

THE LONG-RANGE STRATEGIC PLAN
FOR THE BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

INTRODUCTION

In August 1999, the final report of the Washington State Commission on Justice, Efficiency and Accountability (JEA) recommended a fundamental restructuring of the Board for Judicial Administration. In January 2000, the Supreme Court amended the Board for Judicial Administration Rules and the Board for Judicial Administration amended their by-laws effecting the changes recommended by the Commission.

The Long Range Plan for the Board for Judicial Administration has as its basis the Board for Judicial Administration Rules (BJAR) and the By-Laws of the Board for Judicial Administration. Taken together, those documents outline the vision, mission, and issues the Board for Judicial Administration is charged with addressing.

“The only way for a decentralized organization like the Washington state judiciary to cast a single vision is through an effective governance structure authorized to adopt policies and provide strategic leadership.” – Commission on Justice, Efficiency and Accountability

“The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.” – BJAR Preamble

This Long Range Plan is designed to formalize that vision as well as to create a platform for on-going operational deployment of the goals, objectives and tasks. While this document must be viewed in the context of planning for the judiciary as a whole, the focus is the specific strategies that the Board for Judicial Administration will employ to achieve its long range goals.

VISION, MISSION, AND ISSUES

VISION

THE BOARD FOR JUDICIAL ADMINISTRATION WILL BECOME THE LEADER AND VOICE OF THE WASHINGTON STATE COURTS.

MISSION

TO ENHANCE THE JUDICIARY'S ABILITY TO SERVE AS AN EQUAL, INDEPENDENT AND RESPONSIBLE BRANCH OF GOVERNMENT.

ISSUES

- I. PROVIDE EFFECTIVE LEADERSHIP AND A UNIFIED VOICE FOR THE JUDICIARY
- II. FOSTER INTER-BRANCH RELATIONS
- III. DEVELOP AND MAINTAIN THE JUDICIAL LONG RANGE PLAN
- IV. ENSURE RESOURCES AND FUNDING FOR THE WASHINGTON COURTS
- V. ADVANCE THE ADMINISTRATION OF JUSTICE
- VI. PRESERVE THE INDEPENDENCE OF THE JUDICIARY
- VII. PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY

ISSUE I.

PROVIDE EFFECTIVE LEADERSHIP AND A UNIFIED VOICE FOR THE JUDICIARY

The vision for the Board for Judicial Administration is that the Board serves as a unifying voice and provides strategic leadership to the judiciary. This can only be achieved with the consent and active participation of the judges' affiliate associations. One of the key issues facing the Board for Judicial Administration is to earn and maintain the trust of these associations and to act in the best interest of the judiciary while remaining mindful of the needs of its constituent groups. The goals under this issue focus the efforts of the Board for Judicial Administration on communication and developing a trusting relationship within the judiciary.

GOAL 1.1 THE JUDICIAL BRANCH WILL SPEAK WITH ONE VOICE

COMMENTARY: The cornerstone of the Commission on Judicial Efficiency and Accountability's findings and recommendations was to unify the judiciary through reorganization of the Board for Judicial Administration and the concept that the judiciary "speak with one voice." Speaking with one voice requires commitment, discipline, and a connection among and between the judges of the state and the Board for Judicial Administration.

The overarching desired outcome is that those listening to the judiciary will hear a single message and develop trust and confidence that when they hear that message, it can be relied upon and has the support of the entire judiciary.

"The structure of the Board for Judicial Administration must enable the judiciary to speak with one voice without squelching dissent or pretending unanimity."

"If the judiciary is to 'speak with one voice' the Board for Judicial Administration must truly represent the overall system interests rather than the agenda of individual court levels."

"Members should be selected by their affiliate associations and have explicit responsibility to the judiciary as a whole, not to their respective constituencies."

