BOARD FOR JUDICIAL ADMINISTRATION

WASHINGTON COURTS

MEETING PACKET

FRIDAY, NOVEMBER 20, 2015
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 Scott Sparks, Member Chair
Superior Court Judges' Association
Kittitas County Superior Court

Judge Thomas Bjorgen
Court of Appeals, Division II

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

Judge Harold Clarke III, President
Superior Court Judges' Association
Spokane 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 Sean Patrick O'Donnell
Superior Court Judges' Association
King County Superior Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges' Association
Fife Municipal Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Laurel Siddoway
Court of Appeals, Division III

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

Vacant
Superior Court Judges' Association

NON-VOTING MEMBERS:

Ms. Callie Dietz
State Court Administrator

Judge Michael Downes, President-Elect
Superior Court Judges' Association
Snohomish County Superior Court

Mr. William Hyslop, President
Washington State Bar Association

Judge J. Robert Leach
Presiding Chief Judge
Court of Appeals, Division I

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge G. Scott Marinella, President-Elect
District and Municipal Court Judges' Association
Columbia County District Court

Board for Judicial Administration (BJA) Meeting

Friday, November 20, 2015 (9:00 a.m. – Noon)

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

AGENDA		
1. Call to Order	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
3. September 18, 2015 Meeting Minutes Action: Motion to approve the minutes of the September 18, 2015 meeting	Chief Justice Barbara Madsen Judge Scott Sparks	9:05 a.m. Tab 1
4. BJA Public Trust and Confidence Committee Appointment Action: Motion to appoint Ms. Staci Myklebust and reappoint Mr. Dennis Rabidou and Ms. Barbara Fox to the BJA Public Trust and Confidence Committee	Judge Scott Sparks	9:10 a.m. Tab 2
5. 2016 BJA Meeting Dates Action: Motion to approve 2016 meeting dates	Judge Scott Sparks	9:15 a.m. Tab 3
6. Discussion on Expected Communication/Collaboration Between BJA Standing Committees	Ms. Misty Butler	9:25 a.m. Tab 4
7. Proposed Office of the Superior Court Judges Association Action: Take a position on SCJA Proposal	Judge Scott Sparks	10:05 a.m. Tab 5
8. Administrative Manager's Report	Ms. Misty Butler	10:35 a.m. Tab 6
Break		10:40 a.m.
9. Washington State Center for Court Research	Dr. Carl McCurley	10:55 a.m. Tab 7

10. Standing Committee Reports • Budget and Funding Committee Action: Approval of BFC Funding Criteria • Court Education Committee • Policy and Planning Committee • Legislative Committee	Judge Ann Schindler Judge Laurel Siddoway Judge Janet Garrow Judge Sean O'Donnell	11:20 a.m. Tab 8
11. Other Business • Next meeting: December 18 AOC SeaTac Office	Chief Justice Barbara Madsen Judge Scott Sparks	11:40 a.m.
12. 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

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.

<u>Discussion on the Office of Trial Courts</u>

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> • 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> • Move finalized standing committee charters to the correct BJA directories	Done
<u>2016 JIS Account Supplemental Budget Requests</u> • Ms. Butler will notify Justice Fairhurst of the BJA's support of the JIS budget requests	Done
<u>Budget and Funding Committee</u> • 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: o Revise charter to include setting criteria to determine and prioritize cuts due to a budget reduction o Set criteria for determining and prioritizing cuts due to a budget reduction	Done
<u>Legislative Committee</u> • 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: o Develop criteria to decide positions the BJA is going to take and if they do take a position, the level/extent of involvement o Develop criteria for deciding what proactive legislation to work on	Done
<u>Office of the Trial Courts Proposal</u> • 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

Tab 2

Board for Judicial Administration
Nomination Form for BJA Committee Appointment

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

Nominee Name: Staci Myklebust, Cowlitz County Clerk

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

Term Begin Date: January 1, 2016

Term End Date: December 31, 2017

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

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

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

Staci Myklebust has worked in the Cowlitz County Clerk's Office for ten years and is currently serving her first term as the elected County Clerk. Ms. Myklebust has a wealth of knowledge and would bring a fresh perspective to the important work this committee does.

Please send completed form to:

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

Board for Judicial Administration
Nomination Form for BJA Committee Appointment

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

Nominee Name: Dennis Rabidou

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

Term Begin Date: January 1, 2016

Term End Date: December 31, 2017

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

If yes, how many terms have been served and dates of terms: 1 term, from January 2014- Dec. 2015

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

Please send completed form to:

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

Board for Judicial Administration
Nomination Form for BJA Committee Appointment

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

Nominee Name: Barbara Fox to represent the public

Nominated By: Public Trust and Confidence Committee
(i.e. SCJA, DMCJA, BCE, etc.)

Term Begin Date: January 1, 2016

Term End Date: December 31, 2017

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

If yes, how many terms have been served and dates of terms: One term: January 1, 2014 to December 31, 2015.

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

Barbara Fox has been an outstanding member of the PTC during her first term. She truly wishes to continue. PTC allows members after their first term to request an appointment for a second term of two years.

Please send completed form to:

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

Tab 3

Board for Judicial Administration
2016 Meeting Schedule

Date	Location
February 19	SeaTac (9:00 a.m. – 12:00 p.m.)
March 18	SeaTac (9:00 a.m. – 12:00 p.m.)
May 20	SeaTac (9:00 a.m. – 12:00 p.m.)
June 17	SeaTac (9:00 a.m. – 12:00 p.m.)
August 19	SeaTac (9:00 a.m. – 12:00 p.m.)
September 16	SeaTac (9:00 a.m. – 12:00 p.m.)
November 18	SeaTac (9:00 a.m. – 12:00 p.m.)
December 16	SeaTac (Joint meeting with Court Management Council) (9:00 a.m. – 12:00 p.m.)

SeaTac Location: AOC SeaTac Facility
SeaTac Office Center-South Tower
18000 International Blvd., Suite 1106
SeaTac WA 98188-4251

Tab 4

Board for Judicial Administration (BJA) Standing Committees

COMMUNICATION

The BJA Standing Committees facilitate the work of the BJA. Charters for four new and reorganized committees were approved by the BJA on July 18, 2014. These committees include the Legislative Committee, the Budget & Funding Committee, the Court Education Committee and the Policy & Planning Committee. The Public Trust and Confidence Committee is a subset of the Policy and Planning Committee.

It was not the intent of the BJA to have the standing committees work independently from one another. The success of the BJA depends on their interdependence. In order for these committees to work effectively in facilitating the work of the BJA they must practice effective collaboration and communication. Effective communication and collaboration is best achieved when clear expectations are set.

Timelines
The Budget and Funding and Legislative Committees have specific timelines for when information or requests must be submitted to them. A schedule of those timelines will be kept current and accessible to the BJA.

Communication Criteria
When the standing committees work in silos they are not maximizing the potential of the BJA. To avoid working independently, the committees should ask the following questions regarding efforts that they're undertaking.

1. How is this effort going to impact the other committees?
2. Does this effort need to be presented to the other committees? Does it require their approval?
3. Does this effort need to be presented to the BJA? Does it require BJA approval?
4. When should the BJA/Other Committees be informed?
5. Who should inform the BJA/Other Committees?
6. How should the information be sent (written, phone, in person, etc.)?
7. Other questions?

BJA & Standing Committee Communication
Currently the standing committee chairs report back to the BJA during every meeting. They also provide a comprehensive, annual update. Are these methods successful? Can they be improved?

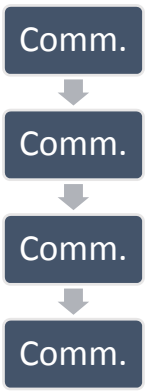
Process
What is the process for communicating information and collaborating between the standing committees and the BJA?

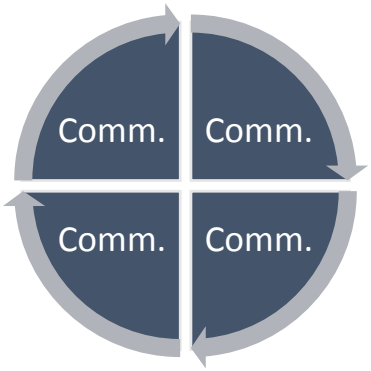
<u>Scenario One</u>
A judicial officer contacts BJA staff about securing BJA support for advancing education and funding for problem-solving courts in the state of Washington. The judicial officer asks that the matter be placed on the BJA agenda.

- How should the BJA respond to these types of requests?
- How should/could the BJA utilize its standing committees to address the request? What is the process?

<u>Scenario Two</u>
Through its strategic initiative development process the Policy and Planning Committee recommends a campaign for the BJA to advance. The BJA approves of the campaign.

- How should/could the BJA utilize its standing committees advance the campaign? What is the process?





Standing Committee Charges

Court Education Committee

The Court Education Committee will improve the quality of justice in Washington by fostering excellence in the courts through effective education. The CEC will promote sound adult education policy, develop education and curriculum standards for judicial officers and court personnel, and promote coordination in education programs for all court levels and associations.

Policy and Planning Committee

The charge and purpose of the Policy and Planning Committee is to create and manage a process of engagement within the judicial branch around policy matters affecting the courts of Washington, to identify and analyze priority issues, and to develop strategies to address those issues. In doing so the standing committee will work to advance the mission, vision and principal policy goals of the BJA.

Legislative Committee

The purpose of the Legislative Committee is to develop proactive legislation on behalf of the Board for Judicial Administration and to advise and recommend positions on legislation of interest to the BJA and/or the BJA Executive Committee when bills affect all levels of court or the judicial branch as a whole.

Budget and Funding Committee

The Budget and Funding Committee 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.

2017-2019 Budget
Development, Review and Submittal Schedule

MONTH	TASK	DUE DATE
January 2016	AOC distributes budget instructions	
February 2016	AOC staff assist with preliminary budget request development as necessary Budget Instruction letter from Chief Justice distributed	
March 2016	Preliminary budget **requests that impact AOC are due** Preliminary requests must include: • Brief description of request • Brief description of benefit to be gained • Estimated dollar amount and staffing	
April 2016	Preliminary budget **requests that do not impact AOC are due** Preliminary requests must include: • Brief description of request • Brief description of benefit to be gained • Estimated dollar amount and staffing BJA review and comment on preliminary **requests that impact the AOC budget (summary list only)** JISC review and approve IT budget request (summary list only)	
May 2016	Proponents invited to present preliminary **requests that impact AOC** at the BJA meeting	
June 2016	BJA prioritize **requests that impact AOC** JISC approve detailed decision packages All final detailed budget requests are due	
July 2016	Supreme Court Budget Committee Briefing/Presentation-all budget requests Revised final detailed budget requests due to AOC	
July 2016	Supreme Court Budget Committee meeting (additional information, presentation and recommendation)	
August 2016	Supreme Court Budget Committee meeting (additional information, presentation and recommendation)	
September 2016	Supreme Court Budget Committee meeting (additional information, presentation and recommendation)	
October 2016	Supreme Court En Banc: final approval & submission to Legislature	

Note: The dates noted above will change. **Schedule is for general time frames only.**

DRAFT

Board for Judicial Administration Timeline for Biennial Legislative Session

Odd Numbered Year = First Year of the Biennium = Regular 105-day Session
Even Numbered Year = Second Year of the Biennium = Supplemental 60-day Session

Month	Legislative Process
January	Legislative Session begins second Monday
	Weekly Leg. Com. phone calls begin
	Weekly email updates begin
	Distribute Leg. Guide to Judiciary (odd years)
February	Legislative Reception
	Law School for Legislators Lunch (odd years)
	Lawyer-Legislator Lunch (even years)
March	Session ends (even years)
April	Session ends (odd years)
Late Spring/Early Summer	Distribution of Legislative Summary
	Distribution of TCIA survey
Late Summer/Early Fall	Development of the legislative proposals for upcoming session
	Court tours and in-district meetings
	Develop/Distribute TCIA Report
September	Release Judicial Needs Estimates and solicit new judge requests
November	Legislative Agenda to BJA
	Legislative Committee Days
	Meet with Legislators
	Obtain signatures on bills
December	Submit bills to legislature (Prefile)

Tab 5

OFFICE of TRIAL COURT POLICY and RESEARCH

Executive Summary

The Office of Trial Court Policy and Research is created to organize and promote activities of trial court associations for judges and administrators that will improve quality access to courts in Washington State. The trial courts are a system that holds itself to a high standard centered on fundamental mandates that provide consistency and reliability in the legal system. The mission is to advance the level of professional policy development and staff assistance to execute high level court reform designs.

The superior/trial courts are poised to advance court policy based on contemporary research and best practices, but the current organizational structure does not support advancement. In fact the level and expectations for professional support through research, policy design, and program support is a diminishing resource. This dynamic fails to produce opportunity for statewide improvement for superior/trial court infrastructure, available services, and stability with external entities such as the legislature. Our interest is to execute innovative operations that are co-designed and supported by the Legislature.

The goal of the carve-out strategy is to better align reform needs to staff support, without diluting the trial courts' mission. The proposal is to extract association administrative staffing and trial court research, add a layer of support for policy design and program support. While these functions are outlined separately, by becoming part of one office with a singular focus, the duties fuse together over time.

Association Administration ⟷ Policy Design Program Support ⟷ Research

The long term fiscal impact to create the Office of Trial Court Policy and Research is neutral. Removing responsibility from one organization also transfers the budget.

