

# **BOARD FOR JUDICIAL ADMINISTRATION**



**WASHINGTON  
COURTS**

## **MEETING PACKET**

**FRIDAY, February 18, 2022  
9:00 A.M.**

**VIDEOCONFERENCE**



## **VOTING MEMBERS:**

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

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

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**Judge Rachelle Anderson**, President  
Superior Court Judges' Association  
Spokane County Superior Court

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

**Judge Marilyn Haan**  
Superior Court Judges' Association  
Cowlitz County Superior Court

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

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

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

**Justice Raquel Montoya-Lewis**  
Washington State Supreme Court

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

**Judge Rebecca Robertson**  
District and Municipal Court Judges' Association  
Federal Way Municipal Court

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

**Judge Charles Short**, President  
District and Municipal Court Judges' Association  
Okanogan County District Court

**Judge Paul Thompson**  
Superior Court Judges' Association  
Snohomish County Superior Court

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

## **NON-VOTING MEMBERS:**

**Judge Marlin Appelwick**,  
Presiding Chief Judge  
Court of Appeals, Division I

**Judge Jennifer Forbes**, President-Elect  
Superior Court Judges' Association  
Kitsap County Superior Court

**Commissioner Rick Leo**, President-Elect  
District and Municipal Court Judges' Association  
Snohomish County District Court

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

**Dawn Marie Rubio**  
State Court Administrator

**Brian Tollesfson**, President  
Washington State Bar Association



## Board for Judicial Administration (BJA)

Friday, February 18, 2022 (9 a.m. – 12:00 p.m.)

Zoom Meeting

### AGENDA

<p><b>1. Call to Order</b> <b>Welcome and Introductions</b></p> <p>Land Acknowledgement</p>	<p>Chief Justice Steven González</p> <p>Judge Mary Logan</p>	<p>9:00 a.m.</p>
<p><b>2. Interbranch Advisory Committee</b> Review and discuss legislative proposal</p>	<p>Chief Justice Steven González</p>	<p>9:05 Tab 1</p>
<p><b>3. CMC Administrator Model Job Description</b> <b>Motion</b> to approve New administrator job description</p>	<p>Derek Byrne</p>	<p>9:15 Tab 2</p>
<p><b>4. Policy and Planning Committee</b> Adequate Funding Survey Recommendations and discussion</p>	<p>Judge Rebecca Robertson/Penny Larsen</p>	<p>9:25 Tab 3</p>
<p><b>5. Small Group Discussion</b> Adequate funding – see handouts</p>	<p>All</p>	<p>9:40 Tab 4</p>
<p><b>Break</b></p>		<p>10:20</p>
<p><b>6. BJA Task Forces</b> Court Recovery</p> <p>Court Security</p>	<p>Chief Justice Steven González/Jeanne Englert</p> <p>Judge Rebecca Robertson/Penny Larsen</p>	<p>10:40 Tab 5</p>
<p><b>7. Standing Committee Reports</b></p> <p>Budget and Funding Committee</p> <p>Court Education Committee</p> <p>Legislative Committee Legislative Session Update Update on 1310</p>	<p>Judge Mary Logan/Chris Stanley</p> <p>Judge Tam Bui/Judith Anderson</p> <p>Judge Kevin Ringus/Brittany Gregory</p>	<p>10:45 Tab 6</p>

Policy and Planning Committee	Judge Rebecca Robertson/Penny Larsen	
<b>8. WSCCR Presentation: <i>Why Courts Should Adopt Learning Organization Practices</i></b> Information sharing	Judge John Chun Carl McCurley	11:00 Tab 7
<b>9. Statewide Updates: Court emergency orders and court rules</b>  <b>DOH guidance updates</b>	Chief Justice Steven González  Dawn Marie Rubio	11:20 Tab 8
<b>10. November 19, 2021 Meeting Minutes</b> Action: Motion to Approve the Minutes of the November 19, 2021 Meeting	Chief Justice Steven González	11:30 Tab 9
<b>11. Information Sharing</b> What is one hope or need for your court in 2022?  <b><i>Included in the packet:</i></b> Welcome to the new judicial officers!  BJA Business Account Summary	Chief Justice Steven González	11:35 Tab 10
<b>12. Adjourn</b>		
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.		

**Next meetings:**

**March 18, 2022 – Zoom Meeting**

**May 20, 2022 – Zoom Meeting**

**June 17, 2022 – Zoom Meeting**



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**ENGROSSED SUBSTITUTE SENATE BILL 5490**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Law & Justice (originally sponsored by Senators Pedersen, Padden, Dhingra, and Mullet)

READ FIRST TIME 01/14/22.

1       AN ACT Relating to creating the interbranch advisory committee;  
2 adding a new chapter to Title 2 RCW; and providing an expiration  
3 date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** There is created an interbranch advisory  
6 committee consisting of the following members:

7       (1) Two legislative members, one from each of the two largest  
8 caucuses of the house of representatives, appointed by the speaker of  
9 the house of representatives. One member shall be a member of a  
10 committee having jurisdiction over general civil or criminal law  
11 matters and the other member shall be a member of a committee having  
12 jurisdiction over the state operating budget;

13       (2) Two legislative members, one from each of the two largest  
14 caucuses of the senate, appointed by the president of the senate. One  
15 member shall be a member of a committee having jurisdiction over  
16 general civil or criminal law matters and the other member shall be a  
17 member of a committee having jurisdiction over the state operating  
18 budget;

19       (3) One person representing the governor's office, appointed by  
20 the governor;

1 (4) One person representing the attorney general's office,  
2 appointed by the attorney general;

3 (5) One person representing cities, appointed by the association  
4 of Washington cities;

5 (6) One person who is an elected county councilmember  
6 representing counties, appointed by the Washington state association  
7 of counties;

8 (7) One person representing court clerks, appointed by the  
9 Washington state association of county clerks;

10 (8) Eight members from the judicial branch, appointed by the  
11 chief justice in consultation with the board of judicial  
12 administration, supreme court, court of appeals, superior court  
13 judges association, association of Washington superior court  
14 administrators, Washington association of juvenile court  
15 administrators, district and municipal court judges association,  
16 district and municipal court management association, administrative  
17 office of the courts, and access to justice board; and

18 (9) One person representing the office of public defense and one  
19 person representing the office of civil legal aid, who shall serve as  
20 nonvoting members. Nonvoting members must be consulted by the  
21 interbranch advisory committee as needed.

22 NEW SECTION. **Sec. 2.** The purpose of the interbranch advisory  
23 committee is to foster cooperation, communication, coordination,  
24 collaboration, and planning regarding issues of mutual concern among  
25 the three branches of state government. An additional purpose of the  
26 committee is to suggest ways to provide access to justice and to  
27 court services in a just and equitable manner.

28 NEW SECTION. **Sec. 3.** (1) The interbranch advisory committee  
29 must select cochairs at its initial meeting. One cochair must be a  
30 legislative member and the other cochair must be a judicial member.  
31 The committee may set its own meeting schedule. The committee shall  
32 discuss issues of mutual concern between the branches. Examples  
33 include, but are not limited to:

- 34 (a) Funding legislative mandates;
- 35 (b) Initiatives related to access to justice;
- 36 (c) Issues of local concern;
- 37 (d) Courthouse security; and
- 38 (e) Court technology infrastructure.

1 (2) Staff support for the committee will be provided by the  
2 administrative office of the courts. The office of financial  
3 management is directed to provide support as requested by the  
4 cochairs.

5 NEW SECTION. **Sec. 4.** The interbranch advisory committee shall  
6 submit a recommendation to the legislative committees having  
7 jurisdiction over general civil or criminal law matters and having  
8 jurisdiction over the state operating budget by November 1, 2024, on  
9 whether the committee should be legislatively renewed or changed in  
10 any way.

11 NEW SECTION. **Sec. 5.** This chapter expires January 1, 2026.

12 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act  
13 constitute a new chapter in Title 2 RCW.

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**TAB 2**



February 2, 2022

Board for Judicial Administration  
Chief Justice Steven Gonzalez, Chair  
Judge Tam Bui, Member Chair

Dear Chief Justice González and Judge Bui:

As Co-Chairs of the Court Management Council (CMC), we are pleased to request Board for Judicial Administration (BJA) approval of a modernized Washington Model Court Administrator Job Description.

This new model would replace the current description, which was adopted by BJA on April 18, 2003 pursuant to GR 29(f) (Comment):

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/ responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

Our courts and the role of court administrators have changed substantially since 2003. This proposed model more accurately describes the knowledge, skills and abilities that are now required to successfully administer courts at all levels in our state.

CMC also prepared a detailed Comment. The Comment memorializes the history behind this effort and describes how the 2022 version is designed to align with the Core Competencies established by the National Association for Court Management (NACM).

Thank you for your consideration.

Sincerely yours,

A handwritten signature in blue ink that reads "Dawn Marie Rubio".

Dawn Marie Rubio, J.D.  
Co-Chair, Court Management Council  
State Court Administrator

A handwritten signature in black ink that reads "Derek Byrne".

Derek Byrne  
Co-Chair, Court Management Council  
Clerk/Administrator  
Court of Appeals Division II

## WASHINGTON MODEL COURT ADMINISTRATOR JOB DESCRIPTION 2022

### **Comment:**

*A Comment to General Rule (GR) 29(f) provides:*

*A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/ responsibilities or for courts initially hiring a court administrator or replacing a court administrator.*

*The Court Management Council (CMC) developed a model which was approved by the Board for Judicial Administration on April 18, 2003.*

*In the nearly two decades since that initial job description was established, much has changed in our courts and in the knowledge, skills and abilities required for a court administrator to successfully manage court operations. The District and Municipal Court Management Association (DMCMA) recognized the need to modernize the model job description and brought a recommendation to the Court Management Council. Building on that initial DMCMA draft, the Court Management Council proposed this new Model Court Administrator Job Description for statewide adoption by the Board for Judicial Administration.*

*This Model Court Administrator Job Description is designed for use in all Washington courts. Recognizing that some requirements do not apply to positions in the appellate courts, this model uses brackets for provisions that apply uniquely to district, municipal and superior courts [Trial Courts].*

*The National Association for Court Management (NACM) has established “core competencies” to promote excellence in the administration of justice and further the education of court management professionals. Court administrators should continuously strive for excellence in each of these competencies, including participating in continuing education and professional development. The following Model Court Administrator Job Description organizes the knowledge, skills and abilities to align with those NACM Core competencies.*

## NATURE OF WORK

The Court Administrator serves as the Court Executive Officer (CEO) for the Court. The Court Administrator works under the direction and supervision of the Presiding Judge in accordance with [*Trial Courts: General Rule 29 and*] all applicable state laws. This position assumes full responsibility for the planning, directing, implementation, and management of all the non-judicial, day-to-day operations of the court, including court services for contracting cities. The Court Administrator develops and implements policies and procedures, the court budget, oversees personnel management and development, accounting, case-flow management, oversight of projects, grants, contracts, establishes and maintains the court's continuity of operations plan, and performs other responsibilities as required. This position provides leadership and strategic vision including but not limited to developing short and long-term goals for effective court services.

## ESSENTIAL FUNCTIONS

### Operations Management:

- Assumes full management responsibility for court operations: plans, directs, implements, and manages the daily operation of the court.
- Conducts the planning and management for the changing physical needs of the court including space design, utilization, and maintenance.
- Oversees the maintenance, retention, and disclosure of records and documents in accordance with applicable rules, laws, and regulations.
- Monitors applicable state and local court rules laws and proposed legislation for any changes that affect court operations or case management.
- Coordinates judicial schedules including pro tem judges and court calendars.
- Directs website content and updates.
- Redesigns and improves forms, notices and publications.

### Public Relations:

- [*Trial Courts: Attends and participates at county commission, city council and other board or committee meetings as directed.*]
- Establishes and maintains cooperative, effective working relationships with judicial officers, attorneys, elected and appointed officials, justice partners, other branches of government, co-workers and members of the public.
- Coordinates with correctional agencies to facilitate appearances, including virtual or telephonic court proceedings.
- May act as the court liaison with government agencies, media and the public.
- Represents the court as an independent branch of government with legislative and executive bodies, including preparing materials for legislative or executive bodies.
- Ensures appropriate and timely research, analysis, and responses to public inquiries or complaints.

- Coordinates programs with all court divisions and other agencies concerning emergency planning and response including but not limited to other courts and AOC.

### **Educational Development:**

- Establishes and implements guidelines and procedures.
- Participates in continuing education and development in the court business areas identified by the National Association for Court Management (NACM) as core competencies.
- Participates in continuing education and development related to leadership and management.
- Trains and informs staff on any new court procedures on the case management system or new legislative updates.

### **Workforce Management:**

- Manages and supervises court personnel including but not limited to interviewing, hiring, and training employees; planning, assigning, and directing work; addressing complaints, grievances and disputes; resolving problems; maintaining personnel files as needed; appraising performance; recommending promotions and disciplinary actions; implementing organizational changes; approving and scheduling leave time; and recommending terminations as appropriate.
- Serves as the official spokesperson of court management in labor negotiations.

### **Ethics:**

- Performs work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully, impartially, without bias or prejudice, and with transparency.
- Reports for scheduled work with regular, reliable, and punctual attendance.
- Demonstrates a commitment to diversity, equity and inclusion.
- Maintains the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose.

### **Budget and Fiscal Management:**

- Informs, updates, and advises the presiding judge of financial conditions, program progress, and identifies issues and opportunities for improvement and/or policy changes.
- Oversees the development and administration of the court budget (e.g., data collection for the preparation of financial reports, approves the forecast of funds needed for staffing, equipment, materials and supplies; approves expenditures and implements budgetary adjustments as appropriate.)

- Responsible for all financial functions of the court including payroll, accounts payable, accounts receivable, cash handling, purchasing, and audits.
- [*Trial Courts*: Monitors agreements and professional contracts for specialty court(s).]
- Oversees grant management activities.
- [*Trial Courts*: Manages interlocal agreements to provide court services with contracting jurisdictions, including caseload reporting and billing for services.]
- Coordinates the court's disaster cost recovery efforts during proclaimed emergencies.

### **Accountability and Court Performance:**

- Manages the court case flow and records, including the preparation of required reports.
- [*Trial Courts*: Oversees the jury management program by generating, processing, and analyzing jury data reports including juror summons and qualification forms.]
- Oversees security measures and issues affecting court operations, including planning and reporting as required.

### **Leadership:**

Maintains high standards of professional ethics, upholding and promoting the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety that might impugn the dignity of the court.

### **Strategic Planning:**

- Collaborates with the presiding judge to develop short-range and long-range strategic plans, best practices and projects, and directs and oversees the implementation of plans to ensure adherence to Washington State's judicial standards, regulations, and statutes. Formulates and recommends organizational changes for improving the operation of the court.
- Develops, oversees and implements the court's Emergency Management and continuity of operations planning, including attending emergency management briefings to exchange information, stocking and maintaining disaster preparedness-related supplies and equipment.

### **Court Governance:**

- Works closely with the court's information technology provider to determine technology needs, conveys requirements and coordinates implementation, support and maintenance.
- Manages the acquisition, installation and support of audio/video, computer and specialized court-related hardware and software, including those required for remote proceedings.

- Research, evaluate, and propose jail alternatives to confinement.
- [*Trial Courts*: Implements, coordinates, and oversees specialty court(s) ensuring compliance with federal, state, or local regulations.]
- [*Trial Courts*: Stays current with benchmarks, best practices, and empirical evidence to assist the specialty court team and maximize participant's success.]
- Assures conformity of court emergency management programs with federal and state requirements.
- Performs other duties as assigned, including but not limited to being assigned to work in other functional areas to cover absences or relief, equalize peak work periods, or balance the workload.

### **KNOWLEDGE, SKILLS, AND ABILITIES**

- Understanding of roles and responsibilities of courts and principles of judicial independence [*Trial Courts*: including General Rule 29 (GR29)].
- Understanding of nationally developed court performance standards.
- Knowledge of Washington State laws and court rules.
- Knowledge of legal procedure applicable to the court.
- Thorough knowledge of principles of administration, planning, supervision and organization, and effective supervisory and office management techniques.
- Ability to set office work priorities.
- Ability to guide, direct, schedule, and motivate subordinate employees.
- Ability to identify needs, develop long-range plans, and evaluate outcomes.
- Ability to accurately and efficiently oversee the financial, record keeping, and scheduling procedures for the court.
- Ability to deal with the public with poise and tact in sometimes stressful situations.
- Ability to anticipate challenges and creatively formulate action plans to meet needs.
- Ability to develop and implement new and improved methods.
- Ability to establish and maintain effective working relations with employees and members of the public.
- Strong organizational skills, with effective management and team-building skills.
- Ability to work independently under pressure, being flexible, enthusiastic, and self-starting in work assigned.
- Ability to read, interpret, and follow rules, regulations, policies, and procedures.
- Ability to communicate effectively both orally and in writing using high-level grammar, spelling, and composition.
- Ability to recognize and correct safety and health hazards.
- Ability to operate various office equipment, such as telephone, computer, calculator, postage meter, facsimile, and copy machine.
- Understands the Code of Judicial Conduct, the duties of cooperation and confidentiality for court employees with regard matters involving the Commission on Judicial Conduct, and the Judicial Assistance Services Program (JASP).
- Understands the Americans with Disabilities Act (ADA), Washington Law Against

Discrimination (WLAD), and General Rule 33 regarding requests for accommodation by persons with disabilities.

### **EDUCATION AND EXPERIENCE REQUIREMENTS**

- Bachelor's degree or five (5) years of progressively responsible management experience including experience in administration, operations and personnel supervision, preferably in a court or legal environment.
- Certified Court Manager (CCM) Certification will be considered the equivalent of two years' experience in management in the justice system. Combination of a Certified Court Executive (CCE) Certification and (CCM) will be equivalent of four years' experience in management in the justice system.
- Three (3) or more years of significant executive level supervisory responsibilities, and experience working with elected officials and department directors highly desired.
- The following are preferred:
  - Thorough knowledge of rules and procedures related to the court's case management system.
  - Knowledge and understanding of court clerk duties

### **SPECIAL REQUIREMENTS**

- Successful completion of a pre-employment background and criminal history check.
- May be required to complete FEMA (NIMS) courses on Emergency Management
- Must have or obtain a National Center for State Courts (NCSC) Certified Court Manager certification within six years of hire.

### **GENERAL INFORMATION**

- The court is committed to hiring a diverse workforce and all qualified applicants, including all ethnic backgrounds and persons with disabilities, are encouraged to apply. The court is an Equal Opportunity Employer and does not unlawfully discriminate based on race, sex, age, color, religion, national origin, marital status, sexual orientation, veteran status, disability status, or any other basis prohibited by federal, state, or local law.
- The statements contained herein reflect general details as necessary to describe the principal functions for this job classification, the level of knowledge and skill typically required, and the scope of responsibility but should not be considered an all-inclusive listing of work requirements.



