

CRISIS OR OPPORTUNITY? ONE COURT'S TRANSFORMATION STORY

KING COUNTY SUPERIOR COURT, WASHINGTON STATE

Presented by:

Hon. Jim Rogers, Superior Court Judge

(Presiding Judge, 2019 – 2021)

Linda Ridge, Chief Administrative Officer



KING COUNTY SUPERIOR COURT

- Largest general jurisdiction trial court in Washington state, serving a population of 2,301,620 residents
- Court locations:
 - ✓ King County Courthouse (Seattle)
 - ✓ Norm Maleng Regional Justice Center (Kent)
 - ✓ Patricia H. Clark Children and Family Justice Center (Seattle)
 - ✓ ITA/Civil Commitment Court, Harborview Medical Center (Seattle)
- Jurisdiction: Civil, Domestic, Felony Criminal, Juvenile Offender, Juvenile Dependency, Involuntary Commitment, and Appeals from Courts of Limited Jurisdiction
- 54 judges
- 10 court commissioners
- 300 Staff (Superior Court) + 200 Staff (Clerk's Office)



GUIDING PRINCIPLES TO ADDRESS OPERATIONS DURING COVID-19

1. Dedication to mission for access to justice = we must remain open
2. A robust public health plan = we must safeguard health of customers, stakeholders and employees
3. Remote technology is essential to achieving principles 1 and 2
4. Nimble internal decision-making structure to implement new practices quickly



HOW DID WE REOPEN IN JULY 2020? A ROBUST PUBLIC HEALTH PLAN

- Sought advice from University of Washington Professors in School of Public Health not KC Public Health
- They assessed facilities and made recommendations
- Ensured use of recommended HVAC filters for courthouse ventilation systems
- Significantly reduced in-person events by implementing video and telephonic hearings
- Established “Pop-Up” Court at convention center for civil trials to reduce number of people in each location
- Mask mandate except witnesses; six foot public distancing strictly enforced
- November 2020-all virtual civil jury trials



HOW DID WE RESPOND TO CHANGING CONDITIONS? CHANGED ADMINISTRATIVE STRUCTURE

- Formerly Executive Committee was central to implementing policy/practice changes
- Established new Weekly Chiefs' Meetings to serve as "tactical" decision-making body; included staff Directors team to ensure representation of operational and staffing issues
- Created Public Health Committee
- Established new Voir Dire Committee to work with Jury Committee on development of virtual practices
- Technology Committee became more central
- Courts and Community and Education Committees spearhead trainings related to race and equity issues
- 30 discrete workgroups formed to assist on specific aspects of pandemic-influenced operational changes
- Worked closely with local Bar, including a task force on remote jury trials, asking their participation in teaching ⁵

COVID-19 FUNDING

- First, we “McGyvered” technology with no new money
- Later, KCSC received over \$20M in COVID funds via County/State to:
 - ✓ Acquire technology to support virtual proceedings and remote work
 - ✓ Provide temporary staff support for changes in practice
 - ✓ Augment training and establish standardized procedures for new practices
 - ✓ Address criminal backlog



COURT'S RESPONSE TO THE COVID-19 PANDEMIC

July 2020 to December 2021:

- Over 1000 remote bench trials conducted
- Over 300 jury trials conducted
 - ✓ 190 criminal
 - ✓ 100 civil (40 in-person, 70 all remote)
- Voir dire conducted virtually for all jury trials





2020 AWARD RECIPIENT
STATE JUSTICE INSTITUTE
PANDEMIC RESPONSE AND RECOVERY GRANT

“How a Court’s Leadership Evaluates and Institutionalizes
the Best Practices Initiated During a Crisis”

PRAXIS
CONSULTING, INC.

Dr. Brenda J. Wagenknecht-Ivey
Denver, CO
303.888.7939 | Bwagen@praxisconsulting.org
www.praxisconsulting.org

SJI GRANT PURPOSE AND OBJECTIVES

- Grant awarded in October 2020
- Allowed the court to bring in court management consultant to facilitate and conduct surveys/focus groups, gather and analyze data, draft report
- Purpose:
 - ✓ Document all the new innovative/ promising practices implemented during the Pandemic and “lessons learned” from the experience;
 - ✓ Develop and use a values-based evaluation framework to identify a few promising practices for further study and refinement – ensuring decisions were objective and aligned with the Court’s core values; and
 - ✓ Evaluate promising practices and use results to inform recommendations, decisions, and actions about future practices and/or to shape court policy.

