BOARD FOR JUDICIAL ADMINISTRATION

WASHINGTON
COURTS

MEETING PACKET

FRIDAY, JUNE 17, 2011
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 Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

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

Judge Janet Garrow
District and Municipal Court Judges' Association
King County District Court

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

Judge Teresa Kulik
Court of Appeals, Division III

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

Justice Susan Owens
Supreme Court

Judge Christine Quinn-Brintnall
Court of Appeals, Division II

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

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

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

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

NON-VOTING MEMBERS:

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

Judge Sara Derr, President-Elect
District and Municipal Court Judges' Association
Spokane County District Court

Mr. Jeff Hall
State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Craig Matheson, President-Elect
Superior Court Judges' Association
Benton and Franklin Superior Courts

Judge Ann Schindler, Presiding Chief Judge
Court of Appeals, Division I

Mr. Steven Toole, President
Washington State Bar Association

Board for Judicial Administration

June 17, 2011
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. May 20, 2011 Meeting Minutes **Action: Motion to approve the minutes of the May 20 BJA meeting**	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 1
4. BJA Resolutions **Action: Motion to the approve the BJA Process and Guidelines for Resolution Requests**	Mr. Jeff Hall	Tab 2
5. BJA Best Practices Committee **Action: Motion to appoint a chair of the BJA Best Practices Committee**	Mr. Dirk Marler	Tab 3
6. Nevins Award Nomination **Action: Motion to make a BJA nomination for the Nevins Award**	Chief Justice Barbara Madsen	Tab 4
7. Resolution Regarding Racial and Ethnic Bias in the Justice System **Action: Motion to approve the Resolution Regarding Racial and Ethnic Bias in the Justice System**	Judge Deborah Fleck	Tab 5
8. BJA Long-Range Planning Committee **Action: Motion to appoint two new BJA members to the BJA Long-Range Planning Committee** **Action: Motion to create a Past Chair position on the committee**	Ms. Mellani McAleenan	Tab 6
9. BJA Member Chair **Action: Motion to appoint a new Member Chair of the BJA**	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 7

Reports and Information		
10. GR 31 and GR 31A Update	Chief Justice Barbara Madsen	Tab 8
11. State Budget/Revenue Update	Chief Justice Barbara Madsen Mr. Ramsey Radwan	Tab 9
12. Legislative Update	Ms. Mellani McAleenan	Tab 10
13. Access to Justice Board	Mr. M. Wayne Blair	
14. Washington State Bar Association	Mr. Steven Toole	
15. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	 Justice Susan Owens Judge Ann Schindler Judge Laura Inveen Judge Gregory Tripp	
16. Association Reports Superior Court Administrators Juvenile Court Administrators County Clerks District and Municipal Court Administrators	 Mr. Frank Maiocco Ms. Shelly Maluo Mr. Kevin Stock Ms. Lynne Jacobs	
17. Administrative Office of the Courts	Mr. Jeff Hall	
18. Other Business Annual License Fees for Judicial Membership in the WSBA Next meeting: July 15 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Michael Lambo	Tab 11

TAB 1

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 determined 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.

TAB 2

BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.
The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolution requests may be initiated by Board members or by outside parties. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.

- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term, stated in precise language, and include a specific call to action.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.

- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.

- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.

- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.

2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.

3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.

4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.

5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

TAB 3

From: Spector, Julie
To: Clark, Colleen;
Subject: RE: BPC Committee Terms
Date: Tuesday, March 22, 2011 4:45:26 PM

Dear Colleen:

Regrettably I'm going to resign my position as chair. The past six years has been a thoughtful, deliberative but productive process where I have gotten to know a lot of different people across the State. All of us have found the committee's work to be a necessary part of what the public has a right to expect from its judiciary and clerks of court – fair and obtainable standards that apply to all levels of the court system. Prior to serving as chair, I also had the opportunity to serve as a member under the leadership of Judge Sperline. I think that puts me in about a 7-8 year period of time that I have served on the Best Practices committee. But it is time for another judge to take over the chair person's position. I have some family issues that need require a little less commitment to my job responsibilities and I trust you will pass this along to Justice Madsen and Judge Lambo and obviously Julia Appel.

Best wishes and many thanks to the support staff that I have had the opportunity to work with over the years.

Respectfully,

Judge Julie Spector
King County Superior Court
516 Third Ave., C-203
Seattle, WA 98104

BOARD FOR JUDICIAL ADMINISTRATION

BEST PRACTICES COMMITTEE

BJABESTPRACTICES@listserv.courts.wa.gov

Updated May 23, 2011

Name	Address	Phone	E-Mail
Chair			
Vacant – *expect to be filled at June 2011 BJA Meeting* Term Expires: 6/13			
Supreme Court (1)			
Ms. Susan Carlson Term Expires: 6/13 (third term)	WA State Supreme Court Clerk's Office-Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929	360-357-2081	susan.carlson@courts.wa.gov
Court of Appeals (1)			
Judge Christine Quinn-Brintnall Term Expires: 6/12 (second term)	Court of Appeals, Div II 950 Broadway Ste 300, MS TB-06 Tacoma, WA 98402-4454	253-593-5447	J_c.quinn-brintnall@courts.wa.gov
Superior Court (3)			
Judge Linda Krese Term Expires: 6/13 (second term)	Snohomish Cty Superior Court 3000 Rockefeller Ave, MS 502 Everett, WA 98201-4046	425-388-3421	Linda.Krese@co.snohomish.wa.us
Judge Jean Rietschel Term Expires: 6/12	King County Superior Court 516 3rd Ave, Rm C-203 Seattle, WA 98104-2361	206-296-9100	jean.rietschel@kingcounty.gov
Vacant			
Limited Jurisdiction Ct (3)			
Judge Steven Buzzard Term Expires: 6/13 (second term)	Lewis County Centralia PO Box 609 Centralia, WA 98531-0609	360-330-7667	Steven.buzzard@mail.courts.wa.gov buzzardlaw@comcast.net
Judge Michael J. Lambo Term Expires: 6/12	King County Kirkland PO Box 678 Kirkland, WA 98083-0678	425-587-3178	mlambo@ci.kirkland.wa.us
Judge Jerry Roach Term Expires: 6/13 (second term)	Franklin County District Court 1016 N 4th Ave Pasco, WA 99301-3706	509-545-3593	jroach@co.franklin.wa.us
Court of Appeals Clerk (1)			
Mr. David Ponzoha Term Expires: 6/13 (fourth term)	Court of Appeals, Division II 950 Broadway, Suite 300 MS TB-06 Tacoma, WA 98402-4454	253-593-2970	dave.ponzoha@courts.wa.gov
Superior Ct Admin (2)			
Ms. Pat Austin Term Expires: 6/13 (second term)	Benton/Franklin Superior Courts 7122 W Okanogan Pl, Bldg A Kennewick, WA 99336-2359	509-736-3071	pat.austin@co.benton.wa.us
Mr. Ron Miles Term Expires: 6/13	Spokane County Superior Court 1116 W Broadway Ave Spokane, WA 99260-0350	509-477-5790	rmiles@spokanecounty.org

County Clerk (2)			
Honorable Barbara Christensen Term Expires: 6/13	Clallam County County Clerk 223 E 4th St, Ste 9 Port Angeles, WA 98362-3015	360-417-2231	bchristensen@co.clallam.wa.us
Honorable Ruth Gordon Term Expires: 6/13	Jefferson County County Clerk PO Box 1220 Port Townsend, WA 98368-0920	360-385-9125	rgordon@co.jefferson.wa.us
Honorable Virginia Leach (Alternate) Term Expires: 6/13	Pacific County County Clerk Location: 300 Memorial Dr South Bend, WA 98586	360-875-9320 ext 2222	vleach@co.pacific.wa.us
CLJ Administrator (3)			
Ms. Cynthia Marr Term Expires: 6/13	Pierce County District Court 930 Tacoma Ave South Tacoma, WA 98402-2115	253-798-7419	cmarr@co.pierce.wa.us
Ms. Yvonne Pettus Term Expires: 6/13 (fourth term)	Pierce Cty Muni Court-Tacoma 930 Tacoma Ave S Rm 841 Tacoma, WA 98402-2181	253-591-2019	yvonne.pettus@ci.tacoma.wa.us
Ms. Tina Marusich Term Expires: 6/12	Pierce County Puyallup 929 E Main, Ste 120 Puyallup, WA 98372-3116	253-841-5450	tina@ci.puyallup.wa.us
Juvenile Ct Admin (1)			
Ms. Holli J. Spanski Term Expires: 6/12	Lewis County Juvenile Court 360 NW North St MS: JUV01 Chehalis, WA 98532	360-740-2621	holli.spanski@lewiscountywa.gov
WSBA Representative (1)			
Mr. Michael J. Shinn Term Expires: 6/13	Office of the Attorney General 1220 Main St Ste 510 Vancouver, WA 98660-2964	360-759-2122	michaels@atg.wa.gov
Staff			
Ms. Julia Appel Program Staff	Administrative Office of the Courts P. O. Box 41170 Olympia, WA 98504-1170	360-705-5229	julia.appel@courts.wa.gov
Ms. Colleen Clark Administrative Staff	Administrative Office of the Courts P. O. Box 41170 Olympia, WA 98504-1170	360-704-4143	colleen.clark@courts.wa.gov

TAB 4

At its June 17, 2011 meeting, the Board for Judicial Administration (BJA) voted to nominate Washington State Supreme Court Justice Mary Fairhurst for the 2011 Judge William Nevins Award.

Justice Fairhurst was appointed by the BJA to Chair the BJA Public Trust and Confidence (PTC) Committee in May 2003 and since her appointment she has been instrumental in leading the committee in their vision "To achieve the highest possible level of public trust and confidence in the Washington judicial system."

The PTC Committee created a Web site for the public and courts to access informational brochures regarding self-representation, judicial structure, separation of powers, model court tours, presiding judges, and judicial speakers; a coloring book for children going to court; and many other items dedicated to educating the public about the role of Washington courts and assisting the public in their interactions with the courts.

Justice Fairhurst is also active outside the PTC Committee working with children and youth. She supports the YMCA Youth and Government Program and helped create the Lawyers and Students Engaged in Resolution Program. She is also Chair of the iCivics program and participates on the We the People Board.

WASHINGTON JUDGES' FOUNDATION

TO: All Justices, Judges and Commissioners in Washington State
FM: Committee to Select Nominees for the Judge William Nevins Award

You are invited to submit the name of an active or retired judge or judges in Washington State to receive the 2010 Judge William Nevins Award for outstanding contribution to youth education and/or the public understanding of the law and the role of the judiciary in American society.

PROSPECTIVE NOMINEE

Judge _____ of _____ Court should be considered for the Nevins award for the following reason(s):

Submitted by Judge _____ of _____Court.
(Please print name of submitter and court)

Please submit forms by e-mail to Judge Paja at mpaja@co.kitsap.wa.us , Judge Fleck at Deborah.Fleck@kingcounty.gov or Judge Harris at cedarbob1@q.com and/or by mail, by _____ at 4:30 PM.

Judge Marilyn Paja
Kitsap County District Court
614 Division Street
MS 25, Room 106
Port Orchard, WA 98366-4684

Judge Deborah Fleck
King County Superior Court
Regional Justice Center
401 – 4th Ave No.
Kent, WA 98032

Judge Robert Harris (ret'd)
401 Cedar Street
Vancouver, WA 98661

MARY E. FAIRHURST

Elected in 2002, Mary Fairhurst began serving as a justice on the Washington Supreme Court in 2003. She started her legal career in the Supreme Court as a judicial clerk, working first with Chief Justice William H. Williams in 1984 and then with Justice William C. Goodloe until 1986.

