BOARD FOR JUDICIAL ADMINISTRATION
AND
COURT MANAGEMENT COUNCIL

WASHINGTON COURTS

MEETING PACKET

FRIDAY, DECEMBER 12, 2014
9:00 A.M.

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

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Kevin Ringus, Member Chair
District and Municipal Court Judges' Association
Fife Municipal Court

Judge Veronica Alicea-Galvan, President
District and Municipal Court Judges' Association
Skagit County District Court

Judge Thomas Bjorgen
Court of Appeals, Division II

Judge Bryan Chushcoff
Superior Court Judges' Association
Pierce County Superior Court

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

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

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

Judge John Meyer
Superior Court Judges' Association
Skagit County Superior Court

Judge Sean Patrick O'Donnell
Superior Court Judges' Association
King County Superior Court

Justice Susan Owens
Supreme Court

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

Judge Ann Schindler
Court of Appeals, Division I

Judge Laurel Siddoway
Court of Appeals, Division III

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

NON-VOTING MEMBERS:

Judge David Steiner, President-Elect
District and Municipal Court Judges' Association
King County District Court East Division - Bellevue

Judge Harold Clarke III, President-Elect
Superior Court Judges' Association
Spokane County Superior Court

Ms. Callie Dietz
State Court Administrator

Mr. Anthony Gipe, President
Washington State Bar Association

Mr. William Hyslop, President-Elect
Washington State Bar Association

Judge Kevin Korsmo
Presiding Chief Judge
Court of Appeals, Division III

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Court Management Council (CMC) Members

Ms. Callie Dietz, Co-Chair
State Court Administrator

Honorable Sonya Kraski, Co-Chair
Snohomish County Clerk
Washington State Association of County Clerks (WSACC)

Mr. Jeffrey Amram
Clark County Superior Court
Association of Washington Superior Court Administrators (AWSCA)

Ms. Linda Baker
Poulsbo Municipal Court
District and Municipal Court Managers' Association (DMCMA)

Mr. Ronald R. Carpenter
Supreme Court

Ms. Suzanne Elsner
Marysville Municipal Court
District and Municipal Court Managers' Association (DMCMA)

Mr. Mike Fenton
Thurston County Family and Juvenile Court
Washington Association of Juvenile Court Administrators (WAJCA)

Honorable Ruth Gordon
Jefferson County Clerk
Washington State Association of County Clerks (WSACC)

Mr. Frank Maiocco
Kitsap County Superior Court
Association of Washington Superior Court Administrators (AWSCA)

Mr. Pete Peterson
Clallam County Juvenile Court
Washington Association of Juvenile Court Administrators (WAJCA)

Ms. Renee S. Townsley
Court of Appeals Division III
Courts of Appeal

Administrative Office of the Courts (AOC) Staff
Mr. Dirk A. Marler
Ms. Caroline Tawes

Board for Judicial Administration (BJA) and Court Management Council Meeting

Friday, December 12, 2014 (9 a.m. – Noon)

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

AGENDA		
1. Call to Order	Judge Kevin Ringus	9:00 a.m.
2. Welcome and Introductions	Judge Kevin Ringus	9:05 a.m.
3. Court Manager of the Year Award	Ms. Sonya Kraski Ms. Callie Dietz	9:10 a.m.
Reports and Information		
4. Supreme Court Budget Report	Mr. Ramsey Radwan	9:40 a.m. Tab 1 Page 7
5. GR 31.1 Forms	Mr. John Bell	9:50 a.m. Tab 2 Page 17
Break		10:00 a.m.
6. Suggested Rule GR 35 Judicial Performance Evaluations	Judge Michael Trickey Judge Sharon Armstrong (ret.) Judge Terry Lukens (ret.) Mr. Robert Mitchell Judge John Ruhl Justice Charles Wiggins	10:10 a.m. Tab 3 Page 35
Break		11:00 a.m.
7. Standing Committee Reports Budget and Funding Committee Court Education Committee Legislative Committee Policy and Planning Committee	 Judge Ann Schindler Judge John Meyer Judge Sean O'Donnell Judge Janet Garrow	11:10 a.m. Tab 4 Page 56
8. Salary Commission Report and Meeting Schedule	Ms. Mellani McAleenan	11:30 a.m. Tab 5 Page 60
9. Administrative Manager's Report	Ms. Shannon Hinchcliffe	11:40 a.m. Tab 6 Handout

Action		
10. Meeting Minutes Action: Motion to approve the minutes of the November 21, 2014 meeting	Judge Kevin Ringus	11:45 a.m. Tab 7 Page 99
11. BJA Committee Recommendations Action: Motion to eliminate the Trial Court Operations Funding Committee (TCOFC)	Judge Ann Schindler	11:50 a.m. Tab 8 Page 106
12. Other Business Next meeting: TBD Olympia, Washington	Judge Kevin Ringus	11:58 a.m.
13. Adjourn		Noon
Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		

Tab 1

2015-2017 Budget Request as Submitted
December 2014

Administrative Office of the Courts - Policy Requests State General Fund			
BJA Priority	**Title**	**FTE**	**Amount Recommended**
1/3	**Trial Court Funding for Language Access**	**FTE 1.0**	**$5,070,000**
Funding for interpreting services for civil and criminal proceedings in the courts and to offset 50% of the costs for telephonic interpretation for interactions outside courtroom proceedings.			
2	**Employee Salary Adjustment**	**FTE 0.0**	**$To be determined**
Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.			
5	**FJCIP Expansion**	**FTE 0.0**	**$428,000**
Funding for expansion of the Family and Juvenile Court Improvement Program.			
6	**Juvenile Court and JDAI Staff**	**FTE 2.0**	**$302,000**
Funding to provide coordination and quality assurance for probation and detention programs.			
Total AOC Policy Request - State General Fund		**FTE 3.0**	**$5,800,000**

2015-2017 Budget Request as Submitted
December 2014

Administrative Office of the Courts - Maintenance Requests State General Fund		
Title	**FTE**	**Amount Recommended**
Mason County Superior Court Judge	**FTE 1.0**	**$216,000**
Funding is requested to meet the AOC obligation for the newest judge to be approved by the Legislature.		
Technology Savings	**FTE 0.0**	**$278,000**
Funding is requested to replace the technology savings reduction in the 2014 Supplemental Budget.		
Total AOC Maintenance Level Request-State General Fund	**FTE 1.0**	**$494,000**

Total AOC Request-State General Fund	**FTE 4.0**	**$6,294,000**

2015-2017 Budget Request as Submitted
December 2014

Administrative Office of the Courts-JIS Requests		
Title	**FTE**	**Amount Recommended**
JIS Software and Hardware Maintenance	**FTE 0.0**	**$1,159,000**
Funding is requested for maintenance of software used to support the Judicial Information System.		
JIS BOXI Upgrade	**FTE 0.0**	**$773,000**
Funding is requested for support of Business Objects, a business intelligence tool used by all courts and by numerous AOC staff.		
JIS SC-CMS	**FTE 24.5**	**$12,598,000**
Funding is requested to continue with implementation of the new Case Management System for the superior courts.		
JIS CLJ-CMS	**FTE 11.0**	**$4,429,000**
Funding is requested for the beginning phases of a new case management system for courts of limited jurisdiction.		
JIS CLJ COTS Prep	**FTE 0.0**	**$1,297,000**
Funding is requested to prepare systems for the launch of the case management system for courts of limited jurisdiction.		
JIS INH for Courts of Limited Jurisdiction	**FTE 0.0**	**$1,440,000**
Funding for the development and implementation of the information networking hub for data-sharing needs of the courts of limited jurisdiction.		
JIS External Equipment Replacement	**FTE 0.0**	**$1,849,000**
Funding is requested for the replacement of aged computer equipment of the courts.		
JIS Internal Equipment Replacement	**FTE 0.0**	**$516,000**
Funding is requested to replace end-of-life equipment.		
Total AOC Request - JIS	**FTE 35.5**	**$ 24,061,000**

Total AOC Request-All Sources	**FTE 39.5**	**$30,355,000**

2015-2017 Budget Request as Submitted
December 2014

Budget Requests not Being Submitted

Administrative Office of the Courts			
BJA Priority	**Title**	**FTE**	**Amount Requested**
NA	**Becca Programs**	**FTE 0.0**	**$5,090,000**
Funding to provide Becca Program services for youth found in violation of court-ordered conditions. Funding will be used to fund evidenced based programs and services beyond case processing such as coordination of services for low risk youth, functional family therapy and aggression replacement training.			
NA	**Guardian Monitoring Program**	**FTE 4.0**	**$956,000**
Funding for a regional approach to oversight of guardians serving vulnerable adults. Funds would be used to create a model volunteer guardianship monitoring program, modeled after an AARP program, that is being successfully used by Spokane Superior Court continues to successfully use this model to monitor guardianship under its jurisdiction.			
NA	**Therapeutic Court Coordinator**	**FTE 1.0**	**$191,000**
Funding for resources to support, enhance, and evaluate therapeutic courts.			
4	**CASA Restoration & State CASA Funding**	**FTE 0.0**	**$1,392,000**
Funding to increase the number of CASA volunteers and provide additional support to Washington State CASA, a nonprofit organization.			
7	**Misdemeanant Corrections**	**FTE 0.0**	**$1,100,000**
Funding for a system of assessment and case management for offenders supervised under orders of courts of limited jurisdiction.			
Total Requests Not Being Submitted- State General Fund		**FTE 5.0**	**$ 8,729,000**

2015-2017 Budget Request as Submitted
December 2014

Supreme Court		
Title	**FTE**	**Amount Requested**
Reinstatement of Merit Increments	**FTE 0.0**	**$128,000**
Funding is requested to reinstate salary step increases for eligible employees.		
Step Increase as Authorized by the Legislature	**FTE 0.0**	**$72,000**
Funding is requested to implement the additional step increase approved by the legislature.		
Supreme Court Operations	**FTE 0.0**	**$100,000**
Funding is requested to partially restore support for constitutionally mandated operations of the Supreme Court.		
Employee Salary Adjustment	**FTE 0.0**	**$ To be determined**
Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.		
Security for the Supreme Court	**FTE 0.0**	**$ To be determined**
Funding is requested to provide a security detail for the Temple of Justice.		
Total Supreme Court Request – State General Fund	**FTE 0.0**	**$300,000**

2015-2017 Budget Request as Submitted
December 2014

State Law Library		
Title	**FTE**	**Amount Recommended**
Step Increase as Authorized by the Legislature	**FTE 0.0**	**$13,000**
Funding is requested to implement the additional step increase approved by the legislature.		
Migration to Innovative Interfaces	**FTE 0.0**	**$48,000**
Funding is requested to upgrade the Innovative Interfaces Inc. (III) automated electronic library system.		
Electronic Legal Services	**FTE 0.0**	**$10,000**
Funding is requested to upgrade the electronic legal databases.		
Employee Salary Adjustment	**FTE 0.0**	**$ To be determined**
Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.		
Total Law Library Request – State General Fund	**FTE 0.0**	**$71,000**

2015-2017 Budget Request as Submitted
December 2014

Court of Appeals		
Title	**FTE**	**Amount Recommended**
Reinstatement of Merit Increments	**FTE 0.0**	**$620,000**
Funding is requested to reinstate salary step increases for eligible employees.		
Step Increase as Authorized by the Legislature	**FTE 0.0**	**$2,000**
Funding is requested to implement the additional step increase approved by the legislature.		
Division II Lease Increase	**FTE 0.0**	**$211,000**
Funding is requested for an increase in annual lease costs.		
Division I Lease Increase	**FTE 0.0**	**$114,000**
Funding is requested for an increase in annual lease costs.		
Workers' Compensation Adjustment	**FTE 0.0**	**$14,000**
Funding is requested for the difference between funding and actual costs.		
Employee Salary Adjustment	**FTE 0.0**	**$ To be determined**
Funding is requested to bring selected salaries to an appropriate level as determined by a salary survey.		
Total Court of Appeals Request – State General Fund	**FTE 0.0**	**$961,000**

2015-2017 Budget Request as Submitted
December 2014

Office of Public Defense		
Title	**FTE**	**Amount Requested**
Technical Adjustment	**FTE 0.0**	**$400,000**
Funding is requested to correct a carry forward level computational error.		
Contract Attorney Retention – Appellate, Parents Representation and Social Workers	**FTE 0.0**	**$5,465,000**
Funding for compensation increase to retain qualified contract appellate and parent's representation attorneys and social workers.		
Parents Representation Program Caseload Increase	**FTE 0.0**	**$1,529,000**
Funding is requested to accommodate the projected increased caseloads and maintain the program.		
Parents Representation Permanency Initiative	**FTE 0.0**	**$1,474,000**
Funding is requested for increased filing of termination of parental rights cases resulting from the Attorney General's Office initiative.		
Parents Representation Program statewide expansion	**FTE 1.0**	**$4,980,000**
Funding is requested to expand the Parents Representation Program statewide.		
Total Office of Public Defense Request – State General Fund	**FTE 1.0**	**$13,848,000**

2015-2017 Budget Request as Submitted
December 2014

Office of Civil Legal Aid		
Title	**FTE**	**Amount Requested**
Maintain Existing Client Service Capacity	**FTE 0.0**	**$718,000**
Funding is requested to mitigate against legally obligated increases in personnel expenses experienced by its client service provider.		
Children's Legal Representation	**FTE 0.5**	**$1,228,000**
Funding is requested to continue implementation of 2ESSB 6126 (ch. 108, Laws of 2014).		
Civil Legal Aid Delivery Capacity Enhancement	**FTE 0.5**	**$2,958,000**
Funding is requested to upgrade client service capacity at statewide Northwest Justice		
Expenditure Authority for Private/Local Grants	**FTE 0.0**	**$300,000**
Request Expenditure Authority for Private/Local Grants.		
Total Office of Civil Legal Aid Request – State General Fund	**FTE 1.0**	**$5,204,000**

Total Request State Judicial Branch 2015-2017 Biennial Budget Request		
Title	**FTE**	**Amount Requested**
Total Request - General Fund	**FTE 6.0**	**$26,678,000**
Total Request - JIS	**FTE 35.5**	**$24,061,000**
Total Request - All Sources	**FTE 41.5**	**$50,739,000**

Tab 2

December 5, 2014

TO: Board of Judicial Administration

FROM: John Bell

RE: GR 31.1 Forms and Policies

Accompanying this memo are three documents that have been developed by the GR 31.1 Core Work Group and subsequently reviewed by the Executive Oversight Committee and the BJA Implementation Oversight Committee. The three documents are:

1. Memorandum of Understanding – This Memorandum of Understanding (MOU) was developed by the GR 31.1 Core Work Group Committee (CWC). This MOU addresses possible separation of powers issues between the executive and judicial branch regarding records that belong to the judicial branch. The CWC used King County's MOU to assist them in drafting this document. As with all forms and policies, this MOU is not intended to be the final word, but only to assist each court and judicial agency in drafting a MOU that meets their needs.

2. Guidance on Chamber Records – This will assist judicial branch employees with regard to requests for chambers records.

3. Exemptions – Provides guidance to judicial branch regarding the types of administrative records that are exempt from disclosure under GR 31.1 and the PRA.

MEMORANDUM OF UNDERSTANDING BETWEEN [COURT or JUDICIAL BRANCH AGENCY] AND THE [EXECUTIVE OFFICE/DEPARTMENT OR STATE AGENCY]

The purpose of this Memorandum of Understanding (MOU) is to set forth the intent of the parties when the Executive Branch of [City, County or State] government (Executive) receives a public records request related to the [Court or Judicial Branch Agency] or its employees.

This MOU recognizes that the [Court or Judicial Branch Agency] falls within the judicial branch, an independent branch of government, and is not included within the definition of an "agency" under the Public Records Act, chapter 42.56 RCW (PRA).

The Executive is an "agency" under the PRA and must respond to requests for public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. RCW 42.17.020(42).

Some of the [Court's/Judicial Branch Agency's] records are maintained exclusively by the [Court/Judicial Branch Agency].

Other [Court/Judicial Branch Agency] records reside on Executive IT servers. The Executive is an incidental custodian of these records and does not use them for any executive branch purpose.

There are other instances where the Executive performs administrative functions, such as processing of payroll and benefits or facilitating telecommunications, using or producing records related to the [Court/Judicial Branch Agency] or its employees.

When the Executive receives a public records request related to the [Court/Judicial Branch Agency] or its employees, the parties agree to employ the following process:

1. For requests for [Court/Judicial Branch Agency] records that are maintained exclusively by the [Court/Judicial Branch Agency] that happen to reside on executive branch IT servers, including telephone records, the Executive will forward the request to the [Court/Judicial Branch Agency] and inform the requester that a response to the request will come directly from the [Court/Judicial Branch Agency]. The request will be provided to the Public Records Officer of the [Court/Judicial Branch Agency] who will respond to the request in accordance with Court General Rule 31.1 (GR 31.1).

2. In response to requests for records relating to the [Court/Judicial Branch Agency] or its employees which are used by the Executive to perform administrative functions, including payroll and benefits administration, the [Executive Branch Agency/Department] will promptly notify and provide a copy of the request to the

Public Records Officers of both the Executive and Judicial Branch entities. The Executive will respond to the requestor, after conferring with the [Court/Judicial Branch Agency].

By _____

Name
Court or Judicial Branch Agency
Title:

_____
Date

By_____

Name:
Executive Branch Agency
Title:

_____
Date

GUIDANCE ON CHAMBERS RECORDS

What is a chambers record?

A "chambers record" is defined as any writing that is created by or maintained by any judicial officer or chambers staff, and is maintained under chambers control, whether directly related to an official judicial proceeding, the management of the court, or other chambers activities.

"Chambers records" are not administrative records and therefore are not subject to GR 31.1. A chambers record is not an "exemption" under GR 31.1; rather, it is an exception to GR 31.1.

Who are chambers staff?

"Chambers staff" means a judicial officer's bailiff, law clerk(s), judicial interns and any other staff when providing support directly to the judicial officer at chambers. A member of the "chambers staff" does not mean the person's workstation is located within the judge's chambers, rather the test is whether the person is providing direct support to the judicial officer. Also, see *Practice Tip* below for those employees who serve multiple roles.

Practice Tip: The public records officer should maintain a list of those court personnel designated as judicial officers or chambers staff. Because in some courts an employee may serve dual roles, the court should define for the public records officer what aspects of that employee's position are excluded from GR 31.1. *See Comment to GR 31.1(m)(1).*

What does "maintained under chambers control" mean?

A record is maintained under chambers control if (1) the record is created and maintained by the judicial officer or the judicial officer's staff and is in the physical custody of a judicial officer or chambers staff, (2) the record is under the controlling authority of a judicial officer or chambers staff, or (3) use of the record is limited to a judicial officer or chambers staff. Examples are (1) paper files stored in offices, desks, and filing cabinets controlled by a judicial officer or chambers staff; (2) electronic documents, files or folders used by a judicial officer or chambers staff to create or maintain electronic records; and (3) electronic mailboxes of a judicial officer or chambers staff.

