



Board for Judicial Administration (BJA) Meeting

Friday, August 19, 2016 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Scott Sparks, Member Chair
Judge Scott Ahlf
Judge Bryan Chushcoff
Judge Scott Collier
Ms. Callie Dietz
Judge Janet Garrow
Mr. William Hyslop (by phone)
Judge Mary Logan (by phone and in person)
Judge G. Scott Marinella
Judge Bradley Maxa
Judge Sean Patrick O'Donnell
Judge Kevin Ringus
Judge Ann Schindler
Judge Lisa Worswick

Guests Present:

Ms. Barbara Christensen
Ms. Cynthia Marr
Mr. Dennis Rabidou
Mr. Paul Sherfey (by phone)

Public Present:

Dr. Page Carter

AOC Staff Present:

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

Judge Sparks called the meeting to order.

June 17, 2016 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Marinella to approve the June 17, 2016 BJA meeting minutes. The motion carried.

Committee Appointments

It was moved by Judge Ringus and seconded by Judge Chushcoff to reappoint Judge Greg Tripp to the Civil Legal Aid Oversight Committee. The motion carried.

It was moved by Judge Ringus and seconded by Judge Schindler to reappoint Judge Brad Maxa to the BJA Public Trust and confidence Committee. The motion carried and Judge Maxa abstained.

Standing Committee Reports

Court Education Committee (CEC): Judge Collier stated that the next meeting with Dr. Martin is scheduled for August 29. The CEC had their first meeting with him on June 10. The CEC report was distributed in the meeting materials. The CEC is continuing to work with Dr. Martin, developing a judicial education plan, working on funding, and working on an in-state Judicial Education Leadership Institute.

Budget and Funding Committee (BFC): Judge Schindler stated that the BFC analyzes and makes recommendations regarding funding proposals to the BJA. During the current budget process, the BFC prioritized the budget proposals and the BJA approved and adopted criteria for those budget proposals. At the last BJA meeting, the BJA agreed to send all of the budget priorities to the Supreme Court and the BJA's funding priorities were listed on page 4 of the June BJA meeting minutes.

This is the first time the BFC has been responsible for analyzing and prioritizing the budget proposals and Judge Schindler thinks some changes should be made to the process. The Supreme Court met on August 4 to review all of the judicial branch budget proposals. Presentations were made during the meeting that related to the BJA funding proposals and the Court of Appeals and Supreme Court budget proposals. Judge Schindler attended the Supreme Court meeting as Chair of the BFC and also represented the BJA since Judge Sparks was unable to attend. The Supreme Court did not have the BJA priorities but they had the BFC priorities. Also, the BJA did not have the opportunity to listen to the presentations that the Supreme Court listened to. Judge Schindler suggested that in the next round of budget recommendations that presentations be made to the BJA. This is an ongoing effort to refine and do a good job making budget decisions because all the budget requests are important.

Chief Justice Madsen reported that the Supreme Court Budget Committee used their budget philosophy and criteria to prioritize the budget requests. They need to prioritize the budget requests because a huge increase in the AOC budget would be difficult to lobby considering the anticipated budget reductions during the next legislative session. The prioritizations will go to the full court.

There was discussion regarding if the BJA should have a budget strategy, if the Supreme Court should report their budget decisions to the public, and if the Supreme Court budget criteria align with the BFC budget criteria.

Legislative Committee (LC): Judge Ringus became the Chair of the Legislative Committee in June. Ms. Butler is currently filling in for Ms. McAleenan and Ms. Machulsky while those positions are being filled. Judge Ringus was on both interview panels for Ms. McAleenan's position which is still being vetted.

The Legislative Committee update included in the meeting materials contains information about the 2017 Legislative Agenda. The Interpreter Commission and WINGS both requested some language changes, there are suggested changes to the judicial needs assessment to resolve some issues, and the budget request to the Supreme Court are some of the requests the LC has received for the Legislative Agenda. The LC will meet on September 23 and again in October and will present their recommended Legislative Agenda in November for BJA approval.

Policy and Planning Committee (PPC): Judge Garrow stated that the Policy and Planning Committee enhanced their committee from six to ten members. They will hold their committee orientation next month following the BJA meeting. They had five groups determining strategic initiatives to work on. A lot of volunteers worked on determining the initiatives. Trying to plan in a loosely coupled organization can be challenging. The PPC will critique the process that was used this year. Two of the initiatives concerned juvenile initiatives and the PPC would like to make sure the initiatives are moving forward. The public defense initiative had the most

groundswell and that one will probably go ahead. The other two will receive some BJA staff support.

The PPC will be reaching out to other BJA committees for the development of those items and will be bringing information back to BJA to determine how they want to move forward.

Courtroom Security Resolution

Judge O'Donnell stated that in 2012 the BJA passed a resolution regarding courtroom security. It is scheduled to expire in the spring of 2017. He asked that this be placed on the BJA agenda for renewal. Nothing has changed regarding the importance of this issue and court security was discussed during a judicial leadership meeting about a month ago at the Temple of Justice. His hope is that the BJA will renew this resolution.

