

State of the Judiciary
Chief Justice Steven C. González, Washington Supreme Court
Written message
February 6, 2024

Judicial Branch Embraces Collaboration and Innovation to Improve Access to Justice, Meet New Challenges

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

It is my honor to present this report on the daily work, long-term projects, challenges and progress of Washington's judicial branch in the past year. I also want to inform you of several pressing concerns we must prioritize in the coming year in order to improve and protect the quality of justice in Washington courts.

In the past year, Washington courts and judicial branch agencies have built on the knowledge they gained while adjusting operations during the pandemic. Both local courts and statewide committees have focused on collaborations with members of the public, community groups and other government agencies that helped the branch learn where accessibility to courts was most at risk, and to devise solutions.

Continuing these community and inter-branch collaborations was a key discussion at the 2023 Judicial Leadership Summit and identified as a primary goal of the Board for Judicial Administration (BJA).

Courts across the state continue to focus on remote access to justice and the BJA created a Remote Proceedings Work Group this year. The Work Group is assessing the current state of remote and hybrid practices, determining the types of proceedings that work well with these models, and developing guidelines and best practices for remote proceedings. The BJA has maintained the Innovating Justice Award it created during the pandemic to recognize courts, individuals and groups finding innovative solutions to access and equity barriers (See page 52 for 2023 winners).

The judicial branch has worked hard to implement new laws, programs and services enacted or funded by state lawmakers in recent years to improve the administration of justice. We appreciate the Legislature's support for improving justice in our state, and are happy to report here on progress made.

Historic Refund System, Technology Milestone, Mapping Therapeutic Courts, Protection Order Technology

In July 2023, the Administrative Office of the Courts (AOC) launched the Blake Refund Bureau, a unique online reimbursement center dedicated to issuing millions of dollars of refunds to thousands of people whose simple drug possession convictions were found unconstitutional in

the Washington Supreme Court's 2021 *State v. Blake* decision. State lawmakers provided funding to reimburse those who have their convictions overturned, and to build the Blake Refund Bureau and outreach network.

You can read about how this first-of-its-kind online reimbursement bureau was established on page 10 [of original document].

In October 2023, a modern new case management system for Washington courts of limited jurisdiction — district and municipal courts — was launched in Tacoma Municipal Court. The new system will replace a 40-year-old case processing system with much improved data access and information sharing capabilities, electronic filing, online payment processing, probation management and much more.

The Courts of Limited Jurisdiction Case Management System (CLJ-CMS) has been years in development, with support from lawmakers, and will be implemented in CLJ courts across the state in the coming years to help these busy courts manage their vital work. See page 12 for the full story.

New court services for the public and new supports for courts were added in 2023, following recent collaborations and legislation. The number of therapeutic courts – also called problem-solving courts – has grown across the state and AOC launched a comprehensive new Therapeutic Courts web page with an interactive map and a self-assessment tool developed specifically for Washington courts. (See page 16 [of original document]).

AOC also developed new technology for digital sharing of protection order documents for judges across all 39 superior courts for much quicker access to this important information (see Page 12 [of original document]); established a new security consultation office to provide guidance to courts in responding to incidents and keeping courthouses safe (See page 30 [of original document]); and opened a new office to provide legal research for courts and judges who don't have the resources to hire judicial assistants (See page 33 [of original document]).

You will find a great deal of additional information in this report about the activities of the judicial branch in the past year, such as new resources developed to help judges meet the requirements of the Legislature's Keeping Families Together Act; our hosting of the National Consortium on Racial and Ethnic Fairness in the Courts, which Washington state helped found in 1989; an innovative new data dashboard by the Washington State Center for Court Research at AOC; a creative outreach event by the District and Municipal Court Judges' Association; and much more.

Growing Concerns – Court Security, Shortage of Attorneys, AI

Looking ahead, I wish to alert you to growing areas of concern for the judicial branch that will need attention in the coming year and further.

We need to improve the safety and security of our courts for the public and for court staff. This is not a new concern for the judicial branch but it is growing and changing. Many jurisdictions and

judges are experiencing increasing incidents and threats, often prompted by social media commentary and criticism, some of it from other elected officials.

This new type of safety concern exacerbates ongoing problems due to insufficient funding for security, particularly in smaller jurisdictions with fewer resources. The BJA has established a permanent Court Security committee following the 2023 final report of its Court Security Task Force.

The branch will continue to advocate for the safety of court users and court staff member as threats continue to morph and grow.

Another significant problem facing the judicial branch is a shortage of public defense attorneys, and prosecuting attorneys. Shortages are affecting different areas of Washington, with some jurisdictions experiencing inadequate public defense representation and others struggling to prosecute cases. This shortage has serious implications for quality of justice in our courts at a time when court caseloads are growing; the inability to speedily process cases hurts victims, defendants, and whole communities.

Larry Jefferson, director of the state Office of Public Defense, recently wrote to the Supreme Court describing the shortage of public defense attorneys and asking for a moratorium on assigning new cases to public defenders in some affected areas. His letter emphasizes the extreme nature of this problem. We must develop and fund short and long-term solutions to this shortage before the already serious impacts become worse.

The judicial branch is also attentive to the use of artificial intelligence in court filings and proceedings. AI can be a powerful tool for information-gathering and reporting, but can also be a powerful source of misinformation and chaos in the administration of justice. The positive and negative potential of AI in the judicial system is being discussed at national levels and our state judicial branch remains committed to thoughtful, proactive engagement with this issue.

The judicial branch is also in need of an updated Civil Legal Needs Study. First conducted by the Office of Civil Legal Aid (OCLA) in 2003, this study reveals the gaps that exist in Washington's civil legal aid system, an area of law that significantly affects the rights and quality of life of state residents. An updated study is needed to provide critical guidance to the branch as we determine how best to meet the justice needs of Washingtonians.

Finally, I want to express my gratitude to state and local lawmakers who have supported the judicial branch and local courts to maintain hard-won innovations and collaborations, to fix gaps and vulnerabilities that were highlighted or exacerbated by the pandemic, and to strengthen many supports for courts and the public.

And I want to express my deep appreciation for the members of Washington's court community who are responsible for all of the work you can read about in these pages and so much more that we do not have space to list. Thank you for all of your dedicated, creative work to make justice available to all who need it.