



## **Board for Judicial Administration (BJA) and Court Management Council (CMC) Joint Meeting**

**Friday, December 9, 2011 (9:00 a.m. – 12:00 p.m.)**

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

### **MEETING MINUTES**

#### **Members Present:**

Chief Justice Barbara Madsen, Co-Chair  
Judge Chris Wickham, Member Chair  
Judge Marlin Appelwick  
Judge Ronald Culpepper  
Judge Deborah Fleck  
Judge Janet Garrow  
Mr. Jeff Hall  
Judge Laura Inveen  
Judge Jill Johanson  
Judge Teresa Kulik (by phone)  
Judge Michael Lambo  
Judge Craig Matheson  
Justice Susan Owens  
Judge Kevin Ringus  
Judge Scott Sparks  
Judge Ann Schindler  
Judge Gregory Tripp

#### **Guests Present:**

Mr. Jim Bamberger  
Ms. Barbara Christensen (by phone)  
Mr. Pat Escamilla  
Ms. Delilah George  
Ms. Betty Gould  
Mr. N.F. Jackson  
Ms. Lynne Jacobs  
Ms. LaTricia Kinlow  
Ms. Kathryn Leathers  
Mr. Frank Maiocco  
Judge Christine Quinn-Brintnall  
Ms. Nancy Scott

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

Ms. Beth Flynn  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Dr. Carl McCurley

The meeting was called to order by Judge Wickham.

#### Court Manager of the Year Award

This year there were twelve nominations for Court Manager of the Year: Ms. Linda Bell, Pierce County District Court; Ms. Tricia Crozier, King County District Court ; Ms. Delilah George, Skagit County Superior Court; Ms. Betty Gould, Thurston County Clerk; Mr. N.F. Jackson, Whatcom County Superior Court; Mr. Frank Maiocco, Kitsap County Superior Court; Ms. Shelly Maluo, Pierce County Juvenile Court; Mr. Ron Miles, Spokane County Superior Court; Ms. Jorene Reiber, King County Superior Court; Ms. Marilyn Staricka, Pacific County Superior Court; Mr. Robert White, Seattle Municipal Court; and Ms. Deana Wright, Lakewood and University Place Municipal Court. All of them should be commended.

The Court Manager of the Year is N.F. Jackson who was nominated by Ms. Delilah George, Judge Steven Mura and Justice Mary Fairhurst for his 22 years of service to the courts and on statewide committees, including the Judicial Information System Committee (JISC), and his creation and implementation of a computerized file storage system in Whatcom County, along with his assistance in developing the rules that allow electronic filing in Washington courts.

Ms. George stated that Mr. Jackson always sets the bar high and is the person other clerks turn to when they have a question. It has been an honor to work with Mr. Jackson and she appreciates him and will miss him after he retires.

Mr. Jackson said he cannot be more rewarded than to have worked in such an honorable profession.

#### Washington State Center for Court Research

Dr. Carl McCurley provided an overview of the Washington State Center for Court Research (WSCCR) which was established by Supreme Court Order in September 2004 to provide independent, objective, and informed research which enables the judiciary to participate as an equal partner in government affairs. Two-thirds of the WSCCR funding is from the State General Fund and one-third is from private, federal, and state grants.

An advisory board guides the WSCCR and the board is chaired by Judge Ann Schindler. The advisory board guides the WSCCR regarding the research priorities for the judicial branch. Some of the factors they consider when setting the priorities are what the current priorities are, how much time a project will take, is the data viable or does it need to be developed, is there funding, etc.

The WSCCR is working on the following projects:

- The WSCCR performs many tasks related to the Race and the Criminal Justice System Task Force.
- The Minority and Justice Commission asked the WSCCR to participate in a replication of the research by Mr. Mark Peffley and Mr. Jon Hurwitz in the book *Justice in America*. They will field a survey that will ask Washingtonians who are part of specific racial groups what their perceptions are in the fairness of the justice system and their experiences with the justice system.
- The City of Seattle contracted with the WSCCR to evaluate their residential placement program, the Bridge Program, which is primarily for girls who were prostituted youth. The evaluation is just getting started now and will take about a year and a half to complete.
- The MacArthur Foundation Models for Change grant provides awards for reforming juvenile justice. The Administrative Office of the Courts (AOC) is holding trainings and providing technical assistance to juvenile courts in the collection of race and ethnicity data in the juvenile courts.
- The WSCCR evaluated the Washington State Aggression Replacement Training Program's impact on offenders from 2004-2006. Offenders who completed the training had recidivism rates drop from 36.7% to 27.6%.

