

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, FEBRUARY 17, 2017
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Mary Fairhurst, Chair
Supreme Court

Judge Scott Sparks, Member Chair
Superior Court Judges' Association
Kittitas County Superior Court

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

Judge Scott Collier
Superior Court Judges' Association
Clark County Superior Court

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

Judge George Fearing
Court of Appeals, Division III

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 Mary Logan
District and Municipal Court Judges' Association
Spokane Municipal Court

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

Judge Bradley Maxa
Court of Appeals, Division II

Justice Susan Owens
Supreme Court

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

Judge James E. Rogers
Superior Court Judges' Association
King County Superior Court

Judge Ann Schindler
Court of Appeals, Division I

NON-VOTING MEMBERS:

Judge Scott Ahlf, President-Elect
District and Municipal Court Judges' Association
Olympia Municipal Court

Ms. Callie Dietz
State Court Administrator

Ms. Robin Haynes, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Sean Patrick O'Donnell, President-Elect
Superior Court Judges' Association
King County Superior Court

Judge Lisa Worswick, Presiding Chief Judge
Court of Appeals, Division II



Board for Judicial Administration (BJA)

Friday, February 17, 2017 (9:00 a.m. – 12:00 p.m.)

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

AGENDA

1. Call to Order	Chief Justice Mary Fairhurst Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Chief Justice Mary Fairhurst Judge Scott Sparks	9:00 a.m.
3. December 16, 2016 Meeting Minutes <i>Action: Motion to approve the minutes of the December 16, 2016 meeting</i>	Chief Justice Mary Fairhurst Judge Scott Sparks	9:05 a.m. Tab 1
4. BJA Private Account Signature <i>Action: Motion to remove Mellani McAleenan from BJA Private Account as a signer and replace her with Brady Horenstein.</i>	Chief Justice Mary Fairhurst Judge Scott Sparks	9:10 a.m.
5. BJA Public Trust and Confidence Committee Appointment <i>Action: Motion to appoint Commissioner Rick Leo to the BJA Public Trust and Confidence Committee</i>	Chief Justice Mary Fairhurst Judge Scott Sparks	9:15 a.m. Tab 2
6. Strategic Goal Setting Part I	Judge Janet Garrow Mr. Steve Henley	9:20 a.m. Tab 3
7. BJA Legislative Update	Judge Kevin Ringus Mr. Brady Horenstein	10:15 a.m. Tab 4 (Handout)
Break		10:30 a.m.
8. Strategic Goal Setting Part 2	Judge Janet Garrow Mr. Steve Henley	10:45 a.m.
9. Budget Update	Mr. Ramsey Radwan	11:20 a.m.
10. Standing Committee Reports Court Education Committee Legislative Committee Policy and Planning Committee Budget and Funding Committee	Judge Judy Rae Jasprica Judge Kevin Ringus Judge Janet Garrow Judge Ann Schindler	11:35 a.m. Tab 5
11. Information Sharing	Chief Justice Mary Fairhurst Judge Scott Sparks	11:45 a.m.

12. Meeting Review	Chief Justice Mary Fairhurst Judge Scott Sparks	11:55 a.m.
13. Additional Materials (Information Only) <ul style="list-style-type: none">• Court Management Council 2016 Annual Report• NCSC State of the State Courts• Q4 Statement for BJA Business Account• 2017 State of the Judiciary		Tab 6
14. Adjourn		12:00 p.m.
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.		

Next meeting: March 17, 2017 AOC SeaTac Office

Tab 1



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

Friday, December 16, 2016 (9 a.m. – 1 p.m.)

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 Scott Ahlf
Judge Bryan Chushcoff
Judge Scott Collier
Ms. Callie Dietz
Judge Michael Downes
Judge George Fearing
Judge Janet Garrow
Ms. Robin Haynes
Judge Judy Rae Jasprica
Judge Mary Logan (by phone)
Ms. Paula Littlewood
Judge G. Scott Marinella (by phone)
Judge Bradley Maxa
Judge Sean O'Donnell
Judge Kevin Ringus
Judge Ann Schindler
Judge Lisa Worswick

Guests Present:

Mr. Jim Bamberger
Ms. Terri Cooper
Ms. Ishbel Dickens
Ms. Sophia Byrd McSherry
Judge Gregory Tripp
Ms. Sophia Byrd McSherry

Court Management Council Members Present:

Ms. Callie Dietz, Co-chair
Ms. Cynthia Marr, Co-chair
Ms. Susan Carlson
Ms. Barbara Christensen (by phone)
Mr. Frank Maiocco
Mr. Mike Merringer
Ms. Kim Morrison (by phone)
Ms. Paulette Revoir
Ms. Jane Severin (by phone)
Ms. Renee Townsley

Public Present:

Dr. Page Carter

AOC Staff Present:

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

Judge Sparks called the meeting to order.

September 16, 2016 BJA Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Garrow to approve the September 16, 2016 BJA meeting minutes. The motion carried with Judge Marinella abstaining.

Appointment to BJA Public Trust and Confidence Committee

It was moved by Judge Chushcoff and seconded by Judge Garrow to reappoint Ms. Catherine Brown to the BJA Public Trust and Confidence Committee. The motion carried.

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

Ms. Marr and Ms. Dietz gave a brief overview of the Court Management Council (CMC).

In 2016 the CMC helped pass SHB 1111 which became effective June 9, 2016. The bill revised RCW 2.32.240 to address court transcription issues. Ms. Townsley was instrumental in updating the transcriptionist standards.

The CMC invited Tom Clarke from the National Center for State Courts to attend the CMC yearly in-person meeting. Mr. Clarke stated that for the first time the majority of constituents do not feel courts are being managed correctly and they do not want to invest funds in courts. It is a wake-up call to look at research and meet the expectations of court users. The CMC is trying to change the public's perception of the courts and they plan to do a lot of that through technology.

Ms. Dietz and Ms. Marr provided a brief overview of the history of the Court Manager of the Year Award. It was established in 1987 to honor outstanding court managers. The recipient's name will be added to a plaque which hangs in the Administrative Office of the Courts' SeaTac office and also receive an engraved vase.

Each year it gets harder and harder to choose someone for the award because there are so many deserving court managers. This year's nominees were Ms. Robyn Berndt, Yakima County Superior Administrator; Ms. Terri Cooper, Cheney Municipal Court Administrator and Court Commissioner; Ms. Kelley Gradwohl, Lake Forest Park Municipal Court Administrator; Ms. Ela Selga, Clark County Superior Court Administrator; and Ms. Fona Sugg, Chelan County Superior Court Administrator.

The recipient of the 2016 Court Manager of the Year Award is Terri Cooper from Cheney Municipal Court.

Ms. Cooper brought domestic violence advocacy to Cheney, established a youth court, and built a full service probation office. She also initiated the Eastern Washington Court Managers Work Group to enable rural courts to participate in court education and keep the rural court managers informed of District and Municipal Court Management Association (DMCMA) business including problems, changes, concerns, legislation and case law that effect the courts.

Judge Tripp stated that it is an honor to have the CMC recognize Ms. Cooper for her service. She has seamlessly integrated the procedures in the court and he never lost sleep worrying about the municipal court. She has done very well and made Cheney Municipal Court a great environment.

BJA Strategic Goal Setting

Judge Garrow stated that the BJA Policy and Planning Committee has adopted an approach to planning designed for a decentralized court system that seeks to build collaboration among stakeholders around selected issues. The aim is to create collaboration that can achieve meaningful change in areas of concern to internal and external stakeholders. The committee experimented with this approach last year in a project aimed at external stakeholders and found strong engagement. Now the committee is proposing that the BJA use a similar process to set its own strategic goals and to then build collaborative initiatives to address them.

The committee is charged with making recommendations for a schedule to review the Principal Policy Objectives of the Judicial Branch and the Mission and Vision of the BJA, and to propose a process to produce Strategic Goals for the BJA on a two-year cycle. The Committee presented four recommendations to the BJA:

Recommendation 1: *Principal Policy Objectives of the Judicial Branch.* That the Principal Policy Objectives be reviewed every six to ten years beginning in 2018.

Recommendation 2: *BJA Mission and Vision Statements.* That the Mission and Vision of the BJA be reviewed every six to ten years beginning in 2018.

Recommendation 3: *Strategic Goals of the BJA.* That the Strategic Goals of the BJA be developed on a two-year cycle beginning in January 2017, using the Strategic Issue Management process developed by the committee.

Recommendation 4: *Strategic Initiatives and Campaigns of the BJA.* That once Strategic Goals are adopted, the BJA should consider the formation of a workgroup or steering committee to formulate and implement a strategic initiative to guide any external strategic goal. Further, that the BJA should considered designating a major strategic goal as a "campaign" of the BJA.

Judge Garrow asked Mr. Henley to explain the process that the Committee would like to use for the BJA to develop its Strategic Goal. Mr. Henley explained that the approach flowed from recommendations made to the BJA that it develop a planning process suitable for a highly decentralized court system such as Washington's. The model that the committee developed asks stakeholders to generate ideas, and for the BJA to consider which are most consistent with the mission and vision of the BJA. The idea is to focus on areas where internal and external stakeholders have an interest and would be willing to contribute to addressing the issue collaboratively.

Mr. Henley distributed the process and schedule. He directed members to a template in the materials that can be used to submit BJA goal proposals to the committee. These proposals would be considered and ranked at the February meeting, and selected proposals would be refined in consultation with proponents, then presented at the March meeting. At that time the refined goals would be considered for adoption by the BJA. Once the goals are set, the committee will work with identified stakeholders to develop a proposal for a strategic initiative to address each goal.

There was a question about how proposals would be handled if some other entities were already active in the area. Mr. Henley responded that while the committee was not

recommending criteria for evaluating proposals, members might want to consider whether an issue was already being adequately addressed by another entity or whether another entity might be in a position to more effectively address the issue. He also reiterated that, consistent with the mission of the BJA, proposals that addressed multiple levels of court and responded to the needs of multiple stakeholders might be a better candidate for building a collaborative coalition.

There was a question about costs. Mr. Henley responded that the BJA has little staff or budget to undertake any significant projects, but that this is inherent in a decentralized system. The central authority does not control resources, they are dispersed. The challenge is to generate voluntary participation and contribution to joint efforts. It is a “stone soup” model of governance. The resources exist, but people need to voluntarily contribute them in order to achieve an outcome that no one can achieve on their own. The BJA doesn’t have the ingredients, but it has a pot and a stone and it has the convening authority to bring partners to the table.

The schedule for developing and adopting the strategic goals of the BJA is listed on page 24 of the meeting packet. The schedule calls for initial proposals to be submitted by February 3, 2017, to be preliminarily reviewed at the February meeting, and then revised proposed goals to be considered at the March meeting.

Chief Justice Madsen thanked Judge Garrow and Mr. Henley for their work on this and said that the committee has developed a planning approach that will help the various parts of the judicial branch to work together. She said the work has been incredibly important to the BJA and adds value to the judicial branch.

It was moved by Judge Ringus and seconded by Judge Jasprica to approve the BJA Policy and Planning Committee recommendations. The motion carried.

