

# Washington State Judicial Branch

## 2023-25 Biennial Budget

### Automate Court Forms

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** P5 – Automate Court Forms

#### Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests 1.0 FTE and \$845,600 in ongoing expenditure authority to implement a remotely accessible, mobile ready solution that allows unrepresented persons to simply create court documents using a guided interview process and then file those documents electronically in courts using the state-provided case management systems or by traditional paper-based means. (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	\$425,000	\$420,600	<b>\$845,600</b>	\$420,600	\$420,600	<b>\$841,200</b>
<b>Total Expenditures</b>						
	<b>\$425,000</b>	<b>\$420,600</b>	<b>\$845,600</b>	<b>\$420,600</b>	<b>\$420,600</b>	<b>\$841,200</b>

#### Package Description:

Access to justice for Washingtonians is largely forms-driven. Despite efforts to streamline court forms and write them in plain language, the process remains complex and intimidating for many who seek protection orders, pursue a small claims case in a district court, or struggle with various other issues for which our state’s residents need help from the courts. Some people give up. Others struggle by submitting the wrong forms, or providing incorrect or incomplete information, which frustrates the person who needs the court’s help and is inefficient for the court.

The nationwide 2021 State of the State Courts Survey of registered voters conducted by the National Center for State Courts found that expanded online legal resources and remote options could increase public confidence that the poor and racial minorities would be able to get equal justice in the court system.

Numerous statutes and rules require the AOC to create forms. AOC staff work closely with a multi-disciplinary body of stakeholders on the Supreme Court’s Washington Pattern Forms Committee and its subcommittees to create and update hundreds of forms.

AOC also provides case management systems for most superior, district and municipal courts as part of the Judicial Information System.

District and municipal courts (courts of limited jurisdiction, or “CLJ”) will transition to a new case management system in October 2022 and with various courts joining in various phases over several years. This new system will also include the ability to electronically file documents into the court’s case management system. The majority of superior courts and

county clerks' offices already use a case management system and its integrated document management system by the same national vendor. With the state's existing contracts for eFile & Serve, Washington has access without additional charge to the vendor's Guide & File product which provides a guided interview system (similar to TurboTax™). The AOC is also entitled without cost to online access to training videos and up to two hours per month of consulting and support. This proposal utilizes the product and services already available to the State of Washington under existing contracts with the vendor.

Through this program, the public would be able to electronically file standard documents 24/7/365 in the courts that use the Judicial Information System (JIS) electronic filing and document management services. This plan uniquely offers the ability to electronically file court documents into the case management systems used by the majority of Washington courts without further complicating our state's already complex technology environment. Users could still choose document assembly programs offered by other entities, but Guide and File would offer the added benefit of electronic filing in to the statewide case management system.

The public would still be able to use the same system (Guide & File) to create paper documents for filing in any court regardless of whether the court has implemented the JIS electronic filing and document management system.

This project will:

- Increase access to justice for unrepresented litigants by simplifying the process to correctly file complete, accurate, and legally sufficient forms to the court
- Provide the public with 24-hour access
- Create court efficiencies from simplified processing of unrepresented litigant filings
- Reduce requests to the court for assistance
- Identify court processes that could be simplified in order to improve access to justice
- Build on related work by other organizations, but provide the only solution that enables electronic filing to the JIS case management systems in the foreseeable future
- Support the ability to offer interviews for matters in limited jurisdiction courts

AOC will appoint a law-trained program manager (Legal Services Principal Analyst) to coordinate with the vendor, stakeholders, and subject matter experts. The coordinator will take the lead on consultation with the legal aid community, advocates, judicial officers, court system personnel and other partners in the creation of interviews, guides, and other resources.

The AOC will also contract for additional services during the 2023-2025 biennium:

- 16 hours of live online training for staff and partners (\$3200)
- 1.0 FTE law trained content consultant/forms developer dedicated to Washington (\$200,000 per year). In future biennia, Washington will have the ability to scale this support up or down to meet our needs for ongoing assistance with additional forms or implementing changes.

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

This program can improve access to the justice system and court efficiency throughout the state. Most residents who interact with the justice system will do so in the district and municipal courts. And, over the next five years most of those courts will begin using the new statewide case management and electronic filing system. By providing unrepresented litigants the option not only to electronically file requests for protection orders or small claims matters

but to guide them in creating their requests with a system designed help demystify the process can also enhance public trust and confidence in the courts. It is anticipated as well that many of the state’s superior courts and county clerks’ offices will adopt this model if the Legislature approves the AOC’s 2023-2025 request to fund eFiling at the superior courts.

