


The **Mission** of the Board for Judicial Administration is to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government.

The **Vision** of the Board for Judicial Administration is to be the voice of the Washington State courts.

	Board for Judicial Administration (BJA) Joint BJA and Court Management Council (CMC) Meeting Friday, November 15, 2024 (9 a.m. – 12:00 p.m.)	
AGENDA		
1. Call to Order Welcome and Introductions	Chief Justice Steven González Judge Alicia Burton	9:00am
2. Presentation of Innovating Justice Award	Chief Justice Steven González	9:05
3. Court Management Council <ul style="list-style-type: none">Brief overview and updatePresentation of Court Manager of the Year Award	Fona Sugg Dawn Marie Rubio Scott Ahlf	9:25am
4. Washington State Center for Court Research LFO Report	Dr. Lindsey Beach/Dr. Karl Jones	9:40am Tab 1
5. CMC Association Updates Supreme Court Court of Appeals Association of Washington Superior Court Administrators (AWSCA) Washington State Association of County Clerks (WSACC) Washington Association of Juvenile Court Administrators (WAJCA) District and Municipal Court Management Association (DMCMA)	Ashley Lipford Tristen Worthen Rikki Thompson Susan Speiker/Tim Fitzgerald Linnea Anderson Frankie Peters	9:50am Tab 2
Break		10:35am
6. BJA Task Forces Alternatives to Incarceration Remote Proceedings	Judge Mary Logan/Jeanne Englert Judge Michael Scott/Penny Larsen	10:40am

7. Committees Budget and Funding Committee Court Education Committee Legislative Committee <i>Motion: Adopt amended Legislative Charter</i> Policy and Action Committee	Judge Diana Ruff/ Chris Stanley Judge Tam Bui/Scott Hillstrom Judge Rebecca Glasgow/ Brittany Gregory Judge Michael Scott/Penny Larsen	10:45am Tab 3
8. Public Engagement and Education Committee <i>Motion: Approve new member and extension of current membership</i>	Nicole Ack	11:35am Tab 4
9. Indigent Defense Standards Special Meeting Update	Judge Alicia Burton	11:40am Tab 5
10. Minutes approval <i>Motion: Approve October 18, 2024 minutes</i>	Chief Justice Steven González	11:50am Tab 6
11. Information Sharing	Chief Justice Steven González	11:55am Tab 7
12. Adjourn		12:00pm
Persons who require accommodations should notify Melissa Hernandez at Melissa.Hernandez@wa.courts.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		
Next meetings: Location TBD if not listed <ul style="list-style-type: none"> February 21, 2025, 9am-12pm-Zoom March 21, 2025, 9am-12pm-Zoom May 16, 2025, 9am-12pm-Zoom June 20, 2025, 9am-12pm-Zoom 		

Legal Financial Obligations in Washington's Courts

WASHINGTON STATE CENTER FOR COURT RESEARCH



EXECUTIVE SUMMARY

Joint Board for Judicial Administration and Court Management

Washington courts assessed \$530.5 million in fines, fees, and restitution for cases filed between 2018 and 2021.

- In total, Courts of Limited Jurisdiction (CLJs) and adult Superior Courts both assessed over \$250 million in monetary sanctions; Juvenile Courts assessed \$5.2 million.

Between 2018 and 2021, judicial officers imposed monetary sanctions in most eligible adult criminal cases, compared to one-third of juvenile cases.

- Courts imposed legal financial obligations (LFOs) in 61% of eligible CLJ cases, 77% of adult Superior cases, and 31% of juvenile cases. CLJs imposed LFOs in 20% of cases *before* sentencing. Average LFO amounts were \$875 in CLJs, \$1,641 in adult Superior Courts, and \$550 in Juvenile Courts.

Washington courts collected \$144 million in defendant payments between 2018 and July 2023 for these cases.

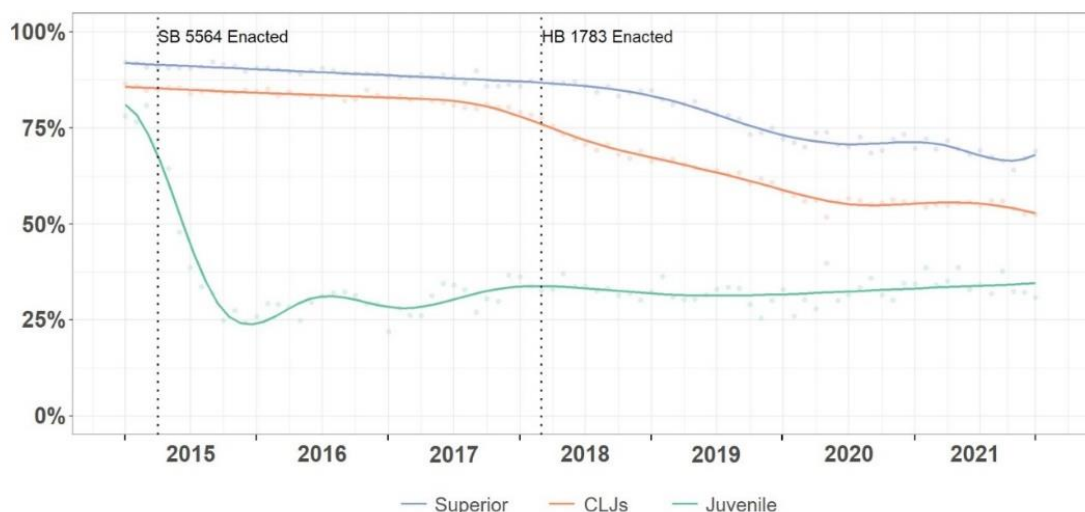
- Defendants made payments amounting to \$112.8 million in CLJ cases, \$30.5 million in adult Superior Court cases, and approximately \$1 million in Juvenile court cases.

By July 2023, defendant payments and court reductions eliminated \$233 million of the \$530.5 million in LFO debt. However, defendants still carried \$297 million in outstanding LFO debt on these cases.

- Most cases with LFOs had outstanding debt in July 2023: 43% of CLJ cases, 77% of Superior cases, and 57% of juvenile cases.

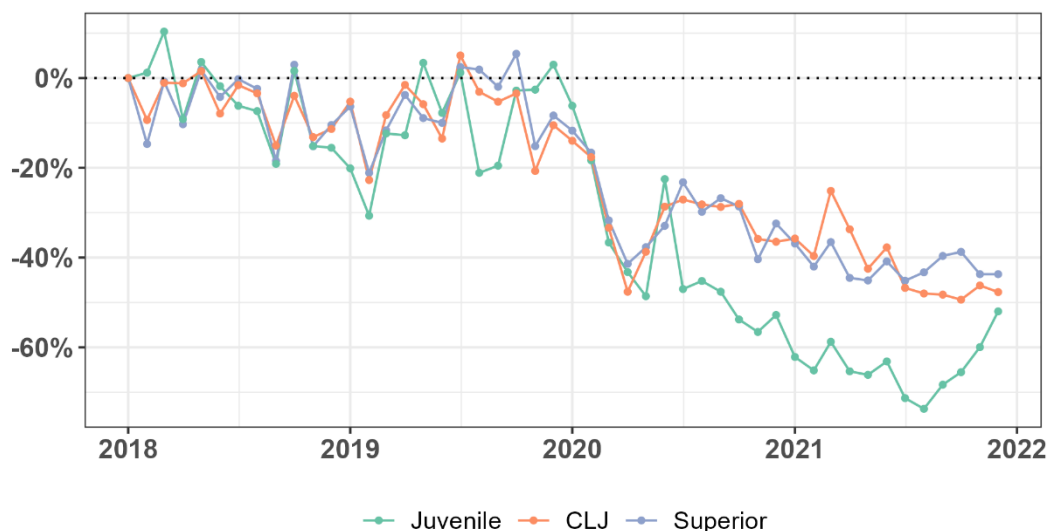
Over the past decade, reform legislation corresponded with declining LFO imposition.

