

Problem-Solving  
in Seattle and King County Courts:  
A Survey of Judges, Prosecutors, and Public Defenders

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## Abstract

Innovative judges, attorneys, court administrators, justice system officials, policy makers, and community leaders, are joining together across the nation to seek alternative solutions to quality-of-life crime, homelessness, mental illness, drugs, prostitution, and domestic violence, everyday problems that are increasingly showing up in the criminal justice system. Berman and Feinblatt (2005) report that such problem-solving solutions are beginning to restore the relevance of courts, and to increase public trust and confidence in the criminal justice system through addressing the problems that bring people to court, whether as victims, defendants, or concerned community members.<sup>1</sup>

*Problem-Solving in Seattle and King County Courts: A Survey of Judges, Prosecutors, and Public Defenders*, was not conducted in response to a local problem, rather, it was the result of the author's positive experience working with a team of criminal justice actors dedicated to intervening on the revolving door of low level offenders through the Seattle criminal justice system, a dedication which resulted in the creation of the Seattle Community Court. Moreover, given that King County is a leader among mental health courts, and Seattle among community courts, it is expected that other courts across the nation will be looking to Seattle and King County for leadership and adaptation of problem-solving models.

To investigate the perceptions and practices related to problem-solving in the Seattle and King County criminal justice community, a survey was conducted among a nonrandom sample of 386 trial court judges, prosecutors, and public defenders. The survey was a replication and expansion of a study conducted by the Center for Court

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<sup>1</sup> G. Berman, J. Feinblatt, S. Glazer, *Good Courts: The Case for Problem-Solving Justice*, The New Press, NY, 2005, pages 190 - 195.

Innovation and the California Administrative Office of the Courts.<sup>2</sup> The research sought to 1) investigate Seattle and King County judges', prosecutors', and public defenders' current attitudes and practices regarding problem-solving methods; 2) assess Seattle and King County judges', prosecutors', and public defenders' willingness to make greater use of problem-solving practices in non-problem-solving court assignments, and, to identify conventional court settings that might be seen as especially amenable to problem-solving practices; and 3) identify potential obstacles to the more widespread adoption of problem-solving methods in conventional court settings.

The findings indicate broad support for problem-solving approaches among trial court judges and public defenders serving in Seattle and King County courts. Judges who hear serious and violent felony cases in King County Superior Court are less supportive than Municipal and District Court judges. The findings do not indicate broad support from King County prosecuting attorneys; there is however, selective support for some practices, such as a willingness to use problem-solving methods in current calendar assignments, and to consider using them in other assignments. Seattle City prosecuting attorneys cite greater support for such methods than felony prosecutors. Limited resources, heavy caseloads, cases deemed inappropriate for problem-solving approaches, concern about maintaining neutrality, and the need for education and training, are perceived as obstacles to the more widespread use of problem-solving methods in Seattle and King County courts.

Based on these findings, the Seattle and King County criminal justice system should consider:

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<sup>2</sup> D. J. Farole, and M. Rempel, *Problem-Solving and the American Bench, A National Survey of Trial Court Judges*. New York: Center for Court Innovation, 2008.

1. Conducting additional research through focus groups, and in-depth interviews to explore the differences among judges, prosecutors, and public defenders who hear felony and serious misdemeanor cases in Superior Court compared to cases considered in District and Municipal courts. Such research should include criminal justice actors from a variety of calendar assignments as well as those without problem-solving court experience;
2. Developing an education and training curriculum that teaches new problem-solving practices and enhances skills for both newer and more tenured judges and attorneys; and
3. Conducting empirically-based evaluations of the problem-solving programs to identify which components should be adopted and in what circumstances.

## I. Introduction

This study seeks to explore the extent to which the practices fostered by problem-solving courts may be applied more widely throughout the Seattle and King County criminal justice system. The study also aims to inform judges, court administrators, justice system officials, policy makers, and community leaders about both opportunities and barriers that judges, prosecutors, and public defenders may face in applying problem-solving principles and practices outside the specialized court setting.

*Problem-Solving in Seattle and King County Courts: A Survey of Judges, Prosecutors, and Public Defenders* was not conducted in response to a local problem, rather, it was the result of the author's positive experience working with a team of criminal justice actors dedicated to intervening on the revolving door of low level offenders through the Seattle criminal justice system, resulting in the creation of the Seattle Community Court.

### **Purpose of this Study**

This study seeks to 1) investigate Seattle and King County judges', prosecutors', and public defenders' current attitudes and practices with respect to problem-solving methods; 2) assess Seattle and King County judges', prosecutors', and public defenders' willingness to make greater use of problem-solving practices in non-problem-solving court assignments, and, to identify conventional court settings that might be seen as especially amenable to problem-solving practices; and 3) to identify potential obstacles to the more widespread adoption of problem-solving methods in conventional court settings.<sup>3</sup> To answer these questions, judges, prosecutors, and public defenders were

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<sup>3</sup> See Note 2 *supra*, page iii.

asked to respond to 29 survey questions regarding judicial role attitudes, judicial practices, problem-solving methods of judging, specialized problem-solving courts, and either their current experience on the bench, or their experience prosecuting and defending cases.

### **History of Problem-Solving Courts**

Problem-solving courts emerged with the establishment of the country's first drug court in Dade County, Miami, Florida in 1989. Since then, more than 2,500 problem-solving courts have mushroomed across the nation, each one is different with respect to the types of cases handled; for example, some address serious felonies, while others hear first time offenses and minor misdemeanor cases. Some problem-solving courts function like conventional courtrooms and others hold court in neighborhood community facilities.

Problem-solving courts often seek to improve the quality of life in urban centers dealing with homelessness, petty theft, criminal trespass, prostitution, drugs, mental illness, and the impacts of such crimes on the livability and commercial vitality of the community. Community courts for example, are neighborhood focused, and attempt to tackle the problems of specific, crime-riddled communities, bringing criminal justice actors and local residents together to improve public safety.”<sup>4</sup> Drug courts attempt to stop the cycle of drugs, crime, and jail for addicted offenders. Mental health courts seek to stabilize offenders in the community, and when possible, provide housing with onsite treatment services and medication monitoring. Some problem-solving courts leverage the authority of the court to link offenders with therapeutic interventions, while others use

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<sup>4</sup> See Note 2 *supra*, page 9.

their influence to ensure compliance with sanctions, such as with domestic violence courts. Still other problem-solving or collaborative justice models have evolved, including family treatment courts, homeless veteran's courts, and a number of specialized courts serving specific populations, such as peer/youth courts.<sup>5</sup>

### **How This Project Originated**

This research stems from the author's personal experiences observing criminal justice actors become revitalized during the planning, and subsequent launch of the Seattle Community Court (SCC) in March of 2005. SCC, the 26<sup>th</sup> community court in the nation and the first in Washington State, was initiated through a partnership of the Seattle Municipal Court, the Seattle City Attorney's Office, and the Associated Counsel for the Accused - the primary defense counsel serving the Seattle Municipal Court. The SCC transitioned from a downtown focus to citywide in 2007 as a result of a *Community Based Problem Solving Criminal Justice Initiatives* federal grant under the United States Department of Justice (DOJ), one of only ten awards made nationwide following a competitive grant process. In April of 2009, the DOJ selected SCC as one of only three community court mentor sites, tasked with helping other jurisdictions nationwide build and advance their own community court projects.<sup>6</sup>

Seattle warrants recognition due to the selection of a unique target population as compared to many community courts who serve first time and moderate offenders. SCC serves "chronic public system users" - defendants who repeatedly commit low-level crimes, fail to comply with sanctions, fail to appear for court hearings, and use expensive jail resources when they could more effectively be rehabilitated through alternative

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<sup>5</sup> D. J. Farole, N. Puffett, M. Rempel, and F. Byrne, *Collaborative Justice in Conventional Courts: Opportunities and Barriers*, New York: Center for Court Innovation and California Administrative Office of the Courts, 2004, page 1.

<sup>6</sup> <http://www.cityofseattle.net/communitycourt/mentor.htm>, Seattle Community Court.

strategies. SCC strives to slow down the recycling of low-risk, quality of life crimes offenders through the criminal justice system. Rather than relying on lengthy and costly jail sentences, defendants are typically assigned between 16 and 48 hours of community service and are mandated to make social service linkages individually tailored to address their underlying issues. Failure to comply is punished by swift and certain imposition of short jail terms.<sup>7</sup>

Since its inception in March 2005, SCC has saved over \$2,000,000 in unused jail beds, and generated over 39,000 hours of community service to Seattle neighborhoods from over 3,200 community court defendants.<sup>8</sup> Thus, Seattle Community Court is part of a growing number of courts in the United States and around the world that are using problem-solving techniques and restorative justice principles to make a positive difference in their communities.

The SCC implementation team comprised of the Seattle City Attorney and the Deputy of the Public Safety Division; the previous Director of the Associated Counsel for the Accused; and, the previous Presiding Judge and the Chief Clerk of the Seattle Municipal Court donated their time to start the project.<sup>9</sup> The team adopted a “just do it” mantra and did not initially request new funding from the City of Seattle to launch the model.

The Downtown Seattle Association, Metropolitan Improvement District - the city’s business improvement association - having been closely involved in early planning efforts, quickly saw the value of such a court to address local quality of life issues. The

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<sup>7</sup> Robert Hood, (former) Deputy of the Seattle City Attorney Public Safety Division, *Community Court News*, Volume Two, Issue One, [http://www.cityofseattle.net/communitycourt/docs/09May\\_CCourtnews\\_Winter-Spring.pdf](http://www.cityofseattle.net/communitycourt/docs/09May_CCourtnews_Winter-Spring.pdf), 2009.

<sup>8</sup> Tricia Lapitan, *Seattle Community Court, Executive Summary*, *Seattle Community Court*, January, 2010.

<sup>9</sup> <http://www.courtinnovation.org/Video/Seattle.html>, Center for Court Innovation.

Metropolitan Improvement District Board of Directors, agreed to provide seed money toward the court's start up with the caveat that the Seattle City Council create permanent positions to support the SCC. The Council adopted the business district's proposal, thereby establishing the author's position as Program Manager, and also funded a dedicated SCC probation counselor. The fledgling court quickly demonstrated savings in unused jail beds.

“Although alleviating the City of Seattle's problems of jail overcrowding was only one of a number of goals sought by the planners of the Community Court, the program's role in helping to reduce jail bed usage has been of great interest to city officials. A study prepared by the City of Seattle Office of Policy and Management found that defendants who opted into the Community Court spent an average of six days in jail compared to 19 days for defendants in the comparison group; an estimated jail savings of \$369,911 during 2005-06. Taking into account the additional savings in public defense expenses and also subtracting the cost of two dedicated Community Court positions funded by the City Council, the report calculated the net savings over the one-year period covered by the study at \$192,198.”<sup>10</sup>

These savings helped leverage additional City of Seattle funding for a one-year pilot program designed to provide housing, case management and treatment services to Seattle Community Court, and a select group of other offenders. The “pilot” is now in its fourth year.<sup>11</sup>

The author's experience with the rapid success of the Seattle Community Court, and the observation of seasoned criminal justice actors who embraced change and subsequently reported some of the highest levels of job satisfaction of their careers, raised the research question as to whether the Seattle and King County legal community was

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<sup>10</sup> B. Mahoney, and A. Carlson, *The Seattle Community Court, Start-Up and Initial Implementation, and Recommendations Concerning Future Development*, The Justice Management Institute, 2007, page 8.

<sup>11</sup> S. Herbert, P. Lopez, and M. Townley, *Assessment of Three Public Safety/Human Services Projects: Court Specialized Treatment And Access To Recovery Services (CO-STARS), Get Off The Streets (Gots), and Communities Uniting Rainier Beach (Curb)*, University of Washington, 2009.

likewise supportive of problem-solving courts. Through exploring local criminal justice attitudes, experience, and willingness to apply problem-solving practices more broadly in conventional court settings, court leaders and legislators will be better able to set priorities. Moreover, given that King County is a leader among Mental Health Courts, and Seattle among Community Courts, it is expected that other courts across the nation will be looking to Seattle and King County for leadership and adaptation of problem-solving models.

### **Organization of the Report**

To gain a better sense of the attitudes, current practices, and willingness of Seattle and King County judges, prosecutors, and public defenders to make greater use of problem-solving practices in non-problem-solving calendar assignments, a survey was conducted with criminal justice participants who had experience serving in one or more problem-solving courts, including drug court, domestic violence court, mental health court, and community court, and those who had experience in general calendar assignments, enabling them to draw on their own experience in exploring questions on the practice of applying problem-solving methods in conventional courts.

Section Two lays the groundwork for this research by reviewing the published research on the broader application of problem-solving approaches in conventional court settings. Section Three summarizes the survey methodology. Section Four presents the findings and key themes, and identifies the judges', prosecutors', and public defenders' background in each type of therapeutic court (e.g., drug diversion court, domestic violence court, mental health court, and community court). This chapter also reviews attitudes and practices considered integral to the problem-solving approach, and which

calendars (e.g., family law, civil, or adult criminal calendars) participants deemed most or least suited to the practice of problem-solving justice. Finally, this section also identifies key barriers that criminal justice partners would likely face when attempting to practice problem-solving approaches more broadly.

## II. Literature Review

The purpose of this section is to provide a review of the published research relevant to the study of the attitudes and practices of criminal justice actors in problem-solving courts; explore conventional court settings that might be seen as especially amenable to problem-solving practices; and examine potential obstacles to the more widespread adoption of problem-solving methods in non-problem-solving court settings.

The literature reviewed is focused primarily on the concepts of therapeutic jurisprudence - a legal theory concerned with the potential therapeutic impact of judicial decisions, and collaborative or problem-solving justice, a practice of addressing the problems underlying criminal behavior, via the collaborative effort of judges, attorneys, service providers, and community members.<sup>12</sup>

Since criminal courts are increasingly dealing with the underlying social problems of addiction, mental illness, homelessness, prostitution, family dysfunction, repeated petty assaults against property, and anti-social behavior, it raises the question as to whether the adversarial process of the conventional court system is the best means to adjudicate such cases. The Sixth Amendment ensures that “in all criminal prosecution, the accused shall enjoy the right to a speedy and public trial, by an impartial jury. Instead of trials however, most cases are resolved through negotiation, commonly referred to as plea bargaining.”<sup>13</sup> While plea bargaining disposes of cases more quickly than trial, it does not provide a mechanism to address the underlying issues driving repeat criminal behavior. The last decade and a half has seen a profusion of problem-solving courts

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<sup>12</sup> See Note 6 *supra*, page 5.

