

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, NOVEMBER 16, 2012
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Chris Wickham, Member Chair
Superior Court Judges' Association
Thurston County Superior Court

Judge Sara Derr, President
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Janet Garrow
District and Municipal Court Judges'
Association
King County District Court

Judge Jill Johanson
Court of Appeals, Division II

Judge Kevin Korsmo
Court of Appeals, Division III

Judge Linda Krese
Superior Court Judges' Association
Snohomish County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Craig Matheson, President
Superior Court Judges' Association
Benton and Franklin Superior Courts

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

NON-VOTING MEMBERS:

Ms. Callie Dietz
Interim State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Patrick Palace, President-Elect
Washington State Bar Association

Judge Christine Quinn-Brintnall
Presiding Chief Judge
Court of Appeals, Division II

Ms. Michele Radosevich, President
Washington State Bar Association

Judge Charles Snyder, President-Elect
Superior Court Judges' Association
Whatcom County Superior Court

Judge David Svaren, President-Elect
District and Municipal Court Judges'
Association
Skagit County District Court



Board for Judicial Administration (BJA)
Friday, November 16, 2012 (9:00 a.m. – 12:00 p.m.)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen	9:00 a.m.
Action Items		
3. October 19, 2012 Meeting Minutes Action: Motion to approve the minutes of the October 19, 2012 meeting	Chief Justice Barbara Madsen	9:05 a.m. Tab 1
4. Filing Fee Workgroup Recommendations Action: Motion to approve the recommendations of the BJA Filing Fee Workgroup: a. Approve the Filing Fee Principles b. Approve asking the Legislature to extend the JSTA surcharge for two years c. Request that the WSCCR study the impact of filing fees on access to justice	Mr. Dirk Marler	9:10 a.m. Tab 2
5. Legislative Agenda Action: Motion to approve the proposed BJA request legislation	Ms. Callie Dietz	9:30 a.m. Tab 3
6. Appointment to the BJA Public Trust and Confidence Committee Action: Motion to reappoint Judges Elizabeth Stephenson, and Laurel Siddoway; and to appoint Judge James Docter to the BJA Public Trust and Confidence Committee	Chief Justice Barbara Madsen	10:45 a.m. Tab 4
BREAK		10:50 a.m.

<p>7. Appointment to the BJA Trial Court Operations Funding Committee Action: Motion to appoint Judge Richard Fitterer and Ms. Elsa Anderson to the BJA Trial Court Operations Funding Committee</p>	<p>Chief Justice Barbara Madsen</p>	<p>11:05 a.m. Tab 5</p>
<p>8. BJA Retreat Workgroups Action: Motion to approve the charters for the BJA Structure Workgroup and the BJA Committee Workgroup</p>	<p>Chief Justice Barbara Madsen</p>	<p>11:10 a.m. Tab 6</p>
<p>9. 2013 BJA Meeting Schedule Action: Motion to approve the proposed 2013 BJA meeting schedule</p>	<p>Ms. Callie Dietz</p>	<p>11:30 a.m. Tab 7</p>
<p>Reports and Information</p>		
<p>10. Court Security</p>	<p>Mr. Dirk Marler</p>	<p>11:35 a.m. Tab 8</p>
<p>11. Other Business Next meeting: December 14 Beginning at 9:00 a.m. at the AOC SeaTac Office, SeaTac</p>	<p>Chief Justice Barbara Madsen</p>	<p>11:55 a.m.</p>
<p>12. Adjourn</p>		<p>12:00 p.m.</p>
<p>Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>		



Board for Judicial Administration (BJA)

Friday, October 19, 2012 (9:00 a.m. – 12:30 p.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
Judge Kevin Korsmo
Judge Michael Lambo
Judge Craig Matheson (by phone)
Justice Susan Owens
Ms. Michele Radosevich
Judge Kevin Ringus
Judge Ann Schindler
Judge Charles Snyder
Judge David Svaren (by phone)
Judge Scott Sparks

Guests Present:

Mr. Jeff Amram (by phone)
Mr. Jim Bamberger
Judge Stephen Brown
Ms. Kristi Cruz
Ms. Ishbel Dickens
Mr. Pat Escamilla
Ms. LaTricia Kinlow
Ms. Sophia Byrd-McSherry
Mr. Rand Young

Public Present:

Mr. Tom Goldsmith

AOC Staff Present:

Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Ramsey Radwan
Dr. Sarah Veele

Judge Wickham called the meeting to order.

Chief Justice Madsen discussed the State Court Administrator recruitment process. Out of the candidates who applied, Ms. Dietz best met the needs of the state. The hiring process went well and many people shared in the responsibility. Chief Justice Madsen thanked the members of the Search Committee for their participation. Judge Wickham thanked Chief Justice Madsen for including so many people in the process and said that everyone appreciated being heard and being able to express their ideas.

September 21, 2012 Meeting Minutes

It was moved by Judge Sparks and seconded by Judge Garrow to approve the September 21, 2012 BJA meeting minutes. The motion carried.

Disproportionality in Washington and Juvenile Detention Alternatives Initiative (JDAI)

Mr. Rand Young, Washington State Juvenile Detention Alternatives Initiative (JDAI) Statewide Coordinator, gave a presentation regarding the JDAI. He spoke about the purpose and history of the initiative, described the eight strategies of the JDAI, explained why the JDAI is a proven

strategy to reduce disproportionate minority contact (DMC), reviewed the Washington State JDAI progress and outcomes, and discussed the future of JDAI in Washington State.

The JDAI is the largest juvenile justice improvement initiative in the country. Nationally, 200 jurisdictions are participating in 40 states and the District of Columbia. They are trying to work with young people before they progress into the adult system. The Washington State initiative is administered through the Governor's Juvenile Justice Advisory Committee and funded, in part, by the Annie E. Casey Foundation. Washington started with five pilot sites to demonstrate the effectiveness of the initiative.

The Washington JDAI has not yet been able to establish a statewide oversight committee. They established a funding base, held four conferences with over 300 attendees to discuss the initiative and now include nine counties in which 62% of all the minority youth in the Washington juvenile justice system are participating.

The initiative funding has been significant: \$1.2 million from the Annie E. Casey Foundation, \$923,000 from the Legislature, and \$1.1 million from the federal government. The funding goes toward training and travel. In addition, the JDAI has set up new data systems and there are JDAI coordinators at the local level along with the statewide coordinator.

The goals of the JDAI are to reduce unnecessary and inappropriate use of detention, develop new alternatives to detention, reduce racial disparities in the juvenile justice system, improve conditions of confinement in detention facilities, stimulate improvements in the juvenile justice system, and maintain or improve public safety.

The eight strategies of the JDAI are: collaboration and leadership, reduce disproportionate minority contact, data driven policies and practices, detention risk assessment, alternatives to detention, expedited case processing, new approaches for violations of parole and warrants, and improve conditions of confinement. Jurisdictions cannot pick and choose which strategies to use, they have to be involved in all eight. When the jurisdictions implement these eight strategies they get better outcomes, use public dollars effectively, and maintain public safety.

This is a very ambitious agenda for the juvenile courts to pursue. Admissions to detention have been reduced by 49% in the jurisdictions participating in this initiative. In addition, there is a 58% reduction in the number of youth in detention centers every day; a 52% decrease in the number of youth of color; Juvenile Rehabilitation Administration commitments decreased 54%; and felony petitions decreased 57%. Across the country this is one of the few initiatives that has proven to be effective.

Once a statewide JDAI steering committee is established, it will need people like BJA members to keep the initiative going in Washington and to expand it. The Casey Foundation realizes they cannot continue to support the initiative so new funding sources need to be identified. The JDAI is putting together a two-day trip and Mr. Young would like some BJA members to attend to see the program in action in New Jersey which implemented the initiative statewide.

Mr. Young would like to develop formal written partnerships between the Supreme Court, the Washington Association of Juvenile Court Administrators, the Washington State Partnership Council on Juvenile Justice, the Washington State Center for Court Research (WSCCR), and

the Administrative Office of the Courts (AOC) to plan how Washington is going to lead with this initiative and encourage counties to participate in this initiative.

Dr. Veele presented information about important indicators of disproportionate contact in the juvenile courts. The Relative Rate Index (RRI) allows comparisons across jurisdictions. Rates over one show disproportionality. The Task Force on Race and the Criminal Justice System presentation this to the Supreme Court and the WSCCR created a workbook with the information broken down by county as well as state averages.

State averages will be released to the public. State and county averages will be a five-year average. Averaging across five years allows the numbers to be stabilized in small jurisdictions.

At this point, the data on detention is not very strong. Some counties do not track detention though the AOC system. There needs to be a way to track multiple races. As disproportionate minority contact decreases, the data is needed to track what is happening. An IT Governance request would allow all counties to track the necessary data. If there is not great data coming in, the WSCCR cannot provide great outputs.

Judge Wickham stated that it seems this is a great opportunity to begin a conversation with our communities. The Minority and Justice Commission is developing a press release regarding this data.

Dr. Veele stated that the courts have seen the data in the past and the information has been updated. The courts will see the updated data one month before anything goes out publicly.

Mr. Escamilla said that in Clark County they had training to make sure staff were using the correct race codes. The data from several years ago is not clean—it used to have 20% unknown for race.

Filing Fee Workgroup

Judge Brown reported that the BJA Filing Fee Workgroup met four times. They relied on the 2004 Court Funding Task Force recommendations and a Conference of State Court Administrators policy paper on court funding along with other information to assist them in their work.

As part of their charge the Workgroup was to develop a set of principles. The Workgroup recommends adopting the Filing Fee Principles developed by the Workgroup (on page 22 of the meeting materials).

The Workgroup also recommends supporting a two-year extension of the Judicial Stabilization Trust Account (JSTA) surcharge due to the reality of the budget situation. The consensus seemed to be that the options were limited on what the Workgroup could expect would get done by the legislature this session.

The Workgroup requests that the WSCCR be asked to study and report on the impact of filing fees on civil litigants. They are interested in potential fee impacts by the type of case. A lot of people have strong opinions on access to justice and it is good to take a look at the impacts of filing fees on access to justice.

It is recommended that the Workgroup reconvene in the fall of 2013 and that they look at local civil litigation fees.

During the November BJA meeting the BJA will consider approving the Filing Fee Principles, the two-year extension of the JSTA surcharge, and the request that the WSCCR study the impact of filing fees on access to justice.

Budget

Mr. Radwan gave a brief overview of the state of the state budget. He distributed a four-year outlook based on assumptions from the Economic Revenue Forecast Council. There is some flexibility in the expenditure items but without any additions for education funding, the state is facing an approximately \$1.5 billion deficit in 2017 if nothing is done differently with revenue and/or the budget.

It is anticipated that there will be a 7.2% increase in revenue between this biennium and next biennium and an 8% increase the following biennium. Mr. Radwan fears these figures are over-estimated.

When the basic education funding request from the Office of the Superintendent of Public Instruction is added into the budget outlook, during the 2013-2015 biennium the state could be facing a funding gap of approximately \$6 billion if nothing else changes. That is the extreme high watermark. The Office of Financial Management's estimate for education is less and would result in the state being \$2.7 billion in the hole during the same time frame.

This year, there is a range from about a billion dollar deficit to as high as \$6 billion. The judicial branch needs to think about this as the legislative session approaches. The poor funding outlook enhances the possibility that the JSTA surcharge will be extended. The total state amount raised by the surcharge is about \$12.5 million, and the legislature may extend the surcharge in order to help reduce the projected deficit. All the numbers will continue to change through the end of the session, and Mr. Radwan will keep the BJA updated on the changes.

BJA Legislative Agenda

Ms. McAleenan reported that about one-sixth of the legislators are not returning to the seats they currently hold. They are either retiring or running for a different position. The leadership in Washington State is up in the air now. For Governor, so far the polling is within the margin of error.

New Superior Court Judges: The Judicial Needs Assessment indicates a judge is needed in Benton/Franklin Counties Superior Court and Whatcom County Superior Court.

Judge Snyder reported that Whatcom County would like to see this position created but understands that it may not be practical due to the current budget deficit. They have the need and are ready to go whenever the approval comes through. If it is not this session, they will be ready in the future. They have support locally.

Judge Matheson stated that they made the request for a new judge in Benton/Franklin Counties last year. They are showing the need for more than one additional judge and are unsure whether they have the local support this year but will make sure they have the support in 2014. They need to start the process now because of their local budget cycle.

Judicial Stabilization Trust Account: The Filing Fee Workgroup recommends the BJA support an extension of the existing legislation for an additional two-year period.

Payment of Interpreter Expenses in Civil Hearings: Chief Justice Madsen stated that maybe the BJA could work toward the goal of state interpreter funding. Everyone recognizes that this is the right thing to do but there is a question regarding whether it is the right time due to budget constraints.

Discussion followed and some of the comments were:

- If the courts have a mandate to provide interpreters without any funds coming in, it is critical to have the counties and cities on board because it is not likely that the state will come up with funding.
- Linguistic barriers are real and the judicial system has an obligation to remove them. The BJA is strongly encouraged to move forward with a policy bill to take on the road to state funding.
- Federal funding for the state and local branches of government can be taken away if courts do not comply with the Department of Justice mandate to provide interpreters in all cases. Even if federal funding is not in use at the court, funding to the executive branch of local government can be removed.
- It is a separate issue on whether to pursue full interpreter funding without reimbursement in civil cases. The BJA should consider a policy bill that would talk about first restoring the interpreter funding that has been lost the last few years and second about providing interpreters for everyone except people who could reimburse the costs.

Action will be taken on the BJA legislative agenda during the November meeting.

Retreat Recap

Chief Justice Madsen said that there are some next steps that need to take place as a follow-up to the retreat.

The first step is to put together a concrete proposal for restructuring to bring back to the BJA sometime after the first of the year. A small workgroup has been identified to work on the structure of the BJA. The group is made up of current presidents and presidents-elect of the trial court associations, two Court of Appeals judges, Chief Justice Madsen and Judge Wickham. The first meeting is scheduled for October 29. The workgroup will begin crafting a restructuring proposal that will be presented to the constituent organizations before it comes back to the BJA so that everyone will be on the same page.

The second step is addressing an issue that was identified at the retreat—the duplication of efforts that are underway in committees, commissions, boards and task forces. Oftentimes multiple groups are duplicating what they are trying to accomplish. For example, each trial court

association has a committee on diversity. As the BJA tries to approach a new governance structure, the duplication of committees should be addressed. All BJA members who are not in the structure group are members of the committee group.

Progress reports for each of these workgroups will be provided at each BJA meeting.

