



## Board for Judicial Administration (BJA) Meeting

Friday, June 15, 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 Bryan Chushcoff  
Ms. Callie Dietz  
Judge George Fearing  
Judge Blaine Gibson  
Judge Gregory Gonzales  
Judge Dan Johnson  
Ms. Paula Littlewood  
Judge Mary Logan  
Judge Bradley Maxa  
Mr. Bill Pickett  
Judge Kevin Ringus  
Judge Rebecca Robertson  
Mr. James Rogers  
Judge Ann Schindler  
Judge Scott Sparks  
Judge Michael Spearman  
Justice Charles Wiggins

#### **Guests Present:**

Justice Bobbe Bridge (ret.)  
Ms. Misty Butler Robison  
Judge Kitty-Ann van Doorninck  
Ms. Margaret Yetter  
Justice Mary Yu

#### **Public Present:**

Dr. Page Carter

#### **AOC Staff Present:**

Ms. Lynne Alfasso  
Ms. Crissy Anderson  
Ms. Jeanne Englert  
Ms. Beth Flynn  
Mr. Brady Horenstein  
Mr. Ramsey Radwan

#### Recognition of Outgoing Members

Judge Jasprica recognized all the outgoing Board for Judicial Administration members and Ms. Butler Robison for their contributions and service to the BJA. The outgoing BJA members are judges Maxa, Fearing, Chushcoff, O'Donnell, Sparks, Ahlf, and Spearman; and Mr. Brad Furlong, former President of the Washington State Bar Association. Ms. Butler Robison was staff to the BJA. Chief Justice Fairhurst thanked all outgoing members for their service on the BJA.

#### Public Trust and Confidence Committee

Justice Yu updated the BJA on the past and present work of the Public Trust and Confidence Committee. A list of projects was included in the meeting materials. She highlighted a few of them:

- Producing a PSA regarding access to justice for the public which should be completed at the end of summer or early fall.
- Increasing participation in the Judges in the Classroom (JITC) Program by building a roster of judges who can step in. Their focus will be Constitution Day which is a national campaign. Their goal is to have a judge in each school. The Administrative Office of the

Courts will be focusing on getting their social media updated to feature judges who present JITC lessons in schools.

- Providing a program at the Annual Judicial Conference regarding implicit bias against religious minorities.
- Looking at diversity in juries. Mr. Chris Gaddis from Pierce County Superior Court has studied where the jurors are who do not report for jury duty and he produced an interesting map that shows many of the people who do not show up live in apartments and lower income areas. They are working on ways to increase juror turnout.

The BJA can help the Committee by approving a future request to add more members to the Committee. The Committee needs to have more representation geographically and by race. They would also like to have a second in-person meeting but will need additional funding. Most of their meetings are by phone and that works to a certain extent but it is helpful when they can meet in person.

#### 2018-2019 BJA and Committee Membership

Ms. Englert stated that there are lists of the proposed 2018-19 members of the BJA and the standing committees in the meeting materials. The Policy and Planning Committee membership will be finalized this summer and sent via e-mail to the BJA for approval.

**It was moved by Judge Rogers and seconded by Judge Sparks to approve the BJA standing committee chairs and rosters. The motion carried.**

#### Washington Citizens Commission on Salaries Report

Mr. Horenstein reported that the Salary Commission will convene in September to set judicial salaries. During the last salary setting cycle there was some frustration at initially being told the salary increase would be 4% but it was actually just 2%. Mr. Horenstein included a memorandum in the meeting materials explaining the salary setting process and how Salary Commission members are appointed.

Mr. Horenstein would like to have a discussion on the approach. Historically, it has been a joint presentation. Does the BJA want to continue with the current approach or change it? The goal is to get on the same page regarding the presentation and materials that are submitted.

The following suggestions were made regarding the content of the Salary Commission report.

- The salaries listed should be for the entire year. For example, when listing 2017, the salary listed only pertains to the last three months of the year.
- Information about the pension contribution should be included in the report. Part of the high pension contribution rate is tied to higher benefits and part by the recession.
- Would not point out how hard judges work because everyone works hard. Instead, show competitive salaries for people courts are trying to recruit and emphasize the turnover rate. King County Superior Court has had a 20-30% turnover rate the last two years. Comparatively low salaries make it difficult to attract highly qualified candidates to serve on the court. It is important to have a comparison to the federal bench but also include comparisons to the private and public sectors.

