

**BOARD FOR JUDICIAL
ADMINISTRATION
AND
COURT MANAGEMENT COUNCIL**



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, DECEMBER 16, 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 Mary Logan
District and Municipal Court Judges' Association
Spokane Municipal Court

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

NON-VOTING MEMBERS:

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

Ms. Callie Dietz
State Court Administrator

Ms. Robin Haynes, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

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

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

Court Management Council (CMC) Members

Ms. Callie Dietz, Co-Chair
State Court Administrator

Ms. Cynthia Marr, Co-Chair
Analytic Support Manager
Pierce County District Court

Ms. Susan Carlson
Supreme Court

Ms. Barbara Christensen
Clallam County Clerk
Washington State Association of County Clerks (WSACC)

Mr. Frank Maiocco
Kitsap County Superior Court
Association of Washington Superior Court Administrators (AWSCA)

Mr. Mike Merringer
Kitsap County Juvenile Court
Washington Association of Juvenile Court Administrators (WAJCA)

Ms. Kim Morrison
Chelan County Clerk
Washington State Association of County Clerks (WSACC)

Mr. Dennis Rabidou
Okanogan County Juvenile Court
Washington Association of Juvenile Court Administrators (WAJCA)

Ms. Paulette Revoir
Lynnwood Municipal Court
District and Municipal Court Management Association (DMCMA)

Ms. Jane Severin
San Juan County Superior Court
Association of Washington Superior Court Administrators (AWSCA)

Ms. Renee S. Townsley
Court of Appeals Division III
Courts of Appeal

Administrative Office of the Courts (AOC) Staff

Mr. Dirk A. Marler

Ms. Caroline Tawes



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

Friday, December 16, 2016 (9:00 a.m. – 1:00 p.m.)

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

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
3. September 16, 2016 Meeting Minutes <i>Action: Motion to approve the minutes of the September 16, 2016 meeting</i>	Chief Justice Barbara Madsen Judge Scott Sparks	9:05 a.m. Tab 1
4. Appointment to BJA Public Trust and Confidence Committee <i>Action: Motion to reappoint Ms. Catherine Brown to the BJA Public Trust and Confidence Committee</i>	Chief Justice Barbara Madsen Judge Scott Sparks	9:10 a.m. Tab 2
5. Court Manager of the Year Award/ Court Management Council Annual Update	Ms. Callie Dietz Ms. Cynthia Marr	9:15 a.m.
6. BJA Strategic Goal Setting	Judge Janet Garrow	9:45 a.m. Tab 3
7. Annual Picture		10:30 a.m.
Break		10:40 a.m.
8. AOC/SCJA Agreement	Chief Justice Barbara Madsen Judge Michael Downes Ms. Callie Dietz	10:55 a.m. Tab 4
Lunch		11:30 a.m.
9. Final Budget Requests and Approaches	Mr. Ramsey Radwan Judge Lisa Worswick Mr. Jim Bamberger Ms. Sophia Byrd McSherry	11:50 a.m. Tab 5
10. Standing Committee Reports Court Education Committee Legislative Committee Policy and Planning Committee Budget and Funding Committee	Judge Judy Rae Jasprica Judge Kevin Ringus Judge Janet Garrow Judge Ann Schindler	12:20 p.m. Tab 6

Joint BJA and CMC Meeting Agenda

December 16, 2016

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11. Other Business <ul style="list-style-type: none">• Recognition of Chief Justice Barbara Madsen• Next meeting: Friday, February 17, 2017• Q3 Statement for BJA Business Account• Agenda Items for Next Meeting?	Chief Justice Barbara Madsen Judge Scott Sparks	12:50 p.m. Tab 7
12. Adjourn		1:00 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, September 16, 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 Michael Downes
Mr. William Hyslop
Ms. Paula Littlewood
Judge Mary Logan (by phone)
Judge Bradley Maxa
Judge Sean Patrick O'Donnell
Justice Susan Owens
Judge Kevin Ringus
Judge James Rogers
Judge Ann Schindler

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Barbara Christensen (by phone)
Ms. Robin Haynes
Ms. Paulette Revoir
Judge Kimberly Walden

AOC Staff Present:

Ms. Misty Butler
Ms. Vicky Cullinane
Mr. Steve Henley
Mr. Dirk Marler
Mr. Ramsey Radwan
Ms. Jennifer Way

Judge Sparks called the meeting to order.

August 19, 2016 Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Maxa to approve the August 19, 2016 BJA meeting minutes. Judge Chushcoff moved to amend the motion to include Judge Garrow's requested revisions to the minutes. Judges Ringus and Maxa accepted the amendment. The motion carried.

Committee Appointments

It was moved by Justice Owens and seconded by Judge Ringus to appoint Judge John Fairgrieve, Ms. Emily McCartan, Ms. Judy Ly and Ms. Linda Myhre Enlow and reappoint Commissioner Paul Wohl to the BJA Public Trust and Confidence Committee. The motion carried.

2017 Meeting Schedule

Judge Sparks stated that the proposed 2017 BJA meeting schedule was included in the meeting materials. It is possible there will be a January meeting and, if so, members will be notified of the meeting via e-mail as soon as it is known if there will be a State of the Judiciary Address and what the date will be. If the Chief Justice is invited to provide the State of the Judiciary

Address, the BJA Legislative Reception will be held around the same time. If not, the reception will be held close to either the February or March BJA meetings.

It was moved by Judge Chushcoff and seconded by Judge Schindler to adopt the proposed 2017 BJA meeting schedule. The motion carried.

Standing Committee Reports

Court Education Committee (CEC): Judge Collier reported that the CEC continues to make progress. The committee met with Dr. Martin in August and they will meet next on September 19. They are making progress on goals and collaborating between groups to work together on education projects.

Legislative Committee (LC): Judge Ringus reported that the LC will meet next week and will meet by conference call on September 26 to discuss the work of the committee, what the legislative agenda will contain, talking points, and policy decisions. A cover sheet has been created to be used when submitting BJA legislative agenda requests.

Ms. Way was introduced. She is the new senior administrative assistant in the Office of Judicial and Legislative Relations at the Administrative Office of the Courts.

The Salary Commission report will be submitted on October 14 and the LC will offer feedback regarding the draft report from the BJA.

Budget Request Update

Mr. Radwan outlined the budgeting process and how decisions have been vetted. The items listed on the budget document located behind Tab 6 reflect the requests and priority order of the BJA and the Supreme Court. Also included in the meeting materials is a list of the Judicial Information System Committee (JISC) budget requests which will be vetted by the Supreme Court Budget Committee at their October meeting.

Chief Justice Madsen noted that the BJA is seeing the Supreme Court Budget Committee's recommendations prior to the full Court seeing them and if the BJA wants to weigh in on any of the recommendations prior to them going to the full Court, it can.

Courts of Limited Jurisdiction Case Management System

Ms. Cullinane talked to the BJA about the proposed case management system for the courts of limited jurisdiction. The current system for the courts of limited jurisdiction is stuck in 1987 with a mostly paper system which needs updating. She explained the project, governance of the project and its implementation. She stated where the project Web site is located (www.courts.wa.gov/CLJCMS) so everyone can be informed about the project.

Potential Budget Reduction Process

Mr. Radwan presented information regarding the BJA Budget and Funding Committee's budget reduction criteria. He explained the legislative process and how the budgets are developed.

Oftentimes, during periods of budget reductions, the Legislature requires across the board reductions for the Administrative Office of the Courts.

He referred to the budget reduction flowchart/process included in the meeting materials. He stressed that the timeframe for this discussion and it being implemented will be short. He also emphasized that even when recommendations are made, we as a branch will still educate the Legislature about the need for the services and to restore the proposed reductions.

Mr. Radwan mentioned that the Budget and Funding Committee is not going to ask for approval of the process as it will be fluid moving forward.

Trial Court Improvement Account Report

Ms. Butler noted that the BJA members were sent the Trial Court Improvement Account report for review and feedback last week. The BJA members suggested the following:

- In Clark County's section the funding was used to pay for a district court judge and staff wages. It was suggested that it would be preferred to simply list "Clark County" and the expenditures under district court.

Salary Commission Report

Ms. Butler stated that she is seeking feedback on the Salary Commission report so it can be submitted to the Salary Commission in mid-October. The following feedback was gathered:

- It was suggested that the following information should be included: note the number of retirements and indicate it is a trend (unprecedented number of retirements, mentioned on Page 16 of the report) and that individuals running for judicial office have as little as five years' experience as an attorney. It was suggested that these facts be mentioned during the verbal remarks instead of including them in the report.
- Judge Schindler suggested that Judge Worswick be able to provide comment. Ms. Butler will reach out to her.

Other Business

Ms. Butler asked if the BJA would like additional information on the other IT projects since the information about the CLJ-CMS was presented during this meeting. The consensus was yes. The BJA also requested a report from the Judicial Information System Committee regarding their governance and how they will govern in the future as the case management systems are rolled out.

It was suggested that the Office of Civil Legal Aid (OCLA) and the Office of Public Defense (OPD) present their 2017-2019 budget requests.

Judge Sparks and Chief Justice Madsen presented a signed Temple of Justice print to Mr. Hyslop and thanked him for his participation on the BJA.

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

Recap of Motions from the September 16, 2016 Meeting

Motion Summary	Status
Approve the August 19, 2016 BJA meeting minutes with Judge Garrow's revisions.	Passed
Appoint Judge John Fairgrieve, Ms. Emily McCartan, Ms. Judy Ly and Ms. Linda Myhre Enlow and reappoint Commissioner Paul Wohl to the BJA Public Trust and Confidence Committee.	Passed
Adopt the proposed 2017 BJA meeting schedule.	Passed

Action Items from the September 16, 2016 Meeting

Action Item	Status
<u>August 19, 2016 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Revise the August 19, 2016 meeting minutes with Judge Garrow's revisions. Post the minutes online. Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done Done
<u>Committee Appointments</u> <ul style="list-style-type: none"> Draft and mail Public Trust and Confidence Committee appointment letters to Judge John Fairgrieve, Ms. Emily McCartan, Ms. Judy Ly and Ms. Linda Myhre Enlow. Draft and mail reappointment letter to Commissioner Paul Wohl for the Public Trust and Confidence Committee. 	Done Done
<u>2017 BJA Meeting Schedule</u> <ul style="list-style-type: none"> Post the 2017 BJA meeting schedule online. E-mail to the BJA members. Schedule pre-meets w/the Co-chairs and Ms. Butler. Update AOC Master Calendar. 	Done Done Done Done
<u>Salary Commission</u> <ul style="list-style-type: none"> It was suggested that these facts be mentioned during the verbal remarks: note the number of retirements and indicate it is a trend (unprecedented number of retirements, mentioned on Page 16) and that individuals running for judicial office have as little as five years' experience as an attorney. Ms. Butler will contact Judge Worswick regarding her comments. Once the report is finalized, e-mail to the Salary Commission. 	Done Done
<u>Trial Court Improvement Account Report</u> <ul style="list-style-type: none"> In Clark County's section the funding was used to pay for a district court judge and staff wages. It was suggested that it would be preferred to simply list "Clark County" and the expenditures under district court. Distribute final report. 	Done Done

Board for Judicial Administration Meeting Minutes

September 16, 2016

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Action Item	Status
<u>Miscellaneous</u> <ul style="list-style-type: none">• Add IT project reports to future BJA meeting agendas.• Have OPD and OCLA present their funding requests to the BJA during a future BJA meeting.	Done

Tab 2



September 28, 2016

SENT VIA FIRST CLASS MAIL AND ELECTRONIC MAIL
TO beth.flynn@courts.wa.gov

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



Beth Flynn
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Re: Nomination of Catherine Brown to the Public Trust & Confidence Committee

Dear Ms. Flynn:

The Access to Justice Board is pleased to re-appoint Catherine Brown as its representative on the Public Trust and Confidence Committee. Attached is the completed nomination form.

Thank you for giving the ATJ Board the opportunity to participate in the important work of the Public Trust and Confidence Committee.

If you have any questions or need more information, you can contact Diana Singleton, Access to Justice Manager, at dianas@wsba.org or 206-727-8205.

Respectfully,

Ishbel Dickens
Access to Justice Board Chair

cc: Paula Littlewood, WSBA Executive Director
Catherine Brown, Gonzaga University School of Law
Margaret Fisher, Administrative Office of the Courts
Misty Butler, Administrative Office of the Courts

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
Two-Year Appointment**

BJA Committee: Public Trust & Confidence
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Catherine Brown

Nominated By: Access to Justice Board
(i.e. SCJA, DMCJA, BCE, etc.)

Term Begin Date: January 1, 2017

Term End Date: December 31, 2018

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: Served one term (January 2015 through December 2016)

Additional information you would like the BJA to be aware of regarding the nominee:

Catherine Brown also serves as our co-chair of our Leadership Development Committee. Her work through that Committee could help advance the mission of the Public Trust and Confidence Committee even further.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
beth.flynn@courts.wa.gov

Tab 3

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

BJA PLANNING PROGRAM: Recommendations, November 18, 2016

This document presents recommendations of the Policy and Planning Committee to the BJA regarding schedules and processes for development of elements of the BJA strategic planning program.

The BJA planning program consists of four elements: mission, vision, BJA goals, and strategic initiatives and campaigns. In addition the BJA joins other judicial branch entities in a commitment to the Principal Policy Objectives of the Judicial Branch. Committee documents “BJA Planning Program: Overview” and “BJA Table of Planning Elements” provide definitions of each element, discussion of how they are intended to interact, and general outlines of processes for development.

Recommendation 1: Principal Policy Objectives of the Judicial Branch

The Principal Policy Objectives of the Judicial Branch are not part of the BJA planning structure per se, but provide context as aspirational statements of the role of the judicial system within the framework of state and local government in Washington. The BJA and the Supreme Court joined in support of the Principal Policy Objectives in 2008.

Recommendation: The Principal Policy Objectives should not remain unexamined for more than a decade. The BJA should propose to the other components 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

Mission and vision statements should be relatively stable, responsive only to major changes to the structure and mission of the state judicial system and the role of the BJA within it. The existing BJA mission and vision statements were adopted in 2008.

