

## Interbranch Advisory Committee (IAC) Meeting September 27<sup>th</sup>, 2024 from 10am-1pm

Welcome from Chief Justice González and Senator Pedersen.

### Judicial Branch Update

- The IAC met in the Pierce County-City Building. Built in the mid-1950s, the building is going through a reconfiguration and will be transformed into a Justice Center which will house the Tacoma Municipal Court, Pierce County District Court, Pierce County Superior Court, and the sheriff's office.
- Security for courts is an ongoing concern.
- Pierce County District Court has a Resource Center which is open to everyone in the community. This includes a food bank, clothing bank, and a rotating schedule of service providers that come to the facilities to help with different community needs. For example, the Multi-Child and Family Help Center was operating out of the Resource Center, to help connect families in need to housing opportunities. Sound Integrated Health is another rotating service provider, and they provide substance abuse evaluations.
- This year Justice Susan Owens will be retiring. The new Justice to replace her should be appointed by the Governor, after the election this November and then sworn in the second week of January.
- The State Supreme Court is moving back to the Temple of Justice. Improvements include a modernization of the HVAC system and potable water. The Supreme Court will begin holding oral arguments back in the Temple in October. The Re-opening ceremony is scheduled for November 22<sup>nd</sup>.
- There was a public hearing on the proposed changes to public defender caseload standards that was held on September 25<sup>th</sup>. There were a variety of views expressed that will go into the final decision on the proposed changes to [CrR 3.1](#). The next public forum will be in the morning on November 13<sup>th</sup> at the Temple of Justice. After that, the Supreme Court rules committee will meet and make a recommendation at En Banc.
- The Court of Appeals facilities are in the process of being renovated. The Court of Appeals Division 1 renovation has been completed, as has the Court of Appeals Division 2 renovation.
- The status of trial courts varies throughout the state. Some courts are still struggling to adjudicate a case backlog that started during the COVID-19 pandemic, others are able to keep up with backlogs. Some courts have an attorney shortage while others do not. The state is varied in regards to challenges facing the system.
- AOC and the Washington State Center for Court Research would like to update the methodology used for the Judicial Needs Estimate (JNE). ~~The current JNE estimate system hasn't been modernized.~~ Changing the way cases are weighted would allow for a more accurate representation of which jurisdictions need more judges, and how many. Any change would require an act of the state legislature.
- The Juror Pay Pilot Project is starting in Pierce County Superior Court.
- There continues to be interpreter shortages throughout the state. There is also a change in who is becoming an interpreter. The interpreter profession may have been seen previously as a part time vocation, and this perspective is outdated. There also needs to be more of a focus on Americans with Disabilities Act (ADA) requirements, in that there is a need for more sign language interpreters.

- Many courts in the state haven't been updated since the 1970s or 1980s. Many courthouses are not designed for ADA requirements.
- There have been increased threats against Judicial Officers and their staff.
- IT upgrades, including artificial intelligence, need to be an ongoing conversation. There are more potential challenges being posed by AI, including the potential for the validity of evidence to be called into question with utilities like ChatGPT.

### **2025 Judicial Branch Policy Priorities**

The Board of Judicial Administration (BJA) has 6 legislative proposals for the 2025 Legislative session:

#### **Proposal 1 – Additional Superior Court Judges**

This proposal would provide an additional Superior Court Judge for Skagit, and one additional Superior Court Judge for the 3 counties of Asotin, Columbia and Garfield counties combined court.

#### **Proposal 2 – Technical Fixes**

This would update inconsistencies in existing Washington state statutes and court rules.

#### **Proposal 3 – PERS Parity for Appellate Court Commissioners**

This proposal would include appellate commissioners in the PERS Judicial Benefit Multiplier Program.

#### **Proposal 4 – Judicial Officer Personal Information Confidentiality**

Requests proactive inclusion in the SOS Address Confidentiality Program for judicial officers at all court levels, statewide

#### **Proposal 5 – Mitigating Factor for Exceptional Sentence**

Adds caregiving for a dependent as a mitigating factor for exceptional sentences.

#### **Proposal 6 – Court Interpreter Statutory Revisions**

Changes court interpreter statutes to more closely align with Federal Department of Justice interpretation and update statute with current AOC practices

### **2025 Judicial Branch Budget Priorities**

- The current budget forecast shows that the legislature is going to be facing a \$4 Billion budget deficit over the next four years.
- The decision matrix for these requests is **((Severity x Likelihood) + Urgency)**
- Support Trial Courts -
  - Continue court education (\$10.4 million in funding), security initiatives, internet technology, and fund the Judiciary's legislative priorities for 2025.
    - This education would be for all staff- over a dozen groups. This would support best practices and education on changes to laws.
  - Self-help centers are a huge priority for the AOC and helping to support trial courts. The Grays Harbor, Pierce County, and Spokane centers have really been an example for how these centers help communities.

