

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**BOARD FOR JUDICIAL ADMINISTRATION
FRIDAY, OCTOBER 20, 2023
9:00 A.M.**

VIDEOCONFERENCE

Board for Judicial Administration Membership

2023–2024



VOTING MEMBERS:

Chief Justice Steven González, Chair
Washington State Supreme Court

Judge Alicia Burton, Member Chair
Superior Court Judges' Association
Pierce County Superior Court

Judge Tam T. Bui
District and Municipal Court Judges' Association
Snohomish County District Court

Judge Anne Cruser
Court of Appeals, Division II

Judge Samuel Chung, President
Superior Court Judges' Association
King County Superior Court

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

Judge John Hart
District and Municipal Court Judges' Association
Whitman 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 Diana N. Ruff
Superior Court Judges' Association
Benton/Franklin Superior Court

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

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

NON-VOTING MEMBERS:

Judge Kristin Ferrera, President-Elect
Superior Court Judges' Association
Chelan County Superior Court

Hunter Abell, President
Washington State Bar Association


Judge Karl Williams, President-Elect
District and Municipal Court Judges' Association
Pierce County District Court

Terra Nevitt, Executive Director
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

The **Mission** of the Board for Judicial Administration is 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 Board for Judicial Administration is to be the voice of the Washington State courts.

 <p>WASHINGTON COURTS</p>	<p>Board for Judicial Administration (BJA) Friday, October 20, 2023 (9 a.m. – noon)</p> <p>Zoom Meeting</p>	
<p>AGENDA</p>		
<p>1. Call to Order Welcome and Introductions</p>	<p>Judge Alicia Burton Chief Justice Steven González</p>	<p>9:00 a.m.</p>
<p>2. Innovating Justice Awards Presentation of Awards</p>	<p>Judge Alicia Burton</p>	<p>9:05</p>
<p>3. Presentation: The Unauthorized Practice of Law</p>	<p>Michael Cherry, Practice of Law Board Alexandra Kory, Office of the Attorney General</p>	<p>9:25 Tab 1</p>
<p>4. Presentation: Public Engagement & Education (PEEC) Information Sharing</p>	<p>Judge Katie Loring/Nicole Ack</p>	<p>10:00 Tab 2</p>
<p>5. BJA Task Forces and Work Groups</p> <p>Alternatives to Incarceration Survey sharing and committee overview Statewide Assessment Survey Summary Attorney Perspectives Survey Summary</p> <p>Break</p> <p>Remote Proceedings Presentation of Survey Summary and update on court rules</p>	<p>Judge Mary Logan/Jeanne Englert</p> <p>Judge Angelle Gerl/Penny Larsen</p>	<p>10:15 Tab 3</p> <p>10:25</p> <p>10:35</p>
<p>6. Standing Committee Reports</p> <p>Budget and Funding Committee</p> <p>Court Education Committee</p> <p>Legislative Committee</p>	<p>Judge Mary Logan/Chris Stanley</p> <p>Judge Rebecca Pennell/Scott Hillstrom</p> <p>Judge Michael Scott/Brittany Gregory</p>	<p>11:00 Tab 4</p>

Policy and Planning Committee Motion: Approve BJA goals as presented in meeting materials	Judge Rebecca Robertson/Penny Larsen	
7. Office of Public Defense Information sharing and support request	Sophia Byrd McSherry Katrin Johnson	11:30 Tab 5
8. CMC: Court administrator Model Job Description Motion: approve edits to the model job description	Dawn Marie Rubio	11:40 Tab 6
9. Interbranch Advisory Committee Information sharing September 22 Meeting Recording	Chief Justice Steven González	11:45
10. Motion: Approve September 15, 2023 Minutes	Judge Alicia Burton	11:50 Tab 7
11. Information Sharing	Judge Alicia Burton	11:50
12. Adjourn		12:00
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.		

Next meetings: Location TBD if not listed

- November 17, 2023 – 9:00 – 12:00 Joint BJA and CMC Meeting - Zoom**
- February 16, 2024 – 9:00 – 12:00 - Zoom**
- March 15, 2024 – 9:00 – 12:00**
- May 17, 2024 – 9:00 – 12:00**
- June 21, 2024 – 9:00 – 12:00**

Tab 1

Unauthorized Practice of Law:

A presentation for
The Board of Judicial Administration

By

The Washington Courts Practice of Law Board

The Washington Attorney General's Office

The Practice of Law Board

Supreme Court Board administered by WSBA

Roles and Responsibilities Defined by General Rule 25

- Educate the public about how-to receive competent legal assistance.
- Consider and recommend to the Supreme Court new avenues for persons not currently authorized to practice law to provide legal and law-related services that might otherwise constitute the practice of law as defined by General Rule 24
- Coordinate UPL complaints by receiving and reviewing complaints alleging UPL and forwarding to the appropriate agencies

The Attorney General's Office Consumer Protection Division

Division within the Attorney General's Office that investigates violations of and enforces consumer protection laws in Washington

- Receives UPL complaints from a variety of sources
 - Practice of Law Board
 - Attorneys
 - Consumers
 - Legal Aid Organizations
 - Courts

