

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**Board for Judicial Administration and
Court Management Council Joint Meeting
FRIDAY, November 18, 2022
9:00 A.M.**

VIDEOCONFERENCE

Board for Judicial Administration Membership

2022–2023



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

Judge Alicia Burton
Superior Court Judges' Association
Pierce County Superior Court

Judge Anne Cruser
Court of Appeals, Division II

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

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

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

Commissioner Rick Leo, President
District and Municipal Court Judges' Association
Snohomish 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
King County District Court

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

Judge Jacqueline Shea-Brown
Superior Court Judges' Association
Benton/Franklin Superior Court

NON-VOTING MEMBERS:

Judge Sam Chung, President-Elect
Superior Court Judges' Association
King County Superior Court

Dan Clark, President
Washington State Bar Association

Judge George Fearing
Presiding Chief Judge
Court of Appeals, Division III

Judge Jeffrey Smith, President-Elect
District and Municipal Court Judges' Association
Spokane County District Court

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

Court Management Council Membership

2022–2023



VOTING MEMBERS:

Dawn Marie Rubio Co-Chair
State Court Administrator

LaTricia Kinlow, Co-Chair
Tukwila Municipal Court Administrator

Ellen Attebery
District and Municipal Court Management
Association
Puyallup & Milton Municipal Courts Administrator

Michelle Cook
Association of Washington Superior Court
Administrators
Skagit County Superior Court Administrator

Tim Fitzgerald
Washington State Association of County Clerks
Spokane County Clerk

Chris Gaddis
Association of Washington Superior Court
Administrators (Alternate)
Pierce County Superior Court Administrator

Erin Lennon
Washington State Supreme Court Clerk

Tammie Ownbey
Washington State Association of County Clerks
Pend Oreille County Clerk

Tori Peterson
Washington Association of Juvenile Court
Administrators
Spokane County Juvenile Court Administrator

Dennis Rabidou
Association of Washington Superior Court
Administrators
Okanogan County Superior Court Administrator

Dave Reynolds
Washington Association of Juvenile Court
Administrators
Whatcom County Juvenile Court Administrator

Kris Thompson
District and Municipal Court Management
Association (Alternate)
Colfax Municipal Court Administrator

Tristen Worthen
Court of Appeals, Division III Clerk/Administrator

AOC Staff:

Dirk Marler, Chief Legal Counsel
Administrative Office of the Courts

Jennifer Lobe, Sr. Administrative Assistant
Administrative Office of the Courts



**Board for Judicial Administration (BJA)
Joint BJA and Court Management Council Meeting
Friday, November 18, 2022 (9 a.m. – 12:00 p.m.)**

Zoom Meeting

AGENDA

<p>1. Call to Order Welcome and Introductions</p>	<p>Chief Justice Steven González Judge Tam Bui</p>	<p>9:00 a.m.</p>
<p>2. Court Management Council (CMC)</p> <ul style="list-style-type: none"> • Brief overview and update • Administrator roundtables and GR 34 training updates • Presentation of Court Manager of the Year Award 	<p>LaTricia Kinlow</p>	<p>9:05</p>
<p>3. CMC Association Updates Information: Overview and update</p> <p>Association of Washington Superior Court Administrators (AWSCA)</p> <p>District and Municipal Court Management Association (DMCMA)</p> <p>Washington Association of Juvenile Court Administrators (WAJCA)</p> <p>Washington State Association of County Clerks (WSACC)</p> <p>Court of Appeals</p> <p>Supreme Court</p>	<p>Dennis Rabidou/Michelle Cook, Chris Gaddis</p> <p>Ellen Attebery, LaTricia Kinlow, Kris Thompson</p> <p>Dave Reynolds, Tori Peterson</p> <p>Tim Fitzgerald</p> <p>Tristen Worthen</p> <p>Erin Lennon</p>	<p>9:30</p>
<p>4. Interpreter and Language Access Committee Presentation and information sharing</p>	<p>Judge Michael Díaz Robert Lichtenberg</p>	<p>10:00</p>
<p>5. Small Group Discussions Discuss the following questions and briefly report back to the larger Board. Please assign a notetaker and send notes to jeanne.englert@courts.wa.gov</p>	<p>Judge Tam Bui</p>	<p>10:15</p>

