

Attachment A

2005-185

**DISTRICT COURT
OPERATIONAL MASTER PLAN
APRIL 2005**

Acknowledgements

The following persons and organizations contributed their expertise, enthusiasm, patience, and time to the development of this Operational Master Plan:

Honorable Corinna Harn, District Court Presiding Judge; Co-Chair
Maura Brueger, Deputy Chief of Staff, King County Executive Office; Co-Chair
Honorable Larry Gossett, King County Councilmember
Honorable Kathy Lambert, King County Councilmember
Honorable Barbara Linde; District Court Assistant Presiding Judge
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King County Prosecutor's Office
King County Public Defender
King County Superior Court
King County District Court Contracting Cities
King County Sheriff
Washington State Patrol
Washington State Office of the Administrator of the Courts

The District Court will be a better court because of their contributions. Thank you.

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EXECUTIVE SUMMARY

Between March 2004 and April 2005, representatives from the King County Executive, the King County Council, the King County District Court, Contracting Cities and other stakeholders engaged in an intensive strategic and operational planning effort for the King County District Court. The process resulted in a careful and in depth assessment of the District Court's operations, services and role in the criminal justice system now and in the future.

This assessment indicated that King County and the District Court have already identified and implemented certain efficiencies and improvements in the District Court's operations. Other improvements and efficiencies were underway but not completed yet. This Operational Master Plan supports the District Court in its efforts to find efficiencies and improve its service levels. It also reaffirms the District Court's Mission and Vision Statements (see Table 1, page 8).

Based on the District Court's Mission and Vision Statements, this Operational Master Plan presents the following eleven strategic recommendations intended to guide the District Court for the next five to ten years:

Keynote Statement

The County will strive to provide District Court services in accordance with the Court's Mission and Vision and County policy.

1. Court of Choice

Retain for the long term the aspiration to be the court of choice for limited jurisdiction in the County, focusing energy and resources on improving operations and services, balancing the needs of citizens, the Court, the County and the cities.

2. Quality Service Standards

Develop and apply quality service standards and measures for District Court operations, including but not limited to (a) access to justice; (b) case flow management; (c) customer service; (d) jury management; (e) court productivity and (f) collections.

3. Problem Solving Courts

Continue to support Problem Solving Courts, improving access to Problem Solving Courts, and incorporating Problem Solving Courts in the Court's planning process.

4. Unification and Centralization

Continue and make explicit the strategy of improving efficiency through unification of governance, administration and planning, centralizing workload where appropriate.

5. Technological Improvements

Continue to develop and implement technological improvements, such as “paperless” case processing and E-filings that support District Court operations and increase access to court services and information.

6. City Contracts

Continue to support the Court’s function to serve cities through contracts.

7. Service and Facility Flexibility

Support flexibility in providing services and facilities for District Court customers.

8. Facilities

Continue to support a unified, Countywide District Court, utilizing existing facilities, to provide for a more equitable and cost effective system of justice for the citizens of King County.

- A. Ensure Court facilities promote system efficiencies, quality services and access to justice.
- B. Consolidate District Court facilities that exist in the same city.
- C. Reconsider facilities if there are changes with contracting cities or changes in leases.
- D. Work with cities to develop a facility master plan as it relates to the District Court.

9. Study Court Integration

Study the integration of District Court, Superior Court and the Department of Judicial Administration assuring that the needs of District Court are met; and best practices are considered.

10. Work with Stakeholders

Work together with stakeholders to gain state and local cooperation and assistance to meet the needs of the judicial system.

11. Additional Resources

Recognize that implementation of these strategic and operational recommendations may require reallocation or commitment of additional resources.

These recommendations should be taken as a whole and are in no particular order of importance.

INTRODUCTION

The 2004 annual budget for King County, as adopted by the Metropolitan King County Council, provided for the development of an Operational and Facility Master Plan for the King County District Court.¹ The District Court’s Mission and Vision statements were the foundation for the Operational and Facilities Master Plan. (See Table 1.)

Table 1

KING COUNTY DISTRICT COURT MISSION AND VISION STATEMENTS

I. King County District Court Mission Statement
<p>A. The King County District Court will serve the public by:</p> <ul style="list-style-type: none">• Providing an accessible forum for the fair, efficient, and understandable resolution of civil and criminal cases; and• Maintaining an atmosphere of respect for the dignity of individuals.
II. King County District Court Vision Statement
<p>A. The King County District Court will be the preferred forum in King County for the resolution of all cases of limited jurisdiction.</p> <p>B. To provide the highest quality of justice, the King County District Court will:</p> <ol style="list-style-type: none">(1) Protect the public safety by providing resources to hold convicted offenders accountable for their actions;(2) Work as an independent branch of government with other units of government to achieve common goals;(3) Make effective use of taxpayers’ resources;(4) Continuously ascertain and respond to the needs and expectations of all court users;(5) Provide a uniform and predictable level of service;(6) Provide efficient, convenient, and safe facilities;(7) Seek out and use modern technology and equipment;(8) Serve as the coordinator for all the services necessary for an effective judicial system;(9) Maintain a diverse and professional workforce;(10) Maintain sentencing options and sentence offenders appropriately;(11) Educate the justice system community, legislative, and executive agencies, and public about the courts; and(12) Respect the diversity of the community.

¹ Pursuant to King County Code Section 4.04.020 LL an “Operational master plan” means a comprehensive plan for an agency setting forth how the organization will operate now and in the future. An operational master plan shall include the analysis of alternatives and their life cycle costs to accomplish defined goals and objectives, performance measures, projected workload, needed resources, implementation schedules and general cost estimates. The operational master plan shall also address how the organization would respond in the future to changed conditions.”

A Steering Committee was formed consisting of representatives from the County Council, the County Executive, the District Court, and Contracting Cities. Other stakeholders also actively participated in the process including the Prosecuting Attorney's Office, the Public Defender, the King County Bar Association, and Superior Court. The Steering Committee was co-chaired by the King County District Court Chief Presiding Judge and the Deputy Chief of Staff for the King County Executive's Office. (See Table 2 for the names of the Steering Committee members, primary staff and participants.) The Steering Committee began meeting in March of 2004 and has met regularly since that time.

Table 2
Participants

<u>Steering Committee Members</u>	
Honorable Corinna Harn, District Court Presiding Judge; Co-Chair	
Maura Brueger, Deputy Chief of Staff, King County Executive Office; Co-Chair	
Honorable Larry Gossett, King County Councilmember	
Honorable Kathy Lambert, King County Councilmember	
Honorable Barbara Linde; District Court Assistant Presiding Judge	
Terri Flaherty, Sr. Policy Analyst, King County Office of Management and Budget	
2 Suburban City Representatives – representation will rotate based on availability	
• David Cline, City of Burien	• Diane Carlson, City of Bellevue
• Nina Rivkin, City of Redmond	• Julie Modrzejewski, City of Shoreline
<u>Primary Staff</u>	
• Tricia Crozier, District Court	• Toni Rezab, OMB, Project Manager
• Kathy Brown (or designee), Director of Facilities Management	
<u>Participants²</u>	
Councilmember Julia Patterson, King County Council	
Clifton Curry, King County Council Staff	
Polly St. John, King County Council Staff	
Tom Kelly, King County Bar Association	
Calvin Hoggard, King County Facilities, Real Estate Services Section Mgr.	
Dan Satterberg, King County Prosecuting Attorney's Office	
Mark Larsen, King County Prosecuting Attorney's Office	
Margaret Nave, King County Prosecuting Attorney's Office	
Anne Harper, Office of the Public Defender	
Paul Sherfey, King County Superior Court	
Kelli Carroll, King County Office of Management and Budget	
Donna Brunner, King County District Court	

² Not all participants attended every meeting

The purposes of the Steering Committee and objectives of the OMP are:³

In alignment with the District Court Mission & Vision Statements, evaluate and recommend methods for providing the delivery of court services (defining what services and level of services) and the costs of services (judicial, staff, and facilities).

Identify system efficiencies and develop recommendations for service delivery while continuing to meet mandated requirements in a fiscal climate of declining resources, being cognizant that District Court is part of a larger system of justice.

Analyze services and service delivery in the context of the larger criminal justice system, including identifying mandated versus non-mandated services and the impact to the District Court and larger criminal justice system of providing, not providing, or changing these services.

The Steering Committee members, participants and stakeholders contributed a wealth of experience and expertise to the process. In addition, a consultant was retained to provide independent expertise to the Steering Committee.

Based on the Steering Committee's analysis and expertise, the Steering Committee developed eleven strategic recommendations and a series of operational recommendations associated with the strategic recommendations to form the basis of this Operational Master Plan (Steering Committee Recommendations and Initial Report dated March 29, 2005 is included in Appendix 1). The Steering Committee's recommendations include general recommendations regarding facilities that will be used in the facilities master planning process. The County has committed to continue to work with cities and other stakeholders in the development of the Facilities Master Plan (FMP). It is anticipated that the FMP will be completed in April 2006.

³ Quoted from the Charter for the District Court Steering Committee and the Scope of Work.

KING COUNTY DISTRICT COURT BACKGROUND

A. Overview of the King County District Court

The King County District Court is the largest court of limited jurisdiction in the State of Washington and is currently responsible for processing approximately a quarter of a million matters per year.⁴ The King County District Court is a leader in many areas involving public safety and access to justice, including:

1. The Court has the greatest number of problem solving courts within a court of limited jurisdiction in the State of Washington.⁵
2. The Court has established judge-supervised probation for the purposes of public safety and reduction of recidivism.
3. The Court has access to and uses a variety of highly successful jail alternative programs.
4. The Court is the most technologically advanced court of limited jurisdiction in the State of Washington.
5. The Court has improved access to justice by having multiple facilities linked together as one court through governance and technology so that the user can pay a ticket, clear a warrant, find out about their case, file legal papers, or research a case at any location.

The District Court of King County is part of the Judicial Branch of King County Government and funded primarily through King County's Current Expense (CX) fund.⁶ The District Court generates revenues from contracts for court services with cities, fines and costs imposed, filing fees, probation fees and passport fees.

As a court of limited jurisdiction, the District Court is responsible for the following types of matters (see Table 3 for the two primary statutes granting jurisdiction to the District Court):

Civil Litigation matters up to \$50,000
Small Claims matters up to \$4000
Nuisance Violations
False Alarm hearings
Vehicle Tow and Impound hearings
Anti-harassment Orders
Domestic Violence Protection Orders
Name Changes

⁴ Citizens are the most likely to have contact with the judicial system through a court of limited jurisdiction. For comparison, King County Superior Court processes approximately 70,000 cases annually.

⁵ A "problem solving court" is a court that uses a deliberate approach, focusing on the root cause that has brought a defendant within the jurisdiction of the court.

⁶ In addition to CX funding, the court has received limited funding for special projects, including Electronic Court Records, from other County sources.

Infractions (traffic, non-traffic and parking)
Misdemeanor and Gross Misdemeanor criminal cases,
Felony Expedited cases
Felony Preliminary hearings
Search Warrants
Garnishments and other Supplemental Proceedings
Lien Foreclosure and Forfeiture hearings
Death Inquests

District Court judges are also authorized to provide Superior Court assistance through judicial portability.

Table 3 General Criminal and Civil Jurisdiction Statues

RCW 3.66.020 Civil jurisdiction.

If the value of the claim or the amount at issue does not exceed fifty thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (1) Actions arising on contract for the recovery of money;
- (2) Actions for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same and actions to recover the possession of personal property;
- (3) Actions for a penalty;
- (4) Actions upon a bond conditioned for the payment of money, when the amount claimed does not exceed fifty thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (5) Actions on an undertaking or surety bond taken by the court;
- (6) Actions for damages for fraud in the sale, purchase, or exchange of personal property;
- (7) Proceedings to take and enter judgment on confession of a defendant;
- (8) Proceedings to issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects;
- (9) All other actions and proceedings of which jurisdiction is specially conferred by statute, when the title to, or right of possession of real property is not involved; and
- (10) Actions arising under the provisions of chapter 19.190 RCW.

RCW 3.66.060 Criminal Jurisdiction.

The district court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances. It shall in no event impose a greater punishment than a fine of five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute. It may suspend and revoke vehicle operators' licenses in the cases provided by law; (2) to sit as a committing magistrate and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 77 RCW; (5) to hear and determine traffic infractions under chapter 46.63 RCW; and (6) to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by other courts of limited jurisdiction when those courts are participating in the program established under RCW 2.56.160.

The agencies that file with the Court include:

Washington State Patrol,
King County Sheriff,
City Law Enforcement
Department of Fish and Wildlife,
Department of Natural Resources
Metro Transit Police
University of Washington Police
Washington State Liquor Control Board
Bureau of Alcohol, Tobacco and Firearms

In addition, over 35,000 private individuals and corporations file cases with the court each year, including small claims, civil suits, protection orders, name changes, citizen complaints, etc.

The District Court currently provides for public access at ten facilities located throughout King County:

1. Aukeen (Kent),
2. Bellevue,
3. Burien,
4. Issaquah,
5. King County Courthouse (Seattle),
6. King County Jail (Seattle—jail calendars only),
7. Redmond,
8. Regional Justice Center (Kent),
9. Shoreline, and
10. Vashon Island (1 day per month).

All of these facilities are county-owned except Bellevue and Vashon, which are leased. The Vashon lease will expire in five years; the Bellevue lease will expire at the end of 2006.

The District Court also has administrative and support staff space at one county-owned building located in Seattle (the Yesler Building). This space does not provide for public access to the Court

The court has three problem solving courts: mental health court, domestic violence court (in two locations) and relicensing court (in two locations).

Out of the approximately 220,000 total filings processed in 2003, about 70,000 filings (or 32%) were the result of service contracts with cities and the remainder was the result of filings that are King County's exclusive responsibility.

B. Status of the Court at the time of the last OMP

The last Operational Master Plan (OMP) was completed in 1995, with an addendum completed in 1997⁷. At the time of the last OMP and addendum thereto, the District Court consisted of 26 judges and one full-time appointed court commissioner. There were nine judicial districts (also known as “Divisions”): Aukeen, Bellevue, Federal Way, Issaquah, Northeast, Renton, Seattle, Shoreline, and Southwest. Each of the nine Divisions operated out of one or more county-owned or leased facilities:

1. Aukeen operated out of a single county-owned courthouse in Kent with three judges.
2. Bellevue operated out of a county-owned courthouse in Bellevue and one leased part-time facility in Mercer Island with three judges.
3. Federal Way operated out of a single county-owned courthouse in Federal Way with three judges.
4. Issaquah operated out of a single leased facility in Issaquah with one judge.
5. Northeast operated out of a single county-owned facility in Redmond with four judges.
6. Renton operated out of a single county-owned facility in Renton with two judges.
7. Seattle operated out of two county-owned facilities (the King County Courthouse and the King County Jail) in Seattle with five judges.
8. Shoreline operated out of a single county-owned courthouse in Shoreline with two judges.
9. Southwest operated out of one county-owned facility in Burien and one leased part-time facility on Vashon Island with three judges.

Each Division had its own on-site court administrator and operated relatively independently of the other court facilities in spite of the court having officially become one court in 1989 pursuant to KCC Section 2.68.005(A). There was no Chief Administrative Officer.

The number of staff working for the district court in the 1995-1997-time period was approximately 285, including one full time court commissioner, 242 court staff and management, and 42 probation staff. The budget for the district court at that time was approximately \$15.6 million and its revenues were approximately \$10 million.

The court provided services under a contract to 21 cities, including Bellevue, Beaux Arts, Clyde Hill, Hunts Point, Medina, Mercer Island, Yarrow Point, Federal Way, Issaquah, North Bend, Snoqualmie, Carnation, Duvall, Kirkland (part of 1995), Redmond, Skykomish, Woodinville, Newcastle, Shoreline, Burien, and Normandy Park. The court services contracts with the cities that were in effect in 1997 were based on a marginal cost formula that set a “per case” filing fee for each city. Not included in the marginal cost formula were the costs for judges, managers, central

⁷ Additionally, the court completed a separate Technology Master Plan (TMP) in 1997.

administration functions, security, pro tem judges and the cost of owning and maintaining courthouses.

During the 1995-1997-time period, the Court was governed by an 11 member executive committee, which included the presiding judge, the assistant presiding judge, and one judge from each of the 9 judicial districts. There were also 9 or more separate committees made up of judges and staff that reported to the executive committee.

The court's civil jurisdiction in 1995-97 was \$25,000 for civil matters and \$2500 for small claims.

C. Changes in the Court Since the Last OMP

Many changes, both internal and external, have affected the District Court since the last OMP and addendum were completed. The most significant changes are in the areas of the District Court's budget, administrative and governance structure, information technology, city contracts, the number of judges, and facilities.

(The following list is in alphabetical order for ease of reference.)

Administrative and Governance Changes

- Chief Administrative Officer: The Court made a strategic decision to implement the position of Chief Administrative Officer in 2001 with the directive to provide administrative authority over all non-judicial personnel, to achieve uniform court, administrative and personnel procedures and to achieve savings when appropriate through centralization. This reduced the administrative leaders from nine (one for each of the then-existing 9 Divisions) to one.
- Executive Committee: In 2002, in advance of the implementation of General Rule 29 by the Washington State Supreme Court, the court significantly streamlined its governance structure, moving from an 11 judge Executive Committee and 26 separate committees to a 5 member Executive Committee. This governing body is made up of the Presiding Judge from each division – East, South and West, plus the Assistant Chief Presiding Judge, and is chaired by the Chief Presiding Judge. The Chief Administrative Officer serves in a non-voting role. At the same time, the court also reduced to 4 committees (Budget, Personnel, Probation and Rules) reporting directly to the Executive Committee and chaired by one of the executive committee members.
- Leadership Team: In 2002, the Court eliminated the Court Administrator position that had previously existed for each of the nine Divisions and incorporated some of the court-wide positions that were a part of the Office of the Presiding Judge to create a Leadership Team made up of 8 Directors: the East Division Director, the South Division Director, the West Division Director, the Director of Budget/New Development, the Human Resources Director, the Probation Director, and the Information and Technology Director. This team meets weekly as directed by the Chief Administrative Officer to address the needs of the entire court and to propose and implement improvements within the Court. They have been the leaders in identifying and implementing best practices throughout the court that make the court more efficient, uniform and improve the quality of service provided to the public.⁸

⁸ Changes in policy resulting from “best practices” are adopted and implemented through the Judicial Executive Committee and, if needed, full judges bench.

- General Rule 29: In 2002, the Washington State Supreme Court amended its court rules to require a presiding judge for each court and identifying the duties of the presiding judge by way of General Rule 29. The Presiding Judge and Chief Administrative Officer, with the assistance of the executive committee and leadership team, now administer the court centrally. This has further unified court operations and captured significant economies of scale and other efficiencies.
- Labor Contract Negotiations: The last contract expired on December 31, 2004. Labor Contract negotiations are currently underway between the County (Court and Executive) and the Union.

Annexation Initiatives Become a County Priority

- Pursuant to the recommendations of three independent commissions that the County take steps to encourage the urban unincorporated areas to become part of cities, the King County Executive and King County council have made annexation/incorporation a priority. These annexations/incorporations will affect the caseload of the District Court by either shifting the caseload to a contract city or to non-contract city.⁹ See Appendix 2, Map of Proposed Annexations.

Budget and Staffing Reductions and Increases

- 1995-2000: The court saw fairly steady increases in its budget and staffing levels during these years.
- 2001-2005: Since 2001, the King County CX fund had in excess of a \$135 million deficit due to a poor economy and voter initiatives that have resulted in an on-going structural deficit where expenditures grow at a faster pace than revenues. As a direct result, the District Court's budget was reduced by a total of \$5.6 million over 5 years:

\$0.8 million in 2001
\$2.8 million in 2002
\$1.0 million in 2003
\$0.8 million in 2004
\$0.2 million in 2005

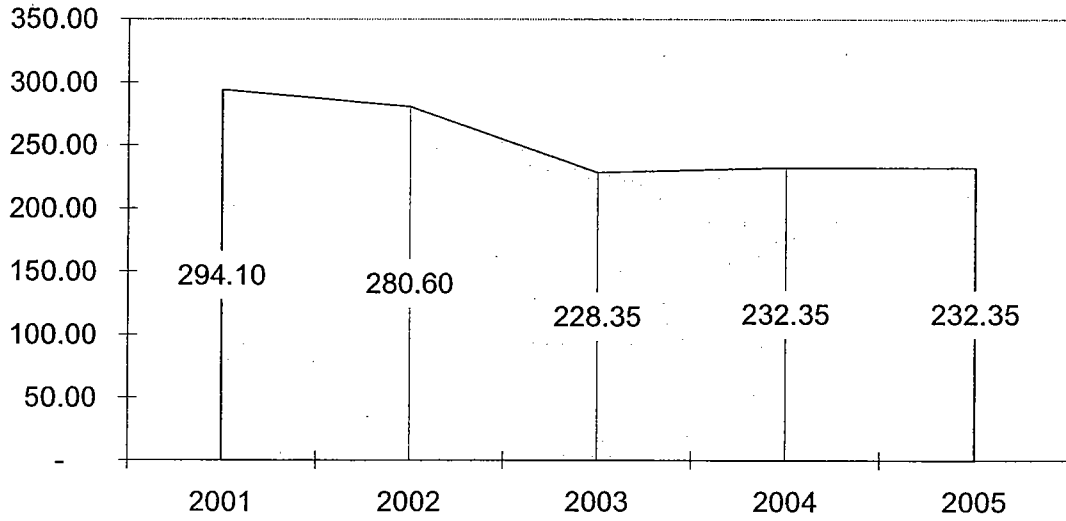
These budget reductions resulted in cuts to court supplies and services. When this was not enough, the court imposed a hiring freeze in August 2001 (in line with the executive branch hiring freeze at the same time) and in May 2002, the court laid off 33 employees. These two measures combined resulted in a net loss of 57.60 positions. The management staff was reduced from 44 to 23, probation staff from 54 to 28.25, administrative support staff from 10 to 8.5, and line staff from 155 to 138. In 2003, the court met its budget with the

⁹ See King County Council Motion No. 2004-0381.

closure of the Renton and Federal Way facilities. (See information regarding Facilities on page 26).

Table 5

Budget FTE/TLT 2001 to 2005

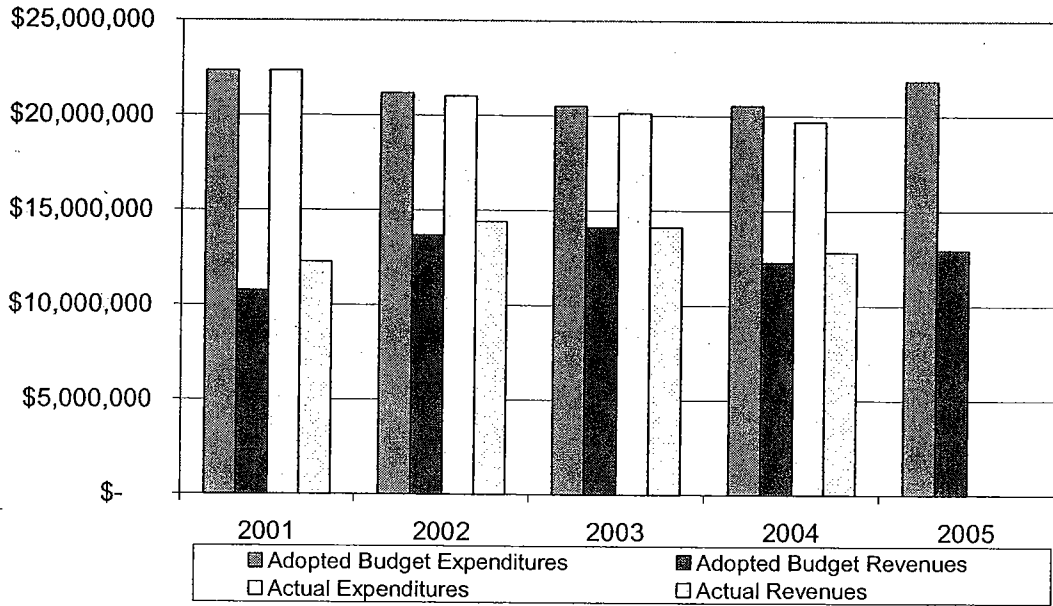


- Adopted budgeted FTEs/TLTs includes mid-year supplemental budget changes.
- In addition to the 232.5 FTEs budgeted in 2005, a request has been made for 12 TLTs through the 1st quarter omnibus process.

- Budget/Actual Expenditures and Revenues: The actual budget expenditures and revenues are shown in Table 4 below. Mid-year supplemental requests, disappropriations, carryovers, and cost of living increases are included in the budget figures. Actual data reflects actual expenditures and revenues at year do not include encumbrances. Budget 2005 does not include pending supplemental requests.

Table 4

King County District Court Budget and Actuals 2001 to 2004



- Budget includes mid-year supplemental changes and prior year encumbrance

Budget and Actual Expenditure and Revenue Information

	2001	2002	2003	2004	2005
Adopted Budget Expenditures	\$22,331,728	\$21,149,305	\$20,505,790	\$20,534,576	\$21,836,599
Adopted Budget Revenues	\$10,748,048	\$13,674,223	\$14,101,060	\$12,280,273	\$12,945,629
Actual Expenditures	\$22,329,726	\$21,010,150	\$20,136,402	\$19,694,583	NA
Actual Revenues	\$12,276,472	\$14,416,907	\$14,130,936	\$12,823,149	NA
Adopted Budget FTE	294.10	280.60	228.35	232.35	232.35

- 2004 Supplemental Budget Request: By way of a supplemental request and appropriation by the King County Executive and the King County Council, the District Court's staffing level was increased by two clerical positions and one court manager. These positions were funded in order to mitigate complaints about the call center's inability to answer telephone calls in a timely manner.¹⁰
- 2005: The District Court's 2005 annual budget reduction was limited to the savings from a District Court Judge's appointment to the Superior Court and the savings from a renegotiated Vashon Island facility lease (totaling approximately \$200,000). In addition, District Court has requested and the Executive has transmitted to the County Council as a part of the first quarter omnibus budget request the addition of 12 term-limited temporary employees (TLT's) to assist the court in the ongoing transitions.
- Technology Funding: The court has been successful in identifying and securing funding through the County's IT program for the implementation of technology projects; most notably, Electronic Court Records in the amount of \$1.2 million.

Future Reductions: King County's CX fund will continue to face ongoing deficits for the foreseeable future. Expenditures continue to grow at a faster pace than revenues due to cost of living increases and cost of labor growing at 5%, while voter initiatives have limited revenue growth to 2%. All agencies funded by the CX will continue to face fiscal challenges.

Call Center, Special Project Team and Payment Center Created

- Call Center and Special Project Team: In 2003, the Court created specialized teams of employees, attempting to capture economies of scale that can be achieved by "grouping" certain types of work. The *Call Center* was formed to answer most the courts half million annual incoming calls. Initially, the call center was not very successful in the area of customer service; however, it has been very successful in reducing the number of phone calls received at the individual facility locations so that the staff at those locations could focus more attention on the backlog of paper work that was growing at an alarming rate. As a second effort to address the District Court's backlogs and declining service levels the *Special Project Team* was created. This team of staff has been able to address isolated service issues but have not been able to meet the overall staffing needs of the court.
- Payment Center: In 2005, the Court created a third specialized team of employees known as the *Payment Center* in order to capture economies of scale and standardization for receipting the millions of dollars of payments

¹⁰ These three additional positions did not address staffing issues existing anywhere else in the court.

that are sent to the court electronically and by mail. It is anticipated that the payment center will assume additional responsibilities, such as bankruptcy filings, as it becomes more established.

Casetype Consolidation

- Civil: Due to limited resources and a desire to improve the quality and timeliness of services provided both clerically and judicially, the court has consolidated the majority of its civil caseload at three locations: Issaquah, Seattle and Kent.
- State and King County Criminal Cases and Infractions: The court is currently working cooperatively with the King County Prosecutor's Office, the Office of Public Defense, the King County Sheriff's Office, the Washington State Patrol, the Office of Management and Budget, Facilities and the Executive, toward consolidating state (i.e. non-city) criminal and infraction cases into 6 facilities (plus Vashon Island 1 day per month). The State and unincorporated King County criminal caseload will be heard at three facilities (Redmond, Burien, Seattle-King County Courthouse). State and unincorporated King County infractions, where prosecutors and defense attorneys are not required to appear, will be heard at three different facilities (Issaquah, Shoreline and Aukeen). It is expected that this consolidation will capture efficiencies and, more importantly, improve the quality and level of services provide by the Court, Prosecutor and Public Defense without incurring ongoing additional costs. Of particular note, is the expectation that one or more prosecutors and public defenders will appear at arraignment for all criminal cases, thereby reducing the number of hearings and time to resolution of these types of cases.¹¹

¹¹ The practice of prosecutors and public defenders appearing at arraignment ceased several years ago during the CX fund decline.

**Table 6
Casetype Consolidation by Facility -
(Already or Currently in Process of Being Implemented)**

Caseload for each Contracting City	At Location Closest To Or In Each Contracting City
Civil*	Aukeen (Kent), Issaquah and King County Courthouse (Seattle)
State Criminal Cases (Misdemeanors and Gross Misdemeanors)	Burien, Redmond and King County Courthouse (Seattle)
State Infraction Cases	Aukeen (Kent), Issaquah and Shoreline
Domestic Violence Courts	Regional Justice Center (Kent), King County Courthouse (Seattle)
Mental Health Court	King County Courthouse (Seattle)
Relicensing Courts	Burien and King County Courthouse (Seattle)

* some civil matters are still handled at all locations such as civil antiharassment and protection orders.

City Court Services Contracts and Changes in Contracting Cities

- Economies of Scale and Reduced Fragmentation: Contracts for court services between the County and cities help reduce the overall costs to taxpayers through economies of scale, eliminating the need for duplication of facilities, management staff, and overhead, while simultaneously maximizing access to justice for all citizens in King County and reducing the confusion and delay caused by a fragmented court system.
- Contract Cities and Municipal Courts since 1995: Four newly incorporated cities have opted to contract for court services with the District Court: Covington, Kenmore, Newcastle (until 2005) and Sammamish.¹², Ten suburban cities have started up their own Municipal Courts or are contracting with an existing Municipal Court: Federal Way, Kirkland, Hunts Point, Clyde Hill, Medina, Yarrow Point, Issaquah, Normandy Park, Newcastle and Mercer Island.
- 2000-2004 Contract: In 1999, the King County Executive negotiated a new 5-year renewable contract for court services with 17 cities. This contract substituted a revenue-split formula (75% to the County and 25% to the cities) for the marginal cost/filing fee formula used in the previous contract. This contract increased the revenue that the county was receiving for court services from the cities but did not provide for full cost recovery to the County. The cities who signed the 2000-2004 contracts were: Beaux Arts, Bellevue, Burien, Redmond, Woodinville, Skykomish, Sammamish, Snoqualmie,

¹² Note, for a period of time in the late 1990's Auburn also contracted with the District Court for judicial services.

Normandy Park, Shoreline, Kenmore, Mercer Island, North Bend, Newcastle, Covington, and Duvall. The City of Issaquah did not sign the 2000 contract; however, it operated under the terms of the 2000 contract until 2005.

- **2005-2006 Contract:** In 2004, another new contract for court services was negotiated. This contract commenced at the beginning of 2005 and terminates at the end of 2006 and allows for an extension. This contract continues to use a revenue-split formula but increases the initial revenue split to 86% for the County and 14% to the cities¹³ It also requires an annual reconciliation to assess whether the revenue split was correct, based upon the actual revenues collected and costs incurred.¹⁴ If the estimate is not correct, a refund or a bill is sent to the cities and the split is adjusted. This incorporates the goal set by the Budget Advisory Task Force that the County recovers its full cost for any services that it provides to cities. Equally as significant in this contract is the requirement for regular meetings between the cities and the District Court to insure service level expectations are being met. This contract also gave the cities the opportunity to participate in this OMP/FMP process, particularly in the areas of court facility locations and court services contracts after 2007.

Collections Contract Improvements

- The court has placed a meaningful emphasis on the collections of court fines and fees. This change has resulted in cases being sent to collections earlier in the process when they are significantly more collectable. The court has also negotiated a new collections contract in conjunction with the Seattle Municipal Court (which also allows for other jurisdictions to participate). This contract has resulted in a reduction of the costs that are passed on to defendants, improved collection services, and greater opportunities for defendants to consolidate their past due fine payments, particularly if other jurisdictions take advantage of the boilerplate language that was developed.

Cooperative Efforts to Study and Improve the Criminal Justice System and County Operations

- District Court has been an active participant in the County's paradigm shift toward a more unified and cooperative criminal justice system. The Court has contributed to numerous county-wide, state-wide and regional committees and work groups such as:

Trial Court Coordination Council
Regional Law Safety and Justice Committee
Criminal Justice (CJ) Council

¹³ Under a full cost recovery model, the County does not subsidize cities and receives a contribution to facility operation and security.

¹⁴ The reconciliation process compares actual revenues and actual expenditures for each year.

Criminal Justice Initiatives
Strategic Advisory Council for IT
Court Funding Task Force
Jail Operations and Administrative Workgroups
Adult Justice Operational Master Planning Efforts –Phases I and II
County Performance Measurement Study
Municipal and District Court Voluntary Warrant Quashing Program
Regional Jail Planning Workgroup
Unincorporated Area Council Meetings regarding Annexations/
Incorporations

Dispute Resolution Center

- The court, for several years, has taken advantage of King County’s Dispute Resolution Center for mediation services in small claims and anti harassment cases, affording the court more time to focus on the cases that are unable to come to resolution short of trial.

Facility Changes

- Regional Justice Center Opened in 1997: In March of 1997 the Regional Justice Center was opened in Kent. The District Court was allocated one jail courtroom for in custody hearings and one court commissioner courtroom (which has no jury box or jury deliberation room) for the domestic violence problem solving court calendar. The District Court was also allocated a small clerical space in the basement of the Regional Justice Center that can only be accessed by the public by going through a door that must be kept closed by order of the Fire Marshall. Any jury trials that the District Court wishes to hold at the Regional Justice Center must be scheduled through the Superior Court administration and are dependent upon that court having a courtroom available. This is an inefficient method for holding District Court jury trials at the Regional Justice Center that leads to delays and confusion for the public, attorneys and jurors.
- Issaquah Opened in 1998: In 1998, as an outcome of the 1997 addendum to the 1995 OMP, a new court facility with two courtrooms was built in Issaquah. The cost of this facility was not a capital cost. Rather it was crafted as a lease from the builder and will require an additional \$500,000 in the District Court’s budget every year until 2019.¹⁵
- Renton and Federal Way Closed at end of 2002: In order to meet its budget cut for 2003 and not reduce its staff any further, the court closed the Renton and Federal Way facilities on December 31, 2002. This reduced the access to justice for the public and state agencies’ filing with the district court in the Renton and Federal Way communities and left the South Division with more judges than courtrooms and offices, requiring caseload to be artificially

¹⁵ The County will not have an option to purchase the property until after December 1, 2008.

transferred outside of the South Division and requiring South Division judges to work outside of their elected division.

- Part of Aukeen Facility Leased to Kent beginning in 1998: In 1998, King County leased two jury courtrooms and clerical space at the Aukeen facility to the City of Kent. The remaining courtrooms for King County include one jury courtroom and one non-jury courtroom. The lack of multiple jury courtrooms at the Aukeen Facility have reduced the functionality of this facility for the District Court.
- King County Courthouse Retrofit from 2002-2005: Between 2002 and 2005, the King County Courthouse was seismically retrofitted. While this work was being completed, two judges from the West Division occupied two courtrooms at the Municipal Court building owned by the City of Seattle.
- Mercer Island Lease Not Renewed at end of 2004: The County did not renew its lease of the Mercer Island Facility because the City of Mercer Island chose not to renew its contract for court services at the end of 2004. Cases filed by Mercer Island before January 1, 2005 are heard at the Bellevue courthouse.
- Bellevue Facility Transferred to Bellevue in 2005: At the end of 2004, the County agreed to turn over ownership of the Bellevue (Surry Downs) facility to the City of Bellevue as a part of an unrelated lawsuit settlement. The District Court will be able to continue to occupy the facility through the end of 2006 rent free, however, it is expected that only the main portion of that facility will be occupied by the Court and Department 3 (an annex) will be vacated in April of 2005. Discussions will need to occur between the City of Bellevue and King County, regarding an alternate court facility within the City of Bellevue.
- Yesler Building Space Occupied in 2005: In an effort to mitigate the effect upon District Court operations due the lawsuit settlement that involved the Bellevue facility, the Court was provided space at the Yesler building in Seattle. This allowed the court to relocate its call center, IT staff, and ECR contract employees to the Yesler space (from Bellevue and the King County Courthouse in Seattle) and create a centralized payment center in the King County Courthouse for payments submitted electronically or by mail. (Note, customers may make payments at any court facility (except Yesler) in person.)
- Vashon Island Facility 5-year Lease signed in 2005: In 2004-05, King County negotiated a rent-free 5-year lease of the Vashon Island facility. This lease is a culmination of a project to turn the court facility into a multi-use community facility for the residents and visitors to Vashon Island as well as a courtroom, creating a model for other community-based courts.

- Public Service Counter at the Regional Justice Center in 2005: In 2004, an agreement was reached to construct a public service counter for the District Court on the first floor of the Regional Justice Center in Kent. It is anticipated that this will be completed in 2005 and may improve public access to the District Court at that location.¹⁶

Information Technology (IT) Improvements

In the mid-1990's King County District Court had a handful of desktop computers and a large number of mainframe terminals connected to the AOC strictly for exchanging data with DISCIS, the state case management system. Funding from the county intended to connect county departments to the emerging Wide Area Network allowed the court begin to implement improvements.

Following is a list of technology improvements made since 1995:

- ◇ Local Area Network installation brought email and personal computers to every desk and network printers in each location.
- ◇ Computers in the courtrooms for the judges.
- ◇ High-speed printers were installed throughout the court. These printers have the ability to scan, email and fax. The introduction of these machines into the courtrooms allows the Court to more quickly serve the litigants and reduce the need for the public to wait in the front counter lines after court proceedings.
- ◇ Reminder Calls. The court out sources automated reminder calls through the "Call2Court" program. The court prepares a list of pending cases and the data is transmitted to Appriss (an outside company) where calls are initiated to remind customers of upcoming court dates (<http://www.appriss.com/Call2Court.html>). This program has proven to significantly reduce failures to appear thereby lowering costs, the number of suspended licenses, warrants issued and jail usage.
- ◇ The court is in the process of implementing "HR Office", a human resources management tool to improve the quality and efficiency of the District Court's HR processing.
- ◇ Positive Pay Banking Software allows the court to validate all checks written effectively eliminating forged checks being written against court accounts.
- ◇ The court has had a robust Internet site since the summer of 1998. The court responds to thousands of inquiries to the main site at: www.metrokc.gov/kcdc Since 2000, the Court Calendars have been posted on the web site.
- ◇ Each location has an e-mail box where citizens can communicate directly with the court location. Also, due to having to end the contract for legal

¹⁶ Currently the public service counter for the District Court is in the basement of the Regional Justice Center behind a door that must remain closed pursuant to an order from the Fire Marshall.

messenger service as a cost saving measure, the court is now vigorously using email to transmit documents that have been scanned to other court locations.

- ◇ The court established a call center using “UCD telephony”.
- ◇ Network tools such as Microsoft SMS have been installed to decrease the number of trips taken by IT staff to remote sites and maximize efficiency.
- ◇ The court upgraded its jury management program to provide for a more automated processing of jurors to outlying courts. (The court has also maximized its use of Superior Court jurors at the Regional Justice Center and King County Courthouse in order reduce its juror costs.)
- ◇ The 1985 probation case management system is currently being redeveloped into a network application using the latest technology Justice XML and Microsoft .Net.
- ◇ The court developed an automated interpreter program that allows specified interpreters to automatically receive jobs and allows all interpreters sign up for jobs not accepted or assigned to specified interpreters. This program has reduced staffing requirements for locating and assigning interpreters. It has also improved verification and payment of interpreter fees. This program is currently being upgraded and can be located at:
http://www.metrokc.gov/KCDC/interpreterweb/KCIW_Main.asp
- ◇ Sentencing and other court forms used by the Court and the public have been developed and are maintained on either the Internet or Intranet (internal court) site.
- ◇ The court, on a limited basis, conducts contested and mitigation hearings by e-mail.
- ◇ Installation of VIPr video technology in all locations to facilitate communications. This technology allows the court to conduct meetings, trainings and implementation of best practices without the need for employees to commute from their primary work location. VIPr has become an indispensable tool for implementing more responsive, efficient and effective practices while standardizing the work of the court.
- ◇ The court provides citizens the ability to pay their court debts using either Interactive Voice Response or the Internet. Through December 2004, this program has collected over \$3 million for the Court.
- ◇ The court is leveraging off the existing King County Superior Court Electronic Court Records (ECR) technology for managing case files in order to reduce the need to manage, store, and archive paper files. The District Court’s version of ECR was funded in the 2004 budget. The court began imaging all new filings on 1/1/2005. ECR will significantly improve access to court records throughout the court when fully implemented in mid 2005.
- ◇ Conversion to a single DISCIS database began on January 1, 2005. While the original 9 databases will remain active for many years to come for cases filed before 1-1-05, all matters filed after 1-1-05 will be entered into a single “KCD” database. This change will increase the flexibility of case

assignments, allow for more centralized and improved fiscal oversight and bookkeeping, increase flexibility of staff assignments throughout the District Court's facilities, and maximize the beneficial effect of Electronic Court Records.

- ◇ The court has installed "FTR Gold", a digital recording system in each of its courtrooms. This system improved the quality of recording of court proceedings. The recordings became more secure and easier to duplicate.

Jail Alternatives

Prior to 2002, judges had limited options for punishing offenders. Although judges have long been able to suspend or defer jail sentences in appropriate cases, to allow offenders to attend treatment or to perform community service in lieu of jail, there has not historically been any punishment other than secure detention for offenders who have failed to comply with probationary terms, or whose crimes and criminal record are deserving of, or mandate, punishment. In 2002 King County adopted the Adult Justice Operational Master Plan that included the mandate that the county develop alternatives to secure detention. The county's criminal justice agencies, including the District Court, worked together to develop a variety of new options and alternatives to confinement and made these jail alternatives available to sentencing judges. Beginning in 2002 judges have been able to sentence offenders to work/education release (a program that existed before 2002, but over which the court previously had no control,) the community work program (in which the court sets the numbers of days the offender must appear and participate on a county administered and supervised work crew,) and CCAP or Community Center for Alternative Placements (in which offenders participate in a wide variety of classes aimed at assisting the offender and reducing recidivism.) These jail alternatives allow judges to tailor a sentence to an individual's circumstances, and to reserve secure detention for the most appropriate cases. The District Court judges' use of these jail alternatives has contributed to a reduction in the average daily jail population (ADP.)

Judicial District Changes

- The Court was re-districted in 2002 from 9 divisions to 3 divisions:

The "East Division" includes the Shoreline, Redmond, Bellevue, Issaquah and Mercer Island facilities.

The "South Division" includes the Federal Way, Renton, Aukeen, Burien and Vashon Facilities, as well as space at the Regional Justice Center in Kent.

The "West Division" includes the operations in Seattle at the King County Courthouse, as well as a courtroom at King County Jail.

It is anticipated that the Districting Committee and the County Council will have to make further changes in the Districting Plan in 2005 to implement the reduction from 26 judges to 21 judges for the next election set to take place in 2006.

Judicial Need Calculation Changed and Number of Judges Reduced

- New Method for Determining Judicial Needs: At the end of 2002, the Office of the Administrator of the Courts (AOC), the administrative arm of the Washington Supreme Court, developed a revised method under RCW 3.34.020 to determine judicial need based on caseload. The County has not been able to independently verify the method used due to a lack of information regarding the method.
- Number of Judges to be Reduced to 21 by Attrition: The statutorily approved method for determining judicial need identified a judicial need in 2003 for the King County District Court of 21 judges plus a presiding judge. During the 2003 legislative session RCW 3.34.010 was amended to provide for 21 King County District Court judges and allowed for the reduction to occur by attrition until the next election in 2006.
- Actual Number of Judges Declining: The first judicial reduction occurred in April of 2003, when one of the court's judges passed away from the East Division. A second reduction occurred in 2004 when the then-presiding Judge (also from the East Division) was appointed to the King County Superior Court. The third reduction occurred this year (2005) when a South Division judge retired. Currently the District Court has 23 judges. AOC's current judicial need calculation indicates that the District Court needs 23 judges plus a presiding judge, for a total of 24 judges.¹⁷

Jurisdictional Changes

- The court has seen an increase in both Small Claims and Civil Case type jurisdictions. The limit for small claims is now up to \$4000 per case and civil jurisdiction has increased to \$50,000 per case. This, of course, translates to more complicated court proceedings.

Passport Acceptance Services Commenced

- In 1997, the court began providing passport acceptance services to the public. This has been a wonderful service for the public as well as an excellent source of revenue for the court. Other county and non-county agencies have discovered this source of revenue as well and are now competing with the court. This competition as well as the public's travel practices has caused a recent decline in the amount of passport revenue being generated by the court.

¹⁷ See KCC Section 2.68.010 that requires a presiding judge.

Probation Changes

- The court has fundamentally altered the way it provides probation services in order to reduce recidivism. The court has changed from a *probation officer managed* probation system to a *judge managed* probation system. Under this model the judge makes all discretionary decisions regarding a defendant and each probation officer handles a smaller caseload resulting in greater accountability for probationers.

Problem Solving Courts Established

- The court has established 3 successful “specialty courts” in order to improve public safety and reduce recidivism and overall costs associated with certain cases. The Mental Health Court established in 1998 is located in the King County Courthouse in Seattle. The Domestic Violence Courts established in 2000 are located at the RJC in Kent and at the Redmond courthouse¹⁸. The Relicensing Courts¹⁹ established in 2000 and restructured in 2002 are located at the Burien courthouse and at the downtown King County Courthouse.

Superior Court Judicial Assistance Changes

- The court continues to take responsibility for the expedited felony cases from Superior Court.²⁰
- In 1999, the King County District Court began to increase its regular assistance to the King County Superior Court in a variety of new areas, including ex parte, status conference calendars, dependency pretrial calendars, anti-harassment full order hearings, sentencing calendars, plea hearings, juvenile court arraignments, etc.²¹
- In 2002, Washington voters approved the portability initiative and District Court judges could more easily assist the Superior Court with its caseload. In 2002 and 2003, the district court provided 3 or more portability judges to the superior court. As the number of District Court judges has been reduced, this support had decreased to 1.2 judges in 2005, and may decline further due to lack of judicial resources.

¹⁸ The court will be moving the Redmond Domestic Violence Court to Seattle on April 1, 2005 in order to reduce jail transport costs and increase access to service providers for the parties.

¹⁹ The Department of Licensing recently ceased suspending driver’s licenses for unpaid tickets because the Washington State Supreme Court deemed the underlying statute unconstitutional. The viability of this program will depend upon whether the legislature enacts a new statute requiring suspension of driver’s licenses for unpaid fines.

