

FULL COURT PRESS



CHIEF JUSTICE MADSEN
Dedication and
Collaboration Essential
for Success

3

GR 31.1
Court Rule Becomes
Effective January 2016

4

SCJA PLAN
Summary Provides Context
for Legislative Plan

7

CALLIE T. DIETZ
Working Together
is Success

9

In This Issue

- 3 FROM THE DESK OF CHIEF JUSTICE MADSEN**
Dedication and Collaboration
Essential for Strong, Successful
Judicial Branch
- 4 GR 31.1**
General Court Rule 31.1
Effective January 2016
- 6 CIVIL LEGAL NEEDS
STUDY UPDATE**
We Can and We Must Do Better
- 7 SCJA PLAN**
Summary Provides Context
for Superior Court Judges'
Association's Legislative Plan
- 9 COLUMN:
CALLIE T. DIETZ**
Working Together is Success
- 10 AOC AT-A-GLANCE**
AOC Services Advance the Efficient
and Effective Operation of the
Washington Judicial System
- 11 SC-CMS LAUNCH**
Three Early Adopter Sites Report
Success at SC-CMS Launch
- 13 CLJ-CMS UPDATE**
Team Prepares to Procure
System Through RFP
- 14 YOUTH COURT**
How to Start A Youth Court in
Your Community
- 16 NEWS BRIEF**
Cynthia Delostrinos Named
Supreme Court Commissions
Administrative Manager
- 17 WSCCR STUDY**
New Study Examines Truancy
Trends Twenty Years After Becca
Legislation

Dedication and Collaboration Essential for Strong, Successful Judicial Branch

This year marks the 800th anniversary of the Magna Carta. As judges, we know that establishing and maintaining a fair system of laws and adjudication is continual work.

We also know how imperative it is that we succeed.

This has been a year of important milestones for our judicial branch, a good time to step back and think about what we do and why it is essential that we work together, particularly as economic stresses and ongoing challenges to judicial independence require us to regularly defend our branch and our crucial role in society.

As Alexander Hamilton said in *The Federalist* (number 78), the U.S. Constitution meets the “obvious need for a steady, upright, and impartial administration of the laws by a judiciary of firmness and independence. Liberty... would have everything to fear from [the judiciary’s] union with the legislature or the executive.”

The public belief in our government and their own society rests upon a confidence that laws and governmental actions will be fair, and if they are not, that there is an unbiased and independent branch of that government where they can seek help and be heard — an independent branch with actual authority and respect from the other branches.

Despite the critical nature of our role,



Chief Justice Barbara A. Madsen
WASHINGTON SUPREME COURT

however, it is frequently under attack in both obvious and subtle ways. This is evidenced by the many initiatives, centers, committees and programs focused on judicial independence created by such agencies as the National Center for State Courts, the American Bar Association, the American Judicature Society, the Brennan Center for Justice, Justice at Stake and many more.

Some challenges are blatant — as when the Kansas Supreme Court recently issued unpopular decisions in a school funding case and a death penalty case, and as a result, faced funding threats by lawmakers and campaigns to oust specific justices for their decisions.

When unpopular court decisions are met with threats, it is an attack on the rule of law and the independence of the judiciary.

Most challenges, of course, are more subtle—budget neglect, overloading of public defense attorneys, lack of infrastructure for courts and attorneys to do their work. A local legislative body

might unappoint a part-time judge who is not levying enough fines, or might try to strip judges of certain cases. A state legislative body might try to un-fund certain judicial positions or impose administrative rules without consulting the branch leaders.

We’ve seen all of these happen.

Some challenges to maintaining a healthy rule of law are internal — a lack of diversity, a lack of access, bias, a lack of vigilance in our ethics and practices, or a failure to work together to strengthen the effectiveness of our branch. These chip away at public trust and legislative respect.

Anything that weakens the independence of the judicial branch in doing its work also weakens the rule of law and our ability to provide justice to our communities.

This is why it’s imperative that members of our branch come together to determine

MADSEN, CONTINUED ON NEXT PAGE

“When only 38 percent of the American public can name all three branches of government, as a recent survey showed, our voices and our efforts are more important than ever.”

MADSEN, CONTINUED FROM PREVIOUS PAGE

priorities and goals, to continually speak up for proper funding, to jointly fight efforts to undermine our authority and our role, to find solutions for disagreements within our branch, and to present a united front in this ongoing battle.

When only 38 percent of the American public can name all three branches of government, as a recent survey showed, our voices and our efforts are more important than ever.

I would like to thank you for the work many of you do toward improving our branch and interacting with your communities.

Some of you work with high school mock trial teams, Judges in the Classroom or with youth courts; some of you work with tribal courts; some of you speak to school and community groups; some of you volunteer for committees to improve access; some of you are involved with efforts to combat bias; some of you advocate with the legislature; some of you have great ideas for improvement and you work toward it.

There is too much for me to list, but all of your work makes a tremendous difference.

Washington has a dedicated, active and innovative judicial branch. I hope we can all continue collaborating to keep it strong and effective. Working together is the only way we will gain the resources and maintain the independence our branch needs to deliver justice to the people of our state.

“Washington has a dedicated, active and innovative judicial branch”

Chief Justice Barbara A. Madsen
WASHINGTON SUPREME COURT

ARE YOU READY?

General Court Rule 31.1 Effective January 2016

After more than five years of effort and thousands of hours of work, a court rule and support framework for providing judicial branch administrative records upon request becomes effective January 1, 2016.

Though courts and branch agencies have provided administrative records for years, official processes, timelines and definitions have not been available until now. Also available now are [forms](#), [templates](#), [sample responses](#), [model policies](#), [training videos](#), [FAQs](#) and more to help courts and judicial branch agencies meet new requirements. A public web page with information will launch when the rule becomes effective.

