



## **Board for Judicial Administration (BJA)**

**Friday, November 18, 2011 (9:30 a.m. – 12:00 p.m.)**

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

### **MEETING MINUTES**

#### **Members Present:**

Judge Michael Lambo, Chair Pro Tem  
Judge Marlin Appelwick  
Mr. Stephen Crossland  
Judge Ronald Culpepper  
Judge Sara Derr  
Judge Deborah Fleck (by phone)  
Judge Janet Garrow  
Mr. Jeff Hall  
Judge Laura Inveen  
Judge Jill Johanson  
Ms. Paula Littlewood  
Judge Craig Matheson (by phone)  
Judge Jack Nevin (by phone)  
Justice Susan Owens  
Judge Kevin Ringus  
Judge Scott Sparks  
Judge Ann Schindler  
Judge Gregory Tripp

#### **Guests Present:**

Mr. Jim Bamberger  
Mr. M. Wayne Blair  
Ms. Bonnie Bush

#### **AOC Staff Present:**

Ms. Beth Flynn  
Mr. Dirk Marler  
Ms. Mellani McAleenan

The meeting was called to order by Judge Lambo.

#### October 21, 2011 Meeting Minutes

**It was moved Judge Garrow and seconded by Judge Ringus to approve the October 21, 2011 BJA meeting minutes. The motion carried.**

#### BJA Public Trust and Confidence Committee Appointments

**It was moved by Judge Ringus and seconded by Judge Garrow to appoint Ms. Sharon Vance and Ms. Samantha Barrera and reappoint Mr. David Johnson, Ms. Kristen Barron, and Ms. Marilyn Finsen to the BJA Public Trust and Confidence Committee. The motion carried.**

#### BJA Best Practices Committee Appointment

**It was moved by Judge Ringus and seconded by Judge Garrow to appoint Mr. Pat Escamilla to the BJA Best Practices Committee. The motion carried.**

### 2012 BJA Meeting Schedule

**It was moved by Judge Sparks and seconded by Judge Ringus to approve the 2012 BJA meeting schedule. The motion carried.**

### BJA Account Audit

The BJA discussed the issue of auditing the BJA account a few months ago and there were concerns that the cost of the audit was too expensive considering the size of the account (\$15,000 - \$20,000). Ms. Littlewood stated in a previous meeting that the WSBA uses WSBA staff to audit their small account and the auditor sends the results directly to the WSBA President.

Ms. McAleenan revised the wording of the account policy to utilize Administrative Office of the Courts (AOC) staff or a vendor to perform the audit every three years. The results would be sent directly to the BJA Chair and Member Chair. There is a concern about AOC staff using state time to look at the private BJA account so the AOC staff could be paid a small amount to review the BJA account books on their own time.

The following suggestions were made to wording of the auditing policy:

- The last sentence should state "The examination report" instead of "examination findings."
- In the first sentence, the word "qualified" should be added prior to the word "person."

The suggested revisions will be made and the auditing policy will be brought back for a decision at the December BJA meeting.

### BJA Legislative Agenda

Ms. McAleenan reviewed the action the BJA has taken on possible BJA request legislation in the past.

The Interpreter Commission's request for legislation was discussed by the Interpreter Commission and they decided to draft a resolution which will be brought to the BJA in the future.

The BJA decided to delay the decision of the election of municipal court judges legislation until it is determined what the 2012 legislative session will look like. Mr. Hall and Ms. McAleenan met with the chairs of the House and Senate Judiciary committees the other day. Senator Adam Kline wants to be helpful but thought this is something that we might want to put on hold for a year. Representative Jamie Petersen is not a proponent of this bill. It was mentioned that municipal court judges are in the middle of their terms so there is no urgency on pushing this forward.

There are new judge requests from Whatcom County Superior Court and Benton and Franklin Counties Superior Court. The judicial need is obvious based on the recent Judicial Needs Estimate, however, the chairs of the House and Senate Judiciary committees did not receive

these requests favorably. Bills with a fiscal note will not be well received this year. The idea of the BJA going forward with bills with price tags might be inflammatory for the BJA. Ms. McAleenan spoke with Judge Charles Snyder and Judge Craig Matheson and both of them indicated they did not want to go forward with something if it would cause undo liability toward the judicial branch. They are fine with waiting until the budget improves.