- [SB 5564](#) eliminated most non-restitution LFOs for juveniles. After it passed in 2015, there were substantial and rapid declines in the percentage of LFOs imposed in juvenile cases. By 2016, imposition trends stabilize.
- The passage of [HB 1783](#) in 2018 coincided with a steady decline in CLJ and Superior Court LFO imposition. This bill made many mandatory LFOs discretionary, allowing judicial officers to waive them for indigent defendants.



Total LFO amounts imposed decreased significantly between 2018 and 2021 in all court levels. Declining caseloads, declining LFO imposition rates, and the COVID-19 pandemic may drive these trends.

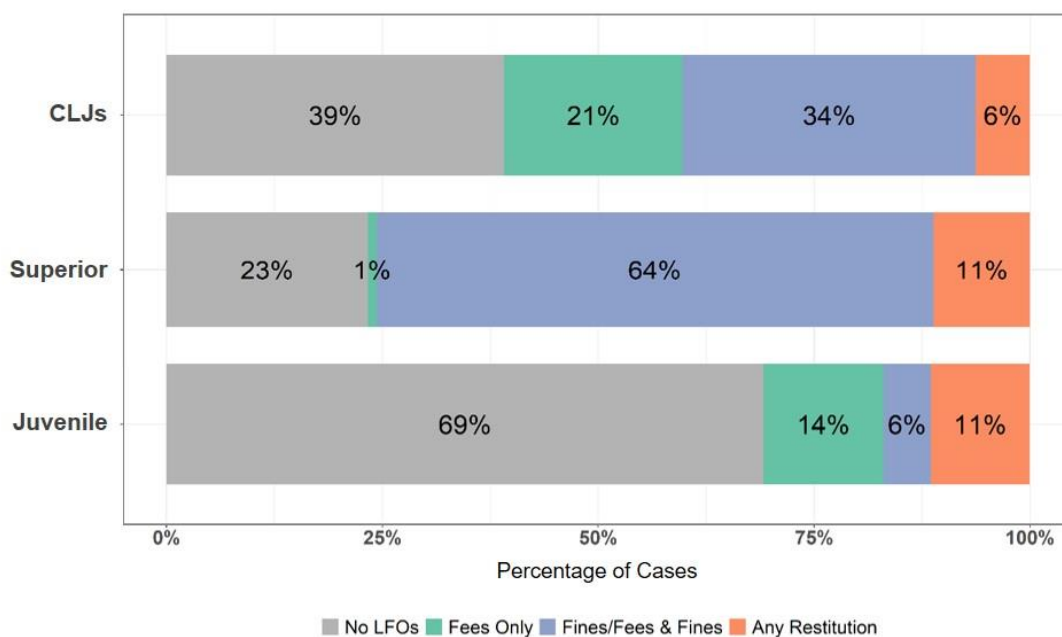
- CLJs had a 72% decline in total LFO amounts imposed. In January 2018, judicial officers imposed \$8.5 million; they imposed \$2.4 million in December 2021. We find comparable 79% declines in Superior (\$9.7 to \$2 million) and Juvenile Courts (\$149,000 to \$31,000).
- However, there are only modest declines in average amounts imposed for all court levels.
- Caseloads declined over this same period. The figure below displays month-to-month percent changes (from January 2018) in the number of LFO-eligible cases heard in CLJs, adult Superior, and Juvenile Courts. By the end of the study period, all three courts experienced approximately 42% to 52% decreases in the total number of LFO-eligible cases filed.



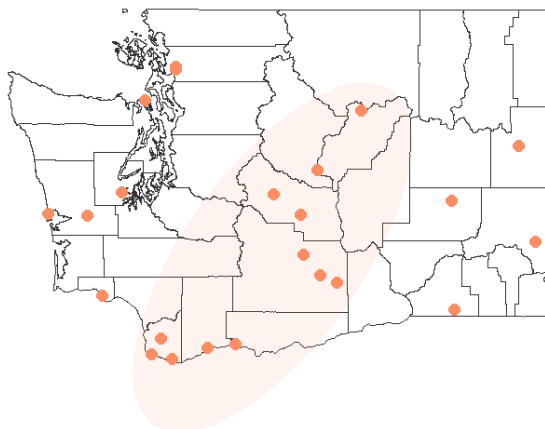
- This means courts had fewer opportunities to impose LFOs (i.e., declining caseloads), imposed LFOs in fewer cases (i.e., declining imposition rates), but, given only modest declines in average amounts imposed, individual defendants with LFOs imposed in 2018 and 2021 faced similar debt burdens.
- We observe similar declines in total outstanding debt across all courts.
- Both legislative reform *and* changing caseload conditions are likely causes of the significant declines in the total amount of LFO debt imposed and outstanding. Without additional legislative reforms or changes in judicial LFO practice, total LFO amounts could stabilize or begin to increase if caseloads increase.

Courts impose different proportions of fees, fines, and restitution. We also find that some courts are more likely to impose one LFO type more frequently than others.

- Most LFOs imposed in CLJs and Superior Courts are a combination of fees and fines. Sixty-four percent of Superior Court cases have both fines and fees imposed.
- Eleven percent of cases in Superior and Juvenile Courts have restitution imposed. However, restitution accounts for approximately 40% of the total LFO amount imposed in adult Superior Courts and almost 69% of the total in Juvenile Courts.



- Some CLJs are more likely than others to impose specific LFO types. In these courts, court context has more influence on LFO outcomes than the nature of the charge. Location also matters in Superior and Juvenile Courts, but to a lesser extent.
- Notably, some CLJs impose restitution eight times more frequently than all other courts, independently of the charges heard. These restitution-seeking courts are located throughout Washington, with a non-random cluster in the central and southwest.



Washington courts assessed \$128 million in restitution in cases filed between 2018 and 2021. Courts named insurance companies, persons, and businesses as the recipients for 70% of this debt.

- Restitution comprised approximately 7% of LFO debt imposed in CLJs, 40% in Superior Courts, and 69% in Juvenile Courts.
- In Superior and Juvenile Courts, the top restitution recipients are 1) persons (27% and 42% of total restitution ordered, respectively), 2) insurance companies (31% and 26%), and 3) businesses (16% and 12%). The top three recipients in CLJs are 1) persons (27%), 2) local governments (23%), and 3) the Washington State Patrol (WSP) (14%).
- Judicial officers across all court named local government entities as the recipient for nearly \$8 million of assessed restitution.
- All three court levels assessed \$2.7 million in restitution to local courts and law enforcement, and CLJs assessed \$2.4 million to WSP.

For some recipient categories, a small number of courts have outsized contributions.

- In adult Superior cases, four courts generate 65% of restitution to local governments.
- In Juvenile cases, 86% of restitution to insurance companies comes from two courts and 58% of restitution to persons comes from three courts.

Driving-related charges (misdemeanor DUI/DWI and criminal traffic) generate the most assessed restitution in CLJs.

- These charges account for most of the money assessed in all recipient categories, other than businesses and victim funds.

Defendant payments reduced 27% of total LFO amounts imposed.

- Defendants made payments in 59% of CLJ cases, totaling \$112.8 million. DUI/DWI charges alone generated \$53 million in payments, followed by \$29 million in criminal traffic cases.
- Defendants made at least one payment in 35% of adult Superior cases and 49% of juvenile cases.

Courts reduced \$89 million in LFO debt; 67% of these reductions occurred in CLJs.

