



**Board for Judicial Administration (BJA) Meeting**  
**Friday, March 19, 2021, 9:00 a.m. – 12:30 p.m.**  
Videoconference

## MEETING MINUTES

### **BJA Members Present:**

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

### **Guests Present:**

Jim Bamberger  
Barbara Carr  
Timothy Fitzgerald  
Robert Mead  
Justice Raquel Montoya-Lewis  
Senator Jamie Pedersen  
Judge Kevin Ringus  
Judge Cindy Smith

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

Kathryn Akeah  
Crissy Anderson  
Judith Anderson  
Jeanne Englert  
Penny Larsen  
Dirk Marler  
Stephanie Oyler  
Ramsey Radwan  
Caroline Tawes  
Andrea Valdez

### Call to Order

Chief Justice González called the meeting to order at 9:02 a.m.

### Tribal State Court Consortium (TSCC) Presentation

Judge Cindy Smith, co-chair of the Tribal State Court Consortium (TSCC), presented a history and overview of the TSCC work.

TSCC goals include building relationships throughout state between Tribal and state courts, and partnering in administering justice in the state.

There was a discussion on the importance of state courts being able to see protection orders issued in Tribal Courts. Chief Justice González suggested forming a workgroup to come up with recommendations for solutions. Suggestions for membership in the

workgroup included a technical advisor from the AOC, court administrators from both the superior courts and courts of limited jurisdiction, and representatives from the county clerks, the Gender and Justice Commission, and the Northwest Justice Project. Justice Montoya-Lewis, Judge Logan, Judge Smith, and Dawn Marie Rubio will develop a proposed list of members.

### Court Recovery Task Force (CRTF)

This is the end of the first year of the CRTF. The CRTF is compiling responses to the COVID-19 crisis regarding what has worked well and what has not worked well. At the June BJA meeting there will be a discussion on how the CRTF synthesizes the information that has been gathered and how to make that information available to the justice system.

There are currently three surveys being prepared. A survey for jurors will be ready early next week. Surveys for unrepresented litigants and for defendants are being translated and will be ready soon. The surveys will be available via paper copies and QR codes.

### Court Security Task Force

Judge O'Donnell and members of the SCJA Legislative Committee met with Representative Tharinger to discuss the Court Security Task Force funding package. Task Force judges and administrators will participate in a security training conducted by a third party vendor via a scholarship from the BJA Education Committee to evaluate whether this is training the Task Force can recommend to the courts or consider for future funding.

### Small group discussions

The meeting participants were divided into five breakout rooms to discuss the following questions from the agenda:

What are you doing now that is ONLY authorized by emergency orders and the Supreme Court that you want to keep doing?

How is your organization, association, or court preparing for operations post-COVID?

Discussion notes from each breakout team will be e-mailed to Jeanne Englert and distributed in a separate document. Highlights from the breakout discussions include:

- Some court rules might need to be reviewed. There should be additional capability to appear remotely such as kiosks, libraries, and community centers, all with a variety of software that could connect with the courts.

- Jury selection via Zoom seems to promote greater diversity and participation. There are concerns about the digital divide that need to be considered.
- Remote judicial education is going very well. The Court of Appeals has found that remote oral arguments reduce costs and work well. Remote meetings promote participation.
- Many courts hope to keep remote options including remote appearances, e-signatures, and e-submissions with options for local variances. There is still an urgent need for increased court staff and judicial officers and off-site facilities with technical support and security.
- Remote hearings and remote oral arguments are going forward. Some judges don't want remote hearings. There may be a need for two separate calendars, one remote and one in person.

### Standing Committee Report

**Budget and Funding Committee (BFC):** The March 17 Economic Recovery Council updated the budget forecast with an increase of \$1.3 billion this year, and a \$1.9 billion increase for the biennium. This brings the forecast back to where it was in February 2020. BJA funding requests are expected to move forward. The Senate Operating Budget will be released March 26.

Washington will receive \$7.1 billion in federal funding, and \$1.7 billion of that is flexible funding. Chief Justice González, representatives from the Superior Court Judges' Association and the District and Municipal Court Judges' Association, Dawn Marie Rubio, and Ramsey Radwan will communicate that the judicial branch needs to participate in discussions on the distribution of the flexible funding.