**Model Job Description  
COURT ADMINISTRATOR**

*The following Model Job Description for Court Administrator contains key components that generally described the responsibility, work function and qualifications of a Court Administrator. This job description is intended as a guide and may be tailored for jurisdictional, court level and local needs.*

**DEFINITION**

Responsible for the management of personnel performing judicial personnel court functions. Duties include the oversight of daily court operations, development and implementation of policy and procedures, budget development, case-flow management, oversight of projects, grants, contracts, and other responsibilities as required.

**DISTINGUISHING CHARACTERISTICS**

- Reporting to the Presiding Judge, responsible for compliance with statutory requirements of the position, the management, support, development and implementation of judicial personnel programs, policies and procedures. Performs duties at the professional expert level requiring application of knowledge and expertise for decision making on complicated issues. These decisions often require proactive intervention and have wide or precedent setting impact. Requires problem resolution skills applied in a high visible environment.

**TYPICAL WORK**

Responsible for planning, directing, implementing and managing daily judicial personnel court functions.

Responsible for the management and coordination of external communications for the court including television news and print media.

Oversees and coordinates the internal court information technology requirements.

Handles or oversees sensitive, complex, or critical issues.

Responsible for the hiring, training, supervising and disciplining of judicial personnel employees.

Plans, assigns and reviews the work of staff, conducts employee performance evaluations and recommends salary increases.

Manages case-flow, jury management, court records and physical plant and equipment needs of the court. Plans and implements procedural and administrative functions for the court.

Manages grants, contracts, divisions (such as probation, juvenile-detention center), and the accounting for collection of fines, fees and bail postings.

Responsible for keeping informed of and manage changes due to updates in legislation or court rules that directly affect the court.

Manages fiscal policies and procedures including the preparation, presentation and monitoring of the annual budget, payroll, purchasing and accounts payable.

Establishes and maintains effective working relationships with judges, attorneys, elected and appointed officials, external court customers and court staff.

Performs other work as assigned.

## **KNOWLEDGE AND ABILITIES**

### **Core Competencies**

- **Court Operation:** Knowledge of polices, procedures and laws pertaining to the operation of courts. Thorough knowledge of principles of administration, planning supervision and organization, knowledge of trends in court management, state, federal and local laws, office software tools and general budget and accounting concepts. Knowledge of strategic planning for court operation.

Court Managers are expected to be skilled in the National Association for Court Management (NACM) core competencies: purposes and responsibilities of courts; caseload management; leadership; visioning and strategic planning; essential components; court community communication; resources, budget and finance; human resources management; education, training and development; and information technology management. Court Managers are expected to participate in continuing education and development in these court business areas.

- **Consulting:** Makes decisions and develops options to issues having broad impact; facilitates organizational response to an issue; demonstrates understanding of global perspective and organizational development and behavior; consistently applies leadership principles, conflict resolution, proactive intervention, group facilitation skills, and contract and negotiation skills.
- **Analysis and Problem Solving:** Facilitates the problem solving process at the organizational level; develops problem solving skills in others; develops collection and analysis methods for statistical or other data; designs, implements and modifies human resource database systems.

- **Communication and Interpersonal Interaction:** Independently and collectively counsel judges and staff on significant challenges, fosters development of interpersonal skills in others; negotiates resolutions to conflicts which seem to be at an impasse; is sought out by others as the top level communicator in area of expertise.
- **Customer Focus and Business Orientation:** Identifies and advocates for changes necessary to better meet customer needs; provides guidance to court in areas of expertise.

### **MINIMUM QUALIFICATIONS**

A Bachelor's degree with a minimum of three years experience in professional management position within the justice system.

Relevant professional court management experience may substitute year for year for education requirement.

A master's degree in related field, Institute for Court Management Fellowship, or other relevant court management education may be substituted for one-year of court management experience.

Minimum qualifications may be modified to suit individual court needs

### **SALARY RANGE**

- Workweek may fluctuate depending on workload or agency need.
- Overnight travel may be required based on business need.
- This position is not covered under the Fair Labor Standards Act (FLSA).

Revised 12/10/03

**PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND  
LIMITED JURISDICTION COURT DISTRICT**

**(a) Election, Term, Vacancies, Removal and Selection Criteria--Multiple Judge Courts.**

(1) *Election.* Each superior court district and each limited jurisdiction court district (including municipalities operating municipal courts) having more than one judge shall establish a procedure, by local court rule, for election, by the judges of the district, of a Presiding Judge, who shall supervise the judicial business of the district. In the same manner, the judges shall elect an Assistant Presiding Judge of the district who shall serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge and who shall perform such further duties as the Presiding Judge, the Executive Committee, if any, or the majority of the judges shall direct. If the judges of a district fail or refuse to elect a Presiding Judge, the Supreme Court shall appoint the Presiding Judge and Assistant Presiding Judge.

(2) *Term.* The Presiding Judge shall be elected for a term of not less than two years, subject to reelection. The term of the Presiding Judge shall commence on January 1 of the year in which the Presiding Judge's term begins.

(3) *Vacancies.* Interim vacancies of the office of Presiding Judge or Acting Presiding Judge shall be filled as provided in the local court rule in (a)(1).

(4) *Removal.* The Presiding Judge may be removed by a majority vote of the judges of the district unless otherwise provided by local court rule.

(5) *Selection Criteria.* Selection of a Presiding Judge should be based on the judge's 1) management and administrative ability, 2) interest in serving in the position, 3) experience and familiarity with a variety of trial court assignments, and 4) ability to motivate and educate other judicial officers and court personnel. A Presiding Judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court.

Commentary

It is the view of the committee that the selection and duties of a presiding judge should be enumerated in a court rule rather than in a statute. It is also our view that one rule should apply to all levels of court and include single judge courts. Therefore, the rule should be a GR (General Rule). The proposed rule addresses the process of selection/removal of a presiding judge and an executive committee. It was the intent of the committee to provide some flexibility to local courts wherein they could establish, by local rule, a removal process. Additionally, by delineating the selection criteria for the presiding judge, the committee intends that a rotational system of selecting a presiding judge is not advisable.

**(b) Selection and Term--Single Judge Courts.** In court districts or municipalities having only one judge, that judge shall serve as the Presiding Judge for the judge's term of office.

**(c) Notification of Chief Justice.** The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge to the Chief Justice of the Supreme Court within 30 days of election.

**(d) Caseload Adjustment.** To the extent possible, the judicial caseload should be adjusted to provide the Presiding Judge with sufficient time and resources to devote to the management and administrative duties of the office.

#### Commentary

Whether caseload adjustments need to be made depends on the size and workload of the court. A recognition of the additional duties of the Presiding Judge by some workload adjustment should be made by larger courts. For example, the Presiding Judge could be assigned a smaller share of civil cases or a block of time every week could be set aside with no cases scheduled so the Presiding Judge could attend to administrative matters.

**(e) General Responsibilities.** The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

**(f) Duties and Authority.** The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) Supervise the business of the judicial district and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;

(2) Assign judicial officers to hear cases pursuant to statute or rule. The court may establish general policies governing the assignment of judges;

(3) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;

(4) Develop and coordinate statistical and management information;

(5) Supervise the daily operation of the court including:

(a) All personnel assigned to perform court functions; and

(b) All personnel employed under the judicial branch of government, including but not limited to working conditions, hiring, discipline, and termination decisions except wages, or benefits directly related to wages; and

(c) The court administrator, or equivalent employee, who shall report directly to the Presiding Judge.

#### Commentary

The trial courts must maintain control of the working conditions for their employees. For some courts this includes control over some wage-related benefits such as vacation time. While

the executive branch maintains control of wage issues, the courts must assert their control in all other areas of employee relations.

With respect to the function of the court clerk, generally the courts of limited jurisdiction have direct responsibility for the administration of their clerk's office as well as the supervision of the court clerks who work in the courtroom. In the superior courts, the clerk's office may be under the direction of a separate elected official or someone appointed by the local judges or local legislative or executive authority. In those cases where the superior court is not responsible for the management of the clerk's office, the presiding judge should communicate to the county clerk any concerns regarding the performance of statutory court duties by county clerk personnel.

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

(6) Supervise the court's accounts and auditing the procurement and disbursement of appropriations and preparation of the judicial district's annual budget request;

(7) Appoint standing and special committees of judicial officers necessary for the proper performance of the duties of the judicial district;

(8) Promulgate local rules as a majority of the judges may approve or as the Supreme Court shall direct;

(9) Supervise the preparation and filing of reports required by statute and court rule;

(10) Act as the official spokesperson for the court in all matters with the executive or legislative branches of state and local government and the community unless the Presiding Judge shall designate another judge to serve in this capacity;

#### Commentary

This provision recognizes the Presiding Judge as the official spokesperson for the court. It is not the intent of this provision to preclude other judges from speaking to community groups or executive or legislative branches of state or local government.

(11) Preside at meetings of the judicial officers of the district;

(12) Determine the qualifications of and establish a training program for pro tem judges and pro tem court commissioners; and

(13) Perform other duties as may be assigned by statute or court rule.

#### Commentary

The proposed rule also addresses the duties and general responsibilities of the presiding judge. The language in subsection (d), (e), (f) and (g) was intended to be broad in order that the presiding judge may carry out his/her responsibilities. There has been some comment that individual courts should have the ability to change the "duties and general responsibilities"

subsections by local rule. While our committee has not had an opportunity to discuss this fully, this approach has a number of difficulties:

- It would create many “Presiding Judge Rules” all of which are different.
- It could subject some municipal and district court judges to pressure from their executive and/or legislative authority to relinquish authority over areas such as budget and personnel.
- It would impede the ability of the BJA through AOC to offer consistent training to incoming presiding judges.

The Unified Family Court subgroup of the Domestic Relations Committee suggested the presiding judge is given specific authority to appoint judges to the family court for long periods of time. Again the committee has not addressed the proposal; however, subsections (e) and (f) do give the presiding judge broad powers to manage the judicial resources of the court, including the assignment of judges to various departments.

**(g) Executive Committee.** The judges of a court may elect an executive committee consisting of other judicial officers in the court to advise the Presiding Judge. By local rule, the judges may provide that any or all of the responsibilities of the Presiding Judge be shared with the Executive Committee and may establish additional functions and responsibilities of the Executive Committee.

#### Commentary

Subsection (g) provides an option for an executive committee if the presiding judge and/or other members of the bench want an executive committee.

**(h) Oversight of judicial officers.** It shall be the duty of the Presiding Judge to supervise judicial officers to the extent necessary to ensure the timely and efficient processing of cases. The Presiding Judge shall have the authority to address a judicial officer’s failure to perform judicial duties and to propose remedial action. If remedial action is not successful, the Presiding Judge shall notify the Commission on Judicial Conduct of a judge’s substantial failure to perform judicial duties, which includes habitual neglect of duty or persistent refusal to carry out assignments or directives made by the Presiding Judge, as authorized by this rule.

**(i) Multiple Court Districts.** In counties that have multiple court districts, the judges may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

**(j) Multiple Court Level Agreement.** The judges of the superior, district, and municipal courts or any combination thereof in a superior court judicial district may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

**(k) Employment Contracts.** A part-time judicial officer may contract with a municipal or county authority for salary and benefits. The employment contract shall not contain provisions which conflict with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities. The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and Washington State Court

rules. A part-time judicial officer's employment contract shall comply with GR 29(k) and contain the following provisions, which shall not be contradicted or abrogated by other provisions within the contract.

**(l) Required Provisions of a Part-Time Judicial Officer Employment Contract.**

(1) *Term of Office and Salary.* The judge's term of office shall be four years, as provided in RCW 3.50.050. The judge's salary shall be fixed by ordinance in accordance with RCW 3.50.080, and the salary shall not be diminished during the term of office.

(2) *Judicial Duties.* The judge shall perform all duties legally prescribed for a judicial officer according to state law, the requirements of the Code of Judicial Conduct, and Washington State court rules.

(3) *Judicial Independence and Administration of the Court.* The court is an independent branch of government. The judge shall supervise the daily operations of the court and all personnel assigned to perform court functions in accordance with the provisions of GR 29(e) and (f), and RCW 3.50.080. Under no circumstances should judicial retention decisions be made on the basis of a judge's or a court's performance relative to generating revenue from the imposition of legal financial obligations.

(4) *Termination and Discipline.* The judge may only be admonished, reprimanded, censured, suspended, removed, or retired during the judge's term of office only upon action of the Washington State Supreme Court, as provided in article IV, section 31 of the Washington State Constitution.

[Adopted effective April 30, 2002; Amended effective May 5, 2009; February 1, 2021.]



**TAB 3**

# Local Level Funding in Washington State Courts

**BJA Policy and Planning Committee**  
**February 18, 2022**

# How Do Courts Prepare Budget Requests to Address Funding Priorities?



We wanted to know how courts address funding for their top program and management priorities. We asked a series of questions:

- Did you ask for funding from your local funding entity?
- What was the outcome if you did ask?
- If you did not ask, why not?
- What other sources of funding do you have?
- Would you be agreeable to explore alternative funding structures for the courts?

Here is what we found:



# Local Level Funding in Washington State Courts



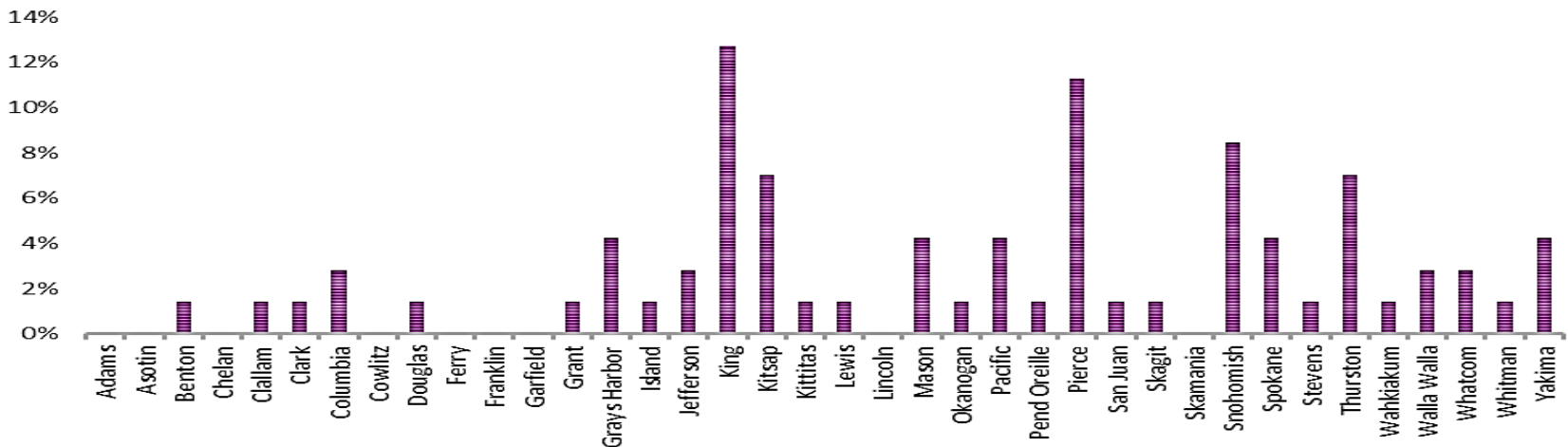
## Respondent Demographics

Respondents by Court Type (Answered 72; Skipped 2)		
Superior	28%	20
District	24%	17
Municipal	49%	35
<b>Total</b>	<b>100%</b>	<b>72</b>

## Jurisdiction Size by Court Level

- 75% of Superior Court respondents are primarily in larger urban areas.
- 50% of District Court respondents are located in larger urban areas and half are located in semi-urban areas.
- 80% of Municipal Court respondents are in semi-urban areas, with less than 3% of respondents reporting from a rural area.

PERCENT OF RESPONSES BY COUNTY

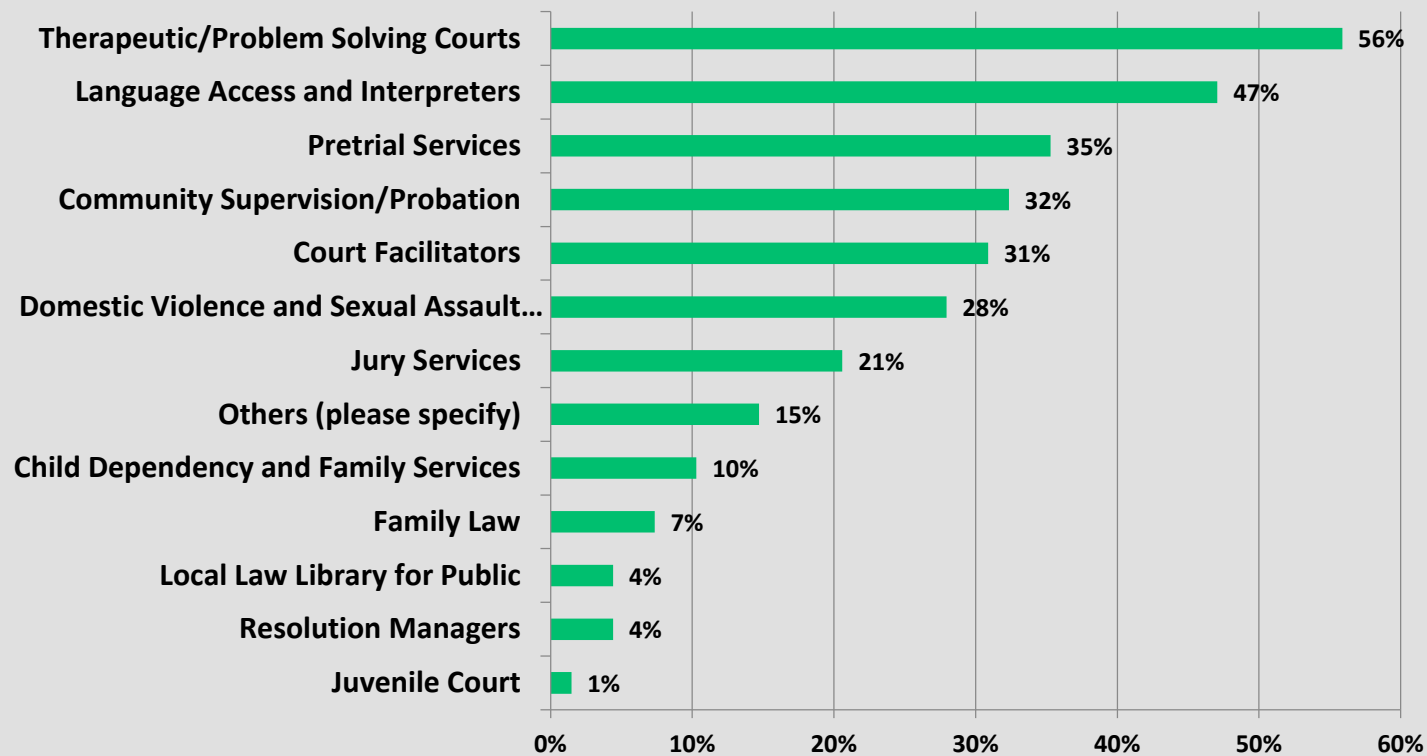


# What are courts' top PROGRAM funding priorities?



## All Trial Courts

TOP THREE PROGRAMS that need more funding in order to serve court users in your community.  
Answered 68, Skipped 6