²⁰ Note, the court has conducted some hearing in felony cases since the days of justice of the peace; this is not a new responsibility.

²¹ This work was in addition to hearing the Saturday Jail calendars for the Superior Court, which the District Court had already been providing for many years.

STEERING COMMITTEE INFORMATIONAL BACKGROUND

A. General Background Regarding the Steering Committee

The OMP Steering Committee (see Table 2 on page 10 for the names of the Steering Committee members, primary staff and participants) operated under a charter that set forth the following purpose, process, timeline and protocols for developing the OMP:

Purpose:

In alignment with the District Court Mission and Vision statements, evaluate and recommend methods for providing the delivery of court services (defining what services and level of services) and the costs of services (judicial, staff, and facilities).

Identify system efficiencies and develop recommendations for service delivery while continuing to meet mandated requirements in a fiscal climate of declining resources being cognizant that District Court is part of a larger system of justice.

Analyze services and service delivery in the context of the larger criminal justice system, including identifying mandated vs. non-mandated services and the impact to the District Court and larger criminal justice system of providing, not providing, or changing these services.

Process:

- Utilize the expertise of an independent consultant.
- Identify data and information needed for analysis by the consultant and others.
- Provide a forum for the open discussion by District Court stakeholders and review of analysis.
- Communicate and disseminate information from the process to stakeholders and others, as appropriate.
- Make recommendations, as appropriate, to other entities (e.g. government bodies or agencies).

Timeline:

- Completion of OMP and FMP by December 2004.
- The Steering Committee will meet regularly through December 2004.

Protocols:

- Open, constructive participation (no surprises).
- Clarify differences; understand them, but save debate until after analyses have been completed.
- Attend regularly (designee when not available) and meet deadlines for preparing meeting materials (advance distribution and review).
- Timely provision of requested information and feedback if unable to attend.
- Maintain confidentiality of sensitive information (no surprises).

- Members at table for discussion on decision/advisory items (attendance by others as invited).
- Practice effective communication.
- Consensus is the preferred approach to resolving conflicts.

The committee members, staff and participants met and exceeded the expectations of the charter—particularly in the areas of participation, open and productive discussions based upon a high level of knowledge and understanding (some of it pre-existing and some of it learned along the way), and, most importantly, in reaching consensus at every step. The recommendations that were developed are the result of their dedication to a common goal to do what is in the best interests of the citizens of King County with limited resources.

The National Center for State Courts (NCSC) was selected by the Steering Committee and engaged as a consultant by the King County Office of Management and Budget to provide independent expertise to the Steering Committee. The Office of Management and Budget and the District Court worked collaboratively with the NCSC. NCSC is a non-profit corporation that specializes in providing information, technical assistance, and consulting services to state and local governments to all areas of court management and administration. The Consultant began work in June of 2004 and completed its contract on February 15, 2005.

B. Baseline Caseload and Forecast of Caseload

As a starting point for the Steering Committee's recommendations, the Committee needed to know what was the Court's current caseload and what projections could be made for its future caseload. The Consultant prepared a Baseline Caseload study that concluded:

1. The caseload is projected to remain relatively stable with only 2.7% decrease in filings through 2013.
2. The makeup of the caseload mix, based on current contracting cities and jurisdiction, is anticipated to shift in that same time period. The contracting city caseload is expected to grow by 7.9% as result of increases in infraction and parking citations and a decrease in Driving Under the Influence (DUI) filings. The County's unincorporated and exclusive caseload is expected to decline by 7.7% overall but experiencing an increase of 5.8% in DUI filings.²² It is important to note that currently, contract city case filings account for approximately 32% of the District Court filings and less than 20% of the staff needs, because the majority of city cases are parking and infractions, which are less staff intensive. The projected makeup of caseload mix would increase the percentage of city case filings to 35%.

These conclusions were based upon a profile developed by the Consultant for the Court's caseload between 1994 and 2003 and between 2003 and 2013. These conclusions assume the following:

- (1) there are no changes to the contract cities (i.e. the current contract cities continue to contract for court services and no new cities contract for court services,
- (2) jurisdictions are successful in meeting the County's adopted schedule for annexations, shifting population, and workload from unincorporated King County,
- (3) the Washington State Legislature makes no changes to subject matter jurisdiction or responsibility for courts of limited jurisdiction, and
- (4) the Washington State Legislature will enact a RCW change to allow Driving While License Suspended (DWLS) filings to occur at similar levels to 2003.

Changes in these areas will impact the conclusions of the forecast.²³

²² While the caseload is expected to decline, the complexity of the cases and time consuming jury trials are expected to continue to increase.

²³ Four cities ceased contracting with the County at the end of 2004: Mercer Island, Newcastle, Normandy Park, and Issaquah. These cities made up a relatively small fraction of the Court's overall caseload. In addition, the timing and type of annexations (i.e. whether the unincorporated area joins a particular city or forms its own city) will probably necessitate some adjustments of the forecasts. It is also expected that the legislature will increase the court's civil jurisdiction to \$75,000 this year.

The caseload profile for the time period between 1993 and 2003 was adjusted by the Consultant to reflect the structure and jurisdiction of District Court in 2003 (Table 7). The Consultant removed historical caseload for the following cities that had created their own separate municipal courts prior to 2003: Federal Way, Clyde Hill, Hunts Point, Medina, Yarrow Point in order to establish historical trends for the on-going jurisdiction of the court. Therefore, the actual historical filings for the District Court were higher than shown in Table 7 below.

In addition to projecting the total caseload for the District Court, the Consultant separated its projections into two groups: (1) caseload generated by cities that contracted for Court services in 2004 (Table 8) and (2) caseload generated from unincorporated King County and the exclusive jurisdiction for the King County District Court (Table 9).²⁴

²⁴ Caseload Forecast Notes:

1. Contract Cities include Beaux Arts, Bellevue, Burien, Redmond, Woodinville, Skykomish, Sammamish, Snoqualmie, Shoreline, Kenmore, North Bend, Covington, Carnation, and Duvall. Contract City caseload does not include District Court exclusive jurisdiction of civil caseload (Orders for Protection, and Civil/Small Claims) or felony reductions/"expedited" calendars.
 - 1.1. Projections based on the actual cases filed through September 2004 indicate that the 2004 year-end actual contract city infraction filings may not meet the projections for 2004. The cases filed in 2004 are low primarily due to vacant traffic officer positions in the City of Bellevue. The caseload should return to historical levels by the 2nd quarter of 2005 as those vacant positions are anticipated to be filled by the end of first quarter 2005. Therefore, the forecast assumes that infraction filings will continue at the historical levels.
2. Total Unincorporated Infractions, DUI, Parking and Criminal includes cases from unincorporated King County, and cases from the Washington State Patrol, King County Sheriff, Port of Seattle, University of Washington, Liquor Control Board, and the Marine Patrol. District Court Jurisdiction Cases include Civil Orders for Protection/Anti Harassment, Civil/Small Claims, and Felony Reductions/"Expedited" Calendars.
 - 2.1. The criminal non-contract case filings are showing a decline (based on actual case filings to date) and will probably not meet the forecast for 2004. The reduction in criminal filings appears to be the result of the Washington Supreme Court Decision on the unconstitutionality of the DWLS proceedings. Historically, DWLS cases account for approximately 1,000 criminal filings a year (and another 4,000 DWLS re-licensing cases a year). If legislative action is not taken to correct the statutory language, the court will see a permanent decline in such cases. The forecast assumes that DWLS filings will continue at historical levels in 2005.
 - 2.2. The PAO has made several changes to its filing practices effective January 2005 that will result in changes to the workload in King County District Court for Felony reductions. The forecast takes into account the anticipated impact of those filings for 2005 and beyond.

Table 7

TOTAL DISTRICT COURT FILINGS, 1994-2003, ADJUSTED TO REFLECT THE STRUCTURE AND JURISDICTION OF DISTRICT COURT IN 2003

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
1994	119,904	5,811	34,486	5,529	40,932	1,209	10,713	218,584
1995	113,458	5,340	34,562	5,346	39,580	904	10,516	209,706
1996	109,295	5,712	32,709	5,456	39,565	1,522	7,807	202,066
1997	117,182	5,578	27,464	4,718	36,954	853	14,502	207,251
1998	117,850	4,967	25,276	4,087	34,796	883	18,688	206,547
1999	127,597	4,949	22,041	3,566	33,252	743	21,264	213,412
2000	139,768	5,711	23,929	3,560	30,892	790	23,872	228,522
2001	122,671	5,126	21,305	2,951	32,059	1,582	20,965	206,659
2002	139,085	5,392	22,176	2,715	32,504	1,276	17,363	220,511
2003	142,464	5,707	21,144	2,185	27,839	1,171	18,608	219,118
%Change 1994-2003	18.8%	-1.8%	-38.7%	-60.5%	-32.0%	-3.1%	73.7%	0.2%

After establishing the baseline, the Consultant forecasted the total anticipated caseload for the time period between 2003 and 2013, taking into consideration past trends in caseload, changes in population, and the impact of annexations based on the County’s anticipated timeline and expectations (Table 10).

Table 8

TOTAL DISTRICT COURT PROJECTED FILINGS, 2003-2013

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
2003	142,464	5,707	21,144	2,185	27,839	1,171	18,608	219,118
2004	139,064	5,947	22,477	2,356	31,878	1,188	21,058	223,968
2005	138,217	5,941	21,117	2,067	34,860	437	21,298	223,936
2006	137,843	5,954	20,808	1,744	33,740	440	21,732	222,261
2007	137,409	5,890	20,638	2,038	32,567	427	21,991	220,960
2008	137,088	5,848	20,435	1,775	31,320	419	21,982	218,867
2009	137,056	5,836	20,185	1,775	29,969	417	22,266	217,504
2010	137,084	5,791	19,999	1,775	28,531	408	22,287	215,875
2011	137,602	5,816	19,696	1,775	26,945	413	22,349	214,595
2012	138,533	5,841	19,398	1,775	25,199	418	22,705	213,868
2013	139,831	5,866	19,105	1,775	23,277	422	22,892	213,167
%Change 2003-2013	-1.8%	2.8%	-9.6%	-18.8%	-16.4%	-64.0%	23.0%	-2.7%

Table 9
TOTAL CONTRACT CITY PROJECTED FILINGS, 2003-2013

CONTRACT CITY CASELOAD								
Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
2003	48,293	1,197	8,254	NA	NA	NA	12,837	70,581
2004	50,059	1,275	8,269	NA	NA	NA	15,370	74,973
2005	49,723	1,109	7,222	NA	NA	NA	15,614	73,668
2006	49,589	1,112	7,252	NA	NA	NA	16,037	73,989
2007	49,432	1,100	7,276	NA	NA	NA	16,355	74,163
2008	49,317	1,092	7,302	NA	NA	NA	16,385	74,095
2009	49,305	1,090	7,330	NA	NA	NA	16,681	74,405
2010	49,316	1,081	7,354	NA	NA	NA	16,745	74,496
2011	49,502	1,086	7,385	NA	NA	NA	16,783	74,755
2012	49,837	1,090	7,415	NA	NA	NA	17,115	75,458
2013	50,304	1,095	7,445	NA	NA	NA	17,280	76,124
%Change 2003-2013	4.2%	-8.5%	-9.8%	0.0%	0.0%	0.0%	34.6%	7.9%

Table 10
TOTAL EXCLUSIVE AND UNINCORPORATED KING COUNTY PROJECTED FILINGS, 2003-2013

EXCLUSIVE AND COUNTY JURISDICTION CASELOAD								
Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
2003	94,171	4,510	12,890	2,185	27,839	1,171	5,771	148,537
2004	89,005	4,672	14,208	2,356	31,878	1,188	5,688	148,995
2005	88,494	4,832	13,895	2,067	34,860	437	5,683	150,268
2006	88,255	4,842	13,555	1,744	33,740	440	5,695	148,271
2007	87,976	4,790	13,362	2,038	32,567	427	5,636	146,796
2008	87,771	4,756	13,134	1,775	31,320	419	5,597	144,772
2009	87,750	4,747	12,855	1,775	29,969	417	5,585	143,099
2010	87,769	4,710	12,645	1,775	28,531	408	5,542	141,379
2011	88,100	4,730	12,312	1,775	26,945	413	5,566	139,840
2012	88,696	4,750	11,983	1,775	25,199	418	5,590	138,410
2013	89,527	4,770	11,659	1,775	23,277	422	5,612	137,042
%Change 2003-2013	-4.9%	5.8%	-9.5%	-18.8%	-16.4%	-64.0%	-2.8%	-7.7%

In conclusion, it is anticipated that the overall caseload will not change significantly in the next 8 years, although the mix between City and County caseload is expected to change somewhat.

C. Other Areas Analyzed by the Steering Committee

The Steering Committee analyzed several areas in addition to the Court's caseload. In particular, it analyzed the following areas:

- Facility Needs (in general terms)
- Judicial Needs
- Staffing Needs
- Technology Needs
- How Well the Court Currently Delivers Services,
- Consolidation and Cooperation with other Courts and/or Criminal Justice Agencies
- Mandated and Non-Mandated Services, Including Whether the County Should Continue to Contract with Cities and, If Yes, Then How Those Contracts Should be developed ²⁵

In all but two of the above areas the Steering Committee made specific recommendations, which are included in the next section of this report. In these other areas considered by the Steering Committee recommendations were developed by consensus and founded on principles that promote efficiencies and improvements not only in District Court, but also the criminal justice system. These recommendations will be discussed in the next section of this report.

The two areas without specific recommendations are Judicial Needs and Staffing Needs.

Judicial Needs

The Committee made no recommendations regarding the number of judges needed by the District Court (judicial needs). The Administrator of the Courts (AOC) calculates judicial needs and the number of judges are set by the State legislature. AOC's calculation is set out in Tables 11 and 12. The calculations are based on the forecasted caseload provided by the consultant and include all case types forecasted (infractions, dui, criminal, orders for protection/anti harassment, civil and small claims, felony reductions, and parking). Table 11 calculates a total judicial need assuming that the District Court will continue to have a presiding judge as required by

²⁵ The mandated services of the court are those core services mandated by state law and composed of regional and state cases. The core jurisdictional areas are: county-state criminal cases, county-state infractions, civil cases and small claims, and jail/felony expedited cases. County probation, though not mandated, is integral to the criminal function. The non-mandated or non-core services accounted for 36% of District Court expenditures in 2003 and are those services that exist under county ordinance, county executive order, Supreme Court rule that permits certain actions, or internal administrative decisions of the court. These services are: municipal cases (including city probation), specialty courts (Relicensing Court, Mental Health Court/Mental Health Probation, Domestic Violence Court/Domestic Violation Probation), and miscellaneous services (Superior Court assistance, passport acceptance, and death inquests). Small claims conciliation and use of collection contractors are non-core functions that are self-supporting and do not present a budget issue.

County Ordinance²⁶ and that the District Court will continue to provide judicial assistance at the current level to Superior Court²⁷. Table 12 separates the judicial needs for contract city work from King County’s other caseload.

Table 11
District Court Judicial Need Projections²⁸

Year	Total Filings	Projected ²⁹ Judge (FTE)	Judicial (FTE) Assistance to Superior Court	Presiding Judge (FTE)	Total Judge Need (FTE)
2003	219,118	21.3	1.4	1.0	23.7
2004	223,968	22.3	1.2	1.0	24.5
2005	223,936	21.9	1.2	1.0	24.1
2006	222,261	21.6	1.2	1.0	23.8
2007	220,960	21.3	1.2	1.0	23.5
2008	218,867	20.9	1.2	1.0	23.1
2009	217,504	20.6	1.2	1.0	22.8
2010	215,875	20.3	1.2	1.0	22.5
2011	214,595	20.0	1.2	1.0	22.2
2012	213,868	19.7	1.2	1.0	21.9
2013	213,167	19.4	1.2	1.0	21.6

²⁶ See KCC Section 2.68.010.

²⁷ As the number of judges in the District Court declines below the total judicial need, judicial assistance to Superior Court will have to be eliminated unless the legislature increases the number of judges or the County adds the necessary number of court commissioners to meet the need.

²⁸ Projected Judge FTE need includes 1.0 FTE for felony probable cause hearings per year in addition to the level of judge need indicated by caseload. Data recently became available on the number of cases filed through July 2004 in the District Court. From this information, it appears that infractions, DUI and criminal cases are being filing at a substantially lower annual rate than in previous years. Projecting the number of likely total filings by the end of the calendar year appears to indicate a substantial decline in cases filed. This decline seems to result from a change in policy rather a long-term trend based upon other independent variables, such as population or economic conditions.

²⁹ “Projected Judge FTE” for 2003 is from the 2002 Annual Caseload Report, and that for 2004 is from the 2003 Annual Caseload Report. The projected judge need for all other years is based on the application of the Washington State AOC input-output model to the projections developed by NCSC.

Table 12

DISTRICT COURT JUDICIAL NEED PROJECTIONS – ALLOCATION TO CONTRACT CITIES AS OPPOSED TO UNINCORPORATED AREAS AND KING COUNTY EXCLUSIVE JURISDICTION

Year	Total Filings	Contract City Judge (FTE)	Unincorporated Areas and Exclusive Jurisdiction (FTE)*	Total Judge Need (FTE)**
2005	223,936	3.5	18.5	21.9
2006	222,261	3.5	18.1	21.6
2007	220,960	3.5	17.8	21.3
2008	218,867	3.5	17.5	20.9
2009	217,504	3.5	17.2	20.6
2010	215,875	3.5	16.8	20.3
2011	214,595	3.5	16.5	20.0
2012	213,868	3.5	16.2	19.7
2013	213,167	3.5	15.9	19.4

* Includes 1.0 Judge FTE for felony preliminary hearings

** Because of rounding, the numbers shown in the "Total Judge Need (FTE)" column may not equal the total of the other two FTE columns

Staffing Needs

The second area without a specific recommendation is staffing. The Consultant developed two forecasts based on two different models. Both models were based on existing methodologies and both had limitations. The first, based on present staffing levels, assumed that the court current staffing is appropriate. The second, done by the court in 1998, was based in outdated case processing practices. The two models provide a framework to address staffing levels, but specific conclusions were not able to be established due to the limitations of the models.

The first model was based on present staffing levels (i.e. it assumed no improvement in service levels). Under this model the court was anticipated to need 138.74 clerk FTE's in 2005 (it currently has 138 clerk FTE's) with a gradual decline to 125.12 clerk FTE's in 2013.

The second model used a weighted caseload analysis completed by the court in 1998. Under the second model, the court's need for 2005 was determined to be 180.53 clerk FTE's with a gradual decline to 157 clerk FTE's. (Table 13). The Consultant concluded that the court's clerical staff needs were in between the current staffing estimates and the weighted caseload estimates. It was the conclusion of the steering committee that the District Court may need additional staff but that a time and motion

study or equivalent should be conducted in order to reach more specific conclusions in this area.

Table 13
Clerical Need Projections

Year	Current Actual Staff	Projected Need under Current Staffing Model	Projected Need Under 1998 Weighted Caseload Model using actual and current predictions of caseloads
2005	138	138.74	180.53
2006		136.93	177.58
2007		135.43	175.34
2008		133.56	172.24
2009		131.88	169.47
2010		130.14	166.56
2011		128.43	163.57
2012		126.79	160.53
2013		125.12	157.30

**OMP RECOMMENDATIONS AND GUIDING PRINCIPLES FOR THE
NEXT 5-10 YEARS**

The following strategic recommendations are based on the expertise of the members and participants of the Steering Committee, the input provided by other stakeholders, the initiatives already underway in District Court and upon the work of Consultant. In addition to the strategic recommendations, where appropriate short-term, mid-term and long-term operational recommendations are included. Short-term recommendations should be considered immediately; mid-term recommendations should be considered within the next 12 to 24 months; and long-term recommendations should be considered no later than within the next 5 years.

These recommendations should be considered as a whole. The order of these recommendations has no significance as to their relative importance. Implementation of some recommendations may be prerequisites to implementation of others.

The King County District Court Steering Committee Recommendations and Initial Report dated March 29, 2005, is included as Appendix 1.

Keynote Statement

The County will strive to provide District Court services in accordance with the Court's Mission and Vision and County policy.

A reaffirmation of the Court's mission and vision and the importance of the Court operating in accordance with county policy is appropriate.

Recommendation No. 1—Court of Choice

Retain for the long term the aspiration to be the court of choice for limited jurisdiction in the County, focusing energy and resources on improving operations and services, balancing the needs of citizens, the Court, the County and the cities.

The Court's Vision at the time of last OMP (1995-1997) to become "the court of choice for limited jurisdiction in King County" was created in an environment that is significantly different from the one that exists today. Today, there are many more cities in King County (39) and many more courts of limited jurisdiction (26). Resources, particularly within King County, are much more scarce. The District Court is clearly no longer the only show in town. Citizens, and the cities that they reside in, have options with regard to where they choose to obtain their court services. Consequently, if the District Court is to be the court of choice in King County, it must improve its operations, services and performance to become the "model" or "benchmark" court in the County.

Short-Term Operational Recommendations

- *The Court should strive to have regular meetings with agencies (such as police, prosecutor, defenders, and jails) and customer organizations (such as bar associations and social service agencies that interact with the court).*

These meetings are to a large degree already taking place. The current contract with the cities requires monthly meetings at each facility, as well as periodic meetings to address broader issues associated with the contract and court services. The court routinely attends or holds meeting with its stakeholders. It is essential for the viability of the court and public access to constantly strive to improve communication. Stakeholders must understand the operations and procedures of the court and the court must be aware of and respond to the needs of its stakeholders.

- *A time and motion or equivalent study should be carried out to more accurately determine the Court's support staff needs.*

The County and the Court are making technological and procedural improvements to mitigate the need for additional staff. Consequently, the Court is currently implementing such programs as Electronic Court Records (ECR), One DISCIS database (from nine previous databases), and case-type consolidation. Each of these programs will improve how the Court processes cases; however, until fully implemented the Court will be expected to do more work due to the duplicate systems. It is expected to take approximately twelve months (from January 2005) to fully implement ECR and significantly reduce the need for duplicate paper files. Consolidation from nine databases into one database could take as long as 10 years.

It would be preferable to wait until these improvements (ECR and one DISCIS database) have been fully implemented in order to undertake the time and motion study or equivalent, however, the District Court's staffing needs must be addressed before their completion in order to insure their success.

Consequently, the recommendation is for the Court to complete a time and motion study, or other similar workflow analysis, taking into consideration implementation of ECR, one DISCIS database, best practices, and task consolidation and case-type consolidation.

The cost of a time and motion study depends on the level of detail that is desired. If a time and motion study determines that the District Court needs additional staff, each new employee would cost about \$45,875 for salary and fringe benefits and each new manager would cost about \$72,300 for salary and fringe benefits under current pay schedules.

- *The Court should continue to implement uniform administrative and procedural best practices throughout all locations of the court.*

Greater uniformity in court rules and in their application will be needed if the Court is to reduce its case processing delays.

Uniformity in clerical procedures carries with it significant cost savings once staff has been adequately trained. Without uniformity, the court would be able to make only limited use of legal forms (different forms would have to be created for each specific location or judge, rather than having a single type of form apply court-wide), staff would not be able to move from location to location without obtaining training in unique procedures in each location, and economies of scale and productivity improvements associated with using upgraded technology and software would be reduced or lost.

Greater uniformity would also enhance the opportunities for the District Court and Superior Court to coordinate or share staff functions and tasks.

- *The Court should continue to upgrade the operation and technology of the Call Center in an effort to achieve its potential of enhanced public service.*

A centralized Call Center with complete and easy access to case information is the most efficient use of staff resources. In addition, the need exists to create frequent and regular data collection and reporting on the workload and performance of the call center including but not limited to: time on hold, number of calls, number of requests handled vs. number of requests requiring staff follow-up.

If staff can identify a caller's desired call location and answer the phone directly on behalf of that Court, it would give a caller a greater sense of "connection" and

reinforce the image of a "community court," yet retain the economies of scale possible with the Call Center. This improvement would be at some expense but is technologically feasible.

Assuring the availability of substantive work for staff beyond answering telephone calls will create a more meaningful and challenging work environment and should reduce absenteeism and turnover, thus improving the Call Center.

Improving the Call Center operations would be a tangible demonstration of the Court's commitment to improved service.

- *The Court should expand, if possible, the Learning Disabilities Program currently offered at the Redmond location to all court locations.*

The CHOICES program is located in the Redmond facility and is delivered by the Learning Disabilities Association of Washington (LDA, a local social service provider). It provides testing and a 14- week instructional class geared specifically to those whose test results show a probability of a learning disability or illiteracy. This program has shown a 40% reduction of recidivism. The Court and the County should have a dialog with LDA, to understand the potential to expand this program to all Court locations. In 2004, the cost of the Choices program was \$24,447. Expanding the CHOICES program to all defendants and other locations would require a renegotiation of the existing contract or a new contract with LDA. The current cost of these services to defendants identified in the Redmond facility is approximately \$500 to \$1,000 per defendant.

Mid-Term and Long Term Operational Recommendations

- *The court should review current Best Practices and revise them if needed following the implementation of ECR, State Case Consolidation, and any other projects.*

New areas where uniformity is desirable and needed will surface as a result of implementation of ECR and the single DISCIS database; these should be pursued and not ignored.

Recommendation No. 2—Quality Service Standards

Develop and apply quality service standards and measures for District Court operations, including but not limited to (a) access to justice; (b) case flow management; (c) customer service; (d) jury management; (e) court productivity and (f) collections.

The Court would benefit from greater use of and reliance on data to inform and guide management decisions. Quality serviced standards can provide benchmarks against which the Court can monitor and assess its own performance and which can help set management and budget priorities.

Short-Term and Mid-Term Operational Recommendations

- *The Court should monitor backlogs and time to resolution. The Court should develop and implement a plan to monitor and reduce time to resolution where needed and take necessary steps to prevent backlogs.*
- *The Court should develop case flow management rules for all cases.*
- *The Court should develop citizen comment cards.*
- *The Court should revise and use juror exit questionnaires.*
- *The Court should evaluate and implement mechanisms to measure understanding of court proceedings.*

The Court is currently implementing significant improvements to address backlogs and time to resolution. For example, see the casetype consolidation effort described on page 25 above and the information technology improvements described on page 30 above. The one DISCIS database and electronic court records projects are necessitating casflow management rules and implementation of best practices.

Further input from the public and court users is fundamental to improving the Court's service levels.

Recommendation No. 3—Problem Solving Courts

Continue to support Problem Solving Courts, improving access to Problem Solving Courts, and incorporating Problem Solving Courts in the Court's planning process.

Problem Solving Courts offer a new paradigm for courts. These courts are called "Problem Solving" because they address serious social/criminal/health issues through a court's marshaling of resources from a variety of public and private sources to deal more effectively with the underlying cause of criminal behavior.

Problem Solving Courts are labor-intensive and thus more expensive than "regular" case processing. Judges spend much more time per case than they spend in the typical adversarial-based case and often cannot process as large a caseload as they would with a "regular" calendar. Attorneys also often spend more time because there are so many more court appearances per case, although once a defendant is admitted to the program, attorney preparation time and time per appearance is less than it might be for a typical adversarial hearing. Probation officers must have much smaller caseloads in order to devote substantially more time to monitoring their clients' progress. The judges' support staff often is expanded to include someone to serve as a liaison between the judge and the social agencies, public and private, that work with defendants on their addictions, social problems, health issues, and even educational issues in some cases.

In terms of the Court's budget alone, Problem Solving courts are very expensive. However, evaluations in King County and across the nation demonstrate that total savings for the criminal justice system for society from Problem Solving courts far exceed court and other agencies' costs, both in dollar terms and in human terms.³⁰ Problem solving courts increase accountability of defendants. They lower the incidents of substance abuse, untreated mental illness, and criminal activity while participants are in the programs and reduce re-arrest rates during and after program participation. These programs foster hope and pride in a job well done. The necessary collaboration with other entities develops good will and institutional relationships that results in a mutual benefit over time. Finally, these programs improve public trust and confidence in courts.

Expansion of access to the Problem Solving and Quasi-problem Solving courts for cities and, in the case of Mental Health Court, to felony cases should be an important next step for the Court and the County to consider and plan. The County could gain city contributions to the existing infrastructure costs of Problem Solving courts by expanding them to city defendants. Cities, on the other hand, would gain the added

³⁰ It is recognized that cost advantages with problem-solving courts mainly accrue to other government agencies (such as the police and jail) and social service agencies and not to the Court.

expertise, judicial supervision, and access to community based services that are the hallmark of the District Court's Problem Solving courts.

***Short-Term, Mid-Term and Long-Term Operational
Recommendation***

- *Retain and continue to support Mental Health Court and Domestic Violence Court*

There are two types of traditional Problem Solving courts in King County: Mental Health Court³¹ and Domestic Violence Court.³² Mental Health Court focuses on linking mentally ill misdemeanants to community based case management, treatment, and housing. Its annual caseload is approximately 400 cases. Domestic Violence Court intervenes in domestic violence criminal misdemeanor matters by connecting defendants to appropriate treatment programs and by providing continuity whereby repeat offenders appear before the same judge. There are two Domestic Violence Courts in King County, one at the Regional Justice Center and one at the King County Courthouse. The Domestic Violence Courts heard 2,185 cases in 2003. Both of these two programs have proven themselves to be highly effective and should be continued.

Mid-Term Operational Recommendation

- *Evaluate the need for a Driving Under the Influence (DUI) Problem Solving Court post implementation of the State Case Consolidation program*

Many of the benefits of a DUI Problem Solving court may be achieved through the state caseload consolidation program currently being implemented by the prosecutor, public defender and the court. The court's energies should be focused on a smooth and effective implementation of the state caseload consolidation during the next 12 months. Thereafter, the Court and the County should carefully evaluate the need for a DUI Problem Solving court. If a DUI court is deemed valuable at that time, one should be considered.

³¹ King County's Mental Health Court was the second court of its kind in the Country and has been the model for other courts that followed.

³² There is also one quasi-problem solving court: the Relicensing Court offered at Seattle and Burien facilities. This program is very successful in addressing unpaid traffic fines that had resulted in the suspension of an individual's driver's license. The Department of Licensing recently ceased suspending driver's licenses because of unpaid tickets because the Washington State Supreme Court deemed the underlying statute providing for such suspensions unconstitutional. The viability of this program will depend upon whether the legislature enacts a new statute requiring suspension of driver's licenses for unpaid fines this year. If there is a new statute, this program has proven to pay for itself in increased revenues from unpaid fines and decreases of arrests and associated jail costs.

Recommendation No. 4—Unification and Centralization

Continue and make explicit the strategy of improving efficiency through unification of governance, administration and planning, centralizing workload where appropriate.

The Court has already embarked on a path of unification for governance, administration, and planning, as well as centralizing its workload. Through the 1995 Operational Master Plan, King County District Court adopted a unification strategy to create one court where nine once existed. The Court has implemented a single, more streamlined governance and administrative structure. Employing a unification and consolidation strategy throughout District Court provides opportunities for more flexible utilization of resources, economies of scale, more efficient operations, and cost avoidance. In addition to the unification efforts noted above, the Court has undertaken the following efforts:

1. Centralization of information technology staff in one downtown location, close in proximity to the Presiding Judge's Office.
2. Implementation of one central database for the Court, gradually eliminating reliance on nine standalone databases.
3. Creation of a central payment center for payments submitted electronically or by mail. (Note: customers may make payments at any court facility except Yesler, in person).
4. Centralization of civil caseloads in each division in order to improve service.
5. Consolidation of the state and county criminal caseload into one location within each division and consolidation of state infraction caseloads into another location within each division. The Court, in conjunction with the King County Prosecutor and the King County Public Defender, will achieve greater efficiency and improved service quality as a result of this change. In particular, the prosecutors and public defenders will participate earlier in the process than before (i.e. at arraignment), thereby reducing the total number of hearings held per case and improving access to public defenders, discovery and settlement proposals, where appropriate.

The court should continue to find ways for further efficiencies through unification.

Short-Term, Mid-Term and Long-Term Operational Recommendations

- *The Court should continue its administrative and governance centralization efforts as new opportunities arise.*
- *Focus efforts on career and employee development due to anticipated retirements of many experienced and knowledgeable management staff.*

As noted in the background section, appropriate administrative and governance centralization has already been achieved by the District Court. It is anticipated that the changes in this area will not be drastic, but rather smaller improvements that can be made as a result of technology enhancements.

Significant changes in management staff are anticipated due to retirements. The court must focus efforts and resources on employee development to minimize the impact of these anticipated changes.

Recommendation No. 5—Technological Improvements

Continue to develop and implement technological improvements, such as “paperless” case processing and E-filings that support District Court operations and increase access to court services and information.

This OMP encourages the court to creatively increase efficiency and access to court services and information through investments in technology in accordance with existing County policies and procedures. The Court’s implementation of ECR and the consolidation of nine stand alone databases into one DISCIS database are examples of technological initiatives that provide opportunities for continued Best Practice implementation and improvements for case processing throughout the Court.

Short-Term, Mid-Term and Long-Term Operational Recommendation

- *Continue to implement the technology initiative involving:*
 - (a) *Continued support under ECR for E-filing and electronic case processing rather than paper-based case processing;*
 - (b) *Best Practices based on functionality provided by ECR;*
 - (c) *Integration of revenue accounting at a central location with one depository;*
 - (d) *Centralized receipt of mail payments; and*
 - (e) *Development of a court-wide case management system, making use of the single database.*

These technological initiatives are already underway. They are good business practices that will improve the service levels of the District Court in a number of significant areas: accounting, access to information throughout the court and by court users, and uniformity, making it easier for the public and other staff to understand and comply with court procedures. The court-wide case management system is an essential piece of both ECR and the use of a single DISCIS database. Ongoing development will continue to require additional resources. However, the court is already seeing a somewhat surprising benefit: the clerical needs at a particular

courthouse are no longer tied directly to the caseload that is heard in the courtrooms at that courthouse. Consequently, the County has much greater flexibility for the uses of its Court facilities and staff.³³

- *Continue to upgrade the technology of the Call Center*

See Strategic Recommendation No. 1, at page 50.

³³ The State Case Consolidation at the Redmond location will be the first example of this improvement. The Court will be able to support a caseload at the Redmond location that exceeds the staff that will be located there. This has resulted in a reduction of the cost to remodel the Redmond location by about \$70,000.

Recommendation No. 6—City Contracts

Continue to support the Court's function to serve cities through contracts.

There are benefits associated with contracting for district court services for the County, contracting cities and, most importantly, the taxpayers and general public. The benefits include:

- 1) Economies of scale to reduce costs for the court, police, jails, other governmental agencies, court users, and taxpayers;
- 2) Access to a broader array and higher level of services (including Problem Solving courts, jail alternatives, judge-managed probation and sophisticated technology such as ECR, E-filing, VIPr video conferencing, etc.);
- 3) The ability to spread the cost of court services while increasing the use of those services (particularly the specialized services for which there otherwise might not be an adequate need to support their existence);
- 4) Focusing resources, rather than spreading them too thin or duplicating them at an increased cost;
- 5) Improved access to justice and efficiency by linking information together as one court so that the user can pay a ticket, clear a warrant, find out about their case, file legal papers, or find out about their case at any location;
- 6) Less confusion by the public about which court they should be dealing with and what the rules pertain to their case;
- 7) Reduced delays, numbers of hearings, jail costs, and inmate transports when a defendant's multiple cases can be addressed by one court at the same time rather than separately, at different times and at different courts;
- 8) Easier consolidation of fines owed by defendants if they are all owed to one court.

The Court requires a countywide infrastructure that will exist even if there were no court services provided to contracting municipalities. The municipalities that contract for court services are now helping to pay for a county overhead burden. If more cities contract with the county, there will be additional contributors to the court's infrastructure.³⁴

The County will continue its policy to have stable, long-term, full cost recovery contracts with cities, where both the cities and the county benefit from the savings that can be achieved through the economies of scale and having multiple points of access to the court system. However, this recommendation also recognizes that

³⁴ "Overhead burden" in this context means facility costs, security, telephones, utility costs, and other fixed costs.

different communities have different criminal justice and court needs. Flexibility and options are essential to meeting those needs regardless of whether the community is within the boundary of a city or a part of unincorporated King County such as Vashon Island. New and creative methods and locations for providing court services, particularly in light of the technological advances within the court, should be explored.

***Short-Term, Mid-Term and Long-Term Operational
Recommendation***

- *Begin outreach to other cities and communities of court services offered by King County.*

Further development of District Court services for cities and communities that are considering annexation or incorporation will lead to implementation of Strategic Recommendation No. 6.

Recommendation No. 7—Service and Facility Flexibility

Support flexibility in providing services and facilities for District Court customers.

This recommendation recognizes that one size may not fit all. It is important to balance the sometimes conflicting goals of stability and predictability with the ability to be flexible enough to meet local needs and to incorporate new and better ways of providing court services as they develop. Local needs are not identical throughout the County and certain communities may have greater or lesser needs for particular court services such as Mental Health Court or the Call Center. In addition, new technology is making it much easier to hold court in less traditional locations, which has already improved access to justice and cut facility costs.³⁵

³⁵ The no-cost Vashon lease is a prime example of this outcome.

Recommendation No. 8 – Facilities

Continue to support a unified, Countywide District Court, utilizing existing facilities, to provide for a more equitable and cost effective system of justice for the citizens of King County.

- A: Ensure Court facilities promote system efficiencies, quality services and access to justice.**
- B: Consolidate District Court facilities that exist in the same city.**
- C: Reconsider facilities if there are changes with contracting cities or changes in leases.**
- D: Work with cities to develop a facility master plan as it relates to the District Court.**

King County is nearly twice as large as the average county in the United States (covering more than 2,200 square miles) and ranks as the 12th most populous county in the nation. King County is responsible for providing district court services to more than 1.7 million people. King County's bus and train transit system, while relatively effective for those who live in the population centers in King County and who want to travel during the peak morning and evening commute times to downtown Seattle, is currently no substitute for locating courthouses in local communities.

The District Court's existing locations provide the necessary access to the court for its users (particularly victims of domestic violence or harassment). District Court is the "people's court", where ease of access and local identity are essential to effective justice and the appearance of fairness. Access to justice is fundamental to maintaining our democratic representative government.

This recommendation recognizes that existing court facilities should be maintained and that having courts in local communities is an important consideration for contracting cities and the citizens of King County. In addition, this recommendation emphasizes that whenever possible, efficient, quality services and access to justice should control facility decisions rather than facilities controlling efficiencies, quality of services and access to justice.

This recommendation also recognizes that having fragmented District Court facilities in a single community does not improve access to justice and leads to increases in costs and public confusion³⁶.

Near-Term Actions

³⁶ For example, the District Court's two facilities in the City of Kent should be consolidated at one of the two locations, preferably at the Regional Justice Center in order to leverage off the existing County infrastructure.

Several initiatives currently underway will have short and long term facility impacts.

- (1) State Case Consolidation: The King County Prosecutor, The Public Defender, Law Enforcement, King County Facilities and the King County District Court have agreed and developed a plan to consolidate all of the State and County exclusive jurisdiction (primarily Washington State Patrol and King County Sheriff) criminal caseload into three locations: Redmond, Seattle (at the King County Courthouse), and Burien. In addition, this same group has agreed and developed a plan to consolidate all of the State and County exclusive jurisdiction infraction caseload into three other locations: Aukeen, Issaquah and Shoreline.

Continuing to move forward with this initiative is an important step and in alignment with the Strategic Recommendation No. 4– *Continue with and make explicit the strategy of improving efficiency through unification of governance, administration, centralizing workload where appropriate.*

In part due to the flexibility created by ECR and one DISCIS database, little to no improvements in space adjustments will be required at most of the facilities. However, at the Redmond facility, improvements are needed in order to accommodate the increase in caseload and the staff of the prosecutor and defense. These improvements to the Redmond facility have been estimated at \$125,000 and funding is being secured through the 2005 1st quarter omnibus.

In addition, the Burien facility is not the preferred location for the South Division criminal caseload. It is the goal of the Court, the Prosecutor, and the Public Defender to consolidate the caseload into the Regional Justice Center because of the access to Superior Court jurors (thus reducing overall jury costs), centralization of prosecutorial and public defense staff, and the access to the jail at the Regional Justice Center. At this time, there are no courtrooms available to address this need. This issue will be addressed more fully in the Criminal Justice Council and through the 2005 Space Planning effort. In the meantime, as a placeholder to allow the work to be centralized, the Burien facility will be able to accommodate, with some difficulties, the increase in caseload.

- (2) Yesler Administrative Consolidation: In another move to further the vision to continue to find efficiencies through unification of functions, the ITS previously located in the Bellevue District Court facility at Surrey Downs, has been re-located to the county-owned Yesler building and centralized with the call center (also an ITS function in the court). This functional centralization creates greater efficiency and improvements in the support structure to the Court.

(3) City Contracts: Currently, the County contracts with 14 local municipalities to deliver local court services. This contract ends December 31, 2006. The future of District Court includes full cost recovery contracts with any King County city. The outcome of contract discussions will impact and potentially drive the facility improvements as the Executive and Court work with the cities to define viable options for delivery. There are a range of options that can be evaluated in that process, including renting space, a change in the current service by providing court services in less traditional locations, such as holding court in council chambers or other meeting rooms in order to bring the court into a community, to full service delivery in a county-owned locations within a city. The range in potential scenarios is broad and will need to be implemented through contracting discussions with municipalities.

Facilities Master Plan

This recommendation calls for a Facilities Master Plan (FMP) that will include input from all stakeholders, including contract cities. The purpose of the FMP will be to identify the space, structural, architectural requirements to fulfill the OMP policy directions. The FMP will provide alternatives, with costs, advantages, and disadvantages for each policy directive.

Further discussion of the FMP is provided in Section V of this document.

Recommendation No 9—Study Court Integration

Study the integration of District Court, Superior Court and the Department of Judicial Administration assuring that the needs of District Court are met; and best practices are considered.

The King County Council, through adoption of the 2005 budget, requested a feasibility study to examine the potential for administrative consolidation of the District Court, Superior Court, and Department of Judicial Administration. The King County Council's budget proviso stated as follows:

By June 1, 2005, the office of management and budget, in collaboration with the superior court, district court and the department of judicial administration, shall submit to the council for its review and approval by motion a report containing a feasibility analysis of the potential of consolidating the county's court administrative functions and a proposed motion approving the report. The report should contain an analysis of the administrative/support functions of the superior and district courts and the department of judicial administration, evaluating the potential for the consolidation of functions, staffing and space needs. Based on the findings of the consolidation analysis, the plan should identify any potential new administrative structures. The plan and proposed motion must be filed in the form of 16 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff of the budget and fiscal management and the law, justice and human services committees or their successors.

While the needs of each of the Courts and the Department of Judicial Administration should be considered, this is the District Court's Operational Master Plan and particular emphasis is being placed on its needs.

Recommendation No. 10—Work with Stakeholders

Work together with stakeholders to gain state and local cooperation and assistance to meet the needs of the judicial system.

“Washington ranks 50th in the nation for state government participation in the funding of courts, indigent defense and prosecution, according to the U.S. Department of Justice.”³⁷ The recent publication, *Justice in Jeopardy* by the Board of Judicial Administration (BJA) Court Funding Task Force, outlines the grim future for courts with no additional state funding. It underscores that the state ultimately determines the workload of the court, the number of judges, the number of hearings, and salary of judges. This recommendation speaks to the need for a legislative change at the state level. The *Justice in Jeopardy* report recommends additional state funding for costs that represent a “nexus” between state action and costs incurred, the list includes, judge’s salaries, record of proceedings, and juror costs among other costs. The OMP encourages continued diligence at the state legislature.

This OMP also encourages continued cooperation with cities and other stakeholders to meet the needs of the judicial system.

³⁷ *Justice in Jeopardy, The Court Funding Crisis in Washington State*, Board of Judicial Administration Court Funding Task Force, December 2004.

Recommendation No. 11—Additional Resources

Recognize that implementation of these strategic and operational recommendations may require reallocation or commitment of additional resources.

This recommendation is self-explanatory.

NEXT STEPS—THE FACILITY MASTER PLAN

The 2004 annual budget, as adopted by the Metropolitan King County Council, provided for the development of an operational master plan (OMP) and facility master plan (FMP) for the King County District Court. The FMP will establish the facilities needs and costs, based upon the the OMP and the results of negotiations with cities for District Court services.

An FMP is defined in the King County Code as follows:

A master plan for an agency that establishes the facility needs for an approved operational master plan. It should include, as a minimum, space and construction standards, spatial relationships, prototype floor plans, space requirements, initial and life cycle cost of alternative facilities and locations. It should include proposed schedules, budgets, and a plan to respond to the changing needs of the operational master plan.

The FMP for District Court will include the following elements:

- **Policy Direction from the OMP Process:** The purpose of the FMP will be to identify the space, structural, architectural requirements to fulfill the policy direction obtained through the OMP process. The FMP will provide alternatives, with costs, advantages, and disadvantages for each policy directive.
- **Optimal Use of Current Facilities:** As clearly stated in the OMP policy directives, it will be the goal of the FMP to optimize use of current facilities. Recommendations for capital improvements, such as space re-configuration, renovation, or expansion of existing facilities will be evaluated. Life cycle cost analyses will be performed on each option.
- **Interface with County Agencies:** An important component of the FMP will be to evaluate space options for other King County agencies that could impact or facilitate the FMP. This interface will be of particular importance in evaluating options for the King County Courthouse and the Regional Justice Center.

Identification of Short-Term versus Long-Term Recommendations: There will most likely be some short-term facilities recommendations that will be recommended for immediate or short-term action. An example of this type of short-term action is the capital improvement work planned for this year at the Redmond District Court facility, which will accommodate the needs of the King County Prosecuting Attorney's Office, Public Defense, and District Court. This work is being done in advance of completion of the OMP to allow early

implementation of operational improvements. All short-term actions will be evaluated via a formal process involving effected agencies, the King County Office of Management and Budget, and the King County Council.

- **City Contract Negotiations:** The FMP will be integrated with the negotiation process for city contracts. Cities will be provided with various options for facilities to meet the needs of their contract requests. The cities will be able to make informed decisions on changes in contracts based upon the facilities and associated cost impacts of their potential contracting options.
- **Schedule and Budget Plan:** The FMP will include a capital improvement program (CIP) element that will identify recommended CIP project scopes, schedules, and budgets. The schedule and budget component of the FMP will also take into consideration any recommended real estate actions, such as surplus, acquisition, sale, or lease of properties.

The FMP will be conducted by the King County Facilities Management Division (FMD) in conjunction with the District Court and with input from the King County Office of Management and Budget, other affected King County agencies, the Metropolitan King County Council, and contract cities.

CONCLUSION

Successful implementation of this plan requires King County and the District Court to continuously evaluate the District Court's general performance in light of the objectives and goals outlined in this document. It is important to incorporate the objectives and goals outlined in this report into the day-to-day operations of the court and to identify and dedicate the necessary resources. Successes and failures need to be communicated and analyzed. Most importantly, the dedicated, hardworking staff of the District Court should be acknowledged for their contributions to the improvements as they develop.