<p>Discussion Questions:</p> <p>What are your court's top priorities around language access for the next 2 years?</p> <p>What language access needs are your court struggling with?</p> <p>What is working the best to ensure language access in proceedings/hearings?</p> <p>What have you done to successfully address language access for remote proceedings/hearings?</p>		
<p>Break</p>		<p>10:40</p>
<p>6. BJA Task Forces</p> <p>Alternatives to Incarceration</p> <p>Court Security</p> <p>Remote Proceedings</p>	<p>Judge Katie Loring/Jeanne Englert</p> <p>Judge Rebecca Robertson/ Penny Larsen</p> <p>Penny Larsen</p>	<p>10:50 Tab 1</p>
<p>7. Standing Committees</p> <p>Budget and Funding Committee</p> <p>Court Education Committee Motion: Approve ARLJ 14 Standards</p> <p>Legislative Committee</p> <p>Policy and Planning Committee</p>	<p>Judge Mary Logan/ Chris Stanley</p> <p>Judge Tam Bui/Judith Anderson</p> <p>Judge Michael Scott/Brittany Gregory</p> <p>Judge Rebecca Robertson/ Penny Larsen</p>	<p>11:05 Tab 2</p>
<p>8. Information Sharing</p> <ul style="list-style-type: none"> • Interim COVID orders • Interbranch Advisory Committee • Sunshine Committee Update 	<p>Chief Justice Steven González</p>	<p>11:20</p>
<p>9. BJA Bylaws and Rules</p> <p>Motion: approve proposed changes from ad hoc committee</p>	<p>Chief Justice Steven González</p>	<p>11:35 Tab 3</p>
<p>10. Minutes approval</p> <p>Motion: Approve October 21, 2022 minutes</p>	<p>Chief Justice Steven González</p>	<p>11:45 Tab 4</p>

11. Information Sharing	Chief Justice Steven González	11:50
12. Adjourn		12:00
<p>Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or jeanne.englert@courts.wa.gov 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.</p>		

Next meetings:

February 17, 2023 – 9:00 – 12:00 – Zoom

March 17, 2023 – 9:00 – 12:00 - TBD

May 19, 2023 – 9:00 – 12:00 - TBD

June 16, 2023 – 9:00 – 12:00 - TBD

TAB 1



November 18, 2022

RE: Alternatives to Incarceration Task Force Report

The Task Force met October 19 and November 17.

The goal of this strategic initiative is for pre-trial and post-sentencing incarceration alternatives to be uniformly available to courts throughout the state regardless of the courts resources and the person's ability to pay.

At the October meeting, members discussed activities, work groups, and member educational needs to help make better informed decisions.

Workgroups were identified and general start times established, with the first two groups starting in November/early December.

- 1) Assessment and Information Gathering: survey and gather information on alternatives across the state.
- 2) Diverse Voices: develop plan and incorporate feedback from individuals with lived experience and those impacted by incarceration/justice system.
- 3) Legal Authority – There also will be a work group focused on analyzing legal/judicial authority for alternative options, which will convene after the assessment phase.
- 4) Education - there will be an education work group, which will convene after the assessment phase.
- 5) Funding: determine different funding needs and possible funding sources based on assessment phase.
- 6) Policy: will convene as needed to discuss policy issues and needs.

At the November meeting, a panel from courts/communities across the state presented on current alternatives to incarceration services and programs.



November 18, 2022

Remote Proceedings Work Group Report

The Work Group met on October 26, 2022. The co-chairs noted that the two main goals are developing voluntary guidelines for remote proceedings and recommending court rule proposals pertaining to remote proceedings. Judicial associations and the court community have already done a lot of work regarding remote proceedings over the course of the pandemic. This Work Group will utilize and build upon those previous efforts.

