

[EDITOR'S NOTE: The following is a summary of significant cuts that Superior Court Presiding Judge Bruce Hilyer told the Metropolitan King County Council would be likely in the event of continued budget cuts in the coming year. Judge Hilyer presented his testimony on Wednesday, April 14, 2010.]

Superior Court  
&  
Department of Judicial Administration

***2011 Budget Presentation to Council***

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**Prior Year Budget Reductions & New Revenues**

Since 2000, the Superior Court and the Department of Judicial Administration (Clerk's Office) have realized significant ongoing savings, \$4,876,481 and \$2,263,134 respectively, totaling \$7,139,615. Corresponding FTE reductions were 37.25 and 37.0 FTEs respectively, for a total of 74.25.

Additional revenues of \$2,500,899 have been added since 2000 for Superior Court and \$2,075,329 for DJA.

One-time savings, such as implementing furloughs, working with the jail to identify savings through efficiencies, and technology enabled cost cutting measures totaled an additional combined savings of \$2,091,012.

For 2009, the court's budget savings totaled approximately 11% of the base budget. For 2009, DJA's budget savings totaled more than 5.5% of the base budget. An additional 1% savings was achieved for 2010 for both the court and DJA.

Expenditure reduction examples include:

**Superior Court**

- Civil case management was reorganized and 8.50 judicial assistant FTEs were eliminated
- FTE reductions were implemented in Family Court Services, Becca case management and Unified Family Court case management.
- Juvenile probation counselor positions have been reduced by 6.5 FTEs
- Court coordination duties at Juvenile Court were consolidated and 2 FTEs were eliminated
- Efficiencies have been implemented in every program in the court due to 10 consecutive years of an internal process of zero based budgeting.

- Contracting costs have been reduced by using in house interpreters, an in house guardian ad litem and in house coverage for commissioner calendars. Significant cost savings have also been realized in court reporting.

## **DJA**

- DJA developed and implemented Electronic Court Records (ECR), a more efficient way of handling court records. DJA has reduced staff by more than 30 positions due to this efficiency and saved over \$9 million.
- Adult drug court out-patient treatment was reduced by \$200,000
- No funding was provided for 3.1 protocol FTEs related to new judicial officer position. Since the new judicial position was added, the lack of funding equates to a 3 FTE cut.
- The civil show cause process, a mainstay of civil case management, was eliminated, including FTE's
- The Bellevue satellite office was closed, reducing service to clients on the eastside.

## New & expanded revenue examples include:

### **Superior Court**

- Medicaid match revenue has increased by \$419,200
- Arbitration fees \$478,500 have been implemented which make that program entirely self sustaining.
- A new Ex parte fee of \$30 was implemented which generates revenues of \$633,460 for Superior Court and entirely funds the commissioners who hear those calendars.
- The juvenile diversion fee was increased by \$140,140 and that program is now entirely self sustaining.
- Use fees and document review fees have been added for Facilitator services, which in addition to the domestic case filing surcharge help to make that program more self sustaining.

### **DJA**

- Fees were implemented and expanded for faulty documents, and voucher processing and billing.
- Collection efforts were increased for attorney sanctions and collection of Legal Financial Obligations associated with criminal cases.

- New fees were created for file exhibit conversion, exhibit disposal, and unlawful detainer non compliance.
- Filing fees and other miscellaneous state sanctioned fees were increased on a statewide basis and counties split the revenue.
- Most recently an expedited fee was established and the fee for accessing records online was increased.

Revenue collected by DJA has increased from \$6,514,458 in 2000 to \$12,137,577 in 2009, an increase in 127%.

### **Potential Program Reductions for 2011**

The court responded to the request by the budget office to identify what a 12% budget reduction could look like. For both Superior Court and DJA, the package of reductions include three primary components:

- Incremental revenue increases and operational efficiencies
- Extraordinarily significant program and customer service eliminations
- Severe infrastructure cuts

#### Additional revenue & operational efficiencies:

#### **Superior Court**

Additional revenues identified total \$557,910 and include increases in child support enforcement cost reimbursement, increased fees for parenting seminars, and additional Medicaid match revenue.

