

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, MARCH 20, 2020
9:00 A.M.**

VIDEOCONFERENCE

Board for Judicial Administration Membership

2019-2020



VOTING MEMBERS:

Chief Justice Debra Stephens, Chair
Washington State Supreme Court

Judge Gregory Gonzales, Member Chair
Superior Court Judges' Association
Clark County Superior Court

Judge Tam Bui
District and Municipal Court Judges'
Association
Snohomish County District Court

Judge Doug Federspiel
Superior Court Judges' Association
Yakima County Superior Court

Justice Steven González
Washington State Supreme Court

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

Judge David Kurtz
Superior Court Judges' Association
Snohomish County Superior Court

Judge Robert Lawrence-Berrey
Court of Appeals, Division III

Judge Linda Lee
Court of Appeals, Division II

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

Judge David Mann
Court of Appeals, Division I

Judge Samuel Meyer, President
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association Fife Municipal Court

Judge Michael Scott
Superior Court Judges' Association
King County Superior Court

Judge Kitty Ann van Doorninck, President
Superior Court Judges' Association
Pierce County Superior Court

NON-VOTING MEMBERS:

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Judge Michelle Gehlsen, President-Elect
District and Municipal Court Judges'
Association
King County District Court

Rajeev Majumdar, President
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

Judge J. Robert Leach,
Presiding Chief Judge
Court of Appeals, Division III

Judge Judith Ramseyer, President-Elect
Superior Court Judges' Association
Pierce County Superior Court

The **Mission** of the Board for Judicial Administration is to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government.

The **Vision** of the Board for Judicial Administration is to be the voice of the Washington State courts.



Board for Judicial Administration (BJA)
Friday, March 20, 2020 (9 a.m. – 11:30)
 Video Conference

AGENDA

1. Call to Order Welcome and Introductions	Judge Gregory Gonzales	9:00 a.m.
2. Court of Appeals Information sharing	Judge David Mann	9:05
3. Standing Committee Reports Budget and Funding Committee <ul style="list-style-type: none"> • Legislative Session Update Court Education Committee Legislative Committee <ul style="list-style-type: none"> • Legislative Session Update • Motion: Review and approve revised charter Policy and Planning Committee <ul style="list-style-type: none"> • Information sharing on Board diversity 	Judge Mary Logan Ramsey Radwan Judge Gregory Gonzales Judge Kevin Ringus Dory Nicpon Judge Michael Scott/Penny Larsen	9:15 Tab 1
4. BJA Task Forces Court Security Motion: to approve funding strategy/funding request Court System Education Funding	Judges Rebecca Robertson and Sean O'Donnell/Penny Larsen Jeanne Englert	9:45 Tab 2
5. Washington State Library Information sharing	Rob Mead	10:00 Tab 3
Break		10:20
6. Judicial Conduct Commission Information sharing: Interim Suspension Rule	Reiko Callner	10:30 Tab 4
7. Gender and Justice Commission Motion: to approve model harassment policy with cover letter	Justice Sheryl Gordon McCloud Justice Steven González	10:55 Tab 5
8. February 21, 2020 Meeting Minutes Action: Motion to Approve the Minutes of the February 21, 2020 Meeting	Judge Greg Gonzales	11:10 Tab 6
9. Information Sharing	Judge Greg Gonzales	11:15

Roundtable Meeting Review		
10. Adjourn		11:30
Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or jeanne.englert@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: May 8, 2020 - AOC SeaTac Office
June 19, 2020- AOC SeaTac Office
September 18 - AOC SeaTac Office
October 16 - AOC SeaTac Office
November 20 - AOC SeaTac Office

TAB 1

Washington State Judicial Branch 2020 Supplemental Budget Request Comparison Conference Budget March 2020

Administrative Office of the Courts - State General Fund Requests			
Title	FTE	Amount Requested	Conference
FTE Adjustment	55.5		Included in Maintenance Level
This request is for the FTE's associated with the funding provided. No additional funding is requested.			
Statewide Court System Online Training	1.2	\$207,000	\$207,000
Funding is requested to develop and implement a statewide online delivery system for training court staff and judicial officers.			
SB 5149 Monitoring with Victim Notification	0.5		\$68,000
Funding is provided to implement 2SSB 5149 to develop a list of vendors and create informational resources.			
ESSB 5450 Adding Superior Court Judges	2.0		\$298,000
Funding is provided to implement ESSB 5450 which adds a superior court judge in Clark County and a superior court judge jointly in Ferry, Pend Oreille, and Stevens Counties.			
2ESSB 5720 Involuntary Treatment Act	-		\$25,000
Funding is provided to implement 2ESSB 5720 for updated IT systems and forms.			
ESSB 6268 Abusive Litigation/Partners	-		\$135,000
Funding is provided to implement ESSB 6268; 1.0 FTE Legal Analyst and IT system modifications.			
ESSB 6641 Sex Offender Treatment Availability	-		\$5,000
Funding is provided to implement ESSB 6641; travel costs.			

Washington State Judicial Branch 2020 Supplemental Budget Request Comparison Conference Budget March 2020

Uniform Guardianship Implementation	4.5		\$1,423,000
Funding is provided to implement the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act.			
Court Appointed Special Advocates (CASA)		\$0	\$200,000
Funding is provided for the CASA program to fund volunteer efforts, staff, recruitment efforts, public awareness, and programs that assist abused and neglected children involved in legal proceedings.			
Court Text Notification System	1.2	\$0	\$333,000
Funding is provided to implement a state-wide text notification system that provides automated court date reminders. The court date notification system texting services must provide subscribers with court date notifications and reminders by short message service or text message.			
Firearm Background Check Unit	5.0	\$0	\$666,000
Funding is provided to implement E2SHB 2467 that requires the WSP to establish and operate a Firearms Background Check Unit and an automated firearms background check system to serve as a single point of contact for firearms dealers to conduct background checks.			
Superior Court Judge Reimbursement		\$0	\$600,000
Funding is provided to reimburse counties affected by extraordinary judicial costs arising from a long-term leave of absence by a superior court judge.			
Youth Solitary Confinement		\$0	\$112,000
Funding is provided to implement 2SHB 2277 that prohibits the use of juvenile solitary confinement in juvenile detention and juvenile rehabilitation institutions.			
Vacating Criminal Records	5.0	\$0	\$1,214,000
Funding is provided to fund 2SHB 2793 that creates a court-driven process for reviewing and vacating criminal convictions based on current statutory eligibility requirements.			

Washington State Judicial Branch 2020 Supplemental Budget Request Comparison Conference Budget March 2020

Domestic Violence Risk Assessment		\$0	\$50,000
Funding is provided to develop a domestic violence risk assessment instrument that: (a) uses information from relevant court records and prior offenses to predict the likelihood of a domestic violence incident, and (b) determine whether law enforcement risk data and domestic violence supplemental forms are useful in determining reoffense.			
Total Request - AOC	74.9	\$207,000	\$5,336,000

Washington Supreme Court - State General Fund			
Title	FTE	Amount Requested	Conference
Office of the Attorney General	-	\$29,000	\$29,000
Funding is requested to reimburse the Office of the Attorney General for services provided in Fiscal Year 2019.			
Total Request - Supreme Court	-	\$29,000	\$29,000

Court of Appeals - State General Fund			
Title	FTE	Amount Requested	Conference
Retirement Buyout	-	\$186,000	\$186,000
Funding is requested to meet the expected leave buyout obligation for court employees who have maintained state employment for an extended number of years.			
Total Request - Court of Appeals	-	\$186,000	\$186,000

Washington State Judicial Branch 2020 Supplemental Budget Request Comparison Conference Budget March 2020

Office of Public Defense			
Title	FTE	Amount Requested	Conference
Implementation of Dependency Parenting Plans under C80 L18	-	\$100,000	\$100,000
Funding is requested to fully implement C80 L18 (SB 6453), which authorizes legal services for parents of dependent children to establish or modify parenting plans as may be necessary in order to dismiss a dependency action and achieve permanence for the children			
Payment for Social Work Services	-	\$179,537	\$180,000
Funding is requested to provide a cost of living increase payment for independent social work services used by OPD contract attorneys providing client services under the Parents Representation Program and the Ch.71.09 RCW Civil Commitment Program.			
Parents for Parents Program	-	\$0	\$200,000
Funding is provided to support the Parents for Parents program for Grant, Cowlitz, Jefferson, Okanogan, and Chelan counties.			
Total OPD Request	-	\$279,537	\$480,000

Washington State Judicial Branch 2020 Supplemental Budget Request Comparison Conference Budget March 2020

Office of Civil Legal Aid			
Title	FTE	Amount Requested	Conference
Automated Document Assembly System	-	\$165,000	\$165,000
Funding is requested to reauthorize and re-appropriate \$165,000 in unspent FY 2019 funding for the family law automated forms project. This is not a request for new funding.			
Assistant Agency Director	-	\$139,000	\$0
Funding is requested to establish and fund the position of Assistant Director for the Office of Civil Legal Aid			
Children's Representation Study Completion	-	\$537,000	\$418,000
Funding is requested to underwrite the costs of attorney representation in dependency cases associated with the Children's Representation Study (sec. 28, Ch. 20, Laws of 2017) through and including dismissal.			
FY 2019 Caseload-Driven Over-Expenditure	-	\$126,000	\$126,000
Funding is requested to compensate for caseload-driven expenditures for its Children's Representation Program and the Children's Representation Study directed in sec. 28, ch. 20, laws of 2017.			
Statewide Reentry Legal Aid Project	-	\$492,000	\$492,000
Funding is requested to establish a statewide reentry legal aid program to be administered by a non-profit legal aid organization to be determined in consultation with the Statewide Reentry Council.			
Uniform Guardianship Implementation	-	\$0	\$25,000
Pass-through funding is provided to train kinship caregivers and update the legal options guide for individuals pursuing kinship care.			