For the intervening sixteen years, Justice Fairhurst served the citizens of the State of Washington in the Washington Attorney General's Office. She worked with Attorneys General Christine Gregoire and Ken Eikenberry. She specialized in the areas of criminal justice, transportation, revenue, and labor. When she left, she was serving as the Division Chief of the Revenue, Bankruptcy and Collections Division. In 1998, Attorney General Gregoire gave her Steward of Justice award to Justice Fairhurst.

Justice Fairhurst also did work not related to her cases that made a difference to Washington citizens. She worked on the constitutional amendment to increase the rights of crime victims while still honoring the constitutional rights of the accused. She organized the first statewide conferences on domestic violence. She planned and facilitated a youth violence summit and organized and moderated conferences dealing with sex offenders in the community.

Justice Fairhurst is a leader in the legal profession. She served as President of the Washington State Bar Association. She was the second woman, first public sector, and youngest attorney to hold this position. She also served on the Bar Board of Governors representing the Third Congressional District and as President of Washington Women Lawyers.

Currently she chairs the Judicial Information System Committee and chairs the Board for Judicial Administration's (BJA) Public Trust and Confidence Committee. She serves on the Supreme Court's Administrative Committee, Budget Committee, Circulation Committee, and Long Range Planning Committee.

Throughout her career, Justice Fairhurst has worked to enhance the opportunities for women and minorities in the profession and to ensure access to justice for low-income individuals and families. In 1998, Washington Women Lawyers gave her its Passing the Torch award and in

1999, LEGALS, P.S. gave her its Allies for Justice award. She has served on the Supreme Court's Gender and Justice Commission and Access to Justice Board committees.

Justice Fairhurst is also active working for children and youth. She served two years on the Girl Scouts Board of the Pacific Peaks Council. She supports the YMCA Youth and Government Program and helped create the Lawyers and Students Engaged in Resolution Program. She is the state chair of the iCivics program and is active with the We the People Board. Justice Fairhurst speaks regularly to individuals and groups about the judiciary. Justice Fairhurst serves on the Thurston County Food Bank Board.

In 1984, Justice Fairhurst earned her law degree magna cum laude from Gonzaga University School of Law. She earned her undergraduate degree in political science cum laude from Gonzaga University in 1979. She also received an honorary Doctor of Laws degree from Gonzaga University in 2006. She currently serves as president of the Gonzaga Law School Board of Advisors and the Gonzaga Law School Alumni Association. She is also a member of the Gonzaga University Board of Regents. In September 2004, Justice Fairhurst delivered the 33rd annual William O. Douglas lecture at Gonzaga University School of Law. She received the Myra Bradwell award from Gonzaga in 1999.

Justice Fairhurst comes from a large, loving family which places great value on fairness, service, and the dignity of every man, woman, and child. She is dedicated to ensuring that our legal system treats people fairly, equally, and protects everyone's basic rights.

JUSTICE MARY E. FAIRHURST
Washington State Supreme Court
P.O. Box 40929
Olympia, Washington 98512
(360) 357-2053

November 2008	Re-elected Justice, Washington State Supreme Court
November 2002	Elected Justice, Washington State Supreme Court
November 1984	Admitted as member of Washington State Bar

FORMAL EDUCATION

May 1984 — GONZAGA UNIVERSITY, SCHOOL OF LAW, Spokane
Juris Doctor magna cum laude
Class rank: 3 out of 177 G.P.A.: 3.54

May 1979 — GONZAGA UNIVERSITY, Spokane
Bachelor of Arts, Political Science cum laude

WORK EXPERIENCE

WASHINGTON STATE SUPREME COURT, Olympia

January 2003- *Justice*

OFFICE OF THE ATTORNEY GENERAL, Olympia

July 2001- January 2002 — *Division Chief, Revenue, Bankruptcy and Collections Division*
Sr. Assistant Attorney General leading 14 attorneys and 12 staff located in Olympia and Seattle. Lead counsel to the Department of Revenue (DOR). Supervise attorneys who represent and advise DOR in all state tax cases and issues. Supervise attorneys providing bankruptcy and collection advice to DOR, L&I, ESD and other agencies.

January 2000- July 2001 — *Division Chief, Revenue Division*
Sr. Assistant Attorney General leading 8 attorneys and 4 staff. Lead counsel to DOR. Supervise attorneys who represent and advise DOR in all state tax cases and issues.

April 1995- December 1999 — *Assistant Attorney General, Criminal Justice Division*
Team Leader of the Corrections Unit, leading 9 attorneys. Represent the Department of Corrections in civil rights cases, personal restraint petitions and advise on prison issues. Responsibility expanded to include advice on siting, contracting, public disclosure and Correctional Industries issues.

April 1991- March 1995 — *Assistant Attorney General, Transportation & Public Construction Division*
Represent the Department of Transportation in construction claims, condemnation, and personnel matters.
Represent and advise the Board of Tax Appeals (BTA).

January 1989- March 1991 — *Assistant to the Attorney General, Administration Division*
Responsible for attorney and law clerk recruitment and special projects. Represent and advise the BTA.

Sept. 1986- January 1989 *Assistant Attorney General, Revenue Division*
Represent DOR in excise tax, property tax, inheritance tax, unclaimed property and personnel matters.

WASHINGTON STATE SUPREME COURT, Olympia

Sept. 1984- Sept. 1986 *Law Clerk for Chief Justice William H. Williams and Justice William C. Goodloe*
Assisted in research and preparation of judicial opinions.

PROFESSIONAL AFFILIATIONS AND POSITIONS

WASHINGTON STATE SUPREME COURT

Judicial Information System Committee, Chair, 2008 to present

Board for Judicial Administration, Public Trust and Confidence Committee, Chair, 2003 to present

Board for Judicial Administration, Court Security Committee, Member, 2007 to 2010

Court liaison to WSBA's Council on Public Legal Education, 2003 to 2009

Administrative Committee, Member, 2011 to present

Budget Committee, Member, 2010 to present

Circulation Committee, Chair, 2005 to present

Court Rules Committee, Member, 2003 to 2011

Personnel Committee, Member, 2004 to 2009

Long Range Planning Committee, Member, 2009 to present

Court liaison to WSBA's Ethics 2003 Model Rules Committee, 2003 to 2004

Court liaison to WSBA's Character and Fitness Standards Committee, 2004 to 2006

Gender and Justice Commission, Member, 2001 to 2004

WASHINGTON STATE BAR ASSOCIATION

President, 1997 to 1998

President-Elect, 1996 to 1997
1996-1997 Board Committees: Budget and Audit, Improved Relations with the Supreme Court (chair), Long Range Planning (chair)

Board of Governors, Governor, Third Congressional District, 1993 to 1996
Treasurer, 1995 to 1996
1995 to 1996 Board Committees: Budget and Audit (chair), Long Range Planning (chair), Mandatory Continuing Legal Education Board, Youth and Violence
1994 to 1995 Board Committees: Long Range Planning (chair), Communications with Minority and Specialty Bar Associations, Budget and Audit, Preventing

Youth Violence
1993 to 1994 Board Committees: Communication, Discipline, Governance Task Force

Bar Leaders Conference, 1993 to 1998, 2000

Character and Fitness Committee, Member, 1992 to 1993

Committee on Opportunities for Minorities in the Profession, Co-Chair, 1990 to 1992

President's Initiative Task Force, 2000 to 2002

Access to Justice Resource Development Committee, Member, 2001 to 2002

WASHINGTON WOMEN LAWYERS

Recipient of Passing the Torch Award, 1998

State Board:
President, 1989 to 1990
President-Elect, 1988 to 1989
Legislative Liaison, 1986 to 1988
Various committees including: 1995 Annual Dinner Co-Chair; WWL CLE Committee member for October 1991 "Employment Essentials: From Hiring to Firing"; Gender Bias Committee member for spring 1991 and fall 1992 workshops on gender bias for public and private law firms; Panelist on Seattle-King County WWL Panel: "Bar Committees, Developing Professional Clout Through Active Participation"

Capitol Chapter:
Member working on various committees and panels

GOVERNMENTAL LAWYERS BAR ASSOCIATION

THURSTON COUNTY BAR ASSOCIATION

ATTORNEY GENERAL'S OFFICE AWARDS AND ACTIVITIES

First Annual Lewis County Domestic Violence Summit, October 9, 1999
Keynote Speaker

Recipient of Attorney General's Steward of Justice Award, 1998

Domestic Violence Summit II, December, 1996, Moderator and Planning Committee Member

Youth Violence Summit, Planning Member and Facilitator, 1996

Governor's Domestic Violence Workgroup, Member, 1996 to 1998

National Association of Attorneys General 1996 Corrections Seminar Planning Committee, Member, 1995 to 1996

Attorney General's Office Management Team, Member, 1995 to 2002
Training Committee, Member, 1995 to 1999
Training Committee, Chair, 1999 to 2002

Attorney General Office's Annual Conference, 1995, Plenary Session: Access to Justice, Moderator and Panelist

Violence Against Women Act State Advisory Committee, Member, 1995

Criminal Justice Training Commission, Special Counsel, 1994 to 1995

Domestic Violence Summit I, June 1995, Planning Committee Member

Sexual Harassment Complaint Investigator, 1994 to 1995

LASER (Lawyers and Students Engaged in Resolution) Project, sponsored by the AGO, WSBA, SPI and the Governor's Office, Committee Member, 1994 to 2002

Fair Labor Standards Act Work Group, Member, 1993 to 1995

Executive Committee on Used Car Sales, Service & Safety, Member, 1991 to 1992

Violent Sex Offender Executive Committee, Member, 1989 to 1990

Crime Victim Conferences, "Sex Offenders in the Community: Prevention and Protection", Organizer and Moderator, 1989

Department of Community Development Work Group, recommending goals, objectives, and job description for the new Office of Crime Victim Advocacy, Member

Washington Association of Child Abuse Council's Annual Conference "Empowering Kids in the Courtroom Panel," Coordinator

Annual AGO Conference Committee, Chair, 1988

Personnel CLE, Presenter, 1988

Personnel Litigation Deskbook, Author of "Dealing with Civil Service Employee Problems" section

Personnel Task Force, Member, 1986 to 1993

New Attorney Orientations, Presenter, 1987 to 1991

LAW SCHOOL AWARDS AND EXTRACURRICULAR ACTIVITIES

Gonzaga University Law School Board of Advisors, Member 2000 to present; President 2007 to present

Gonzaga University Board of Regents, Member, 2007 to present

Gonzaga University School of Law Alumni Association, President, 2007 to present

Received honorary Doctor of Laws Degree from Gonzaga University School of Law, 2006

Delivered 33rd annual William O. Douglas Lecture at Gonzaga University, September 2004

Recipient of Gonzaga University School of Law Myra Bradwell Award, 1999

Recipient of American Jurisdiction Award for Excellence in UCC Article IX; Conflicts, Domestic Relations

Recipient of 1984 Legal Argumentation Award

Participant in 1984 Linden Cup Competition - 1st Place Team

Member of 1983 to 1984 National Moot Court Team - quarter finalist at Regional Competition

Member of 1983 National Appellate Advocacy Competition
-1st Place Team at Regional Competition
-3rd Place Team at National Competition

