
Spokane Superior Court Caseload Information

Executive Summary

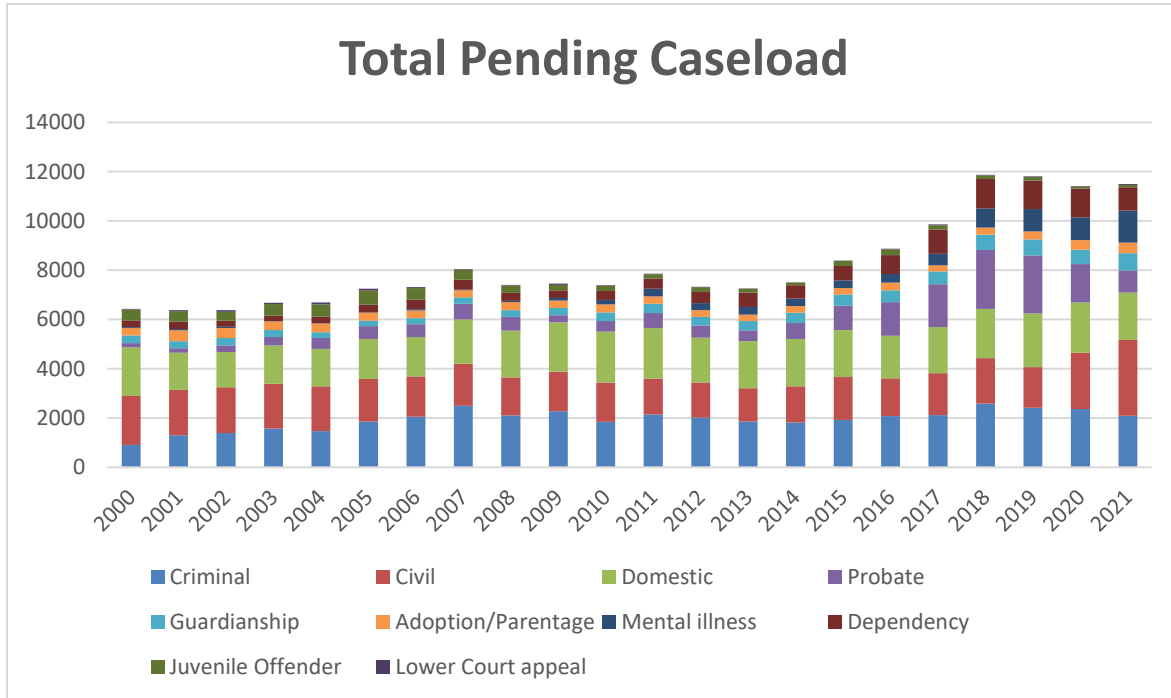
On April 28, 2022 Spokane Superior Court Presiding Judge McKay and its Court Administrator met with Commissioner Kuney, CEO Simmons and Sr. Director of Law and Justice Sparber to discuss the resource limitations of Superior Court. The Court has requested a 13th Judicial Department numerous times since the Legislature initially approved the position in 1997. At the meeting, Superior Court was asked to provide detailed caseload information to demonstrate the growing need for a 13th Judicial Department, additional courtroom space and the necessary staff to support the Judge. All of the statistics discussed below were compiled using the reports available publicly from the Administrative Office of the Courts (AOC) and are detailed on the corresponding excel spreadsheet. The most recent AOC caseload data demonstrates that Spokane Superior Court needs four additional judges. This data, however, does not account for a number of factors that have since increased the Superior Court's workload.

Pending Caseload: What do the numbers represent & what are they missing?

The AOC caseload statistics combine the immense array of superior court case types into 10 sections. The general categories do not describe the content or complexity of cases within them. Among other things, Spokane Superior Court manages the most serious criminal prosecutions and sentencings, including murders, domestic violence, sex offenses, and distribution of drugs; multimillion-dollar contract or medical malpractice claims; family law matters, including dissolutions and child custody disputes; juvenile offender cases; child welfare and termination of parental rights; guardianships; probates, which range from modest to estates involving millions of dollars; adoptions; personal injury and employment cases; property crime; drug court; and mental health matters. The body of law is vast, as is the range of litigants. Many litigants are either not represented by counsel or are in need of interpreter services. The data has its limitations as to impact on workload. For instance, the proceedings category is not weighed. That means a 1-day trial counts the same as a 4-day trial.

