



Board for Judicial Administration (BJA) Meeting

Friday, May 15, 2015 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen
Judge Kevin Ringus, Member Chair
Judge Thomas Bjorgen
Judge Bryan Chushcoff
Judge Harold Clarke III
Ms. Callie Dietz
Judge Michael Downes
Judge Janet Garrow
Mr. Anthony Gipe (by phone)
Judge Marilyn Haan
Judge Judy Rae Jasprica
Judge Michael Lambo
Judge Sean O'Donnell
Justice Susan Owens
Judge Ann Schindler
Judge Laurel Siddoway
Judge Scott Sparks
Judge David Steiner

Guests Present:

Mr. Russ Aoki
Ms. Linda Baker
Ms. Ruth Gordon
Judge Richard McDermott

Public Present:

Mr. Bret Haggerty
Mr. Christopher Hupy

AOC Staff Present:

Mr. John Bell
Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Ramsey Radwan

Judge Ringus called the meeting to order.

March 20, 2015 Meeting Minutes

It was moved by Judge Sparks and seconded by Judge Garrow to approve the March 20, 2015 BJA meeting minutes. The motion carried.

GR 31.1 Effective Date

Mr. Bell reported that most of the GR 31.1 training has been completed and the revisions to the rule are in front of the Supreme Court Rules Committee. They meet Monday and then their next meeting is in October. The suggested effective date of GR 31.1 is January 1, 2016 which will give people time to get ready for it. The rule review date should be January 1, 2017 to determine how well the rule is working.

It was moved by Judge Garrow and seconded by Justice Owens to recommend to the Supreme Court the effective date of January 1, 2016 for GR 31.1. The motion carried.

Judge Garrow thanked Mr. Bell for all the work he has done to create the GR 31.1 forms and for providing guidance and training to the courts.

Judge Siddoway asked if there would be training for appellate court staff and Mr. Bell stated that the Administrative Office of the Courts (AOC) would provide GR 31.1 training.

It was moved by Judge O'Donnell and seconded by Judge Garrow that the BJA review GR 31.1 one year from implementation. The motion carried.

2015-17 BJA Member Chair

It was moved by Judge Clarke to nominate Judge Sparks to serve as the 2015-17 BJA Member Chair. The motion carried.

Chief Justice Madsen thanked Judge Ringus for his service to the Board for Judicial Administration.

Washington State Civil Legal Aid Oversight Committee Reappointment

It was moved by Judge Schindler and seconded by Judge O'Donnell to reappoint Judge Michael Spearman to the Washington State Civil Legal Aid Oversight Committee.

WSBA Task Force on the Escalating Costs of Civil Litigation Report

Judge McDermott gave an overview of the work of the Washington State Bar Association (WSBA) Task Force on the Escalating Costs of Civil Litigation. The American Bar Association (ABA) surveyed their members and found that the cost of civil litigation was becoming too expensive and 7th amendment rights were becoming almost non-existent in some courts. The WSBA then surveyed their members and the WSBA created a task force to look into the issue and Mr. Aoki became chair of the task force. The task force is trying to provide access to civil litigation for everyone.

The report is truly a draft and all task force members were not in agreement with what is in the report. The task force is comprised of 16 people but overall about 45 people contributed to the project. The task force came up with a series of suggested rule changes and some of the changes could be controversial.

The preliminary task force recommendations are:

- Initial Case Schedules (12 months to trial—trial court has discretion to move trial around)
- Judicial Assignment (single judge to case upon filing)
- Two-tier litigation (12 month case schedule, Tier 1, all cases default to this; Tier 2—18 month case schedule to accommodate more extensive discovery, more complex case, stakes over \$300,000)
- Mandatory Discovery Conference
- Mandatory Disclosures
- Proportionality and Cooperation
- Discovery Limits
- E-discovery (adopt remaining federal e-discovery rules)
- Motions Practice

- Pretrial Conference
- District Court
- Alternative Dispute Resolution

The task force hopes to present something to the WSBA Board of Governors in July and then to the Supreme Court in the fall.

