

Washington State Judicial Branch

2024 Supplemental Budget

Fund 12th Clark County Superior Court Judge

Agency: Administrative Office of the Courts

Decision Package Code/Title: S2 – Clark County Superior Court Judge

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests \$218,300 ongoing to fund a 12th Superior Court Judge in Clark County, effective July 1, 2024. This request accompanies a 2024 legislative proposal that would amend [RCW 2.08.064](#) and increase the number of judges in Clark County Superior Court from 11 to 12. The need for an additional judge is supported by the 2019 and 2020 Judicial Needs Estimate. (General Fund – State).

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	0.50	0.30	0.50	0.50	0.50
Operating Expenditures						
Fund 001-1	\$0	\$218,300	\$218,300	\$218,300	\$218,300	\$436,600
Total Expenditures						
	\$0	\$218,300	\$218,300	\$218,300	\$218,300	\$436,600

Package Description:

Many factors impact workload for judicial officers. Growth in population, legislative changes, community legal culture, and decisions made by law enforcement and prosecutors are examples of those factors. These impact the number of case filings, the mix of case types, and the length of judicial time needed to manage and timely resolve cases.

As the population continues to grow in Clark County, it's critical to continue providing the community with timely resolutions, not only to maintain the rule of law, but also provide effective case management. Delivery of timely and efficient justice is a Superior Court core value. Using population data from the Office of Financial Management (OFM), Clark County's population is the fifth largest in the State. From 2012 to 2022, Clark County saw an increase in population of approximately 18 percent (see the table below). The same data estimates eight percent growth between 2022 and 2028, with up to 15 percent growth by 2032.

Projections - Total Resident Population for Growth Management from OFM								
Year			2012	2017	2022	2023	2024	2028
Clark County Population			426,984	475,238	520,900	526,696	535,349	567,356

Clark County's population is very close to the population in Spokane County with a comparable level of active cases, yet there is a significant difference in judicial resources (see table below).

Superior Court	2022 Active Cases	2022 Filings	Judicial Officers
Clark	15,827	14,775	14.4
Spokane	13,656	21,398	20

Over the last several years, significant legislative changes improved access to justice for vulnerable populations, and these changes result in increased filings and/or judicial time. Some examples of these changes include the Uniform Guardianship Act, changes to civil protection orders, and legislative changes around evictions.

The Uniform Guardianship Act (UGA) was passed and became effective on January 1, 2021. While providing improved requirements for the court appointed neutrals, the UGA also broadened situations where a court-appointed neutral individual could be appointed. This results in more hearings and judicial time to consider reports and determine the best decision in each person's situation. The number of appointments over a five-year period between 2015 and 2020 totaled 34 cases. In the most recent two years (2021-2022), however, the number of appointments *tripled* to 113 cases.

Court Appointed Neutral Costs Year to Year Comparison	
2020	2022
\$147,100	\$410,700
2,354 hours	6,571 hours

Additionally, in 2021, Senate Bill 5160 (Chapter 115, Laws of 2021) was passed by the Legislature to address an increase in evictions statewide. The Superior Court for Clark County is actively engaged with the Eviction Resolution Pilot Program (ERPP). The ERPP requires that landlords take efforts to reach agreement with tenants on a repayment plan for unpaid rent through direct negotiation, conciliation, or mediation through a county Dispute Resolution Center before they are allowed to file an unlawful detainer action for non-payment of rent.

The court has seen *a 234% increase* in hearings and administrative work related to evictions as demonstrated below by the increase in case filings. The new law and ERPP requirements require additional dockets and judicial preparation time to ensure the law is upheld.

Eviction Case Filings	
2020	2022
351	1,171

Changes to the civil protection order statutes took effect July 1, 2022. Filings in Superior Court for these protection orders prior to the pandemic were around 1,198 in 2019. In 2022, the court *saw a 42% increase and received 1,701 petitions* from persons seeking protection under these statutes.

Lastly, House Bill 1227 (Chapter 211, Laws of 2021) created changes to the dependency process, specifically as it relates to shelter care hearings. This law becomes effective July 1, 2023. While we have not yet seen actual impacts of this legislation, we anticipate an increase in shelter care hearings, litigation, and in the length of each hearing by 50 -75 percent.

Another important aspect of court work is performance management. The court uses national performance metrics to monitor workload. Additionally, Superior Court for Clark County engaged in a Calendar & Caseflow evaluation with the National Center for State Courts to provide recommendations that will improve the efficiency and timely resolution of cases. The court has implemented a majority of those recommendations providing more frequent opportunities for resolving cases and increased judicial oversight to ensure necessary activities are occurring between litigants. Time to disposition rates in Clark County Superior Court are an important metric for measuring the efficiency and effectiveness of the court system. Below is an example of December 2022 Time to Disposition. The '% Not Met' reflects cases that were closed beyond the defined standards for Washington.

