

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, JULY 19, 2013
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 Vickie Churchill
Superior Court Judges' Association
Island County Superior Court

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

Judge Judy Rae Jasprica
District and Municipal Court Judges' Association
Pierce 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

Justice Susan Owens
Supreme Court

Judge Kimberley Prochnau
Superior Court Judges' Association
King County Superior Court

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

Judge Ann Schindler
Court of Appeals, Division I

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

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

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

NON-VOTING MEMBERS:

Judge Veronica Alicea-Galvan, President-Elect
District and Municipal Court Judges' Association
Des Moines Municipal Court

Ms. Callie Dietz
State Court Administrator

Judge Stephen Dwyer
Presiding Chief Judge
Court of Appeals, Division I

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

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

Ms. Michele Radosevich, President
Washington State Bar Association

Judge Jeffrey Ramsdell, President-Elect
Superior Court Judges' Association
King County Superior Court



Board for Judicial Administration (BJA) Meeting
Friday, July 19, 2013 (9:00 a.m. – 11:30 a.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. May 17, 2013 Meeting Minutes Action: Motion to approve the minutes of the May 17, 2013 meeting	Chief Justice Barbara Madsen	9:05 a.m. Tab 1 Page 6
4. BJA Member Chair Election Action: Motion to appoint Judge Kevin Ringus as the 2013-2015 BJA Member Chair	Chief Justice Barbara Madsen	9:10 a.m.
5. GR 31.1 Executive Oversight Committee and Core Work Committee Update GR 31.1 Committee Appointments Motion to appoint three BJA members to the BJA GR 31.1 Implementation Oversight Group	Mr. Ramsey Radwan	9:25 a.m. Tab 2 Page 13
6. BJA Structure Workgroup Recommendations Action: Motion to send the BJA Structure Workgroup Recommendations out to all judges	Judge David Svaren Ms. Callie Dietz	9:40 a.m. Tab 3 Page 19
Reports and Information		
7. Study on the Courts of Limited Jurisdiction in the State of Washington	Judge David Svaren	10:40 a.m. Tab 4 Page 62
8. Budget Update	Mr. Ramsey Radwan	11:10 a.m. Tab 5 Page 145

9. Other Business Next meeting: August 16 AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Kevin Ringus	11:25 a.m.
10. Adjourn		11:30 a.m.
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.		

Tab 1



Board for Judicial Administration (BJA) Meeting
Friday, May 17, 2013 (9:00 a.m. – 11:00 a.m.)
AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Chris Wickham, Member Chair
Judge Sara Derr
Ms. Callie Dietz
Judge Stephen Dwyer (by phone)
Judge Deborah Fleck
Judge Janet Garrow
Judge Jill Johanson (by phone)
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Ms. Paula Littlewood
Ms. Michele Radosevich
Judge Jeffrey Ramsdell
Judge James Riehl
Judge Kevin Ringus
Judge Ann Schindler (by phone)
Judge Charles Snyder
Judge Scott Sparks

Guests Present:

Mr. Jim Bamberger
Ms. Ishbel Dickens
Mr. Pat Escamilla (by phone)
Ms. LaTricia Kinlow
Ms. Sonya Kraski (by phone)
Ms. Sophia Byrd McSherry
Ms. Joanne Moore

Public Present:

Mr. Christopher Hupy
Mr. Mark Mahnkey
Mr. Arthur West

AOC Staff Present:

Ms. Vonnie Diseth
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Ramsey Radwan

Judge Wickham called the meeting to order.

April 19 BJA Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Riehl to approve the April 19 BJA meeting minutes. The motion carried.

BJA Member Terms of Office

Ms. McAleenan stated that over the last few weeks questions have come up regarding when members start and end their terms. In 2010 there was a change to the BJA terms to enable more judges to be eligible to be Member Chair. BJA staff have been approaching it as July 1 to June 30 but the rule is unclear.

There is also confusion about the stagger dates. The rule book lists the date correctly but the online rule contains an incorrect date. In addition, the document being used to create the stagger in the first place has conflicting information. The District and Municipal Court Judges' Association (DMCJA) has appointed their two members with two-year terms according to the dates in the rule. The Superior Court Judges' Association (SCJA) has also appointed their two

members with two-year terms but it appears they used the dates included in the explanatory document rather than the dates listed in the rule. From a practical point, it seems to have worked out just fine. Technically, the rule doesn't comport with actual practice but actual practice has already happened and would need to be retroactive if any changes were made.

The rule doesn't list the Washington State Bar Association (WSBA) term begin and end dates and could be corrected if the BJA chooses to do so. It could be changed now or later.

In recent history, at least going back to 2005, the BJA has nominated the BJA Member Chair in May and voted on it in June.

Judge Wickham said that if the BJA accepts the reference to June in the rule as a scrivener's error, and it should actually be July 1, the BJA can solve that problem this morning and at least get some resolution as to when member terms end in the next two months.

Judge Riehl stated that the second week of June is when the DMCJA meets for their conference. He looked at the DMCJA Bylaws, and they indicate that the BJA representative begins his/her term on June 1 or at the end of the spring conference after the member is elected to serve on the BJA. He feels compelled to follow the DMCJA Bylaws. He believes that his successor will be at the June meeting and this is his last meeting. He was appointed by the DMCJA Bylaws and feels compelled to follow them.

It was moved by Judge Snyder and seconded by Judge Sparks to seek an amendment to BJAR 2 so it states July 1. For those elected in 2014 and thereafter all BJA members' terms will start July 1. The motion carried.

It was moved by Judge Derr and seconded by Judge Ringus to have any present member terms comport with the July 1 date this year and in the future. After discussion, Judge Derr withdrew the motion.

Judge Fleck stated that the rule is written in a confusing way in many respects, partly because of the language added in 2010. Before that language it made sense. June 1 was the original language and it wasn't a scrivener's error. To the extent the BJA can follow the rule, it should be followed.

Chief Justice Madsen said it does not make sense at this point to change anything. It makes more sense to suspend the rule for now so Judge Wickham will continue to be Member Chair until there is a new Member Chair.

Judge Riehl wants to make it clear that for purposes of the June meeting, he will follow the DMCJA Bylaws and his replacement needs to be a representative who can vote during the June meeting.

Judge Snyder said he would like to keep it how it has been going because it will change as of next month's meeting and the new folks come on next month. The SCJA Bylaws do not say when the BJA representative terms begin and end so they do not have that conflict. The SCJA can just tell the new BJA members that their terms start July 1. Judge Snyder will have the SCJA take this up at their June Board meeting.

GR 31.1 Implementation Work Group

Chief Justice Madsen reported that the Supreme Court made some changes to GR 31.1 and it is back out for comment. The GR 31.1 Implementation Work Group charter was presented at the last BJA meeting, has been revised, and is back on the agenda for action. Chief Justice Madsen contacted Judge Marlin Appelwick and asked him if he would become involved with the Implementation Committee. He will not lead the effort but he did share some thoughts. He thinks the Implementation Committee should be staged with a Core Work Group comprised of mostly administrators and their recommendations should be peer-reviewed by judges, prosecuting attorneys, an assistant attorney general and others that have knowledge of case law and records access statutes. The hope is to get this process underway soon so everyone is prepared when GR 31.1 becomes effective.

Mr. Radwan stated that the major changes to the charter between this month and last month are the addition of a prosecuting attorney and assistant attorney general to the Executive Oversight Committee and the addition of an external review committee. It is anticipated that the Core Workgroup, comprised of practitioners such as court administrators and state public records officers would give their recommendations to the Implementation Executive Oversight Committee for review and revision. The Implementation Executive Oversight Committee would send their recommendations to the BJA Implementation Oversight Group. That Group would be comprised of three members of the BJA and they would review and revise the recommendations and send them to the full BJA for approval.

It is anticipated that the final product will include guidelines, templates, suggested trainings, a training manual, a model public records policy to be used at the courts and in the judicial branch, a response template, etc.

Judge Fleck moved and Judge Derr seconded to adopt this procedure as presented. The motion carried.

Budget Update

Mr. Radwan reported that the Legislature is in town and working behind the scenes to develop a budget. The Governor wants to participate but the five corners are asking him to let them work on their own. Mr. Radwan does not know if there have been any compromises yet and June 11 is the last day of the special session. AOC staff have been meeting with legislators regarding the budget. When something happens with the budget Mr. Radwan will let everyone know.

Ms. McAleenan heard yesterday that they are researching what happens if they don't have a budget by the start of the next biennium.

Judicial Information System Update

Ms. Diseth stated that the Superior Court Case Management System (SC-CMS) contract negotiations took place over three days in April with the vendor Tyler. Tyler staff met with AOC technical staff regarding integration and also discussed hardware requirements. All of the discussions went very well. The next face-to-face meeting with Tyler will be in late May. Contract negotiations are expected to end in June. A recommendation will be made to the Judicial Information System Committee (JISC) in late June. Once the JISC approves the

contract, they will update the project charter and choose a pilot court. A lot of different counties would like to have that opportunity.

The Appellate Court Electronic Content Management System (AC ECMS) project is running on a similar track as the SC-CMS project. The JISC voted in April to move forward with contract negotiations with a vendor and the negotiations will end in June and be sent to the JISC in late June for approval. This project will replace the current JISC program, ACORDS. Implementation will first occur in the Supreme Court and in Division II.

The Superior Court Data Exchange was built to eliminate dual data entry. There are 66 web services that have been developed. All of them are expected to be available in July. Pierce County is in the process of testing the web services.

The courts of limited jurisdiction have requested a new case management system (CMS). The AOC has been in discussions with the DMCJA and the District and Municipal Court Management Association (DMCMA) and they have signed a letter stating they want a commercial, off-the-shelf (COTS) product. Because of that, they agreed to forego a feasibility study. Members of the courts of limited jurisdiction are on the SC-CMS Steering Committee and have been participating in that process and are well aware of all the capabilities of a COTS system. In addition, spending a year on the feasibility study would delay the project.

A hotline was established in response to the recent security breach on the AOC Web site. So far 2,700 people have called to determine if their information was compromised. In addition, a letter was sent offering credit monitoring to the people who we know had their social security number accessed. The AOC has taken action to strengthen Web site security. Many of the security upgrades have already been implemented. A state-of-the-art firewall was installed and AOC is in the process of hiring an independent security firm via an RFQQ process to look at AOC's security policies and practices and to help update and upgrade AOC's security plan. The RFQQ responses are due on May 22. The AOC is also working with Washington State's Consolidated Technology Services (CTS) and their technical staff will be on the team to select a security firm. The AOC has also been meeting with Ms. Agnes Kirk of CTS and Michael Cockrill, the Washington State Chief Information Officer, regarding improving the AOC security plan. Some security changes might already be noticeable to people using the Washington Courts Web site and there will be more changes in the future.

Legislative Update

Ms. McAleenan reported that the regular session ended on April 28. She noted that the document right before Tab 3 contains information regarding judicial elections. The bills have been signed by the Governor and will become law. Some counties may believe that these laws do not apply to them due to a provision in the Constitution. Ms. McAleenan understands that the Secretary of State believes the bills do apply. Those with questions should conduct further analysis.

The only thing that could be an issue during the special session is the DUI legislation that has been introduced.

BJA Member Chair

The 2013-15 Member Chair will be a BJA member from the DMCJA.

It was moved by Judge Derr and seconded by Judge Krese to nominate Judge Ringus as the 2013-15 BJA Member Chair.

This will be voted on at the June meeting.

BJA Structure Workgroup Recommendations

The meeting materials contain a letter from Mr. Jeff Amram of the Association of Washington Superior Court Administrators (AWSCA) requesting that an AWSCA member be a member (voting or non-voting) of the restructured BJA.

Also included in the materials is a letter from Judge Sparks regarding a request by the BJA Committee Unification Workgroup to add a BJA Education Committee as a fourth BJA standing committee. The BJA Structure Workgroup is supportive of including the fourth standing committee.

There were some revisions to the BJA Structure Workgroup recommendations. One was regarding the number of BJA members. As it currently stands there will be four members from the SCJA, DMCJA and appellate courts, including the Chief Justice for a total of 12. The Chief Justice will be a voting member. By reducing the total appellate membership to four, having the Chief Justice vote seemed necessary.

The meetings will be all day and there will be some time for deliberation. It will be up to the group as to how they want to proceed. The executive committee will include the two co-chairs and the chairs of the standing committees.

The standing committees have the intention to have the BJA members working on particular issues year-round so that when they bring a proposal to the BJA it will be vetted by groups around the state. The BJA Structure Workgroup would like to have more time for the BJA to deliberate before voting. The committees will have members of the BJA working on issues and being able to drill down deeper. Chief Justice Madsen added that the BJA needs more time to exercise the investigation, understanding, and, ultimately, the configuration of things like the budget, legislative approach, and plan for the future. In order to be effective the BJA has to understand the big picture, priorities, and staffing. The BJA does not currently have the time or structure to do that. The proposed structure gives the BJA the ability to do that.

Chief Justice Madsen would like the BJA to give this a chance. It gives the BJA a vehicle to enhance the role of the BJA and gives the BJA the structure to move forward.

The intent is to present this recommendation at the June BJA meeting and send it out to the judges for their consideration.

Other Business

Judge Wickham thanked Judge Derr and Judge Riehl for their service on the BJA. Judge Wickham worked with Judge Riehl on the Gender and Justice Commission and he had no idea of Judge Riehl's BJA history until he was recently appointed to the BJA. He remembers meeting Judge Derr at a conference in Florida and he really appreciates her practical nature and willingness to take on hard issues.

Chief Justice Madsen said she hopes Judge Fleck and Judge Wickham will be at the June meeting so they can be properly thanked for everything they have contributed to the BJA.

Recap of Motions from May 17, 2013 meeting

Motion Summary	Status
Approve the April 19, 2013 BJA meeting minutes	Passed
Amend BJAR 2 to state that member terms begin on July 1	Passed
Have any present member terms comport with the July 1 date this year and in the future	Withdrawn
Approve the GR 31.1 Work Group and charter	Passed
Nominated Judge Ringus as the BJA Member Chair	Will vote on in June

Action Items from the May 17, 2013 meeting

Action Item	Status
<u>April 19, 2013 BJA Meeting Minutes</u>	
<ul style="list-style-type: none"> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	<p>Done</p> <p>Done</p>
<u>GR 31.1 Implementation Work Group</u>	
<ul style="list-style-type: none"> • Move forward on this 	
<u>BJA Member Chair</u>	
<ul style="list-style-type: none"> • Add to June BJA meeting agenda 	Done

Tab 2

PROPOSAL FOR THE *GR31.1 IMPLEMENTATION WORK GROUP*

PURPOSE:

To develop and communicate to the courts, affected judicial branch agencies and external stakeholders the procedures, processes, and other best practices that will be used for the implementation and administration of Supreme Court Rule GR 31.1.

Proposed Work Group Sponsor

- Board for Judicial Administration (BJA).

Internal Track

Proposed Implementation Work Group Composition

- **BJA GR 31.1 Implementation Oversight Group**
 - Composition
 - Three BJA members
 - Role
 - Review recommended guidelines
 - Propose changes
 - Resolve or escalate issues as appropriate
 - Recommend to the Supreme Court acceptance of the guidelines
- ***GR 31.1 Implementation Executive Oversight Committee (EOC)***
 - Composition
 - Five judicial officers selected by SCJA (2), DMCJA (2) and one appellate court member
 - One member representing county prosecutors
 - One member representing the Office of Attorney General
 - Chair selected by Executive Oversight Committee members
 - Role
 - Review and recommend changes to proposed procedures, documentation and training
 - Resolve or escalate issues as appropriate
 - Recommend to the BJA acceptance of the guidelines

- **Core Work Committee Composition**

- Composition

- Three superior court administrators, one from juvenile courts
- Three courts of limited jurisdiction administrators
- Two appellate clerks
- Four judicial branch entity members
- Core Work Committee co-chaired by a superior court and a district court administrator

- Role

- Develop guidelines, templates, examples and best practices,
 - Guidelines to include staff guidance, guidance on what should be disclosed and information technology guidance
- Develop frequently asked questions (FAQs) document(s)
- Develop training materials
- Submit draft materials to Executive Oversight Committee
- Implement Executive Oversight Committee changes

- *Staff:*

- Charley Bates, AOC Public Records Officer / Risk Management Coordinator. Due to the AOC's vested interest in this topic, Charley Bates would also serve as a voting member of the Core Work Committee.
- Administrative support provided by AOC.

External Track

Proposed External Review Committee

- Composition

- *One member Washington State Bar*
- *One member of Coalition for Open Government*
- *Two other members*

- Role

- Review documentation and materials from a user and public viewpoint
- Propose usability changes to Executive Oversight Committee

DRAFT IMPLEMENTATION WORK GROUP CHARTER

Purpose

- Develop and communicate to the courts, affected judicial agencies and external stakeholders the procedures, processes, and other best practices that will be used for the implementation and administration of Supreme Court Rule GR 31.1 (Rule).
- More specifically, ensure:
 1. A unified approach
 2. Branch preparedness and commitment to transparency and openness in government
 3. Ease of implementation
 4. That the guidance is very clear with direct correlation to provisions within the rule
 5. That the process is understandable and easy to navigate from the public/user point of view
 6. That a low level of implementation and response mistakes occur, and
 7. Implementation and maintenance of the Rule is as efficient and effective as possible

Including development of:

- An overall implementation process plan
- A document addressing questions and issues for each segment of the Rule in which further clarity may be desirable
- Recommendations for training of appropriate personnel and associated training materials
- Model and/or template materials, as appropriate
- Other materials, tools, and aids useful for implementation and management of the Rule

In addition, the Core Work Committee will:

- Monitor the implementation of the Rule during the first year of implementation
- Upon completion of the first year after implementation, recommend any modifications to the Rule they deem appropriate
- Recommend any further activities that should take place longer-term to assist the judicial branch in operating under the Rule
- Report progress to the GR 31.1 Executive Oversight Committee

GR 31.1 IMPLEMENTATION WORK GROUP STRUCTURE / COMPOSITION

Internal Track

Appointee Group	Number of Appointees	Comments, notes, etc.
BJA GR 31.1 Implementation Oversight Group		
Board for Judicial Admin.	3	Selected and appointed by BJA
EXECUTIVE OVERSIGHT COMMITTEE		
Superior Court Judges	2	Recommended by Superior Court Judges Association (SCJA); appointed by BJA
CLJ Judges	2	Recommended by District & Municipal Court Judges' Association (DMCJA); appointed by BJA
Appellate Judge	1	Recommended by consensus of the Court of Appeals judges and Supreme Court justices; appointed by BJA
Prosecuting Attorney	1	Request participation
Assist. Attorney General	1	Request participation
Total Exec Oversight Cmte:	7	Chair chosen by committee
CORE WORK COMMITTEE		
Superior Court Administrators	Total of 3	Recommended by AWSCA and WAJCA
CLJ Administrators	Total of 3	Recommended by DMCMA
Appellate Court	Supreme Court Clerk and COA Clerk - 2	Recommended by consensus of the Appellate Court Administrators and department heads
Administrative Office of the Courts	AOC - 1	Charles Bates, will act as full member and subject matter expert
Judicial Branch Agencies	OCLA - 1 OPD - 1 State Law Library - 1	Recommended by each agency
Total Core Work Cmte:	12	
Grand Total:	22	

External Track

External Review Committee		
Other Interested Parties	WA Coalition for Open Gov't - 1 WSBA - 1 Other - 2	Request participation

PROPOSAL FOR THE GR31.1 IMPLEMENTATION WORK GROUP

SUPREME COURT

BJA

Composition: Three members chosen by the BJA

Role: Review recommended guidelines
Propose changes
Resolve or escalate issues as appropriate
Form recommendations to the Supreme Court

EXECUTIVE OVERSIGHT COMMITTEE

Composition: Five judicial officers
One county prosecutor
One representative of the Attorney General's Office

Role: Review and recommend changes to procedures, documentation, training
Resolve or escalate issues as appropriate
Recommend to the BJA acceptance of the guidelines

CORE WORK COMMITTEE

Composition: Three superior court administrators (one JCA)
Three CLJ administrators
Two appellate clerks
Four judicial branch entity members

Role: Develop guidelines, templates, examples & best practices
Develop FAQs
Develop training materials
Submit draft materials to Executive Oversight Committee
Implement Executive Oversight Committee changes

EXTERNAL REVIEW COMMITTEE

Composition: One member, WSBA
One member COG
Two other members

Role: Review materials from user/public viewpoint

Tab 3

Board for Judicial Administration Rules

DRAFT PROPOSED REVISIONS

Preamble

The power of the judiciary to govern itself is inherent to the status of the judicial branch as a constitutionally equal and independent branch of government. The Board for Judicial Administration is established to provide effective leadership to the state courts in providing for the administration of justice in Washington State.

Rule 1. Board for Judicial Administration

The Board for Judicial Administration is created to enable the judiciary to speak with one voice, to adopt statewide policies to support the effective operations of the courts, to provide strategic leadership for the judicial branch, to determine state budgetary priorities for the courts, to provide overall direction to the Administrative Office of the Courts, and to communicate with other branches of government.

Rule 2. Duties

The Board for Judicial Administration shall develop policies to support the effective operation of Washington courts, shall coordinate and develop policies for the provision of continuing education of judicial and non-judicial court personnel, shall provide general direction to the Administrative Office of the Courts, shall review items affecting the budget of the Administrative Office of the Courts and make recommendations to the Supreme Court Budget Committee, shall provide leadership for long-range planning and the development of strategic initiatives for the judiciary, and shall develop and

communicate the position of the Washington State judiciary on legislation affecting the administration of justice.

Rule 3. Composition

a. Membership.

(1) The board shall consist of the Chief Justice of the Supreme Court, three judges of the Court of Appeals, four judges of the superior courts, and four judges of the courts of limited jurisdiction, at least one being a district court judge and at least one being a municipal court judge. The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall serve as ex officio liaisons.

b. Selection.

(1) The Chief Justice shall serve during tenure in that office. The court of appeals judges shall be selected by a process established by the Court of Appeals. The superior court judges shall be selected by a process established by the Superior Court Judges' Association. The district court and municipal court judges shall be selected by a process established by the District and Municipal Court Judges' Association.

(2) Criteria for selection shall include demonstrated interest in and commitment to judicial administration, demonstrated commitment to improving the courts, and diversity of representation with respect to race, gender, professional experience, and geographic representation.

c. Terms of Office.

(1) The Chief Justice shall serve during tenure in that office.

- (2) The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall each serve as ex officio liaisons during tenure in office.
- (3) Of the judges of the Court of Appeals one shall be appointed to a term ending on June 30, 2015 and two shall be appointed to a term ending on June 30, 2017. Of the judges of the superior court two shall be appointed to a term ending on June 30, 2015, and two shall be appointed to a term ending on June 30, 2017. Of the judges of the district and municipal courts, two shall be appointed for a term ending on June 30, 2015 and two shall be appointed for a term ending on June 30, 2017.
- (4) Thereafter, terms of four years shall commence on July 1 of odd-numbered years.
- (5) A person may not serve more than two terms consecutively but may serve additional terms provided a period of four years transpires between periods of service.
- (6) A vacancy shall occur when a member resigns or is absent for three consecutive meetings or four meetings within twelve months. In the event of a vacancy the position shall be filled for the duration of the term by a process established by the relevant court or judicial association.

Rule 4. Operation

a. Leadership.

- (1) The board shall be chaired by the Chief Justice in conjunction with a Member Chair who shall be elected by the board. The duties of the Chief Justice Chair and the terms and duties of the Member Chair shall be specified in the bylaws.
- (2) The Member Chair position shall be filled in alternate terms by a superior court judge and a district or municipal court judge. The Member Chair shall be selected by the members for a two-year term commencing on July 1 of every odd-numbered year.

b. Meetings.

- (1) Meetings of the board shall be held at least every two months and shall be convened by either chair. Any board member, the presiding chief judge of the Court of Appeals, the president of the Superior Court Judges' Association, or the president of the District and Municipal Court Judges' Association may submit issues for the meeting agenda.
- (2) The board shall establish within its bylaws procedures governing the conduct of meetings.

c. Committees.

- (1) The board shall have the power to create an executive committee, standing committees, and other subordinate entities through procedures set out within its bylaws.
- (2) The board may delegate its authority to an executive committee.
- (3) Any committee or other subordinate entity must be authorized by a majority approval of the board of a charter that specifies the body's charge, membership and term.
- (4) Committees other than standing committees may include members who are not members of the board. The board should engage participation of other judges, members of the legal community, subject matter experts, legislators, clerks of court, court administrators, and members of the public as needed.

d. Voting and Quorum.

- (1) All decisions of the board shall be made by simple majority vote of those voting.
.
- (2) The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall not vote.
- (3) Seven members will constitute a quorum provided at least one judge from each level of court is present.

e. Compensation.

Members shall not receive compensation for service but shall be granted equivalent pro tempore time and shall be reimbursed for travel expenses.

Rule 5. Staff

Staff for the Board for Judicial Administration shall be provided by the Administrative Office of the Courts.

Rule 6. Effective Date

These rules shall be effective _____, _____.
Amended _____, _____.
DRAFT

Board for Judicial Administration Bylaws

DRAFT PROPOSED REVISIONS

ARTICLE I

Purpose

The Board for Judicial Administration was created to enable the judiciary to speak with one voice, to adopt statewide policies to support the effective operations of the courts, to provide strategic leadership for the judicial branch, to coordinate and develop policies for the provision of continuing education of judicial and non-judicial court personnel, to determine state budgetary priorities for the courts, to provide general direction and oversight of the Administrative Office of the Courts, and to communicate with other branches of government regarding legislation.

ARTICLE II

Duties and Powers

The Board for Judicial Administration shall develop policies to enhance the administration of justice in Washington courts, shall coordinate and develop policy for the provision of continuing education of judicial and non-judicial court personnel, shall provide general oversight of the Administrative Office of the Courts, shall review items that would affect the budget of the Administrative Office of the Courts and provide recommendations to the Supreme Court Budget Committee, shall provide leadership for long-range planning and the development of strategic initiatives for the judicial branch, and shall develop and communicate the position of the Washington State judiciary on legislation affecting the administration of justice.

The board: may develop internal policies and procedures for its own operations; may adopt resolutions regarding matters relevant to the administration of justice; may publish policies for the statewide operations of the courts of Washington, recognizing that the direct management of the courts is a local responsibility; may establish standing

committees within its bylaws; and may create ad hoc committees, advisory committees, steering committees and task forces.

ARTICLE III

Membership

The membership of the board is established by Board for Judicial Administration Rule 3. Membership consists of the Chief Justice, three judges of the Court of Appeals, one being from each division of the court, four superior court judges, and four district or municipal court judges. Board membership shall include at least one district court judge and one municipal court judge at all times. The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall each serve as ex officio liaisons during tenure in office.

Members shall be selected by the Supreme Court, the Court of Appeals, the Superior Court Judges' Association and the District and Municipal Court Judges' Association in accord with Board for Judicial Administration Rule 3 and processes established by those entities.

ARTICLE IV

Officers and Representatives

The Chief Justice shall serve as chair of the board in conjunction with a Member Chair. The Member Chair shall be elected by the board and shall serve a two year term effective July 1 of every odd numbered year. The Member Chair position shall be filled alternately between a member who is a superior court judge and a member who is either a district or municipal court judge.

The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association are representatives of those entities and shall advise the board on the interests and positions of the associations.

ARTICLE V

Duties of Officers

The Chief Justice Chair and the Member Chair shall jointly preside at all meetings of the board, performing the duties usually incident to such office, and shall be the official spokespersons for the board. The Chief Justice Chair and the Member Chair shall designate the chairs and membership of standing committees, and nominate for the board's approval the chairs and membership of all other committees.

ARTICLE VI

Vacancies

A vacancy shall occur when a member resigns or is absent for three consecutive meetings or four meetings within twelve months. If a vacancy occurs in any position the chairs shall inform the relevant court or judicial association and request that a new member be selected to complete the term of the position left vacant in accordance with a process established by that court or judicial association.

ARTICLE VII

Executive Committee

There shall be an executive committee composed of the co-chairs and the chairs of each standing committee. The executive committee is authorized to consider and take action on emergency matters arising between board meetings, subject to ratification of the board. If any level of court is not represented on the executive committee a member from that level of court may be added by nomination by the chairs and approval of the board.

ARTICLE VIII

Other Committees

The board may create standing committees by amendment of these bylaws, and ~~ad hoc committees, advisory committees, steering committees and task forces~~ subordinate committees and entities by the approval of a charter specifying the charge, ~~membership~~ membership, and term of the body to be created. ~~— The board may approve the creation of subcommittees, workgroups and study groups at the request of a committee or task force and the approval of a charter specifying the charge, membership and term of the body to be created.~~

A standing committee is a committee charged with oversight of a major area of functional responsibility necessary to the exercise of duties assigned to the board. Standing committees are comprised solely of members of the board. The Chief Justice Chair and the Member Chair shall designate the chairs and membership of standing committees for terms of two years and may assign members to fill vacancies. Standing committees are permanent. A standing committee may form ~~subcommittees, workgroups and study groups~~ subordinate committees and entities with approval of the board ~~in order to address specific needs—~~ Subordinate committees or entities may be authorized for a period of up to two years ~~An ad hoc committee is a committee created by the board and charged with responsibilities related to issues within the purview of the board but not fully within the jurisdiction of any single standing committee. Ad hoc committees are appropriate for the study of issues related to the organization and governance of the board as well as deliberation of substantive policy issues. An ad hoc committee may be authorized for a period of up to two years and may be reauthorized following review and approval of a revised charter. An ad hoc committee must include at least one member of the board and may include individuals who are not members of the board. An ad hoc committee may form subcommittees, workgroups and study groups with approval of the board.~~

~~An advisory committee, steering committee or task force is an entity created by the board and charged with responsibilities related to the jurisdiction of the board.—An advisory committee, steering committee or task force is an appropriate vehicle for study of policy issues, efforts requiring broad outreach, or oversight of strategic initiatives. Advisory committees, steering committees, and task forces are intended to exercise a higher degree of independence from the board than standing and ad hoc committees. An advisory committee, steering committee or task force may be authorized for a period of up to two years and may be reauthorized through review and approval of a revised charter.—An advisory committee or task force may, but need not, include any members of the board and may have a designated non-voting liaison member. An advisory committee, steering committee or task force may create subordinate entities with approval of the board.~~

~~Subcommittees, workgroups and study groups are subordinate entities created to facilitate the execution of responsibilities assigned to a committee or task force. The charge to a subcommittee, workgroup or study group should be relatively narrow and clearly defined in the charter creating it. A subcommittee, workgroup or study group may include members who are not on the superior body. In general a subcommittee, workgroup or study group should not be authorized for a period in excess of one year but may be authorized for up to two years.~~

The Chief Justice Chair and the Member Chair may authorize a continuance of the term of any subordinate entity for up to three months when necessary to complete its charge.

