

# 2015 State of the Judiciary

presented by

Chief Justice  
Barbara A. Madsen

on behalf of the courts  
of Washington



WASHINGTON  
COURTS



**G**reetings Governor Inslee, members of the Washington State Legislature, judges, elected officials, and residents of Washington;

It is tradition in our state for the Chief Justice to deliver a report each January on the operations and well-being of the state's courts and judicial branch agencies. It is important information for lawmakers and the people of Washington and I greatly appreciate the opportunity to present the state of Washington's judiciary...because justice matters.

The judicial, legislative, and executive branches serve different functions — striving to create, administer and interpret the laws that help people live, work and thrive — but we are all in the “people” business, serving those who come before us.

The role of the judicial branch was set at the birth of our state in Article 4 of the Washington State Constitution. As part of the crucial checks-and-balances structure of our government, the judicial branch is charged with interpreting the constitution and laws in everyday situations faced by individuals, businesses and organizations. Without a trusted and accessible avenue to protect rights and resolve disputes fairly and efficiently, confidence in our system of government erodes.

Every day, nearly 500 judges and more than 2,000 judicial branch staff work across the state to adjudicate and administer more than 2 million court cases each year.

To meet the growing demands on our courts, we work continually to improve the crucial components of the justice branch:

- **Access to the justice system** for all persons regardless of race, religion, ethnicity, age, sex, income, location, language, sexual orientation, physical or mental abilities.

Accessing the justice system requires resources such as language interpreters (Washington residents speak more than 200 languages and in 2013, courts needed interpreters in 89 different languages), public defenders with reasonable caseloads, civil legal aid in urban and rural locations, availability of legal materials through law libraries, help for self-represented persons, services for physically challenged or mentally ill persons in court, programs to address the unique justice needs of adolescents and the vulnerable elderly population, and much more.

■ **Fairness for every person** who participates in court processes.

Ensuring fairness requires self-evaluation as well as ongoing education for judicial officers and court staff. Through the Board for Judicial Administration, the Superior Court and District and Municipal Court Judges' Associations, the Supreme Court Gender and Justice, Minority and Justice, and Interpreter Commissions and the Commission on Children in Foster Care, judges, court staff, legislators, executive branch representatives and community volunteers share information and collaborate to improve the quality of judicial decision-making and court processes.

■ **Infrastructure that allows courts** to function safely and efficiently in the modern world.

A workable infrastructure includes modern information systems that can efficiently process more than 20 million transactions per month, systems that can access and share information so a judge in Yakima can read a protection order filed by a battered spouse in Tacoma, secure courthouses so individuals can safely bring even the most difficult disputes to be resolved, adequate numbers of judges and staff to avoid excessive delays, as well as offices and video technology to serve our rural population.

Our courts are constantly evaluating and refining business processes, technology, administration and services. We conduct research and apply best practices and evidence-based methods in what we do and how we do it.

Additionally, we appreciate the bi-partisan work of legislators to improve justice for Washingtonians — Representative Tina Orwall's legislation toward aiding the wrongfully convicted, Senator Steve O'Ban's and Representative Ruth Kagi's work for juvenile justice, Senator Hobbs' efforts on behalf of problem-solving courts, Representative Matt Shea's work to improve electronic home monitoring, Senator Steve Conway's efforts for those in need of guardianship, and the work of Senators Jeanne Kohl-Welles and Mike Padden on behalf of victims of sex trafficking, just to name a few.

Efforts such as these can help divert problems before they require a judge and court, or can lessen the resources needed to resolve cases and can reduce impacts on individual lives. We thank you for your efforts.

Information on many new and continuing efforts in these areas can be found in the following pages.

Nevertheless, despite the selfless dedication of the judicial branch and our partners, our courts continue to struggle with high caseloads, reduced staff, old information systems, growing needs for interpreters, and inadequate structures. Meeting the justice needs of the people of Washington requires adequate funding from the legislature.

We all share a strong sense of responsibility and duty to the people of our state. We all want access to justice for those in need, and fair, equitable adjudication for those who use our courts. Together we must continue to build and refine a justice system worthy of trust and pride. To all of us, justice matters.



*Barbara Madsen*

**Chief Justice Barbara A. Madsen**  
**Washington State Supreme Court**



# Table of Contents

- 4 Juvenile justice is maturing: New research, new laws, new programs, new efforts
- 9 Tribal State Court Consortium — an idea whose time has come
- 11 Ten years later: Trial courts ready to step off funding roller coaster
- 17 Children without parents have new legal voice
- 19 A case management system for Washington’s highest-volume courts
- 20 Technology roundup: Projects and improvements for courts
- 21 Groundbreaking legal position ready to launch
- 23 Race and justice: Asking hard questions, planting seeds of change
- 25 New Supreme Court Commissioner just 4th in state history
- 27 Judicial branch people in the news
- 28 Focus on Fairness: Justice commissions, offices and boards work to improve fairness by focusing on specialized areas
- 32 Washington’s National Adoption Day turns 10, revealing joy, trends



# Growing Pains: Juvenile justice goes back to school

The year 2014 may be remembered as a year juvenile justice in Washington went through a growth spurt.

Like children in school, the state and federal justice systems have a lot to learn about young brains, young lives, and the complicated cross-impacts on young people of family dysfunction, school procedures and justice system processes.

In 2014, Washington's justice system learned a great deal about juveniles from presentations on brain science discoveries, new research into child welfare system and court system outcomes, new understandings of such issues as commercial sexual exploitation of children, recent actions of the U.S. Supreme Court, and the success of some experimental efforts with juveniles.

Washington's justice system is now taking steps to use this information to improve the lives of children and the juvenile justice system. Here is a compilation of judicial branch and legislative efforts from 2014 that are having a strong or growing impact on juvenile justice:

## Adolescent brain science symposium

Adolescent brains are not younger versions of adult brains.

It doesn't take science to know that juveniles think, feel and act differently from adults, but recent brain science advances have helped explain more specifically how their brains develop and the impact on their thought processes, emotions and actions.

In May 2014, the Washington Supreme Court hosted a symposium to explore the impacts the new science could or should have on juvenile justice. Titled "Looking to the Future: Adolescent Brain Development and the Juvenile Justice System," the symposium was presented by the Washington State Minority & Justice Commission, the Center for Children & Youth Justice, and the MacArthur Foundation.

Supreme Court Justice Mary Yu, co-chair of the Minority & Justice Commission, introduced presenters by saying, "We're here to, hopefully, call for an examination of our juvenile justice system and how we treat juveniles throughout our entire system."

Dr. BJ Casey, director of the Sackler Institute for

*Josiah Rashid was 10 years old when his mother died. She was the family breadwinner, and within two years, Rashid was homeless. He was picked up for a minor offense at age 14 and his father appeared in court to claim him. "The court didn't know that the address they had for us was a lie," Rashid, currently in juvenile detention, told Supreme Court justices during a May presentation. "In the parking lot, my dad went his way and I went mine."*



Continued next page



## Juvenile Justice, continued from Page 1

Developmental Psychobiology at Cornell University, said new brain imaging technology now allows scientists and researchers to “look under the hood” of the adolescent brain to understand what is happening and how it impacts behavior.

Physically, adolescent brain development is marked by cortical thickening and impacts on the amygdala and acumens as well as changes in neurotrophins and neuroplasticity. All of this results in changes to adolescent thinking, reactions and behavior which the youth may be barely aware of and may have limited control over, Casey said.

For instance, teens develop such heightened sensitivity to rewards (such as food, money, fun) and such increased awareness of social cues that in responding to peer pressures, “it’s almost like they can’t help themselves, they are just drawn to it,” Casey said.

Brain development also results in adolescents being less aware of negative consequences than even younger children are, she said.

Other impacts include:

- **A heightened** flight-or-fight response, with adolescents less able to calm their fears and back away from a potentially dangerous situation than an adult can.
- **A reactivity** in which adolescents are less likely to pause in the face of a potential threat (as adults tend to do) and more likely to approach it.
- **Less impulse** control and an increase in risky behavior when other adolescents are nearby. Even adolescent mice will drink more in the presence of their peers than when alone.
- **That adolescents** are far more swayed by positive rewards than by threat of negative consequences, which they struggle to fully comprehend.

Following the science portion of the presentation,

Marsha Levick, a founder of the Juvenile Law Center, said the new science has been used by the U.S. Supreme Court to move in a new direction on juvenile justice. “We have moved from treating kids the same as adults to a configuration that recognizes kids are different. They’re not just small adults,” Levick said. “That simple phrase, ‘Kids are different,’ drives their status under the law and under the U.S. Constitution.”

Levick outlined four U.S. Supreme Court cases in the past several years that have **signaled a significant shift in how the Court views the culpability**

**and rights** of young offenders, particularly in light of their attributes as adolescents.

In *Roper v. Simmons* (2005), *Graham v. Florida* (2010), *JDB v. North Carolina* (2011) and *Miller v. Alabama* (2012), the Court applied the 8th Amendment differently to children “because children are different,” Levick said. In these cases, the Court abolished the death

penalty and mandatory life sentences

for juveniles as well as asserted Miranda rights for juveniles in school “custody.”

Members of the U.S. Supreme Court in these opinions discussed issues of proportionality, reasonable standards and based their decisions on three general findings — that juveniles are naturally impulsive, are particularly susceptible to peer pressure, and have a special capacity for rehabilitation. It was also recognized that juveniles often have far less control over their situations and surroundings than do adults.

This new direction leads to questions regarding juvenile justice policies such as sentencing, transferring juveniles to adult court, sex offender registration (just 2 to 5 percent of juvenile sex offenders reoffend), sealing and expunging of juvenile records, jailing teens for truancy and so on, Levick told state justices.

---

*Adolescence arrives with a 200 percent increase in mortality from non-natural causes such as accidents, violence and suicide.*

---

(Continued next page)





# Juvenile Justice: Dealing with a destructive pipeline, learning about adolescent realities

## School to prison pipeline

In October 2014, the state Minority and Justice Commission hosted school administrators, law enforcement officials, judges, youth advocates and community leaders for an all-day action conference to address what has become known as the “school to prison pipeline.”

This describes a national trend in which students are funneled out of school through harsh discipline policies and practices and into the juvenile justice system. Intervention and coordinated services developed collaboratively between schools and the juvenile justice system may be able to significantly reduce that “pipeline.”

“We know suspensions and expulsions often reduce future opportunities for all youth,” said state Supreme Court Justice Charles Johnson, co-chair of the Minority and Justice Commission.

