

2013-2015
BIENNIAL BUDGET REQUEST



AGENCIES OF THE
WASHINGTON STATE
JUDICIAL BRANCH

SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
LAW LIBRARY
COURT OF APPEALS
OFFICE OF CIVIL LEGAL AID
OFFICE OF PUBLIC DEFENSE

The Supreme Court
State of Washington

BARBARA A. MADSEN
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
FAX (360) 357-2085
E-MAIL J.B.MADSEN@COURTS.WA.GOV

October 18, 2012

Stan Marshburn, Director
Office of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113

Dear Mr. Marshburn:

With this letter I am pleased to transmit copies of the 2013-2015 biennial budget requests on behalf of the Supreme Court and its departments. Also included are the 2013-2015 biennial budget requests for the Washington State Court of Appeals, Office of Public Defense, and Office of Civil Legal Aid.

The Supreme Court continues to rigorously review all requests for new or increased funding. A number of funding requests were eliminated from consideration during our branch wide review and prioritization process.

The requests contained in the attached documents represent, in the view of the court, the most prudent choices given the current economic situation.

If you should have any questions regarding our process or the budget submittal, please do not hesitate to contact me at (360) 357-2037. You may also contact Ramsey Radwan, Director of Management Services, Administrative Office of the Courts, at (360) 357-2406 or ramsey.radwan@courts.wa.gov.

Sincerely,

Barbara A. Madsen
Chief Justice

c Ms. Callie Dietz, AOC
Ms. Joanne Moore, OPD
Mr. Jim Bamberger, OCLA
Ms. Kay Newman, State Law Librarian
Mr. Ramsey Radwan, AOC

2013-2015
BIENNIAL BUDGET REQUEST



SUPREME COURT

WASHINGTON STATE SUPREME COURT

INTRODUCTION

As the state's "court of last resort," the Washington State Supreme Court reviews over 1,000 cases each year. The Supreme Court has almost total discretion in deciding which cases it will hear, although it automatically reviews those cases involving the death penalty. The Court also has administrative responsibility for the state court system as well as supervisory responsibilities over certain activities of the Washington State Bar Association, including attorney discipline.

The case-related activity of the Court is most publicly visible when cases have reached the oral argument stage. Before cases ever reach this stage, Court staff must screen potential cases, document and research issues, compile typewritten trial records which include court papers filed in the case and the printed arguments (briefs) of the attorneys. Only then is the case scheduled for oral argument.

At a private conference held after the oral argument, the justices reach their preliminary decision and assign one justice to write the Court's opinion. Writing an opinion is a complex process, often involving months of additional research and discussion. If the Court's decision on a case is not unanimous, other justices may write either a dissenting opinion or a concurring opinion. The Court's decision, when published, becomes a legal precedent to serve as a guide to lawyers and judges in future cases.

Deciding cases is only one of the Court's functions. The Court is also responsible for administering the state's entire judicial system. The Court establishes the rules of operation for all other courts in the state – district, municipal, superior, and appellate – and governs the admission, practice, and conduct of attorneys and judges. More than 200 courts with 2,500 judicial and court personnel comprise the Washington State Court System.

The ultimate responsibility for the administration of Washington State's judicial system resides with the Chief Justice, who is selected by the Court every four years. The Chief Justice presides at all Supreme Court sessions, administers the judicial branch of state government, chairs the state judicial conference, and represents the Court and the judicial system in public appearances. Because much of the administrative decision making is collegial, it is necessary for the Chief Justice to establish and coordinate numerous activities and committees.

The mandate of the Supreme Court is to provide for the prompt and orderly administration of justice in the state and to rule on issues properly brought before it. To accomplish this, the Court decides cases, publishes opinions, adopts rules of procedure, and provides continuing guidance for the judiciary and the bar.

Primary Functions Performed and Clients Served

In its role as the state's highest court, the Supreme Court performs these three major functions:

- Hearing cases.
- Interpreting and applying the law.
- Writing opinions setting forth its interpretation and application of the law.

In its role as the administrative body for the state's judicial system, the Supreme Court performs these two additional functions:

- Providing leadership for Washington's judicial system.
- Promulgating rules governing Washington's judicial system.

The citizenry of the state of Washington are served by the Supreme Court.

Recommendation Summary (CB Detail)

Agency: **045 Supreme Court**
 Version: **BR Biennial 13-15 Budget Request**

1:21:45PM
 10/8/2012

Dollars in Thousands	Annual Average FTEs	General Fund State	Other Funds	Total Funds
2011-13 Current Biennium Total				
CL AA Carry Forward Level	60.9	13,615		13,615
Total Carry Forward Level	60.9	13,615		13,615
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
Carry Forward plus Workload Changes	60.9	13,615		13,615
Percent Change from Current Biennium				
Total Maintenance Level	60.9	13,615		13,615
Percent Change from Current Biennium				
PL AB Operational Funding		50		50
Subtotal - Performance Level Changes	0.0	50		50
2013-15 Total Proposed Budget	60.9	13,665		13,665
Percent Change from Current Biennium				

PL AB Operational Funding

Since 2009, the Washington Supreme Court (Supreme Court) has sustained a 17% reduction to its operating budget. In order to achieve those reductions the Supreme Court has frozen staff salaries, reduced department head salaries, eliminated costs resulting from holding court in areas other than Olympia, virtually eliminated funding for Access-to-Justice programs, and reduced other operating expenditures by fifty percent.

Funding is requested to support the constitutionally mandated operations of the Supreme Court.

State of Washington

Summarized Revenue by Account and Source

Budget Period: 2013-15
 Dollars in thousands
 045 - Supreme Court
 Agency Level
 BR - Biennial 13-15 Budget Request
 Supporting Text Excluded

9/27/2012
 1:34PM

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2014	FY2015	FY2014	FY2015	FY2014	FY2015	
001 - General Fund							
Total - 0405 - Fines, Forfeits - S	55	55			55	55	110
001 - General Fund - State	55	55			55	55	110
Total - 001 - General Fund	55	55			55	55	110
045 - Supreme Court - State	55	55			55	55	110
Total - 045 - Supreme Court	55	55			55	55	110

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Supreme Court
Decision Package Title: Operational Funding
Budget Period: 2013-2015 Biennial Budget Request
Budget Level: Policy Level

Recommendation Summary Text

Since 2009, the Washington Supreme Court (Supreme Court) has sustained a 17% reduction to its operating budget. In order to achieve the necessary reductions, the Supreme Court has frozen staff salaries, reduced department head salaries, eliminated costs resulting from holding court in areas other than Olympia, virtually eliminated funding for Access to Justice programs, and reduced other operating expenditures by 50%.

Funding is requested to support the constitutionally mandated operations of the Supreme Court.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 General Fund State		\$ 25,000		\$ 25,000		\$ 50,000
Staffing		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		-0-		-0-		-0-

Package Description:

Since 2009, the Supreme Court has sustained a 17% reduction to its operating budget. In order to achieve the necessary reductions, the Supreme Court has frozen staff salaries, reduced department head salaries, eliminated costs resulting from holding court in areas other than Olympia, virtually eliminated funding for Access to Justice programs, and reduced other operating expenditures by 50%.

Over 86% of the non-staff budget is redistributed to central service agencies. These services and the associated costs are established by the central service agencies, and as such are beyond the control of the Supreme Court; they cannot be managed in a manner that would allow for service reductions leading to cost reductions. The remaining 14% of the non-staff budget is dedicated to ensuring that the Supreme Court

can operate. This category includes the costs of telephones, document reproduction, postage and other necessary costs.

As noted, the Supreme Court has implemented budget austerity initiatives that allow it to function within the confines of its legislative appropriations. However, the Supreme Court is finding it extremely difficult to focus on and carry out its core mission due to the extreme budget situation it currently faces. As an example, normal operating supply purchases have been cancelled due to increased Attorney General litigation costs.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.
Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

The Supreme Court must have adequate base funding in order to carry out its constitutional mandate. The Supreme Court budget has been reduced to a level that impedes its ability to effectively operate; almost one hundred percent of the Court's non-staff funding is dedicated to non-controllable costs such as rent, Attorney General services, statewide information technology service costs, etc.

Measure detail

- **Impact on clients and services**

Funding is requested for costs associated with the most basic operating expenses. Without adequate funding for supplies, copies and telephones, the Supreme Court cannot adequately provide the services that the public has a right to receive.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

The Supreme Court has implemented a number of cost reduction initiatives (see above). However the budget has been reduced to a point that does not allow for efficient and effective operation.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

This is a request for ongoing funds.

- **Effects of non-funding**

If additional funding is not provided, certain costs may not be paid.

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$ 25,000	\$ 25,000	\$50,000
Total Objects	\$ 25,000	\$ 25,000	\$50,000

2013-2015
BIENNIAL BUDGET REQUEST



AOC

ADMINISTRATIVE OFFICE OF THE COURTS

INTRODUCTION

The mission of the Washington State Administrative Office of the Courts is to advance the efficient and effective operation of the Washington State Judiciary.

The Washington State Administrative Office of the Courts (AOC), operating under the direction of the Supreme Court, executes administrative policies and rules as applicable to the Washington judicial system, examines the operations of the court system, and makes recommendations for improvement. This court system includes the Supreme Court, Court of Appeals, superior courts (including juvenile departments), and the courts of limited jurisdiction (district and municipal courts).

The AOC operates within a framework atypical of other state agencies in Washington. In addition to Supreme Court review and approval, proposed services and systems to be developed by the AOC are reviewed by one or more of four policy boards: the Board for Judicial Administration (BJA), the Board for Court Education (BCE), the Court Management Council (CMC), and the Judicial Information System Committee (JISC). These committees and boards are the means by which the Washington court community builds consensus to guide the AOC's efforts.

The AOC functions in a unique and complex environment, necessitated by the agency's responsibility to remain responsive to changes mandated by the judicial, legislative, and executive branches of state government.

On behalf of the Supreme Court and the courts of the state of Washington, the AOC has prepared the following biennial budget request. The content and format of this budget request were developed to reflect the business environment within which Washington State courts and the AOC operate.

The AOC continues to focus its efforts and resources on two primary goals. The first goal is to improve the efficiency of court operations; the second goal is to improve the effectiveness of court operations.

The AOC intends to measure progress toward the attainment of these goals by:

- Increasing the number of interagency and intergovernmental electronic data exchange systems.
- Providing the information technology infrastructure that will allow users to file case information electronically.
- Conducting research and disseminating results regarding the effectiveness of specific court operations and practices.

- Increasing the percentage of judicial officers compliant with mandatory education requirements.
- Cooperatively developing and implementing performance measures for trial courts to use in assessing operations.

Primary Functions Performed and Clients Served

The Administrative Office of the Courts was established by the Washington State Legislature in 1957 and operates under the direction and supervision of the Chief Justice of the Supreme Court, pursuant to Chapter 2.56 RCW.

The AOC is organized into the four functional areas described below.

ADMINISTRATION provides overall management of the AOC based on direction and guidance from the Supreme Court. Administration is engaged in the following functions and areas of support:

- Overall management of AOC operations.
- Representation of the judicial branch in matters involving the legislative and executive branches of state, federal, and local government.
- Coordination of the annual judicial conference.
- Active membership on state and national judicial policy boards and committees.
- Recruitment, employee training, and advisory services.

The **INFORMATION SYSTEMS DIVISION** supports court access to and use of automated information processing systems. Over 16,000 users access data on the Judicial Information System (JIS). Information from more than three-quarters of the cases filed in Washington State is recorded on the JIS. Major functions and support areas include:

- Maintenance of a statewide JIS person database.
- Development of new automated applications.
- Acquisition and maintenance of hardware and software necessary to support court applications.
- Support for, and improvement of, existing automated court applications.
- Consultation and training on the use of new and existing applications.
- Establishment of hardware and software standards.

The **JUDICIAL SERVICES DIVISION** provides comprehensive professional and technical support to the state's more than 200 courts and approximately 2,500 judicial officers and court staff. Major functions and support areas include:

- Court management analysis and technical assistance.
- Staff support to numerous boards, commissions, and committees.
- Liaisons to judicial and court management groups.
- Judicial education and training.
- Law-related education/information for schools and the public.
- Publication of court rules, procedures manuals, and bench book guides.

- Research and court management information reporting.

The **MANAGEMENT SERVICES DIVISION** provides services to employees of the Supreme Court, Court of Appeals, Law Library, and the AOC. Major functions and support areas include:

- Development and monitoring of biennial and supplemental budgets.
- Accounting of all expenditures.
- Processing of employee payroll and vendor payments.
- Securing competitive procurements, and amendments.
- Purchasing.
- Ensuring facility, safety, security, and maintenance.
- Contract Management.

In addition to these four primary areas of function, the AOC Courts provides coordination, support, and oversight of the funding for a variety of special programs including the Board for Court Education, the Gender and Justice Commission, and the Minority and Justice Commission.

Clients

The primary clients of the AOC are Washington's citizenry, its judicial officers and courts, and the court managers and employees associated with those courts. The AOC also provides services to a rapidly-widening circle of local and state agencies that are closely tied to the criminal and social problems currently being addressed by the courts. In addition, the AOC provides the JIS Link, a highly popular information service offering access (on a cost-recovery basis) to certain public record court case data contained in the Judicial Information System databases.

Recommendation Summary (CB Detail)

Agency: 055 Admin Office of the Courts

4:24:01PM

Version: B1 13-15 Budget Request

10/17/2012

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
2011-13 Current Biennium Total				
CL AA CFL	384.0	109,341	28,519	137,860
Total Carry Forward Level	384.0	109,341	28,519	137,860
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
Carry Forward plus Workload Changes	384.0	109,341	28,519	137,860
Percent Change from Current Biennium				
M2 M2 Grant Authority	4.0		1,075	1,075
M2 MA LFO Pass Through		179		179
Total Maintenance Level	388.0	109,520	29,594	139,114
Percent Change from Current Biennium				
PL PA Video Remote Interpretation	1.0	384		384
PL PB SC-CMS	22.0		11,300	11,300
PL PC JIS Multi-Project Funding			2,000	2,000
PL PD Information Networking Hub			1,500	1,500
PL PE Internal Equipment Replacement			2,138	2,138
PL PF External Equipment Replacement			1,199	1,199
PL PG ECMS	1.0		333	333
PL PH Access to Justice Board		50		50
Subtotal - Performance Level Changes	24.0	434	18,470	18,904
2013-15 Total Proposed Budget	412.0	109,954	48,064	158,018
Percent Change from Current Biennium				

Recommendation Summary (CB Detail)

Agency: 055

4:24:01PM

Version: B1

10/17/2012

Dollars in Thousands

Annual Average FTEs	General Fund State	Other Funds	Total Funds
------------------------	-----------------------	-------------	-------------

M2 M2 Grant Authority

The Administrative Office of the Courts requests additional authority to expend federal grant funding and private local funding.

M2 MA LFO Pass Through

The Washington State Association of County Clerks is seeking an adjustment to the collection program maintenance level based upon the average fiscal growth factors between fiscal year 2010 and fiscal year 2012 (4.57%).

PL PA Video Remote Interpretation

State and federal laws require Washington courts to provide meaningful access to courts and court services for persons who have limited English proficiency (LEP). Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially miscarriage of justice.

Providing meaningful access in remote areas of the state is difficult. Likewise, providing interpreting for certain languages, where the state has a small number of available qualified interpreters, is challenging. Video remote interpreting (VRI) can remove these barriers to essential, accurate interpreting for unscheduled and scheduled communication with limited English proficiency court users.

PL PB SC-CMS

This request seeks funding to continue with the implementation of the new Commercial Off The Shelf (COTS) Case Management System for the superior courts. Funding is needed to complete Phase 2 (Statewide Configuration and Validation), begin Phase 3 (Local Implementation Preparation), begin Phase 4 (Pilot Implementation), and begin Phase 5 (Statewide Rollout) of the project.

PL PC JIS Multi-Project Funding

The purpose of this request is to secure funding for small and medium-sized information technology projects. Funds would be allocated by the Judicial Information Systems Committee (JISC) according to priorities established by the JISC through the Information Technology Governance process. This flexibility will allow the JISC to respond quickly to requests which would provide new or enhanced functionality to the Washington Courts.

PL PD Information Networking Hub

This is a request for funds to continue with the development and implementation of the Information Networking Hub (INH) to provide a comprehensive set of bi-directional data exchanges in real-time to meet the data exchange needs of the courts, as well as providing a central data repository for court data.

PL PE Internal Equipment Replacement

Funding is requested to replace aged computer equipment and to improve performance of heavily used JIS services.

PL PF External Equipment Replacement

Recommendation Summary (CB Detail)

Agency: 055

4:24:01PM

Version: B1

10/17/2012

Dollars in Thousands

Annual Average FTEs	General Fund State	Other Funds	Total Funds
------------------------	-----------------------	-------------	-------------

Funds are sought to replace aged computer equipment at the courts and to equalize equipment replacement between the court levels.

PL PG ECMS

This is a request to fund staff and other costs associated with ongoing system support for the new Commercial Off The Shelf (COTS) Electronic Content Management System (ECMS). This system will be purchased and implemented for the appellate courts in the current 2011-2013 biennium.

PL PH Access to Justice Board

The Access to Justice Board seeks restoration of funding eliminated due to legislatively mandated budget reductions beginning in 2009.

