

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**WEDNESDAY, JANUARY 23, 2013
9:30 A.M.**

**CHIEF JUSTICE'S RECEPTION ROOM
TEMPLE OF JUSTICE
OLYMPIA, 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

Justice Susan Owens
Supreme Court

Judge James Riehl
District and Municipal Court Judges'
Association
Kitsap County District 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:

Ms. Callie Dietz
State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Patrick Palace, President-Elect
Washington State Bar Association

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

Ms. Michele Radosevich, President
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) Meeting
Wednesday, January 23, 2013 (9:30 a.m. – 1:30 p.m.)
 Chief's Reception Room, Temple of Justice, Olympia

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Chris Wickham	9:30 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Chris Wickham	9:30 a.m.
Action Items		
3. December 14, 2012 Meeting Minutes Action: Motion to approve the minutes of the December 14, 2012 meeting	Chief Justice Barbara Madsen Judge Chris Wickham	9:35 a.m. Tab 1 (Page 6)
4. BJA Best Practices Committee Performance Measures Action: Motion to approve the Effective Use of Jurors and Clearance Rate and Time to Resolution projects	Judge Christine Quinn-Brintnall	9:40 a.m. Tab 2 (Page 14)
5. Appointment to the BJA Trial Court Operations Funding Committee Action: Motion to approve the appointment of Judge Mary Logan to the BJA Trial Court Operations Funding Committee	Ms. Mellani McAleenan	9:50 a.m. Tab 3 (Page 25)
Reports and Information		
6. BJA Structure Work Group Update	Chief Justice Barbara Madsen Judge Chris Wickham	9:55 a.m.
7. Budget Update	Mr. Ramsey Radwan	10:35 a.m.
8. BJA Legislative Update	Ms. Mellani McAleenan	10:45 a.m.
9. Court Security	Mr. Dirk Marler	10:55 a.m.

10. Other Business Next meeting: February 15 AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Chris Wickham	11:05 a.m.
11. State of the Judiciary Address		11:15 a.m. (walk over to Legislative Building— Address at 11:30 a.m.)
12. Lunch		12:30 p.m.
13. Adjourn		1:30 p.m.
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.		

Tab 1



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 Statue 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. 	

Tab 2

Effective Use of Jurors

Objectives, Scope and Methodology

Courts should make every effort to utilize jurors effectively in order to accommodate trial activity and minimize the costs of jury administration while maximizing their experience as jurors.

The measure may be implemented in superior, district, and municipal courts. Jury services are managed in a variety of different ways in Washington State. Jury services may be managed by superior court administration or by the county clerk's office. For example, all jury source list processing within a jurisdiction may be managed by the county clerk who can summon jurors, process excuses and postponements, and provide panels to superior, district, and/or municipal courts. District and municipal courts may be provided with the master jury source list by the county clerk, but perform all other jury management functions themselves. It is the court's responsibility to ensure that jury management practices comply with statute and court rule. Therefore, it should be noted that this measure is auditing the court, not the county clerk. However, when jury services are managed by the county clerk, it will be important to encourage the county clerk's participation and input.

An interview will most likely be conducted with the person most directly responsible for jury administration. This may be the County Clerk, the Court Administrator, or the Jury Administrator. Audit staff completes the measure's Jury Management Information Sheet and the Audit Guidelines. The Information Sheet questions are designed to provide background information which describe the court's jury management practices and provide context for the report. The Guidelines are made up of a series of questions designed to examine whether the court is meeting each of the measure's standards.

Finally, an interview will be conducted with at least the presiding judge and/or court administrator to review the results of the audit and to identify risk and protective factors associated with the court's ability to efficiently manage jurors and to comply with juror statutes and court rules. Detailed methodology is described in the Standard Procedure section of this chapter.

Measure at a Glance

Description

This measure examines the activities of trial courts to determine whether juror management practices comply with statute and court rule.

Standards

- A. The length of the jury term and juror service must be within the limits established in statute.
- B. Potential jurors must be selected at random from the master jury source list.
- C. Excuses and deferrals should be effectively managed to promote broad citizen participation and to maximize juror yield.