ARTICLE IX

Standing Committees

The board shall have ~~three~~four standing committees: a Court Education Committee, a Budget Committee, a Legislative Committee, and a Policy and Planning Committee.

The Court Education Committee shall oversee the planning, implementation, coordination, and approval of board financed education and training of court personnel throughout the state, shall promote desirable minimum educational and curriculum standards for court judicial and non-judicial personnel, shall develop and promote instructional standards for education programs, shall establish educational priorities, and shall promote interjurisdictional education.

The *Budget Committee* shall be responsible for conducting a review of budget requests impacting the budget of the Administrative Office of the Courts, excepting the budget requests of the Supreme Court, the Court of Appeal, the State Law Library, the Office of Civil Legal Aid, and the Office of Public Defense. The committee will conduct its review and develop recommendations in accord with a budget review process adopted by the Board. The committee may recommend changes to the budget review process.

The *Legislative Committee* shall be responsible for development and communication of the position of the Washington State judiciary on legislation affecting the administration of justice. The committee is responsible for coordinating with the judicial associations and the Court of Appeals regarding legislation and should attempt to ascertain the position of the associations and Court of Appeals on legislation. When the position of a judicial association or the Court of Appeals and the position of the board diverge the committee should request that the association or Court of Appeals afford an opportunity to reconcile the divergent positions.

The *Policy and Planning Committee* shall be responsible for development of policies supporting effective governance of the courts of Washington and developing priorities of the Administrative Office of the Courts. The committee shall provide leadership for long-range planning and shall implement a process to regularly identify major issues facing the judicial system and propose strategic initiatives designed to address them.

ARTICLE X

Meetings

There shall be regularly scheduled meetings of the board at least every other month. Reasonable notice of meetings shall be given each member.

Special meetings may be called by any member of the board. Reasonable notice of special meetings shall be given each member.

Any board member, the presiding chief judge of the Court of Appeals, the president of the Superior Court Judges' Association, or the president of the District and Municipal Court Judges' Association may submit issues for the meeting agenda.

Meetings shall be held in two sessions. The first session shall be informational, including reports and presentations, ~~and shall be open to participation by invited guests and observation by members of the public.~~ The second session will include member deliberations and votes, with participation only of members in attendance and staff. All sessions shall be open to observation by the public.

All committees and ~~task forces~~ subordinate entities created by the board shall report to the board annually unless otherwise directed.

The Administrative Office of the Courts, the Judicial Information System Committee, the Washington State Bar Association, the Gender and Justice Commission, the Minority and Justice Commission, the Access to Justice Board, the Civil Legal Aid Oversight Committee, and the Office of Public Defense Advisory Committee shall be asked annually to report on the work of the respective organization.

Representatives from organizations such as the Washington State Bar Association, the Washington State Association of County Clerks, the Office of Public Defense, the Office of Civil Legal Aid, the Association for Washington Superior Court Administrators, the District and Municipal Court Management Association, and the Washington Association

of Juvenile Court Administrators shall be invited as guests when matters affecting such an organization are on the agenda.

ARTICLE XI

Records

The board shall adopt a policy and procedure for electronic publication of its official records, including resolutions, policies, meeting agendas, minutes, outcome of votes, appointments, committee charters, reports, and other official records of the board.

ARTICLE XII

Quorum

Seven members of the board shall constitute a quorum provided at least one representative from each of the appellate, superior, and district or municipal levels of court are present.

ARTICLE XIII

Voting

Each member shall have one vote. The presidents of the judicial associations shall not vote. All decisions of the board shall be made by simple majority of those present.

Members may participate by telephone or other form of remote participation but no member shall be allowed to cast a vote by proxy.

ARTICLE XIV

Amendments and Repeal of Bylaws

These bylaws may be amended or modified at any regular or special meeting of the board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Board for Judicial Administration

BJA Structure Workgroup

Report and Recommendations

May 14, 2013

I. Background

In 2011 and early 2012 discussions among members of the Board for Judicial Administration (board or BJA) revolved around a general sentiment that the board is uniquely positioned within the Washington judicial branch to provide critical leadership for the branch, but that this capacity was not being fully utilized. Without leadership from the BJA the branch would have difficulty effectively managing itself as an independent branch and planning for and addressing the many challenges it would face in the coming years.

At its February 2012 meeting, the board resolved to hold a retreat dedicated to exploring the role of the BJA and the governance of the Washington judicial branch.

In advance of the retreat Interim State Court Administrator Callie Dietz requested that the National Center for State Courts (NCSC) conduct an independent review of the planning and governance processes of the Washington State court system as well as the Administrative Office of the Courts (AOC). The NCSC consultants traveled to Washington and conducted a series of interviews with court leaders. The consultants subsequently reported their conclusion that, at present, “(t)here is no governance in place or accepted as governance to carry out planning and implementation” and recommended that “the BJA structure, roles and responsibilities need to be clearly defined and acknowledged if it is to be of any value in governing or developing long-range planning.”

II. Board Retreat

A two-day retreat was subsequently held at Cedarbrook Lodge in SeaTac on September 21-22, 2012. The thirty participants present included board members along with other judges, as well as court administrators, leaders of branch associations, and directors of branch agencies. Guests included Governor Chris Gregoire, Former Chief Justice Christine Durham and State Court Administrator Dan Becker of Utah, and Laura Klaversma, Director of Court Services for the NCSC. A summary of the retreat is provided in a BJA document entitled "Governance Retreat Report" completed and presented to the board in October 2012.

The format of the retreat included remarks by Governor Gregoire and presentations by Justice Durham and Dan Becker on the governance model developed in Utah and their article, "A Case for Court Governance Principles." Of the eleven principles presented in Durham and Becker's article, nine were identified as relevant to the discussion of branch governance in Washington. These were:

- A well defined governance structure for policy decision-making and administration for the entire court system.
- Meaningful input from all court levels into the decision-making process.
- Commitment to transparency and accountability.
- A focus on policy level issues; delegation with clarity to administrative staff; and a commitment to evaluation.
- Open communication on decisions and how they are reached.
- Clear, well understood and well respected roles and responsibilities among the governing entity, presiding judges, court administrators, boards of judges, and court committees.
- A system that speaks with a single voice.
- Authority to allocate resources and spend appropriated funds independent of the legislative and executive branches.
- Positive institutional relationships that foster trust among branches and constituencies.

These principles were sorted into three groups of related subjects, and the retreat participants were then broken out into three groups. Each group was

then asked to discuss the application of the governance principles to one of three general questions:

- Why do we need a Board for Judicial Administration?
- Who is the Board for Judicial Administration?
- How will the Board for Judicial Administration function?

In reports back the groups expressed consensus on the following points:

Why do we need a Board for Judicial Administration?

- Speaking with a single message is necessary and appropriate as long as there is confidence that all positions are being considered in the development of that single message.
- Having a cacophony of voices working on the same problem can lead to differing conclusions and the inability to make good policy decisions. There is too much duplication of effort in the current system.
- There needs to be a body that is future-thinking, and it is appropriate that the BJA is that body.
- There is a need for commonly accepted values, and the BJA's work relates to that.
- The BJA struggles with the notion of independence of its members at the court level.
- There is no clear sense of who is in charge of what. There is a need to reopen the "jurisdictional" debate – what is BJA in charge of and how much power does it need to have to make change?
- BJA needs more power. In order for BJA to have power, others have to relinquish some power to the BJA.
- Fostering relationships outside of the branch is important, but fostering feelings of mutual trust and respect within the branch and court levels is equally, if not more, important.
- BJA can and should do more with administrative rulemaking.
- To make BJA more effective, there should be a better articulation of norms and expectations, which should be used as a recruitment and orientation tool. BJA members should do more consistent outreach and nurturing of judiciary leadership with a more intentional educational process about the benefits of a stronger BJA to the whole judiciary.

- A version of the Utah Judicial Council Norms should be adopted.
- The BJA needs to be resourced appropriately in order to be successful.

Who is the Board for Judicial Administration?

- Clear guidance to the Administrative Office of the Courts (AOC) would be beneficial. There is a lack of understanding about the AOC's functions. The AOC is pulled in many different directions, which makes it difficult to identify priorities.
- An evaluation process is important in setting policies and determining if they are carried out.
- Membership in the BJA carries a significant time commitment. Incentives for membership should be considered.
- The Utah model of advocacy from subgroups rather than members has merit.
- Membership in the BJA should be limited to judges but the other judicial branch stakeholders play a valuable role in providing information.
- Expanding membership beyond the judiciary would make the development of a unified message very difficult because each group has different priorities. Coalitions are important and can be achieved without actual voting membership on the BJA.
- Not all groups are necessary participants at all times, but they should be included when necessary.
- Too large of a group can be unwieldy.
- Present terms and selection of chairs is appropriate.

How will the Board for Judicial Administration function?

- Some thought should be given to how the BJA communicates its decisions to others.
- Much progress has been made since the creation of the original BJA. The positive changes should not be forgotten.
- The addition of a co-chair was a positive change.
- Without the BJA, there is no other audience for a single court level to obtain "buy in" on issues that are specific to that association.

- BJA members currently appear to engage in caucus decision-making with each court level voting as a bloc, but the BJA members should be making decisions in the best interest of the judiciary as a whole.
- The president of each association should speak on behalf of that association but the other court level members should make decisions on behalf of the judiciary as a whole and not on behalf of their particular association or court level.
- Task forces and work groups can be an important part of the decision-making process but should not be used to delay making difficult decisions.

The overall outcome of the retreat was a consensus by participants that the BJA should be retained as a leadership entity but reorganized and reconstituted so that it would be more focused and effective. The board would appoint a workgroup to develop a plan for reorganization, along with a separate workgroup to review the existing panoply of committees and commissions and propose a plan to streamline them where possible.

III. **Structure Workgroup**

On November 16 the BJA approved a charter for the BJA Structure Workgroup, charging it to:

Determine what structural changes are necessary in order to enhance the role of the Board for Judicial Administration 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 bylaws, 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.

The following individuals served on the Structure Workgroup:

Chief Justice Barbara Madsen
Judge Christine Quinn-Brintnall

Judge Stephen Dwyer
Judge Craig Matheson
Judge Charles Snyder
Judge Chris Wickham
Judge Sara Derr
Judge David Svaren

The workgroup met in person on October 29 and November 26, 2012, and on January 23, March 15 and April 19, 2013. In reviewing the work of the retreat and the court governance principles, the workgroup made several fundamental decisions:

- The judicial branch needs a single forum with the capacity, authority and resources to perform governance functions at the state level, while respecting and supporting the role of local court leaders and managers to operate their respective courts.
- The role of the BJA should be expanded and strengthened, vesting it with a more central role in policy development, budget, and oversight of the Administrative Office of the Courts.
- Modeled on the Utah Judicial Council, the role of the reorganized board should focus more on oversight and decision-making rather than direct policy development.
- Policy development should occur through a well structured system of committees and related entities.
- Meaningful stakeholder engagement and access to expertise would be greater through an extended committee system than it would be under the current system.
- The board itself would be smaller, encouraging more active participation on the part of members.

Draft language implementing these and other concepts that emerged at the retreat was developed and circulated to the full board for comment in February and March 2013. The draft included proposed revisions to the Board for Judicial Administration Rules and the BJA bylaws. Based on the input received and discussion at the March and April meetings of the board, the draft proposal was significantly modified.

The workgroup proposes to present the revised draft to the full board at the May meeting of the BJA, and to request feedback from the judicial associations prior to the June meeting. The workgroup would ask the board to approve the proposal at the June meeting for circulation to the wider judicial branch committee, including rank and file judges, the Washington State Bar, and judicial branch associations and agencies. An open meeting could be scheduled at the fall judicial conference to provide judges an opportunity to make comments directly to the workgroup. Following the fall conference the matter could be put on the BJA agenda for consideration of final approval.

IV. Intent of Revisions to Rules and Bylaws

The proposed revisions are intended to achieve the follow effects:

1. The board would be modeled on the Utah Judicial Council: smaller, serving as a decision-making body, delegating policy-development to a structured system of committees.
2. The board would be given a stronger charge, including primary responsibility for development of statewide policy to support the effective governance of Washington courts. Responsibility for direct control and governance of the courts is and will continue to be a local responsibility.
3. The board would be charged with oversight of the budget of the Administrative Office of the Courts (AOC). The board would review items affecting the AOC budget and would make recommendations to the Supreme Court Budget Committee. This would not include review of the budget requests of the Supreme Court, the Court of Appeals, the State Law Library, the Office of Civil Legal Aid, and the Office of Public Defense.
4. The board would provide general direction and oversight to the Administrative Office of the Courts.
5. The board would provide leadership for long-range planning for the judicial branch. It is expected, consistent with the concept of campaign planning recommended by the NCSC consultants, that the policy and planning committee of the board would oversee a process to conduct outreach,

identify major strategic issues and opportunities, and conceptualize and propose to the board strategic initiatives for the branch.

6. The board would be the voice of the judiciary in legislative relations on matters affecting multiple levels of courts or the statewide administration of justice.
7. The Supreme Court would retain authority for rule-making.

V. Changes to Proposed Rules and Bylaws

1. The revised rules would charge the board with responsibility to:
 - a. speak for the judiciary in legislative relations;
 - b. adopt policies to support the effective operations of the courts;
 - c. provide leadership for long-range planning within the judicial branch;
 - d. provide oversight of the AOC budget and determine priorities; and,
 - e. provide general direction to the Administrative Office of the Courts.
2. The rules would identify the composition of the board as:
 - a. The Chief Justice of the Washington Supreme Court;
 - b. Three court of appeals judges selected by a process established by the court of appeals;
 - c. Four superior court judges selected by a process established by the Superior Court Judges' Association;
 - d. Four district or municipal court judges, at least one of each, selected by a process established by the District and Municipal Court Judges Association.

- e. The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association would serve as ex officio liaisons.
3. Terms of office will be for four years, with roughly half of the terms starting on July 1 of every odd year. Members may not serve more than two terms consecutively but may serve additional terms provided an interval of four years transpires between periods of service.
4. The revised bylaws would designate a committee structure and process including:

- a. Three standing committees corresponding with the principal functional responsibilities assigned to the board:

Legislative Committee
Budget Committee
Policy and Planning Committee
(There is a proposal to add court education)

- b. The board would have authority to create ad hoc committees, advisory committees, steering committees and task forces by the approval of a committee charter specifying the charge, membership and terms of the body being created. Ad hoc committees, like standing committees, are intended to act as subsets of the board while advisory committees, steering committees and task forces are intended to operate with a higher degree of independence and autonomy. An ad hoc committee must include a member of the board; a task force, steering committee or advisory committee need not include any members of the board.
- c. Other than the standing committees no committees and task forces can be authorized for more than two years, but may be reauthorized through approval of a new charter. The board chairs are authorized to extend the term of any subordinate entity for up to three months to complete its charge.

- d. All committees and task forces would have authority to create subordinate entities, including subcommittees, workgroups and study groups with approval of the board.
- e. All committees would be required to provide a report to the BJA no less than once per year unless otherwise instructed.
- f. There would be an executive committee comprising the co-chairs and the chairs of the standing committees.

5. The rules and bylaws would specify that:

- a. A quorum would require the presence of seven members provided each level of court must be represented.
- b. The chief justice will serve as a co-chair and a member will be selected by the members to serve as co-chair, alternating every two years between a superior court judge and a district or municipal court judge.
- c. The agenda for meetings will be determined by the chairs. Any board member, the presiding chief judge of the Court of Appeals, or a president of a judicial association may request that an item be placed on the agenda and the item will be placed on the agenda of a subsequent meeting of the board.
- d. Meetings will be bifurcated, with informational presentations and structured participation by non-members in one session, and deliberations and voting conducted in a session with discussions limited to members and staff.

VI. Role of Judicial Associations

The workgroup had extensive discussion of the role of the judicial associations regarding deliberations of the BJA, legislative relations, and budgeting.

Regarding the relationship of the associations and the BJA in terms of deliberations, the workgroup concluded that the current structure is deeply

flawed. The dual role of association presidents and vice presidents as both leaders within their association and members of the board places these individuals in a conflict that makes it difficult to fully fulfill either role. Instead the workgroup proposes that the association presidents serve as non-voting ex officio members, allowing them to fully advocate the position of their association but not requiring them to record a vote. In addition, the presidents along with the presiding chief judge of the Court of Appeals would have the power to place an item on the BJA agenda, thus ensuring that any issues important to their association is addressed.

Regarding legislative relations and budgeting, the workgroup considered the goal of a reorganized BJA to be a process that encourages the development of harmonious if not unified positions with respect to legislation and budget. Recognizing that at times positions on legislation and budget might diverge, the associations would continue to be able to present their own position to the legislature or to the Supreme Court Budget Committee when it differs from that of the board. The board should seek to ascertain the position of the association and attempt to reconcile the divergent positions. The board should request of the associations that in an instance that an association intends to present an alternative position to the Legislature the association should inform the board and afford it an opportunity to reconcile the positions.

VII. Recommendations

Recommendation One. The board should recommend to the Supreme Court that the Board for Judicial Administration Rules be amended consistent with Appendix One (BJA Rules).

Recommendation Two. Contingent on amendment of the Board for Judicial Administration Rules by the Supreme Court, the board should amend its bylaws consistent with Appendix Two (BJA Bylaws).

The Supreme Court
State of Washington

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July 8, 2013

LaTricia Kinlow, Administrator
President, DMCMA
Tukwila Municipal Court
6200 Southcenter Boulevard
Tukwila, WA 98188-2544

Re: Board for Judicial Administration (BJA) Restructuring

Dear Ms. Kinlow:

Thank you for your June 21 letter. As you know we are still considering the restructure of BJA and will certainly be considering the DMCMA request.

Sincerely,

Handwritten signature of Barbara A. Madsen in cursive script.

Barbara A. Madsen
Chief Justice

c: Hon. Kevin Ringus, Fife Municipal Court
Callie Dietz, AOC



DISTRICT AND MUNICIPAL COURT MANAGEMENT ASSOCIATION

June 21, 2013

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Honorable Barbara A. Madsen
Chief Justice
Washington State Supreme Court
415 12th Ave SW
PO Box 40929
Olympia, WA 98504-0929

Dear Justice Madsen:

On behalf of the District & Municipal Court Management Association, we thank the Board for Judicial Administration for allowing the DMCMA to participate as guests of your association. We support the BJA's charge of "providing effective leadership to the state courts and developing policy to enhance the administration of the court system in Washington State."

The DMCMA is fully aware of the efforts to restructure the BJA for the purpose of increasing the focus and effectiveness of this leadership entity. While you are in the process of restructuring, the DMCMA humbly request your consideration of including our association as members of the BJA with voting privileges.

We understand and respect that the current structure of the BJA membership is reserved for judges. Please know that by including the DMCMA as voting members of the board shows our willingness to support our judges in increasing the effectiveness of the judiciary. We believe that increasing our participation from the status of guest to that of voting members will be a valuable asset to the BJA.

As court administrators, our judges rely on us to provide insight on the daily, non-judicial functions of the courts. Our input includes long range planning, case-flow management, staffing, court technology trends and needs as well as budget preparation. Administrators often serve as the liaison to the legislative and executive branches of government at the directive of the presiding judge. It is our desire to provide this same level of expertise to the BJA.

We thank you in advance for your consideration. Feel free to call upon us if you have a need for additional information regarding this request.

Sincerely,


LaTricia Kinlow
President, DMCMA

Cc: Aimee Vance, DMCMA President Elect

PERSPECTIVES ON
STATE COURT LEADERSHIP

GOVERNANCE: THE FINAL FRONTIER

*One in a series from the Executive Session
for State Court Leaders in the 21st Century*

written by:
Mary Campbell McQueen



HARVARD Kennedy School
*Program in Criminal Justice
Policy and Management*

NCSC
National Center for State Courts


State Justice Institute


BJA
Bureau of Justice Assistance
U.S. Department of Justice

PERSPECTIVES ON STATE COURT LEADERSHIP

This is one in a series of papers that will be published as a result of the **Executive Session for State Court Leaders in the 21st Century**.

The Executive Sessions at the Harvard Kennedy School bring together individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue.

Members of the Executive Session for State Court Leaders in the 21st Century over the course of three years sought to clarify the distinctive role of state court leaders in our democratic system of government and to develop and answer questions that the state courts will face in the foreseeable future. Themes addressed include principles for effective court governance, the tension between problem solving and decision making, the implications of social media for court legitimacy, how courts defend themselves from political attack, and the notion of chief justices as civic leaders. Many themes were developed by Session members into papers published in a series by the National Center for State Courts.

Learn more about the Executive Session for State Court Leaders in the 21st Century at:

NCSC's web site:
www.ncsc.org/executivesession

Harvard's web site:
http://www.hks.harvard.edu/criminaljustice/executive_sessions/statecourts

BJA's web site:
<http://www.ojp.gov/BJA/>

SJI's web site:
<http://www.sji.gov/>

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REPORT AUTHOR



Mary Campbell McQueen

President, National Center for State Courts

Mary C. McQueen has served as president of the National Center for State Courts since August 2004. Prior to this position she was Washington State Court administrator from 1987-2004 and director of Judicial Services for the Washington State Office of the Administrator for the Courts, 1979-1987. McQueen served as president of the Conference of State Court Administrators in 1995-96 and is a former chair of the American Bar Association/Judicial Administration Division. She is a member of the Washington State Bar Association, and she received the American Judicature Society's Herbert Harley Award in 2004. McQueen participated in the program for senior executives in state and local government at the John F. Kennedy School of Government at Harvard University. She holds a bachelors of arts degree from the University of Georgia and a juris doctorate from Seattle University Law School.

INTRODUCTION

Harvard Law School Dean Roscoe Pound's famous 1906 speech, "The Causes of Popular Dissatisfaction with the Administration of Justice," launched an era in which court leaders and academic supporters sought to find a form of court organization that would produce public satisfaction as a matter of routine. Now, more than a century later, after countless examinations, re-examinations, development of various standards for court organization, and application of innovative private sector business practices, no agreed-upon model for effectively leading state courts has emerged even as judges and court administrators continue to explore the frontier of court governance.

This paper suggests that court leaders and their allies may have based reform efforts on incompatible organizational models, which has hindered progress in improving court governance. Too much attention and energy has been focused on finding ways to emulate in the court environment what appears to work in administering or governing executive branch agencies and private businesses. This paper argues that court leaders should instead consider what is called a "loosely coupled organization" model for governing courts and look to the processes and mechanisms that the leaders of those organizations use to achieve effective governance.

While not exhaustive, for the purposes of this paper, loosely coupled organizations are ones that share these among other characteristics. Such organizations provide significant services requiring extensive and specialized knowledge and complex decision-making. Their staff consists of highly trained professionals with extensive individual autonomy. Most decision-making is decentralized. Loosely coupled organizations exhibit a tension between institutional commitment and individual independence. There is also a dependence on external funding sources. Loosely coupled organizations reveal unpredictable alliances and connections and an unclear chain of command. Another common characteristic of such organizations is that they face constantly changing public expectations. Public universities and public health care institutions are prominent examples of loosely coupled organizations.

These attributes are relevant because they also describe the nature of state courts as organizations. While many judges may be unfamiliar with the concept of "loosely coupled organizations," they will recognize the associated organizational dynamics in their own work. The ambition of this paper is to highlight the insights and lessons court leaders can learn from examining the governance mechanisms that have been effectively applied in similar loosely coupled organizations.

This paper first explains in greater depth the nature and key characteristics of loosely coupled organizations. In doing so, it demonstrates how those characteristics are manifest in the state courts. Then, the paper turns to the potential practical payoff that can come from court leaders thinking of their courts as loosely coupled organizations. A proposal is made for adopting four governance mechanisms for effectively leading loosely coupled systems, with discussion of how court leaders can adapt those mechanisms to pursue new approaches to governance, and potentially turn popular dissatisfaction into satisfaction.

This paper is dedicated as much to raising new questions for court leaders to address as it is to providing immediate practical solutions to the problems courts are facing. By thinking about courts as loosely coupled organizations, fresh insights and possible new approaches to court governance may be gained.

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THE LOOSELY COUPLED ORGANIZATION

In the 1970s and 1980s, the concept of loosely coupled systems became prominent in the academic study of organizations. The concept was developed as an alternative to the prevailing focus on organizations as rational, hierarchically controlled entities. The earliest application of the concept was by Karl Weick in his studies of school systems. Over time, schools and other organizations adopted policies and practices based on insights from organizational scholars such as Weick. In 1976, he introduced the following concept in a highly influential article on educational organizations:

The basic premise here is that concepts such as loose coupling serve as sensitizing devices. They sensitize the observer to notice and question things that had previously been taken for granted. It is the intent of the program described here to develop a language for use in analyzing complex organizations, a language that may highlight features that have previously gone unnoticed.¹

Those involved in the judicial branch may see similarities between that and loosely coupled organizations in which individuals and groups retain a high level of individual autonomy, such as tenured professors in a university system and independently elected or appointed judges within a state court system. Legitimate authority in a loosely coupled organization is derived as much from colleagues as from a formal source, such as a statute, by-law, or constitution.² In important respects, organizations such as courts resemble franchises in which local owners, like a licensed franchisee, must meet corporate quality standards while providing direct services locally. In the court context, an example is the use of case-specific time standards that are established by state court rule but must then be implemented operationally by local judges in individual cases.

Governing a loosely coupled organization requires a distinctive approach to leading. In the private sector, most company executives possess a high level of

control over the allocation of resources and assignment of personnel, allowing them to develop a clear set of operational goals within the organizational structure. Leaders of loosely coupled organizations can also adopt policies for governing, develop plans for the future, and wield the power of finances. However, most do so within what can be called “organized anarchies” (see Figure 1).

To set the stage for an analysis, this paper considers five of the core characteristics shared by loosely coupled organizations and describes how they are manifested in the state courts: (1) federated governance structure; (2) accountability versus autonomy; (3) unpredictable connections; (4) complex and knowledge extensive decision-making; and (5) competing demands of integration and specialization.

1. FEDERATED GOVERNANCE STRUCTURE

In loosely coupled organizations, individuals and groups retain high autonomy relative to the larger system. This often results in a federated governance structure where the extensively trained professionals providing the public service may create their own governance norms and feel unreasonably constrained by a central authority’s demand for administrative accountability. An individually based source of legitimacy—defined by Mark Moore and Sanjeev Khagram as a “license to operate”—and authority contributes to the federated nature of the organization and perpetuates an “us versus them” perception of governing.³

The tension between those doing the “real work” and those “governing” or leading is magnified in the judicial system through the multiple sources of professional legitimacy, such as individual judicial selection and the constitutional authority to apply the law. Like tenured professors who defend academic

Governing a loosely coupled organization requires a distinctive approach to leading.

**FIGURE 1:
GOVERNANCE IN LOOSELY COUPLED ORGANIZATIONS**

Responsibility	Higher Education	Health Care	State Courts
<ul style="list-style-type: none"> • Institutional Leadership • Mission/Planning • Policy 	University President	Hospital President	Chief Justice
<ul style="list-style-type: none"> • Management • Finance • Administration 	Provost/Executive VP	Hospital Administrator	State Court Administrator
<ul style="list-style-type: none"> • Policy • Department/Jurisdiction Leadership 	Dean	Chief Medical Officer	Presiding Judge
<ul style="list-style-type: none"> • Management • Finance • Facilities 	Department Chair/ Associate Dean	Director, Clinical Services	Trial Court Administrator
<ul style="list-style-type: none"> • Independent Authority • Specialization (Experts) 	Tenured Faculty	Physicians	Judges
<ul style="list-style-type: none"> • Representative • Input/Direction • Advisory 	Board of Regents	Board of Trustees	Judicial Council
<ul style="list-style-type: none"> • Transitory • Performance/Outcome Focus 	Students/Alumnae	Patients	Lawyers/Parties
<ul style="list-style-type: none"> • Priorities • Accountability 	Executive Branch	Funding/Donors	Executive Branch

freedom in the classroom, judges, whether appointed or elected, vigorously protect their independence to “do justice.” For example, individual trial judges view uniform requirements for measuring time-to-trial or restrictions on the size of a jury voir dire panel as assaults on judicial independence. To many individual judges, “doing justice” is the only appropriate metric for measuring court performance or determining individual accountability.

2. ACCOUNTABILITY VERSUS AUTONOMY

Accountability and autonomy are competing values in loosely coupled organizations and, as such, potential sources of tension. University faculty have historically viewed performance evaluation as a threat to academic freedom and question the feasibility of accountability.⁴ Alternatively, Wellman suggests that the accountability movement represents an opportunity for leaders at the state or institutional level (for example, a local court) to craft different approaches to governance. Rather than trying to “beat back”

accountability efforts, leaders can take the opportunity to proactively define terms of accountability for fiscal matters and performance that preserve independence.⁵

Similarly, elected and appointed trial judges both aspire to provide justice in individual cases and preserve control of their calendars; at the same time, chief justices and presiding judges strive to ensure equal justice and the independence of the judicial branch, while balancing performance measurement and cost-benefit analysis. Increasing competition for public funds, coupled with increasing demands for court efficiency and productivity, have elevated the tensions between judicial accountability and individual autonomy. Managing these competing values has become more complicated, and tensions remain strong within the court system.

