

Interbranch Advisory Committee (IAC) Meeting April 19th from 10am-1pm

Welcome from Chief González and Senator Pedersen.

Judicial Branch Update

- Supreme Court has been working since the pandemic on remote access rules for the Washington courts. There was a taskforce that was put together to determine proposed rules. The court should issue rules on how to adopt technology for more access soon.
- Bar Admission Taskforce has met to talk about the new state bar exam and how recommendations can be adopted to allow different pathways to be admitted to the bar in Washington state. Termed a “next gen-bar exam”. Hope to address shortage of lawyers in the state because of costs and access to legal education pathways.
- Supreme Court should be able to move back in to the Temple of Justice building this summer- by August or September at the latest.
- Access to the courts- study on the availability of day care centers at courthouses and how that could expand access to jury service. There are also studies on increasing pay for jury service, shoring up court security, and facility accessibility.
- Court of Appeals caseloads are increasing, probably due to the Superior Courts working through the case backlog from the COVID pandemic (particularly more complicated civil cases which take a lot of time to resolve). Division 1 Court of Appeals courtroom accessibility project should be completed by August or September. Work continues on making court of appeals more accessible.
- Increase in judicial education funding. Judicial education is ongoing issue which will continue going forward. Increase in prevalence of self-help centers.
- Ongoing work on re-adjudicating Blake Decision (drug related) cases at all levels of the courts to get them resolved. This also includes issuing remittances for court fines that may have been issued in these cases.
- “Better Together” conference has been restarted and is important for fostering better communication in the Judiciary.
- There is a court interpreter shortage, and court interpreters are a crucial part of access to justice. Work continues on unauthorized practice of law legislation.

2024 Judicial Branch Legislative Session Policy Debrief

The Administrative Office of the Courts had 6 legislative proposals this year:

HB 2006 – Concerning Court Interpreters

HB 2006 did not make it out of its policy committee this year. There was a budget proviso in this year’s budget that increased the reimbursement for interpreter services from 50% to 100%.

HB 1992 – Adding an additional superior court judge in Whatcom county

Signed into law and effective 6/6/24.

ESSB 5828 – Concerning water rights adjudication commissioners and referees

Signed into law and effective 6/6/24.

HB 2034 – Notice of Court Reorganization

Signed into law and effective 6/6/24.

HB 2056 – Concerning information sharing and limited investigative authority of supreme court bailiffs

Signed into law and effective 6/6/24.

HB 5836 – Adding an additional superior court judge in Clark County

Signed into law and effective 6/6/24.

Topics of Interest to the Judiciary in the future:

- Addressing the attorney shortage, support for the dependency process, the use of artificial intelligence (AI), and juvenile justice.
- 2025 Legislative session preparation.
 - The Board of Judicial Administration legislative committee will begin soliciting legislative proposals for the next session at the beginning of May.

Supreme Court “Defects and Omissions” Letter to the Legislature and Related Legislation

- It can be confusing to the public if there are laws on the books that the Supreme Court has deemed unconstitutional. In the past, the “Defects and Omissions” letter hasn’t been paid close attention to. These last few years there has been a focus from the legislature on passing legislation based on the “Defects and Omissions” letter every year. Chief González thanked the legislature and hopes to continue work on that.

2024 Judicial Branch 2024 Legislative Session Budget Debrief

- The Judicial Branch asked for a supplemental budget increase of \$7.3 million, and were funded \$6.9 million. There are three main areas of the budget ask for this supplemental budget:
- Support Trial Courts - \$2.1 million requested/ \$2.0 million funded
 - Fund Water Rights Adjudication, fund 12th Clark County Superior Court Judge, and implement protection order training for Judicial Officers.
- Improve Access to Justice - \$3.4 million requested/ \$3.4 million funded
 - Continue funding Blake implementation, align Juror Pay Pilot funding with implementation, expand the Self-Help Center Pilot, and increase Minority & Justice Commission staffing.
- Maintain Critical IT Infrastructure - \$1.8 million requested/\$1.5 million funded
 - Implement Small IT Projects, including cyber security, person management, appellate case management, and appellate document management.
- The Administrative Office of the Courts also had additional funds in the 2024 Supplemental Budget totaling \$7.2 million:

- These items are related to the Judicial Information Network and work from the courts on unenforceable LFOs, Dependency Reporting, and other items from bills the legislature passed that relates to the courts work.
 - Some budget items shifted funding from the general fund to the **“Judicial Stabilization Trust Account”- This account was created to deal with Blake Decision (drug related) cases and related issues.**
 - For more information, please see the budget presentation for the April 19th, 2024 Interbranch meeting.
- Future budget forecasting was also discussed:
 - Trying to predict revenue 3 quarters before the legislature next convenes is impossible.
 - However, if the economy doesn’t do as well as expected, and there are unforeseen impacts from collective bargaining agreements made with state employees as well as increase judicial caseload strains, the legislature may face a significant budget shortfall when it convenes in 2025.
 - The Board of Judicial Administration has a process for submitting budget requests for the 2025-2027 state budget. Deadline for decision packages to be submitted is June 28th.

Local Courts Discussion (Kitsap County Prosecutor, Public Defender, and Clerk)

The Interbranch Advisory Committee visited the Kitsap County Superior Court. As part of the visit, there was a discussion with the Kitsap County Prosecutor, Kitsap Count Chief Public Defender, and County Clerk about staffing shortages. Below are notes on the conversation.

Chad Enright- Kitsap County Prosecutor:

- Kitsap County Courts responded as well as could be expected to the COVID pandemic. For the most part, there hasn’t been a backlog in cases. However, as they have transitioned back to normal operation there has been a crisis in staffing.
 - Kitsap County has lost 11 attorneys in the last year.
 - In general, there is a lack of experience from new attorneys.
 - This includes 4 or 5 openings for legal assistants and 0 applicants.
 - Larger counties and legal groups can offer better work life balance than smaller more rural counties (as well as the general lack of attorneys in rural areas).
 - The Kitsap County prosecutor’s office is a smaller office than it used to be, with more burdens.

Steve Lewis- Kitsap County Public Defender

- Defense attorneys have a case load average of 150 cases a year as is current average in some jurisdictions.
 - A variable on if that is too many cases a year for a public defender depends on the amount of felony level cases vs. misdemeanor cases an attorney gets. Felony cases typically require **much** more time than misdemeanors.

- Not all counties are facing the same lack of attorneys in similar areas. Some jurisdictions have a lack of attorneys to defend misdemeanors, civil cases, etc.
 - Kitsap County actually has enough felony public defenders to keep cases at 100 felony cases per attorney per year currently.
 - Kitsap County does not have enough public defenders to handle all of their misdemeanor cases adequately. They have had to ration application of counsel for misdemeanor defendants. The cause of shortage of counsel providers is due to retirements, movements into new fields, etc.
- The Court recently adopted an order, [CrR 3.1](#), which sets a case-weight system based on the seriousness of the offense, and a case-load system, which limits the types of cases attorneys can take responsibility for per year (for example, 150 felony cases a year max down to 47 a year max).
 - Caseload standards will probably help larger counties who have the resources and attract a wider range of applicants.
 - Smaller counties face different caseload problems from each other, and are having problems attracting applicants.

Further discussion of [CrR 3.1](#):

- In Clark County, Representative Cheney is seeing lack of trial level felony attorneys. They have enough public defenders to handle the misdemeanor cases.
 - Representative Cheney also has concerns with caseload standards proposed from the Supreme Court.
 - If a case weight standard is adopted statewide in conjunction with caseload standards, some attorneys that contract with counties to provide legal services such as public defense may feel limited by the amount of work are allowed to contract with counties to do per month.
 - Essentially, under the Supreme Court issued, if attorneys take cases with a higher weighting, they may be able to take less cases a month in general and be restricted-even if they could handle more cases.
 - Mid-career attorneys with experience may seek other legal work, resulting in new graduates with less experience needing to step in to public defense work, exasperating the problem of quality of legal defense provided to indigent people.

Kitsap County Clerk, David Lewis: In addition, the change in statues for protection orders has increased the amount of protection orders being issued and processed. This has increased the workload on clerk's offices processing these orders, as well as time in court. The clerks are facing an exponential cost increase from producing documents for people. Hearings are being continued because of lack of access to interpreters. There is also a lack of space to help people privately. Sometimes people will come in for help on protection orders and the perpetrator will be behind them.

Legislative Updates

Senator Padden, 4th Legislative District

- Administrative Office of the Courts request legislation was well received by the Law and Justice Committee.
- [SB 6073](#)- Artificial intelligence and how it will impact the courts is a huge topic, and a main point of discussion in the California legislature. SB 6073 should be part of the discussion in Washington.
- It's also important to follow up on the water rights adjudication in Whatcom County.