The “Courts Igniting Change” conference presented research on the school to prison pipeline trend, information on methods and programs working in other states, provided a chance for youth to speak, and opportunities to brainstorm new solutions and connections.

In addition to the Minority and Justice Commission, the “Change” conference was sponsored by the Center for Children and Youth Justice, the Korematsu Center for Law and Equality, TeamChild, the Washington State Partnership Council on Juvenile Justice, and the Seattle Journal for Social Justice.

Addressing the ‘pipeline’ problem will be an ongoing effort of these justice groups and other state justice offices.

## New research shines light on children in two worlds

Nearly half of all youth who find themselves in juvenile court for alleged law-violating behavior also

have a history of involvement with the child welfare system, according to a new study by the Washington State Center for Court Research (WSCCR).

Often called “multi-system” or “cross over” youth, these young people could be foster children, homeless, or belong to families being investigated by child welfare authorities. The new study showed that 44 percent of youth in the juvenile justice system in 2010 were currently or had been part of the child welfare system as well.

---

*The Washington State Center for Court Research study also found that females and youth of color from the child welfare system have a substantially greater risk of landing in juvenile court for alleged criminal activity than do comparable white males from the child welfare system .*

---

A second research report by WSCCR was released in December, examining the length of time for dependency court cases — which determine a child’s current and future family situation — and factors involved in expeditious versus lengthy cases.

Both studies are part of a growing effort to identify and understand the needs of high-risk youth and provide information that can help inspire and guide system reform. That effort also includes King County’s “United for Youth” program, and the Models for Change report, “Doorways to Delinquency.” Future reports will more closely examine type of juvenile crimes, frequency of referrals and outcomes for this population.

(Continued next page)



# Juvenile Justice: Going after child exploitation, growing detention alternatives, giving children voice, working with tribes

## Commercially Sexually Exploited Children

The Center for Court Research and judicial branch also became closely involved in 2014 with a growing state effort to understand and address the commercial exploitation of children for sex in Washington, and how the courts and justice system treat the young victims.

The Center for Children & Youth Justice and the state Gender and Justice Commission are joining forces with WSCCR to collect data on the population of exploited children — **this type of data has never before been collected on this vulnerable group** — as well as work on training programs for judicial officers and to support improvement of legislation in this arena. The results of the data project will help guide state and judicial branch plans to address this area of growing concern.

The Supreme Court Commission on Children in Foster Care is also examining the issue, with anecdotal evidence that a large percentage of exploited children come from the foster care system.

The work of local justice officials, such as a survey project in King County, are adding to this effort which is expected to grow in 2015.

## Detention alternatives

Though it's not a new program, the Juvenile Detention Alternatives Initiative (JDAI) has been growing and maturing in Washington counties striving to find different methods for rehabilitating youth — those not charged with violent crimes — than incarcerating them.

Started in 2004 as a pilot program, 10 Washington counties now use JDAI to identify young, non-violent offenders who could benefit from mentoring, job training, life skills education, effective community service and more. The youth are monitored closely for their adherence to expectations of school attendance, community service and more.

Counties currently using JDAI include Adams, Benton & Franklin, Clark, King, Mason, Pierce,

Snohomish, Spokane and Whatcom.

JDAI has been shown to sometimes significantly reduce the population of juveniles in detention, saving those dollars for rehabilitative programs. JDAI is sponsored by the Annie E. Casey Foundation, and now operates in 40 states. The goal is to help more counties adopt such programs toward effective rehabilitation of young offenders.

## Children have stronger voice in court

In the child welfare process, Washington children have not always had access to an advocate or representation in court — an attorney to speak for them and their needs.

State legislators in 2014 approved creation of the new Children's Representation Program, which will provide an attorney for all children who have legally and permanently lost their parents after their parents' rights to raise them have been legally terminated in court. If the children have not been adopted within six months of legally losing their parents, an attorney will be paid by the state to ensure the children have a voice of their own in the legal process that determines where they will live.

For more detail, please see the full report on Page 17.

## Working with tribal courts for children

The welfare of children who are members of Washington tribes is one driving force behind a new Tribal State Court Consortium, now being developed.

Understanding of and compliance with the federal Indian Child Welfare Act is a key issue between tribal and state courts, and judges for these two court systems agree that more education, communication and collaboration will help tribal families who often find they have legal needs in both tribal and state courts.

For a full report, see Page 9.

*(Continued next page)*





# Juvenile Justice: Stepping into their world



**YOUTH COURT:** Bothell Municipal Court Judge Michelle Gehlsen works with student members of Bothell's Youth Court, which she helped establish.



**MOCK TRIAL:** Seattle Prep High School's Mock Trial team won the state championship in March and went on to take the 2014 National Mock Trial Championship at the May competition in Wisconsin.



**STREET LAW:** Judges and teachers pair up for training with Sandra Day O'Connor Award-winning educator Margaret Fisher (in black and white blouse).

## Classrooms as courts, and vice versa

Young people have to come to court too often for a variety of reasons, but Washington judges have also found benefits in bringing courts to the children.

Youth Court is a diversion program in which adolescents who commit minor first-time offenses — non-felony traffic violations, truancy, etc. — can be adjudicated by a judge and jury of their peers, with teens also acting as “attorneys” and adults supervising. If the young offenders complete their sentences (applicable community service, written apologies and other restorative justice actions, for instance), their records remain clean.

Although they have been around for years, Youth Court programs are growing and being adopted in more and more counties as alternatives to juvenile detention.

Programs registered with the Washington State Association of Youth Courts include Bellevue Youth Court, Bothell Youth Traffic Court, Clallam County Youth Court, Clark County Skill Center, Cheney Youth Court, Issaquah Student Traffic Youth Court, Seattle Youth Traffic Court, Shoreline/Lake Forest Park Youth Court, Thurston County Youth Court and Whatcom County Teen Court.

Other teen court programs have also operated in Arlington, Auburn, Lake Forest Park, Colfax, Eastlake, Kirkland, Lake Stevens, Liberty, Lincoln District Court, Skyline, Snohomish County and Todd Beamer High School.

Along a more educational line are programs such as Judges in the Classroom (a Street Law program) and the Mock Trial program, which bring courts to children and teens in a school setting.

For the statewide Mock Trial program — operated primarily by the YMCA Youth & Government program with support from courts and judges' groups — attorneys, judges and teachers collaborate to develop and mentor teams of students who compete at two sides of a fictional case in a courtroom setting. The students portray prosecutors, defense attorneys, defendants and witnesses, learning about the law, the justice system and courtroom processes.

Washington state Mock Trial champions have regularly placed in the top 10 teams at the national competitions and **in 2014, Seattle Prep High School took the national championship at Madison, Wisconsin.**

“Judges in the Classroom” (JITC) made Washington the first state in the U.S. to pair judges with teachers, train them together as a team, and develop lessons and materials for weekly sessions with students throughout the school year.

The coordinator of the program, Margaret Fisher from the Administrative Office of the Courts, was the 2012-2013 recipient of the Sandra Day O'Connor Award for the Advancement of Civics Education, for her work on JITC, Street Law and other public legal education efforts.

In 2014, Judges in the Classroom was also honored with the Colleen Willoughby Youth Civic Education Award by the Seattle CityClub. The award recognizes unique programs that help engage youth in their communities and help strengthen democracy.



# Tribal-State Court Consortium: An idea whose time has come

*“Everything that is victorious starts with the little battles.” — Yakama Nation Chief Judge Ted Strong*

**I**t could have quickly become a contentious and complicated family law case: A mother living in King County with her two children, their father living on the Yakama Indian Reservation in Eastern Washington, and a dispute over the children, who are enrolled tribal members.

The mother filed in King County Superior Court, wanting to relocate with her children. The father filed for custody of his children in the Yakama Nation Tribal Court.

At one point, Yakama Chief Judge Ted Strong ended up on the phone with King County Superior Court Judge Deborah Fleck (now retired) over which court had jurisdiction to resolve the family’s dispute.

“I asked her what made her think that her laws applied to our tribe,” Judge Strong said during a presentation in October on a unique joint effort that arose from the case. “To her credit, she pulled back and started to think of different ways we could approach this. When we were finished with the case, I thought, ‘Wow, we really have something.’”

That ‘something’ — a collaboration involving joint hearings and orders from both courts supported by the other — represents one goal of a planned Tribal State Court Consortium (TSCC) being developed now by a group of tribal and state court judges and judicial branch staff members.

“That’s the sort of thing we hope to encourage,” said Swinomish Tribal Court Judge Mark Pouley, who is closely involved in launching the consortium.

The idea and effort have been slowly building for more than a year, but will become more visible in 2015 with more opportunities for tribal and state court judges throughout Washington to participate.

For instance, a regional meeting will be hosted early in the year, around February, by the Suquamish Tribe in Western Washington, to which all tribal and state court judges in the region will be invited. Another opportunity will be establishment of the consortium itself. Agreements have been made regarding equal representation for tribal and state courts and for regional balance, but board members have not yet been identified.

*Continued next page*



*Yakama Nation Chief Judge Ted Strong talks about collaborating on a family law case with King County Superior Court Judge Deborah Fleck.*



*King County Superior Court Judge Deborah Fleck (now retired) joins Judge Strong for a presentation at the Indian Child Welfare Conference in Rochester (WA) in October, 2014.*



## Tribal-state court consortium, cont.

“A big part of the consortium will be educating. Just getting together and learning about each other is important,” Pouley said.

### **Tribal-state court interactions in Washington**

have been among the better such relationships in the U.S. As far back as 1990, Washington was chosen with Arizona and Oklahoma for a national project creating state-tribal forums to address jurisdiction disputes and create working agreements between tribal and state courts.

That effort resulted in Superior Court Civil Rule (CR) 82.5, adopted by the state Supreme Court in 1995, which provides full faith and credit for tribal court orders and judgments.

It was Tulalip Tribal Court Chief Judge Theresa Pouley and retired King County Superior Court Judge Patricia Clark who approached Washington Supreme Court Chief Justice Barbara Madsen in 2012 about developing a consortium where state and tribal courts could come together to talk and resolve jurisdictional issues.

Because the issues at hand involved so many areas of law, Madsen asked for a meeting of the Gender and Justice Commission (which she chairs), the Minority and Justice Commission and the Supreme Court Commission on Children in Foster Care to discuss a consortium. **Today the Gender and Justice Commission, Minority and Justice Commission and Foster Commission all include tribal courts judges or representatives.**

In 2013, the U.S. Congress approved changes to the Violence Against Women Act granting tribal courts jurisdiction over non-Indians who commit domestic violence on tribal lands. “Often these acts co-occur with other criminal behavior which must be prosecuted in state courts,” Madsen said. The change in jurisdiction creates a new urgency toward forming the consortium.

