



Board for Judicial Administration (BJA) Meeting

Friday, March 16, 2018 (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
Judge Bryan Chushcoff
Ms. Callie Dietz
Judge George Fearing
Judge Blaine Gibson
Judge Gregory Gonzales
Judge Dan Johnson
Judge Mary Logan
Judge Brad Maxa
Judge Sean O'Donnell
Judge Kevin Ringus
Judge Rebecca Robertson
Judge James Rogers
Judge Ann Schindler
Judge Scott Sparks
Judge Michael Spearman
Justice Charles Wiggins

Guests Present:

Ms. Kimberly Allen (by phone)
Judge Andrea Beall
Ms. Barbara Christensen (by phone)
Judge Douglas Fair (by phone)
Justice Steven González
Ms. Cynthia Marr
Mr. Paul Sherfey (by phone)

AOC Staff Present:

Ms. Lynne Alfasso
Ms. Misty Butler Robison
Ms. Jeanne Englert
Ms. Beth Flynn
Ms. Sharon Harvey
Mr. Brady Horenstein
Mr. Dirk Marler
Dr. Carl McCurley
Mr. Ramsey Radwan

Public Present:

Dr. Page Carter

Legislative Update

Judge Ringus announced that the Legislature wrapped up on time for the first time in several years. Mr. Horenstein stated it was a short 60 day session.

The Democrats controlled the House and Senate and a whole list of bills that had been stalled in previous years were passed this year. Mr. Horenstein highlighted a few of the bills that passed and included in the meeting materials a comprehensive list of bills that passed that impact courts. Some of the notable bills are E2SHB 1783, Legal Financial Obligations Reform; E2SSB 6160, Exclusive Adult Jurisdiction; SB 5987, Concerning Pretrial Release Programs, and 2SHB 1896, Expanding Civics Education in Public Schools.

Quite a few legislators are retiring this year and the list continues to grow.

One of the big issues that developed during the session was the public records for legislators bill which was vetoed by the Governor.

Budget Update

Mr. Radwan distributed a list of the supplemental budget requests and their final outcome in the meeting materials. He reviewed all of the requests and the results. The overall supplemental budget for the judicial branch was okay. AOC is working with Thurston County to develop methodology for the Thurston County Impact Fee. This fiscal year is fully funded but there is no funding for FY19 at this time. AOC and Thurston County will need to work to get FY19 funded and get permanent funding for the 2019-21 biennium.

Judge O'Donnell complimented Mr. Horenstein and his team and Chief Justice Fairhurst for their work getting funding for the Superior Court Judges' Association (SCJA) policy analyst position. The SCJA was very appreciative.

During the February meeting, there was a question about the percentage of state funds allocated to the judicial branch. One of the documents in the meeting packet from the National Center for State Courts (NCSC) stated the general fund contribution to the judicial branch in Washington State was .07%. The actual amount is .7% and it has been updated on the NCSC Web site.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler stated that the BFC is in the process of implementing the budget procedure that the BJA recently adopted for reviewing budget submittals and making recommendations. Mr. Radwan is scheduling meetings and organizing presentations.

Court Education Committee (CEC): Judge Jasprica reported that the CEC met on March 2. They spent a lot of time talking about the budget proposal from the Court Education Funding Task Force. They also discussed holding a mini-retreat to discuss programs and develop a curriculum plan. They would like to provide training to all education committee members about adult education so everyone is working off the same page and receiving the same training. It is a slow process but the CEC is continuing to move forward.

Policy and Planning Committee (PPC): Judge Robertson said the PPC previously reached out to all boards/committees/associations regarding their mandates and are now asking them how they can communicate more effectively. They are also reviewing their committee composition and terms and determining how to increase the continuity of the committee.

Legislative Committee (LC): Judge Ringus stated the LC will be coordinating with the two strategic initiative task forces and will be preparing for the next legislative session.

Interpreter Funding Strategic Initiative

Justice González stated there is a great team working on interpreter funding issues, including the BJA Interpreter Services Funding Task Force, Ms. Englert, Mr. Robert Lichtenberg, and the other Interpreter Program staff. He hopes this will be a successful funding request in the future and very much appreciates that the BJA adopted increased interpreter funding as a strategic initiative.