Practice Tips: An electronic record should be considered "under chambers control," if one of the three tests is met, even if it could be centrally searched through electronic means by court administrative or information technology staff. Also, records may remain under chambers control even though they are stored elsewhere. For example, records relating to chambers activities that are stored on personally owned or workplace-assigned computer, laptop computer, cell phone, and similar electronic devices in the possession of a judicial officer or a chambers staff person would still be chambers records. *See Comment to GR 31.1(m)(1).*

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Why are chambers records not included in GR 31.1?

The exception for chambers records recognizes the reality that many of the records held in chambers are subject to confidentiality or privilege. Requiring judicial officers and chambers staff to search, review, and redact their records would be extremely burdensome and would seriously interfere with their primary responsibility of hearing and deciding cases. Imposing this burden, with its negative impact on the judicial function, would not measurably add to the public's knowledge of the judicial process, especially in light of the fact that the public already has access to judicial proceedings in open court and to the public court file. *See Comment to GR 31.1(m).*

Should chambers records be searched before responding to a records request?

No. Judicial officers or chambers staff should never be asked to search for records in order to respond to an administrative records request. In addition, chambers records should not be searched by other court personnel in order to respond to an administrative records request. Chambers records are not subject to GR 31.1 and therefore are not subject to public disclosure.

Practice Tip: Administrative records subject to GR 31.1 should never be placed under chambers control for the purpose of avoiding public disclosure. *See Comment to GR 31.1(m)(1).*

How should a court respond to a request for chambers records?

If a request for records is made to a judicial officer or chambers staff or if a request to the court's public records officer asks for chambers records, expressly or by description, the request may be denied as not a proper request under GR 31.1. The denial letter should explain that chambers records are not administrative records and are not subject to GR 31.1.

If other personnel are in possession of a "chambers record", what happens?

A "chambers record" is not a "chambers record" if it is in the possession of court personnel, other than a judicial officer or chambers staff. While judicial officers and chambers staff are not required to respond to an administrative records request, other court personnel must respond to a request and provide to the court's public records officer any responsive record, including any record received from a judicial officer or chambers staff. The public records officer will determine if GR 31.1 or other law provides an exemption from producing the record to the requester or requires the record to be redacted before being produced.

For example, if a judge sends a draft of a budget request to his or her judicial assistant who works in the judge's chambers to review, the budget request is a chambers record and not subject to GR 31.1. However, if the judge or judicial assistant sends the budget request to another court employee outside of chambers, the copy of the budget request in the possession of the court employee is no longer a chambers record and the employee

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who received it must provide it to the public records officer in response to a records request.

Practice Tip: Judicial officers and chambers staff participate in administrative activities and on administrative court committees. It is encouraged to have another court employee maintain an official central file for this work that can be easily identified and provided to the public records officer in response to a request. This will make responding to the request more efficient and instill confidence in the public of the court's commitment to disclose administrative records.

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RECORDS EXEMPTED OR PROHIBITED FROM DISCLOSURE

ADMINISTRATIVE RECORDS SPECIFICALLY EXEMPTED UNDER GR 31.1

Administrative Records—General Right of Access. Court and judicial agency administrative records are accessible to the public unless access is exempted or prohibited under GR 31.1, other court rules, federal statutes, state statutes, court orders, or case law.

In addition, the following **EXEMPTIONS** are specifically set forth under GR 31.1:

- A request for a judicial ethics opinion.
- Minutes of meetings held exclusively among judges, along with any staff.

  Caveat: Exemption merely means that a document is not required to be disclosed. Disclosure would be appropriate if the document does not contain information of a confidential, sensitive, or protected nature. Courts and judicial agencies are encouraged to carefully consider whether some, or all, of their meeting minutes should be open to public access.

- Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended.
  - A specific record is not exempt if it is publicly cited by a court or agency in connection with any court or agency action.
  - This exemption applies to a record only while a final decision is pending on the issue that is being addressed in that record; once the final decision has been made, the record is no longer exempt.
  - When considering records related to budget negotiations with a budgetary authority, the "final decision" is the decision by the budgetary authority to adopt the budget for that year or biennium.
- Evaluations and recommendations concerning candidates seeking appointment or employment within a court or judicial agency.

  This includes documents such as those of the Supreme Court's Capital Counsel Committee, which evaluates attorneys for potential inclusion on a list of attorneys who are specially qualified to represent clients in capital cases.

- Personal identifying information, including individuals' home contact information, Social Security numbers, driver's license numbers, and identification/security photographs.

- Records related to an attorney's request for a trial or appellate court defense expert, investigator, or other services, any report or findings submitted to the attorney or court or judicial agency by the expert, investigator, or other service provider, and the invoicing of the expert, investigator or other service provider during the pendency of the case in any court.

  Payment records are not exempt, but cannot include medical records, attorney work product, information protected by attorney-client privilege, information sealed by a court, or any other exempt information.

- Any records, including the complaint and the identity of the complainant, associated with a court or judicial branch agency's internal investigation of a complaint against the court or judicial branch agency or its contractors during the course of the investigation. The outcome of the court or judicial agency's investigation is not exempt.
- Family court mediation files.
- Juvenile court probation social files.
- Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans, the disclosure of which would have a substantial likelihood of threatening the security of a judicial facility or any individual's safety.
- To prevent a significant risk to individual privacy or safety interests, identifying details should be redacted.

CHAMBERS RECORDS ARE NOT SUBJECT TO DISCLOSURE

GR 31.1 states that "chambers records" are not administrative records and are not subject to disclosure. GR 31.1(m)

- "Chambers record" means any writing that is created by or maintained by any judicial officer or chambers staff, and is maintained under chambers control, whether directly related to an official judicial proceeding, the management of the court, or other chambers activities.

  "Chambers staff" means a judicial officer's law clerk, bailiff, intern(s), and any other staff who may provide support directly to the judicial officer.

- Court records and administrative records do not become chambers records merely because they are in the possession or custody of a judicial officer or chambers staff. GR 31.1(m)(2)

PUBLIC RECORDS ACT EXEMPTIONS

Under GR 31.1 (j), "Court and judicial agency administrative records are open to public access unless access is exempted or prohibited under this rule, other court rules,

federal statutes, state statutes, court orders, or case law. To the extent that records access would be exempt or prohibited if the Public Records Act applied to the judiciary's administrative records, access is also exempt or prohibited under this rule. The following are examples of some PRA exemptions regularly encountered by a Public Records Officer. The list is not meant to be all-inclusive.

EXAMPLES OF PUBLIC RECORDS ACT EXEMPTIONS

- Providing any list of individuals requested for commercial purposes is prohibited unless authorized by law. RCW 42.56.070(9)

  A court or judicial branch agency may condition access to an administrative record containing a list of individuals on the requester's promise that the record will not be used for a commercial purpose. This condition can be standard language that is included on the administrative records request form.

- Name of a complainant or witness when the person is a victim or a witness to a crime, has made a complaint to law enforcement, or disclosure would endanger any person's life, physical safety, or property. RCW 42.56.240(2), (5), (8)

- The name and identifying information of a public agency employee who sought advice through an informal process to determine the employee's rights under RCW 49.60 (the Washington Law Against Discrimination) and the employee requests identifying information not be disclosed. RCW 42.56.250(4)

- Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy. RCW 42.56.230(3). However, personnel records are not categorically exempt. To be exempt the disclosure must relate to personal information within the personnel records that would invade an individual's right to privacy as defined in RCW 42.56.050. The following employee information is generally **EXEMPT:**

  - The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency
  - Number of exemptions (dependents)
  - Driver's licenses
  - Withholding status

- Employee's bank name
- Shared leave given by a donor (charitable contribution)
- Information under employee deductions: i.e. – name of health/dental plans, garnishment/child support, deferred compensation, retirement plan, etc.
- Union dues
- Charitable contributions
- Disabilities
- Medical records, including medical reasons for sick leave, shared leave received, FMLA, RA, etc.
- Sensitive records relating to health, marital and family information necessary for calculating health plans, job benefits and taxes
- Performance evaluations of court staff or judicial branch employees unless related to specific misconduct
- Unsubstantiated allegations of governmental misconduct made against an identified employee if release of the information would be highly offensive to a reasonable person (e.g. sexual misconduct). This is to be determined on a case-by-case basis.

The employee information listed above is generally exempt because disclosure would violate the employee's right to privacy, i.e. – it would be highly offensive to a reasonable person and not be of legitimate public concern.

The employee information listed below is generally **NOT EXEMPT**:

- Salary, including increases
- Employee personnel/identification number
- Hours worked, including overtime
- Types of leave taken: vacation/annual, comp time, LWOP, TSR, PLD, personal holiday, sick (though probably not the illness)
- Fringe benefits
- Outside employment
- Training records
- Letters of commendation
- Job description
- Classification questionnaire
- PDFs (position description forms)
- Letters of appointment
- Separation or other changes in the status of an employee
- Performance awards
- Anniversary date, including PID
- Shared leave received
- FMLA leave taken

These types of employee information are not exempt because the release of this information would generally NOT violate the right to privacy, i.e. – it would not be highly offensive to a reasonable person and is of legitimate public concern.

OTHER COMMON EXEMPTIONS UNDER THE PRA

- Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers. RCW 42.56.230(6)
- Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard. RCW 42.56.230(7) (a)
- Information related to individual claims resolution structured settlement agreements submitted to the board of industrial insurance appeals other than final orders from the board of industrial insurance appeals. RCW 42.56.230(8)

EXEMPTIONS THAT APPLY TO THE CERTIFIED PROFESSIONAL GUARDIAN BOARD

- The following records of the Certified Professional Guardian Board are exempt per GR 31.1(l)(12):

  (i) Investigative records compiled by the Board as a result of an investigation conducted by the Board as part of the application process, while a disciplinary investigation is in process under the Board's rules and regulations, or as a result of any other investigation conducted by the Board while an investigation is in process. Investigative records related to a grievance become open to public inspection once the investigation is completed.

  (ii) Deliberative records compiled by the Board or a panel or committee of the Board as part of a disciplinary process.

  (iii) Investigation into a grievance.

  Once the grievance has been completed or once a decision has been made that no investigation will be conducted, the grievance shall be open to public access, along with any response to the grievance submitted by the professional guardian or agency. The name of the professional guardian or agency shall not be redacted from the grievance.

GR31.1 IMPLEMENTATION WORK GROUP STRUCTURE

Working Document

SUPREME COURT

BJA IMPLEMENTATION OVERSIGHT GROUP

Composition: Three members chosen by the BJA

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

EXECUTIVE OVERSIGHT COMMITTEE

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

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

CORE WORK COMMITTEE

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

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

EXTERNAL REVIEW COMMITTEE

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

Role: Review materials from user/public viewpoint

Date last edited: August 23, 2013

BOARD FOR JUDICIAL ADMINISTRATION
GR31.1 IMPLEMENTATION WORK GROUP

Date of last update: 9-3-2014

Name / Title	Court / Judicial Entity & Address	Telephone/E-Mail
BJA Implementation Oversight Group		
Judge Janet Garrow 07-19-2013	KCDC – Redmond Courthouse 8601 -160th Ave NE Redmond, WA 98052	206-477-2103 janet.garrow@kingcounty.gov
Judge Ann Schindler 07-19-2013	Court of Appeals Division I 600 University St One Union Square Seattle, WA 98101-1176	206-464-7659 Ann.Schindler@courts.wa.gov
Judge Sean O'Donnell May 2014	King County Superior Court 516 3rd Ave, Room C-203 Seattle, WA 98104 Mailstop: KCC-SC-0203	206-477-1501 Sean.ODonnell@kingcounty.gov
Executive Oversight Committee		
Judge Michael Evans	Cowlitz County Superior Court 312 SW 1st Ave, Floor 2 Kelso, WA 98626-1739	360-577-3085 evansm@co.cowlitz.wa.us
Judge Beth Andrus	King County Superior Court 516 3rd Ave, Rm C-203 Seattle, WA 98104-2361	206-447-1537 beth.andrus@kingcounty.gov
Judge Bradley Maxa	Court of Appeals Division II 950 Broadway Suite 300, MS TB-06 Tacoma, WA 98402-4454	253-593-2975 j_b.maxa@courts.wa.gov
Judge Scott Ahlf, Chair	Olympia Municipal Court PO Box 1967 Olympia, WA 98507-1967	360-753-8312 sahlf@ci.olympia.wa.us
Judge Glenn Phillips	Kent Municipal Court 1220 Central Ave S Kent, WA 98032-7426	253-856-5730 gphillips@kentwa.gov
Prosecutor Jon Tunheim Washington Association of Prosecuting Attorneys	Thurston County Prosecutor's Office 2000 Lakeridge Dr S.W. Building 2 Olympia, WA 98502	360-786-5540 tunheij@co.thurston.wa.us
Ms. Christina Beusch Deputy Attorney General	Office of the Attorney General 1125 Washington Street SE PO Box 40100 Olympia, WA 98504-0100	360-664-3801 ChristinaB@atg.wa.gov
Core Work Committee		
Mr. Jim Bamberger Director, OCLA	Office of Civil Legal Aid P.O. Box 41170 Olympia, WA 98504-1170	360-704-4135 Jim.Bamberger@ocla.wa.gov
Mr. John Bell Contracts Manager AOC	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360-704-4029 John.bell@courts.wa.gov

Mr. Ron Carpenter Clerk, Supreme Court	Supreme Court Clerk's Office P.O. Box 40929 Olympia, WA 98504-0929	360-357-2077 Ron.Carpenter@courts.wa.gov
Ms. Suzanne Elsner Court Administrator President Elect, DMCMA	Marysville Municipal Court 1015 State Ave. Marysville, WA 98270-4240	360-363-8054 selsner@marysvillewa.gov
Ms. Theresa Ewing Court Administrator	Thurston County District Court 2000 Lakeridge Dr. SW, Bldg. 3 Olympia, WA 98502-6001	360-786-5450 ewingt@co.thurston.wa.us
Mr. James Madsen Juvenile Court Administrator	Mason County Juvenile Court Location: 615 W Alder St Shelton, WA 98584-0368	360-427-9670 ext. 332 jamesma@co.mason.wa.us
Ms. Sophia Byrd McSherry Deputy Director	WA State Office of Public Defense P.O. Box 40957 Olympia, WA 98504-0957	360-586-3164 x 107 Sophia.ByrdMcSherry@opd.wa.gov
Ms. Kay Newman State Law Librarian	Supreme Court State Law Library P.O. Box 40751 Olympia, WA 98501-2314	360-357-2156 kay.newman@courts.wa.gov
Ms. Paulette Revoir Co-Chair Court Administrator	Lynnwood Municipal Court 19321 44th Ave W Lynnwood, WA 98036	425-670-5100 prevoir@ci.lynnwood.wa.us
Ms. Linda Ridge Deputy Chief Administrative Officer	King County Superior Court 516 3rd Ave, Rm C-203 Seattle, WA 98104-2361	206-477-1365 linda.ridge@kingcounty.gov
Ms. Renee Townsley Clerk/Administrator	Court of Appeals, Div. III 500 N. Cedar St. Spokane, WA 99201-1905	509-456-3082 Renee.Townsley@courts.wa.gov
Mr. Bob Terwilliger Co-Chair Court Administrator	Snohomish County Superior Court 3000 Rockefeller Ave, MS 502 Everett, WA 98201-4046	425-388-3421 Bob.Terwilliger@snoco.org
External Review Committee		
Ms. Shirley Bondon Manager, Court Access Programs, AOC	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360-705-5302 Shirley.Bondon@courts.wa.gov
Ms. Michele Earl-Hubbard Board Member, WCOG	Allied Law Group P.O. Box 33744 Seattle, WA 98133	206-801-7510 michele@alliedlawgroup.com
Ms. Jean McElroy General Counsel, WSBA	Washington State Bar Association 1325 4th Avenue, Suite 600 Seattle, WA 98101-2539	206-727-8277 jeanm@wsba.org
Mr. Rowland Thompson Executive Director, ADNW	Allied Daily Newspapers of Washington P.O. Box 29 Olympia, WA 98507	360-943-9960 360-951-3838 (cell) anewspaper@aol.com
Staff		
Mr. John Bell Contracts Manager AOC	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360-704-4029 John.bell@courts.wa.gov
Ms. Jan Nutting AOC	Administrative Office of the Courts P.O. Box 41170 Olympia, WA 98504-1170	360-704-4020 Jan.Nutting@courts.wa.gov

GR31.1 Implementation Timeline

August 2013

Core Work Committee
- Convene Work Committee; elect co-chairs
- Refine work plan
- Refine timeline
- Review previously developed materials
- Proposed rule reviewed and areas highlighted for further discussion
- Establish distribution of work

September 2013

BJA Implementation Oversight Group (Group)
- Convene Group
- Develop Group time line
- Review materials provided to date

Executive Oversight Committee (EOC)
- Convene Committee, elect committee chair
- Develop EOC work plan and timeline
- Review timeline, work plan and work of the Core Committee

Core Work Committee
- Monthly meeting of full committee; subcommittees meet as needed

External Review Committee (Committee)
- Convene Committee
- Review Committee role
- Define method for communicating suggestions

October 2013

Core Work Committee
- Monthly meeting of full committee; subcommittees meet as needed

November 2013

Core Work Committee
- Monthly meeting of full committee; subcommittees meet as needed
- Brief BJA Implementation Oversight Group and Executive Oversight Committee

December 2013

Core Work Committee
- Monthly meeting of full committee; subcommittees meet as needed
- Brief External Review Committee
- Provide update to BJA and Supreme Court

January 2014

Core Work Committee
- Monthly meeting of full committee; subcommittees meet as needed
- Brief BJA Implementation Oversight Group and Executive Oversight Committee
- Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed

February 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Brief External Review Committee
March 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Brief BJA Implementation Oversight Group and Executive Oversight Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed • Provide update to BJA and Supreme Court
April 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Brief External Review Committee (convene if necessary)
May 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Brief BJA Implementation Oversight Group and Executive Oversight Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed
June 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Convene External Review Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed • Provide update to BJA and Supreme Court
July 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Briefing provided for BJA Implementation Oversight Group and Executive Oversight Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed • Convene External Review Committee
August 2014
Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Convene External Review Committee Final review and ratification by the BJA
September 2014
Final review and approval of “best practices” (all materials and processes) by the Supreme Court Core Work Committee • Monthly meeting of full committee; subcommittees meet as needed • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed

October, November, and December 2014
Court and state judicial branch agency implementation, following distribution of final/approved materials Core Work Committee available to assist, continues to meet as needed • Brief External Review Committee • Brief BJA Implementation Oversight Group and Executive Oversight Committee
January 2015
GR 31.1 becomes effective
Update – July 2014
Although significant progress has been made, the the Core Work Committee has revised the estimated time for completion of the documents, forms, policies, and training plans. At present, the goal of the Implementation Work Group is to have all materials completed in the spring of 2015.