PROJECT METHODOLOGY

1. Focus groups with judicial officers and court/clerk's office staff documented new practices implemented and "lessons learned" or areas needing refinement.
2. Chief Judges and Directors reviewed summary list of new practices and selected a few promising practices to explore further using structured decision-making guidelines rooted in core values.
3. Surveys were conducted with stakeholders to evaluate the selected new practice areas along multiple dimensions.
4. Data analysis was provided to Court for consideration and use in planning future action and implementation.

STRUCTURED DECISION-MAKING GUIDELINES

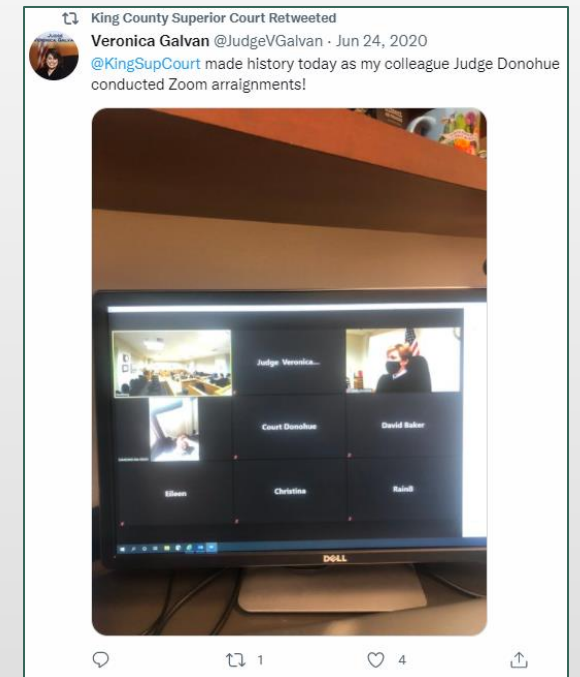
Guiding Principle: The court and clerk's office aspire to continue to be innovative and nimble organizations that harness and institutionalize the positive effects of the pandemic. This includes transforming how judicial and court services are delivered, recalibrating and refining daily operations, and continuing to invest in and use existing and emerging technologies.

Proposed Selection Criteria: The practice/process selected should meet the following criteria.

1. Have broad impact (e.g., courtwide implications; touch multiple departments/areas of the court; effect various groups such as judges, staff, stakeholders/partners)
2. Uphold/embrace many of the core values (e.g., ESJ, accessibility, fairness, service to the public, innovation)
3. Have potential long-term benefits for the court/clerk's office (e.g., cost effective, enhance efficiency, increase morale and engagement, improve court performance – access, timeliness, etc.)
4. Provide an opportunity to use data to evaluate hunches and/or differing/conflicting perceptions

PROMISING PRACTICES SELECTED & EVALUATED

- Three New Innovations / Promising Practices Selected:
 1. Virtual Court Proceedings
 2. Virtual Jury Selection
 3. Remote Work Arrangements
- Data Collection and Evaluation
 - ✓ Different methodologies were used for each topic area



OVERVIEW OF RESPONDENTS & RESPONSE RATES: VIRTUAL COURT PROCEEDINGS & INTERPRETATION

Virtual Court Proceedings & Virtual Interpretation

	Total Number Surveyed (N=___)	Number of Respondents (N=___)	Response Rate (in %s)
Attorneys Surveyed in Dec. '21	Unknown ¹	410	Unknown ¹
Court/Clerk's Office Employees Surveyed in Nov. '21	279	182	65%
Judicial Officers Data gathered in Sept. '21	58 ²	47	--
Interpreters Surveyed in Nov. '21	144	74	51%

¹ The number of attorneys surveyed is unknown because the Bar Associations sent out the link to members who practice and appear in the KCSC. The response rate cannot be computed either for the same reason. However, that 410 attorneys responded to the survey provided an excellent sample size for analysis purposes.