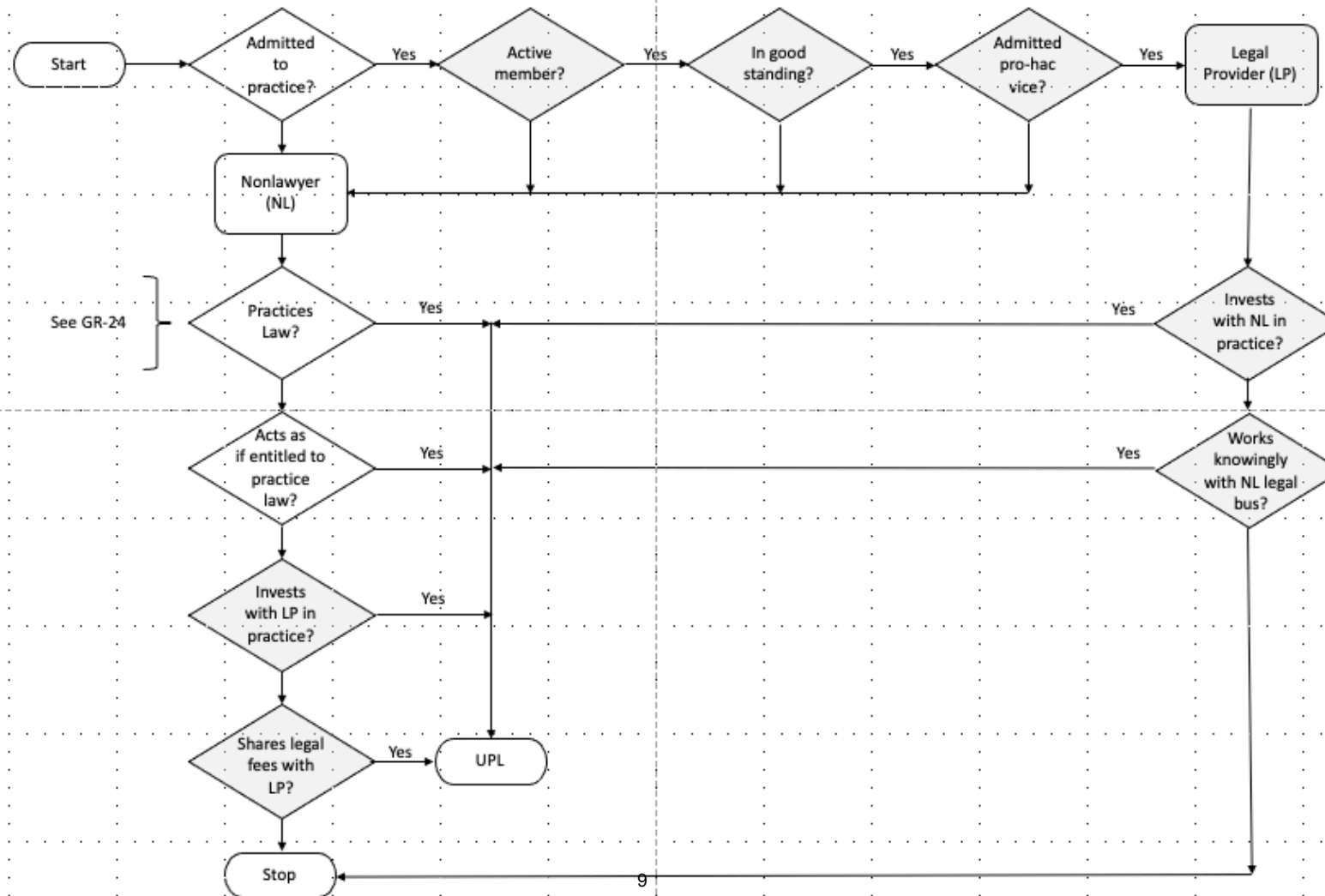
The Practice of Law

- RCW 2.48.180 Definitions Unlawful practice a crime...
- General Rule 24 Definition of the Practice of Law
 - The practice of law is the application of legal principles and judgment with regard to circumstances or objectives of another entity or person(s) which requires the knowledge or skill of a person trained in the law.
 - 11 Exceptions including:
 - Limited licenses
 - Courthouse facilitators
 - Protection orders
 - Sale of legal forms
 - 24(c) General Information
 - Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public

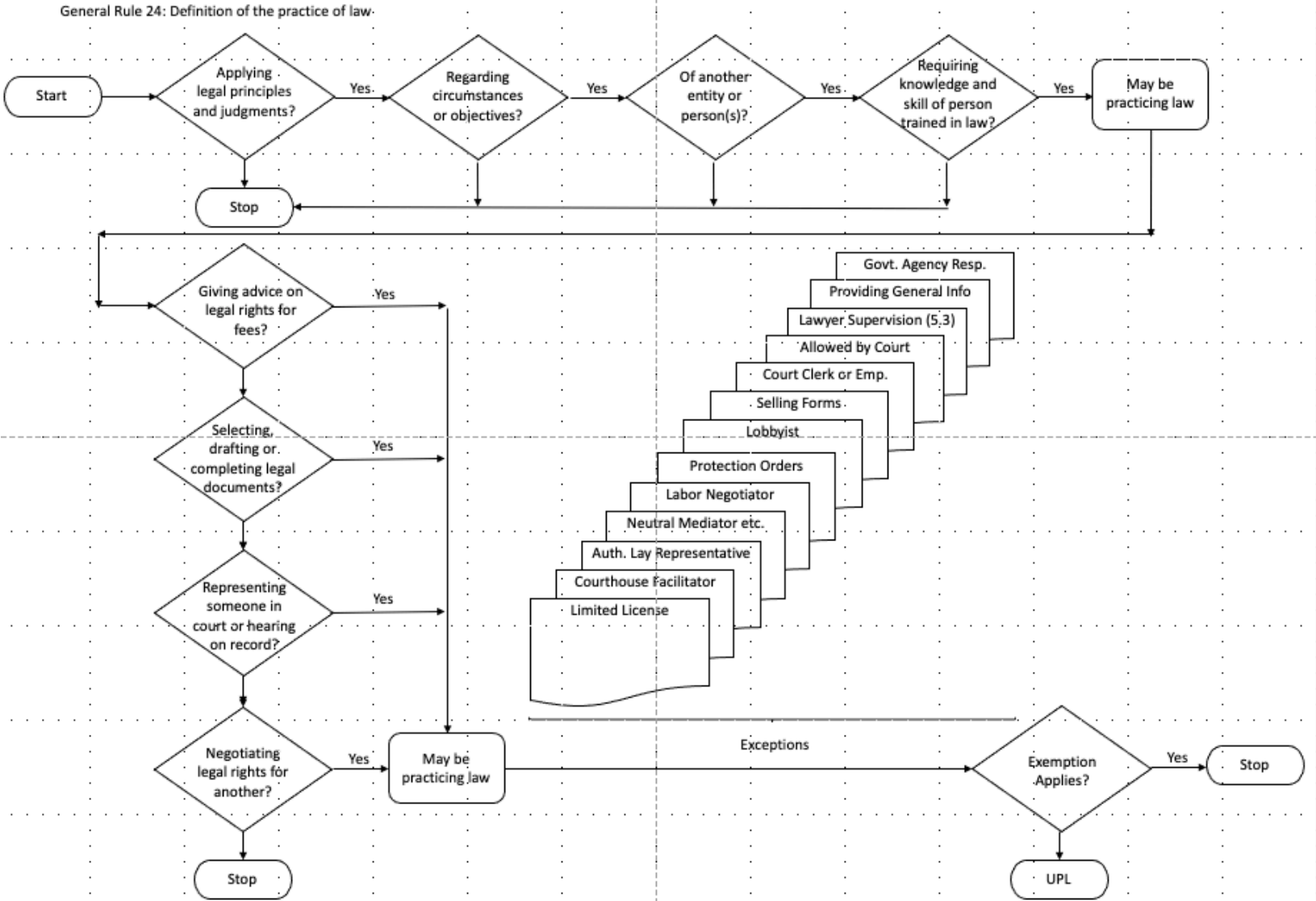
RCW 2.48.180 Definition of UPL...

RCW 2.48.180 Definitions—Unlawful practice a crime—Cause for discipline—Unprofessional conduct—Defense—Injunction—Remedies—Costs—Attorney's Fees—Time Limit for Action.

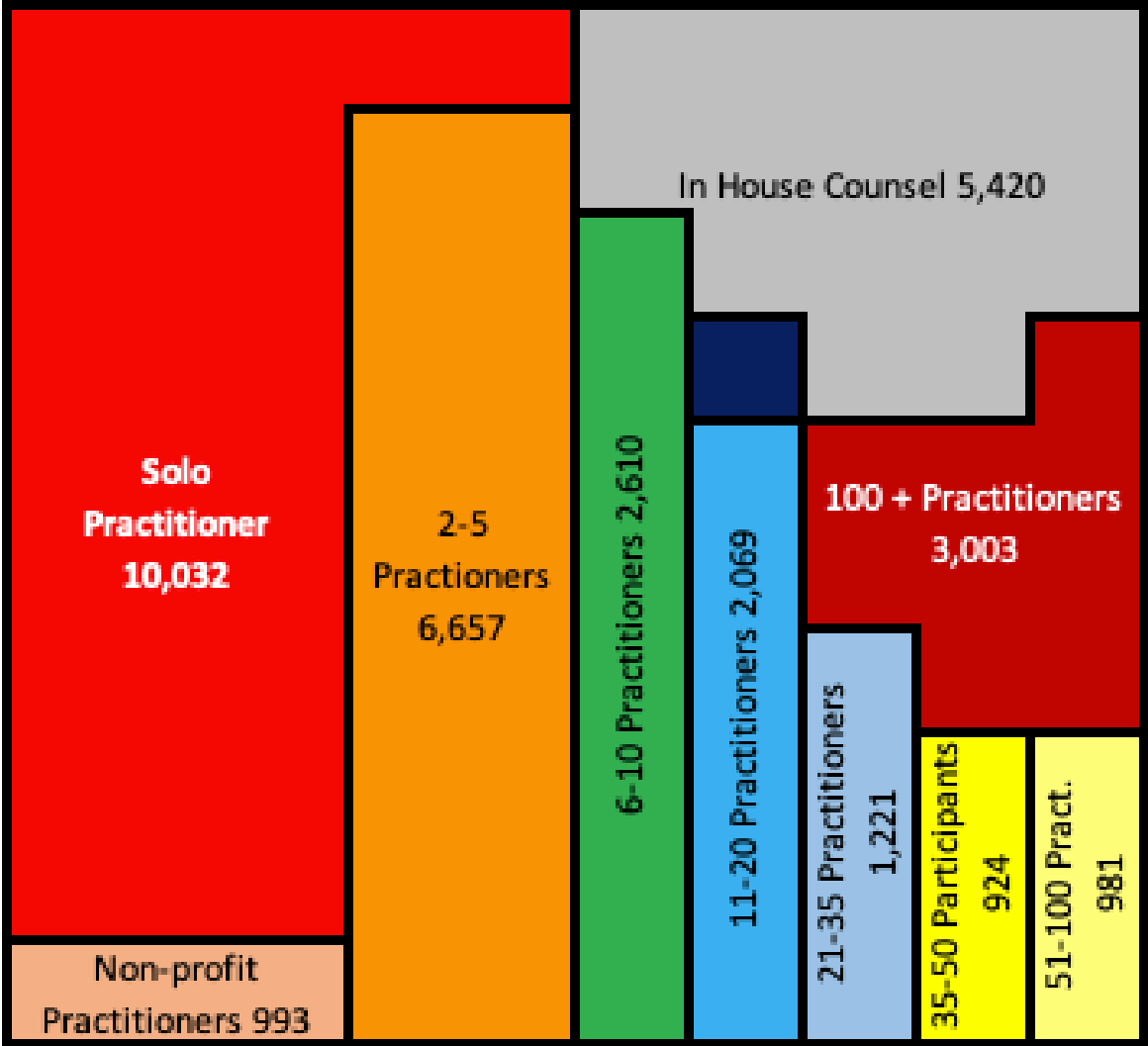
RCW 2.48.180(2) The following constitutes unlawful practice of law:



