

BOARD FOR JUDICIAL ADMINISTRATION



WASHINGTON
COURTS

MEETING PACKET

**FRIDAY, SEPTEMBER 21, 2012
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Chris Wickham, Member Chair
Superior Court Judges' Association
Thurston County Superior Court

Judge Sara Derr, President
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Janet Garrow
District and Municipal Court Judges'
Association
King County District Court

Judge Jill Johanson
Court of Appeals, Division II

Judge Kevin Korsmo
Court of Appeals, Division III

Judge Linda Krese
Superior Court Judges' Association
Snohomish County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Craig Matheson, President
Superior Court Judges' Association
Benton and Franklin Superior Courts

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

NON-VOTING MEMBERS:

Mr. Stephen Crossland, President
Washington State Bar Association

Ms. Callie Dietz
Interim State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Christine Quinn-Brintnall
Presiding Chief Judge
Court of Appeals, Division II

Ms. Michele Radosevich, President-Elect
Washington State Bar Association

Judge Charles Snyder, President-Elect
Superior Court Judges' Association
Whatcom County Superior Court

Judge David Svaren, President-Elect
District and Municipal Court Judges'
Association
Skagit County District Court



Board for Judicial Administration (BJA)
Friday, September 21, 2012 (9:00 a.m. – 11:00 a.m.)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
Action Items		
3. July 20, 2012 Meeting Minutes Action: Motion to approve the minutes of the July 20, 2012 meeting	Chief Justice Barbara Madsen Judge Chris Wickham	9:05 a.m. Tab 1
4. BJA Public Trust and Confidence Committee Projects Action: Motion to approve BJA Public Trust and Confidence Committee's projects	Justice Mary Fairhurst	9:10 a.m. Tab 2
5. BJA Public Trust and Confidence Committee Appointment Action: Motion to appoint Ms. JulieAnne Behar to the BJA Public Trust and Confidence Committee	Justice Mary Fairhurst	9:20 a.m. Tab 3
6. BJA Best Practices Committee Appointments Action: Motion to appoint Judge Gregory Tripp, Ms. Terri Cooper and Ms. Lisa Rumsey to the BJA Best Practices Committee	Ms. Mellani McAleenan	9:25 a.m. Tab 4
7. BJA Long Range Planning Committee Appointments Action: Motion to appoint Judge Glenn Phillips, Judge Maggie Ross, Judge J. Robert Leach, and Judge Scott Sparks to the BJA Long Range Planning Committee	Ms. Mellani McAleenan	9:30 a.m. Tab 5
8. BJA Dues Action: Motion to approve the mailing of BJA dues notices.	Ms. Mellani McAleenan	9:35 a.m. Tab 6

Reports and Information		
9. Court Management Council Transcription Subcommittee	Ms. Renee Townsley	9:50 a.m. Tab 7
10. Court Security	Judge Chris Wickham	10:10 a.m.
11. Department of Justice Letter	Chief Justice Barbara Madsen Ms. Callie Dietz	10:30 a.m. Tab 8
12. Feedback Regarding AOC Through Court Visits	Ms. Callie Dietz	10:40 a.m.
13. Other Business GR 31.1 Update Next meeting: October 19 Beginning at 9:00 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Chris Wickham	10:55 a.m. Tab 9
14. Adjourn		11:00 a.m.
<p>Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>		



Board for Judicial Administration (BJA)

Friday, July 20, 2012 (9:00 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

Members Present:

Chief Justice Barbara Madsen, Chair
Judge Chris Wickham, Member Chair
Mr. Stephen Crossland
Judge Sara Derr
Ms. Callie Dietz
Judge Deborah Fleck
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Ms. Paula Littlewood
Judge Craig Matheson (by phone)
Justice Susan Owens
Judge Christine Quinn-Brintnall
Judge Kevin Ringus
Judge David Svaren

Guests Present:

Mr. Jim Bamberger
Ms. Bonnie Bush (by phone)
Mr. Charles Dyer
Ms. Sophia Byrd McSherry
Mr. Paul Sherfey (by phone)
Judge Laura Gene Middaugh

Public Present:

Mr. Christopher Hupy
Mr. Mark Mahnkey

AOC Staff Present:

Ms. Beth Flynn
Mr. Dirk Marler
Ms. Mellani McAleenan
Ms. Janet Skreen

The meeting was called to order by Judge Chris Wickham.

June 15, 2012 Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Derr to approve the June 15, 2012 BJA meeting minutes. The motion carried.

Plain Language Forms

Project Goals: Ms. Skreen explained that the goals of the plain language court forms project include enhancing the understandability and usability of forms for non-attorneys or attorneys who are working outside their normal field. In addition, the forms should retain flexibility for practitioners. Up to 70% of litigants in family law actions are *pro se*.

Project History: The Access to Justice (ATJ) Board developed an Integrated *Pro Se* Assistance Plan and in 2009 the ATJ Board created the *Pro Se* Project. Part one, of Phase 1 in the *Pro Se* Project is to provide pattern forms for litigants in plain language.

Transcend was contracted with to translate the forms into plain language. Ms. Laurie Garber, a Northwest Justice Project attorney, is reviewing all the forms and giving feedback to Transcend. Once the form is ready, a group reviews the forms. Initially, they are using focus groups to test

the forms but they are hoping to use jury panels in the fall and use a survey questionnaire to work through the forms and give feedback while the jurors are waiting before being impaneled.

All nine of the Supreme Court justices support the project, and a letter was included in the materials indicating their support. Ms. Skreen chairs the Rally Committee and the committee gives presentations to local judiciaries, bar associations, clerks' offices, domestic violence advocates, etc. They ask for input when making the presentations.

The goal is to have all the forms out for comment soon, and implementation will occur in 2013.

Plain Language: Plain language involves the use of short, simple sentences. It uses common words with well understood meanings. For example, "stay away" replaces "enjoin . . . from." The forms also use checkboxes and headings that are bold and eye-catching. In addition, the steps in each form will be numbered so users can refer back to each step. Graphics will be used on the forms to help people who are only partially literate. Plain language makes everything clear and understandable to everyone who will be using the forms.

Legal terms have precise meanings for attorneys but are often completely lost on a non-attorney. If there is a legal term on a form, it will be defined. Precise, complicated words are not needed to convey facts in a document. Mr. Dyer stated that facts are more easily represented in plain language than in legal terminology. The person filing the pleadings is filing factual information so the court can make a determination. That is where plain language is needed the most.

Judge Middaugh said that, as they translate the forms into plain language, they are finding errors and correcting them. They are also making changes based on comments from judicial officers. For example, there is no place for "findings" on the forms and that can be added. Also, all of their family law forms have been translated into Spanish and now they will have to be translated again. Mr. Dyer commented that translation from plain language is about 40% cheaper than the original translations and interpreters are able to translate forms for clients much easier.

Next Steps: Mr. Dyer expects all the domestic relations forms to be translated this fall and the Forms Review Work Group will be able to work through most of the forms by the end of the year. They are actively starting to test some of the forms now. The whole package will be turned over to the Pattern Forms Committee in early spring.

Ms. Skreen said the courthouse facilitators will have a big job in front of them to replace all the forms packets. There will be some anxiousness as the new forms are implemented because there will be a mix of old and new forms, and the project partners are working hard to alleviate as much of that stress as possible.

Interpreter Resolution

Justice Owens presented the revised Resolution Regarding Language Access Services in Court which was submitted by the Interpreter Commission. The resolution endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil; supports the elimination of language-related impediments to access to the justice system for limited

English proficient litigants; and encourages the state to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

Ms. McAleenan stated that the last time the resolution was discussed by the BJA there was a desire to address costs more directly. This version of the resolution does that.

Judge Derr has some technical changes to the cover sheet: it should be "public" expense instead of "court" expense in #4, 1) and in 2) "trial courts" is listed but everywhere else it is "judicial system" or "courts."

Judge Fleck's suggested revisions on the cover sheet include making the wording consistent throughout the document. For example, in the first paragraph it states: "offset the financial burden at the local level" and in the second paragraph it states "both the State and the courts should share the responsibility" and it should be "local government" instead of "courts." The RCW is dealing with the costs of providing court interpreters and the cost of providing the interpreter should be borne by the governmental body. Ms. McAleenan pointed out that only the resolution will be used in the future and the cover sheet was only for use in the transmittal of the resolution to the BJA.

It was moved by Judge Fleck and seconded by Justice Owens that the BJA adopt the proposed interpreter resolution. The motion carried with seven members voting for the motion, Judge Johanson opposed, and Judge Derr abstaining.

Race and the Criminal Justice System Task Force Recommendations

Chief Justice Madsen said the Race and the Criminal Justice System Task Force recommendations have been on the BJA agenda several times but were removed because of time constraints. The Task Force on Race and the Criminal Justice System had meetings with the Supreme Court and provided recommendations that were parsed out to various entities of the justice system—the state bar, local government, prosecutors, BJA, etc.

Two of the most recent Task Force recommendations were assigned to the BJA:

1. Under the Supreme Court's recommendations, 1. Exercise leadership and encourage the judiciary at all levels to examine and address racial disparities in the juvenile and criminal justice systems. Judges should be encouraged to examine practices and policies within their courts to determine whether they contribute to such racial disparities.
2. Under the Local Governments/Courts recommendation, 1. Working collaboratively with DSHS' Office of Juvenile Justice, the Washington State Center for Court Research (WSCCR), or other interested stakeholders to convene a committee or workgroup to gather and review local data, identify decision points where disparity exists including length of stay in detention, and establish benchmarks and incentives to reduce disproportionate minority contact at each decision point.

Chief Justice Madsen would like to determine if the BJA is interesting in taking on these recommendations. If so, what is the right process for taking these recommendations forward?

Ms. McAleenan mentioned that the BJA did adopt a resolution in July 2011 regarding racial and ethnic bias:

http://www.courts.wa.gov/programs_orgs/pos_bia/RacialEthnicBiasJusticeSystem.pdf

Judge Wickham stated that it is his understanding that the WSCCR is in the midst of looking at juvenile justice data and will report in the fall. It seems to him that the first recommendation for the BJA is already happening and maybe the BJA should support the process and give them the forum to present the information.

Ms. Bush stated that the counties that are involved with the Juvenile Detention Alternatives Initiative (JDAI) work had a meeting on Wednesday and they know that the WSCCR will be involved in gathering data from their sites. The data will be broken down by gender, race and age. They also have a risk assessment instrument that has been validated and is expected to be totally unbiased. They will discuss these items at their September meeting. The BJA can support this work by ensuring the WSCCR has enough staff to get the work done.

It was moved by Judge Fleck and seconded by Chief Justice Madsen that the BJA adopt the role identified for the BJA in the two recommendations from the Race in the Criminal Justice System Task Force on the basis that having the leadership of the BJA supporting these efforts eases the process of working with other entities and branches of government.

There was concern about the BJA supporting all of the recommendations because the BJA has no control over some of the areas listed in the recommendations. It was pointed out that the motion was specific to the two recommendations to the BJA.

There was also concern about what is being asked of the BJA and not being comfortable with overarching support from the BJA.

Judge Fleck withdrew the motion and will bring it back to the next meeting.

Chief Justice Madsen stated that it is critical that the courts be committed to these issues and she did not envision the BJA being asked to do a discrete task but to support the work of the Task Force. The Supreme Court recognizes that they do not influence what happens in individual courts and that is why the support of the BJA is so important.

Getting this on the table was Chief Justice Madsen's and Judge Wickham's goal. If people in this room say the BJA does not have a role in this, that's the end of it but if the BJA does have a role, a process needs to be established to figure out how to go forward. Judge Wickham hopes that at some point the BJA will assume some leadership in this issue, whatever that may be.

Problem-Solving Courts Workgroup

The Problem-Solving Courts Authorizing Legislation Workgroup was created at the previous BJA meeting. The Workgroup met to determine if a general statute regarding problem-solving courts is necessary and advisable and if so, what the legislation would look like.

The Workgroup recommended a white paper or statement of principles that could be used with an amendment to legislation. They did not feel they should submit proactive legislation but they did want to recognize the fact that these bills arise every year and that the BJA should be ready to deal with them when they come up by providing a draft amendment. They volunteered to draft an amendment that can be added to future problem-solving courts legislation.

The group, by consensus, said they want the Problem-Solving Courts Workgroup to continue working on this.

BJA Account and Dues

The BJA account summaries were distributed. The balance of the account is about \$12,000. The biggest expense the dues go toward is the legislative dinners. The costs have ranged from \$6,000 - \$10,000 in the past. If the BJA wants to hold legislative dinners this legislative session they should consider a dues request. The BJA dues are voluntary and not paid by the courts. Dues have been \$55 since the 1990s and have never been raised. A dues request is sent, on average, every two years and it is time to start thinking along those lines because it does take several months to get the money rolling in. Sending dues notices will be on the September meeting agenda for action.

Judge Fleck moved and Judge Ringus seconded to utilize legislative dinners as a way to educate legislators about the judicial branch and the needs of the courts. The motion carried.

Response to Inquiry from Judiciary and General Government Appropriations Committee

Chief Justice Madsen said that judicial branch entities were asked to meet with the Legislature regarding court and judicial branch funding. The discussion during the meeting focused on the needs of the courts and the agencies within the branch.

During the meeting, the legislators asked for input regarding legislation that negatively impacts the courts. Mr. Jeff Hall drafted a letter prior to his departure from the agency but Chief Justice Madsen felt like this is an issue that should be discussed more broadly with the BJA. Is there an appetite on the BJA to contribute to this letter?