AOC/SCJA Agreement

Chief Justice Madsen reported that after many meetings between the Superior Court Judges’ Association (SCJA) and the Administrative Office of the Courts (AOC), they agreed on a staffing plan for the SCJA. The agreement was included in the meeting materials. Chief Justice Madsen was disappointed that the BJA was not more involved in the process. It is legitimate that members of the BJA would like to understand why the BJA did not have more involvement. This is not a time to go backwards and find fault on this but maybe think about how an issue like this could be handled in the future by the BJA. The Supreme Court embraced the agreement but this is not a system that is run by the Supreme Court. It is comprised of all levels of court. The different court levels should act and speak as one because they are more effective that way.

Judge Downes said that the SCJA is satisfied with the agreement which was reached. The SCJA now has two analysts for the SCJA that they control and no one can counteract or countermand the direction the SCJA gives to their staff. The SCJA can now have people work on a variety of policy issues such as LFOs and pre-trial issues.

Judge Downes stated that credit needs to be given to Ms. Dietz for her dedication to put this issue to rest. Ms. Dietz put significant work into putting her word behind making sure this actually works. He also thanked all of the members of the Supreme Court for reviewing the

agreement and signing off on it promptly. Now, it needs to work. It has to succeed for the benefit of the court system.

Ms. Dietz stated there are a number of people who did a lot of work on this. Staff were on tenderhooks a lot not knowing what they were going to do. Having Judge Downes sit and talk and have candid discussions really helped in coming to an agreement. They did the best they could to accommodate everyone in this room. She has a meeting with Judge O'Donnell in early January to try to consolidate committees that are working on similar interests.

Ms. Dietz thanked Judge Marinella. She said she tried to keep him informed and let him know that AOC was not going to take any resources away from the DMCJA. There has been some rearranging in the office and an Office of Judicial Relations was created which houses the BJA and Court Association Support. Ms. Sharon Harvey will devote 50% of her time to policy analysis.

Final Budget Requests and Approaches

Mr. Radwan thanked everyone in the room for their work during the budget process. He reported that the first six budget items on Page 39 of the meeting materials will move forward to the Legislature for approval. The SCJA policy staff request will also move forward. One additional adjustment is that Cowlitz County Superior Court is requesting a new judicial position. He thanked everyone in the room for their work during the budget process.

Mr. Radwan reviewed all of the budget requests moving forward including the technology requests, Supreme Court requests and Court of Appeals requests.

Ms. Byrd McSherry reviewed the Office of Public Defense (OPD) budget requests. A one-page overview of the Parents' Representation Program was included on Page 50 of the meeting materials. The Program is now operating in 83% of the state and they want to fund it statewide. Ms. Byrd McSherry thanked the SCJA for their Legislative Committee support.

Mr. Bamberger gave an overview of all of the Office of Civil Legal Aid budget requests (see Page 47 of the meeting materials).

Standing Committee Reports

Court Education Committee (CEC): Judge Jasprica reported that the CEC is very active. They will have a retreat on March 24 and include all the groups the CMC represents. One big issue is funding. They are in crisis mode because there is going to be huge court staff turnover in the next 5-10 years. They need to look at ways to provide education for those new staff and to deliver the educational services needed to keep everyone on board.

The BJA committee chairs have been getting together just to talk so that they are working together as a whole.

The CEC are looking at how to coordinate all the education they provide. Currently, every court association has an education committee and they are all planning conferences. There is judicial college, fall conference, etc. and they all need to be coordinated instead of planning in silos.

Legislative Committee (LC): Judge Ringus shared that the LC expands around this time of year to include many BJA members to decide on legislation. They will be meeting on Mondays during the legislative session.

Mr. Horenstein reviewed the legislation that is included in the BJA Legislative Agenda (starting on Page 55 of the meeting materials).

Policy and Planning Committee (PPC): Judge Garrow said that the BJA heard most of the work the PPC has been doing over the last few months earlier in the meeting. She added that the PPC has been asked to review the BJA resolutions process and they will begin working on that.

Budget and Funding Committee: Judge Schindler said there is nothing to report at this point in time.

Other Business

Recognition of Chief Justice Barbara Madsen: Judge Sparks shared how much he has appreciated working with Chief Justice Madsen the last few years.

Chief Justice Madsen responded that Judge Sparks has been wonderful as the Member Chair and she thanked everyone she has worked with. She thinks the BJA has done a lot of wonderful things even though there have been hard times. The fact is that the BJA has made progress. That is a testament to the fortitude and commitment of the people who work in this branch. There is a sense of purpose and commitment to the mission of the court system. It is a privilege to work with such great people. She said everyone will enjoy working with Justice Fairhurst very much.

Judge Ringus thanked Chief Justice Madsen for her mentorship and leadership. With her leadership, the BJA has some significance.

Q3 Statement for BJA Business Account: The BJA Business Account 2016 Third Quarter Summary was included in the BJA meeting materials.

Agenda Items for Next Meeting: If you have any items for an upcoming BJA meeting, please send them to Ms. Butler.

Next Meeting: The next meeting is February 17, 2017.

There being no further business, the meeting was adjourned.

Recap of Motions from the December 16, 2016 Meeting

Motion Summary	Status
Approve the September 16, 2016 BJA meeting minutes.	Passed with Judge Marinella abstaining
Reappoint Ms. Catherine Brown to the BJA Public Trust and Confidence Committee.	Passed

Motion Summary	Status
Approve the BJA Policy and Planning Committee recommendations.	Passed

Action Items from the December 16, 2016 Meeting

Action Item	Status
<u>September 16, 2016 BJA Meeting Minutes</u> <ul style="list-style-type: none">• Post the minutes online.• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done Done
<u>Committee Appointments</u> <ul style="list-style-type: none">• Draft and mail reappointment letter to Ms. Catherine Brown for the Public Trust and Confidence Committee.	Done

Tab 2

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

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

Nominee Name: Commissioner Rick Leo

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

Term Begin Date: January 1, 2017

Term End Date: December 31, 2018

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

If yes, how many terms have been served and dates of terms: N/A

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

There were no Municipal Court applicants. Commissioner Rick Leo, Snohomish County District Court, is a DMCJA Board member, and the DMCJA President believes he will be a stellar DMCJA Representative on this Committee. Thank you for your consideration.

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

POLICY AND PLANNING COMMITTEE

Strategic Goal Identification

This document supports the BJA Strategic Goal development process.

Part I: Process 2

Part II: Index of Proposed Goals 4

Part III: Proposed Goals 6

APPENDIX A: Proposal Preference Worksheet 35

APPENDIX B: Mission, Vision, Policy Objectives 36

APPENDIX C: 2015 Issue Inventory 37

APPENDIX D: Partial Stakeholder Scoring Results 41

I. DEVELOPMENT PROCESS

A. *January – Proposed goals submitted.*

DONE

B. *February BJA Meeting – Session One: Preliminary Sorting.*

- Proposal goals will be presented for discussion.
- Related proposals will be considered for grouping.
- Discussion of possible considerations in evaluating proposals:
 - Issue is of interest to multiple stakeholders (collaborative potential)
 - Issue is not being adequately addressed by an existing entity (redundancy)
 - There is potential to impact issue through concerted action (viability)
 - Issue implicates BJA mission and vision, branch policy objectives (BJA relevance)
 - Issue affects multiple levels of court (court level relevance)
 - Issue has statewide impact (geographic relevance)
- Members will be asked to individually identify TEN issues they think should be further developed.
- Members' preferences will be tabulated and proposals sorted by aggregated preferences.

C. *February BJA Meeting –Session Two: Preliminary Selection of Issues.*

- The sorted results will be presented for discussion.
- Does the sorting indicate strong support for one or several proposals?
- Is there an obvious drop-off point between proposals with wide support and those with little support?
- Is there balance between internal and external proposals?
- Is there balance across subject matter or operational areas?
- Which proposals should be further developed for consideration at the March BJA meeting?
- (Time permitting) Is there any initial input from members as to how the BJA might respond to those proposals not selected for further consideration?

D. *February-March -- Refinement of Goal Language.*

The Policy and Planning Committee will coordinate with proponents to refine the goal proposals consistent with discussions of the BJA and intentions of the proponents.

E. *March BJA Meeting – Consideration for Adoption.*

Revised proposed goals will be presented to the BJA for discussion at the March meeting. Motions for adoption or other action can be entertained at that point.

II. INDEX OF PROPOSED STRATEGIC GOALS

ID	Page	Subject	Title	Proponent(s)
A	5	Juries	Increasing Jury Diversity in Washington State Courts	Mary Yu, Charles Johnson / Minority and Justice Commission
B	7	Juries	Improve Responsivity and Increase Jury Diversity	Marilyn Finsen / AWSCA
C	8	LFOs	Understanding and Reforming the LFO System in Washington State	Mary Yu, Charles Johnson / Minority and Justice Commission
D	10	Gender Bias	Elimination of Gender Bias in the Court System/Improvement of Gender Equity	Gordon McCloud, Marilyn Paja / Gender and Justice Commission
E	12	Public Trust and Confidence	Enhancing Public Trust and Confidence in Washington Courts	Callie Dietz, Cynthia Marr /Court Management Council
F	14	Court Personnel Training	Improvement for Statewide Training of Court Employees	Marilyn Finsen / AWSCA
G	15	Unrepresented Litigants	Addressing the Crisis of Unrepresented Litigants	Jim Bamberger, Ishbel Dickens / ATJ Board/OCLA
H	17	Interpretation, Court Funding	Funding for Interpreter Services	Michael Downes, G. Scott Marinella, Ann Schindler /SCJA, DMCJA, BJA B&FC
I	18	Interpretation	Expanding Court Certified Interpreter Services	Marilyn Finsen / AWSCA
J	19	Interpretation	Effective Integration of Language Access Principles	Steven González, Theresa Doyle, Andrea Beall / Interpreter Commission
K	21	Planning	Effective Identification of Judicial Issues	Bryan Chushcoff, BJA Member
L	22	Technology, Case Management	Effective Use of Information Technology in Trial Case Management	Bryan Chushcoff, BJA Member

M	23	Court Performance	Evidence-Based Criminal Case Performance Measures	Bryan Chushcoff, BJA Member
N	24	Court Education, Court Funding	Adequate and Sustainable Funding of Court Education	Judy Rae Jasprica / BJA Court Education Committee
O	27	Court Education	Coordination of Court Education and Training	Judy Rae Jasprica / BJA Court Education Committee
P	30	Court Funding	Adequate Court Funding	G. Scott Marinella/DMCJA
Q	31	JIS/CMS	JIS/Case Management System	G. Scott Marinella/DMCJA
R	32	Facilities, Public Safety	Courthouse Security	G. Scott Marinella/DMCJA
S	33	Education, Court Funding	Educate Justice Partners	G. Scott Marinella/DMCJA

III. PROPOSED STRATEGIC GOALS

PROPOSAL “A”

TITLE: INCREASING JURY DIVERSITY IN WASHINGTON STATE COURTS

PROPOSERS: Justice Mary Yu, Justice Charles Johnson / Minority and Justice Commission

ISSUE:

The lack of racial diversity on juries is a challenge that courts nationally are beginning to address. Courts are striving to effectively and randomly select jury pools with a composition that reflects the racial diversity of the population it serves, but greater efforts are needed in order to achieve this result. Additionally, research suggests that the racial composition of juries has a racially biased effect on trial outcomes. For example, one study found that juries formed from all-white jury pools convict black defendants significantly (16 percentage points) more often than white defendants, and this gap is eliminated when the jury pool includes at least one black member.¹

To determine the extent of this problem in Washington State courts, the Minority and Justice Commission, with support from Judge Steve Rosen, King County Superior Court, has undertaken a statewide jury demographic survey project to collect data on the composition of juries across the state over the course of one year. The survey asks jurors, various presiding judges and/or jury coordinators around the state to administer a voluntary demographic survey of jurors who report for jury service. The Commission has plans to present the preliminary results of the data at its Supreme Court Symposium scheduled for May 24, at the Temple of Justice, and will work on producing a report to share with the public.