Decision Package Revenue Detail

Budget Period: 2013-15
 Agency: 055 Admin Office of the Courts
 Version: B1 13-15 Budget Request
 Package Program:
 Budget Level: M1
 Decision Package Code: 90
 Decision Package Title: Maintenance Level Revenue

10/17/2012

4:17:30PM

Page: 1

Last Updated:

Sep 26 2012 2:06PM

Fiscal Year: 2014

Fund-Source

	Agency Level	Total
001-0405 Fines, Forfeits	97,000,000	97,000,000
11K-0405 Fines, Forfeits	8,300,000	8,300,000
121-0405 Fines, Forfeits	1,550,000	1,550,000
543-0299 Other Licenses Permi	16,750,000	16,750,000
543-0440 Indirect Cost Reimb	2,500,000	2,500,000
Total	126,100,000	126,100,000

Fiscal Year: 2015

Fund-Source

	Agency Level	Total
001-0405 Fines, Forfeits	99,000,000	99,000,000
11K-0405 Fines, Forfeits	8,300,000	8,300,000
121-0405 Fines, Forfeits	1,550,000	1,550,000
543-0299 Other Licenses Permi	16,750,000	16,750,000
543-0440 Indirect Cost Reimb	2,500,000	2,500,000
Total	128,100,000	128,100,000

State of Washington

Summarized Revenue by Account and Source

Budget Period: 2013-15

Dollars in thousands

055 - Admin Office of the Courts

Agency Level

B1 - 13-15 Budget Request

Supporting Text Excluded

10/17/2012

4:18PM

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2014	FY2015	FY2014	FY2015	FY2014	FY2015	
001 - General Fund							
M2 - Grant Authority	567						
Total - 0393 - Health & Human Svc - F	567				567		567
Total - 0405 - Fines, Forfeits - S	97,000	99,000			97,000	99,000	196,000
M2 - Grant Authority	254	254					
Total - 0541 - Contributions Grants - P/L	254	254			254	254	508
001 - General Fund - State	97,000	99,000					
001 - General Fund - Federal	567				567		567
001 - General Fund - Private/Local	254	254			254	254	508
Total - 001 - General Fund	97,821	99,254			97,821	99,254	197,075
11K - WA Auto Theft Prev							
Total - 0405 - Fines, Forfeits - S	8,300	8,300			8,300	8,300	16,600
11K - WA Auto Theft Prev - State	8,300	8,300			8,300	8,300	16,600
Total - 11K - WA Auto Theft Prev	8,300	8,300			8,300	8,300	16,600
12T - Brain Injury Acct							
Total - 0405 - Fines, Forfeits - S	1,550	1,550			1,550	1,550	3,100
12T - Brain Injury Acct - State	1,550	1,550			1,550	1,550	3,100
Total - 12T - Brain Injury Acct	1,550	1,550			1,550	1,550	3,100
543 - Judicial Info System							
Total - 0299 - Other Licenses Permi - S	16,750	16,750			16,750	16,750	33,500

State of Washington

Summarized Revenue by Account and Source

Budget Period: 2013-15
 Dollars in thousands
 055 - Admin Office of the Courts
 Agency Level
 B1 - 13-15 Budget Request
 Supporting Text Excluded

10/17/2012
 4:18PM

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2014	FY2015	FY2014	FY2015	FY2014	FY2015	
543 - Judicial Info System							
Total - 0440 - Indirect Cost Reimb - S	2,500	2,500			2,500	2,500	5,000
543 - Judicial Info System - State	19,250	19,250			19,250	19,250	38,500
Total - 543 - Judicial Info System	19,250	19,250			19,250	19,250	38,500
055 - Admin Office of the Courts - State	126,100	128,100			126,100	128,100	254,200
055 - Admin Office of the Courts - Federal	567				567		567
055 - Admin Office of the Courts - Private/Local	254	254			254	254	508
Total - 055 - Admin Office of the Courts	126,921	128,354			126,921	128,354	255,275

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: Grant Authority
Budget Period: 2013-2015 Biennium
Budget Level: Maintenance Level

Recommendation Summary Text

The Administrative Office of the Courts requests additional authority to expend federal grant funding and private/local funding.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-2 Federal General Fund		\$ 567,000		0		\$ 567,000
001-7 Private/Local		\$ 254,000		\$ 254,000		\$ 508,000
TOTAL		\$ 821,000		\$ 254,000		\$1,075,000
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		4.0		0.0		2.0

Package Description

The Administrative Office of the Courts (AOC) has received federal funding through the Court Improvement Program (CIP) grant for a number of years. Previous appropriation authority was granted through the unanticipated receipt process. The federal funding is fairly stable; accordingly, general federal authority is being requested.

The CIP grants are received each year for a two-year federal biennium period (for example October 1, 2010 - September 30, 2012). Therefore, there are always two grants open during a state fiscal year. The past three years, the grants have been for approximately \$650,000 per grant. The spending pattern is not consistent enough to assume equal spending each fiscal year. Therefore, ongoing expenditure authority is requested for the CIP grants.

In the 2010 and 2011 Supplemental Budgets, federal grant authority was approved. AOC has been informed that the 2nd fiscal year will be considered in the carry-forward Level, so fulfillment of this request will biennialize that decision.

The AOC has received grants from the MacArthur foundation and the State Justice Institute consistently during the last biennium and the current biennium. Ongoing appropriation authority is requested to avoid the need to follow the unanticipated receipts process for the grants.

Measure Detail

- **Impact on clients and services**

None.

- **Impact on other state programs**

None.

- **Relationship to capital budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Costs will continue into future biennia.

- **Effects of non-funding**

Unanticipated funding requests would be submitted.

Expenditure Calculations and Assumptions

CFL from 09-11

FY12	FY13
\$0	\$567,000
\$0	\$0

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
N - Grants	\$ 821,000	\$ 254,000	\$1,075,000
Total Objects	\$ 821,000	\$ 254,000	\$ 1,075,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency Administrative Office of the Courts
Decision Package Title: Legal Financial Obligations Collection Pass-Through
Budget Period: 2013-2015 Biennial Budget Request
Budget Level Maintenance Level

Agency Recommendation Summary Text

The Washington State Association of County Clerks seeks an adjustment to the collection program maintenance level, based upon the average fiscal growth factors between fiscal year 2010 and fiscal year 2012 (growth of 4.57%).

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 General Fund - State		\$ 89,000		\$ 90,000		\$ 179,000
Staffing		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		-0-		-0-		-0-

Package Description

Organizations supporting this request

Washington State Association of County Clerks

Background

ESSB 5990 transferred, among other activities, the responsibility of collecting legal financial obligations from the Department of Corrections to the state's County Clerks in 2003. The transfer resulted in an immediate savings in state expenditures of \$2.5 million, an ongoing biennial savings of \$3.4 million and has netted an 87% increase in restitution collections when compared to 2003.

The Legislature appropriated \$1,800,000 to the Administrative Office of the Courts for allocation to the County Clerks to help offset the cost of local collection costs. The allocation is based upon a formula developed by the Washington Association of County Officials and agreed to by the the Washington Association of County Clerks.

The Legislature also appropriated funding for the production and distribution of the billing statements. While postage and production cost increase requests have been funded since the inception of the program, requests for funding the collection program only received its first modest increase in 2011 of \$81,000.

Current situation

All 39 County Clerk offices operate LFO collection programs. As noted, the allocation for the collection program had not been increased until last year. During the first 10 years of operation of this program, utilities, salaries and facility costs have increased by an amount that far exceeds inflationary costs

Proposed solution

The Washington State Association of County Clerks is seeking an adjustment to the collection program maintenance level based upon the average fiscal growth factors between fiscal year 2010 and fiscal year 2012 (4.57%). The adjustment would allow the County Clerks to continue to restore some of the services that have been reduced or threatened to be eliminated as a result of inflationary erosion. Further, the adjustment will continue to mitigate adverse impacts such as reduction in the restitution and revenue collection rate caused by reduced services.

Narrative Justification and Impact Statement

Reason for change

- **Impact on clients and services?**
- **Impact on other state programs?**
- **What alternatives were explored and why was this alternative chosen?**
- **What are the consequences of not funding this package?**
- **What is the relationship, if any, to the state’s capital budget?**

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$89,000	\$90,000	\$179,000
Total Objects	\$89,000	\$90,000	\$179,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: Video Remote Interpretation
Budget Period: 2013-2015 Biennial Budget Request
Budget Level: Policy Level

Recommendation Summary Text

State and federal laws require Washington courts to provide meaningful access to courts and court services for persons who have limited English proficiency (LEP). Failure to provide clear, concise interpretation denies these individuals that opportunity, leading to mistrust, confusion, administrative inefficiencies and potentially miscarriage of justice.

Providing meaningful access in remote areas of the state is difficult. Likewise, providing interpreting for certain languages, where the state has a small number of available qualified interpreters, is challenging. Video remote interpreting (VRI) can remove these barriers to essential, accurate interpreting for unscheduled and scheduled communication with limited English proficiency court users.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 General Fund-State		\$ 167,000		\$ 217,000		\$ 384,000
<hr/>						
Staffing		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		1		1		1

Package Description

Need

Language access in state courts is critical. For this reason, courts must be fully accessible to everyone, regardless of their language ability.

RCW Chapter 2.43 prescribes the requirements for providing court interpreter services in Washington courts. Additionally, Executive Order 13166 issued in 2000, directed federal agencies to publish LEP guidance for recipients of federal funding. All subsequent technical assistance and guidance regarding language access issued by the Department of Justice (DOJ) have communicated DOJ's position that courts

receiving federal funding are required to take reasonable steps to provide oral interpretation to people who are limited English proficient in all proceedings and court operations in accordance with Title VI requirements for ensuring language access. In August 2010, in a letter to all chief justices and state court administrators, Assistant Attorney General Thomas E. Perez clarified the obligation of state courts receiving federal funding to provide language assistance services to people who are LEP in all proceedings and court operations.

To assist the court with its obligation, AOC established a court interpreter certification program to ensure availability of qualified language interpreters. Although this program has been quite successful, there continues to be a limited availability of interpreters in remote regions of the state, as well as limited interpreters in certain languages, such as Arabic. The limited availability of interpreters can result in court delays, continuances and increased costs when courts are forced to pay a premium to compensate interpreters for traveling long distances.

Solution

This request is to fund a pilot project for the implementation of centralized remote interpreting to overcome barriers preventing the provision of quality interpreting. Remote interpreting includes telephone interpreting and integrated audio/video interpreting.

Telephone interpreting can be accomplished with a standard telephone line attached to a state-of-the-art sound system (see Figure 1). Remote integrated audio/video interpreting utilizes several technologies including a state of the art sound system, a standard telephone line, headsets with attached microphones, personal computers, high-speed Internet and cameras (see Figure 2).



Figure 1 - Interpreting Remotely — The Interpreter presses a number on the telephone keypad to control who hears her voice.



Figure 2 - Integrated Audio/Video Remote Interpreting

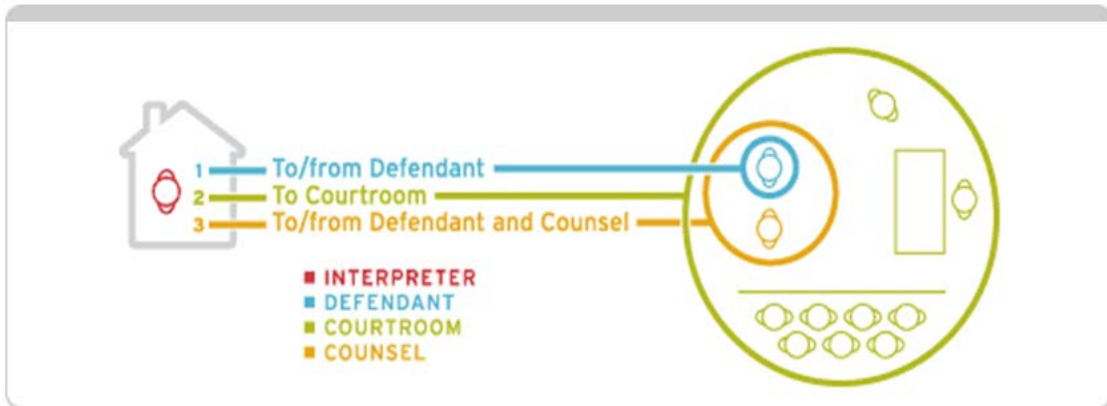


Figure 3 - Illustrates Flow of Communication during Interpreting

This request will fund the Video Remote Interpreting (VRI) equipment purchase, installation, and maintenance, as well as providing training necessary to use the equipment. The request will also fund one bilingual full-time court program analyst to draft business procedures, coordinate VRI services, provide back-up telephonic and video interpreting and obtain, review and evaluate data.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

Trial courts have an obligation to provide meaningful language access despite barriers caused by distance and limited interpreter availability. VRI provides an opportunity to overcome these barriers and efficiently and effectively provide court access to LEP court users in both criminal and civil cases pursuant to DOJ guidance and state and federal laws.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

This use of VRI illustrates the courts' commitment to making state courts fully accessible to everyone, by removing communication barriers caused by national origin and language ability. This project will encourage the use of qualified language interpreters in all court interactions.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

In instances where VRI is used, scheduling proceedings and interpreter services will be enhanced. The ability to provide an interpreter on demand decreases court disruption and allows interactions to occur quickly and smoothly without the cost burden caused by on-site interpreting.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

VRI ensures that qualified certified or registered interpreters are used for all court interaction. VRI effectively addresses the lack of available interpreters due to geographic barriers or a small number of qualified interpreters in certain languages. VRI may reduce and/or eliminate the need to use noncertified interpreters.

Measure Detail

Impact on clients and services

VRI benefits court users and the courts. It increases access for LEP persons; minimizes court disruptions; and reduces the burden of cost associated with on-site interpreting including travel costs and costs incurred scheduling two-hour minimums when less interpreting time is needed or when defendants fail to appear for scheduled proceedings.

Impact on other state programs

None

Relationship to Capital Budget

None

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

Several court rules may require revision after the pilot project has been completed and it has been decided that VRI is a proven method available to courts statewide. During the pilot, the Supreme Court can issue a court order exempting the pilot from existing court rules.

Superior Court Criminal Rule 3.4 states that video conferences may be held on criminal cases in which all participants can simultaneously see, hear, and speak with each other, and such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. It further states that all video conference hearings conducted pursuant to the rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge.

In addition, Superior Court Civil Rule 3.4 states that in interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

Alternatives explored

In the 1980s, AOC established a program to train and certify court interpreters. The program has been successful, but the growing need for interpreter services along with the barriers posed by distance have made it impossible to keep up with demand. VRI and other technologies are needed to bridge the gap.

Distinction Between One-time and Ongoing Costs and Budget Impacts in Future Biennia

The non-staff costs represent a one-time purchase of VRI equipment. Ongoing salary costs will impact future biennia, as will maintenance of the equipment.

Effects of Non-funding

If this proposal is not funded, the court will struggle to satisfy its obligation to provide meaningful access to court for LEP persons. If the court doesn't satisfy its obligation, it could face penalties from the Department of Justice.

Expenditure Calculations and Assumptions

Staff Costs

1 Senior Court Program Analyst, Level 62: \$92,000 including salary and benefits.

Non-Staff Costs

This is an estimate for what it will take to design, engineer and build a complete courtroom video remote interpretation system from the ground up. The audio system shall be completely integrated into the court room microphones and speakers. The video system will be on a portable cart with a video monitor and a video conferencing system that will connect into the main system of the court room but can be rolled out of the court room when not needed.

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	\$ 92,000	\$ 92,000	\$184,000
Non-Staff Costs	\$ 75,000	\$125,000	\$200,000
Total Objects	\$167,000	\$217,000	\$384,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Superior Court Case Management System (SC-CMS)

Budget Period: 2013-2015 Biennial Budget Request

Budget Level: Policy Level

Recommendation Summary Text

This request seeks funding to continue with the implementation of the new Commercial Off The Shelf (COTS) Case Management System for the superior courts. Funding is needed to complete Phase 2 (Statewide Configuration and Validation), begin Phase 3 (Local Implementation Preparation), begin Phase 4 (Pilot Implementation), and begin Phase 5 (Statewide Rollout) of the project.

Fiscal Detail

Operating Expenditures	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
543-1 Judicial Information Systems Acct	\$ 4,795,000	\$ 6,505,000	\$ 11,300,000
Staffing	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
FTEs	22.0	22.0	22.0

Package Description

This request, which is a continuation of funding approved for the 2011-2013 biennium, is supported by the Judicial Information System Committee (JISC), Superior Court Judges Association (SCJA), Association of Washington Superior Court Administrators (AWSCA), Washington State Association of County Clerks (WSACC), and the Administrative Office of the Courts.

Under the direction of the JISC, the purpose of the Superior Court Case Management System (SC-CMS) project is to procure and implement a software application that will support the business functions of state superior courts and county clerks by acquiring and deploying a SC-CMS to courts throughout the state. The SC-CMS will specifically support calendaring and caseflow management functions, along with participant/party

information tracking, case records and relevant disposition service functions in support of judicial decision-making, scheduling, and case management.

Current Situation

The SC-CMS project has been underway since July 2011. Changes in project schedules have resulted in some minor differences for the next biennium relative to the original feasibility study prepared by MTG Consultants.

Proposed Solution

It was determined by the JISC that the purchase of a Commercial Off-the-Shelf (COTS) solution for court case management would be most cost-effective and prudent. The COTS solution would then be configured to support standardized court processes.

Reason for Change

The current Superior Court Management Information System (SCOMIS) is 35 years old. While it does what it was designed to do and was considered state-of-the-art technology when it was implemented, court business and technology needs have evolved considerably. The vision of the SC-CMS provides a number of desired functions that are designed to address the business improvement needs of the courts. Improved and expanded capabilities will include increased capability for data management, access, and distribution; more robust calendar management and statistical reporting capabilities; enhanced business process automation and management; and improved service to partners and the public. Funding also is requested for work on infrastructure and applications in anticipation of the COTS system installation.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

The mission of the Administrative Office of the Courts is to support the courts in the fair and effective administration of justice, providing centralized administration, fiscal services, and *technology support* for all of the courts, trial and appellate. Managing technology to ensure that information systems are current and the data is secure and available is a key to continuing to maintaining the 'right to justice' in all cases.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

With an average of more than one court filing for every three citizens in Washington State, the need for services provided by Washington courts is vast. The SC-CMS project will be a major force in making Washington court data available to all. Legacy systems at the superior court level will be modernized to facilitate communication of

core court information. Faster, more flexible access to information will reduce delays and assist judicial decision-makers impacted by the loss of judicial staff in the current economic crisis.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Under the SC-CMS project, there will be a significant review of court operations. To facilitate this review and to offer support and specialized services to courts implementing the new system, the Administrative Office of the Courts has established a Court Business Office (CBO) as part of the SC-CMS project. The unit will work to establish ways in which all courts may benefit from shared processes and information.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Without modern infrastructure and the most current technology, the courts cannot be managed effectively.

