

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



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, NOVEMBER 17, 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 Judy Rae Jasprica, Member Chair
District and Municipal Court Judges' Association
Pierce County District Court

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

Judge Bryan Chushcoff
Superior Court Judges' Association
Pierce County Superior Court

Judge George Fearing
Court of Appeals, Division III

Judge Gregory Gonzales
Superior Court Judges' Association
Clark County Superior Court

Judge Dan Johnson
District and Municipal Court Judges' Association
Lincoln County District Court

Judge Mary Logan
District and Municipal Court Judges' Association
Spokane Municipal 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

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

Justice Charles Wiggins
Supreme Court

NON-VOTING MEMBERS:

Ms. Callie Dietz
State Court Administrator

Mr. Bradford Furlong, President
Washington State Bar Association

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

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Rebecca Robertson, President-Elect
District and Municipal Court Judges' Association
Federal Way Municipal Court

Judge Michael Spearman, Presiding Chief Judge
Court of Appeals, Division I

Court Management Council (CMC) Members
July 1, 2017– June 30, 2018

Co-chairs

Callie Dietz
State Court Administrator
Administrative Office of the Courts

Susan Carlson
Clerk
Supreme Court

Association of Washington Superior Court Administrators (AWSCA)

Jane Severin
Administrator
San Juan County Superior Court

Frank Maiocco
Administrator
Kitsap County Superior Court

Dennis Rabidou
Administrator
Okanogan County Juvenile Court

District and Municipal Court Management Association (DMCMA)

Margaret Yetter
Administrator
Kent Municipal Court

Cynthia Marr
Analytic Support Manager
Pierce County District Court

Dawn Williams
Administrator
Bremerton Municipal Court

Washington Association of Juvenile Court Administrators (WAJCA)

Darryl Banks
Administrator
Benton County Juvenile Court

Mike Merringer
Director
Kitsap County Juvenile Court

Washington State Association of County Clerks (WSACC)

Kim Morrison
Chelan County Clerk

Barbara Christensen
Clallam County Clerk

Court of Appeals

Renee S. Townsley
Clerk/Administrator
Court of Appeals, Division III

Supreme Court

Susan Carlson
Supreme Court Clerk

Administrative Office of the Courts (AOC) Staff

Dirk A. Marler
Administrative Office of the Courts

Caroline Tawes
Administrative Office of the Courts



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

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

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

AGENDA

1. Call to Order	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:00 a.m.
2. Welcome and Introductions	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:00 a.m.
3. Court Management Council 1. <i>Overview and update</i> 2. <i>Presentation of Court Manager of the Year Award</i>	Ms. Cynthia Marr Ms. Susan Carlson	9:05 a.m.
4. AWSCA, DMCMA, WAJCA, WSACC <i>Information: Overview and update</i>	Mr. Frank Maiocco Ms. Cynthia Marr Mr. Darryl Banks Ms. Barbara Christensen	9:20 a.m.
5. BJA Organizational Goal Development <i>Discussion: Follow-up from October 20 meeting</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:40 a.m. Tab 1
6. Branch Budget Overview <i>Information:</i> 1. <i>State/judicial budget allocations</i> 2. <i>AOC funding sources</i> 3. <i>AOC budget</i>	Mr. Ramsey Radwan	9:50 a.m. Tab 2
7. 2018 Supplemental Budget Requests <i>Discussion and input on priorities</i>	Judge Ann Schindler Mr. Ramsey Radwan	10:10 a.m. Tab 3
8. Proposed Biennial Budget Process <i>Information: Follow-up from October 20 meeting</i>	Judge Ann Schindler Mr. Ramsey Radwan	10:20 a.m. Tab 4
9. Break		10:40 a.m.
10. BJA Strategic Initiatives <i>Information:</i> 1. <i>Interpreter Services Funding</i> 2. <i>Court System Education Funding</i>	Ms. Jeanne Englert	10:55 a.m. Tab 5

11. Judicial Branch Legislative Overview <i>Information and discussion:</i> <ol style="list-style-type: none"> 1. Summary of branch entity request legislation 2. Identification of opportunities for collaboration 3. What does a BJA unified voice look like regarding legislative work 	Judge Kevin Ringus Mr. Brady Horenstein	11:05 a.m. Tab 6
12. Legislative Communication Plan and 2018 BJA Legislative Agenda <ol style="list-style-type: none"> 1. Information: Communication plan for 2018 session and Legislative Priorities 2. Action: Approval of 2018 Legislative Agenda 	Judge Kevin Ringus Mr. Brady Horenstein	11:20 a.m. Tab 7
13. Standing Committee Reports <ol style="list-style-type: none"> 1. Budget and Funding Committee 2. Court Education Committee 3. Legislative Committee 4. Policy and Planning Committee 	Judge Ann Schindler Judge Judy Rae Jasprica Judge Kevin Ringus Judge Rebecca Robertson	11:35 a.m. Tab 8
14. October 20, 2017 Meeting Minutes <i>Action: Motion to approve the minutes of the October 20, 2017 meeting</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:45 a.m. Tab 9
15. Information Sharing <ol style="list-style-type: none"> 1. JISC Minutes – August 25, 2017 2. Roundtable 	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:50 a.m. Tab 10
16. Meeting Review	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:55 a.m.
17. Adjourn		12:00 p.m.
Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		

Next meetings:

- February 16, 2018 - AOC SeaTac Office**
- March 16, 2018 - AOC SeaTac Office**
- May 18, 2018 - AOC SeaTac Office**
- June 15, 2018 - AOC SeaTac Office**
- September 21, 2018 - AOC SeaTac Office**
- October 19, 2018 - AOC SeaTac Office**
- November 16, 2018 - AOC SeaTac Office**

Tab 1

BJA Organizational Goals

1. Speaking with One Voice - The BJA should strive to present unified messages.
2. Branch Communication - Multiple methods of communication should be explored with the intent of keeping each other informed, offering expertise and support, and eliminating the duplication of efforts. Open and honest communication should be encouraged to assure that issues or problems are identified and resolved.
3. Committee Coordination - The BJA should create opportunities for active participation on standing committees, subcommittees and taskforces. Shared expertise should be recognized and cross-committee coordination should be strategic and communicated clearly.
4. Committee Composition - Members of committees should be selected based on subject matter interest and expertise, and in accordance with BJAR 2(B). Solutions to address composition, membership continuity, and turnover concerns should be identified and implemented.

Tab 2

General Overview of Statewide Budget Processes

Definitions

State Fiscal Year

State budget year that begins on July 1 and ends on June 30.

State Biennium

A two-year fiscal period. The Washington State biennium runs from July 1 of an odd-numbered year to June 30 of the next odd-numbered year.

Budget Decision Package

Written information describing a change in an existing budget amount, the impacts the change will have and the impacts that will occur if funding so not received.

Carryforward Budget Level

Biennialized cost to continue the workload or services already authorized through the legislative budget process, excluding time limited information technology projects.

Maintenance Budget Level

Additional mandatory caseload or other legally unavoidable costs not contemplated in the current budget.

Policy Budget Level

New or increases to existing programs or services.

Near General Fund

All accounts included in the general fund plus the Education Legacy Trust Account.

Judicial Information System Account

An account created by the legislature in RCW 2.68. The primary source of funding is an assessment placed on traffic infractions. Revenue from interest earned on penalties is also deposited into the Judicial Information System Account.

Judicial Stabilization Trust Account

A temporary account created by the legislature in 2009 in RCW 43.79.505. Receipts from the surcharges authorized by RCWs 3.62.060, 12.40.020, 36.18.018 and 36.18.020 are deposited into the account.

Appropriation/Appropriation Authority

A legal authorization to make expenditures and incur obligations for specific purposes from a specific account over a specific time period. Appropriations typically limit expenditures to a specific amount within a fiscal year or biennial timeframe. Only the Legislature can make appropriations in Washington State.

