



**Board for Judicial Administration (BJA) Meeting**  
**Friday, May 17, 2013 (9:00 a.m. – 11:00 a.m.)**  
AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

**MEETING MINUTES**

**BJA Members Present:**

Chief Justice Barbara Madsen, Chair  
Judge Chris Wickham, Member Chair  
Judge Sara Derr  
Ms. Callie Dietz  
Judge Stephen Dwyer (by phone)  
Judge Deborah Fleck  
Judge Janet Garrow  
Judge Jill Johanson (by phone)  
Judge Kevin Korsmo (by phone)  
Judge Linda Krese  
Ms. Paula Littlewood  
Ms. Michele Radosevich  
Judge Jeffrey Ramsdell  
Judge James Riehl  
Judge Kevin Ringus  
Judge Ann Schindler (by phone)  
Judge Charles Snyder  
Judge Scott Sparks

**Guests Present:**

Mr. Jim Bamberger  
Ms. Ishbel Dickens  
Mr. Pat Escamilla (by phone)  
Ms. LaTricia Kinlow  
Ms. Sonya Kraski (by phone)  
Ms. Sophia Byrd McSherry  
Ms. Joanne Moore

**Public Present:**

Mr. Christopher Hupy  
Mr. Mark Mahnkey  
Mr. Arthur West

**AOC Staff Present:**

Ms. Vonnie Diseth  
Ms. Beth Flynn  
Mr. Steve Henley  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Mr. Ramsey Radwan

Judge Wickham called the meeting to order.

April 19 BJA Meeting Minutes

**It was moved by Judge Ringus and seconded by Judge Riehl to approve the April 19 BJA meeting minutes. The motion carried.**

BJA Member Terms of Office

Ms. McAleenan stated that over the last few weeks questions have come up regarding when members start and end their terms. In 2010 there was a change to the BJA terms to enable more judges to be eligible to be Member Chair. BJA staff have been approaching it as July 1 to June 30 but the rule is unclear.

There is also confusion about the stagger dates. The rule book lists the date correctly but the online rule contains an incorrect date. In addition, the document being used to create the stagger in the first place has conflicting information. The District and Municipal Court Judges' Association (DMCJA) has appointed their two members with two-year terms according to the dates in the rule. The Superior Court Judges' Association (SCJA) has also appointed their two

members with two-year terms but it appears they used the dates included in the explanatory document rather than the dates listed in the rule. From a practical point, it seems to have worked out just fine. Technically, the rule doesn't comport with actual practice but actual practice has already happened and would need to be retroactive if any changes were made.

The rule doesn't list the Washington State Bar Association (WSBA) term begin and end dates and could be corrected if the BJA chooses to do so. It could be changed now or later.

In recent history, at least going back to 2005, the BJA has nominated the BJA Member Chair in May and voted on it in June.

Judge Wickham said that if the BJA accepts the reference to June in the rule as a scrivener's error, and it should actually be July 1, the BJA can solve that problem this morning and at least get some resolution as to when member terms end in the next two months.

Judge Riehl stated that the second week of June is when the DMCJA meets for their conference. He looked at the DMCJA Bylaws, and they indicate that the BJA representative begins his/her term on June 1 or at the end of the spring conference after the member is elected to serve on the BJA. He feels compelled to follow the DMCJA Bylaws. He believes that his successor will be at the June meeting and this is his last meeting. He was appointed by the DMCJA Bylaws and feels compelled to follow them.

**It was moved by Judge Snyder and seconded by Judge Sparks to seek an amendment to BJAR 2 so it states July 1. For those elected in 2014 and thereafter all BJA members' terms will start July 1. The motion carried.**

**It was moved by Judge Derr and seconded by Judge Ringus to have any present member terms comport with the July 1 date this year and in the future. After discussion, Judge Derr withdrew the motion.**

Judge Fleck stated that the rule is written in a confusing way in many respects, partly because of the language added in 2010. Before that language it made sense. June 1 was the original language and it wasn't a scrivener's error. To the extent the BJA can follow the rule, it should be followed.

Chief Justice Madsen said it does not make sense at this point to change anything. It makes more sense to suspend the rule for now so Judge Wickham will continue to be Member Chair until there is a new Member Chair.

Judge Riehl wants to make it clear that for purposes of the June meeting, he will follow the DMCJA Bylaws and his replacement needs to be a representative who can vote during the June meeting.