**It was moved by Judge Schindler and seconded by Judge Sparks that the BJA not go forward with the new judge requests in the 2012 legislative session. The motion carried with Justice Owens opposed.**

### Budget Report

Mr. Hall reported that the revenue forecast is down another \$122 million. There has been no significant change in the forecast and the European economy and federal government's inability to solve the fiscal issues in our economy are still risk factors.

The Governor should release her supplemental budget as early as Monday. It will be an all cuts budget but will be followed by the Governor's suggestions for tax packages.

The special session is starting the week after Thanksgiving. Right now there is no clarity on what will happen during the special session.

There was an October meeting of the judicial branch budget group. Chief Justice Madsen identified the BJA Executive Committee as the initial BJA group that will discuss the Administrative Office of the Courts' (AOC) budget. In the event there is a budget issue that impacts the judicial branch more broadly, the Chief will convene a larger group to figure out how to collectively respond to the issue.

Mr. Hall stated that where the cuts come from in the AOC budget will partially depend on how large the reductions are. If the cut is in the millions of dollars, AOC cannot make reductions in the AOC budget without also including cuts to the pass-through funds.

### Regional Courts Work Group

Judge Derr gave an overview of the recommendations from the Regional Courts Work Group. The work group wanted to be practical with their recommendations since there is no funding for regionalizing courts of limited jurisdiction at this point in time. They decided to study what courts are doing now because there are some regional court models in use around the state and the study could focus on what models are in use, which jurisdictions are using them, how the revenues and costs are shared, and how well the models serve the needs of the court users. They are hoping to find a grant to pay for the study. After studying what is in use, they could look at what it would take to regionalize courts of limited jurisdiction and create goals to improve services.

The work group proposes that each regional court would have hub court and all staff would be full-time at the hub court or serving in satellite courts. In order to serve all the users of the courts there will be some satellite courts and the courts could go to electronic filing and universal cashiering. Having staff full-time and centralized allows for training. Central services would be located at the hub court. The hub court would house the presiding judge and every

judge would vote on and answer to the presiding judge. Another goal is to be efficient in their funds and economies of scale. It is necessary to provide a consistent level of training and use of resources and have the hub court have centralized receipting and distribution of funds.

The work group recommends the creation of a governance body in each regional court. The work group looked at a regional court districting committee which is set up for district courts and it is county based. At this point the pilots would have to agree in an interlocal agreement or a memorandum of understanding. One of the concerns with contracting cities is that they have no voice and the work group wanted to include them in this governing body. Having the presiding judge be a member is also important. Something will need to be worked out in that governing body in the pilot courts that will not step on anyone's toes jurisdictionally.

The work group does not feel that legislation is needed at this time but they cannot go forward until the BJA decides that this is the route the BJA wants to take.

#### Access to Justice Board

Mr. Blair congratulated Judge Steven González, the Access to Justice Board (ATJ) Chair, who was recently appointed to the Supreme Court. He hopes to finish his term on the ATJ board but will step down as Chair. Has been a very effective chair and they are sorry to see him go.

The ATJ Board had been translating forms from legalese to plain language for ease of use for pro se court users. They are starting with family law forms. There are 200+ forms and so far they have translated 18 and they are out of funding.

#### Washington State Bar Association

Steve Crossland reported that the October Board of Governors (BOG) meeting was held in Tacoma. During the meeting Chief Justice Madsen requested support from the BOG regarding legal funding issues. The meeting also included a report from the WSBA Leadership Institute.

The next BOG meeting is in Bellingham on December 9 and 10 and the Civil Legal Needs Work Group will present a report. They will also review their legislative agenda and hear from the Immigration Advisory Opinion Work Group and the Washington State Bar Foundation.

#### Reports from the Courts

**Supreme Courts:** Justice Owens reported that the Supreme Court Rules Committee received a proposal from a non-lawyer asking the court to create a rule for independent law firms.

Tuesday night the Washington Appellate Lawyers Association had a nice reception for retiring Justice Gerry Alexander.