As an operational efficiency, the court would implement a system of having jurors on an on-call status. Jurors would report to the jury assembly room when they are needed instead of reporting to the jury room on the first day of their service period and waiting until they are needed. Savings would be realized by paying fewer days of the \$10 per diem and reimbursing for less mileage.

#### **DJA**

Additional revenues identified total \$122,950 and include increases in the CLE registration fee, the faulty document fee, and the non-compliance fee. This also includes a new charge for selling new case information and judgment information.

As an operational efficiency, DJA would reduce processing court ordered disbursements from daily to weekly. Additionally DJA would eliminate the only position dedicated to the coordination among Law Safety & Justice (LSJ) agencies on domestic violence issues.

## Significant program and customer service eliminations:

### **Superior Court**

#### Reduce Juvenile Offender Supervision:

This reduction would result in the elimination of one probation supervision unit and would cause a 28% caseload increase for the remaining juvenile probation counselors. Higher caseloads reduce contact standards. High risk youth supervised under lower standards tend to commit more frequent or violent crimes. Probation counselors would need to focus their efforts on monitoring court orders and there would not be time to engage youth in evidence-based programs that are proven to be effective. These programs have contributed to the juvenile crime rate being cut in half over the last 10 years here in King County. Over time, the lack of support for evidence-based program participation would lead to increased crime. More offenses would result in higher caseloads and even less time available to engage youth in meaningful services and encourage positive change. This would create a negative cycle of yet more new offenses and will reverse years of progress made toward using proven, cost-effective interventions to reduce juvenile crime. In the end, not only offender youth and their victims would pay a price, but higher detention utilization and court costs would mean higher costs to the taxpayer.

#### Eliminate Family Court Services:

Social Workers in Family Court Services (FCS) assist clients and the court to settle family law cases safely and promptly by providing mediation and evaluation services that focus on the best interests of and risks to children. Elimination means low income clients and high risk families will not have this resource. This will result in higher trial rates, increased wait times and backed up court calendars. Domestic violence assessments, CPS status reports and risk assessments that focus on high risk and lethality issues will not be available to the court. This will compromise the safety of families who have need to interact with the court. In 2009, FCS screened 2,580 cases, completed 181 mediations, 241 evaluations, 192 domestic violence assessments and 205 CPS status reports.

#### Eliminate Facilitators:

Termination of the facilitators means that procedural assistance will not be provided to family law litigants. Litigants will need to navigate a complicated judicial system without basic assistance about how to meet timelines or complete processes. Court calendars will take much more time because litigants will not be prepared. In 2009, facilitators assisted 12,577 pro se litigants in-person and assisted 4,321 individuals on the phone. They met with parties and reviewed documents for 2,523 cases prior to their finalization.

#### Eliminate Early Case Resolution Managers:

Loss of Early Case Resolution Managers will mean pro-se family law litigants will not be provided front-end guidance which can help them resolve their case without court intervention. The family law and status calendars will become more backed up and operate less efficiently which may eventually require additional judicial resources to sustain. In 2009, the Kent ERCM contacted 506 pro se litigants and provided guidance about their cases including assistance in the form of mediations and completing paperwork.

#### Eliminate Dependency CASA Attorneys:

Elimination of CASA attorneys in dependency cases would require CASA volunteers to proceed in court by themselves, while all other parties have attorney representation. The ability of a lay citizen to represent themselves in such an adversarial and high stakes court setting where all other parties have attorneys will result in poorer advocacy for children.

#### Reduce Dependency CASA Volunteer Supervisors:

CASA supervisors provide necessary supervision and support to the CASA citizen volunteers who donate their time and are appointed to represent the best interests of abused children in dependency actions. The supervisors review, edit and consult on each CASA court report, for quality, timeliness and conformance with court rules. There is currently one supervisor for every 40 volunteers (40:1). The National CASA Association standard is a ratio of 30:1. A reduction of two supervisors would raise the ratio to 48:1. The higher this ratio grows, the more diluted the oversight and support given to the volunteers become, and more CASAs are likely to leave the program. Each CASA supervisor is responsible for an average 110 dependent children who are represented by the volunteers they supervise. In 2009, the CASA program processed 1,974 reports to the court.