"Also, as a practical matter it is unlikely that any issue will be badly or arbitrarily decided because of the recognition, shared by all, that ultimately the decisions of the Board for Judicial Administration and the effectiveness of the Board itself must rest on the twin piers of their intrinsic merit and a broad consensus support from constituent judges."

Commission on Judicial Efficiency and Accountability

This does not mean that individual voices will not be heard. Rather, because the Board for Judicial Administration is a deliberative body, allowing time for members to report to and receive feedback from their colleagues, it is expected that the Board for Judicial Administration will produce results that are supportable by the overwhelming majority of individual judges and their constituent associations, boards, and commissions. The expectation is that judges, having had the opportunity to provide their input, will recognize the overarching benefit to the judiciary of speaking with one voice, even if their personal point of view did not prevail.

Nor does this mean that the Board for Judicial Administration will be the only voice of the judiciary. Inherent in the concept of speaking with one voice is the result of “many voices saying the same thing.” If the judiciary is to be truly effective as a collective organization, the messages sent from all judges must be consistent.

Objective:

Provide a conduit through the BJA to promote the interest and consistently express the positions of the judiciary.

Task:

1. The Administrative Office of the Courts (AOC) will create a judicial communication plan. The plan will provide a process to facilitate focused communication regarding issues that arise affecting the administration of the Washington courts. Communication efforts should be tailored to each specific issue, but should generally follow the process outlined in the plan.

GOAL 1.2

THE BOARD FOR JUDICIAL ADMINISTRATION WILL FOSTER COORDINATION AND COMMUNICATION WITHIN THE JUDICIAL BRANCH

COMMENTARY: Consistency of the message within and from the judiciary can only be achieved if members are informed, supported, and coordinated. The Board for Judicial Administration and the judiciary must therefore enhance and maintain a structure for communication and coordination of ideas and activities.

Objective:

Promote communication within the judiciary to facilitate dissemination of information and allow for feedback, input, and coordination of effort.

Tasks:

1. AOC, together with the judges' association boards, will continue to refine and improve the process of judicial review and commentary regarding legislative positions. The web-based legislation tracking system will be enhanced and made available for viewing by judges.
2. The BJA will continue to support the creation of trial court coordination councils. Grant funding will be made available for projects that facilitate communication and coordination among trial court levels and with local justice system agencies.
3. The BJA will encourage the upgrading of the Washington Courts website to provide an easily accessed forum for the exchange and dissemination of court innovations, best practices, ideas, and educational topics.

GOAL 1.3**THE BOARD FOR JUDICIAL ADMINISTRATION WILL FOSTER AND DEVELOP LEADERSHIP WITHIN THE JUDICIAL BRANCH**

COMMENTARY: The judiciary's success in earning the public's trust and confidence is dependent upon the presence of strong and recognized leaders at all levels of court. General Rule 29 adopted in April of 2002 defined the position of presiding judge as one of leadership. The Board for Judicial Administration has established the Presiding Judges' Conference to support and develop the leadership skills of judges serving in that position. In doing so, the judiciary has begun to develop a structure that fosters the development of judges as leaders in their courts, communities, as members of judicial branch partner organizations, as representatives of the judiciary, and as elected members of state and local government.

Objective:

Provide education for judges that focuses on the development of leadership skills and provide tools to be used in the daily management and administration of their courts.

Tasks:

1. The Presiding Judges' Conference will continue to refine and improve the educational content of the Conference. The focus will be on enhancing leadership, management, and communication skills.
2. AOC will provide a leadership seminar for judges.
3. Investigate/develop ways to encourage judges to participate in judicial branch leadership activities.

ISSUE II.

FOSTER INTER-BRANCH RELATIONS

To preserve the integrity of the judicial branch, the courts must remain above the “political fray.” However, the exercise of restraint by the judiciary often results in the perception that judges are disinterested or aloof. This can lead to a significant knowledge gap among the three branches of government.