After discussion it was determined that the letter should go out under Mr. Hall's signature and it should be revised to make it clear that he is not writing on behalf of the courts, the judicial branch or the AOC.

Other Business

Supreme Court Budget Meetings: The first set of budget meetings under the new budget process were held earlier in the week. Chief Justice Madsen thought the presentations were well done and that everyone did an excellent job of making their cases. She appreciated how orderly and informative the process was.

Office of Public Defense (OPD) Update: Chief Justice Madsen asked Ms. McSherry to give a brief update regarding the implementation of the standards for indigent defense. Starting

September 1, 2012 attorneys will certify that they meet the basic qualifications of the defense standards which are to: have access to an office, have access to investigators and use them as needed, and comply with standard 3.2. After September 1, 2013 they will also need to certify that they comply with Standard 3.4 regarding caseload but that portion of the rule is not mandatory. The certifications will be completed quarterly. OPD was asked to provide some technical assistance regarding implementation of the rule, and they scheduled a lunchtime webinar next Friday to talk about the “nuts and bolts” of the standards. They also scheduled an August 22 webinar that is directed to judges and court administrators. They are working on a series of six half-day CLEs around the state in August with about 3.5 CLE credits focused on the “nuts and bolts” of the standards.

Limited Legal Technician Rule and Board: The Supreme Court recently adopted APR 28. Ms. Littlewood reported that on Monday notices will go out requesting applications for membership on the Limited License Legal Technician (LLLT) Board. The Board of Governors (BOG) created a nominating committee to review applications and bring forward a slate of recommendations for the BOG to use for the creation of the LLLT Board. The LLLT Board should be up and running by January and will create the requirements for the program.

Appointment to the BJA Best Practices Committee:

It was moved by Judge Ringus and seconded by Judge Derr to approve the appointment of Ms. Sandy Ervin to the BJA Best Practices Committee. The motion carried.

BJA Retreat Materials: Two handouts were included in the back of the meeting packet for the BJA members to read prior to the BJA retreat.

Next Meeting: The August meeting has been canceled and the next meeting begins at 9 a.m. on September 21 at the AOC SeaTac office.

There being no further business, the meeting was adjourned.

Recap of Motions from July 20, 2012 meeting

Motion Summary	Status
Approve the June 15, 2012 BJA meeting minutes.	Passed
Adopt the Interpreter Resolution.	Passed with seven members voting for the motion, Judge Johanson opposed, and Judge Derr abstaining.
Adopt the role identified for the BJA in the two recommendations from the Race in the Criminal Justice.	Withdrawn
Utilize legislative dinners as a way to educate legislators about the judicial branch and the needs of the courts.	Passed
Appoint Ms. Sandy Ervin to the BJA Best Practices Committee.	Passed

Action Items updated for July 20, 2012 meeting

Action Item	Status
<u>June 15 BJA Meeting Agenda</u> <ul style="list-style-type: none"> • Post the minutes online • Send revised minutes to Supreme Court for inclusion in the En Banc meeting materials 	Done Done
<u>Interpreter Resolution</u> <ul style="list-style-type: none"> • Update the resolution footer and post online 	Done
<u>BJA Account</u> <ul style="list-style-type: none"> • Add BJA dues notices to the September BJA meeting agenda • The BJA approved moving forward on the legislative dinners 	Done
<u>Response to Inquiry from Judiciary and General Government Appropriations Committee</u> <ul style="list-style-type: none"> • Have Jeff Hall send the letter to Rep. Eddy but make it clear in the letter that the information in the letter is his own opinion and he is not speaking on behalf of the courts, the judicial branch or AOC 	Jeff Hall is not comfortable sending the letter because he is no longer at AOC.
<u>Race in the Criminal Justice System Recommendations</u> <ul style="list-style-type: none"> • Add this to the September BJA meeting agenda 	Done
<u>Problem-Solving Court Workgroup</u> <ul style="list-style-type: none"> • Continue moving forward on the Workgroup's recommendation 	
<u>Appointment to the BJA Best Practices Committee</u> <ul style="list-style-type: none"> • Send letter of appointment to Ms. Sandy Ervin regarding her appointment to the BJA Best Practices Committee 	Done

NAME OF COURT
 ADDRESS
 PHONE and E-Mail

BACKGROUND CLEARANCE Screening Form



Instructions: Please type or print legibly in ink. Sign and date the application. An incomplete application may affect your eligibility or experience credit

GENERAL INFORMATION				
Position Interested In		Are you now, or have you ever been employed by Superior Court – Juvenile Court? Yes <input type="checkbox"/> No <input type="checkbox"/> Title of Job Held		
Last Name		First Name		Middle Initial
Street Address		City	State	Zip
Social Security Number	Home Phone ()	Work Phone ()	Message Phone ()	
Birth date	Gender Male <input type="checkbox"/> Female <input type="checkbox"/>		Race	
Height	Weight	Eye Color	Hair Color	Marks, tattoos

Have you ever been known by any other name? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please list them below
Do you have a criminal record (excluding minor traffic violations) or criminal charges pending? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please list them
Are you currently on probation or parole (excluding for traffic violations)? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, until when?

PERSONAL REFERENCES			
Other than relatives or former employers			
Name 1	Relationship	Occupation	Phone number ()
Address		Length of Relationship (MO/YR)	
Name 2	Relationship	Occupation	Phone number ()
Address		Length of Relationship (MO/YR)	

RESIDENTIAL HISTORY	
If you have lived outside the city or county of current residence within the last seven years then list former address below or on back side of the form	
Address	Date from to
Address	Date from to
I UNDERSTAND AND AUTHORIZE SNOHOMISH COUNTY SUPERIOR COURT – JUVENILE COURT SERVICES TO COMPLETE A CRIMINAL HISTORY BACKGROUND CHECK WHICH MAY INCLUDE FINGERPRINTS. I HEREBY CERTIFY that to the best of my knowledge the answers made hereon are true and complete. I understand that if accepted, any misrepresentation or omission of facts on this application is sufficient cause for dismissal. I authorize the release of background information obtained to Superior Court – Juvenile Court, but to no one else.	
Signature	Date

Things Volunteers Do:

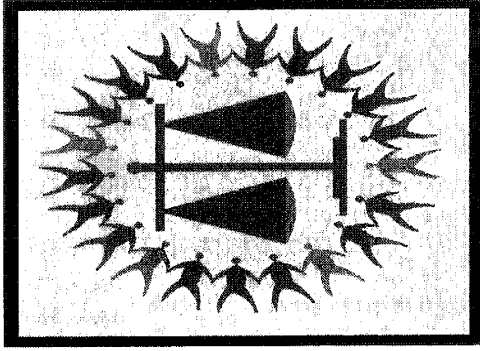
Do:

- Greet and Respond to Public
- Database Entry
- Mail Distribution
- Help staff with paperwork and filing
- Facilitate telephone inquiries
- Facilitate and encourage communication
- Attend on-going trainings

Things Volunteers Don't

Do:

- Give legal advise
- Become a friend to parties in court cases
- Use position for personal gain
- File legal documents with the court without assistance
- Provide unsupervised access to court facilities



Senior Volunteer Opportunity

Name
Of
Court



Phone: ###-###-####

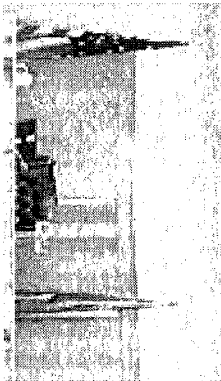
NAME Courthouse

MS-###: Street Address

City, WA Zip Code

So You Want to Volunteer for Name of Court

EXAMPLE-- Language Volunteering for Name of Court is challenging and a way for seniors to provide those in our community seeking court services access to justice.



The mission of Name of Court is to serve the public by adjudicating its cases in a fair, timely and efficient manner. It is in this spirit that the Superior Court Bench believes in the valuable contribution that volunteerism promotes in achieving our mission.

Name of Court has Number (#) Superior Court Judges and Number (#) appointed court commissioners.

How do you apply to be a volunteer?

The first step is to complete a volunteer application form and a background check. Staff will complete the background check and upon clearance a meeting will be set. At this meeting staff will discuss the programmatic needs of the court and review with you how your skill set and availability might work.

Why are volunteers needed?

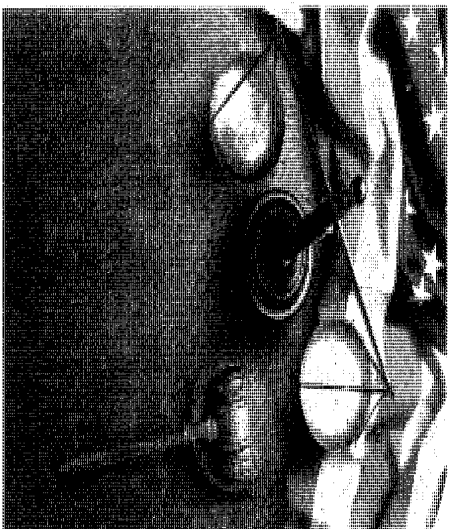
Often the needs of the public are beyond the staffing capacity of the court. Superior Court recognizes that Pro Se Litigants are increasing in our court community and as volunteers our vision is to facilitate services for those needing assistance.

How long is the volunteering commitment?

Volunteers commit to a minimum of 6 months of service which can be extended upon mutual agreement.

What kind of training does a Volunteer receive?

Volunteers receive initial pre-screening to determine skill sets. The Court provides an initial orientation and job training. Periodic coaching and skill building will be provided as needed.



FOR MORE INFORMATION
CONTACT THE SNOHOMISH
COUNTY SENIOR VOLUNTEER
PROGRAM COORDINATOR at

Name

Address

E-mail, Phone, Fax

NAME OF COURT

CONTACT Information

**NAME OF COURT
RELEASE/WAIVER OF CLAIMS FOR DAMAGES**

In consideration of the County of NAME, and NAME of COURT, granting of permission to me to volunteer in the capacity of NAME of POSITION. I hereby waive for myself, my heirs, next of kin, executors, and administrators all claims for damage or loss to my person and property which may be caused by any act, or failure to act, of NAME of COUNTY, the NAME OF COURT his/her officers, agents, or employees.

I hereby assume such risks in and about NAME County property, and waive any and all specific notice of the existence of such risk and conditions.

Dated this _____ day of _____, 20__

Witness: _____

Signature: _____

DATE

RE: **Enclosed Confidential Questionnaire on Jury Service**

Dear Former Juror,

Thank you for serving our community by participating in our jury services during YEAR for the NAME OF COURT. Jury service is foundational to our justice system.

We hope you had a positive experience as a juror. The NAME Court relies on questionnaires completed by jurors like you to improve the way in which we call upon and use jurors. The enclosed questionnaire is an expansion of this process of obtaining information to improve our jury program. Our goal is to better serve those in our community who respond to serve as jurors. The questionnaire builds upon research done in other courts to help us understand locally how jury service impacts citizens. The answers provided by you and your fellow jurors will allow us to improve the juror experience.

Your name was selected at random from our jury database, which indicates that you appeared for jury service in YEAR. We would be most grateful if you would take a few minutes to complete the enclosed questionnaire and return it in the self-address/stamped envelope before MONTH DAY, YEAR.

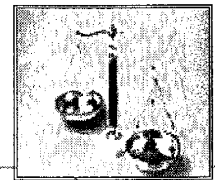
All information you provide to the court will remain strictly confidential and will be used solely for the purpose of improving our jury services and future juror experience.

Thank you in advance for your time and attention to this request.

Sincerely,

NAME
TITLE
COURT

POST JURY SERVICE SURVEY



To help us better serve you, please complete this survey in regard to your **YEAR Jury Service** and return it in the self-addressed stamped envelope by **Month Day, Year**. Thank you!

Today's Date (yyyy/mm/dd): Male Female Age:

I have been sworn in as a juror prior to this Summons Yes No (check all courts that you served)

Name of Your Court Name of District Court Municipal Federal

Please complete by checking the box that most closely indicates whether you agree or disagree with the statement:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Does Not Apply
A. When I Received the Summons in the Mail						
I had no stress regarding reporting for jury service.						
I felt excited to serve my community in this way.						
I had child or elder care responsibilities that would interfere with jury service.						
I was concerned that my employer would not hold my job if I served as a juror.						
The Jury Summons provided all the information I needed.						
<i>If you requested a postponement:</i> I was able to handle my postponement easily.						
<i>If you requested a medical postponement:</i> I was uncomfortable discussing a personal medical condition with court staff.						
<i>If you completed the jury questionnaire on-line:</i> I completed my jury questionnaire easily.						
I found the Jury Summons confusing and/or incomplete.						
I felt jury service would be stressful because of personal and family life disruption.						
B. When I Reported to the Courthouse for Jury Service						
I had no stress about reporting for jury service as scheduled.						
<i>If you called the jury call-in line.</i> The call-in directions were clear.						
I found Security Staff at the Courthouse to be thorough.						
I found the Judge's welcoming comments informative.						
I found the Jury Staff well prepared.						
I found the repetition during jury orientation helpful.						
I had my disability concerns handled discretely.						
I found security screening excessive for jurors.						
I found courthouse restrooms to be accessible.						
I experienced physical discomfort in the jury assembly room.						
I found Jury orientation adequately explained the jury selection and trial process.						
I was given adequate breaks for my personal needs.						

