

**Board for Judicial Administration
Meeting Minutes**

**May 20, 2011
SeaTac, Washington**

Members Present: Chief Justice Barbara Madsen, Co-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ron Culpepper; Judge Deborah Fleck; Judge Janet Garrow; Mr. Jeff Hall; Judge Jack Nevin; Justice Susan Owens; Judge Christine Quinn-Brintnall; Judge Kevin Ringus; Judge Ann Schindler; Mr. Steven Toole; Judge Gregory Tripp; and Judge Chris Wickham

Guests Present: Ms. Peggy Bednared, Mr. M. Wayne Blair, Mr. Stephen Crossland, Mr. Frank Maiocco, and Mr. Kevin Stock

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

Chief Justice Madsen called the meeting to order.

April 15, 2011 BJA Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Ringus to approve the April 15, 2011 BJA meeting minutes. The motion carried.

Trial Court Operations Funding Committee

A list of potential members of the Board for Judicial Administration (BJA) Trial Court Operations Funding Committee members was presented to the BJA for approval. The Clerks will nominate their representative soon.

It was moved by Chief Justice Madsen and seconded by Justice Owens to approve the Trial Court Operations Funding Committee membership. The motion carried.

BJA Best Practices Committee

The BJA Best Practices Committee requested that the BJA appoint and reappoint several members, suspend Article IV of the BJA Bylaws BJA Bylaws so three people could be reappointed to the committee and appoint a new chair of the committee.

It was moved by Judge Appelwick and seconded by Judge Wickham to reappoint Judge Linda Krese, Judge Steven Buzzard, Judge Jerry Roach and Ms. Pat Austin; and appoint Mr. Ron Miles, Ms. Ruth Gordon, Ms. Barbara Christensen, Ms. Cynthia Marr, and Mr. Michael Shinn to the BJA Best Practices Committee. The motion carried.

It was moved by Judge Quinn-Brintnall and seconded by Judge Garrow to suspend Article VI of the BJA Bylaws for the sole purpose of reappointing Ms. Susan Carlson, Mr. David Ponzoha and Ms. Yvonne Pettus to the BJA Best Practices Committee. The motion carried.

The issue of appointing a chair was discussed. Judge Quinn-Brintnall said she is willing to be nominated but she would like to set this decision over to the June meeting to find out if anyone else might be interested in chairing the committee. Mr. Hall will speak with Ms. Mellani McAleenan to find out if anyone else is interested in chairing the committee and this will be on the June BJA meeting agenda for action.

BJA Resolutions

Chief Justice Madsen shared the proposed problem solving courts resolution with the Supreme Court and received feedback about the resolution process. One of the comments was that it is not a particularly good idea to allow people outside the BJA to make proposals; they should come through a BJA member. Another discussion they had was if the resolutions are setting policy and funding priorities for the judiciary. If the BJA supports a resolution does that mean the BJA's priorities are the issues in the resolutions that have been approved? Chief Justice Madsen suggested forming a small work group to consider how the guidelines reflect the answers to those questions.

Discussion followed and focused on if wording should be added to the resolution guidelines stating resolutions are not intended to reflect the priorities of the judiciary or funding. If the wording were added, would it diminish the impact of the resolution?

It was pointed out that the following is currently in the resolution guidelines:

“Review should include discussion of priorities relative to existing strategic or long-range plans, whether resources are available to properly act upon the resolution, and any recommended language changes. Resolutions must be consistent with the Principal Policy Goals and long-range goals.”

There were suggestions to add bullet points of what the BJA should be looking for in resolutions and adding wording indicating why the BJA undertook the resolution process and what the resolutions mean and how they are tied to the policies of the judiciary. Mr. Hall suggested adding the following wording: “Resolutions may support funding requests but do not stand alone as a statement of funding priorities or intend to actively seek funding.”

By consensus, the BJA decided to create a small work group to determine what the resolution process is to accomplish and what the BJA should consider when making a decision on a resolution. AOC staff will work with

Judge Garrow and Judge Wickham to create stronger language for the resolution process and guidelines. The proposed guidelines can be circulated via e-mail to the BJA for input.

