



**Board for Judicial Administration (BJA) and Court Management Council (CMC) Joint Meeting**  
**Friday, November 18, 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 Alicia Burton  
Judge Samuel Chung  
Judge Jennifer Forbes  
Judge Dan Johnson  
Judge Mary Logan  
Judge David Mann  
Justice Raquel Montoya Lewis  
Terra Nevitt  
Judge Rebecca Pennell  
Judge Rebecca Robertson  
Judge Michael Scott  
Judge Jeff Smith

**CMC Members Present:**

Ellen Attebery  
Tim Fitzgerald  
LaTricia Kinlow  
Erin Lennon  
Tammie Ownbey  
Tori Peterson  
Tristen Worthen

**Guests Present:**

Jim Bamberger  
Sophia Byrd-McSherry  
Ashley Callan  
Judge Mike Diaz  
Raymond Duran  
Judge Angelle Gerl  
Bob Lichtenberg  
Rob Mead  
Judge Michael Scott  
Judge Kevin Ringus  
Gabriel Villarreal

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

Crissy Anderson  
Judith Anderson  
Jeanne Englert  
Heidi Green  
Kyle Landry  
Penny Larsen  
Dirk Marler  
Allison Lee Muller  
Stephanie Oyler  
Haily Perkins  
Christopher Stanley  
Caroline Tawes

Call to Order

Chief Justice González called the meeting to order at 9:00 a.m. and welcomed the participants. Dirk Marler introduced the CMC members.

Court Management Council (CMC)

Brief overview and update

Dirk Marler presented an overview and history of the CMC. Recent CMC projects include finalizing major changes to and modernizing the model Court Administrator Job Description and hosting a series of roundtable webinars to address issues and challenges with court staff recruitment, retention, and succession. The CMC is planning

to do additional workshops and roundtables on succession planning. A presentation a year ago on whether GR 34 was correctly understood and applied led to CMC designating representatives to work with AOC Distance Learning Program Coordinator Scott Hillstrom to use existing materials to create a GR 34 tutorial. The program should be available to judicial officers and court system personnel in January.

#### Presentation of Court Manager of the Year Award

Dirk Marler presented the 2022 Court Manager of the Year Award to Ellen Attebery, Court Administrator for Puyallup and Milton Municipal Courts. Ellen Attebery was nominated by Judge Andrea Beall.

#### CMC Association Updates

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

The AWSCA is working with the Superior Court Judges' Association (SCJA) on GR 22 training for law enforcement to prioritize protection orders. The training should be available at the beginning of 2023.

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

The DMCMA is moving forward with the ARLJ 14 mandatory education for court administrators. The Court Administrators' Academy is required as part of ARLJ 14, and the first academy will be at the spring DMCMA conference. The DMCMA will be discussing a strategic plan, part of which will be succession planning.

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

The WAJCA is working on a juvenile service academy. At a recent board retreat they finalized their equity statement and are working with the Department of Children, Youth, and Families (DCYF) on an MOU regarding parents who won't pick up their children from detention. They are also assisting DCYF on a report to the Legislature on room confinement and isolation.

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

The WSACC presented to the Supreme Court on GR 31. Work continues on GR 31. The WSACC is working with the Northwest Justice Project and Civil Legal Aid on GR 22, and are working with AOC to make viewing of protection orders available to judges statewide.

#### Court of Appeals

The public access project went live in September, making civil and criminal case information available to the public. Division III recently traveled to Yakima for oral arguments.

#### Supreme Court

The Supreme Court is currently working on relocating operations. They moved out of the Temple of Justice in July to a temporary location. Erin Lennon thanked Kyle Landry for his work on the move. Oral arguments will resume in January in the new location.

The Supreme Court has resumed traveling oral arguments. Work continues on language access issues.

#### Interpreter and Language Access Commission

Judge Diaz, chair of the Interpreter and Language Access Commission (ILAC) reviewed the mission of the ILAC and the importance of language access plans. The ILAC has three committees: the Discipline Committee, the Education Committee, and the Issues Committee. A Translation Committee will be added soon.

The COVID crisis created opportunities such as the use of remote and hybrid interpreting, and it is necessary to try to balance new needs with the need for due process. The ILAC is reviewing the current state of interpreting in court community, and have created a Strategic Planning Committee to review and identify short- and long-term strategic goals. The goals will be voted on early next year.