For example, an attempt to require all courts to limit jurors to serving for “one day or one trial” may carry cost benefits for medium to large trial courts while creating challenges and limiting flexibility for small trial courts, creating a tension between the central office and the local courts. Chief Justice Wallace Jefferson and retired Judge Barbara Mundell describe this attempt to harmonize the competing goals of accountability and uniformity with local autonomy as tantamount to “herding lions.”⁶

Additionally, judges who trade the courtroom for the boardroom are marginalized in the eyes of their colleagues. Governance responsibilities may acquire a form of stigma when compared with the decision-making role of individual judges. An anecdote from Harvard University captures the resulting tension nicely:

When Alfred North Whitehead was told of [James Bryant] Conant’s appointment to the presidency of Harvard, he was reputed to have remarked, “But he is a chemist.” When his informant reminded him that an earlier president had been a chemist, Whitehead replied. “But Conant is a good chemist!” implying that it was a waste of a good scholar to weigh him down with the presidency of Harvard.⁷

Loosely coupled organizations have also been characterized as what can be called “church-state” organizations, where the service-driven professionals (i.e., the “church”) “provide the innovation to move the organization forward from a knowledge standpoint, and a centralized authority (i.e. the ‘state’) handles the business of the institution.”⁸ Some scholars have argued that this church-state dichotomy worked well in a less complex world where, traditionally, administrators and managers held relatively weak support roles and were able to thrive.⁹ As organizations became more complex and pressure to improve productivity from funders increased, the relationships between professionals and management (i.e., the church and state) grew more complicated, creating organizational tensions. The movement toward state funding of trial courts created a similar tension between trial court judges trying individual cases and state requirements for uniform reporting and accountability.

3. UNPREDICTABLE CONNECTIONS

The connections and alliances that exist between the individual (i.e., professionals) and the centralized executive (i.e., management) are unpredictable in loosely coupled organizations, especially compared with a tightly coupled hierarchical agency such as the executive branch of government or private industry division. Lines of authority may be unclear, misunderstood, or unrecognized, and the distribution of power may appear uneven.

An example from the academic field illustrates this dynamic:

A dean of a medical school works with department chairs who are often semi-autonomous scientists who control their own research funds; faculty physicians decisively shape the economics of their clinical practices; the cooperating hospitals function as autonomous units facing their own fiscal and political challenges.¹⁰

Commentators on court organization have described the judiciary as a “group of robed attorneys who office-share.” In other words, “no one is the boss of me.” The institutional tension between the state court

The complexity inherent in the nature of the courts as organization is its very purpose and constitutional function.

administrator and local trial court described by Jefferson and Mundell is similar to the tension between hospital administrators and physicians or between university presidents and deans—they share institutions and a need for some interaction, yet each level exerts its own independence.¹¹ Connections among and between the trial courts and the state administrative office, or factions within the local court such as proponents for individual versus master calendaring, are difficult relationships to identify and maintain. The proliferation of problem-solving courts has multiplied external connections through the need for greater coordination with outside partners and stakeholders such as prosecutors, law enforcement, federal funders, and social service providers.

The complexity inherent in the nature of the courts as organizations is its very purpose and constitutional function. Not only is the system designed to do justice in individual cases, but it is also the branch of government established to ensure the balance of power between the state and federal government and among the executive and legislative branches of government. This complex system of power and responsibility is distributed broadly not only within a state, but also across county and municipal governments, creating a web of relationships between and among various partners such as county commissioners, law enforcement agencies, schools, corrections, the media, the bar, and the public.

For the courts, local trial court subcultures involving presiding judges, individual chambers, calendars, specialty dockets, and activities reflecting similar yet localized tensions are superimposed over this “state versus local” tension. These local relationships are often unpredictable or misunderstood. Individual judges can resist or resent a presiding judge’s attempt

to reduce facility costs by suggesting that judges share a courtroom or equalize the workload by changing the way calendar assignments are made. However, unpredictable connections and relationships can also be beneficial; a loosely coupled organization may be uniquely structured to survive changes in its environment, as evidenced by the increasing number of problem-solving courts. As a result, a loosely coupled organization can achieve a high degree of organizational flexibility, allowing it to quickly respond to external changes, such as the creation of specialty dockets to respond to the foreclosure crisis.

4. COMPLEX AND KNOWLEDGE EXTENSIVE DECISION-MAKING

Professionals in loosely coupled systems arrive in their positions having personally attained a high level of academic achievement applying complex concepts. Whether in medicine, academia, or the law, continued personal achievement is valued and rewarded. This individually based system of recognition and reward perpetuates the loosely coupled nature of the organization. The very nature of the law, medicine, or academia requires professionals to continually adapt and develop knowledge.

Judges, too, must constantly expand their knowledge to keep pace with legal, societal, and technological advancements. While the legislative and executive branches of government are charged primarily with the responsibility of developing and implementing public policy, the courts must apply and enforce that policy. This constantly changing professional environment, while mentally challenging and satisfying, can also be stressful and controversial. Appellate and federal courts review the decisions made by trial judges who must absorb new case law and procedure while making daily rulings in numerous cases. The pressure to make the right decision in the first instance contributes to a sense of individual rather than institutional responsibility, a consequence distinctive to the courts as a loosely coupled system.

With ever-increasing globalization, the complexity of applying various state and local laws is multiplied by the adoption of international treaties and contracts. Even the historic authority of state supreme courts to

regulate the practice of law is being challenged.¹² This increased complexity can contribute to an increased emphasis on specialization.

Within the judicial system, attempts to establish institutional goals and allocations of judicial resources based upon system workload needs are often met with opposition from trial court judges. Whether at the state or local level, the recent fiscal crisis has contributed to an increased tension between institutional goals and local priorities that impede integration. Attempts to develop an institutional vision are often met with charges of micromanagement, and innovation at the local level may not be adaptable to attempts within the broader system to enforce “one size fits all reform” across all courts and may be met with strong resistance. Jane Wellman observes that “no amount of exhortation about the importance of [the] ‘public interest’ will convince people that a call for better state governance is not really a call for ... micromanaging.”¹³ While there are some challenges to governing a loosely coupled organization, the loosely coupled nature of the judicial system gives it one of its strengths—the ability to adapt to change.

5. COMPETING DEMANDS OF INTEGRATION AND SPECIALIZATION

The fifth and final characteristic of loosely coupled organization considered here is that they are structured to support specialization and the development of expertise within individual autonomous work units. The changing nature of the law perpetuates specialization. Pressures to integrate these specialized work units, such as system-wide strategic planning or procedural uniformity, are weak in comparison to the emphasis on autonomy and local experimentation. The loosely coupled organization is less focused upon an integrated work product and instead supports delegated authority to local professionals and leaders.

The university offers an example of a loosely coupled organization with particular relevance to the courts. Individual professors are hired to work autonomously within the department setting. The departments represent independent work groups, each focused on their field of expertise. Most of the daily responsibilities and decisions are governed by department

policies and procedures. The department has its own governance structure and is supervised by a department chair and program directors, depending on the department’s needs. Each professor is recognized as an in-house expert within his or her respective field and is granted broad discretion to accomplish the department’s assigned objectives. However, each department also exists within a federated structure. The department’s objectives, as well as its overall mission and strategic plan, are tasks that are set by the university’s leadership who are charged with the governance of the organization along with other entities such as a board of regents, trustees, the university president, and the academic deans. The university president grants a significant amount of autonomy to the individual departments to accomplish the established mission, strategic plan, and objectives.

A state bar association is another example of a loosely coupled organization in the legal context:

The state bar association oversees the legal profession, worrying about a broad mission that ranges from lawyers’ obligations to society (access to justice), the economics of practice, ethical standards to the profession and the public’s trust and confidence in the court system. Members vary widely in their motivations for membership, participation and expectations. Actions that favor one segment, such as support for sole practitioners, may irritate other constituencies. The work takes place via committees, led by other volunteer lawyers, supported by a central staff that are supervised by an independent bar executive whose authority/legitimacy is based upon statute or court rule.¹⁴

The operational and funding success of drug courts and other problem-solving courts perpetuated the call to “specialize” additional court operations, including veterans’ courts, mental health courts, unified family courts, teen courts, and business courts. Specialized dockets or courts require specialized judges and specialized services, which enhance historical tensions between case types and judges who are fighting for scarce resources or priority. Judges,

like their tenured professor counterparts in academia, may become more focused on retaining support for their specialty court at the risk of systemic coherence or funding, which can create misunderstanding and conflict across the organization.

GOVERNING AND LEADING A LOOSELY COUPLED ORGANIZATION

Having made the case for why state courts can be regarded as loosely coupled organizations and outlined some of the core characteristics of those organizations, we now turn attention to the resulting implications for state court leaders. While loosely coupled organizations offer a great deal of autonomy and flexibility to their component work units, they also require direction and oversight. A centralized executive team such as a chief justice/state court administrator or presiding judge/trial court administrator still provides the vision, mission, and strategic goals for the organization. Managing such a widely spread, loosely connected, and complex organization requires the development of governance mechanisms that are more creative than those applied in traditional hierarchical or corporate organizational structures. For example, leaders in loosely coupled organizations rely heavily on acquiring legitimacy and developing trust between the central office and the autonomous work units. Independent departments are often unwilling to accept strategic plans or mandated tasks from a leader who has not established a positive rapport with the departments and demonstrated commitment to the organization—both overall and to the units individually. The autonomous work units must be convinced that plans and policies, as well as communication, from the central administrator are relevant, well-considered, and not restrictive to their own leadership or independence.

The loosely coupled leadership mechanisms identified in this paper can assist court leaders in successfully leading and governing state courts. These mechanisms provide the necessary “means” for setting system direction for continuous improvement

in operations while acknowledging the independence and professional competence of individual judges.

It should be noted that these “mechanisms” are not mutually exclusive; each is an essential component to effectively governing the unique court environment. For example, a judicial council may be the vehicle for establishing a **leadership mechanism** while also serving as the **process mechanism**. A forum of presiding judges may possess the authority required for an effective **process mechanism** while also functioning as a court’s **communication mechanism**. An executive committee working with a presiding judge in a trial court can serve as an effective **fairness mechanism**.

The remainder of this paper describes four governance mechanisms at some length and suggests ways in which they can be implemented and structured in the context of the state courts. These four governance mechanisms are:

- Leadership Mechanism: The importance of legitimacy
- Process Mechanism: Protecting and guiding
- Fairness Mechanism: Collaborative decisionmaking
- Communication Mechanism: The importance of the inner branch

LEADERSHIP MECHANISM: THE IMPORTANCE OF LEGITIMACY

Effective governing in a loosely coupled system requires that the leadership legitimacy be universally recognized by the various component parts—in the case of state courts, by the trial and intermediate appellate courts. Judges begin their careers as lawyers in a system based upon precedent and authority. However, in a loosely coupled system, leadership, while authority-based, may be ignored if not accompanied by recognized experience, expertise, and respect.

Each state, as well as the District of Columbia and Puerto Rico, has constitutionally created an independent judicial branch. In most states, either the court of last resort (15 states) or the chief justice of the court of last resort (36 states) is designated head of the judicial branch of government. In Utah, a judicial council is designated head of the judicial branch. Moreover, a variety of leadership models exist across the state judiciaries, including judicial councils, judicial conferences, policy advisory committees, administrative conferences, conferences of chief judges, boards of directors, administrative boards, and direction from the supreme court chief justice. Various state constitutions, statutes, and court rules provide that the chief justice or chief judge serve as the “head” of the state court system. Selection may be based on seniority, public election, rotation, or court election for a varying length of time.¹⁵ Regardless of the chosen leadership model or selection process for leaders governing the state court system, the judicial branch must adopt a leadership mechanism that is recognized as its legitimate voice in order to work effectively with its counterparts.

The leader must also support governance mechanisms that are inclusive and designed for broad-based input. In the state court structure, as with any loosely coupled system, the leader’s legitimacy flows as much from its members as from the enabling authority. The way that the leader assigns roles or provides opportunities for input will either enhance or diminish legitimacy. Ideally, the leadership mechanism for the state courts should consist of a mix of experienced and newer members of the bench who have gained the respect of their colleagues, thereby increasing confidence in the decision-making structure. The process for assembling the “council” should reflect the federated nature of the system—a mixture of appointment and election based upon geography and/or jurisdiction. Setting predetermined terms provides for multiple entries into the leadership circle, further enhancing the legitimacy of the group. Once assembled, the group’s roles and responsibilities must be defined and shared among all members of the bench.

Most organizational studies of state courts focus on the jurisdictional structure (unified, federated, or decentralized) rather than the relationships (couplings or connections) among the various judges, courts, administrators, and stakeholders. Viewing the judicial system as loosely coupled provides an alternative and objective way to organize and analyze court governance structure and leadership requirements. For example, even though decentralized in both structure and budget, the judiciary in the State of Washington collectively agreed to support the creation of a Board for Judicial Administration. The Board is composed of representatives from each of the four court levels and is co-chaired by the chief justice and an elected member of the trial courts. Using the legitimate rule-making of the Supreme Court, the Board of Judicial Administration (the Board) was created to “speak for the judiciary,” taking positions on legislative proposals and developing common priorities for the court system. Recognizing the legacy of local autonomy in Washington state, the original court rule provided that action by the Board be based upon “unanimity,” but after several years of shared history and the trust that developed, the rule was amended to provide for a structured majority rule (at least one vote from each level of court).

Utah’s Judicial Council, created by Utah’s Constitution, consists of representation from various courts levels and is recognized as one of the most legitimately accepted judicial governance structures among the states. Other states have chosen to bypass central judicial councils in favor of supporting the chief justice through specialized standing committees (budget, ethics, etc.) or task forces. Even in states with strong chief justice models, judicial leaders have recognized the need to create some leadership mechanism for acknowledging the voices of local judges. Whether based upon the historical practice of a strong chief justice model or an institutionalized entity, a leadership mechanism must be regarded as having legitimacy. Leadership legitimacy of the judicial branch must be recognized—first by the members of the branch itself—in order to be recognized as equal by the executive and legislative counterparts.

PROCESS MECHANISM: PROTECTING AND GUIDING

Scholars of loosely coupled organizations, such as Karl Weick, counsel administrators to be more attentive to the “glue” (processes) that connects loosely coupled systems than to the structures: “Since channels are unpredictable, administrators must get out of the office and spend lots of time one-on-one both to remind people of a common vision and assist them in applying that vision to their own activities.”¹⁶ Other scholars, such as Andrew Boynton and Robert Zmud, suggest that leaders in loosely coupled systems try “to simultaneously provide centralized direction and coordination while recognizing the value of increased discretion.”¹⁷

For court leaders, developing a “process” to plan and guide the system in this vein is as important as the actual plan. Hirschhorn, another leading thinker in the study of loosely coupled organizations, suggests that the planning processes deployed in loosely coupled organizations must fit the characteristics of the system they lead.¹⁸ Based upon his experiences, Hirschhorn suggests that planning consists of two elements: protecting the system and guiding the system. *Protecting* the system requires mechanisms that monitor events and trends to prevent crisis and excessive fragmentation. *Guiding* the system requires building a planning process rather than a specific plan.¹⁹ Some scholars suggest that “small strategic” steps may produce more effective organizational change than wholesale dramatic reform—an approach that Hirschhorn labels the “campaign approach to change.”²⁰

The process for identifying common performance indicators such as workloads, case weights, time standards, public opinion surveys, and staffing metrics can also create a perspective for seeing the relationship between the “parts” and encourage sharing best and emerging practices across boundaries. Common goals are highlighted through explanations of how funds are allocated, how funding and productivity are related, and who is accountable for expenditure of public funds. Some judges may resent or fear publication about performance, but over time, performance data can reinforce the system’s ability to govern itself and help counter attempts by the other branches

of government to erode its independence. The National Center for State Courts’ *CourTools*, an online resource for appellate and trial court performance measures, provides examples of performance mechanisms.²¹ Determining which functions can best be performed by a central authority and which by local offices promotes collaboration based upon collective judgment.²² A mechanism for promoting “collective judgment” provides for “equal influence, information and participation.” Much like customer service businesses (e.g., Nordstrom), the best service also requires customer-based decision making. In other words, mechanisms and processes should delegate authority to local professionals who are closest to the relevant customer or decision—trial court judges to parties, presiding judges to assignments, and trial court administrators to budgets and employee relations.

When the State of Minnesota adopted state funding for the courts, the composition and the role of Minnesota’s judicial council, a group which plays a key role in the governance of Minnesota’s courts, changed. Now, various presiding judges who are elected by their local peers from each of the administrative districts are members of the judicial council along with member appointments made by the chief justice. One of the judicial council’s responsibilities is to establish the process and priorities for making budget decisions. The legitimacy of the judicial council and the acceptance for critical funding decisions are enhanced by the change in composition. Minnesota’s actions illustrate an effective use of the process mechanism.

FAIRNESS MECHANISM: COLLABORATIVE DECISION MAKING

Unanticipated or abrupt changes in the environment may require that decisions not always be entirely collegial or democratic. Trust is the political capital a loosely coupled system uses to manage crisis and make timely decisions, and fairness is the rate of exchange. Political capital is amassed over time by using inclusive processes for collaborative decision-making based upon objective information to ensure the decision

is made in the interest of the system as a whole. In loosely coupled systems, individuals may more easily agree on shared values while disagreeing on how to achieve them—what researchers James Thompson and Arthur Tuden label “judgment...decision-making strategy.”²³ Regardless of the specific structure, a fairness mechanism for governing the judicial system provides for reaffirmation of shared values.

A sense of fairness may be achieved by building coalitions around issues with broad-based participation. Committees, task forces, forums, and shareholder participation are essential governance mechanisms to produce a genuine consensus in any structure, but particularly in a loosely coupled organization. As argued by Jefferson and Mundell, “one size does not fit all,” but all must provide justice.²⁴

The recent budget crisis provides several examples of how a fairness mechanism can provide the necessary structure for making critical, yet unpopular, decisions. Where judges and court executives at the state and local level recognized the legitimacy of the process for making budget reductions, the courts experienced less friction and animosity among and between court leaders, individual judges, and court executives. Professionals in loosely coupled systems value the transparency of the process as well as the effectiveness of a framework for making decisions.

Collaborative decision-making is essential to an effective fairness mechanism. Attempts to govern the judicial system have vacillated between models that either enable or enforce. Recognizing the loosely coupled nature of the judicial system, however, endorses the “delegation/enabling” (or “franchise”) model, in which courts have the delegated authority to make certain decisions locally. For example, the judicial council or supreme court can adopt time standards for case types but still allow each jurisdiction to determine the case management practices that best fit its mix of cases and resources. This model is similar to McDonald’s Corporation, which determines the ingredients of a Big Mac (lettuce, two all-beef patties, special sauce, cheese, pickles, and onions, on a sesame seed bun) but allows the local franchise to choose

where to buy the lettuce, cheese, or pickles as long as the quality meets the corporate standards. Effectively governing the judicial system requires that the governance body identify which decisions can and should be made by the local court and which by the state administrative office. Delegation of the authority to implement collectively adopted standards (time, workload, equipment acquisition, personnel, etc.) enable courts in a loosely coupled judicial system to effectively operate while supporting the broader commitment to providing equal justice.

COMMUNICATION MECHANISM: THE IMPORTANCE OF THE INNER BRANCH

Today’s world of instant communication provides loosely coupled systems with a sword and a shield. Once, monthly newsletters were mailed to each courthouse and posted on a bulletin board. Now judges expect regular communiqués from the central administration on a variety of issues, from the legislature’s latest bills to the governor’s most recent initiative.

A mechanism for communicating within the system (intra-branch communication) and with counterparts across the system (inter-branch communication) is essential to an efficiently governed judicial system. The more information various actors have, the more they will understand the cohesion of the system and be supportive and connected to its needs. The recent financial difficulties demonstrate the havoc that occurs when a loosely coupled system experience such situations; individual units adopt a fortress mentality to secure their share of the scarce resources without

Today’s world of instant communication provides loosely coupled systems with a sword and a shield.

regard to the consequences or impact on other parts of the system or for the system as a whole. Communication mechanisms will not prevent such financial balkanization, but they may aid in deterring further erosion of the branch in its response.

Chief justices have proven their success as intra-branch communicators by convening and hosting workshops on sentencing, foster care, foreclosure, and information sharing. Mechanisms for including local judges in this process leverage the influence and legitimacy of the judicial system. Office space, chamber staff, and parking allocation can be just as important as salary increases, upcoming campaigns, or a court's record on appeal. Recognizing the federated nature of courts as loosely coupled organizations, effective judicial leaders should consider adapting governance mechanisms for their individual courts. Executive committees, departments, and special task forces provide energetic judges with ways to participate in leading, rather than opposing, the organization. Judicial leaders can limit balkanization by giving members of the branch a voice through communication.

While intra-branch communication is an essential mechanism for the effective operation of the third branch of government, the “independent branch of government” argument is not the sole solution. The judiciary must also engage its partners from other branches of governments, whether through formal testimony, meetings between local judges and legislators, State of the Judiciary addresses, or programs to bring policymakers from the legislative and executive branches into the courts. Collaborative, cross-branch problem solving with legislators and cabinet members can identify innovative solutions that work for each branch.

In order to build a common identity in a loosely coupled system, the leader must provide an ongoing sense of history, recognize common heroes and heroines, and cultivate a legacy of achievement through ceremonies and affirmation.²⁵ By emphasizing individual contribution, the presiding judge can develop “logic of confidence and good faith.”²⁶ Public and private affirmation testifies to the shared value of “doing justice.”

CONCLUSION

To state that an organization or system is “loosely coupled” is only the beginning of the discussion.²⁷ Loose coupling recognizes the numerous dimensions and complexities of organizations populated with semi-autonomous professionals such as judges, where the governance structure is not only vertical (the judicial system) but also horizontal (trial courts). The judicial system is a complex organization composed of multiple moving parts similar to a university or a hospital. By embracing the practices of governance mechanisms that have proven effective in administering similar loosely coupled organizations, the state courts can achieve a governance structure that is more consistent with its complexity and its ultimate goal—to administer justice and achieve public satisfaction. It can also improve the relationship to the other branches. If the judiciary is to assume its co-equal role with the executive and legislative branches of government, it should study and adopt governance mechanisms that are compatible with its loosely coupled environment.

Lessons gleaned from understanding the mechanisms for governing loosely coupled organizations can be combined with other innovative ideas about how courts should be governed.

Lessons gleaned from understanding the mechanisms for governing loosely coupled organizations can be combined with other innovative ideas about how courts should be governed. The “Court Governance Principles” put forward by Christine Durham and Dan Becker also provide an excellent framework for court leaders to critique existing court organization models and consider what courts as institutions need to do internally to govern.²⁸ These principles offer the “what” of court governance. The resulting insights can be further developed by considering the institutional

mechanisms or the “how” for court governance discussed in this paper. The time is ripe for ideas to compete and be refined into a new understanding of how courts can indeed turn the dissatisfaction identified by Dean Pound into a satisfied public and establish inter-branch relations that strengthen government as a whole.

George Washington said “the true administration of justice is the firmest pillar of good government.”²⁹ Today, we would refine this statement and say that the prompt and effective administration of justice contributes to judicial independence to the degree that it provides the “means” to foster and meet the expectations of the citizens it serves. This “license to operate”³⁰—legitimacy—is purchased through the effective governance and leadership of the state courts. Thinking of courts as loosely coupled organizations points the way forward more certainly than can any governance model derived from the executive branch or private business. Potentially, such a new governance model will allow court leaders to effectively ameliorate today’s causes of popular dissatisfaction with the courts.

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Tab 4



Study on the Courts of Limited Jurisdiction in the State of Washington

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Table of Contents

I Introduction1

II Limited Jurisdiction Courts in Washington2

 A Current Environment..... 2

 B Historical Background..... 2

 C Recent Efforts in Washington 9

III Methodology of this Study11

IV Summary of Survey Responses14

 A Model 1 – Self-operated Municipal Courts..... 14

 B Model 2 – Self-operated Courts Also Serving Other Cities..... 20

 C Model 3.1 - Services Provided by the District Court 23

 D Model 3.2 – Services Provided by Other Municipalities 27

 E Model 4 – Department of the District Court 30

V Data Comparison & Analysis33

 A Judicial Officers 33

 B Municipal Court Staffing 34

 C Caseload 34

 D Cost Effectiveness..... 35

 E Case Processing Efficiency & Productivity 36

VI Summary of Follow-Up Interviews.....48

 A Access/Convenience for Court Users 49

 B Judicial Independence and Local Control..... 52

 C Standards of Judicial Conduct & Professionalism..... 54

 D Resources for Staffing & Support..... 55

 E Performance Measurement 55

VII Summary & Observations56

 A Municipal Court Organization 56

 B Judicial Independence 57

 C Operational Standards 57

 D Judicial Conduct & Professionalism 58

 E Court Performance 58

 F Court Consolidation 59

VIII Recommendations60

I Introduction

The Washington State Administrative Office of Courts (AOC) contracted with the National Center for State Courts (NCSC) to conduct an analysis of the efficiency and effectiveness of courts of limited jurisdiction in Washington State as a prelude to possible court organization reform. Funding was provided through a grant from the State Justice Institute (SJI). The purpose of the project is to examine the cost and major operational features of municipal courts in jurisdictions representing various types of organizational structure and governance to facilitate the work of the Administrative Office of the Courts (AOC) and the Board of Judicial Administration (BJA) in their deliberations on improvements in court organization. The BJA formed a Regional Courts Oversight Committee to study the issue and make recommendations to the Board.

The results of this project will assist the Regional Courts Oversight Committee to make recommendations to the BJA on the future course of regionalization, with the goal of achieving a court organizational structure that will make Washington courts of limited jurisdiction more efficient and more effective service providers. This effort is in furtherance of the BJA's policy position that Washington should establish a single, regionally based court of limited jurisdiction. It should be noted that, when assessing the operations of any court, many factors can influence whether they are considered to be providing high quality services efficiently and effectively.

II Limited Jurisdiction Courts in Washington

A Current Environment

Washington’s limited jurisdiction court system is comprised of locally funded district and municipal courts. These courts are authorized to hear misdemeanor criminal cases; traffic, non-traffic, and parking infractions; and domestic violence protection orders. The district courts also have authority to hear civil actions of \$75,000 or less and small claims up to \$5,000. There are 39 counties in Washington, and each county has at least one district court.

Municipal Courts have been created in a number of the state’s cities and towns. In some cases the municipal court is operated independently by a single municipality or under contract with one or more other municipalities. Additionally, some local jurisdictions have chosen to contract with the District Court to provide municipal court services. Municipal Court judges may be full or part-time, depending on local needs. Part time judges are generally appointed by a mayor or city manager, subject to approval of the local municipal councils while full-time judges are elected pursuant to state statute. Because of the great diversity in the size of municipalities in Washington the majority of judges and staff are concentrated in a relatively small number of courts.

Currently there is wide variation in the manner in which Washington counties and cities have organized their limited jurisdiction courts, ranging from counties with a highly fragmented system of limited jurisdiction courts to counties with a substantial degree of unification. Significant variation also exists in the type of municipal court services provided. These differences generally reflect local preferences and are influenced by geographic and demographic factors as well.

B Historical Background

The debate concerning court structure in the United States goes back to the early years of the twentieth century when Dean Roscoe Pound of the Harvard Law School addressed the 1906

annual meeting of the American Bar Association in St. Paul, Minnesota, about “The Causes of Popular Dissatisfaction with the Administration of Justice.” Pound argued that the American system of courts was archaic in these respects: (1) there were too many courts, (2) confusion resulting from concurrent jurisdiction among those courts and, (3) wasted judicial resources, especially with wide disparities in the workloads between the many courts.¹

Pound’s speech is generally recognized as the catalyst for subsequent efforts to create more unified judicial systems, as well as efforts to develop a more professional approach to court administration. Similar efforts, such as streamlined rules of court procedures promoted by William Howard Taft and state judicial reform emphasized by Arthur T. Vanderbilt, contributed to the discussion. However, it was not until the 1950’s that substantial efforts were undertaken to improve the quality of court management.²

The court unification movement ran from the early 1950s through the 1970s and emphasized court reorganization, simplification of court structures, administrative and organizational coherence, budgetary consolidation, and a general improvement in the professionalism and administration of courts and judicial systems. Although court reform efforts were part of a larger public campaign for more scientific and businesslike public administration, they became widely associated with the concepts of court consolidation or unification.³ Promoters of greater consolidation and unification argued that structural reform was needed to address the complexity and inconsistency of court structures which had developed over the years in response to various social, cultural and political forces.

¹ Roscoe Pound, “The Causes of Popular Dissatisfaction with the Administration of Justice,” *American Bar Association Reports* (Vol. 29, 1906) 395; reprinted, *Journal of the American Judicature Society* (Vol. 20, February 1937) 178, and *Federal Rules Decisions* (Vol. 35, 1964) 273, at 284-287.

² See Larry C. Berkson, “A Brief History of Court Reform,” in Berkson, Hays and Carbon (eds.), *Managing the State Courts: Text and Readings* (St. Paul, Minn.: West Publishing Co., 1977), pp. 7-11.

³ See, generally, Tobin, 1999, Chapter 7, “The Unification and the Advent of Judicial Administration;” Aikman, 2007, Chapter 3, “Context Associated with Court organization, Vocabulary and filing.”

Early structural reform efforts in the Washington courts date back to the 1920's, and the concept of regionalized limited jurisdiction courts was deliberated in 1959 when the legislature considered replacing justice of the peace courts with a single court of limited jurisdiction. The current court structure was established shortly after that with the passage of the 1961 Justice Court Act. Since then, there have been a number of efforts to revise the current system, including efforts of the District and Municipal Court Judges Association Court Consolidation Committee of 1988 and the Court Funding Task Force of 2004. Both groups advanced the idea of a single court of limited jurisdiction which has also been referred to as the "regional courts" concept.

Nationally, the unification movement sought to correct problems with existing state court structures including:

- An abundance of complex court organizations which were focused primarily on local concerns without a foundation of sound management practices and efficient resource allocation.
- Inequitable distribution of resources among courts of varying jurisdictions.
- Diffuse authorities and power, and minimal management accountability, with attendant lack of uniform case processing and court operational practices.
- Local variations in the processes, procedures and quality of justice.
- Limited management capacity and authority, leaving courts vulnerable to micromanagement by other branches of government.⁴

Although there were three areas in which unification was sought, the primary emphasis of reform during this period focused on *structural unification* – reducing the multiplicity of courts, and in many cases transferring control of trial courts from local government to the states in order to better integrate them into a more uniform organizational structure. A second dimension was *budgetary unification* – state level financing of the trial court system and

⁴ See Tobin, 1997, 19-20.

centralized judicial budgeting. The third area was *administrative unification* or the adoption of broader supreme court rulemaking power and administrative oversight through state court administrative offices.