The Co-Chairs proposed creating subgroups to work on specific deliverables. The court rules subgroups will be formed by areas of practice, juvenile, dependency, criminal, civil litigation, and family law. Two subgroups will evaluate the best practices identified by local and national sources and present their recommendations for what to include in the voluntary guidelines. Members are signing up to join the subgroups and the work will begin in the next few weeks.

While much of the work will be done by subgroups, all members of the work group will have the opportunity to review and provide input on final work products. The next meeting of the full Work Group will be scheduled for December.

TAB 2

November 9, 2022

TO: Board for Judicial Administration Members

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

RE: Court Education Committee Report

The Court Education Committee (CEC) is submitting a draft of the ARLJ 14 Standards – Supreme Court Order NO. 25700-A-1450 for BJA review. These standards provide guidance to the CEC, AOC and administrators or “designee” within the district and municipal court who are subject to and must comply with ARLJ 14 and receive mandatory Court Administrator Education credits (CAE).

These standards closely align with the existing standards for GR 26 Mandatory Continuing Judicial Education credits. If approved by the BJA they will be submitted to the Supreme Court Rules Committee for final review and approval. ARLJ 14 goes into effect January 1, 2023.

Members of the CEC, AOC and the District and Municipal Court Management Association are planning a series of townhalls in December to introduce ARLJ 14 to presiding judges and administrators and to answer questions and concerns.

The AOC Education Team conducted their yearly faculty development program for the Judicial College faculty. The Faculty Development Program was virtual and ran from October 31-November 3, 2022 and consisted of three days of instruction with the last day dedicated to participant presentations (putting all they learned into practice). Since a portion of the 2023 Judicial College will be in-person and another portion virtual, the Education Team taught faculty how to develop, design and present within these two different modalities.

The Education Team continues to conduct small Learning Management System (LMS) introductory campaigns, inviting administrators to register for a license and review the content of the LMS. The Washington Association of Juvenile Court Administrators (WAJCA) education committee is currently reviewing the content of the LMS and will begin working with the education unit to develop much needed eLearning content for probation and detention personnel. The 2023 Judicial College participants will also be directed to register and access content design especially for the college.

The Education Team continues to find ways to build collaboration or educational content between the Associations and within the AOC as well. The education unit and the new behavioral health unit are working together to collaborate the work of both units in the area of trauma informed courts and mental health.

Though not part of the CEC, the Annual Conference committee is moving forward with an in-person 2023 Washington Judicial Conference. They will work with the chairs and co-chairs of the various Association education committees, the Appellate education chair and the chairs and co-chairs of the Commissions. The intent is to begin to build a broader view of and identify specific global education and training needs that augment their respective education and training.

The District and Municipal Court Judges' Association's Education Committee is hosting another *Let's Keep the Conversation Going* webinar in November which expands on their 2022 Spring program session entitled **Race and the WA Justice System: A DMCJA Toolkit**. The November webinar will discuss implementing a therapeutic approach to sentencing and supervision in courts of limited jurisdiction, and evidence-based practices.

Work in Progress

Court Education Committee's Strategic Planning.

**WASHINGTON STATE DISTRICT AND MUNICIPAL COURT ADMINISTRATOR
MANDATORY CONTINUING EDUCATION STANDARDS
Supreme Court Order [NO. 25700-A-1450](#)**

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for Washington's integrated judicial branch of government.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration (BJA) provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve our state's judicial branch of government.

3. Court Education Committee (CEC)

The Court Education Committee (CEC) is a standing committee of the BJA and assists the Supreme Court and the BJA in developing educational policies and standards for the court system. The CEC provides budget and appropriation support, monitors educational programs' quality, coordinates in-state and out-of-state educational programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Designee

The Designee is the Court Administrator or equivalent employee designated by the presiding judge.

5. Court Education Committee

The responsibilities of the CEC will be to:

- a) Administer the Administrative Rule for Limited Jurisdiction (ARLJ) 14;
- b) Obtain the name of the "designee" from the presiding judge of each court of limited jurisdiction annually;
- c) Establish operating procedures consistent with this rule; and,
- d) Report and release names of the "designees" who have not complied with the rule to their presiding judge.