It was suggested that there be more detailed direction for the committee workgroup. It was also suggested that the structure be determined prior to working on the committees. Chief Justice Madsen stated that a committee charge will be developed if the BJA decides to go forward with these next steps. In addition, she stated that both groups should work at the same time because they can both help guide the structure of the BJA.

It was moved by Judge Garrow and seconded by Judge Ringus to have the BJA move forward with a Structure Workgroup and a Committee Workgroup. The motion carried.

The charters for both workgroups will be brought to the BJA for review during the November meeting.

Strategic Planning Recap

Chief Justice Madsen stated that the Supreme Court is trying to decide how to engage in strategic planning. A National Center for State Courts (NCSC) grant was received and Ms. Laura Klaversma and Mr. Tom Clarke from the NCSC came and met with judicial stakeholders to discuss strategic planning. It was suggested that the Supreme Court use a campaign planning process in order to be successful in their planning efforts. Two to three campaigns would be worked on at one time.

Ms. Klaversma also observed the BJA retreat and suggested that governance be enhanced.

Salary Commission Materials

Salary Commission meetings begin in January, and the BJA provides the Salary Commission with a packet of information regarding judicial salaries. Local judges testify at the Salary Commission meetings and appear to be well-received by the Commission members.

In the past, the judges have not asked for an increase in salary but stated that the goal is to reach parity with the federal bench over time. The purpose of the materials provided to the Salary Commission is to educate the Commission members regarding the work of judges and what opportunities they give up in order to become a judge.

There was discussion regarding whether or not to ask for a specific increase in salaries.

It was moved by Chief Justice Madsen and seconded by Judge Lambo to state that if there will be a cost-of-living increase for state employees, the judges would like one also and that the judges would like the Salary Commission to consider shrinking the gap between state and federal judicial salaries before the gap becomes too great to catch up. Historical judicial salary information should be included in the materials. The motion carried with Judge Korsmo and Judge Johanson opposed.

Recap of Motions from October 19, 2012 meeting

Motion Summary	Status
Approve the September 21, 2012 BJA meeting minutes.	Passed
Approve going forward with a BJA Structure Workgroup and a BJA Committee Workgroup as follow-up to the BJA Retreat.	Passed
For the Salary Commission state that if there will be a cost-of-living increase for state employees, the judges would also like one. In addition, ask that the Salary Commission consider shrinking the gap between federal and state judicial salaries before it becomes too great to catch up.	Passed with Judges Korsmo and Johanson opposed.

Action Items updated for October 19, 2012 meeting

Action Item	Status
<u>September 21 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Post the minutes online Send minutes to Supreme Court for inclusion in the En Banc meeting materials 	Done Done
<u>Filing Fee Workgroup Recommendations</u> <ul style="list-style-type: none"> Add to the November BJA agenda: approving the Filing Fee Principles, the two-year extension of the JSTA surcharge, and the request that the WSCCR study the impact of filing fees on access to justice 	Done
<u>BJA Legislative Agenda</u> <ul style="list-style-type: none"> Add to November BJA meeting agenda 	Done
<u>Retreat Follow-up</u> <ul style="list-style-type: none"> Move forward with the BJA Structure Workgroup and BJA Committee Workgroup Bring the workgroup charters back to the November BJA meeting for approval (add to agenda) A request was made to remove the wording "stalling tactics" from the BJA Retreat Report 	Done Done
<u>Salary Commission Materials</u> <ul style="list-style-type: none"> Add 2008 information to National Salary Comparison section Add historical judicial salary information Add full year of information regarding judges leaving the bench 	Done Done Done



WASHINGTON
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BOARD FOR JUDICIAL ADMINISTRATION

**FILING FEE WORK GROUP
RECOMMENDATIONS TO BJA**

CHARGE

The Filing Fee Work Group (Work Group) was created as an *ad hoc* work group of the Board for Judicial Administration (BJA) to review the existing fee structure for civil cases in Washington State courts and other jurisdictions and to make recommendations to the BJA regarding whether changes should be made to the current structure.

The Work Group was also charged with developing a set of principles against which to weigh proposals for changes to the filing fee structure by this work group or other entities.

MEMBERSHIP

The Work Group's members were:

- Justice Debra Stephens, Washington Supreme Court;
- Judge Christine Quinn-Brintnall, Court of Appeals;
- Judge Deborah Fleck, King County Superior Court, on behalf of the Superior Court Judges' Association;
- Judge Stephen Brown, Grays Harbor District Court, on behalf of the District and Municipal Court Judges' Association and chair of this Work Group;
- Mr. Dirk Marler, Administrative Office of the Courts;
- Mr. Jim Bamberger, Office of Civil Legal Aid;
- Ms. Sophia Byrd McSherry, Office of Public Defense;
- Ms. Betty Gould, Thurston County Clerk, and Ms. Barb Miner, King County Clerk, on behalf of the Washington State Association of County Clerks;
- Mr. Peter Ehrlichman, Mr. Pete Karademos, and Ms. Joanna Plitcha Boisen, on behalf of the Washington State Bar Association;
- Ms. Ishbel Dickens, Access to Justice Board;
- Representative Roger Goodman, D-45, on behalf of the House Democratic Caucus;
- Representative Charles Ross, R-14, on behalf of the House Republican Caucus;
- Senator Tracey Eide, D-30, on behalf of the Senate Democratic Caucus; and
- Senator Mike Padden, R-4, on behalf Senate Republican Caucus.¹

¹ While a quorum of members was present at each meeting, not all members attended every meeting.

OPERATING PERIOD

The Work Group's operating period was from April 20, 2012 through October 2012. The Work Group met in person for four two-hour meetings and engaged in email correspondence.

RECOMMENDATIONS

Materials

In developing their recommendations, the Work Group reviewed, among other items:

- The BJA Filing Fee Work Group Charter;
- Washington's current filing fee structure;
- Civil filing fees in state trial courts as collected by National Center for State Courts;
- The 2011-2012 COSCA Policy Paper, *Courts are Not Revenue Centers*, which was co-authored by former Washington State Court Administrator Jeff Hall;
- Selected materials from the Court Funding Task Force Report, 2004;
- The Principal Policy Objectives of the Washington State Judicial Branch;
- A presentation from Mr. Hugh Spitzer, Affiliate Professor at the University of Washington School of Law, and his law review article, *Taxes vs. Fees: A Curious Confusion*, regarding the distinctions between taxes and user fees under the Washington State Constitution and laws; and
- A presentation by Mr. Ramsey Radwan, AOC's Management Services Division, regarding inflationary calculators.

Limitations

The Work Group limited its discussion to "civil filing fees and related surcharges," and did not contemplate other miscellaneous fees such as photocopying charges, parenting class fees, or local fees, believing that those fees were beyond the scope of their charge. Some members, however, believed that further review in the area of "local fees" is needed, and a motion was passed to note the value of exploring these other issues in the Work Group's final recommendations.

Principles

Much time was devoted to the development of the Filing Fee Principles. The Principles adopted by the Work Group for approval to the BJA are included on page four of this report. In developing the Principles, the Work Group referred to the Principal Policy Objectives and was guided by the prior work of the Court Funding Task Force.

Inflationary Calculations

Some discussion was devoted to whether filing fees should be periodically increased based on an inflationary calculation. Many different methods of calculating inflation are possible. The Work Group did not decide that fees should be increased based on an inflationary calculation at this time. However, after a presentation by Mr. Radwan, the Work Group generally, but not unanimously, agreed that the Office of Financial Management's Fiscal Growth Factor could serve as the starting point for assessing the impact of inflation on baseline filing fee levels. The Fiscal Growth Factor is used as the benchmark for determining allowable growth in expenditures under Initiative 601, codified at RCW 43.135.025. Whether funding should track changes in the Fiscal Growth Factor was not decided, nor did the Work Group embrace any other approach to automatic targeting of changes in filing fees to respond to inflation over time.

Changes to the Current Filing Fee Structure

Regarding changes to the existing filing fee structure in Washington, the group discussed several different options and approaches, including allowing the Judicial Stabilization Trust Account (JSTA) surcharge to expire, incorporating the JSTA surcharge into the existing filing fee structure, indexing filing fees to the Fiscal Growth Factor codified at RCW 43.135.025, and increasing or reducing specific filing fees, among other proposals. During these discussions, much weight was given to the observation that significant structural changes or fee increases would be difficult to pass during this legislative session. Furthermore, the Work Group was concerned about the scheduled sunset in JSTA surcharges and the impact this would have on state and local judicial branch services. In light of the impact of the scheduled sunset of the JSTA and the Work Group's lack of consensus on any other proposal, the Work Group unanimously agreed to recommend to the BJA that a two-year extension of the JSTA surcharges, in their current form (including both the 2009 and 2012 surcharges and the 75%/25% state-local split), be supported by the BJA. Pending additional information regarding the impact of civil filing fees and surcharges on access to the courts for low and moderate income civil litigants, the Work Group recommends that no further substantive changes be suggested this year.

Further Discussion and Information

The Work Group generally believed that more discussion should be had regarding the impact of filing fees, including any impact from the JSTA surcharges, on access to the courts for low and moderate income civil litigants. The Work Group recommends that the BJA request the Washington State Center for Court Research Advisory Board to ask the Washington State Center for Court Research (WSCCR) at the Administrative Office of the Courts to study and report on the question by December 2013, including potential different impacts depending upon the type of cases involved (e.g., family, landlord-tenant, tort, contract, etc.).

The Work Group would like to reconvene in the fall of 2013 in anticipation of the report from WSCCR to consider changes to the current structure such as inflationary increases and changes to specific fees that may be indicated by the results of the WSCCR study.

Board for Judicial Administration

Filing Fee Principles

Principle One

As one of the three branches of government, the judicial branch should be funded largely from general tax revenues, enabling it to fulfill its constitutional and statutory mandates.

Principle Two

Court users may be charged reasonable filing fees², which should only be used to offset, in part, the cost of court and clerk operations and other necessary judicial branch infrastructure.

Principle Three

Filing fees should not preclude access to the courts and should be waived for indigent litigants.

Principle Four

The BJA, in conjunction with stakeholders, should periodically review filing fees to determine if they should be adjusted consistent with these principles.

Principle Five

Filing fee information should be simple, easy to understand, and easy to find.

Principle Six

Filing fees should not be used or charged in a way that infringes on the independence or appearance of independence of the judiciary.

In developing these principles, the BJA was guided by the work of the Court Funding Task Force. The following selected principles regarding trial court funding were approved by the BJA when it received the report of its Trial Court Funding Task Force in October 2004 entitled *Justice in Jeopardy: The Court Funding Crisis in Washington State* (pp. 23-24):

- Trial courts are critical to maintain the rule of law in a free society; they are essential to the protection of the rights and enforcement of obligations for all.
- Trial courts must have adequate, stable, and long-term funding to meet their legal obligations.
- Legislative bodies, whether municipal, county, or state, have the responsibility to fund adequately the trial courts.
- Trial court funding must be adequate to provide for the administration of justice equally across the state.
- The state has an interest in the effective operation of trial courts and the adequacy of trial court funding, and should contribute equitably to achieve a better balance of funding between local and state government.

² For the purposes of this document, the term “filing fee” refers to fees to initiate civil judicial proceedings, including fees to initiate a claim, counter-claim, third-party claim, or cross-claim, and surcharges such as those that fund state judicial branch operations, courthouse facilitators, dispute resolution, and the like.

Proposed 2013 BJA Request Legislation

- **New Judicial Position in Benton/Franklin County Superior Court**
 - Benton/Franklin County Superior Court requests authorization for one additional judicial position.
 - The Judicial Needs Estimate supports the request.
 - County funding is anticipated in January 2014 if the bill passes.
 - Supporting documents: JNE, 09/20/12 letter

Status: BJA Approval Requested; Leg/Exec Committee supports request to BJA. BJA discussed at 10/19 meeting and will vote at 11/16 meeting.

- **New Judicial Position in Whatcom County Superior Court**
 - Whatcom County Superior Court requests authorization for one additional judicial position.
 - The Judicial Needs Estimate supports the request.
 - County officials are supportive and a local senator also indicated support.
 - Supporting documents: JNE, 10/08/12 letter

Status: BJA Approval Requested; Leg/Exec Committee supports request to BJA. BJA discussed at 10/19 meeting and will vote at 11/16 meeting.

- **Judicial Stabilization Trust Account Surcharges**
 - Temporary JSTA surcharges were added in 2009 to offset state general fund reductions to judicial branch agencies.
 - Since passage in 2009, the sunset date of the surcharges has been extended, the surcharges have been increased by \$10, and a 75/25 split with local governments was added.
 - The existing surcharges expire in 2013.
 - The BJA Filing Fee Work Group recommends supporting the extension of the surcharges, in their existing amounts and with the existing split, for two years.
 - Supporting documents: FFWG report, ESHB 6608

Status: BJA Approval Requested; Leg/Exec Committee supports request to BJA. BJA discussed at 10/19 meeting and will vote at 11/16 meeting.

- **Payment of interpreter expenses**
 - Legislative options include:
 - Require that interpreters be provided at no expense to non-English speaking persons regardless of indigency in all cases.
 - Phase in state funding to reach 50%.
 - Combine both options.
 - The Interpreter Commission requested a bill last year, but BJA decided not to request legislation for the 2012 legislative session, opting instead to pass a resolution.
 - The issue has again arisen because of communications with the Dept. of Justice and discussions at the Supreme Court budget meeting on 10/08/12. The Supreme Court decided not to include interpreter funding in its budget this year.
 - Supporting documents: 09/21/11 Interpreter Commission letter, 2012 survey pending, BJA resolution, RCW 2.43.040

Status: Leg/Exec Committee recommends policy change but not funding change at this time. However, further discussion should be had at the BJA meeting regarding the funding question.

superior court judicial needs

Superior Courts—Judicial Needs Estimates by Full-Time Equivalents, 2012 Projected Filings¹

Court	Authorized		Full-Time	Part-Time	Total Estimated Judge Need ³
	Judges	Unfilled Judge Positions ²	Commissioner s	Commissioner s	
Adams	1.00	0.00	0.00	0.00	1.02
Asotin/Columbia/Garfield	1.00	0.00	0.00	0.00	1.59
Benton/Franklin	6.00	0.00	2.00	0.50	9.87
Chelan	3.00	1.00	1.00	0.04	3.19
Clallam	3.00	0.00	1.00	0.00	3.47
Clark	10.00	0.00	3.00	0.60	14.02
Cowlitz	4.00	1.00	0.00	0.61	5.56
Douglas	1.00	0.00	0.00	0.09	1.27
Ferry/Stevens/PendOreille	2.00	0.00	0.00	0.40	2.54
Grant	3.00	0.00	0.00	1.00	4.04
Grays Harbor	3.00	0.00	0.00	0.00	3.66
Island	2.00	0.00	0.00	0.10	2.72
Jefferson	1.00	0.00	0.00	0.30	1.58
King	53.00	5.00	13.00	0.00	63.16
Kitsap	8.00	0.00	1.00	0.10	8.49
Kittitas	2.00	0.00	0.00	0.00	1.74
Klickitat/Skamania	1.00	0.00	0.00	0.13	1.53
Lewis	3.00	0.00	1.00	0.00	4.08
Lincoln ⁴	1.00	0.00	0.00	0.00	1.13
Mason	2.00	0.00	0.90	0.18	2.73
Okanogan	2.00	0.00	0.00	1.00	2.12
Pacific/Wahkiakum	1.00	0.00	0.00	0.00	1.27
Pierce	22.00	2.00	8.00	0.00	29.93
San Juan	1.00	0.00	0.00	0.00	0.75
Skagit	4.00	0.00	1.00	0.25	6.53
Snohomish	15.00	0.00	5.00	0.00	20.98
Spokane	12.00	1.00	5.00	0.80	18.12
Thurston	8.00	0.00	2.00	0.00	11.01
Walla Walla	2.00	0.00	0.00	0.30	2.84
Whatcom	3.00	0.00	3.00	0.80	7.02
Whitman	1.00	0.00	0.00	0.00	1.29
Yakima	8.00	0.00	2.00	0.60	9.51
TOTAL	189.00	10.00	48.90	7.80	248.77

1. Year 2012 projected filings are based on the previous five-year filing trends of the various case types in a given court. Needs estimates are based on the previous five years of data for the number of total judicial officers and case resolutions.

