

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, MAY 19, 2017
9:00 A.M.**

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

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Mary Fairhurst, 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 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

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

Justice Charles Wiggins
Supreme Court

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 Blaine Gibson, President-Elect
Superior Court Judges' Association
Yakima County Superior Court

Judge Lisa Worswick, Judge
Court of Appeals, Division II



Board for Judicial Administration (BJA)

Friday, May 19, 2017 (9:00 a.m. – 12:00 p.m.)

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

AGENDA

1. Call to Order	Chief Justice Mary Fairhurst Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Chief Justice Mary Fairhurst Judge Scott Sparks	9:00 a.m.
3. March 17, 2017 Meeting Minutes <i>Action: Motion to approve the minutes of the March 17, 2017 meeting</i>	Chief Justice Mary Fairhurst Judge Scott Sparks	9:05 a.m. Tab 1
4. Recognition of Incoming and Outgoing Members	Chief Justice Mary Fairhurst Judge Scott Sparks	9:10 a.m.
5. Public Trust and Confidence Committee <i>Information: Annual Update from the BJA's Public Trust and Confidence Committee</i>	Chief Justice Mary Fairhurst	9:20 a.m. Tab 2
6. BJA Strategic Initiatives Charter Discussion <i>Discussion: Review and discuss BJA's strategic goal charters:</i> 1. Interpreter Funding 2. Court System Education Funding	Judge Janet Garrow Mr. Steve Henley	9:30 a.m. Tab 3
7. Language Access Resolution <i>Discussion: Discuss renewing the Language Access Resolution that expires July 20, 2017</i>	Chief Justice Mary Fairhurst Judge Scott Sparks	9:50 a.m. Tab 4
8. BJA Legislative Update	Judge Kevin Ringus Mr. Brady Horenstein	10:10 a.m. Tab 5
Break		10:25 a.m.
9. Budget Update	Mr. Ramsey Radwan	10:40 a.m. Tab 6
10. Branch Budget Review <i>Information: Supplemental Budget Process</i>	Mr. Ramsey Radwan	10:50 a.m. Tab 7
11. Court Level Update <i>Courts of Limited Jurisdiction</i>	Judge Scott Marinella Judge Scott Ahlf	11:10 a.m. Tab 8
12. Standing Committee Reports <i>Court Education Committee</i>	Judge Judy Rae Jasprica	11:30 Tab 9

<i>Policy and Planning Committee</i>	Judge Janet Garrow	
13. Information Sharing <i>BJA Member Chair Election in June</i>	Chief Justice Mary Fairhurst Judge Scott Sparks	11:40 a.m.
14. Meeting Review	Chief Justice Mary Fairhurst Judge Scott Sparks	11:50 a.m.
15. Additional Materials (Information Only) <i>Q1 Statement of BJA Business Account</i>		Tab 10
16. Adjourn		12:00 p.m.
<p>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.</p>		

Next meeting: June 16, 2017 AOC SeaTac Office

Tab 1



Board for Judicial Administration (BJA)

Friday, March 17, 2017 (9 a.m. – 12 p.m.)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Scott Sparks, Member Chair
Judge Scott Collier
Judge George Fearing
Judge Janet Garrow
Ms. Robin Haynes (by phone)
Judge Judy Rae Jasprica
Ms. Paula Littlewood
Judge Mary Logan
Judge G. Scott Marinella (by phone)
Judge Bradley Maxa
Judge Sean O'Donnell
Judge Kevin Ringus
Judge James Rogers
Judge Ann Schindler
Justice Charles Wiggins
Judge Lisa Worswick

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Kimberly Allen (by phone)
Mr. Jim Bamberger
Ms. Barbara Christensen
Ms. Ishbel Dickens (by phone)
Mr. Mike Merringer
Ms. Paulette Revoir
Judge Rebecca Robertson

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Brady Horenstein
Mr. Dirk Marler
Ms. Intisar Surur

The meeting was called to order by Chief Justice Fairhurst.

February 17, 2017 Meeting Minutes

Chief Justice Fairhurst indicated that a correction needs to be made to “compiled” on the first line of Page 4. It should be “compile.”

It was moved by Judge Garrow and seconded by Judge Collier to approve the February 17, 2017 BJA meeting minutes with Chief Justice Fairhurst’s correction. The motion carried.

BJA Internal Brainstorming

Chief Justice Fairhurst stated that she and Judge Sparks wants to brainstorm with the BJA members to determine what information would be helpful to the BJA moving forward. She asked for suggestions as to what has worked in the past or ideas to try in the future. Below is a list of the ideas that were shared.

- Information sharing from judicial partners is back on the agenda which allows the BJA members to decide how to help the judicial partners.

- Budget Information. The budget process needs transparency. During the last budget process the BJA prioritized the proposals. The proposals were then presented to the Supreme Court. The BJA priorities were a factor in the decision of the Supreme Court. The Supreme Court does not have the full benefit of how the funding will impact the different court levels and the BJA does not have the benefit of hearing the discussion at the Supreme Court. There could be a joint meeting between the Supreme Court and BJA with all the presentations and then the BJA could prioritize and everyone would have the same budget information. The notion of the BJA having a more direct say or final vote in what is ultimately submitted to the Legislature is good because it provides relevance to the BJA. It would reflect the wishes of the different court levels and would make the budget move from the opaque to the transparent. The BJA should consider the AOC budget going to a zero based budget. It would instill confidence in the BJA.
- Information regarding different initiatives going on at local levels so the BJA members can be aware of things going on all over the state.
- A list of things going on around the country that are distributed to the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) so BJA members can be aware of them.
- Information about the Judicial Information System Committee (JISC).
- Trial court associations and the Trial Court Advocacy Board (TCAB) could include their most recent minutes at the end of BJA packets and the materials could be read or not. The BJA's goal is not to micromanage, it is to share information.
- Discuss the BJA's values. Are they reflected in how the members interact, come prepared, and engage in conversations in the room and not in the back rooms? Disagreeing is fine, it is how you listen to each other and hear each other. Everyone is spending valuable time to come together and the BJA meetings need to be worth it.
- Continue BJA standing committee reports. These generate discussions about issues that touch all of the committees, and maybe that is how the information sharing comes out—when the BJA members talk about a specific, targeted response.
- Court level reports along with reports from the Washington State Bar Association (WSBA). If court management associations would like to report, please notify Chief Justice Fairhurst or Ms. Butler.
- BJA committee discussions.
- The BJA speaking with one voice.

Chief Justice Fairhurst thanked everyone for engaging in this exercise so as the BJA moves forward, there is a shared view. These ideas will be incorporated into future agendas.

Selection of BJA Strategic Goals

This is a continuation of the discussion during the February BJA meeting. At that meeting, the BJA was presented with 22 proposals and the BJA voted on their top choices. The vote tally is on Page 10 of the meeting materials. The BJA Policy and Planning Committee (PPC) then met and discussed the chosen proposals.

The next steps are to select one or two proposals and the PPC will work with the proponents to create a charter to move forward.

Mr. Henley stated that there are other factors to consider when determining which proposals to move forward. Is there a critical mass that can help support the issue? Also, need to look at viability. Is the return on investment in the proposal worth it? In addition, the proposal should be something that can be accomplished in two years. The BJA needs to determine if that is a realistic goal.

Judge Jasprica spoke about the proposal for Adequate and Sustainable funding of Court Education. She stated that there is a crisis facing the judicial branch with the aging of judicial and court staff. Their replacements need to be trained. Judges usually come from a particular area of law and when they come to the bench they need a broad range of knowledge and need to be educated. Funding is also needed to send appellate judges to programs that will address their needs instead of the needs of trial courts.

Judge Marinella gave an overview of the Courthouse Security proposal. There is a court rule that is pending that will hopefully allow the adoption of minimum courthouse security measures. He questions the need for all of the stakeholders listed on Proposal B. With a lack of state funds, any courthouse security is going to be funded out of local dollars. The proposal is mostly for information gathering to document the need for courthouse security and present that information to the Legislature. The proposal would allow each court to go to their local funder and work the need for security funding into the court's budget at the local level. The Administrative Office of the Courts (AOC) will assist in the compilation of data and the Washington Association of Sheriffs and Police Chiefs (WASPC) will have to deal with security in trial courts. Right now that is currently in progress and courts just have to see what the data indicates.

Mr. Marler reported that there was a BJA Court Security Committee that was suspended several years ago because at that time the BJA decided it was not a high priority for the BJA. There are items, including National Center for State Courts (NCSC) resources, available on the Inside Courts Web site regarding court security:

<https://inside.courts.wa.gov/index.cfm?fa=controller.showPage&folder=courtResources&file=courtSecurity>

AOC staff automated an incident tracking process to input court security data online. That functionality exists. AOC does not have staff compiling the information but it is available online. If the BJA could come up with a strategy to get courts to use the online tracking tool, it would be a cost-effective way for risk managers to point out to funders why court security is important.

Judge Robertson is Chair of the committee that proposed the court security rule. The committee relied on and used the prior work of the BJA Court Security Committee. The point of the rule is to start small and encourage courts to do low-cost security planning so in the future when they need to make a funding request they have evidence as to why they need it. The rule encourages courts to create minimum court security plans. If a court cannot create a plan, the court just needs to state why. The reason will most likely be because of funding issues.

Judge Schindler presented information about the Funding for Interpreter Services proposal. The goal is to do an analysis and determine what is currently taking place and identify what the need is beyond that in order to justify the interpreter budget request that the BJA has made

and will probably continue to make for interpreter services. Stakeholders have adopted a model access plan to identify minimum standards. This proposal is for the next biennium to make a more compelling presentation.

The Adequate Court Funding proposal does not include the items in the other three proposals at this point in time.

Judge Marinella spoke about the Adequate Court Funding proposal. TCAB is also working on court funding and their intent is to use Justice in Jeopardy as a baseline. They will work with the cities and counties and propose a layered legislation and indicate this is a starting place and adjust it from there. They want to get back to receiving funding for what was agreed upon in the past. That is TCAB's priority and they anticipate participating with the cities and counties. They are going to try to work that legislation and energize it. That will happen no matter what is chosen by the BJA.

The BJA needs to have coordination with TCAB so the two groups are not working at cross purposes. TCAB should be a stakeholder on the BJA issues.

Chief Justice Fairhurst stated that this is an action item for the BJA to select up to the two issues to work on.

The BJA members voted to work on proposal A (Adequate and Sustainable Funding of Court Education), their top choice; and C (Funding for Interpreter Services).

The Policy and Planning Committee will come back with more detailed information and charters during a future BJA meeting.

BJA Legislative Update

Judge Ringus was unable to attend the BJA Legislative Reception but he heard it was fabulous.

Mr. Horenstein distributed a summary of the status of bills of interest to the courts and he reviewed some of the bills.

- The interpreter oath bill is in Senate Rules and has already gone through the House.
- The Office of Public Guardianship bill is still alive.
- The civil cases interpreter bill passed by party-line vote out of the House but there is concern about cost and imposing that on the counties and it is expected to die in the Senate Law and Justice Committee.
- The tax court bill is back. Mr. Horenstein does not know how likely it is that it will progress all the way through the Legislature this year.
- The Legal Financial Obligation (LFO) bill passed in the House nearly unanimously. It usually is not as well supported in the Senate.

If you have questions about the status of a bill, call or e-mail Mr. Horenstein and he will be happy to get the information to you.

Judge Sam Cozza's last proposed bill is expected to pass soon and the Legislature will have a special recognition for Judge Cozza. Mr. Tom Parker is coordinating the event that will most likely be April 17 or 18. If you are interested in attending, please contact Mr. Parker or the Superior Court Judges' Association (SCJA) legislative representatives for details. Senator Mike Padden said it would be great to see members of the judiciary at the event.

Budget Update

Mr. Horenstein reported that the most recent revenue forecast information was sent via e-mail to the BJA listserv earlier in the week. He expects to see the Senate budget next Monday or Tuesday and the House budget a week later.

Judge Schindler stated that it is time to prepare the 2018 supplemental budget request. Mr. Ramsey Radwan is working on the instructions and will send them out after he discusses the process with Chief Justice Fairhurst. Perhaps this will be an opportunity to change the process. Mr. Radwan will report back after he has the meeting with Chief Justice Fairhurst.