Tab 3

Summary Regarding Proposed General Rule for a Judicial Performance Evaluation Program

The attached proposed General Rule would establish a comprehensive and informative judicial performance evaluation program for Washington State. The proposal has been in development for the past two decades and represents the best thinking of many outstanding legal minds. This short chronology summarizes this lengthy process.

Why adopt a comprehensive program of judicial performance evaluations?

- The voters are crying out for better information.
- Judges can improve their performance through reliable feedback.
- Ratings on the specific dimensions of judging will educate voters on the qualities that should inform their votes.
- Evaluations by those who know the judge's work will promote judicial independence.
- Comprehensive ratings will help to insulate judges from well-funded single-issue attacks.

Who supports this?

- The Walsh Commission concluded that "[a] process for collecting and publishing information about judicial performance shall be created under the authority of the Supreme Court."
- A subcommittee of the American Judicature Society developed the proposal and successfully pilot-tested the evaluation methodology with both trial and appellate judges.
- The King County Bar Association scrapped its bar poll in favor of AJS-proposed evaluations. One result is elimination of bias in the resulting ratings.

Why should this be a statewide program?

- It's worked well everywhere that it has been tried, but very few local bar organizations have the resources of KCBA.
- Applying consistent criteria across the state will promote a better-qualified judiciary and public confidence in the courts as a whole.

Why do it by rule?

- It's vital that everyone participate and that everyone is treated the same way.
- Judicial challengers will be required to be evaluated as well, which will promote a level playing field in judicial elections.

Brief History of Proposed General Rule

1996: Initial Proposal by Walsh Commission

In March 1996, the Walsh Commission, appointed by Gov. Mike Lowry, Supreme Court Chief Justice Barbara Durham, and legislative officials, issued its final report, entitled, "*The People Shall Judge - Restoring Citizen Control to Judicial Selection*."[1]

The Walsh Commission's report includes nine proposals that are "intended to give voters more information about judicial candidates increase judicial accountability, and insulate judicial candidates from political pressures."[2]

Proposal No. 5 of the Walsh Commission Report recommended that the Supreme Court create a judicial performance evaluation system:

> Voters testified [at state-wide hearings conducted by the Walsh Commission] that they wanted more information about the performance of judges. The Commission recommends creating an objective, uniform, comprehensive method for providing voter information about judicial performance.
>
> End-of-term reports will be used to provide information in the judicial voter pamphlet; judges may respond to the review prior to its release. Confidential mid-term reviews will provide the judges feedback for the purpose of self-improvement.[3]

1999-2006: American Judicature Society's Proposal

In 1999, following up on the Walsh Commission's recommendation, the Washington Chapter of the American Judicature Society[4] appointed a Judicial Evaluation Committee[5] to survey other states' judicial performance evaluation programs and draft a proposal for a similar program in Washington.

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[1] *See* http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/walshreport

[2] *See* http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/walshCommissionFinalReport

[3] *See* http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/walshCommissionFinalReport

[4] The AJS Washington Chapter Board at that time included Justice Mary Fairhurst, Justice Faith Ireland, Judge William Baker, Judge Ronald Cox, Judge John Schultheis, U.S. Magistrate Judge Mary Alice Theiler, Charles Wiggins, Mary Wechsler and Lish Whitson.

[5] Members of the AJS Judicial Evaluation Committee included several judges, including Judge Sharon Armstrong, Judge William Baker, Judge Roseanne Buckner, Administrative Law Judge Robert Kingsley, Judge Terry Lukens, Judge Jean Rietschel, Judge John Schultheis, Justice Charles Z. Smith, Judge Mariane Spearman; other members included Seattle University Law School Prof. John Strait, Washington State University Prof. Nicholas Lovrich, Washington State University Prof. David Brody, Henry Lippek, Greg Miller, Richard Morry, Kristin Olson, Karen Place, John Ruhl, Leonard W. Schroeter, Gary Straus, Rowland Thompson and Mary Wechsler.

On June 8, 2005, the AJS Washington Chapter Board submitted a white paper to the Washington Supreme Court recommending that the Supreme Court should adopt, by court rule, a formal state-wide judicial performance evaluation program, which would provide information that could improve individual judges' performance, and which also would provide voters or appointing authorities information on which to make decisions about judicial candidates. A copy of the white paper is attached.

During 2005 and 2006, the Judicial Selection Coalition ("JSC") a group of bar associations, citizen organizations, judges and citizens,[6] through its Judicial Evaluation Committee[7] continued to refine the AJS's draft proposal for a state-wide judicial performance evaluation program.

2006: WSTLA Survey Recommends Judicial Performance Evaluation Process

In March 2006, the Washington State Trial Lawyers Association conducted a state-wide "Judicial Elections/Selection Survey of its membership. The survey included the question: "Do you believe there is a need for a statewide, independent judicial evaluation process?" To that question 106 (68%) of the 166 respondents answered "yes."

2006-2008: WSBA Judicial Selection Task Force Proposal

The WSBA formed a Task Force, chaired by former WSBA Board of Governors member Doug Lawrence, to examine and recommend whether our system of judicial selection should be modified.

A subcommittee of the Task Force was appointed to draft a judicial performance evaluation program to provide the public with judicial performance evaluations both mid-term and prior to elections. The subcommittee took the 2006 AJS draft proposal and reframed it as a proposed new court rule.

On June 6, 2008, the Task Force presented to the WSBA Board of Governors its majority and minority reports. Among other things, the majority report recommended adoption of a formal judicial performance evaluation process that was very similar to the AJS's proposal.

2007: KCBA Adopts and Implements AJS Proposal

In the spring of 2007, the KCBA Board of Trustees adopted and implemented a judicial performance evaluation program for King County Superior Court judges and District Court judges, which is based upon and operates basically according to the AJS's judicial evaluation performance proposal.[8]

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[6] Members of the Judicial Selection Coalition included judges from the Washington Court of Appeals and the King County Superior Court; as well as representatives from KCBA, the WSBA, the Washington State Trial Lawyers Association, the Washington Defense Trial Lawyers, the AJS Washington Chapter, the League Women Voters of Washington; the Municipal League of King County, the University of Washington Law School, the Seattle University Law School, Gonzaga University Law School and Washington State University.

[7] The JSC's Judicial Evaluation Committee was chaired by Rob Mitchell (who had chaired the AJS Judicial Evaluation Committee), and participating members included W.S.U. Prof. David Brody, S.U. Law School Professor Janet Chung, Carl Forsberg, Snohomish County Bar Association President Geoffrey G. Gibbs, Judge Judith Hightower, former KCBA President Thomas E. Kelly, Jr., Pat Lessard, Henry Lippek, Gonzaga Law School Professor Rosanna Peterson, Rebecca Roe, Gonzaga Law School Professor Jennifer Sweigert and Mary Wechlser.

2014: AJS Presents Proposed Rule to Supreme Court

During 2008-2013, the AJS Washington Chapter Board's Judicial Evaluation Committee[9] reframed the judicial performance evaluation proposal into a proposed general court rule that could be presented to the Washington Supreme Court, as had been recommended originally by the Walsh Commission.

On February 5, 2014, AJS Washington Chapter's officers formally presented the proposed general court rule to the Supreme Court.

On October 20, 2014, following consideration by the Rules Committee, the Supreme Court *en banc* referred proposed general rule to the Board for Judicial Administration (BJA) for consideration.

Consisting of representatives from all levels of court, the BJA is in the best position to evaluate the proposal and recommend its adoption. The BJA is also in the best position to propose legislation to implement the rule.

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[8] *See* Ruhl, "Judicial Evaluation Program May Replace Bar Polls," *King County Bar Bulletin,* February 2007 (https://www.kcba.org/newsevents/barbulletin/BView.aspx?Month=02&Year=2007&AID=prespage.htm).

[9] The AJS Judicial Evaluation Committee members included: Judge Sharon Armstrong, Judge William Baker, Judge John Bridges, Administrative Law Judge Robert Kingsley, Judge Terry Lukens, Judge Catherine Shaffer, Judge Michael Trickey and Judge Mary Yu; other members included Washington State University Prof. David Brody, Dr. Ruth Walsh McIntyre, Brian Dano, Thomas Culbertson, Joni Kerr, Henry Lippek, Richard Morry, Kristin Olson, Karen Place and John Ruhl.

Final Draft of Proposed General Rule for Judicial Performance Evaluations

American Judicature Society
Washington State Chapter

Presented to Washington Supreme Court
February 5, 2014

FINAL D R A F T
As Approved by AJS Board on September 9, 2013

GENERAL RULE 35. JUDICIAL PERFORMANCE EVALUATIONS

(a) SCOPE AND PURPOSE

(1) Scope. This Rule governs the procedure for evaluating the performance of judicial officers and individuals seeking election or appointment to the bench.

(2) Purposes. This Rule is intended to:

(a) Facilitate self-improvement of judges and promote efforts to improve judicial performance;

(b) Provide reliable and relevant information to assist Washington voters in evaluating candidates for judicial office;

(c) Provide information to improve the design and content of continuing judicial education programs; and

(d) Protect the independence of judges in the performance of their duties.

(b) JUDICIAL PERFORMANCE PROGRAM COMMITTEE

(1) Creation and Membership. The Judicial Performance Evaluation Program will be overseen by a Judicial Performance Program Committee ("Committee") having eleven voting members. In addition, the Administrator of the Courts or his/her designee will serve as a non-voting member of the Committee. The Board of Judicial Administration will appoint two voting members of the Committee, one of whom must be a retired appellate judge and one of whom must be a retired trial level judge. Three voting members of the Committee will be appointed by the Board of Governors of the Washington State Bar Association, at least one of which must be from Eastern Washington. One of the appointees by the Board of Governors must be a law professor who has prior trial experience. Six voting members of the Committee will be appointed by the Governor. No more than three of the gubernatorial appointees may be from the same political party. If the Governor declines or fails to make appointments within 60 days after the effective date of this rule or after a vacancy occurs, the remaining members of the Committee may, by majority vote, fill the position(s). A majority of the Committee must be non-attorneys. The Committee should reflect the ethnic, economic, geographic and political diversity of this state and the members should have a demonstrated interest in civic affairs. The chair of the Committee will be chosen from its membership and will serve a one year term. The chair may be reelected to a subsequent term or terms.

(2) **Terms.** Members of the Commission will serve four year staggered terms. One of the initial appointees of the Board of Judicial Administration, one of the initial appointees of the Board of Governors and three of the initial appointees of the Governor will serve an initial two year term. No member of the Commission may

serve more than two consecutive terms. All terms shall start as of June 1 of the year of appointment.

(3) Powers and Duties of the Committee. The Committee will have the following powers and duties:

(a) To develop and refine surveys for lawyers, judges, jurors, and pro se litigants, as provided for in this Rule;

(b) To ensure that data collection and analysis processes are methodologically sound;

(c) To contract with a qualified person or entity to prepare the survey forms, to process responses, and to compile statistical reports of the survey results in a manner designed to ensure the confidentiality and accuracy of the process;

(d) To conduct a confidential evaluation midway through a judge's term of office for the purpose of improving the judge's performance;

(e) To give each judge complete statistics from surveys and copies of written comments written on survey questionnaires as part of his/her evaluation;

(f) To identify key areas where improvement is needed and work with the Committee on Judicial Education and Training to prioritize areas and offer required courses to meet educational needs; and

(g) To conduct an evaluation of each judge whose term is ending, as well as each candidate for judicial office, and to disseminate the results of those evaluations to the public.

(4) Staff. The Administrative Office of the Courts will staff the Committee, which will include monitoring and administering the appointment process and such other duties as may be determined jointly by the Committee and the Administrative Office of the Courts.

(5) Feedback. After the program begins, the Committee will survey judges and judicial candidates to gather feedback about the evaluation process and how it can be improved. In addition, the Committee will compare the results of its evaluations of non-judge candidates with the results of evaluations of those candidates, if elected, and modify the survey instruments, procedures, or both used for non-judge candidates as appropriate to improve their predictive value.

(6) Reporting. At least annually, the Committee will submit a report to the Board of Judicial Administration summarizing its work and the feedback it has received. The report will identify any problems or limitations that have been encountered, describe

the Committee's plans to address those problems or limitations, and suggest any changes in applicable rules that the Committee believes are necessary or appropriate.

(7) **Implementation; Phasing.** This Rule will be implemented as follows:

(a) Superior Court judges and candidates for positions on the Superior Court will be subject to the provisions of this Rule immediately upon its effective date.

(b) Justices of the Supreme Court and judges of the Court of Appeals and candidates for positions on the appellate courts will be subject to the provisions of this Rule two years after its effective date.

(c) Judges of the courts of limited jurisdiction and candidates for positions on the courts of limited jurisdiction will be subject to the provisions of this Rule four years after its effective date.

(c) CRITERIA FOR EVALUATION

Judges should possess and demonstrate integrity, impartiality, professionalism, judicial temperament, and legal ability, as well as communication and administrative skills. To measure these qualities, the Committee will evaluate judges based on the following specific criteria:

(1) Integrity and Impartiality. Evaluations will determine the extent to which each judge:

(a) Treats all persons fairly, equally, and without discrimination based on race, creed, color, national origin, income, gender, marital status, sexual orientation, age, or the presence of any sensory, mental, or physical disability;

(b) Conducts proceedings fairly, impartially, and with an open mind;
(c) Displays a neutral presence on the bench; and

(d) Makes decisions without considering the possibility of public criticism.

(2) Professionalism and Judicial Temperament. Evaluations will determine the extent to which each judge:

(a) Treats persons with whom the judge has professional contact (staff, attorneys, and, in the case of trial judges, parties, witnesses, and jurors) with courtesy and respect;

(b) Demonstrates emotional maturity and multicultural awareness;

(c) Acts with patience and self-control;

(d) Avoids impropriety and the appearance of impropriety; and

(e) Acts in a manner that instills public confidence in the judiciary.

(3) Knowledge and Understanding of the Law. Evaluations will determine the extent to which each judge:

(a) Understands and applies the relevant law and the rules of evidence and procedure;

(b) When exercising discretion appreciates the importance of flexibility and common sense in ensuring just results; and

(c) Exercises sound legal reasoning.

(4) Communication Skills. Evaluations will determine the extent to which each judge:

(a) Prepares well thought out, clearly presented rulings;

(b) Communicates effectively in a clear and logical manner while on the bench;

(c) Is appropriately sensitive to the impact of nonverbal communications; and

(d) In the case of trial judges, communicates with jurors regarding court procedures, their duties, and delays in the proceedings as they occur.

(5) Administration. Evaluations will determine the extent to which each judge:

(a) Appropriately enforces court rules, orders, and deadlines;

(b) Makes decisions in a prompt, timely manner;

(c) Is punctual and prepared for court and, in the case of trial judges, maintains control over the courtroom; and

(d) Manages his or her caseload efficiently and in a manner which meets the needs of each case.

(d) SOURCES OF INFORMATION

(1) Data Collection. Survey questionnaires approved by the Committee will be used to collect information from the following persons who have appeared before or had professional contact with the judge being evaluated:

(a) Attorneys. All attorneys who have appeared before the judge during the six to eighteen months preceding the evaluation;

(b) Judges. All judges who, during the twelve months preceding the evaluation, have reviewed the record in a case presided over by the judge being evaluated or have had a decision reviewed by the judge being evaluated (excluding, however, colleagues on the same bench);

(c) Jurors. In the case of trial judges, all jurors who have rendered a verdict in a case during the three to twelve months preceding the evaluation; and

(d) Pro se litigants. In the case of trial judges, all litigants who have appeared pro se in a matter before the judge during the three to twelve months preceding the evaluation.

(2) Local Conditions. Where a range of time is set forth in this Rule, the Committee should choose an evaluation period that will likely generate a statistically valid number of responses. This evaluation period will vary depending upon local conditions. Before choosing the period of exposure for soliciting evaluations of the judges of any court, the Committee should consult with local bench and bar associations.

(3) Nature of Questions. Surveys distributed to non-lawyers should focus on the judge's impartiality, professionalism, and other observable behaviors and traits. Respondents who are not lawyers should not be asked about the judge's knowledge and understanding of the law.

(4) Avoidance of Bias. Surveys should ask respondents whether there is any reason why they cannot give a fair and impartial evaluation of the judge. If a person answers this question with anything other than an unqualified "no," that person's answers to other survey questions about the judge will not be counted.

(e) EVALUATION PROCEDURE

(1) Attorneys.

(a) Court personnel will provide the Committee with a list of attorneys who have appeared before the judge during the relevant time period, or information from which such a list can be reasonably derived, on or before February 15th of the evaluation year.

(b) The Committee or its designee will deliver to each eligible attorney a separate survey and (for mailed surveys) a postage prepaid return envelope for each judge the attorney is eligible to evaluate no later than April 15th of the evaluation year.

(c) Attorneys will return surveys directly to a designated data evaluation center.

(d) Surveys will be confidential and anonymous except for coding used for tracking and validation.

(2) Judges.

(a) The Committee or its designee will ask judges to identify other judges whom they are eligible to evaluate.

(b) The Committee or its designee will deliver to each eligible judge a separate survey and (for mailed surveys) a postage prepaid return envelope for each judge that judge is eligible to evaluate no later than April 15th of the evaluation year.

(c) Judges will return surveys directly to a designated data evaluation center or other location.

(d) Surveys will be confidential and anonymous except for coding used for tracking and validation.

(3) Jurors.

Jurors rendering a verdict in a case will be given a survey questionnaire. As soon as possible after the jury has been discharged, the bailiff or clerk in charge of the jury will give each juror an evaluation questionnaire and a return envelope. Jurors may complete the survey in the jury deliberation room or at a later time.

(4) Pro Se Litigants.

(a) Pro se litigants appearing before the judge will be given an evaluation questionnaire and a return envelope.

(b) The litigants may complete the survey while they are in the courthouse or at a later time.

(f) SELF-IMPROVEMENT PROCESS

(1) A central component of the judicial performance evaluation program is to promote efforts to improve the performance of individual judges.

(2) To further judicial self-improvement, in addition to the average scores received in each evaluation category, the Committee will give each judge being evaluated the results for each question in the survey.

(3) The narrative comments contained in the survey forms, which will be anonymous, will be extracted and provided to the judge for the purpose of self-improvement.

(4) All documents, tables, data, and narrative comments provided to individual judges for purposes of self-improvement will be confidential.

(5) A voluntary judicial conferencing system is encouraged. This system, which could be managed by the local bar association, would include interviews with attorneys who have appeared before the judge, as well as the preparation of a confidential written report for the judge to provide feedback on the judge's performance, including strong points and areas of needed improvement.

(6) In even-numbered years, the Committee will collaborate with the committee planning the Spring Conference of each judicial association to prepare and present a plenary session, lasting at least one hour, that addresses areas for improvement in judicial performance. This session will focus upon any weaknesses identified in the judicial performance evaluations conducted during the preceding two-year period.