2022 Time to Disposition

Case Type	90%		98 %		100%		% NOT MET	Total Cases
Criminal	37.51	(4 mos.)	50.67	(6 mos.)	61.50	(9 mos.)	38.50	1413
Civil	67.36	(12 mos.)	73.80	(18 mos.)	76.47	(24 mos.)	23.53	3676
Domestic	71.06	(10 mos.)	78.03	(14 mos.)	83.99	(18 mos.)	16.01	1693
Probate	56.13	(8 mos.)	80.19	(18 mos.)	91.42	(36 mos.)	8.58	1060
Guardianship	29.77	(8 mos.)	41.22	(18 mos.)	51.15	(36 mos.)	48.85	262
Adoption/Parentage	86.39	(8 mos.)	88.44	(10 mos.)	93.20	(14 mos.)	6.80	294
Mental Illness	100.00	(8 mos.)	100.00	(10 mos.)	100.00	(14 mos.)	0.00	63
Dependency	28.28	(8 mos.)	34.34	(10 mos.)	47.81	(14 mos.)	52.19	297
Juv. Offender	67.02	(4 mos.)	80.32	(6 mos.)	92.55	(9 mos.)	7.45	188
Lower Court Appeal	0.00	(4 mos.)	4.17	(5 mos.)	4.17	(6 mos.)	95.83	24

Clearance rates are another important metric in a court system. This measures the number of filings coming in and the number of cases being closed. When the clearance rate is less than 100 percent that is an indicator that incoming workload is higher than the available resources for case closure.

Year	Filed	Completed	Clearance Rate
2023 (Jan-Mar)	4068	2896	71.19%

A third metric used is the age of pending cases. This identifies the court ‘backlog’ or cases which are open, active and beyond the Washington State Time to Disposition Goals. Some cases go beyond those goals for legal reasons or factors outside the court’s control. However, this information still proves helpful in bring visibility to the age of the case.

Pending Caseload	
April 2022	April 2023
1,889	2,084

Fully describe and quantify expected impacts on state residents.

As represented in the AOC analysis, population growth and performance measures, Superior Court needs additional judicial resources. The lack of judicial resources is impacting our community members through long dockets and delays in resolution of cases.

Explain what alternatives were explored by the agency and why this was the best option chosen.

Superior Court for Clark County has made efforts to improve clearance rates, time to disposition, and streamline the court process using best practices and technical assistance from national experts. This work has made some impact but not enough to offset growth in the County and the need for an additional judicial officer.

In 2022, Superior Court for Clark County contracted with the National Center for State Courts to assess the adjudication process. They provided analysis and recommended strategies for improving the calendaring system, case management, pace of litigation. Superior Court deployed these recommendations in 2023 as outlined in the study.

One of the key components of the study was to implement evidence-based case flow management principles within day-to-day operations. Following this study, Superior Court for Clark County revised the Case Assignment/Calendar System to improve caseflow creating additional opportunities for case closure and higher accountability of attorneys throughout the case.

What are the consequences of not funding this request?

Superior Court cases will be delayed or unresolved without additional judicial resources.

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

No.

Decision Package expenditure, FTE and revenue assumptions:

The AOC pays 50 percent of the salary and 100 percent of the benefits for a superior court judge position. The county pays the other 50 percent of the salary cost. This request will pay the state share of the judge position beginning July 1, 2024 at a salary set by the Washington Citizen’s Commission on Salaries for Elected Officials.

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>
A	Salaries and Wages	0	114,100	114,100	114,100	114,100	114,100
B	Benefits	0	59,300	59,300	59,300	59,300	59,300
T	Intra-Agency Reimbursements	0	44,900	44,900	44,900	44,900	44,900
Total Objects		0	218,300	218,300	218,300	218,300	218,300

Explanation of standard costs by object:

Agency Indirect is calculated at a rate of 25.86% of direct program salaries and benefits.

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

Fair and Effective Administration of Justice. This package expands the judicial capacity in Clark County and provides for the expansion of fair and effective administration of justice in civil and criminal cases.

Accessibility. The additional judicial resource will continue to maintain that all our courts will be open and accessible to all participants in our community.

Access to Necessary Representation. Superior Court of Clark County will continue to follow the constitutional and statutory guarantees of the right to counsel.

Commitment to Effective Court Management. As demonstrated above, the court has a strong commitment to active case management and performance management. Funding this request would expand the judicial capacity in Clark County and addresses growing workload for a population and case filing increases.

Sufficient Staffing and Support. Funding this request would help fulfill the estimated judicial need provided by AOC. This will allow for the 12th Superior Court Department for Clark County.

Are there impacts to other governmental entities?

Yes, to Clark County. Clark County will need to approve the funding for the other half of this judicial officer and staff needed to support the judicial officer. This is in Clark County’s 2024 budget requests.

Stakeholder response:

Not applicable.

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

Under RCW 2.56.030(11), the Administrator for the Courts shall, under supervision and direction of the chief justice examine the need for new superior court and district court judge positions under an objective workload analysis. Superior Court has demonstrated the need for a 12th Superior Court judge.

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

Yes. RCW 2.08.062 will need to be updated to twelve judges.

Judges—Chelan, Douglas, Clark, Grays Harbor, Kitsap, Kittitas, and Lewis counties.

There shall be in the county of Chelan four judges of the superior court; in the county of Douglas one judge of the superior court; **[in the county of Clark ~~eleven~~ twelve judges of the superior court]**; in the county of Grays Harbor three judges of the superior court; in the county of Kitsap eight judges of the superior court; in the county of Kittitas two judges of the superior court; in the county of Lewis three judges of the superior court.

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.

Agency Contacts:

Christopher Stanley, 360-357-2406, christopher.stanley@courts.wa.gov

Angie Wirkkala, 360-704-5528, angie.wirkkala@courts.wa.gov