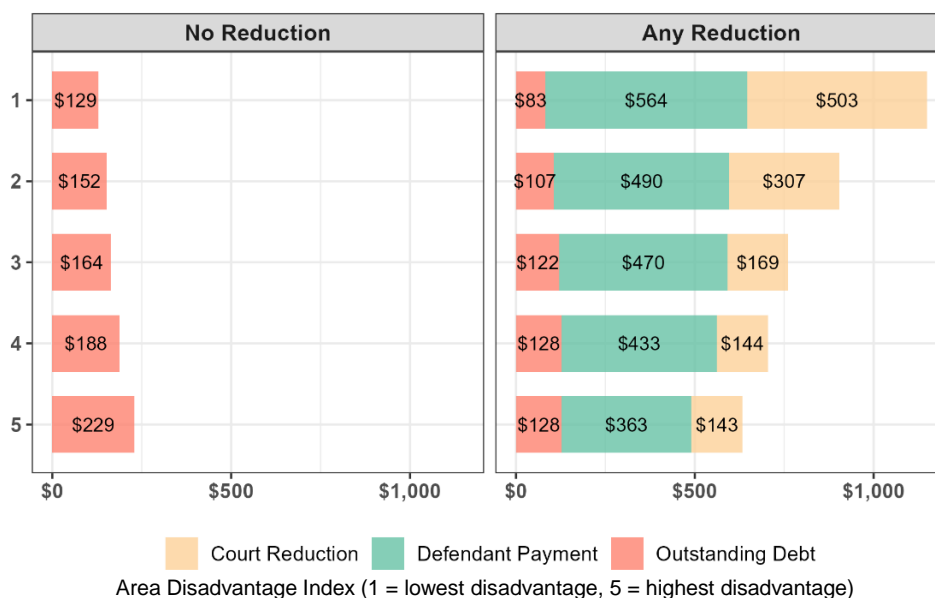
- While courts reduced a significant amount of LFO debt, defendant payments primarily drive debt clearance in CLJs and Juvenile Courts. Court reductions played a larger role in adult Superior Courts.

We find LFO patterns vary the most across racial and ethnic groups and neighborhood disadvantage. Patterns vary little between gender and age categories.

- In CLJs, cases with Hispanic/Latino defendants have the highest proportion of LFOs imposed, the highest average amounts, and carry the highest average outstanding debt amounts. In contrast, cases with Black defendants have the lowest proportion of LFOs imposed, average amounts imposed, and the lowest average amount outstanding. A substantially sizable percentage of cases with Native American defendants have outstanding LFO debt.
- In adult Superior Courts, a similar proportion of cases have LFOs imposed across all racial or ethnic groups. Among cases with LFOs, Black and Native defendants have lower average imposition amounts. However, these two groups (along with Hispanic/Latino defendants) have the largest proportion of cases with outstanding debt.
- Cases with White or Asian/Pacific Islander defendants in Juvenile Courts have the highest proportion of LFOs imposed. Cases with Asian/Pacific Islander youth have the lowest average amounts—approximately one-half the amount imposed in cases with Black defendants. Black and Native American youth have the highest proportion of cases with outstanding debt and highest average debt amounts.

In CLJs, there are notable patterns across neighborhood disadvantage categories. Cases associated with the most disadvantaged neighborhoods receive more LFOs, less court reductions, and have more outstanding debt.

- On average, CLJs reduce 3.5 times more debt in cases associated with the *least* disadvantaged neighborhoods than in the cases associated with the *most* disadvantaged.
- A much smaller percentage of CLJ cases with LFOs in the least disadvantaged neighborhoods have outstanding debt, compared to cases associated with the most disadvantaged neighborhoods.



In our conclusion we raise several important considerations and outline our future LFO research.

- This report examines the imposition of LFOs and the outstanding debt associated with them, but it does not and cannot capture the experience of people living with LFO debt. It provides a global survey of LFO practice in Washington state. But we know through ample scholarship, the institutional knowledge of court professionals, and the lived experience of people with LFO debt that disparities in the application and impact of the legal system often occur at the local and individual level. It would be a mistake to assume a general summary and averaging of statewide LFO practices tells a complete story of what LFOs are like for all Washingtonians and in all communities across the state.
- Additionally, we should not interpret equal application of LFOs across demographic groups as having an equal impact. Equal application only results in equal impact if demographic groups have the same underlying social and economic conditions.
- As detailed in the legislative and legal timeline at the beginning of the report, courts cannot impose some LFOs on defendants who are determined to be indigent or unable to pay. But systematic data on defendants' indigency status is unavailable. To address this gap in knowledge and oversight, we intend to develop reliable proxy measures for indigency status and examine the imposition of indigency-dependent LFOs.
- We hope to make information about LFOs readily available to relevant stakeholders. To do this, we intend to develop a public-facing LFO dashboard to provide regularly updated information on trends in imposition, amounts, and outstanding debt, subject to available funding.



WAJCA believes in transforming obstacles into opportunities. Our steadfast commitment to youth and families contributes to the health, safety, and well-being of our state. We envision safe, healthy, and connected communities where all young people are supported and empowered to build on their strengths so they can reach their potential.

WHO WE ARE



WAJCA is comprised of Court Administrators who represent the 33 juvenile court jurisdictions in Washington State. We are united by our commitment to serve young people and families. Court Administrators are passionately focused on improving outcomes and public safety in their jurisdiction, and at the same time, coming together as an association to advocate, intervene, educate, and promote the best interests of young people and families across the state of Washington.

PRIORITIES



- Promote innovation in youth justice and child welfare.
- Fiercely advocate for abused and neglected children to receive the appropriate resources and services they need to remain in home and/or to be placed into safe and permanent homes.
- Advocate and educate for legislation, policy, and practices that benefit young people, families, and healthy communities.
- Take action to create trauma-informed court systems.
- Strive to eliminate disparities so all young people thrive.
- Strengthen collaboration and partnerships with schools, families, and community-based providers to ensure all young people successfully transition to a productive adulthood.
- Implement effective, data driven, and research informed interventions to hold young people accountable while at the same time providing opportunities towards a positive path.

REIMAGINE
youth justice

STRENGTHEN
relationships

COLLABORATE
across systems

to meet the evolving needs of our young people and communities.

