

**JOINT
BOARD FOR JUDICIAL
ADMINISTRATION
AND
COURT MANAGEMENT
COUNCIL**



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, DECEMBER 13, 2013
9:00 A.M.**

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

Board for Judicial Administration Membership

VOTING MEMBERS:

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Fife Municipal Court

Judge Vickie Churchill
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Island County Superior Court

Judge Janet Garrow
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**Joint Board for Judicial Administration (BJA) and
Court Management Council (CMC) Meeting**
Friday, December 13, 2013 (9:00 a.m. – Noon)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Kevin Ringus	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Kevin Ringus	9:00 a.m.
3. Court Manager of the Year Award	Mr. Pat Escamilla Ms. Callie Dietz	9:05 a.m.
Reports and Information		
4. CMC Transcriptionist Subcommittee Report and Proposal	Ms. Renee Townsley Ms. Delilah George	9:20 a.m. Tab 1 Page 8
5. IT Security Update	Ms. Vonnie Diseth Mr. Mike Keeling	9:40 a.m. Tab 2 Handout
6. Court Security Resources	Mr. Dirk Marler	9:55 a.m. Tab 3 Page 35
Break		10:10 a.m.
Action Items		
7. November 15, 2013 Meeting Minutes Action: Motion to approve the minutes of the October 18, 2013 meeting	Chief Justice Barbara Madsen Judge Kevin Ringus	10:30 a.m. Tab 4 Page 39
8. BJA Best Practices Committee Appointment Motion to appoint Ms. Geana Van Dessel to the BJA Best Practices Committee	Ms. Shannon Hinchcliffe	10:35 a.m. Tab 5 Page 46
9. BJA Public Trust and Confidence Committee Appointment Motion to appoint Ms. Barbara Fox and Ms. Kay Holland to the BJA Public Trust and Confidence Committee	Ms. Shannon Hinchcliffe	10:40 a.m. Tab 6 Page 49

Reports and Information		
10. BJA Special Account Request for Signature Authority	Ms. Shannon Hinchcliffe	10:45 a.m. Tab 7 Page 52
11. Legislative Report	Ms. Mellani McAleenan	10:55 a.m. Tab 8 Handout
12. DMCJA Legislative Agenda	Judge David Svaren	11:10 a.m. Tab 9 Handout
13. BJA Committee Next Steps	Ms. Shannon Hinchcliffe	11:20 a.m. Tab 10 Page 57
14. Other Business Next meeting: January 17 AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Kevin Ringus	11:45 a.m.
15. Adjourn		Noon
<p>Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>		

Tab 1

MEMORANDUM



To: Board for Judicial Administration

From: Renee Townsley, Chair, Court Management Council Transcription Committee

Date: December 13, 2013

Re: Court Management Council Transcription Recommendations

The Court Management Council (CMC) was created by the Supreme Court as a statewide forum for enhancing the administration of the courts. In 2009, the Council identified concerns about the quality and timeliness of verbatim report of proceedings for appellate review. It became apparent that statutes and court rules lack direction on the process to authorize persons to transcribe records at the trial court. Consequently, there is great inconsistency across the state on the necessary qualifications and performance monitoring for transcriptionists completing verbatim report of proceedings.

The Council appointed a Transcriptionist Subcommittee to conduct a comprehensive review of the statutes, rules, and practices that govern verbatim report of proceedings in the trial courts of Washington to add clarity and direction for the management of this important part of the court record.

In November 2011, the CMC produced the final "Report and Recommendations for Court Electronic Recording" which updated the original 2002 recommendations to reflect changing court business practices and the substantial changes in technology that had occurred in nearly a decade.

The CMC then turned its sights on reviewing the numerous court rules and statutes that set the framework for creating the record. An initial draft of these changes was presented to BJA in September 2012, with a request that BJA refer the proposals to the court level constituent groups for their review and input. Several excellent suggestions were made, and over the past year they have been considered by CMC and incorporated into the new recommendations which accompany this memorandum.

CMC now presents these recommendations for BJA consideration. We ask BJA to:

- 1) Endorse CMC's proposed rule changes. It is expected that CMC will draft a GR 9 cover sheet and submit its proposals to the Supreme Court Rules committee in 2014, noting that the proposals have been reviewed and endorsed by BJA. Our belief is that doing so would not preclude an individual judicial officer or association from submitting a comment with a dissenting view on a specific section of the proposal.
- 2) Support the CMC's proposed statutory changes, and authorize AOC staff to draft BJA request legislation for introduction in the 2015 legislative session.

**CMC TRANSCRIPTIONIST SUBCOMMITTEE
RCW and State Court Rules Recommended Changes
December 2013**

Revised Code of Washington

RCW 2.32.240 – Transcript of testimony
RCW 2.32.250 – Transcript accorded verity
RCW 3.02.040
RCW 36.18.016 (13)

Superior Court Special Proceedings Rules — Criminal

SPRC 3 – Court Reporters; Filing of Notes

Rules of Appellate Procedure

RAP 9.2 – Verbatim Report of Proceedings
RAP 9.3 – Narrative Report of Proceedings
RAP 9.4 – Agreed Report of Proceedings
RAP 9.5 – Filing and Service of Report of Proceedings – Objections
RAP 9.8 – Transmitting Record on Review
~~RAP 9.9 – Correcting or Supplementing Report of Proceedings Before Transmittal to Appellate Court~~
RAP 9.10 – Correcting or Supplementing Report of Proceedings Before Transmittal to Appellate Court
RAP 10.2(a) – Time for Filing Briefs
RAP 18.9 – Violation of Rules (Concerns Court Reporters w/ respect to verbatim reports)

Superior Court Civil Rules

CR 43(h) – Taking of Testimony
CR 80 – Court Reporters

Rules for Courts of Limited Jurisdiction

ARLJ 13 (a)
RALJ 5.3
CRLJ 75 (c)

New Rules Recommended by Subcommittee

New Superior Court Criminal Rule – Electronic Recording Log

New Superior Court Civil Rule – Electronic Recording Log

New General Rule – Official Court Transcripts

Recommended Change**Comment****RCW 2.32.240****Transcript of testimony — Fee — Forma pauperis**

When a record has been taken in any cause as provided in RCW 2.32.180 through 2.32.310, if the court, or either party to the suit or action, or his or her attorney, request a transcript, the official reporter or authorized transcriptionist ~~and clerk of the court~~ shall make, or cause to be made, with reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action except for transcripts requested for an appellate case. The fees of the official reporter or authorized transcriptionist as defined by supreme court rule ~~and clerk of the court~~ for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through 2.32.310 the cost thereof shall be taxable as costs in the case, and shall be so taxed as other costs in the case are taxed: PROVIDED, That when, ~~from and after December 20, 1973,~~ a party has been judicially determined to have a constitutional right to a transcript and to be unable by reason of poverty to pay for such transcript, the court may order said transcript to be made by the official reporter or authorized transcriptionist, which transcript fee therefor shall be paid by the state upon submission of appropriate vouchers to the clerk of the supreme court.

Purpose: Modernizes the law to acknowledge that, in addition to court reporters, an authorized transcriptionist may create an official record.

No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.

