



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

**Friday, September 21, 2012 (9:00 a.m. – 11:00 a.m.)**

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

### **MEETING MINUTES**

#### **Members Present:**

Chief Justice Barbara Madsen, Chair  
Judge Chris Wickham, Member Chair  
Judge Sara Derr  
Ms. Callie Dietz  
Judge Deborah Fleck  
Judge Janet Garrow  
Judge Jill Johanson (by phone)  
Judge Kevin Korsmo (by phone)  
Judge Linda Krese  
Judge Craig Matheson  
Justice Susan Owens  
Judge Christine Quinn-Brintnall  
Judge Kevin Ringus  
Judge Ann Schindler  
Judge David Svaren (by phone)  
Judge Scott Sparks

#### **Guests Present:**

Mr. Dan Becker  
Ms. Ishbel Dickens  
Justice Christine Durham  
Mr. Pat Escamilla  
Justice Mary Fairhurst  
Mr. Paul Sherfey  
Renee Townsley

#### **Public Present:**

Mr. Tom Goldsmith  
Mr. Christopher Hupy  
Mr. Mark Mahnkey

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

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

Judge Wickham called the meeting to order.

#### July 20, 2012 Meeting Minutes

**It was moved by Judge Derr and seconded by Justice Owens to approve the July 20, 2012 BJA meeting minutes. The motion carried.**

#### BJA Public Trust and Confidence Committee Projects

Justice Fairhurst reported on the BJA Public Trust and Confidence Committee's projects.

**Senior Volunteers in the Courts:** The Committee released a survey regarding senior volunteers in the courts and the survey report will be added to the Committee's Web site after it is e-mailed to clerks and court administrators. The report identifies a variety of ways the volunteers can be used. In addition, they created a brochure template that can be used by courts to recruit senior volunteers. In these tough economic times courts are involving seniors and retirees in many tasks.

**It was moved by Judge Ringus and seconded by Judge Sparks to approve the senior volunteer brochure developed by the BJA Public Trust and Confidence Committee. The motion carried.**

**Juror Survey:** Snohomish County Superior Court Assistant Administrator of Superior Court Operations Ms. Marilyn Finsen studied juror stress for her Institute for Court Management Court Fellows Development Program through the National Center for State Courts. She developed a cover letter and survey template that the Committee supports for use in courts to assess the experience of jurors make improvements in the courts.

**It was moved by Judge Ringus and seconded by Judge Sparks to approve the cover letter and survey templates for distribution to Washington courts. The motion carried.**

**Legislative Scholars Program:** The Committee is working on the Legislative Scholars Program again this year. It is a four-hour presentation for teachers at the Temple of Justice regarding the interaction between the legislative and judicial branches of government.

**New Subcommittees:** The Committee has added three new subcommittees: One will develop a template for courts to present to the entity that funds them which will explain what the mandated functions of the court are and the impact of budget cuts. Another subcommittee will create a public education campaign regarding the work of the courts and role of the parties. They are collaborating with TVW and developing teaching videos regarding state courts. The videos will explain the role of the courts, how the system works, and the role of the parties. The intended audiences of the videos are high school students and the general public. The final subcommittee is looking at unique public trust and confidence issues facing rural courts. They are looking to understand the issues and develop strategies to address them.

#### BJA Public Trust and Confidence Committee Appointment

**It was moved by Judge Sparks and seconded by Judge Garrow to appoint Ms. JulieAnne Behar to the BJA Public Trust and Confidence Committee. The motion carried.**

#### BJA Best Practices Committee Appointments

**It was moved by Judge Derr and seconded by Justice Owens to appoint Judge Gregory Tripp, Ms. Terri Cooper, and Ms. Lisa Rumsey to the BJA Best Practices Committee. The motion carried.**

#### BJA Long-Range Planning Committee

**It was moved and seconded to appoint Judge Charles Snyder, Judge Glenn Phillips, Judge Maggie Ross, Judge J. Robert Leach and Judge Sparks to the BJA Long-Range Planning Committee but the statement regarding Judge Leach's replacement will be removed. The motion carried.**

#### BJA Dues

Ms. McAleenan stated that the BJA collects dues of \$55 approximately every two years and the dues amount has not increased since 1993. About 70% of Washington's judges voluntarily participate. Dues are used to fund Salary Commission meeting attendance and travel costs

along with legislative dinners every two years. The BJA voted last month to move forward with those dinners and staff is in the process of planning them. The dinners will largely deplete the funds. Ms. McAleenan is asking for approval to send a dues notice.

**It was moved by Judge Ringus and seconded by Judge Sparks to approve the mailing of BJA dues notices. The motion carried.**

#### CMC Transcription Subcommittee

Ms. Townsley reported that the work of the Court Management Council (CMC) Transcriptionist Subcommittee began with a discussion about the vagueness in the court rules regarding who is authorized to perform transcription work for courts. Some counties were maintaining lists of qualified transcriptionists/independent court reporters and some were not. If a transcriptionist regularly submits untimely or substandard work it is difficult to effectively deal with the issue and prevent it from reoccurring.

The subcommittee was also tasked with reviewing audio and visual recording standards. The subcommittee reviewed a white paper regarding digital records that was created by the Conference of State Court Administrators (COSCA). Electronic recording is being used more often and the technology has improved and is more reliable than it has been in the past. The subcommittee did not include court employed reporters because they are already under the authority of the court.

