Interbranch Advisory Committee (IAC) Meeting

12/12/22, 1-3 pm

Zoom: <https://wacourts.zoom.us/j/82110257270>

**Agenda:**

1. Welcome and Introductions of IAC
2. Non-partisan Budget Staff Presentations
3. Judicial Branch Updates
4. Legislative Branch Updates
5. Executive Branch Updates
6. Adjourn

**Welcome and Introductions of IAC:**

* Chief Justice Gonzalez-
  + Purpose to foster communication and information sharing
  + Judicial Updates/Upcoming
    - Jan 9 - Chief Justice Gonzalez will be swearing in Justice Yu
      * Will also be swearing in new Senators
    - Jan 11 – Chief Justice Gonzalez will be giving the State of the Judiciary, hosted by the Senate.
      * Reception to follow.
* Senator Pedersen –
  + Echoes Chief Justice Gonzalez with regard to the purpose of committee – to share information and collaborate regarding the budget process and policy work for the upcoming session.

**Budget Outlook:**

* James Kettel (State Operating Budget Coordinator for the Senate Ways & Means Committee) &
* Mary Mulholland (State Operating Budget for House Appropriations Committee)
  + Operating Budget Calendar:
    - 2023-2025
      * Washington operates on a budget cycle.
  + There are three different budgets for the state –
    - Operating
      * Revenue = Positive forecasts in June and November – up $3B
      * Maintenance Level = Larger than usual – caseload, per capita costs, inflation
        + Revenue should be sufficient to cover
      * Policy Level = Examples of issues likely to be debated in 2023 session:
        + Collective bargaining and compensation adjustments
        + Vendor rate increases
        + Modifying recent issues – 988, Blake v WA, OneWA, Rainier, Housing, WSH
      * Other Issues
        + IIJA
        + Capital Gains
        + Public Health
        + WRPTA
        + CSFRF
    - Transportation
    - Capital
* Sources of Funding:
  + Near General Fund-Outlook - $64.1 bill
  + Federal Funds – $41.8 bill
  + Tuition, Grants, Other Higher Ed Funds - $11.5 bill
  + Other Funds - $13.4 bill
* Starting point for 2023-25 budget
  + Includes carry forward funding
    - 2021-22 Leg Budget decisions from last biennium
  + Next maintenance level budget
  + Policy Level Budget Decisions:
    - Any changes to the existing base budget (which is the cost of continuing ongoing services) are policy level decisions.

**Budget Outlook Questions:**

* Chief Justice Gonzalez –
  + Wants to make observation that we need to be very specific with our discussion of the three separate branches of government and how the funding breakdown includes the Judicial branch in with the executive branch funding.
* Judge Ramseyer –
  + How does a one-time biennial request effect the outlook budget? Is it just a net zero sum that doesn’t carry over versus salary or benefits increase that is then calculated into the carry-over budget?
* Senator Pedersen –
  + How can we factor in funding that is pending litigation?
* Senator Padden –
  + Why not also have a budget projection with that not showing since it is pending litigation?

**Judicial Branch Updates:**

* Chris Stanley, Chief Financial and Management Officer:
  + Total Judicial branch budget request: $103 million total
    - IT Decision Package - $45.1 million total (JISC Authorized)
      * Maintain IT Systems & Funding Continuity – $29.4 million
        + **Fully Funding Judicial Branch IT Infrastructure - $23.6 million per biennium**

Currently and previously funded by CLJ Traffic Fees & Fines

Not a viable option to continue, revenue is down 50% monthly.

* + - * Migrate Office 365 (one-time ask)
      * Upgrade Business Intelligence Reports
      * Continue External Equipment Replacement Program
      * Right-Size Staffing - $6.5 million
        + Continue funding for the Data Quality Team

Funded last year and necessary to clean the data that is missing/broken due to decades of inconsistencies so we can merge data.