GR 24 Practice of Law

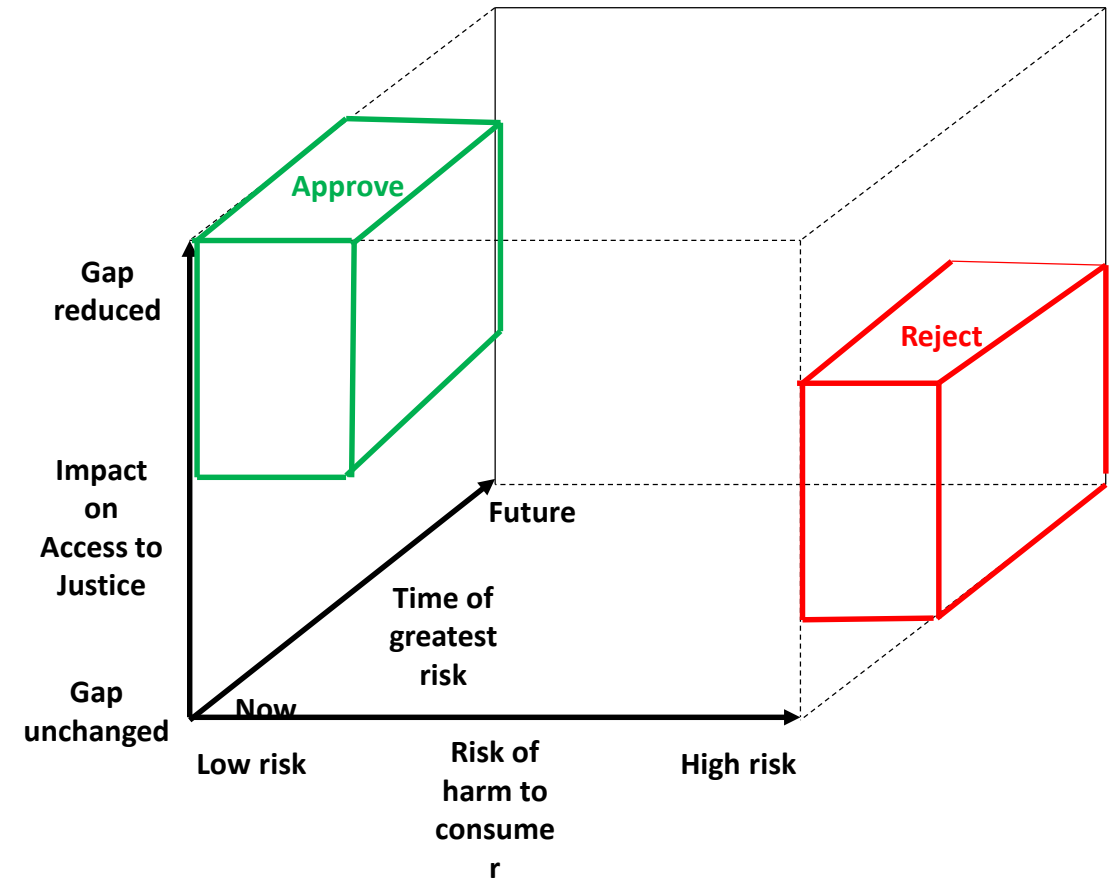
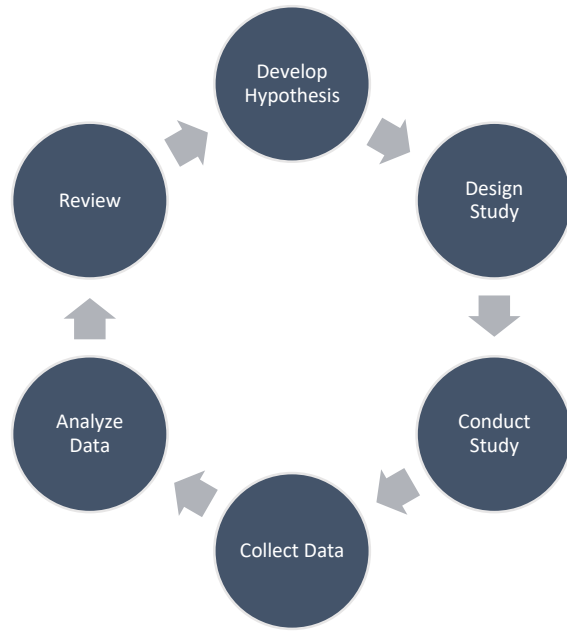


Currently Authorized Legal Service Providers in Washington



- Lawyers
- Limited Licensed Legal Technicians (LLLTs)
- Limited Practice Officers (LPOs)

A Framework for Regulation of Legal Services



- Based on the scientific method
- Allows for thorough evaluation of a new or proposed change to a legal regulation
- Data analysis ensures the proposed reform has a worthwhile effect

Unauthorized Practice of Law Enforcement

- Current Unauthorized/Unlawful Practice of Law (UPL) statutes rarely enforced
- Lack of resources in sheriff and county prosecutors' offices to investigate and charge
- Strict liability misdemeanor
- Prosecutors want to see harm (although harm is not an element of the statute)
- AGO generally prosecutes under other statutes, typically as a violation of the Consumer Protection Act

Civil Enforcement by the Attorney General's Office

- Assurance of Discontinuance (AOD) Program
 - To resolve UPL matters without litigation
 - AGO team reviews referrals and determines if AOD is appropriate
 - Enforcement letter and offer of AOD
 - Or refer for investigation
- Litigation
 - Consumer Protection Act (CPA); RCW 19.86
 - Unfair or deceptive act or practice in commerce
 - Estate Distribution Documents Act (EDDA); RCW 19.295
 - Immigration Services Fraud Prevention Act (ISFPA); RCW 19.154

Case Example: Evergreen Paralegal Services

- Steven Janda provided family law and estate planning legal services without a license
- CPA & EDDA
- Previous criminal prosecution under State Bar Act
- Result: Permanent injunction, restitution, civil penalties, fees & costs
- Involuntary dissolution under RCW 23B.14.300

Case Example: ACN & Associates

- Ana Nascimento offered immigration legal services to Portuguese-speaking Brazilians; Dr. Ana
- CPA & ISFPA
- Result: Permanent injunction, restitution, civil penalties, fees & costs
- First case (that we know of) to have new enhanced penalty under CPA for targeting or impacting a vulnerable population
 - \$5,000 per violation
- *Final judgment pending*

Case Example: ZEL & Associates

- *Currently in litigation*
- Zachary Love offers legal services based on admission as a non-attorney spokesperson to several tribal courts around the state.
- Claims pro hac vice admission in WA courts
- Preliminary Injunction in place as case proceeds

Thank you!

