

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, NOVEMBER 19, 2010
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Michael Lambo, Member Chair
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge C. C. Bridgewater
Court of Appeals, Division II

Judge Stephen Brown, President
District and Municipal Court Judges'
Association
Grays Harbor County District Court

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Dennis Sweeney, Presiding Chief
Judge
Court of Appeals, Division III

Judge Stephen Warning, President
Superior Court Judges' Association
Cowlitz County Superior Court

Judge Chris Wickham
Superior Court Judges' Association
Thurston County Superior Court

NON-VOTING MEMBERS:

Mr. Steven Crossland, President-Elect
Washington State Bar Association

Mr. Jeff Hall
State Court Administrator

Judge Laura Inveen, President-Elect
Superior Court Judges' Association
King County Superior Court

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Steven Toole, President
Washington State Bar Association

Judge Gregory Tripp, President-Elect
District and Municipal Court Judges'
Association
Spokane County District Court

Board for Judicial Administration

November 19, 2010
 9:30 a.m. – Noon
 AOC SeaTac Office
 SeaTac, Washington

Agenda

1. Call to Order	Chief Justice Barbara Madsen Judge Michael Lambo	
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Michael Lambo	
Action Items		
3. October 15, 2010 Meeting Minutes Action: Motion to approve the minutes of the October 15 meeting	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 1
4. Appointments to the BJA Public Trust and Confidence Committee Action: Motion to appoint Judge Laurel Siddoway and Ms. Kathy Martin to the BJA Public Trust and Confidence Committee	Ms. Mellani McAleenan	Tab 2
5. Salary Commission Statement Action: Motion to establish a BJA position on judicial salaries	Mr. Jeff Hall	
6. 2011 BJA Meeting Schedule Action: Motion to approved the proposed 2011 BJA meeting schedule	Ms. Mellani McAleenan	Tab 3
Reports and Information		
7. WSBA Council on Public Defense Resolution	Mr. Marc Boman	Tab 4
8. Problem Solving Courts Policy Statement	Judge Harold Clarke	Tab 5
9. Washington State Center for Court Research Update	Dr. Carl McCurley	Tab 6
10. Becca/Truancy Funding Study	Mr. Tom George	Tab 7
11. BJA Legislative Agenda	Ms. Mellani McAleenan	Tab 8
12. Washington State Budget Forecast	Mr. Ramsey Radwan	Handout
13. Resolution Urging Adequate Funding of the Judicial Branch	Ms. Mellani McAleenan	Tab 9
14. COSCA 2010 Annual Meeting Resolutions	Mr. Jeff Hall	Tab 10
15. Washington State Bar Association	Mr. Steven Toole Ms. Paula Littlewood	

16. Access to Justice Board	Mr. M. Wayne Blair	
17. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Susan Owens Judge Dennis Sweeney Judge Stephen Warning Judge Stephen Brown	
18. Association Reports County Clerks Superior Court Administrators Juvenile Court Administrators District and Municipal Court Administrators	Mr. Kevin Stock Ms. Delilah George Ms. Shelly Maluo Ms. Peggy Bednared	
19. Administrative Office of the Courts	Mr. Jeff Hall	
20. Other Business Next meeting: December 10 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Michael Lambo	

**Board for Judicial Administration
Meeting Minutes**

**October 15, 2010
AOC SeaTac Office
SeaTac, Washington**

Members Present: Judge Michael Lambo, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen E. Brown; Judge Ronald Culpepper; Judge Susan Dubuisson; Judge Deborah Fleck; Mr. Jeff Hall; Judge Laura Inveen; Ms. Paula Littlewood; Judge Jack Nevin; Judge Kevin Ringus; Judge Dennis Sweeney; Mr. Steven Toole; Judge Gregory Tripp; Judge Stephen Warning; and Judge Chris Wickham

Guests Present: Ms. Peggy Bednared, Ms. Delilah George (by phone), Mr. Doug Klunder, Ms. Sophia Byrd McSherry, Ms. Catherine Moore (by phone), Mr. Kiwaunuka V. Nsubuga, Mr. Kevin Stock, Mr. Rowland Thompson, and Mr. Bob Welden

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

Judge Lambo called the meeting to order.

Introductions were made around the room.

September 17, 2010 Meeting Minutes

Mr. Ruhl requested a revision to the minutes on Page 2, in the first paragraph. He asked that "reentry" be eliminated from the fourth line for accuracy.

It was moved by Judge Dubuisson and seconded by Judge Baker to approve the minutes with the corrections requested by Mr. Ruhl. The motion carried.

Appointments to the Justice in Jeopardy Implementation Committee

It was moved by Judge Fleck and seconded by Judge Dubuisson to reappoint Ms. Paula Littlewood and appoint Mr. J. D. Smith, Mr. Lee Kerr and Ms. Lynne Jacobs to the Justice in Jeopardy Implementation Committee. The motion carried.

Proposed Revisions to GR 31

Judge Appelwick stated that this meeting provides an opportunity for comments on the proposed revisions to GR 31 and the presentation of minority reports. On certain points in the draft rule the work group had differences in opinion and Judge Appelwick encouraged dissent to be submitted by minority report. The BJA will hear from Mr. Thompson from Allied Daily Newspaper of Washington (ADNW) and Mr. Welden from the Washington State Bar Association (WSBA) regarding their minority reports.

Mr. Thompson reported that according to the Washington State Constitution, the administration of justice shall be open and that extends to all courts. The main concern ADNW has with proposed GR 31 is that some of the fundamental principles of Article 1, Section 10 of the Washington State Constitution should be articulated as a threshold matter.

In the ADNW's version of the proposed rule (available in the meeting packet) Mr. Thompson tried to rearrange for clarity and make it easier to read for court personnel. Mr. Thompson did away with the common law balancing test and that is explained in the narrative. He also made sure all the agencies listed in the proposed rule remain in the rule, however, the location of the list was rearranged within the rule. Mr. Thompson did not change the nature of chambers records or how they are disclosed.

He spoke with some of the clerks and finds their argument that there should be a separate rule for case files and administrative records to be somewhat compelling.

Mr. Welden stated that the WSBA Board of Governors (BOG) will review the proposed revisions to GR 31 during their October 29 meeting and at this point in time they have not taken a position.

Mr. Welden believes the WSBA is different from the other agencies listed in the rule and should be excluded. The WSBA should not be defined as a judicial agency because, unlike other judicial agencies, the WSBA receives no government funding; it is a member organization; the WSBA staff are not state employees, but employees of the WSBA; it is responsible for enforcement and is already well regulated; and currently, the WSBA's bylaws contain a public records disclosure bylaw that the WSBA feels closely mirrors the Public Records Act (PRA).

The WSBA maintains a great deal of member information such as age, home address, law school, confidential demographic information, application for hardship waivers, and exemptions from MCLE rules which would not be kept confidential with the proposed revisions to GR 31.

One of the interesting things about GR 31 is that to appeal, the WSBA appeals would go to the Chief Justice of the Washington State Supreme Court which would result in a financial impact on the bar and court. If the records requestor did not like the original ruling by the Chief Justice, the appeal would be to a superior court. That is just one of a number of concerns the Bar has with the proposed revisions.

Judge Culpepper stated that he was unable to attend the final meeting of the BJA Public Records Work Group and he would have excluded the WSBA from the rule if he had been in attendance.

Mr. Thompson read an e-mail from Mr. Toby Nixon from the Washington Coalition for Open Government regarding the inclusion of the WSBA in the agencies subject to GR 31. The main point in the e-mail was:

Whether it likes it or not, the Bar is and should be answerable to the public because of its "singular authority over the provision and providers of legal services" in this state. By excluding the Bar from GR 31, the Bar remains free to decide which information it deems suitable for the public to know.

There was much discussion regarding the proposed revisions to GR 31. Some BJA members felt it would make sense to leave GR 31 as is and create a new rule for judicial administrative records requests. Judge Appelwick said that a separate rule would, ultimately, still require alterations to GR 31.

Several BJA members expressed concern about the lack of resources necessary to respond to public records requests. Judge Appelwick stated that is a concern that needs to be addressed and it is possible smaller courts could contract with someone outside the court such as the county/city public records officer, a larger local court or the Administrative Office of the Courts. Mr. Thompson commented that courts are still going to receive records requests whether or not GR 31 is revised. He does not think the revision of GR 31 will cause a spike in records requests. The judiciary is much better off creating a rule so a clerk or administrator has a rule to look to. Right now they are flying blind and have nothing to guide them and courts have ruled the Public Records Act does not apply to the judiciary. With this proposed framework, courts are able to make those records release decisions and it will cost less.

Judge Appelwick explained that the work group completed their work in eight meetings in less than a year and he hopes in the next two or three months the BJA can make a definitive statement and let the Supreme Court decide if they want to move forward on this proposed rule revision. He assumed that if the BJA sent something to the Supreme Court Rules Committee this fall, it would not be effective until next fall but would still require a year or so of training before it is up and running.

There is a concern that legislation could put courts under the Public Records Act. The judiciary can fight the battle legislatively but needs to be clear on whether the judiciary embraces the concept.

Judge Lambo stated this issue would be put on the December BJA agenda for further discussion and for action in January.

Justice in Jeopardy Outreach Committee Report

Judge Fleck reported that the Justice in Jeopardy Outreach Committee is a subcommittee of the Justice in Jeopardy Implementation Committee (JIJIC) and has strong staffing from the Administrative Office of the Courts (AOC). The goals of the committee are to:

- Re-engage our partners, including the counties and cities, business, labor, WAPA, WDTL, good government groups, as well as legislators.
- "Refresh" the Justice in Jeopardy Initiative message with the state executive and legislative branches and with local government.
- Educate the public and community groups.

This year the Committee decided to look at more discrete tasks. They are planning a few Courthouse Open Houses which will showcase the critical work being done for the public and the lack of funding for essential justice services.

The Committee would love to have additional members or suggestions for future projects.

Washington State Association of County Clerks Legislative Agenda

Mr. Stock reported that the Washington State Association of County Clerks (WSACC) has one legislative issue they are putting forward. It is three-pronged and will: 1) ensure that legal financial obligation (LFO) funding reductions cannot be made by AOC; 2) clarify that civil judgments are enforceable for a period of 10 years, unless extended, and criminal judgments are in effect until the judgment is satisfied; and 3) give clerks the same authority the Department of Corrections (DOC) has to issue orders to banks, financial institutions or other entities to "withhold and deliver" the property or earnings of offenders to satisfy court-ordered obligations.

The main priority of the legislation for the WSACC is the money side. In 2003 the clerks assumed the program from DOC. Since they have taken over that program the collection of restitution has increased over 60% and crime victims have received over \$18 million more than before the clerks took over the process. Because of the budget reductions, they have had to go to every-other-month billing.

Mr. Hall responded that AOC obviously has concerns about the proposal. Generally, there is a perception that AOC is a bureaucracy and if cuts can be made to the bureaucracy, the money saved by the cuts can be spent on other programs/courts. Mr. Hall appreciates the WSACC's concerns and one of the things that can be done is to work collaboratively regarding the priorities of AOC and where to take budget reductions in the future. He encouraged everyone to review the document *Maintaining Justice: A Profile of the Administrative Office of the Courts* and let him know what projects/programs are important to stakeholders. Everything the AOC does is in support of the courts.

Mr. Stock stated that the statute currently indicates the AOC shall not deduct any amount from LFO funding and shall distribute the funds to the clerks. If funding is cut in the future, the program would eliminate all billing or clerks would take the reduction on their side and eliminate all collections staff. Is it justified to cut programs that bring in revenue? Their concern is that the money be put back in the program account so they can continue the good work the clerks have done across the state to bring in restitution.

Mr. Hall said the BJA Legislative/Executive Committee will discuss this proposed legislation during their conference call at the end of the month.

Washington Judiciary's Presentation to the Washington Citizens' Commission on Salaries for Elected Officials

Mr. Hall reported that the Salary Commission will convene in November and start their process for setting salaries for statewide elected officials. The judicial salary information provided in the meeting materials will be sent to the Salary Commission for distribution to Commission members.

At Chief Justice Madsen's request, Mr. Hall revised the report this year to indicate that judges participate in statewide committees. Other than that, it is the same material presented in years past but it has been updated with current statistics.

There was a request to add information about the Owen-Pottier study to the materials and another request to point out that judges are losing ground when it comes to parity with federal judges.

At the November meeting, the BJA will consider their position on judicial salaries. In the past the BJA's position has been that judicial salaries should be given parity with federal judicial salaries. That will be Mr. Hall's recommendation at next month's meeting and that approach does not put the judiciary in the position of asking for a raise and has been fairly successful in the past.

The Salary Commission will meet in Olympia on February 4. Chief Justice Madsen and the association presidents will attend. The Commission will then hold meetings

throughout the state and Mr. Hall and representatives from the judicial associations will attend those meetings. Travel expenses for Salary Commission meetings are funded with BJA funds. The judiciary maintains a presence during the meetings which results in a good relationship and good communication with the Salary Commission members.

