



## **Board for Judicial Administration (BJA) and Court Management Council Meeting**

**Friday, December 16, 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 Scott Ahlf  
Judge Bryan Chushcoff  
Judge Scott Collier  
Ms. Callie Dietz  
Judge Michael Downes  
Judge George Fearing  
Judge Janet Garrow  
Ms. Robin Haynes  
Judge Judy Rae Jasprica  
Ms. Paula Littlewood  
Judge Mary Logan (by phone)  
Judge G. Scott Marinella (by phone)  
Judge Bradley Maxa  
Judge Sean O'Donnell  
Judge Kevin Ringus  
Judge Ann Schindler  
Judge Lisa Worswick

#### **Guests Present:**

Mr. Jim Bamberger  
Ms. Terri Cooper  
Ms. Ishbel Dickens  
Ms. Sophia Byrd McSherry  
Judge Gregory Tripp

#### **Court Management Council Members Present:**

Ms. Callie Dietz, Co-chair  
Ms. Cynthia Marr, Co-chair  
Ms. Susan Carlson  
Ms. Barbara Christensen (by phone)  
Mr. Frank Maiocco  
Mr. Mike Merringer  
Ms. Kim Morrison (by phone)  
Ms. Paulette Revoir  
Ms. Jane Severin (by phone)  
Ms. Renee Townsley

#### **Public Present:**

Dr. Page Carter

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

Ms. Misty Butler  
Ms. Beth Flynn  
Mr. Steve Henley  
Mr. Brady Horenstein  
Mr. Dirk Marler  
Mr. Monto Morton  
Mr. Ramsey Radwan

Judge Sparks called the meeting to order.

September 16, 2016 BJA Meeting Minutes

**It was moved by Judge Ringus and seconded by Judge Garrow to approve the September 16, 2016 BJA meeting minutes. The motion carried with Judge Marinella abstaining.**

Appointment to BJA Public Trust and Confidence Committee

**It was moved by Judge Chushcoff and seconded by Judge Garrow to reappoint Ms. Catherine Brown to the BJA Public Trust and Confidence Committee. The motion carried.**

Court Manager of the Year Award/Court Management Council Annual Update

Ms. Marr and Ms. Dietz gave a brief overview of the Court Management Council (CMC).

In 2016 the CMC helped pass SHB 1111 which became effective June 9, 2016. The bill revised RCW 2.32.240 to address court transcription issues. Ms. Townsley was instrumental in updating the transcriptionist standards.

The CMC invited Tom Clarke from the National Center for State Courts to attend the CMC yearly in-person meeting. Mr. Clarke stated that for the first time the majority of constituents do not feel courts are being managed correctly and they do not want to invest funds in courts. It is a wake-up call to look at research and meet the expectations of court users. The CMC is trying to change the public's perception of the courts and they plan to do a lot of that through technology.

Ms. Dietz and Ms. Marr provided a brief overview of the history of the Court Manager of the Year Award. It was established in 1987 to honor outstanding court managers. The recipient's name will be added to a plaque which hangs in the Administrative Office of the Courts' SeaTac office and also receive an engraved vase.

Each year it gets harder and harder to choose someone for the award because there are so many deserving court managers. This year's nominees were Ms. Robyn Berndt, Yakima County Superior Administrator; Ms. Terri Cooper, Cheney Municipal Court Administrator and Court Commissioner; Ms. Kelley Gradwohl, Lake Forest Park Municipal Court Administrator; Ms. Ela Selga, Clark County Superior Court Administrator; and Ms. Fona Sugg, Chelan County Superior Court Administrator.

The recipient of the 2016 Court Manager of the Year Award is Terri Cooper from Cheney Municipal Court.

Ms. Cooper brought domestic violence advocacy to Cheney, established a youth court, and built a full service probation office. She also initiated the Eastern Washington Court Managers Work Group to enable rural courts to participate in court education and keep the rural court managers informed of District and Municipal Court Management Association (DMCMA) business including problems, changes, concerns, legislation and case law that effect the courts.

Judge Tripp stated that it is an honor to have the CMC recognize Ms. Cooper for her service. She has seamlessly integrated the procedures in the court and he never lost sleep worrying about the municipal court. She has done very well and made Cheney Municipal Court a great environment.

### BJA Strategic Goal Setting

Judge Garrow stated that the BJA Policy and Planning Committee has adopted an approach to planning designed for a decentralized court system that seeks to build collaboration among stakeholders around selected issues. The aim is to create collaboration that can achieve meaningful change in areas of concern to internal and external stakeholders. The committee experimented with this approach last year in a project aimed at external stakeholders and found strong engagement. Now the committee is proposing that the BJA use a similar process to set its own strategic goals and to then build collaborative initiatives to address them.

