



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Motion 16204

**Proposed No.** 2022-0196.1

**Sponsors** McDermott

1           A MOTION acknowledging receipt of the second of three  
2           reports on progress addressing the civil and criminal case  
3           backlog that resulted from the COVID-19 pandemic and  
4           progress on addressing new eviction cases after the state  
5           moratorium is lifted, in response to the 2021-2022 Biennial  
6           Budget Ordinance, Ordinance 19210, Section 18, as  
7           amended by Ordinance 19318, Section 2, Proviso P4.

8           WHEREAS, the 2021-2022 Biennial Budget Ordinance, Ordinance 19210,  
9           Section 18, as amended by Ordinance 19318, Section 2, Proviso P4 states that \$600,000  
10          shall not be expended or encumbered until the office of performance strategy and budget  
11          transmits three reports on progress toward addressing the civil and criminal case backlog  
12          that resulted from the COVID-19 pandemic and progress on addressing new eviction  
13          cases after the state eviction moratorium is lifted, and

14          WHEREAS, the 2021-2022 Biennial Budget Ordinance, Ordinance 19210,  
15          Section 18, as amended by Ordinance 19318, Section 2, Proviso P4, requires that the  
16          second report cover July 27, 2021, to March 31, 2022, and include a list of positions  
17          supported by the ordinance, the amount of appropriation expended, the number of  
18          backlog cases and number of backlog cases resolved for superior court cases, the number  
19          of backlog cases and number of backlog cases processed and removed from the system

Motion 16204

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20 and the identification and discussion of barriers or system challenges to addressing the  
21 backlog or addressing new evictions, and

22 WHEREAS, the King County executive hereby transmits to the council the  
23 COVID-19 Legal System Backlog Report 2;

24 NOW, THEREFORE, BE IT MOVED by the Council of King County:

25 The council hereby acknowledges receipt of the COVID-19 Legal System  
26 Backlog: Report 2 proviso response, Attachment A to this motion, as required by the  
27 2021-2022 Biennial Budget Ordinance, Ordinance 19210, Section 18, as amended by  
28 Ordinance 19318, Section 2, Proviso P4.

Motion 16204 was introduced on 6/14/2022 and passed by the Metropolitan King  
County Council on 9/6/2022, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry,  
McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

DocuSigned by:



7E1C273CE9994B6...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:



8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

**Attachments:** A. COVID-19 Legal System Backlog- Report 2, May 16, 2022

## **COVID-19 Legal System Backlog: Report 2**

May 16, 2022



**King County**

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## Proviso Text

P4 PROVIDED FURTHER THAT:

Of this appropriation, \$600,000 shall not be expended or encumbered until the office of performance strategy and budget transmits three reports on progress toward addressing the civil and criminal case backlog that resulted from the COVID-19 pandemic and progress on addressing new eviction cases after the state eviction moratorium is lifted. Each report shall be transmitted with a motion that should acknowledge receipt of the report. Each motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The first report shall include a baseline definition of how the backlog of criminal and civil cases being addressed with resources supported in this ordinance (Ordinance 19318) is defined in terms of the age of cases, when cases were filed and case types, or other relevant criteria, and how many cases meet the definition by case type for monitoring purposes. The first report shall also identify a start date for tracking eviction cases.

The executive should electronically file the first report and the motion required by this proviso no later than November 30, 2021, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee, or its successor.

The second and third report shall cover the periods from July 27, 2021, through March 31, 2022, and from April 1, 2022, through September 30, 2022, respectively, and include, but not be limited to, the following information from district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court:

- A. A list of positions supported by this ordinance (Ordinance 19318) for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court, by job type, the number of those positions that are vacant and the hire dates for all filled positions in the period covered by the report and the total since the July 27, 2021,
- B. How much of the appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court this ordinance (Ordinance 19318) has been expended as of the final day of the reporting period and the total since the July 27, 2021,
- C. For superior court cases, the number of backlog cases as defined in the first report, and the number of backlog cases resolved, by charge and type of resolution,
- D. For district court cases, the number of backlog cases as defined in the first report, and the number of backlog cases processed and removed from the system, and
- E. The identification and discussion of barriers or system challenges to addressing the backlog or addressing new evictions. The barriers and system challenges could be general or specific to a certain case type.

Moneys shall be unencumbered in \$200,000 increments upon adoption of the motion acknowledging receipt of each quarterly report is passed by the council.

The executive should electronically file the second report and motion required by this proviso no later than May 16, 2022, and the third report and motion required by this proviso no later than November 14, 2022, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee, or its successor.

Ordinance 19318<sup>1</sup>, Section 2, Office of Performance, Strategy and Budget, P4

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<sup>1</sup> Ordinance 19318 [\[LINK\]](#)

## Executive Summary

In accordance with Proviso 4 of the Office of Performance, Strategy and Budget in Ordinance 19318, this is the second of three reports on legal system progress toward addressing the legal system case backlog related to the COVID-19 pandemic. Note that much of the content of this report was included in the first report submitted to Council on November 30, 2021. All information has been updated and is current as of March 31, 2022.

### *Background*

During the pandemic, the King County's Prosecuting Attorney's Office (PAO), the Department of Public Defense (DPD), Superior Court, the Department of Judicial Administration (DJA), and District Court have made substantial modifications to their respective operations to maintain services to the extent possible given court closures, social distancing requirements, and other public health measures. Federal resources allocated by the King County Council in 2020 and 2021 funded video equipment and installation in both Superior and District Court, costs to operate civil trials at Meydenbauer Convention Center, resources to backfill staff out on COVID leave, and laptop computers and facilities changes to allow remote and socially distanced work.

Despite these efforts, court closures and a variety of other factors directly and indirectly related to the pandemic have resulted in backlogs in several case types in both Superior and District Courts. Backlog is defined as excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations.

To address the backlog of cases PAO, DPD, Superior Court, DJA, and District Court requested funding in Ordinance 19318. The King County Council appropriated \$42,460,000 total in one-time funding backed by federal pandemic relief funds to these agencies in July 2021. Agencies have added staff and capacity with resources from Ordinance 19318, but substantial backlogs remain as of March 31, 2022. Resources allocated in Ordinance 19318 are not intended to address ongoing needs in the legal system agencies and are only intended to address backlogs developed during the pandemic.

Agencies are using resources to increase capacity to address cases through additional trial capacity in Superior Court, additional calendars in District Court, and increased staff in PAO and DPD to prosecute and defend cases. Funds are also used to continue temporary staff funded in earlier appropriations and to provide training and support for new operational processes required by pandemic conditions.

At the time of the adoption of Ordinance 19318 in July 2021, COVID vaccines were readily available to the adult population and COVID cases in King County were low. Restrictions and public health recommendations were loosened, and some public services were returning to pre-pandemic operations. In August, the Delta variant caused a new surge in cases<sup>2</sup> and restrictions were reimplemented or never relaxed. While cases receded in the fall of 2021, the Omicron surge in late 2021 and early 2022 led to suspension of in-person Superior Court trials from December 28 to February 11 and District Court jury trials from December 29 to February 7. As of early spring, 2022, most state and local restrictions have been lifted. COVID cases began rising in late March from a low baseline. Future COVID rates and any accompanying restrictions are highly uncertain.

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<sup>2</sup> King County COVID-19 Data Dashboards [[LINK](#)].

### Report methodology

The Office of Performance, Strategy and Budget (PSB) coordinated with PAO, DPD, Superior Court, DJA, and District Court to gather data on backlog cases, staff hired, and resources expended through March 31, 2022, and to report on status and challenges addressing the backlog.

### Report requirements

#### Positions supported by Ordinance 19318

Ordinance 19318 supported 135 filled positions as of March 31, 2022. An additional 67 positions were vacant. Some positions have been filled intermittently, as agencies have experienced challenges with retention and employees hired in temporary positions have moved on to permanent positions. Agencies are also hiring for regular vacant positions open through normal attrition.

*Table 1: Positions supported by Ordinance 19318*

<b>Agency</b>	<b>Total filled positions</b>	<b>Total vacant positions</b>
District Court	10	3
DJA <sup>3</sup>	25	3
DPD	15	30
Superior Court	36	10
PAO	49	21
<b>Total</b>	<b>135</b>	<b>67</b>

#### Appropriation expended as of March 31, 2022

Agencies spent a total of \$4.7 million as of March 31, 2022, or 11 percent of the total amount appropriated in ordinance 19318. Spending has been lower than planned, primarily due to hiring and retention challenges.

*Table 2: Appropriation expended as of March 31, 2022*

<b>Agency</b>	<b>Amount expended 7/27/21 to 3/31/22</b>
District Court	\$ 307,796
DJA	\$ 549,914
DPD	\$ 631,426
Superior Court <sup>4</sup>	\$ 2,469,351
PAO	\$ 738,522
<b>Total</b>	<b>\$ 4,697,009</b>

<sup>3</sup> Includes 14 filled positions currently funded by Ordinance 19289.

<sup>4</sup> Includes costs expending in May and June 2022.

### Cases filed or to be filed in Superior Court

Pending felony criminal cases continue to exceed pre-pandemic levels for both filed and unfiled cases and criminal resolutions remain below 2019 levels. Pending eviction cases also exceed pre-pandemic levels. Most other case-types filed in Superior Court do not have backlogs that exceed pre-pandemic levels. This report includes quarterly measures of criminal and all other case types to assess progress on backlogs and to monitor whether the other case types remain at or below historical backlog levels. The most serious cases (homicides, sex crimes, robbery 1, assault 1 and 2) are the most resource intensive and statistics are reported separately for these cases at the request of Council.<sup>5</sup> Criminal backlogs affect PAO, DPD, Superior Court, and DJA. Eviction cases affect Superior Court and DJA. The PAO prioritizes violent and repeat offenses and felony-level property crime.

Reporting includes quarterly data and 2019 average measures to compare the number of current backlog cases to pre-pandemic backlog volume. Individual pending cases are not classified as pandemic-related backlog versus typical backlog and cases filed at any time are counted in backlog totals. Filed eviction cases (formally known as unlawful detainer cases) are reported by month, with historical data going back to January 2019. Unfiled case backlog is reported by PAO, and all other measures are reported by the DJA.

Table 3: Key Superior Court backlog measures

	2019 Average	Q3/21	Q4/21	Q1/22	Q1/22 Difference from 2019
Total active pending caseload <sup>6</sup>	22,869	21,128	19,567	19,610	-3,259
Criminal active pending caseload <sup>7</sup>	3,435	5,510	4,849	4,808	1,373
Most serious felony pending caseload <sup>8</sup>	948	1,532	1,478	1,501	553
Total resolutions <sup>9</sup>	12,945	11,619	10,755	10,300	-2,645
Criminal <sup>10</sup> total resolutions	1,447	1,298	1,441	1,103	-344
<i>Resolved by Jury Trial</i>	3.0%	2.50%	2.15%	1.09%	
<i>Resolved by Non-Jury Trial</i>	0.4%	0.60%	0.97%	0.18%	
<i>Resolved by Guilty Plea</i>	77.1%	57.60%	47.12%	67.54%	
<i>Dismissal</i>	19.1%	37.40%	49.27%	29.74%	

<sup>5</sup> At the 2/23/22 Budget and Fiscal Management Committee, Council requested separate reporting on Class A felonies. DJA does not have the ability to track the category of Class A felonies but does report regularly on the most serious felonies (homicides, sex crimes, robbery 1, assault 1, and assault 2). These are the cases that require the most resources to adjudicate and statistics can be compared to overall Superior Court criminal cases. This report includes separate measures on these most serious felonies. See Appendix C for specific homicide and sex crime offenses.

<sup>6</sup> Includes RALJ (appeals cases).

<sup>7</sup> Excludes RALJ (appeals cases).

<sup>8</sup> Homicides, sex crimes, robbery 1, assault 1 and 2. See Appendix C for list of homicide and sex offenses. Also included in criminal.

<sup>9</sup> Excludes matters Filed with Clerk.

<sup>10</sup> Excludes RALJ (appeals) cases.

	2019 Average	Q3/21	Q4/21	Q1/22	Q1/22 Difference from 2019
<i>Others</i>	0.5%	1.90%	0.49%	1.45%	
PAO unfiled pending cases <sup>11</sup>	1,800	2,700	2,720	2,630	830
Pending evictions (unlawful detainer)	461	505	496	571	110

#### Cases filed or to be filed in District Court

Due to data limitations and case complexity,<sup>12</sup> District Court reports it cannot provide complete data on all of its backlogged cases and backlog measures cannot be quantitatively compared to pre-pandemic volume. Infractions and small claims cases that are on hold that were filed from March 20, 2020, to March 1, 2022, when District Court began additional backlog calendars are considered pandemic-related backlogged cases, as well as the number of civil trials awaiting scheduling. PAO provided quarterly numbers of unfiled District Court criminal cases. Unfiled cases can be compared to pre-pandemic (average 2019) levels.

District Court has made progress on civil backlogged cases and on moving cases out of suspended status. Infractions and small claims backlogs have grown since Q3 2021. PAO unfiled cases have also grown, as the PAO continues to prioritize serious felony cases.

Criminal backlogs affect PAO, DPD, and District Court. Infractions requiring a hearing affect PAO and District Court. Other case types affect only District Court.

Table 4: Key District Court backlog measures

	Pre- pandemic	Q3 2021	Q4 2021	Q1 2022	Pandemic- related Backlog
Small claims backlog	N/A	2,043	N/A	2,519	2,519
Infractions backlog	N/A	4,021	N/A	6,924	6,924
Civil trials awaiting scheduling	N/A	55	N/A	40	40
Suspended Failure to Appear (FTA) warrants	N/A	3,823	N/A	77	77
Unfiled District Court criminal backlog (PAO)	830	3,000 <sup>13</sup>	3,700	4,000	3,170

#### Barriers or system challenges to addressing the backlog and new evictions

The key barriers and system challenges to addressing the backlog and new evictions identified by all agencies are:

- Challenges recruiting, hiring, and retaining qualified staff
- Continued effects of the pandemic
- Challenges addressing criminal cases, including continued increases in violent crime

<sup>11</sup> Estimate as of the end of quarter. Data limitations prevent precise reporting.

<sup>12</sup> Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

<sup>13</sup> Estimate as of the end of Q3 2021. Data limitations prevent precise reporting.

### *Next steps*

As of March 31, 2021, courts are continuing to adjust operations based on the pandemic and working to expand capacity to work through backlog cases.

Superior Court has additional judicial capacity and more criminal trials are occurring on a weekly basis than prior to the pandemic. District Court has also expanded judicial capacity and began hearing additional calendars on March 1, 2022.