# What are courts' top PROGRAM priorities?

## BY COURT LEVEL



### TOP THREE programs that need more funding in order to serve court users in your community.

Answered 68, Skipped 6

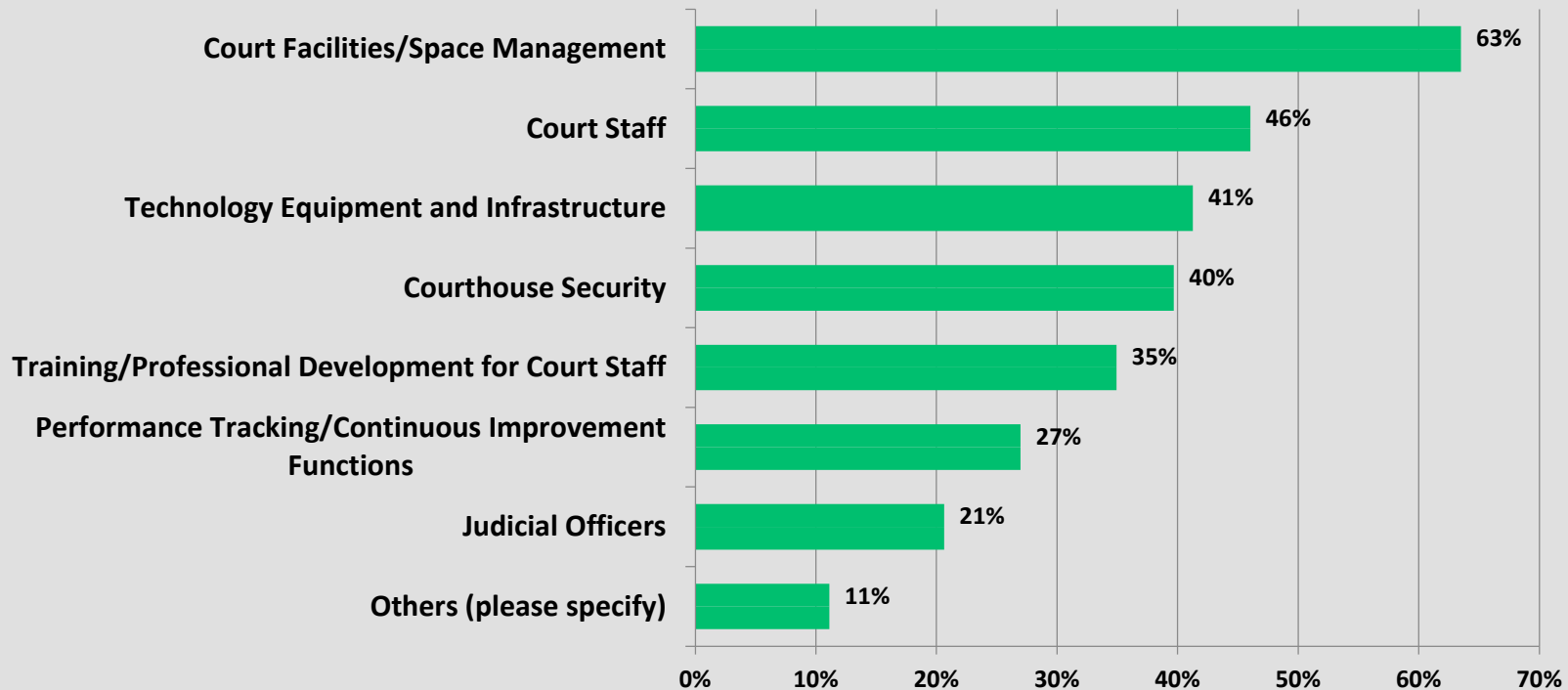
	Top Ranked Priority	Second Ranked Priority	Third Ranked Priority
<b>Superior (20)</b>	Court Facilitators ( <b>65%</b> )	Language Access ( <b>55%</b> )	Tie: Therapeutic Courts & Pretrial Services ( <b>35%</b> )
<b>District (15)</b>	Therapeutic Courts ( <b>67%</b> )	Tie: Community/Probation & Language Access ( <b>53%</b> )	Tie: Pretrial Services & Sexual Assault Services ( <b>33%</b> )
<b>Municipal (32)</b>	Therapeutic Courts ( <b>66%</b> )	Community/ Probation ( <b>44%</b> )	Language Access ( <b>41%</b> )
<b>Total Courts Responding</b>	Therapeutic Courts ( <b>38</b> )	Language Access ( <b>32</b> )	Pretrial Services ( <b>24</b> )

# What are courts' top MANAGEMENT funding priorities?

## All Trial Courts



From the list below, select the TOP THREE management functions that are underfunded or not currently funded and are needed for your court. Answered 63, Skipped 11



# What are courts' top MANAGEMENT priorities?

## BY COURT LEVEL



**TOP THREE programs that need more funding in order to serve court users in your community.**

Answered 68, Skipped 6

	<b>Top Ranked Priority</b>	<b>Second Ranked Priority</b>	<b>Third Ranked Priority</b>
<b>Superior (19)</b>	Facilities/Space <b>(84%)</b>	Court Staff <b>(53%)</b>	Court Security <b>(42%)</b>
<b>District (14)</b>	Facilities/Space <b>(71%)</b>	Court Security <b>(42%)</b>	Training/Prof Dev <b>(43%)</b>
<b>Municipal (32)</b>	Technology <b>(53%)</b>	Facilities/Space, Court Staff, and Training - Tied <b>(47%)</b>	Court Security <b>(30%)</b>
<b>Total Courts Responding</b>	Facilities/Space <b>(40)</b>	Court Staff <b>(29)</b>	Technology <b>(26)</b>



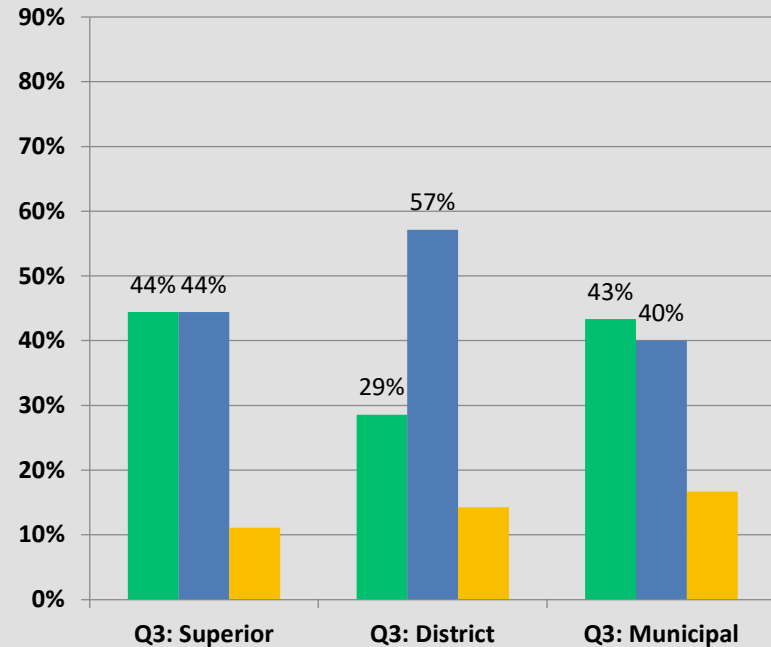
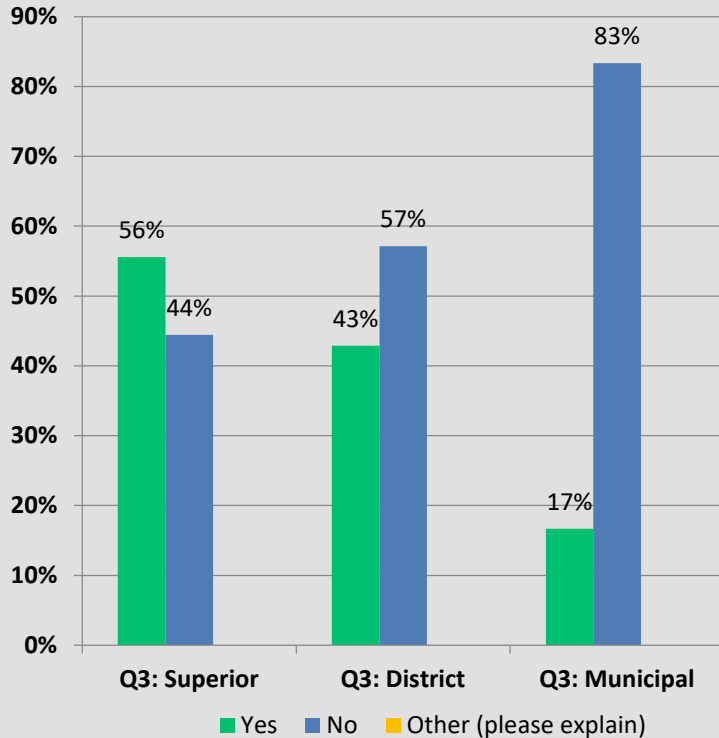
# Did Courts Request Funding For Their Priorities?



Courts Reporting: Superior 18, District 14, and Municipal 30

For any of the **TOP THREE PROGRAM** priorities, did you ask for new or additional funding in your most recent budget request? Answered 62, Skipped 10

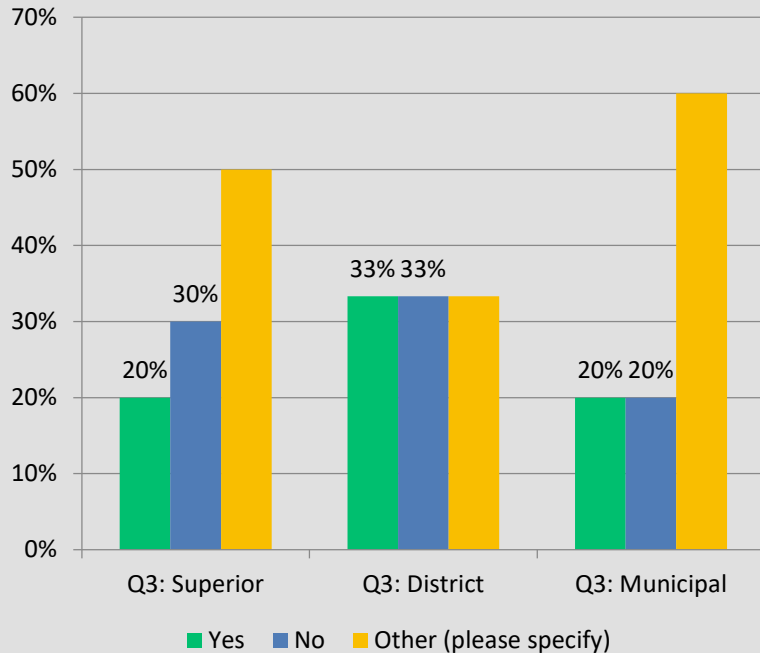
For any of the **TOP THREE MANAGEMENT** priorities, did you ask for new or additional funding in your most recent budget request? Answered 62, skipped 10



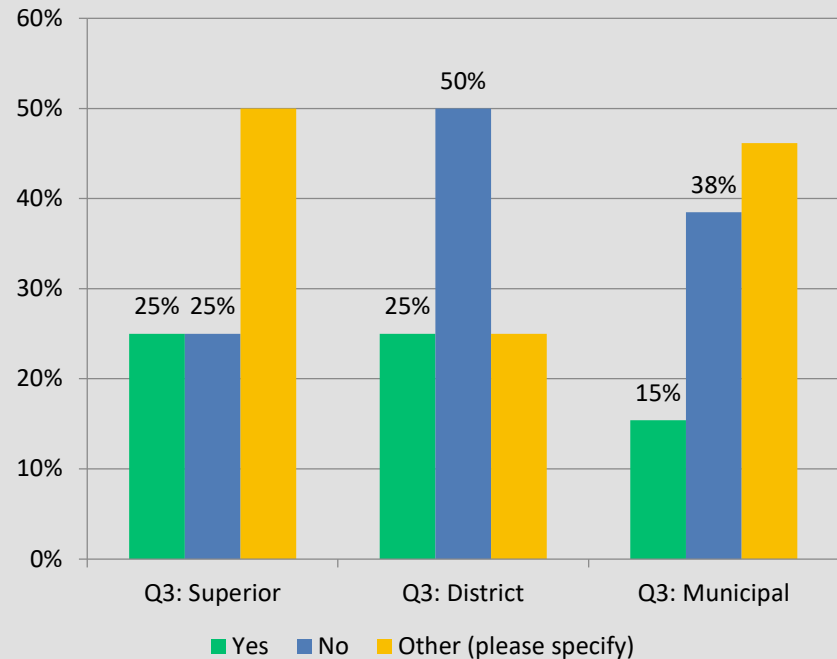
# Were courts that applied for funding successful?



**Were you successful in getting more funding for your TOP THREE PROGRAMS in your most recent budget proposal?** Answered 21, Skipped 51



**Were you successful in getting more funding for your TOP THREE MANAGEMENT priorities in your most recent budget proposal?** Answered 25, Skipped 47



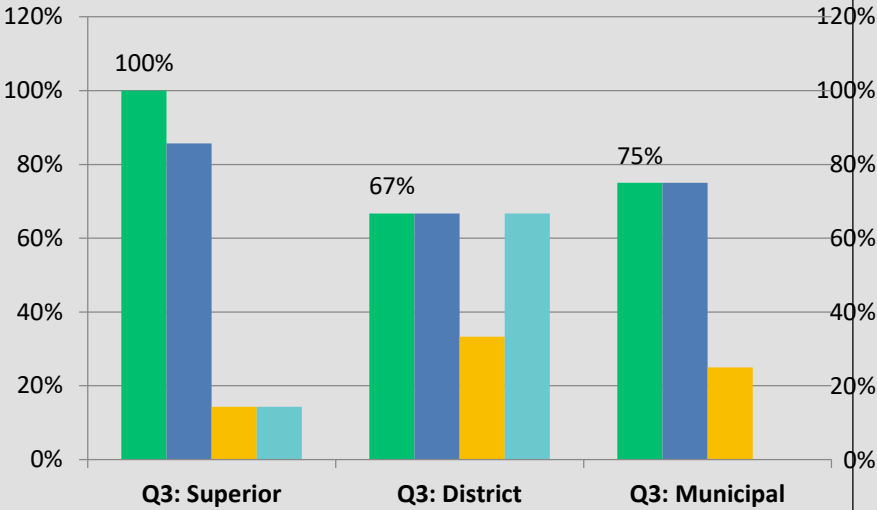
Courts seem to be equally likely to be successful with both types of requests. How do we get the Yes higher?



# Why were courts that applied for funding successful?

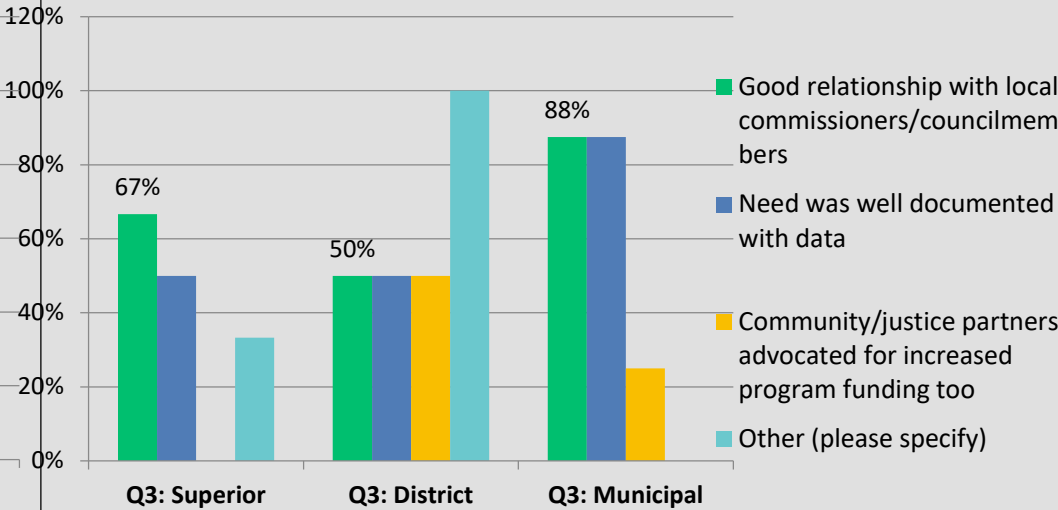
**What factors do you think led to the successful increase in funding for your TOP THREE PROGRAM priorities?**

Answered 14, Skipped 58



**What factors do you think led to the successful increase in funding for your TOP THREE MANAGEMENT priorities?**

Answered 16, Skipped 56



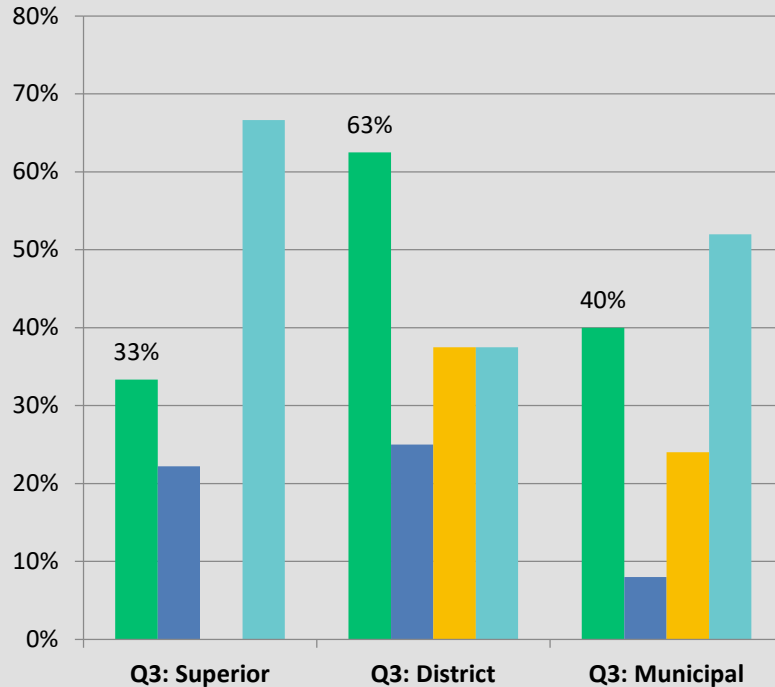
Good relationships and need-documentation matter more for program funding requests

# Why didn't courts apply for funding?

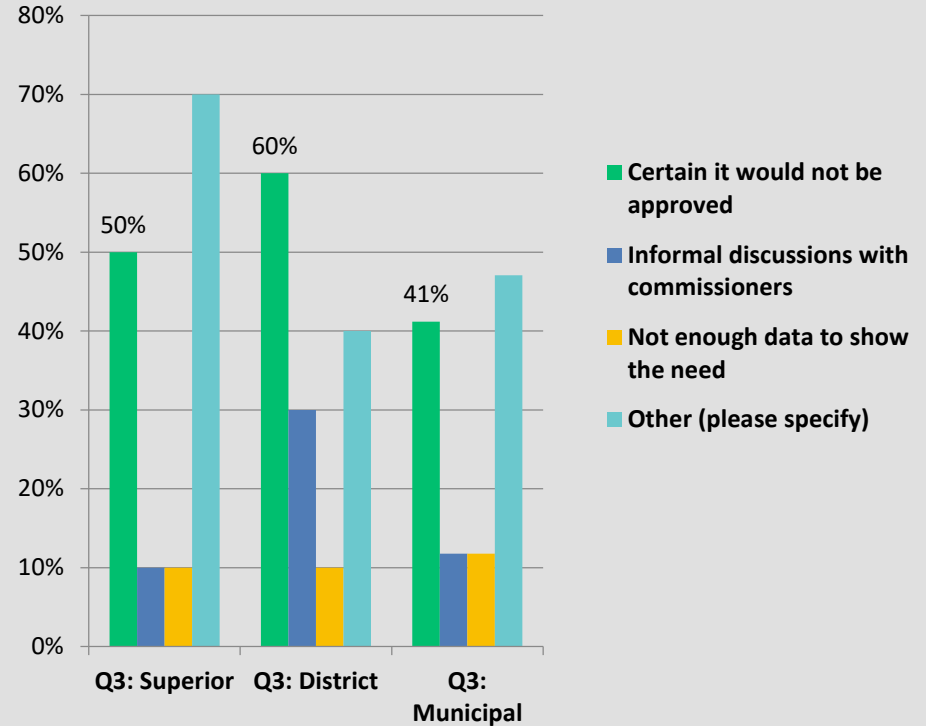
Courts Reporting: Superior 18, District 14, and Municipal 30; Answered 37, Skipped 35



What are the reasons you did not request funding for these PROGRAMS?