Measure detail

• **Impact on clients and services**

In addition to serving as the statewide court case management system, the existing Judicial Information System (JIS) provides essential information to several state agencies, local law enforcement entities, prosecutors, criminal justice partners, and the public. The JIS is responsible for accurately tracking, recording and distributing over \$240 million per year in state and local revenues (excluding restitution and other “trust” monies).

Implementation of a new Superior Court calendaring and case management system will provide:

- Enhanced data-sharing capabilities.
 - Cost avoidance through the elimination of redundant data entry.
 - Error reduction through training, standardization of business practices, and value-limited data entry fields.
 - Flexibility to meet new and emerging business needs
 - Improved tracking and analysis capabilities.
- **Impact on other state programs**
- Other state entities will benefit from the enhanced efficiency and effectiveness of AOC operations. Vital information from the courts is provided through AOC to the Washington State Patrol, Department of Corrections, Office of the Secretary of State, Sentencing Guidelines Commission, Department of Licensing, local law enforcement agencies, Federal government, prosecutors and defense attorneys.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Several significant alternatives were explored in the course of the SC-CMS feasibility study completed by Management Technologies Group (MTG) in January 2012. The four alternatives were:

1. Statewide use of the Pierce County Legal Information Network Exchange (LINX) application as an SC-CMS.
2. Acquisition of a commercial application focused on calendaring, scheduling, and caseflow management for the superior courts.
3. Acquisition and *central* implementation of a full-featured commercial application to provide calendaring, scheduling, case flow management, and other record-keeping functions for the superior courts
4. Acquisition and *local* implementation of a full-featured commercial application to provide calendaring, scheduling, case flow management, and other record-keeping functions for the superior courts.

The option recommended by the feasibility study was option 3.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

A portion of the costs identified in this request will continue into future biennia. Both one-time and ongoing costs are distinctly identified within the cost study on which this decision package request relies. Cost study documentation is included with this decision package.

- **Effects of non-funding**

Negative effects of non-funding would include the following:

- Delay or elimination of productivity gains made by replacing legacy software.
- Additional functionality, such as new or modified case types, would not be incorporated into the legacy system.
- Sentence and disposition information would remain at the case level.
- Human resource scheduling would remain a manual effort.
- Maintenance costs would continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

- **Expenditure calculations and assumptions and FTE assumptions**

Cost calculations and assumptions are based upon the model of the recommended alternative provided by MTG, the feasibility study consultant. There have been modifications, including minor corrections in the project FTE resources needed; a delay in the project schedule; \$3 million for COTS preparation; and ongoing maintenance level costs.

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	\$2,263,000	\$2,228,000	\$4,491,000
Non-Staff Costs	\$2,532,000	\$4,277,000	\$6,809,000
Total Objects	\$4,795,000	\$6,505,000	\$11,300,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Judicial Information Systems (JIS)
Multi-Project Funding

Budget Period: 2013-2015 Biennial Budget Request

Budget Level: Policy Level

Recommendation Summary Text

This purpose of this request is to secure funding for small and medium-sized information technology projects. Funds would be allocated by the Judicial Information Systems Committee (JISC) according to priorities established by the JISC through the Information Technology Governance process. This flexibility will allow the JISC to respond quickly to requests which would provide new or enhanced functionality to the Washington Courts.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
543-1 Judicial Information Systems Acct		\$ 820,000		\$ 1,180,000		\$ 2,000,000
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		0		0		0

Package Description

This request, which is supported by the JISC, all levels of Washington Courts, customer user groups and associations, and the Administrative Office of the Courts (AOC), will allow the JISC to be responsive to the broad Information Technology (IT) needs of the courts. The JISC would allocate funding for small or medium-sized IT efforts based on the IT Governance process which prioritizes the IT needs of the Washington Courts.

Current Situation

The JIS Multi-Projects Fund was used during the 2011-2013 biennium to develop the Electronic Document Management System (EDMS) for the Appellate Courts; the Adult Static Risk Assessment (ASRA) for the trial courts; and other small to medium-sized IT projects.

Proposed Solution

Funding the JIS multi-projects request for the 2013-2015 Biennium will allow the JISC to continue to authorize small to medium projects, system upgrades and changes. The JISC will prioritize projects and allocate funding based on priorities established within the IT Governance process. This funding may be used for projects such as a feasibility study to replace the Judicial Receipting System (JRS), integration between the current Judicial Information Systems and a juvenile risk assessment tool, a feasibility study for a Courts of Limited Jurisdiction (CLJ) Case Management System(CMS), and/or providing the ability for courts to view documents from all other state courts.

Costs for project management oversight from the ISD Project Management Office (PMO) will be absorbed within existing resources.

Reason for Change

Specific projects will be requested by the Washington court community and selected by JISC under the IT Governance process.

Narrative Justification and Impact Statement:

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

Effective administration of justice depends to a large degree on the ability to deliver services quickly. This request will serve all court levels and is designed to expedite the response to technology problems and issues for Washington court customers.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

This JIS multi-project funding will ensure that technology needs of the courts are effectively met.

Measure Detail

- **Impact on clients and services**

This funding allows for expedient funding cycle and ability to start projects quickly. This provides the flexibility to address the business needs of the Washington Courts with small projects to rapidly deliver improvements to the systems used by court staff.

- **Impact on other state programs**

None

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

None.

- **Effects of non-funding**

Without this funding, overall project delivery times will be extended.

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$820,000	\$1,180,000	\$2,000,000
Total Objects	\$820,000	\$1,180,000	\$2,000,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: Information Networking Hub (INH)
Budget Period: 2013-2015 Biennial Budget Request
Budget Level: Policy Level

Recommendation Summary Text

This is a request for funds to continue with the development and implementation of the Information Networking Hub (INH) to provide a comprehensive set of bi-directional data exchanges in real-time to meet the data exchange needs of the courts, as well as providing a central data repository for court data.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
543-1 Judicial Information Systems Acct		\$ 850,000		\$ 650,000		\$ 1,500,000
Staffing		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		0		0		0

Package Description

This request is supported by the Judicial Information Systems Committee (JISC) and the Administrative Office of the Courts (AOC).

Data exchanges supporting court business processes can best be accommodated through the development of a secure, centralized messaging hub and shared data repository accessible to courts across the state.

These data exchanges will improve standardization of court business and technology processes and data quality through the use of the National Information Exchange Model (NIEM) standards. Real-time judicial information, provided across the state from a central repository, will ensure that the court community has the most current data on which to base decisions.

Current Situation

There is no existing unified architecture to facilitate the exchange of messages and data between disparate court information systems across the state. There is no single statewide data repository for judicial information.

Proposed Solution

The INH will develop and implement an enterprise data exchange solution that will use modern technologies to support a comprehensive set of data exchanges and provide a single central data repository for storing statewide shared justice data among multiple court systems and other judicial partners.

Reason for Change

The INH data exchange capability was requested by the Washington court community. Other court system modernization efforts are dependent on the availability of the INH platform to support data exchanges and establish the capability to share data across all courts and judicial partners. It will create the technical infrastructure to provide optimal data exchange development, deployment and operations, while ensuring the security of information and data quality provided in near real-time.

Narrative Justification and Impact Statement:

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

Fair and Effective Administration of Justice in All Civil and Criminal Cases. *Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.*

This request will assist all court levels in the fair and effective administration of justice by providing technology for the seamless and secure exchange of information. INH will increase data-sharing capabilities among and between all courts and stakeholders, and will improve data quality by providing the courts the capability to synchronize, manage and standardize judicial data across disparate data sources to reduce errors and redundant data.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

INH will support the effective management of courts by enabling users to view JIS information from other courts regardless of the vendor, software or application being used. INH automated data exchange capabilities will reduce manual data entry performed by court personnel. It will provide the courts with access to a statewide central data repository that will consolidate judicial information from multiple sources for improved court operations.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Through INH central data management, courts will have the ability to maintain law table data in a central location, allowing for standardization and accuracy of commonly used reference data at reduced cost.

Measure Detail

- **Impact on clients and services**

The INH will provide a data exchange capability that can respond to court customer needs for increased data sharing of justice information in a more secure, responsive and effective manner.

- **Impact on other state programs**

The INH will ensure the AOC's ability to sustain current service levels to provide data exchanges to external justice organizations, including:

Department of Licensing (DOL) - To provide case updates to driver records

Department of Corrections (DOC) - To provide case disposition information

Washington State Patrol (WSP) - To provide case disposition information

Office of the Secretary of State (OSOS) - To provide case history information.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Direct point-to-point data exchanges were explored and determined to be costly to build and difficult to maintain for a large number of data exchanges emanating from multiple system interfaces across the state. By developing a central data exchange hub and data repository, court systems can be connected with far fewer integration points, thereby increasing the capacity, reliability and performance of the data exchanges.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

There will be ongoing costs and budget impacts in future biennia.

- **Effects of non-funding**

Delay or elimination of the INH will abrogate the productivity gains, improved data access and quality that would be derived from common data exchanges and a central statewide data repository as requested by the court community and judicial partners.

Expenditure Calculations and Assumptions

FY 14		FY 15	
Data Exchanges/Service Developers/Integration Consulting	\$550,000	Data Exchanges/Service Developers/Integration Consulting	\$450,000
Computer/ HW/SW Licenses	\$125,000	Computer/ HW/SW Licenses	\$50,000
Network/Server Capacity/Performance	\$50,000	Network/Server Capacity/Performance	\$25,000
Disaster Recovery	\$50,000	Disaster Recovery	\$25,000
Other Tools	\$50,000	Other Tools	\$50,000
Training/Misc	\$25,000	Training/Misc	\$50,000
Total	\$850,000	Total	\$650,000

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$850,000	\$650,000	\$1,500,000
Total Objects	\$850,000	\$650,000	\$1,500,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: Internal Equipment Replacement
Budget Period: 2013-2015 Biennium
Budget Level: Policy Level

Recommendation Summary Text

Funding is requested to replace aged computer equipment and to improve performance of heavily used JIS services.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
543-1 Judicial Information Systems Acct		\$ 2,138,000		\$ 0		\$ 2,138,000
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		0		0		0

Package Description

Funding is requested to replace aged computer equipment and to improve performance of heavily used JIS services.

Narrative Justification and Impact Statement

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past 18 years, the JIS has grown from 2,500 users to over 16,000 users (an increase of over 540%) and the volume of data stored in the JIS databases, which had increased at the rate of 7% per year, more recently has increased by 15% per year with the addition of eTicketing data. These increases in both user and data volumes require that current software and hardware be expanded and also necessitate the employment of newer, more technologically advanced hardware and software.

Server Consolidation and Virtualization: Consolidating servers will allow us to reduce the physical number of servers we maintain, requiring less cooling, power, and space. With virtualized servers, standard servers could be built and easily duplicated which will speed up server deployment. Virtualization improves the Disaster Recovery process as the hardware dependencies of the servers are eliminated. By taking advantage of server virtualization, we will be able to improve the efficiency of our data center. Cost of this equipment and the associated software licenses is \$220,000.

Storage System Upgrade: The current storage system will soon be 7 years old and is well beyond its technological prime. The amount of data on the JIS systems and local area networks has grown at a rate of 7% per year and court users' demands for speedier access continues. The newer technologies will allow us to meet these requirements. Cost of this equipment is \$920,000.

Word Processing Updates: Our current version of Office software does not allow us to leverage the new collaboration tools being offered. Additionally, our current version falls out of mainstream support this year, and by 2013 we will be two versions behind. Upgrading to current software versions will allow us to take advantage of the new features and tools, allowing us to achieve greater efficiencies. Cost of this upgrade is \$340,000.

Cooling System Replacement: The last remaining 30-year-old cooling system in the data center has reached end of life and needs to be replaced. We will replace and install a 20-ton cooling system. The indoor portion of the replacement system is upsized to meet energy code requirements and includes the following options: seismic frame, economizer, centrifugal blower with variable frequency drive, infrared humidifier, three stage stainless steel re-heat, two variable capacity digital scroll compressors, stainless steel drain pan, iCOM control with large display, disconnect, smoke detector, condensate pump and leak sensors. Cost of this equipment: \$186,000.

VPN Router Replacement: The routers servicing the various JIS courts not connected to county networks need to be replaced as they are now five years old, and have reached end of life based on the lifespan recommended by the vendor. We were able to recoup \$400,000 annual savings when we migrated these circuits from DIS to private VPNs, and now it is our responsibility to upgrade these devices. Cost of this equipment is \$472,000.

This package contributes to the Judicial Branch Principal Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.
Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Information technology equipment is vital to the efficient and effective operation of the state's courts. Without properly functioning equipment, delays in court scheduling will occur, the payment of fines, fees and penalties may not be properly accounted for, and incorrect distribution of monies collected may result.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Properly functioning information technology equipment allows courts to focus on implementing more efficient workflows, thereby reducing the time court users are in court or navigating the judicial system.

Measure detail

- **Impact on clients and services**

New information technology equipment enables courts to process transactions more effectively, enhances functionality which can increase the number of services provided without increasing staff, and provides the public with greater access to information.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Extending the replacement cycle postpones service improvements provided to court users; therefore, until the evidence suggests otherwise, AOC will maintain the five-year replacement cycle.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Equipment replacement is ongoing; however, this specific request is one-time in nature.

- **Effects of non-funding**

Maintenance costs will significantly increase and productivity will suffer, both of which will adversely impact the public.

Expenditure Calculations and Assumptions

Cost Summary

Item	Cost
Server Consolidation and Virtualization	\$220,000
Storage System Upgrade	\$920,000
Word Processing Updates	\$340,000
Cooling System Upgrade	\$186,000
VPN Router Replacement	\$472,000
Total	\$2,138,000

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$2,138,000	\$0	\$2,138,000
Total Objects	\$2,138,000	\$0	\$2,138,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: External Equipment Replacement & Expansion
Budget Period: 2013-2015 Biennium
Budget Level: Policy Level

Recommendation Summary Text

Funds are sought to replace aged computer equipment at the courts and to equalize equipment replacement between the court levels.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
543-1 Judicial Information Systems Account		\$664,000		\$535,000		\$1,199,000
<hr/>						
Staffing		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		0		0		0

Package Description

Funds are sought to replace aged computer equipment at the courts and to equalize equipment replacement between the court levels.

Narrative Justification and Impact Statement

Use of the Judicial Information System (JIS) by all court levels, their judges, and other criminal justice agencies continues to increase. During the past eighteen (18) years, the JIS has grown from 2,500 users to over 16,000 users, an increase of 540%, and the volume of data stored in the JIS databases has increased by 7% per year.

The AOC is responsible for providing computer equipment to the state (Supreme Court and Court of Appeals), county (superior and district courts) and city (municipal) courts. Judicial Information System Policy 1.2.1 calls for a 5-year replacement cycle for computers and other information technology equipment supplied by the AOC.

Because AOC replaces computer equipment on a cyclical basis, funding needs are periodic and short-term in nature. Accordingly, replacement monies are not part of the carry-forward or maintenance budget levels, and funding must be requested for each cycle. The AOC collaborates with the courts to share responsibility for providing

equipment based on an equitable ratio, approved by the JISC, which reflects the percent of time personal computers are used for JIS versus local applications, such as document management systems and office programs.

This package contributes to the Judicial Branch Principal Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.
Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Information technology equipment is vital to the efficient and effective operations of the state's courts. Without properly functioning equipment, delays in court scheduling will occur; the payment of fines, fees and penalties may not be properly accounted for; and incorrect distribution of monies collected may result.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Properly functioning information technology equipment allows courts to focus on implementing more efficient workflows, thereby reducing the time court users are in court or navigating the judicial system.

Measure detail

- **Impact on clients and services**

New information technology equipment enables courts to process transactions more effectively, enhances functionality which can increase the number of services provided without increasing staff and provides the public with greater access to information.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Extending the replacement cycle postpones service improvements provided to court users; therefore, until the evidence suggests otherwise, AOC will maintain the five-year replacement cycle.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

Equipment replacement is ongoing; however, this specific request is one-time in nature.

- **Effects of non-funding**

Maintenance costs will significantly increase and productivity will suffer, both of which will adversely impact the public.

Expenditure Calculations and Assumptions

Pricing per unit is as follows. Pricing includes shipping, sales tax, and 3 years of vendor warranty.

FY14	#	Price	Total FY14
Computers	450	1030	\$463,500
Laptops	180	1100	\$198,000
Impact Printers	0	2500	\$0
Laser Printers	5	300	\$1,500
Receipt Printers	2	500	\$1,000
Slip Printers	0	950	\$0
Total			\$664,000

FY15	#	Price	Total FY15
Computers	500	1025	\$512,500
Laptops	0	1100	\$0
Impact Printers	0	2500	\$0
Laser Printers	88	250	\$22,000
Receipt Printers	1	500	\$500
Slip Printers	0	950	\$0
Total			\$535,000

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$664,000	\$535,000	\$1,199,000
Total Objects	\$664,000	\$535,000	\$1,199,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts

Decision Package Title: Appellate Court Electronic Content Management System (ECMS)

Budget Period: 2013-2015 Biennial Budget Request

Budget Level: Policy Level

Recommendation Summary Text

This is a request to fund staff and other costs associated with ongoing system support for the new Commercial Off The Shelf (COTS) Electronic Content Management System (ECMS). This system will be purchased and implemented for the appellate courts in the current 2011-2013 biennium.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
543-1 Judicial Information Systems Account		\$ 169,000		\$ 164,000		\$ 333,000
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		1.0		1.0		1.0

Package Description

This request is supported by the Washington Supreme Court, Court of Appeals, the Judicial Information Systems Committee (JISC), and the Administrative Office of the Courts (AOC).

Funds are requested to provide ongoing support for a new appellate application currently under development. The new application, Electronic Content Management System (ECMS), will require additional maintenance, licensing, and operational support. Appropriate support will ensure that the software is kept up to date, document workflows are modified as needed, and support personnel are available to keep the system operational and efficient.

