



Board for Judicial Administration (BJA) Meeting
Friday, October 20, 2023, 9:00 a.m. – 12:00 p.m.
Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Alicia Burton, Chair
Judge Tam Bui
Judge Sam Chung
Judge Marilyn Haan
Judge John Hart
Judge David Mann
Justice Raquel Montoya-Lewis
Judge Rebecca Pennell
Judge Rebecca Robertson
Judge Diana Ruff
Dawn Marie Rubio
Judge Jeff Smith

Guests Present:

Melissa Beaton
TJ Bohl
Esperanza Borboa
Ashley Callan
Michael Cherry
Judge Angelle Gerl

Katrin Johnson
Latricia Kinlow
Alexandra Kory
Sophia Byrd McSherry

Administrative Office of the Courts (AOC) Staff Present:

Nicole Ack
Scott Ahlf
Jeanne Englert
Carolyn Cole
Brittany Gregory
Patric Haerle
Scott Hillstrom
Penny Larsen
Heather Ligtenberg
Joslyn Nelson
Stephanie Oyler
Christopher Stanley
Ashley Tam
Caroline Tawes

Call to Order

Judge Burton called the meeting to order at 9:01 a.m.

Innovating Justice Awards

Judge Burton reviewed the award criteria and welcomed the award nominators and awardees. There will be a press release on the BJA web site with more details on the awards.

The first recipient was the Seattle Municipal Court Probation Department, nominated for their work on moving towards more supportive and equitable services for client success. Judge Willie Gregory spoke about the Probation Department. Jason Grant, Probation Manager, accepted the award on behalf of the Department, recognized the group award and the team, and thanked the group leadership and Court.

The second recipients were Judge Michael Diaz with Court of Appeals Division I, Supreme Court Deputy Clerk Sarah Pendleton, and Supreme Court Clerk Erin Lennon, nominated by the Appellate Courts Language Access *Ad Hoc* Working Group for their work advancing language access in the appellate courts. Judge Rebecca Pennell spoke about the language access plan developed by the group. Judge Diaz thanked the BJA for the award on behalf of the Interpreter

and Language Access Commission, and Erin Lennon thanked the work group members and Chief Justice González for his vision.

Presentation: The Unauthorized Practice of Law

Mike Cherry presented a brief overview of the Practice of Law Board (POLB) and its roles and responsibilities. He reviewed the definition of the practice of law and the unlawful practice of law (UPL). There are not enough authorized practitioners in Washington state; the majority practice in the four largest counties in state.

The POLB has an obligation to provide innovation for working on a framework for regulation of legal services, and to look at new ideas. They want to collect data to make data-driven decisions and perform a thoughtful analysis. Mike Cherry reviewed a model framework to begin evaluating online legal services.

The UPL is often not enforced due to lack of resources. Prosecution often occurs under other statutes such as the Consumer Protection Act. Alexandra Kory handles civil enforcement of the UPL through the Assurance of Discontinuance Program or litigation. She reviewed several applicable cases.

Mike Cherry would like to have UPL forms and information available in 24 languages by the end of the year. He is working with the State of California and their forms. Alexandra Kory often receives complaints from immigration attorneys and immigration courts about immigration services provided by non-attorneys.

The POLB is tracking entities operating online legal services and offering legal services that often use artificial intelligence to translate documents into other languages.

The U.S. Department of Justice (DOJ) is becoming more interested in this topic. Complaints from individuals outside of the state are referred to the DOJ.

The presentation was included in the meeting materials. Questions may be directed to Mike Cherry or Alexandra Kory.

Presentation: Public Engagement & Education Committee (PEEC)

Nicole Ack, member and staff on the PEEC, reviewed the work of the PEEC. The theme for next two years is “belonging,” with a goal to engage communities and individuals. The PEEC has developed a standing committee structure. The first committee is the Community Engagement and Collaboration Outreach Committee, whose goal is furtherance of the racial justice consortium action plan. The second committee is the Civic Education K-12 Committee. The Civic Education Committee held the Legislative Scholars program this summer remotely, and they are continuing to promote the Judges in the Classroom program beyond just Constitution Day. The Judicial Staff Education Committee survey was included in the meeting materials. The survey is a collaboration with the AOC Office of Court Innovation and Court Education Services.