(g) EVALUATION OF NON-JUDGE CANDIDATES FOR JUDICIAL OFFICE

(1) Application of Rule. If a candidate for judicial office is not currently a judge, the Committee will conduct an evaluation of that candidate as promptly as possible and publicize the results in the same manner used to publicize the results of evaluations of sitting judges who are candidates for election or reelection. If a candidate was previously a judge, and an evaluation of the candidate's performance in that role is available, the Committee may publicize the results of the previous evaluation in lieu of following the approach described in the remainder of this Part (g).

(2) Criteria. Non-judge candidates will be evaluated on the criteria identified in Part (c) of this rule. To the extent that these criteria require evaluation of performance while presiding in the courtroom, the Committee will, if feasible, examine the candidate's performance in analogous settings (e.g., pro tem service, service as a mediator or arbitrator), or ask evaluators to draw inferences from the settings in which they have observed the candidate.

(3) Sources of Information. The Committee will collect information from the following persons who have had professional contact with the candidate: judges before whom the candidate has appeared during the past three calendar years (other than the judge against whom the candidate is running); attorneys who have appeared before the candidate or have been co-counsel or opposing counsel during the past three calendar years; and other professional references supplied by the candidate, but no more than the total number of judges and attorneys from whom information is collected under the preceding provisions of this Part (g)(3).

(4) Procedure. If time permits, survey questionnaires will be distributed to the persons identified above. As needed, the Committee will conduct telephonic or in-

person interviews to accelerate assembly of the information called for by the survey instruments. Names of persons to be surveyed or interviewed will be drawn from the disclosure statement prepared by the candidate for appointing authorities, updated by the candidate, as well as those persons identified pursuant to Part (g)(3). If the candidate has not already prepared such a statement, he or she will submit one to the Committee within one week after filing (or, if earlier, announcing) for judicial office.

(5) Alternative. If it is not feasible to use the sources of information and the procedure set forth above, the Committee may conduct a bar poll of respondents who certify that they have personal knowledge of the candidate and can fairly assess the qualities that they are evaluating.

(h) CONFIDENTIALITY

(1) Necessity of Confidentiality, Generally. Judicial performance evaluations must be conducted in strict confidence to ensure that the results are valid and based on reliable information. Disclosure of evaluation information other than in the manner permitted by this Rule would undermine the goals of the program and would reduce the free flow of information. For this reason, all records and information obtained and maintained by the Committee concerning the performance of individual judges are strictly confidential and may not be disclosed except as provided in this Rule. The Committee will take reasonable steps to safeguard the confidentiality of its records. Such records and information shall be neither admissible nor discoverable in any action of any kind in any court or before any tribunal, board, or agency.

(2) Mid-term Evaluations. Records and information assembled by the Committee during mid-term evaluations will constitute personal information in files maintained for elected officials.

(3) Public Disclosure of Evaluation Results. In election years, the Committee will release to the public the results of all evaluations of judges and judicial candidates. The Committee will determine the most appropriate format to present such information, but at a minimum will disclose to the public the average score received on each of the five criteria listed in Part (c) from each group of respondents listed in Part (d).

(4) Completed Questionnaires. To ensure confidentiality of respondents' answers, the Committee's agent will remove any information from the questionnaires that may identify the respondent, and retype any handwritten comments or notes, before submitting the results of the completed questionnaires to the Committee.

(5) Disclosure of Confidential Information. Upon a majority vote of the Committee, with the approval of the Supreme Court, the Committee may release confidential information concerning a judge in the following circumstances:

(a) An inquiry is initiated that becomes the subject of widespread concern, the

release of information would benefit the public, and the judge signs a waiver for this purpose; or

(b) A government agency or nominating committee requests information concerning the potential appointment of a judge or former judge to another position, and the judge signs a waiver for this purpose.

(6) Waiver by Selective Disclosure. A judge waives confidentiality of information by disclosing confidential information relating to the judge to persons other than members of the Committee, its staff, or the judge's staff, attorneys, or advisors.

(7) Identity of Respondents Not Subject to Exception or Waiver. Under no circumstance may the Committee or any member of its staff release information that may identify or lead to the identification of a person providing information or making comments regarding a judge.

(8) Written comments. Any written comments received by the Committee are not public and will be made available only to Committee members and the judge being evaluated, except that anonymous narrative comments contained in the survey forms, with the name of the judge redacted, may be provided to the Administrative Office of the Courts for use in development of judicial education programs. Comments are solicited in an effort to provide feedback to the judge and to assist the judge in a self-evaluation process. Committee members may not reveal the contents of any comment concerning a judge being evaluated to anyone other than other Committee members and the judge.

COMPANION RULE CHANGES (proposed new language underscored)

RPC 8.2(b): A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct <u>and of General Rule 35, concerning Judicial Performance Evaluations</u>.

CJC Canon 1, Comment: Add the following new paragraph at end of first paragraph: <u>Consistent with their duty to participate in establishing, maintaining, and enforcing high standards of judicial conduct, judges shall participate fully in judicial performance evaluations conducted under the authority of GR 35.</u>

White Paper on Judicial Performance Evaluations

American Judicature Society
Washington State Chapter

June 8, 2005

Judicial Performance Evaluations

American Judicature Society
Washington State Chapter
June 8, 2005

I. Introduction

Over the past six years, the Washington State Chapter of the American Judicature Society ("AJS") has been working to develop an effective program of performance evaluations for Washington state judges. The AJS has examined programs used elsewhere, developed and pilot-tested evaluation instruments for both trial and appellate judges, and wrestled with practical issues of implementation. This report summarizes these efforts and asks the Supreme Court to adopt a formal evaluation program by court rule.

II. The Challenge

Few things are more central to the dual task of doing justice and building public faith in the institutions of representative government than assuring that judges perform their duties with both integrity and skill. Washington has been very fortunate in the quality of its judges. But even good judges can improve their performance, and voters could benefit from having more and better information about judicial candidates.

At present, there are few tools broadly available that judges can use to evaluate and improve specific aspects of their own performance. Informal feedback mechanisms are notoriously unreliable. Voters, too, have a hard time distinguishing among judicial candidates, making them reluctant to participate in electing judges and potentially subjecting judges to single-issue attacks. Bar polls and ratings, even where available, offer only the perspective of practicing attorneys. Judicial independence, integrity, and excellence are too important for us to be satisfied with this state of affairs.

The time has come for reform. Thirty years have passed since Alaska established the first state-sponsored program to evaluate judicial performance. Twenty years ago the ABA published a set of proposed guidelines for such programs. A task force led by then-Justice Robert F. Utter undertook to develop a program for Washington, but it was never implemented. The Walsh Commission recommended in 1996 that "[a] process for collecting and publishing information about judicial performance shall be created under the authority of the Supreme Court." The Legislature has been considering bills that would require evaluations and recommendations for judicial appointments. In at least one other state, an evaluation system was adopted by voter initiative. The Supreme Court should act before others seize the initiative.

III. Measuring What Matters

The first task that the AJS undertook was to articulate performance standards for judges. AJS believes that a judge should possess high levels of integrity and impartiality, professionalism, and legal ability, as well as excellent communication and administrative skills. Under those headings, a trial judge should strive to do the following:

Integrity and Impartiality	• Treat all persons fairly, equally, and without discrimination based on race, gender, income, or any other bias • Conduct proceedings fairly, impartially, and with an open mind • Make decisions without consideration of public criticism
Professionalism	• Treat parties, witnesses, jurors, staff, and attorneys with courtesy and respect • Demonstrate emotional maturity and multicultural awareness • Act with patience and self-control • Act in a manner that instills public confidence in the judiciary
Legal Ability	• Understand and apply the relevant rules of law, evidence, and procedure • Appreciate the importance of flexibility and common sense in ensuring just results • Exercise sound legal reasoning
Administration	• Be punctual and prepared for court • Maintain control over the courtroom • Demonstrate a commitment to the improvement of the judicial system • Appropriately enforce court rules, orders, and deadlines • Make decisions and rulings in a prompt, timely manner
Communication	• Communicate in a clear and logical manner while on the bench • Prepare well thought out, clearly presented rulings • Communicate with jurors regarding court procedures, their duties, and delays in the proceedings as they occur

On the appellate level, these same qualities are manifest when a judge undertakes to do the following:

Integrity and Impartiality	• Treat all person fairly, equally, and without discrimination based on race, gender, income, or any other bias • Conduct proceedings and make decisions fairly, impartially, with an open mind and without consideration of public criticism
Professionalism	• Treat staff and attorneys with courtesy and respect • Demonstrate emotional maturity and multicultural awareness • Act with patience and self-control

	• Act in a manner that instills public confidence in the judiciary
Legal Ability	• Understand and apply the relevant law • Appreciate the importance of flexibility and common sense in ensuring just results • Exercise sound legal reasoning
Administration	• Demonstrate a commitment to the improvement of the judicial system • Appropriately enforce court rules, orders, and deadlines • Make decisions in a prompt, timely manner
Communication	• Prepare well thought out, clearly presented written rulings

Under the guidance of Professor David C. Brody, and utilizing the ABA guidelines, the AJS developed questionnaires to measure these qualities. Pilot tests were conducted among both trial and appellate judges. In the former case, questionnaires were distributed to attorneys, witnesses, and jurors who appeared in the trial judges' courtrooms. In the case of appellate judges, questionnaires went to attorneys appearing before the appellate court and to superior court judges in the same jurisdiction. The judges who were evaluated found the results very useful; the feedback they received would not otherwise have been available to them.

Professor Brody's article summarizing his findings was the cover story in the January-February 2004 issue of Judicature. A copy of this article is attached.

IV. Implementation

Pilot testing not only validated the AJS's questionnaire-based evaluation process; it also established that a well-designed evaluation program can be carried out at reasonable cost. Nevertheless, a reliable source of on-going funding is essential: grants and volunteer labor are not sufficient to carry out an on-going, state-wide program of judicial performance evaluations.

Discussions on this topic and other practical questions of implementation yielded the following tentative conclusions:

A. Administration

AJS believes that a panel of citizens should oversee the evaluation process, and that its members should be appointed by the Supreme Court. The panel should represent the diversity of the state's peoples. It should include both attorney and non-attorney members. AJS favors including retired judges, a substantial number of well-informed lay representatives, and members of good-government groups such as AJS and the League of Women Voters. To assure continuity, members should serve staggered terms. Each participant must be committed to hard work and to achieving results. The Administrative Office of the Courts should provide staff support and oversight.

B. Respondents

Attorneys should be asked to evaluate trial court judges before whom they have recently appeared. Because broad bar polling raises questions of familiarity and fairness, the names of attorneys to be surveyed should be collected from the clerks' records. AJS believes that jurors and appellate judges should also be contacted for evaluations of trial judges.

At the appellate level, evaluations should be solicited from attorneys who have recently appeared before the Court of Appeals and the Supreme Court. Trial judges should also be invited to evaluate appellate judges with whose work they are familiar. Court of Appeals judges should have the opportunity to evaluate Supreme Court justices, and vice versa. In each case, an evaluating judge should confirm that he or she meets the standard of familiarity required to make an informed evaluation. Asking judges on the same court to provide evaluations of one another could create collegiality issues, and therefore it seems advisable to limit judicial respondents to judges sitting on different courts.

AJS believes that, for a variety of reasons, it would not be worthwhile to solicit evaluations from witnesses, court staff, or academic commentators.

C. Confidentiality

Respondents must be assured that their views will not be traceable to assure candid evaluations. The methods used in AJS's pilot project to collect and assemble survey responses provide such assurance. For additional protection, responses should reflect ratings on specific criteria and not include narrative comments.

A similar process of evaluation, conducted mid-term, could be a very valuable tool for judicial self-improvement. But the confidentiality required for this kind of evaluation process is likely to require legislation, given the clear public policy in this state favoring release of public records absent specific exemption. AJS believes that the citizen panel created to oversee judicial evaluations should be charged with developing a proposal for mid-term evaluations, with any necessary legislative amendments. It will be essential to work with public access proponents to craft such a proposal.

D. Public education

A key goal of the judicial evaluation program envisioned by AJS is to provide information to the public for its consideration in judicial elections. AJS believes that evaluations for this purpose should be conducted in the first quarter of the election year, and the results should be published in the Judicial Voter Pamphlet as well as electronically. The results should list the number of responses and provide the judge's response, if offered. AJS does not favor having the evaluation panel recommend either for or against any judge. Rather, bar associations and editorial writers may interpret the results and offer recommendations if they wish.

E. Non-judicial candidates for judicial office

AJS believes that all candidates for election to the bench should be evaluated and the results of those evaluations publicly disseminated. To that end, the judicial evaluation panel should be empowered to evaluate not only judges but also candidates for judicial office who lack judicial experience. The same qualities are relevant for all candidates. In evaluating non-judge candidates, the panel should focus on the candidate's arbitration, mediation, and pro tem experience, seeking evaluations from attorneys who have appeared before or opposite the candidate and judges who have had the candidate in their courtroom.

Although candidates who are not currently part of the court system cannot be compelled to cooperate, and current filing deadlines create practical difficulties in conducting evaluations and publicizing the results, these challenges are not insurmountable. AJS believes that publicizing the evaluation process and disclosing any lack of cooperation will discourage stealth candidates. In addition, the evaluation panel can elicit and publicize information from sources not disclosed by the candidates. The end result will be an evaluation process that is fair to all participants and that promotes voter knowledge.

Respectfully submitted,

American Judicature Society, Washington State Chapter
Mary Wechsler, President; Charles Wiggins, President-Elect
Board Members: Judge William Baker, Judge Ronald Cox, Justice Mary Fairhurst, Justice Faith Ireland (Ret.), Robert Mitchell, Judge John Schultheis, Magistrate Judge Mary Alice Theiler, and Lish Whitson

AJS Judicial Evaluation Committee
Robert Mitchell, Chair
Members: Judge Sharon Armstrong, Judge William Baker, Professor David Brody, Judge Roseanne Buckner, Administrative Law Judge Robert Kingsley, Judge Terry Lukens (Ret.), Greg Miller, Richard Morry, Professor Nicholas Lovrich, Kristin Olson, Karen Place, Judge Jean Rietschel, John Ruhl, Judge John Schultheis, Justice Charles Z. Smith (Ret.), Judge Mariane Spearman, Gary Strauss, Professor John Strait, Rowland Thompson, and Mary Wechsler

Tab 4

December 4, 2014

TO: Board for Judicial Administration Members

FROM: Judge John M. Meyer, BJA Court Education Committee Chair

RE: Court Education Committee Report for December 12, 2014

I. Transition Plan

Met with the Board for Court Education (BCE) chair, who provided information on projects the BCE is currently working on, a history of the education budget, and profiles of the advisory and special committees that are currently active projects.

Attended the December 1, 2014 BCE meeting to listen and learn more about how the BCE works, the issues they face, and the decisions they are currently making, not only as to the budget but also the transfer of information to the CEC.

Will meet with BJA CEC representatives, Dirk Marler, Judith Anderson, Shannon Hinchcliffe and Judge Doug Fair, BCE and CEC member, to discuss short term and long term strategies for the new CEC. CEC meetings will commence in January and combine face-to-face and online meetings.

The CEC members will be invited to attend the next in-person BCE meeting on March 2, 2014 at Sea-Tac.

II. Short-term goals

The CEC will review current policies, procedures and guidelines developed by the BCE and adopted by the CEC.

Review each advisory and special committee currently active under the BCE and determine if they need to remain active, sunsetted, or formatted in a different manner under the CEC.

Analyze the current funding model, what is paid for and why, how funds have been allocated, and for what purpose. Need to understand how the biennial request for funding currently works and when requests for additional funding can be made.

Review current configuration of the CEC and the terms of all the members.

WASHINGTON
COURTS

Legislative Landscape
Current as of December 3, 2014

November Election

Election results were certified by each county on November 25, 2014. The Secretary of State will certify the final results by December 4, 2014. The results posted before certification and discussed here are unofficial.

This year, one-half of the State Senate and all of the House of Representatives were up for election The 2015 Legislature will see 14 new members of the House and 4 new members in the Senate. Of those four senators, three have prior experience in the House.

For the first time since 2004, the Senate will be controlled by the Republicans with a 25-24 margin. However, Sen. Tim Sheldon (D-35) retained his seat and was one of the two Democrats who previously joined with the Republicans to create the Majority Coalition Caucus (MCC). The other, Sen. Rodney Tom (D-48), did not run for reelection. Thus, the MCC retains a 26-23 lead if you count Sen. Sheldon with the Republicans.

The Republicans gained four seats in the House of Representatives, where they will trail by their slimmest margin in 10 years at 51-47.

Neither of the final two close House races ended within recount range. In Pierce County's 28th Legislative District, the race was ultimately decided in favor of Democrat Christine Kilduff over Republican Paul Wagemann by 269 votes. In Mason County's 35th District, Democratic incumbent Kathy Haigh lost to her Republican challenger, Dan Griffey, by 504 votes.

When a vacancy opens in the Legislature, the former lawmaker's political party nominates three candidates to be appointed as a replacement until the next election. The county board or boards then chooses between the three. In the 30th District, deceased incumbent Roger Freeman's seat will be filled by the King and Pierce County Councils, who will choose between the three names proposed by the Democratic Party. A special election will be held next year to fill the remainder of the two-year term.

Federal Way School Board president Carol Gregory is the Democrats first choice. The King and Pierce County Councils could pick Gregory or they could disregard the Democrats' preference in favor of one of their other nominees, second choice Richard Champion or third choice Shari Song.

No timeline or procedures for the appointment have been announced.

Legislative Leadership

Both the Republican and Democratic caucuses in the House and the Republican caucus in the Senate have conducted their reorganizations in preparation for the upcoming session.

The House will remain under the leadership of Speaker Frank Chopp and Majority Leader Pat Sullivan. Likewise, Minority Leader Dan Kristiansen and Deputy Leader Joel Kretz will retain their positions.

Discussions by the House Committee on Committees are also underway. Some changes are possible as the Democrats who control the House make decisions regarding how to format policy and budget committees and who to place in committee chair positions.

The Senate Republicans have reelected Mark Schoesler as the Majority Leader. Sen. John Braun will replace Don Benton as Deputy Leader. While the Majority Coalition Caucus will still exist, there will not be a separate MCC leader like there was last year.

The Senate Democrats are scheduled to undertake their reorganization process on December 18.