<sup>13</sup> The Bill of Rights Amendments 1-10 of the Constitution, cited in Berman, G and Feinblatt, J., *Good Courts: The Case for Problem-Solving Justice*, New York: The New Press, 2005, page 17-18.

emerge in response to frustration by the court system and the public to the large numbers of cases that are disposed of, but that do not resolve the issues of defendants, victims, and communities. A growing body of research is developing that indicates, if implemented properly, the problem-solving approach can improve coordination among criminal justice actors, enhance services to victims, decrease recidivism, reduce crime, and increase public trust and confidence in the justice system.<sup>14</sup>

Each problem solving court has emerged in response to a unique set of issues in a given community. Even so, the literature while varied, does reveal consistent themes including:

1. Broader use of collaborative justice requires changing the traditional attitudes and role orientations of judges, attorneys, and other justice system actors;
2. A lack of resources poses significant obstacles to the more widespread application of problem-solving approaches;
3. Judicial leadership is critical; and
4. Different perspectives exist on the extent to which collaborative justice requires specialized courts (and judges) as distinguished from institutionalization throughout the entire court system.<sup>15</sup>

### **Changing Role Attitudes**

The literature clearly indicates that the broader application of problem-solving methods is contingent upon the buy-in of those who would foster such principles, whether it is in specialized or general courts. Further, in addition to the adoption of problem-solving principles, judges and attorneys must also change traditional attitudes

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<sup>14</sup> S. Frazer, *The Impact of Community Court Models on Defendant Perceptions of Fairness, A Case Study at the Redhook Community Justice Center*, New York: Center for Court Innovation, 2006, page 5.

<sup>15</sup> See Note 6 *supra*, page 5.

and role orientations.<sup>16</sup> Finally, those who would successfully embrace problem-solving justice must adopt a team approach - judges, attorneys, defendants, outside agencies, and the community must collaborate to arrive at decisions reflecting the common goals of all parties.<sup>17</sup>

According to the preliminary findings of a study conducted by the National Center for State Courts, the traditional judicial role is perceived as a central barrier to the spread of collaborative justice principles in conventional courts. While some judges look favorably upon the new culture of cooperation practiced in many collaborative justice courts, others do not.<sup>18</sup> Farole, et al (2004) state that the adoption of problem-solving approaches in mainstream courts depends on convincing judges and others that such an approach is not only desirable but also appropriate to the judicial role under certain circumstances.<sup>19</sup>

Farole, et al (2004) also notes the resistance of the bar to therapeutic jurisprudence; “while the future of problem-solving courts does not depend on acceptance from attorneys, its success can only be enhanced by lawyers willing to practice it.”<sup>20</sup>

### **Education and Training**

Several articles referenced by Farole, et al (2004) note that changing attitudes, role orientation, and adopting problem-solving practices in conventional court settings will not result from a mandate to do so, rather, such changes will more likely stem from

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<sup>16</sup> See Note 6 *supra*, page 6.

<sup>17</sup> *Loc. Cit.*

<sup>18</sup> See Note 6 *supra*, page 7.

<sup>19</sup> *Loc. Cit.*

<sup>20</sup> *Loc. Cit.*

targeted education and training, and the informal transfer of knowledge from those who have experience with problem-solving courts.<sup>21</sup>

### **Resource and Capacity Issues**

A number of articles referenced by Farole, et al (2004) identify the lack of resources (time, staffing, technology, and training) and funding as significant obstacles to the broad application of problem solving in conventional courts.<sup>22</sup> Courts of general jurisdiction - unlike therapeutic courts - typically lack sufficient resources to administer alternatives to incarceration; for example, they lack support staff to find and arrange admission to services for defendants. Another significant barrier to the more widespread adoption of problem-solving courts is a lack of stable funding for such courts.<sup>23</sup>

### **Judicial Leadership**

Farole, et al (2004) also cites the crucial role of judicial leadership in promoting problem-solving approaches throughout the court system. Judicial leadership is likewise necessary for creating new partnerships between the criminal justice system, and the human services, and business communities:

“At the national level, proponents of collaborative justice cite the leadership of the Conference of Chief Justices and the Conference of State Court Administrators in adopting a resolution that endorsed the problem-solving court approach, including: Encourag[ing], where appropriate, the broad integration over the next decade of the principles and methods of problem-solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, and meeting the needs and expectations of litigants, victims, and the community.”<sup>24</sup>

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<sup>21</sup> See Note 6 *supra*, page 51.

<sup>22</sup> See Note 6 *supra*, page 7.

<sup>23</sup> **Loc. Cit.**

<sup>24</sup> See Note 6 *supra*, page 8.

As the research continues to demonstrate, problem-solving courts are succeeding at addressing at least some of the problems they are designed to tackle.<sup>25</sup> These results are driving a growing interest in institutionalizing and expanding problem-solving strategies to reach greater numbers of individuals appearing in such courts.

“New York State Chief Judge Judith S. Kaye brought national distinction to the term “problem-solving courts” in a 1999 column in Newsweek when she explained that drug treatment courts, community courts, and domestic violence courts shared three important principles: a belief that courts can and should play a role in trying to solve the problems that are fueling caseloads; a belief that outcomes - not just process and precedent - matter; and a recognition that the coercive power of courts can change people’s behavior.”<sup>26</sup>

### **Collaborative Justice and Specialized Courts**

The literature also explores the relationship between collaborative justice and specialized courts: Do collaborative justice and problem-solving principles require specialized courts and specialized judges?

“Rottman (2000) suggests that problem solving in specialized courts has several advantages, including the ability of these forums 1) to relax the adversarial process and focus on problem solving, 2) to attract a vigilant bar (due to the exclusive subject matter jurisdiction), 3) to mobilize and coordinate treatment and service providers, and 4) to develop the expertise of the judge and other staff. However, he also cites a number of ways in which specialization may inhibit therapeutic jurisprudence, including the possibility that judges in these forums might become overly deferential to experts; that the court might become overly dependent on one judge; and that specialized court assignments might result in stress, burnout, and fewer opportunities for career advancement.”<sup>27</sup>

According to Goldberg, problem-solving courts do not require that judges become social workers. They simply provide an opportunity for criminal justice actors to be agents of change, recognizing that their words, actions, and demeanor impact the people

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<sup>25</sup> See Note 1 *supra*, page 190 - 195.

<sup>26</sup> R. Wolf, *Don't Reinvent the Wheel, Lessons from Problem-Solving Courts*, New York: Center for Court Innovation, 2007, page 1.

<sup>27</sup> See Note 6 *supra*, page 10.

who appear before them in the courtroom.<sup>28</sup> A recent study commissioned by the California court system included interviews and focus groups with 35 judges who had experience with problem-solving courts and then returned to conventional courtrooms. They were asked to consider whether it was possible to transfer problem-solving principles to their traditional court setting. The judges reported that transferring such practices such as direct interaction with defendants, monitoring offender's compliance with treatment, and partnering with social service providers, can and does work in conventional courts. Judges also noted however, that efforts to integrate problem-solving methods in non-problem-solving calendars will need to address resource issues and heavy caseloads.<sup>29</sup>

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<sup>28</sup> S. Goldberg, *Judging for the 21<sup>st</sup> Century: A Problem Solving Approach*, National Justice Institute, 2005, page 10.

<sup>29</sup> See Note 2 *supra*, pages 19 - 20.

### **III. Research Methods**

This research sought to compare the attitudes and experiences of prosecutors and public defenders with those of the local benches, in addition to exploring judicial attitudes and current practices regarding problem-solving in the courts in the Seattle and King County criminal justice community. Further, this study examined barriers to the transferability of problem-solving practices to conventional court settings, and explored which traditional court settings are considered most amenable to such practices. To determine the answers to these questions, a survey was conducted among a nonrandom sample of 386 judges and attorneys in Seattle and King County.

#### **Survey Instrument**

The survey instrument selected for this analysis was developed by the Center for Court Innovation (CCI) for use in a national study to investigate trial court judge's practices and perceptions related to problem-solving in the courts.<sup>30</sup> CCI authorized the use and modification of the survey to allow this research to expand on the scope of the previous work by including prosecutors and public defenders. The questions in the original study were designed for judges, and therefore required some questions to be altered to examine the experience of prosecutors and public defenders (see Appendices A-1, A-2, A-3). The survey consisted of 29 questions presented in a Likert-scale format, and one open-ended question to allow participants to comment on the questionnaire.

#### **Preview of Survey Instrument**

A Municipal and District Court judge; the directors of three public defense agencies; the Seattle City Attorney and the Deputy of the Public Safety Division; the

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<sup>30</sup> See Note 2 *supra*, pages 23 - 29.

Deputy King County Prosecutor; and a mental health court program manager, were each given the opportunity to preview the questionnaire over the course of several weeks prior to survey administration.

Feedback was useful for changing the hearing types to more accurately reflect those seen in Seattle and King County courts compared to the national survey, and for correcting formatting errors. Since the study was a replication of the national survey of trial court judges, modifications were limited to those noted above, and to minor alterations in sentence structure to include prosecutors and public defense counsel. For example, “During the past year, in approximately what percentage of all cases in which you were involved, did each of the following occur?” Contrast the same question for judges, “During the past year, in approximately what percentage of all cases you hear, did you do each of the following?” The time estimated to complete the questionnaire was six to ten minutes.

### **Survey Participants**

Judges, magistrates, and commissioners were surveyed from the King County Superior Court and Juvenile Court, the King County District Court, and the Seattle Municipal Court. King County and Seattle City prosecuting attorneys were surveyed from the respective criminal divisions, and defense counsel was included from the Associated Counsel for the Accused, the Northwest Defender Association, and The Defender Association. Participation was voluntary and anonymous. Respondents were asked to identify themselves only by their current role and the number of years in their current assignment. Given project resource constraints, only Seattle and King County judges, prosecutors, and defense counsel were surveyed, rather than sample from the

entire State of Washington. Also, due to limited representation in Seattle and King County problem-solving courts by private attorneys, the survey was not extended to the entire King County Bar. Participants surveyed serve in five problem-solving courts in Seattle and King County: two mental health courts; and one, domestic violence court, drug court, and community court. They also had experience in general calendar assignments, enabling them to draw on their own experience in exploring questions on the practice of applying problem-solving methods in conventional courts.

The potential respondent pool was comprised of 386 judges and attorneys; 109 judges, 73 prosecutors, and 186 public defenders (see Table 1). The survey was administered from September 10, 2009 - October 5, 2009, and achieved an overall response rate of 35%.<sup>31</sup> The survey was extended by two weeks to improve initial low response rates (see Appendices C-1 and C-2).

**Table 1: Survey Response Rate**

<b>Stakeholder</b>	<b>Surveys Distributed</b>	<b>Responders</b>	
		<b>n</b>	<b>%</b>
<b>Judges</b>			
Superior Court	58	22	38
District Court	38	10	26
Municipal Court	13	4	31
	<b>109</b>	<b>36</b>	<b>33</b>
<b>Prosecutors</b>			
King County	45	20	44
City of Seattle	28	16	56
	<b>73</b>	<b>36</b>	<b>49</b>
<b>Public Defender</b>			
ACA, NDA, TDA - Combined	186	58	31
<b>Total</b>	<b>368</b>	<b>130</b>	<b>35</b>

<sup>31</sup>This project was started when the author served as the Project Manager for the Seattle Community Court. The data was collected after serving as the Systems Manager, Chronic Homeless Care, at the Seattle and King County Department of Public Health; therefore, the participation secured may be low due to this mid-project transition.

The survey asked respondents to provide basic demographic information, and to identify how long they have practiced in their current assignment. Following is a brief discussion of participating criminal justice organizations.<sup>32</sup>

### **Municipal Court of Seattle**

The Municipal Court of Seattle is the largest municipal court of limited jurisdiction in the State of Washington, with jurisdiction over all violations of the Seattle Municipal Code. The Court is located in the urban center of downtown Seattle, a city with a population of approximately 582,000, and located in King County.<sup>33</sup> Like other urban centers, Seattle has problems of poverty, homelessness, and crime. Most municipal offenses are considered nuisance crimes and do not create a public safety risk, these low level crimes however, impact the quality of life for residents, merchants, visitors, and employees who work in the downtown core. The Court handles all misdemeanor crimes such as petty theft, criminal trespass, prostitution, simple assault, public nuisance crimes, DUI, domestic violence, and traffic violations. The Municipal Court of Seattle has a community court, mental health court, and a domestic violence court. Social services are also available onsite through the Court Resource Center.

### **King County District Court**

The King County District Court with a mental health court, is the largest district court of limited jurisdiction in the state of Washington and is currently responsible for processing approximately a quarter of a million matters per year. The King County District Court is a leader in many areas involving public safety and access to justice and has the greatest number of problem-solving courts within a court of limited jurisdiction in

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<sup>32</sup> The Society of Counsel Representing Accused Persons (SCRAP) a fourth private, non-profit public defense law firm in Seattle and King County, Washington, did not respond to the invitation to participate in the survey.

<sup>33</sup> State and County QuickFacts, US Census Bureau, found at <http://quickfacts.census.gov/qfd/states/39/3916000.html>.

the state of Washington. The court has established judge-supervised probation for the purposes of public safety and reduced recidivism, and has access to and uses a variety of highly successful jail alternative programs. The court is the most technologically advanced court of limited jurisdiction in the state of Washington, and has improved access to justice by having its multiple facilities linked together as one court through governance and technology. A court user can pay a ticket, clear a warrant, access court files, find out about their case, file legal papers, or research a case at any location.

As a court of limited jurisdiction, the District Court is responsible for civil litigation matters up to \$75,000, small claims matters up to \$5,000, domestic violence protection orders, infractions (traffic, non-traffic, and parking), misdemeanor and gross misdemeanor criminal cases, felony expedited cases, and felony preliminary hearings.<sup>34</sup>

### **King County Superior Court**

The King County Superior Court has a drug court, and is a general jurisdiction trial court with responsibility for civil matters involving more than \$300, unlawful detainers, and injunctions; felony criminal cases; misdemeanor criminal cases not otherwise provided for by law; family law, including dissolutions, child support, adoptions, parentage, and domestic-violence protection matters; probate and guardianship matters; juvenile offender matters; juvenile dependencies, including abused and neglected children, children in need of services, at-risk youth, and truancies; and mental illness and involuntary commitment matters.<sup>35</sup>

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<sup>34</sup> <http://www.kingcounty.gov/courts/DistrictCourt/About.aspx>, King County District Court website.

<sup>35</sup> <http://www.kingcounty.gov/courts/SuperiorCourt/info.aspx>, King County Superior Court website.