<p>RCW 2.32.250 Transcript accorded verity</p> <p>The report of the official reporter <u>or authorized transcriptionist</u>, when transcribed and certified as being a correct transcript of the stenographic notes or <u>electronically recorded</u> of the testimony, or other oral proceedings had in the matter, shall be prima facie a correct statement of such testimony or other oral proceedings had, and the same may thereafter, in any civil cause, be read in evidence as competent testimony, when satisfactory proof is offered to the judge presiding that the witness originally giving such testimony is then dead or without the jurisdiction of the court, subject, however, to all objections the same as though such witness were present and giving such testimony in person.</p>	<p>Purpose: Modernizes the statute to provide that the official report of an electronically recorded proceeding prepared by an authorized transcriptionist has the same status as the report of a court reporter.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>
<p>RCW 3.02.040 Electronic recording equipment</p> <p>The administrator for the courts <u>should be consulted for advice on</u> shall supervise the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction.</p>	<p>Purpose: It is no longer practical or necessary for AOC to supervise local electronic recording equipment. Courts should—but are not required to—consult with AOC.</p> <p>DMCJA: Supports this change.</p>
<p>RCW 36.18.016 (13) Various fees collected — Not subject to division.</p> <p>(13) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audio tape and twenty-five dollars for each video tape or other electronic storage medium.</p>	<p>Purpose: Modernize terminology to reflect the evolution away from tapes as a storage medium.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>

SPRC 3

Court Reporters; Filing of Notes

- (a) At the commencement of a capital case, the trial court will designate one or more court reporters for that case. To the extent practical, only designated reporters will report all hearings.
- (b) As soon as possible after each hearing, stenographic notes or electronic ~~the court reporter will transmit stenographic, any audio or video tapes, and any other electronic data medium containing notes of the hearing will be submitted to the courtroom clerk county clerk's office.~~
- (c) ~~The courtroom clerk will index the notes on a records inventory, noting the date of the notes. The courtroom clerk will have the court reporter initial the inventory log as each set of notes is received by the courtroom clerk.~~
- (d) ~~The stenographic notes or electronic stenographic notes of the hearing shall be indexed and stored by the county clerk's office, any audio or video tapes, and any other electronic data medium containing notes of any hearing shall be stored by the clerk's office in an exhibit box labeled with the defendant's name and cause number to allow easy retrieval of notes. Sealed notes are to be marked "SEALED" in red ink and maintained in accordance with GR 15.~~
- (e) (d) Court reporter notes or electronic stenographic notes of the hearing, ~~any audio or video tapes, and any other electronic data medium containing notes of any hearing, sealed or unsealed,~~ shall not be provided to anyone except the court reporter who produced the notes, unless a court order provides otherwise.

Purpose: Clarify all court reporter stenographic notes, paper or electronic, must be filed with the Clerk.

No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.

<p>(f) (e) A court reporter may withdraw the stenographic notes <u>or electronic stenographic notes</u>, any video or audio tapes, and any other electronic data medium containing notes of a hearing as required for transcription upon completing a request slip. The stenographic notes <u>or electronic stenographic notes</u>, any audio or video tapes, and any other electronic data medium containing notes shall be returned to the <u>county</u> clerk's office at the same time the transcript is filed for transmission to an <u>with an</u> appellate court.</p>	
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<p><u>NEW RULE RECOMMENDED</u></p> <p>New Superior Court Criminal Rule –Electronic Recording Log</p> <p><u>When the proceedings are electronically recorded, the court shall ensure that a written log of the proceedings is created that indicates the time of relevant events.</u></p> <p><u>The judicial officer shall call the case name and cause number of each proceeding and shall assure that all case participants identify themselves for the record.</u></p>	<p>Purpose: Provides the judicial officer presiding over an electronically recorded proceeding has a responsibility to help ensure an adequate record.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>
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RAP RULE 9.2**Verbatim Report of Proceedings**

(a) Transcription and Statement of Arrangements. If the party seeking review intends to provide a verbatim report of proceedings, the party should arrange for transcription of and payment for an original and one copy of the verbatim report of proceedings within 30 days after the notice of appeal was filed or discretionary review was granted. ~~If the proceeding being reviewed was recorded on videotape, transcription of the videotapes shall be completed by a court-approved transcriber in accordance with procedures developed by the Office of the Administrator for the Courts. Copies of these procedures are available at the court administrator's office in each county where there is a courtroom that videotapes proceedings or through the Office of the Administrator for the Courts.~~ The party seeking review must file with the appellate court and serve on all parties of record and all named court reporters or authorized transcriptionists a statement that arrangements have been made for the transcription of the report and file proof of service with the appellate court. The statement must be filed within 30 days after the notice of appeal was filed or discretionary review was granted. The party must indicate the date that the report of proceedings was ordered, the financial arrangements which have been made for payment of transcription costs, the name of each court reporter or authorized transcriptionist ~~other person authorized to prepare a verbatim report of proceedings who will be preparing the transcript~~, the hearing dates, and the trial court judge. If the party seeking review does not intend to provide a verbatim report of proceedings, a statement to that effect should be filed in lieu of a statement of arrangements within 30 days after the notice of appeal was filed or discretionary review was granted and served on all parties of record.

Purpose:

- Eliminates the requirement that video transcription conform to AOC developed procedures. By providing a process for authorizing transcriptionists and other standards described here, this requirement is no longer necessary.
- Requires that transcripts be arranged in chronological order.
- Clarifies page numbering requirements.

CMC adopted the Court of Appeals suggestion to strike from this version its previous proposal in (d) that sanctions could be applied in the event timely payment for the transcript was not made. The COA questioned whether the court had authority to impose sanctions to compel payment under a private contract.

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| <p>(b) Content. A party should arrange for the transcription of all those portions of the verbatim report of proceedings necessary to present the issues raised on review. A verbatim report of proceedings provided at public expense will not include the voir dire examination or opening statement unless so ordered by the trial court. If the party seeking review intends to urge that a verdict or finding of fact is not supported by the evidence, the party should include in the record all evidence relevant to the disputed verdict or finding. If the party seeking review intends to urge that the court erred in giving or failing to give an instruction, the party should include in the record all of the instructions given, the relevant instructions proposed, the party's objections to the instructions given, and the court's ruling on the objections.</p> <p>(c) Notice of Partial Report of Proceedings and Issues. If a party seeking review arranges for less than all of the verbatim report of proceedings, the party should include in the statement of arrangements a statement of the issues the party intends to present on review. Any other party who wishes to add to the verbatim report of proceedings should within 10 days after service of the statement of arrangements file and serve on all other parties and the court reporter <u>or authorized transcriptionist</u> a designation of additional parts of the verbatim report of proceedings and file proof of service with the appellate court. If the party seeking review refuses to provide the additional parts of the verbatim report of proceedings, the party seeking the additional parts may provide them at the party's own expense or apply to the trial court for an order requiring the party seeking review to pay for the additional parts of the verbatim report of proceedings.</p> <p>(d) Payment of Expenses. If a party fails to make arrangements for payment of the costs of the verbatim report of proceedings at the time the verbatim report of proceedings is ordered, the party may</p> | |
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be subject to sanctions as provided in rule 18.9.

(e) Title Page and Table of Contents. The court reporter or other authorized transcriber shall include at the beginning of each volume of the verbatim report of proceedings a title page and a table of contents.

(1) The title page should include the following:

(A) Case name,

(B) Trial court and appellate cause numbers,

(C) Date(s) of hearings,

(D) Trial court judge(s),

(E) Names of attorneys at trial,

(F) Name, business address and telephone number of each court reporter or other authorized transcriber.

(2) The table of contents shall follow the title page and shall indicate, under the headings listed below, the pages where the following appear:

(A) Proceedings. The beginning of each proceeding and the nature of that proceeding;

(B) Testimony. The testimony of each witness, the page where it begins, and the type of examination, i.e., direct, cross, re-direct, re-cross, and the page where the plaintiff rests and the defendant rests;

(C) Exhibits. The admission into evidence of exhibits and depositions;

(D) Argument. The pages where opening statements occur, except as otherwise provided in rule 9.2(b) for verbatim reports of proceedings provided at public expense, and the pages where closing arguments occur;

(E) Instructions. All instructions proposed and given. Any other events should be listed under a suitable heading which would help the reviewing court locate separate parts of the verbatim report of proceedings.

(F) Multiple Days. If a volume includes hearings from more than one day, there shall be a separate table of contents for each day.

(f) Form

(1) Generally. The verbatim report of proceedings shall be on 8-1/2-by 11-inch paper. Margins shall be lined 1-3/8 inches from the left and 5/8 inches from the right side of each page. Indentations from the left lined margin should be: 1 space for "Q" and "A"; 5 spaces for the body of the testimony; 8 spaces for commencement of a paragraph; and 10 spaces for quoted authority. Typing should be double spaced except that comments by the reporter should be single spaced. The page should have 25 lines of type. Type must be pica type or its equivalent with no more than 10 characters an inch.

(A) Witnesses Designated/Examination. Indicate at the top or bottom of each page the name of the witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.