B. When I Reported to the Courthouse for Jury Service (continued)

Strongly Disagree

Disagree

Neutral

Agree

Strongly Agree

Does Not Apply

Please use this space for comments or suggestions on the Jury Summons process and attending Jury Orientation:

IF YOU WERE NOT SENT TO A COURTROOM FOR A JURY PANEL - PLEASE SKIP TO PAGE 3 SECTION "G"

C. When I went to the Courtroom:

Type of Case: _____

Strongly Disagree

Disagree

Neutral

Agree

Strongly Agree

Does Not Apply

Judge: _____

I had no stress regarding the jury selection process.

I was comfortable responding to personal questions in the courtroom.

I was concerned the parties to the case knew personal information.

I was confused regarding the terms being used.

I felt the Judge gave me a good idea about how long the trial would take.

I experienced physical discomfort in the courtroom.

IF YOU WERE SELECTED TO SERVE ON A JURY SKIP TO PAGE 3 SECTION "E"

D. When I was Excused by the Judge From the Case

Strongly Disagree

Disagree

Neutral

Agree

Strongly Agree

Does Not Apply

I had no stress about being excused from jury duty.

I felt the Judge appreciated my service.

I considered my dismissal part of the court process.

I felt that jury duty was a waste of my time.

I thought afterwards about my answers to the attorney questions.

I was concerned that I would have to repeat the same process the next day for a new trial.

Please use this space for comments or suggestions on the Jury Selection process.

IF YOU WERE NOT SELECTED FOR A JURY PANEL PLEASE SKIP TO PAGE 3 SECTION "G"

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Does Not Apply
E. When I was Selected to Serve on a Jury						
I felt no stress being seated on the jury.						
I could see and hear adequately.						
I felt the Judge allowed for an adequate number of breaks during the trial.						
I felt the courtroom and jury room met our needs.						
I thought about how the trial was being reported by the media.						
I was given clear direction each day about what was happening and when and where to report.						
I experienced trouble at home during jury duty.						
I found some part of the evidence disturbed me.						
I found some of the testimony or evidence hard to understand.						
I was frustrated by the number of trial delays.						
I was concerned about being in disagreement with other jurors during deliberations.						
I am concerned about community reaction to the trial outcome.						
I am concerned about being identified in the community as a juror.						
I had personal safety concerns.						
I found the number of Security Officers in the courtroom distracting.						
I found the debriefing session was helpful.						
F. My After Thoughts of Jury Service	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Does Not Apply
I had no stress reaction to jury service.						
I think other jurors experienced stress during jury duty.						
I found talking with others helped me deal with jury duty.						
I felt physically safe while serving as a juror.						
I thought of seeking counseling services after completing my jury service.						
I am receiving counseling services after completing my jury service.						
I believe the Court should have taken steps to reduce our stress levels.						
G. Please use this space or the back side of this form if you wish to provide additional comments:						

THANK YOU FOR COMPLETING THIS SURVEY
YOUR INPUT WILL HELP THE COURT FURTHER OUR GOAL OF IMPROVING OUR JUROR SERVICES
 If you have questions please contact – Staff Contact Name and Information

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: JulieAnne Behar

Nominated By: PT&C
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: September 28, 2012

Term End Date: December 31, 2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Ms. Behar has extensive experience doing outreach to communicate technical elections information to voters that reinforces public trust in state elections. She is experienced in the effective use of remote communication. Her outreach and communication experience translates directly to the PTC Committee's efforts to educate, provide transparency and inspire public trust and confidence in the judicial system. She was selected from three highly qualified applicants.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

JulieAnne Behar



July 24, 2012

Washington Courts, Public Trust and Confidence Committee
P.O. Box 41170
Olympia, WA 98504

Dear PTC Recruitment Committee,

My name is JulieAnne Behar and I am seeking a position as a citizen member on the Public Trust and Confidence Committee. I learned of this position through Margaret Fisher and my work with the Civic Education Consortium.

My work with civic education has provided me with the skills necessary to be successful in this position. I rely on clear, effective communication to convey technical elections information to voters that reinforces public trust in our state elections. I accomplish this by distributing educational resources to teachers and working with them to bring elections and civic education into the classroom. This includes our *Teaching Elections in Washington State* curriculum book and the online student Mock Election with supporting sample ballots and voters' guides. I also coordinate the College Civics program which features a statewide tour with Secretary Reed to campuses during the annual College Civics Week. The goal is to empower students to bring more civic education and voter participation to campuses. This has provided me with experience in event planning, designing and implementing a training program, leading meetings, creating schedules, meeting deadlines, as well as facilitating the overall development of a more robust team of student leaders.

I also understand the importance of effective remote communication. I maintain the Election Division's website, ensuring the information is accurate, timely and useful to Washington State voters. I lead monthly Website Committee meetings and incorporate input from the committee members. I was a project leader on redesigning the site to provide a more accessible tool for the public. This included revising all page content and testing and implementing a new design, with special attention to minority language and disability use on the site. The success of the website redesign required coordinating with relevant stakeholders including other work groups within the Elections Division, Office of the Secretary of State executive staff, technical staff, county elections departments, and the voting public. In addition to communication through our website, I rely on consistent communication via email and Facebook to publicize events, share timely information and maintain relationships with teachers, school administrators, college students, staff and faculty statewide.

My outreach and communication experience would translate directly to the PTC Committee's efforts to educate, provide transparency and inspire public trust in the judicial system. Thank you for your time and consideration.

Sincerely,

JulieAnne Behar



JulieAnne Behar



Objective: Position as a citizen member of the Board of Judicial Administration's Public Trust and Confidence Committee.

Education

Western Washington University, 2011
Bachelor of Arts, Political Science
Minors in Diversity in Higher Education and Anthropology

Relevant Work Experience

Voter Education and Outreach Coordinator, 2011-present

Office of the Secretary of State, Elections Division

- Coordinate the College Civics Program including recruitment of new campuses to participate in the program, organize College Civics Week and related student trainings, facilitate civic engagement on campuses statewide
- Coordinate K-12 programs including the online student Mock Election, elections curriculum for teachers, Voters' Pamphlet Kids' Art Contest and 18th birthday mailer program
- Manage budgets and grant funds for youth and college programs
- Leader of the Elections Division's Website Committee to improve and maintain information available to voters
- Maintain and expand statewide voter education and outreach network by developing relationships with relevant individuals, organizations and county elections departments
- Support development of voter education materials including the Voters' Pamphlet and information provided on the website and Facebook pages

Scheduling, Training and Hiring Manager, 2008- 2011

Student Admissions Representative, WWU Office of Admissions

- Past positions: Front Desk Manager, campus tour guide
- Schedule team of 40 student employees, train new student employees
- Conduct hiring process for 175 applicants, recruit and manage 200 student volunteers for Western Preview, coordinate Western Fall Welcome campus fair with 40 academic departments and student support services, give campus tours, organize weekly Discovery Days campus visit program

Leadership Activities

Political Science Association Co-President, 2010- 2011

WWU Political Science Department

- Run executive board meetings and facilitate club meetings
- Communicate regularly with the Associated Students, non-profit organizations, club members, Political Science faculty and campus press and publicity
- Presentation of "Elite Allies in Social Movement Success" at the 2011 Political Science Association Conference
- Organize and publicize events about world issues and current events such as mid-term election and health care policy panel discussions, Congo (DRC) awareness week and club fundraisers

Retention for Under-represented Student Populations, 2010

Independent Study Internship, WWU disAbility Resources

- Work with and learn about diverse student populations such as first generation college students, student veterans, students of color and students with disAbilities
- Conduct interviews with Student Affairs professionals from disAbility Resources and Student Outreach Services
- Provide assistance with unique challenges faced by students from groups under-represented in higher education

Cultural Anthropology Discussion Group leader, 2009

WWU Anthropology Department

- Develop curriculum and teach weekly class of 30 peers about contemporary socio-cultural diversity in the US
- Facilitate discussion, grade papers and act as liaison between students and the professor

1. The first part of the document is a list of names and titles, including the names of the authors and the titles of their works. This list is followed by a section of text that appears to be a preface or an introduction to the document. The text is written in a formal, academic style and discusses the importance of the work and the role of the authors. It also mentions the names of the publishers and the date of publication.

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Best Practices Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Gregory Tripp

Nominated By: DMCJA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: Immediately

Term End Date: June 2014

Has the nominee served on this subcommittee in the past? Yes No

**If yes, how many terms have been served
and dates of terms:** _____

**Additional information you would like the BJA to be aware of regarding the
nominee:**

Judge Tripp, if appointed, will fill the vacancy left by Judge Lambo.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: BEST PRACTICES
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: TERRI COOPER

Nominated By: DMCMA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: 7/1/12

Term End Date: 6/30/2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Yvonne Pettus has accepted a position with Thurston County Superior Court and has offered her resignation as the DMCMA Representative for this committee. I am submitting my recommendation for Terri Cooper to fill this vacancy. Ms. Cooper is the Court Administrator for the Cheney Municipal Court. We are confident that Terri will be an asset to this committee. Thank you for allowing the DMCMA to participate.

Terri K. Cooper
Court Administrator
Cheney Municipal Court
611 2nd Street
Cheney, WA 99004-1697
509-498-9232
tcooper@cityofcheney.org

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: BEST PRACTICES COMMITTEE
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: LISA RUMSEY

Nominated By: WAJCA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: 8/1/12

Term End Date: 6/30/2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Lisa Rumsey is the Juvenile Court Director for Skagit County. We are confident that Lisa will be an asset to this committee. Thank you for allowing the WAJCA to participate.

Lisa Rumsey, Juvenile Court Director

Skagit County Juvenile Court
Skagit County Office of Juvenile Court
360-419-7725
lisag@co.skagit.wa

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Long Range Planning Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Glenn Phillips

Nominated By: DMCJA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: Immediately

Term End Date: June 2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: 1 term

Additional information you would like the BJA to be aware of regarding the nominee:

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
One-Year Appointment**

BJA Committee: Long-Range Planning Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Judge Maggie Ross, Pierce County District Court

Nominated By: Board for Court Education (BCE)
(i.e. SCJA, DMCJA, BCE, etc.)

Term Begin Date: June 2012

Term End Date: June 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Judge Ross is currently the chair of the Board for Court Education (BCE) and as such has represented not only the BCE but judicial branch education on Chief Justice Madsen's Long Range Planning Leadership endeavor. Judge Ross has been active in judicial branch education for a number of years and active with the Commission on Judicial Conduct. Judge Ross was also the Presiding Judge for Pierce District Court.

Prior to becoming a judge, Judge Ross was a Pierce County deputy prosecuting attorney for 15 years. Judge Ross received her undergraduate degree from Western Washington University and her law degree from the University of Puget Sound.

Please send completed form to:

Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
colleen.clark@courts.wa.gov

(Colleen will forward on to Beth Flynn for BJA action)

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
Two-Year Appointment**

BJA Committee: Long-Range Planning Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Judge J. Robert Leach

Nominated By: JISC
(i.e. SCJA, DMCJA, BCE, etc.)

Term Begin Date: June 2012

Term End Date: June 2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

In the event, Judge Leach cannot attend, we would like Thurston County Court Administrator Marti Maxwell to take his place.

Please send completed form to:

Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
colleen.clark@courts.wa.gov

(Colleen will forward on to Beth Flynn for BJA action)

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
One-Year Appointment**

BJA Committee: Long-Range Planning Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Judge Scott Sparks

Nominated By: SCJA [SCJA-BJA Member]
(i.e. SCJA, DMCJA, BCE, etc.)

Term Begin Date: July 2012

Term End Date: June 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: Served one previous term ending June 2012

Additional information you would like the BJA to be aware of regarding the nominee:

Please send completed form to:

Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
colleen.clark@courts.wa.gov

(Colleen will forward on to Beth Flynn for BJA action)

BOARD FOR JUDICIAL ADMINISTRATION DUES INFORMATION

In 1987, the Board for Judicial Administration (BJA), under the leadership of Chief Justice Pearson, established a private account funded with dues paid by judges from their personal funds. The initial reason for establishing the account was to pay for dinner meetings with legislators for which the use of public funds is not appropriate. Contributions from judges of all court levels was deemed appropriate as the legislative agenda of the BJA represents the judiciary as a whole and generally seeks improvements that affect all court levels.

Primary Account Uses

The primary uses of the account are:

- Travel expenses related to Salary Commission hearings
- Legislative dinners, events, receptions, and “brown bag” sessions
- Travel expenses for judges testifying before the legislature on behalf of the BJA
- BJA events that exceed the state per diem
- Miscellaneous expenses, such as recognition gifts for Board members leaving the BJA and photographs of bill signings

Dues Schedule

The dues schedule has remained unchanged since 1993 when the amount increased from \$25 to \$55 for full-time judges.

Supreme Court Justices	\$55.00
Court of Appeals Judge.....	\$55.00
Superior Court Judge	\$55.00
Courts of Limited Jurisdiction Judge (full-time)	\$55.00
Courts of Limited Jurisdiction Judge (part-time).....	\$30.00

Assessment Schedule

The dues have been levied on an as-needed basis, on average once every two years. The most recent dues request occurred in 2009. Current records indicate that dues were assessed in 1998, 2000, 2002, 2004, 2006, and 2009.

Current as of July 2012

Primary Expense

Recent history indicates that the largest regularly occurring expense is the regional dinners BJA holds with legislators and local judges prior to each regular legislative session.

