

Washington State Judicial Branch 2024 Supplemental Budget Increase Minority & Justice Commission Staffing

Agency: Administrative Office of the Courts

Decision Package Code/Title: JD – Increase MJC Staffing

Agency Recommendation Summary Text:

The Administrative Office of the Courts requests 1.0 FTE and \$154,700 in ongoing funding to fully staff the Minority and Justice Commission’s (MJC) existing work. This proposal will allow the MJC to be responsive to duties assigned during recent legislative sessions and meet existing programmatic needs. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	1.00	0.50	1.00	1.00	1.00
Operating Expenditures						
Fund 001-1	\$0	\$154,700	\$154,700	\$149,900	\$149,900	\$299,800
Total Expenditures						
	\$0	\$154,700	\$154,700	\$149,900	\$149,900	\$299,800

Package Description:

The Administrative Office of the Courts (AOC) is requesting an additional staff person to assist with the work of the Washington State Minority and Justice Commission (MJC). MJC is the largest Washington State Supreme Court (Supreme Court) Commission – with 35 member-seats, four standing committees, ad hoc work groups, and nine annual law student liaisons. Despite being the largest commission, with a comparable workload and deliverables to the other commissions, the MJC operates with only one dedicated staff person. The AOC previously had a second staff position assigned to the MJC, which was eliminated in 2008 due to budget cuts. This request proposes to reinstate the position, which is even more critical now due to the expanded workload that is a result of legislation since 2008 as well as the judicial branch’s more recent emphasis on addressing systemic racism in the courts.

The judicial branch has made great strides toward addressing racial inequities in Washington State Courts. The Supreme Court, judicial associations, AOC, and related groups publicly acknowledged the roles they play in perpetuating systemic racism and made strong commitments to advancing racial justice (see June 4, 2020 letter attached). The MJC’s one Senior Court Program Analyst is the only position at AOC dedicated to working on racial bias and inequities in Washington courts. This level of staffing is no longer sufficient to cover all programmatic tasks and expanded activities that have been assigned as a result of increased demand.

The MJC’s work has expanded substantially in recent years due to increased focus of the courts and the Legislature on racial justice, including:

- Increasing demand for education programs on racial justice;
- Establishing a rules & legislation committee to analyze proposed legislation for racial justice impacts and coordinate with partners;
- Implementing “next steps” identified by the annual Supreme Court Symposium on pressing racial justice issues;
- Convening branch-wide task forces;

Administrative

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- Advancing workforce diversity in the judiciary through collaboration with schools and development of the Judges of Color Directory;
- Working closely with the Washington State Center for Court Research (WSCCR) and external research experts to design research studies on racial bias in the justice system; and
- Implementing the recommendations of the [Racial Justice Consortium](#).

All of this new work, in addition to numerous ad hoc requests for engagement on racial justice work groups and projects, has created an unmanageable increase in workload for MJC staff.

The Administrative Office of the Courts is requesting addition funding to:

- Establish a new Court Program Specialist position to provide critical support to the MJC. This will allow MJC to continue its engagement in implementing racial justice legislation passed in recent sessions, move forward with recommendations from the Racial Justice Consortium, and meet existing programmatic needs. Anticipated duties include:
 - Coordinate MJC's member committees and ad hoc work groups.
 - Aid with tracking legislation related to racial equity during session.
 - Assist with implementation of branch-wide jury diversity efforts.
 - Coordinate with AOC's Court Education Unit staff to execute MJC judicial education programs and coordinate with outside subject-matter expert trainers.
 - Prepare reports for judicial officers detailing relevant changes in law.
 - Promote MJC resources and provide access to the public through the MJC website, mass correspondence, and stakeholder outreach.
 - Make logistical arrangements for off-site MJC programs, including but not limited to: judicial conferences, the Annual Symposium, and regional community events.
 - Arrange for and monitor billings, fees, travel expenses, and other financial transactions related to conferences, meetings, and programs.
 - Track MJC budget expenditure activity and produce reports for the MJC.
 - Assist with conducting original ad hoc research at the direction of MJC's Senior Court Program Analyst to advance research, policy, and educational objectives.
- Shift these responsibilities to allow existing MJC staff to devote time to higher-level matters, including the following anticipated duties:
 - Lead MJC's coordination with researchers implementing the ongoing jury diversity demography study and jury diversity pilot project.
 - Lead MJC's coordination with and provide subject matter expertise to WCCSR on equity-related research covering racial, ethnic, and cultural bias in Washington courts.
 - Analyze proposed legislation for racial equity implications and lead coordination efforts. This perspective is essential to advance AOC's goal of supporting efforts that ensure people of different cultures and backgrounds will be treated fairly and with respect.
 - Lead program design and content development for MJC education programs.
 - Conduct implementation, monitoring, and evaluation of Racial Justice Consortium recommendations.
 - Serve as liaison to internal and external stakeholders regarding the judicial branch's efforts to address racism in the courts.
 - Provide subject matter expertise to other AOC teams and judicial branch groups looking to further their work on racial justice.