Court Level Update – Appellate Courts

Chief Justice Fairhurst shared that there is a lot of work the justices do in the Supreme Court, as well as outside the court, and Chief Justice Fairhurst distributed a list of Supreme Court committees/work groups. She also distributed reports from the Supreme Court departments. BJA members can peruse them and see what is happening at the Supreme Court.

Justice Wiggins reported that the Supreme Court has worked on clearing the docket and processing cases more rapidly. The Court is reducing the time it takes to process a case. Chief Justice Fairhurst stated that they have three cases that are over 180 days from oral argument to out the door. Two of the three cases are death penalty cases. The rest are completed within six months. The Supreme Court does have fewer cases than in the past but they are happy to have time to be well prepared for each case and have discussions about them.

Judge Worswick wanted to give some perspective of what it is like to be a Court of Appeals (COA) judge. There are 22 COA judges in the three divisions. They are the court that everyone has a right to appeal to. The COA does not have much of a choice in what cases they take. Last year, many of the judges wrote over 70 opinions. There are multiple issues and they have to dive into each issue. They do have clerks but they are first year attorneys and the judges cannot completely rely on them. The judges sit in panels of three on about 210 cases a year and they are fully involved in all of those cases.

In addition, just about every motion is handled in a panel of three. The judges have to get together and resolve the issues if all three do not agree. The COA has electronic methods to coordinate movement through the court.

Like the Supreme Court justices, the COA judges serve on multiple committees. Many statewide committees have spots for all the court levels. There are 22 judges and many committees that have spots for COA judges.

The judges try to write clear opinions and it takes a lot of time and they are mentoring law clerks who are there for two years. The judges help the law clerks learn to write and be good lawyers in their practice. Many also devote time in the community, not just on judicial branch committees.

Their big project is the Appellate Court Electronic Content Management System (AC-ECMS) that will help get their information to them electronically and help them move documents electronically. The new system will roll out in the spring.

They are trying to focus on best practices to work and facilitate communications among the divisions.

Chief Justice Fairhurst asked if this update was beneficial and, if so, if BJA members want to hear from other court levels in the future. The consensus was to continue the court level updates.

Standing Committee Reports

Court Education Committee (CEC): Judge Jasprica had nothing to add to the information she shared earlier except to remind members of the March 24 retreat.

Policy and Planning Committee (PPC): Judge Garrow stated that the PPC is advertising for a public member of the PPC and the Committee is working on issues decided on today.

Budget and Funding Committee (BFC): Judge Schindler stated she had nothing to add to her earlier budget report.

Information Sharing

Ms. Butler reported that every two years the BJA elects a new Member Chair and it alternates between an SCJA and DMCJA member. In 2010, the BJA set new term lengths so there would be four court level members to choose from for the Member Chair, but that did not solve the problem.

She tried to figure out how to correct the problem and the only solution that seems to work is for the next DMCJA members to only serve two-year terms when they are appointed in July 2017. That would put the DMCJA back on track.

Judge Marinella stated if the DMCJA Bylaws need to be changed that needs to be done fairly quickly so the changes can be voted on at the DMCJA Spring Conference.

Ms. Butler noted that the Supreme Court Rules Committee would need to update the terms in the BJA Rule and that will take some time.

She would like input on whether to go forward with this. Judge Marinella can take the DMCJA Bylaws change to the DMCJA and it is on their April agenda for action. Ms. Butler can tee up the BJAR revision. By consensus, it was decided to move forward with the DMCJA Bylaws and BJAR revisions.

Ms. Littlewood reported that the Board of Governors (BOG) elections are happening and voting is open until April 3. Fifteen people are running in four districts. Former Judge Brian Tollefson is running in the Sixth District. The Limited License Legal Technician (LLLT) program is in the process of recommending a new practice grid to license in new areas (health and estate planning) and proposed enhancements to family law practice. The WSBA just launched a new series called Decoding the Law. The webcast is available here: <http://www.wsba.org/News-and-Events/Decoding-the-Law>.

Mr. Bamberger stated that the Trump administration proposed to eliminate the Legal Services Corporation. If that goes through there will be massive layoffs in the civil legal aid community. The Office of Civil Legal Aid (OCLA) is working with the Equal Justice Coalition on a very strong response.

Judge Schindler requested that the expiring Interpreter Resolution go through the resolution process. The Access to Justice (ATJ) conference is taking place in Yakima this year.

Judge Maxa shared that a Judges in the Classroom program e-mail will be sent to all judges soon.

Chief Justice Fairhurst reported that the Supreme Court justices just met with the WSBA BOG and a few days prior to that they met with the LLLT Board. They will be meeting next week with the Practice of Law Board.

Judge O'Donnell shared that the SCJA has been working on pretrial reform bail practices in Washington State. In Spokane and Yakima counties there are two programs going on. The SCJA and DMCJA formed a task force and they were just accepted in the 3DaysCount program which will kick off soon. It is a positive step for the trial courts to work on this issue. In addition, the SCJA is taking a look at the committees judges are working on to determine if all the committees are necessary. They are looking at how much time is being invested in the committees and the return on investment.

Mr. Henley thanked everyone for their engagement in the strategic goal identification process and also thanked those submitting ideas.

Chief Justice Fairhurst asked everyone to look at the letter she distributed from California regarding ICE and provide feedback regarding whether she should send something similar as Chief Justice and BJA Co-chair. It was stated that King County Superior Court has a policy on this which states that ICE agents cannot come into the courtroom. The court feels constrained on limiting their access outside the courtroom. King County District Court will be discussing the issue. Throughout the room, people reported incidents in Spokane, King County and Seattle Municipal Court. Chief Justice Fairhurst mentioned she may send information to presiding judges to determine what they can do inside/outside their own courtrooms/courthouses. Guidance would be helpful. She will check with the justices on Tuesday. There was a request to address all courtroom arrests, not just by ICE. Chief Justice Fairhurst suggested that perhaps the issue needs some discussion and practices and protocols could be developed. The issue will be brought back for further discussion. In the short term, Chief Justice Fairhurst will discuss the issue in the letter with the Supreme Court and possibly send the letter.

Meeting Review

The next meeting is May 19.

There being no further business, the meeting was adjourned.

Recap of Motions from the March 17, 2017 Meeting

Motion Summary	Status
Approve the February 17, 2017 BJA meeting minutes with Chief Justice Fairhurst's correction.	Passed

Action Items from the March 17, 2017 Meeting

Action Item	Status
<u>February 17, 2017 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Revise the February 17, 2017 meeting minutes with Chief Justice Fairhurst's correction. Post the minutes online. Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done Done
<u>BJA Internal Brainstorming</u> <ul style="list-style-type: none"> Incorporate the suggestions into future BJA meetings. 	
<u>Strategic Goal Setting</u> <ul style="list-style-type: none"> By consensus, the BJA decided to move forward with proposals A (Adequate and Sustainable Funding of Court Education), top choice; and C (Funding for Interpreter Services). Add Strategic Goal Setting to a future BJA agenda to review more detailed information regarding each proposal and the proposal charters. 	
<u>DMCJA Member Chair Candidates</u> <ul style="list-style-type: none"> By consensus, the BJA decided to move forward with the DMCJA bylaw and BJA rule changes. 	
<u>Miscellaneous</u> <ul style="list-style-type: none"> Continue the court level updates on future agendas. Discuss arrests in courtrooms during a future BJA meeting. 	

Tab 2

**Report to the Board for Judicial Administration on the
Public Trust and Confidence Committee's Update on Activities:**

May 19, 2017

Thank you for giving me a chance to update you on the work of the Public Trust and Confidence Committee. I am here to seek approval for projects of the Public Trust and Confidence Committee completed since I last appeared in front of you on July 17, 2016, and to briefly update you on the current projects of the Committee.

Completed Projects from July 2016

1. ***Create and Disseminate a PSA Video to Encourage Citizens to Respond for Jury Duty, with a Special Outreach to Diverse Audiences.*** This committee included co-chairs David Johnson and Hon. Michael Killian with members Ms. Kay Newman, Ms. Paula Rehwaldt, and Judge Bill Bowman.

TVW has distributed the PSA to Comcast for distribution on Telemundo and Comcast Digital. TVW has also sent it to National Association of Telecommunications Officers and Advisors (NATOA). It was also submitted unsuccessfully for a regional Emmy.

2. ***Review, Repackaging and Marketing of the Past Products of the Public Trust and Confidence Committee.*** This subcommittee included members Chief Justice Mary Fairhurst, Ms. Barbara Fox, and Mr. Dennis Rabidou.

The final two items include a revamping of the Children's Coloring Book, *What's Happening in Court*, and a handout on *Local Government*. Once the graphics artist incorporates the submitted changes, it will be ready for dissemination through the listservs and web download.

3. ***Updating and Marketing the Established Judges in the Classroom (JITC) Project to Schools and the Judiciary.*** This on-going subcommittee consisted of co-chairs Judge Brad Maxa and Ms. Margaret Fisher with members Ms. Mary Crawford, Ms. Kay Holland, and Ms. Paula Rehwaldt.

A new lesson was written on Trademarks. Notification reminders to all judicial officers went out in April 2017 to encourage them to reach out to schools for Law Day/Law Week.

4. ***Legislative Scholars Program (2016).*** This Ad Hoc subcommittee is chaired by Chair Mead with members Ms. Catherine Brown, Chief Justice Mary Fairhurst, Ms. Margaret Fisher, former member Ms. Andrew Sachs.

An additional half-day on how the judicial branch relates to the legislative branch is presented each summer as part of a larger program presented by the State

Legislature. The PTC sessions were presented on July 12, 2016, with sessions broadcast on TVW.

I am requesting that the BJA approve these programs.

Current Projects

In addition to recurring PTC projects, additional projects were selected by our members at our January 20, 2017, PTC meeting as a priority to increasing the level of public trust and confidence in the court system. PTC subcommittees were established for each project.

1. **Access to Justice Public Education Campaign for the Public.** This subcommittee is co-chaired by Ms. Catherine Brown and Mr. David Johnson with members Honorable Linda Myher Enlow, Mr. Rob Mead, Mr. Dennis Rabidou, Commissioner Paul Wohl and former member Mr. Andrew Sachs.

The subcommittee is exploring with TVW the creation of a PSA on access to justice, focusing on the themes of “dignity, fairness and respect.” TVW is exploring some funding sources to support the costs.

2. **Market the Established Judges in the Classroom Project to Schools and the Judiciary.** This subcommittee consisted of co-chairs Judge Brad Maxa and Ms. Margaret Fisher with members Ms. Mary Crawford and Commissioner Rick Leo.

This subcommittee will schedule mailing announcements reminding judicial officers to reach out to school to coincide with school civic observances such as Law Day, Temperance and Good Citizenship Day, Constitution Day and others.

3. **Procedural Justice Projects:** Chair Chief Justice Mary Fairhurst with members Mr. Dennis Rabidou and Ms. Staci Myklebust.

The subcommittee is reading materials and formulating the contours of its project.

4. **Ad Hoc Committee - Legislative Scholars Program** –This subcommittee is chaired by Mr. Rob Mead with members Ms. Catherine Brown, Chief Justice Mary Fairhurst, Ms. Margaret Fisher, Judge Brad Maxa and former member Mr. Andrew Sachs. This presentation will occur during the annual Legislative Scholars Program on July 18, 2017.

5. **Implicit Bias against Religious Minorities** – This subcommittee is chaired by Ms. Mary Crawford with members Ms. Barbara Fox, Ms. Judy Ly, Judge Brad Maxa, and Ms. Emily McCartan.

The subcommittee is moving forward to prepare presentations for judges at judicial conferences. They have identified presenters on Islamophobia. After focusing on judges, they will target presentations to lawyers and jurors.

6. **Civic Learning Initiative** –This subcommittee is co-chaired by Ms. Margaret Fisher and Mr. Rob Mead with members Ms. Mary Crawford, Judge John Fairgrieve, Ms. Barbara Fox, Mr. David Johnson, Commissioner Rick Leo, Ms. Judy Ly, Judge Brad Maxa, Ms. Emily McCartan, and Mr. Dennis Rabidou.

This subcommittee is on hold until a specific task in the broader statewide Civic Learning Initiative has a specific project. This Initiative is aimed to bring quality civic engagement programs to all young persons in Washington, with a special outreach to young person not traditionally reached with quality programs.

Thank you for your time today.

