

Clerk's Office 2024 Supplemental Department Questions

Please answer the following questions in a word document and return to Council. The answers to these questions will be provided to council as supplemental information. While not part of the physical budget presentation to Council, departments should be prepared to answer questions Council may have on these supplemental questions. If you feel that you have provided an answer in a previous question, please don't repeat your answer, simply refer to the earlier question/answer.

Strategic Goals

- 1. Provide your 2024 strategic goals; how are they different from 2023? In what way, if at all, are your strategic changes demonstrated in your budget request?**

The Clerk's Office 2024 priorities and strategic goals are consistent with previous years, however in the last three years our focus has been on ways to use technology to create efficiencies, decrease handling of paper records, and improve access to justice. We continually evaluate critical functions and services to identify areas where technology solutions can be implemented which provide better services that meet customer needs, including those who may experience higher barriers accessing justice.

In the last few years, our office has been able to utilize technology to improve services including implementation of mandatory e-filing for attorneys and the use of [LegalAtoms](#) software for civil protection orders. Over the next few years, we will continue to expand on the use of technology allowing us opportunities to continue to meet our goals. Details on our 2024 technology projects will be covered in the information provided in the questions below.

National, state and local landscape:

- 1. What are the federal, state and local issues facing your work? What risks or opportunities does that create for you in 2024 and beyond? What is your plan to leverage the opportunity or mitigate the risk? What support do you need?**

Recruitment and Retention:

While the Clerk's Office is not alone in navigating the effects of the local, state, and nationwide staffing crisis, it is necessary to highlight those effects here. Since 2020 our office has experienced a turnover rate of 40%. While the reason for the vacancies varies, the turnover means that the staff who remain are pushed to take on extra job duties – including extensive training of new employees and picking up the extra work because of positions that are not filled.

While most of our long-term employees have remained committed to the Clerk's Office, we fear these pressures will lead to burnout and possibly more employees seeking other employment.

With wages that have not kept up with soaring inflation and the increased costs for housing in Snohomish County we are finding that most of our staff cannot afford to work for and live in Snohomish County. We are anxious for the Compensation & Classification Study Plan to be fully revealed with the anticipation it will reduce the challenges we experience with recruitment and retention.

2. What, if any, new mandates do you have impacting your work? Are they funded or unfunded? What is the plan for accomplishing the work?

The changes in the legislation listed below are unfunded mandates that have resulted in the work the Clerk's Office does being significantly more complex and time consuming.

HB 1320 & SHB 1901 – Civil Protection Orders:

Although the protection order legislation went into effect on July 1, 2022 the full impacts of the changes are just now being realized. The amount of time dedicated to protection order cases has increased significantly, which includes customer support, preparing and processing of orders as well as clerking protection order hearings. We have seen a 35% increase in petitions received during the first 8 months of 2023 compared to the same time frame in 2022.

Compounding the increased workload, the volume of emails staff has received and respond to has increased significantly, with an average of 375 more emails each month compared to emails received each month in 2022.

Although the legislative intent was to provide consistency and improve the protection order process for those seeking orders, it has placed a significant burden on the courts and made handling these cases much more difficult and time consuming.

To help mitigate the increased workload from this legislation, Superior Court hired a full-time commissioner in 2022 and as a result the Clerk received two full-time positions.

HB 1169 – Legal Financial Obligations (LFOs) in Criminal and Juvenile Cases:

As seen in recent years, new legislation continues to be passed that reforms legal financial obligations in criminal cases. Last year HB 1412 restricted the time period allowed for collecting non-restitution LFOs to a 10-year period of time and allowed criminal defendants to file motions to waive any outstanding fines and fees owed. This year HB 1169 eliminates the mandatory crime victim penalty and DNA fee in juvenile cases; eliminates the DNA fee in all adult criminal cases;

and eliminates the crime victim penalty in cases where the defendant has been found to be indigent at the time of sentencing. And upon motion being filed, the court must waive any previously imposed fines and fees if the court finds the defendant does not have the ability to pay and is indigent. The result will be less revenues being collected by the Clerk.