As the work to reduce the backlog continues, COVID-19 safety protocols remain in place in both courts. These include mask requirements, social distancing, remote jury selection in Superior Court, enhanced ventilation in all court locations, and proper communication with jurors about their health and the court's protocols.

Resources appropriated in Ordinance 19318 are available through the end of 2022. Agencies predict it will take until at least 2025 to resolve backlogged cases and additional temporary resources will be requested in the 2023-2024 budget.

PSB will compile an additional progress report for the Executive to submit to the Council by November 14, 2022. Like this report, the November 14 report will include quarterly updates on backlog measures, as well as a list and description of positions supported by Ordinance 19318, tracking of expenditures, and identification and discussion of barriers or system challenges to addressing the backlog or addressing new convictions, as required by the Council.

The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. Temporary resources allocated in Ordinance 19318 are being used to reduce the number of pending cases in the legal system, reduce pandemic-related delays, and provide access to justice to King County residents, even as the legal system continues to grapple with operational challenges caused directly and indirectly by the pandemic. Since many parts of the legal system disproportionately affect BIPOC residents, reducing the backlog is consistent with the County's equity and social justice efforts.

Alleviating delays in the legal system during and after the COVID-19 pandemic with temporary federal resources is consistent with the Executive Branch's True North and Values and aligns with the County's priorities for allocation of federal and state COVID-19 funds, as adopted by the King County Council in Motion 15816<sup>14</sup>.

## **Background**

The pandemic-related backlog of cases in the King County legal system directly affects operations in PAO, DPD, Superior Court, DJA, and District Court.<sup>15</sup> Resources to address the backlog were appropriated to these five agencies in Ordinance 19318. While agencies have made some progress in addressing the backlog of cases, substantial challenges and barriers to resolving cases remain.

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<sup>14</sup> MOTION 15816 [\[LINK\]](#)

<sup>15</sup> Other King County legal system agencies (the Department of Adult and Juvenile Detention, King County Sheriff's Office) and social service agencies (Department of Community and Human Services and King County Public Health) are indirectly affected by case backlog but are out of scope for this and subsequent reports.

## Department Overview

### The Office of Performance, Strategy and Budget Overview

The King County Office of Performance, Strategy and Budget (PSB) provides comprehensive planning, management, budgeting, and performance assessment for King County government. PSB's work is guided by best practices in financial stewardship and performance management, which includes enhancing accountability, transparency, and integrating strategic planning, business planning, resource allocation, and continuous improvement into a systematic approach throughout the County.

PSB staff coordinated with legal system agencies to determine appropriate backlog measures, drafted report content, and will coordinate responses for submittal of two subsequent reports.

### Prosecuting Attorney's Office Overview

The King County Prosecuting Attorney's Office (PAO) employs over 500 people, including more than 260 attorneys. The PAO is led by the King County Prosecutor, who is a separately elected official.

The Criminal Division represents the state and the county in criminal matters in the King County District and Superior Courts, the state and federal courts of appeal, and the Washington and U.S. Supreme Courts. The Criminal Division is responsible for prosecuting all felonies in King County and all misdemeanors in unincorporated areas of King County.

The PAO also includes the Civil Division, which is the County's law firm; the Family Support Division, which is an integral part of the federal and state child support system; and the Juvenile Division, which handles juvenile cases.

### Department of Public Defense Overview

The Department of Public Defense (DPD) provides legal representation to adults and juveniles who have been charged with a crime and cannot afford an attorney, as well as people facing civil commitment, parents who could lose their children in a dependency action, and people seeking to vacate a past felony or misdemeanor conviction. DPD works to address racial disproportionality in the criminal legal system, the collateral consequences of system involvement, and other structural and systemic issues that undermine the rights of clients.

DPD is a part of the Executive branch and operates as an independent voice that promotes justice and equity for its clients and advocates for their objectives and interests.

### King County Superior Court Overview

King County Superior Court is King County's general jurisdiction trial court. Under the Washington Constitution and state statutes, Superior Court has responsibility for:

- Felony criminal cases
- Civil matters involving more than \$300, unlawful detainers, and injunctions
- Family law, including dissolutions, child support, adoptions, parentage, and domestic-violence protection matters
- Probate and guardianship matters
- Juvenile offender cases

- Juvenile dependencies, including abused and neglected children, children in need of services, at-risk youth, and truancies
- Mental illness and involuntary commitment matters

Superior Court operates locations at the King County Courthouse, Maleng Regional Justice Center, the Involuntary Treatment Act Court, and the Judge Patricia H. Clark Children and Family Justice Center.

Superior Court is part of the judicial branch of government. Superior Court judges are elected, and the Court is led by the Superior Court Presiding Judge.

#### [Department of Judicial Administration Overview](#)

The Department of Judicial Administration (DJA) is commonly known to the public and the bar as the Superior Court Clerk's Office or the County Clerk's Office. The department serves as the customer service office of the King County Superior Court and is responsible for:

- Maintaining the official case files, records and indexes necessary to enable the efficient administration of the court, indefinitely;
- Facilitating the public's right to record inspection;
- Managing funds deposited in the registry of the court; handling all fees, fines and other monies and performing the accounting functions related to all funds related to superior court cases.

DJA is a unique and purposefully placed department within the County's organizational structure (King County Charter 350.20.20). The department is administered by the Superior Court Clerk, a Superior Court appointed judicial branch employee, but the department is an executive branch department, and all DJA personnel are executive branch employees.

#### [King County District Court Overview](#)

King County District Court is the County's court of limited jurisdiction. The Court's legislatively-mandated jurisdiction includes:

- Misdemeanor and gross misdemeanor criminal cases
- Domestic violence, stalking, and anti-harassment protection orders
- First appearance felony bookings
- Civil cases (up to \$100,000 per claimant)
- Small claims cases (up to \$10,000)
- Name changes
- Impound hearings
- Traffic and other civil infractions
- Parking cases
- Search warrant authorizations.

King County District Court considers the above civil cases for all King County and addresses infractions and criminal misdemeanors for unincorporated King County. District Court is also contracted by 12 cities to provide infraction and misdemeanor services: Auburn, Beaux Arts, Bellevue, Burien, Carnation, Covington, Duvall, Kenmore, Redmond, Sammamish, Shoreline, and Skykomish. District Court operates courthouses in 10 facilities throughout King County: Auburn, Bellevue, Burien, Issaquah, King County Courthouse (Seattle), King County Jail (Seattle jail calendars only), Redmond, Maleng Regional Justice Center (Kent), Shoreline, and Vashon Island (one day per month).

District Court is part of the judicial branch of government. District Court judges are elected, and the Court is led by the District Court Presiding Judge.

## Context

### Factors contributing to the legal system backlog during the COVID-19 pandemic:

Beginning in late February 2020, the COVID-19 pandemic has had substantial impacts (both direct and indirect) on the legal system nationally<sup>16</sup> and in King County. This report does not attempt to attribute causation to specific contributing factors for any particular delayed legal case or to determine the extent each individual factor contributes to backlogs or reductions in pending caseloads.

Some of the factors that have directly and indirectly affected backlog volume include:

- Public health recommendations and orders directly and indirectly affecting court operations.<sup>17</sup>
- State and local judicial orders directly closing or modifying court operations.<sup>18</sup>
- Increases in serious crime (homicide, assaults with firearms/deadly weapons, sexual assaults, and domestic violence).<sup>19</sup>
- Work from home policies, social distancing, and mask requirements.<sup>20</sup>
- Employee leave and staff turnover related to pandemic health concerns, childcare responsibilities, or other pandemic-related considerations.<sup>21</sup>
- Societal and individual behavior changes occurring during the pandemic (workplace closures, social isolation, school closures, economic disruption, etc.) that may have influenced civil filings, family law filings, and criminal referrals and filings.<sup>22</sup>
- Changes in patterns of law enforcement activity and referrals and prosecutor filing decisions directly or indirectly related to the pandemic, including prioritization of some case types given

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<sup>16</sup> Thomas Reuters Institute. The Impacts of the COVID-19 Pandemic on State & Local Courts Study 2021. [\[LINK\]](#); Baldwin, J.M., Eassey, J.M. & Brooke, E.J. Court Operations during the COVID-19 Pandemic. *Am J Crim Just* 45, 743–758 (2020). [\[LINK\]](#)

<sup>17</sup> Recommendations and orders issued by Public Health Seattle & King County, the Washington State Department of Public Health, and the Centers for Disease Control.

<sup>18</sup> The State Supreme Court Order Regarding Court Operations provides guidance for all courts on prioritization, use of video and other remote hearings, and where courts can exercise discretion. As of October 30, 2021, the most recent order was the fourth revised and extended order issued October 13, 2020. [\[LINK\]](#). The Supreme Court State of Emergency allows individual courts to set safety guidelines and protocols and encourages consistency with State and local public health guidance. King County Superior Court has issued numerous emergency court orders describing operations during the pandemic, available on the Court’s website [\[LINK\]](#). King County District Court’s emergency orders are available on its website. [\[LINK\]](#).

<sup>19</sup> The number of pending more serious offenses (homicide, rape, domestic violence, robbery, shootings) increased from 1,700 such cases pre-COVID to an estimated 2,700 in June 2021. [\[LINK\]](#). Additionally, PAO reports the total number of shots fired incidents in 2021 (1,405) was up 70% compared to the previous four-year average (2021 Year End King County Firearm Violence Report).

<sup>20</sup> Executive Branch staff was mandatory work from home from March 3, 2020 to July 5, 2021.

<sup>21</sup> Expanded Paid Administrative Leave was available to King County employees from April 2020 to June 2021. *King County Coalition of Unions COVID MOA January 6, 2021*.

<sup>22</sup> For a review of patterns of criminal incidents and arrests early in the pandemic see COVID and crime: An Early Empirical Look [\[LINK\]](#).

limited capacity, reduced law enforcement capacity, and new police accountability bills that went into effect in July 2021.<sup>23</sup>

- Policy and operational changes in legal system agencies (both direct adjustments to adapt to social distancing requirements, such as increased use of video court, and changes that may have occurred regardless of the pandemic). These changes increased access to the legal system in some circumstances and decreased it in others.
- Legal changes including, but not limited to, the Blake decision,<sup>24</sup> which found the state law that made it a felony to possess illegal drugs unconstitutional.<sup>25</sup>
- National, State, and local eviction moratoriums and implementation of programs to support landlords and renters.<sup>26</sup>
- Labor market conditions resulting in challenges recruiting and retaining qualified staff.

This pandemic-related backlog is not unique to King County. Other jurisdictions have seen similar issues.<sup>27</sup>

#### [Pandemic operations: challenges and adaptations](#)

During the pandemic, agencies have implemented new policies and operational procedures to keep employees and legal system participants safe and to continue operations to the extent possible.

The King County legal agencies carry out numerous legal responsibilities for the residents of King County. There are many civil and criminal case types, each with their own set of processes, which may vary based on individual characteristics of the case and the parties involved. Case types with significant pandemic-related backlogs are: Superior Court felony cases; District Court misdemeanor and expedited

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<sup>23</sup> H.B. 1310 [\[LINK\]](#) and H.B. 1054 [\[LINK\]](#)

<sup>24</sup> State of Washington v. Shannon B. Blake [\[LINK\]](#).

<sup>25</sup> The Blake decision resulted in dismissal of cases in early 2021, reducing overall criminal backlog. Resources to address the additional workload of vacations, resentencing, and Legal Financial Obligation refunds were appropriated in PAO, DPD, Superior Court, DJA, and District Court budgets in Ordinance 19319.

<sup>26</sup> See Washington Law Help for a summary of current Washington State rental protections. Note: as of March 31, 2022 this website had not been updated since November 2, 2021. [\[LINK\]](#).

<sup>27</sup> Examples from [Texas](#), [Arizona](#), [Alabama](#), [Idaho](#), and [Florida](#).

felony cases, infractions, small claims, and civil cases. Additionally, unlawful detainer cases (evictions), which are filed in Superior Court, were largely suspended in 2020 and 2021. The state eviction moratorium expired June 30, 2021, though some protections remained in place until October 31, 2021 and city-level moratoriums

### Overview of Superior Court case types with pandemic-related case impacts

#### Felony criminal cases

In a criminal case, the PAO receives a referral from law enforcement, reviews evidence, and makes a filing decision. If PAO determines felony criminal charges are warranted, they file a case in Superior Court. Once cases are filed, Superior Court and DJA have judicial and administrative responsibility for the cases. For indigent criminal defendants, DPD provides legal representation starting at first appearance for in-custody defendants and at filing for out-of-custody defendants.

Most felony cases require several Superior Court appearances to reach resolution: an arraignment/bond hearing, a case scheduling hearing, a plea hearing or trial, and a sentencing. Additional hearings (e.g., criminal motions hearings, or omnibus hearings for cases headed to trial) are scheduled as needed. If defendants do not appear at scheduled hearings, the Court may issue a warrant. During the pandemic, issuance of warrants was largely suspended by the Washington State Supreme Court.

PAO and DPD attorneys and support staff prepare cases for hearing and trials and negotiate plea deals. The PAO has significant prosecutorial discretion on which criminal cases to file and whether to direct cases to pre- or post-filing diversion programs, including therapeutic courts.<sup>1</sup>

#### Unlawful Detainers (Evictions)

The legal action brought to obtain an eviction in Superior Court is called an unlawful detainer. Eviction case volume has been low throughout the pandemic due to national, state, and local eviction moratoriums and other efforts to minimize pandemic impacts on housing. The state eviction moratorium was lifted on June 30, 2021, but some state protections remain in place until October 31, 2021. Some cities, including Seattle, had local protections that lasted longer. In addition to moratoriums, programs to prevent evictions include the Eviction Resolution Program (ERP) which provides trained Eviction Resolution Specialists to mediate rental disputes prior to an eviction lawsuit, and King County's Eviction Prevention & Rental Assistance Program (EPRAP), which financially assists tenants and landlords impacted by the pandemic using a variety of federal, state, and local resources.

remained in place longer.<sup>28</sup> There were more pending eviction cases as of March 31, 2022 than pre-pandemic, though average monthly filings remain below pre-pandemic levels.

King County's Eviction Prevention and Rental Assistance Program (EPRAP) provides financial assistance to King County residents behind in rent and utility payment. EPRAP stopped taking new applications for assistance on February 28, 2022. EPRAP's first iteration provided rent assistance to 11,631 households from August 2020 to June 2021 and EPRAP 2.0 provided rent assistance to 22,647 households as of March 21, 2022.