Washington State Bar Association

Mr. Toole reported that the Washington State Bar Association (WSBA) Board of Governors (BOG) met on September 23 and 24. Their annual awards banquet was held September 23 and he was sworn in as President of the WSBA by Chief Justice Madsen. The WSBA awarded Outstanding Judge Awards to: Judge Vickie Churchill, Judge Tari Eitzen and Judge Richard McDermott.

In the next few years the WSBA is going to pursue enhancing their culture of service within the WSBA membership; provide more assistance to lawyers with the business of law practice; provide more assistance to lawyers in avoiding or dealing with the stress of law practice; and conduct a detailed study of the composition of the legal profession and retention rates within the profession in Washington.

The BOG went forward with the membership bylaws amendment. The \$50 judicial membership fee will not be effective until 2012.

Ms. Littlewood reported that the Moderate Means Program will be launched soon. The program will involve law students doing client intake and lawyers working on the cases.

Reports from the Courts

Court of Appeals: Judge Sweeney reported that the Executive Committee of the Court of Appeals (COA) voted to cancel their spring conference due to budget reductions. The COA has adopted their first long-range strategic plan.

Superior Courts: Judge Warning is happy to see the WSBA bylaws provision come together as it did. The Superior Court Judges' Association (SCJA) is gearing up for the legislative session.

Courts of Limited Jurisdiction: Judge Brown said the District and Municipal Court Judges' Association (DMCJA) is getting ready for the legislative session. Part-time judges appreciate the new WSBA membership bylaws. The DMCJA is spending time on the court records issue.

Association Reports

County Clerks: Mr. Stock stated the WSACC is working on the legislative item discussed earlier in the meeting.

Superior Court Administrators: Ms. George reported that the Association of Washington Superior Court Administrators (AWSCA) is looking forward to the October 20 fall conference via the eCCL system. The conference will cover ADA and appointment of counsel requests and the GR 33 rewrite. On October 28 they will hold a second eCCL session which will focus on ethics and social media.

District and Municipal Court Administrators: Ms. Bednared stated there is a board meeting next week with guests from the Department of Licensing (DOL) and the DMCJA. They are also working on spring conference.

Administrative Office of the Courts

Mr. Marler gave a brief update on the state budget. The Governor invoked emergency powers to reduce funding by 6.287% across all state agencies. The AOC ended up backing out all costs that are constitutionally mandated and cannot be cut (superior court salaries, pro tem costs, and the staffing component for the portion of the interpreter program which is required to certify and regulate the interpreters). AOC then took a 6.287% reduction on the remaining funds. There will be reductions to the Becca and truancy funds, vacancy savings throughout the agency, a hiring freeze, and pro tem funding that is being under-utilized will off-set reductions to the remaining pass-through programs.

The AOC was advised that they were successful in receiving a drug court enhancement grant to implement automated case management and data collection. The project will be a partnership between the DSHS Division of Behavioral Health and Recovery, AOC and nine drug courts. Additional partners will include the human services office in participating counties, alcohol and drug treatment agencies, the Washington State Office of Research and Data Analysis, and consultants from Washington State University and NPC Research in Portland, Oregon.

Other Business

BJA Account Update: Ms. McAleenan reported that in the third quarter report, there is just over \$21,000 in the BJA account because quite a few more judges have paid their BJA dues. The only recent expenses were for standard bookkeeping. Upcoming expenses will be the legislative dinners.

There being no further business, the meeting was adjourned.

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Judge Laurel Siddoway

Nominated By: Court of Appeals
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2011

Term End Date: December 31, 2012 (with the option to renew for one more two-year term)

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: N/A

Additional information you would like the BJA to be aware of regarding the nominee:

See attached letter.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Ms. Kathy Martin

Nominated By: Washington State Association of County Clerks
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2011

Term End Date: December 31, 2012 (with the option to renew for one more two-year term)

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: N/A

Additional information you would like the BJA to be aware of regarding the nominee:

See attached letter.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
2011 Meeting Schedule**

Date	Location
January 12, 14, 17, 19 or 21 (it will correspond with the State of the Judiciary Address)	Olympia (time and date TBD)
February 18	Olympia (9:30 a.m.)
March 18	Olympia (9:30 a.m.)
April 15	Olympia (9:30 a.m.)
May 20	SeaTac (9:30 a.m.)
June 17	SeaTac (9:30 a.m.)
July 15	SeaTac (9:30 a.m.)
August 19	SeaTac (9:30 a.m.)
September 16	SeaTac (9:30 a.m.)
October 21	SeaTac (9:30 a.m.)
November 18	SeaTac (9:30 a.m.)
December 9	SeaTac (Joint meeting with Court Management Council) (9:30 a.m.)

SeaTac Location: AOC SeaTac Facility
SeaTac Office Center-South Tower
18000 International Blvd., Suite 1106
SeaTac WA 98188-4251

Olympia Location: Chief Justice's Reception Room
Temple of Justice
415 12th Ave SW
Olympia, WA 98501



WSBA

TO: Board of Governors

FROM: Marc Boman, Chair, Council on Public Defense ("CPD")

RE: Request for Support: CPD Resolution Regarding Notice Entitled, "Consider the Possible Effects of Pleading Guilty"

DATE: October 14, 2010

These materials are submitted on behalf of the WSBA's Council on Public Defense to request that, at its October 2010 meeting, the Board of Governors support the CPD's resolution.

What Is Being Requested?

The WSBA Council on Public Defense seeks the Board of Governors' support for the CPD's attached resolution encouraging Washington courts to provide the proposed written notice to defendants of the possible consequences of pleading guilty.

Why is the Council on Public Defense Making this Request?

Washington Court Rules require:

The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the consequences of the plea. . . .

CrR 4.2(d), CrRLJ 4.2(d) (Emphasis added). Many Washington judges have difficulty exploring each defendant's understanding of the consequences of a plea of guilty. This can be due to the pressure imposed by full court dockets, highly individualized consequences that depend on the defendant's circumstances that are unknown to the judge and/or other factors. As a result, many, if not most, defendants considering entering a guilty plea will not be aware of the range of possible consequences to them of a guilty plea without consulting with an attorney who can explain disabilities that often go far beyond the penalties and/or other consequences imposed at the time of sentencing.

The CPD's resolution urges Washington courts to provide defendants with a visual, one-page notice (one side in English, the other side in Spanish) of examples of possible consequences of a guilty plea that may not otherwise be known or understood at the time of entering a plea. It also notifies defendants that an attorney can explain potential consequences of a plea of guilty.

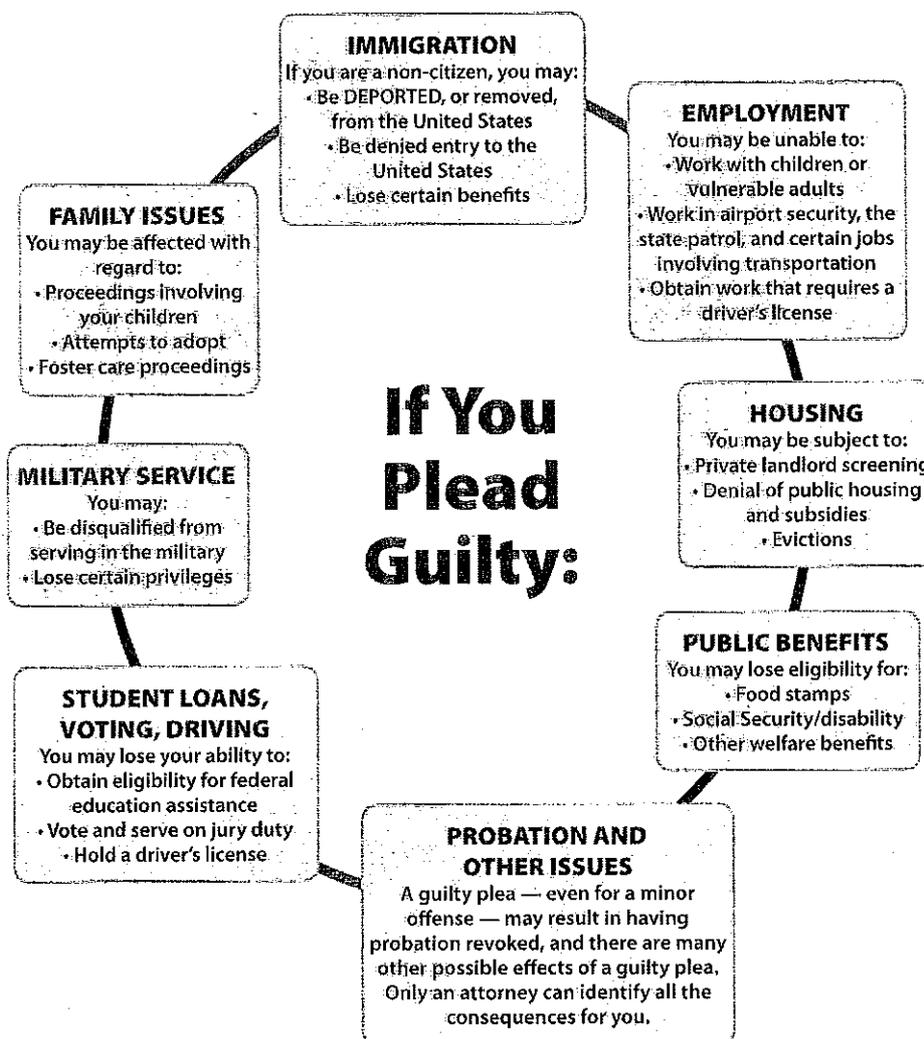


Before you enter your plea

Consider the Possible Effects of Pleading Guilty

You have a right to see a defense attorney, even if you can't pay for one. Your attorney will explain what can happen because of your plea and help you decide what to do.

In addition to possible penalties such as jail time and fines, examples of issues you may want to discuss with an attorney include:



REMEMBER

- You have a RIGHT to an attorney right now.
- An attorney can explain the potential consequences of your plea.
- If you cannot afford an attorney, an attorney will be provided at NO COST to you.
- If you don't have an attorney, you can ask for one to be appointed and for a continuance until you have one appointed.

!ALTO!

Antes de que usted se declare

Considere las consecuencias de admitir culpabilidad.

Usted tiene el derecho de consultar a un abogado, incluso si no tiene los recursos para pagar sus servicios. Su abogado le explicará lo que puede suceder a consecuencia de su declaración y le aconsejará a decidir lo que puede hacer.

Además de posibles condenas tales como encarcelamiento y multas, ejemplos de asuntos a discutir con un abogado incluyen los siguientes:



RECUERDE:

- Usted tiene derecho a los servicios de un abogado inmediatamente.
- Un abogado le puede explicar las consecuencias potenciales de su admisión.
- Si usted no puede pagar a un abogado, se le proporcionarán los servicios de uno.
- Si aún no tiene un abogado, puede pedir que se le asigne uno y que se le otorgue una "continuación" hasta que usted pueda contar con los servicios de un abogado.

DRAFT

**A RESOLUTION ENCOURAGING WASHINGTON COURTS TO ADVISE
DEFENDANTS IN WRITING TO CONSULT WITH AN ATTORNEY REGARDING
THE CONSEQUENCES OF A GUILTY PLEA**

WHEREAS, the consequences of a guilty plea include, but often go far beyond, the legal disabilities imposed at the time of sentencing.

WHEREAS, these consequences can be permanent and life-changing. The list of potential consequences is long and can include, among other disabilities, deportation, disqualification from military service, ineligibility for certain types of employment, loss of rights with respect to children, loss of public benefits, required registration as a sex offender and denial of housing.

WHEREAS, the Washington Court Rules state, "The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea." Criminal Rule 4.2(d)

WHEREAS, at the time that a defendant appears to enter a plea, many judges in Washington feel pressure to limit the time they may explore the defendant's understanding of the consequences of the plea due to full court dockets,

WHEREAS, many, if not most, defendants considering entering a guilty plea will not be aware of the range of potential consequences to them of a guilty plea without consulting with an attorney prior to entering a plea.

WHEREAS, in order to encourage defendants to become aware of the consequences of a guilty plea before entering a guilty plea and the importance of consulting with counsel, the Washington State Bar Association Council on Public Defense has created a notice entitled, "Consider the Possible Effects of Pleading Guilty." A copy of the notice is attached to this resolution.



ArraignmentCard-R1 .pdf



ArraignmentCard-Spanish.pdf

NOW, THEREFORE, BE IT RESOLVED that the Washington State Bar Association Council on Public Defense urges all Washington courts to provide to each defendant a copy of the above-referenced notice and to maintain copies in a conspicuous place so that defendants considering pleading guilty will have a visual reminder of the importance of consulting with an attorney before entering a guilty plea.

Adopted at Seattle, Washington this 10th day of September, 2010.

Marc Boman, Chair, Council on Public Defense

Approved by the Washington State Bar Association Board of Governors this _____ day of _____, 2010.

Paula C. Littlewood, Secretary

**POLICY STATEMENT BY
THE BOARD FOR JUDICIAL ADMINISTRATION (BJA)
ON DRUG COURTS AND OTHER
PROBLEM SOLVING COURTS**

At its meeting on <Month><Date>, <Year>, the Board for Judicial Administration approved the following statement of judicial policy in support of Drug Court and Other Problem-Solving Court Principles, Methods and Funding.