The meeting materials included a draft of the Funding Court Interpreters Report (survey findings). Some of the numbers included in the Interpreter Services Funding Task Force Funding Request document are likely to change but the funding request is what they plan to pursue. Some of the key findings of the interpreter services survey are that over 50% of the courts are using interpreters daily or weekly. Interpreter costs have increased over the last few years and courts reporting said they exceeded their budgets in the last two years by approximately 50%. In 2015 the courts responding with cost information for 2015 and 2016 spent approximately \$4.3 million in 2015 and \$5.5 million in 2016. Some courts reported costs ranging from \$10,000 - \$15,000 for one matter. The goal of the funding request is to expand the state interpreter reimbursement program by increasing interpreter funding and increase training and certification of interpreters so that more interpreters will be available.

The Task Force would like the funding request to be approved by the BJA with the knowledge that the figures could be adjusted as the decision package is finalized.

Judge Beall said that the general strategy is to increase participation in the current Interpreter Reimbursement Program. Only 41 court jurisdictions are currently in the program.

The Task Force plans to use the counties and cities as allies as the funding request moves forward.

It was moved by Judge Sparks and seconded by Judge Ahlf to approve the approach of the Interpreter Services Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process. The motion carried.

Education Funding Strategic Initiative

Judge Fair stated that information regarding the findings of the Court Education Funding Task Force is included in the meeting materials. He believes it addresses the issues that were raised through the training needs survey. The funding they are requesting addresses the top priority of timely and essential training opportunities for judges as soon as they come on the bench and other court personnel when they start their positions.

The Task Force did not move forward with a policy for mandatory court administrator training requirements. They will send a recommendation for consideration to the BJA and CEC. They also removed the benchbook recommendation and that is now going through AOC.

Some BJA members expressed concerns about online training being the top priority when most survey respondents appear to prefer in-person education. Those BJA members do not want online education to replace in-person education. There are worries about the signal it will send to the Legislature—is this an attempt to provide cheap training for judges and staff?

Ms. Englert responded that the CEC is hoping that in developing a good online education software system more people will use online training. They are looking at an emphasis on online training for other court personnel and are hoping that there will be more timely training closer to start date. They are also requesting additional funding for in-person training. Online training is not a replacement but rather an enhancement to provide more timely training opportunities.

Judge Fair mentioned that by and large judicial officers are happy with current training but that is not the case with line staff and administrators. The first funding request is to address the short-term need for timely training.

Judge Jasprica stated that from a CEC perspective, their online presence is lacking. They want to improve it and bring it up to a level that it becomes something people will want to do to address the timeliness issues. They want education that teaches staff what they need to know in the first three months on their job.

It was moved by Judge Jasprica and seconded by Judge Ringus to approve the approach of the Court Education Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process. The motion carried with Judge O'Donnell and Judge Rogers opposed.

Washington State Center for Court Research and the Center for Study and Advancement of Justice Efficiency

Dr. McCurley updated the BJA on the work of the Washington State Center for Court Research (WSCCR) at AOC. Their functions include research for policy development and basic research to add to the body of knowledge about courts and the population of court-involved people, program evaluation, performance reporting, decision support tools, providing data for researchers, support for incremental performance improvement, and to assess outside research.

The most important aspect is that WSCCR is interested in what constitutes effective research that actually gets used. In a decentralized system, making incremental improvements can take advantage of the diversity of experimentation and innovation that we already see across Washington's courts if that variety of innovation can be connected to measurement of outcomes. A variety of program innovations in one program area, such as pretrial screening for risk, plus measurement of outcomes for all of the innovations, enables us to select and promote more effective program designs. There are dozens of programs going on around the state. If they collect and analyze data, then all courts can benefit from the courts that innovate and learn from experience. It is notable in Washington that courts take ownership of their performance and increasingly want information that can help guide improvement efforts.

There are key attributes of organization that are associated with organization learning and continual incremental improvement. Leadership reinforces learning and experimentation. Information collection, analysis, education and training, and information transfer all lead to improved processes and practices. Other attributes that support organizational learning, such as psychological safety, appreciation of differences, openness to new ideas, and time for reflection, lead to innovation and improvement and are also associated with more efficient and effective operations.

