

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, JUNE 17, 2016
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Scott Sparks, Member Chair
Superior Court Judges' Association
Kittitas County Superior Court

Judge Bryan Chushcoff
Superior Court Judges' Association
Pierce County Superior Court

Judge Scott Collier
Superior Court Judges' Association
Clark County Superior Court

Judge Michael Downes, President
Superior Court Judges' Association
Snohomish County Superior Court

Judge George Fearing
Court of Appeals, Division III

Judge Janet Garrow
District and Municipal Court Judges' Association
King County District Court

Judge Judy Rae Jasprica
District and Municipal Court Judges' Association
Pierce County District Court

Judge Michael Lambo
District and Municipal Court Judges' Association
Kirkland Municipal Court

Judge Bradley Maxa
Court of Appeals, Division II

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges' Association
Fife Municipal Court

Judge James E. Rogers
Superior Court Judges' Association
King County Superior Court

Judge Ann Schindler
Court of Appeals, Division I

Judge G. Scott Marinella, President
District and Municipal Court Judges' Association
Columbia County District Court

NON-VOTING MEMBERS:

Judge Scott Ahlf, President-Elect
District and Municipal Court Judges' Association
Olympia Municipal Court

Ms. Callie Dietz
State Court Administrator

Judge Sean Patrick O'Donnell, President-Elect
Superior Court Judges' Association
King County Superior Court

Mr. William Hyslop, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge G. Scott Marinella, President-Elect
District and Municipal Court Judges' Association
Columbia County District Court

Judge Lisa Worswick
Presiding Chief Judge
Court of Appeals, Division I



Board for Judicial Administration (BJA)

Friday, June 17, 2016 (9:00 a.m. – 12:00 p.m.)

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

AGENDA

1. Call to Order	Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Judge Scott Sparks	9:00 a.m.
3. May 20, 2016 Meeting Minutes <i>Action: Motion to approve the minutes of the May 20, 2016 meeting</i>	Judge Scott Sparks	9:05 a.m. Tab 1
4. Administrative Manager's Report Board/Committee Membership <i>Action: Motion to approve committee membership</i> BJA Orientation Committee Orientation Plans Activity Report	Ms. Misty Butler	9:10 a.m. Tab 2
5. Court Management Council Rule Changes <i>Action: Endorsement of Changes to GR 17 and GR 30</i>	Judge Scott Sparks	9:20 a.m. Tab 3
6. Public Trust and Confidence Committee Annual Presentation	Justice Mary Fairhurst	9:30 a.m. Tab 4
7. Standing Committee Reports Court Education Committee Budget and Funding Committee Legislative Committee <i>Action: Motion to nominate and confirm committee chair</i> Policy and Planning Committee	Judge Judy Rae Jasprica Judge Ann Schindler Judge Jim Rogers Judge Janet Garrow	9:50 a.m. Tab 5
8. Revenue Update	Mr. Ramsey Radwan	10:10 a.m. Tab 6
9. Prioritization of Decision Packages	Judge Ann Schindler	10:20 a.m. Tab 7
10. Break and Voting on Decision Packages		10:45 a.m.
11. Prioritization of Decision Packages Results of Voting and Next Steps	Judge Ann Schindler	11:05 a.m.
12. Strategic Issue Management Initiative <i>Action on Policy and Planning Committee Recommendations</i>	Judge Janet Garrow	11:25 a.m. Tab 8

13. Other Business <ul style="list-style-type: none">• Next meeting: August 19, 2016 AOC SeaTac Office	Judge Scott Sparks	11:55 a.m.
14. Adjourn		12:00 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



Board for Judicial Administration (BJA) Meeting

Friday, May 20, 2016 (9 a.m. – 1 p.m.)

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 Bryan Chushcoff
Judge Scott Collier (by phone)
Ms. Callie Dietz
Judge Michael Downes
Judge George Fearing
Judge Janet Garrow
Mr. William Hyslop
Judge Michael Lambo
Judge G. Scott Marinella
Judge Bradley Maxa
Judge Sean Patrick O'Donnell
Justice Susan Owens
Judge Kevin Ringus
Judge James Rogers
Judge Ann Schindler
Judge David Steiner
Judge Lisa Worswick

Guests Present:

Ms. Sophia Byrd McSherry
Judge Harold Clarke III
Ms. Ruth Gordon
Mr. Eric Johnson
Mr. Dennis Rabidou
Ms. Paulette Revoir
Mr. Paul Sherfey (by phone)

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Mr. Ramsey Radwan

Judge Sparks called the meeting to order. He noted that this would be the last meeting for Judge Steiner and Judge Lambo and thanked them for their service on the BJA.

March 18, 2016 BJA Meeting Minutes

It was moved by Judge Chushcoff and seconded by Judge Lambo to approve the March 18, 2016 BJA meeting minutes. The motion carried.

Administrative Manager's Report

Ms. Butler stated that the quarterly update for the BJA private account was included in the meeting materials. As of the end of the first quarter of 2016 the BJA account balance is \$12,578.49.

In response to a request by Judge Downes to review the compensation of the BJA bookkeeper, Ms. Butler included a memorandum regarding BJA bookkeeper compensation in the meeting materials. AOC's comptroller reviewed the amount of work required of the bookkeeper and determined that the rate of pay is about \$20 an hour which is more than the going rate for equivalent positions.

Also included in the meeting materials was a snapshot of the work of the BJA standing committees. This will be included in the meeting materials for every BJA meeting.

Revenue Update

Mr. Radwan reported that the final supplemental budget was okay but not perfect. The budget details are included in the meeting materials. The budget reduction of \$811,000 for Thurston County impact fees was vetoed by the Governor.

Also included in the meeting materials was information regarding the most recent state revenue forecasts. This year's revenue forecasts remained fairly flat. The most recent Budget Outlook of May 18 includes the cost to comply with the *McCleary* decision. State Treasurer James McIntire stated that the revenue forecasts cannot ignore the *McCleary* decision completely and requested that the Economic Forecast Council include these costs in the May 18 Budget Outlook. Including the *McCleary* decision, and the budget adjustments due to the Governor's vetoes, results in a \$3.8 billion negative fund balance for the next biennium. There will most likely be cuts for state agencies for the 2017-19 biennial budget.

Overall, revenues compared to previous biennia are down a little bit but costs are increasing faster than revenues are increasing.

The Budget and Funding Committee (BFC) and the BJA approved budget reduction criteria and have a process to decide what should be cut if budget reductions are implemented. Mr. Radwan suggested that the BJA look at that information in the next few months to be prepared for the cuts if they occur.

Budget and Funding Committee Requests and Recommendations

Judge Schindler stated that the BFC met several times with the goal of prioritizing the budget requests that were submitted. Using the criteria that the BJA approved, the following recommendations were made for prioritization. A list of the prioritizations was included in the meeting materials.

1. Trial Court Interpreter Services - In 2007 the Legislature appropriated \$1.9 million to reimburse 50% of the costs for court interpreters. In 2009 the funding was reduced due to severe AOC budget reductions. This request is not just for criminal cases, it also seeks funding for civil cases. Mr. Radwan clarified that the request would cover 50% of the interpreter costs during the first biennium and then increase during the 2019-21 biennium to cover 75% of the costs and would increase in the 2021-23 biennium to cover 100% of the interpreter costs.
2. (Tie) Pattern Forms and Court Personnel Education - The BJA will have to decide which is #2 and which is #3. Pattern Forms: Requests additional staff to help maintain the 700+ forms that AOC staff currently maintain. Court Personnel Education: the CEC requests funding to provide necessary education to court personnel. Funding will restore the presiding judges' conference and start the path back to providing a more robust education program than has been provided in the recent past. The CEC is looking, as a community, for the best way to deliver judicial education. They will be

doing that work this summer so the funding request timing does not align to the work being done to determine the best way to deliver judicial education.

3. (One of the requests above in #2 will be #3.)
4. Courthouse Facilitator Training - Requesting funding to train courthouse facilitators.
5. Web Services Support - Funding is requested for additional staff to maintain the Washington Courts Web site. There are about 180 web applications and some of the platforms are built in old software and AOC needs staff to upgrade those programs to current platforms. The three case management systems also have web implications. This funding is merely to get Web Services up to a normal staffing level.
6. Telephonic Interpreting Services - This request is for new services and new funding for courts to provide interpreting services outside the courtroom related to individuals who have questions/discussion with clerks and court staff. Mr. Radwan stated that there was a mathematical error in the initial funding request so the funding request will increase to approximately \$2 million a year.
7. Guardianship Monitoring - This request is for funding for nine FTEs to audit and monitor guardianships.
8. Therapeutic Courts Best Practices – This request is to fund a .5 FTE to have the Washington State Center for Court Research (WSCCR) evaluate best practices for therapeutic courts.
9. State CASA Program Expansion - The state CASA program currently receives \$3 million and this request triples it. The program would increase the number of CASA volunteers statewide. It would allow the state to meet national CASA representation standards.
10. WSCCR Capacity and Sustainability - This request was to increase WSCCR staff salaries to address a recruitment and retention problem. The BFC did not consider this request because it was withdrawn by Ms. Dietz and Mr. Radwan to include at a later time in an overall package for AOC staff identified in the salary survey.

Mr. Radwan outlined the Judicial Information System (JIS) requests which were included in the meeting materials. The JIS requests have not yet been vetted through the Judicial Information System Committee (JISC). The JISC will review them during their June meeting. The budget numbers could increase or decrease as the information in each request is finalized. Over the last few years the Legislature has swept \$27 million from the JIS account which is now not available for JIS projects. The JIS requests attempt to get some of that funding back.

During the June meeting BJA members will be given an opportunity to vote on budget priorities to recommend to the Supreme Court. All members were asked to think about the funding priorities offered and determine whether they agree with them as presented by the BFC.

Strategic Issue Management Initiative

Judge Garrow, Chair of the BJA Policy and Planning Committee, gave a brief overview of the Committee's planning work. She stated that for the last year the Committee has been engaged in a different approach to planning because the judicial system in Washington requires a strategic planning process designed for a decentralized system. Part of the planning approach is the Strategic Issue Management project. Judge Garrow asked Steve Henley, who has been staff for the project, to provide additional information.

Mr. Henley said that about a year ago the Committee convened a group of representatives of judicial system stakeholders to discuss issues facing their organizations and the judicial system,

which could be worked on over the next few years. Out of that effort stakeholders identified about 80 issues. This was followed by an online survey to prioritize the issues and identify those that stakeholders would like to engage in. The result was five workgroups for specific issues. The workgroups were asked to develop proposals to address the issues. Below is the list of workgroup proposals. Included in the meeting materials are the Committee's recommendations for each proposal.

- Quality Indigent Defense
- Court Technology End-User Forum
- Task Force on Local Justice System Mandates and Funding
- Eliminate or Reduce the Disproportionate Impact of Auto-decline/Transfer Laws on Youth of Color
- Statewide Cultural Relevancy Training Program for Justice Stakeholders Including Community-based Service Providers, NGOs, and Other CJS Partners

This will be on the June BJA meeting agenda to select the one issue that BJA members would like to address in a strategic campaign initiative for the next 12-24 months.

Judge Garrow also reported that the Committee membership will be expanding to create continuity on the Committee.

Washington State Association of Counties (WSAC)

Mr. Eric Johnson, representing the Washington State Association of Counties, was introduced. He stated that the biggest challenge for counties is fiscal sustainability. Counties spend most of their money on criminal justice. This past legislative session, the WSAC started their fiscal sustainability initiative which included several legislative proposals which were included in the meeting materials. Also in the meeting materials is a scorecard to measure how they did during the 2015-16 legislative session in meeting their fiscal sustainability goals. Of the seven tier one items they set forward for the two-year period, two items were accomplished: REET flexibility and allowing counties to join PEBB for medical coverage.

The WSAC sent out a request for information to collect ideas for future legislation. A list of their legislative ideas is included in the meeting materials. Last week the WSAC Legislative Steering Committee met to identify issues and ideas they want to include in a strategic, legislatively-focused agenda. One area of focus will be a new property tax cap. It is likely they will also make a major indigent defense request. At the very least the state should step up to 50% of the obligation/responsibility. Public records will be their major reform issue. They have a number of proposed public records reforms including dealing with harassing requests as well as looking at a new methodology to deal with penalties. They will also work on the growth management act and water issues. Those are the big five issues they are working on over the next two years.

Mr. Johnson stated that the WSAC wants to find resources to pay for statutory responsibilities counties have and they have to find a sustainable set of resources to do that. They also have to set themselves up for the potential to litigate because counties are failing their responsibilities due to a lack of resources.