BJA Public Trust and Confidence Projects, July 1, 2016 to April 25, 2017

Creation and Dissemination of a PSA Video to Encourage Citizens to Respond for Jury Duty with a Special Outreach to Diverse Audiences. Produced in both English and Spanish versions.

- a. English: <https://www.youtube.com/watch?v=0X3dyEY7rnQ>
- b. Spanish: <https://www.youtube.com/watch?v=4bUVsZZcp28>

Introduction to Trademark Law

Source:

Written by Mary Crawford, an attorney and member of the Washington State Bar Association with a strong commitment to working in the field of Intellectual Property Law. Michael Atkins of Atkins Intellectual Property, staff at Washington State Administrative Office of the Courts (AOC), and members of the Board for Judicial Administration, Public Trust and Confidence Committee edited the lesson. Information from this lesson was obtained from online resources from the United States Patent and Trademark Office (USPTO), the United States Court for the Ninth Circuit, the Revised Code of Washington (RCW) and the International Trademark Association (INTA).

Objectives:

1. Students will define the legal meaning of trademark law.
2. Students will be able to identify various ways trademark law provides protections.
3. Students will be able to identify some limitations to trademark law and protections.
4. Students will have an opportunity to share, explain and justify their opinions.

Grade Level:

Grades 6-12

Time:

One class period (approximately 50 minutes)

Materials:

One copy of Handout 1 (Can You Identify These Trademarks?) for each student

Procedures:

1. **Begin the class by introducing yourself** to students and tell them a little bit about what you do.
2. **Inform students** that you will do a brief exercise to determine their recognition of different marks or trademarks.

Pass out Handout 1 (Can You Identify These Trademarks?) for students to review.

Students can work independently or collaboratively in groups of 3 to 4 students. Provide students with 10-15 minutes to review and discuss the trademarks (or marks) in the handout.

Ask students to share which marks they recognized and why?

Go over the following answers with the class:

- | | |
|-----------------|--------------------------|
| 1. Lululemon | 11. Beats by Dr. Dre |
| 2. Nike | 12. Louis Vuitton |
| 3. Snapchat | 13. AT&T |
| 4. Apple | 14. Starbucks |
| 5. Amazon | 15. Little Ceasars Pizza |
| 6. Under Armour | 16. Target |
| 7. Capital One | 17. Microsoft |
| 8. Twitter | 18. McDonald's |
| 9. Facebook | 19. Taco Bell |
| 10. Android | 20. Google |

- Now that the exercise is completed, **ask students if they can provide a definition** for a trademark (or mark).
- Provide a brief definition** of trademark (or mark) and explain what it protects.

Define trademark. A trademark is a word, slogan, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party, company or product from those of others. As a result, trademark provides the greatest protection for marks.

Slogans or short phrases such as McDonald's "*i'm loving it*" or Nike's "*Just Do It*" help these companies tie their product with recognizable advertising used to sell their products or service. They have created a consumer association with their product with such slogans and trademarked these slogans to preserve their product's image.

- Explain why trademarks are important.** As seen in the exercise, trademarks assist companies with formulating their individual brand identity. A company's brand identity is how businesses maintain their reputation, value, perception and marketability among consumers. This in turn can establish brand loyalty and trust for certain recognizable trademarks.

As a result, trademarks are important because it allows companies to distinguish themselves from the competition and deliver certain products to their consumers. That is why most companies go to great measures to protect their trademark(s). They are, in essence, protecting their name, image and reputation within a domestic or global market.

For example, Louis Vuitton is well-known for their high quality leather goods, including luggage, handbags and wallets. However, a retailer who sells counterfeit Louis Vuitton handbags bears a fake trademark and artificial leather, jeopardizing the image of the real Louis Vuitton brand.

Counterfeiting is a form of trademark infringement. Such counterfeit goods, once circulated in the open market has the prospect of tarnishing the image of the products it serves to replicate and ultimately the company's reputation amongst their respective consumers.

We will discuss trademark infringement (including counterfeiting), as well as the remedies that trademark owners have for people who violate their trademark rights in greater detail later in this lesson. See section 11, below.

Now, let's focus our attention on what trademarks protect. A trademark generally protects brand names and logos used on goods and services. It does not protect literary or artistic work (copyright protections needed), or inventions (patent protections needed).

6. **Provide background information** on trademarks and trademark law.

Identify the history and origin of trademarks. Many have suggested that the history and origin of trademarks began with the circulation of commercial goods and can be dated to ancient times including antique marks for pottery-porcelain. However, trademarks developed over time and symbols and names were placed on various commercial or consumer goods.

7. **Explain the current practice.** Today, each country has established guidelines to register and ensure a trademark is protected from the unauthorized use of others. In the United States, a trademark may be registered with federal and state agencies.

The U.S. has a two-tiered system for trademark protections: federal and state.

The **U.S. Patent and Trademark Office (also referred to as the USPTO) is the federal government agency** that reviews and approves applications for trademark registrations. Application to the USPTO provides the broadest protection for a trademark used within the United States.

The **Washington Secretary of State's Office is the state government agency** that reviews and approves applications for trademark registration. This is a good place for trademarks used exclusively within the state or region of Washington.

Inform students that this course will primarily focus on registering trademarks and trademark law within the state of Washington.

8. Common symbols used in trademark law. **You may write these on the board for the class and define what each symbol means.**

TM – refers to an unregistered mark for goods.

SM – refers to an unregistered mark for services.

® = this symbol signifies that the mark is federally registered with the USPTO.

9. **Trademark Registration in Washington State.**

Trademark registration is protected in the state of Washington by the Revised Code of Washington, or the RCW. Specifically, RCW 19.77 governs trademark registration. Such regulations are easily accessible online.

Explain that the first step to obtaining trademark protections is to file an application to register your mark. Individuals and companies seeking to register a mark must submit an application and pay the associated fees to the Washington Secretary of State's Office.

Inform students that if the application is successful, a certificate of registration will be issued to the applicant (individual or business). This certificate is important because the date claimed for first use will be based on the date in which the certificate of registration was issued.

Marks successfully registered exclusively in the state of Washington are considered unregistered marks for federal purposes, and thus, may use the symbol TM or SM.

Inform students of the benefits of using TM and SM. Though the symbols TM or SM signifies an unregistered mark, it provides notice of use. This affords successful applicants some rights and protections of unauthorized use of their respective trademark.

10. **Federal Trademark Registration.**

In order to receive and obtain the maximum protection for a mark, owners generally will register their mark federally by submitting an application and paying the associated fees to the United States Patent and Trademark Office (USPTO).

Washington State provides some protections for marks which are registered with the Washington Secretary of State's Office but these protections are limited in the following ways:

- Only applicable within the State of Washington (i.e. statewide protection);

- Limited to state court actions;
- State court registration *may* be admissible as *prima facie* evidence of the validity of the trademark in other states;
- Application may be less cumbersome, as the threshold is lower; and
- Can receive a state registration even if the federal trademark is rejected.

Contrary, a federal registration gives the registrant broader protections and rights including the following:

- Protects the trademark throughout the U.S. and its territories;
- Can bring legal action in federal court(s);
- Provides a presumption of validity and ownership by the entity or person identified as the registrant;
- Priority over state trademark registration, if federal registration is obtained prior to the state registrant's application date;
- Application and application process may be more cumbersome, as well as, takes anywhere from six months to a few years;
- Can assist registrant's stop of unauthorized imports at the U.S. border;
- Registrants or owners may use the ® symbol;
- Good for 10 years then renewal and ensure that the trademark is still in use; and
- May be used as a basis for registrants seeking to file mark in other countries.

11. Trademark Infringement Explained.

Ask students if they remembered the example you provided earlier regarding the retailer who sold and/or distributed counterfeit Louis Vuitton goods.

As previously discussed, counterfeiting is a form of trademark infringement.

In order for a registrant or owner to prevail on a claim of trademark infringement, the registrant/owner must establish that:

- (1) They actually own a valid mark that is entitled to protection;
- (2) Have priority (i.e. registered the mark prior to Defendant's application);
- (3) The Defendant used the same or similar mark in commerce in connection with the sale or advertising of goods or services without their consent; and
- (4) The Defendant's mark is **likely to cause confusion** in the minds of consumers as to the origin of the goods or services.

When evaluating trademark infringement claims, courts will ultimately decide whether the use of the trademark would cause the "*likelihood of confusion*." This standard, on its face, may seem quite vague. However, case law has provided judges with several factors to utilize when determining whether a mark has the likelihood to cause confusion of consumers including, but not limited to, the following:

- (1) **Similarity of the Mark**
- (2) **Actual Confusion**
- (3) **Consumer's Degree of Care**
- (4) **Defendant's Intent** (e.g. knowingly used mark with intent to deprive)
- (5) **Use of the Mark** (e.g. whether parties use the mark on similar goods)
- (6) **Strength or Weakness of the Mark**
Higher public recognition increases the likelihood of confusion. In other words, the more well-known a product is to consumers, the more likely it will cause confusion to them.
- (7) **Product Line Expansion**
Even if products differ, courts will evaluate whether there is a likelihood that the owner of the trademark may expand into the market where the Defendant is using the mark. If so, then there's a likelihood of confusion.
- (8) **Marketing and Advertising Channels**
Products sold by same methods (e.g. stores, online, etc.), higher likelihood of confusion.
- (9) **Other Factors**
Other factors the Court finds can bear the likelihood of confusion.

These factors are derived from case law and have been used to assist judges in evaluating whether or not a mark has a likelihood to cause confusion to a consumer. *AMF, Inc. v. Sleekcraft Boats*, 599 F.2d 341 (9th Cir. 1979). This is not an exhaustive list and the factors used by the court will vary based on the case facts.

12. Unauthorized use of trademarks.

Inform students that registrants who discover that someone else is using their mark without their permission, will generally contact that individual or company and request that they "cease and desist" using their respective mark. This is typically done in a cease and desist letter.

However, if the individual or company continues to use the registrant's mark without their permission; that registrant may have certain legal remedies.

13. Remedies.

There are various remedies registrants of trademarks may seek to assist their efforts of stopping the unauthorized use of their mark by others.

Washington legislatures have provided remedies to successful applicants, or registrants, of trademarks who may face situations where another uses their respective trademark without their permission. RCW 19.77.150. These remedies include the following:

Enjoin – Registrants may file a Complaint to Enjoin Unauthorized Use of Trademark. This means registrants are requesting a Washington court to instruct or direct another party to stop using their trademark.

Injunction – Registrants may file a Complaint and Request for Injunction. An injunction is a court order requiring a person or company to do or cease from doing a specific action. In this case, the court would order the person or company to cease from using the mark.

Monetary Damages – Registrants may request monetary damages including *“all profits derived from and/or all damages suffered by reason of such wrongful”* use, as well as, reasonable attorney fees. RCW 19.77.150.

When someone seeks monetary remedies from the court for the unauthorized use of their respective trademark, the court will generally try to make the aggrieved party (or registrant/owner of the trademark) *“whole.”* This legal concept essentially means that the court will attempt to place the aggrieved party in the position they would have been in had the unauthorized conduct not occurred.

For example, if Apple lost a revenue of \$1 billion for the counterfeit goods sold by AppleX, then the court may award damages in the amount of \$1 billion dollars for AppleX’s trademark infringement.

Federal courts have similar remedies which it affords to those registrants who have successfully registered their mark with the USPTO.

Tab 3



May 11, 2017

TO: Board for Judicial Administration Members
FROM: Misty Butler, BJA Administrative Manager
RE: BJA Strategic Initiatives Charter Action

On the May 19, 2017 BJA Agenda is an item to discuss the proposed strategic initiative charters. This item was placed for discussion following the BJA's tradition of discussion in one meeting and taking action in the next. In this case, that would be approval of the charters during the June BJA meeting.

I wanted to inform you that there have been a few requests to change the timing of the action on the interpreter funding charter.

1. As the Policy and Planning Committee is winding down its planning work, the BJA year is coming to a close and as this will be Judge Garrow's last meeting; the BJA Co-chairs are asking that you consider taking action and approve the charters during the May BJA meeting.
2. Judges Schindler and O'Donnell are unable to attend the BJA meeting. They've requested that discussion and action on the charter take place in June.
3. Another option is that we stick with tradition and discuss in May and take action in June.



