



Joint Board for Judicial Administration (BJA) and Court Management Council (CMC) Meeting

Friday, December 14, 2012 (9:00 a.m. – 12:00 p.m.)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Sara Derr
Ms. Callie Dietz
Judge Deborah Fleck
Judge Janet Garrow
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge Michael Lambo
Ms. Paula Littlewood
Judge Jack Nevin
Judge Craig Matheson (by phone)
Justice Susan Owens
Judge Christine Quinn-Brintnall
Ms. Michele Radosevich
Judge Kevin Ringus
Judge Ann Schindler
Judge Scott Sparks

CMC Members Present:

Mr. Michael Fenton
Ms. LaTricia Kinlow
Ms. Sonya Kraski
Mr. Frank Maiocco
Mr. Ron Miles

Guests Present:

Ms. Ishbel Dickens (by phone)
Judge Jean Rietschel

AOC Staff Present:

Mr. David Elliott
Ms. Beth Flynn
Mr. Dirk Marler
Ms. Mellani McAleenan

Chief Justice Madsen called the meeting to order.

November 16, 2012 BJA Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Garrow to approve the November 16, 2012 BJA meeting minutes. The motion carried.

Appointment to the BJA Trial Court Operations Funding Committee

It was moved by Judge Garrow and seconded by Judge Ringus to reappoint Mr. Michael Fenton and appoint Judge Vickie Churchill to the BJA Trial Court Operations Funding Committee. The motion carried.

Appointment of BJA Public Trust and Confidence Committee

It was moved by Judge Sparks and seconded by Judge Garrow to appoint Judge Bill Bowman, Mr. Mike Killian and Ms. Shirley Zimmerman to the BJA Public Trust and Confidence Committee. The motion carried.

2013 BJA Meeting Schedule

Ms. McAleenan stated that it is possible the frequency of BJA meetings will be revised based on the recommendations of the BJA Structure Work Group but that it is best to get all the meetings on the calendar now and, if necessary, cancel some later. The BJA members also need to determine if they still want to meet in Olympia during the legislative session instead of at the SeaTac office. It was noted that February 15 is the Goldmark luncheon so Olympia may not be the best location.

The BJA decided to hold the February and March meetings at the Administrative Office of the Courts (AOC) SeaTac office. Only the January 23 meeting will be held in Olympia.

It was moved by Judge Derr and seconded by Judge Sparks to approve the amended 2013 BJA meeting schedule. The motion carried.

Court Management Council Transcriptionist Subcommittee – Rule and Statute Revisions

Mr. Marler stated that the Court Management Council (CMC) reported to the BJA on the progress of the CMC Transcriptionist Subcommittee in December 2009 and December 2011.

Their recommendations were presented to the BJA in September 2012. At that time Ms. Renee Townsley requested that the proposed rule and statute revisions be reviewed by the trial court associations. The District and Municipal Court Judges' Association (DMCJA) reviewed the proposed revisions in its Rules Committee but has not made a decision at the Board level—that will happen this afternoon.

The CMC would like to review all the comments/recommendations from the trial courts and revise the recommended statute and rule changes as needed. Then they will bring the refined proposals to the BJA in March or April.

Court Manager of the Year Award

The Court Management Council (CMC) presents this award annually to an administrator whose leadership has been transformative on a regional or statewide basis and who has mobilized and unified people to take action for the greater good.

Nominations are requested from all judicial officers and court managers. CMC members cast their votes in November. The winner's name is placed on a plaque at the AOC SeaTac Office.

This year there were eight outstanding nominees:

Ms. Bonnie Bush, Spokane Court Juvenile Court Administrator
Ms. LaTricia Kinlow, Tukwila Municipal Court Administrator
Mr. Frank Maiocco, Kitsap County Superior Court Administrator
Mr. Ron Miles, Spokane County Superior Court Administrator
Ms. Marcella Pressler, Douglas County Superior Court Administrator
Ms. Jorene Reiber, King County Superior Court, Director, Family Court Operations
Ms. Rafaela Selga, Clark County District Court Administration
Mr. Bob Terwilliger, Snohomish County Superior and Juvenile Court Administrator

Mr. Frank Maiocco is the 2012 Court Manager of the Year.

Mr. Maiocco's leadership and commitment compelled his nomination along with the strength he exhibits during challenges. He is dedicated to the court and has the insight to recognize opportunities to expand and improve service to the local law and justice community and to the public. He is a leader and a mentor and encourages staff to increase their position responsibilities. Mr. Maiocco has a calming presence, grace and compassion. He is the first person at the court in the morning and the last one to leave at night.

Mr. Maiocco stated that he does not think he can point to any one thing that has earned this award. He considers himself very blessed because court administration found him at a point in his life when he wasn't sure what he was going to do. The court staff does not really need him because they come to work every day ready to support the bench and the bench is made up of people who are honest, professional, hard working, and ethical. That's a testament to their collaboration and team spirit.