GOAL:

Our goal is to share the results of our data collection with all relevant stakeholders and that it can be a basis for future initiatives of the judiciary to increase jury diversity. Another goal might also be to create a permanent mechanism of tracking jury data to ensure that any efforts are making an impact.

¹ Shamena Anwar & Patrick Bayer & Randi Hjalmarsson, 2012. "[The Impact of Jury Race in Criminal Trials](#)," The Quarterly Journal of Economics, Oxford University Press, vol. 127(2), pages 1017-1055.

STAKEHOLDERS:

- Superior Court Judges Association
- District and Municipal Court Judges Association
- Washington State Executive Branch
- Washington State Legislature
- Washington Secretary of State
- Washington State Bar Association
- Washington Association of Prosecuting Attorneys
- Washington State Office of Public Defense
- Washington State Access to Justice Board
- Washington State Law Schools
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission

INTERNAL OR EXTERNAL:

External

PROPOSAL "B"

TITLE: **IMPROVE RESPONSIVITY AND INCREASE JURY DIVERSITY**

PROPONENT: Marilyn J. Finsen / Association of Washington Superior Court Administrators

ISSUE STATEMENT:

Superior Court jury panels do not have a strong minority response to jury summons and jury panels do not reflect the diversity of communities.

GOAL STATEMENT:

Research and develop strategies that will improve our community response to jury summons. Develop strategies that will increase the diversity of jury panels.

STAKEHOLDERS:

Superior Court Judges' Association, Washington State Association of County Clerks, Association of Washington Superior Court Administrators, Court Management Council, Presiding Judges and Administrator Education Committee, Judicial College Deans, Minority and Justice Commissioner, Interpreter Commissioner, Gender and Justice Commission, Education Committees, Washington State Law School Deans, BAR Associations

INTERNAL/EXTERNAL:

We believe this is external to the BJA.

PROPOSAL “C”

TITLE: **UNDERSTANDING AND REFORMING THE LFO SYSTEM IN WASHINGTON STATE**

PROPONENTS: Justice Mary Yu, Justice Charles Johnson / Minority and Justice Commission

ISSUE:

In 2008, the Minority and Justice Commission (MJC) released the findings of a study it commissioned on the nature and consequences of LFOs assessed by Washington State Superior Courts. The study found that there was a high degree of variability in the assessment of LFOs across the state that could not be attributed solely to the seriousness of the offense or the offender, that LFOs exacerbate obstacles to re-entry, and that LFOs were being assessed at higher amounts for people identified as Hispanic origin.

The issues involving court ordered fines and fees are not specific to Washington courts. The disparate impact of LFO assessment has become a mainstream topic after the U.S. Department of Justice (DOJ) found courts in Ferguson, Missouri, had routinely imposed excessive fines and ordered the arrest of low-income residents for failure to appear or make payment without making an inquiry of their ability to pay. This eventually led the DOJ to release a Dear Colleague Letter clarifying that courts must determine whether a person can pay before imprisoning them for fines based on *Bearden v. Georgia*, and solicited states to apply for grant funds to address LFO issues in their state.

The Minority and Justice Commission applied for the grant and was selected as one of 5 states (others include Texas, Missouri, California, and Louisiana) to receive the 3-year grant to address LFOs.

To fully understand how LFOs operate throughout all of the different counties in our state, the MJC will be working with many partners representing the different parts of the LFO system as part of its LFO Stakeholder Consortium. The project involves designing and producing a comprehensive report looking at LFOs, and producing a tool that can be used by stakeholders to determine ability to pay. It will create findings and recommendations from the report of which we hope the BJA can provide leadership in helping to adopt and carry out some of the recommendations that are made.

GOAL:

Our goal is to reduce the overuse and disproportionate impact of LFOs on the indigent and communities of color. By sharing the findings and tools that are produced by the grant with relevant stakeholders, we will be better prepared to have discussions with stakeholders on possible and practical reforms. Overall, it is important for all courts at all levels to continue discussing our over-reliance on LFOs as a mechanism for funding trial courts.

STAKEHOLDERS:

The following is a list of all of the stakeholders that are currently part of the LFO Stakeholder Consortium in conjunction with the Dept. of Justice Grant.

- Superior Court Judges Association
- District and Municipal Court Judges Association
- Washington State Executive Branch
- Washington State Legislature
- Washington Association of Prosecuting Attorneys
- Washington State Office of Public Defense
- Washington State Association of County Clerks
- Northwest Justice Project
- Columbia Legal Services
- Northwest Tribal Court Judges Association
- ACLU of Washington
- Poverty Action Network
- Office of Civil Legal Aid
- Washington Defender Association
- Washington Coalition of Crime Victim Advocates
- BlackOut WA
- Washington Association of Criminal Defense Lawyers
- "I Did The Time"

INTERNAL OR EXTERNAL:

External

PROPOSAL “D”

TITLE: ELIMINATION OF GENDER BIAS IN THE COURT SYSTEM/IMPROVEMENT OF GENDER EQUITY

PROPONENTS: Justice Gordon McCloud, Chair and Judge Marilyn Paja / Washington State Supreme Court Gender and Justice Commission

ISSUE:

In 1987 the Washington State Legislature mandated the Office of the Administrator for the Courts initiate measures to prevent gender bias in the state court system. The Washington State Supreme Court established a task force to conduct this work: the Gender and Justice Task Force.

After two years of research, public hearing and surveys, the Gender and Justice Task Force concluded gender bias existed in the Washington State court system and described the extent of that bias in its final report Gender and Justice in the Courts, Washington State, 1989. The Supreme Court initially appointed the Gender and Justice Implementation Committee to monitor seventy-five recommendations from the Task Force report. Then in 1994, the Supreme Court established the Gender and Justice Commission, which has monitored the report recommendations since that time.

The extent of gender bias in the court system in our state, and the forms it currently takes, have not been studied since 1989. A gender bias study should be conducted, and new recommendations should be made to address the results of this study.

GOAL:

Gain a better understanding of the extent of gender bias in the court system in 2017, and recommend methods to address this bias and reduce gender inequities.

STATE STAKEHOLDERS:

- Access to Justice Board
- ACLU of Washington
- Administrative Office of the Courts
- Alliance for Equal Justice/Equal Justice Coalition
- Board for Court Education
- Center for Children and Youth Justice
- Court Interpreter Commission
- Courthouse Facilitators
- Department of Corrections
- District and Municipal Court Judges’ Association
- Department of Social and Health Services

- Federal Public Defender
- Gender & Justice Commission
- Gonzaga University School of Law
- Legal Foundation of Washington
- Legal Voice
- Mother Attorneys Mentoring Association
- Minority & Justice Commission
- Northwest Immigrant Rights Project
- Northwest Justice Project
- Office of Civil Legal Aid
- Office of Public Defense
- Probation Services
- Seattle University School of Law
- Superior Court Judges' Association
- Tribal State Court Consortium
- University of Washington School of Law
- Washington Association of Criminal Defense Lawyers
- Washington Association of Prosecuting Attorneys
- Washington State Association for Justice
- Washington State Bail Agents Association
- Washington State Coalition Against Domestic Violence
- Washington Coalition of Sexual Assault Programs
- Washington State Bar Association
- Washington State Center for Court Research
- Washington State Court Appointed Special Advocates
- Washington State Legislature
- Washington Women Lawyers

NATIONAL STAKEHOLDERS:

- American Bar Association
- Association of Prosecuting Attorneys
- Legal Momentum
- National Association of Criminal Defense Lawyers
- National Association of Women Judges
- National Association of Women Lawyers

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL “E”

TITLE: **ENHANCING PUBLIC TRUST AND CONFIDENCE IN WASHINGTON COURTS**

PROPOSERS: Callie T. Dietz and Cynthia Marr / Court Management Council (CMC)

ISSUE:

One of BJA’s principal policy goals is the Fair and Effective Administration of Justice in All Civil and Criminal Cases. Additionally, BJA has a strong commitment to Effective Court Management. The CMC shares these policy goals and has become concerned over the past decade with trends in public opinion that indicate a perception of inefficiency and unfairness in the courts and an unmet demand for greater availability of on-line or more modern technology in court services.

According to Public Opinion of the Courts Surveys that were conducted nationally by the National Center for State Courts in 2015 and 2016, several issues are clear and must be addressed: 1) There are signs of positive momentum in public trust, **but innovation and technology concerns persist**; 2) There is a glaring lack of understanding about court funding which is reflective of misperceptions about government spending generally; 3) The public wants reform and innovation in traditional methods of sentencing, punishment and financial sanctions, and if the courts lead, they will follow; and 4) There is a misperception by the public that the ethnicity of a judge may impact fairness in sentencing offenders.

GOAL:

To improve public trust and confidence in the courts regarding issues of concern identified in “The State of State Courts: A 2016 NCSC Public Opinion Survey” and “The State of State Courts: A 2015 NCSC Public Opinion Survey”. *

STAKEHOLDERS: (Internally)

Washington Supreme Court Justices and staff
Washington Court of Appeals Judges and staff
Superior Court Judges’ Association
District and Municipal Court Judges’ Association
Association of Washington Superior Court Administrators
Washington Association of Juvenile Court Administrators
District and Municipal Court Management Association
Administrative Office of the Courts
Court Education Committees
Supreme Court Commissions
Judicial Information System Committee
Judicial Branch Department Entities

STAKEHOLDERS: (Externally)

Washington State Bar Association
Washington Association of Cities and Counties

BJA Policy and Planning Committee
Strategic Goal Setting

Washington State Association of County Clerks
Executive Branch Representatives
Legislative Branch Representatives
Justice System Agency Partners
Representatives of the General Public

INTERNAL OR EXTERNAL:

Initially, this would be an internal goal focused on education of the Judicial Branch.

As a strategic plan is developed, it could, and hopefully would, become an externally focused goal involving individuals from the community and others.

*We recommend that one issue at a time be considered, starting with the first (concerns with innovation and effective court technology). This would be relevant due to the major IT projects underway at all levels of the Washington judicial branch during this time. A plan could be developed utilizing representatives of the various stakeholder groups to disseminate information internally concerning public perception and a collaborative strategy developed to respond to this issue. Further, due to national attention on several of the other issues, Washington will benefit from experience of other states and national recommendations already planned for later this year. By waiting on these, we may be able to obtain and leverage strategies and plans developed by others that would be ready to implement.

PROPOSAL "F"

TITLE: IMPROVEMENT FOR STATEWIDE TRAINING OF COURT EMPLOYEES

PROPONENT: Marilyn J. Finsen / Association of Washington Superior Court Administrators

ISSUE STATEMENT:

Training opportunities tend to be centralized around Olympia/Puget Sound and courts in the eastern parts of the state are less able to send employees due to the distance and costs.