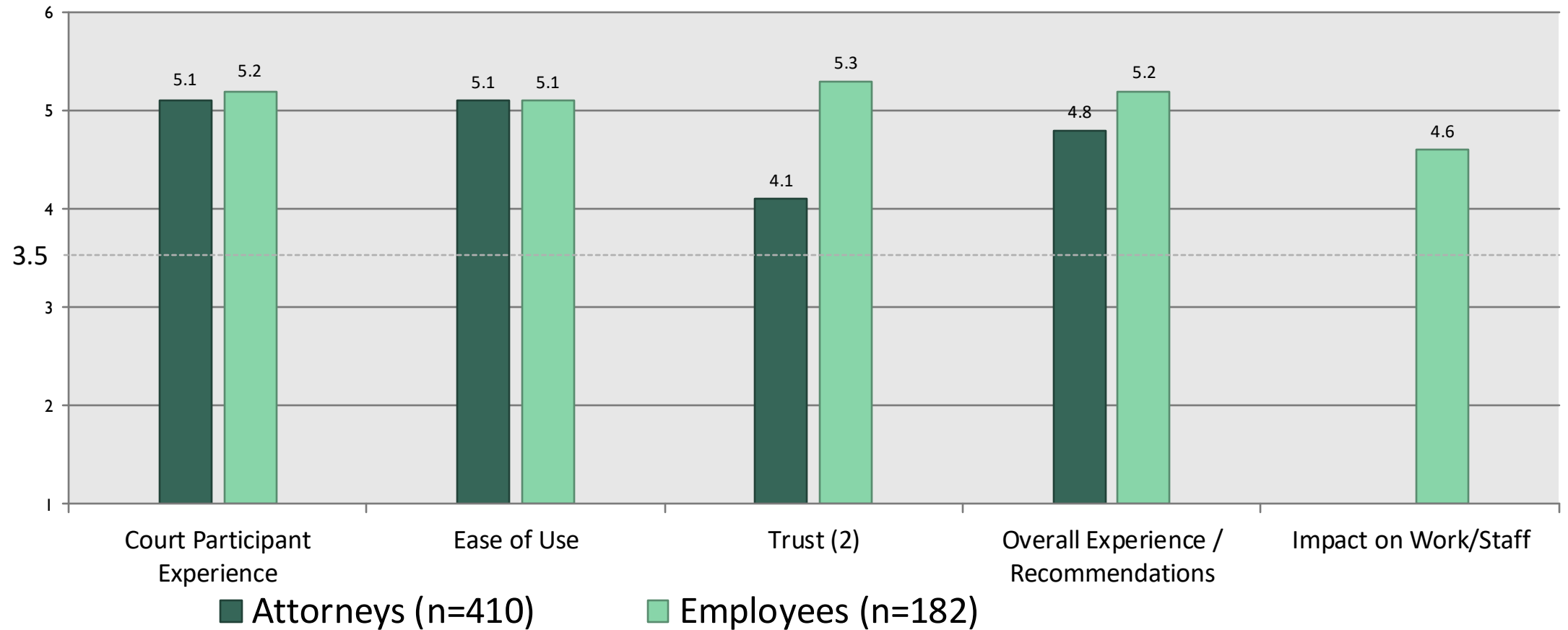
² The total number of SC judicial officers (judges & commissioners) at the time of the data gathering online activity was 63. During the activity, 47 participated in the breakout groups and 44 and 41 respectively responded to the two polling questions.

VIRTUAL COURT PROCEEDINGS SURVEY CATEGORIES

Virtual court proceedings survey questions were grouped into the following categories:

1. Court Participant Experience
2. Ease of Use
3. Trust in Video Court Proceedings
4. Overall Experience / Future Recommendations
5. Impact on Work / Employees

VIRTUAL COURT PROCEEDINGS: ATTORNEYS AND EMPLOYEES SURVEY CATEGORIES (IN MEAN SCORES¹)

