

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, FEBRUARY 19, 2021  
9:00 A.M.**

**VIDEOCONFERENCE**

# Board for Judicial Administration Membership

**2020–2021**



## **VOTING MEMBERS:**

**Chief Justice Steven González**, Chair  
Washington State Supreme Court

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

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

**Judge Michelle Gehlsen**, President  
District and Municipal Court Judges' Association  
Thurston County District Court

**Judge Rebecca Glasgow**  
Court of Appeals, Division II

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

**Judge David Mann**  
Court of Appeals, Division I

**Judge Rebecca Pennell**  
Court of Appeals, Division III

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

**Judge Rebecca Robertson**  
District and Municipal Court Judges' Association  
Fife Municipal Court

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

**Justice Debra Stephens**  
Washington State Supreme Court

**Judge M. Scott Wolfram**  
Superior Court Judges' Association  
Walla Walla Superior Court

## **NON-VOTING MEMBERS:**

**Judge David Estudillo**, President-Elect  
Superior Court Judges' Association  
Pierce County Superior Court

**Kyle Sciuchetti**, President  
Washington State Bar Association

**Judge Bradley Maxa**,  
Presiding Chief Judge  
Court of Appeals, Division II

**Terra Nevitt**, Interim Executive Director  
Washington State Bar Association

**Dawn Marie Rubio**  
State Court Administrator

**Judge Charles Short**, President-Elect  
District and Municipal Court Judges' Association  
King County District 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, February 19, 2020 (9 a.m. – noon)

Zoom Meeting

### AGENDA (revised 2 18 2021)

<b>1. Call to Order</b> <b>Welcome and Introductions</b>	Chief Justice Steven González Judge Gregory Gonzales	9:00 a.m.
<b>2. Presentation: OCLA overview, COVID response and priority updates</b>	Jim Bamberger	9:15 Tab 1
<b>3. SCJA Legislative Support Letter Request</b> Action: Motion to approve joint support letter	Judge Judith Ramseyer Judge David Estudillo	9:30 Tab 2
<b>4. BJA Task Forces</b> Court Recovery  Court Security	Chief Justice Steven González / Judge Judith Ramseyer/Jeanne Englert  Judge Rebecca Robertson/Penny Larsen	9:45 Tab 3
<b>5. Standing Committee Reports</b> Budget and Funding Committee <ul style="list-style-type: none"> <li>Legislative Session Update</li> </ul> Court Education Committee  Legislative Committee <ul style="list-style-type: none"> <li>Legislative Session Update</li> </ul> Policy and Planning Committee	Judge Mary Logan/Ramsey Radwan  Judge Gregory Gonzales/Judith Anderson  Judge Kevin Ringus  Judge Michael Scott/Penny Larsen	10:00 Tab 4
<b>Break</b>		10:20
<b>6. Innovating Justice Award Presentation</b>	Chief Justice Steven González Judge Gregory Gonzales	10:30

<p><b>7. BJA Member Co-Chair for 2021–2023</b>                  Action: Motion to approve BJA chairs’ recommendation for DMCJA member Chair, Judge Tam Bui</p>	<p>Chief Justice Steven González</p>	<p>10:50</p>
<p><b>8. Judicial Leadership Summit</b>                  Discussion about next Judicial Leadership Summit</p>	<p>Chief Justice Steven González</p>	<p>11:00</p>
<p><b>9. November 20, 2020 Meeting Minutes</b>                  Action: Motion to Approve the Minutes of the November 20, 2020 Meeting</p>	<p>Chief Justice Steven González</p>	<p>11:15                  Tab 5</p>
<p><b>10. Information Sharing</b></p> <p>What else can we do to thank our court staff and to further protect our court staff?</p> <p>What else can we do to insure that courts continue to adjust and modify all court proceedings and continue to be visionary in our approach?</p>	<p>Chief Justice Steven González                  Judge Gregory Gonzales</p>	<p>11:20</p>
<p><b>11. Adjourn</b></p>		<p>12:00</p>
<p>Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or <a href="mailto:jeanne.englert@courts.wa.gov">jeanne.englert@courts.wa.gov</a> 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.</p>		

**Next meetings: March 19, 2020 – Zoom Meeting**  
**May 21, 2020 – Zoom Meeting**  
**June 18, 2020 – Zoom Meeting**



# OFFICE OF CIVIL LEGAL AID

## February 2001 Update on COVID-19 Legal Aid and Other Priority Initiatives

Presentation to the Board for Judicial Administration  
February 19, 2021



# OFFICE OF CIVIL LEGAL AID -- OVERVIEW

- Basic Statutory Functions Under RCW 2.53.010 et seq.
- [2015 Civil Legal Needs Study](#) and [2016 Civil Justice Reinvestment Plan](#)
- Principal Statewide Civil Legal Aid Programs
  - General Civil Legal Aid Services
  - Legal Aid to Crime Victims
  - Legal Representation of Children in Dependency Cases