BJA Best Practices Committee Performance Measures

Judge Quinn-Brintnall reported that the BJA Best Practices Committee's primary activity is creating performance audit measures. The audit measures are part of a plan to evaluate compliance with minimum standards. The standards are reasonable for all levels and sizes of courts.

Auditing standards indicate an outside auditor should be used to audit an entity. Since courts are in the judicial branch, the state auditor is not used; instead, AOC staff perform the audits.

Judge Rietschel stated that the BJA Best Practices Committee has two Performance Audit Base Measures that are ready for adoption by the BJA: 1) Effective Use of Jurors which measures the activities of trial courts to determine whether juror management practices comply with statute and court rule; and 2) Clearance Rate and Time to Resolution which measures the courts' caseload management practices.

Judge Quinn-Brintnall stated the Committee would like to move forward now with the Effective Use of Jurors audits and follow with the Clearance Rate and Time to Resolution audits.

It was suggested by a few BJA members that there be some training on the performance audit measures at the presiding judge level and/or the court staff level so they understand the importance of the item being measured (for example, caseload management). It is important to explain why AOC is performing the audits instead of the state auditor. It was also suggested that judges involved in the test courts talk about their experience during the training.

This item will be on the January BJA meeting agenda for action.

Court Security

Mr. Marler stated that the BJA had a healthy discussion about court security during the September 2012 meeting. As a result of that meeting, Mr. Marler wrote the memorandum on

page 25 of the meeting materials which contains a series of recommendations that AOC can accomplish within existing resources.

1. Do not reconstitute the Court Security Committee.
2. Personal and courthouse security training should be incorporated into Board for Court Education (BCE) training.
3. The Annual Conference Planning Committee should consider adding a program related to personal and courthouse safety.
4. Materials that are developed in connection with the training programs should be widely disseminated and posted on the Washington Courts Web site along with links to other court security resources.
5. AOC maintains a court security Web site containing links to court security materials.
6. Regularly remind court staff about the resources available online.
7. On a regular basis, include a feature on personal or court security in the Full Court Press.

The AOC may be able to create an automated method to track security incidents. The AOC is still in the early stages on this and is trying to determine if it is possible. Mr. Marler will know more about this system in January and will give an update during the January BJA meeting.

Judge Derr stated that security has been an issue for district and municipal courts and there is a court security bill being sponsored by the DMCJA. The DMCJA has discussed tracking the incident reports. In Spokane there were 1,000 handguns, 9,000 knives, 80 tasers, 1,700 razorblades and 1,100 cans of mace found during security checks. This is what normally would make it through the door if a court does not have security in place. Who knows what weapons are in the courtroom if there is no security. Courts need to be able to take this type of information to county commissioners and city councils so they will understand what is walking through the door. The security incident information is needed locally for local purposes but it is needed statewide for potential legislation.

Judge Fleck agrees about the importance of this issue. The judiciary has an overarching responsibility to ensure the safety of the public that is entitled to use courthouses. The courts need to continue to seek legislation that requires a minimal level of court security as a best practice. The BJA should seek legislation requiring security at all courts and gathering security incident information will be useful in educating the Legislature about court security issues.

It was suggested that Chief Justice Madsen send a letter to presiding judges, court administrators and the police chief or sheriff stating the need to have safe courthouses and collaborate to work on security collectively. Perhaps a template letter could be provided to courts that could be sent to their executive outlining the need for court security in their jurisdiction.

BJA Legislative Agenda

Ms. McAleenan reported that the final legislative dinner was earlier this week. She thanked the judges on the BJA for attending the dinners. The dinners were held in Olympia, SeaTac and Spokane and 30 legislators attended. SeaTac had the fewest number of attendees and they might look at doing something different in the future.

Ms. McAleenan reviewed the changes taking place in the Legislature because of the election.

The bills have been drafted for new judges in Whatcom County Superior Court and Benton/Franklin Superior Court. She spoke with all the legislators in those counties and they are receptive to adding a new judge but some are not sure because of the fiscal notes.

Ms. McAleenan met with some of the budget legislators to discuss the Judicial Stabilization Trust Account.

The interpreter bill was discussed by the BJA during their November meeting. Legislators want tracking of data which was added in section 2(4)(d). For section 2(4), Ms. McAleenan left in the "up to 50%" language because she did not want to obligate AOC to something that the Legislature would not provide. This has not gone to the code reviser and they could disagree. The BJA voted to remove section 3(3) during the November meeting but in talking with legislators they were very concerned with taking away existing services. In addition, highlighting the section by trying to remove it could result in a lot of requests being made for the service. Ms. McAleenan spoke with a number of legislators regarding this legislation and the biggest issue is a fiscal note. Even delaying funding to the future is an issue with some legislators.

There was concern about creating ambiguity with the word "or" in section 2(2) regarding who is going to pay. There is no problem with the concept but the language needs to be tweaked. Maybe add "initiated by a government entity."