What are the reasons you did not request funding for these MANAGEMENT functions?



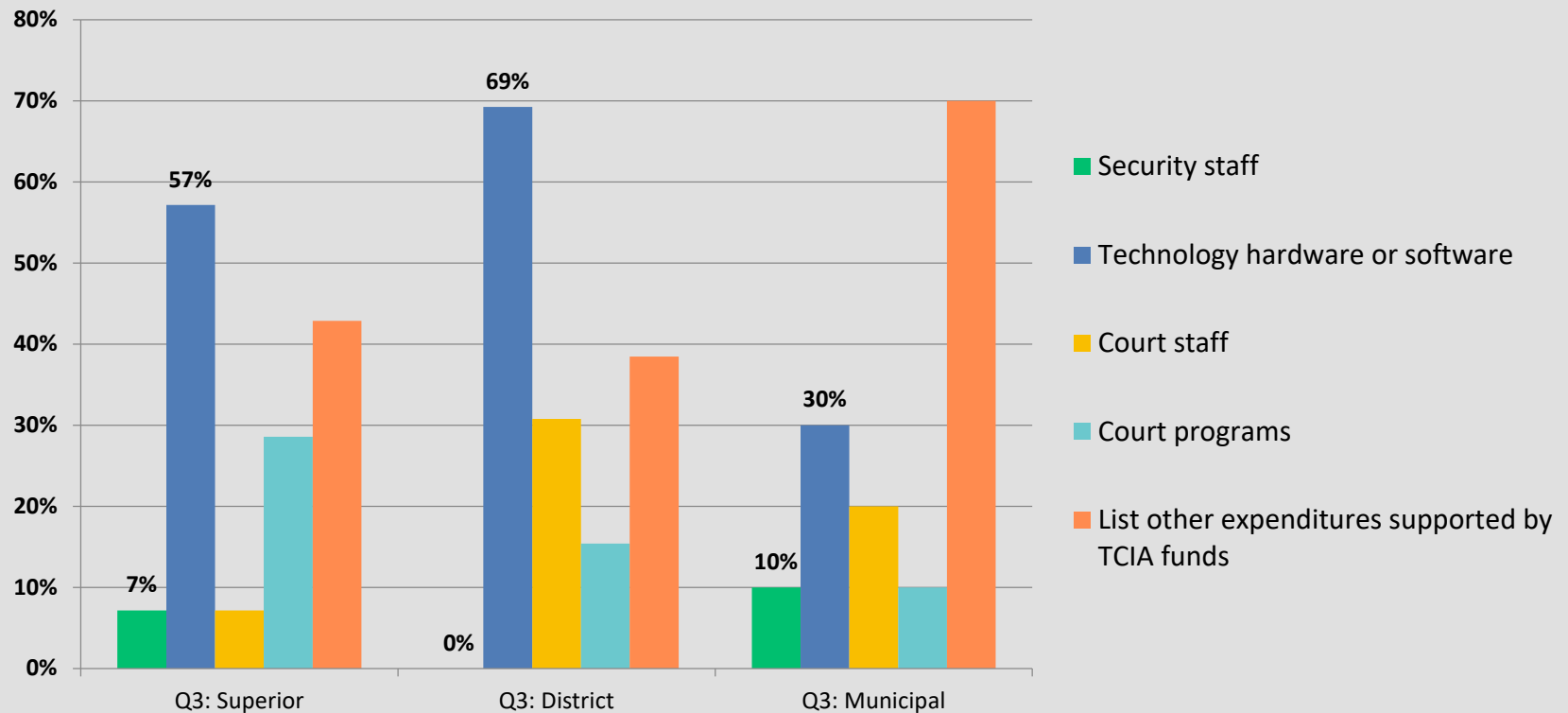
Are courts pessimistic or realistic when they don't ask because they are certain to be it won't be approved?

# Other Funding Sources - TCIA

Trial Court Improvement Account



## How is your court using TCIA funds?



# Other Funding Sources - Grants

Does your court currently receive grant funding for any of the following programs? Please write in the name of the grantor next to the programs listed.



Answer Choices	Responses	
Domestic/Intimate Partner Violence	17%	5
Therapeutic/Community Courts (e.g. drug court, veterans, etc.)	48%	14
Courthouse Security	10%	3
Child Welfare	31%	9
Sexual Assault	10%	3
Juvenile Justice	38%	11
Family Law	17%	5
Crime Victims	10%	3
Other (please specify)	48%	14
Other (please specify)	21%	6
	Answered	29
	Skipped	45

# Exploring Alternative Funding Structures

Options to consider in the future



Indicate your level of agreement for the following statements: "The judicial branch should explore pursuing..." Answered 58, Skipped 16



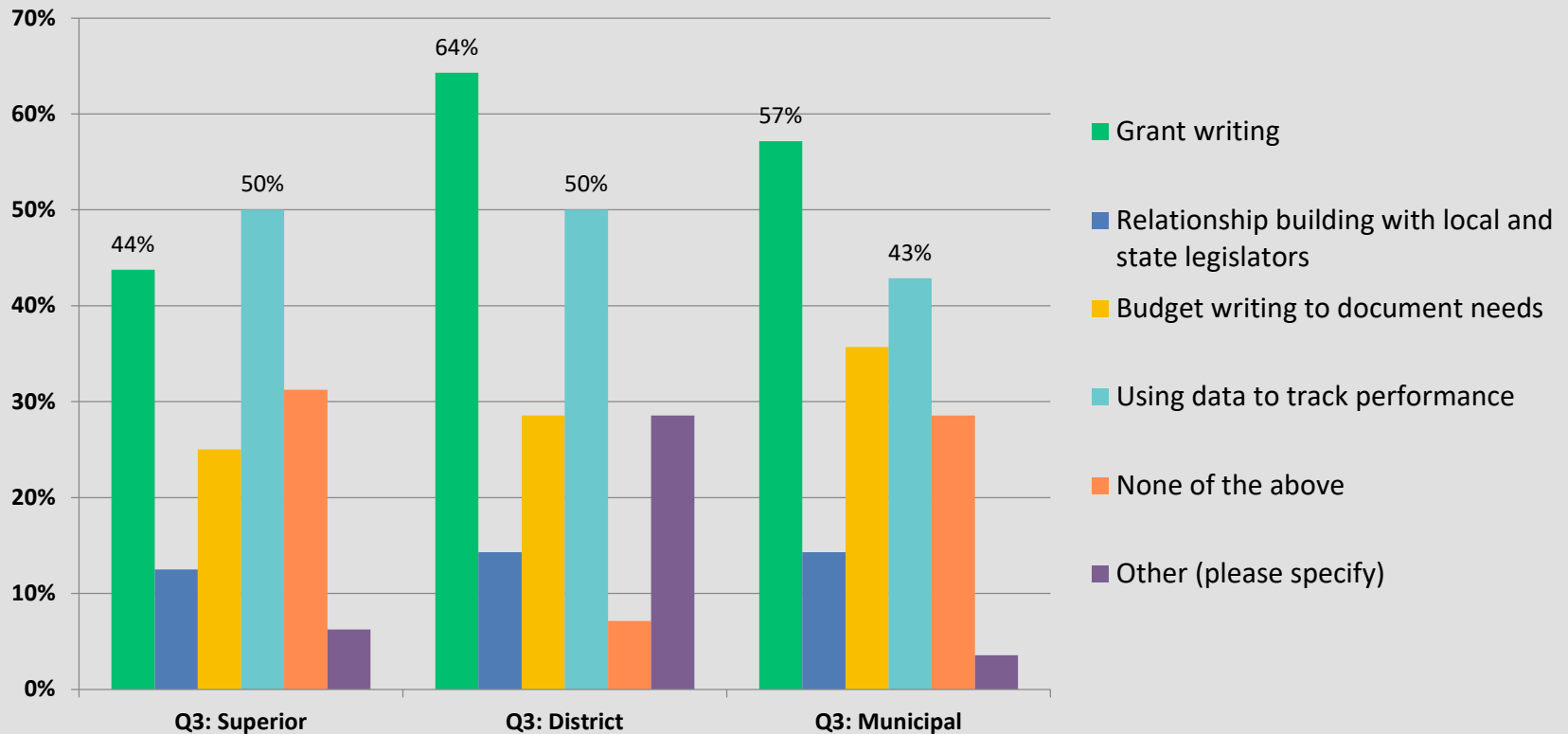
# How can we help?

## Skills and resources courts need



Does your court need help with any of the following to pursue adequate funding?

Answered 58, Skipped 14









Small Group Funding Discussion Questions  
BJA Meeting – February 18, 2022

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Small groups have approximately 20 minutes total for discussion. There will be a 10 minute allotment for all groups to report highlights at the main meeting.

Choose at least one question for discussion. Please take notes and email them to [Penny.Larsen@courts.wa.gov](mailto:Penny.Larsen@courts.wa.gov).

1. In the survey findings presented today, the top three top ranked program funding priorities were Therapeutic Courts, Interpreters, and Court Facilitators, all funded at the state level in the last AOC budget.
  - What other program(s) would your group prioritize next for funding?
  - Would you recommend funding requests be directed to the state or local level?
2. One of the 2022 BJA goals is advocacy for consistent, adequate funding that is not fee based.
  - What funding sources or strategies could be explored to replace fee-based funding?
3. Members of the BJA and the court community often note that Washington Courts are chronically underfunded. List the most glaring examples of inadequate court funding and if possible, the measures your group would suggest to resolve the inadequacies.



## **The Court Recovery Task Force BJA Report February 18, 2022**

The [Court Recovery Task Force](#) has eleven committees, five which have met their goals and no longer meet.

There are several RCW proposals submitted by the BJA legislative committee on behalf of the CRTF Juvenile Criminal Civil Committee in the legislature this session.

The Adult Criminal Committee submitted several court rule proposals and other committees commented on published court rules.

At the December meeting, participants met in small group to discuss and share ideas about open court access. A summary of these discussions is included in the meeting materials.

The Task Force's charter goes through June 2022. The Task Force is identifying remaining items to address and continuing to work on already defined activities.

The Lessons Learned Committee is busy gathering and compiling information for the final report.

**BJA Court Recovery Task Force  
12.06.2021**

**Presentation: What does access to the courts look like in the hybrid world?  
Judge Judith Ramseyer**

**Notes from Small Group Discussions**

**What have been the most successful tools or strategies to increase public access to courts as a result of COVID?**

- Technology - Remote hearings (Not all people have the same access to tech, so that's a challenge)
- Zoom is the most significant change since the beginning of the pandemic. Everyone agreed that video access has had a huge impact of accessibility. Some members suggested that it allows people the ability to jump in & jump out of a hearing, thus reducing the time spent "in court." Others indicated Zoom is not the best for trials, where there are clear confrontation issues.
- Zoom hearings. Reiterates the necessity of leaving the courts open for people that have no access
- Remote hearings
  - Hybrid bridges the divide for those who would only attend virtually or in-person
  - TCW and YouTube live stream
  - Directions for attending court are easier for Zoom than in-person
  - Accommodations - outdated courtroom spaces cannot accommodate. Zoom offers chat closed captioning
- E-Filing
- Changes in policies for all stakeholders (court rules, prosecutorial charging/bail changes, defense communication with clients, jail policies)
- Clear and published rules and procedures for remote proceedings and for accessing other parts of the court
- Having changes, decisions, and rules be made with input of stakeholders
- Video access (video participants, public being able to see video of proceedings)
- Willingness to experiment, spirit of innovation (trying no paper, holding testimony by phone)  
(However, even most successful video access strategies have drawbacks and costs other than financial; judges take on burden of managing new technology, issues with client communication, etc.)
- Purchase Chromebooks for court staff to go into the field. Chromebook allows them to access services remotely. Staff go to home or person comes to office and uses Chromebook. People come into the office a lot. Court ordered Therapeutic appts staff goes out in the field.
- Hybrid court (in person or webex). Public kiosks would be good.
- Hybrid court (in person or webex). Libraries are good area of technology access

**What continues to be the biggest need to accessing court services that we haven't quite figured out?**

- One issue with Zoom is the unequal access to the platform. Indigent defendant (especially the homeless) struggle to use Zoom because of lack of access to technology.
- Size of documents- reading documents on a small device not the same as a computer

- Technology assistance for those who are vulnerable
- Exchanging documents - families do not know how and need assistance
- Size of technology device, moving screen, number of people to see varies if you are on a phone, cracked screen etc.
- Lack of access to technology for everyone, particularly in rural areas
- Lack of information to court-user about how to access the court remotely
- Funding for technology changes
- Helping people access the courts and the tools needed to access the court
  - Confusion among various court orders
  - Translating a complicated system to plain language
- Access to technology/internet for members in the community
- Not all problems can be solved by throwing money at it
- Communications – how people access the platforms, how do people figure out how to use it, people need to be able to show up and interact with people. Don't want reduce in person access just because it's possible
- Access to clients, prisoners especially but also on civil; hard to judge credibility
- No systematic way of getting user experience incorporated in the planning stage
- Clerk's Offices vary in ability/willingness to help self-represented litigants
- Differences in jurisdictions – magnified by new processes. Maybe need more unified communication strategy, uniform ways to access
- Confidentiality and confidential access to attorneys
- Human contact really does make our system go. And communicates respect, technology is lacking in that regard
  - Technology needs to work for users
- People driving while doing zoom
- E-filing would increase access. Parties still have to come in to file
- Electronic Judge's copies would be helpful. Safety issues are an issue, and virtual has helped with that. Zoom, unsure if participants are safe and not being intimidated in court
- Lack of broadband. Even the courtroom doesn't have reliable broadband access.

**Consider the following comment: "Court should be seen as a service not a location." Do you agree or disagree? Why?**

- Our group felt neither term fits. Court should be where justice is achieved, not simply a physical location.
- New GR for remote jury selection.
- Location in rural areas
- Both – different for a criminal defendant and someone with a small claim. For a juror or others, it may just be a location
- "I lean towards parent choice and option to attend remotely, even after the pandemic!"
- 90% appear by zoom. Arraignments low show rate. After that people do okay
- You have to have both a service and a location. Service better with remote opportunities, but location has to be maintained. Concerns about jury trials remotely or other sensitive situations.
- Location makes a big difference. Virtual makes that a lot easier.

**If funding were not an issue, what is one thing you would change to increase public access to our courts?**

- Presentation of evidence and/or trials could be improved. If cost is no object, we should learn from the federal court's use of technology. One member of our group indicated that

if money is no object, we should use funds to invest in services and/or preventative measure, rather than the system. Another person said one thing isn't enough. These are systematic issues!

- Librarian - zoom rooms to access hearings. Train librarians.
- YouTube video for tech issues and directions for attending virtual courts
- Virtual lobby to connect with professionals/ manage the waiting room
- Need more attorneys, particularly in rural areas
  - Guardianships
  - Legal aid
  - Defense counsel
  - Interpreters
  - Navigators
  - Judges
  - Courtrooms
- Investment in uniform IT approach
- If cost were truly no object – more investment in legal staff who could help direct users where to go/how to access court
- Representation for litigants
- Centralized streaming service for court proceedings (streamed to, managed, secure)
- E-filing (state paid)/unified system to access files/hearing info.
- Universal broadband
- ADA access funds for attorneys for individuals with cognitive impairment. Would like every court to have its own IT dept.



February 19, 2022

**TO:** Board for Judicial Administration (BJA) Members

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

**RE:** REPORT OF THE COURT SECURITY TASK FORCE

The Task Force met on December 13, 2021 and discussed three items. The first item on the agenda was a check in on members' assignments and activities for the 2022 legislative session. Members updated the stakeholder contact list and discussed the communication campaign materials that were posted to the legislative toolkit before the start of the session. The toolkit materials include talking points, FAQs, advocacy tips, a sample letter, and a contact list of legislators. Supporters can use the toolkit materials in meetings or communications with legislators to support the court security funding request.

The second agenda item focused on legislation with potential impacts on court security officers. Task Force member Brittany Gregory briefed members on the status of proposed language changes to HB 1310 that clarifies that court security officers may use force to execute or enforce a court order. Task Force member Elisa Sansalone briefed members on SB 5051, which changes the definition of specially commissioned officers and is applicable to some court security officers. She noted that the legislation caused some confusion for courts with special commissioned officers. Subsequently, courts have been advised by their legal counsel to continue current practices. Task Force member Representative Roger Goodman, Chair of the Public Safety Committee that introduced the legislation, indicated that the legislation is not applicable to court security officers.

The final agenda item was presented by Court Security Resource Coordinator Kyle Landry. He developed a one-page summary of court security incidents that is posted on the BJA Court Security Task Force website.