**Washington State Judicial Branch
2020 Supplemental Budget Request Comparison
Conference Budget March 2020**

Tenant Evictions Study	-	\$0	\$25,000
Funding is increased for a comparative study of the impact of legal representation for tenants facing eviction in unlawful detainer cases filed under the Residential Landlord Tenant Act.			
Total OCLA Request	-	\$1,459,000	\$1,251,000

Total 2020 Supplemental Budget Request

Title	FTE	Amount Requested	Conference
Total AOC Requests All Sources	74.9	\$207,000	\$5,336,000
Total Supreme Court Request	-	\$29,000	\$29,000
Total Court of Appeals Request	-	\$186,000	\$186,000
Total Office of Public Defense Request	-	\$279,537	\$480,000
Total Office of Civil Legal Aid Request	-	\$1,459,000	\$1,251,000
Total Request	74.9	\$2,160,537	\$7,282,000



March 10, 2020

TO: Board for Judicial Administration Members

FROM: Judge Gregory M. Gonzales, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

Due to the COVID-19 virus, the CEC is reviewing cancellation costs and the impact on the overall budget. In some cases, the cost of cancellations is beyond the actual budget allotment and Associations would have to pick up the overage. However, if the Governor implements a ban on state travel, the cancellation fees will be reduced or will be non-existent. AOC has contacted each education site to discuss the cancellation costs and what they are doing at a local level to reduce transmission of COVID-19.

The CEC remains committed to the work of the Court System Funding Taskforce. A profile/job description for the FTE responsible for developing online education has been drafted but needs additional input from AOC. The CEC is developing a broad implementation plan for online education in order to be prepared if online education is funded.

The Education Team has secured an Articulate license which allows them to quickly and easily develop online education. The Team is also reviewing all the past recorded webinars that are housed on Inside Courts. Flash support will be eliminated by January 2021. Any webinars that were produced via Adobe Connect (flash version) will need to be updated if they are still relevant.

Work in Progress

The AOC Contracts department met with Education to discuss content of the RFI for an event management application. The AOC is moving forward with the RFI.

Ongoing Goals

- Support the Court System Education Funding Taskforce. 2021 – 2023 Biennial Requests will continue support of online education.
- Implement a CEC hosted webinar.
- Develop a strategic plan for online education with no additional funding.
- Review the RFI on off-the-shelf event management systems.

Long-term Goals

- Work with the BJA Court System Education Funding Taskforce on adequate and sustainable court education funding.
- Implement strategies and priorities identified in the CEC Roadmap and update as needed.



March 20, 2020

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Dory Nicpon, AOC Associate Director, Judicial and Legislative Relations
RE: BJA Legislative Committee Report

During the legislative session, the BJA Legislative Committee convenes weekly calls to discuss pending legislation.

The legislature adjourned *sine die* on March 12, 2020, after considering all bills that had been introduced but not passed in 2019, plus over 1,450 new introductions and amendments to them.

2020 Legislative Session

New bills of interest to the judiciary this session included:

[2567](#) (Courts/arrests): This bill restricts civil arrest of an individual going to, or returning from, a court facility. Except in specific circumstances, it prohibits judges, court staff, prosecutors, and prosecutors' staff from: 1) inquiring into, or collecting, immigration or citizenship information; and 2) providing non-publicly available personal information to federal Immigration and Customs Enforcement (ICE), or notifying ICE of an individual's presence at court facilities. The bill requires the entity responsible for court security to collect information regarding state and federal law enforcement officers and actions at courthouses, and report the information to the Administrative Office of the Courts (AOC) to publish it. ***As of the preparation of this report, this bill had passed the legislature and been delivered to the Governor.***

[2793](#) (Vacating convictions): This bill requires the AOC to conduct a study and single county pilot project of a streamlined process for vacation of certain convictions. AOC must develop an implementation plan for the pilot program and submit the plan, together with recommendations, to the Governor and legislature by December 1, 2020. The sentencing courts of the pilot county participate in the pilot from July 1, 2021 through June 30, 2022. The AOC prepares a status update regarding the pilot project by December 1, 2021 and a final report on the pilot project by December 1, 2022. ***As of the preparation of this report, this bill had passed the legislature, but a final operating budget with funding for this legislation had not yet been passed.***

[6438/2703](#) (Public Records Act/courts and court offices): This bill would have modified the definition of “agency” for purposes of the Public Records Act (PRA) to include a court and an office within the judicial branch. It modified the definition of “public record” for purposes of the PRA to include “court case files and judicial records.” ***Neither the Senate nor the House version passed out of the policy committee of origin.***

[6287](#) (Guardianship/conservatorships [UGA trailer bill]): This bill makes adjustments to the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA), which was enacted in 2019 and adjusted the effective date(s) of the various sections of the UGA. ***As of the preparation of this report, this bill had passed the legislature and will be delivered to the Governor.***

[5450](#) (Adding superior court judges): This bill was introduced at the request of the BJA to add two superior court judge positions: one in Clark County and one in the tri-county judicial district for Ferry, Pend Oreille, and Stevens Counties. ***As of the preparation of this report, this bill had passed the legislature and will be delivered to the Governor.***

The default effective date for bills enacted during the 2020 session is June 11. AOC has transitioned from legislative analysis and engagement to legislative implementation. AOC anticipates publishing the 2020 Legislative Summary Report on April 10.

BJA Legislative Committee Next Activities

The BJA Legislative Committee is soliciting proposals for BJA request legislation for the 2021 session. Proposals and supporting documentation are due June 15. The submittal form and instructions appear in the BJA meeting materials behind this report, and will be disseminated to the court community through judicial leadership.



March 23, 2020

TO: Chief Justice Debra Stephens, BJA Chair
Judge J. Robert Leach, COA Presiding Chief
COA Presiding Judges
Judge Kitty-Ann van Doorninck, SCJA President
Superior Court Presiding Judges
Judge Samuel G. Meyer, DMCJA President
DMCJA Presiding Judges
Justice Barbara Madsen & Ms. Jody Becker, Commission on Children in Foster Care Co-Chairs
Justice Barbara Madsen, Judicial Information System (JIS) Committee Chair
Justice Steven C. González, Interpreter Commission Chair
Justice Sheryl Gordon McCloud, Gender and Justice Commission Chair
Justice Mary I. Yu & Judge G. Helen Whitener, Minority and Justice Commission Co-Chairs
Justice Mary I. Yu, BJA Public Trust & Confidence Committee Chair
Judge Douglas J. Fair & Judge Gregory Gonzales, BJA Court Education Committee Co-Chairs
Judge Michael Scott, BJA Policy and Planning Committee Chair
Ms. Lisa West, Court Management Council Co-Chair
Ms. Dawn Marie Rubio, State Court Administrator & CMC Co-Chair

FROM: Judge Kevin Ringus, BJA Legislative Committee Chair

RE: BOARD FOR JUDICIAL ADMINISTRATION 2021 LEGISLATIVE AGENDA

The Board for Judicial Administration (BJA) has a standing Legislative Committee, which consists of judges from all levels of court. The purpose of the Legislative Committee is to develop a proactive legislative agenda on behalf of the BJA as well as recommend positions on legislation of interest to the BJA.

In order to prepare for the 2021 Legislative Session that convenes on January 11, 2021, we are soliciting legislation proposals. An example from the 2020 session is [SB 5450](#) (increasing the number of judges in Clark, Ferry, Pend Oreille, and Stevens Counties). The Legislative Committee will review all proposals and make recommendations to the BJA this fall.

While the Legislative Committee will consider all legislative proposals from the court community, we are particularly interested in proposals that further the Principal Policy Goals of the Judicial Branch (attached) and are at the request of a court, board, commission, association, or BJA committee. We invite you to submit ideas for our consideration using the attached form by June 15, 2020.