Reform efforts were also directed toward upgrading the quality of state judiciaries. This included the merit selection of judges, the development of judicial discipline commissions, and the development of systematized methods for judicial education, such as the National College of State Trial Judges (later the National Judicial College) established in 1963. Concurrent with this effort were improvements in judicial compensation.⁵

Support for reforms also came from the American Bar Association (ABA), which in 1974 published *Standards Relating to Court Organization*. The standards advocated structural unification featuring a single appellate court and a single-tier trial court administered at the state level. The ABA reiterated support for the principle in its 1990 updated version of the standards.⁶ Since 1974, many states have considered structural reorganization, including a number who have adopted the ABA model by introducing a single-tier trial court structure.

Today's state court organizational structures can be classified roughly into three models: two-tiered structures, three-tiered structures, and complex, multi-tiered structures.

Two-tiered Structure: At their simplest, some court organizational structures have two levels of courts, a single unified trial court hearing cases of first instance across a state in various divisions, and a higher level occupied by a single appellate court in which all appeals are filed. Examples include South Dakota, the District of Columbia, and the territories of American Samoa, Guam, and the United States Virgin Islands.

⁵ See Robert W. Tobin, *Creating the Judicial Branch: The Unfinished Reform* (Williamsburg, Va.: National Center for State Courts, 1999), pp. 121-132.

⁶ See ABA, *Standards Relating to Court Organization (1990 Edition)*, Standard 1.10.

Three-tiered Structure: Next in complexity are three tier judicial systems. These include an appellate level with two levels of trial court. The trial court level includes a court of “limited jurisdiction” that typically has jurisdiction over misdemeanors, small claims, landlord tenant disputes, and various criminal infractions. The second level trial court, typically referred to as a court of “general jurisdiction,” hears all cases not specifically assigned to the courts of limited jurisdiction.

Into the relatively simple two-level or three-level structures, some states have inserted various separate “specialty” courts of limited jurisdiction such as juvenile, family, probate, and tax courts. Because of various traditional and political reasons, these often survived the court unification and consolidation movement. For example, when Connecticut consolidated its trial courts into a two-level structure in the late 1970s juvenile judges became superior court judges, but the juvenile courts remained in separate facilities, retained separate staff, and operated independently with separate geographic jurisdictions. In addition, the Michigan legislature created a family court in the 1990s as a division of the circuit court. This entailed moving juvenile matters to the circuit court from the probate courts and the cross-assignment of probate judges in an attempt to keep workloads balanced.

Multi-tiered Structure: Multiple-level state judicial systems may have greater complexity at the appellate level, the trial court level, or both. Texas and Oklahoma have dual supreme court systems separately reviewing civil and criminal appeals. Usually attributed to increased appellate workload, 37 states have created intermediate appellate courts. At the trial court limited jurisdiction level, a number of states, including Ohio, Georgia and New York, have one or more state-created courts that have jurisdiction in one or more counties or municipalities, as well as local courts established by cities and towns that hear ordinance violations, traffic, and misdemeanor cases.

The organization of trial courts in Illinois and Georgia illustrate opposite ends, though not necessarily the extremes, of trial court consolidation. All trial courts in Illinois are consolidated

into a unified circuit court with one chief judge overseeing the operations and procedures in each of the 24 divisions. The appellate level includes one court of last resort and one intermediate appellate court divided into five districts. An interesting aspect of the Illinois system, which also exists in Iowa, is the existence of two different types of judgeships at the trial court level. The Illinois Circuit Court has a large number of associate judges that are chosen by the elected circuit judges and typically handle less complex matters. Trial courts in Illinois are funded entirely by the state.⁷ The Georgia judicial system includes a court of last resort, a statewide intermediate appellate court and at least seven different types of trial courts some of which have overlapping jurisdiction. These consist of the Superior Court, State Court, Probate Court, Juvenile Court, Magistrate Court, Municipal Court and County Recorder's Court. Funding for the Superior and Juvenile Courts is shared by the state and the various counties while all of the other courts are funded by either the county or city in which they operate.

Budgetary Consolidation

Along with the question of organizational structure, many states have grappled with the question of whether courts are best funded by local units of government, a regional or district level, or by the state. Whether state or locally funded, however, one of the strongest arguments to be made for consolidation is the simplification of budget and procurement processes, and the prudent management of revenues and operating costs. Obvious candidates for merger for budgetary consolidation include common court expenditures such as indigent attorney fees, juror fees, courthouse furnishings, etc. Consolidating these expenditures can result in lower administrative overhead, increased "buying power" and a shift from competition to collaboration between local courts in the appropriation and budgeting process. Court organizations with multiple funding units face more challenges in consolidating their budgets. However, a wide variety of approaches from cost sharing of services (such as technology) to special funding agreements that allow the court to submit a substantially consolidated budget to all affected funding units, are in use.

⁷ Lyn Langton and Thomas Cohen. *State Court organization, 1987 – 2004*. Bureau of Justice Statistics Special Report, October 2007, NCJ 217996, Washington, DC: Office of Justice Programs, Bureau of Justice Statistics.

Administrative Consolidation

The consolidation of judicial administration embraces potentially all aspects of court operations such as caseload management, application of technology, fiscal and budgetary administration, personnel and human resources, judicial assignment and allocation, facilities, and inter-branch relations. As noted by Tobin, administrative unification has been incremental and unevenly implemented across the country. Some states have developed into highly unified systems, while others continue to operate under strictly local control. By 1996, depending on the criteria applied, fifteen to eighteen states had highly unified court systems, and an equal number of states had achieved a considerable degree of unification. Even in the minority of states where unification was not embraced, the issue of unification had usually been considered. Despite the failures and defects, court unification efforts have framed the debate for court improvement and raised awareness of the judicial branch as a coherent entity with a defined mission.

Beginning in 1996, the Michigan Supreme Court sponsored demonstration projects experimenting in structural, administrative, and financial consolidation in six judicial circuits, approving a seventh demonstration project in 1999. In each of the demonstration project locations, the three separate trial courts were joined into a single “trial court,” with one chief judge, one court administrator, and a single court budget to the extent that was possible. The National Center for State Courts conducted an evaluation of the six initial demonstration courts from 1996 to 1999 along with a follow-up assessment in 2001.⁸ The 2001 assessment concluded that unified trial courts provide many benefits to citizens, in terms of the fundamental values of the Michigan judicial system – independence, responsiveness, accountability, fairness, effectiveness and accessibility –echoing the trial court performance standards that were adopted by the Michigan Supreme Court in 1995. Further, in the eyes of key stakeholders such as local bar leaders, county funding authorities, law enforcement officials, and prosecuting attorneys, the unified courts were viewed positively.

⁸ See David Steelman, *Michigan Trial Court Consolidation Demonstration Projects: 2001 Follow-Up Assessment Report, Executive Summary* (Denver, Colo.: National Center for State Courts, Court Consulting Services, November 2001). For

Although the Michigan legislature did not adopt sweeping structural changes to the trial courts as a result of the demonstration projects, Public Act 678 of 2002 was enacted, allowing local courts to voluntarily adopt “concurrent jurisdiction plans,” subject to review and approval of the Supreme Court. These plans allow for flexibility in assigning judicial resources and encourage collaboration and consolidation of court administration and resources throughout a county or judicial circuit.

More substantial changes to court structure were implemented in Minnesota and California beginning in the 1980s. In 1982, the Minnesota courts began a 15-year transition to full state funding, including development of a statewide case management system, the creation of the Court of Appeals, and unification of the probate, county and municipal courts into a unified district court system under one central governing body, the Judicial Council.⁹ In 1998, California voters approved a constitutional amendment permitting judges in each county to merge their superior and municipal courts into a single countywide court upon the vote of a majority of the county’s superior court judges and a majority of its municipal court judges. Upon unification, the municipal court judges would become superior court judges and be subject to countywide election. In addition, municipal court employees and municipal court locations would become employees and court locations of the unified superior court.¹⁰

C Recent Efforts in Washington

The BJA’s Project 2001 initiative included a recommendation promoting the establishment of trial court coordination councils to develop a comprehensive system of cooperation, coordination and collaboration among the various trial courts within a jurisdiction. This resulted in some projects to coordinate particular functions or services but few organizational consolidations of limited jurisdiction courts. Beginning in 2003, the Courts of Limited

⁹ See <http://www.mncourts.gov/?page=NewsItemDisplay&item=55575>

¹⁰ Judicial Council of California, Analysis of Trial Court Unification in California, September 2000.

Jurisdiction Work Group (CLJWG) was charged with studying structural and funding issues in courts of limited jurisdiction resulting from multiple delivery systems and whether consolidation of district and municipal courts should be done. In the CLJWG's 2004 report¹¹, that group proposed a set of principles and implementation concepts for courts of limited jurisdiction, 11 short-term recommendations and a long term recommendation that "courts of limited jurisdiction should be reorganized into regional courts funded by the state."

In 2005, the BJA adopted a policy statement that called for the creation of regional courts and in 2008 formed an ad hoc committee to draft legislation. Although legislation has not been adopted, the BJA has recommended further study of this issue through its Regional Courts Workgroup. The Workgroup includes representatives from the district and municipal courts, court administrators, municipal and county associations. This current study has been conducted under the direction of the Workgroup and will form the basis for further recommendations and action by the BJA.

¹¹ Court Funding Task Force, Courts of Limited Jurisdiction Delivery of Services Workgroup, Final Report – October 12, 2004. http://www.courts.wa.gov/programs_orgs/pos_bja/tcfWorkGroupReport.pdf

III Methodology of this Study

Following an initial phone consultation with AOC representatives, the project team spent a week in Washington gathering data and information and interviewing AOC staff. The team also met with the Chief Justice, representatives of the Pierce County District Court concerning their current reorganization efforts, and judges and administrative staff of the Kirkland and Issaquah Municipal Courts. At the close of the week, the project team participated in a meeting of the Regional Courts Oversight Committee and with representatives of the Municipal Research and Services Center at their Seattle office.

The project workplan, as detailed in the grant proposal and the project contract, placed a heavy reliance on the use of existing data maintained by the AOC concerning the municipal courts. Upon completion of discussions with several AOC staff members and a review of the available data, the project team concluded that such a high reliance was not advisable. Specifically, the information reviewed appeared to be incomplete, was in some instances dated and accuracy could not be assured. In addition, the available data consisted of *volume measures*, such as case filings, staffing levels and judicial officer FTEs. There is no data pertaining to the *quality of court services*, such as time to disposition, collection rates, event date certainty, etc. During the project meeting with the Regional Courts Oversight Committee, the NCSC project team presented an alternative approach which would include a two-pronged approach. The first phase would be surveying the municipalities and conducting discussions with selected city officials, municipal judges and district court judges. The survey process would include appropriate sub-sets of municipal courts based on the various types of organization that are used by Washington municipalities. The second phase would include reviewing and analyzing data provided by the AOC, the Association of Washington Cities (AWC) and the Municipal Research & Services Center (MRSC). It was hoped that this approach would enable us to gather sufficient information that could serve as a basis for resulting recommendations. After discussion, the Regional Courts Oversight Committee agreed with the approach.

The discussions also identified five basic types of municipal court operations:

- Model 1: City operates its own stand-alone municipal court
- Model 2: City operates their own court and also one or more other courts under an interlocal agreement
- Model 3.1: City contracts for court services through the district court
- Model 3.2: City contracts for court services through another city
- Model 4: City receives court services through a department of the district court¹²

Following the direction of the Regional Courts Oversight Committee, a set of surveys was developed with questions specific to each type of municipal court organization. (See Appendix A) The surveys were designed to gather additional information from local municipal officials about the relative benefits and drawbacks of their current method of providing municipal court services, determine if consideration had been given to changing the current system and what conclusions had been reached, and to obtain basic budget and staff information for comparison.

With the assistance of the AWC, questionnaires were sent by email to municipal representatives in 280 municipalities. Sixty one municipalities completed a survey for a combined response rate of approximately 22%. The breakdown by organizational model type is provided in the following table.

After receiving and reviewing the survey results, the project team selected a number of jurisdictions for follow-up interviews with city officials, municipal court judges, and district judges assigned to municipal court dockets. The focus of the follow-up phone interviews was to clarify responses to the surveys and gain insight into the perspective of judges serving in these courts. The questions for judges focused on judicial independence and control, adequacy of resources, and performance monitoring. The selection was made with an eye toward providing

¹² Municipal Departments of the District Courts were authorized by Chapter 3, Section 46 R.C.W. in 1984. Effective July 1, 2008, revisions to the statute no longer provide for such departments to be established; however, those in existence at July 1, 2008 are permitted to continue operation.

a cross-section of representation across the 5 model types as well as geographic representation and an urban/rural split.

Model	Total	Responses	Rate	Follow-up Interviews
Model 1 - Self-Operated Municipal Court	84	25	29.7%	8
Model 2 – Operate own court and others by contract	16	4	25.0%	2
Model 3.1 – Contract with District Court	148	22	14.9%	7
Model 3.2 - Contract with Other Municipalities	23	8	34.8%	3
Model 4 - Municipal Dept of District Court	9	2	22.2%	2
Total Responding to Survey	280	61	21.8%	22

IV Summary of Survey Responses

This section will provide a summary of the survey responses for each organizational model type.

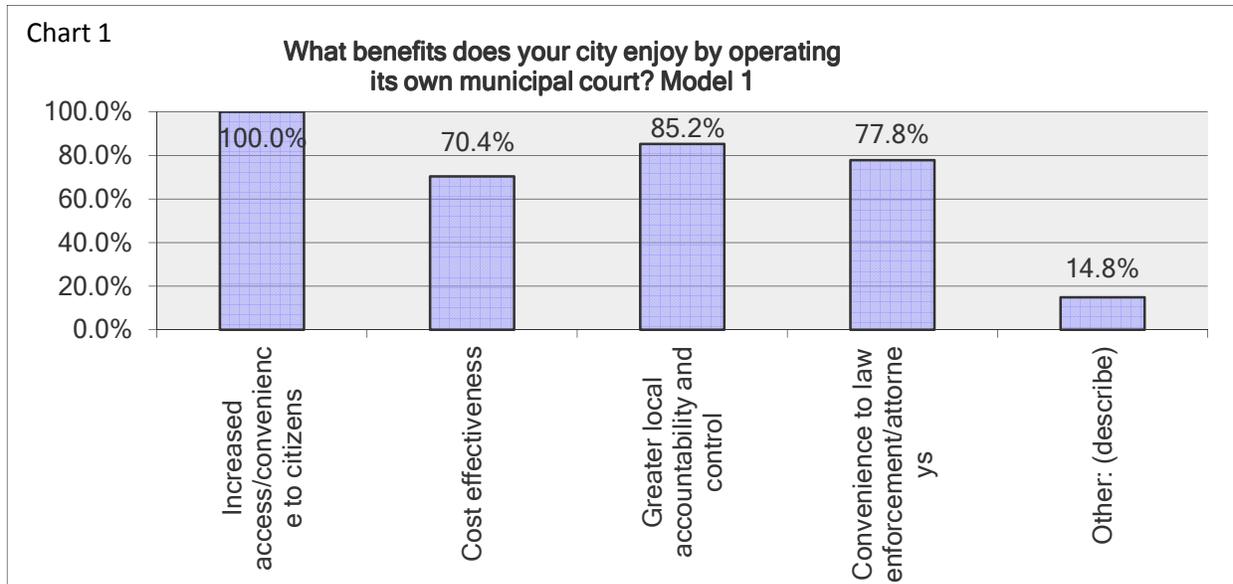
A Model 1 – Self-operated Municipal Courts

General Characteristics

All of the responding Model 1 municipalities have been operating in the current configuration for over ten years with the exception of one which has been operating between five and ten years. The vast majority of them (22) provide court services in a single location, with two jurisdictions holding court in three locations and another jurisdiction providing services in two separate locations.

Perceived Benefits of the Self-Operated Model

All of the responding Model 1 municipalities indicated that ensuring access and convenience to citizens, greater accountability and control, and convenience to law enforcement and attorneys are benefits of having a self-operated municipal court rather than any other model. In addition, over half of the responding cities also identified cost effectiveness of operations as a benefit of this model.



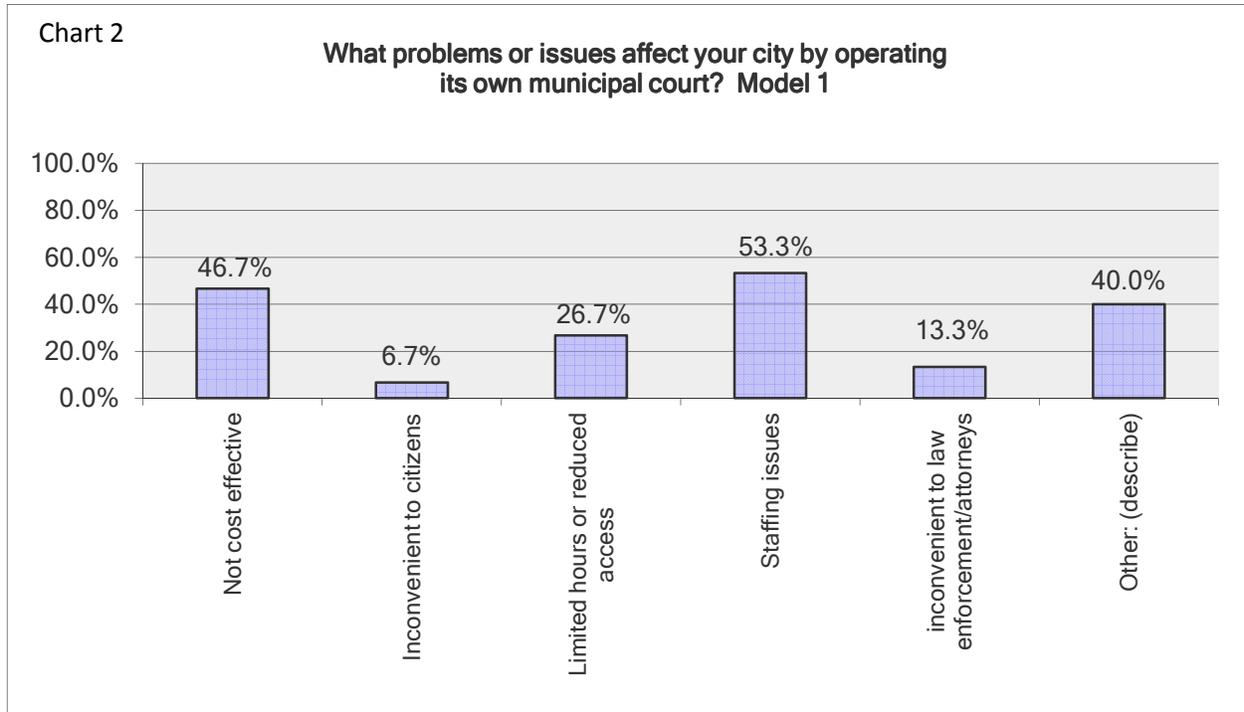
14.8% of respondents listed other benefits of the self-operated model such as:

- *“Greater coordination between the court and municipal officials in resolving code conflicts and working together to establish agreements for housing offenders.”*
- *“Better control over costs of the public defender, city attorney, jail fees, etc.”*
- *“Autonomy and greater flexibility allows the court to set and change policies as needed to respond to changes in circumstances. Our local Criminal Practice and Procedure Committee meets regularly to modify procedures as needed to improve court operations. Having local court and prosecutor/public defense offices enables us to be more responsive to the needs of court users. This also improves the public trust and confidence in the criminal justice system.”*
- *“We run our own probation department which enables us to achieve far greater compliance with sentence obligations. We also operate our own Electronic Home monitoring, which allows us to save jail expenses.”*

Perceived Problems of the Self-Operated Model

The primary problems/issues of operating an independent municipal court were staff-related issues, followed by cost. It is interesting to note that, while 70.4% of Model 1 respondents reported cost effectiveness as a benefit, 46.7% also identified cost effectiveness as a problem. This might indicate that while costs of operation of a self-operated municipal court can be

daunting for many municipalities, most of them have not concluded that another model would not necessarily provide more cost-effective court services.



40.0% of respondents listed other problems/issues of the self-operated model such as:

- *“Increased security requirements for communications and computer equipment, and certifications for consultants that work on these systems.”*
- *“All the headaches associated with another state-regulated environment.”*
- *“Judicial activism.”*
- *“Inability to manage the judicial branch/operations.”*
- *“We must provide court staff and pay for judicial expenses.”*

Consideration of Other Organizational Alternatives

Twenty (80%) of the Model 1 responding jurisdictions have at some time considered another alternative for providing municipal court services. For the remaining 20% of municipalities that have not considered alternatives, the following reasons were cited:

- *“Too inconvenient for our citizens.”*

- *“Having our own municipal court allows us to have a more personal relationship with our citizens. In a society that seems not to care for the convenience for others we value this convenience.”*
- *“We are the largest municipality in the county and one block from the jail and city hall, so we are not going to contract with another municipal court for services, and we have not had space to entertain providing services to other jurisdictions. We are unlikely to use district court as we are just completing construction of a new municipal court building.”*
- *“District court is understaffed and couldn't handle the additional case load and the city would be reluctant to lose that revenue. We have considered partnering (staff) with a neighboring city and sharing the costs however.”*
- *“No in-depth research conducted recently. In 2010 and 2011, the State Legislature was faced with potential legislation to require election of municipal judges which the City ... is opposed to. We believe that our appointed municipal judge is qualified, ethical, and independent. The court is not a revenue generator for the city but does provide a cost effective, convenient option for court users.”*

Comments submitted by those Model 1 municipalities that had considered another organizational alternative but continue to self-operate their municipal court include:

- *“We are over 20 miles from the closest court so the impact of the travel time for our police is enough to offset any possible savings.”*
- *“Council rejected.”*
- *“We looked at combining services with ... Municipal Court, but both cities came to the conclusion that it would not be cost effective.”*
- *“Too expensive. Not cost effective!”*
- *“It's much more cost effective for the city to operate its own municipal court and they have more control over public defender costs, etc.”*
- *“There's no benefit to the City. It's inconvenient to citizens and law enforcement. We're over 20 miles from any other court. The City loses too much accountability.”*
- *“Cheaper for the City to run its own court. City not left at mercy of another entity deciding costs need to go up.”*
- *“Evidence of strong likelihood of increased costs.”*
- *“For now, cost and service effective to keep our own court - even with state mandate issues.”*
- *“Cost benefit is not substantial and inconvenient.”*
- *“Lack of control of court costs regarding Prosecutor and Public Defender.”*
- *“More efficient and cost effective to maintain our own.”*
- *“Political challenges to entering into an agreement.”*
- *“Was not cost effective/much more expensive.”*
- *“The District Court has fewer court related services that would be available to us (specifically, no probation department). The City feels its citizens are better served by the local municipal court. Also, the expense of prosecuting and punishing offenders exceeds*

the revenue generated thereby, so there is no financial incentive for the County to assume municipal court operations.”

- *“Cost would be increased; citizen convenience would be decreased; and a single size fits all model would not best serve our community.”*
- *“Previously our city contracted with another city for court services. The other city terminated the contract and moved their court to the county. Our city has been trying to contract with the county for two years with no avail. Currently we are trying to contract with another city.”*

Municipal Court Staffing

The surveys also included several questions designed to gather information regarding the types of staffing and services provided and specific components of the municipal court operating budgets. Respondents to specific categories do not always equal the full amount of 25 total responding municipalities. Those that have no FTE in a particular category, or that hire contractors to perform the corresponding functions, are not included in the summary. Responses when asked to provide approved FTE counts for judges and various types of staff positions are summarized below:

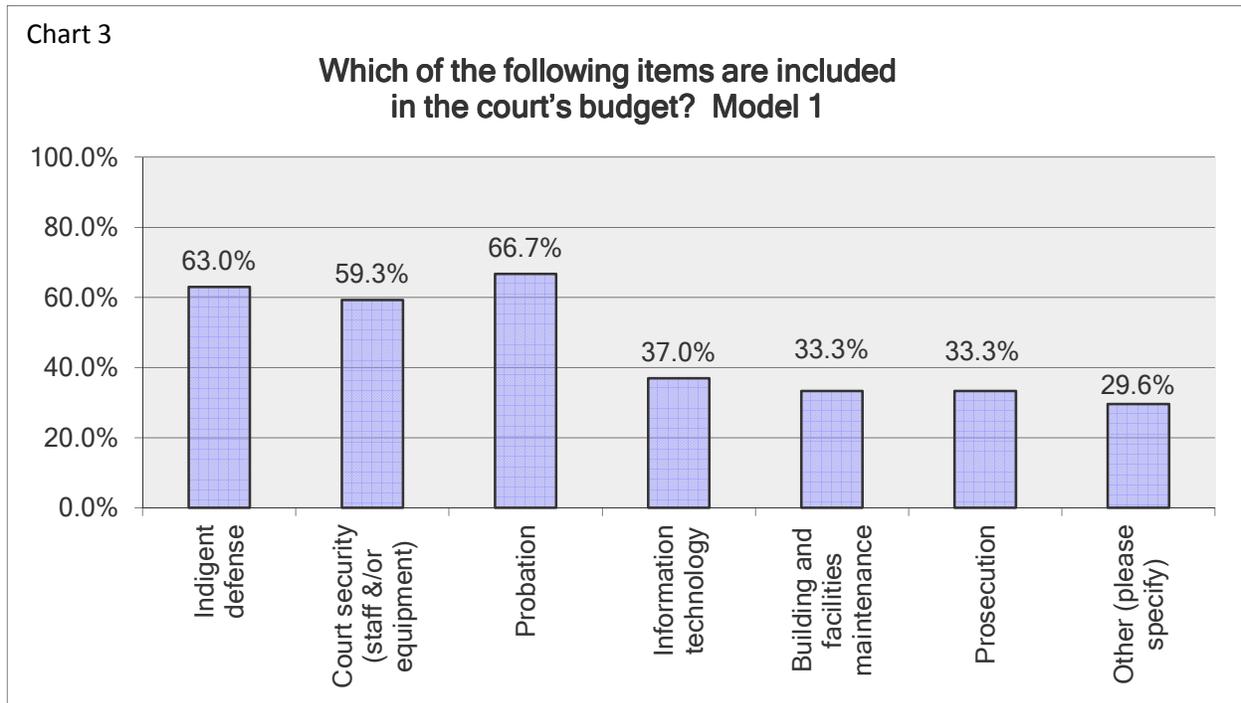
Table 2 – Model 1 Respondent Staffing					
STAFFING – Model 1 Municipal Courts				Range of Responses	
Staff Type	Responses	Average ¹³ FTE	Median ¹⁴ FTE	Low	High
Judge	19	0.82	1.00	0.10	2.00
Clerical	20	2.79	1.25	0.25	11.00
Supervisor	13	1.38	1.00	1.00	3.00
Probation	9	2.11	1.00	0.73	5.00
Security	10	0.70	1.00	0.05	2.00
Commissioner	4	1.20	1.25	0.30	2.00

While most of the responding municipalities in Model 1 would not be considered to have a large municipal court, it is clear that there are significant differences in the numbers of judges and staff employed. For example, the number of judge positions range from a low of 0.10 to a high of 2.0 while clerical staff ranges from 0.25 clerks to a high of 11.0

¹³ Calculated as the arithmetic mean.

¹⁴ The midpoint in a set of numbers sorted from low to high; i.e. half of the responses are below the median and the other half are above the median.

Budgetary Components



The other items that the responding cities specified as being included in the municipal court budget and their frequency are; jail costs (1); interpreters (3); jury costs (1); contract judges (1); miscellaneous operating expenses such as telephone, postage, office supplies, etc. (3); and graffiti abatement (1).

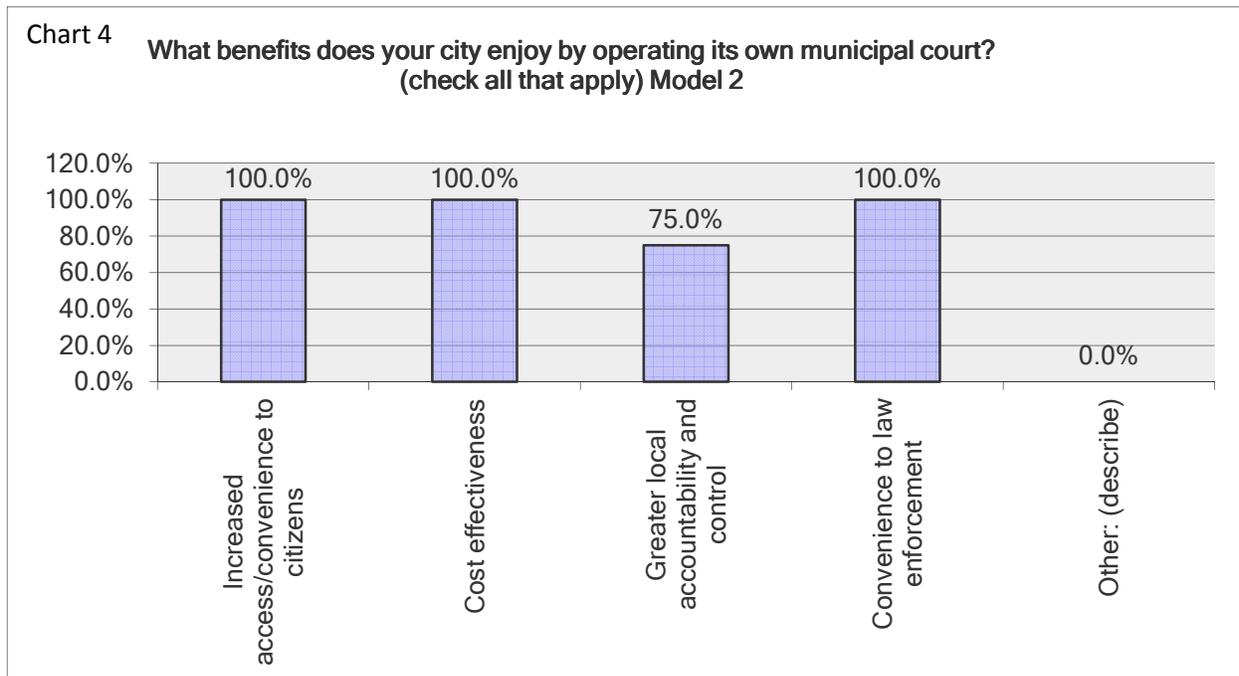
Fourteen, or 56%, of responding cities reported that the City Attorney's Office provides prosecutorial services while the remainder contracted with a local attorney or law firm. All of the Model 1 responding cities contract with a local attorney or law firm to provide public defense services.

