



Board for Judicial Administration (BJA) Meeting

Friday, October 20, 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 Judy Rae Jasprica, Member Chair
Judge Scott Ahlf (by phone)
Judge Bryan Chushcoff
Ms. Callie Dietz
Judge George Fearing
Judge Blaine Gibson
Judge Gregory Gonzales
Judge Dan Johnson
Judge Bradley Maxa
Judge Sean Patrick O'Donnell
Judge Kevin Ringus
Judge Rebecca Robertson (by phone)
Judge James Rogers
Judge Ann Schindler
Judge Scott Sparks
Justice Charles Wiggins

Public Present:

Dr. Page Carter

Guests Present:

Ms. Kimberly Allen (by phone)
Mr. Jim Bamberger
Ms. Tami Berke
Ms. Barbara Christensen (by phone)
Justice Steven González
Ms. Katrin Johnson
Ms. Cynthia Marr
Ms. Sophia Byrd McSherry

AOC Staff Present:

Ms. Lynne Alfasso (by phone)
Ms. Misty Butler
Ms. Cynthia Delostrinos
Ms. Jeanne Englert
Ms. Beth Flynn
Ms. Sharon Harvey
Mr. Brady Horenstein
Mr. Robert Lichtenberg
Mr. Ramsey Radwan
Ms. Janet Skreen
Ms. Intisar Surur

Chief Justice Fairhurst called the meeting to order and introductions were made.

September 15, 2017 Meeting Minutes

It was moved by Judge Chushcoff and seconded by Judge Ringus to approve the September 15 BJA meeting minutes. The motion carried.

Public Trust and Confidence Committee

Chief Justice Fairhurst reported that the official transition to Justice Mary Yu as Chair of the Public Trust and Confidence Committee took place during their September 29 meeting.

It was moved by Chief Justice Fairhurst and seconded by Judge Sparks to appoint Mr. Chris Gaddis and Dr. Page Carter and reappoint Honorable Staci Myklebust to the Public Trust and Confidence Committee. The motion carried.

It was moved by Judge Ringus and seconded by Judge Maxa to approve the Public Trust and Confidence Committee's activity books. The motion carried.

Chief Justice Fairhurst was asked if the activity books will be translated into other languages. She responded that at this time the Public Trust and Confidence Committee is just trying to get the English versions approved but the Committee would like to work with the Minority and Justice Commission on translating them.

Office of Public Defense

The 2016 Annual Report of the Washington State Office of Public Defense (OPD) was included in the meeting materials. Ms. Byrd McSherry gave some background information and an update on the Office of Public Defense.

The agency is responsible for four programs: the Appellate Program, the Public Defense Improvement Program, the Parents Representation Program and the RCW 71.09 Program. The agency contracts with attorneys to provide most of their services but for the Public Defense Improvement Program the agency provides funding to cities and counties for indigent defense improvements.

In addition to the agency's main programs, they also have some pass-through programs. They fund consulting attorneys for immigration issues and general felony and misdemeanor cases. They also fund the Washington Death Penalty Assistance Center and provide pass-through funding for parent allies in dependency and termination cases.

The agency holds three to seven CLEs a year on subjects such as criminal indigent defense and sentencing issues. They also hold a juvenile defender training academy that came out of a federal grant. They did not receive the implementation portion of the grant but the training academy expenses are minimal so they continued it.

Their big push over the next year is their main biennial budget request. Public defender pay is lagging behind and they want to improve compensation.

Another OPD project is the Quality Indigent Defense Assessment Project that came out of the BJA Policy and Planning Committee planning process in 2016. Ms. Johnson explained that there was an issue identified about four years ago regarding some cities not properly overseeing their public defense programs. There was concern about knowing if public defense attorneys are doing a good job because many cities do not have anyone on staff to oversee performance on contracts. Cities asked that public defense experts come in and determine if attorneys are performing adequately and, if not, how they can improve. OPD developed a process with checklists and templates so when cities bring in the expert for review there is some structure. A workgroup was created through the BJA that included stakeholders to put together the toolbox of checklists and templates. Additional information about this program is on Page 95 of the meeting materials. The first pilot of this program will begin soon in Sunnyside Municipal Court. OPD is also in discussions with the City of Monroe and hoping to have a pilot with them next year. OPD will eventually hold a training and create a list of interested experts.

Interpreter Commission

Justice González gave an update on the Interpreter Commission which he has chaired for the last five years. The Commission's Annual Report was included in the meeting materials. The Interpreter Commission oversees the Interpreter Program which is comprised of two areas:

1) The licensing/regulatory side which includes training for and administering the interpreter exam, processing new interpreters, administering discipline if necessary, and processing payments to courts for court interpreters. 2) The policy side which includes conducting forums across the state to gather insight into interpreter issues; and developing a model language access plan that is available for the courts, administrators, and limited English proficient individuals to know how to access services in court processes.