(B) Jury In/Out. Indicate when the jury is present, when the jury leaves, and when the jury returns.

(C) Bench/Side Bar Conferences. Designate whether a bench/side bar conference is on or off the record.

(D) Chamber Conferences. If the conference is recorded, note the presence or absence of persons participating in chamber conferences.

(E) Speaker/Event Identification. Identify speakers and events that occur throughout the proceedings in capital letters centered on the appropriate line. For example: recess/court reconvene; direct examination, cross examination, re-direct examination, re-cross examination, plaintiff rests; defendant's evidence: direct examination, cross examination, re-direct examination, re-cross examination, defense rests; instructions, conference, closing arguments: for plaintiff, for defense, and rebuttal.

(2) Volume and Pages.

(A) Pages in each volume of the verbatim report of proceedings shall be numbered consecutively and be arranged in chronologic order by date of hearing(s) requested on the statement of arrangements submitted by each court reporter or transcriptionist.

(B) Each volume shall include no more than 200 pages. The page numbers should start with page 1 and continue to 200, as needed, regardless of how many hearing dates are included in the volume. The second volume and subsequent volume page numbers should start with the next page number in sequence where the previous volume ended. The volumes shall be either bound or fastened

<p>securely.</p> <p>(3) Copies. The verbatim report of proceedings should be legible, clean and reproducible.</p>	
<p>RAP RULE 9.3 Narrative Report of Proceedings</p> <p>The party seeking review may prepare a narrative report of proceedings. A party preparing a narrative report must exercise the party's best efforts to include a fair and accurate statement of the occurrences in and evidence introduced in the trial court material to the issues on review. A narrative report should be in the same form as a verbatim report, as provided in rule 9.2(e) and (f). If any party prepares a verbatim report of proceedings, that report will be used as the report of proceedings for the review. A narrative report of proceedings may be prepared if either the court reporter's notes <u>or the electronic recording</u> the videotape of the proceeding being reviewed are lost or damaged.</p>	<p>Purpose: Modernizes language to “electronic recording” instead of “videotape”.</p> <p>CMC had previously recommended a change to read that a narrative report may “only” be prepared if the notes to recording are lost or damaged. The Court of Appeals asked CMC to reconsider that change so as not to limit the option of using an agreed report. This version accepts the Court of Appeals recommendation.</p>
<p>RAP RULE 9.4 Agreed Report of Proceedings</p> <p>The parties may prepare and sign an agreed report of proceedings setting forth only so many of the facts averred and proved or sought to be proved as are essential to the decision of the issues presented for review. The agreed report of proceedings must include only matters which were actually before the trial court. An agreed report of proceedings should be in the same form as a verbatim report, as provided in rule 9.2(e) and (f). An agreed report of proceedings may be prepared if either the court reporter's notes or the <u>electronic recording</u> videotape of the proceeding being reviewed are lost or damaged <u>or if the appellate court in a civil matter requests the parties to file an agreed report of proceedings.</u></p>	<p>Purpose: Modernize language to reflect that an agreed report may be prepared if the electronic recording is lost or damaged, expanding beyond merely lost or damaged court reporter’s notes.</p> <p>Supreme Court Clerk Mr. Ron Carpenter said in accelerated matters from the trial court, the Supreme Court sometimes either directs or requests the parties to submit an agreed report of proceedings. He asked to add “, or if the appellate court requests or directs the parties to file an agreed report of proceedings.”</p> <p>COA Rules Committee: <u>“We recommend that the additional language of “or if the appellate court requests or directs the parties to file an agreed report</u></p>

	<p><u>of proceedings” be stricken.</u> This change is recommended because due process generally requires an adequate record of proceedings in a court of record and it is unlikely that in such circumstances an appellate court could legitimately compel the parties to forgo this right.”</p> <p>Mr. Carpenter made a further suggested change in response to the COA comment, which CMC adopted and is reflected in this version.</p>
<p>RAP RULE 9.5 Filing And Service Of Report of Proceedings — Objections</p> <p>(a) Generally. The party seeking review must file an agreed or narrative report of proceedings with the clerk of the trial <u>appellate court</u> within 60 days after the statement of arrangements is filed. The court reporter or person <u>transcriptionist</u> authorized to prepare the verbatim report of proceedings must file it <u>in the appellate court</u> within 60 days after the statement of arrangements is filed and all named court reporters <u>or authorized transcriptionists</u> are served. If the proceeding being reviewed was recorded on videotape, the transcript must be filed by the transcriber with the clerk of the trial court within 60 days after the statement of arrangements is filed and all named court reporters are served. <u>The party who caused a report of proceedings to be filed should at the time of filing the report of proceedings serve notice that the report of proceedings has been filed and file proof of the service on all parties.</u></p> <p>(1) A party filing a brief must promptly forward a copy of the verbatim report of proceedings with a copy of the brief to the party with the right to file the next brief. If more than one party has the right to file the next brief, the parties must cooperate in the use of the report of proceedings. The party who files the last brief should</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • As an efficiency, the transcript will now be filed with the appellate court rather than the clerk of the trial court. • Changes obsolete references to disk formats for computer generated transcripts • Add references to transcriptionists where appropriate. <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p> <p>One individual commented: “There is a reference to “PDF Searchable”. While PDF is currently popular and an open format product widely used, I wonder if just “searchable” would suffice for our purposes.”</p> <p>CMC researched the standards and concluded the PDF format is widely available and accepted. CMC chose not to make that requested change.</p>

return the copy of the report of proceedings to the party who paid for it.

(2) If the transcript was computer-generated, one diskette or compact disk (using PDF searchable ASCII-format with hard page returns) shall be filed with the original verbatim report of proceedings and a second diskette or compact disk shall be provided to the party who receives the verbatim report of proceedings. The computer PDF file may be electronically filed with the appellate court in lieu of the disk copy in accordance with the court's filing procedures. The party who files the last brief should return the diskette or compact disk to the party who paid for the verbatim report of proceedings.

(b) Filing and Service of Verbatim Report of Proceedings. If a verbatim report of proceedings cannot be completed within 60 days after the statement of arrangements is filed and served, the court reporter or authorized ~~person~~ transcriptionist shall, no later than 10 days before the report of proceedings is due to be filed, submit an affidavit to the party who ordered the report of proceedings stating the reasons for the delay. The party who requested the verbatim report of proceedings should move for an extension of time from the appellate court. The clerk will notify the parties of the action taken on the motion. When the court reporter or authorized ~~person~~ transcriptionist files the verbatim report of proceedings, a copy shall be provided to the party who arranged for transcription and either the reporter or authorized ~~person~~ transcriptionist shall serve and file notice of the filing on all other parties ~~and the appellate court~~. The notice of filing served ~~on the appellate court~~ shall include a declaration that (1) the transcript was computer generated and a PDF searchable ASCII diskette or compact disk was filed or (2) the transcript was not computer generated. Failure to timely file the verbatim report of proceedings

<p>and notice of service may subject the court reporter or video transcriber or authorized person <u>transcriptionist</u> to sanctions as provided in rule 18.9.</p> <p>(c) Objections to Report of Proceedings. A party may serve and file objections to, and propose amendments to, a narrative report of proceedings or a verbatim report of proceedings within 10 days after receipt of the report of proceedings or receipt of the notice of filing of the report of proceedings <u>with the appellate court</u>. If objections or amendments to the report of proceedings are served and filed, any objections or proposed amendments must be heard by the trial court judge before whom the proceedings were held for settlement and approval, except objections to the form of a report of proceedings, which shall be heard by motion in the appellate court. The court may direct a party or a <u>official</u> reporters or authorized transcriber <u>transcriptionists</u> to pay for the expense of any modifications of the proposed report of proceedings. The motion procedure of the court deciding any objections shall be used in settling the report of proceedings.</p> <p>(d) Substitute Judge May Settle Report of Proceedings. If the judge before whom the proceedings were held is for any reason unable to promptly settle questions as provided in section (c), another judge may act in the place of the judge before whom the proceedings were held.</p>	
<p>RAP RULE 9.8 Transmitting Record on Review</p> <p>(a) Duty of Trial Court Clerk. Except as provided in section (b), the clerk of the trial court shall send the clerk's papers and exhibits to the appellate court when the clerk receives payment for the preparation of the documents, and shall send the verbatim report of proceedings to the appellate court at the end of the objection</p>	<p>Purpose: Strikes the duty of the trial court clerk to send the verbatim report of proceedings to the appellate court. This provision is no longer necessary if the transcripts are filed directly with the appellate court.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no</p>

