

BJA COURT RECOVERY TASK FORCE



**WASHINGTON
COURTS**

MEETING PACKET

**DECEMBER 17, 2020
2:00 P.M. – 4:00 P.M.**

VIDEOCONFERENCE



BJA Court Recovery Task Force

December 17, 2020, 2:00-4:00 pm

ZOOM Meeting

AGENDA

1. Welcome (5 minutes) Approve November 19 Minutes	Chief Justice Debra Stephens Judge Judith Ramseyer Judge Scott Ahlf
2. Statewide Updates (20 min)	Chief Justice Debra Stephens Judge Scott Ahlf Judge Judith Ramseyer
3. Presentation: Virtual Jury Trials (30 min) Information sharing about Zoom trials and Q&A	Judge David Keenan
4. Commonalities across committees E-signatures Remote hearings/jury trials Other	
5. Committee Updates (60 minutes) <i>Share your sticking points, breakthroughs, data collection efforts, and policy changes needed</i> <ul style="list-style-type: none"> • Lessons Learned • Criminal Matters <ul style="list-style-type: none"> ○ Juvenile Criminal Civil ○ Therapeutic ○ Adult. • Facilities and Logistics • Public Outreach and Communication • Family Law • Child Welfare • Technology Considerations • General Civil Litigation • Appellate Courts 	Judge Judith Ramseyer Judge Scott Ahlf Judge Ruth Reukauf Judge Jeff Smith Amy Muth Justice Steve González Wendy Ferrell Terry Price Linnea Anderson Dawn Marie Rubio/Judge David Estudillo Chief Justice Debra Stephens Judge Lisa Sutton
6. Next Steps (5 minutes)	Chief Justice Debra Stephens
5. Future Meetings <ul style="list-style-type: none"> • February 17, 2:00–4:00 • April 15, 2:00–4:00 • June 9, 2:30–4:30 	
6. Adjourn	

Persons with a disability, who require accommodation, should notify Jeanne Englert at 360-705-5207 or Jeanne.englert@courts.wa.gov. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.



**Board for Judicial Administration (BJA)
Court Recovery Task Force (CRTF)**
Friday, November 19, 2020, 2:00 – 4:00 p.m.
Videoconference

DRAFT MEETING MINUTES

Participants:

Chief Justice Debra Stephens, co-chair
Judge Scott Ahlf, co-chair
Judge Judith Ramseyer, co-chair
Vivienne Alpaugh
Linnea Anderson
Judge Timothy Ashcraft
Jim Bamberger
Justin Bingham
Kwesi Booker
Cindy Bricker
Renea Campbell
Darren Carnell
Judge Faye Chess
Adam Cornell
Jennifer Creighton
Todd Dowell
Ambrosia Eberhardt
Judge David Estudillo
Wendy Ferrell
Michele Fukawa
Alan Funk
Justice Steven González
Vanessa Hernandez
Jessica Humphreys
Judge Carolyn Jewett
Katrin Johnson
Ray Kahler
Mike Killian
Crystal Lambert
Kathryn Leathers

Jill Malat
Carl McCurley
Sophia Byrd McSherry
Judge Rich Melnick
Amy Muth
Huy Nguyen
Jennifer Ortega
Judge Marilyn Paja
Glen Patrick
Judge Rebecca Pennell
Terry Price
Judge Ruth Reukauf
Juliana Roe
Dawn Marie Rubio
P. Diane Schneider
Jason Schwarz
Larry Shannon
Diana Singleton
Judge Jeff Smith
Fona Sugg
Judge Lisa Sutton
Sharon Swanson
Lee Thomas
Lorrie Thompson
Brad Thurman
George Yeannakis

AOC Staff:

Jeanne Englert
Penny Larsen
Caroline Tawes

Call to Order

Chief Justice Stephens called the meeting to order at 2:05 p.m.

Approval of October 9, 2020, Meeting Minutes

It was moved by Dawn Marie Rubio and seconded by Linnea Anderson to approve the October 9, 2020, meeting minutes. The motion carried with one abstention.

Statewide Updates

The Superior Court Judges' Association (SCJA) is working in conjunction with other justice partners on the Eviction Resolution Program (ERP). A pilot program has been developed to run in six counties. The SCJA is also working on a Racial Justice Initiative. Judge Ahlf announced changes in some court operations due to the increase in COVID-19. The District and Municipal Court Judges' Association (DMCJA) is working on a letter on social justice.

The Administrative Office of the Courts (AOC) received \$11.8 million in CARES funding. So far, 200 applications for the funding have been received, and \$8.7 million has been awarded. AOC has requested an additional \$1.5 million in CARES funding from the Office of Financial Management (OFM).

The COVID-19 website has been reviewed and updated. Wendy Ferrell reviewed the updates.

The CRTF website is available on the courts' public site.

Governor's Office Update

Kathryn Leathers provided an update on the COVID-19 situation and an overview of the Governor's priorities for the upcoming Legislative session. The Governor's proclamations have been extended to December 7, and it is likely they will seek further extension.

Presentation: COVID Court Mapping Working Group

Presented by Huy Nguyen, University of Washington School of Law, Michele Fukawa, Assistant Director, Center for Civil and Human Rights, Gonzaga University School of Law, and Diana Singleton, Washington State Bar Association Equity and Justice Manager, the Working Group project would focus on court closures, procedures, and modifications due to COVID-19 related disruptions and make that information more accessible to court customers, particularly as a resource for pro se litigants. The meeting participants asked questions and discussed the proposal.

Committee Updates

Technology Considerations Committee

The Technology Committee is working on both short- and long-term goals. They are reviewing the landscape of current technology, and plan to develop technology guidelines and a framework using the National Center for State Courts and Access to Justice principles.

General Civil Litigation Committee

The General Civil Litigation Committee is working on what to do at both the pre-trial and trial level to help the courts get up and running. Discussions include using remote and off-site facilities and creating incentives for parties to agree to six-person juries.

Lessons Learned Committee

This Committee created and administered a survey to all court level administrators regarding changes and accommodations in operations in response to COVID-19. Results have recently been compiled, and a summary report will be distributed next week.

Criminal Matters Committee/Juvenile Criminal/Civil

Judge Reukauf reviewed topics for the committee's short term priorities, including the impacts of COVID on court users.

Criminal Matters Committee/Therapeutic Courts

This Committee sent surveys to Therapeutic Court judges. The survey has been re-submitted to get better returns. A report will be prepared at a later date.

Criminal Matters Committee/Adult Criminal

This Committee is developing surveys for attorneys and court users on court experiences.

Appellate Courts Committee

Proposed bills by this Committee are in final review. SCJA has agreed to take the lead on the legislative advocacy efforts. This Committee has been asked by the SCJA to identify people who can answer questions from the Legislature.

Family Law Committee

This Committee is focusing on hearing notifications through Odyssey. They would like to see CARES funding spent on family court facilitators, and look for funds for judicial officer training in adverse childhood experiences. They are also reviewing the meaning of digital signatures and best practices for abbreviated family law trials.

Child Welfare Committee

This Committee's short-term goal is continuity of operations and a safe and effective method of electronic signatures. In the long term, the Committee is examining ways to take advantage of the impact of the health crisis. They are also exploring sharing data and forming a partnership with other committees.

Facilities and Logistics Committee

This Committee's completed survey results were included in the meeting materials. They will begin developing a statewide courthouse security communication network and web-based solutions. The Committee will advocate for including court personnel in the COVID-19 vaccine distribution plan.

Public Outreach and Communication Committee

In the short term, this Committee plans to work on a virtual court directory and assist with developing ERP resources. In the long term, they plan to create best practices manual and public service announcements.

Committees Overview

Chief Justice Stephens reviewed the Activity Coordination Process graphic included in the meeting materials.

COVIS Update

Glen Patrick, Deputy Director at the Washington State Department of Health, discussed the number of COVID cases in Washington and across the country, the projected growth of COVID, and tests and vaccines.

Next Steps

The next meeting is on December 17.

Chief Justice Stephens said some courts are planning to pause jury trials and are moving to remote platforms. She plans to issue a communication today but no orders on statewide proceedings. Courts should adhere strictly to public safety guidelines.

There being no further business, the meeting was adjourned at 4:11 p.m.

Motion Summary from the November 19, 2020 Meeting

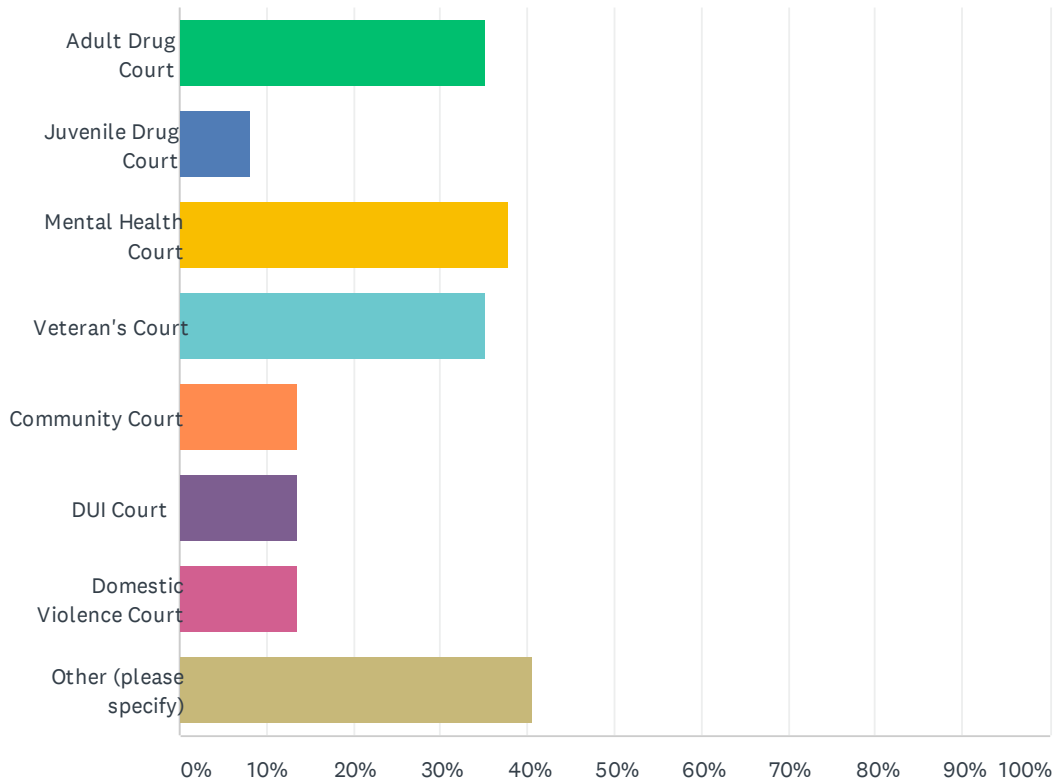
Motion Summary	Status
Approve the October 9, 2020, meeting minutes.	Passed

Action Items from the November 19, 2020 Meeting

Action Item	Status

Q2 Which type of therapeutic court(s) do you have? Check all that apply. If you have more than one court and they have very different experiences, feel free to complete a separate survey for each court.

