



## Board for Judicial Administration (BJA) Meeting

Friday, February 19, 2016 (9 a.m. – Noon)  
AOC Office, 1112 Quince Street SE, Olympia

### MEETING MINUTES

#### **BJA Members Present:**

Chief Justice Barbara Madsen, Chair  
Judge Scott Sparks, Member Chair  
Judge Bryan Chushcoff  
Judge Harold Clarke III  
Judge Scott Collier  
Ms. Callie Dietz  
Judge Michael Downes  
Judge Janet Garrow  
Mr. William Hyslop  
Judge Judy Rae Jasprica  
Judge Michael Lambo  
Judge J. Robert Leach (by phone)  
Judge G. Scott Marinella  
Judge Sean Patrick O'Donnell  
Judge Kevin Ringus  
Judge Ann Schindler (by phone)

#### **Guests Present:**

Mr. Jim Bamberger  
Ms. Karen Campbell  
Ms. Ruth Gordon  
Mr. Dennis Rabidou  
Ms. Paulette Revoir  
Commissioner Tony Rugel  
Mr. Paul Sherfey (by phone)

#### **Public Present:**

Dr. Page Carter

#### **AOC Staff Present:**

Ms. Shirley Bondon  
Ms. Misty Butler  
Ms. Beth Flynn  
Mr. Steve Henley  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Mr. Ramsey Radwan

Judge Sparks called the meeting to order.

#### December 18, 2015 Meeting Minutes

**It was moved by Judge Garrow and seconded by Judge Chushcoff to approve the December 18 Board for Judicial Administration (BJA) meeting minutes. The motion carried.**

#### Administrative Manager Update

Ms. Butler reported that Ms. Colleen Clark, BJA bookkeeper, gave notice that she is ready to step down from that position at the end of February. Ms. Jan Nutting, another AOC staff person, indicated her interest, experience and references in writing and the BJA Co-chairs and Administrative Manager agreed to offer her the position. They also decided it was a good time to look at compensation for the bookkeeper and agreed to raise the monthly payment from \$50, which it has been for at least 20 years, to \$100.

The BJA's account was recently audited and there were a few recommended changes. Ms. Butler will report back to the BJA regarding the audit in March. There was nothing remarkable found during the audit but there are a few recommendations to address.

It was suggested that the bookkeeper be paid hourly or at least she should track her time monthly to make sure she is being properly compensated.

**It was moved by Judge Garrow and seconded by Judge Lambo to refer the BJA bookkeeper compensation question to the BJA Budget and Funding Committee. The motion carried.**

In the meantime, Ms. Butler will move forward with paying the new BJA bookkeeper \$100 per month.

### Civil Legal Needs Study

Mr. Bamberger, from the Office of Civil Legal Aid (OCLA), stated that the final Civil Legal Needs Study Update was included in the meeting materials. The survey was undertaken in the fall and winter of 2014/2015 and analysis was completed in the spring of 2015. The final report was issued in late fall 2015.

The initial 2003 survey was conducted face-to-face with 1,800 people. The 2014 survey was sent to 15,000 households that were identified by their poverty or minority status. The participation rate was geographically and demographically represented.

The most recent survey found that 7 of 10 low-income Washington households face at least one significant civil legal problem each year. The average number of problems is rising. The most common problems are health care, consumer/finance and employment. Victims of domestic violence and sexual assault experience much higher rates of legal problems.

The Minority and Justice Commission asked OCLA to take a deep look at race in the survey results. They found that if you are Native American or African American you have a substantially higher prevalence of legal problems. They also found that there are significant problems with discrimination and unfair treatment for particular issues. Mr. Bamberger was asked how discrimination and unfair treatment were determined and he stated that it is perception based. The survey respondent indicated a perception of discrimination and/or unfair treatment.

Survey respondents indicated a high rate of discrimination based on prior juvenile or criminal record and credit report information. Unfair treatment on the basis of credit history hits Native Americans and African Americans particularly hard.

The survey indicated 76% of the legal problems go unaddressed and 65% of the survey respondents did nothing to get legal help because they did not know there was a legal problem, they did not have money for an attorney, or they did not know where to go for legal help. For those who did try to get some help, one-third were not able to get any legal help at all. Two-thirds got some help.

The recommended standard minimum access for civil legal aid attorneys is one attorney for every 5,000 people. Washington State does not even have half the attorneys needed. An additional 238 attorneys are needed to achieve minimum access.