Judge Garrow asked for some clarification on what is missing in the current resolution guidelines. Chief Justice Madsen responded that there needs to be a connection between the BJA's policy priorities and the resolutions. From her perspective, that is not clear enough in the current guidelines.

Resolution Regarding Racial and Ethnic Bias in the Justice System

Judge Fleck reported that Ms. Shirley Bondon assisted the small resolution work group consisting of Judge Fleck, Justice Owens, Judge Culpepper, Judge Quinn-Brintnall, and Judge Garrow in the process of carefully drafting the resolution. The group drew from other sources to hopefully avoid much conflict or concern about the wording. A Conference of Chief Justices resolution was used for some of the wording. The group had unanimous agreement to bring the resolution back to the BJA for discussion today.

The following concerns were discussed:

- The second whereas in the resolution. There was never an assertion that there is racial bias in the courts but there is a concern about the issue.
- The strong language that is included in the resolution—the language should be softened.
- The resolution should focus on what the BJA will do to improve the issues and not focus on inflammatory language about the courts.
- Should there be language to encourage the stakeholders to accomplish the following as resources and funding permits? Is there a way to acknowledge that the BJA cannot accomplish everything overnight and will have to move forward as funding and resources become available? There was concern that adding language about funding availability severely limits the resolution. This is a statement of where the priorities are. There are no time limits and it is aspirational. If the resolution is adopted, it is because the BJA wants to make a statement and support this and it shouldn't be watered down with funding wording. If the funding wording is added, then it puts the resolution on the back burner.
- The BJA has no control over some of the areas addressed in the resolution. If the BJA wants to have a resolution that endorses and encourages the groups working on this, that is okay.
- Resolutions are part aspirational, part a call to action and part supportive.
- How does the BJA determine if the problem has been resolved?

Judge Fleck will e-mail the BJA members revisions to the resolution for comment. Chief Justice Madsen will try to take the revised resolution to En Banc on June 8 for their review.

Nevins Award Nomination

Chief Justice Madsen stated that the BJA has not done this before and she wanted to get a sense of if the BJA is comfortable with nominating someone for an award. The Nevins Award recognizes judges for outstanding contributions to youth education and/or public understanding of the law and the role of the judiciary in American society. Chief Justice Madsen would like to have the BJA nominate Justice Mary Fairhurst for the BJA Public Trust and Confident Committee work she has done.

Several BJA members stated their support of making a nomination this one time but they stated the BJA should not do this on a regular basis.

This will be put on the agenda for action at the June BJA meeting.

BJA Long Range Planning Committee

The BJA Long-Range Planning Committee is requesting that a new Past Chair position be added.

The committee is also asking for two BJA member appointments—one SCJA judge and one DMCJA judge—to fill the expiring appointments of Judge Fleck and Judge Nevin.

This will be put on the agenda for action at the June BJA meeting.

BJA Member Chair

Judge Michael Lambo's term as the BJA Member Chair ends in June so the BJA will be electing a new Member Chair from the SCJA level during the June meeting.

Judge Wickham is interested in becoming the Member Chair. He has some concerns about the lack of unanimity with the member organizations of the BJA. As Member Chair his goal would be to pull people together and speak with one voice and expand that statewide to all court levels. At a time now that the judiciary is not well understood the judiciary needs to pull together and speak with one voice. If someone else wants to step up he is more than willing to let that person be Member Chair.

This will be put on the agenda for action at the June BJA meeting.

Legislative Update

Mr. Hall reported that the most recent legislative activity was on the guardianship bill which passed but the Governor vetoed the fee section.

The Legislature is still working on the budget and it is uncertain if they will complete the budget without a second special session. The Supreme Court has been speaking and meeting with legislators regarding the budget.

Access to Justice Board

Mr. Blair reported that the Access to Justice Conference is June 3 and 4 in Kennewick. The theme is Eliminating Bias in the Justice System: A Call to Action and Service. The keynote speaker is Dr. Luis Ricardo Fraga, from the University of Washington, who will be speaking about current initiatives to eliminate bias in the justice system.