APPENDIX 1: DISTRICT COURT STEERING COMMITTEE REPORT

King County District Court Steering Committee Recommendations and Initial Report March 29, 2005

Introduction

The 2004 annual budget for King County, as adopted by the Metropolitan King County Council, provided for the development of an Operational and Facility Master Plan for the King County District Court.³⁸ Pursuant to the legislative authority for developing the Operational and Facility Master Plan a Steering Committee was formed consisting of representatives from the County Council, the County Executive, the District Court, Contracting Cities and, when discussing facilities, the Director of Facilities or designee. Other stakeholders also actively participated in the process including the Prosecuting Attorney's Office, the Public Defender, the King County Bar Association, and Superior Court. The Steering Committee was co-chaired by Corinna Harn, the King County District Court Chief Presiding Judge and Maura Bruegger the Deputy Chief of Staff for the King County Executive's Office. The Steering Committee began meeting in March of 2004 and has met regularly since that time.

Purpose of the Steering Committee

The purpose of the Steering Committee was set out in its charter as follows:³⁹

- 1) In alignment with District Court Mission & Vision Statements (see Table below), evaluate and recommend methods for providing the delivery of court services (defining what services and level of services) and the costs of services (judicial, staff, and facilities).
- 2) Identify system efficiencies and develop recommendations for service delivery while continuing to meet mandated requirements in a fiscal climate of declining resources, being cognizant that District Court is part of a larger system of justice.
- 3) Analyze services and service delivery in the context of the larger criminal justice system, including identifying mandated versus non-mandated services and the impact to the District Court and larger criminal justice system of providing, not providing, or changing these services.

Initial Report

This initial report contains Strategic Recommendations made by the Steering Committee that are intended to form the basis for the Operational and Facility Master Plans. The Steering Committee also reached consensus on certain operational recommendations and anticipates these will be included in the Operational Master Plan. The Committee will review and provide further

³⁸ Pursuant to King County Code Section 4.20.020 LL an "Operational master plan" means a comprehensive plan for an agency setting forth how the organization will operate now and in the future. An operational master plan shall include the analysis of alternatives and their life cycle costs to accomplish defined goals and objectives, performance measures, projected workload, needed resources, implementation schedules and general cost estimates. The operational master plan shall also address how the organization would respond in the future to changed conditions."

³⁹ The complete Steering Committee Charter is Attachment 1, hereto.

input for the Operational Master Plan and will continue to participate in the development of the Facility Master Plan for the District Court.

Table 1
KING COUNTY DISTRICT COURT MISSION AND VISION STATEMENTS
(Adopted in 1995)

I. King County District Court Mission Statement
<p>A. The King County District Court will serve the public by:</p> <ul style="list-style-type: none">• Providing an accessible forum for the fair, efficient, and understandable resolution of civil and criminal cases; and• Maintaining an atmosphere of respect for the dignity of individuals.
II. King County District Court Vision Statement
<p>C. The King County District Court will be the preferred forum in King County for the resolution of all cases of limited jurisdiction.</p> <p>D. To provide the highest quality of justice, the King County District Court will:</p> <ul style="list-style-type: none">(13) Protect the public safety by providing resources to hold convicted offenders accountable for their actions;(14) Work as an independent branch of government with other units of government to achieve common goals;(15) Make effective use of taxpayers' resources;(16) Continuously ascertain and respond to the needs and expectations of all court users;(17) Provide a uniform and predictable level of service;(18) Provide efficient, convenient, and safe facilities;(19) Seek out and use modern technology and equipment;(20) Serve as the coordinator for all the services necessary for an effective judicial system;(21) Maintain a diverse and professional workforce;(22) Maintain sentencing options and sentence offenders appropriately;(23) Educate the justice system community, legislative, and executive agencies, and public about the courts; and(24) Respect the diversity of the community.

The Consultant

The National Center for State Courts (NCSC) provided independent expertise to the Steering Committee. NCSC completed a Baseline Caseload Study. The Baseline Caseload Study included both a current baseline caseload analysis, as well as a forecast of caseload for the next 10 years. The Baseline Caseload study concluded that:

- 1) The caseload is projected to remain stable with only 2.7% decrease in filings through 2013.

The makeup of the caseload mix, based on current contracting cities and jurisdiction, is anticipated to shift. The contracting city caseload is expected to grow by 7.9% and the County unincorporated and exclusive caseload is expected to decline by 7.7%. It is important to note that currently contract city case filings account for approximately 32% of the District Court filings and less than 20% of the staff needs, because the majority of city cases are parking and infractions, which are less staff intensive. The projected makeup of caseload mix would increase the percentage of city case filings to 35%

These conclusions assume the following (1) there are no changes to the contract cities – i.e. the current contract cities continue to contract for court services and no new cities contract for court services; (2) jurisdictions are successful in meeting the County's adopted schedule for annexations, shifting population and workload from unincorporated King County to cities; and (3) the Washington State Legislature makes no changes to subject matter jurisdiction or responsibility for courts of limited jurisdiction. Changes in any of these areas will impact the conclusions of the caseload forecast.

NCSC also prepared an Evaluation and Options Report (entitled Delivery and Cost of Services) which was considered by the Steering Committee as they reviewed options and developed strategic and operational recommendations.

Strategic Recommendations

The Steering Committee considered the NCSC's work and also relied upon the wealth of expertise that existed within its members, participants and stakeholders and arrived at the following recommendations by consensus:

Overarching Recommendation

The County will strive to provide District Court services in accordance with the Court's mission and vision and county policy.

Strategic Recommendations

1. Retain for the long term, the aspiration to be the court of choice for limited jurisdiction in the County, focusing energy and resources on improving operations and services, balancing the needs of citizens, the Court, the County and the cities.

2. Develop and apply quality service standards and measures for District Court operations, including but not limited to (a) access to justice, (b) caseload management, (c) customer service, (d) jury management, (e) court productivity and (f) collections.
3. Continue to support problem-solving courts, improving access to problem-solving courts, and incorporating problem-solving courts in the Court's planning process.
4. Continue and make explicit the strategy of improving efficiency through unification of governance, administration and planning, centralizing work load where appropriate.
5. Continue to develop and implement technological improvements, such as "paperless" case processing and e-filings, to support District Court operations and increase access to court services and information.
6. Continue to support the Court's function to serve cities through contracts.
7. Support flexibility in providing services and facilities for District Court customers.
8. Continue to support a unified, countywide District Court, utilizing existing facilities, to provide for a more equitable and cost effective system of justice for the citizens of King County.
 - (a) Ensure Court facilities promote system efficiencies, quality services and access to justice.
 - (b) Consolidate District Court facilities that exist in the same city.
 - (c) Reconsider facilities if there are changes with contracting cities or changes in leases.
 - (d) Work with cities to develop a facility master plan as it relates to the District Court.
9. Study the integration of District Court, Superior Court and the Department of Judicial Administration, assuring that the needs of District Court are met and best practices are considered.
10. Work together with stakeholders to gain state and local level cooperation and assistance to meet the needs of the judicial system.
11. Recognize that implementation of these strategic and operational recommendations may require reallocation or commitment of additional resources.

Charter of the District Court Steering Committee – Revised May 22, 2004

Members:

- Honorable Corinna Harn, District Court Presiding Judge; Co-Chair
- Maura Brueger, Deputy Chief of Staff, King County Executive Office; Co-Chair
- Honorable Larry Gossett, King County Councilmember
- Honorable Kathy Lambert, King County Councilmember
- Honorable Barbara Linde; District Court Assistant Presiding Judge
- Terri Flaherty, Sr. Policy Analyst, King County Office of Management and Budget
- 2 Suburban City Representatives – representation will rotate based on availability
 - David Cline, City of Burien
 - Diane Carlson, City of Bellevue
 - Nina Rivkin, City of Redmond
 - Julie Modrzejewski, City of Shoreline

Primary Staff:

- Tricia Crozier, District Court
- Kathy Brown (or designee), Facilities
- Toni Rezab, OMB, OMB

Purpose:

- In alignment with the District Court Mission and Vision statements, evaluate and recommend methods for providing the delivery of court services (defining what services and level of services) and the costs of services (judicial, staff, and facilities).
- Identify system efficiencies and develop recommendations for service delivery while continuing to meet mandated requirements in a fiscal climate of declining resources being cognizant that District Court is part of a larger system of justice.
- Analyze services and service delivery in the context of the larger criminal justice system, including identifying mandated vs. non-mandated services and the impact to the District Court and larger criminal justice system of providing, not providing, or changing these services.

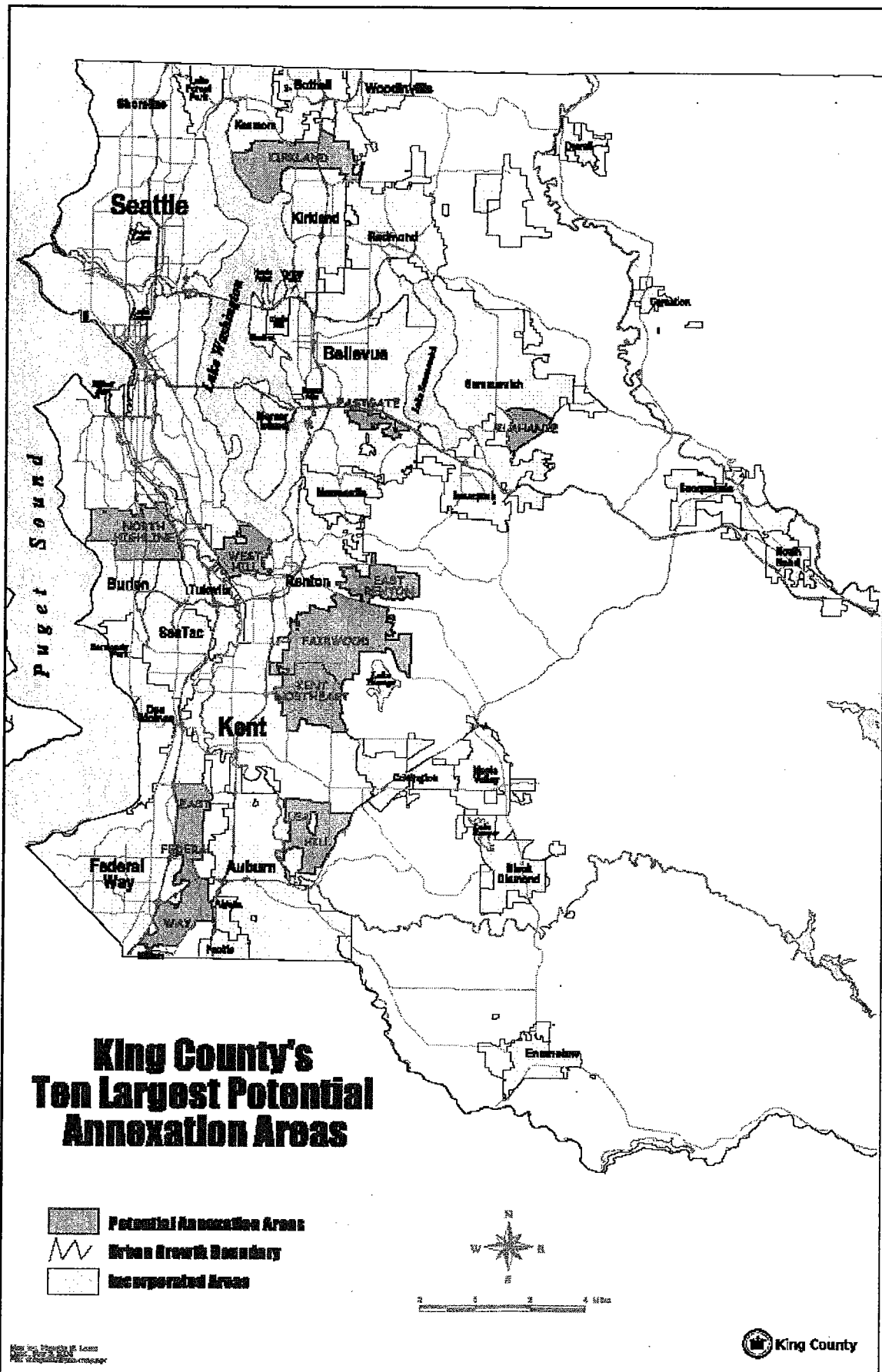
Process:

- Utilize the expertise of an independent consultant.
- Identify data and information needed for analysis by the consultant and others.
- Provide a forum for the open discussion by District Court stakeholders and review of analysis.
- Communicate and disseminate information from the process to stakeholders and others, as appropriate.
- Make recommendations, as appropriate, to other entities (e.g. government bodies or agencies).

Protocols:

- Open, constructive participation (no surprises)
- Clarify differences; understand them, but save debate until after analyses have been completed.
- Attend regularly (designee when not available) and meet deadlines for preparing meeting materials (advance distribution and review).
- Timely provision of requested information and feedback if unable to attend.
- Maintain confidentiality of sensitive information (no surprises).
- Members at table for discussion on decision/advisory items (attendance by others as invited).
- Practice effective communication.
- Consensus is the preferred approach to resolving conflicts.

APPENDIX 2: MAP OF PROPOSED ANNEXATIONS



APPENDIX 3: NATIONAL CENTER FOR STATE COURT – EVALUATION AND OPTIONS REPORT

**APPENDIX 3:
NATIONAL CENTER FOR STATE
COURT – EVALUATION AND
OPTIONS REPORT**

NATIONAL CENTER FOR STATE COURTS

***DELIVERY AND COST OF
DISTRICT COURT SERVICES
IN KING COUNTY,
WASHINGTON***

**VOLUME ONE.
AN EVALUATION OF THE COURT'S
CURRENT PERFORMANCE AND OPTIONS
FOR THE NEAR FUTURE, WITH FINAL
RECOMMENDATIONS AND A PROPOSED
IMPLEMENTATION PLAN**

February 2005

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National Center for State Courts

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DELIVERY AND COST OF DISTRICT COURT SERVICES IN KING COUNTY, WASHINGTON

VOLUME ONE.

AN EVALUATION OF THE COURT'S CURRENT PERFORMANCE AND OPTIONS FOR THE NEAR FUTURE, WITH FINAL RECOMMENDATIONS AND A PROPOSED IMPLEMENTATION PLAN

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CHAPTER I.

INTRODUCTION

King County is currently undertaking the development of an Operational Master Plan and Facilities Master Plan (OMP/FMP) for the King County District Court (the Court) that will comply with the District Court mission and vision in a climate of declining financial resources within the County. Under Contract Number T02082T (June 9, 2004), the County has engaged the National Center for State Courts (NCSC) to evaluate and offer recommendations on methods and costs to provide court services for the Court's OMP/FMP.

A. Framework for Evaluation and Options

The contract calls for NCSC to evaluate and recommend options for both the provision of court services (both nature and level of services) and the costs of services (judicial, staff, and facilities). Under a framework submitted by NCSC on June 29, 2004, and approved by King County in August 2004, the evaluation and recommendation of options for court services must:

- Be in alignment with the District Court mission and vision;
- Meet mandated requirements in a fiscal climate of declining resources;
- Take into consideration operational and cost impacts on the other components of the King County criminal justice system (King County Prosecuting Attorney's Office, Office of Public Defense, King County Department of Adult and Juvenile Detention, Superior Court, King County Department of Judicial Administration, and King County Sheriff), as District Court is part of a larger system of justice; and,
- Take into consideration the relations among the Court, the County, and the contract cities, especially in terms of economies of scale and access to justice.

Given the nature of this undertaking, NCSC has urged the County and the Court to operate from a strategic perspective. In keeping with the framework adopted in August 2004, NCSC has evaluated services and options to answer the following questions:

- What are the mission and goals of the King County District Court?
- In light of its mission and vision statements, how well does the Court now deliver services?
- What circumstances can the Court be expected to face in the future?
- What steps should be taken for the Court to fulfill its mission and vision in the future?

This report is organized to present the answers to those four questions. Presented below in Table 1 are the Court's mission and vision statements. Following that is a summary of the most significant conclusions by the NCSC project team about the Court's Operational Master Plan (OMP) and the situation of reduced resources in which the Court now finds itself. Tables 2-5 summarize the final recommendations offered in this report, and Table 6 presents a preliminary plan for the implementation of those recommendations.

Chapter II considers the Court's likely future circumstances, in the form of caseload projections. Chapter III presents NCSC's evaluation of the Court's current operations in light of its mission and vision statements. Chapter IV discusses the most important strategic options available for the Court in the near future.

As is the case with any trial court, and particularly one serving a resident population as large as that in King County, there are a number of different stakeholders in the operation of the King County District Court. A consequence of that is that any suggestion for substantial change in the direction and operation of the Court may have significant consequences for other public institutions and private citizens in King County, and the recommendations offered in this report are no different. Presented in Appendix A at the end of this report are review comments by representatives of either the Court or other organizations with a stake in its mission and operations.

A second volume accompanies this report. It presents supplemental assessments of specific areas in the operation and management of the Court – problem-solving courts, information technology, and court facilities. While all of the significant findings from that volume are reflected in the conclusions and recommendations offered here, the reader might find additional information in the companion volume.

B. The Court's Mission and Vision Statements

The District Court has adopted statements of its mission and vision. These statements have been approved by King County, so that they have the status of a county ordinance. Table 1 shows the Court's mission and vision statements.

TABLE 1.
KING COUNTY DISTRICT COURT MISSION AND VISION STATEMENTS

I. King County District Court Mission Statement
<p>The King County District Court will serve the public by:</p> <ol style="list-style-type: none">(1) Providing an accessible forum;(2) Being fair;(3) Being efficient;(4) Being understandable;(5) Resolving civil and criminal cases; and(6) Maintaining an atmosphere of respect for the dignity of individuals.
II. King County District Court Vision Statement
<ol style="list-style-type: none">A. The King County District Court will be the preferred forum in King County for the resolution of all cases of limited jurisdiction.B. To provide the highest quality of justice, the King County District Court will:<ol style="list-style-type: none">(1) Protect the public safety by providing resources to hold convicted offenders accountable for their actions;(2) Work as an independent branch of government with other units of government to achieve common goals;(3) Make effective use of taxpayers' resources;(4) Continuously ascertain and respond to the needs and expectations of all court users;(5) Provide a uniform and predictable level of service;(6) Provide efficient, convenient, and safe facilities;(7) Seek out and use modern technology and equipment;(8) Serve as the coordinator for all the services necessary for an effective judicial system;(9) Maintain a diverse and professional workforce;(10) Maintain sentencing options and sentence offenders appropriately;(11) Educate the justice system community, legislative, and executive agencies, and public about the courts; and(12) Respect the diversity of the community.

C. Conclusions of a Strategic Nature

The centerpiece of the OMP/FMP is the mission and vision statement. Under this umbrella, the Court in 1995 identified four strategic issues from which evolved the goals and objectives of the plan. Two issues pertained to creation of a single integrated court with centralized governance, policy, planning and administration; one issue concerned communications and interactions with stakeholders and other government agencies; and one issue concerned the creation of a firmer jurisdictional base, largely by legislative action, and an increase in provision of court services to cities in furtherance of the mission statement.

Since the adoption of the 1995 OMP/FMP, events have occurred that affect the strategic direction of the plan: the tax cap, the increases in problem-solving courts, the concept of portability, the adoption of General Rule 29 that enhances administrative cohesion, and a diminution in the number of courthouses. The jurisdictional segment of the plan has remained largely outside Court control to implement. The NCSC team has reached the following conclusions about the 1995 OMP/FMP:

Fiscal impact on OMP/FMP: Although the OMP/FMP was adopted with the idea that resources would not be plentiful, the institution of a cap on property taxes has created a dire fiscal environment that requires a strategic response to major cuts in staff (65 FTEs in the period 2002-2004). The cutbacks have adversely affected the quality of service but the Court has been able to partially mitigate its service problems by unifying its governance, policy, administration and planning.

The Court has taken steps to unify its database, institute electronic records and centralize some clerical functions in the interest of efficiency. The 2005 budget rewarded the Court with additional positions for a call center, a technical person for ECR, and support for two IT initiatives, all related to efficiency. This has profound significance for strategic planning. In short, The Court and the County have adopted a fiscal strategy of maximizing efficiency by technological innovation within the framework of unification.

Specialty courts: Problem-solving courts have become institutionalized and have added a new dimension to the Court's operations and organization. These are court programs that alter the allocation of resources and represent a new philosophy that has obvious implications for the future of the Court. These programs also alter the role of judges and the culture of the Court – more specifically, they involve problem solving, proactive orientation of the judges,

direct interactions with defendants-litigants, ongoing judicial supervision, integration of social services, and a team-based, non-adversarial approach.

Changing facility configuration: The 1997 amendment to the OMP/FMP pertaining to the Issaquah courthouse was a continuation of a community service concept of facility location and construction that is at odds with the fiscal reality of county finance and the increasing need for co-location of county-funded courts. Since then, courthouses were closed in two cities, requiring consolidation of court functions and personnel in fewer locations.

Superior Court relationships: The OMP/FMP does not address Superior Court relationships in the light of portability or address coordination in the use of judges, staff, administration and planning, i.e., vertical unification.

Jurisdictional goals: Arguably, the goal of being a primary provider of court services for suburban cities would be achieved by having the Court handle a majority of city cases. The retention of city contracts has proven difficult. Increase in the number of cities served depends on decisions of cities to avail themselves of the services offered by the Court and to close their own courts. Moreover, there is little support from the state for a unified limited-jurisdiction court system with the result that there is a statewide trend to creation of municipal courts (see Chapter IV below, Section E.4, pp. 132-133, for discussion of state action on unification of limited-jurisdiction courts).

The goal of legislative action to increase the Court's jurisdiction is beyond Court control and may not take the form of exclusive jurisdiction. Thus, an increase in civil jurisdiction to \$75,000 may not appreciably affect caseload. The jurisdictional goals remain aspirational and may divert attention from more realistic strategies.

D. Final Recommendations

In the chapters that follow, NCSC looks at the operation and circumstances of the District Court in view of its mission and vision, and also in terms of its current financial circumstances. Based on that evaluation, the NCSC project team has several recommendations about steps that the Court should take to fulfill its mission and vision in the near future. These include both strategic and operational recommendations.

1. Strategic Recommendations. Based on the conclusions presented above, the NCSC project team has the following strategic recommendations for King County and the King County District Court. By their very nature, these strategic recommendations have a long-term dimension.

TABLE 2. STRATEGIC RECOMMENDATIONS

Reference to Mission & Vision^a	Recommendation	Reference to Report Section and Page^b
II.A	Retain for the long term the aspiration to be the forum of choice for limited-jurisdiction cases in the County; but in the next OMP, focus energy and resources on improving operations and service and solidifying the horizontal unification of the Court, balancing the needs of citizens, the Court, the County, and the cities.	III.B.5, p. 84
I, II.A, II.B	Based on such models as the Trial Court Performance Standards and the new national "core" court performance measures now being prepared by NCSC, develop and apply "quality service" standards and measures for King County District Court operations, with particular attention to (a) access to justice; (b) caseload management; (c) customer service; (d) jury management; (e) court productivity; and (f) collections.	III.B.5, p. 84 (see also, Table 23, pp. 82-83)
II.A, II. B (2), (4), (8)	Integrate problem-solving courts into the planning for the Court.	IV.B, pp. 107-108; see also, III.A.5.d (ii), p. 68, and Vol. Two, I.F, pp. 34-36 & 39-40
II.A, II. B (2), (3), (5), (8)	Continue and make explicit the strategy of effecting efficiency through horizontal unification and centralizing workload where appropriate.	IV.C, p. 123
II.A, II. B (7)	Continue with ongoing support to build a court that is largely paperless, phasing out clerical functions that are rendered unnecessary in an electronic environment.	IV.C, p. 123

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

TABLE 2. STRATEGIC RECOMMENDATIONS (continued)

Reference to Mission & Vision^a	Recommendation	Reference to Report Section and Page^b
II.A, II. B (4), (6)	Pursue horizontal, and to some extent, vertical unification based on a strategy of facility consolidation in regional centers, co-location of county-funded courts, and use of satellite facilities to enhance access.	IV.C, p. 123
II.A, II. B (1), (8)	Start a phased integration of Superior Court and District Court administration and staff and closer cooperation in judicial assignments.	IV.D, p. 125
II.A, II.B	One component of the District Court OMP should be efforts to gain state-level cooperation across as broad a front as possible.	IV.E.5, p. 134

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

2. Operational Recommendations. The conclusions presented in Section C.1 above also form the basis for a set of operational recommendations. Those recommendations can be viewed as short-term recommendations (which should be implemented by the end of calendar year 2005); intermediate-term recommendations (which should be implemented between 2006 and 2008); and long-term recommendations (which should be implemented by 2009 or 2010, or which should be implemented throughout the period for the next OMP).

TABLE 3. SHORT-TERM OPERATIONAL RECOMMENDATIONS

Reference to Mission & Vision ^a	Recommendation	Reference to Report Section and Page ^b
I (1), II.A	Continue to upgrade the operation and technology of the Call Center in an effort to enable it to achieve its potential of enhanced public service.	III.A.1.c.i (b), p. 52
I (5), II.A	The Court should initiate a delay reduction program in 2005, with the following phases: (1) introduce a backlog reduction program where appropriate; (2) establish a DUI court (early 2005); (3) develop new caseload management rules and practices for the remaining criminal cases (starting mid-2005); (4) develop new caseload management rules and practices for civil and small claims cases (2006); (5) monitor the time to resolution of traffic infraction cases in 2004 and 2005 and establish a delay reduction program for this case type in 2006 if disposition times in 2005 increase over the 2003 times.	III.A.5.c, p. 63
II.A, II.B (1)	Retain and continue to support the Mental Health Court and the Domestic Violence Court. Plan for and implement a DUI problem-solving court in 2005.	III.A.5.d (ii), p. 68; see also, IV.B, pp. 107-108, and Vol. Two, I.F, pp. 34-36 & 39-40

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

TABLE 3. SHORT-TERM OPERATIONAL RECOMMENDATIONS (continued)

Reference to Mission & Vision^a	Recommendation	Reference to Report Section and Page^b
II.A, II.B (1)	Assess the current effectiveness of probation officers in monitoring clients and completing work for their respective supervising judges.	III.C.1.a (4), p. 88
II.A, II.B (1)	Review assignments to assess the manner in which judges and their probation officers back each other up.	III.C.1.a (4), p. 88
II.A, II.B (1)	With the Learning Disabilities Association of Washington, discuss the extension of the CHOICES Program to all locations and all defendants.	III.C.1.a (4), p. 88
II.A, II.B (4)	The Court should add periodic meetings with the Washington State Patrol and the social service agencies serving the problem-solving courts to its communication and exchange program.	III.C.4.c, p. 93
II.A, II.B (4)	The Court should devise citizen comment cards for use on counters and to be placed outside courtrooms, with an expectation that serious complaints regarding staff or judicial conduct will be followed up, suggestions for improvements will be considered, and compliments will be shared with all staff and judicial officers.	III.C.4.c, p. 93
I (1), II.A, II.B (4)	The Court should review the juror exit questionnaire used by it and the Superior Court and add no more than four questions that will address general access and quality of justice issues.	III.C.4.c, p. 93

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

TABLE 4. INTERMEDIATE-TERM OPERATIONAL RECOMMENDATIONS

Reference to Mission & Vision ^a	Recommendation	Reference to Report Section and Page ^b
II.A, II.B (5), (9)	In view of such developments as the introduction of "electronic case records" ("ECR") and other information technology developments, the Court should carry out a time and motion study to determine its support staff needs.	II.D, p. 42
I (5), II.A	The Court should continue the delay reduction program recommended for commencement in 2005 (see Table 3, Short-Term Operational Recommendations), with the following further phases: (1) develop new caseload management rules and practices for civil and small claims cases (2006); (3) monitor the time to resolution of traffic infraction cases in 2004 and 2005 and establish a delay reduction program for this case type in 2006 if disposition times in 2005 increase over the 2003 times.	III.A.5.c, p. 63
II.A, II.B (5)	Continue efforts to seek and implement uniform administrative and procedural changes that will enhance the benefits of ECR and the productivity of staff and judicial officers.	III.C.5.c, p. 96
II.A, II.B (5)	Review "best practices" already adopted or designed following full implementation of ECR to determine if any amendments are required because of the impact of ECR.	III.C.5.c, p. 96
II.A, II.B (9)	Devise a strategy to attract and retain quality employees through combination of new work arrangements and enhanced benefits. Work with the County and union to gain their approval and to have the County fund as many ideas as possible. If the County is unwilling to adopt the Court's ideas for all County employees, find means to implement them in ways that are politically and fiscally responsible.	III.C.9.c, p. 104

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

**TABLE 4. INTERMEDIATE-TERM OPERATIONAL RECOMMENDATIONS
 (continued)**

Reference to Mission & Vision^a	Recommendation	Reference to Report Section and Page^b
II.A, II.B (3), (7)	In association with the continuation of horizontal unification, carry out an IT initiative involving (a) continued support under ECR for E-filing and electronic case processing rather than paper-based case processing; (b) developing best practices based on functionality provided by ECR; (c) integration of revenue accounting at a central location with one depository; (d) centralized receipt of mail payments; (e) strategic planning for information technology should be a joint effort of District Court, Superior Court and the Department of Judicial Administration; and (f) development of a court-wide case management system, making use of the single database.	IV.C, p. 123

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

TABLE 5. LONG-TERM OPERATIONAL RECOMMENDATIONS

Reference to Mission & Vision ^a	Recommendation	Reference to Report Section and Page ^b
I (1), II.A	Any access issues that may arise involving facilities, forms, and signage should be investigated, with costs determined, and addressed on a priority basis in each year covered by the next OMP.	III.A.1.c.ii (b), p. 53
I (1), II.A, II.B (11)	Through citizen observers or written surveys of users, issues associated with litigants' understanding of court proceedings and participation should be identified and addressed during the period of the next OMP.	III.A.1.c.ii (b), p. 53
I (1), II.A, II.B (3), (6)	In association with the continuation of horizontal unification, undertake a facility consolidation initiative, with the following elements: (a) do a strategic court facility plan that involves both the District Court and the Superior Court as co-located entities; (b) involve major city clients and core service constituents in planning; (c) do space needs planning based on caseload projections; (e) do capital finance plan that leverages value of existing inventory and provides a chronological framework; (f) do design phase based upon choices as to renovation and new construction; and (g) include a satellite program that provides outreach and access within financial limits that preclude major expenditures.	IV.C, p. 123

^a This column provides references to the Court's mission and vision statements as presented in Table 1 above. Thus, for example, the entry "II.A" would mean that the associated recommendation would promote the Court's vision of being the preferred forum for adjudication of limited-jurisdiction cases.

^b This column provides references to the section in the report below where the reader can find a specific recommendation and text discussion that relates to it. Thus, for example, an entry "II.A.1, p. 24" would be a reference to Chapter II, Section A, subsection 1, at page 24 of this report.

E. Proposed Plan to Implement NCSC Recommendations

In the new OMP for the Court, it will be necessary to develop a set of goals and objectives that reflect the necessary steps to put adopted NCSC recommendations into effect. It will be necessary to develop goals and objectives for implementation. Those goals and objectives need to be accompanied by a detailed work plan that allocates responsibilities, indicates priorities, provides time expectations, and gives indicators of progress and performance deriving from the "quality service standards" discussed in this report. Set forth in Table 6 below is a proposed five-year plan (2005-2009), stating the NCSC recommendations as goals, along with suggested objectives, on the basis of which a more refined implementation plan with agreed-upon objectives and timetables for implementation should be developed.

TABLE 6. PROPOSED IMPLEMENTATION PLAN

<i>A. Strategic Goals and Objectives</i>	2005	2006	2007	2008	2009
Goal A.1. The King County District Court should retain for the long term the aspiration to be the forum of choice for limited-jurisdiction cases in the County; but in the next OMP, it should focus energy and resources on improving operations and service and solidifying the horizontal unification of the Court, balancing the needs of citizens, the Court, the County and the cities.					
<i>Objective A.1.1.</i> Identify areas for operational and service improvements.	X				
<i>Objective A.1.2.</i> Address resource and funding needs for implementation of operational and service improvement.	X	X	X	X	X
<i>Objective A.1.3.</i> Carry out and refine operational and service improvements.	X	X	X	X	X
Goal A.2. Based on such models as the Trial Court Performance Standards and the new national "core" court performance measures now being prepared by NCSC, the Court should develop and apply "quality service" standards and measures to its operations, with particular attention to (a) access to justice; (b) caseload management; (c) customer service; (d) jury management; (e) court productivity; and (f) collections.					
<i>Objective A.2.1.</i> Reach agreement on areas for standards and specific standards under each area.	X				
<i>Objective A.2.2.</i> Decide on the measures for each standard, format for reporting, and means by which information for each measure will be gathered and reported, building measures into ECR wherever possible.	X	X			
<i>Objective A.2.3.</i> Test performance measures under quality service standards.	X	X			
<i>Objective A.2.4.</i> Publish and implement performance measures for quality service standards.	X	X	X	X	X
<i>Objective A.2.5.</i> Publish regular reports of performance under quality service standards.		X	X	X	X
<i>Objective A.2.6.</i> Make changes in operating practices and procedures as needed to improve performance in areas measured under quality service standards.		X	X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>A. Strategic Goals and Objectives (continued)</i>	2005	2006	2007	2008	2009
Goal A.3. The Court should integrate problem-solving courts into its planning.					
<i>Objective A.3.1.</i> Decide on desired scope for operation of problem-solving court programs and their relation to more traditional court operations.	X				
<i>Objective A.3.2.</i> Develop appropriate measures of program performance, along with means to gather information for performance evaluation under such measures.	X				
Goal A.4. The court should continue and make explicit the strategy of effecting efficiency through horizontal unification and centralizing workload where appropriate.					
<i>Objective A.4.1.</i> Reach agreement among judges and managers on approach to further horizontal unification.	X				
<i>Objective A.4.2.</i> Address issues of resource and funding needs.	X	X	X	X	X
<i>Objective A.4.3.</i> Carry out further internal unification.	X	X	X	X	X
Goal A.5. The Court should continue to build a court that is largely paperless, phasing out clerical functions that are rendered unnecessary in an electronic environment. (See also, Goal C.6.)					
<i>Objective A.5.1.</i> Determine further steps for information technology initiative.	X				
<i>Objective A.5.2.</i> Involve court staff to assess current "as is" operations to identify areas where electronic case processing can be expanded and potential of information technology can be but to best use.	X	X			
<i>Objective A.5.3.</i> Work with other justice system partners to identify areas where refinements of their operations would yield mutual progress toward broader electronic case processing.	X	X			
<i>Objective A.5.4.</i> Address human resource management and union issues associated with reallocation of clerical assignments.		X	X		
<i>Objective A.5.5.</i> Develop written materials and carry out educational programs on revised practices and procedures.		X	X		
<i>Objective A.5.6.</i> Manage change process and carry out implementation of transition to electronic case processing.		X	X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>A. Strategic Goals and Objectives (continued)</i>	2005	2006	2007	2008	2009
Goal A.6. The Court should pursue horizontal, and to some extent, vertical unification based on a strategy of facility consolidation in regional centers, co-location of county-funded courts, and use of satellite facilities to enhance access. (See also, Goal D.3.)					
<i>Objective A.6.1.</i> Prepare draft plan for facility consolidation, co-location with Superior Court, and use of satellite facilities.	X				
<i>Objective A.6.2.</i> Work collaboratively with court staff and with County, Superior Court, contract cities, prosecutor, public defender, law enforcement, and other justice system partners to complete facilities plan.	X				
<i>Objective A.6.3.</i> Develop detailed practices and procedures for operations in new facilities scheme, including electronic information sharing across court locations.	X	X			
<i>Objective A.6.4.</i> Address issues of staff resource allocation and funding for new scheme as reflected in facilities plan.	X	X	X	X	X
<i>Objective A.6.5.</i> Carry out public notice effort, as well as educational programs for all participants in court process under new facilities scheme.			X		
<i>Objective A.6.6.</i> Undertake phased transition to operation under new facilities scheme.			X	X	X
Goal A.7. The District Court should work with Superior Court to start a phased integration of Superior Court and District Court administration and staff, with closer cooperation in judicial assignments.					
<i>Objective A.7.1.</i> Plan in collaboration with Superior Court for integration of administrative staff and operations.	X				
<i>Objective A.7.2.</i> Address human resource, funding and facilities management issues associated with greater integration of court staff and operations.	X				
<i>Objective A.7.3.</i> Implement integration of administrative staff and operations.	X	X	X	X	X
<i>Objective A.7.4.</i> Plan with Superior Court for greater integration of court staff and operations.		X			
<i>Objective A.7.5.</i> Address human resource, funding and facilities management issues associated with greater integration of court staff and operations.		X	X		
<i>Objective A.7.6.</i> Implement greater integration of court staff and operations.			X	X	X
<i>Objective A.7.7.</i> Develop proposal and plan in collaboration with Superior Court for closer cooperation in judicial assignments.		X	X		
<i>Objective A.7.8.</i> Implement plan for closer cooperation.			X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>A. Strategic Goals and Objectives (continued)</i>	2005	2006	2007	2008	2009
Goal A.8. The District Court should seek state-level cooperation across as broad a front as possible.					
<i>Objective A.8.1.</i> Monitor state-level events to determine areas for best opportunities.	X				
<i>Objective A.8.2.</i> Identify priority areas and develop strategy for work with state-level officials, bar, and other influential local stakeholders.	X				
<i>Objective A.8.3.</i> Work with state-level officials, bar and influential local stakeholders to seek state-level support for the operations of the Court.	X	X	X	X	X
<i>B. Short-Term Operational Goals and Objectives</i>	2005	2006	2007	2008	2009
Goal B.1. The Court should continue to upgrade the operation and technology of its Call Center in an effort to enable it to achieve its potential of enhanced public service.					
<i>Objective B.1.1.</i> Identify areas most in need of improvement and decide on most suitable approach to address them.	X				
<i>Objective B.1.2.</i> Determine orders of priority in light of impact on service quality and resource availability.	X				
<i>Objective B.1.3.</i> Carry out implementation of improvements in order of priority.	X	X			
<i>Objective B.1.4.</i> Carry out periodic review of Call Center service issues and develop new or re-ordered priorities.	X	X	X	X	X
<i>Objective B.1.5.</i> Continue implementation of improvements in order of revised priority.	X	X	X	X	X
Goal B.2. The Court should introduce a backlog reduction program where appropriate.					
<i>Objective B.2.1.</i> Review age of current pending inventory in view of statewide time expectations.	X				
<i>Objective B.2.2.</i> Identify what next steps must be taken to have all cases in current inventory that are near or beyond time standards progress to disposition.	X				
<i>Objective B.2.3.</i> Give notice of backlog reduction plans to justice system partners and work with them to refine plans for implementation.	X				
<i>Objective B.2.4.</i> Dispose of cases under backlog reduction plan.	X	X			
<i>Objective B.2.5.</i> Continue to monitor age and status of pending inventory to assure that any cases older than applicable time standards are promptly disposed.	X	X	X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>B. Short-Term Operational Goals and Objectives (continued)</i>	2005	2006	2007	2008	2009
Goal B.3. The Court should plan for and implement a DUI problem-solving court in 2005.					
<i>Objective B.3.1.</i> Decide on desired scope and location(s) for operation of a DUI court program and its relation to more traditional DUI operations.	X				
<i>Objective B.3.2.</i> Develop appropriate measures of program performance, along with means to gather information for performance evaluation under such measures.	X				
<i>Objective B.3.3.</i> Collaborate with prosecutor, public defender, law enforcement, service providers, and other justice system partners and seek funding and institutional support for DUI court..	X	X	X		
<i>Objective B.3.4.</i> Implement any further problem-solving court programs and measure their operational success.	X	X	X	X	X
<i>Objective B.3.5.</i> Make adjustments in program scope and operations in keeping with results of performance measurement.		X	X	X	X
Goal B.4. The Court should evaluate the current effectiveness of probation officers in monitoring clients and completing work for their respective supervising judges.					
<i>Objective B.4.1.</i> Work with probation officers to refine appropriate performance measures, reporting formats, information sources, and information-gathering protocols.	X				
<i>Objective B.4.2.</i> Devise appropriate procedures for supervisor-individual probation officer planning and performance evaluation meetings.	X				
<i>Objective B.4.3.</i> Gather relevant probation officer performance information.	X	X	X	X	X
<i>Objective B.4.4.</i> Implement probation officer performance planning and evaluation.		X	X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>B. Short-Term Operational Goals and Objectives (continued)</i>	2005	2006	2007	2008	2009
Goal B.5. The Court should review assignments relating to probation services to assess the manner in which judges and their probation officers back each other up.					
<i>Objective B.5.1.</i> Work with judges and probation officers to develop agreed expectations and approach to assignment review.	X				
<i>Objective B.5.2.</i> Gather relevant information and prepare procedures for case reassignments among probation officers.	X				
<i>Objective B.5.3.</i> Implement any new assignment procedures and monitor their success in terms of agreed expectations.	X	X	X	X	X
<i>Objective B.5.4.</i> Make further refinements as needed in structure and implementation of assignment procedures.		X	X	X	X
Goal B.6. The Court should consider extending the CHOICES Program to all locations and all defendants.					
<i>Objective B.6.1.</i> Work with Learning Disabilities Association of Washington to develop plan.	X				
<i>Objective B.6.2.</i> Address resource and funding issues.	X	X			
<i>Objective B.6.3.</i> Begin implementation on a phased basis.	X	X	X	X	X
Goal B.7. The Court should add periodic meetings with the Washington State Patrol and the social service agencies serving the problem-solving courts to its communication and exchange program.					
<i>Objective B.7.1.</i> Communicate with State Patrol and social service agencies to develop plans for periodic meetings.	X				
<i>Objective B.7.2.</i> Hold meetings as planned.	X	X	X	X	X
<i>Objective B.7.3.</i> Work collaboratively with State Patrol and social service agencies to implement agreed solutions to shared problems.	X	X	X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>B. Short-Term Operational Goals and Objectives (continued)</i>	2005	2006	2007	2008	2009
Goal B.8. The Court should devise citizen comment cards for use on counters and to be placed outside courtrooms, with an expectation that serious complaints regarding staff or judicial conduct will be followed up, suggestions for improvements will be considered, and compliments will be shared with all staff and judicial officers.					
<i>Objective B.8.1.</i> Design comment cards and develop written program for distribution of blank cards, citizen return of completed cards, collation and analysis of results, and procedures for communication of results and any necessary follow-up action.	X				
<i>Objective B.8.2.</i> Distribute blank cards, accept citizen return of completed cards, collate and analyze results, and report on results to Court leaders and affected individuals.	X	X	X	X	X
<i>Objective B.8.3.</i> Carry out any necessary follow-up action.	X	X	X	X	X
Goal B.9. The Court should review the juror exit questionnaire used by it and the Superior Court and add no more than four questions that will address general access and quality of justice issues.					
<i>Objective B.9.1.</i> Work with Superior Court to develop additional juror exit questions relating to general access and quality of justice issues.	X				
<i>Objective B.9.2.</i> Review responses to these questions as part of pre-established procedures for completion and analysis of juror exit questionnaires.	X	X	X	X	X
<i>Objective B.9.3.</i> Carry out any necessary follow-up action.	X	X	X	X	X
<i>C. Intermediate-Term Operational Goals and Objectives</i>	2005	2006	2007	2008	2009
Goal C.1. In view of such developments as the introduction of "electronic case records" ("ECR") and other information technology developments, the Court should carry out a time and motion study to determine its support staff needs.					
<i>Objective C.1.1.</i> Communicate with AOC about staff needs and methodology under Court Funding Task Force report (2004), pp. 47-48.	X				
<i>Objective C.1.2.</i> Carry out business process enhancement effort to streamline day-to-day operations and optimize potential of ECR.	X	X			
<i>Objective C.1.3.</i> Carry out time-and-motion study.		X			
<i>Objective C.1.4.</i> Address funding for any additional staff with County officials.		X	X	X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

C. Intermediate-Term Operational Goals and Objectives (continued)	2005	2006	2007	2008	2009
Goal C.2. The Court should continue its development and implementation of a delay reduction program.					
<i>Objective C.2.1.</i> Develop new caseload management rules and practices for criminal cases.	X	X			
<i>Objective C.2.2.</i> Work with prosecutor, public defender, law enforcement, and other criminal justice system partners to implement new rules and practices.		X	X	X	X
<i>Objective C.2.3.</i> Develop and implement new caseload management rules and practices for civil and small claims cases.		X	X		
<i>Objective C.2.4.</i> Work with bar and other justice system partners as needed to implement new rules and practices.			X	X	X
<i>Objective C.2.5.</i> Monitor the time to resolution of traffic infraction cases in 2004 and 2005 and establish a delay reduction program for this case type if disposition times in 2005 increase over the 2003 times.		X	X		
<i>Objective C.2.6.</i> Work with prosecutor, law enforcement, and other traffic justice system partners to implement new rules and practices.			X	X	X
Goal C.3. The Court should continue its efforts to seek and implement uniform administrative and procedural changes that will enhance the benefits of ECR and the productivity of staff and judicial officers.					
<i>Objective C.3.1.</i> Identify areas where uniformity in administrative practices and court procedures will enhance ECR benefits and productivity of staff and judicial officers.	X	X	X	X	X
<i>Objective C.3.2.</i> Introduce greater uniformity in practices and procedures where necessary and appropriate.	X	X	X	X	X
Goal C.4. The Court should review "best practices" already adopted or designed following full implementation of ECR to determine if any amendments are required because of the impact of ECR.					
<i>Objective C.4.1.</i> After implementation of ECR has begun, review "best practices" to identify areas needing further refinement or amendment because of ECR.					
<i>Objective C.4.2.</i> Work with judicial officers and court staff members to develop and implement amended best practices.					