GOAL STATEMENT:

Broaden regional training opportunities to allow for greater access to all courts throughout the state. Continue to expand webinar training programs. And continue advocating for adequate funding to sustain training programs.

STAKEHOLDERS:

Superior Court Judges' Association, Association of Washington Superior Court Administrators, Court Management Council, Presiding Judges and Administrator Education Committee, Judicial College Deans, Minority and Justice Commissioner, Education Committees, Washington State Law School Deans, BAR Associations, National Center for State Courts

INTERNAL/EXTERNAL:

We believe this is external to the BJA.

PROPOSAL “G”

TITLE: ADDRESSING THE CRISIS OF UNREPRESENTED LITIGANTS

PROPONENT: Ishbel Dickens, Jim Bamberger / Washington State Access to Justice Board, Washington State Office of Civil Legal Aid

ISSUE STATEMENT:

The Principal Policy Goals for the Judicial Branch declare that “litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.” Yet, at every level of court (trial and appellate), the number and percentage of unrepresented litigants continues to grow. People are routinely involved in litigation without the assistance of an attorney on matters relating to personal and family safety, shelter preservation, appeals from administrative determinations affecting their ability to engage in a professional discipline, consumer debt collection and garnishment, guardianship and other matters of significance to them. While it is not up to the courts to assign counsel in the absence of a constitutional or statutory mandate, the courts do have a duty to ensure that systems, practices and procedures are understandable, accessible and self-navigable for those who cannot or do not have access to an attorney or other legal practitioner to assist them. Without undertaking intentional efforts to facilitate fair process and fair outcomes for unrepresented litigants, our courts become institutional contributors to unfairness and unjust outcomes. In so doing, the public’s trust and confidence in our judicial system erodes.

GOAL STATEMENT:

The Access to Justice Board and the Office of Civil Legal Aid suggest that the BJA convene a broad set of stakeholders to:

- a. Document the degree to which persons are unrepresented in litigation in our trial and appellate courts, including an analysis of the percentage of unrepresented litigants by case type
- b. Develop a clear statement of strategic purpose and a set of corresponding guidelines to assist courts, court managers and court staff to develop policies and practices that enhance the ability of unrepresented litigants to effectively participate in judicial proceedings when they are not represented by an attorney
- c. Design and develop a plan to implement a web-based statewide portal for unrepresented litigants along the lines contemplated in the recent Microsoft/Legal Services Corporation/NCSC RFP and outlined in more detailed at <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Web%20Documents/Civil%20Justice%20Initiative/Clarke%202014%20TriageGM.aspx>

STAKEHOLDERS:

- Judicial officers from all levels of Washington State courts
- Representatives from SCJA and DMCJA
- Court managers
- Court clerks
- Courthouse facilitators
- Administrative law judges
- Staffed civil legal aid providers and volunteer lawyer programs
- Access to Justice Board
- Unrepresented litigants
- Law schools
- LLLT's
- Washington Association of Cities
- Washington Association of Counties

INTERNAL/EXTERNAL:

External. The goal is to assess the needs of unrepresented litigants and to provide them with opportunities to access the justice system in a way that provides for fair and just outcomes.

PROPOSAL “H”

TITL: **FUNDING FOR INTERPRETER SERVICES**

PROPONENT: Judge Michael Downes, Judge G. Scott Marinella, Judge Ann Schindler / Superior Court Judges Association, District and Municipal Court Judges Association, Court of Appeals, BJA Budget and Funding Committee.

ISSUE STATEMENT:

In July 2012, the BJA adopted a resolution recognizing equal access to court is fundamental to justice for individuals who are limited-English proficient. See July 20, 2012 Resolution In Support of Language Access Services in Court. The judicial branch has taken the position that the legislature should reimburse the courts for 50% for the cost of interpreters. In 2007, the legislature appropriated \$1.9 million biannually in pass-through money to the courts to be used in creating language access plans and reimbursing courts with approved plans. Since 2007, the amount allocated has decreased to 36% in language access funding for the 52 superior, district and municipal courts with language access plans resulting in funding that covers only 7 months of the fiscal year. Although trial court funding for language access has been the top priority for the BJA and the judicial branch in the last three budget cycles, we have not obtained state funding of 50% of the cost of interpreters.

GOAL STATEMENT:

Work with the Interpreter Commission and other stakeholders to promote strategies that address access to the courts and develop a successful funding strategy for interpreter services that includes empirical based analysis and priorities.

STAKEHOLDERS:

Superior Court Judges Association
District and Municipal Court Association
Supreme Court and Court of Appeal
Washington Supreme Court Interpreter Commission
Access to Justice Board
Office of Public Defense
Office of Civil Legal Needs
Administrative Office of the Courts
Washington Supreme Court Minority and Justice Commission
Washington Supreme Court Gender and Justice Commission
Counties and Cities

INTERNAL/EXTERNAL:

External

BJA Policy and Planning Committee
Strategic Goal Setting

PROPOSAL "I"

TITLE: EXPANDING COURT CERTIFIED INTERPRETER SERVICES

PROPONENT: Marilyn J. Finsen / Association of Washington Superior Court Administrators

ISSUE STATEMENT:

There is a long standing and increasingly serious shortage of court certified interpreters. This shortage impacts all aspects of the court services in our diverse communities. The lack of interpreters costs the courts money as hearings must be re-scheduled, paperwork is incomplete or inaccurate and judicial officers are forced to rely on family/friends to interpret which may not be accurate.

GOAL STATEMENT:

Increase Court Certified Interpreter pools through recruitment, training and expansion of current available certified interpreters. Explore on-line services to enhance smaller court ability to connect with certified interpreters. Advocate for increased funding for Court Certified Interpreters in local jurisdictions.

STAKEHOLDERS:

Superior Court Judges' Association, Washington State Association of County Clerks, Association of Washington Superior Court Administrators, Court Management Council, Presiding Judges and Administrator Education Committee, Judicial College Deans, Minority and Justice Commissioner, Interpreter Commissioner

INTERNAL/EXTERNAL:

We believe this is external to the BJA.

PROPOSAL “J”

TITLE: EFFECTIVE INTEGRATION OF LANGUAGE ACCESS PRINCIPLES

PROPONENTS: Justice Steven González, Judge Theresa Doyle, Judge Andrea Beall / Supreme Court Interpreter Commission

ISSUE:

The fair and effective administration of justice in all criminal and civil cases depends on equal access to court proceedings and court services by people who are limited English-proficient (LEP) or who use sign language to communicate. The Administrative Office of the Courts (AOC), the Washington Supreme Court Interpreter Commission, Seattle University School of Law and the US Department of Justice (DOJ) Civil Rights Division have collaborated on the 2017 Model Language Assistance “Deskbook” which provides policy guidance and a court-specific planning template. The purpose of the Deskbook is to assist state trial courts in addressing the language assistance plan requirements of RCW 2.43.090(1) as well as to comply with Title VI of the Civil Rights Act and Americans with Disabilities Act. The Deskbook serves to reinforce the 2012 BJA Resolution on language access in the courts as well as the state’s legislative intent statement in RCW 2.43.010 regarding protecting the fundamental right to due process and ensuring fairness in judicial proceedings.

The Deskbook policy guidance section addresses the minimum access requirements under the law as well as best practices for providing language access in the courts. The Deskbook template section provides local courts with an assessment, planning, and implementation framework for their language access policies and practices at all points of encounter between each local court and the public. Language access services must be made available for all in-court proceedings and whenever there is a need by a LEP or deaf/deaf-blind person to communicate with court staff or court-managed service providers, whether in-person, over the telephone, or via electronic media.

The Interpreter Commission and the AOC have received information from local court administrators and judges that the majority of Washington trial courts do not have the present ability to individually fund and implement key language-related facets of the model plan in order to be compliant with current federal and state policy. The majority of courts have sufficient funding to retain interpreters for court hearings, but there is a reluctance in many courts to fund interpreter services in non-criminal settings. In addition, smaller court jurisdictions cannot afford the higher cost of AOC-credentialed interpreters and end up hiring interpreters that are qualified on the record by virtue of having a DSHS medical or social services “certification”. The needed funding/implementation gap extends further to the provision of translated local court forms, information about local court procedures for LEP pro se parties, local website information, and county/court front-desk services by LEP persons in languages of major prevalence in that local court community. A critical pathway to closing these gaps must involve

incorporating a strategic approach to securing the necessary funding to effectuate the implementation guidance that the Deskbook was designed to provide for.

GOAL:

Provide support to courts in uniformly and effectively funding and integrating language assistance solutions so that individual trial courts and appellate courts will be able to provide language-appropriate services, forms, and public information to those who are limited-English proficient. This will involve exploring all currently available means to effectuate that goal and the support to be provided should also address planning for the use of future technologies for the delivery of court services, such as public service kiosks, artificial intelligence-based translation software, and remote video technologies.

STAKEHOLDERS:

- Washington State Supreme Court and state Appellate Courts
- Administrative Office of the Courts
- Superior Court Judges' Association
- District and Municipal Court Judges' Association
- Washington State Association of County Clerks
- District and Municipal Court Management Association
- Association of Washington Superior Court Administrators
- Washington Association of Juvenile Court Administrators
- Court Management Council
- Institute for New Court Employees Committee
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission
- Commission on Children and Foster Care
- Counties and Cities

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL “K”

TITLE: **EFFECTIVE IDENTIFICATION OF JUDICIAL ISSUES**

PROPONENT: Bryan Chushcoff, BJA Board Member, SCJA Representative

ISSUE:

Currently there is no systematic process for surveying the stakeholders of the Washington State Judiciary to identify issues or problems that would best improve or reform the judiciary.

GOAL:

Institutionalize the role of the BJA and its associated committees in a systematic and effective process for regularly surveying its constituents on the issues or problems they are experiencing. To improve and regularize communication between BJA and members of the judiciary; to improve BJA prioritization decision making as to the budget and other issues; and, to improve and publicize the role of BJA to members of the judiciary.

STAKEHOLDERS:

- Appellate Judges
- Superior Court Judges’ Association
- District and Municipal Court Judges’ Association
- Washington State Association of County Clerks
- District and Municipal Court Management Association
- Association of Washington Superior Court Administrators

INTERNAL OR EXTERNAL.

Internal

PROPOSAL “L”

TITLE: **EFFECTIVE USE OF INFORMATION TECHNOLOGY IN TRIAL CASE MANAGEMENT**

PROPONENT: Judge Bryan Chushcoff, BJA Board Member,

ISSUE:

Washington’s judiciary is currently implementing statewide electronic case management software. These new systems and their capabilities are not well-understood by their end users. This risks that the advantages of such systems will not be fully exploited. To achieve all that these systems have to offer, as well as to identify creative new uses for this technology.

GOAL.

To develop a team to provide expertise and best practices for the use of this technology that will regularly consult with, educate and/or train individual trial courts on case management issues.

STAKEHOLDERS:

- AOC
- Appellate Judges
- Superior Court Judges’ Association
- District and Municipal Court Judges’ Association
- District and Municipal Court Management Association
- Association of Washington Superior Court Administrators

INTERNAL OR EXTERNAL:

Internal

PROPOSAL “M”

TITLE: EVIDENCE-BASED CRIMINAL CASE PERFORMANCE MEASURES FOR WASHINGTON STATE

PROPONENT: Judge Bryan Chushcoff, BJA Board Member

ISSUE:

Currently performance outcomes for Washington State Trial Courts are not based on Washington State data or its institutional environment. Accordingly, these performance outcomes provide no guide or information to evaluate outcomes in Washington State trial courts.