For purposes of this Policy Statement, Drug Courts are particularly emphasized in light of the central place they occupy in that class of related court programs which have, in the past two decades, come to be known under the general name of Problem Solving Courts. This Policy Statement is intended to set forth the BJA's strong support for Problem Solving Courts in general and Drug Courts in particular.

I. The BJA recognizes the following:

A. There is evidence of broad support, both in Washington and other states, for the principles and methods commonly used in problem solving courts, including ongoing judicial leadership, integration of treatment services with judicial case processing, close monitoring of and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations.

B. These new courts and calendars are generally called "Problem Solving Courts", recognizing that courts have always been involved in attempting to resolve disputes and problems in society, but understanding that the collaborative nature of these new efforts deserves recognition.

C. The U.S. Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) on July 24, 2004 adopted Resolution 22 in support of Problem Solving Court Principles and Methods. That resolution reflects the broad national support for and recognition of the principles, methods and efficacy of the Problem Solving Court model.

D. Those principles and methods have demonstrated great success in addressing certain complex social problems, such as the nexus between criminal behavior and addiction, and recidivism by addicted offenders, which are not effectively addressed by the traditional legal process.

E. The application of those principles and methods advances both public safety and the public's trust and confidence in Washington's courts.

F. Drug courts have proven to be an effective strategy for reducing drug use and criminal recidivism among criminal offenders with substance abuse and addiction and for reuniting families broken by drug dependency.

G. Through the efforts of the National Association of Drug Court Professionals, the National Drug Court Institute, the National Center for State Courts and others, drug court research has resulted in many areas of consensus regarding the best practices for drug courts.

H. The associated State Drug Court Coordinators are responsible for overseeing the implementation of these best practices at the state level in each of the states and territories. Local drug court judges and drug court coordinators are responsible for overseeing the implementation of these best practices at the local level in each of the local drug courts.

II. In light of the above, the BJA recommends the Washington State Judiciary should:

A. Develop and implement a state-level plan to expand the use of the principles and methods of problem solving courts in Washington State.

B. Encourage, where appropriate, the broad integration of the principles and methods employed in problem solving courts into the administration of justice to improve court processes and outcomes while preserving the rule of law, enhancing judicial effectiveness, and meeting the needs and expectations of litigants, victims and the community.

C. Advance the careful study and evaluation of the principles and methods employed in problem solving courts and their application to other significant issues facing Washington's courts.

D. Encourage the development of at least one "demonstration" jurisdiction in Washington to serve as a laboratory in the use of problem solving court principles and methods within a traditional court setting.

E. Support the continued identification and promulgation in Washington of national best practices in the use of problem solving court principles and methods within a traditional court setting.

F. Take steps, both at the state and local level, to expand and better integrate the principles and methods of well-functioning drug courts into ongoing court operations.

G. Support national, state and local education and training on the principles and methods employed in problem solving courts and on collaboration with other community and government agencies and organizations.

H. Support the development and delivery of judicial and staff education curricula based on the principles and methods of problem solving courts.

I. Encourage the attendance by judicial officers and staff at national, state and local courses on principles and methods of problem solving courts.

J. Request that the Washington Courts Judicial College update its existing training curricula to include the principles and methods of problem solving courts.

K. Request the law schools in Washington, as appropriate, to include the principles and methods of problem solving courts in their curricula.

L. Advocate for the resources necessary to advance and apply the principles and methods of problem solving courts in Washington's courts.

M. Support a national agenda that includes the following actions:

1. Request that the CCJ/COSCA Government Affairs Committee work with the United States Department of Health and Human Services to direct treatment funds to the state courts.
2. Request that the National Center for State Courts initiate with other organizations and associations a collaborative process to develop principles and methods for other types of courts and calendars similar to the 10 Key Drug Court Components, published by the Drug Courts Program Office, which define effective drug courts.
3. Encourage the National Center for State Courts Best Practices Institute to examine the principles and methods of those problem solving courts.

N. Convene a state conference to educate Executive, Legislative and Judicial Branch leaders and members and other appropriate policy leaders on the issues raised by the growing problem solving court movement.

O. Advocate for necessary financial resources for treatment and services which are integral to a successful problem solving court.

P. Support and promote efforts to generate consistent collection of data on Washington drug courts and other problem solving courts to enable effective evaluation and monitoring of drug and problem solving court outcomes and performance.

Q. Meet with legislators of the appropriate Washington House and Senate committees for the purpose of advancing the merits of drug courts and other problem solving courts, encouraging the expansion of problem solving courts, and seeking the legislators' active support for increased state funding, including funding for drug and other problem solving court operations.

**Washington State Center
for Court Research**



**WASHINGTON
COURTS**
ADMINISTRATIVE OFFICE OF THE COURTS

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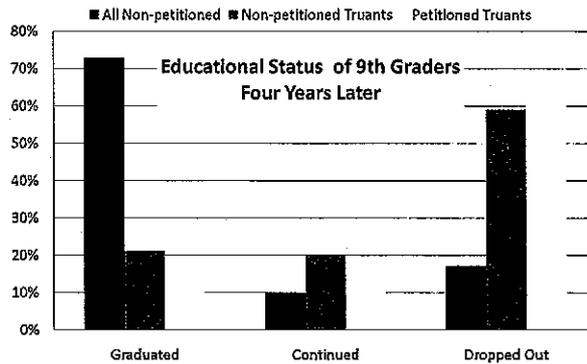
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Projects Overview

Becca Evaluation



Two-thirds (67%) of petitioned truants dropped out of high school—slightly higher than non-petitioned truants (59%).

Washington Assessment of Risks and Needs of Students (WARNS)

How have you been doing in the past 2 MONTHS?	Never or Hardly ever	Sometimes	Often	Always or Almost always
1. I liked going to school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. I got into physical fights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. I felt close to my parents.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. I smoked cigarettes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. I broke the rules at home, school, or work.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. If I wanted to do homework, my parents' home was a good place to be.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. I lost my temper and hit or yelled at someone.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. I felt supported and respected by the adults at school.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. I felt like nothing could cheer me up.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. I did things that could have got me arrested.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

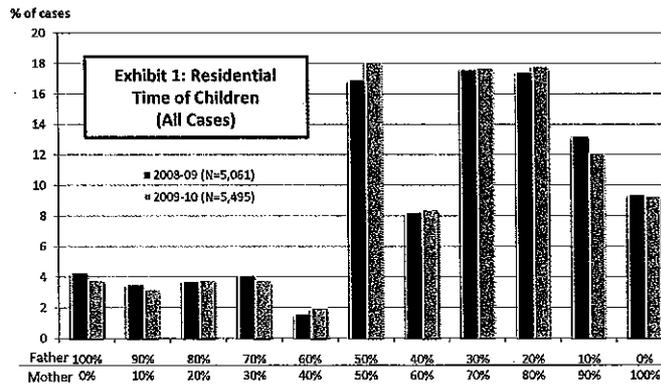
Dependent Youth Interviews

Selected Findings

- Fifty-five percent of youth in the pilot programs attended their dependency hearings. An additional five percent participated by telephone.
- Of the total number of hearings surveyed by pilot sites, 18% of eligible youth asked for an interview with the judge. Of youth who came to court for their hearings, 33% took part in an interview.
- Of the youth who reported they asked for an interview, 64% said they "told the judge things I didn't want to say in front of everyone else."

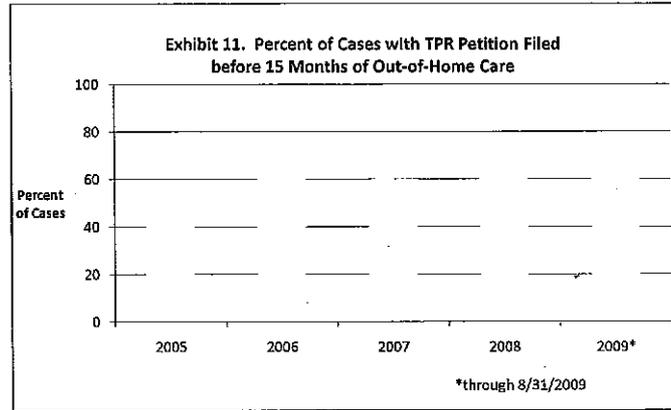


Residential Time Summary Report



"Overall, 88% of the Parenting Plans were by agreement of the parties, 2% were decided after a contested hearing or trial, and 10% were by default."

Timeliness of Dependency Case Processing in Washington State

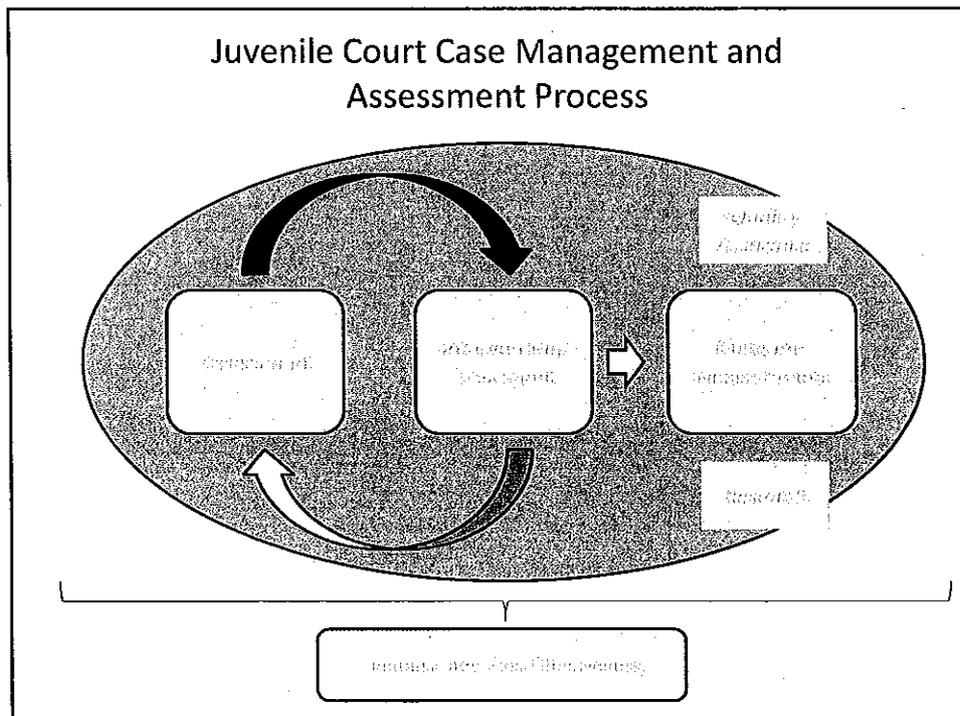


Judicial Salary Comparison

Comparison Date	Court Level	Salary	Actual Ranking	Normalized Ranking ¹
October 2010	Supreme	\$164,221	14/50	14/50
	Court of Appeals	\$156,328	11/39	13/39
	Superior	\$148,832	11/50	14/50
	District	\$141,710	3/17	5/17
October 2008	Supreme	\$164,221	11/50	12/49
	Court of Appeals	\$156,328	8/39	10/39
	Superior	\$148,832	8/50	7/49
	District	\$141,710	1/17	2/17
October 2006	Supreme	\$145,636	14/50	13/48
	Court of Appeals	\$138,636	12/39	13/39
	Superior	\$131,988	11/50	12/48
	District	\$125,672	4/16	4/16

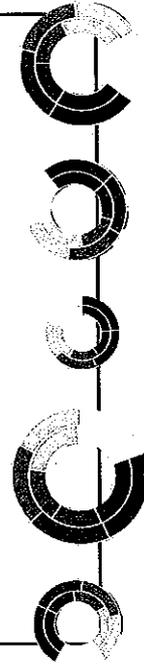
Judicial Needs Estimates

- Uniform manner of calculating judicial needs based on current yearly level of productivity
- Produced for all Superior and District Courts, and select Municipal Courts



Therapeutic Courts

- **THURSTON COUNTY DISTRICT COURT**
Mental Health Court
- **ISLAND COUNTY SUPERIOR COURT**
Adult Drug Court
- **Federal grant to implement drug court case management system and establish performance reporting**



OFM/WSCCR Research

- ❖ Domestic Violence Offenders
- ❖ Sex Offender Careers

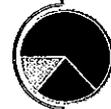


Thurston County Pretrial Risk Assessment

What is the impact on pretrial hearing decisions of Adult Risk Assessment results?

In closing...