State Judicial Branch Budget Process

- Approximate Due Dates-Biennial Budget Request Process (all dates are for even numbered years-See flowchart below):
 - January: Budget process letter from the Chief Justice, budget instructions and budget schedule are issued.
 - April-May: All draft and final budget decision packages that impact AOC are due.
 - May-June: Budget and Funding Committee reviews and makes priority recommendations regarding state general fund budget requests that impact AOC.
 - May-June: Judicial Information System Committee (JISC) reviews and approves information technology budget requests.
 - July: Proponents from all judicial branch organizations present budget request(s) to governing body.
 - August: Governing body makes dollar amount and priority recommendations for those state general fund requests that impact AOC.
 - September: Governing body presents priority recommendations to BJA for input.
 - September: Governing body submits priority and dollar amount recommendations to Supreme Court.
 - Sept-Oct: Supreme Court makes final priority and dollar amount decision and transmits branch budget to the legislature.

State Executive Branch Budget Process

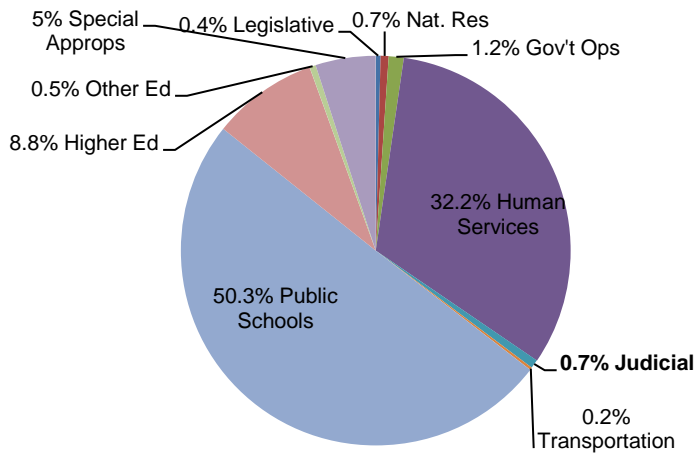
- Approximate Due Dates-Biennial Budget Request Process (all dates are for even numbered years):
 - June: Budget process letter from the Office of Financial Management (OFM), budget instructions and budget schedule are issued. Strategic plan and information technology update and development instructions are also issued. September all executive branch agency budgets are due.
 - Sept-Dec: OFM and the Governor's Office decide what will be included in the budget. Agency interaction may be limited during this time.

State Legislative Branch

- Approximate Due Dates-Biennial Budget Request Process (all dates are for even numbered years):
 - Legislative agencies will assess their needs.
 - Depending on the legislative agency a group of internal stakeholders will review and approve budget requests e.g. the Legislative Services Committee reports to two oversight committees.
 - Requests are submitted to OFM for inclusion in the statewide systems.

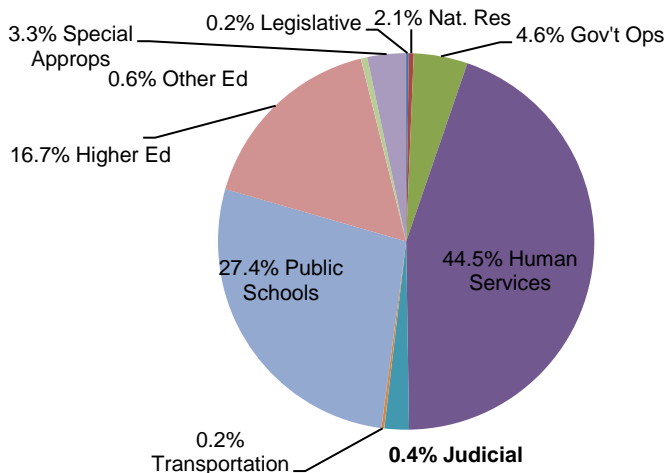
Washington State Omnibus Operating Budget Near General Fund 2017-2019

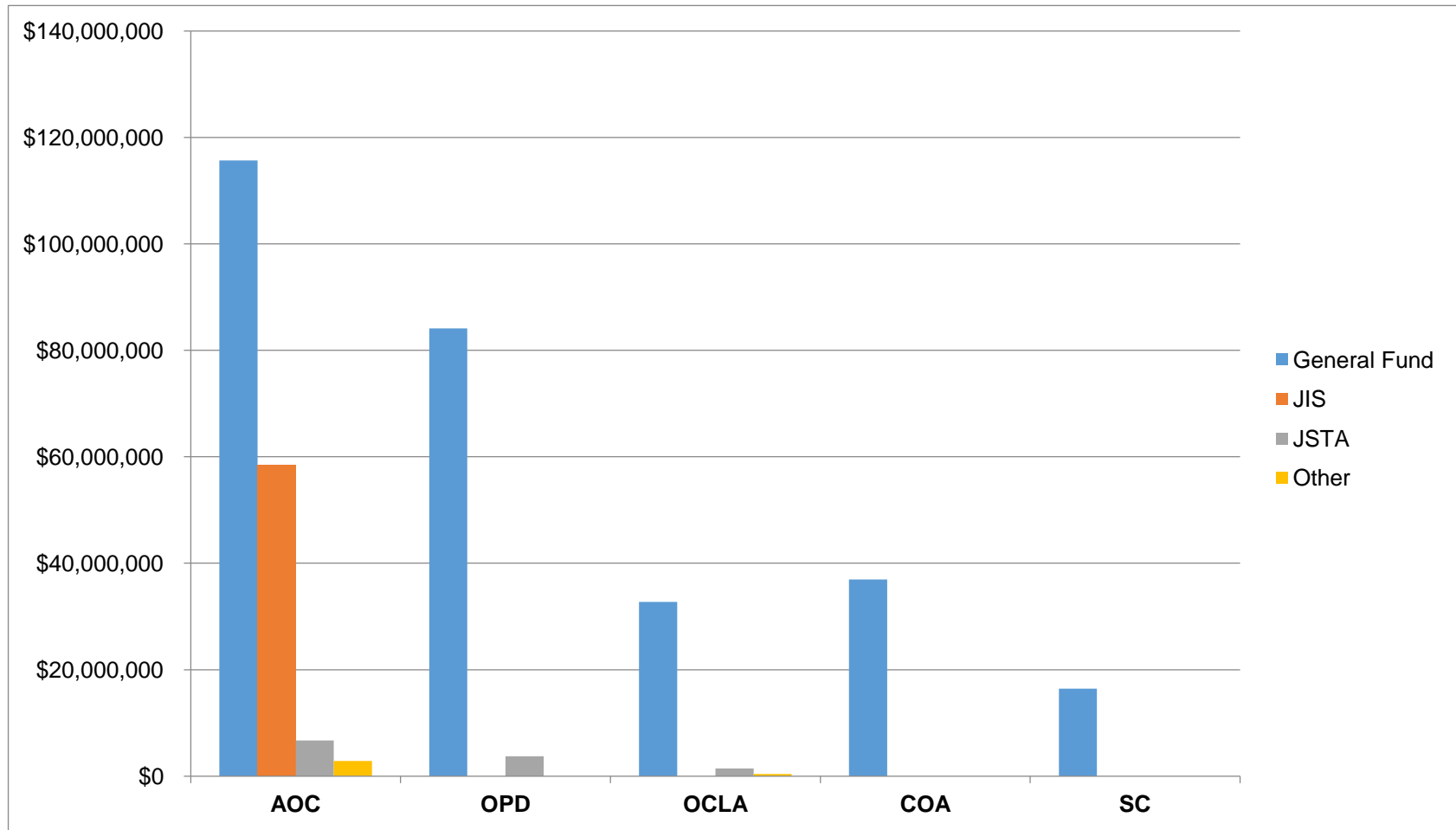
Legislative	\$173,344
Judicial	\$290,429
Gov't Operations	\$543,005
Human Services	\$14,080,515
Natural Resources	\$315,443
Transportation	\$93,970
Public Schools	\$21,968,576
Higher Education	\$3,832,786
Other Education	\$225,823
Special Apropos.	\$2,183,273
Statewide Total	\$43,707,164



