




COURT SYSTEM TRAINING NEEDS

Washington State Court Education Funding Needs Survey Report

Board for Judicial Administration Court System Education Funding Task Force

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EXECUTIVE SUMMARY

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 Board for Judicial Administration's Court System Education Funding Task Force conducted a survey in January 2018 to identify gaps in court system training.

KEY FINDINGS

- 1) Judicial and court personnel often do not have access to timely and essential training when they start their positions. Respondents overwhelmingly indicated that earlier access to training was needed for positions than when it was provided. Across all groups surveyed, judicial officers and court administrators were the least likely to receive training early in their tenure.
- 2) Training opportunities are comparatively limited for court administrators and other court and clerks' office personnel.
- 3) Financial support would be 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 other court and clerks' office personnel and for personnel who cannot easily leave their courthouse.

While some programming needs were identified for further exploration and consideration, survey findings suggest that, overall, additional funding is needed to provide essential training and to remove barriers to participation.

INTRODUCTION

Everyone entering a courthouse has the right to expect competent personnel, accurate information, and equal access to justice. Their lives may depend on the outcome. 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 survey findings suggest that:

- Judicial and court personnel often do not have access to timely and essential training when they start their positions.
- Additional funding is needed to provide essential training in a timely manner and to remove barriers to accessing them.

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 Court Education Committee (CEC)¹ 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.

Given the CEC’s findings, in March 2017 the Board for Judicial Administration (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 will submit a budget request to the legislature for the 2019-21 biennium.

¹ 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

SURVEY METHODOLOGY

The Board for Judicial Administration's Court System Education Funding Task Force conducted a survey in January 2018 to identify gaps in court system training. This information was used to develop strategies to obtain adequate funding for court training starting in the 2019-2021 biennium. Past education surveys and other information collected by the CEC were incorporated into the data review and helped shape this report's recommendations.

Survey questions were developed by Administrative Office of the Courts (AOC) staff including the Washington State Center for Court Research, and reviewed and revised by Task Force members. Survey questions were developed in order to gather additional data about training needs, timeliness, and the potential impact of a well-trained court system on the public and courts.

The survey was distributed to Washington State judicial officers, court administrators and county clerk listservs and was open for responses for four weeks. Several reminders were sent and judicial associations and the BJA Court Education Committee also shared the survey link and encouraged members to complete the survey.

For the purposes of the survey, unless otherwise stated, court system training refers to any type of education/training opportunity available for specific court system personnel – judicial officers, county clerks, administrators, and other court personnel (line staff, deputy administrators, courthouse facilitators, etc.).

Judicial officers were instructed to complete the survey by responding for themselves only. Court administrators were instructed to complete the survey by responding for themselves and for all other court personnel that are not judicial officers. County clerks were instructed to respond for themselves and for other clerks' office personnel. There were several position-specific questions and additional questions that applied to all respondents.

There were 396 respondents out of an estimated 1050 possible respondents, which gave the survey a 38% response rate.

RESPONDENT'S POSITION	PERCENTAGE OF TOTAL RESPONSES
Judicial Officers	53%
Court Administrators	40%
County Clerks	7%

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. Not all respondents completed every survey question.

KEY FINDINGS

TIMELY TRAINING NEEDED

Respondents overwhelmingly indicated that earlier access to training was needed for positions than when it was provided. Across all groups surveyed, judicial officers and court administrators were the least likely to receive training early in their tenure. To determine whether training was available when new personnel assume their positions, each respondent was asked, *when should new personnel in their position receive information and skill building critical for their position and when do they receive this training?*

“Citizens often can only afford minimum processing to address their problems. Judges need to get it right the first time.”

– Survey respondent

Judicial Officers

- 77% of judicial officers responded that new officers should receive training prior to or within the first month of taking the bench.
- 20% actually did receive training during this time frame.
- Almost 50% of judicial officers received training within 6-12 months of taking the bench.

Court Administrators

- 71% of court administrators responded that new administrators should receive training prior to or within the first month of assuming their position.
- Only 16% actually did receive training during this time frame.
- 63% reported that new administrators received training after six months of assuming their position.

Other Court Personnel

- 82% of court administrators responded that new court personnel should receive training within the first month or within 2-5 months of assuming their position.
- 52% actually did receive training during this time frame.
- 37% received training within 6-12 months of assuming their positions.

County Clerks

- County clerks reported the closest numbers of timely training; 67% responded that new county clerks should receive training prior to assuming their position.
- 52% reported that they did receive training prior to assuming their position.