<p>period set forth in rule 9.5. The clerk shall endorse on the face of the record the date upon which the record on review is transmitted to the appellate court.</p> <p>(b) Cumbersome Exhibits. The clerk of the trial court shall transmit to the appellate court exhibits which are difficult or unusually expensive to transmit only if the appellate court directs or if a party makes arrangements with the clerk to transmit the exhibits at the expense of the party requesting the transfer of the exhibits. No weapons, controlled substances, hazardous items, or currency shall be forwarded unless directed by the appellate court.</p> <p>(c) Temporary Transmittal to another Court. If the record or any part of it is needed in another court while a review is pending, the clerk of the appellate court will, on the order or ruling of the appellate court, transmit the record or part of it to the clerk of that court, to remain there until the purpose for which it is transmitted has been satisfied or until the clerk of the appellate court requests its return.</p>	<p>changes.</p>
<p>RAP RULE 9.9 Correcting or Supplementing Report of Proceedings Before Transmittal to Appellate Court</p> <p>The report of proceedings may be corrected or supplemented by the trial court on motion of a party, or on stipulation of the parties, at any time prior to the transmission of the report to the appellate court. The trial court may impose the same kinds of sanctions provided in rule 18.9(a) as a condition to correcting or supplementing the report of proceedings after the time provided in rule 9.5.</p>	<p>Purpose: A rule on correcting or supplementing reports of proceedings before transmittal to the appellate court is no longer necessary because the reports will now be filed directly with the appellate court.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>
<p>RAP RULE 9.10 Correcting or Supplementing Record after Transmittal to Appellate Court</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • Corrects title to reflect that the record will no longer

<p>If a party has made a good faith effort to provide those portions of the record required by rule 9.2(b), the appellate court will not ordinarily dismiss a review proceeding or affirm, reverse, or modify a trial court decision or administrative adjudicative order certified for direct review by the superior court because of the failure of the party to provide the appellate court with a complete record of the proceedings below. If the record is not sufficiently complete to permit a decision on the merits of the issues presented for review, the appellate court may, on its own initiative or on the motion of a party (1) direct the transmittal of additional clerk's papers and exhibits or administrative records and exhibits certified by the administrative agency, or (2) correct, or direct the supplementation or correction of, the report of proceedings. The appellate court <u>or trial court</u> may impose sanctions as provided in rule 18.9(a) as a condition to correcting or supplementing the record on review. The party directed or permitted to supplement the record on review must file either a designation of clerk's papers as provided in rule 9.6 or a statement of arrangements as provided in rule 9.2 within the time set by the appellate court.</p>	<p>be filed in the trial court</p> <ul style="list-style-type: none"> • Clarifies that the trial court would have the authority to impose sanctions on remand to address deficiencies with a verbatim report of proceedings.
<p>RAP RULE 10.2(a) Time for Filing Briefs</p> <p>(a) Brief of Appellant or Petitioner. The brief of an appellant or petitioner should be filed with the appellate court within 45 days after the report of proceedings is filed in the trial <u>appellate</u> court; or, if the record on review does not include a report of proceedings, within 45 days after the party seeking review has filed the designation of clerk's papers and exhibits <u>in the trial court</u>.</p>	<p>Purpose: Time for filing briefs runs from the time the report of proceedings is filed in the appellate court, reflecting the previous CMC recommended changes.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>
<p>RAP RULE 18.9 Violation of Rules</p> <p>(a) Sanctions. The appellate court on its own initiative or on motion of a</p>	<p>Purpose: Adds transcriptionist to the persons subject to sanctions.</p> <p>No change from 2012 presentation. Court of Appeals,</p>

<p>party may order a party or counsel, or a court reporter or other authorized person <u>transcriptionist</u> preparing a verbatim report of proceedings, who uses these rules for the purpose of delay, files a frivolous appeal, or fails to comply with these rules to pay terms or compensatory damages to any other party who has been harmed by the delay or the failure to comply or to pay sanctions to the court. The appellate court may condition a party's right to participate further in the review on compliance with terms of an order or ruling including payment of an award which is ordered paid by the party. If an award is not paid within the time specified by the court, the appellate court will transmit the award to the superior court of the county where the case arose and direct the entry of a judgment in accordance with the award.</p> <p>(b) Dismissal on Motion of Commissioner or Clerk. The commissioner or clerk, on 10 days' notice to the parties, may (1) dismiss a review proceeding as provided in section (a) and (2) except as provided in rule 18.8(b), will dismiss a review proceeding for failure to timely file a notice of appeal, a notice for discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review. A party may object to the ruling of the commissioner or clerk only as provided in rule 17.7.</p> <p>(c) Dismissal on Motion of Party. The appellate court will, on motion of a party, dismiss review of a case (1) for want of prosecution if the party seeking review has abandoned the review, or (2) if the application for review is frivolous, moot, or solely for the purpose of delay, or (3) except as provided in rule 18.8(b), for failure to timely file a notice of appeal, a notice of discretionary review, a motion for discretionary review of a decision of the Court of Appeals, or a petition for review.</p> <p>(d) Objection to Ruling. A counsel upon whom sanctions have been</p>	<p>SCJA, and DMCJA reviewed and proposed no changes.</p>
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<p>imposed or a party may object to the ruling of a commissioner or the clerk only as provided in rule 17.7.</p>	
<p>SUPERIOR COURT CIVIL RULES</p>	
<p>CR 43(h)</p> <p>(h) Report or Transcript as Evidence. Whenever the testimony of a witness at a trial or hearing which was reported is admissible in evidence at a later trial, it may be proved by the <u>certified</u> transcript thereof duly certified by the person who reported the testimony.</p>	<p>Purpose: When reported testimony is admissible in a later proceeding, it may be proved by a certified transcript. A transcriptionist may so certify. This is no longer limited to a transcript certified by the reporter.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>
<p>CR 80 Court Reporters</p> <p>(a) (Reserved.)</p> <p>(b) Electronic Recording. In a Any civil or criminal proceedings <u>may be recorded electronically</u> electronic or mechanical recording devices approved by the Administrator for the Courts may be used to record oral testimony and other oral proceedings in lieu of or supplementary to causing shorthand or stenographic notes thereof to be taken. In all matters tThe use of such devices shall rest within the sole discretion of the court.</p> <p>(c) Recording Proceedings in Superior Court by Means of Videotape. All superior courts that elect to use video equipment to record proceedings shall comply with courtroom procedures published by the Office of the Administrator for the Courts. The judicial officer shall assure that all case participants identify themselves for the record.</p>	<p>Purpose:</p> <ul style="list-style-type: none"> • Audio or video recordings may use devices and methods at the discretion of the court. AOC is no longer required to approve equipment or courtroom procedures. • Judicial officers are to assure that participants identify themselves for the record to assure an adequate record. <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>