The challenge now for courts and branch agencies is ensuring they have clear policies and practices for records management and retention so they are able to provide the requested records.

Following years of debate about whether the judicial branch should be added to the state Public Records Act or develop its own rules for providing administrative records, General Court Rule 31.1 Access to Administrative Records (GR 31.1) was approved by the Washington Supreme Court on October 18, 2013. Establishing the rule within the branch honors the separation of powers, and protects unique judicial branch records such as those from judges' chambers.

GR 31.1 requires courts and judicial branch agencies to adopt policies implementing procedures for accepting and responding to administrative records requests.

GR 31.1, CONTINUED ON NEXT PAGE



GR 31.1, CONTINUED FROM PREVIOUS PAGE

“Consistent with the principles of open administration of justice... a presumption of access applies to the judiciary’s administrative records,” says the rule’s introduction. “Access to administrative records, however, is not absolute and shall be consistent with exemptions for personal privacy, restrictions in statutes, restrictions in court rules, and as required for the integrity of judicial decision-making.”

The effective date of GR 31.1 was suspended until judicial branch members could complete the extensive work of developing official requirements and guidelines for complying with the rule.

Over the past two years, those requirements, guidelines and implementation resources have been developed by court administrators, judges, prosecutors and other members of four committees of the Board for Judicial Administration (BJA), as well as support staff members of the Administrative Office of the Courts (AOC). (See page 6 for a list of committee members)

“The committee members working on GR 31.1 have put in countless hours of research, drafting, reviewing, discussing and revising in order to create a comprehensive plan for helping courts implement this rule,” said AOC Public Records Officer Jan Nutting. “We can’t thank them enough for their dedication and their work.”

Support resources to help courts implement GR 31.1 can be found on a dedicated web page on [Inside Courts](#) that contains:

- Instructional videos
- Policy and procedure templates
- Guidelines for identifying exempt records
- Model response form
- Model tracking log
- Model description for a public records officer position
- Model invoice for the cost of producing public records
- Model appeal form for denial of records
- Guidance on chamber records
- FAQs

Another web page containing information on GR 31.1 for members of the public will launch at www.courts.wa.gov when the rule becomes effective.

Openness and transparency in judicial administration is critical for public trust and confidence in the courts, said retired Justice Gerry Alexander, who in 2009 urged creation of such a rule. It is now an important part of the job for court workers, he said.

“I am very proud of the present [Supreme] Court’s adoption of GR 31.1,” Alexander said in an instructional video introducing the topic on the Inside Courts web page. “I believe this rule... will increase the confidence of Washingtonians in their court system.”

TIMELINE

A History of GR 31.1

2009

Washington Supreme Court, in *City of Federal Way v. Koenig*, determined that court administrative records were not addressed in Washington’s Public Records Act (RCW 42.56), which pertains to the executive and legislative branches. Chief Justice Gerry Alexander urged creation of a court rule to address administrative records.

2009

The Board for Judicial Administration (BJA) appointed a workgroup and began crafting a general court rule that could address the unique nature of court administrative records. This was chosen as the direction for providing records rather than courts being added to the Public Records Act.

JUNE 2011

First draft of a court rule proposed by BJA, published for comments.

SEPTEMBER 2012

Second draft published for comments.

EARLY 2013

Third draft published for comments.

OCTOBER 18, 2013

Final version of GR 31.1 approved by Supreme Court without an effective date, to allow time for implementation planning.

LATE 2013

BJA formed four different GR 31.1 implementation committees to develop best practices, model public records policies, model procedures, templates, training recommendations and resources, and more.

JUNE 2015

Supreme Court approved GR 31.1 implementation plan.

JANUARY 1, 2016

GR 31.1 becomes effective.

SEE PAGE 6, FOR A LIST OF GR 31.1 COMMITTEE MEMBERS

Committee Members

BJA IMPLEMENTATION OVERSIGHT GROUP

Judge Janet Garrow

King County District Court

Judge Ann Schindler

Court of Appeals Div. I

Judge Sean O'Donnell

King County Superior Court

EXECUTIVE OVERSIGHT COMMITTEE

Judge Scott Ahlf, Chair

Olympia Municipal Court

Judge Michael Evans

Cowlitz County Superior Court

Judge Beth Andrus

King County Superior Court

Judge Bradley Maxa

Court of Appeals Div. II

Judge Glenn Phillips

Kent Municipal Court

Jon Tunheim

Thurston County Prosecutor

Christina Beusch

Deputy Attorney General

CORE WORK COMMITTEE

Jim Bamberger

Director, Office of Civil Legal Aid

John Bell

AOC Contracts Manager

Ron Carpenter

Supreme Court Clerk

Suzanne Elsner

Marysville Municipal
Court Administrator

Theresa Ewing

Thurston County District
Court Administrator

James Madsen

Mason County Juvenile
Court Administrator

Sophia Byrd McSherry

Deputy Director,
Office of Public Defense

Kay Newman

Washington State
Law Librarian

Paulette Revoir, co-chair

Lynnwood Municipal
Court Administrator

Linda Ridge

Deputy Chief Administrative
Officer, King County
Superior Court

Renee Townsley

Court of Appeals Div. III
Administrator

Bob Terwilliger, co-chair

Snohomish County Superior
Court Administrator

EXTERNAL REVIEW COMMITTEE

Shirley Bondon

AOC Contracts Access Manager

Michele Earl-Hubbard

Allied Law Group

Jean McElroy

WSBA General Counsel

Rowland Thompson

Executive Director,
Allied Daily Newspapers

STAFF

John Bell

AOC Contracts Manager

Jan Nutting

AOC Public Records Officer

Civil Legal Needs Study Update: “We Can and We Must Do Better”

A survey of more than 1,600 low-income Washingtonians discovered that the average number of legal problems per low-income household has tripled over the last decade, and more than 75 percent of those with civil legal problems struggle without a lawyer or any type of legal help.

