

**Board for Judicial Administration
Meeting Minutes**

**September 16, 2011
SeaTac, Washington**

Members Present: Chief Justice Barbara Madsen, Chair; Judge Marlin Appelwick; Mr. Steve Crossland; Judge Sara Derr; Judge Deborah Fleck; Judge Janet Garrow; Mr. Jeff Hall; Judge Laura Inveen; Judge Michael Lambo; Ms. Paula Littlewood; Judge Jack Nevin; Justice Susan Owens; Judge Christine Quinn-Brintnall; Judge Kevin Ringus; and Judge Gregory Tripp

Guests Present: Mr. Jim Bamberger, Ms. Betty Gould, Mr. Frank Maiocco, and Ms. Shelley Maluo

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

The meeting was called to order by Chief Justice Madsen.

July 15, 2011 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Lambo to approve the July 15, 2011 Meeting Minutes. The motion carried.

Budget Update

Mr. Radwan distributed a summary of the latest state revenue forecast. Since February 2010 the General Fund revenue collection estimates have been decreased by \$1.9 billion (5.9%), and that will bring the current projected deficit for the state General Fund to \$1.3 billion.

The revenue forecast triggered a memo from Mr. Marty Brown, Director of the Office of Financial Management (OFM), asking state agencies for 5% and 10% budget reduction scenarios. Mr. Radwan told Mr. Brown that the judicial branch would review budgets and determine what could be done as a branch while taking into account the branch's constitutional mandates.

The Governor has flexibility to negotiate with the Legislature to schedule a special session in order to make the necessary budget reductions. The Governor does not want to cut funding by a set across-the-board percentage because that is no longer possible for some agencies.

The judicial branch will probably respond to Mr. Brown with the number for 5% and 10% budget reductions and then state, if those cuts are made, which services could be reduced or eliminated but will not state specifically what will be reduced or eliminated.

Following the report were the questions and answers summarized below.

Q. Will the judicial branch respond that the Administrative Office of the Courts (AOC) will be cut by a larger percentage so that the courts will be cut by a smaller percentage?

A. Not for this initial response. It will just be an overall statement of the main cuts that will have to be made.

Q. Will the judicial branch's core functions be evaluated?

A. This is a very preliminary stage with a lot of discussion on what the impacts would be. This letter will show the order of magnitude of the percent reductions, and a statement will be made that the reductions submitted are not necessarily viable options.

Mr. Radwan stated that an all-day meeting has been scheduled for September 29 to discuss the current budget development review and submittal process. Judicial branch stakeholders have been invited to participate. An agenda will be distributed next week. A facilitator will help the group discuss the issues and offer up suggestions to improve the process. Results of the meeting will be summarized and brought to the Supreme Court for consideration. The meeting will be an opportunity to step back and review ideas to reaffirm and recommit to speaking with one voice regarding budget priorities and what that means branch-wise.

Open House Toolkit

Ms. Thompson stated that the idea for an open house toolkit came out of the Justice in Jeopardy Implementation Committee last year. The discussion centered around how to re-establish education about the courts with community leaders. There were two pilot open houses in King and Thurston counties, which were both successful, and they were able to learn some lessons for improvement in the future.

The pilot open houses had very good attendance by the business community, and the Thurston County Chamber of Commerce asked if they could help plan the next one. Overall, there were about 100 attendees in King County and 60 in Thurston. During the open houses, courthouse tours were available and attendees could sit in on cases. In addition, there were resource booths available for attendees and there was a lot of good interaction there.

Three counties are now considering open houses. A toolkit was created to assist courts with conducting their own open houses. The toolkit provides templates and a timeline along with suggestions. It is also posted online and will be in the judges' newsletter.

Ms. Thompson stated she would like the BJA to approve the posting of the toolkit online.

Judge Quinn-Brintnall recalls discussing this in the past, and she does not see the need to delay a vote on this to the next meeting.

Judge Quinn-Brintnall moved and Judge Garrow seconded to approve the posting of the Toolkit online. The motion carried.

