



Board for Judicial Administration (BJA) Meeting

Friday, June 16, 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 Ahlf
Judge Bryan Chushcoff
Judge Scott Collier
Ms. Callie Dietz
Judge George Fearing
Judge Blaine Gibson
Ms. Robyn Haynes (by phone)
Judge Judy Rae Jasprica
Ms. Paula Littlewood
Judge Bradley Maxa
Judge Sean Patrick O'Donnell
Judge Kevin Ringus
Judge James Rogers
Judge Ann Schindler
Justice Charles Wiggins

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Kimberly Allen (by phone)
Mr. Mike Merringer

Public Present

Dr. Page Carter

AOC Staff Present:

Ms. Lynne Alfasso (by phone)
Ms. Misty Butler
Ms. Beth Flynn
Ms. Sharon Harvey (by phone)
Mr. Steve Henley
Mr. Brady Horenstein
Mr. Dirk Marler
Ms. Renee Lewis

Judge Sparks called the meeting to order.

May 19, 2017 BJA Meeting Minutes

Judge Chushcoff asked that the following wording be added at the end of the last paragraph under "Branch Budget Review" on page 6 prior to "This is only a proposal . . .": "Judge Chushcoff objected to having JISC representatives voting on judicial branch funding. He also suggested that JISC be under BJA's supervision beginning in a few years."

It was moved by Judge Ringus and seconded by Judge Maxa to approve the May 19, 2017 BJA meeting minutes with Judge Chushcoff's revisions. The motion carried.

Recognition of Incoming and Outgoing Members

This is Judge Collier's last BJA meeting. He has been on the BJA since 2016 and served on the Court Education Committee (CEC). Judge Sparks thanked Judge Collier for everything he has done for the BJA and also appreciates his input at the meetings. Judge Collier shared that Judge Gregory Gonzales from Clark County Superior Court will replace him on the BJA. Judge Collier has enjoyed serving on the BJA.

Chief Justice Fairhurst thanked Ms. Haynes for her involvement with the BJA and wished her the best of luck in her post WSBA President activities. Ms. Haynes stated she is happy to be part of the BJA.

Chief Justice Fairhurst commented that this is the end of Judge Sparks' service as the BJA Member Chair. He will continue on the BJA one more year. He has been instrumental in the BJA Policy and Planning Committee efforts and recognized for his diplomacy and sense of humor. Chief Justice Fairhurst read a letter from Justice Barbara Madsen thanking Judge Sparks for his service as the BJA Member Chair.

BJA Member Chair

It was moved by Judge Ahlf and seconded by Judge Ringus to elect Judge Jasprica as the BJA Member Chair. The motion carried.

Judge Ahlf stated that Judge Jasprica worked really hard for the District and Municipal Court Judges' Association (DMCJA) and in her work as the Chair of the BJA Court Education Committee (CEC) and she will bring that energy to the BJA as Member Chair.

Judge Jasprica appreciates the opportunity to serve as Member Chair and she looks forward to working with everyone.

BJA Committee Chairs and Membership

The Chair for the BJA Legislative Committee is Judge Ringus and the BJA Policy and Planning Committee Chair is Judge Rebecca Robertson. The Court Management Council member of the Policy and Planning Committee is Ms. Cynthia Marr.

It was moved by Judge Sparks and seconded by Chief Justice Fairhurst to nominate and elect the committee members and chairs indicated on pages 11-13 of the meeting materials. The motion carried.

BJA Strategic Initiatives Charters

Judge Jasprica shared that the Court System Education Funding Task Force will encompass education for all court staff and judges. The Task Force will be charged with creating a budget for the Court Education Committee (CEC) and she would like the CEC to be responsible for creating their own budget. She would also like to see that there be an understanding that the charter be reviewed by the Task Force once it is in place.