OFFICE of TRIAL COURT POLICY & RESEARCH

LOGO/WATERMARK

Advance statewide trial court organization through development of policy and funding initiatives

Administrative Support

Provide staff support to Boards and Committees

Prepare meeting logistics and materials

Modernize medium and delivery of materials and meeting logistics

Liaison between policy development and association leadership

External Engagement

Target list of stakeholders from other state branches or member organizations

Identify and target areas of mutual interest

Participate in statewide forums for policy development

Legislative and Budget Advocacy

Inform legislators on issues relevant to trial courts

Work in partnership with Legislature on policy and funding

Design state funding packages to target unfunded mandates, infrastructure gaps, or program/service enhancement

When possible coordinate communication between trial court association legislative representatives

Policy and Program Development

Enhance subject matter expertise through research and development

Design policy focused opportunities for superior/trial courts statewide

Work through associations to identify areas of reform in trial courts

Reform topics will incorporate feedback from association committees

Research Center

Evidence is at the center of policy making

Understand performance and assess outcomes

Create opportunity for further advancement of policy and measurement

Establish data collection and quality assurance systems

Create web-based reporting and dashboard access for customers

OFFICE of TRIAL COURT POLICY & RESEARCH

Advance statewide trial court organization through development of policy and funding initiatives

Why we exist…

The Office is designed to support superior/trial court associations in the areas of policy development and program enhancement. The business of the associations is complex and demands a more sophisticated support model. Trial court improvement strategy to promote court policy and services need staff who have expertise in development and research. We strive for data-informed court governance and are poised to offer structure and programs that yield evidence of effectiveness.

What we do…

The Office provides professional policy and research staff support to superior/trial court associations to create opportunity for local court improvement. Through support of the Office, trial court leadership will pursue equal funding and improvement for superior/trial courts regardless of size and demographics.

Who we serve…

The Office provides three major areas of concentrated staffing: research, policy development, and association administrative support. The direct customers for staff services provided the Office are statewide superior court/trial court associations.

How we do it…

Under direct leadership of the SCJA/DMCJA, the Office is committed to pursuing equal advancement of court policy and design statewide. The direct focus of the Office is to allow superior courts/associations to be prepared to advocate for contemporary, service-oriented services through trial court operations.

WASHINGTON STATE
OFFICE OF TRIAL COURT POLICY AND RESEARCH

I. Mission
- Values
- Purpose
- Measurement
- Customer

II. Charter
- Association Administrative Support
- External Stakeholder Engagement
- Legislative and Budget Advocacy
- Policy Development and Program Support
- Trial Court Research

III. Authority

IV. Funding

WASHINGTON STATE
OFFICE OF TRIAL COURT POLICY AND RESEARCH

MISSION

The Office of Trial Court Policy and Research shall organize and promote activities of the associations of trial court judges and administrators to improve quality of and access to trial courts in Washington State. The trial courts hold themselves to a high standard centered on fundamental mandates to provide consistency and reliability in the legal system. The mission is to advance the level of professional policy development and staff assistance to assure consistently high level court performance.

Values

Statewide superior/trial court associations exist to improve court operations and to identify and improve superior/trial court access to best practices. Contemporary data, relevant research, and the ability to continuously measure outcomes is essential in order to wisely invest and manage limited resources and measure the return on that investment.

The superior/trial courts must have a voice in the legislative process. The Office of Trial Court Policy and Research (the Office) will engage in the legislative process providing insight and expertise to legislators and promoting initiatives that will improve trial court efficiency while ensuring equal access for all parties to legal disputes. The Office will advocate for reform that supports fair and equal treatment for all Washingtonians involved in the justice system.

Purpose

The Office is created to provide dedicated support to superior/trial courts. The Office will create a structure to provide analysis, develop policy, support association business, and prepare initiatives to enable and encourage superior/trial courts to implement best practices. In contrast with the existing model, the organizational design of the Office will enable the superior/trial courts to effectively participate in the ever-changing legislative environment.

The goal of the Office is to create consistent statewide trial court advancement opportunity. Currently, equal access to program and service enhancement is lacking due to inconsistent funding for the trial courts. The Office will use innovative strategies to promote equality for superior/trial courts regardless of location and local funding limitations. In order to manage

court business as required by the constitution and legislative enactment, stable policy and program development must be equally available statewide. The Office is designed to create this opportunity.

Measurement

The Office is created to ensure that the state's investment in court policy initiatives produce demonstrable improvement to local trial court operations. It will accomplish this by supporting program development, best practice implementation, technology improvement, and the provision of information to the Legislature. By consolidating research and policy development, and by removing barriers to access, the Office will offer transparent and responsive outcome measurement and quality assurance while keeping contemporary reform a continuing goal.

Customer

The Office will serve the needs of superior/trial court leaders and will receive direction from the superior/trial court executive committee. The policy development and initiatives of the Office will serve superior/trial court judges and administrators as the primary customers.

CHARTER

Association Administrative Support

There will be no interruption in staffing support for association board and committee business. The association meetings will be staffed, with thorough agendas, materials compiled, and facility arrangements made to support the work of the associations. The Office will be responsible to present alternative formats of administrative support for association business (i.e. electronic materials, web meetings, etc.).

External Stakeholder Engagement

Currently, statewide public policy forums related to court practices occur but with limited input from the trial courts. The associations do not now effectively influence system design or provide meaningful input on structural changes. The Office creates a new focus on policy design and research which does not now exist. With assistance of the Office, superior/trial courts will provide effective leadership of system reform.

Legislative and Budget Advocacy

The way to equalize services and support of superior/trial courts in a decentralized court system, is to increase state funding for trial court infrastructure and development. Only with undiluted information about the core mission and mandates of the superior/trial courts will legislators know why current local funding results in an inequity of court access. Laws that govern our system of justice may not be administered equally. Some courts have programs that neighboring jurisdictions do not offer. Sentencing standards and determinant sentencing laws

reflect efforts to equalize justice in trial courts, but equal justice will not be a reality until trial court leadership, with assistance from the Office of Trial Court Policy and Research, provides expertise, information, and resources to stabilize trial court infrastructure and best practice programs.

The Office will work at the direction of superior/trial court leadership to develop trial court funding packages consistent with deadlines established by the Supreme Court Budget Committee. The entire list of packages will be submitted to the Supreme Court Budget Committee for informational purposes, which the Supreme Court may or may not include in their annual budget. The Office, through its legislative liaisons, will work with legislators on topic-specific issues to examine budget initiatives. Working through the legislative liaisons, the Office will prepare materials for judges and administrators to inform legislators on trial court initiatives. Before the Legislative Session begins each January, the Office and associations will have clearly developed policy and funding initiatives with legislative support. Trial court funding initiatives will not be delayed by the Supreme Court budget process. The Office will increase responsiveness to the Legislature directly

Policy Development and Program Support

Creating a renewed expectation of policy and program development support for superior/trial court business will advance the mission and create an opportunity for ongoing communication between local courts, association leadership, and interested external stakeholders. The Office will specialize in system design to reform court operations while remaining mindful of the interests of investors and customers. By consolidating subject matter expertise and research functions, the Office staff will be able to support advancement with a holistic approach, rather than a piecemeal approach that lacks context.

Trial Court Research

Research provided through the Office will offer direct access and support to trial court reform development. Accessibility to research (outcome evaluation, best practices literature, dashboard reporting, and quality assurance) will directly enhance trial court operations. The Office will specialize in system design to reform court operations while remaining mindful of the interests of investors and customers. By consolidating subject matter expertise and research functions, the Office staff will be able to support advancement with a holistic approach, rather than a piecemeal approach that lacks context.

The Office expects that the duties of policy design and research will be consolidated, which will provide a robust platform to support trial court advancement of programs, services, best practices, and core infrastructure statewide. Policy development and research capacity will grow together under the organizational structure of the Office to create a solid foundation for trial court system advancement.

AUTHORITY

The Office will perform functions that fall in one of three categories: 1) research; 2) policy design and program support; and 3) direct support for (the) association board(s) and committees.

- The Center for Court Research (the Center) will provide additional services to the superior/trial courts by supporting policy design and program enhancement. The Center will provide a work plan and communication plan on projects requested by superior/trial court association(s).
- Policy and program analysis and design of reform efforts will be at the direction of the association Executive Committee(s).
- Decisions about association business will be handled in the same manner as directed by the Board of Trustees/Board of Governors and the association bylaws.

Superior/Trial Court Association Boards remain in full force and effect. Each association, judge and administrator retains the right to organize committees and propose budget ideas based on their bylaws at the direction of their leadership. The Office operates to serve, organize, and coordinate the needs of each association, together and separately.

The Executive Director of the Office will report to an executive committee.

FUNDING

The associations will continue to manage its/their financial business by collecting dues as currently occurs. As part of the mission to support association business, Office staff will coordinate meetings and expenses on behalf of the associations (Board and Committee business and Long Range Planning).

The carve-out funding plan assumes that legislative enactment will extract the above defined responsibilities and that the associated operating cost would be extracted at a level similar to the current cost to state government. Expenses for the Office will likely fall into two categories, infrastructure and staff.

- Infrastructure - facility, desk, chairs, computers, phones, copy machines, printers, paper, business cards, system security, etc.
- Staff – salaries and benefits

AOC Response to SCJA "Office of the State Trial Courts" Proposal - September 2015

SUMMARY

The Superior Court Judges' Association (SCJA) has proposed the legislative creation of a new state agency, the Office of the State Trial Courts (the Office or Agency). SCJA proposes to "extract association administrative staffing and trial court research, [and] add a layer of support for policy design and program support" through a "carve out" of the Administrative Office of the Courts' (AOC) budget. The initial carve-out for SCJA alone would cover five or six staff positions and infrastructure.

POSITION

AOC cannot support the creation of a new state agency whose services are redundant to those already provided by AOC staff members. The judicial branch is already resource poor and further diluting those resources for redundant services is not in the best interest of the trial courts, the public, nor of the judiciary as a whole. AOC is always open to exploring better ways to support the trial courts if the SCJA can identify specific needs and help develop solutions to those needs.

SCJA PROPOSAL

According to documents provided by the SCJA, "[t]he Office will create a structure to provide analysis, develop policy, support association business, and prepare initiatives to enable and encourage superior/trial courts to implement best practices."

"It will … [support] program development, best practice implementation, technology improvement, and the provision of information to the Legislature."

The agency would serve at the direction of a superior/trial court executive committee. Policy and program analysis would be done at the direction of the executive committee. Decisions about association business would be handled in the same manner as currently directed and the association bylaws. An executive director would be hired by and report to the executive committee.

The new state agency would provide staffing support for the association board and committee business. Meetings would be staffed, agendas and materials compiled, and facility arrangements made by the new agency.

The Office proposes to create a new focus on policy design and research, combining that with the move of the Washington State Center for Court Research (WSCCR) from AOC to the new agency at a later, unspecified date. Regardless, WSCCR is expected to provide additional services on projects requested by the associations.

The Office would develop trial court funding packages to be submitted to the Supreme Court budget committee "for informational purposes." The new agency's legislative liaisons would inform legislators on trial court initiatives. Legislators will be given "undiluted information about the core mission and mandates of the … courts" so that legislators "will know why current local funding results in an inequity of court access."

Association dues will continue to be required. Funding for salaries and infrastructure would come from state funds, largely a "carve out" from AOC's budget.

RESPONSIBILITIES OF THE AOC

AOC was created in 1957, in large part as an agency for the trial courts. The mission of the AOC is to advance the efficient and effective operation of the Washington judicial system. AOC's philosophy is "to provide prompt, courteous, and competent service to all we serve through cooperation, collaboration, and use of best practices and modern technology, always maintaining ethical and professional conduct."

In part due to concerns raised by the SCJA, AOC has recently restructured. Many offices within the four divisions are devoted to specific needs of the trial courts, such as the Office of Court Innovation, which focuses on WSCCR and the commissions; the Office of Judicial and Legislative Relations, which serves as the primary liaison with the legislature, association contract lobbyists, and the executive branch; and the Office of Trial Court Services and Judicial Education, which is focused directly on daily support for trial court judges, clerks, and staff, plus providing educational programs for all levels of court.

AOC's trial court services staff members support the trial court associations in many ways – everything from analyzing the large volume of legislation that affects the trial courts to ordering lunch at association meetings. They prepare materials, assist with research, aid in the development of policy and court rules, set up conference calls and web meetings, and organize conferences. They maintain complex law tables, without which the technology systems cannot maintain accurate case and criminal histories. They coordinate with other state agencies such as DOL and DOC. AOC employees throughout the agency also work with IT staff to assist in the implementation of the new case management systems, to help ensure that business practices and technology intersect.

AOC's employees handle the payroll and benefits for the state's judges, they offer human resource and public relations assistance, and they provide the technology on which the courts depend. AOC staff members developed and maintain the website for the state's court system, which receives 235,000 hits daily. AOC staff also provide customer service to the court administrators and clerks, answering questions about how to utilize IT applications or walking them through how to implement a new law. They also provide services to the general public, which means fewer calls to the courts themselves.

WSCCR and the commissions focus on evidence-based best practices to improve the functioning of the judicial system. The Interpreter Commission, Commission on Children in Foster Care, the Gender and Justice Commission, and the Minority and Justice Commission all focus on problems and issues prevalent at the trial court level. WSCCR's current projects all relate to superior and juvenile court matters. These entities all function successfully and interdependently as staffed by AOC.

Of the AOC general fund budget, 71 percent is dedicated to the trial courts:

- **63 percent** goes to superior court judges' salaries and benefits and programs specific to the superior courts, such as BECCA and truancy, Family and Juvenile Court Improvement, and CASA;
- **5 percent** goes to District and Municipal Court Judges' salaries through the Trial Court Improvement Account (although those funds can be spent by the local jurisdictions on either the CLJ or superior courts);
- **3 percent** goes to other services such as interpreter reimbursement that is shared by the trial courts, guardianship, and collecting superior court legal financial obligations.

The remaining 29 percent of AOC's budget provides the personnel and infrastructure necessary to deliver these services and special projects for the court community.

These numbers do not reflect additional Judicial Information System (JIS) Account funds dedicated to information technology maintenance and improvements, such as the current superior court case management system project.

WASHINGTON JUDICIAL BRANCH GOVERNANCE

As a non-unified system, judicial branch governance in Washington is less straight forward than in other states. All current branch agency heads serve at the discretion of the Supreme Court. While the Supreme Court has the power to promulgate rules, so do the courts at the local level. Additionally, both the superior and limited jurisdiction courts have associations, funded by dues paid by the cities or counties, which have their own governance structure, committees, and paid lobbyists. With the exception of the contract lobbyists, staffing support for these associations is provided solely by the AOC, a situation unique to Washington State.