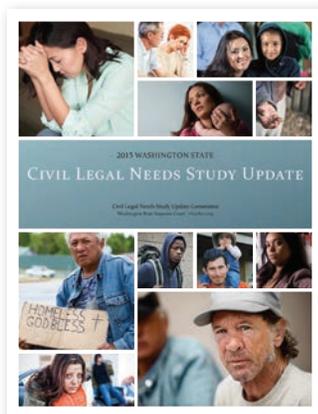
The survey, conducted by Washington State University, is the most methodologically rigorous assessment of civil legal problems ever conducted nationwide. The results indicate nearly 500,000 Washington residents who live in poverty suffer because they are unable to find help with legal problems such as access to healthcare, debt collection, and employment related issues. Low-income persons of color, victims of domestic violence or sexual assault, persons with disabilities and youth experience substantially higher rates of legal problems than the general population.

“We must recognize the consequences of a system of justice in our state that denies a significant portion of our population the ability to assert and defend their core legal rights,” said Supreme Court Justice Charles K. Wiggins, chair of the Civil Legal Needs Study Update Committee. “We can and we must do better.”

Washington currently has just one state-funded legal aid attorney for every 11,628 eligible residents, which is less than half the nationally recognized minimal level of service of one legal aid attorney for every 5,000 eligible low-income residents.

The 2015 Washington State Civil Legal Needs Study Update follows a similar study published by a Washington State Supreme Court task force in 2003. Based on this 2015 Civil Legal Aid Update, the Equal Justice Coalition believes the state should recommit to closing Washington’s justice gap.

Find the full [32-page report](#) on the Office of Civil Legal Aid website.



Summary Provides Context for Superior Court Judges' Association's Legislative Plan



In preparation for the November 20th meeting of the Board for Judicial Administration (BJA), Judge J. Robert Leach wrote a summary of joint meetings and discussions that have taken place to date regarding a proposal by the Superior Court Judges' Association (SCJA) to form a new judicial branch agency through legislation. This is the full summary.

BY JUDGE J. ROBERT LEACH
PRESIDING CHIEF, COURT OF APPEALS, DIVISION I

Background

In the summer of 2015 SCJA announced its intention to ask the legislature to create a new judicial agency to be called the Office Trial Court Policy and Research. SCJA proposed staffing and funding this office with six positions and funds currently allocated to the Administrative Office of the Courts (AOC). Over time, the Washington State Center for Court Research (WSCCR) would move to this office. The stated goal of the proposal was “to extract association administrative staffing and trial court research, and add a layer of support for policy design and program support.”

At the September 18, 2015 BJA meeting, Judge Harold Clarke III, SCJA President, presented the proposal and explained, in part, SCJA's motivation for seeking this legislation. As a result of meeting discussions, Callie T. Dietz, State Court Administrator, arranged a meeting of representatives from DMCJA, SCJA, COA, and the Supreme Court to discuss ways to address SCJA's concerns without the proposed legislation.

October 4, 2015 Meeting

Judge Scott Sparks, Member Chair of BJA, asked Judge Kevin Ringus to facilitate the discussion. Judge Ringus and Judge Scott

Ahlf attended as DMCJA representatives, Judge Clarke and Judge Michael Downes for SCJA, Judge J. Robert Leach for the COA, Chief Justice Barbara Madsen for the Supreme Court, Justice Mary Fairhurst for the Judicial Information System Committee (JISC), and Callie T. Dietz for AOC. Misty Butler, AOC staff, also attended.

The meeting began with Judges Clarke and Downes explaining problems SCJA has experienced with the current staffing model for it and the greater effectiveness they saw for SCJA under its proposal. The problems included: divided support, staff loyalty, poor communications during legislative sessions, AOC's failure to follow existing agreements with SCJA, inadequate support for superior court initiatives, and inadequate support to develop research supporting new solutions for a number of issues. These issues include access to the courts and adult recidivism.

The conversation focused on possible alternative solutions that met SCJA needs. SCJA identified as a major obstacle its lack of ability to enforce agreements with AOC and its perception that AOC often ignored those agreements. Members of the appellate and limited jurisdiction courts expressed a strong preference for finding a negotiated solution

SUMMARY, CONTINUED ON NEXT PAGE

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and suggested possible enforcement mechanisms. They also expressed concern about the proposal's impact upon the BJA and the strength of the judicial branch as an independent branch of government. The meeting ended with Judge Clarke agreeing to present the substance of the meeting to the SCJA Board.

Judge Clarke later advised the meeting attendees that the Board had considered the different ideas discussed at the meeting and decided to proceed with its legislative proposal.

October 29, 2015 Meeting

In October 2015 Judge Kitty-Ann van Doorninck, SCJA legislative chair, and Chief Justice Madsen met to discuss the SCJA proposal. During this meeting the Chief suggested that instead of a separate state office, SCJA consider an amendment to Chapter 2.16 RCW (establishing the SCJA) to provide for state funds at least matching the county funding of SCJA. This would provide SCJA with additional resources to further its goals without taking AOC resources.

In October 2015 Judge Clarke circulated an early draft of SCJA's proposed legislation and requested an en banc meeting with the Supreme Court to discuss it. The Court agreed to this request and invited Judge David Steiner, DMCJA President, Judge Leach, and Ms. Dietz to participate.

The draft legislation would create an office of the Superior Court Judges Association. The activities of the office would be carried out by a director appointed by an oversight committee of the SCJA, comprised of the SCJA president, SCJA incoming president, SCJA immediate past president, SCJA legislative chair, and an SCJA board member appointed by the SCJA executive committee.