Michael Cherry | Chair Emeritus

425-765-8977 | mikech@lexquiro.com

Practice of Law Board | Established by
Washington Supreme Court

Alex Kory | Assistant Attorney General

206.516.2997 | Alexandra.kory@atg.wa.gov

Consumer Protection Division | Office of the
Attorney General

Tab 2

Draft Poll

Dear _____?

The Board of Judicial Administration's Public Engagement and Education Committee, in partnership with AOC's Equity & Access Program, want to create educational opportunities for your public-facing staff. We are seeking your input on what educational opportunities would best serve your staff's needs, both as to content and format.

This survey should take approximately 5-10 minutes to complete.

1. What learning, training, or educational opportunities has your staff had during the last five years, other than technical trainings such as court software? (For example, active shooter, implicit bias, or other):

2. Which of the above were best received or most helpful to your staff?

3. Which of the following topics do you feel would be most beneficial for your public-facing staff?

Choose all that apply, and rank your choices, with 1 being the most beneficial.

- a. ____ Implicit bias
- b. ____ Cultural awareness, sensitivity, competency, and responsiveness
- c. ____ How to engage with communities to learn about their access to justice needs
- d. ____ Fostering Diversity, Equity, Inclusion, Belonging, and Anti-Oppression (Anti-Racism, Anti-Sexism, Anti-Ageism, etc.)
- e. ____ Procedural fairness
- f. ____ Serving and working with persons with disabilities
- g. ____ Serving and working with persons with limited English proficiency, including working with interpreters and translators
- h. ____ Serving and working with self-represented litigants
- i. ____ Working with tribal courts
- j. ____ Working with Court Facilitators
- k. ____ Understanding what is or is not legal advice
- l. ____ Trauma-informed practices
- m. ____ Equity and access considerations for new technologies. (For example, artificial intelligence, case management systems, web applications, remote communication, etc.)
- n. ____ Collecting and using data to meet equity and access goals

4. Is there a different topic that is not mentioned in the previous question that you feel would be more impactful for staff? If so, what?

5. How would you prefer for staff to attend a training? Please check all that apply, and rank your choices, with 1 being your top preference.

- a. In person in one large location
- b. In person by region
- c. Live webinar on individual computers
- d. Live webinar with a group of your staff in a room in your location
- e. Hybrid with a streamed presenter and an in-person facilitator
- f. Recorded webinar that staff can take at their leisure/opportunity
- g. Other (please explain): _____

6. How much staff time would you commit for a single training?

7. If the training is not in your individual court, how many staff would you expect to be able to attend:
 - a. If within a 1-2 hour drive: _____
 - b. If within a 5-hour drive: _____
8. How many trainings or educational opportunities would be ideal for staff per year?
9. What are factors that have made trainings unhelpful, inaccessible, or not feasible for court/clerk staff? (For example, not able to get ADA accommodations, commuting, finances, too much time out of the office, too abstract, etc.)
10. What else should we consider to create a helpful and effective training/educational opportunity for court/clerk staff?

Thank you so much for your time. If you have questions or would like to talk further please don't hesitate to contact Nicole Ack at Nicole.Ack@courts.wa.gov.

Tab 3



October 20, 2023

RE: Alternatives to Incarceration Task Force Report

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 court's resources and the person's ability to pay.

The Task Force met September 28. All meetings are TVW livestreamed.

Assessment and Information Gathering Workgroup shared two surveys.

The Alternatives Statewide Assessment Summary – was a sampling of courts across the state. While there was not a high response rate, we did have responses from every court level and geographical area.

The survey findings identified:

- The top three alternatives used by respondents were electronic/GPS monitoring, community service, and drug and alcohol testing and monitoring.
- Lack of funding and staffing were the largest barriers to alternatives being offered.
- Indigency was not always considered when using alternatives.
- Mental Health treatment and evaluation, work crew or work release, community service, and scheduled or day reporting alternatives were more likely to be used post-conviction.
- 13% of the responding courts have not offered alternatives in the past year or at all.

Recommendations

- 1) We want to better understand why some people are paying for alternatives even when they are found indigent.
- 2) Need to figure out how to measure effectiveness of alternatives.
- 3) Investigate barriers to alternatives, including costs to individuals and courts, resource availability, community perceptions, etc.
- 4) Review findings from the Pretrial Reform Task Force's Recommendations Report in 2019.
- 5) The survey did not ask respondents to identify whether they had more structured pretrial services or protocols in place. Identify the considerations/relationship between formal pretrial services and the types of alternatives being used to help inform staffing and funding needs.
- 6) Review the [Washington State Institute Public Policy's](#) benefit-cost model and evidence-based policies to determine relevancy to alternatives to incarceration and the Task Force's work.
- 7) Develop best practices around the implementation of alternatives.

The workgroup distributed another survey to Superior Court Judicial Officers to ask about the use of post-conviction sentencing alternatives available under the Sentencing Reform Act.

The second survey is a more of an attorney perspectives survey sharing on how attorneys use and perceive alternatives in the jurisdictions they work in.

The Task Force started two additional workgroups. These workgroups have begun meeting to identify goals and activities to help overarching work group goal.

- 1) **Legal Authority** – will analyze/address legal/judicial authority for alternative options. The work group has met several times, solicited comments and questions about the ordering and use of alternatives, and will review the questions to determine what information is needed.
- 2) **Community Mapping** - this is a new work group that will explore community-based tools/mapping to better help local jurisdictions/communities identify points of entry into the system, barriers and opportunities to alternatives, and community-based resources (traditional or non- traditional) that can prevent entering the system and/or incarceration. This group has met several items and is working on its scope and activities.

BJA Remote Proceedings Work Group

Co-Chairs: Judge Angelle Gerl, Airway Heights Municipal Court
Judge Jim Rogers, King County Superior Court

Work Group Deliverables

Helping courts conduct efficient remote proceedings



1. **Surveyed courts remote practices in January 2023**
2. **Proposed a slate of court rules to allow for the voluntary use of remote technology in June 2023.**
3. **Developing best practice guidelines to help courts address common problems. Work is in progress.**
4. **Will explore funding options and existing resources for training and support on technology and court management functions. Work will begin in late 2023.**

Remote Proceedings in WA Courts

Survey Characteristics



25 questions sent to Presiding Judges and Administrators in all trial courts.

- Prevalence of remote & hybrid proceedings by court level
- Detailed by type of legal matter and type of proceeding
- Advantages, challenges and resources needed
- Access to Justice: interpreters, pro se litigants, persons with disabilities
- Electronic Signatures & E-Filing

Great representation of all 39 counties!

Responses by Court Level	Percent Responding	Number Responding
Superior	97%	38
District	97%	38
Municipal	≈ 60%	47
Total Responses		123

The Prevalence of Remote Proceedings

Courts conducting hybrid proceedings in January 2023 and plans for the future



Courts that reported that they conducted hybrid proceedings in January 2023 and planned to continue hybrid proceedings in one year.