Role of Associate Director – Office of Judicial and Legislative Relations

Chief Justice Madsen reported that the job announcement was posted for the Associate Director – Office of Judicial and Legislative Relations in the last few weeks. Judge O'Donnell sent a letter to Chief Justice Madsen and Judge Sparks asking that final hiring authority over the position be given to the BJA and that a resolution be placed on the May 20 BJA meeting agenda. The BJA Co-Chairs added the topic to this meeting's agenda for discussion but the Administrative Office of the Courts (AOC) cannot delegate its authority to the BJA to hire or fire anyone so the resolution contained in Judge O'Donnell's letter was not added to the agenda.

Judge Downes stated that a BJA voting member asked that the resolution be put on the agenda. He was more than a little bit surprised that it was not allowed. He went on to state that the BJA was told when issues come up within the branch the BJA decides what to do. The BJA needs to at least have the right to approve who the BJA's lobbyist will be. If the AOC makes the decision for who the BJA's lobbyist is going to be then it seems inherently logical that the BJA will have a say in who the lobbyist will be.

It was noted that there is a formal resolution process which is outlined at the end of the BJA meeting materials. The sponsor needs to submit it in writing and it needs to be vetted by a committee and then brought to the BJA for approval.

It was moved by Judge Downes and seconded by Judge Rogers to add Judge O'Donnell's resolution (wording below) to the May 20 BJA meeting agenda.

RESOLUTION: It is the position of the Board for Judicial Administration that the Administrative Office of the Courts should delegate its authority for final hiring approval of the new lobbyist to the BJA.

The motion failed with six members for the motion, eight against and one abstention. There was also a district court level veto.

Judge Garrow moved to add to the May 20 BJA meeting agenda a discussion of what role the BJA has in the selection of the Associate Director – Office of Judicial and Legislative Relations. Since the topic is on the agenda, Judge Garrow withdrew her motion.

Ms. Dietz stated that the AOC wants to fill the position as soon as possible this summer. The interview panels have not been put together yet but she hopes to interview in late June. AOC's Human Resources department is in charge of the recruitment. The first round of applicants will be reviewed on May 31. AOC usually has two interview panels resulting in first and second interviews.

It was moved by Judge Rogers and seconded by Judge Schindler to include a representative from the BJA, who is a voting member, on both hiring panels for the Associate Director – Office of Judicial and Legislative Relations. The motion carried.

It was moved by Judge Fearing and seconded by Judge Garrow that the BJA representative on the hiring panels for the Associate Director – Office of Judicial

and Legislative Relations be designated by the BJA Co-Chairs. The motion carried.

If BJA members have suggestions about specific questions that could be asked during the interviews, please send them to Ms. Dietz.

Other Business

Proposed Court Management Council (CMC) Rule Changes: Ms. Dietz stated that there are proposed CMC rule changes for the BJA’s review included in the meeting materials. The Supreme Court Rules Committee will solicit comments. If you have any issues or concerns, please contact the CMC or Ms. Dietz.

There being no further business, the meeting was adjourned.

Recap of Motions from the May 20, 2016 Meeting

Motion Summary	Status
Approve the March 18, 2016 BJA meeting minutes.	Passed
Add Judge O’Donnell’s resolution to the May 20 BJA meeting agenda.	Failed – six for, eight against, and one abstention. Also, district court level veto.
Add to the May 20 BJA meeting agenda a discussion of what role the BJA has in the selection of the Associate Director – Office of Judicial and Legislative Relations.	Withdrawn
Include a representative from the BJA, who is a voting member, on both hiring panels for the Associate Director – Office of Judicial and Legislative Relations.	Passed
The BJA representative on the hiring panels for the Associate Director – Office of Judicial and Legislative Relations will be designated by the BJA Co-Chairs.	Passed

Action Items from the May 20, 2016 Meeting

Action Item	Status
<u>March 18, 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>Revenue Update</u> <ul style="list-style-type: none"> • Add the BJA budget reduction criteria to future BJA meeting agendas so the BJA can be prepared for possible budget reductions during the next legislative session 	
<u>Budget and Funding Committee Requests and Recommendations</u> <ul style="list-style-type: none"> • Add to the June BJA meeting agenda 	Done
<u>Strategic Issue Management Initiative</u> <ul style="list-style-type: none"> • Add to the June BJA meeting agenda 	Done

Action Item	Status
<p><u>Role of Associate Director – Office of Judicial and Legislative Relations</u></p> <ul style="list-style-type: none">• Have a BJA representative sit on both interview panels during the hiring process for the Associate Director – Office of Judicial and Legislative Relations. The BJA Co-Chairs will determine the representative.	

Tab 2



June 10, 2016

TO: Board for Judicial Administration (BJA) Members

FROM: Misty Butler, BJA Administrative Manager

RE: JUNE ADMINISTRATIVE MANAGER STATUS UPDATE

Board Membership

BJA Membership for 2016-2017 is final.

Name	Term
Supreme Court	
Chief Justice Barbara Madsen - Chair	Indefinite
Justice Susan Owens	6/19
Courts of Appeal	
Judge Brad Maxa, Division II	6/18
Judge George Fearing, Division III	6/18
Judge Ann Schindler, Division I	6/19
SCJA	
Judge Bryan Chushcoff	6/18
Judge Scott Collier	6/17
Judge Jim Rogers	6/17
Judge Michael Downes, SCJA President	6/17
Judge Scott Sparks - Member Chair (6/17)	6/18
DMCJA	
Judge Janet Garrow	6/17
Judge Judy Rae Jasprica	6/17
Judge Mary Logan	6/20
Judge Kevin Ringus	6/20
Judge Scott Marinella, DMCJA President	6/17
Non-Voting Members	
Judge Sean Patrick O'Donnell, SCJA President Elect	6/17
Ms. Callie Dietz, State Court Administrator	Indefinite

Memorandum to Board for Judicial Administration Members

June 10, 2016

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Mr. Bill Hyslop, WSBA President	9/16
Judge Lisa Worswick, COA Presiding Chief Judge	4/17
Ms. Paula Littlewood, WSBA Executive Director	Indefinite
Judge Scott Ahlf, DMCJA President-Elect	6/17

Committee Membership

BJA standing committee membership has been assigned based on vacancies and representation to be filled.

Action: To approve the BJA Standing Committee membership as outlined in the following rosters.

Legislative Committee

Representative	Name	Term
BJA Member, Appellate Courts	Judge Brad Maxa	6/18
BJA Member, SCJA	Judge Jim Rogers	6/17
BJA Member, DMCJA	Judge Kevin Ringus	6/20
Chief Justice	Chief Justice Barbara Madsen	Indefinite
BJA Member Chair	Judge Scott Sparks	6/17
COA Presiding Chief Judge	Judge Lisa Worswick	4/17
SCJA President	Judge Michael Downes	6/17
DMCJA President	Judge Scott Marinella	6/17
DMCJA Legislative Committee Chair	Judge Samuel Meyer	6/17
SCJA Legislative Committee Chair	Judge Stephen Warning/Judge Kitty-Ann van Doorninck	6/17

Policy and Planning Committee

Representative	Name	Term
Chief Justice	Chief Justice Barbara Madsen	Indefinite
BJA Member, SCJA	Judge Scott Sparks	6/18
BJA Member, DMCJA	Judge Janet Garrow - Chair	6/17
COA Presiding Chief Judge	Judge Lisa Worswick	4/17
SCJA President-Elect	Judge Sean Patrick O'Donnell	6/17
DMCJA President-Elect	Judge Scott Ahlf	6/17
Superior Court Judge	Judge John Chun	6/18
District & Municipal Court Judge	Judge Joseph Burrowes	6/18
Court Management Council Member	Ms. Paulette Revoir	6/18
WSBA Executive Director	Ms. Paula Littlewood	6/18
At-Large Member	<i>Vacant</i>	

Memorandum to Board for Judicial Administration Members

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Court Education Committee

Representative	Name	Term
BJA Member, Appellate Courts	Judge George Fearing	First population of members will be staggered (3 years term)
BJA Member, SCJA	Judge Scott Collier	First population of members will be staggered (3 years term)
BJA Member, DMCJA	Judge Judy Rae Jasprica - Chair	First population of members will be staggered (3 years term)
Appellate Court Education Chair or Designee (1)	Justice Debra Stephens	Term determined by Chief Justice
Superior Court Judges' Association Education Committee Chair or Designee (1)	Judge T.W. Small	Term determined by their association
District and Municipal Court Judges' Association Education Committee Chair or Designee (1)	Judge Douglas Fair, Co-Chair	Term determined by their association
Annual Conference Chair or Designee (1)	Justice Susan Owens	Term determined by Chief Justice
Association of Washington Superior Court Administrators Education Committee Chair or Designee	Ms. Andra Motyka (Ms. Fona Sugg as alternate)	Term determined by their association
District and Municipal Court Management Association Education Committee Chair or Designee (1)	Ms. Margaret Yetter	Term determined by their association
Washington Association of Juvenile Court Administrators Education Committee Chair or Designee (1)	Ms. Paula Holter-Mehren	Term determined by their association
Washington State Association of County Clerks Education Committee Chair or Designee (1)	Ms. Peggy Semprimoznik	Term determined by their association
Washington State Law School Dean (1)	Dean Annette Clark	3 year term

Budget and Funding Committee

Representative	Name	Term
DMCJA BJA Member	Judge Mary Logan	6/20
SCJA BJA Member	Judge Bryan Chushcoff	6/18
COA BJA Member	Judge Ann Schindler - Chair	6/19

BJA Orientation

August 19 will be the first official BJA meeting for 2016-2017. A portion of the meeting will be set aside for an official BJA orientation. The orientation will cover the BJA purpose, goals, accomplishments and vision. It will be beneficial for current and new members. A picture will be taken of the new board and the updated member guide will be distributed.

Committee Orientation Plans

Each of the BJA standing committees has developed an orientation plan for new members. This will assist in new members having a greater understanding of the purpose of the committee and their role on it. These orientation plans will be used this year.

BJA Standing Committee Activity Status Sheet						
Legislative	Development of BJA Legislative Agenda	Summer/ Fall 2016	Start in July after new Leg. Committee chair is in place	CEC, BFC, P&P	Misty Butler	
Legislative	Summary of 2016 Legislation	May 2016	Complete		Misty Butler	
Legislative	Update Legislators Guide to the Judiciary	October 2016	Start in summer		Misty Butler	
Legislative	Salary Commission Report	Nov. 2016	Start in fall		Misty Butler	
CEC	SJI Grant Awarded – Signed copies on file with SJI and AOC	Completed and Active	Submitted to Fiscal and Contracts Office at AOC		Judge Judy Rae Jasprica	
CEC	SJI grant work – timesheets and reporting protocols created		Ongoing		Judith Anderson	
CEC	FY17-Fy19 Biennial Budget Submitted	Completed	In BJA review process	BFC – Ramsey Radwan	Judge Judy Rae Jasprica	
CEC	CEC Budget committee met to re-allocated funds to spring programs	Completed			Judith Anderson	
CEC	CEC meeting June 10, 2016 with Dr. Martin and Education Personnel	June 10 2016 -April 2017	In progress		Judge Judy Rae Jasprica	
CEC	Committee for the Education of Court Employees – Educational gap analysis report		In-progress	Court Management Council	Ms. Margaret Yetter	
P&P	Strategic Issue Management Initiative	Ongoing	Recommendations prioritized by BJA		Steve Henley	
P&P	Mission, Vision, Principal Policy Objectives, Goals of the BJA	TBD	Developing Timeline		Steve Henley	
BFC	BJA to take action and recommended budget priorities.	June 2016	Current		Ramsey Radwan	

Tab 3



June 3, 2016

TO: Board for Judicial Administration
FROM: Court Management Council
RE: GR 17 & GR 30

The Court Management Council (CMC) requests that the Board for Judicial Administration (BJA) endorse suggested changes to GR 17 (Facsimile Transmission) and GR 30 (Electronic Filing) that were included in the May 2016 BJA meeting packet.

The recommendations are the product of a CMC subcommittee that was created to discuss suggested changes to GR 17 and/or GR 30. Subcommittee members included Mr. Ron Carpenter (ret.), Clerk of the Supreme Court; Ms. Renee Townsley, Clerk/Administrator, Court of Appeals, Division III; Ms. Kim Morrison, Chelan County Clerk; Ms. Ruth Gordon, Jefferson County Clerk, and Ms. Bonnie Woodrow, Administrator, Renton Municipal Court.