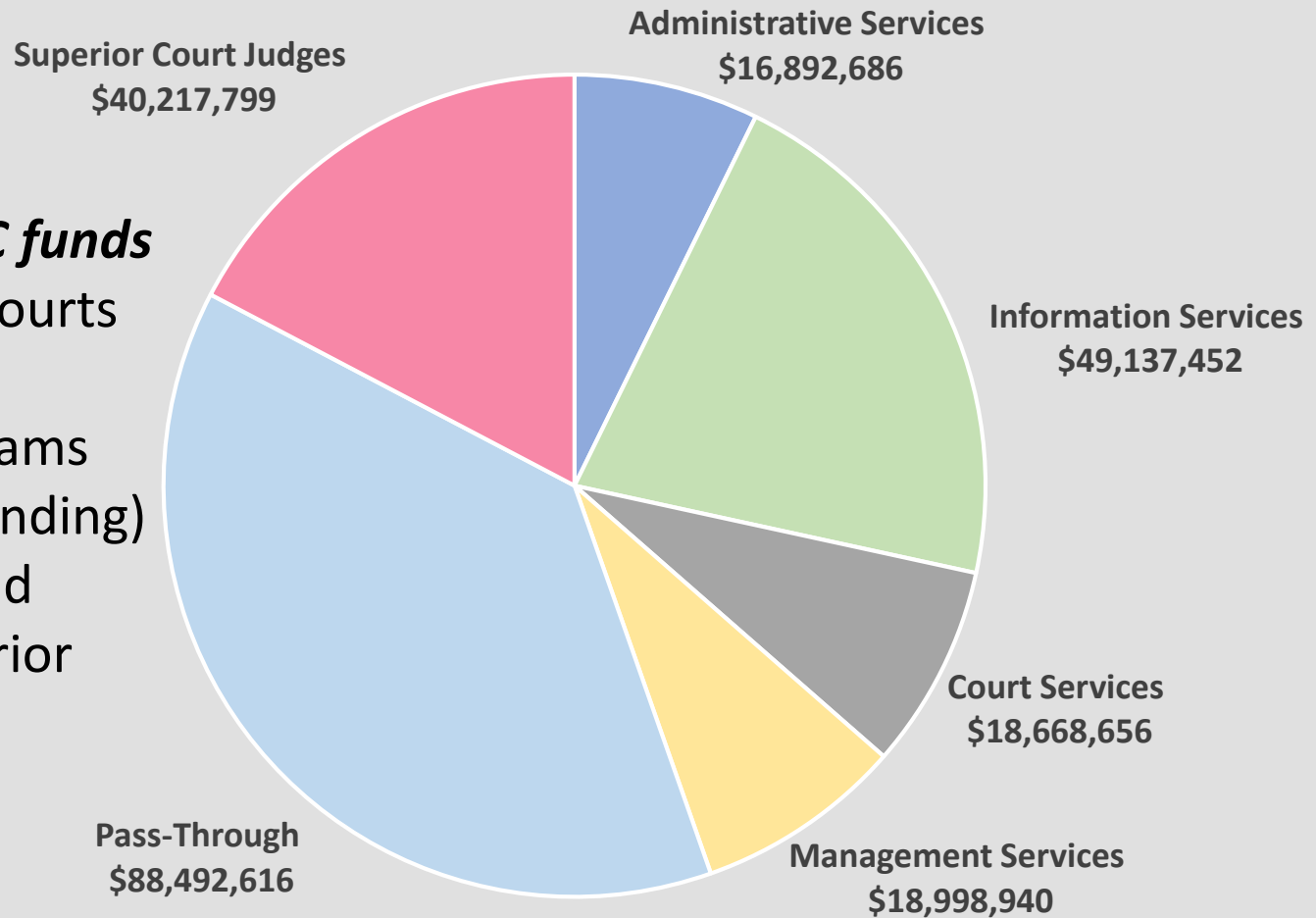
BJA Budget Report

Christopher Stanley, CGFM – Chief Financial and Management Officer, AOC
November 15, 2024

Where Does the Money Go?



55.4% of all AOC funds are paid out to courts for legislatively-mandated programs (pass-through funding) or for salaries and benefits of superior court judges.



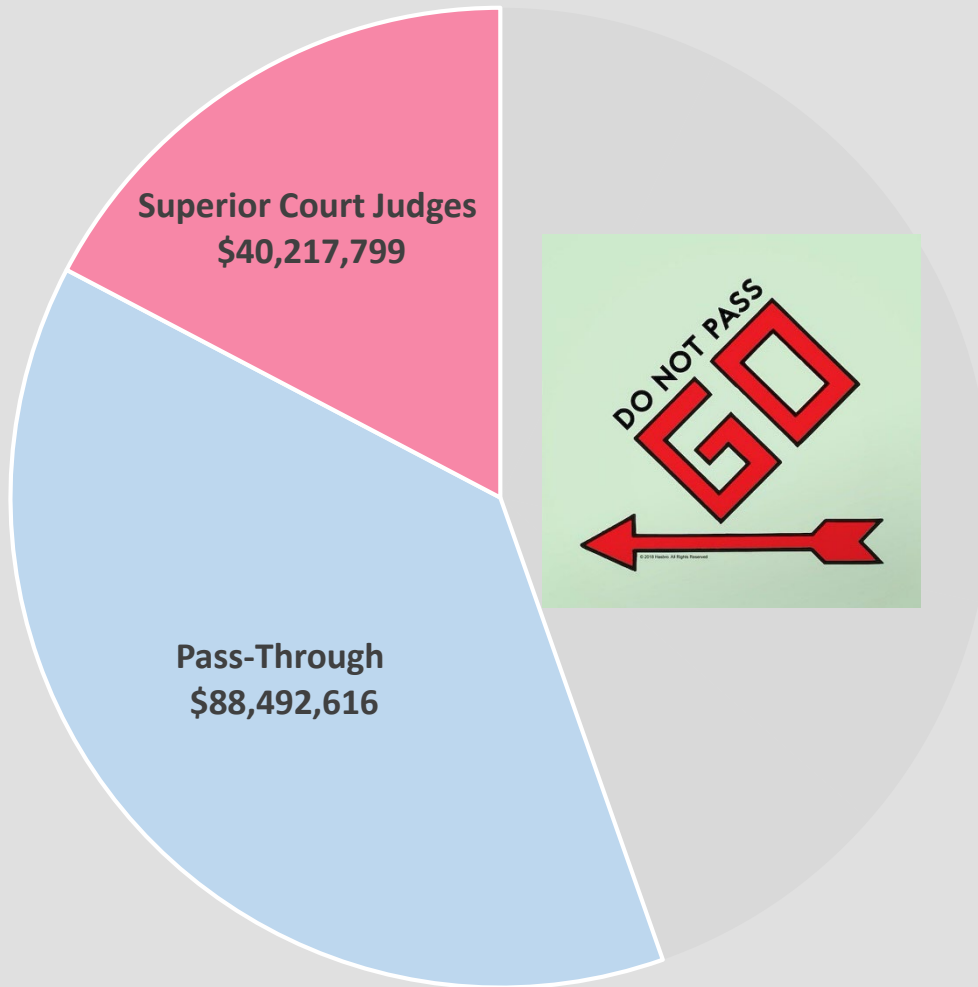
**Data reflects budget for Fiscal Year 2025*

55% *Direct to Courts*



FOR EXAMPLE:

PROGRAM
Blake – Resentencing
Therapeutic Courts
Becca*
Interpreter Services
CASA*
Uniform Guardianship Act*
Water Rights Adjudication
Juror Pay Pilot Project
FJCIP
Rural Court Security*
Self-Help Centers*

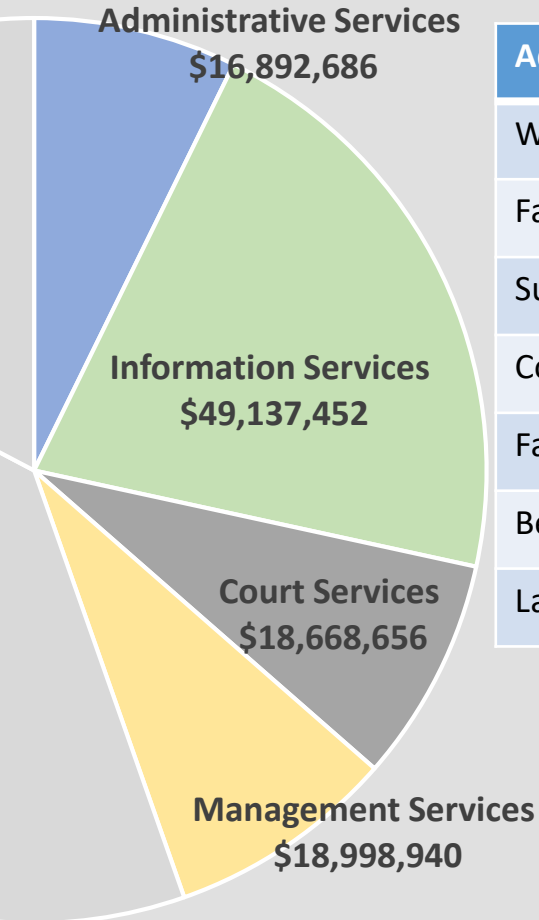


**Asterisk denotes no legislatively-funded staff to manage the program.*

45% *Supporting Courts*



FOR EXAMPLE:



Administrative Services Division

- Washington State Center for Court Research
- Family Treatment Court Team
- Supreme Court Commission Support
- Court Association Support
- Family & Youth Justice Programs
- Behavioral Health
- Language Access Team

Court Services Division

- Trial Court Legal Services
- Court Education
- Pattern Forms/Pattern Instructions
- Court Business Office
- Data Quality

Information Services Division

- CLJ-CMS Project (ISD Only)
- Web Services
- IT Infrastructure Management
- Superior Court E-Filing
- Applications & Operations Management
- Enterprise Data Services Management
- Disaster Recovery

Management Services Division

- Office of Guardianship & Elder Services
- Blake Implementation & Refund Bureau
- Back-Office Functionality