Backlog measures of case types that do not have current pandemic-related backlogs are also reported to monitor whether backlogs are addressed without increasing backlogs in other case types.

The section below provides an overview of some of the operational challenges and adaptations in each agency prior to the allocation of funds in Ordinance 19318.

### *Superior Court*

Superior Court follows State Supreme Court Emergency Orders and has consulted with University of Washington epidemiologists in determining operational processes and policies during the pandemic. Public health considerations resulted in complete trial shutdown of the Superior Court criminal department twice, for a combined period of over nine months. With the exception of emergency functions, many Court operations suspended in March 2020. Starting in at the onset of the pandemic, the Court implemented radical changes in business practices, partly made possible through federal resources allocated to the Court's budget.<sup>29</sup> Implementation of new processes and installation of video equipment allowed the court to hold dependency, family law and civil trials remotely. The Court has received national recognition for holding civil trials during the pandemic, including civil jury trials,<sup>30</sup> which were held at the Meydenbauer Convention Center to allow for socially distanced operations from August 2020 to July 2021. As a result of adaptations to operations and filing trend changes due to pandemic conditions, most Superior Court civil case types do not have a backlog relative to pre-pandemic volumes of pending cases.

More recently, Superior Court suspended in-person trials from December 28, 2021 to February 11, 2022. (Emergency Orders 34 and 35) due to the Omicron surge. Pre-trial criminal hearings such as arraignments and omnibus hearings, and other criminal matters such as plea hearings and sentencings were not interrupted by the trial suspension. Civil, family law and juvenile matters, including trials and hearings, continued to occur remotely, and also were not interrupted. Judicial resources were temporarily reassigned to these matters since criminal trials were suspended. The court's hours were not changed and there were no staffing impacts as a result of this criminal trial suspension. The Omicron surge severely affected operations at the jail, which made it difficult to attorneys to meet with clients, delaying hearings.

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<sup>28</sup> Seattle's moratorium expired February 28, 2022, though some protections remain. Other cities also offered protections, with varying expiration dates.

<sup>29</sup> Superior Court is working on a State Justice Institute-funded grant-funded study with a nationally recognized consultant to document and assess pandemic-related operational changes in order to determine which practices should be maintained post-pandemic.

<sup>30</sup> Law 360 Demystifying the Virtual Civil Jury Trial Experience. [\[LINK\]](#)

While operational changes and investments in new technology allowed many court functions to resume operating remotely, criminal hearings and trials mostly remained in-person. All parties must agree to video court for criminal proceedings. The result of closures and limited capacity under new business practices is a large backlog of thousands of criminal trials with serious charges such as homicide, sexual assault, and assaults with a weapon. Without additional resources, Superior Court could only address the criminal backlog by diverting resources from the Court's Civil and Family Law Departments to try only criminal cases, thereby limiting access for those who seek justice for things like discrimination, personal injury, dissolution, or child custody.

The Court successfully added seven judicial officers with funding from Ordinance 19318 and has increased the number of weekly trials from roughly 12 per week pre-pandemic to 15 or more per week. However staffing challenges and continued pandemic-related restrictions have prevented full utilization of resources.

#### *DJA*

DJA's employees have followed a combination of executive branch policies and Superior Court mandates during the pandemic. DJA staff were ordered to work remotely wherever possible, but the offices remained open and in-person customers were helped at all times during the pandemic. DJA also provided clerks for all court hearings, in a mix of remote and in-person proceedings, at all regular locations plus Meydenbauer.

Funding allocated in Ordinance 19318 for DJA funds additional staff to support the temporary judges and commissioners hired by Superior Court to handle the increased caseloads, to support expanded services, and to purchase necessary hardware and software.

#### *PAO*

The PAO has implemented policies and operational changes that follow health experts' advice, guidelines, and recommendations to address the COVID-19 pandemic. While work was continued remotely, the PAO's reduced in-court staff and other operational changes to mitigate COVID-19 health risks, coupled with reduced court proceedings due to the COVID-19 public health emergency, have had very serious and negative impacts on the daily operations of the PAO, especially in the Criminal Division.

Ordinance 19318 funds additional staffing, equipment, services, and software licenses to increase capacity in PAO to address backlog cases including both currently filed cases and cases that have been referred to the PAO by law enforcement but not yet reviewed to determine whether the filing of charges is appropriate.

#### *DPD*

DPD is assigned clients when PAO files criminal cases against indigent defendants. Court closures and restrictions in activities delay case resolution and, in some cases, result in DPD clients remaining in custody awaiting trial or other resolution. DPD follows executive branch policies regarding pandemic operations.

DPD operates using a staffing model that incorporates caseload standards that dictate the number of cases an attorney may be assigned within a rolling year and/or have open at any given time; through application of those formulas, biennial predictions of case filings determine DPD's attorney staffing

level, and non-attorney staffing levels are determined by attorney:staff ratios developed in reference to Washington State Court Rules, Washington State Bar Association guidelines, labor agreements, and DPD practice standards. The PAO's intention to file and prosecute new and existing "backlogged" cases and Superior Court's temporary increase in trial capacity mean that DPD will also need to increase its resources and staffing to adjust to the increased workload. Funding in Ordinance 19318 allows DPD to hire staff to appropriately to meet the increased workload as PAO and Superior Court move a greater volume of cases forward.

Additional system funding could result in more cases being filed, which disproportionately affects Black, Indigenous, and People of Color (BIPOC) communities. As of March 31, 2022, overall criminal filings were below historical averages.<sup>31</sup>

As of March 31, 2022, DPD reports significant challenges recruiting and hiring skilled and experienced staff, which are necessary given the serious nature of the cases they will be staffing.

#### *District Court*

All aspects of District Court's operations have been affected by the pandemic. Criminal misdemeanor and expedited felony cases, infractions, and small claims cases have substantial pandemic-related backlogs.

Like Superior Court, District Court implemented new operational procedures to conduct as much business as possible given social distancing requirements and other restrictions on normal operations. All District Court courtrooms have equipment to conduct remote or partially remote hearings via video. Remote hearings take more time than in-person hearings, limiting the number of cases that can be

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<sup>31</sup> PAO filing dashboard [\[LINK\]](#)

heard on any scheduled calendars.<sup>32</sup> The Court has prioritized addressing criminal cases<sup>33</sup> and handling caseload for its 13 contract cities. Given limited capacity, the PAO has not prioritized filing District Court cases during the pandemic and there is a sizable backlog of unfiled District Court cases.

Infractions, small claims, and civil cases have been most affected by pandemic-related capacity challenges. Infraction cases may be dismissed due to lack of PAO discovery as more serious cases have been prioritized by the PAO and the court's inability to set hearings due to social distancing and other pandemic-related constraints. Criminal filings may increase sharply if the PAO changes filing practices.

District Court has also increased workload for the jury summons process. District Court is summoning 72,000 jurors per year during the pandemic compared to 14,000 per year pre-pandemic. This is due partly to the Superior Court no longer handling some summons and partly to the reduced yield of summons due to the pandemic.

District Court funding in Ordinance 19318 is used to expand the Court's capacity. While evening calendars were initially planned, logistical and staffing difficulties led the court to implement additional calendars within normal business hours at two courthouses. Two commissioners were hired and began hearing cases on March 1, 2021.

The Dispute Resolution Center's (DRC's) contract was suspended between January 1 and August 23, 2021 due to funding constraints and had to be re-negotiated to add in federal contract language. This process slowed the court's ability to begin having DRC mediate cases until the contract was completed. DRC is now mediating cases. DRC has its own barriers to hiring qualified individuals to mediate cases and are unable to expand its resources currently slowing the courts ability to move cases. This has significantly affected the court tackling the small claims backlog.

<sup>32</sup> A National Center for State Courts study found remote hearings take 34% longer than in-person hearings. [\[LINK\]](#)

### Overview of District Court case types with pandemic backlogs Misdemeanor and expedited felony criminal cases

The PAO directs misdemeanor and expedited felony cases to the PAO District Court unit or municipal prosecutors, who then make filing decisions for criminal charges in District Court (cases in unincorporated King County and District Court contract city prosecutors) or municipal courts (other city cases). District Court criminal cases may have a shorter time to resolution and involve fewer hearings than felony cases. However, District Court also retains jurisdiction for cases after resolution, including managing probation.

In addition to misdemeanors and expedited felonies, District Court judges also hear first appearance calendars for in-custody defendants, where bail and conditions of release are set.

PAO attorneys prosecute expedited felony cases and misdemeanor offenses occurring in unincorporated King County. DPD represents indigent defendants in those cases. Prosecution and defense for District Court's contract cities are not handled by King County attorneys.

### Infractions

Infractions are violations of traffic statutes, laws, or ordinances that are not punishable by a jail sentence and are direct filed into District Court by law enforcement. PAO represents the state for contested cases in unincorporated King County at hearings. Uncontested infractions are handled without a court hearing, and DPD does not provide representation for infractions as representation is not a right for these cases.

### Small Claims

Small claims cases are heard in District Court and involve disputes of \$10,000 and under. Petitioners are encouraged to settle cases in mediation before trial. District Court coordinates with a non-profit, the Dispute Resolution Center of King County (DRC), to offer mediation. Cases that do not settle include a pre-trial hearing and a trial hearing.

### Civil Cases

Most civil cases involve two private parties, who may be represented by private attorneys. District Court handles most civil disputes involving under \$100,000.

District Court paused jury trials from December 29 to February 7, 2022, during the Omicron surge.<sup>34</sup>

### *Ongoing effects of the pandemic*

At the time of the adoption of Ordinance 19318 in July 2021, COVID vaccines were readily available for adults and COVID cases in King County were low. Restrictions and public health recommendations were loosened, and some public services were returning to pre-pandemic operations. In August, the Delta variant caused a new surge in cases<sup>35</sup> and restrictions were reimplemented or never relaxed. While cases receded in the fall of 2021, the Omicron surge in late 2021 and early 2022 interrupted the resumption of normal operations. As of March 31, COVID cases were low, but rising, and most state and local restrictions have been lifted. Both Superior and District Court continue to enforce mask mandates inside courtrooms.<sup>36</sup>

### *Federal resources*

King County received federal funds to respond to the COVID-19 pandemic from the 2020 Coronavirus Aid, Relief, and Economic Security (CARES) Act, which funded the Coronavirus Relief Fund (CRF), and the 2021 American Rescue Plan Act (ARPA)<sup>37</sup>, which funded the Coronavirus Local Fiscal Recovery Fund (CLFR).

CARES was signed into law on March 27, 2020. Section 5001 of CARES created the Coronavirus Relief Fund (CRF) providing relief to state and local governments. The Consolidated Appropriations Act was signed into law on December 27, 2020, continuing and expanding programming.<sup>38</sup> King County was allocated \$530 million of CRF to navigate the impact of the COVID-19 outbreak.<sup>39</sup>

ARPA was signed into law on March 11, 2021. Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 603, which establishes the Coronavirus Local Fiscal Recovery Fund (CLFR). King County was provided a CLFR distribution directly by the U.S. Treasury and is empowered to utilize this funding for costs associated with responding to the COVID-19 public health emergency and its negative economic impacts.<sup>40</sup>

CLFR resources may be used through the end of 2024.

### *Previous Federal resources for legal system*

Prior to backlog resources allocated in Ordinance 19318, the Council appropriated funds to these agencies primarily to enable continuation of work to the extent possible throughout the pandemic while complying with public health requirements and recommendations.

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<sup>33</sup> The PAO has prioritized filing District Court cases that involve DUIs, Domestic Violence, and non-property crimes against persons.

<sup>34</sup> District Court Emergency Administrative Order No. 15-2021

<sup>35</sup> King County COVID-19 Data Dashboards [\[LINK\]](#)

<sup>36</sup> District Court Emergency Administrative Order No. 16-2022. Superior Court Emergency Order 19, Emergency Orders 32, and Emergency Order 36. [\[LINK\]](#)

<sup>37</sup> H.R. 1319 – 117<sup>th</sup> Congress. [\[LINK\]](#)

<sup>38</sup> U.S. Department of the Treasury About the CARES Act and the Consolidated Appropriations Act. [\[LINK\]](#)

<sup>39</sup> King County Performance, Strategy & Budget COVID-19 Response and Recovery Budget Webpage. [\[LINK\]](#)

<sup>40</sup> U.S. Department of the Treasury. Coronavirus State and Local Fiscal Recovery Funds Webpage. [\[LINK\]](#)

\$1,336,992 was appropriated in Ordinance 19289 to the PAO specifically to address growing backlog through increased resources in the areas such as the Early Plea Unit, Decline Screens, and a project to address failure to appear (FTA) warrants.

Other resources previously appropriated include funding for video equipment and installation in both Superior and District Court, costs to operate civil trials at Meydenbauer Convention Center, resources to backfill staff out on COVID leave, and laptop computers and facilities changes to allow remote and socially distanced work.

Total federal relief amounts appropriated prior to Ordinance 19318, by agency:<sup>41</sup>

*Table 5: Federal pandemic funding prior to Ordinance 19318*

<b>Agency</b>	<b>2020</b>	<b>2021</b>	<b>Total</b>
District Court	\$1,627,810	\$2,644,269	\$4,272,079
DJA	\$437,676	\$1,008,025	\$1,445,701
PAO	\$200,000	\$1,336,992	\$1,536,992
Public Defense	\$0	\$145,021	\$145,021
Superior Court	\$6,198,425	\$5,786,839	\$11,985,264
<b>Total</b>	<b>\$8,463,911</b>	<b>\$10,921,146</b>	<b>\$19,385,057</b>

#### *Ordinance 19318 resources*

On July 27, 2021, the King County Council passed Ordinance 19318 amending the original biennial budget, and authorizing reasonable and necessary expenditures necessary to prevent, prepare for, mitigate against, and respond to COVID-19 and incurred due to the COVID-19 public health emergency funding. The ordinance included a total of \$42,460,000 for PAO, DPD, Superior Court, DJA, and District Court.

Some of the resources funded in Ordinance 19318 are a continuation of funding allocated in Ordinance 19289.

The Council appropriated resources as follows:

*Table 6: Summary of Ordinance 19318 legal system funding*

<b>Agency</b>	<b>Description</b>	<b>Amount</b>
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<sup>41</sup> Amounts are the appropriated amounts, not necessarily the expended totals. Expenditures are generally backed by federal revenue from ARPA and CARES, but actual funding sources vary slightly depending on eligibility and timing. These figures do not include grants received by Superior Court, DJA, and District Court from the Administrative Office of the Courts. Superior Court includes costs for Meydenbauer budgeted in the Facilities Management Division. See Ordinance 19120 [\[LINK\]](#), Ordinance [\[LINK\]](#), Ordinance 19191 [\[LINK\]](#), Ordinance 19265 [\[LINK\]](#), and Ordinance 19289 [\[LINK\]](#).