Washington State Omnibus Operating Budget All Funds 2017-2019

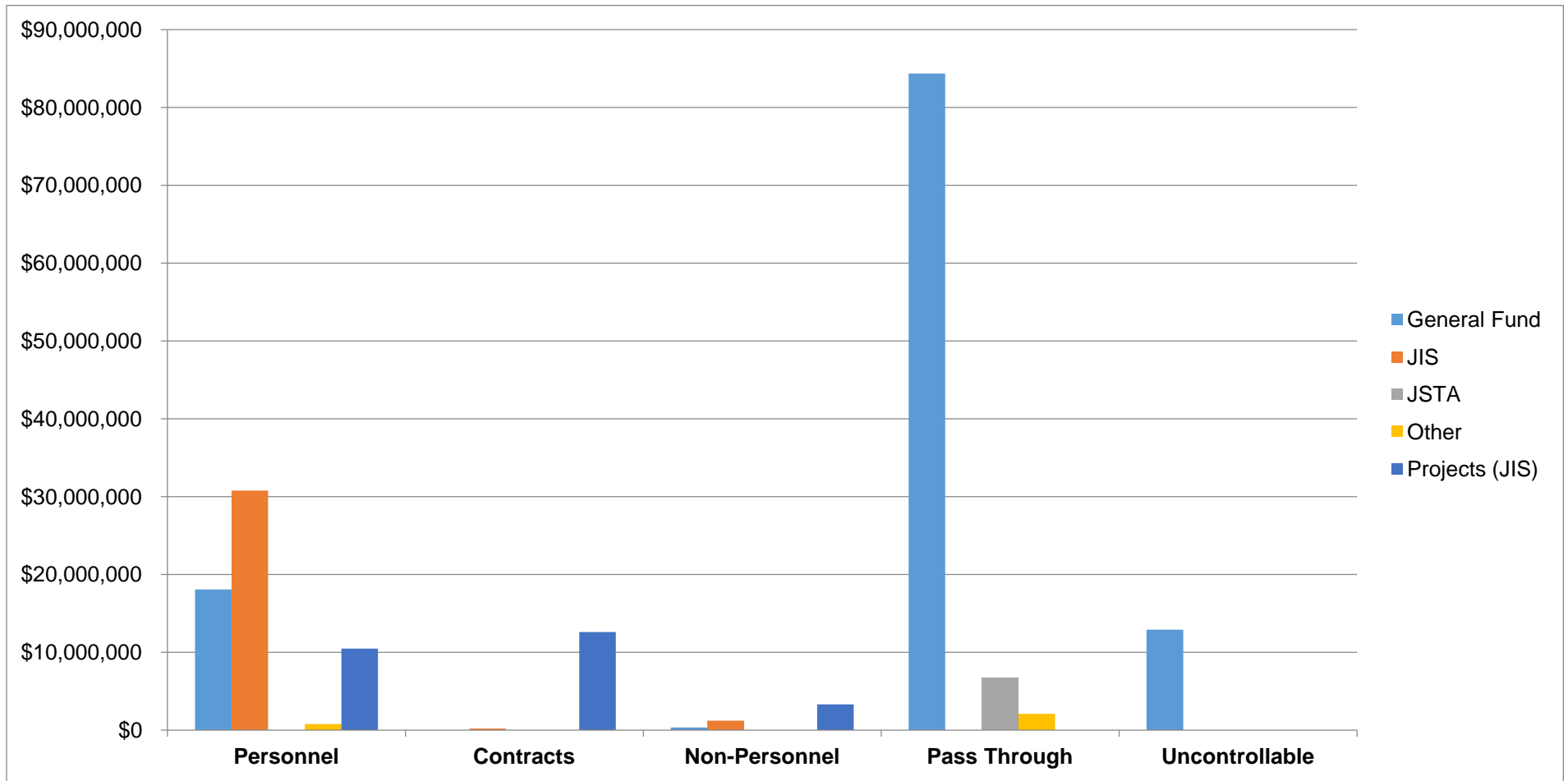
Legislative	\$196,666
Judicial	\$364,011
Gov't Operations	\$4,054,426
Human Services	\$38,829,804
Natural Resources	\$1,848,973
Transportation	\$210,379
Public Schools	\$23,905,236
Higher Education	\$14,544,733
Other Education	\$480,679
Special Apropos.	\$2,893,816
Statewide Total	\$87,328,723





	AOC	OPD	OCLA	COA	SC	LL
General Fund	\$115,661,000	\$84,097,000	\$32,716,000	\$36,937,000	\$16,414,000	\$3,399,000
JIS	\$58,486,000	\$0	\$0	\$0	\$0	\$0
JSTA	\$6,691,000	\$3,710,000	\$1,463,000	\$0	\$0	\$0
Other	\$2,852,000	\$0	\$380,000	\$0	\$0	\$0
Total Amt.	\$183,690,000	\$87,807,000	\$34,559,000	\$36,937,000	\$16,414,000	\$3,399,000
Total %	51.0%	24.0%	9.5%	10.0%	4.5%	1.0%

Notes: Total 17-19 Branch Budget \$362.8 million (excluding the Judicial Conduct Commission).



	Personnel	Contracts	Non-Personnel	Pass Through	Uncontrollable
General Fund	\$18,080,000-16%	\$0-0%	\$332,000-.3%	\$84,360,600-73%	\$12,888,400-11%
JIS	\$30,750,500-96%	\$200,000-.6%	\$1,196,500-4%	\$0-0%	\$0-0%
JSTA	\$0-0%	\$0-0%	\$0-0%	\$6,691,000-100%	\$0-0%
Other	\$751,100-26%	\$0-0%	\$0-0%	\$2,100,900-74%	\$0-0%
Projects (JIS)	\$10,462,200-40%	\$12,587,700-48%	\$3,289,100-13%	\$0-0%	\$0-0%
Total	33%	7%	2.6%	51%	7%

Notes:

Total 17-19 AOC Budget \$183.7 million.

Over 73% of our general fund budget is distributed to or used solely for courts; over 11% of our budget goes to "uncontrollable" costs such as software lic/maint costs, rent, statewide costs, Westlaw and dues to the NSCS.

Only .3% of our general fund budget is devoted to staff support costs (non-personnel) such as travel, equipment and training.