<p><u>NEW RULE RECOMMENDED</u></p> <p>New Superior Court Civil Rule — Electronic Recording Log</p> <p><u>When the proceedings are electronically recorded, the court shall ensure that a written log of the proceedings is created that indicates the time of relevant events.</u></p> <p><u>The judicial officer shall call the case name and cause number of each proceeding and shall assure that all case participants identify themselves for the record.</u></p>	<p>Purpose: In order to ensure that an adequate record is kept and that key portions can be located, the rule clarifies the role of the judicial officer in ensuring that a log is maintained and that cases and participants are identified in the record.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>
<p>ARLJ 13 Limited Jurisdiction Courts are Required to Record All Proceedings Electronically</p> <p>a) Generally. All limited jurisdiction courts shall make an electronic record of all proceedings and retain the record for at least as long as the record retention schedule dictates. <u>The judicial officer shall assure that all case participants identify themselves for the record in keeping with RALJ 5.2(a).</u></p> <p>b) Nonelectronic Record in Emergency. In the event of an equipment failure or other situation making an electronic recording impossible, the court may order the proceeding to be recorded by nonelectronic means. The nonelectronic record must be made at the court’s expense, and in the event of an appeal, any necessary transcription of the nonelectronic record must be made at the court’s expense.</p>	<p>Purpose: In order to ensure that an adequate record is kept and that key portions can be located, the rule clarifies the role of the judicial officer in ensuring that a log is maintained and that cases and participants are identified in the record.</p> <p>DMCJA commented: “While we agree that the judge’s oversight of the record is a best practice, <u>we recommend that the rule read that judges “should” ensure identification of the parties, not that judges “shall” ensure that practice.</u>”</p> <p>On further review, CMC modified this provision to reference the existing requirement in rule by adding <u>“in keeping with RALJ 5.2(a).”</u> to the original CMC proposal.</p> <p>CMC also noted that the proposal for superior courts also reads “shall” and that the superior courts did not object. In addition, CMC concluded that ensuring an adequate record for review is an important responsibility of the judicial officer and that language</p>

	<p>stronger than a recommendation is necessary.</p> <p>The BJA could still endorse the CMC recommended rule changes while acknowledging that individuals or associations may submit comments to the Supreme Court Rules Committee.</p>
<p>RALJ RULE 5.3 Log</p> <p>The judge of the court of limited jurisdiction shall cause a written log to be maintained separate from the recording indicating the location on the electronic record of relevant events in the proceedings, including but not limited to the beginning of the proceeding, the beginning and ending of the testimony of each witness, the decision of the court, and the end of the proceeding. <u>The judicial officer shall assure that all case participants identify themselves for the record.</u></p>	<p>Purpose and comments are the same as ARLJ 13 above.</p>
<p>CRLJ 75(c) Record on Trial De Novo</p> <p>(c) Small Claims Appeals; Trial De Novo on the Record. Small claims appeals pursuant to RCW 12.40 shall be tried by the superior court de novo on the record. Within 14 days after the notice of appeal has been filed in a small claims proceeding, appellant shall cause to be filed with the clerk of the superior court <u>make necessary arrangements with the district court to directly transmit</u> a verbatim electronic recording of the trial and of the matter in district court and any exhibits from the trial <u>to the clerk of the superior court</u>. The electronic recording shall be made and certified by the district court to be correct upon the payment of the fees allowed by law therefor.</p>	<p>Purpose: Appellant will arrange with the district court to transmit the recording and exhibits in a small claims case to the superior court.</p> <p>No change from 2012 presentation. Court of Appeals, SCJA, and DMCJA reviewed and proposed no changes.</p>

NEW RULE RECOMMENDED

New General Rule — Official Certified Superior Court Transcripts

(a) Definitions.

(1) “Authorized Transcriptionist” means a person approved by a Superior Court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding.

(2) “Certified Court Reporter” means a person who meets the standards outlined in RCW 18.145.080.

(3) “Mentorship” means a professional relationship between an experienced, authorized transcriptionist or a certified court reporter and another transcriptionist for the purpose of providing guidance, encouragement, and professional advice.

(a)(b) Official court transcripts may be completed and filed by 1) an official court reporter employed by the court or other certified court reporter; or 2) a court employee with job responsibilities to transcribe a report of proceedings; or 3) an authorized transcriptionist who has been placed on a list by the jurisdiction conducting the hearing to be transcribed.

(b)(c) Each court will determine who has the authority to add and remove an authorized transcriptionist from their respective jurisdiction’s approved list.

(d) The minimum qualification to become an authorized transcriptionist in order to complete and file an official certified court transcript from electronically recorded proceedings is certification as a court reporter or certification by AAERT (American Association of Electronic Reporters and Transcribers) or proof of one year of supervised mentorship with a certified court reporter or an authorized transcriptionist. Proof of one year of supervised mentorship may be waived by the Superior Court if a person has

Purpose: Establish the qualifications for persons authorized to create official transcripts of recorded superior court proceedings.

As originally proposed, this rule also applied to courts of limited jurisdiction. DMCJA commented: “Because of the access to justice issues implicated for courts of limited jurisdiction, we oppose this rule to the extent it would apply to courts of limited jurisdiction. We do not oppose the implementation of a RAP that would contain this provision.” The new version applies to superior courts only.

SCJA commented that the previous version of the rule lacked a definition of “authorized transcriptionist”. A definition is added in this version.

“Mentorship” was also not originally defined. This version contains such a definition.

CMC also received a suggestion that individual courts be permitted to exercise discretion to require additional qualifications. That provision was added to (d)

The Court of Appeals recommended a change to the certification language previously proposed by CMC: “We recommend that certification item #5 be changed to read: “I have no financial interest in the litigation.” This change is recommended because the transcriptionist does have a financial interest in preparing the transcript and the purpose of the certification is to insure the impartiality of the

completed one year of demonstrated ability within six months of the rule effective date. Courts may require additional qualifications at their discretion.

(d)(e) The certified court reporter or authorized transcriptionist shall attach to the official transcript filed with the court a certificate in substantially the following form:

“I certify (or declare) under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. That I am a transcriptionist on the authorized list for the jurisdiction in which this hearing was held;
2. I received the electronic recording directly from the trial court conducting the hearing;
3. This transcript is a true and correct record of the proceedings to the best of my ability, except for any changes made by the trial judge reviewing the transcript;
4. I am in no way related to or employed by any party in this matter, nor any counsel in the matter; and
5. I have no financial interest in the litigation.

(Date and Place)

(Signature)”

transcriptionist and guarantee that the transcript is accurate.”

CMC adopted that recommendation in this version.

The Washington Court Reporters Association board provided comments to this proposed GR that were taken into consideration by CMC in this draft.

Tab 2

Tab 3

MEMORANDUM



To: Board for Judicial Administration
From: Dirk A. Marler, Director, Judicial Services Division
Date: December 13, 2013
Re: Court Security

The annual joint meeting of the Board for Judicial Administration and the Court Management Council is a perfect opportunity to update court leadership on AOC activities related to courthouse and personal safety since I reported to you last fall.

Incident Log

AOC responded to requests for statewide data about court security incidents by creating an automated Court Security Incident Log that is available on *Inside Courts*. The tool was released with a March 29, 2013 announcement distributed to all presiding judges, court administrators, and county clerks. The May 2013 edition of *Full Court Press* featured the new reporting tool. I also provided demonstrations to DMCJA and DMCMA boards.

However, few incidents have been reported. We plan to send a reminder in the next few weeks and encourage courts to add their information so we have a more complete picture of security threats and incidents affecting the courts.

Education

Approximately 200 judicial officers attended an outstanding plenary session on personal and courthouse security at the 2013 Annual Judicial Conference in Wenatchee. The program materials are available on *Inside Courts*.

The Board for Court Education has encouraged association education committees to adopt curricula consistent with the National Association for Court Management (NACM) core competencies. One of the Essential Components addresses court security. Programs for 2014 conferences are not finalized.

Resources

AOC continues to maintain and update the Security section on *Inside Courts*, and to alert the court community when new resources are posted. The site provides links to:

- The Court Security Incident Reporting form
- CCJ/COSCA Court Security Handbook
- NCSC Courthouse Violence in 2010-2012: Lessons Learned
- Court Security Training Videos
- BJA's approved Washington State Courthouse Public Safety Standards
- National Center for State Courts materials

Awareness

AOC recommended providing a feature on personal or courthouse security at least once per year in the *Full Court Press*. The May 2013 edition contained a feature on the new automated security incident report and legislation related to court security.

AOC also recommended sending a message at least annually through the listservs to remind the court community about the available resources. We distributed a message on March 29, 2013, and plan to send another message in early January 2014.

Federal Legislation Update

The Courthouse Safety Act of 2013 [S.445] was introduced by Sen. Al Franken [D-MN] on March 4, 2013. The bill is a re-introduction of legislation [S.2076] that Sen. Franken introduced in 2012 that BJA supported by letters to our Washington delegation. The Senate Judiciary Committee approved the 2012 bill on a voice vote, but did not get out of the full Senate. Notably, the House did pass a companion measure (H.R. 6185) on September 11, 2012.

