



Board for Judicial Administration (BJA) Meeting
Friday, September 20, 2013 (9:00 a.m. – Noon)
AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Kevin Ringus, Member Chair
Judge Veronica Alicea-Galvan
Ms. Callie Dietz
Judge Stephen Dwyer
Judge Janet Garrow
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge Michael Lambo
Justice Susan Owens
Mr. Patrick Palace
Judge Kimberley Prochnau
Ms. Michele Radosevich
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Charles Snyder
Judge Scott Sparks
Judge David Svaren

Guests Present:

Mr. Jim Bamberger
Justice Mary Fairhurst (by phone)
Ms. Sonya Kraski
Ms. Aimee Vance

Public Present:

Mr. Christopher Hupy
Mr. Mark Mahnkey

AOC Staff Present:

Ms. Beth Flynn
Mr. Steve Henley
Ms. Shannon Hinchcliffe
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Ramsey Radwan

August 16, 2013 BJA Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Sparks to approve the August 16, 2013 BJA meeting minutes. The motion carried.

BJA Public Trust and Confidence Committee Membership Adjustment and Update

Justice Fairhurst said she would like to add an ex officio member, David Johnson from TVW, to the BJA Public Trust and Confidence Committee membership. He has been serving on the committee as a representative of the public. His term is about to expire and his service has proven to be invaluable. TVW's involvement and support is enhanced by Mr. Johnson's participation. Justice Fairhurst is hoping to convert a public position to a TVW ex officio position or add a new position. She prefers to have two public members and have a permanent ex officio position. The committee has found their public members to be very helpful. This will be added as an action item on the October BJA agenda.

The BJA Public Trust and Confidence Committee has worked on several projects over the last year. One was developing templates to use when approaching budget makers. In addition, talking points were developed to assist in having conversations with budget makers.

Another project was participating in the Legislative Scholars program which was held in July. The training is for a full week and the BJA Public Trust and Confidence Committee provides training for a half day. Ms. Margaret Fisher and Justice Fairhurst provide the training along with attorney Hugh Spitzer. The training includes information about the Washington Constitution, civics, a tour of the Temple of Justice and ends with a dinner at Justice Fairhurst's house.

The Committee is currently working on a public education campaign. They are developing the video, "Misperceptions of the Washington State Courts" which will include interviews with people on the street about myths and misperceptions regarding the courts. The video will also include judicial folks correcting those misperceptions. They are working with TVW and no public funding will be used to create the video. The Committee is in the process of identifying who will respond to the myths.

The Committee is also working on unique issues facing rural courts. They are using Survey Monkey to determine the issues rural courts encounter. In addition they are working on the roll-out of the plain language forms and collecting materials for law and constitution day activities.

Chief Justice Madsen thanked the Committee for their work and said the BJA very much appreciates everything they do.

BJA Regional Courts Oversight Committee

Judge Svaren stated that in July he reported on the National Center for State Courts' (NCSC) study of regionalization and the conclusion was that there was inadequate information to make a hard and fast recommendation with respect to regional courts. They did make two recommendations: 1) since there were no performance standards in place, there was no way to evaluate the courts and they suggested putting a set of performance standards in place; and 2) in order to determine what form of regionalization might be acceptable, they need to have an evaluation project to determine how regionalization might work.

Chief Justice Madsen recommended during the July BJA meeting that the Oversight Committee meet one more time and determine how to go forward. The Committee met by phone and recommends that the BJA determine what goals would be achieved by regionalization and if regionalization would result in those goals being met. In addition, the Committee recommends the BJA Best Practices Committee to work on performance standards.

A few BJA members stated that regionalization could save resources and that there is already a mechanism in place to allow for regionalization. If the goal is to have more courts regionalize, there needs to be some incentive.

Other members stated that there was evidence of judges not being able to act independently which has been an ongoing issue. The BJA had a goal of judges being elected to preserve judicial independence.

Chief Justice Madsen stated that this concludes the work of the Oversight Committee. There were no motions to accept the recommendations from the Committee. Chief Justice Madsen asked Administrative Office of the Courts (AOC) staff to develop a proposal for looking at the history of regionalization and bring that back to the BJA to determine what the next steps should be.

Judicial Assistance Services Program

Judge Lambo is a peer counselor for the Judicial Assistance Program. It is a judges helping judges program for judges going through a personal crisis or feeling overwhelmed. Sometimes a judge may appear to staff, lawyers appearing before them, or to other judges to be overwhelmed by stress. A judge or people around the judge can contact the service and the service will contact the judge. Discipline Rules for Judges 14(e) makes the communication between the judge and peer judge completely confidential. When someone calls the number, that person contacts the chair, vice chair and psychologist with the program. They will attempt to make contact with the judge. It is difficult to contact the judges because most judges are very well educated, well respected, and confident. It is difficult to see members of the judiciary who are all very intelligent, accomplished people leave the bench because they cannot talk to anyone about an issue. Peer counselors go through yearly training and past trainings have included judicial balance, active listening, and aging issues.

Judge Lambo's task is to make the BJA aware of this program and he is hoping the BJA members can talk to their staff and the lawyers in their court about it.

Legislative Report

Ms. McAleenan said she will be scheduling a meeting in October with the BJA Legislative Executive Committee to prepare for the upcoming 60-day legislative session which begins on January 13. It is possible there will be legislation regarding DUIs, therapeutic courts, mental health reporting for firearms, guardianship issues, and cities and counties to pursuing state funding for public defense.

The BJA needs to start talking about what should be done with the interpreter bill. Technically, the bill is still alive and Ms. McAleenan would like a recommendation from the BJA Legislative Executive Committee regarding how to move forward with the bill. The House stripped the funding out of the bill and it passed in the House and went to Senate. Both versions failed to get a hearing in the Senate.

