

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

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

VIDEOCONFERENCE



VOTING MEMBERS:

Chief Justice Steven González, 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 Michelle Gehlsen, President
District and Municipal Court Judges' Association
King 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
King County Superior Court

Judge Rebecca Robertson
District and Municipal Court Judges' Association
Federal Way 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
Grant 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
Okanogan County District Court



Board for Judicial Administration (BJA)

Friday, March 19, 2021 (9 a.m. – noon)

Zoom Meeting

DRAFT AGENDA

<p>1. Call to Order Welcome and Introductions</p>	<p>Chief Justice Steven González Judge Gregory Gonzales</p>	<p>9:00 a.m.</p>
<p>2. Presentation: Tribal State Court Consortium</p>	<p>Judge Cindy Smith Kathryn Akeah</p>	<p>9:05 Tab 1</p>
<p>3. BJA Task Forces Court Recovery</p> <p>Court Security</p>	<p>Chief Justice Steven González / Judge Judith Ramseyer/Jeanne Englert</p> <p>Judge Rebecca Robertson/Penny Larsen</p>	<p>9:30</p>
<p>4. Small Group Discussions:</p> <p>What are you doing now that is ONLY authorized by emergency orders and the Supreme Court that you want to keep doing?</p> <p>How is your organization, association, or court preparing for operations post-COVID?</p> <p>Each group will record main points and report back on discussion.</p>	<p>All</p>	<p>9:40</p>
<p>Break</p>		<p>10:30</p>
<p>5. Standing Committee Reports Budget and Funding Committee</p> <ul style="list-style-type: none"> Legislative Session Update <p>Court Education Committee</p> <p>Legislative Committee</p> <ul style="list-style-type: none"> Legislative Session Update <p>Policy and Planning Committee</p>	<p>Judge Mary Logan/Ramsey Radwan</p> <p>Judge Gregory Gonzales/Judith Anderson</p> <p>Judge Kevin Ringus</p> <p>Judge Michael Scott/Penny Larsen</p>	<p>10:40 Tab 2</p>

6. Judicial Leadership Summit Discussion on format and legislative conversations	Chief Justice Steven González	11:00
7. February 19, 2021 Meeting Minutes Action: Motion to Approve the Minutes of the February 19, 2021 Meeting	Chief Justice Steven González	11:15 Tab 3
8. Information Sharing	Chief Justice Steven González Judge Gregory Gonzales	11:20
9. Discussion: Interbranch relations	Senator Jamie Pedersen	11:45
10. Adjourn		12:00
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 21, 2021 – Zoom Meeting
June 18, 2021 – Zoom Meeting



Tribal State Court Consortium

Board for Judicial Administration Meeting

3.19.21

Today's Presenter

- Chief Judge Cindy K. Smith,
Suquamish Tribal Court
- *President, Northwest Tribal
Court Judges Association*
- *Co-Chair, Washington Tribal
State Court Consortium*





TSCC Overview: 1990s - present





TSCC Structure

- Co-Chairs from State and Tribal Courts
- Annual Meeting at Judicial Conference
- Spring Regional Meeting
- Workgroups
- Travel and training funds
- Sponsored conference sessions on TSCC topics
- .5 staff person at AOC



2021 TSCC Focus Areas

- Full Faith and Credit, Superior Court Civil Rule 82.5
- Respect and Relationship Building
- Domestic Violence Protection Order Enforcement
- Distributing the AGO Opinion on Protection Orders
- Indian Child Welfare Act Bench Card & Courts

Work Groups

(some paused in 2020 and picking back up in 2021)

- DV PO Enforcement
- Branding & Messaging
- Meeting Planning
- ICWA Courts
- Joint Jurisdiction

Contact Information



TSCC Co-Chairs

- csmith@suquamish.nsn.us
- lori.smith@courts.wa.gov

TSCC Staff

- kathryn.akeah@courts.wa.gov



Thank you

TAB 2

March 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

Eight Learning Management System (LMS) vendors responded to the Request for Proposal (RFP). The Education Team evaluated the educational components of the RFP, while others within the AOC evaluated the security data and costs. Those evaluations were due on March 9, 2021 and it is anticipated that the AOC will schedule demonstrations within the next two to three weeks.

