

Chapter Seven: Project Flexibility

Five of the six scenarios plan for 25 years of judicial and related staff growth through 2032. As noted in Chapter One, growth in case filings, judicial workload and judicial resources was not easily predicted.

In developing case filings estimates, the NCSC noted that children and family court filings have declined since 1998 with the exception of a one percent increase in 2006. Filing trends reveal that the decade-long decline in case filings has slowed in the Northend and that in the Southend case filings have begun to grow somewhat. At the same time that filings have decreased, the county population has increased by about 0.83 percent or more per year.

In developing the forecast for case filings, it was assumed that the numbers of filings and hearings in family law matters are influenced by societal changes. NCSC noted that population trends were interesting, but did not follow or seem to create corresponding trends in case filings. In addition, there was no way to assess how the county's ethnicity trends may be affecting the Superior Court children and family court workload. Age and income trends did not suggest that either trend may increase or decrease workload. The NCSC report authors were unable to tie judicial resources to any data reflecting these factors. Simply put, they could not identify statistically significant relationships between demographic trends and trends in case filings.

Data supports an increasing case complexity through an increase in the number of proceedings per case, the presence of high numbers of pro se litigants, an increased legislative burden that has been placed on judicial officers in recent years and the introduction of new funding sources to support the expansion of therapeutic courts.

Another factor contributing to the uncertainty surrounding workload forecasts is the implementation of programs with case reduction as a specific goal. The Mental Illness Drug Dependency (MIDD) program strategies, for instance, are intended to reduce the number of contacts with the criminal justice system by mentally ill and chemically dependent individuals, including juveniles. As MIDD strategies are implemented, a measure of success would be a reduction in new case filings against current offenders.

To develop judicial position need, the NCSC increased current case filings by population growth. They then tied the number of judges needed to address those case filings using the average number of cases heard by judges and commissioners in 2006. As a result, judicial caseloads in prior years, future efficiency, or inefficiency was not addressed – another challenge for accurate projections of growth in judicial positions.

Facility Flexibility – Alternative Approaches

To help address the uncertainty in the case filings and judicial position forecasts, new facility phasing provides for judicial position forecast for four periods: current, 2012, 2022 and 2032. From these numbers, staff created flexibilities in addressing the growth forecasted between 2022 and 2032 for each of the Alder scenarios. First, each Alder scenario is programmed with the courtroom space needed through 2022 as a first phase.

Superior Court Targeted Juvenile and Family Law Facilities Master Plan

Additional courtroom needs from 2022 to 2032 are then programmed as a later phase – a building addition constructed in 2022. These phases are reflected in the list of spaces for the various Alder scenarios and their construction costs.

The ability to respond to growth is an important design criteria for any new facility. As court space needs for facility opening day are not the same as the space needs at the end of the planning horizon in 2022 or in 2032, opportunities exist for addressing the uncertainties in the growth forecast. The range of strategies outlined below could address the potential concerns regarding the long term accuracy of the growth forecasts. The potential strategies are as follows:

- A. “Shelling” (i.e. no tenant improvements, unoccupied) future courtrooms and related spaces in each construction phase until such time as the need for additional courtrooms is confirmed;
- B. Programming future courtroom space in each construction phase as office space until the need for additional courtrooms is confirmed;
- C. Eliminating the second construction phase in 2022 by initially building a facility sized for 2032 requirements in the first construction phase, then programming the unneeded courtroom space as office space until the need for additional courtrooms is confirmed;
- D. Eliminating the second construction phase in 2022 by constructing the first phase flexibly: 1) building a facility sized for 2022 requirements, 2) constructing all courtrooms needed through 2032, 3) programming the unneeded courtroom space as office space until the need for additional courtrooms is confirmed, and 4) later moving out non-critical office space uses and replacing that space with courtrooms; and
- E. Recognizing the improved courtroom utilization and flexibility inherent in the decoupling of courtrooms and judges.

Each of these strategies is discussed below, with very preliminary cost impacts indicated.

- A. “Shelling” (i.e. no tenant improvements, unoccupied) future courtrooms and related spaces in each construction phase until such time as the need for additional courtrooms is confirmed.

“Shelling” courtrooms delays tenant improvement costs by leaving space unoccupied. This practice was included in the design and construction for the MRJC. Determining the number of “future” courtrooms that could be shelled and for what length of time is very difficult in part because of the forecasting approach used and the linking of space needs to judicial positions. The judicial position forecast assumes that new judicial positions are approved simultaneous with workload indicators.