The draft legislation assigns the SCJA director these duties:

1. Respond to legislative requests to provide data to improve court operations through policy, program, and budget;
2. Evaluate and promote programs that lead to best practices to improve public

...the judicial branch should find a way to resolve the issue internally without resorting to a legislative solution.

Judge David A. Steiner

DURING OCTOBER 29 MEETING TO DISCUSS SCJA PROPOSAL

- safety in the criminal justice system;
3. Work collaboratively with the AOC and other key stakeholders on implementation of the case management system; and
4. Report quarterly to the oversight committee.

The draft legislation does not reallocate AOC employees or attempt to move the WSCCR at this time.

On October 29, 2015 the nine members of the Supreme Court, Judge Leach, Judge Clarke and Judge van Doorninck, Judge Steiner, and Ms. Dietz met for about two hours at the Temple of Justice. Judge van Doorninck led the SCJA presentation of its legislative proposal. She described legislative support for the proposal and stated that a hearing on it would be held on November 20th. Several members of the Supreme Court expressed concern about the motives of some potential supporters. While acknowledging those concerns, Judge van Doorninck expressed confidence in the appropriate motivation in the legislature's leadership.

Several justices identified possible modifications to the proposed legislation and suggested further discussions to refine a legislative proposal that they may be able to support. They asked SCJA to consider delaying its process to allow these discussions to occur. Some justices also expressed concern that the legislation made no provision for DMCJA support and questioned the impact the legislation would have on the strength of the judicial branch, particularly in its dealings with the other two branches. Some justices also expressed concern that the SCJA office would duplicate some policy analysis while potentially providing conflicting results. Several justices also expressed the view that any resources

to fund the SCJA office would come out of the budgets of other judicial agencies because of the limited funding sources available to the legislature and other funding issues it faces. Several members also expressed concerns over inviting the legislature to become involved because the outcome may be different than the one SCJA requested.

Judge Clarke and Judge van Doorninck disagreed with the level of policy analysis provided by AOC and indicated that much of the current substantive analysis of proposed legislation comes from SCJA members, highlighting the need for additional support.

Judge Steiner expressed general support for the SCJA concerns, but thought that the judicial branch should find a way to resolve the issue internally without resorting to a legislative solution. He suggested a court rule as a possible vehicle for a solution. He expressed the same concern about funding resources identified by Supreme Court members. He concluded by saying that any accommodation provided by the SCJA should also be offered to the DMCJA, but noted that DMCJA would only pursue this accommodation with BJA approval.

Judge Clarke stated that he would present the concerns expressed at the meeting to the SCJA Board at its next meeting and report back. He has since advised that SCJA intends to move forward with its proposal.

The Board for Judicial Administration will next meet on Friday, November 20, from 9:00 a.m. to Noon at the AOC SeaTac offices, 18000 International Blvd., Suite 1106, SeaTac WA 98188. The meeting is open. The agendas, meeting minutes and information packets of previous BJA meetings are available [online for review](#).

Working Together is Success

The mission of the Administrative Office of the Courts (AOC) is “to advance the efficient and effective operation of the Washington Judicial System.” Established by state lawmakers in 1957— because the state’s non-unified courts needed a vehicle to coordinate information and provide them support services — the agency has worked for more than 55 years to fulfill this mission for all levels of court.

The 230 employees of AOC are enormously committed to working for the courts, serving not so much the agency as the judicial branch. While AOC is a coordination and service agency, the branch is governed collaboratively by the Board for Judicial Administration (BJA) and, per the state constitution, the Supreme Court.

Recently the Washington state judiciary has been faced with a debate, brought on by a plan of the Superior Court Judges’ Association (SCJA) to ask the legislature to create a new independent state agency to serve their association. This change would require legislation and additional state funds.

Which brings us to the debate. What is the best way to set policy and priorities for a non-unified judiciary? How should we collaborate and work out our disagreements in a manner that can meet the needs of all levels of court and the people we serve? Have we abandoned the goal of working collaboratively to speak with a unified voice on matters that affect the judicial branch?

I believe the ability to coordinate efforts on behalf of the judiciary and act in the interests of the judicial branch as a whole is threatened by this plan. The plan divides us as a judicial branch; it diverts scarce state funds to a new state agency that will provide redundant services that would be better spent on actual trial court programs or improving AOC’s capacity to provide essential services. The plan vastly complicates the ability of AOC to serve the entire judiciary.

The Administrative Office of the Courts disagrees with this plan because it is inconsistent with the very mission of AOC to advance the efficient and effective operations



Callie T. Dietz
STATE COURT ADMINISTRATOR

of Washington’s judicial system.

The AOC operates in conjunction with the BJA, which was created to adopt policies and provide leadership for the administration of justice in Washington courts. With all levels of the court equally represented in the decision-making, the role of BJA is to 1) establish a judicial position on legislation; 2) provide direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) foster the local administration of justice by improving communication within the judicial branch; and 4) provide leadership for the courts at large, enabling the judiciary to speak with one voice.

The ability of BJA members to discuss issues, and then collaboratively fashion recommendations or set policy, is critical to the well-being of our judicial independence and constitutional charge.

There are always times when reasonable people will disagree. The BJA provides the best mechanism for the judiciary to come together and handle conflict in an effective, timely manner. AOC plays an essential role by providing staff expertise, data, and research services for the entire judiciary to utilize in developing policy, supporting initiatives, planning and program implementation.

With a strong partnership through BJA, the Washington State judicial branch can build support within our judiciary, establish relationships with our justice partners, promote action within a collaborative network, and monitor our progress.