Please do not hesitate to reach out to Dory Nicpon, AOC Associate Director, Judicial and Legislative Relations at Dory.Nicpon@courts.wa.gov or (360) 357-2113. As staff to the Legislative Committee, Dory is able to help with any questions about the process.

Thank you in advance for your proposals. We look forward to working with you to improve Washington's justice system.

cc: Judge Marlin J. Appelwick, COA
Judge Jennifer Forbes, SCJA
Judge Sean O'Donnell, SCJA
Judge Stephen Warning, SCJA
Superior & Juvenile Court Administrators
Commissioner Paul Wohl, DMCJA
District and Municipal Court Administrators
Ms. Susan Carlson, Supreme Court Clerk
Mr. Derek Byrne, COA Division II Clerk
Mr. Richard D. Johnson, COA Division I Clerk
Ms. Renee Townsley, COA Division III Clerk
Ms. Kelley Amburgey-Richardson, AOC
Ms. Crissy Anderson, AOC
Ms. Judith Anderson, AOC
Ms. Cindy Bricker, AOC
Ms. Cynthia Delostrinos, AOC
Ms. Vonnie Diseth, AOC
Ms. Jeanne Englert, BJA
Ms. Margaret Fisher, AOC
Ms. Stephanie Happold, AOC
Ms. Sharon Harvey, AOC
Ms. Penny Larsen, AOC
Mr. Robert Lichtenberg, AOC
Mr. Dirk Marler, AOC
Mr. Dory Nicpon, AOC
Mr. Ramsey Radwan, AOC
Ms. Frank Thomas, AOC

Attachments

n:\legislative relations\bj legislative\2021 bja leg priorities\request memo for bja legislation - 2021 session.docx

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of justice in the state.

The judicial branch in Washington State is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect.

The Principal Policy Goals of the Washington State Judicial Branch

1. **Fair and Effective Administration of Justice.** Washington courts will openly, fairly, efficiently and effectively administer justice in all 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 income, language, culture, ability, or other access barrier.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests 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. **Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.



Board for Judicial Administration Legislative Committee *Legislation Request Form*

Please submit completed forms and supporting documentation/drafts to Sondra.Hahn@courts.wa.gov.

Proposals should be submitted by June 15.

WHEN TO USE THIS FORM

This form is **only** used when: 1) a proposal requires statutory amendment (i.e., changes to language in the Revised Code of Washington (RCW)); **and** 2) the judicial branch proponent of the proposal wishes to request support and action for it from the Board for Judicial Administration (BJA).

Please consider these questions to guide you to the correct process.¹ If you need assistance with the form or have questions, contact Dory.Nicpon@courts.wa.gov or Sondra.Hahn@courts.wa.gov.

Question 1: Is your proposal *exclusively* a fiscal request (i.e., a request for state funding for the judiciary or a new or expanded judicial program, where no legislation other than a state budgetary appropriation is required)?

- *If no, please proceed to Question 2.*
- *If yes, STOP. You DO NOT need to complete this form.*

Please visit https://www.courts.wa.gov/appellate_trial_courts/aocwho/?fa=atc_aocwho.display&fileID=msd/budgetDevelopment for information about the Washington Courts budget submittal process. The budget submittal process is administered by Mr. Ramsey Radwan and involves review of proposals and documentation by the BJA and the Supreme Court.

Question 2: Does your proposal require new or amended statutory language (i.e., changes to the RCW)?

- *If no, STOP. You DO NOT need to complete this form.*

You may wish to pursue the proposal in discussion with judicial branch committees, associations, commissions, and/or directly with stakeholders and legislators. For example, convening a task force or work group, including invitations for legislators to participate, does not require legislation.

- *If yes, please proceed to Question 3.*

¹ The state legislature establishes and amends the state's budgets and statutes. Various court associations, jurisdictions, and entities participate independently in Washington's legislative processes. Sometimes, a court entity would like the support of the BJA for a particular proposal. The BJA has two separate processes for developing and reviewing proposals and submitting them to the legislature: one for budget proposals (i.e., "decision packages") and one for bill drafts (i.e., changes to the Revised Code of Washington).

Question 3: Is your local court, association, or judicial entity asking the BJA to support your proposal by working with legislator(s) to sponsor it as BJA's request?

- *If no, STOP. You DO NOT need to complete this form.*

You may wish to pursue the proposal in discussion with judicial branch committees, associations, commissions, and/or directly with stakeholders and legislators. For example, if a particular court level association wishes to pursue legislation at its own request, then sharing information about it with the BJA Legislative Committee is appreciated, but obtaining BJA support using this form is not necessary.

- *If yes, please proceed to Question 4.*

Question 4: Is the proposal to request an additional judge position within a specific judicial district in chapter 2.08 or 3.34 RCW?

- *If yes, please complete PART I only of this form, and submit the completed form and the required supporting documentation to Sondra.Hahn@courts.wa.gov by June 15. You may skip PART II of this form.*
- *If no, please complete PART II only of this form, and submit the completed form and the required supporting documentation to Sondra.Hahn@courts.wa.gov by June 15. You may skip PART I of this form.*

PART I -- Used to request additional judge positions in chapter 2.08 or 3.34 RCW

Judicial District

Provide judicial district name/count(ies) impacted by request.

Contact Person

Provide requestor contact name, telephone, and email address.

Request Background—What precipitated the request?

Explain what prompted the request for an additional judge(s).

Judicial Needs Estimate (JNE) Support

How does the JNE support the request? For example, the court currently has 5 judges and 1 commissioner, and the JNE states a workload appropriate for 8 judicial officers.

Local Funding and Supporting Documentation

Detail support for the proposal secured so far. Attach documentation of *approved* local/county budget(s) that include funding for the count(ies)' portion(s) of the judicial salary.

Stakeholder Support or Opposition

Have legislators or their staff participated in any discussions about the proposal? If known, identify specific legislators that could be champions or allies as well as a list of entities that may oppose adding a judicial position(s) with a brief explanation of why, if known.

PART II -- Used for all bill draft proposals *other than* additional judge positions

Request Title

Provide a brief title for the proposal.

Requesting Entity (Organization & Contact Person)

Provide organization name, contact person, telephone, and email.

Request Background—What precipitated the request?

Provide a paragraph explaining how and why the proposal was developed. Is the proposal a product or result of a work group, task force, study, ruling, etc.?

Summary/Request Justification

Summarize the request and the need for it.

RCW(s) Impacted (please provide potential bill draft language: underlined additions to RCW, strikeouts for deletions, and identify new sections)

Provide RCWs and the requested changes to existing statutes. If requesting a new statute, identify RCW chapter(s) where it should be added. Please provide the contact information for the author(s) of the draft.

Court Level Impact

Summarize the court level impact and identify specific court levels (i.e., CLJ, Superior Court, Court of Appeals, Supreme Court).

Fiscal Impact

If enacted, will there be costs to implement this proposal? Will AOC, courts, local government(s), or other agencies have any fiscal impact as a result? If there is a fiscal impact, is it likely to be one-time or on-going?

Funding Available/Secured

If there is a fiscal impact, please document funding already secured or available to fund the proposal (i.e., grants, local appropriation, etc.). If state funding may be needed, please identify additional revenue that the legislature could generate to apply to the expenditure and include needed adjustments in the bill draft submitted.

Legislative Strategy Recommendations

Identify potential messages/talking points to legislators and advocates from within and outside the judicial branch. Have legislators or staff participated in any discussions about the proposal? If known, identify specific legislators that could be champions or allies.

Stakeholder Impact

Provide a list of all stakeholders and whether they are likely to support or oppose the proposal. Identify contact information for constituencies outside of the judicial branch who will be positively impacted by the proposal and would be willing to advocate for it.

Potential Opposition

Provide a list of organizations or entities that may oppose the legislation and a brief explanation of why, if known.



Board for Judicial Administration (BJA)

LEGISLATIVE STANDING COMMITTEE CHARTER

I. Committee Title

Legislative Committee

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Charge

The Legislative Committee facilitates court level/entity discussion of legislation and decides on the plan of engagement by the BJA with legislators and the Governor's office regarding proposals under consideration, including for legislation introduced at the request of the BJA.

IV. Policy Area

Staff to the Legislative Committee shall gather bill referrals from staff or liaisons for court levels/entities regarding which bills are of significant interest or impact to the court level or entity, and shall refer other bills to the committee whenever:

- The topic is highly visual, controversial, or of great interest to the judiciary;
- The bill applies to multiple court levels or the entire branch; or
- There is or could be disagreement between court levels, associations or, entities, or judicial branch partners.

Legislation or legislative drafts may be referred to the Legislative Committee by other entities at any time. The Legislative Committee may choose not to act on the referred issue or bill after discussion.