# COVID-19 EMERGENCY CIVIL LEGAL AID PROGRAM

- Initiated June 2020 (w/State DRA and Fed. CRF funding)
- Areas of Primary Focus\*
  - Access to unemployment insurance benefits
  - Protection of housing and shelter for people affected by eviction/foreclosure
  - Protection against increased threats, such as domestic violence, to individual and family safety
  - Protecting employment and other means of maintaining economic security
  - Protecting the rights of essential low-wage workers
- Looking to FY 2022-23
  - [See January 2021 Report to the Legislature](#)





# OCLA ENGAGEMENT WITH COURTS AND COURT ORGANIZATIONS IN 2020-21

- SCJA Unlawful Detainer Work Group – [Eviction Resolution Program](#)
- SCJA Unrepresented Litigants Work Group
- BJA Court Recovery Work Group
- Minority and Justice Commission’s Racial Justice Consortium
- Supreme Court Commission on Children in Foster Care/COVID-19 Emergency Order Work Group



# OCLA RACE EQUITY EFFORTS

- Founding Institutional Member (2016) of the [Race Equity and Justice Initiative](#) (REJI)
- Underwriter of Critical REJI Related Initiatives ([REJI Organizational Toolkit](#); [Community Leadership Academy](#); Race Equity Training, Support, and Technical Assistance)
- Civil Legal Aid Oversight Committee [Statement on Racism and White Supremacy](#) (July 2020)
- Internal OCLA Race Equity Plan (under development)



# QUESTIONS/COMMENTS?

Contact: Jim Bamberger, Director  
Washington State Office of Civil Legal Aid  
Phone: 360-280-1477 (mobile)  
[Jim.Bamberger@ocla.wa.gov](mailto:Jim.Bamberger@ocla.wa.gov)



## ON THE FRONT LINES MEETING COVID-19 CHALLENGES

The COVID-19 pandemic turned many into front-line responders to the challenges faced by millions across our state. Thanks to leadership from the Office of Civil Legal Aid (OCLA), the expertise of the Northwest Justice Project (NJP), and the strong support from Alliance for Equal Justice partners in the public and private sectors, Washington State has been better able to meet the civil legal needs of the most vulnerable people in our state.

Just consider the type of critical legal problems which many lower-income neighbors faced during this most uncertain year:

- ▶ Access to unemployment insurance benefits
- ▶ Protection of housing and shelter for people affected by eviction/foreclosure
- ▶ Increased threats, such as domestic violence, to individual and family safety
- ▶ Protecting employment and other means of maintaining economic security
- ▶ Protecting the rights of essential low-wage workers

And, here's how the OCLA-led response stepped up to the front line on behalf of those in need:

- ▶ Secured \$5.5 million in emergency state and federal funding to establish dedicated COVID-19 legal aid efforts in each core area of need
- ▶ Contracted with the Northwest Justice Project, community-based volunteer attorney programs, regional Housing Justice Projects, and others to expand capacity to meet COVID-19 related needs
- ▶ Recruited, trained, and deployed more than 100 private attorney contractors to help individuals with COVID-related unemployment insurance and shelter preservation
- ▶ Expanded self-help resources available through [www.Washingtonlawhelp.org](http://www.Washingtonlawhelp.org)
- ▶ Maintained baseline legal aid capacity to address the continuing needs of low-income people in WA

All of this happened in less than nine months, and thanks to the ongoing support from the state legislature and the Office of Financial Management, OCLA and its Alliance for Equal Justice partners enter 2021 better enabled to help the increasing number of Washingtonians needing civil legal aid assistance.

### LEGISLATIVE REPORT

The Office of Civil Legal Aid is pleased to offer this update to legislators, staff, and advocates across the state on our front-line legal services during the COVID-19 pandemic and our office's everyday work "to administer and oversee the delivery of state-funded civil legal aid services to eligible low-income people in Washington State." We hope this provides you a better understanding of how our state's longtime commitment to Justice for All works in the civil justice context, and how the efforts of thousands of civil legal aid proponents are making sure that we carry that commitment to those facing civil legal challenges during the pandemic... and every day after that.



