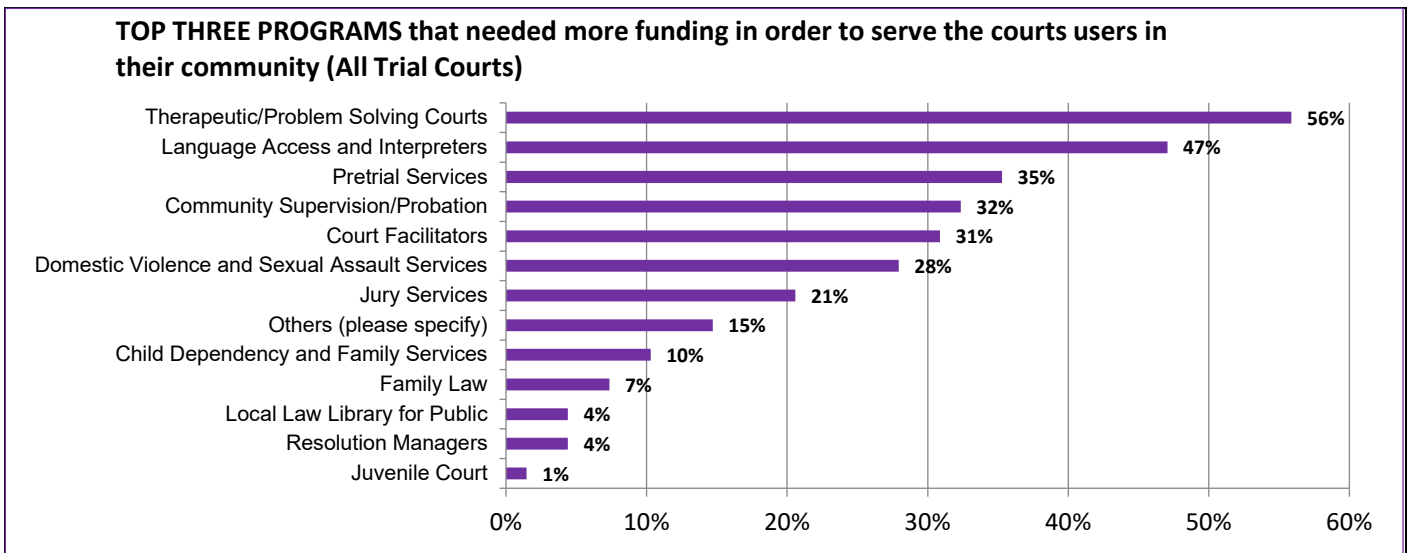
The Work Group wanted to know how courts address funding for their top priorities. The questions asked: What are your top funding priorities? Did you ask for funding? What was the outcome if you did ask? If you did not ask, what considerations led you to that decision?

Funding priorities were separated into categories: *programs* that directly serve court users and *management functions* that support programs and general operations. For each category, respondents were asked to choose their top three priorities. Tables 1-4 show the results for all courts and by court level for both categories.

### Survey Highlights: Funding priorities for programs and management needs

- Superior Courts and Courts of Limited Jurisdiction shared some priorities for funding programs and management functions. The overlaps are highlighted in blue font in tables 2 and 4.
- There was consistency between the courts' reported program priorities and the successful state funding requests brought forth by the BJA Interpreter Funding Task Force and the Administrative Office of the Courts' requests for Behavioral Health (Therapeutic Courts) and Court Facilitators (Equity and Access).
- Looking at the findings for court programs, pretrial and post-conviction services were potential funding priorities for future legislative funding requests.
- Looking at the findings for management functions, space management and facility needs were the highest priority for well over half of all courts.

