



Board for Judicial Administration (BJA) Meeting
Friday, May 21, 2021, 9:00 a.m. – 12:00 p.m.
Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González
Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge David Estudillo
Judge Jennifer Forbes
Judge Michelle Gehlsen
Judge Rebecca Glasgow
Judge Dan Johnson
Judge Mary Logan
Judge David Mann
Judge Rebecca Pennell
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Michael Scott
Judge Charles Short
Justice Debra Stephens

Guests Present:

Esperanza Borboa
Barbara Carr
Timothy Fitzgerald
Chris Gaddis
Judge Heidi Heywood
Justice Charles Johnson
Justice Barbara Madsen
Sophia Byrd McSherry
Robert Mead
Justice Raquel Montoya-Lewis
Judge Kevin Ringus
Tristen Worthen

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

Crissy Anderson
Judith Anderson
Cindy Bricker
Jeanne Englert
Penny Larsen
Dirk Marler
Stephanie Oylar
Ramsey Radwan
Caroline Tawes
Lorrie Thompson

Call to Order

Chief Justice González called the meeting to order at 9:00 a.m.

Court Level Presentations

Supreme Court

The heating, air, and ventilation system at the Temple of Justice will be upgraded soon, requiring the residents to relocate.

Chief Justice González thanked the *State v Blake* workgroups who are beginning their work.

The Supreme Court continues to work on rules. The emergency orders in place will be lifted, probably in September, so courts have time to plan. Justice Johnson or Justice Yu, co-chairs of the Rules Committee, can answer questions.

Court of Appeals

The Court of Appeals was able to move ahead more easily this past year due to their transition to electronic records. Filings are down. Richard Johnson retired as the Court Administrator/Clerk in Division I, and Lea Ennis was selected for that position. Renee Townsley, Administrator/Clerk in Division III, will be retiring at the end of July, and Tristen Worthen has been hired for that position. Division II moved into new location in downtown Tacoma.

The Court of Appeals is easing out of COVID restrictions, and live arguments are expected to begin in September. The option will remain for some remote oral arguments, especially in Division III.

The Court of Appeals is working with Superior Courts on *Blake* processes. All three Court of Appeals divisions have discussed internal processes regarding transferring certain Administrative Procedures Act (APA) and the Land Use Petition Act (LUPA) appeals to the Court of Appeals.

The Court of Appeals may request upgrades to the OnBase system for public access to records. They are also working on the electronic transfer of records to the state archives.

Superior Court Judges' Association (SCJA)

The SCJA is committed to addressing racial justice issues including webinars and court trainings. The SCJA Legislative Committee identified two questions to guide their support of legislation: 1. What is the potential negative impact on people of color; and 2. Is the legislation a net positive or neutral in dismantling bias?

In 2021, the SCJA worked to secure funding for Uniform Guardian Act (UGA), and worked with the Court of Appeals on APA and LUPA cases. The SCJA hopes to continue a strong working relationship with District and Municipal Court Judges' Association (DMCJA) judges.

Three hundred thirty-three thousand dollars was appropriated to implement a statewide text messaging notification system. Some pilot counties will soon start to use the system, and the statewide rollout to interested Odyssey courts should occur before the end of the year.

The current focus is on resentencing issues in *Blake*. Efforts are focused on prioritizing incarcerated individuals without transporting them and those who may be eligible for immediate release. A scheduling referee will be used to coordinate this effort equitably across the state. The SCJA is working with justice partners to put a structure in place, and are working with the AOC to allocate funds.

The SCJA is currently working with the Unlawful Detainers Workgroup to help implement and advise members on SB 5160, and are working with the Office of Civil Legal Aid (OCLA) to develop judicial training and benchcards.

The AOC is working with the Department of Health (DOH) on developing industry-specific guidelines. Chief Justice González and Dawn Marie Rubio met with the DOH court liaisons, and discussed jury trials in particular. DOH is working on guidelines that AOC hopes to review early next week. In the meantime, Department of Labor and Industries guidelines have not changed.

District and Municipal Court Judges' Association (DMCJA)

There is still \$1.9 million of CARES funding available. Judge Gehlsen reminded participants to look at Inside Courts and put in application.

Judge Gehlsen thanked Chief Justice González and Justice Stephens for the Friday morning presiding judge meetings.

DMCJA Lobbyist Melanie Stewart is retiring after 41 years in that position. Legislation of note included passing an interlocal probation bill so a defendant may be monitored in one jurisdiction instead of multiple, \$750,000 in court security funding, \$4.5 million for therapeutic courts, and retaining funding for the Courts of Limited Jurisdiction Case Management (CLJCMS) project.

DMCJA priorities include racial justice and adding two judges of color to the board. Future efforts will include adequate court funding and work on eFiling and the courts of limited jurisdiction case management system.

The DMCJA will create a workgroup to begin work on *Blake*.

BJA Task Forces

Court Recovery Task Force (CRTF)

The CRTF website has been updated. Reports and activities are posted there.

The CRTF has issued three surveys, and courts are encouraged to share the surveys.

The CRTF is meeting every two months.

Court Security

The Court Security Task Force secured funding of \$750,000 for equipment and structural changes. They hope for more funding for equipment and staffing.

It was moved by Chief Justice González and seconded by Judge Gehlsen to extend the Court Security Task Force through June 2022. The motion carried unanimously.

Presentation: Court Orders and Rules

Justice Stephens presented an overview of how the Supreme Court may envision the court order and rules process moving forward, and what is being worked on now.

