



Board for Judicial Administration (BJA) Meeting
Friday, May 20, 2022, 9:00 a.m. – 12:00 p.m.
Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Tam Bui, Member Chair
Judge Rachelle Anderson
Judge Alicia Burton
Judge Samuel Chung
Judge George Fearing
Judge Rebecca Glasgow
Judge Marilyn Haan
Judge Dan Johnson
Commissioner Rick Leo
Judge Mary Logan
Judge David Mann
Judge Rebecca Pennell
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Michael Scott
Judge Charles Short
Judge Paul Thompson

Guests Present:

Kimberly Allen
Esperanza Borbora
Giannina Ferrara
Chris Gaddis

Justice Sheryl Gordon McCloud
Melissa Johnson
Erin Shea McCann
Sophia Byrd McSherry
Judge Sean O'Donnell
Dave Reynolds
Judge Kevin Ringus
Judge Karl Williams
Bailey Zydek

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

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

Call to Order

Judge Bui called the meeting to order at 9:01 a.m. and welcomed the participants.

Presentations: BJA Members

Supreme Court

Justice Gordon McCloud reviewed the highlights of the Appellate Education Conference. Justice Gordon McCloud asked for the BJA blessing to form a workgroup to address some of the procedural issues in appellate courts. A summary of the list was included in the meeting materials. Judge Tracy Staab will co-chair the workgroup with Justice Gordon McCloud. She asked the meeting participants to let her know how they would like to participate.

The Supreme Court is scheduled to move out of the Temple of Justice due to renovations and into a temporary space. The renovation project should take 18 months. Oral arguments in the fall will take place in a borrowed space on the Capitol campus. Chief Justice González thanked Kyle Landry for his help on this project.

The Supreme Court has passed new procedures for pro tempore judges, expanding the rules to include Superior Court judges. The first Superior Court judge, Judge Toynee, served yesterday.

Most of the Supreme Court emergency orders and court rules do not have an expiration date. Emergency orders and court rules regarding remote proceedings will not be lifted until there is a replacement rule on remote proceedings.

Court of Appeals

Judge Fearing presented an overview of the Court of Appeals and requested comments and questions. Please contact him with suggestions on how to improve the service of the Court of Appeals and make operations more transparent and helpful to all levels of court.

Superior Court Judges' Association (SCJA)

The SCJA held their spring conference. This will be Judge Anderson's last meeting as she becomes the Immediate Past President. Judge Jennifer Forbes will be the new President, and Judge Samuel Chung will be the new President-elect. Judge Shelly Szambelan will be the new Secretary, and Judge Ken Schubert will be the new Treasurer.

The SCJA will have an in-person long range planning meeting on June 3, 2022, at SeaTac where they will set priorities for the year and discuss upcoming legislation. They plan to conduct a series of get-togethers around the state to get to know legislators. The SCJA will be working on judicial education, the Uniform Guardianship Act, civil protection orders, and safety and security issues.

Judge Chung thanked Judge Anderson for stepping in as SCJA President when Judge Estudillo left.

District and Municipals Courts Judges' Association (DMCJA)

This will be Judge Short's last meeting. Commissioner Rick Leo will become the DMCJA President. Last year the DMCJA focused on outreach, education, and collaboration. They are excited to continue collaborations with tribal and minority bar associations and law schools. They will continue to offer webinars. They had a successful legislative day involving legislators from across the state. The DMCJA had success funding 22 new therapeutic courts and two fulltime policy analysts. Melissa Johnson has been hired as the new DMCJA lobbyist.

Priorities for next year include identifying and eliminating systemic racism and improving access to justice. Projects include the statewide FAIR Court project. A concept paper

was submitted for funding this project, and AOC's Equity and Access program has made a commitment for funding. Other projects include a strategic initiative for funding court-ordered programs for indigent defendants and a statewide e-mail/text reminder system within the new case management system, for which they are seeking legislative funding. Courthouse security continues to be a priority. The DMCJA would also like to see grant writing assistance for trial courts and clerks.