### **King County Prosecuting Attorney's Office**

The King County Prosecuting Attorney's Office 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.<sup>36</sup>

### **Seattle City Attorney's Office**

The Seattle City Attorney's Office of Public and Community Safety Division prosecutes domestic violence and child abuse matters with the assistance of ten victim advocates, as well as non-domestic violence related offenses. Special operations attorneys staff the mental health court and the community court, and Precinct Liaison Program attorneys staff each of Seattle's police precincts where they engage the community, the police and other government agencies in proactive neighborhood problem-solving efforts designed to improve public safety and neighborhood livability. The work of the Public and Community Safety Division staff extends beyond the traditional role of prosecuting criminals who commit misdemeanor offenses, and also encompasses a broad range of activities designed to reduce or prevent crime, solve problems, and empower neighborhoods.<sup>37</sup>

### **Associated Counsel for the Accused**

The Associated Counsel for the Accused (ACA) has provided public defense services for King County since 1973 and is the primary public defender for the City of Seattle. ACA provides legal services in traditional criminal courts and other areas such as

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<sup>36</sup> <http://www.kingcounty.gov/prosecutor/bioandmission.aspx#overview>, King County Prosecuting Attorney's website.

<sup>37</sup> <http://www.seattle.gov/law/>, Seattle City Attorney's website.

community court, drug court, dependency, contempt of court, juvenile court, mental health court and youth truancy matters.<sup>38</sup>

### **Northwest Defender Association**

The Northwest Defenders Association (NDA) attorneys and staff represent adults and juveniles in criminal and civil proceedings in King County Superior Court, King County District Court and Seattle Municipal Court. NDA attorneys also represent parents and children in dependency proceedings and respondents answering contempt petitions.<sup>39</sup>

### **The Defender Association**

The Defender Association a non-profit corporation founded in 1969 is now the largest criminal law firm in the state. The Defender represents felony, misdemeanor, juvenile, family advocacy, and civil commitment cases, as well as a number of appeals at all levels of the state courts.<sup>40</sup>

### **Data Analysis Framework**

Participant responses were downloaded from Survey Monkey into an Excel spreadsheet for analysis, and then converted to tables and figures for comparison between judges, prosecutors, and public defenders. A number of prosecutors and public defenders reported that certain questions appeared to be for judges only, and therefore did not respond to them; when response rates were below 50% they were excluded from the

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<sup>38</sup> [http://www.google.com/search?sourceid=navclient&aq=0&oq=associated+couns&ie=UTF-8&rlz=1T4ADBR\\_enUS320US320&q=associated+counsel+for+the+accused](http://www.google.com/search?sourceid=navclient&aq=0&oq=associated+couns&ie=UTF-8&rlz=1T4ADBR_enUS320US320&q=associated+counsel+for+the+accused), Associated Counsel for the Accused website.

<sup>39</sup> <http://www.nwdefenders.org/index.html>, Northwest Defenders Association website.

<sup>40</sup> <http://www.defender.org/>, The Defender Association's website.

analysis. When possible to do so, responses were also compared against the national estimates in the CCI study.<sup>41</sup>

**Table 2: Respondent Characteristics**

<b>Characteristic</b>	<b>%</b>
<b><u>Gender</u></b>	
Female	60
<b><u>Age</u></b>	
Under 30	2
30 - 39	30
40 - 49	15
50 - 59	41
Over 60	11
<b><u>Years in Current Assignment</u></b>	
5 or less	29
6 -10	29
11 - 20	28
20 or more	13
<b><u>Most Common Hearing Types/Caseload</u></b>	
Adult felonies	40
Adult misdemeanors	29
Domestic violence court	13
Civil	9
<b><u>Elected Officials</u></b>	<b>97</b>

<sup>41</sup> See Note 2 *supra*, pages iii – 21.

## **IV. Findings**

Problem solving involves both a general set of principles regarding judging and the use of specific judicial practices. Therefore, to assess the extent to which respondents currently embrace a problem-solving orientation, the survey asked a series of questions regarding their attitudes and practices. Percentages may not always add up to 100% because of rounding and the acceptance of multiple answers from respondents.

### **Problem-Solving Attitudes Toward Judging**

There are pronounced differences in the ratings of public defenders and those of judges and prosecutors regarding case resolution, case processing timelines, and community input. However, as observed in the national estimates, virtually all respondents agree that the most important feature of trial court judging is to ensure legal due process (99%) and the maintenance of judicial independence (97%). A substantial majority report that rendering decisions that assist litigants (82%) and protecting public safety (81%) is important. Most judges (97%) and prosecutors (92%) highly rate moving cases rapidly to resolution; whereas only 45% of public defenders agree. Eight in ten (81%) judges and two-thirds of prosecutors (64%) believe case processing timelines are important; yet compared to national estimates of judge only respondents, there is less support, particularly by the public defenders (33%).

Three in four judges (75%) and two-thirds of prosecutors (64%) value obtaining community input about the court systems; while only 36% of public defenders agree. Seven in ten judges (67%) regard adopting a proactive role in crafting case resolutions highly; this view is shared by only four in ten public defenders (40%) and even fewer prosecutors (22%). Participants differed from the national estimates regarding moving

cases rapidly (95%), case processing timelines (84%), and adopting a proactive role in crafting case resolutions (71%) (see Table 3).<sup>42</sup>

**Table 3: Percent Rating Aspect Important**

	Judges	Prosecutors	Public Defenders	<b>Total</b>	CCI
Ensure legal due process	100	100	97	<b>99</b>	98
Maintain judicial independence	100	97	95	<b>97</b>	99
Render decisions that assist litigants	94	78	74	<b>82</b>	80
Render decisions that protect public safety	72	100	71	<b>81</b>	91
Move cases rapidly to resolution	97	92	45	<b>78</b>	95
Follow case processing timelines	81	64	33	<b>59</b>	84
Obtain community input about the court system	75	64	36	<b>58</b>	67
Adopt a proactive role in crafting case resolutions	67	22	40	<b>43</b>	71

\*Arranged in descending order based on the total percent who responded somewhat and very important. Other choices given were not too important and not at all important.

### **Importance of Decision Making Factors**

In addition to assessing attitudes toward various aspects of judging, respondents were asked to rate the importance of a number of factors concerning judicial decision making. Judges and prosecutors were concerned with public safety issues, and the community consequences of decisions, while public defenders were focused on the needs of litigants. Judges, prosecutors, and public defenders alike, rated precedent, when clear and directly relevant (98%), and common sense (88%) as the most important factors when deciding a case. All prosecutors (100%), and most judges (94%), highly rate the importance of public safety, whereas only 62% of public defenders agree. Eight in ten prosecutors (78%), and two-thirds of judges (67%), agree that the community

<sup>42</sup> See Note 2 *supra*, page 5.

consequences of a decision are important, while less than half of public defenders (43%) agree. Three in four judges (75%) believe their own view of justice is most important; while only half of prosecutors (56%) and public defenders (55%) agree. Seven in ten public defenders (69%), and over half of judges (56%), believe the individual needs or underlying problems of the litigant are important; by contrast, only four in ten prosecutors (39%) agree. The least important factor to deciding cases cited by all participants is what the public expects (24%). Participants differed with judges in the national study regarding the judge’s view of justice (76%), the needs of litigants (70%), and the community consequences of a decision (53%) (see Table 4).<sup>43</sup>

**Table 4: Percent Rating Decision Making Factor Important**

	Judges	Prosecutors	Public Defenders	<b>Total</b>	CCI
Precedent, when clear and directly relevant	97	100	97	<b>98</b>	98
Common sense	92	89	83	<b>88</b>	97
Public Safety	94	100	62	<b>85</b>	91
The community consequences of a decision	67	78	43	<b>63</b>	53
The judge’s view of justice in the case	75	56	55	<b>62</b>	76
The individual needs or underlying problems of the litigant	56	39	69	<b>55</b>	70
What the public expects	28	31	12	<b>24</b>	22

\*Arranged in descending order based on the total percent who responded somewhat and very important. Other choices given were not too important and not at all important.

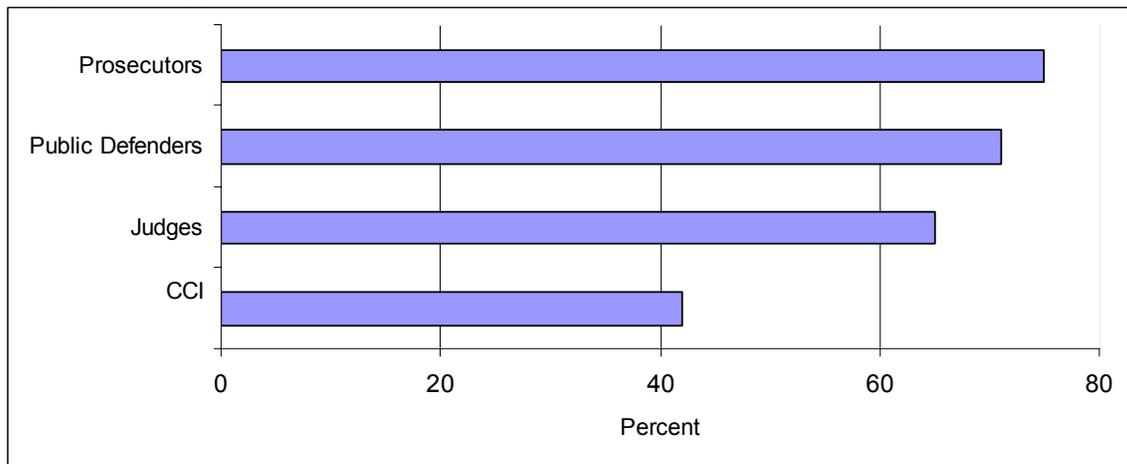
### **Conventional Versus Problem-Solving Orientation When Deciding Cases**

In addition to measuring the importance of various factors that impact case decisions, participants were asked to share their views about collaborative decision making among criminal justice and community partners. Even though judges are the

<sup>43</sup> See Note 2 *supra*, page 6.

ultimate authority in deciding case dispositions, in problem-solving courts they must also collaborate with attorneys, probation case managers, social service providers, and in some cases, community impact panels. Three in four prosecutors (75%) and public defenders (71%), and two-thirds of judges (65%), support collaborative decision making. King County District Court (70%) cited greater support for this problem-solving orientation than Superior Court (53%), a court more likely to consider serious felony cases. Respondents in this study cite greater support for collaborative decision making than trial court judges in the national survey (42%) (see Figure 1).<sup>44</sup>

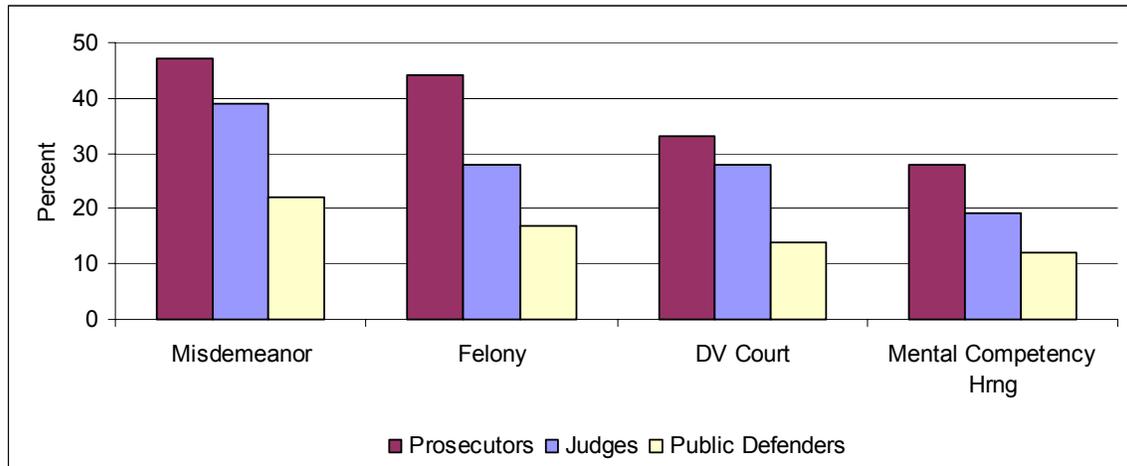
**Figure 1: Support for Collaborative Decision Making**



Prosecutors in misdemeanor (47%), and felony (44%) assignments, are more likely than those in domestic violence court (33%), and mental competency hearings (28%), to support collaborative decision making; by contrast, less than one in five public defenders agree (see Figure 2).

<sup>44</sup> See Note 2 *supra*, page 7.

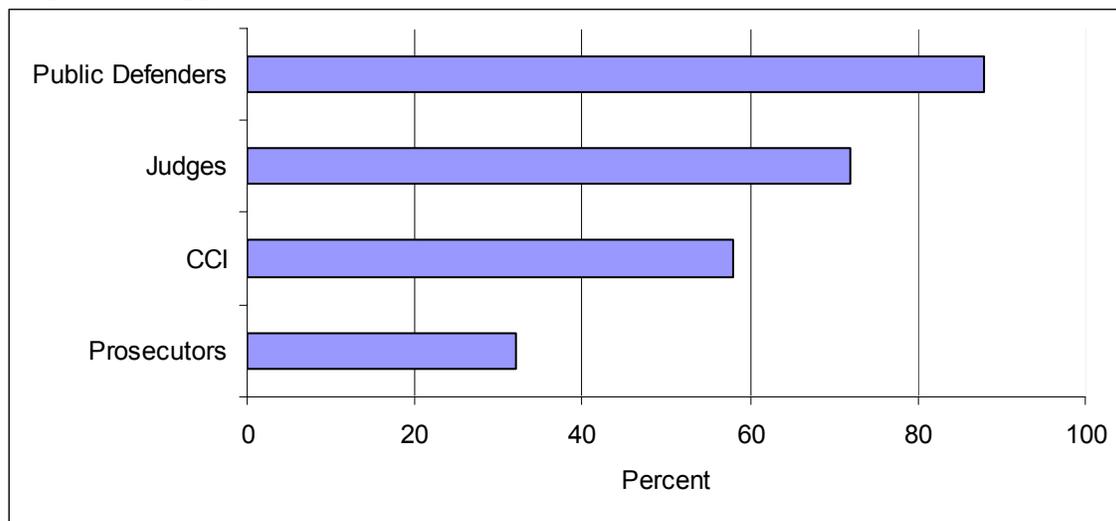
**Figure 2: Support for Collaborative Decision Making, by Calendar Assignment**



The survey also asked respondents about their attitudes toward problem-solving interventions as opposed to incarceration as a means of modifying behavior. Nine in ten public defenders (88%), and three in four judges (72%), support treatment over punishment; only 32% of prosecutors agree (see Figure 3). Half of King County felony prosecutors (47%) support punishment over treatment; by contrast, only two in ten Seattle misdemeanor prosecuting attorneys (21%) agree. Public defenders and judges cite greater support for treatment over punishment than judges (58%) in the national survey. Survey findings should not be interpreted to suggest that respondents choosing punishment do not value rehabilitation, or vice versa. Many supporters of domestic violence court do not believe the offender’s behavior can be changed through treatment, and therefore are more likely to give priority to victim safety and offender accountability over rehabilitation.<sup>45</sup>

<sup>45</sup> See Note 2 *supra*, page 7.