In order to maintain a cohesive presence and a unified voice, the judiciary created the Board for Judicial Administration in 1981. It was restructured in 2000 to reflect the recommendations of the Commission on Justice, Efficiency and Accountability to emphasize a mission that reflects governance rather than a representative purpose. The BJA "is charged with providing effective leadership to the state courts and developing policy to enhance the administration of the court system in Washington State. Judges serving on the Board pursue the best interests of the judiciary at large."

In comparison, the trial court associations generally represent the interests of their particular court levels.

In 2014, the BJA was again restructured - this time, to create four standing committees devoted to the policy and planning, budget, legislative, and education needs of all court levels.

In 2007, the Supreme Court officially adopted the first budget development and approval schedule for the judicial branch. The purpose of the schedule and procedures is to ensure that the budget development, review, and submittal process is consistent and objective, providing several opportunities for review and discussion. The previous process was strengthened to establish a transparent budget process that institutes a number of review, assessment, and accountability measures to ensure funding requests align with judicial branch policy objectives and that resources are targeted to the highest priorities.

While a budget request may not make it into the Supreme Court's final budget submission to the Legislature, the trial court associations, appellate courts, and judicial branch agencies all may submit their own requests in the same manner that they propose policy legislation based on their individual needs.

Additionally, at the request of the SCJA, AOC now staffs the Trial Court Advocacy Board (TCAB), which was created to enhance "statewide awareness of trial court issues involving court policy, staffing, and budget." TCAB was designed to advance the mission of the trial courts related to local court operations. With the creation of the new BJA committees, TCAB also plays a role in the Supreme Court budget process by vetting and prioritizing all preliminary proposals affecting the trial courts before submitting those recommendations to BJA's Budget and Funding Committee.

UNKNOWNS

All practical details of this proposal are currently unknown. It is not clear the level of administrative work for which this agency would take responsibility. It is also unknown whether the limited jurisdiction trial courts will be, or even want to be, included. SCJA leadership has indicated the need for "double or triple" the amount of resources if DMCJA is included.

IMPACTS

Depending on the level of administrative work taken on by the new agency, AOC's responsibilities may actually increase rather than decrease because of this new entity. At best, efficiencies and economies of scale created by AOC's role as the sole support agency for the courts will be lost due to redundant and confusing processes. Such duplication of efforts is ineffective.

AOC and the BJA provide the conduits through which coordination and communication between the court levels and other branch agencies occur. It is difficult to understand how transparency, coordination, and communication will be enhanced by the bifurcation of staff and the creation of a new agency with the express mission of elevating its priorities above all others. AOC staff, already short of time and resources, will be stretched even thinner by the requirement to coordinate with yet another agency.

As a state agency, the Office of the State Trial Courts will have responsibilities for maintaining public records and responding to public records requests. It will have human resource and payroll needs. Facilities and information technology services, beyond case management, will be required. Again, if AOC is required to provide these services, budgets and staffing will be stretched even further, impacting all levels of court and services to the public.

It is difficult to understand how coordination and transparency will be improved by this proposal. Some superior court judges have mentioned concerns that the creation of a new agency will fracture the judicial branch both internally and externally.

Relationships with the other branches will also suffer. As has been repeated throughout history, a house divided cannot stand. The strength of the judicial branch lies in its unity. Such bifurcation could be seen as a vote of “no confidence” and an excuse to devalue the court system and/or AOC by the Legislature. Moreover, for every dollar in the budget request submitted by the Supreme Court, the Governor must eliminate a dollar in his. The Governor is constitutionally required to provide a balanced budget. Communication and coordination between the branches has been essential to the maintenance of a cordial relationship between the executive and the courts.

At the request of judges, clerks, and administrators, AOC is undertaking mission-critical information technology and business transformation projects that are already facing resource constraints. These projects depend on active involvement from staff in all parts of the agency, not just IT staff. Removing the positions associated and financial resources from the already limited pool available to support these projects would have a devastating impact on our ability to modernize court technology.

These IT projects will require ongoing support from the Legislature. The SCJA proposal will further complicate necessary conversations with the Legislature because it demonstrates a lack of judicial branch cohesiveness and unity.

CONCLUSION

The vast majority of the work done by AOC is in support of the trial courts and the justice components (like access, equality, and funding) that affect them. It is difficult to find a unit or even a staff person who does not work all or part time in support of the trial courts. Most support work is intertwined with multiple levels of court and through judicial branch partners and agencies. Such coordination was intentional in the development of

the current offices within AOC so that work would not be siloed, communication would flow as freely as possible, and staff would better understand the functioning of the courts as a whole rather than piecemeal.

Every function on the list of activities for this new office/agency is being done now by staff members at AOC. Creating a new agency merely adds an additional layer of bureaucracy without adding value to the trial courts or the judicial branch as a whole. Research, planning, legislative advocacy, coordination with other judicial agencies and other branches, materials preparation, staff support, etc. are all done by the AOC staff who consider themselves to be working for, and partners with, the state courts for the better operation of the courts and the better delivery of justice. They are quality staff members who take pride in their work, and morale has already suffered because of this proposal. Much staff time, normally dedicated to programs and projects in support of the courts, has already been diverted to addressing this proposal.

The trial court associations, BJA, and AOC have a history of working well together. This is evidenced by the Justice in Jeopardy Initiative, the retention of most of the funds passed through AOC to the trial courts despite unprecedented economic circumstances, the continued success in implementing modern case management systems, as well as the restructuring of the BJA and AOC in an effort to be more responsive to the needs of the courts. Both restructuring efforts are relatively new and may need time and adjustment.

In any diverse organization, needs will change and priorities will be revisited. Continued communication and process improvement is vital to long-term health and stability. However, in such an organization the needs of one cannot be paramount over another. The trial court associations are already set up to address such situations.

Resources are scarce and prioritizations have to be made. It is better that those decisions be made whenever possible as a whole rather than as separate entities. This additional support organization would also not have unlimited resources, and so it will inevitably face the same challenge of prioritizing among competing requests and viewpoints from 39 courts and over 250 independently elected judges. And, because many support services for superior court judges and other court levels will remain at AOC, the outside Office will inevitably compete for the same scarce resources.

In any diverse group, disagreement is inevitable. The better path toward resolution is not to create separate entities but to work together to determine how current partners can strive for overall improvement.

Further Discussion for October 4th Meeting on SCJA Proposal

The SCJA has asked AOC to present a counter proposal to the creation of an additional office focused on the Superior courts. Complying with such a request has been difficult because we have not been fully apprised of the specific problems we are trying to solve. Nonetheless, we have seriously considered what we could offer that might further the discussion in a positive manner. The following are suggestions for avenues that could strengthen trust between the SCJA and AOC and could provide additional support that the association feels it needs. We are fully committed to working with the SCJA in determining a proposal that would work for all:

1. **Revise the MOU between the SCJA and AOC**

In 1991 the AOC and SCJA entered into an MOU that outlined the collaboration between the two in regards to the AOC providing support to the SCJA. That was 24 years ago. Most of the staff who were at the AOC when this document was formalized are no longer there. I have no knowledge of the specific number of times over the past two and a half decades it has been used. In fact, I was not even aware that it existed until a month after I proposed a change in staffing and then was presented with a copy of it on my desk. When I found out, I immediately called Judge Snyder, President of SCJA at the time, and worked with him to ensure that the AOC and SCJA communicated about the change.

The AOC and SCJA could review the old MOU and revise it to address identified issues of concern. Most of what exists in the MOU is out-of-date and has not been used in years. If it is something that is important to both groups, it should be updated and be a relevant part of our negotiations. If we institutionalize this commitment and meet-quarterly or at least annually- with the President and/or President-Elect to discuss staff performance and expectations I believe most of these past concerns could be eliminated.

2. **Work Together for State Funding of Additional Staff**

Another way that we can work together to eliminate some of the problems is in the area of additional staffing. The proposal indicated that SCJA believes they need 5-6 FTEs to work with the associations and their committees. AOC has been able to provide 2.2 FTEs using portions of 10 different people's time. Together we can develop a proposal to the Legislature for more state funding to hire additional staff within AOC who can supplement some or all of the functions identified in the proposal. We could also work together to identify the number, specific roles, and functions that need to be addressed, and we can review the current organizational structure to see if there is a better fit for these staff within the agency.

3. **Work Together for Additional Funding for Research**

A third area where we could work together is to secure additional funding for WSCCR staff and resources that could enhance their ability to take on new projects. While the majority of the research work being conducted by WSCCR at the current time is devoted to superior courts, it centers on juvenile/family issues. This could be expanded to other trial court issues with additional research staff and resources to investigate other policy areas. Since the Presidents of both judges associations are members of the WSCCR Oversight Committee, projects of interest and concern to the trial courts could be further developed.

4. **Review the Legislative and Budget Procedures**

Based on other comments that have been expressed in discussions regarding the proposal, it appears that members of the SCJA have concerns about the current legislative and budgeting process or procedures developed by the BJA and the Supreme Court. We would be willing to

work with the BJA members of these committees, the SCJA and the Supreme Court to determine where change could occur and how to alter these to resolve issues raised by the association. For example, currently the Supreme Court provides oversight of budgets for the various agencies within the judicial branch. A “BJA Request Budget” could be added that would reflect the funding priorities determined by the members of BJA. These would be vetted through TCAB and the Budget and Funding Committee of BJA and could be sent to the Governor and Legislature as the “BJA Request Budget” to address policy issues of the trial courts.

I believe any of these ideas would be a step in the right direction. They would clarify and address the areas of conflict, as we understand them, and would allow us to work collaboratively towards a solution. They would draw the judiciary together instead of tearing it apart and focus on long-term solutions to rebuild trust. I believe that we will end up in a stronger place than where we started.

The SCJA Proposal

While the main focus of this information is the counter proposal you requested, I believe it is important for me to also outline our concerns with the proposal in hopes that this will clarify that we are not discounting your concerns or your attempt to find a better way to respond to your needs. Rather, we hope to fully explain our concerns and fully understand yours. Research into your proposal has raised questions that should be addressed. I will outline them below as suggestions that should be considered if the SCJA proposal moves forward with legislation.

One issue that should be taken into account has to do with employment and supervision of the executive director and staff identified in the proposal. As currently described in the materials provided by the SCJA, the Office of Trial Court Policy and Research would create a unique entity within Washington State government. Unlike other state government boards and commissions created by legislative authority, there does not appear to be a clear oversight of the state funds needed to support the Office, nor does there appear to be any state government authority regarding the selection of the executive committee or the executive director. Generally, legislatively created boards and commissions include appointees by the Governor, the Chief Justice, the legislative bodies or a combination of such state officials. Unlike the provisions of RCW 2.56, the proposal does not indicate that the Washington Supreme Court will be designated to oversee the Office. You would also need to consider the status of any employees and their rights as potential state employees or if they will have access to state benefits. These concerns are not identified in the proposal. More information and an understanding of these issues is needed to conduct a clear analysis and determine the legality of the proposal.

One suggested compromise was that the AOC employ the staff, but the SCJA will supervise them, essentially having hiring/firing authority. This actually complicates the issues we reviewed. Employment and supervision of these employees are major concerns. Logistics (work assignments, work schedules, performance management) aside, proposing that the SCJA Executive Committee be placed as the ultimate appointing authority creates questions about the status of these employees, including whether the proposal constitutes unintended employment contracts for formerly at-will employees, and the status for eligibility of state employee benefits and protections, including industrial insurance, state employee liability insurance, as well as health and retirement benefits. Without more information, it is unclear who would be considered the “employer” for purposes of compliance with state and federal employment laws and liability for non-compliance with those laws. We were unable to find precedent for these concerns and believe it would require further legal analysis.

Another concern that appears to motivate the proposal is a perception that AOC staff are often conflicted between direction given to them by a court association and direction given by AOC. A specific example that I have been given of when conflicts have occurred in the past revolve primarily around appropriateness of AOC staff working with legislators. AOC does limit staff contact with legislators because of reporting requirements to the Public Disclosure Commission and legal restrictions on lobbying by state employees. As of January, 2014, agency heads are subject to personal liability for failing to file complete, accurate, and timely reports. There have been problems in the past with staff not coordinating or reporting these activities. More importantly, according to RCW 42.17A.635 "[a]ny agency…may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official…or (b) advocating the official position or interest of the agency to any elected official…" In this instance it seems that the conflict is with a state statute not AOC structure. AOC has been trying to follow the state and federal laws required to keep AOC, staff and those we support out of trouble and in compliance.

Finally, the SCJA proposal is not revenue neutral. Recently we assessed the amount of time that the AOC allocates toward supporting the SCJA. We did not assess time devoted to support of the superior courts, but the Association specifically. The total staff time was 2.2. FTEs, much less than the 5-6 positions the proposal is requesting. A carve out of six positions leaves the AOC with 3.8 positions fewer to support the trial courts. Actually, it would be even less because additional money is requested to cover infrastructure costs. This would create an overall loss to the AOC and our support of the trial courts.

Also, please consider that these positions are not just 2.2 people. Their responsibilities are spread across 10 people in different job classifications and with different skill sets. To establish an office such as the one proposed, it would not be a simple matter of identifying a couple of positions and moving them to another office. Loss of any of these staff would negatively affect other programs and projects that they work on as much or more than their responsibilities to the SCJA. A small office would require staff with a wide variety of knowledge, skills and abilities.

Conclusion:

I hope that our sharing these concerns and our findings will not be perceived as telling the SCJA to "just stop". Rather, we offer our counter proposal as constructive ideas that could keep the branch working together to resolve troubling issues. We offer increased communication and collaboration. In good faith, we have also offered our concerns as issues that are not minimal and would need to be considered in establishing an office.

If the SCJA would accept this counterproposal and be willing to work with the AOC to implement them, we would be willing to work with the SCJA and the Supreme Court to include the request for additional funding mentioned previously in our next budget submission. Please let me know if you have any questions concerning this information.