This 2013 senate bill would permit the Department of Justice's Bureau of Justice Assistance to carry out training and technical assistance programs to teach local law enforcement how to anticipate, survive and respond to courthouse violence. It requires DOJ to give preference to employees of jurisdictions that have magnetometers available at their courthouses. The State Justice Institute (SJI) is required to include courthouse safety as a factor in its grant funding, and state and local courts and other organizations are authorized to use SJI grant funds to improve safety and security in state and local courts. If such a grant is awarded to a state or local court without magnetometers, it requires that specified matching funds be used to acquire one. The General Services Administration (GSA) must ensure that state or local courthouses having less security equipment than they need (metal detectors, wands, baggage screening devices) can request surplus equipment, with priority given to courthouses that have no security equipment.

S.445 has 12 cosponsors, including Washington Senator Maria Cantwell. The measure was referred to Senate Judiciary, whose Chair Sen. Patrick Leahy, is also a sponsor. A total of five Republicans, six Democrats, and one independent have signed onto the bill.

A related House bill [H.R. 953] was introduced by Rep. Alan Grayson (D-FL) March 5, 2013 and referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. It has no cosponsors.

Proposed next steps

1. Send a message under signatures of the BJA co-chairs in early January 2014 that reminds courts and clerks of the new incident log, encourages them to add 2013 incidents, and requests regular reporting of all incidents in the future.
2. AOC will sent quarterly reminders in 2014, and we can assess next year the success of these efforts.
3. BJA members should encourage their court level education committees to incorporate security-related education in their curricula.
4. AOC will maintain the Court Security resources web page by adding links to relevant materials as they become available. AOC will include links to that information in its quarterly reminders about incident reporting.
5. The *Full Court Press* should include a feature on personal or court security in at least one 2014 edition.

Tab 4



Board for Judicial Administration (BJA) Meeting
Friday, November 15, 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
Judge Vickie Churchill (by phone)
Ms. Callie Dietz
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge Michael Lambo
Ms. Paula Littlewood
Justice Susan Owens
Mr. Patrick Palace
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Charles Snyder
Judge Scott Sparks
Judge David Svaren

Guests Present:

Mr. Jim Bamberger
Judge Amber Finlay (by phone)
Mr. Michael Killian (by phone)
Judge Toni Sheldon (by phone)
Ms. Aimee Vance

AOC Staff Present:

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

Judge Ringus called the meeting to order.

October 18, 2013 Meeting Minutes

It was moved by Judge Lambo and seconded by Judge Sparks to approve the October 18, 2013 BJA meeting minutes. The motion carried.

BJA Committee Unification Workgroup Recommendations

Judge Sparks reviewed the BJA Committee Unification Workgroup recommendations.

It was moved by Justice Owens and seconded by Judge Jasprica to adopt Committee Unification Workgroup Recommendation #3. (Request that AOC develops a proposal to support tracking ongoing committee work within the judicial branch that supports collaboration and interaction through web-based tools.). The motion carried.

It was moved by Judge Svaren and seconded by Judge Snyder to adopt Committee Unification Workgroup Recommendation #2. (Send a letter containing the Committee Unification Workgroup's recommendations to the courts and

associations listed in the recommendation that have the authority to create, maintain and terminate committees. The letter would include Recommendation #1, if approved by the BJA, to standardize committee management as well as the relevant recommendations for each recipient from Attachment 2. The Supreme Court, Court of Appeals, and the associations would be asked to communicate with the boards, commissions, and committees under their jurisdiction to consider the workgroup's recommendations and to voluntarily commit to implementing the proposed chartering and committee standard in their own committee structure.) The motion carried.

It was moved by Justice Owens and seconded by Judge Garrow to adopt Committee Unification Workgroup Recommendation #1. (Every BJA authorized entity would review and assess its current committee structure and align its committees with the proposed standard for creating, managing, and reviewing committees. All committees would adopt a charter and include information listed in the recommendation. Create and adopt a standard for committees that would include an agreement on the items listed in the recommendation.) The motion was amended to include in the charge or purpose the relationship to the BJA mission and to the Principal Policy Objectives of the Washington State Judicial Branch. The motion carried with Judge Johanson opposed.

Judge Garrow made a friendly amendment to include the language on Attachment 2 regarding the four standing committees of the BJA. It was decided to have a separate motion regarding the BJA standing committees.

It was noted that changing the BJA standing committees would require a Bylaw change.

It was moved by Judge Garrow and seconded by Judge Svaren to request a BJA Rule 3(b)(1) change to list the following four standing committees: Legislative, Policy and Planning, Budget and Funding, and Education. AOC staff will draft the rule change and bring it back to the BJA for approval. The motion carried with Judge Krese, Judge Snyder and Judge Churchill opposed.

BJA Public Trust and Confidence Committee Appointments

It was moved by Judge Garrow and seconded by Judge Schindler to appoint Dr. Marion J. Smith, Jr. and reappoint Mr. Andrew Sachs to the BJA Public Trust and Confidence Committee. The motion carried.

Ms. Hinchcliffe stated that committee appointments are continuing to come in while the BJA looks at their committees. By consensus, the BJA decided to continue with committee appointments at this point in time.

2014 BJA Meeting Schedule

Two options were presented for the 2014 BJA meetings. One option was monthly meetings and the other was meeting every other month. Committees could meet in intervening months.

It was moved by Judge Jasprica and seconded by Judge Lambo that the BJA adopt the proposed 2014 monthly meeting schedule. There was a friendly amendment to change the April 18 meeting to April 11. The motion carried with Judge Korsmo opposed.

It was noted that the meeting schedule can be revised as needed after the standing committee structure is fully developed.

2014 BJA Legislative Agenda

Mason County Superior Court New Judge Legislation: Ms. McAleenan reported that there is going to be a request for a new judge in Mason County Superior Court. The draft bill is included in the meeting materials along with the Judicial Needs Estimate and some statistical information provided by Mason County Superior Court.

Mason County Superior Court Judges Sheldon and Finlay have been in contact with their county commissioners and they seem positive to the idea of adding a new superior court judge. Mason County last added a superior court judge in 1992 and they currently have two judges. Since that time the population of Mason County has increased 50% and their case filings have also increased 50%. They currently have a full-time court commissioner. The Judicial Needs Estimate is 2.86 judicial officers but case type is not taken into consideration. Due to their local culture, Mason County Superior Court has significantly more criminal trials than other counties of similar size.

They would like to add a third judge so, if needed, that judge could start a criminal trial. They would also like the judge to help with time to trial for civil cases. They are concerned about the lack of ability to get civil cases resolved in a timely manner. Judge Finlay stated that they have known for some time that getting civil cases out has been very difficult and they have tried to improve how they calendar in order to resolve civil cases more quickly. They also added case statuses in order to push domestic cases out for trial. It is their lack of flexibility that does not allow them to get these cases out.

It was moved by Judge Sparks and seconded by Judge Snyder to support the request for a new judge in Mason County Superior Court. The motion carried.

Court Interpreter Legislation: Ms. McAleenan felt clear from the BJA meeting last month that she should convey to legislators that the BJA is supportive of the court interpreter policy but does not want the legislation if there is no funding to go with the mandate. If the Board agrees, she will share that message with legislators.

The Interpreter bill currently sits in House Rules. As the bill stands now, it does not include a date certain for funding. It just states the state will pay up to 50%.

It was moved by Judge Snyder and seconded by Judge Lambo that the BJA oppose the interpreter bill as currently written. The motion was amended to state that the BJA is supportive of the policy but cannot support the bill as written because of the lack of funding. The motion carried.

Juvenile Records Legislation: Ms. McAleenan stated that there is a lot of activity coming up on the juvenile records bill. AOC has been contacted by the Office of Financial Management (OFM) to discuss a Department of Social and Health Services (DSHS) request bill. Ms. McAleenan is meeting with Representative Ruth Kagi and a proponent next week. She is also meeting with Senator Steve O'Ban next week. The Bench-Bar-Press Committee meeting later today is devoted to juvenile records issues.

