

2023 Budget Supplemental 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 2023 strategic goals; how are they different from 2022? In what way, if at all, are your strategic changes demonstrated in your budget request?**

Our 2023 strategic goals mirror those of 2022. This is primarily due to staff vacancies the last 2 years and the necessity of the leadership team (elected official, management, and supervisors) to consistently cover line staff work to ensure we are meeting our mandated duties.

Technology

We continue to review and identify improvements and efficiencies for Clerk's Office online/remote services to create a technology roadmap for enhancing those services. Our office has been able to deploy and improve some services in the last year (mandatory e-filing and the use of [LegalAtoms](#) software for civil protection orders); however, there is still an inordinate amount of work to be done that would provide greater access to justice for Snohomish County citizens.

Some examples of services that our office would like to enhance are:

- Expand additional technology available through the LegalAtoms software. To further streamline the back end of the protection order process, the paper driven process should be converted to an electronic process which includes digital workflow of court documents, electronic signature of protection orders by judicial officers as well as automatic notifications to parties.
- Electronic [Ex Parte via the Clerk](#) (replacing the current mail in/hand delivered process). There is a potential for this to be developed within our current Odyssey File and Serve (E-Filing) system, but if this is not feasible, we intend to work with IT and seek an alternative solution.
- Electronic signatures and document routing/workflows.
- Digital certified copies of court documents, which provides an additional option for customers - eliminating the need for the public to physically come into our office or have their requests fulfilled through the mail.
- Online chat functionality for customers seeking information.

Manager Position

In our 2023 budget, we are requesting to reclassify a vacant JPA 1.0 FTE to a 1.0 FTE manager position. In the last year the Clerk's Office has added seven (7) additional FTEs as a direct result of Superior Court's decision to add three (3) new judicial officers. The addition of 7 FTEs has resulted in reorganization of our divisions and reassignment of additional staff to our satellite office at juvenile court. With the increase of staff and added Superior Court calendars at juvenile court, it is no longer feasible for the current manager, who oversees both our Case Management Division (at the main Clerk's Office) and the Juvenile Division, to split her time between both divisions; therefore, another manager position is needed.

In addition, any projects to enhance or streamline services has suffered as our current operational managers cannot dedicate time to improvements/projects because of their already overburdened day-to-day management of operations and staff within their divisions.

The new manager position would take over responsibility of our Case Management division, would assume the responsibilities and management of projects that will enhance the public's remote/electronic accessibility for clerk services, and would further explore process changes to create efficiencies resulting from mandatory e-filing.

O&M Project

The Clerk's Office has also applied and been granted O&M funds for use in 2023 to hire/retain temporary staff who will continue working on our multi-year project of auditing 40,000+ boxes of archived Superior Court case records for permanent preservation and destruction of physical copies.

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 2023 and beyond? What is your plan to leverage the opportunity or mitigate the risk? What support do you need?**

Court backlog

The backlog of Superior Court cases/trials, resulting from the COVID-19 pandemic, as well as the impact from the Supreme Court's Blake decision to vacate Possession of Controlled Substance convictions continue to have significant impacts on the Clerk's Office. Both issues still require additional staffing to cover court hearings, process court documents, refund Legal Financial Obligations and assist customers. As a result of the increased workload, funding of additional temporary staff has been requested and approved through ARPA.

However, due to the inability to fill our regular FT positions, we have not been able to post for these project positions.

HB 1320 – Protection Orders

Most of this legislative change went into effect July 1, 2022, however, the effects and additional workload are still being realized. We do know the amount of time dedicated to protection order cases has increased significantly, this includes preparing and processing of orders as well as protection order hearings. To accommodate the increase in court hearings, Superior Court has moved some of these calendars to juvenile court, requiring the Clerk's Office to provide additional staff to support these hearings at juvenile court, while also maintaining support and staffing in the Protection Order office at the main campus.

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%. These vacancies mean that the staff who remain are pushed to take on extra job duties – including extensive training of new employees, which we fear will lead to burnout and eventually, to valuable 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.

Central Human Resources

Centralized Human Resource (CHR) complete support is needed for County departments. Currently CHR provides centralized services for benefits – but other areas of HR are left for facilitation within individual departments. When departmental leadership are also required to be knowledgeable in HR law and all the complexities and intricacies that comes with that, it opens the County up for liability. With the ever-changing landscape of HR (leave laws, accommodations, etc), having an all-encompassing Central Human Resources would be invaluable.

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.