The committee is charged with making recommendations for a schedule to review the Principal Policy Objectives of the Judicial Branch and the Mission and Vision of the BJA, and to propose a process to produce Strategic Goals for the BJA on a two-year cycle. The Committee presented four recommendations to the BJA:

**Recommendation 1:** *Principal Policy Objectives of the Judicial Branch.* That the Principal Policy Objectives be reviewed every six to ten years beginning in 2018.

**Recommendation 2:** *BJA Mission and Vision Statements.* That the Mission and Vision of the BJA be reviewed every six to ten years beginning in 2018.

**Recommendation 3:** *Strategic Goals of the BJA.* That the Strategic Goals of the BJA be developed on a two-year cycle beginning in January 2017, using the Strategic Issue Management process developed by the committee.

**Recommendation 4:** *Strategic Initiatives and Campaigns of the BJA.* That once Strategic Goals are adopted, the BJA should consider the formation of a workgroup or steering committee to formulate and implement a strategic initiative to guide any external strategic goal. Further, that the BJA should considered designating a major strategic goal as a “campaign” of the BJA.

Judge Garrow asked Mr. Henley to explain the process that the Committee would like to use for the BJA to develop its Strategic Goal. Mr. Henley explained that the approach flowed from recommendations made to the BJA that it develop a planning process suitable for a highly decentralized court system such as Washington’s. The model that the committee developed asks stakeholders to generate ideas, and for the BJA to consider which are most consistent with the mission and vision of the BJA. The idea is to focus on areas where internal and external stakeholders have an interest and would be willing to contribute to addressing the issue collaboratively.

Mr. Henley distributed the process and schedule. He directed members to a template in the materials that can be used to submit BJA goal proposals to the committee. These proposals would be considered and ranked at the February meeting, and selected proposals would be refined in consultation with proponents, then presented at the March meeting. At that time the refined goals would be considered for adoption by the BJA. Once the goals are set, the committee will work with identified stakeholders to develop a proposal for a strategic initiative to address each goal.

There was a question about how proposals would be handled if some other entities were already active in the area. Mr. Henley responded that while the committee was not

recommending criteria for evaluating proposals, members might want to consider whether an issue was already being adequately addressed by another entity or whether another entity might be in a position to more effectively address the issue. He also reiterated that, consistent with the mission of the BJA, proposals that addressed multiple levels of court and responded to the needs of multiple stakeholders might be a better candidate for building a collaborative coalition.

There was a question about costs. Mr. Henley responded that the BJA has little staff or budget to undertake any significant projects, but that this is inherent in a decentralized system. The central authority does not control resources, they are dispersed. The challenge is to generate voluntary participation and contribution to joint efforts. It is a “stone soup” model of governance. The resources exist, but people need to voluntarily contribute them in order to achieve an outcome that no one can achieve on their own. The BJA doesn’t have the ingredients, but it has a pot and a stone and it has the convening authority to bring partners to the table.

The schedule for developing and adopting the strategic goals of the BJA is listed on page 24 of the meeting packet. The schedule calls for initial proposals to be submitted by February 3, 2017, to be preliminarily reviewed at the February meeting, and then revised proposed goals to be considered at the March meeting.

Chief Justice Madsen thanked Judge Garrow and Mr. Henley for their work on this and said that the committee has developed a planning approach that will help the various parts of the judicial branch to work together. She said the work has been incredibly important to the BJA and adds value to the judicial branch.

**It was moved by Judge Ringus and seconded by Judge Jasprica to approve the BJA Policy and Planning Committee recommendations. The motion carried.**

#### AOC/SCJA Agreement

Chief Justice Madsen reported that after many meetings between the Superior Court Judges’ Association (SCJA) and the Administrative Office of the Courts (AOC), they agreed on a staffing plan for the SCJA. The agreement was included in the meeting materials. Chief Justice Madsen was disappointed that the BJA was not more involved in the process. It is legitimate that members of the BJA would like to understand why the BJA did not have more involvement. This is not a time to go backwards and find fault on this but maybe think about how an issue like this could be handled in the future by the BJA. The Supreme Court embraced the agreement but this is not a system that is run by the Supreme Court. It is comprised of all levels of court. The different court levels should act and speak as one because they are more effective that way.

Judge Downes said that the SCJA is satisfied with the agreement which was reached. The SCJA now has two analysts for the SCJA that they control and no one can counteract or countermand the direction the SCJA gives to their staff. The SCJA can now have people work on a variety of policy issues such as LFOs and pre-trial issues.

Judge Downes stated that the next time a judicial branch entity raises an unpopular issue, that entity should be treated better than the SCJA was treated. In the future, the BJA should be what it should be, which is better.

Judge Downes stated that credit needs to be given to Ms. Dietz for her dedication to put this issue to rest. Ms. Dietz put significant work into putting her word behind making sure this actually works. He also thanked all of the members of the Supreme Court for reviewing the agreement and signing off on it promptly. Now, it needs to work. It has to succeed for the benefit of the court system.