**Figure 3: Support for Treatment and Rehabilitation**



Respondents were asked to rate the extent to which they support collaborative solutions to address the problems facing offenders who suffer with serious addictions, mental illness, and homelessness. The findings indicate strong support for problem-solving justice among judges, prosecutors, and public defenders. Nine in ten respondents strongly agree that at the end of the case, it is important that litigants believe they were treated fairly by the court (95%),<sup>46</sup> judges should learn about drug addiction, mental illness, and domestic violence (95%), judicial decisions should help to promote confidence in the courts (93%), and judges should handle cases with an eye toward reducing recidivism or future filings (87%). Just under two-thirds (62%) believe it is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement. Most Seattle (88%) and King County (70%) prosecutors; Seattle Municipal Court (75%) and King County District Court (60%) judges; and, nearly two-thirds of public defenders (61%) support judges speaking with treatment providers to hear their recommendations on individual cases or litigants (62% of total respondents); by

<sup>46</sup> See Note 13 *supra*, page 1.

contrast, only three in ten Superior Court judges (36%) agree. Most public defenders (74%) disagree along with nearly half of judges (47%) and prosecutors (47%), that judges should not speak directly with litigants when their attorney is present (see Table 5).

**Table 5: Percent Support Collaborative Problem-Solving Approaches**

	Judges	Prosecutors	Public Defenders	Total
At the end of a case, it is important that litigants believe they were treated fairly by the court	97	92	95	<b>95</b>
It is important for judges to learn about drug addiction, mental illness and domestic violence	94	94	96	<b>95</b>
Judicial decisions should help to promote confidence in the courts	94	94	91	<b>93</b>
Judges should handle cases with an eye toward reducing recidivism or future filings	92	92	77	<b>87</b>
It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement	56	56	74	<b>62</b>
Judges should speak with treatment providers to hear their recommendations on individual cases or litigants	47	78	61	<b>62</b>
Judges should not speak directly with litigants when their attorney is present	47	47	74	<b>56</b>

\*Arranged in descending order based on the total percent responding somewhat and very important. Other choices given were not too important and not at all important.

### **Problem Solving Practices**

In addition to assessing stakeholder attitudes and practices, the survey asked how often respondents currently engage in problem-solving methods common to most specialty calendars (defined as 40% or more cases). Response rates for prosecutors and public defenders were consistently below 50% in this section, and were therefore excluded from this analysis.

During the past year, judges report they often use problem-solving approaches to support litigants; seven in ten (72%) base decisions on information about the individual needs or problems of a litigant, and offer verbal praise for complying with a court

mandate (69%). Roughly half (53%) report they sanction litigants short of imposing a final sentence or outcome for failure to comply with a court mandate, and 50% follow the recommendation of a treatment agency staff member when making a decision in a case. Four in ten (47%) set regular in-court review dates to monitor a litigant’s compliance with a court mandate, and 44% order litigants to drug or mental health treatment when not required by statute. One in four (25%) judges often pose questions directly to a litigant in court, and none propose a case disposition or sentence not offered by the attorneys of record. The national estimates are lower for all questions in this series except posing questions directly to litigants (32%), and proposing a case disposition not offered by the attorneys of record (11%) (see Table 6).<sup>47</sup>

**Table 6: Percent Current Judging Practices Were Often**

	Judges	CCI
Based a decision on information about the individual needs or problems of a litigant	72	33
Offered verbal praise to a litigant for complying with a court mandate.	69	33
Sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate	53	20
Followed the recommendation of a treatment agency staff member in making a decision in a case	50	42
Set regular in-court review dates to monitor a litigant’s compliance with a court mandate	47	31
Ordered a litigant to drug or mental health treatment when not required to by statute	44	32
Posed questions directly to a litigant in court	25	32
Proposed a case disposition or sentence not offered by the attorneys of record	--	11

\*Arranged in order based on the total percent who often answered the item (defined as 40% or more of cases). Other response options included sometimes (10 - 39%), rarely (1 - 9%), and never (0).

<sup>47</sup> See Note 2 *supra*, page 9.

Judges in misdemeanor assignments are more likely to base decisions on the individual needs of litigants (47%), and offer verbal praise (50%) for complying with court mandates, than those in felony (36%), and civil (33%) cases (see Table 7).

**Table 7: By Calendar Assignment, Percent Current Judging Practices Were Often**

	Misdemeanor	Felony	Civil
Based decisions on individual needs of litigants	47	36	33
Offered verbal praise	50	36	33
Sanctioned litigant	36	31	25
Followed treatment recommendations	33	25	25
Regular reviews to monitor litigant compliance	31	19	19
Ordered treatment	25	25	25

\*Arranged in order based on the total percent who often answered the item (defined as 40% or more of cases). Other response options included sometimes (10 - 39%), rarely (1 - 9%), and never (0).

### **Problem Solving Methods of Judging**

In addition to assessing the attitudes and the practices engaged in by judges, the survey asked respondents to rate their approval of applying problem-solving methods in their current assignments. Participants were also asked about their willingness to consider such methods in different calendar assignments, and to provide an opinion about how well problem-solving, as defined below, describes their current judging practice or the current judging practices that they experience.

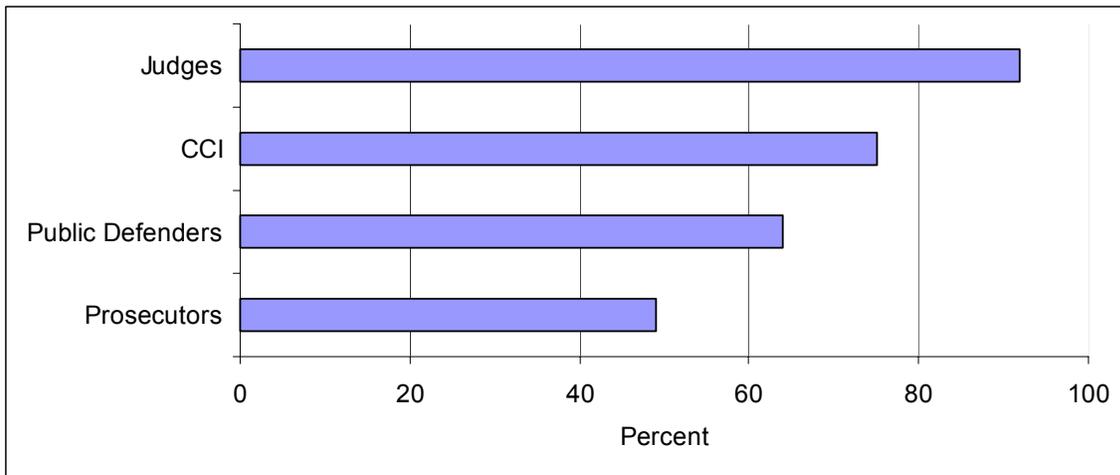
To provide a common understanding of “problem-solving” the following definition was included in the survey:

“Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.”<sup>48</sup>

<sup>48</sup> See Note 2 *supra*, page 10.

The findings indicate strong support for problem-solving, as defined above, by nine in ten judges (92%); by contrast, only two-thirds of public defenders (64%) and less than one-half of prosecutors (49%) agree (see Figure 4). Seattle and King County judges indicate higher approval for problem-solving in current assignments than judges (75%) in the national survey.<sup>49</sup>

**Figure 4: Approve of Applying Problem-Solving Methods in Current Assignment**



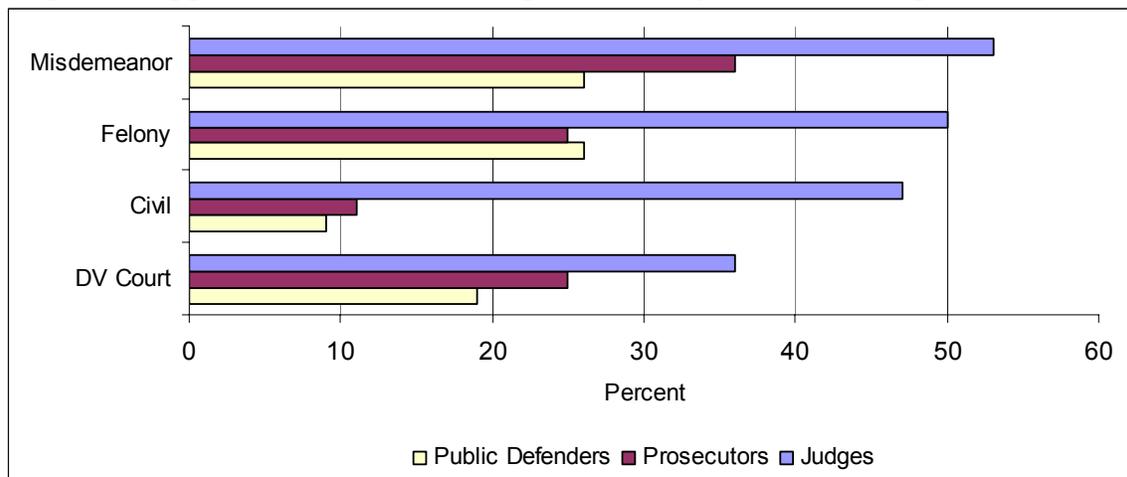
\*Based on the total percent who somewhat and strongly approve. Other response options included neither approve nor disapprove, somewhat disapprove, and strongly disapprove.

Judges in adult misdemeanor (53%), felony (50%), and civil (47%) assignments are more likely than those in domestic violence court (36%) to approve of problem-solving in their current assignments (see Figure 5).

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<sup>49</sup> See Note 2 *supra*, page 12.

**Figure 5: Approve of Problem-Solving Methods, by Calendar Assignment**



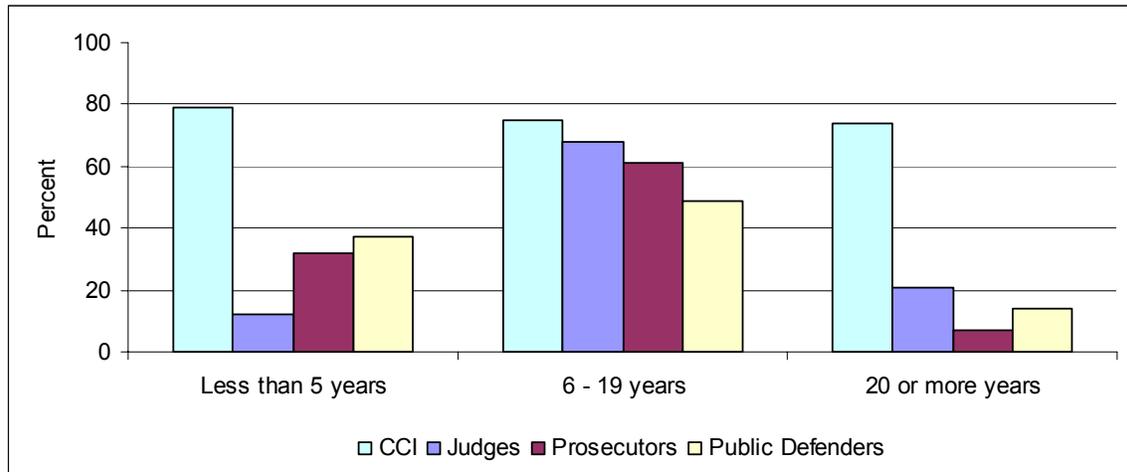
\*Based on the total percent who somewhat and strongly approve. Other response options included neither approve nor disapprove, somewhat disapprove, and strongly disapprove.

In the national survey, focus group participants suggested that newer judges would be more receptive to problem-solving methods.<sup>50</sup> Findings however, indicate that participants with six to nineteen years experience (judges 68%, prosecutors 61%, and public defenders 49%) express greater approval of problem-solving methods in their current assignments, than those with less than five (public defenders 37%, prosecutors 32%, and judges 12%), and more than 20 years (judges 21%, public defenders 14%, and prosecutors 7%) (see Figure 6). In the national study, three in four trial court judges expressed support for such methods regardless of the number of years on the bench.<sup>51</sup>

<sup>50</sup> See Note 2 *supra*, page 21.

<sup>51</sup> See Note 2 *supra*, page 13.

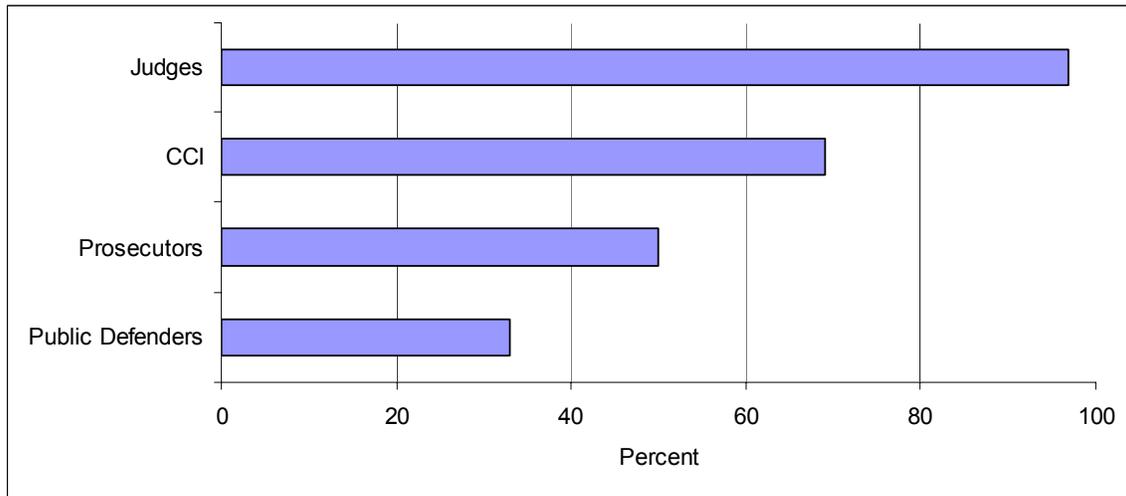
**Figure 6: Approve of Problem-Solving Methods, by Years in Current Assignment**



\*Based on the total percent who somewhat and strongly approve. Other response options included neither approve nor disapprove, somewhat disapprove, and strongly disapprove.