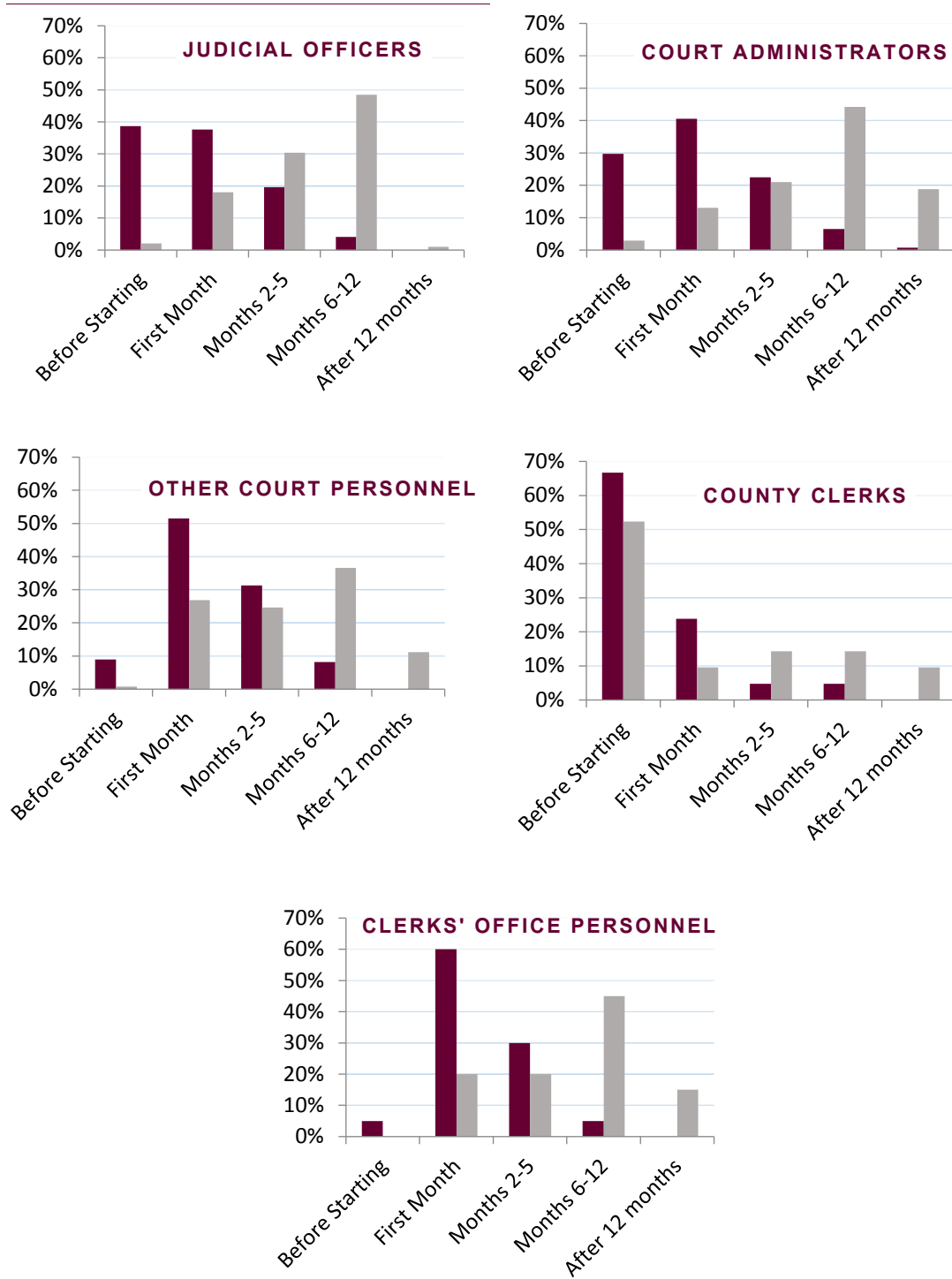
Other Clerk Office Personnel

- 90% of county clerks responded that new clerks' office personnel should receive training within the first month or within 2-5 months of assuming their position.
- 40% actually did receive training during this time.
- 45% received training within 6-12 months of assuming their positions.

