

Interbranch Advisory Committee (IAC) Meeting
September 22nd, 2023 from 9am-12:30pm

Welcome from Chief Justice Gonzalez and Senator Pedersen

Judicial Branch Update

Current issues as the 2024 legislative session approaches:

- There is an acute shortage of Public Defenders and other staff, including Prosecutors. It is affecting the running of the Courts, including time to trial and backlogs from the pandemic.
- Lack of mental health resources, including those awaiting resources or restoration back into our communities. Beds for evaluation and restoration.
- IT services are important to make sure Courts can communicate with each other, and that staff and Court patrons are safe.
- Focus on staff of the courts, making sure the Courts are taking care of their wellness and wellbeing.
- Amending juror pay.
- Water rights.

3 main focus areas for the Judicial Branch budget in the 2024 legislative session: Supporting Trial Courts, ensuring access to justice, and supporting IT infrastructure.

2024 Judicial Branch Policy Priorities

BJA has approved 6 legislative proposals this year. The goal of this year's policy proposals is to focus on the most time sensitive requests for resources to the courts, as well as technical proposals that have little to no fiscal impact.

The first 2 proposals are centered around the water rights adjudication issue that the Department of Ecology (DOE) is filing in Whatcom County as early as October. The Courts are anticipating about 30,000 claimants. Whatcom County typically handles about 6,000 filings a year so the Whatcom County Superior Court is looking at potentially 5 times the number of filings once DOE begins adjudications. The first two proposals are about providing resources for the Whatcom County Superior Court.

Proposal 1: Water Rights Adjudication Judicial Position

This proposal is requesting an additional superior court judicial position to address the additional anticipated filings from the adjudication filed by the Department of Ecology in Whatcom County. The request includes that funding be provided directly from the State per RCW 90.03.243 which states that the state is liable for extraordinary costs due to water rights adjudication.

There are ongoing conversations about how long the state would handle funding for the extra judicial position after the adjudication is concluded. The prime sponsor is Senator Sharon Shewmake.

Proposal 2: Water Rights Adjudication Commissioner Position

This proposal is a request to create a statutory commissioner position to assist in addressing the water rights adjudication issue in Whatcom County. There is already funding for the position, but the request is to actually create a statutory position. Would also allow for the appointment of a referee in disputes without party consent. The prime sponsor for this proposal is also Senator Sharon Shewmake.

Question: Where did the funding for the commissioner position come from?

Answer: It was funded in the 2023-2025 biennium budget, and will come from the general fund.

Proposal 3: Notice of Court Reorganization

This proposal would require that counties and cities provide one-year written notice to AOC with changes to court or technology services and vendors. This notification would be in addition to the notice that they already provide the party with which they are terminating service. The prime sponsor is not yet decided.

Proposal 4: Court Interpreter Statutory Revisions

This proposal changes Washington Statute to be compliant with the Department of Justice (DOJ) policy interpretations of Title VI; updates statutory Language to align with operations conducted by AOCs Court interpreter program; updates the policy regarding the Language Access and Interpreter Reimbursement Program (LAIRP) to allow more funding to courts resulting after the success of the Board of Judicial Administration's (BJA's) Interpreter Services Funding Taskforce. The prime sponsor is not yet decided.

Question: Would funding be included for sessions at family law courthouse facilitators as precedent for securing access to relief services.

Answer: Believe this is covered under this proposal, but can confirm with the Interpreter and Language Access Commission.

Question: Could American Sign Language (ASL) be included as an interpretation as well as a disability?

Answer: This proposal would cover that.

Proposal 5: Additional Judges for both Clark and Cowlitz County Superior Courts

Clark County (RCW 2.08.06) is requesting their 12th judicial officer and Cowlitz County (RCW 2.08.064) is requesting their 6th judicial officer. Both requests are supported by the most recent Judicial Needs Estimate (JNE) completed. The prime sponsor is Senator Lynda Wilson.