2. Superior court judge positions authorized by state statute yet unfunded at the county level.

3. This column represents the estimated number of judge positions needed, as required by RCW 2.56.030(11). Individual counties or judicial districts may choose to establish and fund court commissioner positions instead of superior court judge positions. Identical indicators are used to measure the workload of both judges and commissioners.

4. The estimation process eliminates Lincoln County due to caseload anomalies which strongly influence the overall results. In order to obtain a true statewide total, the estimated judge need for Lincoln County is imputed to be identical to the current judicial officer FTE count in that county.

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR BENTON AND FRANKLIN COUNTIES**

7122 W. Okanogan Place, Bldg. A, Kennewick, WA 98336

CAMERON MITCHELL
PRESIDING JUDGE

BENTON COUNTY JUSTICE CENTER
FRANKLIN COUNTY COURTHOUSE
TELEPHONE (509) 736-3071
FAX (509) 736-3057

September 20, 2012

Ms. Callie Dietz, Administrator
Office of the Administrator for the Courts
Temple of Justice
PO Box 41170
Olympia, Washington 98504-1170

Re: Judicial Position

Dear Ms. Dietz:

Last year this court wrote to Mr. Jeff Hall, State Court Administrator, and informed him that the judges of the Benton and Franklin Counties Superior Court Judicial District had determined that the Court's caseload warranted the creation of an additional judgeship. This determination was based upon the discussions among the local bench regarding increased population and the associated need that increase places on the courts, as well as the 2011 Judicial Needs Estimate and caseload statistics.

Due to the budget deficit at the state level last year the court temporarily withdrew its request for a judicial position, however, we would like to request that your office pursue legislation in 2013 creating a seventh judicial position in our district contingent and effective upon funding in 2014 by the local legislative authorities. We understand similar "contingent" legislation has been adopted in the past with an extended sunset date, which also seems appropriate at this time.

The court discussed support of the additional judicial position and 2014 funding of that position with the local legislative authorities last year and expected support at the local level. We are again scheduling a meeting within the next couple of weeks to reaffirm that support.

Please feel free to contact Pat Austin, our Administrator, or myself if you need any additional information or if there is any action we need to take locally. Thank you in advance for your time and efforts extended on our behalf.

Sincerely,



Cameron Mitchell
Presiding Judge

Board for Judicial Administration Request Legislation

Increases the number of superior court judges in Benton and Franklin Counties jointly. Provides that the addition judicial position created by this act shall become effective only if the county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute.

Contact:

Mellani McAleenan, Associate Director
Board for Judicial Administration
(360) 357-2113 (office)
(360) 480-3320 (cell)
Mellani.mcaleenan@courts.wa.gov

AN ACT relating to increasing the number of superior court judges in Whatcom County; amending RCW 2.08.064; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 2.08.064 and 2006 c 20 s 1 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, ~~((six))~~ seven judges of the superior court; in the county of Clallam, three judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, fifteen judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, five judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

NEW SECTION. Sec. 2. The additional judicial position created by section 1 of this act in Benton and Franklin Counties jointly becomes effective only if the counties, through their duly constituted legislative authority, documents their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute.

--- END ---

Superior Court of the State of Washington
For Whatcom County

311 Grand Avenue, Bellingham, Washington 98225

Chambers of
CHARLES R. SNYDER
Judge



(360) 738-2457
FAX (360) 676-6693
csnyder@co.whatcom.wa.us

October 8, 2012

Ms. Callie Dietz
Administrator for the Courts
1206 Quince Street SE
P.O Box 41170
Olympia, WA 98504-1170

Re: Request for Superior Court Judge for Whatcom County

Dear Ms. Deitz,

I am writing on behalf of the Whatcom County Superior Court to formally request consideration of approval for a fourth Superior Court Judge for Whatcom County. The most recent two judicial needs surveys have shown that Whatcom County should have seven full-time judicial officers. At this time we have three elected judges and three full-time court commissioners, for a total of six. We have divided our workload to best utilize this arrangement, but find that our greatest need is for trial judge time to meet our criminal and, increasingly, backlogged civil trial calendars. Whatcom County last added a judge in the early 1970's and the population of the county has tripled in the ensuing years. A request was forwarded last year to the Board for Judicial Administration as well.

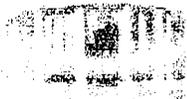
The Court has been working with our County Executive and County Council to this end. The County Council has authorized a design review for the needed courtroom space and there is a plan that should meet our needs. Our County Executive, Prosecuting Attorney, Public Defender and private bar are all in support of this request. Letters of support can be provided upon request.

The Court believes that efficient and effective administration of justice in Whatcom County requires the addition of a fourth Superior Court Judge. Please consider this request for the 2013 legislative session. Please feel free to seek further information or clarification.

Sincerely,

Charles R. Snyder
Judge, Whatcom County Superior Court

Cc: Jack Louws, County Executive
Mellani McAleenan
Senator Kevin Ranker



WHATCOM COUNTY BAR ASSOCIATION

Post Office Box 1142 • Bellingham, Washington 98227-1142

October 18, 2012

Honorable Charles R. Snyder
Whatcom County Superior Court
311 Grand Avenue
Bellingham, WA 98225

Re: Fourth Superior Court Judge Position – Whatcom County

Dear Judge Snyder:

As the current President of the Whatcom County Bar Association, I am writing to confirm the Association's strong support of all efforts to establish a fourth position on the Whatcom County Superior Court bench. The Association has supported previous efforts to determine the feasibility of establishing this position, and since 2010 has been active in efforts to obtain local approval and support for establishing a fourth position in the Court.

The Association declared official support for the establishment of a fourth position with two resolutions in late 2011. The first, adopted by the Association's officers in November 2011, supported the establishment of a fourth position. The second, also declaring support for the establishment of a fourth position, was adopted by the Association's membership in December 2011.

The Whatcom County Bar Association recognizes that the need for a fourth position is critical, and is more than willing to assist in the process of establishing this position. Please, if there is anything further that the Bar Association can do to support this effort, contact the Association through me or the then-current President of the Association.

Very truly yours,

DEBORRA GARRETT
President

DG:kms

**WHATCOM COUNTY PROSECUTING ATTORNEY
DAVID S. McEACHRAN**

CHIEF CRIMINAL DEPUTY
Mac D. Setter

ASST. CHIEF CRIMINAL DEPUTY
Warren J. Page

CRIMINAL DEPUTIES

Craig D. Chambers
Elizabeth L. Gallery
David A. Graham
Eric J. Richey
James T. Halbert
Jeffrey D. Sawyer
Shannon Connor
Dana Bracke
Nathan Deen
Jonathan Richardson
Christopher Quinn
Brandon Waldron
Melissa Stone

Whatcom County Courthouse
311 Grand Avenue, Second Floor
Bellingham, Washington 98225-4079
(360) 676-6784 / APPELLATE FAX (360) 738-2517
COUNTY (360) 398-1310

CHIEF CIVIL DEPUTY
Randall J. Watts

ASST. CHIEF CIVIL DEPUTY
Daniel L. Gibson

CIVIL DEPUTIES
Karen Frakes
Royce Buckingham

**CIVIL SUPPORT
ENFORCEMENT DEPUTIES**
Angela A. Cuevas
Dionne M. Clasen

APPELLATE DEPUTIES
Kimberly Thulin
Hillary A. Thomas

ADMINISTRATOR
Kathy Walker

November 2, 2012

RE: Fourth Superior Court Judge for Whatcom County

Judge Charles Snyder
Whatcom County Superior Court
Whatcom County Courthouse
311 Grand Ave.
Bellingham, WA 98225

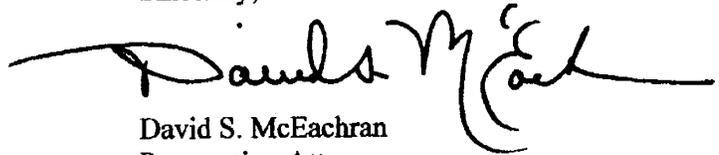
Dear Judge Snyder:

I'm writing about our need for a fourth Superior Court judge in Whatcom County. In 1973 the legislature approved the third Superior Court Judge position in our County when our population was 93,300 people. We currently still have three Superior Court judges and our population has now increased in excess of 202,000 people. The average number of people per Superior Court Judge in Whatcom County is now greater than 67,047. This is an extremely high ratio, and is hampering our ability to handle the myriad of matters that come before the Superior Courts.

The need for a fourth Superior Court Judge is very graphic when it comes to handling the criminal cases that come before the court. We often have thirty five jury trials pending before each of our courts each week. Due to this fact it has become increasingly difficult to process the criminal trials in a timely manner. This has also impeded the progress of civil matters that need to be processed by the Superior Courts. There is simply insufficient court time to meet the civil needs.

The addition of a fourth Superior Court would assist us in meeting the responsibilities we have in providing access to the Superior Court in Whatcom County for both criminal and civil matters. Support for this additional Superior Court Judge is urgently requested.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. McEachran". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David S. McEachran
Prosecuting Attorney

WHATCOM COUNTY PUBLIC DEFENDER

DIRECTOR
Jon C. Komorowski

CHIEF DEPUTY
Starck M. Follis

OFFICE ADMINISTRATOR
Julie G. Wiles

INVESTIGATIVE SUPERVISOR
Michael Sparks

INVESTIGATORS
Cheri Mulligan
Joe Dozal
Brandi Bowers

Central Plaza Building
215 N. Commercial Street
Bellingham, Washington 98225

(360) 676-6670
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JBoman@co.whatcom.wa.us

SENIOR DEPUTIES
Alan Chalfie
Shoshana Paige
Lance W. Hendrix
Angela Anderson

DEPUTIES
Mamie G. Lackie
Richard S. Larson
Sharon D. Westergreen
Darrin L. Hall
Hilary A. Boyd
Danielle Walker
Amy L. M. Jones
Maialisa A.S. Vanyo
Justin Gray
Lydia S. Koroma
Jane Boman

November 5, 2012

Honorable Steven J. Mura
Honorable Ira Uhrig
Honorable Charles R. Snyder

Gentlemen:

Please accept this letter in support of the addition of a fourth Superior Court Judge for Whatcom County.

From the perspective of the Public Defender's Office our attorneys see first hand on a daily basis how the added stress of the lack of a fourth judge effects our clients and their access to justice. This is especially true for our clients in-custody who are mentally ill, suffering from drug or alcohol problems, or are simply too poor to make bail. When our clients feel that they are delayed or denied timely access to the Courts they understandably feel that they are not being properly represented. This in turn complicates our ability to provide constitutionally mandated effective representation to the citizen accused.

We join with the bench and the other component parts of the criminal justice system, as well as our brothers and sisters in the private bar in urging the prompt addition of a fourth Superior Court Judge for Whatcom County.

Sincerely,
WHATCOM COUNTY PUBLIC DEFENDER



JON C. KOMOROWSKI
Director

JCK/bb

Board for Judicial Administration Request Legislation

Increases the number of superior court judges in Whatcom County. Provides that the addition judicial position created by this act shall become effective only if the county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute.

Contact:

Mellani McAleenan, Associate Director
Board for Judicial Administration
(360) 357-2113 (office)
(360) 480-3320 (cell)
Mellani.mcaleenan@courts.wa.gov

AN ACT relating to increasing the number of superior court judges in Whatcom County; amending RCW 2.08.063; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 2.08.063 and 2005 c 95 s 1 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, four judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima, eight judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, ((~~three~~)) four judges of the superior court.

NEW SECTION. Sec. 2. The additional judicial position created by section 1 of this act in Whatcom County becomes effective only if the county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute.

--- END ---

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6608

Chapter 199, Laws of 2012

62nd Legislature
2012 Regular Session

JUDICIAL STABILIZATION TRUST ACCOUNT SURCHARGES

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 6, 2012
YEAS 39 NAYS 9

BRAD OWEN

President of the Senate

Passed by the House March 7, 2012
YEAS 54 NAYS 43

FRANK CHOPP

Speaker of the House of Representatives

Approved March 29, 2012, 7:40 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6608** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 29, 2012

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6608

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senators Harper, Pflug, Frockt, Kline, and Eide

Read first time 02/24/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to judicial stabilization trust account surcharges;
2 and amending RCW 3.62.060, 36.18.018, and 36.18.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 3.62.060 and 2011 1st sp.s. c 44 s 4 are each amended
5 to read as follows:

6 (1) Clerks of the district courts shall collect the following fees
7 for their official services:

8 (a) In any civil action commenced before or transferred to a
9 district court, the plaintiff shall, at the time of such commencement
10 or transfer, pay to such court a filing fee of forty-three dollars plus
11 any surcharge authorized by RCW 7.75.035. Any party filing a
12 counterclaim, cross-claim, or third-party claim in such action shall
13 pay to the court a filing fee of forty-three dollars plus any surcharge
14 authorized by RCW 7.75.035. No party shall be compelled to pay to the
15 court any other fees or charges up to and including the rendition of
16 judgment in the action other than those listed.