Dinners	1998	2004	2008	2010
TOTAL COST	\$6,324.76	\$8,012.18	\$10,486.21	\$6,619.37
Total Legislators	Sen 16/Rep 28 =44	Sen 13/Rep 23 =36	Sen 9/Rep 18 =27	Sen 10/Rep 27 =37

Historical Account Summary

YEARLY ACCOUNT SUMMARY	
Year End 2011	\$13,534.12
Year End 2010	\$16,369.87
Year End 2009 (dues request Nov 2009)	\$15,760.64
Year End 2008	\$13,865.64
Year End 2007	\$25,392.23
Year End 2006 (dues request mid-2006)	\$29,337.81
Year End 2005	\$17,051.99
Year End 2004	\$15,725.85
Year End 2003	\$23,439.24
Year End 2002	\$27,268.71
Year End 2001	\$15,838.93
November 2000	\$27,994.57

Historical Participation

Contributions are voluntary, however all judges are encouraged to contribute because a higher number of contributions ensures a lower dues amount for each individual judge. In 2009, when the last assessment occurred, approximately 70% of judges voluntarily contributed to the account.

Current as of July 2012

**BOARD FOR JUDICIAL ADMINISTRATION
2009-2010 DUES**

Dear Colleagues,

In 1987 the Board for Judicial Administration, under the leadership of Chief Justice Pearson, established a private account funded with dues paid by judges from their personal funds. The initial reason for establishing the account was to pay for dinner meetings with legislators for which the use of public funds is not appropriate. Contributions from judges of all court levels was deemed appropriate as the legislative agenda of the Board for Judicial Administration represents the judiciary as a whole and generally seeks improvements that affect all court levels. The dues have been levied on an as-needed basis through the years, on average about once every two years. The most recent dues levy occurred in 2006. The dues schedule has remained unchanged since 1992.

The primary uses of the account are:

- Travel expenses related to Salary Commission hearings
- Legislative dinners, receptions, and "brown bag" sessions
- Travel expenses for judges testifying before the legislature on behalf of the Board for Judicial Administration
- Board for Judicial Administration events that exceed the state per diem
- Miscellaneous expenses such as recognition gifts for Board members leaving the Board and photographs of bill signings

On behalf of the Board for Judicial Administration, we encourage you to participate in supporting the Board's efforts on your behalf and that of the judicial branch of government. Please direct any questions you may have regarding this notice or the purposes for which these dues are used to either your BJA representative or Mellani McAleenan, Associate Director. Ms. McAleenan may be reached at (360) 357-2113.

Sincerely,

Chief Justice Gerry Alexander

Judge Michael Lambo

Board for Judicial Administration Dues Schedule

Supreme Court Justices.....	\$55.00
Court of Appeals Judge.....	\$55.00
Superior Court Judge.....	\$55.00
Courts of Limited Jurisdiction Judge (full-time)	\$55.00
Courts of Limited Jurisdiction Judge (part-time).....	\$30.00

Please make check payable to BJA and return in the enclosed envelope.

Thank you.

1 **CMC TRANSCRIPTIONIST SUBCOMMITTEE**
2 **RCW and State Court Rules Recommended Changes**
3

4 **RECOMMENDED**

5
6 **Revised Code of Washington**

7 RCW 2.32.240 – Transcript of testimony
8 RCW 2.32.250 – Transcript accorded verity
9 RCW 3.02.040
10 RCW 36.18.016 (13)

11
12 **Superior Court Special Proceedings Rules – Criminal**

13 SPRC 3 – Court Reporters; Filing of Notes
14

15 **Rules of Appellate Procedure**

16 RAP 9.2 – Verbatim Report of Proceedings
17 RAP 9.3 – Narrative Report of Proceedings
18 RAP 9.4 – Agreed Report of Proceedings
19 RAP 9.5 – Filing and Service of Report of Proceedings – Objections
20 RAP 9.8 – Transmitting Record on Review
21 ~~RAP 9.9 – Correcting or Supplementing Report of Proceedings Before Transmittal to Appellate~~
22 ~~Court~~
23 RAP 9.10 – Correcting or Supplementing Report of Proceedings Before Transmittal to
24 Appellate Court
25 RAP 10.2(a) – Time for Filing Briefs
26 RAP 18.9 – Violation of Rules (Concerns Court Reporters w/ respect to verbatim reports)
27

28 **Superior Court Civil Rules**

29 CR 43(h) – Taking of Testimony
30 CR 80 – Court Reporters

31
32 ARLJ 13 (a) & (b)
33 RALJ 5.3
34 CRLJ 75 (c)
35

36 **New Rules Recommended by Subcommittee**

37 New Superior Court Criminal Rule – Electronic Recording Log
38 New Superior Court Civil Rule – Electronic Recording Log
39 New General Rule – Official Court Transcripts
40
41

42

43
44 **RCW 2.32.240**

45 **Transcript of testimony – Fee – Forma pauperis**

46
47 When a record has been taken in any cause as provided in RCW 2.32.180 through 2.32.310, if the court,
48 or either party to the suit or action, or his or her attorney, request a transcript, the official reporter or
49 authorized transcriptionist and clerk of the court shall make, or cause to be made, with reasonable
50 diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified
51 to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the
52 court or parties to the action except for transcripts requested for an appellate case. The fees of the
53 official reporter or authorized transcriptionist and clerk of the court for making such transcript shall be
54 fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of
55 Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid
56 forthwith by the party ordering the same, and in all cases where a transcript is made as provided for
57 under the provisions of RCW 2.32.180 through 2.32.310 the cost thereof shall be taxable as costs in the

1 case, and shall be so taxed as other costs in the case are taxed: PROVIDED, That when, ~~from and after~~
2 ~~December 20, 1973~~, a party has been judicially determined to have a constitutional right to a transcript
3 and to be unable by reason of poverty to pay for such transcript, the court may order said transcript to be
4 made by the official reporter or authorized transcriptionist, which transcript fee therefor shall be paid by
5 the state upon submission of appropriate vouchers to the clerk of the supreme court.

6
7 [2011 c 336 § 54; 1983 c 3 § 2; 1975 1st ex.s. c 261 § 1; 1972 ex.s. c 111 § 1; 1970 ex.s. c 31 § 1; 1965 c 133 § 3; 1957 c
8 244 § 4; 1943 c 69 § 4; 1913 c 126 § 5; Rem. Supp. 1943 § 42-5.]

9 **Notes:**

Severability -- 1965 c 133: "If any provision of this act, or its application to any person or
circumstance is held invalid, the remainder of the act, or the application of the provision to other persons
or circumstances is not affected." [1965 c 133 § 4.]

Indigent party -- State to pay costs and fees incident to review by supreme court or court of appeals:
RCW 4.88.330.

10
11
12 **RCW 2.32.250**
13 **Transcript accorded verity**

14
15 The report of the official reporter or authorized transcriptionist, when transcribed and certified as being a
16 correct transcript of the stenographic notes or electronically recorded ~~of the~~ testimony, or other oral
17 proceedings had in the matter, shall be prima facie a correct statement of such testimony or other oral
18 proceedings had, and the same may thereafter, in any civil cause, be read in evidence as competent
19 testimony, when satisfactory proof is offered to the judge presiding that the witness originally giving such
20 testimony is then dead or without the jurisdiction of the court, subject, however, to all objections the same
21 as though such witness were present and giving such testimony in person.

22
23 [1913 c 126 § 6; RRS § 42-6.]
24
25

26 **RCW 3.02.040**
27 **Electronic recording equipment**

28 The administrator for the courts should be consulted for advice on ~~shall supervise~~ the selection,
29 installation, and operation of any electronic recording equipment in courts of limited jurisdiction.

30 [1980 c 162 § 4.]

31 **Notes:**

Effective dates, savings -- Severability -- 1980 c 162: See notes following RCW 3.02.010.

32
33
34
35 **RCW 36.18.016 (13)**
36 **Various fees collected -- Not subject to division.**

37
38 (13) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio
39 tape and twenty-five dollars for each video tape or other electronic storage medium.
40
41
42

1 **SPRC 3**
2 **Court Reporters; Filing of Notes**
3

- 4 (a) At the commencement of a capital case, the trial court will designate one or more court reporters for
5 that case. To the extent practical, only designated reporters will report all hearings.
6
7 (b) As soon as possible after each hearing, stenographic notes or electronic the court reporter will
8 transmit stenographic, ~~any audio or video tapes, and any other electronic data medium~~ containing
9 notes of the hearing will be submitted to the courtroom clerk county clerk's office.
10
11 (c) ~~The courtroom clerk will index the notes on a records inventory, noting the date of the notes. The~~
12 ~~ourtroom clerk will have the court reporter initial the inventory log as each set of notes is received by~~
13 ~~the courtroom clerk.~~
14
15 (d) (c) The stenographic notes or electronic stenographic notes of the hearing shall be indexed and
16 stored by the county clerk's office. ~~any audio or video tapes, and any other electronic data medium~~
17 ~~containing notes of any hearing shall be stored by the clerk's office in an exhibit box labeled with the~~
18 ~~defendant's name and cause number to allow easy retrieval of notes. Sealed notes are to be~~
19 ~~marked "SEALED" in red ink and maintained in accordance with GR 15.~~
20
21 (e) (d) Court reporter notes or electronic stenographic notes of the hearing, ~~any audio or video tapes, and~~
22 ~~any other electronic data medium containing notes of any hearing, sealed or unsealed, shall not be~~
23 ~~provided to anyone except the court reporter who produced the notes, unless a court order provides~~
24 ~~otherwise.~~
25
26 (f) (e) A court reporter may withdraw the stenographic notes or electronic stenographic notes, ~~any video~~
27 ~~or audio tapes, and any other electronic data medium containing notes of a hearing as required for~~
28 ~~transcription upon completing a request slip. The stenographic notes or electronic stenographic~~
29 ~~notes, any audio or video tapes, and any other electronic data medium containing notes shall be~~
30 ~~returned to the county clerk's office at the same time the transcript is filed for transmission to an~~
31 ~~an appellate court.~~
32
33
-

34
35 **NEW RULE RECOMMENDED**

36
37 **New Superior Court Criminal Rule – Electronic Recording Log**

38
39 When the proceedings are electronically recorded, the court shall ensure that a written log of the
40 proceedings is created that indicates the time of relevant events.

41
42 The judicial officer shall call the case name and cause number of each proceeding and shall assure that
43 all case participants identify themselves for the record.
44
45

1 **RAP RULE 9.2**
2 **Verbatim Report of Proceedings**
3

4 (a) Transcription and Statement of Arrangements. If the party seeking review intends to provide a
5 verbatim report of proceedings, the party should arrange for transcription of and payment for an
6 original and one copy of the verbatim report of proceedings within 30 days after the notice of
7 appeal was filed or discretionary review was granted. ~~If the proceeding being reviewed was~~
8 ~~recorded on videotape, transcription of the videotapes shall be completed by a court-approved~~
9 ~~transcriber in accordance with procedures developed by the Office of the Administrator for the~~
10 ~~Courts. Copies of these procedures are available at the court administrator's office in each county~~
11 ~~where there is a courtroom that videotapes proceedings or through the Office of the Administrator~~
12 ~~for the Courts. The party seeking review must file with the appellate court and serve on all parties~~
13 ~~of record and all named court reporters or authorized transcriptionists a statement that~~
14 ~~arrangements have been made for the transcription of the report and file proof of service with the~~
15 ~~appellate court. The statement must be filed within 30 days after the notice of appeal was filed or~~
16 ~~discretionary review was granted. The party must indicate the date that the report of proceedings~~
17 ~~was ordered, the financial arrangements which have been made for payment of transcription costs,~~
18 ~~the name of each court reporter or authorized transcriptionist other person authorized to prepare a~~
19 ~~verbatim report of proceedings who will be preparing the transcript, the hearing dates, and the trial~~
20 ~~court judge. If the party seeking review does not intend to provide a verbatim report of proceedings,~~
21 ~~a statement to that effect should be filed in lieu of a statement of arrangements within 30 days after~~
22 ~~the notice of appeal was filed or discretionary review was granted and served on all parties of~~
23 ~~record.~~

24
25 (b) Content. A party should arrange for the transcription of all those portions of the verbatim report of
26 proceedings necessary to present the issues raised on review. A verbatim report of proceedings
27 provided at public expense will not include the voir dire examination or opening statement unless
28 so ordered by the trial court. If the party seeking review intends to urge that a verdict or finding of
29 fact is not supported by the evidence, the party should include in the record all evidence relevant to
30 the disputed verdict or finding. If the party seeking review intends to urge that the court erred in
31 giving or failing to give an instruction, the party should include in the record all of the instructions
32 given, the relevant instructions proposed, the party's objections to the instructions given, and the
33 court's ruling on the objections.
34

35 (c) Notice of Partial Report of Proceedings and Issues. If a party seeking review arranges for less than all
36 of the verbatim report of proceedings, the party should include in the statement of arrangements a
37 statement of the issues the party intends to present on review. Any other party who wishes to add
38 to the verbatim report of proceedings should within 10 days after service of the statement of
39 arrangements file and serve on all other parties and the court reporter or authorized transcriptionist
40 a designation of additional parts of the verbatim report of proceedings and file proof of service with
41 the appellate court. If the party seeking review refuses to provide the additional parts of the
42 verbatim report of proceedings, the party seeking the additional parts may provide them at the
43 party's own expense or apply to the trial court for an order requiring the party seeking review to pay
44 for the additional parts of the verbatim report of proceedings.
45

46 (d) Payment of Expenses. If a party fails to make arrangements for payment of the costs of the verbatim
47 report of proceedings at the time the verbatim report of proceedings is ordered, or make timely
48 payment upon completion, the party may be subject to sanctions as provided in rule 18.9.
49

