



Board for Judicial Administration (BJA) Meeting
Friday, September 15, 2023, 9:00 a.m. – 12:00 p.m.
SeaTac Conference Room and Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Alicia Burton, Chair
Judge Tam Bui
Judge Sam Chung
Dan Clark
Judge Kristin Ferrera
Judge Mary Logan
Judge David Mann
Justice Raquel Montoya-Lewis
Terra Nevitt
Judge Rebecca Robertson
Judge Diana Ruff
Dawn Marie Rubio
Judge Jeff Smith
Judge Karl Williams

Guests Present:

Jim Bamberger
Judge Gary Bashor
Melissa Beaton
Ashley Callan
Latricia Kinlow
Rob Mead
Sophia Byrd McSherry
Justice Debra Stephens

Administrative Office of the Courts (AOC) Staff Present:

Scott Ahlf
Kelley Amburgey-Richardson
Tracy Dugas
Jeanne Englert
Brittany Gregory
Scott Hillstrom
Shannon Hinchcliffe
Kyle Landry
Penny Larsen
Robert Lichtenberg
Dirk Marler
Haily Perkins
Christopher Stanley
Caroline Tawes
Lorrie Thompson
James Wells
Andrea Valdez

Call to Order

Chief Justice González called the meeting to order at 9:07 a.m. Chief Justice González said some future BJA meetings may be held remotely or be hybrid meetings. There will be more discussion about this.

Chief Justice González welcomed Judge Burton as the new Member Chair, and Judge Burton introduced herself.

BJA Member Orientation and BJA Member Overview

The BJA Member Guide has been updated and posted on the BJA website. One of the main goals of the BJA is to collaborate and communicate to the courts. One of the key roles of BJA membership is taking information back to the members' court or association and sharing court and association priorities and information with BJA.

Judicial Leadership Summit/BJA Goals

The proposed BJA goals, developed from discussions at the June 2023 Judicial Leadership Summit, were included in the meeting materials. Does the BJA want to adopt these goals or is there further discussion?

There was a discussion whether there should be a separate goal of integrating the Supreme Court letter from 2020 relating to racism in courts. The participants discussed whether eliminating racism should be a mission statement rather than a goal. Eliminating racism and working through a lens of diversity are mentioned in several places such as the BJA Member Guide and Task Force work. Should this language be added to the goals or an amendment to the goals? The participants want to be clear that one of the BJA missions is to eliminate racial bias in courts.

The Policy and Planning Committee (PPC) will take this issue under advisement and bring the question back to the BJA in October. Judge Chung volunteered to participate in this effort; anyone else who is interested in participating should contact Jeanne Englert.

The BJA goals for 2023–25 and PPC recommendations will be discussed at the October BJA meeting.

Presentation: Water Rights Adjudication

Justice Stephens provided context to help the BJA make decisions on water rights adjudication in the future. The Supreme Court committed \$50,000 for judicial membership in the Judicial College water program so all judges have unlimited access to the *Dividing the Waters* webinars and other training materials at no cost.

Dirk Marler reviewed Washington State water policy history and Shannon Hinchcliffe described the challenges of creating a consistent policy for such an extensive process. AOC is working on how to educate court personnel and preparing for the next set of petitions with the Department of Ecology. The budget package presented to BJA includes funding to prepare for adjudication but not the full amount needed.

A history of water adjudication policy in Washington State was included in the meeting materials.

BJA Task Forces and Work Groups

Alternatives to Incarceration Task Force

The Task Force is busy with subcommittee work. There is an effort on community mapping to examine resources and problems to determine alternatives that exist in the community.

The Task Force has sent out several surveys that will be shared at the October BJA meeting. The Task Force also plans to distribute a survey on post-conviction alternatives. A report was included in the meeting materials, and questions may be directed to Jeanne Englert.

Remote Proceedings Workgroup

In January, the Workgroup collected information from courts and prepared an assessment on remote proceedings. A slate of proposed court rules on remote proceedings was delivered to the Supreme Court Rules committee in June and was discussed by the Rules Committee on September 11 and will probably be voted on at the October 2 en banc. The goal of the

Workgroup is to create best practice guidelines and/or bench cards. A report was included in the meeting materials.

The participants discussed courts that have retreated from virtual participation. It is not clear if there may be a rule mandating remote options. There will be more discussion on this topic.

Presentation: Office of Civil Legal Aid

Jim Bamberger reviewed the history of the Office of Civil Legal Aid (OCLA) and OCLA-funded civil legal aid programs. He also discussed the search for the next OCLA Director. Information was included in the meeting materials.

Standing Committee Reports

Budget and Funding Committee (BFC)

Chris Stanley reviewed the budget outlook and forecast. He estimated the Legislature will have about \$5 billion available for the next session, although this amount could change with the future budget forecasts in September, November, and February. Chris Stanley discussed each item on the 2024 Supplemental Budget request. The total request is \$7.5 million including the IT infrastructure requests.