- ❖ Washington's approach to court research overhauled in 2006
- ❖ WSCCR Advisory Board a key link between court research and the court community
- ❖ New Board Chair
- ❖ Continual review of alignment between research priorities and the needs of the Judicial Branch



Summary of an Outcomes Evaluation of Court-Petitioned and Non-Petitioned Truant High School Students

(draft: 11/5/10)

Tom George, Washington State Center for Court Research

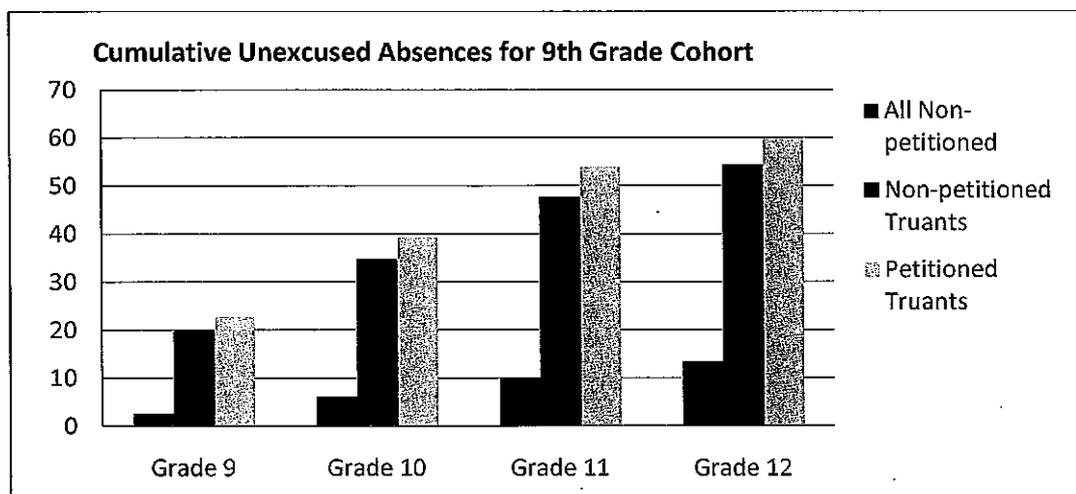
Purpose: To investigate the impact of receiving a truancy petition on educational and juvenile offender outcomes.

Method: 1) Merged educational student records with AOC court data.

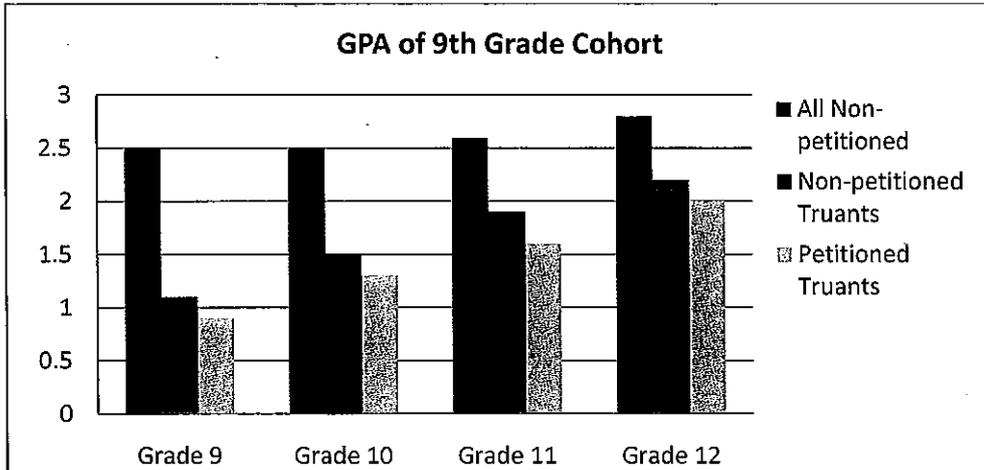
2) Created a matched sample of approximately 5,000 9th and 10th graders who received a truancy petition with a similar number of high-risk non-petitioned students. (Matched on absences, credits, suspensions/expulsions, overage for grade, gender, minority status, and criminal history.)

3) Examined outcomes at each subsequent grade level through high school.

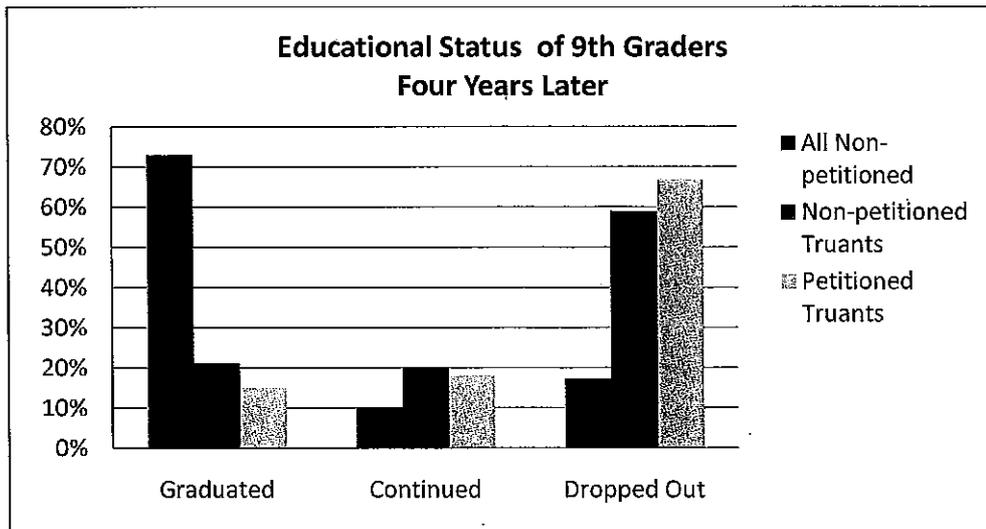
Findings:



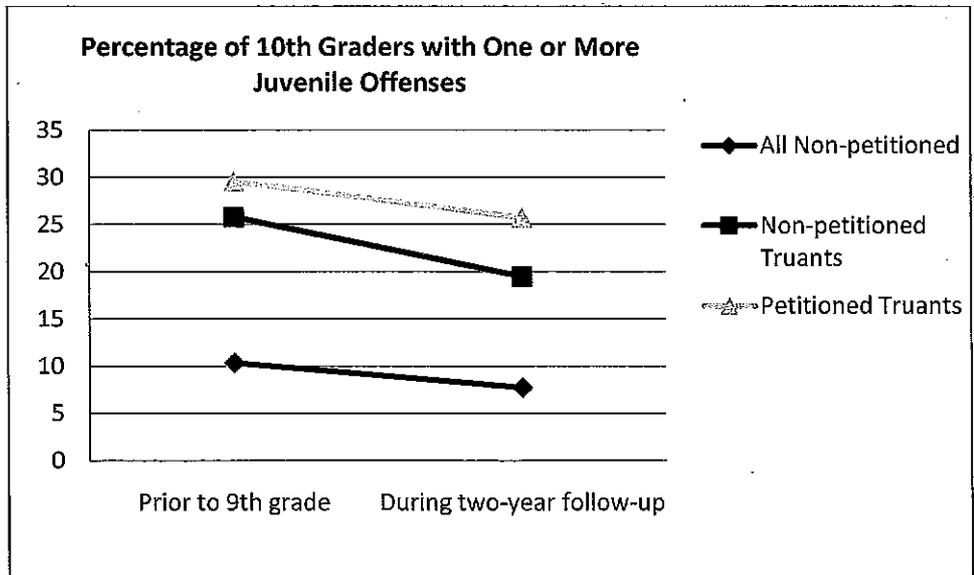
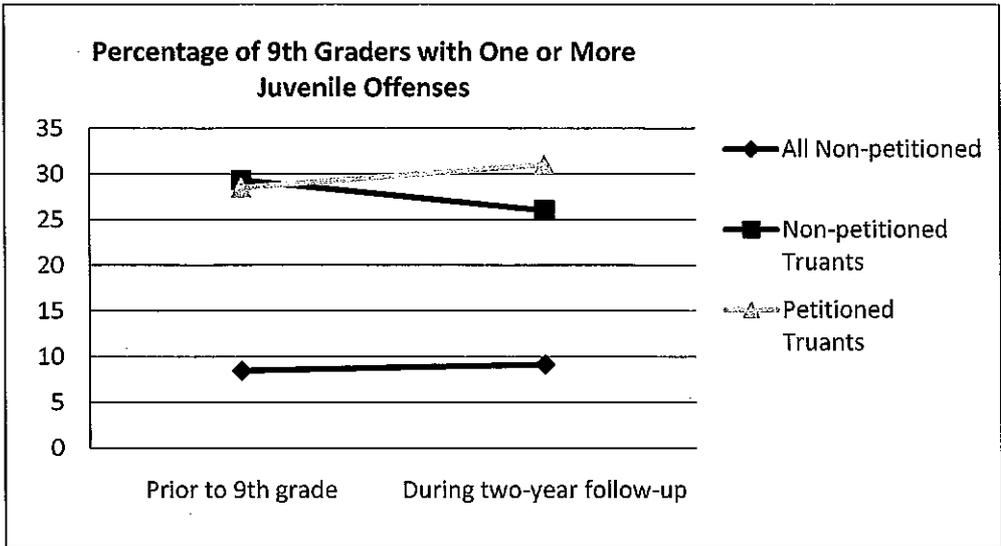
- For those students who remained in high school, unexcused absences continued to accrue at a significant level for both petitioned and non-petitioned youth.



- Annual Grade Point Average improved with each subsequent grade level, but did not differ between petitioned and non-petitioned youth and remained below the general student body.



- Two-thirds (67%) of petitioned truants dropped out of high school—slightly higher than non-petitioned truants (59%).



- Petitioned truants continued to have a high probability of committing a juvenile offense during a two-year follow-up period, and the rate of change was similar to non-petitioned truants and the general student body.

(Note: Additional information on current trends in schools and juvenile courts and the characteristics of truant students will appear in a forthcoming truancy evaluation report.)

ELECTION RESULTS 2010

(Current as of 11/16/10, 9:00 pm)

A full two weeks after the November 2nd election, some legislative races remain undecided. At least two recounts are likely. As anticipated, voter turnout was high, as much as 80% in some counties. Also not a surprise, the Republicans did ride a tidal wave of discontent across the country, but the current could not carry them past the Cascade Curtain. As vote-by-mail ballots were tabulated over the last two weeks, it became clear that last-minute Democratic "get out the vote" efforts were a success. In many districts with close races, counts favoring Republican candidates on election night moved steadily into the Democratic column as the later-arriving ballots were counted.

Legislative Races

Even without the possibility of a Republican resurgence, major change was coming to the House and Senate in Washington State in the form of 16 open seats in the House and 5 in the Senate. Even with races still too close to call, it is clear that the Republicans will pick up seats in both houses without achieving majority status in either house. In most of the remaining races, Democrats have continued to gain since the election night vote counts.

Republicans have picked up at least three seats in the Senate.

- Sixth District Senator Chris Marr of Spokane conceded to Republican challenger Michael Baumgartner.
- One-term incumbent, Eric Oemig, D, has lost to Andy Hill, R, in the 45th District/Kirkland.
- Fellow one-term Democrat Senator, Claudia Kauffman, lost to Joe Fain, R, in the 47th District/Kent.
- Appointed Senator Randy Gordon, D, trails Steve Litzow, R, by just 214 votes in Bellevue's 41st District. This race is currently within the .5% requirement necessary for a machine recount.
- Republican challenger Dave Schmidt trails Senator Steve Hobbs by 825 votes (1.44%) in the 44th District/Snohomish.

Assuming four seats change hands, Democrat control of the Senate is reduced from 31-18 prior to the election to 27-22.

In the 38th District, incumbent Senator Jean Berkey, D, lost in the primary, and her Democratic challenger Nick Harper ultimately won that seat. However, Senator Berkey has asked the legislature not to seat Mr. Harper, whose victory has been subjected to the controversy surrounding alleged election law violations by a political consulting firm. The Attorney General sued Moxie Media for violations said to have occurred from its efforts to unseat Sen. Berkey in the primary. There appear to be no real rules for such a maneuver in the Senate; the last time such power to challenge election results was used was in 1941 to keep a candidate with Communist Party ties out of office. It appears that Senator Brown is inclined to move forward

with Mr. Harper's "confirmation," despite Senate Minority Leader Mike Hewitt's request to the contrary.

In the House of Representatives, Republicans should gain three to four seats, with at least two heading for recounts.

- Republican Paul Harris beat Monica Stonier in the 17th district seat vacated by Democrat incumbent Deb Wallace.
- Former legislator John Ahern, R, bested incumbent John Driscoll, D, in Spokane's 6th District.
- Democrat Geoff Simpson lost to Mark Hargrove, R, in the 47th District.
- Democrat budget-writer Kelli Linville, D, from Whatcom County's 42nd District conceded to challenger Vincent Buys, R, but the current vote count places this race within the machine recount margin at .3% or 177 votes. The recount is currently scheduled to begin on November 30.
- Democrat incumbent Dawn Morrell of Puyallup is currently losing to Republican challenger Hans Zeiger by .08%, within the margin required for a hand recount, or 36 votes, in the 25th District.
- For the seat vacated by Democrat Representative Mark Ericks in the 1st District, Luis Moscoso, D, leads Republican Heidi Munson by 970 votes. Later vote counts have pushed Moscoso from behind Munson to a growing lead.
- In the 30th District, the seat vacated by Republican Skip Priest, Republican Katrina Asay leads Democrat Carol Gregory by 353 votes.
- One seat changed hands between Republicans when incumbent Tom Campbell, R, of the 2nd District lost to JT Wilcox, R.

