

# Washington State Judicial Branch

## 2023-25 Biennial Budget

### Fund Judicial Need Estimation

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** D1 – Fund Judicial Need Estimation

**Agency Recommendation Summary Text:**

The Administrative Office of the Courts requests 1.0 FTE and \$538,000 in ongoing state funding to meet the trial courts' need for actionable, current information about how many judges they need to handle current and future workloads. The funding will allow us to implement an approach to measuring judicial workload that will have more detail and better validity than Washington's current approach. Carrying out the work of the trial courts requires appropriate staffing which, in turn, requires the capacity to accurately describe the need for judicial time both on- and off-bench. This nationally-adopted approach has a long track record of providing results useful to courts. (General Fund-State)

**Fiscal Summary:**

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	1.00	1.00	<b>1.00</b>	1.00	1.00	<b>1.00</b>
<b>Operating Expenditures</b>						
Fund 001-1	\$196,200	\$341,400	<b>\$537,600</b>	\$341,400	\$191,400	<b>\$532,800</b>
<b>Total Expenditures</b>						
	<b>\$196,200</b>	<b>\$341,400</b>	<b>\$537,600</b>	<b>\$341,400</b>	<b>\$191,400</b>	<b>\$532,800</b>

**Package Description:**

Washington's courts need timely, reliable, and valid estimates of the need for judges. [RCW 2.56.030\(11\)](#) requires the AOC to "examine the need for new superior court and district court judges," Our current method of estimating how many judges trial courts need is the "Objective Workload" (OW) method.

OW was jointly developed by Washington's trial courts and the AOC in 2001-02, and **Washington is the only state that relies on OW**. The virtues of OW were a) it requires only information about current judicial staffing levels and published caseload reports for inputs and b) it can easily and at low expense be updated yearly, and c) it initially produced results that were validated against other methods of estimating judicial need. The main evidence supporting OW's validity when it was adopted was OW's congruence with a prior Weighted Caseload (WC) study. It was also assumed that, with OW, trends in the number of judges would increase in response to increases in caseload.

But today OW produces results that differ significantly from when OW was developed. OW estimates based on data through 2021 show a) a pandemic-driven sharply declining caseload, and b) a predicted need for significantly more judges. OW does not help in any way to describe the change in results, as it lacks detail about how judges use their time and about how much time is needed for any particular type of case. This leaves courts without the high-quality evidence they need to explain their needs to funders or to craft approaches to caseflow management.

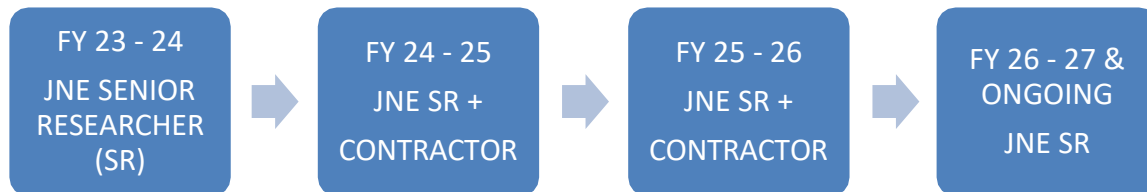
After two decades of experimenting with OW and learning from that experience, AOC has the opportunity to adopt a

better method. We recognize that Washington’s trial courts need reliable, valid and current information about their workloads. At least 30 other states rely on the Weighted Caseload (WC) method for gauging the appropriate number of judges. This method collects detailed data about how much judge time is needed to handle particular case types; it also collects information about the time required for off-bench judge duties. This detail is necessary so that courts can definitively describe the substance of judicial work and justify their judicial staffing levels or explain where and why adjustments to current staffing are needed. Additionally, we anticipate that discrete pieces of the WC results will help to inform Judicial Impact Notes and local judicial costs to implement legislation.

We propose to implement the WC approach in a manner adequate to meet the information needs of courts and other stakeholders, in a manner that is sustainable, and in a manner that leverages, where possible, existing systems capable of collecting information about court calendars and court sessions. Information about in-courtroom work is normally the most expensive and burdensome to collect.

Starting with the 2023-2025 budget, funding will support a permanent 1.0 FTE Senior Research Associate. The Judicial Needs Researcher will work to identify opportunities for data collection and work with the judicial associations to lay the foundation for the data collection process. The Senior Research Associate will then support the work of the contractor in the second and third years of funding. Finally, the Senior research Associate will be responsible for updating and maintaining the WC approach in subsequent years.