SUPERIOR COURT	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support a total of 4 judicial officers for trials, 2 judicial officers for plea courts, 1 judicial officer for the impending rush of evictions post moratorium, the positions to support the new judicial officers, more jurors, and more interpreters for a larger number of courts, positions to support technology, technology training and usage standardization for new officers, space in Kent for Family Law judges, and important website modifications to provide better communication to the public. This would also add support for family law and pro se litigants including 1 family law commissioner, 1 family law coordinator, and positions to provide additional services in family law facilitators, family court services, contracted dependency CASA attorneys and early resolution case management, and 0.40 TLT equivalent evictions officer in Kent. It would also provide funding to redesign intranet and SharePoint sites for training needs.	\$10,896,000
JUDICIAL ADMINISTRATION	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support additional judicial officers, IT positions to assist with new technology, a position to train new and existing staff on new technology and standardize practice, and customer triage and assistance in navigating new and changed processes to court litigants and domestic violence victims. This would also support the positions needed to support 6 judicial officers for trials and plea court, 1 judicial officer for Ex Parte, and continued family law support. This would also support positions to support the new technology, funding for software for exhibit handling, funding for increasing network capacity/speed on the sixth floor, a trainer to assist with training new and existing staff on new technology and new procedures and processes implemented and customer service staff to assist customers in using new services/methods, including domestic violence victims and a virtual protection order office.	\$3,643,000
DISTRICT COURT	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic. Support night courts in Bellevue, Shoreline, and Burien three night per week, hire 6 judicial officers and the support staff, hire TLT jury management staff, process small claims cases, fund the Dispute Resolution Center, offer protection orders in night court, and fund overtime as required by collective bargaining agreements. It would also provide funds to support additional facilities and security costs.	\$4,398,000
PROSECUTING ATTORNEY	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic.	\$12,862,000
PUBLIC DEFENSE	Address the court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic.	\$10,661,000

Resources are available through the end of 2022. Specific uses of funds have changed as agencies developed operational plans to best address the backlog while adhering to ongoing public health restrictions and recommendations. Agencies predict it will take at least three years to resolve backlogged cases and additional temporary resources will be requested in the 2023-2024 budget.

Resources allocated in Ordinance 19318 are not intended to address ongoing needs in the legal system agencies and are only intended to address backlogs developed during the pandemic. Funding for some of the functions currently supported by Ordinance 19318 may be requested by agencies in the 2023-2024 budget.

### Report methodology

The Office of Performance, Strategy and Budget (PSB) coordinated with PAO, DPD, Superior Court, DJA, and District Court to gather data on backlog cases and resources expended through March 31, 2022, and to report on status and challenges addressing the backlog.

This report provides a progress update on the legal system backlog, defined in the first report as: Excess pending cases above pre-pandemic levels affecting PAO, DPD, Superior Court, DJA, and District Court operations. The backlog measures:

1. Assess progress in working through the pandemic-related backlog of cases
2. Monitor potential increases in case-types that currently did not have backlogs as of October 30, 2021
3. Assess progress on new eviction cases filed after the end of eviction moratoriums

Information on positions hired, appropriation expended, and challenges and barriers to addressing the backlog provides context for future decisions on resources to address the backlog.

DJA, District Court, Superior Court and PAO provided case measures, staffing and appropriation expended data, and narrative descriptions of barriers and challenges. PSB compiled and synthesized information. All the above agencies provided feedback and review of the report contents. The Department of Adult and Juvenile Detention (DAJD) reviewed and provided feedback on information related to DAJD staffing.

## Report Requirements

### A. Positions supported by Ordinance 19318

- A. A list of positions supported by this ordinance (Ordinance 19318) for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court, by job type, the number of those positions that are vacant and the hire dates for all filled positions in the period covered by the report and the total since the July 27, 2021,

Agencies have a total of 135 filled positions and 67 vacancies that are currently funded by Ordinance 19318 or will be funded by Ordinance 19318 when other federal revenue-backed appropriation is used up.

Table 7: Summary of COVID 8 Positions

Agency	Total filled positions	Total vacant positions
District Court	10	3
DJA <sup>42</sup>	25	3

<sup>42</sup> Includes 14 filled positions currently funded by Ordinance 19289.

DPD	15	30
Superior Court	36	10
PAO	49	21
<b>Total</b>	<b>135</b>	<b>67</b>

Agencies employ differing strategies in type and funding structure for these staff. Most positions are Term Limited Temporary (TLT) positions. In DPD, Ordinance 19318 funding reversed a planned FTE reduction, so many of the positions are FTEs. Many of the PAO positions are also FTEs. Fourteen of the 30 FTE positions are on special duty and are expected to return to their regular positions, while 16 are expected to move into vacant FTE positions funded in the regular budget when the federally funded appropriation expires. In DJA, positions that were initially funded in Ordinance 19289 have continued to be billed to that appropriation but will be supported by Ordinance 19318 when previous funding runs out.

Some positions have been filled intermittently, as agencies have experienced challenges with retention and employees hired in temporary positions have moved on to permanent positions. Agencies are also hiring for regular vacant positions open through normal attrition.

#### B. Appropriation expended as of March 31, 2022

*B. How much of the appropriation for district court, the department of judicial administration, the prosecuting attorney's office, the department of public defense and superior court this ordinance (Ordinance 19318) has been expended as of the final day of the reporting period and the total since the July 27, 2021,*

Agencies spent a total of \$4.7 million as of March 31, 2022, or 11 percent of the total amount appropriated in Ordinance 19318. Agencies have employed slightly different strategies in filling vacancies and variable challenges with recruitment and retention, leading to different rates of spending. Most funds are going towards temporary staff and agencies have generally increased spending in recent months as more staff are hired. Some agencies are also still using funds appropriated in Ordinance 19289.

*Table 8: Appropriation expended as of March 31, 2022*

Agency	Expended 7/27/21 to 3/31/22	Percent of appropriated amount
District Court	\$ 307,796	7%
DJA	\$ 549,914	15%
DPD	\$ 631,426	5%
Superior Court	\$ 2,469,351	23%
PAO	\$ 738,522	7%
<b>Total</b>	<b>\$ 4,697,009</b>	<b>11%</b>

### Backlog cases as of March 31, 2022

Pandemic-related legal system backlog is defined as:<sup>43</sup>

#### **Excess pending cases above pre-pandemic levels affecting PAO, DPD, DJA, Superior Court, and District Court operations**

Each agency's workload is driven by different case types and cases at different stages in the legal system. For the purposes of tracking progress towards resolving current pending cases and avoiding delays in resolving new cases, this report provides measures of pending case volume (both filed cases and unfiled cases referred to the PAO) and volume of resolutions. The backlog measures assess the rate at which current legal system operations are resolving cases and whether there are changes in total backlog volume. Superior Court backlog is compared to a reference period of pre-pandemic volume. District Court has more limited data retention and reporting policies and capabilities. Backlog tracking and reporting for those cases does not include a baseline comparison, except for unfiled criminal cases, as reported by PAO.

As described in the background section, many factors contribute to case backlogs. This report does not attempt to identify the specific causes for delays in processing individual cases nor to determine the extent that each factor contributes to backlogs. Similarly, resources allocated in Ordinance 19318 are intended to result in increased resolutions and reductions in pending backlog and to prevent new backlogs in other case types, but other factors unrelated to new resources also influence the number of resolutions and pending cases. These include policy and operational changes, trends in civil filings and law enforcement referrals, and continued public health-related recommendations and restrictions.

While progress has been made on some backlog measures since September 2021, continued pandemic-related challenges and other barriers have prevented progress in other areas.

#### C. Superior Court case pandemic-related backlog measures<sup>44</sup>

*C. For superior court cases, the number of backlog cases as defined in the first report, and the number of backlog cases resolved, by charge and type of resolution,*

Superior Court case pandemic-related backlog is the number of pending cases filed in Superior Court exceeding pre-pandemic volume. All active cases<sup>45</sup>, regardless of filing date, are counted from the time of filing to the time of reporting. The pre-pandemic reference period is 2019 (average of four quarters).<sup>46</sup>

In addition to filed cases, the criminal felony backlog also includes unfiled felony referrals from law enforcement awaiting PAO filing decision. Unfiled criminal backlog is reported separately from filed backlog. While there may be delays in civil filings related to the pandemic, unfiled civil cases are

<sup>43</sup> This definition is used for the purposes of this and subsequent reports, specifically in the context of the COVID-19 pandemic. Legal agencies use the term "backlog" in different ways. DJA and Superior Court only use "backlog" in the context of criminal cases.

<sup>44</sup> Includes adult felony referrals and adult criminal and civil filed in Superior Court. Does not include expedited felonies addressed in District Court.

<sup>45</sup> Cases are active if they do not have a disposition and they are not in an inactive status (for example on warrant).

<sup>46</sup> The pre-pandemic reference period is not intended to represent an ideal number of pending cases.

generally not handled by King County legal system agencies. Unfiled civil backlog is not reported in this or subsequent reports.

At the request of Council, this report also provides serious felonies backlog measures separately.<sup>47</sup> These are homicides, sex crimes, robbery 1, and assault 1 and 2. These most serious cases are prioritized for filing, so unfiled backlog is not reported.

Filed criminal felony cases reflect workload for PAO, DPD, DJA, and Superior Court. Unfiled cases reflect workload for the PAO. While most defendants are represented by DPD attorneys, the PAO estimates ten to 35 percent of cases are represented by private attorneys.<sup>48</sup> Criminal backlog numbers do not disaggregate private counsel cases. Most civil cases reflect workload in Superior Court and DJA only.<sup>49</sup> PAO reports statistics for specific criminal case types on its publicly available data dashboard with a comparison to pre-pandemic averages using slightly different calculations than Superior Court statistics.<sup>50</sup>

The below tables include quarterly values from Q2 2021 through Q1 2021 (March 31, 2021). The third report will include quarterly values through Q3 2022 (September 30, 2022) and will be transmitted to Council November 14, 2022.

Monthly evictions (unlawful detainer) case filings are reported beginning January 2020. Trends in these cases are assessed relative to the end of state and local eviction moratoriums and other restrictions.<sup>51</sup> Unlawful detainer filings are higher in the first quarter of 2022 than in 2020 and 2021 but remain much lower than pre-pandemic volume. Pending unlawful detainer cases exceed pre-pandemic levels due to challenges described in section E.

#### **Superior Court cases backlog measures:**

1. **Active pending caseload**,<sup>52</sup> by case type, reported by quarter, compared to pre-pandemic volume

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<sup>47</sup> At the 2/23/22 Budget and Fiscal Management Committee, Council requested separate reporting on Class A felonies. DJA does not have the ability to track the category of Class A felonies, but does report regularly on the most serious felonies (homicides, sex crimes, robbery 1, assault 1, and assault 2). These are the cases that require the most resources to adjudicate and statistics can be compared to overall Superior Court criminal cases. This report includes separate measures on these most serious felonies. See Appendix C for specific homicide and sex crime offenses.

<sup>48</sup> Parity between the Prosecuting Attorney's Office and the Department of Public Defense Proviso Response, 2019. [\[LINK\]](#)

<sup>49</sup> Parentage and Involuntary Treatment Act cases are civil cases and DPD and PAO attorneys staff those case types.

<sup>50</sup> PAO Data Dashboard. [\[LINK\]](#)

<sup>51</sup> While the statewide eviction moratorium ended on June 30, 2021, on September 21, Jay Inslee extended the state eviction moratorium "bridge" through October 31, 2021 (Emergency Proclamation by the Governor Amending Proclamations 20-05 and 21-09: 21-09.01 Tenancy Preservation – A Bridge to E2SSb5160. [\[LINK\]](#) and Mayor Jenny Durkan extended the City of Seattle's moratorium on residential, small business, and non-profit commercial tenants through January 15, 2022 (Executive Order 2021-07:COVID Civil Extension of City Closures and Relief Measures. [\[LINK\]](#) Mayor Bruce Harrell extended the Seattle moratorium through February 28. [\[LINK\]](#)

<sup>52</sup> Filed cases. Data as reported in Table 4 of the King County Superior Court Quarterly Statistical Reports. Full statistics available on the DJA website. [\[LINK\]](#) Note that PAO also reports open pending cases on its data

Table 9: Superior Court active pending caseload

Reporting Category	2019 Average	Q3/21	Q4/21	Q1/22	Q1/22 Difference in Pending from 2019
Total <sup>53</sup>	22,869	21,128	19,567	19,610	-3,259
Criminal <sup>54</sup>	3,435	5,510	4,849	4,808	1,373
Most Serious Felonies <sup>55</sup>	948	1,532	1,478	1,501	553
Civil	8,674	6,974	6,234	6,164	-2,510
Domestic	4,477	4,526	4,317	4,270	-207
Probate	1,237	1,285	1,339	1,355	118
Guardianship	388	491	505	348	-40
Adoption	196	269	260	272	76
Parentage	248	258	255	231	-17
Involuntary Treatment Act <sup>56</sup>	235	428	535	633	398
Juvenile Dependency	563	249	241	279	-284
Juvenile Termination	257	278	248	224	-33
Other Juvenile <sup>57</sup>	109	109	120	102	-7
Juvenile Truancy	2,306	361	307	625	-1,681
Juvenile Offender	570	319	286	233	-337
Unlawful detainer (evictions) <sup>58</sup>	461	505	496	571	110

As shown in Table 9, most civil cases are at or below pre-pandemic levels and do not have a backlog. These cases have generally proceeded remotely, even when pandemic conditions have slowed criminal resolutions. Juvenile cases do not have a pandemic-related backlog.

While overall pending filed caseload is lower than baseline levels, the number of criminal pending cases was 40 percent higher at the end of March 2022, compared to baseline levels and the number of the most serious felonies<sup>59</sup> was 37 percent higher. These are the most resource-intensive cases.

dashboard. [\[LINK\]](#) Those numbers differ slightly from DJA numbers due to slightly different criteria used to define open cases.

<sup>53</sup> Includes RALJ (appeals cases).

<sup>54</sup> Excludes RALJ (appeals cases).

<sup>55</sup> Homicides, sex crimes, robbery 1, assault 1 and 2. Also included in criminal. See appendix C for a full list of homicide and sex offenses.

<sup>56</sup> Civil commitment.

<sup>57</sup> Juvenile At Risk Youth, Child in Need of Service, others.

<sup>58</sup> Unlawful detainers are also included in civil counts.