Judge Short thanked AOC and other court level representatives for their help.

Chief Justice González and Judge Bui congratulated and thanked the SCJA and the DMCJA for their work during the pandemic.

AOC

There has been significant growth at the AOC. There has been quite a bit of staff turnover, particularly in information technology, which has an impact on all projects. Turnover is often due to higher salaries in the executive branch. AOC has funded salary increases and is advertising positions at the higher rate, with the hope of receiving more and better applications.

AOC is slowly reopening the buildings to staff, with safety protocols in place, after over two years of operating with limited building access. All staff will be able to work on-site beginning June 1, 2022.

AOC has two significant responsibilities regarding distribution of funds associated with the *Blake* decision. AOC received funding of \$50 million to implement certain *Blake* measures including identifying cases that are impacted and working with local courts, and developing a direct reimbursement bureau for refunds. Funds will be available on July 1, 2022.

There are \$16.9 million to distribute across the judicial branch for backlog assistance, audio visual upgrades for courtrooms, a therapeutic court grants community coordinator, and victim notification grants.

AOC continues to move forward in five strategic areas: 1. shoring up existing funding and staffing statutory obligations at AOC; 2. expanding subject matter experts in areas like courthouse security, child welfare, behavioral health, equity and access, tribal relations, and case flow management; 3. enhancing the agility of AOC. Staff assigned to specific associations or commissions will become more available to work on ad hoc issues; 4. AOC staff development, including a mid-managers academy; 5. AOC is working to become a place of belonging and inclusion.

BJA Task Forces

Court Recovery Task Force (CRTF)

The last CRTF meeting was May 9, 2022. A final report will be distributed in June. Chief Justice González thanked the members for their work.

Court Security Task Force

The Task Force did not receive the funding requested from the Legislature this year. The Task Force members met on March 31, 2022, to discuss feedback from the legislators. The legislators wanted to know if local county commissioners can contribute funding to courthouse security. The Task Force is developing a shared cost funding model that includes local courts and commissioners, and will work with local legislators and commissioners to discuss funding issues and strategies. Judge O'Donnell thanked Brittany Gregory, Christopher Stanley, and the BJA for their support. Judge Bui thanked the Task Force chairs and members for their work.

Interbranch Advisory Committee Meeting

Chief Justice González acknowledged Brittany Gregory's work on the Interbranch Advisory Committee. The first Interbranch Advisory Committee will be held on June 17, 2022, in place of the Judicial Leadership Summit. The Committee is the result of legislation by Senator Jamie Pedersen. Senator Pedersen and Chief Justice González will be the conveners. Other members are Senator Mike Padden, Kathryn Leathers, Commissioner Carolina Mejia, Judge Judith Ramseyer, Chris Gaddis, Representative Drew Hansen, Jeff Even, Sharon Swanson, Judge Kevin G. Ringus, LaTricia Kinlow, Representative Drew Stokesbary, Kim Allen, Judge Bill A. Bowman, Dawn Marie Rubio, and Michael Terasaki. Non-voting members will be Dennis Rabidou, Jim Bamberger, and Larry Jefferson.

The agenda is being developed. The meeting may be live streamed, but that is not confirmed. Chief Justice González or Brittany Gregory can answer questions about the Committee.

Biennium Budget Requests

Included in the meeting materials were recommendations on the concept papers from the BJA Budget and Funding Committee. The concept papers were evaluated for which ones appear to be the most complete and able to advance, as well as which ones could be combined with other papers with similar interests. Some concept papers were earmarked not to advance.

Christopher Stanley said the concept papers are a new step in the budgeting process and will lead to better decision packages, and will also help the discussion on budget begin earlier in the year. Christopher Stanley reviewed the concept paper recommendations included in the meeting materials. Recommendations will be forwarded to the Supreme Court Budget Committee, then to the entire Supreme Court at the June en banc. After that, templates will be sent to build budget requests.

The participants discussed the concept paper recommendations, particularly the three listed under "more discussion needed."