Recommendation: Mission and visions statements should not remain unexamined for more than a decade. The mission and vision should be reviewed every six to ten years beginning in 2018.

Recommendation 3: Strategic Goals of the BJA

Strategic goals of the BJA are statements of intended outcomes relevant to selected issues. Goals should be consistent with the BJA mission and vision, and responsive to relatively short-term changes in conditions and trends as well as evolving system needs and priorities. Goals of the BJA should be developed through a process that considers and synthesizes the perspectives of individual BJA members, BJA committees, the AOC and key internal stakeholders.

Recommendation: Strategic Goals of the BJA should be developed in a two-year cycle beginning in January 2107.

Recommendation 4: Strategic Initiatives and Campaigns of the BJA

A strategic initiative guides activities and communications conducted to implement a strategic goal, and serves as the primary coordinating mechanism between the BJA and engaged stakeholders. A strategic initiative can be organized as a formal steering committee or task force chartered by the BJA or as a more informal entity. A high-profile major initiative may be designated as a “strategic campaign.” The BJA may elect to undertake several strategic initiatives within a cycle but should only be engaged in one campaign at a given time. Under the BJA’s theory of planning any stakeholder organizations that will be affected by an initiative should be invited to engage in developing the initiative.

Recommendation: The Policy and Planning Committee should consider the formation of a strategic initiative to guide any external strategic goal adopted by the BJA.

BJA Planning Elements

Level	Element	Short Definition	Schedule	Authorship	Inputs
<p style="text-align: center;">LONG RANGE</p> <p style="text-align: center;">Responsive to fixed conditions and consensus values, major trends stable and predictable.</p>	<p style="text-align: center;">Principal Policy Objectives of the Judicial Branch</p>	<p>The <i>principal policy objectives</i> are a <i>vision statement</i> for the judicial branch.</p>	<p>Review/revise every six-ten years, starting in 2018.</p>	<p>There is no formal mandate for the PPO. They were developed by OCLA and AOC staff and endorsed the BJA, other branch entities and the WSSC.</p> <p>Process should be developed in consultation with other branch components.</p> <p>Final language should be approved by the BJA, branch components and the Supreme Court.</p>	<p>Should include at minimum input from and concurrence of all components of the judicial branch.</p> <p>Input from BJA, stakeholders such as court commissions and committees, judicial associations, AOC, and a wider circle of stakeholders TBD.</p>
	<p style="text-align: center;">Vision Statement</p> <p style="text-align: center;">and</p>	<p>A <i>vision statement</i> articulates in general terms one or more desired, ultimate outcomes. It is values-driven and aspirational. It is what the organization wants to <i>achieve</i>.</p>	<p>Review/revise every six-ten years, or after major shift in a defining condition, starting in 2018.</p>	<p>The BJA has authority to determine its vision and mission. The PPC is directed to propose process and schedule.</p>	<p>Process should include input from BJA members and committees, stakeholders such as court commissions and committees, judicial associations, and AOC, and a wider circle of stakeholders TBDE</p>

	Mission Statement	<p>A <i>mission statement</i> the purpose or reason for being of the organization. Some values language may be included but should be primarily functional. It summarizes what the organization <i>does</i>.</p>			
STRATEGIC	<p>Strategic Goals of the BJA</p> <p>1-3 External</p> <p>1-3 Internal</p>	<p>A <i>strategic goal of the BJA</i> is a statement of intended outcome adopted by the BJA relevant to the ability of the BJA to enhance the judiciary's ability to serve as an equal, independent and responsible branch of government, or function as the leader and voice of the Washington State Courts.</p>	<p>Two year cycle.</p> <p>Start January 2017.</p>	<p>Strategic goals of the BJA are developed and adopted by the BJA</p>	<p>Input from members, standing committees and major internal stakeholders: court levels, commissions.</p> <p>Goals that are compatible with goals of critical stakeholders are more likely to find support and to be achieved.</p>

<p>Responsive to strategic goals, tactical circumstances, interests of involved stakeholders, availability of resources.</p>	<p>Strategic Initiatives and Campaigns</p>	<p><i>A strategic initiative</i> is a coherent plan to implement <i>projects, programs or policies</i> designed to achieve progress toward an external <i>strategic goal</i>.</p> <p><i>A campaign</i> is a designated major strategic initiative.</p>	<p>Two years.</p> <p>Development follows adoption of goal.</p>	<p>Strategic initiatives are developed in coordination with interested stakeholder organizations. Any stakeholder organizations that will be affected by an initiative should be engaged in developing the initiative.</p> <p>The PPC can recommend a formal steering committee or task force to plan and implement an initiative, or organize an informal workgroup.</p>	<p>The BJA should seek to create collaborative coalitions to develop and implement strategic initiatives using the Strategic Issue Management approach (SIM) experimented with in 2015-16.</p>
<p>IMPLEMENTATION</p> <p>Responsive to BJA goals and initiatives, direction of PPC and BJA.</p>	<p>Projects and Programs</p>	<p><i>Projects</i> are short-term activities intended to effectuate a strategic goal.</p> <p><i>Programs</i> are ongoing activities intended to effectuate a strategic goal.</p>	<p>Ongoing</p>	<p>Under the Strategic Issue Management approach (SIM), ownership of an initiative is shared by the BJA and participating stakeholders.</p>	

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

BJA PLANNING PROGRAM:

Overview

Mandates

Board for Judicial Administration Rule 1 provides that the BJA “is created to provide effective leadership to the state courts and to develop policy to advance the administration of the court system in Washington State.”

The Board for Judicial Administration Rules Preamble provides that the BJA “is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.”

These mandates are implemented by the BJA through the charter of the Policy and Planning Committee approved by the board in October, 2014. The charter provides that the purpose of the committee, among other things, is “to create and manage a process of engagement within the judicial branch around policy matters affecting the courts of Washington, to identify and analyze priority issues, and to develop strategies to address those issues.” The charter directs the committee to “propose a process and schedule for the periodic review of the *mission statement, vision statement, and principal policy objectives of the judicial branch,*” and to identify “*strategic goals of the BJA* and propose recommendations to address them in conjunction with the other standing committees.” The charter also provides that the committee will develop and propose *strategic initiatives* to the BJA intended to address identified strategic issues. (Emphasis added.)

The committee charter outlines a structure of planning elements common to traditional models of strategic planning. The elements reflect a hierarchical framework, moving from general to specific:

- Principal Policy Objectives of the Judicial Branch
- Mission Statement of the BJA
- Vision Statement of the BJA
 - Strategic Goals of the BJA
 - Strategic Initiatives

What is Different?

While this hierarchy of elements is familiar and traditional, the charter accommodates a non-traditional approach to planning adopted by the board consistent with recommendations provided by consultants from the National Center for State Courts following a BJA retreat in 2012. The consultants advised that the BJA develop an alternative approach to planning and branch leadership designed to produce results in a decentralized system such as the Washington court system. After study the BJA concurred and the charter was drafted to provide the committee with flexibility to develop such an approach.

The underlying rationale for departing from the traditional planning model relates to the difficulties in implementation within a non-unified system. In short, while traditional planning can be effective where an effective chain of command and control exists connecting front-line activities to central direction, it is not effective where those connections are relatively weak, or “loosely coupled.”

In theoretic terms, a system where components are relatively independent and insulated from other parts – where interdependencies are less – is a loosely coupled system. There are some benefits to loosely coupled structures; they can be more adaptable, flexible and resilient, but they have less capacity for consistency and coordinated system change.

The challenge in planning in a loosely coupled system is not in setting priorities and goals, but in setting priorities and goals have a likelihood of being implemented to a meaningful degree. To achieve meaningful change in a loosely coupled system it is necessary to create mechanisms that mimic the connectivity and responsiveness that interdependencies cause in a tightly coupled system. The planning approach of the BJA therefore is to attempt to build collaborative capacity among the parts of the judicial branch by emphasizing shared goals and engagement around issues of mutual interest in order to encourage voluntary but concerted action. (See committee document: “Rethinking Planning in the Washington Judicial Branch.”)

There are at least three significant differences between this approach and traditional planning:

Planning Body and Stakeholder Participation. The most significant difference is the manner in which the content of plans are generated. When undertaking the development of a strategic plan, the traditional approach is to create a single, high-level planning body -- a “blue ribbon” commission -- populated with top management and subject experts, and to empower that body to develop a single master plan. Planning bodies for court systems are generally populated with leadership judges, perhaps supreme court justices, bar leaders and court managers. To the extent other system stakeholders have a role they might be offered relatively minor representation on the planning body, or perhaps are engaged through outreach mechanisms such as surveys. A planning body might create subcommittees or subject-area work groups with representatives from components of the overall system, but the body retains ultimate control over the entire plan.

In a tightly coupled system power is assumed to be concentrated and centralized, but this assumption does not hold in a loosely coupled system characterized by dilution and disbursement of authority. A successful planning process in such an environment must create alternative mechanisms to channel and focus system resources. To allow for this the committee charter does not charge the committee directly with the development of a strategic plan but instead instructs the committee to create or propose processes to engage stakeholders in development of elements of the planning hierarchy. For example the charter directs the committee to set out “a clear and accessible plan and schedule for outreach to justice system partners and stakeholders that provides multiple opportunities for input and identifies major decision points.” Similarly, the charter provides that any strategic initiatives undertaken would not be directly overseen by the committee, but that the committee is to draft a charter for a steering committee or task force that would then guide the initiative. Again, the committee is not directed to revise the mission and vision statements, but to propose a process for their review and revision, and to oversee that process.

In essence, the legitimacy and ultimate effectiveness of any plans produced flow from the voluntary participation in the development process by leaders of components of the system and their willingness to implement agreed-upon goals. Rather than attempting to wrest decision-making upward and inward to a blue-ribbon committee, it is spread outward and down. Control over the content of plans is therefore dispersed, reflecting the dispersion of actual power within the system. It is a downside-up, outside-in approach that may seem counter-intuitive to those used to top-down management.

Sequencing and work product. A second major difference concerns the timeline for producing planning elements. A traditional strategic planning process is a major effort by an organization, almost always resulting – if the effort is completed – in a major planning document, a “master plan.” This master plan is intended to be a blueprint for organizational activities, typically for several years. All of the elements of the plan, from higher order statements to whatever level of specificity the authors choose to go down to, is contained within this document.

The common practice is for planning body to start with the higher-order elements of mission and vision statements, and work down to subordinate measures, sometimes to a very specific task or activity level. A very elaborate plan may even link to organizational budgeting and performance measures. An endeavor such as this typically takes two or more years, and costs can be very substantial. These large-scale strategic plans are generally not revisited for several years, as many as ten. It is not uncommon for a state court system to produce one strategic plan and forego ever producing a second in consideration of the costs and effort involved.

The committee charter, on the other hand, does not direct the committee to produce a “master plan,” but allows the committee to approach the planning process and the development of the various elements more flexibly. Notably, the direction to address the mission and vision statements, as well as the policy objectives of the judicial branch, call for the committee to

“propose a schedule and process for the periodic review” of these elements, contemplating that they might be reviewed only occasionally and even then may be left unchanged. Conversely, the charter specifically instructs the committee to develop a two-year cycle for strategic goals and initiatives.

In short, the charter contemplates that higher-order planning statements can be considered relatively constant and fixed, while the lower, more operational level elements can be examined and adjusted or replaced more or less constantly, following a two-year cycle. Higher elements should respond only to very significant changes in the environment (i.e.: a constitutional amendment or change in law affecting court jurisdictions, or major evolutions in the nature of court caseloads), while the operational elements can be adjusted in to shorter-term changes.

The result is not a static master plan, but a relatively dynamic planning system capable of accommodating and adapting shifting needs, opportunities, and leadership priorities. The focus, therefore, is not on producing a “final” work product, but on managing a program of continuous planning and providing an orderly, transparent framework and process that individuals within the system can come to understand and participate in.

Focus on the Issues and Stakeholders. The third difference is the emphasis on issues and issue management. A traditional planning process requires system participants to work across a broad range of issues more or less simultaneously, and system actors are ultimately asked to accept a multifaceted plan, something of a package deal. Planners may have to make decisions about priorities and goals in areas beyond their expertise and outside of their interest. If one part of the plan is not acceptable to them, leaders in one part of the system might elect to discount the whole endeavor.

The alternative approach is to focus on a few strategic issues, seeking to build functional collaborative coalitions around them disconnected from other issues. Over time all major issues can be identified and managed separately in coordination with internal and external stakeholders that have an interest in that issue but may have no interest in other areas.

Strategic Goals and Initiatives.

The BJA is charged by BJAR 1 “to provide effective leadership to the state courts and to develop policy to advance the administration of the court system of Washington State.” However, within the general framework of the loosely coupled system of the Washington judicial branch, and under the specific language of the BJAR, the BJA has no power to implement policy. To the extent any policies developed by the BJA are implemented it is because others – funding bodies, local court leaders, the Supreme Court in its rule-making function – concur in the policies and take action to effectuate them. The challenge in planning and policy-making in this context is to fashion plans and policies that have a substantial likelihood of being effectuated.

The planning program being developed by the Policy and Planning Committee has two elements that operate at the issue level: strategic goals and strategic initiatives. Strategic goals

are statements of intended outcome. They are not self-effectuating. Strategic initiatives are intended to create the link between intention and actual change.

The committee's Strategic Issue Management (SIM) project was an experiment in bringing together groups of stakeholders to address an issue of common concern. Under this model, the engaged stakeholders – who themselves volunteer for the project -- have control over the process of defining and analyzing an issue, crafting a strategy and designating the activities and tasks to be carried out. The stakeholders negotiate the resources and commitments necessary to implement the strategy. The BJA plays a role in convening and supporting the effort, but ultimately it succeeds or fails based on the capacity of the involved stakeholders.

The National Center for State Courts consultants who advised the BJA to develop an alternative approach to planning and governance also advised focusing on one big project at a time: a "campaign" approach. While the committee is receptive to this approach, the goal/initiative framework allows for the committee to pursue several minor, relatively focused initiatives contemporaneously with oversight of a single, large scale "campaign" initiative.