<sup>59</sup> Homicides, sex crimes, robbery 1, assault 1 and 2. See appendix C for a full list of homicide and sex offenses.

2. **Number of cases resolved and resolution category,**<sup>60</sup> by case type, reported by quarter, compared to pre-pandemic volume

While criminal resolutions approached pre-pandemic volume in fourth quarter 2021, resolutions were lower in the first quarter of 2022, reflecting delays associated with the Omicron surge and other challenges described in section E. Resolutions for the most serious felonies have remained substantially below pre-pandemic levels, though steadily increased over the last three quarters. Resolution volume for most serious felonies was about 20 percent lower in the first quarter of 2022 than in 2019. Resolution data for all case types is available on the DJA website.<sup>61</sup>

A lower proportion of cases were resolved through guilty pleas in recent quarters, compared to 2019 resolutions. Pleas require fewer resources than trials. Many of the challenges and barriers described in section E contribute to the lower proportion of guilty pleas.

*Table 10: Superior Court criminal cases resolved and resolution category*

<b>Reporting Category</b>	<b>2019 Average</b>	<b>Q3 2021</b>	<b>Q4 2021</b>	<b>Q1 2022</b>
Total Resolutions <sup>62</sup>	12,945	11,619	10,755	10,300
Criminal <sup>63</sup> Total Resolved	1,447	1,298	1,441	1,103
<i>Resolved by Jury Trial</i>	3.0%	2.5%	2.15%	1.09%
<i>Resolved by Non-Jury Trial</i>	0.4%	0.6%	0.97%	0.18%
<i>Resolved by Guilty Plea</i>	77.1%	57.6%	47.12%	67.54%
<i>Dismissal</i>	19.1%	37.4%	49.27%	29.74%
<i>Others</i>	0.5%	1.9%	0.49%	1.45%
Most Serious Felonies <sup>64</sup> Total Resolved	365	207	232	290
<i>Resolved by Jury Trial</i>	6.37%	7.73%	3.02%	6.90%
<i>Resolved by Non-Jury Trial</i>	0.14%	0.97%	0.00%	0.00%
<i>Resolved by Guilty Plea</i>	78.90%	71.50%	81.47%	78.97%
<i>Dismissal</i>	14.04%	19.32%	13.79%	12.76%
<i>Others</i>	0.55%	0.48%	1.72%	1.38%

<sup>60</sup> Data as reported in Table 2 of the King County Superior Court Quarterly Statistical Reports. Full statistics available on the DJA website. [\[LINK\]](#)

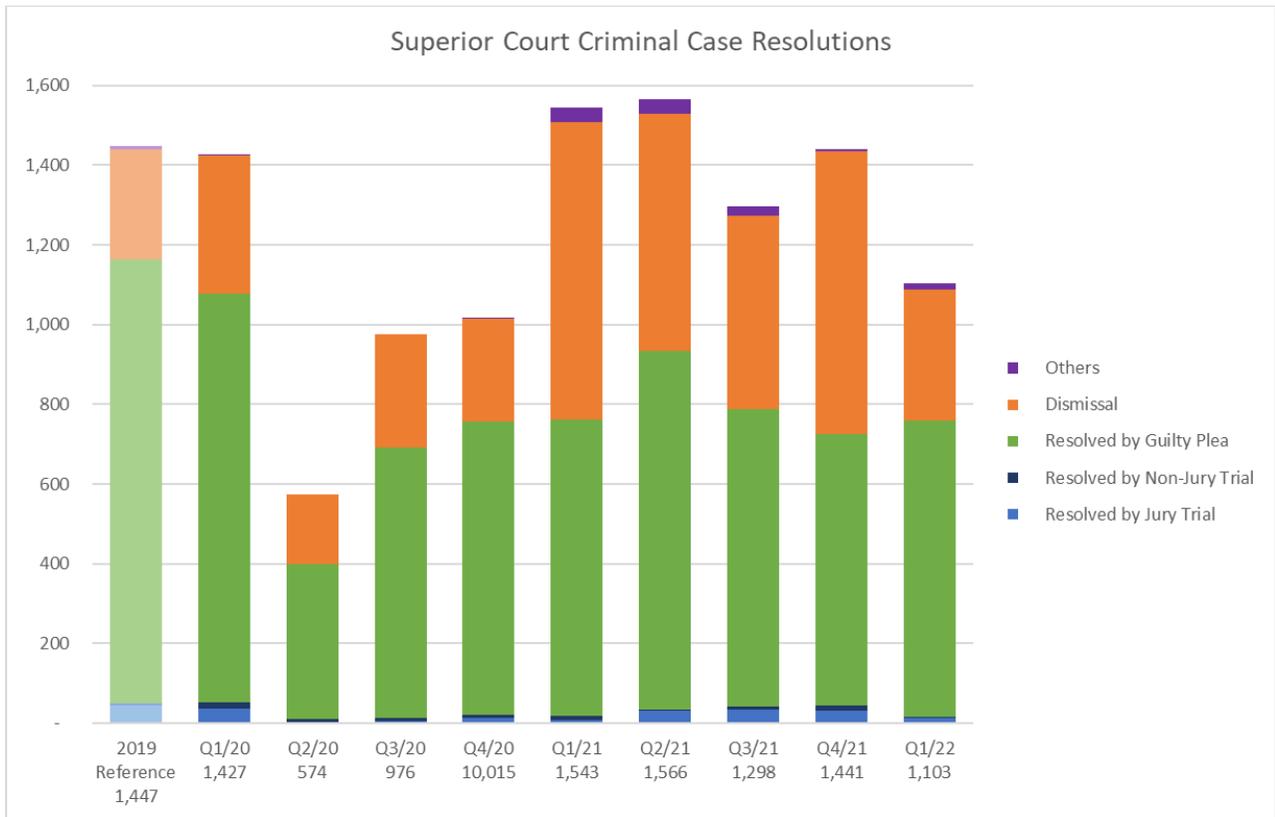
<sup>61</sup> [\[LINK\]](#)

<sup>62</sup> Excludes matters Filed with Clerk.

<sup>63</sup> Excludes RALJ (appeals) cases.

<sup>64</sup> Homicides, sex crimes, robbery 1, assault 1 and 2. See appendix C for a full list of homicide and sex offenses. Also included in criminal.

Figure 1: Superior Court criminal case resolutions



**3. Unlawful detainer cases filed**

Evictions are formally known as Unlawful Detainer matters in the court system. These matters were restricted from being filed by federal, state, and local moratoriums during the pandemic. The below table shows the monthly number of new unlawful detainer cases filed compared to pre-pandemic monthly filing averages. While residential eviction cases have increased sharply in early 2022 as moratoriums and other protections expire, volume remains less than half the pre-pandemic average.

Table 11: Unlawful detainer cases filed

	2019 Average	Sep-21	Oct-21	Nov-21	Dec-21	Jan-21	Feb-22	Mar-22
Unlawful detainer cases, monthly filings	385	80	63	62	76	111	109	139
Commercial	15	8	14	3	8	7	7	18
Residential	370	72	49	59	68	104	102	121

See appendix A for historical monthly unlawful detainer filings.

**4. Total number of unfiled felony cases referred to PAO,<sup>65</sup> reported by quarter, compared to pre-pandemic volume.**

<sup>65</sup> Source: PAO. PAO reports that unfiled felonies were high in 2019 due to other factors.

This measure captures cases referred by law enforcement to the PAO, prior to filing or filing decision. Until a case is filed, there is no workload for DPD, DJA, or Superior Court.

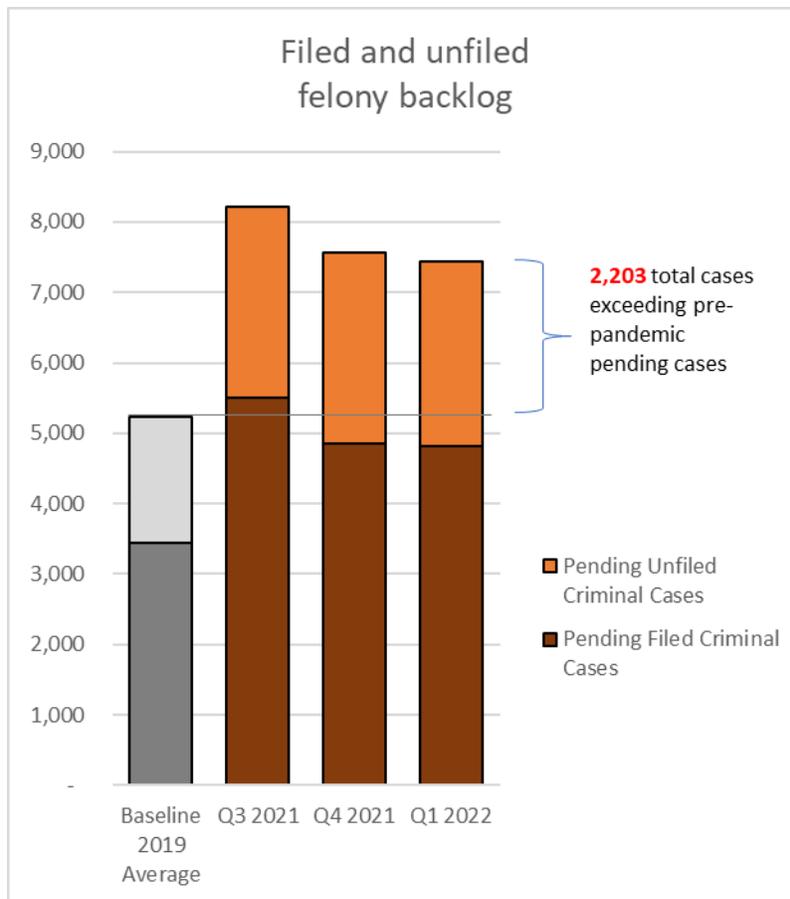
Unfiled felony backlog declined only slightly between Q3 2021 and Q1 2022, reflecting continued challenges, including the Omicron surge.

Table 12: Unfiled felony cases

	2019 Average	Q3 2021	Q4 2021	Q1 2022	Difference in Pending from 2019
Pending Unfiled Criminal Cases	1,800	2,700	2,720	2,630	830

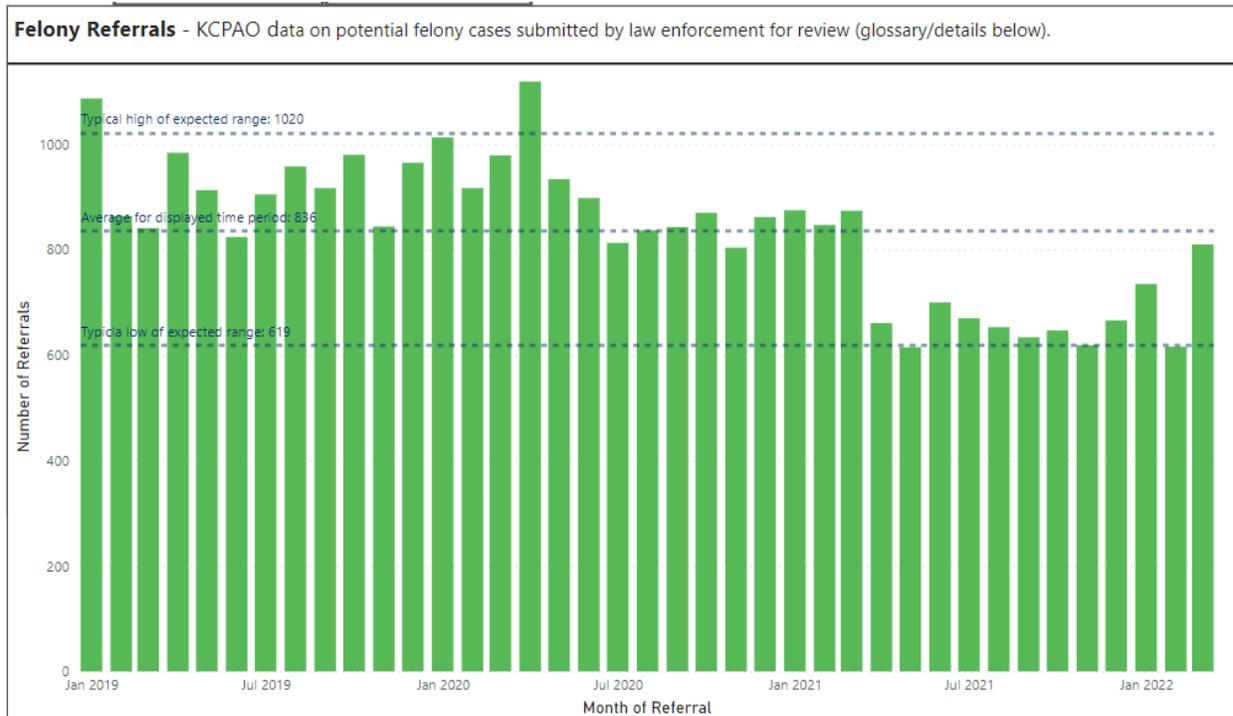
While total filed and unfiled felony backlog cases declined between the end of Q3 2021 (2,975 cases exceeding pre-pandemic levels) and the end of Q4 2021 (2,203 cases exceeding pre-pandemic levels), effects of the Omicron variant surge and other challenges described below in section E prevented substantial progress in early 2022 (see Figure 2).

Figure 2: Superior Court filed and unfiled felony backlog



Referrals from law enforcement for all felony cases dropped in April 2021. The PAO has been tracking this drop and attributes about 50 percent of the decrease in referrals to the Blake decision by the Washington Supreme Court. The other 50 percent of the decrease is mostly attributable to a drop in economic and property crime referrals. The PAO suspects that this may be due to law enforcement staffing issues and the prioritization of violent offenses. However, March 2022 referrals approached historical averages and the PAO reports increased volume for most serious felony cases.

Figure 3: Felony referrals from law enforcement<sup>66</sup>



D. District Court case pandemic-related backlog measures<sup>67</sup>

*D. For district court cases, the number of backlog cases as defined in the first report, and the number of backlog cases processed and removed from the system, and*

Due to data limitations and case complexity,<sup>68</sup> District Court reports it cannot provide complete data on all backlogged cases and most backlog measures cannot be quantitatively compared to pre-pandemic volume. Infraction and small claims cases filed during the pandemic that are on hold are considered pandemic-related backlogged cases, as are the number of civil trials awaiting scheduling. PAO provides numbers of unfiled District Court criminal cases and comparison to pre-pandemic unfiled cases in also provided.