Proposal 6: Supreme Court Bailiff Information Sharing and Investigative Authority

This proposal would create limited investigative authority for the Supreme Court Bailiffs, so that they can better assess security threats and establish standards for them to be able to communicate with law enforcement regarding the potential threats. The prime sponsors are Representative Roger Goodman and Senator John Lovick

Other policy items:

The legislature also provided \$1.5 million for a pilot project related increased juror pay for jurors in Pierce County Superior Court in the budget for FY 2024. There was a cap of \$50 on juror pay written into the proviso. After conversations with the fiscal committee chairs on both sides, it was decided to postpone the project and rollover the funding to FY 2025 to increase the cap for daily juror pay. The pilot implementation funding, \$1.4 million will be rolled over, and there is a decision package requesting additional funds for continued staffing for the coming session.

2024 Judicial Branch Budget Priorities

- Supplemental budget is not asking for anything substantial or new, this is for technical, maintenance, and fixes.

There are three main areas of the budget ask for this supplemental budget:

- Support Trial Courts - \$2.4 million total
 - Fund Water Rights Adjudication: \$1.5 million
 - Superior Court Judicial Officers: \$0.4 million
 - Fund 12th Clark County Superior Court Judge
 - Fund 6th Cowlitz County Superior Court Judge
 - Implement Protection Order Training for Judicial Officers: \$0.5 million
 - **Question:** Who is included in this training?
 - **Answer:** Court community, not specific for Judges.
- Improve Access to Justice - \$3.3 million total
 - Continue Funding Blake Implementation: \$1.7 million
 - Align Juror Pay Pilot Funding with Implementation: \$.17 million
 - Expand Self-Help Center Pilot: \$1.3 million
 - Increase Minority & Justice Commission Staffing: \$.13 million
 - **Question:** What could the Minority and Justice Commission do with the additional money for staffing?
 - **Answer:** The Minority and Justice Commission has been drawn into more legislative work recently and would benefit from an additional policy person.
- Maintain Critical IT Infrastructure - \$1.8 million total
 - Implement Small IT Projects
 - Cyber Security: \$239,000
 - Person Management: \$916,000
 - **Question:** How is the Person Record Management ask scoped? What is the bulk of the money for?
 - **Answer:** Some of the money would be used to hire a dedicated Person Record Management System person, but the bulk would be used for consulting on a proper system.
 - **Question:** Are those the records that are in the Superior Court system? Where would this start (which systems or court levels)?
 - **Answer:** This affects all court levels, not just one. This will be a holistic review of person business rules and person record management.
 - Appellate Case Management: \$400,000
 - Appellate Document Management: \$215,000

Supreme Court Budget Requests:

- Securing the Temple of Justice: \$2.4 million
 - Includes 4 troopers + a Sgt
 - Patrol has staffing issues currently so in the interim we would hire temporary deputy bailiffs.
 - Security screening equipment
- Improve Access to Justice: \$136,000
 - There are barriers to appellate justice.
 - Funding request to perform a study to identify all of the barriers that exists for individuals attempting to access appellate justice.
- Move back to the Temple of Justice: \$1.8 million

- Ensure Access to the Temple of Justice
 - ADA accessibility study for the requirements and costs associated with making the temple ADA accessible for the public and not just the justices.

OPD Budget Priorities/Requests:

- Public Defense at crisis levels in Washington
 - Statewide public defense needs study - \$320,000 over 2 years
- 9 budget requests/decision packages: \$4.8 million total
 - \$2.8 million for *Blake* cases (resentencing and vacating)
 - \$50,000 for Parent Representation Program
 - Recruitment specialist team
 - OPD also needs to relocate

OCLA Budget Priorities/Requests:

- Only asking for things to keep programs afloat in the supplemental budget.
- 3 budget requests/decision packages:
 - Eviction Resolution: \$1 million for FY 2025
 - Children’s Representation Program for Contractors: under \$300,000
 - *Blake* – Civil Impact Representation and Support: \$2.8 million for FY 2025

Legislative Update

Senator Pedersen, 43rd Legislative District

- Senator Robinson, Chair of Ways and Means Committee, doesn’t expect year to be a year with tremendous budget windfalls but also no tremendous budget asks.
- Senator Nguyen will become Vice Chair of Ways and Means while also retaining Chairmanship of Energy, Environment, and Technology Committee for the coming session.
- Senator Hansen will go to Transportation, Higher Ed, and Labor and Commerce Committees.