The “2021 State of the State Courts – National Survey Analysis” by GBAO Strategies, Inc. observed:

Expanded online resources and remote options could also increase confidence in equal justice. Court leaders have often looked to technological solutions to help address core inequities within the justice system, and this survey suggests that many Americans see the same potential. Nearly 1-in-3 respondents (30 percent) say increased availability of online court proceedings, online filing of court documents, and online help desks and other web-based legal resources would make them more confident that under-represented communities like the poor and racial minorities would be able to get equal justice in the court system, compared to 26 percent who say it would not and 33 percent who say their opinion on these challenges would not be impacted by such resources.

Los Angeles County reported that more than 85% of Guide & File (G&F) users find the software “helpful” or “very helpful” in completing the necessary court documents. The number of completed interviews increased by 150% from 2019 to 2020.

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

Other document assembly and authoring tools are available in the marketplace and being used by other organizations in Washington to develop guided interviews. One option considered was simply to defer to those efforts. That option (essentially, “status quo”) is not the preferred option because it does not enable both electronic creation of the document and the electronic filing and processing of that document in the state-provided court case management systems. The option proposed is the only option that will enable eFiling directly to the case management systems used by the majority of Washington courts. The preferred option utilizes software that is designed to work with the state’s court technology systems and leverages existing contracts for maintenance and support. It can be implemented without significant changes to the judicial information system.

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

Unrepresented litigants seeking justice in Washington courts will not have the benefit of a guided process that can also electronically file those documents in most courts. This will be less convenient for the public and less efficient for the courts.

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

No. This is a new service.

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

**Staffing Assumptions**

*Legal Services Principal Analyst.* Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE based on previous experience and consultation with the product vendor. This position is consistent with program management responsibilities and affords the best opportunity for recruitment and retention of personnel with legal, technical, and facilitation skills that will be necessary for this program.

### Other Non-Standard Costs

#### Contracts (Object C)

Beginning July 1, 2023 and ongoing, AOC requires 1.0 FTE contracted content consultant/developer at \$200,000 per 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	129,300	129,300	129,300	129,300	129,300	129,300
B	Employee Benefits	41,200	41,200	41,200	41,200	41,200	41,200
C	Personal Service Contract	200,000	200,000	200,000	200,000	200,000	200,000
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	42,200	42,200	42,200	42,200	42,200	42,200
<b>Total Objects</b>		<b>425,400</b>	<b>420,600</b>	<b>420,600</b>	<b>420,600</b>	<b>420,600</b>	<b>420,600</b>

### Staffing

<b>Job 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>
LEGAL SERVICES PRINCIPAL ANALYST	129,300	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?

This program will enhance accessibility by providing a free on-line service that helps users prepare and file court documents anytime, from anywhere using a consistent mobile-friendly platform.

Unrepresented litigants can be encouraged to seek representation and provided contact information. Those who choose to proceed on their own will more easily find the correct forms, complete them accurately, and file them in a more timely manner.

The seamless integration with the courts' eFiling and case management systems is expected to increase the share of filings that are transmitted electronically, reducing paper handling and storage, reducing errors, and improving workflows in courts and clerks' offices.

### Are there impacts to other governmental entities?

None

**Stakeholder response:**

Leadership from a large district court are eager to use the product and have inquired about a local acquisition to support their customers' needs.

A professor from a leading Washington law school who teaches an "Access to Justice" seminar recently reached out recently because they "would like to teach law students to use [Guide & File] rather than one of many other ones currently in use today." The professor said the alternative "interface is pretty clunky and it's hard to integrate with other systems."

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

The Administrative Office of the Courts administers the Judicial Information System (JISCR 1). RCW 2.68.050 provides:

The supreme court, the court of appeals and all superior and district courts, through the judicial information system committee, shall...

(6) Increase capabilities to receive information electronically from the public and transmit forms, applications and other communications and transactions electronically;

(7) Use technologies that allow continuous access twenty-four hours a day, seven days per week, involve little or no cost to access, and are capable of being used by persons without extensive technology ability;

This request also aligns with the recommendation of the *Washington Court Recovery Task Force Technology Committee: Guiding Principles for Identifying, Developing, Implementing, and Utilizing Court Technology*: "Prioritize the use and development of online-fillable forms to collect data from court users and facilitate transfer of data to the court system. Ensure documents may be signed electronically."

While not specifically mandated, the project supports the electronic protection order submission processes in RCW 7.105.105.

**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?**

1. "2022 Guide & File Report: Expanding Access to Justice in the Nation's Largest Trial Court Before and After the Pandemic," Superior Court of California, County of Los Angeles describes use of the Guide & File in the nation's most populous county.
2. Guide & File "product sheet" is the vendor's description of the tool and its benefits.
3. "Prepare Your Court Documents and file your case online," provides links to websites from other states that are using Guide & File.



Odyssey Guide &  
File.pdf



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Guide-File-Product-  
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Administrative Office of the Courts  
Policy Level – P5 – Automate Court Forms

**Are there information technology impacts?**

There are no information technology impacts related to this request.

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