

# Washington State Judicial Branch

## 2023-25 Biennial Budget

### Increase Judicial Education Capacity

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** T6 – Increase Judicial Ed Capacity

#### Agency Recommendation Summary Text:

The Administrative Office of the Courts, requests \$628,000 per biennium in ongoing state funding to support the timely development of needed judicial training by education professionals and technology experts, and provide courts with bench coverage so that judicial training does not come at the expense of a court's caseload. The criminal justice system is in the midst of major reform in many areas of law and court operations. Recent legal reforms include: Uniform Guardianship Act, Civil Protection Order Act, and Landlord-Tenant Relations. And remote technologies adopted during the pandemic have created new ways for court users to access justice—prompting courts to reimagine how court services will be delivered post-pandemic. Judicial officers at all court levels are in urgent need of training to accurately and effectively apply these reforms. (General Fund-State)

#### Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
<b>Staffing</b>						
FTEs	0.00	0.00	0.00	0.00	0.00	0.00
<b>Operating Expenditures</b>						
Fund 001-1	\$314,000	\$314,000	\$628,000	\$314,000	\$314,000	\$628,000
<b>Total Expenditures</b>						
	\$314,000	\$314,000	\$628,000	\$314,000	\$314,000	\$628,000

#### Package Description:

The demands on Washington State Courts today are both historic and unprecedented. In response to the pandemic, Superior Courts suspended jury trials and in-person proceedings to keep the public safe, not once, but multiple times, creating a backlog of cases awaiting trial and a surge of demand for remote access to judicial services. Major legislative reforms impacting the courts, such as the Uniform Guardianship Act (2SSB 5604), Civil Protection Order Act (E2SHB 1320), Landlord-Tenant Relations (E2SSB 5160), Mental Health Sentencing Alternatives (2SSB 5293), and numerous other bills, have recently been enacted requiring substantive changes to civil and criminal law, and it is anticipated that additional legal reforms will follow. The *Washington v. Blake* Supreme Court decision in March 2021 added an extraordinary number of additional proceedings and orders to the courts' workload, requiring vacation of over 150,000 simple possession convictions, and thousands of hearings and re-sentencing of individuals currently serving active sentences in Washington State prisons. The Blake workload will take years to complete.

When asked, Superior Court judicial officers throughout the state consistently report the need for additional judicial education and training to help them with this tidal wave of change. Effective implementation of new law requires timely and professional education.<sup>1</sup> Yet, not all legislation that impacts the courts includes funding for hiring subject matter experts to speak at trainings or updates to valuable judicial support materials such as bench books. When comprehensive judicial education is not provided for in a bill or fully funded, training is likely to be created ad hoc by

---

<sup>1</sup> Board for Judicial Education Court Education Committee, *Roadmap for Education Improvement in Washington State Courts*, (July 2017) [https://www.courts.wa.gov/programs\\_orgs/cec/content/CECRoadmap2017.pdf](https://www.courts.wa.gov/programs_orgs/cec/content/CECRoadmap2017.pdf)

volunteer judges who are trying to figure out how to implement the new law themselves, and needed updates to support materials are often delayed.

Besides judicial education on new legislation, judicial officers also report the need for technology training. Washington courts quickly pivoted to provide remote proceedings during the pandemic, and a public opinion poll found that a majority of respondents believe that courts should continue to hold hearings by video after the pandemic ends.<sup>2</sup> However, another recent study, corroborating Washington Courts' experience, found that although remote proceedings increase access to justice, they also take substantially longer than in-person hearings, on average 33% longer, contributing to the courts' workload.<sup>3</sup> The increase in hearing length was found to be due, in part, to inexperienced use of technology and lack of remote hearing standards. Judicial officers urgently need training on remote hearing best practices, specific to Washington Courts, so the benefits of remote access to judicial services that has helped so many, particularly working individuals, parents, and care-givers, may be institutionalized and continued after restrictions imposed by the pandemic end.<sup>4</sup>

In order to participate in educational offerings and training, judicial officers need access to training, and in particular, they need bench coverage. Judges and court users should not bear the consequences of the choice between judicial officers receiving education on new legislation or technology advancements, and covering existing caseloads. Bench coverage is especially important for judges in single-judge courts and in courts with substantial case backlogs.

Timely and comprehensive judicial education, specific to gaps in judicial education funding for new legislation impacting the courts, and training on technology that increases access to judicial services, is urgently needed. In particular, funding is needed for:

- Unfunded judicial education specific to new laws, that is timely to bill implementation and therefore may be outside of the regularly scheduled spring and fall conference schedule;
- Subject matter experts and judicial education professionals to provide training;
- Staff to update or develop support materials such as bench books and technology best practice guides;
- Judges pro tempore to provide coverage for judicial officers to attend training.