GOAL:

To assess and if necessary, to improve current statistics gathering in order to develop:

- meaningful performance measures for criminal courts;
- management report templates designed to turn data into knowledge;
- comparable information on current case processing outcomes;
- effective caseload management practices; and,
- collaboration guides for justice system partners.

STAKEHOLDERS:

- AOC
- Appellate Judges
- Superior Court Judges’ Association
- District and Municipal Court Judges’ Association
- District and Municipal Court Management Association
- Association of Washington Superior Court Administrators

INTERNAL OR EXTERNAL:

Internal

PROPOSAL “N”

TITLE: ADEQUATE AND SUSTAINABLE FUNDING OF COURT EDUCATION

PROPONENT: Judge Judy Rae Jasprica, Court Education Committee.

ISSUE:

There is an education and training funding crisis that is being ignored. The education and training budget for the courts is stagnant due to a history of budget cuts and can no longer address the education and training of the judiciary.

Over the past decade there has been a slow decrease of funding. The current funding level does not pay for standard education and training needs since costs have risen but not the education/training budgets. The dollar doesn't stretch as far.

Without sufficient and reliable funding, judicial officers, administrators, County Clerks and line-staff will not have the opportunity to attend basic training and education. This is a critical time in our judiciary due to the record number of retirees (judges, administrators, County Clerks.) Their successors will not have the same opportunity to attend needed education and training as did their predecessors.

If we do nothing, we will have undereducated judicial officers, administrators, County Clerks and line-staff. Education and training are critical elements to our courts being effective and able to meet the needs of the public.

Over half of the judicial officers, court managers, county clerks and court personnel have already retired or will retire over the next 10 years. These are typically the most knowledgeable and experienced judicial officers, court managers and court personnel in the court system.

Many judicial officers come into the Superior Courts with little general litigation experiences or experience in family or juvenile law. Most judicial officers, at every level of the court, do not have sufficient opportunities to educate or train themselves on the roles and responsibilities of the job.

Experienced administrators are also retiring and there is concern on how to “educate” new managers, and new staff to keep our court systems effective and responsive to their communities.

The County Clerks already have had a significant turnover and had to find outside funding to develop an orientation program for the newly elected clerks.

We do not have enough funding to develop online, as-needed education to reach small and rural court judges, administrators and line-staff. They often cannot leave their courts to attend any education or training on best practices, thus isolating them from the rest of the judiciary.

Managing the Judicial College budget is a challenge due to the increasing number of new judicial officers who are mandated to attend.

We do not have enough funding to educate and train the Presiding Judge and Administrator team, the leadership of our courts.

Overall, we do not have enough education and training funds nor resources to begin to address the educational needs of judges and court personnel over the next 2 - 5 years.

GOAL:

Court Education Committee – Priority #1

Establish and maintain sufficient resources dedicated to Court Education.

STAKEHOLDERS:

- Annual Conference Committee
- Appellate Judges Education Committee
- Superior Court Judges’ Association and SCJA Education Committee, Mentor Committee
- District and Municipal Court Judges’ Association and DMCJA Education Committee, Mentor Committee
- Washington State Association of County Clerks
- District and Municipal Court Management Association and DMCMA Education Committee
- Association of Washington Superior Court Administrators and AWSCA Education Committee

- Washington Association of Juvenile Court Administrators and WAJCA Strategic Planning and Education Committee
- Washington State Law School Deans
- Supreme Court and Court of Appeals Clerks
- Court Management Council
- Presiding Judge and Administrator Education Committee
- Judicial College Deans
- Institute for New Court Employees Committee
- Institute for Court Management Committee
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission
- Commission on Children and Foster Care
- Commission on Judicial Conduct
- Counties and Cities

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL “O”

TITLE: COORDINATION OF COURT EDUCATION AND TRAINING

PROPONENT: Judge Judy Rae Jasprica / Court Education Committee

ISSUE:

Currently there is a lack of coordination of the various education and training programs delivered to the judicial branch through several outside providers. The Court Education Committee (CEC) hired Dr. John Martin as a consultant, via a State Justice Institute Grant, to work with the CEC to develop their purpose, scope and improve state court capacity for assuring effective high quality education throughout the Washington Courts. The CEC has identified five components of exemplary court education 1) Accessible Education for the Entire Judicial Branch 2) High Quality Learning for all Judicial Officers 3) High Quality Learning for all Court and Clerk Personnel 4) Effective Partnerships and Support for Court Education and 5) High Quality Sustainable Infrastructure for Court Education.

The BJA’s charter of the CEC calls for the CEC to promote sound adult policy, develop education and curriculum standards for judicial officers and court personnel, and promote coordination in education programs for all court levels and associations. The CEC vision to accomplish this is to become a policy making group, advocate for court education funding, identify education and training priorities and coordinate the education and training with all providers.

There are separate entities that develop and deliver education and training to the judiciary. Some provide funding, some do not. Currently, there is no coordination of effort between outside providers and association education committees nor any development of a comprehensive and coordinated plan of education and training for judicial officers, administrators, county clerks and line-staff. The CEC would become the overall authority on the development of adult education policies and procedures, the identification of education and training priorities, such as the development of core educational programs, the funding of education and training programs, and the development of a robust online education and training component. There is still flexibility within the various education committees and commissions to develop and present specific programming but the CEC would emphasize core programming and become a repository for resources (education and training standards, promoting adult principles, developing overall policies and funding, online education, etc.)

GOAL:

Court Education Committee – Priority #2

Institutionalize the role of the CEC and align that role with judges, court administration, clerk associations, Washington State Supreme Court Commissions, and other education providers.

STAKEHOLDERS:

- Annual Conference Committee
- Appellate Judges Education Committee
- Superior Court Judges' Association and SCJA Education Committee, Mentor Committee
- District and Municipal Court Judges' Association and DMCJA Education Committee, Mentor Committee
- Washington State Association of County Clerks
- District and Municipal Court Management Association and DMCMA Education Committee
- Association of Washington Superior Court Administrators and AWSCA Education Committee
- Washington Association of Juvenile Court Administrators and WAJCA Strategic Planning and Education Committee
- Supreme Court and Court of Appeals Clerks
- Washington State Law School Deans
- Supreme Court and Court of Appeals Clerks
- Court Management Council
- Presiding Judge and Administrator Education Committee
- Judicial College Deans
- Institute for New Court Employees

- Institute for Court Management Committee
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission
- Commission on Children and Foster Care
- Commission on Judicial Conduct
- Counties and Cities

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL "P"

TITLE: ADEQUATE COURT FUNDING

PROPONENTS: Judge G. Scott Marinella, DMCJA Board of Governors

ISSUE:

The issue of court funding permeates all of the priorities below. The Courts of Limited Jurisdiction (CLJ) cannot provide services or justice when we are chronically underfunded. We need to educate the public, from the voters to the legislators, regarding the effect that minimal funding has on our ability to serve the public's constitutionally protected interests. This includes legislative cuts to AOC's budget that resonate through every level of the courts. We should assess the mandated services the court provides and question how we are expected to provide these services in an environment of shrinking budgets.

GOAL:

Adequate court funding.

STAKEHOLDERS:

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL “Q”

TITLE: **JIS/CASE MANAGEMENT SYSTEM**

PROPONENTS: Judge G. Scott Marinella, DMCJA Board of Governors

ISSUE:

Our current case management system is, in the world of computer software, a Model T in a Tesla world. We remain vulnerable to system failure and are forced to work every day with an antiquated system. We saw our CLJ priority slip when the system being designed for the Court of Appeals was upgraded to a full case management system. We need to continue to state our case for high priority to AOC and the legislature so that, if anything, we move up, rather than down in priority.

GOAL:

To obtain a courts of limited jurisdiction case management system.

STAKEHOLDERS:

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL “R”

TITLE: **COURTHOUSE SECURITY**

PROPOSERS: Judge G. Scott Marinella, DMCJA Board of Governors

ISSUE:

The safety of all of the participants in our courthouses remains a top priority for the DMCJA. Without adequate security, the safety of all participants is in needless jeopardy, including:

- Members of the public summonsed in for jury duty; traffic infractions; civil cases and criminal cases
- Every party involved in domestic violence cases, including alleged victims and witnesses, who appear to deal with: domestic violence criminal cases; protection order cases; stalking and anti-harassment cases
- Courthouse staff who are required to work every day in a building where disputes are resolved and where some of those involved in those disputes will present a risk for violence

GOAL:

To obtain adequate courthouse security for trial courts.

STAKEHOLDERS:

INTERNAL OR EXTERNAL:

Internal and External

PROPOSAL "S"

TITLE: EDUCATE JUSTICE PARTNERS

PROPONENTS: Judge G. Scott Marinella, DMCJA Board of Governors

ISSUE:

To accomplish the goals of our member courts and the DMCJA as a whole, we must educate the executive and legislative branches of both local and state government. Through such education, the other branches of government will learn of our accomplishments and needs. The Public Outreach Committee is tasked with developing materials that will assist both urban and rural court judges in educating governmental agencies and the public. We may likely find that topics of importance to the judiciary may be just as important to cities, counties and the state. These topics include, but are not limited to security concerns, court funding, the separation of powers, court administration, access to justice and access to court records and court information. Committee members suggested several ways to begin educating our justice partners, including creating reference materials for judges to obtain in a centralized repository on the Inside Courts web site. Initially, this repository will contain documents for use in contacting and informing legislators, council members, and partner organizations of our accomplishments and needs. We anticipate that the public outreach committee will evolve into a resource for judges to find programs and plans for such things as state of the court addresses to the local funding sources and other community partners. Such partners may include: Association of Washington Cities (AWC), Washington Association of Prosecuting Attorneys (WAPA), Washington State Association of Municipal Attorneys (WSAMA), Washington State Association of Counties (WSAC), risk management agencies, city and county councils, local school districts, and civic and social clubs. Our members have done some amazing work in their communities and it is time for the public and governmental entities to learn about our courts and judges.

GOAL:

To educate justice partners on the accomplishments and needs of district and municipal courts.

STAKEHOLDERS:

INTERNAL OR EXTERNAL:

Internal and External

APPENDIX A: Proposal Preference Worksheet

Please indicate by mark in the right hand column TEN proposals that you think should be advanced for further development and consideration.

ID	Title	Select TEN Proposals
A	Increasing Jury Diversity in Washington State Courts	
B	Understanding and Reforming the LFO System in Washington State	
C	Enhancing Public Trust and Confidence in Washington Courts	
D	Elimination of Gender Bias in the Court System/Improvement of Gender Equity	
E	Improvement for Statewide Training of Court Employees	
F	Improve Responsivity and Increase Jury Diversity	
G	Addressing the Crisis of Unrepresented Litigants	
H	Funding for Interpreter Services	
I	Expanding Court Certified Interpreter Services	
J	Effective Integration of Language Access Principles	
K	Effective Identification of Judicial Issues	
L	Effective Use of Information Technology in Trial Case Management	
M	Evidence-Based Criminal Case Performance Measures	
N	Adequate and Sustainable Funding of Court Education	
O	Coordination of Court Education and Training	
P	Adequate Court Funding	
Q	JIS/Case Management System	
R	Courthouse Security	
S	Educate Justice Partners	

APPENDIX B: Mission and Vision of BJA, Principal Policy Objectives of Judicial Branch

Mission and Vision of the Board for Judicial Administration.