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

- *Necessary Evil: State v. Galinas 3.4 and CrRLJ 3.4* sponsored by the DMCJA and open to Superior Court personnel
- *Galinas 3.4 Roundtable* continuing the discussion

The DMCMA and the Minority and Justice Commission are sponsoring a webinar titled *Silence = Acceptance*. They will repeat this webinar over a series of weeks and it has been opened up to all of the judiciary and the AOC.

Registration information has been disseminated for the yearly Search and Seizure blended learning program (April 29-May 27, 2021). Judge Robert McBeth (retired) remains the primary faculty for this program.

Work in Progress

The team continues to develop a short and long-term vision of court education that includes in-person and online educational opportunities for the court system personnel.

Work continues on developing a self-paced *Institute for New Court Employees* and a self-paced program *For Those Who Escort Jurors*.



March 8, 2021 (for meeting to be held on March 19th)

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

The BJA Legislative Committee continues to convene weekly Zoom-calls to discuss pending legislation. Several members of the Committee have also met with legislators and staff via Zoom to discuss implementation of the proposed legislation.

2021 Legislative Session

For the 2021 legislative session, AOC staff has reviewed over 1395 pieces of legislation. The last day to consider and pass a bill out of its house of origin is March 9th. Then the process starts all over in the opposite chamber.

The last day to consider a bill in the opposite chamber is April 11th. Of course, legislation deemed necessary to pass the budget may be discussed up to the last day of the regular session - April 25th.

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 9th judge to Thurston County Superior Court): As of this writing, the bill passed unanimously out of the House and has been referred to the Senate Committee on Law & Justice.

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 the BJA Legislative Committee the opportunity to work through any 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. There are as many as 8 bills directing the resentencing of offenders for one reason or another.

Bills regarding juvenile justice reform (SSB 5120, SSB 5122, and others), civil protection orders (SHB 1320), pretrial release and detention (SB 5307), legal financial obligations (SHB 1412), landlord-tenant relations (E2SSB 5160), drivers' license suspensions (SB 5226), moving APA/LUPA appeals from Superior Court to the Court of Appeals (SB 5225), and decriminalizing small amounts of various drugs (HB 1499) have been the topics of several conversations. Implementation of any or all of these bills will impact the workload of AOC staff, trial court judges, and appellate judges.

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. Early indications are that the BJA Legislative Committee will follow up on the single judge court continuation of operations legislation and prepare for the reintroduction of both the Clean Slate Act as well as the Uniform Pre-Trial Release and Detention Act.

March 19, 2021

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

Committee Work Plan Update:

Adequate Funding Project

The adequate funding work group is preparing the final draft of the Adequate Funding Survey and determining the timeline for sending out to Presiding Judges and Court Administrators. The PPC intends to present a report with findings and recommendations for BJA consideration at the June 2021 meeting.

Increasing BJA membership diversity

The PPC is considering whether to add an at-large member. Recruitment efforts will include a focus on attracting diverse candidates using the recruitment flyer developed for the BJA. Options for consideration include recruiting from the academic or non-profit communities for fresh perspectives on funding and policy, or recruiting from within the branch or a retired judge for historical perspective to guide future work.

Review of Charter

The PPC is reviewing the charter to ensure that it is functioning consistent with its charge, producing deliverables and that the mission and goals of the BJA are being advanced. As the only standing committee of the BJA without a specific content area, (unlike education, legislation and budget committees) the members will be discussing how to best define the work of the committee moving forward.