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

C. Intermediate-Term Operational Goals and Objectives (continued)	2005	2006	2007	2008	2009
Goal C.5. The Court should devise a strategy to attract and retain quality employees through combination of new work arrangements and enhanced benefits.					
<i>Objective C.5.1.</i> Identify areas for possible improvement.	X	X			
<i>Objective C.5.2.</i> Work with County and union to gain their approval and to have the County fund as many ideas as possible.		X	X	X	X
<i>Objective C.5.3.</i> If the County is unwilling or unable to adopt the Court's ideas for all County employees, find means to implement them in ways that are politically and fiscally responsible.			X	X	X
Goal C.6. In association with the continuation of horizontal unification, the Court should carry out an IT initiative. (See also, Goal A.5.)					
<i>Objective C.6.1.</i> Carry out strategic planning for information technology as a joint effort with Superior Court and the Department of Judicial Administration.	X	X			
<i>Objective C.6.2.</i> Continue support under ECR for E-filing and electronic case processing rather than paper-based case processing.	X	X	X	X	X
<i>Objective C.6.3.</i> Develop best practices based on functionality provided by ECR.		X			
<i>Objective C.6.4.</i> Integrate revenue accounting at a central location with one depository.			X	X	X
<i>Objective C.6.5.</i> Centralize receipt of mail payments.			X	X	X
<i>Objective C.6.6.</i> Develop a court-wide case management system for Superior Court and District Court, making use of a single database.				X	X

TABLE 6. PROPOSED IMPLEMENTATION PLAN (continued)

<i>D. Long-Term Operational Goals and Objectives</i>	2005	2006	2007	2008	2009
Goal D.1. On a priority basis each year, the Court should investigate and address unresolved access-to-justice issues involving facilities, forms, and signage.					
<i>Objective D.1.1.</i> Develop forms, procedures and other means to elicit information about access-to-justice issues.	X				
<i>Objective D.1.2.</i> Analyze information and develop approaches to provide improve access.		X	X	X	X
Goal D.2. Through citizen observers or written surveys of users, the Court should identify and address issues associated with litigants' understanding of court proceedings and participation.					
<i>Objective D.2.1.</i> Develop program with procedures and forms for citizen observers or written surveys.	X				
<i>Objective D.2.2.</i> Work with citizen groups and other stakeholders to implement program.	X	X			
<i>Objective D.2.3.</i> Make use of program information to develop improved ways for litigants to understand and participate in court proceedings.			X	X	X
Goal D.3. In association with the continuation of horizontal unification, the Court should undertake a facility consolidation initiative. (See also, Goal A.6.)					
<i>Objective D.3.1.</i> Prepare a strategic court facility plan that involves both the District Court and the Superior Court as co-located entities.		X			
<i>Objective D.3.2.</i> Involve major city clients and core service constituents in planning.		X	X		
<i>Objective D.3.3.</i> Carry out space needs planning based on caseload projections.		X	X		
<i>Objective D.3.4.</i> Complete a capital finance plan that leverages value of existing inventory and provides a chronological framework.			X	X	X
<i>Objective D.3.5.</i> Go through a design phase based upon choices as to renovation and new construction.				X	X
<i>Objective D.3.6.</i> Develop a satellite program that provides outreach and access within financial limits that preclude major expenditures.				X	X

CHAPTER II.

WHAT CIRCUMSTANCES CAN THE COURT BE EXPECTED TO FACE IN THE FUTURE?

This chapter summarizes a two-part caseload report completed in December 2004 for this project by the NCSC team: (a) a baseline caseload profile (criminal, infraction, and civil), showing how it has changed over the last 5-10 years; and (b) baseline caseload and workload forecasts for a 10-year horizon.

A. Baseline Profile and Caseload Forecast for King County

The King County District Court has jurisdiction over the following types of cases: traffic infractions; non-traffic infractions; parking violations; DUI, other criminal traffic; non-criminal traffic; civil; small claims; civil orders for protection; anti-harassment orders; vehicle impound; name changes, expedited felony hearings; felony probable cause hearings; death inquests; Metro Transit violations; search warrants; and game and fisheries violations. The Court receives filings from a variety of agencies including the Washington State Patrol, King County Sheriff, Port of Seattle, the University of Washington, the Liquor Control Board, the Marine Patrol, Animal Control, Washington Department of Fish and Wildlife, the King County Prosecutor, and a number of contracting cities.

1. Historic Trends. The NCSC project team's review of the case filing data from 1994 to 2003 revealed the following trends concerning the caseload in King County District Court:

- Overall caseload in the court increased by 0.2%
- Infractions grew by 18.8%
- DUI case filings fell by 1.8%
- Filings for "Other Criminal Cases" declined by 38.7%
- Orders for protection and anti-harassment cases declined by 60.5%
- Civil and small claims cases fell by 32%
- Felony cases declined by 3.1%
- Parking filings increased by 73.7%

The filing figures for the King County District Court, by case type, by year, from 1994 through 2003 are displayed in Table 7.

TABLE 7. TOTAL KING COUNTY DISTRICT COURT FILINGS, 1994-2003, ADJUSTED TO REFLECT THE STRUCTURE AND JURISDICTION OF DISTRICT COURT IN 2003¹

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
1994	119,904	5,811	34,486	5,529	40,932	1,209	10,713	218,584
1995	113,458	5,340	34,562	5,346	39,580	904	10,516	209,706
1996	109,295	5,712	32,709	5,456	39,565	1,522	7,807	202,066
1997	117,182	5,578	27,464	4,718	36,954	853	14,502	207,251
1998	117,850	4,967	25,276	4,087	34,796	883	18,688	206,547
1999	127,597	4,949	22,041	3,566	33,252	743	21,264	213,412
2000	139,768	5,711	23,929	3,560	30,892	790	23,872	228,522
2001	122,671	5,126	21,305	2,951	32,059	1,582	20,965	206,659
2002	139,085	5,392	22,176	2,715	32,504	1,276	17,363	220,511
2003	142,464	5,707	21,144	2,185	27,839	1,171	18,608	219,118
%Change 1994-2003	18.8%	-1.8%	-38.7%	-60.5%	-32.0%	-3.1%	73.7%	0.2%

Reviewing where the changes in caseload occurred over the past 10 years (caseload for the unincorporated areas and District Court exclusive jurisdiction vs. the contract cities) provides some additional perspective on the overall caseload history. Caseload in the contracting cities grew by 93.9% while the caseload for unincorporated areas and District Court exclusive jurisdiction fell by 18.5% for the same period. A detailed presentation of the changes in caseload by case type is included in Tables 8 and 9.

¹ The filing history shown here has been adjusted to reflect the current structure and jurisdiction of District Court in 2003. NCSC removed historical caseload for the following cities that have created their own separate municipal courts: Federal Way, Beaux Arts, Clyde Hill, Hunts Point, Medina, Yarrow Point.

TABLE 8. TOTAL CONTRACT CITIES' HISTORICAL CASE FILINGS, 1994-2003²

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
1994	25,849	1,086	8,127	NA	NA	NA	1,332	36,394
1995	24,337	807	7,946	NA	NA	NA	2,275	35,365
1996	25,741	950	8,898	NA	NA	NA	2,476	38,065
1997	37,182	893	9,035	NA	NA	NA	6,734	53,844
1998	45,804	918	9,326	NA	NA	NA	9,659	65,707
1999	47,037	1,061	8,650	NA	NA	NA	12,082	68,830
2000	52,053	1,287	8,967	NA	NA	NA	14,025	76,332
2001	48,869	1,259	8,558	NA	NA	NA	12,349	71,035
2002	50,601	1,145	7,913	NA	NA	NA	11,709	71,368
2003	48,293	1,197	8,254	NA	NA	NA	12,837	70,581
%Change 1994-2003	86.8%	10.2%	1.6%	0.0%	0.0%	0.0%	863.7%	93.9%

² Contract Cities Include history for 1993 to 2004: Bellevue, Burien, Carnation, Duvall, Issaquah, Mercer Island, Newcastle, Normandy Park, North Bend, Redmond, Skyhomish, Snoqualmie, Woodinville. Contract City also includes new incorporations contracting with District Court since 1993: Shoreline 1995, Covington, 1997, Kenmore, 1998, and Sammamish 1999. Contract City caseload does not include civil caseload (Orders for Protection, and Civil/Small Claims) or felony reductions/"expedited" calendars.

TABLE 9. TOTAL UNINCORPORATED AND DISTRICT COURT EXCLUSIVE-JURISDICTION HISTORICAL CASE FILINGS, 1994-2003³

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
1994	94,055	4,725	26,359	5,529	40,932	1,209	9,381	182,190
1995	89,121	4,533	26,616	5,346	39,580	904	8,241	174,341
1996	83,554	4,762	23,811	5,456	39,565	1,522	5,331	164,001
1997	80,000	4,685	18,429	4,718	36,954	853	7,768	153,407
1998	72,046	4,049	15,950	4,087	34,796	883	9,029	140,840
1999	80,560	3,888	13,391	3,566	33,252	743	9,182	144,582
2000	87,715	4,424	14,962	3,560	30,892	790	9,847	152,190
2001	73,802	3,867	12,747	2,951	32,059	1,582	8,616	135,624
2002	88,484	4,247	14,263	2,715	32,504	1,276	5,654	149,143
2003	94,171	4,510	12,890	2,185	27,839	1,171	5,771	148,537
<i>%Change 1994-2003</i>	<i>0.1%</i>	<i>-4.6%</i>	<i>-51.1%</i>	<i>-60.5%</i>	<i>-32.0%</i>	<i>-3.1%</i>	<i>-38.5%</i>	<i>-18.5%</i>

2. Baseline Forecast. Based on the applied forecasting methodology detailed in NCSC's December 2004 caseload report, the following changes in caseload are anticipated to occur in King County by the year 2013, based on the assumption that future filing patterns will be similar to those of the last ten years:⁴

- Overall caseload: decline by 2.7%
- Felony cases: decrease by 64.0⁵% (from 1,171 cases to 422 cases over 10 years)

³ Total Unincorporated Infractions, DWI, Parking and Criminal includes cases from unincorporated King County, and cases from the Washington State Patrol, King County Sheriff, Port of Seattle, University of Washington, Liquor Control Board, and the Marine Patrol. District Court Jurisdiction Cases include Civil Orders for Protection/Anti Harassment, Civil/Small Claims, and Felony Reductions/"Expedited" Calendars.

⁴ Data recently became available on the number of cases filed through July of 2004 in the King County District Court. From this information, it appears that Infractions, DUI and Criminal cases are being filed at a substantially lower annual rate than in previous years. Projecting the expected number of cases to be filed at the end of the calendar year appears to indicate a substantial decline in filings. These declines seem to be resulting from a change in policy rather than a long-term trend based upon other independent variables such as population or economic conditions. The decline in DUI filings appears to be a temporary decline, for which a "correction" is anticipated by year-end. The cause of the decline in infraction filings is unknown at the present time.

⁵ The PAO has made several changes to its filing practices that will result in changes to the workload in the Office of the Public Defender (OPD), District Court, Superior Court, and other parts of the King County criminal justice system. Specifically, the PAO will make three changes to its filing practices:

- Civil and small claims cases: decline by 16.4% from present levels
- Orders for Protection and Anti-Harassment cases: decline by 18.8%
- Infractions: decrease by 1.8%
- DUI cases: increase by 2.8%
- Other criminal case filings: decline by 9.6 %
- Parking violations: increase by 23.0%
- Total contract city cases: increase by 7.9%
- Total cases for unincorporated areas and in the exclusive jurisdiction of District Court: decrease by 7.7%.

Tables 10 through 12 on the following pages show the year-by-year details for these filing projections for the King County District Court, including a comparison of the forecast growth for the contracting cities and unincorporated/District Court exclusive jurisdiction caseloads.

TABLE 10. TOTAL DISTRICT COURT PROJECTED FILINGS, 2003-2013

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
2003	142,464	5,707	21,144	2,185	27,839	1,171	18,608	219,118
2004	139,064	5,947	22,477	2,356	31,878	1,188	21,058	223,968
2005	138,217	5,941	21,117	2,067	34,860	437	21,298	223,936
2006	137,843	5,954	20,808	1,744	33,740	440	21,732	222,261
2007	137,409	5,890	20,638	2,038	32,567	427	21,991	220,960
2008	137,088	5,848	20,435	1,775	31,320	419	21,982	218,867
2009	137,056	5,836	20,185	1,775	29,969	417	22,266	217,504
2010	137,084	5,791	19,999	1,775	28,531	408	22,287	215,875
2011	137,602	5,816	19,696	1,775	26,945	413	22,349	214,595
2012	138,533	5,841	19,398	1,775	25,199	418	22,705	213,868
2013	139,831	5,866	19,105	1,775	23,277	422	22,892	213,167
%Change 2003-2013	-1.8%	2.8%	-9.6%	-18.8%	-16.4%	-64.0%	23.0%	-2.7%

- Some drug cases formerly filed as felony reductions in District Court will now be filed as gross misdemeanors, resulting in a projected 776 cases moving from King County District Court to municipal courts. An estimated 24 cases will remain King County District Court.
- Some property crime cases formerly filed as felony reductions in District Court will now be filed as gross misdemeanors, resulting in a projected 146 cases moving from King County District Court to municipal courts. An estimated 4 cases will stay in King County District Court.
- Property offense cases involving amounts less than \$1,000 that were formerly filed as felonies in Superior Court will now be filed as felony reductions in District Court, resulting in a projected 94 cases moving from King County Superior Court to King County District Court.

TABLE 11. TOTAL CONTRACT CITIES' PROJECTED FILINGS, 2003-2013⁶

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
2003	48,293	1,197	8,254	NA	NA	NA	12,837	70,581
2004 ⁷	50,059	1,275	8,269	NA	NA	NA	15,370	74,973
2005	49,723	1,109	7,222	NA	NA	NA	15,614	73,668
2006	49,589	1,112	7,252	NA	NA	NA	16,037	73,989
2007	49,432	1,100	7,276	NA	NA	NA	16,355	74,163
2008	49,317	1,092	7,302	NA	NA	NA	16,385	74,095
2009	49,305	1,090	7,330	NA	NA	NA	16,681	74,405
2010	49,316	1,081	7,354	NA	NA	NA	16,745	74,496
2011	49,502	1,086	7,385	NA	NA	NA	16,783	74,755
2012	49,837	1,090	7,415	NA	NA	NA	17,115	75,458
2013	50,304	1,095	7,445	NA	NA	NA	17,280	76,124
%Change 2003-2013	4.2%	-8.5%	-9.8%	0.0%	0.0%	0.0%	34.6%	7.9%

⁶ Contract Cities for 2003-2004 Include: Bellevue, Burien, Carnation, Duvall, Issaquah, Kenmore, Mercer Island, Newcastle, Normandy Park, North Bend, Redmond, Skyhomish, Snoqualmie, Woodinville, Shoreline, Covington, and Sammamish. Contract City caseload does not include civil caseload (Orders for Protection, and Civil/Small Claims) or felony reductions/"expedited" calendars. Contract city projections for 2005-2013 exclude the cities of Issaquah, Mercer Island, Newcastle and Normandy Park.

⁷ Projections based on the actual cases filed through September 2004 indicate that the 2004 year-end actual infraction filings may not meet the projections for 2004. The cases filed in 2004 are low primarily due to vacant traffic officer positions in the City of Bellevue. The caseload should return to historical levels by the 2nd quarter of 2005 as those vacant positions are anticipated to be filled by the end of first quarter 2005.

TABLE 12. TOTAL UNINCORPORATED AND DISTRICT COURT EXCLUSIVE-JURISDICTION PROJECTED FILINGS, 2003-2013⁸

Year	Infractions	DUI	Criminal	Orders for Protection/ Anti-Harassment	Civil and Small Claims	Felony	Parking	Total
2003	94,171	4,510	12,890	2,185	27,839	1,171	5,771	148,537
2004 ⁹	89,005	4,672	14,208	2,356	31,878	1,188	5,688	148,995
2005	88,494	4,832	13,895	2,067	34,860	437	5,683	150,268
2006	88,255	4,842	13,555	1,744	33,740	440	5,695	148,271
2007	87,976	4,790	13,362	2,038	32,567	427	5,636	146,796
2008	87,771	4,756	13,134	1,775	31,320	419	5,597	144,772
2009	87,750	4,747	12,855	1,775	29,969	417	5,585	143,099
2010	87,769	4,710	12,645	1,775	28,531	408	5,542	141,379
2011	88,100	4,730	12,312	1,775	26,945	413	5,566	139,840
2012	88,696	4,750	11,983	1,775	25,199	418	5,590	138,410
2013	89,527	4,770	11,659	1,775	23,277	422	5,612	137,042
%Change 2003-2013	-4.9%	5.8%	-9.5%	-18.8%	-16.4%	-64.0%	-2.8%	-7.7%

B. Judgeship Needs Projection

The State of Washington's Administrative Office of the Courts (AOC) has relied upon several methods to determine the need for judicial officers throughout the state.

The most recent method employed is the "input/output model" developed in 2002.

- The model analyzes the relationship between the level of judicial resources available and the number of resolutions that have occurred over the most recent five-year period.
- Certain data elements, such as actual cases in the civil and small claims area involving judicial dispositions, are controlled for in the overall calculations, but

⁸ The category of "unincorporated" infractions, DUI cases, parking cases, and criminal matters includes cases from unincorporated King County, as well as cases from the Washington State Patrol, King County Sheriff, Port of Seattle, University of Washington, Liquor Control Board, and the Marine Patrol. The category of "District Court exclusive jurisdiction cases" includes civil orders for protection/anti harassment, civil/small claims, and felony reductions/"expedited" calendars.

⁹ The criminal non-contract case filings are showing a decline (based on actual case filings to date) and will probably not meet the forecast for 2004. The reduction in criminal filings appears to be the result of the recent Washington Supreme Court Decision on the unconstitutionality of the DWLS proceedings. Historically, DWLS cases account for approximately 1,000 criminal filings a year (and another 4,000 DWLS re-licensing cases a year). If legislative action is not taken to correct the statutory language, the court will see a permanent decline in such cases.

the model essentially provides a concise assessment of judicial supply and demand that only requires a review of readily available data.

- The AOC indicates that this type of model offers some advantages over the weighted caseload methodology previously employed for statewide judgeship need projections because of its reliance on existing data sources and on the opportunity for analysts to review the relationships between the required data elements on an annual basis without a cumbersome data collection process.

1. General Judgeship Need. The application of the Washington AOC's Input/Output Model to the projected case filings shown in Table 13 below yields the following projections of judicial need for the next ten years. Dr. Andrew Glenn of the AOC performed this projection.

TABLE 13. JUDGESHIP NEED PROJECTIONS¹⁰

Year	Total Filings	Projected ¹¹ Judge (FTE)	Judicial (FTE) Assistance to Superior Court	Presiding Judge (FTE)	Total Judge Need (FTE)
2003	219,118	21.3	1.4	1.0	23.7
2004	223,968	22.3	1.2	1.0	24.5
2005	223,936	21.9	1.2	1.0	24.1
2006	222,261	21.6	1.2	1.0	23.8
2007	220,960	21.3	1.2	1.0	23.5
2008	218,867	20.9	1.2	1.0	23.1
2009	217,504	20.6	1.2	1.0	22.8
2010	215,875	20.3	1.2	1.0	22.5
2011	214,595	20.0	1.2	1.0	22.2
2012	213,868	19.7	1.2	1.0	21.9
2013	213,167	19.4	1.2	1.0	21.6

¹⁰ Projected Judge FTE includes 1.0 FTE for felony probable cause hearings per year in addition to the level of judge need indicated by caseload. Data recently became available on the number of cases filed through July 2004 in the District Court. From this information, it appears that infractions, DUI and criminal cases are being filed at a substantially lower annual rate than in previous years. Projecting the number of likely total filings by the end of the calendar year appears to indicate a substantial decline in cases filed. This decline seems to result from a change in policy rather a long-term trend based upon other independent variables, such as population or economic conditions.

¹¹ "Projected Judge FTE" for 2003 is from the 2002 Annual Caseload Report, and that for 2004 is from the 2003 Annual Caseload Report. The projected judge need for all other years is based on the application of the Washington State AOC input-output model to the projections developed by NCSC.

2. Allocation of Judgeships. The Washington AOC also prepared projected distributions of judge FTE needs for contract city caseload for 2005-2013 as opposed to those in the same time period for cases from unincorporated areas and in the Court's exclusive jurisdiction based on the filing projections included in Tables 11 and 12. This distribution is based solely on the projected caseload and does not incorporate the additional judge need contributed by the presiding judge position and judicial assistance to the superior court. The judge need is indicated in Table 14:

TABLE 14. JUDGESHIP NEED PROJECTIONS – ALLOCATION TO CONTRACT CITIES AS OPPOSED TO UNINCORPORATED AREAS AND EXCLUSIVE JURISDICTION

Year	Total Filings	Contract City Judge (FTE)	Unincorporated Areas and Exclusive Jurisdiction (FTE)*	Total Judge Need (FTE)**
2005	223,936	3.5	18.5	21.9
2006	222,261	3.5	18.1	21.6
2007	220,960	3.5	17.8	21.3
2008	218,867	3.5	17.5	20.9
2009	217,504	3.5	17.2	20.6
2010	215,875	3.5	16.8	20.3
2011	214,595	3.5	16.5	20.0
2012	213,868	3.5	16.2	19.7
2013	213,167	3.5	15.9	19.4

* Includes 1.0 Judge FTE for felony preliminary hearings

** Because of rounding, the numbers shown in the "Total Judge Need (FTE)" column may not equal the total of the other two FTE columns.

C. Staffing Needs Projection

The projection of future court staffing needs was based on an analysis of historical and projected population demographics for the county; a historical analysis of case filings for the past ten years, with a projection of case filings through 2013 concurrent with future population demographics (including annexation); projections of

the future number of staff positions required; and the application of quantitative workload- and staffing-ratio formulas.

The NCSC project team began assessing the future staffing needs for the King County District Court by separating staff into three broad categories: court clerical staff, probation staff, and administrative support and management staff:

- “*Court clerical staff*” is a category including positions that provide services such as records management and case processing functions, along with jury services and financial management, as well as providing direct support for judicial officers, both in and out of the courtroom.
- “*Probation staff*” includes probation officers and support positions charged with monitoring offenders for compliance with the terms and conditions of the sentence imposed.
- “*Administrative support staff and management staff*” includes court and probation management personnel, human resources and technical staff concerned with coordinating administrative operations for all court locations.

The determination of future staff needs for each of these categories is presented separately below.

1. Court Clerical Need. There was a noted concern among judges, prosecutors, support staff and court management staff that at the current level of support staff, the Court is understaffed, and the current number of clerical positions does not represent a sufficient level of staffing that would allow the Court to handle cases in an effective and efficient manner.

Sometimes comparing the number of court staff levels per judge helps put those numbers in perspective. The picture for King County is mixed. The King County District Court is twice the size of the next-largest district court. The ratio of staff FTE to judicial officers in 2003 was 6.1 in King County, compared to a statewide average of 6.2.¹² Additionally, the staff-to-judge ratio in the King County District Court is below the second and third largest district courts in the state and well-below the ratio for the fourth largest, Pierce County (8.2 to 6.1). The NCSC has been advised that almost all

¹² The AOC converts all staff work hours to a 40-hour week equivalent, so the number it uses to compare staffing levels is uniform for all courts. This conversion also results in a different staff number for King County than the number of authorized positions in the county's budget. The 6.1 and 6.2 figures are based on the AOC's 40-hour-equivalent numbers. The ratios for both the state and King County based on gross, unadjusted positions are virtually the same, however.

other district courts in the state operate out of one or two courthouse locations. King County operates in nine relatively small locations, which introduces diseconomies of scale in how staff can be used and how many staff are needed. Furthermore, King County's District Court has more problem-solving courts than other district courts in the state. Problem-solving courts offer a number of substantive benefits to the community, but they do so at a cost of higher staffing needs. Based on both the geographic spread of its resources and its problem-solving courts, one might expect its staff-to-judge ratio to be above the state average. The fact that it is below the state average is consistent with the conclusion that its staffing levels are low compared to other district courts.¹³

After considering this information on the relative level of staff per judicial officers within the State of Washington, it might be tempting to inquire into the existence of some set of comparative staff per caseload or judicial officer figures based upon a national average or other models developed by individual courts. It must be noted that the development of staff resource assessment models has been achieved through various approaches across the country and consequently has many permutations. Because the jurisdiction and procedures to which courts must adhere vary dramatically from state to state (e.g. classification of criminal offenses, variation in criminal and civil procedural rules, and variation in subject matter jurisdiction) there is no established set of national standards for the amount of time each case requires or the number of cases per staff member per year. Models that assess the need for staff, when they have been developed, have been a matter of local concern, and as a result, have been tailored to the work performed within a particular locality and are not broadly applicable to other courts.¹⁴

¹³ The staff-to-judge ratio statewide for Washington municipal courts averages 11.8 staff members per judge. The most current AOC municipal-court staffing table is based on 2003 data and has a column for judges and one for commissioners, but no "magistrates" column. It also has three "administrative staff" columns: one for "total staff," one for "staff workweek" (i.e., number of hours worked per week), and one for "total staff – 40 hour workweek standard." (For the Seattle Municipal Court, for example, the table shows 10 judges, no commissioners, and 263.15 "total staff.") Based on these column headings, the NCSC project team has concluded that any magistrate positions in the municipal courts are under "administrative staff," so that they are part of the statewide 11.8 staff-per-judge average calculated by NCSC.

¹⁴ The state-level Court Funding Task Force also noted the difficulty of comparing staffing levels in its recent report, when it said, "... because staffing and program patterns vary considerably even within Washington State, it is difficult to develop a 'one-size-fits-all' standard for staffing." Board for Judicial Administration Court Funding Task Force, *Justice in Jeopardy: The Court Funding Crisis in Washington State* (December 2004), p. 48.

Therefore, the NCSC team developed two separate sets of projections to depict the future need for clerical staff in the Court based on information unique to King County. These projections are intended to give a baseline range of clerical staff under two different methodologies, given the current structure and jurisdiction of the Court. The first set of projections examined the current levels of clerical support staff across the Court to determine the relationship between filings and support staff by case type, while the second set of staffing projections relied on the 1998 weighted caseload model developed for the Court by consultants.

Each of these methods has its own set of drawbacks and limitations. For example, workload and staff projections based on the present situation, where there are perceived resource deficiencies, provide a picture of the current practice only, without acknowledging functions that may have been eliminated or the perceptions about the diminishing quality of the service provided. Calculating staff workload and need based on the 1998 workload model may result in a staff need projection with its root in work practices that are extremely out of date. However, given the options available, applying both methods to give an outside framework of where the true workload demands actually lay, in terms of potential high and low figures, seemed a prudent exercise.

a. Need Based on Current Staffing. The total of court clerical staff positions that currently exist (136 FTE's) was proportionately allocated across the case types handled by the Court to determine the number of staff working on each particular category of cases. From this distribution, a measure of the number of cases that are currently being handled by the staff on an annual basis can be determined. To arrive at this figure, the number of cases filed in 2003 was divided by the number of court staff currently estimated to be working in each particular case-type area. The resulting number of cases per clerk per year is the following:

- Infractions: 2,405 cases per FTE;
- DUI: 717 cases per FTE;
- Criminal: 613 cases per FTE;
- Orders for protection/Anti-harassment: 1,791 cases per FTE;
- Civil/small claims: 1,062 cases per FTE;
- Felony: 272 cases per FTE; and
- Parking: 7,185 cases per FTE.

When this average number of cases per clerk per year is combined with the projected filings for the Court in Table 10, above, the need for clerical resources (based on the current resource allocation) can be calculated, as is shown below in Table 15.

TABLE 15. ESTIMATED NEED FOR FUTURE COURT CLERICAL STAFF, BASED ON CURRENT STAFFING LEVELS BY ASSIGNMENT¹⁵

Year	Infraction Filings	Infraction FTE	DWI Filings	DWI FTE	Criminal Filings	Criminal FTE	Orders for Protection/ Anti-Harassment	OP/AH FTE
2003	142,464	59.23	5,707	7.96	21,144	34.48	2,185	1.22
2004	139,064	57.82	5,947	8.29	22,477	36.65	2,356	1.32
2005	138,217	57.46	5,941	8.28	21,117	34.44	2,067	1.15
2006	137,843	57.31	5,954	8.30	20,808	33.93	1,744	0.97
2007	137,409	57.13	5,890	8.21	20,638	33.66	2,038	1.14
2008	137,088	56.99	5,848	8.15	20,435	33.32	1,775	0.99
2009	137,056	56.98	5,836	8.14	20,185	32.92	1,775	0.99
2010	137,084	56.99	5,791	8.07	19,999	32.61	1,775	0.99
2011	137,602	57.21	5,816	8.11	19,696	32.12	1,775	0.99
2012	138,533	57.60	5,841	8.14	19,398	31.63	1,775	0.99
2013	139,831	58.14	5,866	8.18	19,105	31.15	1,775	0.99

Year	Civil and Small Claims Filings	Civil/SC FTE	Felony Filings	Felony FTE	Parking	Parking FTE	Total Filings	Total FTE
2003	27,839	26.21	1,171	4.31	18,608	2.59	219,118	136.00
2004	31,878	30.01	1,188	4.37	21,058	2.94	223,968	141.40
2005	34,860	32.82	437	1.61	21,298	2.97	223,936	138.74
2006	33,740	31.77	440	1.62	21,732	3.03	222,261	136.93
2007	32,567	30.66	427	1.57	21,991	3.07	220,960	135.43
2008	31,320	29.49	419	1.54	21,982	3.06	218,867	133.56
2009	29,969	28.22	417	1.53	22,266	3.10	217,504	131.88
2010	28,531	26.86	408	1.50	22,287	3.11	215,875	130.14
2011	26,945	25.37	413	1.52	22,349	3.12	214,595	128.43
2012	25,199	23.73	418	1.54	22,705	3.17	213,868	126.79
2013	23,277	21.92	422	1.55	22,892	3.19	213,167	125.12

¹⁵ Data recently became available on the number of cases filed through July of 2004 in the King County District Court. From this information, it appears that Infractions, DUI and Criminal cases are being filed at a substantially lower annual rate than in previous years. Projecting the number of cases expected to be filed at the end of the calendar year appears to indicate a substantial decline in cases filed. These declines seem to be resulting from a change in policy rather than a long-term trend based upon other independent variables such as population or economic conditions.

b. 1998 Weighted Caseload Model Projections. The King County District Court developed a weighted caseload model based on the 1997 caseload, and from all indications the Court saw it as a good indicator of its clerical staff needs. The Court last updated its model in 1998, with the following results:

- Infractions: 3,733 cases per FTE;
- DUI: 407 cases per FTE;
- Criminal: 508 cases per FTE;
- Domestic violence: 921 cases per FTE;
- Civil/small claims: 909 cases per FTE;
- Felony: 270 cases per FTE; and
- Parking: 6,021 cases per FTE.

When the average number of cases per clerk per year from the previous weighted caseload model is combined with the projected filings for the District Court, the level of clerical resources required to process these future case filings can be determined. The projected court clerical staff need for the Court is presented in Table 16, below.

**TABLE 16. ESTIMATED NEED FOR FUTURE COURT CLERICAL STAFF,
 BASED ON 1998 WEIGHTED CASELOAD MODEL¹⁶**

Year	Infraction Filings	Infraction FTE	DWI Filings	DWI FTE*	Criminal Filings	Criminal FTE*	Orders for Protection/ Anti-Harassment	OP/AH FTE
2003	142,464	38.17	5,707	14.85	21,144	43.82	2,185	2.37
2004	139,064	37.26	5,947	15.47	22,477	46.58	2,356	2.56
2005	138,217	37.03	5,941	15.46	21,117	43.76	2,067	2.25
2006	137,843	36.93	5,954	15.49	20,808	43.12	1,744	1.89
2007	137,409	36.81	5,890	15.32	20,638	42.77	2,038	2.21
2008	137,088	36.73	5,848	15.22	20,435	42.35	1,775	1.93
2009	137,056	36.72	5,836	15.19	20,185	41.83	1,775	1.93
2010	137,084	36.73	5,791	15.07	19,999	41.45	1,775	1.93
2011	137,602	36.87	5,816	15.13	19,696	40.82	1,775	1.93
2012	138,533	37.12	5,841	15.20	19,398	40.20	1,775	1.93
2013	139,831	37.46	5,866	15.26	19,105	39.59	1,775	1.93

*assumed a trial rate of 2% of all cases filed

Year	Civil and Small Claims Filings	Civil/SC FTE*	Felony Filings	Felony FTE	Parking	Parking FTE	Total Filings	Case Related FTE	Operational Support FTE	Total FTE
2003	27,839	36.46	1,171	4.31	18,608	3.09	219,118	143.07	29.93	173.00
2004	31,878	41.75	1,188	4.37	21,058	3.50	223,968	151.50	31.69	183.19
2005	34,860	45.66	437	1.61	21,298	3.54	223,936	149.30	31.23	180.53
2006	33,740	44.19	440	1.62	21,732	3.61	222,261	146.86	30.72	177.58
2007	32,567	42.66	427	1.57	21,991	3.65	220,960	145.00	30.33	175.34
2008	31,320	41.02	419	1.54	21,982	3.65	218,867	142.44	29.80	172.24
2009	29,969	39.25	417	1.53	22,266	3.70	217,504	140.15	29.32	169.47
2010	28,531	37.37	408	1.50	22,287	3.70	215,875	137.74	28.81	166.56
2011	26,945	35.29	413	1.52	22,349	3.71	214,595	135.27	28.30	163.57
2012	25,199	33.00	418	1.54	22,705	3.77	213,868	132.75	27.77	160.53
2013	23,277	30.49	422	1.55	22,892	3.80	213,167	130.09	27.21	157.30

¹⁶ Data recently became available on the number of cases filed through July of 2004 in the King County District Court. From this information, it appears that Infractions, DUI and Criminal cases are being filed at a substantially lower annual rate than in previous years. Projecting the number of cases to be filed at the end of the calendar year appears to indicate a substantial decline in cases filed. These declines seem to be resulting from a change in policy rather than a long-term trend based upon other independent variables such as population or economic conditions. If these trends continue, the need for staff resources will be impacted.

2. Probation Staff Need. The Court has recently undergone a change in the delivery of probation services by unanimous vote by the District Court judges for purposes of public safety and reduction of recidivism.

- The new probation model employed by the Court is essentially a bench probation model where judges (instead of probation officers) have decision-making authority over the probationer.
- Court has instituted a cap of 140 active probation cases per judge.
- Currently there are probation supervisors (at the "Probation Officer II" pay level) in each of the court divisions who have been given an official cap of 100 cases each. In addition to managing a caseload of probationers of their own, the probation supervisors oversee such things as personnel matters, management/staff training, and coverage for unavailable court-assigned probation officers.
- The probation-officer line staff (16.5 FTE at the "Probation Officer I" pay level) also perform two formal presentence investigations a month, in-custody jail interviews if needed, and attend probationer's court hearings as requested by their respective supervising judges. These probation officers have a cap of 140 active cases per officer.
- Additionally, the Court employs two mental health specialists who see their probationers weekly and not monthly as the other probation officers. Because the Mental Health Court has daily court hearings and an intensively structured program (which includes psychiatric/psychological counseling, medication monitoring, housing, social work case monitoring, and other responsibilities) the caseload for the two probation officers is capped at about 60. (Mental Health Court has not officially determined a cap of probation cases, but has optimal working number as determined by the feedback of the mental health specialists.)
- To date, the Court has been able to maintain an average of 100 cases per probation supervisor and 107.48 cases per judge-assigned probation officer, excluding Mental Health Court, with the current total number of active probation cases reaching just 2080.

3. Administrative, Management and Technical Staff. The Court's administrative, management and technology staff is not accounted for in either the clerical or probation staffing needs estimated above. Because of the type of work involved, these classes of positions are substantially less dependent on case filings than the clerical or probation positions. As a result, applying the percentage of overall change in projected staff positions was selected as the methodology to predict the need for future administrative, management and technical positions. Table 17 presents a list of the

current management staff, Table 18 presents the administrative staff, and Table 19 depicts the number of technical positions and FTE's funded for 2004.¹⁷

TABLE 17. CURRENT MANAGEMENT POSITIONS

Management Staff	
2004 FTE	Job Title
1	Chief Administrative Officer
7	Director*
12	Court Manager (Court Divisions)
20	Total Management Staff

*Includes probation, budget, technology, human resources, and three court divisions.

TABLE 18. CURRENT ADMINISTRATIVE STAFF POSITIONS

Administrative Staff	
2004 FTE	Job Title
4	Court Manager (Budget, Revenue, Training, MHC)
3	Coordinator (RP, Admin, Jury/Interpreters)
1	Spanish Interpreter - Admin
1	Receptionist
5	Office Aide - Admin**
1	Office Technician II
15	Total Administrative Staff

** Developmentally Disabled Program – office aides have limited hours/ responsibilities

¹⁷ Beyond the discussion of technology staff, the NCSC project team has not observed any indicators that the Court's future staffing needs in these areas will be at a different level or involve a different mix than the present.

TABLE 19. CURRENT TECHNICAL STAFF POSITIONS

Technical Staff	
2004 FTE	Job Title
2	ECR Project Manager
2	LAN Technician & ECR Administrator
2	PC Technicians
6	Total Technical Staff

D. Relation of Projections to the Court's Future Directions

General conclusions from the caseload projections for the King County District Court are the following:

- Overall King County District Court caseload will decline by 2.7% by the year 2013.
- There will be a shift in the Court's case mix, with 7.9% more contract city cases and 7.7% fewer cases for unincorporated areas and in the Court's exclusive jurisdiction.
- As a consequence of these developments, the number of judgeships that the Court needs will decrease from almost 24 to what is shown in Tables 13 and 14, above.
- Absent other developments, the Court's need for support staff will be either 125 or 157 people, depending on the basis for projection. Yet there will be other developments – most notably the introduction of “electronic case records” (“ECR”) and other information technology developments discussed in Chapters III and IV below, and it will be necessary for the Court to carry out a time and motion study to determine its support staff needs in light of these developments.

The overall slight decline in total filings highlights the importance of the Court's strategic options as discussed below in Chapter IV. The shift in the Court's case mix will mean increased contract city revenues, and under full cost recovery it will also mean increased revenue for the County for providing services in such cases. While the net effect of this will have operational consequences (in that judicial and support staff resources will have to be shifted), it does not have strategic significance in terms of the long-term options for the Court as discussed in Chapter IV.

Recommendation: Based on these concluding observations, the NCSC project team offers the following recommendation:

In view of such developments as the introduction of "electronic case records" ("ECR") and other information technology developments, the Court should carry out a time and motion study to determine its support staff needs.

In a recently-released report, the state-level Court Funding Task Force wrote, "District and Municipal Court staff need should be based on a set of case filing to staff ratios based on the size of the court grouped by the number of filings and based on FY 2000 staffing levels and filings."¹⁸ When a project team member from NCSC spoke by telephone about this to Mr. Jeff Hall, a representative of the Washington Administrative Office of the Courts, he indicated that the Task Force had a number of unresolved questions about comparability among courts,¹⁹ and that they had as a result advised the AOC not to disseminate court-by-court results for the calculation of staff need on this basis. As an additional point of reference in determining support staff needs, the Court may want to consult with the AOC about its specific King County District Court staff-need calculations before carrying out the time-and-motion study recommended here.

¹⁸ Court Funding Task Force, *supra* note 14, p. 47.

¹⁹ *Id.*, see p. 48.

CHAPTER III.

IN LIGHT OF ITS MISSION AND VISION STATEMENTS, HOW WELL DOES THE COURT NOW DELIVER SERVICES?

The challenge facing the King County District Court in the foreseeable future will be how to do well in the delivery of court services in an environment of declining public resources. An important consideration must therefore be to determine what it means to “do well.” In Chapter I, we present the mission and vision statements of the District Court. “Doing well” has to do with the extent to which the Court has reached the goals set forth in these statements.

In this chapter, the NCSC presents its evaluation of current District Court operations. First, we look at operations in view of the Court’s mission statement. Then we consider the portion of the vision statement in which the Court states its intention to be “the preferred forum in King County for the resolution of all cases of limited jurisdiction.” This discussion includes an analysis of the reasons why cities have left contracts with the Court. Finally, we assess operations in view of the twelve ways that the Court has proposed in its vision statement to “provide the highest quality of justice.”

A. Mission Statement

In its mission statement, the District Court offers five criteria against which its operations can be assessed. Those are: (1) providing an accessible forum; (2) being fair; (3) being efficient; (4) being understandable; and (5) resolving cases. Each is considered below.

1. Accessible Forum.

a. Current Status. The current status of the Court being an accessible forum can be capsulated as follows:

- The Court closed two locations in 2001. The cities in which the locations were closed already had municipal courts.
- The Court now operates with nine locations, including two in Kent. One of the locations in the East Division (Issaquah) and one in the South Division (Kent) have been designated as the sole location in each division for the filing and

resolution of all civil and small claims cases. The NCSC project team could find no evidence of any complaints or concerns about this centralization of function. City representatives see no problem with having all civil cases filed and heard in one location only.

- All jury trials in criminal cases in the South Division now are held in the Regional Justice Center in Kent. No access issues were cited because of this limitation.
- The Court has voted to consolidate all state and county charges into three locations: Seattle, Redmond, and the Regional Justice Center in Kent. This decision, to be fully implemented by mid-2005, reduces the number of locations in which these cases will be heard, thereby positively affecting the staffing requirements for both the Prosecutor's Office and the Office of Public Defense, both of which sought the change, but possibly negatively affecting access for defendants released on bail, as they and their families may have to travel further and with greater difficulty than they do today. On the other hand, if the consolidation leads to better management of the Court's caseload, access might improve even for defendants, as they will appear fewer times and their cases will be resolved sooner.
- There are District Court courthouses in seven cities in various locations around the County serving 13 cities, while 26 cities have their own municipal courts. Several cities that currently contract with the Court have indicated that if the District Court courthouse within their city limits were to be closed or "full service" changed, they would seriously consider establishing their own municipal courts.²⁰
- Even with a District Court courthouse within or near their city limits, several cities are considering withdrawing from their contracts with District Court to establish their own municipal courts.
- Established in 2003 a centralized "Call Center" in Seattle with an automated "phone tree" response to answer all incoming calls, thus materially reducing the telephone calls that had to be answered by staff members in each location. (Some calls still must be answered in the locations. If the Call Center cannot resolve calls from citizens, these are referred to a dedicated telephone in each location; if the calls are from attorneys, probation officers, or others specifically provided the special number, there is a second number in each location reserved for these callers.) The Call Center did not operate initially or improve access as expected and thus became a source of friction between the Court and citizens and between the Court and its contract cities. Recent changes, discussed below, suggest the Call Center may now be poised to achieve its promise.
- Another component of access that is independent of the number of courthouses or how far one must drive to reach one of those courthouses is access as defined by the Americans With Disabilities Act (ADA): access for the disabled once they enter a court facility.

²⁰ The issue of relations with the cities is discussed more fully in section B.1, page 68, below.

- Another access issue is how easy or difficult it is for litigants to understand court proceedings and to participate in them. This aspect of access was not reviewed for this study.
- Between the seven separate Court locations plus 26 independent municipal courts in the County, physical access to court facilities for the County's residents does not seem to be an issue. The District Court appears to be meeting its goal of being accessible in terms of physical access, but with areas for improvement remaining.

b. Call Center. Because the Call Center has been the focus of significant and distinct concern, it is discussed separately here, as well as in the supplemental assessment of information technology in Volume Two.²¹

- The language of the Center's phone tree and the options provided are reasonably easy to understand until the script starts providing web site information. If one only wants the address of a location or court hours, the phone tree script works well. If one has a question about case activities and/or future events, a party, or procedures to be followed for specific case types, however, the phone tree has three limitations: (1) it requires time to listen to the options to see if one's question is addressed; (2) some people may have trouble following the information orally; and (3) it does not address case-specific information needs.
- If a caller wants to talk to a specific person or a specific judge's clerk, the phone tree offers little help. It offers no help if the caller knows at the outset the extension of the person to whom the caller wants to speak.
- After navigating the phone tree, if a caller still has questions, he or she gets into an electronic "queue" and waits for the next available operator. Callers waiting for an operator have had to wait for many minutes. The "urban legend" is that most callers wait 20 or more minutes. In the last few months, the wait time has been more than cut in half, but even that amount of time is significant when one must work through the phone tree before getting into the queue.
- Sometimes the automatic hang-up, which occurs after 20 minutes of waiting, terminates calls before anyone picks up the call. These cut-offs may be the genesis of the belief of many that "callers have to wait 20 minutes or more before reaching anyone."
- When calls finally are picked up, in a number of instances in the past, operators did not know the appropriate answers and/or referred the caller to a location because the operator did not have access to records that had to be checked.²² This referral may result in having the caller end up with the location's voice mail, as staff members in the locations are "thin" and are not always able to answer calls.

²¹ For discussion of the Call Center in the context of information technology, see the NCSC project team's supplemental assessment of information technology in Volume Two, Chapter II, at pp. 52-53.

²² This lack of access to information should change importantly once the electronic records system becomes fully operational. (Implementation started January 3, 2005.) Thus, these referred calls should decrease materially by mid-2005.

This compounds citizens' frustration and cities' dismay about service quality. The Call Center is at or near the top of each city's list of complaints about service.

The Call Center's problems seem to stem from five main causes.

1. Senior staff members were assigned to the Call Center initially. Answering telephones all day can be wearing and can lead to high turnover in the best of circumstances. The Call Center operator function was combined with the job responsibilities of an existing "special projects team" to provide some variety to staff members assigned to the Call Center. The special projects team had been formed to assist all locations with backlogs in data entry, completion of notices, preparing judgments, and other backlogged work that could be handled by experienced staff members in other locations. Conceptually, providing a break from constantly attending to telephone calls was good planning. Operationally, however, the second cause of difficulty comes into play.
2. Absenteeism has been high among Call Center staff members from the beginning, so until recently the number of staff members that normally worked each day was barely been sufficient to answer the telephones. There now are eleven positions authorized for the Call Center, but two of those were authorized and filled only late in 2004; up to the point of all 11 positions being filled, the Center averaged only five staff members per day, which is the number determined by an August 2003 evaluation to be needed to answer incoming calls on a timely basis. With an average of only five staff per day, there was no flexibility available to give staff members "special projects team" assignments to break the tension and tedium of answering calls all day.²³ The senior staff members initially assigned to the Call Center started exercising their seniority rights to return to their original locations. Replacement staff members have burned out quickly and also left. Re-staffing the Call Center has been a slow process, so the level of staffing has remained a problem.
3. Recent hires for the Call Center in late 2003 and 2004 also have been new to courts. Consequently, legal and court terms that have become second nature to senior staff members are foreign to the new hires, as are some of the more arcane procedures in courts. This has made it harder for them to be fully responsive to callers, resulting in more referred calls to the locations, which leads back to problems of limited staffing in the locations.
4. The manual that was prepared for Call Center staff members is at least two inches thick. It was comprehensive and complete when first developed, but keeping it current has been a challenge. Finding information quickly within the manual, especially for matters where each location has its own procedure, is difficult even for senior staff members. For new staff members with little or no previous exposure to courts, the task becomes even harder.
5. Although the latest hires were put through a comprehensive training regimen for two weeks before answering one call, training prior to mid-2004 may have been

²³ The first time the NCSC toured the Call Center (August 2004), only four staff members were present and answering calls.

spotty and limited. The training of the last five hires has been much more comprehensive and methodical, making these new hires more capable of performing their assigned tasks than their predecessors had been.

c. Options for meeting this aspiration. The Court's options regarding the location of facilities are discussed in Chapter IV, below. There are two realistic options regarding the Call Center: (1) disband it and relocate the positions back to individual locations; or (2) upgrade the operation to enable it to achieve its purpose. There also are two options regarding the ADA issues: (1) actively address all identified ADA issues throughout the term of the next OMP, or (2) address ADA issues only if and as funds become available. Each topic will be discussed in turn.

i. Call Center Options

(a.) Operational options. The Call Center was a strategic response to the significant staff cuts the Court absorbed starting in 2001. It also has been a lightning rod for criticism about the deterioration of service, especially from the contract cities. Either it needs to be fixed or abandoned, as the "status quo" is not a viable option.