Areas Measured

Efficiency

Measurement Type

Objective

Audit Instruments

- *Audit Guidelines*
- *Jury Management Information Sheet*

From: Elliott, David
Sent: Friday, January 04, 2013 12:38 PM
To: Elliott, David
Cc: Judge Jean Rietschel; Quinn-Brintnall, Judge Christine; Marler, Dirk; Clark, Colleen; Flynn, Beth
Subject: Follow up to BJA meeting question
Attachments: Measure at a Glance casflow.docx; Auditor's Guide Approved by BPC.doc

Honorable Judges and Justice,

During the December 14 BJA meeting presentation on best practices several questions were asked about the measure related to superior court case flow. Specifically, questions centered on “clearance rates” and how to measure the rate of outgoing cases to incoming cases and the 99 percent standard. The rate is averaged over a five year period, this accommodates the ebbs and flows of the system by looking at the bigger picture and hopefully answers the question, “is the court keeping up with the caseload?”

See below for an example measurement.

Sample Clearance Rate data (based on a superior court’s filings and resolutions between 2005 and 2009):

Criminal Clearance Rate					
Year	2005	2006	2007	2008	2009
Filed Cases	2,482	2,377	2,244	2,313	1,980
+ Activated Cases	1,097	1,192	1,202	1,009	923
= Total Incoming Cases	3,579	3,569	3,446	3,322	2,903
Resolved Cases	2,379	2,415	2,474	2,260	2,283
+ Suspended Cases	1,138	1,144	1,189	969	818
= Total Outgoing Cases	3,517	3,559	3,663	3,229	3,101
Clearance Rate *	98%	100%	106%	97%	107%
5-Year Average	102%				

I have attached two documents; the first is an updated “Measure at a glance” that clarifies the five year average. The second is the more detailed “Auditor’s Guide” in which I have highlighted the instructions to be used by a future auditor.

During the meeting concern was raised about preparation and training for presiding judges and staff prior to implementation of any audits. The agency is committed to providing training and notice prior to implementing any new audit program. I have included an excerpt from the Performance Audit Manual concerning when an audit may occur:

When an Audit May Be Conducted

Upon Request of the Presiding Judge

A performance audit may be initiated upon the request of the presiding judge of an individual court. The audit shall include the base measures for the jurisdictional level and such other areas as may be specifically requested by the Presiding Judge of the Court. All such requests shall

be made in writing directed to the Chair of the Best Practices Committee.

Upon Direction of the Board for Judicial Administration

A performance audit of an individual court may be initiated by motion of the Board for Judicial Administration. The audit shall include the base measures for the jurisdictional level and such other areas as may be specifically identified in the motion to initiate the performance audit. No motion may be considered unless the presiding judge of the court has been notified in writing of the motion to initiate the performance audit and has been provided a copy of this policy and the Washington State Court Performance Audit Guidelines at least thirty (30) days prior to the meeting at which such proposed motion is to be considered.

Please let me know if you have any other questions or concerns.

Thanks,

David M. Elliott, Senior Court Researcher, Washington State Center for Court Research
Administrative Office of the Courts--1206 Quince Street SE--Olympia, WA 98504-1170
360-705-5229--david.elliott@courts.wa.gov--<http://www.courts.wa.gov/wscctr/>

Clearance Rate and Time to Resolution Measure Superior Courts

Description

This measure reviews the court's case management practices. It examines two related areas: Clearance Rate and Time to Resolution.

Standards

Every court should meet the following minimum standards (as detailed in the accompanying audit guidelines):

- A. Clearance Rate: The rate of outgoing cases to incoming cases should be at least ninety-nine percent.
- B. Time to Resolution: Ninety percent of cases should be resolved within the maximum time standards recommended by the Board for Judicial Administration.

Methodology

Before the audit, AOC staff will run SCOMIS Caseflow Summary Reports for the prior five years. Data from the reports are then entered into the Superior Court Time Standards spreadsheet to calculate the average clearance rate. Staff will also enter time standard data from the Caseloads of the Courts of Washington for the prior five years. Results showing the number of new case filings, clearance rates, and adherence to time standards for criminal, civil, and juvenile offender cases are graphed and copied into the audit report as well as the ratio of active pending to resolved cases—an indicator of the court's case backlog.

An interview is then conducted with the Superior Court Administrator and/or the Presiding Judge. With their input, AOC staff complete the measure's Caseflow Management Information Sheet and the Audit Guidelines. The Information Sheet questions are designed to provide background information which describes the court's case management practices and to provide context for the report. The audit guidelines are designed to evaluate the court based on the standards listed above. Each section relates to a standard. Standards are met if courts are within the specified ranges. For some items, additional information in blue text is provided to aid the auditor. The auditor should obtain copies of any written court policies and procedures related to each standard.