State v Blake Decision

Our office continues to process orders vacating convictions related to simple possession of a controlled substance, and research and issue refunds for cases

in which monies are owed. The County is reimbursed by AOC for the refund and extraordinary costs (staff time in processing these orders / refunds).

New Legislation

HB 1320 & SHB 1901 (Civil protection orders) created significant changes in the way protection order matters are heard in Washington State and increased the amount of time in which staff must spend on protection order matters. While most of this legislation went into effect July 1, 2022, the effects of this change are still being realized.

Please also see response in question #1 under National, State and Local Landscape.

HB 1412 will become effective 1/1/2023 and affects the jurisdiction for collections of Legal Financial Obligations (LFOs). Currently, we retain jurisdiction of LFOs for all crimes committed on or after 7/1/2000 until the balance is paid in full. The full impacts of HB 1412 are difficult to determine at this time, but it will require LFOs in approximately 14,000 criminal cases to be written off due to loss of jurisdiction, as well as additional staff time to research and determine jurisdiction for each case reviewed.

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?**

LegalAtoms software

Originally purchased by CARES ACT money, the costs are now a part of our IT rate model. This software has become critical in our ability to comply and meet requirements set forth in legislation (HB 1320 & SHB 1901).

Increased Jury Costs

As we know, the already overburdened court system was heavily impacted by COVID. In order to bring in a suitable jury pool, we have increased the number of juror summons for Superior and District courts. Due to the increase in number of citizens being summoned, jury supplies and postage is projected to be more than 3x higher than pre-COVID levels. ARPA funding has been approved to cover these excessive costs, and we request that funding continue for the next 2 years while the court attempts to reduce the backlog of trials.

- 2. What new programs are you launching for 2023? What need or efficiency is that new program addressing? How is that program funded for sustainability? What metrics are in place to determine effectiveness?**

Mandatory E-Filing

While mandatory e-filing for attorneys went into effect on September 1, 2022, it will take 6 – 12 months before our office is able to fully identify the efficiencies created from mandatory e-filing. We will continue to closely monitor reports for usage and the number of filings submitted via Odyssey File and Serve (OFS) as well as determine creative ways to fully utilize the system to streamline internal processes. Funding for this program is included in our IT rate model. It is our expectation that mandatory e-filing will eventually provide for additional opportunities for remote work once staff become fully versed with the nuances of electronically filing.

New Program/Division

The Clerk's Office is requesting a new program number to accommodate a reorganization of divisions within the Clerk's Office. With the addition of 3 Superior Court judicial officers in 2022, the Clerk received an additional 7 FTEs. Due to the lack of space at the Clerk's main office, as well as Superior Court increasing court calendars at juvenile court on matters other than juvenile proceedings, 4 FTEs from our main campus will be reassigned to our juvenile office. The reassignment of additional staff to the juvenile division includes courtroom clerks who will be cross trained in all job functions in our juvenile office so they can provide support processing court documents when they are not needed in court. The reorganization of staff will provide the necessary efficiencies to ensure we are meeting our mandated duties of processing court documents and attending court hearings as well as ensuring we are providing the best service to our community and judicial partners. To support the new program/division, the Clerk has also requested reclass of a currently vacant JPA FTE to a manager position and reclass of a currently vacant JOA FTE to a lead position. Funding for both of these requests is minimal.

- 3. If different than #2, 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?

New Program/Manager

As mentioned above, the staff reorganization, request for a new program and request to reclass a 1.0 JPA FTE to a manager position provides for efficiencies that allow our juvenile division to operate independently and be managed by a single divisional manager. The goal is for all staff assigned to our juvenile division to be cross trained in all job functions (including clerking in court) which will eliminate the need for courtroom clerks assigned to the Court Operations Division at the main Clerk's Office to travel to juvenile court to cover court hearings and calendars. With additional hearings being held at the DJJC location and lack of space at the main courthouse, it is apparent that DJJC will no longer be used for only juvenile matters, and is transforming more into a "regional justice center" rather than a juvenile justice center. And as such, we need to adjust our staffing model now so that we can adapt to these changes.