The Subcommittee surveyed CMC members about their experiences and examined statewide requirements for this rule. The Subcommittee reviewed similar rules from other states and found that Washington's rules were among the best but should be updated.

GR 17 Facsimile Transmission

The CMC anticipates that fax filing will be obsolete in the future. In the meantime, GR 17 is still needed. The CMC proposes minor changes in GR 17:

- Increase to 20 (from 10) maximum number of pages without prior clerk approval;
- Update agency name to "Administrative Office of the Courts";
- GR 17(a)(2) requires that the filer attach an affidavit as the last page of the document. This requirement is frequently overlooked by filers and rarely enforced by courts. The CMC recommends making this requirement optional "by local court rule";
- Delete the requirement of filing on "bond paper."

GR 30 Electronic Filing and Service

- Permit electronic filing of certified records of proceedings, conforming to practice;
- Strike the corresponding reference prohibiting such in the comment;
- The current rule permits electronic service of documents only when local rule mandates electronic filing and the parties agree. The CMC recommends striking the phrase "only by agreement" to reflect current practice;
- Current rule requires clerks to issue confirmation that an electronic document has been received. The CMC recommends changing this to "may" to reflect current practice and preserve court discretion;
- Strike the fax number from the required signature block.

GR 17

FACSIMILE TRANSMISSION

(a) Facsimile Transmission Authorized; Exceptions.

(1) Except as set forth in subsection (a)(5), the clerks of the court may accept for filing documents sent directly to the clerk or to another by electronic facsimile (fax) transmission. A fax copy shall constitute an original for all court purposes. The attorney or party sending the document via fax to the clerk or to another shall retain the original signed document until 60 days after completion of the case. Documents to be transmitted by fax shall bear the notation: "SENT on _____ (DATE) VIA FAX FOR FILING IN COURT.

(2) If a document is transmitted by facsimile to another for filing with a court, by local court rule the person responsible for the filing ~~must~~ may be required to attach an original affidavit as the last page of the document. The affidavit must bear the name of the court, case caption, case number, the name of the document to be filed, and a statement that the individual signing the affidavit has examined the document, determined that it consists of a stated number of pages, including the affidavit page, and that it is complete and legible. The affidavit shall bear the original signature, the printed name, address, phone number and facsimile number of the individual who received the document for filing.

(3) The clerk of the court may use fax transmission to send any document requiring personal service to one charged with personally serving the document. Notices and other documents may be transmitted by the clerk to counsel of record by fax.

(4) Clerks may charge reasonable fees to be established by the ~~Office of the Administrator for the Courts~~ Administrative Office of the Courts, for receiving, collating, and verifying fax transmissions.

(5) Without prior approval of the clerk of the receiving court, facsimile transmission is not authorized for judge's working copies (courtesy copies) or for those documents for which a filing fee is required. Original wills and negotiable instruments may not be filed by facsimile transmission.

(6) Facsimile Machine Not Required. Nothing in this rule shall require an attorney or a clerk of a court to have a facsimile machine.

(b) Conditions.

(1) Documents transmitted to the clerk by fax shall be letter size (8-1/2 by 11 inches). Unless otherwise provided by local court rule, Ddocuments over 40-20 pages in length may not be filed by fax without prior approval of the clerk.

(2) Any document transmitted to the clerk by fax must be accompanied by a fax transmittal sheet in a format prescribed by the court. The form must include the case number (if any), case caption, number of pages, the sender's name, the sender's voice and facsimile telephone numbers, and fax

fee remittance certification. Transmittal sheets are not considered legal filings.

(3) A document transmitted directly to the clerk of the court shall be deemed received at the time the clerk's fax machine electronically registers the transmission of the first page, regardless of when final printing of the document occurs, except that a document received after the close of normal business hours shall be considered received the next judicial day. If a document is not completely transmitted, it will not be considered received. A document transmitted to another for filing with the clerk of the court will be deemed filed when presented to the clerk in the same manner as an original document.

(4) Court personnel will not verify receipt of a facsimile transmission by telephone or return transmission and persons transmitting by facsimile shall not call the clerk's office to verify receipt.

~~(5) The clerk shall neither accept nor file a document unless it is on bond paper.~~

~~(5)~~ (6) The clerk shall develop procedures for the collection of fax service fees for those documents transmitted directly to the clerk. Nonpayment of the fax service fee shall not affect the validity of the filing.

~~(6)~~ (7) Agencies or individuals exempt from filing fees are not exempt from the fax service fees for documents transmitted directly to the clerk. [Adopted effective September 1, 1993.]

GR 30
ELECTRONIC FILING AND SERVICE
(a) Definitions.

(1) "Digital signature" is defined in RCW 19.34.020.

(2) "Electronic Filing" is the electronic transmission of information to a court or clerk for case processing.

(3) "Electronic Document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.

(4) "Electronic Filing Technical Standards" are those standards, not inconsistent with this rule, adopted by the Judicial Information System committee to implement electronic filing.

(5) "Filer" is the person whose user ID and password are used to file an electronic document.

Comment: The form of "digital signature" that is acceptable is not limited to the procedure defined by chapter 19.34 RCW, but may include other equivalently reliable forms of authentication as adopted by local court rule or general.

(b) Electronic filing authorization, exception, service, and technology equipment.

(1) The clerk may accept for filing an electronic document that complies with the Court Rules and the Electronic Filing Technical Standards.

(2) A document that is required by law to be filed in non-electronic media may not be electronically filed.

Comment: Certain documents are required by law to be filed in non-electronic media. Examples are original wills, ~~certified records of proceedings for purposes of appeal,~~ negotiable instruments, and documents of foreign governments under official seal.

(3) Electronic Transmission from the Court. The court or clerk may electronically transmit notices, orders, or other documents to all attorneys as authorized under local court rule, or to a party who has filed electronically or has agreed to accept electronic documents from the court, and has provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(4) A court may adopt a local rule that mandates electronic filing by attorneys and/or electronic service of documents on attorneys for parties of record, provided that the attorneys are not additionally required to file paper copies except for those documents set forth in (b)(2). Electronic service may be made either through an electronic transmission directly from the court (where available) or by a party's attorney. Absent such a local rule, parties may electronically serve documents on other parties of record. ~~only by agreement.~~ The local rule shall not be inconsistent with this Rule and the

Electronic Filing Technical Standards, and the local rule shall permit paper filing and/or service upon a showing of good cause. Electronic filing and/or service should not serve as a barrier to access.

Comment: When adopting electronic filing requirements, courts should refrain from requiring counsel to provide duplicate paper pleadings as "working copies" for judicial officers.

(c) Time of Filing, Confirmation, and Rejection.

(1) An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise the document is considered filed at the beginning of the next business day.

(2) The clerk ~~shall~~may issue confirmation to the filing party that an electronic document has been received.

(3) The clerk may reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason therefor.

(d) Authentication of Electronic Documents.

(1) Procedures

(A) A person filing an electronic document must have received a user ID and password from a government agency or a person delegated by such agency in order to use the applicable electronic filing service.

Comment: The committee encourages local clerks and courts to develop a protocol for uniform statewide single user ID's and passwords.

(B) All electronic documents must be filed by using the user ID and password of the filer.

(C) A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the authorization of the filer.

(2) Signatures

(A) Attorney Signatures. An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney

State Bar Number 12345

ABC Law Firm

123 South Fifth Avenue

Seattle, WA 98104

Telephone: (206) 123-4567

Fax: ~~(206) 123-4567~~

E-mail: John.Attorney@lawfirm.com

(B) Non-attorney signatures. An electronic document which requires a non-attorney's signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

s/ John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206) 123-4567
~~Fax: (206) 123-4567~~
E-mail: John.Citizen@email.com

(C) Non-attorney signatures on documents signed under penalty of perjury. Except as set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

- (i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or
- (ii) Ensure the electronic document has the digital signature of the signer.

(D) Law enforcement officer signatures on documents signed under penalty of perjury.

(i) A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction.

(ii) Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records application, the Justice Information Network Data Exchange, or a local secured system that the presiding judge designates by local rule. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

(E) Multiple signatures. If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:

- (i) The electronic document contains the digital signatures of all signers; or
- (ii) For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document. If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.

(F) Court Facilitated Electronically Captured Signatures. An electronic document that requires a signature may be signed using electronic signature pad equipment that has been authorized and facilitated by the court. This document may be electronically filed as long as the electronic document contains the electronic captured signature.

(3) An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.

(e) Filing fees, electronic filing fees.

(1) The clerk is not required to accept electronic documents that require a fee. If the clerk does accept electronic documents that require a fee, the local courts must develop procedures for fee collection that comply with the payment and reconciliation standards established by the Administrative Office of the Courts and the Washington State Auditor.

(2) Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees. The court or clerk shall establish an application and waiver process consistent with the application and waiver process used with respect to non-electronic filing and filing fees.

[Adopted effective September 1, 2003; December 4, 2007; September 1, 2011; December 9, 2014.]

Tab 4

The Supreme Court
State of Washington

MARY E. FAIRHURST
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2053
FAX (360) 357-2103
E-MAIL J_M.FAIRHURST@COURTS.WA.GOV

MEMORANDUM

DATE: June 17, 2016

TO: Board of Judicial Administration

FROM: Justice Mary Fairhurst, Chair of the BJA Public Trust and Confidence Committee *Mari*

RE: Update on the Public Trust and Confidence Committee's Activities

Since the last report on February, 20, 2015, the Public Trust and Confidence Committee (PTC) has completed two projects. There are several carryover projects from last year and two new projects for this year.

Completed Projects from January 2015 to June 2016

1. ***Legislative Scholars Program (2015)***. This ongoing subcommittee is chaired by Justice Mary Fairhurst with member Margaret Fisher and past PTC member Andrew Sachs. An additional day on how the judicial branch relates to the legislative branch is presented each summer as part of a larger program presented by the State Legislature. The PTC sessions were presented on July 14, 2015, and broadcast on TVW. This year the date is July 12, 2016.
2. ***Market the Established Judges in the Classroom Project to Schools and the Judiciary (2015-2016)***. This subcommittee is co-chaired by Judge Brad Maxa and Margaret Fisher with members Judge Bill Bowman, Mary Crawford, Paula Rehwaldt and the Honorable Staci Myklebust. The subcommittee has arranged for a redesign of the AOC website to make the Judges in Classroom more visible, established an online sign-up for judges to indicate their interest in volunteering, developed a new flyer for the program, and revised all online lessons. In addition for both 2015 and 2016, a special promotion of the program was made to all judicial officers to encourage participation in Law Day/Law Week.

Current Projects

Each of our current projects is either a carry-over from 2015 (1-4 below) or selected by our members at our January 22, 2016 PTC meeting (5-6 below) as a priority to increase the level of public trust and confidence in the court system. PTC subcommittees were established for each project.

1. ***Create and Disseminate a PSA Video to Encourage Citizens to Respond for Jury Duty, with a Special Outreach to Diverse Audiences.*** This subcommittee consists of Co-chairs David Johnson and the Honorable Mike Killian with members, Kay Newman, Paula Rehwaldt, and Judge Bill Bowman. At the invitation of the Washington Supreme Court Pattern Jury Instruction Committee, the PTC was asked to create a jury video to encourage jury service with a special outreach to groups that traditionally do not respond. The theme is: "Without you participating, there is no justice." TVW filmed the PSA in Pasco in spring 2016 and has produced a rough draft.
2. ***Review, Repackage and Market All Past Products of the Public Trust and Confidence Committee.*** This subcommittee consists of Chair Judge James Docter with members Justice Mary Fairhurst, Barbara Fox, and Dennis Rabidou. This subcommittee has reviewed all of the current items on the PTC website and is working on the *What's Happening in the Courts* coloring book.
3. ***Access to Justice Public Education Campaign for the Public.*** This subcommittee is chaired by Catherine Brown with members Dot French, Commissioner Paul Wohl and former member Andrew Sachs. The subcommittee members are doing fact-finding in four areas of unmet legal needs: health, consumer, municipal services and unemployment.
4. ***Catalog LRE Materials.*** Subcommittee members Margaret Fisher, Justice Mary Fairhurst, Barbara Fox, and Dennis Rabidou continue to catalogue and will make public existing law-related education materials that are in storage. With the funds remaining from this year, three law students have been hired to complete the cataloging part of the project by June 30, 2016.
5. ***Elevator Speech for Cynics:*** This subcommittee is chaired by Barbara Fox with members Paula Rehwaldt and Judge James Docter to prepare a short response for individuals who express cynicism about the law, the courts, and voting.
6. ***Procedural Justice Projects:*** This subcommittee is co-chaired by Justice Mary Fairhurst and Judge Bill Bowman with members Dennis Rabidou and the Honorable Staci Myklebust. They are still deciding on a specific project that addresses the perceived fairness by users of the court.