Since the last meeting, the Task Force Co-Chairs and Penny Larsen have met with approximately 15 legislators and the responses have been mostly positive. Communications have gone out to the court community and stakeholders asking for them to contact their local legislators and the pertinent legislative committees to support the funding request.





The Supreme Court  
State of Washington

STEVEN C. GONZÁLEZ  
CHIEF JUSTICE  
TEMPLE OF JUSTICE  
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(360) 357-2030  
E-MAIL J\_S.GONZALEZ@COURTS.WA.GOV

February 9, 2022

TO: Justice Barbara Madsen, Chair, JISC  
Judge Tam Bui, Member Chair, BJA  
Judge Rachelle Anderson, President, SCJA  
Judge Charles Short, President, DMCJA  
Judge Marlin J. Appelwick, Presiding Chief Judge, Court of Appeals  
Judge Mary Logan, Chair, BJA Budget and Funding Committee  
Judge Rebecca Robertson, Chair, BJA Policy and Planning Committee  
Judge Kevin Ringus, Chair, BJA Legislative Committee  
Judge Doug Fair, Co-Chair, BJA Court Education Committee  
Judge Sean O'Donnell, Co-Chair, BJA Court Security Funding Task Force  
Judge Rebecca Robertson, Co-Chair, BJA Court Security Funding Task Force  
David Reynolds, President, WAJCA  
Chris Gaddis, President, AWSCA  
Brian Tollefson, President, WSBA  
Kim Allen, President, WSACC  
Rob Mead, State Law Librarian  
Jim Bamberger, Director, OCLA  
Larry Jefferson Jr., Director, OPD  
Reiko Callner, Executive Director, CJC  
Francis Adewale, Chair, Access to Justice Board

FROM: Steven C. González, Chief Justice

RE: 2023-25 Biennial Budget Development and Submittal

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While the 2022 supplemental judicial branch budget request remains pending before the state legislature, it's time to begin the development of our branch's 2023-25 biennial budget request. I remain hopeful that the legislature will fund many of the critical items we've requested this year, and that it will continue to consider our requests in the years to come. Adequate, long-term, stable funding is something that has been a priority of ours for biennia, and we will continue advocating for that.

This year's budget development and submittal process is similar to prior years, with the exception of a new, additional step in this year's process. The overall process is designed to be transparent and inclusive, and this additional step will reinforce that goal.

A step-by-step calendar of the process is attached, but in summary:

- The process will begin with concept papers – this is a 1-2 page memo outlining a proposal with estimated costs, staffing, and any potential IT impacts. An example is attached.
- AOC will perform the initial review and make recommendations to the Budget and Funding Committee (BFC) of the Board for Judicial Administration (BJA) regarding requests for General Fund (GF) funding that flows through the AOC. The BFC will review and make recommendations to BJA, the BJA will make recommendations to the Supreme Court Budget Committee (SCBC), and the SCBC will make recommendations to the Supreme Court.
- Final decisions on which concepts become full decision packages are set by the Supreme Court.

Once final decisions are made on which concepts become decision packages, the drafting of formal decision packages will begin and the same decision-making process noted above will be performed at the end of August. The Supreme Court will consider a number of factors when deciding which decision packages to move forward to the legislature. These factors include priorities set by the BFC, recommendations made by the BJA, the current and future economic environment, constitutional and statutory requirements, and other factors.

Timelines are shorter than they appear, given all of our busy schedules. Adherence to the attached timeline is necessary to ensure that the process remains consistent and objective, ensuring that all requests forwarded to the Legislature are sound and well-vetted.

All concept papers are due by April 1. Please submit them to Christopher Stanley at [Christopher.Stanley@courts.wa.gov](mailto:Christopher.Stanley@courts.wa.gov).

Decision package templates and details regarding potential presentations before the BJA will be released at a later date.

The budget development schedule and the concept paper example can be found at the following link: [https://www.courts.wa.gov/index.cfm?fa=controller.ShowPage&folder=Financial%20Services&file=2023\\_25BudgetInstructions](https://www.courts.wa.gov/index.cfm?fa=controller.ShowPage&folder=Financial%20Services&file=2023_25BudgetInstructions)

Thank you all for your continued dedication to justice and the residents of Washington. If you have questions, please feel free to contact me at (360) 357-2030 or call Christopher Stanley at (360) 357-2406.

cc: Justices of the Supreme Court  
 Executive Committee, Court of Appeals  
 Dawn Marie Rubio, State Court Administrator  
 Christopher Stanley, Chief Financial and Management Officer  
 Erin Lennon, Supreme Court Clerk  
 Michael Johnston, Supreme Court Commissioner  
 Sam Thompson, Reporter of Decisions

## 2023-2025 Biennial Budget Development, Review and Submittal Schedule

MONTH	TASK	DUE DATE
February 2022	Release message from the Chief Justice.	February 9
February 2022	Administrative Office of the Courts (AOC) distributes budget instructions to Subject Matter Experts (SMEs).	February 9
Feb - March 2022	SMEs develop Branch budget concept papers (BCPs).	Ongoing
April 2022	BCPs from Supreme Court, Law Library, Court of Appeals, and AOC due to AOC Chief Financial & Management Officer (CFMO)	April 1
April & May 2022	AOC CFMO reviews, makes recommendations on BCPs: <u>Judicial Information System Committee (JISC)</u> : IT BCPs	April 22
	<u>Budget and Funding Committee (BFC)</u> : non-IT BCPs	May 6
	<u>Board for Judicial Administration (BJA)</u> : AOC CFMO presents recommendations for non-IT BCPs.	May 20
	<u>Supreme Court Budget Committee (SCBC)</u> : AOC CFMO presents recommendations of the JISC and BJA to the Supreme Court Budget Committee (SCBC).	May 26
June 2022	<u>Admin En Banc</u> : AOC CFMO presents recommendations of the SCBC. Supreme Court decides which BCPs move forward as decision packages (DPs).	June 8
June 2022	AOC communicates decisions and provides DP instructions.	June 10
June – July 2022	SMEs submit initial DPs to AOC CFMO.	July 15
July – Sept 2022	Finalize and approve DPs: AOC initial review and edits with SMEs (rolling deadlines)	July 29-Aug 12
	AOC finalizes full package and all DPs	August 26
	BFC makes recommendations to BJA	September 9
	BJA makes recommendations to SCBC	September 16
	SCBC makes recommendations to Supreme Court	September 23
	<u>Admin En Banc</u> : AOC CFMO presents final DPs to Supreme Court which approves final budget package submission.	October 5
October 2022	Branch budget published.	October 10
January 2023	Legislature convenes.	January 9

BJA Meeting Schedule	JISC Meeting Schedule	Revenue Forecast Schedule
February 18, 2022	February 25, 2022	By February 20, 2022
March 18, 2022	April 22, 2022	N/A
May 20, 2022	N/A	N/A
June 17, 2022	June 24, 2022	By June 27, 2022
September 16, 2022	August 26, 2022	By September 27, 2022
October 21, 2022	October 28, 2022	N/A
November 18, 2022	December 2, 2022	By November 20, 2022

**CONCEPT PAPER EXAMPLE**  
**MEMO FORMAT PREFERRED**

Letterhead

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April 2, 2022

**TO:** Christopher Stanley, Chief Financial & Management Officer, AOC

**FROM:** Casey Doe, Puppies for Courts

**RE:** Concept for Judicial Branch Budget Request

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**Problem:** Puppies have been shown to relieve stress and calm individuals in tense situations. As courts are concentrations of stress and tense situations, we believe the addition of puppies to courthouse entryways and public access areas would greatly reduce the tension Washingtonians feel as they access justice.

**Proposed Solution:** We would like the Administrative Office of the Courts to request \$15 million in funding for grants to trial and appellate courts across Washington for the purpose of stationing puppies and corresponding handlers in courthouses across the state. A limited pilot in three courthouses – two in western Washington and one in eastern Washington – has shown a notable decrease in incidences in courtrooms...

[data]

[argument]

[etc.]

**\*Please limit to 1-2 pages.**  
**\*Please note if this is one-time funding or an ongoing funding**

**Estimated Staff:** 1 FTE (program manager-level) at AOC to manage the program and corresponding grants.

**Estimated Cost:** \$15,000,000

**Is there any IT component to this request (excluding typical office equipment)?** No.

February 9, 2022

**TO:** Board for Judicial Administration Members

**FROM:** Judge Tam Bui, BJA Court Education Committee Chair  
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

**RE:** Court Education Committee Report

Yearly mandatory continuing education credit transcript was disseminated to over 500 judicial officers statewide.

The Judicial College was held virtually. Approximately seventy (70) participants attended the two-week program.

The Judicial College stakeholders group continues to meet on a monthly basis. They continue to review content and core competencies.

The CEC submitted proposed changes to GR 26 requesting the rule be modified to include the requirement for judicial officers to receive Diversity, Equity and Inclusion (DEI) credits. The Supreme Court Rules committee reviewed the proposed changes and they are now out for comment until April 2022.

The CEC adopted Diversity, Equity and Inclusion (DEI) guidelines and disseminated the guidelines to the education committees for input.

Most of the spring programs and the 2022 Annual Judicial Conference will be virtual again this year due to the ongoing pandemic.

The CEC continues to review their 2017 strategic plan with the intent to develop an updated strategic plan for the CEC.

The AOC hired a new Court Education Professional to work on 1320 civil protection order trainings which will be available online. Currently there are seven modules to be developed.

Since the last report of November 19, 2021, the Education Team has completed the following webinars:

- *Search and Seizure Update* – sponsored by the Board for Judicial Administration's Court Education Committee.

### Upcoming Webinars:

- *Situational Awareness and Personal Safety*- sponsored by the Board for Judicial Administration's Court Education Committee – February 16, 2022, 1:00 p.m. – 3:00 p.m. If you are interested in registering for this webinar, please click on the link below.

<https://wacourts.zoom.us/j/93923649043?pwd=dmNJSzJ5UzE4Ty8vZXI2bEdBRFVsZz09>

### Work in Progress

The *Anger Management* self-paced program is in process, based on a training the JASP peer counselors attended in October 2021.

Customer Service work continues for the Institute for New Court Employees (INCE). The INCE is being converted from an in-person program to an on-demand online program.



February 09, 2022

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

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### 2022 Legislative Session

The impact of COVID-19 continues to alter the way the legislature conducts the 2022 legislative session. The House and Senate are operating remotely; however, a few legislators and staff are allowed on the House and Senate floor for the purposes of voting.

February 3 was the cutoff for bills to pass out of policy committees, February 7 was the last day for bills to pass out of fiscal committees, and bills must pass out of house of origin by February 15. Then the process starts all over again in the opposite chamber.

The policy committee cutoff in the opposite house is February 24, the fiscal committee cutoff is February 28, and the last day to consider a bill in the opposite house is March 4. Finally, the last day of the regular session is March 10.

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

All BJA-request legislation have passed the fiscal and policy cutoffs and are still alive. There have been amendments to several of the bills, and updated versions of those bill are included in the meeting materials.

**SB 5575-** SB 5575 requests two additional judge positions for Snohomish County Superior Court, raising the number from 15 to 17.

- SB 5575 is currently in the Senate Rules Committee.

**SB 5609-** SB 5609 removes the requirement for a fingerprint from an individual under the age of 18 to be affixed to the original order adjudicating the individual to be a delinquent.

- SB 5609 passed out of the Senate on February 9 (29 yes, 20 no).



**HB 1637-** HB 1637 grants judges additional tools during sentencing by modifying the statutory mitigating circumstance that allows a judge to impose a sentence below the standard range based on the defendant's lack of capacity to include circumstances in which the defendant was impaired by a mental health condition at the time of the offense.

- HB 1637 is currently in the House Rules Committee.

**HB 1825-** HB 1825 establishes standards governing the designation, appointment, and authority of presiding judges pro tempore in single judge courts. The bill works in coordination with a proposed court rule amendment to mandate that judges in single judge courts designate a presiding judge pro tem, and if someone is not designated, or the person designated is unavailable or unable to fulfil the duties of a presiding judge, the Chief Justice can appoint someone to fill the vacancy until the position is filled as otherwise provided in law.

- HB 1825 passed out of the House on February 8 (95 yes, 1 no, 2 excused).
- Working with DMCJA on an amendment for the Senate.

**HB 1894-** HB 1894 broadens the extension for juvenile diversion agreements, so that juveniles can have an additional six months to complete restitution or complete the agreement.

- HB 1894 passed out of the House on February 2 (96 yes, 0 no, 2 excused).

#### Other Legislation of Interest This Session

The focus this legislative session has been on trailer bills to fix some of the significant legislation passed last session. The legislature has proposed trailer bills regarding civil protection orders, police use of force, minor guardianship, and the eviction resolution process.

There have also been several bills and budget provisos proposed to streamline compliance with *State v. Blake*.

#### 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 2023 session.

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**SUBSTITUTE HOUSE BILL 1637**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Public Safety (originally sponsored by Representatives Simmons, Taylor, Ryu, Bateman, Davis, Macri, Peterson, Pollet, Ormsby, Harris-Talley, and Frame; by request of Administrative Office of the Courts)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to allowing a court to mitigate a criminal  
2 sentence when the defendant was experiencing mental illness at the  
3 time of the offense; and amending RCW 9.94A.535.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.94A.535 and 2019 c 219 s 1 are each amended to  
6 read as follows:

7 The court may impose a sentence outside the standard sentence  
8 range for an offense if it finds, considering the purpose of this  
9 chapter, that there are substantial and compelling reasons justifying  
10 an exceptional sentence. Facts supporting aggravated sentences, other  
11 than the fact of a prior conviction, shall be determined pursuant to  
12 the provisions of RCW 9.94A.537.

13 Whenever a sentence outside the standard sentence range is  
14 imposed, the court shall set forth the reasons for its decision in  
15 written findings of fact and conclusions of law. A sentence outside  
16 the standard sentence range shall be a determinate sentence.

17 If the sentencing court finds that an exceptional sentence  
18 outside the standard sentence range should be imposed, the sentence  
19 is subject to review only as provided for in RCW 9.94A.585(4).

20 A departure from the standards in RCW 9.94A.589 (1) and (2)  
21 governing whether sentences are to be served consecutively or

1 concurrently is an exceptional sentence subject to the limitations in  
2 this section, and may be appealed by the offender or the state as set  
3 forth in RCW 9.94A.585 (2) through (6).

4 (1) Mitigating Circumstances - Court to Consider

5 The court may impose an exceptional sentence below the standard  
6 range if it finds that mitigating circumstances are established by a  
7 preponderance of the evidence. The following are illustrative only  
8 and are not intended to be exclusive reasons for exceptional  
9 sentences.

10 (a) To a significant degree, the victim was an initiator, willing  
11 participant, aggressor, or provoker of the incident.

12 (b) Before detection, the defendant compensated, or made a good  
13 faith effort to compensate, the victim of the criminal conduct for  
14 any damage or injury sustained.

15 (c) The defendant committed the crime under duress, coercion,  
16 threat, or compulsion insufficient to constitute a complete defense  
17 but which significantly affected his or her conduct.

18 (d) The defendant, with no apparent predisposition to do so, was  
19 induced by others to participate in the crime.

20 (e) The defendant's capacity to appreciate the wrongfulness of  
21 his or her conduct, or to conform his or her conduct to the  
22 requirements of the law, was significantly impaired. This includes,  
23 but is not limited to, impairment by a mental health condition at the  
24 time of the offense. Voluntary use of drugs or alcohol is excluded.

25 (f) The offense was principally accomplished by another person  
26 and the defendant manifested extreme caution or sincere concern for  
27 the safety or well-being of the victim.

28 (g) The operation of the multiple offense policy of RCW 9.94A.589  
29 results in a presumptive sentence that is clearly excessive in light  
30 of the purpose of this chapter, as expressed in RCW 9.94A.010.

31 (h) The defendant or the defendant's children suffered a  
32 continuing pattern of physical or sexual abuse by the victim of the  
33 offense and the offense is a response to that abuse.

34 (i) The defendant was making a good faith effort to obtain or  
35 provide medical assistance for someone who is experiencing a drug-  
36 related overdose.

37 (j) The current offense involved domestic violence, as defined in  
38 RCW 10.99.020, and the defendant suffered a continuing pattern of  
39 coercion, control, or abuse by the victim of the offense and the  
40 offense is a response to that coercion, control, or abuse.

1 (k) The defendant was convicted of vehicular homicide, by the  
2 operation of a vehicle in a reckless manner and has committed no  
3 other previous serious traffic offenses as defined in RCW 9.94A.030,  
4 and the sentence is clearly excessive in light of the purpose of this  
5 chapter, as expressed in RCW 9.94A.010.

6 (2) Aggravating Circumstances - Considered and Imposed by the  
7 Court

8 The trial court may impose an aggravated exceptional sentence  
9 without a finding of fact by a jury under the following  
10 circumstances:

11 (a) The defendant and the state both stipulate that justice is  
12 best served by the imposition of an exceptional sentence outside the  
13 standard range, and the court finds the exceptional sentence to be  
14 consistent with and in furtherance of the interests of justice and  
15 the purposes of the sentencing reform act.

16 (b) The defendant's prior unscored misdemeanor or prior unscored  
17 foreign criminal history results in a presumptive sentence that is  
18 clearly too lenient in light of the purpose of this chapter, as  
19 expressed in RCW 9.94A.010.

20 (c) The defendant has committed multiple current offenses and the  
21 defendant's high offender score results in some of the current  
22 offenses going unpunished.

23 (d) The failure to consider the defendant's prior criminal  
24 history which was omitted from the offender score calculation  
25 pursuant to RCW 9.94A.525 results in a presumptive sentence that is  
26 clearly too lenient.

27 (3) Aggravating Circumstances - Considered by a Jury - Imposed by  
28 the Court

29 Except for circumstances listed in subsection (2) of this  
30 section, the following circumstances are an exclusive list of factors  
31 that can support a sentence above the standard range. Such facts  
32 should be determined by procedures specified in RCW 9.94A.537.

33 (a) The defendant's conduct during the commission of the current  
34 offense manifested deliberate cruelty to the victim.

35 (b) The defendant knew or should have known that the victim of  
36 the current offense was particularly vulnerable or incapable of  
37 resistance.

38 (c) The current offense was a violent offense, and the defendant  
39 knew that the victim of the current offense was pregnant.

1 (d) The current offense was a major economic offense or series of  
2 offenses, so identified by a consideration of any of the following  
3 factors:

4 (i) The current offense involved multiple victims or multiple  
5 incidents per victim;

6 (ii) The current offense involved attempted or actual monetary  
7 loss substantially greater than typical for the offense;

8 (iii) The current offense involved a high degree of  
9 sophistication or planning or occurred over a lengthy period of time;  
10 or

11 (iv) The defendant used his or her position of trust, confidence,  
12 or fiduciary responsibility to facilitate the commission of the  
13 current offense.