The budget information was included in the meeting materials.

It was moved by Judge Mann and seconded by Judge Smith to approve the BJA budget requests. The motion carried unanimously.

Court Education Committee (CEC)

Dirk Marler welcomed Dr. Scott Hillstrom as the new manager of Court Education Services at AOC. The responsibilities of both court education and court technology training have been combined under Court Education Services. The CEC meeting was postponed this month until budget and funding information is available.

Legislative Committee (LC)

Brittany Gregory thanked everyone for a successful session last year. Both Brittany Gregory and Haily Perkins will be out for extended leave this year and early next year, but there will not be a gap in advocacy for the legislative session. Dawn Marie Rubio and Jeanne Englert will be able to fill in if needed.

Brittany Gregory is starting the bill proposal process early for the next legislative session. Some of the bill proposal language is not finalized but will be finalized by the end of November. She reviewed the proposals included in the meeting materials.

It was moved by Chief Justice González and seconded by Judge Chung to approve the slate of BJA legislative proposals. The motion carried unanimously.

The new Interbranch Advisory Committee Coordinator Jeff Bridgewater will begin work on September 19. Joslyn Nelson, the new BJA EMVNT project coordinator, will begin work on September 18.

Policy and Planning Committee (PPC)

The first meeting of the PPC will be on September 27.

The PPC sent a survey on workplace harassment policies to court administrators. The PPC will be working with the Gender and Justice Implementation Committee on next steps.

The PPC presented two options for a motion to reconvene the BJA Court Security Standing Committee. The first option was to form a BJA Implementation Work Group as an interim step to transition from the Court Security Task Force to a permanent committee or other structure; the second option was to reconvene the BJA Court Security Committee that was suspended in 2011. A preliminary charter was included in the meeting materials.

There was a discussion on funding and staffing available for a standing committee. These topics will be revisited in the future.

It was moved by Judge Robertson and seconded by Chief Justice González to approve reconvening the BJA Court Security Committee. The motion passed unanimously.

Interbranch Advisory Committee

The next Interbranch Advisory Committee meeting will be held in the Supreme Court Tumwater office on Friday, September 22, from 9:00 a.m. to 12:30 p.m. Haily Perkins has a link to the TVW live stream of the meeting. An updated agenda will be sent today or next Monday.

May 19, 2023 Minutes

It was moved by Chief Justice González and seconded by Judge Mann to approve the May 19, 2023, meeting minutes with no changes. The motion carried with nine in favor and one abstention.

Information Sharing

Dawn Marie Rubio reminded the meeting participants that the Court Management Council Court Manager of the Year nomination deadline is today. She also mentioned today is Dirk Marler's last BJA meeting before his retirement and thanked Dirk Marler for his personal and professional support.

Terra Nevitt announced that the new Washington State Bar Association (WSBA) president will be Hunter Abell who will be working on building trust and confidence in the legal system. Dan Clark will be the immediate past president, and Terra Nevitt thanked him for his work. The 2023 APEX winners were recently announced, and Judge Rebecca Glasgow received the outstanding judge award. The WSBA passed the fiscal year 2024 budget and will keep the license fees flat through fiscal year 2025. WSBA employees continue to work in a hybrid arrangement, and the WSBA plans to shrink its physical footprint. The Uniform Bar Exam will shift to the next generation version in June 2026 to address some criticisms of the current exam. Terra Nevitt can provide more information.

Chief Justice González will be meeting with the WSBA president and president-elect on October 9. Attorneys may be sworn in remotely. The requirement is that the swearing-in be done in open court, and may be done remotely as long as the court is open or there is online public access.

Jeanne Englert announced the Access to Justice Conference will be held September 28–30, and will have a hybrid format.

Adjourn

The meeting adjourned at 11:50 a.m.

Recap of Motions from the September 15, 2023 Meeting

Motion Summary	Status
Approve the BJA budget requests.	Passed
Approve the slate of BJA legislative proposals.	Passed
Approve reconvening the BJA Court Security Committee.	Passed
Approve the May 19, 2023, meeting minutes.	Passed

Action Items from the September 15, 2023 Meeting

Action Item	Status
There will be more discussion about holding future BJA meetings remotely or in a hybrid format.	
The Policy and Planning Committee (PPC) will discuss whether there should be a separate goal of integrating the Supreme Court letter from 2020 relating to racism in courts and bring the question back to the BJA in October. The motion to approve the BJA goals for 2023–25 will be discussed at the October BJA meeting.	
The Alternatives to Incarceration Task Force sent out several surveys that will be shared at the October BJA meeting.	
The education budget request will be discussed further at a future BJA meeting.	
<u>May 19, 2023, 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