

**APPROVED MINUTES
JUDICIAL INFORMATION SYSTEM COMMITTEE
March 25, 2005
AOC SeaTac Facility
10:30 a.m. to 12:00 p.m.**

Members Present:

Justice Bobbe Bridge, Chair
Judge C. Kenneth Grosse, Vice Chair
Ms. Pat Crandall
Ms. Cathleen M. Grindle
Judge Glenna Hall
Judge James R. Heller
Mr. William Holmes
Mr. N.F. Jackson
Ms. Janet McLane
Ms. Nancy Talner
Ms. Yolande Williams
Ms. Siri Woods
Judge Thomas J. Wynne

AOC Staff Present:

Mr. Brian Backus
Mr. John Bell
Mr. Richard Duchaine
Mr. Manny Najarro
Mr. Ramsey Radwan
Ms. Kathie Smalley

Guests Present:

Mr. Don Horowitz, ATJ Board
Ms. Barb Miner, King County Clerk
Ms. Diana Kramer for Rowland Thompson,
Washington Allied Daily Newspapers
Mr. Mark Weiss, WSBA Family Law Section

Members Absent:

Mr. Greg Banks
Judge Clifford L. Stilz
Judge Michael Trickey, Ex-Officio
Chief Denise Turner

CALL TO ORDER

Justice Bridge opened the meeting at 10:38 a.m. Introductions were made.

Announcements

Janet McLane introduced Richard Duchaine as the Interim AOC Information Services Division Director. She reported that position announcement for ISD Director has been widely distributed to the national court and justice community. The position will stay open until it is filled. She also introduced Manny Najarro, who is the new Applications Department Manager.

Minutes

MOTION: *The November 19, 2004 JISC Minutes were approved as written.*

DECISIONS

Amendment to JISC Bylaws

Pat Crandall requested that the JISC Bylaws be amended to provide explicitly for a Court of Appeals representative on the Data Dissemination Committee.

MOTION: *N.F. Jackson moved to approve the amendment, Judge Grosse seconded, and the Motion passed.*

Fees for Public Data Warehouse

Brian Backus presented an issue paper on whether or not there should be a fee for access to the public data warehouse. With the new JIS, public access services now provided by JIS-Link will be moving to the public data warehouse on our website. The AOC staff recommendation is that the data warehouse not be a billable service. In response to questions about rationale he noted that not charging is consistent with trends for providing public information on the Internet, is consistent with statutory direction to provide information to the public at little or no cost and is the direction already taken by some county clerks. Judge Grosse noted conflicts in the statutes which also mandate that the JISC establish a fee schedule and charge our users. Committee members expressed reluctance to change direction at this time with a clear consensus that, at least initially, there should be a charge.

ACTION ITEM: The issue was tabled to the retreat. The AOC will develop alternatives for consideration by the Committee. Materials will be prepared in advance (by the end of May) and presented to the Committee via email in preparation for a making a decision at the retreat.

Proposed GR 15/22 Revisions

Judge Wynne introduced the provisions to GRs 15 and 22 which the workgroup reported out.

GR22

Don Horowitz pointed out a grammatical problem in GR 22 (f)(3): “containing restricted personal identifiers” should modify only “financial source documents” and not “personal health care records.”

MOTION: *To change the language in GR 22 (f)(3) to read, “The court may order that any financial source documents containing restricted personal identifiers or personal health care records be sealed if they have not previously automatically been sealed pursuant to this rule.” The motion passed.*

Mark Weiss pointed out an additional problem with the same subsection in that it did not cover “sealed confidential reports.”

MOTION: *To amend GR 22 (f)(3) to read, “The court may order that any financial source documents containing restricted personal identifiers or personal health care records, or any reports containing information described in (e)(2)(B) be sealed if they have not previously automatically been sealed pursuant to this rule.” Adopted.*

GR15

Barb Miner noted the desirability of striking the words “clerk’s papers including the” from the definition of court file.

MOTION: To change the language in GR 15(b)(1), to read, “Court file’ means the pleadings, orders, and other papers filed with the clerk of the court under a single or consolidated cause number(s).” Adopted.

Judge Grosse reported that the Data Dissemination Committee believes language specifically authorizing redaction should be added to the rule.

MOTION: The DD Committee will add provisions on redaction and send the rule to the JISC for approval by email in time for it to go to the Supreme Court Rules Committee on May 9. Adopted.

Diana Kramer thanked Judge Wynne for his efforts on this rule.

