

**Board for Judicial Administration  
Meeting Minutes**

**June 19, 2009  
AOC SeaTac Office  
SeaTac, Washington**

**Members Present:** Chief Justice Gerry L. Alexander, Chair; Judge Vickie Churchill, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Sara Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Mr. Mark Johnson; Judge Michael Lambo; Ms. Paula Littlewood; Judge Jack Nevin; Judge Marilyn Paja; Judge Glenn Phillips; Judge Christine Quinn-Brintnall; and Judge Chris Wickham

**Guests Present:** Mr. M. Wayne Blair, Ms. Jeri Cusimano, Judge Barbara Linde, Ms. Marti Maxwell, and Ms. Barb Miner

**Staff Present:** Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, and Mr. Chris Ruhl

The meeting was called to order by Chief Justice Alexander.

May 15, 2009 Meeting Minutes

**It was moved by Judge Paja and seconded by Judge Appelwick to approve the May 15, 2009 meeting minutes. The motion carried.**

Member Chair Election

**It was moved by Judge Phillips and seconded by Judge Derr to nominate Judge Michael Lambo as the BJA Member Chair from June 2009 through June 2011. The motion carried.**

Judge Churchill was recognized by Chief Justice Alexander for her two years of exceptional service as the BJA Member Chair. Judge Churchill stated it has been a great privilege and an honor to serve on the BJA. Judge Fleck acknowledged Judge Churchill's contributions to the BJA and to the SCJA.

Chief Justice Alexander presented Judge Churchill and Judge Paja with Temple of Justice prints signed by the BJA members for recognition of their years of service to the BJA.

### Appointment to Public Trust and Confidence Committee

Ms. Cusimano reported that Ms. Suzanne Elsner is a member of the Public Trust and Confidence Committee as a representative of the District and Municipal Court Management Association (DMCMA) but Ms. Elsner is unable to complete her term. The DMCMA recommends the appointment of Ms. Theresa Ewing, of Bremerton Municipal Court, to the remainder of Ms. Elsner's term.

**It was moved by Judge Dubuisson and seconded by Judge Lambo to appoint Ms. Theresa Ewing to the Public Trust and Confidence Committee for the remainder of Ms. Suzanne Elsner's term. The motion carried.**

### Best Practices Committee Membership

Judge Julie Spector, Chair of the BJA Best Practices Committee, submitted a letter to the BJA requesting that she be allowed to extend, as needed, the number of terms a member of the BJA Best Practices Committee may serve.

**It was moved by Judge Baker and seconded by Judge Lambo to suspend Article VI of the BJA Bylaws for the sole purpose of reappointing Mr. David Ponzoha, Ms. Linda Bell, and Ms. Yvonne Pettus to the BJA Best Practices Committee. After discussion, the motion carried.**

Discussion focused on how difficult it is to fill appointments on the Best Practices Committee, in particular, because of the tremendous learning curve when members first begin serving on the committee.

Chief Justice Alexander agreed that it is good to have committee membership rotate so more people can participate but perhaps a BJA Bylaws amendment should be considered in the future. Judge Phillips will work with Ms. McAleenan to develop a possible amendment to Article VI of the BJA Bylaws.

### King County Juror Advertising Project Report

Judge Linde presented information regarding the King County Trial Court Coordinating Council's juror advertising project. The King County Trial Court Coordinating Council is comprised of superior, district and municipal courts in King County and is currently chaired by Judge Phillips.

The Council recognized that there was a need in their community to enhance juror participation. Mr. Paul Sherfey, Ms. Trisha Crozier, and Ms. Yolande Williams worked on obtaining grant funding for a jury service advertising campaign. The Council used pictures of public figures who had previously been summoned and reported for jury duty in King County in their advertising banners: former Mariner Edgar Martinez, former

Governor Gary Locke, hydroplane driver Chip Hanauer, and former Sonics player Alan Hairston. The banners were placed on buses, in courthouses and in some law firm lobbies.

Juror yield statistics from King County Superior Court and Kent Municipal Court indicate that juror yield was higher during and following the advertising campaign but other variables in juror yield differences were not explored.

#### IRLJ 6.2 Infraction Penalties

Judge Paja reported that this issue came before the BJA in October 2008 and it was decided at that time that the DMCJA would discuss the issue further and bring it back to the BJA in the future.

The DMCJA thinks it is time for the Supreme Court to get out of the penalty setting business. Penalties should be set in the executive agency or through a legislative process.

The DMCJA is looking for guidance from the BJA that this is a worthwhile project, understanding that this will most likely be a multi-year project, and that they are ready to move forward. The question is if the BJA wants to take this issue on or have the DMCJA take it on.

At this point, the DMCJA is only evaluating repealing RCW 46.63.110(3). Mr. Hall would like to at least propose an alternate schedule for consideration if the Legislature will make the penalty decisions. Proposing an alternate penalty schedule could also clean up the fee splits so they are easier to process while keeping the schedule revenue-neutral to state and local governments.