Judge Mark Pouley agrees that clarifying jurisdiction over domestic violence cases is a pressing issue for tribal

and state courts to resolve as well as ensuring compliance with the federal Indian Child Welfare Act. “The idea of a consortium is to have a clearing house, to have a place where those conversations take place,” Pouley said.

Madsen said it’s also important to discuss how to share data on criminal history and the existence of prior no-contact orders, and other information that will help both state and tribal courts protect victims.

Pouley and Kalispel Tribal Court Judge Tom Tremaine now lead the effort to continue establishment of the TSCC, with support from the three commissions and staff at the Administrative Office of the Courts.

As the TSCC continues to develop, other actions are also taking place to improve communication and understanding between state and tribal



*Tulalip Tribal Court Chief Judge Theresa Pouley (left) and Colville Tribal Court of Appeals Chief Justice Anita Dupris at the 2014 Fall educational conference of Washington judges, with Cindy Bricker (right), Administrative Office of the Courts.*

courts.

The Superior Court Judges’ Association Family and Juvenile Law Committee now has two tribal court members (Tremaine and Nooksak Tribal Court Judge Raquel Montoya-Lewis).

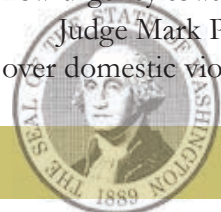
The Court Improvement Training Academy at the University of Washington in early December conducted a training on the Indian Child Welfare Act (ICWA) for state and tribal court judges at the Suquamish Kiana Lodge. In addition, Court Improvement Program grant funds have been used in King County for a tribal-state court collaboration on child welfare.

Tribal and state courts operate in many different ways, but also share a great deal of common ground — reducing violence, protecting children, finding justice, Pouley said.

“We need to focus on our areas of similarities and overlap,” he said. “The main thing is recognizing in more ways that tribal courts are an important part of the judicial system. We often talk about the state court system and the federal court system, and the tribal courts needs to be part of that conversation.”



*Swinomish Tribal Court Judge Mark Pouley.*





# 2005 - 2015

## Trial courts anxious to leave budget roller coaster and return to funding reform plan

Fifteen years ago, Washington court judges and staff members didn't have to be told their state was 50th in the nation for state funding of courts. They could look at their overloaded hearing calendars, insecure courthouses, old computers, lack of sufficient (or any) staff to process cases and know the courts needed help.

Thirteen years ago, local business and community leaders didn't have to be told their courts needed state funding help — they witnessed the long waits for civil cases to be heard, the crowded jails in their communities, the overloaded public defense attorneys, the severely strained local budgets.

Tragedies linked to overcrowded courts and underfunded justice services (public defense, interpreters, legal aid, probation monitoring) were making headlines and prompting investigations and lawsuits.

This is why more than 100 community, business and judicial leaders joined a statewide task force in 2002, dubbed “Justice in Jeopardy,” to dig deeply into Washington’s court funding system, find the central problems and recommend solutions.

Ten years ago, in 2005, state lawmakers agreed with the task force that the state’s court system needed funding reform. They approved Senate Bill 5454, which increased civil filing fees, provided some additional funding to courts and justice services, and agreed to continue building toward a more equitable and adequate funding system, saying:

“Therefore, the legislature intends to create a dedicated revenue source for the purposes of meeting the state’s commitment to improving trial courts in the state, providing adequate representation to criminal indigent defendants, providing for civil legal services for indigent persons, and ensuring equal justice for all citizens of the state.”

**Despite the efforts of the task force and legislature, Washington trial courts and justice agencies arrive at 2015 still struggling with many of the significant problems they faced in 2005.**

Currently, counties and cities pay more than 80 percent of the costs of the courts and justice services, while the state still pays less than 20 percent.

With the help of lawmakers, Washington’s judicial system achieved some important improvements in 2005, which has strengthened justice in some pockets of the system. However, at the end of 2010 Washington was still 50th in the nation for state funding of courts. Little has changed since 2010 in funding the courts.

“There are significant challenges to providing consistent and equitable levels of justice to the communities we serve,” said Des Moines Municipal Court Judge Veronica Alicea-Galvan, president of the District and Municipal Court Judges’ Association (DMCJA). “Most of those challenges are attributable to a lack of funding of the services necessary to succeed at the monumental task before us.”

### **THEN: Quick look at 2002 – 2005**

*John “Cabbie” Jackson spent five years in prison on a drug charge in Grant County despite the primary witness against him being mentally ill and the only other witness testifying to a view that was physically impossible. His conviction was reversed after he had served the entire sentence, dying in 2002 a year after leaving prison. His representation by a poorly-funded and overloaded indigent (public) defense system cost him his final years of freedom. – Seattle Times investigative report on Washington’s failing indigent defense system*

Continued next page



## 2005 - 2015 funding roller coaster, continued from previous page

*In 2001, a 15-year-old boy was removed from his Pierce County home by police because of domestic disputes and a threat of violence in the home. He languished in foster care for nearly two years while the family law case was continued several times, partly due to lack of courtrooms. By the time the case was tried, he was nearly 18 and estranged from his mother and siblings.* — Pierce County Superior Court Judge

*Shortly after Margaret, 90, moved into a new fourth floor apartment, the building's elevator broke down. Stairs were impossible for her, yet the elevator went unrepaired. Unable to leave the building, she sent a relative to complain to the city, but nothing was done. More than two months after the elevator stopped functioning, she could only leave the building when her sons carried her from the fourth floor. Margaret was fearful of the cost of an attorney, but legal aid could have helped her secure her rights as a tenant.* — 2003 Civil Legal Needs Study

Many commissions and task forces over the decades have focused on ways to improve Washington's justice system. Though the topics focused on different issues such as bias, judicial selection, structure, etc., funding reform was mentioned in every one of the reports.

By 2002, stories of extreme struggles for Washingtonians in the courts and judicial system were starting to pile up in news reports, lawsuits against the justice system, and throughout communities, prompting creation of the statewide Justice in Jeopardy Task Force focused solely on court funding.

The 2004 report of the Task Force concluded that the severely uneven split in responsibility for funding the courts — counties and cities were paying nearly 90 percent of the cost of the courts and justice services, while the state budget paid for slightly above 10 percent — was causing “a patchwork system of justice from one county to the next that has created a serious

disparity in the way laws are being enforced and the trial courts are being operated throughout Washington State.”

---

“Justice throughout the state is not equal as jurisdictions with more money are ‘more equal.’”  
— 2004 Task Force report

---

Task force members discovered Washington was 50th in the nation in state contribution toward funding its own justice system. After an exhaustive study, the task force also concluded that adequate funding of basic court operations, indigent defense and civil legal aid throughout the state would require approximately \$200 million more per year.

Task force members proposed increases in civil case filing fees in the courts to help fund some immediate budget help for the counties and court system, and called for the state to move in a phased approach toward an equal funding split with counties and cities.

The full report of the Justice in Jeopardy Task Force can be viewed here: [http://www.courts.wa.gov/programs\\_orgs/pos\\_bja/wgFinal/wgFinal.pdf](http://www.courts.wa.gov/programs_orgs/pos_bja/wgFinal/wgFinal.pdf).

The groundbreaking 2003 Civil Legal Needs Study can be found here: <http://www.courts.wa.gov/newsinfo/content/taskforce/CivilLegalNeeds.pdf>

The 2004 prize winning Seattle Times series “An Unequal Defense” can be found here: <http://community.seattletimes.nwsources.com/archive/?date=20040406&slug=defenseseries06>

State lawmakers agreed that action was needed and approved SB 5454 (Chapter 457, Laws of 2005).

The bill provided state funding of some trial court public defense services for the first time (previously, the state paid only public defense for appeals), established the Office of Civil Legal Aid, and provided some

*Continued next page*

*“One of our most cherished constitutional principles is that the state cannot use its enormous powers to prosecute indigent individuals without providing attorneys to protect their rights.”*

– Joanne Moore, director, Washington State Office of Public Defense.



## 2005 - 2015 funding roller coaster, continued from previous page



After 2005 funding help from lawmakers, a civil legal aid office opened in Aberdeen with three attorneys. Now only Sarah Glorian (left) remains in a smaller office to help residents of the area.

funds to counties to help pay judicial salaries and some small court improvements.

Lawmakers also agreed to keep working toward a more equitable balance of court funding responsibility.

### Funding justice worked...for a while

Though there was still much ground to cover in court funding reform, the gains of 2005 started improving the quality of justice in pockets of the system and state.

For instance, legal aid offices were opened in Colville, Aberdeen, Longview, Omak and Port Angeles, and capacity to meet the civil justice needs of low income residents was expanded proportionately in other parts of the state. These offices helped low-income residents with critical civil legal cases involving

family safety, housing, employment and health care.

Trial courts were able to hire some additional staff or add security to courthouses, to install accommodations for persons with disabilities or purchase scanning technology so court records could move from solely paper to electronic forms. Courts received some funding help with the growing need for language interpreters.

All of this started improving access for Washingtonians to their courts and justice services.

The Parents Representation Program was created, hiring attorneys (in some counties) for parents who faced losing their children in child welfare cases. Previously, parents received little or no state-funded legal help in court against attorneys advocating for the state. Research showed high-quality attorney representation for parents helped more families stay together and move parents and children more quickly toward a resolution.

Children starting spending fewer months in foster care, either reuniting with parents or being adopted sooner.

However, the economic collapse erased many of these gains after 2008. The number of state-funded legal aid attorneys employed by the Northwest Justice Project dropped by 19 (20 percent), resulting in a drop of nearly 5,000 civil legal aid

cases handled between 2009 and 2014.

On a per capita basis, Washington's low-income residents have less access to civil legal aid services today than they did in 2005.

A 2010 survey of Washington judges and court officials revealed many of the same stories and struggles catalogued in the 2004 task force report.

---

“It’s like a puppy mill. Hand the cases over and push them through as quickly as possible for resolution,” one district court official in a rural county responded. “Defendant is ordered to do things, such as urinalysis, which they have no money to pay for so they end up violating their probation and then end up back in the court with the same overworked public defender.”

---

The full 2010 survey, “Washington Courts: Consequences of Inadequate Funding,” with county-by-county reports, can be found here: <http://www.courts.wa.gov/JusticeInJeopardy/documents/FundingSurvey.pdf> .