In practical terms the logistics of developing and conducting an initiative can be kept flexible. The SIM project created informal work groups, ranging from five to about twelve people. The committee charter provides that the committee should develop and submit to the BJA a charter for any steering committee or task force to be created to pursue a strategic initiative. A major campaign would justify the creating of a formal body. A smaller committee might or might not. The committee should probably consider designating at least one committee member as a liaison to any body created, regardless of size and level of formality.

Conclusion.

The attached table ("BJA Table of Planning Elements") identifies the planning elements, organized from higher-order, long-range components to strategic level elements of goals and initiatives, linking to the actual communications and activities that would emanate from an initiative.

The table provides definitions and recommends a schedule for each element. Notes are included about the authority or authorship of each element, and some notes about who should be involved in developing each.

All of this is subject to change and approval of the committee and the BJA. Even after a two-year planning cycle is begun or completed the specifics should be reexamined and modified based on experience.

CALL FOR PROPOSALS

DUE FEBRUARY 1



Are you **READY** *to*
make **CHANGE** *happen?*

~ The vision of the BJA is to become the leader and voice of the Washington State Courts.

~ The mission of the BJA to enhance the judiciary's ability to serve as an equal, independent and responsible branch of government.

The BJA Policy and Planning Committee is charged with developing Strategic Goals of the BJA. The schedule for submitting proposals and the process for finalizing strategic goals for 2017-18 is outlined in Committee document "BJA Strategic Planning Program: Strategic Goal Development."

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

BJA STRATEGIC PLANNING PROGRAM:

Strategic Goals Development

This document sets out a process for the development of strategic goals and provides a template for drafting goal statements.

The charter of the Policy and Planning Committee directs the committee to “identify strategic goals of the BJA and propose recommendations to address them in conjunction with the other standing committees.” To accomplish this task the Policy and Planning Committee seeks proposals for strategic goals from BJA members and internal stakeholder entities. Any member may submit a proposed goal in their individual capacity or on behalf of a standing committee or other court organization. Members may submit multiple proposals.

What is a “strategic goal of the BJA?”

A goal is an intended outcome. A strategic goal is a goal relevant to a matter of strategic importance. A matter of strategic importance is one that fundamentally implicates an organization’s vision or mission or its ability to effectively function as an entity.

The vision of the BJA is that it will “*become the leader and voice of the Washington State Courts.*” The mission of the BJA is “*to enhance the judiciary’s ability to serve as an equal, independent and responsible branch of government.*”

Incorporating the vision and mission, a *strategic goal of the BJA* is a statement of intended outcome adopted by the BJA relevant to the ability of the BJA to enhance the judiciary’s ability to serve as an equal, independent and responsible branch of government, or function as the leader and voice of the Washington State Courts.

Strategic goals of the BJA should be aligned with the principal policy objectives of the judicial branch and should be responsive to trends and conditions.

A strategic goal can be either externally or internally focused. The BJA should consider adopting both external and internal goals. An internally focused goal pertains to the functioning or organizational maintenance of the BJA; an externally focused goal pertains to the larger judicial system beyond the BJA.

What is the process for developing and adopting strategic goals of the BJA?

The Policy and Planning Committee has adopted a process with five steps:

A. *January -- Preliminary identification of possible issue areas and goal statements.*

BJA members and internal stakeholder entities¹ will be asked to identify potential strategic issues and to draft goal language, following a simple format. They may do so in their individual capacity and as representatives of BJA standing committees or judicial levels. Multiple proposals may be submitted. Proposals will be due February 1 for circulated in the February BJA meeting materials.

B. *February BJA Meeting -- Ranking of issues.*

The proposal goals will be presented for discussion by the full BJA. Following discussion members will be asked to score the proposals for ranking.

C. *February BJA Meeting -- Selection of issues.*

The results of the ranking will be presented for discussion at the same meeting. The board can then elect to advance as many proposals as it prefers for further development and consideration.

D. *February-March -- Refinement of goal language.*

The committee and staff will coordinate with proponents of goals to refine the goal statements consistent with discussions of the board and intentions of proponents. The Committee will circulate a package of proposed goal statements in advance of the March BJA meeting.

E. *March BJA Meeting -- Adoption.*

Revised proposed goals will be presented to the BJA for discussion at the March meeting. Motions for adoption or other action can be entertained at that point.

¹ Supreme Court Commissions, JISC, ATJ, AOC, OPD, OCLA.

BOARD FOR JUDICIAL ADMINISTRATION
Policy and Planning Committee

GUIDELINES FOR DEVELOPMENT A STRATEGIC GOAL OF THE BJA

This document provides a template for drafting a strategic goal of the BJA.

The purpose of adopting strategic goals of the BJA is to enhance the ability of the BJA to achieve its mission and vision. Goals are intended to provide direction to the work of the board, linking the activities and communications of the board to its long-range aspirations.

The *vision* of the BJA is that it will “become the leader and voice of the Washington State Courts.”

The *mission* of the BJA is “to enhance the judiciary’s ability to serve as an equal, independent and responsible branch of government.”

Definitions:

A *strategic goal of the BJA* is a statement of intended outcome adopted by the BJA relevant to the ability of the BJA to enhance the judiciary’s ability to serve as an equal, independent and responsible branch of government, or to function as the leader and voice of the Washington State Courts. A *goal statement* should describe the end result sought rather than the means to achieve that result.

A *strategic issue* is a development of trends or conditions, existing or foreseeable, which present an opportunity for or a threat to the ability of the BJA to fulfill its mission and vision.

The BJA may consider adopting both external and internal goals: an *external goal* pertains to the judicial system beyond the BJA; an *internal goal* pertains to the functioning or organizational maintenance of the BJA.

Template: Strategic Goal of the BJA

Please provide the information below. Members may submit more than one proposal. Each proposal should be on a separate form. Send completed proposals to committee staff at Steve.Henley@courts.wa.gov by end of day on February 1, 2017

PROPONENT. *Enter your name. If the issue is being proposed on behalf of an entity provide the name of the entity:*

ISSUE STATEMENT. *Provide a brief summary of the issue to be addressed by the goal:*

GOAL STATEMENT. *Provide a statement of desired outcome(s) responsive to the issue:*

STAKEHOLDERS. *List stakeholder organizations with a likely interest in the issue:*

INTERNAL OR EXTERNAL. *Indicate whether the goal is internally or externally focused to the BJA:*

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of criminal and civil justice in the state.

The judicial branch in Washington State is not structurally unified at the statewide level. Ours is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments which are grounded in mutual respect for the constitutional prerogatives of each branch and constitutional separation of powers considerations.

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.

Approved En Banc June 5, 2008

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

Strategic Issue Management Initiative

ISSUE INVENTORY – JULY 2015 STAKEHOLDER FORUM

CASE CHARACTERISTICS:

1. Mental health and the judicial system (ALL)
 - a. in adult cases
 - b. in juvenile cases
 - c. rules and judicial processing
 - d. availability of treatment and services

2. Juveniles and the judicial system (ALL)
 - a. systemic case process improvement
 - b. alternatives to detention
 - c. racial disproportionality and cultural competence
 - d. mental health
 - e. sexual identity, treatment/safety in custody
 - f. truancy
 - g. dependency and foster care
 - h. BECCA legislation

3. Reliance on criminal sanctions (decriminalization)(ALL)
 - a. mental health cases
 - b. juvenile (alternatives to detention)
 - c. adult misdemeanor, non-violent offenses
 - d. DWLS3*
 - e. disproportional racial impacts
 - f. pre-trial detention/bail
 - g. alternatives to incarceration

4. Post-judgment obligations (ALL)
 - a. relicensing following license suspension
 - b. re-entry following incarceration
 - c. legal financial obligations

COURT FUNDING, STRUCTURE, GOVERNANCE:

5. Local justice system funding (ALL)
 - a. Structural deficits
 - b. Revenue sources
 - c. State v. local funding responsibilities
6. State funding of due process costs – indigent defense, interpreters, etc.
7. Accountability and performance measurement – transparency, measures, data for decisions
8. High cost cases –murder, complex, multiple defendants
9. Equitability/regressive funding sources (ALL)
 - a. Due process services
 - b. Court operations
 - c. Court technology funding sources
10. Municipal courts -- autonomy, flexibility, innovation, accountability, governance structures
11. Non-unified court system
12. Local rules – inconsistent, use of model rules

COURT OPERATIONS:

13. Technology (ALL)
 - a. CMS – implementation in superior courts
 - b. CMS in district and municipal
 - c. E-everything – e-filing, e-service, e-records, e-appearances – statewide system
 - d. Data exchange
 - e. JIS funding – adequacy, reliability (TF sweeps), equitability of sources
 - f. Universal cashiering capacity
 - g. FTA – personal device reminder to appear
 - h. Appellate court technology
14. Access (ALL)
 - a. access to attorneys (availability, cost of)
 - b. access to courts (hours of operation, remote access)
 - c. online access to process (e-filing, e-service, e-records, e-appearances)
 - d. access to information (e-records, plain-language forms)

15. Systemic (global v. local) and court efficiency (ALL)
 - a. Global efficiency and process improvement – research, data, outcome measures
 - b. Costs of prosecution
 - c. Resource utilization – facilities, personnel
 - d. Definition of “conflict”
16. Personnel (ALL)
 - a. Succession planning
 - b. Recruitment and retention
 - c. Training of court personnel at all levels
17. Customer satisfaction

FAIRNESS AND DUE PROCESS:

18. Diversity and cultural competence (ALL)
 - a. Bias in justice system, ethos of cultural competence – personal, institutional
 - b. Handling of sexual identity issues
 - c. Handling of sexual identity issues of juveniles
 - d. Civic education
19. Indigent defense (ALL)
 - a. Adequate funding
 - b. State funding
 - c. Ability to monitor caseloads
 - d. Training
20. Interpretation (ALL)
 - a. Universal provision – no waiver, no costs
 - b. Court/county LEP plans
 - c. Statewide directory, scheduling system
 - d. Remote systems
 - e. State funding
21. Jury reform (ALL)
 - a. Jury pool sourcing
 - b. Diversity
 - c. Efficiency

Tab 4

AGREEMENT BETWEEN
ADMINISTRATIVE OFFICE OF THE COURTS
AND
SUPERIOR COURT JUDGES ASSOCIATION

This Agreement is made and entered into by and between the Washington State Administrative Office of the Courts (AOC) and the Superior Court Judges Association (SCJA) and ratified by the Washington State Supreme Court.

PURPOSE

This document is the Agreement between AOC and the SCJA regarding adding policy analyst positions which are solely designated to provide policy work for the SCJA.

RESPONSIBILITY OF PARTIES

Two full-time policy analyst positions will be designated to work on policy priorities determined by the SCJA. All applications for the positions identified in this agreement will be reviewed by SCJA and AOC, unless otherwise agreed. Applicants will be jointly interviewed by AOC and SCJA and selected by SCJA with AOC approval within the existing position classification. AOC shall approve the analyst as long as the candidate meets AOC hiring criteria unless the candidate is legally disqualified or otherwise disqualified, which may include prior documented poor job performance, unsatisfactory references or inability to meet qualifications set forth in the job description which is attached as Appendix A. All reference checks will be done by phone conference with a member of SCJA and AOC participating.

The first policy analyst will assume these duties on November 1, 2016, or as soon as the candidate is selected. A second full-time analyst will be added by July 1, 2017, if new state general funds over the current funding level are provided by the legislature, but no later than July 1, 2018, whether there is additional funding or not. The judicial branch shall submit a request for funds for the second position in the 2017-2019 biennium budget.

AOC also agrees to maintain the current level of support for the SCJA (totaling approximately 2.2 FTE) in the manner in which it is currently provided. This support includes, but is not limited, to administrative support. Administrative support includes arranging meetings and events, preparing agendas, and meeting minutes.

SCJA acknowledges that staff are AOC employees and are "at will". They are subject to all statutes and state rules, as well as policies, procedures and practices of AOC. Policy Analyst work will be directed by SCJA with day-to-day supervision by AOC. AOC will not reassign, redirect, or redeploy the policy analysts without prior consultation and joint approval of SCJA. Additional projects or duties will not be given without written consent of the SCJA.

RCW 41.06.070 exempts positions in the judicial branch of state government from state civil service provisions. Because of this exemption, the AOC cannot transfer employment termination approval to another entity or group. However, AOC agrees not to terminate the policy analyst(s) without conferring with the SCJA unless there is an immediate issue due to safety, security, or other emergent issues. For any other matters including, but not limited to,

lack of performance, budget reductions or personnel issues, the AOC will confer with the SCJA to expeditiously resolve the matter.

In return, SCJA agrees that it will not advance or support in any way legislation or budget provisions that would create an Office of the Superior Courts, for the term of this agreement. SCJA further agrees to work with AOC and Board for Judicial Administration to publicly oppose any legislation or budget provisions that would have a similar effect.

The SCJA and AOC agree that the SCJA will take the same proportional share of any budget reduction imposed on AOC.

SCJA will designate a judge to work with AOC to look for opportunities to clarify, streamline and consolidate support services for SCJA's committees and policy/planning efforts.

SCJA will also designate a judge to work with AOC and leadership from the other court levels to investigate ways to improve state support for policy analysis and planning efforts on behalf of Washington courts and develop potential funding proposals within the auspices of the Board for Judicial Administration and the Washington Supreme Court.

PERIOD OF PERFORMANCE

The term of this Agreement will be six years from the date of signing. This Agreement is renewable. If either party chooses not to renew this Agreement then a written notice of Intent Not to Renew shall be given to the other party no later than one year prior to the expiration of this Agreement.

The parties agree that this Agreement will be reviewed every two years to determine whether staffing is sufficient.

Members designated by SCJA and AOC will meet annually to discuss job performance and any issues that need to be resolved. If any issues are a matter of concern between the annual reviews, the SCJA or AOC will immediately notify the other party to resolve the matter.

DISPUTE RESOLUTION

Should a dispute occur, the parties will meet and confer. If a disagreement still exists, then both sides will agree upon a third party dispute resolution method to resolve the dispute.