17 (b) For issuing a writ of garnishment or other writ, or for filing
18 an attorney issued writ of garnishment, a fee of twelve dollars.

19 (c) For filing a supplemental proceeding a fee of twenty dollars.

1 (d) For demanding a jury in a civil case a fee of one hundred
2 twenty-five dollars to be paid by the person demanding a jury.

3 (e) For preparing a transcript of a judgment a fee of twenty
4 dollars.

5 (f) For certifying any document on file or of record in the clerk's
6 office a fee of five dollars.

7 (g) At the option of the district court:

8 (i) For preparing a certified copy of an instrument on file or of
9 record in the clerk's office, for the first page or portion of the
10 first page, a fee of five dollars, and for each additional page or
11 portion of a page, a fee of one dollar;

12 (ii) For authenticating or exemplifying an instrument, a fee of two
13 dollars for each additional seal affixed;

14 (iii) For preparing a copy of an instrument on file or of record in
15 the clerk's office without a seal, a fee of fifty cents per page;

16 (iv) When copying a document without a seal or file that is in an
17 electronic format, a fee of twenty-five cents per page;

18 (v) For copies made on a compact disc, an additional fee of twenty
19 dollars for each compact disc.

20 (h) For preparing the record of a case for appeal to superior court
21 a fee of forty dollars including any costs of tape duplication as
22 governed by the rules of appeal for courts of limited jurisdiction
23 (RALJ).

24 (i) At the option of the district court, for clerk's services such
25 as processing ex parte orders, performing historical searches,
26 compiling statistical reports, and conducting exceptional record
27 searches, a fee not to exceed twenty dollars per hour or portion of an
28 hour.

29 (j) For duplication of part or all of the electronic recording of
30 a proceeding ten dollars per tape or other electronic storage medium.

31 (k) For filing any abstract of judgment or transcript of judgment
32 from a municipal court or municipal department of a district court
33 organized under the laws of this state a fee of forty-three dollars.

34 (l) At the option of the district court, a service fee of up to
35 three dollars for the first page and one dollar for each additional
36 page for receiving faxed documents, pursuant to Washington state rules
37 of court, general rule 17.

1 (2)(a) Until July 1, 2013, in addition to the fees required to be
2 collected under this section, clerks of the district courts must
3 collect a surcharge of (~~twenty~~) thirty dollars on all fees required
4 to be collected under subsection (1)(a) of this section.

5 (b) Seventy-five percent of each surcharge collected under this
6 subsection (2) must be remitted to the state treasurer for deposit in
7 the judicial stabilization trust account.

8 (c) Twenty-five percent of each surcharge collected under this
9 subsection (2) must be retained by the county.

10 (3) The fees or charges imposed under this section shall be allowed
11 as court costs whenever a judgment for costs is awarded.

12 **Sec. 2.** RCW 36.18.018 and 2011 1st sp.s. c 44 s 3 are each amended
13 to read as follows:

14 (1) State revenue collected by county clerks under subsection (2)
15 of this section must be transmitted to the appropriate state court.
16 The administrative office of the courts shall retain fees collected
17 under subsection (3) of this section.

18 (2) For appellate review under RAP 5.1(b), two hundred fifty
19 dollars must be charged.

20 (3) For all copies and reports produced by the administrative
21 office of the courts as permitted under RCW 2.68.020 and supreme court
22 policy, a variable fee must be charged.

23 (4) Until July 1, 2013, in addition to the fee established under
24 subsection (2) of this section, a surcharge of (~~thirty~~) forty dollars
25 is established for appellate review. The county clerk shall transmit
26 seventy-five percent of this surcharge to the state treasurer for
27 deposit in the judicial stabilization trust account and twenty-five
28 percent must be retained by the county.

29 **Sec. 3.** RCW 36.18.020 and 2011 1st sp.s. c 44 s 5 are each amended
30 to read as follows:

31 (1) Revenue collected under this section is subject to division
32 with the state under RCW 36.18.025 and with the county or regional law
33 library fund under RCW 27.24.070, except as provided in subsection (5)
34 of this section.

35 (2) Clerks of superior courts shall collect the following fees for
36 their official services:

1 (a) In addition to any other fee required by law, the party filing
2 the first or initial document in any civil action, including, but not
3 limited to an action for restitution, adoption, or change of name, and
4 any party filing a counterclaim, cross-claim, or third-party claim in
5 any such civil action, shall pay, at the time the document is filed, a
6 fee of two hundred dollars except, in an unlawful detainer action under
7 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
8 initiating filing fee of forty-five dollars, or in proceedings filed
9 under RCW 28A.225.030 alleging a violation of the compulsory attendance
10 laws where the petitioner shall not pay a filing fee. The forty-five
11 dollar filing fee under this subsection for an unlawful detainer action
12 shall not include an order to show cause or any other order or judgment
13 except a default order or default judgment in an unlawful detainer
14 action.

15 (b) Any party, except a defendant in a criminal case, filing the
16 first or initial document on an appeal from a court of limited
17 jurisdiction or any party on any civil appeal, shall pay, when the
18 document is filed, a fee of two hundred dollars.

19 (c) For filing of a petition for judicial review as required under
20 RCW 34.05.514 a filing fee of two hundred dollars.

21 (d) For filing of a petition for unlawful harassment under RCW
22 10.14.040 a filing fee of fifty-three dollars.

23 (e) For filing the notice of debt due for the compensation of a
24 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

25 (f) In probate proceedings, the party instituting such proceedings,
26 shall pay at the time of filing the first document therein, a fee of
27 two hundred dollars.

28 (g) For filing any petition to contest a will admitted to probate
29 or a petition to admit a will which has been rejected, or a petition
30 objecting to a written agreement or memorandum as provided in RCW
31 11.96A.220, there shall be paid a fee of two hundred dollars.

32 (h) Upon conviction or plea of guilty, upon failure to prosecute an
33 appeal from a court of limited jurisdiction as provided by law, or upon
34 affirmance of a conviction by a court of limited jurisdiction, a
35 defendant in a criminal case shall be liable for a fee of two hundred
36 dollars.

37 (i) With the exception of demands for jury hereafter made and
38 garnishments hereafter issued, civil actions and probate proceedings

1 filed prior to midnight, July 1, 1972, shall be completed and governed
2 by the fee schedule in effect as of January 1, 1972. However, no fee
3 shall be assessed if an order of dismissal on the clerk's record be
4 filed as provided by rule of the supreme court.

5 (3) No fee shall be collected when a petition for relinquishment of
6 parental rights is filed pursuant to RCW 26.33.080 or for forms and
7 instructional brochures provided under RCW 26.50.030.

8 (4) No fee shall be collected when an abstract of judgment is filed
9 by the county clerk of another county for the purposes of collection of
10 legal financial obligations.

11 (5) (a) Until July 1, 2013, in addition to the fees required to be
12 collected under this section, clerks of the superior courts must
13 collect surcharges as provided in this subsection (5) of which seventy-
14 five percent must be remitted to the state treasurer for deposit in the
15 judicial stabilization trust account and twenty-five percent must be
16 retained by the county.

17 (b) On filing fees required to be collected under subsection (2) (b)
18 of this section, a surcharge of (~~twenty~~) thirty dollars must be
19 collected.

20 (c) On all filing fees required to be collected under this section,
21 except for fees required under subsection (2) (b), (d), and (h) of this
22 section, a surcharge of (~~thirty~~) forty dollars must be collected.

Passed by the Senate March 6, 2012.

Passed by the House March 7, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.



WASHINGTON
COURTS

September 21, 2011

TO: Chief Justice Barbara Madsen, BJA Chair; and
Judge Chris Wickham, Member Chair

FROM: Justice Susan B. Owens, Chair, Interpreter Commission

RE: PAYMENT OF INTERPRETER EXPENSES IN CIVIL HEARINGS

Washington law requires courts to secure the rights of persons who are unable to communicate in the English language by providing qualified interpreters.¹ Without the aid of interpretation, participants with limited English proficiency (LEP) are excluded from opportunity to exercise their legal rights. However, in civil matters, Washington law creates barriers to LEP individuals in exercising their rights. Courts may charge the cost of interpreter expenses to LEP parties in civil cases, unless they have demonstrated indigency.² And, in many cases, courts simply do not appoint court interpreters in civil matters.

Although in many respects we believe Washington far outpaces the national norms with respect to serving LEP persons, the Interpreter Commission is concerned that our state law regarding payment for interpreter services in civil matters may not meet federal standards. Developed pursuant to Title VI of the Civil Rights Act of 1964 and Executive Order 13166, the U.S. Department of Justice (DOJ) established Guidance addressing language access standards that must be met by federal funding recipients.³ DOJ's position is that courts that are direct and indirect funding recipients of federal funds are required to pay interpreter costs in all hearings, regardless of case type, and regardless of a party's economic status.⁴

The inconsistency between the requirements of Title VI and Washington statute create uncertainty and risk for all Washington courts.

¹ RCW 2.43.010).

² RCW §.43.040(3).

³ 28 C.F.R. §42.101 and §42.201.

⁴ October 14, 2010 letter from Thomas E. Perez, Assistant Attorney General, to Chief Justices and State Court Administrators.

Therefore, the Interpreter Commission respectfully requests that the BJA pursue a legislative change mandating the courts to pay interpreter expenses in all cases types, regardless of parties' economic status, harmonizing RCW 2.43.040 and federal requirements for civil hearings. The Commission is not requesting State funding to accommodate the change.

Current Practices in Washington Courts: Washington courts take inconsistent approaches to appointing and charging litigants for interpreter expenses in civil cases. Interpreter schedulers of thirty-two courts responded to an informal survey regarding payment of interpreter expenses. Respondents represented a mix of Superior, District and Municipal Courts. The survey showed that most responding courts already pay interpreter expenses in civil cases. Specific findings include:

- **Traffic Infraction Hearings:** All but one responding court pays for interpreter expenses in all traffic hearings.
- **Other Civil Hearings:** Of the twenty-one responding District and Superior Courts, seventeen pay interpreter costs in all civil cases. Four collect fees when parties are not found to be indigent.
- **Protection Order Hearings:** Twenty-one courts reported paying interpreter expenses in all protection order hearings. One reported paying only if the party is indigent, and one indicated "when ordered by the Judge."

Although the majority of responding courts reportedly cover the costs of interpreting in civil matters, some still do not. Advocates have brought concerns to the Interpreter Commission's attention regarding the provision of interpreters in civil cases. Transcripts illustrate that judges sometimes confuse the requirement to pay interpreter costs, with the right to having an interpreter. Additionally, the burden to prove indigency is placed on the LEP parties, without the benefit of an interpreter to address the procedural requirements.

Current Practices in Other States: Courts in at least sixteen states pay interpreter costs for all civil cases. Those states are listed below, along with the source of their directive:

- | | | |
|---------------------------------|---|--|
| 1. Colorado (result of DOJ MOU) | 7. Maryland (Supreme Court directive) | 13. New Mexico (statute) |
| 2. Georgia (court rule) | 8. Massachusetts (statute) | 14. New York (statute) |
| 3. Idaho (statute) | 9. Maine (result of DOJ MOU) | 15. Oregon (not firm in statute, but done as a matter of policy) |
| 4. Indiana (statute) | 10. Minnesota (statute) | |
| 5. Kansas (statute) | 11. Nebraska (statute) | 16. Wisconsin (statute) |
| 6. Kentucky (statute) | 12. New Jersey (administrative directive) | |

National Attention: In recent years the U.S. Department of Justice Civil Rights Division has increased its enforcement of language access requirements. To date the DOJ's only audit and investigation in Washington occurred with the Mattawa Police

Department in 2008.⁵ However, audits and investigations have occurred or are occurring with courts in California, Colorado, Maine, Wisconsin, North Carolina, Delaware, and Alabama. There has been increased visibility to the issue of court interpreting and requiring courts to pay those expenses. Washington has been identified as a state that does not pay interpreter expenses in non-indigent civil matters in the Brennan Center for Justice's publication *Language Access in State Courts*⁶ and COSCA's 2007 *White Paper on Court Interpretation: Fundamental to Access to Justice*.⁷

Cost Considerations: Paying the costs of interpreter cases in non-indigent civil matters will have a fiscal impact on counties and cities. However, courts may opt to use the opportunity to identify cost-savings approaches to interpreter management. Proven and effective cost saving approaches include, but are not limited to:

- Establishing "interpreter calendars" to better utilize paid interpreter time, and reduce the number of separate court events requiring interpreters;
- Consolidating interpreter scheduling responsibilities among neighboring courts, sharing costs and resources;
- Hiring staff Spanish interpreters for a single court, or to be shared by neighboring courts;
- Implementing online scheduling technology to reduce the amount of staff time used for finding and communicating with court interpreters.

Additionally, the AOC is currently piloting video remote interpreting technology, which has the potential to deliver services to courts statewide at reduced costs.

Alternative to Statutory Changes: An alternative to seeking a statutory change is establishing Court Rules regarding the payment of interpreters. The Supreme Court has certain inherent powers; among these is the power to prescribe rules for procedure and practice in State Courts.⁸ Case law indicates that, where the rule of court is inconsistent with procedural statute, the power of the court to establish the procedural rules for the courts of this state is supreme.⁹

Chapter 2.43 RCW applies not only to Washington State Courts, but also to any "department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof."¹⁰ Creating a Court Rule regarding the

⁵ http://seattletimes.nwsources.com/html/localnews/2004438670_bilingual26.html

⁶ http://www.brennancenter.org/content/resource/language_access_in_state_courts/ See page 19.

⁷ <http://cosca.ncsc.dni.us/WhitePapers/CourtInterpretation-FundamentalToAccessToJustice.pdf> See page 39.

⁸ *State v. Smith*, 84 Wn.2d 498, 502, 527 P.2d 674, 677 (1974).

⁹ *Petrarca v. Halligan*, 83 Wn.2d 773, 777, 522 P.2d 827, 830 (1974); *State v. Pollard*, 66 Wn.App. 779, 785, 834 P.2d 51, 54 (1992); *State v. Saldano*, 36 Wn.App. 344, 350, 675 P.2d 1231, 1235 (1984).

¹⁰ RCW 2.43.020(1) (2010).

payment of interpreters provides an opportunity to craft language specifically applicable to State Courts.

Summary: The Washington statutory standards regarding the payment of court interpreter costs in non-indigent civil cases do not conform to U.S. Department of Justice standards . Moreover, the general trend among Washington courts and other state judiciaries is to absorb these costs as a court expense. The Interpreter Commission respectfully requests that the BJA support and seek a legislative change to RCW 2.43.040 requiring courts to provide court interpreters at court expense for all hearing types. In the alternative, the Interpreter Commission requests the BJA's endorsement of establishing a procedural court rule requiring the same.

