

**Board for Judicial Administration  
Meeting Minutes**

**July 15, 2011  
SeaTac, Washington**

**Members Present:** Chief Justice Barbara Madsen, Co-Chair; Judge Chris Wickham, Member Chair; Judge Marlin Appelwick; Judge Ronald Culpepper; Judge Sara Derr; Judge Janet Garrow; Judge Deborah Fleck; Judge Laura Inveen; Judge Michael Lambo; Ms. Paula Littlewood; Judge Craig Matheson (by phone); Judge Christine Quinn-Brintnall; Judge Kevin Ringus; Judge Ann Schindler; Judge Scott Sparks; Mr. Steven Toole; and Judge Gregory Tripp

**Guests Present:** Mr. Jim Bamberger, Mr. Marc Boman, Ms. Betty Gould, Ms. Marti Maxwell, Ms. Shelly Maluo, Professor Jacqueline McMurtrie; and Ms. Sophia Byrd McSherry

**Staff Present:** Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, and Ms. Shannon Hinchcliffe (by phone)

Judge Wickham called the meeting to order.

June 17, 2011 Meeting Minutes

**Judge Ringus moved and Judge Sparks seconded to approve the June 17, 2011 BJA meeting minutes. The motion carried.**

Resolution Regarding Racial and Ethnic Bias in the Justice System

Judge Fleck reported that the resolution work group incorporated some revisions which were suggested by Chief Justice Madsen and Judge Schindler into the current version of the resolution and she is hopeful that it can be approved by the Board for Judicial Administration (BJA) today.

Judge Tripp stated that the District and Municipal Court Judges' Association (DMCJA) Board met on July 8 by phone and discussed the resolution. They had a broad discussion regarding the pros and cons and in the final analysis the Board voted to endorse the resolution.

**It was moved by Judge Fleck and seconded by Judge Tripp that the BJA approve the Resolution Regarding Racial and Ethnic Bias in the Justice System. The motion carried.**

There was discussion about how the BJA should move forward with the resolution and if the media should be notified or if a BJA work group should be convened to implement the recommendations outlined in the resolution.

**The consensus of the BJA was to ask Ms. Wendy Ferrell, Judicial Communications Manager at the Administrative Office of the Courts (AOC), to draft a release and bring it back to the next meeting for approval.**

#### BJA Best Practices Committee Appointment

Ms. McAleenan stated that the Superior Court Judges' Association (SCJA) nominated Judge Stephanie Arend to the BJA Best Practices Committee. This would be Judge Arend's first term on the committee.

**Judge Inveen moved and Judge Culpepper seconded to appoint Judge Stephanie Arend to the BJA Best Practices Committee. The motion carried.**

#### Trial Court Operations Funding Committee Charter

Earlier this year the BJA reconstituted the Trial Court Operations Funding Committee (TCOFC) and approved the membership. It has become a standard practice to create charters for committees, subcommittees and work groups to ensure the tasks the committee is charged with are understood and clear. Ms. McAleenan drafted the proposed TCOFC charter included in the meeting materials and forwarded it to Judge Harold Clarke, Chair of the TCOFC, for his review. Judge Clarke had the following concerns with the proposed TCOFC charter:

1. He was concerned with the timeline and felt like it was pushing too hard on the TCOFC to meet the January deadline. He would prefer a February deadline, at the earliest. Ms. McAleenan presumed the BJA would probably discuss the TCOFC's recommendation in January and vote on it in February to align with the Supreme Court's budget process.
2. Another concern was the language regarding the committee to "consider the practical and political realities" of funding proposals, but that wording came directly from the Justice in Jeopardy Implementation Committee (JIJC). His concern was that the committee members might not have the knowledge to perform that task. Ms. McAleenan stated that the BJA and the Supreme Court will need to take such considerations into account and that the TCOFC may wish to do so, as well.
3. Judge Clarke's third concern was that the BJA should be able to proceed with a funding request directly to the Legislature on its own if the Supreme Court

decides not to include the request in their budget. Ms. McAleenan stated that the charter is currently silent on the topic.

Chief Justice Madsen stated that there will be a budget meeting in September with justice system stakeholders and the issues raised by Judge Clarke and the TCOFC charter should be discussed at a BJA meeting after the budget meeting is held.

#### Regional Courts of Limited Jurisdiction Project Charter

Mr. Marler stated that the regional courts idea has been around for quite some time. The concept comes out of the work of the Trial Court Funding Committee. The charter included in the meeting materials is the next step toward assembling a group to draft legislation that would regionalize services at the courts of limited jurisdiction (CLJ) level. The charter contains an extremely aggressive timeline and proposed membership includes 13 members.