If the Republicans gain four seats, the Democratic majority in the House will be reduced from 61-37 prior to the election to 57-41.

Leadership Positions

Senator Lisa Brown was reelected by her colleagues to her position as Majority Leader. Other leadership positions in the House and Senate will be determined in the coming weeks.

Representative Mark Miloscia has announced his long-shot plan to challenge Representative Frank Chopp for Speaker of the House. A number of candidates are vying for the House Majority Leader position vacated by Lynn Kessler's retirement. House Republican leadership positions will be determined on November 19.

Senate Ways & Means Chair Margarita Prentice has stepped down to run for the leadership position of President Pro Tempore, and Senator Ed Murray is being recommended to fill her Ways & Means position. A vote by the Democratic members will determine these and other positions in early December.

A complete list of legislators by district is available at the end of this document.

Ballot Measures

The initiative and referendum process played a pivotal role during this election season, and their impacts on the state budget are significant. Voters sent a clear no-taxes message last Tuesday. The temporary taxes implemented last year by the legislature will be eliminated on December 2, thirty days after passage of I-1107, resulting in a loss of \$55 million in expected revenue between now and July and an additional loss of \$218 million from projected revenues for the 2011-2013 biennium, according to one news report.

Republican leadership has renewed their call for the Governor to convene a special session of the legislature in advance of the 2011 legislative session, possibly during second week of December when legislators are already scheduled to be in Olympia. But, I-1053, requiring a 2/3 majority vote to raise taxes, goes into effect on December 2nd, days before the legislature is scheduled to be in Olympia, which renders any last minute attempt to increase taxes impossible.

Initiatives

I-1053, requiring that tax increases pass the legislature with a 2/3 majority vote, passed with 64%* of the vote.

I-1082, authorizing private industrial insurance (workers' compensation), failed with a 59% no vote.

I-1098, authorizing a high-earners income tax, was defeated with a no vote by 65% of the voters.

I-1100, the Costco-backed initiative to privatize liquor sales, lost by a 53-47% margin.

I-1105, the liquor privatization initiative favored by the distributors, was defeated more resoundingly, garnering only 35% of the votes.

I-1107, repealing the candy, bottled water, and other taxes, passed with 61% of the vote.

Referenda

R-52, authorizing bonds to fund energy efficient projects in schools, lost by almost 55%.

Resolutions

SJR 8225, which makes changes to the calculation of the state debt limit, passed with 52% of the vote.

ESHJR 4220, granting judges the discretion to deny bail in certain circumstances, passed by 85% of the vote.

* Percentages are based on November 10th election returns.

Federal Races

At the Federal level in the Senate, the Democrats lost 6 seats, but the Republicans needed to gain 10 to assume control of the Senate, and the Democrats are expected to retain the majority. Washington State Senator Patty Murray, D, was able to maintain her seat against challenger Dino Rossi, R, by a 52% to 48% margin.

In the House of Representatives, the Republicans have picked up at least 60 seats, needing only 39 to assume control of the House. All of Washington State's Congressional representatives appear to have secured their return to Washington DC. In the 2nd Congressional District, incumbent Rick Larsen, D, maintained his position against challenger John Koster, R, by a slim margin. Last week, it appeared that Congressman Larsen would be defeated, but later counts moved him into the victory seat. The only open seat in Washington State changed parties as a result of the election. In the 3rd Congressional district, Republican Jaime Herrera will replace Democrat Brian Baird, beating challenger Denny Heck, D.

Legislators by District, Current as of Nov. 16, 2010, 9:00 pm

New legislators are listed in **bold**.

Close races with potentially indeterminate winners are *italicized*.

District Number	Description	Legislators
<u>1</u>	The 1st District represents portions of northeast King County and south Snohomish County, including areas of Bothell, Woodinville, Mountlake Terrace, and Brier.	Senate – McAuliffe, D House – Stanford, D ; <i>Moscoso, D, leads Munson, R</i>
<u>2</u>	The 2nd District represents Pierce County, including McKenna, Rainier, Roy, Ft. Lewis, Spanaway, Orting, Graham, Yelm, and the City of Eatonville.	Senate – Becker, R House – McCune, R; Wilcox, R
<u>3</u>	The 3rd District represents the heartland of the downtown Spokane area, extending to the North Side and South Hill.	Senate – Brown, D House – Billig, D ; Ormsby, D
<u>4</u>	The 4th District represents an area stretching from the Spokane Valley to the Northeast Edge of Spokane County, including Liberty Lake, Millwood, Peone Prairie, Mead, Colbert, Chattaroy, and Elk.	Senate – McCaslin, R House – Crouse, R; Shea, R
<u>5</u>	The 5th District represents East King County, including North Bend, Snoqualmie, Issaquah, and portions of unincorporated King County.	Senate – Pflug, R House – Rodne, R; Anderson, R
<u>6</u>	The 6th District represents part of the cities of Spokane, Airway Heights and Nine Mile Falls, Whitworth, and portions of Spokane County including Moran Prairie, Fairwood, Country Homes, Deer Park and the northern portion of the West Plains.	Senate – Baumgartner, R House – Parker, R; Ahern, R
<u>7</u>	The 7th District represents Pend Oreille, Stevens, Ferry, Lincoln and parts of Okanogan and Spokane Counties.	Senate – Morton, R House – Short, R; Kretz, R
<u>8</u>	The 8th District represents most of Benton County, including Kennewick, Richland, West Richland, Benton City and Prosser.	Senate – Delvin, R House – Klippert, R; Haler, R
<u>9</u>	The 9th District represents the counties of Whitman, Adams, Asotin and Garfield and	Senate – Schoesler, R House – Fagan, R; Schmick, R

	parts of Spokane and Franklin.	
<u>10</u>	The 10th District represents all of Island County and portions of Skagit and Snohomish counties, including the cities of La Conner, Oak Harbor, and Stanwood.	Senate – Haugen, D House – Smith, R; Bailey, R
<u>11</u>	The 11th District represents parts of South Seattle, Burien, Sea-Tac, Tukwila and the southern part of Renton.	Senate – Prentice, D House – Hudgins, D; Hasegawa, D
<u>12</u>	The 12th District represents Chelan and Douglas Counties and parts of Grant and Okanogan Counties.	Senate – Parlette, R House – Condotta, R; Armstrong, R
<u>13</u>	The 13th District represents most of Grant, all of Kittitas and part of Yakima Counties.	Senate – Holmquist, R House – Warnick, R; Hinkle, R
<u>14</u>	The 14th District represents parts of Yakima County.	Senate – King, R House – Johnson, R; Ross, R
<u>15</u>	The 15th District represents all of Klickitat County and parts of Yakima, Skamania and Clark counties.	Senate – Honeyford, R House – Chandler, R; Taylor, R
<u>16</u>	The 16th District represents Walla Walla and Columbia and parts of Benton and Franklin counties.	Senate – Hewitt, R House – Walsh, R; Nealey, R
<u>17</u>	The 17th District represents a portion of Clark County.	Senate – Benton, R House – Probst, D; Harris , R
<u>18</u>	The 18th District represents parts of Clark and Cowlitz counties.	Senate – Zarelli, R House – Rivers , R; Orcutt, R
<u>19</u>	The 19th District represents Pacific, Wahkiakum, and parts of Grays Harbor and Cowlitz counties.	Senate – Hatfield, D House – Takko, D; Blake, D
<u>20</u>	The 20th District represents all of Lewis County and part of south Thurston County.	Senate – Swecker, R House – DeBolt, R; Alexander, R
<u>21</u>	The 21st District represents parts of Snohomish County, including Edmonds, Mukilteo and portions of Lynnwood and Mountlake Terrace.	Senate – Shin, D House – Roberts, D; Liias, D
<u>22</u>	The 22nd District represents the northern portion of Thurston County, including all of Olympia and portions of Lacey and	Senate – Fraser, D House – Reykdal , D; Hunt, D

	Tumwater, and the unincorporated communities of Johnson Point, Cooper Point, Tanglewilde, Thompson Place, and Boston Harbor.	
<u>23</u>	The 23rd District represents Kitsap County, including Bainbridge Island, Silverdale, Poulsbo, Kingston, and parts of Bremerton.	Senate – Rockefeller, D House – Appleton, D; Rolfes, D
<u>24</u>	The 24th District represents Clallam, Jefferson, and part of Grays Harbor Counties.	Senate – Hargrove, D House – Van De Wege, D; Tharinger , D
<u>25</u>	The 25th District represents the cities of Puyallup, Milton, and portions of Fife and Edgewood, and the communities of Midland and Summit/South Hill.	Senate – Kastama, D House – Dammeier, R; <i>Zeiger, R, leads Morrell, D – a recount appears likely.</i>
<u>26</u>	The 26th District represents parts of Pierce and Kitsap Counties.	Senate – Kilmer, D House – Angel, R; Seaquist, D
<u>27</u>	The 27th District represents portions of Tacoma and Fife in Pierce County.	Senate – Regala, D House – Jinkins , D; Darneille, D
<u>28</u>	The 28th District represents Fircrest, University Place, Lakewood, Steilacoom, Tillicum, West Tacoma Anderson, Ketron, and McNeil Islands in Pierce County.	Senate – Carrell, R House – Kelley, D; Green, D
<u>29</u>	The 29th District represents South Tacoma, Parkland, and portions of Lakewood and University Place in Pierce County.	Senate – Conway , D House – Ladenburg , D; Kirby, D
<u>30</u>	The 30th District represents Federal Way, Milton, Algona and Pacific in King County.	Senate – Eide, D House – Miloscia, D; <i>Asay, R, leads Gregory, D</i>
<u>31</u>	The 31st District represents parts of South King County and Northeast Pierce County, including Auburn, Bonney Lake, Buckley, Enumclaw, Sumner and Edgewood.	Senate – Roach, R House – Dahlquist , R; Hurst, D
<u>32</u>	The 32nd District represents Shoreline, Edmonds, Woodway, Kenmore, Lake Forest Park and unincorporated areas of King and Snohomish Counties.	Senate – Chase , D House – Ryu , D; Kagi, D
<u>33</u>	The 33rd District represents SeaTac, Des Moines, Normandy Park, large parts of Kent and Burien, and parts of Renton in	Senate – Keiser, D House – Orwall, D; Upthegrove, D

	King County.	
<u>34</u>	The 34th District represents West Seattle, Burien and Vashon and Maury Islands in King County.	Senate – Nelson , D House – Cody, D; Fitzgibbon , D
<u>35</u>	The 35th District represents Mason and portions of Grays Harbor, Kitsap, and Thurston Counties.	Senate – Sheldon House – Finn, D; <i>Haigh, D, leads Griffey, R</i>
<u>36</u>	The 36th District represents parts of Seattle including Magnolia, Queen Anne, Phinney Ridge and parts of Ballard, Crown Hill, Denny Regrade, Fremont, Greenwood, Lake Union, Loyal Heights, Sunset Hill in King County.	Senate – Kohl-Welles, D House – Carlyle, D; Dickerson, D
<u>37</u>	The 37th District represents Rainier Valley, Madrona, North Beacon Hill, Rainier Beach, Mt. Baker, Leschi, Columbia City, southern Capitol Hill, Skyway and parts of Renton in King County.	Senate – Kline, D House – Santos, D; Pettigrew, D
<u>38</u>	The 38th District represents parts of Snohomish County including Everett, Marysville, and the part of the Snohomish Valley west of Highway 9.	Senate – Harper , D – <i>Note that incumbent Berkey, D, has asked that Harper not be seated.</i> House – McCoy, D; Sells, D
<u>39</u>	The 39th District represents parts of Snohomish, Skagit, Whatcom and King counties.	Senate – Stevens, R House – Kristiansen, R; Pearson, R
<u>40</u>	The 40th District represents San Juan, eastern and northwestern Skagit and southwestern Whatcom counties.	Senate – Ranker, D House – Lytton , D; Morris, D
<u>41</u>	The 41st District represents Bellevue, Mercer Island, Newcastle, west Issaquah and northeast Renton in King County.	Senate – Litzow , R, leads Gordon, D – <i>a recount appears likely</i> House – Maxwell, D; Clibborn, D
<u>42</u>	The 42nd District represents the western half of Whatcom County.	Senate – Ericksen , R House – Overstreet , R; Buys , R, leads Linville, D – <i>a recount is scheduled to begin on 11/30.</i>
<u>43</u>	The 43rd District represents parts of Seattle including Capitol Hill, University District, Madison Park, Washington Park, Broadmoor, Montlake, Wallingford,	Senate – Murray, D House – Pedersen, D; Chopp, D