Thank you.
Callie T. Dietz
State Court Administrator

Summary of Multi-level Court Meetings about SCJA Proposal

Background

In the summer of 2015 SCJA announced its intention to ask the legislature to create a new judicial agency to be called the Office of Trial Court Policy and Research. SCJA proposed staffing and funding this office with 6 positions and funds currently allocated to AOC. Over time, the Washington Center for Court Research (WSCCR) would move to this office. The stated goal of the proposal was "to extract association administrative staffing and trial court research, add a layer of support for policy design and program support."

At the September 18, 2015 BJA meeting, Judge Harold Clark Jr., SCJA President, presented the proposal and explained in part SCJA's motivation for seeking this legislation. As a result of meeting discussions, Callie Dietz, Administrator for the Courts, arranged a meeting of representatives from DMCJA, SCJA, COA, and WSSC to discuss ways to address SCJA's concerns without the proposed legislation.

October 4, 2015 Meeting

Judge Scott Sparks, Member Chair of BJA, asked Judge Kevin Ringus to facilitate the discussion. Judge Ringus and Judge Scott Ahlf attended as DMCJA representative, Judge Clarke and Judge Michael Downes for SCJA, Judge J. Leach for the COA, Chief Justice Barbara Madsen for the WSSC, Justice Mary Fairhurst for JISC, and Callie Dietz for AOC. Misty Butler, AOC staff, also attended.

The meeting began with Judges Clarke and Downes explaining problems SCJA has experienced with the current staffing model for it and the greater effectiveness they saw for SCJA under its proposal. The problems included divided support staff loyalty, poor communications during legislative sessions, AOC's failure to follow existing agreements with SCJA, inadequate support for superior court initiatives, and inadequate support to develop research supporting new solutions for a number of issues. These issues include access to the courts and adult recidivism.

The conversation focused on possible alternative solutions that met SCJA needs. SCJA identified as a major obstacle its lack of ability to enforce agreements with AOC and its perception that AOC often ignored those agreements. Members of the appellate courts expressed a strong preference for finding a negotiated solution and suggested possible enforcement mechanisms. They also expressed concern about the proposal's impact upon the BJA and the strength of the judicial branch as an independent branch of government. The meeting ended with Judge Clarke agreeing to present the substance of the meeting to the SCJA Board.

Judge Clarke later advised the meeting attendees that the Board had considered the different ideas discussed at the meeting and decided to proceed with its legislative proposal.

October 29, 2015 Meeting

In October 2015 Judge Kitty-Ann van Doorninck, SCJA legislative chair, and Chief Justice Madsen met to discuss the SCJA proposal. During this meeting the Chief suggested that SCJA consider an amendment to chapter 2.16 RCW (establishing the SCJA) to provide for state funds at least matching the county funding of SCJA. This would provide SCJA with additional resources to further its goals without taking AOC resources.

In October 2015 Judge Clarke circulated an early draft of SCJA's proposed legislation and requested an en banc meeting with the Supreme Court to discuss it. The Court agreed to this request and invited Judge David Steiner, DMCJA President, Judge Leach, and Ms. Dietz to participate.

The draft legislation would create an office of the Superior Court Judges Association. The activities of the office would be carried out by a director appointed by an oversight committee of the SCJA, comprised of the SCJA president, SCJA incoming president, SCJA immediate past president, SCJA legislative chair, and an SCJA board member appointed by the SCJA executive committee.

The draft legislation assigns the SCJA director these duties:

(1) Respond to legislative requests to provide data to improve court operations through policy, program, and budget;
(2) Evaluate and promote programs that lead to best practices to improve public safety in the criminal justice system;
(3) Work collaboratively with the AOC and other key stakeholders on implementation of the case management system; and
(4) Report quarterly to the oversight committee.

The draft legislation does not reallocate AOC employees or attempt to move WSSCR.

On October 29, 2015 the 9 members of the WSSC, Judge Leach, Judge Clarke and Judge van Doorninck, Judge Steiner, and Ms. Dietz met for about 2 hours at the Temple of Justice. Judge van Doorninck led the SCJA presentation of its legislative proposal. She described legislative support for the proposal and stated that a hearing on it would be held on November 20th. Several members of the WSSC expressed concerned about the motives of some potential supporters. While acknowledging those concerns, Judge van Doorninck expressed confidence in the appropriate motivation in the legislature's leadership.

Several justices identified possible modifications to the proposed legislation and suggested further discussions to refine a legislative proposal that they could support. They asked SCJA to consider delaying its process to allow these discussions to occur. Some justices also expressed concern that the legislation made no provision for DMCJA support and questioned the impact the legislation would have on the strength of the judicial branch, particularly in its dealings with the other two branches. Some

justices also expressed concern that the SCJA office would duplicate some policy analysis while potentially providing conflicting results. Several justices also expressed the view that any resources to fund the SCJA office would come out of the budgets of other judicial agencies because of the limited funding sources available to the legislature and other funding issues it faces.

Judge Clarke and Judge van Doorninck disagreed with the level of policy analysis provided by AOC and indicated that much of the current substantive analysis of proposed legislation comes from SCJA members, highlighting the need for additional support.

Judge Steiner expressed general support for the SCJA concerns, but thought that the judicial branch should find a way to resolve the issue internally without resorting to a legislative solution. He suggested a court rule as a possible vehicle for a solution. He expressed the same concern about funding resources identified by WSSC members. He concluded by saying that any accommodation provided the SCJA should also be offered to the DMCJA, but noted that DMCJA would only pursue this accommodation with BJA approval.

Judge Clarke stated that he would present the concerns express at the meeting to the SCJA Board at its next meeting and report back. He has since advised that SCJA intends to move forward with its proposal.

Chief Justice Barbara Madsen
State Court Administrator Callie Dietz

Dear Chief Justice Madsen and Administrator Dietz:

This will follow up on our meeting held on Sunday, October 4th, 2015. At the conclusion of the meeting, Judge Downes and I agreed to take the suggestions made at the meeting, and through the memo Callie distributed prior to the meeting, to the SCJA Board. We have done so.

As we indicated at the Sunday meeting, SCJA is willing to work with AOC to obtain additional resources for WSCCR and AOC. We welcome any discussion as to changes in Legislative and Budget procedures. However, we are unable to agree with the resolution of our request for a separate legal entity with a Memorandum of Understanding even with an enforceability clause. This does not provide us with the status and protection we are seeking to obtain.

We do wish to continue the dialogue and in that spirit the SCJA requests an opportunity to meet with the Court en banc to present and discuss a draft of a bill we intend to propose to the Legislature. We hope that this effort will result in draft legislation that all interested parties can support or implementation of an alternative that will fully meet the needs expressed by the SCJA.

The SCJA Board recognizes the request for this type of meeting is unusual. However, we believe this is an unusual situation and we wish to place our position before the entire Court in an effort to be transparent and clear as to our position.

We remain committed to a collaborative relationship with all members of the branch. However, we also remain committed to our pursuit of a meaningful, long lasting structural change that enhances the ability and effectiveness of the SCJA.

Please let me know as soon as possible if you are able to grant our request. Given the timelines we are operating under, we would appreciate the meeting being before October 30th. We anticipate our draft legislation being completed soon and would hope to circulate it in advance of any meeting.

Thank you for your ongoing consideration of our position and your willingness to discuss this matter.

Harold D Clarke
President SCJA

From: "Clarke, Harold"
Date: November 9, 2015 at 10:12:21 AM CST
To: "Madsen, Justice Barbara A.," Leach, J.," "Steiner, David, " "Dietz, Callie"
Cc: "Downes, Michael," "Ramsdell, Jeffrey," "Weiss, Bruce," "Haan, Marilyn," "Lum, Dean," "Kurtz, David," "Judge James Dixon, " "Linde, Barbara," "Lesley Allan," Susan E Serko," "John Lohrmann," "Warning, Steve," "Kitty-Ann van Doorninck"
Subject: SCJA Governance

At the meeting of October 29th with the Supreme Court a request was made of the SCJA to delay going forward with our proposed legislation as to governance. In response to that request I indicated the SCJA had a Board meeting scheduled for November 7th and the request would be taken to the Board on that date.

The SCJA Board did meet on the 7th as indicated and the request was discussed. The Board wishes to proceed at this time and will not delay the process of moving forward on the legislation.

Please feel free to contact me with any questions. I will continue to send revised copies of the legislation as they become available.

(1) The legislature finds that superior courts are constitutionally established to serve Washington’s citizens to resolve legal disputes in domestic, civil, juvenile and criminal cases.

(2) The legislature further finds that the effective administration of Washington’s superior courts is an important component of the state's responsibility to fairly resolve cases of domestic, civil, juvenile and criminal justice.

(3) Research is imperative to guide trial court reform efforts that improve-equal access for Washington citizens. As Washington’s population continues to grow with a more diverse citizenry equal access to justice is in jeopardy.

(4) The legislature finds the cost of litigation has increased significantly and superior courts require staff assistance to provide statewide development of policies that maintain access to justice for all citizens.

(5) The purpose of this chapter is to establish an Office of Superior Court Judges that will:

(a) utilize contemporary research to advance trial court services through policy, programs, services, and participation with justice stakeholders,

(b) pursue improvements to family and juvenile justice by maximizing the investment in juvenile court cases and promote policies that equalize access to proven methods of services across the state,

(c) respond to legislative efforts to improve court operations through program and budget development,

(d) utilize and develop research tools that promote programs that lead to best practices that improve public safety in the criminal justice system.

New Section

(1) There is created an Office of Superior Court Judges oversight committee consisting of the following five members:
(a) the president of the Superior Court Judges' Association,
(b) The incoming president of the Superior Court Judges' Association,
(c) The immediate past president of the Superior Court Judges' Association,
(d) the chair of the legislative committee of the Superior Court Judges' Association, and
(e) One Superior Court Judges' Association board member appointed by the executive committee of the Superior Court Judges' Association.

(2) The legislative committee chair and appointed board member shall each serve a one-year term, subject to renewal for no more than a three-years term. Members of the oversight committee receive no compensation for their services as members of the oversight committee, but may be reimbursed for travel and other expenses in accordance with rules adopted by the office of financial management.

(3) The oversight committee shall oversee the activities of the office of Superior Court Judges is created in RCW**xxx**.

New Section

(1) There is created an Office of Superior Court Judges as an independent agency of the judicial branch.

(2) Activities of the Office of Superior Court Judges shall be carried out by a director. The oversight committee of the Office of Superior Court Judges shall appoint the director. The oversight committee shall determine the qualifications for the director. The director shall serve at the pleasure of the oversight committee and receive a salary to be fixed by the oversight committee.

(3) The director shall:

(a) respond to legislative requests to provide data to improve court operations through policy, program and budget development,

(b) evaluate and promote programs that lead to best practices to improve public safety in the criminal justice system,

(c) pursue improvements to family and juvenile justice by maximizing the investment in juvenile court cases and promote policies that equalize access to proven methods of services across the state,

(d) work collaboratively with the AOC and other key stakeholders on implementation of statewide technology advancements allowing for data collection and outcome measurement,

(e) Report quarterly to the oversight committee established in RCW **xxx**,

(f) Submit a biennial budget request.

(g) Conduct studies and complete activities as directed by the oversight committee related to the efficient and effective operation of the superior courts

(h) Employ staff, with consent of the oversight committee, to complete the activities of the office.

(i) Enter into contracts as necessary to implement and complete the operation, activities, and services for the office where consistent with this act

New Section

The Office shall work collaboratively with the Supreme Court, Administrative Office of the Courts, and the statewide county association to advance the efficient and effective operation of the superior courts in the 39 counties throughout the state.

This act shall take effect 90 days following the passage of the act.

The Court of Appeals
of the
State of Washington

J. ROBERT LEACH, JUDGE
ONE UNION SQUARE
600 UNIVERSITY STREET
SEATTLE, WASHINGTON 98101-4170
(206) 464-7423
j.leach@courts.wa.gov

November 18, 2015

Callie T. Dietz
State Court Administrator
Olympia, WA

Re: SCJA Proposed Legislation

Dear Ms. Dietz,

I write this letter in my capacity as Presiding Chief Judge of the Washington Court of Appeals to advise you of the court executive committee's opposition to legislation proposed by the SCJA to create a new judicial agency called the Office of Trial Court Policy and Research.

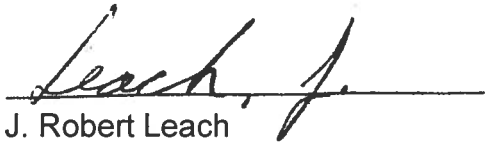
In January 2000, the Washington Supreme Court adopted rules creating the Board for Judicial Administration. This followed lengthy discussions between the various levels of courts. The Court created the Board "to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State." Judges serving on the Board are required to pursue the best interests of the judiciary at large. The Board rules protect each court level from oppression by the other levels by providing a court level veto for any proposed Board action.

This Board provides a number of benefits to the citizens of our state. These benefits include the consideration, refinement, and prioritization of issues concerning the judicial branch by that branch as a whole before those issues are presented to the legislative and executive branches. The Board also provides a coherence of focus, policy, and budget priorities and avoids a duplication of administrative overhead. In recent times of limited resources, the ability to prioritize and focus initiatives has promoted efficiency and allowed the judicial branch to speak in a single voice to the other branches of government.

The SCJA proposal runs counter to the judicial branch developing, promoting, and obtaining funding for initiatives that further the purposes of the judicial branch as a whole. In addition, given the limited financial resources available to the legislature, creation of and funding a new agency will likely result in a loss of funding to other

judicial agencies. Finally, the executive committee agrees with the DMCJA's position that resolution of the SCJA Board's dissatisfaction with AOC is best resolved within the judicial branch and the BJA.