2025-27 Biennial Budget Request: \$49,348,000 / biennium



Support Trial Courts

Right-Size Staff & Program Operations

Maintain IT Infrastructure

1. Maintain Judicial Branch Education
2. Continue Securing Small & Rural Courts
3. Fund New Judges in Asotin/Columbia/Garfield & Skagit Superior Courts
4. Continue Data for Justice Initiative
5. Sustain Courtroom Technology
6. Preserve Court User Self-Help Centers
7. Continue Civil Protection Order Support for Judges
8. Fund Judicial Needs Estimate

Total: \$19,323,000

1. Continue Funding Blake Implementation
2. Retain & Recruit Staff with Competitive Salaries
3. Fulfill Water Rights Obligation
4. Stabilize Interpreter Reimbursement Program
5. Continue Pre-Trial Services for Indigent Defendants
6. Support Court Management and Operations
7. Expand Court Research Capacity
8. Improve Family Law and Domestic Violence Research
9. Enhance Behavioral Health Pgm

Total: \$16,647,000

1. Migrate Court Reporting Tools to the Cloud
2. Continue Transition to Cloud-Based Services
3. Continue Funding Data Quality Initiative
4. Fully Support the CLJ-CMS Project

Total: \$13,378,000

2025-27 Biennial Budget Request: What's in it for Superior Courts?



Support Trial Courts

Right-Size Staff & Program Operations

Maintain IT Infrastructure

- | | | |
|---|--|--|
| 1. Maintain Judicial Branch Education | 1. Continue Funding Blake Implementation | 1. Migrate Court Reporting Tools to the Cloud |
| 2. Continue Securing Small & Rural Courts | 2. Retain & Recruit Staff with Competitive Salaries | 2. Continue Transition to Cloud-Based Services |
| 3. Fund New Judges in Asotin/Columbia/Garfield & Skagit Superior Courts | 3. Fulfill Water Rights Obligation | 3. Continue Funding Data Quality Initiative |
| 4. Continue Data for Justice Initiative | 4. Stabilize Interpreter Reimbursement Program | 4. Fully Support the CLJ-CMS Project |
| 5. Sustain Courtroom Technology | 5. Continue Pre-Trial Services for Indigent Defendants | |
| 6. Preserve Court User Self-Help Centers | 6. Support Court Management and Operations | |
| 7. Continue Civil Protection Order Support for Judges | 7. Expand Court Research Capacity | |
| 8. Fund Judicial Needs Estimate | 8. Improve Family Law and Domestic Violence Research | |
| | 9. Enhance Behavioral Health Pgm | |

Visible text indicates that some or all of the package benefits the superior courts.

2025-27 Biennial Budget Request: What's in it for Courts of Limited Jurisdiction?



Support Trial Courts

Right-Size Staff & Program Operations

Maintain IT Infrastructure

1. Maintain Judicial Branch Education
2. Continue Securing Small & Rural Courts
3. Fund New Judges in Asotin/Columbia/Garfield & Skagit Superior Courts
4. Continue Data for Justice Initiative
5. Sustain Courtroom Technology
6. Preserve Court User Self-Help Centers
7. Continue Civil Protection Order Support for Judges
8. Fund Judicial Needs Estimate

1. Continue Funding Blake Implementation
2. Retain & Recruit Staff with Competitive Salaries
3. Fulfill Water Rights Obligation
4. Stabilize Interpreter Reimbursement Program
5. Continue Pre-Trial Services for Indigent Defendants
6. Support Court Management and Operations
7. Expand Court Research Capacity
8. Improve Family Law and Domestic Violence Research
9. Enhance Behavioral Health Pgm

1. Migrate Court Reporting Tools to the Cloud
2. Continue Transition to Cloud-Based Services
3. Continue Funding Data Quality Initiative
4. Fully Support the CLJ-CMS Project

Visible text indicates that some or all of the package benefits the courts of limited jurisdiction.

What Happens Next



- 1. Questions from Legislative Staff**
- 2. Formal Submission of Governor's Budget
(December 20 or earlier)**
- 3. Meetings with Legislative "Champions"**
- 4. Legislative Session Begins (January 13, 2025)**
- 5. Legislative Session Ends / Budget Passes (April 27, 2025)**



Board for Judicial Administration (BJA)

LEGISLATIVE STANDING COMMITTEE CHARTER

I. Committee Title

Legislative Committee

II. Authority

Board for Judicial Administration Rules (BJAR 3)

III. Charge

The Legislative Committee facilitates court level/entity discussion of legislation and decides on the BJA's plan of engagement with legislators, the Governor's office, and other entities regarding proposals under consideration, including plans for legislation to be introduced at the request of the BJA.

IV. Policy Area

Staff to the Legislative Committee shall gather bill referrals from staff or liaisons for court levels/entities regarding which bills are of significant interest or impact to the court level or entity, and shall refer other bills to the committee whenever:

- The topic is highly visual, controversial, or of great interest to the judiciary;
- The bill applies to multiple court levels or the entire branch; or
- There is or could be disagreement among court levels, associations or, entities, or judicial branch partners.

Legislation or legislative drafts may be referred to the Legislative Committee by other entities at any time. The Legislative Committee may choose not to act on the referred issue or bill after discussion.

V. Expected Deliverables

The BJA Legislative Committee shall:

- Review and adopt positions on legislation as described in Sections IV and VI;
- Recommend action by associations or individual persons based on positions taken;
- Direct and authorize the engagement strategy taken on behalf of the BJA with regard to proposals under debate;
- React quickly as issues arise during the legislative session;

- Ensure regular communication and that no other committee's authority is being inappropriately or inadvertently usurped;
- During legislative sessions, conduct remote videoconferences or telephone conferences for the purpose of reviewing legislation and evaluating and adopting positions as described in Section IV. The Legislative Committee may choose not to act on a referred issue or bill after discussion.
- These meetings should be held as soon as practicable in an effort to accommodate the weekly legislative schedule;
- During the interim, meet monthly or as needed, to develop legislative issues and potential “BJA-request” legislation. These meetings should be held remotely or in conjunction with the standing BJA meetings whenever possible in order to minimize travel-related expenses and time away from court;
- In an emergency necessitated as a result of legislative proposals, the Legislative Committee shall convene by email and vote on a course of action or response; and
- Legislative Committee members shall be well versed in all bills they act upon and shall be expected to communicate all relevant positions or information to the organizations they represent, as well as other parties, including legislators, as needed.

VI. BJA-Request Legislation

BJA-request legislation should be in alignment with BJA priorities and goals.

Proposals from associations/groups with no other legislative liaison will be prioritized.

VII. Membership

A. Voting Members

Each of the following members of the committee shall have one vote for purposes of (1) determining which proposals will be presented to the overall BJA for consideration to be “BJA Request” legislation and (2) deciding whether BJA will support or oppose legislation proposed by others or other policies:

- Committee Chair
- BJA Co-Chairs (one vote each)
- COA Representative
- SCJA Representative
- DMCJA Representative

The Committee Chair votes only once even if they also serve as a court level or court association representative.

The Chair of the Legislative Committee shall serve for a two-year, renewable term, and shall be chosen from among the Legislative Committee members.

B. Non-Voting Members

Nonvoting members shall include:

-
SCJA President or their designee
DMCJA President or their designee
SCJA legislative committee chairs
DMCJA legislative committee chairs
Representatives of the Supreme Court Commissions
Representatives of the Court Administration/Management Associations

In addition, the Committee Chair, in consultation with BJA Co-Chairs can invite other groups to attend as necessary, as non-voting members.

~~The Committee Chair, in consultation with BJA Co-Chairs can invite other groups to attend as necessary, as non-voting members.~~

VIII. Voting

Voting on BJA request legislation and on whether or not the BJA will support/oppose legislation proposed by others or any other policy can take place in-person, via videoconference, or over email.