Senator Padden, 4th Legislative District

- IAC meetings have been productive, get to visit with stakeholders in a forum that is not regular.
- Law and Justice Committee meeting to be held in Spokane in November.

Representative Cheney, 18th Legislative District

- Have been working on Public Defender issues/shortages in workgroup during the interim with OPD.
- Jail Standards Group - May be legislation on that.
- Voting/Redistricting - May be potential legislation on general voting issues.

Committee Member Updates

Administrative Office of the Courts (AOC)

- *Blake* Refund Bureau progress- refund checks should be going out soon to those effected.
- Pilot project announced for courts of limited jurisdiction case management system. Go live is expected October 23rd. Includes an integrated e-filing and probation management system. Final rollout slated for 2026.
- Chief Legal Counsel and Court Services director Dirk Marler is retiring. Scott Alf replacing him.

Washington Association of County Clerks (WSACC)

- 1 Bill priority HB 1205 (2023-2024) - Dependency Publications. 30-years ago, the state took dependency cases and sent the responsibility to the Attorney General, but left the responsibility to publish them to the County's, specifically the County Clerks. The legislation would shift responsibility for publication to the Attorney General.
- Clerks are interested in sharing front line experience related to protection orders.
- Echoed importance of having a "complete person record" and not just partial records (with regard to Person Management budget decision package)

Attorney General's Office (AGO)

- Prior IAC AGO rep had discussed the unauthorized practice of law and whether it should be a 'per se' violation of the consumer protection act. Will check in on status of that conversation and report back at a future meeting.

Washington State Association of Cities (AWC)

- Legislative priorities related to behavioral health related to *Blake* implementation, making sure there is behavioral health capacity in the state.
- Mainly so that Municipal and District Courts know if there is an order to send a defendant to the mental health system there is somewhere to send them to.
- Problem is an 'elephant' we need to start taking a bite out of. Trueblood decision is an issue.
Solutions:
 - Co-responder programs.
 - Allowing firefighters to be certified as a behavioral health organization.

Superior Court Judges' Association (SCJA)

- Working on past proposals, RCW 26.09.191, working with stakeholders to fix language stakeholders have had issues with in the past.
- Working on a bill related to DCYF not picking up children from detention facilities when parents do not get them. Senator Trudeau and Senator Claire Wilson are working on this issue. A legislative fix may be necessary.
- King County and Superior Court is interested in continuing remote Jury Selection.
- Reiterates problems finding lawyers willing to do the work.

District and Municipal Court Judges' Association (DMCJA)

- 'You've been served' event coming up, great opportunity for judges and legislators to interface in the community and get a better understanding of the different functions of Washington courts.
- Possible legislation that will deal with RCW 10.77, changing a term incompetent/incompetence to "inability to proceed".

District and Municipal Court Management Association (DMCMA)

- Busy going through the *Blake* cases for vacations and refunds.
- With regard to budget decision package for judicial/court education – the training AOC provides isn't just for Judges. It is for court administrators and staff.

Washington Association of Counties (WSAC)

- Eric Johnson, Director, is retiring in May 2024.

- The legislative steering committee decided to focus on legislative priorities from last year, as well as education and revenue shortfalls at the Counties statewide.

Office of Public Defense (OPD)

- Per ABA study, need 66% more Public Defenders than they currently have.
 - May need to think of things outside of Courts.
 - Re-imagine Public Safety.

Upcoming Meetings

- Next meeting will be in December 2023. Exact date TBD but will be announced.
- Interbranch Advisory Committee after the 2024 Legislative Session will be a debrief. Tentatively set for March 2024.