



Board for Judicial Administration (BJA) Meeting

Friday, September 18, 2015 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Scott Sparks, Member Chair
Judge Bryan Chushcoff
Judge Harold Clarke III
Ms. Callie Dietz
Judge Michael Downes
Judge Janet Garrow
Judge Marilyn Haan
Judge Judy Rae Jasprica
Judge Michael Lambo
Judge J. Robert Leach
Judge G. Scott Marinella
Judge Sean O'Donnell (by phone)
Judge Kevin Ringus
Judge Ann Schindler
Judge Laurel Siddoway

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Linda Baker
Justice Mary Fairhurst
Ms. Ruth Gordon
Ms. Sophia Byrd McSherry
Ms. Joanne Moore
Judge Jeffrey Ramsdell
Ms. Bonnie Sterken (by phone)

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Ms. Renée Lewis
Mr. Dirk Marler
Ms. Mellani McAleenan

Public Present:

Dr. Page Carter
Ms. Melissa Santos

August 21, 2015 BJA Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Chushcoff to approve the August 21, 2015 BJA meeting minutes. The motion carried.

Approval of Updated Standing Committee Charters

Ms. Butler reported that the BJA committee staff meets monthly and during a few of their recent meetings they realized there were a number of technical corrections that need to be made in the BJA standing committee charters, such as the names of the members, the committee staff names and the budget that would date them annually. They decided that it would be easier to keep the charters current if those items were removed. Ms. Butler asked for approval of the charters with the technical revisions.

The BJA will revisit substantive changes to the standing committee charters over the next year and the BJA will be looking at how the standing committees work together when the charters are reviewed again.

During the November meeting the BJA will have a discussion on what effective communication and collaboration should look like between the BJA standing committees.

It was moved by Judge Garrow and seconded by Judge Jasprica to approve the charters as presented. The motion carried.

Recommendations on 2016 Supplemental Budget Requests that Impact AOC

Ms. Lewis reviewed the 2016 Administrative Office of the Courts (AOC) supplemental budget requests. One of the requests is for funding for unemployment compensation invoices and the other is for a technical correction in the computations used to implement information technology savings.

It was moved by Judge Garrow and seconded by Judge Chushcoff to approve the 2016 AOC supplemental budget requests to move forward to the Supreme Court Budget Committee. The motion carried.

Information Regarding JIS Account Budget Requests

Ms. Lewis stated that there were some changes to the Judicial Information System (JIS) Account requests. This is for informational purposes to the BJA and the requests will be discussed at the JISC meeting on October 23.

It was moved by Judge Garrow and seconded by Judge Ringus to support the 2016 JIS Account supplemental budget requests. The motion carried.

Standing Committee Comprehensive Reports

Budget and Funding Committee: Judge Schindler stated that one of the main objectives of the BJA Budget and Funding Committee (BFC) is to review budget requests prior to giving them to the BJA for approval. They have been working on budget criteria so everyone will understand how budget proposals will be evaluated and prioritized. It took a fair amount of time to focus on, identify and synthesize the criteria (on Page 23 of the meeting materials). There are mandatory criteria and additional criteria that will be evaluated by the BFC.

Judge Schindler explained that the BFC will work with the other BJA standing committees depending on the type of budget proposal they are working on. For example, if they choose to support funding of a resolution, such as the interpreter resolution, then there would be a need to work with the other committees to get that done.

Judge Schindler was asked if the BFC developed criteria to help decide what to cut during a budget reduction. She replied that the BFC did not grapple with criteria for budget cuts because their charter only states the BFC will determine criteria to prioritize budget requests. Chief Justice Madsen would like the BFC to consider budget cut criteria. Judge Schindler agreed to discuss that with the BFC.

Court Education Committee: Judge Jasprica reported that the Board for Court Education (BCE) previously provided judicial and court education and it was separate from the BJA. Once

the BJA Court Education Committee (CEC) was created, it took on most of the duties from the BCE and it streamlined some of the functions. The CEC requested that the Supreme Court sunset the BCE which they did in August. The CEC is now fully functioning.

The chair of the CEC is one of the BJA members and the BJA chair will change frequently because they have term limits. The CEC identified a co-chair to make sure there is someone very involved who is education-related. Judge Douglas Fair is the co-chair.