This united front is critical in our dealings with other branches of government at the state and local level.

Inviting legislative intervention into judicial branch governance and policy-setting is a risky and unnecessary strategy. AOC has offered numerous alternatives to legislation, including the creation of a memorandum of understanding that clearly outlines the roles and responsibilities of the AOC and SCJA regarding staff support, seeking additional funding together, reviewing the legislative and budgeting process, and working on ways to improve communication.

I remain optimistic that people of good will can work together to identify specific issues and fashion workable solutions. A resolution that does not require legislation can be achieved if we are all willing to work together.

As Henry Ford said, “Coming together is a beginning; keeping together is progress; working together is success.”

“Inviting legislative intervention into judicial branch governance and policy-setting is a risky and unnecessary strategy.”

ADMINISTRATIVE SERVICES DIVISION

Under the direction of the State Court Administrator, the ASD provides dependable leadership, effective planning, and exceptional service to the courts to:

- ▶ Coordinate staffing and representation on more than 100 workgroups, committees, commissions, boards and task forces working on justice issues.
- ▶ Maintain court directories for all court levels as well as directories of interpreters, guardians, facilitators, mediators, tribal courts, public defenders, and therapeutic courts.
- ▶ Direct public information outreach efforts such as notifications of appellate opinions and court rule changes, response to public and media inquiries and more.
- ▶ Coordinate, train, test, and monitor 337 certified or registered court interpreters in 2015 in 38 languages.
- ▶ Serve as direct staff support to the Board for Judicial Administration (BJA).
- ▶ Maintain nearly 200 research charts on the work of the courts and court management tools. Also conduct in-depth research into critical justice issues such as dependency, truancy, bias and more. This is made possible by the Washington State Center for Court Research.

MANAGEMENT SERVICES DIVISION

Provides judicial branch budget planning, accounting, procurement, contract management, revenue monitoring and analysis, as well as copy and building services to:

- ▶ Manage and distribute nearly \$85 million in state funding to trial courts for judicial salaries, CASAs, processing truancy petitions, interpreter reimbursement, juvenile and family court services.
- ▶ Provide 312 judicial impact fiscal notes in 2015 — the second highest in the state.
- ▶ Manage financial activities and forecasts for AOC, the Supreme Court, Court of Appeals, and Office of Civil Legal Aid (OCLA) with combined annual expenditures exceeding \$128 million.
- ▶ Facilitate development of judicial branch biennial and supplemental budgets (total combined biennial budget of \$336 million).
- ▶ Produce more than 1.9 million pages of legal briefs and more than 800,000 pages of educational materials through AOC Copy Center.
- ▶ Provide public records and emergency management services to the AOC and judicial branch agencies as needed.
- ▶ Re-certify more than 300 professional guardians each year who provide services to about 4,500 incapacitated persons and train approximately 5,000 lay guardians.

ADMINISTRATIVE OFFICE OF THE COURTS

At-A-Glance

JUDICIAL SERVICES DIVISION

Provides comprehensive support to the state's judges, clerks, court administrators and their staff to:

- ▶ Provide legal services to trial and appellate courts such as benchbook development and coordination, jury instruction coordination and staffing, legal analysis of legislation involving courts, legal and administrative coordination of court rules and much more.
- ▶ Serve as direct staff support to the Superior Court Judges' Association (SCJA), the District and Municipal Court Judges' Association (DMCJA), and appellate court judges and staff.
- ▶ Maintain more than 710 court forms, with an average of 141 legislative changes each year.
- ▶ Respond to more than 3,700 Help Desk calls and online requests from courts each month.
- ▶ Develop and coordinate more than 8,000 education program hours for more than 1,550 judges, county clerks, commissioners, court staff and others in 2014.
- ▶ Update more than 1,100 laws in the Judicial Information System (JIS) Law Table in 2015.
- ▶ Update and design of AOC public- and internal-facing websites. Manage more than 14.5 million visits per month to public and case search websites in 2015.

INFORMATION SERVICES DIVISION

Supports the technology needs of the judicial branch through the Judicial Information System (JIS) to:

- ▶ Oversee more than 41 million JIS transactions by more than 17,500 court, state, federal and public users in June 2015.
- ▶ Facilitate 1.6 million daily JIS transactions in 2014, up from 200,000 in 1994.
- ▶ Provide response time of less than 2/10 of a second, down from 1.5 seconds in 1994.
- ▶ Manage 38.5 million case records and 57.7 million person records.
- ▶ Conduct annual disaster recovery tests to ensure that JIS records and systems are protected in the event of a disaster, and courts can function.





Three Early Adopter Sites Report Success at SC-CMS Launch

The Odyssey case management system for Washington superior courts is moving full steam ahead with the successful launch of three “early adopter” sites on November 1 as well as the approval of a statewide roll-out schedule for the system.

The schedule approval means that courts and county clerks’ offices implementing Odyssey next year are already in preparation, while other sites know their implementation timeline and can begin getting ready.

Those next courts will benefit from the efforts and experiences this year of the pilot site in Lewis County and the early adopter sites in Franklin, Thurston and Yakima counties.

“It really has been a much better experience than I envisioned,” said Yakima County Superior Court Administrator Robyn Berndt, in an email to other court administrators around the state. Berndt shared her early list of lessons learned a week after launch. (See page 12 to read the email)

“Franklin County is happy to report that Odyssey Go-Live was successful and we are currently accomplishing our daily work on time,” said Franklin County Superior Court Administrator Pat Austin, also in an email to other administrators. “As with any new system there are learning curves and adjustments to

either our business processes or the system, but I have been overwhelmingly pleased to say those have been minimal. We have ample support by AOC and Tyler and are happy to be an early adopter.”