Judge Snyder said he would like to keep it how it has been going because it will change as of next month's meeting and the new folks come on next month. The SCJA Bylaws do not say when the BJA representative terms begin and end so they do not have that conflict. The SCJA can just tell the new BJA members that their terms start July 1. Judge Snyder will have the SCJA take this up at their June Board meeting.

### GR 31.1 Implementation Work Group

Chief Justice Madsen reported that the Supreme Court made some changes to GR 31.1 and it is back out for comment. The GR 31.1 Implementation Work Group charter was presented at the last BJA meeting, has been revised, and is back on the agenda for action. Chief Justice Madsen contacted Judge Marlin Appelwick and asked him if he would become involved with the Implementation Committee. He will not lead the effort but he did share some thoughts. He thinks the Implementation Committee should be staged with a Core Work Group comprised of mostly administrators and their recommendations should be peer-reviewed by judges, prosecuting attorneys, an assistant attorney general and others that have knowledge of case law and records access statutes. The hope is to get this process underway soon so everyone is prepared when GR 31.1 becomes effective.

Mr. Radwan stated that the major changes to the charter between this month and last month are the addition of a prosecuting attorney and assistant attorney general to the Executive Oversight Committee and the addition of an external review committee. It is anticipated that the Core Workgroup, comprised of practitioners such as court administrators and state public records officers would give their recommendations to the Implementation Executive Oversight Committee for review and revision. The Implementation Executive Oversight Committee would send their recommendations to the BJA Implementation Oversight Group. That Group would be comprised of three members of the BJA and they would review and revise the recommendations and send them to the full BJA for approval.

It is anticipated that the final product will include guidelines, templates, suggested trainings, a training manual, a model public records policy to be used at the courts and in the judicial branch, a response template, etc.

**Judge Fleck moved and Judge Derr seconded to adopt this procedure as presented. The motion carried.**

### Budget Update

Mr. Radwan reported that the Legislature is in town and working behind the scenes to develop a budget. The Governor wants to participate but the five corners are asking him to let them work on their own. Mr. Radwan does not know if there have been any compromises yet and June 11 is the last day of the special session. AOC staff have been meeting with legislators regarding the budget. When something happens with the budget Mr. Radwan will let everyone know.

Ms. McAleenan heard yesterday that they are researching what happens if they don't have a budget by the start of the next biennium.

### Judicial Information System Update

Ms. Diseth stated that the Superior Court Case Management System (SC-CMS) contract negotiations took place over three days in April with the vendor Tyler. Tyler staff met with AOC technical staff regarding integration and also discussed hardware requirements. All of the discussions went very well. The next face-to-face meeting with Tyler will be in late May. Contract negotiations are expected to end in June. A recommendation will be made to the Judicial Information System Committee (JISC) in late June. Once the JISC approves the

contract, they will update the project charter and choose a pilot court. A lot of different counties would like to have that opportunity.

The Appellate Court Electronic Content Management System (AC ECMS) project is running on a similar track as the SC-CMS project. The JISC voted in April to move forward with contract negotiations with a vendor and the negotiations will end in June and be sent to the JISC in late June for approval. This project will replace the current JISC program, ACORDS. Implementation will first occur in the Supreme Court and in Division II.

The Superior Court Data Exchange was built to eliminate dual data entry. There are 66 web services that have been developed. All of them are expected to be available in July. Pierce County is in the process of testing the web services.

The courts of limited jurisdiction have requested a new case management system (CMS). The AOC has been in discussions with the DMCJA and the District and Municipal Court Management Association (DMCMA) and they have signed a letter stating they want a commercial, off-the-shelf (COTS) product. Because of that, they agreed to forego a feasibility study. Members of the courts of limited jurisdiction are on the SC-CMS Steering Committee and have been participating in that process and are well aware of all the capabilities of a COTS system. In addition, spending a year on the feasibility study would delay the project.

A hotline was established in response to the recent security breach on the AOC Web site. So far 2,700 people have called to determine if their information was compromised. In addition, a letter was sent offering credit monitoring to the people who we know had their social security number accessed. The AOC has taken action to strengthen Web site security. Many of the security upgrades have already been implemented. A state-of-the-art firewall was installed and AOC is in the process of hiring an independent security firm via an RFQQ process to look at AOC's security policies and practices and to help update and upgrade AOC's security plan. The RFQQ responses are due on May 22. The AOC is also working with Washington State's Consolidated Technology Services (CTS) and their technical staff will be on the team to select a security firm. The AOC has also been meeting with Ms. Agnes Kirk of CTS and Michael Cockrill, the Washington State Chief Information Officer, regarding improving the AOC security plan. Some security changes might already be noticeable to people using the Washington Courts Web site and there will be more changes in the future.