RATIFICATION

This Agreement has no force and effect unless and until ratified by the Washington State Supreme Court.

ENTIRE AGREEMENT

This Agreement including Appendix A represents all the terms and conditions agreed upon by the parties. No other understandings or representations, oral or otherwise, regarding the subject matter of this Agreement will be deemed to exist or to bind any of the parties hereto.

CONFORMANCE

If any provision of this Agreement violates any statute or rule of law of the State of Washington, it is considered modified to conform to that statute or rule of law.

THIS AGREEMENT is executed by the persons signing below who warrant that they have the authority to execute the Agreement.

Administrative Office of the Courts

Callie T. Dietz 9/22/16
Signature Date

Callie T. Dietz
Name

State Court Administrator
Title

Title

SCJA Executive Committee

Michael T. Downes 23, 2016
Signature Date

MICHAEL T. DOWNES
Name

PRESIDENT
Title

Title

Washington State Supreme Court

Barbara Madser (only)
Signature individual Date 9/22/2016
in my capacity - not on behalf of

the Supreme Court
Name

Title

Harold D. Clarke 9/23/16
Signature Date

Harold D. Clarke
Name

Immediate Past President SCJA
Title

Title

Sean P. O'Donnell 9.23.2016
Signature Date

Sean P. O'Donnell
Name

President-elect
Title

Title

Ratified by:

Charles R. Wiggins

Charles R. Wiggins

John F. Kennedy

Fairhurst, G.

Stephens, G.

John F. Kennedy

John McClellan, J.

John F.



Administrative Office of the Courts

SENIOR COURT PROGRAM ANALYST

Primary Purpose

Manages participation of diverse stakeholder groups in development, implementation and evaluation of significant, high-impact changes to judicial programs, court processes, practices, and staffing to improve the efficiency/effectiveness and integrity of court operations as well as enhance consumer experiences and outcomes.

Distinguishing Characteristics

This is a senior professional level job that works with minimal supervision and applies independent judgment and decision making on complex, and highly technical, major projects. May supervise/review the work of other professional staff and support staff.

Duties and Responsibilities

Plans, implements, monitors and evaluates court program components involving significant impact on judicial programs, including completion of complex or highly technical major projects and objectives.

Manages inter-jurisdictional, comprehensive programs and/or complex/highly technical major projects. Designs and analyzes alternative management techniques and estimates the statewide impact of implementing proposed change(s). Completes research, assessments, and provides recommendations to a designated Manager or Executive.

Provides information, assessment, consultation, support and recommendations to AOC, courts, associations and boards and commissions within major operational areas (i.e., personnel management, contracting, performance management, budget development, court service delivery and/or judicial system policy and procedure) to achieve consistent, efficient, and effective programs and operations.

Analyzes and evaluates proposed legislation and its probable impact upon project and program goals; prepares briefs on proposed legislation.

May supervise the work of other professional staff and support staff.

Performs other duties as assigned.

NO
CTD

Key Competencies

Agency values:

- Integrity
- Honesty
- Accountability
- Teamwork
- Trust
- Respect
- Customer Service
- Communication

Behavioral Competencies

- Influencing
- Problem solving
- Planning/organizing
- Consulting
- Relationship building
- Tact/diplomacy

Knowledge, Skills and Ability

- Ability to understand customer expectations and deliver work products meeting those expectations.
- Ability to earn the trust, respect, and confidence of coworkers and customers through consistent honesty, forthrightness and professionalism in all interactions
- Communication skills both orally and in writing
- Ability to form effective goals and achieve them through the use of objectives, timelines, action plans and solutions
- Ability to prioritize and effectively manage time in order to meet productivity standards, deadlines, and work schedules; accepts personal responsibility for the quality and timeliness of work
- Analysis, evaluation, and efficient development of recommendations and options
- Ability to multi-task and effectively work on multiple projects simultaneously
- Knowledge and understanding of the interaction and mission of interested groups, boards, committees & judicial staff regarding services/support provided by AOC
- Knowledge and understanding of the justice system with specific focus on the Washington State court system; laws, procedures, and practices within appellate courts and courts of limited and general jurisdiction; trends in court administration

Qualifications and Credentials*

A Bachelor's degree in court administration, public administration, political science, business administration or closely allied field **AND:**

- Five (5) years of responsible experience in court administration and/or program development, including one (1) year in a supervisory or lead role and/or managing/directing groups or teams.

*Certain positions may require a law degree in addition to the qualifications above.

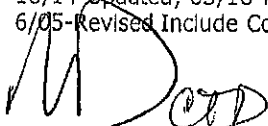
Relevant experience may substitute for the required education.

SALARY RANGE: 62

- Workweek may fluctuate depending on workload or agency need.
- Overnight travel may be required based on business need.
- This position is not covered by the Fair Labor Standards Act (FLSA).

10/14-Updated; 03/10-Revised Qualifications; 01/10-Revised Scope, Activities and Competencies; 4/06-New JD Format
6/05-Revised Include Core Competencies; 2/05-Revised Salary Range; 9/98-Revised Title/Duties/Range; 2/94-Revised

Senior Court Program Analyst - AOC HR - 10/14



Tab 5

**2017-2019 Budget Requests That Impact AOC
As Approved by the Supreme Court
December 2016-Final**

Administrative Office of the Courts – General Fund State Requests ONLY					
Title	FTE	Amount	BFC Priority	BJA Priority	Supreme Court Y/N
Trial Court Interpreter Services	FTE 0.5	\$4,192,000	1	1	Y
Funding is requested to expand the existing program statewide for civil and criminal cases at 100% reimbursement over 3 biennia.					
Court Personnel Education	FTE 1.0	\$396,000	Tied 2	2	Y
Funding is requested for the development of online delivery models and timely training for judges and court personnel.					
Pattern Forms	FTE 1.5	\$371,000	Tied 2	3	Y
Funding is requested for additional staff necessary to meet the growing demand from the legislature and stakeholders.					
Courthouse Facilitator Training	FTE 1.0	\$268,000	4	5	Y
Funding is requested to provide regular education opportunities for courthouse facilitators.					
Web Services Support	FTE 2.0	\$487,000	5	4	Y
Funding is requested to modernize and maintain web services to serve the increasing needs of the public and stakeholders.					
AOC Salary Adjustment	FTE 0.0	\$170,000	N/A	N/A	Y
Funding is requested to more closely align certain AOC position classification salaries with market conditions.					
Telephonic Interpreting Services	FTE 0.5	\$3,166,000	6	6	N
Funding is requested to offset 50% of the costs associated with on-demand telephonic interpretation.					
Guardian Monitoring	FTE 9.0	\$1,243,000	7	8	N
Funding is requested to create a statewide guardianship monitoring program.					
Therapeutic Courts Best Practice	FTE 0.5	\$136,000	8	7	N
Funding is requested to improve drug court functioning and adherence to research based best practices in 4 adult drug courts.					
CASA Program Expansion	FTE 0.0	\$12,100,000	9	9	N
Funding is requested to increase the number of CASA volunteers and to provide regionally based CASA program attorneys.					
SCJA Policy Staff	FTE 2.0	\$423,000	N/A	N/A	Y
Funding is requested for SCJA policy staff.					
Total-Non-IT State General Fund Proposed	FTE 16.0				\$22,952,000
Supreme Court	FTE 8.0				\$6,307,000

**2017-2019 Information Technology Budget Requests AOC
As Approved by the JISC and Supreme Court
December 2016-Final**

Administrative Office of the Courts – Information Technology Requests		
Title	FTE	Amount
Superior Court-CMS	FTE 14.0	\$12,000,000
Funding is requested to continue the statewide implementation of the Superior Court Case Management System (SC-CMS). JIS Account		
Courts of Limited Jurisdiction-CMS	FTE 24.5	\$13,146,000
Funding is requested to continue the implementation of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS). JIS Account		
Equipment Replacement	FTE 0.0	\$1,226,000
Funding is requested to replace end of life equipment in the courts and county clerk's offices. JIS Account		
Odyssey Continuing Support	FTE 8.0	\$1,429,000
Funding is requested continue support staff for the Superior Court Case Management System (Odyssey). JIS Account		
EDE Carryover	FTE 0.0	\$3,100,000
Funding is requested to continue the Expedited Data Exchange. General Fund State.		
EDE Fund Shift	FTE 0.0	\$2,413,000
Fund shift from the state general fund to the JIS Account for EDE costs during the 2015-2017 biennium. General Fund State.		
Total Request-JIS	FTE 46.5	Total \$33,314,000 JIS \$27,801,000 SGF \$5,513,000
Total 2017-2019 AOC Budget Requests As Submitted to the Legislature	FTE 54.5	Total \$39,621,000 SGF \$11,820,000 JIS \$27,801,000

**2017-2019 Independent Judicial Branch Agency Budget Requests
As Submitted
December 2016**

Supreme Court			
Title	FTE	Amount	Supreme Court
Merit Increments	FTE 0.0	\$490,000	Submit
Funding is requested for the cost of merit increments for eligible staff.			
Comprehensive Salary Survey Implementation	FTE 0.0	\$569,000	Submit
Funding is requested to move staff attorneys and senior staff attorneys to a salary range equivalent to five percent below market and move law clerks to the market salary range.			
Total Request	FTE 0.0		\$1,059,000

Information Only

Court of Appeals			
Title	FTE	Amount	Supreme Court
Comprehensive Salary Survey Implementation	FTE 0.0	\$2,228,000	Concur
Funding is requested to a) move permanent employees (both levels of staff attorney, senior case manager, JAA and case manager) to a salary range equivalent to five percent below market and b) move law clerks out of a step/range classification and pay them a salary of \$60,420 per year.			
Reinstatement of Merit Increments	FTE 0.0	\$523,000	Concur
Funding is requested to reinstate merit increments for eligible permanent employees, excluding law clerks.			
Salary Adjustment Bow Wave	FTE 0.0	\$406,000	Concur
Funding is requested for ongoing costs of salary adjustments made in the 2015-2017 biennium.			
Lease Increase	FTE 0.0	\$70,000	Concur
Funding is requested for increased lease costs Division 1 Court of Appeals.			
Total Request	FTE 0.0		\$3,227,000

**2017-2019 Independent Judicial Branch Agency Budget Requests
As Submitted
December 2016**

Information Only

Office of Public Defense			
Title	FTE	Amount	Supreme Court
Statewide Expansion of Parents Rep.	FTE 1.0	\$5,742,000	Concur
Funding is requested to extend the Parents Representation program to eight juvenile courts, the only courts not fully served by the state program. Funds would expand the program to Adams, Douglas, Island, Lewis, Lincoln, Okanogan, Walla Walla and the remainder of Pierce counties.			
Mandatory Caseload Increase	FTE 0.0	\$1,320,000	Concur
Funding is requested to meet the increase in child welfare cases.			
Contractor Retention*	FTE 0.0	\$6,346,000	Concur
Funding is requested to increase contractor compensation to retain qualified contractors. <i>*Final independent report estimated cost to be \$6.8 million.</i>			
Total Request	FTE 1.0		\$13,408,000

Office of Civil Legal Aid			
Title	FTE	Amount	Supreme Court
Attorney and Lease Cost Increase	FTE 0.0	\$898,000	Concur
Funding is requested for the costs associated with an increase in lease costs and increased costs due to staff progression through the salary ranges.			
Compensation Adjustment*	FTE 0.0	\$673,000	Concur
Funding is requested to increase NJP attorney salaries to correspond to the general wage increase proposal. <i>*Subsequently revised to \$525,000</i>			
Civil Justice Reinvestment Plan	FTE 1.0	\$12,013,000	Concur
Funding is requested to close the justice gap documented in the 2015 CLNS Update.			
Total Request	FTE 1.0		\$13,584,000

2015 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY UPDATE

LOW-INCOME WASHINGTONIANS FACE MULTIPLE CIVIL LEGAL PROBLEMS BUT FEW GET THE HELP THEY NEED

Justice is absent for many low-income Washingtonians who frequently face serious civil legal problems.

More than 70% of the state's lowest income residents experience at least one civil legal problem a year on matters affecting the most fundamental aspects of their daily lives, including: accessible and affordable health care; the ability to get and keep a job; access to financial services and protection from consumer exploitation; individual and family safety; and the security of having safe and stable housing.

The growing number of legal problems is among the key findings within the 2015 Washington State Civil Legal Needs Study Update commissioned by a special committee of the Washington State Supreme Court.

Average number of legal problems per household	
2003	2014
3.3	9.3

The new study is the first rigorous assessment of legal problems experienced by low-income Washingtonians since the state's landmark 2003 Civil Legal Needs Study. The data come from a statewide survey of Washington's low-income residents by Washington State University's Social and Economic Sciences Research Center.

The findings are significant and sobering. Low-income Washingtonians who face one

Some of the Key Findings:

- **Civil legal issues are common.** Seven in 10 low-income households in Washington State face at least one significant civil legal problem each year. The average number of problems per household increased from 3.3 in 2003 to 9.3 in the 2014 survey.
- **The most common problems have changed.** Health care, consumer/finance and employment now represent the three areas with the highest percentage of problems.
- **Race, ethnicity and other personal characteristics affect the number and type of problems people have.** These personal characteristics also affect the degree to which people experience discrimination or unfair treatment and the degree to which they are able to get legal help.
- **Victims of domestic violence and/or sexual assault experience the highest number of problems per capita of any group.** Fully 100% of those who have been a victim of domestic violence and/or sexual assault will experience important civil legal problems. These problems occur in every substantive category from health care, to housing, to family law, consumer and employment.
- **Many are adversely affected by data tracking.** Significant numbers of low-income households experience unfair treatment on the basis of their credit histories, prior involvement with juvenile or adult criminal justice system and/or their status as a victim of domestic violence or sexual assault.
- **There is a widespread legal literacy problem.** A majority of low-income people do not understand that there are legal remedies for the problems they experience and that they would benefit from getting legal help.
- **The vast majority of people face their problems alone.** More than three-quarters (76%) of those who have a legal problem do not get the help they need.
- **Most low-income people have limited confidence in the state's civil justice system.** Low-income people generally lack trust and confidence in the civil justice system. Perceptions about the fairness and effectiveness of the system to help solve problems experienced by "people like me" differ significantly on the basis of race, ethnicity and other characteristics.