The judicial needs estimate is in final stages of completion and will be distributed soon. If any courts are interested in pursuing additional judicial positions, they should contact Ms. McAleenan.

Budget Report

Mr. Radwan reported that it is time to start thinking about the 2015-2017 budget. A calendar was distributed outlining key dates throughout the budget process. When the instructions come out in January the dates will be revised if needed. The BJA will review preliminary budget requests that impact the AOC budget in March 2014. In April, budget requests that impact trial courts will be reviewed by the BJA. The BJA will make recommendations to the Supreme Court regarding the budget requests they review and they will also prioritize them. The BJA cannot stop a funding request from going to the Supreme Court Budget Committee but the BJA recommendations will be taken into account by the Supreme Court Budget Committee.

Overall, revenues are going up but this will be one of the most strategic budgets and budget requests since Mr. Radwan has been at AOC. Because revenue is slightly increasing there is a

lot of pent up demand for funding within the judicial branch and statewide as well. The demand will be very high and there will be a lot of competition. If it is planned well, there will be a very well thought-out request to move forward.

Chief Justice Madsen sent out instructions for the 2014 supplemental budget process. Some technical budget requests will be submitted to correct mistakes in the budget. If anyone has any new funding ideas, those decision packages are due October 1.

BJA Long Range Planning Committee

Judge Ringus stated that as BJA Member Chair, he becomes Chair of the BJA Long Range Planning Committee. The only thing to report at this time is that they will begin to get the planning effort organized after the final report of the BJA Committee Unification Workgroup is released.

BJA Dues Update

Ms. McAleenan reported that historically the BJA has requested voluntary dues contributions. The dues have been set at \$55 per judge since the early 1990s. Typically, a dues request is sent out every two years, as needed. The funds are spent on things that are not necessarily appropriate to spend state funds on such as legislative and Salary Commission travel and legislative dinners. There is currently about \$14,000 in the account and the last time a dues request was sent was in November 2012. They had close to a 50% response rate and no reminders have been sent. There is usually about a 70% response rate and Ms. McAleenan would like to send a second notice. The second notice would only be sent to judges who have not paid. She would like to collect the money now so she will not have to ask people who have already paid to pay again.

In addition, she would like the presidents of the judicial associations to talk to their judges and encouraged them to participate. She will provide a list of judges who have not contributed to the association presidents.

The consensus was to send a second notice to the judges who have not paid.

BJA Best Practices Committee Update

Mr. Elliott is the AOC staff to the BJA Best Practices Committee and Judge Jean Rietschel is the Chair. The Committee is working their way through a prioritized list of measures developed by the BJA. The Committee spent eight years working on performance standards for superior courts. Seven measures have been adopted and one has been rejected. They are currently testing some of the measures.

The Committee would like to develop best practices to support the audit measurement.

Many of the Best Practices Committee members have expired terms because of the potential for a BJA restructure. They will begin the reappointment and recruitment process in a few months.

AOC Reorganization

Ms. Dietz stated that one of the things she was tasked with when she was hired was looking at the operations of AOC to see if there is any way to increase efficiencies. She has been at AOC for 14 months now and has met with judges, administrators and clerks to discuss what services they need from AOC. She used that information to reorganize AOC. AOC will be providing the same services she described to the BJA last month but some are distributed between the four divisions differently. The meeting materials contain the new structure. The reorganization implementation date is October 1.

One of the changes that impacts the BJA is that Ms. Hinchcliffe will now be staffing the BJA.

Ms. Dietz explained that some of the IT security measures that will be done in the future could cause a little angst but are necessary for ensuring our systems are secure. AOC will communicate with users to explain the changes and how they could impact users.

Thurston County Superior Court and Lewis County Superior Court have been selected as Superior Court Case Management System (SC-CMS) pilot sites.

GR 31.1 Implementation Date

Chief Justice Madsen said that Mr. Radwan put together a plan for the BJA's consideration regarding the implementation of GR 31.1. The Implementation Committee has just begun to meet and Chief Justice Madsen would like the BJA to decide on the implementation date. That date will be taken back to the Supreme Court for their consideration. This will be discussed during a future BJA meeting.

Other Business

Judge Ringus thanked and acknowledged Ms. Radosevich for her role on the BJA and as President of the WSBA. He also welcomed Mr. Palace to the BJA in his new role as the President of the WSBA.

It was moved by Judge Lambo and seconded by Judge Sparks to adjourn the meeting.

Recap of Motions from September 20, 2013 meeting

Motion Summary	Status
Approve the August 16, 2013 BJA meeting minutes.	Passed
Adjourn the meeting.	Passed

Action Items from the September 20, 2013 meeting

Action Item	Status
<u>August 16, 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	Done Done

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Action Item	Status
<u>BJA Public Trust and Confidence Committee</u> <ul style="list-style-type: none">• Add Membership Update to October BJA agenda as an action item	Done
<u>BJA Regional Courts Oversight Committee</u> <ul style="list-style-type: none">• AOC staff will develop a proposal for looking at the history of regionalization and bring that back to the BJA to determine what the next steps should be	In Progress
<u>Legislative Report</u> <ul style="list-style-type: none">• Schedule meeting in October for BJA Legislative Executive Committee	Done
<u>BJA Dues</u> <ul style="list-style-type: none">• Send second notices• Determine if there is a way to pay the dues online	In Progress In Progress
<u>GR 31.1 Implementation Date</u> <ul style="list-style-type: none">• Add this to a future meeting agenda	