



**BOARD FOR JUDICIAL ADMINISTRATION**

**Court System Education Funding Task Force**

**Mid-Term Report**

October 2019



## **Court System Education Funding Task Force**

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

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

Judge Gregory Gonzales, Clark County Superior Court

Judge Cecily Hazelrigg-Hernandez, Court of Appeals, Division 1

Trish Kinlow, Tukwila Municipal Court Administrator, Court Management Council

Dirk Marler, Administrative Office of the Courts Court Services Division

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

Kevin Plachy, Washington State Bar Association

Ramsey Radwan, Administrative Office of the Courts Management Services Division

Judge Charles Short, Okanogan County District Court

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## Introduction

Everyone entering a courthouse has the right to expect competent 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.

**The Court System Education Funding Task Force found that additional funding was needed to provide judicial and court personnel essential training in a timely manner and to remove barriers to accessing that training.**

The judicial system faces ever increasing societal demands for effective and informed responses to issues such as mental health, domestic violence, drug addiction, and complex trials. Judicial officers need comprehensive knowledge and skill building on a variety of topics and must meet mandatory training requirements. Court administrators need specialized knowledge and must adhere to a code of professional conduct and standards of performance. Line staff, the face of the judiciary to the community, need ongoing and specialized education in order to facilitate access to justice and provide effective customer service.

***“The public deserves and should expect their judiciary to function at the highest possible level. Continuing education is vital to public trust and confidence in the judiciary.”***  
– Survey respondent

The Board for Judicial Administration’s (BJA) Court Education Committee (CEC)<sup>1</sup> collected information through surveys and outreach to associations’ court education committees about judicial branch training needs. The CEC found unprecedented turnover in judicial officers and court personnel; lack of essential training such as training for presiding judges and court administrators; limited to non-existent training for county clerks, administrators and other personnel; and funding and travel barriers to attending training.

In March 2017 the BJA adopted the goal of obtaining adequate and sustainable funding for court system education as one of their strategic priorities for 2017–2019 and established the Court System Education Funding Task Force (Task Force). The Task Force reviewed past and current funding, costs for providing training, and how resources impacted the public and the courts. 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 final 2019–21 legislative budget.

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<sup>1</sup> The AOC, with guidance from the judges, clerks, and administrators on the BJA Court Education Committee, is responsible for providing training to court personnel at all court levels. General Rule 26; See, RCW 2.56.030, .060; RCW 13.32A, 13.34, and 13.40; RCW 9A.36.080; RCW 43.113, .115 and .117

## Task Force Charter

The BJA created the Task Force in July 2017 to obtain funding for court education in Washington State. Originally a two-year charter, it was extended until June 2020 by the BJA.

**The Task Force's goal** was to create a strategic plan to establish adequate and sustainable funding dedicated to court system education and training.

### **The Task Force was asked to:**

- 1) Analyze past and present education and training funding, including the origin of education and training funding and how it is currently funded.
- 2) Articulate the impact on the courts and public due to the steady decline in funding and resources for education and training of court personnel.
- 3) Estimate the costs of providing education and training.
- 4) Develop a legislative strategy to establish adequate and sustainable funding dedicated to court system education and training for the 2019–21 biennium.
- 5) Generate a stakeholder marketing plan, strategy, and materials to communicate the need for adequate and sustainable funding for court system education and training.

The Task Force's membership consists of judges from every level of court, a representative from the Court Management Council and Supreme Court Commissions, and AOC staff.

The Task Force met in person and by phone over the course of the last two years. BJA funds supported member travel and meeting expenses, and AOC provided staff support.

## Data Collection

As part of the information gathering stage, AOC staff reviewed existing research and national and state reports addressing court education and funding, conducted interviews with AOC staff in other states and key stakeholders in Washington, and reviewed previous surveys and data in Washington. Staff also reviewed previous budget requests and CEC efforts and data. The Task Force identified additional data needed and implemented the data collection activities outlined below.

### **Court System Training Needs Survey**

The Task Force conducted a survey in January 2018 in order to gather additional data about training needs, timeliness, and the impact of a well-trained court system on the public and courts.

The survey was distributed to the listservs for Washington State judicial officers, court administrators, and county clerks. There were 396 respondents out of an estimated 1,050 possible respondents, which gave the survey a 38% response rate. Given the high numbers of possible respondents, this was considered an adequate response rate for the information the Task Force was seeking. All court levels were represented in the survey.

### **Other Data Collected**

The Task Force also collected and reviewed:

- Court training program costs.
- Training attendance numbers over the years.
- Turnover rates of judges for all level of courts.
- Comments from CEC members (many are also their association education committee representative) about the importance of court training.
- Number of legislative bills passed each year impacting the courts.