GOAL 2.1

PROMOTE AND FACILITATE WORKING RELATIONSHIPS WITH THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT BASED ON MUTUAL RESPECT AND COMMUNICATION

COMMENTARY: The courts must interact with the executive and legislative branches on issues of keen interest and pertinence to the administration of justice without involvement in the political process. This goal encompasses defining the nature and scope of appropriate inter-branch relations for the judiciary, communicating to the other branches the nature and extent of the restraints on judicial participation in the political process and finally the exercise, within the defined boundaries, of those relations.

Objective:

Define and communicate the scope of appropriate inter-branch relations for the judiciary.

Tasks:

1. The BJA will develop a legislative bench book focusing on the nature and extent of judicial participation in the political and legislative process. The bench book will be made available to the judiciary and to members of the executive and legislative branches.
2. The BJA will re-institute informal, topical lunch meetings and pre-session dinners with executive and legislative branch leadership. These meetings will focus on building relationships and improving communication between the branches, as well as providing education regarding current judicial branch issues and court processes.
3. The BJA will encourage judges to offer their local legislators guided courthouse tours.

4. The BJA will research the impact of local government inter-branch relations and communications on funding variability across courts relative to available fiscal resources.
5. Submit a research proposal to the Washington State Center for Court Research and conduct research project if approved.

ISSUE III.

DEVELOP AND MAINTAIN THE LONG RANGE PLAN FOR THE JUDICIARY

The judges' associations and various committees each have a role in developing and implementing judicial initiatives within their specific sphere of interest. Collectively, their efforts constitute the agenda of the judiciary. The Board for Judicial Administration is charged with presenting the collective agenda as a cohesive plan. In doing so, the judiciary will project a strong image of thoughtful and deliberate action to the public and other constituencies.

GOAL 3.1

WORK WITH JUDICIAL REPRESENTATIVES TO DEVELOP AND MAINTAIN A COMPREHENSIVE JUDICIAL LONG RANGE PLAN

COMMENTARY: Initial efforts to develop a Long-Range Plan for the judiciary focused on developing a comprehensive inventory of activities including a brief description of the context or impetus for each activity. General agreement was also attained on the major issues facing the judiciary. The focus of the completed Long-Range Strategic Plan will be to build upon the previous work using the framework of this Plan and to articulate the specific goals which current and future activities support.

Objective:

Create a long range plan that will collect and formalize the goals, objectives, and tasks supported by current and planned judicial activity.

Tasks:

1. The BJA will expand the Long-Range Planning Committee to include judicial partner representatives.
2. The expanded Committee will decide on a process to coordinate the compilation of the Judicial Long-Range Plan.

GOAL 3.2

EDUCATE THE PUBLIC AND JUDICIAL BRANCH CONSTITUENCIES AND PARTNERS

COMMENTARY: A long-range plan serves two purposes: 1) it directs and focuses the efforts and activities of an organization and 2) it communicates to others what an organization is doing and can be expected to do. It also tells others that an organization knows what it is doing and why. This goal informs the court community and their external partners and constituencies about the activities of the judiciary and demonstrates to them that the judiciary operates with directed purpose based on carefully formulated goals.

Objective:

Inform the judicial branch, judicial branch partners, the legislative and executive branches, and the public of the Long-Range Plan goals.

Tasks:

1. The BJA Long-Range Planning Committee will publish the Long-Range Plan on the Washington Courts website.
2. The Public Trust and Confidence Committee will inform and educate the public on the goals contained in the plan as part of their communication strategy.
3. The BJA Long-Range Planning Committee will provide an overview of the plan goals at the judicial, presiding judge, and court manager conferences.

GOAL 3.3

DEMONSTRATE THAT THE JUDICIARY CAN BE RELIED UPON TO EXECUTE THE LONG RANGE PLAN

COMMENTARY: The development and distribution of a long range plan creates expectations of performance and execution. Actual performance and execution fosters respect and trust: respect for the organization's ability to do what it says it will do and trust that an organization can be relied upon in future endeavors. To develop the trust and respect of the court community and their external partners and constituencies the judiciary must demonstrate and communicate success in completing tasks that result in meeting objectives in support of stated goals.