The **Mission** of the BJA is *“to enhance the judiciary’s ability to serve as an equal, independent and responsible branch of government.”*

The **Vision** of the BJA is that it will *“become the leader and voice of the Washington State Courts.”*

Principal Policy Objectives of the Washington 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.

APPENDIX C: 2015 Issue Inventory

BJA Policy and Planning Committee

Strategic Issue Management Initiative

ISSUE INVENTORY

CASE CHARACTERISTICS:

1. Mental health and the judicial system (ALL)
 - a. in adult cases
 - b. in juvenile cases
 - c. rules and judicial processing
 - d. availability of treatment and services

2. Juveniles and the judicial system (ALL)
 - a. systemic case process improvement
 - b. alternatives to detention
 - c. racial disproportionality and cultural competence
 - d. mental health
 - e. sexual identity, treatment/safety in custody
 - f. truancy
 - g. dependency and foster care
 - h. BECCA legislation

3. Reliance on criminal sanctions (decriminalization)(ALL)
 - a. mental health cases
 - b. juvenile (alternatives to detention)
 - c. adult misdemeanor, non-violent offenses
 - d. DWLS3*
 - e. disproportional racial impacts
 - f. pre-trial detention/bail
 - g. alternatives to incarceration

4. Post-judgment obligations (ALL)

- a. relicensing following license suspension
- b. re-entry following incarceration
- c. legal financial obligations

COURT FUNDING, STRUCTURE, GOVERNANCE:

- 5. Local justice system funding (ALL)
 - a. Structural deficits
 - b. Revenue sources
 - c. State v. local funding responsibilities
- 6. State funding of due process costs – indigent defense, interpreters, etc.
- 7. Accountability and performance measurement – transparency, measures, data for decisions
- 8. High cost cases –murder, complex, multiple defendants
- 9. Equitability/regressive funding sources (ALL)
 - a. Due process services
 - b. Court operations
 - c. Court technology funding sources
- 10. Municipal courts -- autonomy, flexibility, innovation, accountability, governance structures
- 11. Non-unified court system
- 12. Local rules – inconsistent, use of model rules

COURT OPERATIONS:

- 13. Technology (ALL)
 - a. CMS – implementation in superior courts
 - b. CMS in district and municipal
 - c. E-everything – e-filing, e-service, e-records, e-appearances – statewide system
 - d. Data exchange
 - e. JIS funding – adequacy, reliability (TF sweeps), equitability of sources
 - f. Universal cashiering capacity
 - g. FTA – personal device reminder to appear
 - h. Appellate court technology

14. Access (ALL)
 - a. access to attorneys (availability, cost of)
 - b. access to courts (hours of operation, remote access)
 - c. online access to process (e-filing, e-service, e-records, e-appearances)
 - d. access to information (e-records, plain-language forms)

15. Systemic (global v. local) and court efficiency (ALL)
 - a. Global efficiency and process improvement – research, data, outcome measures
 - b. Costs of prosecution
 - c. Resource utilization – facilities, personnel
 - d. Definition of “conflict”

16. Personnel (ALL)
 - a. Succession planning
 - b. Recruitment and retention
 - c. Training of court personnel at all levels

17. Customer satisfaction

FAIRNESS AND DUE PROCESS:

18. Diversity and cultural competence (ALL)
 - a. Bias in justice system, ethos of cultural competence – personal, institutional
 - b. Handling of sexual identity issues
 - c. Handling of sexual identity issues of juveniles
 - d. Civic education

19. Indigent defense (ALL)
 - a. Adequate funding
 - b. State funding
 - c. Ability to monitor caseloads
 - d. Training

20. Interpretation (ALL)
 - a. Universal provision – no waiver, no costs
 - b. Court/county LEP plans
 - c. Statewide directory, scheduling system
 - d. Remote systems

- e. State funding
21. Jury reform (ALL)
- a. Jury pool sourcing
 - b. Diversity
 - c. Efficiency

APPENDIX D: Partial Stakeholder Scoring Results

Partial Results of 2015 Stakeholder Scoring: “Importance” Measure

Importance. There are 18 issues that score above 3.00 (“very important”) on the import measure, and 8 that scored 3:00. The 18 above 3.00 are:

Interpretation (ALL)	3.35
Local Justice System Funding (ALL)	3.26
Diversity and Cultural Competence – bias in justice system	3.25
Diversity and Cultural Competence (ALL)	3.21
Indigent Defense (ALL)	3.18
Technology (ALL)	3.17
Indigent Defense - adequate funding	3.17
Jury Reform -- diversity	3.17
Reliance on Criminal Sanction – disproportionate race impacts	3.16
Juveniles– racial disproportionality and cultural competence	3.15
Access (ALL)	3.11
Interpretation -- universal provision	3.10
Local Justice System Funding – revenue sources	3.10
Interpretation -- state funding	3.06
Juveniles and the Justice System (ALL)	3.05
Reliance on Criminal Sanction – juvenile (alternatives)	3.05
Indigent Defense -- state funding	3.05
State Funding of Due Process Costs	3.05

The 8 issues scoring 3.00 in importance are:

- Juveniles and Justice System – alternatives/detention
- Customer Satisfaction
- Juveniles and Justice System – mental health
- Mental Health (ALL)
- Local System Funding – structural deficits
- Interpretation -- LEP Plans
- Local System Funding – local/state responsibilities
- Mental Health – availability of treatment/services

Tab 4

Tab 5



February 2, 2017

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 with Dr. Martin on January 6, 2017. Dr. Martin presented a draft of a Roadmap for Education Improvement in the Washington State Courts. It provides a background on the purpose of the project, components of exemplary court education, improvement implementation schedule, and a series of action plans. The roadmap, At-A-Glance document, and education matrix will be utilized during the March retreat with stakeholders.

Invitations to the March 24, 2017 retreat to the various education and training stakeholders have been disseminated.

In January, the chairs of the committee scheduled Executive Committee Meetings that will be held every other Wednesday. The purpose of these meetings is to outline the various tasks the CEC needs to accomplish and create a plan for completion. The first action is to review the current CEC policies and event guidelines to make sure they are updated to reflect the work being done. As tasks are completed, others will be added as the project continues and additional tasks are identified.

The Court Education Committee submitted two goals to the BJA Policy and Planning Committee for consideration. The first goal focuses on securing adequate and sustainable funding for education and training. The second goal focuses on establishing a collaboration of education and training amongst all the associations, commissions and committees that currently provide education and training.

The upcoming CEC meetings are:

- February 10, 2017 – Sea-Tac with Dr. Martin
- March 24, 2017 – CEC Retreat with Dr. Martin

II. Short-term Goals

The CEC plans to:

- Conduct the March 24, 2017 retreat with education and training providers to begin the discussion on adequate funding, and coordinating education and training.
- Adopt a communication plan to foster a holistic relationship between the other BJA standing committees.
- Develop a 3-5 year plan to increase the availability and access of education and training for all court personnel.

III. Long-term Goals

- Continue to plan and develop judicial branch education with consultant.
- Develop a stable and adequate funding source for court education.
- Develop an in-state Judicial Education Leadership Institute.

IV. SJI Tasks (tasks may be modified as needed and additional tasks identified)

- Form an assessment and planning team to conduct a needs assessment and visioning session.
- Identify effective court learning and education approaches.
- Formulate a comprehensive 3-5 year learning and education strategic agenda.
- Implement improved education function governance and align learning and education activities among court committees, associations, and commissions.
- Begin to implement reengineering learning and education function priorities.
- Prepare two versions of a roadmap for learning and education improvement in the Washington State Courts.



February 9, 2017

TO: Board for Judicial Administration Members
FROM: Judge Janet Garrow, Policy and Planning Committee
RE: REPORT OF POLICY AND PLANNING COMMITTEE

The Policy and Planning Committee last met on December 16, immediately following the December meeting of the BJA.

Committee Membership

As of December the Committee had two vacancies: the seat reserved for the vice-president of the DMCJA was vacant due to the incumbent being elected to the superior court bench, and a seat reserved for a member of the public was vacant by decision of the Committee.

Since that time the DMCJA has elected Judge Rebecca Robertson, Federal Way Municipal Court, as vice-president. She will be joining the Committee. The Committee has publicized, with the assistance of the WSBA and the AOC Office of Communications and Public Outreach, a position announcement seeking persons interested in serving as a public member. BJA members are invited to share this announcement (attached). Letters of interest are requested by April 1.

Review of BJA Resolutions Process

The BJA co-chairs have asked the Policy and Planning Committee to review the process adopted by the BJA for the adoption and renewal of resolutions. The Committee discussed the schedule and scope of this review and elected to defer the item until March in order to focus on the BJA strategic goal selection process currently under way.

BJA Strategic Planning Program

At the December meeting the BJA approved four recommendations regarding the planning program developed by the committee. These are:

- Recommendation 1: *Principal Policy Objectives of the Judicial Branch*. That the Principal Policy Objectives be reviewed every six to ten years beginning in 2018.
- Recommendation 2: *BJA Mission and Vision Statements*. That the Mission and Vision of the BJA be reviewed every six to ten years beginning in 2018.
- Recommendation 3: *Strategic Goals of the BJA*. That the Strategic Goals of the BJA be developed on a two-year cycle beginning in January 2017, using the Strategic Issue Management process developed by the committee.
- Recommendation 4: *Strategic Initiatives and Campaigns of the BJA*. That once Strategic Goals are adopted, the BJA should consider the formation of a workgroup of steering committee to formulate and implement a strategic initiative to guide any external strategic goal. Further, that the BJA should consider designating a major strategic goal as a “campaign” of the BJA.

The committee reviewed the schedule it had set out for development of Strategic Goals of the BJA and ultimately decided to maintain the announced schedule, with an intention to have recommendations for goals before the BJA at its March meeting.

Next Meeting

The Committee will meet next immediately following the February 17 meeting of the BJA.

Public Member Sought of Board for Judicial Administration

Policy and Planning Committee

Application deadline April 1, 2017

The Washington State Board for Judicial Administration (BJA) Policy and Planning Committee seeks a public representative to serve as a member on the committee.

The BJA was created by court rule “to provide effective leadership to the state courts system and to develop policy to enhance the administration of justice in Washington State.” The Policy and Planning Committee is a standing committee of the BJA. Information about the BJA can be found at: https://www.courts.wa.gov/programs/orgs/pos_bja/

The committee has primary responsibility for long term and strategic planning for the judicial branch of Washington, and has jurisdiction “to research and make recommendations regarding any area of policy affecting the courts of Washington which is within the plenary authority of the BJA.” The committee is very active in addressing its mandates as well as responding to a broad range of policy matters referred to it by the BJA. Since 2014 the committee has been developing and implementing an innovative approach to collaborative planning designed for a non-unified court structure.

Committee meetings generally take place at the Administrative Office of the Courts facility in SeaTac, Washington, on the afternoon of the third Friday of most months.

The committee is particularly interested in persons who possess the following characteristics:

- A strong interest in justice system policy, planning, and judicial branch governance.
- A member of a community historically underrepresented in judicial branch governance.
- An interest in access to justice initiatives.
- Will be an active and engaged committee member.