## Key Findings

Well-trained court personnel increase public trust and confidence by ensuring consistent and accurate information; processes that are just, fair, and timely; and full and fair hearings. The survey results suggested that all new personnel needed more timely and essential training and that it needed to be more accessible, and that training opportunities for court administrators and other court and clerks' office personnel were limited.

***“A system that is well-trained inspires public confidence by providing reasoned decisions that are supported by research and best practices and have a positive impact on our communities.” – Survey respondent***

The survey findings identified:

- 1) Training opportunities were comparatively limited for court administrators and other court and clerks' office personnel.
- 2) More timely training was needed for personnel when they start their positions.
- 3) Financial support would have been helpful for all positions to offset travel and registration costs.
- 4) Court administrators should have mandatory training requirements and more training opportunities.
- 5) Without support, courtroom coverage, and time to attend, court personnel often cannot participate in training.
- 6) While all respondents in all positions surveyed prefer in-person training, responses suggest that online training opportunities would be helpful for court and clerks' office personnel and for personnel who cannot easily leave their courthouse.
- 7) Current funds provide only limited training opportunities for all court personnel in district and municipal courts, superior courts, and appellate courts in the 39 counties. Annually, \$312,500 is allocated to conduct training for thousands of court personnel, many of whom have limited to no training opportunities.

It is critical that funding and local court practices be addressed in order to provide more timely and essential training for judicial officers and other court personnel.

## Recommendations

Based on the data collected and reviewed, the Task Force recommended:

- 1) The development of online training opportunities for all court personnel with an emphasis on developing training for court administrators and other court and clerks' office personnel. Funding will support staffing to develop content, the securing or development of a learning management system, and implementation of trainings. Online trainings will better support personnel whose training opportunities are limited and who do not have adequate funds or time to attend in-person training. Online training will also provide more timely access to critical information necessary for new personnel.
- 2) Increased funding to develop additional trainings that are currently not being provided, to support increased costs of existing trainings, and to provide much needed scholarships.
- 3) A review of the scholarship structure with prioritization for rural and smaller courts and for personnel who otherwise would not have access to essential training when they start their positions with the court.
- 4) Increased funding to conduct a needs assessment to identify content, format, and develop future bench guides.
- 5) Research into barriers identified by rural/smaller courts to attending trainings, such as lack of coverage, time, and support to attend trainings.
- 6) A policy establishing mandatory training for court administrators. The Task Force would write a letter to the CEC and BJA for policy consideration.

The Task Force determined that the first two recommendations directly related to the Task Force's goal for increased funding and should be pursued. The other items could be considered for future exploration.

### **Budget Request**

In 2019, the Task Force developed two budget requests and requested \$1.4 million to ensure new judicial officers and court personnel have timely access to training. Funds would be used to 1) develop a statewide online delivery system to provide immediate and sustainable training opportunities (\$496,000) and 2) expand critical in-person training, support increased costs of existing training, and provide much needed scholarships for personnel who otherwise would not have access to essential training when they start their position with the court (\$911,000).

These budget requests were prioritized by the BJA and Supreme Court and transmitted as part of the Judicial Branch legislative budget submission.

## Communication Campaign and Advocacy

The Task Force developed and implemented a communication campaign and outreach plan. As part of the campaign development, the Task Force identified goals, key messages, and materials and activities to best disseminate messages. The Task Force also developed an outreach plan that identified key stakeholders and individuals, key engagement activities, and timelines to implement outreach activities.

The primary goals of the communication campaign were to convey the importance of timely, accessible, and essential court training and receive additional court education funding.

The Task Force developed a web-based Legislative Communication Toolkit including a one-page handout, talking points, and a question and answer resource document. Key legislator contact information, Task Force resources, and outreach ideas were shared with internal and external stakeholders.

### Funding Request Talking Points

- 1) The Washington Judiciary is requesting \$1.4 million 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.
- 2) Funds will be used to develop a statewide online education and training system which can provide immediate and sustainable training opportunities, and to expand critical in-person training for judicial officers and court staff who work in all regions of the state.
- 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) 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.
- 5) Even when training is provided, there is often insufficient funding for court personnel to attend training. The lack of resources make it particularly difficult for small and rural court staff to access training opportunities. We will use the additional funding to develop and implement critical court personnel trainings and remove financial barriers to attending those trainings.
- 6) 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.