B Model 2 – Self-operated Courts Also Serving Other Cities

General Characteristics

Surveys were submitted by four cities that operate their own municipal courts while also providing court services to other cities. Three of the four responding cities under this model reported operating in this manner for over 10 years. The fourth jurisdiction has done so between 5 and 10 years. Three of the four also reported operating out of a single location while the fourth jurisdiction conducts some portion of municipal court services in three locations to better accommodate the 2 contracting cities

Perceived Benefits of Self-operated Courts also Serving Other Cities



Respondents in all four jurisdictions reported that the current model features the benefits of increased access/convenience for citizens and law enforcement, and is cost beneficial. Three of the four believed that it provided greater local accountability and control. No other benefits were identified.

Perceived Problems/Issues of Self-operated Courts also Serving Other Cities

Only one of the four responding cities selected any of the listed problems/issues; the item selected was ‘Staffing Issues.’ The respondent’s comment to this section of the survey was, “The activity of the court is a function of law enforcement and staffing and activity of both need to remain balanced.”

Staffing & Budgets

Table 3 – Model 2 Respondent Staffing					
STAFFING – Model 2 Municipal Courts				Range of Responses	
Staff Type	Responses	Average ¹⁵ FTE	Median ¹⁶ FTE	Low	High
Judge	3	0.58	0.50	0.25	1.00
Clerical	3	6.25	3.50	0.00	15.25
Supervisor	3	1.67	2.00	1.00	2.00
Probation	2	1.33	1.00	1.00	3.00
Security	1	2.00	2.00	2.00	2.00
Commissioner	1	2.00	2.00	2.00	2.00

One of the four municipalities in Model 2 did not provide any information in response to the request for staffing figures. The remaining three municipal courts vary in the numbers and type of staff employed. One reported no clerical staff because the City Clerk’s office also serves in the role of a traditional court clerk’s office. Two of the Model 2 municipal courts employ probation staff, one employs two commissioners, and one employs a couple of court security officers while another reported using city police officers for court security.

One of the four Model 2 responding cities receives prosecutorial services from the City Attorney; the remaining three contract with a local attorney or law firm. All four contract with a local attorney or law firm for public defense services.

¹⁵ Calculated as the arithmetic mean.

¹⁶ The midpoint in a set of numbers sorted from low to high; i.e. half of the responses are below the median and the other half are above the median.

Two of the responding municipalities indicated that the same municipal judge hears the cases originating from the contracting cities as well as the home city. The other two Model 2 municipalities did not respond to this section of the survey but during the follow-up interviews indicated that they also use the same municipal judge to hear cases from the contracting cities as well as the home city.

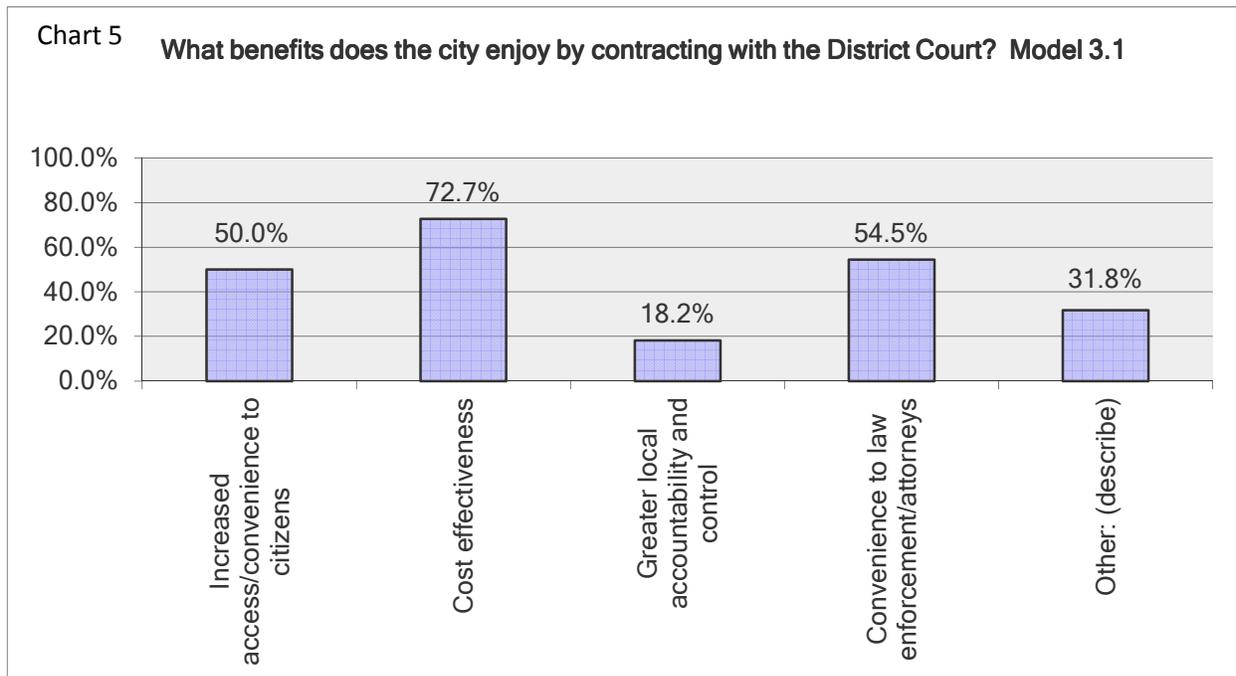
C Model 3.1 - Services Provided by the District Court

General Characteristics

Twenty two municipalities which currently contract with the local district court for services responded to the survey. However one of the responding cities failed to identify itself. Of the total Model 3.1 respondents, all but one has been organized according to this model for over ten years.

Perceived Benefits of Contracting with the District Court

Almost three-quarters of the Model 3.1 respondents cited cost effectiveness as the primary benefit of contracting with the District Court. This was followed by slightly over half that find the organizational model convenient to law enforcement agencies and attorneys; exactly one half of the respondents also selected ‘Increased access/convenience to citizens’ as a benefit of this model.

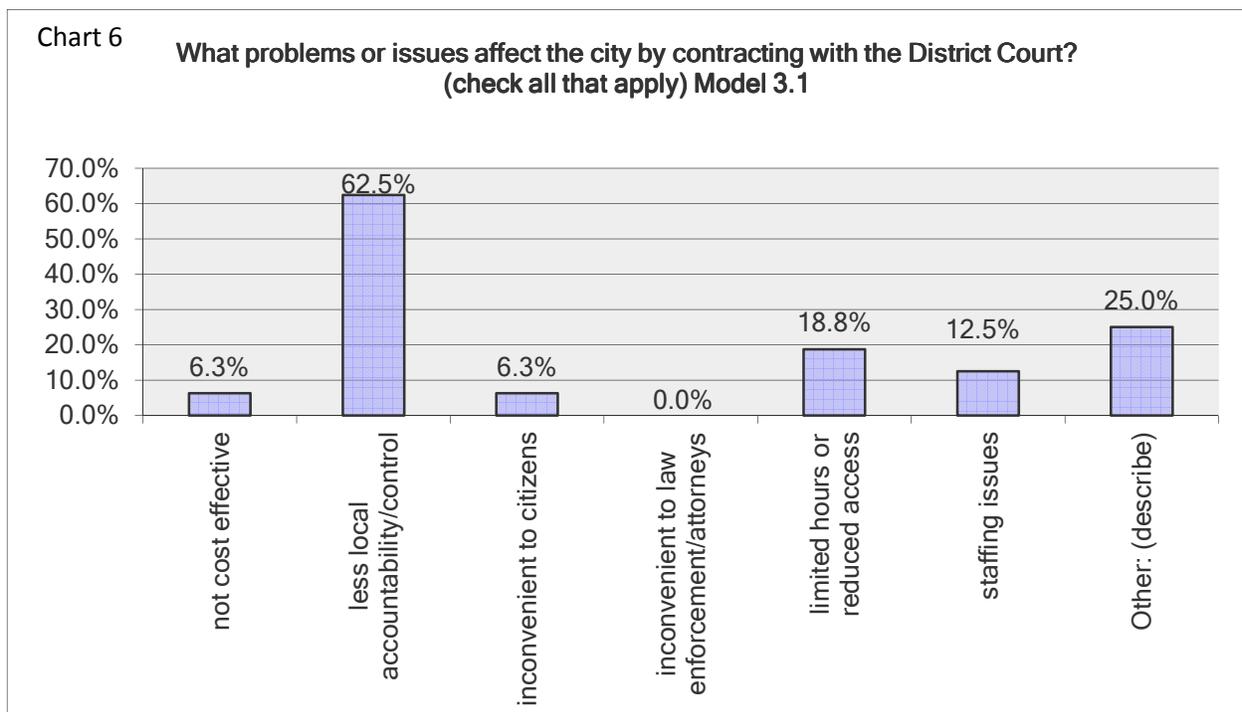


The comments to the ‘Other’ category of benefits were somewhat mixed:

- “Next door to city jail.”
- “Regional approach to avoid duplication of services, currently under review for cost effectiveness.”
- “Opportunity cost of not having to manage court directly; current management is “contract management” as opposed to direct management. This takes less resources to manage.”
- “Limited benefit, the ... County Prosecutor typically won't prosecute cases on behalf of the City ...”
- “Excellent service, very responsive.”
- “Have been trying for 2 years to contract with the County District Court. The County does not seem interested in handling our city cases. This service is greatly needed.”
- “The cost effectiveness is waning.”

Perceived Problems/Issues of Contracting with the District Court

The principal drawback to receiving municipal court services by contracting with the district courts was the perceived loss of local accountability or control. This was cited by 62.5% of the 16 respondents to this question. Very few of these responding municipalities (6.3%) considered this model as ‘not cost effective’ or ‘inconvenient to citizens.’ None considered it to be inconvenient to law enforcement or attorneys.



25% of the sixteen respondents to his question indicated other perceived problems although these generally repeated the aforementioned issues of cost control and local accountability.

The comments provided are listed below:

- *“Lack of control over reporting, feedback on charges/community service/ probation, lack of control flexibility in alternative sentencing.”*
- *“Cost control.”*
- *“Communications regarding sentencing.”*

Consideration of Other Organizational Alternatives

Nearly half the municipalities (10) in this group had considered making other arrangements and terminating their contract with the district courts. Of those that had not considered making a change, the following reasons were given:

- *“We are currently wanting to do an analysis.”*
- *“Cost.”*
- *“Did so in the past, too expensive.”*
- *“NO Interest from staff internally; long term investment has been made in the county facility already; no certainty that city would realize cost savings from operating its own municipal court as the city does not have a facility designed for court, holding prisoners, etc.”*
- *“We are happy with the current situation.”*
- *“No pressing reason to change.”*
- *“Our greatest concern at this time is the substantial increase in police costs with the county. While the court costs are increasing, they are not increasing at 20% like the Sheriff costs. That said, we have had discussions with the court and County Prosecutor on cost controls.”*
- *“The city is not currently capable of funding a municipal court.”*
- *“Low caseload would not warrant staffing up for.”*
- *“It would make sense to contract with a neighboring agency for this service. In the past few years neighboring agencies that have their own courts have been reeling with the economic down turn and have not been open to discussing contracting with another city.”*
- *“Current contract model is very cost-effective coupled with the positive working relationship we have with the judges, particularly as it relates to our direction and suggestions specific to controlling jail costs by encouraging and utilizing alternative sentencing such as diversion programs, electronic home monitoring, use of lower cost jails (e.g., Okanagon County) and community service.”*

Among those jurisdictions that had investigated the option of either managing their own court or contracting with another city, the following reasons were given for not doing so:

- *“Too expensive for the City to run on its own.”*
- *“Not cost effective for the city to have their own.”*
- *“This analysis was conducted around five years ago, and it was determined that the City received the most value by continuing to contract with the ... County Court. This same question was posed again recently to our City Council (should staff conduct an analysis to see if there are better options for the provision of court services?), and the Council provided direction to staff that additional analysis was not warranted at this time.”*
- *“Does not appear cost effective.”*
- *“Not cost effective, stay with what we have.”*
- *“We have done an informal analysis of forming own District Court and it is much more cost effective to continue contracting with the ... County District Court.*
- *“It is cost effective to stay with the ... County District Court.”*
- *“It would likely be more cost effective to use another city's municipal court, but at the time the analysis was conducted, staff preferred to remain with the County's district court contract.”*
- *“It was not cost effective after determining additional staff that would be needed and time.”*

Prosecution/Defense Services

Arrangements for prosecution of municipal cases vary among this group. Less than half (12) of the responding jurisdictions contract with a local firm, six use a staff prosecutor or city attorney, and the remaining three contract with or utilize the county prosecutor's office. Defense services in a majority of these jurisdictions are provided by contract with a local attorney or law firm, with the remainder (4) reporting that they utilize appointed council programs or services administered by the county.

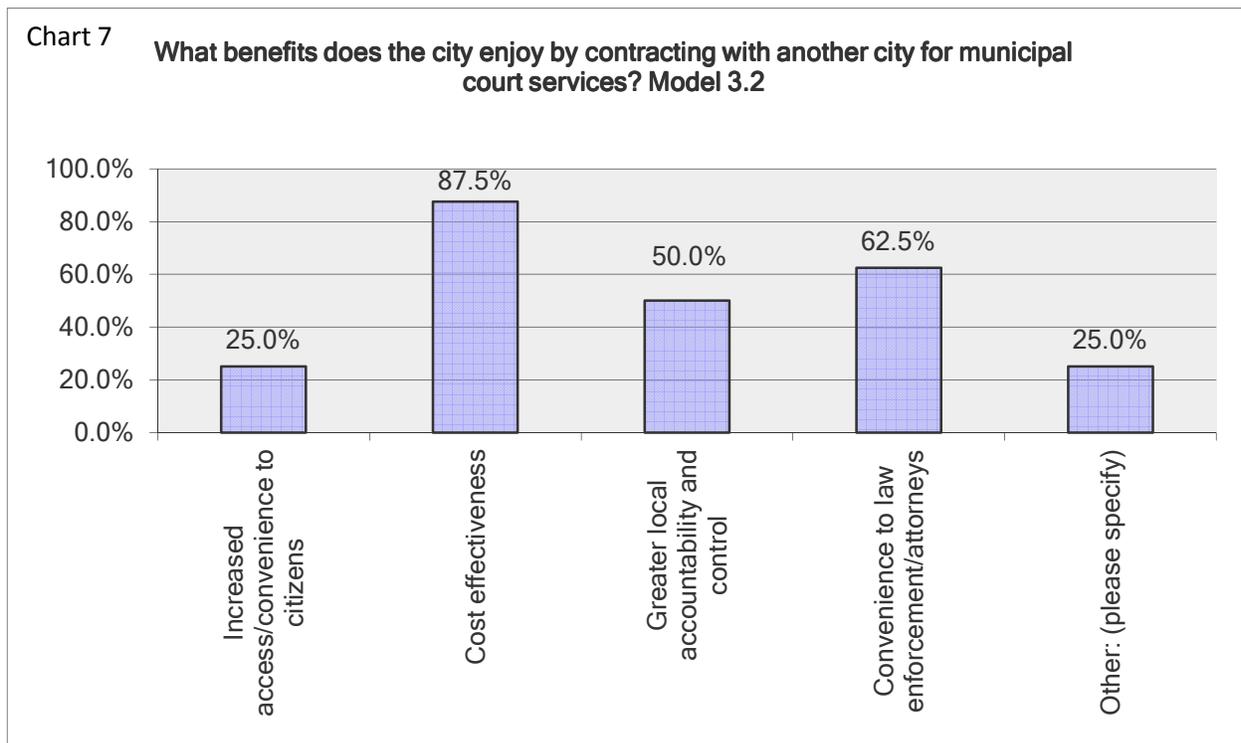
D Model 3.2 – Services Provided by Other Municipalities

General Characteristics

Eight jurisdictions which currently contract for municipal court services through another city responded to the survey. Of these, half have contracted with other municipalities for over ten years. All have their court services provided at a single location.

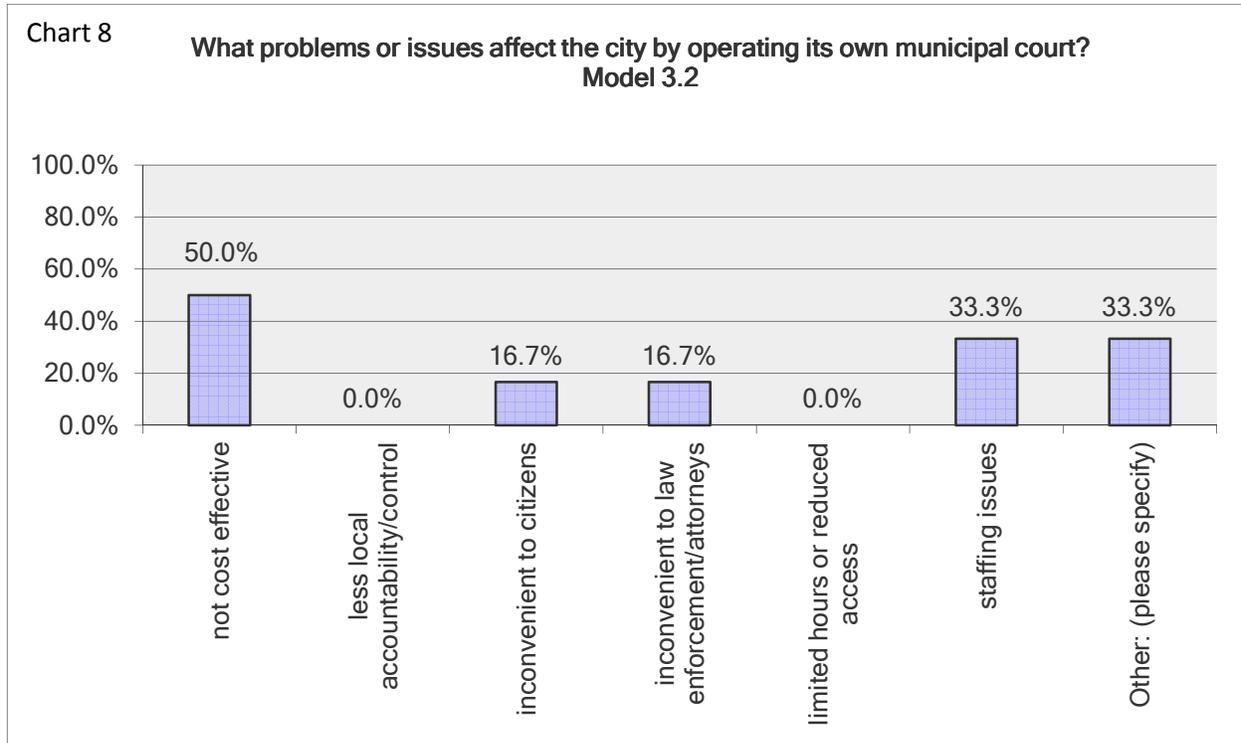
Benefits of Contracting with Another Municipality

All but one of the eight responding jurisdictions cited cost effectiveness as a benefit of contracting with another city, with over half indicating that convenience to law enforcement and attorneys was also a benefit of this model. Half of the responding municipalities also cited greater local accountability and control as a benefit. Greater convenience and access were noted by only about a quarter of the respondents.



Problems/Issues of Contracting with Another Municipality

Interestingly, half of the respondents also indicated that the contracting with another municipality is not cost effective, despite high ratings of cost effectiveness as a benefit of this model. Staffing issues were a problem in a quarter of the jurisdictions.



Consideration of Other Organizational Alternatives

Five of the responding jurisdictions have investigated contracting with the district court. Among those municipalities who had not considered other options, the following statements were submitted:

- *“We are satisfied with the service currently provided by the chosen provider because of convenience and cost effectiveness.”*
- *“With only 9 commissioned officers and a quiet city, we write relatively few infractions/citations. Operating our own court would clearly not make sense. Contracting with a district court could work, but the nearest district court is further away and would be*

less convenient for citizens and officers. Also, the court that we use is operated by the same city whose jail we use making this much more convenient for us regarding transportation of prisoners.”

Those that have previously considered contracting with the district court made the following observations regarding their decision to continue contracting with another municipality:

- *“Concern that municipal governments would be at the bottom of those served by the district court.”*
- *“Contracting with the District Court was more expensive and did not provide certainty of cost control from year-to-year. Operating our own municipal court was not cost effective for our case load.”*
- *“It works for a small town.”*

Prosecution/Defense Services

All of the responding jurisdictions contract with a local attorney or law firm for both prosecution and defense services; one respondent indicated that the city was currently soliciting for a new contract.

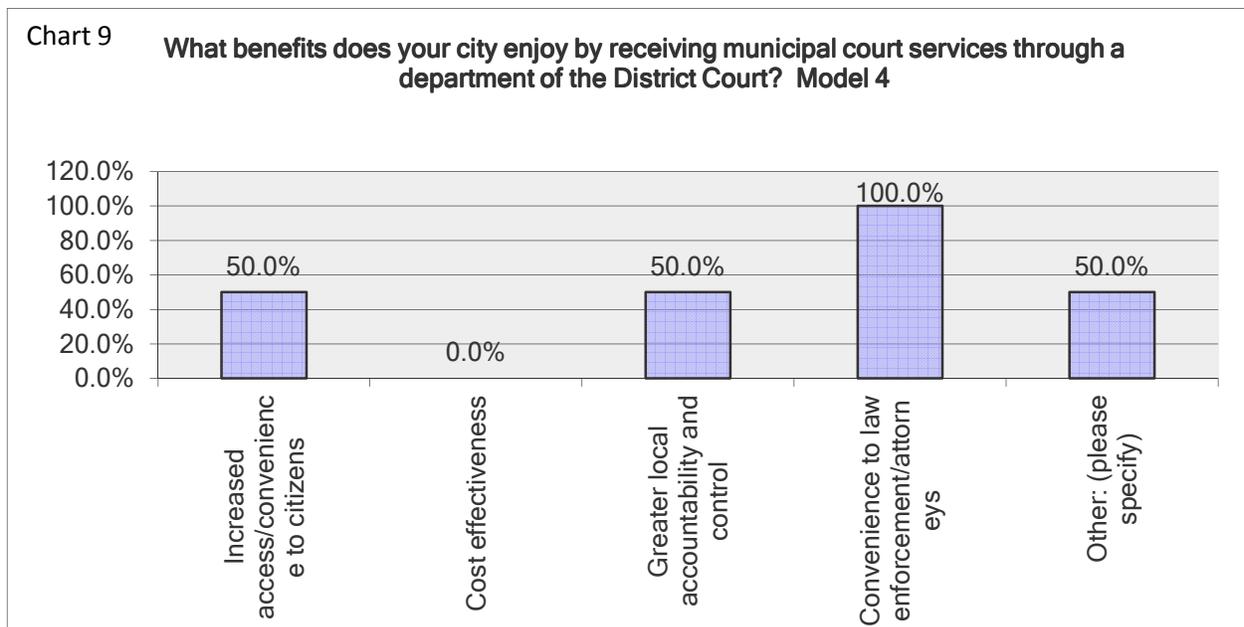
E Model 4 – Department of the District Court

General Characteristics

Two municipalities with court services provided as a department of the district court responded to the survey.

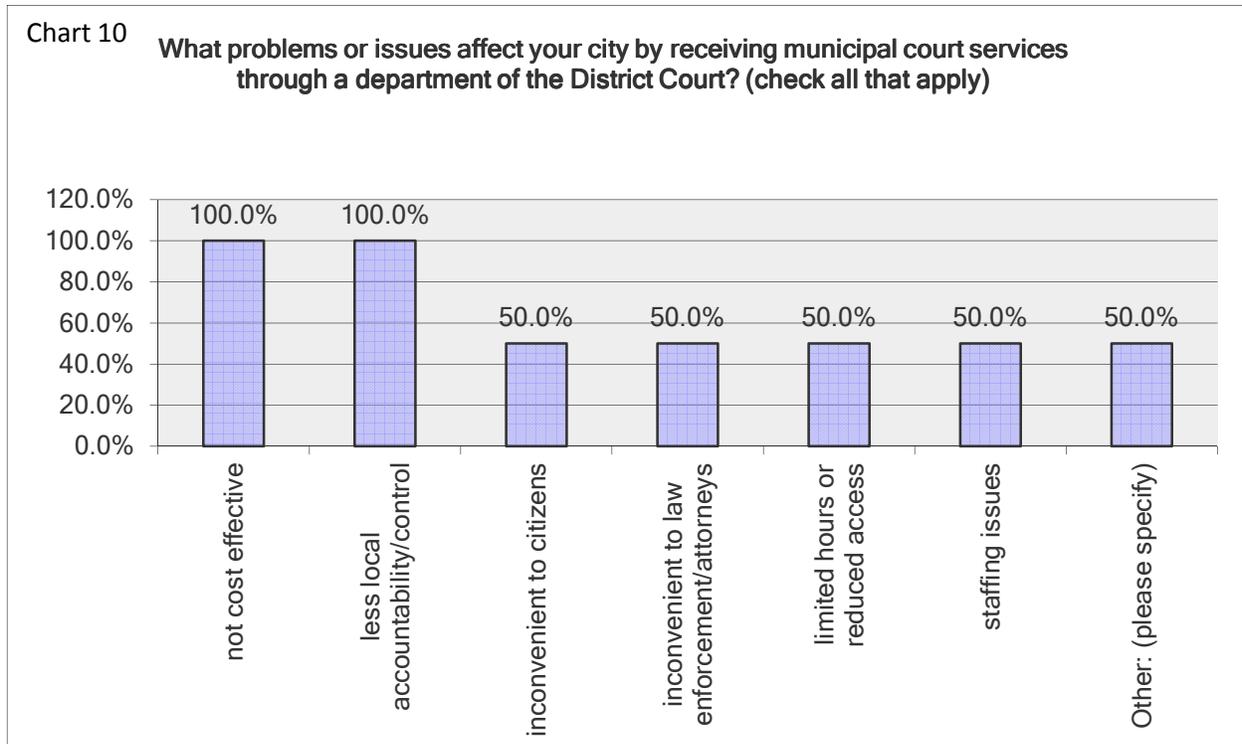
Benefits of a Department of the District Court

Both of the responding jurisdictions indicated that the current arrangement is convenient for both law enforcement and attorneys, while one cited convenience to the public. Unlike all of the other models for which responding municipalities selected ‘cost effectiveness’ as a benefit, neither jurisdiction in Model 4 indicated that cost effectiveness is a benefit.



Problems/Issues of a Department of the District Court

Both responding municipalities indicated that problems with this model include the loss of local accountability and control as well as the operation not being cost effective.



In addition, one of these municipalities selected all of the listed problems or issues, and submitted the following lengthy comment:

“One might think it not possible to check all the boxes, but in our case, there are significant problems in each of these areas when contracting for court services. We are very concerned about costs, especially the "overhead" or "indirect" costs that are being passed along. We have experienced some "bumps" over service expectations for the city, the city attorney, and law enforcement's records departments. The District Court desires to have all staff "cross trained" and to do all things the same way as they are done in the home office. At "off site" municipal court locations, the cities desire to have things done to a certain degree the way they want it done. This creates a conflict from the service provider to the ultimate service receiver (the city). The District Court is starting to receive lower and lower customer service ratings for these problems. Staffing issues are connected to a constant change in personnel in the municipal court assignment. Too much rotation causes disruption to the day to day processes. We have had to close the court to the public 3 days a week and to limit hours of service in order to keep the court local. The District Court desired to merge us into their main location to save costs - our city declined to move the court.”

Consideration of Other Organizational Alternatives

Although both jurisdictions had considered terminating their agreements with the district court, the following comments were made concerning their decisions not to do so:

- *“While still in the process of trying to examine options, the main conclusion that was reached was that the city could save money by moving away from the District Court (in the long run), assuming some involvement by the Judge in corrections based programs. While the goal of saving money was one factor, it did not come without some other consequences. The city would be forced to take over this function and all the day-to-day problems that come with running a court.”*
- *“Worried that the legislature will make the judges subject to elections.”*

V Data Comparison & Analysis

In addition to gathering municipal court information directly from the cities, the project team collected and reviewed 2011 data from the AOC pertaining to the responding municipalities. This included the number of judicial officers¹⁷, number of staff members and case filings. As previously mentioned, the available data does not include measures of court quality or performance. There are many factors unrelated to the number of cases filed, staffing levels and the number of judicial officers which can influence the determination of whether courts are providing ‘high quality’ services.

A Judicial Officers¹⁸

Table 4 – Judicial Officer Profile of Model 1 & 2 Respondents				
Model Type ¹⁹	Range of Judicial Officers - 2011			
	Low	High	Average	Median
Model 1 Respondents	0.04	2.00	0.51	0.27
Model 1 - 3 Large Courts ²⁰	4.60	12.50	7.37	5.00
Model 2 Respondents	0.25	1.20	0.70	0.68
Distribution of Municipal Courts by Number of Judicial Officers				
Total Judicial Officer FTE	Model 1 Respondents		Model 2 Respondents	
0.01 to 0.25	12		1	
0.26 to 0.50	2		1	
0.51 to 0.75	5		0	
0.76 to 1.00	3		1	
1.01 to 1.25	0		1	
1.26 to 1.50	0		0	
1.51 to 1.75	0		0	
1.76 to 2.00	2		0	

¹⁷ The number of judicial officers includes both judges and commissioners in 2011 and may differ from the number of judges reported in the surveys in late 2012.

¹⁸ Judicial Officers includes judges and commissioners.

¹⁹ Models 3.1, 3.2 and 4 are not included in this table. In these model types, judicial officers are appointed or elected to either the district court or municipal court providing services to the contracting cities. As a result, the municipal courts for the contracting cities do not have judicial officers.

²⁰ The Model 1 survey respondents appeared to include mostly small and medium sized jurisdictions however the very large court were not represented. The three largest municipal courts, Seattle, Spokane and Tacoma are included in this table for comparative purposes.