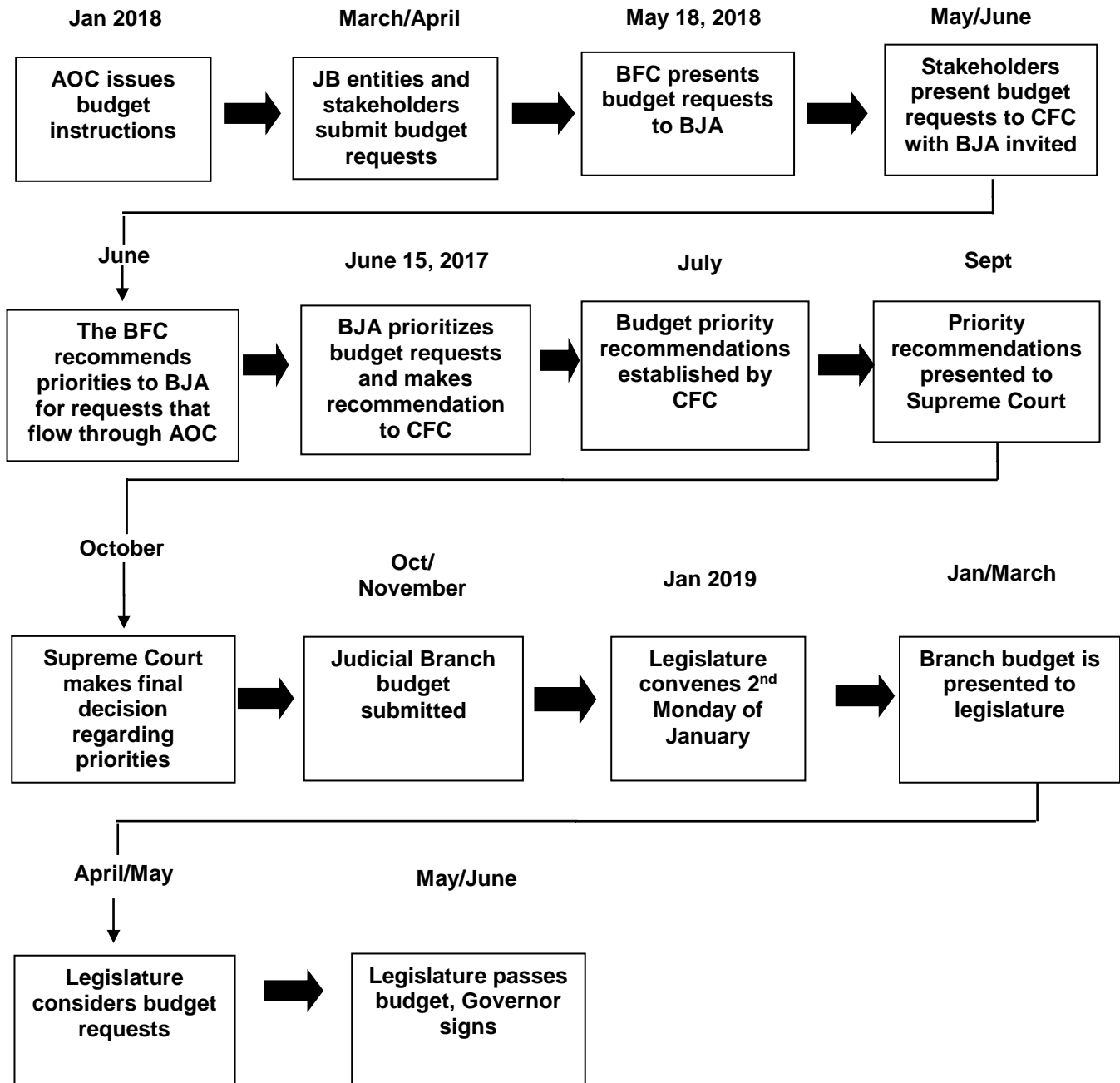
Tab 3

**Administrative Office of the Courts
2018 Supplemental Budget Request
November 2017**

Administrative Office of the Courts – General Fund State Requests			
Title	FTE	Amount Requested	BFC Recommended Priority
Staff Support for SCJA	FTE 2.0	\$240,000	1
Funding is requested for SCJA policy support staff.			
Thurston County Impact Fee	FTE 0.0	\$811,000	2
Funding is requested to reinstate monies eliminated in the 2017-2019 budget for impacts associated with disproportionate case filings in Thurston County.			
Judicial Stabilization Trust Account	FTE 0.0	\$1,840,000	3
Funding is requested to ensure that the Administrative Office of the Courts, Office of Public Defense and Office of Civil Legal Aid can continue to meet constitutional and statutory obligations.			
Total-Non-IT Request SGF	2.0		\$2,891,000
Administrative Office of the Courts – Information Technology <u>General Fund State Request</u>			
Title	FTE	Amount Requested	BFC Recommended Priority
EDE Carryover	FTE 0.0	\$4,339,000	4
Funding is requested to continue the Expedited Data Exchange. General Fund State.			
EDE Fund Shift	FTE 0.0	\$1,123,000	4
Fund shift from the state general fund to the JIS Account for EDE costs during the 2015-2017 biennium. General Fund State.			
Total Information Tech. Requests SGF	FTE 0.0		\$5,462,000
Total Requests SGF	FTE 2.0		\$8,353,000

Tab 4

Proposed 2017-2019 Biennial Budget Development Process-Requests That Flow Through AOC



¹ JB-Judicial Branch; BFC-BJA Budget and Funding Committee; CFC-Court Funding Committee
 Revised 11-15-17

Proposed Biennial Budget Development, Review and Submittal Process

The budget development, review and submittal process has been revised for those state general fund budget requests that flow through the Administrative Office of the Courts (AOC). The revision will expand the process by including members of the Judicial Information System Committee (JISC) and increase information sharing.

Highlights of the process include:

- The new process will be a pilot. An assessment will be conducted.
- State general fund budget requests that flow through the AOC will initially be sent to the Budget and Funding Committee (BFC) via AOC.
- The BFC may seek clarifying information from the proponents.
- The BFC will present the state general fund requests that flow through the AOC to the BJA for discussion and input.
- The Court Funding Committee (CFC) will be constituted and comprised of the following:
 - Supreme Court Budget Committee (5 members),
 - BJA BFC (3 members) and,
 - Judge representatives from the JISC Executive Committee (3 members).
- All stakeholders, including independent judicial branch entities will present all budget requests to the CFC and invitees.
- The BFC will recommend budget request priorities to the BJA for those state general fund requests that flow through the AOC.
- Priority recommendations will be established (voted on) by the BJA for those state general fund requests that flow through the AOC.
- The CFC will use the prioritization criteria established by the BFC and approved by the BJA, as well as the priority recommendations from the BFC and BJA and input from stakeholders, when prioritizing state general fund budget requests that flow through the AOC.
- The Supreme Court will finalize the budget priorities and establish the funding request level for those requests that flow through the AOC.
- The Chief Justice will transmit the judicial branch budget request to legislature.
- Results will be reported to the BJA, CFC, JISC and other stakeholders.

JISC budget requests, once approved by JISC, will be routed through the BFC, BJA and CFC. Those requests from the state general fund will be prioritized with other requests that flow through the AOC.

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.

Tab 5



November 3, 2017

TO: Board for Judicial Administration Members
FROM: Justice Steven González, Judge Michael Downes, and Judge Andrea Beall, Co-Chairs
RE: INTERPRETER SERVICES FUNDING TASK FORCE UPDATE

BJA Strategic Initiative

The Interpreter Services Funding Task Force met November 8 in SeaTac. The task force members reviewed the charter activities, interpreter state funding numbers, data collection points, and the draft interpreter services survey. Members discussed the draft survey and provided feedback on the questions and distribution. The survey will be updated and sent to court administrators and presiding judges within the next month.

AOC staff will continue to collect other data, work on the charter activities and follow-up on items identified during the meeting.

The task force meets again in December.



November 3, 2017

TO: Board for Judicial Administration Members
FROM: Judge Douglas Fair and Judge Joseph Burrowes, Co-Chairs
RE: REPORT OF COURT SYSTEM EDUCATION FUNDING TASK FORCE

BJA Strategic Initiative

The Court System Education Funding Task Force met November 6 in SeaTac.

The task force members reviewed the charter activities, data collection points, and the draft court education survey. Members discussed the draft survey and provided feedback on the questions and distribution. The survey will be updated and sent to all courts (judges and administrators) between mid-November – early December. The survey will be coordinated with the Interpreter Services Task Force survey.

The task force started discussion on the best ways to articulate the impact of training funding. Members identified potential messaging strategies, talking points and what we don't have enough of. This information helps guide future funding strategies and messaging to consider.

AOC staff will continue to collect other data, work on the charter activities and follow-up on items identified during the meeting.

The task force meets again in December.

Tab 6



November 15, 2017

TO: BJA Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brady Horenstein, AOC Associate Director, Legislative Relations
RE: 2018 Legislative Session Preview / Judicial Branch Overview

The upcoming short 60 day legislative session will commence on January 8. With the election of Manka Dhingra in the 45th District, Democrats will take control of the Senate in January. Democratic Senator Tim Sheldon will still caucus with the Senate Republican Caucus (formerly the Majority Coalition Caucus). The Democratic Caucus will hold a 1 vote majority.

Here are specific updates and issues we're likely to face in 2018:

1. *Changes to Senate Leadership*

Democrats selected new caucus and committee leaders on November 13.

- Senator Jamie Pederson will become Chair of Law & Justice. Senator-elect Manka Dhingra will become Vice Chair and will take the lead on criminal issues.
- Senator Jeannie Darneille will become Chair of Human Services & Corrections. Senator-elect Manka Dhingra will become Vice Chair.
- Senator Christine Rolfes will become Chair of Ways & Means. Senator David Frockt will become Vice Chair.