50 (e) Title Page and Table of Contents. The court reporter or other authorized transcriber shall include at
51 the beginning of each volume of the verbatim report of proceedings a title page and a table of
52 contents.
53

54 (1) The title page should include the following:

55 (A) Case name,

56 (B) Trial court and appellate cause numbers,

57 (C) Date(s) of hearings,

58 (D) Trial court judge(s),

59 (E) Names of attorneys at trial,
60
61
62
63
64

- 1
2 (F) Name, business address and telephone number of each court reporter or other authorized
3 transcriber.
4
5 (2) The table of contents shall follow the title page and shall indicate, under the headings listed below,
6 the pages where the following appear:
7
8 (A) Proceedings. The beginning of each proceeding and the nature of that proceeding;
9
10 (B) Testimony. The testimony of each witness, the page where it begins, and the type of examination,
11 i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;
12
13 (C) Exhibits. The admission into evidence of exhibits and depositions;
14
15 (D) Argument. The pages where opening statements occur, except as otherwise provided in rule
16 9.2(b) for verbatim reports of proceedings provided at public expense, and the pages where closing
17 arguments occur;
18
19 (E) Instructions. All instructions proposed and given. Any other events should be listed under a
20 suitable heading which would help the reviewing court locate separate parts of the verbatim report
21 of proceedings.
22
23 (F) Multiple Days. If a volume includes hearings from more than one day, there shall be a separate
24 table of contents for each day.
25
26 (f) Form
27
28 (1) Generally. The verbatim report of proceedings shall be on 8-1/2-by 11-inch paper. Margins shall be
29 lined 1-3/8 inches from the left and 5/8 inches from the right side of each page. Indentations from
30 the left lined margin should be: 1 space for "Q" and "A"; 5 spaces for the body of the testimony; 8
31 spaces for commencement of a paragraph; and 10 spaces for quoted authority. Typing should be
32 double spaced except that comments by the reporter should be single spaced. The page should
33 have 25 lines of type. Type must be pica type or its equivalent with no more than 10 characters an
34 inch.
35
36 (A) Witnesses Designated/Examination. Indicate at the top or bottom of each page the name of the
37 witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.
38
39 (B) Jury In/Out. Indicate when the jury is present, when the jury leaves, and when the jury returns.
40
41 (C) Bench/Side Bar Conferences. Designate whether a bench/side bar conference is on or off the
42 record.
43
44 (D) Chamber Conferences. If the conference is recorded, note the presence or absence of persons
45 participating in chamber conferences.
46
47 (E) Speaker/Event Identification. Identify speakers and events that occur throughout the proceedings
48 in capital letters centered on the appropriate line. For example: recess/court reconvene; direct
49 examination, cross examination, re-direct examination, re-cross examination, plaintiff rests;
50 defendant's evidence: direct examination, cross examination, re-direct examination, re-cross
51 examination, defense rests; instructions, conference, closing arguments: for plaintiff, for defense,
52 and rebuttal.
53
54 (2) Volume and Pages.
55
56 (A) Pages in each volume of the verbatim report of proceedings shall be numbered consecutively and
57 be arranged in chronologic order by date of hearing(s) requested on the statement of arrangements
58 submitted by each court reporter or transcriptionist.
59
60 (B) Each volume shall include no more than 200 pages. The page numbers should start with page 1
61 and continue to 200, as needed, regardless of how many hearing dates are included in the volume.
62 The second volume and subsequent volume page numbers should start with the next page number
63 in sequence where the previous volume ended. The volumes shall be either bound or fastened
64 securely.
65

1 (3) Copies. The verbatim report of proceedings should be legible, clean and reproducible.
2

3 References
4

5 Form 15, Statement of Arrangements; Title 6, Acceptance of Review.
6

7 [Amended December 5, 2002; amended effective September 1, 2010]
8
9

10
11 **RAP RULE 9.3**
12 **Narrative Report of Proceedings**
13

14 The party seeking review may prepare a narrative report of proceedings. A party preparing a narrative
15 report must exercise the party's best efforts to include a fair and accurate statement of the occurrences
16 in and evidence introduced in the trial court material to the issues on review. A narrative report should be
17 in the same form as a verbatim report, as provided in rule 9.2(e) and (f). If any party prepares a verbatim
18 report of proceedings, that report will be used as the report of proceedings for the review. A narrative
19 report of proceedings may only be prepared if either the court reporter's notes or the electronic recording
20 the videotape of the proceeding being reviewed are lost or damaged.
21

22
23
24 **RAP RULE 9.4**
25 **Agreed Report of Proceedings**
26

27 The parties may prepare and sign an agreed report of proceedings setting forth only so many of the facts
28 averred and proved or sought to be proved as are essential to the decision of the issues presented for
29 review. The agreed report of proceedings must include only matters which were actually before the trial
30 court. An agreed report of proceedings should be in the same form as a verbatim report, as provided in
31 rule 9.2(e) and (f). An agreed report of proceedings may be prepared if either the court reporter's notes
32 or the electronic recording videotape of the proceeding being reviewed are lost or damaged, or if the
33 appellate court requests or directs the parties to file an agreed report of proceedings.
34
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39 **RAP RULE 9.5**
40 **Filing And Service Of Report of Proceedings — Objections**
41

42 (a) Generally. The party seeking review must file an agreed or narrative report of proceedings with the
43 clerk of the trial appellate court within 60 days after the statement of arrangements is filed. The court
44 reporter or person transcriptionist authorized to prepare the verbatim report of proceedings must file it
45 in the appellate court within 60 days after the statement of arrangements is filed and all named court
46 reporters or authorized transcriptionists are served. If the proceeding being reviewed was recorded
47 on videotape, the transcript must be filed by the transcriber with the clerk of the trial court within 60
48 days after the statement of arrangements is filed and all named court reporters are served. The party
49 who caused a report of proceedings to be filed should at the time of filing the report of proceedings
50 serve notice that the report of proceedings has been filed and file proof of the service on all parties.
51

52 (1) A party filing a brief must promptly forward a copy of the verbatim report of proceedings with a copy
53 of the brief to the party with the right to file the next brief. If more than one party has the right to
54 file the next brief, the parties must cooperate in the use of the report of proceedings. The party
55 who files the last brief should return the copy of the report of proceedings to the party who paid for
56 it.
57

58 (2) If the transcript was computer-generated, one diskette or compact disk (using PDF searchable
59 ASCII-format with hard page returns) shall be filed with the original verbatim report of proceedings
60 and a second diskette or compact disk shall be provided to the party who receives the verbatim
61 report of proceedings. The computer PDF file may be electronically filed with the appellate court
62 in lieu of the disk copy in accordance with the court's filing procedures. The party who files the

1 last brief should return the diskette or compact disk to the party who paid for the verbatim report of
2 proceedings.

3
4 (b) Filing and Service of Verbatim Report of Proceedings. If a verbatim report of proceedings cannot
5 be completed within 60 days after the statement of arrangements is filed and served, the court
6 reporter or authorized ~~person~~ transcriptionist shall, no later than 10 days before the report of
7 proceedings is due to be filed, submit an affidavit to the party who ordered the report of
8 proceedings stating the reasons for the delay. The party who requested the verbatim report of
9 proceedings should move for an extension of time from the appellate court. The clerk will notify
10 the parties of the action taken on the motion. When the court reporter or authorized ~~person~~
11 transcriptionist files the verbatim report of proceedings, a copy shall be provided to the party who
12 arranged for transcription and either the reporter or authorized ~~person~~ transcriptionist shall serve
13 and file notice of the filing on all other parties and the appellate court. The notice of filing served
14 on the appellate court shall include a declaration that (1) the transcript was computer generated
15 and a PDF searchable ASCII diskette or compact disk was filed or (2) the transcript was not
16 computer generated. Failure to timely file the verbatim report of proceedings and notice of service
17 may subject the court reporter or ~~video transcriber~~ or authorized ~~person~~ transcriptionist to
18 sanctions as provided in rule 18.9.

19
20 (c) Objections to Report of Proceedings. A party may serve and file objections to, and propose
21 amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10
22 days after receipt of the report of proceedings or receipt of the notice of filing of the report of
23 proceedings with the appellate court. If objections or amendments to the report of proceedings are
24 served and filed, any objections or proposed amendments must be heard by the trial court judge
25 before whom the proceedings were held for settlement and approval, except objections to the
26 form of a report of proceedings, which shall be heard by motion in the appellate court. The court
27 may direct a ~~party or a~~ official reporters or authorized transcriber transcriptionists to pay for the
28 expense of any modifications of the proposed report of proceedings. The motion procedure of the
29 court deciding any objections shall be used in settling the report of proceedings.

30
31 (d) Substitute Judge May Settle Report of Proceedings. If the judge before whom the proceedings
32 were held is for any reason unable to promptly settle questions as provided in section (c), another
33 judge may act in the place of the judge before whom the proceedings were held.

34
35 [Amended December 5, 2002; September 1, 2007; amended effective September 1, 2010]
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40 **RAP RULE 9.8**
41 **Transmitting Record on Review**
42

43 (a) Duty of Trial Court Clerk. Except as provided in section (b), the clerk of the trial court shall send
44 the clerk's papers and exhibits to the appellate court when the clerk receives payment for the
45 preparation of the documents, and shall send the verbatim report of proceedings to the appellate
46 court at the end of the objection period set forth in rule 9.5. The clerk shall endorse on the face of
47 the record the date upon which the record on review is transmitted to the appellate court.

48
49 (b) Cumbersome Exhibits. The clerk of the trial court shall transmit to the appellate court exhibits
50 which are difficult or unusually expensive to transmit only if the appellate court directs or if a party
51 makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting
52 the transfer of the exhibits. No weapons, controlled substances, hazardous items, or currency
53 shall be forwarded unless directed by the appellate court.

54
55 (c) Temporary Transmittal to another Court. If the record or any part of it is needed in another court
56 while a review is pending, the clerk of the appellate court will, on the order or ruling of the
57 appellate court, transmit the record or part of it to the clerk of that court, to remain there until the
58 purpose for which it is transmitted has been satisfied or until the clerk of the appellate court
59 requests its return.

60
61
62 [Amended effective September 1, 2010]
63
64

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3
4 **RAP RULE 9.9**
5 **~~Correcting or Supplementing Report of Proceedings~~**
6 **~~Before Transmittal to Appellate Court~~**
7

8 The report of proceedings may be corrected or supplemented by the trial court on motion of a party, or
9 on stipulation of the parties, at any time prior to the transmission of the report to the appellate court. The
10 trial court may impose the same kinds of sanctions provided in rule 18.9(a) as a condition to correcting or
11 supplementing the report of proceedings after the time provided in rule 9.5.
12

13
14
15 **RAP RULE 9.10**
16 **Correcting or Supplementing Record after**
17 **Transmittal to Appellate Court**
18

19 If a party has made a good faith effort to provide those portions of the record required by rule 9.2(b), the
20 appellate court will not ordinarily dismiss a review proceeding or affirm, reverse, or modify a trial court
21 decision or administrative adjudicative order certified for direct review by the superior court because of
22 the failure of the party to provide the appellate court with a complete record of the proceedings below. If
23 the record is not sufficiently complete to permit a decision on the merits of the issues presented for
24 review, the appellate court may, on its own initiative or on the motion of a party (1) direct the transmittal
25 of additional clerk's papers and exhibits or administrative records and exhibits certified by the
26 administrative agency, or (2) correct, or direct the supplementation or correction of, the report of
27 proceedings. The appellate court or trial court may impose sanctions as provided in rule 18.9(a) as a
28 condition to correcting or supplementing the record on review. The party directed or permitted to
29 supplement the record on review must file either a designation of clerk's papers as provided in rule 9.6 or
30 a statement of arrangements as provided in rule 9.2 within the time set by the appellate court.
31

32
33 **RAP RULE 10.2(a)**
34 **Time for Filing Briefs**
35

- 36 (a) Brief of Appellant or Petitioner. The brief of an appellant or petitioner should be filed with the
37 appellate court within 45 days after the report of proceedings is filed in the ~~trial~~ appellate court; or, if
38 the record on review does not include a report of proceedings, within 45 days after the party seeking
39 review has filed the designation of clerk's papers and exhibits in the trial court.
40

41
42
43 **RAP RULE 18.9**
44 **Violation of Rules**
45

- 46 (a) Sanctions. The appellate court on its own initiative or on motion of a party may order a party or
47 counsel, or a court reporter or ~~other authorized person~~ transcriptionist preparing a verbatim report of
48 proceedings, who uses these rules for the purpose of delay, files a frivolous appeal, or fails to comply
49 with these rules to pay terms or compensatory damages to any other party who has been harmed by
50 the delay or the failure to comply or to pay sanctions to the court. The appellate court may condition a
51 party's right to participate further in the review on compliance with terms of an order or ruling
52 including payment of an award which is ordered paid by the party. If an award is not paid within the
53 time specified by the court, the appellate court will transmit the award to the superior court of the
54 county where the case arose and direct the entry of a judgment in accordance with the award.
55
56 (b) Dismissal on Motion of Commissioner or Clerk. The commissioner or clerk, on 10 days' notice to the
57 parties, may (1) dismiss a review proceeding as provided in section (a) and (2) except as provided in
58 rule 18.8(b), will dismiss a review proceeding for failure to timely file a notice of appeal, a notice for
59 discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a
60 petition for review. A party may object to the ruling of the commissioner or clerk only as provided in
61 rule 17.7.