	Madison Valley and parts of Fremont, Laurelhurst, Ravenna, Denny Regrade and downtown Seattle in King County.	
<u>44</u>	The 44th District represents Lake Stevens, Mill Creek, and Snohomish, and parts of Everett and Marysville, in Snohomish County.	Senate – <i>Hobbs, D, leads Schmidt, R</i> House – Dunshee, D; Hope, R
<u>45</u>	The 45th District represents parts of Kirkland and Woodinville, Redmond, Duvall, Carnation and the Upper Snoqualmie Valley in King County.	Senate – Hill, R House –Springer, D; <i>Goodman, D, leads Haistings, R</i>
<u>46</u>	The 46th District represents the Seattle neighborhoods of Greenwood, Northgate, Lake City and Laurelhurst in King County.	Senate – White, D House – Frockt, D ; Kenney, D
<u>47</u>	The 47th District represents part of southeast King County from the Renton Highlands to Kent to Black Diamond.	Senate – Fain, R House – Hargrove, R ; Sullivan, D
<u>48</u>	The 48th District represents portions of King County including parts of Bellevue, Kirkland, Redmond, and all of Medina, Clyde Hill, Yarrow Point and Hunts Point.	Senate – Tom, D House – Hunter, D; Eddy, D
<u>49</u>	The 49th District represents parts of the city of Vancouver in Clark County.	Senate – Pridemore, D House – Jacks, D; Moeller, D

**Board for Judicial Administration
Proposed 2011 Legislative Agenda**

Board for Judicial Administration Request Legislation – OUTSTANDING REQUESTS

- **New Judicial Position in Grant County District Court**
Grant County District Court is requesting authorization for one additional judicial position. Grant County Commissioners have agreed to support this proposal.
Status: BJA Approval Requested; Discussed at Leg/Exec Committee on October 29

- **Amendment to RCW 9A.36.031 to make assault of judges and court-related personnel a class C felony (assault 3) rather than a gross misdemeanor (assault 4)**
 - A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:
... (j) Assaults a judicial officer, or judicial employee, county clerk, or county clerk's employee, prosecuting attorney, or defense attorney, while that person is performing his or her official duties at the time of the assault or as a result of that person's employment within the judicial system.**Status: BJA Approval Requested; Discussed at Leg/Exec Committee on October 29**

Board for Judicial Administration Request Legislation – PREVIOUSLY APPROVED

- **Changing the election and appointment provisions for municipal court judges**
 - Renew legislation from last year to require the election of all municipal court judges.
 - Language to clarify that a judicial candidate may run for more than one elected position as long as the positions do not amount to more than a full-time position has been discussed by the Leg/Exec Committee.
 - Language to make clarify that a judicial candidate need only pay one filing fee rather than a filing fee for every city contracting with a host city may be necessary.**Status: BJA Approval Received in 2010; Discussed at Leg/Exec Committee on October 29**

Board for Judicial Administration Request Legislation – PENDING

- **Amendment to HB 2362 - Providing support for judicial branch agencies by imposing surcharges on court fees**
 - The filing fee surcharges enacted in 2009 are scheduled to expire in June 2011. Discussions are underway regarding whether to request removal of that sunset and whether to add the state/local split that is generally applied to filing fees.**Status: BJA is scheduled to discuss this issue at the December meeting.**



Grant County District Court

Grant County Courthouse
P.O. Box 37
Ephrata, Washington 98823

Telephone: (509) 754-2011/ Fax: (509) 754-6099

Judge Richard C. Fitterer

Judge Janis M. Whitener-Moberg

October 25, 2010

TO: Mr. Jeff Hall, State Court Administrator
FROM: Presiding Judge Janis Whitener-Moberg

RE: Judicial Position Needs/ Grant District Court

The Grant County District Court received the 2010 Judicial Needs Estimate and a request to notify your office if we would be asking for any additional District Court Judge positions. The Grant County District Court is requesting the addition of one District Court Judge in 2011.

Grant District Court currently has two elected judges and one full time court commissioner. The Judicial-Need estimate states a need of 3.3 judges.

Grant County District Court is unique in that we travel to eight outlying municipalities to hear their municipal cases as well as district court cases. Those cities are: Mattawa, Royal City, Warden, Quincy, George, Soap Lake, Coulee City and Grand Coulee. This requires one judicial officer, court clerk and interpreter to be out of the office for a minimum of one half a day.

The need for interpreters to adjudicate cases is 14.3 % above the State average in this county. We have a 28.3% need for Spanish Interpreters. The State average is 14%.

We also have two full time court locations, twenty miles apart, in Ephrata and Moses Lake.

The municipal cases heard by this court are not part of the figures used by AOC to calculate the Judicial Position Needs. Moses Lake Municipal Court has photo enforcement for red lights and speed enforcement in school zones. This has greatly increased the number of cases being adjudicated. The Court hears an average of 49 cases per month or 588 yearly, just for Moses Lake. The Court hears an average of 15 cases per month or 120 yearly for the city of Grand Coulee.

Thank you for your request for information and if you have any questions or concerns please contact Barb Smith at 509-754-2011 ext. 628.

Professionally,

Janis Whitener-Moberg
Presiding Judge

Attachments

MOSES LAKE OFFICE
1525 E. Wheeler Rd., Moses Lake, WA 98837
Mailing: P.O. Box 37, Ephrata, WA 98823
(509) 765-9209 • Fax: (509) 766-5913

PLEASE DIRECT ALL INQUIRIES TO THE EPHRATA OFFICE



Grant County
Office of The
Board of County Commissioners
P O Box 37
Ephrata WA 98823
(509) 754-2011

October 19, 2010

Janis Whitener-Moberg, Judge
Grant County District Court
PO Box 37
Ephrata, WA 98823

Re: Letter of Support for Third Judge

Dear Judge Whitener-Moberg:

The Board of County Commissioners writes in support of a third Judge requested by Grant County District Court. The Board is in agreement that a third just position is needed and agrees to pay the cost of the new position. We also request the Board for Judicial Administration sponsor the new position for Grant County.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Cindy Carter, Chair Carolann Swartz Richard Stevens

:bjv

Cc: Tammie Hechler, Director, Human Resources

Richard Stevens
District 1

Carolann Swartz
District 2

Cindy Carter
District 3

"To meet current and future needs, serving together with public and private entities, while fostering a respectful and successful work environment."

**District Courts
Judicial-Need Estimates by Full-Time Equivalents, 2010 Projected Filings¹**

Court	Judges	Commissioners and Magistrates	Acting as Superior Court Commissioner	Total Judicial Officers	Total Estimated Judge Need²
Adams-Othello	0.44	0.00	0.00	0.44	0.70
Adams-Ritzville	0.44	0.00	0.00	0.44	0.69
Asotin	1.00	0.00	0.20	0.80	0.82
Benton	3.00	2.00	0.00	5.00	5.81
Chelan	2.00	0.00	0.00	2.00	2.31
Clallam #1	1.00	0.50	0.00	1.50	1.64
Clallam #2	0.60	0.00	0.00	0.60	0.52
Clark	6.00	2.15	0.00	8.15	6.99
Columbia	0.42	0.00	0.00	0.42	0.40
Cowlitz	3.00	0.00	0.01	2.99	3.75
Douglas	1.00	0.00	0.10	0.90	1.09
Ferry	0.36	0.00	0.00	0.36	0.40
Franklin	1.00	0.00	0.00	1.00	1.46
Garfield	0.25	0.00	0.04	0.21	0.37
Grant	2.00	1.00	0.00	3.00	3.30
Grays Harbor	2.00	0.00	0.00	2.00	1.83
Island	1.00	1.00	0.03	1.97	1.42
Jefferson	1.00	0.00	0.23	0.77	1.15
King *	21.00	1.00	0.00	22.00	22.71
Kitsap	4.00	0.00	0.00	4.00	4.04
Kittitas-Lower	1.00	0.08	0.00	1.08	1.48
Kittitas-Upper	0.65	0.06	0.00	0.71	0.77
Klickitat-East	0.53	0.04	0.00	0.57	0.66
Klickitat-West	0.53	0.00	0.00	0.53	0.51
Lewis	2.00	0.39	0.10	2.29	1.82
Lincoln	0.74	0.00	0.15	0.59	0.54
Mason	1.00	0.08	0.00	1.08	1.68
Okanogan	2.00	0.00	0.60	1.40	1.21
Pacific-North	0.40	0.00	0.00	0.40	0.63
Pacific-South	0.60	0.00	0.03	0.57	0.65
Pend Oreille	0.75	0.00	0.15	0.60	0.57
Pierce	8.00	0.00	0.00	8.00	10.10
San Juan	0.77	0.00	0.15	0.62	0.47
Skagit	2.00	0.82	0.06	2.76	2.79
Skamania	0.50	0.50	0.00	1.00	0.53
Snohomish	8.00	1.00	0.00	9.00	14.02
Spokane	8.00	0.00	0.30	7.70	6.88
Stevens	1.00	0.25	0.00	1.25	1.01
Thurston	3.00	0.00	0.00	3.00	4.10
Wahkiakum	0.30	0.00	0.10	0.20	0.39
Walla Walla	1.50	0.00	0.00	1.50	1.34
Whatcom	2.00	1.00	0.00	3.00	3.32
Whitman	1.00	0.00	0.05	0.95	1.22
Yakima	4.00	0.00	0.25	3.75	4.54
State	101.78	11.87	2.55	111.10	122.63

1. Year 2010 projected filings are based on the previous five-year filing trends of the various case types in a given court. Vehicle-related violations (parking, photo-radar and toll citations) are excluded from filings counts, due to non-entry in the statewide Judicial Information System (JIS) data.

2. Need estimates represent the estimated number of judge positions needed, as required by RCW 2.56.030(11). They are based on the previous five years of data for the number of total judicial officers and case resolutions.

* Judges and Total Estimated Judge Need exclude a full-time presiding judge who is unavailable to hear cases. Currently, only applies to King County, as required by local ordinance.

Description of Courts of Limited Jurisdiction Judicial Needs Estimation

In August 2002, a new methodology for estimating judicial needs of the courts of limited jurisdiction was adopted by the Administrative Office of the Courts in conjunction with the District and Municipal Court Judges' Association. Beginning with the 2002 Annual Report, a yearly table is published displaying court-level judicial needs estimates using this methodology, along with a brief description of the process.

The district and municipal court model for estimating judicial needs is workload based. The estimates are derived from a statistical model with two primary data components: (1) the observed caseload processed, and (2) the number of available judicial officers. The caseload measure is represented by case resolutions, and the judicial officer measure is represented by judge and commissioner FTEs. In order to ensure that a good representative sample underlies the estimation, the data are drawn from courts across the state and from the past several years. Estimates are presented for selected municipal courts.

This type of approach has wide usage in a number of diverse applications and so provides a well-established base model. An inherent advantage of this methodology is the facility to capture changes in practice over time.



October 29, 2010

Dear Judicial Branch Stakeholders:

With the economy slow to rebound and continued state and local government budget cuts, justice is truly in jeopardy now more than ever. At the state level, the judicial branch has suffered more than \$18 million in reductions during the 2009-2011 biennium. When the "across-the-board" cuts are added, the amount of funding lost to the Supreme Court, Court of Appeals, Law Library, Administrative Office of the Courts, Office of Public Defense, and Office of Civil Legal Aid tops \$20 million. A significant amount of that funding had been passed through to the trial courts as direct services or funding for programs. When coupled with the losses suffered at the local level, the ability to provide constitutionally necessary access to justice to Washington's residents is at risk. We have reached the point where additional budget reductions cannot be sustained.

When we started the Justice in Jeopardy Initiative in 2005, we wanted to secure a more equitable state contribution to judicial branch funding. We knew that to achieve adequate, stable and long-term funding for the trial courts and court support operations we would have to commit to a multi-year effort. This effort is perhaps more important now than it was when we first began. Thus, we are asking you to adopt the attached resolution in support of funding for the judicial branch and to urge the state and local governments to provide the funding necessary to maintain meaningful access to our justice system.

If you have any questions about the resolution or about the Justice in Jeopardy Initiative, please do not hesitate to contact us. Additional information can also be found at www.courts.wa.gov/justiceinjeopardy/. We will also discuss this matter further at the WSBA's November 5th legislative meeting to which you have been invited. Thank you for your consideration.

Sincerely,

Chief Justice Barbara Madsen
JIJC Co-Chair

Judge Deborah Fleck
JIJC Co-Chair

Enclosure

cc: Justice in Jeopardy Implementation Committee
Board for Judicial Administration

Resolution Urging Adequate Funding of the Judicial Branch

Whereas, funding for the judicial branch constitutes less than one percent of the state general fund and Washington State continues to rank 50th out of 50 in the state's contribution to trial court funding, and

Whereas, equal justice under law and access to justice are a fundamental commitment of government and essential to the proper operation of our democracy, and

Whereas, the Washington State Constitution directs that "justice in all cases shall be administered openly, and without unnecessary delay," and

Whereas, the Court Funding Task Force, created by the Board for Judicial Administration in 2002, recognized that trial court funding was in crisis in Washington State, and

Whereas, the Washington State Bar Association's Blue Ribbon Panel on Indigent Defense and the Washington Supreme Court's Task Force on Equal Justice Funding identified critical failures in our indigent defense and civil legal aid systems, and

Whereas, the Justice in Jeopardy Initiative was introduced beginning in the 2005 legislative session to secure adequate, stable, and long-term funding for trial court operations, indigent defense and civil legal aid, and

Whereas, our state's judicial system cannot effectively and fairly administer "justice in all cases openly, and without unnecessary delay" without adequate and stable funding for core court and court support operations, and

Whereas, state funding of the judicial branch has been reduced by more than \$18 million during the 2009-2011 biennium, not including additional "across-the-board" reductions, and

Whereas, budget constraints render the Administrative Office of the Courts, Office of Public Defense, and Office of Civil Legal Aid unable to meet the needs of those providing access to justice,

Now, Therefore, Be It Resolved:

The _____ commits to the ongoing work of securing a more equitable state contribution to achieve adequate, stable and long-term funding for the trial court and court support operations, and

The _____ strongly urges the state and all local governments to provide the funding necessary to maintain meaningful access to our justice system.

