



Board for Judicial Administration (BJA) Meeting

Friday, March 18, 2016 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Scott Sparks, Member Chair
Judge Thomas Bjorgen (by phone)
Judge Bryan Chushcoff
Judge Harold Clarke III
Judge Scott Collier
Judge Michael Downes
Judge Janet Garrow
Mr. William Hyslop
Judge Judy Rae Jasprica
Judge J. Robert Leach
Judge G. Scott Marinella
Judge Sean Patrick O'Donnell
Justice Susan Owens
Judge Kevin Ringus
Judge Laurel Siddoway
Judge David Steiner

Guests Present:

Ms. Linda Baker
Ms. Ruth Gordon (by phone)
Mr. Dennis Rabidou
Mr. Paul Sherfey (by phone)

Public Present:

Dr. Page Carter
Mr. Tom Goldsmith

AOC Staff Present:

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.

This is the last BJA meeting for the following judges: Judge Leach will be replaced by Judge Lisa Worswick; Judge Siddoway will be replaced by Judge George Fearing; Judge Bjorgen will be replaced by Judge Brad Maxa; and Judge Clarke will be replaced by Judge Downes. Judge Sparks recognized the judges for all of the work they have done and the time they have spent serving on the BJA. He also stated how much he appreciates the perspectives everyone brought to the BJA.

In recognition of Public Defense Day, Judge Sparks read a letter that will be sent to Ms. Joanne Moore, Director of the Office of Public Defense.

February 19, 2016 Meeting Minutes

It was moved by Garrow and seconded by Judge Ringus to approve the February 19, 2016 BJA meeting minutes. The motion carried.

BJA Business Account

Ms. Butler reported on the BJA business account audit. The account pays for things that are not appropriate for state fund expenditures. The BJA employs a bookkeeper to track the funds and make deposits and payments. There are policies that need to be followed and an audit was

completed in January of this year in response to a request from the BJA. Ms. Butler reviewed the audit findings and they were included in the meeting materials along with a response to the findings.

Ms. Butler will provide the BJA with quarterly summaries of the BJA account.

There was discussion about how frequently the BJA account will be audited. Ms. Butler will check in with the BJA each year to determine if the account should be audited.

It was moved by Judge Ringus and seconded by Judge Garrow to remove Ms. Colleen Clark from the BJA Business Account and add Ms. Jan Nutting to the account. The motion carried.

Budget Update

Mr. Radwan reported that the latest state revenue forecast for the 15-17 biennium is essentially flat. However, overall revenues for the current biennium are higher than previously forecast but they are not increasing at previous rates. The forecast for the 2017-2019 biennium is down by approximately \$400 million, however, like the 2015-2017 biennial forecast, revenue for the 2017-19 biennium is expected to be higher than the initial forecasts and greater than previous biennia. Due to increased cost projections and demand to restore previously cut or reduced services and activities, costs will exceed resources.

The current budget outlook indicates there will be a \$700 million deficit at the end of the 2017-19 biennium. The projected deficit excludes anticipated expenditure increases due to education, mental health, caseload increases and new or expanded programs. These additional costs will cause the deficit to grow which will cause the Legislature to balance increasing resources with decreasing costs.

A summary of the 2016 supplemental budget requests was included in the meeting materials. Mr. Radwan reported on each of the budget requests. He stated that the fund transfer budget request for the Expedited Information Networking Hub is necessary if all of the other JIS projects are to continue to move forward. In addition, the Operational Staffing for Odyssey Support request is needed so staff can assist courts that have started using Odyssey.

The Court of Appeals request for Reinstatement of Merit Increments most likely will not pass because the Legislature thinks if an agency has more than 100 employees it can absorb the cost of merit increments.

There was discussion regarding prioritizing budget requests within the judicial branch but no decisions were made. The BJA also discussed whether requests should be made for necessary items that most likely will not be funded so the Legislature will understand the need. No decision was made regarding that discussion topic.

Legislative Update

The BJA Legislative Committee sent a letter to a number of stakeholder groups asking if they have ideas for legislation for 2017. The responses are due by June.

It is an election year for legislators and no one thought the Legislature would be in special session because every day they are in a special session is another day they cannot fundraise and their opponents can. It will be a very close race between the democrats and republicans this year. At this point in time, the Legislature is not even meeting in person—they are just exchanging paper.