Interested persons should provide a letter expressing interest and qualifications for service on this committee by April 1, 2017. Letters may be addressed to Judge Janet E. Garrow, chair, Policy and Planning Committee, and sent via email to Steve.Henley@courts.wa.gov.

Tab 6



WASHINGTON
COURTS

Court Management Council (CMC) Annual Report

2016

Prepared for the Board for Judicial Administration

Submitted February 2017

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December 20, 2016

Members of the Board for Judicial Administration (BJA):

We are pleased to present the Court Management Council (CMC) Annual Report.

In 2016 the CMC continued the progress made in court administration over the last several years. Following the successful passage of legislation and a new Supreme Court Rule proposed by the CMC and sponsored by the BJA, this year was spent in implementation and clarification of issues related to the preparation of court transcripts. Additionally, the CMC focused the work of our Council on promoting comprehensive education for court managers, county clerks, and staff and on protocols for GR 17 and GR 30. We also engaged in conversations with staff of the National Center for State Courts to learn more about national initiatives and trends, particularly around access to justice issues.

The CMC is an important contributor to the administration of justice in Washington courts. We hope the Board for Judicial Administration will continue to look to the CMC for input and assistance with matters that affect the administration of courts and clerks offices in our state.

Sincerely,

Handwritten signature of Callie T. Dietz in black ink.

Callie T. Dietz
CMC Co-Chair
State Court Administrator
Washington Administrative Office of the Courts

Handwritten signature of Cynthia Marr in black ink.

Cynthia Marr
CMC Co-Chair
Analytic Support Manager
Pierce County District Court

I. Background

The Court Management Council (CMC) was created by Supreme Court order 25700-B-217 in June 1987 to serve as a statewide forum for enhancing the administration of the courts. It is uniquely comprised of non-judicial court professionals, and established to recommend policy development and facilitate statewide organizational improvements that promote the quality of justice, access to the courts, future planning, and efficiency in court and clerks' office operations statewide.

Included in, but not limited to, the CMC members' responsibilities are: 1) serving as administrative subject-matter resources in the development and implementation of judicial branch legislation; 2) providing, by majority vote, direction to the Administrative Office of the Courts on other matters affecting the administration of the courts; and 3) fostering communication among the various entities providing court administration.

The CMC focus is on issues common across court levels, and may work in partnership with other associations, committees, or work groups, depending on the project or policy under consideration.

II. Members

2016 Court Management Council Members

The following individuals served on the Council in 2016:

- Callie Dietz, Co-Chair, State Court Administrator, Administrative Office of the Courts
- Cynthia Marr, Co-Chair, President-Elect, District and Municipal Court Management Association Analytic Support Manager, Pierce County District Court
- Renee Townsley, Clerk/Administrator, Court of Appeals Division III
- Frank Maiocco, Association of Washington Superior Court Administrators, Administrator, Kitsap County Superior Court
- Jane Severin, Association of Washington Superior Court Administrators, Administrator, San Juan County Superior Court
- Paulette Revoir, President, District and Municipal Court Management Association, Administrator, Lynnwood Municipal Court
- Dennis Rabidou, Washington Association of Juvenile Court Administrators, Administrator, Okanogan County Juvenile Court
- Mike Merringer, President, Washington Association of Juvenile Court Administrators, Director, Kitsap County Juvenile Court
- Barbara Christensen, President, Washington State Association of County Clerks, Clallam County Clerk
- Kim Morrison, Washington State Association of County Clerks, Chelan County Clerk
- Susan Carlson, Supreme Court Clerk

Administrative Office of the Courts (AOC) Staff

- Dirk A. Marler, Director, Judicial Services Division, AOC
- Caroline Tawes, Administrative Assistant, AOC

III. Summary of Activities in 2016

A. Meetings

The CMC held in-person meetings every one to two months until 2008 when budget cuts required the CMC to begin meeting every other month by phone, with the exception of the joint, in-person December meeting with the BJA. The CMC meets at least every quarter, and typically meets by phone every other month.

While updating the Bylaws in 2015, CMC members decided to add a second, in-person meeting to facilitate communication. In 2016, the first in-person meeting was held on August 9 at the AOC SeaTac office. Eleven members attended. The guest speaker was Dr. Tom Clarke, Vice President for Research and Technology, National Center for State Courts (NCSC), author of the book *Reimagining Courts* and previously the Information Services Division Director at AOC. Dr. Clarke spoke about the public view of courts. According to research done by the NCSC, fifty-seven percent of those polled would not be willing to invest public funds in courts, and 72% thought courts were incompetent technology managers. One possible explanation for the negative view of technology in courts is that personal technology is moving much faster when compared to technology in the courts.

The NCSC Joint Technology Committee launched a “Courts Disrupted” initiative to discover what courts can do about negative public perception. Public unhappiness with the courts is specific: 1) the cost is too high, 2) cases take too long, and 3) the complexity is too great. These elements contribute to an access to justice problem.

The NCSC is seeing an increasing use of problem-solving approaches in court cases. The “Justice For All” project provides guidance to courts on how to assess their access to justice. Some of the solutions are technical and some are not.

Also at the August 9 meeting, AOC Contracts Manager John Bell presented a report requested by the Supreme Court on how the GR 31.1, Access to Administrative Records, has affected courts. As part of the report, Mr. Bell conducted a survey of the state’s public records officers and included the results in the CMC meeting packet. Mr. Bell received over 60 responses to the survey.

The survey results indicate that since GR 31.1 became effective on January 1, 2016 there have been no major problems reported with the rule and no major increase in requests to courts for public records.

B. Projects

The CMC functions as an important forum for court managers to communicate and coordinate on the efficient administration of justice in their courts. In 2016, CMC members collaborated on several projects.

1. Transcriptionist Rule Changes and Legislation

At the June 2009 meeting, CMC members discussed the issue that courts often struggle with the quality of court transcriptionists' work product and wanted to discuss ideas to tighten control over court transcriptionists' records, quality, and accountability. As a result, the CMC formed a subcommittee to investigate what court standards are in place and how courts in other states handle this.

The subcommittee work product, the *Final Report and Recommendations for Court Electronic Recording*, was approved at the February 8, 2012 CMC meeting. The subcommittee also recommended changes in court rules and statutes. In March 2014, the CMC submitted suggested court rule amendments to the Supreme Court Rules Committee. The BJA endorsed these suggested rules as well as companion legislation that was proposed in 2015.

The court rule changes were passed by the Supreme Court Rules Committee following a public comment period. Legislation to update the corresponding RCW 2.32.240 did not pass in 2015 but was successfully pursued again in the 2016 Legislative Session.

The 2016 legislation, SHB 1111, updated the court transcriptionist statutes and implemented the recommendations from the CMC, in conjunction with court rule passed last year. The Washington Court Reporters Association (WCRA) asked for an amendment that was included. That amendment made no significant changes. Transcriptionist bill SHB 1111 passed and became effective June 9, 2016. (See Appendix A).

Prompted by questions from WCRA about implementation in some counties, the CMC co-chairs provided additional guidance to clerks and court administrators about the role of court reporters as authorized transcriptionists.

2. Subcommittees

Each year CMC members are asked to work with their respective associations to provide ideas about future CMC agenda topics and goals, and what information members would like to take back to their associations. One of the topics deemed important was discussing GR 17 and GR 30 and sharing lessons learned and standard protocol.

In 2015 the CMC created a subcommittee to discuss suggestions for changes to GR 17 and/or GR 30. Both subcommittees met throughout 2015 and in May 2016 submitted final versions of GR 17 and GR 30 to the BJA for review prior to being submitted to the Supreme Court Rules Committee.

The proposed rule changes made by the CMC subcommittee on GR 17 and GR 30 and the accompanying GR 9 cover sheet were submitted to the Supreme Court Rules Committee on September 2, 2016. The rule changes was published for comment on November 17, 2016 and comments are due by April 30, 2017 (see Appendix B).

The CMC proposals would modernize rules regarding fax and electronic filing.

C. Court Manager of the Year Award

First awarded in 1991, this annual award honors outstanding court managers who exemplify the leadership and ideals of their chosen profession. The CMC presents the Award each year to an individual whose leadership has been transformative on a regional or statewide basis and who has mobilized and unified people to take action for the greater good.

In early October each year, the CMC requests nominations from the court community statewide. Nominations are submitted to the CMC members, who vote for the winner. An inscribed award is presented each year at the CMC/BJA joint meeting in December.

Award recipients have been people who, apart from their noteworthy personal accomplishments, have raised the capacity of others to improve the administration of justice. Their leadership has had regional or statewide impact. A list of the Court Manager of the Year award criteria and past winners may be found in Appendix D.

In 2016 there were five nominees for the Court Manager of the Year award. The 2016 Court Manager of the Year award was presented to Ms. Terri Cooper, administrator at the Cheney Municipal Court. Ms. Cooper's award was presented at the December 16 joint BJA and CMC meeting.

Ms. Cooper was nominated by Judge Gregory Tripp of the Spokane County District Court and Cheney Municipal Court. In his nomination, Judge Tripp discussed Ms. Cooper's personal career mission to ensure access to justice and court improvements. Ms. Cooper was appointed to the Gender and Justice Commission by Chief Justice Madsen in 2012 and served until 2014. She worked on two committees, Domestic Violence and Education. Her projects with Domestic Violence included addressing protection orders, human trafficking, and intimate partner violence. She was also a reviewer, evaluating Stop Grant Funding requests under the Violence against Women Act.

As a member of the Education Committee, Ms. Cooper helped create and develop judicial training to address the new sexual assault protection orders as well as contributing to the development of other judicial education programs offered by the commission. She also brought DV advocacy to Cheney, established a Youth Court, and built a full service probation office.

APPENDIX A
SHB 1111

Dear Members of the Washington State Judiciary and County Clerks,

With the passage of SHB 1111, Concerning Court Transcripts, by the 2016 Legislature, it seems a good opportunity to update you on the Court Management Council's multi-year efforts to update court rule and statutes regarding electronic recording.

Generally speaking, court processes are governed by court rule while substantive matters are the province of the legislature. There are occasions, however, where there is overlap and updating one necessitates updating the other.

By court rule, limited jurisdiction courts are required, and superior courts may, record proceedings electronically in addition to or in lieu of a real time court reporter. The transcribed recording is called a verbatim report of proceedings and is required for appellate review.

As technology has improved and use has increased, the Court of Appeals noticed irregularities and inconsistencies in the reports being filed. In addition, there was a lack of guidance in the court rules on the minimum qualifications to be an authorized transcriptionist. As a result, the Court Management Council (CMC), which is a committee created by the Supreme Court as a statewide forum for enhancing the administration of the courts, undertook a comprehensive review of the relevant court rules and statutes. They found that current statutes and court rules lacked adequate direction on the process and standards for authorizing persons to transcribe trial court records. Consequently, there was great inconsistency across the state on the qualifications and performance accountability for transcriptionists completing verbatim reports of proceedings. This contributed to incomplete or inaccurate transcripts, administrative inefficiency, and delays.

With the support of the Board for Judicial Administration (BJA), the CMC suggested both rule amendments and new rules to promote consistent standards and practices for the creation, maintenance, and transmission of verbatim reports of proceedings. The rules passed the Supreme Court in September 2015.

