

# Washington State Judicial Branch

## 2023-25 Biennial Budget

### Launch FAIR Court Assessment

**Agency:** Administrative Office of the Courts

**Decision Package Code/Title:** T8 – Launch FAIR Court Assessment

#### Agency Recommendation Summary Text:

The Administrative Office of the Courts requests \$500,000 in one-time General Fund-State funding to increase support to Washington’s courts of limited jurisdiction (CLJs), which serve diverse communities in a wide variety of subject matters. It is important to assess a CLJ’s ability to ensure all communities are treated with respect and dignity; racial disparities are addressed; and low-income individuals have the tools they need to navigate the justice system. A proven way to achieve this objective is through the FAIR Court Project in partnership with the Center for Court Innovation.<sup>1</sup>

The FAIR Court Project uses anonymous observers to assess how well procedural justice practices are incorporated throughout a courthouse. This proposal will fund observations of 12-15 CLJs, with detailed recommendations for each court to address any barriers to procedural justice found during the observations. (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	\$375,000	\$125,000	\$500,000	\$0	\$0	\$0
<b>Total Expenditures</b>						
	\$375,000	\$125,000	\$500,000	\$0	\$0	\$0

#### Package Description:

Courts often feel unwelcoming and opaque to those who pass through. Research on procedural justice, the perceived fairness of justice procedures and interpersonal treatment of litigants, survivors, and defendants in court, shows that when people feel respected and that they understand the process, they are more satisfied and more likely to accept decisions, even if they find them to be unfavorable. Minor adjustments in courthouse processes and procedures may result in increased compliance with court orders and enhanced perceptions of access to justice.

To inform these minor adjustments, the Administrative Office of the Courts (AOC) requests one-time legislative funding for the FAIR Court Project. The Center for Court Innovation (CCI) will partner with the District and Municipal Court Judges’ Association (DMCJA) to conduct a series of “secret court shopper” visits to 12-15 courts of limited jurisdiction within Washington State, to assess how well procedural justice practices are incorporated throughout the courthouse.

Fair, Accessible, and Inclusive Responses (FAIR) is a procedural justice/people centered practical analysis of court operations that relies on coordination with court administration and judges to plan and implement site visits that are performed anonymously, with the informed consent of the court. This is done to obtain as much of an unbiased snapshot of day-to-day court procedures as possible, assess the extent to which the Court incorporated aspects of procedural justice into their operations, and in particular, the extent to which the Court incorporated aspects of

<sup>1</sup> <https://www.courtinnovation.org/about>

procedural justice as it relates to domestic violence cases. The court visits done through "secret court shoppers" capture the experience of a court user, beginning before entering the courthouse all the way through the process until leaving the courthouse. Through conducting these independent evaluations, CCI assists courts with implementing evidence-based strategies.

After the visits, each court receives recommendations for future procedural justice and implicit bias training with particular emphasis on the impact on marginalized populations. An educational component, to be held during the DMCJA annual conference, will allow judicial officers to review the statewide results, and to ask questions directly of CCI about how best to implement recommended changes.

In 2017, Thurston County District Court participated in a single court evaluation<sup>1</sup> with CCI. The project was deemed successful and resulted in immediate improvements implemented by Thurston County District Court judicial officers.<sup>2</sup> It is a strategic goal of the AOC and the judiciary to "improve services, assistance and information to self-represented litigants...to provide better access to information and/or services of courts." The FAIR Court Project will provide additional statewide research that can be disseminated and incorporated into future training to increase procedural justice awareness in Washington Courts.

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

This decision package will positively affect users of courts of limited jurisdiction by identifying barriers to procedural justice and recommending solutions to enhance the fair and effective administration of justice and accessibility to courthouses. This package will allow 12-15 courts of limited jurisdiction to undergo observation to enhance all aspects of procedural justice for users of these courts. Communities impacted by this proposal include communities of color, self-represented litigants, litigants requiring interpretive services, litigants with disabilities, and domestic violence litigants.

Additionally, [RCW 3.70.040](#) requires DMCJA to "continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results..." This proposal would meet this statutory duty.

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

Federal funding is unavailable for this purpose and the use of private funds to evaluate courts is not necessarily appropriate in order to avoid any future conflicts of interest. State funding is the only appropriate fund source for this effort. This unique evaluation model is proven to be effective in ways that standard performance audit models are not.

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

This package seeks to address two Judicial Branch policy objectives: the fair and effective administration of justice and accessibility to courts. To assess whether our courts of limited jurisdiction are meeting the needs of all court users in an unbiased manner, observations of day-to-day courthouse procedures must be made to identify barriers to procedural justice. Additionally, those observations must be examined, with recommendations to overcome those barriers. Without the FAIR Court Project observing and assessing courthouses, CLJs cannot determine whether they are meeting their policy objectives. As a result, courts could continue practices without the benefit of insight from the project on potential changes that would improve client interactions related to access to justice, procedural fairness, and equity.

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

No, this is not an expansion or alteration of a current program or service.

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<sup>2</sup> CCI's Thurston County report is an example of the type of feedback and recommendations that Washington courts will receive. It is available here: [https://www.co.thurston.wa.us/distcrt/docs/TCDC\\_Report.pdf](https://www.co.thurston.wa.us/distcrt/docs/TCDC_Report.pdf)

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

**Contracts (Object C)**

This project would require a contract with the Center for Court Innovation (CCI) for a one-time cost of \$500,000.

<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>
C Personal Service Contract	375,000	125,000				
<b>Total Objects</b>	<b>375,000</b>	<b>125,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

This package relates to the “fair and effective administration of justice” priority and the “accessibility” priority. The potential contractor for this package, the Center for Court Innovation, exists to achieve a justice system that is fair, effective, and humane through original research projects. This package is based on a successful 2017 CCI project in Thurston County District Court where anonymous CCI staff observed court operations. The goals of this site visit were to assess the extent to which the Thurston County District Court incorporated aspects of procedural justice into its operations (with particular emphasis on domestic violence cases); and to create a report detailing observed strengths and challenges as well as recommendations for a future procedural justice and implicit bias training.

The CCI recommendations from the 2017 Thurston County District Court project included the following:

- Enhance safety and accessibility of the courthouse, courtrooms, and restrooms
- Enhance victim safety with separate waiting rooms, parking lot security, and child care
- Enhance language accessibility
- Coordination with victim services
- Implement consistent protocols across courtrooms
- Implement protocols for receiving litigant feedback

This package request will allow for 12-15 courts of limited jurisdiction to experience the same types of observations that the Thurston County District Court did in 2017, with tangible recommendations to increase procedural justice for courthouse users.

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

This proposal would have a positive impact on city and county governments. Prosecutor’s Offices and Public Defenders would likely support this proposal, as it would help improve the court experience of victims and defendants and help make a fairer, more responsive justice system. County Clerks would also likely support this proposal as it could identify improvements to their own practices. “Lessons learned” may also reveal best practices that could be effective in Superior Courts.

**Stakeholder response:**

Non-profit civil legal aid and victim advocacy organizations would likely support this proposal, as it would help improve the court experience of their clients.

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

No, there are no legal or administrative mandates that require this package to be funded.

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

No, current law does not need to be changed to successfully implement this package.

**Are there impacts to state facilities?**

No, there are no impacts to state facilities.

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

CCI's Thurston County report is an example of the type of feedback and recommendations that Washington courts will receive under this package. It is available here: [TCDC\\_Report.pdf \(thurston.wa.us\)](#)

**Are there information technology impacts?**

None

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