Law and Justice "Information Desk"

When discussions and plans were being made for a new courthouse, part of the plan was to include a single/shared area for "customer service" from each individual law and justice department (Clerk, District Court Clerk, OPD, PA, Sheriff, and Superior Court Administration) similar to the shared space on the 1st floor of Admin East where the public is able to come and handle customer inquiries. Although that was not accomplished, it would be beneficial to the public to have a staffed Information Service Center (similar to what is available in Admin East) that provides our citizens with a single place to stop and seek clarification on where they need to go. Most citizens come into the courthouse and don't understand the differences between the courts and law and justice offices or where they need to go for their hearing and the services they are seeking. Currently the marshals and contracted security are put in a position of being "help desk staff" rather than focusing on their critical roles of ensuring safety within the courthouse. A shared information desk would provide the public with a beneficial service and would help to mitigate some of the stress that most courthouse visitors are facing when having to visit our county's courthouse.

- 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?**

Maintaining appropriate staffing levels has been difficult, in part due to losing fully trained staff to higher paying jobs, staff moving out of the area due to unaffordable housing, and difficulty with recruiting new hires who often pass on

job offers due to inadequate pay or who were offered positions with not only higher pay, but greater flexibility.

Although most of our divisions have experienced staffing issues over the last 2 years, the most significant vacancy impact for our office has been in our Courtroom Operations division which is responsible for providing a courtroom clerk at every court hearing/trial. With a current vacancy rate of nearly 25% our office has been required to rely on the elected Clerk, managers, and other department front-line staff who previously worked in Court Operations and who are trained as courtroom clerks to cover court proceedings. The requirement in utilizing all of these staff to cover in the courtrooms puts an extreme amount of stress on their respective divisions and delays our ability to implement new processes and complete projects that enhance efficiencies and services to our customers.

Mitigation for these challenges has relied heavily on continually asking staff to increase their workloads while their divisional peers are constantly pulled to assist in other divisions as well as utilizing leadership staff to perform line staff tasks. The leadership within the office has had to focus on ensuring that all critical services and mandated functions are covered, leaving no time for focused work in supervising and managing their divisions.

We are hopeful that the County's Classification and Compensation study will provide much needed labor market alignment for the positions within the Clerk's Office. The minimum qualifications for our front-line clerk staff requires a Paralegal Certificate (or equivalent) yet has a salary 15% lower than a paralegal position within the County and 40% lower than a Municipal Clerk 1, which does not require a paralegal certificate. These disparities make it difficult to recruit and retain qualified staff.

- 3. Please provide a list of all vacant position titles, position codes, date vacated, and date first posted. This should be a separate page or spreadsheet attachment.**
 - Attachment provided as a separate page.
- 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.)**

Our office received \$370,000 in ARPA Funds for a capital project at our DJJC location. This work has been delayed due to various other interruptions with projects that have overloaded Facilities. This work was intended to support the increased staffing at this location to support additional judicial officers and increased hearings.

There has been a significant delay in getting furniture add-ons (i.e., keyboard trays) for our courtroom clerks. The trays that are necessary for the restricted space and age of furniture that is in the courtrooms have nearly a 4-month delivery date. These trays are necessary to ensure clerks have the necessary ability to adjust for ergonomics while clerking in the courtroom for up to 8 hours per day. We currently have courtrooms with keyboard trays that were purchased as a temporary fix, but don't fit the distinct needs of clerking in a courtroom. This has also put us in a position of continually putting in Facilities requests to have a tech come out and keep fixing existing trays to keep them functional as long as possible.

Successes

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

Mandatory E-Filing: The intent of our office was to go forward with mandatory e-filing for attorneys January 1, 2022. However due to delay with updating the Local Court Rule that would mandate this, we had to shift the date to September 1, 2022. Implementation of mandatory e-filing will provide many efficiencies and opportunities for expanding electronic processes within our office.

LegalAtoms: Our office has been using the LegalAtoms solution since 2020, which has provided us with time and ability to work with the vendor to ensure that this resource is fully functional for both our office and the public who are seeking protection orders. With the implementation of HB 1320 which unified Civil Protection orders, our office was in a position where we were able to meet most of the requirements that were set forth in the bill (allowing for 24/7 submission of petitions) and are positioned to continue meeting requirements as they come forward.

Audit and Preparation of Documents for Permanent Retention: Our office has been able to apply for and receive O&M funding for this multi-year preservation of court records project. The work involved requires auditing and preparing physical court records for permanent preservation as statutorily required. The Clerk's Office is not able to absorb this work with existing staff. With the funding, we have been able to hire and train temporary staff to perform these duties. To date, our office has been able to remove from the County

records center, audit for permanent preservation, and destroy over 1,600 boxes. With nearly 41,000 boxes of files still stored within the County's records storage facilities, this project is expected to take well over a decade to complete.