Representative Cheney, 18th Legislative District

- Good session, bipartisan legislation passed pertaining to access to courts.
- Sees there is a need for continued discussion on juvenile sentencing standards.
- He is getting a lot of calls from colleagues pertaining to indigent defense standards. If the standards are in place how exactly is it going to work? Will it cut the pie smaller or will there be help from the state?
- There are a lot of policy proposals coming from the House Republican Caucus regarding increasing felony standards regarding fentanyl. Hope that there is bipartisan interest on working on solutions to involuntary inpatient drug treatment and assisted outpatient system problems. (Surrounding [RCW 10.77](#)).

Representative Taylor, 30th Legislative District

- Grateful to hear more about problems with attorney staffing in more rural public defense and prosecutor's offices. Hopeful to continue work on that.
- House Civil Rights and Judiciary Committee will host work sessions this interim (perhaps for the first time in many years). The first will take place in May, and will surround court innovations and other standard changes that the Administrative Office of the Courts has implemented and how they're going. Another topic includes: how does a tribal court interact with a state court (particularly in behavioral health)?
- Representative Taylor is particularly interested in working on innovations and updates to the family law statutes. There is a need for clarity for indigent folks and courts in particular family law situations, including guardianships- This should be able to get over the finish line in 2025.
- Wants to help the judicial branch in leadership and supervision training.

Senator Pedersen, 43rd Legislative District

- Thank you to Senator Padden for his 12 years in the Senate and collaboration on a wide variety of issues. He will be missed.
- Senator Pedersen and Padden worked together on a bill about guardianship to fix technical issues that have come up in the Uniform Act over the last couple of years. Opportunity for a pilot project in the Office of Public Guardianship to help with some of the "complex discharge patients" who are stuck in hospitals and are having trouble being transferred to other forms of care. There was a point when somebody blamed it on current guardianship statute. Through work this session, they were able to find room in the statute to get them to more efficient care.
- Senate Law and Justice Committee will be doing a workgroup in Bainbridge Island on May 30th on caseload standards and prosecutorial needs. Problems with caseload standards cannot be solved by any one branch in isolation.
- Senator Pedersen hopes that at the next Interbranch meeting there will be more clarity on the budget, and the branches can collaborate on improving the system and finding synergies within budget constraints.

Executive Branch Update

- Congratulations to the legislative branch, passed over 370 bills in 60 days.
- 9 months to go before change of Washington governors. Transition work is already beginning on archiving documents, provide outlines for administrative procedures, and providing other help to whoever the new governor and their team are.
- Outgoing governor will officially “hand over the keys” on January 15th, 12pm to the new governor. Outgoing governor is still required to submit a budget to the legislature, as well as the new governor.

Committee Member Updates

District and Municipal Court Management Association (DMCMA)

- New generation of court workers have a new perspective on justice. Past workers saw work as “how do I fit my life around my career”. New workers see it as “how do I fit my career into my life”.
- Courts need to be more innovative to attract younger workers. How to give people more access to justice.

Pro Bono Legal Council (PBLC)

- “Pathways into the Profession” summit on September 12th at Central Washington University. Topics will include how to provide more pathways into the legal profession in Washington.

Office of Public Defense (OPD)

- Going into budget preparation mode, OPD is making outreach to counties and cities to get feedback on caseload standards.
- Two listening sessions scheduled on April 22nd and another in May to hear from local officials on what they need, how OPD can better advocate for them as a state agency to the legislature and the courts collaboratively.

Office of Civil and Legal Aid (OCLA)

- OCLA is beginning to formulate budget proposals.
- Have done a listening session with the Equal Justice Commission to hear the needs of local civil and legal aid providers.
- Will hear from both contracted and non-contracted legal aid providers from throughout the state this interim.
- Is interested in learning more about self help opportunities.
- Grays Harbor has an innovative self-help program through their civil and legal aid resources those interested should look at.

Attorney General’s Office (AGO)

- AGO had a piece of priority legislation that passed which will put together an artificial intelligence task force. There will be 19 members (15 of which appointed by the Attorney General). The other 4 applications will be available online until April 30th.
- Another bill passed that tripled penalties for anti-trust violations.
- Finally, another bill that details sexually violent predator supervision after release from a special commitment center.

Upcoming Meetings

Next Interbranch Advisory Committee meeting is planned for June 14th. It will be held virtually.