- If there is an appetite to expand self-help centers, the Courts would welcome partnership in expanding these efforts. Typically providing attorneys services is an executive branch function
- Right- Size Staff and Program Operations
  - Continue funding Blake implementation, retain and recruit staff, \$7 million cost estimate.
  - Align Juror Pay Pilot funding with implementation, expand the Self-Help Center Pilot, provide equal access for indigent litigants.
    - Research needs to beget outcomes, not more research. Research produces actionable items. As more programs are implemented, more areas become clear that need to be studied.
    - Examples include family law and domestic violence research. Need to have employees to be able to respond to emerging issues such as Global Arbitration Review (GAR). Funding also helps local courts perform better.
- Maintain Critical IT Infrastructure
  - Migrate court reporting tools to the cloud, continue transition to the cloud, continue initiative for quality data, fully support the Courts of Limited Jurisdiction (CLJ) Case Management System (CMS) project.
    - Vendors such as Microsoft don't provide support for old software. They are forcing courts to purchase new software on a subscription model- which needs ongoing funding.
- The final budget numbers are not finalized yet. The next version of the budget presentation will have final numbers for the requests. The estimate for additional funds the Administrative Office of the Courts is requesting for the 2025-2027 biennium is \$48 million dollars over that 2-year period.

### **Judicial Branch Update (Cont.)**

#### **Court of Appeals (COA)**

- Court of Appeals Division 1 had its first term of oral arguments in its newly renovated courtroom. This new courtroom is fully American with Disabilities Act (ADA) compliant. Still need to focus on security and need new security personnel.
- In regard to legislative proposal 3 – including appellate commissioners in the PERS Judicial Benefit Multiplier Program– this proposal includes increased contributions from commissioners, not just the state.
- Caseloads facing the trial courts are very different than just a few years ago, and in many regards they are more violent and severe. The COA is seeing an increase in felony appeals, particularly murders, rapes, and other violent crimes. The amount and type of evidence admitted in cases is also increasing —historically, evidence admitted to the record in cases has been minimal whereas evidence admitted now can be close to a hundred different pieces of evidence in some cases. The complexity of cases is increasing and straining judicial officers at all levels of the Judiciary.

#### **Superior Court Judges Association (SCJA)**

- The workload that judges are experiencing is insurmountable. Many judges are spending 70-80 hours a week adjudicating cases. This is an access to justice issue.
- November 18<sup>th</sup>-19<sup>th</sup> there will be a Superior Court Judges training, with another being tentatively planned next June.
- There are more and more conversations on how to make courts at all levels more efficient.

#### District and Municipal Court Judges Association (DMCJA)

- DMCJA are working to finalize their legislative priorities for the upcoming 2025 legislative session.
- The next “You’ve Been Served” event is coming up October 23<sup>rd</sup>. This brings legislators into the courtroom to see the realities and challenges courtrooms are facing.
- Funding for judicial education is extremely important. One thing DMCJA is doing is hiring a retired judge to mentor newer judges statewide. Many judges on the Washington bench have been serving for less than five years.
  - Chief Justice González left the King County Superior Court in 2012. That Court has 54 judges, and there are only two judges left with which he served. That is almost 100% turnover in a little over a decade.

#### **Interbranch Advisory Committee Survey of the Board for Judicial Administration**

A survey was conducting among members of the Board for Judicial Administration (the general governing board of the Judiciary). Members voted unanimously to recommend to continue to the committee past its sunset date of January 1<sup>st</sup>, 2026. There will be a report to the legislature submitted on November 1<sup>st</sup>, 2024.

#### **Legislative Updates**

##### Senator Pedersen, 43<sup>rd</sup> Legislative District

- There is going to be a lot of change in the legislature in the 2025 session.
- Five or six Senate Legislative Committees will be getting new Chairs.
- There will be 11 new state senators, a new governor, and a new attorney general (and other new elected officials as well). There will be a lot of new people to negotiate with and priorities they will have.
- There will be difficult decisions that will need to be made in regards to the budget. The estimate the Senate Democratic Caucus staff gave their members is there will be a \$2 ½ billion budget shortfall every year for the next four years (\$10 billion over the next four years). It is projected there is a similar hole in the state Transportation Budget as well.
- Senator Pedersen appreciates the Judiciary communicating their priorities in advance.

##### Senator Padden, 4<sup>th</sup> Legislative District

- The three tax-related public initiatives will be on the ballot this election season (to repeal the capital gains tax, climate commitment act, and long-term care tax, respectively). The outcome of these initiatives passing or not could impact the state budget outlook even more.