The BCE used the conference model and they looked at possibly delivering education using a different model but determined that Washington's budget is not adequate. Funding is now the CEC's number one priority. The biennial budget was \$1 million in 1990 and it is approximately \$600,000 now. All areas of education have shrunk over time due to the shrinking budget. The funding has stayed flat for a number of years but the costs to provide education have increased, e.g. lodging and meal per diem, mileage reimbursement, meeting room costs, etc. The CEC recently sent a letter to Ms. Dietz requesting more funding for education programs. Without the funds to educate judges in Washington, they will not be able to carry out their charge.

Policy and Planning Committee: Judge Garrow stated that the BJA Policy and Planning Committee is working on their planning responsibilities. One of the challenges for this committee is going to be turnover and bringing newer BJA members on the committee up-to-speed. In the August BJA meeting materials there was a written report from the committee that talked about the stakeholder meeting in June. It is going to be important to maintain momentum with this committee. Scheduling meetings has been difficult, but they are working to improve that.

As a follow-up to the stakeholder meeting, a survey was released to help narrow down issues that can be worked on by the committee. There are some great ideas but the committee has to determine how feasible it is to work on each issue. Once the issues are narrowed down, the committee will bring them to the BJA to determine which projects to undertake.

The committee provides oversight of Best Practices, which is being wrapped up, along with judicial evaluations. It also has an oversight function related to the Public Trust and Confidence Committee. As a committee, they need to meet to determine a strategy for issues to work on but they also have to provide oversight to the ongoing projects, committees, and groups.

In terms of inter-BJA communication, the committee has not had a lot of that yet but as they get further along in their work they will be working with the other standing committees. The key will be keeping things moving along. The more stakeholders they can include will be critical and the interfaces with those groups will be crucial.

Legislative Committee: Judge O'Donnell reported that the BJA Legislative Committee had some bills they were hoping to get passed during the 2015 legislative session. The Skagit County judge bill did pass but the transcriptionist bill did not pass. The great success was what was avoided. He hopes everyone recognizes from a funding perspective that this year could have been a lot worse than it was. Thanks to the help of everyone pulling together, things turned out better than they could have.

Ms. McAleenan shared that she is setting up court visits for legislators in the House Judiciary Committee and putting together information regarding therapeutic courts so that they will have information and contact information when bills come before them during the session.

She also arranged for prison tours in October to tour Stafford Creek Corrections Center in Aberdeen and the Washington Corrections Center for Women in Gig Harbor. If she schedules tours next year, she will provide information much earlier in the process to make it easier for judges to fit the tours into their calendars.

The lessons learned for the Legislative Committee this year are to try to meet early enough in the week during session to provide information about the week in advance but meet late enough to make sure all the associations have met prior to the BJA weekly call. The biggest challenge is timing. In addition, it was determined that the chair position should be a two-year position.

During the upcoming legislative session they will have the transcriptionist bill which is still alive. The prime sponsor is on board with trying to pass the bill which fell victim to some politics this year.

Chief Justice Madsen suggested that if the BJA wants to lobby in favor or against legislation, the Legislative Committee should consider creating criteria to decide positions the BJA is going to take and, if so, the level/extent of involvement. The committee might also want to consider developing criteria for running legislation. Judge O'Donnell said he would be happy to put that on the committee's to-do list.

Trial Court Improvement Account Report: The Trial Court Improvement Account report is included in the meeting materials. This year they used SurveyMonkey to gather the information which made it easier for the courts to report and for AOC staff to analyze the information. Ms. McAleenan would like to send it to the Legislature by early October, if possible. The BJA members were encouraged to review the report within the next week and to contact Ms. McAleenan with any questions or concerns.

Discussion on the Office of Trial Courts

Judge Sparks explained that the BJA Co-chairs wanted to provide an opportunity for all levels of the courts to inquire and weigh in (if there is any weighing in to be done) on the Office of Trial Courts (OTC) proposal.

The OTC proposal was included in the meeting materials. Judge Clarke stated the Superior Court Judges' Association (SCJA) wants to create a new Office of Trial Courts. At this point in time, the SCJA is moving forward with it and the District and Municipal Court Judges' Association (DMCJA) has been invited to join them but they have not taken a position on the proposal. The SCJA would like staff for their association and committees and would like research to be used to support their policy initiatives. They would like to provide education to, and work with, the Legislature over the long-term regarding SCJA policy initiatives. The OTC would not work on IT, fiscal matters, human resources, payroll, or those types of things. There has been a lot of discussion about overlap and boundaries between the OTC and AOC and duties would have to be negotiated. The appropriate line of communication would also need to be discussed.

