

**Interbranch Advisory Committee (IAC) Meeting  
June 14th from 9am-12pm**

Welcome from Chief González and Senator Pedersen.

**Judicial Branch Update**

- The Board of Judicial Administration (BJA) is still working on policy priorities and budget priorities.
- Judicial branch/Board of Judicial Administration doesn't have direct control over Office of Public Defense and Office of Civil and Legal Aid, but all work together to align budget priorities for the whole judicial branch.
- Legal deserts- large sections of the state with too few attorneys. This is a problem particularly in rural counties.
- Washington state is below the national average for attorneys. 4 attorneys per 1,000 people is the national average, Washington State averages 3.5 attorneys per 1,000. King County has a high of 7 attorneys per 1,000 people, 9 counties in the state have less than 1 attorney per 1,000 people.
- Rep. Taylor ([HB 1911](#)) and Sen. Torres ([SB 5780](#)) have both passed bills that have tried to mitigate some of representation and recruitment issues in the Office of Public Defense.
- Law school students are facing a significant debt burden (many students face a quarter of a million dollars in debt after 3 years of law school). Need to discuss ways either to reduce the cost of law school or robust debt forgiveness programs. Seattle U is working to support flex JD students, partnerships with UW and Anchorage, Alaska.
- There has been a tremendous amount of turnover in the courts. As an example, almost all of the superior court judges in King County (51 out of 54) have left those positions over the last 13 years.
- Lawyers and judicial officers have a need for more HR training and leadership training, even more than in the past.
- AI a huge issue. Sen. Padden has introduced a bill ([SB 6073](#)) as a step to address a facet to that.
- Judicial Security is also a crucial topic. The number of threats received against Washington Judicial Officers has increased substantially.
- The Sentencing Reform Act may have resulted in exacerbated sentencing outcome inequities. Looking at reforms to the system to modernize is incredibly important moving forward.

### **Accessibility work in WA Courts**

- The WA Court's Equity and Access Program will be releasing its 5-year plan (2024-2029) very soon.
- The Administrative Office of the Courts just hired an ADA access coordinator to review, consult with and coordinate court needs statewide for physical access projects across Washington's courts with regard to implementation to [GR 33](#).
- Disability Justice Taskforce is organized to produce a study on any access barriers there are in Washington Courts. They are working to provide a report by June 2025.
- There is a shortage of court interpreters in Washington state. Judge Burton was recently told there was only two ASL interpreters available for a case in the state.

### **Innovation work in WA Courts**

- Juror pay pilot project in Pierce County. Jurors currently get paid \$10 per day statewide. This pilot project increases juror pay in Pierce County to \$100 a day. Pay rate should go into full effect in Pierce County around October 2024, and funds will run out in June 2025. Over 1 million individuals have been completed a jury demographic survey in Washington state thanks to the Administrative Office of the Courts.
- BJA has an electronic monitoring work group- stemmed from electronic monitoring requirements from the legislature. Trying to focus on affect of the adjustment of practices. This workgroup is the result of [HB 1715](#). The group is working on best practices for civil protection orders, as well as ongoing adjustment of monitoring practices.
- Accessibility to access to civil protection order technology is much more challenging for rural counties, much like the attorney shortage.
- Courts of limited jurisdiction (district courts) are moving over to a case administrator system. The old system is the Judicial Information System (JIS). Estimated that 10 other courts of limited jurisdiction should participate in moving to this new system.

### **Judicial Branch budget briefing**

- Budget requests should be submitted to the Board of Judicial Administration by June 28<sup>th</sup>, and policy requests should be submitted by July 12<sup>th</sup>.
- There are quite a few budget requests that are coming in to be review by the BJA. The branch will be responsible with requests, especially with potential economic uncertainty.
- Should have more information in September meeting and final request submitted on October 14<sup>th</sup>.

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

Judge Bowman, Court of Appeals

- Court of Appeals is experiencing all of the same issues given in the main judicial branch update. Seeing effects of lack of public defenders, as well as security concerns.

Judge Chung, Superior Court Judges Association

- Salary Commission will be meeting soon this year.
- Judicial education funding approved by the legislature will result in two conferences for judicial officer training (one at the end of this year and one early next year). That is in addition to the spring conference in Yakima this year.
- April judges conference had 170 superior court judges in attendance out of 201 throughout the state. Good networking. Half of them have 5 years of experience or less. One 4<sup>th</sup> have less than 2 years of experience.

Dawn Marie, Administrative Office of the Courts (AOC)

- AOC is going through a strategic planning process to hone in on the 3 pillars of court service and make them better.
  - 1 is service to each other in AOC.
  - 1 is service to courts.
  - 1 is service to people of Washington.

Sara Robbins, Office of Civil and Legal Aid (OCLA)

- OCLA is in planning phase. Working on shoring up the budget to make sure that existing programs are addressing the needs of clients.
- What is the evolution of the Civil Legal Aid study?

Melissa Beaton, Washington State Association of County Clerks

- The clerks are focused on working through the administrative process of refunding defendants affected by resentencing under the Blake Decision.