Board for Judicial Administration (BJA)

COURT EDUCATION FUNDING TASKFORCE CHARTER

I. Committee Title

Court Education Funding Taskforce (CEFT)

II. Authority

Board for Judicial Administration Rules

III. Charge or Purpose

Create a strategic plan to establish adequate and sustainable funding dedicated to court system education and training.

IV. Expected Deliverables, Reporting Requirements, Expiration Date

Work in conjunction with the BJA Court Education Committee and use the 'Roadmap for Education Improvement in the Washington State Courts' as a guide. The CEFT shall:

- Analyze past and present education and training funding. Include the origin of education and training funding and how it is currently funded.
- Articulate the impact on the courts and public due to the steady decline in funding and resources for education and training of court personnel.
- Estimate the costs of providing education and training.
- Develop a legislative strategy to establish adequate and sustainable funding dedicated to court system education and training.
- Generate stakeholder marketing plan, strategy and materials to communicate the need for adequate and sustainable funding for court system education and training.

The CEFT will work in collaboration with the BJA Court Education Committee. They will report to the BJA Policy and Planning Committee and the BJA during regularly scheduled meetings or upon request.

Duration of project is between July 1, 2017-June 30, 2019.

V. Chair/Co-Chairs

VI. Membership

Following is a recommended membership list. Final membership will be determined by the Co-chairs of the Taskforce.

BJA Court Education Committee Chair
AOC Office of Legislative Relations Director
AOC Court Services Division Director
Court Management Council Member
Supreme Court Commissions Representative
Washington State Legislator
DMCJA Member
SCJA Member
Appellate Court Member
WSBA Education Committee Representative

The CEFT will work in close collaboration with the BJA Court Education Committee and the other BJA standing committees. Supportive collaboration should be a consideration when choosing Taskforce members.

VII. Other Entities to Consult/Coordinate With

- Appellate Judges Education Committee
- Annual Conference Committee
- Superior Court Judges' Association and SCJA Education Committee, Mentor Committee
- District and Municipal Court Judges' Association and DMCJA Education Committee, Mentor Committee
- Washington State Association of County Clerks
- District and Municipal Court Management Association and DMCMA Education Committee
- Association of Washington Superior Court Administrators and AWSCA Education Committee
- Washington Association of Juvenile Court Administrators and WAJCA Strategic Planning and Education Committee
- Washington State Law School Deans
- Supreme Court and Court of Appeals Clerks
- Presiding Judge and Administrator Education Committee
- Judicial College Deans
- Institute for New Court Employees Committee
- Institute for Court Management Committee
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission
- Commission on Children and Foster Care
- Commission on Judicial Conduct
- Counties and Cities
- NASJE

- NCSC
- National Judicial College
- NACM

VIII. Requested Subject Matter Staff Support and Other Resources

Staff, BJA Court Education Committee

Staff, BJA Policy and Planning Committee

Staff, BJA Budget and Funding Committee

Staff, BJA Legislative Committee

BJA Administrative Manager

Supreme Court Commissions Administrative Manager.

IX. Budget

TBD. Funds to support meeting expenses will be allocated from the Administrative Office of the Court's BJA Budget.

Adopted:



Board for Judicial Administration

Strategic Initiative Charter

Interpreter Service Funding Task Force

I. Name:

Interpreter Services Funding Task Force

II. Goal Statement:

To identify the demand for and costs of court language interpreter services in Washington, and to develop and implement a successful strategy to obtain adequate state and funding for interpretation services statewide.

III. Authorization:

General Rule 11, Court Interpreters, WCR
Board for Judicial Administration Rule 1, WCR

IV. Charge or Purpose:

The purpose of the BJA Language Interpretation Funding Task Force is to create and implement a strategy to secure adequate funding for court interpretation services statewide by empirically quantifying the demand and costs of interpreter services, identifying current efforts and best practices to meet the demand, and specifying the need and justification for state funding. The task force will submit a budget proposal for the 2019/2021 biennium and propose a strategy to advocate for and support the budget proposal.

V. Activities:

The task force shall:

- Identify and quantify the current demand for and costs of interpreter services statewide using empirically research methods.

- Analyze the state and local funding for interpreter services.
- Review past budget proposals for interpreter services.
- Identify current efforts used to meet the demand for interpreter services and develop best practices that would optimize use of resources to provide services.
- Develop and submit a budget proposal for the 2019/21 biennium justified by quantitative empirical evidence.
- Develop a legislative strategy to successfully obtain adequate state and local funding for interpreter services.

The task force shall provide a report along with budget proposal at a time that conforms with the 2019/21 budget schedule.

This charter shall expire on June 30, 2019.

VI. Entities to Consult/Coordinate with:

- The Washington Supreme Court Interpreter Commission,
- The Superior Court Judges Association,
- The District and Municipal Court Judges Association,
- The Administrative Office of the Courts,
- The Washington Center for Court Research,
- The Washington Associations of Counties,
- The Association of Washington Cities,
- The Washington State Minority and Justice Commission,
- The Office of Civil Legal Aid,
- The Office of Public Defense,
- The Washington Association of Prosecuting Attorneys,
- The Access to Justice Board,
- The BJA Legislative Committee, and
- The BJA Policy and Planning Committee.

VII. Requested Staff Support:

The task force shall be provided supported by:

- Staff to the BJA, the BJA Policy and Planning Committee, the BJA Legislative Committee, and BJA administrative support;
- Staff to the Supreme Court Interpreter Committee; and,
- The Washington Center for Court Research

VIII. Membership:

Chairs:

- Justice Steven Gonzales for the Interpreter Commission
- Judge Michael Downes for the Superior Court Judges Association
- TBD, for the District and Municipal Court Judges Association

Representatives:

- Washington State Minority and Justice Commission
- Washington State Coalition for Language Access
- Washington Association of Counties
- Association of Washington Cities
- Office of Civil Legal Aid
- Office of Public Defense
- Washington Association of Prosecuting Attorneys
- Director of Legislative Relations for the Administrative Office of the Courts

IX. Budget:

Support for travel and meeting expenses shall be provide from funds allocated to the BJA by the Administrative Office of the Court. Assuming three in-person meetings at \$1000 per a budget request of \$3000 can be anticipated.



**Board for Judicial Administration
and
Interpreter Commission
Strategic Initiative Charter**

Interpreter Service Funding Joint Task Force

I. Name:

Interpreter Services Funding Joint Task Force

II. Goal Statement:

To identify the demand for and costs of court language interpreter services in Washington, and to develop and implement a successful strategy to obtain adequate state and funding for interpretation services statewide.

III. Authorization:

General Rule 11, Court Interpreters, WCR
Board for Judicial Administration Rule 1, WCR

IV. Charge or Purpose:

The purpose of the BJA Language Interpretation Funding Task Force is to create and implement a strategy to secure adequate funding for court interpretation services statewide by empirically quantifying the demand and costs of interpreter services, identifying current efforts and best practices to meet the demand, and specifying the need and justification for state funding. The task force will submit a budget proposal for the 2019/2021 biennium and propose a strategy to advocate for and support the budget proposal.

V. Activities:

The task force shall:

- Identify and quantify the current demand for and costs of interpreter services statewide using empirically research methods.
- Analyze the state and local funding for interpreter services.
- Review past budget proposals for interpreter services.
- Identify current efforts used to meet the demand for interpreter services and develop best practices that would optimize use of resources to provide services.
- Develop and submit a budget proposal for the 2019/21 biennium justified by quantitative empirical evidence.
- Develop a legislative strategy to successfully obtain adequate state and local funding for interpreter services.

The task force shall provide a report along with budget proposal at a time that conforms with the 2019/21 budget schedule.

This charter shall expire on June 30, 2019.

VI. Entities to Consult/Coordinate with:

- The Washington Supreme Court Interpreter Commission,
- The Superior Court Judges Association,
- The District and Municipal Court Judges Association,
- The Administrative Office of the Courts,
- The Washington Center for Court Research,
- The Washington Associations of Counties,
- The Association of Washington Cities,
- The Washington State Minority and Justice Commission,
- The Office of Civil Legal Aid,
- The Office of Public Defense,
- The Washington Association of Prosecuting Attorneys,
- The Access to Justice Board,
- The BJA Legislative Committee, and
- The BJA Policy and Planning Committee.

VII. Requested Staff Support:

The task force shall be provided supported by:

- Staff to the BJA, the BJA Policy and Planning Committee, the BJA Legislative Committee, and BJA administrative support;
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VIII. Membership:

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- Office of Civil Legal Aid
- Office of Public Defense
- Washington Association of Prosecuting Attorneys
- Director of Legislative Relations for the Administrative Office of the Courts

IX. Budget:

Support for travel and meeting expenses shall be provide from funds allocated to the BJA by the Administrative Office of the Court. Assuming three in-person meetings at \$1000 per a budget request of \$3000 can be anticipated.

Tab 4

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington

In Support of Language Access Services In Court

WHEREAS, equal access to courts is fundamental to the American system of government under law; and

WHEREAS, language barriers can create impediments to access to justice for individuals who are limited-English proficient; and

WHEREAS, it is the policy of the State of Washington “to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.” RCW 2.43.010 (Interpreters for non-English speaking persons); and

WHEREAS, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

WHEREAS, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

WHEREAS, the Board for Judicial Administration recognizes the benefit that interpreting services provide to limited English proficient litigants and to the fact-finder in the efficient and effective administration of justice; and

WHEREAS, the Board for Judicial Administration previously adopted a Resolution to, among other things, “remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.” (Board for Judicial Administration, Civil Equal Justice); and

WHEREAS, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

NOW, THEREFORE, BE IT RESOLVED:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language-related impediments to access to the justice system for limited English proficient litigants; and
- 3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

ADOPTED BY the Board for Judicial Administration on July 20, 2012.

The Supreme Court
State of Washington

SHERYL GORDON McCLOUD
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2045
FAX (360) 357-2104
E-MAIL J.S.GORDONMCCLOUD@COURTS.WA.GOV

May 4, 2017

Misty Butler
Administrative Manager
Board for Judicial Administration
1112 Quince St. SE
P.O. Box 41170
Olympia, WA 98504-1170

Re: Request to Renew Resolution in Support of Language Access Services in Court

Dear Ms. Butler:

The mission of the Washington State Supreme Court Gender and Justice Commission is to promote gender equity in the system of law and justice. The Commission focuses that mission with its commitment to improving access to the courts for women and girls who experience barriers to accessing the justice system.

The Commission recognizes that it is important to look at the intersections of gender bias and other issues that impact access to justice, such as language access. Language barriers can create impediments to access to justice for individuals who are limited-English proficient.

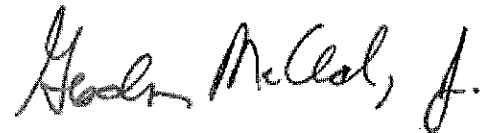
The Gender and Justice Commission requests that the Board for Judicial Administration renew its Resolution in Support of Language Access Services in Court, adopted on July 20, 2012. The Commission supports the contents of this Resolution in full.

In addition, the Commission would like to express its interest in seeing that the translation of court forms related to the protection of victims of Domestic Violence and Sexual Assault, be prioritized as part of the action steps of the resolution. Gender based violence is an issue of importance to the Commission, and the translation of these forms would improve access to justice for women and girls who are victims of violence.

Misty Butler
May 4, 2017
Page Two

Renewing this Resolution would demonstrate the BJA's continued commitment to removing impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheryl Gordon McCloud, J." The signature is written in a cursive, flowing style.

Justice Sheryl Gordon McCloud
Chair, Gender and Justice Commission
Washington State Supreme Court

cc: Kelley Amburgey-Richardson, AOC

The Supreme Court
State of Washington

STEVEN C. GONZÁLEZ
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON 98504-0929



(360) 357-2029
FAX (360) 357-2103
E-MAIL J_S.GONZALEZ@COURTS.WA.GOV

May 12, 2017

Ms. Misty Butler
Administrative Manager
Board for Judicial Administration
1112 Quince St SE
P.O. Box 41170
Olympia, WA 98504-1170

Re: Request to Renew Resolution in Support of Language Access Services
in Court

Dear Ms. Butler:

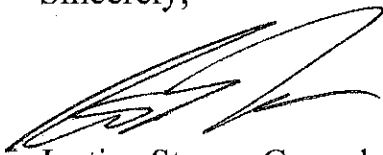
This letter is being sent in support of a Resolution renewal request being submitted by Board for Judicial Administration member Judge Ann Schindler of the Division 1 Court of Appeals.