Very truly yours,



J. Robert Leach
Presiding Chief Judge
Court of Appeals

JRL:rp

Tab 6

WSECU
PO BOX WSECU | OLYMPIA, WA 98507
wsecu.org | 800.562.0999

BJA BUSINESS ACCOUNT
MELLANI MCALEENAN
ATTN: COLLEEN CLARK
PO BOX 41170
OLYMPIA, WA 98504-1170

5120

CHECKING

ID 09: MONEY MOVER

Date	Transaction Description		Balance
10/01/15	**Beginning Balance**		**12,247.26**
10/05/15	Deposit by Check	925.00	13,172.26
10/06/15	Check 003717	-25.42	13,146.84
10/14/15	Deposit by Check BULK CHECK DEPOSIT	1,255.00	14,401.84
10/27/15	Deposit by Check	615.00	15,016.84
10/29/15	Check 003719	-50.00	14,966.84
10/31/15	**Ending Balance**		**14,966.84**

3 total deposits: 2,795.00
2 total withdrawals: -75.42

Rewards Summary

To view your current Reward point totals and the Rewards Terms & Conditions, please visit wsecu.org or call 888.529.6288 24 hours a day, 7 days a week.

09 - MONEY MOVER ACCOUNT SUMMARY

CHECKS CLEARED

Check	Amt	Check	Amt
003717	25.42	003719*	50.00

* indicates a break in check sequence
2 Checks Cleared $75.42

DEPOSITS

Date	Amt	Date	Amt	Date	Amt
10/05	925.00	10/14	1,255.00	10/27	615.00

3 Deposits $2,795.00

SAVINGS

ID 01: ORGANIZATIONAL SAVINGS

Date	Transaction Description	Balance
10/01/15	**Beginning Balance**	**55.00**
10/31/15	**Ending Balance**	**55.00**

Call Center/Loan Line: 800.562.0999
Visit us at wsecu.org
To Report a Lost or Stolen ATM/Debit/Credit Card: 866.861.5416

Tab 7

Administrative Office of the Courts

Washington State Center for Court Research

AOC Research Section – Prior to 2004 Supreme Court Order Establishing WSCCR

1. Authority
2. Budget and Staffing
3. Location in Organizational Chart
4. Projects
5. Programs

Authority

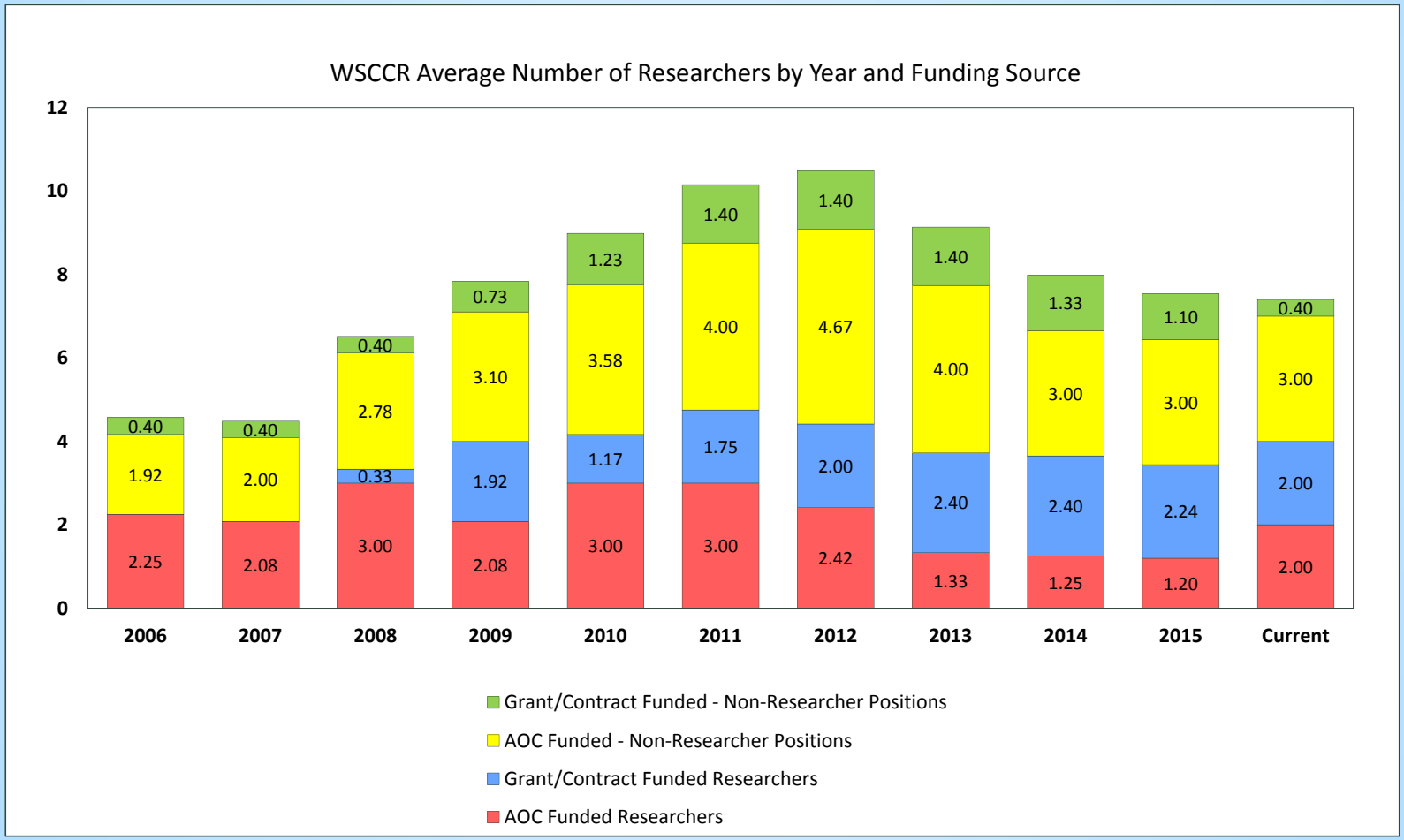
- RCW 2.56.030 (4) and RCW 2.56.030 (11)

"required to 'compile statistical and other data and make reports of the business transacted by the courts' and 'examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same'"

- Traditionally the focus of the in-house research unit was statistical reporting requirements and quality assurance for caseload statistics.

- The unit was able to conduct some research projects during this time but the caseload reporting function required the largest resource commitment.

Budget and Staffing



Location in Organizational Chart

- Reported to the Judicial Services Division Director

Projects

- Unified Family Court Study (2004)
- Juror Pay Study design and implementation (Started 2006, report 2008)
- Justice in Jeopardy analysis and status reports (2004-2009)
- Thurston County Domestic Violence Study (2006)

Programs and Committee Participation

- Caseload Reporting
- Judicial Needs Estimates
- Data Preparation for Salary Commission
- Participation with Caseload Forecast Council

WSCCR Implementation

1. Authority
2. Budget and Staffing
3. Location in Organizational Chart
4. Projects
5. Programs
6. Prospects for the Future

Authority

2004 Supreme Court Order No. 25700-B-440

- ✓ Quoted RCW 2.56.030 (4) and RCW 2.56.030 (11)
- ✓ Established the WSCCR Advisory Board
  - ❖ "The advisory board shall guide the Center's activities and make regular reports to the Supreme Court."

Members:

- Appellate Court Judicial Officer
- County Clerk
- Washington State Bar Association
- Academic Researcher (1)
- Trial Court Judicial Officer
- Trial Court Administrator
- State Court Administrator
- Executive or Legislative Branch Researcher

Authority

2015 Supreme Court Amended Order No. 25700-B-556

✓ Changes to Advisory Board Membership and the Role of the Committee

- "The advisory board shall provide guidance to the Center on implementation of research projects, and facilitate coordination and communication with stakeholders."

Members:

- Appellate Court Judicial Officer
- District or Municipal Court Judicial Officer
- Juvenile Court Administrator
- Academic Researcher (2)
- Superior Court Judicial Officer
- Superior Court Administrator
- District or Municipal Court Administrator
- Executive or Legislative Branch Researcher

2015 Supreme Court Amended Order No. 25700-B-556

✓ Established the Strategic Oversight Committee

- The strategic oversight committee sets priorities for research projects.

Members:				
	Chief Justice of the Supreme Court	Current DMCJA President	Gender and Justice Commission Co-Chair	Commission on Children in Foster Care Co-Chair
	Current SCJA President	Interpreter Commission Chair	Minority and Justice Commission Co-Chair	JIS Committee Chair
	State Court Administrator	WSCCR Advisory Board Chair		

WSCCR Staff
AOC Funded Researchers
Integrator
Administrative Assistant
Grant/Contract Funded Researchers
Manager
CMAP Assistant

Budget and Staffing

2008 Snapshot

Budget

AOC Funding:	$546,970
Grant/Contract Funding:	$211,420
Total 2008 Budget:	$758,390

Research Staff

AOC Funded:	3
Grant/Contract Funded:	0.33

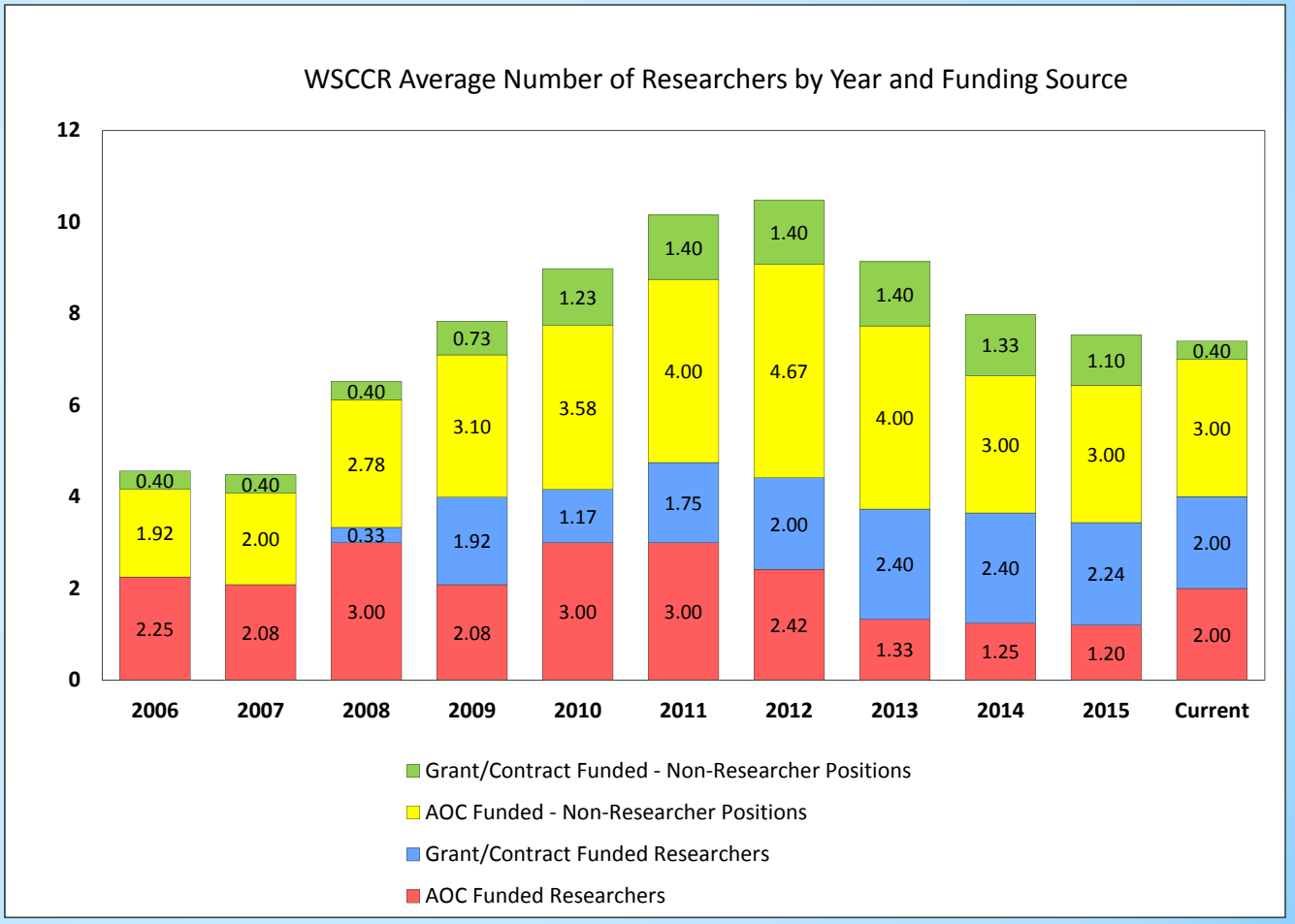
2014 Snapshot

Budget

AOC Funding:	$397,394
Grant/Contract Funding:	$517,143
Total 2014 Budget:	$914,537