WHEN NEW PERSONNEL SHOULD AND DO RECEIVE CRITICAL TRAINING

■ When new personnel should receive critical position-relevant training

■ When new personnel do receive critical position-relevant training



TYPES OF TRAINING

In-Person Training Most Valuable to Positions' Success

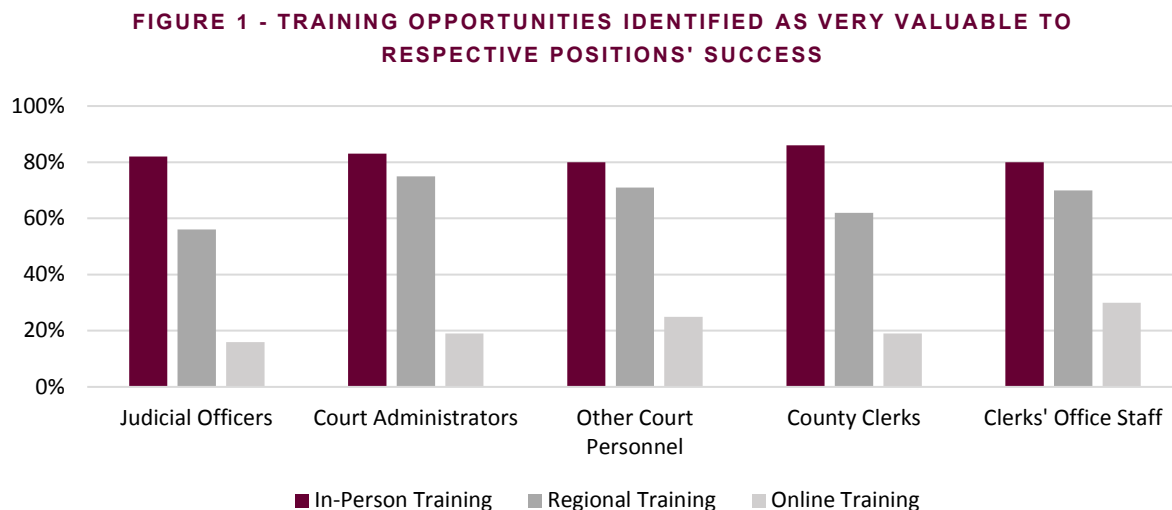
In general, all categories of respondents favored in-person training over in-person regional meetings, and the regional meetings were preferred over online training. Across respondent categories, about 83% found in-person training and 56% to 75% found in-person regional meetings very valuable to success in their positions. Figure 1.

Around 27% of respondents felt that online training opportunities are valuable for other court and clerks' office personnel positions' success, a level greater than for any other position category.² Initial development of online training content may be more useful for other court and clerks' office personnel. Respondents identified that online training would be valuable for smaller courts when they cannot leave the courthouse, for training opportunities when no local funds or coverage are available, for office and line staff, for law-specific updates, and for peer-to-peer sharing opportunities.

"Better trained personnel interact with the users of the court system with greater skill, both in terms of communication and information distribution. This helps litigants and the public access the courts."

– Survey respondent

"Justice should be equally dispersed. If the more rural court systems are not able to access adequate training, then the justice may be determined by location and this is not appropriate." – Survey respondent



² Only 16%-19% of judicial officers, court administrators and county clerks found online training very valuable to their positions' success.

Bench guides were identified as very valuable by 56% of judicial officials and 28% of court administrators to their respective positions' success. Only 10% of county clerks and clerks' office personnel were likely to find bench guides very valuable.

"The law is constantly changing; we need to keep up." – Survey respondent

TYPES OF TRAINING ATTENDED

Overall, training is limited for other court personnel and clerks' office personnel. Less than 29% of other court and clerks' office personnel were likely to have attended the AOC's new court employee training. Several respondents said the program needed to be offered more frequently and that it often had a waiting list. Larger courts reported needing more training spaces for staff.

Respondents who took part in training were more likely to have participated in in-person trainings than any other type of training. About 25% of the training attended by judicial officers,³ court administrators, and county clerks were instances of peer mentoring. The majority of all trainings were sponsored through associations or state programs.

BARRIERS EXPERIENCED

As shown in Table 1, when asked what prevented respondents from attending trainings over the past three years, 63% of respondents said they could not travel to in-person training because they did not have coverage at the courthouse, 55% responded that they lacked time at work to use online training and education courses, and 30% said they were not supported to attend training. These responses suggest that further exploration into programming and local practices could be helpful.

*"Bottom line – the more you know, the better able you are to do your job and do it RIGHT."
– Survey respondent*

Around 50% of respondents reported there was insufficient funding for registration fees and travel costs to attend in-person training. Respondent comments indicated that they can only attend free programs, local funding was limited or non-existent, without AOC they wouldn't be able to attend trainings, and that scholarships and additional funding support was needed for all court levels.