Tab 5

Washington Citizens' Commission on Salaries for Elected Officials

2014-2015 Meeting Schedule

DATE	TIME	CITY	LOCATION
Nov. 19, 2014 (Orientation)	8 am to 5 pm	SeaTac	Radisson Gateway, 18118 International Blvd.
Jan. 20 & 21, 2015 (First salary setting meeting)	9 am to 5 pm	Olympia	Double Tree by Hilton, 415 Capitol Way N.
Feb. 25, 2015	6 pm to 8 pm	Kelso	Red Lion, 510 Kelso Drive
March 25, 2015	6 pm to 8 pm	SeaTac	Radisson Gateway, 18118 International Blvd.
April 15, 2015	6 pm to 8 pm	Pasco	Red Lion, 2525 N. 20th Ave.
May 13, 2015 (Last salary setting meeting)	9 am to 5 pm	Olympia	Double Tree by Hilton, 415 Capitol Way N.
June 24, 2015	Phone Conference Call	Originate in Olympia	N/A

Salary Information

2013 and 2014 Salary Schedule

Position	Current Salary	Salary Effective 9/1/2013	Salary Effective 9/1/2014
	Executive Branch		
Governor	166,891	166,891	166,891
Lieutenant Governor	93,948	97,000	97,000
Secretary of State	116,950	116,950	116,950
Treasurer	116,950	125,000	125,000
Auditor	116,950	116,950	116,950
Attorney General	151,718	151,718	151,718
Insurance Commissioner	116,950	116,950	116,950
Supt. of Public Instruction	121,618	124,050	127,772
Commissioner of Public Lands	121,618	124,050	124,050
	Judicial Branch		
Supreme Court Justices	164,221	167,505	172,531
Court of Appeals Judges	156,328	159,455	164,238
Superior Court Judges	148,832	151,809	156,363
District Court Judges	141,710	144,544	148,881
	Legislative Branch		
Legislator	42,106	42,106	42,106
Speaker of the House	50,106	50,106	50,106
Senate Majority Leader	50,106	50,106	50,106
House Minority Leader	46,106	46,106	46,106
Senate Minority Leader	46,106	46,106	46,106

(479 total positions for whom we set salaries.)

The Final salary schedule was adopted at a public meeting on May 22, 2013.

Governor – No change
Lt. Gov. – Set salary at $97,000
Sec. State – No change
Treasurer – Set salary at $125,000
Auditor – No change
Attny. Gen. – No change
Ins. Com. – No change
Supt. Pub. Instr. – 2% in 2013 and 3% in 2014
Com. Pub. Lands – 2% in 2013
Judicial – 2% in 2013 and 3% in 2014
Legislative – No change

WASHINGTON COURTS

WASHINGTON JUDICIARY'S PRESENTATION TO THE WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

(UPDATED NOVEMBER 4, 2014)

2014

WASHINGTON JUDICIARY'S PRESENTATION TO THE WASHINGTON CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

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TAB 1

THE DUTIES OF JUDGES IN WASHINGTON COURTS

Establishing Appropriate Judicial Salaries

Report to the Washington Citizens' Commission on Salaries for Elected Officials

October 2014

Administrative Office of the Courts
www.courts.wa.gov

THE DUTIES OF JUDGES IN WASHINGTON COURTS

ESTABLISHING APPROPRIATE JUDICIAL SALARIES

Report to the Washington Citizens' Commission on Salaries for Elected Officials
October 2014

INTRODUCTION

In creating the Washington Citizens' Commission on Salaries for Elected Officials, the Legislature stated the policy of the state is to base salaries for judges and other elected officials on realistic standards: 1) according to the duties of their offices, and 2) so that citizens of the highest quality will be attracted to public service (RCW 43.03.300).

To attract high quality judicial candidates to the bench, and to retain these individuals, establishing *and maintaining* an adequate salary is essential. Having salaries that are sufficient to attract talented people is a common problem throughout government; however, it is especially difficult for the judiciary. When experienced lawyers consider trading private practice for public service on the bench they know that they will be prohibited from practicing law and must forego all outside business and professional interests as a condition of holding office. Unlike other public servants, judges must curb most other financial endeavors in order to preserve their impartiality. At the same time, they know that the potential monetary benefits of private practice usually exceed that of public service in the judiciary. Therefore, adequate salaries, which do not erode with inflation, become crucial for attracting and retaining high quality candidates.

The most reasoned approach to judicial salary setting lies in ongoing regular increases that reflect the rising cost of living. This approach is viewed as one of the most important factors in attracting high quality candidates to judicial office. Consistent with the 2004 *Study on Salaries of Legislators and The Judiciary*, the salaries of judges in Washington State should move toward and maintain a degree of parity with the Federal Judiciary[1]. Further, normalized salaries of judges in other states provide a useful point of reference for the maintenance of appropriate judicial salaries in Washington State. Judges do not expect to achieve parity with many of their colleagues in private practice. But, at a minimum, the expected economic sacrifices of a career on the bench must not be further compounded by a failure of judicial salaries to keep pace with inflation or fall substantially below that of the Federal Judiciary.

TYPICAL RESPONSIBILITIES OF JUDGES

Judges are expected to preside at criminal trials, impose punishment for crimes, preside over civil cases, decide complex issues on appeal, manage growing caseloads, and see that the courts' orders are enforced. Our communities expect judges to resolve disputes that involve violence, family abuse, and juvenile crime, as well as settle civil conflicts among individuals, business and government agencies. The duties of judges require them to remain impartial and to make difficult, often unpopular decisions. Judges also have an administrative responsibility—they must make sure the courts run efficiently and safely and that citizens have access to the justice system.

A "typical" day for a trial court judge involves a variety of different duties. For example, a judge will spend a portion of the day "in chambers," which is the judge's office, reviewing the files in preparation of cases to be heard. During this time, a judge may also hear brief motions and hold scheduling conferences outside the formal courtroom. Sometimes judges may be asked to

[1] Study on Salaries of Legislators and The Judiciary, Project Report, November 18, 2004. Owen-Pottier Human Resource Consultants for the Washington Citizens' Commission on Salaries for Elected Officials at Page 15.

interrupt other activities to hear an emergency matter, such as a request for emergency relief in a domestic law case. Trial court judges spend a large portion of their time on the bench presiding over trials, sentencing hearings and other proceedings. Judges may spend time responding to inquiries about court procedures to assist research entities with data collection.

Each court has a presiding judge who assigns cases and manages the court's calendar for other judges on the bench. Judges also hold "settlement conferences" in order to allow parties to resolve their disputes outside of the courtroom. Judges supervise their staff and attend meetings with other judges on their bench, often during lunchtime, in order to make policy decisions relating to court procedures. On a typical day, a judge may also leave the court to attend a committee meeting or to participate in a community activity such as attending a school event known as *Judges in the Classroom.*

A "typical" day for a Court of Appeals judge also involves a variety of different duties. When Court of Appeals judges hear oral arguments in cases, they sit in panels of three judges. Before oral argument, the judges assigned to each three-judge panel receive copies of the pre-hearing memoranda and parties' briefs for each case. The judges review these documents along with the record from the trial court in order to prepare for oral argument. The judges hear oral argument on up to seven cases during each hearing day. During argument they ask questions in order to clarify or direct analysis and argument. Immediately following the arguments, the panel of judges meets to discuss the issues in the case and make an initial decision, that is, whether to affirm, reverse, or remand the case back to the trial court for further action. The judges also discuss the reasoning for their decision and assign a judge to write the opinion in the case. The Court of Appeals judges also decide motions for reconsideration, motions to modify a commissioner's ruling, etc. Each judge supervises a personal staff consisting of a judicial secretary and two law clerks. Like trial court judges, appellate judges also participate on judicial administration committees and community or school activities. They may also sit as temporary judges in the trial courts to help with the caseload in those courts. Also, Court of Appeals judges write dissenting and concurring opinions, as do Supreme Court justices.

The Supreme Court is the state's highest court. Opinions of the Supreme Court become the law of the state and set precedent for subsequent cases decided in Washington. All nine justices sit as a panel to hear oral arguments. Following oral arguments, the justices meet (conference) to discuss the case. Following the conference a justice is assigned to write the majority opinion and, if appropriate, another justice is tasked with writing the dissenting opinion. The justices also have supervisory responsibility over certain activities of the Washington State Bar Association including attorney admission and discipline matters. The justices have responsibility for adopting rules that govern court practices and processes statewide. As leaders of the state judicial branch, the justices frequently preside over efforts to improve the judicial system by serving as chairs or members of the Board for Judicial Administration, the Gender and Justice Commission, the Minority and Justice Commission, the Interpreter Commission, the Judicial Information System Committee, the Bench-Bar-Press Committee, the Board for Court Education, and many others. The Supreme Court also supervises the Pattern Forms Committee, the Pattern Jury Instruction Committee, and the Certified Professional Guardian Board. The Supreme Court supervises the certification and discipline of professional guardians and also hears cases involving the suspension or removal of a judge.

DUTIES OF JUDGES

Hear Cases and Resolve Disputes

District Courts

There were over 2.1 million cases filed in Washington's district courts during calendar year 2013.

Parking infractions, which are generally handled administratively, contributed 907,194 case filings to the total. The over 1.29 million remaining cases represent the core judicial caseload filings for the year.

Traffic infraction cases, at 867,875 filings, made up the largest portion (39.4%) of the core caseload, followed by civil cases (5.7%), non-traffic misdemeanor cases (5%), other traffic misdemeanor cases (4.3%), DUI/physical control cases (1.4%), non-traffic infraction cases (1.4%), small claims cases (.6%), petitions for protection orders related to domestic violence and anti-harassment (.09%), and felony complaints (.03%). Please note: Due to rounding, percentages may not add precisely to 100.

The increase in civil jurisdiction to include claims of $75,000 has allowed the limited jurisdiction courts to share the civil burden with superior courts. A representative case would be an auto accident dispute with an insurance company.

Superior Courts

From 2012-2013, superior court case filings decreased by 2.3% (6,524 filings), resolutions decreased by 2.5% (6,993 resolutions), and completions decreased by 2.2% (6,055). Across the same period, trial proceedings decreased by 4.8% (361 proceedings), and non-trial proceedings decreased by 9% (6,836 proceedings).

Across case types, the largest percentage increases from 2012 to 2013 occurred in mental illness/alcohol filings (5.6% or 584 filings) and probate/guardianship filings (4.5% or 800 filings).

The largest percentage decreases occurred in juvenile offender filings (12.8% or 1,845 filings) and adoption/parentage filings (11.5% or 1,026 filings).

As in prior years, civil cases were the largest single category of filings, accounting for about 2 out of every 5 case filings (45%), case resolutions (44.7%), and case completions (45%). In contrast, civil trial proceedings accounted for about 1 out of every 6 trial proceedings (16.4%), and civil non-trial proceedings were about 1 out of every 13 non-trial proceedings (6.7%).

Court of Appeals

Washington's Court of Appeals received 3,707 new filings in 2013. Division I, which serves Northwest Washington received 42.2%; Division II, which serves Southwest Washington received 37%; and Division III, which serves Eastern Washington received 20.7%. The Court of Appeals is a non-discretionary court and may not turn down appeals.

Supreme Court

The Supreme Court received 1,578 new case filings in 2013, including 638 (40.4%) petitions for review, 59 trial court appeals (3.7%), 134 (8.5%) discretionary reviews, 474 (30%) personal restraint petitions, 134 (8.3%) attorney admission and discipline matters, and 139 (8.8%) other reviews, including direct appeals from the trial courts, actions against state officers, and cases certified from federal court. All cases in which the death penalty has been imposed are reviewed directly by the Supreme Court. Please note: Due to rounding, percentages may not add precisely to 100.

Find *Better* Ways to Resolve Disputes

- Society demands new ways to handle old problems. Washington judges have initiated specialized therapeutic courts addressing drug or alcohol addiction, family recovery, domestic violence, and veterans' needs for adults. Similar courts exist for juvenile offenders including a juvenile gang court in Yakima. Therapeutic courts require judges to learn special skills, such as motivating defendants to make their own decision to move away from a lifestyle involving drugs. This requires judges to spend extra time building one-on-one relationships with defendants. Research shows these efforts by judges pay off in terms of fewer repeat offenders, lives put back on track, and families restored.
- Judges have created Mental Health Courts in several jurisdictions to allow judges, lawyers, and treatment providers to work as a team to find ways to limit criminal behavior by identifying appropriate treatment or interventions.
- In 2008, the Board for Judicial Administration adopted the Washington State Family and Juvenile Court Improvement Plan (FJCIP) and the Legislature provided start-up funds. The FJCIP set in motion a strategy to encourage and fund improvements to local court operations that are consistent with Unified Family Court (UFC) principles. The statewide plan promotes a system of local improvements that are incremental and measurable. The impetus for this project was the desire among judges, the Legislature, and stakeholders to improve court operations for children and families. The funding for 13 superior courts improved several measurements of court processes; notably, a reduction in the time between a child entering the dependency system and exiting the system with a permanent placement. Judges continue working to reduce the length of this stressful time for children.
- District and municipal courts in many counties and cities operate programs to help reinstate the driver licenses for people who have lost their licenses due to unpaid traffic tickets. These drivers may keep their licenses as long as they adhere to a payment schedule and address other behavior that lead to license revocation. This program started in the courts and helps break the cycle of suspended licensees reoffending in their daily lives.
- Yakima County allows drivers to contact the court by e-mail to explain why they received a traffic ticket and to ask the Court for a reduced fine. The number of in-person hearings in these cases has been reduced by half.
- Led by Clark and Kitsap Counties, trial courts in many counties host centralized domestic violence courts to provide more coordinated services in these cases.
- All but four superior courts employ courthouse facilitators to help the growing number of litigants without attorneys. The facilitators work with *pro se* litigants to understand his or her court case and the steps to resolve the case. Courthouse facilitators work especially with litigants in marriage dissolution cases.

Ensure Courts Are Accessible When People Need Help

- Judges are increasingly called upon to perform their duties "after normal business hours." For example, trial judges are assigned every weekend to hear the "jail calendar" and make appropriate release decisions. Trial court judges are frequently called at night by law enforcement officers to consider issuance of "telephone search warrants" and domestic violence protection orders.
- Judges must make sure the court is accessible to all people—including those who do not have or want an attorney to represent them. Some estimates indicate that nearly 60% of all domestic relations cases feature at least one self-represented party. Litigants expect judges to simplify their procedures so that everyone, not just attorneys, can appear in court effectively.

- The number of non English-speaking litigants appearing in Washington courts is increasing. In 2013, there were over 89 languages used in cases. The variety includes Spanish, Chinese, Russian, Vietnamese, Korean, Albanian, Amharic, several dialects of Arabic, ASL, Tagalog, Bengali, Bosnian, Cham, Dinka, Farsi, Kanjobal, Khmer, Kurdi, Lao, Mam, Marshallese, Panjabi, Pohnpeian, Romanian, Samoan, Yap, and many others. Judges have a duty to make sure everyone who has a case before the court can communicate and understand the proceedings. The courts' customers have changed, and judges change the way they conduct their business in order to serve their communities.
- Both the Americans with Disabilities Act and the Washington Law Against Discrimination require courts to make both their facilities and their programs and services accessible to persons with disabilities, including deaf and hard of hearing persons. General Rule 33 sets forth a process courts and judges must follow in receiving and responding to requests for accommodation in order to ensure that court buildings, programs, and services are equally accessible by all.

Stay on Top of Changes in the Law

- Judges must keep abreast of changes in state and federal statutes as well as developments in case law. Judges at all levels must maintain their personal proficiency and knowledge of the changes to statutes and recent case law.
- Court rule requires all judges and court commissioners to complete a minimum of 45 hours of continuing judicial education in each three-year period.

Keep Courthouses Safe

- Courts and courthouses are locations where difficult conflicts are resolved and criminal acts receive punishment. The frequency of violent events in courthouses is increasing. This requires judges to spend time planning and implementing courtroom security precautions.
- Outside the courtroom, some judges have been required to take extra steps to protect themselves and their families against threats of violence from angry litigants. While judges accept it as their duty to do everything possible to keep court staff and the public safe, they do their work with an awareness of the increasing risk associated with their jobs.

Manage the Courts

- Trial court presiding judges assign and monitor the flow of cases and ensure the training and orientation of new judges.
- Judges manage probation services and, in some locations, juvenile detention facilities.
- Judges are responsible for the administration of their court, including oversight of the court's budget and personnel. In larger courts, professional administrators and clerks assist judges.
- Judges adopt local court rules directing the management and processing of cases.
- Judges often chair or are members of local government councils or boards that address policy, practice, and budget issues across local justice systems.
- Judges participate in many community and school activities such as "*Judges in the Classroom*," Mock Trial competitions, and neighborhood justice forums.

Manage the State Court System

The Washington court system is a decentralized, non-unified court system. Therefore, in addition to hearing and deciding cases and managing their local courts, judges ensure coordination of

statewide policy and practice through the participation in judicial associations, boards, commissions, committees, and taskforces:

- Judges direct the development of the statewide court computer system, the Judicial Information System.
- Judges serve on commissions that explore ways to make the system better by addressing barriers to access and bias based on gender, race, ethnicity, age, physical and mental abilities, income, and other characteristics of people who interact with the courts and justice system.
- Judges work with state executive branch agencies on policy and practice issues where their work intersects. Examples include working with the Department of Social and Health Services on services provided to families in dependency cases and with the Department of Licensing on records relating to driver licenses and traffic case dispositions.
- Judges work with the Legislature on legislation that affects the administration of justice.
- Judges develop the curriculum for educational programs for judicial officers regarding the administration of justice, the application of new laws, and social science research on the effectiveness of court programs. Many judges serve as faculty on education programs for judges, administrators, and other court personnel.
- Judges work on the development of proposed statewide court rules, and the Supreme Court justices are responsible for final consideration, amendment, and adoption of proposed statewide court rules.
- Supreme Court justices are responsible for lawyer discipline and the final review of matters related to judicial discipline recommending suspension, removal, or retirement.