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(c) Dismissal on Motion of Party. The appellate court will, on motion of a party, dismiss review of a case (1) for want of prosecution if the party seeking review has abandoned the review, or (2) if the application for review is frivolous, moot, or solely for the purpose of delay, or (3) except as provided in rule 18.8(b), for failure to timely file a notice of appeal, a notice of discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review.

(d) Objection to Ruling. A counsel upon whom sanctions have been imposed or a party may object to the ruling of a commissioner or the clerk only as provided in rule 17.7.

References

Rule 10.7, Submission of Improper Brief.

1 **SUPERIOR COURT CIVIL RULES**

2
3
4 **CR 43(h)**

5
6 (h) Report or Transcript as Evidence. Whenever the testimony of a witness at a trial or hearing which
7 was reported is admissible in evidence at a later trial, it may be proved by the certified transcript
8 thereof ~~duly certified by the person who reported the testimony.~~

9
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11
12 **CR 8o**
13 **Court Reporters**

14
15 (a) (Reserved.)

16
17 (b) Electronic Recording. ~~In a Any civil or criminal proceedings may be recorded electronically~~
18 ~~electronic or mechanical recording devices approved by the Administrator for the Courts may be~~
19 ~~used to record oral testimony and other oral proceedings in lieu of or supplementary to causing~~
20 ~~shorthand or stenographic notes thereof to be taken. In all matters tThe use of such devices shall~~
21 ~~rest within the sole discretion of the court.~~

22
23 (c) ~~Recording Proceedings in Superior Court by Means of Videotape. All superior courts that elect to~~
24 ~~use video equipment to record proceedings shall comply with courtroom procedures published by~~
25 ~~the Office of the Administrator for the Courts. The judicial officer shall assure that all case~~
26 ~~participants identify themselves for the record.~~

27
28
29
30 **NEW RULE RECOMMENDED**

31
32
33 **New Superior Court Civil Rule — Electronic Recording Log**

34
35 When the proceedings are electronically recorded, the court shall ensure that a written log of the
36 proceedings is created that indicates the time of relevant events.

37
38 The judicial officer shall call the case name and cause number of each proceeding and shall assure that
39 all case participants identify themselves for the record.

1 **ARLJ 13**
2 **Limited Jurisdiction Courts are Required to Record All**
3 **Proceedings Electronically**
4

5 a) Generally. All limited jurisdiction courts shall make an electronic record of all proceedings and retain
6 the record for at least as long as the record retention schedule dictates. The judicial officer shall
7 assure that all case participants identify themselves for the record.
8

9 b) Nonelectronic Record in Emergency. In the event of an equipment failure or other situation making
10 an electronic recording impossible, the court may order the proceeding to be recorded by
11 nonelectronic means. The nonelectronic record must be made at the court's expense, and in the
12 event of an appeal, any necessary transcription of the nonelectronic record must be made at the
13 court's expense.
14

15 [Adopted effective October 1, 2002.]
16
17

18 **RALJ RULE 5.3**
19 **Log**
20

21 The judge of the court of limited jurisdiction shall cause a written log to be maintained separate from the
22 recording indicating the location on the electronic record of relevant events in the proceedings, including
23 but not limited to the beginning of the proceeding, the beginning and ending of the testimony of each
24 witness, the decision of the court, and the end of the proceeding. The judicial officer shall assure that all
25 case participants identify themselves for the record.
26
27

28
29 **CRLJ 75(c)**
30 **Record on Trial De Novo**
31

32 (c) Small Claims Appeals; Trial De Novo on the Record. Small claims appeals pursuant to RCW 12.40
33 shall be tried by the superior court de novo on the record. Within 14 days after the notice of appeal
34 has been filed in a small claims proceeding, appellant shall ~~cause to be filed with the clerk of the~~
35 superior court make necessary arrangements with the district court to directly transmit a verbatim
36 electronic recording of the trial and of the matter in district court and any exhibits from the trial to the
37 clerk of the superior court. The electronic recording shall be made and certified by the district court to
38 be correct upon the payment of the fees allowed by law therefor.
39
40

41 **NEW RULE RECOMMENDED**
42

43 **New General Rule – Official Court Transcripts**
44

45 (a) Official court transcripts may be completed and filed by 1) an official court reporter employed by the
46 court or other certified court reporter; or 2) a court employee with job responsibilities to transcribe a
47 report of proceedings; or 3) an authorized transcriptionist who has been placed on a list by the
48 jurisdiction conducting the hearing to be transcribed.
49

50 (b) Each court will determine who has the authority to add and remove an authorized transcriptionist
51 from their respective jurisdiction's approved list.
52

53 (c) The minimum qualification to become an authorized transcriptionist in order to complete and file an
54 official court transcript from electronically recorded proceedings is certification as a court reporter or
55 proof of two years of supervised mentorship with an authorized transcriptionist. Courts may require
56 additional qualifications at their discretion.
57

58 (d) The authorized transcriptionist shall attach to the official transcript filed with the court a certificate in
59 substantially the following form:
60

61 "I certify (or declare) under penalty of perjury under the laws of the State of Washington that the following
62 is true and correct:

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1. That I am a transcriptionist on the authorized list for the jurisdiction in which this hearing was held;
2. I received the electronic recording directly from the trial court conducting the hearing;
3. This transcript is a true and correct record of the proceedings to the best of my ability, except for any changes made by the trial judge reviewing the transcript;
4. I am in no way related to or employed by any party in this matter, nor any counsel in the matter;
and
5. I have no financial interest in this matter.

(Date and Place) _____ (Signature)''

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington

In Support of Language Access Services In Court

WHEREAS, equal access to courts is fundamental to the American system of government under law; and

WHEREAS, language barriers can create impediments to access to justice for individuals who are limited-English proficient; and

WHEREAS, it is the policy of the State of Washington "to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them." RCW 2.43.010 (Interpreters for non-English speaking persons); and

WHEREAS, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

WHEREAS, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

WHEREAS, the Board for Judicial Administration recognizes the benefit that interpreting services provide to limited English proficient litigants and to the fact-finder in the efficient and effective administration of justice; and

WHEREAS, the Board for Judicial Administration previously adopted a Resolution to, among other things, "remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers." (Board for Judicial Administration, Civil Equal Justice); and

WHEREAS, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

NOW, THEREFORE, BE IT RESOLVED:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language-related impediments to access to the justice system for limited English proficient litigants; and
- 3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

ADOPTED BY the Board for Judicial Administration on July 20, 2012.

Adopted by the Board for Judicial Administration July 20, 2012

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF NEW
GR 31.1 – ACCESS TO ADMINISTRATIVE
RECORDS

ORDER

NO. 25700-A-1009

The Court having considered a proposed new GR 31A – Access to Administrative Records, and having considered written public comments and testimony received during a public hearing on February 6, 2012, and

The Court having made substantial revisions to the proposed rule in response to the public comments, including renumbering the rule as GR 31.1, and

The Court having approved the new GR 31.1 for publication for the receipt of further comments;

Now, therefore, it is hereby

ORDERED:

- (a) That pursuant to the provisions of GR 9(g), the new proposed GR 31.1 as attached hereto is to be published for comments in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in September, 2012.
- (b) The purpose statement as required by GR 9(e) is published solely for the information of the Bench, Bar and other interested parties.
- (c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-mail by no later than December 31, 2012. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or

FILED
 SUPREME COURT
 WASHINGTON
 2012 SEP 10 A 9:58
 BY RONALD R. CARPENTER
 CLERK

645/83

Denise.Foster@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 10th day of September, 2012.

For the Court

Madsen, C. J.
CHIEF JUSTICE

GR 9 Cover Sheet

Suggested New Rule GENERAL RULES (GR) GR 31.1 — Access to Administrative Records

Purpose:

Overview. Proposed GR 31.1 is a revised version of proposed GR 31A. Proposed GR 31A was published for public comment in June, 2011, and a public hearing was held on February 6, 2012. The public comments and testimony suggested many changes to the proposal; several of the suggested changes involved fundamental policy issues. After reviewing the public input, the Supreme Court made many revisions to the original proposal. Due to the significance and scope of the changes, the Supreme Court is republishing the proposal for the receipt of further comments.

Original proposal. GR 31A was originally proposed to fill a gap in existing laws, because the Public Records Act does not apply to judicial records and no other law broadly addresses public access to the judiciary's administrative records. See *City of Federal Way v. Koenig*, 167 Wn.2d 341, 217 P.3d 1172 (2009). An existing court rule addresses public access to court case files and related documents about judicial proceedings, but it does not address administrative documents. See GR 31(b) and (c).

A full summary of the original proposed GR 31A was set forth in the original GR 9 cover sheet, which is available on the www.courts.wa.gov website at this [LINK](#). Also found at that link are the original proposed GR 31A and the written public comments that were originally received. A recording of the public hearing on proposed GR 31A is available on the TVW website, www.tvw.org.

Revisions made by the Supreme Court. The Supreme Court held a series of meetings to consider the suggested changes for the rule. The Supreme Court has completed its review and has made many changes, including the following:

- Organization. The most immediately apparent changes relate to the rule's organization. The rule now addresses the following topics in the following order: general principles; records procedures; the rule's application for administrative records; chamber records; and implementation issues. The Court also added headings for the major parts of the rule and reduced the number of levels of subsections, for greater ease of reader understanding.
- No new judicial cause of action. The Supreme Court removed the sections entitled "Review in Superior Court" and "Monetary Sanctions," due to separation of powers concerns about creating a new judicial cause of action in a court rule. In their place, a section was added indicating that formal judicial review of a court/agency's records decision may be obtained through existing processes outside the rule, such as the filing of a writ. See section (d)(4)(i).

- Participation by third parties. The Supreme Court added a new section allowing for participation of a third party who is the subject of the requested record. The subject of the record may also initiate a review proceeding.
- Deliberative process exemption. The Supreme Court changed the exemption so that it mirrors the PRA provision. Previously, the rule's exemption for deliberative process documents continued to apply even after a final decision was made on the issue that was under deliberation; as revised, the rule's exemption applies only until a final decision is made.
- Policy. The rule's policy statement was expanded to include a citation to the constitutional provision on open courts. Language was removed that had cited the constitutional provision on privacy, while still retaining the remainder of the provision's language on privacy. Privacy is an important concept in this area of the law, but the focus of appellate opinions interpreting the Public Records Act has been on common law principles of privacy, rather than on constitutional principles.
- Certified Professional Guardian Board. The Supreme Court removed the provision that had exempted the CPG Board from the rule. The Court decided that the CPG Board should be subject to the rule, although some of the Board's documents need to be kept confidential. New exemptions for the confidential documents have been drafted.
- Injunctions for requests having improper purposes. The Supreme Court redrafted the section on injunctions. Previously, this section applied only to inmates who requested records with an improper purpose (i.e., harassment, intimidation, threat to security, criminal activity). As redrafted, the section applies to anybody who requests the records with these improper purposes.
- Birth dates. The Supreme Court removed language that would have exempted birth dates for public access. Birth dates are used to distinguish between similarly named people.
- Appellate assignment judges. The Supreme Court deleted the exemption for the identity of appellate court assignment judges. The exemption is not needed here, as it relates to case records, which is addressed in a separate rule, GR 31.
- Deadlines for requesting review of records decisions. The Supreme Court added deadlines for appealing from records decisions. A person who is dissatisfied with a public records officer's decision has 90 days in which to seek internal review within the court/agency. A person who is dissatisfied with the court/agency's final decision has 30 days in which to seek external review.
- Role of the PRA. The Supreme Court refined language on the role of the PRA in providing guidance when the rule's application to a particular issue is ambiguous.
- Security records. A new section was added to protect security records. The new section expands similar language from the Public Records Act.
- Appointment of Defense Expert Witnesses. The Supreme Court expanded one of the exemptions so that it would cover a broader range of documents related to the appointment of expert witnesses for the defense of criminal cases.

- Office of Public Defense and Office of Civil Legal Aid. The Supreme Court rectified a potential ambiguity in the rule by adding language directly stating that the rule applies to the Office of Public Defense and the Office of Civil Legal Aid.
- Commission on Judicial Conduct. The Supreme Court deleted a redundant provision that had expressly excluded the Commission on Judicial Conduct from the rule. The provision specific to the CJC is not needed, because the rule applies only to those agencies that are overseen by a court; the CJC is not overseen by a court.

Accompanying rule. When proposed GR 31A was submitted to the Supreme Court, it was accompanied by a proposed amendment to GR 31 (public access to case files). The proposed amendment to GR 31 made minor changes to ensure that the two rules worked smoothly together. The proposed amendment to GR 31 is still pending; the Court will act on that amendment once the new GR 31.1 is in final form.

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**GENERAL RULE 31.1
ACCESS TO ADMINISTRATIVE RECORDS**

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GENERAL PRINCIPLES

7 (a) **Policy and Purpose.** Consistent with the principles of open administration of justice
8 as provided in article I, section 10 of the Washington State Constitution, it is the
9 policy of the judiciary to facilitate access to administrative records. Access to
10 administrative records is not absolute and shall be consistent with reasonable
11 expectations of personal privacy, restrictions in statutes, restrictions in court rules,
12 and as required for the integrity of judicial decision-making. Access shall not unduly
13 burden the business of the judiciary.

14 (b) **Overview of Public Access to Judicial Records.** There are three categories of
15 judicial records.

16 (1) Case records are records that relate to in-court proceedings, including case files,
17 dockets, calendars, and the like. Public access to these records is governed by
18 GR 31, which refers to these records as "court records," and not by this GR 31.1.
19 Under GR 31, these records are presumptively open to public access, subject to
20 stated exceptions.