The mission of the Washington State Supreme Court Interpreter Commission is to create or identify policies and best practices for the provision of language access services to persons who do not or cannot hear, speak, or read English effectively enough to participate in legal proceedings. The Commission works to improve access to the courts through judicial officer and court staff training and through the testing and certification of court interpreters. The Commission also encourages courts, as a policy matter, to remove language-related barriers to access to justice in the provision of court programs and services.

The Commission recognizes that it is important to look at the interactions that individuals who are Limited English Proficient or who rely on sign language have with the court community. We have recently identified ways that courts have improved their ability to more effectively meet the communication needs of those provide language access. It is the view of the Commission that the Board for

Judicial Administration Resolution in Support of Language Access Services in Court, adopted on July 20, 2012, has been a very effective policy guidance statement. As the Resolution is scheduled to expire this July, the Commission supports the language of that Resolution in full and respectfully requests that the Board for Judicial Administration renew that Resolution without further changes.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Gonzalez', written in a cursive style.

Justice Steven Gonzalez,
Chair, Supreme Court Interpreter Commission
Washington State Supreme Court

cc: Robert Lichtenberg, AOC

May 12, 2017

Ms. Misty Butler
Administrative Manager
Board for Judicial Administration
1112 Quince St SE
P.O. Box 41170
Olympia, WA 98504-1170

Re: Request to Renew Language Access Services in Court Resolution

Dear Ms. Butler:

In 2012, the Board of Judicial Administration adopted a “Resolution in Support of Language Access Services in Court”. The Resolution is scheduled to expire in July 2017. Because language access to the courts and the demand for interpreter services continues to be a top priority for trial courts and the judicial branch, I request the BJA to renew the Resolution.

Sincerely,

Judge Ann Schindler
Court of Appeals, Division I
State of Washington

Cc: Justice Steven Gonzalez, WA State Supreme Court
Robert Lichtenberg, AOC

Tab 5



May 12, 2017

TO: BJA Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brady Horenstein, AOC Associate Director, Legislative Relations
RE: 2017 Legislative Session Update

The Legislature adjourned the 2017 regular session on April 23 without a budget agreement. The Governor called legislators back to session on April 24. Despite the Legislature being more than half way through the 30 day special session, budget negotiations are at a standstill. At this point, it appears highly likely that the Legislature will need another special session to complete its work.

Here's where things stand on our BJA legislative request items:

- [HB 1285](#), which would make interpreter oaths permanent was signed by the Governor.
- [HB 1140](#) and [SB 5809](#), which would extend the Judicial Stabilization Trust Account surcharge to July 1, 2021, are in good shape. One of these bills is expected to pass the Legislature at the very end along with the budget.
- [HB 1186](#), which would require interpreters in civil cases passed the House this session but died in the Senate.
- [HB 1139](#), which would expand the service methods the AOC Office of Public Guardianship may conduct, passed the House as well but also died in the Senate.

For the most part, it has been a quiet special session on the policy front. A few bills of interest to the Judiciary still have some life in them, however. The House again passed [HB 1783](#), the comprehensive legal financial obligations reform bill. The bill is now awaiting action in the Senate. The Senate Law & Justice Committee also convened in early May to hold a public hearing on [SB 5934](#), an omnibus convicted persons bill. The committee also heard an update on legislator and stakeholder efforts to reach agreement on the law enforcement deadly use of force bill ([SB 5073](#)), which died during the regular session. The Senate also passed [SB 5866](#) during the special session, which would establish the tax court. The bill is now awaiting consideration in the House.

The attached report includes a summary of bills that passed the Legislature with at least some impact to the courts. If you have any questions about the bills included in the attached report or others, please don't hesitate to contact us.

Court Impact Passed Bills Report

Bill #	Abbrev. Title	Short Description	Status	Sponsor
ESHB 1017	School siting	Addressing the siting of schools and school facilities.	C 129 L 17	McCaslin
SHB 1055 (2SSB 5021)	Military members/pro bono	Concerning pro bono legal services for military service members, veterans, and their families.	Del to Gov	Kilduff
SHB 1079 (SSB 5029)	No-contact order/trafficking	Creating a criminal no-contact order for human trafficking and promoting prostitution-related offenses.	Del to Gov	Orwall
HB 1091	Solemnizing marriages	Authorizing tribal court judges to solemnize marriages.	C 130 L 17	Appleton
ESHB 1109	Victims of sexual assault	Supporting victims of sexual assault.	Del to Gov	Orwall
ESHB 1153 (SSB 5099)	Vulnerable persons/crimes	Concerning crimes against vulnerable persons.	Del to Gov	Goodman
E2SHB 1163	Domestic violence	Concerning domestic violence.	Del to Gov	Goodman
2SHB 1170	Truancy reduction efforts	Maintaining and facilitating court-based and school-based efforts to promote attendance and reduce truancy.	Del to Gov	Orwall
SHB 1184 (SSB 5184)	Patronizing a prostitute	Modifying patronizing a prostitute provisions.	Del to Gov	Orwall
HB 1195	Surrender/surety's bond	Concerning surrender of person under surety's bond.	C 78 L 17	Kilduff
SHB 1199 (SSB 5203)	Transit infract./youth court	Allowing youth courts to have jurisdiction over transit infractions.	C 9 L 17	Irwin
SHB 1200	Voyeurism/second degree	Concerning the crime of voyeurism.	Del to Gov	McCabe
HB 1285	Legal interpreters/oaths	Modifying oath requirements for interpreters in legal proceedings.	C 83 L 17	Graves
HB 1337 (SB 5221)	Medical licensure compact	Creating the interstate medical licensure compact.	Del to Gov	Riccelli
SHB 1369 (SSB 5245)	Veteran definition	Defining veteran for the purpose of receiving certain benefits.	C 97 L 17	Hayes
HB 1401	CASA & GAL removal	Requiring the court to remove any person serving as a court-appointed special advocate or volunteer guardian ad litem if that person has made a materially false statement under oath.	C 99 L 17	Ortiz-Self
2SHB 1402	Incapacitated persons/rights	Concerning the rights and obligations associated with incapacitated persons and other vulnerable adults.	Del to Gov	Jinkins
SHB 1417	OPMA/IT security matters	Concerning the harmonization of the open public meetings act with the public records act in relation to information technology security matters.	C 137 L 17	Hudgins

ESHB 1489	Wildland fire contractors	Concerning private wildland fire suppression contractors.	C 104 L 17	Kretz
SHB 1501	Attempts to obtain firearms	Protecting law enforcement and the public from persons who illegally attempt to obtain firearms.	Del to Gov	Hansen
SHB 1515 (SSB 5195)	Special parking privileges	Clarifying the appropriate format for signed written authorizations for special parking privileges.	C 112 L 17	Graves
SHB 1521 (SSB 5296)	Vacation leave/state empl.	Addressing vacation leave.	Del to Gov	Dolan
SHB 1543 (SB 5321)	Sex. assault/parental rights	Concerning parental rights and responsibilities of sexual assault perpetrators and survivors.	Del to Gov	Doglio
ESHB 1594	Public records admin.	Improving public records administration.	Del to Gov	McBride
EHB 1595	Public records request costs	Concerning costs associated with responding to public records requests.	Del to Gov	Nealey
SHB 1605	Vessel impoundment	Concerning vessel impoundment.	Del to Gov	Pettigrew
E2SHB 1614	Impaired driving	Concerning impaired driving.	Del to Gov	Goodman
EHB 1620	Background checks/local gov.	Concerning the authority of local governments to require criminal history background checks.	Del to Gov	Lovick
HB 1676	Service animals in training	Concerning crimes involving a dog guide or service animal.	Del to Gov	Sullivan
E2SHB 1713 (SSB 5763)	Children's mental health	Implementing recommendations from the children's mental health work group.	Del to Gov	Senn
SHB 1717	Biometric identifiers	Concerning state agency collection, use, and retention of biometric identifiers.	Del to Gov	Smith
EHB 1728	Child sex exploit./subpoenas	Protecting minors from sexual exploitation.	C 114 L 17	Sawyer
HB 1754	Sex offender trtmnt priority	Prioritizing sex offender treatment based on the offender's risk to reoffend.	C 144 L 17	Klippert
E2SHB 1802	Veterans/shared leave access	Increasing the access of veterans, military service members, and military spouses to shared leave in state employment.	Del to Gov	Reeves
SHB 1813 (SSB 5271)	Addresses of record, updates	Aligning existing definitions and practices to establish a uniform process for updating addresses of record and make conforming amendments to statutes administered by the department of licensing.	C 147 L 17	Kloba
ESHB 1814 (SB 5490)	DSHS notification reqs.	Concerning notification requirements for the department of social and health services.	Del to Gov	Goodman
SHB 1815	Dependency/alleged parent	Concerning the rights of an alleged parent in dependency proceedings.	Del to Gov	Kilduff
SHB 1816	Homeless youth info. sharing	Concerning information sharing related to implementation of the homeless youth prevention and protection act of 2015.	Del to Gov	Frame
HB 1829	Disclosure/computer networks	Concerning the exemption from public disclosure of information regarding public	C 149 L 17	Hudgins

		and private computer and telecommunications networks.		
HB 1832	Comm sex exploited children	Concerning the commercially sexually exploited children statewide coordinating committee.	C 18 L 17	Pellicciotti
SHB 1867	Ext. foster care transitions	Improving transitions in extended foster care to increase housing stability for foster youth.	Del to Gov	Fey
SHB 1877	Tow truck op. driving record	Concerning the release of driving record abstract information affecting registered tow truck operators.	Gov vetoed	Stanford
HB 1931	Mandated reporter posting	Concerning the posting of child abuse and neglect mandated reporter requirements.	C 118 L 17	Hayes
HB 1983	Juv. corrections/counties	Reducing the population requirement in a consortium of counties in order to operate a juvenile correctional facility.	Del to Gov	Dye
SHB 1988 (2SSB 5559)	Vulnerable youth guardians	Implementing a vulnerable youth guardianship program.	Del to Gov	Ortiz-Self
HB 2038	Vapor products/displays	Clarifying the applicability of RCW 70.345.080 to only vapor products.	Del to Gov	Jenkin
SHB 2058	Towed vehicle redemption	Creating procedures for the redemption of certain vehicles that are towed from accident scenes by registered tow truck companies when the vehicle owner is admitted as a patient in a hospital due to the accident.	C 152 L 17	Harmsworth
SB 5011	Business corporation act	Concerning the business corporation act.	C 28 L 17	Pedersen
SSB 5012	Trust assets distribution	Concerning the distribution of a Washington trust's assets to another trust.	C 29 L 17	Pedersen
SB 5030 (EHB 1078)	Trafficking, etc/time limits	Concerning human trafficking, prostitution, and commercial sexual abuse of a minor.	C 231 L 17	Darneille
SSB 5031 (SHB 1045)	Uniform money services act	Addressing licensing and enforcement provisions applicable to money transmitters and currency exchanges under the uniform money services act.	C 30 L 17	Angel
SB 5037	DUI 4th offense/felony	Making a fourth driving under the influence offense a felony.	Del to Gov	Padden
SB 5039	Electronic legal material	Adopting the uniform electronic legal material act.	C 106 L 17	Pedersen
SB 5049	Relocation assistance	Concerning relocation assistance following real property acquisition.	C 213 L 17	King
SB 5075 (HB 1132)	Seed buyer & dealer disputes	Concerning dispute resolution between seed buyers and dealers.	C 33 L 17	Takko
SSB 5077	Housing assistance/women	Allowing the department of corrections to provide temporary housing assistance to individuals being released from certain corrections centers for women.	C 214 L 17	Angel
SSB 5081	Uniform law on notarial acts	Adopting the revised uniform law on notarial acts.	C 281 L 17	Pedersen
SSB 5083	Sex offenders/victim notice	Requiring the prosecuting attorney to use reasonable efforts in notifying a victim of a	C 86 L 17	Pearson