Superior

- 2023 100% (reported)
- 2024 95% (planned in one year)

District

- 2023 92% (reported)
- 2024 96% (planned in one year)

Municipal

- 2023 77% (reported)
- 2024 100% (planned in one year)

Court Practices – Civil Matters

Prevalence decreases as the complexity of the proceeding increases



	Currently Hybrid	Currently Video	Currently telephonic	No current remote, but did in the last 3 years	Unable but want remote options	Not feasible or desired	Total Responses
Case status updates	78%	26%	9%	2%	4%	10%	81
Non-evidentiary hearings	77%	30%	15%	1%	3%	10%	86
Hearings without witnesses	76%	29%	15%	3%	5%	9%	87
Consumer debt	72%	25%	8%	2%	5%	20%	60
Protection orders	68%	26%	12%	4%	3%	17%	76
Traffic infractions	59%	36%	14%	7%	5%	12%	73
Evidentiary hearings	55%	26%	8%	4%	5%	31%	85
Hearings with witnesses	52%	20%	8%	5%	2%	38%	84
Small claims	43%	15%	4%	0%	9%	47%	47
Bench trials	43%	19%	4%	6%	5%	44%	80
Jury trials	18%	5%	3%	1%	5%	78%	76
Jury selection	8%	5%	0%	3%	9%	80%	75

Court Practices – Criminal Matters

The prevalence for non-substantive hearings is similar for criminal and civil matters



	Hybrid currently	Video currently	Telephonic currently	No current remote, but did in the last 3 years	Unable but want remote options	Not feasible or desired	Total
Case status updates	79%	30%	13%	5%	3%	6%	101
Non-evidentiary hearings	77%	28%	12%	6%	2%	8%	99
Omnibus hearings	76%	29%	12%	4%	3%	13%	78
Bail hearings	74%	34%	12%	2%	2%	8%	98
Sentencing and revocation	57%	21%	8%	11%	5%	29%	102
Evidentiary hearings	47%	16%	6%	6%	6%	37%	97
Bench trials	32%	15%	4%	4%	6%	59%	94
Jury trials	11%	3%	1%	3%	7%	82%	90
Jury selection	8%	5%	0%	2%	12%	80%	92



Common court operations in remote proceedings

Interpreters

Electronic Signatures

E-filing

Interpreters in Remote Proceedings



Frequency, advantages and challenges

73% of courts allow remote interpreters always or frequently

- Biggest advantages to interpreters appearing by video or telephone

Greater availability	88%
Easier to schedule	75%
Cost savings	59%

- Biggest challenges

Adds substantial time to the length of the proceeding	56%
Requires more steps to coordinate than in-person proceedings	34%
No challenges experienced	21%
Difficult to hire when needed	5%

Electronic Signatures & E-Filing



Courts primarily use email and simple technology

How courts implement electronic signatures in remote proceedings

- Print/Sign/Scan/Return 62%
- /s/ designation 54%
- What other way does your court implement electronic signatures 32%
- Pasted image of signature 23%
- Contract with electronic signature vendor (DocuSign, Adobe, etc.) 22%

Challenges to electronic signatures

- Takes substantially more time than in-person signatures 43%
- None of the above 31%
- Other (please specify) 30%
- Software application glitches 18%

Does your court allow courts users to electronically file?

- Yes 65%
- No 20%
- Planned for the near future 19%

Barriers and Considerations

Courts that did not provide remote options



The barriers that influence decisions and the factors for reconsideration

Barriers

- Lack of court or technical support staff 46%
- Lack of adequate equipment or space 44%
- Lack of broadband or reliable internet service - COURTS 38%
- Lack of broadband or reliable internet service - PARTICIPANTS 34%
- Inexperience or unease with technology 22%

Factors to Reconsider

- Improved technology equipment 47%
- Technical assistance for set up 35%
- Technical assistance during proceedings 35%
- Facility improvements or renovations 33%
- Funding for staff with video conferencing expertise 30%

Biggest Challenges

Technology needs of remote users and reliability of equipment are top issues



What challenges does your court face in conducting video proceedings?

- **Connectivity/internet issues - REMOTE PARTIES** 70%
- **Participants with limited experience/comfort with remote technology** 63%
- **Glitches with video conferencing equipment (cameras, display monitors, mics, etc.)** 53%
- Limited opportunity for informal discussion - opposing counsel/justice partners 43%
- Limited court or technical support staff 37%
- Take substantially longer to facilitate than in-person 36%
- Glitches with displaying exhibits or documents 32%
- Connectivity/internet issues - COURT SITE 23%
- None of the above occur frequently enough to be a barrier 5%

Biggest Advantages

Convenience and access to justice are top advantages



What does your court view as the advantages to remote proceedings?

- Convenience for court participants 89%
- Higher appearance rates 65%
- Improves caseflow 31%
- None 5%

Access to justice related advantages appeared many times comment section

- Allows attorneys to work on other matters while waiting on dockets
- Broadened the area in which a party can look to hire an attorney to handle their case
- Improves access to justice
- Reduced transfers for those incarcerated either locally or at DOC
- Reduces security issues and illness spread

Resources needs



Technology assistance and equipment are top needs

What is needed to increase efficiency of remote proceedings?

- Video conferencing consultant/technical assistance • 41%
- Audio/Visual equipment • 38%
- Infrastructure improvements or renovations • 35%
- None of the above • 26%
- Enlarged or improved courtroom space • 23%

Other resources listed frequently in the comments

- Additional staff
- Software for exhibit display
- Training

Tab 4

October 20, 2023

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Rebecca Robertson, Chair, Policy and Planning Committee (PPC)
RE: REPORT OF POLICY AND PLANNING COMMITTEE

The committee met on September 27, and welcomed new members, Judge Carolyn Jewett and association president elects, Judge Karl Williams of the DMCJA and Judge Kristen Ferrera of the SCJA. The committee is working on the following projects.

Developed racial justice support statements for BJA consideration

Chief Justice González presented the BJA 2023-205 goals for discussion at the September BJA meeting. Attendees discussed how the BJA goals and Mission Statement could support the Supreme Court's 2020 open letter on racial justice. Policy and Planning committee members volunteered to develop options for the BJA to consider at the October meeting.

The policy and planning committee members in attendance noted that the objective is to infuse racial justice in all work of the BJA. The committee proposed two options for BJA consideration.

1. The committee presents the attached motion to add an equity statement to the BJA goals, which directs BJA committees and activities to apply an equity analysis in their work. The committee is evaluating several models for conducting equity analyses at their October 20 meeting. Members will present their recommendation to the BJA at the November meeting.
2. The committee recommends a group of BJA members volunteer to review the revised mission statement presented below, and prepare a final draft for the board's consideration and vote. The underlined language is from the guiding principles of the BJA Court Recovery Task Force.

Revised Mission Statement:

The Mission of the Board for Judicial Administration is to provide leadership; promote best practices and support legal and policy reforms that dismantle systemic racism and other forms of systemic oppression; and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government.

Building work plan activities

The committee reviewed the proposed BJA goals for 2023-2025 and discussed the court wellness goal at length. Evaluating possible work projects is on the agenda for the October meeting.

Revising the committee charter

Several committee members provided input on the revised committee charter shared at the October meeting. Members will vote to approve the final draft and submit it to the BJA for consideration at the November meeting.

October 20, 2023

TO: Board for Judicial Administration (BJA) Members
FR: Judge Rebecca Robertson, Chair, Policy and Planning Committee
RE: MOTION for BJA GOALS STATEMENT

Motion Request: Adopt the 2023 BJA goals

The Policy and Planning Committee present this motion to approve the BJA Goals for 2023-2025 with the additional equity statement as presented in this memo.

BJA Proposed Goals for 2023-2025

BJA will apply an equity analysis to ensure that committees and activities address racial inequities and promote equal access to justice for everyone.



Courts of the future: BJA will identify and promote innovative court programs, practices, and best practices across the State.

- BJA will share information and activities from the Judicial Leadership Summit, Innovating Justice awards, and other judiciary and court programs/associations.
- BJA will identify, share, and/or develop best practices for judiciary and BJA priorities.