Steps to take to improve civil legal access in Washington (which will cost \$25-\$30 million above the current biennial appropriation):

- Expand closing the legal literacy gap.
- Upgrade and expand pro bono services.
- Expand professional staff legal aid capacity.

Mr. Bamberger plans to start with a significant budget request during the 2017-19 budget cycle and will then request additional funding in the 2019-21 budget cycle.

Mr. Bamberger asked the BJA to embrace a resolution related to civil legal aid which will go through the BJA Policy and Planning Committee for review and recommendation. Hopefully, it will be on the March BJA agenda for discussion with a decision in May.

#### Northwest Justice Project Relicensing Program

Ms. Campbell, from the Northwest Justice Project (NJP), gave an overview of the services the NJP provides. They are a statewide legal aid provider and they take clients with incomes up to 200% of the federal poverty guidelines. They receive state and federal funds and focus on consumer, housing, family and public benefits law. Their main office is in Seattle and they have offices around the state. They also administer the CLEAR line. In addition, they provide specialized services for Native Americans, farmworkers, veterans and foreclosure.

The goal of the statewide relicensing program is to remove barriers to employment. The main barrier is unpaid tickets. Nearly 7% of the adult population in Washington were suspended for unpaid tickets. There are a number of social costs on the criminal justice system such as the costs of incarceration and pay for police officers. Looking at JIS data from Spokane County, this problem fell most heavily on racial and ethnic minorities. It has a disparate impact on minority populations.

Common barriers to relicensing are poverty and unemployment and dealing with collection agencies and fees/interest rates. The biggest barrier is having to work with multiple jurisdictions and each jurisdiction only having control over its own cases. NJP saw these barriers and thought about what they could do about them so they held relicensing summits in 2014. They decided that the way to solve the problem is through a statewide relicensing program which would consolidate all the cases into one system and people could make one, reasonable payment to take care of their fines.

Collection rates rise substantially with one reasonable payment. NJP put together a white paper regarding a statewide relicensing program and started meeting with stakeholders last summer and they created and filed request legislation. If there is a statewide program, they are hoping there will be a simple and direct method for suspended drivers to regain their license which will result in decreased costs and burdens of license suspension, and an increase in fine collections, leading to a decrease in unlicensed drivers.

### WINGS Program

Commissioner Rugel explained that the age wave is coming. The Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) group is to try to take care of some of the issues they see coming along and the changes will most likely be dramatic.

Washington received a WINGS grant for \$7,000 and received more than \$14,000 in matching funds.

With those funds they held a conference in Wenatchee and they have another conference coming up. They anticipated 75 attendees for the first conference and had to cut off registration at 205. The number of attendees exemplifies the need for a program like this in Washington. During the first conference, they created four committees to work on priorities. The committees are Legislative, Long-Range Planning, Information and Training, and Standards and Best Practice.

The second conference will be held March 17 and will focus on the priorities developed during the first conference and in the committees and will include decision-making. The priorities for each of the committees are listed in the meeting materials.

Commissioner Rugel reminded everyone that these problems will pertain to them in the future if they do not already. Guardianship issues will very much impact everyone. The WINGS Steering Committee is working to help courts prepare for the changes that will emerge as we all continue to age and live longer.

### State Budget Update

A letter from Chief Justice Madsen regarding the 2017-19 biennial budget was included in the meeting materials along with a budget timeline. Mr. Radwan explained that this year the BJA Budget and Funding Committee will prioritize the budget requests which are due in April. Mr. Radwan will work with the Trial Court Advocacy Board (TCAB) regarding their process of reviewing and prioritizing budget requests.

The revenue forecast came out with a 1% decrease in revenue. It most likely will not be increasing in the near future and Mr. Radwan hopes that it stays flat and does not decrease. There is a huge demand for funding and the branch needs to really consider what to fund. There will be a lot of pressure to fund things with general funds for the next biennium.

There was quite a bit of discussion regarding the BJA budget request process.

### Legislative Report

Ms. McAleenan reported that there was a fairly full room for the BJA legislative reception. Attendance was heavy on legislative staff in comparison to legislators themselves which was a result of competing events.

There is a new legislator in the 2<sup>nd</sup> District, Andrew Barkis. He was appointed to replace Representative Graham Hunt who resigned because of questions surrounding his service record.

It is the 40<sup>th</sup> day of the legislative session and 20 days remain. The first two-thirds of the session was spent on house of origin bills. There are opposite house policy committee hearings from now through Friday. There will be a lot of hearings next week although quite a few have been canceled because not that many bills passed through to the opposite house.