Research Staff

AOC Funded:	1.25
Grant/Contract Funded:	2.24



Location in Organizational Chart

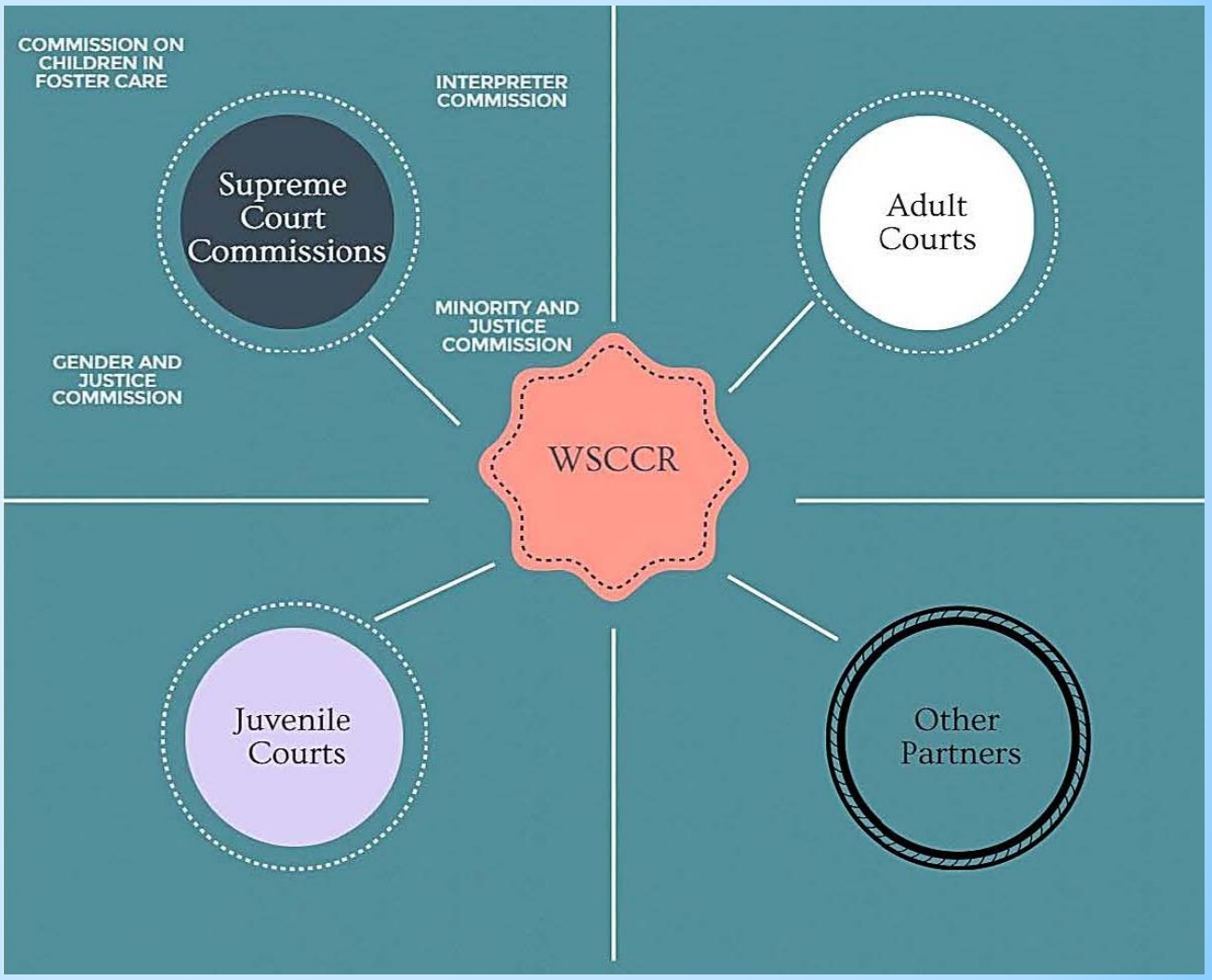
- Reporting directly to the State Court Administrator

WSCCR Relationships

"ORDERED:
That a Washington State Center for Court Research established to provide informed, independent, and empirical research for the judicial branch to improve equal administration of justice by conducting research necessary to analyze court operations, processes, and programs; by facilitating strategic planning and the adoption and implementation of Board for Judicial Administration resolutions; by communicating research findings to the judicial branch; and by reviewing and commenting on court system related research conducted by the legislative and executive branches." (Supreme Court Order establishing WSCCR)

Supreme Court Commission

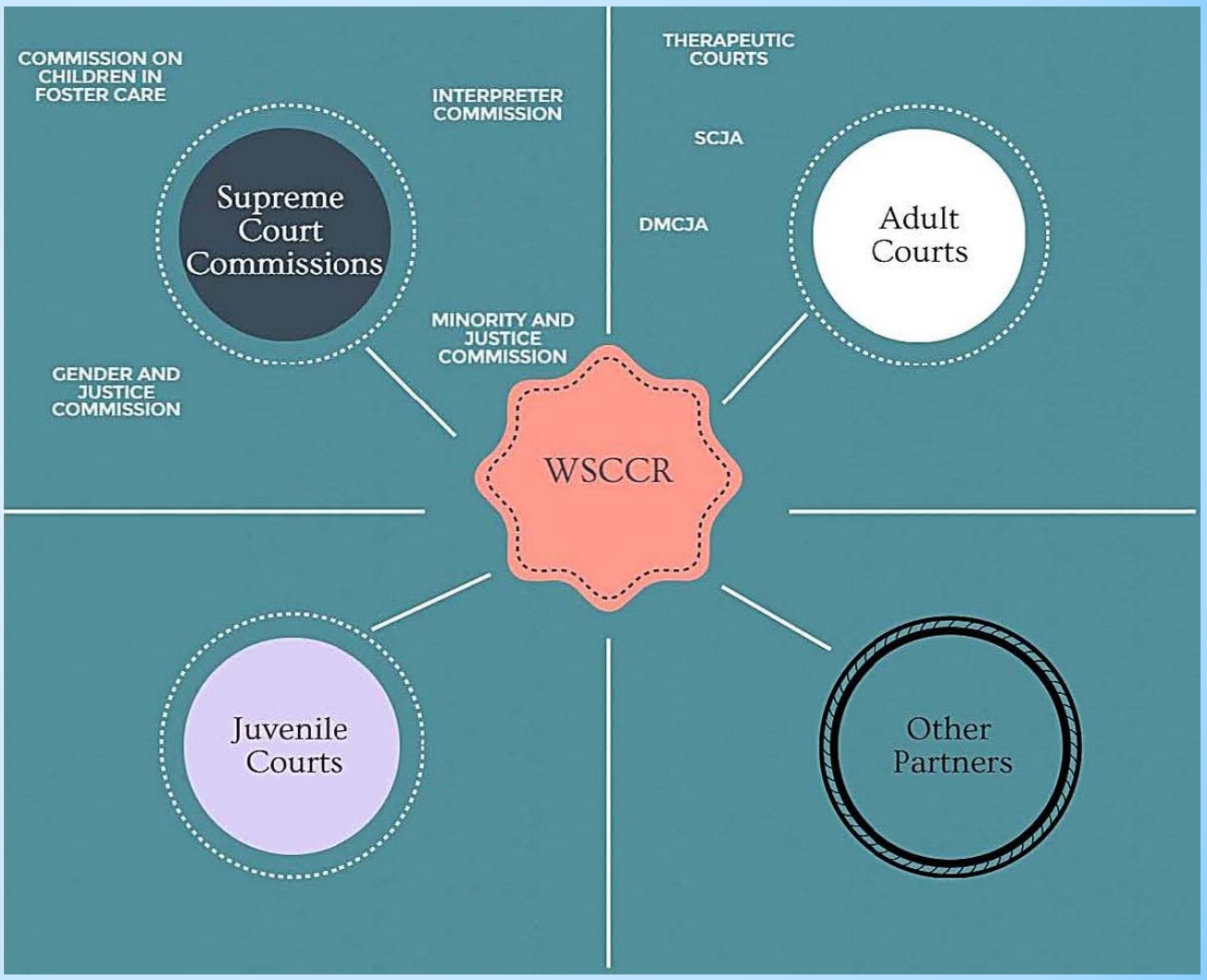
- Justice in Washington Survey
- Racial and Ethnic Disparity Reporting
- Domestic Violence Sentencing Study



"to analyze and improve court operations, processes, and programs to ensure equal justice" (Supreme Court Order establishing WSCCR)

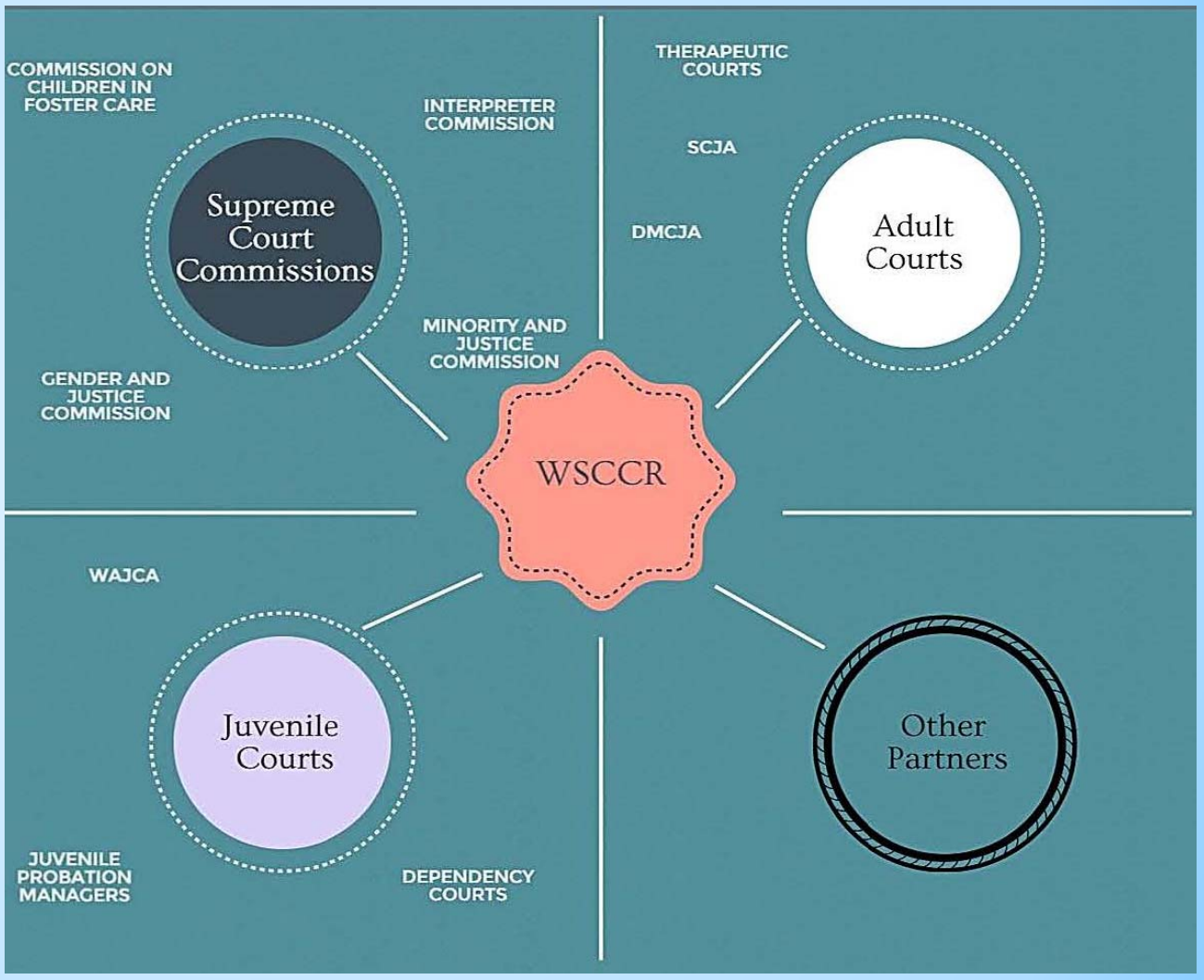
Adult Courts

- Judicial Needs Estimates
- Adult Drug Court Reporting
- Trial Court Sentencing and Supervision



Juvenile Courts

- Dependency Timeliness Report
- Probation Reports
- Evidence Based Treatment Outcome Reports
- Multi-System Youth Reports
- Detention Reporting
- Racial and Ethnic Disparity Reporting
- Diversion Program Reporting
- Dispositional Alternative Reporting

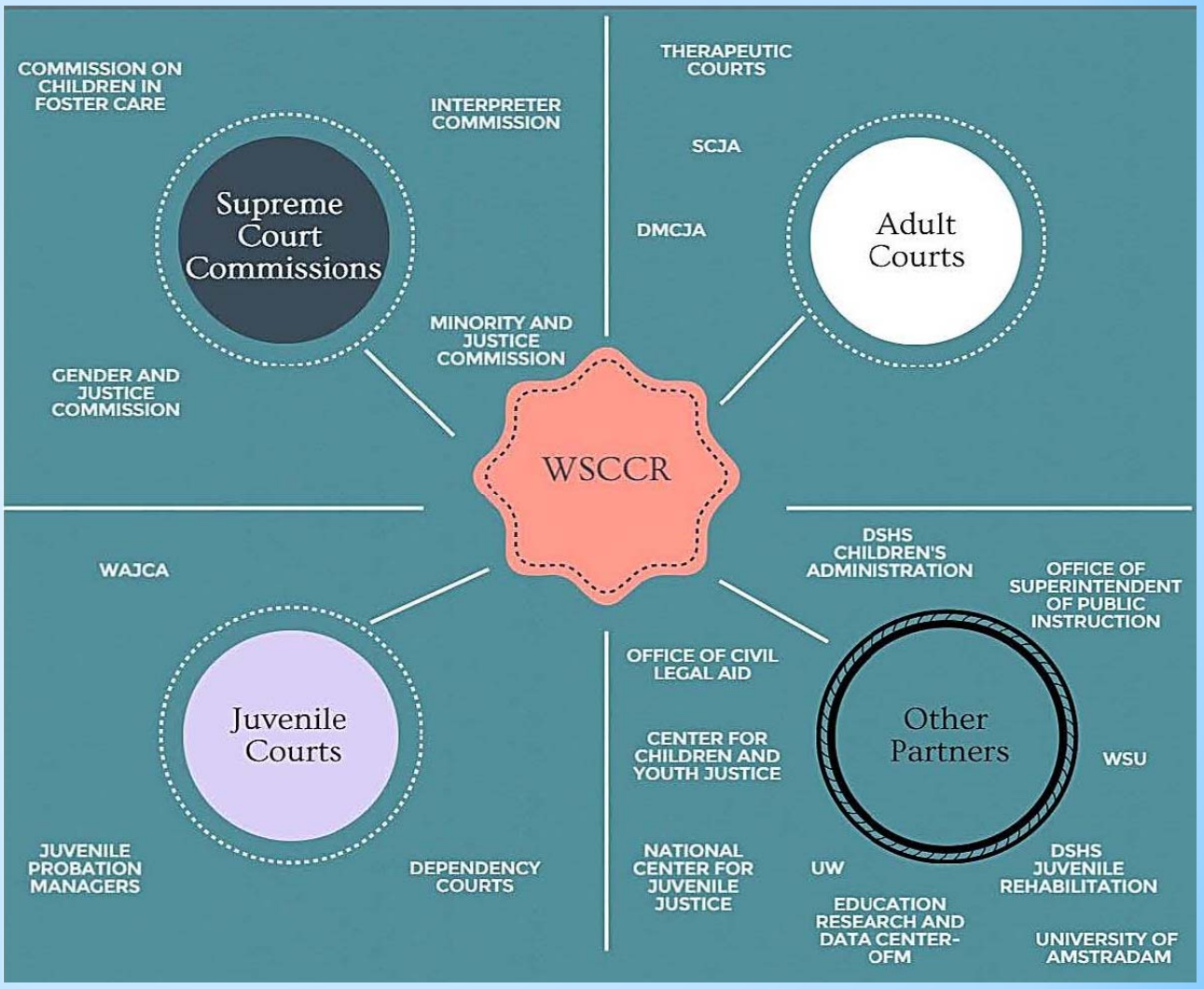


"examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts" (Supreme Court Order establishing WSCCR)