Judicial leaders understood the economic realities, accepting the

*Continued next page*

Washington state spends 7/10ths of 1 percent of the state general fund — 4/10ths of 1 percent of the full state budget — on funding state courts and the judicial branch.





## 2005 - 2015 funding roller coaster, continued from previous page

painful cuts and working hard on innovations and efficiencies — launching online traffic mitigation hearings, moving to teleconference meetings and trainings, developing video hearing capabilities to cut travel yet keep courts accessible to rural populations.

But leaders also knew justice in Washington had been damaged by the cuts and looked toward the day they could get back to the goals of 2005.

“Washington judges, court administrators and staff aspire to American ideals of equal justice, but they struggle to provide consistent levels of even core services,” said state Court Administrator Callie Dietz. “Lack of funding is the primary challenge they face on a daily basis.”

---

“Without access to civil legal help, duly enacted laws become irrelevant... Those who ignore such laws are allowed to operate with impunity, knowing full well there is little chance they will be caught and even less chance they will be held accountable.” — Jim Bamberger, director, Office of Civil Legal Aid

---

### Back to the future

State funding toward Washington trial court operation costs is up slightly from its 2003 (pre-task force) levels, according to Ramsey Radwan, Director of Management Services for the Administrative Office of the Courts.

Added funds came from a mixture of civil case filing fee increases collected by local jurisdictions and the state general fund.

The gains have been used to help struggling counties pay judicial salaries and undertake some small court improvement projects such as purchasing recording equipment for courtrooms or helping train staff.

However, courts also sustained heavy budget cuts

at the county and city levels — which fund more than 80 percent of court system costs — and to what degree those cuts have been maintained or mitigated since 2012 varies county-by-county across the state.

Public defense funding increases from the state budget have been largely maintained, with money going to the new Parents Representation Program and the Public Defense Improvement Program (\$39.6 million for both programs together from the state budget for the 2014-2015 biennium).

However, ongoing research shows that while the state has invested a modest amount, much of Washington’s trial level public defense has remained substandard.

Cumulative losses in funding for civil legal aid have exceeded \$2.5 million since 2008, resulting in steep capacity declines at a time just when Washington’s low-income population and their civil legal needs were increasing. The difference between the need for civil legal help and the amount of help available is understood nationally and here in Washington as the “justice gap.”

“While closing the justice gap remains the long-term objective, today’s work (and the agency’s budget request for FY 2015-17) is focused on shoring up a system that is increasingly losing relevancy to those who need it most,” said OCLA Director Jim Bamberger.

Significant funding gaps are felt throughout the entire judicial system, say judicial branch leaders.

“After years of budget cuts, we are renewing our focus on achieving adequate funding levels and a more equitable split between local and state support of our courts,” said state Supreme Court Chief Justice Barbara Madsen.

“Justice matters, but the stark reality is that adequate funding is still the most severe obstacle impeding fair, accessible and timely justice for the people of Washington.

*Continued next page*



## 2005 - 2015 funding roller coaster, continued from previous page

The lack of funding impacts even the perception of Washington’s justice system, say judges.

“To a litigant, justice is not only about the outcome, but also about the process,” said King County Superior Court Judge Jeffrey Ramsdell, president of the Superior Court Judges’ Association (SCJA). “Trial judges constantly struggle to not only dispense justice but to be perceived as doing so. Respect for the judicial system depends entirely upon the public’s perception of fairness in the process.”

Fairness depends on many components of court operations and justice services, some of which are poorly funded (see below).

Ramsdell, Alicea-Galvan and Dietz list the most urgent funding needs expressed by judicial officers, trial court personnel and justice agency leaders:

- **Language assistance** — With more than 200 different languages being spoken in Washington, qualified interpreters are critical to ensuring both access and fairness in the trial courts. They are a growing budget strain on many courts.
- **Information technology** — All levels of Washington courts are working with antiquated systems that struggle to provide the information and efficiency needed for the high volume of case processing (more than 20 million transactions a month) seen today.
- **Resources for handling/helping** mentally ill persons landing in court.
- **Legal representation** — For both criminal and civil cases, adequate and accessible legal representation is crucial to fairness and efficiency in the courts.
- **Security** — Cuts to court budgets often meant losing court security staff and/or equipment that protects the public coming to the courts to resolve often contentious disputes or participate in the justice system.
- **Staffing** — Another common area of cuts came in number of judicial officers and court staff members to monitor offenders, answer phones, help self-represented persons (which have grown significantly), process cases, assist judges and more.
- **Alternatives** — Dispute resolution, diversion programs, problem-solving courts, community services for non-violent offenders and other alternatives can provide better, faster, less expensive and longer-term solutions to disputes and violations. However, these require investments up front to see the gains later.

“The trial courts in Washington state are some of the most progressive in the nation. They no longer simply resolve disputes,” Ramsdell said. “Today our trial courts assume a very visible role in addressing a myriad of social challenges. This expanded role has been embraced by the judiciary despite repeated and significant funding cuts at both the state and local level.”

Courts cannot turn customers away if they become full, say judicial leaders, and providing fair and equal justice is not a goal — it’s a constitutional promise.

“When our founding fathers decided to form ‘a more perfect union,’ the first principle on which they hung their hats was the establishment of justice,” Alicea-Galvan said. “Our courts represent this principle, and our trial courts are truly the work horses of our justice system. It is these community courts to which people turn daily to be heard.”



# Court news in brief

The Washington State Administrative Office of the Courts (AOC) was presented the **2014 Reporting Excellence Award** by the national Conference of State Court Administrators for its work



improving civil and criminal case reporting and the overall quality of its case category data. The award was given on behalf of the National Center for State Courts' Court Statistics Project, which "recognizes

states that embrace the challenge of improving data quality and comparability," according to NCSC and COSCA officials. "Consistent and comparable data improve the management of our state courts and enhance the understanding of the work of the judicial branch."



Washington Supreme Court **Justice James Johnson** announced an early retirement from the Court, stepping down April 30, citing health concerns. Justice Johnson was first elected to the Court in 2004 and re-elected in 2010, with a term that would have expired in 2017. Before

joining the Court, Johnson served many years in the Attorney General's office and in private practice.

King County Superior Court **Judge Mary Yu** was appointed by Governor Jay Inslee to fulfill the unexpired term of Justice James Johnson. Appointed in May, Justice Yu later won election to the Court. Yu served 14 years on the superior court bench and prior to that was a deputy prosecutor in the King County Prosecutor's Office under Norm Maleng. In 2011, she was named Outstanding Judge of the Year by the Washington State Bar Association, with Justice Steven Gonzalez, for their work on racial disparity in Washington's criminal justice system.



A video, "**Myths and Misperceptions about Washington Courts,**" was produced by the Public Trust & Confidence (PT&C) Committee and is available on YouTube by typing in the title. The video uses on-street interviews with real persons about their thoughts on how courts operate, followed by responses from real judges. PT&C is a committee of the Board for Judicial Administration. The video was funded by the Washington State Gender and Justice and Minority and Justice commissions, with in-kind staff and technical support from TWV.



"**Judges in the Classroom,**" a program that pairs teachers and judges for year-long collaboration and law-related lessons with K-12 students, was awarded

the Colleen Willoughby Youth Civic Education Award by Seattle CityClub. The program is the first in the nation to pair judges and teachers for an ongoing partnership in primary schools to help young children and teens learn about the judicial branch and justice system. The program's coordinator, Margaret Fisher, was awarded the 2012-2013 Sandra Day O'Connor Award for the Advancement of Civics Education.

The Administrative Office of the Courts launched a new design of the Washington Courts web page at [www.courts.wa.gov](http://www.courts.wa.gov) in March, 2014. The design includes expanded options for finding information, navigation improvements, making popular functions more prominent and much more.





# Attorneys of Their Own

Office of Civil Legal Aid: For the first time, Washington children who have permanently lost their parents will have guaranteed legal representation

Aurora (not her real name) is 12 years old and is living in a group home because there are no foster homes available for her.

The group home has told the social worker repeatedly this young woman does not belong there. Group homes are most often locations for children with behavior problems or who have special needs. Aurora does not fit either of these categories.

Aurora voiced her wish to be reunited with her 20-year-old sister, but nothing happened — until Aurora told her attorney. The attorney was told twice the sister’s whereabouts were unknown, but then did her own search and located the sister’s place of employment. When the attorney called the sister, she was thrilled to get the call.

Aurora is visiting with her sister and they speak on the phone daily. Because of the advocacy of her attorney she is now being transitioned out of the group home and into a foster home. The long term plan is for her is to transition into her sister’s home and out of the foster care system.

Aurora has an attorney thanks to a new law that went into effect July 1, 2014, which gave legal voice to Aurora and so many other legally free children.

The bill was 2ESSB 6126, prime-sponsored by Senator Steve O’Ban from University Place. Passed unanimously in both the Senate and House, the bill requires the appointment of an attorney to represent the stated and legal interests of children who remain in the foster care system more than six months after the legal rights of their parents have been terminated.

These “legally free” children have historically been without legal voice and the corresponding ability to meaningfully contribute to the resolution of cases that will direct the course of their lives.

“We say these children are 'legally free' because their parents' rights have been terminated and they have not found a permanent adoptive home. In reality, they are 'legal orphans,’” Senator O’Ban said in describing the impact of the legislation. “Many languish for years in the child welfare system without any legal voice of their own. They will have that voice now, and I am confident this will make a real difference in their lives for years to come.”

The Legislature appropriated funds to pay for representation of these

By Jill Malat

Children’s  
Representation  
Program Manager

*“Passage of the child representation bill marks a sea change in state policy with respect to the rights of children to meaningfully participate in their own dependency cases.”*



Continued next page



## Attorneys of their own, continued

vulnerable children and directed the Office of Civil Legal Aid (OCLA) to administer the program.

To ensure state-funded representation is effective in defending the interests of these children, the Legislature required OCLA to condition state payment on attorney compliance with standards of practice, training requirements and caseload limits developed and recommended by the statewide children's representation work group.

Prior its enactment, some counties voluntarily appointed and funded attorneys for children in these cases, but many did not. Moreover, even in those counties where attorney representation was made available, there were no clear guidelines or expectations relating to the type or quality of such legal representation.

### Attorneys and CASAs

Historically, children in Washington dependency proceedings have had a guardian ad litem or a court appointed special advocate (CASA) appointed to make a recommendation to the court regarding what is in the child's best interest.