6. Administrative Office of the Courts (AOC)

- a) Under the direction of the Supreme Court and CEC, the Administrative Office of the Courts (AOC) shall develop guidelines for implementing the standards and develop, administer, and coordinate education programs throughout the state.

- b) The AOC shall coordinate all CEC education programs and provide support, guidance, and assistance. AOC shall provide support, guidance, and assistance to DMCMA education committees in planning, developing, implementing, and evaluating education programs consistent with established continuing education standards and requirements.
- c) The AOC shall maintain the official transcript for each Designee based on:
 - (i) attendance records at CEC accredited education programs;
 - (ii) approved non-CEC authorized or sponsor-accredited education programs submitted by the individual.
- d) Based on the official record, the AOC will report noncompliance annually to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

Section 2: General Standards for Continuing District and Municipal Court Administrator Education

1. Continuing District and Municipal Court Administrator Education (CAE)

During their three (3)-year reporting cycle, each Designee must complete fifteen (15) hours of CAE credits, two (2) of which are in the area of ethics, and one and a half (1.5) are in the area of diversity, equity, and inclusion (DEI).

- a) At least nine (9) hours, of which at least one and a half (1.5) hours are in the area of ethics and (1) hour in the area of DEI, must be completed by attending accredited courses. "Attending" is defined as (1) presenting for, or being present in the audience at, an accredited CAE course; (2) presenting for, or participating through an electronic medium in, an accredited CAE course; or (3) participating through an electronic medium in an accredited CAE course pre-recorded where faculty are available to answer questions.
- b) Up to five (5) hours, of which up to one (1) hour are in the area of ethics and one (1) hour in the area of DEI, may be completed through self-study by listening to, or watching, pre-recorded accredited CAE courses. Designees completing credits by self-study must report them to the AOC.
- c) Up to five (5) hours, of which up to one (1) hour are in the area of ethics, and one (1) hour in the area of DEI, may be completed through teaching at accredited CAE courses and/or publishing administrative writing. A designee may complete up to three (3) hours of teaching credits for each hour of presentation. The CEC must approve credits for published administrative writing. Designees completing credits by teaching or writing must report them to the AOC.
- d) Designees may attend a combination of approved local, state, or national programs.

- e) A designee may complete credits through other courses that directly aid the Designee in performing their specific administrative duties and are approved by the CEC.

2. Carry-Over

- a) If a designee completes more than 15 such credit hours in a three-year reporting period, up to 5 hours of excess credits may be carried forward and applied to the Designee's education requirement for the following three-year reporting period. Carry-over credits do not apply to ethics or DEI requirements.

3. Court Administrator Academy Attendance

- a) Each Designee shall attend and complete the Court Administrator Academy program within 12 months of initial appointment.
- b) Each Designee holding this position for fewer than four years at the time this rule becomes effective shall attend and complete the Academy within 24 months.

4. Credit Calculation

Credit is calculated based on one credit for every 60 minutes of actual subject presentation/participation, not including introductions, overviews, and closing remarks.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) District and Municipal Court Management Association ([DMCMA](#))
- b) District and Municipal Court Judges Association ([DMCJA](#))
- c) Administrative Office of the Courts ([AOC](#))
- d) Association of Washington Superior Court Administrators ([AWSCA](#))
- e) Court Education Committee ([CEC](#))
- f) Court of Appeals ([COA](#))
- g) Misdemeanor Probation Association ([MPA](#))
- h) Superior Court Judges' Association ([SCJA](#))
- i) Washington Association of Juvenile Court Administrators ([WAJCA](#))
- j) Washington State Association of County Clerks ([WSACC](#))
- k) Washington State Bar Association ([WSBA](#))
- l) Washington State Supreme Court ([WSSC](#))
- m) Washington State Supreme Court Commissions