This system introduces new technology that is outside the present scope, knowledge and area of expertise for the AOC Information Services Division (ISD).

Current Situation

ECMS for Appellate Courts was initiated using the IT Governance process and was approved by the JISC and is being developed during the 2011-2013 biennium.

Proposed Solution

Assistance is needed to provide incremental ISD staff support for system administration, workflow development and configuration, coordinate system updates, and to provide system support management. Based on the requirements for the Appellate Courts, it is estimated that one (1) full time equivalent will be sufficient to handle the workload. This request also includes funding for non-staff costs such as training, hardware, maintenance and licensing.

Reason for Change

New software and hardware is being installed for the Washington Supreme Court and the Washington State Court of Appeals for the electronic storage of court case documents. Centralized system support will be required to maintain this new application and to provide support for developing reports and ECMS-automated workflows.

Narrative Justification and Impact Statement:

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

All court levels need support for the technology which allows them to maintain smooth operations and thus foster public confidence. The ECMS will allow both appellate courts to streamline operations thereby enhancing the effective and efficient administration of justice.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Appellate court ECMS will improve the court operations by replacing what today is essentially a manual workflow for documents. It will ensure that there are consistent practices between the three divisions of the Court of Appeals and improve data and information flow.

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

This request seeks to fund the appropriate staffing and support level in order to deliver a new application to assist the Washington court system.

Measure Detail

- **Impact on clients and services**

AOC currently does not support maintenance of Electronic Content Management Systems. This new ECMS will require support from ISD in terms of maintenance and operations. There may be a very small impact to other operational areas within AOC. There are four (4) Appellate Courts and the AOC provides each with a modest amount of desktop and technical support.

Implementation of a new ECMS will provide:

- Improved tracking and analysis capabilities.
- Enhanced data sharing capabilities.
- Cost avoidance through the elimination of redundant data entry.
- Flexibility to meet new and emerging business needs.
- Error reduction through training, standardization of business practices, and value-limited data entry fields.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

There were no other alternatives considered for this maintenance request. AOC ISD typically provides in-house staff support for infrastructure, applications and systems.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

These are ongoing costs and there will be budget impacts in future biennia.

- **Effects of non-funding**

- Delay or elimination in productivity gains made by replacing legacy software.
- Maintenance costs will continue to increase.
- Individual courts will pursue stand-alone systems, thereby further fragmenting the system and increasing costs statewide.

Expenditure Calculations and Assumptions

Assumptions

- AOC will not retire ACORDS during the 2013-2015 biennium
- This is an ongoing request and services will continue into future biennia
- This change results in a very slight increase in demand for help desk staff that is not reflected in FTE numbers

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	\$100,000	\$100,000	\$200,000
Non-Staff Costs	\$ 69,000	\$ 64,000	\$133,000
Total Objects	\$169,000	\$164,000	\$333,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Administrative Office of the Courts
Decision Package Title: Access to Justice Board
Budget Period: 2013-2015 Biennial Budget Request
Budget Level: Policy Level

Recommendation Summary Text

The Access to Justice Board seeks restoration of funding eliminated due to legislatively mandated budget reductions beginning in 2009.

In 2005, the legislature appropriated \$200,000 to the Supreme Court as a result of a funding request made by the Access to Justice Board.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
Sum of All Costs		\$ 25,000		\$ 25,000		\$ 50,000
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		N/A		N/A		0

Package Description

Background

The Access to Justice Board is a policy board established by Supreme Court Order at the request of the Washington State Bar Association in 1994 to address improvements to the civil justice system for those with financial and other significant barriers.

With the exception of institutional location and staffing, the ATJ Board stands on an equal institutional footing with other bodies established by the Court to further equity and access to the justice system -- notably the Gender and Justice and Minority and Justice Commissions. The main difference is that the ATJ Board has been able to leverage funding from WSBA member dues and the commitment of thousands of hours of volunteer help from hundreds of volunteers.

The Order charges the Washington State Bar Association (WSBA) with the administration of the ATJ Board, which since 1994 has included staffing support, funding for ATJ Board meetings, and related costs of administration. In FY 2005-07 the

Supreme Court requested, and the Legislature approved, an appropriation of \$200,000 (\$100,000 annually) from the Supreme Court budget for the ATJ Board. The Court reduced its appropriation in FY 2009-11 to \$100,000 (\$50,000 annually). The Court further reduced its FY 11 appropriation to \$20,000. The FY 12 Supreme Court appropriation is \$5,000.

The Court's investment in the ATJ Board has produced significant gains for the courts and the administration of justice. These funds were used for a variety of significant initiatives, including implementation of the Supreme Court's Access to Justice Technology Principles; acquisition of statewide mapping technology as a planning tool; statewide planning for the efficient and effective delivery of civil legal aid services; the development of comprehensive Program Performance Standards for legal aid providers; and the translation of complex mandatory family law court forms into plain language format.

These funds did not supplant WSBA operational expenditures for ATJ Board staffing and support; rather, the Supreme Court funds enabled the ATJ Board to implement significant initiatives that could not be effectively accomplished through resources provided by WSBA. Now that WSBA is no longer in a position to provide ongoing funding for ATJ operational expenditures, this request seeks restorative funding to protect the continuity of the ATJ Board's core functions.

Current Situation:

In April 2012 the members of the WSBA voted to roll back its lawyer licensing fees, resulting in a 28% cut to WSBA's budget effective October 1, 2012. The ATJ Board anticipates significant cuts in operational costs for the ATJ Board beginning in FY 2014. The ATJ Board has no additional funding sources.

Proposed Solution:

Through legislative appropriation, the Administrative Office of the Courts will make an annualized contribution to operational costs of the ATJ Board.

Narrative Justification and Impact Statement

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.

The ATJ Board works to address the Judicial Branch Principal Policy Objective of Accessibility: "Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic or ability-based or other characteristics that serve as access barriers." The ATJ Board does the work of the courts: (1) It develops court rules that improve access to those with financial and other significant barriers. (2) It works on the implementation of innovative technologies to expand access to the courts for those with access barriers. (3) It works to identify and implement innovations to expand the reach of the courts to

those with access barriers. (4) It works to simplify court rules and procedures through the translation of mandatory court forms into plain language format.

Given this critical role, funds should be allocated to protect the continuity of the ATJ Board's core functions.

Measure detail

- **Impact on clients and services**

The ATJ Board's work has a direct impact on the courts and the administration of justice. The general mission of the ATJ Board is to improve access to the civil justice system for those with financial and other significant barriers. All of the ATJ Board's initiatives are in service of this mission.

The ATJ Board develops and proposes court rules that improve access to the justice system for the public, in particular those with access barriers. The ATJ Board was the originator of the Access to Justice Technology Principles now in effect under Supreme Court order. The ATJ Board provides statewide support functions to those involved in the direct delivery of client services, including: the development of performance standards; statewide planning for civil legal aid delivery; and technology innovations;

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

Due to severe budget reduction at the Supreme Court, AOC and the Washington State Bar, no other alternatives are available.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

The expenditures are ongoing operational costs and will continue into future biennia.

- **Effects of non-funding**

The ATJ Board accomplishes its work through the efforts of 200 volunteers. Without basic infrastructure (staff, conference call capacity, etc.) to facilitate the coordination of this volunteer resource, the ATJ Board cannot effectively fulfill its mandate. Funding will enable the ATJ Board to continue its work of removing access barriers to the courts, court facilities and court systems for those with financial, cultural,

linguistic and other characteristics that limit their ability to fully participate in our justice system.

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	\$0	\$0	\$0
Non-Staff Costs	\$ 25,000	\$ 25,000	\$ 50,000
Total Objects	\$ 25,000	\$ 25,000	\$ 50,000

2013-2015
BIENNIAL BUDGET REQUEST



LAW LIBRARY

WASHINGTON STATE LAW LIBRARY

INTRODUCTION

The Washington State Law Library acts as a key component in the administration of justice by ensuring access to legal information. The State Law Library serves a vital function by providing access to legal information resources for the judicial branch, the legislative and executive branches of state and local government, and the citizens of the State.

The State Law Library serves as a legal research library for the Supreme Court, the Court of Appeals, the Legislature, the Governor's Office, the Office of the Attorney General and all state employees. Publications are loaned to citizens throughout the state, and the internet reference program provides a wealth of information to individuals unable to personally visit the library.

The State Law Library stands as a state treasure, valuable not only for the collection itself but also for the added value that the staff bring to the Library's core mission of providing legal research services. State Law Library staff perform at a consistent level of excellence, providing users with legal information suitable to their requests and needs.

STRATEGIC PLAN

AGENCY MISSION

The Washington State Law Library provides access to a wide range of legal information resources for the judicial, legislative and executive branches of state and local government, and for citizens of the State of Washington.

The activities of the State Law Library improve the administration of justice by ensuring access to legal information by all citizens. Services of the State Law Library also improve efficiency for the judiciary and for other public employees by making legal resources available in a timely manner.

STATUTORY AUTHORITY

The State Law Library is established under RCW 27.20, which provides that the State Law Library is part of the judicial branch and is under the exclusive jurisdiction and control of the Supreme Court. The State Law Library is also governed by SAR 18 and by CAR 18.

Under SAR 18, the State Law Library "is to maintain a legal research library for the use of all state officials and employees, equipped to serve them effectively with legal research materials required by them in connection with their official duties." SAR 18 also states that the State Law Library serves employees of the

Supreme Court, the Office of the Administrator for the Courts, the Attorney General, the Legislature, the Governor's Office, and commissions, agencies and boards of all branches of state government.

Further, SAR 18 requires the State Law Librarian to establish, develop, and maintain libraries for each division of the Court of Appeals. CAR 18 also provides that the State Law Librarian shall counsel and advise in the selection of legal research materials for use by the Court of Appeals.

GOALS

- To improve public access to justice by providing excellent legal information resources in the most effective and cost-efficient method possible;
- To promote State Law Library services which will improve access to the courts and provide citizens with legal research information.

MAJOR STRATEGIES

To achieve its mission and goals the Law Library uses the following strategies:

- To maintain a high-quality collection of legal resources, providing a base of primary information for citizens throughout the state.
- To provide legal reference assistance in person, by telephone, and electronically, using the most effective methods available.
- To work with other libraries to promote the State Law Library services, utilizing interlibrary loan between libraries and sharing information to assist in collection development and cancellation choices.
- To partner with other libraries and state agencies to develop programs for delivering legal information resources to citizens throughout the state.
- To pursue alternative formats to print acquisitions, providing access to electronic information and legal resources when available.

MEASURES

During the biennium, the State Law Library will evaluate its services to users of the library, continually evaluating changes in use patterns, interlibrary loan requests, and internet reference questions. Measurements will help the Library assess who is using our services, so that we can best target user preferences and needs. Evaluation of electronic and personal legal reference assistance will enable the Library to continue providing high-quality legal assistance to its users.

We will measure changes in the collection, tracking the number of publications added or withdrawn, and we will evaluate the type of format best used. This will help us plan for space needs and evaluate the best ways to build the library to serve users. We will use selective ordering practices, supplementing publications in alternate years to reduce costs.

We will also measure net additions of publications to the main library collection and to each library for the Court of Appeals. The total number of titles is now over 55,000 net per year.

EXTERNAL ENVIRONMENT

The State Law Library will continue to see an increase in the demand for services. More patrons are comfortable accessing the internet and electronic services, so the Library's internet reference service will grow in its effectiveness, tapping into users' facility with online searching.

The collection itself will grow slowly, its growth fueled by the continuation of existing legal materials. As publishing mergers and acquisitions continue to drive the price of legal publications higher and higher, the library will transition to using more electronic resources. The number of new acquisitions will actually decrease, balanced by increased utilization of electronic resources.

TRENDS

The tightening of the economy requires all organizations and businesses to work harder with fewer resources. Departments are expected to produce the same results with fewer employees and resources. To that end, it is critical that the State Law Library become a highly efficient organization, which can fill user requests quickly and efficiently.

As more citizens are becoming computer literate, it is important to evaluate each customer and his/her needs, and meet these needs in the most effective way. The staff will continue to improve service to users, matching the information provided with the individual need.

STRATEGIES

The cost to maintain print publications has increased well over ten percent. Publishers continually revise editions, further driving up legal publication costs over thirty percent. The Law Library will continue its review of all continuation costs, including subscriptions for law reviews and journals or upkeep services such as pocket parts and supplements. Before purchasing any new editions of titles currently held in the collection, the Law Library will carefully review use and relevance of past editions, weighing costs and alternate formats.

The State Law Library will continue to collect standard work load statistics which measure service provided to state employees, local government, and the general public. We will continue to monitor use of the collection which will help us in implementing collection development strategies and maintaining excellent legal information resources.

The State Law Library will also continue to track net additions of volumes and titles to the main library and to each library for the Court of Appeals. In addition, we will continue to measure the types of materials being added, such as bound volumes, microfiche or disk. This provides information on the growth and changes in the collection for program planning. The State Law Library will monitor the electronic legal reference service, providing additional staffing and resources as required.

The Law Library utilizes an online library system that integrates functions for acquisitions, cataloging, circulation and serial records control.

The Law Library catalog is available to the public through the court's website, so that anyone with access to a computer can view the State Law Library's holdings and also send legal research questions. The Law Library will continue to add computer links in its online catalog, so that library users can access electronic resources through this resource and send legal email questions and requests.

The Law Library will add public legal research terminals within the library so that library users can search legal research sites for information. These computer terminals will provide legal search capability to the public without the necessity of the library users needing to request staff assistance. This will enable the Law Library to provide a wide variety of legal information to the public while continuing to monitor costs.

The State Law Library will strengthen its participation in the electronic reference community, providing increased services electronically and partnering with organizations to provide a variety of information.

Recommendation Summary (CB Detail)

Agency: 046 State Law Library
 Version: BR 2013-15 Biennium

11:59:25 AM
 9/24/2012

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
2011-13 Current Biennium Total				
CL AA CFL	13.8	2,909	26	2,935
Total Carry Forward Level	13.8	2,909	26	2,935
Percent Change from Current Biennium				
Carry Forward plus Workload Changes	13.8	2,909	26	2,935
Percent Change from Current Biennium				
Total Maintenance Level	13.8	2,909	26	2,935
Percent Change from Current Biennium				
Subtotal - Performance Level Changes	0.0			
2013-15 Total Proposed Budget	13.8	2,909	26	2,935
Percent Change from Current Biennium				

2013-2015
BIENNIAL BUDGET REQUEST



COURT OF APPEALS

The Court of Appeals
of the
State of Washington



CHRISTINE J. QUINN-BRINTNALL, JUDGE
DIVISION II

950 BROADWAY, SUITE 300
TACOMA, WASHINGTON 98402
(253) 593-5447

October 2, 2012

Stan Marshburn, Director
Office of Financial Management
Insurance Building
302 Sid Snyder Avenue SW
Olympia, WA 98501-1342

Dear Mr. Marshburn:

With this letter I transmit to you the 2013-2015 biennial operating budget request from the Washington State Court of Appeals for inclusion in the Governor's operating budget proposal to the Legislature.

The enclosed decision packages have been reviewed critically and found to meet the most stringent criteria. For this biennium, as for the last, a number of worthy funding requests were eliminated in light of the current economic climate. Only those requests essential to the continued functioning of the court have been presented.

Enclosed are requests for funding to restore one court commissioner for Division One of the Court of Appeals (bringing the total number of commissioners in Division One to two) and for security measures at the Court of Appeals Division Three facility recommended by the U.S. Marshals Service.

Should you have questions regarding our budget development process or this budget submittal, please do not hesitate to call me at (253) 593-5447, or contact Ramsey Radwan, Director of Management Services for the Administrative Office of the Courts, at (360) 357.2406 or ramsey.radwan@courts.wa.gov.

Sincerely,

Christine J. Quinn-Brintnall
Presiding Chief Judge

cc: Ramsey Radwan
Executive/Budget Committee

COURT OF APPEALS

Agency Goals and Objectives

Created in 1969 (Washington State Constitution - Article IV, Section 30; RCW 2.06), the Court of Appeals serves as the intermediary appellate court for the state of Washington. Statutes give the Court exclusive appellate jurisdiction in almost all appeals from a lower court decision, and court rules require the Court to accept review of a final judgment entered in any action in Superior Court.

The purpose of the Court of Appeals is to review cases and to render written opinions that state the grounds for the decision. The Court's objective is to provide this review in a timely manner.

Judges

The 22 judges of the Court of Appeals serve six-year terms, staggered to ensure that all judges are not up for re-election at the same time. Each division is divided into three geographic districts, and a specific number of judges must be elected from each district. Each division serves a defined geographic area of the state. The divisions are defined as follows:

Division I

District 1: King County, from which seven judges must be elected.

District 2: Snohomish County, from which two judges must be elected.

District 3: Island, San Juan, Skagit and Whatcom counties, from which one judge must be elected.

Division II

District 1: Pierce County, from which three judges are elected.

District 2: Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, from which two judges are elected.

District 3: Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum Counties, from which two judges are elected. **Division III**

District 1: Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, from which two judges are elected.

District 2: Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman Counties, from which one judge is elected.

District 3: Chelan, Douglas, Kittitas, Klickitat and Yakima Counties, from which two judges are elected.

To qualify for a position on the Court of Appeals, a person must have practiced law in Washington State for five years and, at the time of election, must have lived for a year or more in the district from which that position was drawn. Vacancies are filled by the Governor, with appointees serving until the next general election.

Although the Court of Appeals is a statewide court, each division has its own administrative staff and manages its own caseload. There is a Chief Judge--a position that rotates every two years--at each division. An Acting Chief Judge is also selected. The Chief Judge serves as the administrative manager of the division and is assigned specific responsibilities by the court rules for Personal Restraint Petitions.

The full Court elects a Presiding Chief Judge each year, and the position rotates among the three divisions according to court rules. The Presiding Chief Judge acts as the liaison and spokesperson for the Court of Appeals with all other levels of the judicial system.

The Presiding Chief Judge works with an Executive Committee that consists of the Chief Judges of each division and the Acting Chief Judge of Division I. The main responsibilities of this group include administering the budget, recommending and implementing policies for the full Court, establishing special committees, and appointing members of the Court to serve on committees involving the judiciary.