There are a lot changes taking place in the Legislature: Lieutenant Governor Brad Owen is retiring, Representative Hans Dunshee was appointed to the Snohomish County Council, and Senator Jim Hargrove is retiring after 36 years in the Legislature. Senator Hargrove was very active in juvenile justice issues and Representative Dunshee and Senator Hargrove are budget writers.

The Governor vetoed several Senate bills that were sent to him and it will be interesting to see if the Legislature will override the vetoes.

Ms. McAleenan included a list of the bills of interest to the courts and their status in the meeting materials. A few highlights:

- The court transcriptionist bill passed and the Governor has until April 2 to sign it.
- The District and Municipal Court Judges' Association (DMCJA) bill to only have to print JIS information for the case file if it is requested has been delivered to the Governor.
- The name change bill for the Superior Court Judges' Association (SCJA) passed.
- The legislation for a certificate of restoration of opportunity passed.
- The bill that would have added superior court filing fees for alternative dispute resolution died.

A full summary and implementation dates will be sent to stakeholders once the legislative session is adjourned and the Governor has signed the bills that passed.

Ms. McAleenan provided an update on the BJA legislative reception. There were 87 total attendees this year. Approximately 12-13 were legislators and 25 were legislative staff. There were a lot of conflicting events which did not help legislative turnout. The last short session reception only had 61 attendees. Last year, during long session, there were 105 attendees. Costs were up because food was more expensive but supply costs were down. It cost about \$700 more than last year but only \$200 more than in 2014.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Chushcoff stated that the BFC presented their proposed criteria for assessing budget reductions at the February BJA meeting and the criteria were included in the meeting materials. Everyone has to keep in mind that there are expenses that cannot be cut such as judges' salaries and benefits and Becca/Truancy pass-through funds for example.

The first four criteria are strategic areas. The fifth criteria is more tactical. The last three criteria are related to other considerations. The BFC thought this was a logical way to determine where to take budget cuts.

The process for budget reductions would be that the Administrative Office of the Courts (AOC) would develop a budget reduction packet and prioritize the proposed cuts. That information would be submitted to the BFC and the BFC would apply the budget reduction criteria during their decision-making process. They would submit their recommendations to the BJA. The BJA would review the information and submit their recommendations to the Supreme Court for approval.

The BFC also discussed an executive committee that would work on issues that need immediate decisions. They would have an opportunity to make queries of agencies or constituents prior to making decisions.

Judge Chushcoff requested that the BJA consider adopting the proposed AOC Budget Reduction Criteria.

There was a question about why some of AOC's budget cannot be reduced. Mr. Radwan explained that some budget items are constitutional and cannot be touched such as judges' salaries. Other budget items are included in the state budget via a proviso and cannot be cut.

There was also some concern regarding the preface of the criteria being too specific. Mr. Radwan explained that the preface educates people about items that cannot be cut in AOC's budget.

It was pointed out that the fifth criteria addresses stakeholders and all the stakeholders who are impacted by reductions in AOC's budget are represented in the BFC and BJA.

It was moved by Justice Owens and seconded by Judge Siddoway to approve the AOC Budget Reduction Criteria. The motion carried.

Court Education Committee (CEC): Judge Jasprica reported that the CEC's priority is to get more funding so that the CEC can create some new education programs. The CEC went back to the drawing board on their budget request after the budget discussion during the February BJA meeting. They looked at ways they could pare down their request. Their budget proposal will most likely be about \$400,000 for the biennium. What they are looking at is trying to come up with an online delivery system that will be cost-efficient and address the most pressing education needs.

Turnover in the judicial system is 20% for judges at every level of the court. That is a lot of training that needs to be done. Some Judicial College attendees have been on the bench over six months by the time they attend Judicial College. The CEC is trying to determine how to get the necessary information to new judges so they have the information they need the first day they are on the bench.

There is over 40% turnover for clerks and superior and juvenile court administrators. The CEC is looking at how they will be trained.

Judge Jasprica is hoping the BJA will make education a priority in the budget process. The CEC budget request will be presented at the next meeting. Current training is not sufficient and the CEC's goal is to look at online delivery to reduce travel costs. The budget request includes a new FTE that would have the skills to put some of these ideas into motion.