2. *Capital Budget and Hirst*

There are no plans at this time for the Legislature to move on a capital budget before the 2018 session. Despite the impending Democratic 1 vote majority in the Senate, a supermajority is still required to pass the bond bill. This issue will remain on the front-burner in January.

3. *DOC Agency Request Legislation re: J&S Forms*

We still anticipate DOC will pursue legislation again to mandate a "table" within felony judgment and sentence forms. AOC staff and association leadership are continuing to work with DOC and others on this issue.

4. *Public Records Court*

The House Judiciary Committee is holding a work session on a proposal to establish a "public records court." The goal of this proposal is to provide a way to resolve public records disputes in a more informal way, similar to a small claims court. The proposal is in the very early stages and it is not clear yet whether legislators will introduce a bill in 2018.

5. *SB 6360 Workgroup – Consolidating Traffic-based Financial Obligations*

The Attorney General's Office will submit its final report to the Legislature on December 1. We expect the AG's Office to introduce agency request legislation that would establish a statewide relicensing program. AOC would likely have a significant role in the implementation and operation of such a program.

6. *Legislative Responses to Blomstrom v. Tripp*

The Senate Law & Justice Committee held a work session on November 14 to discuss possible legislative responses to this recent Supreme Court case. The case held that pretrial release conditions requiring urinalysis violated article I, section 7 of the Washington State Constitution. We may see specific legislative proposals introduced that would explicitly authorize pretrial urinalysis conditions in DUI cases.

7. *Dept. of Commerce Families in Need of Services (FINS) Request Legislation*

This bill would create a petition process in juvenile courts to compel system support and services. The bill would merge two existing petition types into one, which would be referred to as the FINS petition. The FINS petition would provide for case management and services to address families in crisis.

8. *DMCJA Request Legislation*

The DMCJA is planning to pursue several legislative requests regarding:

- a. Discover Pass penalty fees – this proposal would authorize counties to retain 25% of the fees to support county operations, similar to other traffic infractions;
- b. DNA sampling;
- c. Commissioner marriage solemnization;
- d. Small claims court procedure streamlining;
- e. Commissioner powers – aligning municipal and district court commissioner duties;
- f. Interlocal agreements for probation services; and
- g. Statutory amendments related to Domestic Violence Protection Order (DVPO), Sexual Assault Protection Order (SAPO), harassment, and stalking to extend 14 day period for a full order hearing of the issuance of a temporary order.

9. *SCJA Request Legislation*

The SCJA will consider legislative requests at its December board meeting. Some potential legislative items up for discussion include:

- a. ITA proceedings;
- b. Nonparental custody; and
- c. A legislative response to the *JN* case.

10. *Other Potential Legislative Items*

- a. Comprehensive legal financial obligation reform;
- b. Specific legislation addressing public defense costs (WA State Association of Counties);
- c. Civil forfeiture reform/cleanup legislation;
- d. Pre-trial reform;
- e. Status offender confinement;
- f. OCLA statute cleanup legislation; and
- g. Revisiting the tax court proposal.

Tab 7



Board for Judicial Administration 2017-19 Legislative Communications Plan

The Board for Judicial Administration (BJA) was created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. By court rule, the BJA shall have a standing Legislative Committee.

The BJA Charter charges the Legislative Committee to “develop proactive legislation on behalf of the Board for Judicial Administration and to advise and recommend positions on legislation of interest to the BJA and/or the BJA Executive Committee when bills affect all levels of court or the judicial branch as a whole.” The Charter also requires the Legislative Committee (Committee) to develop a communication plan regarding how the Committee will interact with stakeholders.

Communication and Coordination

Several methods of communication, both within the BJA Legislative Committee and between the broader judicial branch community, already exist and will remain in effect. They are as follows:

- The BJA Legislative Committee will meet by phone, Mondays at 12:15 during the legislative session, to advise and recommend positions on legislation of interest to the BJA.
- AOC’s internal legislative team will meet on Thursday to discuss bills scheduled for hearing the next week as well as items of interest from the following or upcoming weeks.
- SCJA’s legislative committee will continue to meet weekly to develop positions on legislation, at their discretion.
- DMCJA’s legislative committee will continue to meet weekly to develop positions on legislation, at their discretion.
- AOC’s staff to the associations will maintain communication with the BJA Legislative Committee staff in preparation for the BJA Legislative Committee phone calls on Monday. Association staff will notify the Legislative Committee staff by Monday morning of items that the associations want to add to the BJA Legislative Committee call agenda and provide a synopsis of their positions/rationale relative to each.
- The weekly “judicial lobbyist” meeting will occur on Mondays at 11am on the Capitol Campus. Association presidents and legislative chairs should convey the importance of attending these discussions to their respective legislative liaisons.
- Legislation “white papers” and “talking points” created by any judicial branch team member will be shared.
- BJA Legislative Committee staff, the Associate Director of the Office of Legislative and Judicial Relations, is the “hub” for transmission of legislative information. The Associate Director and judicial branch members should speak frequently about noteworthy information. They will then share this information with the primary judicial branch stakeholders, including lobbyists, and the members of the BJA Legislative Committee.

- Association presidents and legislative committee chairs will convey to their judges and lobbyists that information regarding issues raised about branch matters, discussions with legislators, etc. should be conveyed to them and to the Associate Director in a timely manner.
- The Associate Director will send regular updates, as often as necessary, that will include the information provided by other members of the judicial branch, positions taken by the BJA and associations, and other information deemed to be of interest.
- The Associate Director will send weekly updates on behalf of the AOC.
- A meeting of judicial branch stakeholders will be scheduled, as needed, to discuss request legislation, other areas of great interest, and the budget.
- If conflicting positions within the judicial branch are identified, efforts at resolution should occur. If conflicting positions cannot be resolved, every effort should be made to communicate those disagreements respectfully and in a way that does not harm the broader sense of cohesive engagement on the part of the judicial branch.
- Nothing herein should be construed to diminish or prohibit individual judicial branch members from communicating with each other as they deem necessary.

Emergency Decision-Making Process

The Charter designates that the BJA Executive Committee “shall take any emergency action necessary as a result of legislative proposals” and that “all members of the Legislative Committee shall have a vote on the recommendation to the Executive Committee.”

Occasionally, an issue affects not only multiple court levels, but also the broader judicial branch and requires a response that must be provided more quickly than the standard communication and decision-making process allows. Prior to formulating a decision, the Chief Justice, or other judicial branch team member, will, on an ad hoc basis, seek advice from:

- the BJA Legislative and Executive Committees, including the association presidents and legislative committee chairs;
- the State Court Administrator
- the State Law Librarian
- the Director of the Office of Civil Legal Aid
- the Director of the Office of Public Defense regarding policy questions proposed by the Legislature that relate to branch-wide issues.

Understanding that such emergency decision making requires a rapid response, AOC staff will make every effort to schedule discussion at times when all members can participate, and judicial branch team members will make every effort to participate in such discussion. An alternate may be designated if necessary but discussion may not be delayed in order to accommodate all parties. After a decision regarding a particular issue(s) has been made, judicial branch team members will support and advocate for the decision.

Additional Communication Required by the Charter

Additional communications are required by the BJA Legislative Charter, as follows:

- The Committee shall report monthly, or as requested, to the full BJA.
- During the legislative session, staff to the Committee will provide an update to the full BJA after the chair of the Committee has made opening remarks.
- The Committee shall report in writing to the BJA as requested.

Recognition of Public Records

Certain sensitivities should be recognized about the sharing of information. Judicial branch team members should exercise caution in writing or forwarding emails without permission, paying attention to potential public disclosure issues, and noting that more information may be provided in person as needed. Regardless of any limitation of disclosure due to a “deliberative process” type of exception, members of the Committee should not expect that communications would remain “confidential” long term.

**COURT TECHNOLOGY PROJECTS**

The judicial branch, under the direction of the Judicial Information System Committee, is undergoing major technology modernization projects impacting all court levels. Continued funding and support for these projects is crucial because old systems limit our ability to operate efficiently.