At the Access to Justice Board's recent annual retreat they had an interesting discussion on the Boards and Commissions Task Force and submitted a letter of recommendations to the Supreme Court.

The Board also submitted their annual report to the Supreme Court.

Washington State Bar Association

Mr. Toole reported that the last Board of Governor's (BOG) meeting was April 29 in Bellevue. During the meeting they approved GR 12.4 and it has been sent to the Supreme Court.

The BOG revised their system of electing Bar Presidents. Every fourth year the President will be from Eastern Washington but during the other three years, the President can be from anywhere in Washington. The revision in President rotations will increase the number of qualified people who can run for President.

The Council on Public Defense made recommendations to the BOG regarding public defense standards and the Board will take action on the proposed standards at their June meeting.

Reports from the Courts

Supreme Court: Justice Owens stated the Supreme Court is in their spring session. Chief Justice Madsen and other members of the Court have been trying to communicate with legislators regarding budget issues. The Fall Conference planning is moving along very well. The hotels are almost full so there will be a good turnout. GR 31A will be before the full Court soon. Chief Justice Madsen reported that the Boards and Commissions Task Force recommendations will be on the June En Banc agenda for action.

Court of Appeals: Judge Schindler reported that the Court of Appeals judges are anxiously awaiting the final budget.

Superior Courts: Judge Fleck reported that Judge Laura Inveen was installed as the SCJA President during their Spring Conference. She thanked Judge Warning for his leadership of the SCJA. The SCJA members elected Judge Craig Matheson as the President-Elect.

Courts of Limited Jurisdiction: Judge Brown stated that the DMCJA Spring Conference is June 5-8 right after the ATJ Conference. He will turn the DMCJA President gavel over to Judge Tripp soon. He enjoyed his time on the BJA and looks forward to attending the WSBA BOG meetings as the DMCJA representative.

Association Reports

Superior Court Administrators: Mr. Maiocco stated that the superior court administrators just completed their Spring Conference in Wenatchee where they discussed JIS issues, the state budget and strategic planning. They are planning a Fall Conference this year and will focus on the implementation of GR 31A. In addition, the Institute for Court Management (ICM) program has recently developed a trainer licensing program and the superior court administrators are hoping to build an in-state cadre of licensed trainers.

County Clerks: Mr. Stock reported that two county clerks are interested in the ICM program. Their Summer Conference is set for June 20 in La Conner and association leadership will change during the conference.

District and Municipal Court Administrators: Ms. Bednared stated that the district and municipal court administrators had a Board meeting last week and the ICM opportunity was one of the major topics they discussed. They have a conference beginning Sunday at Suncadia and their new Board will be sworn in on Monday. The President-elect is Ms. Lynne Jacobs and Ms. LaTrisha Kinlaw from Tukwila Municipal Court will be the new President-elect.

Administrative Office of the Courts

Mr. Hall reported that the state budget should be presented this weekend with a public unveiling on Monday.

The Feasibility Study will be presented to the Judicial Information System Committee (JISC) on June 24 and the JISC will take action on the study at their August 5 meeting.

The Salary Commission took a formal vote to freeze elected officials' salaries for the 2011-13 biennium. Their long-time Director, Carol Sayer, is going to retire. She will be replaced by her assistant, Teri Wright, and it should be a smooth transition.

Other Business

Chief Justice Madsen thanked Judge Baker for her years of service on the BJA and said she appreciated her comments from a rural court perspective. Judge Baker said she appreciated serving on the BJA and that she enjoyed being able to pass along information from the BJA to her local colleagues and staff.

Chief Justice Madsen thanked Judge Brown for his service on the BJA and said his input has been important and cautionary on how we allocate resources and she appreciates his willingness to share his views. Judge Brown stated that the BJA has really made a lot of progress in how much better everyone works together. It has really elevated a lot of the DMCJA membership to step forward and be leaders as well.

There being no further business, the meeting was adjourned.