National Member of the Order of Barristers

Student Advisor of the 1984 National Appellate Advocacy Team

Moot Court Council Member, 2 years

Recipient of the Phi Delta Phi Graduate of the Year Award

COMMUNITY ACTIVITIES

State iCivics Program, Chair, 2010 to present

We the People Board, active participant, 2005 to present

Thurston County Food Bank, Board Member, 2010 to present

Recipient of King County Washington Women Lawyers Betty Fletcher Judge of the Year Award, 2009

Recipient of Seattle University's Women's Law Caucus and Washington Women Law Foundation Women of the Year Award, 2003

Recipient of Women of Color Empowered, Women as Trailblazers Award, 2004

American Judicature Society, Washington Chapter, Board Member, 2003 to 2006

National Association of Women Judges, Member, 2003 to present

Recipient of LEGALS, P.S., Allies for Justice Award, 1999

Girl Scouts, Pacific Peaks Council, Board Member, 1995 to 1997

Saint Michael's Catholic Church
Co-chair, Capital Building Campaign General Phase, Fall 1992
Member, Social Action Commission, 1991 to 1995
Chair for Social Action Weekend, October, 1995
Lector, 1991 to present
Catechist for 10th graders, 1991 to 1992
Member, Parish Planning Project Committee, 1989 to 1990

U.S. Senator Slade Gorton's Select Committee to Recommend a Replacement for U.S. District Court Judge Tanner, Spring 1991

Tacoma Women's Awareness Week, Speech: "Ethics in the Workplaces: Right Choices," October 1991

Thurston County Volunteer Legal Clinic, Volunteer, 1995 to 2002

YMCA Mock Trial Competition, Championship Round Rater, 1996, 1998, Final Round Judge 2007, 2008

YMCA Youth and Government, We Build Young Leaders Campaign, 1993, 1994, 1996, 1997

TAB 5

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington

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

WHEREAS, racial and ethnic bias have no place in the justice system; and

WHEREAS, facially neutral policies and practices that have a disparate impact on people of color contribute significantly to disproportionalities in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias distort decision-making at various stages in the criminal and civil justice system, thus contributing to disproportionality and disparate treatment in the criminal and civil justice system, and

WHEREAS, racial and ethnic bias matter in ways that are not fair, that do not advance legitimate public safety objectives, that produce disproportionality, disparate treatment and disparate impact in the criminal and civil justice system, and that undermine public trust and confidence in our legal system; and

WHEREAS, the judiciary, consistent with its obligation to administer justice fairly, efficiently and effectively, has a vital role to play in ensuring that existing and proposed rules, policies and practices are fair and do not result in racial or ethnic disproportionality and disparate impact in the criminal and civil justice system; and

WHEREAS, the Board for Judicial Administration as the policy-making body of Washington's judicial branch of government plays a leadership role to ensure fairness in the justice system,

NOW THEREFORE, BE IT RESOLVED that the Board for Judicial Administration endorses and strongly advocates a well-coordinated effort by the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to accomplish the following:

(1) Educate the public and those in the justice system on racial and ethnic disproportionality, disparate treatment and disparate impact occurring in the justice system;
(2) Evaluate existing and proposed rules, policies and practices to determine whether they contribute to racial and ethnic disproportionality or disparate impact in the justice system, and if so, how such impacts can be avoided or corrected;
(3) Identify corrective measures and pursue system-wide improvements in racial and ethnic fairness;
(4) Measure and evaluate progress in addressing these issues that are critical to a fair and impartial system of justice in Washington; and
(5) Develop and implement action plans to accomplish the objectives above to eliminate racial and ethnic disproportionality, disparate treatment and disparate impact in the justice system; and

BE IT FURTHER RESOLVED that the Board for Judicial Administration encourages the judicial branch, the Washington State Bar Association, minority bar associations, law schools and interested stakeholders to work with members of the executive and legislative branches, as appropriate, to promote the adoption of laws, policies and evidence-based practices shown to be effective in reducing racial and ethnic disproportionality and disparate impact in the criminal and civil justice system.

TAB 6

BJA Long-Range Planning Committee

In addition to the new chair for this committee, the BJA is being asked to approve the addition of a Past Chair position (see next page for explanation) and to appoint BJA members to Judge Fleck (SCJA) and Judge Nevin's (DMCJA) positions.

Membership as of May 2011

Position	Member	Term	Ends
Chair			
BJA Member-Chair	**Judge Lambo**	**2 yrs**	**6/2011**
Past Chair		2 yrs	6/2013
Supreme Court Justice	Justice Madsen	1 yr	6/2012
Court of Appeals Judge	Judge Schindler	2 yrs	6/2012
Superior Court Judges			
1 BJA member	**Judge Fleck**	**1 yr**	**6/2011**
1 appointed by SCJA President	Judge Godfrey	2 yrs	6/2012
Courts of Limited Jurisdiction Judges			
1 BJA member	**Judge Nevin**	**1 yr**	**6/2011**
1 appointed by DMCJA President	Judge Phillips	2 yrs	6/2012
BCE member			
Appointed by BCE chair	Judge Hartman	1 yr	6/2012
JISC member			
Appointed by JISC chair	Judge Wynne	2 yrs	6/2012
State Court Administrator	Jeff Hall	N/A	
Staff	Steve Henley Colleen Clark		

Board for Judicial Administration
Meeting Minutes

January 15, 2010
Temple of Justice / Olympia, Washington

BJA Long-Range Planning Committee—Proposed Membership and Term Limits

Mr. Hall stated that the BJA is being asked to approve the BJA Long-Range Planning Committee's Proposed Membership and Term Limits.

It was moved by Judge Phillips and seconded by Judge Dubuisson that the BJA approve the proposed revision to the BJA Long-Range Planning Committee membership and term limits. The motion carried.

BJA Long-Range Planning Committee
Membership and Term Limits
January 2010

The LRPC Chair shall be the Member-Chair of the BJA and the membership shall consist of:

- 1 Supreme Court Justice to be appointed by the Chief Justice.
- 1 Court of Appeals Judge to be appointed by the Presiding Judge of the Court of Appeals.
- 2 Superior Court Judges, one to be appointed by the President of the Superior Court Judges Association, and one to be a BJA member.
- 2 Courts of Limited Jurisdiction Judges, one to be appointed by the President of the District and Municipal Court Judges Association, and one to be a BJA member.
- 1 member of the Board for Court Education (BCE) to be appointed by the BCE Chair.
- 1 member of the Judicial Information Systems Committee (JISC) to be appointed by the JISC Chair.
- The State Court Administrator.

PAST CHAIR POSITION:

Per the April 2, 2008 LRP committee meeting:

The member-chair for the Board is either a superior court judge or a court of limited jurisdiction judge and serves as the chair of the BJA Long-range Planning Committee; this person should continue serving on the committee for an additional two years (representing either the SCJA or DMCJA) to help preserve the historical knowledge of the committee as it moves forward.

TAB 7

2011-2013
BJA Member Chair Information

The BJA will be nominating SCJA members for the 2011-13 BJA Member Chair during the May meeting and voting on a new Member Chair during the June meeting. Below is information regarding the 2011-13 BJA Member Chair election.

BJA Bylaws Regarding the BJA Member Chair

ARTICLE III
Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV
Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

BJA Rule 3 Regarding the BJA Member Chair

BJAR 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

Past BJA Member Chairs

Term	Member Chair	Association
2001-03	Judge James Riehl	DMCJA
2003-05	Judge Deborah Fleck	SCJA
2005-07	Judge Robert McSeveney	DMCJA
2007-09	Judge Vickie Churchill	SCJA
2009-11	Judge Michael Lambo	DMCJA

SCJA Voting Members on the BJA

Name/Term End Date	Court	Notes
Judge Rebecca Baker (6/14)	Stevens County Superior Court	She is retiring in October and the May BJA meeting will be her last. The SCJA will appoint a replacement.
Judge Ron Culpepper (6/12)	Pierce County Superior Court	
Judge Deborah Fleck (6/13)	King County Superior Court	She was just reappointed by the SCJA to a two-year term.
Judge Laura Inveen (6/12)	King County Superior Court	SCJA President
Judge Chris Wickham (6/13)	Thurston County Superior Court	

TAB 8

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF GR 31-ACCESS TO COURT RECORDS	))))	**ORDER** NO. 25700-A-980

The JIS Committee having recommended the adoption of GR 31-Access to Court Records, and the Court having approved the proposed rule change for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed rule change as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than November 30, 2011. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

613/146

DATED at Olympia, Washington this 10th day of June, 2011.

For the Court

Madsen, C.J.
CHIEF JUSTICE

GR 9 Cover Sheet

Suggested Amendments to GR 31

ACCESS TO COURT RECORDS

Purpose: To provide information to the Supreme Court on what conforming amendments to GR 31 would be necessary if the Supreme Court adopts suggested GR 31A governing access to administrative records of the judicial branch.

The Supreme Court is considering a recommendation from its Rules Committee concerning suggested new rule GR 31A (Access to Administrative Records). If GR 31A is ultimately adopted by the Supreme Court, conforming amendments to GR 31 will be necessary.

Conforming amendments to GR 31 were suggested by the Judicial Information System Committee (JISC) to the Board for Judicial Administration (BJA) earlier this year, prior to the BJA's adoption of its final rule proposal. I have modified the suggested amendments originally submitted to the BJA to conform to the BJA's final draft of suggested GR 31A.

On behalf of the JISC I have enclosed the suggested conforming amendments to GR 31 because it may be helpful to the Supreme Court to have some idea of what conforming amendments will be necessary if GR 31A is ultimately adopted by the Court. The JISC understands that pursuant to GR 9 the suggested conforming amendments will need to be reviewed by the Supreme Court Rules Committee before they can be formally considered by the Supreme Court.

[Suggested Changes]

General Rule of Court 31

ACCESS TO COURT RECORDS

(a) Policy and Purpose. It is the policy of the ~~courts~~judiciary to facilitate access to court records as provided by Article I, Section 10 of the Washington State Constitution. Access to court records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by article 1, Section 7 of the Washington State Constitution and shall not unduly burden the business of the courts.

(b) Scope. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record or the method of storage of the court record. Judicial ~~A~~administrative records are not within the scope of this rule. Access to judicial administrative records is governed by GR 31A. Court records are further governed by GR 15 and 22.

(c) Definitions.

(1) "Access" means the ability to view or obtain a copy of a court record.

(2) "Administrative record" ~~means any record pertaining to the management, supervision or administration of the judicial branch, including any court, board, or committee appointed by or under the direction of any court or other entity within the judicial branch, or the office of any county clerk.~~is defined in GR 31A.

(3) "Bulk distribution" means distribution of all, or a significant subset, of the information in court records, as is and without modification.

(4) "Court record" includes, but is not limited to: (i) Any document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding, and (ii) Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by the court that is related to a judicial proceeding. Court record does not include ~~data maintained by or for a judge pertaining to a particular case or party, such as personal notes and communications, memoranda, drafts, or other working papers; or information gathered, maintained, or stored by a government agency or other entity to which the court has access but which is not entered into the record.~~chambers records as defined in GR 31A.

(5) "Criminal justice agencies" are government agencies that perform criminal justice functions pursuant to statute or executive order and that allocate a substantial part of their annual budget to those functions.