<sup>66</sup> Source: PAO Data Dashboard. [\[LINK\]](#)

<sup>67</sup> District Court cases also include expedited felonies.

<sup>68</sup> Challenges to reporting total backlog numbers include case management system constraints, as well as operational practices that differ from judge to judge.

District Court cases are typically addressed within a few months, so considering only cases filed during the pandemic provides insight into the Court’s progress resolving delayed cases even without pre-pandemic volume comparisons. While case resolution typically occurs within a short period of time, District Court manages probation and retains jurisdiction for cases after resolution and end dates are not clearly defined.

District Court has made progress on civil backlogged cases and on moving cases out of suspended status. Infractions and small claims backlogs have grown since Q3 2021, though these cases are now being addressed in additional calendars. PAO unfiled cases have also grown, as the PAO continues to prioritize serious felony cases.

District Court provided the below data as of March 31, 2022. Q4 2021 data is not available, except for PAO estimates of unfiled cases.

**District Court cases backlog measures:**

1. **Small claims and infractions cases filed between 3/20/2020 and 3/1/2022** (the start date of additional<sup>69</sup> calendars that were on hold). No small claims cases were heard prior to the start of additional calendars on March 1, 2022.<sup>70</sup>

Processing of infractions has been slowed during the pandemic. The number of backlogged infraction cases has grown substantially since Q3 2021, as additional calendars did not begin until March 1, 2022.

*Table 13: District Court small claims and infractions pandemic-related backlog*

	<b>Q3 2021</b>	<b>Q1 2022</b>
Small Claims	2,043	2,519
Infractions	4,021	6,924

Table 14 below shows cases that have been removed from on hold status in March 2022.

*Table 14: Cases removed from on-hold status*

	<b>Q1 2022</b>
Small Claims	9
Infractions	1,622
Orders	230

2. **Civil trials awaiting scheduling.** No civil trials were held between 3/20/2020 and 3/1/2022. District Court has begun addressing these backlogged cases through additional calendars.

<sup>69</sup> The first report to Council referred to “special” calendars. Since these calendars are held during normal court hours, rather than evening hours, this report refers to them as “additional” calendars.

<sup>70</sup> Cases may have multiple hearings.

Table 15: District Court civil trials awaiting scheduling

	Pre-pandemic	Q3 2021	Q1 2022
Civil trials awaiting scheduling	Unavailable	55	40

3. **Report of Suspended Failure to Appear (FTA)/ Bench Warrants.** These are criminal cases that were in a suspended status due to restrictions on issuing warrants.<sup>71</sup> As of March 31, 2022, District Court has moved most of these cases out of suspended status.

Table 16: Suspended failure to appear warrants

	Pre-pandemic	Q3 2021	Q1 2022
FTA Report	Unavailable	3,823	77

4. **PAO unfiled backlog.** Cases under PAO review that have not been filed. Data from the PAO. Unfiled cases have grown since September 2022 and there are now over 3,000 pandemic backlog cases, as PAO has continued to prioritize felonies for filing.

Table 17: Unfiled misdemeanors

	2019 Average	Q3 2021	Q4 2021	Q1 2022	Difference from pre-pandemic
Unfiled District Court PAO Backlog <sup>72</sup>	830	3,000	3,700	4,000	3,170

#### E. Barriers and system challenges to addressing the backlog or addressing new convictions

*E. The identification and discussion of barriers or system challenges to addressing the backlog or addressing new evictions. The barriers and system challenges could be general or specific to a certain case type.*

Challenges and barriers to address the backlog are interrelated, key categories are:

- staffing and scheduling challenges,
- continued direct and indirect impacts of the pandemic,
- the difficulties posed by the need to address backlogged criminal cases, including continued increases in serious violent felonies,
- challenges to addressing eviction cases,
- and particular barriers and challenges in District Court.

<sup>71</sup> The Emergency Orders of the Washington Supreme Court placed restrictions on issuing warrants for defendants that did not appear for hearings. As of October 30, 2021, some limitations on warrants remain. These cases must all be reset.

<sup>72</sup> PAO estimates. Data limitations prevent precise reporting.

### Staffing and scheduling challenges

All agencies report challenges with recruiting and retaining qualified applicants, particularly for temporary positions. Agencies cite overall labor market conditions, along with employee concerns related to in-person work in the Seattle downtown core and employee burnout due to working during the pandemic. Limited staff in any agency can lead to challenges with scheduling court activity, slowing down case resolution.

- **Labor market constraints:** All agencies are experiencing challenges recruiting and retaining staff due to overall low unemployment rates<sup>73</sup> and high competition for qualified applicants. For example, DJA notes that increased trials required in-person work and some employees are leaving for jobs where they can work remotely. DPD cites a challenging labor market for public defenders nation-wide.<sup>74</sup> District Court notes fewer qualified applicants and fewer people accepting jobs. Agencies are also hiring for regular vacancies and despite increased recruitment efforts, hiring has been slow.<sup>75</sup>
- **Employee Impacts:** Agencies report stress and anxiety of staff, as well as morale and retention issues as a contributor to recruitment and retention issues. Employees have cited the unsafe conditions in downtown Seattle near and around the Courthouse and the elimination of free parking. New staff have quit or transferred to locations outside downtown Seattle or another job where telecommuting is more available. PAO and DPD note employees are experiencing secondary trauma due to an increase in burnout. DPD notes that attorneys are carrying a large number of open cases and the workload is contributing to low morale.
- **Training requirements:** When employees are hired, they often require training and experience to reach full capacity. As noted by District Court, recruitment, hiring, and training also requires existing staff time.
- **Qualified attorneys for serious cases:** The primary constraint to address the serious criminal cases is a lack of qualified lawyers in DPD. To work on Class A, some Class B, and some sex offense cases, state court rules require public defense attorneys to have specific experience and expertise.<sup>76</sup> Hiring additional judicial officers or other staff will not alleviate bottlenecks in case processing if there are not enough qualified attorneys. Superior Court reports that the problem is particularly acute for cases as the MRJC in Kent, where two attorneys are often assigned to work on cases. DPD assigns two attorneys on serious or very complex cases. Because these cases can last for one to two years, this helps ensure continuity of representation if one of the attorneys departs or goes on leave. DPD may also assign a second attorney to gain the trial experience that will enable them to handle Class A cases per the Standards for Indigent Defense. When qualified attorneys are in trial on one case, they cannot be in trial on another, which constrains scheduling. PAO also prefers to assign experienced attorneys to serious and complex cases, but there are not specific policies on qualifications.

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<sup>73</sup> King County unemployment rate was 2.9% in February 2022. Employment Security Department Monthly Employment Report. [\[LINK\]](#)

<sup>74</sup> Law360 Report, January, 2022. [\[LINK\]](#)

<sup>75</sup> For example, PAO reports that open positions were advertised on LinkedIn and other social media, through Minority Bar Associations, the Washington Association of Prosecuting Attorneys, 10 local law schools, and other areas.

<sup>76</sup> Washington State Standards for Indigent Defense CrR 3.1 [\[LINK\]](#)

- **Department of Adult and Juvenile Detention Vacancies:** High numbers of staff vacancies in DAJD also affects court operations and plea deals. Lack of staff for court detail limits the number of in-custody defendants that can be scheduled for trials. Attorney visitation is unavailable at times due to DAJD staffing constraints, which likely reduced pleas and slows preparation for trials. DAJD is experiencing staff shortages across operations and cannot ensure court detail and visitation functions are fully staffed.<sup>77</sup>
- **Facilities Management Division and Sheriff’s Office Vacancies:** District Court initially intended to operate night court hours, but staffing limitations at FMD and the Sheriff’s Office, among other barriers, prevented expansion of hours.
- **Interpreter availability:** Interpreters who provide services for Superior Court criminal cases are hourly contractors. The increase in trials, a competitive market for interpreters, interpreter reluctance to come to the courthouse due to health and safety reasons, and lack of compliance with vaccine mandates has made scheduling trials requiring interpreters more challenging. DPD also indicates that attorneys have had difficulty locating interpreters to accompany them to the jail to review discovery or explain plea paperwork. Zoom interpretation has not been effective in working with incarcerated clients and has slowed down hearings and hearing preparation.
- **Higher volume of trials causing resource constraints in non-trial activities:** As of March 31, 2022, Superior Court is running more than pre-COVID trials per week on average – now typically eight to 10 criminal trials in session in Seattle and six or more at the MRJC compared to six to seven per week at the downtown Seattle courthouse and five to six per week at the MRJC. This causes resource issues in other areas because of the increased volume.

#### Continued effect of the pandemic on operations

Public health concerns related to the pandemic have continued to cause operational challenges since Ordinance 19318 was adopted.

- **Omicron trial suspension:** Superior Court criminal trials were suspended from December 28, 2021, to February 11, 2022, due to the Omicron surge in COVID cases, while District Court paused jury trials from December 29 to February 7, 2022.
- **Social distancing measures:** Social distancing measures remain in place, creating courtroom availability and space limitations.
- **Absences for illness and isolation:** Employees absent due to COVID infection or isolation requirements have disrupted operations, including temporary closures in District Court.

#### Challenges of addressing backlogged criminal cases in Superior Court

- **Qualified attorneys for Class A felony cases:** As noted above, DPD has limited numbers of attorneys who are qualified to work on Class A felonies.
- **Changes in appearance requirements:** Criminal Rule 3.4<sup>78</sup> changed the requirements for appearing in person for court hearings and the consequences for failure to appear. DPD highlights that this rule change allows people accused of crimes who are out of custody to travel to court less often, reduces the risk of job loss because frequent absences from work to attend

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<sup>77</sup> Information from DAJD.

<sup>78</sup> Washington State Court Rules. [\[LINK\]](#)

court, reduces the risk of failures to appear because of unavailability of time off, childcare, etc., and reduces crowding in the courthouse.

From PAO's perspective, one disadvantage of CrR 3.4 is that PAO attorneys unknowingly continue to work on cases where a defendant is no longer a participating party. Prior to CrR 3.4, an absent defendant would have resulted in a bench warrant and off the court's active caseload early on in the process. It is now common for PAO to expend resources on a case and only determine near the trial date that the defendant has absconded. PAO staff also believe the rule change contributes to lower guilty plea rates. DPD does not consider CrR 3.4 a contributor to lower guilty plea rates.

- **Warrant suspension:** Failure to appear warrants were suspended from March 20, 2020, to February 19, 2021.<sup>79</sup> Courts can now issue warrants, "exercis(ing) discretion in deciding whether a bench warrant should issue for failure to appear for criminal or juvenile offender court hearings or pretrial supervision meetings, or violations of conditions of release."<sup>80</sup> Cases where defendants did not appear must be reset at a later date.
- **DPD assignments exceeding PAO filings due to "covid resets":** DPD reports that prior to the pandemic, the department's workload intake could be, roughly, approximated by measuring the number and nature of PAO's filings. However, during the pandemic, many of the cases filed and some existing cases fell out of DPD's, the Court's, and PAO's workload because the individuals charged either never appeared or ceased appearing for court. Pursuant to pre-pandemic practice, DPD closed cases that lay dormant for more than 6 months and did not assign new cases where the individual charged never appeared for court. As these individuals are hailed back into the court system (via a process referred to colloquially as "covid resets"), DPD must now assign them. The delta between filings and assignments creates a hidden workload stream that increasingly overtaxes DPD's staffing resources. DPD is staffed to handle about 498 felony cases per month. In March, the PAO filed, roughly, 420 or fewer cases, within DPD's capacity; however, DPD made, roughly, 620 assignments, well in excess of its capacity. Although the entire delta of 200 cannot be attributed to "covid resets," this "new" work continues to sap DPD's resources.
- **Prioritization of trials leads to limited capacity for newer cases:** DPD reports the increasing number of trials reduces resources available to address new cases, potentially slowing resolution.
- **Remote jury selection is more time intensive:** While there are numerous advantages of remote jury selection, it takes longer than in person selection and slows the pace of trials (two to three days versus one to two days for in person selection) (see Appendix B for detail).
- **Pre-trial resolution constraints:** For Superior Court criminal cases, additional judicial capacity for trials is addressing the backlog. However, staffing challenges across the legal system limit pre-trial resolution, putting additional strain on trial resources.

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<sup>79</sup> Washington State Supreme Court Order No. 25700-B607 [\[LINK\]](#) and Washington State Supreme Court Order No. 25700-B658. [\[LINK\]](#)

<sup>80</sup> Washington State Supreme Court Order No. 25700-B658. [\[LINK\]](#)

### Challenges and barriers to addressing eviction cases

As eviction moratoriums have lifted, increasing numbers of unlawful detainer (eviction) cases have been filed in Superior Court, though monthly filings remain far below pre-pandemic volume. Total pending cases have increased and exceed pre-pandemic levels as of March 31, 2022. Superior Court and DJA report the following challenges in addressing eviction cases.

- **Commissioners for unlawful detainers:** Per the state constitution<sup>81</sup>, the Court is only permitted three Commissioners who can hear Unlawful Detainer matters (evictions). While judges may hear unlawful detainer cases, the number of judges assigned to criminal matters has increased in response to the criminal backlog, leaving the remaining judges needed to hear family law matters, child welfare matters, involuntary treatment act matters, and other civil matters, so as not to negatively impact pending caseloads in those areas
- **Additional procedural steps required by SB 5160:** SB 5160<sup>82</sup> established a right to counsel and corresponding duty of the court to appoint counsel to indigent litigants in eviction proceedings. In such cases courts will be expected to (i) advise the tenant of their right to appointed counsel if they are indigent, and (ii) inquire whether the tenant wishes to be screened for indigency and have counsel appointed. HB 1236 established just-cause eviction requirements such that housing providers must provide a reason to terminate a tenancy under specific time frames. The additional procedural steps inherently extend the time necessarily to fairly administer proceedings.
- **Language and other barriers for litigants:** Most plaintiffs are represented by experienced attorneys, while most respondents are, at least initially, unrepresented. Although they are given notice of available resources in the Summons for Unlawful Detainer, many litigants fail to access services until their hearing. The Court does not have adequate staff resources to provide plain language procedural and substantive legal information for all parties at various stages of their cases (in a variety of languages). Most materials are in English and may not be accessible to litigants with disabilities. Moreover, remote (Zoom) hearings create an inherent barrier to access for litigants who are not “technology literate”, thereby exacerbating delay and potentially creating the need for additional court events.
- **Insufficient staffing on unlawful detainer cases:** Best practices recommend courts utilize case management to prescreen each case file for issues such as: whether there has been adequate service, an answer on file, whether a continuance has been requested, whether there has been an action between the parties filed in a different county. The court is unable to conduct this type of intensive review without staff support to research and prepare necessary materials. Many times, judicial officers must review materials during the hearing, which results in delay and limits the number of cases that can be heard on each docket. In addition, there are staffing issues related to insufficient support for the additional tasks associated with conducting remote hearings and staffing needs will only increase with the return of in-person matters coupled with continuation of virtual proceedings.
- **Space constraints:** The court is currently experiencing higher numbers calendared at the MRJC than the Seattle Courthouse due to Seattle's lengthier moratorium on evictions. Physical space limits expansion at the MRJC facility

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<sup>81</sup> Section 33 of Washington State Constitution [\[LINK\]](#)

<sup>82</sup> Engrossed Second Substitute Senate Bill 5160 [\[LINK\]](#)

- **DJA staff constraints:** DJA has many touchpoints with unlawful detainees, including docketing, receipting, calendaring, and Ex Parte via the Clerk (EPVC) submissions. Increased cases have strained capacity.