Audit Guidelines
Clearance Rates and Time to Resolution Standards

Clearance Rate

Clearance Rate measures whether a court is keeping up with its incoming caseload.

Standard A: The rate of outgoing cases to incoming cases should be at least ninety-nine percent.

Court meets standard if the clearance rate for the prior five calendar years averages at least ninety-nine percent for criminal, civil, and juvenile offender case types.¹

1. What is the court's average clearance rate for each of the following case types over the prior five calendar years?

		Meets Standard?
Criminal	_____ %	<input type="checkbox"/> Yes <input type="checkbox"/> No
Civil	_____ %	<input type="checkbox"/> Yes <input type="checkbox"/> No
Juvenile Offender	_____ %	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments:

Audit staff should run the SCOMIS "Caseflow Summary Report" (one report for each year) to calculate the clearance rates for criminal, civil, and juvenile offender cases. Use only the data in the Active Pending Resolution section at the top of the report. Plot the results in the "Superior Time Standards" spreadsheet. See samples below.

¹ These case types have been chosen for the audit because formal advisory case-processing time standards exist for each (superior courts only), and there is a high level of confidence in the consistency of procedures and data entry practices among counties making comparison appropriate.

Sample Clearance Rate data (based on a superior court's filings and resolutions between 2005 and 2009):

Criminal Clearance Rate					
Year	2005	2006	2007	2008	2009
Filed Cases	2,482	2,377	2,244	2,313	1,980
+ Activated Cases	1,097	1,192	1,202	1,009	923
= Total Incoming Cases	3,579	3,569	3,446	3,322	2,903

Resolved Cases	2,379	2,415	2,474	2,260	2,283
+ Suspended Cases	1,138	1,144	1,189	969	818
= Total Outgoing Cases	3,517	3,559	3,663	3,229	3,101

Clearance Rate *	98%	100%	106%	97%	107%
5-Year Average	102%				

Civil Clearance Rate					
Year	2005	2006	2007	2008	2009
Filed Cases	6,099	6,094	6,256	6,864	6,892
+ Activated Cases	178	187	203	163	148
= Total Incoming Cases	6,277	6,281	6,459	7,127	7,040

Resolved Cases	6,122	6,279	6,280	6,970	6,657
+ Suspended Cases	189	197	183	160	171
= Total Outgoing Cases	6,311	6,476	6,463	7,130	6,828

Clearance Rate *	101%	103%	100%	100%	97%
5-Year Average	100%				

Juvenile Offender Clearance Rate					
Year	2005	2006	2007	2008	2009
Filed Cases	1,124	1,152	1,172	1,181	1,072
+ Activated Cases	173	197	255	229	200
= Total Incoming Cases	1,297	1,349	1,427	1,410	1,272

Resolved Cases	1,100	1,169	1,182	1,112	1,125
+ Suspended Cases	180	182	214	200	162
= Total Outgoing Cases	1,280	1,351	1,396	1,312	1,287

Clearance Rate *	99%	100%	98%	93%	101%
5-Year Average	98%				

*Clearance Rate = Total Outgoing Cases divided by Total Incoming Cases

Time to Resolution

Time to Resolution measures the length of time it takes a court to process each case.

Standard B: Ninety percent of cases should be resolved within the maximum time standards recommended by the Board for Judicial Administration.

Court meets standard if an average of ninety percent of criminal, civil, and juvenile offender cases were resolved within the following time standards over the prior five calendar years:

BJA Advisory Time Standards	
Criminal	9 months
Civil	24 months
Juvenile Offender	9 months

1. What is the court's average resolution rate for each of the following case types over the prior five calendar years?

		Meets Standard?
Criminal	_____%	<input type="checkbox"/> Yes <input type="checkbox"/> No
Civil	_____%	<input type="checkbox"/> Yes <input type="checkbox"/> No
Juvenile Offender	_____%	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments:

Audit staff should use the Case Management Statistics published on the Washington Courts web site in the Case Management Table section of the Annual Caseload Report. Graph the percentage of cases resolved within the maximum (100%) time standard by case type (criminal, civil, and juvenile offender) for each year over the past five years. See samples below.