Fully describe and quantify expected impacts on state residents.

This additional staffing would impact Washingtonians by helping to ensure that people of color, and people with different cultures and backgrounds, will be treated fairly when they interact with Washington State Courts. Additionally,

courts will have the information, education, research, and support they need to serve these communities more fairly and equitably.

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

AOC explored the possibility of grant funding. There are limited opportunities for grant funding related to racial justice in the courts, and the opportunities are to implement projects on specific topics. This was not a good fit for current needs. It is important to establish sufficient staffing capacity for existing overarching programmatic work before considering new topical projects.

What are the consequences of not funding this request?

As with all public outcries about injustice, public interest wanes over time. The work is at a critical point. Without sufficient personnel to support these efforts and engage with the broader judicial branch community, there is risk of losing the progress that's been made.

MJC will have to reduce its scope of work to continue administering legacy programs at the expense of expanding to areas of opportunity or even maintaining the current breadth of substantive initiatives. For example, the local Youth & Law programs MJC sponsors have grown from just one originally to now six separate events around the state for which the MJC staff need to monitor, coordinate with members, and administer financial support and oversight.

Additionally, if this request is not funded, MJC and the courts more broadly will continue to pass over opportunities for large-scale impact projects due to lack of capacity. Initiatives such as the implementation of the Racial Justice Consortium policies, expanded bias education for judicial officers, research into racial disparities and their causal influence and more will not be capitalized upon for lack of institutional capacity.

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

No, this package would provide critical staff support to meet the existing needs of a current program.

As noted above, the AOC previously had a second staff position assigned to the MJC, which was eliminated due to budget cuts. This request proposes to reinstate this position, which is even more critical now due to the expanded workload.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Court Program Specialist. Beginning July 1, 2024 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to coordinate projects, coordinate program financial budgeting and monitoring, assist with monitoring legislation, respond to requests for assistance, maintain information on website, provide administrative support to committees, assist with conducting studies, gathering information, staffing committees and preparing narrative reports, memoranda and presentation/training materials.

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		86,700	86,700	86,700	86,700	86,700
B Employee Benefits		26,500	26,500	26,500	26,500	26,500
E Goods and Services		3,600	3,600	3,600	3,600	3,600
G Travel		2,000	2,000	2,000	2,000	2,000
J Capital Outlays		6,600	1,800	1,800	1,800	1,800
T Intra-Agency Reimbursements		29,300	29,300	29,300	29,300	29,300

Total Objects		154,700	149,900	149,900	149,900	149,900	
Staffing							
Job Class	Salary	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>
COURT PROGRAM SPECIALIST	86,700	1.00	1.00	1.00	1.00	1.00	1.00
Total FTEs		1.00	1.00	1.00	1.00	1.00	1.00

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 30.59% of salaries.

Goods and Services are the agency average of \$3,600 per direct program FTE.

Travel is the agency average of \$2,000 per direct program FTE.

Ongoing Equipment is the agency average of \$1,800 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE.

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 would support the goal of fair and effective administration of justice by developing education programs, contributing to research, and supporting other racial justice efforts that ensure that people of color, and people with different cultures and backgrounds, will be treated fairly when they interact with Washington State Courts.

Accessibility. Removing barriers to access to justice is a key priority for MJC. Goals of the MJC include increasing access for marginalized populations including those who face barriers to access to due to race, culture or language. Having an additional staff person to support the work of the MJC will enhance its bandwidth to address these barriers. This package would enable MJC to center accessibility in its operations, especially when providing access to public participation. This position would better position MJC staff to provide maximum accommodations to the public during committee meetings, educational and community events.

Access to Necessary Representation. MJC is involved in a number of initiatives surrounding legal representation, including participation on the self-represented litigant ad hoc work group and providing expert analysis on proposed legislation related to access to counsel. With the proportional increase in pro se litigation likely impacting communities of color the most, this issue will increasingly enter the scope of work for MJC for which this position would help accommodate.

Sufficient Staffing and Support. This package would ensure the MJC has sufficient staffing to fulfill its critical mission of fostering and supporting a fair and bias-free system of justice in the Washington State courts and judicial systems by: 1) identifying bias of racial, ethnic, national origin and similar nature that affects the quality of justice in Washington State courts and judicial systems; 2) taking affirmative steps to address and eliminate such bias, and taking appropriate steps to prevent any reoccurrence of such bias; and 3) working collaboratively with the other Supreme Court Commissions and other justice system partners.

Are there impacts to other governmental entities?

This package would impact trial and appellate courts by providing education and outreach programs, research, and development of other resources on racial justice. It would result in the development of innovative materials that courts could use to improve their services to communities of color. We often receive assistance requests from courts and this package would allow us to meet their specific requests. The Board for Judicial Administration, a board that represents a

cross-section of the judicial branch, supports this package. Other court entities also focused on equity issues will also support this proposal.

