



Board for Judicial Administration (BJA) Meeting
Friday, March 18, 2022, 9:00 a.m. – 12:30 p.m.
Videoconference

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 Dan Johnson
Judge Mary Logan
Judge Marilyn Haan
Commissioner Rick Leo
Terra Nevitt
Judge Rebecca Pennell
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Michael Scott
Judge Charles Short
Judge Paul Thompson

Guests Present:

Kim Allen
Ellen Attebery
Esperanza Borboa
Ashley Callan
Judge Mike Diaz
Robert Mead
Judge Sean O'Donnell
David Reynolds
Judge Kevin Ringus

Administrative Office of the Courts (AOC) Staff Present:

Judith Anderson
Jeanne Englert
Heidi Green
Brittany Gregory
Sondra Hahn
Kyle Landry
Penny Larsen
Dirk Marler
Stephanie Oyler
Christopher Stanley
Caroline Tawes

Call to Order

Chief Justice González called the meeting to order at 9:01 a.m. and welcomed the participants.

Presentation: State of the State Courts: NCSC 2021 Poll Summary

Dirk Marler reviewed the key findings from the National Center for State Courts' (NCSC) 2021 survey of public opinion of state courts. The report indicated the lowest public confidence in courts since the survey began in 2012. A link to the full report and more information was provided in the meeting materials.

Small Group Discussions

Participants were divided into groups and asked to discuss one or more of the following questions:

1. The majority of voters said the state courts are not innovative and nearly half said they are not a good investment of taxpayer dollars. Do they have a point? What can we do to change the narrative?
 - Pre-pandemic there was not much innovation but there is now; courts have proved we can be innovative. Not sure how to change the narrative.
 - We could do a better job of advertising innovation in courts. The public hasn't seen all the innovations.
 - We started with a slow system and were forced to work faster. We responded but not quickly enough. Expectations from consumers are greater now.
 - Go to communities and schools and invite people to see how the courts work and the different things courts do.
 - We could publicize information about court innovation.
 - Communicate innovations to specific populations by targeting distribution.
 - Some innovations may be perceived as negative.

2. Many people report that travel and time off from work and school are barriers to accessing the justice system and disproportionately affect communities of color. What strategies can our courts employ to reduce those barriers? What role can BJA play?
 - Recruit courts to showcase what courts can look like in the future. CLJ courts would be a good place to start.
 - The BJA could develop model policies on how to set up alternative courts.
 - Getting locals on board is difficult. Traffic courts could be remote. Many court customers report travel time is an issue. Set up pilot courts to see how things work, especially at the CLJ level. Technology is key. Look at after-hours courts and the challenges that will bring.
 - Remote procedures will work for a lot but not all. Identify what works best for remote proceedings.
 - BJA can serve as the convener to share ideas.
 - There is an opportunity to consider different or specialized dockets for remote proceedings versus in person proceedings. Expand court hours. Expand use of kiosks at libraries and community centers and automation of forms and processes. Technology used should be more accessible with mobile devices. Use video chats. Overall think about a different focus than before; what does justice look like to consumers rather than us and what is traditional for us.
 - Make people wait less. Work with cities on better access to the Internet. Educate the consumer with a tutorial on how to use Zoom. Ask court users to log in early and have staff to assist. After two years, it may be time to gather all the information and access what works and put those in place.
 - Homeless customers may have limited access to Internet.
 - Remote proceedings may make it more difficult to talk to attorneys.
 - Expand court hours. Legal literacy; use common language. Court customers may have a general fear of being in a courthouse.

3. The surveys have shown a significant movement toward public openness to remote proceedings. However, there is concern that publicity or social media reports of poor implementation or bad experiences could quickly change that attitude. What can courts do to help ensure that participants in remote proceedings have a positive experience? What can BJA do to assist?
 - Don't lose sight of poor access to Wi-Fi. Courts can partner with libraries and community centers where people can come in and use the facility to increase access to Wi-Fi. Sign up times could avoid waiting.
 - There could be a benefit of using a consultant on a statewide level to work with courts on their issues.
 - Public openness; there is a need for a clear process. Courts must be clear ourselves.
 - Remote proceedings remove barriers, but some in-person factors may be lost like reading body language.