By "fixing" the Call Center, the NCSC has in mind the following:

- Increase staffing to a level that will consistently have an average of seven or more people at work each day (should now be accomplished);
- Create an electronic manual with numerous hyper-links and forms built in to facilitate both its use and the process of updating;
- Provide Call Center staff full access to ECR records and the single DISCIS database (already planned);
- Upgrade the telephone system so the operators can answer each call as if they were in the location closest to the caller; citizens need not know where an operator is located;
- Revisit the phone tree to shorten it and to move some information either to the operators, to the web site, or both;
- Improve the physical environment with windows, appropriate lighting, soothing wall colors and art work, and other elements that help to relieve the daily stress (implemented as of January 7, 2005);
- Upgrade the management reports to obtain more timely information about individual and Center productivity, response times, dropped calls, length of calls, and purpose of calls, both those taken by operators and the information sought by those using the phone tree; review these reports regularly and in a timely way to improve operations and to update the phone tree, manual, and web site, if and as appropriate, in response to clients' needs;

- Assure daily breaks from answering phones for Center staff that involve different substantive work;
- Make every effort to assure that attorneys and other stakeholders who are allowed to use dedicated phones for direct access to locations have each location's telephone number and that location staff respond promptly to calls on those lines;
- Internally promote the work of Call Center staff and their contribution to the smooth operation of the Court.

Call Center Option 1: Upgrade both the technological capacity of the Call Center and its working environment so it can achieve its potential.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • "Access" to a court involves much more than a courthouse location; many stakeholders have legitimate needs to seek telephone access that were being undermined by weaknesses in the Call Center's operation. • A centralized call center with full access to case information is the most efficient use of staff resources, particularly in light of the staff reductions absorbed by the Court over the past three years. • An electronic manual is the most viable way for staff to be able to track and remain current with different location procedures and changes in procedures.²⁴ • Numerous studies support the importance of a calming and supportive physical environment for those doing high-stress work. • If staff members can identify a caller's location and answer the phone as if they were in a nearby Court location, it would give a caller a greater sense of "connection" and reinforce the image of a "community court," yet retain the economies of scale possible with the Center. 	<ul style="list-style-type: none"> • It will take at least a year and quite possibly two before the ECR and single-DISCIS databases will provide Call Center staff with sufficient access to case-specific information, thus continuing to require frequent referrals back to locations where staff have trouble keeping up now with required paperwork. • Because of the backlog of work that has built up over the last two years in most locations, there is sufficient "special projects" work today to occupy the Call Center staff; it is uncertain whether there will continue to be sufficient "extra" work to provide meaningful "back up" work for Call Center staff, particularly if the Court is able to implement some of the operational improvements suggested in this report and some additional staff positions are added.

²⁴ An electronic manual also would benefit location staff and facilitate the introduction, adoption, and updating of standardized procedures ("best practices") across all locations.

Qualitative Factors (continued)	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Assuring the availability of substantive work for staff beyond answering telephone calls will reduce absenteeism and turnover, thus improving the economics of the Center. • There were disruptions when the Call Center function was created; abandoning the Call Center now would introduce further staff disruptions with no assurance that productivity in the locations would improve. • The Call Center's difficulties have been a significant impetus for concern among contract cities about the quality of service by the Court; improving Call Center operations would be a tangible demonstration of the Court's commitment to reversing its service degradations. • However one balances the merits and difficulties of option 1 versus option 2, the Call Center now exists and the Court is working diligently to implement the NCSC's recommendations for improvement, including improved office space; the concept and the improvements to date argue for continuing the effort to make it as productive and useful a tool as possible before deciding it must be abandoned. 	<ul style="list-style-type: none"> • If Call Center staff were reallocated back to the locations, local staff could be assigned telephone support for only a few hours per day, the locations' staffing increases would improve each location's chances of becoming or remaining current with time-critical work, and a variety of work assignments for staff would be assured. • Call Centers are inherently stressful and therefore prone to high absenteeism and turnover no matter how pleasant the "environment"; there is no assurance that windows and a different paint color on the walls—and even breaks of an hour or two a day for other work—will change this underlying weakness of call centers because staff each day know that telephones—and telephone callers—are their main responsibility. • Adopting and implementing all the suggested changes will involve time the Court can ill afford. • The Court will benefit on several levels from staff having an electronic staff manual whether or not there is a centralized Call Center; the Call Center should not be tied inappropriately to creating and using an electronic manual.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court needs additional office space and determined in late 2004 to move some staff to county-owned space near the courthouse in Seattle; the added cost of improving the environmental conditions for Call Center staff, therefore, is marginal and will be shared with the IT program budget; improvements in productivity associated with the change may well offset the additional cost. • The out-of-pocket cost of an electronic manual will be largely offset in two or three years by improved staff productivity, standardized forms, and improved service to the public. 	<ul style="list-style-type: none"> • The two new staff positions established in late 2004 already have added about \$86,000 in cost; the other environmental and technological improvements will add significant additional expense that could be avoided by merely reallocating the positions back to the locations. • The cost of an electronic manual is unknown at this time, but it could exceed \$50,000 initially and thereafter needs staff assigned to keep it current plus an annual maintenance agreement if an outside vendor were used.

Call Center Option 2: Redistribute the staff positions now allocated to the Call Center back to the individual locations to enhance service there.

Qualitative Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • If Call Center staff were reallocated back to the locations, local staff could be assigned telephone support for only a few hours per day, the locations' staffing increases would improve each location's chances of becoming or remaining current with time-critical work, and a variety of work assignments for staff would be assured. • Call Centers are inherently stressful and therefore prone to high absenteeism and turnover no matter how pleasant the "environment"; the work environment in locations nearer staff's homes will improve over-all staff productivity more than windows and a nice color on the walls of a new office. • Adopting and implementing all the suggested changes in the Call Center will involve time the Court can ill afford; reallocating staff back to the individual locations can be completed with little or no disruption in staff productivity while being completed reasonably quickly. • Increasing the staff in each location will increase the likelihood that some or all of the backlogged paperwork can be completed in the location where it exists. • During the transition to fully-operational ECR and single-DISCIS, location staff who answer phones will have ready access to hard-copy files if they must be referenced and to the extent that ECR includes case records from other locations, they can access these other records, if necessary, just as readily as Call Center staff could. 	<ul style="list-style-type: none"> • A centralized call center with full access to case information is the most efficient use of staff resources, particularly in light of the staff reductions absorbed by the Court over the past three years. • Abandoning the Call Center now would introduce further staff disruptions with no assurance that productivity in the locations would improve. • While the exact number of additional staff needed by the Court will be unknown until a time-and-motion study can be completed, it is likely to be well above the two new positions created for the Call Center in late 2004;²⁵ it is unrealistic to expect these two new positions to have a material impact on backlogs existing in almost every location. • Call Center staff become very knowledgeable both about how to handle the public on the telephone and about recurring substantive issues. • Asking all staff in all locations to be available to answer telephones loses the special expertise gained by Call Center staff, replacing it with enhanced but more expensive substantive knowledge that seldom is needed and, when needed, still can be tapped by centralized staff. • For several months, staff have been hired specifically for the Call Center; just as a number of the staff on board in 2001 were not right for a call center, so the current Call Center staff may not fit well with Court needs in the locations.

²⁵ The nine original positions for the Call Center involved a reallocation of existing positions, not new positions, so as of today, the Court has a net staff increase of two over its 2001 level that would be added to location staff levels.

Qualitative Factors (continued)	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The knowledge base of staff in the locations is much greater than it is within the Call Center staff; if one answering the telephone in a location does not know the answer, that person is much more likely than someone in the Call Center to be able to talk to a colleague at a nearby desk who knows the answer, thus improving public service and reducing citizen frustration. • Decentralizing public calls normally means a caller talks to one person once, because staff in that location can access the file and may even know the case; with a call center, there will be many more calls for which two people will be needed--at least until ECR and the single-DISCIS systems are fully operational. • Moving staff back to locations improves staff coverage in each location; the loss of staff back-up coverage for lunches, illness, and vacations has been a serious problem for some locations. • However desirable the "best practices" program may be and however diligently the Court works to minimize differences in procedures among the locations, it is unlikely that all variations can ever be fully eliminated. 	<ul style="list-style-type: none"> • For several months, staff have been hired specifically for the Call Center; just as a number of the staff on board in 2001 were not right for a call center, so the current Call Center staff may not fit well with Court needs in the locations. • Time will be lost relative to today's needs whether it is through implementing the upgrades in the Call Center or reallocating staff to the locations, because half or more of current Call Center staff will need training once they arrive in their new assignments; given the Court's diligence in implementing the NCSC's recommendations regarding the Call Center, it is inappropriate to assume that less time will be lost by reallocating staff than by upgrading the Call Center. • One of the hardest training tasks for Call Center staff was learning to use the jail's prisoner control software; that need has been addressed for Call Center staff now but would have to be revisited for all staff if the Call Center were closed.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The Call Center was moved to newly-occupied space in a nearby office building in the first full week of January; reallocating Call Center staff will free space for other Court functions. • Reallocating staff back to locations requires no new funds; maintaining the centralized Call Center requires new technology expenses if the Call Center is to realize its potential. 	<ul style="list-style-type: none"> • Reallocating Call Center staff to locations within weeks of occupying new office space for them would be wasteful of that space.

(b) Recommendation. Selection of either option regarding the Call Center function would be supported by sound policy and operational reasons. The NCSC recommendation accepts that the Call Center currently exists. Dismantling it now without providing it with the tools needed to reach its potential seems premature. If the

suggested enhancements are implemented and problems continue, the operation then can be abandoned and staff reallocated back to the locations.

Continue to upgrade the operation and technology of the Call Center in an effort to enable it to achieve its potential of enhanced public service.

ii. Addressing ADA issues

(a) Strategic options.

ADA Access Option 1: Actively address all identified ADA issues throughout the term of the next OMP.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Potential legal liability issues under the ADA and with respect to general liability will be addressed. • Federal law anticipates this work will be done; a 2004 US Supreme Court case involving physical access specifically applied the ADA to courts. • Access will be improved for those with disabilities and, possibly, for all Court users. • The Court's web page would be improved in appearance and content. 	<ul style="list-style-type: none"> • Openly and explicitly addressing these issues may alert some to put litigation pressure on the Court and the County.
Cost Factors	
Benefits	Disadvantages
	<ul style="list-style-type: none"> • The full extent of and cost of addressing these issues have not been identified. Only the physical facility issues have been noted; the cost of correcting both facility and other issues, which may be substantial, should be determined before committing to it.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • This option acknowledges the need to address these needs without committing to funds that may not be available • The highest priority needs can be identified and addressed in an orderly fashion 	<ul style="list-style-type: none"> • Potential liability issues will not go away if ignored. • If the Court does not plan to address these issues it may have planning and correction forced upon it by others. • Some improvements the Court could implement to address ADA issues would benefit users not covered by the ADA, as well, thus enhancing access for all.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • In a budget environment of structural deficits, the County cannot commit in advance to significant new expenses, even if they would be one-time costs in many instances. • All ADA issues do not involve facility upgrades or changes; and some compliance can be achieved with limited expenditures that can be addressed without budget increases. • Costs cannot be calculated, but whatever they are, they will be avoided or, at least, spread out in a manageable fashion. 	<ul style="list-style-type: none"> • Identifying and committing to costs that can be determined is better than undefined but significant costs being imposed by others.

(b) Recommendations. Recommendations regarding facility locations are provided in Chapter IV. Regarding ADA compliance issues, it is recommended that:

Any access issues that may arise involving facilities, forms, and signage should be investigated, with costs determined, and addressed on a priority basis in each year covered by the next OMP.

Regarding access issues associated with understanding court proceedings and participating effectively in them, it is recommended:

Through citizen observers or written surveys of users, issues associated with litigants' understanding of court proceedings and participation should be identified and addressed during the period of the next OMP.

2. Fair. The project study team did not assess the issue of fairness. No evidence appeared to suggest any unfairness in District Court proceedings.²⁶

3. Efficient. This concept is multi-faceted. Generally, it refers to outputs as measured by cost. That is, something is "efficient" if it is completed with a minimum expenditure of time or resources (normally, dollars) or, the number of "outputs" increases without additional resources. Using fewer resources to achieve the same results normally is seen as "more efficient" and thus a good thing. Efficient normally is contrasted with "effective," which is an outcome or result measure: Does the outcome achieve desired results?

- The Court's staffing levels and budget have been cut considerably in the last three years, yet it has continued to resolve about the same number of cases.
- The introduction in early 2005 of both the court-wide database for case management and the electronic court records program should further increase the Court's efficiency. Nonetheless, it remains to be seen whether the projected efficiencies are achieved across all case types and types of records.²⁷
- Overall, the Court has been efficient in using its dwindling resources. Pending technological changes should enhance its efficiency, both in terms of day-to-day operations and timeliness of dispositions.²⁸
- Implementation of the operational enhancements suggested in this report should further improve efficiency, but to date, the Court's maintenance of its efficiency has adversely affected its effectiveness. The operational recommendations in this report are offered to improve effectiveness while maintaining the efficiency gains.

²⁶ Several people who have different roles and perspectives in the criminal justice system indicated that fairness in the proceedings in some municipal courts can be drawn into question. There is a perception among these interviewees, all with personal and substantial experience in municipal courts, that these courts may not display or exercise the same level of independence regarding procedure and outcomes that is found in District Court. The NCSC project team could not independently test these statements, but the statewide Working Group on Courts of Limited Jurisdiction in its November 2004 report made similar comments. One interviewee posited the issue to the NCSC as follows: "There is some concern when municipal courts are viewed as profit centers by cities." The Working Group on Courts of Limited Jurisdiction confirmed the fiscal priority assigned to their municipal courts by some cities; the Supreme Court of the United States declared decades ago that judicial decisions tied to revenue interests are constitutionally flawed.

²⁷ The Court may want to monitor the costs and benefits of scanning all infraction tickets, particularly those not contested.

²⁸ Again, note the difference between efficiency and effectiveness. The Court has used its dwindling resources well, which indicates "efficiency." It has not disposed of cases in a timely fashion, which is an "effectiveness" measure. (See below.)

4. Understandable. Like the concept of fairness, the project team did not assess whether Court proceedings and written information is "understandable."

5. Resolution. Within government, courts are unique, in that resolving matters is an explicit goal. Courts normally resolve matters in a reasonably timely way. The matter of timeliness in this Court still requires attention.

Dividing the number of dispositions by the number of filings is the easiest way to determine if cases are being resolved in a timely way. If the result is 100% or near it over a year's time, normally that indicates that the Court is disposing of its caseload in a timely way. If the result is well above 100 (105% and above in this context), in most courts this suggests a special short-term effort to dispose of overlooked or backlogged cases, following which the number would return to 100% or close to it. A quotient that is significantly under 100% (i.e., 90% or below) usually suggests that the Court is not resolving cases in a timely fashion.

The Court's disposition numbers—as is true for the entire state—presented difficulties in making this assessment. They are set forth in Tables 20 and 21, below. Filings in Washington are counted as the number of charging documents filed, i.e., the number of traffic tickets, the number of criminal complaints, and the number of initiating documents in civil and small claims cases. There is a "disconnect," however, between how Washington counts filings and how it counts dispositions. If a single filed document such as a traffic ticket contains two charges (e.g., speeding and an equipment violation), the State's system counts two dispositions when the ticket is resolved. Thus, when one compares filings to dispositions in the State's data, dispositions regularly exceed filings for some case types.

- The disposition ratio is unusually high for traffic infractions, other traffic misdemeanors, nontraffic misdemeanors, felony complaints, and, for reasons that are not clear, parking violations.
- Based on these numbers, one probably can assume "resolution" of the King County caseload, but the data offer no certainty.
- DUI misdemeanor dispositions are counted the same way as other traffic misdemeanors, but the filings to dispositions ratio in all three years was dramatically below 100%. The explanation is that deferred sentencing is imposed pre-plea. Without a plea, there is no disposition in the statistical system. So DUI dispositions are not recorded until the end of the deferred sentencing time or when

there has been a violation of the conditions of the deferral. As deferred sentencing started in 1998, there still are many "open" DUI cases with probationary terms of five years that have not yet been "resolved." This explains the statistical anomaly, but makes it harder to make a judgment about "resolution."

- In gross terms, in 2003, the time to disposition for half the cases filed is about the same time the standards suggest for 90% of the caseload; the 2003 time to disposition data show marked improvement over the 2001 and 2002 data.
- The Court's time to disposition for all case types at the 90th percentile level (10% of the cases require more time for disposition) was roughly three times longer than the state's standard in 2003 and even longer in 2001 and 2002.
- The gap narrows at the 98th percentile level, but the Court's time to disposition still is at or over a year for all misdemeanor case types and for civil. The time standard for all these case types at the 98th percentile point is six months.
- In 2001 and 2002, traffic misdemeanor cases took even longer relative to the time standard for misdemeanors than DUI or nontraffic misdemeanors; the time to disposition in 2003 improved considerably.
- The delay in resolving the misdemeanor cases may impact public safety; the delay in resolving the civil cases may disrupt businesses and citizens' ability to resolve disputes and move on.

TABLE 20.
 FILING-TO-DISPOSITION RATIOS BY CASE TYPE, 2001, 2002, and 2003²⁹

Case Type	2001			2002			2003			
	Filings	Charges Disposed		Filings	Charges Disposed		Filings	Charges Disposed		
		Number	As % of Filings		Number	As % of Filings		Number	As % of Filings	
Infractions										
Traffic	120,810	138,537	114.7%	136,387	147,013	107.8%	139,918	149,808	107.1%	
Nontraffic	1,877	1,819	96.9%	2,710	2,188	80.7%	2,552	2,348	92.0%	
Misdemeanors										
DUI/Phys. Control	5,126	2,830	55.2%	5,392	2,526	46.8%	5,707	2,555	44.8%	
Other Traffic	11,101	12,145	109.4%	12,374	13,863	112.0%	11,090	15,236	137.4%	
Non-traffic	10,207	12,587	123.3%	9,802	13,647	139.2%	10,055	13,648	135.7%	
Domestic Violence	2,951	3,219	109.1%	2,715	2,478	91.3%	2,185	2,079	95.1%	
Civil	24,948	19,444	77.9%	24,963	19,109	76.5%	20,983	16,348	77.9%	
Small Claims	7,111	4,206	59.1%	7,541	4,594	60.9%	6,856	4,643	67.7%	
Felony Complaints	1,582	1,393	88.1%	1,276	1,563	122.5%	1,171	1,276	109.0%	
Parking	20,965	23,307	111.2%	17,363	17,702	102.0%	18,608	19,920	107.1%	
TOTAL	206,678	219,487	106.2%	220,523	224,683	101.9%	219,125	227,861	104.0%	

²⁹ The figures in Table 20 differ from those in the caseload projection in Chapter II because the caseload projection shows a ten-year average. Table 19 shows three years of data.

TABLE 21.
STATE-LEVEL CASE DISPOSITION TIME STANDARDS AND DISPOSITION TIMES IN KING COUNTY DISTRICT
COURT FOR MISDEMEANORS, TRAFFIC INFRACTIONS, CIVIL & SMALL CLAIMS CASES
FILED IN 2001, 2002, and 2003

	Time to Disposition (in months from case initiation)*											
	Median**			90 th percentile			98 th percentile					
	Std	2001	2002	2003	Std	2001	2002	2003	Std	2001	2002	2003
Misdemeanors	None				3.0				6.0			
DUI			4.8	3.9			12.4	8.1			22.7	11.5
Traffic			9.6	2.7			18.6	10.6			24.2	13.9
Nontraffic			3.0	2.4			11.2	6.7			20.9	12.3
Traffic Infract.	None	2.4	1.5	1.6	None	7.2	2.5	2.7	None	22.5	4.0	4.2
Civil	None			2.9	3.0		11.9	8.8	6.0		24.2	13.9
Small Claims	None		2.4	2.3	1.5		4.4	4.0	2.0		8.6	6.3

* The state's time standards are stated in months to disposition (from filing). Therefore, King County District Court's data are also.
 ** Half of the cases take longer and half are resolved in less time than the median (50th percentile).

For a particular, single case, whether justice has been done should not be measured by whether the matter is resolved within or outside a time standard. Time standards are goals, not mandates. They define the appropriate, consensus time to resolve the "typical" case, not a limit for resolving all cases. Having said that, however, three further observations are appropriate.

- The Court is dealing with relatively small, normally noncomplex cases. Many of these cases can be resolved more quickly than the Court's present pace of resolution for the benefit of both the parties and the public.
- Exceptional cases can be accorded whatever time they need for due process and justice without all cases taking a long time. Rules and procedures should be developed for resolving typical cases, not for the most complex.
- Most cases, by definition, can be resolved within or near the time standard without jeopardizing justice; indeed, reducing the time to disposition often advances justice.
- Cases in the Court are being resolved, but not with the timeliness that the state and national time standards anticipate.

b. Options regarding improving the pace at which cases are resolved. The Court has four options: (1) status quo; (2) address disposition timing for all case types; (3) address the disposition timing for criminal cases only; and (4) reduce delay for all case types, starting with criminal and then moving to civil and small claims. The benefits and disadvantages of each option are set forth below.

Resolution Option 1: Maintain the status quo.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court made significant progress in 2003 to reduce processing time over the two previous years; continuing to do what the judges have been doing may further reduce delay without a special program or special effort. • People still believe cases are resolved quickly in the Court; there is no outcry for faster resolution times. • The judges who wish to try to reduce processing time further can do so without involving their colleagues. • The judges would not risk negative reactions from attorneys in both public and private practice. • A delay reduction project would divert judges' and staff time from handling cases to planning for a new program; maintaining the status quo avoids that diversion. • If any funds are needed for temporary staff or temporary supplemental judges, they may not be available, which would doom the program before it starts. • Getting civil cases to disposition faster will make the Court less attractive to some attorneys who do not want to do the work they'd need to do to resolve some cases faster; the Court should not do anything that leads to it being less attractive to civil attorneys. • It is lawyers' responsibility to move civil cases to resolution based on clients' needs and expectations, not judges'; the Court should not try to change the pace of resolving civil cases. • Good caseload management has delayed or eliminated many courts' need for new judgeships; this Court needs programs that will demonstrate and support a need for more than 21 judges, not fewer than 21. 	<ul style="list-style-type: none"> • It is uncertain whether the improvements in 2003 were good luck or happenstance; without a program in place, there is little incentive for individual judges to work to resolve cases faster. • The pace of litigation for all case types except traffic infractions is quite slow, even with the improvements in 2003; if the Court wants to be the preferred provider in the County, it will have to do better in this area. • Resolving cases closer to the time set in the state's standards will improve public safety and make the Court more appealing as a place to resolve civil and small claims cases. • One of the reasons why citizens represent themselves—not as recognized as lack of funds—is the belief of many self-represented litigants that lawyers slow things down; public support for the Court would improve if it improves the pace of litigation. • Almost 9 out of 10 of surveyed Washington residents in 1999 said that the "slow pace of justice" contributes a lot or some to the cost of litigation; the public will support improving the pace of litigation. • 53% of those same Washingtonians said the handling of small claims cases in their community was "fair" or "poor," compared to 48% in a national survey also conducted in 1999. • All the pressure in the courtroom regarding the pace of litigation is to slow things down; a program to achieve speedier resolution is a counter-weight to that pressure and protects judges who wish to do better. • As the Court shrinks to 21 judges, the judges remaining will need to improve their caseload management techniques in order to keep up.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Temporary help for staff and one or two temporary judicial officers may be needed at the beginning of a delay reduction program; the budget may not be able to support this cost. 	<ul style="list-style-type: none"> • The out-of-pocket costs to establish a delay reduction project are minimal (limited postage, copying), but staff and judicial time can be significant, both in the planning stage and during initial phases of implementation.

Resolution Option 2: Address disposition timing for all case types in a massive delay reduction, court-wide program.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • A court that tackles delay across all case types at one time sends a very clear message about its intent and seriousness of purpose. • Processing time for all case types, possibly even traffic infractions, needs to be improved. • All judges would need to be involved, which improves the chances of an institutional commitment to the program once it is implemented. • The Court's goal of greater uniformity in all locations would be advanced by new caseflow processing rules applied in all Court locations. 	<ul style="list-style-type: none"> • The above reasons supporting Resolution Option 1 (maintain the status quo) apply here as disadvantages for this approach. • Taking on all case types at the same time would be a tremendous strain on both judicial and staff resources at a time that other significant programs (ECR, the single-DISCIS, enhancements to the Call Center, and such other operational changes as the Court adopts as a result of this report) also are being implemented.
Cost Factors	
Benefits	Disadvantages
	<ul style="list-style-type: none"> • Changing the rules and practices for processing all case types at one time is too big an effort regardless of a Court's resources, but especially in this Court because of the budget and staff reductions it has absorbed in recent years.

Resolution Option 3: Address the pace of litigation for criminal cases only.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The public safety impact of delayed resolution of criminal cases is important and should be addressed. • The prosecutor and public defender's office would benefit, as well, in their use of resources by eliminating the "churning" of cases and reducing the number of times a file is picked up before resolution. • The consolidation of state and county cases in three locations during 2005 provides an opportunity to further improve the use of resources at those three locations for the other justice agencies. • The consolidation of state and county cases in three locations during 2005 provides an impetus to address the pace of litigation at the same time. • The Bar handling criminal cases is more limited than the Bar handling civil cases; it is easier to work with a fewer number of affected parties. • The Court should not do anything to make itself less appealing as a forum to civil attorneys; many attorneys would not want civil cases to be resolved faster. • The disadvantages of the status quo cited above apply here as reasons to undertake this option • Law enforcement would benefit as a result of better scheduling practices by the Court. • If the Court pursues establishment of a DUI court, that court would address this need for those cases and it would be easier to then address traffic and nontraffic misdemeanors. • All judges would need to be involved, which improves the chances of an institutional commitment to the program once it's implemented. • The Court's goal of having greater uniformity in all locations would be advanced by introducing new caseload management processes. 	<ul style="list-style-type: none"> • The benefits of maintaining the status quo, above, apply as reasons not to pursue this option. • Especially if the Court's jurisdiction is increased to \$75,000 in 2005 or 2006, the pace at which civil cases are resolved should not be ignored. • If either the prosecutor or the public defender's office opposes the program, it will not be successful; these offices may not be prepared to or able to make the internal processing changes a new program would require.
Cost Factors	
Benefits	Disadvantages
	<ul style="list-style-type: none"> • Temporary help for staff and temporary judicial officers may be needed at the beginning of the program; the budget may not be able to support this cost.

Resolution Option 4: Address criminal cases first and then civil cases.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> The reasons cited above to improve the pace of litigation for both civil and criminal cases are sound; a phased approach conserves resources and allows lessons learned for one case type to be carried over to improving the pace of litigation for other case types. If the Court's civil jurisdiction is increased to \$75,000, a delay reduction program will be a vehicle to standardize rules and put the Court in a better position to handle the extra caseload that may result; addressing civil after criminal makes sense because the legislature will take some time to act on increasing the jurisdictional limit for district courts. 	<ul style="list-style-type: none"> The reasons cited above not to change the pace of litigation for civil cases are valid; there is no need to address the time to resolution for civil cases. The reasons cited above for maintaining the status quo apply equally to this option.
Cost Factors	
Benefits	Disadvantages
	<ul style="list-style-type: none"> The out-of-pocket costs to establish a delay reduction project are minimal (limited postage, copying), but staff and judicial time can be significant, both in the planning stage and during initial phases of implementation. Temporary help for staff and one or two temporary judicial officers may be needed at the beginning of a delay reduction program; the budget may not be able to support this cost.

c. Recommendation. NCSC recommends:

The Court should initiate a delay reduction program in 2005, with five phases: (1) introduce a backlog reduction program where appropriate; (2) establish a DUI court (early 2005) (see below); (3) develop new caseflow management rules and practices for the remaining criminal cases (starting mid-2005); (4) develop new caseflow management rules and practices for civil and small claims cases (2006); and (5) monitor the time to resolution of traffic infraction cases in 2004 and 2005 and establish a delay reduction program for this case type in 2006 if disposition times in 2005 increase over the 2003 times .

d. Problem-solving courts

(i) What are problem-solving courts and what do they do? Problem-solving courts offer a new paradigm for courts. Rather than an adversarial adjudication achieved in a timely fashion, as discussed above, the model calls for a voluntary, non-adversarial admittance to a program expected to take nine to 12 months, with progress toward termination individually determined by the defendant's actions while under careful court supervision. The time standards discussed above were not developed with problem-solving courts in mind and do not apply to them. Problem-solving courts "resolve" cases and resolve them with significant success, but in very different ways than "regular" courts and on a very different time line. The District Court opened the second Mental Health Court in the nation and has operated its Domestic Violence court for several years. The success of the latter may be contributing to the decline in new case filings for domestic violence crimes.

These courts are called "problem-solving" because they address serious social/criminal/health issues through a court's marshaling resources from a variety of public and private sources to deal more effectively with the party's underlying cause of criminal behavior. They use a variety of carrot-and-stick techniques to lead clients to improved, more socially acceptable behavior and do so more successfully than almost all other efforts to date. The marshaling of resources is a key component of these courts' success.

Problem-solving courts are labor-intensive and thus more expensive than "regular" case processing. Judges spend much more time per case than they spend in the typical adversarial-based case and often cannot take as large a caseload as they would with a "regular" calendar. Attorneys also often spend more time because there are so many more court appearances per case, although once a defendant is admitted to the program, attorney preparation time and time per appearance is less than it might be for a typical adversarial hearing. Probation officers have much smaller caseloads, devoting substantially more time to monitoring their clients' progress than they would with a "regular" caseload. And judges' support staff often is expanded to include someone to

serve as a liaison between the judge and the social agencies, public and private, that work with defendants on their addictions, social problems, health issues, and even educational issues in some cases. In terms of the Court's budget alone, problem-solving courts are very expensive. In terms of the costs and benefits for the entire criminal justice and social service community, virtually all evaluations, including evaluations specific to the District Court's problem-solving courts, show net economic and non-economic benefits to the community. (See the supplemental assessment of the Court's problem-solving courts in Chapter I of Volume Two.) These courts also are not "mandated" functions of the Court. A further discussion of this element of these courts is offered in Chapter IV, below.

Some judges have begun discussing extending the problem-solving approach to DUI cases.³⁰ Most DUI charges involve people driving after consuming alcohol. Although addiction to alcohol and addiction to drugs involve somewhat different etiologies, there also are many similarities; drug courts, including the one currently operating in the Superior Court, have been very successful helping defendants to deal with drug addiction. If such a court were developed, it would have the largest potential caseload of the problem-solving courts. (See Table 20 above and the discussion of DUI drug court in the supplemental assessment of problem-solving courts in Volume Two, Chapter I, at pp. 35-36 and 40.) Experience in other jurisdictions that have such courts supports the Court's interest in this type of problem-solving court.³¹

As mentioned above and discussed in Chapter IV, however, problem-solving courts are not mandated functions of trial courts. Accordingly, it is both necessary and appropriate to consider whether or not to abandon problem-solving courts, maintain the status quo but not expand them, or add a DUI court to the District Court's pantheon of problem-solving courts. The benefits and disadvantages of each option are reviewed in

³⁰ For more information about the application of the drug court model to DUI cases in other courts, see Appendix D.

³¹ The Conference of Chief Justices and the Conference of State Court Administrators jointly resolved in 2000 that all trial courts should look for more opportunities to apply problem-solving techniques to new case types. In August 2004, these conferences reaffirmed their support for problem-solving courts, specifically resolving to develop a national agenda that would "encourage each state to develop and implement an individual state plan to expand the use of the principles and methods of problem-solving courts into their courts."

the tables below. They are discussed in more detail in the supplemental assessment of the Court's problem-solving courts in Chapter I of Volume Two.

Problem-Solving Courts Option 1: Abandon problem-solving courts.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The disadvantages cited under option 3 apply to this option as benefits. • Cases in problem-solving courts take more judicial, staff, and probation officer time than other cases; with the pending reduction in judgeships, not having problem-solving courts will free up judge time. • In tight economic times, even good programs should be abandoned if the out-of-pocket costs are too high. • Problem-solving courts are not a mandated function of courts. 	<ul style="list-style-type: none"> • The benefits cited in support of Option 3 apply to this option as disadvantages. • Problem-solving courts have had more success with addictions and mental health problems than almost all other efforts tried to date; it would be penny wise and pound foolish to abandon them at this point. • Unlike many new court programs, problem-solving courts across the country, as well as in King County, have been evaluated by social scientists and found to be both cost-effective and effective in reducing crime; it makes no sense to abandon successful programs, even if they are not mandated.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • On a per-case and total cost basis, problem-solving courts require a disproportionately high percent of the Court's budget; abandoning them would free up resources needed to restore service levels and continue the Court's adoption of new technologies. 	<ul style="list-style-type: none"> • Evaluations in King County and across the nation demonstrate that total savings for the criminal justice system and for society from problem-solving courts far exceed court and other agencies' costs, both in dollar terms and in human terms. • Cost advantages with problem-solving courts mainly accrue to other government agencies and social service agencies, not to the Court; from the County's standpoint, they are cost-saving, not cost-producing and thus should be retained.

Problem-Solving Courts Option 2: Retain the two problem-solving courts the District Court now has, but do not establish any others.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Both the evaluations that have been done on the Mental Health Court and the Domestic Violence Court and people's experience support the overall value and wisdom of these courts; they have proven themselves to be effective and should be retained. Because of the County's fiscal prospects, the high cost of running each problem-solving court, and the Court's need for funds for a number of other important improvements, including technological ones, it is best not to establish any more problem-solving courts. 	<ul style="list-style-type: none"> DUI courts are relatively new among problem-solving courts, but they are proving in other jurisdictions to be as effective as other problem-solving courts. The Court receives over 5,000 DUI cases a year and the number has increased each of the last three years; the Court and County should do what it can to employ effective programs to improve public safety and reduce the societal costs associated with drinking drivers.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Costs will not be eliminated, but new costs can be avoided. The Mental Health Court involves a net cost in the Court's budget of over \$600,000; because of the high number of potential cases for a DUI court, the net added cost in the Court's budget could be even higher. 	<ul style="list-style-type: none"> Evaluations show net financial benefits to the criminal justice system from the work of problem-solving courts; the County should seek similar net savings in its efforts to address the problem of driving under the influence. The cost of a problem-solving court should not be judged solely by the impact on a court's budget, as most of the savings appear in other agencies' budgets, particularly those for jail and law enforcement; the County could realize a net cost savings even if the Court's budget were to increase.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Accountability is increased, so that substance abuse and criminal activity are lower while participants are in the program. • Re-arrest rates are lower during and after program participation. • Assigned judges have increased satisfaction, while litigants improve and have more hope. • Collaboration with other entities develops good will and institutional relationships that benefit courts over time. • Programs improve public trust and confidence in courts. • Because of their less adversarial nature, DUI courts and other problem-solving courts may modify the traditional roles of judges, prosecutors, and defense attorneys. 	<ul style="list-style-type: none"> • Because of the judge's active involvement with litigants, they can be seen as a threat to traditional approaches of judicial neutrality and objectivity. • Because of their less adversarial nature, DUI courts and other problem-solving courts may modify the traditional roles of judges, prosecutors, and defense attorneys. • More active court attention to social program operations might be seen as eroding judicial independence and separation of powers and involving the judge in traditional executive-branch functions. • Some staff members and probation officers might have to be reallocated from current responsibilities, which may affect staff members' ability to complete their paperwork.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Drug courts have been found to produce cost savings in comparison to traditional adjudication. • Problem-solving courts result in cost savings for court-related agencies, as well as social and economic benefits for the community as a whole, although these benefits and savings may not be evident in the court budget. • Grant funds may well be available to start and sustain such a court. 	<ul style="list-style-type: none"> • With one judge FTE, one clerk FTE, and similar overhead costs and other costs to the Mental Health Court, District Court budget figures indicate an approximate annual cost of \$278,000 for a DUI Court. • The requirement for a judge to see a litigant as much as 15-20 times puts a strain on court organization, administration, and resources. • There are costs for courts to continue the operation of programs after grant funds are exhausted, with potential collateral burdens on other court operations.

(ii) Recommendations. The NCSC's recommendation regarding problem-solving courts is:

Retain and continue to support the Mental Health Court and the Domestic Violence Court. Plan for and implement a DUI problem-solving court in 2005.

B. Vision of Being the Preferred Forum for Limited-Jurisdiction Cases.

The District Court Vision Statement, set forth in section B of the Introduction, states the above-quoted aspiration as an over-arching keynote of the Court's vision. How the Court is doing in achieving this aspiration and what it might do to come closer to achieving it are discussed in this section.

1. The Court's Current Relations with Contract Cities. The number of contract cities has been dropping. Aspects of the Court's relations at present with contract cities include the following:

- Of the 17 contract cities under the contract that expired December 2004, only 13 have reenlisted for 2005 and 2006.
- Contracts with these 13 municipalities have been renegotiated to bring the County closer to full cost recovery. Starting in 2005, the division of the revenue from city cases will go from a 75-25 percent split in favor of the County to an 86-14 percent split in favor of the County. The increase in the County's share is based largely on indirect and overhead costs, including the capital financing costs for the Issaquah courthouse. Security services also are included.³² The County is approaching full cost recovery.
- The cities that have signed the new contract do not seem to mind this new split, so long as the County does not try to make a profit, and so long as the Court provides good service. The incentive for the contracting cities is the avoidance of having to finance their own judiciary; making money from their share of the fee imposed appears to be secondary. Service and the location of courthouses are the keys.
- Some contract cities are strongly inclined to use and continue to use the Court, while some others are weighing their options.
- The East Division has most of the contract cities (7). Burien and Covington are the only contract cities in the South Division; they account for relatively few of the municipal cases heard by the Court. Shoreline and Kenmore are the contracting cities in the West Division;³³ Shoreline files the third-largest number of cases.
- The problem of continuation lies largely in the East Division, where Bellevue is the key city. Issaquah represents a unique situation. It operated its own violations bureau but used the Court for infraction cases that did not produce a payment within 15 days of the citation and for most of its ordinance cases. It did so without a contract, as a sort-of quasi-contract city.

³² The Court budget does not include security and indigent defense costs, two big items in some court budgets.

³³ Shoreline and Kenmore are in the West Division for administrative purposes but are part of the East Division for electoral purposes.

- When Issaquah, Newcastle, Normandy Park, and Mercer Island opened their own courts in January 2005, the Issaquah courthouse became devoted to regional cases.³⁴
- The Court seems unlikely, over the short term, to regain its city clients, absent changes. (See section C of the survey results in Appendix B.)
- Municipal contracts produce about 30% of the cases filed, while revenue from these cases accounts for about 15% of the Court's budget.
- Both the Court and the system benefit from contracts with municipalities, in the sense that the Court provides a professional court forum for municipalities that do not choose to have their own courts. The Court requires a countywide infrastructure that will exist even if there are no court services provided to contracting municipalities. The municipalities that contract for court services are now helping to pay for a county overhead burden that will not decrease proportionately if the cities pull out.³⁵

If the Court were achieving the vision of being the preferred forum in the County for adjudication of limited-jurisdiction cases, all cities with contracts through 2004 would have re-signed contracts for 2005-2006. Plus, cities that currently have their own municipal courts would be opening discussions with the County and Court about signing contracts. Neither has happened. In fact, some of the cities that re-signed for the next two years have suggested they may yet choose to establish their own municipal courts and not sign a new contract for 2007 and beyond. No city with its own court has opened discussions to have the Court take over provision of its judicial services.

Representatives of the County, the Court, and the cities may see different reasons why the relationship among them is uncertain today. If the Court is to make headway in its ongoing efforts to be the forum of choice for limited-jurisdiction matters in King County, it will be important for the County, the Court and the cities to identify and satisfy each other's interests.³⁶

If one looks only at the number of cities in King County that have contracts with the Court, 13 out of 39 (33%) does not look very good. If one examines the number of cases filed, however, the picture is somewhat more positive:

³⁴ That is, except for city cases that have been filed already in District Court and remain open and will be resolved there.

³⁵ "Overhead burden" in this context means facility costs, telephones, utility costs, and other fixed costs that do not vary appreciably by the number of cases or staff in a building.

³⁶ See, e.g., Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In* (Boston: Houghton Mifflin, 1981).

- In 2001, 2002, and 2003, the Court's contract cities filed 38%, 37%, and 36%, respectively, of all cases in the County that are city cases. So the contracting cities' filings exceed their numeric proportion in the County, but, on the other hand, the percentage has declined slightly each of the last three years. (See Table 22.)
- The four cities that withdrew from contracts with the Court as of 2005 (Issaquah, Normandy Park, Mercer Island, and Newcastle) contributed only about 4% of all the cases filed in the Court in 2001-2003. Their cases also represent about 4% of all the city cases in the County.

TABLE 22.
CITY CASES FILED IN DISTRICT COURT AND IN MUNICIPAL COURTS IN
KING COUNTY, 2001, 2002, and 2003*

	2001	2002	2003
King Co. District Court			
County & state cases	135,624	149,142	148,537
Contract city cases	71,054	71,381	70,588
TOTAL	206,678	220,523	219,125
All Municipal Courts (except. Seattle) in King County			
Traffic Infractions	59,207	67,558	70,440
Parking	32,176	28,472	27,752
All Other Case Types	25,976	26,674	28,479
TOTAL	117,359	122,704	126,671
Total City Ordinance Cases Filed in King County (excl. Seattle)	188,413	194,085	197,259
% KCDC City Cases Represent of All City- Ordinance Cases Filed in the County	38%	37%	36%
Total cases filed in King Co (excl. Seattle)	324,037	343,227	345,796

* These data are drawn from the three indicated annual statistical reports for courts of limited jurisdiction of the Washington Administrative Office of the Courts.

- Most of the cases (78%) filed in municipal courts are parking and traffic infractions, the cases that make the least demand on judicial resources.

- If the Court were to add all the cases now filed in all municipal courts in the County, other than Seattle, it would increase its filing numbers by about 63% (125,000-130,000 cases).
- These added cases would translate to roughly 6-7 additional judgeship needs and a need for either 79 or 102 additional staff members, depending on the method used to determine staffing needs (see Chapter II, above).

2. Survey of Former Contract Cities. A survey of seven of the nine cities that recently have withdrawn from contracts emphasizes the ranges of issues. (See Appendix B.) When asked the open-ended question about why they left the contract with the Court, the main reasons cited were:

- *Cost* (five of seven respondents)
- *Service quality* (four of seven respondents)
- *Relationship with the County* (four of seven respondents, but one was from a city that is part of a “mega-muni” court, talking about what their contract cities say about their reasons for leaving)

Within each of these three themes, a variety of specific issues were identified.

- *Cost.* The issue of cost ranged from general comments that “the county has become too expensive” (one respondent) to specific comments about the following:
 - the cost of filing fees (two respondents);³⁷
 - officer overtime issues (two respondents);
 - the County taking too large a portion of revenue (one respondent); and
 - concerns about paying for capital improvements (one respondent).
- *Service quality.* Within the theme of service quality there were general comments about poor service quality (two respondents) as well as specific issues. The following specific issues were mentioned:
 - administrative problems with District Court staff (two respondents) including processing of civil infractions, entering them daily, receipting money daily, tracking defendant failures to appear (“FTA’s”), backlog of data entry, inability to reach Court staff by phone;
 - timely or effective handling, calendaring or hearing of cases (three respondents);
 - focus on local issue of concern (one respondent);

³⁷ This response would appear to reflect a lack of understanding by the respondents, since filing fees are set by the contract between King County and each contract city.

- geographic accessibility for citizens (one respondent);
 - quality of probation services before the move to judge-supervised probation in 2003 (one respondent);
 - convenience and access (not geographic but ability to access staff) (one respondent); and
 - County focus on county cases (one respondent).
- *Relationship with the County.* Within the theme of relationship with the County, the following specific issues were mentioned:
 - Input into processes and procedures (two respondents) (in one case the following specific issue was mentioned: the contract specifying that county would rectify records annually and make the determination about whether the city was paying enough);
 - lack of confidence that the County would follow-through with commitments to make changes (two respondents); and
 - the County opted-out of the relationship (one respondent).

When asked "closed" questions for which they ranked on a scale of "1" to "5" the importance of generally cited reasons for leaving, with "5" being most important, quality of service received the highest average ranking with 3.6. Two other factors received an average ranking of 3.0: convenience (usually geographic convenience) and having a judge familiar with the city. All other factors averaged rankings below three. The full survey results are set forth in Appendix B at the end of this report.

3. State Law. State law recognizes and authorizes municipal courts. State law specifically authorizes the Seattle Municipal Court through separate statutory provisions solely for that court. Short of a change in state law, it is more likely than not that the City of Seattle will wish to retain its own municipal court rather than use the District Court. In practical terms, therefore, the "preferred forum" vision must be understood to apply to the 38 other cities in King County. For these cities, state law provides three avenues by which cities can choose to have violations of city ordinances adjudicated, one of which is having their own respective municipal courts.³⁸ Thirteen cities will be using the District Court's services as of January 1, 2005, while 26 (including Seattle) have their own municipal courts.

³⁸ The other two involve use of the District Court.

The final report of the state-level Courts of Limited Jurisdiction Work Group, a subcommittee of the judicial branch's Court Funding Task Force, was issued in November 2004. The experience in King County of cities moving away from District Court reflects a statewide trend:

- The Work Group's report says that since the early 1990s, the statewide trend has been for cities to establish their own municipal courts rather than contract with the district court in their counties.
- The reasons cited by the Work Group include increased local control of cases, greater flexibility in scheduling, and financial predictability.³⁹
- For some cities statewide, the most important reason for having their own court is revenue.⁴⁰

The survey of King County cities referenced above both supports and is different from the perspective of the Work Group. The answers to the open-ended question are reasonably consistent with the Work Group's perspective about the importance of revenue to the cities. The rankings to the "closed end" questions suggest that service quality is a bigger factor in King County than it might be statewide.

The above lead to two conclusions:

- First, the Court probably has very little or no capacity to influence those cities for which revenue is the primary or sole reason for having their own courts. One can envision the state "buying out" those cities if the legislature were to require a single limited jurisdiction court in each county, but the Court and the County cannot change that perspective simply by providing a well-run court.
- Second, there is no apparent political will—and, perhaps, the financial wherewithal—at the state level to mandate that cities abandon their courts.⁴¹ The best that the Court can hope is that it will do its job so well that cities will voluntarily choose its services over having their own municipal courts. Ultimately, it is the cities' choice, however, and not the Court's; the Court's desire does not assure that the Court can achieve this goal. This lack of control

³⁹ Court of Limited Jurisdiction Work Group, *Final Report* (Tacoma, WA 2004), page 9. "Financial predictability" would seem to be a euphemism for raising revenue. (See the next sentence and its associated footnote, below.)