DRAFT

RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington

In Support of Language Access Services In Court

WHEREAS, equal access to courts is fundamental to the American system of government under law; and

WHEREAS, language barriers can create impediments to access to justice for individuals who are limited-English proficient; and

WHEREAS, it is the policy of the State of Washington "to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them." RCW 2.43.010 (Interpreters for non-English speaking persons); and

WHEREAS, courts rely upon interpreters to be able to communicate with limited-English proficient litigants, witnesses and victims in all case types; and

WHEREAS, the State has previously acknowledged a responsibility to share equally with local government in the costs incurred in paying for quality court interpreting services; and

WHEREAS, the Board for Judicial Administration recognizes the benefit that interpreting services provide to limited English proficient litigants and to the fact-finder in the efficient and effective administration of justice; and

WHEREAS, the Board for Judicial Administration previously adopted a Resolution to, among other things, "remove impediments to access to the justice system, including physical and language barriers, rules and procedures, disparate treatment and other differences that may serve as barriers." (Board for Judicial Administration, Civil Equal Justice); and

WHEREAS, the provision of free and qualified interpreter services in all legal proceedings promotes the Principal Policy Objectives of the State Judicial Branch regarding fair and effective administration of justice in all civil and criminal cases, and accessibility to Washington courts;

Adopted by the Board for Judicial Administration July 20, 2012

NOW, THEREFORE, BE IT RESOLVED:

That the Board for Judicial Administration:

- 1) Endorses the provision of interpreter services, at public expense, in all legal proceedings, both criminal and civil;
- 2) Supports the elimination of language-related impediments to access to the justice system for limited English proficient litigants; and
- 3) Encourages the State to fulfill its commitment to share equally in the responsibility to provide adequate and stable funding for court interpreting services.

ADOPTED BY the Board for Judicial Administration on July 20, 2012.

Adopted by the Board for Judicial Administration July 20, 2012

Chapter 2.43 RCW

INTERPRETERS FOR NON-ENGLISH-SPEAKING PERSONS

Chapter Listing

RCW Sections

2.43.010 Legislative intent.

2.43.020 Definitions.

2.43.030 Appointment of interpreter.

2.43.040 Fees and expenses -- Cost of providing interpreter -- Reimbursement.

2.43.050 Oath.

2.43.060 Waiver of right to interpreter.

2.43.070 Testing, certification of interpreters.

2.43.080 Code of ethics.

2.43.090 Language assistance plan -- Required for each trial court--Submission of plan to interpreter commission--Report.

2.43.010

Legislative intent.

It is hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of persons who, because of a non-English-speaking cultural background, are unable to readily understand or communicate in the English language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the use and procedure for the appointment of such interpreters. Nothing in chapter 358, Laws of 1989 abridges the parties' rights or obligations under other statutes or court rules or other law.

[1989 c 358 § 1. Formerly RCW 2.42.200.]

Notes:

Severability -- 1989 c 358: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1989 c 358 § 10.]

2.43.020

Definitions.

As used in this chapter:

(1) "Appointing authority" means the presiding officer or similar official of any court, department, board, commission, agency, licensing authority, or legislative body of the state or of any political subdivision thereof.

(2) "Certified interpreter" means an interpreter who is certified by the administrative office of the courts.

(3) "Legal proceeding" means a proceeding in any court in this state, grand jury hearing, or hearing before an inquiry judge, or before an administrative board, commission, agency, or licensing body of the state or any political subdivision thereof.

(4) "Non-English-speaking person" means any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include hearing-impaired persons who are covered under chapter 2.42 RCW.

(5) "Qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for non-English-speaking persons and to interpret or translate oral or written statements of non-English-speaking persons into spoken English.

(6) "Registered interpreter" means an interpreter who is registered by the administrative office of the courts.

[2010 c 190 § 2; 2005 c 282 § 2; 1989 c 358 § 2. Formerly RCW 2.42.210.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Severability -- 1989 c 358: See note following RCW 2.43.010.

2.43.030

Appointment of interpreter.

(1) Whenever an interpreter is appointed to assist a non-English-speaking person in a legal proceeding, the appointing authority shall, in the absence of a written waiver by the person, appoint a certified or a qualified interpreter to assist the person throughout the proceedings.

(a) Except as otherwise provided for in (b) of this subsection, the interpreter appointed shall be a qualified interpreter.

(b) Beginning on July 1, 1990, when a non-English-speaking person is a party to a legal proceeding, or is subpoenaed or summoned by an appointing authority or is otherwise compelled by an appointing authority to appear at a legal proceeding, the appointing authority shall use the services of only those language interpreters who have been certified by the administrative office of the courts, unless good cause is found and noted on the record by the appointing authority. For purposes of chapter 358, Laws of 1989, "good cause" includes but is not limited to a determination that:

(i) Given the totality of the circumstances, including the nature of the proceeding and the potential penalty or consequences involved, the services of a certified interpreter are not reasonably available to the appointing authority; or

(ii) The current list of certified interpreters maintained by the administrative office of the courts does not include an interpreter certified in the language spoken by the non-English-speaking person.

(c) Except as otherwise provided in this section, when a non-English-speaking person is involved in a legal proceeding, the appointing authority shall appoint a qualified interpreter.

(2) If good cause is found for using an interpreter who is not certified or if a qualified interpreter is appointed, the appointing authority shall make a preliminary determination, on the basis of testimony or stated needs of the non-English-speaking person, that the proposed interpreter is able to interpret accurately all communications to and from

such person in that particular proceeding. The appointing authority shall satisfy itself on the record that the proposed interpreter:

(a) Is capable of communicating effectively with the court or agency and the person for whom the interpreter would interpret; and

(b) Has read, understands, and will abide by the code of ethics for language interpreters established by court rules.

[2005 c 282 § 3; 1990 c 183 § 1; 1989 c 358 § 3. Formerly RCW 2.42.226.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

2.43.040

Fees and expenses — Cost of providing interpreter — Reimbursement.

(1) Interpreters appointed according to this chapter are entitled to a reasonable fee for their services and shall be reimbursed for actual expenses which are reasonable as provided in this section.

(2) In all legal proceedings in which the non-English-speaking person is a party, or is subpoenaed or summoned by the appointing authority or is otherwise compelled by the appointing authority to appear, including criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other legal proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the legal proceedings.

(3) In other legal proceedings, the cost of providing the interpreter shall be borne by the non-English-speaking person unless such person is indigent according to adopted standards of the body. In such a case the cost shall be an administrative cost of the governmental body under the authority of which the legal proceeding is conducted.

(4) The cost of providing the interpreter is a taxable cost of any proceeding in which costs ordinarily are taxed.

(5) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where an interpreter is appointed by a judicial officer in a proceeding before a court at public expense and:

(a) The interpreter appointed is an interpreter certified by the administrative office of the courts or is a qualified interpreter registered by the administrative office of the courts in a noncertified language, or where the necessary language is not certified or registered, the interpreter has been qualified by the judicial officer pursuant to this chapter;

(b) The court conducting the legal proceeding has an approved language assistance plan that complies with RCW 2.43.090; and

(c) The fee paid to the interpreter for services is in accordance with standards established by the administrative office of the courts.

[2008 c 291 § 3; 1989 c 358 § 4. Formerly RCW 2.42.230.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

2.43.050

Oath.

(1) Upon certification or registration and every two years thereafter, certified or registered interpreters shall take an oath, affirming that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment. The administrative office of the courts shall maintain a record of the oath in the same manner that the list of certified and registered interpreters is maintained.

(2) Before any person serving as an interpreter for the court or agency begins to interpret, the appointing authority shall require the interpreter to state the person's name on the record and whether the person is a certified or registered interpreter. If the interpreter is not a certified or registered interpreter, the interpreter must submit the interpreter's qualifications on the record.

(3) Before beginning to interpret, every interpreter appointed under this chapter shall take an oath unless the interpreter is a certified or registered interpreter who has taken the oath within the last two years as required in subsection (1) of this section. The oath must affirm that the interpreter will make a true interpretation to the person being examined of all the proceedings in a language which the person understands, and that the interpreter will repeat the statements of the person being examined to the court or agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

[2010 c 190 § 1; 1989 c 358 § 5. Formerly RCW [2.42.240](#).]

Notes:

Severability -- 1989 c 358: See note following RCW [2.43.010](#).

2.43.060

Waiver of right to interpreter.

(1) The right to a qualified interpreter may not be waived except when:

(a) A non-English-speaking person requests a waiver; and

(b) The appointing authority determines on the record that the waiver has been made knowingly, voluntarily, and intelligently.

(2) Waiver of a qualified interpreter may be set aside and an interpreter appointed, in the discretion of the appointing authority, at any time during the proceedings.

[1989 c 358 § 6. Formerly RCW [2.42.250](#).]

Notes:

Severability -- 1989 c 358: See note following RCW [2.43.010](#).

2.43.070

Testing, certification of interpreters.

(1) Subject to the availability of funds, the administrative office of the courts shall establish and administer a comprehensive testing and certification program for language interpreters.

(2) The administrative office of the courts shall work cooperatively with community colleges and other private or public educational institutions, and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified interpreters. Training programs shall be made readily available in both eastern and western Washington locations.

(3) The administrative office of the courts shall establish and adopt standards of proficiency, written and oral, in English and the language to be interpreted.

(4) The administrative office of the courts shall conduct periodic examinations to ensure the availability of certified interpreters. Periodic examinations shall be made readily available in both eastern and western Washington locations.

(5) The administrative office of the courts shall compile, maintain, and disseminate a current list of interpreters certified by the office.

(6) The administrative office of the courts may charge reasonable fees for testing, training, and certification.

[2005 c 282 § 4; 1989 c 358 § 7. Formerly RCW 2.42.260.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

2.43.080

Code of ethics.

All language interpreters serving in a legal proceeding, whether or not certified or qualified, shall abide by a code of ethics established by supreme court rule.

[1989 c 358 § 8. Formerly RCW 2.42.270.]

Notes:

Severability -- 1989 c 358: See note following RCW 2.43.010.

2.43.090

**Language assistance plan — Required for each trial court —
Submission of plan to interpreter commission — Report.**

(1) Each trial court organized under this title and Titles 3 and 35 RCW must develop a written language assistance plan to provide a framework for the provision of interpreter services for non-English-speaking persons accessing the court system in both civil and criminal legal matters. The language assistance plan must include, at a minimum, provisions addressing the following:

(a) Procedures to identify and assess the language needs of non-English-speaking persons using the court system;

(b) Procedures for the appointment of interpreters as required under RCW 2.43.030. Such procedures shall not require the non-English-speaking person to make the arrangements for the interpreter to appear in court;

(c) Procedures for notifying court users of the right to and availability of interpreter services. Such information shall be prominently displayed in the courthouse in the five foreign languages that census data indicates are predominate

in the jurisdiction;

(d) A process for providing timely communication with non-English speakers by all court employees who have regular contact with the public and meaningful access to court services, including access to services provided by the clerk's office;

(e) Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials. These procedures should take into account the frequency of use of forms by the language group, and the cost of orally interpreting the forms;

(f) A process for requiring and providing training to judges, court clerks, and other court staff on the requirements of the language assistance plan and how to effectively access and work with interpreters; and

(g) A process for ongoing evaluation of the language assistance plan and monitoring of the implementation of the language assistance plan.

(2) Each court, when developing its language assistance plan, must consult with judges, court administrators and court clerks, interpreters, and members of the community, such as domestic violence organizations, pro bono programs, courthouse facilitators, legal services programs, and/or other community groups whose members speak a language other than English.

(3) Each court must provide a copy of its language assistance plan to the interpreter commission established by supreme court rule for approval prior to receiving state reimbursement for interpreter costs under this chapter.

(4) Each court receiving reimbursement for interpreter costs under RCW [2.42.120](#) or [2.43.040](#) must provide to the administrative office of the courts by November 15, 2009, a report detailing an assessment of the need for interpreter services for non-English speakers in court-mandated classes or programs, the extent to which interpreter services are currently available for court-mandated classes or programs, and the resources that would be required to ensure that interpreters are provided to non-English speakers in court-mandated classes or programs. The report shall also include the amounts spent annually on interpreter services for fiscal years 2005, 2006, 2007, 2008, and 2009. The administrative office of the courts shall compile these reports and provide them along with the specific reimbursements provided, by court and fiscal year, to the appropriate committees of the legislature by December 15, 2009.

[2008 c 291 § 1.]

RCW 2.42.120

Appointment of interpreter — Responsibility for compensation — Reimbursement.

(1) If a hearing impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding in the state or in a political subdivision, including but not limited to civil and criminal court proceedings, grand jury proceedings, proceedings before a magistrate, juvenile proceedings, adoption proceedings, mental health commitment proceedings, and any proceeding in which a hearing impaired person may be subject to confinement or criminal sanction, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(2) If the parent, guardian, or custodian of a juvenile brought before a court is hearing impaired, the appointing authority shall appoint and pay for a qualified interpreter to interpret the proceedings.

(3) If a hearing impaired person participates in a program or activity ordered by a court as part of the sentence or order of disposition, required as part of a diversion agreement or deferred prosecution program, or required as a condition of probation or parole, the appointing authority shall appoint and pay for a qualified interpreter to interpret exchange of information during the program or activity.

(4) If a law enforcement agency conducts a criminal investigation involving the interviewing of a hearing impaired person, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. Whenever a law enforcement agency conducts a criminal investigation involving the interviewing of a minor child whose parent, guardian, or custodian is hearing impaired, whether as a victim, witness, or suspect, the appointing authority shall appoint and pay for a qualified interpreter throughout the investigation. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(5) If a hearing impaired person is arrested for an alleged violation of a criminal law the arresting officer or the officer's supervisor shall, at the earliest possible time, procure and arrange payment for a qualified interpreter for any notification of rights, warning, interrogation, or taking of a statement. No employee of the law enforcement agency who has responsibilities other than interpreting may be appointed as the qualified interpreter.

(6) Where it is the policy and practice of a court of this state or of a political subdivision to appoint and pay counsel for persons who are indigent, the appointing authority shall appoint and pay for a qualified interpreter for hearing impaired persons to facilitate communication with counsel in all phases of the preparation and presentation of the case.

(7) Subject to the availability of funds specifically appropriated therefor, the administrative office of the courts shall reimburse the appointing authority for up to one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by a judicial officer in a proceeding before a court under subsection (1), (2), or (3) of this section in compliance with the provisions of RCW 2.42.130 and 2.42.170.

[2008 c 291 § 2; 1985 c 389 § 12.]