³ General Rule 26 establishes the minimum requirements for continuing judicial education of judicial officers. There are no minimum requirements for other court personnel.

The majority of funding for judicial officers' training came from county, state and/or self-pay; with state funds supporting one-half of their trainings. Funding for training for all other positions was more likely to be provided by cities and counties than by the state.

Table 1 - Percentage of Respondents Reporting Specific Barriers to Attending Training	
Not being able to travel to in-person meetings because of lack of coverage at the courthouse	63%
Lack of time at work to use online training and education courses	55%
Insufficient funding for travel costs to attend in-person training (mileage/airfare/lodging/food costs)	54%
Insufficient funding for training registration fees	48%
Not having training content needed	42%
Lack of support to attend training	30%
Not knowing where online training opportunities exist	26%
Not having sufficient equipment to access online training	6%

SCHOLARSHIPS HELP PERSONNEL ATTEND TRAINING

Scholarships provide judicial officers and court and clerks' office personnel the ability to attend specific programs in a more timely manner. Seventy-four percent (74%) of respondents indicated that scholarships would help court system personnel access training that they cannot currently attend.

Of these 74% of respondents:

- 92% said scholarships would help participation in training specific to their job positions.
- 88% said scholarships would help participation in in-state training (not including CEC-sponsored spring and annual conference programs that already receive reimbursements).
- 83% said scholarships would help court personnel be trained within the first six months of starting their position.
- 77% said scholarships would help participation in out-of-state training.

“The court needs to be administered efficiently and effectively by personnel who have the specific on-the-job skills needed to navigate between the legal system and their customers.” – Survey respondent

TRAINING NEEDED

Position-Related Training

Seventy-six percent (76%) of respondents felt that court administrators should have training requirements. Respondents also identified a new court administrator program, timelier training opportunities for new administrators, and ongoing court administration training content are needed.

Around 150 respondents identified the top court positions that need training but are not currently receiving it as bailiffs and office/line staff. All staff need training on ethics, current legislative and procedural changes, issues of bias, access to justice, and harassment.

*“Well-trained staff can provide knowledge and accurate customer service such as how to request a hearing, how/where to file paperwork properly, setting up time payments and collection delays, etc.”
– Survey respondent*

Other Types of Training Needed But Not Currently Provided

Around 150 respondents identified various types of training that are needed but not currently provided. The topics identified ranged from content-specific programs to more skill-building opportunities. The top three most needed trainings would address court administration, professional conduct, and court security.

“Would love to see more regional and recorded trainings to allow for easier access to programming without having to disrupt our court schedules.” – Survey respondent

RECOMMENDATIONS

Well-trained court systems increase public trust and confidence by ensuring consistent and accurate information; processes that are just, fair, and timely; and full and fair hearings. While the survey results suggests that overall, judicial officers and county clerks are receiving the training they need, training opportunities for court administrators and other court and clerks' office personnel are limited. All new personnel need more timely and essential training.

The survey findings identified:

- Training opportunities are comparatively limited for court administrators and other court and clerks' office personnel.
- More timely training is needed for personnel when they start their positions.
- Financial support would be helpful for all positions to offset travel and registration costs.
- Court administrators should have mandatory training requirements and more training opportunities.
- Without support, courtroom coverage, and time to attend, court personnel often cannot participate in training.
- While all respondents in all positions surveyed prefer in-person training, responses suggest that online training opportunities would be helpful for other court and clerks' office personnel and for personnel who cannot easily leave their courthouse.

“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

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.

THE TASK FORCE RECOMMENDS THE FOLLOWING:

- 1) The development of online training to provide 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 training. Online training 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 training that are currently not being provided, to support increased costs of existing training, 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.
- 4) Increased funding to conduct a needs assessment to identify content and format for future bench guides and to develop these.
- 5) Research into barriers identified by rural/smaller courts to attending training, such as lack of coverage, time and support to attend training.
- 6) A policy establishing mandatory training for court administrators. The Task Force will write a letter to the CEC and BJA for policy consideration.

Courts must provide accurate and consistent information to the public. With the increasing numbers of self-represented litigants, changes in law and dynamic social environments, it is critical that courts can effectively respond to changes. Additional funding for training court personnel and judicial officers will increase access to learning and skill-building opportunities and provide more essential information for new personnel when they start their positions.