⁴⁰ *Ibid.* at page 12, citing the concurring opinion in *In re Hammermaster* and a recent Ethics Advisory Opinion, 04-5. The Work Group report does not identify the cities involved, so it is unknown if any city in King County is among those that explicitly see the role of a municipal court to be generating revenue.

⁴¹ Note that even though the Work Group declared that a single limited jurisdiction court for each "region" was the preferred model, it also noted the very strong opposition of cities to this idea and did not make it a recommendation.

distinguishes this goal from most of the others in the vision and mission statements. Cities' recent decisions regarding use of the Court suggest the Court faces a significant challenge trying to achieve this goal.

4. Options for Achieving the "Preferred Forum" Vision. While the Court cannot control the achievement of this goal, it can improve its chances. It can do so by improving the service provided: to cities, to citizens, to the Bar, and to other stakeholders. If the Court gets closer to meeting the specific aspirations set forth in its mission and vision statements, it will become more appealing as an alternative to running their own courts to cities for which revenue is not paramount and to those who are most disturbed by the service quality issues. If the Court merely maintains today's status quo or is forced to live with a "retrenchment" model (see Chapter IV, below), the challenges to meeting the "preferred forum" vision may be insurmountable.

There appear to be only two options for achieving this part of the vision statement: (1) changing the law to establish a single limited jurisdiction court in each region or county; or (2) improving service and performance sufficiently to retain the current contract cities and to attract cities to the Court.

(a) Changing the law. The factors supporting and arguing against the first option of changing the law are presented below:

Preferred Forum Option 1: Change the law to establish a single limited jurisdiction court in each region or county.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The patchwork of courts and similar-but-different jurisdictions that currently confuse the public will be eliminated. • Potential resistance from cities will be fought out in and foreclosed by the legislature. • Issues of judicial independence and the court's status as an independent branch of government will be resolved. • Jail transport issues will be resolved. • Access to problem-solving courts will be improved. • Access to community-based resources will be improved, since the resources (e.g., those for mental health evaluations) would be focused on one court instead of many courts. 	<ul style="list-style-type: none"> • The Courts of Limited Jurisdiction Work Group, which completed its work only two months ago, recommended only the "encouragement" of regional courts, but could not marshal a consensus for a recommendation that the law be changed. • The state-level Court Funding Task Force, the "parent" group of the Work Group, declined in October 2004 to recommend a single limited jurisdiction trial court per county or region. • The Task Force, implicitly sanctioning the continuation of municipal courts, endorsed the concept of "mega-muni" courts; this enhancement of municipal courts cuts against efforts to eliminate them. • The question of jurisdiction for district and municipal courts has been debated since at least 1961 in Washington with no indicated inclination to eliminate municipal courts or to remove cities' right to create new municipal courts. • With the issue having been revisited so recently, the chance of a single limited jurisdiction trial court being mandated by the legislature probably is minimal for the duration of the next OMP. • The underlying policy choice of many for "community" courts of limited jurisdiction will be lost.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • No county funds are required other than for lobbying activities. • Cities' fiscal needs, if any, will be addressed by the state as part of the deal to merge municipal with district courts or to close municipal courts; the state will agree to "buy out" cities for which revenue is a critical consideration as part of the deal. • Total public resources devoted to courts of limited jurisdiction can be allocated more effectively and efficiently through reduced overhead and allocating resources as needed to where needed. 	

(b) Improving and expanding the services offered. The second option is for the Court to come materially closer to being a “model” or “benchmark” court in the state, by improving service levels, meeting or exceeding the goals in its mission and vision statements, and reducing the cost of processing each case and/or increasing its net revenue. If it did so, cities could see a service and/or monetary advantage to using the Court rather than their own, independent municipal court. If the Court can “be all that it can be,” it might become the preferred provider for many cities merely because no municipal court could do as well. The Court’s size also provides some potential economies of scale, particularly regarding technological advances, which might facilitate its being viewed as the best provider by smaller cities and even some mid-size cities. This would solidify the Court’s position with the cities already contracting with it as well as provide a magnet for those that now have their own courts.

Improving current service and being entrepreneurial in its delivery of service seems to be required to achieve this goal. Suggestions and specific recommendations on how to achieve the mission and vision statements’ goals are offered and explained in the balance of this chapter.

The factors that support and argue against this option are set forth below.

Preferred Forum Option 2: Improve service and performance sufficiently to retain current contract cities and to attract new cities to the Court.

Qualitative Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court will be able to restore service levels for all stakeholders, but especially for litigants. • Citizens' confusion about which court is their proper forum will be eliminated. • The allocation of resources of both the cities and the County will be determined by need; unnecessary duplication and redundancy will be eliminated. • If additional cuts in budgets must be made or staff increases are denied, technological enhancements will enable the Court to maintain and improve upon staff's productivity. • Technological enhancements will allow the Court to extend access to areas not currently served as well as offset any needed diminution of physical presence in cities currently served by a courthouse; access is a core value of courts generally and of the District Court. • The Court can take advantage of economies of scale in buying and applying technology that most cities could not. • Enhanced uniformity will remove perceptions of "random" or "personality-based" decision making and lead to greater predictability about how the system operates; the latter enhances perceptions of system integrity. • If the Court adopts and uses performance standards, it enhances its chances of meeting those standards than with the status quo or if cuts must continue to be absorbed. • The Court would be in a better position to argue that it needs more than the 21 judges now authorized by the legislature; the additional judgeships would handle cases from the new cities and might make it easier for the Court to coordinate calendars with and provide judicial assistance to the Superior Court. 	<ul style="list-style-type: none"> • Changes in the Court's human resources program would have to be negotiated with both the County and the union; changes the Court might desire to attract and retain quality staff might not fit with the County's perception of appropriate programs or costs and thus not be achievable. • Cities might desire or require services that are not entirely compatible with the Court's mission and vision statements or with available County funds, thus renewing priority conflicts that surface from time to time today. • Cities with their own courts now have an investment in infrastructure and personnel that will be hard to give up even if they recognize the potential for improved service to their citizens and/or their revenue stream from using District Court. • If improvements are perceived to be primarily the result of the Court's efforts and not the consequence of parallel and supporting efforts on the County's side, it still might be hard to attract some cities.

Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Cities would fund any expansion of the problem-solving court personnel required by the addition of city cases to the current county and state cases. • Cities that stay with the Court and those that are attracted to sign contracts will contribute to the Court's overhead costs and fund any expansion of staff needed to process these additional cases. • Cities now contribute toward the Court's overhead costs; were the Court to adjudicate all cities' cases (other than Seattle), it would add about 127,500 cases a year, which would increase the cities' contribution to the Court's overhead expenses even as the per-case cost to the cities went down. 	<ul style="list-style-type: none"> • The total cost of all the suggested improvements is substantial, whether the costs are mostly one-time, as for technology, or on going, as with new staff positions; in an environment of constricting resources, such a set of steps may not be fundable. • Even when new dollars are not required or if dollars could be found to fund the steps suggested, the changes would involve substantial staff time to plan and implement; staff time is limited because of cuts absorbed in the last three years. • Each new employee costs about \$45,875 for salary and fringe benefits and each new manager costs about \$72,300.* If, for example, a time and motion study were to show that the Court needs 15 more support staff positions and two managers, adding these positions could cost almost \$850,000. • The technological changes suggested range in cost from \$5,000 (a kiosk) to, perhaps, \$3-5 million dollars (integrated justice-information system); if all suggested changes were implemented, the Court's on-going budget could increase by \$850,000 or more (if as many as 15 new staff were added) while one-time expenses could total over \$4 million. • Each new judgeship costs about \$155,000 with salary and fringe benefits;* if 6-7 judgeships were added to handle the new city cases, the total cost would be about \$930,000-1,085,000. The current proposal for state funding of judgeships is that 50% of salaries only be reimbursed, leaving \$462,000-539,000 for County funding. At \$45,875 per staff member, adding 79-102 staff for new city cases would cost roughly \$3.6-\$4.7 million. Adding 11-14 supervisors for such further staff would (at \$72,300 per supervisor) cost \$795,300-1,012,200.

* Data provided by the Court.

Quality Service Standards. Throughout much of the twentieth century, court reform in the United States focused largely on issues of court organization and court procedure, with little attention to how courts actually perform – that is, what they actually accomplish with available resources. There were no criteria for a court to determine what results a court would achieve if it were “performing well.” In 1990, with funding from the Bureau of Justice Assistance of the U.S. Justice Department and professional staff support from NCSC, a blue-ribbon national Commission on Trial Court Performance Standards published the Trial Court Performance Standards, consisting of 22 performance standards in the following five performance areas:⁴²

- Access to Justice
- Expedition and Timeliness
- Equality, Fairness, and Integrity
- Independence and Accountability
- Public Trust and Confidence

Working with twelve trial courts in Ohio, New Jersey, Virginia, and Washington, the Commission and NCSC developed a measurement system with 68 performance measures. This measurement system was intended to be a useful set of tools for conducting self-evaluation and for engaging in the worthy pursuit of improving public service.⁴³

Based on experience in different courts since 1995, NCSC is currently completing a set of 10 “core” court performance measures that should provide practical indicators of court performance yet not be overwhelming to implement in view of the many other operational activities that judges, court managers and court staff members must perform. For a summary of the core court performance measures now being prepared by NCSC, see Appendix C.

⁴² See Bureau of Justice Assistance and National Center for State Courts, *Trial Court Performance Standards with Commentary* (Monograph NCJ 161570); *Trial Court Performance Standards and Measurement System* (Program Brief NCJ 161569); *Planning Guide for Using the Trial Court Performance Standards and Measurement System* (Monograph NCJ 161568); and *Trial Court Performance Standards and Measurement System Implementation Manual* (Monograph NCJ 161567) (Washington, DC: US Department of Justice, 1997).

⁴³ For details, see National Center for State Courts, “TCPS: Trial Court Performance Standards and Measurement System,” http://www.ncsconline.org/D_Research/TCPS/index.html.

The Court would benefit from greater use of and reliance on data to inform and guide management decisions. The contract pursuant to which this study is being conducted specifically calls for suggested "performance standards." The existence of performance standards and their adoption are important but not critical. Having such standards is only a first step. The essential steps are *using* the standards by developing data to measure how one is doing compared to them and using the results to guide management and budget decisions.

The 2005 contract between the County and cities uses the phrase "customer service standards." Another, similar way to refer to "performance" standards is to call them "quality service" standards. The term "performance" standards has four limitations:

- it seems to carry a judgmental aura that is anathema to some;
- the possibility that they may not be met is seen as threatening by some who must face the electorate;
- courts are concerned that if the standards are not met, they will be penalized in some unknown fashion; and
- some believe that seminal values such as access, due process, and justice cannot be measured but "performance standards" implies they can be.

The focus of these difficulties is internal: the concern is about "me" and "us." Terms such as "customer service" and "quality service" shift the focus from "us" to "them," to "our clients and stakeholders" rather than "me." Both phrases focus on "service." Adding "quality" as a goal is preferred to referring to "customers." Thus, henceforth, this report will refer to "quality service standards."

Quality service standards achieve three goals.

- They are public commitments that tell the Court's stakeholders and the executive and legislative branches what they should expect from the Court in its provision of service. The Court may fall short of its goals, but if it does, it should be able to identify by how much and why. If resources are an issue, it can approach the other two branches and explain the benefits to the public and, possibly, other public agencies and departments, of coming closer to its standards. Often, the economic benefits of improved court service are greater for other agencies than for the Court.
- Standards are an objective measure of how the Court is doing in providing quality service and of the incremental improvement needed. By themselves they will not

assure resources in a resource-poor environment, but they can be a significant help when the Court presents its arguments for additional resources or tries to halt proposed cuts.

- They become benchmarks against which the Court can monitor and assess its own performance and with which it can help to set management and budget priorities.

Based on NCSC's core court performance measures and what the NCSC project team has observed in the operations of the King County District Court, NCSC recommends that quality service standards be developed in the areas shown in Table 23.

TABLE 23. SUGGESTED AREAS AND INDICATORS FOR KING COUNTY DISTRICT COURT QUALITY SERVICE STANDARDS

Quality Service Area	Service Indicators
Access to justice	<ul style="list-style-type: none"> • Time callers spend waiting on the telephone • Time customers spend waiting in line at a counter • Litigants' views about the time for cases to be resolved • Time needed for a customer's question to be answered • ADA difficulties experienced by customers
Caseflow management to achieve timely and efficient disposition of cases	<ul style="list-style-type: none"> • Time to resolution and to completion for each major case type,⁴⁴ including the percentage of cases resolved after the time set for resolution in the time standards • Age of the pending caseload by case type • Trial date and hearing date certainty • Number of appearances per resolution in matters with at least one court appearance, i.e., excluding traffic and nontraffic infraction matters and parking tickets resolved by fine, bail forfeitures, or other means short of an appearance in court
High quality service to litigants and other citizens coming to the courthouse	<ul style="list-style-type: none"> • Quality of staff and judicial interaction with customers • Litigant perceptions about fairness of proceedings and of judicial officers • The time within which judgments and documents required by others outside the Court and required internal paperwork should be completed and the number of times the standards are not met • Staff work time lost due to the computer network and/or individual PCs being down

⁴⁴ The terms "resolution" and "completion" are the terms used in the Board of Justice Administration's Case Processing Time Standards.

TABLE 23 (continued). SUGGESTED AREAS AND INDICATORS FOR QUALITY SERVICE STANDARDS FOR KING COUNTY DISTRICT COURT

Quality Service Area	Service Indicators
Effective and efficient jury management	<ul style="list-style-type: none"> • Yield from summons • Reasons for fall out from among those summoned • Utilization data regarding jurors who appear for service at a courthouse • Juror opinions about their service
High court productivity	<ul style="list-style-type: none"> • Cost per resolved case • Cases resolved per employee • Number of jurors seated on juries as a percent of all jurors appearing at the courthouse • Recidivism rates for those placed on supervised probation and monitored compliance
Protecting dignity of justice system through high collection rate for fines and fees	<ul style="list-style-type: none"> • Sums recovered versus fines and fees imposed • Timing of payments and dollars received at key points • Number of and value of matters referred to the Court's collection agency • Costs of obtaining payments

5. Recommendation. One cannot fault the Court's desire to be the preferred forum for the adjudication of cases within its limited jurisdiction, so there is no reason to eliminate it from or modify it in the vision statement. There are major obstacles to achieving this goal, however.

- The law allows cities to establish municipal courts if they wish; in the end, the Court cannot control the cities' choice.
- To the extent that some cities in King County see their municipal courts primarily as revenue centers rather than as an independent branch of government, even outstanding service will not influence those cities to choose the Court over their own municipal courts—unless and until they are required to do so by law.
- The Court has lost some of its good will among cities as it has tried to cope with the reductions in its budget; because these perceptions take years to establish and solidify and virtually no time to lose, it will take time before the Court—and the County—are trusted by the cities to be reliable purveyors of justice and of service.

- Although there is some reason to expect additional funding from the state to support District Court either in 2005 or 2006, in the best of circumstances that support will not reach the levels needed by the Court during the period covered by the next OMP; the County may not be in a position to support the Court in achieving this goal.
- The positives cited above regarding use of resources and improved service that would flow from a single limited jurisdiction trial court in the county seldom are seen by the two other branches of government to outweigh fiscal constraints. The Court has managed well within the constraints imposed and thus avoided a crisis that might get the immediate attention of the other two branches.

For these reasons, NCSC recommends:

Retain for the long term the aspiration to be the forum of choice in the County, but in the next OMP, focus energy and resources on improving operations and service and solidifying the horizontal unification of the Court, balancing the needs of citizens, the Court, the County, and the cities.

Based on such models as the Trial Court Performance Standards and the new national "core" court performance measures now being prepared by NCSC, develop and apply "quality service" standards and measures to King County District Court operations, with particular attention to the areas suggested above in Table 23.⁴⁵

If the Court improves operations, positive results with the cities will follow.

⁴⁵ NCSC leaders have indicated that NCSC is in a position, with the involvement of Dr. Ingo Keilitz (a key person in the original development of the Trial Court Performance Standards and a nationally-known expert on court performance standards and measures), to provide assistance in this area if the Court requests it.

C. Vision of Providing Highest Quality of Justice

The second part of the King County District Court Vision Statement has to do with providing “the highest quality of justice.” The current operations of the Court can be evaluated in terms of how well it has accomplished the thirteen means by which it has proposed to provide such high quality.

1. Protect Public Safety and Hold Convicted Offenders Accountable.

a. Protect Public Safety. No interviewee suggested during this study that the Court is failing to protect public safety.

(1) Probation Services.

(a) Current Status. The current situation for probation services can be summarized as follows:

- The change in the probation program to judge-supervised probation, with supervision being provided to more serious misdemeanor offenders, is seen to enhance public safety.
- Several probation officers are at their maximum caseload (140), and periodically the assigned judges review cases with input from those probation officers to assure that their 140 probationers are appropriate for supervision.
- Until recently, a few sentence compliance clerks have had difficulty remaining current with those on unsupervised probation. All sentenced compliance checking is now current.

(b) Options. To the extent that the need for supervised probation exceeds 140 cases, there are two options for addressing the issue. One is to add more probation officers, and the other is to raise the 140-case cap. The relative strengths and weaknesses of those two options are considered below.

The benefits and disadvantages of adding more probation officers are the following.

Probation Services Option 1: Add probation officers.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> The cap represents a manageable caseload for a Judge and his or her probation officer. 	<ul style="list-style-type: none"> Probation officers are expensive; the budget funds available annually may not support adding probation officers (see below). Measures short of adding probation officers should be tried and demonstrated to be ineffective before positions are added.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Probation fees generally support the cost of probation. 	<ul style="list-style-type: none"> Each new probation officer would cost about \$69,000 for salaries and fringe benefits, according to data provided by the Court. Adding three officers, for example, would increase Probation's budget by about \$207,000.

The benefits and disadvantages of raising the cap beyond 140 are as follows.

Probation Services Option 2: Raise the caseload cap above 140.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> It is always worthwhile for the Court to make a periodic review of the size and nature of probation supervision caseloads to determine what might be optimal under circumstances that may have changed over time since the establishment of the 140-case cap. It might not be unreasonable for at least some probation officers to routinely carry a caseload higher than 140. 	<ul style="list-style-type: none"> The cap is currently reported to have worked well since its establishment.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> The cost of adding more probation officers would be avoided. 	

(2) Problem-Solving Courts. Two of the Court's problem-solving courts, Mental Health and Domestic Violence, have made important contributions to public safety.⁴⁶ These courts are discussed under the section entitled "Resolution," at pages 62-67, above. The evaluations conducted on the Court's problem-solving courts, as well as evaluations in other jurisdictions, indicate that problem-solving courts enhance public safety. The filing numbers for domestic violence cases have gone down considerably in the last three years. Although the evaluations cannot tie the DV Court directly to this reduction in filing numbers, it is probable that it contributed to this tangible indication of a reduction in domestic violence cases in the county.

(3) CHOICES Program. Another program, used by two of the Court's judges, deserves special note in this context. The court in Redmond refers all defendants who may be illiterate or learning disabled to the Learning Disabilities Association of Washington for screening. If test results indicate the probability of one or both of these problems, the defendants participate in a 14-week instructional class geared specifically to their needs.

- The results from an evaluation that extended over two years indicate that defendants who did not participate in the program had a 72% recidivism rate; defendants who completed the program recidivated at a 31% rate.
- Other judges on the Court are starting to examine extending use of the program to defendants.
- Given the extraordinarily high percentage of people in prisons and jails who are illiterate and have learning disabilities, the program deserves to be more broadly applied throughout the Court.
- Extending the program will affect the Court and the Learning Disabilities Association of Washington. The cost of the extension will have to be determined in advance of implementing it in other locations.
- This program should be a high priority program in the County's budget consideration, as it will affect many and has at least as great a chance of success.

⁴⁶ For more details, see the supplemental assessment of problem-solving court programs in Chapter I of Volume Two. The Court has a third problem-solving court, its Relicensing Court, but its focus and results are more on recovering imposed fines and assuring drivers are insured than on correcting unsafe or illegal behavior directly. Even so, citizens trying to avoid further fines presumably are more careful and so are less of a public safety risk.

(4) Recommendations.

Accordingly, NCSC recommends:

Assess the current effectiveness of probation officers in monitoring clients and completing work for their respective supervising judges (2005).

Review assignments to assess the manner in which judges and their probation officers back each other up. (2005)

Regarding the CHOICES Program, NCSC recommends:

With the Learning Disabilities Association of Washington, discuss the extension of the CHOICES Program to all locations and all defendants. Start implementation on a phased basis, starting in mid 2005.

b. Provide Resources to Hold Convicted Offenders Accountable. In large measure, the County controls the resources needed to achieve this goal. As a result of the loss of the Department of Corrections probation contract in 2001, the Court reduced its probation officer strength by 7.6 FTEs (-21%) and the clerical and management staff members to support these officers by 5.5 FTEs (-34%). These cuts were both necessary and appropriate. Other than in the probation caseloads in the problem-solving courts, the caseload of probation officers was capped at 140. The Court limited each probation officer's caseload to provide the probation officers with the time needed to complete their assignments.

The compliance unit administratively reviews and reports to the Judges whether a defendant has complied with their sentence. It is important that the Court is provided adequate resources to staff this function.

2. Work With Other Units of Government to Achieve Common Goals. There is a coordinating council of the three courts in Seattle (superior, district, and municipal) plus some of the smaller municipal courts near Seattle. Several initiatives have come out of this council that benefit the system and each court, including some sharing of resources and administrative tasks.

The Court now meets regularly with representatives of the cities that contract for court services.

- Based on personal observations by the NCSC project team and reports from meeting participants, these meetings have improved communication, improved relationships, and improved the service of the Court to the cities.
- Reports remain, however, that some judges do not display interest in or concern for city issues.

The Court participates in several criminal justice coordinating groups, as well.

- The criminal justice coordinating groups provide another vehicle for surfacing and studying problems and finding solutions. It improves communication and trust among the agencies.
- When faced with major budget cuts three fiscal years ago, the Court adjusted as best it could to its new reality. It did not claim inherent powers and demand resources beyond those provided by the County, which has been the response of some courts in such circumstances. This was the most dramatic and direct indication of its willingness to work cooperatively with other units of government.
- The Court seems to be meeting this goal.

3. Make Effective Use of Taxpayers' Resources. The Court has achieved mixed results in trying to meet this goal.

- It has reduced its operations and expenses to fit within the resources provided.
- The indicators of ineffectiveness are the delays in resolving cases cited above, delays in entering the results of hearings, which disrupts calendar preparation and witness appearances, delays in entering the resolution of cases, which delays prevailing parties from recovering owed funds, garnished companies from knowing to whom to send garnished wages, and criminal justice agencies from knowing that someone has been convicted of a crime or has an outstanding warrant.

Government critics often talk about "cutting the fat" in budgets. This shibboleth contains a superficial reality and sometimes is successful in swaying elections. In the District Court's case, however, the cuts have started to impact the Court's muscles and bones. This is not a criticism of the County. The County as a whole is trying to balance reasonable demands for service, good government, and shrinking resources. It is only a statement to explain why the Court has been *efficient* in responding to the budget cuts,

but the cuts also have made it difficult to continue to be an *effective* steward of the public's resources.

4. Ascertain and Respond to the Needs and Expectations of All Court Users.

a. Current status

- As indicated above, the Court is doing a good job of ascertaining the cities' needs and trying to respond.
- The major area where representatives of the cities feel that the Court still is not responding is in customer service, most obviously in deficiencies in the Call Center's operation and in the transfer of some tasks formerly performed by Court personnel to city personnel, including law enforcement.
- In the latter category, asking some cities to issue their own subpoenas has been a particular annoyance. Similarly, the transmission of notices to city witnesses on when to appear in court was cited to the NCSC project team. The transfer of those tasks to the cities is seen by the cities as a diminution of service.⁴⁷

The cities are not the only stakeholders in the Court's operations, however. On a caseload basis, the cases of the contract cities represent about 30% of the Court's caseload. A number of county agencies and departments also interact daily with the Court and depend on its provision of services.

- The ways in which the Court seeks to learn of those agencies' needs and expectations and respond to them is indicated above. The NCSC project team did not learn of any complaints from county representatives.
- Three key categories of stakeholders do not have the same level of input regarding their needs and expectations that the cities and county agencies have: the Washington State Patrol, community social service providers, and citizens, both litigants and those seeking only general information.
- Court representatives should continue to meet with representatives of the State Patrol from time to time.
- Representatives of community social service agencies that regularly work with probationers expressed some questions and concerns to the NCSC project team regarding both Court operations and Court expectations.

⁴⁷ An outsider may see the changes as the Court returning to core functions. Preparing subpoenas and notices has been a matter of comity between the Court and cities, but it is not a "core function." Providing these services to cities but not to defense counsel also creates appearance of fairness issues for the Court. From the cities' perspective, the convergence of local comity and contract language means the Court no longer is providing the same level of service. It is a fair argument, but one that denies the Court the opportunity or right to say it no longer will volunteer to perform city responsibilities.

- Service both to their clients and to the Court would be enhanced were there more regular and formal opportunities for information exchange between these providers and the Court.
- Obtaining citizen input is not easy, but more could be done.

b. Options. There appear to be two options regarding stakeholder needs and expectations: (1) status quo (do not add any more coordinating groups or meetings) or (2) expand efforts to obtain input from those not now being heard from.

The factors favoring and not favoring these options are offered in the following tables.

Stakeholder Option 1: Maintain the status quo, that is, not adding any more coordinating groups or meetings.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court has made significant progress in this area in the last three years and is continuing these efforts; no more is needed. • Judges and staff have only so much time to attend meetings and formally solicit opinions on top of performing necessary tasks related to adjudication; the Court is doing all that time allows in this regard. • Communicating with stakeholders is a good idea, but communicating creates an expectation that you will respond to comments; the Court does not have the financial or time resources needed to respond to any more requests for changes to meet stakeholders' needs. • The Court already is doing what it can to respond to the cities' needs; when it is not responding it usually is because of resource constraints over which the Court has no control. 	<ul style="list-style-type: none"> • The Court has built a strong foundation regarding obtaining stakeholder input and responding to ideas; it now can extend those efforts to overlooked stakeholders. • Time is an issue, but failing to communicate with stakeholders and obtain their input may cost unseen time in wasted effort or doing things stakeholders do not require; the social service agencies believe they can save some time for the Court. • Most stakeholder requests do not involve new funds; sometimes the response is quite easy to achieve and can be complete with very little effort, but with important positives in the Court's relations with stakeholders.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Maintaining the status quo will avoid any additional expenses associated with efforts to determine and respond to stakeholder issues. 	<ul style="list-style-type: none"> • Maintaining the status quo may leave the Court unaware of cost saving opportunities for itself or for other court process participants.

Stakeholder Option 2: Expand efforts to obtain feedback from stakeholders whose views the Court does not now regularly receive.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Three specific groups of stakeholders are not being consulted currently; two (the WSP and social service agencies working with the problem-solving courts) have specifically indicated they think both they and the Court would benefit from regular communications • The benefits received should extend beyond just good feelings; changes in procedure, which will benefit the Court and might save money, may well result. • Meetings sometimes seem endless, but the communications and meetings being sought by the WSP and the social service agencies are periodic—perhaps once a quarter or three times a year—and do not need to be very long to be effective. • A recent national 10-court evaluation of self-representation programs that included post-court surveys revealed that most responses are not skewed by the outcome the respondent had in court; the Court can anticipate substantive comments, not sour grapes from citizen comment cards. • A slight expansion of juror exit questionnaires can be effective surrogates for the general public's opinions about how the Court is or is not performing and about needed changes in procedures. 	<ul style="list-style-type: none"> • The reasons cited in support of the status quo apply equally as reasons not to expand the Court's efforts. • Seeking citizens' opinions can be very time consuming, even if one only puts comment cards on the counter, as the cards have to be reviewed, the assertions or ideas checked, and responses prepared. • Surveys of litigants as they leave the courtroom, in particular, do not often produce informed opinions, will vary by whether they won or lost, and are very time and resource intensive; the Court cannot afford these surveys.
Cost Factors	
Benefits	Disadvantages
	<ul style="list-style-type: none"> • Reviewing, tabulating, and responding to comment cards and juror questionnaires may consume up to a day a month of staff and management time, representing a cost of about \$2,100 a year in staff time⁴⁸ plus the cost of copying forms to be completed.

⁴⁸ Based on the average staff member's salary and benefits for 12 days per year.

c. Recommendations

The Court should add periodic meetings with the Washington State Patrol and the social service agencies serving the problem-solving courts to its communication and exchange program.

The Court should devise citizen comment cards for use on counters and to be placed outside courtrooms, with an expectation that serious complaints regarding staff or judicial conduct will be followed up, suggestions for improvements will be considered, and compliments will be shared with all staff and judicial officers.

The Court should review the juror exit questionnaire used by it and the Superior Court and add no more than four questions that will address general access and quality of justice issues.

5. Provide a Uniform and Predictable Level of Service. Uniformity remains an unrealized goal of the Court, but one it is seeking to reach.

a. Current Status

- Until a few years ago, the Court was a single court in name only. Each location had judges elected within their narrow electoral districts and each judge operated pretty much independently – not only in resolving cases (where independence is essential), but also in administrative matters, where the need for independence is less compelling.
- Changes in 2002 in a statewide General Rule of Court (Rule 29) provided support for the Court to make continuing major changes in its organization and administration. It went from nine divisions to three. Each division has its own presiding judge who has significant administrative authority within the division. Governance was turned over to a five-member executive committee, composed of the three division presiding judges and the presiding and assistant presiding judges of the entire court.
- The presiding judge of the Court now has substantial administrative authority that previously did not exist.
- The change in Rule 29 and the Court's preceding change in its administrative structure gave the Court its first true chance to meet this goal. The Court has been working toward increasing uniformity.
- One critical element of becoming more uniform in the delivery of service is a program started in 2003 of developing and adopting "best practices." These are administrative and, in a few instances, judicial procedures that are developed by committees of management and of judges, adopted by the executive committee, and then implemented and used in the same way in all

locations. The executive committee endorsed the first set of best practices only recently, so it is a little early to assess their success.

- There are many skeptics about the likelihood that all judges and locations will adhere to the "best practices." When asked the chances that all judges will adopt and implement best practices as approved by the executive committee, virtually all respondents, including some judges, said, "none," or other words to that effect.
- There is a significant weakness in this program. The best practices adopted so far do not account for the probable impact of the ECR project on workflow and procedures.

b. Options

The Court conceptually could choose to: (1) cease searching for new ways to achieve uniformity, or (2) continue to look for opportunities to extend uniform practices across all locations. Regarding the aspiration, one caveat is in order. Uniformity should not extend to judicial decisions. Individual judicial discretion is a hallmark of the American judicial system. The uniformity being discussed here involves administrative processing of cases and procedures that do not constrain individual judges' fact-finding or sentencing discretion.

Uniformity Option 1: Cease efforts to achieve uniformity.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court is and should remain a "community" court; each location should be able to adapt procedures and rules that work in that community, which is the best way to retain the good will of contract cities. • ECR and the single DISCIS system will create substantial uniformity; the other differences in procedures among locations and judges are not critical. • The Court remains a human institution; 100% uniformity is not achievable and should not be a goal. 	<ul style="list-style-type: none"> • Without more uniformity, the Court cannot live within the fiscal constraints that the County's budget condition requires. • There remain many areas in which citizens find one set of procedures in one location and a second set in a second location; that undermines the public's belief in the fairness and objectivity of the Court, which are elements of the Court's mission statement. • Attorneys, too, desire and will benefit from further uniformity.⁴⁹ • The cost of litigation increases for attorneys—and, therefore, their clients—who practice in several locations and have to adapt to each location's unique procedures.

⁴⁹ One attorney told of not knowing about a form that a judge required because no other judge before whom he had practiced used that form.

Qualitative Factors (continued)	
Benefits	Disadvantages
<ul style="list-style-type: none"> • One cannot assure that a "procedural" rule will not interfere with judicial discretion; the best way to protect judicial discretion is to halt the development of additional uniform "procedures." • The Court already has absorbed many changes; staff and judges should get a breather and have time to assure efforts to date will work and in fact establish uniformity. • Each new "uniform" procedure requires changes that staff must learn and adapt to, hurting productivity and threatening morale. • Staff members mostly stay in one location and want to stay in one location, so not developing further uniformity will not impact staff productivity. 	<ul style="list-style-type: none"> • Implementation of ECR and the single DISICIS system will surface new areas where uniformity is desirable and needed; these should be pursued, not ignored. • Greater uniformity in rules and in their application will be needed if the Court is to reduce its case processing delays • The absence of uniformity makes it harder to move staff for the Court's or the staff's benefit and harms staff's productivity.⁵⁰ • Greater uniformity is required to enhance the opportunities for the Court and the Superior Court to coordinate or share staff functions and tasks.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Further uniformity will involve more meetings, costs to change forms, training costs, costs to change existing software or create new software, and possibly new hardware costs that may not be supported by the County. 	<ul style="list-style-type: none"> • The lack of uniformity carries significant out-of-pocket cost consequences, such as limited-use forms, staff not being able to move from location to location without obtaining training in unique procedures in each location, and loss of the economies and productivity improvements associated with using upgraded technology and software.

⁵⁰ In two separate interviews, seasoned staff told the NCSC of their sense of being unable to complete assignments in their new location because procedures were so different from their previous location.

Uniformity Option 2: Continue efforts to extend uniform procedures.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> The arguments above against ceasing the move to greater uniformity apply as benefits here. 	<ul style="list-style-type: none"> The arguments against extending efforts to achieve uniformity apply as disadvantages here.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> See above, under "disadvantages" for Uniformity Option 1. 	<ul style="list-style-type: none"> See above, under "benefits" for Uniformity Option 1.

c. Recommendations

Continue efforts to seek and implement uniform administrative and procedural changes across all locations.

Review "best practices" already adopted or designed following full implementation of ECR to determine if any amendments are required because of the impact of ECR.⁵¹

6. Efficient, Convenient and Safe Facilities. This topic is addressed at the strategic level in Chapter IV, below, and at a detailed level in the NCSC project team's supplemental assessment report on court facilities.⁵² A few comments are appropriate here, however.

- The facilities appear to be convenient, at least from the standpoint of being located throughout the County. The cities that have courthouses are satisfied and want the facilities to remain in their communities as full-service facilities.
- The work areas for staff members and management are "efficient," in the sense that staff members have an open area with adequate workstations in which to work.
- There are some ergonomic issues affecting staff members in some locations that may affect efficiency and productivity.

⁵¹ See the NCSC project team's supplemental assessment of information technology in Volume Two, Chapter II, section C.3, at p. 44.

⁵² See the supplemental assessment of court facilities use in Volume Two, Chapter III, pp. 54-69.

7. Use Modern Technology and Equipment. This is another topic that is addressed further in Chapter IV, below, and at a detailed level in the NCSC project team's supplemental assessment report on information technology.⁵³ Suffice to remind the reader here of the single database and electronic court records projects the Court is implementing in this year. The Court also has installed a video conferencing system to enable it to hold meetings, to share news from the leadership with everyone at the same time, and for training without requiring participants to travel. This system is used frequently and effectively.

Beyond the operational issues identified in Chapter IV, there are technological enhancements being implemented in courts across the nation that might become part of the Court's mid-range and long-range goals regarding the use of technology. Some would involve relatively minor costs and resource investments, some would involve very substantial financial investments, albeit often one-time costs that would not become part of the annual budget beyond maintenance costs. Each could be part of an overall technology strategy to use technology to improve the productivity of existing staff and of judicial officers and/or to defer the need for new staff. These enhancements are listed below. The benefits and disadvantages of all of them together are offered here, but there are three reasons why the NCSC does not attempt to address each individually or to offer specific cost estimates or recommendations.

1. The list is very long and probably could not be addressed in its entirety during the next OMP.
2. Many will require the assistance and support of the state-level Administrative Office of the Courts because they involve changes with or coordination with DISCIS, a statewide system controlled by the AOC; the Court has no control over these decisions.
3. The NCSC project team is not aware of the state AOC's strategic plan and how any of these ideas fit (or do not fit) into that strategic plan.

With those caveats, the enhancements that other courts are successfully pursuing are:

⁵³ See the supplemental assessment of court technology in Volume Two, Chapter II, pp. 41-53.

- Extending the technology of video conferencing to allow remote court appearances by attorneys in selected proceedings and for citizen appearances in selected hearings for some case types, such as traffic and small claims.
- Remote electronic access for the public to daily calendars and case indexes and possibly to entire files (subject to privacy and identity theft protections).
- Stand-alone electronic kiosks⁵⁴ in both courthouse lobbies and in selected locations around the County such as libraries and branch offices of other county agencies, through which citizens could:
 - Obtain information about the Court generally.
 - View video presentations about how the Court operates and what it expects of litigants and witnesses.
 - Obtain copies of forms and complete and file forms on line in small claims and other proceedings.
 - Pay fines using credit and/or debit cards.
- Credit card payments direct to the Court via the telephone.
- Electronic filing of documents in civil and small claims cases.⁵⁵
- An integrated criminal justice information system that would allow electronic filings by the prosecutor and defense counsel in criminal cases with single-entry of information that then is shared by all criminal justice agencies.⁵⁶
- Electronic generation of traffic and criminal infraction tickets by law enforcement and their downloading to the Court's data system.⁵⁷
- Electronically generated and served subpoenas to law enforcement officers for court appearances.
- Electronic transmission of convictions, sentencing provisions, and other required information to state and local agencies.
- Electronic courtrooms that facilitate the presentation and viewing of evidence electronically.

⁵⁴ In this context, the term "kiosk" should be understood to be a term of art. In fact, kiosks now normally are computer monitors and keyboards networked to a main computer in a central location. Depending on where they are located, they may or may not have stand-alone cabinetry or be installed in a wall in some "hardened" fashion.

⁵⁵ The Superior Court indicates it soon will be piloting e-filing. Once it is in place and successful in Superior Court, this, like ECR, would be a relatively easy enhancement for the District Court to adopt.

⁵⁶ A gross estimate of cost is mentioned in section B.1, above.

⁵⁷ A December 16, 2004, Associated Press article announced initial implementation of electronic tickets issued by Alabama state troopers that will be transmitted wirelessly and instantly from a patrol car to a central computer in the state's capital and then downloaded to the appropriate court's computer. See "Alabama Troopers Issue Electronic Tickets," December 16, 2004.) The system cost \$800,000 to develop, with most of the funding coming from a federal grant. The NCSC was advised that the Washington State Patrol piloted an electronic ticket system in Pierce County but that it was not successful. The NCSC is not aware of the details.

Possible Technology Enhancements: Beyond ECR, there are several other technology applications that the Court might consider introducing to aid the quality of its performance.

Qualitative Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court's best hope for continuing to absorb budget cuts while meeting its constitutional and statutory obligations to litigants and the general community is to adopt and adapt technology to enhance existing staff or to eliminate or defer the need for new staff positions. • Systems that integrate with other agencies' information systems not only improve productivity for all involved agencies, but also reduce errors because information is entered only once, by the source agency. • Replacing hand-written documents, e.g., traffic citations, with typed documents will improve communication and avoid incorrect information being entered in the Court's files, as well as eliminate the transmission of incorrect information to other criminal justice agencies. • The time needed to share and exchange information is reduced from weeks, days, or hours to seconds; often, the improved exchange of information enhances public safety. • Access for citizens, both to information and for courtroom appearances and responding to court orders, can be enhanced. • Attorneys' productivity can be improved, with at least a chance that savings in time will result in lower transaction costs for clients/litigants. • Other County agencies' productivity may improve along with the Court's because of technology upgrades by the Court. 	<ul style="list-style-type: none"> • Each new technology or technological advance involves (often) hidden costs for training, stress on staff, and downtime associated with working out the "bugs." • Even when productivity increases are achieved, they can take years to have a discernable impact on staffing needs; short-term, staffing needs often increase. • Technological changes that offer the prospect of productivity enhancements, such as e-filing or video appearances, can be undermined if others do not have the technology or do not know how to use it. • Advancements such as e-tickets involve changes not only to the Court's culture but to the culture of other agencies, which compounds the challenges of effecting change and risks the change not being successful. • Each new technology raises the challenge of preserving access for the poor who cannot afford and cannot gain access to the technology needed at their end; improving access through technology for the middle and upper classes is not acceptable if poor people's access to justice is lessened.

Cost Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • Staff increases can be avoided or deferred. • Costs, even if substantial, normally are one-time costs that do not reappear in annual budgets. 	<ul style="list-style-type: none"> • Maintenance, training, and upgrade costs often equal or exceed purchase and installation costs over the life of a new technology or software upgrade; these costs are annual costs that have a continuing budget impact after the "one time" purchase and installation costs are over. • Technology projects often involve project overruns; a government facing structural deficits cannot afford significant project overruns. • Even one-time costs can be substantial; integrated criminal justice information systems for a jurisdiction as large as King County could cost \$3 million or more.

8. Coordinate All Services Necessary for an Effective Judicial System.

a. Current Status

- The Court assists in this effort as part of a judicial-system coordinating council, but it is not "the" coordinator.
- The monthly meetings with city representatives advance the achievement of this goal.
- The criminal justice coordinating and court coordinating councils are part of achieving this goal.
- If the Court were to add the Washington State Patrol to these meetings, it would be closer to achieving this goal.

b. Recommendations. See the recommendations in section B.4.c, page 94, above.

9. Assure a Diverse and Professional Workforce.

a. Current Status. A July 2003 "snapshot" of the Court's staff indicated the following.⁵⁸

District Court's hiring and promotion practices have created an ethnically diverse workforce at both entry and administrative levels. Division demographics closely match the demographic profile of the communities they serve. Overall employment statistics reflect those of King County's aggregate population.

With regard to this matter, the following observations can be made:

- One consequence of the severe reductions in staff levels is that most of the staff members have been with the Court for many years. The extended service years of so many staff members results in a great deal of professionalism and skill in the clerical and manager ranks. There also is a strong ethic of service to the public and strong identification with the goals and values of the Court itself.
- The seniority of the staff members carries with it the prospect of a number of staff members starting to retire over the next few years, which will remove a great deal of experience and knowledge from the Court's ranks.
- The Court should start planning now to attract and train superior candidates and to retain those who have been with the Court for some time but are too young to retire.

⁵⁸ Office of the Presiding Judge, "King County District Court Demographic Snapshot" (July 2003), p. 11.

There are many ways to attract and retain good employees. Some of those most touted in the private sector, such as day care centers for children, fancy gyms to encourage physical exercise, and high-cost medical insurance plans, are very difficult for government to adopt, not only because of cost but also because of "appearances." Government often must avoid the appearance of being "extravagant" to its employees, which, ironically, makes it harder to attract the employees who can provide the quality of service often demanded by those who do not want extravagant government. Yet, King County's benefits are generous and the medical insurance does not require employee contributions, both of which are very positive elements of any effort to retain current employees and attract new ones. Even with the good benefits package now provided, several enhancements might make the Court a more attractive employer:

- Encourage flextime, shared-time, and part time employment that can be implemented without undermining the Court's ability to deliver full service to the community.⁵⁹
- Review current fringe benefits to determine if further enhancements would help to make the Court a desired employer in the community.⁶⁰
- Consider targeting persons who are unable with their own resources to obtain higher education degrees; extend to them and support their obtaining those degrees while employed by the Court through leave time, higher-education grants, and training programs.

b. Options. The Court has two options in this area, each of which is flawed in one way or another: (1) continue as is to see if a significant number of staff in fact retire or leave; or (2) encourage the County to address this issue for its and the Court's benefit.

⁵⁹ The Court used to provide part-time options, but because of the budget implications, it had to cease doing so. This suggestion refers to future changes, not to immediate changes.

⁶⁰ The rapidly increasing cost of medical insurance premiums has hit every sector, leading many in both the public and private sectors to transfer costs to employees, reduce coverage, or make it harder to qualify for full coverage. The structural deficit situation for King County makes it very hard for it to expand medical insurance coverage or to extend the benefits provided. At the same time, the County appears to recognize the strategic advantage it gains from providing a good benefits package; there may yet be enhancements the County can adopt that can be handled within the fiscal constraints under which the County is operating.

HR Option 1: Continue "as is" and monitor events.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Courts have unusually dedicated and committed staff whose retirement and retention patterns may not follow those in the private sector; the Court should not incur substantial costs and time commitments to address issues that may not arise. • Because court employees tend to be long-term employees, it is not as important for courts to find a large number of quality employees as it might be in the private sector. • The Court has had success finding high quality employees without special and expensive programs; it should not initiate such programs until it is clear they are needed. 	<ul style="list-style-type: none"> • If the Court waits until a significant number of longer-term employees already have retired or have indicated their imminent retirement, it will be too late to respond; the talent and institutional memory pool will be emptied before it can be replenished. • After the Court documents the need, it may take two or three years of negotiation before needed changes can be developed and funded; the Court should get out in front of this issue today so it is prepared when the need arises. • There is no reason to believe that the Court's employees are so different from all other workers in the public and private sector; the trends are clear and the Court should respond to them. • Because Court employees tend to remain Court employees a long time, it is important to attract as many quality applicants as possible; it is far more economic and productive to get good employees the first time than to try and try again.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • With the annual budget cuts the Court has endured and is continuing to face, increasing the cost of fringe benefits is a "non-starter" in budget discussions; the topic should be avoided until it is absolutely clear that a change is needed • Because of extra benefit entitlements that come with part-time work, even part time employees carry extra costs that are not in the budget and have not been provided to date. 	<ul style="list-style-type: none"> • The cost of finding, obtaining, and retaining good employees will not go down over time; it is better to start now.

HR Option 2: Encourage the County to take action.	
Qualitative Factors	
Benefits	Disadvantage
<ul style="list-style-type: none"> • The Court is a branch of County government and County funded; it cannot adopt personnel policies inconsistent with County policies and without County funding. • If the Court tried to act independently, it might cause political and budgetary difficulties for the Court that are not needed. • All recent studies indicate that the competition for educated employees with the skills that courts need will be intense over the next 20 years. Government generally and courts in particular have to explore new ways to be competitive in this environment. • The Court can offer to pilot a change so the County is not making a commitment for everyone before it is ready to do so. 	<ul style="list-style-type: none"> • As a co-equal branch of County government, the Court has a right and obligation to protect the quality of its workforce. • The impact of failing to attract and retain quality employees may not show up as a line item in the budget, but it is real and could affect the Court's ability to meet its mission and vision goals and to maintain the service levels the contract cities expect and desire.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The changes suggested require funding, so the County's agreement and funding are essential. • If the County decides not to provide funding for a new initiative, the funds would have to come from within the existing budget, which has little or no room to fund something new from cuts of existing staff and programs. • Hiring new employees is very expensive. In the private sector, studies show it can cost thousands of dollars to recruit and train each new employee.⁶¹ • It is easier and more profitable to retain good employees than to find new ones and bring them up to speed, even when more senior employees earn substantially more per hour. 	

⁶¹ Wal-Mart reports it spends \$2,500 to test, interview, and train each new employee. (S. Holmes & W. Zellner, "The Costco Way," *Business Week*, April 12, 2004, p. 77.) The cost of seeking and screening applicants would be above and beyond this cost.

c. Recommendations.