		sex or kidnapping offender's petition for relief from registration.		
SB 5085	Voidable transactions act	Enacting the uniform voidable transactions act.	C 57 L 17	Pedersen
ESSB 5131 (HQB 1857)	Marijuana	Concerning marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, processor wholesale events, certain transfers of plants and seeds, licensing agreements and contracts, residency requirements, and jurisdictional requirements. (REVISED FOR ENGROSSED: Concerning marijuana with respect to privileges for research licenses, local authority notifications, the retail licensing merit-based application process, certain transfers of plants and seeds, licensing agreements and contracts, advertising, and jurisdictional requirements.)	Del to Gov	Rivers
SSB 5185 (HB 1277)	Emerg. response volunteers	Providing immunity from liability for professional or trade associations providing emergency response volunteers.	C 36 L 17	Wilson
SSB 5207 (SHB 1317)	GPS data disclosure	Concerning the public disclosure of global positioning system data corresponding to residential addresses of public employees and volunteers.	C 38 L 17	Kuderer
ESSB 5256 (SHB 1384)	Sexual assault protect order	Concerning sexual assault protection orders.	C 233 L 17	Fain
ESB 5266 (HB 1292)	Theft of rental property	Modifying theft of rental, leased, lease-purchased, or loaned property provisions. (REVISED FOR PASSED LEGISLATURE: Concerning theft of rental or leased property.)	Gov vetoed	O'Ban
SSB 5272 (SHB 1112)	Trafficking victims/vacating	Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor.	C 128 L 17	Salda?a
SSB 5277 (HQB 1378)	Disqualification of judges	Concerning disqualification of judges.	C 42 L 17	Padden
SSB 5289 (ESHB 1371)	Distracted driving	Modifying the infraction of and penalties for distracted driving.	Del to Gov	Rivers
ESSB 5293	Truancy reduction	Concerning court-based and school-based efforts to promote attendance and reduce truancy.	Del to Gov	Darneille
SSB 5301	Responsible bidder criteria	Including willful violations of certain state laws to the state's responsible bidder criteria.	C 258 L 17	Miloscia
SSB 5327 (HB 1396)	Court clerk duties	Clarifying the duties of court clerks.	C 183 L 17	Angel

SB 5336 (SHB 1472)	Ballot return boxes/crimes	Criminalizing damaging, destroying, tampering, or removing ballot return boxes or contents.	C 283 L 17	Miloscia
ESSB 5338 (SHB 1446)	Registration enforcement	Concerning registration enforcement for off-road vehicles and snowmobiles.	C 218 L 17	Wilson
SSB 5356	Humane treatment of dogs	Concerning the humane treatment of dogs.	C 65 L 17	Fain
SSB 5374	St. employee whistleblowers	Concerning state employee whistleblower protection.	C 44 L 17	Becker
ESSB 5388 (SHB 1305)	Unauthorized persons removal	Concerning the removal of unauthorized persons from certain premises.	C 284 L 17	Zeiger
SSB 5435 (SHB 1413)	Mental health record discl.	Specifying to whom information and records related to mental health services may be disclosed for the purposes of care coordination and treatment.	Del to Gov	Rivers
SB 5437	Weighmaster program	Concerning the weighmaster program.	C 158 L 17	Chase
SSB 5618	Domestic violence assault	Concerning arrest of sixteen and seventeen year olds for domestic violence assault.	C 223 L 17	Darneille
SB 5632	Organized retail theft	Modifying organized retail theft provisions.	Del to Gov	O'Ban
SB 5635	Retail theft	Concerning retail theft with special circumstances.	C 224 L 17	Padden
SB 5661	LEOFF interr. service credit	Addressing interruptive service credit for members of the law enforcement officers' and fire fighters' retirement system.	C 188 L 17	Rolfes
SB 5691	Guardianship alternatives	Modifying or terminating a guardianship when a less restrictive alternative is available to provide for the needs of an incapacitated person.	C 271 L 17	Bailey
SSB 5705	Behavioral health agencies	Concerning inspection and review of state contracted behavioral health and recovery agencies.	Del to Gov	Becker
SSB 5764	Higher education records	Concerning higher education records.	C 72 L 17	Wellman
SSB 5790 (HB 1525)	GMA economic dev. element	Concerning the economic development element of the growth management act.	Del to Gov	Short
ESSB 5808	Agritourism	Concerning agritourism.	C 227 L 17	Warnick
ESSB 5810	Attempted murder	Adding attempted murder to the list of offenses that may not be prosecuted more than ten years their commission.	C 125 L 17	Padden
SB 5813	Crimes against minors	Concerning crimes against minors.	C 126 L 17	Padden
SSB 5835	Health outcomes/pregnancy	Promoting healthy outcomes for pregnant women and infants.	Del to Gov	Keiser

Tab 6

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

Supreme Court State General Fund Maintenance Level Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Continuation of Merit Increments	FTE 0.0	\$258,000	\$258,000	\$258,000
Funding is requested to continue providing salary step increases for eligible employees. Amount revised from \$490,000.				
Salary Survey Implementation	FTE 0.0	\$563,000	\$181,000	\$0
Funding is requested for implementation of the 2014 Comprehensive Judicial Branch Salary Survey for select Supreme Court positions.				
Indirect Staff Reduction	FTE 0.0	\$0	\$0	(\$2,000)
One percent (1%) reduction to agency budgets for staff that does not provide direct services to the public.				
Salaries for Elected Officials	FTE 0.0	\$0	\$182,000	\$0
Funding is provided for the preliminary recommendation by the Citizens' Commission on Salaries for Elected Officials.				
Total Request – Supreme Court	FTE 0.0	\$821,000	\$621,000	\$256,000

Administrative Office of the Courts - General Fund State Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Maintenance Level Request State General Fund				
Legal Financial Obligations	FTE 0.0	\$152,000	\$152,000	\$152,000
Funding is requested for increased costs for the production and mailing of Legal Financial Obligations (LFO).				
Cowlitz County Judge	FTE 1.0	\$232,000	\$232,000	\$232,000
Funding is requested for a fifth judge for Cowlitz County.				
Total Maintenance Level Request State General Fund	FTE 1.0	\$384,000	\$384,000	\$384,000

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

Administrative Office of the Courts - General Fund State Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Policy Level Request State General Fund				
Trial Court Interpreter Services	FTE 0.5	\$4,305,000	\$1,140,000	\$0
Funding is requested to begin implementation of fully funding interpreter services in all criminal and civil cases at the trial court level.				
Court Personnel Education	FTE 1.0	\$396,000	\$0	\$0
Funding is requested to provide cost-effective training to the new generation of court personnel.				
Pattern Forms	FTE 1.5	\$299,000	\$299,000	\$0
Funding is requested for additional legal and administrative support to maintain court pattern forms.				
Courthouse Facilitator Training	FTE 1.0	\$268,000	\$134,000	\$0
Funding is requested to provide regular education opportunities for courthouse facilitators.				
Web Services Support	FTE 2.0	\$487,000	\$0	\$0
Funding is requested to strengthen and modernize the web services provided by the AOC.				
AOC Salary Adjustment	FTE 0.0	\$193,000	\$192,000	\$0
Funding is requested to more closely align certain AOC position classification salaries with market conditions.				
Staffing for SCJA	FTE 2.0	\$423,000	\$0	\$0
Funding is requested to allow implementation of an agreement between the AOC and the Superior Court Judges' Association.				
Expedited Data Exchange	FTE 0.0	\$1,005,000	\$0	\$0
Funding from the State General Fund to replace expenditures from the JIS Account for Expedited Data Exchange costs incurred.				
Expedited Data Exchange Carry Forward	FTE 3.0	\$4,339,000	\$4,339,000 (JIS)	\$4,339,000 (JIS)
Funding is requested to continue the implementation of the Expedited Data Exchange. Amount revised from \$3,100,000.				
Total Policy Level General Fund-State Request	FTE 11.0	\$11,715,000	\$6,104,000 (SGF/JIS)	\$4,339,000 (JIS)

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

Administrative Office of the Courts - General Fund State Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Total State General Fund Request	FTE 11.0	\$12,099,000	\$6,488,000	\$4,723,000

Administrative Office of the Courts-JIS Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Maintenance Level Request JIS Fund				
Odyssey Continuing Operations	FTE 8.0	\$938,000	*\$0	\$0
Funding is requested for ongoing staff to support Odyssey. *See "Judicial Information Systems" item below.				
Total Maintenance Level Request JIS Fund	FTE 8.0	\$938,000	\$0	\$0
Policy Level Request JIS Fund				
SC-CMS	FTE 14.0	\$12,000,000	\$12,000,000	\$12,000,000
Funding is requested to continue the implementation of the commercial off the shelf (COTS) case management system for Superior Courts.				
CLJ-CMS	FTE 24.5	\$13,146,000	*\$0	\$0
Funding is requested to continue the implementation of the case management system replacement for the Courts of Limited Jurisdiction. *See "Judicial Information Systems" item below.				
External Equipment Replacement	FTE 0.0	\$1,226,000	*\$0	\$0
Funding is requested to replace end of life equipment in the courts and county clerk's offices. *See "Judicial Information Systems" item below.				

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

Administrative Office of the Courts-Other				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Judicial Information Systems	FTE 0.0	\$0	\$2,300,000 (GFS) \$11,183,000 (JIS)	\$10,000,000 (JIS)
The House provides \$2.3 m GF-S. Both proposals provide expenditure authority for the projected JIS fund balance.				
Total Maint. and Policy Level Request JIS	FTE 38.5	\$27,310,000	\$25,483,000	\$22,000,000
Administrative Office of the Courts-Other				
Elimination of Becca Funding	FTE 0.0	\$0	\$0	(\$14,652,000)
Eliminate Becca funding due to increased revenue for distributions in section 801 of the budget.				
Eliminate Thurston County Impact Fees	FTE 0.0	\$0	(\$811,000)	(\$1,625,000)
Eliminate funding to Thurston County Superior Court and Clerk's Office for impact of state and other unique cases filed in Thurston County.				
Tax Appeals Court	FTE 0.0	\$0	\$0	\$1,093,000
For implementation of SB 5866 to establish a new court with statewide jurisdiction.				
Incapacitated Persons	FTE 0.5	\$0	\$119,000	\$119,000
Funding to implement SSB 5577.				
Indirect Staff Reduction	FTE 0.0	\$0	\$0	(\$132,000)
One percent (1%) reduction to agency budgets for staff that does not provide direct services to the public. (\$46k SGF; \$83k JIS; \$3k other).				
Domestic Violence	FTE 0.5	\$0	\$53,000	\$0
Funding to implement ESSHB 1163.				
Legal Financial Obligations	FTE 0.0	\$0	\$1,247,000	\$0
To implement ESSHB 1783.				
Court Appointed Special Advocates	FTE 0.0	\$0	\$1,000,000	\$0
Additional funding is provided for the Court Appointed Special Advocate/Guardian (CASA) Program to assist dependent children in the state.				