**Table 1 – Program Funding Priorities: All court levels**



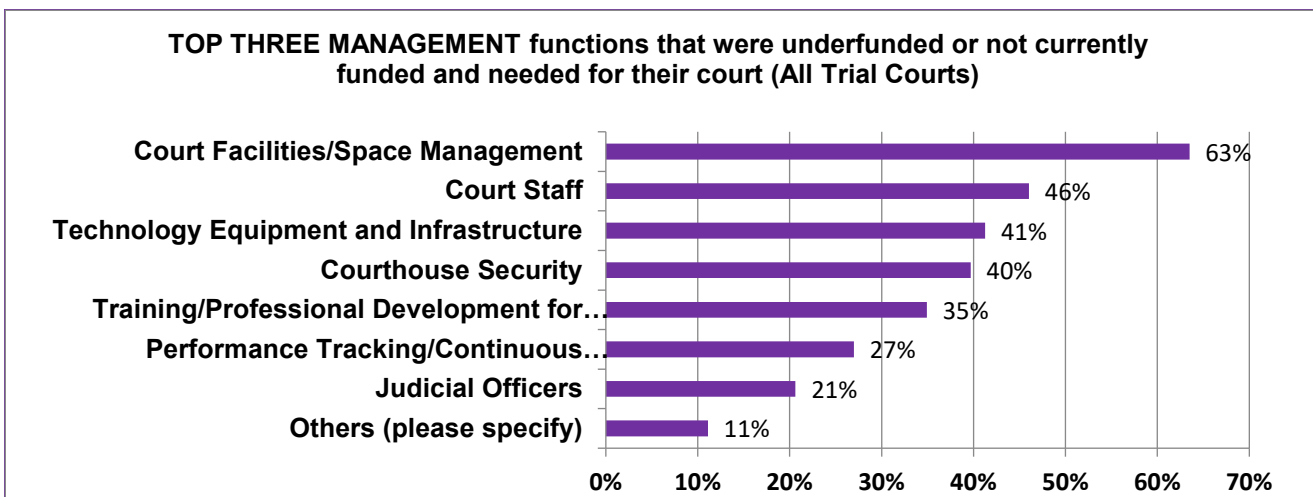
**Table 2 – Program Funding Priorities: By court level**

**TOP THREE PROGRAMS that needed more funding to serve the courts users in their community (68 responses)**

	Top Ranked Priority	Second Ranked Priority	Third Ranked Priority
<b>Superior (20)</b>	Court Facilitators (65%)	Language Access (55%)	Tie: Therapeutic Courts & Pretrial Services (35%)
<b>District (15)</b>	Therapeutic Courts (67%)	Tie: Community/Probation & Language Access (53%)	Tie: Pretrial Services & Sexual Assault Services (33%)
<b>Municipal (32)</b>	Therapeutic Courts (66%)	Community/ Probation (44%)	Language Access (41%)
<b>Total Courts</b>	Therapeutic Courts (38)	Language Access (32)	Pretrial Services (24)

Blue Font identifies programs for which there are currently no plans for funding efforts have been formulated and are priorities shared by court levels

**Table 3 – Management Funding Priorities: All court levels**



**Table 4 – Management Funding Priorities: By court level**

TOP THREE MANAGEMENT functions that needed more funding in order to serve the courts users in their community (By Court Level)			
	Top Ranked Priority	Second Ranked Priority	Third Ranked Priority
<b>Superior (19)</b>	Facilities/Space (84%)	Court Staff (53%)	Court Security (42%)
<b>District (14)</b>	Facilities/Space (71%)	Court Security (57%)	Training (43%)
<b>Municipal (30)</b>	Technology (53%)	Facilities/Space, Court Staff, and Training - Tied (47%)	Court Security (30%)
<b>Total Courts Combined</b>	Facilities/Space (40)	Court Staff (29)	Technology (26)

Blue font identifies management needs for which no plans for collective funding efforts have been formulated and are priorities shared by court levels.