From: [Johnson, Katrin](#)
To: [McAleenan, Mellani](#)
Subject: Federal Court Interpreter Statutes
Date: Thursday, October 25, 2012 8:21:11 AM

<http://www.law.cornell.edu/uscode/text/28/1827>

28 USC 1827 (d)(1)

The presiding judicial officer, with the assistance of the Director of the Administrative Office of the United States Courts, shall utilize the services of the most available certified interpreter, or when no certified interpreter is reasonably available, as determined by the presiding judicial officer, the services of an otherwise qualified interpreter, in judicial proceedings instituted by the United States, if the presiding judicial officer determines on such officer's own motion or on the motion of a party that such party (including a defendant in a criminal case), or a witness who may present testimony in such judicial proceedings—

(A) speaks only or primarily a language other than the English language; or

(B) suffers from a hearing impairment (whether or not suffering also from a speech impairment)

so as to inhibit such party's comprehension of the proceedings or communication with counsel or the presiding judicial officer, or so as to inhibit such witness' comprehension of questions and the presentation of such testimony.

28 USC 1827 (g)(3)

Such salaries, fees, expenses, and costs that are incurred with respect to Government witnesses (including for grand jury proceedings) shall, unless direction is made under paragraph (4), be paid by the Attorney General from sums appropriated to the Department of Justice.

28 USC 1827 (g)(4)

Upon the request of any person in any action for which interpreting services established pursuant to subsection (d) are not otherwise provided, the clerk of the court, or other court employee designated by the chief judge, upon the request of the presiding judicial officer, shall, where possible, make such services available to that person on a cost-reimbursable basis, but the judicial officer may also require the prepayment of the estimated expenses of providing such services.

28 USC 1827 (j)

The term "judicial proceedings instituted by the United States" as used in this section refers to all proceedings, whether criminal or civil, including pretrial and grand jury proceedings (as well as proceedings upon a petition for a writ of habeas corpus initiated in the name of the United States by a relator) conducted in, or pursuant to the lawful authority and jurisdiction of a United States district court. The term "United States district court" as used in this subsection includes any court which is created by an Act of Congress in a territory and is invested with any jurisdiction of a district court established by chapter 5 of this title.

From: McAleenan, Mellani
Sent: Wednesday, October 24, 2012 3:38 PM
To: Johnson, Katrin
Subject: Re: a couple of questions

if you have to look it up, don't worry about it, i can do that. thanks!
Sent from my iPad

On Oct 24, 2012, at 2:29 PM, "Johnson, Katrin" <Katrin.Johnson@courts.wa.gov> wrote:

Mellani,

The "up to" language is confusing. Basically, we reimburse 50% of interpreter expenses for courts participating in the reimbursement program, when they hire/pay interpreters per our standards.

However, realistically, the funds are exhausted after approximately 7 months. After the funds are exhausted, we reimburse nothing. There's no magic formula with a phasing-in, or different percentages for different activities.

As for the federal statute on court interpreters, I'll need to look that up. It's not something that's ever crossed my radar before.

-Katrin

From: McAleenan, Mellani
Sent: Wednesday, October 24, 2012 10:50 AM
To: Johnson, Katrin
Subject: a couple of questions

Hi Katrin - The BJA wants me to draft some legislation even though they are not settled on the issue yet. Can you please tell me what % is paid for now? The statute says "up to 50%" - they want a bill that phases in certain percentages over a certain timeframe but I don't know where we stand now so I don't know what to start with. Also, could you please tell me what the federal statute requiring interpreters in federal courts is?

Thanks,

Mellani McAleenan

Assoc. Director, Board for Judicial Administration

mellani.mcaleenan@courts.wa.gov

(360) 357-2113 (w)

(360) 480-3320 (c)

Court Interpreters

October 2012

State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
Arizona/ Dave Byers	Yes	Yes	Yes	
Arkansas/ Mara Simmons for JD Gingerich	Yes	Arkansas's statutes allow the Judge to determine how the interpreter fee should be reimbursed. In almost all Domestic Relations, Probate, Juvenile Dependency Neglect and such, the court reimburses the interpreter fee.	No.	Arkansas would be interested only when Language Line standards meet those set by the former Consortium for Language Access in the Courts for the interpreter services they provide.
Connecticut/ Barbara Quinn	Yes	Yes	Yes—we use regularly, but not in formal hearings or trials.	Criminal takes priority in availability of interpreters, with some civil matters therefore having some delays.
Delaware/ Maria Perez- Chambers	Delaware provides interpreters for all criminal cases	Delaware provides interpreters for all family Court civil cases, landlord tenant cases and debt cases as well as appeals de novo for these cases.	The State of Delaware's Office of Management and Budget participated in a contract negotiation with Language Line Services, Inc. and the company now provides telephonic interpretation, at more competitive rates than originally, for all State agencies.	
District of Columbia/ James Plunkett for Anne Wicks	Yes	Yes	Yes	

State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
Georgia/ Marla Moore	Yes	Yes	Language Line is one tool that is used. All services are retained and paid for at local level. No statewide negotiated price.	By Supreme Court Rule GA courts are required to provide interpreter services.
Hawaii/ Debi Tulang-De Silva for Rodney Maite	Yes	Yes	No	
Idaho/ Janica Bisharat	Yes	Yes	Yes	Interpreter services are pursuant to Idaho code.
Indiana/ Lilia Judson	Yes	Yes	Indiana has a bulk contract with Language Line which we make available for all our courts to use.	We do not have a clear policy on when the courts can seek reimbursement from solvent parties.
Maine/ Hanna Sanders for James Glessner	Yes	Yes	Yes	Please see link to Administrative Order JB 06-03 http://www.courts.state.me.us/rules_adminorders/adminorders/JB-06-3.pdf However, Maine has negotiated a contract with Pacific Interpreters recently at a much reduced rate. We may revisit the LL contract or work with Pacific Interpreters in the future.

State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
Maryland/ Deborah Unitus for Frank Broccolina	Yes	Yes The judiciary pays for court interpreters in all criminal and civil cases.	Yes Just last month, the State of Maryland changed telephonic language services to Language Line and the Judiciary became part of that agreement. I have not seen a contract yet.	Previously, MD used CTS Language Link.
Michigan/ Chad Schmucker	Yes	Generally, no with a few exceptions	No	
Missouri/ Lynette Ricks	Yes	MO reimburses foreign language interpreters in juvenile, child abuse/neglect and domestic violence cases.	Yes. MO is currently being charged \$1.80/minute.	Interpreters used in all other cases are paid by the local county who requested the service. MO reimburses deaf interpreters in all types of cases that are heard in the presence of a judicial authority.
Nebraska/ Sheryl Connolly for Janice Walker	Yes	Yes	Yes—has a negotiated services contract	
Nevada/ Robin Sweet	No	No		The state provides certification for interpreters. Each court is responsible for the interpreter services (we are not centralized).

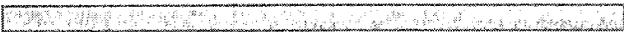
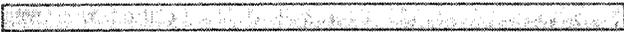
State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
New Jersey/ Leigh Eastly for Glenn Grant	Yes	Yes	New Jersey's 21 counties contract independently to obtain telephone interpreting services. The majority of them do use Language Line, although a minority uses other services such as Lionbridge and Global Arena.	
New Mexico/ Arthur Pepin and Pamela Sanchez	Yes	Yes Although at this point we wait until one is requested and allow the parties to provide an interpreter if they have not asked the court to provide one.	The contract is with Certified Languages International, not Language Line.	
North Dakota/ Sally Holewa	Yes. Also all juvenile cases.	Only in divorce, separation, annulment, domestic violence protection order, disorderly conduct restraining order (similar to "harassment" case type in other jurisdictions), guardianship and conservatorship cases.	Yes, but the contract is not with the court. It is through the executive branch.	
Ohio/ Jo Ellen Cline for Steve Hollon	Yes	Yes	No	Under R.C. 2311.14

State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
Oklahoma/ Mike Evans	Yes	No	Some trial courts use these services but Mr. Evans is not aware as to whether or not they have written service contracts.	
Oregon/ Kelly Mills for Kingsley Click	Yes	Yes	Yes	
Pennsylvania/ Osvaldo Aviles for Zygmunt Pines	Yes—at court expense.	Yes, for family court matters at court expense. In all other civil matters the presiding judicial officer makes a determination based on whether the person is indigent or not and his/her ability to pay. The court may also impose fees on the losing party or decide the parties will share the cost.	Most of our districts have access to telephone interpreting services and each county negotiates its own contract. Various companies are used among them Language Line and Interpretalk from Language Service Associates.	
South Carolina/ Rosalyn Frierson	Yes	Yes	The contracts with Language Line are handled at the local level where the services are used.	There is no statewide contract with Language Line.
South Dakota/ Patricia Duggan	Yes, but the county pays not the state.	No, except in matters such as TPOs where the sanction for violation is equivalent to a criminal matter, i.e., jail time	There are contracts at the circuit level, but since the counties pay, not sure if they are "negotiated" contracts or just a standard fare contract.	

State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
Tennessee/ Mary Rose Zingale	Yes	Yes	Yes	
Virginia/ Paul DeLosh	Yes	Yes	Yes	
Washington/ Katrin Johnson for Callie Dietz	Yes	Yes	The Executive Branch has negotiated service contracts with three telephonic interpreting companies, including Language Line. All trial courts are welcome to utilize that master contract. The AOC encourages courts to use these contracts for telephonic interpreting outside the courtroom.	
West Virginia/ Jennifer Singletary for Steve Canterbury	Yes	Yes	We do, however, we have entered into a contract with Fluent Language Solutions to provide our telephonic and VRI interpreter services for LOTS languages. We have not executed a termination of our contract with Language Line to allow for any holdover courts that are not aware of the change.	Interpreters are also provided in WV's Administrative Courts

State/Contact	Does your state provide interpreter services in criminal cases?	Does your state provide interpreter services in civil cases?	Do you have a negotiated services contract with Language Line?	Other comments/information
Wisconsin/ Carmel Capati for John Voelker	Yes	Yes	The state office does not have a services contract with Language Line, however a few of our counties might since interpreter services are negotiated at the county circuit court level.	

1. Please provide your contact information.

		Response Percent	Response Count
Name:		100.0%	149
Title:		100.0%	149
City/Town:		100.0%	149
Email Address:		100.0%	149
Phone Number:		100.0%	149
	answered question		149
	skipped question		0

2. Please choose your county.

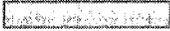
		Response Percent	Response Count
Adams County	<input type="checkbox"/>	2.0%	3
Asotin County	<input type="checkbox"/>	1.3%	2
Benton County	<input type="checkbox"/>	1.3%	2
Chelan County	<input type="checkbox"/>	0.7%	1
Clallam County	<input type="checkbox"/>	2.0%	3
Clark County	<input type="checkbox"/>	1.3%	2
Columbia County	<input type="checkbox"/>	1.3%	2
Cowlitz County	<input type="checkbox"/>	0.7%	1
Douglas County	<input type="checkbox"/>	2.0%	3
Ferry County	<input type="checkbox"/>	0.7%	1
Franklin County	<input type="checkbox"/>	1.3%	2
Garfield County	<input type="checkbox"/>	0.7%	1
Grant County	<input type="checkbox"/>	2.7%	4
Grays Harbor County	<input checked="" type="checkbox"/>	6.0%	9
Island County	<input type="checkbox"/>	2.0%	3
Jefferson County	<input type="checkbox"/>	1.3%	2
King County	<input checked="" type="checkbox"/>	10.7%	16
Kitsap County	<input checked="" type="checkbox"/>	4.0%	6
Kittitas County	<input type="checkbox"/>	3.4%	5
Klickitat County	<input type="checkbox"/>	2.0%	3
Lewis County	<input checked="" type="checkbox"/>	4.0%	6
Lincoln County	<input type="checkbox"/>	1.3%	2
Mason County	<input type="checkbox"/>	2.0%	3

Okanogan County	<input type="checkbox"/>	3.4%	5
Pacific County	<input type="checkbox"/>	0.7%	1
Pend Oreille County	<input type="checkbox"/>	1.3%	2
Pierce County	<input type="checkbox"/>	6.7%	10
San Juan County	<input type="checkbox"/>	2.7%	4
Skagit County	<input type="checkbox"/>	3.4%	5
Skamania County	<input type="checkbox"/>	1.3%	2
Snohomish County	<input type="checkbox"/>	4.0%	6
Spokane County	<input type="checkbox"/>	4.0%	6
Stevens County	<input type="checkbox"/>	1.3%	2
Thurston County	<input type="checkbox"/>	3.4%	5
Wahkiakum County		0.0%	0
Walla Walla County	<input type="checkbox"/>	1.3%	2
Whatcom County	<input type="checkbox"/>	4.0%	6
Whitman County	<input type="checkbox"/>	2.0%	3
Yakima County	<input type="checkbox"/>	5.4%	8

answered question 149

skipped question 0

3. Please select your court level.

		Response Percent	Response Count
District		26.2%	39
Municipal		47.7%	71
Superior		26.2%	39
	answered question		149
	skipped question		0

4. Approximately how many languages were interpreters requested for in your court in calendar year 2011?

	Response Count
	148
answered question	148
skipped question	1

5. What are the FIVE most commonly requested languages in your court?

	# 1 Request	# 2 Request	# 3 Request	# 4 Request	# 5 Request	Rating Average	Response Count
American Sign Language	9.2% (7)	30.3% (23)	25.0% (19)	17.1% (13)	18.4% (14)	3.05	76
Cantonese	2.6% (1)	13.2% (5)	15.8% (6)	26.3% (10)	42.1% (16)	3.92	38
Khmer	0.0% (0)	0.0% (0)	10.0% (1)	30.0% (3)	60.0% (6)	4.50	10
Korean	1.5% (1)	25.8% (17)	18.2% (12)	28.8% (19)	25.8% (17)	3.52	66
Punjabi	0.0% (0)	20.0% (6)	23.3% (7)	26.7% (8)	30.0% (9)	3.67	30
Russian	4.2% (4)	48.4% (46)	32.6% (31)	11.6% (11)	3.2% (3)	2.61	95
Samoan	9.1% (1)	0.0% (0)	36.4% (4)	18.2% (2)	36.4% (4)	3.73	11
Somali	10.0% (1)	40.0% (4)	10.0% (1)	10.0% (1)	30.0% (3)	3.10	10
Spanish	93.7% (134)	3.5% (5)	0.7% (1)	0.7% (1)	1.4% (2)	1.13	143
Tagalog	4.5% (1)	36.4% (8)	4.5% (1)	18.2% (4)	36.4% (8)	3.45	22
Vietnamese	2.4% (2)	11.9% (10)	39.3% (33)	28.6% (24)	17.9% (15)	3.48	84
Other (please specify other requested languages that made your top Five list that aren't listed above.)							68
						answered question	146
						skipped question	3

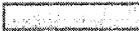
6. Approximately how much did your court pay for foreign language interpreter services in calendar year 2011? Please enter amounts in whole numbers without commas or special characters.(Ex. Type 20000 if you spent \$20,000).