2. Other Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) National Association for Court Management ([NACM](#))
- b) Conference of State Court Administrators ([COSCA](#))
- c) Hispanic National Bar Association. ([HNBA](#))
- d) International Association for Court Administration ([IACA](#))
- e) National Asian Pacific Bar Association ([NAPBA](#))
- f) National Association of Women Lawyers ([NAWL](#))
- g) National Association for Presiding Judges and Court Executive Officers ([NAPCO](#))
- h) National Bar Association ([NBA](#))
- i) National Conference of Women's Bar Associations ([NCWBA](#))
- j) National Consortium on Racial and Ethnic Fairness in the Courts ([NCREF](#))
- k) National Lesbian and Gay Lawyer Association ([LGBTQ+BAR](#))
- l) National Native American Bar Association ([NABA](#))
- m) North American South Asian Bar Association ([NASABA](#))
- n) Programs approved for Scholarships by CEC
- o) The Judicial Division of the American Bar Association ([ABA](#))
- p) The Judicial Divisions of all National Bar Associations
- q) The National Judicial College in Reno ([NJC](#))
- r) The National Center for State Courts ([NCSC](#))
- s) [Tribal Courts in Washington State](#) and [Washington Cities Insurance Authority](#)
- t) Washington State Association of Municipal Attorneys ([WSAMA](#))
- u) Washington State Risk Pool ([WCRP](#))

3. Other Continuing Professional Education Programs

For all other Continuing Professional Education Programs, please submit form Judith.Anderson@courts.wa.gov for possible credit.

4. Basis for Accreditation of Courses

Courses will be approved based on their content. An approved course shall have significant intellectual or practical content relating to the duties of the Designee.

a) **Factors in Evaluating.** Factors to consider in evaluating a course include:

- 1) The topic, depth, and skill level of the material;
- 2) The level of practical and/or academic experience or expertise of the presenters or faculty;
- 3) The intended audience; and
- 4) The written, electronic, or presentation materials should be high quality, readable, carefully prepared, and distributed to all attendees before the course.

5. Programs That Do Not Qualify

The following activities will not qualify for CAE credit:

- a) Presenting to an internal organization. (cities, counties);
- b) Jury duty;
- c) Judging or participating in law school or mock trial competitions; and
- d) Serving on professional committees/associations.

6. Appeals

A designee may appeal to the CEC's denial of program/course accreditation. The appeal should be in the form of a letter addressed to the Chair of the BJA that outlines the basis for the Designee's request. The BJA Chair shall notify the Designee in writing of its decision to sustain or overrule the decision of the CEC.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a district and municipal court administrator's education program to report designee attendance and credits for all approved CAE courses to the AOC.

2. Individuals

- a) Individual Designee's responsibility is to file a report of their attendance, whether total or partial, for programs sponsored by Washington State Judicial Branch entities or other administrative and educational sponsors, as noted in Section 3 (1)(2).
- b) The individual Designee must submit requests for accreditation for other continuing professional education programs, credit for teaching, published administrative, legal writing, or self-study to the AOC.

3. Deadline

Absent exigent circumstances, sponsors and individual designees must report attendance within 30 days after completion of a CAE activity.

Section 5: Certification

1. Compliance

In August each year, the AOC will send out a reminder of the end-of-the-year reporting requirement via district and municipal court administrator listservs. By December 31, the AOC will provide a progress report to every Designee of the programs they have attended during the previous calendar year. After reviewing that progress report, designees must either:

- a) Confirm it as an accurate record of their progress toward compliance with the rule; or
- b) Provide additional information on programs attended with accompanying documentation; and,
- c) File the report with the AOC on or before January 31 each year. If a designee does not respond by January 31, defaults will determine credits.

Based on the official record, the AOC will report the non-compliant to the CEC and the presiding judge of the appropriate court of limited jurisdiction.

2. Three-Year Reporting Periods

Three-year reporting periods are as follows:

- a) Group 1 are those designees present as of January 1, 2023, and those who begin service every subsequent third year: 2026, 2029, 2032, 2035, 2038, 2041, 2044, 2047, 2050, etc.;
- b) Group 2 are those designees who begin service in 2024, 2027, 2030, 2033, 2036, 2039, 2042, 2045, 2048, 2051, etc.;
- c) Group 3 are those designees who begin service in 2025 and every subsequent third year: 2028, 2031, 2034, 2037, 2040, 2043, 2046, 2049, 2052, etc.