Judge Jasprica moved and Judge Ahlf seconded to adopt the Court System Education Funding Task Force charter that begins on page 16 of the meeting materials with Judge Chushcoff's suggestion of adding ", including for the 2019-21 biennium." after "training" in section IV (d). The motion also included Ms. Dietz's request that "Associate" be added in front of "Director, Office of Legislative Relations, Administrative Office of the Courts" in the list of members on page 17 of the meeting materials. The motion carried.

Judge Schindler reported on the Interpreter Services Funding Task Force charter on page 23 which has a goal of obtaining adequate and sustainable state funding for interpretation services statewide. She thinks that is aspirational because the Legislature will most likely not bind themselves to continued funding. In the past, the BJA was successful in obtaining partial state funding for interpreters but it was never enough to fully fund the state's 50% share and was subsequently reduced in future biennia.

Judge Schindler suggested adding "Associate" in front of "Director, Office of Legislative Relations, Administrative Office of the Courts" in the membership section on page 24 of the meeting materials. The DMCJA designee is Judge Andrea Beall. Justice Steven González, Judge Michael Downes and Judge Beall will be Co-chairs of the Task Force.

It was moved by Judge Schindler and seconded by Judge O'Donnell to update the Interpreter Services Funding Task Force charter on pages 23-25 of the meeting materials with the addition of "Associate" prior to "Director, Office of Legislative Relations, Administrative Office of the Courts" in the membership section of the charter. The motion carried.

BJA Legislative Update

Mr. Horenstein reported that the Legislature has been very quiet. There is a little movement in the Senate regarding appointment of members of the Sentencing Guidelines Commission. They are also working on a sentencing elements worksheet. Mr. Horenstein has heard very little from legislative staff inquiries regarding the budget. The Legislature could end up with a continuing resolution which would delay the passage of a budget until the next biennium.

Budget Update

Ms. Lewis stated that the Administrative Office of the Courts (AOC) is starting to gear up for the 2018 supplemental budget. The supplemental budget is intended only for increases in caseload/workload and technical corrections. Chief Justice Fairhurst has been working with Mr. Ramsey Radwan and others regarding the budget process. If there are any supplemental requests, then AOC needs to know about them. Decision packages that impact AOC are due June 26, 2017, decision packages that do not impact AOC are due June 30, 2017. All final decision packages are due July 14, 2017. The final supplemental budget request is sent to the Legislature in November.

Branch Budget Review

Ms. Lewis reported that AOC has come up with a contingency plan in case there is a state government shutdown due to the Legislature not passing a budget. AOC would have limited staff to provide JIS support and provide other essential functions. Hopefully staff will not be out long if there is a shutdown and everything will go back to normal fairly quickly. Ms. Dietz stated that AOC has a critical functions list and a plan is in place to staff the critical functions for the first week of July. An e-mail has been sent to all AOC staff, appellate courts, and judicial branch agencies giving them information about what is going to happen in the event of a shutdown. If there is a shutdown, information will be sent to courts regarding how to contact AOC staff who will be working during the shutdown. Another e-mail will go out next week. The revenue forecast comes out on June 20 and the second special session ends on June 21. Ms. Dietz

assumes AOC will have some idea next week on what will be done regarding the budget. Ms. Lewis stated that payroll is a critical function so the Supreme Court, Court of Appeals and superior court judges will be paid.

If there is a budget reduction, the AOC Budget Reduction Criteria behind tab 4 (page 32 of the meeting materials) will be used to reduce AOC's budget. AOC hopes to be able to fully utilize this process but keep in mind that if things are in a crunch mode AOC might not be able to get to every piece of it. Hopefully this process will not need to be used. AOC only has a week or two to get the budget set up which causes some scrambling when the budget is passed in late June.

Court Level Update

Judge O'Donnell reported that there are 192 constitutionally authorized superior court judges across Washington State along with about 90 commissioners who are also members of the Superior Court Judges' Association (SCJA).