Answered: 37 Skipped: 0



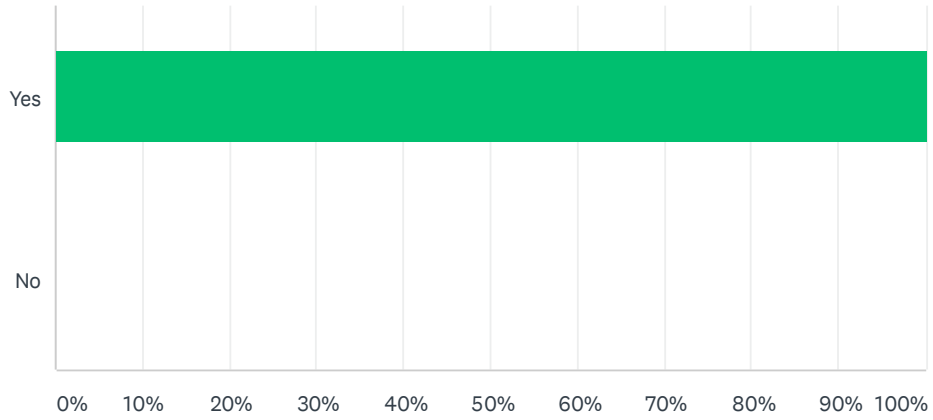
ANSWER CHOICES	RESPONSES	
Adult Drug Court	35.14%	13
Juvenile Drug Court	8.11%	3
Mental Health Court	37.84%	14
Veteran's Court	35.14%	13
Community Court	13.51%	5
DUI Court	13.51%	5
Domestic Violence Court	13.51%	5
Other (please specify)	40.54%	15
Total Respondents: 37		

Therapeutic Courts Impacts from COVID

#	OTHER (PLEASE SPECIFY)	DATE
1	Family Drug Treatment Court	11/13/2020 10:27 AM
2	Youth Court	11/12/2020 4:01 PM
3	Youth Court	11/12/2020 1:13 PM
4	Family Treatment Court	11/3/2020 2:28 PM
5	Girls Court	11/3/2020 10:55 AM
6	Family drug treatment court	11/3/2020 10:53 AM
7	Family Recovery Court	11/2/2020 11:22 AM
8	Family Recovery Court	11/2/2020 7:55 AM
9	Family Treatment Court (others sometimes refer to such courts as family drug court)	10/30/2020 3:13 PM
10	no formal therapeutic court	10/30/2020 12:39 PM
11	Defendants partipate thru special-report calendars, where the Court and probation review progress in treatment for persons on deferred prosecution for DUI; and for defendants receiving mental healt treatment. Prosecutor, defense attorneys, and treatment providers are not involved, except for mental health tx cases	10/29/2020 1:03 PM
12	Human Trafficking Court (known as THRIVE Court)	10/23/2020 8:33 AM
13	Family Therapeutic Court	10/23/2020 8:20 AM
14	Family Treatment Court	10/22/2020 3:26 PM
15	Benton County District Court has a mental health and veteran's court	10/22/2020 6:41 AM

Q5 Have you been able to continue some form of your court during Covid?

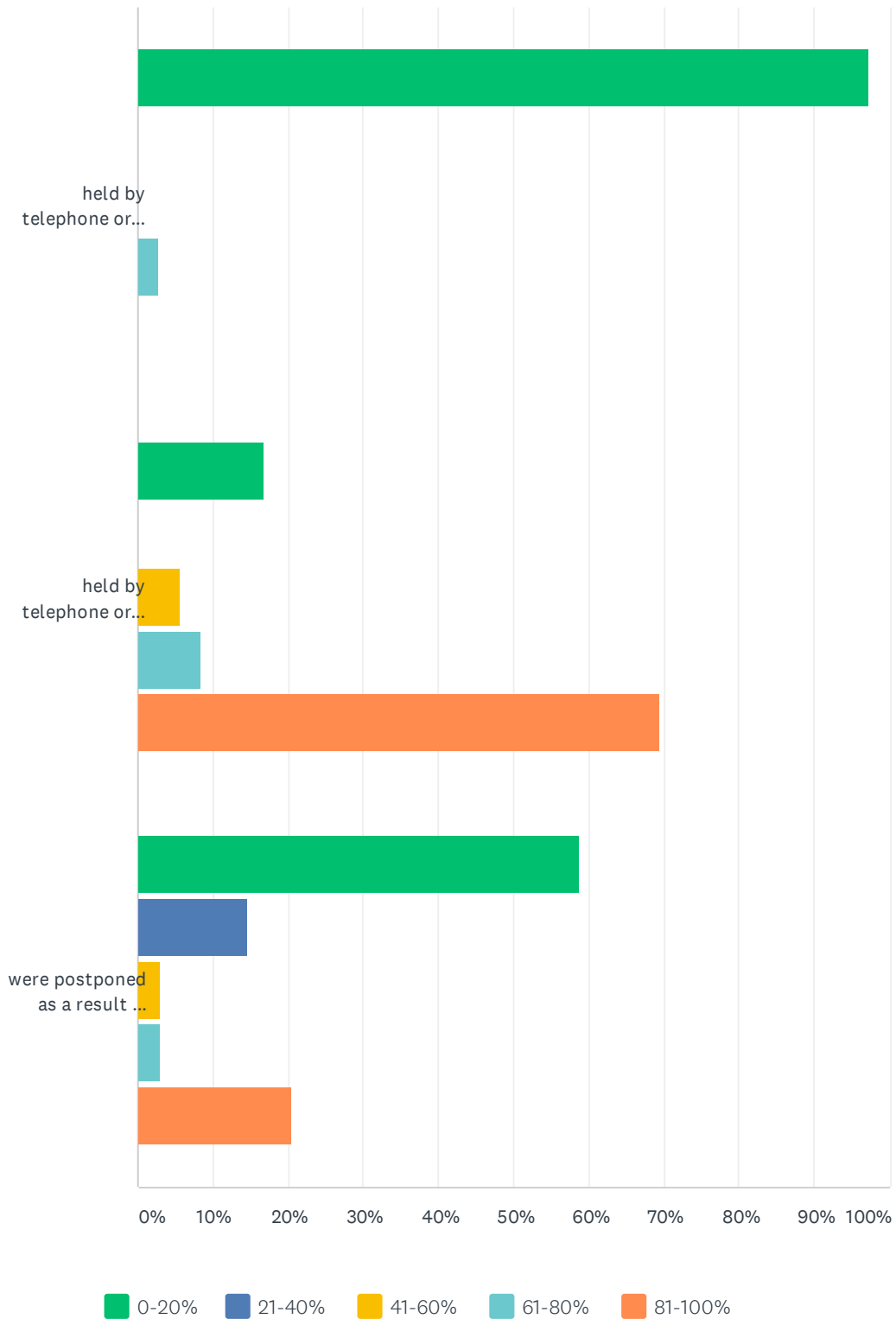
Answered: 36 Skipped: 1



ANSWER CHOICES		RESPONSES	
Yes		100.00%	36
No		0.00%	0
TOTAL			36

Q6 Approximately what percentage of your therapeutic court hearings were...