21 (2) Administrative records are records that relate to the management, supervision, or
22 administration of a judicial entity. A more specific definition of this term is in
23 section (i) of this rule. Under section (j) of this rule, administrative records are
24 presumptively open to public access, subject to exceptions found in sections (j)
25 and (l) of this rule.

26 (3) Chambers records are records that are kept in a judge's chambers. A more
27 specific definition of this term is in section (m) of this rule. Under section (m),
28 chambers records are not open to public access.

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PROCEDURES FOR ADMINISTRATIVE RECORDS

31 (c) **Procedures for Records Requests.**

32
33 (1) **AGENCIES TO ADOPT PROCEDURES.** Each court and judicial agency must
34 adopt a policy implementing this rule and setting forth its procedures for
35 accepting and responding to administrative records requests. The policy must
36 include the designation of a public records officer and must require that

1 requests for access be submitted in writing to the designated public records
2 officer. Best practices for handling administrative records requests shall be
3 developed under the authority of the Board for Judicial Administration.

4 (2) PUBLICATION OF PROCEDURES FOR REQUESTING ADMINISTRATIVE
5 RECORDS. Each court and judicial agency must prominently publish the
6 procedures for requesting access to its administrative records. If the court or
7 judicial agency has a website, the procedures must be included there. The
8 publication shall include the public records officer's work mailing address,
9 telephone number, fax number, and e-mail address.

10 (3) INITIAL RESPONSE. Each court and judicial agency must initially respond to a
11 written request for access to an administrative record within five working days
12 of its receipt. The response shall acknowledge receipt of the request and
13 include a good-faith estimate of the time needed to respond to the request.
14 The estimate may be later revised, if necessary. For purposes of this provision,
15 "working days" mean days that the court or judicial agency, including a part-
16 time municipal court, is open.

17 (4) COMMUNICATION WITH REQUESTER. Each court and judicial agency must
18 communicate with the requester as necessary to clarify the records being
19 requested. The court or judicial agency may also communicate with the
20 requester in an effort to determine if the requester's need would be better
21 served with a response other than the one actually requested.

22 (5) SUBSTANTIVE RESPONSE. Each court and judicial agency must respond to
23 the substance of the records request within the timeframe specified in the
24 court's or judicial agency's initial response to the request. If the court or judicial
25 agency is unable to fully comply in this timeframe, then the court or judicial
26 agency should comply to the extent practicable and provide a new good faith
27 estimate for responding to the remainder of the request. If the court or judicial
28 agency does not fully satisfy the records request in the manner requested, the
29 court or judicial agency must justify in writing any deviation from the terms of
30 the request.

31 (6) EXTRAORDINARY REQUESTS LIMITED BY RESOURCE CONSTRAINTS.
32 If a particular request is of a magnitude that the court or judicial agency cannot
33 fully comply within a reasonable time due to constraints on the court's or judicial
34 agency's time, resources, and personnel, the court or judicial agency shall
35 communicate this information to the requester. The court or judicial agency
36 must attempt to reach agreement with the requester as to narrowing the
37 request to a more manageable scope and as to a timeframe for the court's or

1 judicial agency's response, which may include a schedule of installment
2 responses. If the court or judicial agency and requester are unable to reach
3 agreement, then the court or judicial agency shall respond to the extent
4 practicable and inform the requester that the court or judicial agency has
5 completed its response.

6 (7) RECORDS REQUESTS THAT INVOLVE HARASSMENT, INTIMIDATION,
7 THREATS TO SECURITY, OR CRIMINAL ACTIVITY.

8 (i) The inspection or production of any nonexempt public record may be
9 enjoined for the reasons set forth in section (c)(7)(iii). The request shall be
10 made by motion and shall be a summary proceeding based on affidavits or
11 declarations, unless the court orders otherwise.

12 (ii) The injunction may be requested by a court or judicial agency which is the
13 recipient of the records request or its representative, or by a person to
14 whom the records request specifically pertains or his or her representative.
15 The injunction request must be filed in the superior court in which the court
16 or judicial agency which is the recipient of the records request is located. If
17 the injunction request is filed by a superior court the decision on the
18 injunction must be made by a visiting judicial officer.

19 (iii) The court may enjoin all or any part of a request or requests. In order to
20 issue an injunction, the court must find by a preponderance of the evidence
21 that: the request was made to harass or intimidate the court or judicial
22 agency or its employees; fulfilling the request would likely threaten the
23 security of the court or judicial agency; fulfilling the request would likely
24 threaten the safety or security of staff, family members of staff, or any other
25 person; or fulfilling the request may assist criminal activity. Based on the
26 evidence, the court may also enjoin, for a period of time the court deems
27 reasonable, future requests by the same requestor or an entity owned or
28 controlled in whole or in part by the same requestor.

29 (iv) In deciding whether to enjoin a records request the court may consider all
30 relevant factors including, but not limited to: other requests by the
31 requestor; the type of record or records sought; statements offered by the
32 requestor concerning the purpose for the request; whether disclosure of the
33 requested records would likely harm any person or vital government
34 interest; whether the request seeks a significant and burdensome number
35 of documents; the impact of disclosure on the court's or judicial agency's
36 security and order, the safety or security of court or judicial agency staff,
37 families, or others; and the potential deterrence of criminal activity.

1 *COMMENT: Section 7 is based on the PRA's provision that provides an injunction*
2 *process for inmate requests that involve harassment or other specified improper*
3 *purposes. See RCW 42.56.565. Section 7 expands the PRA's provision so that it*
4 *applies to any person whose request involves the improper purpose. The statute's*
5 *paragraph on attorney fees was omitted, because this rule does not allow attorney*
6 *fees.*

7 **(d) Review of Records Decision.**

8 (1) NOTICE OF REVIEW PROCEDURES. The public records officer's response to
9 a public records request shall include a written summary of the procedures under
10 which the requesting party may seek further review.

11 (2) DEADLINE FOR SEEKING INTERNAL REVIEW. A record requester's petition
12 under section (d)(3) seeking internal review of a public records officer's decision
13 must be submitted within 90 days of the public records officer's decision.

14 (3) INTERNAL REVIEW WITHIN COURT OR AGENCY. Each court and judicial
15 agency shall provide a method for review by the judicial agency's director,
16 presiding judge, or judge designated by the presiding judge. For a judicial
17 agency, the presiding judge shall be the presiding judge of the court that
18 oversees the agency. The court or judicial agency may also establish
19 intermediate levels of review. The court or judicial agency shall make publicly
20 available the applicable forms. The review proceeding is informal and summary.
21 The review proceeding shall be held within five working days. If that is not
22 reasonably possible, then within five working days the review shall be scheduled
23 for the earliest practical date.

24 (4) EXTERNAL REVIEW. Upon the exhaustion of remedies under section (d)(3), a
25 record requester aggrieved by a court or agency decision may obtain further
26 review by choosing between the two alternatives set forth in subsections (i) and
27 (ii) of this section (d)(4).

28 (i) REVIEW VIA CIVIL ACTION IN COURT. The requesting person may use
29 a process already existing outside of this rule, such as a judicial writ, to
30 file a civil action in court challenging the records decision.

31 (ii) ADMINISTRATIVE REVIEW BY VISITING JUDGE OR OTHER OUTSIDE
32 DECISION MAKER. The requesting person may seek administrative
33 review by a person outside the court or judicial agency. If the requesting
34 person seeks review of a decision made by a court or made by a judicial
35 agency that is directly reportable to a court, the outside review shall be by
36 a visiting judicial officer. If the requesting person seeks review of a
37 decision made by a judicial agency that is not directly reportable to a

1 court, the outside review shall be by a person agreed upon by the
2 requesting person and the judicial agency. In the event the requesting
3 person and the judicial agency cannot agree upon a person, the presiding
4 superior court judge in the county in which the judicial agency is located
5 shall either conduct the review or appoint a person to conduct the review.
6 The review proceeding shall be informal and summary. In order to
7 choose this option, the requesting person must sign a written waiver of
8 any further review of the decision by the person outside the court or
9 judicial agency. The decision under this subsection (ii) is final and not
10 appealable.

11 *COMMENT: Section (4)(i) ensures that record requesters may still go to court if they*
12 *wish, while section (4)(ii) offers requesters an option to resolve the issue in an*
13 *informal and speedier manner. Neither section (4)(i) nor section (4)(ii) creates a new*
14 *cause of action in court; section (4)(i) merely recognizes the existence of other*
15 *methods for filing a civil action in court; section (4)(ii) merely creates what is*
16 *essentially a higher level of administrative review.*

17 (iii) **MONETARY AWARDS NOT ALLOWED.** Attorney fees, costs, civil
18 penalties, or fines may not be awarded under either alternative for
19 external review.

20 (iv) **DEADLINE FOR SEEKING EXTERNAL REVIEW.** A request for external
21 review must be submitted within 30 days of the issuance of the court or
22 judicial agency's final decision under section (d)(3).
23

24 **(e) Persons Who Are Subjects of Records.**

- 25 (1) Unless otherwise required or prohibited by law, a court or judicial agency has the
26 option of notifying a person named in a record or to whom a record specifically
27 pertains, that access to the record has been requested.
- 28 (2) A person who is named in a record, or to whom a record specifically pertains,
29 may present information opposing the disclosure to the applicable decision
30 maker under sections (c) and (d).
- 31 (3) If a court of judicial agency decides to allow access to a requested record, a
32 person who is named in that record, or to whom the record specifically pertains,
33 has a right to initiate review under subsections (d)(3)-(4) or to participate as a
34 party to any review initiated by a requester under subsections (d)(3)-(4). If
35 either the record subject or the record requester objects to administrative review
36 under subsection (d)(4)(ii), such alternative shall not be available. The deadlines
37 that apply to a requester apply as well to a person who is a subject of a record.

1 *COMMENT: Subsection (1) is adapted from the PRA statute, which allows but*
2 *does not require agencies to notify a person who is a subject of a record.*
3 *Subsection (2) allows the subject of a record to oppose release and present*
4 *argument in support of the opposition. Subsection (3) allows a person who is*
5 *a subject of a record to initiate the next level of review.*

6 **(f) Bad Faith Decisions.** Records decisions made in bad faith are grounds for
7 discipline.

8 (1) If the decision maker is a judge, sanctions may be imposed by the Commission
9 on Judicial Conduct for violations of the Code of Judicial Conduct;

10 (2) If the decision maker is an attorney, other than a judge, sanctions may be
11 imposed by the Washington State Bar Association for violations of the Rules of
12 Professional Conduct;

13 (3) If the decision maker is a judicial employee, sanctions may be imposed through
14 personnel actions.

15
16 **(g) Court and Judicial Agency Rules.** Each court by action of a majority of the
17 judges may from time to time make and amend local rules governing access to
18 administrative records not inconsistent with this rule. Each judicial agency may from
19 time to time make and amend agency rules governing access to its administrative
20 records not inconsistent with this rule.

21
22 **(h) Charging of Fees.**

23 (1) A fee may not be charged to view administrative records.

24 (2) A fee may be charged for the photocopying or scanning of judicial records. If
25 another court rule or statute specifies the amount of the fee for a particular type
26 of record, that rule or statute shall control. Otherwise, the amount of the fee
27 may not exceed the amount that is authorized in the Public Records Act,
28 Chapter 42.56 RCW.

29 (3) The court or judicial agency may require a deposit in an amount not to exceed
30 ten percent of the estimated cost of providing copies for a request. If a court or
31 judicial agency makes a request available on a partial or installment basis, the
32 court or judicial agency may charge for each part of the request as it is
33 provided. If an installment of a records request is not claimed or reviewed
34 within 30 days, the court or judicial agency is not obligated to fulfill the balance
35 of the request.

36 *COMMENT: Paragraph (3) incorporates a modified version of the Public*
37 *Records Act's "deposit and installments" language.]*

- 1 (4) A fee not to exceed \$30 per hour may be charged for research services
2 required to fulfill a request taking longer than one hour. The fee shall be
3 assessed from the second hour onward.

4 *COMMENT: The authority to charge for research services is discretionary,*
5 *allowing courts to balance the competing interests between recovering the*
6 *costs of their response and ensuring the open administration of justice. The*
7 *fee should not exceed the actual costs of response. It is anticipated that a*
8 *best-practices group will consider further guidelines in this area, including fee*
9 *waivers.*

10
11 **APPLICATION OF RULE FOR ADMINISTRATIVE RECORDS**

12 This rule applies to all administrative records, regardless of the physical form of the
13 record, the method of recording the record, or the method of storage of the record.

14 **(i) Definitions.**

- 15
16 (1) "Access" means the ability to view or obtain a copy of an administrative record.
17
18 (2) "Administrative record" means a public record created by or maintained by a
19 court or judicial agency and related to the management, supervision, or
20 administration of the court or judicial agency.

21 *COMMENT: The term "administrative record" does not include any of the*
22 *following: (1) "court records" as defined in GR 31; (2) chambers records as*
23 *set forth later in this rule; or (3) an attorney's client files that would otherwise*
24 *be covered by the attorney-client privilege or the attorney work product*
25 *privilege.*
26

- 27 (3) "Court record" is defined in GR 31.
28
29 (4) "Judge" means a judicial officer as defined in the Code of Judicial Conduct
30 (CJC) Application of the Code of Judicial Conduct Section (A).
31
32 (5) "Public" includes an individual, partnership, joint venture, public or private
33 corporation, association, federal, state, or local governmental entity or agency,
34 however constituted, or any other organization or group of persons, however
35 organized.
36
37 (6) "Public record" includes any writing, except chambers records and court
38 records, containing information relating to the conduct of government or the
39 performance of any governmental or proprietary function prepared, owned,

1 used, or retained by any court or judicial agency regardless of physical form or
2 characteristics. "Public record" also includes meta-data for electronic
3 administrative records.