TAB 2

Washington State Court System, 2014

THE SUPREME COURT
9 justices (elected to six-year terms)

- Appeals from the Court of Appeals
- Direct appeals when action of state officers is involved, the constitutionality of a statute is questioned, there are conflicting statutes or rules of law, or when the issue is of broad public interest
- Final rule making body for other state courts
- Administers state court system
- Supervises attorney discipline statewide

THE COURT OF APPEALS
22 judges (elected to six-year terms)
Division I, Seattle (10); Division II, Tacoma (7); Division III, Spokane (5)

- Appeals and other review of decisions from the trial courts except those decisions within jurisdiction of the Supreme Court
- Direct review of certain administrative agency decisions

THE SUPERIOR COURTS
189 judges (elected to four-year terms in 32 judicial districts, each composed of one or more counties)

- Concurrent jurisdiction in civil actions involving $75,000 or less; exclusive original jurisdiction for civil actions for higher amounts
- Original jurisdiction in title or possession of real property; legality of a tax, assessment, or toll; probate and domestic matters
- Original jurisdiction in all criminal cases amounting to felony
- Original jurisdiction in all criminal cases when jurisdiction is not otherwise provided for by law
- Exclusive original jurisdiction over juvenile matters
- Orders for protection from domestic violence
- Appeals from the courts of limited jurisdiction heard *de novo* or appealed on the record for error of law

THE COURTS OF LIMITED JURISDICTION
209 judges; 207 attorneys and 2 non-attorneys (117 district court judges including 22 part-time district court judges, elected to four-year terms, and 92 municipal court judges*)

- Concurrent jurisdiction with superior courts over certain civil actions totaling $75,000 or less**
- Concurrent jurisdiction with superior courts of all misdemeanors and gross misdemeanors committed with maximum fine of $5,000 and/or jail sentence of one year unless otherwise expressly provided by statute in state, county or county/municipal ordinance violations
- Original jurisdiction over small claims up to $5,000**
- Original jurisdiction in all matters involving traffic infractions
- Preliminary hearings of felonies**
- Temporary and full Ex Parte Orders for protection from domestic violence
- Orders for change of names** in non-domestic violence cases
- Original jurisdiction of certain civil anti-harassment matters

* Judges may sit in multiple municipal courts
** District courts only

WASHINGTON STATE JUDICIARY
YEARS OF SERVICE AND AGE INFORMATION

COURTS OF RECORD (Supreme Court, Court of Appeals, Superior Courts)

	Number	Percentage*
Number of judges with 20 or more years of service on the bench as of December 31, 2014	28	12.7%
Number of judges age 65 or older as of December 31, 2014	49	22.2%
Number of judges 50 years old or younger as of December 31, 2014	26	11.8%
Number of judges leaving the bench (mostly due to retirements) between October 2012 and January 2014	47	21.3%

COURTS OF LIMITED JURISDICTION (District and Municipal Courts)

	Number	Percentage**
Number of judges with 20 or more years of service on the bench as of December 31, 2014	40	19.5%
Number of judges age 65 or older as of December 31, 2014	42	20.4%
Number of judges 50 years old or younger as of December 31, 2014	39	19%

* Based on 220 judges, with data missing from three judges
** Based on 205 judges, with data missing from three judges

TAB 3

WASHINGTON STATE LAW SCHOOL DEANS
SALARY INFORMATION

As of October 2014

University of Washington Law School Dean Salary	$357,408
Seattle University Law School Dean Salary	Declined to provide this information.
Gonzaga University Law School Dean Salary	Declined to provide this information.

Research indicates that the average salary range for a law school dean in Washington State is $275,000-$350,000.

As of October 2012

University of Washington Law School Dean Salary	$352,008
Seattle University Law School Dean Salary	Salary range for professors and entry-level deans: $120,000 - $250,000
Gonzaga University Law School Dean Salary	Declined to provide this information.

As of October 2010

University of Washington Law School Dean Salary	$352,008
Seattle University Law School Dean Salary	Salary range for professors and entry-level deans: $120,000 - $250,000
Gonzaga University Law School Dean Salary	Declined to provide this information.

As of October 2008

University of Washington Law School Dean Salary	$255,600
Seattle University Law School Dean Salary	Salary range for professors and entry-level deans: $120,000 - $250,000
Gonzaga University Law School Dean Salary	$233,028

As of October 2006

University of Washington Law School Dean Salary	$251,580
Seattle University Law School Dean Salary	$241,114
Gonzaga University Law School Dean Salary	Salary Range: $175,100 – $236,900 Current salary being paid is close to the top of the range.

As of October 2004

University of Washington Law School Dean Salary	$197,880
Seattle University Law School Dean Salary	$220,830
Gonzaga University Law School Dean Salary	Salary Range: $160,000 – $190,000 Current salary being paid is close to the top of the range.

As of January 2003

University of Washington Law School Dean Salary	$190,200
Seattle University Law School Dean Salary	$210,038
Gonzaga University Law School Dean Salary	Confidential – per Director and Corporate Counsel

COMPARISON OF WASHINGTON'S JUDICIAL SALARIES
WITH FEDERAL JUDICIAL SALARIES

2014 STATE AND FEDERAL JUDICIAL SALARIES*

Washington	Salary	Federal	Current Salary
		U.S. Supreme Court Chief Justice	$255,500
		U.S. Supreme Court Associate Justices	$244,400
Supreme Court	$172,531	U.S. Circuit Courts of Appeal	$211,200
Court of Appeals	$164,238		
Superior Court	$156,363	U.S. District Court	$199,100
District Court	$148,881		
		U.S. Court of Federal Claims	$199,100
		U.S. Court of International Trade	$199,100
		U.S. Bankruptcy Court	$183,172
		Magistrate Judges – U.S. District Court	$183,172

The Federal Judicial salaries are provided as comparators. These positions draw from the same pool of attorneys as state judicial offices. There are federal courts in several locations in Washington including Seattle, Tacoma, Bellingham, Vancouver, Spokane, Yakima, and Richland.

Federal Supreme and Appellate courts are similar in function to Washington's Supreme and Appellate courts. The Federal District Court is similar to Washington Superior court. The various specialty courts operate with less breadth of topic, however the Magistrate Judge is most similar to Washington District court, hearing misdemeanor cases, preliminary hearings and civil trials.

Notes:
1. According to the 2004 *Washington Citizens' Commission on Salaries for Elected Officials Study on Salaries of Legislators and The Judiciary* by Owen-Pottier Human Resource Consultants:

> "A reasonable course of action for the Commission to follow is to move *toward* a degree of parity with the federal bench over time. Such action can be justified in part by the fact that federal judges perform substantially similar work as our state judges but have significantly more job security since they are appointed for life, while state judges must run for reelection.

2. The American Bar Association in 1981 adopted the following policy: "Be it resolved that the American Bar Association recommends that salaries of justices of the highest courts of the states should be substantially equal to the salaries paid to judges of the United States court of appeals, and the salaries of the state trial judges of courts of general jurisdiction should substantially equal the salaries paid to judges of the United States district courts."

The judges of the state courts are called on to decide many more disputes than the judges of the federal courts. Their decisions affect the "life, liberty and property" of literally millions of citizens every year. While only on rare occasions do their decisions achieve the publicity accorded by the media to many decision of the United States Supreme Court, the quality of justice accorded in state courts is in reality the quality of justice in the United States. (Annual Report of the American Bar Association, August 10-12, 1981 New Orleans, Louisiana)

*Washington salaries based on: http://www.salaries.wa.gov/salary.htm Federal salaries, based on: http://www.uscourts.gov/JudgesAndJudgeships/JudicialCompensation/judicial-salaries-since-1968.aspx

FORMER WASHINGTON STATE JUDGES
CURRENTLY IN FEDERAL COURTS

U.S. District Court - Eastern and Western Districts of Washington:

U.S. District Judges
*Senior Judge Robert J. Bryan
Senior Judge John C. Coughenour
*Senior Judge Carolyn R. Dimmick
*Judge Richard A. Jones
* Judge Robert S. Lasnik
Judge Ronald B. Leighton
*Judge Ricardo S. Martinez
Senior Judge William Fremming Nielsen
*Senior Judge Walter T. McGovern
*Chief Judge Marsha J. Pechman
Chief Judge Rosanna Malouf Peterson
Senior Judge Justin L. Quackenbush
Judge Thomas O. Rice
Judge James L. Robart
*Senior Judge Barbara Jacobs Rothstein
Judge Benjamin H. Settle
Senior Judge Edward F. Shea
Judge Lonny R. Suko
*Senior Judge Fred Van Sickle
*Senior Judge Robert H. Whaley
Senior Judge Thomas S. Zilly
Judge Stanley A Bastian
*Judge Salvador Mendoza Jr.

Magistrate Judges
Magistrate Judge J. Richard Creatura
Magistrate Judge James P. Donohue
*Magistrate Judge James P. Hutton
*Magistrate Judge Karen L. Strombom
Chief Magistrate Judge Mary Alice Theiler
Magistrate Judge Brian A. Tsuchida
Magistrate Judge John T. Rodgers
Magistrate Judge David W. Christel
Chambers
Magistrate Judge Dean Brett Chambers

*Former Washington State Judge

U.S. Bankruptcy Court - Eastern and Western Districts of Washington:

Judges
Judge Marc Barreca
Judge Timothy W. Dore
*Chief Judge Frank L. Kurtz
Judge Brian Lynch
Judge Karen A. Overstreet
Judge John Rossmeissl
Chief Judge Paul B. Snyder
Judge Patricia Williams
Judge Frederick P. Corbit

FORMER WASHINGTON STATE JUDGES
CURRENTLY IN MEDIATION AND ARBITRATION SERVICES

Judicial Dispute Resolution (JDR)

*Charles Burdell Jr.
*George Finkle
*Larry A. Jordan
*Paris Kallas
*Steve Scott
*Bruce W. Hilyer

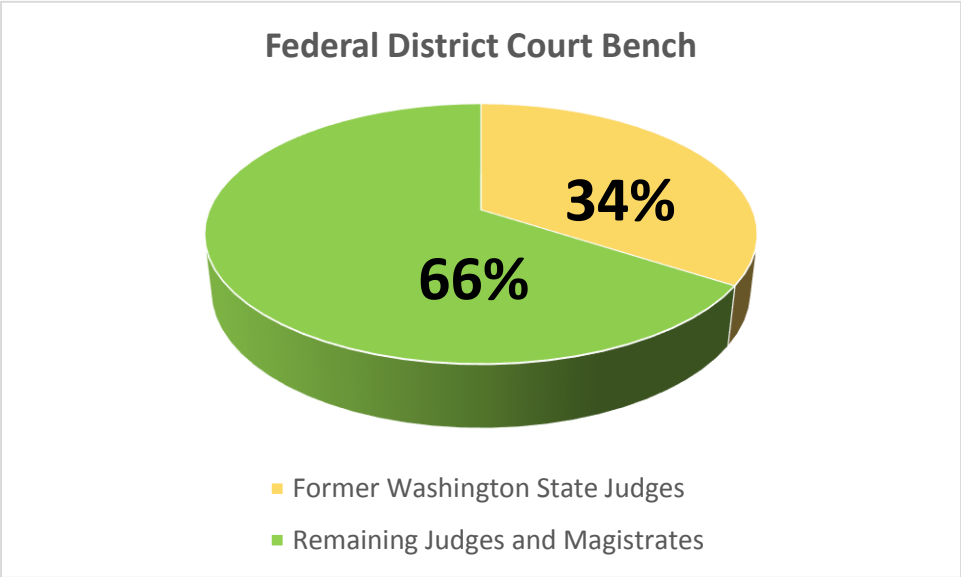
Judicial Arbitration and Mediation Services (JAMS)

*Patricia Aitken
*Sharon Armstrong
John B. Bates Jr.
M. Wayne Blair
Alexander "Lex" Brainerd
Fred R. Butterworth
William J. Cahill
*Paula Casey
Zela "Zee" G. Claiborne
*Robert J. Doran
Keneth Gibbs
Edward A. Infante
*J. Kathleen Learned
Lester J. Levy
*Terry Lukens
*Thomas McPhee
Lawrence Mills
James Nagle
Randal J. Newsome
Douglas Oles
*Robert H. Peterson
Martin Quinn
*Gerard M. Shellan
*Eric Watness
Catherine A. Yanni

*Former Washington State Judge

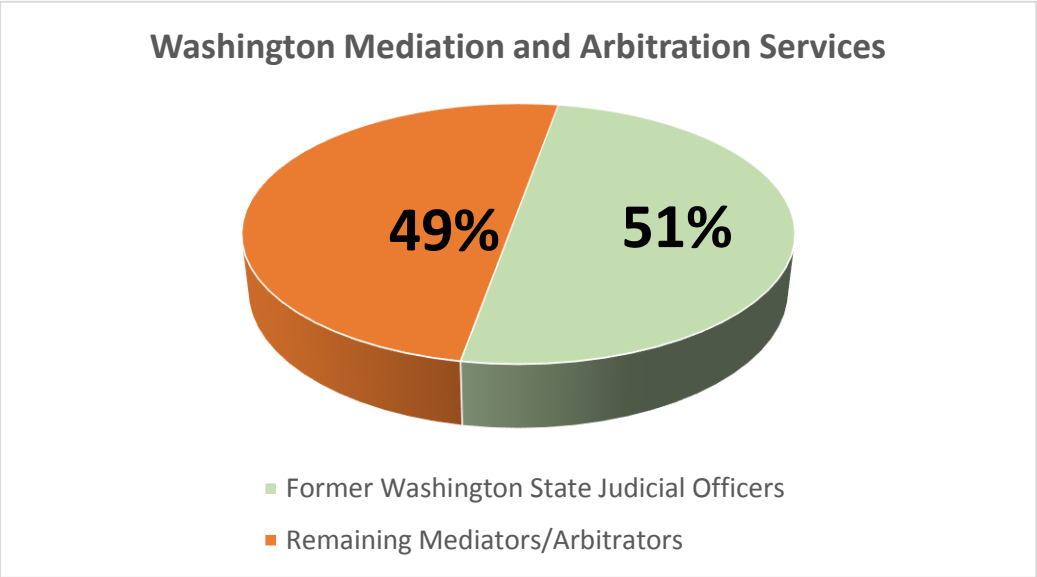
FORMER WASHINGTON STATE JUDGES ON FEDERAL DISTRICT COURT BENCH

Of the 41 federal judges and magistrates for the Eastern and Western Districts of Washington, 14 or 34% are former Washington State judges.



FORMER WASHINGTON STATE JUDGES IN ARBITRATION/MEDIATION

Of the 25 Washington members of Judicial Arbitration and Mediation Services, ten are former Washington State judges. Of the six members of Judicial Dispute Resolution, all of them are former Washington State judicial officers. Of the total 31 members of the two arbitration and mediation services, 16 or 51% are former Washington State judicial officers.



Judicial Salary Notes

(from *A Report of our First 20 Years, 1987 – 2007*, Washington Citizens' Commission on Salaries for Elected Officials)

Full document can be found at:
http://www.salaries.wa.gov/documents/CompleteReportforWebsite.pdf

1987-1988 SALARY SCHEDULE
Notes:

3. The differential between superior and district court judges was reduced to 5% in 1988.
6. The salaries established for 1987-88 were catch up increases because of the lapses in past years in adjustments to the elected officials' salaries.

1989-1991 SALARY SCHEDULE
Notes:

2. The 1989 salaries reflected a 4.8% COLA over 1988; based on the western states' CPI for September 1989.
3. The 1990 salaries were increased by a 3% COLA.

1991-1992 SALARY SCHEDULE
Notes:

2. The standard benchmark set by the previous commission to tie the Supreme Court justices' salaries to the judges of the Federal Court of Appeals was maintained.
3. The statewide elected officials (other than Governor), received a 1.7% COLA for the 1990 CPI catch up, 5.4% for the 1991 CPI, and 3.1% for the 1992 CPI. Also provided equally over a 2-year period an increase to bring elected officials in line with appointed agency heads.
7. Increased judges' salaries by the 10.2% COLA and 9.8% in equity in equal amounts over 2 years.
9. Part-time district judges' salaries were proportionate to time worked.
10. Salaries adopted for the elected officials were consistent with the salary levels and responsibilities of other positions in state government. The salaries caught up with but did not move ahead of the existing salary structure of state employees.

1993-1994 SALARY SCHEDULE
On May 21, 1993, the Commission froze the salaries of the elected officials for two years.

1995-1996 SALARY SCHEDULE
Notes:

3. All judges' salaries were increased by 2.5% in 1995; no adjustment was made for 1996.

1997-1998 SALARY SCHEDULE

Notes:

1. Only minor adjustments were made in 1997. The position of Secretary of State was increased by $4,700, the position of Attorney General was increased by $1,000, and all judges received a 2% increase.
2. No increases were made for 1998.

1999-2000 SALARY SCHEDULE

Notes:

1. Much of the 1999 adjustment was to catch up to the increases received by state employees since 1994.
2. The elected officials received a 3% increase in September 2000; the same amount state employees received in July 2000.
4. The historical 5% differential between each of the four court levels was retained.

2001-2002 SALARY SCHEDULE

Notes:

2. Members of the judicial branch were granted a $5,000 increase in base salary. This increase was motivated by concern that good judges were leaving the bench to work in private mediation and arbitration firms and to send a message about the importance of the judiciary's work.
4. A 2.3% cost of living adjustment (COLA) for all positions was made for 2001 and 2002. Commissioners concluded that the implicit Price Deflator (IPD) data from the March 2001 forecast had not significantly changed from the November 2000 forecast which was used as the basis for the 2001-02 Proposed Salary Schedule.

2003-2004 SALARY SCHEDULE

Notes:

1. For 2003, no across-the-board increases were made. However, equity adjustments were made for the positions of Secretary of State and Insurance Commissioner to recognize increased responsibilities and to bring those positions into alignment with the positions of Treasurer and Auditor.
2. For 2004, a 2.0% across-the-board increase was made for all positions.

2005-2006 SALARY SCHEDULE

Notes:

1. A 2% across-the-board cost-of-living (COLA) adjustment was granted to all positions effective September 1, 2005 and September 1, 2006.
3. An additional 1% per year for positions in the Judiciary was granted.
4. The 2005 Commission utilized Willis evaluations of the positions in all three branches of government to establish the following benchmarks:

a. Executive – cabinet level appointed agency heads.
b. Judicial – judges on the Federal bench.
c. Legislative – positions in the state's Executive Management Service (EMS).

2007-2008 SALARY SCHEDULE

Notes:

1. All Positions

a. A 3.2% general wage adjustment (GWA) effective September 1, 2007 and 2.0% effective September 1, 2008 was granted to all positions.

3. Judicial Branch

a. 3.5% catch-up adjustment to the salary of all judges effective September 1, 2007 and 3.5% on September 1, 2008.

Recent Salary Decisions

2008

- Salary increases provided for all offices.

2009

- No salary increases provided.

2010

- No salary increases provided.

2011

- No salary increases provided.

2012

- No salary increases provided.

2013

- Two percent salary increase for judicial branch.
- Legislative branch salaries frozen at current level.
- Salaries for governor, secretary of state, attorney general, insurance commissioner, and state auditor frozen at current level.
- Two percent salary increase for superintendent of public instruction.
- Two percent salary increase for commissioner of public lands.
- Salary for state treasurer set at $125,000.
- Salary for lieutenant governor set at $97,000.

2014

- Three percent salary increase for judicial branch.
- Legislative branch salaries frozen at current level.
- Salaries for governor, lieutenant governor, secretary of state, attorney general, insurance commissioner, commissioner of public lands, and state auditor frozen at current level.
- Three percent increase for superintendent of public instruction.

TAB 4

MEDIAN AND MEAN SALARIES OF IN-HOUSE NORTHWEST STAFF ATTORNEYS 2014

Position	Median	Mean
General Counsel (>1,000 employees)	$239,208	$241,111
General Counsel <=1,000 employees	$178,253	$178,371
Director of Legal Services	$144,168	$148,556
Attorney- Senior*	$143,112	$143,480
Attorney- Senior Specialized	$151,593	$156,347

Source: 2014 Milliman Northwest Management and Professional Salary Survey (2014)

*The difference between Senior level and Attorneys is Seniors had 5-8 years of experience and Attorneys had 2-4 years of experience.