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

Judicial education is a foundational element of a highly-capable, knowledgeable and skilled independent judiciary. Comprehensive judicial education, and related supports to address judicial officers' current needs regarding new legislation and technologies, will ensure that new legislation continues to be applied as intended and the courts will be able to institutionalize greater access to judicial services for the people of Washington by the efficient and effective use of remote and developing technologies.

---

<sup>2</sup> National Center for State Courts, *State of the State Courts* (2021 Poll)

<https://www.ncsc.org/survey>

<sup>3</sup> National Center for State Courts, *The use of Remote Hearings in Texas State Courts: the Impact on Judicial Workload* (December 2021)

<https://www.ncsc.org/media/imported-ncsc/files/pdf/newsroom/TX-Remote-Hearing-Assesment-Report.pdf>

<sup>4</sup> California Commission on Access to Justice, *Remote Hearings and Access to Justice Guide* (2020)

[https://www.ncsc.org/data/assets/pdf\\_file/0018/40365/RRT-Technology-ATJ-Remote-Hearings-Guide.pdf](https://www.ncsc.org/data/assets/pdf_file/0018/40365/RRT-Technology-ATJ-Remote-Hearings-Guide.pdf)

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

No funding alternatives were explored outside of judicial branch funding. Education funding is a centralized function of the Administrative Office of the Courts (AOC) and therefore additional judicial education funding belongs with the AOC. We have submitted requests for additional judicial education funding for previous consideration by the Board for Judicial Administration/the legislature. It was not selected, but this funding is important enough to the judiciary to continue asking for it. Multiple attempts at funding requests are sometimes necessary for successful funding.

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

New legislation often contemplates judicial education, but such education is not always fully funded, especially as to bench coverage. For example, bills like E2SHB 1320 (modernizing protection orders), section 35, specify training in the area of trauma-informed practices and new technologies for remote hearings. Without additional funding for training and the means to attend such trainings, however, the judiciary may not be in compliance with the legislative intent of this bill, and others like it.

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

This is not an expansion or alternation of a current program or service.

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

**Contracts (Object C)**

This request would fund contracts for professional educators to develop programming and training materials. The assumption is there would be three trainings per year plus materials at an average cost of \$25,000 per session, directed at subjects including, but not limited to:

- 1) New Court Technology to Improve Access to Justice: Technology Options and Best Practices
- 2) Major WA Legislative Reforms: Law Changes and Implementation

**Grants (Object N)**

For judicial officers to attend the trainings, AOC will need to reimburse one hundred percent of the cost of pro tem coverage. The assumption is that 257.7 judicial officers X 8 hours of annual training at the hourly pro tem rate of \$116 = \$239,000 per fiscal year.

Expenditures by Object		<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
C	Personal Service Contract	75,000	75,000	75,000	75,000	75,000	75,000
N	Grants, Benefits, and Client Services	239,000	239,000	239,000	239,000	239,000	239,000
Total Objects		314,000	314,000	314,000	314,000	314,000	314,000

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

This decision package directly addresses two Judicial Branch policy objectives:

- *Fair and Effective Administration of Justice*
  - These proposed training sessions will provide judges with the critical information needed to apply new legislative reforms as intended, and take full advantage of existing technologies to reimagine court business processes for the benefit of both the courts and court users.
- *Accessibility*
  - Judicial education on best practices and use of new court technology, particularly technology to conduct remote court proceedings, will result in greater access to the courts for the people of Washington by

helping judges institutionalize developing and new court processes that were temporarily adopted during the pandemic in response to the public health crisis. Courts learned that greater integration of technology in many court processes significantly decreased costs of coming to court and increased participation rates, in particular for youth, parents, disabled individuals and low-income persons.

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

Increased judicial education on new legislation and court technology will help judicial officers better articulate and explain court funding needs, for new programming or court technology expenses. Judicial officers will also be better poised to evaluate technology options for increasing court efficiency and effectiveness as it impacts justice system partners. For example, increased access to the courts using remote technology may also lower county transportation costs from local jails.

**Stakeholder response:**

Local non-governmental stakeholders, such as legal aid and advocacy groups, can be expected to support greater access to the courts and lower costs to their clients for coming to court by the institutionalization of new technologies. These groups will also appreciate effective and timely implementation of new court processes or programs supporting new legislation, that will follow increased judicial education.

**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?**

There are no information technology impacts related to this request.

**Agency Contacts:**

Christopher Stanley, 360-357-2406, [christopher.stanley@courts.wa.gov](mailto:christopher.stanley@courts.wa.gov)

Angie Wirkkala, 360-704-5528, [angie.wirkkala@courts.wa.gov](mailto:angie.wirkkala@courts.wa.gov)