**The Washington State Office of Civil Legal Aid:  
UNDERWRITING THE FRONT-LINE CIVIL LEGAL AID RESPONSE TO COVID-19**

# THE STATE-FUNDED **NORTHWEST JUSTICE PROJECT**

PROVIDES CIVIL LEGAL AID SERVICES  
THROUGHOUT WASHINGTON STATE

## OCLA-FUNDED COVID-19 EMERGENCY CIVIL LEGAL AID PROVIDERS:

**Northwest Justice Project:**  
General Statewide COVID-19 Legal Aid Response

**Unemployment Law Project:**  
Unemployment Claimant Assistance

**LAW Advocates of Whatcom County:**  
Eviction Defense

**Snohomish County Legal Services:**  
Eviction Defense; Individual and Family Safety

**Eastside Legal Assistance Program  
(King County):**  
Individual and Family Safety

**Tacomaprobono (Pierce County):**  
Eviction Defense; Individual and Family Safety

**Thurston County Volunteer Legal Services:**  
Eviction Defense; Individual and Family Safety

**Kitsap Legal Services:**  
Eviction Defense

**Clark County Volunteer Lawyer Program:**  
Eviction Defense

**Yakima County Volunteer Attorney Services:**  
Eviction Defense

**Chelan-Douglas County Volunteer Attorney Services:**  
Eviction Defense

**Benton-Franklin County Legal Aid:**  
Eviction Defense

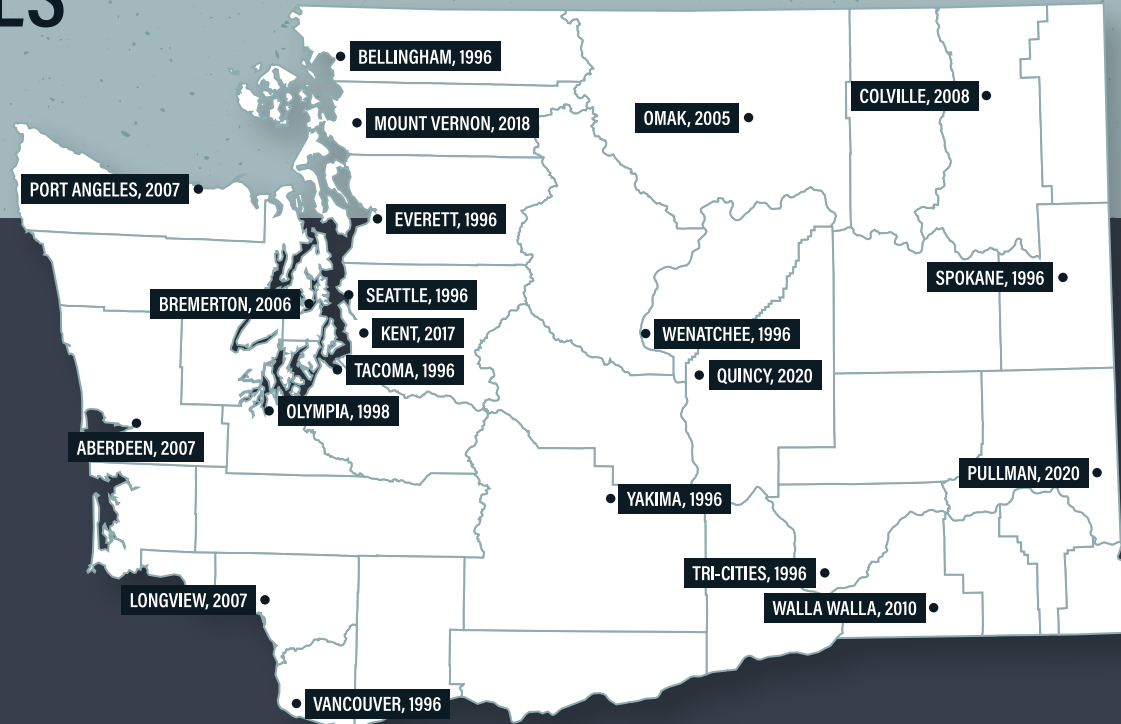
**Spokane County Bar Volunteer Lawyers Program:**  
Eviction Defense

**Legal Voice Sexual Violence Law Center:**  
Individual and Family Safety

**Fair Work Center:**  
Employee Rights Enforcement

**QLaw Foundation:**  
Support for COVID-19 Affected LGBTQ+ Individuals

**Washington Immigrant Solidarity Network:**  
COVID-19 Legal Aid Information and  
Referral for Immigrants



## WHAT OTHERS SAY ABOUT OUR WORK

“Our government needs to use every available lifeline to provide relief in this time of crisis. That’s why civil legal aid, an essential part of our state’s front-line response, must play an even larger role in the present emergency and during our recovery.”

**FORMER WA ST. CHIEF JUSTICE MARY FAIRHURST AND FRED RIVERA, SEATTLE TIMES**

“Ensuring access to justice for everyone helps us all. Every worker able to secure their essential benefits, every resident able to stay safe and healthy in their home, every person protected from violence and instability, reduces the impact of this crisis on our community.”

**FORMER WA ST. AG ROB MCKENNA AND SALVADOR MUNGIA, TACOMA NEWS-TRIBUNE**

“Timely and effective civil legal assistance can prevent problems from piling up, help families stabilize and recover, and provide a path out of poverty. Resolving these problems also reduces the strain on other public resources, which is especially important amid the economic fallout of the pandemic. Mitigating the harm of this crisis on our communities and our state requires expanding civil legal assistance to as many people as we can.”

**SEN. ANN RIVERS AND REP. MONICA STONIER, THE COLUMBIAN**

“People denied unemployment insurance, or faced with eviction, or buried in debt, or trapped in the web of court proceedings after being the victim of domestic violence...All may find themselves facing supercharged versions of the poverty-related challenges that afflict people who have no access to legal aid for civil procedures.”

