



Board for Judicial Administration (BJA)

Friday, February 17, 2017 (9 a.m. – 12 p.m.)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Scott Sparks, Member Chair
Judge Scott Ahlf (by phone)
Judge Bryan Chushcoff
Judge Scott Collier
Ms. Callie Dietz
Judge Michael Downes
Judge Janet Garrow
Ms. Robin Haynes
Judge Judy Rae Jasprica
Ms. Paula Littlewood
Judge Mary Logan
Judge G. Scott Marinella (by phone)
Judge Bradley Maxa (by phone)
Judge Sean O'Donnell
Judge Kevin Ringus
Judge James Rogers
Judge Ann Schindler (by phone)
Judge Lisa Worswick

Guests Present:

Ms. Kimberly Allen (by phone)
Mr. Jim Bamberger
Ms. Barbara Christensen (by phone)
Ms. Cynthia Marr
Mr. Paul Sherfey (by phone)

Public Present:

Dr. Page Carter
Mr. Will Watts

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Brady Horenstein
Mr. Dirk Marler
Mr. Ramsey Radwan

The meeting was called to order by Chief Justice Fairhurst.

After introductions, Chief Justice Fairhurst requested that everyone use first names while at the BJA meetings.

December 16, 2016 Meeting Minutes

Judge Downes requested that an omission be added into the meeting minutes in the AOC/SCJA Agreement section. He would like to add: "The next time a judicial branch entity raises an unpopular issue, that entity should be treated better than the SCJA was treated. In the future, the BJA should be what it should be, which is better."

It was moved by Judge Chushcoff and seconded by Judge Collier to approve the December BJA meeting minutes with the amendment from Judge Downes. The motion carried with Chief Justice Fairhurst and Judge Rogers abstaining because they were not present at the December meeting.

BJA Private Account Signature

It was moved by Judge Garrow and seconded by Judge Ringus to remove Ms. Mellani McAleenan from the BJA private account as a signer and replace her with Mr. Brady Horenstein. The motion carried unanimously.

BJA Public Trust and Confidence Committee Appointment

It was moved by Judge Garrow and seconded by Judge Ringus to appoint Commissioner Rick Leo to the BJA Public Trust and Confidence Committee. The motion carried unanimously.

Judge Garrow knows Commissioner Leo and she thinks he would be a great addition to the committee.

Chief Justice Fairhurst asked the BJA to give feedback on if she should continue chairing the BJA Public Trust and Confidence Committee or if she should step down. If she does step down, should the chair be a justice or another representative? It was suggested that the chair be a justice to create a high level of confidence in the committee by the public. Chief Justice Fairhurst will continue to have conversations about this.

Judge Ringus stated that he appreciates all the work Chief Justice Fairhurst did to bring up the committee to such a high level.

Strategic Goal Setting Part I

Judge Garrow said this is a continuing conversation that began a few meetings ago to discuss what strategic issues the BJA should be involved in over the next two years. The process has five steps. The first step was an invitation to members and various branch stakeholders to submit proposed strategic goals. Twenty responses were received and Judge Garrow hoped everyone had the time to read through the various proposals.

Mr. Henley stated that this morning's session would be the second and third steps in the strategic goal process (see page 10 of the meeting materials for the process). These proposals are not the final product and no final decisions would be made today. The proposals the BJA is interested in will be refined before final approval.

Some of the proposals are similar and the BJA should consider whether some be merged now or kept separate. Mr. Henley believes they should not be merged until the fourth step in the process. Judge Garrow agrees that the proposals should not be merged at this point in time. The BJA should look at each proposal on its own merits. Because these strategic initiatives are meant to be a short-term initiative, if they are merged it might make them too time-consuming. Nothing was merged at this time.