TAB 3



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

DRAFT MEETING MINUTES

BJA Members Present:

Chief Justice Steven González
Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge David Estudillo
Judge Michelle Gehlsen
Judge Rebecca Glasgow
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
Justice Debra Stephens

Guests Present:

Jim Bamberger
Barbara Carr
Timothy Fitzgerald
Chris Gaddis
Patti Kohler
Robert Mead
Judge Kevin Ringus
Tristen Worthen

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

Crissy Anderson
Judith Anderson
Jeanne Englert
Heidi Green
Penny Larsen
Dirk Marler
Ramsey Radwan
Caroline Tawes

Call to Order

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

Presentation: OCLA Overview

Jim Bamberger provided an overview of the Office of Civil Legal Aid (OCLA) and civil legal aid in general. He discussed the programs and services of OCLA, focusing on the COVID-19 civil legal aid program and funding proposals.

Superior Court Judges' Association (SCJA) Legislative Support Request Letter

The SCJA worked with several justice system partner organizations to create a draft letter to send to legislators regarding the hundreds of bills that will affect the court system this year. Practical implementation of these bills is challenging, and there is

concern about the compounding effect of the bills, especially cost and workload effects. The letter is a draft and open to comments and edits.

Some members would like to shift the message to recognize the work the courts have accomplished and how courts have stayed open during the public health emergency, and focus on partnering in policy goals with the legislature.

The letter will be edited and reviewed by, Chief Justice González, Justice Stephens, Judge Mann, Judge Ramseyer, Judge Gonzales, Dawn Marie Rubio, and Ramsey Radwan.

It was moved by Judge Gonzales and seconded by Chief Justice González to approve sending a revised letter to the Legislature. The motion carried unanimously.

Task Force Reports

Court Recovery Task Force (CRTF): The meeting materials contain a summary of the CRTF's goals and work. The information is also on the CRTF website. Several surveys have been distributed.

Court Security Task Force: The Trial Court Security Improvement budget proposal was withdrawn previously but after the District and Municipal Court Judges' Association (DMCJA) met with legislators the budget proposal was reconsidered. A budget proposal of \$780,000 will be resubmitted.

It was moved by Judge Gehlsen and seconded by Judge Robertson to resubmit the Trial Court Security Improvement budget proposal. The motion carried unanimously.

Standing Committee Reports

Budget and Funding Committee: Through February 10, 2021, general fund collections since the November 2020 forecast are \$600 million greater than estimated. There will be another forecast in March 2021. Instructions for the 2022 supplemental budget request will be available at the next BJA meeting. The Committee is following legislation with budget implications. Over \$11 million in AOC CARES funding has been distributed courts and clerk offices statewide

Court Education Committee (CEC): The 2021 Judicial College was held virtually and was very successful. Judge Gonzales recognized the deans of the college and AOC staff. A new Learning Management Systems Request for Proposals is anticipated to be purchased by June, 2021. A revised online bailiff program will be up and running by July 2021. The DMCJA held a webinar on *State v. Gelinás* with 200 participants. Forty-

five to 50 administrators have participated in Institute for Court Managers (ICM) training. A CEC summary was included in the meeting materials.

Legislative Committee (LC): Office of Judicial and Legislative Relations Associate Director Dory Nicpon left AOC in December 2020. Judge Ringus thanked Dawn Marie Rubio, AOC staff Sondra Hahn, and contract lobbyist Devon Connor-Green for their work on legislation. Over 1,100 bills and substitute bills have been introduced in the legislature, and approximately 400 will impact the judiciary. Information was included in the meeting materials.

Policy and Planning Committee (PPC): The PPC is focusing on an adequate funding survey that will be sent to presiding judges and administrators. Results will be presented at the June BJA meeting.

Presentation: Innovating Justice Awards

The Innovating Justice Awards were presented to Judge Willie Gregory (presented by Judge Eisenberg) and Vanessa Engquist (presented by Judge Michels).