Adopted by the _____ on _____, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

**Summary of Resolutions Adopted at
COSCA 2010 Annual Meeting, July 28, 2010**

FEDERAL LAW

Resolution 1 – Urging the Congress to Respect Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody

Summary: HR 4469 would amend the Servicemembers Civil Relief Act to address child custody arrangements for parents in the armed forces, preempting and disrupting state law. States are in the best position to balance the interests of deployed service members within the context of their own domestic relations laws and over 30 states have already enacted laws that address these circumstances, including Washington (HB 1170 in 2009)

Resolved: Urge Congress to reject legislative proposals to preempt state family law and to consider issues of federalism and separation of powers relative to passing legislation.

Resolution 3 – Urging the Congress to Respect Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Establish Minimum Collective Bargaining Rights for Public Safety Officers

Summary: HR 413 and S 3194, the Public Safety Employer-Employee Cooperation Act of 2009, would establish minimum collective bargaining rights for public safety officers employed by state and local governments, including courts. The Act would expand collective bargaining rights to judicial branch employees who do not have public safety responsibilities. Setting a floor for collective bargaining rights creates an unfunded mandate on some states. This is a violation of separation of powers and a state's authority to establish proper relationships with its employees.

Resolved: Oppose the Act unless Congress amends it to exclude state and local judicial officers and judicial branch employees.

Resolution 9 – In Support of White House Conference on Children and Youth

Summary: White House conferences have been an effective vehicle for impacting policy issues and encouraging dialogue across the country. White House conferences on children and youth were held every ten years from 1909 to 1970. HR 618 and S 938, the White House Conference on Children and Youth in 2010 Act, has been introduced. Collaboration between branches of government to facilitate improvements in state and local child welfare systems is encouraged.

- A White House conference is a national meeting sponsored by the Executive Office of the President with the purpose of discussing an issue or topic of importance to the American public.

Some last for one day while others last for several. Typical attendees include experts in the particular field, community leaders and citizens with an interest in the issue. The President usually speaks to a general session of the conference, and the conference concludes by issuing a report to the President summarizing issues and making recommendations for executive or legislative action.

Resolved: Urge the Congress to reestablish the White House Conference on Children and Youth.

BUDGET/FUNDING

Resolution 6 – In Support of the Consortium for Language Access in the Courts

Summary: The Consortium, of which Washington is a member, greatly advances states' efforts to provide due process and access to justice for limited English proficiency individuals. The Consortium's current revenue is insufficient to sustain its work to ensure the viability of its interpreter certification examinations.

Resolved: Support the Consortium's current fee structure. Urge the establishment of ongoing discussions with the Department of Justice and NCSC regarding DOJ's compliance reviews for Presidential Executive Order 13166 implementing Title VI of the Civil Rights Act of 1964. Declare passage of S 1329, State Court Interpreter Grant Program, to providing funding for state court interpreter services one of the Conferences' highest legislative priorities. (BJA sent letter in August) Seek funding to support national summit to address language access and immigration issues affecting state courts.

Resolution 7 – In Support of State Supreme Court Leadership in Increasing Funding for Civil Legal Assistance

Summary: In many states, leadership by state supreme courts, justices, and court administrators has proven to be a critical factor in obtaining and increasing state legislative funding for civil legal assistance and has played a valuable role in catalyzing additional private contributions.

Resolved: Encourage members to promote the expansion of funding for civil legal assistance by leading efforts, publicly advocating, collaborating with bar entities and legal services programs.

Resolution 10 – In Support of the Reauthorization of CAPTA

Summary: The Child Abuse Prevention and Treatment Act (CAPTA) is a grant program to assist states in improving child protective services, preventing child abuse and neglect, and treating victims more effectively. Proposals may be made to amend CAPTA in ways that could preempt state law and/or impact state and local budgets.

Resolved: Urge Congress to reauthorize CAPTA and ensure that, during such reauthorization, meaningful input be sought relative to federalism and separation of powers.

Resolution 11 – In Support of Reauthorization of the Violence Against Women Act

Summary: Congress has authorized and appropriated federal funds to assist states in implementing the VAWA provisions and has specifically recognized the important role of the courts in addressing domestic violence, but state courts have had difficulties in accessing the authorized funds.

Resolved: Urge Congress to reauthorize VAWA and provide sufficient federal funding to support its goals. Support continuation of the 5% set-aside within the STOP grant to assist state courts. Support annual appropriations for the Court Training and Improvements grants program. Urge Congress to amend the definition of “state and local units of government” in the Omnibus Crime Control and Safe Streets Act of 1968 to include state and local courts. Request that Congress require state executive branch agencies administering the funds to meaningfully consult with state court leaders on the use of such funds, clarify the entities eligible for the 5% set-aside, and require a statement of support from state court leaders when the funds are to be used for the “benefit of courts” but awarded to non-court entities.

Resolution 12 – In Support of Reauthorization of Court Improvement Programs

Summary: The Conferences have made child welfare system reform a priority and have undertaken a multi-year initiative to strengthen court oversight of child welfare cases. The Deficit Reduction Act of 2005 required and encouraged collaboration between courts and public child welfare agencies and authorized two new grants under the Court Improvement Program (CIP). The CIP funds have been critical in accomplishing reform efforts but more efforts are needed.

Resolved: Urge Congress to reauthorize the CIP grant program dedicated to training and the CIP grant program dedicated to assisting courts to improve timeliness so that courts are able to sustain, enhance, and expand their reform efforts.

OTHER POLICY

Resolution 8 – In Support of Access to Justice Commissions

Summary: Many states, including Washington, have established access to justice commissions to ensure the effective delivery of justice to all and have been recognized as one of the most important justice-related developments in the past decade.

Resolved: Support the aspirational goal that every state and territory have an active access to justice commission or comparable body.

Resolution 14 – Endorsing the Report of the CCJ/COSCA Joint Task Force on Elders and the Courts

Summary: The number of vulnerable elderly persons will increase rapidly in the next twenty years and will result in a substantial increase in the number of cases intended to protect them such as guardianship, conservatorship, and elder abuse proceedings. Most states are not

adequately equipped to handle these cases. In 2008, the CCJ and COSCA established a joint Task Force on Elders and the Courts to identify and define the most critical problems. The task force report can be found at <http://eldersandcourts.org/docs/GuardianshipSurveyReport.pdf>

Resolved: Commend the work of the Task Force, endorse the findings contained in its report, and urge each state to implement its recommendations.

Recommendation 1: Each state court system should collect and report the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and concluding each year.

Recommendation 2: Each state court system should develop written and online materials to inform non-professional guardians and conservators about their responsibilities and how to carry out those responsibilities effectively.

Recommendation 3: Each state court system should implement procedures for monitoring the performance of guardians and conservators and the well-being of incapacitated persons.

Recommendation 4: Courts should explore ways in which technology can assist them in documenting, tracking, and monitoring guardianships.

Recommendation 5: State courts should partner with the executive and legislative branches to develop solutions to state and local guardianship issues.

Recommendation 6: NCSC should develop model materials that courts can adapt to educate non-professional guardians on their duties and responsibilities, and document effective monitoring procedures and technologies.

Recommendation 7: NCSC should develop training materials for judges who oversee the guardianship process.

Recommendation 8: Federal, state, and private funding sources should support the:

- a. Collection and analysis of national information regarding the number of guardianships and effective court practices.
- b. Development, evaluation, dissemination, and implementation of written and online material to inform non-professional guardians and conservators of their duties and responsibilities.
- c. The use of technology to improve guardianship reporting and accountability.
- d. Development, documentation, evaluation, dissemination, and evaluation of effective guardianship monitoring procedures and technologies.
- e. Development and delivery of judicial training materials and courses.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 1

Urging the Congress to Respect Separation of Powers and Principles of Federalism with Regard to Enacting Legislation to Address Child Custody

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators, in fulfilling their leadership role for state judicial systems, have traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, H.R. 4469, now pending in Congress, would amend the Servicemembers Civil Relief Act (Public Law 108-189) to address child custody arrangements for parents who are members of the Armed Forces deployed in support of a contingency operation; and

WHEREAS, federal efforts to legislate matters of child custody would preempt state family law, disrupt state domestic schemes, and potentially discourage state efforts to enact broader and more helpful state laws; and

WHEREAS, although the goal of the legislation is laudable, states are in the best position to balance the interests of deployed servicemembers within the context of their own domestic relations laws; and

WHEREAS, over thirty states have already enacted state law that addresses the special circumstances of parents who are serving in the military; and

WHEREAS, the Department of Defense is proactively addressing this important issue by working with the other states, through its State Liaison program, to enact specific child custody legislation and to redraft its Family Case Plan Instruction to emphasize the importance of child custody planning before deployment;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge the Congress to reject legislative proposals to preempt state family law; and

BE IT FURTHER RESOLVED that the Conferences urge the Congress to ensure that: (1) during its consideration of H. R. 4469 and similar legislation, the Congress take all available and reasonable steps to obtain meaningful and timely input from appropriate branches and agencies of state governments with respect to the federalism or separation-of-powers implications of any such legislation; and (2) a federalism assessment of the proposed legislation be included in every pertinent committee and conference report.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 3

**Urging the Congress to Respect Separation of Powers and Principles of
Federalism with Regard to Enacting Legislation to Establish Minimum
Collective Bargaining Rights for Public Safety Officers**

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators, in fulfilling their leadership role for state judicial systems, have traditionally taken positions to defend against proposed policies that threaten principles of federalism or that seek to preempt proper state court authority; and

WHEREAS, the Public Safety Employer-Employee Cooperation Act of 2009 (H.R. 413 and S. 3194), now pending in Congress, would establish minimum collective bargaining rights for public safety officers employed by state and local governments including courts; and

WHEREAS, the Act includes definitions that would broadly grant collective bargaining rights to state and local judges, probation officers and other judicial branch employees; and

WHEREAS, the Act, in its current form, expands collective bargaining rights to include judicial branch employees who do not have public safety responsibilities; and

WHEREAS, the Act, in setting a nationwide floor for the collective bargaining rights of public safety employees, would impose unfunded fiscal mandates on some states; and

WHEREAS, the Act, in federalizing the collective bargaining rights of public safety officers in all states, violates the separation of powers, principles of federalism and the authority of states to establish the proper relationships between government employer and government employee;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators oppose the Public Safety Employer-Employee Cooperation Act of 2009 unless Congress amends the Act to exempt state and local judicial officers and judicial branch employees.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 6

In Support of the Consortium for Language Access in the Courts

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators (COSCA) recognize that the work of the Consortium for Language Access in the Courts (“Consortium”) greatly advances the efforts of member states and territories to provide due process and access to justice for Limited English Proficiency (LEP) individuals; and

WHEREAS, the COSCA White Paper entitled “Court Interpretation: Fundamental to Access to Justice,” adopted by the Conference of Chief Justices in January 2008 and by COSCA in November 2007, supports the need to assure the future sustainability of the Consortium;
And

WHEREAS, current Consortium revenue is insufficient to sustain the Consortium’s critical work to ensure the viability of its interpreter certification examinations;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators:

- (1) Support the modification of the current member states’ supplemental fee structure and adopt a structure similar to that used for setting National Center for State Courts (NCSC) state assessments, which includes a base amount of \$5,000 and a multiplier of 2.25 for every 1,000 LEP persons in that state (based on the 2000 Census and updated with each subsequent decennial census) effective through 2012. It is understood that, given the current fiscal climate and the need for advance planning for budgets, member states may need to implement incrementally the increased fee. Non-member states are encouraged to join the Consortium for Language Access in the Courts in order to access the Consortium’s resources and to enhance national efforts to establish nationwide competency standards;
- (2) Urge the establishment of an ongoing discussion with the United States Department of Justice (DOJ), in conjunction with NCSC, regarding the Presidential Executive Order 13166 implementing Title VI of the Civil Rights Act of 1964 and the DOJ’s compliance reviews in furtherance of that order;
- (3) Endorse the passage of S. 1329, “State Court Interpreter Grant Program,” (the Kohl bill) or similar legislation to provide funding for state court interpreter services and declare passage of such legislation as one of the highest legislative priorities of the Conferences; and urge all state courts that receive funding through the Kohl or similar legislation to commit a portion of that funding to support the work of the Consortium, and

- (4) Seek funding to support a summit with national leaders, including members of the Conference of Chief Justices, the Conference of State Court Administrators, the Consortium for Language Access in the Courts, the Department of Justice, and other interested groups to address language access and immigration issues affecting state courts.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 7