COURTHOUSE SECURITY

Employees, jurors, litigants, and the public have a right to safe and secure courthouses in every part of our state. Additional steps should be taken to ensure adequate funding and coordination among all branches of government to ensure everyone visiting a courthouse feels safe and secure.

**EDUCATION FOR JUDGES AND COURT STAFF**

Fostering excellence in our courts through effective education is crucial to improve the quality of justice in Washington. New investments should be made to ensure judicial officers and court personnel have access to high quality educational opportunities on a wide range of topics.

LANGUAGE ACCESS

Equal access to courts is fundamental to our system of government. Language barriers can create impediments to access to justice for individuals who are limited-English proficient. Adequate funding is necessary to provide language access services for all who need it.

**PUBLIC DEFENSE AND CIVIL LEGAL AID**

Access to an attorney in a criminal case is one of the core tenets of our criminal justice system, yet the state funds less than 5% of these costs. And with regard to civil matters, the 2015 Civil Legal Needs Study identified significant unmet needs in our civil legal aid system. Providing adequate funding to meet these needs is critical for an effective judicial system.

CIVIC EDUCATION

An engaged citizenry requires educational programs that emphasize the importance of the rule of law in our democracy. Funding and support for civic education programs in our schools and communities is important to ensure respect and support for our legal institutions.

**Brady J. Horenstein**Associate Director, Legislative & Judicial Relations
brady.horenstein@courts.wa.gov • (360) 357-2113



November 9, 2017

TO: BJA Members

FROM: Brady Horenstein, Associate Director, Legislative and Judicial Relations

RE: 2018 BJA Request Legislation for Approval - Office of Public Guardianship

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

Under current law, OPG only has the authority to provide guardianship services. There are a number of other informal and less extensive service methods that vulnerable adults would benefit from, however, including supported decision-making assistance and estate administration services. By expanding the service methods, OPG will be able to assist more people within existing resources.

The BJA has authorized this legislation in previous sessions, including last year. [HB 1139](#) passed the House overwhelmingly in 2017 with bipartisan support (84-13) but stalled in the Senate. Despite the difficulty passing it over the years, continuing to pursue this legislation has no apparent downside and will at a minimum create opportunities to educate legislators about the growing impacts of the “age wave.”

We made significant progress on the issue in the Senate with members who were previously skeptical or outright unresponsive. The 2018 session may present new opportunities for success in the Senate, which is why I am seeking your approval to try again in the upcoming short session.

HOUSE BILL 1139

State of Washington

65th Legislature

2017 Regular Session

By Representatives Kilduff, Rodne, Jenkins, and Muri; by request of Board For Judicial Administration

Read first time 01/12/17. Referred to Committee on Judiciary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--- END ---

Tab 8



November 7, 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 (CEC) met September 29, 2017 and reviewed final FY17 expenditures. The CEC budget committee submitted a proposed FY18 budget for the committee to review. The FY18 budget was approved.

The committee discussed future funding models that they may explore, especially if additional funding is secured. The CEC is developing a year-end reporting template and will be asking each association, who utilizes CEC funds, to submit a year-end report and provide information on their educational program, but also capture what wasn't funded and why.

Ms. Jeanne Englert attended the meeting and was able to work with the CEC to identify their priorities and to clarify the role of the BJA Court System Education Funding Task Force and what they need from the CEC.

CEC members completed or will be completing their outreach to the various association boards and/or education committees.

They also appointed Judge Gregory Gonzales to the Annual Conference Committee. He will be one of two representatives of the CEC on the committee.

Ms. Anderson attended the BJA Court System Education Funding Task Force's opening online meeting, October 16.

II. Short-term Goals

The CEC plans to continue work on strategic priorities:

- Continue 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 all court personnel.
- Working on developing a 3-5 year plan to increase the availability and access of education and training for all court personnel.
- Create a BJA resolution request regarding court system education funding.

III. Long-term Goals

- Continue to plan and develop court system education.
- Develop a stable and adequate funding source for court education and work with the BJA Court System Education Funding Task Force.
- Develop an in-state Judicial Education Leadership Institute.
- Provide ongoing information to the Court System Education Funding Task Force.



November 3, 2017

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

The Policy and Planning Committee (PPC) did not meet in October. The next meeting is November 17.

The PPC continues to work on collecting information from the varying courts/ associations/committees about the group's purpose, priority areas, planning process, and committee work. The PPC will compile and share this information in the hopes of identifying future collaboration efforts.

Tab 9



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.

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 the associations choose their BJA representatives so they need to keep that in consideration when appointing BJA members. 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
<u>Branch Budget Overview</u> <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. 	Done Done
<u>2018 Supplemental Budget Process Update</u> <ul style="list-style-type: none"> • Add revised process to the November BJA meeting agenda. 	Done

Board for Judicial Administration Meeting Minutes

October 20, 2017

Page 7 of 7

Action Item	Status
<u>BJA Leadership Goals</u> <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.	Done
<u>2018 Legislative Agenda</u> <ul style="list-style-type: none">• Update with suggestions and bring back to November BJA meeting.	Done

Tab 10

JUDICIAL INFORMATION SYSTEM COMMITTEE

August 25, 2017
10:00 a.m. to 12:00 p.m.
Conference Call

Minutes

Members Present:

Chief Justice Mary Fairhurst, Chair
Mr. Larry Barker
Ms. Lynne Campeau
Judge Jeanette Dalton
Ms. Callie Dietz
Judge J. Robert Leach
Judge G. Scott Marinella
Ms. Barb Miner
Ms. Brooke Powell
Judge David Svaren
Mr. Bob Taylor
Ms. Aimee Vance
Judge Thomas J. Wynne

Members Absent:

Mr. Rich Johnson
Mr. Frank Maiocco
Chief Brad Moericke
Mr. Jon Tunheim

AOC Staff Present:

Mr. Kevin Ammons
Ms. Kathy Bradley
Ms. Vicky Cullinane
Ms. Vonnie Diseth
Mr. Brian Elvin
Mr. Mike Keeling
Ms. Keturah Knutson
Mr. Dirk Marler
Mr. Ramsey Radwan
Mr. Kumar Yajamanam

Guests Present:

Mr. Tom Boatright
Mr. Othniel Palomino
Mr. Sart Rowe

Call to Order

Chief Justice Fairhurst called the meeting to order at 10:00 a.m. Since this was a conference call, Chief Justice Fairhurst took roll call reading of the names of JISC members and AOC staff with guests announcing their presence when roll call was finished.

June 23, 2017 Meeting Minutes

Chief Justice Fairhurst asked if there were any changes or corrections to the June 23rd, 2017 meeting minutes. Hearing none, Chief Justice Fairhurst deemed them approved.

JIS Budget Update

Mr. Ramsey Radwan reported on the 17-19 budget and the 2018 supplemental budget. Mr. Radwan gave a recap of the 17-19 Budget with the AOC generally doing okay with their requests. Mr. Radwan pointed to the Blue Sheet showing the request for approximately \$5.3 million in General Funds (GF) to back fill for the EDE expenditures. The legislature did not provide GF monies, however they did carryover \$4.3 million to continue the EDE project and the funding comes out of the JIS account. Mr. Radwan alerted the committee that AOC has stated in the past, and will continue to state that this adversely impacts existing projects such as SC-CMS, on-going operations for SC-CMS, once the Go-Lives are completed, as well as the CLJ-CMS. Mr. Radwan reported the legislature basically allocated

all of the anticipated resources from the JIS account which is why you only see three numbers on the sheets. One is the \$4.3 million for the EDE, \$12 million for the SC-CMS (the amount requested) and \$10 million for other JIS projects. The legislature allocated all the funding, as anticipated, as the money does not come out of their pocket. As, previously stated, revenues are going down and will require more discussion to strategize for the future. However, even though the legislature did not appropriate monies for ongoing SC-CMS operations, internal equipment replacement, or the full amount of the CLJ-CMS, AOC will be able to cover most of those in the \$12 million from the SC-CMS without adversely impacting the organization or any of the projects. As usual, Mr. Radwan will continue to watch the budget on a daily basis to ensure any extra dollars are prioritized to the highest priorities. In addition, through contract negotiations with JTI, AOC is seeing the initial two year expenditure level, which was anticipated at approximately \$13.1 million, will be about \$10 million, which will firm up as negotiations progress. It is anticipated if the contract is executed with JTI, AOC will not need the full \$13.1 million that was requested for the CLJ-CMS project. As a whole the 17-19 Information Technology budget, as passed by the legislature, is okay for AOC. The assumption was we wouldn't get general funds for the EDE but there is still a possibility, coming out of the House, where one of the representatives put approximately \$1.2 million GF in the budget but it was stripped from the agreed upon Senate version. Mr. Radwan asked if there were any questions concerning the current biennial budget and the amounts appropriated. No questions were asked at this time.