Mr. Henley said the process would be to review the proposals as drafted and for members to identify ten proposals that they thought should be advanced for further development. Chief Justice Fairhurst said that she has used a system where members can use three dots to vote on their favorite and the BJA could do that. Mr. Henley responded that at this point the intention is to assess the breadth of support proposals and to work with those that have a general level of

support. A ranking system is a measure of intensity of support. But he suggested using both methods because more information is always better than less. After discussion it was determined that the BJA members would list their top five issues in ranked order.

Mr. Bamberger expressed concern about the BJA deciding what the priorities are without getting input directly from the stakeholders. Several BJA members disagreed, they stated that there had been a great deal of input from stakeholders prior to the proposals being submitted; stakeholders will be involved in developing a plan to move forward with the issues; the BJA represents the courts, not the stakeholders, and needs to move forward; there are good descriptions in the materials of each of the proposals and the BJA needs to move forward; the groups that submitted the proposals are free to work on them if their issue is not one of the top issues identified by the BJA; and the BJA needs to step up and be leaders of the branch.

Mr. Henley showed a slide with six considerations that members could use in assessing the proposals.

Members were asked to rank their top choices.

BJA Legislative Update

Judge Ringus mentioned that there is a quick link area on the Legislature's Web site that allows comments on bills (<https://app.leg.wa.gov/pbc/>).

The BJA Legislative Reception is set for March 14. Hopefully many BJA members will be able to make it to the reception.

Mr. Horenstein reported that today is the first policy committee cutoff. The BJA bills are all still alive at this moment. There have been over 2,000 bills dropped and there is an initial review of each bill by Administrative Office of the Courts (AOC) staff for judicial impact. In addition, there have been over 200 judicial impact notes submitted by AOC.

A handout was distributed listing bills of interest to the courts and their status and Mr. Horenstein reviewed some of them with the BJA.

Mr. Horenstein thanked the associations and their lobbyists and stated that everyone has been very helpful and all the associations seem to be working well together. Judge Downes mentioned that Mr. Horenstein is working well and a great hire.

Strategic Goal Setting Part 2

The results of the strategic issues voting were distributed to everyone and e-mailed to the people calling into the meeting.

Proposals H (Funding for Interpreter Services), N (Adequate and Sustainable Funding of Court Education) and P (Adequate Court Funding) received 10 votes. R (Courthouse Security) received eight votes, E (Enhancing Public Trust and Confidence in Washington Courts) and O (Coordination of Court Education and Training) received six votes. C (Understanding and Reforming the LFO System in Washington State), G (Addressing the Crisis of Unrepresented

Litigants) and Q (JIS/Case Management System) received five votes. Mr. Henley will compile the ranking data later.

There was discussion regarding if some proposals should be merged (H, I and J; and N and O) but no decision was made.

The top items were funding issues and there was discussion regarding whether issues that are chosen should be achievable within current resources. This suggests that the BJA cannot accomplish anything without more funding, and the BJA has no control over funding. This discussion will drive the budget, legislation and resources. If the BJA is going to make significant progress, the BJA needs to walk together to move issues forward.

The funding process was discussed and the observation was made that the BJA does not review the existing budget to consider whether the budget is prioritized correctly or if it needs to be reprioritized. There is only so much bandwidth (staff, budget, volunteers, etc.). It was noted that reviewing the AOC budget would greatly increase the confidence of all the BJA members in the AOC. It would be beneficial to the court as a whole to do that to make it transparent. Mr. Henley suggested that looking at the way budget information is provided to the BJA could be looked at as a potential internal goal of the BJA. It was decided that the AOC budget will be placed on a future BJA meeting agenda.

It was mentioned that there are things within the proposals that the BJA can try to tackle that may not cost money in the short-term but may lead to a conversation about using our limited funding to increase effective use of technology in courts. The BJA also needs to look at ways outside the state to be able to move forward without going to the Legislature and saying the BJA needs money. It was noted that the National Center for State Courts (NCSC) has a lot of information that would be beneficial to courts. The information just needs to be sent to the courts.