Resolution Regarding Racial and Ethnic Bias in the Justice System Press Release

Ms. Thompson reported that Ms. Wendy Ferrell drafted the press release included in the meeting materials but Ms. Ferrell does not recommend releasing it because so much time has passed since the adoption of the resolution. She is also concerned about the questions regarding next steps that will most likely come forward. If the BJA is not properly prepared to answer those questions, it is probably best not to issue the press release.

It was determined that it is important to inform the judiciary about the resolution in the Full Court Press, which will be released in a few weeks. It is also available on the BJA Web site.

Chief Justice Madsen reported that the Supreme Court will take action on some of the Roundtable recommendations, and she would like the BJA to weigh in on them as a policy matter so there will be opportunities to fold that news into a future press release.

BJA Account/Audit

Ms. McAleenan stated that the last time the BJA account was audited was in 2007 and that audit reviewed the 2005 and 2006 books. The BJA account contains the dues that are collected from the judges every few years and is mainly used for travel related to Salary Commission meetings and legislative dinners. The balance is usually between \$10,000 and \$20,000.

Ms. McAleenan is not sure how much an audit would cost now, but in 2007 it cost about \$2,400 to review the accounting procedures and perform a cash audit. She asked if a regular audit schedule is something the BJA would like to establish.

A few BJA members were concerned about the cost of the audit compared to the average balance in the BJA account. It was suggested that the BJA could just get a monthly report on the BJA expenses instead of spending money on an audit.

Mr. Radwan recommends that the BJA account be audited once every three years. AOC could, technically, perform the audit but sometimes it is preferable to have an independent auditor.

Chief Justice Madsen requested that Ms. McAleenan bring some audit scenarios to a future BJA meeting.

Judicial Information System Update

Mr. Hall updated the BJA on the status of several projects of the Judicial Information System Committee (JISC).

- The Information Services Division (ISD) is continuing its transformation in how services are provided. The transformation is the result of the JISC adopting a strategic plan. The governance process and project management office are fully operational.
- The data exchange has been a priority of the JISC for a long time. They are now proceeding under a rubric of an information networking hub.
- The superior court case management system (CMS) feasibility study was completed a few months ago. The options evaluated were using the LINX system from Pierce County, a full CMS (similar to SCOMIS and calendaring) hosted centrally at AOC, and having the courts implement new systems locally. The JISC decided to pursue the acquisition of a CMS and hosting it at AOC. One of the risks identified by the feasibility study was that all stakeholder groups need to be on the same page. Justice Mary Fairhurst convened a meeting of clerks, administrators and a group from King County in late August after being informed by Representative Ross Hunter that if King County was not satisfied then the project would not be funded. The meeting went well, with some give and take, and the JISC was presented with the decision to go forward with a CMS request for proposal (RFP). It was a major milestone to complete the feasibility study and to have the JISC go forward. The RFP will be fully completed around the beginning of March.

2012 Legislative Process/Session Preview

Ms. McAleenan reported that the upcoming 60-day legislative session begins on January 9. Being a supplemental session, all the bills that died during last year's session are alive again. Those bills will need to be discussed during the course of session planning.

The BJA Legislative/Executive Committee will review legislative ideas in late September or early October and that discussion will move to the October BJA meeting with action in mind for November. Ms. McAleenan prefers to have bills ready to go no later than

the December committee days when the legislators are in town because that timeframe offers the best bet for getting the bills sponsored. If a bill is not heard in the first few weeks of the session, it is rare that the bill will receive a hearing.

Ms. McAleenan is trying to enhance communications with association lobbyists. In the past there have been meetings on Monday mornings during the session with the judicial branch lobbyists but during the upcoming session there will also be a meeting on Tuesday mornings for Ms. McAleenan to meet with the judicial association lobbyists.

A new listserv will be created for the judicial association lobbyists and the past, present and future association leaders. The listserv will allow the group to discuss basic logistics during the legislative session.

Regional Courts of Limited Jurisdiction Work Group

Judge Derr reported on the Regional Courts Work Group, created by the BJA in July. A work group roster and proposal were included in the materials. To date, the court members of the work group have met three times. The combined work group, including stakeholders from cities, counties and the legislature, will meet in October.