	Response Average	Response Total	Response Count
Criminal Proceedings	34,790.19	4,905,417	141
Civil Proceedings	7,404.51	755,260	102
	answered question		144
	skipped question		5

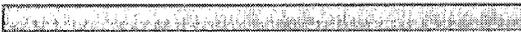
7. How does your court determine that a litigant or witness needs an interpreter? (Please check all that apply.)

		Response Percent	Response Count
The limited English proficient (LEP) person or someone acting on his or her behalf makes an oral request.	<input checked="" type="checkbox"/>	84.4%	124
The LEP person or someone acting on his or her behalf completes and submits a form. (Please email form to katrin.johnson@courts.wa.gov)	<input type="checkbox"/>	18.4%	27
Courts receive notification from law enforcement or jail personnel.	<input checked="" type="checkbox"/>	80.3%	118
Court staff automatically assigns an interpreter if the case management system shows that the litigant has previously used an interpreter.	<input type="checkbox"/>	64.6%	95
Other (please describe):	<input type="checkbox"/>	36.1%	53
		answered question	147
		skipped question	2

8. Who is responsible for scheduling interpreters? (Please check all that apply).

		Response Percent	Response Count
Court Administrator		55.1%	81
Court Staff		51.0%	75
Interpreter Coordinator		21.8%	32
County Clerk's Office		5.4%	8
	Other (please specify below):		7
	answered question		147
	skipped question		2

9. How often does your court require limited English proficient (LEP) litigants to pay the cost of interpreters used at court proceedings?

		Response Percent	Response Count
Never		83.7%	123
Sometimes		15.0%	22
Always		1.4%	2
	answered question		147
	skipped question		2

10. Does your court recieve federal funds, either directly or indirectly?

		Response Percent	Response Count
Yes	<input type="checkbox"/>	22.8%	33
No	<input type="checkbox"/>	47.6%	69
I'm not sure	<input type="checkbox"/>	29.7%	43
answered question			145
skipped question			4

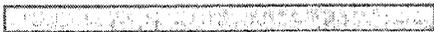
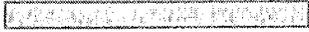
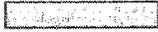
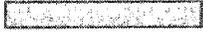
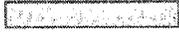
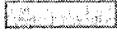
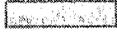
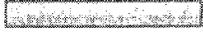
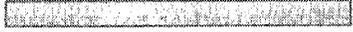
11. For each of the court matters listed below, which best describes how your court schedules and pays for interpreters for proceedings with limited English proficient (LEP) litigants:

	Our court schedules and pays for interpreters for all proceedings.	Our court schedules and pays for interpreters only for proceedings when litigants are indigent.	Our court schedules interpreters, but another government agency pays for interpreters for proceedings.	Limited English Proficient (LEP) litigants make their own arrangements for interpreters for all proceedings.	Our court does not handle this type of court matter.	Response Count
Criminal	85.5% (124)	2.8% (4)	6.9% (10)	0.0% (0)	4.8% (7)	14
Infractions	70.3% (102)	0.0% (0)	2.8% (4)	4.1% (6)	22.8% (33)	14
Protection Orders	65.5% (95)	4.1% (6)	0.7% (1)	3.4% (5)	26.2% (38)	14
Civil	50.3% (73)	8.3% (12)	0.7% (1)	5.5% (8)	35.2% (51)	14
Domestic	46.2% (67)	8.3% (12)	1.4% (2)	0.7% (1)	43.4% (63)	14
Involuntary Commitment	24.1% (35)	2.1% (3)	3.4% (5)	0.0% (0)	70.3% (102)	14
Probate/Guardianship	17.9% (26)	4.8% (7)	0.0% (0)	1.4% (2)	75.9% (110)	14
Child Support	17.2% (25)	6.9% (10)	0.7% (1)	0.0% (0)	75.2% (109)	14
Housing (e.g.unlawful detainer)	17.9% (26)	6.9% (10)	0.0% (0)	0.0% (0)	75.2% (109)	14
Juvenile	20.7% (30)	1.4% (2)	2.8% (4)	0.0% (0)	75.2% (109)	14
Juvenile Dependency	13.8% (20)	1.4% (2)	7.6% (11)	0.0% (0)	77.2% (112)	14

answered question 14

skipped question

12. If another government agency or office pays for interpreters for proceedings in the court matters listed below, please indicate which agency or office.

		Response Percent	Response Count
Criminal		69.0%	20
Infractions		48.3%	14
Protection Orders		24.1%	7
Civil		31.0%	9
Domestic		27.6%	8
Involuntary Commitment		27.6%	8
Probate/Guardianship		13.8%	4
Child Support		17.2%	5
Housing (e.g. unlawful detainer)		17.2%	5
Juvenile		31.0%	9
Juvenile Dependency		55.2%	16
		answered question	29
		skipped question	120

13. Does your court track limited English proficient (LEP) litigant reimbursements for interpreter expenses incurred for hearings?

	Response Percent	Response Count
Yes	17.9%	26
No	82.1%	119

If you checked "Yes", please describe the process your court uses to track limited English proficient (LEP) litigant reimbursements for interpreter expenses incurred for hearings. 31

answered question 145

skipped question 4

14. If your court tracks reimbursements from limited English proficient (LEP) litigants for interpreter expenses, approximately how much does your court recover annually? Please enter amounts in whole numbers without commas or special characters. (Ex. Type 100000 if you spent \$100,000).

	Response Count
	34
answered question	34
skipped question	115

15. Please share any unique problems you encounter in providing interpreter services.

	Response Count
	64
answered question	64
skipped question	85

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-3110.2/12 2nd draft

ATTY/TYPIST: AI:crs

BRIEF DESCRIPTION: Modifying the mandatory retirement provision for district judges.

1 AN ACT Relating to modifying the mandatory retirement provision for
2 district judges; and amending RCW 3.74.030.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 3.74.030 and 1984 c 258 s 56 are each amended to read
5 as follows:

6 A district judge shall retire from judicial office at the (~~end of~~
7 ~~the calendar year~~) expiration of the judge's term of office in which
8 he or she has attained the age of seventy-five years. This provision
9 shall not affect the term to which any such judge shall have been
10 elected or appointed prior to August 11, 1969.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-

ATTY/TYPIST: AI:crs

BRIEF DESCRIPTION: Requiring cities and counties to provide security
for their courts.

AN ACT Relating to court security; amending RCW 3.58.050, 3.50.080, and 35.20.120; adding a new section to chapter 3.58 RCW; adding a new section to chapter 3.50 RCW; and adding a new section to chapter 35.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** A new section is added to chapter 3.58 RCW to read as follows:

Counties shall provide security to district courts in order to:

- (1) Promote the safety and security of all court facilities and proceedings;
- (2) Ensure access to court proceedings as guaranteed by Article 1, section 10 of the Washington state Constitution; and
- (3) Assist judges in carrying out their respective constitutional and statutory duties.

NEW SECTION. **Sec. 2.** A new section is added to chapter 3.50 RCW to read as follows:

Cities shall provide security to municipal courts in order to:

- (1) Promote the safety and security of all court facilities and proceedings;
- (2) Ensure access to court proceedings as guaranteed by Article 1, section 10 of the Washington state Constitution; and
- (3) Assist judges in carrying out their respective constitutional and statutory duties.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35.20 RCW to read as follows:

Cities shall provide security to municipal courts in order to:

- (1) Promote the safety and security of all court facilities and proceedings;
- (2) Ensure access to court proceedings as guaranteed by Article 1, section 10 of the Washington state Constitution; and
- (3) Assist judicial officers in carrying out their respective constitutional and statutory duties.

Sec. 4. RCW 3.58.050 and 1984 c 258 s 38 are each amended to read as follows:

The county legislative authority shall furnish all necessary facilities for the district courts, including suitable secure courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone and may lease or construct courtrooms and offices for such purpose. The county legislative authority shall not be required to furnish courtroom space in any place other than as provided in the districting plan.

Sec. 5. RCW 3.50.080 and 1984 c 258 s 111 are each amended to read as follows:

Salaries of municipal court judges shall be fixed by ordinance. All costs of operating the municipal court, including but not limited to salaries of judges and court employees, courthouse security, dockets, books of records, forms, furnishings, and supplies, shall be

paid wholly out of the funds of the city or town. The city shall provide a suitable place for holding court and pay all expenses of maintaining it.

All employees of the municipal court shall, for all purposes, be deemed employees of the city or town. They shall be appointed by and serve at the pleasure of the court.

Sec. 6. RCW 35.20.120 and 1987 c 202 s 196 are each amended to read as follows:

All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court, and courthouse security shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with the district court, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this chapter, shall be paid respectively out of the city treasury and county treasury.

RCW 3.50.060

Termination of municipal court - Requirements - Establishment of court.

A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with RCW 3.50.805, 35.22.425, *35.23.595, **35.24.455, 35.27.515, 35.30.100, and 35A.11.200. **An existing municipal court may only be terminated or transferred to another jurisdiction upon the conclusion of the municipal court judicial term.**

A city or town newly establishing a municipal court pursuant to this chapter shall do so by adoption of an appropriate ordinance on or before December 1 of any year, to take effect January 1 of the following year.

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Laurel Siddoway

Nominated By: PT&C
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2013

Term End Date: December 31, 2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: One term – January 1, 2011 to December 31, 2012

Additional information you would like the BJA to be aware of regarding the nominee:

Judge Siddoway has agreed to renew for one more term on the Committee as she is eligible to do under the rules.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Elizabeth Stephenson

Nominated By: DMCJA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2013

Term End Date: December 31, 2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: 1 term

Additional information you would like the BJA to be aware of regarding the nominee:

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: James Docter

Nominated By: DMCJA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2013

Term End Date: December 31, 2014

Has the nominee served on this subcommittee in the past? Yes No

**If yes, how many terms have been served
and dates of terms:** _____

**Additional information you would like the BJA to be aware of regarding the
nominee:**

Judge Docter is nominated to fill Judge Scott Stewart's position effective January 1,
2013.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Trial Court Operations Funding Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Richard Fitterer

Nominated By: DMCJA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: Immediately

Term End Date: December 31, 2014

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Judge Fitterer is nominated to fill the vacancy left by Judge LaSalata's passing, term ending 12/31/2012, plus a full 2-year term ending 12/31/2014.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Trial Court Operations Funding Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Elsa Anderson

Nominated By: DMCMA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2013

Term End Date: December 31, 2015

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: 1 term (January 2010- December 2012)

Additional information you would like the BJA to be aware of regarding the nominee:

Elsa Anderson serves as the Administrative Services Manager for Pierce County District Court. She is a member in good standing with the DMCMA, and currently serves as the representative for the association on this BJA Committee. Ms. Anderson has expressed her interest in serving another 2 year term, and we welcome her willingness to serve the DMCMA in this capacity. It is with great pleasure to nominate Elsa Anderson as the DMCMA Representative to serve on the BJA Trial Court Funding Committee for the period of January 2013 – December 2015. Thank you for allowing the DMCMA to participate in this great effort.

Elsa Anderson
Pierce County District Court
eanders@co.pierce.wa.us
253-798-2974

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov



WASHINGTON
COURTS

**Board for Judicial Administration
BJA Structure Workgroup Charter**

Charge: Determine what structural changes are necessary in order to enhance the role of the Board for Judicial Administration (BJA) as determined at the September 21-22, 2012 BJA retreat and as outlined in the report on the retreat approved by the BJA on October 19, 2012. Draft amendments to the BJA rules and by-laws, and develop policies and procedures regarding the roles, responsibilities, and structure of the BJA, which will be presented to the voting members of the BJA for approval.

Workgroup Operating Period: October 1, 2012 – January 31, 2013

Meeting Schedule and Objectives:

Meeting Date	Location	Objectives
October 2012	TBA	<ul style="list-style-type: none"> Initial discussion Development of meeting schedule
October – December 2012	TBA	<ul style="list-style-type: none"> Development of proposed changes
December 2012	TBA	<ul style="list-style-type: none"> Presentation of proposed changes to full BJA
January 2012	Olympia	<ul style="list-style-type: none"> Approval of proposed changes by full BJA

Membership:

Membership will consist of the following:

Chief Justice Barbara Madsen	BJA Chair	Washington Supreme Court
Judge Chris Wickham	BJA Member Chair	Thurston County Superior Court
Judge Christine Quinn-Britnall	Presiding Chief Judge, Court of Appeals	Division II, Court of Appeals
Judge Stephen Dwyer	Incoming Presiding Chief Judge, Court of Appeals	Division I, Court of Appeals
Judge Craig Matheson	SCJA President	Benton-Franklin Superior Court
Judge Charles Snyder	SCJA President-elect	Whatcom County Superior Court
Judge Sara Derr	DMCJA President	Spokane County District Court
Judge David Svaren	DMCJA President-elect	Skagit County District Court

AOC Staff:

Mellani McAleenan



**Board for Judicial Administration
BJA Committee Unification Workgroup Charter**

Charge:

The existence of multiple boards, commissions, task forces, work groups, subcommittees, and other entities all working on the same or similar issues has created confusion, duplication of efforts, occasional work at cross-purposes, and strain on judge, clerk, court administrator and AOC staff time.

In an effort to reduce duplication and increase efficiency by strategically using officials' time in select workgroups, the BJA Committee Unification Workgroup (Workgroup) is created. The Workgroup shall function as an *ad hoc* workgroup of the Board for Judicial Administration (BJA) created to develop a proposal for the consolidation of like-minded committees, task forces, work groups or other entities.

The Workgroup should review the list of existing boards, commission, task forces, work groups, subcommittees, and other entities as outlined in the Program Review Draft submitted to the BJA in October 2012, as well as any others that they may be aware of.

The Workgroup should consider whether any such like-minded groups could be combined in a manner that retains meaningful input from interested stakeholders but reduces duplication of efforts and unnecessary confusion as well as undue burden on judges, clerks, court administrators, court personnel and/or AOC staff.

Recommendations to the BJA should include whether any groups can be combined as outlined above; whether the combined groups should exist under the auspices of the BJA or another entity; and/or whether the work of the group has been completed and the group should be discontinued.

