



Board for Judicial Administration (BJA) Meeting
Friday, October 21, 2022, 9:00 a.m. – 12:00 p.m.
Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Alicia Burton
Judge Samuel Chung
Judge George Fearing
Judge Jennifer Forbes
Judge Marilyn Haan
Judge Dan Johnson
Commissioner Rick Leo
Judge Mary Logan
Terra Nevitt
Judge Rebecca Pennell
Judge Jacqueline Shea-Brown
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Jeff Smith

Guests Present:

Ellen Attebery
Jim Bamberger
Esperanza Borbora
Ashley Callan
Judge Kevin Hull
Tori Peterson
Barb Miner
Judge Kevin Ringus
Adrienne Stuart

Administrative Office of the Courts (AOC) Staff Present:

Nicole Ack
Crissy Anderson
Judith Anderson
Antoinette Bonsignore
Cynthia Delostrinos
Jeanne Englert
Meghan Fitzgerald
Brittany Gregory
Brenden Higashi
Kyle Landry
Penny Larsen
Carl McCurley
Dirk Marler
Allison Lee Muller
Stephanie Oyler
Haily Perkins
Christopher Stanley
Caroline Tawes
Andrea Valdez
Kelly Warner-King

Call to Order

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

The Supreme Court is in the process of lifting some of the COVID emergency orders. A draft of the revised orders is available from Jeanne Englert or Reza Pazooki. The new orders will be finalized next week.

Innovating Justice Awards Presentation of Awards

The purpose of the Innovating Justice Awards is to recognize those who provided exceptional leadership to resolve critical court needs and helped courts deliver innovative and responsive justice by promoting race equity and access to justice.

The Innovating Justice Award recipients were:

1. Legal Financial Obligation counties, including Representative Tarra Simmons with Civil Survival in collaboration with all the county courts; Judge Kevin Hull with Kitsap County Superior; Judge Michael Schwartz with Pierce County Superior Court and Judge Carol Murphy, Thurston County Superior Court. They were nominated by Cynthia Delostrinos, who also presented the award.
2. Commissioner Clint Johnson, Pierce County Superior Court. Commissioner Johnson was nominated by Tacomaprobono Community Lawyers and the award was presented by Carly Roberts.
3. Commissioner Brandon Mack and the Clallam County Dependency Court Improvement Team. They were nominated by Judge Brent Basden who also presented the award.
4. Clark County Volunteer Lawyers Program and Executive Director Elizabeth Fitzgerald. They were nominated by Judge Tsering Cornell who also presented the award.

BJA Task Forces and Work Groups

Alternatives to Incarceration Task Force

The Task Force just had its second meeting. The Task Force has a diverse and engaged membership. Two work groups will begin soon, an assessment and information gathering work group, and a work group that will solicit information on how to incorporate feedback from those impacted by the judicial system. Co-Chair Judge Kyle Mott will be leaving for private practice, and Judge Mary Logan will become the new co-chair.

Court Security Task Force

The Task Force met on September 26, 2022, and reviewed the budget package and development of a new advocacy campaign. The Task Force has met with commissioners in some small, rural counties who will support the court security budget package.

The Task Force tried last session to obtain funds for court security. The feedback from the Legislature was that local funding needed to be contributed as well. This year the budget request includes asking for matching funds from counties on a sliding scale.

Chief Justice González thanked Penny Larsen for her work.

Remote Proceedings Work Group

The first meeting of this Work Group will be October 26, 2022. They will discuss deliverables, assessment, best practices, and court rules work groups.

Chief Justice González would like assistance with the interim order that will replace the emergency orders. The Supreme Court is still working on finalizing remote proceeding rules. The Supreme Court voted to issue an order to preserve some sections of the emergency orders, including keeping remote proceedings in criminal, civil, juvenile and family cases. Courts will be able to continue with procedures currently in place.

Dirk Marler has been asked to review the orders on electronic signatures. Remote oaths and weddings should also continue. Chief Justice González would like input on the Involuntary Treatment Act rules.

The draft order is ready for review and was shared with the court associations this morning. Jeanne Englert also has a copy. Input on the draft order is requested by early next week.

Presentation: Structure of the Washington State Bar Association (WSBA)

Terra Nevitt presented on *Examining the Integrated Bar Structure*. Recommendations were made to the Supreme Court last week. Terra Nevitt reviewed the current structure and history of the WSBA and why the WSBA structure is being examined.

Recommendations included:

1. current federal litigation does not require the WSBA to make a structural change;
2. it will be important for the WSBA and Supreme Court to act if there is a ruling that forces a structural change;
3. litigation aside, the ideal structure is the current integrated model.

The recommendations are from the majority report; there is also a minority report. The reports were sent to the BJA membership prior to the meeting.