Virtually all judges (97%) report that problem-solving as defined above describes their current judging practice; by contrast, only half of prosecutors (50%), and one-third of public defenders (33%) report being involved in problem-solving hearings consistent with the above definition (see Figure 7). Judges in the national survey (69%) were less likely than Seattle and King County judges to report that problem-solving defines their current judging practices very well.

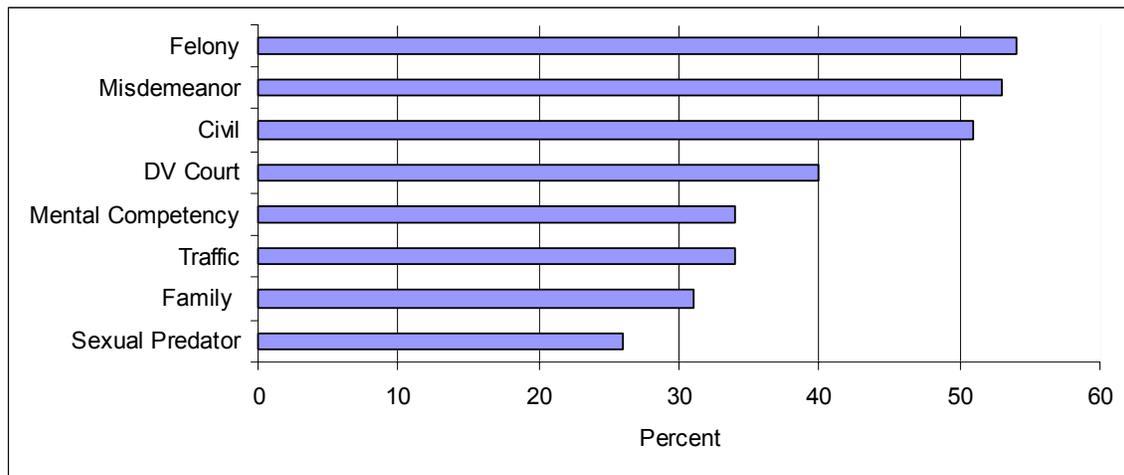
**Figure 7: Problem-Solving Describes Current Judging Practice/ Judging Practices You Experience**



\*Based on the total percent who responded somewhat and very well. Other response options included not too well and not at all well.

Judges hearing domestic violence (40%), mental competency (34%), traffic (34%), family (31%), and sexual predator (26%) cases are less likely than those in felony (54%), misdemeanor (54%), and civil (51%) court assignments to report that problem-solving defines their current judging practices very well (see Figure 8). Response rates were low for prosecutors and public defenders, and were therefore excluded from this analysis by calendar type.

**Figure 8: Problem-Solving Describes Current Judging Approach, by Calendar Assignment**



\*Based on the total percent who responded somewhat and very well. Other response options included not too well and not at all well.

When asked what types of cases they consider appropriate for problem-solving methods, the most commonly cited were criminal (43%), family (33%), and civil (24%). Note that 16% cited “all case types” with the caveat that serious and violent offenses were excluded. The “other” category included traffic, anti-harassment, small claims, and civil commitment cases (see Table 8). A key concern expressed by several respondents was the potential for due process violations: “when problem-solving is applied before the point in time when it is appropriate for a court to make factual findings about what is actually going on in (criminal, civil, drug court and mental health court) cases, it violates the due process rights of litigants.”

**Table 8: Percent Cases Appropriate to Apply One or More Problem-Solving Methods**

	Judges	Prosecutors	Public Defenders	Total	CCI
Criminal	74	18	37	<b>43</b>	41
Family Law/Family Court	45	25	28	<b>33</b>	50
Civil	31	19	22	<b>24</b>	23
All / Most Types	11	26	21	<b>20</b>	15
Drug Diversion Court	19	3	10	<b>11</b>	--
Domestic Violence	18	--	7	<b>8</b>	--
Mental Health	12	--	6	<b>6</b>	--
Juvenile/Juvenile Court	11	--	5	<b>5</b>	--
Not Criminal	--	--	1	--	--
Other	10	--	5	<b>5</b>	--

\*Arranged in order based on the total percent most frequently cited.

Participants were also asked to identify cases they consider inappropriate for problem-solving methods. The most commonly cited was criminal (27%); followed by none/don't know (20%), other (18%), and civil (11%). Case types in the "other" category included probate, driving offenses – not alcohol/drug-related, traffic infractions; impound hearing, inquests, family, and involuntary commitment. As noted above, respondents again commented on the potential for problem-solving methods to violate the due process rights of offenders, "posing a plea bargain for someone who is likely innocent is inappropriate; and, in cases of the poorer client (with a low-level offense), complex underlying conditions often impact their ability to comply with sanctions, resulting in more jail time served" (see Table 9).

**Table 9: Percent Cases Inappropriate to Apply One or More Problem-Solving Methods**

	Judges	Prosecutors	Public Defenders	Total	CCI
Criminal	33	38	9	<b>27</b>	11
None / Don't Know	16	22	21	<b>20</b>	20
Other	26	--	28	<b>18</b>	--
Civil	29	--	3	<b>11</b>	20

\*Arranged in order based on the total percent most frequently cited.

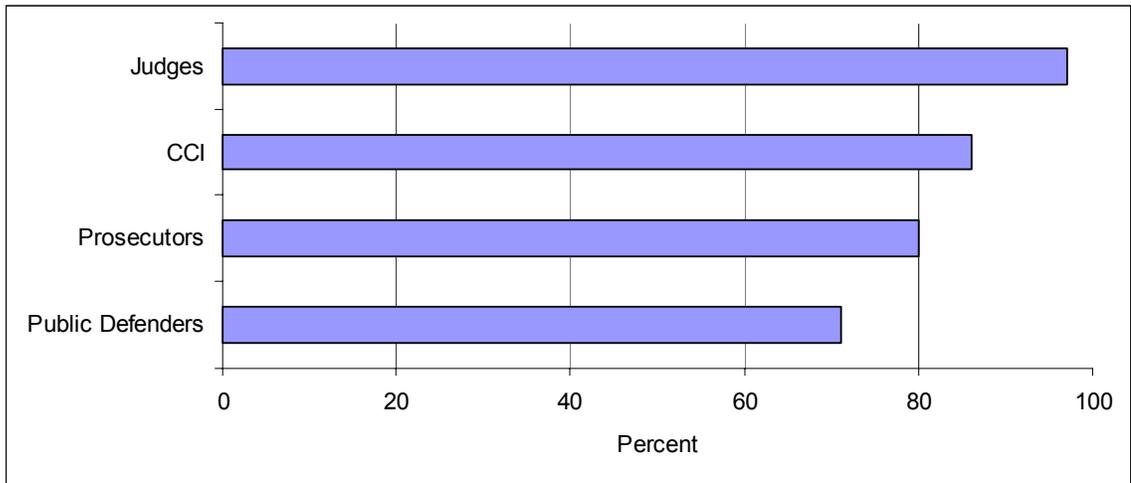
That similar case types were selected both as appropriate and inappropriate for problem-solving methods, suggests that participants may support such methods in less serious criminal cases but believe them inappropriate for violent felonies, and that the ultimate decision may depend more on the litigant than the type of case.<sup>52</sup>

In addition to asking participants which calendar assignments they viewed as more suitable than others for problem-solving approaches, the survey asked about their willingness to consider using such methods in a setting other than their current assignment. Virtually all judges (97%), eight in ten prosecutors (80%) – recall, King County prosecuting attorneys previously cited a strong preference for punishment over treatment, and the majority of public defenders (71%) are willing to use such methods on a different assignment (see Figure 9). Judges in the national study also expressed considerable support for problem-solving methods in other calendar assignments (86%).<sup>53</sup>

<sup>52</sup> See Note 2 *supra*, page 15.

<sup>53</sup> See Note 2 *supra*, page 16.

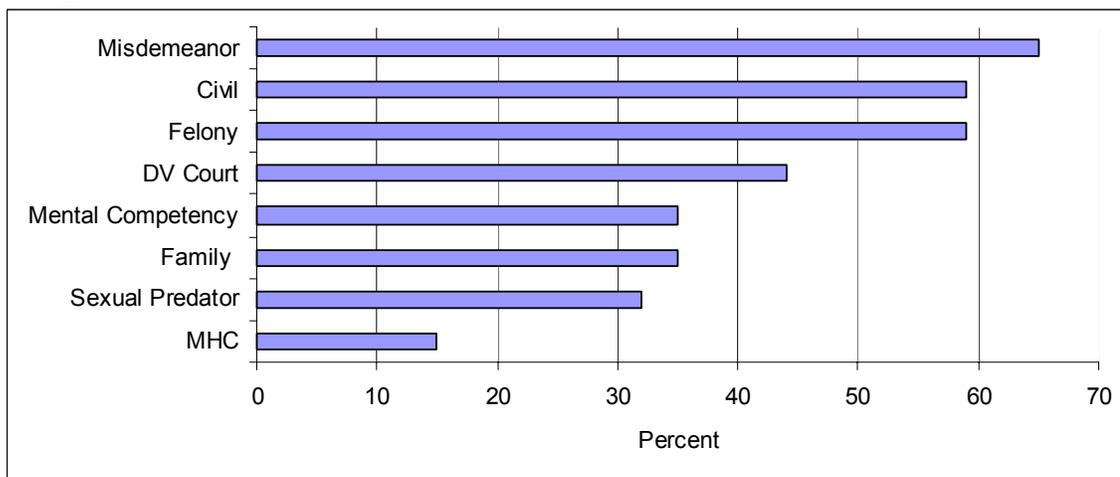
**Figure 9: Willing to Consider Problem-Solving Methods in Other Assignments**



\*Arranged in order based on the total percent who responded somewhat and very willing. Other response options included not too and not at all willing.

Nearly two-thirds of judges in misdemeanor (65%), civil (59%), and felony (59%) assignments, report they would be willing to consider problem-solving methods in other calendar assignments. Recall that civil and criminal cases were cited above as both appropriate and inappropriate for problem-solving approaches; however, as noted in Figure 10, judges express support for considering problem-solving methods in many different calendar assignments. Response rates for prosecutors and public defenders were low and therefore excluded from the analysis by calendar type.

**Figure 10: Judges Willing to Consider Problem-Solving Methods, by Calendar Assignment**



\*Arranged in order based on the total percent who responded somewhat and very willing. Other response options included not too and not at all willing.

### Potential Obstacles to the Use of Problem Solving Methods

Finally, respondents were asked to identify potential obstacles to the more widespread use of problem-solving methods in current assignments. There was general agreement among judges, prosecutors, and public defenders regarding these barriers. The most frequently cited barrier by all groups is a lack of support staff or services (44%). Other often-cited obstacles included heavy caseloads (23%), current cases are not appropriate (23%), the potential for problem-solving to compromise the neutrality of the court (24%), and the need for additional knowledge or skills (20%). Only 14% felt that none of these barriers apply (see Table 10). The national estimates were lower with respect to the lack of support staff or services (51%), heavy caseloads (29%), and current cases are not appropriate (19%).<sup>54</sup>

<sup>54</sup> See Note 2 *supra*, page 17.

**Table 10: Percent Citing Obstacles to the More Widespread Use of Problem-Solving Methods**

	Judges	Prosecutors	Public Defenders	<b>Total</b>	CCI
Lack of support staff or services	61	34	36	<b>44</b>	51
Heavy caseloads	39	11	19	<b>23</b>	29
Cases on my calendar are not appropriate for problem-solving	28	23	17	<b>23</b>	19
Problem-solving compromises the neutrality of the court	25	17	29	<b>24</b>	25
Need additional knowledge or skills	22	26	12	<b>20</b>	24
My colleagues on the bench would oppose it	17	9	7	<b>11</b>	4
Attorneys would oppose it	6	6	9	<b>7</b>	6
Problem-solving methods are not effective	6	6	3	<b>5</b>	6
Problem-solving methods are soft on crime	3	14	2	<b>6</b>	7
I do not agree with problem-solving methods	3	6	2	<b>4</b>	4
<i>None of these</i>	<i>14</i>	<i>14</i>	<i>10</i>	<b><i>13</i></b>	<i>18</i>

\*Arranged in order based on the total percent who most frequently selected each obstacle.

Less than 14% of respondents cite the reason for not using problem-solving practices as a lack of support for such methods; this finding suggests that most are not philosophically opposed to the more widespread use of problem-solving approaches in current, or other assignments.

### **Punishment-Based Approaches in Criminal Cases**

Recall above, very few public defenders (12%), and less than one-third of judges (28%) support punishing offenders over treatment and rehabilitation; many prosecutors (68%) disagree. Of prosecutors, only 21% of Seattle City attorneys support punishment over treatment. Further, only 14% of prosecutors believe problem-solving methods are

soft on crime. Seattle respondents, like judges in the national study, do not appear to view problem-solving methods to be incompatible with the need to punish offenders when appropriate.<sup>55</sup>

### **Training and Education**

To measure respondent's knowledge, experience, and training in specialized problem-solving courts such as a drug, mental health, domestic violence, or community court, they were asked about their familiarity and training in such courts. The results demonstrate that a substantial majority are interested in more opportunities to practice in problem-solving courts. Recall, over 70% of participants report they are willing to accept an assignment in a problem-solving court (see Figure 9). Virtually all judges (98%), public defenders (86%), and prosecutors (83%) are familiar with problem-solving courts. Further, three in four have presided in, or been assigned to litigate in, such a court (public defenders 74%, judges 72%, prosecutors, 67%). Fewer felony judges (55%) and prosecutors (35%) report previous experience presiding in, or being assigned to litigate in a specialty court, compared to Municipal (100%) and District Court (80%) judges, and Seattle prosecuting attorneys (88%). Three in ten judges (33%) and prosecutors (36%) currently litigate in specialized problem-solving courts, while slightly fewer public defenders (24%) practice in such courts.