Communications During the Legislative Session

After the BJA meeting last month a group of stakeholders met to discuss how to communicate better during the legislative session. Everyone is going to make a concerted effort to make sure they are communicating so the right hand knows what the left hand is doing. They will also coordinate when judges are in town to testify at hearings. It is a learning process and they might find that some of these things work great and find that other things need to be changed. Ms. McAleenan just wanted the BJA to be aware that there is a concerted effort to make sure everyone is communicating regarding legislative issues.

Budget Report

Mr. Radwan reported that the Supreme Court reviewed the judicial branch supplemental budget requests and a list of the decisions they made on each request was distributed in the meeting materials. Seventy percent the overall request is for the Judicial Information System. About half of the remaining request is solely due to the judges' salary increase from the Salary Commission.

It will be important to move forward with a very succinct initiative for the 2015-2017 biennium and act as a branch to move forward. The 2015-17 budget development will begin in January.

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

Recap of Motions from November 15, 2013 meeting

Motion Summary	Status
Approve the October, 2013 BJA meeting minutes.	Passed
Adopt Committee Unification Workgroup Recommendation #3.	Passed
Adopt Committee Unification Workgroup Recommendation #2.	Passed
Adopt Committee Unification Workgroup Recommendation #1. The motion was amended to include in the charge or purpose the relationship to the BJA mission and to the Principal Policy Objectives of the Washington State Judicial Branch.	Passed with Judge Johanson opposed
Request a BJA Rule 3(b)(1) change to list the following four standing committees: Legislative, Policy and Planning, Budget and Funding, and Education. AOC staff will draft the rule change and bring it back to the BJA for approval.	Passed with Judge Krese, Judge Snyder and Judge Churchill opposed

Motion Summary	Status
Appoint Dr. Marion J. Smith, Jr. and reappoint Mr. Andrew Sachs to the BJA Public Trust and Confidence Committee.	Passed
Adopt the proposed 2014 monthly meeting schedule. There was a friendly amendment to change the April 18 meeting to April 11.	Passed with Judge Korsmo opposed
Support the request for a new judge in Mason County Superior Court.	Passed
Oppose the interpreter bill as currently written. The motion was amended to state that the BJA is supportive of the policy but cannot support the bill as written because of the lack of funding.	Passed
Adjourn the meeting.	Passed

Action Items from the November 15, 2013 meeting

Action Item	Status
<u>October 18, 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>BJA Committee Unification Workgroup Recommendations</u> <ul style="list-style-type: none"> • Notify Jennifer Creighton of the adopted recommendations • Determine how the recommendations will be carried out <ul style="list-style-type: none"> ○ #1 – Next steps for standing committees ○ #2 - Letter to judicial branch organizations with committees ○ #3 - Implementing database to track BJA committee work • Steve Henley will draft rule change outlining the BJA standing committees • Add to future BJA meeting agenda 	<p>Done</p> <p>In progress</p> <p>In progress</p> <p>In progress</p> <p>In progress</p>
<u>BJA Committee Appointments</u> <ul style="list-style-type: none"> • Continue with committee appointments while the BJA reviews their committees 	
<u>BJA Public Trust and Confidence Committee Appointment</u> <ul style="list-style-type: none"> • Send appointment/reappointment letters to Dr. Smith and Mr. Sachs • Notify Margaret Fisher of appointment/reappointment 	<p>In progress</p> <p>Done</p>
<u>2014 BJA Meeting Schedule</u> <ul style="list-style-type: none"> • Change the April meeting to April 11 • Post the revised 2014 meeting schedule online • E-mail the revised schedule to the BJA members 	<p>Done</p> <p>Done</p> <p>Done</p>

Action Item	Status
<u>BJA Legislative Agenda</u> <ul style="list-style-type: none">• Ms. McAleenan will move forward with the Mason County Superior Court new judge bill and discuss the position of the BJA on the interpreter bill with legislators• Distribute Legislative Communications and Coordination memo to staff and lobbyists• Distribute 2014 Legislative Agenda to staff and those on the distribution list outlined in the memo	In progress In progress

Tab 5

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

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

Nominee Name: GEANA VAN DESSEL

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

Term Begin Date: 6/1/13

Term End Date: 5/30/2015

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

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

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

See attached letter of interest and resume.

Please send completed form to:

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



WSBA

OFFICE OF THE EXECUTIVE DIRECTOR

Paula C. Littlewood
Executive Director

direct line: 206-239-2120
fax: 206-727-8310
e-mail: paulal@wsba.org

May 13, 2013

The Honorable Barbara A. Madsen
Chief Justice, Washington State Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0929

RE: Nomination of Geana Van Dessel to the Board for Judicial Administration Best Practices Committee

Dear Chief Justice Madsen:

At its April 26-27, 2013 meeting, the WSBA Board of Governors nominated Geana Van Dessel for Supreme Court appointment to the Board for Judicial Administration Best Practices Committee. The two-year term would begin June 1, 2013 and end May 31, 2015. Enclosed is a copy of Ms. Van Dessel's letter of interest and résumé.

Thank you for considering this nomination for appointment to the Board for Judicial Administration Best Practices Committee.

Sincerely,

A handwritten signature in black ink that reads "Paula C. Littlewood".

Paula C. Littlewood
Executive Director

Enclosure

cc: Judge Christine Quinn-Brintnall, Co-Chair, Board for Judicial Administration Best Practices Committee
Judge Jean Rietschel, Co-Chair, Board for Judicial Administration Best Practices Committee
Colleen Clark, Administrative Office of the Courts
Geana Van Dessel

Working Together to Champion Justice

Tab 6

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

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

Nominee Name: Barbara Fox

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

Term Begin Date: January 1, 2014

Term End Date: December 31, 2015

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

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

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

Ms. Fox is being nominated to fill the slot representing the public. She has extensive experience as a professional volunteer including eight years on the Limited Practices Officers Board, four years on the board of the Legal Foundation of Washington (two as Treasurer), three years as a member of WSBA Character and Fitness Committee, and is currently serving on the ATJ Board's Leadership Academy's nominating committee. She is a volunteer coordinator for Seafair and Treasurer for the Episcopal Diocese of Western Washington.

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

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

Nominee Name: Kay Holland, Wahkiakum County Clerk

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

Term Begin Date: January 1, 2014

Term End Date: December 31, 2015

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

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

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

Ms. Holland has served as the Wahkiakum County Clerk since January 1, 2009.

Please send completed form to:

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

Tab 7



December 4, 2013

TO: Board for Judicial Administration (BJA) Members
FROM: Shannon Hinchcliffe, BJA Administrative Manager
RE: BJA Special Account Request for Signature Authority

BACKGROUND

Since 1987, the Board for Judicial Administration has maintained a separate account from the state-funded budget which is comprised of individual donations by judicial officers from their private funds. These private donations are primarily used for activities with legislators which are not allowed to be funded with state money. The primary expenditures from this account include travel expenses related to Salary Commission hearings; legislative dinners, events, receptions and "brown bag" sessions; travel expenses for judges testifying before the legislature on behalf of the BJA; and miscellaneous expenses such as recognition gifts for Board members leaving or photos of bill signings. The dues have been levied on an as-needed basis, on average once every two years.

Currently, there are two people with signature authority on the BJA special account, Ms. Mellani McAleenan and Mr. Dirk Marler. Mr. Marler has historically been a signer to provide an internal control so that Ms. McAleenan does not sign her own checks or reimbursements when she expends money for legislative activities on behalf of the BJA. Mr. Marler was chosen as a person familiar with the BJA's work and the laws surrounding expenditures of state money. He also is usually more accessible than the Washington State Court Administrator on a daily basis.

SPECIFIC REQUEST FOR ACTION

Ms. McAleenan is expected to continue her legislative-related work for the BJA in her new role as Associate Director for the Office of Judicial and Legislative Relations. As of October 1, 2013, Ms. Shannon Hinchcliffe assumed the role of Administrative Manager for the Board for Judicial Administration and is responsible for executing day-to-day operations of the BJA and reviewing the financial statements on a monthly basis.