Under tab 5, on page 34 of the meeting materials, is a list of highlights of the SCJA. The main highlight is the resolution of the SCJA staffing issue. The SCJA now has Ms. Intisar Surur to assist the SCJA with their policy issues. They are really delighted to have her. They will have more staffing changes soon. Ms. Janet Skreen is retiring at the end of this year and it will be a loss to AOC and the SCJA. Ms. Skreen is a lawyer and has many balls in the air at once. She is unflappable, always upbeat, and does everything with a smile on her face, and an optimistic attitude.

The SCJA will have another staffer come on board in 2018. Ms. Surur has been focused on a partnership with the DMCJA and the Minority and Justice Commission to look at ways to improve our pretrial justice system. Judge O'Donnell thanked Judge Ahlf for his assistance with this project. A lot of times low risk offenders sit in jail because they do not have the money for bail. Yakima and Spokane counties have been working on this. The Task Force will partner with the Pretrial Justice Institute to figure out ways to improve the pretrial justice system.

With the passage of GR 36, the SCJA will be surveying the superior courts regarding courthouse security. They want to be able to get data, they will have the rule, and will also have some data to back it up. It was suggested that AOC staff send a reminder to the presiding judges and court administrators about the courthouse security tracking system and request that courts use the tool to enter information so there will be data to use for courthouse security funding requests. The new court security rule requires courts to use the online tool.

Judge Rogers thanked the SCJA for working to improve courthouse security. Judge O'Donnell responded that the Supreme Court passing the rule is a good step in the right direction so they can gather data.

The Department of Corrections (DOC) asked for relief on felony judgment and sentences. There are 39 separate judgment and sentence forms across Washington. DOC has stated that information is missing and AOC has assisted on a workgroup to work on a statewide form.

The SCJA has a lot of turnover due to retiring judges. Their replacements will need a solid education when they become judicial officers. Court education is high on their list of priorities.

The SCJA is working on public outreach.

Judge Gibson worked most of last year on the legislation he is going to discuss. It wouldn't have passed without him.

Judge Gibson reported that he worked with the Legislature and successfully had a complete rewrite of the affidavit of prejudice law. This has been referred to as the Cozza bill. Without Judge Cozza it probably would not have gotten through the Legislature. It streamlines the affidavit of prejudice process. The SCJA is hoping the number of disqualifications decreases. The effective date is July 23.

The SCJA is also reviewing the financial health of the SCJA. They will complete a financial review of the organization's books in the next year.

Judge O'Donnell stated that another focus this year for the SCJA is that they are looking at all the committees and task forces that their judges and commissioners are asked to serve on. Judge O'Donnell is of the strong opinion that they are overcommitted. They are going to be taking a hard look at what committees and task forces they are serving on and look at the return on investment. If the return is not there, they will think twice about committing to those committees. They are also looking at ways to improve communication with the judges who serve on those committees.

Chief Justice Fairhurst stated that the Supreme Court had before them GR 37 dealing with the Batson challenge. The Supreme Court wants a stakeholder group to look at it. The Supreme Court decided not to act on it without having more discussion. She requested that the SCJA and DMCJA identify a representative from each association to join the stakeholder group.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler had nothing to add.

Court Education Committee (CEC): Judge Jasprica stated that the written CEC report is on pages 35 and 36 of the meeting materials. The CEC is holding their final follow-up meeting on Monday with their consultant. They are in the process of requesting a second grant to help them move forward and implement the ideas they have developed with the first grant.

Legislative Committee (LC): Judge Ringus reported that Mr. Horenstein is putting together a meeting schedule for the fall. Chief Justice Fairhurst will start meeting with legislators, editorial boards and judges in counties and cities around the state.

Policy and Planning Committee (PPC): Judge Sparks stated that a written PPC report is on page 37 of the meeting materials. Chief Justice Fairhurst thanked Mr. Henley for his assistance in supporting the Policy and Planning Committee.

Washington Citizen's Commission on Salaries for Elected Officials

This is not as critical as it was when the first request came in April because the Salary Commission funding is included in both the House and Senate budgets.

It was moved by Chief Justice Fairhurst and seconded by Judge Jasprica for the BJA to send a letter of support regarding the Salary Commission. The motion carried.