While the Administrative Office of the Courts in conjunction with the Superior Court Judges’ Association has estimated the Superior Court judicial needs at 58 judges for some time, the county has only recently approved the addition of a 53rd judge. Any increase in judicial positions must be recommended by the Protocol Committee, comprised of representatives from the Superior Court, the King County Council, the Executive, the Department of Judicial Administration, and the County Bar Association. As a result, the timing of the need for future courtrooms for new judicial positions is uncertain but ultimately the number of courtrooms forecasted will be needed. Second, judicial position forecasts are in fractions of positions. In all scenarios except Scenario 6, the

Superior Court Targeted Juvenile and Family Law Facilities Master Plan

fractions are rolled up to determine space needs. For example, in Scenario 2, a total of 8.2 judges and/or commissioners are forecast as needed by 2022 – but a total of 9 courtrooms are constructed. In Scenario 6, the fractions are rolled down given the opportunity to absorb the work with the available judicial officers.

The number of Alder courtrooms that could be shelled when the facility opens either in 2013 or 2015 is between 2 and 4 depending on the scenario. The number of shelled courtrooms reflects the difference in the forecast need by judicial position between opening day and 2022.²⁰ The number of courtrooms added after 2022 to satisfy the growth forecast for 2032 ranges from 1 to 2. The number of MRJC courtrooms that could be shelled when the facility opens for the first phase is one. An additional courtroom is added after 2022 to satisfy growth through 2032.

Table 54 indicates the number of courtrooms that could be shelled on opening day, and the number of courtrooms that are planned for construction in 2022 as part of the phase two additions in the scenarios:

Table 54 Time Table of Shelled/Added Courtrooms

		Alder shelled courtrooms: initial phase through 2022	Alder added courtrooms: 2 nd phase for 2032	MRJC shelled courtrooms: initial phase through 2022	MRJC added courtrooms: 2 nd phase for 2032
Scenarios 2,4,5	Juvenile offender (JO) courtrooms	2	1	1	2
	JO courtrooms	2	1		
Scenario 5.5	UFC courtrooms	1	1	1	2
	JO courtroom	1	1		
Scenario 6	UFC courtrooms	2	1		
	FL commissioner courtroom	1	-	1	2

Shelling a courtroom saves approximately \$1 million²¹ in 2009 dollars and about \$1.2 million in dollars escalated to the mid-point of construction. However, these savings are only temporary. These costs will be incurred later when the courtrooms are needed and the tenant improvements are completed. Table 55 below provides the total savings in the first phase facility construction costs for both the Alder and MRJC facilities.

Table 55 Shelling – First Phase Facility Construction Costs

Millions \$	Total shelled Courtrooms First Phase	Total savings \$2009	Total savings escalated
Scenarios 2,4,5	3	\$3.5	\$4.1
Scenario 5.5	4	\$4.4	\$5.3
Scenario 6	5	\$5.9	\$7.1

²⁰ Note this does not mean that these courtrooms are unneeded until 2022, per the current growth projection, rather that they are not needed immediately. Tenant improvements for the courtroom could be added when needed between opening day and 2022; 2022 was used as a uniform date to allow cost comparison between all of the options.

²¹ The numbers result from subtracting the per-square-foot shell and core costs from the courtroom cost for the gross space calculation for these courtroom spaces, estimated at \$207 per square foot. Project consultant Jay Farbstein then applied the FF&E and IT savings and the 40% project costs to arrive at a figure for each of the Alder scenarios.

Superior Court Targeted Juvenile and Family Law Facilities Master Plan

A potential complicating factor was the amount of dedicated space in the MRJC. While the courtroom size is the same, the related staff space at the MRJC is different; additional toilets, space for social workers, prosecutors, clerks and the like were added to the space list for the MRJC expansion. Because the amount of courtroom space available is the same, staff isolated the space provided for one UFC courtroom and applied that figure to each of the scenarios above. The figure is the total 'savings' for shelling the MRJC and Alder courtrooms.

- B. Programming future courtroom space in each construction phase as office space until the need for additional courtrooms is confirmed.

The project costs for each Alder scenarios include complete construction for all courtroom and related spaces. While shelling these spaces saves money, it leaves the spaces unoccupied. An alternative is to build out these spaces as offices, for temporary use until the space is needed for courtrooms. Using the unneeded courtroom space as office space saves approximately \$600,000²² per courtroom in 2009 dollars and \$700,000 in dollars escalated to the mid-point of construction. The potential savings for each scenario is reported in Table 56 below.

Table 56 Office Space - First Phase Facility Construction Costs

Millions \$	Total courtrooms as offices 2022	Total savings \$2009	Total savings escalated
Scenarios 2,4,5	3	\$1.9	\$2.2
Scenario 5.5	4	\$2.4	\$2.8
Scenario 6	5	\$3.2	\$3.8

Again, it is important to note that the 'savings' is temporary, only representing the difference between the cost of finishing the space as a courtroom versus as offices. Refinishing the office space as courtrooms may be more expensive than the savings above, since the installation of the courtroom improvements may require removal or modification of the office finishes. The additional cost would be offset by the benefit of using the unneeded space as offices until courtroom need is confirmed.

The total amount of space temporarily available for offices is less than the amount of space that could be shelled as shelled space includes space needed for public access, hallways, and lobby areas. Table 57 below represents the amount of departmental office space available to 2022, assuming shelled courtrooms are finished as offices.