14 (e) The current offense was a major violation of the Uniform  
15 Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to  
16 trafficking in controlled substances, which was more onerous than the  
17 typical offense of its statutory definition: The presence of ANY of  
18 the following may identify a current offense as a major VUCSA:

19 (i) The current offense involved at least three separate  
20 transactions in which controlled substances were sold, transferred,  
21 or possessed with intent to do so;

22 (ii) The current offense involved an attempted or actual sale or  
23 transfer of controlled substances in quantities substantially larger  
24 than for personal use;

25 (iii) The current offense involved the manufacture of controlled  
26 substances for use by other parties;

27 (iv) The circumstances of the current offense reveal the offender  
28 to have occupied a high position in the drug distribution hierarchy;

29 (v) The current offense involved a high degree of sophistication  
30 or planning, occurred over a lengthy period of time, or involved a  
31 broad geographic area of disbursement; or

32 (vi) The offender used his or her position or status to  
33 facilitate the commission of the current offense, including positions  
34 of trust, confidence or fiduciary responsibility (e.g., pharmacist,  
35 physician, or other medical professional).

36 (f) The current offense included a finding of sexual motivation  
37 pursuant to RCW 9.94A.835.

38 (g) The offense was part of an ongoing pattern of sexual abuse of  
39 the same victim under the age of eighteen years manifested by  
40 multiple incidents over a prolonged period of time.

1 (h) The current offense involved domestic violence, as defined in  
2 RCW 10.99.020, or stalking, as defined in RCW 9A.46.110, and one or  
3 more of the following was present:

4 (i) The offense was part of an ongoing pattern of psychological,  
5 physical, or sexual abuse of a victim or multiple victims manifested  
6 by multiple incidents over a prolonged period of time;

7 (ii) The offense occurred within sight or sound of the victim's  
8 or the offender's minor children under the age of eighteen years; or

9 (iii) The offender's conduct during the commission of the current  
10 offense manifested deliberate cruelty or intimidation of the victim.

11 (i) The offense resulted in the pregnancy of a child victim of  
12 rape.

13 (j) The defendant knew that the victim of the current offense was  
14 a youth who was not residing with a legal custodian and the defendant  
15 established or promoted the relationship for the primary purpose of  
16 victimization.

17 (k) The offense was committed with the intent to obstruct or  
18 impair human or animal health care or agricultural or forestry  
19 research or commercial production.

20 (l) The current offense is trafficking in the first degree or  
21 trafficking in the second degree and any victim was a minor at the  
22 time of the offense.

23 (m) The offense involved a high degree of sophistication or  
24 planning.

25 (n) The defendant used his or her position of trust, confidence,  
26 or fiduciary responsibility to facilitate the commission of the  
27 current offense.

28 (o) The defendant committed a current sex offense, has a history  
29 of sex offenses, and is not amenable to treatment.

30 (p) The offense involved an invasion of the victim's privacy.

31 (q) The defendant demonstrated or displayed an egregious lack of  
32 remorse.

33 (r) The offense involved a destructive and foreseeable impact on  
34 persons other than the victim.

35 (s) The defendant committed the offense to obtain or maintain his  
36 or her membership or to advance his or her position in the hierarchy  
37 of an organization, association, or identifiable group.

38 (t) The defendant committed the current offense shortly after  
39 being released from incarceration.

1 (u) The current offense is a burglary and the victim of the  
2 burglary was present in the building or residence when the crime was  
3 committed.

4 (v) The offense was committed against a law enforcement officer  
5 who was performing his or her official duties at the time of the  
6 offense, the offender knew that the victim was a law enforcement  
7 officer, and the victim's status as a law enforcement officer is not  
8 an element of the offense.

9 (w) The defendant committed the offense against a victim who was  
10 acting as a good samaritan.

11 (x) The defendant committed the offense against a public official  
12 or officer of the court in retaliation of the public official's  
13 performance of his or her duty to the criminal justice system.

14 (y) The victim's injuries substantially exceed the level of  
15 bodily harm necessary to satisfy the elements of the offense. This  
16 aggravator is not an exception to RCW 9.94A.530(2).

17 (z) (i) (A) The current offense is theft in the first degree, theft  
18 in the second degree, possession of stolen property in the first  
19 degree, or possession of stolen property in the second degree; (B)  
20 the stolen property involved is metal property; and (C) the property  
21 damage to the victim caused in the course of the theft of metal  
22 property is more than three times the value of the stolen metal  
23 property, or the theft of the metal property creates a public hazard.

24 (ii) For purposes of this subsection, "metal property" means  
25 commercial metal property, private metal property, or nonferrous  
26 metal property, as defined in RCW 19.290.010.

27 (aa) The defendant committed the offense with the intent to  
28 directly or indirectly cause any benefit, aggrandizement, gain,  
29 profit, or other advantage to or for a criminal street gang as  
30 defined in RCW 9.94A.030, its reputation, influence, or membership.

31 (bb) The current offense involved paying to view, over the  
32 internet in violation of RCW 9.68A.075, depictions of a minor engaged  
33 in an act of sexually explicit conduct as defined in RCW 9.68A.011(4)

34 (a) through (g).

35 (cc) The offense was intentionally committed because the  
36 defendant perceived the victim to be homeless, as defined in RCW  
37 9.94A.030.

38 (dd) The current offense involved a felony crime against persons,  
39 except for assault in the third degree pursuant to RCW  
40 9A.36.031(1)(k), that occurs in a courtroom, jury room, judge's

1 chamber, or any waiting area or corridor immediately adjacent to a  
2 courtroom, jury room, or judge's chamber. This subsection shall apply  
3 only: (i) During the times when a courtroom, jury room, or judge's  
4 chamber is being used for judicial purposes during court proceedings;  
5 and (ii) if signage was posted in compliance with RCW 2.28.200 at the  
6 time of the offense.

7 (ee) During the commission of the current offense, the defendant  
8 was driving in the opposite direction of the normal flow of traffic  
9 on a multiple lane highway, as defined by RCW 46.04.350, with a  
10 posted speed limit of forty-five miles per hour or greater.

11 (ff) The current offense involved the assault of a utility  
12 employee of any publicly or privately owned utility company or  
13 agency, who is at the time of the act engaged in official duties,  
14 including: (i) The maintenance or repair of utility poles, lines,  
15 conduits, pipes, or other infrastructure; or (ii) connecting,  
16 disconnecting, or recording utility meters.

--- END ---



February 18, 2022

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

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**Committee Work Plan Update:**

The PPC has not met since the last report given in October 2021. The next meeting will focus on debriefing after the BJA small group discussions on funding and preparing for the next round of strategic initiatives. The request for proposals for new strategic initiatives is tentatively scheduled for later in February.

**Adequate Funding Project**

The PPC developed small group discussion questions and reviewed the local court funding survey findings that were presented today. Members will decide, based on feedback from today's BJA meeting, whether to move forward with conducting a focus group and interviewing key informants to gain a better understanding of the local government budget process. The PPC will use the information shared in the small group discussions to guide future work on court funding, such as transitioning from fee-based funding models and addressing court funding inequities by geographic location and local government support.

**2022 Work Plan**

The PPC will begin reviewing the committee charter. Members decided on a model format for the process map/timeline of key policy and funding dates for the proposed inter-branch group. The timeline is intended to be used for planning the 2023–2025 biennium legislative session. Members reviewed the amended and revised charter on Language Access Resolution that will come forward as a motion to the BJA at the March meeting.

**TAB 7**





# Washington's Courts and Data for Justice

Washington State Center for Court Research  
February 18th, 2022



# Why Expand Support for Court Performance Management?

- Courts affect people, public safety, community vitality
- Biggest direct effects are on disadvantaged populations (families, communities), but everyone is affected
- Huge gaps exist in understanding who is involved, court actions, and outcomes
- Improved performance management can result in greater program effectiveness, accessibility, more equitable results, and increased public safety
- Improving court operations is vital to public service

# Courts Should Know

- Who comes in (demographics, history)
- What happens
- How they end up
- For example:
  - Who's detained, why, how long, and with what impact
  - To what extent do parties feel heard and understand orders
  - To what extent do referrals to therapeutic courts differ by race and ethnicity

# Data for Justice (D4J) Components

- Prioritization of topic areas that involve equity and justice
- Training and technical assistance for court-level performance reporting development and use
- Improve data collection, quality, and availability
- Support courts' performance management reporting and increase transparency
- Learning organization development

# Performance Management Cycle

- Try
- Observe
- Reflect
- Adapt
- Repeat

# Organizations Learn by

- Asking questions
- Answering questions with reliable, valid, and objective evidence
- Being open to feedback
- Listening to the people served
- Monitoring and reviewing program operations and outcomes
- Partaking in professional peer learning communities



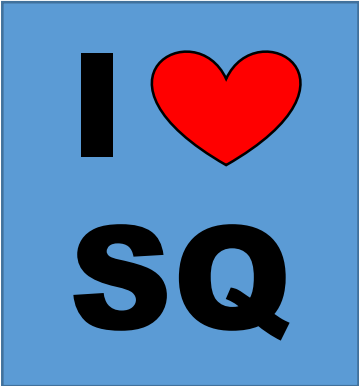
# Learning is More Effective When...

- It's of, by, and for the performing organization
- It aligns with local priorities
- Culture embodies trust, empathy, candor, and patience
- Staff are empowered
- Judges expect, support and participate in learning
- Data development responds to courts' needs

# Organizational learning is

- Easier when
  - Guided by science (Department of Transportation) or
  - Driven by profit (Amazon)
  - Highly visible (Boston Red Sox)
- Harder, but still beneficial, when organizations
  - Are designed to resist external influences and project authority (Courts)
  - Have professional role models in the 11<sup>th</sup> century (Courts)
  - Must share implementation with prosecutor, jail, clerks, local service providers, legal aid, defenders, the AOC, and the public (Courts)

# Plausible Affection for the Status Quo



# Alternatives to Local Learning Organization Approach

- Top-down performance improvement regimes
- Contracted consulting



# Where Courts are Organized for Learning: Examples

- Pretrial assessment and reform (sites, operational)
- Therapeutic court evaluations (sites, operational)
- Family Treatment Courts (state, operational)
- Court Recovery Task Force (state, policy and program redesign)
- Minority and Justice Commission LFO studies (state, policy and program design)
- AOC [Family and Youth Justice Programs](#) (state and local, operational)

# Why is Data for Justice Needed Now?

- Supreme Court's June 4, 2020, Letter – the judicial branch made a commitment to address systemic racism within the courts (SCJA, DMCJA, and several courts made similar commitments)
- The #1 recommendation from the Gender and Justice's 2021 study looking at race and gender was to *Improve Data Collection in Every Area of the Law*
- Increases public trust and confidence in the courts
- Targeted efforts to improve court practices will improve public health and safety

# Questions for You

- What topic areas should be the top priority for implementation?
- If you were before the court, what would be your priority for D4J?
- Aside from funding, what is the biggest challenge to D4J effectiveness?

# Next steps

- Engage with judiciary
  - To identify priorities
  - To provide education on
    - Performance management
    - Learning organizations
    - User-informed design
    - Prototyping
- Consider Evans School offer to support the design process
- Develop D4J funding package for 2023 – 2024 biennium





## [Making Changes to Your FTC: Change Management Tools](#)

CQI or Continuous Quality Improvement is a process of implementing small changes to improve the outcomes of your court over time. For CQI to work, you must have a plan to find out if improvement is happening (*data collection*) and have a clear process to make changes that help achieve your goals (*change management*). The [Capacity Building Center for Courts](#) has a number of useful tools for helping you begin this important work. We will share a few tools below and walk through an example brought to us by a number of courts this year., but would encourage you to sign up for a training to develop a process that will work best for your team.

As identified in the tools provided by the experts at Capacity Building Center for Courts (also available on the [CBCC website](#) and [CIPShare](#)): there are five stages to a change management process.

Each phase below is linked to a quick tips pdf sheet describing the components of the stage, suggested questions your group needs to ask, and tasks that need to happen in order to move your goal forward.

[Phase 1: Identify and Assess Needs and Opportunities](#)

[Phase 2: Develop a Theory of Change](#)

[Phase 3: Select and Adapt or Design Intervention](#)

[Phase 4: Plan Prepare and Implement \(Piloting your Program\)](#)

[Phase 5: Evaluate and Apply Findings](#)

CBCC also has a one page quick guide (also [available here as a pdf download](#)) to have handy as you start to put your ideas into action.

***Our Team created a hypothetical example*** using a racial equity outcome based on requests from multiple FTCs in Washington State. We hope to offer similar walk-throughs using examples from our courts. Now that you have all implemented a performance measures collecting process, it will be simple to identify areas for improvement. **Please [contact us](#) if you have an idea you'd like to develop further or you have successfully implemented a change!**

# Change Management Race Equity Example: Phase 1

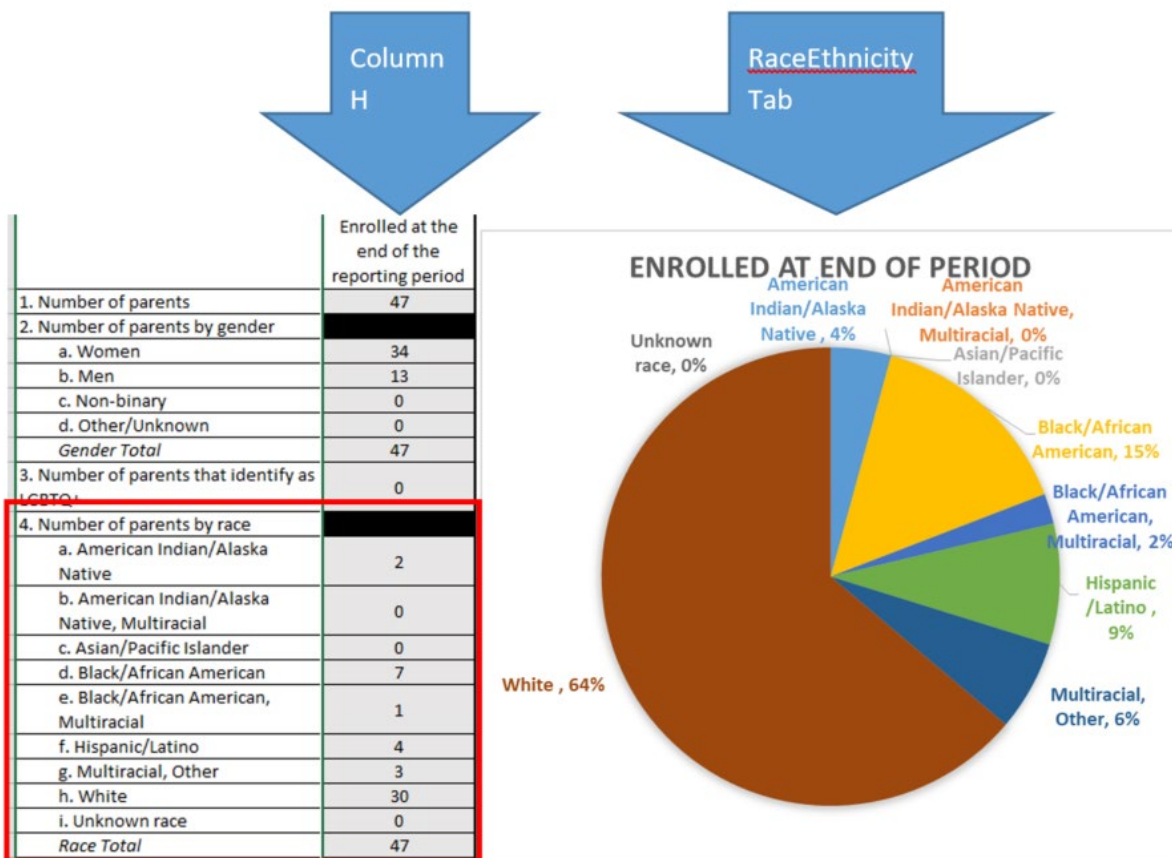
## Phase I: Identify and Assess Needs

Milestones: Identify need, Form Team(s), Explore Problem in Depth (using data)

### Identify Need:

#### *In This Example:*

Reviewing the WA Performance Reporting Form raised the following concern: The race breakdown of parents currently enrolled (Column H, tab RaceEthnicity) is mostly White. Other identified race or ethnicity markers are not as high as the population we think we see in our non-FTC dependency court demographics (we will need to check this anecdotal piece for accuracy).



The RaceEthnicity Tab of your WA Performance Reporting Form will automatically create this pie chart for you when you input your data. This can easily be used to

identify needs in an assessment of phase 1. This chart contains example data of a fictional court.

***In this example:*** We identified our goal, which is to increase the participation of BIPoC (Black, Indigenous, and People of Color) families in our FTC.

## Form a team:

Your existing FTC Community Action Team, Oversight Committee, Steering Committee, or Community Stakeholders are all places to look for team members depending on your county infrastructure.

Questions to ask:

- What is the goal of the team?
- What expertise is required?
- How will decisions be made?
- Do these team members have the power to enact the change that is deemed necessary?

***In this example:*** Our county formed a committee from members of our oversight committee and local Community Action Team. This new committee is made up of: of the FTC coordinator, the Judicial Officer, the Executive Director of our primary SUD treatment site, the DCYF Social Work Supervisor, and a Tribal Member who is involved in the Healing to Wellness Court in our local area.

## Explore the Problem in Depth:

Questions to ask:

- Is this representative of the population involved in the child welfare system in our county?
- Is this representative of the population as a whole in our county?
- How are we measuring race/ethnicity? Are we measuring in the best way we can?

Places to look for answers:

- Yearly Dependency Timeliness Report (DTR) and/or the Interactive Dependency Dashboard: [DependencyDashboard | Tableau Public](#)

		2016	2017	2018	2019	2020
<b>Age at Filing</b>	(1) <1 yrs	28%	28%	28%	27%	30%
	(2) 1–2 yrs	15%	15%	14%	12%	13%
	(3) 3–5 yrs	17%	17%	16%	17%	17%
	(4) 6–11 yrs	25%	24%	25%	26%	23%
	(5) 12–17 yrs	15%	15%	16%	17%	15%
	(6) >17 yrs	0%	0%	0%	0%	1%
<b>Gender</b>	(1) Female	49%	50%	50%	50%	49%
	(2) Male	51%	50%	50%	50%	51%
<b>Race</b>	(1) AI/AN	5%	3%	4%	4%	3%
	(2) Asian/PI	2%	2%	2%	3%	1%
	(3) Black	7%	7%	7%	7%	6%
	(4) White	51%	50%	50%	49%	50%
	(5) Hispanic	14%	16%	15%	16%	16%
	(6) AI/AN-Multi	11%	10%	10%	10%	13%
	(7) Black-Multi	8%	8%	9%	9%	8%
	(8) Other-Multi	3%	3%	3%	2%	2%
	(9) Unknown	0%	0%	0%	0%	1%

Photo source: Dependent Children in Washington State: Case Timeliness and Outcomes 2020 Annual Report  
<https://www.courts.wa.gov/subsite/wscsr/docs/2020DTR.pdf> (arrows/circle added after)

- Using the DTR, we see that the state demographics for 2020 indicate that 50% of children involved in the WA dependency cases are White and 16% are Hispanic. Because the race breakdown in our example shows that 64% of parents in the program are White and 9% are Hispanic, it looks like White parents are overrepresented in our example program and at least Hispanic parents are underrepresented in our example program.
- Washington Office of Financial Management population estimates [Estimates of April 1 population by age, sex, race and Hispanic origin | Office of Financial Management \(wa.gov\)](#)
  - Based on the 2020 census, 64% of Washington’s population identifies as Non-Hispanic White; this is similar to our example program participants. Based on the 2020 census 14% of Washington’s population identifies as having Hispanic origin. This is also higher than our example program participants again suggesting we are underserving Hispanic/Latino parents.