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

Administrative Office of the Courts-Other				
Judicial Stabilization Trust Account	FTE 0.0	\$0	\$6,691,000 (GFS) (\$6,691,000) (JSTA)	\$6,691,000 (GFS) (\$6,691,000) (JSTA)
JSTA funds are transferred to the Office of Civil Legal Aid contingent upon passage of HB 1140.				
Salaries for Elected Officials	FTE 0.0	\$0	\$2,049,000	\$0
Funding is provided for the preliminary recommendation by the Citizens' Commission on Salaries for Elected Officials.				
Total Other	FTE 0.0	\$0	\$3,657,000	(\$15,197,000)

Court of Appeals				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Salary Adjustment Bow Wave	FTE 0.0	\$0	\$0	\$0
Funding is requested for salary adjustment made in FY 2016. Amount revised from \$406,000; change due to sequencing of requests.				
Reinstatement of Merit Increments	FTE 0.0	\$884,000	\$470,000	\$0
Funding is requested to reinstate salary step increases for eligible employees. Amount revised from \$523,000.				
Salary Survey Implementation	FTE 0.0	\$2,135,000	\$709,000	\$0
Funding is requested for the implementation of the 2014 Comprehensive Judicial Branch Salary Survey for the Court of Appeals.				
Division 1 – Lease Increase	FTE 0.0	\$70,000	\$68,000	\$68,000
Funding is requested for increased lease costs for the building occupied by the Court of Appeals, Division I, in Seattle.				
Salaries for Elected Officials	FTE 0.0	\$0	\$422,000	\$0
Funding is provided for the preliminary recommendation by the Citizens' Commission on Salaries for Elected Officials.				
Total Court of Appeals Request	FTE 0.0	\$3,089,000	\$1,669,000	\$68,000

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

State Law Library State General Fund Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Publication Renewal Relief	FTE 0.0	\$55,000	\$55,000	\$55,000
Funding is requested for the purchase and printing of official materials to meet the Court's requirement for citation to official documents.				
Total Request – State Law Library	FTE 0.0	\$55,000	\$55,000	\$55,000

Office of Public Defense General Fund State Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Parents Representation Program	FTE 0.0	\$1,320,000	\$2,202,000	\$1,320,000
Funding is requested to meet the increase in the child welfare workload and associated costs.				
Extension of Parents Rep Program	FTE 1.0	\$5,742,000	\$6,478,000	\$532,000*
Funding is requested to extend the OPD Parents Representation Program to all counties. *Amended amount.				
Contractor Retention	FTE 0.0	\$6,346,000	\$2,270,000	\$0
Funding is requested to address inequities in compensation for mandatory legal services.				
Parents for Parents Program	FTE 0.0	\$0	\$340,000	\$0
Funding is provided for a “parents for parents” mentoring program for parents in dependency proceedings.				
Judicial Stabilization Trust Account	FTE 0.0	\$0	\$3,648,000 (GFS) (\$3,648,000) (JSTA)	\$3,648,000 (GFS) (\$3,648,000) (JSTA)
JSTA funds are transferred to the Office of Civil Legal Aid contingent upon passage of HB 1140.				
Total Request Office of Public Defense	FTE 1.0	\$13,408,000	\$11,290,000	\$1,852,000

**Washington State Judicial Branch
2017-19 Biennial Budget Request Comparison
Senate and House Budget Proposal
May 2017**

Office of Civil Legal Aid General Fund State Requests				
Title	FTE	Amount Requested	House Proposed	Senate Proposed
Vendor Rate Adjustment – COLA	FTE 0.0	\$674,000	\$538,000	\$0
Funding is requested for a vendor rate adjustment to allow Northwest Justice Project to implement staff cost of living adjustments (COLA). Amount revised from \$898,000.				
Vendor Rate Adjustment	FTE 0.0	\$1,032,000	\$696,000	\$337,000 (lease)
Funding is requested to seek a vendor rate adjustment to address known and measurable personnel and rental cost increases to ensure continuity of client services at currently authorized levels. Amount revised from \$673,000.				
Civil Justice Reinvestment	FTE 0.5	\$12,013,000	\$5,275,000	\$0
Funding is requested for Phase 1 of the Civil Justice Reinvestment plan endorsed by the bipartisan Civil Legal Aid Oversight Committee.				
Self-Help Legal Resources	FTE 0.0	\$0	\$800,000	\$0
Funding is provided to create and maintain web-based fillable family law court forms.				
Shelter Care Hearing Study	FTE 0.0	\$0	\$75,000	\$0
One-time funding is provided for the Office of Civil Legal Aid to contract with the Washington State Center for Court Research for an assessment of differential outcomes in dependency proceedings prior to termination of parental rights.				
Child Representation at Shelter Care Hearing	FTE 0.0	\$0	\$1,296,000	\$0
One-time funding is provided for the Office to provide legal representation for foster children in Grant and Lewis Counties at the initial shelter care hearing in dependency proceedings prior to termination of parental rights.				
Judicial Stabilization Trust Account	FTE 0.0	\$0	(\$10,023,000) SGF \$10,023,000 (JSTA)	\$0
JSTA funding is transferred to the Office of Civil Legal Aid contingent upon passage of HB 1140.				
Total Request Office of Civil Legal Aid	FTE 0.5	\$13,719,000	\$8,680,000	\$337,000

Tab 7

2018 Budget Development, Review and Submittal Process

The budget development, review and submittal process has been revised for those requests that impact the Administrative Office of the Courts. The revision will expand the decision making process by including members of the Judicial Information Systems Committee (JISC) and increase information sharing.

Highlights of the process include:

- There will not be a branch presentation for the 2018 supplemental budget requests.
- Requests will initially be sent to the Budget and Funding Committee (BFC) via AOC.
- The Budget and Funding Committee may seek clarifying information from the proponents.
- The Budget and Funding Committee may make priority recommendations.
- The Budget and Funding Committee will present the requests to the BJA for discussion and input.
- Input from the BJA and BFC will be transmitted to the Court Funding Committee.
- The Court Funding Committee will be constituted and comprised of the following:
 - Supreme Court Budget Committee (5 members),
 - BJA Budget and Funding Committee (3 members) and,
 - Representatives from the Judicial Information Systems Committee (3 members).
- The Court Funding Committee will use the prioritization criteria established by the BFC and approved by the BJA, as well as input from stakeholders, for decision making purposes.
- The Court Funding Committee will prioritize the requests and determine which budget requests will move forward to the legislature.
- Results will be reported to the Supreme Court, BJA, JISC and other stakeholders.

Budget requests concerning the Supreme Court, State Law Library, Court of Appeals, Office of Public Defense and Office of Civil Legal Aid will be processed as they have in the past. Information regarding the budget requests that move forward will be reported to the Court Funding Committee, BJA, stakeholders and full court.

JISC budget requests, once approved by JISC, will be routed to/through the BFC (generally informational unless there is a state general fund component/request). The request information will be presented to the BJA and then move to the Court Funding Committee for ratification or possible modification.

JUDICIAL BRANCH BUDGET DEVELOPMENT TIMELINE 2018 Supplemental Budget
April – June 2017
<ul style="list-style-type: none"> • Biennial budget approved by legislature. • Present schedule to BJA and JISC. • Distribute 2018 supplemental budget instructions. • Create new budget review and approval group (Court Funding Committee). • June 16, 2017 BJA meeting; June 20, 2017 revenue forecast; June 23, 2017 JISC meeting.
July 2017
<ul style="list-style-type: none"> • Develop decision packages. • Decision packages that impact AOC are due. • BJA Budget and Funding Committee meeting(s). • Decision packages that do not impact AOC are due. • Court Funding Committee budget meeting(s).
August 2017
<ul style="list-style-type: none"> • Final decision packages due. • BJA Budget and Funding Committee meeting(s). • Summary of 2018 budget request distributed to BJA for review via e-mail. • Summary of 2018 JIS supplemental budget request distributed at JISC meeting. • Court Funding Committee budget meeting(s). • August 25, 2017 JISC meeting.
September 2017
<ul style="list-style-type: none"> • BJA review and comment on 2018 supplemental budget requests that impact AOC. Comments forwarded to Court Funding Committee. • Court Funding Committee budget meeting(s). • September 15, 2017 BJA meeting; September 20, 2017 revenue forecast.
October 2017
<ul style="list-style-type: none"> • JISC makes recommendation regarding 2018 JIS supplemental budget request. Recommendation communicated to Court Funding Committee. • October 20, 2017 BJA meeting; October 27, 2017 JISC meeting. • Court Funding Committee budget meeting(s). Budget submittal decision communicated to stakeholders.
November 2017
<ul style="list-style-type: none"> • The final branch supplemental budget request is forwarded to the Legislature.

Tab 8



WASHINGTON
COURTS

District and Municipal Court Judges' Association

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December 13, 2016

Honorable Barbara A. Madsen
Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: 2016 DMCJA ANNUAL REPORT

Dear Chief Justice Madsen:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I submit this annual report of the condition of business in the courts of limited jurisdiction (CLJs), pursuant to the Revised Code of Washington (RCW) 3.70.040 (3).

The courts of limited jurisdiction were busy in 2016. District and municipal court judges have handled approximately 1.8 million cases, which include infractions, misdemeanors, civil protection orders, civil, small claims, and felony complaints. See *Administrative Office of the Courts' 2016 Caseload Report for January 2016 to October 2016*. The revenue generated from CLJs during this period is approximately \$210 million dollars. The 250 CLJs in the State of Washington process more than eighteen million transactions per month, which is approximately eighty-seven percent of Washington State's judicial caseload. See *2016 State of the Judiciary*, 14 (2016).

Adequate Court Funding

In 2016, the DMCJA Board of Governors (Board) determined that its first priority is to obtain adequate court funding, which permeates all other DMCJA priorities. The district and municipal courts cannot provide services or justice when we are chronically underfunded. We intend to educate the public, from the voters to the legislators, regarding the effect minimal funding has on our ability to serve the public's constitutionally protected interests. This includes legislative cuts to the Administrative Office of the Courts' (AOC's) budget that resonate through every level of the courts. We plan to assess the mandated services the court provides and determine whether we are able to provide these services in an environment of shrinking budgets.

STATE OF WASHINGTON

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Case Management System

The DMCJA joined with the Administrative Office of the Courts to gather requirements for and develop a procurement plan to select a modern commercial-off-the-shelf (COTS) case management system that would meet the needs of the courts and efficiently administer justice for the public. The DMCJA continues to work with the Judicial Information System Committee (JISC), which is the leader of the new CLJ-CMS project, and has established a CLJ-CMS Project Steering Committee (PSC). The PSC serves as the business and strategic decision-making team that speaks for the CLJs with a unified voice and vision. Another committee, the CLJ-CMS Court User Work Group (CUWG), serves as the subject matter expert on court business processes. The PSC and the CUWG have met project deadlines and continue to work toward establishing an efficient and effective case-management system. Requests for Proposals (RFPs) from vendors were issued in 2016, and DMCJA Judges are volunteering their time to assist the CLJ-CMS Project by evaluating vendor proposals. It is imperative this project be funded. The volume of cases and transactions at our level of courts is overloading our current 1980's system.

Court Security

The Association strongly holds that the public and all court users have an inherent right to expect a safe environment while in court. Each year there is news of a judge and/or court official who has been injured by a disgruntled party because of a deficiency in courthouse security. Many of the district and municipal courts lack the most basic security measures. Court security continues to be a major priority for the DMCJA. The Board has encouraged the creation of minimum standards for courtroom security in order to ensure that all of our courts have some level of security. For this reason, the Board voted to support a court rule that outlines recommended court security measures in order to protect its courts. The proposed rule has been recently amended to include those minimum security standards for district and municipal courts. The Supreme Court is currently reviewing this amended proposed court security rule.

Educate Justice Partners

In 2016, the DMCJA created the Public Outreach Committee, which is a special initiative to educate local legislators of the accomplishments and needs of courts of limited jurisdiction. This Committee will work with the DMCJA Legislative Committee during the 2017 legislative session by reaching out to legislators and inviting them to visit district and municipal courts in their districts. The Board continues to support its members' efforts to reach out to local and state representatives and discuss our needs in order to provide services.

Statewide Relicensing Program

In 2016, the State Legislature passed Senate Bill 6360, *Consolidation of traffic-based financial obligations through a unified payment system*. This bill charged the Attorney General's Office with convening a workgroup consisting of stakeholders interested in the subject. The DMCJA has selected a representative for the workgroup, who regularly provides updates regarding the progress of the workgroup's plan to consolidate traffic-based financial obligations statewide.

Honorable Barbara A. Madsen
December 13, 2016
Page 3

Legislation

During the 2015-2016 legislative biennium, the DMCJA proposed Senate Bill 5125 (House Bill 1328), *Increasing district court civil jurisdiction*, which increases the district court civil jurisdiction amount from \$75,000 to \$100,000. This bill passed the Legislature in 2015.

Department of Licensing (DOL) Court Leadership Meeting

The DMCJA and the DOL continue to meet annually to work together to resolve administrative issues that may arise from the high volume of cases administered. In September 2016, a joint meeting was held with the AOC, DMCJA, District and Municipal Court Management Association (DMCMA), and DOL to identify and resolve issues impacting the courts. All parties have committed to continued communication and efforts to improve business and technical processes regarding license issues.

Thank you for the opportunity to report on the business of the DMCJA. On behalf of the DMCJA Board and officers, I sincerely thank the Supreme Court and the Board for Judicial Administration for its continued support of all of the courts of limited jurisdiction.