V. Expected Deliverables

The BJA Legislative Committee shall:

- Review and adopt positions on legislation as described in Section IV;
- Recommend action by associations or individual persons based on positions taken;
- Direct and authorize the engagement strategy taken on behalf of the BJA with regard to proposals under debate;
- React quickly as issues arise during the legislative session;

- Ensure regular communication and that no other committee's authority is being inappropriately or inadvertently usurped;
- During legislative sessions, conduct telephone conferences for the purpose of reviewing legislation and taking positions as described in Section IV. These calls should be held as soon as practicable in an effort to accommodate the weekly legislative schedule;
- During the interim, meet monthly or as needed, to develop legislative issues and potential “BJA request” legislation. These meetings should be held in conjunction with the standing BJA meetings whenever possible in order to minimize travel-related expenses and time away from court;
- In an emergency necessitated as a result of legislative proposals, the Legislative Committee shall convene by email and vote on a course of action or response; and
- Legislative Committee members shall be well versed in all bills they act upon and shall be expected to communicate all relevant positions or information to the organizations they represent, as well as other parties, including legislators, as needed.

VI. Membership

The BJA Legislative Committee shall be composed of:

- The voting members of the BJA Executive Committee;
- DMCJA and SCJA Legislative Committee chairs; and
- Three BJA members: one from a court of limited jurisdiction, one from a superior court, and one from the Court of Appeals; as nominated and chosen by the BJA.

Each member will have one vote per seat on the committee. In the event of co-chairs at an association level, that position will have only one vote.

The chair of the Legislative Committee shall serve for a two-year, renewable term, and shall be chosen from among the Legislative Committee members.

VII. Term Limits

The term of standing committee members shall be two years. Each committee member may be reappointed by the BJA to additional two-year term(s), including whenever the member occupies a position contemplated for Legislative Committee membership under Section VI.

Term should be consistent with a member's term on BJA or commensurate with the term in the office that compels participation on the Legislative Committee.

VIII. Other Branch Committees to Partner With on Related Issues

- SCJA Legislative Committee;
- DMCJA Legislative Committee; and

- Other Judicial Branch Boards, Commissions, and Associations.

IX. Reporting Requirements

The BJA Legislative Committee shall report monthly, or upon request, to the BJA.

During session, staff to the Legislative Committee will provide an update to the full BJA after the chair of the committee has made opening remarks.

The Legislative Committee shall report in writing to the BJA as requested.

The chair of the Legislative Committee shall attend one BJA meeting per year, at a minimum, to report on the committee's work, if so requested.

X. Recommended Review Date

The committee will have a review date of every two years.

Adopted: July 18, 2014

Amended: September 19, 2014

September 18, 2015

March 20, 2020



March 20, 2020

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Michael Scott, Chair, Policy and Planning Committee (PPC)
RE: REPORT OF POLICY AND PLANNING COMMITTEE

The Policy and Planning Committee (PPC) met on February 21, 2020.

Status of BJA Strategic Initiative Process:

The PPC is waiting until the Superior Court Judges' Association (SJCA) Therapeutic Court Committee meets at the Spring Conference. If the SCJA Committee's recommendation is that a task force is not needed, the PPC will solicit proposals from the courts and justice partners for new strategic initiatives this summer.

Committee Work Plan Update:

1. Develop recommendations to BJA for approaching the adequate funding issue.

PPC members noted that we need to more specifically define what we mean by adequate/inadequate funding. At the Judicial Leadership Summit in 2019, there was a consensus that our State faces an on-going challenge in providing equitable, adequate, and stable funding for our court system. But what do we mean by that? Where the funding gaps and what are the inequities? How can we more specifically define what we mean by equitable, adequate, and stable funding?

PPC members agreed that we should undertake a systemic investigation to assess what needs are not being adequately funded and what options are available to fund them.

One of the potential approaches would be to start with a comprehensive survey with the assistance of skilled researchers, as outlined below:

1. Assessment of what needs are not being adequately funded.
 - Key informant interviews to explore how courts approach funding needs for various types of programs (pretrial, therapeutic courts, jury management, connecting offenders with services, community supervision, security, etc.)
 - Survey of presiding judges and administrators for detailed information.

- Analysis of existing statewide data.
 - Caseload and filing reports.
 - Budget requests and appropriations.
2. Collection of people data (who comes in, how the court impacts them, and their outcomes).
 - Defendant data — first appearance through post sentencing.
 - Court user (victims, pro se litigants, etc.) data —intake through resolution.
 3. Use numbers and people data to develop strategies to increase funding as indicated.

Another approach would be to continue our discussions at the PPC and BJA, drawing on the groups' existing knowledge and resources to identify funding needs and opportunities. If we take this approach, we should endeavor to think systemically. These discussions might then lead to a more focused research effort.

There does not seem to be much support at this time for approaching these funding issues by simply using our existing strategic initiative process as a target campaign approach as outlined below:

- Solicit proposals from courts, justice partners, and stakeholders via the PPC strategic initiative process that address significant policy issues and align with the mission of the BJA and criteria set forth in the Strategic Initiative process.
 - Select a proposal via BJA member voting process.
 - Convene a task force to implement the strategic initiative.
 - Document the process.
 - Evaluate results.

Although we labeled this a “targeted campaign approach,” calling it a strategic initiative approach is more accurate because, as discussed below, we will probably want to use a targeted approach in approaching the other two branches of government no matter what process we use to identify funding priorities and resources.

We should draw upon the experiences and lessons learned in the Justice in Jeopardy Task Force (JIJTF) and more recent approaches to funding requests (e.g. Interpreter Services and Court Education) using the fundamental principles that guided the JIJ effort:

- Trial Courts are critical to maintaining the rule of law in a free society; they are essential to the protection of the rights and enforcement of obligations for all.
- Trial court funding must be adequate to provide for the administration of justice equally across the state.
- The state has an interest in the effective operation of trial courts and the adequacy of trial court funding, and should contribute equitably to achieve a better balance of funding between local and state government.

In considering the appropriate balance between state and local funding of the trial courts, the JIJTF adopted a “nexus approach” in which areas of court operations that are most clearly associated with state mandates are identified, thus drawing a nexus or connection between state action and state responsibility. Key points:

- It is critical that we be able to explain to legislators how court funding needs and requests affect the lives of their constituents.
- We have been most successful when we have targeted our efforts, e.g. Civil Legal Aid, Parents' Representation, Criminal Indigent Defense, Judges' Salaries and Benefits.
- Generally, the legislature is more responsive to funding requests accompanied by improved efficiency and/or effectiveness.
- Objective data is critical to making the case for state investment in our trial courts.
- We have better success when we can identify funding options to propose to the legislature.

Dr. Carl McCurley will be at the next PPC meeting to discuss further the systemic approach.

2. Develop recommendations to the BJA to increase board diversity as requested at the March 2019 meeting.

Preliminary work was done last spring. The group did not have time to discuss at the meeting but Penny Larsen developed a draft recruitment tool and Judge Scott will facilitate a discussion at the next BJA meeting to determine if we are on the right track with what is needed by the Board to work towards having a diverse membership.

Questions for the BJA:

1. What member characteristics do we consider vital for the BJA to be successful?
Knowing the skills and talents we seek will inform our recruitment efforts.
 2. How do we attract members that meet these needs?
3. Develop recommendations to BJA regarding the feasibility of a central pool of law clerks to support rural and low-resourced courts, an idea generated at the 2019 Judicial Leadership Summit.

Research will begin in the spring of 2020. Dirk Marler will be invited to participate in this work item. SCJA is also interested in this idea and Penny Larsen will work with Crissy Anderson, the AOC SJCA coordinator, on researching the viability of implementing a program.

TAB 2



March 20, 2020

TO: Board for Judicial Administration (BJA) Members

FR: Judge Sean O'Donnell and Judge Rebecca Robertson
Co-Chairs, BJA Court Security Task Force

RE: Court Security Task Force Funding Request for BJA review and approval

Purpose

The Court Security Task Force submits the court security funding request for BJA review and approval at the March 20, 2020 meeting.

Funding Request Overview

The Court Security Task Force reviewed data from the 2017–2018 Courthouse Security Survey conducted by the Superior Court Judges' Association (SCJA) and District and Municipal Court Judges' Association (DMCJA), and conducted a security needs assessment to estimate the funding needed by courts to meet the seven minimum standards of GR 36, Trial Court Security. The Task Force received responses from over 105 courts and found there are significant unmet needs for weapon screening equipment and labor, security cameras, duress alarms, emergency notification systems security audits, and security training for staff and judicial officers. Most of the courts that responded to the needs assessment are courts in small or rural jurisdictions.

The Task Force recommends the following funding request for consideration:

Create a prioritized grant pool model in which courts apply for funding to meet the minimum security standards in GR 36, (including small capital projects to implement entry screening) or making security improvements as indicated by the findings of the security audits. In this model, shared-site courts with entry screening needs have priority for funding in the first biennium, followed by single-site courts with entry screening needs in the second biennium. If funds remain, courts that have entry screening but other unmet needs related to meeting the GR 36 minimum standards can receive funding.