State Budget Update

Mr. Radwan reported that the House budget was fairly favorable but the Senate budget cut about \$10 million out of the AOC general fund budget and did not fund some technology projects and maintenance items. The Senate budget included funding for the accelerated data exchange but took the funding out of the Judicial Information System (JIS) account. Mr. Radwan distributed a comparison of the two budgets along with the original request. He thinks the budget negotiations are getting the judicial branch budget closer to the House budget but he predicts there will be cuts.

Mr. Radwan stated there has been a 45% reduction in the AOC general fund budget since 2009. It was requested that Mr. Radwan send the BJA members the current budget numbers for judicial branch agencies so they can be compared to the proposed budgets.

The economic and revenue forecast will come out Monday instead of sometime in June and there will probably be a little increase in revenue but not much.

Legislative Report

Ms. McAleenan thanked everyone who wrote and e-mailed their legislators regarding the Senate budget proposal. Op-eds were placed in major newspapers and a legislator is currently working on one for the Olympian. Fifteen senators signed a letter stating they do not agree with the treatment of the judicial branch in the Senate budget.

The House is planning to have floor action on Wednesday but not on the final budget.

May 18 is the last day for the Governor to sign bills from the regular session.

A final bill summary from the regular session will be distributed soon via e-mail.

Standing Committee Reports

Budget and Funding Committee: Judge Schindler reported that the committee is not meeting today because of the budget situation. They will meet after the next BJA meeting.

Court Education Committee: Provided written report.

Policy and Planning Committee: Judge Sparks reported that the committee is meeting after the BJA meeting today. They have been working on a planning process to determine those issues which will be the focus of the committee. They will be holding a forum in June for key stakeholders to help identify issues of common concern. The result of the process will be

recommendations on issues including a campaign for the BJA for 2016-17. The committee expects approximately 24 participants and Mr. John Greacen will be the facilitator. After the forum the participants will draft brief issue statements over the following weeks. Then they will take a few months to work with issue partners in work groups to analyze each issue and develop potential strategies. The work product of this process will be presented to the BJA in the fall to determine which issues the board should be engaged in.

Salary Commission Report

Ms. McAleenan distributed the 2015-16 salary schedule. Judges will receive raises on September 1, 2015 and September 1, 2016 and the final salary schedule is what was proposed in January. Judges will receive a general wage increase plus a 1% additional increase both years and the Chief Justice will receive 1.5% extra for the additional duties that come with that position.

Ms. McAleenan will send a notice to all judges about the 2015-16 salary schedule.

It was moved by Judge Sparks and seconded by Judge Garrow to adjourn the meeting. The motion carried.

Recap of Motions from the May 15, 2015 meeting

Motion Summary	Status
Approve the March 20, 2015 BJA meeting minutes.	Passed
Recommend to the Supreme Court the effective date of January 1, 2016 for GR 31.1.	Passed
The BJA will review GR 31.1 one year from implementation.	Passed
Nominate Judge Sparks to serve as the 2015-17 BJA Member Chair.	Passed
Reappoint Judge Michael Spearman to the Washington State Civil Legal Aid Oversight Committee.	Passed
Adjourn the meeting.	Passed

Action Items from the May 15, 2015 meeting

Action Item	Status
<u>March 20, 2015 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Post the minutes online Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	Done Done
<u>GR 31.1</u> <ul style="list-style-type: none"> Have the Supreme Court Rules Committee consider January 1, 2016 as the GR 31.1 implementation date Schedule a BJA review of GR 31.1 in January 2017 	Done
<u>2015-17 BJA Member Chair</u> <ul style="list-style-type: none"> Add the election of Judge Sparks as the 2015-17 BJA Member Chair to the June BJA meeting agenda for action 	Done
<u>Washington State Civil Legal Aid Oversight Committee</u> <ul style="list-style-type: none"> Create and send letter to Judge Michael Spearman appointing him to the Civil Legal Aid Oversight Committee 	Done

Board for Judicial Administration Meeting Minutes

May 15, 2015

Page 5 of 5

Action Item	Status
<u>State Budget Update</u> <ul style="list-style-type: none">• Mr. Radwan will send the current budgets for the judicial branch agencies to the BJA members	
<u>Salary Commission Report</u> <ul style="list-style-type: none">• Ms. McAleenan will send information regarding judicial salaries to all the judges	Done