#### Small Group Discussions

The members meet in breakout rooms for small group discussions to discuss the following questions:

- What are your court's top priorities around language access for the next 2 years?
- What language access needs are your court struggling with?
- What is working the best to ensure language access in proceedings/hearings?
- What have you done to successfully address language access for remote proceedings/hearings?

Discussion topics included:

- Make an effort to work with court administrators. Document translation practices and discuss what proceedings should not be remote;
- How does a court provide reliable access to interpreters?
- Translated forms and the challenges associated with them were discussed. There is no real guidance on translation. They discussed the requirements of finding the right person to translate court forms and the cost of doing that. This may be difficult for many courts;
- Funding for interpreters and translation was discussed. There are issues with the reliability of scheduling interpreters, especially in rural areas. Virtual interpreting is good but has its limits. What is the budget impact of returning to live translation? Resources and equipment in the courtroom to allow interpreters to meet with clients;
- There are courts who use a Zoom tool for remote translation;
- There needs to be a Court of Appeals take on translation services, primarily documents. What do they need and what makes sense? Should there be a Court of Appeals task force on this?
- There should be an opportunity to collaborate with the translation community;

- Availability is an issue. It is hard to get interpreters into court. Will remote interpreters be allowed once the emergency rule goes away?
- The interpreter and client need to be in person together;
- The requirements for interpreter pay continue to change; courts are competing. There is a challenge providing interpreters for court-ordered programs as most programs are in the evening. Who is responsible if the program is canceled?
- Some counties have not had trouble finding interpreters for some languages. The need for remote interpreters may be greater if there is a large variety of languages;
- One priority of Spokane Superior Court is court form translation. One of the frustrations is that the court forms change so frequently it is hard to justify the expense;
- There are costs to keeping up with legislative changes regarding interpretations;
- There are cultural differences between the west side of the State and the east side. On the east side of the State courts are not experiencing challenges with interpreters appearing in person;
- There is an issue of equal access for providing interpreting services;
- Focus interpretation services on the core key documents that any litigant needs. Are there standards on which language needs to be available for interpretation immediately?
- Documents that notify individuals of deadlines and access steps could be translated. Some documents could be stock translated;
- Currently, there is a shortage of AOC court certified/registered interpreters in the state. AOC needs to recruit and credential more in-state interpreters to meet the rise in demand for interpreters to appear in person;
- More in-state Korean interpreters are needed. Currently, there are only four active AOC court-certified Korean interpreters in the state shared among 39 counties. There are other languages where courts struggle to find interpreters;
- Interpreters should be permitted to appear remotely when an in-person interpreter appearance is not feasible. The pool of interpreters is not restricted to local state interpreters but nationwide when interpreters can appear remotely.

Judge Diaz thanked Chief Justice González, Judge Bui, and Bob Lichtenberg.

#### BJA Task Forces and Work Groups

##### Alternatives to Incarceration Task Force

The Task Force met yesterday and had a presentation on alternative programs by the Department of Corrections and Thurston, Yakima, and Walla Walla Counties on ways courts address alternatives to incarceration.

The Task Force will have four workgroups, including an assessment/information gathering and a diverse voices workgroup.

### Court Security Task Force

Information for the next legislative session is being gathered, including talking points. The Task Force will continue to advocate for court security funding.

### Remote Proceedings Work Group

The Work Group met October 26, 2022. The Work Group will have three stages: 1. An assessment phase, including a survey for judges and court administrators; 2. Collecting guidelines from across the country; and 3. Looking at court rules. Questions about the work may be sent to Penny Larsen.

Chief Justice González said the COVID Emergency Orders have been lifted and replaced with an interim order from the Supreme Court. The Interim Order will be in effect until further orders are issued. Dirk Marler was asked to form a work group to evaluate electronic signature orders. Chief Justice González asked everyone to read through the provisions in the interim order and let him know what provisions need to continue and, if so, how.

### Standing Committee Reports

#### Budget and Funding Committee

The revenue forecast that will be published this afternoon is expected to be flat. The Legislature will have about \$4 billion available for the budget. The Judicial Branch budget request is \$105 million, and there are many competing requests. This budget cycle is a return to a normal budget cycle and there is no cause for concern. Chris Stanley and Brittany Gregory will reach out to coordinate communication efforts with the Legislature.

#### Court Education Committee (CEC)

A CEC report is included in the meeting materials. The Learning Management System (LMS) continues to be developed, and the 2023 Judicial College materials will be in the LMS.