**SHAWN VESTAL, SPOKANE SPOKESMAN-REVIEW**

## HOW TO GET HELP:

▶ **NJP CLEAR Statewide Legal Aid Hotline**  
1-888-201-1014

▶ **NJP CLEAR\*<sup>Sr</sup> (FOR AGES 60+ REGARDLESS OF INCOME)**  
1-888-387-7111

▶ **NJP CLEAR Online**  
<https://nwjustice.org/apply-online>

▶ **NJP CLEAR in King County**  
Dial 2-1-1

▶ **Washington LawHelp (Self-Help Resources Center)**  
[www.washingtonlawhelp.org](http://www.washingtonlawhelp.org)

▶ **Unemployment Law Project Helpline**  
888-441-9178 ext. 0

▶ **Washington Immigrant Solidarity Network Hotline**  
1-844-724-3737

**TAB 2**

DRAFT JOINT LETTER:

Dear Senator/Representative\_\_\_\_\_:

We are writing to you in our roles as leaders of Washington's superior courts, courts of limited jurisdiction, and related city and county governments to express our deep concern about the number of bills with financial and work load impact currently pending in the state legislature. The COVID-19 pandemic continues to be an extraordinary challenge throughout the legal community and judicial branch. The large number of bills pending in the state legislature this session promise to stress our organizations even further.

District, municipal, and superior courts face serious case backlogs that affect thousands of people. The majority of counties still are unable to safely conduct jury trials and courts are processing only about half their normal civil caseloads, due to the challenges of virtual proceedings. In many counties, prosecuting attorneys have delayed filing criminal charges so as not to add to current backlogs, but these prosecutions have only been delayed, not eliminated. Protection orders and mental health cases are surging. Courts also anticipate a flood of eviction cases and other civil matters that have been on hold for almost a full year. Counties and cities currently are facing significant budget shortfalls as a result of the pandemic, leading to program and staff reductions. Most courts expect it will take years to work through civil and criminal case backlogs.

In the midst of this unprecedented environment, major policy reform bills now are pending in the Legislature. While these may be laudable goals, the cumulative effect of even a few of these proposals becoming law in the short term will overwhelm the courts. At least eight active bills impose significant new resource requirements on local courts, and the cities and counties that provide their funding. For example, SHB 1320 (civil protection orders) or SSB 5122 (jurisdiction of juvenile court), require major adjustments to allocation of resources in the courts and time required to address new mandates. Six active bills require or authorize inmates to seek resentencing, which involves transportation from DOC institutions to sentencing courts, detention in local jails, prosecutors and defense counsel, notice to victims, often interpreters, plus court staff and judges. These bills affect thousands of defendants, not to mention the legions of others required to carry out their requirements. Implementation of just these eight active bills requires millions of dollars appropriated to counties to fund prosecutors and defense lawyers, new appointments of counsel for parties and guardians ad litem, the provision of new and expanded services, the creation of pattern forms and resource materials, possible capital improvements, court staff, and judicial officers.

To add to the funding crisis courts are experiencing, the Uniform Guardianship Act (UGA) became effective for minor guardianships January 1, 2021. The SCJA and AOC have estimated that costs of implementation statewide will be approximately \$4 million its first year and more than double when provisions related to adult guardianships become effective January 1, 2022. Although funding has been requested, as yet no state funds have been appropriated for this substantial reform already enacted.

It is worth noting that the Legislature recognized the very dilemma now occurring: good ideas being passed on to local governments without adequate funding to implement them. the Unfunded Mandate statute was enacted to address this issue.

After July 1, 1995, the legislature shall not impose responsibility for new programs or increased levels of service under existing programs on any political subdivision of the state unless the subdivision is fully reimbursed by the state for the costs of the new programs or increases in service levels. Reimbursement by the state may be made by: (a) A specific appropriation; or (b) increases in state distributions of revenue to political subdivisions occurring after January 1, 1998

RCW § 43.135.060

Our organizations support many of this session's policy goals represented by the proposed legislation and will continue to support them. But these sweeping changes would be difficult to implement in a typical year; in this time of crisis, it is impossible. If these bills pass without funding and resources to ensure their success, the people the laws are designed to benefit will suffer because cities, counties, prosecutors, defense counsel, and courts will not be able to fulfill legislative mandates. We earnestly want to avoid this situation, which diminishes confidence in the justice system and robs the public of the services they deserve.

None of the proposed bills (or the UGA) currently are funded. Most do not even have fiscal notes that provide a realistic assessment of associated costs. We request the Legislature delay passage of these important, but costly and labor-intensive, pieces of legislation until the 2022 legislative session or beyond. This additional time will allow stakeholders to refine and plan for unintended or unexpected issues associated with each bill. It also will allow the Legislature to answer the critical question of how these programs will be funded. If it is not possible to delay passage this session, we ask the Legislature to identify and appropriate sufficient funds to counties and cities to cover implementation costs. Without a delay or sufficient resources, courts and local governments cannot deliver the intended positive outcomes.

Our organizations are committed to working with the Legislature to ensure all new legislation is both realistic and effective. We welcome an opportunity to work with you to this end.

Sincerely,



**TAB 3**

## The Court Recovery Task Force BJA Report February 19, 2021

The [Court Recovery Task Force](#) has twelve committees. Each committee is listed and includes a brief overview of the committee's goal and activities. Committee activities may change to address new issues and the dynamic nature of the pandemic. Please contact [Jeanne.englert@courts.wa.gov](mailto:Jeanne.englert@courts.wa.gov) for specific committee details.

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### Appellate Courts Committee

**Goal:** Reduce case backlog in superior courts by facilitating the transfer of certain appeals under the Administrative Procedures Act (APA) and the Land Use Petition Act (LUPA) from the superior court to the court of appeals.