(6) "Dissemination contract" means an agreement between a court record provider and any person or entity, except a Washington State court (Supreme Court, court of appeals, superior court, district court or municipal court), that is provided court records. The essential elements of a dissemination contract shall be promulgated by the JIS Committee.

(7) "Judicial Information System (JIS) Committee" is the committee with oversight of the statewide judicial information system. The judicial information system is the automated, centralized, statewide information system that serves the state courts.

(8) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

(9) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(10) "Public purpose agency" means governmental agencies included in the definition of "agency" in RCW 42.17.020 and other non-profit organizations whose principal function is to provide services to the public.

(d) Access.

(1) The public shall have access to all court records except as restricted by federal law, state law, court rule, court order, or case law.

(2) Each court by action of a majority of the judges may from time to time make and amend local rules governing access to court records not inconsistent with this rule.

(3) A fee may not be charged to view court records at the courthouse.

(e) Personal Identifiers Omitted or Redacted from Court Records

(1) Except as otherwise provided in GR 22, parties shall not include, and if present shall redact, the following personal identifiers from all documents filed with the court, whether filed electronically or in paper, unless necessary or otherwise ordered by the Court.

(A) Social Security Numbers. If the Social Security Number of an individual must be included in a document, only the last four digits of that number shall be used.

(B) Financial Account Numbers. If financial account numbers are relevant, only the last four digits shall be recited in the document.

(C) Driver's License Numbers.

(2) The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Court or the Clerk will not review each pleading for compliance with this rule. If a pleading is filed without redaction, the opposing party or identified person may move the Court to order redaction. The court may award the prevailing party reasonable expenses, including attorney fees and court costs, incurred in making or opposing the motion.

COMMENT

This rule does not require any party, attorney, clerk, or judicial officer to redact information from a court record that was filed prior to the adoption of this rule.

(f) Distribution of Court Records Not Publicly Accessible

(1) A public purpose agency may request court records not publicly accessible for scholarly, governmental, or research purposes where the identification of specific individuals is ancillary to the purpose of the inquiry. In order to grant such requests, the court or the Administrator for the Courts must:

(A) Consider: (i) the extent to which access will result in efficiencies in the operation of the judiciary; (ii) the extent to which access will fulfill a legislative mandate; (iii) the extent to which access will result in efficiencies in other parts of the justice system; and (iv) the risks created by permitting the access.

(B) Determine, in its discretion, that filling the request will not violate this rule.

(C) Determine the minimum access to restricted court records necessary for the purpose is provided to the requestor.

(D) Assure that prior to the release of court records under section (f) (1), the requestor has executed a dissemination contract that includes terms and conditions which: (i) require the requester to specify provisions for the secure protection of any data that is confidential; (ii) prohibit the disclosure of data in any form which identifies an individual; (iii) prohibit the copying, duplication, or dissemination of information or data provided other than for the stated purpose; and (iv) maintain a log of any distribution of court records which will be open and available for audit by the court or the Administrator of the Courts. Any audit should verify that the court records are being appropriately used and in a manner consistent with this rule.

(2) Courts, court employees, clerks and clerk employees, and the Commission on Judicial Conduct may access and use court records only for the purpose of conducting official court business.

(3) Criminal justice agencies may request court records not publicly accessible.

(A) The provider of court records shall approve the access level and permitted use for classes of criminal justice agencies including, but not limited to, law enforcement, prosecutors, and corrections. An agency that is not included in a class may request access.

(B) Agencies requesting access under this section of the rule shall identify the court records requested and the proposed use for the court records.

(C) Access by criminal justice agencies shall be governed by a dissemination contract. The contract shall: (i) specify the data to which access is granted; (ii) specify the uses which the agency will make of the data; and (iii) include the agency's agreement that its employees will access the data only for the uses specified.

(g) Bulk Distribution of Court Records

(1) A dissemination contract and disclaimer approved by the JIS Committee for JIS records or a dissemination contract and disclaimer approved by the court clerk for local records must accompany all bulk distribution of court records.

(2) A request for bulk distribution of court records may be denied if providing the information will create an undue burden on court or court clerk operations because of the amount of equipment, materials, staff time, computer time or other resources required to satisfy the request.

(3) The use of court records, distributed in bulk form, for the purpose of commercial solicitation of individuals named in the court records is prohibited.

(h) Appeals. Appeals of denials of access to JIS records maintained at state level shall be governed by the rules and policies established by the JIS Committee.

(i) Notice. The Administrator for the Courts shall develop a method to notify the public of access to court records and the restrictions on access.

(j) Access to Juror Information. Individual juror information, other than name, is presumed to be private. After the conclusion of a jury trial, the attorney for a party, or party pro se, or member of the public, may petition the trial court for access to individual juror information under the control of court. Upon a showing of good cause, the court may permit the petitioner to have access to relevant information. The court may require that juror information not be disclosed to other persons.

(k) Access to Master Jury Source List. Master jury source list information, other than name and address, is presumed to be private. Upon a showing of good cause, the court may permit a petitioner to have access to relevant information from the list. The court may require that the information not be disclosed to other persons.

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE ADOPTION OF NEW GR 31A-ACCESS TO ADMINISTRATIVE RECORDS	))))	**ORDER** NO. 25700-A- 978

The Board for Judicial Administration having recommended the adoption of New GR 31A-Access to Administrative Records, and the Court having approved the proposed new rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rule as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than November 30, 2011. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

FILED
SUPREME COURT
STATE OF WASHINGTON
2011 OCT 13 AM 8:45
BY RONALD R. CARPENTER
CLERK

6013/144

DATED at Olympia, Washington this 10th day of June, 2011.

For the Court

Madsen, C.J.
CHIEF JUSTICE

GR 9 COVER SHEET
Suggested New Rule

GENERAL RULES (GR)
GR 31A — Access to Administrative Records
Submitted by the Board for Judicial Administration

Purpose: At its meeting on February 18, 2011, the Board for Judicial Administration (BJA) adopted a motion to propose to the Supreme Court a new General Rule 31A. The suggested new rule sets forth standards and procedures for providing public access to the Washington State judiciary's administrative records.

The BJA developed its proposal after creating a Public Records Work Group, which included members both from within the judiciary and from outside groups interested in public access to judicial records. The Work Group recommended new standards and procedures for providing public access to the judiciary's administrative records. The BJA carefully reviewed the Work Group's recommendations, made several changes, and approved the suggested new GR 31A for the Supreme Court's consideration.

Need for a new rule. The suggested rule fills a gap in the existing laws. Currently, there is no law that broadly addresses public access to the judiciary's administrative records. The Washington State Public Records Act ("PRA") (Chapter 42.56 RCW) does not apply to judicial records. *See City of Federal Way v. Koenig*, 167 Wn.2d 341, 217 P.3d 1172 (2009). Furthermore, General Court Rule 31, which addresses public access to "court records," does not apply to the judiciary's administrative records, see GR 31(b); it applies only to court case files and related documents about judicial proceedings. See GR 31(c) (defining "court records" as including "[a]ny document, information, exhibit, or other thing that is maintained by a court in connection with a judicial proceeding" as well as indices, calendars, dockets, orders, and other official records that are related to a judicial proceeding).

The BJA, and its Public Records Work Group, believe that public access to the judiciary's administrative documents is better addressed by court rule than by inclusion within the PRA. The BJA decided to draft a new rule – separate from GR 31 -- to address this topic, rather than expanding GR 31 to cover administrative records. Having two distinct rules makes clear that the existing procedures in GR 31 for access to case-related records are separate from, and are not being changed by, the new provisions on access to administrative records.

Entities covered by rule. The suggested rule would apply to judicial agencies and to courts. A few judicial agencies are specifically exempted from the suggested rule, for reasons that are set forth in explanatory comments in suggested GR 31A (c). The suggested rule also provides that judicial officers are not themselves agencies or courts, so they will not be personally required to respond to public records requests. See section (c)(5) of suggested GR 31A. Finally, entities that operate information-technology servers, and other custodians of the judiciary's administrative

records, would not be allowed to disclose records except under limited circumstances. See suggested section (c)(7).

Categories of records. The suggested rule divides judicial branch records into three categories:

- "court files", which are governed by GR 31 and not by the suggested GR 31A;
- chambers records; and
- administrative records.

Chambers records. Chambers records, as defined in section (d)(4), are not public records, and are not subject to disclosure. This provision protects judicial officers from intrusion into their decision-making process. See section (d)(4) and its accompanying comments.

Presumptive access to administrative records; exemptions. Administrative records are broadly defined in section (d)(2). Administrative records are presumptively open to public access, except as exempted or prohibited in the suggested rule or in other statutes, court rules, or other laws (including the PRA). See section (e)(1).

The suggested rule incorporates by reference existing exemptions and prohibitions from other sources of law and explicitly states 11 exemptions (see suggested GR 31A (e)(1)(B)). Some of the exemptions in the suggested rule have counterparts in the PRA. For example, the PRA has a "deliberative process" exemption, which extends confidentiality to certain draft documents containing opinions or recommending policies as part of an agency's deliberative or policy-making process. RCW 42.56.280. Under case law, the PRA's deliberative process exemption extends only until such time as the agency makes the final policy decision, at which time the deliberative-process draft documents become open to public access. *Progressive Animal Welfare Soc'y v. Univ. of Wash.*, 125 Wn.2d 243, 256, 884 P.2d 592 (1994). The suggested rule incorporates a modified version of the PRA's exemption; the suggested rule restates the PRA exemption but adds a sentence providing that the deliberative-process draft documents remain confidential after the final policy decision is made. See section (e)(1)(B)(4) and the accompanying comment.

Procedures. Procedures for obtaining public access to administrative documents are found primarily in section (e)(3). Procedures are provided for requesting records and for responding to records, each of which have many parallels with PRA procedures. A bifurcated, expedited appeals process is provided in section (e)(3)(B)(4), with the intent of providing prompt, final decisions. See the comment that follows sections (e)(3)(B)(4) and (5). The fees that courts and judicial agencies may charge requesters are set forth in section (g).

Sanctions for noncompliance. Monetary sanctions for noncompliance are more limited than under the PRA. See section (e)(3)(B)(6). The suggested rule precludes the imposition of per diem fines and penalties, and it limits the circumstances under which reasonable attorney fees and costs may be awarded. The suggested rule clarifies that monetary sanctions may not be assessed against individuals, only against the applicable entity. See section (e)(3)(B)(6)(iv).

Especially burdensome requests. Several sections provide courts and judicial agencies with tools for addressing particularly broad records requests and other requests that would significantly affect judicial functioning. See section (e)(3)(A)(6) (providing special procedures for extraordinary requests that impact resource limits); section (g)(4) (allowing research fees to be charged for particularly time-consuming records requests); section (g)(3) (allowing entities to provide documents in installments and to require deposits); and section (e) (placing limitations on inmate requests that involve harassment or threats to security, similar to a corresponding provision in the PRA).

Best practices. The suggested rule calls for the creation and recognition of best practices, so that the necessarily general provisions in the suggested rule can be addressed in greater detail. Courts and judicial agencies would be able to rely on the best practices, once approved by the Supreme Court, when responding to records requests. See section (h).

Delayed effective date and prospective application. Finally, the suggested rule would have a delayed effective date, allowing time for training, development of best practices, and implementation. See section (i)(1). The rule would apply prospectively only, in the sense that it would apply only to documents that are created on or after the rule's effective date. See section (i)(1). Documents created before that date would be analyzed according to other court rules, applicable statutes and the common law balancing test, but the Public Records Act would be used for guidance only. See section (i)(2).