---

These volunteers perform a crucial function in these very difficult cases, but they have different roles, skill sets and obligations from attorneys.

---

Following passage of 2ESSB 6126, OCLA moved quickly to implement it. A Children's Representation Advisory Working Group was established to provide guidance for program design and implementation. The Group included representatives from the Washington Association of Counties, the Superior Court Judges Association, the Office of Public Defense (OPD), the Office of the Attorney General, clerks, juvenile court administrators and children's advocates.

As of mid-October, OCLA had entered into

agreements with most of the counties in the state. A few counties elected not to seek state funding either because they had no children eligible for representation under the new law or because their numbers were so small they chose to absorb the cost of the representation within the county. OCLA staff recruited nearly 150 attorneys from every county to accept court appointed cases under the stringent requirements of RCW 13.34.100(6).

To ensure that attorneys provide effective representation, OCLA contracted with the University of Washington School of Law Court Improvement Training Academy (CITA) to provide training to all Children's Representation Program attorneys.

The Children's Representation Program Manager is also developing specialized training programs to help state-funded attorneys identify and effectively address a range of issues germane to representing legally free children in dependency cases — representation of very young children; identifying and addressing issues relating to the Indian Child Welfare Act; issues related to the impacts of childhood trauma, and so on.

OCLA has also developed several mechanisms to monitor and assess attorney time, activity, performance and outcomes in these cases, including a sophisticated, web-based Case Activity, Reporting and Oversight System (CAROS).

CAROS was also designed to monitor a broad spectrum of client demographic, social characteristics and key well-being bench marks for the children being represented. This will allow program staff to track and report on the impact of legal representation by demographic and social characteristic and correlate these to outcomes and bench marks.

Passage of the child representation bill marks a sea change in state policy with respect to the rights of children to meaningfully participate in their own dependency cases.

2ESSB 6126 changed this for nearly 1,000 legally free children who have failed to find a permanent home six months after their parents' legal rights were terminated.



# Managing 2 million cases a year with 1987 technology



The search for a case management system to replace the aging system used by Washington’s busy courts of limited jurisdiction is now underway at the Administrative Office of the Courts (AOC).

In the first phase of the project, business requirements — what the courts need in a modern system — are being established to help identify the next steps toward acquiring one.

The courts of limited jurisdiction (CLJ) include district (county-level) courts and municipal (city) courts, which preside over and process the largest number of cases in the judicial system, more than 2 million each year — the majority being non-felony traffic and DUI cases, but also including domestic violence cases, small claims disputes, civil suits and other non-traffic cases.

“I think we all agree that we have needed a replacement case management system for quite some time,” said Issaquah Municipal Court Administrator Lynne Campeau, chair of the CLJ-CMS Steering Committee. “Our hope is that we will be able to find a new case management system that will be beneficial to all courts of limited jurisdiction in the State of Washington.”

The 258 courts of limited jurisdiction process 87 percent of the caseload of Washington courts —

**CLJ-CMS**  
COURTS OF LIMITED JURISDICTION  
CASE MANAGEMENT SYSTEM

more than 18 million transactions a month. The current DISCIS case processing and

accounting system they use was launched by AOC in 1987, completing implementation in 1991. Its aging technology no longer meets the processing, scheduling and information needs of busy CLJ courts.

“The language spoken by the system is no longer a standard programming language in the technology industry,” wrote Des Moines Municipal Court Judge and DMCJA President Veronica Alicea-Galvan, who has been active in calling for an updated system for CLJ courts.

CLJ courts have waited patiently while a modern case management system was sought for Washington superior courts (the SC-CMS project identified the Odyssey system as its choice, now in pilot development), but it became important to get the CLJ-CMS project underway, said State Court Administrator Callie Dietz.

“The CLJ courts need and deserve a system that uses modern technology to help them with the enormous amount of work they do,” Dietz said.

CLJ administrators and judges sent official requests for a modern case management system to the JISC in 2011, and in 2013 began expressing concern about the project’s timeline. An initial plan had scheduled the CLJ project to begin after completion of the SC-CMS project.

Hearing the courts’ concerns, the Judicial Information System Committee (JISC) launched the CLJ-CMS project in April 2014 when they voted to approve the Project

*Continued next page*

Washington’s 258 courts of limited jurisdiction (municipal and district courts) process 87 percent of the caseload of Washington courts — more than 2 million cases per year and more than 18 million transactions a month.





## Continued from previous page

Charter as well as establish a Steering Committee and Court User Work Group (CUWG) for the project.

The charter sets project objectives, scope, organization, governance and staff roles and responsibilities. The Steering Committee and CUWG provide oversight, expectations, information, feedback and a decision process.

Work done on the SC-CMS project will help the CLJ-CMS project save time, staff members said.

For instance, the project will not need to undergo a feasibility study to examine options on the open

market because that information was gathered during the SC-CMS project. In 2013, both the District and Municipal Court Judges' Association (DMCJA) and the District and Municipal Court Management Association (DMCMA) expressed support for seeking a commercially available system and by-passing a feasibility study.

Next steps include regular meetings of the Steering Committee and CUWG, gathering of business and technical requirements, establishing a case for funding from the Legislature, and formulating a procurement strategy.

"I am hoping this project will provide greater access to case information across the state, whether it be a judge making a well-informed decision on the bench, a clerk helping a person at the front counter, a probation officer completing an interview, or the public wanting to file or view a document," said Kirkland Municipal Court Administrator Aimee Vance, a member of the CLJ-CMS Steering Committee.

"Access to the courts is essential and a single case management system used by all courts of limited jurisdiction is key," she said.

## In other court technology news...



The Superior Court Case Management System (SC-CMS) project to replace the 1970's system now in

use by superior courts statewide took major strides in 2014. A pilot court (Lewis County Superior Court) was identified as well as early adopter courts (Thurston, Yakima and Franklin county superior courts). Configuration of the system began and millions of records were converted to the new Odyssey system, then tested for accuracy. Training was begun for users and a training manual and schedule developed. A plan for statewide rollout was begun. The pilot court will launch the program in Summer of 2015 and early adopters will follow around November.



Lewis and Thurston County Superior Court staff members train and test the new Odyssey case management system that will launch in 2015.

Ongoing comprehensive **security system upgrades** for the Administrative Office of the Courts were completed throughout 2014 after a system breach was discovered in 2013. Upgrades included significant changes to log-in and password practices, agency-wide security training, application upgrades, process improvements and much more.



Washington appellate courts will also receive system help beginning in 2015. The **Appellate Court Enterprise Content Management System (AC-ECMS) project performed system configuration and conducted user training and testing in 2014**. The system will give the state Supreme Court and the three divisions of the Court of Appeals a common system for the first time. The Supreme Court uses a paper system and the three COA divisions each use different systems. Implementation is scheduled for the first half of 2015.



# Groundbreaking legal tech position ready to launch

State's first legal technician students will graduate in spring, 2015

It was a busy couple of years, with no shortage of debate, but Washington's ground-breaking Limited License Legal Technician (LLLT) program took its final steps toward implementation in 2014.

In August, the LLLT Board submitted to the state Supreme Court proposed Rules of Professional Conduct for the new legal position, as well as proposed amendments to the 2012 court rule creating the LLLT program. Those proposed rules were published for public comment through Dec. 1, then sent to the Supreme Court Rules Committee to consider its recommendation to the full Supreme Court.

If the Supreme Court adopts the proposed rules, they can become effective upon publication and the LLLT program can begin taking applications for the first licensing exam in March, and begin licensing LLLTs later in the Spring.

"This has been a very exciting year," said attorney Steve Crossland, chair of the LLLT Board. The Board's work has included many meetings, intense debate, presentations to groups throughout Washington, collaboration with law schools and colleges now offering LLLT programs, and much more.

"I am so pleased at the amazing progress the LLLT Board has made in a very short time. Because of their hard work, the program has been able to launch earlier than expected," said Washington

Supreme Court Chief Justice Barbara Madsen, who signed the order adopting the LLLT program.

## What is an LLLT?

The Limited License Legal Technician Rule was adopted by the state Supreme Court in June, 2012. The rule was the first in the nation allowing trained practitioners with a limited license to practice law to help court users with less-complex legal needs such as filling out and filing correct court forms, understanding legal processes and so on.

A legal technician will be able to practice independently — the first practice area approved is family law — but under the rules currently being proposed, an LLLT will not be allowed to represent a client in court nor to negotiate with an attorney on behalf of a client. Other areas of practice are now being considered for future testing and certification.

The rule was patterned after other professions offering limited practice options such as physician assistants and nurse practitioners in the medical profession.

The rule — Admission to Practice Rule (APR) 28 — establishes the new legal position and an LLLT Program to be administered by the Washington State Bar Association, with a board

overseeing the parameters of the new position. Since early 2013, the LLLT Board has been drafting the



The new LLLT Program is administered by the Washington State Bar Association, at the direction of the state Supreme Court. For comprehensive information, visit <http://www.wsba.org/Licensing-and-Lawyer-Conduct/Limited-Licenses/Legal-Technicians>



## Groundbreaking legal tech position, continued

requirements and limitations of the new position including education, experience, testing, certification, oversight and discipline.

Currently, Washington’s law schools and several other colleges, such as Tacoma Community College and Clark College, offer newly created LLLT training programs. The first group of students will be ready to graduate at the end of spring 2015.

Details of the training program and certification have been under development since early 2013 when the LLLT Board — appointed by the Supreme Court — began meeting and created subcommittees to deal with such issues as scope of practice, curriculum, rules of professional conduct, certification exams and other program details.

One of the Board’s first actions was to choose family law as the practice area in which the first LLLTs would be certified. Family law was chosen because of extreme need in that area, which also experiences a high number of self-represented (“pro se”) clients.

In addition to board members, the sub-committees often included outside experts with special knowledge of an area. For instance, the Rules of Professional Conduct (RPC) Subcommittee included non-board members such as Doug Ende, chief disciplinary counsel for the WSBA’s Office of Disciplinary Counsel; Brooks Holland, Gonzaga University School of Law professor; and Deborah Perluss, director of advocacy and general counsel at the Northwest Justice Project.

The issues that caused the most debate were:

- **Whether LLLTs** “represent” clients in the same sense that lawyers represent clients under the attorney RPC;
- **The extent to** which LLLTs may communicate with opposing parties and their legal representatives;

- **Possible business** arrangements involving LLLTs and lawyers;

- **The limitations** that should apply when LLLTs communicate about their services to prospective clients and in advertising generally.