Court Security Task Force - Funding Request

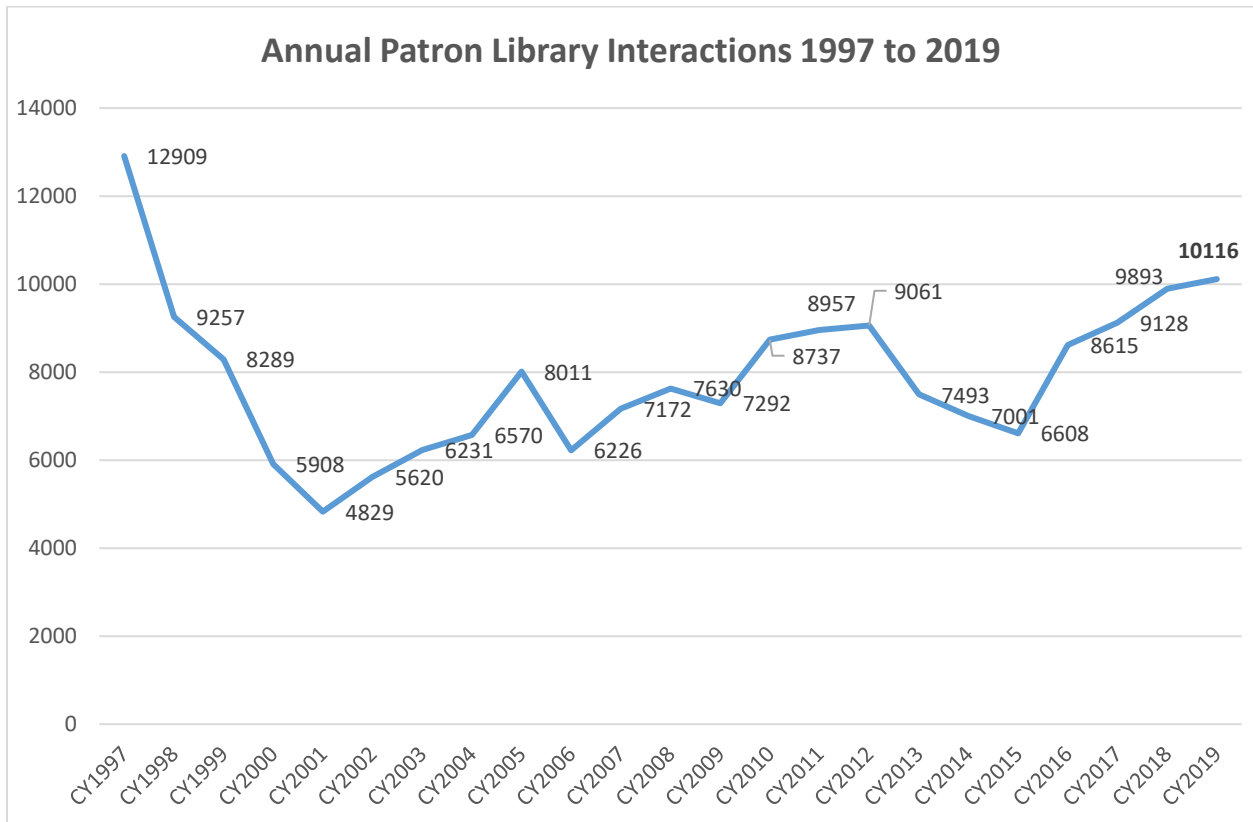
Phased Funding to meet GR 36 minimum standards in 4 years Prioritized by shared sites with two court levels and no entry screening	Cost FY 2022 (Ramp Up)				Cost FY 2023						Cost FY 2024					Cost FY 2025		
	AOC Staff	Audits	Training	Total	AOC Staff	Audits	Audit Solutions	Small Capital Projects	Pass Through Equipment	Total	AOC Staff	Audit Solutions	Small Capital Projects	Pass Through Equipment	Total	AOC Staff	Pass Through Equipment	Total
Funding for equipment, small capital projects, security audits, training and staff to implement program and provide technical assistance to prioritized courts																		
Biennium 1: Prioritized funding for 17 shared site courts with no screening or only in-session screening	240,000	100,000	100,000	440,000	240,000	100,000	50,000	200,000	850,080	1,440,080				0	0		0	0
Biennium 2: Funding for single site courts in 2024 with no screening or only in-session screening and and all other courts with other minimum standards needs in 2025											240,000	50,000	200,000	854,220	854,220	240,000	308,600	548,600
															854,220		548,600	
	Cost FY 2022				Cost FY 2023						Cost FY 2024					Cost FY 2025		
	440,000				1,440,080						1,344,220					548,600		
	Biennium 21-23				Biennium 21-23						Biennium 23-25					Biennium 23-25		
	1,880,080				1,880,080						1,892,820					1,892,820		

TAB 3

Washington State Law Library in the 21st Century: Resources for the Judicial Branch

Rob Mead, JD, MLS
State Law Librarian
rob.mead@courts.wa.gov
(360)357-2156

Theme 1 – Growing Use of the Library Despite the Growth of the Internet/Westlaw/Lexis

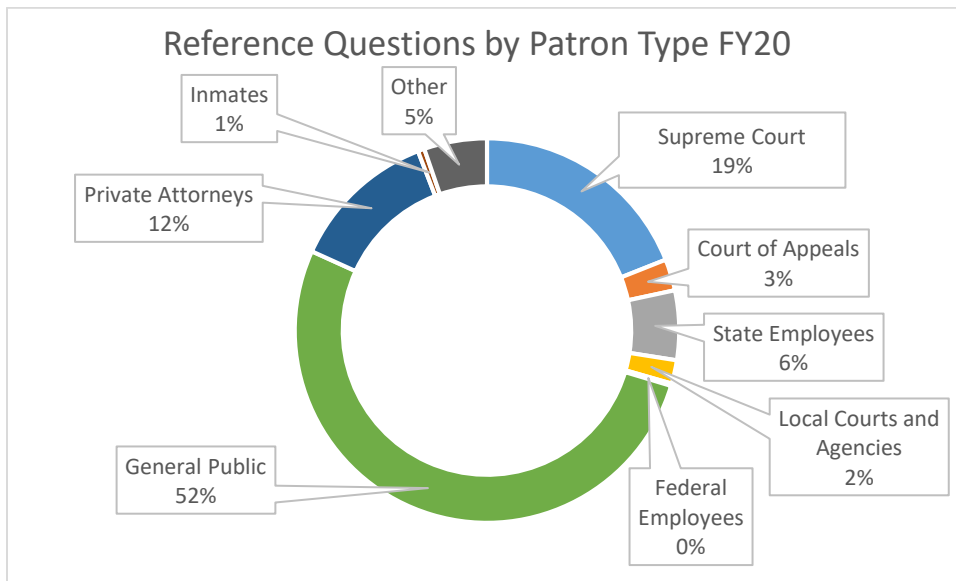


Theme 2 – Print in the Digital Era

Digital access to legal information won the fight over print about 15 years ago. Our library subscribes to most titles in digital format due to cost and space considerations. Nonetheless, print collections remain vitally important. We have over 300,000 volumes. Digital versions of these books remain behind pay walls on the internet, if they are available at all. We collect everything we can get about

Washington law in print format including legislative history and appellate briefs-in-chief. Much of this is unavailable on the internet prior to 1991 (bills) and 2006 (briefs). We also keep both new and old editions of key treatises. We have a Core Collection in print for use by the Reporter of Decisions for cite checking all appellate cases against the print version of primary and secondary legal publications prior to publication in the state reporters.

Theme 3 – Patron Usage is Much Different in 2020 than in 1997



Reference questions from the private bar make up a much lower percentage, and are generally much more difficult, than in 1997 and questions from the general public make up a much greater percentage. We are increasingly an access to justice agency. **We want to increase our questions from state and local court and government employees so as to better serve the whole state.**

Theme 4 – The most important ingredient in a modern library is expertise

Libraries are no longer primarily collections of books waiting for readers. They are information hubs where you can get expert research assistance. Our five primary reference librarians have over one hundred years of experience in legal reference. We hold various combinations of graduate degrees in library science, paralegal certificates, and law degrees. If we can't find a source or document, we reach out to our sister law and academic libraries to tap their expertise. Use our experience and expertise to make your work life easier and more efficient.