IX. Term Limits

The term of standing committee members shall be two years. Each committee member may be reappointed by the BJA to additional two-year term(s), including whenever the member occupies a position contemplated for Legislative Committee membership under Section VII.

Terms should be consistent with a member's term on BJA or commensurate with the term in the office that compels participation on the Legislative Committee.

X. Other Branch Committees to Partner with on Related Issues

When possible, the BJA Legislative Committee will partner with the following entities when interests align:

- SCJA Legislative Committee;
- DMCJA Legislative Committee; and
- Other Judicial Branch Boards, Commissions, and Associations.

XI. Reporting Requirements

The BJA Legislative Committee shall report monthly, or upon request, to the BJA.

During session, staff to the Legislative Committee will provide an update to the full BJA after the chair of the committee has made opening remarks.

The Legislative Committee shall report in writing to the BJA as requested.

The chair of the Legislative Committee shall attend one BJA meeting per year, at a minimum, to report on the committee's work, if so requested.

XII. Recommended Review Date

The committee will have a review date of every two years.

Adopted: July 18, 2014

Amended: September 19, 2014

September 18, 2015

March 20, 2020

September 20, 2024

November 15, 2024

Public Engagement and Education Committee
Request for approval of extensions at November 2024 BJA Meeting

Judge Kathryn Loring – Representing the Superior Court Judges' Association - extend to December 31, 2026

Judge Cecily Hazelrigg – Representing Court of Appeals - extend to December 31, 2025

Judge Jessica Ness – Representing District and Municipal Court Judges' Association - extend to December 31, 2026

Desiree Ochocinski – Representing District and Municipal Court Management Association - extend to December 31, 2026

Judge Paul Sander – Representing District and Municipal Court Judges' Association - extend to December 31, 2026

Rachel Taylor – Representing Association of Washington Superior Court Administrators - extend to December 31, 2026

Shad Hail - Representing the Washington Association of Juvenile Court Administrators - extend to 12/31/2025.



WASHINGTON COURTS

November 5, 2024

TO: Board for Judicial Administration (BJA) Members

FROM: Judge Alicia Burton, Co-Chair, Board for Judicial Administration

RE: Board for Judicial Administration Indigent Defense Standards Position

The Board for Judicial Administration (BJA) discussed the proposed changes to the Indigent Defense Standards during both the September and October BJA meetings. The membership held a special meeting on November 4, 2024, to vote on BJA's official position on the standards.

September 20, 2024 Meeting Summary:

- The BJA opted not to take a formal position at this time and decided to gather more information from stakeholders before forming any conclusions or statements. Paul Holland and Jason Schwarz were scheduled to present on the proposed changes during the September 25, 2024, public hearing and agreed to present directly to the BJA during the October 18, 2024 BJA meeting.

October 18, 2024 Meeting Summary:

- **Public Defense Crisis and Proposed Changes:** The Council on Public Defense (CPD), through Paul Holland and Jason Schwarz, presented on the current crisis and proposed standards. Key concerns include attorney shortages, particularly in rural areas, and the impact of high caseloads on the quality of defense work. The CPD has modified caseload standards to align with findings from a National Public Defense Workload Study (NPDWS), with 73% of surveyed public defenders agreeing these new standards better reflect the time needed for felony cases.
- **Implementation of New Standards:** While the CPD has reached consensus on the revised caseload standards, they are seeking feedback on how to implement these changes, particularly regarding timelines and local jurisdiction plans. There are ongoing discussions about how best to address the public defense crisis, including the potential impact of new compensation models and infrastructure changes.

November 4, 2024, Special Meeting on Proposed Changes to the Indigent Defense Standards:

- BJA members met to discuss BJA's official position. Membership voted to take no position on the proposed standards and to defer to the individual court levels. Members also approved the following statement to the Supreme Court:
 - *After careful consideration and a vote by its members, the BJA has determined that individual court levels and courts have responded and the BJA will defer to their comments. The BJA will not take a formal position on the Proposed Changes to the Indigent Defense Standards.*
- Eleven voting members were present during the special meeting. Nine (9) voted in favor, one (1) abstained, and one (1) member left the meeting prior to voting.



November 6, 2024

Washington State Supreme Court Justices
supreme@courts.wa.gov

Sent via email only

RE: BJA Position on Indigent Defense Standards

Chief Justice Gonzalez and Honorable Justices of the Washington Supreme Court:

On behalf of the Board of Judicial Administration (BJA), I would like to express our appreciation for the opportunity to provide input on the Proposed Indigent Defense Standards.

After careful review and deliberation, the BJA has determined that many individual courts and court levels have already provided thoughtful responses to the proposed standards. As a result, the BJA has decided to defer to their comments and, therefore, will not be taking a formal position on the proposed changes at this time.

We thank you for including the BJA in this important discussion and for your continued dedication to the improvement of our justice system.

Sincerely,

Judge Alicia Burton
Co-Chair
Board of Judicial Administration



Board for Judicial Administration (BJA)

October 18, 2024 (9 a.m. – 12:00 a.m.)

DRAFT MEETING MINUTES

BJA Members Present:

Judge Alicia Burton, Chair
Judge Andrea Beall
Judge Tam Bui
Judge George Fearing
Judge Kristin Ferrera
Judge Rebecca Glasgow
Judge Cindy Larsen
Judge David Mann
Judge Donald Richter
Judge Diana Ruff
Dawn Marie Rubio
Judge Karl Williams

Guests Present:

Jefferey Adams
Linnea Anderson
Paul Holland
Jessica Humphreys
Judge Carolyn Jewett
Katrin Johnson
Sara Robbins
Jason Schwarz

Susan Speiker
Commissioner Karl Triebel

Administrative Office of the Courts (AOC) Staff Present:

Scott Ahlf
Nicole Ack
Crissy Anderson
Heidi Green
Brittany Gregory
Melissa Hernandez
Scott Hillstrom
Kyle Landry
Penny Larsen
Allison Lee Muller
Stephanie Oyler
Haily Perkins
Laurie Sale
Christopher Stanley
Caroline Tawes
Lorrie Thompson
Andrea Valdez

Call to Order

Judge Burton called the meeting to order at 9:02 a.m. and welcomed the participants. She reminded the participants of BJA member responsibilities, including reviewing the meeting materials in advance, particularly those materials related to voting. BJA members are also responsible for disseminating meeting information back to their court levels and related organizations. If a BJA member is unable to attend a meeting, they may give their proxy vote to a non-voting member from the same court level. The person with the proxy is also responsible for reviewing the materials and reporting back to their respective groups.

Washington Association of Juvenile Court Administrators (WAJCA) Update

Linnea Anderson, WAJCA President and San Juan County Juvenile Court Administrator, presented an update on the work of the WAJCA. The WAJCA is focused on its mission and vision, and operationalizing those commitments. They are committed to diversity, equity, and inclusion, and have operational guidelines for their membership and committees.

Linnea Anderson reviewed some project highlights. She shared that seven pilot courts are implementing the Washington State Center for Children and Youth Justice protocols for safe and affirming care for juveniles, specifically for LGBTQ youth.

San Juan County has a fully operational, integrated therapeutic court program. They partner with community agencies to look at ways to provide new and different opportunities for youth in the system, what the barriers are to diversion, and to advocate for early intervention for support for youth and families. Juvenile courts are becoming hubs and depots for partnerships with food banks and rotary clubs.

The WAJCA is committed to learning and increased research, and would like to partner with other agencies.

Presentation: Public Defense Standards

There was a public hearing on September 25, 2024, on public defense caseload standards. Several organizations were asked to speak, and the hearing was open to public comments. Judge Burton attended and took notes on general comments. BJA guests Jason Schwarz and Paul Holland will present an overview at another hearing on November 13, 2024. Judge Burton asked the BJA members to consider whether BJA should express an opinion on this issue or defer to other organizations.

Jason Schwarz, Director of the Snohomish County Office of Public Defense, and Paul Holland, Seattle University School of Law faculty, presented on the proposed changes to public defense caseload standards.

