

**Board for Judicial Administration
Meeting Minutes**

**May 21, 2010
AOC SeaTac Office
SeaTac, Washington**

Members Present: Chief Justice Barbara Madsen, Chair; Judge Michael Lambo, Member-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ronald Culpepper; Judge Sara Derr; Judge Susan Dubuisson; Judge Deborah Fleck; Mr. Jeff Hall; Ms. Paula Littlewood; Judge Jack Nevin; Justice Susan Owens; Judge Glenn Phillips; Judge Christine Quinn-Brintnall; Judge Dennis Sweeney; Judge Stephen Warning; and Judge Christopher Wickham

Guests Present: Mr. Jim Bamberger, Mr. M. Wayne Blair, Ms. Jeri Cusimano, Justice Mary Fairhurst, Ms. Delilah George, Mr. John King, Ms. Barb Miner, Ms. Joanne Moore, Ms. Sharon Paradis, and Mr. Craig Salins

Staff Present: Ms. Margaret Fisher, Ms. Beth Flynn, Ms. Shannon Hinchcliffe, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, and Mr. Chris Ruhl

The meeting was called to order by Judge Lambo.

April 16, 2010 Meeting Minutes

It was moved by Judge Dubuisson and second by Judge Wickham to approve the April 16, 2010 meeting minutes as written. The motion carried.

BJA Best Practice Committee Nominations

It was moved by Judge Phillips and seconded by Judge Culpepper to appoint Ms. Holli Spanski, Ms. Tina Marusich, and Judge Michael Lambo to the Best Practices Committee. The motion carried.

BJA Court Security Committee

It was moved by Judge Appelwick and seconded by Judge Culpepper to appoint Ms. Sonya Kraski, Judge Debra Hayes, Justice James Johnson and Captain Rick Rochleau to the BJA Court Security Committee. The motion carried.

Justice in Jeopardy Implementation Committee Nominations

It was moved by Judge Phillips and seconded by Judge Baker to appoint Ms. Yvonne Pettus, Mr. Stanley Bastian and Judge Thomas McPhee to the Justice in Jeopardy Implementation Committee. The motion carried.

Public Financing of Supreme Court Campaigns

Chief Justice Madsen stated that after the legislative session she met with members of Washington Public Campaigns regarding public financing of Supreme Court campaigns. She explained to them the importance of filing fees for the court system and the position of the Supreme Court regarding filing fees.

Mr. King gave some background on this issue and what has propelled this movement so far. In 22 states that have contested elections, about half are cited with some detail regarding abuses, huge expenditures and hardball media advertisements. National groups are also putting a lot of money into the races. Washington Public Campaigns thinks public financing will help good candidates without a lot of money.

Mr. Salins said he envisions and expects a bill addressing public financing of Supreme Court elections during the next legislative session. He is seeking input and suggestions from the BJA regarding the bill language. Everything in the 2010 bill is open for re-examination.

Washington Public Campaigns would like to send a survey for feedback on future legislation to the Bar Association and judicial associations along with some background information. Mr. Salins will send the materials to Ms. McAleenan who will distribute the materials to the judicial associations. It was requested that responder information be deleted from the survey for privacy reasons.

Kitsap County Court Interpreter Issue

Justice Owens reported that the city backed off the business licensing requirement for court interpreters so this is no longer an issue.

There was some discussion regarding whether or not this issue might come up in other cities in the future but it was decided to drop this issue for now and bring it up in the future as needed.

Boards and Commissions Bill HB 2617

Mr. Radwan explained that HB 2617 puts restrictions on boards and commissions effective July 1. AOC is looking at a recommendation that will exempt the main boards and commissions from the restrictions in HB 2617. The recommendation will go to Mr. Hall and the Supreme Court for approval. The committees that fall under the main boards and commissions can apply for an exception to the bill.

All of the JISC groups will be exempted because they are not funded by the state general fund.

Mr. Radwan will send a list of the committees that will need to request an exemption to the judicial association presidents.

Pro Tem Funds for Association Presidents

Chief Justice Madsen had a discussion with past judicial association presidents a month or so ago about the expense that hits the county for the association presidents. There is a budget for judge pro tem reimbursement within the AOC. There is capacity in the AOC budget until June 30, 2011 to reimburse president-judges for their pro tem costs. The AOC will reexamine the capacity to fund association presidents for pro tem costs at the end of the 2011 session and will request a supplemental budget request in 2012 to fund pro tem costs if necessary.

Judicial Stabilization Trust Account

The Administrative Office of the Courts (AOC), the Office of Public Defense (OPD) and the Office of Civil Legal Aid (OCLA) all pull funds out of the Judicial Stabilization Trust Account (JSTA). The account is funded by filing fees that were put into place to backfill state budget cuts. There is no fee split between the state and counties. The JSTA will sunset in 2011. This issue is before the BJA for discussion. Does the BJA want to allow the sunset to occur? The decision does not need to be made today.

There was discussion about continuing the filing fees but including a split with the counties. If the split takes place, there will be a \$5.3 million loss in the account. If the fees sunset, it will cause a \$10 million loss to AOC, OCLA and OPD. The funding would need to be replaced if the split occurs or if the fees sunset.