Because no program like this exists anywhere in the U.S., the RPC Subcommittee began its work using the Lawyer RPCs as a model and then made needed modifications from there, with an emphasis that LLLTs are authorized to provide limited assistance to clients within a defined scope.

The emerging LLLT program has continued to garner interest nationwide.

In October, Crossland and WSBA Executive Director Paula Littlewood travelled to a national meeting of the American Bar Association Center for Professional Responsibility in Chicago to speak about the program, which was the focus of the afternoon session. “It seemed to be well received,” Crossland said.

Chief Justice Barbara Madsen and State Court Administrator Callie Dietz have made numerous presentations on the LLLT program at national conferences, at the request of organizers.

“I was asked to be part of a three justice panel addressing the future of legal education at the Conference of Chief Justices annual meeting. At the end of the Q&A, my fellow panelists turned to me and said the LLLT ‘stole the show,’” Madsen said.

“Chief Justices across the country are facing the same pressures as we are — law school applications are down, cost of law school keeps rising and the number of pro-se litigants continues to soar. The chiefs are watching our program closely and many are ready to jump in if they see success.”

*“Chief Justices across the country are facing the same pressures as we are—law school applications are down, the cost of law school keeps rising and the number of [self-represented] litigants continues to soar.”*





# Race and the Justice System:

## Asking hard questions, planting seeds of change

Two defendants walk into a courtroom charged with identical crimes they did NOT commit. One is white, one is black.

A survey commissioned by the Washington State Minority and Justice Commission asked 611 Washington state residents which defendant would be more likely to be found guilty — 65 percent said the black defendant would be most likely to be wrongfully convicted.

The kicker: These were the white survey respondents who believed this.

When the question was asked of 913 Asian, Hispanic and black residents, 71 percent, 74 percent and 81 percent respectively believed the black defendant was more likely to get convicted of a crime he did not commit.

“The level of skepticism found in all four groups is alarming,” concluded the authors of the report, “Justice in Washington,” which resulted from a survey conducted in 2012 to measure how state residents perceive the fairness of police officers and courts — based on personal experiences, friend/family experiences and community events — with a particular focus on how race and ethnicity impacts perceptions. A final and updated report on the survey results was released in early 2014.

The study was authorized by the Minority & Justice Commission after a 2010 national study, “Justice in America: The Separate Realities of Blacks and Whites,” by the same

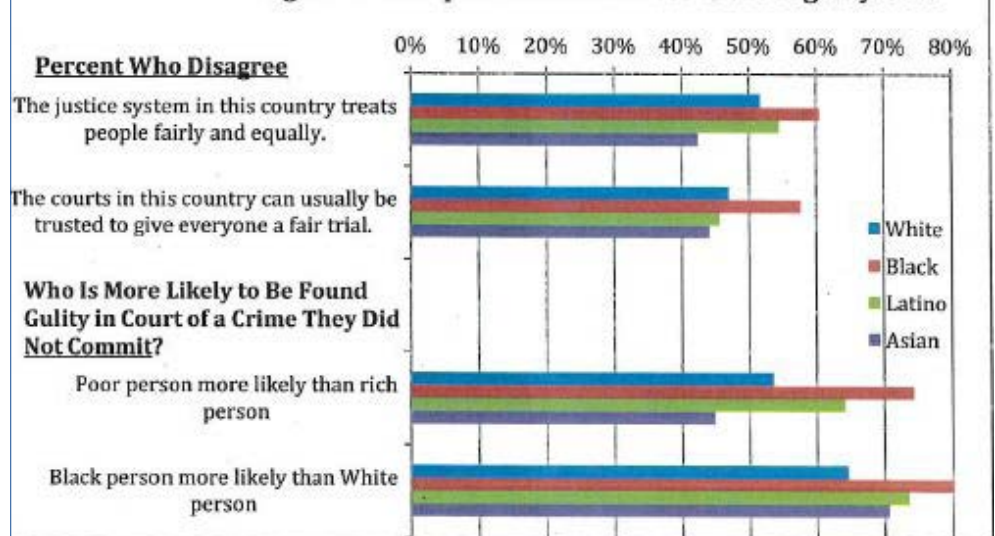
researchers found the same alarming trend toward lack of trust in the justice system nationwide.

M&J Commission members wanted to assess the perceptions of Washington residents — and the basis of those perceptions — in the aftermath of the national report. Unfortunately the state survey found a similar cynicism. The Commission presented details of the survey and its findings to members of the state Supreme Court, judges, attorneys and members of the public at a June 2014 event in Olympia.

“People don’t have the perception that most of us think they should — that they will always receive justice from the courts of Washington,” said Washington Supreme Court Chief Justice Barbara Madsen as she welcomed participants to the presentation. “This survey reveals some very disturbing information, but also reveals some opportunities for improvement. I commend the Minority & Justice Commission for being willing to take on these tough, tough questions.”

The online study reached out to more than 1,500 Washington residents to ask detailed questions about their experiences with police officers and courts, the experiences of their friends and family members and communities, whether they experienced or expected

**Figure 4. Perceptions of Unfairness in the Legal System**



## Race and Justice, continued

to receive fairness at the hands of police and courts, and their beliefs about the cause of different kinds of treatment of different groups.

All answers are broken down by the race and ethnicity of responders. The presentation, “Perceptions of Justice,” was recorded and can be found at [www.tvw.org](http://www.tvw.org). The full written report can be found at [www.courts.wa.gov](http://www.courts.wa.gov) under “Programs and Organizations,” and “Minority and Justice Commission.”

One study author, Professor Jeff Mondak of the University of Illinois, said it’s striking that even the racial groups with the most trust in police and courts — whites and Asians — believe their black and Latino neighbors aren’t getting a fair shake.

“Bottom line, people’s perceptions aren’t random,” Mondak said. “Their perceptions have some systemic basis in their experiences and those of the people they know.”

It’s also true that courts “cannot completely control their fate in the court of public opinion,” he said, because of the spill-over effect from police encounters. The survey demonstrated that negative police encounters resulted in lack of trust and perceived unfair treatment in courts.

“This is working to the detriment of the courts,” Mondak said.

The study will be used to help inform the work of the Minority & Justice Commission, said state Supreme Court Justice Mary Yu, co-chair of the Commission.

“The report provides an excellent opportunity for us to continue our work toward enhancing confidence in our courts,” she said “We look forward to working collaboratively with all of the other entities in our criminal justice system on improving the delivery of justice and addressing these findings on how the wider community experiences us.”

### Growing a more diverse judicial branch

In addition to asking hard questions, Washington attorneys and judges are planting seeds toward growing

a more diverse judicial branch through the Initiative for Diversity and other programs.

The Initiative is an outgrowth of the Gender Bias Task Force recommendations of 1989 and the Glass Ceiling Task Force of 2000, which found ongoing significant barriers to diversity in the legal profession.

The Initiative for Diversity launched in 2004 and strives to assist the legal profession in diversifying its hiring, retention and promotion of diverse lawyers into leadership positions.

The Initiative does this through helping law firms and businesses draft diversity plans and providing them some tools to succeed.

At a May 2014 summit of legal executives in Seattle, many legal employers demonstrated genuine interest in advancing diversity in the legal profession.

The Initiative also works closely with the Judicial Institute, a day-long training program for diverse attorneys interested in joining the bench. The Initiative encourages diverse attorneys to consider becoming judges, connects them with judicial mentors, and helps them learn about the appointment and election processes.

From the 26 participants of the 2012 class of the Judicial Institute:

- ◆ One Caucasian, one Middle Eastern and one GLBT woman were appointed to superior courts;
- ◆ One Latina was appointed to a tribal court;
- ◆ One Asian American man was appointed to a Superior Court;
- ◆ One African American man and one Middle Eastern man ran for election to district court.

For the Initiative, diversity includes those who have been historically discriminated against or disadvantaged based on ethnicity, race, culture, gender, gender identity, sexual orientation, socioeconomic background, religion, age, and physical, mental and sensory ability.



# Road to Supreme Court runs through Commissioner's office

## New Commissioner is just fourth in state history

It's a busy day in the Supreme Court Commissioner's office.

Washington Supreme Court justices will soon gather in two "department" meetings — meetings of four justices and the Chief Justice which occur about monthly — to study dozens of petitions asking the Court to review decisions made in the lower courts. The justices must determine which cases should be accepted for review by the full Supreme Court, or denied review.

Before that can happen, the staff of the Commissioner's office must examine the many petitions, identify which criteria might make them eligible for Court review, and write up analyses and recommendations for the justices to consider. All of this goes into notebooks due out several days ahead so justices have time to go through it all before the department meetings.

The Court receives more than 1,000 petitions for review each year. About 120 cases are accepted, but all petitions must be examined and analyzed for the kinds of legal and constitutional questions that may need Supreme Court review.

"It's a lot for the justices to think about and absorb,"

said new Supreme Court Commissioner Narda Pierce. In December 2013, Pierce was appointed as just the fourth Supreme Court Commissioner in state history, stepping in after longtime Commissioner Steve Goff retired in October.

It's also a lot for the Commissioner's office to process, but that's one role of the "gatekeeper" office — helping the Court manage and examine the large volume of petitions filed each month, providing enough information and analysis to help justices work efficiently.

The office also handles numerous motions (such as a motion to consolidate two similar cases) and the Commissioner must make hundreds of rulings a year on such motions.

Pierce attended Whitman College in Walla Walla and then Harvard Law School. She got to know the work of the Commissioner's office while serving 12 years as Solicitor General under Christine Gregoire in the Attorney General's office from 1993-2005. She later served for three



New Supreme Court Commissioner Narda Pierce.

### Criteria for Supreme Court Review

Rules of Appellate Procedure 13.4 lists criteria for cases meriting Supreme Court review:

- If the decision of the Court of Appeals (COA) is in conflict with a decision of the Supreme Court; or
- If the decision of the COA is in conflict with another decision of the COA; or
- If a significant question of law under the state Constitution or of the United States is involved; or
- If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

*Continued next page*





## Road to Supreme Court, continued

years as Governor Gregoire’s counsel.

She heard about Goff’s retirement and became excited about working in the judicial branch for the first time, for an office she knew and respected.

“The attorneys here have expertise with a wide range of case types,” she said. “Property cases, injury cases, criminal cases, complex commercial cases. They have to be aware of how pending cases impact new filings, Constitutional issues, and impacts of new legislation and U.S. Supreme Court rulings. They tell me they enjoy the work because it’s so varied. It’s a mile wide and a mile deep.”