Thank you for your time today.



CONNECTING JUDGES AND CLASSROOMS

Since 1996, the Judges in the Classroom program has made judges available to educate and empower students in K-12 classrooms. The program, along with the companion program, Street Law, was awarded the Colleen Willoughby Youth Civic Education Award by Seattle CityClub in 2014. Program Director Margaret Fisher was awarded the 2013 Sandra Day O'Connor Award for the Advancement of Civics Education.

ABOUT JUDGES IN THE CLASSROOM

The Judges in the Classroom program, coordinated by the Administrative Office of the Courts, allows K-12 teachers to request that a judge visit their classrooms. Judges present age-appropriate lessons featuring Washington state law and practice.

The interactive lessons provide students with a unique opportunity to learn about the legal and judicial systems as well as the basic concept of fairness.

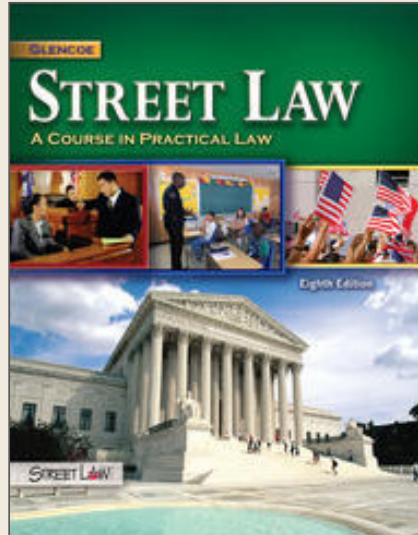
The Judges in the Classroom curriculum leads to active discussions, courtroom simulations and role-playing. Students use critical-thinking and reasoning to observe and analyze situations. Lesson plans and supporting materials are free for both teachers and judges and are easily accessible online for download.



Visit www.courts.wa.gov/education to find out more about the Judges in the Classroom program and to request a judge for your classroom.

ABOUT STREET LAW

The Street Law program is geared for high school classrooms, where a judicial officer commits to teach the curriculum once per week. A one-day training in the summer prepares the judicial officer/teacher partners on how to implement the program. Each team is provided with a classroom set of the national textbook, *Street Law: A Course in Practical Law*. The Washington Judges Foundation and the U.S. District Court for Eastern Washington support this effort. There are more than 30 pairings active around the state.



SAMPLE LESSONS

Creating a Bill of Rights in Space Younger students find themselves in outer space with the task of identifying what rights they need.

Herschel C. Lyon Mock Trial

A sea lion is charged with the murder of a steelhead trout at the Ballard Locks. This trial exposes students to conflicting perspectives of environmentalists, Native Americans, sports fishers, and marine biologists.

Claim Your Jurisdiction

After mastering which federal and state courts can hear which cases, students play a game in which they are assigned in groups to a particular court and asked to “Claim” or “Not Claim” specific cases they are presented with.

Landlord/Tenant

Students begin with an opinion poll in which they agree or disagree about the legality of various actions taken by tenants or landlords. In the debriefing, they learn the landlord tenant law of Washington.

“The opportunity to participate in a local high school classroom turned out to be the highlight of my career.”

JUDGE SUE DUBUISSON (RET.), THURSTON COUNTY DISTRICT COURT





ENCOURAGE UNDERSTANDING

Judges are an invaluable source of knowledge about the court system and the role of the judiciary in our democracy.

Washington judges welcome the opportunity to speak to your group or organization.



www.courts.wa.gov



REQUEST FORM

Name (Primary Contact)

Organization

Date of Event

Event Location

Speaking Topic

Phone

Email

SUBMIT FORM TO:

**[placeholder for
local courts'
personalization]**

Invite a judge
to speak to
your group or
organization

JUDICIAL SPEAKERS BUREAU





THE PROGRAM

Help support efforts to educate the public about the judicial system and invite a judge to speak to your group or organization.

Communication between the courts system and the community provides an opportunity to:

- Address concerns
- Explain legal rights
- Increase understanding
- Explore issues

Judges are available to speak without charge to a wide variety of groups or organizations, including service clubs and community groups.

Judges also speak in schools. Learn more about Judges in the Classroom at www.courts.wa.gov/education.



REQUEST A JUDGE

- 1 Determine the date and location of your event. Judicial schedules can be very busy. It is recommended that you submit your request at least one month in advance of the event.
- 2 Fill out the form on the back panel and submit it to the contact listed. A judge will be assigned to your event based on location, availability, and presentation topic.
- 3 Contact the judge to discuss expectations for the speaking engagement. Provide details to the judge to help them understand the context of the event and to whom they will be speaking.



TOPICS FOR PRESENTATION

Choose from one of the following topics, or suggest one of your own that is more specific to your event.

- **Courts 101**
Learn about how the Washington Courts System works.
- **Jury Summons**
Find out what to expect when you're called to serve.
- **Therapeutic Courts**
Discover more about therapeutic courts, including drug, mental health, and family courts.
- **A Day in the Life**
Find out what it's like to be a judge.
- **The Judicial Branch**
Learn how the third branch of government operates.
- **Access to Justice**
Determine your rights in regard to justice.

Please keep in mind, judges and court officials cannot give legal advice or address issues involving pending cases.

Tab 5



June 3, 2016

TO: Board for Judicial Administration Members

FROM: Judge Judy Rae Jasprica, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

I. Work in Progress

The Committee for the Education of Court Employees (CECE) met April 12, 2016 to continue their work on identifying court education/training available to administrators, county clerks, and line-staff and identify the gaps in education that are missing. They will make a formal recommendation to the CEC in the near future and the information will be utilized during the State Justice Institute (SJI) grant project.

SJI reviewed the grant proposal on April 18, 2016 and approved. Start date April 18, 2016.

The CEC met online on April 25, 2016 to discuss the biennial re-write and the CEC SJI grant. Monitoring process of request.

The CEC Chairs met with Dr. Martin on May 3, 2016 to discuss the “next steps” in implementing the SJI grant on “Court Education Reengineering Project.” Dr. Martin developed an agenda and the chairs discussed the content, flow and supporting materials needed for the June 10, 2016 meeting with the full CEC.

The CEC budget committee met on May 5, 2016 to review the Budget and Funding Committees additional questions and develop responses and submitted those responses by the deadline. The CEC budget committee also met to review the FY16 budget and reallocated unencumbered funds to spring programs where needed.

The upcoming meetings are:

- CEC meetings:
 - June 10, 2016 – Sea-Tac – Radisson Hotel

II. Short-term Goals

The CEC plans to:

- Adopt a communication plan to foster a holistic relationship between the other BJA standing committees.
- Develop an in-state Judicial Education Leadership Institute.
- Biennial request to the BJA, due in March 2016.

III. Long-term Goals

- Begin strategic planning and development of judicial branch education with consultant.
- Develop a stable funding source for court education.

IV. SJI Tasks (tasks may be modified as needed and additional tasks identified)

- Form an assessment and planning team and conduct a needs assessment and visioning session.
- Identify effective court learning and education approaches.
- Formulate a comprehensive 3-5 year learning and education strategic agenda.
- Implement improved education function governance and align learning and education activities among court committees, associations, and commissions.
- Begin to implement reengineering learning and education function priorities.
- Prepare two versions of a roadmap for learning and education improvement in the Washington State Courts.



June 10, 2016

TO: Board for Judicial Administration (BJA) Members
FROM: Misty Butler, BJA Administrative Manager
RE: BJA Legislative Committee Update

The BJA Legislative Committee has not met since their weekly meetings during the 2016 legislative session. During the interim, the committee has overseen the assembly and distribution of the 2016 Legislative Bill Summary which was distributed to judicial officers, and court administrators/managers.

Selection and Confirmation of BJA Legislative Committee Chair

The Legislative Committee charter states that the committee chair shall be one the three BJA members on the committee and rotate between the three court levels. The SCJA held the last chair position, therefore the new chair should come from the DMCJA or the COA.

Action: Nominate and confirm the new chair for the BJA Legislative Committee.

Beginning in July, the BJA Administrative Manager will meet with the committee chair to formalize the plan to create the BJA legislative agenda for the 2017 session.

Associate Director, Office of Judicial and Legislative Relations

The Administrative Office of the Courts is still in the process of searching for the new Associate Director of the Office of Judicial and Legislative Relations. A portion of this individual's time will be spent representing the BJA's agenda to the Legislature as well as staffing the BJA Legislative Committee.

As determined during the May 20, 2016 BJA meeting, the BJA co-chairs designated the BJA Legislative Committee Chair to sit on the interview panels.



June 9, 2016

TO: Board for Judicial Administration Members
FROM: Judge Janet Garrow, Policy and Planning Committee
RE: REPORT OF POLICY AND PLANNING COMMITTEE

The Policy and Planning Committee met immediately after the most recent BJA meeting, on May 20. This report summarizes committee activity at that meeting and since.

I. Committee Membership

Three of the seats on the committee are ex officio: the presiding chief judge of the Court of Appeals and the presidents-elect of the two trial court judges' associations. As a result Judges Leach, Downes and Marinella have completed their services to the committee. They have been or will be replaced by Judges Lisa Worswick of Division II, COA, Sean O'Donnell of King County Superior Court, and Scott Ahlf of Olympia Municipal Court.

In addition, the BJA approved revisions to the committee's charter at its March meeting to allow for expansion of committee membership. As a result the committee has approved the following additional new members effective July 1: Judge John Chun of King County Superior Court, Judge Joseph Burrowes of Benton County District Court, Ms. Paulette Revoir of Lynnwood Municipal Court, and Ms. Paula Littlewood, Executive Director of the Washington State Bar Association. All of these positions with the exception of the Bar director are for two years. The committee has elected not to fill a public member seat at this time.

The expanded membership of the committee effective July 1st will therefore be:

- Judge Janet Garrow, Chair
- Chief Justice Barbara Madsen
- Judge Lisa Worswick
- Judge Scott Sparks
- Judge Sean O'Donnell
- Judge John Chun
- Judge Scott Ahlf
- Judge Joseph Burrowes
- Ms. Paulette Revoir
- Ms. Paula Littlewood

The committee will provide an orientation process for the new members and expects to hold its first meeting of the expanded membership in August.

II. Strategic Issue Management Initiative

At the May BJA meeting the committee presented the results of the SIM initiative in the form of five issues proposals, and offered recommendations for BJA action on each. Following discussions with the BJA and on the committee, the committee revised the recommendations to provide greater specificity as to what will be expected in terms of next steps for each project and what the BJA commitments, and limits to its commitments, to each of the projects will be.

The recommendations are on the June 20 BJA agenda and are in the meeting packet.

III. Mission, Vision, Principal Policy Objectives, Goals of the BJA

The committee is charged with recommending a schedule and process for review of the higher-order elements of the board's planning elements: the mission, vision, and strategic goals of the BJA, and the principal policy objectives of the judicial branch. This will constitute the bulk of the committee's work in the second half of the calendar year.

Tab 6

Tab 7



MEMBERS

Hon. Laura Bradley
Hon. Anita Crawford-Willis
Ishbel Dickens, Chair
Nicholas P. Gellert
Lynn Greiner
Mirya Muñoz-Roach
Geoffrey G. Revelle, Chair-Elect
Andrew N. Sachs

STAFF

Terra Nevitt
Access to Justice Manager
(206) 727-8282
terran@wsba.org



June 10, 2016

Misty Butler, Assistant Director
Board for Judicial Administration
1112 Quince St SE
PO Box 41170
Olympia, WA 98504-1170

RE: Administrative Office of the Court's Funding Request to Provide Regular Education Opportunities to Courthouse Facilitators

Dear Ms. Butler,

The Access to Justice Board (ATJ Board) encourages the Board for Judicial Administration to endorse and recommend Supreme Court Budget Committee support of the Administrative Office of the Court's (AOC) budget request for courthouse facilitator training and support.