WASHINGTON STATE LAW LIBRARY SERVICES FOR THE JUDICIAL BRANCH

ASK A LIBRARIAN	<p>Our staff is available to assist you with legal research from 8 am to 5 pm, Monday - Friday.</p> <p>Website www.courts.wa.gov/library</p> <p>Phone (360) 357-2136</p> <p>Email Library.Requests@courts.wa.gov</p>
CHECK OUT BOOKS	<p>We check out books and A/V materials for legal research. The law library collection includes state and federal legislative history materials, legal treatises including Washington Practice, law reviews and journals, appellate briefs-in-chief, and case law.</p> <p>Document Delivery - Email library.requests@courts.wa.gov or call 360-357-2136 for:</p> <ul style="list-style-type: none"> • Unlimited copied or scanned pages as staff time permits. • Cases, statutes, and other documents emailed from our databases. • Please allow up to 48 hours for document delivery. • Copyright restrictions or download limits may apply. <p><i>Law Library staff can order books not available in our collection through interlibrary loan. Please ask library staff about this service.</i></p>
TECHNOLOGY	<p>Legal Databases</p> <ul style="list-style-type: none"> • Westlaw • HeinOnline • Casemaker Libra (WSBA/CLE materials) • Lexis Advance (Ask Library Staff) <p>Wi-Fi Free Wi-Fi is available for legal research in the library. Select WSC-Visitor. No password required.</p> <p>Printing and Photocopying Judicial branch employees do not have printing or photocopying limits if their research project is within the scope of their employment. Printing from email is allowed. There is a photocopier designated for government employee use in the downstairs reading room. Please ask library staff for assistance.</p> <p>Downloading & Scanning Patrons are allowed to download and scan to a USB drive, but may not print from a USB drive.</p>

Temple of Justice
415 12th Ave. SW
Olympia, WA 98501

TAB 4

MEMORANDUM

TO: BJA Members

FROM: Reiko Callner, Executive Director on behalf of the Commission on Judicial Conduct Commission Rules Committee: Judge Rich Melnick, Judge Beth Andrus, retired Judge Bob Alsdorf, Ryan Archer Esq., and Lin-Marie Nacht Esq.

RE: Interim Suspension Rule Proposal

DATE: March 10, 2020

Washington State currently has no provision to require interim suspension of a judicial officer who has been charged or convicted of a crime; or is otherwise incapacitated. The Commission on Judicial Conduct Rules Committee has been charged by the full membership to develop options for an interim suspension rule for judges in emergency situations. Currently, 29 states have some sort of interim suspension option, using a variety of mechanisms, including constitutional provision, statute, court or commission rule, or a combination.

In Washington we only allow for interim suspension when a judge has been censured through the Commission's process, and the Commission has recommended removal to the State Supreme Court. In that situation the judge is suspended with pay pending the Supreme Court's review and decision.¹ It is the Commission's position that public confidence in the Washington State judiciary would be enhanced if interim suspension was also permitted when a judge is charged with or convicted of a serious crime, or where there is reasonable cause to believe that a judge is impaired by an acute mental or emotional health or substance abuse – cognitive - issue that casts substantial doubt on the judge's ability to perform judicial duties.

There are practical considerations of how the process would operate. For example, what can or cannot presiding judges say about a judge missing from their bench? Who pays for a pro tem to do the work of a judge under interim suspension?

The legal options for authorizing such a suspension include: (1) constitutional amendment, which is difficult, costly, and fraught with the possibility of significant unintended consequences; (2) statutory amendment, which places the process in another branch of government; or (3) through the Commission's and State Supreme Court's rulemaking authority. The Commission is empowered by Article IV §31(10) of the Washington Constitution to enact rules assuring due process to judges and confidentiality. The relevant rules are the Commission on Judicial Conduct Rules of Procedure (CJCRP). The corresponding rules for de novo review by the State Supreme Court are the Discipline Rules for Judges (DRJ). The Rules Committee recommends amending the CJCRP and DRJ to achieve interim suspension for judges who have been charged with or convicted of a felony, or where there is reasonable cause to believe that a judge is impaired by an acute mental or emotional health or substance abuse issue that casts substantial doubt on the judge's ability to perform judicial duties.

We appreciate the opportunity to consult with stakeholders most affected by this proposal.

¹ WA Const. Art. IV section 31(8); RCW 2.64.094; and CJCRP 23(c).

TAB 5

Washington State Supreme Court Gender and Justice Commission

COMMISSION MEMBERS

Honorable Sheryl Gordon McCloud, Chair
Washington State Supreme Court

Honorable Marilyn G. Paja, Vice Chair
Kitsap County District Court

Honorable Anita Crawford-Willis
Seattle Municipal Court

Honorable Josie Delvin
Benton County Clerk

Honorable Rebecca Glasgow
Court of Appeals, Division II

Honorable Steve González
Washington State Supreme Court

Ms. Gail Hammer
Gonzaga University School of Law

Ms. Elizabeth Hendren
Northwest Justice Project

Ms. Grace Huang
API Institute on Gender-Based Violence

Honorable Eric Z. Lucas
Snohomish County Superior Court

Honorable Maureen McKee
King County Superior Court

Ms. Heather McKimmie
Disability Rights Washington

Honorable Rich Melnick
Court of Appeals, Division II

Ms. Erin Moody
Eleemosynary Legal Services

Ms. Riddhi Mukhopadhyay
Sexual Violence Law Center

Dr. Dana Raigrodski
University of Washington School of Law

Ms. Jennifer Ritchie
Washington Women Lawyers

Honorable Jacqueline Shea-Brown
Benton Franklin Superior Courts

Honorable Cindy K. Smith
Suquamish Tribal Court

Ms. Sonia M. Rodriguez True
True Law Group. P.S.

Ms. Victoria L. Vreeland
Vreeland Law PLLC

March 6, 2020

To: Washington State Courts

Re: Anti-Harassment Model Policy

Dear Washington State Court Judicial Officers and Administrators:

The Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) have expressed renewed interest in addressing sexual harassment in the courts. The Conference of Chief Justices passed a resolution encouraging state judicial branches to “establish procedures for recognizing and responding to harassment and harassment complaints.” We know that this issue is relevant in Washington State and addressing it at all court levels is essential.

In 2018, the Board for Judicial Administration (BJA) charged the Gender and Justice Commission (GJC) with developing a model anti-sexual harassment policy for Washington Courts. As the Supreme Court Commission dedicated to promoting gender equality in the judicial system, the GJC was well-positioned to complete this task. Today, we are pleased to share the results of our efforts over the past year plus -- a well-researched and vetted model policy -- with you. Commission members Justice Steven González, Judge Beth Andrus, and Ms. Erin Moody lead this effort for us.

In line with our approach to other policy work, the GJC determined that it was necessary to incorporate not only sexual harassment, but all forms of workplace harassment into the model policy. We believe it is equally important for courts to prevent and respond to these other forms, such as racial harassment.

As you review the enclosed model policy, please keep in mind that it is intended for adaptation to meet the needs of each jurisdiction. We know that you will want to take into account local considerations, such as referencing relevant city codes and personnel.

For example, on page three of the policy the “Reporting” section reads, “If you are a supervisor and you become aware of harassment or retaliation, you must take immediate steps to prevent the behavior from reoccurring and must promptly notify [*designated person or office for receiving complaints, e.g., HR department, AOC, or designated court personnel*].”

March 6, 2020
Page 2

We hope that you find this model policy helpful in developing or revising your court's anti-harassment policy. We welcome your questions and feedback.

In addition to the model policy, we want to take this opportunity to share news about a related project. As many of you know, the Commission is currently in the midst of a new study of the nature and impact of gender bias in Washington state courts.

This study has a particular focus on how race and poverty impact women when they access the courts, participate in legal proceedings, or work in the court environment, and the consequences they experience once they leave the courthouse. We have teams of experts conducting extensive research on twenty-seven priority topics (*see enclosed materials*), and we are implementing four pilot projects.

One of the pilot projects is a survey on workplace harassment (e.g. harassment based on gender, sexual orientation, race/ethnicity, etc.) in the courthouse. This pilot project was proposed by the same committee that developed the model policy, as a way to better understand harassment in Washington State courts. The Washington State Center for Court Research is leading the development and administration of this survey and we anticipate disseminating it to the court community in the coming months.

Thank you for your consideration.



Justice Sheryl Gordon McCloud
Chair, Gender and Justice Commission



Judge Marilyn G. Paja
Vice Chair, Gender and Justice Commission

Enclosure

MODEL ANTI-HARASSMENT POLICY

Purpose for Offering Model Anti-Harassment Policy to Washington Courts

The Gender and Justice Commission strongly encourages all courts in the State of Washington to adopt a written anti-harassment policy that informs all of its employees, including Judicial Officers, that harassment will not be tolerated; defines and provides examples of harassment and other prohibited conduct; outlines a procedure for employees to report harassment; and encourages all employees, not just targets of harassment, to report misconduct.

The Commission also encourages all courts to assure that complaints will be handled as confidentially as possible, guarantee that employees who report harassment will not suffer adverse job consequences as a result, and require supervisors or managers within the court to report suspected harassment.

Finally, the Commission asks each court to implement the policy in a meaningful way, ensuring that supervisors and managers become familiar with the policy and review it on a regular basis, and that all employees are regularly trained on its provisions.