Larry Jefferson, Office of Public Defense

- Public defense is only going to get more expensive –including more cases going to trial and then appeal. Will need more appellate court contract attorneys and specialists.
- Dependency caseloads are also expanding.

- Recruitment and retention is in a death spiral. As experienced people leave, people without experience then take up those cases and don't have the wealth of experience previous folks have.

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

- Turnover in the judicial branch. Some Superior Court Judges are working 70 or 80 hour weeks.
- Took over a decade to get a 13<sup>th</sup> Spokane superior court judge approved by the Spokane County Commissioners.
- A lot of judicial officers take office by appointments, instead of direct elections. More work on engaging with the public in the election of judicial officers would be beneficial to public trust.

### **Legislative Branch Update**

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

- In the last 4 years, state budget makers have had options to fund different programs in creative ways. Now there is a lot of uncertainty.
- If initiatives [2109](#), [2117](#), and [2124](#) are approved by the voters, there may be an 8 to 10 billion dollar 4 year budget shortfall projected in the operating budget, and a similar deficit in the transportation budget over a 12 to 15 year period.
- A lot of people are leaving out of the Senate, House is turning over – fewer than half of members in the legislature may remember a “bad budget situation”.

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

- Need to be flexible. So many unknowns- 3 initiatives on the ballot that will have significant impact on budget.
- Turnover in all levels of the state legislature. 8 State Senators are not seeking reelection (out of 49 state senators). Senator Billig is leaving, Senator Dhingra is running for state attorney general. What will the partisan makeup be in the new legislature.
- Agrees that the Interbranch Advisory Committee has been help. Best thing policy makers can do in age of uncertainty is for policy makers to advocate for their own priorities in venues like this.

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

- In Southwest Washington and the state there is increased value of a functioning democracy and judiciary. Waning public confidence in institutions is a huge issue.
- Washington State Bar Association (WSBA) indigent defense standards is causing a lot of anxiety.

- Need for indigent defense attorneys across the board. Franklin County, Benton County, other rural regions are facing the same issues of finding experienced indigent defense attorneys.
- A sense of “10 to 15 years in the legal profession with experience, it is much more lucrative to go into private attorney market than stay in indigent defense”. How do you incentivize qualified attorneys to stay in indigent defense as opposed to going into private market for attorney services?
- Public service loan repayment program would be a big help. State program that repays school debt is restricted from being accessed with when performing public service as a contract attorney.

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

- Contract attorneys cannot access student loan forgiveness programs because they are technically private practice attorneys, even though they are doing public service- need to look at changing that.
- If the judiciary sees itself as separate, above, and apart, that would create more distrust of the judiciary.

### **Executive Branch Update**

- Issues the Chief Justice has raised are being felt nationwide.
- Upcoming session- Office of Financial Management (OFM) has issued a memo to state agencies asking them to be prudent in budget asks. May be facing some very difficult budget times ahead. Reviewing policy and budget requests are the same -- “Please be prudent”. Budget requests are due to OFM September 10<sup>th</sup>.
- Any agency request policy legislation is due September 13<sup>th</sup>.
- There may not be a lot of agency request policy legislation submitted to the governor’s office this year because Governor Inslee will not be in office during the 2025 legislative session. Transitions are normal, the Executive Branch is functioning normally for a transition year.
- Judicial turnover- there has been a ton of turnover. Over the last 10 years Governor Inslee has made over 177 judicial appointments. All appointees must run for reelection- Outstanding track record of reelection of appointees.

**Question:** Is there a turnover at OFM with another governor?

**Answer:** There may be significant turnover in executive agencies based on a new Governor in office.

### **Roundtable discussion**

- There is a tremendous responsibility to provide accurate information in our elections. Should work to find ways to better communicate differences between candidates for judicial positions.

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

- In Judicial races at times there is a number of candidates- in judicial races in particular. The order of the candidates on the ballot is extremely important. Judges don't have very many possibilities to "campaign" on judicial philosophies. Perhaps rotate order judicial officers on the ballot?

Fona Sugg, Association of Washington Superior Court Administrators

- Ms. Sugg has more time in her job as an administrator than the 3 judges and full-time court commissioner combined. They are doing an awesome job, but that is to give perspective on the turnover on the bench. New judicial officers have a good grasp on legal issues but not necessarily the administrative aspects of their day to day duties.

Judge Chung, Superior Court Judges Association

- Echoes Senator Padden's comments regarding judicial caseloads and potential for burnout.

Larry Jefferson, Office of Public Defense

- We need to reduce caseloads at all levels and positions in the judicial branch.
- Solving issues with other OPD response to SB 5536- there is an OPD program called 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.
- Would like to work with Representative Cheney to have an indigent defense strike force.

Judge Bill Bowman, Washington Court of Appeals

- Court Accessibility work at Court of Appeals Division 1 is proceeding forward on time and on budget. The project will make the Division 1 courtroom more accessible for wheelchair bound folks as well as improve safety against outside threats.
- Project should be completed by the end of July or early August. Should be holding court in the space by September.

### **Upcoming Meetings**

Next Interbranch Advisory Committee meeting is planned for September 27th. It will be held in-person in the Pierce County courts- provided they will host us.