MOST PREVALENT PROBLEMS PEOPLE EXPERIENCE		
Source: WSU-SESRC		
1	43.4%	Health Care
2	37.6%	Consumer, Financial Services, Credit
3	33.6%	Employment
4	33.3%	Municipal Services/Utilities
5	29.6%	Access to Government Assistance

PROBLEMS PEOPLE MOST OFTEN SEEK LEGAL HELP		
Source: WSU-SESRC		
1	28%	Housing
2	22%	Family & Domestic Problems
3	20%	Consumer, Financial Services, Credit
4	19%	Healthcare
5	16%	Disability-Related Problems

civil legal problem often have other serious and related legal problems at the same time. And, for many, these serious problems are compounded by race, ethnicity, age, disability, immigration status or their status as a victim of domestic violence or sexual assault.

One struggling mom explains how one problem leads to another and then another:

“The day I got custody of my son, I was laid off. Three years later, I’m still having trouble making a living,” she says. “My son is ADHD and autistic. I can’t keep minutes on my phone and keep food in my house. Police have been racial profiling. It’s just been hard.”

While the U.S. Constitution guarantees all people, regardless of their ability to pay, the right to legal representation in a criminal trial, it does not extend that right to people who have civil legal problems. That forces a majority of low-income individuals and families in Washington to face and resolve their problems alone—without the help of a lawyer, no matter how complex or life-changing a problem may be. And it leads many to feel a high level of distrust in the civil justice system and its ability to help people like them.


Indeed, the Justice Gap¹ in Washington is real, growing and calls out for a thoughtful, significant and coordinated response.

¹ The “Justice Gap” refers to the difference between the number of problems experienced by low-income Washingtonians for which they need legal help and the actual level of legal help that they receive to address such problems.

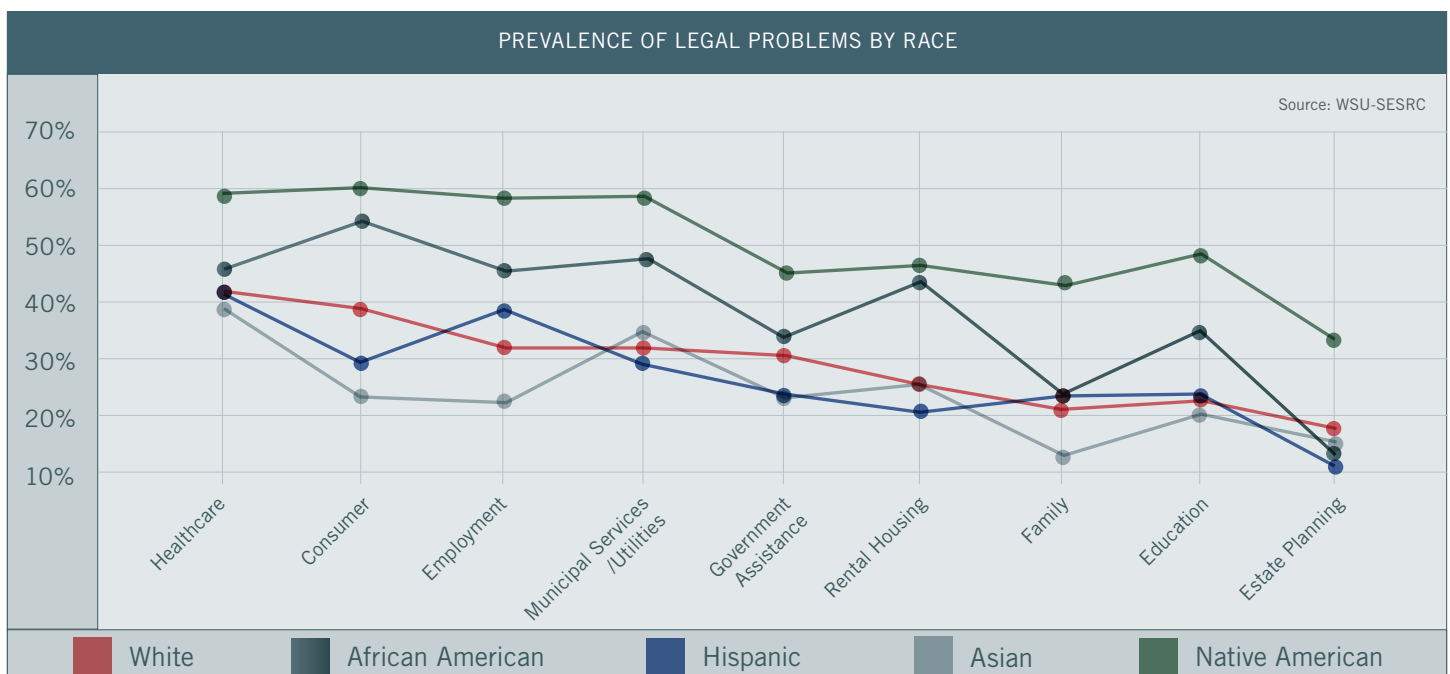
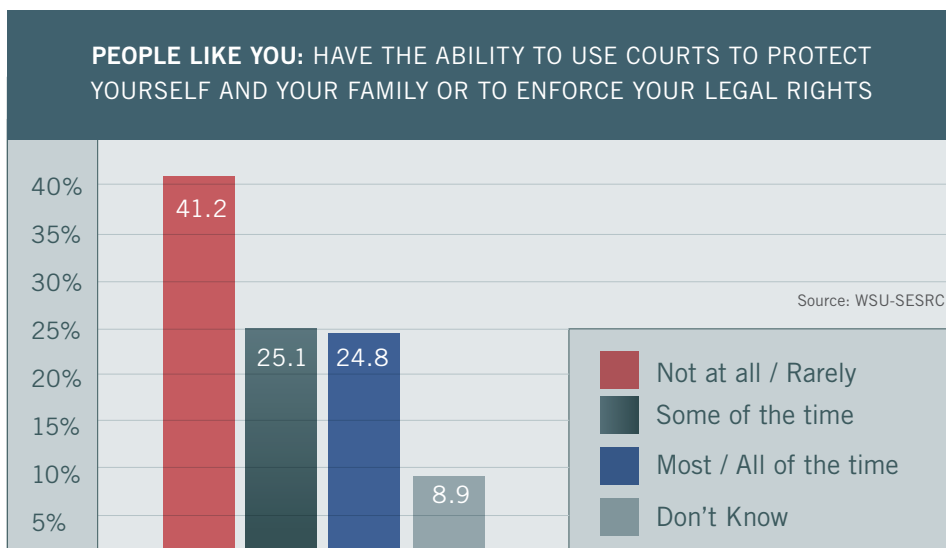
From Justice Charles K. Wiggins, Chair, Civil Legal Needs Study Update Committee

This Report challenges us to do better.

- It challenges us to ensure that low-income residents understand their legal rights and know where to look for legal help when they need it.
- It challenges us to squarely address not only the scope of problems presented, but the systems that result in disparate experiences depending on one’s race, ethnicity, victim status or other identifying characteristics.
- It challenges us to be aware of the costs and consequences of administering a system of justice that denies large segments of the population the ability to assert and effectively defend core legal rights.
- Ultimately, it challenges us to work all the harder to secure the investments needed to deliver on the promise embedded in our constitutional history and our nation’s creed – that liberty and justice be made available “to all.”



JUSTICE CHARLES K. WIGGINS, Chair
Civil Legal Needs Study Update Committee



ACCESS THE FULL REPORT, OCTOBER 2015 WASHINGTON STATE CIVIL LEGAL NEEDS STUDY UPDATE, AS WELL AS SUPPORTING TECHNICAL DOCUMENTS AT WWW.OCLA.WA.GOV/REPORTS/

2015 Washington State
Civil Legal Needs Study

Civil Legal Needs Study Update Committee
Washington State Supreme Court - *October 2015*

- Seven (7) in ten (10) households experience at least one civil legal problem affecting basic human needs each year
- Those who experience at least one (1) problem average more than nine (9) legal problems per year
- Victims of Domestic and Sexual Assault have the highest number of problems per capita (18)
- More than 50% of low-income households do not understand that the problem they experience is legal in nature
- 65% of those who experience a civil legal problem do not seek any legal help
- Low-income people do not receive any help for more than 76% of reported legal problems
- 175,000 low-income households (@100% FPL) that experience civil legal problems each year get no legal help
- 66% of low-income people have limited confidence in the ability of the courts and the civil justice system to help people like them enforce legal rights and solve important problems

CIVIL JUSTICE REINVESTMENT PLAN

(FY 2017 – FY 2021)

A four-year (two-biennial) *Civil Justice Reinvestment Plan* will:

Enable low income people to understand their legal rights and responsibilities and diagnose the legal dimensions of the problems they are experiencing; expand the ability of unrepresented persons to navigate the civil justice system; expand volunteer (pro bono) services; ensure meaningful and sustained civil legal aid presence throughout Washington State; and ensure delivery of consistent and high quality legal aid services to those who need them.

Components of the *Civil Justice Reinvestment Plan*:

Technology: Build IT tools to help low-income people diagnose their legal problems and make informed decisions about whether to seek legal help and to help unrepresented litigants more effectively navigate the family court system.

Volunteer Attorney Service: Upgrade and expand capacity for community based volunteer attorney programs recruit, train, support and mentor more volunteer attorneys. Increase volunteer service by 25% statewide.

Minimum Access: Add 88 FTE legal aid attorneys to achieve 1:5,000 “minimum access” ratio of general legal aid attorneys to persons at or below 125% of FPL. Ensure equitable allocation of civil legal aid capacity throughout Washington State.

Quality and Accountability: Develop and make available regular, high quality substantive law and skills training to legal aid and volunteer attorneys. Establish a performance-based system to monitor and evaluate the effectiveness of new civil legal aid services, including net return on investment and avoided public expenses in other areas due to effective legal representation.

Phase I (FY 2017-19): Areas of Investment Focus	Biennial Investment Above Current Levels
Technology Innovation; Self-Help Services	\$800,000
Expand Volunteer Legal Aid Capacity	\$1,125,000
Expand Staffed Legal Aid Capacity	\$9,687,500
Training and Performance Monitoring	\$200,000
Administration, Oversight and Program Management	\$200,000
Increased Investment Over FY 2015-17 Levels	\$12,012,000



Washington State Office of Civil Legal Aid

1206 Quince St. SE
Olympia, WA 98504
MS 41183
360-704-4135

James A. Bamberger, Director
jim.bamberger@ocla.wa.gov

FY 2017-19 BUDGET REQUEST

In response to the findings of the 2015 Civil Legal Needs Study Update, escalating costs of client service operations and significant retention and recruitment challenges experienced by the Northwest Justice Project, the Office of Civil Legal Aid has submitted an FY 2017-19 budget request for an increase of \$14,302,600 in civil legal aid funding. This increased funding will:

- Protect current client service operations from further erosion
- Address significant retention and recruitment problems leading to the loss of highly experienced, well-trained legal aid attorneys
- Increase the level of volunteer (pro bono) legal services
- Implement Phase I of the effort to achieve “minimum access” client service capacity
- Support development of technology self-help tools to help people handle more problems without the assistance of an attorney

Vendor Rate Adjustment – Leasehold Increases	\$336,000
Vendor Rate Adjustment – Salaries and Benefits (current scale)	\$696,100
Vendor Rate Adjustment – COLA (2%, 2%, 2%)	\$525,000
Vendor Rate Adjustment – Retention/Recruitment Comparability (5%)	\$733,000
Civil Justice Reinvestment Plan – Phase I Pro Bono, Minimum Access, Training and Support	\$11,212,500
Civil Justice Reinvestment Plan – Phase I Self-Help/Technology Initiatives	\$800,000
Total	\$14,302,600



Internet Email: opd@opd.wa.gov

**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

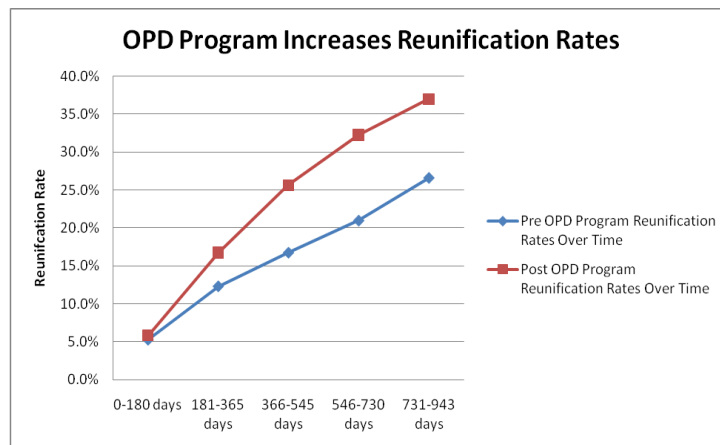
(360) 586-3164
FAX (360) 586-8165

Parents Representation Program

The Washington State Office of Public Defense (State OPD) Parents Representation Program was created in 2001 following an investigative report showing that indigent parents throughout the state typically received poor legal representation in dependency and termination cases. Now operating in 83 percent of the state, the Parents Representation Program provides state-funded attorneys for indigent parents, who have constitutional and statutory rights to counsel. These attorneys are contracted by OPD, which oversees performance, limits caseloads, and provides ongoing training and resources.

Practice Standards. The OPD program practice standards are designed specifically for dependency and termination case representation, uniquely blending a counselor at law approach with traditional practice techniques, pursuant to Title 2 of the Rules of Professional Conduct. The standards require OPD contract attorneys to meet and communicate regularly with their parent clients throughout the case, ensure their clients have adequate access to services and visitation, prevent continuances and delays within their control, prepare cases well, and attempt to negotiate agreements and competently litigate if no agreement is reached.

Review of Case Outcomes. The program has been favorably evaluated six times. In 2010, in consultation with the Washington State Center for Court Research, OPD published a report on the court records and orders in some 1,817 dependency cases filed before and after the Parents Representation Program was implemented.