#### District Court challenges and barriers

Additional challenges and barriers specific to District Court include:

- **Dispute Resolution's Center (DRC) contract re-negotiation:** The DRC's contract had to be re-negotiated with Procurement to incorporate federal contract language. This process slowed the court's ability to begin having DRC mediate cases until the contract was completed. DRC is now mediating cases and has its own barriers to hiring qualified individuals to mediate cases and are unable to expand its resources currently slowing the courts ability to move cases. DRC is also working through challenges of conducting operations remotely. This has significantly impacted the court addressing the small claims backlog.
- **Small claims service<sup>83</sup> issues on older cases:** The judge must work through issues relating to serving notice in small claims cases due to the age of the case with the party that is present. Service issues lead to continuing the case and setting the case on a future calendar for the party to address service.
- **Civil procedures:** The court had delays setting up internal civil procedures related to jury suspension with the Omicron surge, parties indicating they were not comfortable reporting in person for trials. Additionally, the court needed to re-work the orders and processes for handling civil jury trials. This delayed the start of processing civil jury backlog. The court has worked through those delays and scheduling started.
- **PAO criminal filings delays:** The PAO is prioritizing serious felony crimes and the unfiled criminal backlog continues to grow. These cases are not yet being filed in District Court.
- **District Court remote hearing time requirements:** District Court reports remote hearings take more time and limit the number of cases that can be heard on any scheduled calendar.<sup>84</sup> Staff need to work with participants on technical issues and interpreters cannot use simultaneous interpretation, slowing down proceedings that require interpretation.
- **State Crime Lab backlogs:** PAO reports that many District Court cases rely on evidence from the State Patrol Crime Lab, such as DUI cases. There is a months-long wait to get those results from the state lab, leading to delays outside of the control of King County agencies.

## Next Actions

As of March 31, 2022, DJA, DPD, PAO, Superior Court and District Court have increased capacity to address backlogged cases with resources appropriated in Ordinance 19318. However, continuing pandemic-related public health concerns and restrictions, challenges with hiring, recruitment, and retention, and increased levels of serious violent crime have prevented substantial progress in addressing backlogs. PAO, DPD, Superior Court, DJA, and District Court will continue work to mitigate these challenges to address backlogs. Additional staff have been hired recently and capacity to address cases is expected to increase.

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<sup>83</sup> Service is the process of ensuring the defendant received notification regarding the small claims case.

<sup>84</sup> A National Center for State Courts study found remote hearings take 34% longer than in-person hearings. [\[LINK\]](#)

PSB will work with agencies in the spring and summer to develop budget proposals for 2023-2024 to continue increased capacity into the next biennium. Each agency will continue to track spending, positions hired, and progress addressing the backlog. A subsequent will be submitted to Council in a due November 14, 2022.

The COVID-19 pandemic resulted in unprecedented operational challenges and backlogs in the legal system. When funding was appropriated in Ordinance 19318, it was expected that agencies would begin post-pandemic operations to address backlogs. However, as of March 31, 2022, the pandemic continues, along with numerous other challenges and barriers to addressing cases. Agencies are using temporary resources allocated in Ordinance 19318 to reduce the number of pending cases in the legal system, reduce pandemic-related delays, and provide access to justice to King County residents.

Alleviating delays in the legal system during and after the COVID-19 pandemic with temporary federal resources is consistent with the County's Strategic Plan goal of efficient, accountable regional and local government. It aligns with King County's priorities for allocation of federal and state COVID-19 funds, as adopted by the King County Council in Motion 15816:

The judicial system. In-person access to the judicial system has been limited due to social distancing requiring an increase in conducting businesses virtually. Such practices restrict the courts' ability to effectively administer cases and have exacerbated inequities in accessing the judicial system, particularly for residents with limited digital access and proficiency, disabilities and limited English proficiency. Providing support for equitable access to the judicial system and ensuring the justice system can operate fairly and equitably should be prioritized.<sup>85</sup>

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<sup>85</sup> MOTION 15816 [\[LINK\]](#)

## Appendices

### Appendix A: Monthly unlawful detainer cases

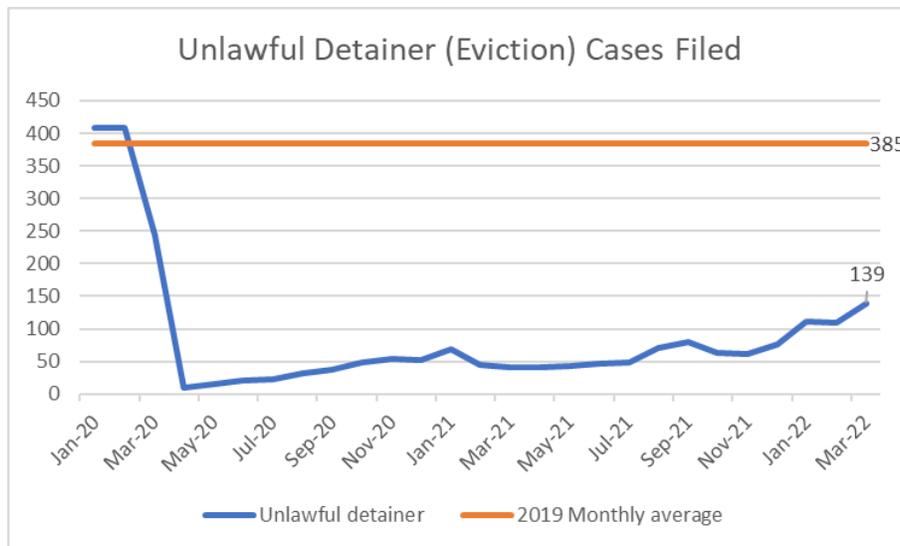
The below charts provide additional context for backlogs of Superior Court unlawful detainers (evictions).

Table 18: Unlawful detainer cases filed

Unlawful detainer filings Month	Year			
	2019	2020	2021	2022
Jan	508	409	69	111
Feb	386	409	44	109
Mar	397	244	41	139
Apr	358	10	41	
May	427	16	43	
Jun	384	21	47	
Jul	413	22	48	
Aug	312	31	70	
Sep	278	38	80	
Oct	432	49	63	
Nov	355	54	62	
Dec	375	53	76	

As shown in the chart below, unlawful detainer cases dropped dramatically in late winter/spring 2020, after eviction moratoriums were issued.

Figure 4: Unlawful detainer (evictions) cases filed January 2020 to March 2022



#### Appendix B: Remote jury selection

The initial process instituted for virtual jury selection includes a robust questionnaire for each participant that includes necessary COVID-related information prior to jurors reporting in-person to hear the criminal case. The questionnaire is electronically sent to jurors. They need time to complete the questionnaire, the attorneys and court need time to review the questionnaire, and hardship and other excusals are addressed before starting jury selection.

Virtual jury selection allows a larger group of jurors to be called for a particular trial because no physical space constraints exist. The increase in jury pool size increases the amount of time it takes to review the questionnaire responses. The group that will participate in virtual jury selection are broken up into groups for questioning rather than questioning the entire group at once. This ensures individuals with limited internet connectivity or internet access can still participate remotely because the bandwidth needed for 25 participants is much lower than the 50 participants (plus the in-court additional participants such as the judge, counsels, the defendant, court clerk, and bailiff) that would normally be sent to jury selection in person. This results in several rounds of jury selection where parties question prospective jurors.

This overall process generally takes two to three days in a criminal trial; however, certain subject matter trials take longer to select a jury regardless of if selection is virtual such as sexual assault cases, domestic violence cases, and any longer case. Generally, in-person jury selection could take one to two days, but parties would not have the benefit of the extensive background information provided in the questionnaire so often rounds of questioning were longer than what is needed for virtual jury selection.

In addition, sometimes courts must get supplemental panels, which delays things further because it essentially means re-starting the process described above. Further, when we had four murder trials going in SEA during February and March, there was a really big difference in the amount of time it took to select a jury. Part of the difference was due to the bailiff's or coverage bailiff's comfort level and familiarity with the process. Thus, there still is a need for training in some instances.

[Appendix C: Most serious crimes detail](#)

The report includes measures on the most serious crimes tracked by DJA. These include homicides, sex crimes, robbery 1, assault 1, and assault 2). Specific homicide and sex offenses are listed below.

**RCW Text in Homicides**

AGGRAVATED MURDER-1  
CONTROLLED SUBSTANCE-HOMICIDE  
HOMICIDE BY ABUSE  
HOMICIDE BY WATERCRAFT  
MANSLAUGHTER  
MANSLAUGHTER 1ST DEGREE  
MANSLAUGHTER 2ND DEGREE  
MURDER 1ST DEGREE  
MURDER 2ND DEGREE  
MURDER-1 EXTREME INDIF HUMAN LIFE  
MURDER-1 IN COURSE OF OTHER CRIME  
MURDER-1 PREMEDITATED  
MURDER-2 FELONY/ASSAULT  
MURDER-2 NO PREMED/DEATH OF ANTHR  
MURDER-FIRST DEGREE  
MURDER-SECOND DEGREE-1971 STATUTE  
VEH HOMICIDE-INFLUENCE ALCOHOL/DR  
VEHICULAR HOMICIDE  
VEHICULAR HOMICIDE-DISREGARD SAFE  
VEHICULAR HOMICIDE-RECKLESS

**RCW Text in Sex Crimes**

CARNAL KNOWLEDGE  
CHILD MOLESTATION 1ST DEGREE  
CHILD MOLESTATION-2  
CHILD MOLESTATION-3  
COMM W/MINOR-IMMORAL PREV CONV  
COMM W/MINOR-IMMORAL PURPOSES  
COMM WITH MINOR FOR IMMORAL PURPO  
COMM WITH MINOR-IMMORAL PURPOSE  
COMM WITH MINOR-IMMORAL PURPOSES  
COMMERCIAL SEX ABUSE MINOR PROMOT  
COMMERCIAL SEX ABUSE OF A MINOR  
CUSTODIAL SEXUAL MISCONDUCT 1  
CUSTODIAL SEXUAL MISCONDUCT 1STDE  
DEAL DEPICT MINOR SEX CNDCT 1ST D  
DEAL DEPICT MINOR-SEX CNDCT-1  
DEAL DEPICT MINOR-SEX CNDCT-2  
DEALING DEPICT MINOR-SEX CONDUCT  
INCEST  
INCEST--1ST DEGREE  
INCEST--2ND DEGREE  
INCEST-1  
INCEST-2  
INDECENT EXPOSURE  
INDECENT EXPOSURE PREV CONV PEN

INDECENT EXPOSURE TO PERS<14 PEN  
INDECENT LIBERTIES  
INDECENT LIBERTIES DEV DISABLED  
INDECENT LIBERTIES EXPOSURE ETC.  
INDECENT LIBERTIES-FORCE  
INDECENT LIBERTIES-INCAPABLE CONS  
Minor Deal Depictions of 12yo or  
PATRONIZING JUVENILE PROSTITUTE  
PERMIT MINOR ENGAGE SEX/COMMUSE  
POSSESS DEPICT MINOR-SEX CNDCT-1  
POSSESS DEPICT MINOR-SEX CNDCT-2  
POSSESS DEPICT MINOR-SEX CONDUCT  
POSSESSION OF CHILD PORNOGRAPHY  
RAP 2-CLIENT OR PATIENT  
RAPE  
RAPE 2-DEVELOPMENTAL DISABILITY  
RAPE OF A CHILD 1ST DEGREE  
RAPE OF A CHILD-2  
RAPE OF A CHILD-3  
RAPE--FIRST DEGREE  
RAPE--SECOND DEGREE  
RAPE--THIRD DEGREE  
RAPE-1 DEADLY WEAPON USE/APPEAR U  
RAPE-1 FELONIOUS ENTER BUILDING/V  
RAPE-1 KIDNAPS VICTIM  
RAPE-1 SERIOUS PHYSICAL INJURY  
RAPE-2 BY FORCIBLE COMPULSION  
RAPE-2 INCAPABLE OF CONSENT  
RAPE-3RD DEG THREAT OF HARM  
RAPE-FIRST DEGREE  
RAPE-SECOND DEGREE  
RAPE-THIRD DEGREE  
RAPE-THIRD DEGREE NO CONSENT  
SEND DEPICT MINOR-SEX CNDCT-1  
SEND DEPICT MINOR-SEX CNDCT-2  
SEX CRIMES  
SEX OFFEND/FELON-FAIL TO REGISTER  
SEX OFFEND/FELON-KIDNAP FAIL REG  
SEX OFFEND/FELON/KIDNAP-FAIL REG  
SEX OFFEND/FLN FAIL TO REG 2 PRIO  
SEX OFFEND/NON FELON-FAIL REG  
SEX OFFEND/NON FELON-NO REG PEN  
SEX OFFEND/NON-FELON NO REG PEN  
SEXUAL EXPLOIT MINOR THREAT/FORCE  
SEXUAL EXPLOITATION MINOR AID ENG  
SEXUAL EXPLOITATION OF A MINOR  
SEXUAL MISCONDUCT W/MINOR 1ST  
SEXUALLY VIOLATING HUMAN REMAINS  
SOLICIT MINOR FOR IMMORAL PURPOSE  
STATUTORY RAPE--3RD DEGREE  
STATUTORY RAPE--FIRST DEGREE

STATUTORY RAPE--SECOND DEGREE  
STATUTORY RAPE--THIRD DEGREE  
Sex Offender Felon Fail To Regist  
VIEW DEPICT MINOR-SEX CNDCT-1  
VIEW DEPICT MINOR-SEX CNDCT-2  
VOYEURISM  
VOYEURISM 1ST DEGREE  
VOYEURISM 2ND DEGREE