- We also, as a committee, reviewed team data collection processes to
  - Find out if parents are allowed and able to self-identify their race when enrolling in the program. Staff should not assume or guess a parent's race.

***In this example:*** We collected data from all of the above sources and put together a brief summary in addition to the performance measures. This report is distributed to the members of our team and any additional stakeholders that might be able to assist with our efforts.

## Conclusions to Phase 1

- Based on the reliable information our team collected, *using evidence* gathered at the state and local level, our team has *identified and documented a need*:
  - The dependency cases as a whole underrepresent White families, which means **families of color are overrepresented in the dependency system**. White families are then overrepresented in our example program, and **families of color are underrepresented in our example program**.
- We *formed a team* that is able to make decisions and enact change.
- We *identified an outcome* we would like to see occur: In a period of one year starting Jan 2022 and ending Dec 2022, we will increase the participation of BIPoC families in our FTC.

## Change Management Race Equity Example: Phase II

### Phase II: Develop a Theory of Change

Milestones: Develop and Document a theory about causes of this need

#### Develop a Theory of Change

***In this example:***

Based on the review of the data and expertise of our team in analyzing this need, we know the participants in our example program are not representative of the child welfare system or of Washington's population. Our goal is now to brainstorm ways to solve this problem and develop a pathway to improvement.

Our chosen outcome is:

In a period of one year starting Jan 2022 and ending Dec 2022, we will increase the participation of BIPoC families in our FTC.

So, how can our example program better reach families of color involved in the child welfare system? First we need to consider the possible causes.

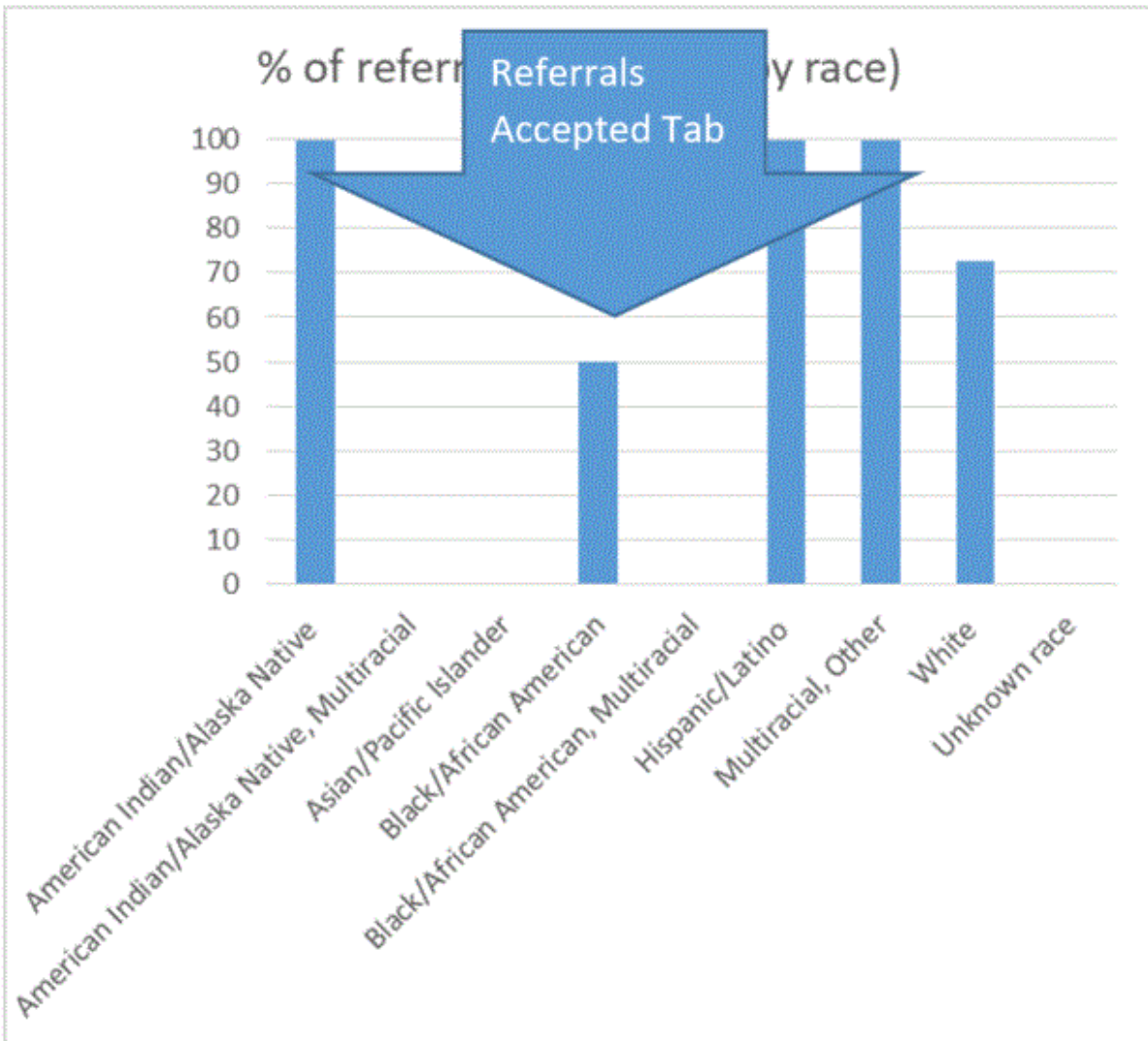
What are ***possible*** causes of this difference in participants?

- Parents of color do not feel comfortable approaching the example program team because there are no persons of color on the team.
- Parents of color do not feel comfortable approaching the example program because there are parents in their community who had a bad experience in the example program.
- The team is receiving fewer referrals for families of color than for White families from outside sources.
- The team accepts fewer referrals for families of color than White families.
- Parents of color do not trust the child welfare system because of the long history of abuse towards families of color by government agencies.

What are the ***most likely*** causes?

- **Representation:** Our example operational team has no persons of color on the team, so it is very likely that parents of colors do not feel comfortable with the team because they don't feel represented.

- **A history of systemic racism in the courts and child welfare:** Parents of color do not trust the child welfare system because of the long history of abuse towards families of color by government agencies.
- **Eligibility and Bias in Acceptance:** Our example team has several eligibility restrictions, meaning fewer parents are accepted than referred., It is likely that parents of color who are referred are not always accepted (you could check this for your own team under the *Referrals Accepted* tab of the WA performance reporting form).
  - If we look at the percentage of referrals that are accepted for each race, the lowest percentage is for Black/African American parents (only 50% of referred Black/African American parents are accepted into our example program).



Bar Chart from Referrals Accepted Tab of WA performances measures excel sheet.



What are the resources our example team has to try and address the most likely causes?

### ***Our Example Team:***

- Has the ability to add members to the team based on values like lived expertise (in the child welfare system, Substance Use Disorder, or Systemic Racism) and understanding the cultural needs of families of color that will increase representation on our team
- Can review the reasons why referrals were not accepted and evaluate these for potential bias
- Can review and change eligibility criteria for our example program
- Cannot change the whole child welfare system, however we can make small changes that benefit our local system and be an example to the greater court community as we collect information about our success
- [Contact the FTC Team at AOC](#) if their court is in Washington State, as well as Child and Family Futures for Technical Assistance to discuss further options

### Summary:

- It is likely that parents of color do not feel comfortable with our example program because it is related to the child welfare system and the court system
- It is likely that our example program's eligibility criteria are either too strict, or our example team discusses things outside the eligibility criteria when deciding who should be accepted
- If our example team can create a referral to acceptance process that is standardized and limited, and if our example team can create an atmosphere where parents of color feel comfortable and represented, then the future enrollment numbers may be more representative of the population involved in the child welfare system

## Conclusions to Phase II

We have identified three areas of focus in our theory of change. These areas are what we as a committee, (using research, data, our expertise, and the Best Practice Standards) have decided are the areas that need change in our local court to meet our outcome goal. The three areas of focus are: ***representation, creating an environment of trust for BiPOC individuals in our courts, and revision of our acceptance and referral process.***

## Tips and Tricks for Stage II



Each team will need to critically think of the conclusions, the workload of your committee and operational team, and make sure you have the capacity to carry out your plans for change. If you have a small team, these capacity issues may require prioritizing at each stage of this process in consideration of the ability of your team and your court to meet you goals.

One way to prioritize your goals in a way that allows all team members an equitable voice in the decision is to use a liberating structure such as 1:2:4:All, Conversation Café, or 15% Solutions to help the group see each other's' viewpoints.

## Change Management Race Equity Example: Phase III

### Phase III: Develop or Select Solutions

Milestones: Identify & research the best possible solutions, the best intervention has been selected with justification for that choice, & minimum specifications have been identified and related to barriers, with core components clearly defined.

Reminder, in our Race Equity example case:

The outcome we are hoping to meet is:

In a period of one year starting Jan 2022 and ending Dec 2022, we will increase the participation of BIPoC families in our FTC.

Using research, data, our expertise, and the Best Practices for our court as a guide, our committee determined three areas of need we would like to focus on because they directly impact the outcome we are trying to achieve. These areas are: **representation, creating an environment of trust for BiPOC individuals in our courts, and revision of our acceptance and referral process** which we choose in Phase II.

### Identify & Research the Best Possible Solutions

#### *In our Example:*

We wanted to take advantage of the ideas of our team, so we used a liberating structure, [conversation café](#), to come up with some interventions that would increase the number of families of color that our court serves. The best interventions that came from that conversation documented below.

1. Hire a Recovery Support Specialist or Peer Support Specialist that is a person of color and has lived expertise
2. Standardize eligibility criteria to those listed in best practices & Compare to other courts with more diverse participants
3. Remove criteria for eligibility that is too subjective or open to bias (for example, “readiness for change” doesn’t predict success in the program)
4. Develop a process to better advertise to BIPoC families
5. Determine and remove barriers to referrals
6. Hire a consultant with expertise in the experience of racism in the courts, development of trust, and/or change and trust development

### Select the Best Intervention and Justify that Choice

It is important that we focus on the intervention that will best help us meet our goal. Depending on the capacity of our group we may be able to fulfill multiple interventions in our change management outcome. If we try to implement them all at once, however, we risk giving a mediocre effort to multiple interventions and being unable to track which success led to the change in our data.

### ***In our Example***

Our team members volunteered to research each of these interventions further. They looked for other courts that have used similar strategies, talked to technical assistance providers and looked into potential funding streams. For our team, this took two weeks and we planned another meeting on the day of that deadline before concluded our meeting.

When we met again, team members shared what they learned.

#### 1. Hire a recovery support specialist:

- *This idea has long term support but will not be feasible until we make and approve a new budget or find another revenue stream.*

#### 2. Standardize eligibility criteria:

- *Criteria are available that meet our needs in this intervention, they will need to be modified for our specific court.*

#### 3. Remove eligibility criteria that are too subjective:

- *Example criteria are available, as are our current criteria for comparison. More research is needed on why objectivity is a better choice than subjectivity criteria here (based on concern of some group members).*

#### 4. Develop a process to better advertise to BIPoC families:

- *This is a feasible plan, but will take some time to start. It also does not seem to require the expertise of this particular group as no one is experienced in marketing or skilled in design.*

#### 5. Determine and Remove Barriers to Referrals:

- *The team member reporting in this area did not have enough time to determine who does and does not know about FTC within the DCYF professionals that might make referrals, the local CASA program, and all of the parent attorneys in the county. A larger scale survey and education effort might be needed.*

6. Hire a consultant:

- *The Judicial Officer determined this isn't possible with their current funding, but mentioned it to the FTC team at AOC. They are looking into possible options to help the team with this idea.*

After discussing this result with the group we determined that the most immediately feasible intervention would be to **change our eligibility criteria**. This also seemed to be the one that would give us the most success to reaching our objective. While we explore this option, it also gave us some more time to research the others.

We decide as a team that it would be possible to change our subjective areas of the acceptance process into more objective criteria. This meant we could work on both interventions 2 and 3. We also decided collectively to set a quarterly meeting for the next year to revisit this list of interventions and determine if any further capacity has been developed.

## Minimum Specifications Identified & Core Components Defined

To be successful, we must choose the intervention with the best ability to address the root cause of our issue and determine if our group has the power to make the needed changes.

### ***In our Example:***

We are hoping to increase the number of BIPOC families our court serves. Our team is primarily made up of members of the court, so we are able to easily review court policy and procedure. We also have the Best Practice for Family Treatment Courts as a guide which shows that changes to entrance criteria can increase the diversity of an FTC, and gives us ideas about how to do this.

The core components of our intervention are:

- To **research** the FTC Best Practices and any other background research necessary
- **To develop the new criteria**
- Determine a **date of implementation**
- **Build a timeline for data collection**
- **Determine what we would consider to be a successful intervention**

We also looked back at our original discussions from Phase I and II to make sure this intervention fits within our original theory of change.

## **Change Management Race Equity Example: Phase IV**

### Phase IV: Plan, Prepare and Implement

Milestones: Create and assess a strategy for implementation, develop tasks and timelines, develop plan to assess success at each step, and an appropriately scaled plan is documented.

In the [Capacity Building Center for Courts pdf guide to Phase IV](#), you will find detailed questions and milestones beyond what we have included here. Instead we decided to focus on our race equity example, and the intervention we chose to focus on: changing our eligibility criteria from subjective to objective where possible.

### Create and assess a strategy for implementation

We determined that we would be able to complete the needed research, critically analyze our eligibility criteria, and come back together as a group to share our findings one month from our meeting date. We also decided that we should ask a few more members to the team to be sure we are seeing the need from all views. We invited a parent attorney to join us, a peer ally, another SUD treatment provider and a member of the adult treatment court in our county who had worked on a similar intervention in their court.

### Develop Tasks and Timelines

The new people were not given tasks prior to implementation. All other members were given a set of criteria from our original eligibility list and asked to develop a justification for including or not including each criteria.

At the end of the 1 month deadline we scheduled a 2 hour meeting of our full team to sort out and make decisions about what criteria to include. The coordinator would then be given the list and would make the necessary updates to the policy and procedures manual. This draft would be sent out to the team for proofreading (only of the changes section!) and approval.

The team decided to schedule a 30 minute meeting, via zoom, for all of our stakeholders at this point, as well as release a short newsletter, in order to make sure all of our referral sources were aware of the change. We would implement the change immediately at that meeting.

## Develop a Plan to Assess Success at Each Step

We are fortunate to have our performance measures data to use as a “before change” data set. We decided to collect the same information 6 months after implementing our change and again after one year. We know our team has the capacity for this change because: (1) we checked in on this at every step (2) we made sure members of the team also serve on the operational team (3) we committed to a weekly check in on our local team for the first 6 weeks, then monthly thereafter. We thought this was important to monitor if there are any noticeable capacity changes that we might need to be aware of (sudden increase in participants above capacity, sudden decrease in participants).

Our team also decided to conduct exit surveys for any families that left the program (either graduation or other reasons for leaving) and specifically ask about the entrance requirements when they joined and how that impacted their experience. At the end of one year, we would conduct a survey with all of our participants about their experiences entering the FTC as well.

## Conclusions: Phase IV

A fully developed plan for implementation shares the workload among team members, and also allows multiple stakeholder to see the plan and reasoning behind its implementation. Planning ahead for data collection and determination of success allows your team to troubleshoot along the way, as well as have concrete determination of success if your intervention works. Your team will feel more prepared going into the implementation stage of this intervention due to the preparation work you did prior to starting.

# Change Management Race Equity Example: Phase V

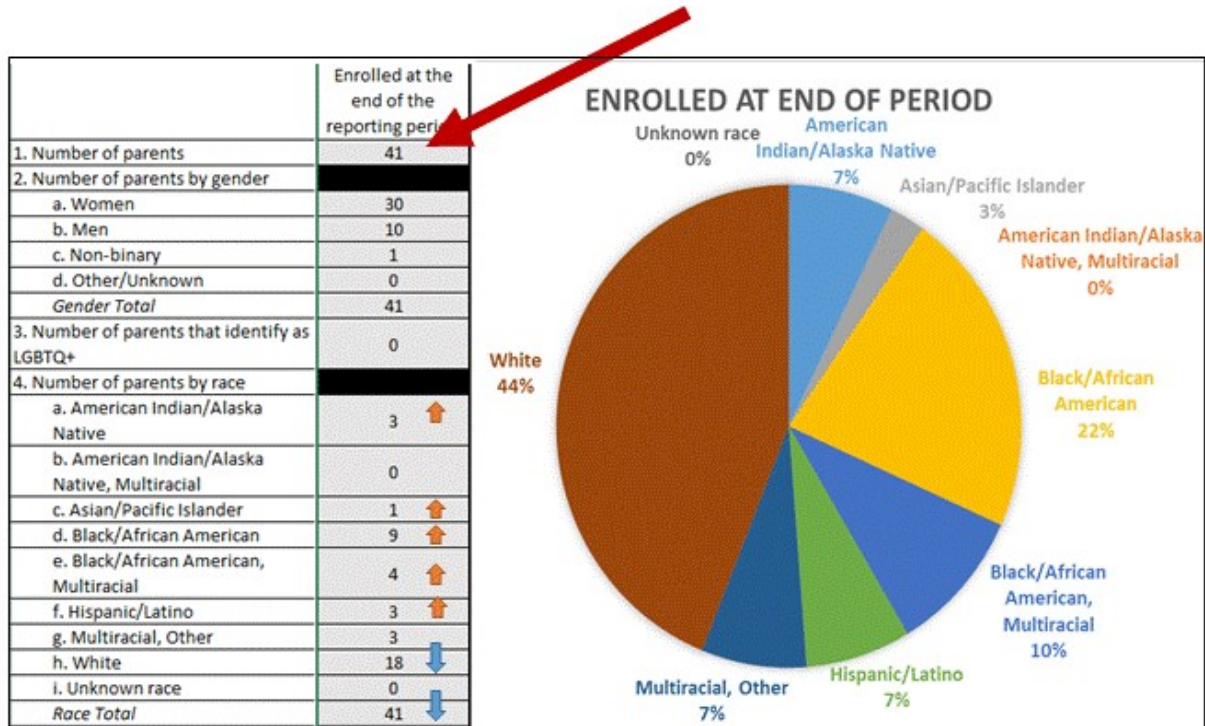
## Phase V: Evaluate and Apply Findings

Milestones: Data Collection, Adjust based on Data, Implementation is Of High Quality, Short and Long term Outcomes Defined, Decision to continue and sustainability have been documented.