The ATJ Board has recommended substantial changes to General Rule 27 to professionalize and expand the scope of subject matter areas for courthouse facilitators. These recommendations call for a renewed and expanded role for AOC staff to develop and deliver training and to otherwise support courthouse facilitators. Courthouse facilitators play a critical role in helping unrepresented people to navigate the courts and further access to justice. The Court Rules Committee will not take action on the proposed revisions to GR 27 before sufficient resources are secured so AOC can perform the important functions spelled out in the proposed revision to the rule. We believe that the AOC funding request before you is a positive step in strengthening courthouse facilitator services and should be supported.

We greatly appreciate the Board of Judicial Administration's consideration of the AOC funding request and look forward to it being acted upon favorably.

Sincerely,

Ishbel Dickens
Chair, Access to Justice Board

Cc: Paula Littlewood, Executive Director, Washington State Bar Association



**TRIAL COURT
ADVOCACY BOARD**

May 27, 2016

Mr. Ramsey Radwan
Director, Management Services Division
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504

Dear Mr. Radwan:

RE: PRIORITIZATION OF BUDGET REQUESTS

The Trial Court Advocacy Board (TCAB) is appreciative of the request for input and prioritization of the Board for Judicial Administration (BJA) recommendations for the 2017-2019 Branch Budget Request. TCAB welcomes the opportunity to advocate for resources that assist trial courts statewide.

You note in your request to us that "TCAB speaks for the trial courts". While that phrase may be an unintended label of our purpose, we wish to clarify our role so there are no misunderstandings. TCAB is an "advisory and advocacy body" designed to enhance awareness of trial court issues. It is a mechanism to allow the trial courts to work together on shared issues and concerns. The respective trial court associations continue to speak for themselves.

In light of our role, we have reviewed the suggested BJA budget requests and do not believe we can prioritize one over the other; however, we do recognize six of the requests would positively impact both levels of the trial courts and would advocate they receive appropriate prioritization. Those six include the following:

1. Court Personnel Education
2. Trial Court Interpreter Services
3. Web Services Support
4. Telephonic Interpreting Services
5. Therapeutic Courts Best Practices
6. WSCCR Capacity and Sustainability

TCAB believes that all of these requests have great potential to benefit both levels of trial courts—superior and limited jurisdiction. TCAB is currently working on funding requests to be submitted in the future, and we look forward to a collaborative process in creating and responding to these requests.

Again, thank you for the opportunity to provide this input.

Very truly yours,

Judge David A. Svaren
Chair, Trial Court Advocacy Board

cc: TCAB Members
Ms. Misty Butler
Ms. Janet Skreen

From: Bamberger, James (OCLA) [<mailto:jim.bamberger@ocla.wa.gov>]

Sent: Thursday, June 09, 2016 1:35 PM

To: Butler, Misty <Misty.Butler@courts.wa.gov>

Cc: Dietz, Callie <Callie.Dietz@courts.wa.gov>; Skreen, Janet <Janet.Skreen@courts.wa.gov>; Marler, Dirk <Dirk.Marler@courts.wa.gov>; Radwan, Ramsey <Ramsey.Radwan@courts.wa.gov>; Bamberger, James (OCLA) <jim.bamberger@ocla.wa.gov>; Terra Nevitt <terran@wsba.org>

Subject: AOC Proposed Courthouse Facilitator Funding Decision Package

Greetings BJA Members,

The Office of Civil Legal Aid respectfully encourages the BJA to endorse and recommend that the Supreme Court Budget Committee submit to the Legislature AOC's proposed decision package related to training and support for courthouse facilitators across the state.

Most of the background related to this request is set forth in the attached GR 9 submitted from the Access to Justice Board to the Supreme Court's Rules Committee. As you will see, we undertook a very long, thorough and inclusive process to develop recommendations to better define the roles and functions of courthouse facilitators and to authorize local policy makers to expand the substantive areas within which facilitators may provide authorized services.

Central to the effectiveness and ability of facilitators to perform the functions outlined in proposed GR 27 – and to the ability of the public to maintain trust and confidence in the quality of services facilitators provide -- is their access to regular and effective training, technical assistance and support. The proposed rule contemplates a more refined and more robust role for AOC than the current rule does. As we all know, AOC is stretched to the limits and does not have staff available to perform these additional tasks. That is why AOC has asked for authority to seek funding for this effort. I should note here that in light of the lack of available resources, and without any comment on either the substance of the rule itself or its merits, the Court's Rules Committee has declined to consider or publish the proposed rule for comment.

Courthouse facilitators play a critical role in the administration of family law justice in nearly every judicial district in the state. In a state where more than 80% of family law cases have at least one person who is unrepresented and where both parties are unrepresented in nearly 60% of the cases, courthouse facilitators are the grease that keep the family law

justice system running. Facilitators need to be certified and have the training and support to do their jobs in a manner that serves and protects the public interest. The role and responsibilities assigned to AOC in the revised rule will ensure that these ends are achieved.

In sum, the Office of Civil Legal Aid respectfully requests that the BJA endorse AOC's request for funding for courthouse facilitator support.

Best regards,

Jim Bamberger

James A. Bamberger, Director
Washington State Office of Civil Legal Aid
PO Box 41183
Olympia, WA 98504-1183
jim.bamberger@ocla.wa.gov
360-704-4135 (Direct)
360-280-1477 (Mobile)

GR 9 COVER SHEET

Suggested Revision of GR 27

Submitted by the Washington State Access to Justice Board

A. Name of Proponent: Washington State Access to Justice Board

B. Spokesperson: Ishbel Dickens, Chair
C/O Washington State Bar Association
1335 Fourth Ave., Suite 600
Seattle, WA 98101
206-727-8282

C. Purpose: “The mission of Washington courts is to protect the liberties guaranteed by the constitution and laws of the state of Washington and the United States; impartially uphold and interpret the law; and provide open, just and timely resolution of all matters,” states Chief Justice Barbara A. Madsen in her welcome to the courts’ web site. A widely held view is that courts and legal processes were developed by lawyers and judges for lawyers and judges. But to meet today’s demands for access to justice, courts must tailor their mission for not only lawyers and their clients, but for the many thousands of persons who must navigate complex legal proceedings without the assistance of a lawyer.

In response to the ever-growing number of unrepresented litigants in family law, Washington State launched a family law courthouse facilitator program in 1993, with enabling legislation following a pilot project in seven counties. See RCW 26.12.240. The family law courthouse facilitator program is largely considered a resounding success. See [Washington’s Courthouse Facilitator Programs for Self-Represented Litigants in Family Law Cases](#), Washington State Center for Court Research, 2008.

Since 2002, GR 27 has served to guide facilitator program staff and managers. The rule, among other things, defines the basic services that family law courthouse facilitators. The rule is limited in application to facilitators who operate pursuant to RCW 26.12.240. It establishes an Advisory Committee supported by the Administrative Office of the Courts (AOC) to establish minimum qualifications and administer a curriculum of initial and ongoing training for family law courthouse facilitators. And it defines the “Basic Services” that family law courthouse facilitators may provide without running afoul of prohibitions against the unlicensed practice of law.

In 2013, the Access to Justice (ATJ) Board’s Justice Without Barriers Committee convened a Courthouse Facilitator Work Group to review of the courthouse facilitator experience during its first twenty years of operation and make recommendations with respect to how the program might better operate and to explore whether facilitators might provide services beyond the family law area. The

Work Group was co-chaired by Commissioner Michelle Ressa (Spokane County Superior Court) and Office of Civil Legal Aid Director Jim Bamberger and included representatives from the Clerks Association, court administrators, courthouse facilitators, legal aid programs and the Administrative Office of the Courts. The Work Group assessed the value of facilitator services in relation to the fiscal and operational efficiency of local courts, identified core functions and best practices learned over the prior 20 years and made a series of recommendations designed to enhance and further professionalize the operations of courthouse facilitator programs. A copy of the Courthouse Facilitator Work Group Report (2014) is attached. The Work Group's recommendations were forwarded to and approved by the Justice Without Barriers Committee and the Access to Justice Board respectively.

Among the Work Group's recommendations was that GR 27, the general rule governing the scope of activities that courthouse facilitators be authorized to engage in without engaging in the practice of law, be substantially rewritten to (a) extend authority to provide services in areas beyond family law (at local option), (b) incorporate best practices, (c) define core functions and expectations, (d) ensure that fees and surcharges do not serve as obstacles to access, (e) require that courthouse facilitators receive consistent training and support and (f) ensure that interpreter services are provided for persons who do not speak English as a primary language.

The Access to Justice Board believes the proposed GR 27 captures the best practices learned over the past 20 years of experience, provides necessary local option authority and latitude, and ensures effective training and essential support so that quality facilitator services will be provided in every part of the state. In the end, facilitator services will be upgraded and more intentionally integrated into the operations of our trial courts, consistent with local court administrative needs and the needs of unrepresented litigants.

The proposed amendment to GR 27 will offer robust consumer-protection safeguards and ensure that only those operating in accordance with the rule (including the training requirements) will be able to serve the public in a manner that does not implicate practice of law concerns. Continuing oversight will be provided by the Courthouse Facilitator Advisory Committee. Initial and ongoing training is required. The amended rule will give structure, authority, and protection for those courts already providing facilitator-like services in areas other than family law including, for example, guardianship facilitators now authorized by Laws of 2015, ch. 295.

D. Hearing. A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material: ATJ Board, Justice Without Barriers Committee, Courthouse Facilitator Work Group Final Report

**SUGGESTED REVISED GR 27
COURTHOUSE FACILITATORS
DRAFT 3-25-15**

(a) Generally. Article 1, sec. 10 of the Washington Constitution directs that justice be administered in all cases without unnecessary delay. Consistent with this mandate, courts have a responsibility to ensure access to and the ability of all persons to assert and defend their legal rights in proceedings before them. This includes individuals who are not represented by an attorney or other authorized legal practitioner.

To further the fair and effective administration of justice and the ability of unrepresented litigants to meaningfully participate in civil legal proceedings, courthouse facilitators are authorized by this rule to provide basic services to unrepresented litigants in superior court civil legal proceedings.

(b) A Courthouse Facilitator Advisory Committee is hereby established. The Committee shall be composed of nine (9) individuals initially appointed by the Supreme Court. Not less than three (3) members of the Committee shall be individuals currently employed as courthouse facilitators. The Committee shall be staffed by the Administrative Office of the Courts.

The Committee shall:

(1) establish and periodically review and revise minimum qualifications for courthouse facilitators, and

(2) develop a training curriculum that addresses legal, ethical, access (including access for persons with disabilities, language barriers and others who experience barriers that limit their ability to effectively participate in legal proceedings), best practices and other issues related to the effective provision of courthouse facilitator services. The training curriculum shall be updated biennially.

Within twelve (12) months following adoption of this rule, the basic training curriculum for courthouse facilitators shall be developed and made available for in-person and on-line delivery. Within six (6) months following employment as a courthouse facilitator or six months following the Committee's adoption of the training curriculum, each courthouse facilitator shall participate in the training program developed by the Committee.

(c) Courthouse facilitators providing basic services under this rule are not applying legal principles and judgment with regard to the individualized circumstances or objectives of another person or otherwise engaged in the practice of law within the meaning of GR 24. Courthouse facilitators may not provide advice regarding litigation strategy or the content or legal effect of pleadings or other documents. Upon a courthouse facilitator's

voluntary or involuntary termination from a courthouse facilitator program, that person is no longer a courthouse facilitator providing services pursuant to this rule.

(d) No attorney-client relationship or privilege is created, by implication or by inference, between a courthouse facilitator providing basic services under this rule and persons who receive assistance from the courthouse facilitator. Whenever reasonably practical, courthouse facilitators shall obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each person utilizing the services of the courthouse facilitator program. The prescribed disclaimer shall be in the format developed by the Administrative Office of the Courts and shall, among other things, make clear that information provided by the unrepresented litigant is not subject to the attorney-client privilege or otherwise protected from disclosure.

(e) Regardless of whether operated as a component of the superior court or the county clerk's office, each county shall determine the substantive legal areas within which its courthouse facilitators are authorized to provide basic services. Within the substantive legal areas of authorized services, courthouse facilitators may provide the full range of basic services outlined in section (g)(3) below.

(f) Reasonable Accommodations for Persons With Disabilities and Limited English Speaking Persons. Courthouse facilitators shall ensure that services are meaningfully available to persons with disabilities and persons for whom English is not their primary language. Consistent with the general expectations outlined in GR 33, courthouse facilitators shall, upon request, make reasonable accommodation to enable persons with disabilities to effectively access services from the courthouse facilitator. Courthouse facilitators shall provide at no charge interpreter services to enable persons for whom English is not a primary language and persons who are deaf or hard of hearing to effectively access services from the courthouse facilitator.