**Court of Appeals:** Judge Schindler stated the Court of Appeals continues to grapple with budget issues from the last few years. Division II continues to have a backlog. The backlog for Division I has also doubled but all three divisions are working together to identify cases to transfer to help with the Division II backlog.

**Superior Courts:** Judge Inveen reported that the superior courts are in the midst of activities surrounding the case management system. All 39 counties have to commit to being satisfied with the requirements in order to receive funding for the project. Superior court representatives are assisting with the requirement setting and the Judicial Information System Committee (JISC) is meeting at the beginning of December to evaluate the requirements.

Becca is a big legislative agenda item for the Superior Court Judges' Association (SCJA) and policymakers have received the latest data for Becca and truancy funding.

Following the judicial branch budget meeting in October, the SCJA was very concerned that it appeared trial courts' ability to advocate for legislation would need approval from the Supreme Court. The SCJA signed a resolution stating they will continue to advocate on their own behalf. The SCJA anticipates they will be able to reach consensus on issues within the judicial branch and that the branch will be able to speak with one voice.

**Courts of Limited Jurisdiction:** Judge Tripp stated that the District and Municipal Court Judges' Association (DMCJA) sent a letter to the JISC supporting the District and Municipal Court Managers Association's request for a case management system. The DMCJA legislative efforts will include a request that counties and cities provide security for courts and they will go forward with a district court retirement bill.

#### Association Reports

**Juvenile Court Administrators:** Bonnie Bush stated that the Washington Association of Juvenile Court Administrators (WAJCA) e-board met in early November. Their legislative agenda will include maintaining front-end funding and they will put a lot of focus on Becca.

#### Administrative Office of the Courts

Mr. Hall reported that AOC staff are starting to prepare for the legislative session. AOC's long-time fiscal note writer, Ms. Julia Appel, will retire at the end of the legislative session and Ms. Charlotte Jensen will take over.

There being no further business, the meeting was adjourned.

#### **Recap of Motions from November 18, 2011 meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the October 21 Meeting Minutes	Passed
Appoint Ms. Sharon Vance and Ms. Samantha Barrera and reappoint Mr. David Johnson, Ms. Kristen Barron, and Ms. Marilyn Finsen to the BJA Public Trust and Confidence Committee.	Passed
Appoint Mr. Pat Escamilla to the BJA Best Practices Committee.	Passed
Approve the 2012 BJA meeting schedule.	Passed
Not go forward with the new judge requests in the 2012 legislative session.	Passed with Justice Owens Opposed

**Action Items updated for November 18, 2011 meeting**

<b>Action Item</b>	<b>Status</b>
<u>October 21, 2011 Meeting Minutes</u> <ul style="list-style-type: none"> <li>• Send the approved minutes to Camilla Faulk for the En Banc binders</li> <li>• Post the approved minutes online</li> </ul>	Done  Done
<u>BJA Public Trust and Confidence Committee Appointments</u> <ul style="list-style-type: none"> <li>• Send appointment letters</li> </ul>	Done
<u>BJA Best Practices Committee Appointment</u> <ul style="list-style-type: none"> <li>• Send appointment letter</li> </ul>	Done
<u>2012 BJA Meeting Schedule</u> <ul style="list-style-type: none"> <li>• Post the BJA meeting schedule on the BJA Web site</li> <li>• Update the agency calendar with the BJA meeting dates</li> </ul>	Done Done
<u>BJA Account Audit</u> <ul style="list-style-type: none"> <li>• Put on December agenda for action</li> <li>• Change the proposed language in the last sentence:              The last sentence should state "The examination report" instead of "examination findings."</li> </ul> <p>In the first sentence, the word "qualified" should be added prior to the word "person."</p>	Done Done
<u>BJA Request Legislation</u> <ul style="list-style-type: none"> <li>• Do not go forward with the new judge requests. Mellani will notify Whatcom and Benton/Franklin counties about the decision.</li> <li>• Delay the decision on the municipal court judge election bill.</li> </ul>	Done  Added to Dec. agenda
<u>Regional Courts Work Group</u> <ul style="list-style-type: none"> <li>• Put on December agenda for action.</li> </ul>	Done