Recent legislation and case law have added to the court's necessary work. In July 2022, the new civil protection order law, which combines domestic violence (DVPOs), extreme risk (ERPOs), sexual assault (SAPOs) and antiharassment orders, adds several requirements that significantly increase the workload of judicial officers and others. Pierce County added a 10th commissioner to address this added workload. Similarly, the new uniform guardianship act places additional demands upon the court. Likewise, renter protections have added to the strain on court resources with lengthier hearings and trials for evictions that had been paused during the pandemic. We are also still working through the many cases requiring resentencing following *State v. Blake* [retroactive invalidation of convictions for possession of controlled

substance (PCS)]. Historically, the local filings for PCS regularly exceeded the number filed in King County. Accordingly, the local effect of *Blake* is broad. The *Blake* decision also affects non-PCS convictions when a prior PCS conviction was used to determine offender scores for sentencing.

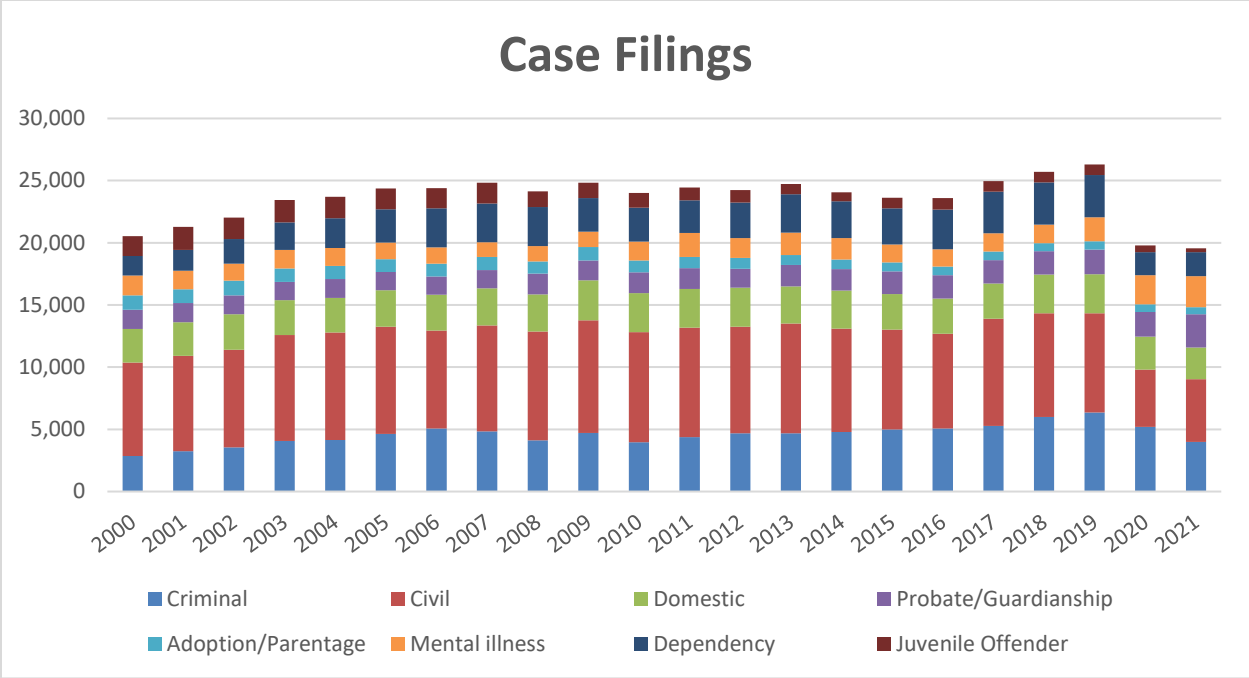


The pending caseload illustrates the number of cases currently filed in Spokane Superior Court awaiting adjudication. The sharp rise in pending cases beginning in 2015 highlight the growing workload of the Superior Court Judges and Commissioners. **The total pending caseload has increased by 78.5% in the last twenty-one years.**

Case Filings

The case filings have increased as the Spokane community continues to grow. The reduced case filings in 2020 and 2021 are likely due to the COVID pandemic and it is too soon to gauge how quickly filings will return to post COVID numbers. The largest increase in case filings are in felony criminal cases with a total increase of 39.4% even with the reduction of filings due to the pandemic. From 2000 to 2019 felony criminal case filings increased 122.2%.