The three-year reporting period for each new Designee begins on January 1 or is closest to their appointment.

3. Delinquency

Failure to comply with this rule's requirements may violate the Code of Judicial Conduct.

Section 6: Approval

The Court Education Committee on October 14, 2022 approved these standards by Washington Supreme Court in Court Order [NO. 25700-A-1450](#).

Comments or suggestions regarding the standards or revisions can be sent to the Court Education Services unit supervisor at the AOC or the Chair of the CEC.

Approved by the CEC 10/14/2022
[Adopted effective;]

Draft



November 18, 2022

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

On September 16, 2022, the Board approved four legislative proposals as BJA-request legislation for the 2022 legislative session. Since the September meeting, Brittany has continued to work with prime sponsors and legislative staff to prepare bill drafts for the Code Reviser. Additionally, she has met with legislators to establish sponsorship and garner overall support.

Several committees of the legislature will virtually convene in December for Assembly Days to discuss potential topics of importance for the 2023 legislative session. Committee Days for the Senate and House will be held on December 1 and 2.

Judicial stakeholders will participate in several work sessions during Committee Days, including work sessions regarding Blake, the Eviction Resolution Pilot Program, and funding for civil legal aid attorneys. All work sessions will be filmed by TVW.

Legislative Committee Next Activities

The Legislative Committee and Brittany will continue to prepare for the 2023 legislative session and the introduction of BJA-request legislation.



November 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

2022 Committee Work Plan Update:

Workplace Harassment Recommendations from Gender and Justice Report

The PPC welcomed Barb Serrano, Chair of the Gender and Justice Commission Implementation Committee and committee staff Crissy Anderson and Arina Gertseva to the October PPC meeting. The attendees discussed strategies to implement based on the recommendations from the Workplace Harassment Study. There was agreement that the PPC will establish a list of training resources and reference materials for courts. The PPC will also conduct a brief survey of court administrators to learn which courts have adopted the Model Anti-Harassment Policy and how harassment investigations are handled. Arina Gertseva presented the main findings of the study and discussed recommendations, such as repeating the workplace harassment survey every three years and conducting evaluation research to measure the effects of workplace harassment training on employees' experiences measured in the survey. See attached table for more detailed information. The group also had a robust conversation on how instilling trust and open communications in the court environment can decrease incidents of workplace harassment and affect morale and organizational culture.

RECOMMENDATION PLAN

Policy and Planning Committee (PCC) & Washington State Center for Court Research (WSCCR)

Survey Report Recommendations	Description (excerpt from report)	PPC implementation focus: Training resources and current state survey	WSCCR recommendation focus: Policy and training evaluation
<p>1. Create diverse, inclusive, and respectful environment</p>	<ul style="list-style-type: none"> To promote equity, diversity, and inclusion; Foster a culture that values individual differences in age, gender, sexual orientation, gender identity or expression, disability, and race or ethnicity. 		<ul style="list-style-type: none"> Advice courts to conduct regular Inclusion & Belonging trainings for all employees. Advice courts to include “Inclusion Statement” into their mission. Advice courts to establish a program and/or committee dedicated to inclusion/belonging (DEI group?) Advice court to invest into restorative conflict resolution strategies/practice.
<p>2. Deliver regular workplace harassment prevention trainings that drive real changes</p>	<ul style="list-style-type: none"> Follow best practices in designing and delivering prevention trainings for all types of workplace harassment, Training should focus on changing behavior, not on changing beliefs or knowledge. Anti-harassment programs should encourage the support of certain populations that are more likely to experience workplace harassment (including, but not limited to sexual and gender minorities; women; Black, Indigenous and employees of color). Trainings should be evaluated to determine whether they are effective and what aspects of the 	<p>PPC will research and create training and reference resources to reside on Inside Courts or GJC webpage</p> <ul style="list-style-type: none"> Risk Management Offices/Pools often provide free training or grants for their members and may open up to others at cost. WA Cities Insurance Authority is source for some municipal courts and Washington Counties Risk Pool for district and superior courts in 26 small counties. See recent training examples¹ Provide the one-pager to organizations delivering preventive training(s) for ALL types of harassment to court personnel to promote the study and model policy. Explore developing an on-demand training component for the INCE, using the new AOC LMS so the policy is prominent at onboarding. 	<ul style="list-style-type: none"> Conduct literature review to find the best practices in workplace harassment trainings that have shown to be effective via research. (*Reside in new resource tools by PPC) Create a one-pager highlighting the main results from the 2021 workplace HS study and incorporate these findings into future trainings. Evaluate training(s) using Kirkpatrick’s Model.