NATIONAL COMPENSATION SURVEY
Hourly Wage Percentiles
2011

Position	50% (median)	75%
Lawyer	$114,300 ($54.95x 2080 hrs)	$169,880 ($81.67 x 2080 hrs)

Source: US Department of Labor; Bureau of Labor Statistics – www.bls.gov

SALARIES OF ATTORNEYS IN WASHINGTON 2014

Position	Average Wage	75%
Lawyer	$119,891 ($57.64 x 2080 hrs)	$147,243 ($70.79 x 2080 hrs)

Source: Washington State Employment Security Department 2014 Occupational Employment and Wage Estimates –

SALARIES OF ATTORNEYS IN SEATTLE 2014

Position	Average Wage	75%
Lawyer	$129,646 ($62.33 x 2080 hrs)	$158,163 ($76.04 x 2080 hrs)

Source: Washington State Employment Security Department 2014 Occupational Employment and Wage Estimates

TAB 5

JUDICIAL SALARY COMPARISON

Rank of Washington versus Other States

Comparison Date	Court Level	Salary	Actual Ranking	Normalized Ranking[1]
October 2014	Supreme	$172,531	13/50	21/50
	Court of Appeals	$164,238	13/39	17/39
	Superior	$156,363	13/50	17/50
	District	$148,881	6/17	8/17
October 2013	Supreme	$167,505	17/50	22/50
	Court of Appeals	$159,455	13/39	18/39
	Superior	$151,809	14/50	21/50
	District	$144,544	7/17	9/17
October 2012	Supreme	$164,221	14/50	16/50
	Court of Appeals	$156,328	10/39	13/39
	Superior	$148,832	12/50	12/50
	District	$141,710	6/17	6/17
October 2010	Supreme	$164,221	14/50	14/50
	Court of Appeals	$156,328	11/39	13/39
	Superior	$148,832	11/50	14/50
	District	$141,710	1/17	2/17
October 2006	Supreme	$145,636	14/50	13/48
	Court of Appeals	$138,636	12/39	13/39
	Superior	$131,988	11/50	12/48
	District	$125,672	4/16	4/16
November 2004	Supreme	$137,276	13/50	16/49
	Court of Appeals	$130,678	10/39	12/39
	Superior	$124,411	11/50	15/49
	District	$118,458	4/17	4/16
October 2002	Supreme	$134,584	12/50	16/47
	Court of Appeals	$128,116	11/39	16/39
	Superior	$121,972	10/50	19/47
	District	$116,135	4/17	8/14

[1] Figures were calculated based on states' cost of living index.

NORMALIZATION OF SALARIES

Comparing salaries between states can be misleading. States with a higher cost of living tend to have higher salary schedules. Each table includes a listing of the salaries adjusted for the differences in cost of living. The National Center for State Courts (NCSC) has derived an adjustment measure for most states using the Council for Community and Economic Research C2ER Cost-of-Living Index. The C2ER cost of living factors come from looking at average costs of goods and services purchased by a typical professional and/or managerial household. The "basket" of goods and services includes items from within a reporting jurisdiction along with seven additional variables— grocery items, utilities, housing, transportation, health care, and other goods and services.

This factor is used here to "normalize" salaries across all states. The "normalization" formula is as follows:

Normalized Salary = Actual Judicial Salary / (C2ER Factor/100)

Prior to the October 2002 report, the Administrative Office of the Courts (AOC) used per capita income to normalize salaries. The technique described above is the same, only the adjustment factor differs. Thus, care should be exercised in comparing the normalized results to prior years' reports.

Cost of Living Index source:

C2ER Cost-of-Living Index, National Center for State Courts, *Survey of Judicial Salaries*, Volume 39, Number 1, As of January 1, 2014.

Judicial Salary source:

National Center for State Courts, *Survey of Judicial Salaries*, Volume 39, Number 1, As of January 1, 2014.

Judicial Salary Comparison Highest Appellate Court as of Nov 2014

	State	Actual Salary
1	California	$225,342
2	Illinois	$216,542
3	Hawaii	$210,312
4	Pennsylvania	$200,205
5	Alaska	$198,192
6	New York	$192,500
7	Delaware	$191,860
8	Virginia	$188,949
9	New Jersey	$185,482
10	Connecticut	$180,204
11	Alabama	$180,005
12	Tennessee	$176,988
13	Washington	$172,531
14	Maryland	$171,600
15	Iowa	$170,544
16	Nevada	$170,000
17	Rhode Island	$169,541
18	Missouri	$168,636
19	Texas	$168,000
20	Georgia	$167,210
21	Wyoming	$165,000
22	Michigan	$164,610
23	Louisiana	$162,404
24	Florida	$162,200
25	Indiana	$161,524
26	Massachusetts	$160,984
27	Nebraska	$160,540
28	Colorado	$157,710
29	Minnesota	$156,375
30	Arizona	$155,000
31	New Hampshire	$152,476
32	Utah	$150,150
33	Arkansas	$149,589
34	Wisconsin	$145,942
35	South Carolina	$144,111
36	North Dakota	$143,685
37	Vermont	$142,396
38	Ohio	$141,600
39	North Carolina	$138,896
40	Oklahoma	$137,655
41	West Virginia	$136,000
42	Kansas	$135,905
43	Kentucky	$135,504
44	Idaho	$135,000
45	Mississippi	$132,390
46	New Mexico	$131,174
47	Oregon	$130,688
48	Maine	$129,230
49	South Dakota	$129,131
50	Montana	$124,949

	State	Normalized Salary
1	Illinois	$193,082
2	Alabama	$188,054
3	Tennessee	$183,731
4	Delaware	$180,336
5	Pennsylvania	$174,349
6	Virginia	$173,316
7	Iowa	$170,153
8	Missouri	$167,514
9	California	$167,329
10	Texas	$165,501
11	Michigan	$163,677
12	Indiana	$163,007
13	Louisiana	$161,902
14	Georgia	$161,900
15	Nevada	$159,955
16	Arkansas	$158,078
17	Hawaii	$157,643
18	Nebraska	$157,423
19	Wyoming	$155,119
20	Florida	$155,097
21	Washington	$154,156
22	New Jersey	$152,748
23	Maryland	$151,243
24	Minnesota	$150,970
25	Alaska	$150,865
26	Arizona	$145,951
27	Utah	$145,157
28	Colorado	$145,141
29	Ohio	$143,786
30	Wisconsin	$143,165
31	South Carolina	$142,248
32	Kentucky	$141,919
33	Mississippi	$141,352
34	Oklahoma	$140,421
35	North Dakota	$139,324
36	West Virginia	$138,747
37	North Carolina	$136,026
38	Connecticut	$135,065
39	Kansas	$133,450
40	Idaho	$133,347
41	Rhode Island	$132,827
42	South Dakota	$128,938
43	New Mexico	$126,591
44	New York	$126,081
45	New Hampshire	$121,572
46	Montana	$120,247
47	Massachusetts	$119,753
48	Vermont	$115,095
49	Oregon	$114,318
50	Maine	$105,918

Judicial Salary Comparison Intermediate Appellate Court as of Nov 2014

Thirty-nine states have intermediate appellate courts

	State	Actual Salary
1	California	$211,260
2	Illinois	$203,806
3	Hawaii	$194,724
4	Pennsylvania	$188,903
5	Alaska	$187,236
6	Alabama	$178,878
7	New York	$177,900
8	New Jersey	$175,534
9	Virginia	$173,177
10	Tennessee	$171,108
11	Connecticut	$169,245
12	Georgia	$166,186
13	Washington	$164,238
14	Maryland	$158,800
15	Texas	$158,500
16	Indiana	$157,014
17	Iowa	$154,556
18	Missouri	$154,176
19	Florida	$154,140
20	Nebraska	$152,513
21	Louisiana	$152,091
22	Colorado	$151,463
23	Michigan	$151,441
24	Massachusetts	$150,087
25	Arizona	$150,000
26	Minnesota	$147,346
27	Arkansas	$144,982
28	Utah	$143,300
29	South Carolina	$140,508
30	Wisconsin	$137,681
31	North Carolina	$134,109
32	Ohio	$132,000
33	Kansas	$131,518
34	Oklahoma	$130,410
35	Kentucky	$130,044
36	Idaho	$130,000
37	Oregon	$127,820
38	Mississippi	$124,939
39	New Mexico	$124,615

	State	Normalized Salary
1	Alabama	$186,876
2	Illinois	$181,726
3	Tennessee	$177,627
4	Pennsylvania	$164,507
5	Georgia	$160,908
6	Virginia	$158,849
7	Indiana	$158,456
8	California	$156,872
9	Texas	$156,142
10	Iowa	$154,201
11	Arkansas	$153,209
12	Missouri	$153,150
13	Louisiana	$151,621
14	Michigan	$150,583
15	Nebraska	$149,552
16	Florida	$147,390
17	Washington	$146,746
18	Hawaii	$145,959
19	New Jersey	$144,556
20	Alaska	$142,526
21	Minnesota	$142,253
22	Arizona	$141,243
23	Maryland	$139,961
24	Colorado	$139,392
25	South Carolina	$138,691
26	Utah	$138,534
27	Kentucky	$136,200
28	Wisconsin	$135,061
29	Ohio	$134,037
30	Mississippi	$133,396
31	Oklahoma	$133,031
32	North Carolina	$131,338
33	Kansas	$129,142
34	Idaho	$128,408
35	Connecticut	$126,851
36	New Mexico	$120,262
37	New York	$116,518
38	Oregon	$111,809
39	Massachusetts	$111,647

Judicial Salary Comparison Trial Court as of Nov 2014

	State	Actual Salary
1	Hawaii	$189,456
2	Illinois	$187,018
3	California	$184,610
4	Alaska	$183,252
5	Delaware	$180,233
6	New York	$174,000
7	Pennsylvania	$173,791
8	Tennessee	$165,204
9	New Jersey	$165,000
10	Virginia	$162,878
11	Connecticut	$162,751
12	Nevada	$160,000
13	Washington	$156,363
14	Georgia	$155,252
15	Rhode Island	$152,191
16	Wyoming	$150,000
17	Maryland	$149,600
18	Texas	$149,000
19	Nebraska	$148,499
20	Louisiana	$146,262
21	Florida	$146,080
22	Missouri	$145,343
23	Colorado	$145,219
24	Arizona	$145,000
25	Massachusetts	$144,694
26	Iowa	$143,897
27	New Hampshire	$143,018
28	Arkansas	$140,372
29	Michigan	$139,919
30	Minnesota	$138,818
31	South Carolina	$136,905
32	Utah	$136,500
33	Vermont	$135,369
34	Alabama	$134,943
35	Indiana	$134,112
36	Oklahoma	$131,835
37	North Dakota	$131,661
38	Wisconsin	$129,887
39	North Carolina	$126,875
40	West Virginia	$126,000
41	Kentucky	$124,620
42	Idaho	$124,000
43	Ohio	$121,350
44	Maine	$121,118
45	South Dakota	$120,612
46	Mississippi	$120,085
47	Kansas	$120,037
48	Oregon	$119,468
49	New Mexico	$118,384
50	Montana	$117,600

	State	Normalized Salary
1	Tennessee	$171,498
2	Delaware	$169,408
3	Illinois	$166,757
4	Pennsylvania	$151,346
5	Nevada	$150,546
6	Georgia	$150,321
7	Virginia	$149,402
8	Arkansas	$148,338
9	Texas	$146,784
10	Louisiana	$145,810
11	Nebraska	$145,616
12	Missouri	$144,376
13	Iowa	$143,567
14	Hawaii	$142,010
15	Wyoming	$141,017
16	Alabama	$140,977
17	Washington	$139,710
18	Florida	$139,683
19	Alaska	$139,493
20	Michigan	$139,126
21	California	$137,083
22	Arizona	$136,535
23	New Jersey	$135,881
24	Indiana	$135,344
25	South Carolina	$135,135
26	Oklahoma	$134,484
27	Minnesota	$134,020
28	Colorado	$133,645
29	Utah	$131,961
30	Maryland	$131,853
31	Kentucky	$130,519
32	West Virginia	$128,545
33	Mississippi	$128,214
34	North Dakota	$127,665
35	Wisconsin	$127,415
36	North Carolina	$124,253
37	Ohio	$123,223
38	Idaho	$122,481
39	Connecticut	$121,984
40	South Dakota	$120,431
41	Rhode Island	$119,235
42	Kansas	$117,868
43	New Mexico	$114,248
44	New Hampshire	$114,031
45	New York	$113,964
46	Montana	$113,175
47	Vermont	$109,416
48	Massachusetts	$107,635
49	Oregon	$104,503
50	Maine	$99,269

Judicial Salary Comparison District Court as of Nov 2014

	State	Actual Salary		State	Normalized Salary
1	Hawaii	$178,536	1	Pennsylvania	$151,346
2	Pennsylvania	$173,791	2	Alabama	$145,215
3	Maryland	$158,888	3	Maryland	$140,039
4	Alaska	$150,828	4	Michigan	$137,488
5	Rhode Island	$149,207	5	Nebraska	$134,933
6	Washington	$148,881	6	Virginia	$134,462
7	Virginia	$146,590	7	Hawaii	$133,825
8	Alabama	$139,000	8	Washington	$133,024
9	Michigan	$138,272	9	Arkansas	$131,303
10	Nebraska	$137,605	10	Florida	$128,399
11	Florida	$134,280	11	Iowa	$122,119
12	Arkansas	$124,252	12	Rhode Island	$116,897
13	New York	$123,000	13	Ohio	$115,861
14	Iowa	$122,400	14	Alaska	$114,812
15	Ohio	$114,100	15	New Mexico	$103,999
16	Maine	$111,969	16	Maine	$91,770
17	New Mexico	$107,764	17	New York	$80,561

Listed courts possess jurisdiction similar to Washington District Courts, which hear, for example, traffic, small claims, and civil case types. Courts were excluded if they hear case types, such as juvenile cases, not handled by Washington District Courts. States with judicial salaries that vary across jurisdictions were also excluded.

Appendix: ACCRA Factor[1], Survey of Judicial Salaries

State	C2ER Factor *
Alabama	95.72
Alaska	131.37
Arizona	106.2
Arkansas	94.63
California	134.67
Colorado	108.66
Connecticut	133.42
Delaware	106.39
District of Columbia	139.94
Florida	104.58
Georgia	103.28
Hawaii	133.41
Idaho	101.24
Illinois	112.15
Indiana	99.09
Iowa	100.23
Kansas	101.84
Kentucky	95.48
Louisiana	100.31
Maine	122.01
Maryland	113.46
Massachusetts	134.43
Michigan	100.57
Minnesota	103.58
Mississippi	93.66
Missouri	100.67
Montana	103.91
Nebraska	101.98
Nevada	106.28
New Hampshire	125.42
New Jersey	121.43
New Mexico	103.62
New York	152.68
North Carolina	102.11
North Dakota	103.13
Ohio	98.48
Oklahoma	98.03
Oregon	114.32
Pennsylvania	114.83
Rhode Island	127.64
South Carolina	101.31
South Dakota	100.15
Tennessee	96.33
Texas	101.51
Utah	103.44
Vermont	123.72
Virginia	109.02
Washington	111.92
West Virginia	98.02
Wisconsin	101.94
Wyoming	106.37

*Rounded numbers, as reported by NCSC. The C2ER cost of living factors come from looking at average costs of goods and services purchased by a typical professional and/or managerial household. The "basket" of goods and services includes items from within a reporting jurisdiction along with seven additional variables—grocery items, utilities, housing, transportation, health care, and other goods and services.

The following is excerpted from the
NEWSLETTER OF THE CONFERENCE OF CHIEF JUSTICES' TASK FORCE ON POLITICS AND JUDICIAL SELECTION/COMPENSATION
This Newsletter provides Task Force members with updates on significant developments related to judicial selection and judicial compensation, as well as updates on Task Force Activity. It is prepared by National Center for State Center staff as a resource for the Task Force four times annually
October 2012 Edition

II. JUDICIAL COMPENSATION DEVELOPMENTS

A. News Articles Bring Attention to the Importance of Judicial Pay

A July 24 article in the Wall Street Journal Law Blog highlighted growing concerns about stagnant judicial pay: "Judiciaries have been losing judges to higher-paying jobs for years now, usually at private law firms which can pay well over $1 million year."[2] The article looked at data from a 2012 National Center for State Courts report on judicial salaries in all 50 states. The report found that 42 states have some form of salary freeze, with 13 having reduced salaries in order to cut costs. (Our own research identified an additional two states in which salary freezes have been imposed): "Judicial salary increases essentially flat-lined, increasing less than 1% nationwide compared with pre-recession pay rates between 2003 and 2007, which rose on average around 3.24% per year."[3] Analysis of the report led an NCSC analyst to conclude that "if judicial salaries aren't competitive, talented and diverse types of legal practitioners will turn to private practice over the bench."[4]

Similarly, the ABA Journal's "Law News Now" recently published an article bringing attention to the link between judicial salaries and retirement from the federal bench. The article discussed the findings of a new study on why federal judges retire, resign, or take senior status. "Financial concerns were paramount for judges who retired after senior status, as well as for judges who retired directly from active service."[5] The most popular reason cited for retirement by both groups of judges was "I wanted more income."[6] An exodus of senior judges due to stagnant pay could be worrying. According to U.S. District Judge Sarah Evans Barker of the Southern District of Indiana, "senior judges provide a huge dollop of the work that gets done." The findings of the study underscored this, as it found that the effect of the elimination of senior judge positions would be that "147 district court judgeships and 23 appellate judgeships would have to be created."[7]

B. Judicial Compensation Legislation Focuses on Pensions and Retirement

The efforts to alter judicial compensation over the past year have taken a negative turn, seeking to reduce rather than enhance compensation. An analysis of legislative efforts shows that legislators are beginning to focus on judicial retirement and pensions as a means of affecting judicial compensation. The following efforts are a sample of legislation that has targeted judicial compensation through changes to pension and retirement provisions.

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[2] Chelsea Phipps, *State Court Concerned about Losing Judges After No Salary Growth*, WALL STREET J. (July 24, 2012), http://blogs.wsj.com/law/2012/07/24/state-courts-concerned-about-losing-judges-after-no-salary-growth/.
[3] *Id.*
[4] *Id.*
[5] Debra Cassens Weiss, *Why Do Federal Judges Retire? More Income Is Top Answer*, A.B.A. J. (Aug. 5, 2012), http://www.abajournal.com/news/article/why_do_federal_judges_retire_more_income_is_top_answer/?utm_source=maestro&utm_medium=email&utm_campaign=weekly_email.
[6] *Id.*
[7] *Id.*

Several states are reducing employer contribution rates to pensions. **Alabama HB414**, for example, raised the contribution paid by justices and judges to their pensions. The bill, which was passed into law, increased the contribution rate for judges and justices from 6% of their salary to 8.5%. "Supporters of House Bill 414 said the state contribution to the TRS and ERS retirement systems has jumped $450 million, 87 percent, in five years, and this year will total $966.6 million."[8] They argued that making covered employees pay more will lower taxpayer's costs.

Similarly, **New Jersey SCR 110**, which passed both houses and was filed with the Secretary of State on July 30, 2012, is an attempt to circumvent the state's judicial salary protection clause. Last year, a bill a plan to increase the amount government employees would have to pay into the state's retirement system was struck down under the clause. NJ SCR 110 would amend the constitutional provision to read "[judicial salaries] shall not be diminished . . . except for deductions from such salaries for contributions, established by law from time to time, for pensions."