#### Activities

- Introduced SB 5225 bill that address APA adjudicative appeals and LUPA appeals.
  - Partnered with the Superior Court Judicial Administration (SCJA) who is taking the lead on legislative advocacy efforts.
- 

### Child Welfare Committee

**Goal:** Form recommendations to improve court practices in child welfare cases resulting in better outcomes for children, youth, and families that include considerations of race equity, trauma, access to justice, technology, and funding in light of the limitations courts have experienced due to the global pandemic.

#### Activities

- Created a prioritized list of goals to address the day-to-day operational changes necessary to deal with and recover from the on-going pandemic and to bring about radical system changes to improve access and improve racial equity outcomes.
- 

### Criminal Matters Subcommittees

#### Juvenile Criminal/Civil

**Goal:** Identify and make recommendations on the short-term operation modifications needed to recover from the pandemic and the opportunities for long-term juvenile criminal and civil system changes while considering race, gender, equity, access to justice, practices that align with the science of health youth development, technology, and funding needs when developing committee goals and activities to ensure positive outcomes for youth

#### Activities

- Identified goals that address probation, truancy, diversions, detention, and community services.
- Identify access to justice considerations that have been impacted by COVID, remote support, supervision and monitoring strategies, and truancy petition impacts, evaluate booking criteria that have reduced numbers, and explore increased and changing youth community services.

## Therapeutic Courts

**Goal:** Address immediate impacts of COVID on therapeutic and problem-solving courts and court users, and identify what changes should continue past the pandemic.

### Activities

- Conducted a survey of therapeutic/problem solving courts to gather information on court operational needs and service delivery in the changing environment. Survey Summary can be found [here](#).
- Identifying broader community support and relationships to address already existing issues (food, shelter, etc.) and how to address new trends (isolation, rental assistance, changes in community resources as a result of COVID).

## Adult Criminal

**Goal:** Address immediate impacts of COVID on courts and court users and identify what changes should continue past the pandemic.

### Activities

- Developed three surveys to obtain feedback on COVID impacts from defendants, jurors, and attorneys.
  - Explored backlog issues, including option of sending recommendations to appropriate committees/organizations.
  - Identifying remote contact/hearing challenges and successes.
- 

## Facilities and Logistics Committee

**Goal:** Assist the court community in their efforts to respond to the logistical and facility related challenges due to the COVID pandemic.

### Activities

- Developed and disseminated two task checklists for court administrators to consult when preparing for jury trials and Continuity of Operations Plans (COOP) planning.
    1. Tasks needed in order to procure offsite court facilities and coordinate jury activities.
    2. Tasks related to updating COOP and planning for potential outbreaks of COVID in courthouses.
  - Conducted a survey of courthouse security providers to gather information about challenges of providing courthouse security during the pandemic and the policies and practices that have been put in place to deal with them.
  - Created a state-wide communication network of courthouse security professionals and court administrators to exchange information on addressing challenges and establishing best practices related to the pandemic and meeting the requirements of General Rule (GR) 36 (Trial Court Security).
- 

## Family Law Committee

**Goal:** Research possible customer service improvements for family law litigants.

### Activities

- Explored feasibility of automated text notifications to litigants.
- Exploring the barriers some litigants may have using digital signatures.

- Exploring feasibility of Informal Family Law Trials. Reviewing rules and contacting court administrators to learn about litigant experiences of informal family law trials.
- 

## General Civil Litigation Committee

**Goal:** Identify challenges in litigating civil cases including service of process, discovery, pre-trial motions, and trial to get civil litigation moving, improving equal access to justice, and helping provide guidance/best practices.

### Activities

- Drafting language for use in court orders presuming the use of remote depositions and electronic service of process (other than initial service of process).
  - Exploring possible ways to incentivize parties to agree to six-person jury trials. Additionally, the subcommittee is exploring reducing the number of preemptory challenges available to parties in civil litigation trials, which would further reduce space needed for social distancing.
  - Researching electronic filing systems utilized in other states.
  - Monitoring the extent of the civil litigation backlog and following jurisdictions where fully remote trials are already being carried out.
- 

## Lessons Learned Committee

**Goal:** Identify and recommend innovations and best practices, and serve as a clearinghouse to assist in coordinating surveys to ensure committees do not duplicate efforts and overload court community respondents.

### Activities

- Conducted a comprehensive survey of court administrators to collect baseline data on changes in court operations and ongoing needs. [Changing Court Practices Amidst COVID and Beyond Report](#).
  - Reviewed four surveys from other task force committees.
  - Will develop and implement a court user survey specifically for unrepresented litigants.
- 

## Public Outreach and Communication Committee

**Goal:** Coordinate communication efforts around courts and COVID impacts and resources, share the work of the Task Force, and develop communication materials as needed.