**It was moved by Judge Phillips and seconded by Judge Fleck to create an eight member Infraction Penalty Work Group to study IRLJ 6.2 and bring recommendations back to the BJA for endorsement. The motion carried.**

After discussion, it was decided that BJA leadership can determine the membership of the Work Group.

#### Budget Update

Mr. Hall reported that the state Economic and Revenue Forecast Council came out with their economic forecast and are now predicting that the state will collect \$185 million less in the 2007-09 biennium and \$297 million less in the 2009-11 biennium than they forecast in March.

It is possible there will be further state budget reductions in the future.

### Access to Justice Board

Mr. Blair reported that the Access to Justice (ATJ) Conference was held May 29-31 in Yakima. There were lots of people, energy and enthusiasm and the substantive programs were very good.

Mr. Blair thanked the Superior Court Judges' Association for their assistance this past legislative session.

### Washington State Bar Association

Mr. Johnson stated that the Washington State Bar Association (WSBA) Board of Governors (BOG) voted to allocate \$1.5 million from reserves to the Legal Aid for Washington (LAW) Fund to help backfill the temporary downturn in IOLTA revenue. It will make a huge difference in sustaining support of civil legal aid programs this year.

Ms. Littlewood reported that the BOA elected a new President-elect for 2009-2010, Mr. Steve Toole from Bellevue. The BOG had their traditional roundtable meeting with the Supreme Court and this year the discussion revolved around GR 12.

At the next WSBA BOG meeting, they will begin discussing their budget which will be adopted in September.

### Reports from the Courts

**Supreme Court:** Chief Justice Alexander shared that the Supreme Court participated in the WSBA Leadership Conference panel at the ATJ Conference. They discussed GR 12.

**Court of Appeals:** Judge Appelwick reported that the Court of Appeals Divisions are going through the process to balance their budgets.

**Superior Courts:** Judge Eitzen said the Superior Court Judges' Association (SCJA) held their long-range planning retreat in La Conner last weekend.

During the 2009 legislative session, the SCJA took no position on SB 6183 (changing the provisions relating to the early deportation of illegal alien offenders) but the Governor got the impression the SCJA opposed the bill. The SCJA is now working with the Secretary of Corrections, Eldon Vail, on a process that would ensure these requests are seen by a judge.

Judge Churchill is chair of the SCJA Media Workgroup. They are working on internal and media mechanisms to communicate SCJA news to judges and the media.

Judge Kathleen O'Connor is chairing the Evidence-based Community Workgroup. They will consider sensible uses of criminal justice resources.

The SCJA met with Mr. Hall regarding the Judicial Information System (JIS) and they want a resolution to their issues with the JIS.

**Courts of Limited Jurisdiction:** Judge Phillips shared that the District and Municipal Court Judges' Association's (DMCJA) Spring Conference at Semiahmoo was very successful. He thanked Judge Paja for making the DMCJA Board actions more transparent and improving communication between the Board and the membership.

The next DMCJA Board meeting is in August and they will discuss an ongoing issue: setting up a model for toll bills (520 tolling).

The new 2009-2010 DMCJA officers are Judge Stephen Brown, President-Elect; Judge Gregory Tripp, Vice President; and Judge Douglas Haake, Secretary/Treasurer.

#### Association Reports

**County Clerks:** Ms. Miner reported that the Washington State Association of County Clerks' (WSACC) Annual Conference is next week and they will be changing officers and working on legislation.

**Superior Court Administrators:** Ms. Maxwell said the Association of Washington Superior Court Administrators (AWSCA) is working on conference and education matters. They are also revising the handbook for court administrators.

**District and Municipal Court Administrators:** Ms. Cusimano reported that the District and Municipal Court Administrators (DMCMA) held a conference in May. Attendance at the conference was down along with the DMCMA membership. They are in the midst of a survey to find out reasons for the drop in participation.

About 100 courts participated in the debt reduction program. For people who participated in the program, their unpaid fines were pulled out of collections, all interest was waived, debt information was removed from their credit reports, and they paid 50% of the fine. King County District Court measured a 66% increase in collections over the previous period last year and they brought in approximately \$297,000.

**Administrative Office of the Courts:** Mr. Marler stated that AOC purchased some replacement laptops for the mobile computer lab and will use the old laptops at the AOC SeaTac office for paperless meeting materials. AOC is still in the planning mode but anticipates rolling out paperless meetings soon.

Other Business

**SB 5277 – Regarding Fees Allowed as Court Costs in District Courts:** Judge Linde reported that SB 5277 authorizes some fees on civil cases in district courts. She wants to bring to the attention of the BJA that the intent of the bill was to echo the superior court bill that was passed. The preamble language which is present on the superior court bill is missing in the district court bill. Because of the omission, the new money is now subject to the typical split. The legislative intent was to have the fee in subsection 9 (ex parte order) be a local fee and not subject to the split.

During discussion it became apparent that the fix would need to be legislative and this issue will be reviewed in the DMCJA Legislative Committee.

There being no further business, the meeting was adjourned.