Primary Functions Performed

The primary function of the Court of Appeals is to render decisions on cases that come before the Court. All Notices of Appeal, Notices of Discretionary Review and Personal Restraint Petitions (habeas corpus) are reviewed by the Court.

In disposing of cases, the appellate court may *reverse* (overrule), *remand* (send back to the lower court), *modify*, or *affirm* the decision being reviewed and may take other action as the merits of the case and the interest of justice may require. Only decisions of the Court having precedential value are published.

Disposing of cases involves numerous steps. As soon as an appeal is received by the Court, it is screened to determine its appealability. Court rules outline criteria for accepting cases from a Notice of Appeal, a Notice of Discretionary Review or a Personal Restraint Petition. Once the case is accepted, a perfection schedule is set establishing the dates for attorneys to submit documents and for the record on review to be received by the Court of Appeals. The clerk in each division of the

Court monitors compliance with these perfection schedules. The clerks are also responsible for docketing all case information into the automated ACORDS case-management system, and for managing all cases from acceptance to mandate.

After briefs in a case have been received, they are carefully screened to determine what path the case will take. With the increase in filings over the past several years, the Court has recognized that it must be innovative and creative in its approach to decision making.

It is neither possible nor necessary for every case accepted in the Court to be scheduled for oral argument before a panel of judges. Instead, the Court is more responsive and fair to litigants when it segregates the cases so that some may be decided more quickly by commissioners or without oral argument. This allows the complex cases to be scheduled for full oral argument.

Traditionally, each division has followed a similar schedule for hearing cases. In the past, all divisions set cases for three terms each year. Time in between was dedicated to opinion drafting. However, one of the Court's responses to the increase in case filings has been to increase the number of cases decided by the judges. Judges now rotate their service on a monthly judge's motion calendar or on a panel with pro-tem judges, and sitting calendars are scheduled year round. The time available to prepare opinions has decreased as the judges' caseload has increased.

The client groups directly served by the Court of Appeals are attorneys and the litigants they represent who have cases before the Court. This means the client groups change daily as new cases are filed and other cases are mandated. Indirectly, the Court serves all residents of Washington as it renders decisions that affect all citizens.

Court of Appeals - Mission

The Court of Appeals, pursuant to Article IV, Section 30, of the Washington State Constitution and Chapter 2.06 Revised Code of Washington, is the state's non-discretionary appellate court with authority to reverse, remand, modify, or affirm the decision of the lower courts.

The Court's mission remains one of providing an independent, accessible, and responsive forum for the just resolution of disputes.

Court of Appeals - Goal

The primary goal of the Court of Appeals is:

A judicial system which provides equal justice and engenders public respect and confidence.

Major Strategies

To achieve its mission and meet its goal, the Court of Appeals will employ the following major strategies:

- Provide leadership in the development of a comprehensive judicial branch strategic plan that will include actions to ensure the court system is and continues to be responsive to the needs of Washington citizens.
- Streamline processes, eliminate redundant and unnecessary functions, and realign resources to better accomplish the work of the Court of Appeals.
- Encourage and facilitate greater use of information and telecommunications technologies to streamline business processes and the exchange of information throughout the criminal justice system.

Recommendation Summary (CB Detail)

Agency: **048 Court of Appeals**

Version: **BR Biennial 13-15 Budget Request**

4:32:25PM

10/17/2012

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
2011-13 Current Biennium Total				
CL AA CFL	139.6	30,762		30,762
Total Carry Forward Level	139.6	30,762		30,762
Percent Change from Current Biennium				
M1 90 Maintenance Level Revenue				
Carry Forward plus Workload Changes	139.6	30,762		30,762
Percent Change from Current Biennium				
Total Maintenance Level	139.6	30,762		30,762
Percent Change from Current Biennium				
PL AB Maint Case Resolution Productivity		288		288
PL AC Court Security		104		104
Subtotal - Performance Level Changes	0.0	392		392
2013-15 Total Proposed Budget	139.6	31,154		31,154
Percent Change from Current Biennium				

PL AB Maint Case Resolution Productivity

Funding is requested for the restoration of a court commissioner previously eliminated due to budget reductions. The position is necessary to ensure that case processing remains sufficient to prevent a backlog.

PL AC Court Security

The U.S. Marshals' Office recommended implementation of perimeter security measures at the Washington State Court of Appeals Division III facility.

State of Washington

Summarized Revenue by Account and Source

Budget Period: 2013-15
 Dollars in thousands
 048 - Court of Appeals
 Agency Level
 BR - Biennial 13-15 Budget Request
 Supporting Text Excluded

9/27/2012

1:36PM

	Maintenance Level		Performance Level		Biennium Totals		Total
	FY2014	FY2015	FY2014	FY2015	FY2014	FY2015	
001 - General Fund							
Total - 0405 - Fines, Forfeits - S	25	25			25	25	50
Total - 0425 - Filing/Legal Svcs - S	384	384			384	384	768
001 - General Fund - State	409	409			409	409	818
Total - 001 - General Fund	409	409			409	409	818
048 - Court of Appeals - State	409	409			409	409	818
Total - 048 - Court of Appeals	409	409			409	409	818

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Washington State Court of Appeals
Decision Package Title: Maintain Case Resolution Productivity
Budget Period: 2013-2015 Biennial Budget Request
Budget Level: Policy Level

Recommendation Summary Text

Funding is requested for the restoration of a court commissioner previously eliminated due to budget reductions. The position is necessary to ensure that case processing remains sufficient to prevent a backlog.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 State General Fund		\$ 144,100		\$ 144,100		\$ 288,200
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		0		0		0

Package Description

The Court of Appeals is a non-discretionary court, meaning that all case must be decided. Annual case filings have averaged over 4,200 for the last eleven years. Since 2009, the Court of Appeals' budget has been reduced by 17%. Because the Court of Appeals' budget is solely dedicated to staff for case processing each reduction implemented by the legislature has resulted in the elimination of staff.

On an annual basis, each Commissioner is responsible for deciding approximately:

- 50 Discretionary Reviews
- 25 Dependency/Terminations
- 25 Motions on the Merits
- 250 Rulings Terminating Review

In addition, Court Commissioners are responsible for cost bills, attorney fee rulings, and Court's motion hearings.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

Delays in case processing and decision making, caused by inadequate resource levels, adversely impact all parties involved, including children, business owners and the public.

Measure detail

- **Impact on clients and services**

Delays in case processing and decision making adversely impact children in dependency cases, the public and business in civil cases and those seeking court review of criminal cases.

- **Impact on other state programs**

If the position is not funded, other state agencies may be impacted due to delays in the decision-making process.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

The Court of Appeals Division One has implemented a number of efficiencies in its case processing procedures as a result of previous budget reductions. The efficiencies, however, are not sufficient enough to keep pace with filings.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

These costs are ongoing.

- **Effects of non-funding**

A case backlog will develop, causing delays in case resolution.

Expenditure Calculations and Assumptions

Costs represent the salaries and benefits of a Washington State Court of Appeals Court Commissioner.

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	\$144,100	\$144,100	\$288,200
Non-Staff Costs	\$ 0	\$ 0	\$ 0
Total Objects	\$144,100	\$144,100	\$288,200

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Washington State Court of Appeals
Decision Package Title: Court Security
Budget Period: 2013-2015 Biennial Budget Request
Budget Level: Policy Level

Recommendation Summary Text

The U.S. Marshals Service recommended implementation of perimeter security measures at the Washington State Court of Appeals Division III facility.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 State General Fund		\$ 104,000		\$ -0-		\$ 104,000
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		-0-		-0-		-0-

Package Description

The Court of Appeals asked the U.S. Marshal to complete an assessment of the court and make a recommendation for security improvements needed. The survey was conducted and a Physical Site Survey and Security Recommendation made on November 8, 2007. The assessment covered all aspects of court security, both inside and outside of the facility at 500 N Cedar Street, Spokane, Washington. The report concluded that fencing is “highly recommended for this facility.” The Kendall Yards development project immediately surrounds the court and is actively adding residential units and commercial properties. The risk of malicious mischief is predicted to escalate with the rise in both vehicle and foot traffic through the area. Safety of court personnel and the public is an important consideration for all courts.

This one-time request covers the expenditures associated with the installation of a six-foot iron perimeter fence around the property to control access for enhanced security. In addition, a key card rolling access gate would be installed to segregate employee parking and public parking. Separated parking will allow employees and judges to notice ‘out of place’ persons and vehicles and prevent the opportunity for assault situations. Businesses will open across the street south of the court in October but planned retail parking lots adjacent to the court will not be completed until sometime

later in 2013. In addition, an apartment complex will be constructed across the street east of the court which will put additional pressure on the court parking lot if not segregated for employees. Finally, one additional external perimeter security camera is needed to eliminate a blind spot in one location.

Measure detail

- **Impact on clients and services**

Implementing these safety features would help to ensure the safety of all those using the facility.

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

None.

- **Alternatives explored**

The Court of Appeals Division III has operated without a perimeter guard since the purchase of the building. This is the only identified alternative to ensure safety of court personnel.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

One-time cost.

- **Effects of non-funding**

The security risks identified in 2007 will continue to escalate given the great increase in development and the greater volume of vehicle and foot traffic to the area.

Expenditure Calculations and Assumptions

The amount identified is based upon a draft bid for services.

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$104,000	0	\$104,000
Total Objects	\$104,000	0	\$104,000

2013-2015
BIENNIAL BUDGET REQUEST



OFFICE OF
CIVIL LEGAL AID



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135
360-704-4003 (fax)

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

October 10, 2012

Mr. Stan Marshburn, Director
Washington State Office of Financial Management
P.O. Box 43113
Olympia, WA 98504-3113

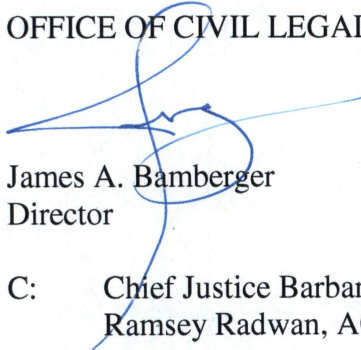
Re: Office of Civil Legal Aid (Agency 057)
FY 2013-15 Policy Level and Maintenance Level Budget Submissions

Dear Mr. Marshburn:

In accordance with RCW 2.53.020, please find attached the Washington State Office of Civil Legal Aid's Policy Level (PL) and Maintenance Level (ML) budget submissions and related supporting documents for the FY 2013-15 biennium. Consistent with OFM's treatment of all other judicial branch budget submissions and the requirements of RCW 43.88.090(1), I request that these be included without revision in the Governor's proposed budget submission.

Sincerely,

OFFICE OF CIVIL LEGAL AID



James A. Bamberger
Director

C: Chief Justice Barbara Madsen
Ramsey Radwan, AOC



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135
360-704-4003 (fax)

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

INTRODUCTION

In 2003 more than seven in ten low income people experience an important civil legal problem each year. (WASHINGTON SUPREME COURT TASK FORCE ON CIVIL EQUAL JUSTICE FUNDING, *Civil Legal Needs Study* (Sept. 2003)). Of these nearly 90% do not receive the legal assistance they need. (*Id.*). This was before the Great Recession.

Today, massive job loss, housing foreclosures and major cuts in essential support services have driven an unprecedented spike in poverty rates. These in turn have caused an immediate and unprecedented spike in demand for civil legal aid services. The most recent U.S. Census report documents that 13.9% of Washington residents – 929,258 individuals – lived at or below 100% of the federal poverty level in 2011.¹ This is a 52% increase over the 612,370 figure in the 2000 Census. More than 1.2 million Washingtonians (18.2% of the population) meet the base eligibility standard for civil legal aid.² More than 2.055 million Washington State residents live at or below 200% of poverty.³

Individuals and families living at or near the poverty level experience legal problems affecting the most basic human needs – protection of housing, preservation of family relationships and protection from domestic violence and abuse, preservation of employment, protection from consumer fraud and abuse, access to public/municipal services, and access to governmental assistance and health care. Since the start of the Great Recession, demand for civil legal aid has skyrocketed in many of these areas. Recent statistics document increases of 248%, 1458%, 492% and 1483% respectively in demand for civil legal aid in areas affected by the economic crisis involving debt collection, unemployment insurance, mortgage foreclosure and eligibility for food stamps, to name a few.⁴

Women and children disproportionately experience civil legal problems for which legal representation is required. Victims of domestic violence have the greatest number of civil legal needs and, in many cases, experience the greatest risk when needs for civil legal assistance are

¹ Source: US Census Bureau ACS Poverty in 2010 and 2011 (September 2012)

<http://www.census.gov/prod/2012pubs/acsbr11-01.pdf>

² The base standard is 125% of the Federal Poverty Guideline. The data source is found at:

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S1701&prodType=table

³ Source:

http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S1701&prodType=table

⁴ Source: King County Crisis Clinic, Comparative 2-1-1 Intake Trends for 1/1/08 – 6/30/08; 1/1/09 – 6/30/09; 1/1/10 – 6/30/10 (July 2010).

not met.⁵ Low income residents of rural Washington are disproportionately unable to secure the legal help they need to assert or defend important civil legal rights and prerogatives.

STRATEGIC PLAN⁶

AGENCY MISSION

The provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of justice. The mission of the Office of Civil Legal Aid is to work within the judicial branch and with the Supreme Court's Access to Justice Board to ensure justice for low income residents of Washington State through the funding and oversight of effective, economical and responsive state-funded civil legal aid services and to ensure accountability for state-appropriated funds dedicated to this purpose.

Office of Civil Legal Aid, *Strategic Plan* at 1 (December 2008).

OCLA administers and oversees the delivery of state-funded civil legal aid services to eligible low income people in Washington State. OCLA contracts with a statewide "qualified legal aid program," the Northwest Justice Project (NJP), to provide direct and sub-contracted civil legal aid services to eligible low income clients on matters falling within the areas of authorized practice set forth in RCW 2.53.030(2). OCLA is required, among other things, to ensure that state funded legal aid services are delivered "in a manner that maximizes geographic access throughout the state." RCW 2.53.030(3).

The Office of Civil Legal Aid is overseen by a bipartisan Civil Legal Aid Oversight Committee. RCW 2.53.010. The Oversight Committee includes members appointed by both caucuses of the House and Senate, three representatives appointed by the Supreme Court (including a client-eligible member), two representatives appointed by the Board for Judicial Administration, a representative appointed by the Governor and a representative appointed by the Washington State Bar Association. The Oversight Committee is chaired by Clallam County District Court Judge Erik Rohrer (Forks Division) and the Vice-Chair is Spokane County Superior Court Judge Ellen Clark.

By Supreme Court Order, responsibility for planning and coordination of Washington State's civil legal aid delivery is assigned to the Court's Access to Justice Board (ATJ Board). The ATJ Board has adopted a comprehensive plan for the delivery of civil legal aid services to all low income residents in the state including, but not limited to, clients eligible for state-funded legal aid services. (WASHINGTON STATE ACCESS TO JUSTICE BOARD, *State Plan for the Delivery of Civil Legal Aid Services to Low Income Residents of Washington State* (1995; rev. 1999 and May 2006)). The ATJ Board's *State Plan* defines roles, expectations, responsibilities and accountability standards and systems designed to ensure the effective and efficient delivery of

⁵ Washington Supreme Court, Task Force on Civil Equal Justice Funding, Civil Legal Needs Study (September 2003) at 29.

⁶ The Office of Civil Legal Aid adopted an agency Strategic Plan in 2008. A copy of that plan is available on the OCLA's website – www.ocla.wa.gov

civil legal aid services. To the extent consistent with RCW 2.53.020 and .030 and consistent with direction provided by the bipartisan Civil Legal Aid Oversight Committee, the *State Plan* serves as a guide for developing budget proposals and establishing client service delivery and related performance expectations.

STATUTORY AUTHORITY

The Office of Civil Legal Aid is staffed by the agency Director. Under RCW 2.53.020(3), the Director's charge is to:

- (a) Contract with one or more qualified legal aid providers to provide civil legal aid services authorized by RCW [2.53.030](#);
- (b) Monitor and oversee the use of state funding to ensure compliance with this chapter;
- (c) Report quarterly to the civil legal aid oversight committee established in RCW [2.53.010](#) and the supreme court's access to justice board on the use of state funds for legal aid; and report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid; and
- (d) Submit a biennial budget request.

GOALS

Consistent with the Legislature's recognition of civil legal aid as an important judicial branch responsibility, and its draft *Strategic Plan*, OCLA works to achieve results in service of the following seven goals:

1. **Funding**: Secure funding necessary to address the most important civil legal needs of low income people as documented by the Civil Legal Needs Study and related reports of the Supreme Court's Task Force on Civil Equal Justice Funding.
2. **Accountability**: Ensure that state funding invested in civil legal aid delivery and infrastructure underwrites effective and economical service delivery that is consistent with applicable statutory and contractual requirements and is responsive to the most significant civil legal problems experienced by eligible low income people within Washington State.
3. **Equity**: Ensure that eligible low income people have equitable access to the type and quality of civil legal aid services they need to solve important personal and family civil legal problems, regardless of where they reside or barriers they may experience due to cultural, linguistic, ability-based or other characteristics.
4. **State Support**: Support efforts to establish and maintain statewide support infrastructure so that the state funded civil legal aid system is best positioned to provide effective and economical client services over time.
5. **Integration Within Judicial Branch**: Ensure that the effective and economical civil legal aid is institutionalized as an enduring responsibility and high priority of the Washington State judicial branch.

6. Oversight: Ensure effective, ongoing bipartisan oversight of the activities of the Office of Civil Legal Aid and the state-funded civil legal aid system, consistent with best practices and relevant professional standards for civil legal aid delivery.
7. Continuous Assessment and Reporting: Establish and/or support systems that allow continued assessment of the social, economic and legal environment affecting low income residents and the capacity of the state-funded civil legal aid delivery system to address the civil legal needs of eligible low income individuals and families; report and make recommendations on policies relating to the provision of state-funded civil legal aid in Washington State.

