



**Board for Judicial Administration (BJA) Meeting**  
**Wednesday, January 23, 2013 (9:30 a.m. – 11:15 a.m.)**  
Chief Justice's Reception Room, Temple of Justice, Olympia

**MEETING MINUTES**

**BJA Members Present:**

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

**Guests Present:**

Mr. Jim Bamberger  
Ms. Betty Gould  
Ms. Joanne Moore  
Mr. Paul Sherfey (by phone)

**Public Present:**

Ms. Milena Calderari-Waldron  
Mr. Tom Goldsmith  
Ms. Louise Morehead

**AOC Staff Present:**

Ms. Beth Flynn  
Mr. Stephan Henley  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Mr. Ramsey Radwan

Judge Wickham called the meeting to order.

December 14, 2012 Meeting Minutes

**It was moved by Justice Owens and seconded by Judge Lambo to approve the December 14, 2012 BJA meeting minutes. The motion carried.**

BJA Best Practices Committee Performance Measures

Judge Quinn-Brintnall stated that the BJA Best Practices Committee is seeking the BJA's approval of two performance measures: the 1) Effective Use of Jurors, and 2) Clearance Rate and Time to Resolution. In response to a question during the December BJA meeting, there are materials in the meeting packet showing how case clearance rates are calculated over a five-year period of time.

If approved, the BJA Best Practices Committee wants to move ahead and pilot the performance measures in a few pilot courts.

**It was moved by Judge Garrow and seconded by Judge Matheson to adopt the BJA Best Practices Committee performance measures: Effective Use of Jurors and Clearance Rate and Time to Resolution. The motion carried.**

If a court is interested in piloting these measures, contact Mr. David Elliott at the Administrative Office of the Courts. Judge Matheson and Judge Wickham said their courts might be interested.

#### Appointment to the BJA Trial Court Operations Funding Committee

**It was moved by Judge Garrow and seconded by Judge Sparks to appoint Judge Mary Logan to the Trial Court Operations Funding Committee. The motion carried.**

#### BJA Structure Work Group Update

Judge Wickham said that the BJA Structure Work Group is working on restructuring the BJA consistent with the principles that were discussed at the BJA retreat in the fall. The Work Group met October 29 and November 26 to work on this project. They currently have a draft recommendation, but the Work Group is going to review it after this BJA meeting so it will not be distributed until they have a chance to review it.

The trial court associations will take the recommendation to their associations during the month of February for review and comment, and Judge Wickham expects to have this as an action item in March.

It is recommended that the restructured BJA would be responsible for:

- Speaking for the judiciary in legislative relations.
- Adopting policies to support the effective operations of the courts.
- Providing leadership for long-range planning within the judicial branch.
- Providing oversight of the AOC budget and determining priorities.
- Providing general direction to the Administrative Office of the Courts (AOC).

The BJA, through one of its standing committees, would work with the AOC to develop the AOC's budget. Ultimately, the budget would have to go to the Supreme Court and Legislature, but, largely, the AOC budget would be determined by the BJA. At a time of limited resources, everyone is concerned with the decisions that are made regarding the AOC budget.

The BJA membership would consist of two Supreme Court justices, including the Chief Justice; two Court of Appeals judges, not of the same division; three Superior Court Judges' Association (SCJA) members, none of whom can be officers of the SCJA; and three District and Municipal Court Judges' Association (DMCJA) members, none of whom can be officers of the DMCJA. All of the members would be selected by their association in a process established by the association. Trial court associations would select the members but they would not have the responsibility to go back to their boards and seek a position from their associations on issues that come up at BJA meetings. Members would speak for the judiciary as a whole, not for their

association. Terms would be four years and members could only serve two consecutive terms. A member could serve again after an intervening for four years.

There would be three BJA standing committees: Budget Committee, Legislative Committee and Policy and Planning Committee. In order to make this work there needs to be a reduction in the committees everyone is currently serving on. The BJA would have the ability to create ad hoc standing committees for up to two years and they would be ended or extended at the end of the two-year period.

The institution of member chair would be continued. The Chief and the member chair would continue to chair the meetings.

A quorum would require the presence of seven members and would need to include a representative from each court level. Decisions will be by majority rule. Because decisions are to be made in the best interests of the judiciary as a whole, there would no longer be a "court level veto" by requiring an affirmative vote from each court level. The Chief Justice would only vote in the case of a tie.