- Show that there is disparity in the pension contribution rate. Federal judges pay nothing and Washington judges pay close to 16%.
- It is important to know the Salary Commission members so the BJA will know the audience of the presentation and be careful to not assume they know more than they do.
- If the goal is to close the gap between the pay of Washington State and federal judges, it should be corrected in increments over the years.
- Think about including the State of the Judiciary to highlight the work judges do in addition to their time on the bench. All of the additional responsibilities should be looked at as ways to show how much extra work is being done by judges in Washington through boards, committees and commissions.
- Include the fact that according to the National Center for State Courts Washington State judges are not even making the median salaries throughout the county. The BJA could also compare Washington's salaries just to the Western Region states.

There was a request to wait and see the report that Mr. Horenstein produces prior to sending letters from associations directly to the Salary Commission.

It was noted that public perception is important and the BJA has to be sensitive to that. If the BJA asks for too much in one area, some credibility could be lost if the BJA pushes too hard.

Mr. Horenstein's plan is to send the report to BJA members via e-mail for feedback.

#### Office of Civil Legal Aid Board Appointment

**It was moved by Judge Johnson and seconded by Judge Schindler to approve the appointment of Judge Rebecca Pennell to the Civil Legal Aid Oversight Committee. Motion Carried.**

#### Standing Committee Reports

**Budget and Funding Committee (BFC):** Judge Schindler said that since the budget is on the agenda later, she is going to skip this report.

**Court Education Committee (CEC):** Judge Jasprica reported that the CEC met by phone this week and adopted a plan for going forward. They will schedule a Judicial Education Leadership Institute (JELI) this fall. They are inviting two people from each association's education committee to two days of training. It will be similar to a train the trainer program. They want the education committees to be aware of adult education principals when creating their education programs.

**Policy and Planning Committee (PPC):** Judge Robertson reported that the PPC is working on the branch communication plan and the BJA Bylaws. Chief Justice Fairhurst stated that the Principal Policy Goals were approved by the Supreme Court.

**Legislative Committee (LC):** Judge Ringus noted that the LC's written report is included in the meeting materials. The report contains a list of legislators who have decided not to run again. Mr. Horenstein will keep an eye on who filed for those positions and how they move forward.

Several of the legislators stepping down are attorneys and/or on the House Judiciary or Senate Law and Justice committees and it is important to get to know their replacements. Chief Justice Fairhurst suggested that after the primary that meetings should be set up with the candidates even though the election results will not be known for a few months. If the meetings do not take place until after the general election, there will be too much of a crunch and everyone will be on their doorsteps. She would like to have representatives from the LC start having conversations and discussions with members of the House Judiciary and Senate Law and Justice committees about the BJA's priorities. Hopefully that will have a positive impact. She would like the LC to think about that as the BJA is strategically planning for next session.

The legislative proposals are due on August 15.

#### Interpreter Funding Strategic Initiative and Education Funding Strategic Initiative

Written reports for each of the task forces were included in the meeting materials. Both task forces are using their survey findings to strategize on how best to communicate and message the information for increased funding. They are also identifying which groups to work with to communicate with legislators.

The Interpreter Services Funding Task Force is currently focusing on obtaining customer feedback regarding interpreter services. They are trying to get feedback from everyone in the courtroom who needs to understand and communicate with each other. Every contact they meet with leads to two or three more contacts. They met with attorneys and are continuing to schedule additional meetings to get feedback. The Task Force is casting a wide net for communication.

The Court System Education Funding Task Force is focusing on essential and timely training. They are looking at different ways to provide training for court personnel across the board. They are also working on critical messages and finalizing those.

The big push for both task forces will be in the fall and winter. They are doing a lot of work to bring things forward.

#### 2019-2021 Biennial Budget Request Prioritization

Mr. Radwan explained that the state budget is no longer in a deficit situation but there is only a relatively small amount of additional funds available.

Judge Schindler gave a brief update on the budget presentation meeting last Friday. That is when they added the Thurston County Impact Fee to the budget request list. Mr. Radwan explained that he thought half the current funding was going to be moved to the biennium but found out a few weeks ago that there would be no funding after this fiscal year. After discussing with the BFC, they added it to the list and prioritized it.

The BFC made prioritization recommendations and distributed that information to the BJA during the meeting.

Four of the IT requests will be seeking general funds and Judge Schindler reviewed each of the requests. The BFC did not prioritize the IT requests. The Judicial Information System

Committee (JISC) has worked on and prioritized their requests and they did that without regard to funding source. The JISC has not yet decided if these requests are ones they want to pursue for general fund money. The BFC recommends that the BJA not prioritize the IT requests but the BJA can make their own decision. Mr. Radwan explained that the Judicial Information System (JIS) account may end up about \$11 million over anticipated revenue based on the IT funding requests. Pulling out these four budget packages will get them to near zero in the JIS account. About \$30 million has been swept out of the JIS account by the Legislature in the past.

