



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

Friday, December 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 Thomas Bjorgen
Judge Bryan Chushcoff
Judge Harold Clarke III
Ms. Callie Dietz
Judge Michael Downes
Judge Janet Garrow
Mr. William Hyslop
Judge Judy Rae Jasprica
Judge Michael Lambo
Judge J. Robert Leach
Ms. Paula Littlewood
Judge G. Scott Marinella
Judge Sean O'Donnell
Justice Susan Owens
Judge Kevin Ringus
Judge Ann Schindler
Judge Laurel Siddoway
Judge David Steiner

Court Management Council Members Present:

Ms. Callie Dietz, Co-chair
Ms. Renee Townsley
Ms. Linda Baker
Ms. Ruth Gordon
Mr. Frank Maiocco
Ms. Kim Morrison (by phone)
Mr. Dennis Rabidou
Ms. Paulette Revoir
Ms. Jane Severin

Public Present:

Dr. Page Carter

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Monto Morton
Mr. Ramsey Radwan

Judge Sparks called the meeting to order.

November 20, 2015 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Schindler to approve the November 20, 2015 BJA Meeting Minutes. The motion carried.

Court Manager of the Year Award/Court Management Council Annual Update

Court Management Council Annual Update: Ms. Dietz explained that the Court Management Council (CMC) was created by the Supreme Court in 1987 and it is a statewide forum for the administrators for all levels of courts.

Ms. Townsley reported that one of the projects the CMC has been working on is the court transcriptionist changes. In June 2015 the Supreme Court adopted the proposed revisions to the transcriptionist rules and they were implemented September 1, 2015.

Ms. Dietz also stated that one of the CMC's major projects this past year was addressing jury duty scams that have been occurring in Washington State. Several elderly people have been bilked out of thousands of dollars. The CMC created a flyer and sent it to all courts, the media, and other organizations. The National Center for State Courts (NCSC) liked it so much that they asked if they could distribute it to different states for their use and the CMC approved their request. Another project they worked on was to create a one-page information sheet that provides an overview of the work of the CMC.

Ms. Townsley reported that the future work of the CMC is looking at GR 17. It was adopted in 1993 and courts are moving away from facsimile transmissions. The CMC is also looking at GR 30 (electronic filing) and in light of the Superior Court Case Management System (SC-CMS) and the new appellate court system, the CMC wants to make sure courts are prepared for the future.

The CMC members collaborate and keep each other informed of issues. Ms. Townsley appreciates the support of Mr. Marler and Ms. Caroline Tawes. They do a great job for them. Ms. Dietz also brings a lot of experience and great ideas to the CMC.

The CMC is working with the BJA Court Education Committee (CEC) to support them in their efforts to get more education for court administrators and staff. They have discussed whether or not there should be mandatory education for staff and they are looking at what that would look like. They need the support of the judges to support education for administrators. Any help they could give them to support that would be appreciated.

Ms. Dietz thanked the members of the CMC for being at the meeting and for supporting the CMC throughout the year and all of the work that they do to support the administration of justice.

Court Manager of the Year Award: Ms. Dietz stated that this year the CMC had some of the best candidates for the Court Manager of the Year Award and it was a struggle to choose someone. They look for someone who exemplifies leadership and professionalism. A plaque with the name of the recipient is displayed on the wall at the AOC SeaTac Office. The recipient is presented with a vase that the person can take home with them.

There were eight nominees this year: Ms. Kathy Brack, Lewis County Clerk; Ms. Lynne Campeau, Issaquah Municipal Court Administrator; Ms. Lindy Clevenger, Clallam County Superior Court Administrator; Ms. Kelly Martin, Franklin County District Court Administrator; Mr. Ron Miles, Spokane County Superior Court Administrator; Ms. Ela Selga, Clark County District Court Administrator; Ms. Fona Sugg, Chelan County Superior Court Administrator; and Ms. Renee Townsley, COA Division III Clerk. This year they had a tie. One of the recipients was not able to be here. Mr. Miles is one of the award winners and Ms. Dietz traveled to Spokane last week to present his award at their court Christmas party. Judge Clarke said that Mr. Miles has worked at Spokane County Superior Court for about 15 years and he is a wonderful guy. What speaks to his credit as much as anything is that he has about five to six weeks left on the job and he is there every day working extremely hard and getting the next court administrator up to speed. He has never seen anyone who works that hard. He has integrity, commitment to the court and everyone at Spokane County Superior Court will have to shoulder more of the load with him gone.

Ms. Dietz reported that there is another individual who is equally deserving of the award who was nominated by all of the judges at her court. Ms. Renee Townsley has been at the Court of Appeals, Division III, since 2006 and has been active a number of years on a number of levels and is a tireless member of the Appellate Court Electronic Content Management System project. Her knowledge, ability to work with people, and dedication is outstanding. Judge Siddoway stated that Ms. Townsley serves in Division III which is populated with a lot of new judges. She identifies issues before they become problems and provides great service to those who appear in their court. They are happy to have her receive the award.