- The WSCCR staff created an online directory of Washington problem-solving courts. They are hoping to be able to build off the directory and gather more information about what those courts are doing.
- The WSCCR participates in a federal court improvement program which funds a position in the WSCCR and that position is responsible for the Timeliness of Dependency Case Processing in Washington Report which is now on the Inside Courts Web site.
- The WSCCR received a federal grant from the Bureau of Justice Administration to look at the effects of child maltreatment on school performance and contact with the justice system. In addition, they can identify courts that handle domestic violence offenders well and can try to figure out what they are doing that works. The findings will be available through the report but the WSCCR can work with individual counties regarding specific information about their county. At this point in time though they do not have a process in place to provide the court-specific information.

Judge Schindler stated that the work of the WSCCR is not only important but it is really the jewel in the crown of the judicial branch and the AOC. Earlier this week Dr. McCurley received a Champion for Change award from the MacArthur Foundation and was recognized for the work the WSCCR has done in analyzing and improving outcomes for court-involved children.

#### Transcriptionist Subcommittee

Ms. George stated the original problem: courts experienced frustration getting timely verbatim reports of proceeding from transcriptionists or independent court reporters and that there was not a mechanism in place to deal with problems. She gave an overview of the goals of the Subcommittee.

Ms. George stated that the Court Management Council (CMC) Transcriptionist Subcommittee started looking at transcriptionist issues in 2009. They did not address court reporters who were employees of the court, only outside reporters and transcriptionists.

Currently, only four states solely use electronic technology and Alaska has to use technology because they do not have court reporters. All of the states they looked at either had policies and procedures in place or were working on it. After surveying the states, they also surveyed the courts in Washington. When asked, "does your court have a process that authorizes transcriptionists and independent court reporters (non-employees) to provide verbatim report of proceedings of your record?" 76% responded that they did not have a process in place, 15% stated they had an unwritten process in place, and only 9% had a written process. The complete survey results were presented to the CMC. It was determined by the Subcommittee to be critical that transcription standards be developed.

Some of the important points of the Subcommittee include:

- A plan is needed to accommodate the declining numbers of court reporters;
- The Final Report and Recommendations for Electronic Recording document was reviewed and changes proposed (original report completed in 1984; updated in 2002);
- An emphasis on the responsibility of judge and operator;

- Possible certification for court transcriptionists;
- Court rules and RCWs needed to be updated; new rules will be proposed.

The Subcommittee's final task was to go through all the statutes and RCWs related to court reporting/transcriptionists to determine revisions that will be needed based on the final report. They will also be proposing new applicable rules. The CMC will approve the report and then it will be submitted to the BJA for approval.

There will be a session on this topic at the SCJA/AWSCA spring conference.

#### November 18, 2011 Meeting Minutes

Judge Schindler requested that the wording for the Court of Appeals report be revised as follows:

**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.

**Judge Ringus moved and Judge Garrow seconded to approve the November 18 BJA meeting minutes with Judge Schindler's revisions. The motion carried.**

#### BJA Account Audit

Ms. McAleenan reported that the Proposed BJA Account Audit Policy is the language that was discussed at the November BJA meeting with a few revisions that were requested during the discussion.

**It was moved by Judge Garrow and seconded by Judge Sparks to adopt the policy as amended. The motion carried.**

#### Regional Courts Work Group

Judge Ringus reported that the Regional Courts Work Group will proceed as the BJA wishes.

Chief Justice Madsen stated that Senator James Hargrove has expressed great interest in this issue. In addition, Mr. Hall and Chief Justice Madsen discussed the possibility of getting funding for a pilot or study from the National Center for State Courts (NCSC). Mr. Hall will speak with the NCSC regarding a funding proposal and be prepared to discuss it with the Work Group in January.