Reunification Increase. The percentage of children who were reunified increased by 10.4% of the filings, which is statistically significant ($p=0.0002$) and represents a 39% rate of increase in reunifications.

Earlier Case Resolutions. Consistent with previous evaluations, court data for 2016 show that cases in OPD program counties continue to resolve more quickly than in non-program counties, and that cases in OPD program counties are more likely to result in reunification. [A 2011 study](#) by Partners for Our Children at the University of Washington concluded that the program is helpful in getting children out of foster care and into permanent homes, and recommended that it should be extended to all Washington counties.

Benefits of the OPD Parents Representation Program

- The peer reviewed Partners for Our Children study (2011) found that the OPD Parents Representation Program **reduces the time children spend in foster care** by 1 month if they are reunified with their parents and by 1 year if they are being adopted. This is good for children because longer times in foster care are associated with negative outcomes for foster youth. This is good for the state because it saves foster care costs.
- OPD-contracted attorneys and independent social workers **assist parents with early engagement** in their court-ordered service plans. They do so by helping parents come to grips with having their children removed, and by helping parents address the underlying issues that caused the state to remove their children.
- OPD attorneys **make sure parents receive the court-ordered services** necessary to give them a chance to safely reunify their families.
- In the instances where children should not have been removed from their parents or there is a question whether the state is properly following policy or the law, OPD attorneys **protect the rights of families to stay together without inappropriate government interference.**
- OPD parent attorneys have **quick access to high-quality expert services and independent social workers**, who help the court to make informed and timely decisions about the best interest of children.
- **OPD attorneys receive ongoing training and have manageable caseloads and practice standards** which ensure quality representation. OPD managers actively monitor the contracted attorneys to make sure they are conforming to practice standards and the terms of their contracts.

Tab 6



December 8, 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 CEC met with Dr. Martin on November 4, 2016 to continue working on the SJI grant. Dr. Martin worked with the committee to refine their priorities and goals and began working on strategic priorities and an action plan.

The CEC agreed on the following strategic priorities. (Priorities may be modified as needed and additional priorities identified):

Priority #1

Establish and maintain sufficient resources dedicated to court education.

Priority #2

Institutionalize the role of the CEC and align that role with judge, court administration, clerk associations, and Washington State Supreme Court Commissions and other education providers.

Priority #3

Address the expected turnover in the Washington State Courts workforce over the next five years.

Priority #4

Address aspects of the culture of the Washington Courts that emphasizes using conferences as the primary forum for education

Priority #5

Build local, regional, state, and national partnerships with court, government, and private sector education providers.

Working with Policy and Planning Committee to develop specific priorities and goals to submit via their committee, to the BJA for review and adoption.

The upcoming meetings are:

- CEC meetings:
 - December 5, 2016 – Online
 - January 6, 2017 – Online with Dr. Martin
 - February 10, 2017 – Sea-Tac with Dr. Martin
 - March 24, 2017 – CEC Retreat – Cedarbrook with Dr. Martin

II. Short-term Goals

The CEC plans to:

- Conduct a retreat with education and training providers in March to begin the discussion of coordinating education and training.
- Adopt a communication plan to foster a holistic relationship between the other BJA standing committees.
- Develop a 3-5 year plan to increase the availability and access of education and training for all court personnel.

III. Long-term Goals

- Continue to plan and develop judicial branch education with consultant.
- Develop a stable and adequate funding source for court education.
- Develop an in-state Judicial Education Leadership Institute.

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.

Flynn, Beth

From: Board for Judicial Administration <BJA@LISTSERV.COURTS.WA.GOV> on behalf of Horenstein, Brady
Sent: Tuesday, November 29, 2016 9:37 AM
To: BJA@LISTSERV.COURTS.WA.GOV
Subject: [BJA] BJA Legislative Request Bills Final Vote Tally

Dear BJA Members,

Thank you for voting on the BJA legislative items. Here's the final vote tally:

1. Expanding the methods of services provided by the Office of Public Guardianship – **7 Yes / 4 No**
2. Judicial Stabilization Surcharge Extension – **12 Yes**
3. Interpreter Oath Requirements/Permanent Oath – **12 Yes**
4. Interpreter Services in Civil Proceedings/Reimbursement – **11 Yes / 1 No**

We will move forward with all 4 items for the 2017 session. Please let me know if you have any questions.

-Brady

--

Brady J. Horenstein
Associate Director, Legislative Relations
Administrative Office of the Courts
Brady.Horenstein@courts.wa.gov
(360) 357-2113 Office
(206) 484-8125 Cell

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Flynn, Beth

From: Board for Judicial Administration <BJA@LISTSERV.COURTS.WA.GOV> on behalf of Horenstein, Brady
Sent: Thursday, November 17, 2016 2:49 PM
To: BJA@LISTSERV.COURTS.WA.GOV
Subject: [BJA] Action Requested by Nov. 22 - BJA Legislative Request Bills
Attachments: 2017 BJA leg memo.pdf; 3 interpreter oath.pdf; 4 interpreter services civil.pdf; 1 public guardianship.pdf; 2 judicial stabilization.pdf

Dear BJA Members,

Attached for your consideration are the four BJA legislative requests that the BJA Legislative Committee has referred to you. I've also attached a memo summarizing each of the bills.

If you are a voting member, please respond by close of business Tuesday, Nov. 22 as to whether you support, oppose, or abstain from submitting each of these proposed bills to the Legislature as BJA request legislation.

1. Expanding the methods of services provided by the Office of Public Guardianship – Yes/No/Abstain
2. Judicial Stabilization Surcharge Extension – Yes/No/Abstain
3. Interpreter Oath Requirements/Permanent Oath – Yes/No/Abstain
4. Interpreter Services in Civil Proceedings/Reimbursement – Yes/No/Abstain

If you have questions about any of these bills as you review them, please feel free to call or email me. And if I haven't already, I look forward to meeting you.

-Brady

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November 17, 2016

TO: BJA Members

FROM: Brady Horenstein, Associate Director
Judicial and Legislative Relations

RE: 2017 BJA Request Legislation

Over the past several months, staff from across the branch and representatives from the SCJA and DMCJA have worked diligently to develop a series of legislative proposals. The BJA Legislative Committee discussed these proposals at their September and October meetings. Based on these discussions, the committee has referred the following four bills to you for consideration.

1. Office of Public Guardianship Service Methods Expansion

The Legislature enacted [SB 5320](#) in 2007, which established the Office of Public Guardianship (OPG) to respond to a widely-acknowledged unmet need for guardianship services. It was designed to serve adults with cognitive disabilities who do not have family or friends who are willing and able to serve as volunteer guardians and those whose income does not exceed 200 percent of the federal poverty level.

Under current law, OPG only has the authority to provide guardianship services. There are a number of other less formal and extensive service methods that vulnerable adults would benefit from, however, including supported decision-making assistance and estate administration services. By expanding the service methods, OPG will be able to assist more people within existing resources. This proposal is similar to [HB 1839](#) from last session, which failed to pass.

2. Judicial Stabilization Surcharge Extension

In 2009, the Legislature enacted [SHB 2362](#), which imposed a temporary surcharge on superior and district court filings to fund the newly-established Judicial Stabilization Trust Account. These appropriated funds were used to backfill general fund reductions during the Great Recession. The Legislature reauthorized the surcharges in [2012](#) and [2013](#).

Under current law, the surcharge lapses on July 1, 2017. Without reauthorization, the AOC, OPD & OCLA stand to lose \$6,691,000, \$3,648,000, and \$1,463,000 respectively. This legislative proposal would extend the surcharge to July 1, 2021.

3. Interpreter Oath Requirements/Permanent Oath

Under existing law, spoken language court interpreters credentialed by AOC must have a biennial oath administered by a judge or notary and filed with AOC. The oath administration must be verified by a signed and notarized form sent by the interpreter to AOC. For sign language interpreters, the oath must be administered every time they are appointed in a court proceeding.

This Interpreter Commission proposal would replace the recurring oath requirements for spoken language court interpreters and sign language interpreters with a one-time permanent oath when the interpreter is credentialed. This will save court time and reduce the administrative burden on AOC to process the biennial oath submissions.

4. Interpreter Services in Civil Proceedings/Reimbursement

[RCW 2.43.040](#) provides interpreter services at court expense for non-English speaking persons who are compelled to appear in criminal proceedings. This proposal amends the statute to extend that requirement to civil proceedings.

This issue came about in 2010 when the U.S. Dept. of Justice updated its interpretation of Title VI of the Civil Rights Act to require recipients of federal funding to provide language access in all court proceedings, not just criminal matters. In 2012, the BJA passed a resolution stating that court-appointed interpreters should be provided to those with limited English proficiency at no cost in criminal and civil cases. And in 2013, the BJA requested similar legislation to this proposal ([HB 1542](#)), which failed to pass when funding did not materialize.

AOC is requesting \$4.192 million in the 2017-19 budget to provide reimbursement to the courts for interpreter services. The funding request proposes reaching 100% reimbursement over 3 biennia.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0166.3/17 3rd draft

ATTY/TYPIST: AL:eab

BRIEF DESCRIPTION: Concerning the methods of services provided by
the office of public guardianship.

1 AN ACT Relating to the methods of services provided by the office
2 of public guardianship; and amending RCW 2.72.005, 2.72.010,
3 2.72.020, 2.72.030, and 11.28.120.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 2.72.005 and 2007 c 364 s 1 are each amended to read
6 as follows:

7 (1) In establishing an office of public guardianship, the
8 legislature intends to promote the availability of guardianship and
9 alternate services that provide support for decision making for
10 individuals who need them and for whom adequate services may
11 otherwise be unavailable. The legislature reaffirms its commitment to
12 treat liberty and autonomy as paramount values for all Washington
13 residents and to authorize public guardianship only to the minimum
14 extent necessary to provide for health or safety, or to manage
15 financial affairs, when the legal conditions for appointment of a
16 guardian are met. It does not intend to alter those legal conditions
17 or to expand judicial authority to determine that any individual is
18 incapacitated.

19 (2) The legislature further recognizes that services that support
20 decision making for people who have limited capacity can preserve
21 individual liberty and provide effective support responsive to

1 individual needs and wishes. The legislature also recognizes that
2 these services are less expensive than guardianship for the state,
3 the courts, and for individuals with limited capacity and their
4 families.

5 **Sec. 2.** RCW 2.72.010 and 2007 c 364 s 2 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Office" means the office of public guardianship.

10 (2) "Public guardian" means an individual or entity providing
11 public guardianship services.

12 (3) "Public guardianship services" means the services provided by
13 a guardian or limited guardian appointed under chapters 11.88 and
14 11.92 RCW, who is compensated under a contract with the office of
15 public guardianship.

16 (4) "Long-term care services" means services provided through the
17 department of social and health services either in a hospital or
18 skilled nursing facility, or in another setting under a home and
19 community-based waiver authorized under 42 U.S.C. Sec. 1396n.

20 (5) "Supported decision-making assistance" means support for an
21 individual with diminished decision-making ability in making
22 decisions affecting health or safety or to manage financial affairs.
23 Assistance includes, without limitation, acting as a representative
24 payee, an attorney-in-fact, a trustee, and a public guardian.

25 (6) "Representative payee" means the designated agent for a
26 recipient of government benefits whom a government agency has
27 determined to be incapable of managing his or her benefits.

28 (7) "Attorney-in-fact" means an agent authorized by an individual
29 to act on his or her behalf pursuant to a power of attorney.

30 (8) "Trustee" means a person or organization named in a trust
31 agreement to handle trust property for the benefit of one or more
32 beneficiaries in accordance with the terms of the agreement.

33 **Sec. 3.** RCW 2.72.020 and 2007 c 364 s 3 are each amended to read
34 as follows:

35 (1) There is created an office of public guardianship within the
36 administrative office of the courts.

37 (2) The supreme court shall appoint a public guardianship
38 administrator to establish and administer a public guardianship.

1 supported decision-making assistance, and estate administration
2 program in the office of public guardianship. The public guardianship
3 administrator serves at the pleasure of the supreme court.

4 **Sec. 4.** RCW 2.72.030 and 2009 c 117 s 1 are each amended to read
5 as follows:

6 The public guardianship administrator is authorized to establish
7 and administer a public guardianship, supported decision-making
8 assistance, and estate administration program as follows:

9 (1)(a) The office shall contract with public or private entities
10 or individuals to provide: (i) Public guardianship, supported
11 decision-making assistance, and estate administration services to
12 persons age eighteen or older whose income does not exceed two
13 hundred percent of the federal poverty level determined annually by
14 the United States department of health and human services or who are
15 receiving long-term care services through the Washington state
16 department of social and health services; (ii) supported decision-
17 making services for a fee to persons age eighteen or older when there
18 is no one else qualified who is willing and able to serve; and (iii)
19 estate administration services for a fee to decedents age eighteen or
20 older, in circumstances where a service provider under contract with
21 the office of public guardianship is granted letters under RCW
22 11.28.120(7).

23 (b) Neither the public guardianship administrator nor the office
24 may act as public guardian or limited guardian or act in any other
25 representative capacity for any individual.

26 ~~((b))~~ (c) The ~~((office is exempt from RCW 39.29.008 because~~
27 ~~the))~~ primary function of the office is to contract for public
28 guardianship, supported decision-making assistance, and estate
29 administration services that are provided in a manner consistent with
30 the requirements of this chapter. The office ~~((shall otherwise comply~~
31 ~~with chapter 39.29 RCW and))~~ is subject to audit by the state
32 auditor.

33 ~~((c))~~ (d) Public guardianship, supported decision-making
34 assistance, and estate administration service contracts are dependent
35 upon legislative appropriation. This chapter does not create an
36 entitlement.