#### Legislative Update

Ms. McAleenan reported that the regular session ended on April 28. She noted that the document right before Tab 3 contains information regarding judicial elections. The bills have been signed by the Governor and will become law. Some counties may believe that these laws do not apply to them due to a provision in the Constitution. Ms. McAleenan understands that the Secretary of State believes the bills do apply. Those with questions should conduct further analysis.

The only thing that could be an issue during the special session is the DUI legislation that has been introduced.

### BJA Member Chair

The 2013-15 Member Chair will be a BJA member from the DMCJA.

**It was moved by Judge Derr and seconded by Judge Krese to nominate Judge Ringus as the 2013-15 BJA Member Chair.**

This will be voted on at the June meeting.

### BJA Structure Workgroup Recommendations

The meeting materials contain a letter from Mr. Jeff Amram of the Association of Washington Superior Court Administrators (AWSCA) requesting that an AWSCA member be a member (voting or non-voting) of the restructured BJA.

Also included in the materials is a letter from Judge Sparks regarding a request by the BJA Committee Unification Workgroup to add a BJA Education Committee as a fourth BJA standing committee. The BJA Structure Workgroup is supportive of including the fourth standing committee.

There were some revisions to the BJA Structure Workgroup recommendations. One was regarding the number of BJA members. As it currently stands there will be four members from the SCJA, DMCJA and appellate courts, including the Chief Justice for a total of 12. The Chief Justice will be a voting member. By reducing the total appellate membership to four, having the Chief Justice vote seemed necessary.

The meetings will be all day and there will be some time for deliberation. It will be up to the group as to how they want to proceed. The executive committee will include the two co-chairs and the chairs of the standing committees.

The standing committees have the intention to have the BJA members working on particular issues year-round so that when they bring a proposal to the BJA it will be vetted by groups around the state. The BJA Structure Workgroup would like to have more time for the BJA to deliberate before voting. The committees will have members of the BJA working on issues and being able to drill down deeper. Chief Justice Madsen added that the BJA needs more time to exercise the investigation, understanding, and, ultimately, the configuration of things like the budget, legislative approach, and plan for the future. In order to be effective the BJA has to understand the big picture, priorities, and staffing. The BJA does not currently have the time or structure to do that. The proposed structure gives the BJA the ability to do that.

Chief Justice Madsen would like the BJA to give this a chance. It gives the BJA a vehicle to enhance the role of the BJA and gives the BJA the structure to move forward.

The intent is to present this recommendation at the June BJA meeting and send it out to the judges for their consideration.

Other Business

Judge Wickham thanked Judge Derr and Judge Riehl for their service on the BJA. Judge Wickham worked with Judge Riehl on the Gender and Justice Commission and he had no idea of Judge Riehl's BJA history until he was recently appointed to the BJA. He remembers meeting Judge Derr at a conference in Florida and he really appreciates her practical nature and willingness to take on hard issues.

Chief Justice Madsen said she hopes Judge Fleck and Judge Wickham will be at the June meeting so they can be properly thanked for everything they have contributed to the BJA.

**Recap of Motions from May 17, 2013 meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the April 19, 2013 BJA meeting minutes	Passed
Amend BJAR 2 to state that member terms begin on July 1	Passed
Have any present member terms comport with the July 1 date this year and in the future	Withdrawn
Approve the GR 31.1 Work Group and charter	Passed
Nominated Judge Ringus as the BJA Member Chair	Will vote on in June

**Action Items from the May 17, 2013 meeting**

<b>Action Item</b>	<b>Status</b>
<u>April 19, 2013 BJA Meeting Minutes</u>	
<ul style="list-style-type: none"> <li>• Post the minutes online</li> <li>• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials</li> </ul>	<p>Done</p> <p>Done</p>
<u>GR 31.1 Implementation Work Group</u>	
<ul style="list-style-type: none"> <li>• Move forward on this</li> </ul>	
<u>BJA Member Chair</u>	
<ul style="list-style-type: none"> <li>• Add to June BJA meeting agenda</li> </ul>	Done