MAJOR STRATEGIES

To achieve its mission and goals the Office of Civil Legal Aid employs the following strategies:

- Establish concrete client service expectations with appropriate accountability benchmarks in its contract with the Northwest Justice Project
- Coordinate closely with the Supreme Court's Access to Justice Board and other key institutions to ensure the effective, efficient and coordinated delivery of civil legal aid services in authorized areas of representation, consistent with the requirements of RCW 2.53, the ATJ Board's *State Plan for the Delivery of Civil Legal Aid*, Washington State's Civil Equal Justice Performance Standards and other recognized national standards for delivery of civil legal aid
- Conduct reviews of state-funded legal aid programs to ensure compliance with statutory, contractual, fiscal and service delivery expectations, requirements and limitations.
- Provide effective staff support for the bipartisan Civil Legal Aid Oversight Committee
- Ensure that sufficient resources are invested in critical statewide capacities needed to achieve effective, efficient and consistent client service delivery including skills and professional competency training, interpreter services, leadership development initiatives, regional delivery planning and coordination, case management, video conferencing, GIS and other technology based systems, etc.
- Work to ensure that the unmet civil legal needs of poor and vulnerable people are considered and, where appropriate, incorporated into judicial branch initiatives

MEASURES

The Office of Civil Legal Aid conducts a biennial fiscal and regulatory review of the Northwest Justice Project's operations and conducts annual site visits to selected NJP regional field service offices. These oversight activities are undertaken to ensure:

- Compliance with all statutory requirements set forth in RCW 2.53.030
- Effective and efficient delivery of state funded civil legal aid services in authorized areas of legal representation that are responsive to the needs of eligible clients
- Effective coordination of the delivery of civil legal aid services with other relevant legal, social and human services in communities throughout Washington State
- Provision of services consistent with national and state-based professional standards and best practices.

The Office of Civil Legal Aid uses the following tools in evaluating the efficiency and effectiveness of state-funded civil legal aid service delivery:

- The requirements of RCW 2.53.030
- The ATJ Board's *State Plan for the Delivery of Civil Legal Aid Services*
- Regional client service delivery plans
- The ATJ Board's *Standards for Civil Legal Aid in Washington State* (2009)
- The federal Legal Services Corporation's *Performance Criteria* (May 2007)
- The ABA's *Standards for the Delivery of Civil Legal Services to the Poor* (rev. August 2006)
- Relevant standards for accounting and fiscal administration

EXTERNAL ENVIRONMENT

Over the past two years Washington State has experienced the worst economic collapse in since the Great Depression. Unemployment has more than doubled, economic stagnation has undermined the capacity of state and local government to maintain essential services and a viable safety net, and the poverty rate has grown by more than 50% since the 2000 Census.

The statewide civil legal aid system, a model public/private partnership, has experienced multiple challenges that have undermined its ability to maintain presence and provide a sufficient level of relevant legal aid services to those who need them. These include (a) state funding reductions and more recently stagnant support in the face of increasing costs of operation, (b) the collapse of the state's Interest on Lawyer Trust Account (IOLTA) system due to historically low interest rates, reduced business activity and the failure of the state's housing market,⁷ and (c) a nearly 20% cut in federal support since 2010 for the joint state-federally funded civil legal aid system here in Washington State. The federal government's capacity to maintain even reduced levels of support is threatened by burgeoning federal deficit and the prospect of sequestration.⁸

TRENDS

Demand for civil legal aid is counter-cyclical. As times get tougher, the social and legal problems facing low income people and families increase. A hospital bill becomes a debt collection problem that, once collateralized, becomes a mortgage foreclosure. Family social and economic stress is increased as life-long wage earners find themselves without jobs or the ability to secure new employment and as bills and legal obligations pile up. These dynamics are compounded by the loss of extended unemployment insurance benefits for the long-term unemployed. The loss of health, child care and other support services creates additional stresses on family incomes, causing them to make choices between paying rent, utilities, child care, credit card debt or other essential services. The social epidemic of domestic violence continues to grow in every part of the state. Washington State continues to experience a spike in housing foreclosures and the number of persons faced with the threat of foreclosures⁹, an influx of

⁷ According to the [Legal Foundation of Washington](#), IOLTA revenues plunged from \$9.8 million in 2007 to less than 2.0 million in 2011.

⁸ Should sequestration take effect January 2, 2013, funding for the federal Legal Services Corporation will drop by an additional 8.7% or more than \$550,000 per calendar year or \$756,000 during the next biennium.

⁹ Efforts to address the deluge of pending and expected foreclosures have been assisted by the Attorney General's commitment of \$2.25 million per year over the next five years to support a range of civil legal assistance related to

military service personnel and families needing help with an array of life and related legal problems, and families victimized by increasingly aggressive predatory lenders.

These trends manifest in unprecedented levels of demand for civil legal aid services. They have also created substantial increases in demand on the civil justice system. A 2010 survey of judges conducted by the American Bar Association documents the strong correlation between the current economic crisis and (a) increasing demand on the court system, (b) increased numbers of unrepresented litigants, and (c) increased numbers of litigants who have experienced real injustice in the course of their cases.¹⁰

In the face of this demand, the state-funded civil legal aid system's delivery capacity has been reduced by nearly 18% over the past two years due to deep federal budget cuts, loss of IOLTA revenues and uncompensated increased costs of operation. As of January 1, 2013, NJP will have a state-funded client service footprint, including its intake/referral staff and statewide advocacy coordinators, of 88 FTE attorneys. With more than 2 million eligible clients, this results in one state-funded attorney for every 23,352 low income people.

STRATEGIES

The Office of Civil Legal Aid will work to (a) secure funding to protect against further erosion in client service staff capacity due to the state's share of known and measurable personnel and occupancy cost increases, (b) secure funding to mitigate the consequences of deep federal funding reductions and restore baseline levels of civil legal aid funding to those necessary to provide full statewide geographic coverage and (c) ensure that state-funded services are delivered in the most effective and efficient manner consistent with the needs of eligible clients, the requirements of its governing statute, and the expectations set forth in the ATJ Board's *State Plan*. Detailed strategies and metrics are set forth in the agency's 2008 *Strategic Plan*.

FINANCIAL PLAN

In the short term, OCLA will work to secure small increases in state civil legal aid funding to mitigate increased operational costs and buy back a portion of the client service capacity lost due to deep federal budget cuts, the precipitous loss of IOLTA funding and uncompensated increased operating costs over the past four years. Over the longer term, OCLA will work with the judicial branch and the legislature to ensure adequate funding to meet the most urgent civil justice needs of low income and vulnerable people in the state. OCLA will also work with the Washington State Bar Association, the Supreme Court's Access to Justice Board and other key organizations to increase the availability of private volunteer involvement in civil legal aid delivery – a component of the legal aid delivery system that in 2011 provided more than 75,000 total hours of help per with an annual value of more than \$13,000,000.¹¹

foreclosure prevention, mediation, and related civil legal problems for persons at or below 400% of FPL. See <http://www.atg.wa.gov/pressrelease.aspx?id=30552>

¹⁰ <http://new.abanet.org/JusticeCenter/PublicDocuments/CoalitionforJusticeSurveyReport.pdf>

¹¹ Source: Legal Foundation of Washington, 2009 Annual Report at 4.

<http://www.legalfoundation.org/sites/legalfoundation/upload/filemanager/Inside-LFW/2011-Public-Report.pdf>

STAFFING

The Office of Civil Legal Aid is staffed by a single FTE, the agency Director. For the FY 2011-13 biennium, total agency administrative expenses, including contracted administrative and statewide support services were 2.5% of total agency expenses. The agency expects to continue at a 1 FTE staffing level during the FY 2013-15 biennium.

Recommendation Summary (CB Detail)

Agency: 057 Office of Civil Legal Aid
 Version: BR 13-15 Biennial Budget Request

10:59:29AM
 9/27/2012

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
2011-13 Current Biennium Total				
CL AA CFL	1.0	23,180	2	23,182
Total Carry Forward Level	1.0	23,180	2	23,182
Percent Change from Current Biennium				
Carry Forward plus Workload Changes	1.0	23,180	2	23,182
Percent Change from Current Biennium				
M2 AB Client Service Capacity		897		897
Total Maintenance Level	1.0	24,077	2	24,079
Percent Change from Current Biennium				
PL AC Mitigate Client Serv Capacity Loss		2,800		2,800
Subtotal - Performance Level Changes	0.0	2,800		2,800
2013-15 Total Proposed Budget	1.0	26,877	2	26,879
Percent Change from Current Biennium				

M2 AB Client Service Capacity

To protect and maintain legislatively authorized client service capacity levels within the state-funded civil legal aid system at a time of unprecedented client demand, funding is requested to meet known and measurable increases in personnel and space/occupancy costs experienced by the statewide legal aid contractor, Northwest Justice Project.

PL AC Mitigate Client Serv Capacity Loss

Restore minimum levels of client service capacity in rural areas; restore client service capacity to other areas disproportionately underserved; achieve administrative efficiencies and enhance support infrastructure for high quality, standards-based civil legal aid delivery.

WASHINGTON STATE JUDICIAL BRANCH
2014-2015 BIENNIAL BUDGET REQUEST
Detailed Decision Package

Agency: Office of Civil Legal Aid

Decision Package Title: Adjustments to Protect Existing Levels of Client Service Capacity

Budget Period: 2013-2015 Biennium

Budget Level: Maintenance Level

Recommendation Summary Text

To protect and maintain legislatively authorized client service capacity levels within the state-funded civil legal aid system at a time of unprecedented client demand, funding is requested to meet known and measurable increases in personnel and space/occupancy costs experienced by the statewide legal aid contractor, Northwest Justice Project.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 General Fund - State		\$356,106		\$540,653		\$896,759
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		-0-		-0-		-0-

Package Description

The Office of Civil Legal Aid (OCLA) is an independent judicial branch agency that administers and oversees the state’s investment in civil legal aid services. OCLA is governed by RCW 2.53.020 and .030. The Legislature has directed that OCLA contract with a “qualified legal aid program” for the provision of civil legal aid services to eligible clients. RCW 2.53.030(2). OCLA contracts with the Northwest Justice Project (NJP) to provide state-authorized and supported civil legal aid services. NJP is a private, non-profit legal aid provider, is not a state entity and its employees do not participate in the Public Employee Retirement System (PERS).

NJP maintains a statewide client intake, access and referral system (CLEAR) and regional and satellite offices in 17 locations throughout the state. With OCLA’s permission, NJP subcontracts about 10% of its annual contracted funding to help underwrite state-eligible client services provided through 17 local volunteer attorney programs and 4 providers of specialized and targeted legal aid services. NJP also

provides training and professional development support for state-funded legal aid program staff and volunteers.

On the basis of existing legislative appropriations, NJP has a budgeted, board-authorized staff level of 146.5 state-funded FTE's, of whom 89 FTE's are currently involved in the provision of client services in the areas of client representation authorized under RCW 2.53.030. NJP is administratively lean. In 2011, audited management and general administrative expenses (excluding legal advocacy support) constituted 7% of total program expenses.

The amount requested in this Decision Package is the state's share (60%) of funding required to enable NJP to maintain internal client service staffing at the level contemplated by the Legislature in the revised FY 2011-13 budget, adjusted for known and measurable costs in personnel expenses and occupancy costs. The request breaks down as follows:

FY 2014:

NJP Salaries:	\$290,316
NJP Benefits:	\$50,790
NJP Occupancy	\$15,000
<u>Total:</u>	<u>\$356,106</u>

FY 2015:

NJP Salaries:	\$418,138
NJP Benefits:	\$92,515
NJP Occupancy:	\$30,000
<u>Total:</u>	<u>\$540,653</u>

Total FY 2014-15

NJP Salaries	\$708,454
NJP Benefits	\$143,305
NJP Occupancy	\$45,000
<u>Total:</u>	<u>\$ 896,759</u>

Narrative Justification and Impact Statement

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

Fair and Effective Administration of Justice in All Civil and Criminal Cases.

Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

"[T]he provision of civil legal aid services to indigent persons is an important component of the state's responsibility to provide for the proper and effective administration of civil and criminal justice." RCW 2.53.005. Civil legal advice, assistance and representation promotes meaningful access to the justice system for low income people and, in doing so, allows the courts and judicial officers to fully and fairly discharge their adjudicative functions. Maintaining legislatively authorized levels of civil legal aid delivery capacity ensures that such levels of client service will carry forward into the next biennium at a time of unprecedented client demand.

Accessibility. *Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.*

Civil legal aid enables otherwise unrepresented persons to overcome financial, cultural, linguistic and other barriers that limit their access to and ability to meaningfully participate in the civil judicial system. Maintaining legislatively authorized levels of civil legal aid delivery capacity ensures that such levels of client service will carry forward into the next biennium.

Access to Necessary Representation. *Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.*

The statutory purpose of the Office of Civil Legal Aid (OCLA) is to secure, contract for and monitor the effective use of state resources in providing legal assistance and representation in high priority matters affecting critical legal needs for eligible clients in the subject matter areas enumerated in RCW 2.53.030.

Over the past biennium, the state funded delivery system suffered significant client service capacity reductions initially due to state funding reductions and most recently due to 17% reductions in federal support. At the same time, driven by the consequences of the Great Recession, the state legal aid system has experienced an unprecedented increase in client demand across every substantive area of need. Protecting the reduced client service capacity from further erosion is critical to maintaining the Legislature's policy level commitment to ensuring access to necessary legal assistance and representation in this time of unprecedented need and client demand for legal help.

Commitment to Effective Court Management. *Washington courts will employ and maintain systems and practices that enhance effective court management.*

Appropriate Staffing and Support. *Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.*

Measure detail

This maintenance level increase is a result of known and measurable changes in NJP personnel and occupancy costs that, if not addressed, will result in attrition in client service capacity and the likely closure of legal aid offices in rural and remote locations.

- **Impact on clients and services**

Funding is required to maintain legislatively authorized levels of client services in light of known and measurable cost increases to client service capacity at a time of unprecedented client demand.

- **Impact on other state programs**

N/A

- **Relationship to Capital Budget**

N/A

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**

N/A

- **Alternatives explored**

There are no alternatives. Failure to fund this request will result in a reduction of 4.5 FTE from existing state-funded civil legal aid client service capacity. Because state funding supports about 65% of all NJP basic field attorneys (the balance being supported principally with funding from the federal Legal Services Corporation), the amount requested is limited to the state’s percentage share of personnel cost increases and known and measurable leasehold cost increases that NJP will incur in the FY 20014-15 biennium.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

N/A

- **Effects of non-funding**

The funding requested is necessary to maintain legislatively authorized levels of state-funded civil legal aid services. In the absence of this maintenance adjustment, NJP will have to initiate further client service capacity reductions from levels contemplated by the Legislature in the revised FY 12-13 operating budget. Such reductions would come at a time of extraordinary client need driven by the Great Recession and documented corresponding increases in both demand on the civil legal aid system and the courts.

- **Expenditure calculations and assumptions and FTE assumptions**

This Maintenance Level Decision Package assumes existing legislatively authorized staffing levels, adherence to salary schedules adopted by NJP’s Board of Directors (which are significantly below comparability to those of the Attorney General, large public defender offices and other publicly funded providers of justice services) and contracted obligations for space and occupancy.

Object Detail	FY 2014	FY 2015	Total
NB – Providers for Direct Client Services	\$356,106	\$540,653	\$896,759
Total Objects	\$356,106	\$540,653	\$896,759

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
Final Decision Package

Agency **Office of Civil Legal Aid**

Decision Package Title: **Mitigate Statewide Client Service Capacity Losses**

Budget Period: **2013-2015 Biennial Budget Request**

Budget Level **Policy Level**

Agency Recommendation Summary Text

Restore a portion of client service capacity losses experienced in between FY 2009 and FY 2012 in rural areas and other areas disproportionately underserved; achieve new administrative efficiencies and enhance support infrastructure for high quality, standards-based civil legal aid delivery throughout the state-funded legal aid system.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
001-1 General Fund - State		\$ 1,400,000	\$ 1,400,000	\$ 2,800,000
Staffing		<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
FTEs		0	0	0

Package Description

Organizations supporting this request

Office of Civil Legal Aid
 Civil Legal Aid Oversight Committee
 Washington Supreme Court
 Access to Justice Board
 Legal Foundation of Washington
 Washington State Bar Association
 Alliance for Equal Justice Member Organizations

Background

Civil legal aid is essential for thousands of low income individuals to meaningfully participate in civil legal proceedings. Today, professional staffed legal aid and volunteer attorneys help a relatively small percentage of low income people who need civil legal advice or representation with respect to matters that affect basic human

needs (e.g., housing preservation, family safety and security, access to essential governmental benefits for which there is a legal claim of entitlement).

Over the past four years the state-funded legal aid system has lost more than \$3 million due to the combined effects of federal funding cuts and stagnant state level support. This is in addition to the loss of \$5 million per year (more than \$20 million cumulative) in average levels of funding for civil legal aid as a result of near-record low interest rate levels and corresponding income losses experienced in the Supreme Court-established Interest on Lawyer's Trust Account (IOLTA) program.

Between FY 2009 and FY 2012, the state-funded Northwest Justice Project (NJP) lost 18% of its basic client service capacity. An additional five FTE positions were protected from being lost as a result of the Legislature's action in the FY 2011-13 supplemental budget.

Three of the most rural and remote areas of the state (the Olympic Peninsula, Grays Harbor and Pacific Counties and Walla Walla/Columbia/Garfield/Asotin Counties) now operate with a single state-funded legal aid attorney. This level of staffing falls below the minimum legal aid presence objectives established by the Supreme Court's Access to Justice Board in its 2006 State Plan and is not operationally sustainable over extended periods of time. In addition to the losses experienced in these regions, staffed legal aid delivery capacity has been downgraded elsewhere throughout the state, leaving attorney-to-eligible client ratios at historically low levels in key parts of the state. Staffing reductions at the centralized legal aid education, advice and referral program (CLEAR) resulted in 2,000 fewer state-eligible clients being served in 2011 than had been served in 2010. In total, 18.5 FTE attorney positions have been lost at NJP.