B Municipal Court Staffing²¹

Model Type ²²	Range of Staffing - 2011			
	Low	High	Average	Median
Model 1 Respondents	0.75	13.00	3.65	2.00
Model 1 - 3 Large Courts	34.00	176.50	81.97	35.40
Model 2 Respondents	3.00	12.50	6.19	4.63
Distribution of Municipal Courts by Size of Staff				
Total Staffing FTE	Model 1 Respondents		Model 2 Respondents	
0.01 to 1.00	5		0	
1.01 to 2.00	9		0	
2.01 to 3.00	1		1	
3.01 to 4.00	3		0	
4.01 to 5.00	0		2	
5.01 to 6.00	0		0	
6.01 to 8.00	3		0	
8.01 to 10.00	1		0	
10.01 to 12.00	0		0	
12.01 to 14.00	2		1	

C Caseload

2011 Filings - All Case Types				
Model Type	Range of Caseload			
	Low	High	Average	Median
Model 1 Respondents	51	36,027	4,653	1,538
Model 1 – 3 Large Courts	27,562	643,021	256,041	97,539
Model 2 - Respondents	3,157	27,921	12,413	9,288
Model 2 – Respondents (Including affiliated municipal courts)	4,116	29,693	13,226	9,548
2011 Filings - All Case Types excluding Parking				
Model 1 Respondents	50	19,592	3,532	1,105
Model 1 – 3 Large Courts	21,599	62,180	37,104	27,532
Model 2 - Respondents	3,015	16,113	7,913	6,261
Model 2 – Respondents (Including affiliated municipal courts)	3,969	17,661	8,665	6,516

²¹ Staff workweeks vary among the municipalities. The data used to construct these summaries is normalized to a 40 hour workweek.

²² Models 3.1, 3.2 and 4 are not included in this table. In these model types, staff members are hired by either the district court or municipal court providing services to the contracting cities. As a result, the municipal courts for the contracting cities generally do not have court staff.

D Cost Effectiveness

It is difficult to make reliable comparisons between the municipal courts in terms of cost effectiveness. The comments made in the survey however, do provide some indication of the perceptions of judges and municipal officials. Municipal officials with Model 1, 2 and 3.2 courts appear to provide conflicting responses to cost effectiveness as either a benefit or a problem.

	Self-operated Models		Contracted Models		
	1	2	3.1	3.2	4
Cost Effectiveness is a Benefit	70%	100%	73%	88%	0%
Cost Effectiveness is a Problem	47%	100%	6%	50%	100%

Respondents in all model types except Model 4 (District Court Department) ranked cost effectiveness fairly high as a benefit; neither of the Model 4 respondents indicated that cost effectiveness was a benefit. In addition, 100% of Model 4 respondents cited the model as ‘not cost effective.’ As noted earlier in this report, this subject provides some seemingly contradictory results in that a majority of respondents for Models 1, 2 and 3.2 identified cost effectiveness as both a benefit and a problem. Cost effectiveness of the municipal courts appears to be closely tied to whether the court services provided meet the needs of the community and, when contracted out, to the terms of the individual inter-local agreements and legal services contracts, which can vary considerably. A summary of cost provisions included in several interlocal agreements is provided in Table 8 below:

Table 8 – Summary of Cost Provisions in Interlocal Agreements					
Town	2011 Case Filings	Fee Calculation	Includes Prosecution	Includes Indigent Defense	Receive Court Revenues
Normandy Park	567	Criminal Citation - \$160.95; Traffic, Parking & Infraction – 45.99	No	No	Yes
Snoqualmie		Criminal Citation - \$125.00 to \$153.30; Traffic, Parking & Infraction - \$25.00 to \$30.66	No	No	Yes
Clyde Hill	1,043	Criminal Citation - \$141.50; Traffic, Parking & Infraction - \$26.50	No	No	Yes
Hunt’s Point	125				
Medina	467				
Yarrow Point	137				
Kittitas	N/A	\$20,000/year (2009)	Yes	Yes	No
Kettle Falls	158	Kettle Falls cases as a % of total District Court caseload applied to total District Court budget; \$12,714 in 2012	Yes	Yes	No
Milton	1,476	\$141,512/year (2013) plus \$195 for every appt. of counsel	Yes	Yes	Yes
Sequim	582	Sequim cases as a % of total District Court caseload applied to total District Court budget; \$66,454 in 2012	No	No	Unknown

E Case Processing Efficiency & Productivity

As is true in all courts, the majority of the financial cost of operation for the municipal courts in Washington is in personnel. Therefore, the most substantial savings that could be achieved through sharing of court services is usually in this area. Generally, smaller municipal courts show the greatest potential for achieving cost savings through consolidation with other municipalities or district courts because they do not have the economies of scale that a larger court may enjoy. Sometimes the smaller courts tend towards overstaffing in order to provide a minimum level of operation and access. Smaller municipalities may also address the staffing efficiency issue by assigning other non-judicial duties to staff members to make better use of their time. Examples include the having the city clerk double as clerk of the court. The problem with this type of arrangement is that it contributes to an erosion of administrative

independence of the court as the lines of control become less clear and employees serve two or more departments.

To study this issue, the project team collected and reviewed data with respect to caseload in conjunction with the number of judicial officers and staff members.

Productivity Comparisons

A systematic method of reporting productivity of judicial officers in the municipal courts has not been established. As a proxy for such measurement, the project team calculated the number of case filings with and without parking²³ cases per judicial officer and per staff member for groupings including 24 Model 1 respondents, the 3 large Model 1 courts that had not responded to the survey, and 4 Model 2 respondents. Averages for the various groupings are listed in Table 9 below and more detailed comparisons are provided on the pages that follow.

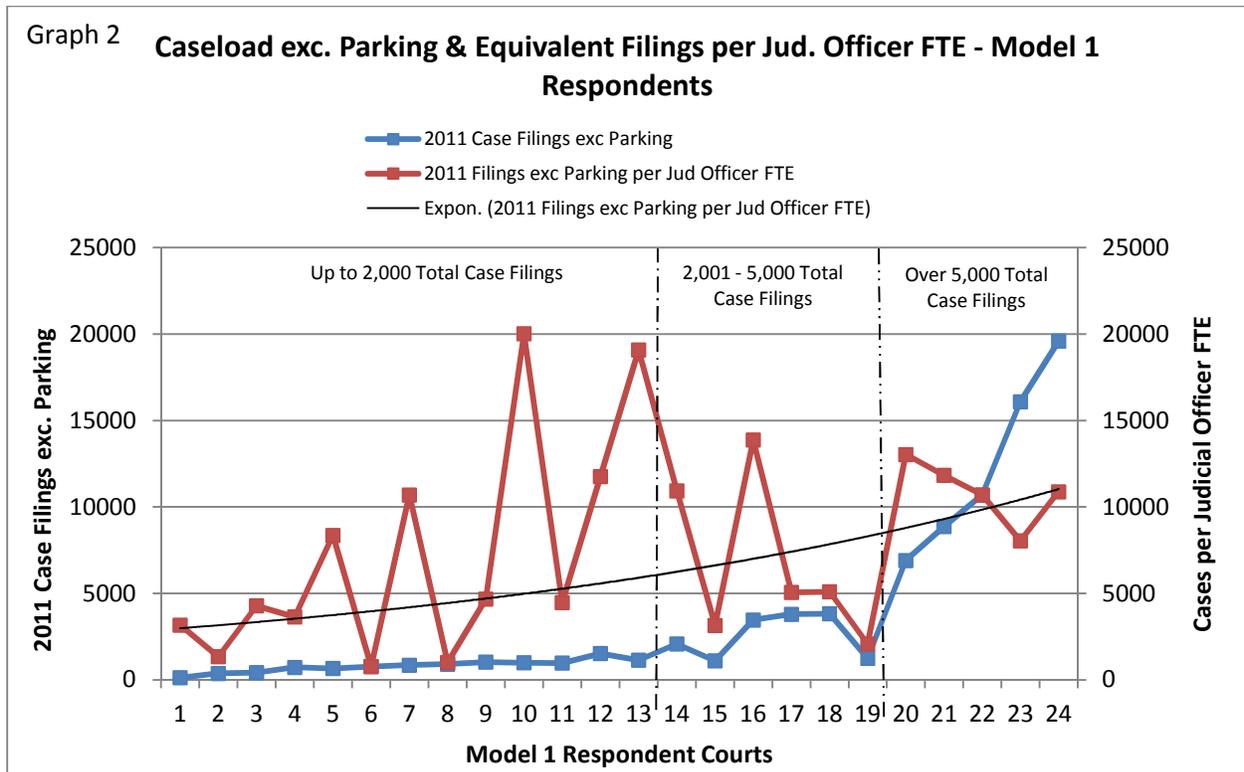
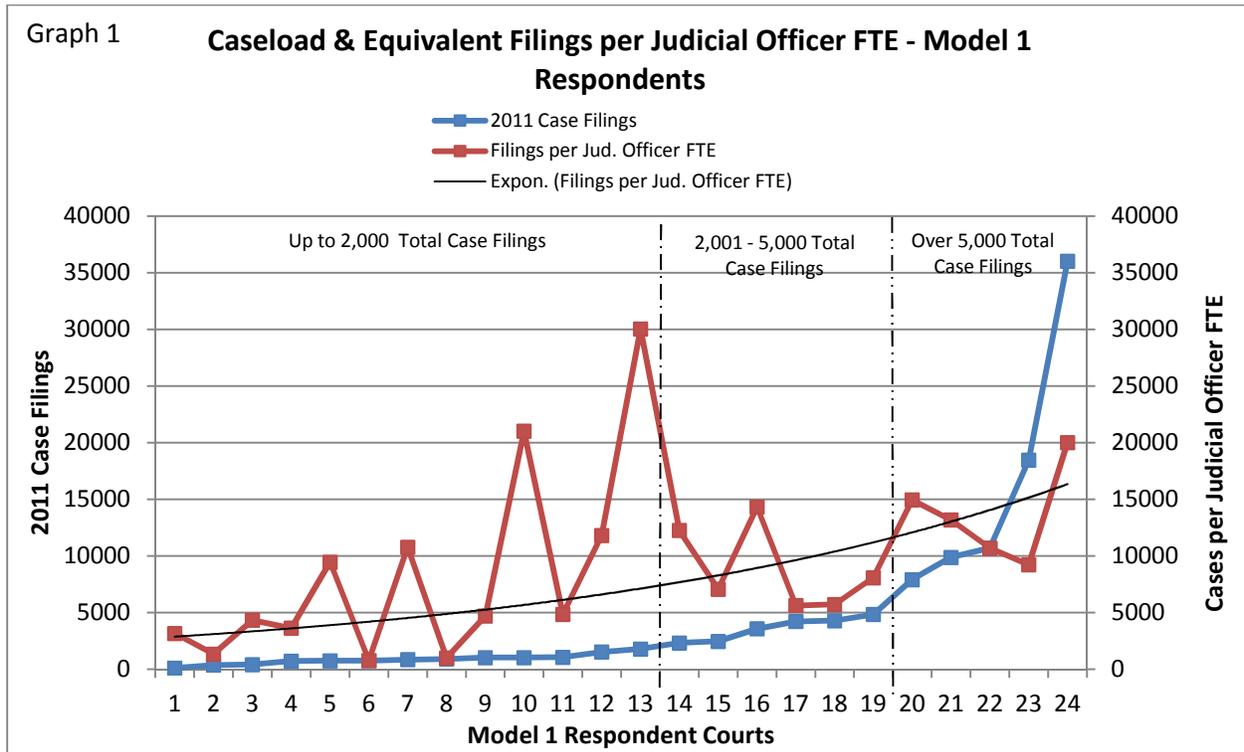
Table 9 2011 Filings per Judge and Staff Member – All Case Types		
Model Type	Average Caseload per Judicial Officer	Average Caseload per Staff Member
Model 1 Respondents	9,511	1,016
Model 1 – 3 Large Courts	26,053	2,403
Model 2 – Respondents	17,063	1,863
Model 2 – Respondents (Including affiliated municipal courts)	18,545	2,004

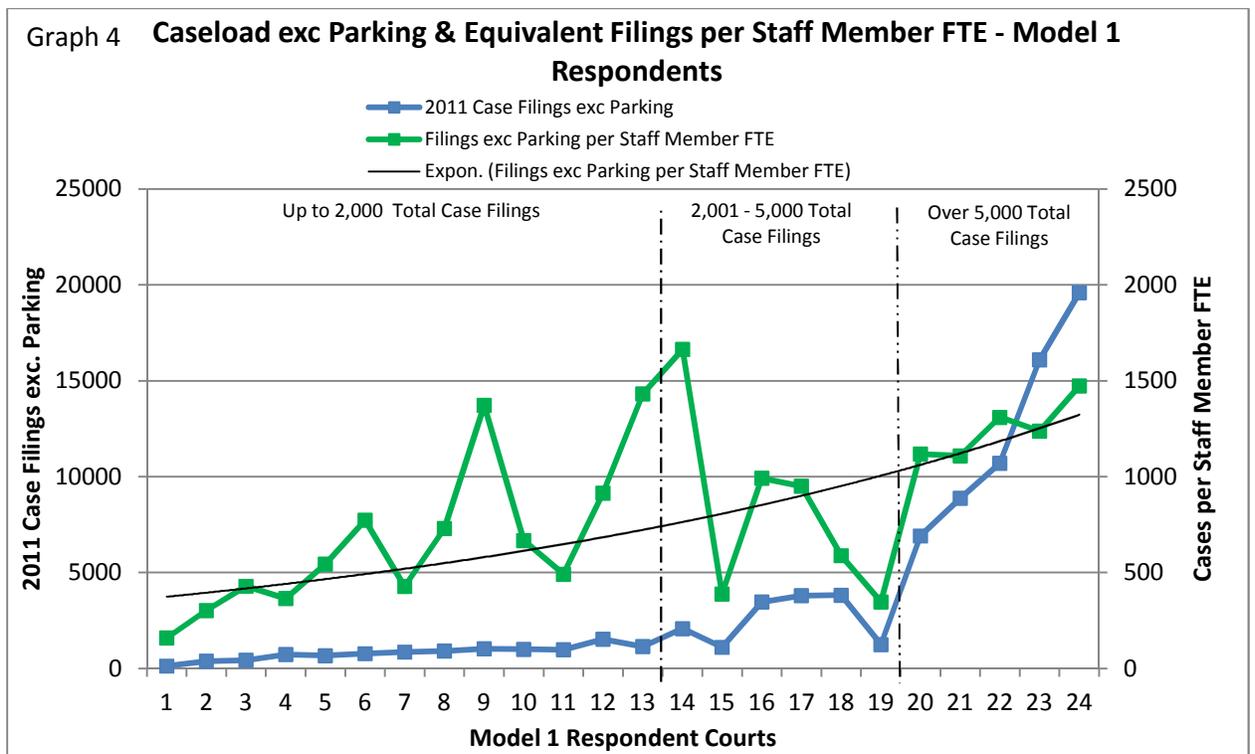
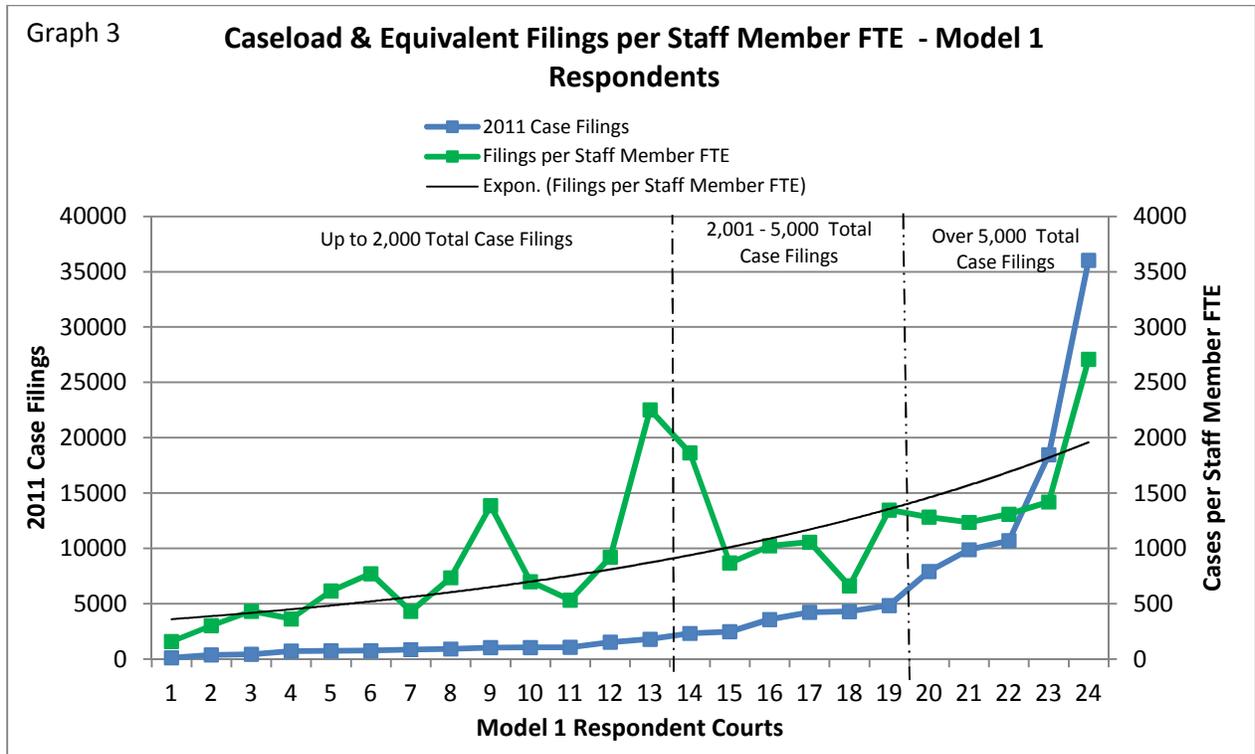
Note that the calculations included in the following graphs are derived exclusively from the available caseload, judicial officer and staffing data for 2011. Because there are variations among the municipal courts in the types of cases heard, case management and scheduling procedures, types of services provided, etc. that could not be thoroughly collected and analyzed within the scope of this project, the calculated values can only provide a crude representation of comparative productivity.

²³ As reported by the AOC, Parking cases also include Photo generated speeding and red light violations.

Because many of the municipal courts have part-time judicial officers and staff members, the calculations are normalized to a minimum of one FTE in each category. For instance, Model 1 respondent (court number 13) has 0.06 FTE judicial officers, equating to approximately 2.4 hours per week, and total case filings of 1,803. This results in a calculated number of case filings per judicial officer FTE of 30,050. Analysis for each of the groupings will follow the presentation of the graphs.

MODEL 1 RESPONDENT COURTS



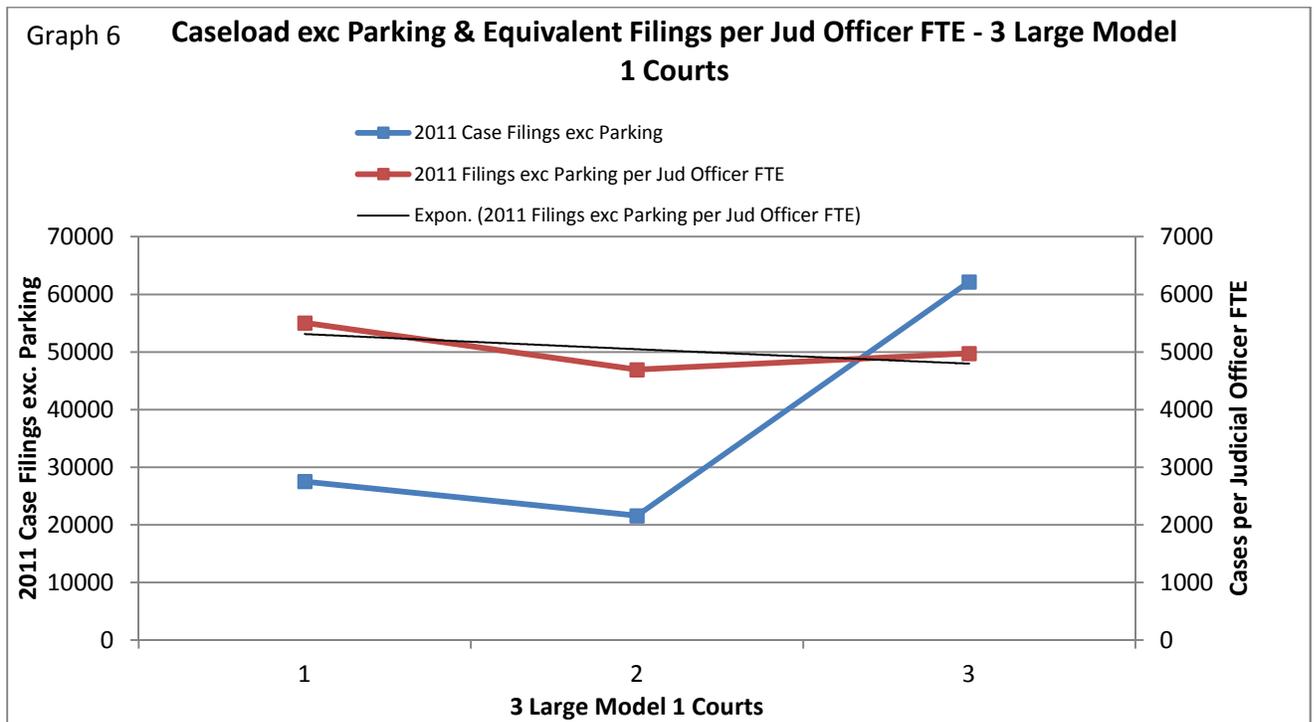
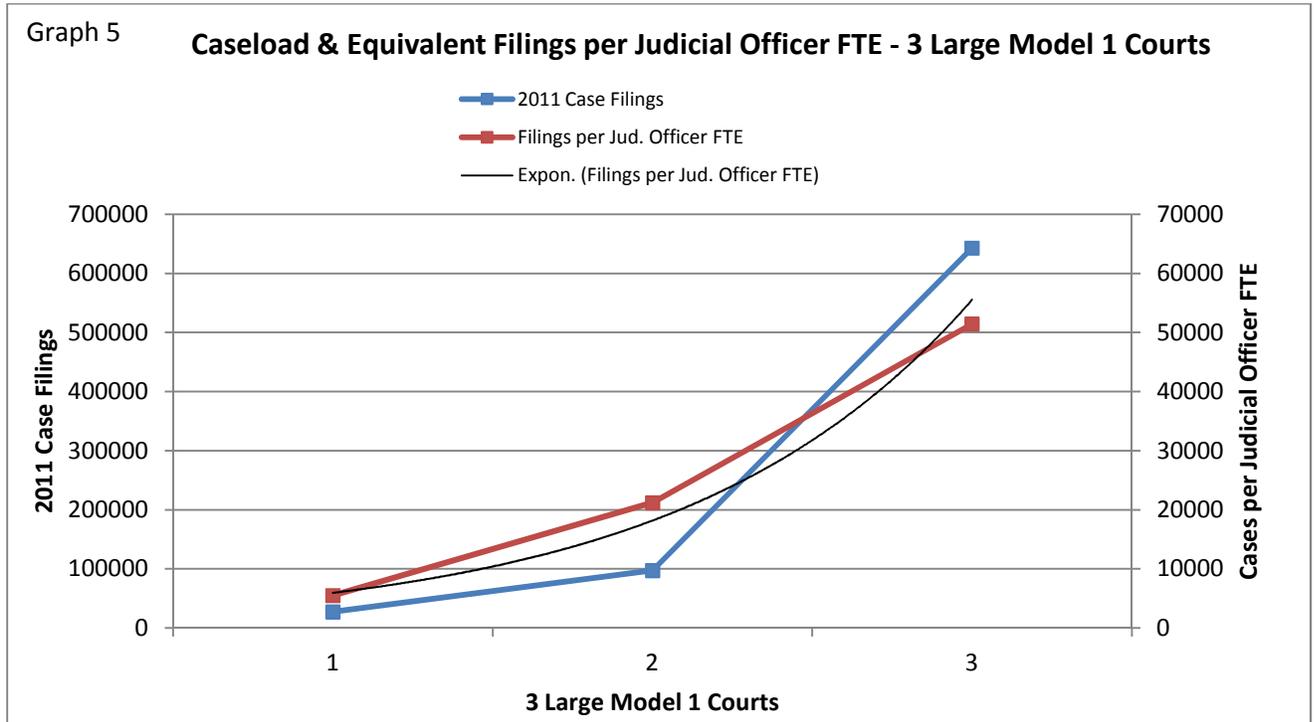


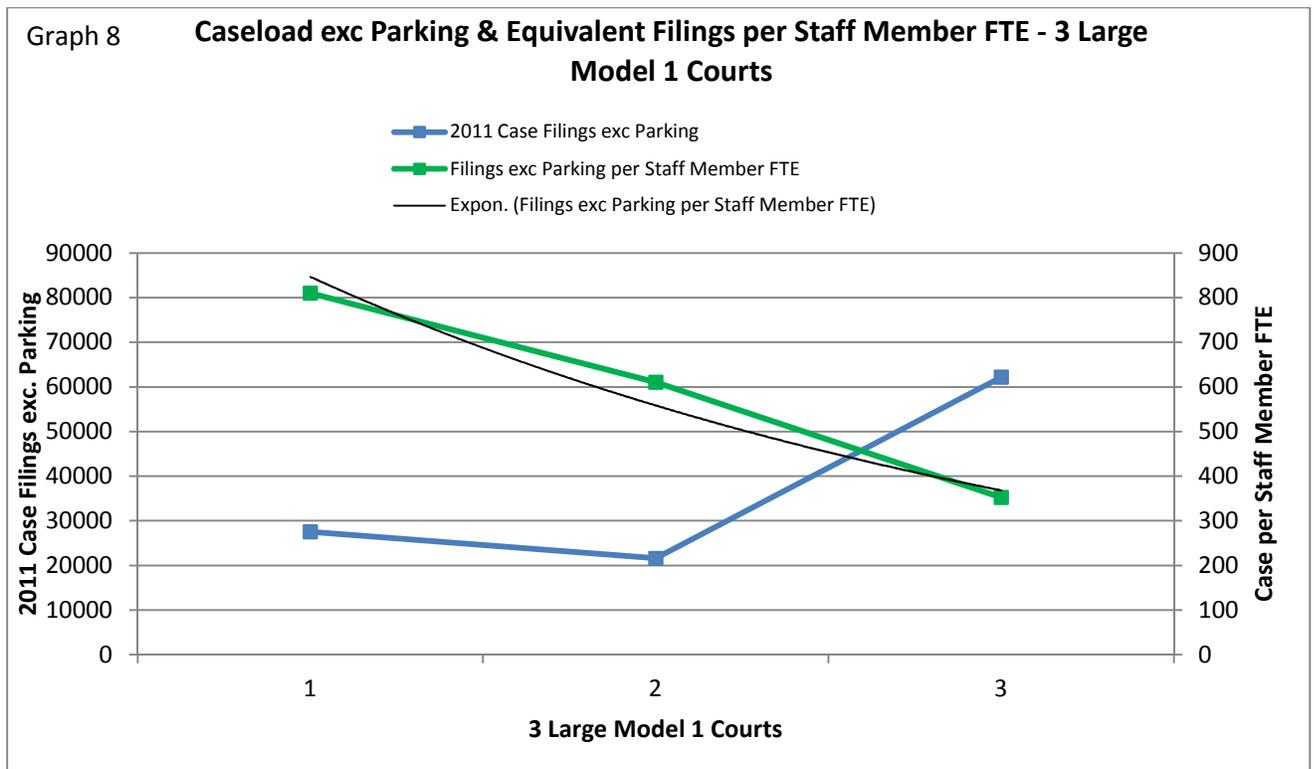
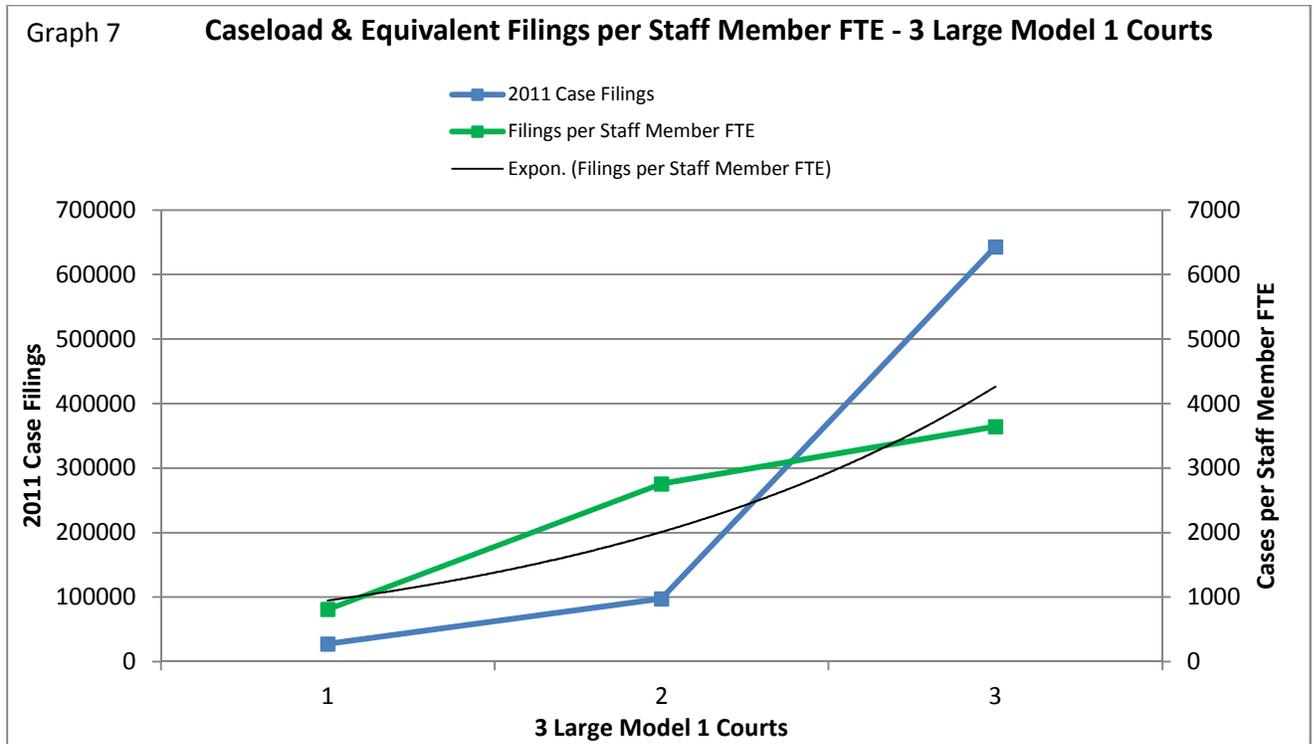
The 24 Model 1 respondent courts primarily consist of jurisdictions with a relatively low volume of case filings. In order to attempt to distinguish between groupings of courts by caseload volume, graphs 1 through 4 include dividing lines to segregate the results for low, medium and high volume courts. These categories were designated as; Low – up to 2,000 total case filings, Medium – 2,001 to 5,000 total case filings, and High – over 5,000 total case filings. The categories were not adjusted for caseload volume excluding parking. There are 13 courts in the low volume category, six in the medium volume category and five in the high volume category.