[SUGGESTED NEW RULE]
From the Board for Judicial Administration

General Court Rule 31A

ACCESS TO ADMINISTRATIVE RECORDS

(a) Policy and Purpose. It is the policy of the judiciary to facilitate access to administrative records. Access to administrative records is not absolute and shall be consistent with reasonable expectations of personal privacy as provided by article 1, section 7 of the Washington State Constitution, restrictions in statutes, restrictions in court rules, and as required for the integrity of judicial decision-making. Access shall not unduly burden the business of the judiciary.

(b) Scope.

This rule governs the right of public access to administrative judicial records. This rule applies to all administrative records, regardless of the physical form of the record, the method of recording the record, or the method of storage of the record. Access to court records is governed by GR 15, 22, and 31.

COMMENT: "Court records" is a term of art, defined in GR 31 as meaning case files and related documents.

(c) Application of Rule.

(1) This rule applies to the Supreme Court, the Court of Appeals, the superior courts, the district and municipal courts, and the following judicial branch agencies:

(A) All judicial entities that are overseen by a court, including entities that are designated as agencies, departments, committees, boards, commissions, task forces, and similar groups;

(B) The Superior Court Judges' Association, the District and Municipal Court Judges' Association, and similar associations of judicial officers and employees; and

(C) All subgroups of the entities listed in this section (1).

COMMENT: The elected court clerks and their staff are not included in this rule because (1) they are covered by the Public Records Act and (2) they do not generally maintain the judiciary's administrative records that are covered by this rule.

(2) This rule does not apply to the Commission on Judicial Conduct. The Commission is encouraged to incorporate any of the provisions in this rule as it deems appropriate.

COMMENT: The Commission on Judicial Conduct is not governed by a court. The commission has a heightened need for maintaining independence from courts. It would be inappropriate to dictate to the commission its policies on public records.

(3) This rule does not apply to the Washington State Bar Association. Public access to the Bar Association's records is governed by GR 12.4.

COMMENT: This paragraph (3) presumes that the Bar Association's proposed rule 12.4 (currently being drafted) is adopted.

(4) This rule does not apply to the Certified Professional Guardian Board. Public access to the board's records is governed by GR 23.

(5) A judicial officer is not a court or judicial agency.

COMMENT: This provision protects judges and court commissioners from having to respond personally to public records requests. Records requests would instead go to the court's public records officer.

(6) An attorney or entity appointed by a court or judicial agency to provide legal representation to a litigant in a judicial or administrative proceeding does not become a judicial agency by virtue of that appointment.

COMMENT: The Washington Association of Criminal Defense Lawyers (WACDL) expressed a concern that appointed criminal defense attorneys and their agencies not be covered by this rule by virtue of their appointment. Paragraph (6) removes them from the scope of this rule.

(7) A person or agency entrusted by a judicial officer, court, or judicial agency with the storage and maintenance of its public records, whether part of a judicial agency or a third party, is not a judicial agency. Such person or agency may not respond to a request for access to administrative records, absent express written authority from the court or judicial agency or separate authority in court rule to grant access to the documents.

COMMENT: Judicial e-mails and other documents sometimes reside on IT servers, some are in off-site physical storage facilities. This provision prohibits an entity that operates the IT server from disclosing judicial records. The entity is merely a bailee, holding the records on behalf of a court or judicial agency, rather than an owner of the records having independent authority to release them. Similarly, if a court or judicial agency puts its paper records in storage with another entity, the other entity cannot disclose

the records. In either instance, it is the court or judicial agency that needs to make the decision as to releasing the records. The records request needs to be addressed by the court's or judicial agency's public records officer, not by the person or entity having control over the IT server or the storage area. On the other hand, if a court or judicial agency archives its records with the state archivist, relinquishing by contract its own authority as to disposition of the records, the archivist would have separate authority to disclose the records.

Because of the broad definition of "public record" appearing later in this rule, this paragraph (6) would apply to electronic records, such as e-mails (and their meta-data) and telephone records, among a wide range of other records.

(d) Definitions.

(1) "Access" means the ability to view or obtain a copy of an administrative record.

(2) "Administrative record" means a public record created by or maintained by a court or judicial agency and related to the management, supervision, or administration of the court or judicial agency.

COMMENT: The work group has developed a list of categories of records maintained by courts and judicial agencies. The list is annotated with the work group's expectation of whether such records are subject to disclosure. The list is found as an appendix to the work group's report. It is intended for illustrative purposes only.

The term "administrative record" does not include any of the following: (1) "court records" as defined in GR 31; (2) chambers records as set forth later in this rule; or (3) an attorney's client files that would otherwise be covered by the attorney-client privilege or the attorney work product privilege.

(3) "Court record" is defined in GR 31.

(4) (A) "Chambers record" means any writing that is created by or maintained by any judicial officer or chambers staff, and is maintained under chambers control, whether directly related to an official judicial proceeding, the management of the court, or other chambers activities. "Chambers staff" means a judicial officer's law clerk and any other staff when providing support directly to the judicial officer at chambers.

COMMENT: Some judicial employees, particularly in small jurisdictions, split their time between performing chambers duties and performing other court duties. An employee may be "chambers staff" as to certain functions, but not as to others. Whether certain records are subject to disclosure may depend on whether the employee was acting in a

chambers staff function or an administrative staff function with respect to that record.

(B) Chambers records are not public records. Court records and administrative records do not become chambers records merely because they are in the possession or custody of a judicial officer or chambers staff.

COMMENT: Access to chambers records could necessitate a judicial officer having to review all records to protect against disclosing case sensitive information or other information that would intrude on the independence of judicial decision-making. This would effectively make the judicial officer a de facto public records officer and could greatly interfere with judicial functions. Records may remain under chambers control even though they are physically stored elsewhere. For example, records relating to chambers activities that are stored on a judge's personally owned or workplace-assigned computer, laptop computer, cell phone, and similar electronic devices would still be chambers records. However, records that are otherwise subject to disclosure should not be allowed to be moved into chambers control as a means of avoiding disclosure.

Chambers records do not change in character by virtue of being accessible to another chambers. For example, a data base that is shared by multiple judges and their chambers staff is a "chambers record" for purposes of this rule, as long as the data base is only being used by judges and their chambers staff.

(5) "Judge" means a judicial officer as defined in the Code of Judicial Conduct (CJC) Application of the Code of Judicial Conduct Section (A).

(6) "Public" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency, however constituted, or any other organization or group of persons, however organized.

(7) "Public record" includes any writing, except chambers records and court records, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any court or judicial agency regardless of physical form or characteristics. "Public record" also includes meta-data for electronic administrative records.

COMMENT: The definition in paragraph (7) is adapted from the Public Records Act. The work group added the exception for chambers records, for consistency with other parts of the proposed rule.

(8) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

COMMENT: The definition in paragraph (8) is taken from the Public Records Act. E-mails and telephone records are included in this broad definition of "writing."

(e) Administrative Records.

(1) Administrative Records—Right of Access.

(A) The public has a right of access to court and judicial agency administrative records unless access is exempted or prohibited under this rule, other court rules, federal statutes, state statutes, court orders, or case law. To the extent that records access would be exempt or prohibited under the Public Records Act, Chapter 42.56 RCW, access is also exempt or prohibited under this rule. In addition, to the extent required to prevent a significant risk to individual privacy or safety interests, a court or judicial agency shall delete identifying details in a manner consistent with this rule when it makes available or publishes any public record; however, in each instance, the justification for the deletion shall be provided fully in writing.

COMMENT: The paragraph states that administrative records are open to public access unless an exemption or prohibition applies. The paragraph's final sentence allows agencies to redact information from documents based on significant risks to privacy or safety.

Any public-access exemptions or prohibitions from the Public Records Act and from other statutes or court rules would also apply to the judiciary's administrative records. For example, GR 33(b) provides that certain medical records relating to ADA issues are to be sealed; the sealed records would not be subject to access under this proposed GR 31A.

(B) In addition to exemptions referred to in paragraph (A) above, the following categories of administrative records are exempt from public access:

(1) Requests for judicial ethics opinions;

COMMENT: This exemption was requested by the Judicial Ethics Advisory Committee.

(2) Identity of writing assignment judges in the appellate courts prior to issuance of the opinion;

COMMENT: This exemption was suggested by Judge Quinn Brintnall at a BJA meeting.

(3) Minutes of meetings held by judges within a court and staff products prepared for judicial discussion or decision-making during the meeting;

COMMENT: Minutes of the deliberations at judges' meetings are exempt. Records produced by staff for consideration in judges' meetings and identified in the minutes would be exempt under this section. The preliminary recommendations continue to be protected under the next subsection, after final decision. However, final decisions on administrative matters and the documents embodying them are not exempt from disclosure.

(4) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended are exempt under this rule, except that a specific record is not exempt when publicly cited by a court or agency in connection with any court or agency action. This exemption applies both before and after a final decision is made on the opinion or policy;

COMMENT: The first sentence of paragraph (4) is the "deliberative process" exemption from the Public Records Act, RCW 42.56.280.

Unlike the Public Records Act, in which the deliberative process exemption expires once the decision is made (see Progressive Animal Welfare Soc'y v. University of Wash., 125 Wn.2d 243, 257, 884 P.2d 592 (1994)), this rule provides a continuing exemption.

(5) Evaluations and recommendations for candidates seeking appointment or employment within a court or judicial agency;

COMMENT: Paragraph (5) is intended to encompass documents such as those of the Supreme Court's Capital Counsel Committee, which evaluates attorneys for potential inclusion on a list of attorneys who are specially qualified to represent clients in capital cases.

(6) Personal identifying information, including individuals' home contact information, birth dates, Social Security numbers, driver's license numbers, and identification/security photographs;

COMMENT: The exemption was requested by staff for the Office of Public Defense. The work group considered including private financial information in this provision, but ultimately concluded that financial information is already addressed in the Public Records Act's exemptions.

(7) An attorney's request to a court or judicial agency for a trial or appellate court defense expert, investigator, or social worker, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or social worker, and the invoicing and payment of the expert, investigator or social worker;

COMMENT: The exemption was requested by the Office of Public Defense.

(8) Documents, records, files, investigative notes and reports, including the complaint and the identity of the complainant, associated with a court's or judicial agency's internal investigation of a complaint against the court or judicial agency or its contractors during the course of the investigation. The outcome of the court's or judicial agency's investigation is not exempt;

COMMENT: The exemption was requested by the Office of Public Defense.

(9) Family court evaluation and domestic violence files when no action is legally pending;

(10) Family court mediation files; and

(11) Juvenile court probation's social files.

COMMENT: The three preceding paragraphs create exemptions for files that are already covered, at least in part, by exemptions in state statutes or elsewhere. These paragraphs are included here to make sure that there is no doubt about their exempt status. The inclusion of these three paragraphs should not be interpreted as excluding other statutory (or rule) exemptions that are not expressly listed here. Per section (e)(1)(A) above, exemptions existing in other rules, statutes, and other authorities apply to records under this rule, even if they are not expressly stated here.