After pilot: (A lot of) adjustments

The Odyssey case management system launched in Washington on June 13, 2015, at the pilot site of Lewis County Clerk and Superior Court. It was the culmination of years of preparation — starting in 2010 — for modernizing the 1970s-era SCOMIS system now in use by most state superior courts.

It was developed by Tyler Technologies, based in Texas, a company specializing in technology systems for courts and government agencies, and has been configured for Washington’s non-unified superior courts.

After the pilot launch in Lewis County, more than 180 system issues were logged which needed attention — the kind of glitches expected in a pilot court implementation, the first opportunity to put the system to live use. Staff members from AOC, Tyler and in Lewis County worked tirelessly throughout the summer to make the needed fixes and adjustments, particularly with regard to party

SC-CMS, CONTINUED ON NEXT PAGE



Franklin County Clerk staff members pause for a group photo during the Odyssey launch on November 1.

LAUNCH DAY NOVEMBER 1

TOP PHOTO: Franklin County Superior Court Administrator Pat Austin (right) works with Dale Raypole of Tyler Technologies. MIDDLE PHOTO: Thurston County Superior Court Judge Carol Murphy (left) and County Clerk Linda Myhre Enlow watch as Judge Christine Schaller signs the Go-Live Decision. BOTTOM PHOTO: Yakima County Superior Court Administrator Robyn Berndt signs the Go-Live Decision.

and case information traveling between SCOMIS and Odyssey.

By the time of early adopter launch on November 1, only five issues remained.

When the early adopter sites went live (in courts larger and more complex than the pilot site), only 27 new issues arose in the first week. Those will be addressed until they are fixed.

As with the pilot launch, project team members from AOC and Tyler remained on location with the early adopter sites for the first two to three weeks of launch, supporting staff members and addressing issues.

“The early adopter launch has been highly successful,” said SC-CMS Program Manager Maribeth Sapinosa, of AOC. “The main challenge has been logistics — dividing the project team into three sub-teams in three locations at the same time took quite a bit of planning.”

In addition to the long hours put in by SC-CMS project team members, Sapinosa said that early adopter “power users” were great contributors to the launch’s success. Power users are staff members from courts or county clerks’ offices who agree to spend extra time training ahead of launch, and to become trainers themselves and on-site resources for their colleagues.

“These individuals have stepped away from their own work to assist the project team during planning and help their co-workers in using the new system,” Sapinosa said.

Pilot site veterans from Lewis County also helped with the early adopter launch days — Lewis County Clerk staff member Ruth Allison in Franklin County and Lewis County Superior Court Administrator Susie Parker in Yakima.

“We want to thank them for their commitment to helping subsequent



First-Hand Account of SC-CMS Launch Provides Guidance for Administrators

On November 9th, Yakima Superior Court Administrator Robyn Berndt sent the following email to fellow superior court administrators around Washington, describing the launch experience and providing some advice:

Yakima County is very pleased with our Odyssey adventure. Our Court Administration staff have embraced learning every little thing they can about the system and they’re sharing all kinds of tricks they’ve learned with each other.

The most pleasant part of our go-live experience is how positive and patient all of our judges have been with the transition and how quickly they’ve learned to navigate. Judge’s Edition is a great tool — easy to use and has almost all the information a judge needs right at their fingertips. We did, however, experience some technical difficulties with it locking up the first few days. That little problem turned out to be a blessing in disguise because the judges have become quite proficient already in using the full version of Odyssey.

AOC and Tyler are helping work through the technical issues that are always inherent in new systems and reports. They’ve been extremely responsive and continue to work out the bugs we initially experienced with Judge’s Edition.

We have a growing list of “lessons learned” we will share at some point in the future, but a few that stand out right now are items that you can control in the months leading up to “go live.”

- Be sure your computers have all of the requirements recommended by Tyler. We had a few that were locking up due to low memory. Make sure your monitors are big enough. 24” seem to work well.
- Odyssey needs to be loaded on all Juvenile Court user’s computers if the user needs access to electronic documents. The Portal is only for non-court people like local attorneys, public, etc. It won’t work for your Juvenile Court staff.
- Be sure your public partners like the Bar Association, contract attorneys, etc., know way ahead of time about the project, about the Portal registration, about light calendars leading up to go live, etc., and if possible, encourage your Clerk to send registration instructions out way ahead of time because it takes time for AOC’s security team to input all of that information.
- Be sure you and your Clerk are on the same page with regard to setting up permissions for Odyssey. That also takes time for AOC’s security team to add so it should be done a few weeks ahead of time.

I can’t imagine doing this without our court Project Coordinator, Jessica Albert, and our Tech Services Program Manager, Becky Bishop.

Hope this helps a bit. It really has been a much better experience than I envisioned!

Robyn Berndt
Yakima Superior Court Administrator

SC-CMS, CONTINUED FROM PREVIOUS PAGE

counties succeed,” said Sapinosa. “Their assistance during week one of Go-Live was invaluable.”

Up next

The statewide rollout schedule for Odyssey was announced in October by the Superior Court Case Management System Steering Committee. The committee considered a number of criteria in setting the schedule — proximity of counties to each other, the schedules of AOC and Tyler staff, the anticipated complexity of local systems that may need to integrate with Odyssey, and the number of users who will require training.

The schedule includes five more phases of implementation beginning in May of 2016 (Snohomish County) and concluding in May of 2018 (a large portion of Eastern Washington).

Though it seems like there is much time,

counties need to begin their preparations about 12-14 months before launch. AOC and Tyler staff members schedule an Implementation Planning Kickoff Meeting with county clerk offices and courts about one year in advance.

Prior to this, counties can visit the SC-CMS web page for detailed information, and can call in to monthly Town Hall meetings to hear advice and ask questions of administrative and technical staff from AOC, Tyler, and counties that have implemented the system.