Funding cuts have also eroded the capacity of state-funded local volunteer legal aid programs to recruit, train, and deploy volunteer attorneys to meet overwhelming client demand, and have reduced the ability of small, specialized legal aid providers to meet crushing demand resulting from the Great Recession and its aftermath. In the face of these cuts, leaders within the state's legal aid community developed new ideas designed to achieve greater operational efficiencies by centralizing a number of fiscal and administrative functions, unifying or pooling certain expenses, and enhancing other critical statewide infrastructure that supports the ability of programs and program staff to focus more time on primary client service delivery responsibilities.

Additional information on client demand trends, impacts of federal cuts and statewide staffing is attached.

Current Situation

Demand for civil legal aid services continues to grow to unprecedented levels. More than 267,000 individual calls were placed to the statewide legal aid hotline (CLEAR) in 2011. Demand in recession sensitive areas of law -- housing, foreclosure, help with governmental support programs, domestic violence and family safety -- outpaced growth in all other areas.

NJP's state-funded client service delivery footprint has been reduced by 18% (18.5 FTE) over the past four years. The prospective loss of an additional 5 FTE attorneys due to deep federal cuts was stayed as a result of recent favorable legislative action.

While state funding appears to have stabilized, cuts to federal support for the Legal Services Corporation in 2011 and 2012 have reduced total funding for the Northwest Justice Project by \$1,300,000/year (\$2.6 million biennially). These cuts are continuing in nature. Further, unless suspended, additional automatic cuts ("sequestration") triggered by the congressional failure to achieve a debt reduction solution last November will result in an additional 8.7% reduction to LSC effective January 2013. This will result in the loss of an additional \$756,500 million in LSC funding during the coming biennium.

Finally, there is a very real possibility that additional efforts will be made to eliminate funding for the Legal Services Corporation altogether. Efforts to accomplish this objective occurred in the House of Representatives this past May, but were unsuccessful. LSC funding now accounts for about 32% of NJP's funding base, and is the resource upon which the foundation of the state-funded legal aid system has been constructed. Uncertainty regarding the future of federal funding for civil legal aid has not been this high since the mid-1990's.

Proposed solution

This policy level request assumes federal funding continues at current appropriated levels and that appropriations from the Judicial Stabilization Trust Account (JSTA) are either backfilled with state general fund dollars or that the JSTA sunset is extended.

The request is designed to restore twelve (12) of the 18.5 FTE attorney positions that were lost to combined federal and state budget reductions in recent years.

A portion of the requested funding will be used to restore minimum 2-FTE staffing levels in field offices in some of the most rural and remote portions of the state which are now operating with a single attorney. Most of the funding will be used to restore client service capacity in King County and other urban and urban/rural regions suffering from a disproportionate lack of legal aid staffing due, in large part, to the protection of client service capacity in the most rural and remote areas of the state. (Note: The ratio of state-funded attorneys to eligible clients at or below 125% of poverty is now about 1:25,000 in King County and 1:27,000 in Pierce County and compares to 1:7,000 in Ferry, Stevens & Pend Oreille Counties, 1:5,650 in Okanogan County and 1:8,800 in Cowlitz and Wahkiakum Counties). Additional funds will also be used to restore some of the capacity at the statewide legal aid hotline (CLEAR) lost due to the cuts.

A small portion of the funding (\$200,000 per year) will be used to upgrade critical statewide support infrastructure, achieve new efficiencies through the centralization of key fiscal, administrative and client service support services -- including pooled health care insurance acquisition and the purchase of bulk access to language line/interpreter services for state-funded legal aid programs -- and provide other support necessary to ensure the capacity of all state-funded programs to deliver high quality legal aid

services consistent with the Access to Justice Board's Performance Standards for Legal Aid while maximizing operational efficiencies.

Narrative Justification and Impact Statement

Reason for change

Recent cuts and corresponding staffing losses have seriously compromised the ability of the civil legal aid system in general, and NJP in particular, to maintain workable presence in both urban and rural parts of the state. Current staffing levels are not sustainable over the long term. Staffing levels must be stabilized and staff-to-client population ratios need to be normalized.

Under the auspices of the Access to Justice Board's Delivery Systems Committee, pro bono and specialty legal aid providers, with the support of NJP, OCLA and the Legal Foundation of Washington, have embarked on new efforts to find efficiencies in organizational operations, reduce administrative redundancies, explore pooled purchasing of services and support, and enhance overall client service relevancy, especially for those clients who experience cultural and linguistic access barriers. These efforts must be supported in order to realize their objectives.

Impact on clients and services?

Funding of this request will protect critical legal aid delivery service infrastructure and capacity, the ability to maintain meaningful presence in key rural and isolated areas, further the statutory objective of "maximizing geographic access" to civil legal across the state (RCW 2.53.030(4)), and stabilize the system at a time when clients continue to experience civil legal problems at unprecedented levels.

Impact on other state programs?

In addition to meeting the critical justice needs of eligible clients, timely and effective civil legal aid – whether provided by a staffed legal aid attorney or a cooperating volunteer -- solves problems that, if left unaddressed, often result in greater demand for state services or the expenditure of other scarce governmental resources. For example, legal assistance to secure protection from a domestically violent relationship can reduce demand on law enforcement and court services; legal assistance that protects a displaced worker's claim for unemployment insurance protects that worker's family security, housing and income stability while the worker seeks new employment; legal assistance that preserves a family's housing reduces demands on local and state homeless assistance; legal assistance that helps a returning veteran secure access to essential mental health services through the Veteran's Administration reduces demand on state services; legal assistance that secures appropriate special educational services for a failing student could help avoid that student's potential involvement in the juvenile justice system; legal help that results in securing a low income individual's eligibility for federal income and medical assistance programs results in less demand for scarce state-funded services.

What is the relationship, if any, to the state’s capital budget?

None

What alternatives were explored and why was this alternative chosen?

With federal funding in steep decline and IOLTA funding still hovering at historically low levels, and with volunteer attorney programs operating with skeletal staff and support, there is no alternative but to seek a modest increase in state funding to protect the state-funded legal aid system from failing in key parts of the state.

What are the consequences of not funding this package?

NJP's present footprint is not sustainable. Absent additional funding, its ability to maintain presence in areas served by one-attorney offices will have to be reconsidered. Urban client service capacity continues to operate at less than 50% of rural capacity based on the ratio of FTE attorneys to the eligible client population. This disproportionately affects low income minority populations which are overrepresented in urban centers like Seattle and Tacoma. Finally, failure to fund incremental efforts to enhance, streamline and unify key delivery system support functions will perpetuate legal aid delivery system redundancies and inefficiencies and systemic problems that compromise the capacity of all state-funded providers to consistently deliver high quality, culturally and linguistically relevant services.

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
Staff Costs	0	0	0
Non-Staff Costs	\$1,400,000	\$1,400,000	\$2,800,000
Total Objects	\$1,400,000	\$1,400,000	\$2,800,000

**NORTHWEST JUSTICE PROJECT
CLIENT SERVICE LOCATIONS, STAFFING AND ELIGIBLE CLIENT POPULATION
January 1, 2013**

Northwest Justice Project OCLA-Funded Client Service Locations	FTE Advocates	Residents @125% of FPL 2010¹	Counties Served
Bellingham	3.9	68,150	Whatcom, Skagit, Island, San Juan
Everett	4	76,237	Snohomish
King County	9.6	241,707	King
Olympia	3	56,874	Thurston, Mason, Lewis
Spokane	5	97,426	Spokane, Lincoln, Whitman
Colville	2	13,694	Ferry, Stevens, Pend Orielle
Tacoma	7	117,635	Pierce
Bremerton	2	29,992	Kitsap
Vancouver	5	59,693	Clark, Skamania, Klickitat
Walla Walla	1	17,642	Walla Walla, Asotin, Garfield, Columbia
Pasco	2	46,001	Benton, Franklin
Wenatchee	4	47,374	Chelan, Douglas, Adams, Grant
Omak	1.9	10,171	Okanogan
Yakima	3.8	75,928	Yakima, Kittitas
Port Angeles	1	18,029	Clallam, Jefferson
Aberdeen	1	19,617	Grays Harbor, Pacific
Longview	1.8	21,835	Cowlitz, Wahkiakum
Total Community-Based Client Service FTE's	58		
Statewide Intake, Advice, Brief Service and Referral (CLEAR) and Private Bar Involvement	27		
Total State-Funded Client Service FTE's	85		

¹ Source: US Census Bureau, American Community Survey, 2010 5-Year Estimates , Table 17002_050.

**NORTHWEST JUSTICE PROJECT (NJP)
COORDINATED LEGAL EDUCATION, ADVICE AND REFERRAL SYSTEM (CLEAR)
COMPARATIVE CLIENT DEMAND STATISTICS CALENDAR YEARS 2009:2011**

NJP's CLEAR system is the principal gateway into the statewide legal aid system for low income residents in all counties of the state with the exception of King County. Basic information about CLEAR can be found at <http://www.nwjustice.org/what-clear>.

The basic CLEAR system operates from about 9:10 a.m. to 12:25 p.m. Monday through Friday. Callers into the system are screened for income eligibility, case type, case priority and conflicts. Because of overwhelming demand, case priorities are limited to matters that implicate basic human needs. Eligible clients with priority legal problems speak with a CLEAR advocate who will (a) provide verbal or written advice to help the client solve his or her legal problem; and, as resources are available (b) send written legal information and/or forms to help the client solve his or her legal problem, (c) provide some level of brief service or limited legal representation necessary to solve the problem, (d) refer the client to a local civil legal aid provider for extended legal assistance and/or representation. To the extent possible, services are provided in the primary language of the caller.

In FY 2010, CLEAR attorneys closed 11,700 cases. CLEAR staffing losses (5.0 FTE) not fully compensated by enhanced efficiencies resulted in a reduction of 1,300 cases in FY 2011.

DIRECT CALLS TO CLEAR

2009

	Ave. Per Day	Ave. Per Month	2009 Annual
Business Days	751	15,584	187,007
All Days	527	16,054	192,642

2011

	Avg. Per Day	Avg. Per Month	2011 Annual
Business Days	1,068	22,164	265,968
All Days	745	22,648	271,782

CALLS ACTUALLY HANDLED

2009

Ave. Per Day	Ave. Per Month	2009 Annual
122	2,521	30,251

2011

Avg. Per Day	Avg. Per Month	2011 Annual
115	2,371	28,454

CATEGORIES OF CALLS BY RELATIVE PERCENTAGE

2009

Family Safety and Security	Housing Protection and Preservation	Health/Consumer, Income Maintenance	Other
58%	26%	12%	8%

2011

Family Safety and Security	Housing Protection and Preservation	Health/Consumer, Income Maintenance	Other
42%	26%	26%	6%

Average number of cases closed per full time CLEAR advocate per year: 700 (2009 and 2011)

**CLIENT SERVICE DEMAND STATISTICS
KING COUNTY 211 LEGAL AID INTAKE**

Legal Problem / Need - Calls for:	Jan-Jun 2008	Jan-Jun 2009	Jan-Jun 2010	% Increase from 08 to 09	% Increase from 09 to 10	% Increase from 08 to 10
CONSUMER, TAX, BUSINESS						
Bankruptcy	93	198	324	113%	64%	248%
Consumer Scam	28	30	34	7%	13%	21%
Contracts & Warranties	8	32	29	300%	-9%	263%
Debt Collection	104	172	362	65%	110%	248%
EMPLOYMENT						
Discrimination	25	32	49	28%	53%	96%
Employment Dispute	48	82	126	71%	54%	163%
L&I (Labor & Industries/Workman's Comp)	16	30	52	88%	73%	225%
Other Employment Legal	44	63	91	43%	44%	107%
Unemployment Benefits	19	110	296	479%	169%	1458%
HOUSING						
Eviction - Private Housing	281	257	498	-9%	94%	77%
Eviction - Public/Subsidized Housing	122	91	133	-25%	46%	9%
Eviction Hearing Scheduled	12	9	13	-25%	44%	8%
Landlord / Tenant Dispute	376	543	658	44%	21%	75%
Mortgage & Tax Foreclosure	38	76	225	100%	196%	492%
Rental Deposits	15	40	59	167%	48%	293%
Section 8 Hsg Voucher Termination	11	28	44	155%	57%	300%
PUBLIC BENEFITS						
Food Stamps	6	26	95	333%	265%	1483%
GAU / GAX Denial	3	7	23	133%	229%	667%
GAU / GAX Termination	4	9	26	125%	189%	550%
Medicaid - Denial	16	21	28	31%	33%	75%
Medicaid - Termination	7	14	23	100%	64%	229%
Other Public Benefits Assistance	32	57	50	78%	-12%	56%
SSDI	19	52	94	174%	81%	395%
SSI - Denial	26	33	60	27%	82%	131%
SSI - Overpayment	4	15	26	275%	73%	550%

SSI - Termination	6	10	16	67%	60%	167%
TANF - Denial	2	15	41	650%	173%	1950%
TANF - Termination	2	6	25	200%	317%	1150%
Veteran	0	3	17	N/A	467%	N/A
FAMILY LAW						
Divorce w/o Children; no DV	111	174	162	57%	-7%	46%
Divorce with Children; no DV	140	190	271	36%	43%	94%
Divorce with Children; with DV	84	90	117	7%	30%	39%
DV Advocacy	33	77	96	133%	25%	191%
Other Family Law	95	114	163	20%	43%	72%
Parenting Plans / Child Custody	384	540	661	41%	22%	72%
Protection Order	36	41	58	14%	41%	61%

2013-2015
BIENNIAL BUDGET REQUEST



OFFICE OF
PUBLIC DEFENSE

WASHINGTON STATE OFFICE OF PUBLIC DEFENSE AGENCY NARRATIVE

OVERVIEW

The Office of Public Defense (OPD) is an independent agency of the judicial branch.

OPD develops and administers programs under the supervision and direction of the Office of Public Defense Advisory Committee, as provided in Chapter 2.70 RCW. The Advisory Committee includes members appointed by the Chief Justice of the Washington State Supreme Court, the Governor, the Court of Appeals, and the Washington State Bar Association, and City and County representatives, in addition to two Senators and two Representatives selected from each of the two largest caucuses by the President of the Senate and Speaker of the House of Representatives, respectively.

OPD administers state funds appropriated for parents' representation in dependency and termination cases; for appellate indigent defense services; for trial level indigent defense services in criminal cases; and for consulting services for county and city officials regarding public defense contracts and other public defense issues. Since July 1, 2012, pursuant to Chapter 257 Laws of 2012, OPD also has begun administering indigent defense services for all indigent respondents who have a right to counsel in sexually violent predator (SVP) cases filed by the state under Chapter 71.09 RCW. The 2012 Legislature transferred this statewide program to OPD from the Department of Social and Health Services (DSHS).

In 2008, the Legislature adopted ESB 6442 to statutorily reauthorize the Office of Public Defense, following a Sunset Review report by the Joint Legislative Audit and Review Committee (JLARC). The JLARC report found that OPD is substantially:

- *Meeting legislative intent, as expressed in statute and budget provisos;*
- *Operating in an efficient and economical manner, with adequate cost controls in place;*
- *Meeting its performance goals and targets as identified in the (agency's) pre-sunset plan, and is evaluating its performance in areas of responsibility established since 2001; and*
- *Not duplicating services provided by other agencies or the private sector.*

AGENCY MISSION

The Office of Public Defense's mandate is to "implement the constitutional and statutory guarantees of counsel and to ensure the effective and efficient delivery of indigent defense services funded by the state of Washington." RCW 2.70.005.

STATUTORY AUTHORITY

The Office of Public Defense's enabling statute is Chapter 313, Laws of 2008, RCW 2.70 et. seq., which specifically authorizes OPD's programmatic activities. Additional legislative authority for the Extraordinary Criminal Justice Costs program is RCW 43.330.190; for the

Indigent Defense Program, Chapter 10.101 RCW and RCW 43.08.250; for the Parents Representation Program, RCW 43.08.250; and for the SVP program, Chapter 71.09 RCW.

AGENCY GOALS

Implement the constitutional guarantee of counsel at all court levels.

Ensure the efficient and effective delivery of indigent services in appellate courts.

Ensure the constitutional guarantee of counsel and the adequacy of representation for parents in dependency and termination cases.

Enact improvements in adequate criminal defense representation in the trial courts, thus implementing RCW 43.08.250.

Ensure the constitutional and statutory rights to counsel and the efficient administration of indigent defense services to all indigent respondents involved in SVP proceedings.

OBJECTIVES

Implement the constitutional guarantee of counsel by working with the trial and appellate courts and county governments to enhance indigent defense.

Maintain appropriate, high quality appellate attorney and costs payment systems, gather statistics, and issue reports to the Legislature and the Supreme Court in each fiscal year.

Improve parents' representation in dependency and termination cases.

Support the improvement of the state trial court indigent defense system under RCW 10.101.

Maintain the Extraordinary Criminal Justice Costs Act petition and priority process and submit prioritized lists to the Legislature in each fiscal year.

Establish and maintain effective and efficient administration of indigent defense in SVP cases statewide.

STRATEGIES

- Work under the supervision and direction of the Office of Public Defense Advisory Committee to develop and administer programs.
- Coordinate with the Supreme Court, the judges of each division of the Court of Appeals, the superior courts, and appellate attorneys to implement appellate indigent defense representation and to enhance the effectiveness of the representation.

- Maintain an appellate attorney appointment system mandated by Supreme Court Rules of Appellate Procedure 15.2.
- Maintain appropriate pay rates for all appointed indigent defense attorneys for appeals and maintain resources to support them.
- Administer the payment of attorney fees and costs for appellate indigent defense cases. Work with courts and attorneys to implement efficiencies in providing OPD services.
- Work with the courts, bar association, attorneys, and other interested parties to improve the quality of trial level indigent defense.
- Implement the processes of RCW 10.101 for trial level indigent defense as funding is appropriated.
- Implement RCW 10.101's mandate to establish a state-funded program for the improvement of public defense in the counties and cities by developing a petition process, auditing county applications, and distributing funds.
- Pursue full state funding to implement adequate representation of parents in dependency and termination cases on a statewide basis.
- Establish, maintain and oversee the Parents Representation Program, thus providing effective assistance of counsel for parents in dependency and termination cases.
- Develop and implement attorney contracts to provide effective assistance of counsel and improve system efficiencies for indigent defense services in SVP cases statewide.
- Maintain statistics on appellate, parent's representation and SVP cases funded through the state and submit annual reports to the Legislature and the Supreme Court.
- Distribute and process county petitions to claim reimbursement for aggravated murder cases, and prepare a prioritized list and submit it to the Legislature.

