

WASHINGTON STATE JUDICIAL BRANCH  
 2013-2015 BIENNIAL BUDGET REQUEST  
**Detailed Decision Package**

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**Agency:** Supreme Court  
**Decision Package Title:** Access to Justice Board  
**Budget Period:** 2013-2015 Biennial Budget Request  
**Budget Level:** Policy Level

**Recommendation Summary Text**

The Access to Justice Board seeks restoration of the Supreme Court's financial commitment to underwriting the operations of this Court-created body. Beginning in 2005, the Court had committed to helping the Washington State Bar Association underwrite the functions of this first-in-the-nation model Board by seeking and committing \$100,000 annually to the work of the Board. While recent cuts forced the Court to reduce its level of support, the circumstances now facing the WSBA make it impossible for the WSBA to maintain existing levels of support and dictate that the ATJ Board return to the Court for meaningful operational support.

**Fiscal Detail**

<b>Operating Expenditures</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>Sum of All Costs</b>		\$ 100,000		\$ 100,000		\$ 200,000
<b>Staffing</b>		<b><u>FY 2014</u></b>		<b><u>FY 2015</u></b>		<b><u>Total</u></b>
<b>FTEs</b>		N/A		N/A		0

**Package Description**

**Background**

The Access to Justice Board is a policy board established by Supreme Court Order in 1994 to address improvements to the civil justice system for those with financial and other significant barriers.

With the exception of institutional location and staffing, the ATJ Board stands on an equal institutional footing with other bodies established by the Court to further equity and access to the justice system -- notably the Gender and Justice and Minority and Justice Commissions. The main difference is that the ATJ Board has been able to leverage funding from WSBA member dues and the commitment of thousands of hours

of volunteer help from hundreds of volunteers, while the other commissions have been and continue to be funded through AOC.

The Order charges the Washington State Bar Association (WSBA) with the administration of the ATJ Board, which since 1994 has included staffing support, funding for ATJ Board meetings, and related costs of administration. In FY 2005-07 the Supreme Court requested, and the Legislature approved, an appropriation of \$200,000 (\$100,000 annually) from the Supreme Court budget for the ATJ Board. The Court reduced its appropriation in FY 2009-11 to \$100,000 (\$50,000 annually). The Court further reduced its FY 11 appropriation to \$20,000. The FY 12 Supreme Court appropriation is \$5,000.

The Court's investment in the ATJ Board has produced significant gains for the courts and the administration of justice. These funds were used for a variety of significant initiatives, including implementation of the Supreme Court's Access to Justice Technology Principles; acquisition of statewide mapping technology as a planning tool; statewide planning for the efficient and effective delivery of civil legal aid services; the development of comprehensive Program Performance Standards for legal aid providers; and the translation of complex mandatory family law court forms into plain language format.

These funds did not supplant WSBA operational expenditures for ATJ Board staffing and support; rather, the Supreme Court funds enabled the ATJ Board to implement significant initiatives that could not be effectively accomplished through resources provided by WSBA. Now that WSBA is no longer in a position to carry the burden on its own, it is appropriate -- and indeed imperative -- that the judicial branch, through the Court itself or AOC, commit a small amount of funding to protect the continuity of the ATJ Board's core functions.

**Current Situation:**

In April 2012 the members of the WSBA voted to roll back its lawyer licensing fees, resulting in a 28% cut to WSBA's budget effective October 1, 2012. Since the submission of the its Preliminary Decision Package on May 1, 2012, the ATJ Board has learned that there will not be significant cuts to the ATJ Board staff or budget in FY 2013 (October 1, 2012 – September 30, 2013). Although the Supreme Court has mandated administration of the ATJ Board by WSBA, the WSBA Board of Governors has voted to begin a dialogue with the Supreme with the Supreme Court regarding continued WSBA support of Supreme Court boards. The ATJ Board anticipates significant cuts in operational costs for the ATJ Board beginning in FY 2014. The ATJ Board has no additional funding sources.

**Proposed Solution:**

The Supreme Court will make an annualized contribution to WSBA as a contribution to operational costs of the ATJ Board.

## Narrative Justification and Impact Statement:

- **This package contributes to the Judicial Branch Principle Policy Objectives as noted below.**

***Accessibility. Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.***

The ATJ Board works to address the Judicial Branch Principal Policy Objective of Accessibility: "Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic or ability-based or other characteristics that serve as access barriers." The ATJ Board does the work of the courts: (1) It develops court rules that improve access to those with financial and other significant barriers. (2) It works on the implementation of innovative technologies to expand access to the courts for those with access barriers. (3) It works to identify and implement innovations to expand the reach of the courts to those with access barriers. (4) It works to simplify court rules and procedures through the translation of mandatory court forms into plain language format.

Given this critical role, the Supreme Court should allocate annualized funding consistent with its support for other judicial branch policy entities, in particular the Gender and Justice and Minority and Justice Commissions, to which the ATJ Board stands on an equal institutional footing.

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## Measure detail

- **Impact on clients and services**

The ATJ Board's work has a direct impact on the courts and the administration of justice. The general mission of the ATJ Board is to improve access to the civil justice system for those with financial and other significant barriers. All of the ATJ Board's initiatives are in service of this mission.

A current priority is to complete the translation of all mandatory court forms into plain language, an effort which is viewed by many as one that will significantly demystify and make more accessible the state court system by those who cannot afford counsel and for whom complex forms are a significant barrier. The ATJ Board develops and proposes court rules that improve access to the justice system for the public, in particular those with access barriers. The ATJ Board was the originator the the Access to Justice Technology Principles now in effect under Supreme Court order. The ATJ Board provides statewide support functions to those involved in the direct delivery of client services, including: the development of performance standards; statewide planning for civil legal aid delivery; and technology innovations;

- **Impact on other state programs**

None.

- **Relationship to Capital Budget**

None.

- **Required changes to existing Court Rule, Court Order, RCW, WAC, contract, or plan**  
None.

- **Alternatives explored**

The ATJ Board historically has received funding from the Supreme Court for non-operational costs for the ATJ Board. Given the anticipated inability of WSBA to fulfill its Supreme Court mandate to administer the ATJ Board, funding from the Court is a logical and consistent funding alternative.

It is unclear whether the ATJ Board should have to go through a formal process of requesting funding. The initial request was initiated to and approved by the Legislature and it became part of the base appropriation. The funding was removed not through legislative action but by administrative fiat (which cuts were understandable at the time). The ATJ Board defers to the Court as to whether the underwriting commitment is in the form of a line-item appropriation or from a reallocation of resources.

- **Distinction between one-time and ongoing costs and budget impacts in future biennia**

The expenditures are ongoing operational costs and will continue into future biennia.

- **Effects of non-funding**

The ATJ Board accomplishes its work through the efforts of 200 volunteers. Without basic infrastructure (staff, conference call capacity, etc.) to facilitate the coordination of this volunteer resource, the ATJ Board cannot effectively fulfill its mandate from the Supreme Court. Funding will enable the ATJ Board to continue its work of removing access barriers to the courts, court facilities and court systems for those with financial, cultural, linguistic and other characteristics that limit their ability to fully participate in our justice system.

**Expenditure Calculations and Assumptions**

<b><u>Object Detail</u></b>	<b><u>FY2014</u></b>	<b><u>FY2015</u></b>	<b><u>Total</u></b>
Staff Costs	\$ N/A	\$ N/A	\$ 0
Non-Staff Costs	\$100,000	\$100,000	\$200,000
<b>Total Objects</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$200,000</b>