¹ Examples of recent trainings, one funded by WCRP <https://apertureeq.com/Leading-a-Workplace-Free-of-Harassment-and-Discrimination> and one funded by WCIA Summit Law Group [Preventing Harassment and Discrimination in the Workplace](#)

	<p>training(s) are most important to changing culture.</p>		
<p>3. Improve transparency and accountability</p>	<ul style="list-style-type: none"> • Be as transparent as possible about how they are handling reports of workplace harassment. • Decisions regarding disciplinary actions, if required, should be made in a fair and timely way. • This accountability can ensure that the court workforce feels supported by their organizations, because perceived organizational support, as we showed in this report, significantly reduces the likelihood of workplace harassment. 	<p><i>PPC will survey of Court Administrators on the following topics:</i></p> <ul style="list-style-type: none"> • Do you have written policies with outline of investigation process and timeline? • Do you provide a designated contact person assigned to update parties? • Do you require Anti-Harassment training and refreshers? • Does your risk management offer advice and resources? • Is there awareness and utilization of Model Anti-harassment Policy? 	<ul style="list-style-type: none"> • Publicize widely the Model Anti-harassment Policy • Evaluate/measure inclusive, equitable leadership competencies.
<p>4. Measure progress</p>	<ul style="list-style-type: none"> • Work with researchers to evaluate their efforts to create a more diverse, inclusive, and respectful environment. • Conduct regular surveys to track whether planned processes have been implemented and whether anti-harassment policies are producing the desired effects. • Monitor the sustainability and effectiveness of the anti-harassment efforts. • Disaggregate the data by race, ethnicity, sexual orientation, and gender identity or expression to reveal different experiences across populations. • Share the data publicly to demonstrate that the branch takes the issues seriously. 		<ul style="list-style-type: none"> • Every three (3) years conduct a statewide workplace harassment survey to track whether the change in organizational culture as well as employee's' experiences is happening in a desired direction. • Disaggregate the data by race, ethnicity, sexual orientation, and gender identity or expression to reveal different experiences across populations. • Share the results widely via reports, infographics, presentations, etc.

TAB 3

BOARD FOR JUDICIAL ADMINISTRATION

BYLAWS

Amended October 24, 2019

ARTICLE I: Purpose

The Board for Judicial Administration (BJA) shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) improving the quality of justice in Washington by fostering excellence in the courts through effective education; 2) developing proactive legislation and advising and recommending positions on legislation of interest; 3) facilitating and managing a process of engagement within the judicial branch to identify priority policy issues and to develop strategies to address those issues; 4) coordinating efforts to achieve adequate, stable and long-term funding of Washington's courts to provide fair and equitable justice throughout the state; 5) reviewing and making recommendations, including prioritization, regarding proposed budget requests routed through the BJA.

ARTICLE II: Membership

The Board for Judicial Administration shall consist of judges from all levels of court and other key stakeholders as outlined in the Court Rules.

ARTICLE III: Terms of Office

The Chief Justice, ~~Presiding Chief Judge of the Court of Appeals~~, the Association President Judges, the Washington State Bar Association President and Executive Director, and the Administrator for the Courts shall serve during their tenure. All other members serve four year terms unless their governing body specifies otherwise and their terms are renewable for one additional four year term.

ARTICLE IV – Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing group shall determine how the vacancy will be filled.