Memorandum to the Board for Judicial Administration Members

December 4, 2013

Page 2 of 2

*The specific request for action is to **vest the authority to expend monies on behalf of the BJA special account to the newly hired Administrative Manager of the Board for Judicial Administration, Shannon Hinchcliffe, by adding her as a signatory to the private account currently held at the Washington State Employees Credit Union (WSECU).***

If this action is taken by the body, Ms. Hinchcliffe assumes the role as primary reviewer and Mr. Marler remains the back-up signer. Ms. McAleenan has historically had signature authority in case of emergency and being in a situation where pre-payment was not an option or the amount was too large to be personally reimbursed.

BJA staff is currently reviewing policies related to these accounts and will be updating them in the next few months. We look forward to working with the Budget and Funding standing committee to discuss this and other budget information related to the BJA.

cc: Ms. Colleen Clark, BJA Special Account Bookkeeper
Ms. Mellani McAleenan, Associate Director, AOC Office of Judicial and Legislative Relations
Mr. Dirk Marler, AOC Judicial Services Division Director

Tab 8

Tab 9

Tab 10

BJA RULES – DRAFT AMENDMENT TO CREATE FOUR STANDING COMMITTEES

<p style="text-align: center;">Current Rule</p>	<p style="text-align: center;">Standing Committees Named in Rule</p>
<p>Rule 3. Operation</p> <p>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.</p> <p>b. Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the</p>	<p>Rule 3. Operation</p> <p>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 Policy and 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.</p> <p>b. Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the</p>

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.

work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

1. The Board shall appoint at least ~~three~~ four standing committees: ~~Long-range~~ Policy and Planning, Core Missions/Best Practices Budget and Funding, Education, 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.



Board for Judicial Administration Standing Committees Interim Work Plan

General Outline of Goals, Objectives and Proposed Strategies

Title:	BJA Standing Committees Interim Work Plan
Planned Start Date:	January 2014
Planned Finish Date:	June 2014
Sponsor:	Board for Judicial Administration (BJA)
Plan Coordinator:	Shannon Hinchcliffe, BJA Administrative Manager

I. Introduction and Background

Under the current Board for Judicial Administration Rules (BJAR), the BJA is organized into three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative (BJAR 3).

On November 15, 2013, the BJA voted to organize into four standing committees: Budget and Funding, Legislative, Policy and Planning, and Education. A second part of the motion was to relate the committee's purpose back to the BJA's Mission and Principal Policy Objectives of the Washington State Judicial Branch (Attachment 1 and 2). BJA staff has drafted an amended BJAR 3 which will be reviewed by the BJA and submitted to the Supreme Court on behalf of the BJA.

After the standing committees are populated, AOC staff will be assigned on a limited basis for six months to assist committee members in their work. It is anticipated that standing committees can be populated by January 2014. The January – June timeline may have to be shifted if there is a delay.

II. Purpose

To establish the general expectation of work and timelines for the standing committees' interim work in an effort to carry out the recommendations adopted on November 15, 2013 to adopt individual committee charters. The intent is for interim standing committees to meet on a monthly basis, at a minimum, until June 2014 wherein they will finalize their recommendations for presentation at the July 2014 BJA meeting.

III. Goals and Objectives

Goal: Work within individual standing committees for a relatively short period of time to provide recommendations to the full BJA membership about how BJA standing committees will function and communicate with each other on an ongoing basis.

Objectives:

1. Each committee will create a charter which will include¹:
 - Committee title
 - Authorization (court rule, court order, bylaw, statute or other)
 - Charge or purpose (including the relationship to the BJA mission and to the Principal Policy Objectives)
 - Policy area
 - Other branch committees addressing the same topic
 - Other branch committees to partner with
 - Committee type: standing
 - Membership
 - Term limit
 - Duration/review date
 - Budget
 - Reporting Requirements
 - Expected deliverables or recommendations
 - Formal request for AOC staff support and resources to support the committee on an ongoing basis
2. Recommend any necessary communication strategies which may include how the committee's work would be the most effectively communicated between other BJA standing committees, subcommittees, workgroups and reported to the BJA body.
3. Identify roles and responsibilities of committee members in relation to the recommended scope of work, if necessary.

IV. Strategies

Each standing committee may approach their tasks in different ways depending on several variables. These variables include, but are not limited to, firsthand subject matter knowledge of committee members, breadth of information to review prior to drafting, and the amount and complexity of other related committees to examine which would have a related nexus to the standing committee's work. For example, the Education standing committee will likely engage in communication with members from the Board for Court Education (BCE) in order to make their final recommendations.

¹ [BJA Meeting Materials November 15, 2013 p. 17](#)

Proposed General Strategy and Milestones

Create a Meeting Schedule for the Interim Period

- *Individual committees should create a meeting schedule with at least one monthly meeting.*
- *The committee should designate one member to report on behalf of the committee to the full BJA. Updates will be scheduled periodically on the BJA meeting agendas during the interim work period for the purpose of reporting progress, and sharing any identified challenges with the larger body.*

Information Gathering and Review

- *The information gathering stage should include a current system review, discussions or documentation provided by subject matter experts, and a review of any historical information which is relevant to the committee's task.*
- *Committee staff will be responsible for gathering and assembling information based on their subject matter expertise and at the direction of committee members. Committee members should plan to review materials in advance of the meeting and follow-up with staff prior to any meeting if they have additional requests or questions after reading the material. This will give staff the opportunity to research questions and have answers available for the meeting.*
- *Information gathering and review should conclude by March 2014 if possible, so drafting of a proposed charter and communication plan can begin.*

Drafting and Document Review

- *Staff will assist committee members in drafting the charter and any related recommendations using a standardized template based on the criteria approved during the November 2013 meeting.*
- *Drafting should be concluded by May 2014 to allow for any necessary review by those other than standing committee members if the committee desires.*

Identify Communication Strategies for the Committee and Roles and Responsibilities for Committee Members

- *The topics of communication strategies and identification of roles and responsibilities should be addressed after the committee's scope of work is concluded because the outcome is likely highly dependent on the completed charter work.*
- *The four standing committees will likely have subject areas, projects, or issues which will overlap. It will be critical to discuss how committees should interact with each other when this happens. These strategies again may largely rely on the scope of the committee's work.*
- *It is likely that the standing committees will identify other committees within the judicial branch that are doing similar work or where an ongoing relationship with them would be beneficial. After identification of those committees or other similar work, it would be helpful to contemplate any useful ongoing communication strategy between the standing committees and other committees.*
- *Some consideration of roles and responsibilities for committee members on an ongoing basis should be given. This exercise would likely be most useful after the determination of membership and terms. This exercise assumes, in part, that*

ongoing standing committees may include members outside of the BJA membership.

Construct Final Recommendation(s) for Presentation at the July 2014 BJA Meeting

- *Staff will assist in creating presentation of recommendations. Recommendations should include proposed charter and may include any relevant communication strategies and roles and responsibilities.*

V. Resources

- A limited request for additional AOC staff, outside of dedicated BJA staff, to assist with the standing committees interim work plan for six months has been made.
- In addition to primarily staffing the Policy and Planning Committee, dedicated BJA staff will serve as secondary staff support to assigned staffers. This includes any necessary research, drafting and overall support in case of individual scheduling conflict.
- BJA staff will assist in the presentation of any final recommendations to the BJA.
- BJA will provide funding for committee-related expenses for staff and judges including travel, phone costs, printing and room rental expenses if necessary.
- Administrative support is limited and BJA staff will help to support administrative needs whenever possible. Associate Directors can evaluate the capacity of their administrative assistants and request their assistance in their discretion. In cases where there is no administrative support for standing committee meetings, primary staffers will be expected to take only action-related minutes.

Attachment 1

Mission (from the 2008 Long-Range Strategic Plan for the Board for Judicial Administration²):

To enhance the judiciary's ability to serve as an equal independent and responsible branch of government.

² [2008 Long-Range Strategic Plan for the Board for Judicial Administration, p. 4](#)

Attachment 2

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.

Tab 11

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
Amended 10/21/05
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.)