FURTHER COMMENT: Additional express exemptions were also requested. Some were not included in the rule because it is currently believed that the items were already exempt from disclosure under other laws. These items include:

- *Private financial information, including financial account numbers;*

- *Dockets/index information for protected case types; and*
- *Testing/screening materials/results.*

Other items were not included for other reasons, including when insufficient information was available to evaluate the items, such as information about the implications of excluding an item and about the variety of practices used by courts and judicial agencies. These items include:

- *Investigative records of regulatory or disciplinary agencies;*
- *Copyrighted information; and*
- *Performance measures for evaluating court processes. (Some of this subject matter is taken care of with the deliberative process exemption, above.)*

(2) Chambers Records. Chambers records are not subject to disclosure.

(3) Administrative Records—Process for Access.

(A) Administrative Records—Procedures for Records Requests.

(1) AGENCIES TO ADOPT PROCEDURES. Each court and judicial agency must adopt a policy implementing this rule and setting forth its procedures for accepting and responding to administrative records requests. The policy must include the designation of a public records officer and must require that requests for access be submitted in writing to the designated public records officer. Best practices for handling administrative records requests shall be developed under the authority of the Board for Judicial Administration.

(2) PUBLICATION OF PROCEDURES FOR REQUESTING ADMINISTRATIVE RECORDS. Each court and judicial agency must prominently publish the procedures for requesting access to its administrative records. If the court or judicial agency has a website, the procedures must be included there. The publication shall include the public records officer's work mailing address, telephone number, fax number, and e-mail address.

(3) INITIAL RESPONSE. Each court and judicial agency must initially respond to a written request for access to an administrative record within five working days of its receipt. The response shall acknowledge receipt of the request and include a good-faith estimate of the time needed to respond to the request. The estimate may be later revised, if necessary. For purposes of this provision, "working days" mean days that the court or judicial agency, including a part-time municipal court, is open.

(4) COMMUNICATION WITH REQUESTER. Each court and judicial agency must communicate with the requester as necessary to clarify the records being requested. The court or judicial agency may also communicate with the requester in an effort to determine if the requester's need would be better served with a response other than the one actually requested.

(5) SUBSTANTIVE RESPONSE. Each court and judicial agency must respond to the substance of the records request within the timeframe specified in the court's or judicial agency's initial response to the request. If the court or judicial agency is unable to fully comply in this timeframe, then the court or judicial agency should comply to the extent practicable and provide a new good faith estimate for responding to the remainder of the request. If the court or judicial agency does not fully satisfy the records request in the manner requested, the court or judicial agency must justify in writing any deviation from the terms of the request.

(6) EXTRAORDINARY REQUESTS LIMITED BY RESOURCE CONSTRAINTS. If a particular request is of a magnitude that the court or judicial agency cannot fully comply within a reasonable time due to constraints on the court's or judicial agency's time, resources, and personnel, the court or judicial agency shall communicate this information to the requester. The court or judicial agency must attempt to reach agreement with the requester as to narrowing the request to a more manageable scope and as to a timeframe for the court's or judicial agency's response, which may include a schedule of installment responses. If the court or judicial agency and requester are unable to reach agreement, then the court or judicial agency shall respond to the extent practicable and inform the requester that the court or judicial agency has completed its response.

(7) LIMITATIONS ON INMATE REQUESTS.

(i) The inspection or production of any nonexempt public record by persons incarcerated in federal, state, local, or privately operated correctional facilities may be enjoined pursuant to this section. The request shall be made by motion and shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise.

(ii) The injunction may be requested by a court or judicial agency which is the recipient of the records request or its

representative, or by a person to whom the records request specifically pertains or his or her representative. The injunction request must be filed in the superior court in which the court or judicial agency which is the recipient of the records request is located. If the injunction request is filed by a superior court the decision on the injunction must be made by a visiting judicial officer.

(iii) The court may enjoin all or any part of a request or requests. In order to issue an injunction, the court must find by a preponderance of the evidence that: the request was made to harass or intimidate the court or judicial agency or its employees; fulfilling the request would likely threaten the security of the court or judicial agency; fulfilling the request would likely threaten the safety or security of staff, family members of staff, or any other person; or fulfilling the request may assist criminal activity. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by the same requestor or an entity owned or controlled in whole or in part by the same requestor.

(iv) In deciding whether to enjoin a records request the court may consider all relevant factors including, but not limited to: other requests by the requestor; the type of record or records sought; statements offered by the requestor concerning the purpose for the request; whether disclosure of the requested records would likely harm any person or vital government interest; whether the request seeks a significant and burdensome number of documents; the impact of disclosure on the court's or judicial agency's security and order, the safety or security of court or judicial agency staff, families, or others; and the potential deterrence of criminal activity.

(v) The court or judicial agency shall not be liable for any attorney fees, costs, civil penalties, or fines under (e)(3)(B)(6) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal.

(B) Administrative Records—Review of Public Records Officer's Response.

(1) NOTICE OF REVIEW PROCEDURES. The public records officer's response to a public records request shall include a written summary of the procedures under which the requesting party may seek further review.

(2) TIMELINE FOR SEEKING REVIEW. The timelines set forth in section (e)(3)(A) shall apply likewise to requests for review of the public records officer's response.

(3) FURTHER REVIEW WITHIN COURT OR AGENCY. Each court and judicial agency shall provide a method for review by the judicial agency's director, presiding judge, or judge designated by the presiding judge. For a judicial agency, the presiding judge shall be the presiding judge of the court that oversees the agency. The court or judicial agency may also establish intermediate levels of review. The court or judicial agency shall make publicly available the applicable forms. The review proceeding is informal and summary. The review proceeding shall be held within five working days. If that is not reasonably possible, then within five working days the review shall be scheduled for the earliest practical date.

(4) ALTERNATIVE REVIEW. As an alternative to review under section (e)(3)(B)(3), a requesting person may seek review by a person outside the court or judicial agency. If the requesting person seeks review of a decision made by a court or made by a judicial agency that is directly reportable to a court, the outside review shall be by a visiting judicial officer. If the requesting person seeks review of a decision made by a judicial agency that is not directly reportable to a court, the outside review shall be by a person agreed upon by the requesting person and the judicial agency. In the event the requesting person and the judicial agency cannot agree upon a person, the presiding superior court judge in the county in which the judicial agency is located shall either conduct the review or appoint a person to conduct the review. The review proceeding shall be informal and summary. In order to choose this option, the requesting person must sign a written waiver of any further review of the decision by the person outside the court or judicial agency. The decision by the person outside the court or judicial agency is final and not appealable. Attorney fees and costs are not available under this option.

COMMENT: The bifurcated procedures for review are intended to provide flexible, prompt, informal, and final

procedures for review of public records decisions. The option for a visiting judge allows a requester to have the review heard by an outside decision-maker; in the interest of obtaining prompt, final decisions, a requester selecting this option would be required to waive further review. If the Legislature creates a new entity to review public records decisions made by agencies of the executive branch, then the work group recommends that the BJA consider using this entity for review of judicial records decisions as well.

(5) REVIEW IN SUPERIOR COURT.

(i) A requester may seek review of a decision under section (e)(3)(B)(3) by commencing an action in superior court. The burden of proof shall be on the court or judicial agency that made the public records decision to establish that refusal to permit public inspection and copying is in accordance with section (e)(1) which exempts or prohibits disclosure in whole or in part of specific information or records. Judicial review of all court or judicial agency actions shall be de novo. The superior court shall apply section (e)(1) of this rule in determining the accessibility of the requested documents. Any ambiguity in the application of section (e)(1) to the requested documents shall be resolved by analyzing access under the common law's public-access balancing test.

COMMENT: A civil proceeding to review a denial may be brought in superior court in the same manner as under the Public Records Act.

The common law's balancing test is addressed in detail in Cowles Publishing v. Murphy, 96 Wn.2d 584 (1981), and Beuhler v. Small, 115 Wn.App. 914 (2003). The interest in disclosure is balanced against the extent to which disclosure poses a significant risk to individual privacy or safety.

(ii) The right of de novo review is not available to a requester who sought review under the alternative process set forth in section (e)(3)(B)(4).

COMMENT: The Supreme Court may wish to clarify any period of limitation on the bringing of an action for judicial review under this section, expressly or by reference to the limitations on such actions under the Public Records Act.

(6) MONETARY SANCTIONS.

(i) In the de novo review proceeding under section (e)(3)(B)(5), the superior court may in its discretion award reasonable attorney fees and costs to a requesting party if the court finds that (1) the court's or judicial agency's response was deficient, (2) the requester specified the particular deficiency to the court or judicial agency, and (3) the court or judicial agency did not cure the deficiency.

(ii) Sanctions may be imposed against either party under CR 11, if warranted.

(iii) Except as provided in sections (e)(3)(B)(6)(i) and (ii), a court or judicial agency may not be required to pay attorney fees, costs, civil penalties, or fines.

COMMENT: Monetary penalties for failure to produce records available under the Public Records Act are not available under this rule.

(iv) No individual judicial officers or court or judicial agency employees may be assessed a monetary sanction under this section (6).

COMMENT: Only a court or judicial agency may be assessed monetary sanctions, not an individual. This is consistent with the approach of the Public Records Act. The monetary sanctions would be payable from state/city/county funds, absent some insurance or risk pool availability.

(f) Administrative Records—Court and Judicial Agency Rules. Each court by action of a majority of the judges may from time to time make and amend local rules governing access to administrative records not inconsistent with this rule. Each judicial agency may from time to time make and amend agency rules governing access to its administrative records not inconsistent with this rule.

(g) Judicial Records—Charging of Fees.

(1) A fee may not be charged to view administrative records.

(2) A fee may be charged for the photocopying or scanning of judicial records. If another court rule or statute specifies the amount of the fee for a particular type of record, that rule or statute shall control. Otherwise, the amount of the fee may not exceed the amount that is authorized in the Public Records Act, Chapter 42.56 RCW.

(3) The court or judicial agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If a court or judicial agency makes a request available on a partial or installment basis, the

court or judicial agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed within 30 days, the court or judicial agency is not obligated to fulfill the balance of the request.

COMMENT: Paragraph (3) incorporates a modified version of the Public Records Act's "deposit and installments" language.]

(4) A fee not to exceed $30 per hour may be charged for research services required to fulfill a request taking longer than one hour. The fee shall be assessed from the second hour onward.

COMMENT: The authority to charge for research services is discretionary, allowing courts to balance the competing interests between recovering the costs of their response and ensuring the open administration of justice. The fee should not exceed the actual costs of response. It is anticipated that a best-practices group will consider further guidelines in this area, including fee waivers.

(h) Best Practices. Best practice guidelines adopted by the Supreme Court may be relied upon in acting upon public requests for documents.

COMMENT: A new work group is contemplated to recommend best practices to guide courts and judicial agencies in implementing this rule's necessarily broad, general standards. Courts and judicial agencies would benefit greatly from further work in applying the general principles to the specific types of documents and requests that are most likely to arise. For example, best practices could include designating more specific lists of records that are presumptively characterized as "chambers records" or as being within other categories of records under this rule. The BJA's first work group prepared some documents to assist a new best-practices group in this regard. The best-practices group could also recommend the best methods and resources for training judges and staff.

(i) Effective Date of Rule.

(1) This rule goes into effect on July 1, 2012, and applies to records that are created on or after that date.

COMMENT: A delayed implementation date is used to allow time for development of best practices, training, and implementation.

(2) Public access to records that are created before that date are to be analyzed according to other court rules, applicable statutes, and the common law balancing test. The Public Records Act, Chapter 42.56 RCW, does not apply to judicial records, but it may be used for non-binding guidance.