In addition to increased case filings, we have increasing numbers of unrepresented litigants accessing the courts. These cases require significantly more court resources and time.

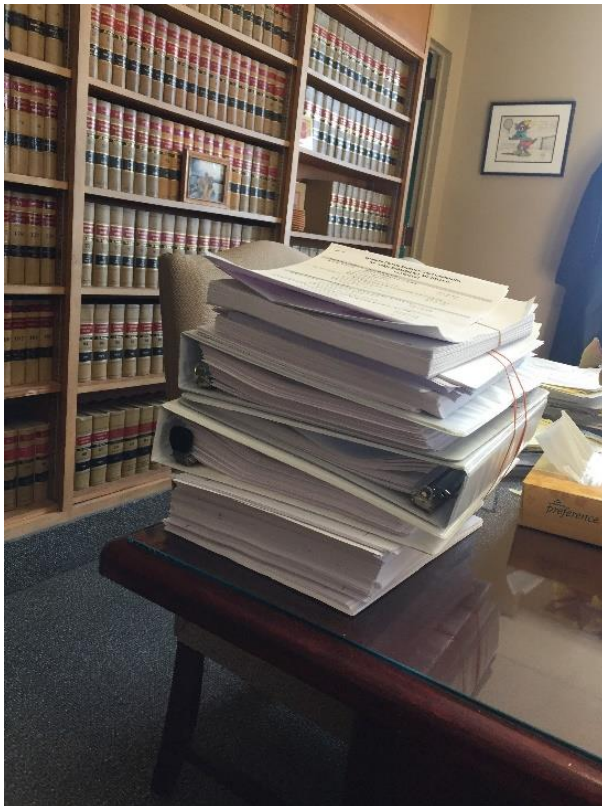
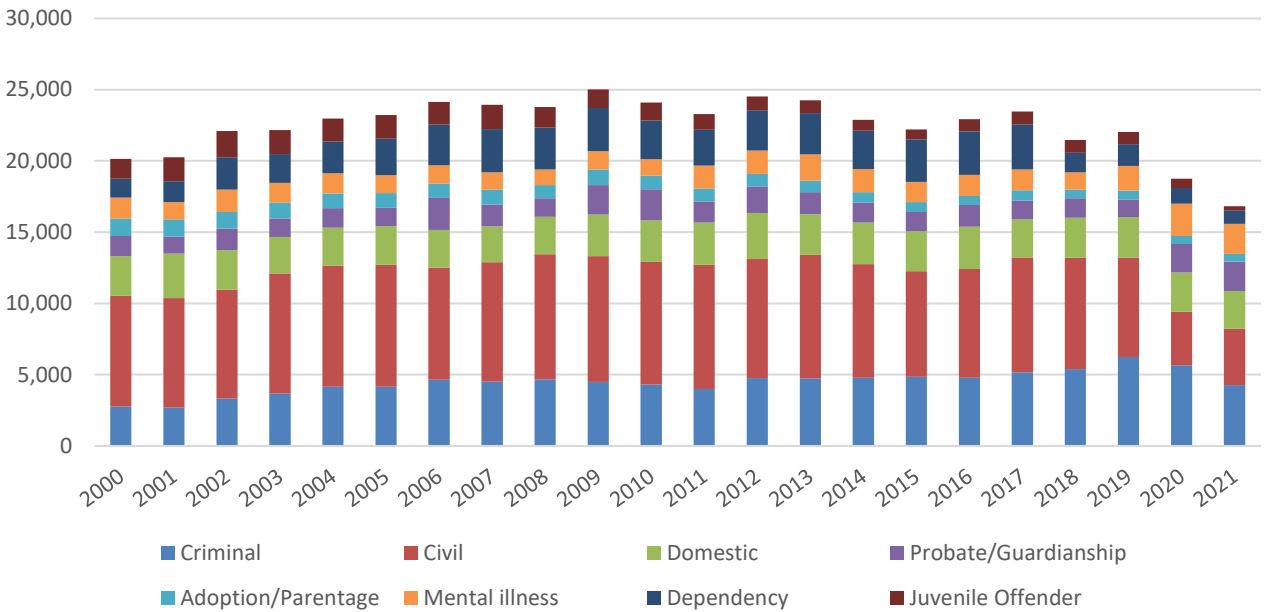