State v Blake Decision:

We continue to process orders vacating convictions for possession of controlled substance pursuant to State v Blake. As of July 2023, the actual refund of Legal Financial Obligations paid in these vacated cases has been transferred to the state. The county will no longer issue the refund checks. That being said, it is still the Clerk's responsibility to process the orders received, research the cases and determine the appropriate amount to be refunded before uploading the information to the new AOC Blake Refund Portal twice monthly. The extraordinary costs associated with the work performed by clerk's office staff continues to be documented and reimbursed by the state.

Programs

- 1. List programs, projects and services within your department funded through federal COVID/ARPA funds. What, if any, of those programs are you recommending ongoing funding for and what is the source of ongoing funding?**

Jury Costs:

As a result of the COVID pandemic, more citizens were summoned for jury duty to ensure an adequate number of jurors were available for jury trials. As a result, we have increased the number of jurors summoned for Superior and District courts. As a result, jury supplies and postage is projected to be more than 3x higher than pre-COVID levels. ARPA funding has been approved through the end of 2024 to cover these excessive costs, and we request that funding continue while we work with the courts to decrease the summoning numbers.

Projects:

The Clerk's Office is utilizing ARPA funds to pay for the following projects:

- [Electronic Ex Parte via the Clerk.](#) The Clerk's Office is currently working with the Office of Recovery and Resilience and IT to develop a technology solution that replaces the manual mail in Ex Parte via the Clerk process. The current process is time consuming, inefficient, and burdensome to staff as well as superior court. An electronic process will create efficiencies and decrease processing time, allowing our customers a faster response to their requests.
- [Self Service Kiosks.](#) To further mitigate exposure to COVID-19 as well as increase efficiencies within the office, the Clerk is using ARPA funds to

purchase self-help kiosks which will allow customers the ability to view, pay, and print court documents from a stand-alone kiosk. Having these kiosks will provide another avenue for customers to access Clerk services, reduces customer interactions and wait times in both our customer service and cashiering divisions and will increase customer satisfaction.

- Lobby Reconfiguration. The current layout of our customer service lobby does not provide a safe and distanced way to conduct business with customers. Furthermore, it also does not allow for a safe area for staff who are working within inches of each other. This project will provide better organization, and a safer environment for both citizens and staff.

2. For programs funded by COVID/ARPA funds, detail the plan to close out and/or transition those programs to an ongoing funding source in 2025 and beyond.

The LegalAtoms software was implemented during the COVID-19 pandemic and provided those seeking protection orders the ability to fill out and submit their requests electronically without having to physically come to the courthouse. Although the reason for originally using LegalAtoms was due to COVID-19, the software has become critical in our ability to comply and meet requirements set forth in legislation (HB 1320 & SHB 1901). The software was originally purchased using CARES ACT money and the ongoing annual maintenance fees and costs are now a part of our IT rate model.

The Clerk is not requesting any additional funding to support ARPA related programs in 2025 or beyond.

3. What new programs are you launching for 2024? What need or efficiency is that new program addressing? How is that program funded for sustainability? What metrics are in place to determine effectiveness?

The Clerks' Office is not launching any new programs in 2024.

4. If different than #3, what are your areas of significant investment? What are you not doing because of that investment?

- N/A

Internal Operations

- 1. What is your department doing to streamline processes or deliver services in a new way? How do your budget allocation requests play into these innovations? Are there ways which a different budget approach, e.g. several departments sharing a resource, could achieve the same or better results in a more cost-effective way?**

Jury + Software Upgrade:

As a part of our 2024 budget process, we are requesting an upgrade to the county's jury management system. Our last upgrade to this system was in 2010. The requested upgrade offers efficiencies such as a fully browser-based user interface along with a server-based application processing platform. It is highly configurable, user-friendly, and provides an abundance of statistical data capture elements. The upgrade to Jury + Web Generation allows the ability for courts to communicate to jurors via e-notifications (text and email). We currently communicate through written documentation mailed to jurors or through a recorded voice message. Having the ability to communicate via e-notifications about jury service provides greater efficiencies for the jurors as well as staff.