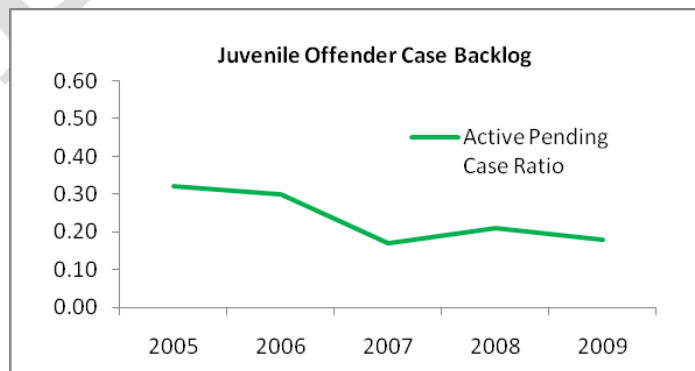
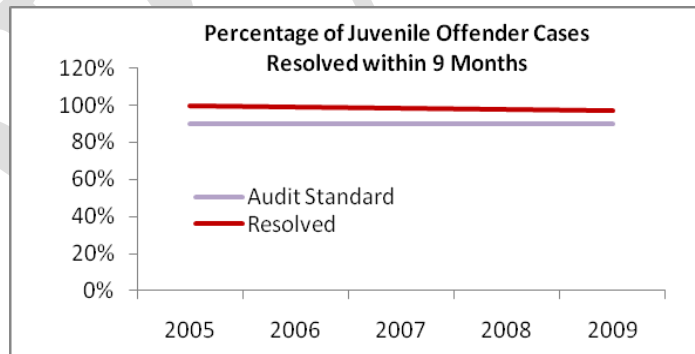
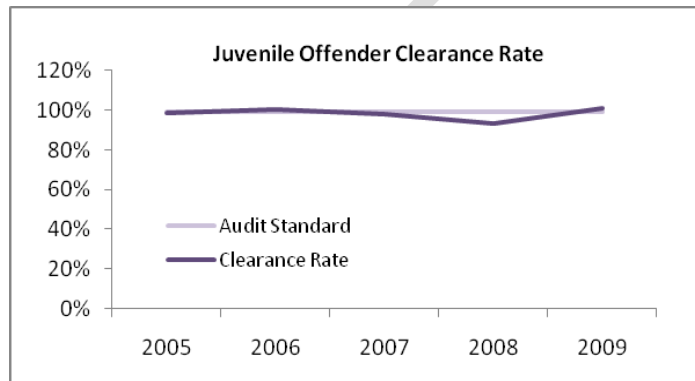
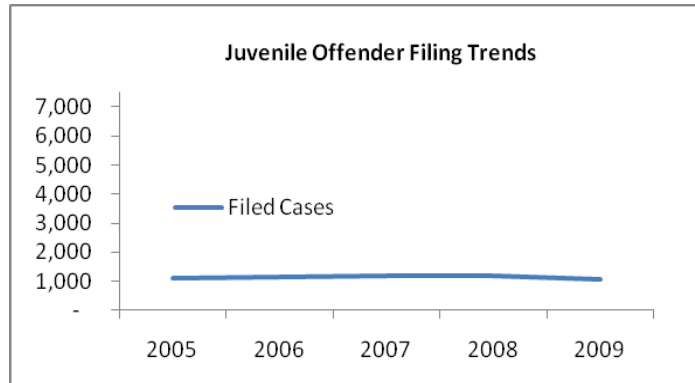
Sample Time to Resolution data (based on a superior court's resolutions between 2005 and 2009).

		2005	2006	2007	2008	2009	5-Yr Avg
Criminal	9 months	99%	99%	98%	98%	97%	98%
Civil	24 months	97%	96%	98%	98%	99%	98%
Juvenile Offender	9 months	99%	99%	98%	98%	97%	98%

DRAFT

Sample Graphs

These graphs are included at the end of the Caseload Management section of the Audit Report.



Clearance Rate and Time to Resolution

Objectives, Scope and Methodology

Courts should make every effort to implement the fundamental elements of Caseflow management:

- Judicial commitment and leadership
- Court consultation with the Bar
- Court supervision of case processing
- Standards and goals
- A monitoring and information system
- Scheduling for credible trial dates
- Court control of continuations

To ensure equitable and timely access to justice, it is important that the court maintains high case clearance rates and that the majority of cases are resolved within the time standards recommended by the Board for Judicial Administration.

This measure may be implemented in superior courts.