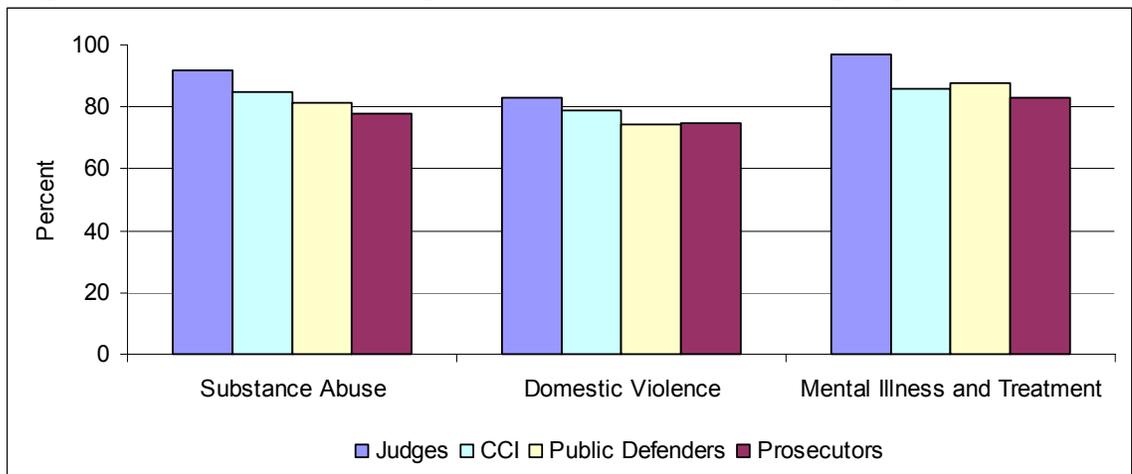
As noted above, the need to gain additional knowledge or skills was cited among the top five barriers to the more extensive use of problem-solving methods. When asked about their willingness to learn more about issues often seen in problem-solving courts, a

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<sup>55</sup> See Note 2 *supra*, page 19.

substantial majority expressed interest in learning more about mental illness and treatment (judges 97%, public defenders 88%, prosecutors 83%); substance abuse (judges 92%, public defenders 81%, prosecutors 78%); and domestic violence issues (judges 83%, public defenders 75%, prosecutors 74%) (see Figure 11). Trial court judges in the national survey also expressed considerable interest in learning more about these topics: mental illness and treatment (86%), substance abuse (85%), and domestic violence issues (79%).<sup>56</sup>

**Figure 11: Interest in Learning More About Problem-Solving Topics**



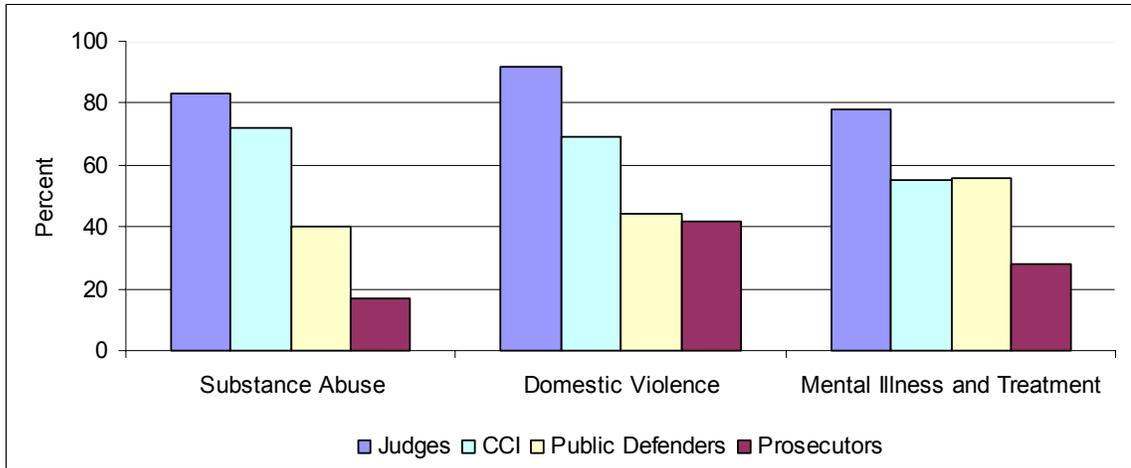
\*Arranged in order based on the total percent who responded somewhat and very interested. Other response options included not too interested and not at all interested.

Participants were also asked how often over the past three years they attended training on issues relevant to problem-solving. Recall, there are two mental health courts, and one, drug court, domestic violence court and community court in the jurisdiction. Judges report more training in domestic violence (92%), substance abuse issues (83%), and mental illness and treatment (78%) than the other groups. Four in ten prosecutors cite training in domestic violence issues (42%); while well under one-third report training in mental illness and treatment (28%), and substance abuse issues (17%). Public defenders

<sup>56</sup> Loc. Cit.

attended more training than prosecutors, but less than judges; mental illness and treatment (56%), domestic violence (44%), and substance abuse issues (40%) (see Figure 12). Judges in the national survey reported less training than Seattle and King County judges (substance abuse 72%, domestic violence 69%, and mental health 55%).<sup>57</sup>

**Figure 12: Attended Training in the Last Three Years**



\*Arranged in order based on the percent of respondents who said they attended training.

### Limitations

To improve the response rates of prosecutors and public defenders it may be useful to provide more explicit directions in the introduction to the survey. It may also be necessary to examine whether certain questions altered for prosecutors and public defenders are a good barometer of their experiences. The introduction to the survey stated that there were two surveys; one for judges, and the other for prosecutors and public defenders, yet it wasn't clear to all participants that they had been directed to the survey that had been expressly tailored for them. As one respondent stated, "this seems to be a survey directed at judges, then tinkered with for lawyers. It doesn't work...." Due to this confusion, where response rates for prosecutors and public defenders were consistently below 50%, the analysis was eliminated.

<sup>57</sup> Loc. Cit.

Due to technical issues with the survey administration, the option of “Expert Opinion” was omitted from the section “How important should the following factors be to a judge deciding in a case?” Finally, due to the author’s oversight during the transfer of the original survey into Survey Monkey, drug court was omitted as a hearing type in the section that asked respondents to identify the “most common or other case types they currently handle.”

## **V. Conclusions and Recommendations**

The findings indicate broad support for problem-solving approaches among trial court judges and public defenders serving in Seattle and King County courts. Judges who hear serious and violent felony cases in King County Superior Court are less supportive than Municipal and District Court judges. The findings do not indicate broad support from King County prosecuting attorneys; there is however, selective support for some practices, such as a willingness to use problem-solving methods in current calendar assignments, and to consider using them in other assignments. Seattle City prosecutors cite greater support for such methods than felony prosecutors.

**CONCLUSION ONE: MANY JUDGES AND PUBLIC DEFENDERS HOLD ATTITUDES CONSISTENT WITH KEY PRINCIPLES OF PROBLEM - SOLVING JUSTICE; PROSECUTORS ONLY SELECTIVELY AGREE.**

Judges and public defenders believe cases should be handled with an eye toward reducing recidivism or future filings, and that the more important goal of the criminal justice system is to treat and rehabilitate offenders; this view is not shared by the majority of prosecutors who litigate in felony hearings. Most prosecutors, public defenders, and judges support collaborative decision making over judges making decisions on their own, and nearly all judges report that they often base a decision on information about the individual needs or problems of a litigant, offer verbal praise for complying with a court mandate, and follow the recommendations of a treatment agency staff member.

**CONCLUSION TWO: VIRTUALLY ALL JUDGES, MOST PUBLIC DEFENDERS, AND MANY PROSECUTORS EXPRESS SUPPORT FOR**

**PROBLEM-SOLVING METHODS, AND A WILLINGNESS TO APPLY THEM IN CURRENT, AND OTHER CALENDAR ASSIGNMENTS.**

Judges, public defenders, and prosecutors support problem-solving methods in the cases they currently hear, and the majority of judges are willing to consider applying such approaches in criminal, civil, and family court settings. Senior and newer judges, public defenders, and prosecutors are less supportive of problem-solving methods, compared to those with six to nineteen years experience in their current assignments. While the data do not indicate why participants support problem-solving approaches, Berman and Feinblatt (2005) observe that problem-solving justice is now practiced in every state and endorsed by mainstream decision-makers, and that such approaches are beginning to address the loss of public faith in criminal courts; including the belief that courts are slow, judges are out of touch, and the needs of victims are ignored.”<sup>58</sup> It may be that respondents who elected to participate in this survey hold similar views.

**RECOMMENDATION ONE: CONVENE FOCUS GROUPS AND CONDUCT IN-DEPTH INTERVIEWS WITH TRIAL COURT JUDGES, PROSECUTORS, AND PUBLIC DEFENDERS.**

Conducting additional research through focus groups and in-depth interviews can provide a forum to explore the differences among judges, prosecutors, and public defenders who hear felony and serious misdemeanor cases in Superior Court compared to the lower level cases heard in District and Municipal courts. Focus groups should include criminal justice actors from a variety of calendar assignments as well as those without problem-solving court experience.

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<sup>58</sup> See Note 1 *supra*, page 3.

The survey findings suggest a particular willingness to apply problem-solving approaches in criminal, family, and civil court settings. The focus group can provide an opportunity for those who use problem solving methods in non-problem-solving calendars to share with others as to how they came to use such practices.

Such research will also provide a forum to identify barriers and potential solutions to the integration of problem-solving approaches in conventional courts. Suggested discussion topics include: 1) attitudes and role orientations of judges and attorneys, 2) resource and caseload issues (including leveraging existing resources from other problem-solving courts), 3) gaining buy-in (through exposing criminal justice actors to problem-solving principles and practices), 4) developing collaborative teams, 5) calendar types and circumstances most appropriate for problem-solving, 6) judicial leadership (as a means to encourage and validate greater use of such practices), and education and training.<sup>59</sup>

**CONCLUSION THREE: LIMITED RESOURCES, THE NEED FOR EDUCATION AND TRAINING, AND CONCERN ABOUT MAINTAINING NEUTRALITY ARE PERCEIVED AS OBSTACLES TO THE BROADER USE OF PROBLEM-SOLVING METHODS. PHILOSOPHICAL OPPOSITION TO PROBLEM-SOLVING METHODS, HOWEVER, IS NOT PERCEIVED AS AN OBSTACLE.**

Judges believe the lack of support staff or services and heavy caseloads are the greatest barriers to the more widespread use of problem solving in conventional settings; this view was not shared by public defenders and prosecutors. Less than one-third of all

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<sup>59</sup> See Note 6 *supra*, pages 51 - 56.

respondents believe that problem-solving compromises the neutrality of the court. The need for additional knowledge or skills was cited as a greater barrier for prosecutors and judges compared to public defenders. Less than 14% of respondents report that not supporting problem-solving methods is a reason they have not used those methods more often, suggesting that most participants are not philosophically opposed to problem-solving approaches.

**RECOMMENDATION TWO: DEVELOP A PROBLEM-SOLVING TRAINING AND EDUCATION CURRICULUM.**

Translating the support for problem-solving in cases they currently hear and stakeholder willingness to consider applying such approaches in other calendar assignments while encouraging, will take considerable commitment and persistence to overcome traditional attitudes and practices. The survey findings do not specify how training and education efforts might proceed; however, given that so many respondents embrace general problem-solving principles, the most effective education and training focus might be teaching new practices and enhancing skills rather than focus on the fundamentals of such methods.<sup>60</sup> This approach could serve to address the need to obtain additional knowledge and skills, identified as one of the top five obstacles to the more widespread adoption of problem-solving methods, and would introduce stakeholders to specific practices and approaches they may not be aware of or currently use. A training curriculum could also address concerns about the most appropriate calendar settings for applying problem-solving to ensure that such methods do not compromise the neutrality of the court – another barrier cited both in this study and the CCI report.<sup>61</sup>

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<sup>60</sup> See Note 2 *supra*, page 20.

<sup>61</sup> See Note 2 *supra*, page 21.

Including problem-solving in new employee orientation can be a means to familiarize new staff with problem-solving principles and practices. Since the survey indicates that newer criminal justice stakeholders, and those with more than 20 years are less likely than those with six to nineteen years experience to support such approaches, new employee orientation while important, should not be the exclusive focus of such training. However, developing and refining practices earlier in criminal justice careers may be easier than changing the behavior of more senior stakeholders.<sup>62</sup> While mandating training is likely to be controversial; it can also be expected to reach a broader audience.<sup>63</sup> Finally, training must include both attorneys and judges to build broader understanding of problem-solving justice through education, trust, and team building. “Trust building is a key component of any problem-solving court team and is primarily developed through longevity as colleagues.”<sup>64</sup>

Training should also be less formal to permit experienced collaborative court staff to model new behavior and mentor new staff assigned to problem-solving courts. Informal training can include requiring new staff to sit in a therapeutic court for a day as part of their orientation; brown-bag lunches to discuss problem-solving justice; inviting new staff to community court graduation ceremonies; and training judges and attorneys from general calendars to substitute in problem-solving courts. Other methods to develop new attitudes, skills, and trust could include cross training, succession planning - “encouraging new staff to shadow the departing member,”<sup>65</sup> and assignment rotations such as seen in the Seattle and King County problem-solving courts. Mandatory

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<sup>62</sup> **Loc. Cit.**

<sup>63</sup> See Note 6 *supra*, page 53.

<sup>64</sup> N. Waters, S. Strickland, and S. Gibson, *A New Culture for Mental Health Courts: Leaving Your Hat at the Door*, National Center for State Courts, 2009, page 43.

<sup>65</sup> **Loc. Cit.**

assignment rotations could however be viewed as punishment, resulting in an assigned judge who is hostile to the court's goals, who may not have the necessary skills, and who may be unwilling to work with partners - these circumstances can negatively impact the defendant's rehabilitation process, e.g., the defendant opts out or opts in for the immediate rewards of reduced jail time, and then refuses to comply with court mandates to connect with services, ultimately resulting in more jail time.<sup>66</sup>

**CONCLUSION FOUR: THE VARIETY OF ROLES AND PROGRAMS WITHIN SEATTLE AND KING COUNTY PROBLEM-SOLVING COURTS LEADS TO VARIATIONS IN THE SUPPORT EXPRESSED FOR SUCH MODELS.**

Problem-solving courts in the Seattle and King County jurisdiction have numerous variations that will lead to differences in perceptions among criminal justice actors; for example - the domestic violence court differs from the Seattle mental health court, which differs from the King County mental health court. Further, regardless of how long judges and attorneys may have worked in such courts, each has experienced a unique culture and dynamic depending on the constellation of team members involved.

**RECOMMENDATION THREE: POLICY MAKERS SHOULD EXERCISE CAUTION IN ADOPTING COMPONENTS OF PROBLEM-SOLVING PROGRAMS WITHOUT CONDUCTING EMPIRICAL RESEARCH.**

A wholesale adoption of problem-solving programs is not feasible and is not practical for conventional court dockets. Therefore, the research should identify empirically-proven techniques if they are to be considered in the mainstream. Thus,

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<sup>66</sup> See Note 6 *supra*, page 54.

empirically-based evaluations of such programs is in order to identify which components should be adopted and in what circumstances.