Other Partners

- Truancy Reporting (UW-T)
- Validation of the Juvenile Probation Risk/Needs Assessment (WSU)
- Community Juvenile Accountability Act Committee's Environmental Assessment Workgroup, translating academic research into guidance on assessing probation implementation (JJ&RA, George Mason U.)
- Pew Charitable Trusts Public Safety Performance Project to develop routine recidivism reporting for all juvenile offenders (Pew, National Center for Juvenile Justice, JJ&RA)

"evaluate and respond to executive and legislative branch research affecting the operation of the judicial branch" (Supreme Court Order establishing WSCCR)



RESEARCHERS IN ACTION

Programs – Level 1 Maturity, Beginning Stages

Dedicated Grant/ Contract Funded

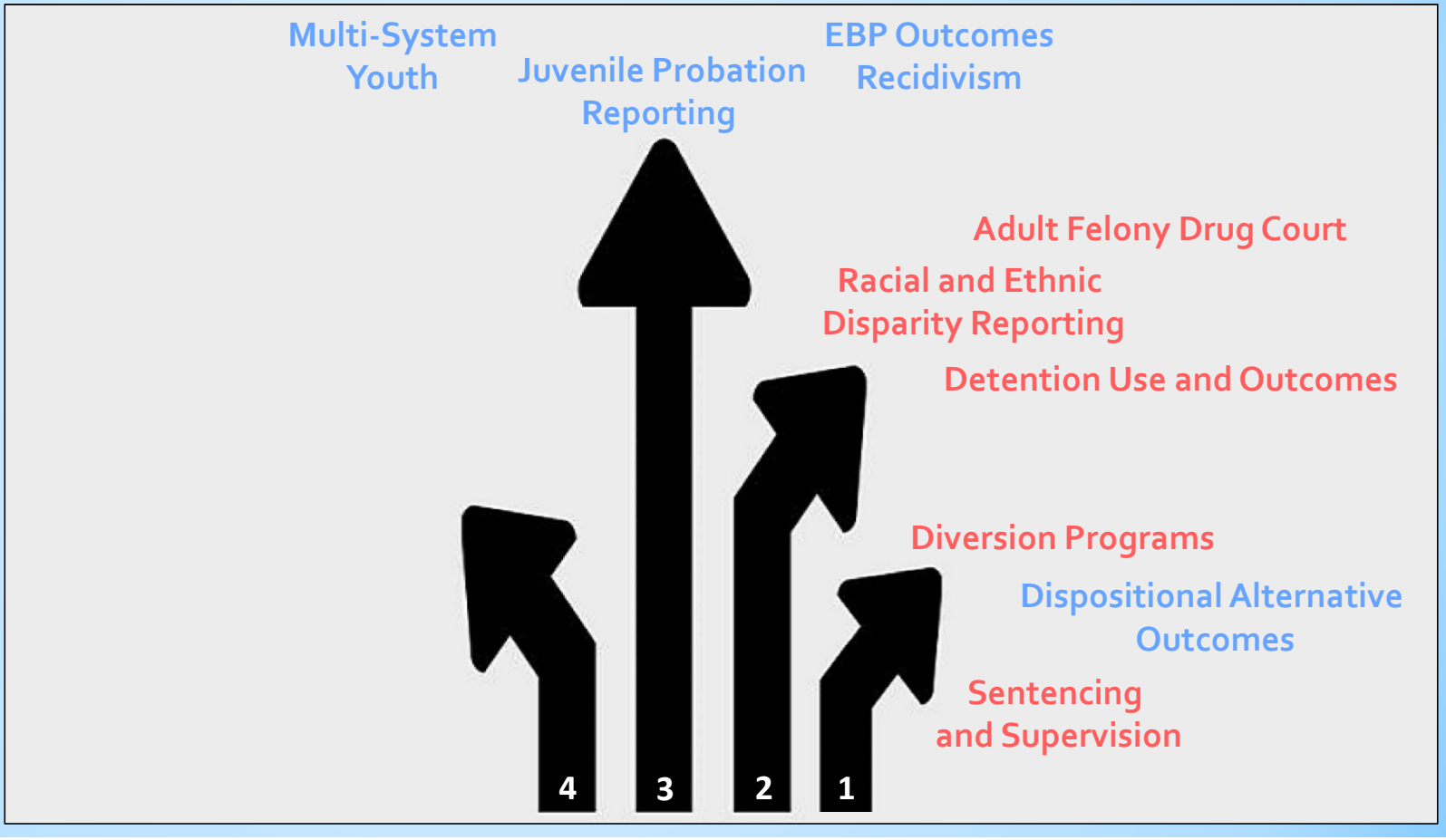
General Funded Research Positions

Programs – Level 2 Maturity

Dedicated Grant/ Contract Funded

General Funded Research Positions

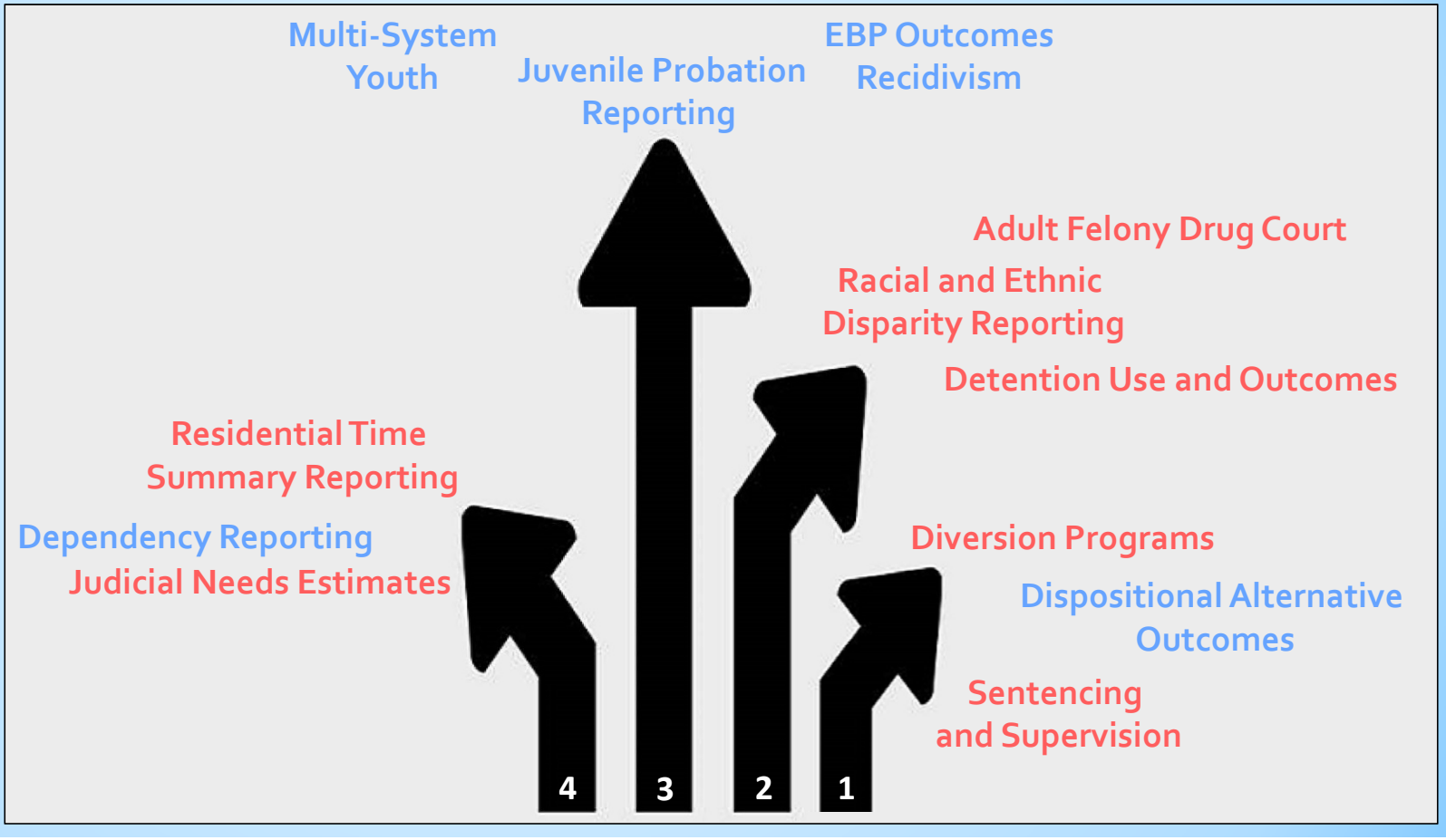
Programs – Level 3 Maturity



Dedicated Grant/ Contract Funded

General Funded Research Positions

Programs – Level 4 Maturity, Most Mature



Dedicated Grant/ Contract Funded

General Funded Research Positions

Prospects for the Future

1. Therapeutic Courts
2. Sentencing, community supervision, and treatment
3. Criminal career analysis (juvenile, adult misdemeanor, adult felony)
4. Pretrial risk assessment
5. Detention
6. Recidivism analysis
7. Education and employment outcomes
8. Legal Financial Obligation (LFO) analysis

Questions or Comments?

Please contact:

Carl McCurley
Research Manager
carl.mccurley@courts.wa.gov

Tab 8

Board for Judicial Administration
Budget and Funding Committee Criteria

The Budget and Funding Standing Committee (BFC) of the Board for Judicial Administration is responsible for reviewing, making recommendations, and initially prioritizing budget requests submitted to the BJA. The following criteria will be used by the BFC to evaluate budget proposals submitted to the BJA.

Mandatory Criteria

- The budget request is for an activity essential to a constitutional, statutory or court rule mandate.
- The budget request is necessary to carry out the Principal Policy Goals of the Washington State Judicial Branch
    - Fair and Effective Administration of Justice in all Civil and Criminal Cases
    - Accessibility
    - Access to Necessary Representation
    - Effective Court Management
    - Appropriate Staffing and Support.
- The budget request implements a resolution adopted by the BJA.

Additional Criteria

- The budget request provides a complete and detailed description of the justification for the request, written in plain language so that an outside reader will understand the problem and the proposed solution. The request will include the following elements.
    - A description of the funding requested supported by empirical data.
    - Specifically identified outcomes.
    - Organizations and groups that support the request.
    - The impact if not funded.
- The request is an innovative approach or a more effective means of addressing a mandate or the principal policy goals, and includes a description of the justification and proposed empirical evaluation criteria.
- The budget request builds on or enhances existing and ongoing efforts and seeks to achieve more cost-effective outcomes.
- The request is designed to mitigate or eliminate structural or systemic funding problems.

November 13, 2015

TO: Board for Judicial Administration Members

FROM: Judge Judy Rae Jasprica, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

I. Work in Progress

The CEC met October 30, 2015 and identified Dr. John Martin as their facilitator to guide their visioning and strategic plan, the retreat, and securing grant funding.

The CEC budget committee met October 21, 2015 to review the biennial submission process and procedures in addition to the BJA Budget Committee's deadline criteria. The CEC is looking to increase the current education budget due to inflation costs, succession planning needs, and the need for a yearly Presiding Judge and Administrator program. The CEC budget committee is actively pursuing additional funding (not supplemental funding) in FY17 for a Presiding Judge and Administrator Education program and additional funding for the 2017 Judicial College due to election year.

The CEC Judicial Education Taskforce met on October 26, 2015 and reviewed the educational needs of new judicial officers.

The upcoming meetings are:

- CEC meeting, December 11, 2015 from 9 –12 at the Sea-Tac Office.
- Judicial Education Taskforce, November 23, 2015, online.
- CEC Budget committee, November 30, 2015 at the Sea-Tac Office.

The CEC committee for the Education of Court Employees will be scheduling a call in November to begin the task of creating a plan to educate court personnel and managers of all court levels and responsibilities.

II. Short-term Goals

The CEC plan to:

- Adopt a communication plan to foster a holistic relationship between the other BJA standing committees.
- Develop an in-state Judicial Education Leadership Institute.
- Biennial request to the BJA, due in March 2016.

III. Long-term Goals

- Develop a stable funding source for court education.

WASHINGTON COURTS

November 12, 2015

TO: Board for Judicial Administration Members

FROM: Judge Janet Garrow, Policy and Planning Committee

RE: REPORT OF POLICY AND PLANNING COMMITTEE

I. Strategic Issue Management Initiative

Since the spring the Policy and Planning Committee has been carrying out its charge to conduct a planning process in close conjunction with judicial branch stakeholders. The process the committee is implementing, referred to as the *Strategic Issue Management Initiative*, is based on a loosely-coupled model of judicial branch structure, and starts at the issue level rather than at the higher-order level of mission, vision and overarching goals.

The first step in an issue management process is identification of strategic issues of broad concern affecting critical stakeholders in the organizational environment. In June the committee conducted a forum with liaisons from twenty-three judicial branch stakeholder organizations for the purpose of identifying issues of broad concern among them. (A list of the current stakeholder liaisons is attached.)

The forum generated a list of approximately eighty issues of concern to one or more stakeholders. These eighty issues were then the subject of further inquiry through an online survey of the liaisons that assessed attitudes toward each issue with respect to perceived importance, feasibility, and a willingness to engage with the issue. Twenty issues were identified that were ranked highest by respondents in terms of importance and engagement. Based on this stakeholder input, five issue areas were selected by the committee to be the focus of strategy development projects. These are:

- Local Funding: local justice system funding, state funding responsibilities, structural deficits, and revenue sources.

- Juveniles: racial disproportionality, reliance on criminal sanctions, dependency and foster care.