Nicole Ack welcomes input on assigning indigenous curriculum. PEEC members have developed curriculum in the past, but suggestions for partners are welcome.

BJA Task Forces and Work Groups

Alternatives to Incarceration Task Force

The Task Force report was included in the meeting materials, along with links to two surveys. The Task Force plans to ask for another year of operation to complete their work. The Task Force now has several work groups. Additional work groups include a Community Mapping Workgroup to identify community resources and barriers, and the Legal Authority Workgroup that analyzes legal and judicial authority for alternative options and solicits comments and questions. Jeanne Englert reviewed some of the key findings from the surveys.

Questions about the Task Force or its work may be sent to Jeanne Englert.

Remote Proceedings Work Group

This Work Group has been meeting for over a year. Several groups worked on a slate of court rules to allow for remote proceedings. Proposed rules were sent to the Supreme Court in June 2023. On October 16, 2023, the Supreme Court Rules Committee recommended the rules be published for a comment period. The Work Group is developing a group to work on best practice guidelines. They plan to develop bench cards, reference guides, and detailed information for participants, attorneys, and pro se litigants. Many courts indicated they want guidelines for remote proceedings. The Work Group will explore funding options and is considering an updated survey on whether there has been a decrease in the use of remote proceedings, and, if so, why.

Penny Larsen presented an overview of the survey and highlights, and how the data will be used. The Work Group goal is to use this data and link it to the new survey data.

Judge Robertson stated a more robust follow up with interpreters is needed. There are concerns and challenges with remote interpreters, and she would like to work with the Work Group on these issues.

There was a discussion about courts that indicated they are unable to have or do not want remote options. The next survey may capture more information about barriers to remote proceedings.

Standing Committee Reports

Budget and Funding Committee (BFC)

The Supreme Court has approved the BJA and Judicial Information System Committee budget proposals, which will be submitted next Monday, October 23, 2023. State revenue collection is in line with the economic forecast.

Court Education Committee (CEC)

The CEC is revamping after several leadership changes. Judge Pennell welcomed Scott Hillstrom and confirmed Margaret Yetter as the new co-chair. The recent Fall Conference and upcoming judicial conferences are being discussed. The CEC is discussing participation in in-person conferences as facilities cost more this year. Associations have higher budget allocations to help cover live streaming cost, although that cost is unknown. There are barriers to live streaming as some facilities charge high costs for live streaming, and the CEC will look into whether facilities will allow outside contracts for live streaming. The CEC is developing and implementing a strategic plan this year.

Legislative Committee (LC)

There will be shortened floor time for the next legislative session. Brittany Gregory has house sponsors for most of the ten proposed bills. Regarding the Clark and Cowlitz County superior court judge bills, there is not much movement in Cowlitz County, but the Clark County Commissioners are supportive. When there is a replacement for Representative Hansen she will share that information.

Policy and Planning Committee (PPC)

The PPC report and racial justice support statement for the BJA Goals were included in the meeting materials. The statement incorporates the discussion on racial equity at the September BJA meeting. The statements reflect an action step, not only an aspiration.

Chief Justice González thanked Jim Bamberger for his suggestion on the addition to the goals.

It was moved by Judge Robertson and seconded by Chief Justice González to approve the BJA goals as presented in the meeting materials. The motion passed unanimously.

There were recommendations to review the BJA Mission Statement and other documents, and a draft of the proposed Mission Statement was included in the meeting materials. Jeanne Englert will form a group to review this information and present this at a future BJA meeting. A review of the Judicial Branch principles policy goals may also be included. Anyone interested in participating in this group may contact Jeanne Englert.

Office of Public Defense

Sophia Byrd McSherry and Katrin Johnson presented a budget request to address the shortage of defense attorneys and would like BJA support. The budget request was included in the meeting materials. The request has been reviewed and approved by an OPD committee.

