

State of the Judiciary
Chief Justice Steven C. Gonzalez, Washington Supreme Court
Written message
2023

Governor Inslee, members of the State Legislature, elected officials, judicial officers, and fellow Washington residents:

I am honored to report to you on the state of Washington's judicial branch. The judicial branch has worked hard to recover from the pandemic, to improve access to justice, and to understand and eliminate barriers based on race and gender throughout the justice system.

I also want to draw attention to important initiatives to improve jury diversity and to expand the data available to courts to allow us to test whether our efforts to improve equity and efficiency are working.

Everyone has worked through incredible challenges during the pandemic. The courts were not spared. It was enormously difficult to maintain access to justice during the demands of the pandemic. Everything slowed down. Courts across the state have enormous backlogs. Justice delayed is all too often justice denied.

We will catch up, we will continue to learn, and we will continue to progress.

I am grateful for the dedicated efforts of court leaders and staff members, for our partnerships with local government and community leaders, and our partnerships with state lawmakers who have passed innovative legislation and established innovative programs. One example of this partnership is the new Interbranch Advisory Committee which provides a forum for leaders of the judicial, legislative and executive branches to meet and explore issues that need input from all three branches.

“From Crisis Comes Opportunity”

Many of these efforts are catalogued in this written report. I would like to highlight several of them:

An overview of judicial branch recovery, innovation and plans for embracing effective change can be found in the final report of the Board for Judicial Administration's (BJA) Court Recovery Task Force (see Page 9). The report details the unprecedented expansion of remote video technology in court proceedings that provided safe access to justice, and revealed how difficult accessing courts can be for many people even outside of a pandemic. Working on severe access issues also highlighted for the Task Force how often access, treatment and outcomes are affected by poverty, race, and ethnicity in our justice system, and that became a focus of the report as well.

The Task Force report authors affirmed that we commit to using the lessons we have learned to forge a better and more just system, and that “as usual, from crisis comes opportunity.”

Some of this commitment can be found in a recent Order of the Supreme Court that ends most emergency rules for court operations during the pandemic, but retains a number of provisions for remote hearings, electronic signatures and more because of their positive effect on justice. Another example of a statewide change forged from the pandemic response is a new court rule allowing Informal Domestic Relations Trials, which have improved processes for families coming to court.

You can find inspiring individual examples of judicial branch work to solve problems and improve justice in the BJA's 2022 Innovating Justice Awards (see Page 32). The branch honored judicial officers, attorneys and individuals who worked to help thousands of people burdened with court debt they can't pay — which disproportionately affects racial and ethnic minorities and people in poverty — and to institute cutting-edge eviction defense programs as well as a new training program on explicit and implicit bias in the courtroom.

One of the four awards recognized establishment of a new Indian Child Welfare Court Act in Clallam County, one of only 20 in the nation. The unique court was established in partnership with the county's five local tribes (see Page 48).

Equity Lens and a Stunning Fact

As these efforts show, our branch is strongly committed to ensuring that our initiatives, projects, programs and research are planned and conducted with an equity lens — making sure to consider the disparate treatment of and outcomes for racial and ethnic minorities throughout the justice system, and how new efforts can either exacerbate those barriers or work to eliminate those disparities.

We learned a great deal from the Task Force 2.0 presentation to the Supreme Court in July 2022 detailing specific recommendations in 14 areas to address this racial disparity (see Page 19). The Task Force was launched by the deans of Washington's three law schools following the death of George Floyd, nationwide protests for racial justice, and a June 4, 2020, Open Letter written by justices of our state Supreme Court challenging members of the judiciary and legal community to recognize racial injustice and take steps to eliminate it.

Another illuminating presentation came June 1, 2022, from the Washington Supreme Court Minority and Justice Commission, exploring how reparations for Black Americans can begin to counteract the ongoing harmful legacy of slavery and the decades of anti-Black discrimination that have followed (see Page 17).

We also continue to learn from the expansive, deeply detailed study by the Gender and Justice Commission released in late 2021 about the impacts of gender and race combined on justice (see Page 11). For instance, the study revealed the stunning fact that women of color in Washington, particularly Black and Indigenous women, are convicted and sentenced to incarceration at rates two to eight times higher than are white women.

This demonstrates why it is so important for our branch to continually look at the data, and to keep searching for causes and solutions. One finding of the study highlighted the lack of minority women on juries.

Proposals to Increase Jury Diversity and Data

This leads me to our legislative proposals this coming year to fund programs aimed at increasing jury diversity and improving data that can guide our efforts to build a more just and equitable court system.

Studies have shown that racially diverse juries spend more time deliberating, make fewer errors, and result in fairer trials than non-diverse juries. Our proposal would continue a 2021 Jury Demographic Survey, would establish pilot projects to explore if free childcare or increased juror pay would improve diverse response rates, and would allow courts to email jury summons in addition to sending them to physical addresses.

Our Data for Justice Initiative would expand research capabilities at the Washington State Center for Court Research within the Administrative Office of the Courts, which would support courts in collecting and analyzing data, reporting performance measures, and provide training in using data for implementing equitable change.

I want to express my sincere gratitude to state and local lawmakers who have worked with the judicial branch and with local courts over these difficult times to keep justice available, and to help us enact solutions that may extend well beyond the pandemic years.

And I want to express my deep appreciation for the members of Washington's court community, who have worked with dedication and creativity to fulfill our branch's promise that equal justice under the law will always be provided regardless of the challenges that arise.

Compiler's note: Remainder of judiciary's annual report omitted