The data for these courts demonstrate a gradually increasing rise in productivity for both judicial officers and staff members as the volume of case filings increases. This rise in productivity is seen regardless of whether the calculation is based on the total caseload or by excluding parking cases, which individually consume only a minor amount of judicial officer or staff member time.

This trend is seen despite the fact that there are significant variations in filings per judicial officer and staff member FTE regardless of caseload volume. For example, both the highest and the lowest calculated caseload per judicial officer FTE, whether or not parking cases are included, are found among the low volume courts. Looking at staff members, the highest rate of productivity when total caseload is considered is found among the high volume courts. When parking cases are removed, the greatest staff member productivity is found among the medium volume courts. These results indicate that, as case volume increases, there is a corresponding increase in the level of productivity, or economy of scale, for both judicial officers and staff members. However, given the wide variability within and across the three case volume categories, there clearly are other factors that can influence this measure such as types of cases heard, case management and scheduling procedures, and types of services provided. In addition, the volume of parking cases as a relative percentage of total case filings ranges from 0% to 74.22%. Similar such variation occurs in all of the three categories of caseload volume.

LARGE, NON-RESPONDENT MODEL 1 COURTS



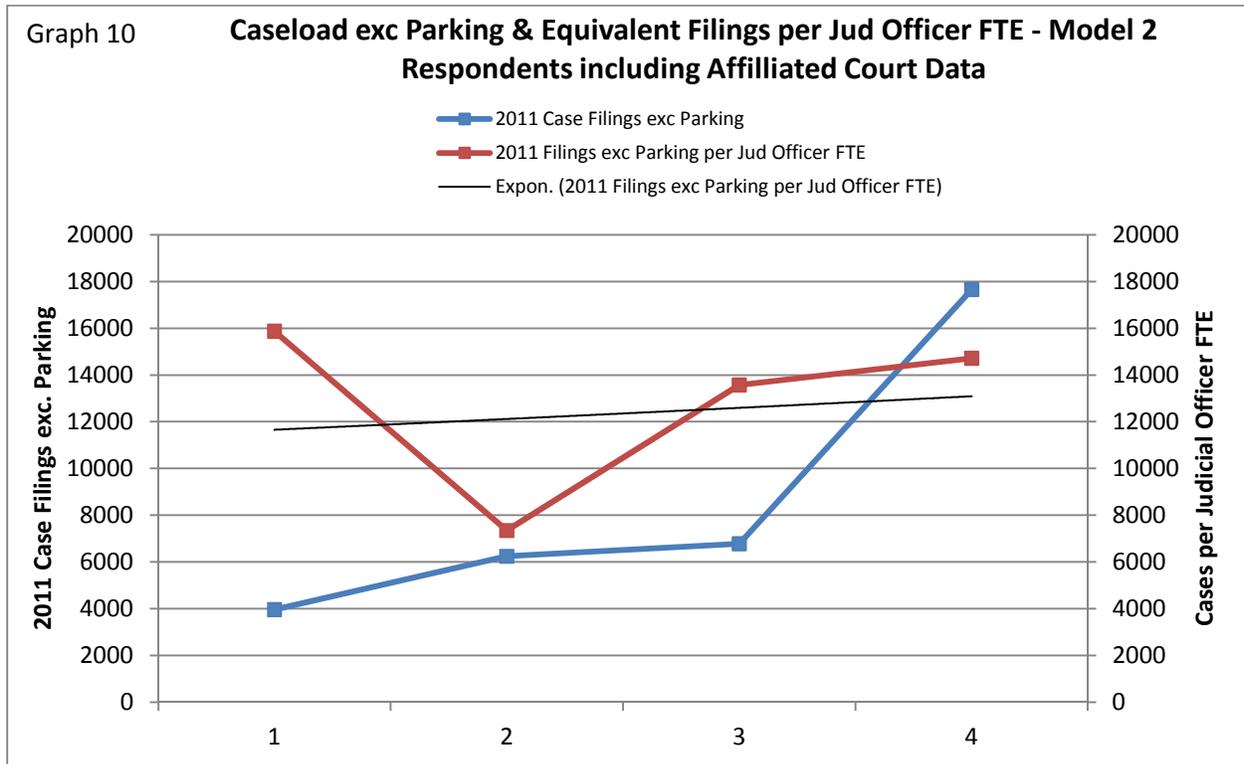
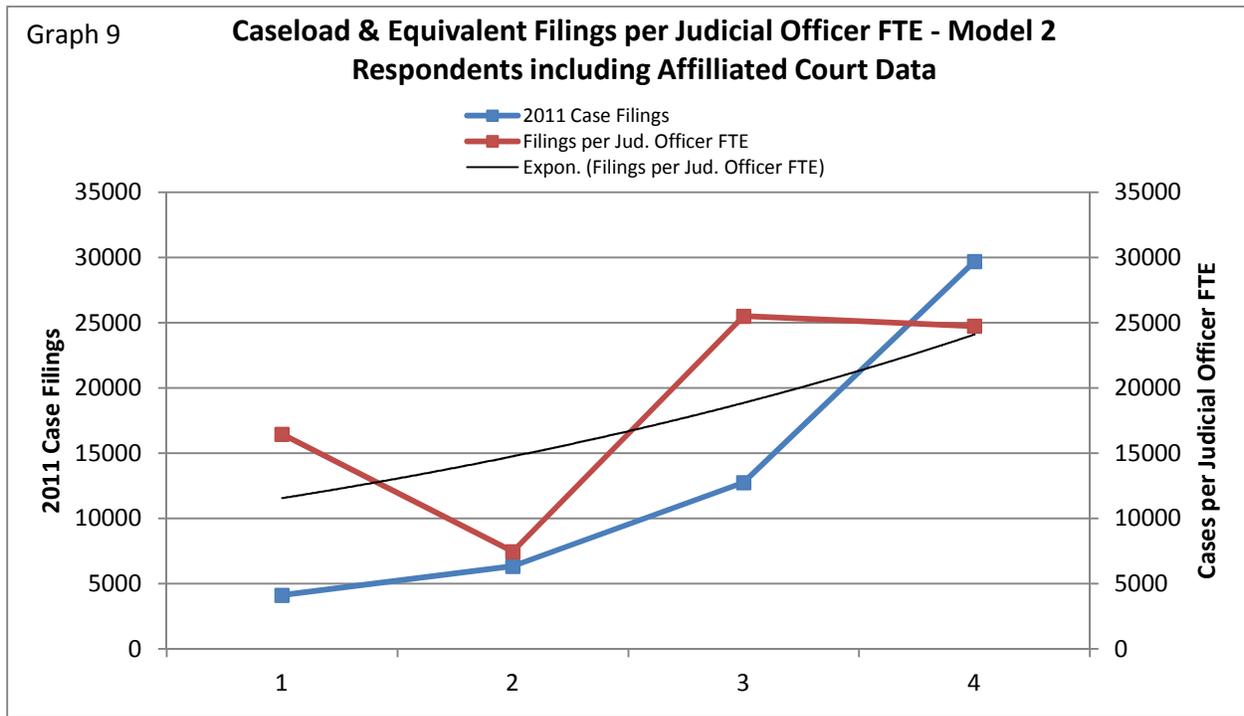


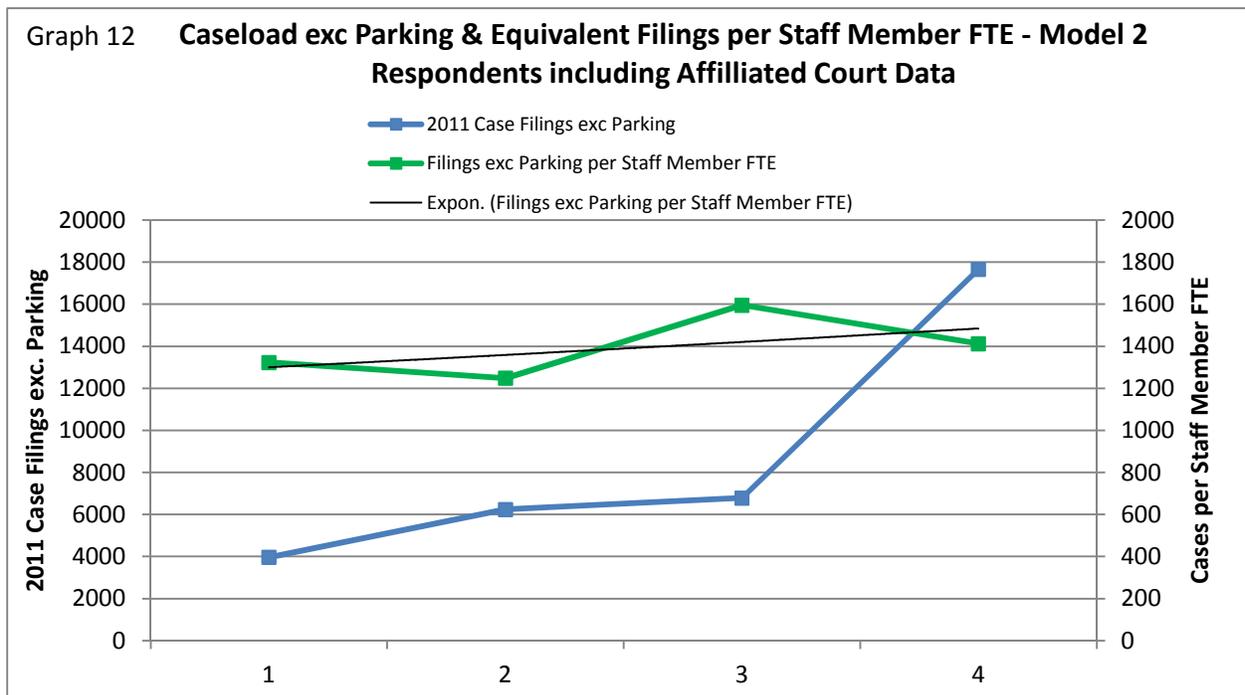
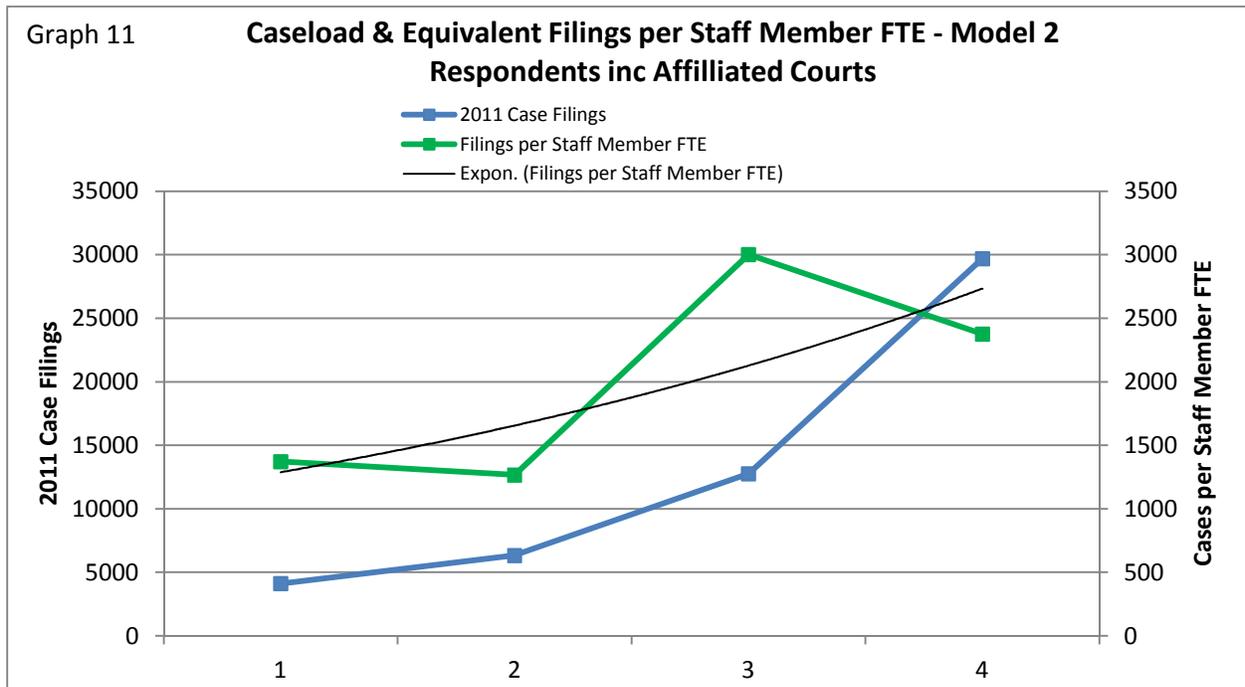
Graphs 5 through 8 compare the judicial officer and staff member productivity, measured using total case filings and case filings excluding parking for 3 large non-respondent Model 1 courts. The total case filing range of these courts is wide – from a low end of 27,562 to a high point of 643,021.

As seen with the Model 1 respondent courts, the number of case filings per judicial officer rises as total caseload increases. However, when parking cases are excluded, case filings per judicial officer actually declines, although on a relatively gradual decline to the middle volume court before rising slightly to the highest volume court. Presumably, this effect is related to the relative volume of parking cases as a percentage of total caseload for these three large courts. The lowest volume large court has only 6 parking cases reported by AOC for 2011 or about 0.11% of the total volume. For the middle and highest volume courts, parking cases represented 77.86% and 90.33%, respectively.

A similar result is seen with regard to staff member productivity which increases when total case filings are counted but declines when parking cases are excluded.

MODEL 2 RESPONDENT COURTS





Graphs 9 through 12 compare the judicial officer and staff member productivity, measured using total case filings and case filings excluding parking for the four Model 2 respondent courts. The caseload data includes the volume of case filings for their respective affiliated municipal courts.

Unlike the results for Model 1 respondents and the 3 large Model 1 non-respondent courts, the results for Model 2 respondents indicate a trend of rising productivity for judicial officers and staff members as case filing volume increases whether or not parking cases are included. This is true despite a decline from the lowest volume court to the next highest and another decline on three of the four measures from the second highest volume court to the largest.

As with the courts in the previous two groupings, parking cases as a relative percentage of total case volume varies widely. Parking cases for the four courts in the Model 2 grouping, listed in order of total case filing volume, was 3.57%, 1.48%, 46.81% and 40.52%

VI Summary of Follow-Up Interviews

Following a compilation of the survey data, the project team provided a list of the 61 responding cities to the Regional Courts Work Group along with a proposed subsidiary list of 22 courts selected from the responding cities for the purpose of conducting follow-up telephone interviews with the municipal or district judges that heard the corresponding municipal cases. This would help to ensure that perspectives of the judges in these courts were also included in the analysis. The municipal courts on the subsidiary list were chosen proportionally from the number of responding cities in each of the five model types previously identified. The project team also made the selection with the intent of including an appropriate mix of large urban and small rural municipal courts, geographically distributed throughout the state. The Work Group subsequently approved the proposed subsidiary list.

The project team members conducted the follow-up interviews during December of 2012 and January 2013. In a few instances the municipal judges were not available and the follow-up interviews were conducted with a city official. While the content of the interviews varied from one judge to another based on the corresponding organizational model, the discussions generally included questions such as:

1. What are the requirements for being a judge in this municipal court?
2. How well does this model, as employed by your city, allow for independence of judicial decision-making?
3. In your view does this organizational model provide adequate access for the town's citizens and other court users?
4. Does the city provide adequate resources (financial, staffing, facilities, etc.) for court operations?
5. What measures of performance and accountability are used to gauge the court operation? Are any such measures and results available publicly?
6. Do you have any indication of the degree of satisfaction with the courts operation from the city officials? From the public?
7. Do you have any observations about the various organizational models and whether any other would be appropriate for this town? What circumstances make one model preferable to another?

A **Access/Convenience for Court Users**

One of the principal arguments for the operation of municipal courts is to provide greater access for the public and the agencies that come into contact with the court. The survey and follow-up interviews included questions about public access and convenience for law enforcement and attorneys that do business with the court. The judges who were interviewed unanimously indicated that access was good under their existing organizational model. This perspective was generally in agreement with the city officials who responded to the survey. However, one notable distinction was seen in the survey responses from Model 3.2 (Contract with Another City) jurisdictions, in which only 25% of respondents selected 'Access/convenience to citizens' as a benefit. The other responding jurisdictions selected 'Access/convenience to citizens' as a benefit 100% (Models 1 & 2) or 50% (Models 3.1 and 4).

However, some interviewees and survey respondents noted concerns regarding access and convenience related to distance, location of jail facilities and cultural differences between one town and another. Model 1 courts were particularly positive about the increased convenience of their court for citizens and also for local law enforcement and attorneys. This was attributed to the fact that they operate their own court within their town limits.

The distance that individual citizens would have to travel in order to access their municipal court if services are contracted out or regional courts established is a problematic issue to many. Concerns are raised about potential reduction or even denial of access, especially for those who can least afford to travel to a distant court location (e.g., a woman seeking a temporary order of protection). The difficulties are in determining what amount of distance is an acceptable radius of service as well as what percentage of people who have business with the court are actually local residents.

Given the lack of any established standard, the answer to the first question is a matter of local judgment. Clearly, in isolated rural areas the distances between towns can be substantial and

this issue is a more prominent concern. An acceptable distance can also hinge on the extent to which court clientele come primarily from the local community. This depends on a variety of factors, including the presence of major roadways or businesses in the jurisdiction, as well as whether there is a large transient population, such as migrant labor or university students. It may be that any perceived problems with travel distances to court may be important in isolation, but may be less of a concern relative to other issues regarding access to justice. In a 2005 California survey of both the public and attorneys, respondents were asked to rank eleven reasons that might keep someone from going to court. The respondents ranked “travel distance to court from home” ninth, citing it less frequently than eight other reasons including court fees, cost of hiring an attorney, the time it takes to reach a decision, lack of child care, and the hours the court is open.²⁴

Hours of operation also have a great impact on public access to the courts. This can present a concern, particularly in regards to courts without full-time staff. The project team researched hours of operation for the 24 Model 1, four Model 2 respondents, and the three large Model 1 non-respondent courts. The table on the following page presents the results of that research.

²⁴ Judicial Council of California/Administrative Office of the Courts. *Trust and Confidence on the California Courts – A Survey of the public and Attorneys*. Part I: Findings and recommendations, 19.

Table 10 – Operating Hours

MODEL 1	MON	TUE	WED	THU	FRI	Total Hours
1	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	Closed	36
2	Closed	8:00 - 4:00	8:00 - 4:00	8:00 - 4:00	8:00 - 4:00	32
3	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	Closed	36
4	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
5	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 4:00	44
6	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
7	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
8	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
9	12:00 - 4:30	12:00 - 4:30	12:00 - 4:30	8:00 - 4:30	12:00 - 4:30	26.5
10	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	Closed	34
11	9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	45
12 *	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	32.5
13	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	45
14	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	42.5
15	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	45
16	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
17 *	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	40
18	9:30 - 4:00	9:30 - 4:00	9:30 - 4:00	9:30 - 4:00	9:30 - 4:00	32.5
19	8:00 - 4:00	8:00 - 4:00	8:00 - 4:00	8:00 - 4:00	8:00 - 4:00	40
20	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
21	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	37.5
22	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	45
23 *	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	37.5
24	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
MODEL 2						
1	9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	9:00 - 5:00	40
2	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	8:30 - 5:00	42.5
3	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
4	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	8:30 - 4:30	40
3 LARGE MODEL 1 NON-RESPONDENTS						
1	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	37.5
2	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	8:30 - 4:00	37.5
3	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	8:00 - 5:00	45

* - These courts are closed one hour each day at mid-day.

All of the 24 Model 1 and the four Model 2 respondents, and the three large Model 1 non-respondent courts are open to the public for filing or clerical services at least 4 days per week and, with one exception, at least 8 hours per day. It is likely that some of the hours of

operations are staffed by employees with shared responsibilities between the judicial and executive branches. It is also likely that there are some municipal courts in smaller jurisdictions that are open to the public for a lesser amount of time per week but did not respond to the surveys.

B Judicial Independence and Local Control

The issue of administrative and local control over court services was perhaps the most consistent theme among those interviewed, particularly the municipal officials. A number of interviewees identified local control as a significant benefit to having a self-operated court as opposed to services being provided by the district court. They indicated that autonomy allows the managing cities to provide the services they require in a way that best meets the needs of their citizens. Comments from several municipal officials indicated that they preferred being able to select and appoint their own judicial officers. The interviews corroborated the survey results regarding local accountability and control. Respondents for Model 1 (Self-operated) municipalities were most likely to perceive local accountability and control as a benefit than those in the other models. Respondents with Model 3.1 (Contract with the District Court) and Model 4 (District Court Department) were highly likely to perceive the lack of local accountability and control as a problem.

Both judges and city officials commented on the issue of court control over administrative activities, particularly the supervision of court staff and budgets. General Rule 29 addresses the duties and authority of presiding judges, assigning to them the responsibility for managing and administering the court's business. This encompasses supervision of the daily operations of the court, including personnel, including decision making authority over working conditions, hiring, discipline and terminations, with the exception of wages and related benefits. The Rule also specifies that the court administrator or equivalent employee shall report directly to the presiding judge.

The inherent tension between the roles of presiding judges as the primary administrative officer of the court and city officials that fund and manage human resources is characteristic of jurisdictions with localized court funding. Particularly in smaller jurisdictions, where judges may be in the court on only a part-time basis, municipal officials may have more day to day contact with court staff than the judge does.

Several judges discussed issues that they had experienced with city officials regarding administrative issues, typically related to personnel matters. In fact, more than one judge indicated that control over court staff was primarily a city function. This also was usually in municipal courts where the judges are not full-time. In addition to conflicts over staffing issues, the lack of judicial authority for building and security issues, management of court finances, and hours of operation were also cited. Particularly extreme is one jurisdiction where the court's finances fall under the Police Department budget and therefore the chief of police is at least partially responsible for managing the municipal court. Those municipal and district court judges who hear cases for multiple cities acknowledged the additional complexity of working with multiple mayors and city governments. While in a few jurisdictions there is a general attitude that the court is the equivalent of another municipal department that has to be managed, others indicated that city officials have become increasingly sophisticated in their understanding of the judiciary as a separate governmental branch and are supportive of it. The judges who pointed this out referred to materials and/or trainings developed by the AOC or other providers as having a noticeable impact.

Judges were also asked in the follow-up interviews to describe any problems they may have encountered in terms of interference with their independent decision making authority when ruling on cases. The majority indicated that they have not had that experience, with only isolated examples being discussed. In fact, most judges made clear that city officials did their best to avoid interfering or "crossing the line" in any particular case. This was distinguished from discussions concerning issues such as sentencing alternatives which were jointly considered to be matters of public policy.

The predilection toward a high degree of city control over court operations creates obvious concern in regards to judicial independence and the ability of the judiciary to exercise administrative authority over the court as an independent branch of municipal government. Although not applicable to all the courts that responded to the survey or participated in follow-up interviews, this issue was primarily raised in jurisdictions with a smaller caseload that have part-time judges.

C Standards of Judicial Conduct & Professionalism

All judges are obligated to abide by and manage their professional responsibilities in accordance with a variety of standards of judicial conduct and professionalism. These may be found in court rules, the code of judicial conduct, judicial ethics opinions, continuing educational requirements, or other applicable authorities. Municipal judges in Washington are no exception to these obligations and, by most accounts, they generally comply without exception. The Code of Judicial Conduct and Canons require all judges to uphold and promote public confidence in the judiciary as well as promote its independence, integrity and impartiality. The Code also requires judges to avoid impropriety and the appearance of impropriety. Concerns were expressed in this regard because of the number of part-time judges who actively practice law, some of whom work in other local jurisdictions as a prosecutor or defense attorney.

The Ethics Advisory Committee is the authoritative body designated to give advice with respect to application of the Code of Judicial Conduct and to recommend revisions to the Code. This committee has issued a number of judicial ethics opinions pertaining to part-time judges and the application of the Code to their extra-judicial activities. It is not unusual that the states allowing part-time judgeships deal extensively with issues of applying codes of judicial conduct and ethics. However, as in Washington, the questions and concerns about part-time judges continue to exist and are often viewed as an erosion of public confidence in the judiciary.

The scope of this study did not include any research, investigation or analysis regarding part-time judges or any corresponding effects on public confidence in the judiciary. However, though not uncontroversial, the concept of shared court services or regional courts usually provides an opportunity to consolidate multiple part-time municipal judgeships into a single full-time judicial position serving more than one jurisdiction.

D Resources for Staffing & Support

The municipal judges that were interviewed were asked to assess the sufficiency of resources in terms of staffing and material support provided by the respective city or town. Their responses indicate that budget reductions in recent years have not been experienced across the board, and that local economic conditions have been the primary factor. At least one respondent said that the municipal court had experienced substantial staff reductions, though there was no indication that any court had been singled out for budget cuts more so than other departments in their respective jurisdictions.

E Performance Measurement

Judges and city officials were asked about the availability and use of performance measures for internal evaluation and feedback from the public. None of the respondents interviewed by phone indicated that the courts are measuring their performance or seeking formal input from municipal officials or the public. However, several judges reported that regular meetings between court and city officials, local city council meetings, and occasional attendance of court proceedings by city officials present opportunities for them to discuss court performance. Most of the courts do produce periodic caseload and collections reports, which generally provide only the volume or count of various activities. Beyond that there appears to be little in the way of formal performance measurement or assessment taking place in the municipal courts.

VII Summary & Observations

In this study, we examined a variety of issues and topics pertaining to the municipal courts in Washington including types of organization, staffing, delivery of court services, court governance and performance measurement. This section will summarize these issues and includes some observations.

A Municipal Court Organization

There are several hundred municipalities in the State of Washington with the responsibility for providing municipal court services in their communities. These municipalities include very small, rural towns in remote areas, regional and commercial centers, and very large urban and suburban cities. This diversity of size, location and culture has contributed to significant differences in the types of municipal court services required by the various communities and also in the manner in which the courts are organized. In this report, we described five distinct organizational models which are commonly seen throughout the state. Undoubtedly, because some municipalities operate their own courts independently while others individually negotiate their own inter-local agreements with another city or the county, there are numerous differences within each model type. This was confirmed by the results of a survey of municipal officials and telephone interviews with municipal and district judges and city officials as well as in the data review undertaken as a part of this study.

In addition to organizational models, differences occur with respect to scheduling practices, courtroom procedures, and whether certain types of staff are permanent employees or contractors. These differences, along with the natural economies of scale that appear as caseload volume increases, contribute to great variation in comparative productivity figures as measured by cases per judicial officer and cases per staff member.

B Judicial Independence

Washington municipal courts also differ in regards to the degree of involvement by executive officials in the administration of the courts and assurance that judges would not be removed during their term of office. In certain instances, these differences diminish the judiciary's status as a separate and equal branch of government and can raise doubts about judicial independence. The NCSC recently published the 'Principles for Judicial Administration'²⁵ which was endorsed by the Conference of Chief Justices and the Conference of State Court Administrators. While all of these principles apply at the state level, many could be appropriately applied to the municipal court level as well. These include Principle 4 addressing the management control of judicial resources, Principle 15 which discusses accountability of the courts and Principle 19 concerning minimization of legislative and executive control over judicial budgets. A summary of the principles is included as Appendix C.

C Operational Standards

Despite the organizational and procedural differences, each municipality has the responsibility of operating its court in such a way that it meets the basic standards and legal requirements pertaining to municipal courts. These include the Administrative Rules for Limited Jurisdiction Courts (ARLJ), Washington State Courts General Rules (GR), especially GR 29 relating to the position and responsibilities of the municipal court presiding judge, and the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.1 which establishes standards for indigent defense services (effective October 1, 2013), and other applicable rules and statutes.

²⁵ Principles for Judicial Administration; National Center for State Courts; Williamsburg, VA; July 2012; http://www.ncsc.org/information-and-resources/budget-resource-center/analysis_strategy/principles-of-judicial-administration.aspx

D Judicial Conduct & Professionalism

Although this study did not gather specific data with respect to judicial conduct, demeanor, and continuing education, there were isolated concerns expressed about the appearance, if not the actual conduct and level of judicial professionalism with respect to part-time municipal judges. However, all Washington judges are responsible for complying with the requirements in the Code of Judicial Conduct and the Continuing Judicial Education Standards.

E Court Performance

In this study, none of the courts that were represented in the telephone interviews indicated that there was any ongoing program of court performance measurement and reporting to the cities or to the public at large. Rather, the municipal courts typically prepare basic caseload and collections reports and also indicated that they are willing to respond to inquiries during formal or informal meetings with city officials. The institutional independence of the judiciary requires that the courts demonstrate accountability for the effective use of public resources. Trust and confidence in the courts, among city officials and the public, is dependent upon a clear understanding of court operations and how well the courts are serving their community. *CourTools*, a set of ten core performance measures for courts, presents a structure by which municipal courts can begin regularly measuring performance and target efforts to improve their operations. These core measures include access and fairness, clearance rates, time to disposition, reliability and integrity of case files and cost per case, among others. In addition, the Model Time Standards for State Trial Courts²⁶ provides a framework of reasonably achievable standards for the resolution of cases in trial courts, including courts of limited jurisdiction. For example, the model standard for traffic and local ordinance cases suggests that 75% of such cases be resolved within 30 days, 90% within 60 days and 98% within 90 days.²⁷

²⁶ Model Time Standards for State Trial Courts; National Center for State Courts; Williamsburg, VA; August 2011; <http://ncsc.contentdm.oclc.org/cdm/ref/collection/ctadmin/id/1836>

²⁷ The 98% level is used, rather than 100%, recognizing that there will likely always be a small number of cases that require more time to resolve.