The Town Hall meeting schedule can be found on Inside Courts.

One role that has evolved since pilot launch is that of the power users. Courts and county clerks’ offices should expect their power users to be highly engaged with the project team throughout the entire implementation planning process. In addition to reviewing their county’s

converted data in Odyssey, power users will:

- Take the lead in helping their coworkers complete tasks in Odyssey during the Onsite Open Labs during the week before Go-Live;
- Assist their coworkers in processing cases in the office;
- Accompany in-court clerks in the courtroom during Go-Live; and
- Assist with subsequent counties’ implementations.

“The success of the early adopter launch is very exciting,” said AOC’s Chief Information Officer Vonnie Diseth. “The project team did a great job being split up and managing with fewer people at each site. We have an amazing group of people working on this project who are so dedicated in what they are doing. The enthusiasm and effort of the managers, staff members and judges in the early adopter counties are a huge part of this success. It’s a win for everyone.”

UPDATE

CLJ-CMS
COURTS OF LIMITED JURISDICTION
CASE MANAGEMENT SYSTEM

Team Prepares to Procure System Through RFP

The Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project members have completed gathering system requirements — an extensive amount of work that defines and specifies what is needed in a new system — thanks to the efforts of its Court User Work Group (CUWG). This information is critical for the next phases of searching for and procuring a system.

The project team is now preparing for the Request For Proposal (RFP) phase

under the direction of the CLJ-CMS Project Steering Committee. The RFP is a formal invitation to companies in the marketplace to send a detailed proposal regarding their product and why it would meet the needs of the CLJ-CMS Project, explain the company’s qualifications and experience in implementing and supporting such a system, and the cost of the product.

“A great deal of planning and commitment is required leading up to publishing the

RFP,” said AOC Project Manager Mike Walsh.

The CLJ-CMS Project has limited budget and staffing until January 2016 when funds designated by the Legislature become available, however planning for needed staffing and other activities has been ongoing so that the project can move forward quickly in January.

Visit the CLJ-CMS Project web page for more information.

How to Start a Youth Court

BY JUDGE MICHELLE GEHLSSEN
BOTHELL MUNICIPAL COURT



When I was first appointed Bothell Municipal Court Judge, my primary goal was to positively engage our community with the court system. I was also very aware, on a deeply personal level, of the risks of teen driving. My 16-year-old cousin was killed in a car accident in 1982, an event that affects my family to this day. Unfortunately, more than 30 years later, car accidents remain the leading cause of death for American teenagers.

Every year, car accidents claim more American teens than guns, drugs, or suicide.

As a new judge, I wanted to address this issue, but I was troubled by the limited time I had to educate teens on the dangers of driving. As you are aware, our court system is often overwhelmed with adult caseloads, and a system primarily focused on “crime and punishment.”

My courtroom had no shortage of teen drivers charged with a variety of reckless, distracted, or aggressive driving offenses. Not only did we need more time, I soon realized we needed a dramatically different forum to truly engage our young drivers and help them appreciate the real dangers of irresponsible driving.

I began educating myself on the possibility of a youth court, and quickly became convinced that it could make a difference in Bothell. Unlike traditional adult courts, youth courts focus primarily on restorative justice. Offenders are truly judged by a “jury of their peers,” with a focus on making amends and contributing back to the community. The emphasis is on education and prevention, rather than punishment.

Washington State first authorized youth courts in 2002 (see [RCW 13.40.580](#), [RCW 3.72.005](#) and [RCW 28A.300.420](#)), and more than 22 youth courts now exist throughout the state.

The structure of the court may differ greatly depending on the community; the focus may be misdemeanor cases diverted from juvenile court, civil traffic infractions diverted from municipal or district court, or school discipline cases diverted from the school administration, including truancy.

Any community interested in starting a youth court should first begin with assessing the measure of the community: What juvenile, youth traffic, school rule violations are there? Are there any existing community resources to address these issues? Is there genuine interest and enthusiasm for shepherding

YOUTH, CONTINUED ON NEXT PAGE



Judge Michelle Gehlsen spoke to students at the 2015 Washington State Association of Youth Courts Fall Conference.

YOUTH, CONTINUED FROM PREVIOUS PAGE

resources to try something new?

The early success of a youth court relies heavily on the commitment and participation of numerous “stakeholders” in the community. Often, this is local law enforcement, teachers and educators, youth organizations, and members of the legal community. Identifying and reaching out to those individuals is a critical step in establishing an advisory group.

The role of the advisory group is to define their mission, goals and objectives and set out a framework for selecting the cases to be heard. Every youth court requires that some authority be ceded. It is important to get that entity’s “buy-in” early. If the juvenile or limited jurisdiction court or the school administration is unwilling to refer cases, the youth court will not succeed.

Youth courts obviously need “youth” to succeed. Identifying possible participants and recruitment opportunities is important for the long-term stability of the program. Many programs are linked with high schools, where the students participate as an after-school event. Identifying interested youth early on is essential; youth should serve on the advisory group and play a leading role in policy and other key decisions for the youth court.

As the advisory group comes together, it will be important to identify a key person to serve as the primary director of the youth court. This may be a person who takes this task on as part of the job — juvenile prosecutor, probation officer, court administrator, law enforcement officer, city worker, youth development worker, community member, teacher, school security officer, judge — or someone who is specifically hired to

direct the youth court.

In a small number of youth courts, the youth court partners with a school of higher learning. For example, Bothell Youth Court has an ongoing partnership with the University of Washington Bothell. College students take a law and justice class and serve as advisors to the high school students.

For us, this has been an excellent opportunity for mentoring, as well as a model for long term sustainability as high school participants mature into college students.