Answered: 36 Skipped: 1

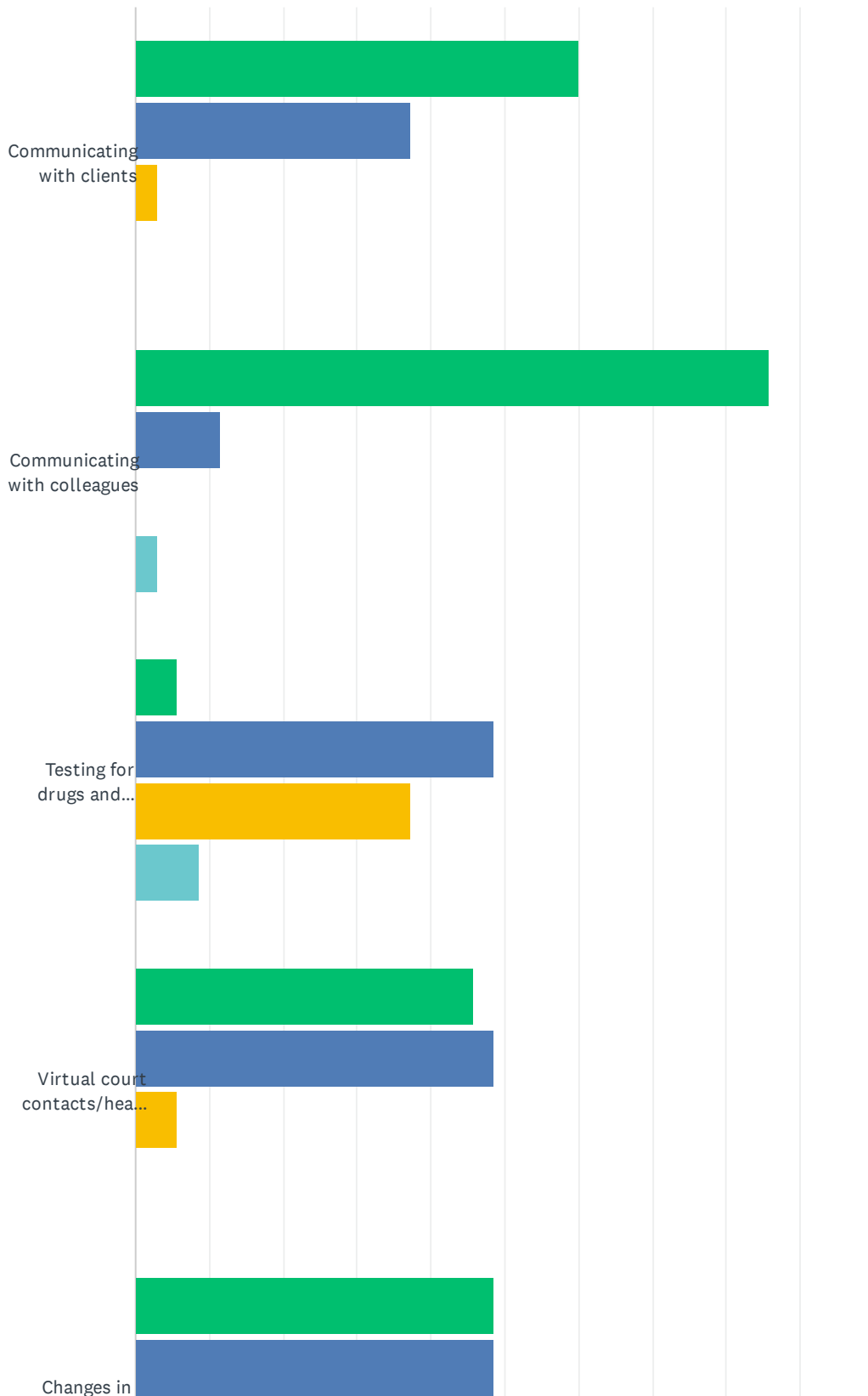


Therapeutic Courts Impacts from COVID

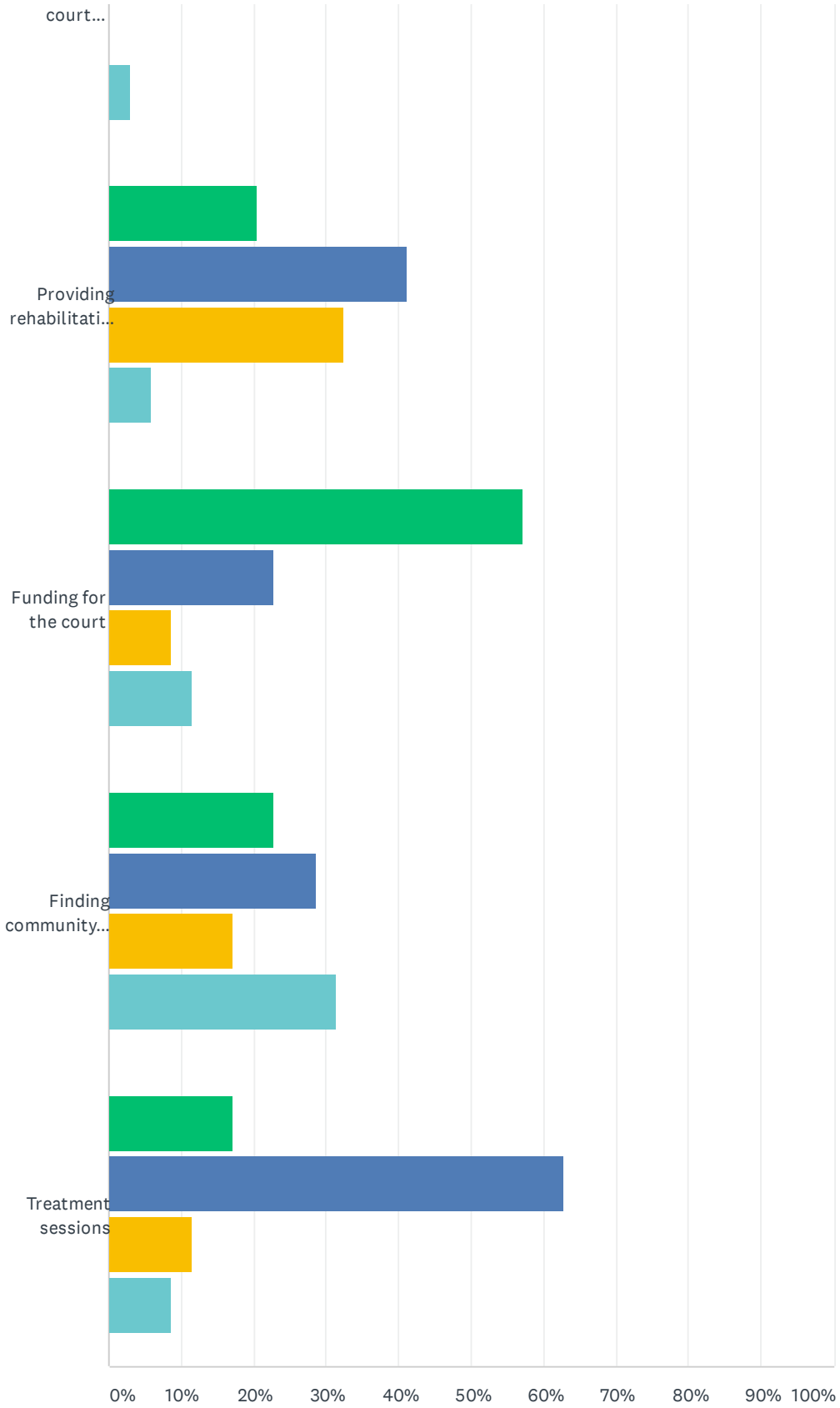
	0-20%	21-40%	41-60%	61-80%	81-100%	TOTAL
held by telephone or video prior to COVID?	97.22% 35	0.00% 0	0.00% 0	2.78% 1	0.00% 0	36
held by telephone or video during COVID?	16.67% 6	0.00% 0	5.56% 2	8.33% 3	69.44% 25	36
were postponed as a result of COVID?	58.82% 20	14.71% 5	2.94% 1	2.94% 1	20.59% 7	34

Q7 To what extent has your therapeutic court experienced difficulties with any of the following during COVID?

Answered: 35 Skipped: 2



Therapeutic Courts Impacts from COVID



■ Not a problem
 ■ Moderate Problem
 ■ Major Problem
 ■ N/A

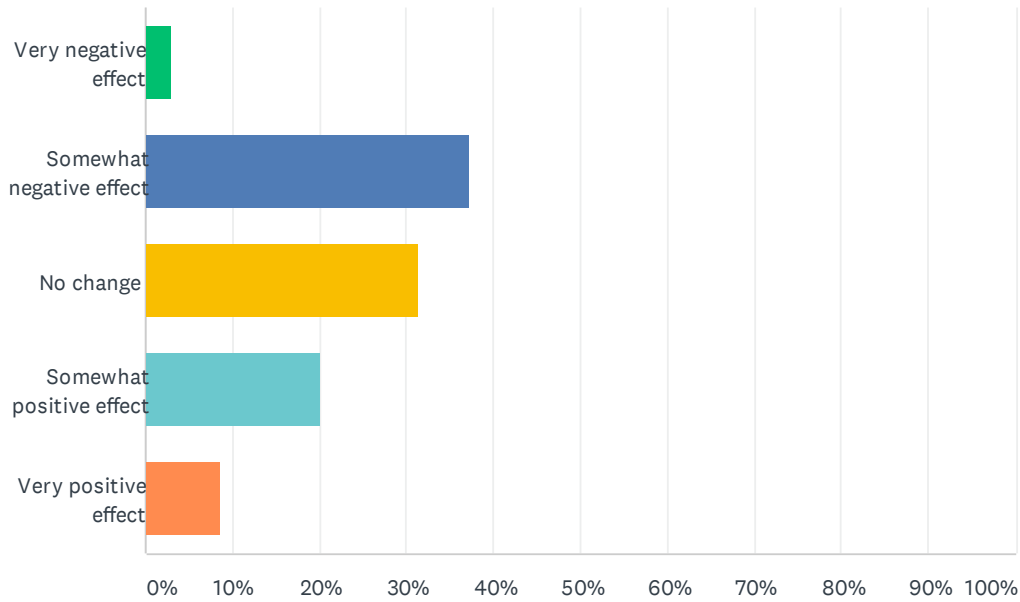
Therapeutic Courts Impacts from COVID

	NOT A PROBLEM	MODERATE PROBLEM	MAJOR PROBLEM	N/A	TOTAL
Communicating with clients	60.00% 21	37.14% 13	2.86% 1	0.00% 0	35
Communicating with colleagues	85.71% 30	11.43% 4	0.00% 0	2.86% 1	35
Testing for drugs and alcohol	5.71% 2	48.57% 17	37.14% 13	8.57% 3	35
Virtual court contacts/hearings	45.71% 16	48.57% 17	5.71% 2	0.00% 0	35
Changes in court rules/procedures	48.57% 17	48.57% 17	0.00% 0	2.86% 1	35
Providing rehabilitation/community services to court participants	20.59% 7	41.18% 14	32.35% 11	5.88% 2	34
Funding for the court	57.14% 20	22.86% 8	8.57% 3	11.43% 4	35
Finding community mentors for participants	22.86% 8	28.57% 10	17.14% 6	31.43% 11	35
Treatment sessions	17.14% 6	62.86% 22	11.43% 4	8.57% 3	35