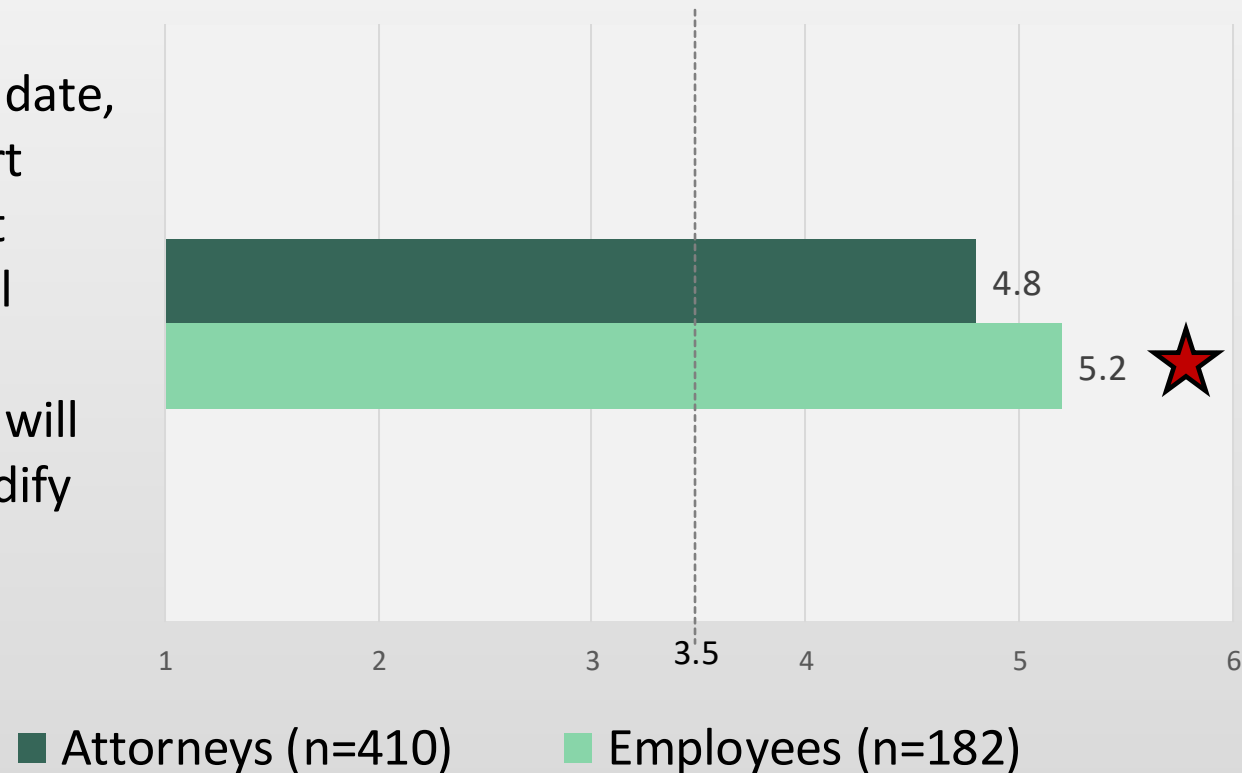


¹ Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale.

VIRTUAL COURT PROCEEDINGS: OVERALL EXPERIENCE/FUTURE RECOMMENDATIONS

Comparison of Attorneys and Employees (in mean scores¹)

Given my overall experience to date, I recommend that the Court continue using video court proceedings for many legal matters/cases with the understanding that the Court will continue to evaluate and modify practices as needed.



Employees rated this question significantly higher than attorneys. (See red star.)

¹ Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale.

² Red star = statistically significant difference between mean scores of respondents. The difference is not due to chance.