### Activities

- Expand and utilize the Virtual Court Directory [www.courts.wa.gov/COVID19](http://www.courts.wa.gov/COVID19) and rebrand as an Access Directory.  
Execute a communications plan for the eviction for non-payment of rent project to educate the public on how to access the seven pilot project sites in Washington.
  - Create a thorough listing of all community and public organizations that courts should reach out to for reentry operations communications.
-

## Technology Committee

**Goal:** Establish guidelines for courts to use and reference in order to evaluate and implement court technology.

### **Recent Activities:**

- Prepared an outline of specific subjects/issues for each of the core principal objectives that were identified.
  - Drafting for publication a detailed list of objectives and guidelines for courts to use in adopting and implementing the use of technology in court proceedings based on [Access to Justice](#) and [NCSC Guiding Principles](#).
  - Exploring possibilities that guidelines may require modifying court rules and procedures to allow participants to engage courts remotely.
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February 10, 2021

**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

The 2021 Judicial College was held virtually over a two-week period. We would like to recognize Judge Veronica Alicea-Galván, Judge Jeffrey Smith, the Deans of the 2021 Judicial College, and Judge Ketu Shah, Judge Aimee Maurer, the Assistant Deans. We would also like to recognize the Education team; Ms. Pam Dittman, Mr. Phil Zitzelman and Ms. Laura Blacklock, Court Education Professionals, Ms. Tasha McGee and Ms. Chris Potis, Administrative Support. Their dedication and hard work to make the College happen this year was extraordinary. They “pivoted” thirty-three session and thirty-nine faculty from an in-person program into an interactive online event and developed a user friendly site for materials and resources that the judicial officers could access throughout the college. There were approximately fifty-five new judicial officers who attended.

The AOC has disseminated a RFP for the new Learning Management System to the State of Washington’s Vendor list and to several companies that were researched by Dr. Scott Hillstrom.

Ms. Judith Anderson, Dr. Scott Hillstrom and a Subject Matter Expert (SME) from Spokane Superior Court are working on a project to produce a self-paced program entitle *Those Who Escort Jurors*. The old Virtual Institute for New Court Employees (VINCE) had a section for bailiffs, which will be the foundation of the new program. In the past, a bailiff orientation was part of the Institute for New Court Employees (INCE) curriculum, but was moved into an online environment back in the late 90s. This new updated version will take the place of the old self-paced program. It will also address the management of the virtual trial.

Since the last report, the Education team have completed several webinars.

- *Implicit Bias, Privilege, and Customer Service*, sponsored by the DMCMA.
- *Search and Seizure Update* with Judge McBeth, sponsored by the CEC.

**Work in Progress**

Review, evaluation and demonstration of the LMS for final review and decisions.

Developing a short-term and long-term vision of court education that includes in-person and online educational opportunities for the court system personnel.

Moving the current Institute for New Court Employees into a self-paced program. Educators, SME and the Distance Learning Coordinator will work on this project.





February 9, 2021

**TO:** Board for Judicial Administration (BJA) Members  
**FROM:** Judge Kevin Ringus, BJA Legislative Committee Chair  
**RE:** BJA Legislative Committee Report and Legislative Session Update

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As you may know, the AOC has contracted the services of Devon S. Connor-Green and his legislative and regulatory affairs team to lobby on behalf of the BJA. Devon is a long-time Olympia resident and an alumni of The Evergreen State College. He received his JD from the University of San Francisco School of Law.

During the legislative session, the BJA Legislative Committee convenes weekly calls to discuss pending legislation. For the 2021 legislative session, the Committee adjusted the format of the weekly agenda to facilitate greater intra-branch information sharing about the bills of most profound judicial interest or impact. In the new format, the perspectives of court levels and court entities (i.e., court administrators and, through staff, the Supreme Court Commissions) are explicitly invited.

Internally, a small team at AOC reviews each new bill, determines whether AOC should analyze and track it, and assigns the necessary analyst(s). For bills with concerning language or significant impacts, protocols are used to inform legislative or fiscal engagement.

### 2021 Legislative Session

The cutoff for bills to pass out policy committees and read them into the record on the floor is February 15<sup>th</sup> and the last day for bills to pass out of fiscal committees and read into the record on the floor is February 22<sup>nd</sup>.

The last day to consider and pass a bill out of its house of origin is March 9<sup>th</sup>. Then the process starts all over again in the opposite house. The policy committee cutoff in the opposite house is March 26<sup>th</sup>. The fiscal committee cutoff is April 2<sup>nd</sup> and the last day to consider a bill in the opposite house is April 11<sup>th</sup>. Finally, the last day of the regular session is April 25<sup>th</sup>.

The Governor has 5 days, excluding Sundays, to take action on any bill passed by the Legislature, provided adjournment does not occur within those 5 days.

### BJA Request Legislation This Session

HB 1167 (Adding a 9<sup>th</sup> judge to Thurston County Superior Court): Information necessary for this bill was received from the Code Reviser, bill sponsors were secured, and the bill was first introduced on January 12<sup>th</sup>. The House Committee on Civil Rights & Judiciary held a public hearing on January 26<sup>th</sup> and included the bill in an Executive Session on January 29<sup>th</sup>. It passed unanimously out of this committee and has been referred to Appropriations. No hearing has been set in Appropriations as of this writing.