(g) Definitions. For the purpose of this rule the following definitions apply:

(1) A courthouse facilitator is an individual who was providing courthouse facilitator services at the time of the passage of this rule or, within 12 months of appointment, has met or exceeded the minimum qualifications and completed the curriculum developed by the Courthouse Facilitator Advisory Committee and who is providing basic services in civil legal proceedings in a Superior Court.

(2) Civil legal proceedings in a Superior Court include but are not limited to family law, guardianship, probate, emancipation of minors, landlord-tenant, administrative law appeals and appeals from district court.

(3) "Basic Service" includes:

(i) making referrals to legal and social service resources, including legal aid, pro bono, lawyer referral and alternate dispute resolution programs and appropriate resources, to on-line resources where relevant forms and instructions can be obtained;

(ii) assisting individuals to calculate child support using financial information provided by unrepresented litigants on required forms;

(iii) assisting in the preparation of motions for the waiver of filing fees and surcharges (GR 34), requests for reasonable accommodations (GR 33) or the appointment of interpreters;

(iv) assisting individuals to identify, select and meet technical requirements for the completion of forms and compliance with standardized instructions that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

(v) assisting individuals to identify and understand basic court rules, procedures and logistics applicable to their cases, including how to comply with requirements for initiating the case, filing and serving motions and other necessary documents, scheduling hearings, authenticating and presenting documents, preserving and appealing decisions, obtaining and enforcing judgments or other final orders and other procedures relevant to their cases;

(vi) explaining legal terms, assisting individuals to complete forms that have been approved by the court, clerk's office, or the Administrative Office of the Courts, and reviewing documents to determine whether the forms have been properly completed and procedural requirements satisfied;

(vii) assisting individuals to understand when and how to file motions, including motions for temporary relief;

(viii) attending hearings to assist the court where allowed by local practice; and

(ix) assisting with preparation of court orders under the direction of the court.

(h) This rule is adopted pursuant to the Washington Supreme Court's inherent authority to establish court systems and procedures that facilitate the effective administration of justice and to regulate the practice of law.

[Adopted effective _____.]

**2017-2019 Preliminary Budget Requests
AOC June 2016
BJA 2017-2019 Budget Request Priority Recommendation**

Administrative Office of the Courts – General Fund State Requests ONLY				
Title	FTE	Preliminary Amount	BFC Priority	BJA Priority
Trial Court Interpreter Services	FTE 0.5	\$8,000,000 Subject to Revision	1	
Funding is requested to expand the existing program statewide for civil and criminal cases at 100% reimbursement over 3 biennia. It is projected that 50% of all interpreter costs for civil and criminal will be reimbursed during 2017-2019, 75% will be reimbursed in 2019-2021 and 100% reimbursement in 2021-2013. Current funding level is \$610,000 per year. This request would add \$7.8 per year by FY 23 for a total anticipated reimbursement level of \$8.4 million per year. Funding to meet current needs (criminal) and new funding for new services (civil).				
Pattern Forms	FTE 1.5	\$371,000	Tied 2	
Funding is requested for additional staff necessary to meet the growing demand from the legislature and stakeholders. Staff currently maintains over 700 forms. Funds would be used to update forms into a fillable format, translate forms into other languages and into a plain language format and implement legislative and other changes in a timely manner. Current funding level is 1.25 FTE. Funding to meet current needs.				
Court Personnel Education	FTE 1.0	\$396,000	Tied 2	
Funding is requested for the development of online delivery models and timely training for judges and court personnel, including targeted training for presiding judges and court administrators. Funding would be used to develop efficient and cost-effective delivery systems for training all judicial officers and court personnel. Current funding includes AOC staff and \$312,500 per year for education and training programs. Funding to meet current needs.				
Courthouse Facilitator Training	FTE 1.0	\$268,000	4	
Funding is requested to provide regular education opportunities for courthouse facilitators. Funds would be used to immediately update the Courthouse Facilitator Training Manual, regularly update the manual, webinar trainings and periodic in-person training. There is no dedicated funding for this purpose at AOC. New funding.				
Web Services Support	FTE 2.0	\$487,000	5	
Funding is requested to modernize and maintain web services to serve the increasing needs of the public and stakeholders. The number and complexity of web applications has grown and will continue to grow at the public, courts, county clerks and other state agencies gather and transmit data and information through web applications. The AOC maintains over 180 web applications and has developed and must manage 7 new websites. Web services and applications must be changed as technology changes and as court and other state agency business processes change. Existing staff cannot meet the need to update, develop and maintain new applications resulting changes to legislation, technology changes, business process changes and impacts resulting from the 3 new case management systems. Current funding allows for three (3) staff. Funding to meet current needs.				

**2017-2019 Preliminary Budget Requests
AOC June 2016
BJA 2017-2019 Budget Request Priority Recommendation**

Title	FTE	Preliminary Amount	BFC Priority	BJA Priority
Telephonic Interpreting Services	FTE 0.5	\$2,187,000 Subject to Revision	6	
Funding is requested to offset 50% of the costs associated with on-demand telephonic interpretation. New services and funding.				
Guardian Monitoring	FTE 9.0	\$1,243,000	7	
Funding is requested to create a statewide guardianship monitoring program. Funds would be used to implement a statewide guardianship monitoring program modeled after successful programs in Spokane, Wisconsin and Minnesota as well as best practices developed by AARP. Volunteers, volunteer coordinators and accounting experts would monitor approximately 1/3 of the open guardianship cases each year, conduct site visits and review case files. Currently there are no dedicated funds or staff at AOC to monitor guardianships. New services and funding.				
Therapeutic Courts Best Practice	FTE 0.5	\$136,000	8	
Funding is requested to improve drug court functioning and adherence to research based best practices in 4 adult drug courts. Funds would be used to determine adherence to research and implementation of national best practices, through self-assessment and peer review in four adult drug courts. This request assumes the services would be expanded to other therapeutic courts over time. New funding and services.				
CASA Program Expansion	FTE 0.0	\$12,100,000 Subject to Revision	9	
Funding is requested to increase the number of CASA volunteers and to provide regionally based CASA program attorneys. Funds would be used to fully fund CASA programs in order to meet CASA case standards and to provide services to approximately 10,000 children per year. Funds would also be used to support 10 full-time attorneys to provide legal representation and consultation for CASA programs. Current funding is approximately \$3 million per year for pass through to local CASA programs. This package would more than double the annual amount (increase by approximately \$4.6 million per year) and expand services to include attorney services. Expand existing program and funding for new services.				
WSSCR Capacity & Sustainability	FTE 0.0	\$140,000	TBR	
This request may be combined with an overall AOC salary adjustment request.				
Total-Non-IT State General Fund Request	FTE 16.0	\$25,328,000 Subject to Revision		

2017-2019 Budget Development, Review and Submittal Schedule

MONTH	TASK	DATE
June 2016	Revenue Forecast	June 15, 2016
June 2016	BJA Recommends Budget Request Priority to Supreme Court Budget Committee; Revenue Update/Briefing	June 17, 2016
June 2016	JISC Approves Information Technology Requests for Consideration by the Supreme Court Budget Committee; Revenue Update/Briefing	June 24, 2016
June 2016	Supreme Court Budget Committee Meeting	June 27, 2016
June 2016	Supreme Court Admin En Banc-Brief Court if Requested/Necessary	June 29, 2016
July 2016	Supreme Court Budget Committee Meeting	July 12, 2016
July 2016	Supreme Court Budget Committee Meeting	July 19, 2016
August 2016	Supreme Court Budget Committee Presentation	August 4, 2016
August 2016	Supreme Court Budget Committee Meeting	August 11, 2016
August 2016	BJA Meeting-Brief Members on Budget Status if Applicable	August 19, 2016
August 2016	JISC Meeting-Brief Members on Budget Status if Applicable	August 26, 2016
August 2016	Supreme Court Admin En Banc-Status Update	August 31, 2016
Sept. 2016	Supreme Court Budget Committee Meeting-Finalize 2017-2019 Budget Recommendation	Sept. 7, 2016
Sept. 2016	BJA Meeting-Brief Members on Budget Status if Applicable	Sept. 16, 2016
Sept. 2016	Revenue Forecast	Sept. 21, 2016
Sept. 2016	Supreme Court Budget Committee Meeting-Finalize 2017-2019 Budget Recommendation	Sept. 23, 2016
Sept. 2016	Supreme Court Admin En Banc-Approve 2017-2019 Budget Request	Sept. 28, 2016

BJA Meeting Schedule	JISC Meeting Schedule	Revenue Forecast Schedule
May 20, 2016	April 22, 2016	N/A
June 17, 2016	June 24, 2016	June 15, 2016
August 19, 2016	August 26, 2016	N/A
September 16, 2016	October 28, 2016	September 21, 2016
November 18, 2016	December 2, 2016	November 16, 2016
December 16, 2016	N/A	N/A

Tab 8

Board for Judicial Administration
POLICY AND PLANNING COMMITTEE

Strategic Issue Management Initiative
Recommendations on Issue Proposals

June 17, 2016

The Policy and Planning Committee has been engaged in a project designed to work closely with key stakeholders to identify issues of mutual concern and design collaborative approaches to address them. The product of the Strategic Issue Management Initiative is a set of five issue proposals developed by stakeholder workgroups.

The committee considered five factors in evaluating these proposals:

- 1. Whether the proposal addresses an important issue affecting the administration of justice.*
- 2. Whether the proposal addresses an issue of statewide importance.*
- 3. Whether the proposal is consistent with the principal policy goals of the judicial branch. (attached)*
- 4. Whether the proposal promotes collaboration among multiple stakeholders.*
- 5. Whether the proposal is feasible with existing or attainable resources.*

The recommendations of the Policy and Planning Committee of each of the issue proposals are:

A. Court Technology End-User Forum

Recommendation: *That the BJA approve the following statement and actions:*

“The BJA finds great merit in this proposal and will consider it for adoption as a strategic initiative, contingent on the development of a more detailed implementation plan. The implementation plan should address: how the project will be governed; where it will be administratively housed; the principal goals and programmatic activities of the program; and how it will be institutionalized to function effectively on an ongoing basis.

The BJA co-chairs requests that the chair of the Judicial Information Services Committee, the AOC Director of Information Services, and the co-chairs of the Court Management Council provide liaisons to the existing Access and Technology Workgroup to advise it in developing an implementation plan.

To assist in this effort the BJA requests that planning staff continue to provide support through the production of an implementation plan, for a period not to extend beyond December, 2016. The BJA requests that the AOC make its facilities available for additional meetings of the workgroup.

The BJA will consider further assistance to the project upon review of the implementation plan, including support for grant applications and other resources. This statement should not be construed to mean that the BJA would support a legislative budget request.”

B. Quality Indigent Defense (Q.I.D.)

Recommendation: *That the BJA approve the following statement and actions:*

“The BJA finds substantial merit in this proposal and encourages the Indigent Defense Workgroup to develop a more detailed implementation plan. The BJA suggests that the implementation plan address: how the program will be governed; where it will be administratively housed; how it will be funded during development as well as on an ongoing basis; and what the scope and extent of the reviews of indigent defense programs will be.

To assist this effort the BJA requests that planning staff continue to provide support through the production of an implementation plan, for a period not to extend beyond December, 2016. The BJA also requests that the AOC make its facilities available for additional meetings of the workgroup if requested.

The BJA will consider further assistance for the project based on the implementation plan, including support for grant applications. This statement should not be construed to mean that the BJA would support a legislative budget request.”

C. Task Force on Local Justice System Mandates and Funding

Recommendation: *That the BJA approve the following statement and actions:*

“The BJA finds substantial merit in this proposal and encourages the Local Funding Workgroup to develop a more comprehensive and detailed plan for the creation of a task force or similar body to address issues related to the structure and funding of the justice system.

The BJA is not prepared to unilaterally create such a task force at this time, but would consider joining in or sponsoring such an effort contingent on expressions of willingness to participate on the part of other relevant entities, including the chairs of the Senate and House judiciary committees, the Office of the Governor, the Washington State Association of Counties, the Association of Washington Cities, the Washington Superior Court Judges’ Association and the Washington District and Municipal Court Judges’ Association.

If requested by the Local Funding Workgroup, the BJA co-chairs will communicate with officials at the referenced entities and request that they review the proposal and provide liaisons to the workgroup for the purpose of seeking agreement on a draft charter document to create a task force or similar body. The draft charter should include: the name of the body to be created; the composition of its membership and appointing authority for each member; the charge to the body; the powers of the chair and body; specification of its rules of procedure; the administrative home and fiscal agent for the body; staffing, fiscal needs; the source or sources of funding; and reporting date expectations.