It was moved by Judge Short and seconded by Judge Anderson to adopt all recommendations for concept papers to advance to a decision package including the grant management concept paper, all recommendations for concept papers to not advance to a decision package, and to hold the three concept papers listed as “more discussion needed” for further discussion. The motion carried unanimously.

It was moved by Chief Justice Gonzalez and seconded by Judge Mann to include the Court of Appeals in the stipend for Supreme Court externs concept paper and to evaluate the proposal for trial courts. The motion carried unanimously.

It was moved by Chief Justice Gonzalez and seconded by Judge Pennell to hold in abeyance the concept papers requiring more discussion. The motion carried unanimously

Standing Committee Reports

Budget and Funding Committee (BFC)

Christopher Stanley gave a sense of general economic forecast. With high inflation, Washington State is likely to have another budget surplus. Because the surplus will be based on inflation and increased sales tax revenue rather than economic growth, this may change how the Legislature spends the funds.

Court Education Committee (CEC)

The CEC report was included in the meeting materials. The CEC is working on strategic planning and positioning. Judge Bui thanked Judge Fair for his work as the co-chair and thanked Judith Anderson for her work.

There is a *U.S. Supreme Court Year in Review* webinar on June 23, 2022, from noon to 1:15 p.m. Kathleen Sullivan, of Quinn Emanuel Urquart & Sullivan LLP, is the faculty. Registration is available on Inside Courts and is open to all court levels.

Legislative Committee

The Legislative Committee is fielding proposals for the 2023 legislative session. The Committee report is in the meeting materials and includes a link to the *2022 Legislative Summary Report*. Judge Ringus thanked Judge Thompson for his work.

Brittany Gregory thanked Judge Ringus for his work as the chair. Proposals for the 2023 legislative session are being solicited and are due June 20, 2022.

Policy and Planning Committee (PPC)

The PPC has the ability to support two new strategic initiatives. Recommendations on the strategic initiatives were included in the meeting materials. Judge Robertson reviewed the four strategic initiatives that were submitted, and the participants discussed the initiatives.

It was moved by Judge Short and seconded by Judge Haan to adopt strategic initiatives number one and number two recommended by the PPC as the new strategic initiatives from the BJA. The motion carried unanimously.

BJA, in collaboration with CEC, will support legislative advocacy efforts around increased funding for the learning management system.

Motions

March 18, 2022 Meeting Minutes

The March 18, 2022 meeting minutes were adopted by consensus.

2022–23 Meeting schedule

It was moved by Chief Justice Gonzalez and seconded by Judge Haan to adopt the 2022–23 meeting schedule. The motion carried unanimously.

A survey completed by BJA members indicated most members wanted meetings in 2022–23 that included both in person and videoconference options, with a slight preference for videoconference meetings. There will be more discussions this summer on meeting format.

Information Sharing

Judge Bui thanked the outgoing members of the BJA listed in the meeting materials and welcomed new members.

Jeanne Englert announced the BJA Court Security Task Force and the CEC are sponsoring an active shooter training. Jeanne Englert, Penny Larsen, or Kyle Landry can answer questions. A reminder e-mail will be sent.

Other

There being no further business, the meeting was adjourned at 11:52 a.m.

Recap of Motions from the May 20, 2022 Meeting

Motion Summary	Status
Adopt all recommendations for concept papers to advance to a decision package including the grant management concept paper, all recommendations for concept papers to not advance to a decision package, and to hold the three concept papers listed as “more discussion needed” for further discussion.	Passed

Motion Summary	Status
Include the Court of Appeals in the stipend for Supreme Court externs concept paper and to evaluate the proposal for trial courts.	Passed
Hold in abeyance the concept papers requiring more discussion.	Passed
Adopt strategic initiatives number one and number two recommended by the PPC as the new strategic initiatives from the BJA.	Passed
Adopt the 2022–23 meeting schedule.	Passed

Action Items from the May 20, 2022 Meeting

Action Item	Status
<u>March 18 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