Mr. Toole commented that it seems to him that any product that comes out of this will impact attorneys and a Washington State Bar Association representative should be added to the group.

Judge Tripp stated that there are 211 CLJ judges with very different roles and perspectives (full-time and part-time, municipal and district, urban and rural), so there should be four DMCJA members on the work group and the membership should not be limited to DMCJA leadership in order to get a more diverse group of representatives.

**Judge Culpepper moved and Judge Tripp seconded to approve the Regional Courts of Limited Jurisdiction Project Charter with an expanded membership to four members of the DMCJA with two members from district court (one full-time and one part-time judge) and two members from municipal court (one full-time and one part-time judge) and that the DMCJA members not be restricted to board members or officers.**

**A friendly amendment was added to include one Washington State Bar Association (WSBA) representative appointed by the WSBA President.**

**The motion carried.**

The presidents of the judicial associations will make the appointments to the work group.

#### Washington State Bar Association

Mr. Toole reported that the next Board of Governors (BOG) meeting is July 22 and 23 in Ocean Shores. Their retreat is July 21. They will address their budget and have a

report from the Rules for Professional Conduct Committee. Mr. Toole is hoping the BOG will take action on a major report from the Enforcement of Lawyer Conduct Task Force.

Ms. Littlewood reported that the Attorney General's Office provided a \$1.1 million grant to the WSBA for the Home Foreclosure Project which will expand the program and enable the project to run for two more years.

### Reports from the Courts

**Supreme Court:** Chief Justice Madsen reported that the Supreme Court finished their spring term yesterday. They are still working on their budget reduction and they published for comment the proposed standards that Mr. Boman will be discussing later during the meeting. The comment period is scheduled to end October 31.

**Court of Appeals:** Judge Schindler stated that the Court of Appeals is grappling with their significant budget cuts.

**Superior Courts:** Judge Inveen reported on two information technology issues impacting the SCJA. The SCJA is delighted about the risk assessment and the timeline to have pilot courts in March. The SCJA learned though Judge Larry McKeeman that the scope of work wasn't completely honored in the superior court case management system feasibility study process. The decentralized approach was not considered and it applies to most of the large counties with their own systems. There will be a special Judicial Information System Committee (JISC) meeting in September and the JISC will take action on the project based on the revised feasibility study.

In response to the budget issues, the SCJA formed an ad hoc subcommittee to look into alternative funding sources.

**Courts of Limited Jurisdiction:** Judge Tripp reported that he and Mr. Hall spoke to the Association of Washington Cities about municipal courts during their recent conference and it was a good session.

### Association Reports

**Juvenile Court Administrators:** Ms. Maluo reported that the Juvenile Court Administrators are in the midst of their funding formula and budget allocations. For the first time, they are going to start contract negotiations with the Juvenile Rehabilitation Association and they will have the SCJA's assistance in hammering out the scope of work.

**County Clerks:** Ms. Gould stated that the County Clerks had their conference in June and they elected their new officers and worked through all the legislation coming due to

ensure they are compliant. They were able to find funding to update their County Clerk Manual which will be available online. They have a number of new clerks and are in the process of training them and offering assistance.

#### Administrative Office of the Courts

Mr. Marler reported that AOC published the 2011 legislative summary and it is available on the Washington Courts Web site. AOC is also finalizing the eService answers with implementation tips about bills that passed the last session and it should be available later today.

#### WSBA Council on Public Defense Recommendations

Mr. Boman stated that it was just over a year ago that the Supreme Court adopted rules that required appointed counsel to certify compliance with Standards for Indigent Defense Services. The Council on Public Defense worked with various stakeholders and after nine months of intense work, the Council recommended to the BOG that five standards be adopted in September 2011 and the two remaining standards be adopted later. The proposals are in the handout.

They did not recommend specific caseload limits to go into effect during the first run-through in this process. By deferring the imposition of specific limits until 2013, funding sources can plan and adjust budgets.

The Council did not make a recommendation for caseload limits in misdemeanor cases because they felt that additional time and discussion would produce a better result. They will develop those limits later.

Chief Justice Madsen reported that there were concerns that the effective date of the rule be put off until September 1 so the caseload standards would be available. The Supreme Court moved the active date to January 1, 2012 and they do not anticipate putting off the effective date beyond that.

#### Other Business

The August meeting will be canceled and the next meeting will be in September.

There being no further business, the meeting was adjourned.