Policy and Planning Committee (PPC): Judge Garrow stated that during the February BJA meeting there were presentations regarding the Civil Legal Needs Study and WINGS which are the topics of the resolutions in the meeting materials. The PPC met after the February BJA meeting and they made suggestions to the proposed resolutions. After the drafters revised them, the PPC held a subsequent meeting to review them again. The committee recommends adoption of both resolutions as revised. They are now before the BJA for action.

There are typos on Page 41 in the WINGS resolution which need to be corrected. In the third paragraph from the bottom instead of "Office of Professional Guardianship" it should state "Office of Guardianship and Elder Services." In addition, the last paragraph on Page 41 should begin, "WHEREAS, the Washington State Supreme Court was awarded a grant . . ."

Another item for the BJA's consideration is a revision to the PPC membership. Because of turnover of their members, the PPC is requesting some new members for continuity over a period of time. On Page 29 of the meeting materials is the proposed amended charter with a list of additional members to be added to the committee. The committee seeks the BJA's approval of the revised charter to add those additional members.

All of the Strategic Issue Workgroups have met and are working on project proposals. Judge Garrow thanked Mr. Henley for his hard work over the past few months with the Strategic Issue Workgroups. There were over 40 stakeholder participants in five separate workgroups. The PPC hopes to have the five proposals by the end of April and recommendations for the BJA in May.

It was moved by Judge Chushcoff and seconded by Judge Ringus to approve the revised BJA Policy and Planning Committee charter. The motion carried.

It was moved by Judge O'Donnell and seconded by Judge Chushcoff to approve the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) resolution with the typographical errors corrected. The motion carried.

It was moved by Judge O'Donnell and seconded by Judge Garrow to approve the resolution regarding the updated Civil Legal Needs Study. The motion carried.

Legislative Committee: Judge O'Donnell did not have much to add after Ms. McAleenan's report other than to compliment her and her staff for organizing the legislative reception.

SCJA Legislation Update

Senate Bill 6317 did not pass the House. The bill died at the end of the cut-off but it is technically alive with the special session. A proviso was added to the Senate budget to provide \$516,000 out of the Administrative Office of the Courts' (AOC) budget to fund SB 6317 or, if SB 6317 does not pass, AOC will sit down with the Superior Court Judges' Association (SCJA) to determine how the \$516,000 will be spent. If the budget proviso remains in the budget, cuts will have to be made to accommodate that expense. If it gets added as a proviso in the next budget, it would be about \$1 million for the biennium out of AOC's budget. Since the Legislature is still in session, and there is still no budget, the BJA will most likely have to discuss this at the next meeting.

There was discussion, but no decisions, regarding:

- If this is a BJA issue. Several BJA members stated it is a BJA matter because it has budget implications and could potentially impact all levels of courts. Others felt a smaller group would be better able to determine a resolution. Others felt it should be worked out between the SCJA and AOC and if that does not result in a resolution, then the BJA should step in. It was recommended that if the BJA does not take up this issue, but the Supreme Court steps in, that the BJA should be included in the discussions at the Supreme Court level. There was also discussion about the BJA's authority and the fact that the constitution affords authority to different court levels for different matters.
- If anything should be done prior to the end of the special session. Some BJA members stated that no matter what happens in the Legislature, there is an issue between the SCJA and AOC that needs to be addressed. Others stated that waiting until the legislative session ends will be better so that the issue can be dealt with realistically.

There being no further business, the meeting was adjourned.

Recap of Motions from the March 18, 2016 Meeting

Motion Summary	Status
Approve the February 19, 2016 BJA meeting minutes.	Passed
Remove Ms. Colleen Clark from the BJA Business Account and add Ms. Jan Nutting to the account.	Passed
Approve the AOC Budget Reduction Criteria.	Passed
Approve the revised BJA Policy and Planning Committee charter.	Passed
Approve the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) resolution with the typographical errors corrected.	Passed
Approve the resolution regarding the updated Civil Legal Needs Study.	Passed

Action Items from the March 18, 2016 Meeting

Action Item	Status
<u>February 19, 2016 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	Done Done
<u>BJA Business Account</u> <ul style="list-style-type: none"> • Remove Ms. Colleen Clark from the BJA Business Account and add Ms. Jan Nutting to the account 	Done
<u>BJA Policy and Planning Committee</u> <ul style="list-style-type: none"> • Correct the WINGS resolution • Upload both the WINGS and Civil Legal Needs Study resolutions to the BJA Web site 	Done Done