The group started with the following assumptions: 1) avoid the proliferation of courts of limited jurisdiction court types because they did not want to add a new court type, 2) work within a practical application, 3) maintain the integrity of the existing judicial membership because close to half of the District and Municipal Court Judges' Association (DMCJA) members are part-time judges, and 4) there is no time to recommend any radical changes to the limited jurisdiction court structure.

The court work group reviewed statutes and asked Mr. Steve Henley to look at existing contracts. They are considering a model including a hub court and possibly satellite courts. The work group recognizes previous concerns and will attempt to make sure the recommendations are practical.

In addition, they looked at the judicial needs study because they want to make sure that salary levels are at parity with the judicial needs study. A fundamental recommendation relates to administration staffing. All support staff would be full-time at the hub court and would service any satellite courts. They will also suggest that, if there is a regional court, all the cases would be centrally filed at the hub court with all information available at the satellite courts in order to try to avoid local police stating they want to file in particular courts. They are hoping that will avoid the splintering that has occurred in the past.

Recognizing the current budget, the work group will propose a cost effective system and make recommendations about centralizing services (for example pre-trial services).

By the next meeting, they hope to have a product to share with the legislative and executive branch work group members. They will all attend two meetings in October and may present their final product to the BJA on October 21.

There were some questions about the timeline and what can be accomplished in that period of time. Judge Derr will report on the project at the October BJA meeting and also inform the BJA if more time is needed.

Chief Justice Madsen thanked Judge Derr for all the work she is doing on this project.

Washington State Bar Association

Mr. Crossland reported that the next Board of Governors (BOG) meeting will be held in Seattle on Thursday and Friday and they will discuss public defense caseloads and adopt their budget, which will include a recommendation not to have a license fee increase for the fourth consecutive year.

Reports from the Courts

Supreme Court: Justice Owens stated that the Supreme Court is back in session. There are eight candidates to replace Justice Gerry Alexander and six of them are superior court judges.

Court of Appeals: Judge Appelwick expressed angst about the budget, and the Court of Appeals is trying to implement the reductions and figure out how bad the backlogs are going to be. Judge Quinn-Brintnall reported that filings are up, staff has been cut, and remaining staff hours are down, which is resulting in a growing backlog. It is really going to be a problem, and they are going to have to start focusing on the criminal cases and dependencies and deal with other cases as they can.

Superior Courts: Judge Inveen reported that the Superior Court Judges' Association (SCJA) reduced their dues by 5%. With respect to actions recently taken, they have been paying a lot of attention to the public defender caseload limits and have not taken a position on them. Their concern is the fact that they do not feel that trial court judges should be in the business in enforcing the caseload limits. It would also be very difficult to ascertain whether or not the attorneys are certified.

Courts of Limited Jurisdiction: Judge Tripp stated that the DMCJA Board met last week. They surveyed regarding DUI sanctions, and there is concern about how the ignition interlock devices are being applied in different jurisdictions. They did not adopt a position on caseload standards because they have concerns about one size fitting all.

Association Reports

Superior Court Administrators: Mr. Maiocco said the superior court administrators are very excited about the approval of MTG's recommendation to the JISC last week. Now the work begins to identify the requirements of the system. They are looking forward to their fall conference in two weeks in Pasco, which will have sessions on social media and the ethical ramifications of using social media in the courts.

Juvenile Court Administrators: Ms. Maluo stated the juvenile court administrators went over legislative strategies at their annual conference. They approved a mental health tool that all detention facilities will be implementing. Assessments.com has given them a free tool to use in detention facilities.

County Clerks: Ms. Gould reported that the 2011 County Clerk Manual has been updated. They are looking forward to the case management system and working with everyone to make it a success.

Administrative Office of the Courts

Mr. Hall stated that AOC is looking at how support is provided to boards, commissions, and committees. The project has been broken up into two phases. The BJA will be one of the first groups to use the new support model which is Phase 1. The next phase is looking at how staff communicate and coordinate and how information is provided to leadership.

The Supreme Court Budget Committee approved AOC's budget reductions. AOC eliminated 4.5 positions. One was the ADA coordinator position, and AOC will no longer be providing those services. Also eliminated was a small amount of jury source list funding and the pro tem allotment was reduced because it is not being used as much.

There being no further business, the meeting was adjourned.