Ms. Butler reported that she discussed the process of renewing resolutions with the BJA Co-chairs and they decided that if there are no changes in the content of the resolution, it can be voted on by the BJA but if there are changes in the content, it would become a new resolution and need to go through the BJA resolution process.

It was moved by Judge Chushcoff and seconded by Judge Marinella to approve the re-adoption of the BJA Court Security resolution. The motion carried with Judge Garrow opposed.

During discussion there was a concern about the resolution possibly conflicting with the court security rule pending before the Supreme Court. It was stated that the resolution is broad and flexible and the rule is a reporting rule so there shouldn't be any conflicts. It was also pointed out that the resolution can be revised after the rule is passed if necessary. Judge Garrow also raised the concern that because the current resolution did not expire until the spring, there was no need to re-adopt at this meeting.

BJA Orientation

The BJA Member Guide was included in the meeting materials. It can be used to quickly identify the things that are important to the BJA.

Chief Justice Madsen stated that the BJA has a pretty long history which was included in the BJA Member Guide. The BJA helps the judicial branch to self-govern. It can be challenging to try to govern together in a loosely coupled organization. When she came in as Chief she thought the BJA could do better. At the time, she felt the BJA was a place that interests could be protected more than finding a good way forward for the judicial branch of government. The changes that have been made over the past few years give the BJA the opportunity to act as a branch of government, to come together at all levels of courts with specific needs and views, and to forge common ground. Good progress has been made and one of the great strides forward is giving an orientation when a lot of new members have just started on the BJA.

Judge Sparks said that the purpose of this meeting is to refocus and help bring the new people onboard and get them thinking about what their role is and what they hope to accomplish. He also stated that his loyalties are to the Kittitas County Superior Court, the Superior Court Judges' Association (SCJA) and the BJA. As a member of the BJA he is supposed to set aside

what is just good for Kittitas County, what is good for the SCJA and think about what is good for the judicial system as a whole. Judicial members are tasked with becoming stewards of the entire system instead of just their own court or court level. If all BJA members can all do that, the BJA will make better recommendations, better decisions and be more transparent.

Judge Ringus briefly reviewed the history of the BJA (see pages 5 and 6 of the BJA Member Guide). Judge Sparks added that where the BJA goes from here, is up to the BJA members. What should the judiciary in the state of Washington be? How does the judiciary get there?

There was discussion about keeping the judiciary informed of what the BJA is working on and opening up two-way communication so the BJA can find out what problems/concerns need to be addressed.

There was also discussion about speaking with one voice, strengthening the voices, and educating the branches of government as to how the judicial branch is the same as the others and how it is different. It was suggested that the BJA develop one-page handouts to promote the BJA and their issues. Other suggestions were to report back to associations regarding what the BJA is working on, provide information about the BJA during Judicial College, and include articles about the BJA in *Full Court Press*.

Chief Justice Madsen noted that the BJA's 2015-2016 accomplishments are listed on page 7 of the BJA Member Guide. The accomplishments indicate an effort to hone the ability to speak with one voice: budget priorities, legislative agenda, etc. They give the BJA the structural foundation to speak with one voice. The BJA built a lot of infrastructure this last year and it will enable the BJA to speak with one voice. Pages 8-12 of the Member Guide include the rules and bylaws of the BJA. Eight members are needed for a quorum and there needs to be buy-in from all levels of court (at least one vote from each level). That strengthens the idea that the BJA will speak with one voice.

Other Business

The next meeting is September 16 and that will be BJA picture day. If BJA members have anything to add to the September BJA meeting agenda, let Ms. Butler or Judge Sparks know.

Chief Justice Madsen requested that BJA members bring their BJA Member Guides to the BJA meetings.

There being no further business, the BJA meeting was adjourned.

Recap of Motions from the August 19, 2016 Meeting

Motion Summary	Status
Approve the June 17, 2016 BJA meeting minutes.	Passed
Reappoint Judge Greg Tripp to the Civil Legal Aid Oversight Committee.	Passed
Reappoint Judge Brad Maxa to the BJA Public Trust and confidence Committee.	Passed with Judge Maxa abstaining
Approve the re-adoption of the BJA Court Security resolution.	Passed with Judge Garrow opposed

Action Items from the August 19, 2016 Meeting

Action Item	Status
<u>June 17, 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>Committee Appointments</u> <ul style="list-style-type: none">• Draft and mail reappointment letter to Judge Tripp for the Civil Legal Aid Oversight Committee• Draft and mail reappointment letter to Judge Maxa for the Public Trust and Confidence Committee	Done Done
<u>Budget Priorities</u> <ul style="list-style-type: none">• Budget presentations should be made to the BJA during the budget prioritization process in the future	
<u>BJA Court Security Resolution</u> <ul style="list-style-type: none">• Update the end date and post online	Done
<u>BJA Orientation</u> <ul style="list-style-type: none">• Place BJA article in State of the Judiciary and/or Full Court Press	In Progress
<u>Miscellaneous</u> <ul style="list-style-type: none">• Add the BJA Member Guide to the BJA Web site• E-mail NCSC survey results to BJA members	Done Done