In the materials sent to the members was a collection of responses received regarding what emergency processes currently in place should be continued after the health crises is over. Justice Stephens also prepared an Excel spreadsheet that loosely categorizes the information. The actual responses were included, as well as rule proposals received to date to make some of the emergency orders permanent.

The goal behind the CRTF was to gather information, to assess the success or not of emergency measures, and to gather lessons learned to make proposals for moving forward.

Three rules will be published for comment through the GR 9 process:

1. Criminal rules to permanently authorize remote *voir dire* as an opt-in process.
2. New civil rule CR 39 to authorize and set out procedures for full remote civil jury trials.
3. The SCJA recommended amendments to CrR 3.4. This would amend a new version that went into effect earlier this year. The rule would allow the judge to determine appearance of defendant.

These rules will be reviewed at the June 3, 2021, *en banc* with a recommendation to publish for comment through September 30.

Presentation: Access to Justice Board (ATJ)

Esperanza Borboa reviewed the work and goals of ATJ, and discussed the ATJ priorities for 2021–22. Specific priorities and an ATJ overview were included in the meeting materials.

The ATJ is looking for new board members, and asked for recommendations.

Innovating Justice Award

The Innovating Justice Award was presented by Chief Justice González to Justice Barbara Madsen of the Washington State Supreme Court, and Judge Heidi Heywood presented the award to Kristy Hendrickson, Wahkiakum District Court Clerk.

Chief Justice González also acknowledged the work of Cindy Bricker and the COVID Rapid Response Workgroup.

Standing Committee Report

Budget and Funding Committee (BFC): Judge Logan thanked everyone involved in the 2021 Legislative Session.

Ramsey Radwan reviewed the items on the blue sheet included in the meeting materials and pointed out a new column on the blue sheet, the funding flag column. This column includes items categorized as custom, meaning those are items that the AOC has to work with legislative staff to find out what the Legislature intended and if those funds will automatically roll forward; if not, the AOC must develop a budget request for that item.

Ramsey Radwan will send instructions next week on the 2022 Supplemental Budget.

Court Education Committee (CEC): The CEC report was included in the meeting materials. Spring programs have been completed, and the Search and Seizure program is continuing. The request to modify GR 26 is moving forward.

Judith Anderson thanked Judge Gonzales for his work as Committee Chair, and welcomed incoming chair Judge Bui.

Legislative Committee (LC): Devon Connor-Green's Legislative Report was included in the meeting materials. BJA Request legislation request for a ninth Superior Court judge in Thurston County was successful. Work will continue on the Continuity of Operations in Single Judge Courts proposal for a subsequent legislative session.

Moving forward, there will be a workgroup for pretrial detention and release, civil protection, *Blake*, the LFO bill, and continuity of operations of single judge courts. A request for proposed legislative initiatives was sent by email in March. Request legislation proposals are due by June 15th.

Policy & Planning Committee (PPC): The PPC is focused on proposed plans for adequate funding for trial courts. The next step will be a survey sent to judges and

court administrators. The PPC will come back to the BJA with recommendations from that survey.

The PPC is also focused on increasing membership diversity on the BJA Board. They have developed a flyer to recruit a new member on the PPC.

Judicial Leadership Summit

Chief Justice González encouraged members to register for the Summit. The focus of the Summit will be increasing communication between and among the branches of government. He encouraged the members to look at the questions in the meeting packet and be ready to discuss them during the Summit breakout sessions.

There will be a smaller number of invitees this year, and participants are welcome to check with their associations and groups to get additional feedback on the Summit questions included in the meeting materials.

March 19, 2021 Minutes

It was moved by Judge Scott and seconded by Judge Gehlsen to approve the March 19, 2021, BJA meeting minutes. The motion carried unanimously with one abstention.

Meeting Schedule

It was moved by Judge Bui and seconded by Judge Logan to approve next year's BJA meeting schedule. The motion carried unanimously.

Information Sharing

The Judicial Leadership Summit will be held on June 18, and there will not be a June BJA meeting.

Chief Justice González recognized Justice Montoya-Lewis, Judge Forbes, Judge Bui, and Judge Haan joining the BJA, and thanked Justice Stephens and Judge Gonzales for their work on the BJA. Judge Bui will be taking over as the BJA member chair and CEC chair.

Judge Gonzales thanked the BJA members for their time, and members thanked Judge Gonzales and the other departing members for their work.

The AOC is working to find a successor for retiring Chief Financial and Management Officer Ramsey Radwan. The job announcement has been published widely. They hope the successful candidate will have a one month overlap with Ramsey Radwan. Brittany Gregory has been hired as the new Associate Director of the Office of Judicial

and Legislative Relations at AOC. She will begin work on June 1 and will attend the Judicial Leadership Summit.

Other

There being no further business, the meeting was adjourned at 11:48 a.m.

Recap of Motions from the May 21, 2021 Meeting

Motion Summary	Status
Extend the Court Security Task Force through June 2022.	Passed
Approve next year's BJA meeting schedule.	Passed
Approve the March 19, 2021, BJA meeting minutes.	Passed

Action Items from the March 19, 2021 Meeting

Action Item	Status
The PPC is focused on proposed plans for adequate funding for trial courts. The next step will be a survey sent to judges and court administrators, with a goal to come back to the BJA with recommendations from that survey.	
Chief Justice González encouraged the BJA members to look at the questions in the meeting packet and be ready to discuss them during the Judicial Leadership Summit breakout sessions.	Ongoing
<u>March 19, 2021, 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