Court wellness: BJA will explore ways to support, partner, and coordinate opportunities to address court, judicial officers, and court personnel education and wellness needs.

- BJA will explore existing opportunities for supporting and training judicial officers in the first 5 years such as mentoring, coaching, and an advanced judicial training program.
- BJA will identify programs and tools to help address overall court and staff wellness and training needs as identified in the Judicial Leadership Summit and subsequent BJA discussions.



Collaboration: BJA will explore and develop ways to collaborate and build relationships with all our justice partners.

- BJA will identify and share critical and emerging issues that impact the judiciary and court operations.
- BJA will utilize task forces and work groups to increase collaborative opportunities.

- BJA will develop a plan to increase court user feedback and involve persons with lived experiences in BJA efforts.



BJA will continue addressing court funding needs, alternatives to incarceration, and remote proceedings.

The Policy and Planning Committee respectfully request your consideration.

Tab 5



**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**
Larry Jefferson, Director

(360) 586-3164
FAX (360) 586-8165

Email: opd@opd.wa.gov

October 11, 2023

Chief Justice Steven González, Chair
Judge Alicia Burton, Member Chair
Washington Board for Judicial Administration
1112 Quince St. SE; P.O. Box 41170
Olympia, WA 98504-1170

RE: Requesting BJA support for OPD budget request -- Public Defense Recruitment Team

Dear Chief Justice González and Judge Burton:

I write to follow up on the Board for Judicial Administration's interest in supporting efforts to address the current statewide public defense shortage, as discussed at your May meeting as well as the Judicial Leadership Summit in June. The Office of Public Defense (OPD) was pleased to be included in those important conversations.

As you know, recruitment and retention of public defense attorneys continues to be a struggle, and judges now face motions to dismiss criminal charges due to lack of available counsel. While much of the focus previously has been on rural or remote jurisdictions, the problem now extends statewide, including throughout the Puget Sound metro area.

In previous years, city and county governments relied on a pool of local attorneys to recruit for public defense staff and contract positions. Unfortunately, this approach is no longer sufficient, and most jurisdictions lack the internal resources to engage in active recruitment efforts with colleges and law schools. Washington's public defense community is in need of creative strategies to remedy the situation on both a short-term and long-term basis.

OPD is asking the Legislature to fund a Recruitment Specialist Team, which would dedicate three OPD staff to address recruitment and retention for public defense systems statewide, at a cost of cost of \$642,000 in Fiscal Year 2025 and ongoing. Two attorneys (one based in Eastern Washington and one in Western Washington) and a policy analyst will coordinate with faculty and student groups in colleges and law schools in Washington and surrounding states. They will administer a grant program for Rule 9 internship programs in geographic areas of need, offsetting costs of compensation, housing stipends, and attorney supervision. They will assist local public defense administrators in addressing job satisfaction and promoting strategies for attorney retention.


I'm asking the BJA to formally endorse OPD's Recruitment Specialist Team budget proposal, because a stronger, reliably-staffed public defense community is crucial for the administration of

Justice ♦ Service ♦ Equity ♦ Excellence

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justice. Katrin Johnson and Sophia Byrd McSherry will attend the October 20, 2023 BJA meeting to present the OPD decision package and answer your questions.

Sincerely,



Larry Jefferson
Director, Office of Public Defense

Washington State Judicial Branch 2024 Supplemental Budget Recruitment Specialist Team

Agency: Washington State Office of Public Defense

Decision Package Code/Title: [Leave Blank. AOC Budget Staff will complete.]

Agency Recommendation Summary Text:

To address the shortage of public defense attorneys, particularly in rural counties, OPD requests ongoing funding to coordinate statewide public defense recruitment efforts. A Recruitment Specialist Team will include 3 FTEs to assist county and city public defense systems by engaging with students at universities and law schools, providing grant funding and technical assistance to establish legal internship programs, and delivering trainings to counties and cities struggling with public defense recruitment/retention.

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.00	3.00	3.00	3.00	3.00	3.00
Operating Expenditures						
Fund SGF 001-1	\$0	\$642,225	\$642,225	\$627,225	\$627,225	\$1,254,450
Total Expenditures						
	\$0	\$642,225	\$642,225	\$627,225	\$627,225	\$1,254,450

Package Description:

Background and Current Situation:

State, county, and city public defense programs are experiencing unprecedented difficulties recruiting and retaining qualified public defense attorneys, who are critically necessary to ensure due process and a functioning legal system. Fewer law school graduates are seeking careers in public defense, and many experienced attorneys are retiring from the practice.

The shortage of attorneys is not limited to Washington State, and creative approaches are critical to find solutions that ensure constitutionally guaranteed public defense representation. Cities and counties of all sizes in Washington are facing this challenge, and most local jurisdictions lack the staff time and resources to actively recruit new and aspiring law school graduates to foster a pipeline into the public defense field.

Problem:

Cities and counties are struggling to recruit and retain adequate numbers of public defense attorneys to ensure due process for clients in their jurisdictions. Situations exist across the state where people are held in jail on criminal charges and public defense counsel simply are not available. Such shortages have become routine and widespread in other states, including Oregon, and some courts have been compelled to dismiss criminal charges due to a lack of public defenders. The current public defense shortage is not expected to resolve on its own, and requires a strategic, coordinated effort.

Proposed Solution:

OPD seeks funding to create a new Public Defense Recruitment Specialist Team to support public defense systems statewide to fill the gap in recruitment services. The Team, consisting of two FTE attorneys and one FTE program analyst, will be dedicated to building a pipeline of law students into the public defense community statewide, administering grant funds to cities and counties to support internship and Rule 9 programs¹, and identifying strategies to retain attorneys in public defense jobs.

The Recruitment Specialist Team will collaborate with city and county public defense administrators, particularly in small and rural communities, which lack dedicated resources for ongoing recruitment strategies. Responsibilities will include:

- Guide city and county public defense administrators on establishing Rule 9 and other internship programs and administer grant funds to support compensation and housing stipends for the student interns;
- Promote public defense as a profession at law schools, universities, and high schools, and learn from students and faculty how to foster interest in public defense, including among persons of color who are underrepresented in the legal profession;
- Actively communicate with city and county public defense administrators to keep aware of their contracting and staff recruitment needs;
- Recruit and connect interested students and attorneys to public defense job and internship opportunities throughout the state;
- Train local attorneys, law students, and public defense administrators on opportunities for student loan forgiveness, including for contract workers, who can access federal public service loan forgiveness only under certain circumstances; and
- Identify and build on factors that attract law students and practitioners to public defense; identify and guard against factors that cause attorneys to leave the field.

Building a strong pipeline of public defenders will not happen quickly, and ultimately will be the result of continuous and collaborative efforts. A state-level focus on this issue will help stabilize retention in the profession in the years to come.

Fully describe and quantify expected impacts on state residents.

The Recruitment Specialist Team will bring new resources and expertise to small and rural jurisdictions to address immediate needs and plan ahead for improved future recruitment and retention. Smarter, more strategic recruitment will result in higher quality candidates for public defense positions and better representation for the clients they serve.

Explain what alternatives were explored by the agency and why this was the best option chosen.

OPD currently does not have the staffing or resources to dedicate to this purpose. Currently only the most sophisticated local public defense agencies are resourced for this type of active, ongoing recruitment. The far majority of jurisdictions, including rural ones, lack the resources and capacity for such ongoing work.

What are the consequences of not funding this request?

If this request is not funded, cities and counties will continue to struggle with recruiting public defense attorneys, and the shortage will lead to a lack of due process. In some instances, courts will be compelled to dismiss criminal charges if public defense counsel is not available.

¹ As part of its regulation of the practice of law, the Washington Supreme Court adopted Admission and Practice Rule 9. Rule 9 authorizes supervised professional practice by qualified law students, enrolled law clerks, and recent graduates of approved law schools when they are licensed pursuant to this rule to engage in the limited practice of law as “Licensed Legal Interns.” A Rule 9 internship can be a valuable training opportunity for law students and an effective recruitment tool for employers interested in hiring new graduates.