F Court Consolidation

On several occasions in the past, a regional courts concept was presented as a method to standardize municipal court operations and procedures, ensure consistent municipal court operating costs, and advance the goal of equal justice for all Washington citizens. For all practical purposes, the regional courts concept has been implemented by a number of district and municipal courts in the state. This has occurred in both heavily populated areas where the distance between jurisdictions is not considered excessive and in some rural areas. The King County District Court and the Kirkland Municipal Court provide excellent examples of the regional court concept in practice. From all indications, the host cities/counties and the contracting municipalities are generally pleased with the resulting court operations. However, many other municipalities oppose the regional court concept on the grounds of maintaining autonomy, ensuring local control over municipal court operations and costs, and providing only the services that their communities require. This status quo, however, does not help to pursue the goals of standardizing court procedures, providing for a consistent cost structure or advancing equal justice throughout the state. The regional courts concept can effectively help to achieve these goals. However, because there appears to be such a wide degree of variation in the organization and operation of the municipal courts, a regional court approach may not be necessary for all jurisdictions. In addition, without a clear baseline defining the level of services and performance that should be provided by the municipal courts, whether an individual jurisdiction is providing sufficient ‘quality’ of justice is a subjective determination.

VIII Recommendations

We recommend that the Board of Judicial Administration, perhaps through a designated task force including participation from municipalities, the District and Municipal Court Judges Association, the Administrative Office of Courts, and others as appropriate, develop a comprehensive set of standards applying to limited jurisdiction courts. This would include some mandatory requirements for measuring and reporting by the courts with respect to the established standards. The standards should incorporate all current authorities as well as applicable Principles for Judicial Administration addressing court governance, decision-making and case administration, and funding, the Model Time Standards for Trial Courts, court performance measures, etc. Once developed, all limited jurisdiction courts would be expected to organize and operate in such a way as to achieve or exceed the level of service and performance contemplated by the standards. Those limited jurisdiction courts that repeatedly fall short of the goals should be encouraged to seek assistance from the Administrative Office of the Courts or other appropriate organization. In some such instances, formation of a regional court may provide the best alternative to improving the delivery of court services.

We also recommend that the BJA consider working with the municipalities to conduct one or more evaluation projects to further assess the impact of consolidation or regionalization of limited jurisdiction court services. The following is an outline of major areas that should be part of the project assessment framework:

Services Impact – Evaluation of the impact that consolidation or regionalization has on the overall delivery of court services; for example, are court services more accessible and consistent? Is there greater innovation in providing service effectively?

Organizational Impact – Assessment of the effect that consolidation or regionalization may have on the court as an organization; for example, does court governance allow for greater assurance of judicial branch independence, or improved administration and management of caseload, etc.?

External Impact – Consideration of how consolidation or regionalization may affect coordination of activities with external agencies, (i.e., law enforcement agencies,

prosecuting attorneys, indigent defense counsel, court clients, etc.)

Cost/Benefit Analysis – Measurement of the cost of consolidation or regionalization relative to the financial savings which may be gained.

The selection of courts included in the evaluation project(s) should consider not only those cities and counties that are interested in court consolidation and the regional court concept but the participating jurisdictions should have the capability of providing all necessary evaluation data. The commitment to the process of judicial and executive leadership at the local level will be essential to the success of the evaluation. Ideally, multiple evaluation projects would include both urban and rural jurisdictions of varying size municipal courts. The results of such evaluation projects can serve to substantiate the feasibility of court consolidations or regional courts.

A composite of evaluation project goals, derived from similar efforts conducted in other states, is attached as Appendix D.

Model 1 - Self-operated, stand-alone municipal court	
1	What benefits does your city enjoy by operating its own municipal court? (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> Increased access/convenience to citizens <input type="checkbox"/> cost effectiveness <input type="checkbox"/> greater local accountability and control <input type="checkbox"/> convenience to law enforcement <input type="checkbox"/> other: (describe)
2	What problems or issues affect your city by operating its own municipal court? (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> not cost effective <input type="checkbox"/> inconvenient to citizens <input type="checkbox"/> limited hours or reduced access <input type="checkbox"/> staffing issues <input type="checkbox"/> other: (describe)
3	How long has your city operated its own municipal court? <ul style="list-style-type: none"> <input type="checkbox"/> less than 5 years <input type="checkbox"/> 5 to 10 years <input type="checkbox"/> Over 10 years
4	How many locations are there on which provide municipal court services to your city?
5	Has your city investigated the option of contracting with another city or the district court for municipal court services? <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why not? If yes, what conclusions were reached?
6	If available, indicate the approved positions and allocated FTEs for the court's 2012 budget: Judicial Clerical Supervisory Probation Security _ Other:
7	Which of the following items are included in the court's budget? <ul style="list-style-type: none"> <input type="checkbox"/> Indigent defense <input type="checkbox"/> Court security (staff &/or equipment) <input type="checkbox"/> Probation <input type="checkbox"/> Information technology <input type="checkbox"/> Building and facilities maintenance <input type="checkbox"/> Prosecution <input type="checkbox"/> Other: <div style="border: 1px solid black; padding: 5px; margin-top: 10px; width: fit-content;"> If available, please provide a copy of the 2012 budget identifying court related costs to: jdoerner@ncsc.org </div>
8	How are prosecution services provided? <ul style="list-style-type: none"> <input type="checkbox"/> Municipal prosecutor/City Attorney <input type="checkbox"/> Contract with local attorney/firm <input type="checkbox"/> Other: _____ How are public defense services provided? <ul style="list-style-type: none"> <input type="checkbox"/> Paid position <input type="checkbox"/> Contract with local attorney/firm <input type="checkbox"/> Reimbursement on per/case basis <input type="checkbox"/> Other: _____
9	Name: Phone: email:

Model 2 - Self-operated, joint operating agreement with other municipalities															
1	What benefits does your city enjoy by operating its own municipal court? (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> Increased access/convenience to citizens <input type="checkbox"/> cost effectiveness <input type="checkbox"/> greater local accountability and control <input type="checkbox"/> convenience to law enforcement <input type="checkbox"/> other: (describe) 														
2	What problems or issues affect your city by operating its own municipal court? (check all that apply) <ul style="list-style-type: none"> <input type="checkbox"/> not cost effective <input type="checkbox"/> inconvenient to citizens <input type="checkbox"/> limited hours or reduced access <input type="checkbox"/> staffing issues <input type="checkbox"/> other: (describe) 														
3	How long has your city provided municipal court services to other cities? <ul style="list-style-type: none"> <input type="checkbox"/> less than 5 years <input type="checkbox"/> 5 to 10 years <input type="checkbox"/> Over 10 years 														
4	How many locations are there on which provide municipal court services to your city?														
5	If available, indicate the approved positions and allocated FTEs for the court's 2012 budget: <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Judicial</td> <td style="width: 25%;">Clerical</td> <td style="width: 25%;">Supervisory</td> <td style="width: 25%;">Probation</td> </tr> <tr> <td>Security</td> <td>Other:</td> <td></td> <td></td> </tr> </table>			Judicial	Clerical	Supervisory	Probation	Security	Other:						
Judicial	Clerical	Supervisory	Probation												
Security	Other:														
6	Which of the following items are included in the court's budget? <ul style="list-style-type: none"> <input type="checkbox"/> Indigent defense <input type="checkbox"/> Court security (staff &/or equipment) <input type="checkbox"/> Probation <input type="checkbox"/> Information technology <input type="checkbox"/> Building and facilities maintenance <input type="checkbox"/> Prosecution <input type="checkbox"/> Other: 														
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> If available, please provide a copy of the 2012 budget identifying court related costs to: jdoerner@ncsc.org </div>															
7	How are prosecution services provided? <ul style="list-style-type: none"> <input type="checkbox"/> Municipal prosecutor/City Attorney <input type="checkbox"/> Contract with local attorney/firm <input type="checkbox"/> Other: _____ How are public defense services provided? <ul style="list-style-type: none"> <input type="checkbox"/> Paid position <input type="checkbox"/> Contract with local attorney/firm <input type="checkbox"/> Reimbursement on per/case basis <input type="checkbox"/> Other: _____ 														
8	Do the various courts use the same or different judges, prosecutors and defense counsel? <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%;">Judge</th> <th style="width: 20%;">Prosecutor</th> <th style="width: 30%;">Defense Counsel</th> </tr> </thead> <tbody> <tr> <td>Same</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Different</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Judge	Prosecutor	Defense Counsel	Same				Different			
	Judge	Prosecutor	Defense Counsel												
Same															
Different															
9	Name: _____ Phone: _____ email: _____														

Model 3.1 - Contract with the District Court	
1	<p>What benefits does your city enjoy by operating its own municipal court? (check all that apply)</p> <p><input type="checkbox"/> Increased access/convenience to citizens</p> <p><input type="checkbox"/> cost effectiveness</p> <p><input type="checkbox"/> greater local accountability and control</p> <p><input type="checkbox"/> convenience to law enforcement</p> <p><input type="checkbox"/> other: (describe) _____</p>
2	<p>What problems or issues affect your city by operating its own municipal court? (check all that apply)</p> <p><input type="checkbox"/> not cost effective</p> <p><input type="checkbox"/> less local accountability/control</p> <p><input type="checkbox"/> inconvenient to citizens</p> <p><input type="checkbox"/> inconvenient to law enforcement</p> <p><input type="checkbox"/> limited hours or reduced access</p> <p><input type="checkbox"/> staffing issues</p> <p><input type="checkbox"/> other: _____</p>
3	<p>How long has your city contracted with the District Court for municipal court services?</p> <p><input type="checkbox"/> less than 5 years</p> <p><input type="checkbox"/> 5 to 10 years</p> <p><input type="checkbox"/> Over 10 years</p>
4	<p>How many locations are there on which provide municipal court services to your city?</p>
5	<p>Has the city investigated the option of establishing its own municipal court or operating in cooperation with other municipalities?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
	<p>If no, why not? _____</p>
	<p>If yes, what conclusions were reached? _____</p>
6	<p>How are prosecution services provided?</p> <p><input type="checkbox"/> Municipal prosecutor/City Attorney</p> <p><input type="checkbox"/> Contract with local attorney/firm</p> <p><input type="checkbox"/> Other: _____</p> <p>How are public defense services provided?</p> <p><input type="checkbox"/> Paid position</p> <p><input type="checkbox"/> Contract with local attorney/firm</p> <p><input type="checkbox"/> Reimbursement on per/case basis</p> <p><input type="checkbox"/> Other: _____</p>
7	<p>Name: _____ Phone: _____ email: _____</p>

Model 3.2 - Contract with another city for municipal court services	
1	<p>What benefits does your city enjoy by operating its own municipal court? (check all that apply)</p> <p><input type="checkbox"/> Increased access/convenience to citizens</p> <p><input type="checkbox"/> cost effectiveness</p> <p><input type="checkbox"/> greater local accountability and control</p> <p><input type="checkbox"/> convenience to law enforcement</p> <p><input type="checkbox"/> other: (describe) _____</p>
2	<p>What problems or issues affect your city by operating its own municipal court? (check all that apply)</p> <p><input type="checkbox"/> not cost effective</p> <p><input type="checkbox"/> less local accountability/control</p> <p><input type="checkbox"/> inconvenient to citizens</p> <p><input type="checkbox"/> inconvenient to law enforcement</p> <p><input type="checkbox"/> limited hours or reduced access</p> <p><input type="checkbox"/> staffing issues</p> <p><input type="checkbox"/> other: _____</p>
3	<p>How long has your city contracted with another for municipal court services?</p> <p><input type="checkbox"/> less than 5 years</p> <p><input type="checkbox"/> 5 to 10 years</p> <p><input type="checkbox"/> Over 10 years</p>
4	<p>How many locations are there on which provide municipal court services to your city?</p>
5	<p>Has your city investigated the option of contracting with the district court for municipal court services? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, why not? _____</p> <p>If yes, what conclusions were reached? _____</p>
6	<p>How are prosecution services provided?</p> <p><input type="checkbox"/> Municipal prosecutor/City Attorney</p> <p><input type="checkbox"/> Contract with local attorney/firm</p> <p><input type="checkbox"/> Other: _____</p> <p>How are public defense services provided?</p> <p><input type="checkbox"/> Paid position</p> <p><input type="checkbox"/> Contract with local attorney/firm</p> <p><input type="checkbox"/> Reimbursement on per/case basis</p> <p><input type="checkbox"/> Other: _____</p>
7	<p>Name: _____ Phone: _____ email: _____</p>

Model 4 - Municipal Department of the District Court	
1	<p>What benefits does your city enjoy by operating its own municipal court? (check all that apply)</p> <p><input type="checkbox"/> Increased access/convenience to citizens</p> <p><input type="checkbox"/> cost effectiveness</p> <p><input type="checkbox"/> greater local accountability and control</p> <p><input type="checkbox"/> convenience to law enforcement</p> <p><input type="checkbox"/> other: (describe) _____</p>
2	<p>What problems or issues affect your city by operating its own municipal court? (check all that apply)</p> <p><input type="checkbox"/> not cost effective</p> <p><input type="checkbox"/> less local accountability/control</p> <p><input type="checkbox"/> inconvenient to citizens</p> <p><input type="checkbox"/> inconvenient to law enforcement</p> <p><input type="checkbox"/> limited hours or reduced access</p> <p><input type="checkbox"/> staffing issues</p> <p><input type="checkbox"/> other: _____</p>
3	<p>How long has your city received municipal court services as a District Court Department?</p> <p><input type="checkbox"/> less than 5 years</p> <p><input type="checkbox"/> 5 to 10 years</p> <p><input type="checkbox"/> Over 10 years</p>
4	<p>Has your city investigated the option of establishing its own court or operating in cooperation with other municipalities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, why not? _____</p> <p>If yes, what conclusions were reached? _____</p>
5	<p>How are prosecution services provided?</p> <p><input type="checkbox"/> Municipal prosecutor/City Attorney</p> <p><input type="checkbox"/> Contract with local attorney/firm</p> <p><input type="checkbox"/> Other: _____</p> <p>How are public defense services provided?</p> <p><input type="checkbox"/> Paid position</p> <p><input type="checkbox"/> Contract with local attorney/firm</p> <p><input type="checkbox"/> Reimbursement on per/case basis</p> <p><input type="checkbox"/> Other: _____</p>
6	<p>Name: _____ Phone: _____ email: _____</p>

APPENDIX - Survey Follow-Up Interview Guides

Model 1 – Stand –alone, self-operated

8. What are the requirements for being a judge in this municipal court?
9. Does this model in any way inhibit your ability to make independent decisions regarding cases that come before you?
10. In your view does this allow as employed for adequate access for the town's citizens and other court users?
11. Does the city provide adequate resources (financial, staffing, facilities, etc.) for court operations?
12. What measures of performance and accountability are used to gauge the court operation? Are any such measure/results available publicly? Does the court or city publish regular workload or performance information?
13. Do you receive any feedback regarding the degree of satisfaction in the courts operation from the city officials? From the public?
14. Do you have any observations about the various organizational models and whether any other would be appropriate for this town? What circumstances make one model preferable to another?

Model 2 – Self-operated, provide services to other cities

1. What are the requirements for being a judge in this municipal court?
2. Does this model in any way inhibit your ability to make independent decisions regarding cases that come before you?
3. In your view does this allow as employed for adequate access for the town's citizens and other court users?
4. Does the city provide adequate resources (financial, staffing, facilities, etc.) for court operations?
5. What measures of performance and accountability are used to gauge the court operation? Are any such measure/results available publicly? Does the court or city publish regular workload or performance information?
6. Do you receive any feedback regarding the degree of satisfaction in the courts operation from the city officials? From the public?
7. Do you have any observations about the various organizational models and whether any other would be appropriate for this town? What circumstances make one model preferable to another?

Model 3.1 – Contract with the District Questions for District Presiding Judge

1. What cities does the district court provide municipal court services for?
2. Do the cities acknowledge the importance of independence in judicial decision-making?
3. In your view does this model as employed allow for adequate access for the citizens and other municipal court users from all of the associated cities?
4. Does the court receive adequate compensation from the cities for municipal court operations?
5. What measures of performance and accountability are used to gauge the court operations as they relate to the municipal courts? Are any such measure/results available publicly?
6. Do you have any indication of the degree of satisfaction in the courts operation from the officials in the various cities? From the public?
7. Do you have any observations about the various organizational models and whether any other would be appropriate for this town(s)? What circumstances make one model preferable to another?

Questions for City Official

1. In your view does this model as employed allow for adequate access for the citizens and other court users from your city?
2. Does the District court charge fair compensation for court municipal operations?
3. What measures of performance and accountability are used to gauge the municipal court operations provided by the District Court? Are any such measure/results available publicly?
4. Do you have any indication of the degree of satisfaction in the courts operation from other officials in your city? From the public?
5. Do you have any observations about the various organizational models and whether any other would be appropriate for this town? What circumstances make one model preferable to another?

Model 3.2 – Contract with another City

Questions for Municipal Judge

Discuss the various models and the approach we are taking on this study. Indicate which model we believe the city fits into and have them confirm.

1. What cities does the court provide municipal court services for?
2. Do all of the cities acknowledge the importance of independence in judicial decision-making?
3. In your view does this model as employed allow for adequate access for the citizens and other municipal court users from all of the associated cities?
4. Does the court receive adequate compensation from the other cities for municipal court operations?
5. What measures of performance and accountability are used to gauge the court operations as they relate to all of the municipal courts? Are any such measure/results available publicly? For all of the cities?
6. Do you have any indication of the degree of satisfaction in the courts operation from the officials in the various cities? From the public?
7. Do you have any observations about the various organizational models and whether any other would be appropriate for this town(s)? What circumstances make one model preferable to another?

Questions for City Official

1. In your view does this model as employed allow for adequate access for the citizens and other court users from your city?
2. Does the Other City court charge fair compensation for court municipal operations?
3. What measures of performance and accountability are used to gauge the municipal court operations provided by the other city? Are any such measure/results available publicly?
4. Do you have any indication of the degree of satisfaction in the courts operation from other officials in your city? From the public?

5. Do you have any observations about the various organizational models and whether any other would be appropriate for this town? What circumstances make one model preferable to another?

Model 4 – District Court Department

Questions for District Presiding Judge

1. What cities does the district court provide municipal court services for? Are these all as departments or are there separate contractual agreements?
2. Do the cities acknowledge the importance of independence in judicial decision-making?
3. In your view does this model as employed allow for adequate access for the citizens and other municipal court users from all of the associated cities?
4. Does the court receive adequate compensation from the cities for municipal court operations?
5. What measures of performance and accountability are used to gauge the court operations as they relate to the municipal departments/courts? Are any such measure/results available publicly?
6. Do you have any indication of the degree of satisfaction in the courts operation from the officials in the various cities? From the public?
7. Do you have any observations about the various organizational models and whether any other would be appropriate for this town(s)? What circumstances make one model preferable to another?

Questions for City Officials

1. In your view does this model as employed allow for adequate access for the citizens and other court users from your city?
2. Does the District court charge fair compensation for court municipal operations?
3. What measures of performance and accountability are used to gauge the municipal court operations provided by the District Court? Are any such measure/results available publicly?
4. Do you have any indication of the degree of satisfaction in the courts operation from other officials in your city? From the public?
5. Do you have any observations about the various organizational models and whether any other would be appropriate for this town? What circumstances make one model preferable to another?

SUMMARY OF THE PRINCIPLES FOR JUDICIAL ADMINISTRATION**Governance Principles**

Principle 1: Effective court governance requires a well-defined governance structure for policy formulation and administration for the entire court system.

Principle 2: Judicial leaders should be selected based on competency.

Principle 3: Judicial leaders should focus attention on policy level issues while clearly delegating administrative duties to court administrators.

Principle 4: Court leadership, whether state or local, should exercise management control over all resources that support judicial services within their jurisdiction.

Principle 5: The court system should be organized to minimize the complexities and redundancies in court structures and personnel.

Principle 6: Court leadership should allocate resources throughout the state or local court system to provide an efficient balance of workload among judicial officers and court staff.

Principle 7: Court leadership should ensure that the court system has a highly qualified, competent and well-trained workforce.

Decision-Making and Case Administration Principles

Principle 8: Courts should accept and resolve disputes in all cases that are constitutionally or statutorily mandated.

Principle 9: Court leadership should make available, within the court system or by referral, alternative dispositional approaches. These approaches include:

- a. The adversarial process.
- b. A problem-solving, treatment approach.
- c. Mediation, arbitration or similar resolution alternative that allows the disputants to maintain greater control over the process.
- d. Referral to an appropriate administrative body for determination.

Principle 10: Court leadership should exercise control over the legal process.

Principle 11: Court procedures should be simple, clear, streamlined and uniform to facilitate expeditious processing of cases with the lowest possible costs.

Principle 12: Judicial officers should give individual attention to each case that comes before them.

Principle 13: The attention judicial officers give to each case should be appropriate to the needs of that case.

Principle 14: Decisions of the court should demonstrate procedural fairness.

Principle 15: The court system should be transparent and accountable through the use of performance measures and evaluation at all levels of the organization.

Court Funding Principles—Developing and Managing the Judicial Budget

Principle 16: Judicial Branch leadership should make budget requests based solely upon demonstrated need supported by appropriate business justification, including the use of workload assessment models and the application of appropriate performance measures.

Principle 17: Judicial Branch leadership should adopt performance standards with corresponding, relevant performance measures and manage their operations to achieve the desired outcomes.

Principle 18: Judicial Branch budget requests should be considered by legislative bodies as submitted by the Judicial Branch.

Principle 19: Judicial Branch leadership should have the authority to allocate resources with a minimum of legislative and executive branch controls including budgets that have a minimal number of line items.

Principle 20: Judicial Branch leadership should administer funds in accordance with sound, accepted financial management practices.

Court Funding Principles—Providing Adequate Funding

Principle 21: Courts should be funded so that cases can be resolved in accordance with recognized time standards by judicial officers and court staff functioning in accordance with adopted workload standards.

Principle 22: Responsible funding entities should ensure that courts have facilities that are safe, secure and accessible and which are designed, built and maintained according to adopted courthouse facilities guidelines.

Principle 23: The court system should be funded to provide technologies needed for the courts to operate efficiently and effectively and to provide the public services comparable to those provided by the other branches of government and private businesses.

Principle 24: Courts should be funded at a level that allows their core dispute resolution functions to be resolved by applying the appropriate dispositional alternative.

Principle 25: Court fees should not be set so high as to deny reasonable access to dispute resolution services provided by the courts. Courts should establish a method to waive or reduce fees when needed to allow access.

SAMPLE EVALUATION PROJECT GOALS

- **GOAL 1: Efficient Use of Judicial and Quasi-Judicial Resources**
 - Judicial officers dispose of cases within established time guidelines.
 - Judicial officers are utilized to the full extent allowed by statute.
 - Absences and disqualifications of judicial officers are covered efficiently.
 - Judicial resources are flexible to meet changing patterns in workload.

- **GOAL 2: Reduction or Improved Management of Operational Costs**
 - The net aggregate costs of court operations are reduced or managed more effectively.
 - Administrative duplication and redundancy is minimized.
 - The coordination and effectiveness of judgment enforcement, including collections, is improved.
 - Utilization of facilities and capital resources is maximized.

- **GOAL 3: Improve the Effectiveness of Caseflow Management**
 - The age of pending cases is within established guidelines.
 - The pending inventory of cases is within established guidelines.
 - The court maintains a high degree of event date certainty.
 - The court has an established scheduling policy and coordinates all judicial schedules.

- **GOAL 4: Effective Application of Technology**
 - Improved integration/ sharing of case information.

- Utilization of technology to improve public access to court information.
- Increased integration of information with other agencies.

- **GOAL 5: Capable and Accountable Court Leadership**
 - The court has established a governance structure that is representative of the various divisions of the court.
 - Court leadership retains control over management and administration of court resources and staff pursuant to Rule 29.

GOAL 6:
Stakeholder Satisfaction

Court users' perception of trust and confidence in the court is positive in the following areas:

- Cases receive the attention they deserve.
- Court information is accessible and understandable.
- Timeliness of court proceedings.
- Physical accessibility of the court.

Tab 5

2013-2015 Biennial Budget Comparisons

Budget Request Description	Amount Requested	Compromise Budget
Administrative Office of the Courts		
Reduce LFO Payments	-0-	(\$370,000)
Fund a portion of JSTA	-0-	(\$6,691,000) SGF \$6,691,000 JSTA
JIS Fund Sweep	-0-	(\$3,000,000) SGF \$3,000,000 JIS
Video Remote Interpretation State General Fund <i>Funding is requested for a video remote interpretation (VRI) pilot project.</i>	\$384,000	-0-
Access to Justice State General fund <i>Request partial restoration of funding previously eliminated.</i>	\$50,000	-0-
Legal Financial Assistance Pass-Through State General Fund <i>Increase funding for costs associated with LFO collection.</i>	\$179,000	-0-
Federal Grant Authority General Fund – Federal <i>Request federal appropriation authority for grants received.</i>	\$1,075,000	\$1,075,000
SB 5437 Boating Safety <i>JIS Funding for modification of the JIS system</i>	-0-	\$67,000
Superior Court Case Management System JIS Account <i>Continue the implementation of the SC-CMS.</i>	\$11,300,000	\$11,300,000
JIS Multi-Project Funding JIS Account <i>Funding for small to medium IT projects.</i>	\$2,000,000	-0-
Information Networking Hub JIS Account	\$1,500,000	\$1,500,000

2013-2015 Biennial Budget Comparisons

Budget Request Description	Amount Requested	Compromise Budget
Internal and External Equipment Replacement JIS Account <i>Funding to replace aged computer equipment.</i>	\$3,337,000	\$3,337,000
Electronic Content Management System JIS Account (amount revised to \$1,426,000 3/26/13) <i>Funding is requested to begin implementation of the ECMS.</i>	\$1,426,000	\$333,000
Superior Court Judges – Whatcom and Benton/Franklin Counties State General Fund	\$432,000	\$432,000
Supreme Court – Policy Level		
Operational Funding State General Fund <i>Funding for basic operating expenses</i>	\$50,000	-0-
Court of Appeals – Policy Level		
Court Commissioner – Division I State General Fund <i>Funding for restoration of a court commissioner.</i>	\$288,000	\$288,000
Perimeter Fence – Division III State General Fund <i>Perimeter security.- Capital Budget Item</i>	\$104,000	\$104,000
Law Library		
No requests made	-0-	-0-

2013-2015 Biennial Budget Comparisons

Budget Request Description	Amount Requested	Compromise Budget
----------------------------	------------------	-------------------

Office of Public Defense – Policy Level

Caseload Maintenance State General Fund <i>Increase contract attorney rates by 1.5%.</i>	\$304,000	-0-
Fund a portion of JSTA	-0-	(\$3,648,000) SGF \$3,648,000 JSTA
Immigration Consequences Advisement SGF <i>Expansion of the WDA immigration consequences program.</i>	\$200,000	\$100,000
Capital Case Litigation Initiative General Fund-Federal	\$152,000	\$152,000
Parents Representation State General Fund	-0-	\$3,378,000

Office of Civil Legal Aid – Policy Level

Fund a portion of JSTA	-0-	(\$1,454,000) SGF \$1,454,000 JSTA
Personnel and Occupancy Expenses SGF <i>Funding for increased personnel and occupancy expenses.</i>	\$897,000	-0-
Mitigate Client Service Capacity Losses SGF (as originally submitted) <i>Restore 6 of 18.5 attorney positions previously cut.</i>	\$1,440,000	-0-

From: O'Connor, Kathleen [<mailto:KOConnor@spokanecounty.org>]
Sent: Wednesday, July 10, 2013 8:58 AM
To: Madsen, Justice Barbara A.
Subject: FW: Voting yes on the budget

I thought you would be interested in this email.

Kathleen

Judge Kathleen M. O'Connor
1116 W Broadway, Room 407
Spokane, WA 99260-0350
509-477-4707

From: Fagan, Rep. Susan [<mailto:Susan.Fagan@leg.wa.gov>]
Sent: Wednesday, July 10, 2013 6:26 AM
To: O'Connor, Kathleen
Cc: Audette, Al
Subject: Voting yes on the budget

Judge O'Connor: Thank you for your kind words and for your service as one of our Spokane County Superior Court judges. As you know, our state has many systems that need our attention. I'm pleased that I could vote for the 2013-2015 Operating Budget and that it addresses some of the critical needs of the superior court in Spokane County.

The outreach that Chief Justice Barbara Madsen made on behalf of the judicial system late last fall was incredibly helpful to me. For those of us who are not attorneys or do not have attorneys or judges in our families, we receive little exposure to the needs of the judicial system. The dinner in Spokane was my first opportunity to visit with so many representatives of our court system, and it truly was helpful in my understanding of what you face on a daily basis.

Your comments and suggestions are always welcome, and again, thank you for contacting me.

Sincerely,



Representative Susan Fagan
9th Legislative District
Washington House of Representatives
Olympia: 360-786-7942

From: O'Connor, Kathleen [<mailto:KOConnor@spokanecounty.org>]
Sent: Monday, July 08, 2013 2:16 PM
To: Fagan, Rep. Susan
Subject: The Budget

Dear Representative Fagan:

Thank you so much for all your efforts this legislative session in preserving funding for the judicial branch of government.

As a superior court judge in Spokane County, I am particularly grateful that the funding for AOC services and the pass through funding to the superior courts for interpreters, guardians ad litem for children and other aspects of the Justice in Jeopardy Initiative have been preserved. I also appreciate funding for the Superior Court Case Management System, an update of a fragile 35 year old system that is truly critical for the superior courts.

Again, many thanks for all your efforts and leadership this session.

Kathleen

Judge Kathleen M. O'Connor
1116 W Broadway, Room 407
Spokane, WA 99260-0350
509-477-4707

Tab 6

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

BJAR
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

BJAR 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII **Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
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Amended 03/16/07

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BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)