#### **DJA**

#### Elimination of Step Up Program:

This is the only domestic violence program in King County dedicated to address teen violence against parents. This program is a model for other similar programs across the nation. The elimination of this program may also impact the number of youth in detention. Step Up staff also work with the parents of youth who have been detained on developing safety plans so that youth can return home rather than remain in detention pending court matters.

#### Eliminate Customer Service Staff:

This will reduce service levels by reducing the number of customer service staff. Less staff will result in longer lines in the Clerk's office, longer waits for records requests, longer turnaround on correspondence inquiries, and other services. Service reductions would impact the Bar, individuals seeking protection orders, and customers paying fees.

#### Eliminate all External Phone Service:

DJA staff provide essential information over the phone to more than 1,500 litigants, attorneys, employers, and other county and city agencies each week. The information provided assists litigants with when and where to appear for a particular court matter, it helps attorneys and other legal professionals to know how procedures work in King County for certain types of matters, the information helps employers and creditors understand how to utilize and access King County Superior Court records, and it helps a variety of other customers such as domestic violence victims, crime victims, and family members to navigate the justice system. Additionally, staff answer calls related to using the mandatory E-Filing system and the other electronic based services. Staff dedicated to assisting customers with utilizing the online services troubleshoot a variety of issues that need to be addressed before filings can be accepted. These phone customers will be required to come in person or send in their request, likely resulting in an increase of hundreds of people entering the courthouse each week.

#### Reduce Clerk's Office hours:

Current office hours are 8:30 – 4:30. This would be changed to 9:00 – 4:00 with the office closing from 12:00 – 1:00. The Clerk's Office is a busy office, serving an average of 400 customers each day. This change would mean long lines for each and every service the Clerk's Office provides. This would have an impact on domestic violence victim safety because it would increase the amount of time it takes to obtain a protection order and may mean that some customers have to come back on multiple days to get what they need.

## Infrastructure cuts

### **Superior Court**

Significant infrastructure reductions have been identified, many of which would be achievable because of major FTE reductions which would occur with a 12% budget reduction. Areas that would be impacted include human resources, finance, technology support, customer service at reception and in the jury assembly room, support for the guardianship and probate calendars in Ex parte, a reduction in court reporter staff and the elimination of Becca case management and targeted mentoring and outreach services for youth.

### **DJA**

Infrastructure cuts won't go without notice. DJA has identified items that could be reduced such as: clerk backups, records preservation, case auditing, and court docketing do not have the same initial public facing impact as the other services suggested. These services will end up impacting customers. A court matter cannot start without a clerk in the courtroom. By law we will still have to preserve records, it will simply be done less efficiently. Without auditing certain cases for compliance with court orders, we will leave our most vulnerable population without a safety net. Providing less information on the court docket means that judges, commissioners, the bar, legal staff, and the public will be searching for documents in a court file without the information required to do this work efficiently. This will add time and expense to the judicial process.

### **Why have these reductions not been previously implemented?**

With the exception of the efficiencies identified, the other budget reduction ideas would result in less efficient operations, reduced service and longer waits for the public, increased exposure to potential liabilities, higher operational costs in the future in exchange for short term benefits, and in many cases a breach of legal mandates.

DJA has proposed eliminating the Step Up program in the past. This is the only such program in King County and the public outcry has been significant and compelling.

### **MIDD Savings:**

#### **Superior Court**

The MIDD fund provides partial funding for Juvenile Drug Court and Family Treatment Court and full funding for Juvenile Assessments. MIDD provides \$1,114,038 in funding for these programs, of which \$65,324 is supplanting. Only the supplanting amount must be phased back into CX funding over the next 4 years, unless legislation is enacted which would allow permanent supplanting of CX by MIDD.

#### **DJA**

The MIDD fund provides funding for the Adult Drug Court programs and services. In addition there is funding for the clerk associated with Juvenile Drug Court and Family Treatment Court.