Is this an expansion or alteration of a current program or service?

No

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Job Title Classification	#s of FTE Round to Nearest Tenth				Workload Assumptions/Description
	FY 24	FY 25	FY 26	FY 27	
Managing Attorney	0.0	2.0	2.0	2.0	Two experienced public defense attorneys to focus on recruitment efforts and monitor a grant program. One located in Western WA, one in Eastern WA. Annual salary \$123,490 each. Annual benefits \$30,873 each totaling \$194,290 each * 2 = \$308,725
Program Analyst	0.0	1.0	1.0	1.0	Professional support staff for recruitment efforts including communication strategies, grant management, and tracking program outcomes. Annual Salary \$70,000. Annual Benefits \$17,700 totaling \$88,500

Additional Costs	Round to Nearest \$1,000				Description/Assumptions
	FY 24	FY 25	FY 26	FY 27	
Contracts	\$0	\$0	\$0	\$0	
Goods and Services	\$0	\$10,000	\$10,000	\$10,000	Costs for attending and hosting training events at universities and law schools; printed and digital materials and resources for aspiring public defenders at job fairs. Ongoing.
Travel	\$0	\$20,000	\$20,000	\$20,000	Travel costs for visits to local public defense offices, law schools, universities and other schools, and national training opportunities on recruitment strategies. Ongoing.
Equipment	\$0	\$15,000	\$0	\$0	Start-up costs for technology & equipment, \$5,000 per position. One-time.
Grants or Pass-Thru Funding	\$0	\$200,000	\$200,000	\$200,000	Reimbursement-based grants with city and county

					governments to promote the establishment of public defense Rule 9 and other internship programs, with emphasis on rural jurisdictions. Ongoing.
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How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice

Fair and effective administration of justice is contingent on the availability of a sufficient number of skilled public defense attorneys to provide constitutionally guaranteed representation.

Access to Necessary Representation

Without a sufficient number of public defense attorneys, defendants may be denied their constitutional right to counsel and timely resolution of charges against them. They may be held in jail without timely access to consult with legal counsel. They may have to delay their court cases while awaiting appointment of counsel.

Sufficient Staffing and Support

An insufficient number of local public defense attorneys are available to accommodate the demand in counties and cities statewide. The need is particularly great in misdemeanor cases (recruiting new attorneys) and high level, complex felonies (retaining experienced attorneys).

Are there impacts to other governmental entities?

This service would substantially assist county and city governments who are experiencing challenges in recruiting a sufficient number of public defense attorneys.

Stakeholder response:

OPD anticipates support for this proposal from local governments, courts, the Washington State Bar Association, law schools, universities, and high schools.

Are there legal or administrative mandates that require this package to be funded?

No

Does current law need to be changed to successfully implement this package?

No

Are there impacts to state facilities?

No

Are there other supporting materials that strengthen the case for this request?

Recent publications regarding shortages of public defense attorneys:

- [Could a Public Defender Shortage Lead to Cases Being Dismissed?](#) ; TVW’s The Impact, September 6, 2023.
- [“Very Troubling”: Dozens in Whatcom County Waiting for a Public Defender to be Named](#); Bellingham Herald, May 15, 2023.
- [Tri-Cities Officials Race to Fix Lawyer Shortage before Criminal Cases are Dropped](#); TriCity Herald, May 7, 2023.
- [Attorney Shortage Affecting Some Charging Decisions in Yakima County, Prosecuting Attorney Says](#); Yakima Herald-Republic, Feb 27, 2023.

Washington State Office of Public Defense
[Budget] Level – [Code] – Recruitment Specialist Team

- [*Attorney Shortage, Caseloads Leading to Shortage of Court-Appointed Attorneys*](#); Yakima Herald-Republic, Oct. 7, 2022.
- [*Class action lawsuit filed against state by criminal defendants over lack of public defenders*](#), The Oregonian, May 16, 2022.
- [*'I'm so confused': People without public defenders in Oregon speak out amid crisis*](#) Albany Democrat-Herald, September 4, 2022
- [*The Need for More Black Lawyers*](#), Mondaq (2021).

Are there information technology impacts?

No

Agency Contact:

Sophia Byrd McSherry, Deputy Director
360-586-3164, ext. 107
sophia.byrdmcsberry@opd.wa.gov

Tab 6



October 10, 2023

Board for Judicial Administration
Chief Justice Steven Gonzalez, Chair
Judge Alicia Burton, Member Chair

Dear Chief Justice González and Judge Burton:

As Co-Chairs of the Court Management Council (CMC), we write to request BJA approval for an update to the Washington Model Court Administrator Job Description. The proposed changes incorporate new mandatory education requirements for limited jurisdiction court administrators under ARLJ 14. A “track changes” version of our proposal is attached.

The Model Job Description is established pursuant to GR 29(f) (Comment):

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/ responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

Thank you for your consideration.

Sincerely yours,

<i>Michelle Cook /s/</i>	<i>Dawn Marie Rubio</i>
Michelle Cook Superior Court Administrator Skagit County Superior Court	Dawn Marie Rubio State Court Administrator/Director Administrative Office of the Courts

Enclosure

WASHINGTON MODEL COURT ADMINISTRATOR JOB DESCRIPTION 2023~~2~~

Comment.

A Comment to General Rule (GR) 29(f) provides:

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job duties/ responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

The Court Management Council (CMC) developed a model which was approved by the Board for Judicial Administration on April 18, 2003.

In the nearly two decades since that initial job description was established, much has changed in our courts and in the knowledge, skills and abilities required for a court administrator to successfully manage court operations. The District and Municipal Court Management Association (DMCMA) recognized the need to modernize the model job description and brought a recommendation to the Court Management Council. Building on that initial DMCMA draft, the Court Management Council proposed this new Model Court Administrator Job Description for statewide adoption by the Board for Judicial Administration. The revised Model was approved by the Board for Judicial Administration on February 18, 2022. In 2023, CMC proposed an amendment to incorporate the ARLJ 14 education requirements for administrators in courts of limited jurisdiction (CLJ) that became effective January 1, 2023.

This Model Court Administrator Job Description is designed for use in all Washington courts. Recognizing that some requirements do not apply to positions in the appellate courts, this model uses brackets for provisions that apply uniquely to district, municipal and superior courts [Trial Courts] [or \[CLJ\]](#).

The National Association for Court Management (NACM) has established “core competencies” to promote excellence in the administration of justice and further the education of court management professionals. Court administrators should continuously strive for excellence in each of these competencies, including participating in continuing education and professional development. The following Model Court Administrator Job Description organizes the knowledge, skills and abilities to align with those NACM Core competencies.

NATURE OF WORK

The Court Administrator serves as the Court Executive Officer (CEO) for the Court. The Court Administrator works under the direction and supervision of the Presiding Judge in accordance with [*Trial Courts: General Rule 29 and*] all applicable state laws. This position assumes full responsibility for the planning, directing, implementation, and management of all the non-judicial, day-to-day operations of the court, including court services for contracting cities. The Court Administrator develops and implements policies and procedures, the court budget, oversees personnel management and development, accounting, case-flow management, oversight of projects, grants, contracts, establishes and maintains the court's continuity of operations plan, and performs other responsibilities as required. This position provides leadership and strategic vision including but not limited to developing short and long-term goals for effective court services.

ESSENTIAL FUNCTIONS

Operations Management:

- Assumes full management responsibility for court operations: plans, directs, implements, and manages the daily operation of the court.
- Conducts the planning and management for the changing physical needs of the court including space design, utilization, and maintenance.
- Oversees the maintenance, retention, and disclosure of records and documents in accordance with applicable rules, laws, and regulations.
- Monitors applicable state and local court rules laws and proposed legislation for any changes that affect court operations or case management.
- Coordinates judicial schedules including pro tem judges and court calendars.
- Directs website content and updates.
- Redesigns and improves forms, notices and publications.