**DID COURTS REQUEST FUNDING FOR THEIR TOP PRIORITIES?**

**Survey Highlights**

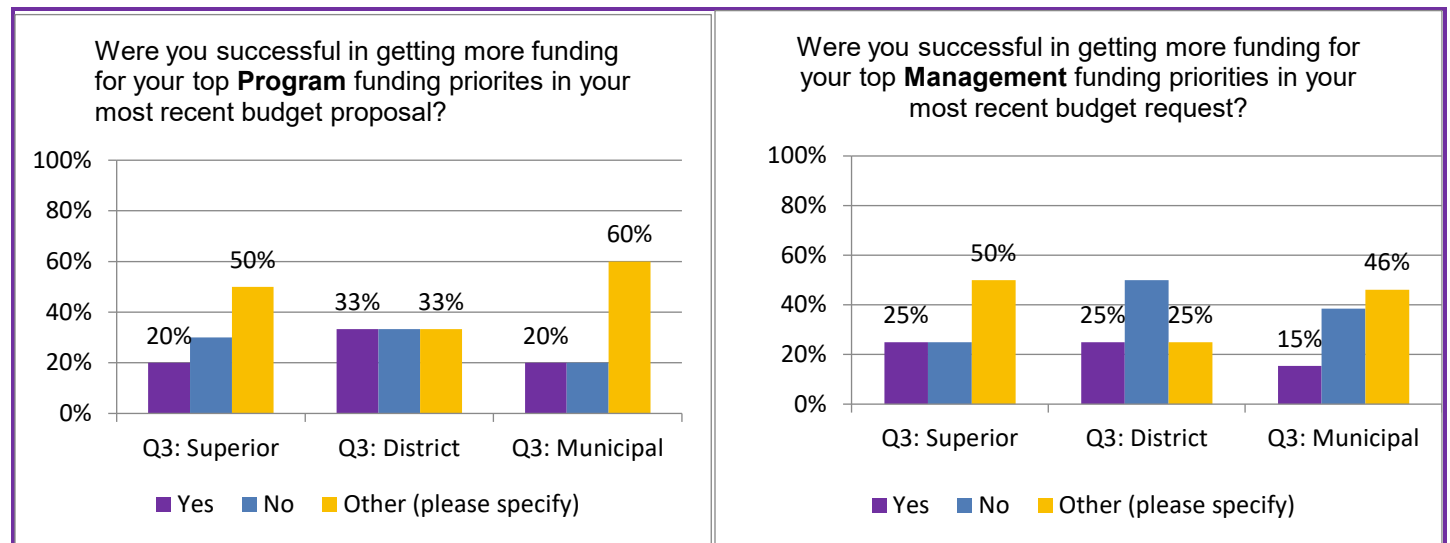
- About 50% of Superior and District Courts requested funding for their top program and management priorities and 17% Municipal Courts requested funding for program priorities.
- Courts that did not request funding reported that their decisions were based on unique circumstances such as previous and future budget cycles, new presiding judges, and impact of Covid-19 on local budgets.

**WERE COURTS THAT REQUESTED FUNDING FOR THEIR PRIORITIES SUCCESSFUL?**

**Survey Highlights**

- On average for both categories of priorities, courts were successful in getting funding about 25% of the time. There is no benchmark that tells if that success rate was average or reasonable.
- Many of the courts reporting “other” did not know the outcome of their requests at the time of the survey or they indicated that they were partially successful. Follow-up is needed to determine if these factors would increase the successful percentage of courts obtaining funding for priorities.

**Table 5: Success of courts that applied for funding**



## WHAT FACTORS CONTRIBUTED TO SUCCESSFUL FUNDING REQUESTS?

### Survey Highlights

- Nearly all courts at all levels attributed funding success to **good relationships with commissioners** and **having the data to document the need** as the top factors for success.
- Other courts shared they were more successful securing funding when they **provided reasons and data for the request, worked with councils/commissions** to better understand the needs, and **provided consistent feedback on funded programs and positions**.
- While having community justice partners advocate for funding was helpful in some instances, it wasn't as key as relationships and data.

## WHAT FACTORS WERE ATTRIBUTED TO UNSUCCESSFUL FUNDING REQUESTS?

### Survey Highlights

- Nearly all courts at all levels that were not successful felt **that other funding needs in the overall local budget were a higher priority** for Commissioners/Councils.
- Secondly, many courts noted that **Commissioners/Councils disagreed that the funding was needed**. Judicial independence to determine priorities was an issue that needs further examination.

## WHY DIDN'T COURTS REQUEST FOR FUNDINGS FOR THEIR TOP PRIORITIES?

### Survey Highlights

- Over 50% of all courts reported that they did not request funding because **they were certain the request would not be approved**.
- Many courts also indicated that they did not request funding because there had been **recent cuts to the local budgets**.

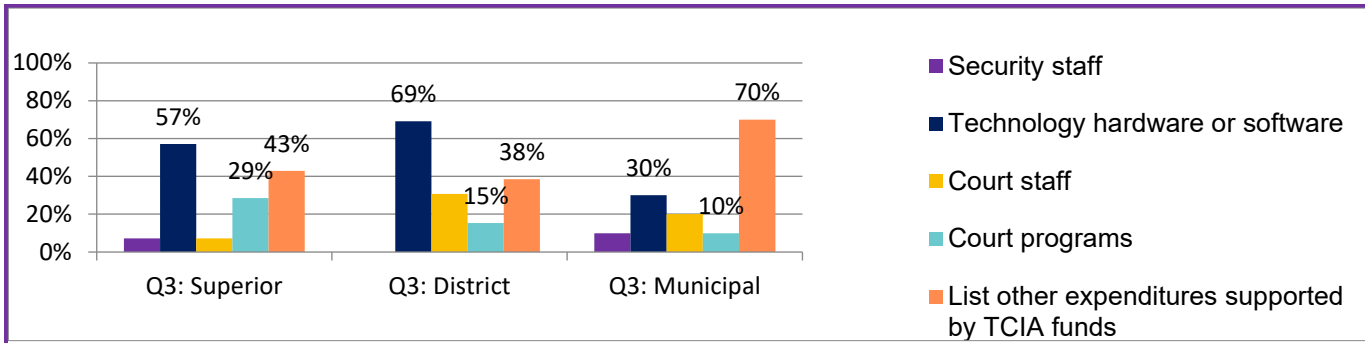
## OTHER FUNDING SOURCES: THE TRIAL COURT IMPROVEMENT ACCOUNT & STATE, FEDERAL AND OTHER GRANTS