At this time, research demand exceeds supply. WSCCR has partnered with the University of Washington and Washington State University to form the Study and Advancement of Justice Efficiency (SAJE). This is the only partnership in the country that has relationships with two universities. The results are better research coordination and increased capacity.

Judge Schindler noted that there is a policy in development to determine how limited funds should be spent on research projects.

There are currently 8.5 staff members in WSCCR of whom five are funded through general fund allocations to the AOC.

Chief Justice Fairhurst asked Dr. McCurley to talk about some of WSCCR's current projects. He responded that for juvenile courts, WSCCR is working on juvenile detention and working with courts to identify evidence-based programs for analysis. Their multi-system youth research has previously supported the Court Improvement Program. For adult courts they are currently working on pre-trial sentencing and supervision and risk assessments. They are also working on judicial needs estimates and sentencing and supervision for trial courts.

Speaking with a Unified Voice

Ms. Butler Robison noted that the BJA adopted four goals to work on and the first goal is speaking with one voice. The first step in meeting that goal is to get on the same page regarding what this means.

There are many ways the BJA is called upon to provide input. Chief Justice Fairhurst led the discussion of what that means, the value, etc. Some of the comments were:

- Speaking with one voice depends on what you are talking about. One of the mechanisms in place is the criteria employed to decide whether it is a branchwide issue or whether the branch should get behind an issue that pertains to one court level. While the BJA and judicial branch can be unified on an issue, there are different ways to approach it depending on the issue. It was noted that the BJA is not branchwide because it does not include the Office of Public Defense and the Office of Civil Legal Aid which are agencies within the judicial branch.
- The BJA has to have the authority to speak with one voice. The BJA is an organization without much authority. It is an advisor. Its only authority is to bring an issue to the body and if all levels of court weigh in and no one vetoes, there is consensus and the issue can go forward. If a court level vetoes, then the issue does not go forward.
- Leadership matters and things are currently on the right track. There was animosity in the past and that is not as much the case now. The BJA is going in the right direction.
- This is a forum for everyone to be heard and people can express their views even if everyone does not all end up with the same opinion, everyone can still be supportive.
- A unified voice is an ideal and what the BJA is striving toward. It is not something that can always be achieved. It makes sense that there will be times everyone cannot agree. What the BJA can do is continue to strive to move forward. The BJA wants the right result for the right reason but sometimes members disagree about how to get there. The focus on continually striving is what makes it a worthwhile goal.
- Right now, the budget process is something where the BJA plays only an advisory role. The Supreme Court gets the final say.
- Apart from the budget process, the BJA's resolutions are important as far as speaking with one voice.

- As the BJA discusses issues, where there are issues everyone is not in agreement, the BJA should agree on how they are going to message it so there is no one stepping on others' toes. The BJA can all agree on what the message is.
- The BJA is not very nimble. The BJA has long-term issues such as the strategic initiatives but also has the weekly legislative call where bills that affect the statewide courts are discussed and that is more nimble.
- The BJA is strongest during the legislative session when there are a few key people speaking to legislators. The more that the BJA can funnel issues through a process that leads to that, the better. It is a goal to make sure that AOC and operational courts communicate with legislators effectively and make sure everyone is informed.
- The BJA is valuable for several reasons. It does have significance. One of them is expertise. This is one of those things of how does the BJA restore the trustworthiness, relevance, etc. of the courts? Need to approach in small steps for improvement of the situation.

Chief Justice Fairhurst stated that it is really important to her that people feel they can talk in this room. She would like everyone to bring the honest, hard communications in the room. If BJA members cannot find their voice to have the conversation in the BJA meeting, they cannot go forward and have the conversations elsewhere.

JISC Overview and Update

Chief Justice Fairhurst gave an update on the Judicial Information System Committee (JISC). She has been the Chair of the JISC for a number of years and information technology (IT) is the one thing in the non-unified court system that is unified. The JISC sets policy for the Judicial Information System (JIS) and approves projects and priorities. Information about the JISC is located on Inside Courts (https://www.courts.wa.gov/committee/?fa=committee.home&committee_id=74).

There are four major IT projects moving forward at this time: the Superior Court Case Management System (SC-CMS), the Appellate Court Enterprise Content Management System (AC-ECMS), the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) and the Information Networking Hub (INH) – Expedited Data Exchange (EDE).