Objective:

Demonstrate the ability to successfully meet the objectives and complete the tasks that support the plan's stated goals.

Tasks:

1. AOC will create a milestone chart to track progress. The chart will include a task list, responsibility, target dates, and status.
2. AOC will publish an annual progress report based on the milestone chart.

ISSUE IV.

ENSURE RESOURCES AND FUNDING FOR THE WASHINGTON COURTS

The issue of adequate resources for the states' trial courts has long been at the forefront of the judicial branch agenda. Nearly every task force and commission in the past 30 years examining the work of the courts has addressed court funding. These task force and commission reports have been fairly consistent in identifying the nature of the problem and of the solutions. As partial solutions are enacted, new problems emerge making trial court funding an issue that will require constant and vigilant effort to improve funding and safeguard adequate funding once it is secured.

GOAL 4.1

DEFINE THE RESOURCES THE COURTS ARE CURRENTLY UTILIZING

COMMENTARY: The courts currently have no ability to readily and accurately account for and describe local government expenditures in support of Washington's trial courts in general or for discrete functions. Efforts to define and secure adequate resources can only succeed when compared and contrasted to a current base.

Objective:

Provide a mechanism that will precisely account for local government trial court expenditures.

Task:

1. The BJA will create an ad hoc committee including judges, court administrators, and local government finance officers, to determine the feasibility of creating a new and discrete trial court accounting and reporting process.

GOAL 4.2

DEFINE THE RESOURCES NECESSARY TO OPERATE THE COURTS EFFECTIVELY

COMMENTARY: With the exception of the objective workload analysis methodology employed to estimate judicial officer need, staffing, program, and other funding standards do not exist for trial court budgeting in Washington State. With few exceptions (criminal indigent defense attorney caseload standards, probation caseload standards), national standards do not exist for courts. In order to make the case for adequate funding of the Washington courts, reasoned and accepted staffing, program, and other funding standards must be developed.

Objective:

Create a methodology to define standards which will determine trial court program and expense levels.

Task:

1. AOC will determine the feasibility of defining funding standards related to trial court programs and expenses.

GOAL 4.3

SECURE ADEQUATE, STABLE AND LONG TERM FUNDING FOR THE WASHINGTON COURTS

COMMENTARY: Equal and timely access to justice is dependent on adequate, stable funding of the courts and is essential to the public's trust and confidence in the judicial branch of government. If justice is to be equitably administered and services are to be consistently provided statewide, the functioning of the courts cannot rise and fall with the peaks and valleys of a local economy.

Objective:

Secure a stable and adequate funding stream for the Washington courts.

Task:

1. The BJA has created a Court Funding Implementation Committee to implement fully the recommendations of the Trial Court Funding Task Force contained in its report, Justice in Jeopardy, released on December 15, 2004 including:
 - Shifting a fair share of those trial court expenses to the state that are mandated by statute or by the state's constitution: judges' salaries at all levels of court, language interpreters, juror costs, witness fees, juvenile dependency representation,