#	OTHER ADAPTATIONS THAT WORKED FOR YOUR COURT (PLEASE SPECIFY)	DATE
1	the team organized daily zoom sober support meetings, women only groups, pathways thru art	11/13/2020 1:24 PM
2	Our Multi-disciplinary Team meetings have switched from in person to video, and this has made it easier for the participants (probation, treatment providers, victim advocate) to save on commute time during their day. This has helped improve meeting efficiency.	11/12/2020 8:55 AM
3	Zoom hearings are now working well and allowing face to face communication in and out of court	11/9/2020 2:27 PM
4	Relied on our alumni group to start virtual AA/NA meetings for our participants and to provide transportation to inpatient treatment. They are also currently our major source of mentorship. Also, kept our educational/vocational team member very busy with a majority of our participants experiencing layoffs and financial hardships due to the COVID-19 shutdowns.	11/3/2020 11:02 AM
5	zoom has been helpful, but it doesn't take the place of in person court.	11/3/2020 10:55 AM
6	Creative community service solutions.	10/29/2020 9:29 AM
7	More Zoom hearings. Stopped community forums. Cleaning protocols.	10/21/2020 3:10 PM
8	Spokane County Superior Court had no breaks in hearings for clients participating in our Therapeutic Court programs. By the end of March, we had implemented telephonic hearings and treatment services. UAs were delayed briefly, but we resumed unsupervised UAs shortly after the delay. We now do a random observed drug screens.	10/21/2020 2:16 PM

Q8 Given the collaborative nature of therapeutic courts, how has the new format affected your sense of community with the other justice system partners?

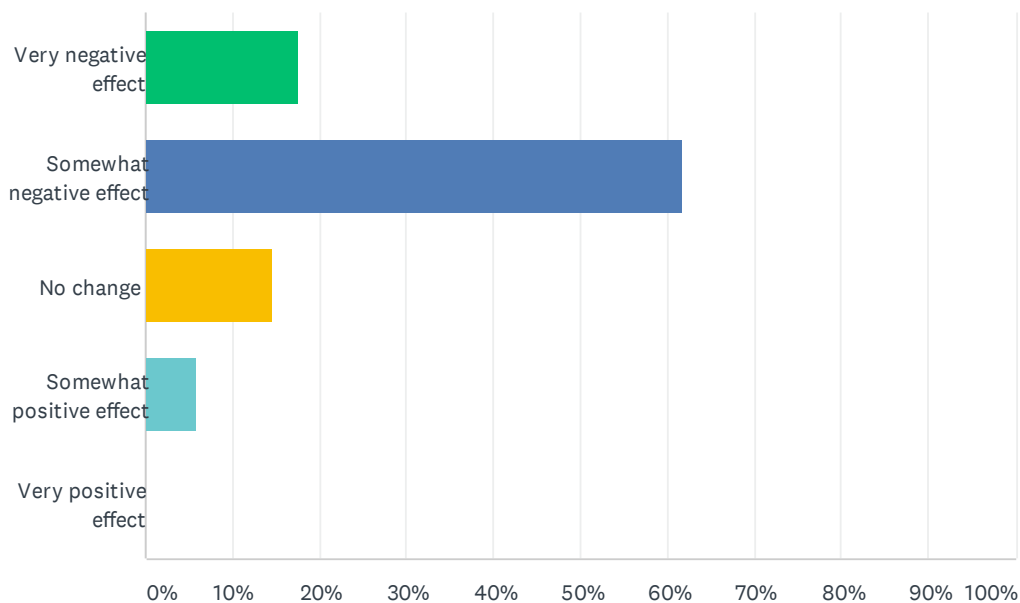
Answered: 35 Skipped: 2



ANSWER CHOICES	RESPONSES	
Very negative effect	2.86%	1
Somewhat negative effect	37.14%	13
No change	31.43%	11
Somewhat positive effect	20.00%	7
Very positive effect	8.57%	3
TOTAL		35

Q9 Given the collaborative nature of therapeutic courts, how has the new format affected participants' sense of community with the other justice system partners?

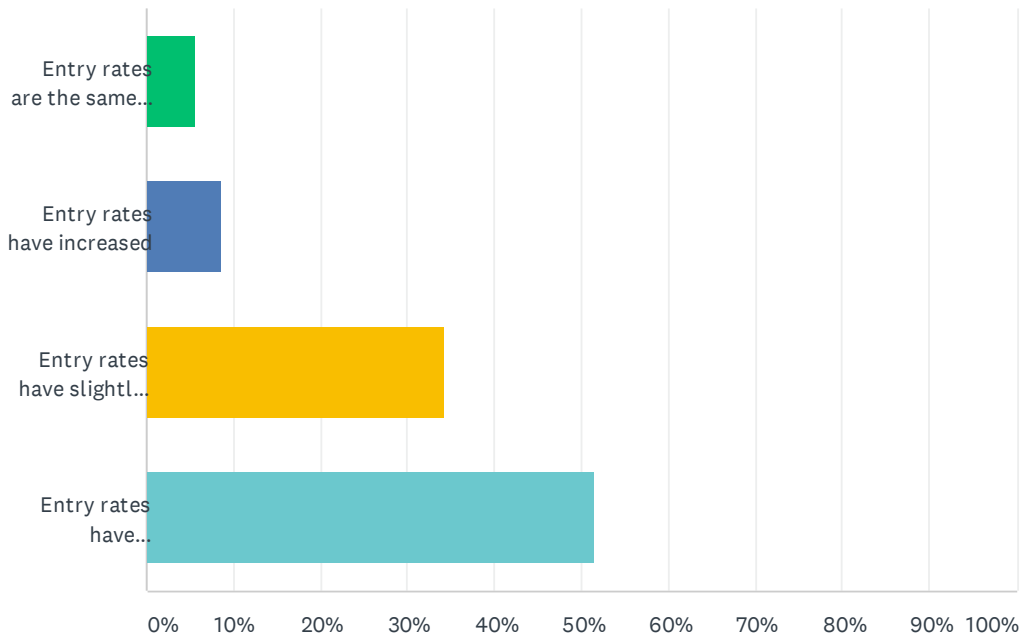
Answered: 34 Skipped: 3



ANSWER CHOICES	RESPONSES	
Very negative effect	17.65%	6
Somewhat negative effect	61.76%	21
No change	14.71%	5
Somewhat positive effect	5.88%	2
Very positive effect	0.00%	0
TOTAL		34

Q10 Overall, how do you feel that the pandemic related changes have affected participant entry rates into the therapeutic court process? Overall, how do you feel that the pandemic related changes have affected participant failure rates for your therapeutic court?

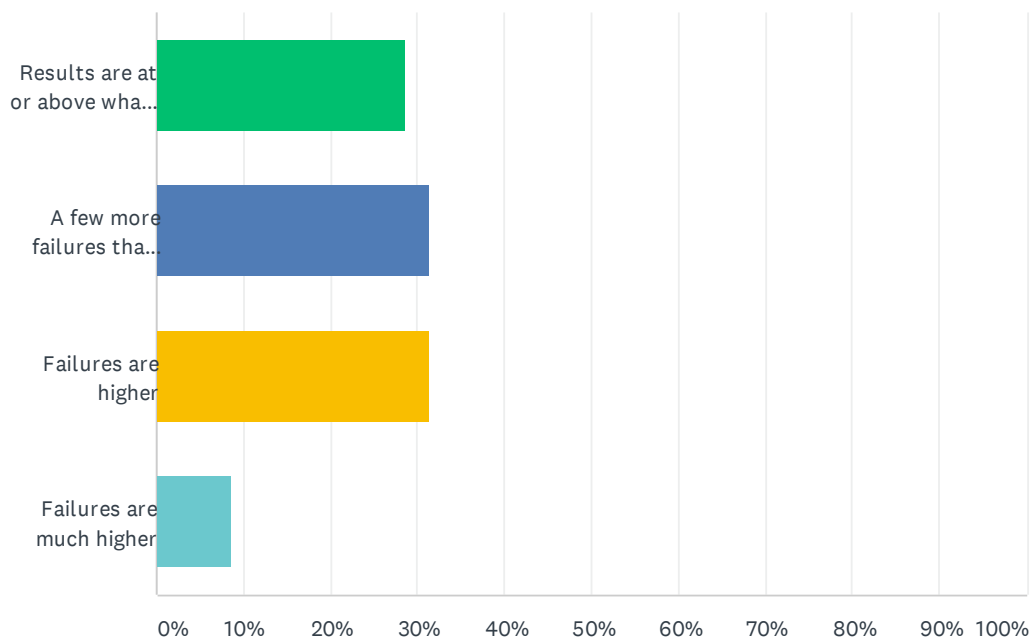
Answered: 35 Skipped: 2



ANSWER CHOICES	RESPONSES	
Entry rates are the same as those during normal times	5.71%	2
Entry rates have increased	8.57%	3
Entry rates have slightly decreased	34.29%	12
Entry rates have significantly decreased	51.43%	18
TOTAL		35

Q11 Overall, how do you feel that the pandemic related changes have affected participant failure rates for your therapeutic court? Overall, how do you feel that the pandemic related changes have affected participant failure rates for your therapeutic court?