While the Commission offers this proposed model anti-harassment policy, it understands that the laws in each local jurisdiction may vary. Each court should review these local laws to ensure that any final policy adopted by your court complies with these legal requirements. Citation to authorities within the model policy are as of the date of creation of the model policy and should be updated as needed.

Model Anti-Harassment Policy

Statement of Purpose

The _____ Court (the Court) is committed to maintaining an environment of respect, dignity, and equal employment opportunity for all people who work in the Court. This policy is essential to that commitment, and it is the responsibility of [*supervisors, the Court Clerk, Court Administrator, and Judicial Officers*] and all employees to comply with and promote its provisions. A violation of this policy by an employee or volunteer may result in disciplinary action, up to and including dismissal from employment.

Everyone who works in the Court has the right to fair and equal treatment, regardless of age (40 years or older); sex (including pregnancy); marital status; sexual orientation; gender identity; gender expression; race; creed; color; national origin; honorably discharged veteran or military status; the presence of any actual or perceived sensory, mental, or physical disability or the use of

a trained dog guide or service animal by a person with a disability; unless based upon a bona fide occupational qualification;¹ or genetic information.²

Definitions

The Court seeks to eliminate all harassment because any act of harassment undermines the integrity and quality of the workplace and is unfair to any employee or volunteer who experiences it.

Harassment is unwelcome language or conduct that targets a person or group of people because of their age (40 years or older); sex (including pregnancy); marital status; sexual orientation; gender identity; gender expression; race; creed; color; national origin; honorably discharged veteran or military status; the presence of any actual or perceived sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; unless based upon a bona fide occupational qualification; or genetic information.

Harassment becomes unlawful when the unwelcome language or conduct becomes a condition of continued employment or is severe or pervasive enough that a reasonable person would consider intimidating, hostile, or abusive.

Harassment can take many forms. Some examples include:

- Offensive jokes, comments about a person's body, degrading language, or slurs;
- Demeaning or sexually suggestive photos or videos shared through social media, email, or text message;
- Unwanted touching, offensive gestures, or blocking a person's movement.

Sexual harassment is a form of harassment that is sexual in nature. Sexual harassment includes, but is not limited to:

- Unwelcome comments, jokes, suggestions, or derogatory remarks of a sexual nature
- Inappropriate or unwelcome physical contact such as pats, squeezes, deliberately brushing against someone's body, or impeding or blocking a person's normal movement
- Posting sexually suggestive or derogatory pictures, cartoons, or drawings at one's workstation or in common areas, or sending them through email or text messages
- Unwelcome sexual advances or pressure for sexual favors
- Basing employment decisions (such as promotions, evaluations, or assignments) or access to court services on a person's acquiescence in the sexually harassing conduct

¹ RCW 49.60.040(7)(a) & (26), .180; 49.44.090; *Hegwine v. Longview Fibre Co., Inc.*, 162 Wn.2d 340, 172 P.3d 688 (2007).

² 42 U.S.C. 2000ff-1(a)(1).

Harassment, including sexual harassment, becomes unlawful when the unwelcome language or conduct becomes a condition of continued employment or is severe or pervasive enough that a reasonable person would consider intimidating, hostile, or abusive.

Harassment can occur in a variety of circumstances. The harasser can be a supervisor, a supervisor in another area, a co-worker, or a non-employee. Anyone can be unfairly affected by severe or pervasive harassment, whether they are the intended target of the harassment or not. And unlawful harassment may occur even if the target or others affected by the harassment do not miss work or lose any wages as a result.

If you are unsure whether conduct or language qualifies as “harassment,” you can and should report it.

Retaliation is any action by court personnel that punishes an employee who in good faith reports harassment, provides information to personnel investigating a claim of harassment, or testifies in a proceeding related to a claim of harassment, or that discourages employees from doing any of these things. Retaliation will not be tolerated.

Retaliation can include isolation at work, transfer to a less desirable position, demotion in title or job duties, dismissal, discipline, suspension, failure to hire or promote, negative performance reviews, exclusion from work-related events, or threatening or hostile behavior.

A Judicial Officer is anyone who is authorized to perform judicial functions, including an officer such as a magistrate, court commissioner, part-time judge, or judge pro tem.

Procedures for Reporting, Investigating and Resolving Incidents of Harassment

All employees have a responsibility to create a work environment that promotes dignity and respect. That is why the Court expects employees and volunteers to report harassment and retaliation immediately. If you are a supervisor who witnesses or knows about harassment, we expect you to immediately report that behavior and take steps to prevent its reoccurrence. We ask all employees, volunteers, and supervisors to follow the procedures described below, as applicable.

Reporting

If you are an employee or volunteer and you experience harassment, you should tell the harasser to stop, if you are comfortable doing so, and / or immediately report the harassment to *[their] [any] supervisor or [other designated party, such as the Court’s HR department, the Administrative Office for the Court, or designated court personnel]*, or any Judicial Officer, either orally or in writing. You should use the same reporting procedures if you experience retaliation.

If you are a supervisor and you become aware of harassment or retaliation, you must take immediate steps to prevent the behavior from reoccurring and must promptly notify *[designated person or office for receiving complaints, e.g., HR department, AOC, or designated court*

personnel]. If you fail to do so, you may be subject to corrective / disciplinary action up to and including dismissal. You have this reporting responsibility, even where the alleged harasser is a not a Court employee.

If you experience harassment or retaliation by a Judicial Officer, you may, in addition to following the procedures outlined in this policy, report the behavior to the Commission on Judicial Conduct.

You may also file a complaint with the Washington State Human Rights Commission or the Equal Employment Opportunity Commission.

Outside Contact Information

If you believe you have faced discrimination, harassment and/or retaliation, you have a right to file a discrimination, harassment, and/or retaliation complaint with an outside federal, state, or local agency. Below is the contact information for the agencies that cover Washington State.

Federal

Equal Employment Opportunity Commission: 1-800-669-4000
1-844-234-5122 (ASL Video Phone); www.eeoc.gov.

State

Washington Human Rights Commission: 1-800-233-3247; www.hum.wa.gov.

Investigation

The Court will promptly investigate a complaint of harassment or retaliation under this policy. The object of an investigation shall be to determine (1) whether harassment, as defined in this policy, has occurred; and (2) what corrective / disciplinary action, if any, should be taken.

Scope. Investigations will vary according to the nature and complexity of the underlying complaint. They may be informal or formal, depending on the circumstances, and may include, but are not limited to, interviewing witnesses and gathering relevant evidence. All Court employees and volunteers shall cooperate with investigations conducted under this policy.

Objectivity. Investigations will be objective and will not be conducted by any person having an interest in the outcome. An investigation may be conducted either by designated court personnel or by an outside entity. In any investigation, both the reporting party and the subject of the report have a right to be timely notified as to (1) the identity of the designated investigator(s) and (2) the outcome of the investigation.

Confidentiality. In any investigation, every reasonable effort will be made to maintain the confidentiality of the reporting party, the subject of the complaint, and any participating witnesses. Absolute confidentiality cannot be guaranteed in an investigation but identifying information will be shared with witnesses and other parties outside the investigating body only on a “need to know” basis.

The Court expects staff and others who learn of a report of harassment to minimize disruption and stress in the workplace by refraining from gossip and speculation about the report, the persons involved, the investigation, or its resolution.

At any time during the process, if the harassment continues, recurs, or if retaliation occurs, you should immediately contact [*the person designated to investigate the incident*].

Resolution

If the Court determines that a report of harassment is substantiated, [*name of decision-maker or decision-making body*] will determine the appropriate corrective / disciplinary action, up to and including dismissal.

After completion of the investigation and necessary personnel action, [*insert designated representative*] may provide follow-up to affected individuals, witnesses, or staff, considering the nature of the conduct and the circumstances of each case.

Prohibition on Retaliation

Retaliation is strictly prohibited. If you engage in retaliation, you will be subject to disciplinary action, up to and including dismissal.

Dissemination and Publication of Policy

A copy of this policy will be disseminated to all Court employees and volunteers and will be included in the orientation materials given to each new Court employee.

The policy will be published on the Court's website and will be available in paper format from [*insert custodian of policy, i.e., Court Administrator, Court Clerk*].

Training

All supervisors, including [*Court Clerk, Court Administrator,*] and Judicial Officers, must attend training at least once every [*insert number*] years. All other employees must attend training at least once every [*insert number*] years.

For new employees and new supervisors, training should be completed within [*insert time period, i.e., the first month*] of employment or within [*insert time period, i.e., the first month*] of becoming a supervisor.