Sincerely,



Judge G. Scott Marinella
DMCJA President

Long Range Planning Committee Report

March 29, 2017

Having met in person on March 29, 2017, the Long Range Planning Committee (Committee) submits the following report. The Committee recognizes that its charge is to annually review issues relating to long range planning and review processes. In this context, the Committee reviewed ten areas of concern to the DMCJA, discussed approaches in addressing these issues and decided to adopt the DMCJA Board of Governors (Board) 2016-2017 prioritized issues list. In approximate order of priority, these issues are:

1. Adequate Court Funding

The issue of court funding permeates all of the priorities below. The Courts of Limited Jurisdiction (CLJ) cannot provide services or justice when we are chronically underfunded. We need to educate the public, from the voters to the legislators, regarding the effect that minimal funding has on our ability to serve the public's constitutionally protected interests. This includes legislative cuts to AOC's budget that resonate through every level of the courts. We should assess the mandated services the court provides and question how we are expected to provide these services in an environment of shrinking budgets.

2. JIS/Case Management

Our current case management system is, in the world of computer software, a Model T in a Tesla world. We remain vulnerable to system failure and are forced to work every day with an antiquated system. However, our courts of limited jurisdiction case management system (CLJ-CMS) Project is moving forward. Project members have gathered business requirements, requests for proposal (RFPs) for potential vendors, and other information necessary for the Project. In 2017, the Board provided thirty-thousand dollars (\$30,000) in pro tempore reimbursement for CLJ-CMS RFP evaluators and CLJ-CMS Project Steering Committee members, who spent two weeks visiting sites to evaluate potential vendors for the new CLJ-CMS. The Judicial Information System Committee (JISC) is scheduled to select a vendor by May 2017, and, the vendor contract will likely be signed in September 2017. The start date of the new CLJ-CMS has yet to be determined.

3. Courthouse Security

The safety of all of the participants in our courthouses remains a top priority for the DMCJA. Without adequate security, the safety of all participants is in needless jeopardy, including:

- Members of the public summonsed in for jury duty; traffic infractions; civil cases and criminal cases
- Every party involved in domestic violence cases, including alleged victims and witnesses, who appear to deal with: domestic violence criminal cases; protection order cases; stalking and anti-harassment cases
- Courthouse staff who are required to work every day in a building where disputes are resolved and where some of those involved in those disputes will present a risk for violence
- In March 2017, the Washington State Supreme Court adopted General Rule (GR) 36, which is the new Trial Court Security Rule, as well as Minimum Court Standards. The next step is to educate all judges, court staff, and funding bodies regarding what is actually required under the new rule and why incident documentation is so important.

4. Educate Justice Partners

To accomplish the goals of our member courts and the DMCJA as a whole, we must educate the executive and legislative branches of both local and state government. Through such education, the other branches of government will learn of our accomplishments and needs. The Public Outreach Committee is tasked with developing materials that will assist both urban and rural court judges in educating governmental agencies and the public. We may likely find that topics of importance to the judiciary may be just as important to cities, counties and the state. These topics include, but are not limited to security concerns, court funding, the separation of powers, court administration, access to justice and access to court records and court information. Committee members suggested several ways to begin educating our justice partners, including creating reference materials for judges to obtain in a centralized repository on the Inside Courts web site. Initially, this repository will contain documents for use in contacting and informing legislators, council members, and partner organizations of our accomplishments and needs. We anticipate that the public outreach committee will evolve into a resource for judges to find programs and plans for such things as state of the court addresses to the local funding sources and other community partners. Such partners may include: Association of Washington Cities (AWC), Washington Association of Prosecuting Attorneys (WAPA), Washington State Association of Municipal Attorneys (WSAMA), Washington State Association of Counties (WSAC), risk management agencies, city and county councils, local school districts, and civic and social clubs. Our members have done some amazing work in their communities and it is time for the public and governmental entities to learn about our courts and judges.

Public Outreach Committee Accomplishments in 2017

In 2017, the Public Outreach Committee sent a variety of messages to the DMCJA membership encouraging CLJ Judges to contact their local legislators and discuss issues impacting the DMCJA. The group provided DMCJA members with sample letter templates and talking points for judges to utilize when speaking with legislators. The Committee focused on the courts of limited jurisdiction case management system (CLJ-CMS) Project, which requires legislative funding for implementation. Further, a Committee strategy was for judges to contact legislators on key committees and personally invite them to the annual DMCJA Legislative Committee Reception.

The Public Outreach Committee will also encourage association members to contact their legislators regarding House and Senate budget proposals and request legislative support for budgets that help fund the courts, and, request legislative opposition for proposed budgets that leave courts without adequate funding. Further, the Public Outreach Committee plans to develop materials for legislative court visits. The Committee will continue to meet throughout the year to develop plans to educate justice partners.

The following are additional DMCJA goals that are equal in priority:

- Preserving the Independence, Integrity, Quality, and Consistency of the Courts of Limited Jurisdiction
The purpose of this priority is to insure that justice is dispensed fairly throughout the state for all criminal defendants. The DMCJA thinks the court system is bifurcated and administrative court funding should be consistently applied throughout the State to allow all courts to maintain their independence from the executive and legislative branches of government. Judges should not be in jeopardy of losing

their positions based upon the exercise of judicial independence. This priority is consistent with the goals recited in the Educate Justice Partners priority above. The DMCJA needs to work to maintain the quality and consistency of justice across all courts of limited jurisdiction. We must continue to work to remove statutory disparities between district and municipal courts and monitor regional courts initiatives.

- Access to Justice (Interpreters and Technology Expansion)

Access to justice is critical to the citizens of the State of Washington. Access includes: quality interpreter services, courtroom and court staff accessibility, and technological related access. Several issues related to interpreters were highlighted, including ADA/foreign language interpreters, the quality of interpretation options and access to interpreters. In our digitized world, members of the public should also have the option of using technology to access the courts.

- Foster Development of Therapeutic/Community Courts

The purpose of this goal is to address pressing issues of mental health and drug addiction in our community. The Board is concerned with the consistent management of mentally ill offenders. Defendants who do not arise to the level of the criminally insane, RCW 10.77, but need housing and services should be able to get the attention that they need in all Washington State courts.

- Statewide Relicensing Program

The issue of driver's license suspensions is significant to district and municipal courts. For this reason, the Committee thinks the Statewide Relicensing Program should continue to be a DMCJA priority. However, the Committee voted to support this Program only if it is funded and mandatory. The Committee noted that Senate Bill 6360, *Developing a plan for the consolidation of traffic-based financial obligations*, tasks the Office of the Attorney General to convene a work group of stakeholders, which includes a DMCJA member. The Committee is to provide input and feedback on the development of a plan and program for the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan.

- Member Involvement

All DMCJA service within the Association is voluntary. For this reason, the Board should actively encourage the participation of DMCJA members in the committee work and governance of our organization. Face to face committee meetings during the spring conference may still help in this regard. Approximately twenty-eight percent (28%) of the membership participate on DMCJA Committees.

- Collection of Legal Financial Obligations (LFOs)

This issue was originally categorized under the heading of getting judges out of the money collection business. At the 2015 board retreat, the DMCJA Board discussed the difficulties of removing the courts from collecting LFOs and determined that a legislative change is necessary, because laws require district and municipal courts to collect fines. In discussing this issue, the Committee determined that the category should be amended from *Courts out of the Collection Business* to the broader category of *Collection of Legal Financial Obligations*. The Committee recommends that the DMCJA consider *State*

v. Blazina, 182 Wash.2d 827, 344 P.3d 680 (2015), legislative proposals, and court funding issues to address the issue of the courts' involvement in the collection of LFOs.

Tab 9



May 10, 2017

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 Court Education Committee received a no-cost extension of our grant with the State Justice Institute (SJI). The completion of the grant will occur on June 30, 2017.

Held a face-to-face meeting with Dr. Martin to focus on three projects generated via the retreat and other processes. These projects will be what the CEC will focus on next year.

Worked with BJA ad hoc committee to develop the Court Education Funding Taskforce. The Taskforce will work with the CEC and others to develop a strategic plan on securing adequate and sustainable funding for court system education. This is one of the BJA's two strategic goals for the next two years.

The upcoming CEC meetings are:

- June 19, 2017 – With Dr. Martin and the education chairs from each Association and the Commissions. Will work at identifying common areas of education and training.

II. Short-term Goals

The CEC plans to:

- Focus on 1) developing a coordinated approach to providing education and training, 2) clarifying the role of the CEC as the coordinator, and 3) establishing a knowledge repository for court personnel.
- Submit a second SJI grant to request funding to continue moving the projects listed above.

- Allocate the biennial budget received via the AOC once received.
- 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 court system 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 to conduct a needs assessment and visioning session. - **Completed**
- Identify effective court learning and education approaches. - **Completed**
- Formulate a comprehensive 3-5 year learning and education strategic agenda. – In progress
- Implement improved education function governance and align learning and education activities among court committees, associations, and commissions. – In progress.
- 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. – **Due June, 2017**



May 11, 2017

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

Since its last report the Policy and Planning Committee has met in person on March 17 and by telephone on April 21.

BJA Strategic Initiatives

The Committee reviewed the results of the March 17 meeting of the BJA during which the Board agreed to adopt two strategic goals, one regarding court education funding and one regarding language interpretation funding. Committee members and staff were organized into two groups, and each worked over the ensuing weeks in close consultation with the proponents of the strategic goal to develop a draft charter to create a task force to implement the strategic goal.

The draft charters were reviewed by the committee during the meeting on April 21. Several issues were discussed, including the substance of the charges, specificity regarding staffing and budget, and recommendations regarding membership.

The draft charters were subsequently revised with the proponents, and are included in the BJA meeting packet for May 19 for consideration by the Board.

Letters have been prepared to send to the proponents of the eighteen proposed strategic goals that were not selected in this cycle, thanking them for their efforts and encouraging them to collaborate with other stakeholders and to consider submitting a proposal in the next planning cycle. These letters will be provided to the BJA co-chairs for consideration and signature.

BJA Resolutions

The BJA co-chairs asked the committee to review the current process for adoption of resolutions of the BJA. Following discussion it was agreed that the current policy and process should be retained, but that the BJA should be asked to consider whether it would like to make two changes:

- Whether the current provision that resolutions expire after 5 years should be retained, deleted or modified to allow flexible periods of application.
- Whether the burden of seeking renewal of an expiring resolution should remain with the original proponents or their successors, or whether BJA staff should be responsible for notifying the proponents of an approaching expiration.

Staff noted that a technical revision to the policy should be made to replace the current reference to the “Associate Director” to the current title “Administrative Manager” of the BJA.

After any changes the revised policy should be considered for adoption by the Board.

Next Meeting

The Committee will meet next immediately following the May 19 meeting of the BJA.

Tab 10

BJA BUSINESS ACCOUNT
FIRST QUARTER 2017 SUMMARY

JANUARY - MARCH 2017			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$11,765.28
BOOKKEEPING SERVICES	\$ 200.00		
EXPENSES			
LAW SCHOOL FOR LEGISLATORS LUNCH	\$ 1,012.12		
LEGISLATIVE RECEPTION	\$ 2,410.10		
DEPOSITS		\$0.00	
ENDING BALANCE	\$ 3,622.22	\$0.00	\$ 8,143.06

BJA BUSINESS ACCOUNT
FIRST QUARTER 2017 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
1.11.2017	3747	JENNIFER WAY	SUPPLIES – LAW SCHOOL FOR LEG	89.99	YES
1.17.2017	3748	BAYVIEW THRIFTWAY	LUNCHEON - LAW SCHOOL FOR LEG	922.13	YES
1.26.2017	3749	MISTY BUTLER	MATERIALS - LEGISLATIVE RECEPTION	282.41	YES
2.3.2017	3750	JAN NUTTING	JANUARY BOOKKEEPING	100.00	YES
3.10.2017	3752	JAN NUTTING	FEBRUARY BOOKKEEPING	100.00	YES
3.21.2017	3753	RAMBLIN' JACK'S	CATERING - LEGISLATIVE RECEPTION	2048.02	NO
3.21.2017	3754	TRAVEL EXPENSE	LEGISLATIVE RECEPTION	79.67	YES
				3622.22	

DEPOSIT DATE	AMOUNT
TOTAL FIRST QUARTER	0.00

BJA LEGISLATIVE RECEPTION EXPENSE	
ITEM	AMOUNT
MATERIALS – INVITATIONS, NAME BADGES, POSTAGE, ETC.	\$ 282.41
BANQUET PERMIT	11.00
CATERING	2048.02
TRAVEL EXPENSE	79.67
DRY CLEANING	197.98
TOTAL	\$ 2,619.08

Tab 11

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.)