VIRTUAL INTERPRETING SURVEY CATEGORIES

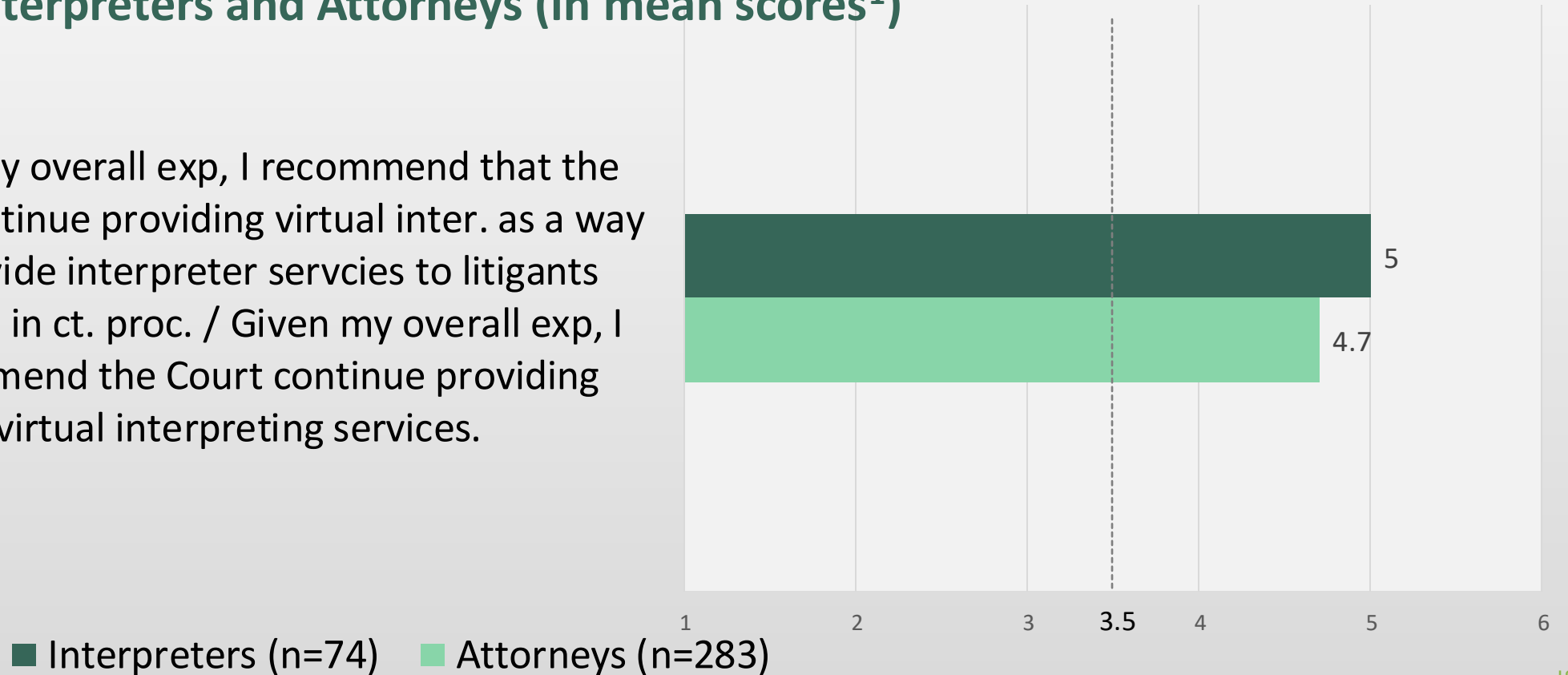
Video interpreting survey questions were grouped into the following categories:

1. Court Participant Experience
2. Ease of Use / Effective Use of Time
3. Court Assistance
4. Environment
5. Impact on Interpreters
6. Trust / Effectiveness
7. Overall Experience / Recommendations

VIRTUAL INTERPRETING: OVERALL EXPERIENCE – FUTURE RECOMMENDATION

Interpreters and Attorneys (in mean scores¹)

Given my overall exp, I recommend that the Court continue providing virtual inter. as a way to provide interpreter services to litigants involved in ct. proc. / Given my overall exp, I recommend the Court continue providing virtual interpreting services.



¹ Means are based on a 6-point agreement rating scale. 3.5 is the midpoint of the rating scale.

OVERVIEW OF RESPONDENTS & RESPONSE RATES: VIRTUAL JURY SELECTION

	Total Number Surveyed (N=___)	Number of Respondents (N=___)	Response Rate (in %s)
Prospective Jurors Surveyed in Aug. – Sept. '21	797	251	32%
Civil Case Attorneys Only Surveyed in Aug. – Sept. '21	245	94	38%
Court Employees¹ Surveyed in Nov. '21	279	75	65% ²

^[1] The number of employee respondents is lower because only those that participated in virtual voir dire were asked to complete this set of questions. Those who did not participate in virtual jury selection were instructed to skip this set of questions. 75 court employees completed this section; the others skipped these questions and proceeded to the next section of the Virtual Court Proceedings survey.