Mr. Radwan moved on to the AOC 2018 Information Technology Supplemental Budget Request. The supplemental request is similar to the 17-19 request with the first two items being the EDE Request for state GF monies for the EDE Project. At the budget committee meeting, with Chief Justice Fairhurst and Callie Dietz in attendance, a discussion was held on the best strategy to pay back the JIS account, with regard to the \$4.3 million and the \$1.1 million requests. The agreement and continuing strategy with the stakeholders, between now and January, will be pointing out this is not just a pay back of funds, but if AOC does not receive those funds, the current technology projects will be adversely impacted. It is extremely important that we have a consistent message from AOC and the stakeholders to bring to the legislature as soon as possible. Part of the message should include the importance of these statewide systems, the fact that the branch has fully participated in revenue increases and expenditure decreases over the past 10 or more years. Mr. Radwan also cited the fact that the legislature has taken \$30 million out of the account over the last 10+ years. Mr. Radwan will be working on the decision packages and be passing them along for review in the next couple of weeks following this meeting. The focus will be on the importance of getting general fund monies to supplement the JIS account. Next, Mr. Radwan moved to the Equipment Replacement request. Because the legislature allocated one hundred percent of the funding in the JIS account, a placeholder request for external equipment replacement is being considered. Inclusion of this request will depend upon the final JIS account balance. Mr. Radwan will be looking at multiple options, including having the state treasurer issue certificates of participation for the equipment or delaying equipment replacement for at least two years. The third is for the continuation of the AC-ECMS project in fiscal year 2019.

A motion was presented to approve the 2018 budget request. The JISC voted to approve the budget request.

Motion: Judge David Svaren

I move that the JISC approve the 2018 budget request as presented, with the understanding that the dollar amounts will change and that the final amount per request will be presented to the JISC once determined.

Second: Callie Dietz

Voting in Favor: Chief Justice Mary Fairhurst, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Judge J. Robert Leach, Judge G. Scott Marinella, Ms. Barb Miner, Ms. Brooke Powell, Judge David Svaren, Mr. Bob Taylor, Ms. Aimee Vance, and Judge Thomas J. Wynne.

Opposed: None

Absent: Mr. Rich Johnson, Mr. Frank Maiocco, Chief Brad Moericke, Mr. Jon Tunheim

2015-2017 ATJ Technology Principles Report to the Supreme Court

Mr. Kumar Yajamanam, ISD Architecture and Strategy Manager reported on the Washington State Access to Justice Board (ATJ) Technology Principles report to the Supreme Court. Mr. Yajamanam stated that the Supreme Court adopted the ATJ Principles in 2004 and had ordered the AOC, the ATJ board, and the JISC to report on the use of the technology principles in the court system across the state. This report documents the activities across the state involving the use of ATJ Technology Principles and is produced on a biennial basis. Mr. Yajamanam highlighted that the 2015-17 ATJ Technology Principles Report was developed with contributions from ATJ Technology Committee members, in particular, Mr. Sart Rowe, Ms. Diana Singleton, Ms. Emily McReynolds, Ms. Bonnie Sterken, and Mr. Donald Horowitz as well as a number of other AOC and ATJ Tech Committee staff. The 2015-17 was a very active period for the work of the ATJ Technology Committee, and the report has documented all the activities ranging from workshops to symposiums as well as several projects. Mr. Sart Rowe, added that the ATJ Board has a subcommittee that is looking at updating the ATJ Technology Principles, given that they were adopted in 2004, with technology changing since that time. Currently, they are looking for feedback from members of the JISC or other groups on ways to improve the principles.

A motion was presented to approve the ATJ Technology Principles Report to the Supreme Court. The JISC voted to approve the request.

Motion: Callie Dietz

I move to approve the 2017 Access to Justice Technology Principles Report to the Supreme Court.

Second: Judge Jeanette Dalton

Voting in Favor: Chief Justice Mary Fairhurst, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Judge J. Robert Leach, Judge G. Scott Marinella, Ms. Barb

Miner, Ms. Brooke Powell, Judge David Svaren, Mr. Bob Taylor, Ms. Aimee Vance, and Judge Thomas J. Wynne.

Opposed: None

Absent: Mr. Rich Johnson, Mr. Frank Maiocco, Chief Brad Moericke, Mr. Jon Tunheim

ITG Endorsing Group Update for Appellate Courts

Ms. Kathy Bradley, JIS Business Liaison, reported on the ITG Endorsing Group update for the Appellate Courts. Ms. Bradley began with an overview of the current Information Technology Governance (ITG) process. Ms. Bradley referred to the packet containing the JIS ITG Policy, which was put into place in 2010. The policy defines a process framework for IT governance bodies to do three things: make effective investment decisions, process IT requests, and address IT governance challenges. The policy also identifies two types of governance bodies. One, the endorsing groups, which are representative of key stakeholder communities. Ms. Bradley pointed out that when the JIS ITG Policy was put into place, there were two separate endorsing groups identified for the Appellate courts: one for the Supreme Court and one for the Court of Appeals. It also addresses Court Level User Groups (CLUGs) of which there are four - one representing each court level and one representative of all court levels called the Multi-level User Group. Ms. Bradley then gave a high level overview of what the ITG process, is from Step 1 (Initiate), Step 2 (Endorse), Step 3 (Analyze), Step 4 (Recommend), and Step 5 (Schedule). Depending on the level of request, it could go to Vonnie Diseth, Callie Dietz, or the JISC for review and approval. If requests are above certain time and cost thresholds, an ITG request would be brought to the JISC for approval. Ms. Bradley pointed the committee to the diagram of the Endorsing Groups, included in the packet, with the flip side containing the CLUGs. The diagram indicates who is involved for each of the Endorsing Groups, to best meet the needs of the Appellate Courts, they would like to combine the Supreme Court and Court of Appeals Endorsing Groups into one Endorsing Group called the Appellate Courts Endorsing Group. This would best represent their ongoing operational structure. Ms. Bradley asked for questions. Hearing none, Ms. Bradley turned to Vonnie Diseth for more information on the decision point. Ms. Diseth let the committee know the policy has not been updated for the past seven years and the suggested edits are fairly minor changes to the process and will better meet the needs of the appellate courts and how they would like to operate.

A motion was presented to approve the amendments to the JIS IT Governance Policy.

Motion: Chief Justice Fairhurst

I move that the JISC approve the JIS IT Governance Policy as amended.

Second: Mr. Larry Barker

Voting in Favor: Chief Justice Mary Fairhurst, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Judge J. Robert Leach, Judge G. Scott Marinella, Ms. Barb Miner, Ms. Brooke Powell, Judge David Svaren, Mr. Bob Taylor, Ms. Aimee Vance, and Judge Thomas J. Wynne.

Opposed: None

Absent: Mr. Rich Johnson, Mr. Frank Maiocco, Chief Brad Moericke, Mr. Jon Tunheim

CIO Update

Ms. Diseth gave the CIO report to the JIS Committee

Appellate Court Enterprise Content Management System (AC-ECMS) Project (Phase 1)

At the last JISC meeting in June, Court of Appeals – Division 1 had not yet gone live with the new OnBase system. Since that time, all four implementations of OnBase to the Appellate Courts (Release 1) have been successfully completed. All Appellate Courts are now using a single common DMS. The contract with ImageSoft has ended. However, ImageSoft is continuing to work on a couple of system issues under the warranty period of the contract that involve document indexing and Optical Character Recognition (OCR):

During the next fiscal year (July 2017 – June 2018), AOC and the Appellate Courts will focus on the stabilization and continued maturation of the system (a.k.a. Release 2). Release 2 will be completed with the existing AOC support staff and does not require additional funding.