TAB 6



Board for Judicial Administration (BJA) Meeting
Friday, February 21, 2020, 9:00 a.m. – 12:00 p.m.
AOC SeaTac Office, 18000 International Blvd, Suite 1106, SeaTac

DRAFT MEETING MINUTES

BJA Members Present:

Chief Justice Debra Stephens
Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge Doug Federspiel
Judge Michelle Gehlsen
Justice Steven González
Judge Dan Johnson
Judge Linda Lee (by phone)
Judge Mary Logan
Judge David Mann
Judge Sam Meyer
Terra Nevitt
Judge Kevin Ringus
Dawn Marie Rubio
Judge Michael Scott

Guests Present:

Esperanza Borboa
Timothy Fitzgerald
Justice Sheryl Gordon McCloud
Pam Hartman Beyer (by phone)
Scott Hutsell
Eric Johnson
Judge Sean O'Donnell (by phone)
Judge Marilyn Paja
Brooke Powell
Judge Rebecca Robertson
Kyle Sciuchetti
Dawn Williams

Public Present:

Page Carter

**Administrative Office of the Courts
(AOC) Staff Present:**

Kelley Amburgey-Richardson
Cynthia Delostrinos
Jeanne Englert
Sharon Harvey
Penny Larsen
Robert Lichtenberg
Dirk Marler
Dory Nicpon (by phone)
Ramsey Radwan
Caroline Tawes
Frank Thomas

Call to Order

Chief Justice Stephens called the meeting to order at 9:01 a.m. and the members introduced themselves.

Gender and Justice Commission (GJC)

Justice Gordon McCloud presented the final draft of the Anti-Harassment Model Policy developed by the GJC. There was a question about adding gender expression to the list of protected categories. After a discussion, there was a motion to move the Model Policy to an action item for approval at the next BJA meeting. Members suggested that GJC should draft a cover letter describing how the policy can be used and adapted by courts.

It was moved by Justice González and seconded by Judge Scott to vote on the GJC Anti-Harassment Model Policy at the March BJA meeting. The motion carried unanimously.

Justice Gordon McCloud gave an update on the work of the GJC, including their 27 priority projects listed on page 8 of the meeting materials.

Interpreter Commission

The Interpreter Commission members plan to revisit GR 11, as it might be time to update the rule. The Commission would like each court to have a Language Access Plan (LAP).

The Interpreter Funding Task Force was successful last year in securing funding for the interpreter reimbursement program. Funds will be used for recruiting interpreters in rare languages and making trainings accessible to rural courts. The Interpreter Commission hopes to make it easier for courts to use the interpreter reimbursement process and make having an LAP a prerequisite for funding.

The Commission hopes to offer training at the Annual Judicial Conference, and develop community outreach regarding rights and careers of interpreters.

Other priorities of the Commission include developing policies and rules around non-credentialed interpreters, team interpreting, and video remote interpreting.

The Washington State Office of the Deaf and Hard of Hearing no longer provides the test for American Sign Language (ASL) interpretation, so a new test and provider is needed. This is a nationwide problem.

Only 10–15% of those who test for spoken language interpretation pass the test. The Commission plans to work with schools to help participants prepare for the test.

BJA Task Force Updates

Court Security Task Force: The Task Force completed its assessment of state courts without full-time entrance security screening. The Task Force will request \$2.5 million for capital costs. Labor costs will not be requested. Courts that share a building with another court and do not have screening at public entrances will have priority for the funding. A formal funding strategy will be presented at the March BJA meeting for review and approval.

Court Education Funding Task Force: The Task Force is moving forward with a continuing to advocate for the decision package that funds an online training system. Task Force members met with about 75 legislators this year and generally received positive feedback.

Washington State Association of Counties (WSAC) Presentation

Eric Johnson, WSAC Executive Director, and Scott Hutsell, Lincoln County Commissioner and Washington State Public Works Board Chair, presented information on the revenue challenges faced by counties and how this impacts courts.

Member Photograph

The BJA member photograph was taken.

Standing Committee Reports

Budget and Funding Committee (BFC): The BFC is committed to keeping the budget process open and transparent. In general, the budget process has the same steps as before, with some time frames extended. All the forms for submitting a budget request will be posted on the Courts website next week. Revenue is expected to be higher for the next biennium. A letter from the Chief outlining the process will be coming soon.

Court Education Committee (CEC): If the CEC receives the requested funding this legislative session, online training will be developed. CEC members are meeting with technical staff at AOC to discuss reorganizing the online education sites.

Dirk Marler and Pam Dittman, Court Education Professional at AOC, conducted three listening sessions around the state on the needs and interests of presiding judges and court administrators on training subjects and models. They will put together the information received at the listening sessions, and are committed to providing regional training sessions in November or December of this year.

The CEC has committed to take on ideas from the Judicial Leadership Summit, including increased communication; the health of judges and court personnel; a court education listserv; a judicial leadership institute; working with Jeanne Englert on the

Court Education Funding Task Force; the best way to become ecologically friendly at conferences; and how to address diversity on the BJA.

Legislative Committee (LC): Some of the bills still being tracked by the Legislative Committee are listed on pages 24–25 of the meeting materials. AOC staff are transitioning to implementation work on bills. The Legislative Committee charter will be updated soon.

Policy and Planning Committee (PPC): The main focus of the PPC is exploring adequate and sustainable court funding. Penny Larsen is working with the Washington State Center for Court Research (WSCCR) on a possible survey of court funding needs. Before deciding on the details of the survey, the PPC will look closely at the court funding structure to identify needs and ways of collecting data. The PPC hopes to bring recommendations to the March BJA meeting.

The PPC is also discussing diversity on the BJA board, and plans to develop materials to promote membership in and the work of the BJA.

BJA Communication Plan Update

The Communication Plan work is progressing. Tasks include:

- Attending conferences to provide information about BJA;
- Updating the web site;
- Distributing information about the standing committees;
- Creating a legislative toolkit;
- Moving forward on the work from the Judicial Leadership Summit;
- Continuing small group discussions;
- Widely distributing BJA Snapshots after the BJA meetings;
- Providing a BJA Annual Report each June.

Anyone with other ideas should contact Jeanne Englert.

November 15, 2019 Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Johnson to approve the November 15, 2019, BJA meeting minutes. The motion carried unanimously.

Public Trust and Confidence Committee

It was moved by Judge Scott and seconded by Judge Gonzales to approve Patricia Gutierrez as a new member of the Public Trust and Confidence Committee. The motion carried unanimously.

Information Sharing

The prompt for the information sharing segment was “What is one success, challenge, or lesson learned in 2019? What is one priority you hope to move forward in 2020?”

What is one success, challenge, or lesson learned in 2019?

- To communicate;
- Challenge of a reduced caseload;
- Revamped WAC on domestic violence cases;
- Moving the Judicial Leadership Summit ideas forward;
- Gentrification and movement of residents that make travel to legal clinics difficult;
- Case management system for courts of limited jurisdiction;
- Listen and learn;
- Coordination and connection among people to move priorities forward;
- Emphases at AOC on race, equity, and inclusion;
- Moving to a different court and the learning curve involved in that;
- A statewide assessment on a juvenile program;
- Challenge of staff turnover and retirement and how to train new administration;
- Providing presiding judge and administrator training;
- Implementation and transition to Odyssey;
- Educate the public about the judiciary;
- The Washington State Bar Association (WSBA) did a good job of deescalating and resolving issues;
- WSBA bylaw changes regarding judges who leave the bench and go into practice;
- The Court of Appeals celebrated its 50th anniversary, adopted an anti-harassment policy, and law clerks received a raise.

What is one priority you hope to move forward in 2020?

- Continue successful work with the legislature and associations;
- Better progress for domestic violence cases;
- Continue to move the Judicial Leadership Summit ideas forward;
- Continue the ATJ Board success and hard work on race, equity, and inclusion training;
- Continue learning about local courts;
- Move priorities forward;
- Translate trainings on race, equity, and inclusion into practice;
- Research current methodology on judicial needs estimates;
- Make significant progress on funding issues;
- Provide presiding judge and administrator training;

- Focus on increasing competency on the bench;
- Continue working on providing judicial officers and litigants with access to electronic documents;
- Visit more counties with information about WSBA;
- The COA hopes to have all electronic records by June 2021;
- The COA has had a lot of turnover in judges and court staff, and that trend will continue.

Other

There being no further business, the meeting was adjourned at 12:16 p.m.

Recap of Motions from the February 21, 2020 Meeting

Motion Summary	Status
Vote on the GJC Anti-Harassment Model Policy at the March BJA meeting.	Passed
Approve Patricia Gutierrez as a new member of the Public Trust and Confidence Committee.	Passed
Approve the November 15, 2019, BJA meeting minutes.	Passed

Action Items from the February 21, 2020 Meeting

Action Item	Status
A formal funding strategy will be presented at the March BJA meeting for review and approval.	
The PPC will look closely at the court funding structure to identify needs and ways of collecting data and hopes to bring recommendations to the March or May BJA meeting.	
<u>November 15, 2019 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