TAB 9

2011-2013 Biennial Budget Comparisons-Final

Agency	Budget Change	Requested	Conference Budget	
Supreme Court				
Policy Level	Funding Reduction	$0	$-542,000	
	3% Salary Reduction	$0	$-228,000	
	Merit Request	$268,000	$0	
Administrative Office of the Courts				
	Funding Reduction	$0	$-1,500,000	
	3% Salary Reduction	$0	$-1,058,000	
	SC Calendar & Case Mgmt	$4,973,000	$4,973,000	
	JIS Multi-Project Funding	$1,984,000	$1,984,000	
	Carry-Over JIS Funding	$1,999,000	$1,999,000	
	Equipment Replacement	$1,178,000	$1,178,000	
	Pierce County Superior Court Judge	$0	$-212,000	
	Thurston County Impact Fee	$248,000	$0	
	LFO Postage	$52,000	$0	
	Quality Assurance Transfer	$1,178,000	$0	
	Fund Transfer General Fund to JST	$0	-$5,414,000 GF $5,414,000 JSTA	

Prepared by AOC
May 25, 2011

2011-2013 Biennial Budget Comparisons-Final

Agency	Budget Change	Requested	Conference Budget	
Administrative Office of the Courts, Continued				
	Fund Transfer General Fund to JIS	$0	-$6,011,000 GF $6,011,000 JIS	
	Guardianship Services	$1,060,000	$265,000	
	Risk Assessment	$200,000	$0	
Court of Appeals				
Policy Level	Funding Reduction	$0	$-1,208,000	
	3% Salary Reduction	$0	$-470,000	
	Merit Request	$1,209,000	$0	
Law Library				
Policy Level	Funding Reduction	$0	$-432,000	
	3% Salary Reduction	$0	$-42,000	

2011-2013 Biennial Budget Comparisons-Final

Agency	Budget Change	Requested	Conference Budget	
Office of Public Defense				
Policy Level	Parents Rep Expansion	$0	$750,000	
	Funding Reduction	$0	$-531,000	
	Fund Transfer General Fund to JST	$0	-$2,490,000 GF $2,490,000 JSTA	
	3% Salary Reduction	$0	$-72,000	
Office of Civil Legal Aid				
Policy Level	Funding Reduction	$0	$-234,000	
	Fund Transfer General Fund to JST	$0	-$1,098,000 GF $1,098,000 JSTA	
	3% Salary Reduction	$0	$0	

Prepared by AOC
May 25, 2011

WASHINGTON
COURTS

Superior Court Judges' Association

Laura Inveen, *President* (11-12)
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Blaine Gibson, *District Five Trustee* (11-14)
Yakima County Superior Court
128 N 2nd St, Rm 314
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Jack Burchard, *District Six Trustee* (10-13)
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149 3rd N
PO Box 112
Okanogan, WA 98840-0112
(509) 422-7131 FAX: (509) 422-7133

June 6, 2011

Honorable Christine Gregoire
Governor of the State of Washington
PO Box 400002
Olympia, WA 98504-0002

Re: 2ESHB 1087 – Section 203(7)(d) and (8)

Dear Governor Gregoire:

As president of the Superior Court Judges' Association (SCJA), I am writing to support the Administrative Office of the Court's (AOC) request for a veto on a section of the appropriations bill, 2ESHB 1087, that requires unregulated access to confidential juvenile court data by the Juvenile Rehabilitation Administration (JRA) and the Washington State Institute for Public Policy (WSIPP). The letter from AOC dated June 6, 2011 outlines various inconsistencies in the bill, and I will highlight policy conflicts created for the courts as a result of the appropriations bill language.

Program oversight functions should be determined through a bill related to policy, not budget. By imbedding policy mandates in a budget bill, the legislative process, typically open to comment by stakeholders, is bypassed. The language in section 203 (7) outlines the implementation of contracting state funds to juvenile courts using a de-categorized distribution process and mandates policy and program oversight within the operating budget bill, rather than a policy bill.

The courts take our role in managing sensitive data very seriously. Although JRA is the state's pass through fiscal agent, we do not know of any need by JRA for this youth-specific, program outcome data. An existing process for stakeholders to request juvenile court data is used regularly by academics, other states, and social justice agencies nationally and internationally. This process is available to JRA as well.

The SCJA and juvenile courts fully support a transparent system of fiscal accountability to the Legislature through program evaluation and quality assurance. The SCJA has participated in joint oversight meetings regarding juvenile court programs and witnessed firsthand the tense interaction between the courts and JRA related to program oversight. The mandates included in the budget bill overstep the policy balance that exists between

the courts and JRA, micromanage the oversight function and undermine hope for true partnership between the county courts and state.

Section 203(7)(c) and (8) establish a redundant and inefficient process that unnecessarily violates the privacy of individual youth. The SCJA carefully considers requesting veto action. We work cooperatively with the legislature to avoid the need for veto requests. In this instance however, we believe a veto is critical.

Sincerely,

Laura Inveen
SCJA President Judge

cc: Board of Trustees
SCJA Legislative Committee
WAJCA President
Jeff Hall

n:\programs & organizations\scja\president's correspondence\inveen\veto request re juv data.docx

WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS
Jeff Hall
State Court Administrator

June 6, 2011

Honorable Christine Gregoire
Governor of the State of Washington
PO Box 40002
Olympia, WA 98504-0002

Re: 2ESHB 1087 – Section 203(7)(d) and (8)

Dear Governor Gregoire:

I am writing to respectfully request that you veto Sections 203(7)(d) and (8) of 2ESHB 1087. These sections require the juvenile courts and the Administrative Office of the Courts to collect, distribute, and provide access to program and outcome data to the Juvenile Rehabilitation Administration (JRA) and the Washington State Institute for Public Policy (WSIPP) in a manner and at such time as is dictated by the JRA.

Under these sections, the juvenile courts will be required to provide JRA and WSIPP with access to information from the "social file," or juvenile court file containing the records and reports of the probation counselor, in a juvenile court offense case. The official juvenile court file of any alleged or proven juvenile offense is open to public inspection unless otherwise sealed. All records other than the official juvenile court, including the social file, are confidential and may be released only as provided by existing law.

The language in Sections 203(7)(d) and (8) impermissibly creates substantive law change in an appropriations bill. The agencies and individuals that have access to juvenile case records, and the purposes for which the information can be used, have been the subject of many substantive bills by the legislature since 1979, as shown by the repeated amendments to RCW 13.50.050. These sections, which revise the current provisions of RCW Chapter 13.50, are amendments to existing substantive law; and it is a clearly established principle that a constitutional problem arises when the legislature attempts to enact substantive law in a budget bill. See, for example, *Wash. State Legislature v. State,* 139 Wash. 129 (1999).

The legislature had ample opportunity this year to pass policy legislation to effect the change created by these sections. In fact, RCW 13.50.050 was amended twice during the 2011 legislative session. Rather, the budget bill language at issue circumvents the regular law-making process and makes new substantive law by requiring the courts to provide access to confidential juvenile court records to JRA and WSIPP for the two-year budget period for the purpose of program oversight and evaluation activities, which are not allowable purposes under RCW Chapter 13.50.

Constitutional questions aside, the requirements contained in these sections are untenable. They are too broad and open-ended and are not funded. The sections require the collection

STATE OF WASHINGTON
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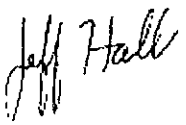
and distribution of juvenile data *as specified by the juvenile rehabilitation administration.* The legislature has previously been very detailed in specifying which individuals may have access to the sensitive and personal information found in juvenile court files and the purposes for which the information may be used. Such public process, debate, and decision-making allows for proper planning and funding. Open-ended access with parameters yet to be determined by JRA provides no such opportunity.

For these reasons, I strongly urge your veto of Section 203(7)(d) and (8). Thank you for your consideration. Please do not hesitate to contact me if you or your staff has any questions or would like to discuss this matter in further detail.

Sincerely,



Jeff Hall
State Court Administrator

cc: Mr. Jim Justin, Legislative Director
Superior Court Judges' Association
Washington Association of Juvenile Court Administrators

WASHINGTON
COURTS

ADMINISTRATIVE OFFICE OF THE COURTS
Jeff Hall
State Court Administrator

June 6, 2011

Honorable Christine Gregoire
Governor of the State of Washington
PO Box 40002
Olympia, WA 98504-0002

Re: 2ESHB 1087 – Section 113(7)

Dear Governor Gregoire:

On behalf of the Administrative Office of the Courts (AOC), I am writing to respectfully request that you veto Section 113(7) of 2ESHB 1087, which requires AOC to modify the judgment and sentence form for juvenile and adult sentences to include check boxes indicating which court had original jurisdiction.

First, this provision makes a substantive change in the law and it does not make an appropriation. It is a clearly established principle that the legislature may not create or abolish public policy in an appropriations bill.

Secondarily, from a policy perspective, the inclusion of this language in the budget is unnecessary: the adult felony judgment and sentence form was changed last fall, and the juvenile form is under discussion by the Pattern Forms Committee and it will be considered at a meeting later this month.

Thank you for your consideration. Please do not hesitate to contact me if you or your staff has any questions or would like to discuss this matter in further detail.

Sincerely,

Jeff Hall

Jeff Hall
State Court Administrator

cc: Mr. Jim Justin, Legislative Director
Superior Court Judges' Association
Washington Association of Juvenile Court Administrators

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THE WASHINGTON ASSOCIATION OF JUVENILE COURT ADMINISTRATORS

www.wajca.org

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Finance Committee
Yakima County Juvenile Court

2009-2010 WAJCA
ADMINISTRATOR OF THE YEAR
SHARON PARADIS
Benton and Franklin Counties Juvenile Court

2009-2010 PRESIDENTS AWARDS
JENNIFER ALLINGER
Skamania County Juvenile Court

June 6, 2011

Honorable Christine Gregoire
Governor of the State of Washington
PO Box 400002
Olympia, WA 98504-0002

Re: 2ESHB 1087 – Section 203(7)(d) and (8)

Dear Governor Gregoire,

I write to you in my capacity as the president of the Washington Association of Juvenile Court Administrators (WAJCA) to join a request for your action to veto section 203 of 2ESHB 1087, subsections (7) (d) and (8). The Administrative Office of the Court (AOC) and Superior Court Judges' Association separately requested an identical veto, for reasons that are consistent but with a different emphasis. This letter will outline three reasons for our request (1) increases redundant reporting (2) requires access to confidential data for an unspecified purpose and (3) conflicts with an already established oversight committee with authority to regulate data.

Each and every member of the WAJCA proudly serves the superior court, state government, local executive officials, and most importantly the citizens of Washington. We take pride in our juvenile offender management system based on assessment, evidence-based programs, and outcome measurement to improve our programs and provide accountability to our funders, the legislature. Subsections (7) (d) and (8) of the budget bill will hinder our mission to serve youthful offenders and their families in an efficient and effective manner.

The courts are committed to objective and verifiable reporting to the Legislature that show the impact of state funding allocated for community-based juvenile offender programs. We are eager to share analysis demonstrating that locally-delivered treatment programs reduce re-offense rates. However, the problematic budget language mandates redundant reporting of detailed and confidential (social file) data at an individual youth level. The courts' statewide, county court level and individual level youth data is managed and analyzed at AOC by the Washington State Center for Court Research. Confidentiality is an issue because mandating detailed and unfettered access to all data elements included in the social file is inconsistent with standards outlined in RCW 13.50. This additional requirement creates redundant reporting efforts that add no value.