Devise a strategy to attract and retain quality employees through combination of new work arrangements and enhanced benefits. Work with the County and union to gain their approval and to have the County fund as many ideas as possible. If the County is unwilling to adopt the Court's ideas for all County employees, find means to implement them in ways that are politically and fiscally responsible.

10. Maintain Sentencing Options and Sentence Appropriately.

a. Current Status.

- The move to judge supervised probation in 2003 appears to have allowed the Court to meet the "sentencing options" portion of this goal.
- The NCSC team did not investigate whether sentences are appropriate.
- The only weakness in maintaining sentencing options that the NCSC discovered was that the cap of the number of cases per probation officer has been reached for some officers.

b. Options and Recommendations. See the discussion in section C.1.b, page 88, above.

11. Educate Others About the Courts. This is an important goal, but one that a court seldom can accomplish by itself. The NCSC project team does not know the degree to which the Court is seeking to achieve this goal. Nor did it investigate the help the Court is receiving, if any, from bar associations, individual attorneys, teachers, and others.

12. Respect the Diversity of the Community. This, like the goals of fairness and understandable resolution of cases, is largely—although not entirely—a courtroom issue. The NCSC study team did not investigate the extent to which the Court is meeting this goal. There are two aspects of this goal that are operational in nature: (1) forms and brochures in languages other than English, and (2) how staff members treat citizens of different backgrounds when they appear in the courthouse. The NCSC team did not collect any information on either aspect.

CHAPTER IV.

STRATEGIC OPTIONS

Based on experience of other courts, the Court has four strategic options for addressing the structural deficit problem that has affected criminal justice agencies funded from the King County current expense ("CX") Fund.

- Maintain the status quo and adapt annually to the County's budget;
- Planned retrenchment in the non-core functions performed by the Court;
- Pursue the path of horizontal unification to effect efficiencies through major changes in business practices and facility configuration;
- Complement the third course of action with some form of vertical unification; and
- To help support the third and fourth options, and in light of the Court's mission and vision statements, seeking state-level support.

A. Strategic Option 1: Maintain Status Quo

This option, always a consideration in addressing a difficult situation, consists of annually attempting to maintain a constant level of court services by annual adaptation to budget vicissitudes without any long-range budget strategy. Since 2002, The Court's budget has spiraled downward but appears to have reached a plateau, probably transitory, in the 2005 budget. The salient budgetary facts are daunting:

- The 1% cap on increases in property tax, the main CX source of revenue, has the practical effect of keeping revenue increases to around 2% as compared to built-in increases of 5-6% for personnel costs – a structural deficit condition.
- The Court has lost \$3,000,000 on the personnel line in the period 2002-2004, but has added some positions in 2005.
- The cuts fall disproportionately in the operational divisions, primarily clerical positions, because most Court expenditures fall into one of three protected categories: judicial salaries, constitutionally mandated expenditures, and revenue-backed expenditures.
- The Court's services have suffered, but much less than might be expected, due to efficiencies made possible by unified management of the formerly divided District Court locations – i.e., the Court has been proactive rather than passive.

Strategic Option 1: Maintain the current status quo.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Since change is difficult and often brings unanticipated consequences, this option would not be immediately disruptive to judges or court staff. 	<ul style="list-style-type: none"> • The level of effectiveness and efficiency in relation to resources suffers by reason of unplanned changes. • In a prolonged budget downturn, more so than in a structural deficit situation, the Court will become dysfunctional through constant ad-hoc changes.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • In a fiscal downturn, this approach provides a "hold-the-line" strategy, pending an upturn in resources. 	

Recommendation for Strategic Option 1: This option should be and has been rejected.

B. Strategic Option 2: Retrenchment with Elimination of Non-Mandated Services

In times of budget stress, courts often examine their legal mandates to ascertain what services could be eliminated so that resources are focused on core services.

- The core services of the court are those mandated by state law and composed of regional and state cases. The core jurisdictional areas are: county-state criminal cases, county-state infractions, civil cases and small claims, and jail/felony expedited cases. County probation, though not mandated, is integral to the criminal function.
- The non-core services accounted for 36% of District Court expenditures in 2003 and are those services that exist under county ordinance, county executive order, Supreme Court rule that permits certain actions, or internal administrative decisions of the court. These services are: municipal cases (including city probation), specialty courts (Relicensing Court, Mental Health Court/Mental Health Probation, Domestic Violence Court/Domestic Violation Probation), and miscellaneous services (Superior Court assistance, passport, and inquests). Small

claims conciliation and use of collection contractors are non-core functions that are self-supporting and do not present a budget issue.

- Because each non-core service has different strengths and weaknesses and a different financial status, elimination of non-core services involves individual consideration of each service or program.

The advantages and disadvantages associated with individual programs are the following:

<p><i>Mental Health Court, including Mental Health Probation.</i> The function of this opt-in program is early identification of mentally ill defendants to link them with community based case management, treatment and housing. It provides intensive monitoring for 400 cases annually, with about a 50% retention rate.</p>	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Linkage between health community and court to ensure treatment. • Court clients receive priority for housing. • Public benefits from prevention of dysfunctional behavior. • Criminal justice agencies work closely with program as it benefits the system by reducing anti-social behavior. 	<ul style="list-style-type: none"> • Not generally available and perhaps cannot be. • Some case types have not been included, e.g. felony dropdowns. • Too Seattle-centered.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Cost avoidance by reducing changes in behavior that would otherwise lead to health, criminal justice and welfare costs. • Jail days for program graduates were reduced by over 90% in year after graduation. Mentally ill persons spend less time in jail pending disposition, estimated at six times less than before program. 	<ul style="list-style-type: none"> • High net cost in 2003: \$522,756.* • High costs per defendant (\$1500-\$2000) for court expense alone. • Medicaid payments for treatment are decreasing, which affects treatment providers in the county health network.

* Data provided by the Court.

Domestic Violence Courts: This program uses the authority of the Court (both civil and criminal) to intervene in domestic violence cases by placing defendant batterers in treatment programs that address the cognitive disorders underlying violence and may involve some form of substance abuse. Four probation officers assist with judge supervised probation. There were 2,185 cases in 2003 heard primarily by one judge in East Division, two in the South Division.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Significant reductions in rearrest for DV among those who completed the program and reduced jail time. • 83.5 % of the defendants in the East Division completed course, 98.8% in South Division. • Increase in victim safety (hard to quantify) through early intervention. • Information network that provides judges with information on a batterer a day after their incarceration. • Trained prosecution teams and victim advocates focus on DV according to court protocols. • Judges in DV cases are specialists. 	<ul style="list-style-type: none"> • Does not include city contract cases. • Is in only 2 of 3 divisions. • Some differences between divisions. • Elimination of DV program would dismantle the network and expertise now focused on victim safety.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Substantial cost avoidance for other units of local government to provide services. 	<ul style="list-style-type: none"> • Despite defendant payments, high net cost of \$946,512 in 2003.*

* Data provided by the Court.

Driving with License Suspended Program: This prosecutor diversion program was designed to serve people who would have their license suspended for failure to pay traffic fines by permitting them to make time payments or do community service. The court monitors sentence compliance. There were an estimated 800 cases in 2003 at court locations in Burien and Seattle.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • 74% of persons complete the program; persons who fail are 16 times as likely to fail to appear and 4 times as likely to have a new DWLS within 6 months. Persons who complete the program are 2.3 times more likely to have their licenses reinstated or cleared than those who do not. • Program is particularly helpful to low-income people. 	<ul style="list-style-type: none"> • Legal decision that limited program for failure of procedural due process.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Relatively self-supporting through increased fine payment (net 2003 cost \$201,884).* • Consultant study estimated savings of \$180,000 in jail costs, \$148,000 in defender costs, and \$200,000 in defender costs. There were additional savings in cost of warrant issuance and service. 	

* Data provided by the Court.

City Contracts, Including Probation: By contract with certain cities, the Court provides services on city ordinance cases, about 70,000 in 2003. With the exception of Bellevue, the Court provides probation on criminal cases initiated by cities. 10-15% of city cases are criminal, and about 25% of the active probation cases in 2003 were city cases. The number of contract cities has decreased to 13 from 17. Three cities accounted for 84% of 2003 caseload (Bellevue, Redmond, Shoreline).

Qualitative Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • City contracts are important to the Court as they account for 19% of Court Program Budget costs and require 4 judicial FTEs and 33.7 additional staff FTEs. • City contracts are a means of preventing redundancy that is a double burden on taxpayers. • City contracts give promise of a more professional and consistent way of adjudicating city ordinance cases. • City contracts are generally cost beneficial for cities simply because of economies of scale and the use of county facilities. AOC studies show an intrinsic inefficiency factor in creation of a municipal court, not to mention startup costs. This is confirmed in recent city studies (e.g., Issaquah). • Cities will have access to the IT developments that are transforming the Court record and information systems. 	<ul style="list-style-type: none"> • Current city contracts are short-term, making it difficult to project court needs and requiring frequent renegotiation. • Loss of city contracts would create major staff and union issues and wholesale bumping and would exacerbate staff aging. • Cities have expectations that may exceed the ability of the Court and County to meet – diffusion of facilities to maximize convenience, locally oriented judges, levels of service commensurate with levels that predate major staff cutbacks. • There is a tendency to focus on needs of paying clients rather than focusing on the state-regional role of the Court. • Cities that now receive probation services from the Court would have to make separate arrangement for them if contracts were eliminated. • As most city cases are in the East Division, there would be a major internal resource allocation problem if there were no city contracts.

Cost Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • Under full cost recovery, the County does not subsidize cities and receives a contribution to facility operation and security (\$680,000 in 2003). This infrastructure support would be lost without city contracts. • The reconciliation process compares actual revenues and actual expenditures for a year and permits an adjustment. The Court expenditures were \$3,709,443, the shared court cost revenue \$4,117,470, meaning that expenditures constituted 90% of revenues. 	

County Probation: Probation is not mandated. Probation officers assist the Court in monitoring compliance with judgments in state-regional cases. Many cases are under sentence compliance monitoring.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Only practical means available to court to enforce its judgments. Court would lose respect among probationers. • Sentencing options are broadened. 	<ul style="list-style-type: none"> • Always a risk of liability suits in this area, but Court has limited the discretion of probation officers. • Jail population would increase without probation. • Plea-bargaining on expedited felonies and some misdemeanors would be limited without a probation alternative.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Probation fees covered about ¾ of program cost in 2003; this revenue source jumped greatly in 2004, estimated at \$400,000 or more, due largely to collection contractor activity and an increase in fees. 	<ul style="list-style-type: none"> • According to data provided by the Court, the net cost to the County in 2003 was \$553,324.

Superior Court Assistance: This is primarily a judicial branch concern and involves use of District Court judges for Superior Court cases.

Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • The Superior Court benefits by expanding its judicial resources for the conduct of Superior Court business. • When the District Court has an excess of judges in relation to caseload or courtrooms, this is an efficient use of their time. 	<ul style="list-style-type: none"> • Any commitment to judicial support for Superior Court is in potential competition with other commitments and may limit judicial flexibility to meet evolving demands for allocation of judicial resources within District Court.
Cost Factors	
Benefits	Disadvantages
	<ul style="list-style-type: none"> • Because the FTE for assistance (1.57 in 2003) is primarily judicial time, the cost to the District Court in 2003 was \$261,047, according to data provided by the Court.

Passports: The Court makes itself available through window clerks to assist in passport issuance. There were 18,000 passports processed in 2003.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Provides a public service that is now being performed by various city and county agencies. 	<ul style="list-style-type: none"> This is not a court function and does not accrue to the financial advantage of the Court. Using clerical FTEs for this service may not be defensible in a short-staffed Court.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> In 2003, revenues exceeded expenditures by \$281,497.* 	

* Data provided by the Court.

Inquests: Pursuant to County ordinance, the Court conducts hearings on law-enforcement-caused deaths after reference from the executive branch. Eight inquests were held in 2003, some of them lengthy.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Fills a need that would have to be met by some other tribunal anyway. 	
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Minor cost item (\$58,409 in 2003) for needed service.* 	

* Data provided by the Court.

Recommendations for Strategic Option 2: For reasons noted below, it does not benefit the County to eliminate any non-mandated program.

- **City Contracts, including City Probation:** The County would lose the city contribution to infrastructure. The Court would be dealt another major internal shock that would be disruptive without being cost-justified. Contract cities would have the task of creating courts that are likely to be more expensive than using the Court. Taxpayers support two systems.
- **DWLS:** If the legal roadblocks can be addressed, the County will benefit financially from retention of this program that yields a profit and eases enforcement burdens on criminal justice agencies.⁶²
- **MH Court and MH Probation:** This MH Court finds its cost justification in its effect on non-court agencies, mainly reduced jail days. It is also well established as a vehicle for reducing dysfunctional and socially costly behavior.
- **DV Court and DV Probation:** Programs of this kind have become a fundamental part of court services nationwide. Its cessation would dismantle a program that has, from all indicia, given domestic battering a priority based on speedy intervention, information sharing, monitoring, and courses to address the attitudes that lead to violence.
- **County Probation:** This function is so integral to core functions of the Court that its elimination would seriously undermine sentencing options, judgment enforcement, and the credibility of the Court.
- **Superior Court Assistance:** This is an internal judicial branch concern and makes good use of judicial resources.
- **Passports:** Could be eliminated without negatively affecting Court, but it provides citizen convenience and a net financial gain for County.
- **Inquests:** Minor expense for a program that is probably handled more easily by Court than any alternative tribunal that the County would have to create.

C. Strategic Option 3: Strengthened Horizontal Unification to Maximize Efficiency

Horizontal unification is a means to bring various courts of like jurisdiction into a single system characterized by integration of organization, administration and financing.

- Unification provides a framework for flexible use of resources, economies of scale, improved operations, and cost avoidance.

⁶² See the supplemental assessment of problem-solving court programs in Volume Two, Chapter I, section E.8, p. 34, where there is brief discussion of the operation of the Relicensing Court in light of the recent Washington Supreme Court decision. The NCSC project team makes no formal recommendation on Relicensing Court in this report, however, because of potential changes in legislation that may be made following the Supreme Court decision.

- Unification normally happens on a statewide basis, but King County adopted a countywide unification strategy to create one District Court where nine once existed.
- The 1995 OMP identified two issues with matching goals pertaining to unification: a single structure for governance and administration, and a common planning and policy mechanism. These goals have been largely achieved and were instrumental in the ability of the Court to function as well as it did after major staff reductions.
- There are three major areas where the legacy of fragmentation impedes the full realization of the benefits and efficiencies permitted by unification: the lingering effect of a fragmented information system; a facility configuration that reflects localism; and cultural/procedural differences that obstruct improvement in business practices and common approaches.
- Under the rubric of unification there are two major initiatives to overcome the legacy of separatism: first, an information technology initiative (less-paper court with a single database); and second, a facility consolidation initiative.

1. Information Technology Initiative. In a sense, the Information Technology Initiative has been underway since the adoption of the Court's Technology Business Plan in 1997.⁶³

- The business plan stresses technology development within the context of the Court's mission, vision and goals, but the Court has benefited from the County's Wide Area Network and has developed an internal communication network and various discrete applications, some Web-based.
- The AOC case information software (DISCIS) has housed case data in individual databases for each court location, but the AOC is in the process of moving individual databases into a single database (KCD), an important aspect of horizontal unification.
- There will be a transition period before there is a single database as KCD will be used only for cases filed in 2005 and thereafter.
- The introduction of electronic records (ECR), later to be followed by E-filing, further reinforces the Court's identity as a single entity.
- Based on a comparison of the electronic and manual workflows in the trial courts for Shawnee County, Kansas, together with the caseload projections for King County in this study, estimated cost savings in King County over an 11-year period would be more than \$16 million.
- The County has made a major investment in ECR and has committed substantial resources from the Transition Fund for ECR implementation in 2005: \$176,000 for an emergency backup system; and \$457,000 for Automated Indexing

⁶³ For additional information, see the NCSC project team's supplemental assessment of court information technology in Volume Two, Chapter II, pp. 41-53.

(\$357,000 subject to presentation of a business plan). The 2005 budget includes an ECR position; the Court will create a second ECR position by internal transfer. The decision on introducing a less-paper court has been made, but will it achieve its potential?

The potential considerations in favor of and against seeking a more fully paperless court operation based on ECR are set forth below:

Information Technology Initiative: The District Court's efforts to introduce ECR will operate in the context of the AOC effort to create a single database (KCD).		
Qualitative Factors		
Area of Court Operations	Benefits	Disadvantages
Backroom: <ul style="list-style-type: none"> • Intake • Data Entry • FTA files • Closed cases • Transmittal of records • Warrants 	<ul style="list-style-type: none"> • Scanning, particularly batch scanning, reduces entry time and error rate • Creation of an E-record eliminates a number of manual processing steps • Advent of E-filing will reduce scanning need • Backroom productivity has increased by as much as 50% in less-paper courts in metro jurisdictions • Need for backroom staff will decrease • Work assignments can be dramatically changed with a single electronic database • Reduction of time from case initiation to entry of case in system 	<ul style="list-style-type: none"> • Transition period will be labor-intensive as clerks will have to access nine databases for a while • Major training expenditures; major cultural barriers to giving up manual records • Requires an ongoing expenditure for acquisition, maintenance and upgrading of underlying technologies.
Customer Service: <ul style="list-style-type: none"> • Mail • Phone • Web-based 	<ul style="list-style-type: none"> • All payments and payment processes can be centralized, eliminating the need for bank accounts at each court location and the need to roll up separate reports on revenue • Greater ability to process computer inquiries with a single database and to provide convenient alternatives to mail, phone, or in-person communication with Court. 	<ul style="list-style-type: none"> • Apparent impersonal and bureaucratic way of dealing with public
Adjudication and Case Management	<ul style="list-style-type: none"> • More consistency if Court, parties and attorneys work off same E-document which is the official record • No transport of paper files – increased efficiency and less likelihood of document loss or damage • In-court updates with judicial E-signatures • Court-wide case management and calendaring 	<ul style="list-style-type: none"> • Risk of electronic failures • Sequential introduction of E-courtrooms takes time and creates training needs for judges and courtroom staff

Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> Based on a comparison of the electronic and manual workflows in the trial courts for Shawnee County, Kansas, together with the caseload projections for King County in this study, estimated cost savings in King County over an 11-year period would be more than \$16 million. 	

2. Facility Consolidation as Aspect of Horizontal Unification. Although unification facilitates the flexible use of resources, this benefit is diminished if a court's operations are split among various court sites. In King County, this is clearly the case. As Table 24 shows, the court facilities used by the Court are numerous and diffuse.⁶⁴

TABLE 24. EXISTING COURT LOCATIONS

Location	Comment
Seattle (West)	Historic, high-rise; space limitations and functionality deficiencies; mainly a Superior Court facility
Shoreline (West)	Abuts Seattle
Burien (South)	Oldest suburban courthouse; city abuts Seattle
Kent-Aukeen (South)	Shared with Kent Municipal Court; Kent will buy courthouse
Kent (RJC) (South)	Superior Court facility; District Court has use of 2 courtrooms.

Location	Comment
Vashon Island (South)	Free lease from community organization
Issaquah (East)	Newest
Bellevue (East)	Title going to city; totally inadequate facility
Redmond (East)	Built in 1983 but among larger suburban facilities

- Two facilities in the South Division (Federal Way, Renton) have recently been surplus for reasons of economy. They were chosen for closure because they had no city contracts.

⁶⁴ For additional details, see the NCSC project team's supplemental assessment of court facilities in Volume Two, Chapter III, pp. 54-69.

- The County is providing maintenance and security at multiple court facilities. The Court budget for 2004 included \$1,148,000 for facility operation and management. Security per facility is minimally \$143,000, the cost of a screener and a deputy.
- The courthouse locations, prior to the two closures conformed to earlier divisional structure with nine districts each with a small full-service courthouse constructed pursuant to a County policy of building community courthouses.
- The current configuration is a legacy of the past and does not reflect any guiding principle other than a general trend to closure of facilities; it does not conform to the current three-division administrative structure, which lends itself to a regional courthouse concept.
- The Court, working with executive branch criminal justice agencies, has agreed to bring all state-county cases into one location in each of the three divisions. This undertaking is a major step in the direction of a regional court concept.
- The three divisions differ in their facility needs: The West Division is keyed to an aging facility in Seattle with one adjacent suburban facility in Shoreline. Burien is also adjacent and in the same corridor but is in the South Division. There could be one hub facility and satellites in Burien and Shoreline subject to space limits in Seattle and Superior Court plans. The natural hub for the South Division is the Regional Justice Center in Kent – where a wing could be added, subject to the needs of the Superior Court and parking limitations. The East Division needs to plan a regional courthouse from scratch. The major city contracts are in this division (Bellevue, Redmond), constituting a special problem of location and space need planning if cities are dissatisfied with the chosen location.
- A regional court facility plan can take many forms. For the purpose of establishing broad cost parameters, one model is postulated. It assumes three divisional courthouses, two major options (retrenchment and unification) and one important variable (city contracts or no city contracts). The cost estimates are based on projections of judge and courtroom need for the District Court based on caseload studies under this contract.
- The project could be carried out by means of new construction, building expansion, or renovation, and each may have a different set of cost implications and chronology. The actual costs of the implementation cannot be finalized until a more definite construction plan is developed.
- For the purpose of facility planning, conceptual implementation cost references were prepared based on the projected District Court regional facility needs.

TABLE 25. COST ESTIMATES FOR REGIONALIZATION UNDER STRATEGIC OPTIONS 2 AND 3⁶⁵

	Cost Elements	East Division	South Division	West Division	KCDC Total
A. Retrenchment <i>without</i> city contracts	Number of Courtrooms	6	5	5	16
	Square Feet	72,000 sf	60,000 sf	60,000 sf	192,000 sf
	Project Cost (millions)	\$16.8M - \$18.7M	\$14M - \$15.6M	\$14M - \$15.6M	\$44.9M - \$49.9M
B. Horizontal unification <i>with</i> city contracts	Number of Courtrooms	10	6	6	22
	Square Feet	120,000 sf	72,000 sf	72,000 sf	262,000 sf
	Project Cost (millions)	\$28M - \$31M	\$16.8M - \$18.7M	\$16.8M - \$18.7M	\$61.3M - \$68.1M

- The Court can retain convenient services to local citizens and its community court concept through scaled-down operations and services at selected locations under the regional facility plan. The concepts of convenience and access are important but do not require multiple full-service courts. Large urban courts use *satellite* locations that provide public service at low cost on those matters that can be handled in less secure, general purpose facilities that may be leased or provided by a governmental entity.

There is no exact way to predict the number of satellite locations or the level of service for King County. Satellite locations would be a new approach for the Court and thus may warrant additional discussion. Before further discussion, it is important to understand the context.

As previously mentioned, contract cities contribute about 30% of the total caseload, but infractions and parking tickets dominate their filings. For example, in 2003, parking and infraction filings, both traffic and non-infraction cases, ranged from 68% (all cities filing in the Burien branch) to 92% (for Bellevue). Overall, about 86% of

⁶⁵ The building gross square footage estimates were made based on the average of 12,000 square feet per court multiplied by the number of courtrooms in the building. The 12,000sf/court average used in the estimate includes space for a complete set of courtroom/chamber, courtroom ancillary space, circulation elements, and pro-rated office and building support areas. A cost range between \$180 and \$200 per square foot construction unit cost and a 30 percent "soft" cost multiplier are used for the new construction project cost estimates. The project costs do not include costs of inflation, land acquisition, and parking.

all the cases filed by contract cities are traffic infractions, nontraffic infractions, or parking cases. These cases do not carry the full panoply of rights accorded misdemeanor and felony defendants; generally, they are resolved without trial and without counsel for either the cities or defendants. Out of 60,800 infraction and parking cases filed by contract cities in 2003, about 8,400 (14%) were disposed by a contested hearing.⁶⁶

All of these cases deserve serious attention and the contested hearings require a judicial officer, but they do not necessarily require all the trappings of a full-service courthouse. They are candidates for the satellite facilities being suggested here. Creating satellite operations opens up the possibility of facilities in cities currently not served by Court facilities. To accommodate the contract cities, misdemeanor matters short of trial should be heard in the satellite locations; trials should be held in the appropriate centralized location in each division.

The cities with full-service courthouses and with satellite facilities should be determined by workload and travel patterns. Table 26 sets forth the service elements that would be part of a satellite operation and the factors that would determine whether or not they would be provided.

⁶⁶ A "contested hearing" for these cases would involve police officer testimony, but not counsel.

TABLE 26. ELEMENTS OF SATELLITE COURT FACILITIES

Element of Service	Factors Determining Presence
<p><i>Staff</i></p>	<p>The number of staff will be determined by application of the weighted caseload numbers or an updated time-and-motion study applied to a moving three-year average of filings from 2000 through 2004, with a 2-staff minimum for full-time staffing (five days a week, 35 or 40 hours per week).⁶⁷ Part-time staffing would be two people, 8 hours per day for X days a week, determined by the weighted caseload numbers or the time-and-motion study plus documented foot traffic in each of the current locations prior to any change. Satellites in the smallest cities may be only electronic satellites.</p>
<p><i>Hearings</i></p> <ul style="list-style-type: none"> • Arraignments • Pre-trial • Trials and adjudicatory hearings <ul style="list-style-type: none"> ○ Infractions ○ Misdemeanors 	<ul style="list-style-type: none"> ➤ All locations ➤ All locations; the number of calendars and days on which they are heard to be determined by caseload ➤ Uncontested: All locations ➤ Contested: All locations ➤ One of the three centralized locations per division
<p><i>Technology</i></p> <ul style="list-style-type: none"> • Video phones connected to central clerical locations if a city does not have a satellite staffed full time • Video conferencing for remote hearings in traffic, parking, and small claims cases⁶⁸ • "Kiosks" for payment of fines • "Kiosks" to obtain case-specific information and general information about the court and its procedures and requirements 	<ul style="list-style-type: none"> ➤ All technology would be provided in all satellite locations that are not staffed full time. Kiosks would be provided in all locations.

To provide public convenience, the Court could operate satellite facilities under the following assumptions:

⁶⁷ Because of staff members' legal and contractual rights to breaks during each day and to assure some back-up for absences due to illness, vacations, training, or other requirements, a location should not be staffed by only one person.

⁶⁸ These locations would need someone, a compensated city employee or a Court employee, to be present for assistance to litigants during video conferencing hearings.

- The purpose of the facility would be to handle contested non-lawyer cases, primarily small claims and infractions. Satellites would be particularly appropriate for city infractions (the bulk of city cases).
- Some satellite locations would not have full-time public service counters with an estimated clerical need of 2 FTEs, as would be required in a satellite open for public service other than conduct of hearings.
- But in locations with sufficient volume, one or two full-time clerks would be provided. All clerical personnel would be assigned from among existing staff.
- The satellite would have regular hours for hearings; the cases would be referred from regional court locations or scheduled locally, depending on staffing.
- Space needs would be limited as the records would be electronic. The space needs might be met by use of city council chambers in satellites that did not require full-time staff, if placement of office equipment were not a problem.
- The hearings would require a judicial officer, but not necessarily a judge, a clerk sent out from the regional center, and security.

The cost of a satellite depends on whether it is used for counter service and hearings or just the latter. Under current legislation, there is no quasi-judicial officer that could handle non-lawyer proceedings at satellites at a cost less than that for a judge. The personnel costs for judicial officers and clerical time in a satellite are not additions to current staffing levels but are assigned out of hub facilities. Table 27 shows estimated cost factors for satellite court locations.

TABLE 27. COST FACTORS FOR SATELLITE LOCATIONS

Cost Factor	Full-time clerk satellite	Part-time clerk satellite
Judicial officer for contested matters	0.7 FTE	0.4 FTE
Clerk	2.0 FTE	0.4 FTE
Courtroom Security	0.7 FTE	0.4 FTE
Commercial Space (800-1000 square feet based on average county space occupancy of 260 square feet per employee plus judicial space)	\$23 per square foot in suburban Bellevue; less in some areas	Less need for dedicated space and commercial rental
City or county space	Negotiated at less than commercial rate	Could use city council chambers, perhaps contributed

The benefits and disadvantages of satellite court locations can be addressed generically.

Regional Facility Concept: One element of further pursuit of horizontal unification of the District might involve consolidation of court facilities. This might involve the creation of regional centers with satellite locations.	
Qualitative Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • More efficient facility management. • Improved compliance with code requirements and federal requirements; current facilities would all have to be upgraded; do not have the potential for enlargement. • More efficient use of courtrooms; more efficient use of judges as backups and less need for pro tem judges. • Better judge and staff allocation in relation to workload; more specialization and organization by function. • Local service provided through satellites without courthouse construction. • Economies of scale, better backup by grouping employees. • Reduction in the need for managers by concentrating employees in a major facility. • Increased convenience and efficiency for sheriff, prosecutor, and public defender. 	<ul style="list-style-type: none"> • Increased difficulty in retaining city contracts based upon preference for local courthouse concept and opposition within Court. • Difficult and complex transition over a multi-year period; possible disruption of services as existing facilities are surplus or transferred to other uses. • Public relations will be a factor, given the existing pattern of community courts.
Cost Factors	
Benefits	Disadvantages
<ul style="list-style-type: none"> • Reduction in maintenance and security costs. • Potential offset of new facility expenditures by surplus properties, particularly in South Division. 	<ul style="list-style-type: none"> • Major outlays for construction, particularly in the East Division, roughly \$1.3 million per courtroom with possibility of site acquisition costs.

Recommendations for Strategic Option 3: The NCSC endorses the continuation of unification efforts, which is essentially the path chosen by the County and the Court. More specifically, NCSC recommends:

IT Initiative

- Continue support under ECR for E-filing and case processing that largely paperless, focusing more on electronic information and less on paper documents;
- Develop best practices based on functionality provided by ECR;
- Integrate revenue accounting at a central location with one depository;
- Centralize mail payments;
- Strategic planning for information technology should be a joint effort of District Court, Superior Court and the Department of Judicial Administration; and
- Develop a court-wide case management system, making use of the single database.

Facility Consolidation Initiative

- Do a strategic court facility plan that involves both the District Court and the Superior Court as co-located entities in a consolidated courthouse configuration with hub locations in Seattle, Kent-RJC, and an East Division location, most likely in the Bellevue-Redmond area, but without a jail;
- Involve major city clients and core service constituents in planning;
- Do space needs planning based on caseload projections;
- Do capital finance plan that leverages value of existing inventory and provides a chronological framework;
- Do design phase based upon choices as to renovation and new construction; and
- Include a satellite program that provides outreach and access within financial limits that preclude major expenditures.

D. Strategic Option 4: Consolidation, at least partial, with Superior Court

Full consolidation of the two courts, including adjudication, is not an immediate prospect, although the advent of portability judges, now numbering six in King County, raises opportunities for District Court judges to serve as Superior Court judges pro tempore. The Washington court system's General Rule 29 provides a legal basis for many types of joint administrative efforts between District Court and Superior Court and actual merger. The Council has called for a feasibility study of administrative consolidation of the three major court components, District Court, Superior Court and Judicial Administration Division. Administrative consolidation efforts would be made easier by physical co-location.

- Merger of administrative offices is difficult to achieve where there is a presiding judge and judicial executive committee in each court. The District Court

- administrative office serves its own judiciary. The chief executive officers are paid differently (flat salary as opposed to a percentage of judicial salaries).
- The administrative office of the Superior Court and the administrative office of the District Court perform similar functions and could be merged, provided governance issues and lines of authority are resolved.
 - *Jury management* and interpreter management is an area where the courts already cooperate and could be immediately merged.
 - *Human resources management* is an area where much can be done to place all personnel in a common system with the same procedures, subject to collective bargaining agreements.
 - *In IT*, the District Court has been “piggy backing” on the Superior Court in ECR and E-filing although the two courts have different information systems. Joint strategic planning is essential, merger a real possibility.
 - *Financial management* functions could be in one office, as many aspects of court budgeting are similar. It would make sense to have a unified budget, instead of having the two courts compete for resources.
 - The Superior Court has an administrative staff that is very much larger and structured differently than the District Court administrative office. There are for example 6 persons engaged in jury management and 6 in interpreter services in Superior Court. There are 2 persons engaged in jury management and interpreter services in District Court. There is an 8-person staff unit for budget and finances in Superior Court and a 2.5-person staff in District Court. Merger, if total, might mean absorption of the District Court staff that is relatively small.
 - The merger of the two offices would not produce any significant savings in the short term because the District Court administrative office is not large. The initial value of the merger would lie in the close coordination of administrative strategies, policies and procedures. Ultimately, there would be savings from the pooling of staff.
 - Despite the fact the Director of the Department of Judicial Administration answers to the Chief Administrative Officer of the Superior Court, the Judicial Administration Division still has its own administrative support system and is still an executive branch agency. Under a two-year agreement between the Superior Court and the County Executive, the Superior Court can manage the daily functions of the Judicial Administration Division. To date, however, this arrangement has not produced any budget savings attributable to the consolidation of staff in the two offices. Without some effort to include consolidation of staff in the Superior Court, consolidation between Superior Court administration and District Court administration may not be as useful as it might otherwise be.

The primary benefits and disadvantages of partial consolidation are the following:

<p>Strategic Option 4: Even if full consolidation of Superior Court and District Court is not on the immediate horizon, there could be partial consolidation of such functions as jury management, human resources management, management of information technology, and financial management, among other possibilities.</p>	
<p>Qualitative Factors</p>	
<p>Benefits</p>	<p>Disadvantages</p>
<ul style="list-style-type: none"> • Potential efficiencies due to the ability to allocate a larger pool of resources where they are needed in a flexible manner to meet evolving circumstances. • Potential efficiencies as a result of common policies and coordinated strategies. 	<ul style="list-style-type: none"> • Governance issues may affect success of consolidation. • Interim steps to fuller consolidation will involve major human resource and union issues.
<p>Cost Factors</p>	
<p>Benefits</p>	<p>Disadvantages</p>
<ul style="list-style-type: none"> • Eventual savings through common policies, coordinated strategies, and joint budgeting. • Eventual savings by pooling of staffs and common personnel policies. • Some up-front savings in administrative areas that can be totally absorbed by Superior Court staff. 	<ul style="list-style-type: none"> • Immediate cost savings will be minimal.

Recommendation for Strategic Option 4: NCSC recommends that this option be viewed as a supplement to horizontal unification and a strategic planning goal.

Considerations bearing on this recommendation are the following:

- Consolidation can only be accomplished effectively by full participation of the District Court and resolution of governance issues.
- Consolidation is best accomplished in stages. The initial stage should be administrative coordination and consultation. The following stages should be administrative merger and ultimately clerical staff merger.
- Any consideration of administrative office merger should include the Judicial Administration Division.
- Clerical consolidation is a step that will not be immediate, but facilities design should anticipate and support this consolidation in any new courthouses. In general, courthouse construction should assume the co-location of the Superior Court and District Court.

E. Strategic Option 5: In Light of Mission and Vision, Seeking State-Level Support

While the next OMP must focus on what the County and the Court can do locally within available resources, some of what is needed cannot be attained without assistance from the state. This section suggests actions and changes for which the County and Court can advocate in the legislature and through the judicial branch's rules process that will facilitate or enable whichever of the options discussed in this chapter is chosen.

1. Financial Assistance from the State. One of the areas of state assistance from which both the Court and the County could benefit most is the area of financial assistance. The strategic options discussed above in this chapter are affected to a limited degree by whether or not there is state funding, such as whether the “retrenchment” option is desirable and/or necessary. The greater impact, however, would be on the County’s ability to address the operational changes suggested in Chapter III.

- The County’s ability to restore some of the staff cuts the Court has absorbed over the past three years, in particular, will be directly affected by whether or not the County receives some fiscal relief from the state for court expenses.
- A statewide Court Funding Task Force has reviewed whether the state should fund the trial courts and, if so, to what extent and for what types of expenses. The report of the Task Force affirms most of the organizational principles articulated in this report regarding courts of limited jurisdiction:

Long term, the Courts of Limited Jurisdiction WG [Work Group of the Task Force] recommends that courts of limited jurisdiction should be reorganized into regional courts funded by the state. . . . Regional courts would be located in convenient locations serving both the public and other court users including law enforcement agencies, lawyers, and court personnel. . . . A regional structure for courts of limited jurisdiction will decrease the proliferation of small limited operation part-time courts. Ideally, regional courts would offer convenience, consolidated services, staff and administration, and would achieve economies of scale savings for all participating jurisdictions.

Reorganization would allow jurisdictions to reduce the duplication of administrative costs among individual courts and improve the quality of services to the public.⁶⁹

⁶⁹ Court Funding Task Force, *supra* note 14, p. 69.

- The Task Force believes Washington needs a more equitable sharing of trial court costs between the state and counties. Rather than propose a formula based on a percentage of total costs, the Task Force is proposing that the state assume 100 percent of the cost of identified expenses that have a clear nexus between expenses incurred by counties and state action. State action is defined to be expenses that are mandated by the federal or state constitutions or by state statutes. Particularly for expenses mandated by statute, the rationale is that the legislature will be more thoughtful about the impact of its decisions if it also must bear the cost. The items on the “nexus” list that are relevant or potentially relevant to the District Court are:
 - District Court judges’ salaries and benefits
 - Verbatim record of proceedings
 - Mandatory arbitration
 - Language interpreters
 - Juror costs
 - Witness fees
 - Criminal indigent defense⁷⁰

- The largest dollar impacts would be in state assumption of responsibility for judicial salaries and benefits and for indigent defense.⁷¹ If the Task Force’s recommendations become law, long term the State will assume about 51 percent of the total cost of the trial courts (other than municipal courts outside of Seattle), with counties left with responsibility for the remaining 49 percent. The Task Force reportedly will not seek full State funding in 2005 of all the cost items listed above, but will seek funding only for 50 percent of judicial salaries and of jury fees.⁷² It also will seek increases in some filing fees. Judges’ salaries for the District Court were about \$2.8 million in 2004. Jury fees in the Court’s budget total about \$150,000. If the state funds half of these costs in 2005 and beyond, the County will receive an infusion in 2005 of at least \$1,500,000 directly tied to the District Court’s budgeted expenses.⁷³ This sum, even without any additional income that might accrue from fee increases and without any funds derived from funding of Superior Court expenses, will fund almost all of the additional short-term expenses recommended in this report. (See Table 28.)

⁷⁰ *Id.* at pp. 52-56.

⁷¹ Indigent defense is not part of the Court’s budget in King County.

⁷² The jury fee proposal also includes increasing the fees paid materially after the first day. The numbers offered here are based on payments with the current level of fees and mileage paid to jurors.

⁷³ The total reimbursement for judges’ salaries and benefits would go down if and when the statutory cap of 21 judgeships for the Court becomes effective, although the relative contribution would be the same.

TABLE 28.
COSTS TO MEET CURRENT OPERATIONAL NEEDS AS
RECOMMENDED BY NCSC IF STATE FUNDING WERE MADE AVAILABLE

Cost Item	Estimated Cost*	Funds Possibly Available From State
Proposed State Funding for 2005		\$1,500,000
<i>Cost of restoring service and recommended operational needs</i>		
• Trainer	\$72,200	
• Probation officer and court clerk for a new DUI Court	\$128,600	
• Two IT staff to support ECR	\$164,000	
• Study of consolidating courts' IT staff members**	\$100,000	
• Other training and operational improvements	\$100,000	
<i>Total Estimated Cost for Immediate Needs as Recommended by NCSC</i>	\$564,800	
<i>Funds Available for Additional Clerical Staff and Managers</i>		\$935,200[§]

* Staff costs are based on average salaries provided to the NCSC by the Court. The two \$100,000 estimates are based on experience of the NCSC project team.

** This study is not needed if the study ordered by the County Council as part of the 2005 budget is conducted internally by County employees. It is included here as a potential cost in case the County decides to use an outside consultant.

[§] This sum would fund 18-20 new staff positions at current personnel cost levels.

- The Court Funding Task Force recommends against *requiring* counties to spend their new revenue on the Court. The Task Force report now states that, "the shift from local to state responsibility for some trial court functions must be coupled with a commitment at the local level to preserve a portion of the savings to be used for the benefit of the courts."⁷⁴ The Task Force leaves to negotiations during the next legislative session the exact mechanism and the "portion" a county would need to spend on its trial courts.

⁷⁴ Court Funding Task Force, *supra* note 14, p. 18.

2. Enabling Organizational Changes within Courts' Current Jurisdictions.

The value of and need for state funding is just one of the areas in which state action would impact the Court's and County's ability to achieve some of the options discussed in this chapter. One option for the Court offered in Strategic Option 4 is to seek more cooperation between it and the Superior Court. If the Court and County chose to adopt this option for the next OMP, legislative and rule changes will be needed to facilitate achieving this goal.

- It is highly likely that existing state rules and laws will complicate or confound the unification effort. If more cooperation and sharing of resources is desired, state statutes and rules must be reviewed to be sure that impediments are removed and cooperative and shared efforts are permissible. A couple of examples can illustrate the need.
 - A recently released report by the Delivery of Services Work Group on Courts of Limited Jurisdiction, a subcommittee of the Court Funding Task Force, cites several statutory provisions that are uncertain or unclear in their application regarding inter-local agreements affecting courts of limited jurisdiction. The report makes several recommendations for clarification and revision. The Work Group's report supports greater consolidation and the development of "regional" courts. It is in the County's interest to support those recommendations that are consistent with the consolidation suggested in this report. Beyond those recommendations, statutory language should explicitly allow formal contracts between and among all trial courts in a county (Municipal, Superior, and/or District) under which one court can provide support services to another court or courts. (The cited report focuses only on district and municipal court cooperation.) One example cited by the Work Group was "regional" jury management; consolidated jury management also is discussed in this report.
 - Second, some current statutes and rules assuredly talk in terms of the superior court or district court doing something. Some will argue, therefore, that the named court cannot share the task or function with staff or judges of another court. It is that kind of wording that must be flagged and changed. New language should not compel cooperation or a sharing of resources, but it should allow such decisions by individual courts should King County (or any other county) wish to follow that path. This would be consistent with the County's discussions in other contexts about outsourcing more functions, except the outsourcing would be among courts rather than to the private sector.

- The language of General Rule 29 should be reviewed. Specifically, the reference in subparagraph (j) to conducting "the judicial business collectively under" the rule can be read to apply to staff or to judges or both. The language should be clarified to enable as much sharing of both staff and judicial officers as possible. It then would be up to the local courts to determine how they wish to use the rule.
- The portability rule *could* be used by the Superior Court to assign District Court judges to hear all general civil cases seeking less than \$50,000 in damages.⁷⁵ Another approach would be to seek a new statewide court rule that would allow a superior court to make uncontestable transfers of cases within the district court's jurisdiction to that court for adjudication.⁷⁶ The result would be the same as using "portability," but with two differences: (1) transfers to District Court could be done for one, ten, or all cases; and (2) after transfer, the District Court's rules of procedure would apply rather than the Superior Court's. Given the scope and damages involved in most cases within the Court's current jurisdiction, the rules of District Court might be more appropriate than the Superior Court's rules. With the portability approach, the case remains a Superior Court case. With the transfer rule, the case becomes a disposition for Superior Court and a new filing for District Court.

Cooperation between the Superior Court and District Court, particularly involving the judicial officers, will advance when the two courts have more interchange and experience with each other. Experience in other courts suggests that once judges and staff know and understand their counterparts in the other court, opportunities for joint action are more apparent and also more accepted. Through sharing information, they learn that their issues and needs are not as different as they might believe in the absence of communication. Therefore, without any changes in rules or statutes, steps could be taken administratively that would provide opportunities for judges and staff of each court to know and understand their counterparts in the other court better.

⁷⁵ The Court Funding Task Force is recommending that the jurisdictional limit be raised to \$75,000. If the legislature concurs, it would be wise for both courts to know how many cases would be eligible for reassignment and to be sure there is sufficient courtroom and judicial availability to handle all the potential cases. If the needed capacity does not exist, some adjustments would be needed in the cases to be heard by District Court judges, e.g., mandatory reassignment could stay at \$50,000 with discretionary reassignment of cases involving larger sums.

⁷⁶ The Court's 1995 OMP calls for the District Court to have exclusive jurisdiction over civil cases within its jurisdiction. That certainly would address the apparent reluctance of lawyers to file in District Court, but the fact that neither the Limited Jurisdiction Courts Workgroup nor the Court Funding Task Force made that recommendation suggests it is unlikely to occur anytime soon. Either the portability or a new transfer rule might be a more achievable goal over the next five years.

- Joint judicial committees on rules, for case types shared by the two courts, and for administrative matters;
- Joint staff committees on shared administrative issues;
- Joint training sessions that are organized locally for judges and for staff members;
- Quarterly or semi-annual meetings of the two executive committees to review the state of their courts and shared issues.

3. Constitutional and Statutory Changes Regarding Superior and District Court Consolidation. The section above deals with short-term changes that will facilitate but not require consolidation or cooperation. There may come a time when experience with voluntary and partial consolidation or cooperation lead some to support formal, legally sanctioned consolidation between the Superior Court and District Court. Achieving this change might require more time than the next OMP will cover, but starting the legal and political process might be an appropriate goal for the next OMP.

- Several counties in Washington already are moving slowly in the direction of consolidation between their Superior and District Courts. They might be natural allies in an effort to achieve the needed legal changes in the legislature. If there is resistance from other counties, however, King County could support legally sanctioned full consolidation on a local-option basis, which is the approach formally followed in the late 1990s in California.⁷⁷ Within a month of the option becoming available in California, the limited and general jurisdiction trial courts in well over half of the counties had voted to create a single trial court. All counties were fully consolidated within 18 months.⁷⁸
- Whether one follows the local-option route or the mandated route, a thorough review of statutes and rules is essential. California has required three major legislative revisions to eliminate all the references to the former court of limited jurisdiction and to assure all jurisdictional and procedural issues are addressed legislatively. Clearly, advance planning is required, which could be initiated during the timeframe of the next OMP.

4. Constitutional and Statutory Changes Regarding Courts of Limited Jurisdiction. Often, when states have moved to create a single trial court per county or

⁷⁷ Local option also is the approach Utah took when it moved from having locally-funded trial courts to fully state-funded trial courts. There, the state assumed responsibility for funding the courts in Salt Lake County and allowed local option for all other counties. Within one fiscal year, all counties has opted for state funding.

⁷⁸ These decisions came after about 10 years of cooperation and consolidation of local court administrations and, in many cases, court calendars, so the formal, legal consolidation was not the major change it would be in Washington at this time.

region, the first step has been to consolidate the limited jurisdiction courts. This type of consolidation, favored by a consensus of the members of the Courts of Limited Jurisdiction Work Group although strongly opposed by a number of cities, often has been the only consolidation states have pursued.