To assist this effort the BJA requests that planning staff continue to provide support through the production of a draft charter as described above, for a period not to extend beyond December, 2016. The BJA requests that the AOC make its facilities available for additional meetings of the workgroup if requested. The BJA will consider further participation in the project based on the charter produced, including appointment of members if requested, provision of meeting space, support for grant applications, and other requests.”

D. Eliminate or reduce the disproportionate impact of auto-decline/transfer laws on youth of color

Recommendation: *That the BJA approve the following statement and actions:*

“The BJA views this an important issue affecting the administration of justice and as having statewide application. The proposal urges review of Washington’s statute regarding automatic waiver of juveniles into the adult judicial process, as well as review of other aspects of the juvenile justice system, including restorative justice, community-based alternatives to detention, educational and employment opportunities, and re-entry services. The BJA is sympathetic to these goals, however the proposal as presented provides insufficient direction regarding how these goals would be pursued in a targeted project. As such it does not appear to be sufficiently developed to serve effectively as a BJA initiative. In the alternative the BJA requests that the Minority and Justice Commission review the proposal and consider whether the proposal or any portion of it may be appropriate or timely for action by that body.”

E. Statewide cultural relevancy training program for justice stakeholders including community-based service providers, NGOs, and other CJS partners

Recommendation: *That the BJA approve the following statement and actions:*

“The BJA views this an important issue affecting the administration of justice and as having statewide application. The proposal urges the BJA to ‘recommend that the executive branch identify, offer, and implement accredited statewide cultural relevancy training to justice agency stakeholders including law enforcement agencies.’ The BJA is supportive of cultural relevancy training to justice agency stakeholders, however the proposal as presented, affecting as it does the policy and operations of organizations outside of the judicial branch, and being specifically directed to the executive branch, as well as having significant fiscal implications, gives reason for the BJA to refrain from adopting a position on the matter without review and input from an entity with greater substantive expertise. The BJA instead requests that the Minority and Justice Commission review the proposal and consider whether may be appropriate for action by that body.”

Principal Policy Goals

The following represent the principal policy goals of the Washington State Judicial Branch.

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION

Access and Technology Workgroup

Strategic Issue Proposal

Summary: *The Access and Technology Workgroup proposes the creation of a multi-stakeholder collaboration to develop, implement and institutionalize vehicles for structured communications between end users of court technology and court technology decision-makers to address questions of design, usability and access.*

- I. Proposal Title: Court Technology End-User Forum
- II. Issue Analysis: Technology has exciting potential to expand the courts' ability to provide access to the justice system. The critical role that technology and technology systems play in the administration of justice in the court system will only expand in the future.

However, technology systems often inadvertently create barriers to access. One recent example would be the contract with Lexis Nexis to host the new Washington State Judicial Opinions Website as a resource for published opinions. There are benefits to this arrangement but the loss of ability to hyperlink published opinions greatly diminishes its utility for end users. The Odyssey Portal is another instance of new court technology providing access in a less than optimal way. Any portal designed with feedback of the potential users would not require subscribers to create unique email address for each county's portal, or sign separate confidentiality agreements in paper format for each clerk. End users of the court system are critical sources of information needed to make sound decisions about how technology should be used in the provision of court services.

In 1996 RCW 2.68.050 (4)(5) and (8) directed the courts to consider the public's needs when moving court functions from traditional practices to modern technological procedures. In 2004 the Washington Supreme Court's Access to Justice Technology Principles were adopted in recognition of the fact proactive steps must be taken to assure that technology does not diminish access but actually enhances the public's access to justice.

Experience has proven that optimal outcomes for end users will not happen without early and on-going end-user input. Clearly, mandates and principles are not enough. The courts need effective processes for eliciting and evaluating input and feedback from end users so that new technologies, at

implementation and throughout their term of use, really do fulfill their potential to improve access and services for the public and do not operate as further barriers.

- A. Issue Statement: Ongoing developments in technology continue to create opportunities for improvements in accessing and participating in the judicial system. At present we lack reliable and readily available local or statewide mechanisms that facilitate input from end users at any stage of court technology management.
- B. Relevant Trends and Conditions: Decision-making about deployment of technology in Washington's judicial system occurs among a network of entities, including separate courts, clerks, the state-level JISC, the AOC, the legislature, local governments, legal aid programs, provider companies, and others. While some statewide projects are managed within a richly articulated governance structure, communications within and among participating entities is often complex, time consuming and challenging, and tends to focus on responding to the internal needs of the in-house users on the decision team. Local court technology projects may be implemented by a single department head working with a vendor, so the scale of projects varies widely.

This workgroup is unaware of any best practices that are currently in use and available at the state or local level to help decision-makers assure that the project they are designing or currently using will be optimally responsive to the needs of the end users, and will not establish further barriers for those who are generally not part of the court governance structure, who may be without technology competence or access, or who may have a disability or limited literacy or English proficiency.

- C. Potential Effects: Without a cost-effective, timely, and convenient mechanism for gathering and organizing input from external users of court technology, opportunities to creatively maximize potential benefits for users will be missed, and unanticipated barriers may be created. Because technology projects are so costly the opportunity to refine a project post-delivery may be minimal. A court could wait years until more funding is available to apply lessons learned after implementation, by which time the state of technology may be so vastly altered that lessons learned years before will be of little use. It is particularly important that input be gathered from those who experience cognitive, literacy-based, language and other barriers that limit their ability to effectively use technology based systems.

III. Strategy Proposal:

- A. Desired Outcome: A multi-stakeholder entity empowered to develop ongoing, low-cost, easy-to-use tools to ensure effective incorporation of end-user needs and competencies into the design, deployment and on-going operation of court based technology systems.
- B. Intended Activities: Create a multi-stakeholder entity to develop the following tools:
1. Best practices guide for court technology managers to use on how and when to gather and incorporate input and feedback from end users;
 2. Incorporation of end-user based analyses in developing policies that govern access to and the use of court technology systems including, but not limited to, policies relating to fees, platforms, disability and language access, help and other user support systems;
 3. A list that identifies contacts and contact information for end-user groups statewide and locally;
 4. A list with contact information for state and local court system committees that work on technology issues;
 5. Easily usable survey tools that can be adapted by court technology managers to gather input and feedback on technology projects;
 6. A list of potential creative partners, such as the nonprofit organizations Code for America or CourtHack that could design or configure apps or other technology to serve the project goals.
 7. List of opportunities, such as meetings of associations of court system participants, where technology issues can be discussed;
 8. Mechanisms for use by counties that are separately implementing the same technology to do so in a coordinated fashion.
- C. Desired Outputs: Best practices, resource guides, survey tools, and outward facing presence that facilitates communication between the end users of court technology projects and court technology managers through the life cycle of technology projects.

- D. Expected Impacts: Decision-making and implementation of technology projects would more effectively incorporate end user needs and impacts consistent with the ATJ Technology Principles; broadened focus on how the public and court customers access the court system through technology; improved coordination of technology implementation across jurisdictions.
- E. Critical Actors: Court members and judicial agencies; government law offices; civil legal aid and defender organizations; ATJ Board's Justice Without Barriers Committee, private lawyers; litigants, both represented and pro-se; victims; agency partners such as service providers, jails, law enforcement, state agencies; the broader public including the traditionally underserved; the press – any end users of court data, documents and services.

Project Participants:

- Judiciary, Administrative Office of the Courts
- Judicial Information System Committee
- ATJ Board Justice Without Barriers Committee
- Office of Civil Legal Aid
- Office of Public Defense
- Local court managers
- Government attorneys
- Disability Rights Washington
- Law librarians
- Washington Coalition for Language Access
- Private attorney organizations
- Victim advocates
- Service providers
- Law enforcement
- State agencies
- Media organizations
- Public, including actual members of target demographics, not just agency representatives for those groups

F. General Timeline:

- July – October, 2016: Project planning and organization
- October, 2016 – June, 2017: Development of materials and tools
- July – December, 2017: Dissemination of materials and tools
- January, 2017 – March, 2017: Compilation and analysis of results received

- April, 2017 – June, 2018: Modification, monitoring and institutionalization with court technology management bodies

G. Resources Needed: Participation of stakeholder representatives and court technology management, support staff time, website platform for dissemination of information and conduct of surveys.

H. Potential Sources of Resources: AOC, BJA, JISC, ATJ Board, various associations of court system professionals.

BOARD FOR JUDICIAL ADMINISTRATION

Indigent Defense Workgroup

Strategic Issue Proposal

Summary: *The Indigent Defense Workgroup proposes the design and implementation of a program that trains public defense professionals whom local governments can contract with to provide neutral third-party assessments of the jurisdiction's public defense system. The desired outcome is improvement in the quality, consistency and cost-effectiveness of publicly funded indigent defense services in the State of Washington.*

I. Title: Quality Indigent Defense (Q.I.D.)

II. Issue Analysis:

- A. Issue Statement: There have been significant changes over the last several years in the requirements for provision of indigent defense services in Washington. While the changes affected both misdemeanor and felony representation, the changes in misdemeanor representation have been more challenging for many local governments. Changes in the landscape began with The Washington Supreme Court's adoption of caseload standards in 2012. The trend was further amplified by the decision in *Wilbur v. Mt. Vernon* in December 2013. Both the caseload standards and the *Wilbur* decision were driven in part by the concern that indigent defendants were not receiving constitutionally adequate representation. Proper representation of indigent defendants is imperative, but a hollow promise in the absence of proper monitoring of that representation. Monitoring is essential to ensure compliance with the caseload standards and to ensure that the representation is constitutionally sufficient. The burden of managing misdemeanor indigent defense and caseloads and ensuring compliance has been placed squarely on local governments. Many jurisdictions were unprepared for these additional obligations.

By some estimates, the criminal justice system (police, prosecution, public defense and the courts) comprise a significant majority of local government budgeted expenditures. In most small or mid-sized city and county governments many employees have multiple responsibilities, wearing "many hats," but the field of criminal defense is outside of the expertise of most employees. Management of public defense contracts therefore

presents unique challenges to local governments. Effective supervision of a public defense contract is significantly different from management of other public contracts. Common tools used to manage a range of contracts from personal services to large public works projects, such as insurance, bonding and warranties, along with self-certification and affidavits of compliance are not well-suited to ensure effective management of public defense contracts, nor do they fulfill the obligations defined by Judge Lasnik in *Wilbur*.

Local government elected officials must balance citizens' concerns regarding public safety, while understanding that increases in public safety come at a cost and that changes in any part of the criminal justice system necessarily impact other parts of the system. The same is true here; local government support for police and prosecution requires a corresponding commitment to ensure the constitutional right to counsel.

- B. Relevant Trends and Conditions: Many mid- and small-size cities and counties rely on contracts with local private attorneys or law firms to provide public defense services. Given the ethical duty to separate public defense contract oversight from city attorney and county prosecutor offices, many jurisdictions lack a neutral, professional resource to assist them in evaluating the performance of public defense contractors. In addition to their obligation to fund and maintain a constitutionally robust public defense system, local governments are expected to enter and enforce public defense contracts in accordance with Washington State Bar Association (WSBA) Standards for Indigent Defense and Washington State Office of Public Defense (OPD) guidance. These functions, while critically important, do not justify the addition of full-time specialized staff in many jurisdictions.

Resources to fund the public defense system are also limited. For the last 10 years, some grant assistance has been available from the state through the Office of Public Defense to assist in compliance with the public defense standards, but the funding is not sufficient to fully fund the new obligations. Additional state resources are expected to be difficult to obtain in the current budget environment.

Accordingly, local jurisdictions are in need of neutral professional resources capable of evaluating indigent defense programs and resolving complaints, as well as providing annual or other periodic quality review of the delivery of public defense services, particularly related to misdemeanor defense services.

- C. Potential Effects if Issue is Not Addressed: All local jurisdictions that provide public defense services have the obligation to monitor and supervise their public defenders, but smaller local jurisdictions have neither the resources nor the need to hire a professional on a full-time basis to provide this oversight.

III. Strategy Proposal:

- A. Desired Outcome: The primary desired outcome is improvement in the quality, consistency and cost-effectiveness of publicly funded indigent defense services in the State of Washington. This outcome is to be achieved through the design and implementation of a program that trains public defense professionals whom local governments can contract with to provide neutral third-party assessments of the jurisdiction's public defense system. Jurisdictions that utilize public defense coordinators will also benefit from the development of "best practices."