The Council on Public Defense (CPD) is charged with recommending amendments to the Washington State Bar Association (WSBA) Standards for Indigent Defense Services and public defense performance guidelines to the WSBA Board of Governors and the Washington State Supreme Court. The CPD has met to discuss the public defense crisis. They responded to two issues: the shortage of attorneys and the difficulty in recruiting new attorneys to public defense work, especially in rural areas, and caseload problems. High caseloads are the main problem in most jurisdictions.

Jason Schwarz reviewed the current caseload limits. They were adopted in 1984 and based on a 1973 study by the National Advisory Commission on Criminal Justice Standards and Goals (NAC). The NAC standards are widely criticized, and the current standards are not realistic. A 2023 study from the RAND Corporation, the National Center for State Courts, the American Bar Association, and attorney Stephen Hanlon asked public defense experts to provide the time involved in public defense cases, and correlated case types and associated hours to create the National Public Defense Workload Study (NPDWS). The CPD modified the resulting caseload standards to meet Washington State needs. The goal is early case resolution.

The CPD surveyed public defenders and asked them to look at the NPDWS standards and asked them whether those standards reflect the time they need to meet legal and ethical obligations. Seventy-three percent of those surveyed agreed the NPDWS better reflects time needed for felony cases.

The WSBA proposed a timeline for the next step, implementation. The CPD agreed unanimously on the caseload standards but not on the timeline. They are not experts on

implementation. The CPD would like to hear concerns from the community on the implementation timeline. Should every jurisdiction come up with their own plan?

Corrections to public defense compensation and infrastructure will have the most impact on defendants. There are also questions about the possible impact on unrepresented people.

The Office of Public Defense will ask for an additional \$40 million of funding in the upcoming legislative session to support defense costs in counties and cities.

These standards will also apply to conflict lawyers. The WSBA also changed standards for compensation for private lawyers. Snohomish County has moved to an hourly rate. compensation.

There were questions about the experts involved in the NPDWS. Their names are available. There was also a question about the county caseload for each public defense office in the state. Counties may have public defense agencies, or may use only contractors and have no data on how many cases they were assigned, so there is no statewide, comprehensive data set. Additional funding will increase data collection capacity. Participants also discussed the hours estimated for felonies, which some thought were high and some thought were accurate estimations.

A decision needs to be made on how to address the crisis. Should phase 1, implementation of all revised standards other than caseload standards and support staff and forwarding court rule revisions to the Supreme Court, be implemented and see if that helps?

The Superior Court Judges' Association (SCJA) would like a red-lined version of the proposed rule to look at alternatives before making any proposals.

Supreme Court has made no decisions yet aside from publishing the proposed rules for comment and holding hearings to hear from those affected. Describing us. They are interested in addressing the public defender shortage in Washington; however, no vote on implementation has occurred.
. A special meeting will be convened for further conversations.

Jason Schwarz and Paul Holland are happy to answer questions or have further conversations. Jason Schwarz asked to be kept in the loop of further developments.

Judge Burton thanked Jason Schwarz and Paul Holland.

Presentation: Juror Initiatives

Laurie Louise Sale, AOC, is the project manager of the Pierce County Juror Pay Pilot Program. The Program increases juror pay from \$10 to \$100 per day for jury service. The pilot program will run from October 14, 2024, to June 30, 2025, and the motivation for the pilot program is to increase jury diversity. The \$100 is commensurate with a daily wage. The 2024 Legislature provided funding for the pilot program with SB 5187.

A key communication piece is the jury summons card that states jury duty pays \$100 per day. There is also an extensive media campaign that will continue through the pilot project. The juror response rate is being tracked, and there has already been an increase in the expected response to the jury summons.

Laurie Sale thanked AOC staff Frank Thomas and Patty Chirco, as well as her partners in Pierce County, Chris Gaddis and Michelle West.

Laurie Sale is also the program manager for the Childcare Assistance Program. In 2024, SB 5128 directed AOC to establish a workgroup to make recommendations on the creation of a childcare assistance program for juror participants. A report is due to the Legislature by December 1, 2024.

The workgroup sent a survey to presiding judges, jury managers, and court administrators to gather information on establishing a statewide childcare assistance program for juror participants. The survey had a 92% response rate.

The workgroup recommendation to Legislators will look at pilots in three courts, partnering with child care centers specific to those courts.

Laurie Sale thanked the BJA for their time. She is available to answer questions or provide more information online at laurielouise.sale@courts.wa.gov.

Disability Justice Task Force

Commissioner Triebel provided an update on the Disability Justice Task Force (Task Force). Commissioner Triebel thanked Justice G. Helen Whitner, Judge David Whedbee, Joslyn Nelson, and other AOC staff.

The Task Force's main group and subcommittees meet frequently. Highlights of their work are available in the meeting materials. The Task Force is in the final stages of developing a Task Force website that will be accessible and mobile device-friendly.

The Task Force is developing survey questions to identify both physical and programmatic barriers in the court system. The survey will be sent to judges and court staff. They have published a Request for Proposals for a research team that will assess the survey and provide guidance and analysis. The Task Force is also gathering information on Americans with Disabilities Act (ADA) Coordinators at all court levels. Commissioner Triebel will provide another update to the BJA on the survey responses.

BJA Task Forces and Workgroups

Alternatives to Incarceration Task Force

The Alternatives to Incarceration Task Force will meet next Tuesday to discuss deliverables and their funding request.

Remote Proceedings Workgroup

No report.

Standing Committee Reports

Budget and Funding Committee (BFC)

Judge Ruff apologized for not providing budget materials further in advance of the September meeting. Next year's communications will be better.

Christopher Stanley explained what happens next in the budget process. The budget outlook forecasts a \$4.3 billion deficit. The total maintenance in the budget is \$10 billion, which is a

problem the Legislature will face and creates a competitive environment. The November 20, 2024, forecast will likely be flat.

Christopher Stanley reviewed the three categories of the 2025–27 Judicial Branch Biennial Budget Request which totals \$49.1 million. He also sent a list to the BJA participants that included an itemized list. The budget website was posted yesterday, and he will send a link to the BJA participants. He anticipates receiving pages of questions from Legislative staff. Those questions will be sent to the appropriate subject matter expert (SME) to be answered.

The formal submission of the Governor's budget will be December 20, 2024, or earlier. AOC staff and SMEs will begin meeting with Legislators who are best positioned to advocate for our budget proposals. The Legislative session will begin January 13, 2025, and end on April 27, 2025. Chamber budgets will be available in mid-March.

The Office of Public Defense requested an additional \$42 million for local public defense services. This request may be treated as a special request, handled separately from the other budget requests, and a dedicated account for the request may be created so it does not compete with the other judicial branch budget requests.

Anyone with budget questions, concerns, strategy, and advocacy questions may contact Christopher Stanley. For general strategy and advocacy questions, please contact Brittany Gregory.

Court Education Committee (CEC)

The CEC approved and allocated the education budget for CEC-supported programs. The next CEC-supported education programs are the SCJA-sponsored program in Vancouver in November 2024; the Judicial College in January 2025; and the Appellate program in March 2025.

Legislative Committee (LC)

Asotin, Columbia, and Garfield counties withdrew their support of an additional judicial position due to budget risks. The LC will request an additional judicial position again next year. A Supreme Court commissioner has been added to the appellate commissioner bill.

After the recent presentation to the Washington Citizens' Commission on Salaries for Elected Officials (Commission), the Commission voted to preliminarily give all elected officials COLAs matching the State Employees federation: +3% FY 26 and +2% FY 27. In addition, the Judiciary will receive a general wage increase of 1% in FY26 and 1% in FY27. The Commission will meet to finalize salaries for the next biennium on February 5, 2025.

Judge Ferrera thanked Brittany Gregory and others for their work with the Commission.

Policy and Action Committee (PAC)

There is an update on the PAC in the meeting materials. There will be more discussion on the strategic initiative cycle at the November BJA meeting.