- The Senate Law and Justice Committee met recently for an interim meeting. Monica Alexander has done excellent work with the Criminal Justice Training Commission and their work getting the Regional Justice Training Centers up and running in Vancouver, Pasco, and Spokane, with another meant to be developed in Arlington, WA.
- The net effect is public safety officers and staff are being able to be trained in two and a half months as opposed to 10 or 11 months before the centers opened.
- Senator Manka Dhingra indicated she is planning to stay on and continue her time in the state Senate as the Chair of the Senate Law and Justice Committee.

#### Representative Taylor, 30<sup>th</sup> Legislative District

- There was a work session in the Civil Rights and Judiciary Committee on Tuesday, September 24<sup>th</sup>, 2024. The session centered around the tribal courts, how they are different, how they interact with our state courts and federal courts, as well challenges public defenders and public defense contractors are facing throughout the state.
- There are challenges facing tribal courts interacting with state and local courts: for example, when a protection order is entered into tribal courts system, they do not have an efficient way to share that order with state courts directly. They need to go through federal courts. It is inefficiencies like this that need to be fixed.
- Representative Taylor is working on forming an advisory group for how to reform and modernize the courts. The hope is to gather stakeholders from all parts of the court system, civil and criminal litigants, to advise on possible changes that can be made to the court system. If there are recommendations, the committee would then form a legislative plan on how to implement them. She is aware that this may significantly impact cities and counties financially under the current organization structure of the courts.
- Representative Taylor would like to focus on statewide efficiencies and good governance practices.

#### Representative Cheney, 18<sup>th</sup> Legislative District

- Rep. Cheney will not be in the legislature for the 2025 legislative session. He would like to see the community resource centers like the one visited in Pierce County, and mentioned in Grays Harbor and Spokane counties, continue to be funded.
- He is getting a lot of calls from colleagues and administrators 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? This has the potential to significantly impact rural counties negatively.
- There are a lot of policy proposals coming from the House Republican Caucus regarding increasing felony standards regarding fentanyl, and drugs in general. Hope that there is bipartisan interest on working on solutions to involuntary inpatient drug treatment and assisted outpatient system problems. (Surrounding [RCW 10.77](#)).

### **Committee Member Updates**

#### Office of Public Defense (OPD)

- Many public defenders are at a breaking point because they are representing to many clients at once and can't provide adequate service.

- Larry Jefferson mentions “justice by geography”- different courts are having different issues. Some of the most rural counties don’t necessarily need a lot of help, but larger counties are facing an exodus because of their caseload standards.
- Office of Public Defense has two programs that have caseload standards:
  - Appellate counsel- Currently in a backlog because of caseload standards that were set in 1972. They are currently planning on hiring 11 new attorneys at \$2.9 million for those attorneys.
  - Family defense- Larry Jefferson will be meeting with families that have been represented by public defense attorneys to gauge whether they feel like they are being served. OPD thanks the legislature for passing [SB 5780](#) - Encouraging participation in public defense and prosecution professions. This has resulted in three more attorneys for family defense, and relationships with Gonzaga, Seattle University, and the University of Washington.
- OPD is supporting the Public Defender Caseload Standards changes.
- Estimates that OPD needs \$360 million - \$400 million to get the Public Defense system to get it where it needs to be. Having said that, not all Public Defenders agree on the changes that need to be made to the system. Part of that is for a study of public defense that would focus on counties in need and dig into that process.
- The OPD budget request for this session is \$137 million dollars. A lot of that money is pass through money that would go directly to the counties.
- SPAR program, the [Simple Possession Advocacy and Representation Program \(SPAR\)](#). It pays for all the public defense related to drug offenses. However, it was given one-time funding and needs to be continued in the upcoming state operating budget in 2025.

#### Washington Association of County Clerks (WSACC)

- WSACC has one legislative priority this year. There was a bill passed in the 2024 session that set the statute to retain sensitive evidence and exhibits at five years, instead of the six years that is the norm for most pieces of evidence. The legislation the Clerks support is five years retention across all types of evidence.

#### Administrative Office of the Courts (AOC)

- Dawn Marie Rubio directs the group to the court publication “Full Court Press”. This is a Judiciary-wide publication that covers different topics. This week’s issue covers jury diversity, including initiatives to increase jury diversity such as an increase in pay for jury service, childcare for jurors, and updated juror educational materials. AOC is working on all of these things, including the Juror Pay Pilot Project.
- There is also the “[Washington Courts Report Podcast](#)” which covers trending topics in the Washington Courts. Topics on past podcasts include the Courthouse Facilitator Program, mentorship programs in the therapeutic courts, and also family reunification efforts.

#### Association of Washington Cities (AWC)

- The Association has adopted their legislative agenda for 2025.
- Budget problems are at the top of mind for them this session. AWC are under budget constraints, and know the state is as well.
- Concerned about public safety in general, including the increase of juvenile crime in general, and that issue is top of mind in 2025.

### **Upcoming Meetings**

Next Interbranch Advisory Committee meeting is planned for November 22<sup>nd</sup> in the Washington State Senate Rules Room.