Case Completions

Case completions are another caseload metric that measure the Court’s ability to complete cases at the same rate as new cases are filed. The COVID pandemic again had an impact in Superior Court’s ability to complete cases. The jury trial suspension* from the Supreme Court and restrictions on non-emergent hearings dramatically slowed our case processing efforts. Even when jury trials were permitted to resume in July 2020, we were unable to use our court facilities efficiently due to social distancing requirements. Thanks to the Board, Superior Court creatively used larger venues (the Fairgrounds and Convention Center) but still was at significantly reduced trial capacity. Excluding the reduction in case completions due to the pandemic, Superior Court generally completes between 20,000 – 25,000 cases per year with the current resource allocation.

* The Court did not close during the pandemic. When jury trials were suspended, the judges conducted bench trials and motion hearings using remote technology. It’s also important to note that a significant portion of a judge’s work takes place off the bench, including preparation for complex civil motions, reviewing orders, and drafting letter decisions. The photos on the next page represent typical weekly civil motions, many of which are as important as a trial because they determine whether a party’s lawsuit should be dismissed. Trial judges are typically in trial Monday through Thursday but must also read and prepare for the weekly Friday motion docket. During trial, issues come up regularly that require research outside court time.

Case Completions



Superior Court Judges review complex civil motions on a weekly basis requiring a significant amount of reading and legal research. The above photos illustrate the reading materials for the weekly motion preparation.

Comparable Counties

Courts across the State of Washington utilize the Judicial Needs Estimate prepared by the Administrative Office of the Courts to assess if the court is adequately resourced. The analysis uses the previous five-year filing trends in a court. Spokane Superior Court is the second most under-resourced Superior Court in the state.

Since AOC's judicial needs estimate was last updated pre-pandemic (December 2019), court operations have also been adversely affected by several factors: pivoting to remote proceedings during the pandemic and the backlog it created; *State v. Blake* resentencing hearings, as well as longer and more resource-intensive eviction hearings/trials. According to AOC, Spokane Superior Court needed four additional full-time judicial officers to meet the 2019 caseload, which does not take into account the additional work requirements.

Our Court Administrator confirmed with her counterparts in each county to verify the accuracy of the number of judicial officers. Only Yakima and Spokane County Superior Courts have not received additional judicial resources in the last two years. Snohomish County received two additional Judicial Departments and one additional Court Commissioner. Pierce County received one additional Judicial Department and one Court Commissioner. Clark and Thurston Counties have each received an additional Judicial Department.

Critical Space Needs

Judges do not control the inflow of cases, but they still must preside over them and have sufficient space to do so. Currently, we do not. The photos below show the challenges of managing our caseloads within current space. The caseload needs more than one judge to preside over filed criminal cases. The photos, prior to social distancing requirements, reflect one Chief Criminal Presiding docket that was so large that another judicial department had to cancel its proceedings to hear half of it. Overcrowding has resulted in complaints to Fire Marshall. However, the law mandates that certain hearings or trials take place within a specified time period or the matter is subject to dismissal. Matters that are not required to take place within a specific time are scheduled into the next available time slot. Judicial departments must schedule matters many months later because of docket congestion or lack of courtroom space, which delays resolution.

A critical capacity issue particularly exists in Family Law, despite having two departments. Each Family Law judge currently has approximately 800 pending cases with more coming in each week than can be resolved. Cases that are ready for resolution cannot be tried because of a lack of resources. Often, these are families in crisis who need resolution sooner rather than later.



Conclusion

Over the past many years, Spokane Superior Court, a co-equal branch of government, has demonstrated that we are excellent stewards of County resources. We have been diligent and creatively sought efficiencies with the limited resources allocated to us. However, the caseload numbers outlined in this executive summary demonstrate a critical need, which is growing, for additional judicial and space resources. Our community and taxpayers deserve timely access to justice. State and federal constitutions require it. The Court is at a breaking point and has begun triaging which cases receive the limited resources and which must wait even longer for justice.