The SC-CMS project began September 2013. The largest implementation event is Event 7 which will be in June 2018. Odyssey is replacing SCOMIS, JRS and CAPS.

At one point, it was thought that the AC-ECMS project might replace ACORDS but it was decided that it would be used for enterprise content management. There are now 10 automated workflows and more are being worked on. Some divisions of the Court of Appeals (COA) will only accept electronic documents. At this point the Supreme Court will accept both electronic and paper documents but in the future they may only accept electronic documents.

The CLJ-CMS project was not able to conclude contract negotiations with the apparent successful vendor. During contract negotiations, the vendor and Steering Committee were not able to come to an agreement. The Steering Committee went back to the second vendor but, after gathering more information, did not recommend them. The Steering Committee is taking a brief moment to thoroughly review all options. They are conducting additional research and

evaluating various proposals to move forward so they can be successful. While it is disappointing that a vendor was not selected from the initial procurement, it is better to figure that out prior to entering into a contract. They will stay on this until they have a solution that will serve the needs of the courts of limited jurisdiction.

The Expedited Data Exchange is needed because not all courts will use the state JIS applications. They need a central repository of statewide data so it is accessible to all. It is not just the courts that need to access the information, several state agencies and WSCCR need the information for their services.

Gender and Justice Commission Letter of Support

At the last meeting the BJA approved sending a letter of support for the Gender and Justice Commission's grant application. The draft letter was included in the meeting materials.

It was moved by Judge O'Donnell and seconded by Judge Ahlf to approve the letter supporting the Gender and Justice Commission's grant application. The motion carried.

February 16, 2018 Meeting Minutes

It was moved by Judge Ahlf and seconded by Judge Schindler to approve the February 16, 2018 BJA meeting minutes. The motion carried.

Information Sharing

- Chief Justice Fairhurst thanked Judge Gibson and Judge R. W. Buzzard for their work co-chairing the GR 37 Work Group. Judge Gibson thanked the excellent AOC staff support of Shannon Hinchcliffe.
- Ms. Marr told everyone to be on the lookout for the District and Municipal Court Management Association Spring Regional Training invitation. All court levels are invited to the training.
- Judge Ahlf thanked Mr. Horenstein and Judge Ringus for their work during legislative session.
- Justice Wiggins reminded everyone that this is an election year. There are a number of judges up for election and four judges from the Court of Appeals (COA) are retiring. He mentioned this because judges are an important source of information for people. Everyone needs to be very conscience about the elections.
- Judge Logan shared that Judge Shelley Szambelan was appointed to Spokane County Superior Court. If you have a chance, congratulate her.
- Judge Spearman shared that the four COA judges retiring are Judge Mary Kay Becker, Judge Ronald Cox, Judge Michael Trickey, and Judge Thomas Bjorgen.
- Judge Jasprica said that earlier in the meeting Judge Fair mentioned benchbooks being dropped from the Education Funding Task Force recommendation. She just wanted to let everyone know that a letter was sent to Ms. Dietz to address that through the AOC.
- Ms. Butler Robison stated that a dues notice will be sent out to judicial officers soon.
- Judge O'Donnell said that two weeks ago there was a task force meeting on the pre-trial reform effort and the task force's goal is to provide recommendations for the next legislative

session. He hopes the task force will come out with guidelines on using the risk assessment.

- Judge Fearing shared that 2019 is the 50th anniversary of the COA. They are planning events and will make a video that will be on TVW about the history of the court and will create a brochure about the court. Each division will have a celebration.
- Judge Gonzales gave kudos to all the committees supporting the courts.

Recap of Motions from the March 16, 2018 Meeting

Motion Summary	Status
Approve the approach of the Interpreter Services Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process.	Passed
Approve the approach of the Court Education Funding Task Force, specifically the funding request which is anticipated to be revised as they finalize the budget package and submit it through the budget process.	Passed with Judge O'Donnell and Judge Rogers opposed
Approve the letter supporting the Gender and Justice Commission's grant application.	Passed
Approve the February 16, 2018 BJA meeting minutes.	Passed

Action Items from the March 16, 2018 Meeting

Action Item	Status
<u>Gender and Justice Commission Letter of Support</u> <ul style="list-style-type: none"> • Finalize and send approved letter of support. 	Done
<u>February 16, 2018 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online. • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	Done Done