Table 57 Office Space - First Phase Department Space Available

Sq. Ft.	Alder 2022 space	MRJC 2022 space	Total 2022 space
Scenarios 2,4,5	5,500	2,980	8,480
Scenario 5.5	7,590	2,980	10,570
Scenario 6	11,130	2,980	14,110

It is unclear as to which county functions or potential renters could use the resulting office space.

²² Subtracting the average per-square-foot cost for office space (\$303) from the cost for courtroom space (\$415) results in a cost difference of \$112. This represents the cost to improve these spaces at construction to offices, but not as courtrooms.

Superior Court Targeted Juvenile and Family Law Facilities Master Plan

C. Eliminating the second construction phase in 2022 by initially building a facility sized for 2032 requirements in the first construction phase, programming the unneeded courtroom space as office space until the need for additional courtrooms is confirmed;

Accelerating the construction of the courtrooms needed for growth through 2032 by completing the construction in 2013 or 2015 during the first construction phase might provide additional benefits: needs through 2032 are mobilized, designed and constructed at one time, avoiding the operational challenges of later construction work on-site. The added costs for the first phase are shown in Table 58 below.

**Table 58 Office Space – Accelerating 2nd Phase
Construction Cost Impact Alder & MRJC**

Millions \$	Added costs 2009\$	Escalated costs
Scenarios 2,4,5	\$ 9.9	\$11.4
Scenario 5.5	\$13.0	\$15.4
Scenario 6	\$13.1	\$15.6

Assuming the additional courtrooms and support spaces planned for the second phase of each scenario were constructed immediately as shown above, the amount of temporary office space available would increase as shown in Table 59.

**Table 59 Office Space – Accelerating 2nd Phase
Total Office Space Impact Alder & MRJC**

	Total Alder 2032 space	Total MRJC 2032 space	Total 2032 space	Total 2022 + 2032 space
Scenarios 2,4,5	5,720	5,960	11,680	20,160
Scenario 5.5	9,280	5,960	15,240	25,810
Scenario 6	9,280	5,960	15,240	29,350

Again, the space available is calculated as departmental area. The office space would be reduced as each courtroom is introduced.

The rental value for vacated office space in the KCCH has been estimated at \$24 per square foot. Applying this value to the departmental space as the rental space available shows the overall annual value in 2009 for both the 2022 shelled spaces and the additional 2032 courtrooms is reported in Table 60.

**Table 60 Office Space – Accelerating 2nd Phase –
Potential Rental Space/Revenues**

	Total 2022 space:	Value at \$24 per sq. foot	Total 2032 space	Value at \$24 per sq. foot	Total 2022- 2032 space	Value at \$24 per sq. foot
Scenarios 2,4,5	8,480	\$203,520	11,680	\$280,320	20,160	\$483,840
Scenario 5.5	10,570	\$253,680	15,240	\$365,760	25,810	\$619,440
Scenario 6	14,110	\$338,640	15,240	\$365,760	29,350	\$704,400

Superior Court Targeted Juvenile and Family Law Facilities Master Plan

These values are reflected annually, and do not include additional costs for operations and maintenance, major maintenance reserve, taxes, proportional costs of shared spaces, or other costs.

The information above shows that there are interim options that may help address the uncertainty regarding growth. Space planned for future courtrooms can be shelled or used as office space until the need arises. There is a significant amount of space available for either King County use or a lease to other entities. Potential groups could include private attorney offices (likely members of the defense bar), service providers and privately-funded outreach groups. The test is in balancing these semi-permanent uses with the future need to reprogram the space for its long-term purpose as a courtroom. To determine if this amount of vacant office space could be used by existing county needs or by potential renters requires additional study.

D. Eliminating the second construction phase in 2022 by constructing the first phase flexibly: 1) building a facility sized for 2022 requirements, 2) constructing all courtrooms needed through 2032, 3) programming the unneeded courtroom space as office space until the need for additional courtrooms is confirmed, and 4) later moving out non-critical office space uses and replacing that space with courtrooms

To reduce the total capital cost for both phases, it may be possible to construct the first phase flexibly with a planned move out of non-critical uses should additional courtrooms be needed. For example, the planned size of the Alder School is large enough to address out year needs. Constructing the School flexibly, with an eye toward eventually reprogramming the space as courtrooms when needed, would allow time and flexibility for the School District to find a replacement location on- or off-site. Similarly, the law library and some Prosecutor spaces such as the Family Support Unit might have both sufficient space and flexibility in functionality to allow them to move nearby.

E. Recognizing the improved courtroom utilization and flexibility inherent in the de-coupling of courtrooms and chambers

During the planning phase the judges agreed to separate the chambers from courtrooms, de-linking the assignment of a courtroom to a particular judge for the duration of a rotation. This approach allowed for greater collegiality among the judges in chambers areas.