In addition, AOC and the Appellate Court Clerks developed an *Appellate Courts Technology Strategic Plan* that lays out a phased approach for the next five years for requesting funding to continue implementation of the long-term comprehensive vision for electronic Appellate Courts.

Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project – RFP & Contract Negotiation Status Update

On 6/23, the JISC approved the award of the CLJ-CMS RFP to the Apparent Successful Vendor (ASV) – Journal Technologies. Following that decision, AOC received two letters of protest from Tyler Technologies regarding the contract award to Journal Technologies. The first was received on 7/26 and the second on 8/2. According to the terms of the RFP, the protest went to the Deputy Commissioner of the Supreme Court for review and a decision on its validity. The Deputy Commissioner has 15 business days to review the protest and make a decision (unless more time is needed). Currently, the date for the decision has been extended to no later than August 24th due to the second protest letter (unless it is extended).

Meanwhile, AOC has continued preparations with our Contracts Office and our Special Assistant Attorney General, Rich Wyde, for contract negotiations with Journal Technologies. The first round of negotiations occurred August 8-10.

Expedited Data Exchange (EDE) Project

The EDE Program continues to prepare for the planned case management system implementations in King County. Since the last JISC meeting in June, there have been two noteworthy changes to report:

1. At the last Project Steering Committee meeting in July, King County District Court announced a schedule delay to their planned implementation date. The original implementation was planned for August 17 – 21, 2017 but is rescheduled for October 27 – 30, 2017. The planned Phase 1 implementation by King County District Court will consist of limited civil case, which includes civil cases that do not have well-identified persons.

The King County Clerk's Office (KCCO) planned implementation date for all King County Superior Court cases has not changed and is still scheduled for January 2, 2018.

2. AOC is in the process of simplifying the Enterprise Data Repository (EDR) data model to reduce the level of effort required to integrate with the EDR. There are many benefits to simplifying the data model; however, a significant amount of work remains to be completed to prepare the EDR, integrate the two King County case management systems, and modify the JIS applications and data exchanges to source data from the EDR. Even with the simplification underway, it presents a significant risk to the project because we are running out of time before the King County case management systems are implemented. AOC is mitigating the risk by having project staff working closely together to identify and resolve roadblocks as early as possible.

Superior Court Case Management System (SC-CMS) Project

The SC-CMS project team is working hard to prepare for the next Go-Live Event 6 in October with seven counties (Clallam, Island, Jefferson, Kitsap, San Juan, Skagit, and Whatcom). In addition, the project team has started meeting with the Event 7 counties to begin planning for their implementations. The team is also continuing discussions with Spokane County to address their implementation needs. The project team continues to do a lot of traveling throughout the state to demonstrate *Odyssey* and meet with each county.

AOC Interfaces with Partner Agencies

AOC has a great working relationship with our agency partners. The CIO's and their Deputies from AOC, DOL, and WSP meet quarterly to discuss each agency's internal projects that will have an impact on partner agencies. Both DOL and WSP have been engaged in numerous internal projects to modernize/replace their legacy systems, similar to AOC. Historically, AOC has been able to manage many of the hours required to make system changes without impacting other internal projects. However, the volume and timing of these interagency technology requests is becoming more and more of a concern as they may/will impact our internal staffing resources assigned to other high priority AOC projects. While AOC does not necessarily have control over the timing for when interagency work needs to be completed; many of these interagency system changes must take place to continue to keep the court systems functioning properly and sharing information.

Ms. Diseth alerted the committee to a request by some members to receive calendar invites for JISC meetings. Historically, the next year's calendar has been posted to the JISC meeting materials website

with an email sent to the JISC Listserv alerting the members the calendar has been posted. Prior to changing the long standing practice, Ms. Diseth requested the input of the committee. It was agreed the members would send an email with their preference to Brian Elvin to tally the votes. A decision will be made at the 10/27 JISC meeting.

Data Dissemination Committee Report (DDC)

Judge Thomas Wynne reported on the Data Dissemination Committee (DDC). Judge Wynne alerted the committee the DDC had a meeting directly prior to the 10 a.m. JISC meeting. The DDC received several requests to consider. One request came from King County pre-trial services, an executive agency providing pretrial release information for the district and superior courts, requesting JABS access. The DDC approved the request, consistent with the previous approval of requests of similar agencies in Snohomish and Spokane counties. King County Department of Public Defense requested access to involuntary commitment case types 6's. Judge Wynne stated this request is a little more complicated, as county clerks have the capability to provide that access on a county-by-county basis. As Mr. Mike Keeling has pointed out, there is no index dealing with case type 6's; they are not as well identified individuals as they are in criminal cases. The King County Clerk, Ms. Barb Miner, agrees with providing this access, so the committee approved the request and is including a recommendation that county clerks statewide consider providing such access on a broader basis. However, there may be statutory issues regarding restriction of access to court records and files in involuntary commitment cases. Those issues may need to be addressed before broader access is granted by county clerks.

Judge Wynne reported on an ongoing issue with Tacoma Municipal court dealing with the access by prosecutors to printing defendant case histories (DCH). Tacoma City Attorney's Office has exceeded its approved access and the DDC is restricting it to the previously approved access to print only calendars and dockets.

Also, Judge Wynne reported the language of public index contracts will be changing. Stephanie Happold has a draft of the change and the language, dealing primarily with the way agencies deal with restricted and sealed cases. The changes will update the language and make it more specific.

It was confirmed Judge Wynne will retire effect October 31st and the JISC will need a new co-chair. Judge Wynne confirmed that the procedure will be for the JIS Committee to elect a vice-chair, and the JISC vice-chair is also the chair of the DDC. Judge Wynne alerted the committee that he would be nominating Judge Leach, who has agreed to accept the nomination. Chief Justice Fairhurst asked the committee to alert her if others are interested in serving as vice-chair and chair of the DDC.

Board for Judicial Administration Report (BJA)

Chief Justice Fairhurst reported that in the future, she will be attaching BJA meeting minutes to the JISC packet, with the next meeting to be held on September 15. Chief Justice Fairhurst reported the last meeting's major accomplishments were the identification of two strategic initiatives the BJA will be working on: creation of legislation and budget proposals for the language interpreters, and judicial education, given the turnover in those working in the court system. Presently, chairs and members

have been identified, in addition Misty Butler and Jeanie Englert, who will be helping on those efforts. Judy Jasprica was elected to be co-chair, which alternates between the superior courts and courts of limited jurisdiction, and will co-chair with Chief Justice Fairhurst. The BJA is excited about accomplishing initiatives and working together with the JISC. The BJA would also like to be updated on the JISC, and Chief Justice Fairhurst intends to include JISC minutes in the BJA meeting materials to help enable the sharing of information between the two committees.

Adjournment

Due to the issues with traffic and construction at the SeaTac offices, Chief Justice Fairhurst stated she was pleased the committee was able to meet via a teleconference rather than SeaTac. However, the next JISC meeting, on 10/27, will contain the project updates and the committee should plan on meeting at the SeaTac location. Chief Justice Fairhurst declared the meeting adjourned at 11 a.m.

Next Meeting

The next meeting will be October 27, 2017, at the AOC SeaTac Facility from 10:00 a.m. to 2:00 p.m.

Action Items

	Action Items	Owner	Status

Tab 11

Board for Judicial Administration Rules

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 that begin on July 1, 2017 shall be for less than a full term, two years, and shall thereafter be for a term of four 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 July 1. The Chief Justice, the President of 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; July 4, 2017.]

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

[Courts](#) | [Organizations](#) | [News](#) | [Opinions](#) | [Rules](#) | [Forms](#) | [Directory](#) | [Library](#)
[Back to Top](#) | [Privacy and Disclaimer Notices](#)

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.)