Although the work of the Commissioner’s office is too varied to fully detail, much of the volume of work falls into some main categories:

- **Petitions for review** — As mentioned, these “appeals” are petitions from attorneys (and sometimes individuals) for Supreme Court review of a lower court ruling in any type of case. Attorneys in the Commissioner’s office use the criteria listed in Rules of Appellate Procedures (RAP) 13.4 to examine the unique factors of each petition (see box for criteria), then write memorandums of “considerations” in each case for the justices to assess during department meetings.

- **Personal Restraint Petitions** — These involve petitions in which prisoners or other detainees (such as persons committed to a mental health facility or sex offender treatment facility) claim they are being unconstitutionally restrained, and need “relief.” These petitions are also evaluated for whether their legal and constitutional issues require Supreme Court review.

- **Rulings** — As Commissioner, Pierce also serves as a judicial officer who can rule on many requests that come to the Court. In fact, the Commissioner typically rules on as many as 700 petitions a year. These might include requests to consolidate similar cases, requests to file *amicus curiae* (friend of the court) briefs, requests to stay (pause) a lower-court decision while the Supreme Court decides whether to grant review, and so on.

Before Pierce’s appointment, staff members worked hard to reduce the wait-time between a petition filing and an answer from the Court. Petitioners used to have to wait an average of 10 months to know if their cases had been accepted for review — that average time is now two months.



Staff members of the Supreme Court Commissioner’s office have worked hard to reduce the wait-time between a petition filing and an answer from the Court. Petitioners in recent years had to wait an average of 10 months to know if their cases had been accepted for review — that average time is now two months.



# People in the news



**Kitsap County District Court Judge James Riehl** was named 2014 Outstanding Judge of the Year by the Washington State Bar Association (WSBA). Riehl was recognized for his years of work locally and nationally on domestic violence awareness, education and collaboration.

**Shirley Bondon**, manager of Guardianship and Elder Services for the Administrative Office of the Courts (AOC), was presented the WSBA Courageous Award and the Loren Miller Bar Association’s Social Justice Award for challenging the assumptions of two then-sitting state Supreme Court justices in 2010 regarding racial disparities in the justice system. Because of her actions, the Task Force on Race and the Criminal Justice System was formed and continues to research and work on those issues.



Former Benton Franklin Counties Superior Court **Judge Salvador Mendoza Jr.** was confirmed by the U.S. Senate in June 2014 as the first Hispanic federal judge to serve the United States District Court for the Eastern District of Washington. Mendoza formerly served as an assistant attorney general in Washington and a Franklin County deputy prosecutor before being appointed to the Benton Franklin Superior Court bench in 2013. He was nominated by President Barack Obama for the federal bench.



*Judge Carol Schapira*

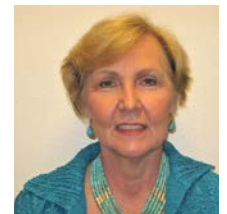
**King County Superior Court Judge Carol Schapira** and **Federal Way Municipal Court Judge David Larson** received the Nevins Award from the Washington Judges Foundation for their contributions to youth education and public understanding of the role of the judiciary. Judge Schapira presided for six years over the Bellevue Youth Court, which pairs students with judicial and court professionals to teach students to conduct a court for peers accused of misdemeanor violations. Judge Larson works extensively with high school students in both the Street Law and Mock Trial programs.



*Judge David Larson*

**Washington Court Administrator**

**Callie Dietz** was elected to the Board of Directors of the national Conference of State Court Administrators. COSCA was established in 1955 to provide a national forum for assisting state court administrators to develop efficient and effective systems of justice. Dietz will serve until July, 2016.



**Lewis County Superior Court Administrator Susie Parker** (left) was named Court Manager of the Year by the Washington State Court Management Council. Parker was recognized for her extensive involvement on a new case

management system for Washington superior courts, as well as helping court clients with mental illnesses.



*“In a case involving complex accounting, the judge indicated that as a woman, I knew or understood less about numbers. [The judge] also addressed me as ‘young lady’ in front of the jury. I won, but some jurors indicated it affected the amount I won.” — Attorney within Washington State Bar Association, from Final Report of the Washington State Task Force on Gender and Justice in the Courts, 1989*

## Focusing On Fairness:

### Justice commissions, offices and boards work to improve fairness by focusing on specialized areas

A fundamental principle of Washington’s justice system is the fair and equal treatment of all persons coming to court.

However, the best intentions cannot uncover and eliminate bias or unequal treatment in all their forms, whether they are overt or subconscious — determined study and effort are needed. In the late 1980s, gender and racial bias in the courts reached a high level of concern and the Supreme Court established both the Gender and Justice Task Force and the Minority and Justice Task Force to study the issues in depth and deliver recommendations for identifying and eliminating bias.

It didn’t take lawmakers and judicial leaders long to realize the problems could not be solved with short-term efforts, so the Supreme Court transformed the task forces into Commissions which still work hard today. In the 1990 Order establishing the Minority and Justice Commission, justices said, “The Court recognizes that for any system of justice to be responsible, it must be examined continuously to ensure that it is meeting the needs of all people governed.”

Other commissions, offices, boards and committees have been established since then to focus on public defense, interpreters, civil legal aid, foster children and other areas where fair treatment was in question. Though too many are operating to fully list here, some highlights and examples of work from 2014 include:

#### Joint efforts

- Interpreting for Victims of Domestic Violence and Sexual Assault training — The Washington State Interpreter Commission, Gender and Justice (G&J) Commission, and Minority and Justice (M&J) Commission jointly hosted a three-day, three-city training May 15-17 for court interpreters on interpreting for victims of domestic violence and sexual assault cases. Approximately 30 American Sign Language and 120 foreign language interpreters in Seattle, SeaTac and Spokane received training, in partnership with the state Department of Social and Health Services and the Office of Deaf and Hard of Hearing.
- Child sex trafficking and delinquency/dependency — The Commission on Children in Foster Care (Foster Commission) partnered with the G&J Commission to raise awareness in the judiciary of the frequent connection between child sex trafficking and children in the dependency and delinquency systems. This included hosting an August 2nd training on the commercial sexual exploitation of children (CSEC) in SeaTac. The training highlighted recruitment and grooming tactics, trafficker and buyer profiles, victim identification, impact of trauma, challenges to rehabilitation, and the child welfare system’s role with CSEC. The G&J Commission also sent state and tribal judicial officers to a national training on domestic child sex trafficking.





## Focus on Fairness, continued from previous page

### Gender and Justice Commission

The Gender and Justice Task Force was created in 1987 at the request of state lawmakers to “initiate measures to prevent gender bias in the state court system.” In 1994, the state Supreme Court established the G&J Commission to continue that work. In addition to daily work and joint efforts (see above), the G&J Commission in 2014:

- ◆ “Revenge porn” — Hosted an April 30th community event followed by a legislative meeting on improving nonconsensual pornography (“revenge porn”) legislation in the state. Brought Professor Mary Anne Franks, a national leader in this effort, to speak at the Superior Court Judges Conference in April.
- ◆ Tribal support — Worked with Women Spirit on their statewide Tribal Domestic Violence and Sexual Assault Conference. Helped develop the judicial track and supported participation for judicial officers and court staff to attend.
- ◆ Tribal-State Court Consortium — Worked at length with tribal judges to help plan and begin developing the Consortium, to improve collaboration between court systems for better justice services for women, youth and families (see article, Page 9).
- ◆ Judges’ manual — Worked on updating the Domestic Violence Manual for Judges. Undergoing a significant update – last update was in 2006.
- ◆ Offender transition — Collaborated with Department of Corrections’ Mission Creek Corrections Center for Women to host a conference for women offenders preparing for release.

### Minority and Justice Commission

The Minority and Justice Task Force was also created in 1987 to study racial bias in the courts. In 1990, the state Supreme Court established the M&J Commission to “determine whether racial and ethnic bias exists in the courts of the state of Washington. To the extent that it exists, the Commission is charged with taking creative steps to overcome it. To the extent such bias does not exist, the Commission is charged with taking creative steps to prevent it.”

In addition to its daily work and its joint efforts described above, the M&J Commission in 2014:

- Annual Youth and Justice Forums – Sponsored Youth and Justice Forums in Spokane, Tri-Cities, and Seattle, serving over 600 middle and high school students from diverse backgrounds in a day-long forum with the purpose of exposing them to opportunities in the law to help promote diversity within the legal profession.
- Judicial Education Trainings on Race, Bias, and Cultural Competency – Coordinated trainings on cultural competency and diversity for new judicial officers and new court employees.
- Supreme Court Symposium on Juvenile Justice – See “Adolescent brain science symposium” on page 4.
- Public Event for Perceptions of Justice Study – See “Race and the Justice System” on page 23.
- Courts Igniting Change: Reconnecting Students from the Courtroom to the Classroom – See “School to prison pipeline” on page 6.
- Legal Financial Obligations (LFOs) – Created and distributed a resource guide for judges that compiled the relevant statutes and case law around LFOs, and presented at the Annual Judicial Conference on best practices and ethical considerations when dealing with LFOs.

### Commission on Children in Foster Care

In 2004, the state Supreme Court established the Commission on Children in Foster Care because “systemic improvements are needed to meet the needs of children in foster care and in the child welfare system,” and because “the needed improvements can best be achieved through collaboration between the courts and child welfare partners.”

In addition to its daily work and joint efforts (see above), the Foster Commission in 2014:

- Co-sponsored the annual Foster Youth and Alumni Leadership Summit in July. Youth representatives spoke on problems with group homes, issues for undocumented youth in care, normalcy in foster care, education continuity, extended foster care,



## Focus on Fairness, continued from previous page

overmedication and alternatives to psychotropic medications, and how to improve training for foster parents and caseworkers.

- The Commission is also responsible for supporting implementation of recommendations made by Summit participants. Summit report available on request.
- Sponsored statewide National Adoption Day celebrations in Washington courts, where 194 foster children were adopted in 2014. It was the 10th celebration since the state first started in 2005, and has grown from an original 6 counties to 25 counties.
- Reconvened the Children's Representation Workgroup, chaired by Professor Lisa Kelly of UW Law School, to explore and address legal representation of children in dependency and termination proceedings in light of the passage of SB 6126 (2014).