In addition to the “bigger issues” of identifying a focus area and a youth base, there are also many logistical matters to work out in the beginning. During the initial planning stage, the advisory

YOUTH, CONTINUED ON NEXT PAGE



Students, judges and court officials worked together at the day-long Washington State Youth Court Conference on November 14, 2015 at Seattle University School of Law. The conference included informational sessions on youth drinking, the impacts of a driving record, and the causes and consequences of shoplifting as well as sections on skill building and starting a youth court. For more information, visit Washington State Association of Youth Courts.



YOUTH, CONTINUED FROM PREVIOUS PAGE

group must chart out the flow of cases, and establish memoranda of understanding with each of the referring agencies.

There are also financial considerations to take into account. Washington statutes allow the youth court to charge an administrative fee, which can help support modest costs of the program.

Budgets are always a matter of concern, and can vary from \$0 to \$35,000 depending upon a variety of factors. Because youth courts are typically an evening or after-school activity, they will often provide food to the youth volunteers at the time of the hearings and trainings. The youth court may also provide a uniform T-shirt to its members, both to encourage a sense of community and to garner outside awareness and support.

Many youth courts plan for an end-of-year celebration of the youth court. Higher-end budgets may involve the hiring of a director for the youth court.

Training, support, and supervision of youth participants are essential to the success of any youth court. The general rule of thumb is that students should have close to twenty hours of training before assuming the roles of judge or advocate. Fewer hours may be required if a peer jury format is used. It is crucial for students to understand restorative justice and how it applies to the cases that come before them. Bothell Youth Court adopted

a restorative circle as a substitute to jury deliberations, and recently demonstrated this innovation at the statewide youth court conference in November 2015.

The guidance, support, and examples of other youth courts is highly beneficial, and the Washington State Association of Youth Courts, consists of member youth courts across the state.

Each fall, with funding from the Washington Judges Foundation and coordinated by the Administrative Office of the Courts, youth and adult members of existing youth courts and persons interested in starting youth courts meet for a day to learn, network, and make plans for future collaborations.

Bothell Youth Court is now entering its third year and continues to grow and flourish far beyond my earliest hopes. We now have more student participants than ever, and have strengthened our ties to the community through both the law and justice class at UW Bothell and an Introduction to Law elective at the local high school.

Most importantly, we have watched numerous youth participating meaningfully and eloquently in our community, learning from their mistakes, making genuine amends, and embracing leadership opportunities. I am inspired by their energy, their passion, and their willingness to give back — and excited to see what direction Bothell Youth Court takes next under their youthful stewardship.



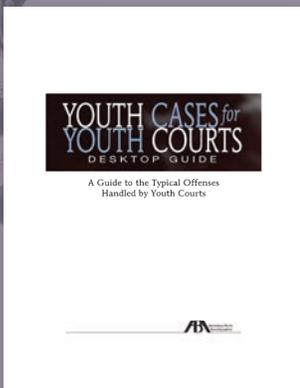
Attorney Cynthia Delostrinos has been named Administrative Manager for the Supreme Court Commissions, overseeing the work of the Gender and Justice Commission, Minority and Justice Commission and Interpreter Commission. In this role, Delostrinos will oversee the planning and implementation of programs to promote fair and equal access to the courts.

Delostrinos joined the Administrative Office of the Courts (AOC) in 2013 and in May 2015, she was named Acting Manager for the Supreme Court Commissions, following the previous manager's promotion.

"Cynthia has done an excellent job in this role," said State Court Administrator Callie T. Dietz. "We are always pleased to promote excellent employees from within."

As the Administrative Manager, Delostrinos will help develop policy and programming to address issues involving gender bias, racial equity, and language access, as they relate to the courts.

"Although we regret losing Cynthia's direct service to the Minority and Justice Commission, we could not be more thrilled at the opportunity that lies ahead for her," said Supreme Court Justice Mary Yu, co-chair of the Minority and Justice Commission.



For more information on how to set up a youth court, read **Youth Cases for Youth Courts: Desktop Guide.**

Also, AOC's Margaret Fisher is an invaluable resource for starting a youth court in your community. Contact her at margaret.fisher@courts.wa.gov.



New Study Examines Truancy Trends Twenty Years After Becca Legislation

The number of truancy filings in Washington have increased dramatically; only about one third of chronically truant students in a school year receive truancy petitions; more than 60 percent of high school students who do receive truancy petitions drop out without receiving a diploma, GED or other academic credentials.

These are among the findings of a new study by the Washington State Center for Court Research (WSCCR) 20 years after the state Legislature passed the “Becca Laws” in 1995. The Becca Laws were named for Becca Hedman, a chronic runaway who was murdered at the age of 12.

“Twenty years later, it is time to capitalize on these experiences in order to develop effective truancy prevention programs that reach the students they are meant to serve,” according to the study’s Executive Summary.

“The truancy petition process represents the letter of Washington’s truancy laws, but ignores their spirit and intent. The intent of the Becca laws is to unite schools, courts, communities and families in an effort to provide the services needed to help students overcome their own personal barriers to school attendance.”

The study, “[Truancy in Washington State: Filing Trends, Juvenile Court Responses,](#)

[and the Educational Outcomes of Petitioned Truant Youth](#),” was authored by Dr. Elizabeth Coker of the University of Washington, Tacoma, and Dr. Carl McCurley of WSCCR, with funding from the John D. and Catherine T. MacArthur Foundation.

The report presents the results of a statewide survey of truancy practices in Washington juvenile courts, as well as analysis of three-year educational and court outcomes for youth with truancy petitions. It also includes recommendations for improving truancy programs and practices, such as focusing on identifying troubled youth earlier and the creation of community truancy boards, which have been effective.