4 *COMMENT: The definition in paragraph (6) is adapted from the Public Records*
5 *Act. The work group added the exception for chambers records, for*
6 *consistency with other parts of the proposed rule.*

7
8 (7) "Writing" means handwriting, typewriting, printing, photostating, photographing,
9 and every other means of recording any form of communication or
10 representation including, but not limited to, letters, words, pictures, sounds, or
11 symbols, or combination thereof, and all papers, maps, magnetic or paper
12 tapes, photographic films and prints, motion picture, film and video recordings,
13 magnetic or punched cards, discs, drums, diskettes, sound recordings, and
14 other documents including existing data compilations from which information
15 may be obtained or translated.

16 *COMMENT: The definition in paragraph (7) is taken from the Public Records*
17 *Act. E-mails and telephone records are included in this broad definition of*
18 *"writing."*

19
20 **(j) Administrative Records—General Right of Access.** The public has a
21 presumptive right of access to court and judicial agency administrative records
22 unless access is exempted or prohibited under this rule, other court rules, federal
23 statutes, state statutes including the Public Records Act, Chapter 42.56 RCW, court
24 orders, or case law. To the extent that an ambiguity exists as to whether records
25 access would be exempt or prohibited under this rule or other enumerated sources,
26 responders and reviewing authorities shall be guided by the Public Records Act,
27 Chapter 42.56 RCW, in making interpretations under this rule. In addition, to the
28 extent required to prevent a significant risk to individual privacy or safety interests, a
29 court or judicial agency shall delete identifying details in a manner consistent with
30 this rule when it makes available or publishes any public record; however, in each
31 instance, the justification for the deletion shall be provided fully in writing.

32 *COMMENT: The paragraph states that administrative records are open to*
33 *public access unless an exemption or prohibition applies. The paragraph's final*
34 *sentence allows agencies to redact information from documents based on*
35 *significant risks to privacy or safety.*

36 *Any public-access exemptions or prohibitions from the Public Records Act and*
37 *from other statutes or court rules would also apply to the judiciary's*
38 *administrative records. For example, GR 33(b) provides that certain medical*
39 *records relating to ADA issues are to be sealed; the sealed records would not*
40 *be subject to access under this proposed GR 31A.*

1 **(k) Entities Subject to Rule.**

2 (1) This rule applies to the Supreme Court, the Court of Appeals, the superior
3 courts, the district and municipal courts, and the following judicial branch
4 agencies:

5 (i) All judicial entities that are overseen by a court, including entities that are
6 designated as agencies, departments, committees, boards, commissions,
7 task forces, and similar groups;

8 (ii) The Superior Court Judges' Association, the District and Municipal Court
9 Judges' Association, and similar associations of judicial officers and
10 employees; and

11 (iii) All subgroups of the entities listed in this section (k)(1).

12 *COMMENT: The elected court clerks and their staff are not included in this*
13 *rule because (1) they are covered by the Public Records Act and (2) they do*
14 *not generally maintain the judiciary's administrative records that are covered*
15 *by this rule.*
16

17 (2) This rule applies to the Office of Civil Legal Aid and the Office of Public
18 Defense.

19 (3) This rule does not apply to the Washington State Bar Association. Public
20 access to the Bar Association's records is governed by [a proposed General
21 Rule 12.4, pending before the Supreme Court].

22 (4) A judicial officer is not a court or judicial agency.

23 *COMMENT: This provision protects judges and court commissioners from*
24 *having to respond personally to public records requests. Records requests*
25 *would instead go to the court's public records officer.*
26

27 (5) An attorney or entity appointed by a court or judicial agency to provide legal
28 representation to a litigant in a judicial or administrative proceeding does not
29 become a judicial agency by virtue of that appointment.
30

31 (6) A person or agency entrusted by a judicial officer, court, or judicial agency with
32 the storage and maintenance of its public records, whether part of a judicial
33 agency or a third party, is not a judicial agency. Such person or agency may
34 not respond to a request for access to administrative records, absent express
35 written authority from the court or judicial agency or separate authority in court
36 rule to grant access to the documents.
37

1 COMMENT: Judicial e-mails and other documents sometimes reside on IT
2 servers, some are in off-site physical storage facilities. This provision
3 prohibits an entity that operates the IT server from disclosing judicial records.
4 The entity is merely a bailee, holding the records on behalf of a court or
5 judicial agency, rather than an owner of the records having independent
6 authority to release them. Similarly, if a court or judicial agency puts its
7 paper records in storage with another entity, the other entity cannot disclose
8 the records. In either instance, it is the court or judicial agency that needs to
9 make the decision as to releasing the records. The records request needs to
10 be addressed by the court's or judicial agency's public records officer, not by
11 the person or entity having control over the IT server or the storage area. On
12 the other hand, if a court or judicial agency archives its records with the state
13 archivist, relinquishing by contract its own authority as to disposition of the
14 records, the archivist would have separate authority to disclose the records.

15
16 Because of the broad definition of "public record" appearing later in this rule,
17 this paragraph (6) would apply to electronic records, such as e-mails (and
18 their meta-data) and telephone records, among a wide range of other records.
19

20 **(l) Exemptions.** In addition to exemptions referred to in section (j), the following
21 categories of administrative records are exempt from public access:

22 (1) Requests for judicial ethics opinions;

23 (2) Minutes of meetings held by judges within a court and staff products prepared
24 for judicial discussion or decision-making during the meeting;

25 COMMENT: Minutes of the deliberations at judges' meetings are exempt.
26 Records produced by staff for consideration in judges' meetings and identified
27 in the minutes would be exempt under this section.

28 (3) Preliminary drafts, notes, recommendations, and intra-agency memorandums
29 in which opinions are expressed or policies formulated or recommended are
30 exempt under this rule, except that a specific record is not exempt when
31 publicly cited by a court or agency in connection with any court or agency
32 action;

33 COMMENT: Paragraph (3) is identical to the "deliberative process" exemption
34 from the Public Records Act, RCW 42.56.280. The PRA's deliberative process
35 exemption applies only until a final decision is made, see *Progressive Animal*
36 *Welfare Soc'y v. University of Wash.*, 125 Wn.2d 243, 257, 884 P.2d 592
37 (1994), at which point the deliberative documents become publicly accessible.

38 (4) Evaluations and recommendations concerning candidates seeking
39 appointment or employment within a court or judicial agency;

40 COMMENT: Paragraph (4) is intended to encompass documents such as those
41 of the Supreme Court's Capital Counsel Committee, which evaluates attorneys

1 for potential inclusion on a list of attorneys who are specially qualified to
2 represent clients in capital cases.

- 3 (5) Personal identifying information, including individuals' home contact
4 information, Social Security numbers, driver's license numbers, and
5 identification/security photographs;

6 *COMMENT: The work group considered including private financial information in*
7 *this provision, but ultimately concluded that financial information is already*
8 *addressed in the Public Records Act's exemptions.*

- 9
10 (6) Documents related to an attorney's request for a trial or appellate court
11 defense expert, investigator, or other services, any report or findings submitted
12 to the attorney or court or judicial agency by the expert, investigator, or other
13 service provider, and the invoicing and payment of the expert, investigator or
14 other service provider;

- 15 (7) Documents, records, files, investigative notes and reports, including the
16 complaint and the identity of the complainant, associated with a court's or
17 judicial agency's internal investigation of a complaint against the court or
18 judicial agency or its contractors during the course of the investigation. The
19 outcome of the court's or judicial agency's investigation is not exempt;

- 20 (8) Family court evaluation and domestic violence files when no action is legally
21 pending;

- 22 (9) Family court mediation files; and

- 23 (10) Juvenile court probation social files.

24 *COMMENT: Paragraphs (8)-(10) create exemptions for files that are already*
25 *covered, at least in part, by exemptions in state statutes or elsewhere. These*
26 *paragraphs are included here to make sure that there is no doubt about their*
27 *exempt status. The inclusion of these three paragraphs should not be*
28 *interpreted as excluding other statutory (or rule) exemptions that are not*
29 *expressly listed here. Per section (j) of this rule, exemptions existing in other*
30 *rules, statutes, and other authorities apply to records under this rule, even if*
31 *they are not expressly stated here.*

- 32 (11) Those portions of records containing specific and unique vulnerability
33 assessments or specific and unique emergency and escape response plans,
34 the disclosure of which would have a substantial likelihood of threatening the
35 security of a judicial facility or any individual's safety.

36 *COMMENT: Paragraph (11) expands on comparable language from the Public*
37 *Records Act, RCW 42.56.420. The PRA language is limited to correctional*
38 *facilities and the like.*

1 (12) The following records of the Certified Professional Guardian Board:

2 (i) Investigative records compiled by the Board as a result of an investigation
3 conducted by the Board as part of the application process, while a
4 disciplinary investigation is in process under the Board's rules and
5 regulations, or as a result of any other investigation conducted by the
6 Board while an investigation is in process. Investigative records related to
7 a grievance become open to public inspection upon the filing of a Board-
8 approved complaint for disciplinary action.

9 (ii) Deliberative records compiled by the Board or a panel or committee of the
10 Board as part of a disciplinary process.

11 (iii) Dismissed grievances shall be disclosed upon written request using
12 established procedures for inspection, copying, and disclosure with
13 identifying information about the grievant, incapacitated person, and
14 professional guardian and/or agency redacted. A request for dismissed
15 grievances shall cover a specified time period of not less than 12 months.

16 *COMMENT: The exemptions for the CPG Board are taken from the Board's*
17 *regulations. The sentence at the end of paragraph (a) was added to reflect*
18 *the manner in which the Board has interpreted this provision.*
19

20 **CHAMBERS RECORDS**

21
22 (m) **Chambers Records.** Chambers records are not administrative records and are
23 not subject to disclosure.

24 *COMMENT: Access to chambers records could necessitate a judicial officer*
25 *having to review all records to protect against disclosing case sensitive*
26 *information or other information that would intrude on the independence of*
27 *judicial decision-making. This would effectively make the judicial officer a de*
28 *facto public records officer and could greatly interfere with judicial functions.*
29 *Records may remain under chambers control even though they are physically*
30 *stored elsewhere. For example, records relating to chambers activities that*
31 *are stored on a judge's personally owned or workplace-assigned computer,*
32 *laptop computer, cell phone, and similar electronic devices would still be*
33 *chambers records. However, records that are otherwise subject to disclosure*
34 *should not be allowed to be moved into chambers control as a means of*
35 *avoiding disclosure.*

36 (1) "Chambers record" means any writing that is created by or maintained by any
37 judicial officer or chambers staff, and is maintained under chambers control,
38 whether directly related to an official judicial proceeding, the management of
39 the court, or other chambers activities. "Chambers staff" means a judicial

1 officer's law clerk and any other staff when providing support directly to the
2 judicial officer at chambers.

3 *COMMENT: Some judicial employees, particularly in small jurisdictions, split*
4 *their time between performing chambers duties and performing other court*
5 *duties. An employee may be "chambers staff" as to certain functions, but not*
6 *as to others. Whether certain records are subject to disclosure may depend on*
7 *whether the employee was acting in a chambers staff function or an*
8 *administrative staff function with respect to that record.*

- 9 (2) Court records and administrative records do not become chambers records
10 merely because they are in the possession or custody of a judicial officer or
11 chambers staff

12 *COMMENT: Chambers records do not change in character by virtue of being*
13 *accessible to another chambers. For example, a data base that is shared by*
14 *multiple judges and their chambers staff is a "chambers record" for purposes*
15 *of this rule, as long as the data base is only being used by judges and their*
16 *chambers staff.*

17
18 **IMPLEMENTATION AND EFFECTIVE DATE**
19

- 20 (n) **Best Practices.** Best practice guidelines adopted by the Supreme Court may be
21 relied upon in acting upon public requests for documents.

22 *COMMENT: A new work group is contemplated to recommend best practices to*
23 *guide courts and judicial agencies in implementing this rule's necessarily*
24 *broad, general standards. Courts and judicial agencies would benefit greatly*
25 *from further work in applying the general principles to the specific types of*
26 *documents and requests that are most likely to arise. For example, best*
27 *practices could include designating more specific lists of records that are*
28 *presumptively characterized as "chambers records" or as being within other*
29 *categories of records under this rule. The BJA's original work group prepared*
30 *some documents to assist a new best-practices group in this regard. The*
31 *best-practices group could also recommend the best methods and resources*
32 *for training judges and staff.*

33 (o) **Effective Date of Rule.**

- 34 (1) This rule goes into effect on _____, and applies to records that are created
35 on or after that date.

36 *COMMENT: A delayed effective date will be used to allow time for*
37 *development of best practices, training, and implementation.*

- 38 (2) Public access to records that are created before that date are to be analyzed
39 according to other court rules, applicable statutes, and the common law

1 balancing test. The Public Records Act, Chapter 42.56 RCW, does not apply to
2 judicial records, but it may be used for non-binding guidance.
3

BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities. The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
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BJAR
PREAMBLE

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.

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

BJAR 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

BJAR §
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII **Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
Amended 10/21/05
Amended 03/16/07

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