There was discussion about some counties gaining more from the JSTA and Justice in Jeopardy funding than from their share of the county/state fee split. That impact needs to be considered in rural counties.

Ms. McAleenan will work with everyone impacted by the JSTA funds to schedule a meeting and come back to the BJA with a recommendation in the future.

BJA Public Trust and Confidence Committee

Justice Fairhurst reported on the Public Trust and Confidence Committee's 2009 projects:

- District and municipal court pro se handouts which will be e-mailed to all court administrators for their use. The handouts assist pro se litigants understand and make their way through court proceedings.
- A model court tours template which is designed to help court staff save time when contacted by a school or organization that wants a court tour.

- Judicial speakers bureau brochure. The template is for Washington courts to use for judicial speakers who are requested by local organizations and groups. If it is approved by the BJA it will be distributed to courts electronically.

The Public Trust and Confidence Committee is asking for the BJA's approval to distribute the documents listed above.

It was moved by Judge Phillips and seconded by Justice Owens to approve the three 2009 Public Trust and Confidence Committee projects. The motion carried.

Justice Fairhurst reported that the Public Trust and Confidence Committee's 2010 projects are:

- Adding a fifth day to the legislative scholars program. The additional day will model the law school for legislators curriculum.
- Creating a public education campaign including online products addressing the role of courts. It will be similar to the children's handbook activity but it will be geared toward adults.
- Creating a senior law day program. It will be public education about the courts but targeting seniors. The Committee is not sure what this is going to look like yet.
- Updating and revitalizing the Committee's mission statement. A draft of the statement was included in the meeting materials. The Committee has not had time to discuss the statement but it is being brought to the BJA to hear concerns.
- The iCivics Program uses online video games and lesson plans to target middle school students. The Committee is dedicating their volunteer efforts to this project. This project is being worked on in 14 other states in addition to Washington. Teachers and students really enjoy it. The Committee plans to work with social studies teachers, through the principals and the PTA.

Chief Justice Madsen extended her appreciation to the Committee for working on all of the 2009 and 2010 projects and thanked the members for all their hard work.

Municipal Court Judges Bill

There was some discussion on the municipal court judges bill regarding action that will be needed for the next legislative session. Ms. McAleenan asked the judicial associations to take a look at HB 6686 and let her know of any amendments that need to be made prior to next session. Having certain judges contact their legislators might work well next session. Ms. McAleenan will draft a template letter for the judges to give their legislators.

Mr. Hall reported that there is a lot of very strong editorial board interest in the subject matter. There has been talk about pre-filing the bill but making sure there are a lot of sponsors. The bill language needs to be completed early in order to get a large number of sponsors. Mr. Hall stated he will also engage the Governor on this issue.

Recognition of Outgoing BJA Members

Judge Lambo recognized outgoing Board members Judge Quinn-Brintnall, Judge Phillips and Judge Derr for their outstanding service and hard work. They each received a signed Temple of Justice print.

Access to Justice Board

Mr. Blair reminded everyone about the Access to Justice Conference in Wenatchee June 4-6.

Washington State Bar Association

Ms. Littlewood reported that the Board of Governors will be electing a new president-elect and selecting a governor-at-large in June.

The Uniform Bar Exam decision will be made soon and information will be posted on their Web site.

The Board of Governors will be taking up a resolution on Arizona and a moratorium on travel to Arizona.

The Board of Governors adopted their revised Bylaws at their April meeting and the portion that impacts judges will not be implemented until 2012. They are still working on how to treat administrative law judges.

Reports from the Courts

Supreme Court: Justice Owens reported that the Supreme Court is back in session. They heard oral arguments at Big Bend Community College earlier this week and some of them will be attending the swearing-in ceremonies of the new Court of Appeals judges and the DMCJA Spring Conference.

Court of Appeals: Judge Sweeney stated the Court of Appeals spent time trying to strategize on their budget. Every one of the divisions is discussing furloughs or active reductions.

Superior Court Judge: Judge Warning reported that the SCJA Long-range Planning meeting is coming up in a few weeks. They are moving forward on a risk assessment tool for all courts to use in bail decisions.

Courts of Limited Jurisdiction: Judge Phillips said he was glad to be part of this Board and enjoyed serving as the President of the DMCJA.

Association Reports

County Clerks: Their Annual Conference will be held in June and they will be electing a new Board.

District and Municipal Court Administrators: Ms. Cusimano is retiring and said she has appreciated being part of the BJA.

Juvenile Court Administrators: Their Spring Conference will be held in June and they are working on their legislative agenda.

Superior Court Administrators: They met in Cle Elum last month for their Spring Conference. Their association hosted three regional trainings around the state and Ms. Yvonne Pettus spoke regarding communicating in a diverse world.

Administrative Office of the Courts

Mr. Hall reported that there is some transition in the agency's Information Services Division. Mr. Gregg Richmond resigned and Ms. Vonnie Diseth was hired as his replacement. She previously worked at the Washington State Department of Transportation as the IT Deputy Director of the Office of Information Technology.

There being no further business, the meeting was adjourned.