- The District Court can pursue consolidation with the Superior Court without first consolidating with the municipal courts in the county. The report of the Court Funding Task Force suggests that opposition to consolidation of the limited jurisdiction courts in Washington makes consolidation between the superior courts and district courts more likely than District-Municipal Court consolidation, at least currently and in the near term. Even so, some states have preferred to address limited jurisdiction court consolidation solely or as a necessary step toward the possible creation of a single trial court in each county or "region."
- Therefore, one option for the Court and County would be to work with state leadership for consolidation of the municipal and district courts so each county has only one court of limited jurisdiction. Many states have found this to be a worthwhile, independent reform, both from the standpoint of conserving public resources and to eliminate overlapping and confusing jurisdictions among multiple limited jurisdiction courts. Once there is a single court of limited jurisdiction, the debate on the merits of consolidating with the superior court assumes a different quality.

5. Analysis of this Strategic Option. In light of the King County District Court's mission and vision statements, the advantages and disadvantages of seeking state-level support are the following:

Strategic Option 5: Seeking state-level support might most notably involve financial assistance. It could also involve other considerations, however, such as organizational changes within the courts' current jurisdictions; constitutional and statutory changes having to do with trial court consolidation; or constitutional and statutory changes regarding courts of limited jurisdiction.

Qualitative Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • The Court will be less reliant on the more local concerns of the cities and will be able to make more decisions as an independent branch of the state-level judiciary. • The Court will have more resources to provide higher quality judicial services, so that it will potentially have greater capacity to achieve its vision of being the preferred forum in the County for limited jurisdiction matters. • Issues of judicial independence and the Court's status as an independent branch of government will be resolved. • Amendment of state-level statutes and court rules may allow implementation of certain improvements considered in this report. For example, for state-level provisions to be modified to authorize greater coordination and sharing of resources between Superior Court and District Court, as in Strategic Option 4, state-level statutes and rules must be reviewed to be sure that impediments are removed and cooperative and shared efforts are permissible. 	<ul style="list-style-type: none"> • The dynamics of seeking funds will be altered, in that the Court will have to deal more with the state-level Administrative Office of the Courts and the state legislative decision-making process. This will strain the Court's resources to a degree, although the functional relationship with the County's budget process will not change. • Amendment of existing state-level statutes and court rules may be difficult and time consuming to achieve. • Amendment of existing state-level statutes and court rules, even if only to allow or facilitate voluntary cooperation, may be seen as threatening to some counties and thus opposed.

Cost Factors

Benefits	Disadvantages
<ul style="list-style-type: none"> • The County could achieve significant relief from the current fiscal situation of structural deficits. • The County may be able to restore some of the staff cuts that District Court has absorbed if the County receives fiscal relief from the State for court expenses. • Significant expenses mandated by state statutes might be at least partially reimbursed by the State, possibly including (a) District Court judges' salaries and benefits; (b) costs to make the verbatim record of proceedings; (c) mandatory arbitration; (d) language interpreters; (e) juror costs; (f) witness fees; and (g) criminal indigent defense. 	<ul style="list-style-type: none"> • An additional variable—changes in the statewide economy because of developments unrelated to King County – will be added to the factors potentially affecting the Court's year-to-year financing. • The County may direct the Court to look to state funding for certain items even if the Court feels state law provides for County funding of those items. • Unless state law requires a set proportion of the state funds to be spent on the courts, the County might choose not to fund needed Court programs so it can fund other, more favored justice system items or even non-justice-system items; the benefits the Court Funding Task Force envisions may not be realized.

Recommendation for Strategic Option 5: Many steps can be taken solely within the fiscal and legal capabilities of the County to assist the Court to get closer to achieving its mission and goals. Some important or necessary predicates require state cooperation, however. NCSC therefore recommends that one component of the District Court OMP be an ongoing effort to gain state-level cooperation across as broad a front as possible. This should involve at least the following considerations:

- Implementation of the recommendations of the Court Funding Task Force that have to do with state-level funding of trial courts; and
- If more cooperation and sharing of resources between Superior Court and District Court were desired, amendment of relevant state statutes and rules to remove impediments and permit cooperative and shared efforts.

APPENDICES

APPENDIX A.

**REVIEW COMMENTS BY STAKEHOLDERS ABOUT
THE CONCLUSIONS AND RECOMMENDATIONS
OFFERED BY THE NATIONAL CENTER FOR STATE
COURTS**

APPENDIX A.
REVIEW COMMENTS BY STAKEHOLDERS ABOUT THE
CONCLUSIONS AND RECOMMENDATIONS OFFERED BY
THE NATIONAL CENTER FOR STATE COURTS

As is the case with any trial court, and particularly one serving a resident population as large as that in King County, there are a number of different stakeholders in the operation of the King County District Court. A consequence of that is that any suggestion for substantial change in the direction and operation of the Court may have significant consequences for other public institutions and private citizens in King County, and the recommendations offered in this report are no different.

The King County District Court OMP Steering Committee therefore agreed with the NCSC project team that any written review comments about the NCSC report that address policy issues (rather than mere factual or typographical errors) should be included separately here in their entirety as an addendum to the NCSC report. Presented below are review comments by (a) the King County District Court, and (b) city representatives on the King County District Court OMP Steering Committee, as each was transmitted to the NCSC project team.

King County District Court's General Comments to "An Evaluation of the Court's Current Performance and Options for the Near Future, with Final Recommendations"¹

January 19, 2005

In 2002 the King County District Court found itself at the heart of King County's financial troubles. As a result, during the next couple of years two courthouses were closed, many employees were laid off, the number of judges was reduced, and the quality and timeliness of the services provided by the District Court declined.

With drastically fewer resources, the challenge of meeting the District Court's mission and vision seemed almost impossible. It quickly became evident that, while the goals of the mission and vision were still appropriate, the manner in which the court could achieve them required a new, more efficient and effective approach. The District Court would have to make its resources be less site-specific and change its processes to improve the quality of services that it was delivering; otherwise it would not survive the drastic budget cuts.

Amazingly, the District Court, with the help and encouragement of its supporters, identified and took the fundamental steps necessary to create the foundation for its mission and vision while in a climate of declining resources. In particular, the changes already underway or completed within the District Court include:

1. A reduction in the number of judicial electoral districts from 9 to 3;
2. A new and much more streamlined governance structure (even before the advent of GR 29);
3. A new and more streamlined administrative structure;
4. An emphasis on creating and maintaining problem solving courts (mental health court, domestic violence courts, and the relicensing courts) and, where appropriate, consolidation of other types of cases (such as civil cases) and/or hearings;
5. Identification and implementation of "best practices" throughout the court;
6. Implementation of GR 29;
7. Improved communication and training within the court through video conferencing (VIPr);
8. Creation of the Call Center²;
9. Reorganizing probation so that probation officers report directly to the judges;
10. Implementation of electronic court records (ECR)³;
11. Improvement of the Human Resources (HR) and Information and Technology (IT) departments;

¹ These comments do not identify the technical errors included in the report.

² Staffing levels in the call center have not been adequate. However, the relief that it provides to the outlying court staff is significant and essential to the operation of the court as a whole.

³ The District Court spent approximately 12 months preparing itself for ECR, including developing workflows and best practices. It has faced the challenge of implementing uniform practices where appropriate and making exceptions where appropriate, with enthusiasm and thoughtfulness.

12. Improved oversight and consistency and budget practices;
13. A new, more effective and less costly collections contract;
14. Implementation of one DISCIS database, with the goal of eliminating all other databases over time;
15. Improved communication with Cities, Police, Prosecutors, Public Defense Bar Association and other branches of government;
16. Improved City Contracts—more transparent, more oversight, more accountable and more reflective of actual costs and benefits;
17. Improved cooperation and communication with the Superior Court through portability;
18. Improved calendaring processes (unanimously and voluntarily implemented by the judges) to make more efficient use of judicial resources and increase pro tem cost savings;
19. Increased emphasis on reducing the number of hearings and times to resolution of cases; and
20. Overall, the District Court has become an important team player with the other criminal justice agencies to develop and implement effective and more efficient approaches toward criminal justice such as implementation of jail alternatives to assist offenders in addressing the issues that lead to their criminal behavior while at the same time reducing jail costs.

Other near term improvements within the court include:

1. Determination of staffing needs and identification of resources or other alternatives for meeting those needs.
2. Further centralization of clerical tasks made possible by the increased implementation of one DISCIS database and ECR, including implementation of a payment center.
3. Continued reduction of facility boundaries that limited access to files and records, i.e., all files of the District Court that are maintained on ECR will be accessible to judges, court staff or the public at any District Court facility instead of just at the facility where the paper file was located;
4. Further identification and implementation of best practices throughout the court;
5. Expansion of access to the District Court's services for King County residents through flexible, stable, customized, full cost recovery city contracts⁴;
6. Further centralization of certain case types;
 - a. State criminal case hearings will be centralized at three locations with the expectation of improved prosecutorial and defense services at earlier points in the proceedings and improved practices throughout the process;

⁴ Procedures and resources will need to be identified for managing these contracts, similar to what is being done in the King County Sheriff's office. Every city in King County should have the opportunity to evaluate for itself whether an interlocal agreement with King County would be appropriate for its city. It is also essential that the needs of the District Court or Superior Court not be compromised simply for the sake of consolidation.

- b. State infraction case hearings will also be centralized at three locations (not the same locations as the criminal cases); and
7. Further communication with the King County Executive and King County Council to increase the understanding by each branch of government of the other's needs, limitations, and, most importantly, abilities to assist the others in achieving good governmental practices and a safe community.

Finally, there are also several inevitable mid-term changes on the horizon:

1. E-filing;
2. Consolidation to varying degrees with either other municipal courts or with King County Superior Court⁵; and
3. Additional technological advances.

The judges, administration, and staff of the District Court have been single-minded about their goal to maintain quality services for the hundreds of thousands of individuals who access the court each year. The District Court strenuously differs with the Consultant's willingness to sacrifice physical access to the District Court.⁶ King County is nearly twice as large as the average county in the United States (covering more than 2,200 square miles) and ranks as the 12th most populous county in the nation. King County is responsible for providing district court services to more than 1.7 million people. King County's bus and train transit system, while relatively effective for those who live in the population centers in King County and who want to travel during the peak morning and evening commute times to downtown Seattle, is no substitute for locating courthouses in local communities. The District Court's current locations provide the minimum amount of access to the court for its users (particularly victims of domestic violence or harassment). All of the current facility locations should be maintained or replaced to insure adequate access to justice for the 1.7 million residents of King County.⁷

The District Court (and the other branches of government in King County) also differs from the consultant in their perspective on contracts with cities. The consultant's report does not provide an analysis of how the county would have to cut services or increase its financial support of the court in order to make up for the loss of revenue resulting from a decline in city contracts. Without any basis in fact, the Consultant appears to assume that only cities are the beneficiaries of the economies of scale achieved through interlocal agreements and that county work is somehow suffering at the expense

⁵ Consolidation with Superior Court is currently being studied as a result of a budget proviso. The form it will take, if any, is not clear at this time; however, it should be looked at with a goal of identifying and implementing best practices regardless of whether they were initiated by the District Court or the Superior Court.

⁶ The court disputes the Consultant's conclusion that there is any "general trend" toward closure of facilities or away from a community service concept of facility location. Two new court facilities have been built in King County in the past several years (Issaquah and the RJC) and two have been closed (Renton and Federal Way). This does not support a trend, when one considers the facts as a whole.

⁷ It should not be forgotten that District Court is the "people's court", where ease of access and local identity are essential to effective justice and the appearance of fairness. Access to justice is fundamental to maintaining our democratic representative government.

of the city work that the court performs. Quite the opposite is true. Not only do both sides benefit from interlocal agreements for court services between the cities and the county, every taxpayer within King County benefits. Broadening, rather than narrowing, the paying customer base of the District Court is a good business practice.

The Consultant noted in its report that the Court had lost some good will, credibility and trust among its constituents as the budget crisis affected its operations. That is a correct statement. However, the court today is significantly better than it was before the budget crisis. By the middle of this year (2005) the King County District Court will have much to be proud of:

1. It will be the most technologically advanced court of limited jurisdiction in King County and the State of Washington;
2. It will have the most problem solving courts in all of the State of Washington;
3. It will have the highest level of best practices implemented of any court in the State of Washington;
4. It will have one of the best judge supervised probation in the State of Washington;
5. It will have the greatest access to jail alternatives of any court in the State of Washington;
6. It will still be the most consistent provider of quality portability judges to another court in the State of Washington; and
7. It will have proven that it can be a leader in change for improved quality and access to justice in King County and the State of Washington.

The District Court wishes to thank the National Center for State Courts and all those who have participated in Operational and Facilities Master Planning process—particularly the steering committee, staff and participants. The District Court looks forward to identifying and implementing new ways to achieve its mission and vision.

/s/

Corrina D. Harn,
Chief Presiding Judge

/s/

Barbara Linde,
Assistant Presiding Judge

The District Court's Preliminary General Comments to the
Evaluation and Options Report

1. The analysis, especially, the options portion of the analysis, needs to be better tied to the overarching vision that the District Court become "the" court of limited jurisdiction for "all" of King County. The facility recommendations are in direct conflict with King County's Vision. The Vision was adopted by ordinance by the King County Council and has been repeatedly reaffirmed by the Council. The Court's mission and vision must be followed while developing each of the deliverables as well as the final master plan.
2. The report lacks a clear statement of why the cities have been choosing not to contract with King County for court services; i.e. (1) King County's lack of providing cities with long term assurances that they will provide court services (unlike in other areas of the criminal justice system such as the Sheriff), (2) declining service levels during 2000-2003 and an inadequate improvement of those service levels to date, and (3) lack of predictability that facilities would remain in specific locations. More importantly, the report lacks a recommendation that specifically addresses how to resolve all but one of these issues. The service level issue is addressed by the report's recommendation for additional staff, etc. Eliminating the cities' fear that King County will be out of the business of providing court services to municipalities or will close and not replace facilities could be done fairly easily. Long-term full cost recovery contracts with a reconciliation, service standards and menu options for cities to access specialty courts, their own phone answering system, jail alternatives, etc., would address the contract security and service issues. Partnerships with cities for facilities located in or near their boundaries so that facility costs, maintenance and capital improvements are shared proportionately between the county and the cities, thereby each benefiting directly from the economies of scale, cooperation, and reduction of fragmentation of the criminal justice system. Such a cooperative approach is unquestionably in the best interest of the public whose access to justice would be maximized while minimizing the overall cost.
3. The report at times fails to include 2004 and 2005 budget data and uses older data for the analysis. There are significant trend changes for 2004 and 2005 that may affect the analysis.
4. The report should clearly describe the 2005-2006 city contract. The 2005-2006 city contract has an initial 86-14% revenue split. The "revenue" includes all revenue collected by the court on behalf of the cities, not just filing fees that are charged to a defendant at sentencing. At the end of each year of the contract there is a reconciliation, whereby it is determined whether the 86% collected by the county was more, less or just right to pay the actual cost of each of the items identified in the contract. If it was too much the county sends the cities a check. If it was not enough, the cities send the county a check. If it was just right,

nobody pays anybody anything. The "filing fee" mentioned in the contract is the amount that the court can charge a defendant at sentencing. That amount will go up to \$250 and should increase the total revenue collected, which would benefit both the cities and the county.

5. Facility consolidation is not in and of itself a goal to aspire to. Every facility closure has a significant reduction in access to justice, and, if it is done with a concurrent fragmentation of the court of limited jurisdiction system, it leads to even greater limitations of access to justice and public confusion.
6. There is no real plan of how to distribute the court's caseload, staff, and service providers (prosecutors, public defenders, advocates, etc.) in the existing or proposed facilities.
7. The District Court is a valuable court doing important and meaningful work in its own right. It is the point of contact with the court system for most of the residents of King County.
8. Centralization of a great deal of clerical functions does not require a reduction of facilities or just one facility, especially, with the advent of ECR and one DISCIS database.
9. There does not appear to be any cost-benefit analysis regarding a new facility vs. maintaining the county's current facilities, with or without the cities' contributions to the cost.
10. Better coordination of criminal justice services for all residents of King County is essential for effective and quality criminal justice. The District Court should be a significant component of that coordination.

Comments from City Representatives
District Court OMP Steering Committee
NCSC Draft Report Dated January 14, 2005

Overall

We are satisfied that the final report has been provided in a format that relates the strategy recommendations to the court missions and objectives of the study. However, it is disturbing that the report and recommendations perpetuate the idea that the needs of cities are different than the needs of citizens, the County and Court. By way of example, the report provides the following as its first recommendation: "Retain for the long term the aspiration to be the forum of choice in the County, but in the next OMP, focus energy and resources on improving operations and service and solidifying the horizontal unification of the Court, *balancing the needs of the cities in King County with those of citizens, the County and Court.*" The cities have the same needs as citizens (city citizens are county citizens), the County and the Court, which is the need for access to quality service provided efficiently and effectively. Likewise, cities must live within the same fiscal climate of declining resources and unfunded mandates as the county.

Court Contracts

The report concludes that the Court should continue to be an option for handling municipal cases. The analysis of city contracts shows there is economic benefit in cost sharing provided to the county's infrastructure by retaining contracts and there is no fiscal gain to the County from eliminating city contracts. However, implementation of the facility recommendation to consolidate locations to just a few within the County would likely result in the cities choosing not to contract with the County for court service. The report does not address the revenue shortfall that would occur if cities leave the system as a result, nor does it provide any suggestion for how to achieve the facility recommendations while retaining the ability to contract with cities.

The report recommends co-location of District and Superior Court facilities in three regional facilities to handle judicial workload; non-judicial work would be handled in satellite facilities. The bulk of the work which is proposed to be handled in satellite facilities consists of parking and non-contested infractions, which is the majority of city caseload. However, city staff spend their time on contested cases and misdemeanors, which are proposed to be handled in one of the three regional facilities. Implementation of the facility recommendation would greatly impact contract city staff resources and therefore most likely result in fewer city contracts. Again, the potential impact of fewer city contracts is not addressed in the report.

Facility Recommendations

- The facility recommendations do not support the goal of providing access to the Court. There was insufficient analysis and discussion in the report of how the public is served by the recommendations to consolidate facilities. The need of the public for access to facilities is minimized, especially given that the public is spread out over a

large geographic area. The focus of the report and recommendations seemed to be how King County government was served.

- There is little information provided regarding the recommendation to consolidate court facilities; issues that should be analyzed to determine the court facility recommendations include but are not limited to: the number, type, location, costs to construct new regional facilities, costs to shut down existing courts, savings, if any, due to consolidation of facilities, transportation options, travel distances and travel time for the public to access court facilities
- Cost benefit analysis of consolidating court facilities is lacking; recommendation does not address impacts to the sheriff's office, city police, and most important the public, of consolidation of facilities and the impacts resulting from this consolidation
- The report does not discuss the challenges facing the criminal justice system of having people show up in court to resolve their court matters, especially in misdemeanor cases. Limiting facilities to three locations whereby judicial matters will be heard decreases the likelihood that defendants will appear for court hearings; the impact from this will be felt throughout the system.

Cost and Time Period to Implement Facility Recommendations

- The report acknowledges that the facility recommendation or the facility initiative is a longer-term option. However, the time period for this initiative to be implemented is not realistic. Even if existing District Court facilities were phased out over a 4-5 year time period, it is extremely doubtful that a new regional courthouse facility would be built in the East Division and a new wing added to the RJC by the end of this phase-out period.
- The report does not address where the funding should come from for such a capital endeavor. Nor does the report provide any rationale as to why, during a time period of declining fiscal resources, the County should close fully functioning court facilities and embark on an expensive capital facility plan.

Unification of District Court and Facility Recommendations

- There is no discussion of the county's current policy of a unified District Court operating out of multiple locations across the county. The consultant asserts that a basic requirement of District Court unification is consolidation of court facilities. There is no discussion about the consultant's perspective that (1) this is a requirement of unification and that (2) unification will not be successful without consolidation of facilities.
- Facility recommendation is premised on the goal of unification of District and Superior Court, and that to advance this goal, District Court should be in close physical proximity to Superior Court. Volume 1 of the report does not discuss the relationship of technology and court facilities, and that technology negates the need for close physical proximity of courts.

Unification of District and Superior Court

- We are concerned that unification/consolidation of the District Court system and Superior Court system is the over-arching theme, guiding vision, and foundation of the report. It may well be that consolidation of the two court systems would provide the

best court system for the public, however, the report assumes this and does not provide the cost/ benefit analysis to support this conclusion.

- Unification/consolidation is not discussed in the context of state funding as the impetus for unification of trial courts in other jurisdictions. State funding is downplayed, noted in a footnote, but not woven into the analysis/ recommendation as a major driver behind unification in other jurisdictions.

APPENDIX B.

**SURVEY OF CITIES THAT HAVE LEFT CONTRACTS
FOR KING COUNTY DISTRICT COURT SERVICES**

APPENDIX B. SURVEY OF CITIES THAT HAVE LEFT CONTRACTS FOR KING COUNTY DISTRICT COURT SERVICES

NCSC has completed a survey of seven of the nine cities that formerly contracted with the King County District Court for limited jurisdiction court services. (See the survey instrument at the end of this appendix.) Some now have their own municipal courts while others contract with other municipalities. Some cities left County contracts recently, while others left as long as 14 years ago. One person was surveyed in each city. Efforts were made to speak with someone who was involved in the decision to leave County contracting, and in most cases this was possible either by speaking to a current employee or, in two cases, by reaching a former employee of the city now working in another Washington municipality. In the two cases where no person was available (either in or outside city government) who was involved in the decision-making, current municipal court administrators shared their understanding of the basis for the decision to leave contracting with King County.

A. Why cities ceased contracting with the County – Open-ended Question

Formerly contracted city staff were asked “why did your city leave a contract with the County for District Court services and go into an independent municipal court?” Their responses are summarized by theme below with comments about the frequency with which each theme arose.

- **Cost** (five of seven respondents)
- **Service quality** (four of seven respondents)
- **Relationship with the County** (four of seven respondents, but one was from a city that is part of a “mega-muni” court, talking about what their contract cities say about their reasons for leaving)

Within each of these three themes, a variety of specific issues were identified.

1. Cost. The issue of cost ranged from general comments that “the county has become too expensive” (one respondent) to specific comments about the following:

- the cost of filing fees (two respondents);
- officer overtime issues (two respondents);
- the county taking too large a portion of revenue (one respondent); and
- concerns about paying for capital improvements (one respondent).

2. Service quality. Within the theme of service quality there were general comments about poor service quality (two respondents) as well as specific issues. The following specific issues were mentioned:

- administrative problems with District Court staff (two respondents) including processing of civil infractions, entering them daily, receipting money daily, tracking defendant failures to appear (“FTA’s”), backlog of data entry, inability to reach Court staff by phone;
- timely or effective handling, calendaring or hearing of cases (three respondents);
- focus on local issue of concern (one respondent);
- geographic accessibility for citizens (one respondent);
- quality of probation services before the move to judge-supervised probation in 2003 (one respondent);
- convenience and access (not geographic but ability to access staff) (one respondent); and
- County focus on county cases (one respondent).

3. Relationship with the County. Within the theme of relationship with the County, the following specific issues were mentioned:

- Input into processes and procedures (two respondents) (in one case the following specific issue was mentioned: the contract specifying that county would rectify records annually and make the determination about whether the city was paying enough);
- lack of confidence that the County would follow-through with commitments to make changes (two respondents); and
- the County opted-out of the relationship (one respondent).

B. Ranked importance of various criteria to cities’ decisions to leave County contracting

On a scale of “1” to “5” (with “1” being “not important at all” and “5” being “very important”), each survey respondent was asked to indicate how important each of the following were in his or her city's decision to leave a county contract:*

- Control over level of court-generated revenue
- Increase net income to city
- Cost of district court services relative to income
- Quality of court services
- Relations with County
- County commitment to maintaining a local court facility
- Convenience for city criminal justice officers and citizens
- Judge familiar with city and its concerns
- Judge who will give due attention to city cases

* The survey also invited each respondent to include any “other” factor when he or she rated the considerations affecting his or her city’s decision, but no additional factors were mentioned by respondents.

The following table shows how respondents from each city rated the different criteria in terms of relative importance, with a “5” rating indicating a matter that was very important in a city’s decision to leave a contract for District Court services.

Criteria	Survey Responses by City ^a							
	A	B	C	D	E	F	G	Average ^b
Control level of court revenue	1	1	1	1	5	4	3	2.3
Increase net income to city	1	1	1	1	5	5	3	2.4
Cost of court relative to income	N/A	2	1	4	5	5	3	2.8
Quality of court service	1.5	5	5	3	1	5	5	3.6
Convenience ^c	1	4	5	5	1	4	1	3.0
Relations with county	5	1	N/A	3	3	3	3	2.6
Commitment to local facility	1	3	N/A	5	3	1	4	2.4
Judge familiar with city	1	5	3	3	1	3	5	3.0
Judicial attention to city cases	1	4	4	N/A	1	5	N/A	2.1

- a. To protect the anonymity of respondents, each city is designated by a letter rather than by name.
- b. Since an entry of “N/A” means that a factor was considered not applicable to a city’s decision, such a response is given a “zero” score when calculating averages here.
- c. Some respondents understood “convenience” to mean geographic convenience. Other included the impacts of service quality on convenience as well.

Service quality ranks highest in average scores, with four respondents giving it a “5” rating. Rated next in order of significance were convenience and judge familiarity with the city, each of which had two “5” ratings.

The cities were somewhat polarized about the significance of cost as a criterion in their decision to cease contracting with the County. Two of seven cities were highly concerned about cost and four were not at all concerned about it (with cost being measured by the measures having to do with revenue control, increasing net income, and cost relative to income measures).

Four of seven were very concerned about service quality. Two of those four were also concerned about cost and two were not at all concerned about cost. Four of seven were very concerned about convenience, but the meaning of “convenience” varied with different respondents.

C. What the County could do to encourage cities to return to contracting

Formerly contracted cities were asked the following question “What types of changes might entice your city back into a contract relationship with King County District Court?” Six of seven respondents addressed this question. Several themes emerged, the most significant one being that cities that perceive themselves to have voluntarily left County contracting are more satisfied with their current arrangements (whether they have their own muni court or contract with another city for muni court services) than they were with County provision of limited jurisdiction court services.

- **It's too late and/or the city cannot now leave the course it has chosen** (five of six respondents)
- **Service quality** (three of the six respondents, but one was a respondent from a city served by a "mega-muni" court, talking about what their contract cities say)
- **Cost effectiveness** (two of six respondents)
- **Uncertainty about Court direction and future** (two of six respondents)

It should be noted that some city respondents mentioned themes in this area that they speculated might affect other jurisdictions' decisions about either leaving or returning to County contracting while at the same time stating that their city would not return, for example, even if they do not think their city would return to County contracting, they mentioned issues they think would help position the County to maintain existing contract cities or perhaps entice other cities back.

Within three of these four themes, specific comments or areas of concern were mentioned.

1. Too late

- Have invested too much money so they're committed to having their own court (two respondents)
- Have discovered unintended benefits (like having their own legal department; can develop alternatives to incarceration) (two respondents)
- Thought that they couldn't go back by statute for 10 years (one respondent)

2. Cost effectiveness

- Owning own facility and staffing own court is the best way to control costs (one respondent)

3. Uncertainty about Court direction and future

- Skepticism about the County's ability to make needed changes (one respondent)
- Court and County Executive were in disagreement over the future of the court – some noted mixed signals, others noted clear signals from the Executive that County was getting out of the District Court business (two respondents).

4. Service quality

- No specific comments were made in response to this question on concerns about service quality (likely because they were mentioned above).

D. Miscellaneous comments

Finally, survey respondents were asked if they had any further observations to offer about contracting with the County for District Court services.

- Happy to have avoided the latest round of contract renegotiations (one respondent)

- Thinks the decentralization trend will continue and cities will take on State Patrol cases in their jurisdictions, leaving the County with no more than cases from unincorporated areas and those within the Court exclusive jurisdiction (e.g., civil cases) (one respondent)
- Like the idea of regional court services but doesn't think County is up to the task (one respondent)
- Decentralization trend won't turn around unless there is a legislative mandate to unify the trial courts (one respondent)

E. Summary of Survey Findings

Three main themes emerged from the survey regarding cities' concerns about contracting with the County for limited jurisdiction court services. These are service quality, cost and consistency of vision and commitment between the County Executive and the District Court regarding provision of limited jurisdiction court services to cities.

Regarding which of these issues is most significant, cost is mentioned more often in the narrative responses, but the intensity of response around service quality appears greater. While five of seven respondents listed cost as a factor in their narrative response to the question about why their city ceased contracting with the County for limited jurisdiction court services (as compared with four mentions of service quality), cost issues did not rank exceptionally high in the criteria ranking. This could indicate that cost issues are important but feelings about them are not as intense as, for example, those around service quality. The consistency with which several cities ranked all or 2 or 3 cost factors low in the criteria ranking imply that formerly contracted cities are split into two camps regarding the significance of cost issues.

SURVEY OF CITIES THAT HAVE LEFT CONTRACTS FOR KING COUNTY DISTRICT COURT SERVICES

A. Why did your city leave a contract with the county for district court services and go into an independent municipal court?

B. On a scale of "1" to "5," with "1" being "not important at all" and "5" being "very important," please tell me how important each of the following were in your city's decision to leave a county contract:

<u>Potential Reason</u>	<u>Not Important At All</u>					<u>Very Important</u>
Control over level of court-generated revenue	1	2	3	4	5	
Increase net income to city	1	2	3	4	5	
Quality of court services	1	2	3	4	5	
Cost of district court services relative to income	1	2	3	4	5	
Relations with County	1	2	3	4	5	
County commitment to maintaining a local court facility	1	2	3	4	5	
Convenience for city criminal justice officers and citizens	1	2	3	4	5	
Judge familiar with city and its concerns	1	2	3	4	5	
Judge who will give due attention to city cases	1	2	3	4	5	
Other (specify: _____)	1	2	3	4	5	

C. Have you done a cost analysis for the provision of limited-jurisdiction court services in your city? Can you provide us with a written copy of it?

D. Do you have any further observations that might be helpful to our understanding of why cities in King County are leaving their contracts with the district court?

APPENDIX C.

**TOWARD EFFECTIVE COURT PERFORMANCE
MEASUREMENT: TEN CORE MEASURES OF COURT
SUCCESS***

* Source: National Center for State Courts, Court Performance Community of Practice (Draft, 2004).

APPENDIX C.
TOWARD EFFECTIVE COURT PERFORMANCE
MEASUREMENT: TEN CORE MEASURES OF COURT SUCCESS

Introduction

Measures of performance drive success. They function both as incentives and as tools to improve the quality of programs and services. The right performance measures can drive major policy and organizational transformation when used regularly and continuously throughout a court. There is an increasing demand both within the court community and externally for trial courts to demonstrate how well they use public resources. Moreover, courts that have developed performance measures are looking for comparable data for similarly situated courts in order to judge their own success.

Why Do Courts Need a Core Set of Court Performance Measures?

Court leaders around the country increasingly see performance measures as central to their leadership and management roles and a necessary ingredient in financial and strategic planning. There is a growing demand from citizens and taxpayers, legislators, executive agencies, oversight boards and communities—all of whom exchange funding and other support for services—for clear indication that what the courts do works. This pervades the public sector in general; similarly, court managers can ill afford to ignore these demands for accountability. The successful court managers rely on their ability to maintain effective inter-governmental and public relationships. Performance measures have become the language by which those relationships are often calculated.

Society has come to expect to simplified explanations of performance. Today, in business and finance, medicine, sports, and other sectors of society the effective language of accountability is performance data and performance measures. Courts must find ways to communicate their performance in ways that society can understand and that communicates the broad mission of the courts. A comprehensive yet simplified system is necessary to overcome the obsession with the pure processing of cases to the exclusion of other things that are important to the courts' stakeholders. Courts need a performance

measurement system that gives a “balanced scorecard” for performance across key performance areas, not just case processing.

Performance measures are outcome oriented. In this sense, a performance measurement system is the antithesis of micro-management. Such a system provides both the incentive and the tools for court improvement. Since it focuses on outcomes it is done in a way that supports the creativity of court personnel and offers the potential to avoid micro-management scrutiny.

Core Performance Measures

The major uses of performance measurement are to:

- Identify current performance levels, i.e., establish baselines
- Ascertain trends in performance over time
- Determine goals, benchmarks, boundaries of tolerances (setting controls) of performance
- Identifying and diagnosing problem areas
- Support planning efforts

Like most complex organizations, courts may have dozens, even hundreds, of indicators and measures of their work. Yet the key to success involves reducing those measures to what is most critically linked to the success of the court. Few court managers can keep track of more than a handful of measures and indicators. A “core” performance measure is a primary indicator that is clearly aligned with one or more of a court's key performance areas or success factors. This appendix describes a set of ten tentative core performance measures developed by the Court Performance Community of Practice (CoP) of the National Center for State Courts (NCSC).

Measure 1. Access and Fairness

Definition: Ratings of court users on the court's accessibility and its treatment of customers in terms of fairness, equality, and respect.

Purpose: Many assume that "winning" and "losing" is what matters most to citizens when dealing with the courts. Yet research consistently shows public trust and confidence is shaped more by a person's perceptions of how they are treated in court, and whether the court makes decisions fairly. This measure provides a tool for surveying

court users, including attorneys, parties to litigation, and jurors. Comparison of results by location, division, type of customer, and across courts can inform court management practices.

Measure 2. Clearance Rates

Definition: The number of outgoing cases as a percentage of the number of incoming cases.

Purpose: “Clearance rate” measures whether the court is keeping up with its incoming caseload. If cases are not disposed of in a timely manner, a backlog of cases awaiting disposition will grow. Clearance rates can be examined any and all case types, on a monthly or yearly basis, or between one court and another. Knowledge of clearance rates by case type can help a court pinpoint emerging problems and indicate where improvements can be made.

Measure 3. Time to Disposition

Definition: The percentage of cases disposed or otherwise concluded (i.e., resolved, disposed, or concluded) within established time frames.

Purpose: This measure, used with “Clearance Rates” (Measure 2) and “Age of Pending Caseload” (Measure 4), is a fundamental management tool. It compares a court’s performance with local, state, or national guidelines for timely case processing. The publication *State Court Guide to Statistical Reporting, 2003*, provides a model for more accurately measuring case processing time by taking into account periods of inactivity beyond the court’s control and provides a framework for meaningful measurement across all case types.

Measure 4. Age of Pending Caseload

Definition: The average age of active cases pending before the court, measured as the average number of days from filing until time of measurement.

Purpose: Knowing the age of the active pending caseload is an important measure of a court’s case management. This measure differs from Measure 3, “Time to Disposition,” in that these cases have not reached a court disposition. This measure should only be used to calculate the age of active pending cases, since those that are inactive will exaggerate the overall age of cases pending before the court.

Measure 5. Trial Date Certainty

Definition: The average number of times cases scheduled for trials are rescheduled before they are heard.

Purpose: A court's ability to set firm trial dates is associated with shorter times to disposition. This measure provides a tool to evaluate the effectiveness of calendaring practices, the continuance rate, and whether there are enough judges and staff. For this measure, trials include jury trials, nonjury trials, adjudicatory hearings in juvenile cases, and petitions to terminate parental rights.

Measure 6. Reliability and Integrity of Case Files

Definition: The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy of contents.

Purpose: A reliable and accurate case file system is fundamental to the effectiveness of day-to-day court operations. The maintenance of case records directly affects the timeliness, fairness, and integrity of case processing. This measure provides information regarding (a) how long it takes to locate a file, (b) whether the file's contents and case summary information are reliable, and (c) the organization and completeness of the file.

Measure 7. Collection of Monetary Penalties

Definition: Payments collected and distributed within established timelines, expressed as a percentage of total fines, fees, restitution and costs ordered by a court.

Purpose: How well a court takes responsibility for enforcing orders related to money collected and the timeliness of disbursement to appropriate recipients is vital. The measure has three data elements: total payments ordered by a court; the total payments actually disbursed; and the elapsed time between order date and date of disbursement.

Measure 8. Jury Yield and Utilization

Definition: Jury yield is the number of jurors selected who are qualified and available to serve. Jury utilization is the rate at which prospective jurors are used at least once in trial or voir dire.

Purpose: The percentage of citizens who are qualified and available to serve relates to the integrity of source lists, the effectiveness of jury management, the willingness of citizens to serve, the efficacy of excuse and postponement policies, and the number of

allowable exemptions. The objective is to minimize the number of unused jurors—the number of citizens who are summoned, qualified, told to report for service, and are not needed.

Measure 9. Court Workforce Strength

Definition: The percentage of court employees responding positively on workplace survey questions associated with high levels of efficiency, effectiveness, and customer satisfaction.

Purpose: This measure evaluates court management practices and the working relationships of staff based on responses to questions associated with productive workplaces, loyal employees, and customer satisfaction. Organizations in which employees score high tend to be strong, vibrant workplaces where management and court staff have good working relationships and are highly engaged in their work.

Measure 10. Cost per Case

Definition: The average cost for processing a single case, by case type.

Purpose: This measure is the total direct and indirect costs of judicial administration divided by the total number of matters handled, by case type. As a proxy for efficiency, cost per case can be compared within and across courts and can be used as a diagnostic tool to measure the impact of new policies, practices, and procedures.

APPENDIX D.

APPLYING THE DRUG COURT MODEL TO DUI CASES*

* Source: Victor E. Flango, "DUI Courts: The Newest Problem-Solving Courts," in National Center for State Courts, Knowledge and Information Services, *Future Trends in State Courts 2004* (Williamsburg, VA: National Center for State Courts, 2004), which is available on the NCSC website at http://www.ncsconline.org/WC/Publications/KIS_SpePro_Trends04-DWI.pdf. The reader may want to read the Internet version of this article at the URL shown here in order to use hyperlinks to the other resource materials that the article cites.

DWI COURTS: THE NEWEST PROBLEM-SOLVING COURTS*

By Victor E. Flango**

Problem-Solving Courts

Problem-solving courts, or more accurately, specialized dockets, are established to deal with problems that may benefit from focused and sustained attention. They usually include a treatment component in an effort to reduce recidivism, which in turn reduces the number of future arrests, prosecutions, and court cases.

Specialized drug courts appeared in the late 1980s in response to the dramatic increase in drug offenses.^a Some drug courts, often referred to as “drug treatment courts,” emphasize treatment to reduce recidivism. Essential elements of drug courts include (1) immediate intervention, (2) non-adversarial adjudication, (3) hands-on judicial involvement, (4) treatment programs with clear rules and structured goals, and (5) a team approach that brings together the judge, prosecutor, defense counsel, treatment provider, and correctional staff.^b Although there are variations, drug treatment courts usually include judicial supervision of community-based treatment, timely referral to treatment, regular status hearings to monitor treatment progress, mandatory and periodic drug testing, and a system of graduated sanctions and rewards.^c

The success of drug courts has sparked interest in other types of problem-solving courts, including community courts, domestic violence courts, and mental health courts.^d

DWI Courts

The high incidence of crimes committed while under the influence of alcohol, including driving while impaired, has prompted several jurisdictions to develop sobriety or “driving while impaired” (“DWI”) courts,^e most based on the drug court model. Threats of punishment alone are not likely to change the behavior of individuals, and the philosophy of DWI courts is to treat the problem as well as punish the offender. DWI courts were established to protect public safety and to reduce recidivism by attacking the

* This document has been published as an article in the 2004 Trends Report, *Future Trends in State Courts 2004*. © 2004, National Center for State Courts. All rights reserved.

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^a National Association of Drug Court Professionals, Drug Court Standards Committee, *Defining Drug Courts: The Key Components* (Washington, DC: Drug Courts Program Office, 1997).

^b P. F. Hora, W. G. Schma, and J. T. A. Rosenthal, “Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System’s Response to Drug Abuse and Crime in America,” *Notre Dame Law Review* (Vol. 74, 1999): 453.

^c S. Belenko, *Research on Drug Courts: A Critical Review* (New York: National Center on Addiction and Substance Abuse at Columbia University, 1998), pp. 6-7. The report’s update is online.

^d P. M. Casey and D. B. Rottman, *Problem-Solving Courts: Models and Trends* (Williamsburg, VA: National Center for State Courts, 2003).

^e Also labeled as driving while intoxicated or “driving under the influence” (“DUI”) courts.

root cause of impaired driving—alcohol and substance abuse. The mission of sobriety and DWI courts is "to make offenders accountable for their actions, bringing about a behavioral change that ends recidivism, stops the abuse of alcohol, and protects the public; to treat the victims of DWI offenders in a fair and just way; and to educate the public as to the benefits of sobriety and DWI Courts for the communities they serve."^f At a national conference of Mothers Against Drunk Driving, Dr. Jeffrey Runge announced that one of the three impaired driving priorities for the National Highway Traffic Safety Administration (NHTSA) was DWI adjudication and supervision.^g Part of this priority is to establish DWI courts, expand drug courts, or apply the drug court model to DWI cases.

Specialized DWI courts, which are in effect specialized dockets in most states, are reputed to be better equipped to handle DWI cases, permitting swifter resolutions, reducing backlog, and improving outcomes. Judges also believe that the use of DWI courts should be expanded, allowing experienced judges to use treatment resources and to sentence, sanction, or reward offenders with greater consistency.^h

Common characteristics of sobriety and DWI courts include intense alcohol addiction treatment and heavy court supervision, with jail sentences as a last resort. Compliance with treatment and other court-mandated requirements is verified by frequent alcohol and drug testing, close community supervision, and interaction with the judge in non-adversarial court review hearings.

How Many DWI Courts Are There?

The National Association of Drug Court Professionals provided a list of 68 DWI "courts," which are essentially specialized dockets.ⁱ All of these courts were contacted in early 2004 and asked to provide information about the year they were established, the types of cases they heard, the volume of cases heard, and recidivism rates. Five of the courts were specialized courts but not DWI courts, leaving a total of 63 DWI courts.

Most of the DWI courts appear to have been developed from drug courts, but there are exceptions. Seven of the 63 DWI courts reported being established as separate courts. More than a third of adult drug courts in the United States are in California, New York, Missouri, and Florida.^j Half of the family drug courts are in the large states of California, New York, and Florida, and a third of the juvenile drug courts are found in

^f J. Tauber and C. W. Huddleston, *DUI/Drug Courts: Defining a National Strategy* (Washington, DC: National Drug Court Institute, 1999).

^g National Highway Traffic Safety Administration, *Impaired Driving Update* (Washington, DC: NHTSA, 2003).

^h R. D. Robertson and H. M. Simpson, *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Sanctioning* (Ottawa, Ontario: Traffic Injury Research Foundation, 2002).

ⁱ I am grateful to Kristen Daugherty of the National Association of Drug Court Professionals for providing the initial list of DWI courts and to Kate Knorr, a student intern at the National Center for State Courts, for contacting each of the courts.

^j C. West Huddleston III, Karen Freeman-Wilson, and Donna L. Boone, *Painting the Current Picture: A National Report Card on Drug Courts and Other Problem Solving Court Programs in the United States* (Washington, DC: National Drug Court Institute, 2004).

these three states plus Ohio. A third of the DWI courts, however, are in Michigan (10), Idaho (6), and Indiana (6), so although DWI courts were created from drug courts, the states with the largest number of drug courts do not have the most DWI courts. DWI courts are also not more prevalent in states that have an unusually high number of alcohol-related fatalities.

All of the courts were established rather recently (after 1994), except for the Los Angeles Superior Court DUI Program and the Hancock County, Indiana, DWI Court, both established in 1971. Forty of the 63 were established in 2000 or later.

Most DWI courts (53 of 63) do not accept violent offenders into the program. A much smaller number (14) do not accept juvenile offenders or sex offenders (8) into their programs. Caseloads are, and perhaps need to be, small. The vast majority of DWI courts (45 of the 63) handle fewer than 100 cases per year.

DWI Courts and Drug Courts

Although the multiple-DWI offender shares some characteristics with the typical drug offender (for example, they each share substance abuse problems that require treatment and a strong support system to succeed), they also have differences. DWI offenders tend to be male, employed, and slightly older than drug offenders and are more often able to draw on emotional resources, including family, that are helpful to recovery.^k A careful evaluation of the effectiveness of DWI courts, both those using the drug court model and those created separately, is needed.

Unlike drug offenses, DWI offenses are *not* perceived as "victimless" crimes because public safety is more of an issue, and community impact must be kept in mind when designing a DWI court system. Monitoring DWI offenders is more difficult than monitoring drug court participants because alcohol goes through the body quickly and is harder to detect than drugs. Alcohol is also legal and easier to obtain than drugs.

DWI Court Issues

Issues still under discussion include the role of the judge, resources needed to support a DWI court, and ways to measure the effectiveness of DWI courts.

Role of the Judge. Despite the use of problem-solving courts in many arenas, the concern persists that judges are more involved with defendants, so it is more difficult for them to remain impartial. Judges need to praise and sanction defendants but must avoid getting so involved personally that their impartiality is at risk. Could this monitoring task be outsourced to treatment agencies that report violations to the court? Sanctions may appear to be coercive because judges may have to tell a defendant where to live or where to work.

^k Tauber and Huddleston, *op. cit.* p. 6.

Judges may set such guidelines to some extent, but this role goes beyond the traditional judicial function. Likewise, sanctions that require defendants to use prescription drugs, such as Naltrexone and Antabuse, or require invasive treatments, like acupuncture, may be perceived as coercive and beyond the scope of judicial authority.

On the cost side, an integrated information system is required to track individuals through case-processing stages and to determine whether they have met the various screening, treatment, and other requirements imposed by the court.

Resources. Would non-specialized courts perform as well if given the same resources and access to treatment as specialized DWI courts? Critics may argue that specialized DWI courts are indeed more successful than other courts because they have so many more resources, which they require if they are to have frequent review hearings, frequent testing for alcohol use, and progress reports from probation officers and addiction counselors. To determine the appropriate workload levels for specialized DWI courts, as well as for other courts having jurisdiction over DWI cases, workload assessments are necessary.¹

Effectiveness. An impartial evaluation of special DWI courts is needed to determine just how effective they are in reducing recidivism over time. Reported recidivism rates from the DWI courts that tracked them were impressive. How do those rates compare with recidivism rates in non-specialized courts? More generally, is the relationship between specialized DWI courts and other courts related to an outside factor, such as speed of processing, so that recidivism is related to processing speed in general rather than to a specialized court? What decrease in recidivism would be necessary to justify the additional resources needed by a specialized DWI docket?

DWI courts use some criteria to screen offenders eligible for drug court. Do screening criteria affect the success rates of DWI courts? Should they be limited to misdemeanors? Nonviolent offenders? (This debate is parallel to the debate over a strategy to reduce alcohol/drug-related crashes. Is it better to focus on the relatively small proportion of the driving population responsible for a large percentage of alcohol/drug-related crashes, i.e., the hard-core offenders, or on the much larger number of moderate drinking drivers whose very numbers contribute significantly to the problem, although their individual risk of crashes is relatively low?) The assessment of all convicted DWI offenders for alcohol problems is an expensive proposition. Does the reduction in recidivism make it a worthwhile investment?

¹For a general discussion of workload assessments, see V. E. Flango and B. Ostrom, *Assessing the Need for Judges and Court Support Staff* (Williamsburg, VA: National Center for State Courts, 1996).