Before the court visit, AOC staff will run SCOMIS Caseflow Summary Reports for the prior five years. Data from the reports will be entered into a spreadsheet to calculate the five-year average clearance rate. Staff will also enter time standard data from the Caseloads of the Courts of Washington for the prior five years. Results showing the number of new case filings, clearance rates, and adherence to time standards for criminal, civil, and juvenile offender cases will be graphed and copied into the audit report as well as the ratio of active pending to resolved cases—an indicator of the court's case backlog.

An interview will be conducted with the Superior Court Administrator and/or the Presiding Judge. The County Clerk could also be included. With their input, AOC staff will complete the measure's Caseflow Management Information Sheet and the Audit Guidelines. The Information Sheet questions are designed to provide background information which describes the court's case management practices and to provide context for the report. The Guidelines are designed to examine whether the court is meeting each of the measure's standards. The resulting report will be sent to the Court Administrator and Presiding Judge for review.

Measure at a Glance

Description

Examination of the court's caseflow management practices.

Standards

- A. Clearance Rate: The rate of outgoing cases to incoming cases should be at least ninety-nine percent.
- B. Time to Resolution: Ninety percent of cases should be resolved within the maximum time standards recommended by the Board for Judicial Administration.

Areas Measured

Efficiency
Accountability
Access

Measurement Type

Objective

Audit Instruments

- Audit Guidelines
- Caseflow Management Information Sheet
- Instructions on how to run and print a SCOMIS Caseflow Summary Report
- Superior Court Time Standards Spreadsheet

Tab 3

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

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

Nominee Name: Mary Logan

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

Term Begin Date: Immediately

Term End Date: December 31, 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 Logan is nominated to complete the remainder of Judge Burns' term which ends 12/31/2013.

Please send completed form to:

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

Tab 4

News»Flash



An Update on the Work of the WSBA Board of Governors

The Washington State Bar Association's mission is to serve the public and the members of the Bar, ensure the integrity of the profession, and to champion justice.

Volume XV • Number 8

News Flash

The Board of Governors met Nov. 16-17, 2012. For information on this or past Board meetings, please contact Margaret Shane at margarets@wsba.org.

Words from the President

President **Michele Radosevich** (Seattle) conducted her first meeting as WSBA's 2012-2013 president, welcoming the BOG and guests to Seattle. She informed the Board that she would be providing them weekly updates to help keep them informed of her actions each week. President Radosevich also mentioned WSBA's new blog, [NWsidebar](#), encouraging others to make use of this new resource, and letting them know she'll be sharing her updates on the blog as well.

Updates from the Executive Director

Executive Director **Paula Littlewood** shared materials indicating steady growth and usage of Job Target, WSBA's new online [Career Center](#) that allows employers to post job openings and job seekers to find employment. Two more career services will be added in the future. The first will be housed in MyWSBA.org and create a place to match those looking for contract work with those offering contract work. The second new service, referred to as "Practice Transition Opportunities," will provide opportunities to match up attorneys transitioning out of practice with newer attorneys entering the practice, with the goal of helping to facilitate mentoring, contract work and potential sales of practices.

Littlewood also reported on the [Moderate Means Program](#). It continues to remain strong and is experiencing growth.

Budget Update

It was reported by Gov. **Phil Buri** (Bellingham), treasurer, and **Ann Holmes**, COO that WSBA is in the process of closing the books for FY12. It is projected that the organization will net at least \$1.2 million at year's end. This is a result of receiving more revenues than anticipated from license fees, pro hac vice fees, regulatory services, advertising and investments, while maintaining lower expenses than predicted, including some savings from unfilled open positions. The auditors began their work after Thanksgiving and an audited financial statement will be presented to the Board in January.

Update from the Escalating Cost of Civil Legal Litigation Task Force

Russ Aoki, chair of the task force, provided an update on the task force's work, which began last year. The goal of the task force is to assess the current cost of civil litigation in Washington state courts and make recommendations on controlling those costs. There are five sub-committees conducting research that includes collecting empirical evidence, evaluating literature, examining the federal and state court systems, and conducting practice reviews. The ECCL Task Force anticipates having the subcommittee reports completed in 2013, with a final report to the Board to follow.

Foundation Presents Annual Report

Judy Massong (Seattle), president of the Washington State Bar Foundation, presented the Foundation's annual report. She expressed gratitude for the support received by the Foundation that allows them to support bar programs that promote diversity as well as access to justice. She noted that the Foundation now has the ability to fundraise through a checkoff that is available on all members' license forms.