Ms. Townsley was presented with a vase. She said that she is humbled to be nominated, much less to be chosen. She added that the award has gone to a lot of talented people over the years and it is a privilege to be part of the justice system in Washington.

BJA Public Trust and Confidence Committee Appointment

It was moved by Judge Steiner and seconded by Judge Jasprica to appoint Ms. Mary Crawford to the BJA Public Trust and Confidence Committee. The motion carried.

Washington State Center for Court Research (WSCCR)

Dr. McCurley provided an overview of the essential business of the WSCCR. Staff answer questions in a structured way bringing experience and training into how they gather data and sort through it. They include research from around the world pertaining to courts and try to keep current on research regarding operations of courts, administration of justice, effectiveness of court structure and how courts can adapt themselves to meet the needs of customers.

Dr. McCurley stated that WSCCR works with a variety of groups on research projects. Examples are Supreme Court commissions, adult and juvenile courts, the BJA, DSHS, OFM, WSIPP, and the Caseload Forecast Council. They also work with universities on joint research projects.

Some of their projects are funded with dedicated grants or contract funding and some are funded with state general funds. Examples of projects completed and programs launched since 2006 include sustained reporting on dependency case timeliness and outcomes, juvenile probation evidence-based treatment utilization and outcomes, and multisystem youth; occasional reporting on the truancy petition process and on racial and ethnic disparity in juvenile courts; development and validation of the Washington Assessment of the Risks and Needs of Students, development of research databases for juvenile court risks and needs assessment and for offender and dependency-related contact with the courts across the life course; and annual calculation of judicial needs for the trial courts. Information regarding the number of WSCCR staff, projects they work on, and how they are funded was provided in the meeting materials. There are currently two AOC researchers funded with state funds, and another two with dedicated grant or other funding.

The WSCCR manager reports directly to Ms. Dietz as part of the Office of Court Innovation which also includes the Supreme Court Commissions.

Future potential projects are: therapeutic courts; sentencing, community supervision and treatment; criminal career analysis (juvenile, adult misdemeanor, adult felony); pretrial risk assessment; detention; recidivism analysis; education and employment outcomes; legal financial obligation (LFO) analysis; juvenile firearm use; and adult racial and ethnic disparity.

The Oversight Committee sifts through and prioritizes research requests and requests need to go through the process.

Judge Schindler acknowledged all the hard work Dr. McCurley has done and the recognition he receives nationally.

Washington State Bar Association (WSBA)

Mr. Hyslop is the President of the WSBA and is the first president from Spokane in 15 years. He was preceded by Mr. Anthony Gipe and will be followed by Ms. Robin Haynes who is also from Spokane. Ms. Littlewood has been with the WSBA for 12 years and has been the director for nine of those years. The WSBA is just finishing its 125th anniversary.

There are 37,917 WSBA members and 25,678 of them are active in Washington State. There are a total of 31,815 active members. Bar numbers now exceed 50,000 and there are 28 sections with over 10,000 memberships; 18 committees, councils, boards and panels; and six Supreme Court created boards staffed and administered by the WSBA.

There are projected membership changes in the future. There are a small number of incoming members and 50% of their membership will transition out due to retirement in the next 15 years. They are netting about 900 new lawyers a year including those joining the profession as second career lawyers. Law school applications nationwide are down about 50%. People are coming into the profession and then leaving which is now a focus of the WSBA.

The WSBA has 14 members of their Board of Governors and they expect to add community members to the Board. Many bar associations across the United States feel that they benefit from community members on their boards. They are also looking at changing their name from the WSBA to the Washington State Bar in reference to their responsibilities as a regulatory agency. They are busy preparing for the future of the profession to be responsive to the needs of their members and the public they serve.

Ms. Littlewood reported that the WSBA no longer utilizes strategic plans. They now use strategic goals which they update about every three years. The idea is that they are very focused. They use three criteria to determine their strategic goals. The goal must be something the WSBA has not been doing but should be doing or are doing but not putting enough emphasis on it; it has to be measurable; and it has to be a goal within itself, not a means to another goal.

Mr. Hyslop reported that the issues on the forefront are the Civil Legal Needs Update Study and the escalating cost of civil litigation which needs to involve both the WSBA and the courts. They would like to work with the courts on this during the spring. The future will bring demographic shifts, increasing consumer demand, and regulatory changes.

The WSBA is active and engaged, working together to champion justice, and appreciating their close working relationship with the courts. They are always working to be effective and relevant for their members and the public they serve. They are very pleased to have this opportunity for discussion today and they look forward to ongoing discussion.

Administrative Manager's Report

Ms. Butler stated that she followed up with standing committee staff regarding the communications plan and staff communication. They discussed communication between the standing committees and developed questions the committees should ask when working on activities (see meeting materials for a list of the questions). In addition, a list of recommendations regarding communication is included in the meeting materials.