Court Security Committee

The new incident and threat reporting system is live online. The Court Security Committee is encouraging creation of local court security committees and funding for those committees. Yesterday Kyle Landry spoke to law enforcement representatives and had a positive response to the idea of a city- or county-based court security committees.

Motions

It was moved by Judge Beall and seconded by Judge Glasgow to approve the September 20, 2024, meeting minutes as written. The motion passed.

Information Sharing

Judge Ferrera was concerned about the Legislative Committee charter changes from the September BJA meeting. She would like a red-lined version of the charter so she is clear about the changes. She would like future changes in the meeting materials to have changes indicated with red lining. Brittany Gregory will clarify the changes and send a copy of what changes were voted on to the SCJA. The revised charter will be posted to the BJA website.

Nicole Ack presented an update on the Public Engagement and Education Committee. They have a meeting today. She announced the YMCA Mock Trial Board is looking for a judicial member. Her email is Nicole.ack@courts.wa.gov if anyone is interested in participating.

Judge Burton asked the members to expect an email from Melissa Hernandez in a few days regarding a 90-minute meeting on public defense caseload standards.

The November BJA meeting will be a hybrid meeting at SeaTac. Information on attending and making travel arrangements will be sent. The Court Management Council members will join the meeting, and the Court Manager of the Year and the Innovating Justice Awards will be presented.

Adjourn

The meeting adjourned at 11:14 a.m.

Recap of Motions from the October 18, 2024 Meeting

Motion Summary	Status
Approve the September 20, 2024, meeting minutes as written.	passed

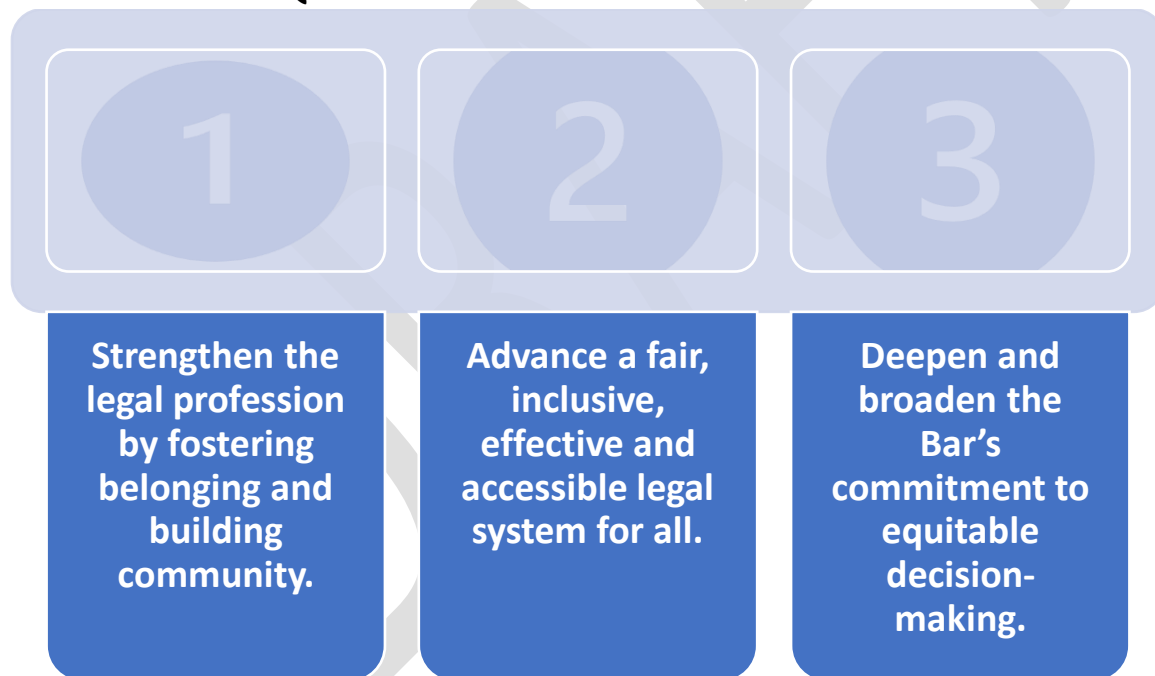
Action Items from the October 18, 2024 Meeting

Action Item	Status
<ul style="list-style-type: none">Judge Burton asked the BJA members to consider whether BJA should express an opinion on public defense standards or defer to other organizations. A special BJA meeting will be convened for further conversations.BJA members should expect an email from Melissa Hernandez in a few days regarding a 90-minute meeting on public defense standards.	Done
<u>September 20, 2024 BJA Meeting Minutes</u> <ul style="list-style-type: none">Post the minutes onlineSend minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done Done

2025-2030 WSBA EQUITY AND JUSTICE PLAN

The Washington State Bar Association (WSBA) recognizes the crucial role that diversity and inclusion play in advancing equity in our legal profession and justice in our legal system. We believe that a legal profession that reflects the rich diversity of the communities we serve and fosters inclusion and belonging among its members will improve public trust and confidence in the profession. The Equity and Justice Plan aims to strengthen our legal profession, advance a legal system that is fair and accessible, and demonstrate our commitment to equitable decision-making. The authority for this work stems from the Washington State Supreme Court’s inherent and plenary authority to regulate the practice of law. Through General Rule 12.2, the Court explicitly delegates to WSBA the responsibility to “promote diversity and equality in the courts and legal profession” and “promote an effective legal system, accessible to all.” This plan honors the mandates set forth by the Washington Supreme Court and is informed by the 2024 membership demographic study and input from a broad representation of our membership including members who are underrepresented and historically marginalized. The plan’s goals affirm WSBA’s unwavering commitment to its mission—to serve the public and members, ensure the integrity of the profession, and champion justice.

EQUITY AND JUSTICE PLAN’S THREE GOALS



GOAL #1: Strengthen the legal profession by fostering belonging and building community.

VISION FOR SUCCESS: The legal profession reflects the public we serve, and every legal professional feels they belong in the legal community and can thrive regardless of their social identity and background.

STRATEGIES:

- Partner with affinity bar associations, underrepresented communities and organizations working to make the legal profession more reflective of the public we serve and accessible to all communities, particularly those who are underserved.
- Leverage and improve data collection, analysis and reporting to learn from the data, identify inequities, ease entry and acceptance into the profession and reduce and eliminate disparities in the delivery of legal services.
- Equip legal leaders including employers and the judiciary to meaningfully remove barriers to inclusion and belonging for legal professionals regardless of their social identity and background.
- Support opportunities that promote wellness, mentorship, leadership, accessibility and community for all members regardless of their social identity and background.
- Explore and support innovative pathways to the profession.

GOAL #2: Advance a fair, inclusive, effective, and accessible legal system for all people in our State.

VISION FOR SUCCESS: All Washingtonians have access to high quality and affordable legal services delivered with cultural humility.

STRATEGIES:

- Support innovative legal services delivery models that provide more affordable legal services to the most underserved and marginalized communities in our state.
- Implement changes that make WSBA more accessible for people with disabilities and people with limited English proficiency.
- Equip Bar members and other legal practitioners with knowledge and tools to improve the quality of legal services for all including underserved and marginalized communities.
- Support policymaking efforts that address a lack of quality legal services.

GOAL #3: Deepen and broaden the Bar's commitment to equitable decision-making.

VISION FOR SUCCESS: Members of the Bar act and practice in ways consistent with WSBA's mission and values of diversity, equity, inclusion, belonging and justice for all and the public express confidence and trust in the legal profession.

STRATEGIES:

- Authentically engage the public by moving from informing and consulting to involving and collaborating.
- Equip Bar leaders and volunteers to apply an equity lens to their work so they so equitable decision-making is advanced.
- Facilitate a culture of belonging and inclusion among all Bar entities.
- Create and share accessible and digestible reports on progress on equitable decision- and policymaking.