* + - * + Dedicated technical support for our appellate courts.
        + Modernize Cyber Security Program
      * Develop Projects to Fill Gaps in Service - $9.3 million
        + Develop Integration Platform

Will allow local courts to build a connection on their end that plugs into.

* + - * + Implement E-Filing for Superior Court Case Management System
        + Replace Supreme Court Opinion Application
        + Develop Statewide Interpreter System
        + Automate Court Forms
    - Non-IT Decision Package - $57.9 million (BJA Authorized)
      * Support Trial Courts - $41.5 million
        + **Launch small & rural court security matching grant program - $5.5 million (one time)**

**EX: Ferry Co = small county, Thurston Co = mid-size county**

* + - * + Continue funding for therapeutic Courts – for existing courts
        + Continue family treatment court team

Previously federal funding grant (has since expired).

* + - * + Stabilize & Improve Best Interests Model in Dependency Cases

Vendor Rate Increase for Guardian Ad Litem

* + - * + Expand & Evaluate Self-Help Centers
        + Increase Capacity for Judicial Education
        + Enhance Online Court System Education
        + Launch FAIR Court Assessment
        + Translate Pattern Court Forms
      * Right- Size Staffing & Program Operations - $13 million
        + **Continue funding for the Blake Implementation Team**

**LFO Refund Bureau – on track to go live by July 1, 2023.**

* + - * + Fully support language access program
        + Implement title 26 guardian ad litem training program
        + Pilot Pretrial Services
        + Engage Volunteers in Guardianship Monitoring
        + Increase Capacity for Public Guardianship Services
        + Fund Water Rights Adjudication

Nooksack Water Resources Area

Could affect 30,000 people

* + - * Collect & Examine Data for Justice - $3.3 million
        + Fully fund Judicial Needs Estimation

Would like to move to the Weighted Caseload Model.

* + - * + Implement Data for Justice

Research Race and Gender Bias in Juries

Examine Disability Bias in the Justice System

* + - * + Address Barriers to Appellate Access
* Dawn Marie Rubio, State Court Administrator:
  + Echoes the importance of technical system funding support.
* Brittany Gregory, OJLR Director:
  + AOC/BJA Request Legislation: Focused on equity, access, and justice
  + Proposal 1 – Jury Diversity Package (Prime Sponsor: Rep. Hackney)

Goal: Increase data collection on the demographics of Washington juries and eliminate barriers affecting juror participation.

* + - Subproposal 1 – Continuing MJC Jury Demographic Survey
    - Subproposal 2 – Childcare for Jurors
    - Subproposal 3 – Increasing Juror Pay to Minimum Wage
    - Subproposal 4 – Addition of Email Service for Juror Summons
      * Permissive and not mandatory.
      * Implementation would be postponed one year to allow DOL and SOS to run education campaign for the patrons/customers and allowing customers to opt-in to email sharing.
  + Proposal 2 – Eliminating Reporting to AOC for Wire Tap Authorizations (Prime Sponsor: Rep. Walen)
    - Striking RCW 9.73.120
    - County Clerks will still have this information and data available and can provide if requested.
  + Proposal 3 – Additional District Court Judge for Snohomish County (Prime Sponsor: Senator Lovick)
    - No Financial or Judicial Impact
      * Snohomish County Council has voted to fund the position
    - Need to change number of judges in statute.
  + Proposal 4 – Increasing Pro Tem Compensation
    - Goal of pay equity in statute – this would not have an additional fiscal impact.
* Other AOC/BJA Updates:
  + Lactation Accommodations for Courthouses – Will be submitting budget proviso and Best Practices Guide will be available for courts.
    - Courts will be able to request funding for lactation accommodation pods in the courthouses.
      * 16 superior courts indicated interest.
  + LSL Luncheon – 1/4 from 12-1p
  + State of the Judiciary & Reception – 1/11 from 10a-12p address, 12-1:30p reception