## VI. Appendices

### Appendix A - 1

#### Judge's Survey

#### PART I: JUDICIAL ROLE ATTITUDES

The first set of questions is about your views of trial court judging.

1. In general, how important is it for trial court judges to do each of the following? (Please mark one circle next to each phrase)

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Ensure legal due process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Maintain judicial independence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Move cases rapidly to resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Adopt a proactive role in crafting case resolutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Render decisions that assist litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Render decisions that protect public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Obtain community input about the court system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Follow case processing timelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. How important should the following factors be to a judge deciding in a case? (Please mark one circle next to each phrase)

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Precedent, when clear and directly relevant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. What the public expects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. The community consequences of a decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. The individual needs or underlying problems of the litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. The judge's view of justice in the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Common sense	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p><b>3. Which of the following is a more important goal of the criminal justice system?</b> (Please mark <u>one</u> circle)</p> <p><input type="radio"/> To treat and rehabilitate offenders</p> <p><input type="radio"/> To punish offenders</p>	<p><b>4. Which of the following statements <u>most closely</u> represents your view?</b> (Please mark <u>one</u> circle)</p> <p><input type="radio"/> Judges should make decisions on their own</p> <p><input type="radio"/> Judges should make decisions with the collaborative input of attorneys and other partners</p>
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**5. Please indicate the extent to which you agree or disagree with each of the following statements.**

(Please mark one circle next to each statement)

	<b>Strongly Disagree</b> ▼	<b>Somewhat Disagree</b> ▼	<b>Somewhat Agree</b> ▼	<b>Strongly Agree</b> ▼
a. Judges should handle cases with an eye toward reducing recidivism or future filings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Judicial decisions should help to promote confidence in the courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. At the end of a case, it is important that litigants believe they were treated fairly by the court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Judges should not speak directly to litigants when their attorney is present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Judges should speak with treatment providers to hear their recommendations on individual cases or litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. It is important for judges to learn about drug addiction, mental illness and domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**PART II: JUDICIAL PRACTICES**

The next questions are about practices that judges may or may not use in handling cases.

**6. During the past year, in approximately what percentage of all cases you heard, did you do each of the following?** (Please mark one circle next to each statement)

	<b>Never (0%)</b> ▼	<b>Rarely (1-9%)</b> ▼	<b>Sometimes (10-30%)</b> ▼	<b>Often (40% or more)</b> ▼
a. Proposed a case disposition or sentence not offered by the attorneys of record	○	○	○	○
b. Ordered a litigant to drug or mental health treatment when not required to by statute	○	○	○	○
c. Based a decision on information about the individual needs or problems of a litigant	○	○	○	○
d. Followed the recommendation of a treatment agency staff member in making a decision in a case	○	○	○	○
e. Posed questions directly to a litigant in court	○	○	○	○
f. Set regular in-court review dates to monitor a litigant's compliance with a court mandate	○	○	○	○
g. Sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate	○	○	○	○
h. Offered verbal praise to a litigant for complying with a court mandate	○	○	○	○

**PART III: PROBLEM-SOLVING METHODS OF JUDGING**

**This section contains general questions about “problem-solving” methods of judging.**

For this survey, “**problem-solving**” is defined as:

“Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.”

**7. In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases you currently hear?**

- Strongly disapprove
- Somewhat disapprove
- Neither approve nor disapprove
- Somewhat approve
- Strongly approve

**8. How willing would you be to consider applying problem-solving methods on a different calendar assignment?**

- Not at all willing
- Not too willing
- Somewhat willing
- Very willing

**9. In your opinion, how well does problem-solving, as defined above, describe your current judging practice?**

- Not at all well
- Not too well
- Somewhat well
- Very well

**10. In what types of cases (e.g., criminal, family, civil etc.) do you consider it appropriate to apply one or more problem-solving methods?**

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**11. In what types of cases (e.g., criminal, family, civil etc.) do you consider it inappropriate to apply one or more problem-solving methods?**

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**12. The following are reasons trial court judges may give for not applying problem-solving methods more frequently. Which of these reasons apply to you in your current assignment?**

*(Please mark all that apply)*

- I do not agree with problem-solving methods
- Problem-solving methods are not effective
- Problem solving methods are “soft” on crime
- Problem-solving compromises the neutrality of the court
- I need to acquire additional knowledge or skills about how to use these methods
- Heavy caseloads pressure me to push cases along
- Lack of necessary support staff or services
- The cases on my calendar are inappropriate for problem-solving methods
- Attorneys would oppose it
- My colleagues on the bench do not support problem-solving methods
- None of the above
- Other (Please specify): \_\_\_\_\_

**PART IV: SPECIALIZED PROBLEM-SOLVING COURTS**

Next are a few questions about specialized problem-solving courts such as a drug, mental health, or domestic violence court.

- 13. How familiar are you with “specialized problem-solving courts”?**
- Not at all familiar
  - Not too familiar
  - Somewhat familiar
  - Very familiar
- 14. Have you ever presided in a “specialized problem-solving court”?**
- Yes
  - No
- ▼
- If ‘YES’, do you currently preside in a specialized problem-solving court?**
- Yes
  - No

- 15. Does your jurisdiction contain a specialized problem-solving court?**
- Yes
  - No
  - Not sure
- 16. In the future, if you were offered an opportunity to preside in a specialized problem-solving court, how likely would you be to accept it?**
- Not at all likely
  - Not too likely
  - Somewhat likely
  - Very likely

**17. In the past three years, did you attend a seminar or judicial education program in any of the following areas?**

	<b>Yes</b>	<b>No</b>
	▼	▼
a. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>
b. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>
c. Domestic violence	<input type="radio"/>	<input type="radio"/>
d. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>

**18. How interested would you be in learning more about each of the following?**

	<b>Not at all Interested</b>	<b>Not too Interested</b>	<b>Somewhat Interested</b>	<b>Very Interested</b>
	▼	▼	▼	▼
a. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**PART V: BENCH AND PERSONAL EXPERIENCES AND DEMOGRAPHICS**

**The final questions are about your bench experiences and background, as well as demographic information. These questions will be used for classification purposes only. Your responses will be kept strictly confidential and reported in the aggregate only.**

**19. Which of the following types of cases do you handle in your current assignment?**  
*(Please select the one most common case type and other types of cases you handle as well.)*

	<b>Most Common Cases Handled</b> <i>(Mark one only)</i>	<b>Other Cases Handled</b> <i>(Mark all that apply)</i>
	▼	▼
a. Civil	<input type="radio"/>	<input type="radio"/>
b. Adult misdemeanors, Including DUI & DV	<input type="radio"/>	<input type="radio"/>
c. Traffic Violations	<input type="radio"/>	<input type="radio"/>
d. Mental competency (civil or criminal) hearings	<input type="radio"/>	<input type="radio"/>
e. Involuntary Treatment Act Commitment Proceedings	<input type="radio"/>	<input type="radio"/>
f. Adult felonies	<input type="radio"/>	<input type="radio"/>
g. Sexually Violent Predator proceedings	<input type="radio"/>	<input type="radio"/>
h. Juvenile misdemeanor/felony	<input type="radio"/>	<input type="radio"/>
i. Family Law	<input type="radio"/>	<input type="radio"/>
<b>Specialty Courts</b>		
j. Mental Health Court	<input type="radio"/>	<input type="radio"/>
k. Domestic Violence Court	<input type="radio"/>	<input type="radio"/>
l. Community Court	<input type="radio"/>	<input type="radio"/>
m. Unified Family Court	<input type="radio"/>	<input type="radio"/>
n. Youth Treatment Court	<input type="radio"/>	<input type="radio"/>
o. Other _____	<input type="radio"/>	<input type="radio"/>

**20. In general, how satisfied are you with your job as a judge?**

- Not at all satisfied
- Not too satisfied
- Somewhat satisfied
- Very satisfied

**21. In total, how many years have you served as a judge?**

- Less than 2 years
- 2 to 5 years
- 6 to 10 years
- 11 to 19 years
- 20 years or more

**22. Are you elected?**

- Yes
- No

**If 'YES' how long is your term?**

- Less than 2 years
- 2 to 5 years
- 6 to 10 years
- 11 years or more

**23. What is the population of the jurisdiction served by your court?**

- Less than 50,000
- 50,000-249,999
- 250,000-499,999
- 500,000 or more

**24. What is your race or ethnicity?**

- White/Caucasian
- Hispanic/Latino
- African American/Black
- Asian/Pacific Islander
- Native American/Alaskan Native
- Other (Please specify): \_\_\_\_\_

**25. What is your gender?**

- Male
- Female

**26. How old are you?**

- 20 - 29
- 30 - 39
- 40 - 49
- 50 - 59
- Over 60

**27. If you have any comments or suggestions about this survey, please include them in the space below.**

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**Thank you for participating. ALL responses will be kept strictly confidential and will be reported in the aggregate only.**

## Appendix A - 2

### Modifications to the Survey for Prosecutors and Public Defense Counsel<sup>67</sup>

#### 1. Part II: Judicial Practices, question #6.

**Judges:** “During the past year, in approximately what percentage of all cases you hear, did you do each of the following?”

**Prosecutors/Public Defenders:** “During the past year, in approximately what percentage of all cases in which you were involved, did each of the following occur?”

#### 2. Part III: Problem-Solving Methods of Judging, question #7.

**Judges:** “In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases you currently hear?”

**Prosecutors/Public Defenders:** “In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases in which you are currently involved?”

#### 3. Part III: Problem-Solving Methods of Judging, question #8.

**Judges:** “How willing would you be to consider applying problem-solving methods on a different calendar assignment?”

**Prosecutors/Public Defenders:** “Overall, how willing would you be to consider applying problem-solving methods?”

#### 4. Part III: Problem-Solving Methods of Judging, question #9

**Judges:** “In your opinion, how well does problem-solving as defined above, describe your current judging practice?”

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<sup>67</sup> M. Flavin, *Problem-Solving Courts: Attitudes and Beliefs in Ohio*, National Center for State Courts, 2009

**Prosecutors/Public Defenders:** “In your opinion, how well does problem-solving as defined above, describe current judging practices that you experience?”

**5. Part III: Problem-Solving Methods of Judging, question #12**

**Judges:** “The following are reasons trial court judges may give for not applying problem-solving methods more frequently. Which of these reasons apply to you in your current assignment?”

**Prosecutors/Public Defenders:** “The following are reasons that may be given for not applying problem-solving methods more frequently. With which do you agree?”

**6. Part IV: Specialized Problem-Solving Courts, question #14.**

**Judges:** “Have you ever presided in a “specialized problem-solving court?”

**Prosecutors/Public Defenders:** “Have you ever been assigned to/litigated in a “specialized problem-solving court?”

**7. Part IV: Specialized Problem-Solving Courts, question #16.**

**Judges:** “In the future, if you were offered an opportunity to preside in a specialized problem-solving court, how likely would you be to accept it?”

**Prosecutors/Public Defenders:** “In the future, if you were offered an opportunity for assignment/litigation in a specialized problem-solving court, how likely would you be to accept it?”

**8. Part V: Experiences and Demographics, question #19.**

**Judges:** “Which of the following types of cases do you handle in your current assignment?”

**Prosecutors/Public Defenders:** “Which of the following types of cases comprise your current caseload?”

**9. Part V: Experiences and Demographics, question #20.**

**Judges:** “In general, how satisfied are you with your job as a judge?”

**Prosecutors/Public Defenders:** “In general, how satisfied are you with your responsibilities?”

**10. Part V: Experiences and Demographics, question #21.**

**Judges:** “In total, how many years have you served as a judge?”

**Prosecutors/Public Defenders:** “In total, how many years have you served in your current capacity?”

**11. Part V: Experiences and Demographics, question #21.**

**Judges:** “Are you elected?”

**Prosecutors/Public Defenders:** This question was omitted since it was not applicable.

# Appendix A – 3

## Prosecutor/Public Defender Survey

### PART I: JUDICIAL ROLE ATTITUDES

The first set of questions is about your views of trial court judging.

**1. In general, how important is it for trial court judges to do each of the following?**

*(Please mark one circle next to each phrase)*

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Ensure legal due process	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Maintain judicial independence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. Move cases rapidly to resolution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Adopt a proactive role in crafting case resolutions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Render decisions that assist litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Render decisions that protect public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Obtain community input about the court system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Follow case processing timelines	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**2. How important should the following factors be to a judge deciding in a case?**

*(Please mark one circle next to each phrase)*

	Not at all Important ▼	Not too Important ▼	Somewhat Important ▼	Very Important ▼
a. Precedent, when clear and directly relevant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. What the public expects	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. The community consequences of a decision	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. The individual needs or underlying problems of the litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. The judge's view of justice in the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Public safety	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Common sense	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

<p><b>3. Which of the following is a more important goal of the criminal justice system?</b> (Please mark <u>one</u> circle)</p> <p><input type="radio"/> To treat and rehabilitate offenders</p> <p><input type="radio"/> To punish offenders</p>	<p><b>4. Which of the following statements <u>most closely</u> represents your view?</b> (Please mark <u>one</u> circle)</p> <p><input type="radio"/> Judges should make decisions on their own</p> <p><input type="radio"/> Judges should make decisions with the collaborative input of attorneys and other partners</p>
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**5. Please indicate the extent to which you agree or disagree with each of the following statements.**

(Please mark one circle next to each statement)

	<b>Strongly Disagree</b> ▼	<b>Somewhat Disagree</b> ▼	<b>Somewhat Agree</b> ▼	<b>Strongly Agree</b> ▼
a. Judges should handle cases with an eye toward reducing recidivism or future filings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Judicial decisions should help to promote confidence in the courts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. At the end of a case, it is important that litigants believe they were treated fairly by the court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. It is appropriate for a judge to propose case settlement options if they lead to a mutually-acceptable agreement	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Judges should not speak directly to litigants when their attorney is present	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Judges should speak with treatment providers to hear their recommendations on individual cases or litigants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. It is important for judges to learn about drug addiction, mental illness and domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## PART II: JUDICIAL PRACTICES

The next questions are about practices that judges may or may not have use in handling cases.