DISCUSSION

Commonality Scope (Jury Management)

Siri Woods stated that Tom Clarke had originally raised the question of including jury management in order to determine if the JIS Committee wanted to include this new functionality in the JIS rewrite. Since jury management has never been included as a JIS requirement, it has not been considered a priority. Nevertheless, there continues to be interest in looking at it perhaps as an issue separate from the JIS rewrite. Janet McLane suggested the use of the Court Management Council (CMC) to help develop a set of requirements that jury functionality should include. The Committee agreed to ask the CMC to help with identifying requirements in order to determine if JIS resources should eventually be earmarked for jury management functionality.

Plans for Retreat

Janet McLane reported that plans are to hold the retreat June 24th in order to avoid conflicts with the original May 20th date and to use the SeaTac facility, since it provides the most convenient place to meet. The plan is for the retreat to address strategic planning for the JIS. Since the legislature will have adopted a budget and we will know how much money is available for migration, we will by the time of the retreat be able to project where the migration can be in two years and discuss the options. The Committee agreed to hold a full day retreat on June 24th.

Legislative Status

Janet McLane reviewed the Legislative Report for the JISC handout. Several bills still alive would have significant impact on the legacy systems. She noted that the AOC has been aggressive in articulating the fiscal impact of such bills in order to minimize the impact on JIS. Every hour spent on a legacy enhancement is an hour that detracts from our development work.

In addition two bills, HB 1650 and SB 5627 were introduced to eliminate the requirement that signatures be required for traffic infractions in order to facilitate electronic filing. The Washington Integrated Justice Information Board (WIJI) took the lead with support from the district and municipal court judges, law enforcement and

prosecutors. However, some minor questions caused that bill to not make it to the House floor for a vote. The bill will be introduced again next year.

HB 1046 bill, which would have essentially eliminated the Public Safety and Education Account (PSEA), is dead. Justice Bridge suggested including the PSEA on the retreat agenda.

JIS Budget Update

Ramsey Radwan passed out a JISC revenue and budget snapshot. PSEA revenues are down, primarily because of a drop in traffic infractions. The governor and legislature have agreed to use general fund money to make up the shortfall in the remainder of the current biennium. JIS revenues are about \$2.9 million dollars short of the amount appropriated in the current biennium, partly because AOC's estimate was too high and partly because traffic infractions are down. The reduction has already been added into the workload, so we don't have to cut any current projects.

For the new biennium, PSEA forecasts are down about 10%. The governor's budget included a study of the PSEA which would be due by October 31st, which is a pretty tight timeline.

Siri Woods asked that the county clerks be kept up to date on the equipment replacement budget.

CTC9 Sponsored Registration

Justice Bridge reported on the JISC sponsorship for member attendance at the Court Technology Conference to be held in Seattle this year, from September 13 through 15, 2005. Kathie Smalley noted that there was one opening left and Judge Grosse said that he would like to attend.

COMMITTEE REPORTS

JIS Advisory Committee

Cathy Grindle noted that the committee had a written report which was handed out. JISAC is functioning well, thanks to Manny Najarro. The committee is represented at all the court levels, is meeting on a monthly basis now, and is taking an active role in supporting JIS policies. The committee will continue to focus on making priority decisions that shift resources from supporting the legacy applications to the JIS migration effort.

Data Dissemination Committee

Judge Grosse reported that the committee has met twice since the last JISC meeting and has discussed issues relating to the effective date of GR 31. He reviewed the discussions the committee has had. The committee's opinion is that the rule is by its nature, prospective only and thus applicable only to cases filed after its effective date. A related issue is what the rule means for court records that antedate the effective date. The consensus seems to be that the rule does not speak to that. Silence in that context

means whatever the case law, including Nast v. Michels, as it existed prior to the adoption of the rule says. The committee received a letter from King County Prosecutor Norm Maleng asking about the prospectivity of the rule. The committee plans to undertake further discussion of possible constructive action with regard to the prospectivity issues, liability, lawyers' responsibilities, and statewide policy questions, all with regard to the pre-GR 31 materials.

RMAC

No report.

The meeting adjourned at 12:10 p.m.

FUTURE MEETINGS

The next JIS Committee meeting will be the Retreat on June 24, 2005, tentatively scheduled for 9:00 a.m. to 3:00 p.m., at the AOC SeaTac Facility, SeaTac, WA.

The next JIS Data Dissemination Committee meeting will be on May 20, 2005, 9:00 a.m. to 10:30 a.m., location to be determined.

The next JIS Advisory Committee meeting will be on April 25, 2005, 9:30 a.m. to 12:30 p.m., at the AOC SeaTac Facility, SeaTac, WA.