In 2010 the subcommittee surveyed the courts to determine how courts are monitoring the quality of their recordings and transcripts. The survey helped the subcommittee understand the current state of transcription. With that base information they decided it was necessary to update the Records Management Advisory Committee (RMAC), Report and Recommendations for Court Electronic Recording before looking at statute or court rule changes.

The subcommittee then looked at the pertinent statutes and court rules that might need some adjustment to get some consistency in how they manage transcription practices. A copy of the recommended statute and court rule revisions was provided in the meeting materials. The suggested revisions have gone to all of the court management groups represented on the Court Management Council (CMC) for review and revision. The recommendation presented was approved by the CMC to move ahead. The CMC is now submitting these recommended updates to the BJA and to judicial associations for comment. The multi-court level approach was taken to facilitate a coordinated review of court transcript management in all Washington courts.

Ms. Townsley thanked Ms. Nancy Scott, Ms. Delilah George, Mr. Dave Ponzoha, Ms. Kathei McCoy, Mr. Bob Dowd, Ms. Peggy Bednared, Mr. Dirk Marler and Ms. Caroline Tawes for their work on this project.

#### Court Security

Judge Wickham stated that the BJA previously had a Court Security Committee and he wants to know what role, if any, the BJA should play in court security at this time.

It was suggested that perhaps judges should have training on court and personal security like has been provided in the past.

In addition, it was suggested that there be a central clearinghouse for security incidents that occur statewide. Ms. Kinlow reported that the DMCMA is beginning to track their incidents.

Ms. McAleenan stated that in 2011 the BJA decided to put the Court Security Committee on hiatus for three years. The Committee did most of its work via phone. When the incident happened in Grays Harbor County, AOC staff gathered security information and sent it to presiding judges. The BJA also passed a court security resolution which was shared with presiding judges and the BJA successfully got a bill passed in the legislature to add the aggravating circumstance when judges and court personnel are assaulted.

Chief Justice Madsen said security needs to take place at the local courthouse and local jurisdiction. She does not want to see the BJA rush to form another committee. There were good reasons why the BJA put the Court Security Committee on hiatus.

#### Department of Justice (DOJ) Letter

Chief Justice Madsen reported that a superior court and the AOC received a letter from the DOJ regarding language access for persons with limited English proficiency. The DOJ's position is that courts that are direct or indirect recipients of federal funds must provide interpreters without charge regardless of the litigant's ability to pay. The BJA passed a resolution stating that the BJA believes interpreters should be provided for criminal and civil cases. It is a hot topic throughout the United States. The AOC has to respond to the letter within 30 days.

Ms. Dietz stated that the DOJ is addressing two areas of concern: 1) that courts not assume English proficiency based on written documents—courts must evaluate speaking ability; and 2) that they want courts to provide interpreters in all cases.

The AOC will be sending a survey to courts to gather information regarding how interpreter services are provided around the state.

#### Other Business

**GR 31.1 Update:** Chief Justice Madsen reported that after a public hearing on GR 31.1 and an extensive comment period the Supreme Court decided to revise GR 31.1. The revisions were approved by the Court during the September En Banc Conference. The amended rule is now out for public comment. The Court will evaluate any new comments and make any necessary revisions. Chief Justice Madsen will discuss the revisions more thoroughly during the Joint Business Meeting at Fall Conference.

There being no further business, the meeting was adjourned.

**Recap of Motions from September 21, 2012 meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the July 20, 2012 BJA meeting minutes.	Passed
Approve the senior volunteer brochure developed by the BJA Public Trust and Confidence Committee.	Passed
Approve the juror survey and letter templates developed by the BJA Public Trust and Confidence Committee.	Passed
Approve the appointment of JulieAnne Behar to the BJA Public Trust and Confidence Committee.	Passed
Approve the appointments of Judge Gregory Tripp, Ms. Terri Cooper and Ms. Lisa Rumsey to the BJA Best Practices Committee	Passed
Approve the appointments of Judge Charles Snyder, Judge Glenn Phillips, Judge Maggie Ross, Judge J. Robert Leach, and Judge Scott Sparks to the BJA Long Range Planning Committee	Passed
Approve sending a BJA dues notices to all Washington judges.	Passed

**Action Items updated for September 21, 2012 meeting**

<b>Action Item</b>	<b>Status</b>
<u>July 20 BJA Meeting Minutes</u> <ul style="list-style-type: none"> <li>• Post the minutes online</li> <li>• Send minutes to Supreme Court for inclusion in the En Banc meeting materials</li> </ul>	Done Done
<u>Committee Appointments</u> <ul style="list-style-type: none"> <li>• Send appointment letter to JulieAnne Behar (BJA Public Trust and Confidence Committee)</li> <li>• Send appointment letters to Judge Gregory Tripp, Ms. Terri Cooper and Ms. Lisa Rumsey (BJA Best Practices Committee)</li> <li>• Send appointment letters to Judge Charles Snyder, Judge Glenn Phillips, Judge Maggie Ross, Judge J. Robert Leach, and Judge Scott Sparks (BJA Long Range Planning Committee)</li> </ul>	Done Done Done
<u>CMC Transcription Committee</u> <ul style="list-style-type: none"> <li>• Refer this to the trial court associations to review and be prepared to discuss at a future BJA meeting</li> </ul>	
<u>BJA Dues Notices</u> <ul style="list-style-type: none"> <li>• Send BJA dues notices</li> </ul>	
<u>Court Visit Agenda Item</u> <ul style="list-style-type: none"> <li>• Hold this agenda item over to a future meeting</li> </ul>	Done