Information Sharing

Judge Ahlf shared that the DMCJA just had a successful Spring Conference. They had a transition of Judge Ahlf as President, Judge Rebecca Robertson as President-Elect, Judge Samuel Meyer as Vice-President, Judge Michelle Gehlsen as Secretary/Treasurer, and Judge Jasprica and Judge Dan Johnson as the BJA representatives (they are serving two year terms). Tab 8 includes the BJA Rule change regarding the two year terms for DMCJA members and the DMCJA members voted to amend their Bylaws to match the rule.

It is Supreme Court Commissioner Narda Pierce's last day today and Deputy Commissioner Wally Burton will be Acting Commissioner. The Supreme Court is actively recruiting for a Bailiff and a Commissioner.

Ms. Littlewood shared that the WSBA hired Sean Davis as their new General Counsel. They also just elected a new President-Elect, Bill Pickett. They will have seven new Board of Governors members next year. Ms. Robin Haynes sent a letter from the WSBA regarding ICE enforcement similar to the one Chief Justice Fairhurst sent earlier in the year.

Chief Justice Fairhurst reported that the justices reviewed the Federal Court's implicit bias video that was sent to them. At this point in time, they are not doing anything with it because the Washington Jury Pattern Instructions Committee is creating a new juror orientation video that will include implicit bias. There will be training at the Fall Judicial Conference regarding this. Yesterday, the Supreme Court sent a letter to Judge Theresa Doyle and Mr. Bill McCool stating that the Supreme Court is not acting on the implicit bias video due to the other activities going on regarding the juror orientation video.

Chief Justice Fairhurst is traveling to Washington D.C. in July for a few days to be on a workgroup and she is hoping to get some new ideas.

Ms. Dietz will be elected the President of the Conference of State Court Administrators (COSCA) in August.

There being no further business, the meeting was adjourned. The next meeting is September 15, 2017.

Recap of Motions from the June 16, 2017 Meeting

Motion Summary	Status
Approve the May 19, 2017 BJA meeting minutes with Judge Chushcoff's revisions.	Passed
Elect Judge Jasprica as the BJA Member Chair.	Passed
Adopt the Court System Education Funding Task Force charter that begins on page 16 of the meeting materials with Judge Chushcoff's suggestion of adding " , including for the 2019-21 biennium." After "training" in section IV (d). The motion also included Ms. Dietz's request that "Associate" be added in front of "Director, Office of Legislative Relations, Administrative Office of the Courts" in the list of members on page 17 of the meeting materials.	Passed
Update the Interpreter Services Funding Task Force charter on pages 23-25 of the meeting materials with the addition of "Associate" prior to "Director, Office of Legislative Relations, Administrative Office of the Courts" in the membership section of the charter.	Passed
The BJA will send a letter of support regarding the Salary Commission.	Passed

Action Items from the June 16, 2017 Meeting

Action Item	Status
<u>May 19, 2017 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Post the revised minutes online. Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done
<u>BJA Member Chair</u> <ul style="list-style-type: none"> Update online BJA membership list. Update BJA membership list in meeting packet. 	Done Done
<u>BJA Strategic Initiatives Charter Discussion</u> <ul style="list-style-type: none"> Update both charters as requested. 	Done
<u>Courthouse Security</u> <ul style="list-style-type: none"> Have AOC staff send a reminder to the presiding judges and court administrators regarding information about the courthouse security tracking system asking courts to use the tool to enter information so there will be data to use for courthouse security funding requests. The new court security rule, GR 36, requires courts to use the online tool. 	
<u>GR 37 (formerly GR 36) Stakeholder Group</u> <ul style="list-style-type: none"> The SCJA and DMCJA should send the name of one representative from each of their associations to Chief Justice Fairhurst for inclusion in this group. 	SCJA and DMCJA staff were notified of this request
<u>Salary Commission</u> <ul style="list-style-type: none"> Send letter of support. 	Done