Local Rules Task Force Extended

The Local Rules Task Force, initially created in 2006, was given the task of reviewing local rules; the impact of local rules on courts, litigants and the trial bar; and possible means to mitigate the detrimental effects of the ever-increasing number of local rules. The LRTF presented its initial report to the BOG in December 2008 that also included a draft set of Family Law Civil Rules (FLCR). In January 2009, the BOG accepted Court Rules & Procedures' offer to have an ad-hoc group from the Committee review and scrub the draft FLCR. In July 2009, the Board approved the LRTF's proposed FLCRs for submission to the Supreme Court. The FLCRs were published for comment, but received opposition from the SCJA. The Task Force then worked extensively with the SCJA to reach resolution on the revised rules. The BOG approved the Revised FLCR for submission to the Court on April 8, 2012, which ordered the Revised FLCR published for comment with a comment period expiring April 30, 2013. Given the comment period, the BOG voted to extend the task force's charter for two more years to allow them to respond to comments and to continue reaching out to the remaining counties that have not requested task force assistance.

Board Votes on Suggested Amendments to MCLE Rules and Regulations

The revised MCLE rules and regulation amendments were passed by the Board at its November meeting. They were the product of two former meetings. The rules have now been submitted to the Supreme Court and will go

through an extensive review process, including posting the amendments for comment. There are a few substantive changes to the rules. Highlights of these changes include:

- The creation of a new category of credits called "development" credits. Up to six credits per reporting period can be earned for topics including work/life balance, stress reduction, career development, how to increase profits, planning for giving post-retirement pro bono service, and CLE presentation skill development.
- The creation of a new category of credits called "leadership" credits. Up to six credits per reporting period can be earned for topics that enhance leadership skills and enhance the leadership performance of lawyers.
- Pro bono training credit and service credit periods were changed from an annual basis to a reporting period basis. The number of credits that can be earned for pro bono was increased to 25.5, of which three need to be pro bono training. Service credits will count as self-study credits.
- Credit for law school competition judging will be self-study credits.

Read more about the proposed amendments on the [WSBA website](#).

WLI Presents Community Service Project

Members from the 2012 class of the Washington Leadership Institute (WLI) reported on their community service project (CSP), which is a requirement of the program. The 2012 CSP is entitled "[Mentorship Program Guide: For Mentors and Young Attorneys.](#)" The goal of the guide is to provide a template for a program that creates opportunities for experienced attorneys to provide professional guidance and practical knowledge to new attorneys. The tools provided include a program guide, a mentoring plan, and resources for program participants. All resources can be found at www.thementoringlawyer.org. On Oct. 1, 2012, the WLI became a partnership between WSBA

and the [University of Washington School of Law](#), where it is now housed.

Board Approves Legislative Committee Proposals

The WSBA Legislative Committee presented three legislative proposals as WSBA-request legislation in the upcoming 2013 legislative session. They are:

- 1) A bill that makes technical changes and other updates to the Washington Trust Act.
- 2) A bill that addresses dissenters' rights under the Washington Business Corporation Act.
- 3) A returning bill from 2012 that requires institutions of higher education to provide an opportunity to make up missed exams/classes for reservist students who are called to active or inactive duty. Minor modifications were made to the original proposal.

The Board voted that WSBA sponsor all three bills in the upcoming legislative session.

LLLT Board Nominees Approved by Board, Submitted to Supreme Court

The LLLT Nominating Committee, chaired by President-elect **Patrick Palace** (Tacoma) presented a slate of 21 applicants they recommended to be sent to the Supreme Court for final approval. Per the Court's request, the committee also included eight additional applicants for consideration. A total of 69 applications were reviewed. The committee sought balance in its recommendations that included diversity, practice, geography, gender and skills.

It is expected that the Supreme Court will soon announce the appointments. You can find more information on the Limited License Legal Technician Rule on the [WSBA website](#).

Upcoming Events

For a complete listing of events, go to the Calendar of Events on the [WSBA homepage](#).

January/February

WSBA CLE – [Making Your Case with a Better Memory](#), featuring Paul Mellor – Jan. 10

WSBA CLE – [Advanced Issues in the Law of Nonprofit Organizations](#) – Jan. 15

Board of Governors' meeting – Jan. 17-18, Olympia

Latina/o Bar Association of Washington's 21st [Annual Awards Gala](#), Jan. 18, Seattle

[Open Section Night](#) – Jan. 23, Seattle

27th Annual [Goldmark Award Luncheon](#), Feb. 15, Seattle