Cost of living modifications for retired judges have also been considered in 2012. **Illinois HB 1447**[9] decreases cost of living increases for retired judges by changing the cost of living calculation to be at 3% or one-half the annual unadjusted percentage increase in the consumer price index (whichever is less), rather than 3% or the annual unadjusted percentage increase, as it currently stands. The bill was re-referred to the House Rules Committee on July 27, 2012.

Another, more controversial approach sought to tie pension benefits to the content of judicial decisions. **Maryland HB1061**,[10] which received an unfavorable report from committee, removed pension benefits for judges whose decisions fell within certain parameters. For example, judges would be penalized if a decision refuses to enforce applicable law, or is contrary to or disregards applicable law.

Last year, Michigan adopted yet another approach for saving money, which was to eliminate tax exemptions for pensions. **Michigan HB 4484**, which was signed into law, makes any distributions from employer contributions (and earnings on those contributions) under the Michigan Judges Retirement Act subject to state tax in 2012. Previously, they had been tax-exempt.

The National Center will continue to monitor and analyze this legislative trend.

Please Note: In early 2011 the Task Force on Politics and Judicial Compensation made available "A *Guide to Setting Judicial Compensation in the 21st Century*. The *Guide* (a) evaluates alternative methods for setting judicial compensation, (b) proposes appropriate criteria for evaluating the adequacy of judicial compensation, and (c) reviews practices to use when advocating on behalf of increased judicial compensation. Copies of the *Guide* can be obtained by contacting David Rottman at drottman@ncsc.org.

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[8] David White, *Alabama pension bill for state and public school employees could become law next week, begin May 1*, BIRMINGHAM NEWS (Apr. 21, 2012), http://blog.al.com/spotnews/2011/04/alabama_pension_bill_for_state.htmlhttp://blog.al.com/spotnews/2011/04/alabama_pension_bill_for_state.html.

[9] Bill Raftery, JUDICIAL RETIREMENT PLANS/PENSIONS 2011: MIDWESTERN STATES, GAVEL TO GAVEL (Apr. 5, 2011), http://gaveltogavel.us/site/2011/04/05/judicial-retirement-planspensions-2011-midwestern-states/.

[10] Bill Raftery, MARYLAND: PUNISHING JUDGES FOR THEIR OPINIONS VIA THE COMMISSION ON JUDICIAL DISABILITIES; JUDGES ARE JUST EMPLOYEES, GAVEL TO GAVEL (Mar. 7, 2012), http://gaveltogavel.us/site/2012/03/07/maryland-punishing-judges-for-their-opinions-via-the-commission-on-judicial-disabilities-judges-are-just-employees/.

Tab 6

Tab 7

Board for Judicial Administration (BJA) Meeting

Friday, November 21, 2014 (9 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 Thomas Bjorgen
Judge Bryan Chushcoff
Judge Harold Clarke III
Mr. Anthony Gipe
Judge Judy Rae Jasprica
Judge Kevin Korsmo
Judge Michael Lambo
Judge John Meyer (by phone)
Judge Sean O'Donnell
Justice Susan Owens
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Laurel Siddoway
Judge Scott Sparks
Judge David Steiner

Guests Present:
Mr. Jeff Amram (by phone)
Mr. Jim Bamberger
Ms. Suzanne Elsner
Judge Warren Gilbert
Ms. Ruth Gordon
Judge David Svaren

AOC Staff Present:
Mr. David Elliott
Ms. Beth Flynn
Mr. Steve Henley
Ms. Shannon Hinchcliffe
Mr. Dirk Marler

Judge Ringus called the meeting to order.

Governance Essentials Recap

The Governance Essentials session was reviewed and discussed. A written recap was included in the meeting materials.

During the discussion several ideas were brought up including:

- Hold a regular board orientation during a summer meeting so all of the BJA members are hearing the same information.
- Develop BJA education/information sessions for use at conferences.
- The BJA could survey courts to find out what they need from the BJA or what their understanding of the BJA is.
- Send information to the courts via newsletters or enhanced meeting minutes regarding BJA projects.
- Review Justice in Jeopardy goals and work on the ones that were not met.

Next steps will be to develop a board orientation; look for an opportunity to discuss the BJA at Judicial College; and make agendas more robust and not pack as much into them so members can have time to fully discuss the issues.

October 17 BJA Meeting Minutes

It was moved by Judge Lambo and seconded by Judge Jasprica to approve the October 17, 2014 BJA meeting minutes. The motion carried.

BJA Committee Recommendations

As a result of the October meeting discussion regarding the BJA Best Practices Committee, there is an alternative Best Practices Committee recommendation on Page 9 of the meeting materials. Ms. Hinchcliffe developed the recommendation after further discussion with Judge Jean Rietschel and Judge Janet Garrow.

The recommendation is mostly procedural because the BJA Best Practices Committee, as a standing committee, has sunsetted with the amendment to BJAR 3 but there are some things to do to wrap everything up. The BJA Policy and Planning Committee will need to review whether it would be useful to have an ad hoc committee work on either the wrap up or follow up issues.

The options before the BJA are to 1) adopt the original recommendation on page 10, 2) adopt the alternative recommendation on page 9, 3) move this issue back to a discussion item, or 4) send this back to the BJA Policy and Planning Committee. The original recommendation was a little more ambitious than the alternative recommendation.

It was moved by Judge Alicea-Galvan and seconded to approve Recommendation A on Page 9 of the meeting materials which will wrap up the work of the BJA Best Practices Committee. The motion carried.

2015 Meeting Schedule

It was moved by Judge Alicea-Galvan and seconded by Judge Ramsdell to approve the proposed 2015 BJA meeting schedule. Judge Jasprica made a friendly amendment to change the meeting time from 9 a.m. – noon and Judge Alicea-Galvan and Judge Ramsdell accepted the amendment. The motion carried.

BJA Public Trust and Confidence Committee Appointments

It was moved by Justice Owens and seconded by Judge Alicea-Galvan to reappoint Judge Bill Bowman, Judge James Docter and Mr. Michael Killian and to appoint Judge Brad Maxa, Ms. Paula Rehwaldt and Ms. Dot French to the BJA Public Trust and Confidence Committee. The motion carried.

BJA 2015 Legislative Agenda

Judge Svaren stated that he is seeking support and assistance from the BJA to get the Legislature to approve a third judicial position in Skagit County District Court. There are currently two judges, one full-time commissioner, and one part-time commissioner. The Judicial Needs Estimate states they need 4.33 FTE when also considering the municipal courts they handle. The county commissioners agree with the request and wrote a letter of support which is

on Page 31 of the meeting materials. They are requesting the BJA's assistance in seeking the third judicial position.

Judge O'Donnell reported that the BJA Legislative Committee discussed the third Skagit County District Court judge and Judge Alicea-Galvan stated that she hopes to have a letter from the District and Municipal Court Judges' Association (DMCJA) supporting this but they have to discuss it at their next meeting.

> **It was moved by Judge Alicea-Galvan and seconded by Judge Ramsdell to make this an action item. The motion carried.**
>
> **It was moved by Judge Meyer and seconded by Judge Sparks to support the request for a third judge in Skagit County District Court. The motion carried.**

Judge O'Donnell stated that the BJA Legislative Committee met on October 30 and identified the following legislative items to focus on during the 2015 legislative session:

1. Secure continued funding for the Superior Court Case Management System Project
2. Transcriptionist bill
3. Elections for the Supreme Court (the group is still reviewing this issue)
4. Funding issues

The committee meets again on December 11 from 1-3 p.m. Professor Alexes Harris has put together a presentation regarding legal financial obligations (LFO) collections in Washington State. The BJA might want to be more involved in LFO issues as this continues to be a major topic at the Legislature and within the judicial branch. Professor Harris will come in and talk with the committee about this issue at the December 11 committee meeting; all BJA members are invited to attend.

<u>Standing Committee Reports</u>

Budget and Funding Committee: The BJA Budget and Funding Committee met after the October BJA meeting and agreed to look at the Principal Policy Goals and come up with criteria to use for funding requests. Once the criteria are finalized by the committee, they will be brought to the BJA for approval. There was also discussion about the Trial Court Operations Funding Committee (TCOFC) and Judge Schindler and Judge Ramsdell both agreed that it should be eliminated. Judge Ramsdell stated that the Trial Court Advocacy Board (TCAB) can do a better job of determining which funding requests to support. If the BJA can provide some funding ideas, TCAB will be able to prioritize those ideas on a yearly basis.

Court Education Committee: Judge Meyer reported that the Court Education Committee has not had an official meeting recently but they are pulling together a large amount of information for committee members to review. Judge Meyer and Ms. Judith Anderson will be meeting with Commissioner Eric Schmidt, Board for Court Education Chair. next week to review a transition packet. They began creating a work plan for the committee. There was a faculty development program that was completed with 11 participants last month and last week was the Presiding Judges Conference which included a particularly interesting presentation on security issues and procedures which is available on Inside Courts at this link:

https://inside.courts.wa.gov/index.cfm?fa=controller.ShowBceSessionFiles&program=20141116-2-Presiding Judges Program - November 16 - 18, 2014&session=20141117-Court Security Issues and Procedures.

Legislative Committee: In addition to the work of the Legislative Committee that was shared earlier in the meeting, Judge O'Donnell and Ms. McAleenan made some connections with lobbyists in preparation for the 2015 session. Mr. Elliott gave a brief overview of the status of legislative work sessions and meetings which have included topics such as LFOs, electronic home monitoring/electronic monitoring, impaired driving and others.

Policy and Planning Committee: The Policy and Planning Committee will be meeting after today's BJA meeting.

Administrative Manager's Report

Ms. Hinchcliffe e-mailed the Committee Unification Workgroup report to the BJA listserv. It will be posted on the Washington Courts Web site once the SCJA charters are included. The report can serve as a good resource to understand the depth and breadth of the commission, committee and board structure within the Washington state judiciary. At this point in time the Committee Unification Workgroup work is done and there is always an opportunity to use this report as a baseline or for another discussion. Judge Sparks requested that this document be used in the orientation for new members.

Ms. Hinchcliffe is drafting a BJA members' guide which is still being developed. She is also creating a work plan that will map out what the BJA standing committees are doing so BJA agenda items and times can be anticipated. It will also hopefully help highlight any outstanding duties which the Board needs to focus on.

Other Business

Washington State Association of County Clerks (WSACC): Ms. Gordon reported that the WSACC legislative agenda includes a bill and rule regarding courthouse guardianship facilitation for pro se litigants. They also have another bill for clean-up purposes.

District and Municipal Court Management Association (DMCMA): Ms. Elsner stated the DMCMA is realigning their educational core competencies to match the National Association of Court Management's (NACM) core competencies. They are also heavily involved in moving the Courts of Limited Jurisdiction Case Management System forward.

Superior Court Judges' Association (SCJA): Judge Ramsdell said that the SCJA has a legislative meeting on December 6.

Trial Court Advocacy Board (TCAB): TCAB sent out congratulatory letters to legislators letting them know who their local judges are and invited them to visit their local courthouses so they can be on the front end of the communication.

District and Municipal Court Judges' Association (DMCJA): Judge Steiner stated that the DMCJA had a good presentation from the Northwest Justice Project relating to LFOs which are

keeping some people from being relicensed. There is a proposed security rule that is being reviewed by the DMCJA, SCJA and TCAB. TCAB would adopt minimum key security standards and local courts would have the ability to meet the standards. Part of the security rule would require courts to submit information about security incidents.

Court of Appeals (COA): Judge Korsmo reported that Governor Inslee appointed seven of their 22 members and former Governor Gregoire appointed three during her term and nearly half of the COA judges have been there less than two years.

Supreme Court: Chief Justice Madsen said that it looks like one-half to one-third of the judiciary will be eligible to retire soon and will require a focus on developing leadership because such a large portion of Washington's judges could be leaving the bench. Justice Owens reported that the Supreme Court had to curtail their traveling court during the fiscal crisis and were able to start it back up last year. They will be holding court at Seattle University in January and at Heritage University near Yakima in March.

It was moved by Judge Ramsdell and seconded by Judge Alicea-Galvan to adjourn the meeting. The motion carried.

Recap of Motions from the November 21, 2014 meeting

Motion Summary	Status
Approve the October 17, 2014 BJA meeting minutes	Passed
Approve the alternative (Recommendation A) Best Practices Committee recommendation on Page 9 of the meeting materials	Passed
Approve the recommended 2015 BJA meeting schedule but change the meeting time to 9 a.m. to noon	Passed
Approve the BJA Public Trust and Confidence Committee appointments and reappointments	Passed
Make the Skagit County District Court judge request an action item	Passed
Support Skagit County District Court's request for a new judge	Passed

Action Items from the November 21, 2014 meeting

Action Item	Status
<u>October 17, 2014 BJA Meeting Minutes</u> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials	 Done Done
<u>2015 BJA Meeting Schedule</u> • Change the meeting time to 9 a.m. – noon • Add to BJA Web site • Send to BJA members	 Done Done Done
<u>BJA Public Trust and Confidence Committee Appointments</u> • Notify Justice Mary Fairhurst and Margaret Fisher of BJA action • Send appointment letters	 Done In progress

Action Item	Status
<u>Best Practices Committee Recommendation</u>	
• Send a notice to those that were on the Best Practices Committee letting them know that the BJA is sunsetting the standing committee and is working on a wrap up effort—ask them if they would like to assist in the wrap up process	In progress
• Compile all the measures that have been completed (and list the ones that were not finished or were yet to be done) in a final document for presentation to the BJA	In progress
• Have the Policy and Planning Committee recommend whether to: a. Assemble an ad hoc committee which is activated when there is a Best Practices issue that comes up or if the BJA wants to continue any more work or look at implementation of the measures; the committee would only be used when there is a pending or discreet issue to resolve b. Determine whether any additional steps should be recommended after the wrap up report is completed	In progress
<u>BJA 2015 Legislative Agenda</u> • Add to December BJA meeting agenda for action • Notify Mellani McAleenan of action regarding Skagit County District Court judge request	Done
<u>Trial Court Operations Funding Committee Recommendation</u> • Add to December BJA meeting agenda for action	Done

Tab 8

Board for Judicial Administration (BJA)

BUDGET AND FUNDING STANDING COMMITTEE CHARTER

I. Committee Title

Budget and Funding Committee (BFC)

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Purpose and Policy

The BFC is created by the BJA and is responsible for 1) coordinating efforts to achieve adequate, stable and long-term funding of Washington's courts to provide equal justice throughout the state, and 2) reviewing and making recommendations, including prioritization, regarding proposed budget requests routed through the BJA.

Recommendation and Prioritization Criteria

The review and recommendations will be made in accord with the mission, core functions and Principal Policy Goals of the Washington State Judicial Branch and the Board for Judicial Administration.

The BFC will also take into consideration other factors including:

- Impact on constitutional and/or state mandates
- Impact on the fair and effective administration of justice in all civil, criminal, and juvenile cases
- Enhancement of accessibility to court services
- Improved access to necessary representation
- Improvement of court management practices
- Appropriate staffing and support

The BFC has the authority to establish guidelines regulating the format and content of budget request information received for the purposes of review, recommendation and prioritization.

IV. Membership and Terms

Members of the BFC must be voting members of the BJA. Members will be selected by the representative associations.

Representing	Committee Member	Term/Duration
DMCJA Representative	Judge Michael Lambo	6/16
SCJA Representative	Judge Bryan Chushcoff	6/18
COA Representative	**Judge Ann Schindler - Chair**	6/15

V. Committee Interaction

Groups interested in seeking BJA support for funding initiatives must submit materials in accordance with AOC and BFC guidelines. The BFC will communicate and coordinate with other BJA standing committees when budget requests impact their mission.

VI. Reporting Requirements

The BFC will review materials as submitted and forward its recommendation to the BJA.

VII. Budget

$1,000

VIII. AOC Staff Support Provided Until December 2015

Mr. Ramsey Radwan, Director, Management Services Division (secondary, Ms. Renee Lewis, AOC Comptroller) (AOC Representative)

Ms. Regina McDougall, Trial Court Services Coordinator, Office of Trial Court Services & Judicial Education (Committee Staff)

IX. Recommended Review Date

January 1, 2019

Adopted: July 18, 2014
Amended: September 19, 2014

WASHINGTON COURTS

Board for Judicial Administration
Trial Court Operations Funding Committee Charter

Charge:

The Trial Court Operations Funding Committee (TCOFC) was reactivated as a standing committee under the auspices of the Board for Judicial Administration (BJA) in March 2011. Consistent with the role and responsibilities of the BJA under BJAR 4, the TCOFC is charged with developing specific funding proposals and implementation plans for trial court operations, in accordance with the Supreme Court's budget development process, for recommendation to the BJA. The TCOFC shall also assist the Administrative Office of the Courts (AOC) in identifying data to collect pursuant to RCW 2.56.030(6), which requires AOC to "collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith."

Approach:

The TCOFC shall submit preliminary recommendations to the BJA for initial review prior to full development of a budget proposal. The BJA shall provide feedback and recommendations to the TCOFC. The TCOFC shall then develop a more detailed proposal, incorporating BJA feedback when appropriate. AOC staff shall work with the TCOFC chair to develop a meeting schedule that allows the BJA schedule to comport with the Supreme Court's budget development process.

The TCOFC may make recommendations to the BJA regarding whether a proposal should be submitted to the Supreme Court as either a request to be included in the budget submission or to be worked through the legislative process without inclusion in the budget submission.

Meetings shall be scheduled in such a manner as to minimize travel and other meeting-related expenses while maintaining the integrity of the committee process.

November 14, 2011

Membership:

Upon reconstitution of the committee in March 2011, the membership composition reflected that of the 2008 committee. With the creation of the committee charter, the composition has been changed to achieve better representative balance while maintaining a manageable committee size.

Membership shall consist of the following:

Two members from the Superior Court Judges' Association
Two members from the District & Municipal Court Judges' Association
One member from the Association for Washington Superior Court Administrators
One member from the Washington Association of Juvenile Court Administrators
Two members from the District & Municipal Court Management Association

The above associations shall nominate members for approval by the BJA. In nominating and approving members, consideration shall be given to maintaining geographic and court-size diversity of membership. In accordance with BJA by-laws, members are eligible for one two-year term and reappointment for one additional two-year term. Initial terms will be staggered, with half lasting one year.

Membership:

Name	Court	Representing	Term Expires
		SCJA	2 years
		SCJA	1 year
		DMCJA	2 years
		DMCJA	1 year
		AWSCA	2 years
		WAJCA	1 year
		DMCMA	2 years
		DMCMA	1 year

AOC Staff:

Court Services Manager
Administrative Secretary

Tab 9

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 RULE 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. 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 four standing committees: Policy and Planning, 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.

(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; amended effective September 1, 2014.]

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.]

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

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)

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(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.)