Answered: 35 Skipped: 2



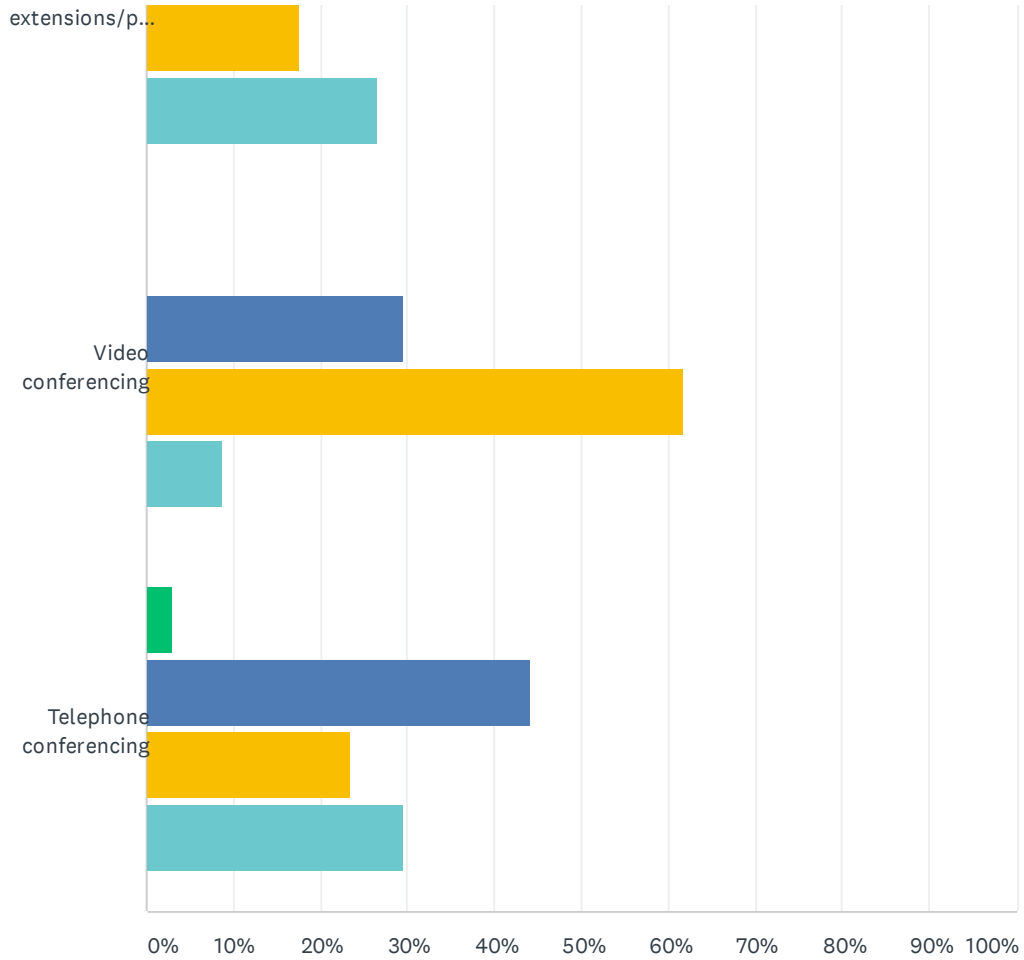
ANSWER CHOICES	RESPONSES	
Results are at or above what we would have expected in normal times	28.57%	10
A few more failures than normal	31.43%	11
Failures are higher	31.43%	11
Failures are much higher	8.57%	3
TOTAL		35

Q12 Which of the following has your therapeutic court adopted because of COVID and has proven to be effective?

Answered: 35 Skipped: 2



Therapeutic Courts Impacts from COVID



■ Not effective at all
 ■ Somewhat effective
 ■ Very effective
 ■ N/A

	NOT EFFECTIVE AT ALL	SOMEWHAT EFFECTIVE	VERY EFFECTIVE	N/A	TOTAL
Flexibility with participant deadlines	9.09% 3	51.52% 17	21.21% 7	18.18% 6	33
Telework	6.06% 2	36.36% 12	42.42% 14	15.15% 5	33
Remote hearings/proceedings	5.71% 2	34.29% 12	60.00% 21	0.00% 0	35
Limited in-person hearings	2.86% 1	40.00% 14	37.14% 13	20.00% 7	35
Granting extensions/postponements	11.76% 4	44.12% 15	17.65% 6	26.47% 9	34
Video conferencing	0.00% 0	29.41% 10	61.76% 21	8.82% 3	34
Telephone conferencing	2.94% 1	44.12% 15	23.53% 8	29.41% 10	34

Therapeutic Courts Impacts from COVID

#	OTHER ADAPTATIONS THAT WORKED FOR YOUR COURT (PLEASE SPECIFY)	DATE
1	We're still having the vast majority of our reviews in person. This is due to in part to the fact the majority of our participants are indigent and tend to respond in person, and our court has faced some challenges regarding video tech. The tech issue is resolved so we anticipate seeing more DV reviews done via video.	11/12/2020 9:00 AM
2	Due to the restrictions on our treatment providers, the court probation staff have more access to COVID safe bathrooms to provide observed UA's. The court took over that testing for our clients during the early stages of the pandemic	11/6/2020 3:36 PM
3	COLLABORATION WITH TEAM MEMBERS AND OTHER AGENCIES/ TREATMENT COURTS HAS BEEN INCREDIBLE	11/2/2020 1:46 PM
4	Adhering to the best practice of immediate responses to negative behavior has been important.	10/23/2020 9:22 AM
5	Remote drug tests - sending kits to participant to use on video	10/21/2020 12:58 PM

Q13 Please share 1-2 COVID adaptations that have been positive.

Answered: 31 Skipped: 6

Therapeutic Courts Impacts from COVID

#	RESPONSES	DATE
1	Having less people come to court and spending half a day for a continuance.	11/16/2020 2:42 PM
2	graduations have moved to zoom and have become more intimate and meaningful which is surprising. one participant had his family in mexico call in and his SO interpreted his comments to the court afterwards. their baby and dog were part of the call - very moving	11/13/2020 1:31 PM
3	Expanding our list of sanctions to include TED talks and therapeutic videos with writing assignments has been received well by participants. Video participation in court and services makes attending meetings, court, and treatment easier for clients with transportation issues or child care issues.	11/13/2020 10:36 AM
4	Since we deal with youths, our participants and law students are adept at using things like ZOOM or Teams. They seem to like it and it seems to be easier for people to connect. Moreover, people feel safer not having to be in a crowded courtroom.	11/12/2020 4:14 PM
5	As noted, the Domestic Violence Intervention Project (DVIP) uses a multi-disciplinary team (MDT) approach where the teams meet regularly to discuss their clients. They used to meet in person, but now meet via video, freeing up their schedules since they no longer need to work in commute time. This has helped make their meetings more efficient.	11/12/2020 9:05 AM
6	1) Online treatment for some has proven very helpful. 2) Online hearings have worked well for many.	11/9/2020 4:58 PM
7	Seeing people at home or on the job site via Zoom gives us a better sense of their lives. We get to meet their children and animals and see their workplaces.	11/9/2020 2:34 PM
8	Getting our virtual hearings up and running fairly early in the process helped 'right the ship' to have them feel accountable. We also purchased probation cell phone to allow our participants to reach out via text to our probation staff handling their case load at any time if they needed support or a check in.	11/6/2020 3:39 PM
9	Remote hearings for participants and remote working for staff have been very positive. Tele-supervision (video and telephonic) of participants has been effective.	11/6/2020 8:58 AM
10	less use of jail for sanctions newer participants appear in person, while those in later phases appear remotely and are heard first so that newer participants can learn from them.	11/3/2020 2:35 PM
11	The Zoom court hearings have allowed some participants to open up easier and share in court and in treatment sessions. We now require that at least one self-help meeting per week is completed using the self-help meetings started by our Alumni Group and it appears to be fostering greater connection between current participants and graduates.	11/3/2020 11:13 AM
12	it is nice to have the availability to use zoom for some of our more stable clients. it would be a good incentive when we get back to normal.	11/3/2020 11:02 AM
13	Our case manager has been able to keep in contact with our participants throughout the pandemic by phone and video conferencing.	11/2/2020 4:12 PM
14	COLLABORATION WITH TEAM MEMBERS COLLABORATION WITH OUTSIDE AGENCIES AND OTHER TREATMENT COURTS BETTER ATTENDANCE RATES FOR TREATMENT APPOINTMENTS WITH VIDEO TREATMENT	11/2/2020 1:50 PM
15	Online self help meetings, as a rural community self help meetings are limited on days and time, this has opened up availability to participants	11/2/2020 11:28 AM
16	The fact that we could continue treatment remotely was huge. Ultimately having remote hearings was important.	11/2/2020 8:10 AM
17	video conference staffings and court hearings	10/30/2020 3:21 PM
18	Using Zoom for hearings has been really helpful, and having team meetings over Zoom.	10/29/2020 2:56 PM
19	Ability to maintain participation; Use of technology that is familiar to defendants	10/29/2020 1:03 PM
20	1. We have have over 50 graduations from Regional Mental Health Court and Veteran's Court combined since May, 2020 2. Participants are doing much better than I anticipated	10/29/2020 12:52 PM
21	our court liaison has been able to conduct peer support group virtually, participants are able to appear remotely for court.	10/29/2020 10:32 AM

Therapeutic Courts Impacts from COVID

22	Created a community service opportunity that involves writing encouraging handwritten cards to others feeling isolated and lonely during the pandemic.	10/29/2020 9:35 AM
23	For Veterans Court, having all participants on the Zoom call and for graduations allowing fellow veterans to communicate directly to the graduate. Zoom Staffing for our Drug Court has allowed a representative from each of the 3 participating treatment providers to be present.	10/26/2020 2:55 PM
24	I think it has had an overall negative impact on the program.	10/23/2020 9:24 AM
25	Because of the nature of our court and the risk to our participants remaining in the area we were a Zoom video court a year before COVID.	10/23/2020 8:43 AM
26	we have gone to every other week in the courtroom-Our participants actually WANT to be in court on their on week	10/23/2020 8:27 AM
27	The participants that work, having the ability to join court via ZOOM has enabled them to take less time off from work; The team has been much more creative with recommendations and responses for both incentives and sanctions and drastically reduced the use of jail as a response.	10/22/2020 3:38 PM
28	In lieu of the forums which was a sit down meal and a veterans organization presentation, we have given the vets a to go bag or gift cards for food and or coffee to show support in difficult times.	10/21/2020 3:19 PM
29	The remote hearings (conference line) have been a huge success. Participants no longer need to take time off from work to attend hearings.	10/21/2020 2:25 PM
30	-Remote drug testing when necessary -Moth swabs rather than UAs -Incentives modified to all gift cards rather than physical items	10/21/2020 12:59 PM
31	more appearances via zoom or phone	10/21/2020 11:13 AM

Q14 Please share 1-2 COVID adaptations that have been negative.