37 ~~((d) The initial implementation of public guardianship services~~
38 ~~shall be on a pilot basis in a minimum of two geographical areas that~~

1 ~~include one urban area and one rural area. There may be one or~~
2 ~~several contracts in each area.))~~

3 (2) The office shall, within one year of the commencement of its
4 operation, adopt eligibility criteria to enable it to serve
5 individuals with the greatest need when the number of cases in which
6 courts propose to appoint a public guardian exceeds the number of
7 cases in which public guardianship and supported decision-making
8 assistance services can be provided. In adopting such criteria, the
9 office may consider factors including, but not limited to, the
10 following: Whether an (~~incapacitated~~) individual with diminished
11 decision-making ability is at significant risk of harm from abuse,
12 exploitation, abandonment, neglect, or self-neglect; and whether an
13 (~~incapacitated person~~) individual with diminished decision-making
14 ability is in imminent danger of loss or significant reduction in
15 public services that are necessary for the individual to live
16 successfully in the most integrated and least restrictive environment
17 that is appropriate in light of the individual's needs and values.

18 (3) The office shall adopt minimum standards of practice for
19 public guardians and contract service providers providing public
20 guardianship, supported decision-making assistance, and estate
21 administration services. Any public guardian providing such public
22 guardianship services must be certified by the certified professional
23 guardian board established by the supreme court.

24 (4) The office shall require a public guardian to visit each
25 incapacitated person for which public guardianship services are
26 provided no less than monthly to be eligible for compensation.

27 (5) The office shall not petition for appointment of a public
28 guardian for any individual. It may develop a proposal for the
29 legislature to make affordable legal assistance available to petition
30 for guardianships.

31 (6) The office shall not authorize payment for services for any
32 entity (~~that is serving~~) providing guardianship services for more
33 than twenty incapacitated persons per certified professional
34 guardian.

35 (7) The office shall monitor and oversee the use of state funding
36 to ensure compliance with this chapter.

37 (8) The office shall collect uniform and consistent basic data
38 elements regarding service delivery. This data shall be made
39 available to the legislature and supreme court in a format that is

1 not identifiable by individual incapacitated person to protect
2 confidentiality.

3 ~~(9) ((The office shall report to the legislature on how services
4 other than guardianship services, and in particular services that
5 might reduce the need for guardianship services, might be provided
6 under contract with the office by December 1, 2009. The services to
7 be considered should include, but not be limited to, services
8 provided under powers of attorney given by the individuals in need of
9 the services.~~

10 ~~(10))~~ The office shall require ~~((public guardianship))~~ contract
11 service providers to seek reimbursement of fees from program clients
12 who are receiving long-term care services through the department of
13 social and health services to the extent, and only to the extent,
14 that such reimbursement may be paid, consistent with an order of the
15 superior court, from income that would otherwise be required by the
16 department to be paid toward the cost of the client's care. Fees
17 reimbursed shall be remitted by the provider to the office unless a
18 different disposition is directed by the public guardianship
19 administrator.

20 ~~((11))~~ (10) Fees may be collected from the estate of persons
21 whose income exceeds two hundred percent of the federal poverty level
22 determined annually by the United States department of health and
23 human services, based on a fee schedule established by the office
24 that must be published annually.

25 (11) The office shall require public guardianship providers to
26 certify annually that for each individual served they have reviewed
27 the need for continued public guardianship services and the
28 appropriateness of limiting, or further limiting, the authority of
29 the public guardian under the applicable guardianship order, and that
30 where termination or modification of a guardianship order appears
31 warranted, the superior court has been asked to take the
32 corresponding action.

33 (12) The office shall adopt a process for receipt and
34 consideration of and response to complaints against the office and
35 contracted providers of public guardianship, supported
36 decision-making assistance, and estate administration services. The
37 process shall include investigation in cases in which investigation
38 appears warranted in the judgment of the administrator.

39 ~~(13) ((The office shall contract with the Washington state
40 institute for public policy for a study. An initial report is due two~~

1 years following July 22, 2007, and a second report by December 1,
2 2011. The study shall analyze costs and off-setting savings to the
3 state from the delivery of public guardianship services.

4 ~~(14))~~) The office shall develop standardized forms and reporting
5 instruments that may include, but are not limited to, intake, initial
6 assessment, guardianship care plan, decisional accounting, staff time
7 logs, changes in condition or abilities of an incapacitated person,
8 and values history. The office shall collect and analyze the data
9 gathered from these reports.

10 ~~((15))~~) (14) The office shall identify training needs for
11 ~~((guardians))~~ service providers it contracts with, and shall make
12 recommendations to the supreme court, the certified professional
13 guardian board, and the legislature for improvements in
14 ~~((guardianship))~~ training. The office may offer training to
15 individuals providing services pursuant to this chapter ~~((or))~~,
16 to individuals who, in the judgment of the administrator or the
17 administrator's designee, are likely to provide such services in the
18 future, to lay guardians, and to the family and friends of
19 individuals subject to a guardianship.

20 ~~((16))~~) (15) The office shall establish a system for monitoring
21 the performance of ~~((public guardians))~~ contract services providers,
22 and office staff shall make in-home visits to a randomly selected
23 sample of public guardianship and supported decision-making
24 assistance clients. The office may conduct further monitoring,
25 including in-home visits, as the administrator deems appropriate. For
26 monitoring purposes, office staff shall have access to any
27 information relating to a public guardianship, supported decision-
28 making assistance, or estate administration client that is available
29 to the guardian.

30 ~~((17) During the first five years of its operations, the office
31 shall issue annual reports of its activities.))~~

32 **Sec. 5.** RCW 11.28.120 and 2007 c 156 s 28 are each amended to
33 read as follows:

34 Administration of an estate if the decedent died intestate or if
35 the personal representative or representatives named in the will
36 declined or were unable to serve shall be granted to some one or more
37 of the persons hereinafter mentioned, and they shall be respectively
38 entitled in the following order:

1 (1) The surviving spouse or state registered domestic partner, or
2 such person as he or she may request to have appointed.

3 (2) The next of kin in the following order: (a) Child or
4 children; (b) father or mother; (c) brothers or sisters; (d)
5 grandchildren; (e) nephews or nieces.

6 (3) The trustee named by the decedent in an inter vivos trust
7 instrument, testamentary trustee named in the will, guardian of the
8 person or estate of the decedent, or attorney-in-fact appointed by
9 the decedent, if any such a fiduciary controlled or potentially
10 controlled substantially all of the decedent's probate and nonprobate
11 assets.

12 (4) One or more of the beneficiaries or transferees of the
13 decedent's probate or nonprobate assets.

14 (5)(a) The director of revenue, or the director's designee, for
15 those estates having property subject to the provisions of chapter
16 11.08 RCW; however, the director may waive this right.

17 (b) The secretary of the department of social and health services
18 for those estates owing debts for long-term care services as defined
19 in RCW 74.39A.008; however the secretary may waive this right.

20 (6) One or more of the principal creditors.

21 (7) If the persons so entitled shall fail for more than forty
22 days after the death of the decedent to present a petition for
23 letters of administration, or if it appears to the satisfaction of
24 the court that there is no next of kin, as above specified eligible
25 to appointment, or they waive their right, and there are no principal
26 creditor or creditors, or such creditor or creditors waive their
27 right, then the court may appoint a service provider under contract
28 with the office of public guardianship under chapter 2.72 RCW or any
29 suitable person to administer such estate.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0167.1/17

ATTY/TYPIST: AL:akl

BRIEF DESCRIPTION: Extending surcharges on court filing fees for deposit in the judicial stabilization trust account to July 1, 2021.

1 AN ACT Relating to judicial stabilization trust account
2 surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020;
3 providing an effective date; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 3.62.060 and 2013 2nd sp.s. c 7 s 1 are each amended
6 to read as follows:

7 (1) Clerks of the district courts shall collect the following
8 fees for their official services:

9 (a) In any civil action commenced before or transferred to a
10 district court, the plaintiff shall, at the time of such commencement
11 or transfer, pay to such court a filing fee of forty-three dollars
12 plus any surcharge authorized by RCW 7.75.035. Any party filing a
13 counterclaim, cross-claim, or third-party claim in such action shall
14 pay to the court a filing fee of forty-three dollars plus any
15 surcharge authorized by RCW 7.75.035. No party shall be compelled to
16 pay to the court any other fees or charges up to and including the
17 rendition of judgment in the action other than those listed.

18 (b) For issuing a writ of garnishment or other writ, or for
19 filing an attorney issued writ of garnishment, a fee of twelve
20 dollars.

21 (c) For filing a supplemental proceeding a fee of twenty dollars.

1 (d) For demanding a jury in a civil case a fee of one hundred
2 twenty-five dollars to be paid by the person demanding a jury.

3 (e) For preparing a transcript of a judgment a fee of twenty
4 dollars.

5 (f) For certifying any document on file or of record in the
6 clerk's office a fee of five dollars.

7 (g) At the option of the district court:

8 (i) For preparing a certified copy of an instrument on file or of
9 record in the clerk's office, for the first page or portion of the
10 first page, a fee of five dollars, and for each additional page or
11 portion of a page, a fee of one dollar;

12 (ii) For authenticating or exemplifying an instrument, a fee of
13 two dollars for each additional seal affixed;

14 (iii) For preparing a copy of an instrument on file or of record
15 in the clerk's office without a seal, a fee of fifty cents per page;

16 (iv) When copying a document without a seal or file that is in an
17 electronic format, a fee of twenty-five cents per page;

18 (v) For copies made on a compact disc, an additional fee of
19 twenty dollars for each compact disc.

20 (h) For preparing the record of a case for appeal to superior
21 court a fee of forty dollars including any costs of tape duplication
22 as governed by the rules of appeal for courts of limited jurisdiction
23 (RALJ).

24 (i) At the option of the district court, for clerk's services
25 such as processing ex parte orders, performing historical searches,
26 compiling statistical reports, and conducting exceptional record
27 searches, a fee not to exceed twenty dollars per hour or portion of
28 an hour.

29 (j) For duplication of part or all of the electronic recording of
30 a proceeding ten dollars per tape or other electronic storage medium.

31 (k) For filing any abstract of judgment or transcript of judgment
32 from a municipal court or municipal department of a district court
33 organized under the laws of this state a fee of forty-three dollars.

34 (l) At the option of the district court, a service fee of up to
35 three dollars for the first page and one dollar for each additional
36 page for receiving faxed documents, pursuant to Washington state
37 rules of court, general rule 17.

38 (2)(a) Until July 1, (~~2017~~) 2021, in addition to the fees
39 required to be collected under this section, clerks of the district

1 courts must collect a surcharge of thirty dollars on all fees
2 required to be collected under subsection (1)(a) of this section.

3 (b) Seventy-five percent of each surcharge collected under this
4 subsection (2) must be remitted to the state treasurer for deposit in
5 the judicial stabilization trust account.

6 (c) Twenty-five percent of each surcharge collected under this
7 subsection (2) must be retained by the county.

8 (3) The fees or charges imposed under this section shall be
9 allowed as court costs whenever a judgment for costs is awarded.

10 **Sec. 2.** RCW 36.18.018 and 2013 2nd sp.s. c 7 s 2 are each
11 amended to read as follows:

12 (1) State revenue collected by county clerks under subsection (2)
13 of this section must be transmitted to the appropriate state court.
14 The administrative office of the courts shall retain fees collected
15 under subsection (3) of this section.

16 (2) For appellate review under RAP 5.1(b), two hundred fifty
17 dollars must be charged.

18 (3) For all copies and reports produced by the administrative
19 office of the courts as permitted under RCW 2.68.020 and supreme
20 court policy, a variable fee must be charged.

21 (4) Until July 1, (~~2017~~) 2021, in addition to the fee
22 established under subsection (2) of this section, a surcharge of
23 forty dollars is established for appellate review. The county clerk
24 shall transmit seventy-five percent of this surcharge to the state
25 treasurer for deposit in the judicial stabilization trust account and
26 twenty-five percent must be retained by the county.

27 **Sec. 3.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to
28 read as follows:

29 (1) Revenue collected under this section is subject to division
30 with the state under RCW 36.18.025 and with the county or regional
31 law library fund under RCW 27.24.070, except as provided in
32 subsection (5) of this section.

33 (2) Clerks of superior courts shall collect the following fees
34 for their official services:

35 (a) In addition to any other fee required by law, the party
36 filing the first or initial document in any civil action, including,
37 but not limited to an action for restitution, adoption, or change of
38 name, and any party filing a counterclaim, cross-claim, or third-

1 party claim in any such civil action, shall pay, at the time the
2 document is filed, a fee of two hundred dollars except, in an
3 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
4 the plaintiff shall pay a case initiating filing fee of forty-five
5 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
6 violation of the compulsory attendance laws where the petitioner
7 shall not pay a filing fee. The forty-five dollar filing fee under
8 this subsection for an unlawful detainer action shall not include an
9 order to show cause or any other order or judgment except a default
10 order or default judgment in an unlawful detainer action.

11 (b) Any party, except a defendant in a criminal case, filing the
12 first or initial document on an appeal from a court of limited
13 jurisdiction or any party on any civil appeal, shall pay, when the
14 document is filed, a fee of two hundred dollars.

15 (c) For filing of a petition for judicial review as required
16 under RCW 34.05.514 a filing fee of two hundred dollars.

17 (d) For filing of a petition for unlawful harassment under RCW
18 10.14.040 a filing fee of fifty-three dollars.

19 (e) For filing the notice of debt due for the compensation of a
20 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

21 (f) In probate proceedings, the party instituting such
22 proceedings, shall pay at the time of filing the first document
23 therein, a fee of two hundred dollars.

24 (g) For filing any petition to contest a will admitted to probate
25 or a petition to admit a will which has been rejected, or a petition
26 objecting to a written agreement or memorandum as provided in RCW
27 11.96A.220, there shall be paid a fee of two hundred dollars.

28 (h) Upon conviction or plea of guilty, upon failure to prosecute
29 an appeal from a court of limited jurisdiction as provided by law, or
30 upon affirmance of a conviction by a court of limited jurisdiction,
31 an adult defendant in a criminal case shall be liable for a fee of
32 two hundred dollars.

33 (i) With the exception of demands for jury hereafter made and
34 garnishments hereafter issued, civil actions and probate proceedings
35 filed prior to midnight, July 1, 1972, shall be completed and
36 governed by the fee schedule in effect as of January 1, 1972.
37 However, no fee shall be assessed if an order of dismissal on the
38 clerk's record be filed as provided by rule of the supreme court.