- Increasing the overall funding of the trial courts to enable courts to meet their constitutional and statutory responsibilities. Supporting legislation creating new general fund resources if the legislature deems it necessary to fund additional state expenses identified above and to ensure adequate trial court funding.
 - Creating local court improvement accounts to ensure that a portion of the benefit from the shift of responsibility from county to state government inures to the benefit of the courts.
 - Conducting an analysis of the PSEA account to provide for more effective collection and division of court penalties and legislative assessments.
2. The BJA will continue to build upon the Justice in Jeopardy implementation strategy initiated in the 2005 legislative. In 2005, the legislative strategy included the introduction of legislation to increase trial court filing fees combined with requests for state funding of selected expenditures that were identified by the Court Funding Task Force as appropriate responsibilities for the state to assume. The primary expenditures targeted for increased state support in 2005 included criminal indigent defense, parental representation in dependency actions, expansion of civil equal justice, and trial court operations (district court judicial salaries and elected municipal court judicial salaries, and juror reimbursement). A key component in the partial shift of responsibility to the state for trial court operations was the creation of trial court improvement accounts dedicating half of the savings realized by local government to fund improvements to local courts' staffing, programs, facilities, or services.
 3. The BJA will explore funding mechanisms which allow for funding incremental impacts which result from legislation. The fiscal impact of legislation is spread statewide resulting in incremental workload increases to individual courts which cannot be practically funded or staffed. Notwithstanding, the cumulative effect of legislation on court workloads is substantial. Therefore, a funding mechanism is necessary which translates the incremental workload increases into rational funding distributions and judicial officer and court staff increases.
 4. Confer with legislative, executive and judicial stakeholders to explore alternative mechanisms for funding partial and whole judicial positions and associated staff that are necessary to implement legislative changes.

ISSUE V.

ENHANCE THE ADMINISTRATION OF JUSTICE

At a time when funding is becoming increasingly limited for core court functions, courts must continue to review their performance and procedures to maximize the use of dwindling resources. Ongoing development of best practices ensures both efficient court processes and acceptable levels of service to court users.

GOAL 5.1 PROMOTE EFFICIENT AND EFFECTIVE COURT PERFORMANCE

COMMENTARY: In 2000, the BJA established the Best Practices Committee. The Committee's mission is to actively participate in the selection, endorsement, dissemination, and implementation of best practices in court operations and administration. The Committee is committed to a process of continuously developing, assessing and updating those best practices.

Objective:

Identify and disseminate best practices in court operations and administration.

Tasks:

1. The BJA will develop a procedure for prioritizing and referring practices to the Best Practices Committee.
2. The Best Practices Committee will determine best practices for courts that encompass both efficiency and quality of justice.

Objective:

Measure and monitor court performance to ensure the efficient delivery of court services.

Tasks:

1. The BJA will oversee the development of the criteria and methods by AOC to conduct court performance audits pursuant to GR 32.

GOAL 5.2

IMPROVE THE QUALITY AND CONSISTENCY OF SERVICES OFFERED BY COURTS OF LIMITED JURISDICTION.

COMMENTARY: The Court Funding Task Force recommended that courts of limited jurisdiction should be reorganized into regional courts funded by the state. These regional courts would have jurisdiction over all applicable state laws and county and city ordinances and causes of action as authorized by the legislature. Regional courts would operate full time, have elected judges, and offer predictable, recognized levels of service, including probation. A regional structure for courts of limited jurisdiction will decrease the proliferation of small, limited operation, part-time courts. Ideally, regional courts would offer convenience, consolidated services, staff and administration, and would achieve savings through economies of scale for all participating jurisdictions.

Objective:

Organize courts of limited jurisdiction into convenient, regional courts which consolidate services now provided by multiple smaller courts.

Tasks:

1. In order to move toward the long-term goal of creating regional courts of limited jurisdiction, the BJA will support the update of Title 3 RCW including:
 - Authorizing municipalities and counties to provide joint court services by interlocal agreement.
 - Authorizing cities to contract with other cities to form regional municipal courts with elected judges.
 - Emphasizing a collaborative regional approach to provision of district and municipal court services by expanding the role and membership of the districting committee.

ISSUE VI.

PRESERVE THE INDEPENDENCE OF THE JUDICIARY

There are two categories of judicial independence: decisional and institutional. Decisional independence pertains to a judge's ability to render decisions based solely on the facts of the case and the applicable law, free from political or popular influence. Institutional independence involves the administrative separation of the judicial branch from the executive and legislative branches of government.

As the courts apply laws that implement public policy, their decisions may appear to be, or actually be at odds with the interests of the legislative or executive branches of government or with public opinion. However, it is precisely this independence that is indispensable if there is to be public confidence in the administration of justice.