Public Relations:

- [*Trial Courts: Attends and participates at county commission, city council and other board or committee meetings as directed.*]
- Establishes and maintains cooperative, effective working relationships with judicial officers, attorneys, elected and appointed officials, justice partners, other branches of government, co-workers and members of the public.
- Coordinates with correctional agencies to facilitate appearances, including virtual or telephonic court proceedings.
- May act as the court liaison with government agencies, media and the public.
- Represents the court as an independent branch of government with legislative and executive bodies, including preparing materials for legislative or executive bodies.
- Ensures appropriate and timely research, analysis, and responses to public inquiries or complaints.

- Coordinates programs with all court divisions and other agencies concerning emergency planning and response including but not limited to other courts and AOC.

Educational Development:

- Establishes and implements guidelines and procedures.
- Participates in continuing education and development in the court business areas identified by the National Association for Court Management (NACM) as core competencies.
- Participates in continuing education and development related to leadership and management.
- Trains and informs staff on any new court procedures on the case management system or new legislative updates.

Workforce Management:

- Manages and supervises court personnel including but not limited to interviewing, hiring, and training employees; planning, assigning, and directing work; addressing complaints, grievances and disputes; resolving problems; maintaining personnel files as needed; appraising performance; recommending promotions and disciplinary actions; implementing organizational changes; approving and scheduling leave time; and recommending terminations as appropriate.
- Serves as the official spokesperson of court management in labor negotiations.

Ethics:

- Performs work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully, impartially, without bias or prejudice, and with transparency.
- Reports for scheduled work with regular, reliable, and punctual attendance.
- Demonstrates a commitment to diversity, equity and inclusion.
- Maintains the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose.

Budget and Fiscal Management:

- Informs, updates, and advises the presiding judge of financial conditions, program progress, and identifies issues and opportunities for improvement and/or policy changes.
- Oversees the development and administration of the court budget (e.g., data collection for the preparation of financial reports, approves the forecast of funds needed for staffing, equipment, materials and supplies; approves expenditures and implements budgetary adjustments as appropriate.)

- Responsible for all financial functions of the court including payroll, accounts payable, accounts receivable, cash handling, purchasing, and audits.
- [*Trial Courts*: Monitors agreements and professional contracts for specialty court(s).]
- Oversees grant management activities.
- [*Trial Courts*: Manages interlocal agreements to provide court services with contracting jurisdictions, including caseload reporting and billing for services.]
- Coordinates the court's disaster cost recovery efforts during proclaimed emergencies.

Accountability and Court Performance:

- Manages the court case flow and records, including the preparation of required reports.
- [*Trial Courts*: Oversees the jury management program by generating, processing, and analyzing jury data reports including juror summons and qualification forms.]
- Oversees security measures and issues affecting court operations, including planning and reporting as required.

Leadership:

Maintains high standards of professional ethics, upholding and promoting the independence, integrity, and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety that might impugn the dignity of the court.

Strategic Planning:

- Collaborates with the presiding judge to develop short-range and long-range strategic plans, best practices and projects, and directs and oversees the implementation of plans to ensure adherence to Washington State's judicial standards, regulations, and statutes. Formulates and recommends organizational changes for improving the operation of the court.
- Develops, oversees and implements the court's Emergency Management and continuity of operations planning, including attending emergency management briefings to exchange information, stocking and maintaining disaster preparedness-related supplies and equipment.

Court Governance:

- Works closely with the court's information technology provider to determine technology needs, conveys requirements and coordinates implementation, support and maintenance.
- Manages the acquisition, installation and support of audio/video, computer and specialized court-related hardware and software, including those required for remote proceedings.

- Research, evaluate, and propose jail alternatives to confinement.
- [*Trial Courts*: Implements, coordinates, and oversees specialty court(s) ensuring compliance with federal, state, or local regulations.]
- [*Trial Courts*: Stays current with benchmarks, best practices, and empirical evidence to assist the specialty court team and maximize participant's success.]
- Assures conformity of court emergency management programs with federal and state requirements.
- Performs other duties as assigned, including but not limited to being assigned to work in other functional areas to cover absences or relief, equalize peak work periods, or balance the workload.

KNOWLEDGE, SKILLS, AND ABILITIES

- Understanding of roles and responsibilities of courts and principles of judicial independence [*Trial Courts*: including General Rule 29 (GR29)].
- Understanding of nationally developed court performance standards.
- Knowledge of Washington State laws and court rules.
- Knowledge of legal procedure applicable to the court.
- Thorough knowledge of principles of administration, planning, supervision and organization, and effective supervisory and office management techniques.
- Ability to set office work priorities.
- Ability to guide, direct, schedule, and motivate subordinate employees.
- Ability to identify needs, develop long-range plans, and evaluate outcomes.
- Ability to accurately and efficiently oversee the financial, record keeping, and scheduling procedures for the court.
- Ability to deal with the public with poise and tact in sometimes stressful situations.
- Ability to anticipate challenges and creatively formulate action plans to meet needs.
- Ability to develop and implement new and improved methods.
- Ability to establish and maintain effective working relations with employees and members of the public.
- Strong organizational skills, with effective management and team-building skills.
- Ability to work independently under pressure, being flexible, enthusiastic, and self-starting in work assigned.
- Ability to read, interpret, and follow rules, regulations, policies, and procedures.
- Ability to communicate effectively both orally and in writing using high-level grammar, spelling, and composition.
- Ability to recognize and correct safety and health hazards.
- Ability to operate various office equipment, such as telephone, computer, calculator, postage meter, facsimile, and copy machine.
- Understands the Code of Judicial Conduct, the duties of cooperation and confidentiality for court employees with regard matters involving the Commission on Judicial Conduct, and the Judicial Assistance Services Program (JASP).
- Understands the Americans with Disabilities Act (ADA), Washington Law Against

Discrimination (WLAD), and General Rule 33 regarding requests for accommodation by persons with disabilities.

EDUCATION AND EXPERIENCE REQUIREMENTS

- Bachelor's degree or five (5) years of progressively responsible management experience including experience in administration, operations and personnel supervision, preferably in a court or legal environment.
- Certified Court Manager (CCM) Certification will be considered the equivalent of two years' experience in management in the justice system. Combination of a Certified Court Executive (CCE) Certification and (CCM) will be equivalent of four years' experience in management in the justice system.
- Three (3) or more years of significant executive level supervisory responsibilities, and experience working with elected officials and department directors highly desired.
- The following are preferred:
 - Thorough knowledge of rules and procedures related to the court's case management system.
 - Knowledge and understanding of court clerk duties

SPECIAL REQUIREMENTS

- Successful completion of a pre-employment background and criminal history check.
- [\[CLJ: Must complete the Washington Court Administrator Academy within 12 months of initial appointment to the position and complete approved continuing education as required by ARLJ 14.\]](#)
- May be required to complete FEMA (NIMS) courses on Emergency Management
- Must have or obtain a National Center for State Courts (NCSC) Certified Court Manager certification within six years of hire.

GENERAL INFORMATION

- The court is committed to hiring a diverse workforce and all qualified applicants, including all ethnic backgrounds and persons with disabilities, are encouraged to apply. The court is an Equal Opportunity Employer and does not unlawfully discriminate based on race, sex, age, color, religion, national origin, marital status, sexual orientation, veteran status, disability status, or any other basis prohibited by federal, state, or local law.
- The statements contained herein reflect general details as necessary to describe the principal functions for this job classification, the level of knowledge and skill typically required, and the scope of responsibility but should not be considered an all-inclusive listing of work requirements.

Tab 7



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

DRAFT 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
Laticia 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