It was moved by Judge Garrow and seconded by Judge Johanson to reconsider the November 16 vote to delete Section 3 from the interpreter bill. Six BJA members voted for the motion and five were opposed. The motion carried.

It was moved by Judge Garrow to retain Section 3 in the interpreter statute recognizing there is more work to be done in this area. Seven BJA members voted for the motion and four were opposed. The motion carried.

It was moved by Judge Fleck and seconded by Justice Owens to approve the interpreter legislation with the following changes: 1. In Section 2 make clear that the initiator of legal proceedings has to pay for the interpreter so it is not ambiguous. It will always be the initiating body and the authority of proceeding. 2) Add "registered" or "qualified" where needed. 3) In Section 7(3) make clear that full half funding will come from the state. The motion carried.

DMCJA Legislation

Judge Derr reviewed the DMCJA legislation. One bill changes the mandatory retirement of district court judges to the end of the term in which he or she has attained the age of 75. Another bill would require cities and counties to provide security for their courts. Security isn't necessarily defined and it only pertains to district and municipal courts and if the BJA wants to, it could be revised to include all court levels. It is an unfunded mandate. The third bill is regarding the termination of municipal courts. This bill was created because of recent events in courts with appointed and elected judges closing. This bill is still being developed.

It was moved by Justice Owens and seconded by Judge Garrow to support the DMCJA mandatory retirement age bill and the court security bill. The motion carried.

Other Business

Chief Justice Madsen thanked Judge Nevin for his service on the BJA.

Recap of Motions from December 14, 2012 meeting

| Motion Summary | Status |
|---|---------------|
| Approve November 16, 2012 BJA meeting minutes. | Passed |
| Reappoint Mr. Michael Fenton and appoint Judge Vickie Churchill to the BJA Trial Court Operations Funding Committee. | Passed |
| Appoint Judge Bill Bowman, Mr. Mike Killian and Ms. Shirley Zimmerman to the BJA Public Trust and Confidence Committee. | Passed |
| Approve the amended 2013 BJA meeting schedule. | Passed |
| Reconsider the November 16 vote on the interpreter to delete Section 3. | Passed (6-5) |
| Retain Section 3 in the interpreter statute recognizing there is more work to be done in this area. | Passed (7-4) |
| Approve the interpreter legislation with the following changes: 1. In Section 2 make clear that the initiator of legal proceedings has to pay for the interpreter so it is not ambiguous. It will always be the initiating body and the authority of proceeding. 2) Add "registered" or "qualified" where needed. 3) In Section 7(3) make clear that full half funding will come from the state. | Passed |
| Support the DMCJA mandatory retirement age bill and the court security bill. | Passed |

Action Items from the December 14, 2012 meeting

| Action Item | Status |
|--|---------------|
| <u>November 16 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Revise and post the minutes online. Send revised minutes to Supreme Court for inclusion in the En Banc meeting materials. | Done Done |
| <u>Appointment to the BJA Trial Court Operations Funding Committee</u> <ul style="list-style-type: none"> Send appointment letters to Mr. Michael Fenton and Judge Vickie Churchill. | Done |
| <u>Appointments to the BJA Public Trust and Confidence Committee</u> <ul style="list-style-type: none"> Send appointment letters to Judge Bill Bowman, Mr. Mike Killian and Ms. Shirley Zimmerman. | Done |

| Action Item | Status |
|---|-------------------------------|
| <p><u>2013 BJA Meeting Schedule</u></p> <ul style="list-style-type: none"> • Change February and March meetings to SeaTac. • Post revised schedule online. • E-mail revised schedule to BJA members. | <p>Done Done Done</p> |
| <p><u>Court Management Council Transcriptionist Subcommittee – Rule and Statute Revisions</u></p> <ul style="list-style-type: none"> • Put on March or April BJA meeting agenda (whenever they are ready). | |
| <p><u>BJA Best Practices Committee Performance Measures</u></p> <ul style="list-style-type: none"> • Put on January agenda for action: Effective Use of Jurors and Clearance Rate and Time to Resolution projects. • It was suggested that there be training | <p>Done</p> |
| <p><u>Court Security</u></p> <ul style="list-style-type: none"> • Add to January BJA agenda. Dirk will give update on electronic incident filing. • Find out if there is a way to add confiscated items to electronic system. • Send template letter to courts so they can inform executive branch about need for security. | <p>Done</p> |
| <p><u>Interpreter Legislation</u></p> <ul style="list-style-type: none"> • Maintain section 3 in the interpreter bill and in Section 2 make clear that the initiating party in legal proceedings has to pay the interpreter so it is not ambiguous. Will always be initiating body and authority of proceeding. Add “registered” or “qualified” where needed. In 7(3) make clear that full ½ funding will come from the state. | |
| <p><u>DMCJA Legislation</u></p> <ul style="list-style-type: none"> • BJA supports the DMCJA legislation: modifying mandatory retirement provision for district judges and requiring cities and counties to provide security for their courts. | |