Answered: 30 Skipped: 7

Therapeutic Courts Impacts from COVID

#	RESPONSES	DATE
1	Case backlogs and continuity of care.	11/16/2020 2:42 PM
2	there's a disconnect with phone hearings, its as if the participants don't take it as seriously. they also quite clearly miss the connections with the team in person. I've also missed the person to person contact that I so enjoyed during our hearings.	11/13/2020 1:31 PM
3	We have been unable to use community service as a sanction and I think there are a lot of benefits to community service. Having fewer participants live in court means the participants are not forming bonds with each other like they were before and the isolation has proved to be a challenge to sobriety and mental health issues for some.	11/13/2020 10:36 AM
4	Not everyone has access to the necessary equipment to do Zoom or Teams calls. In addition, not everyone knows how to use it effectively. The technology can be glitchy at times. Finally, people miss the experience of being a courtroom. Most sign up for Youth Court for this experience	11/12/2020 4:14 PM
5	Treatment providers report many concerns about having treatment sessions done via Zoom. Lack of security, uncertainty that the defendant is alone, and that the victim is not present. While keeping participants engaged with their treatment has been a plus, there remain many questions about how effective Zoom treatment is versus in person groups and counseling sessions. At this point, it seems likely having sessions done via Zoom is a negative versus having them done in person.	11/12/2020 9:05 AM
6	1) Inability to meet in person for a greater sense of community with the MHTC, both court personnel and program participants. 2) Harder to offer incentives.	11/9/2020 4:58 PM
7	The workload has increased due to the inability to do treatment initially, suspended testing initially due to lack of income and danger associated with going to a testing facility. As a result of this and general despair over COVID the violations have increased, thereby increasing workload.	11/9/2020 2:34 PM
8	The cancellation of in person hearings but in particular in person treatment sessions has lead to some of our participants feeling disconnected to the program. We saw a direct correlation between those strongly disconnected and failure to comply issues for those clients.	11/6/2020 3:39 PM
9	Brief stoppage of drug testing resulted in some relapses. In-person graduations have stopped, so no "celebration" of accomplishments. While tele-supervision is effective, in-person supervision, especially for individuals new to the program, is much more effective at building rapport and establishing the therapeutic relationship.	11/6/2020 8:58 AM
10	remote hearings are hit or miss depending on the quality of the participant's technology. it can be very hard to have a meaningful conversation while shouting into a microphone.	11/3/2020 2:35 PM
11	The Zoom Court and treatment sessions mean that there are people in our program whom the Court has never met in person. This is a disconnect that is difficult to overcome with many participants who need that in person conduct to know that they are not doing this alone. We are still not sure how to fix this issue which appears to be more difficult for our newest participants. We have increased the use of mentors but many of these participants are not engaging with their mentor.	11/3/2020 11:13 AM
12	zoom is not effective for people who are new to the program. We aren't able to have our clients do community service, so we don't have involvement in the community.	11/3/2020 11:02 AM
13	There is a disconnect between the participants and the court. The participants are not receiving the in person contact that so many of them need.	11/2/2020 4:12 PM
14	MENTAL HEALTH DECLINED DELAY IN RESPONDING TO CRISIS/ VIOLATIONS PARTICIPANTS REPORTED MISSING SEEING COURT IN PERSON NO UAS	11/2/2020 1:50 PM
15	Biggest negative has been the lack of consistent observed UA's	11/2/2020 11:28 AM
16	Participants uniformly indicated they significantly prefer in person treatment & court. When we were able to return to in person treatment, participation drastically improved.	11/2/2020 8:10 AM
17	We were doing oral swabs because we couldn't do U/A's, but participants realized alcohol has a short life with the swabs and could still drink. We are back to u/a's now.	10/29/2020 2:56 PM
18	Reduced hearing schedule (2x/month instead of every week). Lack of in-person contact,	10/29/2020 1:03 PM

Therapeutic Courts Impacts from COVID

19	1. Funding reduced for UA's; limited ability to perform was due to funding and to Covid 2. With respect to Veteran's Court, the inability to have in person hearings takes away from the cohort model; 3. no in person graduations, so individuals are not getting their coins and certificates	10/29/2020 12:52 PM
20	Participants are often not able to hear or see other participants due to technology limitations, fewer peer interactions.	10/29/2020 10:32 AM
21	Remote hearings really deprive the participants of the kind of connection to the judge that has shown to be most effective and motivating for the participants.	10/29/2020 9:35 AM
22	Initially we allowed Virtual calls to be attended by phone only, we have recently changed that option by providing a kiosk so that we can have video and see how our participants are doing . Visual cues sometime provide additional information for how participants are doing. Another negative is that Zoom and the interpreter function is not always as effective as it could be.	10/26/2020 2:55 PM
23	Allowing medical isolation when self-reporting COVID symptoms has allowed participant to avoid urine drug tests which later revealed was avoiding positive urine drug test dates.	10/23/2020 9:24 AM
24	Court sessions have remained the same but services to our members has been a major issue. Treatment was a serious problem for a while but is now back to normal.	10/23/2020 8:43 AM
25	Zoom is difficult at times to communicate through and we loose information	10/23/2020 8:27 AM
26	Newer participants seem to be less connected to the program, other participants and the team because all interactions have been over virtual platforms....the camaraderie that occurs naturally just isn't there right now; Technology glitches always creates some angst and some participants have struggled with all the technology/internet.	10/22/2020 3:38 PM
27	Not being able to have the court proceedings to include the mentors and community support. Now seating has been restricted due to COVID	10/21/2020 3:19 PM
28	Working with and in jails has proven challenging. Also, not having DOC help with community services hours has proven to be barrier for some participants.	10/21/2020 2:25 PM
29	-We went to telephonic hearings (did not have video capacity), and that seemed negative for participants. We resumed in-person hearings in July. -Lack of in-person self help meetings have been challenging, particularly for participants who don't have smart phones and cannot join/attend groups by video.	10/21/2020 12:59 PM
30	none	10/21/2020 11:13 AM

Q15 Please share 1-2 changes that have been implemented as a result of COVID that you want to remain in place after the pandemic.

Answered: 30 Skipped: 7

Therapeutic Courts Impacts from COVID

#	RESPONSES	DATE
1	Video hearings.	11/16/2020 2:42 PM
2	the zoom graduations, we had 80+ people call in during last month's grad - 3 of the guys in our drug court housing wrote a letter they read to one of the female graduates about what her leadership and friendship meant to them, it was very sweet and meant a lot to the graduate.	11/13/2020 1:31 PM
3	The option to appear by video and access services by video, where appropriate can be very helpful to clients, particularly if used in moderation as encouraging community connection is also important.	11/13/2020 10:36 AM
4	I think that offering video conferencing will remain as an alternative for people.	11/12/2020 4:14 PM
5	Allowing the MDT to meet via Zoom/remotely will likely continue because it cuts down on commute times and allows the members to be more efficient in their day.	11/12/2020 9:05 AM
6	1) case management and probation officer appointments with participants via ZOOM. 2) Zoom Dockets	11/9/2020 4:58 PM
7	Zoom hearings for persons who are compliant is something we will likely continue as it allows people to participate without worrying about lack of transportation or being gone from work for a half day due to travel time.	11/9/2020 2:34 PM
8	we are going to be keeping the phones and virtual hearings.	11/6/2020 3:39 PM
9	Remote court hearings have proven effective and have benefits that reduce the burden of court and attending supervision for our participants, such as taking time off work, finding transportation, childcare, etc. Employees ability to remote work has also proven valuable.	11/6/2020 8:58 AM
10	less use of jail as sanction.	11/3/2020 2:35 PM
11	We have increased our creativity in our sanction process, some of which appear to be effective and so will likely remain after we go back to normal.	11/3/2020 11:13 AM
12	Our alumni group used to meet once a month, and even that sometimes didn't happen. Now, we have a meeting each weekend, and our participants are able to zoom in and get good contact with alumni. This has been great! Also, I think that with our most stable participants, zooming instead of appearing in person will be a great incentive.	11/3/2020 11:02 AM
13	Short video conferencing hearings are a very good way to keep in touch with the participants on a regular basis. A combination of in person and video hearings will help keep participants on task.	11/2/2020 4:12 PM
14	VIDEO CONFERENCING FOR TEAM MEETINGS/ STAFFINGS ENHANCED CHECK IN WITH TEAM VIA VIDEO OR PHONE FOR MORE SUPPORT TO PARTICIPANTS CREATION OF PEER SUPPORT NETWORK	11/2/2020 1:50 PM
15	N/A	11/2/2020 11:28 AM
16	Perhaps allowing some remote attendance at sober support meetings.	11/2/2020 8:10 AM
17	The opportunity to do video conference staffings. Having video conference check-ins with participants for whom it is a challenge to travel to our offices.	10/30/2020 3:21 PM
18	I would like to continue using Zoom while also having court in person. It's helpful for the people wanting to observe.	10/29/2020 2:56 PM
19	Video conferencing ability Increased access to the court from new technology	10/29/2020 1:03 PM
20	1. The ability for participants to appear by Zoom; 2. Paper writing assignments have been very successful	10/29/2020 12:52 PM
21	None	10/29/2020 10:32 AM
22	With permission, remote appearances when participants travel or would otherwise be unavailable for court.	10/29/2020 9:35 AM
23	Implementing more incentive based behavior modification has been good. Having the ability to allow remote hearings on occasion may make sense even after COVID. Staffings have worked well remotely and provide for greater attendance by treatment providers.	10/26/2020 2:55 PM