^[2] This is the overall response rate to the Virtual Court Proceedings survey, which included a subset of questions on virtual voir dire. 75 court employees (out of the 182 that completed the Virtual Court Proceeding Survey or 41%) completed the virtual jury selection questions.

VIRTUAL JURY SELECTION SURVEY CATEGORIES

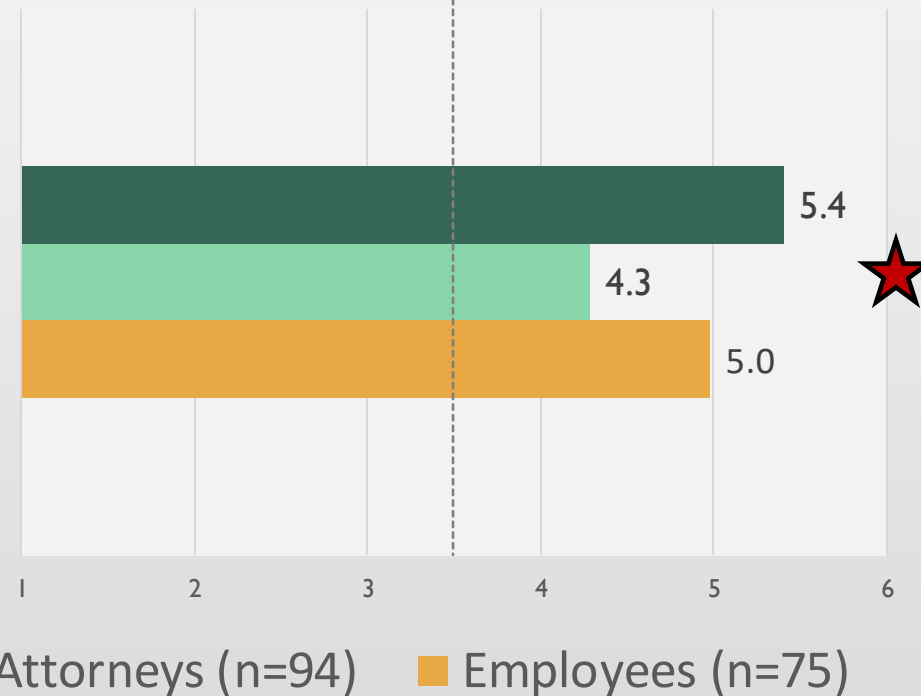
Virtual jury selection survey questions were grouped into the following categories:

1. Access, Convenience, and Safety / Experience of Jurors
2. Ease of Use
3. Court / Staff Assistance
4. Environment
5. Timeliness / Effectiveness
6. Trust and Confidence / Future Recommendations
7. Overall Experience
8. Impact on Work / Staff

VIRTUAL JURY SELECTION: OVERALL EXPERIENCE/FUTURE RECOMMENDATIONS

Prospective Jurors, Civil Attorneys, and Employees in mean scores¹

Given my overall experience, I recommend that the Court continue providing the option to participate in the jury selection process using Zoom.



Jurors rated this question significantly higher² than employees and civil attorneys, and employees rated it significantly higher than attorneys. (See red star.)

¹ Means are based on a 6-point agreement rating scale. 6=Strongly Agree & 1=Strongly Disagree. 3.5 is the midpoint of the ratings scale.

² Red star = statistically significant difference between the mean scores of respondents. The difference is not due to chance.

CONCLUSIONS/NEXT STEPS

- We have institutionalized virtual voir dire, but we need our Supreme Court to approve the practice for civil and criminal cases -- too expensive to staff both in person and virtual methods.
- We have institutionalized virtual trials and hearings; family law attorneys are telling us they prefer them.
- We need more work to improve virtual interpretation.
- Our administrative structure has become more inclusive, meaning more complete communication - much more efficient and enhancing flexibility for change.
- Training/standardization among all courts is key to making this work long-term.

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Q & A

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