The BJA would take responsibility for issues that cut across court levels and the association presidents would be able to place items on the BJA agendas. If there is an issue that is important to the trial court associations, it could be added to the agenda. Also, association leadership could still attend BJA meetings.

The meetings would be less frequent with an open session in the morning and a work session in the afternoon.

The recommendations would be implemented through BJA bylaw revisions and a revised set of BJA rules. If the BJA adopts the recommendations of the Work Group, the effective date would be July 1, 2013.

The plan is to have the trial court associations discuss this at their meetings in February. This will be a BJA action item in March.

#### Budget Update

Mr. Radwan reported that current state general fund collections from November and December were up about 3%. About half of that is due to one-time collections, so the actual increase in collections is closer to 1.5%.

The current forecast deficit is about one billion dollars and that has remained fairly stable over the last few months. The main issues with the budget are education funding and caseload increases. Within the deficit there are about \$500 million in fairly easy corrections that the Legislature can make to reduce the deficit if they choose to do so. The other half is primarily due to caseload and those are more difficult adjustments.

The judicial branch submitted a budget with a net increase of about 2%. Over half of that increase is due to maintenance level increases. Those budget requests are generally approved. The other half is for new programs. On the Judicial Information System side, there is

an \$18 million request, and that is a different process because it is a different funding source. However, some legislators are looking at that funding source as a way to shore up other programs.

There is a legislative staff briefing tomorrow and a budget work session on January 30. Mr. Radwan has not received any questions from legislative staff regarding how the judicial branch will handle reductions, but he will address those questions as they come through the system later in the legislative session.

#### BJA Legislative Update

Ms. McAleenan reported that both of the new judge bills will be heard this afternoon in the Senate Law and Justice Committee hearing. Judge Matheson and Judge Snyder are expected to testify at the hearing.

Ms. McAleenan was told to hold the JSTA extension bill until the Legislature begins thinking about the terms of the budget. The bill will probably be dropped in about a month when the budget discussions begin.

The interpreter bill requires interpreters in civil cases, requires data to be provided to the AOC, and requires the state to fully fund the 50% reimbursement they promised back in 2007. The courts spend over \$5 million on interpreter services, and the state only contributes about \$600,000. The cost of implementing the bill has made it more difficult to find sponsors. Ms. McAleenan hopes to get the bills dropped this week.

#### Court Security

Mr. Marler gave an update on the continuing court security conversation that began last fall. Mr. Marler found out that it is technically feasible and reasonable for the AOC to create an automated incident report. At this point, he is working with the District and Municipal Court Management Association in narrowing down which specific elements should be included in those reports. Once those are determined, the AOC should be able to implement an automated incident reporting system. The data could populate a simple spreadsheet that could be sorted by the user of the report. Mr. Marler will bring a mock-up of the report to a future BJA meeting.

There being no further business the meeting was adjourned.

#### **Recap of Motions from January 23, 2013 meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the December 14, 2012 BJA meeting minutes.	Passed
Adopt the BJA Best Practices Committee performance measures: Effective Use of Jurors and Clearance Rate and Time to Resolution.	Passed
Appoint Judge Mary Logan to the Trial Court Operations Funding Committee.	Passed

**Action Items from the January 23, 2013 meeting**

<b>Action Item</b>	<b>Status</b>
<u>December 14, 2012 BJA Meeting Minutes</u> <ul style="list-style-type: none"> <li>• Revise and post the minutes online.</li> <li>• Send revised minutes to Supreme Court for inclusion in the En Banc meeting materials.</li> </ul>	Done Done
<u>BJA Best Practices Committee Performance Measures</u> <ul style="list-style-type: none"> <li>• Notify David Elliott that the BJA approved the BJA Best Practices Committee performance measures: Effective Use of Jurors and Clearance Rate and Time to Resolution.</li> </ul>	Done
<u>Appointment to the BJA Trial Court Operations Funding Committee</u> <ul style="list-style-type: none"> <li>• Send appointment letter to Judge Logan.</li> </ul>	Done
<u>BJA Structure Work Group Update</u> <ul style="list-style-type: none"> <li>• Send final BJA structure proposal to BJA members and ask for input from judicial associations.</li> <li>• Put on March BJA agenda for action.</li> </ul>	Done Done (for discussion)
<u>Court Security</u> <ul style="list-style-type: none"> <li>• Bring a mock-up of the automated court security incident reporting system to a future BJA meeting.</li> </ul>	Done