BJA Member Co-Chair for 2021–23

It was moved by Judge Gonzales and seconded by Judge Logan to approve the BJA Chairs' recommendation for DMCJA member chair Judge Tam Bui. The motion carried unanimously.

Judicial Leadership Summit

The members agreed to hold another Judicial Summit, likely using a virtual format. The Summit is tentatively scheduled for the June BJA meeting, although dates available in September may also be considered. The topic/focus areas for the summit were court operations; court security; engagement with legislative leadership and how the courts and the legislature can improve collaboration; and adequate and consistent court funding throughout the state.

It was moved by Chief Justice González and seconded by Judge Gehlsen to approve these four topic/focus areas for the next Leadership Summit. The motion carried unanimously.

November 20, 2020 Meeting Minutes

It was moved by Judge Scott and seconded by Judge Ramseyer to approve the November 20, 2020, BJA meeting minutes. The motion carried unanimously.

Information Sharing

The next bar exam will take place virtually on February 22, 2021. The summer bar exam will not be virtual. A question and answer session was held to mitigate concerns about the February exam, and those questions and answers are posted on the Washington State Bar Association (WSBA) website.

The WSBA Board of Governors' long-range planning committee will discuss the WSBA structure in the next five to ten years. There is an initiative for the WSBA to increase well-being programs for members.

The notice for the Office of Judicial and Legislative Relations Associate Director position will be posted today and will remain open through the end of March 2021. The position will be advertised locally and nationally.

Supreme Court Clerk Susan Carlson will retire at the end of June 2021. Deputy Clerk Erin Lennon has been selected as the new Clerk, and the Supreme Court will advertise the Deputy Clerk position.

Court of Appeals Division I Court Administrator/Clerk Richard Johnson will retire at the end of March 2021. Lea Ennis, Director of King County Juvenile Court, has been hired as the new Court Administrator/Clerk.

The Supreme Court has approved updates to emergency court operations orders and has re-suspended RAP 18.8b. The updated orders will be distributed statewide.

The District and Municipal Court Management Association (DMCMA) will issue a racial support proclamation in April. They are working on their spring program that will be held a couple of hours each day for a week, beginning May 14.

A work group will be convened with members from the SCJA, DMCJA, Washington Defender Association, and the Washington Association of Prosecuting Attorneys to look at standard orders or best practices around the *Gelinas* case.

Renee Townsley, Court of Appeals Division III Clerk/Administrator, is retiring.

The Court of Appeals Division I will begin next week with judges on the bench wearing masks and all other participants appearing remotely.

King County is moving to remote jury trials.

There is a webinar today on the Courts of Limited Jurisdiction Case Management System eFiling implementation. The WSBA will hold training for prospective pro tempore judges on February 26, March 5, and March 12. There were 130 participants in a February training.

There will be a roundtable discussion on *State v. Gelin* and CR 3.4 on March 5. There was a webinar on February 9 on *Gelin* that was recorded. Judge Gehlsen has the PowerPoint that was used in the webinar.

Presiding judges were encouraged to join the Friday morning meetings with the Chief Justice.

There is a hearing on HB 1320 today in the House Appropriations Committee.

Other

There being no further business, the meeting was adjourned at 11:30 a.m.

Recap of Motions from the February 19, 2021 Meeting

Motion Summary	Status
Approve sending a revised letter to the Legislature.	Passed
Resubmit the Trial Court Security Improvement budget proposal.	Passed
Approve the BJA Chairs' recommendation for DMCJA member chair Judge Tam Bui.	Passed
Approve the four topic/focus areas for the next Leadership Summit.	Passed
Approve the November 20, 2020, BJA meeting minutes.	Passed

Action Items from the February 19, 2021 Meeting

Action Item	Status
Instructions for the 2022 supplemental budget request will be available at the next BJA meeting	
The Policy and Planning Committee is focusing on an adequate funding survey that will be sent to presiding judges and administrators. Results will be presented at the June BJA meeting	
<u>November 20, 2020, 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