### Data Collection

Fortunately if you have chosen a change management outcome related to your WA performance measures, you have a data collection tool (your excel sheet) and method (that you've been instructed in by [Dr. Meize-Bowers](#)). You first collected these performance measures in 2021, collecting them again every 6 months allows your team to assess progress towards goals twice a year.

**In our example:** Our team looks at our WA Performance Measure Form after 6 months and again at 1 year. We specifically evaluate the data on enrollment by race, and in referrals accepted since this was what we saw in the initial assessment of our needs.



An updated data set showing the RaceEthnicity Tab of your WA Performance Reporting Form

## Adjust based on Data

Our overall number of participants when we started data collection was 47, which has decreased now to only 41, we cannot be sure if this was due to our eligibility changes or some other factor, but it is something to consider as we move forward with this intervention.

Looking at the small up and down arrows on the table to the right, we can see that we have **increased** enrollment of participants that are American Indian/Alaska Native, Asian/Pacific Islander, Black/African American, Black/African American Multiracial and Hispanic Latino) and **decreased** participants that are White. As we consider the implications of this we want to look at overall numbers as well as consider how many of those participants are new. Our exit surveys and interviews may give us insight into that and help us to modify our criteria further after this pilot study.

As we collected data, and with the advice of the Senior Research Associate from AOC, we also decided to change our data collection practices surrounding race and ethnicity. The current categories were chosen because they match with DCYF categories, so we cannot change those. However we decided to ask about racial identity in 2 separate questions using those categories:

1. What race or ethnicity do you identify with?
2. What race or ethnicity are you most perceived to be a part of?

This change will allow us to look not only the racial demographics of our court, but also to consider future interventions that address the experience of systemic racism by our participants.

## Implementation is Of High Quality

We are certain that our implementation is of high quality because we requested oversight by our stakeholders and technical assistance to review our process as we developed it and as we collected data.

## Short- and Long- term Outcomes Defined

Our outcomes in the short term are clear: in period of one year starting Jan 2022 and ending Dec 2022, we will increase the participation of BIPoC families in our FTC.

In the long term, we would like our participant demographics to match the demographics of the dependency court as a whole.



## Decision to continue and sustainability have been documented.

We have determined that we will continue this change to our eligibility criteria and will continue to collect data every six months to determine if we continue to work towards our long and short term outcomes. We tasked our FTC oversight committee to review that data at each 6 month data collection timepoint and to reconvene as necessary if our progress does not continue. We added this task to a calendar that our FTC keeps to review our documents and check in on policies.

Check out our other Data Resources on the FYJP Therapeutic Courts Pages.



December 9, 2021

Washington State Center for Court Research  
Strategic Oversight Committee

RE: Following through on operationalizing the Washington Supreme Court's June, 2020 letter ([Judiciary Legal Community SIGNED 060420.pdf \(wa.gov\)](#))

Dear Committee Members,

Carl McCurley has discussed with me your intent to make changes that promotes the equal administration of justice to Washington's judicial branch, consistent with the vision of the Supreme Court's letter from June 2020. We explored the proposal's purpose and components and he asked me specifically to comment on practicality, feasibility, and impact.

The Washington Supreme Court's June 2020 letter is inspirational and bold, based on facts and reflecting the realities of institutionalize racism. It states "The injustice still plaguing our country has its roots in the individual and collective actions of many, and it cannot be addressed without the individual and collective actions of us all." The letter is clear – there are necessary changes in the operations of the justice system, changes that will remedy unequal administration of justice associated with racial and ethnic minorities and other disadvantaged groups in Washington.

The Data for Justice proposal describes a feasible and effective strategy that enables the courts to understand where disproportionality emerges in the justice system and provides a way to track the impact of changes that you have designed to promote equal administration of justice in Washington. If change is to be effective and sustainable, everyone in the courts must act with intention. Judicial branch leadership, courts' administrators and managers, and court line staff all have distinct roles to play. These actions ideally are supported by courts' professional associations (such as the trial court judges associations and court administrator groups) and aligned activities of independent court professionals, such as defenders and prosecutors. The Administrative Office of the Courts also has specific responsibilities related to several proposal aspects. And it is important to note that Washington residents who have been court-involved are able provide perspective and feedback on priorities and changes to policies, programs, and practices.

The changes enabled by the Data for Justice initiative may be fundamental and far-reaching. With careful planning, cooperation, and a willingness to learn from experience, I believe the idea of more equitable justice can lead to systematic changes. Be assured that precedents of big changes in public agencies that led to improved life chances for members of the public. For example, changes in child protection enabled by the Indian Child Welfare Act, support for self-determination in disability services, environmental mitigation for clean water all illustrate how potent changes in public administration can be for society.

As I look at the commitment expressed by the Court in 2020, it is clearly bold and decisive. But the ideas need a comparable set of institutional actions. I believe the Data for Justice initiative provides important infrastructure that brings the judicial commitment to action.

As a newcomer to the state of Washington, I am heartened by this initiative. Although I have heard many espoused values concerning racial equity, I know from my own study of organizations and social movements that espoused values will be insufficient. As a top five school of public policy and governance in the country, the Evans School stands poised to work with the Court as a partner, to assist in redesign efforts, training or data analysis. We look forward to ongoing conversations and – at a minimum – cheering you on throughout the process.

Sincerely,

A handwritten signature in black ink that reads "Jodi R Sandfort". The signature is written in a cursive, slightly slanted style.

Jodi R. Sandfort, MSW, PhD  
Dean



# Washington Supreme Court

## Current Orders Related to COVID-19 Public Health Emergency

February 9, 2022

### Generally Applicable Orders

Order No. Date	Topic	Expiration
<a href="#">25700-B-669</a> Aug. 18, 2021	COVID-19 Vaccinations for Employees of the Supreme Court	Until further notice
<a href="#">25700-B-658</a> Feb. 19, 2021	Fifth Revised and Extended Order Regarding Court Operations	Not specified
<a href="#">25700-B-656</a> Jan. 8, 2021	Temporarily Suspending Standards for Indigent Defense	Termination of state of emergency
<a href="#">25700-B-647</a> Oct. 14, 2020	Extended and Revised Order re: Dependency and Termination Cases	Not specified
<a href="#">25700-B-640</a> Sept. 10, 2020	Authorizing Delayed Reporting to Department of Licensing of Failures to Appear	Termination of state of emergency
<a href="#">25700-B-639</a> Sept. 9, 2020	Authorizing Eviction Resolution Program in Superior Courts	Not specified
<a href="#">25700-B-631</a> June 18, 2020	Modification of Jury Trial Proceedings	Not specified
<a href="#">25700-B-621</a> Apr. 30, 2020	Temporarily Closing the Temple of Justice Building to the Public	Until further notice
<a href="#">25700-B-620</a> Apr. 29, 2020	Extended and Revised Order re: Civil Commitment Proceedings	Not specified
<a href="#">25700-B-617</a> Apr. 23, 2020	Visitation of Certified Professional Guardians	Until further order
<a href="#">25700-B-610</a> Apr. 2, 2020	Temporarily Suspending Local and State Court Rules that Require In-Person Administration of Oaths or Affirmations	Until otherwise ordered
<a href="#">25700-B-602</a> Mar. 4, 2020	Authorizing Emergency Local Rules	Not specified

## Related to Practice of Law and Judicial Qualifications

Order No. & Date	Topic	Expiration
25700-B-674 Nov. 4, 2021	Authorizing Waiver of Judicial College Program, GR26(b)(1), For Certain Term-Limited Judges Pro Tempore and Judicial Officers	Dec. 31, 2022
25700-B-673 Nov. 4, 2021	Adopting WSBA Health Safety Plan and Setting UBE Score for Feb. 2022 Exams	N/A
<a href="#">25700-B-628</a> June 5, 2020	Extending Date for Reporting 2018-2020 MCLE Credits by 1 Year	N/A
<a href="#">25700-B-609</a> Mar. 24, 2020	Temporarily Delegating Authority to WSBA Disciplinary Board Chair and Chief Hearing Officer to Adopt Emergency Orders Related to ELCs	Public Health Emergency Abated
<a href="#">25700-B-608</a> Mar. 24, 2020	Temporarily Waiving Requirement That Oath of Attorney, LPO, or LLLT be Administered in Open Court (APR 5)	Termination of state of emergency

## Authorization for Sessions of Superior Court Outside the County Seat

Order No. & Date	Topic	Expiration
25700-B-668 July 22, 2021	Grant County Superior Court at Grant County Fairgrounds in Moses Lake	Not specified
25700-B-668 July 22, 2021	Okanogan County Superior Court at Omak Performing Arts Center	Not specified
25700-B-664 Mar. 10, 2021	Grays Harbor County Superior Court at Satsop Business Park in Elma, WA	Not specified
25700-B-638 Aug. 26, 2020	Spokane County Superior Court at Spokane County Fair and Expo Center	Not specified
25700-B-637 July 20, 2020	Lewis County Superior Court at Lewis County Fairgrounds	Not specified
25700-B-636 July 20, 2020	Cowlitz County Superior Court at Cowlitz County Event Center	Not specified
25700-B-629 July 14, 2020	Garfield County Superior Court at Garfield County Fairgrounds Buildings	Not specified
25700-B-635 June 30, 2020	Okanogan County Superior Court at Okanogan County Fairgrounds	Not specified
25700-B-634 June 29, 2020	Asotin County Superior Court at Asotin County Fire District Building	Not specified
25700-B-633 June 29, 2020	Clark County Superior Court at Clark County Fairgrounds Exhibition Hall	Not specified
25700-B-632 June 26, 2020	Grays Harbor County Superior Court Grays Harbor County Fairgrounds Exhibition Hall	Not specified





**Board for Judicial Administration (BJA) Meeting**  
**Friday, November 19, 2021, 9:00 – 10:00 a.m.**  
Videoconference

**DRAFT MEETING MINUTES**

**BJA Members Present:**

Chief Justice Steven González, Chair  
Judge Tam Bui, Member Chair  
Judge Rachelle Anderson  
Judge Jennifer Forbes  
Judge Rebecca Glasgow  
Judge Marilyn Haan  
Judge Dan Johnson  
Judge Mary Logan  
Judge David Mann  
Terra Nevitt  
Commissioner Rick Leo  
Judge Rebecca Pennell  
Dawn Marie Rubio  
Judge Michael Scott  
Judge Charles Short  
Judge Paul Thompson  
Brian Tollefson

**Guests Present:**

Ellen Attebery  
Esperanza Borboa  
Derek Byrne  
Timothy Fitzgerald  
Chris Gaddis  
Erin Lennon  
Justice Barbara Madsen  
David Reynolds  
Judge Kevin Ringus  
Judge Phillip Sorensen

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

Crissy Anderson  
Judith Anderson  
Vonnie Diseth  
Jeanne Englert  
Heidi Green  
Sondra Hahn  
Kyle Landry  
Penny Larsen  
Stephanie Oyler  
Caroline Tawes

Call to Order

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

Consent Agenda

**It was moved by Chief Justice González and seconded by Judge Bui to approve the Public Trust and Confidence nominations and the October 15, 2021, BJA minutes as provided in the meeting materials. The motion carried unanimously.**

Presentation: Judicial Information Service Committee (JISC) Update

Justice Barbara Madsen and AOC Chief Information Officer and Information Services Division Director Vonnie Diseth presented an overview of the JISC. Vonnie Diseth discussed the JISC governance process, responsibilities, and membership. She also provided an update on the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) project and current JISC priorities.



### Presentation: Court Management Council (CMC)

Dawn Marie Rubio reviewed the function and membership of the CMC. In the past year, much of the work of the CMC has revolved around maintaining consistent court operations during the COVID-19 public health emergency. The CMC has also discussed the impact of recent legislation on courts, the issue of unrepresented litigants and how administrators should respond and assist them through court processes, and the ongoing issues of race equity in courts.

Judge Phil Sorensen shared his nomination statement, and Dawn Marie Rubio presented the Court Manager of the Year award to Pierce County Superior Court Administrator Chris Gaddis. Chris Gaddis thanked the judges and staff with whom he works. Chief Justice González invited Chris Gaddis to write down his thanks for inclusion in the meeting minutes.

### CMC Updates

#### **Association of Washington Superior Court Administrators (AWSCA):**

The AWSCA hopes to be able to co-locate with the Superior Court judges for their spring conference. The AWSCA continues to work on the Uniform Guardian Act and *Blake* issues.

#### **District and Municipal Court Management Association (DMCMA):**

The DMCMA is continuing their diversity, equity, and inclusion trainings. The *Courageous Conversations* training was opened to all court staff and stakeholders and had a good turnout. They will continue with that series of trainings.

#### **Washington Association of Juvenile Court Administrators (WAJCA):**

The WAJCA Executive Board met last month to discuss their legislative agenda. They are working with the Department of Children, Youth and Families and the Superior Court Judges' Association on detention releases.

#### **Washington State Association of County Clerks (WSACC):**

The WSACC is in the execution phase of *Blake* and unlawful detainer issues.

#### **Court of Appeals:**

Lea Ennis is the new court administrator/clerk the Court of Appeals Division I, and Tristen Worthen is the new court administrator/clerk the Court of Appeals Division III. The Court of Appeals is focusing on programming work for their case management system.

#### **Supreme Court:**

The primary focus of the Supreme Court is the pending infrastructure repair. The Supreme Court will be relocating during the repairs. They continue to address race, equity, and inclusion issues, and have planned a set of their own trainings.

Other

Jeanne Englert shared a link to the House Civil Rights and Judiciary Committee work session on the Washington State Court System than begins at 10:00 a.m. this morning.

Jeanne Englert thanked the CMC for attending the meeting, and invited them back to the February 18, 2022, BJA meeting where the adequate court funding survey results will be shared.

Judge Bui also thanked the CMC and other participants for getting together and sharing ideas.

BJA Task Forces

Court Recovery: No report

Court Security: A written report was included in the meeting materials.

Standing Committee Reports

Written reports for the Budget and Funding Committee, the Court Education Committee, the Legislative Committee, and the Policy and Planning Committee were included in the meeting materials.

Other

There being no further business, the meeting was adjourned at 9:45 a.m.

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

<b>Motion Summary</b>	<b>Status</b>
To approve the Public Trust and Confidence nominations and the October 15, 2021, BJA minutes as provided in the meeting materials.	Passed

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

<b>Action Item</b>	<b>Status</b>
<u>October 15, 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



## 2022 - New Judicial Officers

### District

Judge Angela Anderson	Whatcom County
Judge Jennifer Azure	Benton County
Judge Abigail E. Barlett*	Clark County
Judge James Bell	Benton County
Judge Kimberly Boggs	Columbia District and Dayton Municipal
Commissioner Melissa Chlarson	Grant County
Commissioner Chancey C. Crowell*	Okanogan County
Judge Kuljinder Dhillon	King County
Commissioner Patrick Eason	Skagit County
Judge Brian Gwinn	Grant County
Judge Fa'amomoi Masaniai, Jr.	King County
Commissioner Michael Morgan	King County
Commissioner Peter Peaquin	King County
Commissioner Erin Priest	Clark County
Judge Rania Rampersad	King County
Judge Andrea Russell	Adams District and Ritzville Municipal
Judge Kristin Shotwell	King County
Judge James Smith	Clark County
Judge Leah Taguba	King County
Judge Brian Todd	King County
Judge Megan Valentine	Grays Harbor
Judge Nicholas Wallace	Grant County

### Municipal

Judge Anneke Berry	Buckley
Judge Valerie Bouffiou	Lynnwood
Commissioner Deanna Crull	Airway Heights
Judge Joanna Daniels	Bonney Lake
Judge Tracy Flood	Bremerton
Judge Pauline I Freund	SeaTac
Judge Jessica Giner	Renton
Judge Jennifer Grant	Lake Forest Park
Judge Jeff Gregory	Mercer Island
Commissioner Nicholas Henery	Bellingham
Commissioner Molly Nave	Spokane
Judge Gloria Ochoa-Bruck	Spokane
Judge Alex Thomason	Brewster
Judge Clarke Tibbits	East Wenatchee
Judge Allen Unzelman	Napavine and Winlock
Judge Andrew Wheeler	Battle Ground

# 2022 - New Judicial Officers

## Superior

Judge Jennifer Andrews	Pierce County
Commissioner Chelsea Baldwin	Cowlitz County
Commissioner Joshua Baldwin	Cowlitz County
Judge Kristin Ballinger	King County
Commissioner Lindsey Cotterell	Cowlitz County
Judge Joseph Evans	Pierce County
Commissioner Cadine Ferguson-Brown	Mason County
Judge Anna Gigliotti	Grant County
Judge Tyson Hill	Grant County
Judge Robert Jourdan	Chelan County
Commissioner Julie Karl	Asotin, Garfield, Columbia
Commissioner Jill Karmy	Cowlitz County
Commissioner Arthur Klym	Benton-Franklin Counties
Judge Adrienne McCoy	King County
Judge Karen Moore	Snohomish County
Commissioner Brad Moore	King County
Commissioner Pam Nogueira	Thurston County
Judge Andre Peñalver	Pierce County
Judge Jason Poydras	King County
Judge Nancy Retsinas	Clark County
Commissioner Sonia Rodriguez True	Yakima County
Commissioner Diana Ruff	Benton-Franklin Counties
Commissioner Mary Ryan	Skagit County
Judge Matthew Segal	King County
Judge Jacqueline Stam	Benton & Franklin Counties
Judge Indu Thomas*	Thurston County
Commissioner Tim Trageser	Stevens County
Commissioner Ann Vetter-Hansen	Whatcom County
Judge Allyson Zipp	Thurston County

## Court of Appeals

Judge Erik Price*	COA II
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## Visiting Judges

Judge Payton Garcia	Northwest Intertribal Court System
Judge Elizabeth Nason	Tulalip Court Of Appeals
Judge Nanae Yoshimoto	Yokohama District Court

\*Attended in previous year(s). Moved from Commissioner to Judge and/or not required to attend per GR 29.

**BJA BUSINESS ACCOUNT**  
THIRD QUARTER 2021 SUMMARY

JULY-AUGUST-SEPTEMBER ACTIVITY SUMMARY			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$11,686.24
TOTAL EXPENDITURES	\$35.00		-35.00
TOTAL DEPOSITS		\$30.00	+30.00
ENDING BALANCE			\$11,681.24

**BJA BUSINESS ACCOUNT**  
 THIRD QUARTER 2021 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
08/09/2021	3807	CAROLINE TAWES	FRAME FOR J SCIUCHETTI GIFT	35.00	YES
			TOTAL EXPENDITURES	35.00	

DEPOSIT DATE	AMOUNT
8/30/2021	\$30.00