6. During the past year, in approximately what percentage of all cases in which you were involved, did each of the following occur? (Please mark one circle next to each statement)

	Never (0%) ▼	Rarely (1-9%) ▼	Sometimes (10-30%) ▼	Often (40% or more) ▼
a. The proposed case disposition or sentence was not offered by the attorneys of record	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. A litigant was ordered to drug or mental health treatment when not required to by statute	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. A decision was rendered on information about the individual needs or problems of a litigant	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Judge followed the recommendation of a treatment agency staff member in making a decision in a case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Judge posed questions directly to a litigant in court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Judge set regular in-court review dates to monitor a litigant's compliance with a court mandate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g. Judge sanctioned a litigant short of imposing a final sentence or outcome for failure to comply with a court mandate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h. Judge offered verbal praise to a litigant for complying with a court mandate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**PART III: PROBLEM-SOLVING METHODS OF JUDGING**

**This section contains general questions about “problem-solving” methods of judging.**

For this survey, “**problem-solving**” is defined as:

“Methods of judging that aim to address the underlying problems that bring litigants to court. Such methods could include the integration of treatment or other services with judicial case processing, ongoing judicial monitoring, and a collaborative, less adversarial court process.”

**7. In general, to what extent do you approve or disapprove of applying problem-solving methods in the types of cases in which you are currently involved?**

- Strongly disapprove
- Somewhat disapprove
- Neither approve nor disapprove
- Somewhat approve
- Strongly approve

**8. Overall, how willing would you be to consider applying problem-solving methods?**

- Not at all willing
- Not too willing
- Somewhat willing
- Very willing

**9. In your opinion, how well does problem-solving, as defined above, describe current judging practices that you experience?**

- Not at all well
- Not too well
- Somewhat well
- Very well

**10. In what types of cases (e.g., criminal, family, civil etc.) do you consider it appropriate to apply one or more problem-solving methods?**

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**11. In what types of cases (e.g., criminal, family, civil etc.) do you consider it inappropriate to apply one or more problem-solving methods?**

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**12. The following are reasons that may be given for not applying problem-solving methods more frequently. With which do you agree?**

*(Please mark all that apply)*

- Do not agree with problem-solving methods
- Problem-solving methods are not effective
- Problem solving methods are “soft” on crime
- Problem-solving compromises the neutrality of the court
- Need to acquire additional knowledge or skills about how to use these methods
- Heavy caseloads pressure to push cases along
- Lack of necessary support staff or services
- Cases are inappropriate for problem-solving methods
- Attorneys would oppose it
- Bench does not support problem-solving methods
- None of the above
- Other (Please specify): \_\_\_\_\_

**PART IV: SPECIALIZED PROBLEM-SOLVING COURTS**

Next are a few questions about specialized problem-solving courts such as a drug, mental health, or domestic violence court.

**15. How familiar are you with “specialized problem-solving courts”?**

- Not at all familiar
- Not too familiar
- Somewhat familiar
- Very familiar

**16. Have you ever been assigned to/litigated in a “specialized problem-solving court”?**

- Yes
- No

**If ‘YES’, are you currently assigned to/litigating in a specialized problem-solving court?**

- Yes
- No

**16. Does your jurisdiction contain a specialized problem-solving court?**

- Yes
- No
- Not sure

**17. In the future, if you were offered an opportunity for assignment/litigation in a specialized problem-solving court, how likely would you be to accept it?**

- Not at all likely
- Not too likely
- Somewhat likely
- Very likely

**18. In the past three years, did you attend a seminar or legal education program in any of the following areas?**

	<b>Yes</b>	<b>No</b>
	▼	▼
e. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>
f. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>
g. Domestic violence	<input type="radio"/>	<input type="radio"/>
h. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>

**19. How interested would you be in learning more about each of the following?**

	<b>Not at all Interested</b>	<b>Not too Interested</b>	<b>Somewhat Interested</b>	<b>Very Interested</b>
	▼	▼	▼	▼
i. Substance abuse and addiction	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j. Mental illness and treatment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
k. Domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
l. Other (Please specify): _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**PART V: EXPERIENCES AND DEMOGRAPHICS**

**The final questions are about your experiences and background, as well as demographic information. These questions will be used for classification purposes only. Your responses will be kept strictly confidential and reported in the aggregate only.**

**20. Which of the following types of cases comprise your current caseload?**  
*(Please select the one most common case type and other types of cases you handle as well)*

	<b>Most Common Type</b> <i>(Mark <u>one</u> only)</i>	<b>Other Case Types</b> <i>(Mark <u>all</u> that apply)</i>
	▼	▼
a. Civil	<input type="radio"/>	<input type="radio"/>
b. Adult misdemeanors, Including DUI & DV	<input type="radio"/>	<input type="radio"/>
c. Traffic Violations	<input type="radio"/>	<input type="radio"/>
d. Mental competency (civil or criminal) hearings	<input type="radio"/>	<input type="radio"/>
e. Involuntary Treatment Act Commitment Proceedings	<input type="radio"/>	<input type="radio"/>
f. Adult felonies	<input type="radio"/>	<input type="radio"/>
g. Sexually Violent Predator proceedings	<input type="radio"/>	<input type="radio"/>
h. Juvenile misdemeanor/felony	<input type="radio"/>	<input type="radio"/>
i. Family Law	<input type="radio"/>	<input type="radio"/>
<b>Specialty Courts</b>		
j. Mental Health Court	<input type="radio"/>	<input type="radio"/>
k. Domestic Violence Court	<input type="radio"/>	<input type="radio"/>
l. Community Court	<input type="radio"/>	<input type="radio"/>
m. Unified Family Court	<input type="radio"/>	<input type="radio"/>
n. Youth Treatment Court	<input type="radio"/>	<input type="radio"/>
o. Other _____	<input type="radio"/>	<input type="radio"/>

**21. In general, how satisfied are you with your responsibilities?**

- Not at all satisfied
- Not too satisfied
- Somewhat satisfied
- Very satisfied

**22. In total, how many years have you served in your current capacity?**

- Less than 2 years
- 2 to 5 years
- 6 to 10 years
- 11 to 19 years
- 20 years or more

**23. What is the population of the jurisdiction served by your court?**

- Less than 50,000
- 50,000-249,999
- 250,000-499,999
- 500,000 or more

**24. What is your race or ethnicity?**

- White/Caucasian
- Hispanic/Latino
- African American/Black
- Asian/Pacific Islander
- Native American/Alaskan Native

Other (Please specify): \_\_\_\_\_

**24. What is your gender?**

- Male
- Female

**25. How old are you?**

- 20 - 29
- 30 - 39
- 40 - 49
- 50 - 59
- Over 60

**26. If you have any comments or suggestions about this survey, please include them in the space below.**

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**Thank you for participating. ALL responses will be kept strictly confidential and will be reported in the aggregate only.**

## Appendix B

### Request to Judges to Participate in Survey<sup>68</sup>

TO: [Stakeholder-Judges]  
FROM: Lorri Cox  
DATE: September 10, 2009  
RE: Problem-Solving Survey of Trial Court Judges, Prosecutors and Public Defenders

I am requesting the participation of judges in a survey that is essential to the completion of a required research project with the National Center for State Courts (NCSC). I am replicating a national survey of trial court judges conducted by the Center for Court Innovation (CCI) with regard to “judge’s practices and perceptions related to problem-solving in the courts”.<sup>69</sup> I have received permission from CCI to modify the study to include prosecutors and public defense. I am conducting this research for professional development as part of the curriculum for the Court Executive Development Program through the Institute for Court Management at the NCSC.

Two different versions of the survey (one for judges and another for prosecutors and public defenders) have been sent to all King County District and Superior Court and Seattle Municipal Court judges, Seattle and King County prosecutors, and public defense counsel at ACA, NDA, SCRAP and TDA. **The survey will take approximately 6 – 10 minutes to complete** via Survey Monkey at [https://www.surveymonkey.com/s.aspx?sm=s9sThxLziZ9fN0bPOqyJNw\\_3d\\_3d](https://www.surveymonkey.com/s.aspx?sm=s9sThxLziZ9fN0bPOqyJNw_3d_3d)  
**Please complete the survey no later than September 18, 2009.**

I was the former Project Manager for the Seattle Community Court. My responsibilities included implementation, management and performance measurement. This research is not connected to my current employment at Public Health – Seattle and King County. However, in my current role as Systems Manager, Chronic Homeless Care, the results of this study may have implications for more effective supportive housing models for homeless individuals involved in the criminal justice system.

Thank you in advance for your participation. **Please note that all responses will be kept strictly confidential and will be reported in the aggregate only.** Please do not hesitate to contact me at 253.569.6865 if you have questions.

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<sup>68</sup> The notice to prosecutors and public defenders was similar; the link to Survey Monkey was different

<sup>69</sup> **Loc. Cit.**

## Appendix C - 1

### Extension One – Judges Survey<sup>70</sup>

TO: [Stakeholder Judge]  
FROM: Lorri Cox  
DATE: September 21, 2009  
RE: Problem-Solving Survey of Trial Court Judges, Prosecutors and Public Defenders

A note to let you know that I am extending the date for completion of the above-noted survey. To date there are [x number of] completed responses from [stakeholder group] – thank you to those who have completed the survey!

Two different versions of the survey (one for judges and another for prosecutors and public defenders) have been sent to all King County District and Superior Court and Seattle Municipal Court judges, Seattle and King County prosecutors, and public defense counsel at ACA, NDA, SCRAP and TDA. **The survey will take approximately 6 – 10 minutes to complete** via Survey Monkey at [https://www.surveymonkey.com/s.aspx?sm=s9sThxLziZ9fN0bPOqyJNw\\_3d\\_3d](https://www.surveymonkey.com/s.aspx?sm=s9sThxLziZ9fN0bPOqyJNw_3d_3d)  
**Please complete the survey no later than Monday, September 28, 2009.**

I am requesting the participation of [stakeholder] in this survey as an essential component of a required research project with the National Center for State Courts (NCSC). I am replicating a national survey of trial court judges conducted by the Center for Court Innovation (CCI) with regard to “judge’s practices and perceptions related to problem-solving in the courts”.<sup>71</sup> I have received permission from CCI to modify the study to include prosecutors and public defense. There is a survey designed for judges and a modified survey for prosecutors and public defenders. I am conducting this research for professional development as part of the curriculum for the Court Executive Development Program through the Institute for Court Management at the NCSC.

I was the former Project Manager for the Seattle Community Court. My responsibilities included implementation, management and performance measurement. This research is not connected to my employment at Public Health – Seattle and King County. However, in my current role as Systems Manager, Chronic Homeless Care, the results of this study may have implications for more effective supportive housing models for homeless individuals involved in the criminal justice system.

Thank you in advance for your participation. **Please note that all responses will be kept strictly confidential and will be reported in the aggregate only.** Please do not hesitate to contact me at 253.569.6865 if you have questions.

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<sup>70</sup> The notice to prosecutors and public defenders was similar; the link to Survey Monkey was different.

<sup>71</sup> Loc. Cit.

## Appendix C - 2

### Extension Two - Judges Survey<sup>72</sup>

TO: [Stakeholder Judges]  
FROM: Lorri Cox  
DATE: September 27, 2009  
RE: Problem-Solving Survey of Trial Court Judges, Prosecutors and Public Defenders

A note to let you know that I am extending the date for completion of the above-noted survey. To date there are [x number of] completed responses from [organization] – thank you to those who have completed the survey!

Two different versions of the survey (one for judges and another for prosecutors and public defenders) have been sent to all King County District and Superior Court and Seattle Municipal Court judges, Seattle and King County prosecutors, and public defense counsel at ACA, NDA, SCRAP and TDA. **The survey will take approximately 6 – 10 minutes to complete** via Survey Monkey at [https://www.surveymonkey.com/s.aspx?sm=s9sThxLziZ9fN0bPOqyJNw\\_3d\\_3d](https://www.surveymonkey.com/s.aspx?sm=s9sThxLziZ9fN0bPOqyJNw_3d_3d) **Please complete the survey no later than Monday, October 5, 2009.**

I am requesting the participation of [stakeholder] in this survey as an essential component of a required research project with the National Center for State Courts (NCSC). I am replicating a national survey of trial court judges conducted by the Center for Court Innovation (CCI) with regard to “judge’s practices and perceptions related to problem-solving in the courts”.<sup>73</sup> I have received permission from CCI to modify the study to include prosecutors and public defense. There is a survey designed for judges and a modified survey for prosecutors and public defenders. I am conducting this research for professional development as part of the curriculum for the Court Executive Development Program through the Institute for Court Management at the NCSC.

I was the former Project Manager for the Seattle Community Court. My responsibilities included implementation, management and performance measurement. This research is not connected to my employment at Public Health – Seattle and King County. However, in my current role as Systems Manager, Chronic Homeless Care, the results of this study may have implications for more effective supportive housing models for homeless individuals involved in the criminal justice system.

Thank you in advance for your participation. **Please note that all responses will be kept strictly confidential and will be reported in the aggregate only.** Please do not hesitate to contact me at 253.569.6865 if you have questions.

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<sup>72</sup> The notice to prosecutors and public defenders was similar; the link to Survey Monkey was different.

<sup>73</sup> Loc. Cit.

## Appendix D - 1

**Table 11: Percent Current Assignment/Caseload - Most Common**

	Judges	Prosecutors	Public Defenders	<b>Total</b>
Felony	39	44	38	<b>40</b>
Misdemeanor	33	31	24	<b>29</b>
Domestic Violence Court	14	14	10	<b>13</b>
Civil	22	--	5	<b>9</b>
Sexually Violent Predator	6	8	12	<b>9</b>
Traffic	6	8	3	<b>6</b>
Mental Competency	11	--	2	<b>4</b>
Family	6	--	5	<b>4</b>
Juvenile	--	--	12	<b>4</b>
Unified Family Court	8	--	--	<b>3</b>
Involuntary Treatment	6	--	3	<b>3</b>
Community Court	3	1	5	<b>3</b>
Mental Health Court	3	--	2	<b>2</b>

\*Arranged in order based on the percent of respondent who selected each case type most frequently.

## Appendix D - 2

**Table 12: Percent Current Assignment/Caseload - Other**

	Judges	Prosecutors	Public Defenders	<b>Total</b>
Misdemeanor	25	28	22	<b>75</b>
Domestic Violence Court	25	22	14	<b>61</b>
Mental Competency	22	11	22	<b>55</b>
Felony	19	19	14	<b>52</b>
Civil	33	11	7	<b>51</b>
Traffic	25	17	5	<b>47</b>
Sexually Violent Predator	28	6	5	<b>39</b>
Family	28	8	2	<b>38</b>
Involuntary Treatment	8	19	7	<b>34</b>
Mental Health Court	8	6	19	<b>33</b>
Juvenile	11	11	5	<b>27</b>
Community Court	3	8	9	<b>20</b>
Unified Family Court	6	8	2	<b>16</b>
Youth Treatment	--	6	5	<b>11</b>

\*Arranged in order based on the percent of respondent who selected each case type most frequently.

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