Judge Garrow noted that the BJA works in an uncoupled judicial system. Scrubbing budgets has been done more at the local levels than at the state level. The BJA does not have a good sense of the overarching budget of AOC. Are the courts getting the most bang for their buck by putting money here or are they getting nice things, but not critical things? A lot of the budget is used by the computer systems and big programs in the AOC's control.

The Policy and Planning Committee will look at the results of the sessions and bring recommendations back to the next BJA meeting.

Budget Update

Mr. Radwan stated that the budget is being discussed with legislative staff members. There is not much money to go around. Mr. Horenstein and Chief Justice Fairhurst are having budget discussions with legislators. Justice Fairhurst indicated that all of her meetings with legislators have been going well.

The revenue forecast is not due until March 16. Revenue has been up since November. Things are okay on the judicial branch budget but there is a ton of pressure on the general fund budget.

Standing Committee Reports

Court Education Committee (CEC): Judge Jasprica reported that the CEC has a retreat coming up on March 24 and all BJA members were invited. They have about 35 responses so far and are looking forward to having all the education partners together to determine the best way to move forward with education.

Legislative Committee (LC): Judge Ringus stated that Mr. Horenstein's earlier report would serve as their report.

Policy and Planning Committee (PPC): Judge Garrow reported that Judge Robertson will join the PPC as the new vice-president of the DMCJA and she is looking forward to Judge Robertson being a member. The PPC is also in the process of solicitation for a public member. A position announcement is in the meeting materials behind the committee report. Please let Judge Garrow or Mr. Henley know if you have a suggestion for a public member. The PPC is working on the strategic planning process and will come back in March with the committee's recommendation.

Budget and Funding Committee: No report.

Information Sharing

There is information for the BJA's review behind Tab 6.

Ms. Dietz stated that one of the items behind Tab 6 is the Court Management Council (CMC) Annual Report. If anyone has any feedback or questions about it, please let Ms. Dietz or Ms. Marr, Co-chairs of the CMC, know.

The CMC is gathering information regarding the difference between giving legal advice and providing good customer service and is developing materials that will be useful for staff to determine how far up to the line they can go without crossing it.

When looking at the budget and how it is being spent, one of the big pieces is that the BJA needs more information about the Judicial Information System (JIS) and what AOC is doing with JIS and their IT projects. If AOC asks people to advocate for the IT projects but does not provide information to the BJA, that is an issue. The Judicial Information System Committee should also know what the BJA is working on.

There being no further business, the meeting was adjourned. The next meeting is March 17.

Recap of Motions from the February 17, 2017 Meeting

Motion Summary	Status
Approve the December 16, 2016 BJA meeting minutes with Judge Downes' revisions.	Passed with Chief Justice Fairhurst and Judge Rogers abstaining because they were not present at the December meeting

Motion Summary	Status
Remove Ms. Mellani McAleenan from the BJA private account as a signer and replace her with Mr. Brady Horenstein.	Passed
Appoint Commissioner Rick Leo to the BJA Public Trust and Confidence Committee.	Passed

Action Items from the February 17, 2017 Meeting

Action Item	Status
<u>December 16, 2016 BJA Meeting Minutes</u> <ul style="list-style-type: none"> Revise the December 16, 2016 meeting minutes with Judge Downes' revisions. Post the minutes online. Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	<p>Done</p> <p>Done</p> <p>Done</p>
<u>BJA Private Account Signature</u> <ul style="list-style-type: none"> Update the signers on the BJA private account. 	Done
<u>Committee Appointments</u> <ul style="list-style-type: none"> Draft and mail Public Trust and Confidence Committee appointment letter to Commissioner Rick Leo. 	
<u>Strategic Goal Setting</u> <ul style="list-style-type: none"> Add to March BJA agenda. Add AOC budget presentation to a future BJA agenda. 	Done
<u>Miscellaneous</u> <ul style="list-style-type: none"> Add IT project/JISC reports to future BJA meeting agendas. Have BJA present to the JISC. 	