1 (3) No fee shall be collected when a petition for relinquishment
2 of parental rights is filed pursuant to RCW 26.33.080 or for forms
3 and instructional brochures provided under RCW 26.50.030.

4 (4) No fee shall be collected when an abstract of judgment is
5 filed by the county clerk of another county for the purposes of
6 collection of legal financial obligations.

7 (5)(a) Until July 1, (~~2017~~) 2021, in addition to the fees
8 required to be collected under this section, clerks of the superior
9 courts must collect surcharges as provided in this subsection (5) of
10 which seventy-five percent must be remitted to the state treasurer
11 for deposit in the judicial stabilization trust account and twenty-
12 five percent must be retained by the county.

13 (b) On filing fees required to be collected under subsection
14 (2)(b) of this section, a surcharge of thirty dollars must be
15 collected.

16 (c) On all filing fees required to be collected under this
17 section, except for fees required under subsection (2)(b), (d), and
18 (h) of this section, a surcharge of forty dollars must be collected.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of
21 the state government and its existing public institutions, and takes
22 effect July 1, 2017.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0177.1/17

ATTY/TYPIST: BP:eab

BRIEF DESCRIPTION: Modifying oath requirements for interpreters in
legal proceedings.

1 AN ACT Relating to oath requirements for interpreters in legal
2 proceedings; and amending RCW 2.42.050 and 2.43.050.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 2.42.050 and 1989 c 358 s 14 are each amended to
5 read as follows:

6 Every qualified interpreter appointed under this chapter in a
7 judicial or administrative proceeding shall, (~~before beginning to~~
8 ~~interpret~~) upon receiving the interpreter's initial qualification
9 from the office of the deaf and hard of hearing, take an oath that a
10 true interpretation will be made to the person being examined of all
11 the proceedings in a manner which the person understands, and that
12 the interpreter will repeat the statements of the person being
13 examined to the court or other agency conducting the proceedings, to
14 the best of the interpreter's skill and judgment.

15 **Sec. 2.** RCW 2.43.050 and 2010 c 190 s 1 are each amended to read
16 as follows:

17 (1) Upon certification or registration (~~and every two years~~
18 ~~thereafter~~) with the administrative office of the courts, certified
19 or registered interpreters shall take an oath, affirming that the
20 interpreter will make a true interpretation to the person being

1 examined of all the proceedings in a language which the person
2 understands, and that the interpreter will repeat the statements of
3 the person being examined to the court or agency conducting the
4 proceedings, in the English language, to the best of the
5 interpreter's skill and judgment. The administrative office of the
6 courts shall maintain a record of the oath in the same manner that
7 the list of certified and registered interpreters is maintained.

8 (2) Before any person serving as an interpreter for the court or
9 agency begins to interpret, the appointing authority shall require
10 the interpreter to state the ((person)) interpreter's name on the
11 record and whether the ((person)) interpreter is a certified or
12 registered interpreter. If the interpreter is not a certified or
13 registered interpreter, the interpreter must submit the interpreter's
14 qualifications on the record.

15 (3) Before beginning to interpret, every interpreter appointed
16 under this chapter shall take an oath unless the interpreter is a
17 certified or registered interpreter who has taken the oath ((~~within~~
18 ~~the last two years~~)) as required in subsection (1) of this section.
19 The oath must affirm that the interpreter will make a true
20 interpretation to the person being examined of all the proceedings in
21 a language which the person understands, and that the interpreter
22 will repeat the statements of the person being examined to the court
23 or agency conducting the proceedings, in the English language, to the
24 best of the interpreter's skill and judgment.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0176.1/17

ATTY/TYPIST: BP:eab

BRIEF DESCRIPTION: Concerning the provision of and reimbursement for certain court interpreter services.

1 AN ACT Relating to the provision of and reimbursement for certain
2 court interpreter services; and amending RCW 2.43.030, 2.43.040, and
3 2.42.120.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 2.43.030 and 2005 c 282 s 3 are each amended to read
6 as follows:

7 (1) Whenever ~~((an interpreter is appointed to assist a non-~~
8 ~~English-speaking person in))~~ a non-English-speaking person is a
9 party, is subpoenaed or summoned, or is otherwise compelled to appear
10 at any stage of a legal proceeding, the appointing authority shall~~((~~
11 ~~in the absence of a written waiver by the person,))~~ appoint a
12 certified, registered, or ~~((a))~~ qualified interpreter to assist the
13 non-English-speaking person ~~((throughout))~~ in the proceeding~~((s))~~.

14 (a) Except as otherwise provided for in (b) of this subsection,
15 the interpreter appointed shall be a qualified interpreter.

16 (b) Beginning on July 1, 1990, when a non-English-speaking person
17 is a party to a legal proceeding, ~~((or))~~ is subpoenaed or summoned by
18 an appointing authority, or is otherwise compelled by an appointing
19 authority to appear at a legal proceeding, the appointing authority
20 shall use the services of only those language interpreters who have
21 been certified or registered by the administrative office of the

1 courts, unless good cause is found and noted on the record by the
2 appointing authority. For purposes of chapter 358, Laws of 1989,
3 "good cause" includes, but is not limited to, a determination that:

4 (i) Given the totality of the circumstances, including the nature
5 of the proceeding and the potential penalty or consequences involved,
6 the services of a certified interpreter are not reasonably available
7 to the appointing authority; ~~((or))~~

8 (ii) The current list of certified interpreters maintained by the
9 administrative office of the courts does not include an interpreter
10 certified in the language spoken by the non-English-speaking person;
11 or

12 (iii) The current list of registered interpreters maintained by
13 the administrative office of the courts does not include an
14 interpreter registered in the language spoken by the non-English-
15 speaking person.

16 (c) Except as otherwise provided in this section, when a non-
17 English-speaking person is involved in a legal proceeding, the
18 appointing authority shall appoint a qualified interpreter.

19 (2) If good cause is found for using an interpreter who is not
20 certified or registered, or if a qualified interpreter is appointed,
21 the appointing authority shall make a preliminary determination, on
22 the basis of testimony or stated needs of the non-English-speaking
23 person, that the proposed interpreter is able to interpret accurately
24 all communications to and from such person in that particular
25 proceeding. The appointing authority shall satisfy itself on the
26 record that the proposed interpreter:

27 (a) Is capable of communicating effectively with the court or
28 agency and the person for whom the interpreter would interpret; and

29 (b) Has read, understands, and will abide by the code of ethics
30 for language interpreters established by court rules.

31 **Sec. 2.** RCW 2.43.040 and 2008 c 291 s 3 are each amended to read
32 as follows:

33 (1) Interpreters appointed according to this chapter are entitled
34 to a reasonable fee for their services and shall be reimbursed for
35 actual expenses which are reasonable as provided in this section.

36 (2) In all legal proceedings in which the non-English-speaking
37 person is a party, ~~((or))~~ is subpoenaed or summoned ~~((by the~~
38 ~~appointing authority))~~, or is otherwise compelled ~~((by the appointing~~
39 ~~authority to appear, including criminal proceedings, grand jury~~

1 ~~proceedings, coroner's inquests, mental health commitment~~
2 ~~proceedings, and other legal proceedings initiated by agencies of~~
3 ~~government)) to appear, the cost of providing the interpreter shall~~
4 ~~be borne by the governmental body initiating the legal proceedings~~
5 ~~or, in cases that are not initiated by a governmental body, the~~
6 ~~governmental body under the authority of which the legal proceeding~~
7 ~~is conducted.~~

8 ~~(3) ((In other legal proceedings, the cost of providing the~~
9 ~~interpreter shall be borne by the non-English-speaking person unless~~
10 ~~such person is indigent according to adopted standards of the body.~~
11 ~~In such a case the cost shall be an administrative cost of the~~
12 ~~governmental body under the authority of which the legal proceeding~~
13 ~~is conducted.~~

14 ~~(4))~~ The cost of providing the interpreter is a taxable cost of
15 any proceeding in which costs ordinarily are taxed.

16 ~~((5))~~ (4) Subject to the availability of funds specifically
17 appropriated therefor, the administrative office of the courts shall
18 reimburse the appointing authority for ~~((up to))~~ one-half of the
19 payment to the interpreter where an interpreter is appointed by a
20 judicial officer in a proceeding before a court at public expense
21 and:

22 (a) The interpreter appointed is an interpreter certified by the
23 administrative office of the courts or is a qualified interpreter
24 registered by the administrative office of the courts in a
25 noncertified language, or where the necessary language is not
26 certified or registered, the interpreter has been qualified by the
27 judicial officer pursuant to this chapter;

28 (b) The court conducting the legal proceeding has an approved
29 language assistance plan that complies with RCW 2.43.090; and

30 (c) The fee paid to the interpreter for services is in accordance
31 with standards established by the administrative office of the
32 courts.

33 (5) The appointing authority shall track and provide interpreter
34 cost and usage data, including best practices and innovations, to the
35 administrative office of the courts at least annually in a manner
36 that is determined by the administrative office of the courts.

37 **Sec. 3.** RCW 2.42.120 and 2008 c 291 s 2 are each amended to read
38 as follows:

1 (1) If a hearing impaired person is a party or witness at any
2 stage of a judicial or quasi-judicial proceeding in the state or in a
3 political subdivision, including but not limited to civil and
4 criminal court proceedings, grand jury proceedings, proceedings
5 before a magistrate, juvenile proceedings, adoption proceedings,
6 mental health commitment proceedings, and any proceeding in which a
7 hearing impaired person may be subject to confinement or criminal
8 sanction, the appointing authority shall appoint and pay for a
9 qualified interpreter to interpret the proceedings.

10 (2) If the parent, guardian, or custodian of a juvenile brought
11 before a court is hearing impaired, the appointing authority shall
12 appoint and pay for a qualified interpreter to interpret the
13 proceedings.

14 (3) If a hearing impaired person participates in a program or
15 activity ordered by a court as part of the sentence or order of
16 disposition, required as part of a diversion agreement or deferred
17 prosecution program, or required as a condition of probation or
18 parole, the appointing authority shall appoint and pay for a
19 qualified interpreter to interpret exchange of information during the
20 program or activity.

21 (4) If a law enforcement agency conducts a criminal investigation
22 involving the interviewing of a hearing impaired person, whether as a
23 victim, witness, or suspect, the appointing authority shall appoint
24 and pay for a qualified interpreter throughout the investigation.
25 Whenever a law enforcement agency conducts a criminal investigation
26 involving the interviewing of a minor child whose parent, guardian,
27 or custodian is hearing impaired, whether as a victim, witness, or
28 suspect, the appointing authority shall appoint and pay for a
29 qualified interpreter throughout the investigation. No employee of
30 the law enforcement agency who has responsibilities other than
31 interpreting may be appointed as the qualified interpreter.

32 (5) If a hearing impaired person is arrested for an alleged
33 violation of a criminal law the arresting officer or the officer's
34 supervisor shall, at the earliest possible time, procure and arrange
35 payment for a qualified interpreter for any notification of rights,
36 warning, interrogation, or taking of a statement. No employee of the
37 law enforcement agency who has responsibilities other than
38 interpreting may be appointed as the qualified interpreter.

39 (6) Where it is the policy and practice of a court of this state
40 or of a political subdivision to appoint and pay counsel for persons

1 who are indigent, the appointing authority shall appoint and pay for
2 a qualified interpreter for hearing impaired persons to facilitate
3 communication with counsel in all phases of the preparation and
4 presentation of the case.

5 (7) Subject to the availability of funds specifically
6 appropriated therefor, the administrative office of the courts shall
7 reimburse the appointing authority for (~~up to~~) one-half of the
8 payment to the interpreter where a qualified interpreter is appointed
9 for a hearing impaired person by a judicial officer in a proceeding
10 before a court under subsection (1), (2), or (3) of this section in
11 compliance with the provisions of RCW 2.42.130 and 2.42.170.

--- END ---



December 8, 2016

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

Since last reporting the Policy and Planning Committee met on September 16 and November 18, 2016. The Committee will meet next immediately following the December 16 BJA meeting.

I. Committee Membership

Effective July 1, 2016 the membership of the Committee was expanded from six to as many as eleven members. Of these, the Committee elected to not fill a seat reserved for a public member. In addition, a seat reserved for a district or municipal court judge is presently vacant due to the incumbent leaving the district court bench.

The current membership of the Committee is:

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

II. Strategic Planning Program

The Committee's charter outlines elements of a planning structure and charges the Committee with making recommendations to review or develop each element. The elements are:

- Principal Policy Objectives of the Judicial Branch
- Mission Statement of the BJA
- Vision Statement of the BJA
 - Strategic Goals of the BJA
 - Strategic Initiatives

The Committee has prepared recommendations to be presented at the BJA meeting of December 16.

III. Strategic Issue Management Projects

In June the BJA approved three proposals for further development. Of these the project to develop a quality assurance program for local indigent criminal defense services, and the project to develop a structure for effective communications between court technology decision makers and end users continue in implementation planning.

A project to develop a framework for the creation of a multi-lateral body to undertake a study of local court system funding has been held in abeyance following discussions with leadership at the Washington State Association of Counties and the Association of Washington Cities.

IV. BJA Resolutions

The Committee has been asked by the BJA co-chairs to review the process and guidelines for the creation of BJA resolutions. The Committee will take up that matter at its meeting of December 16.

Tab 7

BJA BUSINESS ACCOUNT – THIRD QUARTER 2016 SUMMARY

JULY-SEPTEMBER 2016			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$12,006.09
BOOKKEEPING SERVICES	\$100.00		
EXPENSES	\$ 35.31		
DEPOSITS		\$0.00	
ENDING BALANCE	\$135.31	\$0.00	\$11,870.78

BJA BUSINESS ACCOUNT: THIRD QUARTER 2016 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
8.8.2016	3743	JAN NUTTING	JULY BOOKKEEPING	100.00	YES
9.2.2016	3744	BETH FLYNN	MAT AND FRAME FOR JUDGE HYSLOP	35.31	YES
				135.31	

DEPOSIT DATE	AMOUNT
TOTAL 3RD QUARTER	0.00

Tab 8

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.)