Therapeutic Courts Impacts from COVID

24	none	10/23/2020 9:24 AM
25	We will continue to hold court by video. The participant's check-ins with compliance is also by video/phone and will most likely remain so.	10/23/2020 8:43 AM
26	Flexibility from us to the participants	10/23/2020 8:27 AM
27	ZOOM for court appearances and even for some treatment sessions (helps with clients with a lot of anxiety and trauma); utilizing the creative sanctions (online support groups, Ted Talks and writing assignments, our "Reflection BINGO" with a variety of assignments to choose from; prosocial events with mentors, etc.)	10/22/2020 3:38 PM
28	Nothing.	10/21/2020 3:19 PM
29	We are discussing allowing individuals in full compliance with the program to continue with conference call hearings. We have received positive feedback regarding the convenience of conference call hearings. Participants report that they no longer need to take off work to attend a hearing. They simply take a quick break for the hearing, and then return to work.	10/21/2020 2:25 PM
30	more zoom appearances	10/21/2020 11:13 AM

Q16 If pandemic conditions persist, what are 1-2 things that you feel would benefit your therapeutic court and its participants?

Answered: 31 Skipped: 6

Therapeutic Courts Impacts from COVID

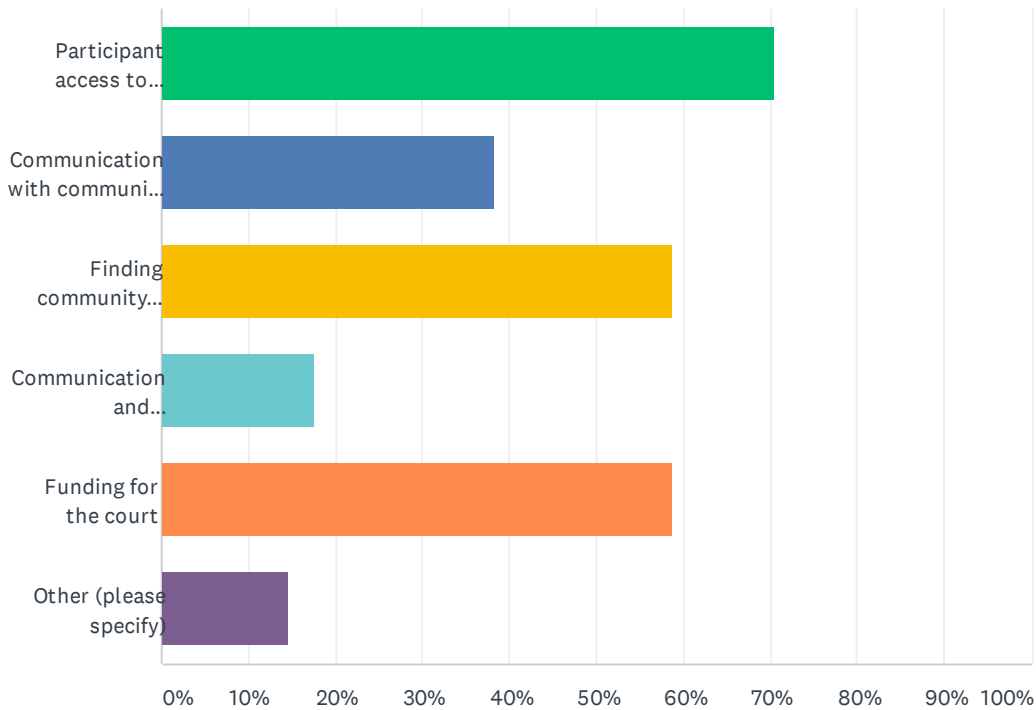
#	RESPONSES	DATE
1	Housing.	11/16/2020 2:43 PM
2	we don't have our screens installed yet for zoom hearings, I think the face to face is important.	11/13/2020 1:32 PM
3	We need more DV assessment and treatment providers, and better access to job opportunities or training (which is difficult for everyone under these conditions).	11/13/2020 10:38 AM
4	I think that making sure everyone has easy access to the technology is essential for access to justice. While it has no been a huge issue yet, it can be should the pandemic persist.	11/12/2020 4:18 PM
5	Enhanced technology access for participants; funding for DV assessments, data gathering, and other needs related to the DVIP program.	11/12/2020 9:08 AM
6	1) support for technology for participants. 2) housing supports.	11/9/2020 4:59 PM
7	Financial assistance for UA testing and transportation.	11/9/2020 2:35 PM
8	the ability to have larger courtroom space or meeting areas to hold in person meetings and hearings with a large group. Technology advancements for our participants, several of them do not have access to smart phones or video conferencing. WiFi and internet access is a barrier, several of our clients have to travel to get service to call in.	11/6/2020 3:40 PM
9	Ability to provide connectivity support to our participants not only in the form of electronics (cell phone, tablet) but reliable internet access. Ability to access drug/alcohol testing more easily.	11/6/2020 9:01 AM
10	socially distanced in-person treatment and meetings instead of remote	11/3/2020 2:37 PM
11	Funding to provide virtual platforms for participants to connect better with each other outside of Court activities or treatment. Increased access to mental health treatment. We believe that we are noticing an increase in participants with depression and/or anxiety symptoms.	11/3/2020 11:18 AM
12	different ideas for sanctions other than podcasts.	11/3/2020 11:04 AM
13	Providing technological assistance to the participants is a necessity.	11/2/2020 4:14 PM
14	FINANCIAL RESOURCES FOR HOUSING AND TRANSPORTATION	11/2/2020 1:51 PM
15	Access to technology for participants	11/2/2020 11:30 AM
16	A bigger courtroom so we don't have to divide review hearings.	11/2/2020 8:11 AM
17	Opportunities for our court's participants to talk and get together before and after court via video conferencing as they did when we had in-person court.	10/30/2020 3:22 PM
18	Possibly more funding. Also we have had more relapses and more of a need for in patient treatment, those people don't have insurance or very poor insurance coverage.	10/29/2020 3:03 PM
19	Continuing best public safety practices to allow for in-person (non-remote) participation; More frequent review hearings to maintain connectivity	10/29/2020 1:05 PM
20	1. Funding for technology so that participants who do not have the ability to appear by zoom video will be able to do so;	10/29/2020 12:53 PM
21	funding to provide technology/hotspots to participants so that they can appear via video applications and observe entire calendar at no cost.	10/29/2020 10:32 AM
22	An incentive structure that can make up for the lack of personal connection with the judge. Judicial praise over the screen loses its impact.	10/29/2020 9:37 AM
23	Housing availability. Additional sober support activities for Drug Court and additional Veterans sober activities for Veterans Court.	10/26/2020 2:59 PM
24	A plan t gain drug tests that are observed even when in quarantine for COVID.	10/23/2020 9:25 AM
25	Housing! Always a major issue and available housing is much less now with COVID.	10/23/2020 8:45 AM
26	Telehealth	10/23/2020 8:28 AM
27	1 - participant complain about low data plans on their phones, a lot of federal grant funds not able to help with internet connections; 2 - purchasing and/or contracting with other labs that do	10/22/2020 3:41 PM

Therapeutic Courts Impacts from COVID

	direct witnessed drug testing.	
28	Better access and availability to services as it was pre-pandemic.	10/21/2020 3:21 PM
29	It would be helpful if participants could receive their COVID test results more quickly.	10/21/2020 2:26 PM
30	We are working to figure out community service options. We also are considering funding options to assist participants in getting cell phones who don't have them.	10/21/2020 1:01 PM
31	continue to be able to perform UA's	10/21/2020 11:14 AM

Q17 Which of the following barriers need to be addressed for your therapeutic court? Check all that apply.

Answered: 34 Skipped: 3



ANSWER CHOICES	RESPONSES	
Participant access to technology	70.59%	24
Communication with community services	38.24%	13
Finding community services or mentors	58.82%	20
Communication and coordination with justice system partners	17.65%	6
Funding for the court	58.82%	20
Other (please specify)	14.71%	5
Total Respondents: 34		

#	OTHER (PLEASE SPECIFY)	DATE
1	Due to COVID-related City budget cuts, we're losing one probation counselor position in our DV unit. We've also been unable to pursue funds to pay for DV assessments. Pre-COVID we were gaining support for such funding, but now must wait until the City budget bounces back.	11/12/2020 9:08 AM
2	Access to mental health (which is only partially a funding issue). More prosocial activities on-line for participants.	11/3/2020 11:18 AM
3	Identifying large spaces for treatment & court on an ongoing basis.	11/2/2020 8:11 AM
4	For Drug Court, finding Recovery Coaches/Mentors.	10/26/2020 2:59 PM
5	Witnessed drug testing	10/22/2020 3:41 PM

Q18 When do you anticipate starting your therapeutic court again?

Answered: 0 Skipped: 37

#	RESPONSES	DATE
	There are no responses.	

Q19 What would you need to restart your therapeutic court hearings?

Answered: 0 Skipped: 37

#	RESPONSES	DATE
	There are no responses.	

September 2020

BJA RECOVERY TASK FORCE COMMUNICATIONS SUBCOMMITTEE

The following goals were identified at the September 15th meeting of the subcommittee.