*Specific Court Level Updates/Requests:*

* Judge Bowman – COA
  + COA Specific Requests
    - Legislative
      * Proposed Stat Amendment – moving cases between the divisions to address backlog
    - Budget
      * Small salary bump request
* Judge Ramseyer – Sup Ct.
  + SCJA is supportive of the AOC and BJA leg and budget requests.
  + SCJA Specific Requests
    - Legislative
      * Technical amendments for judicial decision making
        + Specifically, with regard to parenting plans in dissolution cases.
    - Budget
      * Pay equity for pro tem judges
      * Court staffing
      * Pre-trial services
* Judge Ringus – CLJ
  + DMCJA is supportive of AOC and BJA Leg and Budget Requests
  + CLJ Specific Requests
    - Legislative
      * Technical amendments
        + Civil protection order act
        + Type of abstract from DOL that Courts are able to provide defendants and/or treatment providers.

*Judicial Branch - Agency Updates/Requests:*

* Jim Bamberger, OCLA
  + Given the extraordinarily challenging budget situation facing our state, and despite the need for significantly expanded investment in the basic civil legal aid program, OCLA’s FY 23 supplemental and FY 24-25 operating budget requests focused on:

(a) Ensuring OCLA’s ability to meet statutory mandates in the appointed counsel programs for indigent tenant defendants in unlawful detainer cases and children and youth in dependency/termination cases.

(b) Securing vendor rate adjustments needed to maintain current legislatively authorized levels of client services and avoiding attrition due to significant increased costs of operation

(c) Ensuring continuity of one-time supplemental appropriations for eviction defense services prior to filing of unlawful detainer actions and the State v. Blake civil consequences program, both funded in the FY 23 supplemental last year.

(d) Addressing significant compensation gaps that threaten OCLA (and OPD’s) ability to recruit and retain attorneys to represent children (and parents) in dependency and termination cases. Need to ensure that contracted attorneys are taking home a meaningful wage and so that OCLA can recruit and retain attorneys.

* Sophia Byrd-McSherry, OPD
  + OPD has three categorical budget requests (total budget request is $37.9 million):
    - Client Services - $23 million
      * Fund vendor rate adjustments (similarly to OCLAs request/focus)
      * Expand Prefiling Representation to Prevent Family Separation
      * Establish “Innovation Grands” for Counties & Cities
    - Agency Operations – $13.8 million
    - Office Systems & Worksite Security - $1.1 million

**Legislative Branch Updates:**

* Senator Pedersen
  + 100 bills pre-filed between the two chambers
  + Ready to pre-file:
    - Response to courts letter on defects and omissions in the law.
  + Continuing response to the Blake decision
    - Will be a major topic of discussion for the leg this coming session.
  + Thank Rep. Gilday for being willing to serve on the committee this year.
* Senator Padden
  + Snohomish County Courthouse is under lock down right now (12/12)
    - Indicates and supports the need for court security.
* Representative Gilday
  + Will not be returning to Olympia this coming session
  + Thanks to Chief Justice and Senator Pedersen for putting together IAC – this is important work and communication that is happening at these meetings.

**Comments/Questions/Concerns:**

* Melissa Beaton – Representing WSACC
  + Clerks are focusing on two funding items:
    - Overpayments –The ability for counties to retain overpayments less than $10 was unintentionally removed from the unclaimed properties act in this last session so we are looking to add that back in.
    - LFO collection – Significant challenges at the county level in the ability to collect victim restitution by loss of the LFO collection service fee.  WSACC is seeking from the state reimbursement to counties of substantial lost revenue.
* Commissioner Carolina Mejia – Representing WSACs
  + WSACs Legislative focus for upcoming session:
    - Behavioral Health Network Adequacy Standards
    - Modernizing Justice to Support and Promote Recovery
    - Support the Critical Facilities Rural Counties Need – Extend the Sales & Use Tax for Public Facilities
    - Federal Transportation Fund Exchange