The ARLJ 14 proposed standards are included in the meeting materials. The main focus is on standards based on the National Association of Court Managers core competencies, ethics, and DEI training. The focus of the training is on how to support a court and a judge, provide the foundation an administrator needs for a court to comply with all court rules, and how an administrator may find resources and support.

There is some dedicated funding for the first academy.

**It was moved by Judge Bui and seconded by Chief Justice González to approve the proposed ARLJ 14 Standards. The motion carried unanimously.**

### Legislative Committee

The Legislative Committee will begin regular meetings in January.

The proposal to eliminate reporting requirements for RCW 9.73.120 will be sponsored by Representative Amy Walen and the updated language will be sent to stakeholders.

Senator John Lovick is the sponsor for the proposal for the additional judge in Snohomish County District Court. The Snohomish County Council voted to fund the additional judge.

The Superior Court pro tempore compensation proposal will be sponsored by Representative Jamila Taylor.

The jury diversity package will be sponsored by Representative David Hackney. There are four subproposals in this package: 1. The Minority and Justice Demographic Survey; 2. Funding to analyze the existing data on childcare for jurors or piloting a childcare voucher program in two jurisdictions; 3. Options for increasing juror pay include through employer contribution, increasing the pay \$125/day, or phasing in a pay increase; 4. Addition of an e-mail jury service summons.

The House of Representatives will hold a Law School for Legislators on January 4, 2023, which will be followed by a lunch reception hosted by AOC.

#### Policy and Planning Committee (PPC)

The PPC hosted the Gender and Justice Commission Implementation Committee at the October meeting. From the Workplace Harassment Study recommendations, the PPC agreed to establish a list of resources on workplace harassment training and to conduct a brief survey of court administrators and Presiding Judges to ask which courts have adopted an anti-harassment policy.

At today's meeting, the PPC will finalize the plan to implement recommendations from their local funding survey and come up with ideas on how to move forward with information on local funding.

#### Information Sharing

There were no further questions on the Interim COVID Orders.

The next Interbranch Advisory Committee will be on December 12, 2022, at 1:00 p.m. via Zoom.

The Public Records Exemptions Accountability Committee (Sunshine Committee) request for input from the BJA on whether complaints to the Commission on Judicial Conduct (CJC) against judicial officers should remain confidential was discussed at the September 16, 2022, BJA meeting. The BJA deferred to the CJC director and judicial members.

### BJA Bylaws and Rules

A red-lined version of the recommended changes to the BJA Bylaws is included in the meeting materials. Changes included Article 3 nomenclature for the Court of Appeals; shared authority language in Article 6; a slight change in language from telephone conferences to remote meetings in Article 8; and added flexibility in designating a proxy in Article 13.

**It was moved by Chief Justice González and seconded by Judge Forbes to approve the proposed changes to the BJA Bylaws from an ad hoc committee. The motion carried unanimously.**

### October 21, 2022 Minutes

**The October 21, 2022 meeting minutes were passed by consensus.**

### Information Sharing

- Chief Justice González announced the Supreme Court is moving downstairs to another temporary facility and will start hearing cases in person at that location in January. There will be limited seating. The Supreme Court has resumed traveling court.
- Judge Scott said there is a crisis in behavioral health services, especially in the criminal justice system. Would this be an appropriate topic for the Interbranch Advisory Committee? Chief Justice González will raise the question with the co-chair of the Committee.
- Judge Robertson said there is an issue with prosecutors not appearing at arraignment, apparently due to a resource issue. Are other courts having this problem? Does there need to be a draft rule proposal mandating their appearance? Judge Johnson solved a similar problem a few years ago by meeting with the stakeholders.
- Judge Mann said they will invite visiting judges from the other divisions of the Court of Appeals.
- Judge Pennell will be visiting Division 1 soon. She appreciated that Justice Stephens came to Yakima last week for investiture for Judge True in Yakima County.

The meeting was adjourned at 11:13 pm

### **Recap of Motions from the November 18, 2022, Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the proposed ARLJ 14 Standards.	Passed
Approve the proposed changes to the BJA Bylaws from an ad hoc committee.	Passed
Approve the October 21, 2022 meeting minutes.	Passed

**Action Items from the November 18, 2022, Meeting**

<b>Action Item</b>	<b>Status</b>
<u>October 21, 2022 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