## Appendix D: Positions supported by Ordinance 19318

Agency	Job Type	Hire date	Vacant?	Notes
District Court	Clerk	12/13/2021		TLT
District Court	Clerk	12/13/2021		TLT
District Court	Clerk	12/13/2021		TLT
District Court	Clerk	1/24/2022		TLT
District Court	Clerk	1/24/2022		TLT
District Court	Clerk	1/24/2022		TLT
District Court	Commissioner	1/4/2022		TLT
District Court	Commissioner	1/4/2022		TLT
District Court	Communications clerk		yes	TLT; pending start date
District Court	Communications clerk		yes	TLT; pending start date
District Court	Office Technician II	10/2/2021		TLT
District Court	PC Technician	10/24/2021		TLT
District Court	Training Content Coordinatior		yes	TLT; pending start date
DJA	Applications Developer - Sr	1/10/2022		TLT
DJA	Court Clerk II	11/1/2021		TLT
DJA	Court Clerk II	11/1/2021		TLT
DJA	Court Clerk II	9/4/2021		TLT; Currently funded by Ordinance 19289
DJA	Court Clerk II	9/20/2021		TLT
DJA	Court Clerk II	11/1/2021		TLT
DJA	Court Clerk II	4/19/2021		TLT; Currently funded by Ordinance 19289
DJA	Court Clerk II	4/19/2021		TLT; Currently funded by Ordinance 19289
DJA	Court Clerk II	3/22/2021		TLT; Currently funded by Ordinance 19289
DJA	Court Clerk II	11/1/2021		TLT
DJA	Court Clerk II	9/7/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	9/20/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	11/29/2021		TLT
DJA	Customer Service Specialist III	9/20/2021		TLT; Currently funded by Ordinance 19289

Agency	Job Type	Hire date	Vacant?	Notes
DJA	Customer Service Specialist III	9/20/2021		TLT
DJA	Customer Service Specialist III	3/22/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	12/13/2021		TLT
DJA	Customer Service Specialist III	10/4/2021		TLT
DJA	Customer Service Specialist III	11/15/2021		TLT
DJA	Customer Service Specialist III	11/1/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	6/1/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	11/1/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	6/14/2021		TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	9/20/2021	vacant as of 1/24/2022	TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	10/4/2021	vacant as of 12/29/2021	TLT; Currently funded by Ordinance 19289
DJA	Customer Service Specialist III	11/1/2021	vacant as of 2/14/2022	TLT
DJA	IT Systems Specialist - Jry	10/18/2021		TLT
DJA	Occupational Educ & Training Coord	10/18/2021		TLT
PAO	Staff - PPM III	4/3/2022	Yes	TLT
PAO	Deputy Prosecuting Attny I	2/5/2022		TLT
PAO	Deputy Prosecuting Attny I	2/5/2022		TLT
PAO	Deputy Prosecuting Attny I	3/19/2022		FTE
PAO	Deputy Prosecuting Attny I	3/19/2022		FTE
PAO	Deputy Prosecuting Attny I	2/5/2022		FTE
PAO	Deputy Prosecuting Attny I	3/19/2022		FTE
PAO	Deputy Prosecuting Attny I	2/5/2022		FTE
PAO	Deputy Prosecuting Attny I	3/19/2022		FTE
PAO	Deputy Prosecuting Attny I	3/19/2022		FTE
PAO	Deputy Prosecuting Attny I	2/5/2022		TLT
PAO	Deputy Prosecuting Attny I	3/19/2022		FTE
PAO	Deputy Prosecuting Attny I	2/5/2022		TLT
PAO	Deputy Prosecuting Attny I	2/5/2022		TLT

Agency	Job Type	Hire date	Vacant?	Notes
PAO	Deputy Prosecuting Attney I	2/5/2022		TLT
PAO	Deputy Prosecuting Attney I	3/28/2022		TLT
PAO	Deputy Prosecuting Attney II	9/18/2021		TLT
PAO	Deputy Prosecuting Attney II	2/5/2022		TLT
PAO	Deputy Prosecuting Attney II	2/5/2022		TLT
PAO	Deputy Prosecuting Attney II	3/19/2022		FTE
PAO	Deputy Prosecuting Attney II	2/7/2022		TLT
PAO	Deputy Prosecuting Attney II	3/19/2022		FTE
PAO	Deputy Prosecuting Attney III	3/19/2022		FTE
PAO	Deputy Prosecuting Attney III	3/19/2022		FTE
PAO	Deputy Prosecuting Attney III	4/4/2022	Yes	FTE
PAO	Deputy Prosecuting Atty V	3/21/2022		Temporary 10.50 hours/week
PAO	Desktop Support Spec - PAO	1/1/2022		FTE
PAO	Desktop Support Spec - PAO	3/14/2022		TLT
PAO	Deputy Prosecuting Attney		Yes	TLT
PAO	Deputy Prosecuting Attney		Yes	TLT
PAO	Deputy Prosecuting Attney		Yes	TLT
PAO	Deputy Prosecuting Attney		Yes	TLT
PAO	Deputy Prosecuting Attney		Yes	TLT
PAO	LAS II	9/27/2021		TLT
PAO	LAS II		Yes	TLT
PAO	LASIII - Restitution Investigator		Yes	TLT
PAO	Legal Admin Spec III - PAO	3/5/2022		FTE
PAO	Legal Admin Spec III-PAO	11/24/2021		TLT
PAO	Legal Admin Spec III-PAO	3/5/2022		TLT
PAO	Legal Admin Spec III-PAO	10/30/2021		TLT
PAO	Legal Admin Spec III-PAO	11/30/2021		TLT
PAO	Legal Admin Spec III-PAO	2/7/2022		TLT

Agency	Job Type	Hire date	Vacant?	Notes
PAO	Legal Admin Spec III-PAO	1/1/2022		FTE
PAO	Legal Services Supv II -PAO	3/5/2022		FTE
PAO	Legal Services Supv III - PAO	3/5/2022		FTE
PAO	Paralegal	1/1/2022		FTE
PAO	Paralegal	1/1/2022		FTE
PAO	Paralegal	1/1/2022		FTE
PAO	Paralegal		Yes	TLT
PAO	Paralegal	1/7/2022		TLT
PAO	Paralegal	1/1/2022		FTE
PAO	Paralegal	1/1/2022		FTE
PAO	Paralegal	1/1/2022		FTE
PAO	Paralegal	2/7/2022		TLT
PAO	Paralegal	1/17/2022		TLT
PAO	Paralegal		Yes	TLT
PAO	Paralegal - PAO	3/5/2022		FTE
PAO	PBK support		Yes	TLT
PAO	Project/Program Manager II-PAO	1/1/2022		FTE
PAO	Public Records Spec - PAO	2/19/2022		FTE
PAO	Senior Deputy Pros. Attny I	9/28/2021		60% of FTE
PAO	Senior Deputy Pros. Attny III	1/1/2022		FTE
PAO	Victim Advocate	2/26/2022		FTE
PAO	Victim Advocate	1/1/2022		FTE
PAO	Victim Advocate	4/2/2022	Yes	TLT
PAO	Victim Advocate	2/26/2022		TLT
PAO	Victim Advocate	3/29/2022		TLT
PAO	Victim Advocate	3/1/2022		TLT
PAO	Victim Advocate	9/27/2021		TLT
PAO	Victim Advocate		Yes	TLT

Agency	Job Type	Hire date	Vacant?	Notes
Public Defense	Human Resource Associate	2/10/2022		TLT
Public Defense	Legal Administrative Spec II	11/8/2021		FTE
Public Defense	Legal Administrative Spec II		Yes	FTE
Public Defense	Legal Administrative Spec II		Yes	FTE
Public Defense	Legal Administrative Spec II		Yes	FTE
Public Defense	Legal Administrative Spec II		Yes	TLT
Public Defense	Legal Administrative Spec II		Yes	TLT
Public Defense	Public Defender Attorney -Supv		Yes	TLT
Public Defense	Public Defender Attorney -Supv		Yes	TLT
Public Defense	Public Defense Attorney I	10/25/2021		FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I		Yes	FTE
Public Defense	Public Defense Attorney I	1/10/2022		TLT
Public Defense	Public Defense Attorney I	1/11/2022		TLT
Public Defense	Public Defense Attorney I	3/28/2022		TLT
Public Defense	Public Defense Attorney I	4/11/2022	Yes	TLT
Public Defense	Public Defense Attorney I	5/2/2022	Yes	TLT

Agency	Job Type	Hire date	Vacant?	Notes
Public Defense	Public Defense Attorney I		Yes	TLT
Public Defense	Public Defense Attorney I		Yes	TLT
Public Defense	Public Defense Attorney I		Yes	TLT
Public Defense	Public Defense Investigator	12/6/2021		FTE
Public Defense	Public Defense Investigator	1/3/2022		FTE
Public Defense	Public Defense Investigator	12/28/2021		FTE
Public Defense	Public Defense Investigator		Yes	TLT
Public Defense	Public Defense Investigator		Yes	TLT
Public Defense	Public Defense Mitigtgn Spc II	10/4/2021		FTE
Public Defense	Public Defense Mitigtgn Spc II	1/5/2022		TLT
Public Defense	Public Defense Mitigtgn Spc II		Yes	TLT
Public Defense	Public Defense Paralegal	10/4/2021		FTE
Public Defense	Public Defense Paralegal	10/25/2021		FTE
Public Defense	Public Defense Paralegal	5/1/2021		FTE
Public Defense	Public Defense Paralegal	4/8/2022	Yes	TLT
Public Defense	Public Defense Paralegal		Yes	TLT
Superior Court	Bailiff	9/13/2021		TLT
Superior Court	Bailiff	9/27/2021		TLT
Superior Court	Bailiff	8/23/2021		TLT
Superior Court	Bailiff	12/13/2021		TLT
Superior Court	Bailiff	9/13/2021		TLT
Superior Court	Bailiff	9/20/2021		TLT
Superior Court	Bailiff	10/4/2021		TLT
Superior Court	Bailiff	10/4/2021		TLT
Superior Court	Bailiff	9/13/2021		TLT
Superior Court	CASA Specialist	10/4/2021		TLT
Superior Court	Commissioner - Ex parte	8/2/2021		TLT
Superior Court	Commissioner - Family Law	2/14/2022		TLT

Agency	Job Type	Hire date	Vacant?	Notes
Superior Court	Commissioner - Plea Court	10/11/2021		TLT
Superior Court	Commissioner - Plea Court	10/25/2021		TLT
Superior Court	Commissioner - Trials	3/2/2021		TLT
Superior Court	Commissioner - Trials	10/11/2021		TLT
Superior Court	Commissioner - Trials	10/18/2021		TLT
Superior Court	Communication Specialist		Yes	This is a 12-month position and is delayed due to the need to procure a web/intranet development contract
Superior Court	Communication Specialist		Yes	This is a 12-month position and is delayed due to the need to procure a web/intranet development contract
Superior Court	Communication Specialist		Yes	Pending award of a contract to work on the Intranet/Website.
Superior Court	Courtroom IT Trainer	2/7/2022		TLT
Superior Court	Courtroom IT Trainer	2/7/2022		TLT
Superior Court	Desktop Support Tech	5/1/2021		TLT
Superior Court	Desktop Support Tech	5/1/2021		TLT
Superior Court	ERCM Assistant	10/25/2021		TLT
Superior Court	Ex parte Admin Tech	7/26/2021		TLT
Superior Court	Ex parte Admin Tech	9/27/2021		TLT
Superior Court	Ex parte Coordinator	1/13/2022		TLT
Superior Court	Ex parte Coordinator	1/18/2022		TLT
Superior Court	Family Law Coordinator	12/20/2021		TLT
Superior Court	Family Law Facilitator	8/9/2021		TLT
Superior Court	Family Law Facilitator	8/16/2021		TLT
Superior Court	Family Law Navigator	9/24/2021		TLT
Superior Court	Family Law Navigator	11/15/2021		TLT
Superior Court	Family Law Social Worker	3/14/2022		TLT
Superior Court	Human Resources Tech	3/21/2022		TLT

Agency	Job Type	Hire date	Vacant?	Notes
Superior Court	Interpreter Scheduler		Yes	TLT
Superior Court	IT Business Analyst		Yes	Pending award of a contract to work on the Intranet/Website.
Superior Court	IT Systems Specialist		Yes	TLT
Superior Court	Jury Technician	10/18/2021		TLT
Superior Court	Jury/Interpreter Tech	7/6/2021		TLT
Superior Court	Plea Court Coordinator		Yes	TLT
Superior Court	Plea Court Coordinator		Yes	TLT
Superior Court	Sr. Desktop Support Tech	11/22/2021		TLT
Superior Court	Sr. Desktop Support Tech		Yes	TLT
Superior Court	Sr. Systems Engineer		Yes	TLT

**Certificate Of Completion**

Envelope Id: 3ADBC10B4DF24E4585FEE85E21E0233A	Status: Completed
Subject: Please DocuSign: Motion 16204.docx, Motion 16204 Attachment A.docx	
Source Envelope:	
Document Pages: 2	Signatures: 2
Supplemental Document Pages: 51	Initials: 0
Certificate Pages: 2	Envelope Originator: Cherie Camp
AutoNav: Enabled	401 5th Ave
Enveloped Stamping: Enabled	Suite 100
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

**Record Tracking**

Status: Original 9/8/2022 2:18:45 PM	Holder: Cherie Camp Cherie.Camp@kingcounty.gov	Location: DocuSign
Security Appliance Status: Connected	Pool: FedRamp	
Storage Appliance Status: Connected	Pool: King County General (ITD)	Location: DocuSign

**Signer Events**

Claudia Balducci  
claudia.balducci@kingcounty.gov  
Council Chair  
King County General (ITD)  
Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
  
7E1C273CE9994B6...  
Signature Adoption: Pre-selected Style  
Using IP Address: 73.181.163.252

**Timestamp**

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Viewed: 9/9/2022 2:52:15 PM  
Signed: 9/9/2022 2:52:32 PM

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Supplemental Documents:

Motion 16204 Attachment A.docx

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Read: Not Required  
Accepted: Not Required

Melani Pedroza  
melani.pedroza@kingcounty.gov  
Clerk of the Council  
King County Council  
Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
8DE1BB375AD3422...  
Signature Adoption: Uploaded Signature Image  
Using IP Address: 50.35.126.47

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Signed: 9/9/2022 2:55:19 PM

**Electronic Record and Signature Disclosure:**

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Supplemental Documents:

Motion 16204 Attachment A.docx

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**In Person Signer Events****Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp**

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Completed	Security Checked	9/9/2022 2:55:19 PM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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