- Access and Technology: access to the judicial process, e-everything.

- Mental Health: adult mental health, juvenile mental health, rules and case processing, availability of treatment and services.

- Indigent Defense: adequate funding, state funding, caseload monitoring, training.

The next step in the issue management process is issue analysis and strategy formation. For this step, a workgroup for each issue area is being assembled, comprised of stakeholder representatives with an expressed interest in the subject. At this point 35-40 individuals from the 23 stakeholder organizations will be involved in the analysis and strategy development process. (A compilation of the current workgroup rosters is attached.)

The workgroups will begin meeting in the coming weeks. Each workgroup is tasked with carrying out a rudimentary analysis of the issue, and outlining a short proposal for a viable two-year project to address some aspect of the issue. (Guidelines and template provided to the workgroups are attached.)

When they are completed each proposal will be circulated to all stakeholder organizations as well as the BJA. Each entity will be free to consider for itself whether and how to engage in advancing the proposal to an implementation stage. The Policy and Planning Committee will review the proposals and make recommendations to the full board regarding any that the committee recommends be adopted as a strategic initiative, or campaign, of the BJA.

II. Mission, Vision, Principal Policy Objectives, Goals of the BJA

The committee is charged with recommending a schedule and process for review of the higher-order elements of the board's existing planning elements. The committee has begun consideration of this task and anticipates making a recommendation to the board in February. If the committee's plan is acceptable to the board then review of these elements will be the focus of the committee's work in the first half of 2016.

III. Other Matters – Accountability Issues.

There are three outstanding matters pending before the committee, all of which relate to the general subject of judicial branch accountability and public transparency.

The new standing committee structure of the BJA, adopted in October, 2014, abolished several of the previous standing committees, including the Public Trust and Confidence Committee and the Best Practices Committee. The BJA has referred oversight of these responsibilities to the Policy and Planning Committee.

Although not a standing committee, the Public Trust and Confidence Committee, chaired by Justice Mary Fairhurst, continues to be an active and productive committee operating with a high degree of autonomy.

The Best Practices Committee is no longer active. The work of this committee focused primarily on developing court performance measures necessary to comply with existing statute and law. The BJA directed the Policy and Planning Committee to review the work of this committee and make recommendations as to whether, and how, to continue work in this area.

Proposed General Rule 35 would create the Judicial Performance Program Committee to oversee a system of performance evaluations for judges and judicial candidates intended to inform voters as well as to promote improvement in judicial education and performance. The BJA voted to not support the rule in its present form, and referred the matter to the Policy and Planning Committee for review. The board noted “that if BJA is not being proactive in determining an acceptable method of evaluating judges there is a risk that others will develop the criteria for the branch.” (BJA minutes, march 20, 2015.)

The committee has begun consideration of whether to process these three matters separately, or to treat them as closely related under the general rubric of institutional accountability and transparency, and to consider developing a comprehensive approach to judicial branch accountability with a goal to develop an internally consistent long term strategy and associated policies in this area.

System Partner Liaisons (10/14/15)

Association of Washington Cities	*Heidi Ann Wachter*
Association of Washington Superior Court Administrators	*Frank Maiocco*
Civil Legal Aid Oversight Committee	*Jim Bamberger*
District and Municipal Court Judges' Association	*G. Scott Marinella*
District and Municipal Court Management Association	*Suzanne Elsner*
Judicial Information System Committee	*Judge Jeanette Dalton*
Office of Public Defense Advisory Committee	*Sophia Byrd McSherry*
Superior Court Judges' Association	*Judge Linda Krese*
Washington Association of Criminal Defense Lawyers	*Louis A. Frantz*
Washington Association of Juvenile Court Administrators	*Bonnie Bush*
Washington Association of Prosecuting Attorneys	*Mark McClain*
Washington Defense Trial Lawyers	*Jillian Hinman*
Washington State Access to Justice Board	*Ishbel Dickens*
Washington State Association for Justice	*Nathan Roberts*
Washington State Association of Counties	*Kevin Bouchey*
Washington State Association of County Clerks	*Ruth Gordon*
Washington State Association of Municipal Attorneys	*W. Scott Snyder*
Washington State Bar Association	*Anthony Gipe*
Washington State Court of Appeals	*Judge J. Robert Leach*
Washington State Gender and Justice Commission	*Justice Barbara Madsen*
Washington State Interpreter Commission	*Justice Steven Gonzalez*
Washington State Minority and Justice Commission	*Justice Mary Yu*
Washington State Office of the Attorney General	*Christina Beusch*
Washington State Supreme Court	*Justice Barbara Madsen*

Strategic Issue Management Initiative

Work Group Rosters

1. Local Funding: adequate funding, state funding, caseload monitoring, training.

- Association of Washington Cities
  -- *Heidi Ann Wachter,* HWachter@cityoflakewood.us
- Washington State Association of Counties
  -- *Kevin Bouchey,* kevin.bouchey@co.yakima.wa.us
- Association of Washington Superior Court Administrators
  – *Jeff Amram,* Jeff.Amram@clark.wa.gov
- District and Municipal Court Judges' Association
  -- G. Scott Marinella, gsm.judge@gmail.com
- District and Municipal Court Managers Association
  -- *Suzanne Elsner,* selsner@marysvillewa.gov
- Judicial Information Systems Committee
  – *Jeanette Dalton,* jdalton@co.kitsap.wa.us
- Office of Public Defense
  -- *Sophia Byrd McSherry,* Sophia.ByrdMcSherry@opd.wa.gov
- Superior Court Judges' Association
  – TBD
- Washington Association of Prosecuting Attorneys
  -- *Mark McClain,* mmcclain@co.pacific.wa.us
- Access to Justice Board
  -- *Ishbel Dickens,* ishbel@nmhoa.org

2. Juveniles: racial disproportionality, reliance on criminal sanctions, dependency and foster care.

   - Superior Court Judges' Association
     – TBD

   - Association of Washington Juvenile Court Administrators
     – *Bonnie Bush,* bbush@spokanecounty.org
     – *Dennis Rabidou,* drabidou@co.okanogan.wa.us

   - Washington Association of Prosecuting Attorneys
     -- *Carla Lee,* Carla.Lee@kingcounty.gov

   - Access to Justice Board
     -- *Annie Lee,* anne.lee@teamchild.org

   - Washington State Bar Association
     -- *Anthony Gipe,* adgipewsba@gmail.com

   - Minority and Justice Commission
     – *Cynthia Delostrinos,* Cynthia.Delostrinos@courts.wa.gov

3. Access and Technology: access to the judicial process, e-everything.

- Association of Washington Superior Court Administrators
  – *Andrew Somers, a.sommers@co.islands.wa.gov*
- District and Municipal Court Managers Association
  -- *Suzanne Elsner,* selsner@marysvillewa.gov
- Washington Defense Trial Lawyers
  -- *Jillian Hinman,* JHinman@forsberg-umlauf.com
- Judicial Information Systems Committee
  – *Jeanette Dalton,* jdalton@co.kitsap.wa.us
- Access to Justice Board
  -- *Brian Rowe,* Brian@BrianRowe.org
- Association of Justice
  -- *Nathan Roberts,* nroberts@connelly-law.com
- Washington Association of Court Clerks
  -- *Ruth Gordon,* RGordon@co.jefferson.wa.us
- Office of Attorney General
  -- *Christina Beusch,* ChristinaB@ATG.WA.GOV
- Interpreter Commission
  -- *Robert Lichtenberg,* Robert.Lichtenberg@courts.wa.gov

4. Mental Health: adult mental health, juvenile mental health, rules and case processing, availability of treatment and services.

   - Superior Court Judges' Association
     – *Linda Krese,* Linda.Krese@snoco.org

   - Office of Attorney General
     -- *Sarah Coats,* SarahC@ATG.WA.GOV
     -- *Amber Leader,* AmberL1@ATG.WA.GOV

   - District and Municipal Court Managers Association
     -- *Suzanne Elsner,* selsner@marysvillewa.gov

   - Washington Association of Criminal Defense Attorneys
     -- *Mary Kay High,* mhigh@co.pierce.wa.us

   - Washington Association of Juvenile Court Administrators
     -- *Pat Escamilla,* pat.escamilla@clark.wa.gov

   - Washington State Association of Counties
     -- *Kathy Lambert,* kathy.lambert@kingcounty.gov

   - Washington State Supreme Court Gender and Justice Commission
     -- Sheryl Gordon-McCloud, sheryl@sgmccloud.com

5. Indigent Defense:

- Association of Washington Cities
  -- *Heidi Ann Wachter,* HWachter@cityoflakewood.us

- Association of Washington Superior Court Administrators
  – *Johanna Ellis,* jellis@co.lincoln.wa.gov

- Office of Public Defense
  -- *Sophia Byrd McSherry,* Sophia.ByrdMcSherry@opd.wa.gov

- Washington Association of Criminal Defense Attorneys
  -- *Louis A. Frantz,* Louis.Frantz@kingcounty.gov

- Washington State Association of Municipal Attorneys
  -- *W. Scott Snyder,* ssnyder@omwlaw.com

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

Guidelines for Strategic Issue Proposals

The goal of the Strategic Issue Management Initiative is to create effective coalitions of judicial branch stakeholders capable of developing and implementing mutually agreed upon strategies to address important strategic issues facing the judicial system of Washington. The central vehicle for developing strategies is the issue workgroup. These guidelines are provided to assist the issue workgroups in producing strategic issue proposals.

- Each issue workgroup is asked to develop a brief *analysis* of the issue cluster assigned to it, and to agree upon a short strategy *proposal* to address some aspect of the issue through a project that would occur over a two-year period.

- The drafting process should be participatory and collaborative. All workgroup participants should concur in the final language.

- An *issue* is a development of trends or conditions, existing or foreseeable, which presents an opportunity for improvement in, or a threat to the delivery of, the administration of justice in Washington.

- An *issue analysis* should include an issue statement that summarizes the relevant trends or conditions giving rise to the issue, the anticipated effect if no action is taken regarding the issue, and identifies critical institutional actors that can impact the issue.

- A *strategy proposal* is a brief description of a strategy to address the threat or opportunity presented by the issue. The proposal should: identify potential participants in the project, describe the contemplated activities, explain how these activities would impact the issue, identify the intended measurable or observable outputs of the activities, and describe how these outputs would impact the desired long-term outcomes.

- The *proposal* should also identify: all necessary and sufficient individual or institutional participants to implement the proposal, a general time-line for activities to be carried out within two years beginning in the spring of 2016, any fiscal and other resources necessary to support the project, and potential sources of necessary resources.

Strategic Issue Proposal

TEMPLATE

I. Proposal Title: _____

II. Issue Analysis:

a. Issue Statement: _____

b. Relevant Trends and Conditions: _____

c. Potential Effects: _____

d. Critical Actors: _____

III. Proposal:

a. Project Participants: _____

b. Intended Activities: _____

c. Desired Outputs: _____

d. Expected Impacts: _____

e. General Timeline: _____

f. Resources Needed: _____

g. Potential Sources of Resources: _____

November 13, 2015

TO: **Board for Judicial Administration**

FROM: Mellani McAleenan
Associate Director, Office of Judicial & Legislative Relations

RE: Response to Request for Criteria

At the last BJA meeting, the Chief Justice asked that the BJA Legislative Committee develop criteria to consider when determining what legislation BJA will get involved with, the extent of the involvement, and criteria for proactive legislation.

In light of difficulties that arose in scheduling a meeting of the BJA Legislative Committee, a discussion of proposed criteria ensued via email. While not all of the members have responded, this memo outlines the proposed criteria developed to date.

1. Development of criteria for involvement in legislation.

Section IV of the BJA Legislative Committee charter addresses this issue as follows:

Staff to the Legislative Committee shall refer bills to the committee based on the following criteria:

- The topic is highly visible, controversial, or of great interest to the judiciary;
- The bill applies to multiple court levels or the entire branch;
- The bill is referred by another entity;
- There is or could be disagreement between associations or judicial branch partners.

2. Development of criteria for the level of involvement by BJA in legislation.

We do not currently have written criteria to determine our level of involvement. Generally, once staff refers a bill to the committee and the committee has discussed a position, the next question regards level of involvement. The possible levels of involvement include:

Signing in at a committee hearing; Staff testimony at a committee hearing; Judge testimony at a committee hearing; Conversations with legislators and/or legislative staff; Full blown “lobbying” – including meetings, testifying, vote counting, etc.

Because we do not have infinite time or political capital to act on the full number of bills that arise during session, some level of prioritization is important. To some extent, the position taken on the legislation (support, oppose, concerns, watch) may drive the level of involvement.

- How important is it that the BJA perspective be known on this bill?
- How vital are any desired amendments?
- How visible does BJA want to be on this issue?
- Does the issue warrant asking a judge to testify?
- Are other allies providing sufficient coverage on the issue?
- How much time does BJA Legislative Committee staff have available?

3. Development of criteria for proactive legislation.

We do not currently have any written criteria for the development of proactive legislation. The first set of bullets can help determine when BJA might act, both in regard to proactive legislation and in reacting to legislation. The second set of bullets are instructive in the deciding the particulars of the response and/or legislative proposal.

- Upon the request of a board, commission, or association.
- Upon the request of the full BJA or one of the standing committees.
- Does the issue affect multiple levels of court or the entire branch?
- Continued use of the reactive criteria as guidelines.

- Does the issue make sense in the current political climate?
- What is the tolerance level for risk of change to the proposal by the legislature?
- Does the proposal fit the Principal Policy Objectives and BJAR's?
- Does the proposal advance the "administration of justice?"
- Does BJA or AOC have mandate to address such policy? (Ex. New judge bills)
- Is this bill appropriate to pursue during a long or short session?
- If the proposal may take multiple sessions to pass, does BJA commit to a multi-year effort?
- What level of development is necessary; is supporting data prepared, or if not, how long would preparation take?
- Do we have enough time to lay a proper foundation prior to the beginning of the legislative session?
- Are there significant allies/foes?
- Where does the legislation fall in the list of BJA priorities?

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)

---

(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.)