- 7) In the last three years (2016–2018), the Legislature has passed more than 150 bills<sup>2</sup> impacting the court system. Nearly every year, the Legislature makes changes to a wide array of substantive legal and policy areas such as DUI laws, family law and parentage, guardianship, mental health, public records, and juvenile justice. Timely training is essential to make sure that the intent of the legislature is carried out in the cases that come through the courts.
- 8) 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 bench will be replaced by the end of 2018. Superior Court and Court of Appeals judges are retiring in similar numbers. We need additional dollars to train these new judges.
- 9) 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 outreach strategies, the Task Force conducted one-on-one meetings with legislators on the House and Senate budget committees and law and justice related committees and engaged in email advocacy with legislators after budgets were publically released. Task Force Chairs met with approximately fifty legislators.

Task Force members also reached out to local and statewide stakeholders, the court community, and other legal organizations. The Task Force communicated with stakeholders through presentations, one-on-one meetings, and various electronic communications.

As a result of the communication campaign, stakeholders reached out to legislators in their districts. While the Task Force attempted to track stakeholder efforts, the extent of outreach is unknown.

While no additional court education funds were allocated, the Task Force continues to explore other funding options and prepare for the 2021–23 biennium.

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<sup>2</sup> In the 2019 Legislative Session, approximately 130 bills passed that had some type of court impact which is a significant increase from the 150 bills passed in 2016—2018.

## Lessons Learned

The BJA created the Task Force to focus attention on an agreed-upon priority of the courts in a time-limited and task-specific manner. The following are lessons learned thus far in the process.

### **1) Additional data is needed to better tell our story.**

The impact of education can be challenging to quantify as it is difficult (and perhaps almost impossible) to directly correlate training with outcomes, especially in court proceedings. That being said, in general people can agree that training is necessary and helpful to be better able to do one's job. In 2019 alone the Legislature passed more than 130 bills that impacted the court system, which was a significant increase from the 150 bills that were passed in the previous three years (2016–2018). The bill numbers from last year and examples of educational needs resulting from these bills should be used to develop additional talking points. Data points should be identified that could help address the need for training such as time and cost efficiencies that can be tracked pre- and post-education and any specific impacts on individuals.

### **2) Increased broader stakeholder support is critical to success.**

Early on the Task Force received input that it would be important to have broader, non-court community voices advocating for court training. While the Task Force engaged with statewide organizations and associations, many of these were within the justice field. Broader community organizations that would support court funding advocacy efforts should be identified. The increased timeline should help in identifying and meeting with stakeholders early in the process and hopefully identify more “champions” to engage legislators during the next biennium.

### **3) Coordination of and consistent messaging is necessary.**

Developing the communication campaign and outreach plan helped focus efforts and activities with key stakeholders. The data collected helped to better demonstrate the need for additional education funding. The identified core messages of timely and accessible training provided the foundation for the talking points and other outreach resources. The resources developed helped ensure that everyone was delivering consistent messages about the need for additional funding. Different strategies for outreach provided more options to garner support: face-to-face meetings with legislators, email communications with legislators and key stakeholders, providing resources to groups to engage with their constituents and elected officials, and presentations to key stakeholders. It would have been helpful to identify earlier members of the Task Force or broader stakeholder groups who could help coordinate activities with specific groups. Having engaged and committed policy staff was critical in helping coordinate these efforts and will be an important factor for future efforts.

### **4) Realistic and clear funding strategies are key.**

The Task Force developed two budget requests. The development of a comprehensive online training system budget request was more favorably received by legislators and allocated for in the Senate budget but was not funded in the final legislature budget. The feedback received on the essential and timely training package suggests that it was not as defined as the interpreter package, which was fully funded, and that half of the education funding would be used for travel costs which was not appealing to legislators.

Regarding the Task Force make-up and timeline, it would have been helpful to have additional time to collect data, develop the messages, identify and engage stakeholders early in the process, and develop the budget package. Furthermore, membership could have been expanded to include more advocacy groups, legislators, and other statewide organizations.

## Next Steps

The Task Force identified several activities to help move their work forward.

- 1) Determine additional data points that could help address the need for training such as time and cost efficiencies resulting from training and specific impacts on individuals. Additionally, clearly quantifying the impact of higher court personnel turnover rates on individuals, communities, and courts would be useful.
- 2) Continue to explore other funding sources for court education.
- 3) Identify other stakeholders, continue to engage legislators, and identify champions of court education.
- 4) Reach out to court associations for continued support and ideas for additional stakeholder engagement.
- 5) Revisit the funding requests and revise as needed.

While the Task Force did not receive funding this past year, there was somewhat successful engagement with the Senate and other stakeholders, and there was a consistent and unified approach to court education funding.

The Task Force plans to continue exploring other funding options and submit another budget request in the 2021–23 biennium. The Task Force requested another year be added to their charter, extending their work until June 2021.



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