The budget language requires court data be reported to the State's Juvenile Rehabilitation Administration (JRA) without defining what purpose it will serve for the state's funding agent. The budget languages fails to identify appropriate parameters of data reporting or define *why* sensitive youth specific data access is necessary to fulfill JRA's function to oversee state funding distribution to county courts. As the person speaking on behalf of the association responsible for gathering this data, I feel a direct responsibility to protect it within the scope of the law. In my opinion, neither JRA nor the budget language provides sufficient rationale for the courts to release unspecified data for an undefined purpose.

Finally, program outcome-based reports are defined by a committee, created in the 2009 – 2011 budget that has representatives from the courts and JRA. The committee was given authority to make decisions on funding distribution based on data and outcome analysis of juvenile programs. This committee is the proper venue for thoughtful decisions related to releasing data in the context of reporting. The committee was neither informed nor consulted on the changes to Section (7) (d) and (8). The budget conditions in section (7) (d) and (8) undermine the authority of the committee and are not consistent with their current decisions related to data access and distribution.

The SCJA and juvenile courts seek a transparent system of fiscal accountability through program evaluation and quality assurance. Section 203 (7)(d) and (8) micromanages that process, disregards agreements of the committee given authority to implement block grants, and creates a barrier to a transparent system of program and funding accountability by giving inconsistent direction.

We respectfully request that you veto section 203 (7) (d) and (8).

Sincerely,

Shelly S. Maluo
President, Washington Association of Juvenile Court Administrators
Pierce County Juvenile Court
5501 Sixth Ave.
Tacoma, Washington 98406
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Phone: (253)798-7949

TAB 10

Board for Judicial Administration
End of 2011 Legislative Session Report

=indicates Dead Bill

Bill	Bill Title	Leg Status Date	Position	Review Date
SHB 1001	Pro se defendant/sex offense S Judiciary	02/23/2011	------ Under Review Watch	01/31/2011 02/07/2011 02/14/2011
HB 1001	Pro se defendant/sex offense H subst for	02/22/2011	------ Under Review Under Review Under Review	01/10/2011 01/12/2011 01/18/2011 01/24/2011
HB 1030	Felons' voting rights H SGTribalAff	01/10/2011	------ No Position ------ Watch	01/18/2011 01/18/2011 01/24/2011 01/25/2011
HB 1034	Inmate public record request H SGTribalAff	01/10/2011	------ Under Review ------ No Position	01/10/2011 01/12/2011 01/18/2011 01/18/2011
SHB 1053	Guardianship task force C 329 L 11	05/12/2011	Oppose ------	02/14/2011 04/25/2011
ESHB 1087	Operating 2009-11 & 2011-13 H Passed 3rd	05/24/2011	------	04/18/2011
HB 1087	Operating budget 2011-2013 H subst for	04/08/2011	------	04/04/2011
HB 1115	State officials' salaries H SGTribalAff	01/12/2011	------ Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
HB 1126	Criminal street gangs H Pub Safety	01/12/2011	Oppose	02/15/2011
HB 1153	DNA sample collection costs H subst for	03/01/2011	------ Support	01/18/2011 01/18/2011
HB 1159	Crime victims' rights H Judiciary	01/13/2011	Oppose Oppose	01/18/2011 01/18/2011
HB 1194	Bail for felony offenses H subst for	02/26/2011	------ Under Review	01/18/2011 01/18/2011
HB 1201	Retirement age for judges H Judiciary	01/14/2011	------ Under Review Support	01/18/2011 01/18/2011 01/21/2011
HB 1206	Criminal justice participnts H subst for	03/03/2011	------ No Position	01/18/2011 01/18/2011
HB 1235	Nonconviction records	01/17/2011	Oppose	01/24/2011

Bill	Bill Title	Leg Status Date	Position	Review Date
	H Pub Safety			
HB 1236	Judges in Grant county S Judiciary	03/01/2011	Sponsor	01/18/2011
HB 1245	Municipal court judges H Judiciary	01/18/2011	Sponsor ------	01/26/2011 02/14/2011
HB 1276	Legal financial obligations H Judiciary	01/18/2011	------ Under Review Oppose Oppose	01/18/2011 01/18/2011 01/26/2011 01/29/2011
SHB 1371	Boards and commissions H subst for	05/02/2011	Oppose	03/28/2011
HB 1664	State supreme court H Judiciary	01/28/2011	------ ------ Under Review Oppose	01/29/2011 01/31/2011 02/07/2011 02/14/2011
SHB 1793	Access to juvenile records C 333 L 11	05/12/2011	No Position Concerns	02/22/2011 03/28/2011
HB 1793	Access to juvenile records H subst for	03/05/2011	No Position	02/07/2011
HB 1794	Assault/court-related empl. C 238 L 11	05/03/2011	Sponsor	02/01/2011
HB 1898	Supreme court campaigns H SGTribalAff	02/08/2011	Oppose	02/14/2011
HB 1945	Judges' free speech rights H Judiciary	02/11/2011	Watch	02/14/2011
HB 2029	Sentencing guidelines comm. H SGTribalAff	03/22/2011	Oppose	03/28/2011
HB 2034	Sentencing guidelines comm. H Ways & Means	04/26/2011	Oppose ------ ------	03/28/2011 03/28/2011 04/04/2011
HB 2081	Court fee surcharges H Ways & Means	04/26/2011	------ Watch	04/12/2011 04/18/2011
HJR 4201	State officials' salaries H SGTribalAff	01/12/2011	------ Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
HJR 4203	Retirement age for judges H Judiciary	01/14/2011	Under Review ------ Under Review Support	01/18/2011 01/18/2011 01/18/2011 01/21/2011
HJR 4204	Salary reductions/officials H SGTribalAff	01/18/2011	Concerns Concerns Concerns	01/18/2011 01/21/2011 01/24/2011
HJR 4216			------	01/29/2011

Bill	Bill Title	Leg Status Date	Position	Review Date
	State supreme court H Judiciary	01/28/2011	------ Under Review Oppose	01/31/2011 02/07/2011 02/14/2011
SB 5007	Criminal justice agencies S GovtOp & Elect	01/10/2011	------ Support	01/10/2011 01/12/2011
SB 5010	Supreme court campaigns S GovtOp & Elect	01/10/2011	------ Oppose Oppose	01/10/2011 01/12/2011 01/26/2011
SB 5014	Pro se defendants & victims S Judiciary	01/10/2011	------ Under Review	01/10/2011 01/12/2011
SSB 5019	Nonconviction records S Ways & Means	02/21/2011	Oppose	02/22/2011
SB 5019	Nonconviction records S Ways & Means	02/21/2011	------ Concerns Oppose	01/10/2011 01/12/2011 01/24/2011
SB 5024	Correctional inmate claims S Rules 2G	03/02/2011	------ Concerns	01/10/2011 01/12/2011
SB 5025	Inmate public record request S subst for	03/02/2011	------ Under Review ------ No Position	01/10/2011 01/12/2011 01/18/2011 01/18/2011
SB 5046	Assault/court-related empl. H Pub Safety	03/03/2011	Sponsor Sponsor	01/12/2011 02/01/2011
SSB 5056	Bail and pretrial release S Ways & Means	02/14/2011	Support Support	02/14/2011 02/22/2011
SB 5126	Govt officials' compensation S 2nd Reading	03/07/2011	Concerns	01/24/2011
SB 5147	Retirement age for judges S Judiciary	01/17/2011	------ Under Review Support	01/18/2011 01/18/2011 01/21/2011
SB 5170	Judges in Grant county C 43 L 11	04/13/2011	Sponsor	01/18/2011
SB 5195	Driving w/ suspended license S subst for	02/09/2011	No Position	01/18/2011
SB 5469	Boards and commissions S GovtOp & Elect	01/26/2011	Oppose	03/28/2011
SB 5533	Legal financial obligations S HumServ/Corr	01/28/2011	Oppose	01/29/2011
SSB 5558	Juvenile records S 2nd Reading	03/04/2011	Oppose ------	02/22/2011 02/28/2011
SB 5558	Juvenile records S 2nd Reading	03/04/2011	No Position Refer to Com.	02/07/2011 02/01/2011
SB 5597	Terminating parental rights		Oppose	02/22/2011

Bill	Bill Title	Leg Status Date	Position	Review Date
	S 2nd Reading	02/25/2011		
SB 5630	Municipal court judges S Rules X	03/16/2011	------	02/14/2011
SB 5668	Public agency attorney dues S Judiciary	02/04/2011	Oppose	02/14/2011
SSB 5740	Predatory guardianships S 2nd Reading	03/03/2011	No Position	02/22/2011
SB 5740	Predatory guardianships S subst for	03/05/2011	Oppose	02/15/2011
SSB 5790	Crime-related boards S Rules 2	04/26/2011	Oppose ------	03/28/2011 04/12/2011
SB 5823	Court income S Judiciary	02/17/2011	Sponsor	02/22/2011
SB 5826	Prospective tenants S FI/Hous/Ins	02/17/2011	Under Review ------	02/22/2011 02/28/2011
SB 5860	State employee compensation S subst for	05/25/2011	------	03/14/2011
ESSB 5891	Criminal justice savings Del to Gov	05/25/2011	------	05/23/2011
SB 5928	Traffic infraction penalties S Transportation	04/26/2011	Oppose	04/12/2011
SB 5936	State bar association S Judiciary	04/26/2011	------ Watch	04/13/2011 04/18/2011
SB 5941	Judicial branch funding Del to Gov	05/25/2011	Support ------ ------	04/18/2011 04/25/2011 05/23/2011
SJR 8200	Retirement of judges S Judiciary	01/14/2011	Support Support	01/18/2011 01/21/2011
SJR 8202	Public officials' salaries S 2nd Reading	03/07/2011	------ Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
SJR 8203	Public officials' salaries S Ways & Means	01/14/2011	------ Concerns Concerns	01/18/2011 01/18/2011 01/24/2011
SJR 8204	Retirement age for judges S Judiciary	01/17/2011	------ Under Review Support	01/18/2011 01/18/2011 01/21/2011
SJR 8209	Salary reductions/officials S Ways & Means	01/21/2011	Concerns Concerns	01/21/2011 01/24/2011

TAB 11

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE APPROVAL OF SETTING ANNUAL LICENSE FEES FOR JUDICIAL MEMBERSHIP IN THE WASHINGTON STATE BAR ASSOCIATON	)	NO. 25700-B-516 **ORDER**

The Washington State Bar Association requests the Supreme Court to approve the setting of annual license fees for judicial membership in the Washington State Bar Association (WSBA).

Now, therefore, it is hereby

ORDERED:

That members of the Washington State Bar Association (WSBA) who qualify for and choose to be in the Judicial membership class must comply with annual reporting requirements and are required to pay a $50 license fee annually. If such Judicial member does not comply with the reporting requirements or chooses not to pay the fee for any year while a Judicial member and if upon no longer qualifying for Judicial membership, the Judicial member chooses to transfer into any other status with the WSBA, he or she will be required to pay the equivalent of the full license fee for active members retroactively for each year of Judicial membership in which the reporting or the annual license fee payment did not occur. This retroactive calculation will be prospective from 2012.

DATED at Olympia, Washington this 13th day of June, 2011.

Madsen, C.J.
CHIEF JUSTICE

FILED
SUPREME COURT
STATE OF WASHINGTON
2011 JUN 13 AM 9:
BY RONALD R. CARPENTER
CLERK

6015/3