Respondents were asked to list other funding sources used in their last budget cycle. The two types of funding identified were the Trial Court Improvement Account (TCIA) and grant funding. The TCIA was available to all Superior Courts, most District Courts, and some Municipal Courts. For more information on TCIA, see <https://www.courts.wa.gov/trial-court-improvement-account-reports>.

### Highlights of Courts Using TCIA Funds

- 82% of the Superior Courts, 100% of the District Courts and 33% of Municipal Courts who responded received funds from the TCIA.
- 80% of Superior and District Courts reported having a voice in how TCIA funds were used, that percentage drops to almost 60% for Municipal Courts.
- 80% of Superior Courts, 85% of District Courts, and 70% of Municipal Courts responded "No" when asked if TCIA funds received were supplanted by their local funding entity.
- Courts also reported using TCIA funds for: bailiffs, furniture, security and courtroom improvements, and five Municipal Courts used the TCIA for judicial salaries.

**Table 6: How courts used TCIA funds**



**OTHER FUNDING SOURCES – STATE, LOCAL AND FEDERAL GRANTS**

**Survey Highlights**

- 39% of courts received a total of 73 grants.
- Most of the grants that courts listed were federal and state pass through grants administered by the Administrative Office of the Courts.

**Table 7: Number of grants reported and names of grantors**

<i>Did your court currently receive grant funding for any of the following programs?</i>					
Type of grant received by court level	Superior	District	Municipal	Total	Grantors Listed
Domestic/Intimate Partner Violence	1	2	2	5	United Way Grant
Therapeutic/Community Courts	7	3	4	14	Circle of Hope, Sales Tax for Behavioral Health, CJTA, SAMSA Better Health Together, WA Traffic Safety (DUI Court), Bureau of Justice
Courthouse Security	0	1	2	3	None listed by name
Child Welfare	6	1	2	9	VOCA grant (CASA), Safe Babies, Title IV, FJCIP, SAMSA,
Sexual Assault	0	1	2	3	None listed by name
Juvenile Justice	8	1	2	11	Block Grant, Evidence Based Expenses, Dependency GAL and Becca Funding, DCYF
Family Law	2	1	2	5	State (DSHS)/Federal - Title IV-D Child Support grant, Interim Minor Guardianship Court visitor/atty reimbursement, Family Juvenile Court Improvement Plan
Crime Victims	0	1	2	3	None listed by name
Other 1	5	3	6	14	OPD grants, AOC Cares, AOC for interpreter reimbursement program,
Other 2	1	2	3	6	Puyallup Tribe Impact Funds (DUI cases)
<b>Total</b>	<b>30</b>	<b>17</b>	<b>27</b>	<b>73</b>	