These resources could provide both qualitative analysis of courtroom performance, training and supervision, and monitoring of complaints as well as assistance to local governments in analyses of quantitative factors such as caseloads, percentages of cases that proceed to trial, numbers of investigations conducted, and effective use of resources such as mental health professionals, social workers, and experts.

B. Intended Activities:

1. Create and maintain training programs for public defense contract supervision. Utilize available resources and local consortiums such as the Washington State Office of Public Defense (OPD) and the city and county associations. Pursue funding through local government and consortiums to enhance local evaluation programs.
2. Develop uniform goals and guidance for quantitative and qualitative analysis of public defense systems.
3. Utilize stakeholder input from organizations such as the Association of Washington Cities (AWC), the Washington State Association of Counties (WSAC), the Washington State Association of Municipal Attorneys (WSAMA), the Washington Association of Prosecuting Attorneys (WAPA), the Washington Defenders Association (WDA), the Washington Association of Criminal Defense Lawyers (WACDL), the Washington State Bar Association Council on Public Defense (WSBA-CPD), and Washington Public Risk Management Association (PRIMA).
4. Address implementation of an ongoing quality assurance program through an organization such as OPD.

C. Desired Outputs:

1. A statewide program providing a pool of trained professionals who can be engaged to assist local governments in the supervision and monitoring of public defense contract services, particularly misdemeanor services.
2. Uniform methodologies that can be used in supervising and monitoring local contract public defense services.

D. Expected Impacts:

1. Improve and maintain the quality of misdemeanor indigent defense at a robust level consistent with local governments' constitutional obligations and indigent defendants' constitutional rights.
2. Get the most bang for the public buck.
3. Preserve local public policy latitude within constitutional guidelines.
4. Encourage continual assessment of the impacts of changes in any portion of the criminal justice system on the other segments.

E. Project participants: Organizations such as: OPD, AWC, WSAC, WSAMA, WAPA, WDA, WACDL, WSBA-CPD and PRIMA as well as state and federal grant funding entities and non-profit public defense agencies.

F. Timeline:

1. Project Planning and organization: July 2016 to October 2016.
 - a. Develop detail regarding the project's scope through stakeholders.
 - b. Identify available existing resources and ongoing programs.
 - c. Develop a detailed schedule to implement final recommendations.
2. Create funding opportunities through grant applications or cooperative funding mechanisms such as inter-local agreements. October 2016 to July 2017.
3. Develop training program. October 2016 to July 2017
4. Train public defense monitors and personnel. July 2017- July 2018

5. By December 2018 create a pool of trained evaluators/monitors for use by local government as a resource.
- G. Resources Needed: Funding and a lead agency such as OPD willing to coordinate grants and conduct training.
- H. Potential Sources of Resources:
1. Office of Public Defense;
 2. State and Federal Grants;
 3. Local Government Interlocal Agreements;
 4. WDA, WACDL, WSAMA and WAPA; and
 5. Researchers and Academic Institutions.

BOARD FOR JUDICIAL ADMINISTRATION

Local Funding Workgroup

Strategic Issue Proposal

Summary: *The Local Funding Workgroup proposes a project intended to produce actionable recommendations on changes in law that can be made to improve the capacity of local governments to provide for the law and justice system needs of their communities, with a focus on ensuring the requirements of due process and the rule of law in criminal and civil matters.*

I. PROPOSAL TITLE:

Task Force on Local Justice System Mandates and Funding

II. ISSUE ANALYSIS:

- a. Issue Statement: Under Washington law responsibility resides with county and municipal governments to provide for a range of services related to the law and justice system, including law enforcement, prosecution, defense of indigent criminal defendants, and adjudication. The combined costs of these services consume, on average, approximately 75% of county general fund resources, and similarly high proportions of municipal resources. Further, the costs for these services are rising at faster rates than are revenues, which are constrained by a variety of laws and economic conditions. The result is that counties and municipalities are experiencing structural deficits making it impossible to meet the law and justice needs of communities mandated by law.

This fiscal dilemma has become exacerbated by recent federal case law and court rules that impose new requirements on the provision of indigent defense services. The combined effect of the decision in *Wilbur v. Mt. Vernon* in December 2013, in conjunction with the Washington Supreme Court adoption of rules requiring that attorneys comply with certain standards for indigent defense have increased the burden on local governments of funding and managing indigent defense. Similar resource demands exist for other due process obligations: prosecution, witnesses and expert witnesses, language interpretation, trial by an impartial jury, etc. Finally, the general problem acute when a major crime such as a multiple homicide occurs in a smaller county, requiring the expenditure of large sums that are beyond the planned budget and larger than available contingency funds and available state assistance.

The result of increasing costs and limited revenue is that local governments are experiencing great difficulty in meeting the needs of their communities to provide for public safety while ensuring the basic constitutional requirements of due process for criminal defendants and civil litigants. This status quo is untenable and does a great disservice to the public.

- b. Relevant Trends and Conditions: Revenue supporting justice system funding comes from a variety of sources with varying levels of consistency. The level of support to the courts specifically is stretched as revenue is also required to support other criminal justice needs such as police, jails, indigent defense and related services.

In addition to the additional revenue needed to fund the required attorney-to-caseload ratio is the requirement for indigent defense oversight by cities pursuant to *Wilbur*. While cities may be able to find efficiencies such as sharing individuals assigned to such oversight, it is over and above previous resource allocations. The trend of increasing revenue requirements to comply with indigent defense standards is expected to continue in the context of dwindling available revenue.

In recent years resources that local government rely on have been legislatively terminated or cut. Examples include the Public Works Trust Fund, local government share of the state liquor tax, and the current effort to eliminate funding for the Municipal Research Services Center. This environment leaves little in the way of available revenue to meet additional requirements.

The fiscal constraints of local government have affected the ability to provide services in civil as well as criminal matters. User fees have been instituted in some jurisdictions, impacting the ability of those with limited means to access the legal system in order to vindicate their rights. Courts and court clerks cannot provide assistance to unrepresented litigants and other court users. Facilities and hours of operations are limited.

- c. Potential Effects: The status quo of growing demands and limited resources can only result in an increasingly inability of local governments to effectively serve the law and justice system needs of communities, including ensuring the requirements of due process for criminal defendants and civil litigants.

III. STRATEGIC ISSUE PROPOSAL:

- a. Desired Outcome: Actionable recommendations from a balanced, multi-stakeholder study group on changes in law that can be made to improve the capacity of local governments to provide for the law and justice system needs of their communities, with a focus on ensuring the requirements of due process and the rule of law in criminal and civil matters.
- b. Intended Activities: Impaneling of a study group or task force charged with:
 - i. study of Washington law as regards the distribution of responsibility between and among the state and local government for law and justice system services, and development of recommendations on modifications to the existing distributions;
 - ii. study of existing organizational structures deployed to meet those responsibilities, and potential reorganizations or reforms;
 - iii. study of revenue sources and constraints on uses of funds, and development of recommendations for new revenue sources or modifications of existing law; and
 - iv. other recommendations to improve the capacity of state and local governments to meet the law and justice system needs of communities.
- c. Desired Outputs: Analyses and recommendations as described in Part III(b) above.
- d. Expected Impacts: Greater and more efficient use of resources in meeting the law and justice system needs of Washington communities in both civil and criminal matters.
- e. Project Participants: The quality and authority of any analyses and recommendations produce by a study committee are dependent on the expertise of members who serve on the committee, the breadth and balance of the body, and the quality of staff and resources available to support the study.

The study group should therefore include representatives of both state and local government within each of the three branches of government. Membership should therefore include: chairs of the House and Senate Judicial Committees, a representative of the Office of the Attorney General, representatives of the judicial branch, representatives of county

and municipal governments, representatives of the superior, district, and municipal courts, and representatives of affected entities, including prosecution, public defense, access to justice and local related services.

- f. General Timeline: An initial step in addressing this issue would be the collaborative development of a charter for the study group or committee that specifies membership, the charge to the body, and identifies sufficient staffing and expense resources. A planning period of approximately three months should be provided for this purpose. The overall study could be completed within approximately two years.
- g. Resources Needed: Administrative staff to support communications and logistics, professional staff with expertise in law, management and budgeting, and funding for meetings and associated expenses.
- h. Potential Sources of Resources: Shared contributions from participating organizations; grant funding from the Department of Justice, State Justice Institute or other federal funding sources, grant funding from the American Bar Association or other legal organizations.

BOARD FOR JUDICIAL ADMINISTRATION

Juvenile Workgroup

Strategic Issue Proposal #1

I. Proposal Title:

Eliminate or reduce the disproportionate impact of auto-decline/transfer laws on youth of color.

II. Issue Analysis:

In reviewing recent data, youth of color are disproportionately transferred to the adult system. Studies have found that youth transferred to the adult system are more likely to reoffend.

a. Relevant Trends and Conditions:

- i. While juvenile detention rates are decreasing the rate of racial and ethnic disproportionality are increasing.
- ii. The auto-decline law has a significant impact on youth of color.
- iii. Youth of color are disproportionately transferred to the adult system.
- iv. Washington is one of three states that does not have an age restriction for juvenile transfers to the adult system.

b. Potential Effects:

The potential effects of the relevant trends and conditions include:

- Increasing the harm to youth of color and their families,
- Increases racial and ethnic disproportionality,
- Increases recidivism,
- Further polarizes communities of color from government,
- Diminishes trust between communities of color and institutions of authority,
- Exacerbates existing structural inefficiencies,

- Creates irreparable harm to youth of color,
- Their families and communities of color, and
- Creates a fiscally unsustainable JJS system.

III. Strategic Issue Proposal:

The BJA Juvenile Justice Workgroup will review the Washington auto-decline/transfer laws and make recommendations on whether Washington should:

- Expand restorative justice practices,
- Develop more community-based alternatives to secure detention,
- Create more educational, vocational, and employment opportunities for youth of color,
- Create a stronger youth reentry system to decrease recidivism.

a. Desired Outcome:

Reduce or eliminate the disproportionate impact of the auto-decline law on youth of color.

In a recent decision from Division II, the Court stated “We join the Illinois Supreme Court in urging our legislature to review our automatic decline statute utilizing current scientific and sociological evidence, which indicates a need for the exercise of judicial discretion in determining the appropriate setting for juvenile cases.” State v. Houston-Sconiers, 191 Wn.App. 436, 445 (Div 2, November 24, 2015).

BOARD FOR JUDICIAL ADMINISTRATION

Juvenile Workgroup

Strategic Issue Proposal #2

I. Proposal Title:

Statewide cultural relevancy training program for justice stakeholders including community-based service providers, NGOs, and other CJS partners.

II. Issue Analysis:

In reviewing justice agency data and the clients it serves, a significant number of clients coming into contact with the criminal justice system are people of color including immigrants and others representing marginalized communities such as the members of the homeless community and members of the LGBTQ community.

Accredited cultural relevancy training made available statewide is needed to ensure that cultural responses are developed, implemented and applied to adequately address the needs of diverse clients. Statewide cultural relevancy training will enable justice agency stakeholders to be more effective in meeting the needs of diverse clientele.

a. Relevant Trends and Conditions:

- i. While juvenile detention rates are decreasing the rate of racial and ethnic disproportionality are increasing.
- ii. A significant number of justice agency stakeholders are white or of European descent.
- iii. A significant number of East African, Latino/a, and Western European youth are coming into contact with the JJS.
- iv. Washington's immigrant population is steadily increasing. In King County alone over 190 languages are spoken.

b. Potential Effects:

The potential effects of the relevant trends and conditions include:

- Ineffective responses to the needs of youth of color or immigrant youth,
- The development of inadequate treatment for youth of color or immigrant youth,
- Inadequate tools to help change behavior or impact recidivism,
- Further polarization of communities of color and government,
- Further erosion of trust between communities of color and institutions of authority,
- Exacerbates existing structural inefficiencies,
- Fails to mitigate harm to diverse populations coming into contact with the JJS.

III. Strategic Issue Proposal:

The BJA will recommend that the executive branch identify, offer, and implement accredited statewide cultural relevancy training to justice agency stakeholders including law enforcement agencies.

a. Desired Outcome:

To institutionalize cultural responses to meet the needs of diverse populations, which will increase positive outcomes and effectiveness.

Tab 9

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

BJAR
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.
 - (1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.
 - (2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

BJAR RULE 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000; amended effective September 1, 2014.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII **Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
Amended 10/21/05
Amended 03/16/07

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BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)