Standing Committee Reports

Budget and Funding Committee

The Judicial Branch budget request was submitted September 24, 2022. There are more requests statewide than last year.

The revenue forecast is tenuous. A recession is likely, and revenue is likely to fall. Continued losses of revenue will constrain opportunities for new funding, and it is likely that not all 34 packages will be funded. Christopher Stanley is working with Brittany Gregory to reach out to the Legislature and leadership in both chambers, as well as educating legislative staff on the Judicial Branch top priorities and on the full request generally.

Court Education Committee (CEC)

The CEC is planning for the spring programs to be held in person. A roster of dates will be sent in a week or so. Recorded sessions are being moved to the Learning

Management System (LMS) where they can be accessed. The CEC is running campaigns to work with small groups in the LMS for feedback.

The BJA members received a draft of ARLJ 14, Mandatory Continuing Education Standards for District and Municipal Court Administrators, for review. This will be on the November BJA agenda for a vote. Town halls will be held in December to introduce the new rule and standards, which will be effective January 1, 2023.

The first five days of the Judicial College will be held in person. Three days later there will be two days of virtual presentations.

The CEC is still working on a strategic plan.

Legislative Committee (LC)

The LC is meeting with legislators on budget priorities and garnering support. The LC is still working on information gathering on the jury diversity package. Committee days will be in person on December 1 and 2, 2022. There will be two or three bills related to the *Blake* decision. The LC has been invited to hold Law School for Legislators. Judge Scott and Brittany Gregory will reach out to see who would like to participate. An in-person legislative reception in January is possible.

Policy and Planning Committee (PPC)

The PPC will be meeting today with guests from Gender and Justice Committee (GJC) Implementation Committee to discuss the GJC survey and implementation recommendations. A follow-up plan of the local funding survey will be discussed.

Legislative Advocacy

The BJA discussed the need to improve communication with the Legislature. AOC's OJLR is helping to finalize a talking points guide that is included in the meeting materials. Brittany Gregory requested feedback. Brittany Gregory is also working on e-mail templates and simulated conversations with legislators.

Interbranch Advisory Committee

The Interbranch Advisory Committee met in September. The Committee heard from Brittany Gregory about legislative priorities and from Christopher Stanley on the budget. The next meeting will be on December 15, 2022, via Zoom. The Zoom link and materials will be sent to participants.

September 16, 2022 Minutes

Judge Pennell corrected Court of Appeals information sharing from the September 16, 2022 minutes to "resuming traveling sessions."

It was moved by Chief Justice González and seconded by Judge Pennell to approve the September 16, 2022, meeting minutes. The minutes were approved by consensus with the noted correction.

Information Sharing

- Judge Pennell reported a task force was put together by the Court of Appeals to address obstacles to getting trial court records for appeals. This is particularly an issue for attorneys in rural areas. The Task Force membership includes appellate judges and clerks, transcriptionists, court recorders, and others. Anyone with ideas on this subject may contact Judge Pennell.
- Judge Fearing said the court backlog from the COVID pandemic has reached the Court of Appeals, where case numbers are down about 25%. He expects to be back up to normal case numbers soon.
- Judge Haan announced that the Cowlitz County Hall of Justice will be closed November 18, 2022, for an active shooter training followed by mock event. She will be happy to speak to any court interested in the training.
- Judge Forbes said the Superior Court Judges' Association (SCJA) is working on the emergency orders draft. Judge Forbes attended the Salary Commission meeting and can answer questions about that.
- Commissioner Leo welcomed the two new District and Municipal Court policy analysts attending the meeting, Antoinette Bonsignore and Brendan Higashi.
- Dawn Marie Rubio pointed out the e-mail sent this week announcing the publication of the *Full Court Press*.
- Jim Bamberger is busy with the expansion of the appointed counsel program for children and the civil public defense program for indigent defendants. He thanked AOC and the fiscal team for their assistance with OPD budget request.
- Carl McCurley discussed the Beta phase for making information from caseload reports more accessible and easier for courts to understand. There will be invitations to review the work.
- Esperanza Borbora announced the Access to Justice (ATJ) conference, September 28–30, 2023, in Tacoma. It will be a hybrid conference. ATJ has four new board members. The Delivery Systems Committee is reviewing and updating ATJ hallmarks and the state plan.
- Dirk Marler reminded the participants that the trial court legal services team is fully staffed and available to assist trial court judges.
- Jeanne Englert reminded the participants that the November meeting will be a joint meeting with the Court Management Council.

Adjourn

The meeting adjourned at 10:57 a.m.

Recap of Motions from the October 21, 2022 Meeting

Motion Summary	Status
Approve the September 16, 2022, meeting minutes.	Passed

Action Items from the October 21, 2022 Meeting

Action Item	Status
<u>September 16, 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