Across the 2023 – 2025 biennium into the 2025-27 biennium, \$300,000 will be paid to a contracted organization for carrying out a weighted caseload estimation of the amount of judge / commissioner time needed for each court’s expected workload. This will provide a valid baseline for courts’ judicial needs and introduce judges and court administrators to the newly-adopted approach to generating judicial needs estimates.



**Fully describe and quantify expected impacts on state residents and specific populations served:**

Weighted caseload study results can be used by courts to support requests for increasing the number of judges. The impact will be to reduce current backlogs, prevent foreseeable future backlogs, support the quality of court hearings, and reduce postponements for people with matters before the courts.

**Explain what alternatives were explored by the agency and why they were rejected as solutions:**

The three choices are a) Objective Workload, b) Weighted Caseload and c) a population-based model. A population-based model would not perform better than the Objective Workload method because it, too, would lack information about the actual work of judges and how it varies according to type of case and hearing.

**What are the consequences of not funding this request?**

Courts will not have valid and reliable estimates of how much judge time will be needed to handle expected workload.

**Is this an expansion or alteration of a current program or service?**

This is an alteration to the analysis of courts’ level of need for judge time; the analysis is one of the duties of the State Court Administrator enumerated in the RCW.

**Decision Package expenditure, FTE and revenue assumptions:**

**Staffing Assumptions**

*Senior Research Associate.* The Senior Researcher will work with the contractor as the contractor develops the model weighted caseload analysis for WA. Ongoing generation of valid judicial needs estimates will require that the Researcher work with the trial court associations and individual courts. What is missing from the current judicial needs estimation approach is detail on what judicial officers actually do in their jobs, both on- and off-bench. There will be three major aspects to the work. 1) Work with courts to refine measurement of how judicial officer time is used, to continually improve the accuracy of measures to reflect evolving court practices, 2) work with clerks and court administrators to improve the recording of on-bench time in existing systems for case management and courtroom recording, and 3) using automated and judge-produced use of time data for updating judicial needs estimates.

**Other Non-Standard Costs**

**Contracts (Object C)**

Producing the initial weighted caseload version of judicial needs estimates for Washington’s trial courts will require contracting with an experienced and capable provider of weighted caseload studies. The estimated duration of work is 24 months in FY 2025 and FY 2026 at a total cost of \$300,000; \$150,000 per fiscal year.

<b>Expenditures by Object</b>		<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>
A	Salaries and Wages	111,500	111,500	111,500	111,500	111,500	111,500
B	Employee Benefits	35,600	35,600	35,600	35,600	35,600	35,600
C	Personal Service Contract		150,000	150,000			
E	Goods and Services	3,800	3,800	3,800	3,800	3,800	3,800
G	Travel	2,500	2,500	2,500	2,500	2,500	2,500
J	Capital Outlays	6,400	1,600	1,600	1,600	1,600	1,600
T	Intra-Agency Reimbursements	36,400	36,400	36,400	36,400	36,400	36,400
<b>Total Objects</b>		<b>196,200</b>	<b>341,400</b>	<b>341,400</b>	<b>191,400</b>	<b>191,400</b>	<b>191,400</b>

**Staffing**

<b>Job</b>							
<b>Class</b>	<b>Salary</b>	<b><u>FY 2024</u></b>	<b><u>FY 2025</u></b>	<b><u>FY 2026</u></b>	<b><u>FY 2027</u></b>	<b><u>FY 2028</u></b>	<b><u>FY 2029</u></b>
SENIOR RESEARCH ASSOCIATE	111,500	1.00	1.00	1.00	1.00	1.00	1.00
<b>Total FTEs</b>		<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>

**Explanation of standard costs by object:**

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

**How does the package relate to the Judicial Branch principal policy objectives?**

The proposal is all about “Sufficient Staffing and Support” because courts need solid evidence of judicial need that they can present to the legislature and local funders.

**Are there impacts to other governmental entities?**

Determining the level of need for judge time along with increasing judge availability where needed will positively affect both the timeliness and quality of justice and should receive broad support from other governmental entities.

If local governments decide to support additional judges the state will fund only one-half of Superior Court judges’ salaries and none of District or Municipal Court judges’ salaries. Washington State provides a comparatively low level of funding for its courts (less than 20% of total local court funding).

**Stakeholder response:**

Determining the level of need for judge time along with increasing judge availability where needed will positively affect both the timeliness and quality of justice and should receive broad support from court-involved people in the jurisdictions affected.

**Are there legal or administrative mandates that require this package to be funded?**

No.

**Does current law need to be changed to successfully implement this package?**

No.

**Are there impacts to state facilities?**

No.

**Are there other supporting materials that strengthen the case for this request?**

No.

**Are there information technology impacts?**

No.

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