Ms. Butler spent the summer and fall meeting with most of the BJA members and she asked them how the BJA member orientation can be improved. The overall consensus was that the orientation should take place during the first BJA meeting after member turnover and it should include a governance expert and information about the structure of the BJA. Ongoing orientation should include a mentoring component and annual presentations from organizations the BJA works with.

During the November BJA meeting there was a request to look at how BJA members are added to standing committees. Chief Justice Madsen asked Ms. Butler to work on some ideas and come back to the BJA with some proposals. Ms. Butler suggested two options: 1) the BJA members could notify the BJA co-chairs if they are uncomfortable with their standing committee assignment, and 2) an e-mail could be sent to all BJA members during the summer asking if they are happy with their standing committee assignments. It is possible that changes will not be possible because of space constraints but at least they could ask and possibly move to a different standing committee.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler reported that the BFC is meeting later today to make sure they all understand the budget deadlines and what the process is. The BJA approved the criteria for evaluating budget proposals at the last meeting. The BFC is working on the criteria for budget cuts in the event they have budget cuts. Their first priority is to focus on the budget proposals.

Court Education Committee (CEC): Judge Jasprica stated that the CEC is working on the biennial budget request for education funding. The budget request will be part of the AOC budget.

Policy and Planning Committee (PPC): Judge Garrow reported that the PPC has been moving forward with the strategic issue initiative. They have identified five issue areas and have organized stakeholder workgroups to address each. There are about 40 individuals from 24 stakeholder organizations participating in the project. The workgroups will be meeting in the coming weeks and each is tasked with producing a short proposal for a two-year initiative. Judge Garrow thanked Mr. Henley for his efforts in managing the project.

The PPC is looking at expanding the membership of their committee and will discuss the idea at their meeting this afternoon.

The issue of judicial evaluations was sent to the PPC to evaluate and they discussed it at their last meeting. They do not see this as an initiative that the BJA should endorse. The committee intends to provide the rationale for their recommendation as well as give recognition to the group that developed the proposal. They will provide a written response back to the BJA at the next meeting.

Legislative Committee (LC): Judge O'Donnell stated that the LC met this week and set session goals: 1) preserve funding for the branch; 2) promote and pass the BJA's transcriptionist bill; 3) promote LFO and CROP legislation (as long as the bills are similar to last year's versions); and 4) refocus on communication amongst the LC and other standing committees and stakeholders such as the ATJ Board, Gender and Justice Commission, etc. The LC will also focus on criteria employed when analyzing legislation. For many years it has been a less formal process and the LC is working on providing the criteria. They have processes in place for crisis communication if the time is short and they are reanalyzing the process to see if there are improvements they can make. Judge Schindler asked that the LC consider the BFC criteria when creating their criteria.

Ms. McAleenan reported that the BJA Legislative Reception could be held Thursday, February 18 and then the February 19 BJA meeting could be moved to Olympia. By consensus, the BJA approved the reception date and moving the February 19 meeting to Olympia.

BJA Next Steps Regarding the Office of Superior Court Judges

There was discussion about next steps regarding the proposed Office of Superior Court Judges because there is a need to address the issues whether or not the legislation passes.

Creating a group to work on a Memorandum of Understanding was discussed and the need to include all court levels. At the very least, staffing concerns between the court associations and AOC need to be addressed.

Justice Owens moved to table this discussion until the February 19 meeting. Judge Schindler seconded the motion but withdrew her second so this could be discussed.

After discussion, Judge Schindler reasserted her second to the motion made by Justice Owens to table this discussion until the February 19 BJA meeting. The motion carried.

Recap of Motions from the December 18, 2015 meeting

Motion Summary	Status
Approve the November 20, 2015 BJA meeting minutes.	Passed
Approve the appointment of Ms. Mary Crawford to the BJA Public Trust and Confidence Committee.	Passed
Table the Office of Superior Court next steps discussion until the February BJA meeting.	Passed

Action Items from the December 18, 2015 meeting

Action Item	Status
<u>November 20, 2015 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	<p>Done</p> <p>Done</p>
<u>Miscellaneous</u> <ul style="list-style-type: none"> • Ms. Dietz will send the CMC Jury Poster to the federal AOC and the WSBA • E-mail the BJA regarding lodging for February meeting • Revise 2016 BJA meeting schedule to reflect Olympia location for February meeting • Update Master Calendar with Olympia location for February meeting • Ms. Butler will meet with standing committee staff to determine if there should be committee member orientation and discuss committee member turnover 	<p>Done</p> <p>Done</p> <p>Done</p> <p>Done</p>
<u>BJA Public Trust and Confidence Committee Appointment</u> <ul style="list-style-type: none"> • Send appointment letter 	<p>Done</p>
<u>Office of Superior Courts</u> <ul style="list-style-type: none"> • Add to February BJA meeting agenda 	<p>Done</p>