Sophia Byrd McSherry presented an overview of the attorney shortage, primarily in criminal cases. Many jurisdictions do not have sufficient local attorneys for public defense. There is a need to take a strategic, statewide approach. The funding would create two Recruitment Specialist teams, one on the west side and one on the east side of the state. These teams would establish relationships with law schools, make connections, and identify opportunities with communities. The team would also administer grant money for underserved communities to help with housing and other expenses.

Chief Justice González thanked OPD for helping to find solutions.

It was moved by Chief Justice González and seconded by Judge Smith to endorse a letter of support for the Office of Public Defense budget request as presented in the meeting materials. The motion passed unanimously.

Jeanne Englert will help coordinate the letter of support.

CMC: Court Administrator Model Job Description

Dawn Marie Rubio discussed the amendments to the Model Court Administrator Job Description. The job description was updated last year by the Court Management Council (CMC) and approved by the BJA. This year's updates reflect and incorporate the new mandatory training requirements under ARLJ 14, requiring court administrators to participate in

the Courts of Limited Jurisdiction (CLJ) academy within one year of hiring. A letter from the CMC co-chairs and an updated version of the job description with the changes indicated was included in the meeting materials.

It was moved by Chief Justice Gonzalez and seconded by Judge Smith to approve the edits to the Model Court Administrator Job Description as presented in the meeting materials. The motion passed unanimously.

Interbranch Advisory Committee (IAC)

Jack Bridgewater was hired as the coordinator for the IAC. He is the contact for agenda items. The most recent meeting was September 22, 2023, and was recorded on TVW. The meeting included a discussion of the judicial branch and budget and policy requests.

Carolyn Cole, who recently joined the AOC's Equity and Access program, discussed the prioritization of access to justice for unrepresented litigants. There will also be a focus on building partnerships and communications with communities and justice partners, and providing training and educational materials to all levels of court. She plans to have a draft of a strategic plan at the November BJA meeting.

Judge Burton introduced Joslyn Nelson, who will be working as the BJA Project Coordinator to coordinate the development and implementation of model policies for electronic monitoring and victim notification technology. The project work group's kick off will be November 8, 2023.

September 15, 2023 Minutes

The September 15, 2023, meeting minutes were approved by consensus.

Information Sharing

Judge Smith: The first CLJ Summit will be next Friday in Tukwila and will include leadership from the District and Municipal Court Judges' Association (DMCJA), the District and Municipal Court Management Association (DMCMA) and the Misdemeanor Probation Association. Judge Smith thanked Latricia Kinlow for her leadership in putting the Summit together.

Dawn Marie Rubio: As of Wednesday, Tacoma Municipal Court will no longer be on DISCIS; they will be going live this weekend with the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) pilot. This has been many years in the making, with a lot of hard work for the CLJ-CMS Steering Committee, the DMCJA, the DMCMA, and the AOC.

Chief Justice González: He thanked Judge Burton for her leadership, and thanked Jeanne Englert for her meeting coordination.

Adjourn

The meeting adjourned at 11:20 a.m.

Recap of Motions from the October 20, 2023 Meeting

Motion Summary	Status
Approve the BJA goals as presented in the meeting materials.	Passed
Endorse a letter of support for the Office of Public Defense budget request as presented in the meeting materials.	Passed

Motion Summary	Status
Approve the edits to the Model Court Administrator Job Description as presented in the meeting materials.	Passed
Approve the September 15, 2023 meeting minutes.	Passed

Action Items from the October 20, 2023 Meeting

Action Item	Status
Jeanne Englert will coordinate a letter of support from the BJA for the Office of Public Defense budget request.	
The Remote Proceedings Work Group plan to have bench cards, and reference guides and detailed information for participants, attorneys, and pro se litigants at a future BJA meeting.	
Carolyn Cole from the Equity and Access Program plans to have a draft of a strategic plan at the November BJA meeting.	
<u>September 15, 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