GOAL 6.1

PROMOTE DECISIONAL INDEPENDENCE SO THAT JUDGES MAY ADMINISTER JUSTICE ACCORDING TO LAW WITHOUT FEAR OR FAVOR.

COMMENTARY: One means of attaining decisional independence is to require that all judges be elected. While no system of judicial selection guarantees perfection, election insures that judges are directly accountable to the citizens, not to an appointing government official.

Objective:

Ensure that judges have the freedom to render decisions without political or public influence.

Tasks:

1. The BJA will continue to work toward the goal that all judges, including part-time judges in courts of limited jurisdiction, stand for election.
2. To differentiate their responsibilities from those of elected judges, the BJA will support limiting the authority of district and municipal court commissioners.

GOAL 6.2

PROMOTE THE INSTITUTIONAL INDEPENDENCE OF THE JUDICIAL BRANCH IN A WAY THAT WILL FOSTER MUTUAL RESPECT AND COOPERATION AMONG THE BRANCHES OF GOVERNMENT.

COMMENTARY: The Court Independence Response Team (CIRT), a Committee of the BJA, was commissioned by the BJA to be both pro-active and reactive to separation of powers and other court-related issues in the Washington State courts. The committee consists of representatives of cities, counties, city attorneys, the ACLU, the Attorney General's office, and others.

Objective:

Provide a forum for discussion and resolution of issues that arise between the court and the local executive or legislative authority.

Task:

1. CIRT will continue to monitor local government's adherence to GR 29 (the Presiding Judge Rule), and to educate the courts and local governments regarding separation of powers issues.

ISSUE VII.

PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY

The BJA established the Committee on Public Trust and Confidence in 1999 to identify and implement initiatives to enhance public trust and confidence in the State's judicial branch of government.

The Committee strives to ensure that individuals who have contact with the judicial branch of government are treated with respect and equality, as well as to foster a greater understanding of and respect for the judicial branch of government. In 2004, the Committee identified the following goals and projects to achieve a higher level of trust and confidence.

GOAL 7.1

IMPROVE ACCESS TO COURTS STATEWIDE

COMMENTARY: Improving access to courts is seen as a critical first step in improving the public's level of confidence in their court system. Too often, those who visit the courthouse experience both fear and confusion as they try to navigate a complicated legal system on their own. Simple changes in courts statewide will help make a difference in their courtroom experience.

Objective:

Facilitate changes in courthouses throughout Washington State to ensure that individuals who have contact with the judicial branch of government are treated with respect and equality.

Tasks:

1. The Committee is undertaking two activities to improve access to Washington Courts:
 - Creation of a statewide curriculum for a volunteer docent program.
 - A pilot project identifying 'key confidence interaction points' in courts throughout Washington State.
2. The Committee will work with the civil equal justice community to facilitate the adoption of their recommendations.

GOAL 7.2

IMPROVE THE PUBLIC'S AND THE MEDIA'S UNDERSTANDING OF THE COURT SYSTEM

COMMENTARY: To improve the level of confidence in the court system, it is imperative that the public understand how the judicial branch operates and what a vital role an independent judiciary plays in a democratic society. To achieve this level of understanding, the Committee must also focus its efforts on educating the media, so that reporting on court-related matters is accurate and informative.

Objective:

Increase the media's level of knowledge of how the judicial branch of government operates; increase the level of public outreach by judges throughout Washington State; and increase the amount of information given to citizens who serve as jurors each day.

Tasks:

1. The Committee will develop a local court media outreach how-to kit for all presiding judges, including items such as template annual reports, press releases, guest editorials, and media pamphlets.
2. The Committee will create a curriculum for a "Courts 101" workshop for the media and a companion comprehensive media guide.
3. The Committee will undertake efforts to increase appreciation of jurors, and their understanding of their rights and responsibilities.