In regards to seeking legislative funding, the current association budget has expenses now that are greater than their association dues. If they wanted to pay for something substantial, like a policy staff position, they would have to increase dues at the expense of the counties.

Judge Clarke stated that the SCJA believes they can develop a greater effectiveness by creating this office. They believe the OTC will help them do better and develop the resources to do better. The OTC will ultimately benefit the public and the branch as a whole. The SCJA is going to move forward with this and they will not stop for a long, drawn out discussion. If there is a counter proposal, they are willing to entertain any response. To date, there have been no counter proposals other than simply, "stop, do not do that."

The AOC provided a response to the SCJA proposal in the meeting materials. Ms. Dietz stated that there are many agreements between the SCJA and AOC and the differences lie in how to resolve them. AOC is always happy to help support the courts if the SCJA identifies problems. There were four portions of the AOC response that clearly outline AOC is open to discussion and wants to resolve the issues if specifics will be provided. AOC cannot provide a counter proposal to a problem that has not been identified.

Ms. Dietz stated there has been reform to ensure that all levels of court feel supported such as the restructuring of the BJA and the standing committees. The BJA needs another year to put into practice the charters that have been developed. Ms. Dietz believes that will help with some of the SCJA's issues if it is allowed time to work.

Ms. Dietz met with court staff during her visits to courts around the state and she was told that court staff do not understand what AOC does and AOC staff do not always understand their work since it was not tied to goals and objectives. AOC internal and external goals and objectives have been created for 2015-2020. They outline a 5-year plan and AOC has been working on those.

The AOC is also working with trial court associations to develop the Trial Court Advocacy Board (TCAB). If there are future budget cuts, AOC wants input from TCAB. TCAB just started working last year and there has not been much time to determine if it is working yet. There are a lot of things in play now that they can use to work together.

After discussion, it was determined that AOC will convene a meeting with two representatives from each judicial association. The judicial associations will decide who attends on behalf of their association. Justice Fairhurst, on behalf of the Judicial Information System Committee (JISC), and Ms. Dietz, on behalf of AOC, will also attend the meeting. Ms. Dietz stated she will work with AOC staff to convene the meeting as soon as representatives are identified.

There being no further business, the meeting was adjourned at 12:30 p.m.

Recap of Motions from the September 18, 2015 meeting

Motion Summary	Status
Approve the August 21, 2015 BJA meeting minutes.	Passed
Approve the revised standing committee charters.	Passed
Approve the 2016 AOC supplemental budget requests to move forward to the Supreme Court Budget Committee.	Passed

Motion Summary	Status
Support the 2016 JIS Account supplemental budget requests.	Passed

Action Items from the September 18, 2015 meeting

Action Item	Status
<u>August 21, 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>Revised Standing Committee Charters</u> <ul style="list-style-type: none"> • Move finalized standing committee charters to the correct BJA directories 	Done
<u>2016 JIS Account Supplemental Budget Requests</u> <ul style="list-style-type: none"> • Ms. Butler will notify Justice Fairhurst of the BJA's support of the JIS budget requests 	Done
<u>Budget and Funding Committee</u> <ul style="list-style-type: none"> • Ms. Butler will notify Judge Schindler and Mr. Ramsey Radwan of the request to consider the following in the BFC work plan and possibly their charter: <ul style="list-style-type: none"> ○ Revise charter to include setting criteria to determine and prioritize cuts due to a budget reduction ○ Set criteria for determining and prioritizing cuts due to a budget reduction 	Done
<u>Legislative Committee</u> <ul style="list-style-type: none"> • Ms. Butler will notify Judge O'Donnell and Ms. McAleenan of the request to consider the following in the Legislative Committee work plan and possibly their charter: <ul style="list-style-type: none"> ○ Develop criteria to decide positions the BJA is going to take and if they do take a position, the level/extent of involvement ○ Develop criteria for deciding what proactive legislation to work on 	Done
<u>Office of the Trial Courts Proposal</u> <ul style="list-style-type: none"> • Convene a meeting with two representatives from each judicial association along with Justice Fairhurst and Ms. Dietz to discuss the Office of Trial Courts proposal 	Done