Judge Ringus stated that statutorily, there are currently ways to regionalize and there are existing courts that can be studied but it would cost some funds for the research.

Mr. Hall responded that given Senator Hargrove's interest the BJA needs to be prepared with a solid legislative proposal. This needs to be on the January BJA agenda and the Work Group

needs to meet prior to the January BJA meeting, if possible, to review the funding information from the NCSC.

#### BJA Legislative Agenda

Ms. McAleenan stated that the only item left for action on the BJA Legislative Agenda is the election of municipal court judges issue. The BJA has been putting off the decision to 1) get an idea of what the session will look like, and 2) wait for a decision on the regional courts issue.

The BJA has not decided if the municipal court election bill from last year should be pursued or not.

A few BJA members indicated this may not be the year to move forward with this.

Ms. McAleenan reported that Senator Adam Kline is not sure this is the year to move forward on this and Representative Jamie Pedersen is not a proponent and does not want it to move forward.

Judge Fleck said that Senator Mike Padden seemed interested.

**It was moved by Judge Sparks and seconded by Judge Tripp that this issue trail the regional courts work group discussion during next month's BJA meeting. The motion carried.**

#### Trial Court Operations Funding Committee Charter

A few small wording changes were made to the Trial Court Operations Funding Committee charter and Ms. McAleenan had an opportunity to share the revisions with Judge Harold Clarke and he is fine with them.

**Judge Inveen moved and Judge Garrow seconded to approve the Trial Court Operations Committee charter as presented. The motion carried.**

#### BJA Best Practices Committee

Judge Quinn-Brintnall, co-chair of the BJA Best Practices Committee along with Judge Jean Rietschel, stated that the Committee is working on the following:

- The Committee developed, tested, and approved a case management measure for superior courts.
- The Committee is developing case management measures for the appellate courts which will include the development of case processing time standards.
- Despite intensive data retrieval and analysis efforts, it was not possible to obtain appropriate data to be used to create a case management measure for courts of limited jurisdiction at this time.

The superior court case management measures, together with a previously completed jury management measure, will be recommended to the BJA for adoption when the Court of Appeals measure is complete.

### Role of the BJA

Mr. Hall stated that this will be on the January BJA meeting agenda and he would like everyone to review the documents included in the meeting materials and be prepared to discuss the role of the BJA in January.

Several activities are going on regarding the role of the BJA including the budget group and the Justice in Jeopardy Implementation Committee (JIJIC). In addition, the BJA needs to determine how it sets policy. The BJA has explored the idea of using resolutions as a way to make policy statements. Does the BJA want to continue that in the future?

Chief Justice Madsen said the conversation in January will give the BJA an opportunity to determine how this group wants to participate and take action.

During the discussion it was decided to begin all future meetings at the AOC SeaTac office at 9 a.m. instead of 9:30 a.m. The Olympia meetings will still begin at 9:30 a.m.

### Task Force on Race and the Criminal Justice System Recommendations

Chief Justice Madsen said that the meeting materials include all of the recommendations from the Race and Criminal Justice Task Force. Recommendations #6 and #7 involve the BJA. The Supreme Court has no expertise on these recommendations because they impact trial courts.

- Task Force Recommendation #6 - Support the expansion of alternative sentencing policies (other than incarceration) and have a serious dialogue regarding the status of felons post-release from prison and the obstacles to successful re-entry into society.
- Task Force Recommendation #7 - Encourage and advocate for an increase in pretrial diversion programs, alternatives to arrest, and the expansion of therapeutic courts.

Judge Inveen commented that variations of both recommendations 6 and 7 have been included in the Superior Court Judges' Association's (SCJA) prior legislative agendas. This year they have been put on hold because of the legislative climate. The SCJA has not supported, specifically, all of Task Force issues but they are not inconsistent with the issues the SCJA has supported in the past.

After discussion, Chief Justice Madsen stated that the BJA seemed to be in favor of taking on an active role in these recommendations. This topic will be added to the January BJA meeting agenda for further discussion.