One of the chronic issues courts face is underfunding and it is particularly true in the interpreter area. Recent requests to the Legislature for additional funding have been unsuccessful. The Commission is hoping to gather more data to make the requests for funding data-driven.

Mr. Lichtenberg is AOC staff to the Interpreter Program and the Interpreter Commission. There are good quality certified interpreters in the courtrooms. They usually give approximately 50 oral exams each year and 10-12 interpreters pass the test. The Court Interpreter Reimbursement Program is used by 41 jurisdictions and they are reimbursed for some of the costs of hiring interpreters. The funding amount is limited and most of those courts in the program usually expend all their contracted funds eight to nine months into the fiscal year. Washington is one of the few states where local courts pay for court interpreters. Courts need at least a minimum of \$5-\$6 million a year to cover the full cost of court interpreters for in-court proceedings and the funding allocation is only \$610,502 per fiscal year.

There was a question regarding the translation of forms into other languages and Mr. Marler responded that the mandatory forms have all been translated into Spanish and some are also translated in other languages. AOC and the Commission have utilized a protocol for the translation of forms to make sure the translations are solid. They are having active conversations to improve the capacity to keep up with the forms translations because the expectations have exceeded the budget and staff resources.

King County now spends about \$100,000/year on canceled need for interpreters. That is not counting the cases where the cancellation is out of the control of the attorneys. They are wrestling with the idea of putting the cost of canceling interpreters back on the lawyers who cancel their need. Justice González suggested sending a confirmation to the attorney stating the court is going to cancel the interpreter unless it receives a confirmation that the case is going forward.

BJA Strategic Initiatives

Ms. Englert is working with both of the task forces which hope to obtain sustainable funding for interpreters and court education. As she gathers information about interpreter services and court education she is thinking of what can be done now and what can be done in the future to secure sustainable funding.

Interpreter Services Funding Task Force: Ms. Englert thanked Justice González for chairing the task force and Mr. Lichtenberg and Mr. James Wells for all the information they have provided regarding interpreter services. She has been working with WSCCR, Ms. Arina Gertseva, in developing a survey that will be used to gather information about interpreter services and she is hoping for a high return rate from the courts so the task force will have the necessary data to obtain funding. The task force's first meeting is scheduled for November 8.

Court System Education Funding Task Force: The task force kicked off with an online meeting on October 16 to share the charter activities and working moving forward. They will be meeting in person on November 6 and will dive into funding priorities. Ms. Judith Anderson has been instrumental in providing information and data regarding court education. The task force will determine what a well-trained court looks like and how to get there. The drivers of the need for funding are high court staff turnover, increased costs to provide existing education programs and the need to expand education offerings.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler reported that the BFC has not met recently. The supplemental budget was submitted and the supplemental budget process is on the agenda to discuss later in the meeting.

Court Education Committee (CEC): Judge Jasprica stated that a written committee report is on Page 111 of the meeting materials and there is not much to add to that. The CEC members are meeting with the education committees of different associations and trying to get feedback from them regarding their education needs. They are also working with the Court System Education Funding Task Force and determining what the task force needs from the CEC to make sure they are all working off the same sheet of music.

Legislative Committee (LC): Judge Ringus stated that there is a written report on Page 113 of the meeting materials. Mr. Horenstein did all of the work outlined in the report. The LC is working on their strategies for going forward.

Mr. Horenstein reported that it is getting closer to the legislative session and the general election will determine which party controls the Senate. The Legislature will be in Olympia the week of November 13 for committee days. The 2018 Legislative session is a short, 60 day session and progress is being made toward a session that Mr. Horenstein is hopeful will be successful and everyone will work well together.

The legislative reception will be January 18. It will be co-hosted by the BJA, Superior Court Judges' Association and the District and Municipal Court Judges' Association.

Policy and Planning Committee (PPC): Judge Robertson reported that the PPC met on September 15. Their next meeting is in November. The PPC is reviewing the mission, vision and Principal Policy Goals of the BJA. They are surveying all the court level organizations and judicial branch agencies as to what they are currently working on and creating a chart to figure out how to better work together.

Branch Budget Overview

Chief Justice Fairhurst stated that this is the first installment of budget information that will be given to the BJA to help everyone become comfortable with, and better understand, the budget. This will enable the BJA to work better with legislators regarding the budget.

Mr. Radwan provided several handouts for his presentation. He reviewed the definitions of budget terms used by the state and AOC which were included on the first page of the handouts.

The state budget process and timeline for all branches of government were also discussed. The judicial branch needs to start the biennial budget process early because of the number of stakeholders that are involved and budget decision packages are due to AOC in April/May. The Judicial Information System Committee (JISC) runs on a different track. In August/September the governing bodies that make budget decisions move their requests forward to the Supreme Court. In October, the judicial branch budget request is sent to the Office of Financial Management. They, and the Governor, cannot amend the judicial branch budget.

The difficult part of the budget process is that the process begins 18 months prior to the budget being adopted by the Legislature.