**In Support of State Supreme Court Leadership in Increasing Funding for
Civil Legal Assistance and Expanding Pro Bono**

WHEREAS, equal justice is fundamental to the American system of government under law; and

WHEREAS, the inability to afford legal counsel in effect denies access to justice to individuals in need of legal representation; and

WHEREAS, representation of individuals who cannot afford counsel is essential to the efficient operation of state court systems; and

WHEREAS, in every state and territory, current levels of civil legal assistance are inadequate to meet the civil legal needs of individuals who cannot afford counsel; and

WHEREAS, public and private financial support at the state and local levels now accounts for more than sixty percent of all funding for civil legal assistance in the United States; and

WHEREAS, in many states, leadership by state supreme courts, chief justices, associate justices, and court administrators has proven to be a critical factor in obtaining and increasing state legislative funding for civil legal assistance and has played a valuable role in catalyzing additional private contributions, especially from the legal community; and

WHEREAS, examples of such leadership include: taking a leadership role in campaigns to obtain, maintain or increase state legislative funding; participating in the planning of fundraising activities for legal aid entities; speaking in support of the work of legal aid programs and the need for increased funding before the legislature, at bar functions, to the media, and at legal aid fundraising events; and donating personally to legal aid programs; and

WHEREAS, state supreme courts have the authority to promulgate rules with the potential to increase funding for civil legal assistance, such as those governing Interest on Lawyer Trust Accounts (IOLTA), cy pres funds, pro hac vice fees, and attorney admission fees to practice law; and

WHEREAS, supreme court-created access to justice commissions and similar entities in many states have had major successes with initiatives to generate additional funding for civil legal aid, often undertaken with supreme court collaboration and support; and

WHEREAS, Rule 3.2 of the American Bar Association Model Code of Judicial Conduct provides that a judge can appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, in connection with matters concerning the law, the legal system, or the administration of justice; and

WHEREAS, the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have long been committed to the fundamental principle of fair access to justice for all in civil matters; and

WHEREAS, ensuring access to justice in adversarial proceedings involving basic human needs, such as shelter, sustenance, safety, health or child custody, remains one of the Conferences' highest priorities; and

WHEREAS, CCJ and COSCA have previously adopted joint resolutions recognizing that a fundamental requirement of access to justice is access to the courts; and

WHEREAS, such resolutions include Joint Resolution 2, adopted on July 30, 2008, which encouraged their members to continue to take steps to ensure that no citizen is denied access to the justice system by reason of lack of resources or any other such barrier, and which urged their members to take a leadership role in their respective jurisdictions to prevent denials of access to justice; and

WHEREAS, CCJ has previously adopted resolutions encouraging judicial leadership in promoting equal justice; and

WHEREAS, such resolutions include Resolution 23, adopted on January 25, 2001, which encouraged individual members to establish partnerships with state and local bar organizations, legal service providers, and others, *inter alia*, to develop viable and effective plans to establish or increase public funding and support for civil legal services for individuals and families who have no meaningful access to the justice system;

NOW, THEREFORE, BE IT RESOLVED that the Conferences encourage their members in each state and territory, where ethically permitted under judicial conduct rules, to promote the expansion of funding for civil legal assistance and access to civil justice by:

- (1) leading and/or supporting leadership by other members of their courts in efforts to increase financial resources for civil legal assistance;
- (2) advocating publicly for increased funding;
- (3) collaborating with bar entities and legal services programs to plan and implement effective fundraising strategies for civil legal assistance.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 8

In Support of Access to Justice Commissions

WHEREAS, many states have established an access to justice commission to ensure the effective delivery of justice to all; and

WHEREAS, access to justice commissions have achieved remarkable results and have been recognized as one of the most important justice-related developments in the past decade as championed by Professor Laurence H. Tribe, Senior Counselor for Access to Justice, United States Department of Justice in his remarks to the Conference of Chief Justices and the Conference of State Court Administrators during their 2010 annual meeting;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators support the aspirational goal that every state and United States territory have an active access to justice commission or comparable body.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 9

In Support of White House Conference on Children and Youth

WHEREAS, White House conferences have been an effective vehicle for significantly impacting policy issues of concern to Americans and encouraging dialogue across the country at all levels of government to bring multi-disciplinary key players together to address the challenges in their communities and states; and

WHEREAS, the first White House Conference on Children and Youth, the oldest of White House conferences, was held in 1909, and subsequent conferences were held every 10 years thereafter until 1970; and

WHEREAS, the White House Conference on Children and Youth in 2010 Act (H.R. 618 and S. 938) has been introduced and is pending before Congress; and

WHEREAS, this Conference would encourage collaboration between the branches of government at all levels, foster the development of recommendations and action plans to address identified problems and challenges, and facilitate improvements in state and local child welfare systems;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge the Congress to reestablish the White House Conference on Children and Youth.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 10

In Support of the Reauthorization of CAPTA

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of preventing child abuse and neglect and of treating victims of such abuse and neglect; and

WHEREAS, in 2003, Congress reauthorized the Child Abuse Prevention and Treatment Act (CAPTA), a grant program to assist states in improving child protective services; and

WHEREAS, grant funds authorized under CAPTA can be used for purposes such as: (1) safe, family-friendly visitation centers for court-ordered supervised visitation between children and abusing parents and for exchange of children for visits with non-custodial parents in cases of domestic violence; (2) kinship care procedures using adult relatives as preferred placements for children removed from their homes; (3) training programs for professionals and paraprofessionals in the law who are involved in the prevention, identification, and treatment of abuse and neglect, including education regarding links between domestic violence and child abuse; and (4) creating and improving the use of multi-disciplinary teams and interagency protocols to enhance investigations and to improve legal preparation and representation, including procedures for appealing and responding to appeals of substantiated abuse and neglect reports and the appointment of an individual to represent a child in judicial proceedings; and

WHEREAS, the above referenced purposes and other purposes cited in CAPTA assist states to prevent child abuse and neglect and treat victims more effectively; and

WHEREAS, proposals may be made to amend CAPTA in ways which could preempt state law and/or impact state and local budgets;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to reauthorize the Child Abuse Prevention and Treatment Act; and

BE IT FURTHER RESOLVED that the Conferences urge the Congress to ensure that:
(1) during its consideration of CAPTA reauthorization legislation, the Congress should take all available and reasonable steps to obtain meaningful and timely input from appropriate branches and agencies of state governments with respect to the bill's federalism or separation of powers implications; and (2) a federalism assessment of the proposed legislation be included in every pertinent committee and conference report.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 11

In Support of Reauthorization of the Violence Against Women Act

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have, in previous resolutions, expressed their support for efforts to address the problem of violence against women in our society; and

WHEREAS, the Conferences, by bringing together chief justices and court administrators, have contributed to the implementation of the Violence Against Women Act (VAWA) by supporting educational programs, technical assistance, and information sharing that meets the needs of individual states; and

WHEREAS, over the years, the Congress authorized and appropriated federal funds to assist states in implementing the VAWA provisions; and

WHEREAS, the Congress has specifically recognized the important role of courts in addressing domestic violence through the following actions:

- In the Violence Against Women Act of 2000, Congress added “State and local courts” as eligible grantees for the Services - Training - Officers - Prosecutors (STOP) grant program and for grants to Encourage Arrest Policies and Enforcement of Protection Orders, and
- When VAWA was reauthorized in 2001, a set-aside of at least 5% of the STOP grant was established for state courts, and
- The Violence Against Women Act Court Training and Improvements Act of 2005 created a new grant program, and in FY 2009 funds were appropriated to support the new grant program, and

WHEREAS, in spite of these positive steps, the following examples highlight the difficulties that state courts have had in accessing funds authorized by Congress:

- State courts have been prohibited from directly applying for some competitive federal grant programs because “courts” are not included in the definition of “state and local units of government” in the Omnibus Crime Control and Safe Streets Act of 1968, and
- Some state courts have had difficulty in accessing the set-aside of at least 5% of the STOP grant funds either because the STOP administering agency: (1) has dictated how the state courts must use the funds, (2) has awarded funds to non-

court entities for projects that the state executive agency has deemed would benefit the courts without consultation with state court leaders, or (3) has used the funds for non-court related projects;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and Conference of State Court Administrators urge the Congress to reauthorize the Violence Against Women Act and provide sufficient federal funding to support the goals and objectives of the Act; and

BE IT FURTHER RESOLVED that the Conferences support (1) continuation of the 5% set-aside within the STOP grant to assist state courts to address domestic violence cases more effectively and (2) annual appropriations for the Court Training and Improvements grants program; and

BE IT FURTHER RESOLVED that the Conferences urge Congress to amend the definition of "state and local units of government" in the Omnibus Crime Control and Safe Streets Act of 1968 to include state and local courts; and

BE IT FURTHER RESOLVED that the Conferences request that the Congress require that state executive branch agencies administering VAWA funds meaningfully consult with state court leaders on the use and distribution of such funds, clarify the entities eligible to apply for the court set-aside of at least 5% of the STOP funds, and require executive branch agencies contemplating awarding the state court set-aside funds to non-court entities for the "benefit of courts" to secure a statement of support for the proposed project from state court leaders.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 12

In Support of Reauthorization of Court Improvement Programs

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize the importance of securing safe and permanent homes for children and the importance of moving children in state custody to permanent and safe homes as quickly as possible through the efficient and effective handling of child abuse and neglect cases; and

WHEREAS, the Conferences applauded the formation of the Pew Commission on Children in Foster Care, a nonpartisan, multi-disciplinary group dedicated to examining strategies for improving the child welfare system, and recognized the critical oversight role courts play in the system; and

WHEREAS, in consultation with the Conferences, the Pew Commission made court-related recommendations that focused on four general strategies:

- Courts should adopt court performance measures to ensure that they can track cases, to increase accountability and to inform decisions about the allocation of court resources, and
- Incentives and requirements should be established for effective collaboration between courts and child welfare agencies on behalf of children in foster care, and
- Children and parents should have a strong voice in court and effective representation by trained attorneys and volunteer advocates, and
- Chief justices and other state court leaders should lead efforts to structure courts to better serve children, to provide training for judges, and to promote more effective standards for dependency courts, judges, and attorneys, and

WHEREAS, the Conferences have made child welfare system reform a priority and undertaken a multi-year initiative to strengthen court oversight of child welfare cases; and

WHEREAS, the Deficit Reduction Act of 2005 (P.L. 109-171) required and encouraged collaboration between courts and public child welfare agencies and authorized two new grants under the Court Improvement Program (CIP). One grant was dedicated to assisting courts to improve their training of judges, legal personnel, and attorneys handling child abuse and neglect cases. The other grant was dedicated to assisting courts in improving the timeliness of their efforts on behalf of children in foster care; and

WHEREAS, these CIP funds have been critical in accomplishing reform efforts, such as establishing and enhancing automated case tracking systems, developing data exchanges between the courts and child welfare agencies, implementing court performance measurements, providing training for judges and court personnel in both substantive law and issues impacting child development, and developing resources (e.g., benchbooks and benchcards) that assist judges in fulfilling their responsibilities; and

WHEREAS, although the courts have been able to leverage these federal dollars to accomplish reforms, more enhancements and reforms are needed; and

WHEREAS, the authorization for these two CIP grant programs expires on September 30, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators strongly urge the Congress to reauthorize the CIP grant program dedicated to training and the CIP grant program dedicated to assisting courts to improve timeliness so that courts are able to sustain, enhance, and expand their reform efforts.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 14

**Endorsing the Report of the CCJ/COSCA Joint Task Force
on Elders and the Courts**

WHEREAS, the number of vulnerable elderly persons will increase rapidly over the next twenty years; and

WHEREAS, this demographic trend is likely to result in a substantial increase in the number of cases intended to protect vulnerable elderly persons, including guardianship, conservatorship, and elder abuse proceedings; and

WHEREAS, most state court systems are not currently able to determine accurately the number of guardianship, conservatorship, and elder abuse cases that are filed, pending, and closed each year; and

WHEREAS, recruiting and retaining family and friends to serve as guardians and/or conservators is problematic in a significant number of states; and

WHEREAS, the courts in most states do not have programs, training, and materials to support family members who could serve as a guardian and/or conservator, including assistance in navigating the array of governmental processes required to obtain needed services for the incapacitated person; and

WHEREAS, there is an insufficient number of public and/or professional guardians in many states; and

WHEREAS, most courts do not have staff to review the reports and accountings submitted by guardians and conservators, much less to assess periodically the condition of persons under guardianship or conservatorship; and

WHEREAS, in 2008, the Conference of Chief Justices and the Conference of State Court Administrators established a joint Task Force on Elders and the Courts to identify and define the most critical problems facing courts as a result of the increasing number of vulnerable elderly persons, and to encourage the development of practices, procedures, guidelines, and programs that courts may use to address these problems; and

WHEREAS, that Task Force has conducted surveys and other research and has prepared a set of recommendations to address the most critical problems based on promising practices established by state court systems and individual courts;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators commend the work of the Task Force on Elders and the Courts, endorse the findings contained in its report, and urge each state to implement the Task Force's recommendations.

Adopted at the COSCA 2010 Annual Meeting on July 28, 2010.