A BJA member suggested that the BJA needs to be educated and understand what information technology (IT) needs the courts have. If the BJA is to be effective, it needs to have an IT understanding and be able to direct where resources are used. Money makes the projects go and the IT projects have their own dedicated fund which is not sufficient at the moment. In the end, the JIS projects need to be brought into the BJA. The PPC should think about finding a way to create a JIS committee of the BJA so 1) the BJA is better educated about these issues, and 2) they are better educated on what the BJA needs.

**It was moved by Judge Ringus and seconded by Judge Logan to follow the BFC's recommendation and only prioritize the non-IT general fund requests. The motion carried.**

Judge Schindler reviewed the list of budget requests.

The BJA prioritized the funding requests in the following order:

1. Trial Court Funding for Language Access
2. Statewide Court System Online Training
3. Timely and Essential Court Training
4. Thurston County Impact Fee
5. Finding Fathers – Dependency Cases
6. Judicial Bench Books
7. Web Services
8. Guardianship Services
9. Family and Juvenile Court Improvement Program
10. Guardianship Monitoring
11. Therapeutic Courts
12. CASA Program Expansion and Enhancement

May 18, 2018 Meeting Minutes

**It was moved by Judge Ringus and seconded by Judge Logan to approve the May 18, 2018 BJA meeting minutes. The motion carried with Judge Rogers abstaining because he did not attend the meeting.**

Commission on Children in Foster Care

Justice Bridge was asked to give a brief overview of the Commission on Children in Foster Care, the current goals and priorities of the Commission, and how the Commission and the BJA can work together. This is the first time the Commission has presented to the BJA.

The Commission was created by Supreme Court order in November 2004. The first meeting was in February 2005. Justice Bridge has been the Supreme Court representative since 2005, even into her retirement. All three branches of government are represented on the Commission. The purpose of the Commission is to monitor and report on the extent to which child welfare programs and courts are responsive to the needs of the children in their joint care; to make recommendations for systemic improvements; and to broaden public awareness of and support for meeting the needs of vulnerable children and families, including provision of sufficient mental health, health care, education and other services.

The Center for Children & Youth Justice (CCYJ) provided services for free to staff this Commission early on. After a few years, the CCYJ Board entered into a contact with the Administrative Office of the Courts to use court improvement funds (CIP) funds to pay for half the cost of the staff at the CCYJ to support this and the CCYJ raised funds for the other half. They currently use interns from the University of Washington’s Evans School of Public Policy and Governance to support the Commission. The interns usually work about 20 hours per week on average through the school year.

The Commission uses workgroups to find solutions when an issue comes to their attention. Some of their recent workgroups include looking at issues such as dependency best practices, helping children and youth in foster care participate in enrichment programs and “normal life” experiences, and National Reunification Day celebrations.

A few of the Commission’s priorities going forward include being a key informant for the federal Child & Family Services Review, providing oversight and support of the dependency guidelines, and Reunification Day. One of the biggest changes will be the new Department of Children, Youth and Families.

Justice Bridge asked BJA members to learn more about what the Commission does and determine what kind of joint ventures the two groups can work on together for meaningful system level reform. She also requested that BJA members encourage court staff to participate in Commission workgroups.

There being no further business, the meeting was adjourned.

**Recap of Motions from the June 15, 2018 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the BJA standing committee chairs and rosters.	Passed
Approve the appointment of Judge Rebecca Pennell to the Civil Legal Aid Oversight Committee.	Passed
Follow the BFC’s recommendation and only prioritize the non-IT general fund requests.	Passed

<b>Motion Summary</b>	<b>Status</b>
Approve the May 18, 2018 BJA meeting minutes.	Passed with Judge Rogers abstaining

**Action Items from the June 15, 2018 Meeting**

<b>Action Item</b>	<b>Status</b>
<u>2018-2019 BJA and Committee Membership</u> <ul style="list-style-type: none"> <li>• Update BJA subcommittee listservs.</li> <li>• Send final PPC roster via e-mail for BJA approval.</li> </ul>	Done
<u>Washington Citizens Commission on Salaries Report</u> <ul style="list-style-type: none"> <li>• Incorporate suggestions into the report.</li> <li>• Send Salary Commission report to BJA members via e-mail.</li> </ul>	
<u>Office of Civil Legal Aid Board Appointment</u> <ul style="list-style-type: none"> <li>• Send appointment letter to Judge Rebecca Pennell.</li> </ul>	Done
<u>May 18, 2018 BJA Meeting Minutes</u> <ul style="list-style-type: none"> <li>• Post the minutes online.</li> <li>• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.</li> </ul>	Done Done