Stakeholder response:

The AOC anticipates that the following stakeholders will be supportive of this package as it will allow courts to better serve communities of color.

- Members of the Legal Aid and Access to Justice Community
- Advocates of Immigrant and Refugee Populations
- Public Legal Policy and Research Agencies
- Washington Law Schools
- Judicial Associations

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

The Supreme Court established the MJC on October 4, 1990 to identify problems and make recommendations to ensure fair and equal treatment in the state courts for all parties, attorneys, court employees, and other persons. The MJC advances equal treatment for all without regard to race and ethnicity through research and implementation of recommended improvements to court operations, practices, and procedures and through educational and outreach programs provided to court, youth, and justice system-related groups.

The Supreme Court has renewed MJC's order every five years since 1990 with the most recent order NO. 25700-B-654 signed in January 2021. This order provides that AOC shall provide staff support to the MJC subject to budget considerations. This budget package would allow AOC to fully support this requirement.

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

No changes to current law are required to successfully implement this package.

Are there impacts to state facilities?

This request does not impact any state facilities.

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

Not applicable.

Are there information technology impacts?

There are no information technology impacts related to this request.

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The Supreme Court

State of Washington



June 4, 2020

Dear Members of the Judiciary and the Legal Community:

We are compelled by recent events to join other state supreme courts around the nation in addressing our legal community.

The devaluation and degradation of black lives is not a recent event. It is a persistent and systemic injustice that predates this nation's founding. But recent events have brought to the forefront of our collective consciousness a painful fact that is, for too many of our citizens, common knowledge: the injustices faced by black Americans are not relics of the past. We continue to see racialized policing and the overrepresentation of black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.

The legal community must recognize that we all bear responsibility for this on-going injustice, and that we are capable of taking steps to address it, if only we have the courage and the will. The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all.

As judges, we must recognize the role we have played in devaluing black lives. This very court once held that a cemetery could lawfully deny grieving black parents the right to bury their infant. We cannot undo this wrong—but we can recognize our ability to do better in the future. We can develop a greater awareness of our own conscious and unconscious biases in order to make just decisions in individual cases, and we can administer justice and support court rules in a way that brings greater racial justice to our system as a whole.


As lawyers and members of the bar, we must recognize the harms that are caused when meritorious claims go unaddressed due to systemic inequities or the lack of financial, personal, or systemic support. And we must also recognize that this is not how a *justice* system must operate. Too often in the legal profession, we feel bound by tradition and the way things have “always” been. We must remember that even the most venerable precedent must be struck down when it is incorrect and harmful. The systemic oppression of black Americans is not merely incorrect and harmful; it is shameful and deadly.

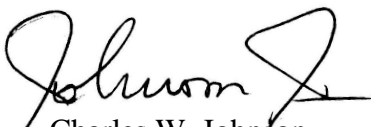
Finally, as individuals, we must recognize that systemic racial injustice against black Americans is not an omnipresent specter that will inevitably persist. It is the collective product of each of our individual actions—every action, every day. It is only by carefully reflecting on our actions, taking individual responsibility for them, and constantly striving for better that we can address the shameful legacy we inherit. We call on every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.

As we lean in to do this hard and necessary work, may we also remember to support our black colleagues by lifting their voices. Listening to and acknowledging their experiences will enrich and inform our shared cause of dismantling systemic racism.

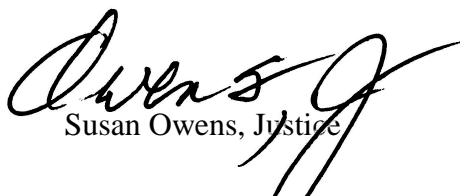
We go by the title of “Justice” and we reaffirm our deepest level of commitment to achieving justice by ending racism. We urge you to join us in these efforts. This is our moral imperative.

Sincerely,


Debra L. Stephens,
Chief Justice

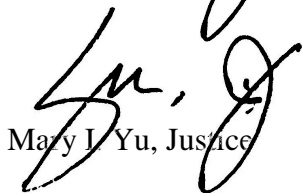

Charles W. Johnson,
Justice

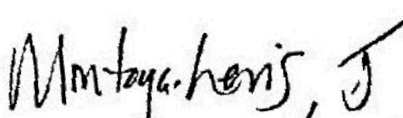

Barbara A. Madsen,
Justice

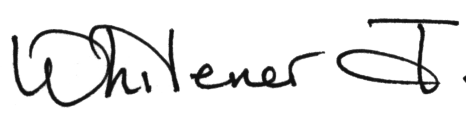

Susan Owens, Justice


Steven C. González,
Justice


Sheryl Gordon McCloud,
Justice


Mary I. Yu, Justice


Raquel Montoya-Lewis,
Justice


G. Helen Whitener, Justice