There are still CARES funds to be distributed. Funds may be used on backlog issues, including facility rental, pro tempore, and staff costs and some technical costs. Funds will be issued in two-month increments. About \$2 million is left in the CARES package that may be distributed through the end of 2021.

**Court Ed Committee (CEC):** The new Learning Management System selection process will be in the demonstration phase the last two weeks of March. A vendor will be chosen after completion of the demonstrations. Spring programs start next week with the Court of Appeals and County Clerks programs. All spring programs will be virtual. The Annual Conference will be held in person September 12–14, 2021.

**Legislative Committee (LC):** The total number of bills introduced this year is 1,477. HB 1167, the BJA request for a ninth judge in Thurston County Superior Court, has moved from the Senate Law and Justice Committee to the Senate Ways and Means Committee. Devon Connor-Green, the Interim Legislative Liaison, is doing a good job. Interviews to hire a new AOC Legislative Liaison are set for April.

**Policy & Planning Committee (PPC):** This Committee continues to focus on the adequate funding project. They will report at the June BJA meeting on a survey to presiding judges and court administrators. The Committee also continues to focus on BJA Board diversity. They are reviewing the Committee charter and are discussing recruiting an at-large member from the community or a retired judge.

### Judicial Leadership Summit

Jeanne Englert will send BJA voting and non-voting members an invitation to hold 9:00 a.m. to 2:00 p.m. on June 18, 2021 for the Judicial Leadership Summit. Ideas for the Summit include small group breakout sessions and discussions on a funding implementation plan, creating a better relationship with the Legislative Branch, how to deal with the courts' case backlog, rule changes necessary to emerge from pandemic, and the relationship between Tribal and state courts, especially regarding protection orders. Several Legislators will be invited to the Summit.

There will be further discussions on the Summit format and topics.

### February 19, 2021 Meeting Minutes

**It was moved by Judge Scott and seconded by Judge Gehlsen to approve the February 19, 2021, BJA meeting minutes. The motion carried unanimously.**

### Information Sharing

The Supreme Court has finished the last oral argument of the winter term. The one-year anniversary of the pandemic and of emergency court orders issued by the Supreme Court was noted.

The Appellate Conference will be held next week.

Fencing and restricted traffic around the capitol campus prevented the Law Library from continuing to offer curbside service. The public is now allowed back on campus on foot and circulation will begin again. The Law Library has continued to offer service to courts, attorneys, and self-represented litigants around the state.

The County Clerks spring conference will be held soon with a presentation from Tribal Courts. Lessons learned during the pandemic will be discussed.

Today is Judge Maxa's last BJA meeting. The new Court of Appeals Presiding Chief Judge will be Judge Marlin Appelwick. Chief Justice González and Judge Mann thanked Judge Maxa for his work.

The Court of Appeals is discussing distribution of the COVID-19 vaccine and the challenge of vaccine hesitancy and equitable distribution.

Dirk Marler stated he is grateful and proud of AOC staff who have stepped up and done good work under difficult circumstances over the past year.

Interbranch Relations

Senator Jamie Pedersen discussed how the Judicial Branch as a whole could benefit from a structure that creates opportunity for ongoing communication with the Legislature, especially on budget issues. Senator Pedersen would appreciate an opportunity to facilitate a process for more regular and better communication between the two branches.

Senator Pederson plans to participate in the June 18 Judicial Leadership Summit, and discussed other legislators who could be invited.

Other

There being no further business, the meeting was adjourned at 11:55 a.m.

**Recap of Motions from the March 19, 2021 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the February 19, 2021, BJA meeting minutes.	Passed

**Action Items from the March 19, 2021 Meeting**

<b>Action Item</b>	<b>Status</b>
A workgroup will be formed to come up with proposals for building relationships throughout state between Tribal and state courts. Justice Montoya-Lewis, Judge Logan, Judge Smith, and Dawn Marie Rubio will develop a proposed list of members.	
At the June BJA meeting there will be a discussion on how the CRTF synthesizes the information that has been gathered and how to make that information available to the justice system.	
The Policy & Planning Committee will report at the June BJA meeting on a survey to Presiding Judges and court administrators	
<u>February 19, 2021, 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