The upgrade also provides a point-to-point mileage pay solution with a debit card feature which will greatly increase the efficiencies in getting jurors paid timely. It will eliminate the need for finance to print and mail checks to jurors as well as eliminate any escheatment process when jurors do not cash their checks, both of which will save the county time and money.

The upgrade to the Jury+ software will create efficiencies for the Clerk, Superior Court, District Court, Finance, and the citizens of Snohomish County.

Technology Solutions:

The Electronic Ex Parte via the Clerk and Self-Service Kiosk projects described above will offer efficiencies to multiple divisions of the Clerk's Office, as well as to Superior Court, the legal community, and the public.

- 2. What, if any, hiring challenges are you experiencing? How is that affecting your level of service or internal operations? How are you mitigating those operational challenges and/or what is your plan for recruitment?**

We continue to face staffing challenges in 2023, specifically in our Judicial Operations (courtroom clerk) division. Because of the extensive training needed for a courtroom clerk to work independently in a variety of hearings and trials, it has been difficult to find qualified applicants who are able to complete the strenuous training requirements. While we have been successful in hiring and filling vacancies, not all new hires have been successfully trained and retained.

We have recently seen an increase in the number of applicants interested in our vacant positions, which has allowed us more opportunity to hire individuals that are more qualified and increases our hope for success in retaining employees.

- 3. To help inform Council on experiences around hiring and retention, please provide a list of all vacant position titles, position codes, FTE amount (1.0, 0.5, etc.), date vacated, and date first posted. Template spreadsheet attached for convenience and conformity; if already tracking information in another format, that is acceptable as well. Please list each vacancy separately.**

Completed and attached.

- 4. What effect has the increase of inflation and/or supply chain issues had on your department? What, if any, services, or projects have you had to adjust to accommodate for this? (i.e. moving to outside contracted services, delaying of project starts and/or purchasing, redistribution of workload, etc.)**

The Clerk's Office has not been significantly impacted by inflation or supply chain issues.

- 5. When was the last time your department implemented a fee increase? Do you have any plans to increase fees?**

The majority of the fees charged by our office are mandated through RCW 36.18. We do not have control over these mandated fees and no ability to increase them unless legislation changes.

- 6. Do you have any plans to do a rate/fee study? Are your current fees established based on a full cost recovery model?**

N/A

Successes

- 1. Take this opportunity to share one significant success in your department over this past year. What made it a success?**

E-filing:

We implemented E-filing in December of 2021, and it became mandatory for attorneys effective September 1, 2022. We are pleased to report the following benchmarks:

- The percent of e-filed documents has increased from 30% in June 2022 to 40% in June 2023.
- Highest daily total of documents received through e-filing was 1005 documents.

The success of this project is a combination of excellent training and customer service provided by all divisions of the Clerk's Office, as well as support from Superior Court and cooperation from the local bar association.

Staff Reorganization/New Program:

In 2022 the Clerk received 7 additional FTEs to support the addition of 3 new judicial officers. As a result, it was necessary to look at our organizational structure to accommodate the growth. This resulted in the Case Management/Juvenile division being split into two distinct divisions; reassignment of staff from the main courthouse to the juvenile division; and hiring a new manager to oversee the Case Management division as well as special projects.

Reorganizing our divisions and creating a new manager position has allowed us to fully utilize the Clerk's office space at juvenile, has created an opportunity that allowed for more cross training and efficiencies at our juvenile division, and provided our office the ability to move forward on special projects that were previously delayed due to managers being pulled in many directions and not having the time needed to accomplish projects.