Ms. Dietz stated there are a number of people who did a lot of work on this. Staff were on tenderhooks a lot not knowing what they were going to do. Having Judge Downes sit and talk and have candid discussions really helped in coming to an agreement. They did the best they could to accommodate everyone in this room. She has a meeting with Judge O'Donnell in early January to try to consolidate committees that are working on similar interests.

Ms. Dietz thanked Judge Marinella. She said she tried to keep him informed and let him know that AOC was not going to take any resources away from the DMCJA. There has been some rearranging in the office and an Office of Judicial Relations was created which houses the BJA and Court Association Support. Ms. Sharon Harvey will devote 50% of her time to policy analysis.

#### Final Budget Requests and Approaches

Mr. Radwan thanked everyone in the room for their work during the budget process. He reported that the first six budget items on Page 39 of the meeting materials will move forward to the Legislature for approval. The SCJA policy staff request will also move forward. One additional adjustment is that Cowlitz County Superior Court is requesting a new judicial position. He thanked everyone in the room for their work during the budget process.

Mr. Radwan reviewed all of the budget requests moving forward including the technology requests, Supreme Court requests and Court of Appeals requests.

Ms. Byrd McSherry reviewed the Office of Public Defense (OPD) budget requests. A one-page overview of the Parents' Representation Program was included on Page 50 of the meeting materials. The Program is now operating in 83% of the state and they want to fund it statewide. Ms. Byrd McSherry thanked the SCJA for their Legislative Committee support.

Mr. Bamberger gave an overview of all of the Office of Civil Legal Aid budget requests (see Page 47 of the meeting materials).

#### Standing Committee Reports

**Court Education Committee (CEC):** Judge Jasprica reported that the CEC is very active. They will have a retreat on March 24 and include all the groups the CMC represents. One big issue is funding. They are in crisis mode because there is going to be huge court staff turnover in the next 5-10 years. They need to look at ways to provide education for those new staff and to deliver the educational services needed to keep everyone on board.

The BJA committee chairs have been getting together just to talk so that they are working together as a whole.

The CEC are looking at how to coordinate all the education they provide. Currently, every court association has an education committee and they are all planning conferences. There is judicial college, fall conference, etc. and they all need to be coordinated instead of planning in silos.

**Legislative Committee (LC):** Judge Ringus shared that the LC expands around this time of year to include many BJA members to decide on legislation. They will be meeting on Mondays during the legislative session.

Mr. Horenstein reviewed the legislation that is included in the BJA Legislative Agenda (starting on Page 55 of the meeting materials).

**Policy and Planning Committee (PPC):** Judge Garrow said that the BJA heard most of the work the PPC has been doing over the last few months earlier in the meeting. She added that the PPC has been asked to review the BJA resolutions process and they will begin working on that.

**Budget and Funding Committee:** Judge Schindler said there is nothing to report at this point in time.

#### Other Business

**Recognition of Chief Justice Barbara Madsen:** Judge Sparks shared how much he has appreciated working with Chief Justice Madsen the last few years.

Chief Justice Madsen responded that Judge Sparks has been wonderful as the Member Chair and she thanked everyone she has worked with. She thinks the BJA has done a lot of wonderful things even though there have been hard times. The fact is that the BJA has made progress. That is a testament to the fortitude and commitment of the people who work in this branch. There is a sense of purpose and commitment to the mission of the court system. It is a privilege to work with such great people. She said everyone will enjoy working with Justice Fairhurst very much.

Judge Ringus thanked Chief Justice Madsen for her mentorship and leadership. With her leadership, the BJA has some significance.

**Q3 Statement for BJA Business Account:** The BJA Business Account 2016 Third Quarter Summary was included in the BJA meeting materials.

**Agenda Items for Next Meeting:** If you have any items for an upcoming BJA meeting, please send them to Ms. Butler.

**Next Meeting:** The next meeting is February 17, 2017.

There being no further business, the meeting was adjourned.

**Recap of Motions from the December 16, 2016 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the September 16, 2016 BJA meeting minutes.	Passed with Judge Marinella abstaining
Reappoint Ms. Catherine Brown to the BJA Public Trust and Confidence Committee.	Passed
Approve the BJA Policy and Planning Committee recommendations.	Passed

**Action Items from the December 16, 2016 Meeting**

<b>Action Item</b>	<b>Status</b>
<u>September 16, 2016 BJA Meeting Minutes</u> <ul style="list-style-type: none"> <li>• Post the minutes online.</li> <li>• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.</li> </ul>	Done Done
<u>Committee Appointments</u> <ul style="list-style-type: none"> <li>• Draft and mail reappointment letter to Ms. Catherine Brown for the Public Trust and Confidence Committee.</li> </ul>	Done