ARTICLE V: Chairs

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be nominated by the Chief Justice Chair and confirmed by the Board. The member chair shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE VI: Duties of Chairs

The Chief Justice Chair ~~shall preside at all meetings of the Board, performing the duties usually incident to such office, and~~ shall be the official spokesperson for the Board. The Chief Justice Chair and Member Co-Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE VII: Committees

- 1) Standing Committees are identified in BJAR 3(b). Any change to standing committees must be approved by a majority vote.
- 2) The BJA, by majority vote, can establish ad hoc committees or task forces. Ad hoc committees or task forces will be guided by a BJA approved charter for a duration of 2 years, subject to renewal or revision by a majority of the BJA. The Chief Justice chair and the Member chair shall nominate committee and task force chairs for the Board's approval. Membership on all committees and task forces will reflect representation from all court levels as outlined in their charter. Membership may also include anyone working in the judicial system or anyone from the public.
- 3) Committees and task forces shall report in writing to the Board for Judicial Administration as appropriate to their charter.
- 4) The terms of committee and task force members will be determined by their charter.

ARTICLE VIII: Executive Committee

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, and the President Judge of the District and Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board. During legislative sessions, the Executive Committee is authorized to conduct ~~telephone conferences~~remote meetings for the purpose of reviewing legislative positions.

ARTICLE IX: Regular Meetings

There shall be regularly scheduled meetings of the Board for Judicial Administration. A meeting schedule will be approved by the Board annually. Reasonable notice of meetings shall be given to each member. Any Board member may submit items for the meeting agenda.

Article X: Executive Sessions

Executive sessions may be held upon majority vote to discuss matters deemed confidential. A motion to enter executive session shall set forth the purpose of the executive session, which shall be included in the minutes.

ARTICLE XI: Special Meetings

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given to each member.

ARTICLE XII: Quorum

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XIII: Voting

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and provided there is at least one affirmative vote from each level of court. Remote Telephonic or electronic attendance shall be permitted, but no member shall be allowed to cast a vote by proxy. A voting members may designate a non-voting BJA member from the same level of court to cast a vote by proxy in their absence-

ARTICLE XIV: Amendments and Repeal of Bylaws

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present and by majority vote, provided there is at least one affirmative vote from each level of court. No motion or resolution for amendment of bylaws may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
Amended 10/21/05
Amended 3/16/07
Amended 5/17/19
Amended 10/18/19
Amended 10/24/19

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR) TABLE OF RULES

BJAR PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government.
[Adopted effective January 25, 2000, November 6, 2019 amended.]

BJAR 1 BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration (BJA) is established to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government. The vision of the BJA is to be the unified voice of the Washington State Courts. Judges serving on the BJA shall pursue the best interests of the judiciary at large.
[Amended effective October 29, 1993; January 25, 2000; November 6, 2019.]

BJAR 2 COMPOSITION

(a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court and other key stakeholders. The voting membership of the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President, and five members from the District and Municipal Court Judges' Association, one of whom shall be the President. The non-voting membership shall include: the Washington State Bar Association's Executive Director and Board President, the Administrator for the Courts, ~~the Presiding Chief Judge of the Court of Appeals~~, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

(b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated interest and commitment to judicial administration, improving the courts, racial and gender diversity, and the court's geographic and caseload differences.

(c) Terms of Office.

(1) Members serve four year terms, except the Chief Justice, ~~Presiding Chief Judge of the Court of Appeals~~, the Association President Judges, the Washington State Bar Association President and Executive Director, and the Administrator for the Courts who shall serve during their tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.
[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010; July 4, 2017; November 6, 2019.]

BJAR RULE 3

STRUCTURE

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the bylaws.

(b) Committees. The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened to help facilitate the work of the Board as determined by the Board.

[Adopted effective January 25, 2000; amended effective September 1, 2014; November 6, 2019.]

BJAR 4 STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000; November 6, 2019.]

BJAR 5 BYLAWS

The Board may by a majority vote of the voting members develop, adopt and amend bylaws for its operations that do not conflict with these rules. [Adopted effective November 6, 2019.]

Amended effective **October XX**, 2019

TAB 4



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

DRAFT 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