SHORT TERM GOALS

A. VIRTUAL COURT DIRECTORY (JANUARY 2021) Members:

Carolyn Jewett, Vanessa Torres Hernandez

- i. Expand and utilize the [Virtual Court Directory](http://www.courts.wa.gov/COVID19) currently online at www.courts.wa.gov/COVID19 and rebrand as an Access Directory.
- ii. Determine a baseline of information for every court to have information listed, including:
 1. *Court website address (if not already listed)*
 2. *A description of court operations*
 3. *Who to contact for health-related accommodations; court operation questions*
 4. *What virtual platforms are being used by the court to appear remotely (and how to access)*
 5. *How to obtain assistance of an interpreter*
 6. *Others?*
- iii. Reach out to leadership for the DMCJA, DMCMA, SCJA, SCA to send requests for courts to submit the information. Follow-up with individual courts who have not responded. iv. See if CARES funding can be obtained to translate this information into the top 15 languages

B. EVICTION FOR NON-PAYMENT OF RENT (ASAP)

Members: Wendy Ferrell, Lorrie Thompson

- i. Execute a communications plan to educate the public on how to access the seven pilot project sites in Washington, including:
 1. *Creation of a dedicated website*
 2. *Press release*

3. *Step-by-step simple instructions on how the public can access the program*
4. *Draft guest op-eds for the dedicated judges, to explain the concept to the public and encourage participation*
5. *Possible poster/PSA for listing on court websites and distribution to community organizations*

C. CREATION OF COMMUNITY ORGANIZATION CONTACTS (JANUARY 2021)

Members: Vanessa Torres Hernandez

- i. Create a thorough listing of all community and public organizations that courts should reach out to for reentry operations communications
 1. *Identify what type of information is most helpful for each organization.*

LONG TERM GOALS

D. CREATION OF A “BEST PRACTICES” MANUAL (ESTIMATE: JUNE 2021) Members:

Sara Niegowski, Jennifer Creighton

- i. Work with the assistance of the WSBA’s COVID-19 rapid response team to identify best practices of court operations. What is working well in certain courts that should be considered for adoption statewide?
- ii. Develop recommendations for courts to consider
- iii. Communicate with the courts to encourage innovation and adoption of these best practices

E. DEVELOPMENT OF PUBLIC SERVICE ANNOUNCEMENT - TEMPLATE VIDEOS

(ESTIMATE: JUNE 2021) Members: Carolyn Jewett, Jennifer Creighton

- i. Identify most cost-effective manner to develop videos that could be adapted for local courts (Zoom webinar, others?)
- ii. Identify topics
- iii. Develop scripts
- iv. Produce videos

**Court Recovery Task Force
Family Law Committee Report
December 17, 2020**

Progress on Goals and Activities

(Attach work products and recommendations for the Task Force to consider)

Short Term Goals

Activities

Assess whether informal family law trials (in King and Thurston) would be a good statewide model (see: <https://www.thurstoncountywa.gov/sc/Pages/court-rules-detail.aspx?ID=82>, [https://kingcounty.gov/~media/courts/Clerk/docs/LocalRules/2020-LFLR-23-
Informal_Family_Law_Trials.ashx?la=en](https://kingcounty.gov/~media/courts/Clerk/docs/LocalRules/2020-LFLR-23-
Informal_Family_Law_Trials.ashx?la=en))

Consider Legal Lunchbox or other CLE event to highlight progress with informal family law trials

Long Term Goals

Activities

e-Filing for self-represented litigants/Odyssey notifications for litigants (email/text)—these are now on Courts IT Governance radar (11/18/20, 12/4/20), no more for this committee to do

Challenges

Digital variance among courthouses

Resistance by judicial officers/court officials to make changes to existing procedures

CLJ-CMS will have more “bells and whistles” than SC-CMS

Data Collection Efforts

Join with Lesson Learned committee to survey family law litigants

**Court Recovery Task Force
General Civil Litigation Committee Report
December 17, 2020**

Progress on Goals and Activities

This Committee's scope is general civil litigation, i.e. other than in family law, dependency and termination, civil commitment and special proceedings. The committee has met monthly since July 2020, identifying challenges in litigating civil cases including service of process, discovery, pre-trial motions and trial. Subcommittees have also met to draft recommendations and craft resources.

Our primary interests are in getting civil litigation moving, improving equal access to justice, and helping provide guidance/best practices. In addition, we have developed recommended provisions to consider for emergency court orders.

Short Term Goals

The committee's short term goals are to develop guidance and recommendations for courts to get civil litigation moving again.

The committee's recent discussions have centered around three areas:

1. Incentivizing alternative modes for jury trials, including 6-person juries and video/remote jury trials
2. Providing for electronic service of process
3. Encouraging the use of remote means for depositions

Activities

The committee continues to look at ways to use remote discovery and pre-trial process to move civil litigation cases forward. In addition, we are exploring the possibility of utilizing fully virtual/remote trials in the future.

The committee's recent activities include:

-The committee has compiled sample pretrial orders and best practice guidance related to general civil litigation. These resources will be made available to litigants and courts that are considering crafting their own local orders.

-A subcommittee is putting together a short survey to be distributed to judges and attorneys who have already done virtual trials or virtual fact-finding hearings. The goal of this survey is to get a sense of what has worked well as well as any lessons learned and areas for improvement.

-The committee is finalizing proposed language for an updated Supreme Court order on remote processes in civil cases, including depositions.

Long Term Goals

As the pandemic continues the committee continues to explore ongoing and emerging issues for civil litigation. While short term we are focused on getting civil litigation moving again (utilizing both courtrooms that allow for adequate social distancing and alternative sites), long term we are considering the need for fully remote trials.

Challenges

General civil litigation continues to be backlogged across the state. Difficulties relevant to moving civil litigation cases include:

- Difficulties conducting discovery
- Disparities in access to technology
- Inconsistent practices from jurisdiction to jurisdiction around remote proceedings, electronic service of process, interpretation of emergency orders, etc.

Data Collection Efforts

The committee continues to gather examples of court orders, stakeholder recommendations, etc. To date, the committee has invited stakeholder input through representatives on the committee who are connected to various groups. A committee is developing a survey of those who have participated in remote trials and fact-finding hearings.

We are interested in exploring issues Superior Courts face related to mandating remote

**Court Recovery Task Force
Appellate Courts Committee (ACC) Report
December 17, 2020**

Progress on Goals and Activities

(Attach work products and recommendations for the Task Force to consider)

Goals

Facilitate the transfer of certain appeals under the Administrative Procedures Act (APA) and the Land Use Petition Act (LUPA) from the superior court to the court of appeals.

Activities

- ACC is working with the Superior Court Judicial Administration (SCJA) who has agreed to take the lead on the legislative advocacy efforts.
- ACC proposed two bills that address APA adjudicative appeals and LUPA appeals and have the code reviser's bills.
- ACC received judicial impact fiscal notes on the proposals.
- ACC is working on talking points and a one pager for the legislative advocacy and compiling a list of experts to answer any questions and testify as needed.

Challenges

N/A

Data Collection Efforts

- ACC received revised APA data.

**Court Recovery Task Force
Child Welfare Committee Report
December 17, 2020**

Progress on Goals and Activities

Added another statement to our list of Principles by which we operate:

- Use a trauma informed, child and family focused lens to assist courts in reaching outcomes that are in the best interest of the physical and emotional well-being of children, youth, and families.

Short Term Goals

Activities

Committee members completed a poll, prioritizing the following short term goals:

- Recommend a safe, efficient and effective method for circulating and receiving electronic signatures for court orders.
- Provide guidance for all types of dependency hearings and prioritize types of hearings and trials that should be safely conducted in person.
- Courts review local availability of services for parents and children.

The committee is developing an action plan for the first goal:

Recommend a safe, efficient and effective method for circulating and receiving electronic signatures for court orders. *There are multiple parties in dependency cases, as compared to most court cases which require two-party signatures on orders. Gathering signatures of all the parties is extremely challenging during the pandemic, causing delays in finalizing court orders, which then causes delays in the case moving forward toward reunification, guardianship, or adoption. A two-month delay in the life of an infant is much more impactful than a two-month delay in the life of a teenager.*

- Contacted the Technology Workgroup to see if this is an issue they are already working on, that it would be helpful to know which courts accept electronic signatures and which have the ability to do so, and if there is a survey that has already been completed that has this information.
 - Dawn Marie said the Technology Committee did not ask this question specifically. This is something that we may be interested in collaborating with your group, however, our approach to date has been guidelines for technology rather than prescriptive platforms or technologies.
 - Dawn Marie spoke to AOC's IT Director about the plans to fold in eSignature functionality into Superior Court Odyssey, which will help us navigate forward..

Long Term Goals

Activities

- Will be sending out a survey to CW Committee members to assist in prioritizing list of long term goals that were developed by the group.

Challenges

- The Lessons Learned Committee survey results showed that electronic signatures was one of the top three changes courts want to keep and that 50% of courts are using electronic signatures, which provides a great overview. The following information is needed for us to move forward with developing recommendations/guidance regarding electronic signatures for dependency cases:
 - Which courts are using electronic signatures
 - The type of technology they are using for electronic signatures
 - For counties that currently do not have that technology, if they are interested and what options they may be looking at.
 - The process for obtaining signatures, so we can research what is working well, and share that with courts that are struggling.

Data Collection Efforts

Matt Orme, Washington State Center for Court Research, presented interactive dependency data that is available.

- The committee studied the data and we can see compliance with timeframes for dependency outcomes dropping (time to reunification with parent/s, guardianship, and adoption).
- We will be taking a deeper dive into the data to include a look at disproportionality. Commissioner Ressa reported that the flow in of Indian Child Welfare Act (ICWA) cases has remained the same during COVID, while statewide the numbers of dependency cases coming into the system have decreased by 30%.
- Data accuracy is important for the work that happens in our court “learning systems” working on system improvement. Data may show there is a problem, when actually the process is working as it should when court process timelines are performed correctly, but the data is not input in a timely or correct manner.