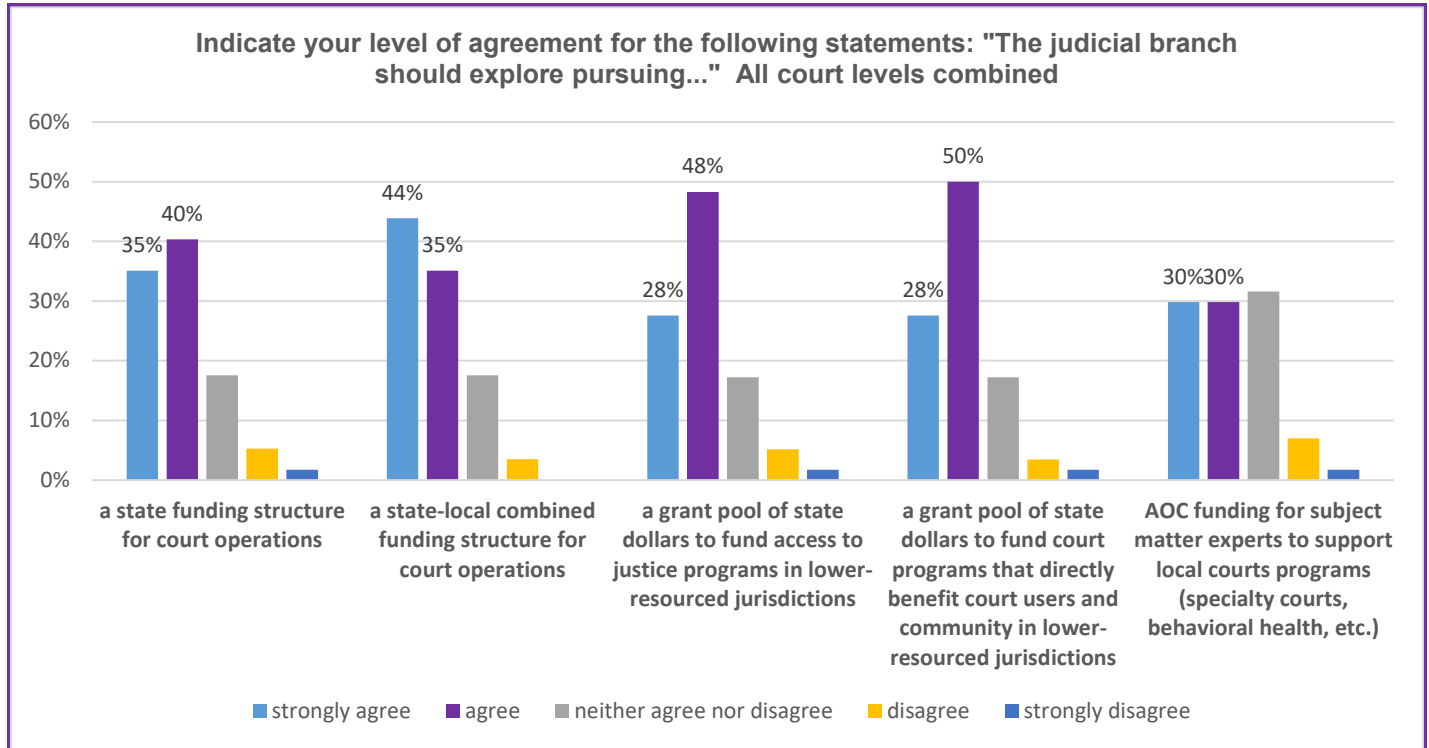
## EXPLORING ALTERNATIVE FUNDING STRUCTURES: OPTIONS FOR CONSIDERATION

The Work Group wanted to know whether courts would be interested in exploring alternatives to the current funding structure which was heavily based on local-level support.

### Survey Highlights

- Over 75% of respondents agree, or strongly agree that more research into other funding model should be pursued.
- All of the suggested structures were almost equally favored.

**Table 8: Exploring alternative funding structures of the Washington court system**



## WHAT TECHNICAL ASSISTANCE IS NEEDED TO PURSUE ADEQUATE FUNDING?

### Survey Highlights

- Over 50% the courts indicated needing assistance with grant writing and using data to track performance.
- Only 30% of courts responding indicated that they did not need any assistance. Most courts reported that they could use assistance to achieve more funding success for priorities.

## RECOMMENDATIONS FOR FURTHER ACTIVITIES

- **Further Study**
  - Collect data from more small and rural courts via focus groups or informational interviews.
  - Explore why courts are only successful 25% of the time they request funding for their priorities. Follow up with the courts who reported that they were in between budget cycles, etc.
  - Ask volunteer courts to provide the Work Group with copies of their submitted and enacted budgets for analysis to improve funding outcomes.
  - National comparative analysis review of the funding structures utilized in other non-unified court systems.



- **Trial Court Improvement Accounts**

- Encourage courts to monitor accounts, research how the funds are being allocated, and think about best uses for this type of funding.
- Research whether the legislature may consider raising the level of funding and/or expanding the breadth.

- **Grant Funding & Other Adequate Funding Assistance**

- Have a resource page on Inside Courts that lists all the types of grants available, with the stipulations, links to apply, tips on successful grant writing strategies, etc.
- Encourage courts to participate in the Data for Justice initiative administered by AOCs Office of Court Innovation to learn how to use data to track performance, determine funding priorities, and support funding requests at the local level and for grant applications.

## CLOSING

The Adequate Funding Work Group will continue research and analysis activities to move Washington Courts towards the goal of adequate and stable funding. The pursuit of long term, sustainable funding is a lofty goal. It requires continual attention to collecting budget information from courts and using that information to develop effective strategies.

For more information on the survey data or the Adequate Funding Work Group, contact Senior Court Program Analyst [Penny.Larsen@courts.wa.gov](mailto:Penny.Larsen@courts.wa.gov) or BJA Manager, [Jeanne.Englert@courts.wa.gov](mailto:Jeanne.Englert@courts.wa.gov)