### Interpreter Commission

The state Interpreter Commission was established in 1987 to help ensure fair and equal language access in the courts and to oversee the Interpreter Program, an office of the Administrative Office of the Courts. In addition to its joint efforts described above, the Interpreter Commission and Interpreter Program in 2014:

- Worked with IT officials and supported applications and web-based technology to improve the scheduling of interpreters in courts throughout the state and to develop video interpreting capabilities.
- Worked with or tracked 174 individuals who took the National Center for State Courts (NCSC) written examination with approximately 40% of the test takers passing the exam.
- Worked to increase number of candidates passing the NCSC Oral Examination (in 2013 no one passed the certified languages oral exam), providing oral exam preparation resources and creating language-specific study groups for several languages. At end of 2014, 43 people had taken NCSC oral examination and three interpreters have passed (Spanish) with results for 15 candidates still waiting.
- Provided training to pro-tem judges and new court

employees in collaboration with the Washington State Bar Association (WSBA) on the requirements for the use of credentialed interpreters.

- Participated in 2014 Judicial College event on requirements for language access resources, qualifications of court-certified interpreters, and the proper integration of interpreting services in court proceedings.
- Provided Ethics and Protocol Training to newly credentialed language interpreters and many interpreters frequently used by the courts.

### Office of Public Defense

The Washington State Office of Public Defense (OPD) is an independent judicial branch agency which works to improve the provision of public (indigent) defense services in Washington courts, recommending criteria and standards for public defense services, overseeing contracts for services and providing oversight of OPD-paid contracting attorneys.

In 2014 the OPD and local jurisdictions continued to make great strides toward fully implementing the state Supreme Court's landmark order on Standards for Indigent Defense, focusing particularly issues related to misdemeanor caseload standards that became effective this month.

The misdemeanor standards limit public defense attorneys to no more than 400 cases to ensure they have sufficient time, experience, and resources to provide constitutionally effective representation for each client.

While working one-on-one with local governments and conducting attorney training to help implement the standards, OPD also convened a workgroup on public defense costs at the request of the House Judiciary Committee. Most states are primary funders of constitutionally required indigent (public) defense services, but in Washington, virtually all costs for trial-level criminal public defense are borne by municipalities and counties.

In child welfare indigent defense, where Washington is a nationally recognized leader, the Legislature funded the Parents Representation Program to expand into six more counties, including King County, in 2014. The



## Focus on Fairness, continued from previous page

program is up in running now in 85 percent of the state, and is making a significant positive difference not only for parents and children, but also for the child welfare system as a whole.

### Office of Civil Legal Aid

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency responsible for administration and oversight of state funds appropriated by the Legislature to provide civil legal aid services to eligible low income people in Washington state.

OCLA is overseen by the 11-member bi-partisan Civil Legal Aid Oversight Committee which includes four legislative members, one from each caucus in both the House and Senate. Current Oversight Committee members include Sen. Jim Honeyford (R-15), Sen. Jamie Pedersen (R-43), Rep. Jeff Holy (R-6) and Rep. Laurie Jinkins (R-28).

By statute, OCLA is required to contract with a state-designated qualified legal aid provider to provide services in areas authorized under RCW 2.53.030. The statewide contractor – the Northwest Justice Project -- delivers services through a toll-free hotline (CLEAR), 17 small local legal aid offices, a self-help legal aid website ([www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)), and a network of local bar-sponsored volunteer and specialized legal aid providers. Legal aid providers focus on cases that affect individual and family safety; public and private housing including landlord-tenant and foreclosure; economic security including protection against consumer fraud, predatory lending and debt collection; access to private and public health and mental health services; and access to federal and state services to which there is a claim of legal entitlement.

Working as one integrated enterprise, the state-funded legal aid system:

- ✧ Offers information, advice, limited assistance and extended legal representation on matters that affect basic human needs for the more than 1.25 million low-income Washingtonians who qualify for civil legal aid, of whom three-quarters will experience a civil legal problem each year.
- ✧ Leverages thousands of public and private

volunteer attorneys who collectively deliver more than \$10 million in free legal aid services annually.

- ✧ Ensures fairness in the justice system for low-income people unable to resolve important legal problems without the assistance of an attorney.
- ✧ Ensures that people protected by laws enacted by the Legislature know of an can effectively enforce their rights.

### Board for Judicial Administration

The Board for Judicial Administration (BJA) is charged with providing effective leadership to the state courts and developing policy to enhance the administration of the court system in Washington state. Judges serving on the Board work toward the best interests of the judiciary while representing the more than 400 elected and appointed judges of the state Supreme Court, the Court of Appeals, Superior Courts, and District and Municipal Courts.

In 2014, BJA activities included:

- Completing its review of and recommendations for over 200 judicial branch boards, commissions, committees, creating a standard framework for these bodies to document and manage committees. As a result, the Board created four standing committees and eliminated or transformed dormant committees.
- Successfully sponsored legislation to add a Mason County Superior Court Judge.
- Vetted and recommended funding packages to the Supreme Court involving trial court funding for language access; employee salary adjustment; telephonic Interpreting; CASA restoration and state CASA funding; Family and Juvenile Court Improvement Program (FJCIP) expansion; juvenile court and Juvenile Detention Alternatives Initiative (JDAI) staff, and misdemeanor corrections.
- Continued to support federal legislation in support of court security, namely Senate Bill 445 – Local Courthouse Safety Act.
- Sponsored several working groups to review proposed General Rule (GR) 31.1 Access to Court Records and create model forms, guidelines and education on the rule.





# Turning Ten:

## 10 years of celebrating National Adoption Day in Washington courts reveals trends, joy

By the time Macey Tenison was 7 years old, she and her younger sister were living in foster care and the courts had legally terminated their parents' rights to raise them. They would not be going back.

Macey, now 12, describes how it felt to not have a permanent family: "It felt like being left out. It wasn't fair. I felt left out."

She and her sister were among the lucky ones, however. In 2009 they were both adopted by Shaelynn and Sean Tenison during Cowlitz County's National Adoption Day celebration. Joining a new family "felt weird at first, but then I thought, 'I could get used to this,'" Macey said. "And now I feel loved and protected."

Washington courts observed the state's 10th annual National Adoption Day celebration in November in courts and community halls around the state, with 194 foster children being adopted into new homes during the events. The public and media were invited and welcome to these



Shaelynn and Macey Tenison today, five years after they officially became family at a National Adoption Day celebration in Cowlitz County.

celebrations to hear from families, adoption workers and judicial officers.

The statewide National Adoption Day recognition has grown from an original six counties celebrating in 2005 to 24 counties hosting or joining in events in 2014 to honor adoption and the crucial difference it makes in the lives of children.

Since Washington courts first began celebrating National Adoption Day in 2005, just over 15,500 foster children in Washington have been adopted into new families, with 1,608 of those children being adopted during public NAD celebrations in the courts.

However, also during that 10 years, just over 1,003 legally-free foster children aged out of foster care without ever finding permanent families.

**"The lack of a stable, nurturing home has enormous impacts on the life of child. It's something courts see far too often,"** said King County Superior Court Judge Dean Lum, chair of the Washington State National Adoption Day Steering Committee, who is himself adopted. "But the courts are also privileged to take part when a family opens its heart to a child and gives him or her a new home and a new place to belong. That's the magic of adoption and that's why we celebrate. To spread the word."

Data for Washington children in foster care and for foster adoptions over the past 10 years (see charts next page) show that more relatives are adopting legally-free foster children, that foster children are waiting less time after becoming legally free to being adopted, that older foster children take longer to find permanent homes, and much more.

The goal of National Adoption Day is to raise awareness of the many hundreds of foster children in

### Counties celebrating National Adoption Day in 2014 included:

Asotin/	Clark	Lewis
Garfield/	Cowlitz	Mason
Whitman	Grant	Pierce
Benton/	Grays Harbor	Skagit
Franklin	Island	Snohomish
Chelan/	Jefferson	Spokane
Douglas	Kitsap	Thurston
Clallam	King	Yakima

Note: Whatcom County regularly celebrates National Adoption Day but its courthouse was under construction in late 2014.



(National Adoption Day, continued)

Washington state who are waiting to be adopted into new families. Currently, more than 8,600 Washington children live in foster care and more than 1,700 are legally free — meaning their biological parents’ rights have been terminated by the courts — and ready to join new families.

National Adoption Day was founded by a handful of courts, child welfare agencies and businesses in 2000 to raise awareness of the thousands of foster children awaiting adoption. Washington’s statewide celebration was launched in 2005 by the state Supreme Court Commission on Children in Foster Care and is co-sponsored by the Department of Social and Health Services Children’s Administration, the Administrative Office of the Courts, the Superior Court Judges’ Association, and by WARM 106.9’s Teddy Bear Patrol program.



The Mariner Moose cuts a rug at the King County Superior Court’s 2014 National Adoption Day celebration.

Washington state legally free foster children as of August 31, 2014	Total number	Legally free over 6 months
Ages 0 to 2	332	77
Ages 3 to 6	452	223
Ages 7 to 10	348	193
Ages 11 to 14	316	236
Ages 15 to 17	283	251
<b>Total:</b>	<b>1,731</b>	<b>980</b>

Median number of months from parental rights termination order to adoption completion

Calendar Year	Median Number of Months
2009	9.0
2010	7.8
2011	6.2
2012	6.5
2013	5.7

Number of Children/Youth Residing in Out-of-Home Care on July 31, 2014

Source: infoFamLink Report Monthly Metrics

Note: Children/Youth are in DCFS Custody and under 18 years.

Age Group	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Total
0 - 2 Years	473	243	414	401	460	524	2,515
3 - 6 Years	406	276	386	305	405	393	2,171
7 - 10 Years	302	169	272	242	275	298	1,558
11 - 14 Years	253	164	215	197	221	209	1,259
15 - 17 Years	208	125	161	219	195	236	1,144
<b>Total</b>	<b>1,642</b>	<b>977</b>	<b>1,448</b>	<b>1,364</b>	<b>1,556</b>	<b>1,660</b>	<b>8,647</b>

Race	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Total
White	1,025	417	853	414	809	1,010	4,528
African American	132	59	142	476	351	131	1,291
Native American	224	146	234	214	153	230	1,201
Hispanic	218	345	181	172	122	207	1,245
Asian/PI	26	5	34	82	85	43	275
Unknown	17	5	4	6	36	39	107
<b>Total</b>	<b>1,642</b>	<b>977</b>	<b>1,448</b>	<b>1,364</b>	<b>1,556</b>	<b>1,660</b>	<b>8,647</b>

Source: Dependent Children in Washington: Case Timeliness and Outcomes 2013 Annual Report



Published by the Administrative Office of the Courts

[www.courts.wa.gov](http://www.courts.wa.gov)