A second piece of BJA request legislation concerns the continuation of operations in single-judge courts. Information necessary for this bill was received from the Code Reviser and bill sponsors have been secured. However, we are still fine-tuning this bill with our sponsors in an effort to drop the bill prior to the end of the session. This will allow BJA the opportunity to iron out any wrinkles as a result of legislator concerns regarding the bill. Action on this bill is most likely a year away.

### Other Legislation of Interest This Session

Even though the legislature only accepted bills in the areas of racial equity, police accountability, COVID-19 response, and the budget; there are several pieces of legislation that could have a substantial impact on the judiciary.

Bills regarding juvenile justice, civil protection orders, pretrial release and detention, legal financial obligations, landlord-tenant relations, drivers' license suspensions, and decriminalizing small amounts of various drugs all have laudable policies. However, there may also be a huge impact to the judiciary when implementing these policies. One bit of relief was learning that Representative Hanson will not re-introduce the Clean Slate Act in this session.

### BJA Legislative Committee Next Activities

In addition to continuing to engage with legislators regarding pending legislation, the BJA Legislative Committee will begin preparations for legislative implementation and advancement of any BJA request legislation for the 2022 session.





**Board for Judicial Administration (BJA) Meeting**  
**Friday, November 20, 2020, 9:00 a.m. – 12:30 p.m.**  
Videoconference

**DRAFT MEETING MINUTES**

**BJA Members Present:**

Chief Justice Debra Stephens  
Judge Greg Gonzales, Member Chair  
Judge Tam Bui  
Judge David Estudillo  
Judge Doug Federspiel  
Judge Michelle Gehlsen  
Judge Rebecca Glasgow  
Justice Steven González  
Judge Dan Johnson  
Judge David Kurtz  
Judge Mary Logan  
Judge David Mann  
Judge Bradley Maxa  
Terra Nevitt  
Judge Rebecca Pennell  
Judge Judith Ramseyer  
Judge Rebecca Robertson  
Dawn Marie Rubio  
Kyle Sciuchetti  
Judge Michael Scott  
Judge Charles Short

**Guests Present:**

Jim Bamberger  
Jody Becker  
Derek Byrne  
Susan Carlson  
Barbara Carr  
Timothy Fitzgerald  
Ruth Gordon  
Jessica Gurley  
Trish Kinlow  
Patti Kohler  
Linda Latham  
Judge John Lohrmann  
Justice Barbara Madsen  
Sophia Byrd McSherry  
Robert Mead  
Brooke Powell  
Judge Kevin Ringus  
Judge Jackie Shea-Brown  
Allison Sonntag  
Kris Thompson  
Judge Kim Walden  
Dawn Williams

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

Crissy Anderson  
Judith Anderson  
Cindy Bricker  
Cynthia Delostrinos  
Jeanne Englert  
Penny Larsen  
Dirk Marler  
Dory Nicpon  
Ramsey Radwan  
Caroline Tawes

### Call to Order

Chief Justice Stephens called the meeting to order at 9:03 a.m.

### Presentation: “Not Just Hanging in There”

Judge Mary Logan, as the Judicial Assistance Services Program (JASP) representative, discussed small steps and gestures for self-care. The meeting participants divided into small groups to discuss two questions: “Please share the greatest obstacle that you have overcome in your job during this time,” and “What can you do for yourself and your court staff to commit to self-care.”

### Court Management Council (CMC)

Dawn Marie Rubio recognized the CMC members and presented an overview of CMC projects. The 2020 Court Manager of the Year award was presented to Trish Kinlow, Tukwila Municipal Court Administrator. Judge Kim Walden acknowledged Trish Kinlow’s accomplishments.

### CMC Association Updates

**Association of Washington Superior Court Administrators (AWSCA):** The AWSCA is collaborating with other courts on the Uniform Guardian Act (UGA) rollout.

**District and Municipal Court Management Association (DMCMA):** The Spring Program was held in November. The DMCMA is focusing on the new case management system for the Courts of Limited Jurisdiction. Work is moving forward on implicit bias training which will involve several associations and a proclamation addressing equity across the state. Several courts are experiencing staffing shortages.

**Washington Association of Juvenile Court Administrators (WAJCA):** The WAJCA held a virtual education retreat where they worked on a strategic plan for juvenile courts and discussed reform, structural racism, programs, and funding. The WAJCA is focusing on racial equity in courts.

**Washington State Association of County Clerks (WSACC):** The WSACC is working on their legislative priorities for the 2021 Legislative Session. They are realigning their responses in recall efforts, proposing to increase the ex parte fee, legislation on abusive litigation, and working with the AOC to implement 2021 rules, especially the minor guardianship rules.

**Court of Appeals:** The Court of Appeals is continuing to hear cases, many of them virtually. Work is moving forward on OnBase and e-filing. Four of eight prisons are now participating in e-filing. Richard Johnson, Clerk/Court Administrator for Division I,

announced his March 21 retirement. Clair Bruggeman, Senior Staff Attorney in Division II, is retiring. Division II is moving to a new facility that will open on January 1, 2021.

**Supreme Court:** The Temple of Justice building is still closed to the public, although work is continuing. Inmate e-filing has expanded, cutting the paper filings in half. The oral arguments are held by Zoom and are going well, and Susan Carlson thanked AOC Desktop Support staff Virgil Garcia for his assistance. The January 11 swearing-in of justices will be via Zoom.