FINANCIAL OUTLOOK

In 2004, the substandard quality of trial level indigent defense in a large number of Washington counties was the subject of a *Seattle Times* series, "Unequal Justice"; a WSBA Report by the Blue Ribbon Task Force on Indigent Defense; an ACLU report entitled "The Unfulfilled Promise of Gideon"; and a lawsuit against Grant County for failure to provide adequate indigent defense services. By all estimates, criminal public defense is grossly underfunded in Washington. Annually since 2007, OPD has published statewide reports on the current status of public defense in the counties and cities receiving state funding, and will publish another such report in 2013. These reports are based on individualized county and city data submitted to OPD through the RCW 10.101 petition process funded by the Legislature.

In 2005, 2006, and 2007, the Legislature appropriated funds for major expansions of the Parents Representation Program, to provide adequate representation for indigent parents in dependency and termination cases. Additional funds are necessary to expand the program to the remaining counties.

In 2012 the Legislature transferred from DSHS to OPD the administration of indigent defense services in SVP cases and appropriated funds to OPD for this purpose.

APPRAISAL OF EXTERNAL ENVIRONMENT/TRENDS IN CUSTOMER CHARACTERISTICS

Indigent Appellate Defense

Part of the Office of Public Defenses budget funds indigent appellate costs, including reimbursement for services of court reporters, court clerks, and appointed counsel. Most of these funds are paid for attorneys' services.

In 2005, OPD implemented a new appellate attorney appointment system mandated by a Supreme Court amendment to Rules of Appellate Procedure 15.2. The rule establishes that the appellate courts will directly appoint indigent appellate counsel, using attorneys selected by OPD on a case-by-case basis.

OPD contracts with over 40 attorneys across the state, including four firms and consortiums, to provide appellate representation. The caseload includes criminal cases as well as other cases involving basic rights such as criminal contempt convictions and involuntary civil commitments.

In general, appellate cases take from one to two years from filing to appellate court decision. Court reporter and court clerk costs are generally incurred at the beginning of the appellate case and paid within its first year. In contrast, timing of attorney billing is more difficult to predict. OPD has a multiple-payment schedule that allows attorneys to bill as work is completed. The last two payments in each case, for filing the written brief and at the conclusion of the case, can occur sometime between six months and two years after the appeal is filed. The levels of indigent appellate case filings continue to fluctuate from month to month. The new appointment system helps OPD track case filings.

Due to their complex and difficult nature, appellate death penalty cases cost more than any other type of indigent appellate defense. There are several death penalty appellate cases currently under consideration by the Supreme Court and it is likely that more will be filed during the 2013-2015 biennium. In addition, new death penalty charge notices are currently being considered at the trial level.

Parents Representation Program

This program began in Fiscal Year 2001, when the Legislature assigned OPD a pilot program to implement enhanced representation for parents in dependency and termination proceedings. Since that time, OPD has worked to address major problems in this area. OPD's Parents Representation Program sets manageable caseload limits, implements professional standards of practice, and provides access to case support services so program attorneys can better assist their

clients. This highly successful program is established in 25 counties throughout the state. The results are beneficial to children and families and all parties involved in these cases.

The Legislature established five program goals to enhance the quality of defense representation in dependency and termination hearings:

1. Reduce the number of continuances requested by attorneys, including those based on their unavailability.
2. Set maximum caseload requirements cases per full-time attorney.
3. Enhance defense attorneys' practice standards, including reasonable time for case preparation and the delivery of adequate client advice.
4. Support the use of investigative and expert services in dependency cases.
5. Ensure implementation of indigency screenings of parents, guardians, and legal custodians.

Several independent evaluations have verified that the Parents Representation Program has succeeded in achieving the goals set forth. The most recent evaluation, published nationally by a prestigious child welfare journal, found that the program significantly accelerates case resolution, benefitting all of the children involved.

Trial Level Indigent Defense

The 2005 Legislature adopted two bills relating to indigent defense representation in the State of Washington - House Bill 1542 and Senate Bill 5454.

House Bill 1542 (codified at Chapter 10.101 RCW) states "The legislature finds that effective representation must provide for indigent persons and persons who are indigent and able to contribute, consistent with the constitutional of fairness, equal protection, and due process in all cases where the right to counsel attaches," and mandates that OPD disburse funds to counties contingent on their implementation of improvements in their public defense services. The 2006 Legislature appropriated \$3 million for the program, and the 2007 Legislature adopted about 3.5 million in additional annual funds.

Under the bill's requirements, counties may qualify for a percentage of the state funding under a program administered by OPD if they meet the standards for public defense endorsed by the Washington State Bar Association or have made appreciable demonstrable improvements in the delivery of public defense services. Such improvements must include the counties' adoption of standards addressing the factors set forth in RCW 10.101.030; counties also must require that public defense attorneys attend training, require that attorneys who handle the most serious cases meet specified qualifications, provide extra compensation in extraordinary cases, and provide funding exclusive of attorneys' compensation for experts, investigators, and conflict cases. The bill also provides for a grant program to improve public defense in municipal courts.

Senate Bill 5454 states "The legislature recognizes the state's obligation to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases." In accordance with this mandate and concomitant funding, OPD has set up several services to improve public defense in the counties. These include a regional training program for attorneys in rural counties, and a case consultation contract service so contract attorneys may discuss their cases with expert defense attorneys.

OPD also provides consulting services for county and city officials on public defense contracts and other public defense issues.

Extraordinary Criminal Justice Costs

RCW 43.330.190 establishes OPD's duty to create, distribute, and process county petitions for reimbursement of aggravated murder case funds. In consultation with the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Association of Sheriffs and Police Chiefs (WASPC), OPD develops a prioritized list and submits it to the Legislature at the beginning of each legislative session.

Sexually Violent Predator Program

Chapter 257 laws of 2012 added SVP cases to OPD's administration of indigent defense contracts and services. The Legislature previously had directed OPD to conduct an analysis of indigent defense in these cases and to make recommendations for transferring this state obligation from DSHS to OPD. Based on OPD's analysis, the Legislature enacted Chapter 257 Laws of 2012 and appropriated funds to OPD for attorney contracts, expert services and other costs directly associated with providing effective indigent defense in these highly specialized and complex cases.

In response to a statewide RFQ process for defense representation, OPD received 32 applications involving more than 70 FTE attorneys. Based on the scoring of applications by two independent evaluators, (a Gonzaga law school professor and a retired justice of the Washington Supreme Court), OPD executed contracts with nine law firms that currently provide 23 FTE attorneys throughout the state to represent indigent respondents in SVP cases. OPD also has short-term temporary contracts with several attorneys previously assigned to cases scheduled for trial within the calendar year in order to avoid further delays in those cases, as authorized by the statute.

Based on data to be gathered during the first year of administering SVP defense services, OPD will prepare a report due December 1, 2013, including information on the time to trial, continuances, and policy and budget recommendations, as required by Section 2 of the statute.

CONCLUSION

OPD implements a number of important programs to implement the constitutional guarantee of counsel and ensure the effective and efficient delivery of the indigent services funded by the state. Pursuant to our state's constitutional obligation to provide adequate representation for indigent criminal defendants, parents involved in dependency and termination cases, and respondents in SVP cases, OPD will require increased funding to effectively deliver these services on a statewide basis.

Recommendation Summary (CB Detail)

Agency: 056 Office of Public Defense
 Version: BI 2013-15 Biennial Budget Request

4:37:01PM
 10/17/2012

Dollars in Thousands

	Annual Average FTEs	General Fund State	Other Funds	Total Funds
2011-13 Current Biennium Total				
CL AA CFL	15.5	62,385	1,878	64,263
Total Carry Forward Level Percent Change from Current Biennium	15.5	62,385	1,878	64,263
Carry Forward plus Workload Changes Percent Change from Current Biennium	15.5	62,385	1,878	64,263
M2 AB Client Service Maintenance Level		304		304
M2 AC Immigration Consequences Advisement		200		200
M2 AE Increase Federal Authority - CCLI	0.4		152	152
Total Maintenance Level Percent Change from Current Biennium	15.9	62,889	2,030	64,919
Subtotal - Performance Level Changes	0.0			
2013-15 Total Proposed Budget Percent Change from Current Biennium	15.9	62,889	2,030	64,919

M2 AB Client Service Maintenance Level

A 1.5% business costs increase is requested for Parents Representation Program contract attorneys. The adjustment is necessary in order to maintain client services and ensure effective assistance of counsel.

M2 AC Immigration Consequences Advisement

Due to recent changes in case law, an expansion of the Washington Defender Association's immigration consequences program is required. The program makes possible the provision of effective assistance of counsel by public defense attorneys, which is constitutionally mandated.

M2 AE Increase Federal Authority - CCLI

The Department of Justice (DOJ) awarded OPD federal funding under the Capital Case Litigation Initiative for a death penalty trial training program. Authority to expend federal funding for this grant for FY13 was granted through the unanticipated receipt process. This request seeks authority to expend federal funding for FY14, the second and last year of the grant.

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense

Decision Package Title: 1.5% Business Costs Increase for Client Services Contractors

Budget Period: 2013 – 2015 Biennium

Budget Level: Maintenance Level

Recommendation Summary Text

A 1.5% business costs increase is requested for Parents Representation Program contract attorneys. The adjustment is necessary in order to maintain client services and ensure effective assistance of counsel.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 State General Fund		\$ 152,195		\$ 152,195		\$ 304,390
<hr/>						
Staffing		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		-0-		-0-		-0-

Package Description

A 1.5% increase for Parents Representation Program contractors providing client services to offset a portion of their increased business and tax costs.

Narrative Justification and Impact Statement

This package contributes to the Judicial Branch Principle Policy Objectives as noted below.

Access to Necessary Representation

Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests at stake in civil judicial proceedings should have meaningful access to counsel.

On behalf of the state, the Office of Public Defense (OPD) directly contracts with 120 Parents Representation Program attorneys who are paid highly efficient compensation rates to effectively represent indigent clients. Over the past decade, the Legislature and

OPD have made concerted efforts to increase the quality level of representation for parents in dependency and termination cases. As a result, the Parents Representation Program now provides parent clients effective assistance of counsel, as mandated by Washington caselaw.

Contractor rates have not been adjusted for maintenance or other purposes since 2007. When rates were adjusted in 2007, they were set at levels that were minimally adequate at that time but no longer cover mandatory business costs.

During the past two years, 10% of the Parents Representation Program contract attorneys have left the program for the stated reason of inadequate compensation. These include attorneys in Kitsap, Kittitas, Mason, and Pierce counties, as well as multiple attorneys in Snohomish, Spokane, Stevens, and Yakima counties.

Consistent with Supreme Court and Washington State Bar Association Standards for Indigent Defense, Parents Representation Program attorneys are contractually mandated to maintain office and telephone answering services or staff. They also must purchase supplies, purchase health insurance and other benefits, and pay for malpractice insurance, bar dues, B and O taxes, and other professional costs.

Many of these cost-of-doing-business expenses costs have increased during the past five years, eroding OPD's already-minimal compensation level. For example, their B and O tax rates went up from 1.5% to 1.8% in 2010. As a result of these additional business expenses, OPD has not only lost attorneys, but also finds it increasingly difficult to obtain new attorneys who have the requisite practice skills. Statewide, OPD must contract with attorneys who have some dependency case experience and are reliably able to practice largely without supervision. OPD recently spent months negotiating with attorneys in some counties over compensation in order to finalize contracts there, and has had a great deal of difficulty finding attorneys in many other counties. Retaining skilled attorneys is critical to the program's ability to provide the requisite representation quality level.

Measure Detail

- **Impact on clients and services**

This maintenance increase is necessary to maintain effective assistance of counsel for indigent clients by OPD contractors. Without the maintenance increase, OPD expects to lose even more qualified contractors who are unable at current business costs rates to meet the state's minimum performance standards.

- **Alternatives explored**

There are no alternatives that can ensure continued minimal service levels at the existing compensation level. Failure to require or enforce existing minimal performance standards for contractor attorneys would negatively impact client services and would increase the state's liability exposure for failing to meet its obligation to ensure the right to counsel for indigent clients.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**
The costs would be ongoing.
- **Effects of non-funding**
Without the maintenance increase, OPD expects to lose a significant number of qualified contract attorneys who are unable at current compensation rates to meet the program's performance standards.

Expenditure Calculations and Assumptions

All funds would be directly distributed to OPD contractors. OPD would not draw any overhead costs.

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
N – Direct Client Services	\$152,195	\$152,195	\$304,390
Total Objects	\$152,195	\$152,195	\$304,390

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST
 DECISION PACKAGE

Agency: Office of Public Defense

Decision Package Title: Immigration Consequences Advisement

Budget Period: 2013 – 2015 Biennium

Budget Level: Maintenance Level

Recommendation Summary

Due to recent changes in case law, an expansion of the Washington Defender Association’s immigration consequences program is required. The program makes possible the provision of effective assistance of counsel by public defense attorneys, which is constitutionally mandated.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-1 State General Fund		\$100,000		\$100,000		\$200,000
Staffing		<u>FY 2012</u>		<u>FY 2013</u>		<u>Total</u>
FTEs		-0-		-0-		-0-

Package Description

The U.S. and Washington supreme courts decided cases in 2010 and 2011 that require public defense attorneys to advise their noncitizen clients of the immigration consequences of convictions. Since then, the immigration consequences program maintained by Washington Defender Association has been inundated by public defense attorney requests for assistance in meeting this requirement, and funding for another attorney is needed.

Narrative Justification and Impact Statement

Washington Defender Association (WDA) is a resource agency for Washington’s 1,200-plus public defense attorneys. For many years, WDA has received state funding for basic services that promote the effective assistance of public defense counsel, which is constitutionally mandated. One of WDA’s services is its Immigration Project, which provides case-by-case assistance to criminal defense counsel representing noncitizens accused of crimes. Laws regarding immigration consequences are numerous and extremely convoluted. The services of WDA Immigration Project are unique; no other immigration advisement service is available to public defenders.

In 2010, the U.S. Supreme Court decided *Padilla v. Kentucky*, holding that noncitizen defendants in criminal cases must be afforded an accurate advisement of the effect of conviction on their deportation status. In 2011, the Washington Supreme Court decided *State v. Sandoval*, holding that the *Padilla* decision must be followed and that the public defense attorney's advice in the case prejudiced the defendant. Under both these cases, a defense attorney's failure to render proper advisement regarding immigration consequences is ineffective assistance of counsel, requiring reversal of a conviction.

Reason for Change

Since *Padilla*, WDA's immigration case consultation requests have increased exponentially. In FY 2007-8, there were 845 public defender requests; in FY 2011-12, more than 3,000 requests.

Due to the critical and emergent nature of these requests, the WDA Board of Directors committed to using reserves for FY 2012-13 to hire a new full-time attorney for the project for one year. However, WDA cannot sustain the position for more than one year through its extremely restricted reserves. Without additional funding, the new attorney will be let go and the project will be forced to turn down many hundreds of public defender requests beginning in FY 14.

Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan

Budget impacts in future biennia

The costs will be ongoing.

Effects of non-funding

Public defense attorneys throughout Washington will be unable to provide accurate immigration consequences advisements to their noncitizen clients. An undetermined number of legal immigrants who do not understand the consequences of criminal charges against them will unknowingly make case decisions that will result in their deportation. Ineffective assistance of counsel appeals will increase, as will remanded trial level cases.

Object Detail	FY 2014	FY 2015	Total
N – Pass-Through Funding	\$100,000	\$100,000	\$200,000
Total Cost	\$100,000	\$100,000	\$200,000

WASHINGTON STATE JUDICIAL BRANCH
2013-2015 BIENNIAL BUDGET REQUEST

Decision Package

Agency: Office of Public Defense

Decision Package Title: Federal Grant Authority
Capital Case Litigation Initiative

Budget Period: 2013 – 2015 Biennium

Budget Level: Maintenance Level

Recommendation Summary Text

The Department of Justice (DOJ) awarded OPD federal funding under the Capital Case Litigation Initiative for a death penalty trial training program. Authority to expend federal funding for this grant for FY13 was granted through the unanticipated receipt process. This request seeks authority to expend federal funding for FY14, the second and last year of the grant.

Fiscal Detail

Operating Expenditures		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
001-2 Federal General Fund		\$ 151,556		\$ -0-		\$ 151,556
Staffing						
		<u>FY 2014</u>		<u>FY 2015</u>		<u>Total</u>
FTEs		.8		-0-		.4

Package Description

OPD secured a federal grant to meet the state’s need for comprehensive death penalty representation training. Pursuant to DOJ requirements, the grant will fund training for both defense and prosecution attorneys.

Narrative Justification and Impact Statement

Because training will be provided for both the defense and prosecution, the quality of death penalty case adjudication will be improved. Positive impacts to the prosecution include representation practices enhancement, and positive impacts to the defense will go toward the judicial branch goal that “(c)onstitutional and statutory guarantees of the right to counsel shall be effectively implemented.”

Expenditure Calculations and Assumptions

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
AC – Salaries	\$15,250		\$15,250
B – Benefits	\$ 3,500		\$ 3,500
C- Contracts	\$76,234		\$76,234
E – Goods & Services	\$ 3,910		\$ 3,910
G - Travel	\$52,662		\$52,662
Total	\$151,556	\$-0-	\$151,556

Object Detail	<u>FY 2014</u>	<u>FY 2015</u>	<u>Total</u>
N – Direct Client Services	\$151,556	\$0	\$151,556
Total Cost	\$151,556	\$0	\$151,556