The Proposed Biennial Budget Development Process indicates that it is for items that impact AOC. Judge Schindler is concerned that it is not just about AOC requests. She thought the process worked really well last budget cycle and the only change suggested was that the presentation made to the Supreme Court by all of the budget requestors would have been useful to the BFC and BJA prior to prioritizing the budget requests. It was decided that a small group will work on determining the best way for BJA members to see the budget presentations before prioritizing the budget. The group will bring their ideas back in November.

Due to time constraints, this presentation will be continued during the November meeting.

2018 Supplemental Budget Process Update

The 2018 Budget Development, Review and Submittal Process behind Tab 8 of the meeting materials was discussed. Mr. Radwan explained that the Budget and Funding Committee (BFC) will make budget recommendations to the BJA. The BJA will make recommendations to the Court Funding Committee (CFC) and the CFC will make recommendations to the Supreme Court. The process will be brought back to the BJA in November.

The 2018 supplemental budget request has been submitted to OFM but having the BJA prioritize the requests will assist with talking points to the Legislature.

BJA Leadership Goals

There was discussion about goal #1: "Speaking with a Unified Voice – The BJA should strive to present unified messages." It was suggested that it be revised to add "on issues of common interest" to the end of the goal.

Judge Sparks moved and Judge Rogers seconded to adopt the 2017-2018 BJA Internal Goals as presented. The motion was withdrawn.

There was a suggestion of adding a goal regarding diversity of BJA members. It was pointed out that BJAR 2(b) requires diversity so the associations need to keep that in mind when they choose their BJA representatives. It was decided to table this goal for now and Judge O'Donnell will discuss it with Ms. Butler and bring it back to the November meeting.

There was also discussion about looking at the BJA standing committee composition and determining how those committee memberships are established. There is a need for BJA

members to be on each committee so that needs to be taken into consideration. Members were undecided if this should be an internal goal.

2018 Legislative Agenda

Mr. Horenstein reported that the Legislative Committee will have a conference call in the next few weeks and will bring their proposed legislative agenda to the November meeting for a vote. Two items he knows of for the legislative agenda are HB 1139 which would expand the Office of Public Guardianship and there may also be a judge request.

The 2018 Legislative Priorities included in the meeting materials are not exhaustive. It is Mr. Horenstein's attempt to make a statement on a one-page document. The objective of these priorities is to start talking with legislators about branch priorities because it is important to work on policy while also working on budget priorities. It was suggested that indigent defense and something about GR 36 be added to the list. If there are other suggestions, please contact Mr. Horenstein. A revised list will be brought back to the November meeting.

Mr. Horenstein recently sent a letter to Washington's federal delegation regarding courthouse security funding.

Information Sharing

Information about the BJA business account was included in the meeting materials along with the JISC minutes. The next meeting is November 17.

Recap of Motions from the October 20, 2017 Meeting

Motion Summary	Status
Approve the September 15, 2017 BJA meeting minutes.	Passed
Appoint Mr. Chris Gaddis and Dr. Page Carter and reappoint Honorable Staci Myklebust to the Public Trust and Confidence Committee.	Passed
Approve the Public Trust and Confidence Committee's activity books.	Passed
Adopt the 2017-2018 BJA Internal Goals as presented.	Withdrawn

Action Items from the October 20, 2017 Meeting

Action Item	Status
<u>September 15, 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. • Send minutes to JISC staff for inclusion in JISC meeting materials. 	Done Done Done
<u>Public Trust and Confidence Committee</u> <ul style="list-style-type: none"> • Create and send appointment letters to Mr. Chris Gaddis and Dr. Page Carter and a reappointment letter to Honorable Staci Myklebust. • Notify Ms. Margaret Fisher that the Public Trust and Confidence Committee's activity books were approved. 	Done Done

Action Item	Status
<p><u>Branch Budget Overview</u></p> <ul style="list-style-type: none"> • Change the heading on the Proposed Biennial Budget Development Process—Requests That Impact AOC to indicate it is for the Judicial Branch budget. • A small group will work on determining the best way for the BJA members to see the budget presentations before prioritizing the budget. Add this to the November BJA meeting agenda. • Mr. Radwan will complete this budget presentation during the November BJA meeting. Add to the November agenda. 	<p>Done</p> <p>Done</p>
<p><u>2018 Supplemental Budget Process Update</u></p> <ul style="list-style-type: none"> • Add revised process to the November BJA meeting agenda. 	<p>Done</p>
<p><u>BJA Leadership Goals</u></p> <ul style="list-style-type: none"> • Judge O'Donnell will talk with Ms. Butler regarding the proposed goal of diversity in the BJA members. • Add this to the November BJA meeting agenda. 	<p>Done</p>
<p><u>2018 Legislative Agenda</u></p> <ul style="list-style-type: none"> • Update with suggestions and bring back to November BJA meeting. 	<p>Done</p>