### Standing Committee Reports

**Court Education Committee (CEC):** Court Education staff at AOC are disseminating webinars and seminars, including some offered for continuing legal or judicial credit, to the judicial community. Staff are preparing to issue a request for proposals for a new Learning Management System. The Faculty Development program has successfully completed virtually over six courses. A CEC summary was included in the meeting materials.

**Legislative Committee (LC):** Judge Ringus discussed the LC strategy for the upcoming Legislative session. The LC received word that Thurston County is in a position to fund a ninth judge in Thurston County Superior Court. On November 30, the Senate Law and Justice Committee will discuss the impact of COVID-19 on Washington courts. Information was included in the meeting packet.

**Policy and Planning Committee (PPC):** The PPC began work on adequate funding survey and will have a draft for review at the February BJA meeting. Work continues on increasing diversity on BJA boards and committees. The PPC report was included in the meeting packet.

### Presentation: Commission on Children in Foster Care (CCFC)

Justice Barbara Madsen, Jody Becker, Deputy Secretary of the Department for Children, Youth, and Families (DCYF), and AOC Court Improvement Program Supervisor Cindy Bricker presented an overview of the CCFC. During the COVID-19 crisis, the CCFC is working on two initiatives: they assisted with the Supreme Court order on dependency and termination cases, and developed a COVID Rapid Response Work Group.

Jody Becker reported the Youth Leadership Summit was virtual this year and went well. The presentations are available on YouTube.

Cindy Bricker reviewed the State Team action plans from the August 2020 *National Judicial Leadership Summit: Ensuring Justice in Child Welfare*. More information was included in the meeting packet.

### Presentation: Innovating Justice Awards

The inaugural Innovating Justice Awards were presented to Judge Jacqueline Shea-Brown (presented by Jim Bamberger), Judge John Lohrmann (presented by Linda Latham), Judge Kim Walden and the Tukwila Municipal Court (presented by Trish Kinlow), and Chief Justice Debra Stephens (presented by Judge Greg Gonzales, Judge Judy Ramseyer, and Judge Michelle Gehlsen).

### Task Force Reports

**Court Recovery Task Force (CRTF):** The CRTF met on November 19. There were presentations from the Governor's office and the Department of Health. The CRTF materials are posted on the courts' website.

**Court Security Task Force:** The Trial Court Security Improvement budget proposal was withdrawn previously but the Budget and Funding Committee requested reconsideration. After a discussion, there was a decision to withdraw the budget proposal. The Court Security Task Force members will begin working with the Legislature now and submit a budget proposal in the 2022 Legislative session.

**It was moved by Judge Ramseyer and seconded by Judge Pennell to withdraw the Trial Court Security Improvement budget proposal. The motion carried unanimously.**

### Budget and Funding Committee 2021–2023 Biennial Budget Requests

After removing the Trial Court Security Improvement budget proposal from the list, the BJA voting members discussed the budget priority recommendations and voted by Survey Monkey to prioritize the budget requests that will be forwarded to the Supreme Court Budget Committee. Members ranked the budget priorities same as the BFC.

**It was moved by Judge Gonzales and seconded by Judge Mann to retain the 2021–23 Biennial Budget Requests as previously prioritized by the BFC. The motion carried unanimously.**

### Public Trust and Confidence Committee (PT&C)

**It was moved by Judge Robertson and seconded by Judge Scott to approve the new members of the Public Trust and Confidence Committee, with Jennifer Garber's membership contingent on final approval from the Washington State Bar Association. The motion carried unanimously.**

### October 16, 2020 Meeting Minutes

**It was moved by Judge Gehlsen and seconded by Justice Robertson to approve the October 16, 2020, BJA meeting minutes. The motion carried with one abstention.**

Information Sharing

Chief Justice Stephens and Judge Gonzales thanked Judge Federspiel for his service to the BJA.

Chief Justice Stephens said she plans to send an e-mail to the court community about the urgent public health situation and to urge compliance with health protocols. There will not be a new Supreme Court order.

Chief Justice Stephens announced this will be her last BJA meeting and welcomed Justice González. Justice González said he looks forward to working with the BJA.

Several BJA members thanked Chief Justice Stephens for her leadership to the BJA.

Dawn Marie Rubio reminded participants that there is more CARES funding available, and there will be a CARES Q & A session by Zoom on Tuesday, November 24.

Other

There being no further business, the meeting was adjourned at 12:06 p.m.

**Recap of Motions from the November 20, 2020 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Withdraw the Trial Court Security Improvement budget proposal.	Passed
Retain the 2021–23 Biennial Budget Requests as previously prioritized.	Passed
Approve the new members of the Public Trust and Confidence Committee, with Jennifer Garber’s membership contingent on approval from the Washington State Bar Association.	Passed
Approve the October 16, 2020, BJA meeting minutes.	Passed

**Action Items from the November 20, 2020 Meeting**

<b>Action Item</b>	<b>Status</b>
The Policy and Planning Committee began work on adequate funding survey and will have a draft for review at the February BJA meeting.	
<u>October 16, 2020, 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