### 2011 COSCA Resolutions

Ms. McAleenan reported that behind tab 10 there is a summary of the 2011 Conference of State Court Administrators (COSCA) resolutions. Only two full resolutions are included in the materials:

- Resolution 7 – In Support of the Guiding Principles on Using Risk and Needs Assessment Information in the Sentencing Process. The National Center for State Courts (NCSC) created the report, “Using Offender Risk and Needs Assessment Information at Sentencing” and Resolution 7 endorses the report and encourages state and local courts to incorporate the information in the report.
- Resolution 13 – In Support of the Model Time Standards for State Trial Courts. Washington has model time standards but they have not been reviewed recently. It might be timely to review Washington’s standards in light of this resolution.

This topic will be on the January BJA meeting agenda for further discussion.

### Other Business

**GR 31A Public Hearing:** Behind Tab 11 is information about the public hearing for GR 31A on February 6 at 9:30 a.m.

**Association Reports:** This month the association reports were not included on the meeting agenda because of time constraints. If the BJA is going to go to another level, there is not time to have reports from everyone. People are welcome to use the “Other Business” portion of the meeting to inform the BJA of anything that might be of interest to everyone or to distribute a written report.

**JJIC:** Because the BJA will be talking about the role of the BJA, the future of the JJIC should also be discussed because most of their positions are sunseting in February 2012. Chief Justice Madsen’s understanding is that the committee work will be done by the end dates. There is no disagreement that the JJIC issues were important but the committee’s broad consensus was that this is not the right group to continue and the BJA should look at taking on the role of court funding. This will be discussed at a future BJA meeting.

There being no further business, the meeting was adjourned.

### **Recap of Motions from December 9, 2011 meeting**

<b>Motion Summary</b>	<b>Status</b>
November 18 Meeting Minutes with Judge Schindler’s Revisions	Passed
Proposed BJA Account Audit Policy	Passed
Put BJA Legislative Agenda on January Agenda	Passed
Approve the Trial Court Operations Funding Committee Charter	Passed

### **Action Items updated for December 9, 2011 meeting**

<b>Action Item</b>	<b>Status</b>
<u>November 18, 2011 Meeting Minutes</u> <ul style="list-style-type: none"> <li>• Include minutes in the En Banc binders</li> <li>• Post the approved minutes online</li> </ul>	Done Done
<u>BJA Account Audit</u> <ul style="list-style-type: none"> <li>• The BJA approved the audit policy</li> </ul>	
<u>Regional Courts Work Group</u> <ul style="list-style-type: none"> <li>• Put on the January agenda for action</li> <li>• Judge Ringus will schedule another meeting of the group to discuss the NCSC proposal if it is possible to schedule something prior to the January BJA meeting</li> </ul>	Done Done
<u>BJA Request Legislation</u> <ul style="list-style-type: none"> <li>• Delay the decision on the municipal court judge election bill until the Regional Courts issue is decided upon and add to January BJA meeting agenda</li> </ul>	Done – going through BJA Legislative/Executive Committee
<u>Trial Court Operations Funding Committee Charter</u> <ul style="list-style-type: none"> <li>• Charter was approved by the BJA - notify associations of committee appointments</li> </ul>	Done
<u>Role of the BJA</u> <ul style="list-style-type: none"> <li>• Put on January agenda</li> <li>• Begin all future SeaTac BJA meetings at 9 a.m.                             <ul style="list-style-type: none"> <li>• Change Online BJA Meeting Schedule</li> <li>• Change Master Calendar</li> </ul> </li> </ul>	Done  Done Done
<u>Task Force on Race and the Criminal Justice System Recommendations</u> <ul style="list-style-type: none"> <li>• Put on the January agenda</li> </ul>	Done
<u>2011 COSCA Resolution</u> <ul style="list-style-type: none"> <li>• Put on the January agenda</li> <li>• Mellani will send links to reports that were included in the meeting materials</li> </ul>	Done Done
<u>Justice in Jeopardy Implementation Committee</u> <ul style="list-style-type: none"> <li>• Put on a future agenda</li> </ul>	Done
<u>Association Reports</u> <ul style="list-style-type: none"> <li>• Stop including association reports on the BJA agendas</li> </ul>	Done