4. Most people would prefer to handle their traffic, consumer debt, and small claims cases remotely. Should all courts be doing this in the post-pandemic world? Are there legal or technical barriers? If so, what can BJA do to assist?
 - Put together tips and best practices; technical assistance; additional training on using remote technology; recognizing challenges with local IT professionals; and understand the needs of the judicial branch. Encourage IT professionals to share information.
 - The BJA can come up with their own proposals on what rules need to stay in place.
 - Change the narrative, do a better job of reaching out to communities and schools so they can see what we are doing.
 - Be transparent and open.

Judicial Leadership Summit (JLS)

The JLS is scheduled for June 17, 2022. The agenda for the JLS may be affected by whether or not an Interbranch Advisory Committee is formed. Chief Justice González suggested proceeding with the JLS to include the same people who would be on the Interbranch Advisory Committee.

Ideas and priorities can be collected to create an agenda for the JLS. Suggestions for JLS topics could include participants thinking about what policies or procedures from the last year they want to keep, how did you respond to the pandemic, and how does your response continue into current operations. Other topic areas include: a conversation about what future courts look like, court security, and other identified priorities from today's conversation.

The Court Management Council has discussed creating a survey for Washington State similar to the NCSC survey to inform decision-making in our state.

BJA Task Forces

Court Security Task Force

The Legislature did not provide funding for court security. Submitting a funding request during the biennial budget process might be more successful.

Judge O'Donnell thanked the Court Security Task Force team for their hard work. The Task Force expires in June; should the Task Force be extended or restructured?

After a discussion, there was a motion to extend the Task Force for one year.

It was moved by Chief Justice González and seconded by Judge Haan to extend the term of the Court Security Task Force by one year. The motion carried unanimously.

Court Recovery (CRTF)

The CRTF charter will expire in June. The CRTF members are considering if there are any remaining items that need to be addressed and the best place for those discussions.

The Lessons Learned Committee of the CRTF is completing a final report that will summarize what actions were taken during the pandemic and lessons for moving forward.

Standing Committee Reports

Policy and Planning Committee (PPC)

The PPC report and the resolution on Language Access Services was included in the meeting materials.

It was moved by Chief Justice González and seconded by Judge Scott to approve the Resolution on Language Access Services as provided in the meeting materials. The motion carried unanimously.

The Strategic Initiative Request for Proposals was sent to the court community and justice partners in early March. The deadline is April 21, 2022.

Budget and Funding Committee (BFC)

The Legislature provided funding of \$110 million for the Judicial branch. Almost half of the funding is for *Blake* issues. A team will be formed to administer the *Blake* funds. This will be a seven- to ten-year project. Another \$10 million was provided for trial court backlog reduction and audio visual enhancements.

The Legislature provided funding for the Judicial Information System account. There will be discussions about possible changes in the revenue structure of this account in relation to its funding through fines and fees.

Funding was provided for two policy analyst staff for the District and Municipal Court Judges' Association.

Chief Justice González thanked Christopher Stanley, Brittany Gregory, and Dawn Marie Rubio for their work during the Legislative session.

Court Education Committee (CEC)

The CEC report was included in the meeting materials. The CEC is looking at core values it should consider when presenting education programs. There has been a request that the Learning Management System go live next week and pilot learning will begin. The County Clerks' Spring Program will be held next week in person. The Appellate Spring Conference is also next week.

Legislative Committee (LC)

The LC report and the Legislative session update were included in the meeting materials. Judge Ringus thanked Brittany Gregory, Sondra Hahn, and Christopher Stanley for their work during the Legislative session. A request for proposals for the next Legislative session will be sent next week.

Legislative Session Update

There were successes in budget and policy this Legislative session. Three of the five BJA proposed request bills passed out of both chambers. There was a lot of turnover in the Legislature, and there will be more transitions next year.

Brittany Gregory thanked everyone for their work on improving communication with the legislative branch.