The court transcriptionist bill passed out of the House unanimously on cutoff day. The District and Municipal Court Judges' Association and Superior Court Judges' Association request bills are all moving forward.

#### Standing Committee Reports

**Budget and Funding Committee (BFC):** Judge Chushcoff stated that the BFC developed budget reduction criteria and included their proposal in the meeting materials. The criteria will guide the BFC in determining cuts to take in the event of a budget reduction. They are hoping the BJA will approve the criteria at next month's meeting and/or suggest revisions to the criteria. One suggested revision was to add a component of where this item falls in the priorities of the BJA or AOC or whatever organization is being impacted by the cuts.

The BFC is also considering the idea of having an executive committee to work on budget issues as they arise. The group would consist of representatives from all court levels.

**Court Education Committee (CEC):** Judge Jasprica reported that the CEC looked at judicial branch education across the state. Because of increasing expenses, the amount of education they can provide has gone down. They are trying to get more funding for education and they estimate they need about \$1 million for the biennium to restore essential programs and services. They have another budget package focusing on small and rural courts which would be a \$475,000 request.

They also submitted an SJI grant to develop a strategic plan for judicial education. They should hear back in the next few weeks regarding the grant for \$50,000. It is also tied into the budget request because the grant will allow the CEC to lay the groundwork for court education in Washington but without funds, they will not be able to put their plan into motion.

**Policy and Planning Committee (PPC):** Judge Garrow pointed out that the PPC report is included in the meeting materials. The PPC submitted a recommendation on the concept of judicial evaluations that was presented to the BJA by members of the Washington Chapter of the American Judicature Society. It was referred to the Policy and Planning Committee. The PPC discussed it twice and concluded that a branch-sponsored evaluation system is not something the BJA should endorse, and that the underlying goals of the proposed program could be advanced through other means. The committee appreciated very much the efforts of the judges who spent time on the proposal.

**It was moved by Judge O'Donnell and seconded by Judge Chushcoff to thank the group that brought the concept of judicial evaluations to the BJA and let them**

**know that the BJA decided not to pursue the concept internally. The motion carried.**

The PPC is working on their committee membership. Three of the current six positions rotate every year, creating challenges to continuity, and the expanding workload of the committee will require more members and wider diversity of perspective. The committee recommends adding the following members: a superior court judge, a district court judge, a member of the Court Management Council, the executive director of the Washington State Bar Association, and one at large public member. A proposed revision to the committee's charter was included in the meeting materials. The committee requests that the BJA approve the revisions during the March meeting.

The committee's Strategic Issue Management Initiative is in process. Five issue workgroups have been meeting and developing issue analyses and proposals. The committee hopes to have workgroup proposals in hand by the end of April to then bring recommendations to the BJA in May for BJA action in June.

The OCLA and WINGS proposed resolutions have been referred to the PPC and they will be discussing them during their meeting this afternoon.

SCJA Legislation Update

**It was moved by Judge Garrow and seconded by Judge O'Donnell to table this discussion until the next meeting. The motion carried.**

The BJA members were directed to Tab 9 in the meeting materials for the 2015 Court Management Council Annual Report for the BJA members' review.

There being no further business, the meeting was adjourned.

**Recap of Motions from the February 19, 2016 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the December 18, 2015 BJA meeting minutes.	Passed
Refer the BJA bookkeeper compensation question to the BJA Budget and Funding Committee.	Passed
Thank the group that brought the concept of judicial evaluations to the BJA and let them know that the BJA decided not to pursue the concept internally.	Passed
Table the Office of Superior Court next steps discussion until the March BJA meeting.	Passed

**Action Items from the February 19, 2016 Meeting**

<b>Action Item</b>	<b>Status</b>
<u>December 18, 2015 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>

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<b>Action Item</b>	<b>Status</b>
<u>BJA Policy and Planning Committee</u> <ul style="list-style-type: none"><li>• Draft and send letter to the group that brought the idea of judicial evaluations to the BJA</li><li>• Add the Policy and Planning Committee charter revision to March BJA meeting agenda</li></ul>	Done Done
<u>BJA Budget and Funding Committee</u> <ul style="list-style-type: none"><li>• Add budget reduction criteria to March BJA meeting agenda for action</li><li>• Refer the pay of the BJA bookkeeper to the BJA Budget and Funding Committee</li></ul>	Done Done
<u>Office of Superior Courts</u> <ul style="list-style-type: none"><li>• Add to March BJA meeting agenda</li></ul>	Done