Workgroup Operating Period: November 2012 – January 2013

Meeting Schedule and Objectives:

Meeting Date	Location	Objectives
November 2012	SeaTac	<ul style="list-style-type: none"> • Initial discussion • Development of meeting schedule
November 2012 – January 2012	SeaTac	<ul style="list-style-type: none"> • Development of proposed changes
January 2013	SeaTac	<ul style="list-style-type: none"> • Presentation of proposed changes to full BJA

November 7, 2012 draft

Membership:

Judge Deborah Fleck	King County Superior Court
Judge Janet Garrow	King County District Court
Judge Jill Johansen	Court of Appeals, Division II
Judge Kevin Korsmo	Court of Appeals, Division I
Judge Michael Lambo	Kirkland Municipal Court
Judge Jack Nevin	Pierce County District Court
Justice Susan Owens	Supreme Court
Judge Kevin Ringus	Fife Municipal Court
Judge Ann Schindler	Court of Appeals Division I
Judge Scott Sparks	Kittitas County Superior Court

AOC Staff: TBD

**Board for Judicial Administration
2013 Meeting Schedule**

Date	Location
January 23	Olympia (9:00 – 2:00 p.m.)
February 15	Olympia (9:00 a.m. – 12:00 p.m.)
March 15	Olympia (9:00 a.m. – 12:00 p.m.)
April 19	SeaTac (9:00 a.m. – 12:00 p.m.)
May 17	SeaTac (9:00 a.m. – 12:00 p.m.)
June 21	SeaTac (9:00 a.m. – 12:00 p.m.)
July 19	SeaTac (9:00 a.m. – 12:00 p.m.)
August 16	SeaTac (9:00 a.m. – 12:00 p.m.)
September 20	SeaTac (9:00 a.m. – 12:00 p.m.)
October 18	SeaTac (9:00 a.m. – 12:00 p.m.)
November 15	SeaTac (9:00 a.m. – 12:00 p.m.)
December 13	SeaTac (Joint meeting with Court Management Council) (9:00 a.m. – 12:00 p.m.)

SeaTac Location: AOC SeaTac Facility
SeaTac Office Center-South Tower
18000 International Blvd., Suite 1106
SeaTac WA 98188-4251

Olympia Location: Chief Justice's Reception Room
Temple of Justice
415 12th Avenue SW
Olympia, WA 98501

MEMORANDUM



To: Board for Judicial Administration
From: Dirk A. Marler, Director, Judicial Services Division
Date: October 10, 2012
Re: Court Security

Issue:

In response to a episode at the Grays Harbor County Courthouse, BJA adopted a resolution on courthouse security on March 16, 2012. Subsequent events involving a Thurston County judge at his home and a Spokane County judge in the workplace sparked a discussion at the September 2012 BJA meeting about reinvigorating statewide security efforts, including a suggestion to reconstitute the BJA Court Security Committee. BJA intends further discussion on October 19, 2012.

Background:

In 2005, the Board for Judicial Administration (BJA) adopted a recommendation from an ad hoc security committee to create a standing Court Security Committee. The mission was to:

- Advise the BJA on the status of courthouse security efforts in Washington State
- Review and recommend revisions to Washington's court security guidelines
- Recommend minimum security standards that should be met by all courts
- Create a model protocol for court safety planning.
- Investigate funding sources for improving court security.
- Regularly review security guidelines, local court security measures, and evaluate the evolving security risks.

The Committee updated guidelines that were originally created by the Washington Supreme Court's 1995 Courthouse Security Task Force, maintained a log of security incidents, and published a newsletter.

AOC supported the Committee's work with a small budget for telephonic meetings and approximately .22 FTE.

Following a series of cuts to AOC's budget and staffing reductions, State Court Administrator Jeff Hall asked stakeholders to review and prioritize AOC services. The court community rated support for the Security Committee as a low priority for AOC.

Customer Group	Type of Service	Priority	Appropriate Role for AOC
SC	--	--	No
SC-B	--	Low	--
COA	Eliminate	Low	Yes
SCJA	Good Policy*	Low	--
DMCJA	Good Policy	--	Yes
AWSCA	Good Policy	Low	Yes
WAJCA	Good Policy	Low	No
DMCMA	Good Policy	--	Yes
Clerk	--	--	--

*Good Policy – this is a service that should be provided from a policy perspective, but does not impact the day-to-day operations of courts.

Comments:

- SC: This should be done at the local level
- COA: Consult with local law enforcement
- SCJA: Tracking incident reports is not a priority.
- DMCJA: This is a BJA subcommittee and is mostly done. It might be something that we should do, but is not a priority and could be set aside until funding recovers.
- DMCMA: This is a BJA subcommittee and is mostly done. It might be something that we should do, but is not a priority and could be set aside until funding recovers.
- AWSCA: Refer to local jurisdiction.

Based on the low priority ranking from the court community, AOC recommended that the BJA sunset the Security Committee. On March 18, 2011, BJA voted to suspend committee operations for three years.

AOC staff recommendations:

Ensuring a safe and secure environment for all who seek and administer justice should be a high priority for Washington courts. The question before BJA is not whether security is a priority, but how best to address the issue of court security in a decentralized justice system with limited resources.

The resource constraints that lead to the 2011 decision remain. Therefore, BJA must carefully evaluate whether reallocating additional resources in order to staff the now dormant committee will materially improve safety.

Decisions about the level of security and the manner in which it is provided will be made jointly by judicial, executive, and legislative branch officials in cities and counties, not at the state level. Individual judicial officers and employees must be alert and informed. However, much can be accomplished through existing groups and activities and leveraging resources developed nationally by the National Center for State Courts and other groups.

AOC recommends the following:

1. BJA should not reconstitute the Court Security Subcommittee at this time as there are no financial or staff resources to support it.
2. BJA should request the trial court associations and the Board for Court Education to incorporate personal and courthouse security issues into the curricula for BCE-sponsored education, including the Judicial College.
3. BJA should request that the Annual Conference Planning Committee include one or more programs related to personal or courthouse security in the program for the 2013 Annual Judicial Conference, and that materials from that presentation be widely distributed on the AOC listservs.
4. AOC should maintain the Court Security webpage, add materials from training programs as they become available, and include links to other resources at the National Center for State Courts and other organizations.
5. AOC should send a message at least once per year through the listservs that reminds the court community of the available resources.
6. AOC will include a feature on personal or court security at least once per year in the *Full Court Press*.

News»Flash

An Update on the Work of the WSBA Board of Governors



The Washington State Bar Association's mission is to serve the public and the members of the Bar, ensure the integrity of the profession, and to champion justice.

November 2012 • Volume XV • Number 7

News Flash

The Board of Governors met Sept. 20 and 21. For information on this or past Board meetings, please contact Margaret Shane at margarets@wsba.org.

Words from the President

President **Stephan Crossland** (Cashmere) conducted his last meeting as WSBA president. He shared that his term of president was one of the highlights of his life and a true honor. He expressed gratitude to Executive Director Paula Littlewood and the WSBA staff, acknowledging the level of professionalism they exhibited throughout a difficult year for the bar. President Crossland also spoke about his work in succession planning, including creating relationships with the law schools to connect law students with retiring lawyers interested in transitioning/selling their practices.

Updates from the Executive Director

Executive Director **Paula Littlewood** shared that her written report included demographic breakdown information on the referendum vote, which was obtained per the BOG's request with the understanding that the data could provide information regarding future outreach and communications efforts. Littlewood also invited everyone to [WSBA's Annual Awards Dinner](#) being held that night.

Board approves 2013 Keller Deduction

Each year the annual license fee form provides for an "[optional Keller Deduction](#)" as approved by the Board of Governors. This option is in response to the U. S. Supreme Court 1990 decision in *Keller v. State Bar of California* that held that state bar mandatory fees may not be used over a member's objection for activities

that are *political or ideological in nature and which are not reasonably related to (1) regulating the practice of law, or (2) improving the quality of legal services*. Based on a formula that examines non-chargeable and chargeable expenses it was determined and approved that the 2013 Keller deduction for those members who choose to take it is \$6.40.

Lawyers Fund for Client Protection approves total payments of \$378k in FY2012

Henry Grenley, LFCP Board Chair presented and received approval of the LFCP's [Annual Report](#). The current [Lawyers Fund for Client Protection](#) was established by the Washington State Supreme Court in 1994 at the request of the WSBA by the adoption of Rule 15 of the Admission to Practice Rules (APR). The fund, paid for with a \$30 fee assessed on each active attorney annually, is used to compensate the victims of the few dishonest lawyers who misappropriate or fail to account for client funds or property. At the beginning of FY 2012, there were 141 pending applications to the Fund. During FY 2012, 137 additional applications were received. The Board and Trustees acted on 113 applications concerning 37 lawyers. The total amount in approved payments for FY12 was \$378,574.

Board passes 2012–13 Budget

The Board approved the budget for the next fiscal year, which runs through September 2013. The budget is based on projected general fund expenses of \$15,594,088, a reduction of \$1,340,655 from the previous year. The budget reflects spending cuts instituted by the Board in response to the license-fee reduction as a result of the referendum. Revenue is projected at \$15,037,529 which will result in a net loss of \$556,559 if the actual revenue and expense figures match projections. The BOG already has approved tapping into reserve funds to help transition the organization to a reduced revenue model in future years.

2014 License Fee Set

The BOG voted to maintain the license fee for active WSBA members at \$325 for 2014, the level called for in the recent referendum.

Admission to Practice Rules Revamped

The BOG approved a set of recommended amendments from the Admission to Practice Rules Review Task Force that include revisions to the proposed APRs as well as postponement of action on the mandatory malpractice insurance for WSBA members. That proposal will undergo further study.

The revised rules will allow graduates from non-ABA-approved U.S. law schools, and from law schools outside the U.S., to take the Washington bar examination if they have completed an LL.M. for the practice of law from an ABA-approved law school. The revised rules also will retain a provision allowing the examination to be taken by applicants already admitted to practice in any common law jurisdiction, and having three years of practice experience within the preceding five years.

The approved revisions also would change the rules regarding reciprocal admission between Washington and other states. Currently, Washington uses a “mirror” rule, in which a lawyer admitted to practice in another state is eligible for admission in Washington, without

taking the Washington Bar examination, on the same terms as the other state’s bar would allow admission to a Washington lawyer. Under the new rule, any lawyer admitted and in good standing in any state or territory of the U.S., and having active practice experience for three of the last five years, would be eligible for admission in Washington without taking the bar examination. When the Uniform Bar Exam takes effect July 1, 2013, everyone seeking admission in Washington will be required to take the Washington Law Component online education and exam to ensure that they have some knowledge and exposure to Washington law before they are admitted to practice.

The entire APR package of rule amendments has been sent to the Court for review and consideration.

Changes proposed to CLE Requirements

The Board voted to approve the proposed MCLE amendments, with the following exceptions: 1) they would like to allow significantly more CLE credits for pro bono service (the BOG voted to recommend 27 credits with up to three credits for related training; the MCLE Board’s recommendation to the BOG was to allow up to 12 credits for pro bono service anytime during the reporting period as long as the lawyer also had six hours of related education credits to accompany the service); and 2) the BOG voted not to recommend the amendments that would allow lawyers to earn MCLE credit for “professional development” courses.

Under the proposal, lawyers could earn up to six CLE credits for education in non-academic areas such as work/life balance, stress reduction, career development, leadership training, how to increase profits, and communication skills.

The MCLE Board still must submit a final suggested rule and regulation amendment package to the Washington Supreme Court for consideration and possible publication and adoption. The Board wants to consider

professional development credits again at the Nov. 16–17 meeting in Seattle.

Changes to the Volunteer Travel Policy

As a result of the referendum, the Board approved some changes to its Volunteer Travel Policy aimed at reducing travel-related expenses. The changes impact WSBA members who serve on bar committees, boards, and task forces. The new travel policy calls for reimbursement **only** when a meeting is scheduled to last three hours or more, or for those traveling more than 50 miles one way to the meeting. Chairs are exempt from these changes, and will retain full reimbursement for all travel expenses. WSBA will encourage more meeting participation by video conference or using WebEX to further reduce costs.

More changes ahead for Bar News

The BOG approved recommendations to reduce the number of *Bar News* issues in FY2013 from 12 to nine and consider a further reduction in 2014, with a likely gradual shift of content from print to online. The Board also approved changing the publication's name to *NWLawyer* to better reflect its audience and its content. The reduction from 12 to nine issues, together with a change in the printing method, is projected to result in a net savings of \$152,000 compared to 2012, after factoring in an expected reduction in advertising revenue. Over the coming year, the WSBA will conduct member research to help determine whether to further reduce the number of print issues for 2014. Meanwhile, the online version of the publication will be enhanced, and additional news and information features are being added to the WSBA website to enhance overall communication with members.

Board takes Position on Referendum 74

The Board voted to support the "YES" campaign on R-74, which would uphold **Senate Bill 6239** passed by the Legislature in February 2012, allowing civil marriage for same-sex couples. The decision to endorse R-74 is consistent with

the resolution the WSBA Board of Governors adopted in 2008. The decision to endorse R-74 was based on the following principles:

- Lawyers are charged with protecting and promoting the rights of our clients within the framework of the law;
- Predictability and fairness in the laws that protect property right, parental rights and access to the justice system are necessary if lawyers are to fulfill their duties to their clients and serve the interests of justice; and
- Equal access to the rights and responsibilities of civil legal marriage is a matter both of justice and the orderly administration of justice.

Decision made on dividing lines in 7th District

To make way for the newly created 10th District the Board had earlier determined it would eliminate one position from the 7th District, which primarily encompasses Seattle. At this meeting, it voted to divide the 7th District along a north/south line at approximately the "Montlake Cut." This change will not go into effect until the 2013 BOG elections.

Board Adopts Transition Plan of WYLD to WYLC

The Board approved the recommendations set forth to transition the Young Lawyers Division to a standing committee that will be referred to as the Young Lawyers Committee. It also approved the appointments of 18 individuals who will comprise the committee. The YLC has identified three main areas of focus: transition to practice, member outreach and leadership, and pro bono and public service. **Beth Bratton** of Wenatchee, who was the WYLD President-Elect, will serve as chair of the YLC.

ELC Task Force Proposal Approved

The Board approved draft amendments to the Rules for Enforcement of Lawyer Conduct (ELC) for submission to the Supreme Court. A copy of the redlined proposal as well as a clean copy can be found here.

Upcoming Events

For a complete listing of events, go to Calendar of Events on the [WSBA homepage](#).

November

Board of Governors meeting, Nov. 16-17

12th Annual Labor and Employment Law Seminar and Annual Meeting, Nov. 30