Proposals for BJA request legislation will be sent out next week. Please feel free to submit proposals, and Brittany Gregory can answer questions.

Judge Ringus will be stepping down as chair of LC but will remain on the committee. Judge Michael Scott agreed to be nominated for LC chair. Committee membership approvals go to the BJA, and the full BJA will vote for a new chair. Jeanne Englert will request an e-mail vote from BJA voting members this summer to approve all committee membership.

Discussion: Interbranch Committee

- How do we utilize this new opportunity?
- What do we want to see come out of it?
- How do we address membership
- What are the top priorities that we want to communicate in this group?

SB 5490, which creates an Interbranch Advisory Committee, passed out of both chambers but has not yet been signed by the Governor. There was a suggestion that if the bill is not signed, the judicial branch should move forward with forming a committee.

Dawn Marie Rubio suggested including court managers in the conversation or on a committee. SB 5490 includes administrators and management associations, and Chief Justice González would like to be sure we include representatives in each category included in the bill. The participants agreed.

Status of Emergency Orders

The Supreme Court emergency orders largely do not have expiration date. It is the intent not to lift the orders without advance notice so courts have time to prepare. The Supreme Court Rules Committee is considering rule proposals about remote proceedings, and participants were encouraged to communicate to the Rules Committee if they have input.

February 18, 2022 Meeting Minutes

Judge Pennell said the sentence “The Court of Appeals Division III has a new judge” in the February minutes is inaccurate. The sentence will be removed from the minutes.

It was moved by Chief Justice González and seconded by Judge Logan to approve the minutes of the February 18, 2022, meeting with the noted sentence struck. The motion carried with one abstention.

Information Sharing

Judge Laurel Siddoway is the new Chief Judge in the Court of Appeals Division III and Judge Robert Lawrence-Berrey is the new Acting Chief Judge. They will know next week after the business meeting who the new Presiding Chief Judge will be.

Judge Rebecca Glasgow will be the new Chief Judge of the Court of Appeals Division II. Judge Anne Crusier will be the Acting Chief Judge and will be attending BJA meetings as the Division II representative.

Judge Jennifer Forbes will be the new Superior Court Judges’ Association (SCJA) president effective April 27, 2022. The SCJA will hold a long range planning meeting in June to discuss priorities for next year.

Judge Short thanked Brittany Gregory, Christopher Stanley, the District and Municipal Court Judges’ Association lobbyist, Judge Forbes, and AOC staff for their work during the Legislative session.

Chief Justice González would like to use some of the technology funding received this year to build the court of the future. Partner courts are needed for this effort, and he asked the meeting participants to start thinking about what courts would be good candidates for this project.

Judge Logan thanked Christopher Stanley for his leadership during the budget cycle.

Kim Allen said the County Clerks' Spring Program will be in person starting Monday in Leavenworth.

Dawn Marie Rubio thanked everyone for recognizing the work of AOC staff. AOC will experience a lot of growth in the next few months and is looking for good people to work at AOC. The AOC Executive Team is considering reopening plans for the AOC buildings. Dawn Marie Rubio reminded everyone of the celebration of life for Justice Mary Fairhurst will be on April 9, 2022, at 1:30 at St Martins University. A request was sent to the Governor's Office to have flags flown at half-staff in honor of Justice Fairhurst.

There is currently no plan for reopening the SeaTac office for meetings.

Judge Bui expressed her appreciation of Legislative Team, especially Judge Ringus and Christopher Stanley.

Other

The next BJA meeting is May 20, 2022, and the JLS will be on June 17, 2022.

Recap of Motions from the March 18, 2022 Meeting

Motion Summary	Status
Extend the term of the Court Security Task Force by one year.	Passed
Approve the Resolution on Language Access Services as provided in the meeting materials.	Passed
Approve the minutes of the February 18, 2022, meeting with the noted sentence struck.	Passed

Action Items from the March 18, 2022 Meeting

Action Item	Status
<u>February 18, 2022 BJA Meeting Minutes</u> <ul style="list-style-type: none">• Post the minutes online• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done Done