The BJA approved draft legislation to conform state law with court rule in 2013 but waited to request it until the rule proposal was pending. As requested by the BJA and passed by the Legislature this year, the bill

- (a) provides that certified court reporters and authorized transcriptionists (*in addition to official court reporters*) may make official transcripts of testimony and other court proceedings and states that official reports transcribed from electronic recordings qualify as prima facie correct statements of testimony or proceedings (New GR 35),
- (b) changes where transcripts requested for appellate cases must be filed from the trial court to the Court of Appeals (RAP 9.5, RAP 9.8),
- (c) makes the Administrative Office of the Courts (AOC) a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor (RAP 9.2, CR 80), and
- (d) modifies terminology regarding storage media for duplicated recordings of court proceedings (RAP 9.3, RAP 9.4, RAP 9.5).

The new and amended court rules include other technical and procedural requirements, such as

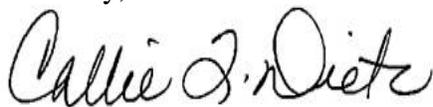
- (a) clarifying that electronic versions of a reporter's notes shall be filed with the county clerk (SPRC 3),
- (b) providing that the judicial officer presiding over an electronically recorded proceeding has a responsibility to help ensure an adequate record (New CrR 8.10, ARLJ 13),
- (c) eliminating the requirement that video transcription conform to AOC development procedures, requiring that transcripts be arranged in chronological order, and clarifying page numbering requirements (RAP 9.2),
- (d) modernizing language for current technology (RAP 9.3, RAP 9.4, RAP 9.5, CR 80),
- (e) adding references to transcriptionists where appropriate (RAP 9.5, RAP 18.9),
- (f) striking the duty of the trial court clerk to send the verbatim report of proceedings to the appellate court (*transcripts are to be filed directly with the appellate court*) (RAP 9.8, RAP 9.9, RAP 9.10, RAP 10.2(a)),
- (g) authorizing the use of certified transcripts (CR 43(h)),
- (h) requiring the maintenance of a log (New CR 80.1, ARLJ 13, RALJ 5.3),
- (i) clarifying that the appellant will arrange with the district court to transmit the recordings and exhibits in a small claims case to the superior court (CRLJ 75(c)), and
- (j) establishing the qualifications for persons authorized to create official transcripts (New GR 35).

As to this last point, it has come to our attention there is some confusion on the intent of the rule changes. The intent of the rule was to develop a set of requirements for court transcriptionists and recognize the ability of authorized court transcriptionists to make official transcripts in addition to court reporters. *Certified court reporters already were, and remain, authorized to transcribe court proceedings under these and existing rules and statutes.* We hope that with the addition of the changes in statute from SHB 1111, it will also clarify that certified court reporters remain an option for the transcription of court proceedings.

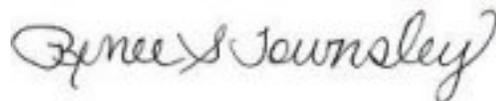
The passage of these rules and this bill complete an effort that began in 2009 when the CMC identified concerns and undertook a review that culminated in the 2011 "Report and Recommendations for Court Electronic Recording." Those efforts led to this multi-year effort to develop and pass updated court rules and statutes aimed at modernization and efficiencies that can come with it.

We offer our congratulations to the Board for Judicial Administration and the Court Management Council on completing this task that took several years to achieve. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,



Callie T. Dietz
CMC Co-Chair
State Court Administrator
Washington Administrative Office of the Courts



Renee Townsley
CMC Co-Chair
Clerk/Administrator
Washington Court of Appeals, Div. III

FINAL BILL REPORT

SHB 1111

C 74 L 16
Synopsis as Enacted

Brief Description: Concerning court transcripts.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne and Moeller; by request of Board For Judicial Administration).

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

Court reporters make verbatim records of court proceedings, depositions, and other official proceedings by means of written symbols or abbreviations in shorthand, machine writing, or oral recording by a stenomask reporter. The report of the official reporter, when transcribed and certified as being a correct transcript of the stenographic notes, is considered a prima facie correct statement of the testimony or oral proceedings. Upon request of the court or an attorney or party to a suit, the official reporter and clerk of court must make or cause to be made a transcript of testimony, which is filed with the trial court for the use of the court or parties to the action.

Under court rule, in any superior court proceeding, electronic or mechanical recording devices may be used to record oral testimony in lieu of or supplementary to causing shorthand notes to be taken. Discretion as to the use of such devices rests with the court. Courts of limited jurisdiction are required to electronically record proceedings. Pursuant to statute, the Administrator for the Courts (AOC) is required to supervise the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction. There is a statutory \$25 fee for each video tape or other electronic storage medium of duplicated recordings of court proceedings.

Recently, a number of amendments were made to the court rules pertaining to electronic recording and transcription of court proceedings. Among the changes is a new court rule defining "authorized transcriptionist" as a person approved by a superior court to prepare an official verbatim report of proceedings of an electronically recorded court proceeding. The rule contains minimum requirements for authorized transcriptionists, which are that the person must: (a) be certified as a court reporter; (b) be certified by the American Association

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

of Electronic Reporters and Transcribers; or (c) have completed a one-year supervised mentorship with a certified court reporter or authorized transcriptionist. Other amendments to the court rules require filing a report of proceedings for purposes of appeal to the appellate court, rather than the court in which the trial was held.

Summary:

Amendments are made to various statutory provisions regarding court transcripts.

In addition to official court reporters employed by the court, certified court reporters and authorized transcriptionists may make official transcripts of testimony or proceedings. An official report of an electronically recorded proceeding prepared by a certified court reporter or an authorized transcriptionist has the same status as the report of an official court reporter, and is considered a prima facie correct statement of the testimony or oral proceedings. The requirement to file a transcript of proceedings with the trial court is amended to make exception for transcripts requested for an appellate case. The \$25 fee for duplicated recordings of a court's proceedings is a fee for duplication to a "video" rather than to a "video tape."

The AOC is designated as a consultant for the implementation of electronic recording equipment in courts of limited jurisdiction, instead of a required supervisor.

Votes on Final Passage:

2015 Regular Session

House 97 0

2016 Regular Session

House 98 0

Senate 45 1

Effective: June 9, 2016

APPENDIX B
Proposed Rule Changes to GR 17 and GR 30
and GR 9 Cover Sheet



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Callie T. Dietz
State Court Administrator

September 6, 2016

Honorable Barbara Madsen
Washington State Supreme Court
PO Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

On behalf of the Court Management Council (CMC), please find enclosed suggested amendments to rules GR 17 and GR 30.

The recommendations are the product of a CMC subcommittee that was created to discuss suggested changes to GR 17 and GR 30. Subcommittee members included Mr. Ron Carpenter (ret.), Clerk of the Supreme Court; Ms. Renee Townsley, Clerk/Administrator, Court of Appeals, Division III; Ms. Kim Morrison, Chelan County Clerk; Ms. Ruth Gordon, Jefferson County Clerk, and Ms. Bonnie Woodrow, Administrator, Renton Municipal Court.

The CMC subcommittee reviewed these rules, surveyed CMC members about their experiences, and examined statewide requirements for these rule. The Subcommittee reviewed similar rules from other states and found that Washington's rules were among the best but should be updated.

The Board for Judicial Administration endorsed these suggested rule changes.

Thank you for the Court's consideration.

Sincerely,

Handwritten signature of Callie T. Dietz in blue ink.

Callie T. Dietz
Court Management Council Co-Chair
State Court Administrator

Handwritten signature of Cynthia Marr in blue ink.

Cynthia Marr
Court Management Council Co-Chair
Analytic Support Manager,
Pierce County District Court

cc: Justice Charles Johnson

GR 9 COVER SHEET

Suggested Amendments to GR 17 and GR 30

- (A) **Name of Proponent:** Court Management Council
- (B) **Spokesperson:** Renee Townsley, Administrator/Clerk
Court of Appeals, Division III

Callie T. Dietz, State Court Administrator

(C) **Purpose:**

The Court Management Council (CMC), created by Supreme Court Order 25700-B-217 as a statewide forum for enhancing the administration of the courts, has suggested changes to modernize GR 17 (Facsimile Transmission) and GR 30 (Electronic Filing).

The CMC suggested changes to these rules were endorsed by the Board for Judicial Administration (BJA) at their June 17, 2016 meeting.

The recommendations are the product of a CMC subcommittee that included the Clerk of the Supreme Court, a Clerk/Administrator from the Court of Appeals, two county clerks, and a municipal court administrator.

The changes would largely conform rules to current practice in many jurisdictions.

GR 17 Facsimile Transmission

The CMC anticipates that fax filing will be obsolete in the future. In the meantime, GR 17 is still needed. The CMC proposes minor changes to GR 17 which was adopted in 1993:

- Increase to 20 (from 10) the maximum number of pages that may be filed without prior approval from the clerk;
- Update agency name from “Office of the Administrator for the Courts” to “Administrative Office of the Courts”, conforming to RCW 2.56.010;
- GR 17(a)(2) requires that the filer attach an affidavit as the last page of the document. This requirement is frequently overlooked by filers and rarely enforced by courts. The suggested rules make this requirement optional “by local court rule”;
- Delete the requirement of filing on “bond paper.”

GR 30 Electronic Filing and Service

- Permit electronic filing of certified records of proceedings, conforming to practice;
- Strike the corresponding reference prohibiting such in the comment;

- The current rule permits electronic service of documents only when 1) local rule mandates electronic filing, and 2) the parties agree to accept electronic service. The CMC recommends striking the phrase “only by agreement” to reflect current practice;
- Current rule requires clerks to issue confirmation that an electronic document has been received. The CMC recommends changing this to “may” to reflect current practice while preserving court discretion;
- Strike the fax number from the required signature block.

(D) **Hearing:** Not recommended.

(E) **Expedited Consideration:** Not requested.

1 **SUGGESTED AMENDMENTS**

2 **GENERAL RULES**

3 **GR 17 - FACSIMILE TRANSMISSION**

4
5 (a) Facsimile Transmission Authorized; Exceptions.

6
7 (1) Except as set forth in subsection (a)(5), the clerks of the court may accept for filing
8 documents sent directly to the clerk or to another by electronic facsimile (fax)
9 transmission. A fax copy shall constitute an original for all court purposes. The attorney
10 or party sending the document via fax to the clerk or to another shall retain the original
11 signed document until 60 days after completion of the case. Documents to be
12 transmitted by fax shall bear the notation: "SENT on _____ (DATE)
13 VIA FAX FOR FILING IN COURT.

14
15 (2) If a document is transmitted by facsimile to another for filing with a court, by local
16 court rule the person responsible for the filing ~~must~~ may be required to attach an original
17 affidavit as the last page of the document. The affidavit must bear the name of the court,
18 case caption, case number, the name of the document to be filed, and a statement that
19 the individual signing the affidavit has examined the document, determined that it
20 consists of a stated number of pages, including the affidavit page, and that it is
21 complete and legible. The affidavit shall bear the original signature, the printed name,
22 address, phone number and facsimile number of the individual who received the
23 document for filing.

1 (3) The clerk of the court may use fax transmission to send any document requiring
2 personal service to one charged with personally serving the document. Notices and
3 other documents may be transmitted by the clerk to counsel of record by fax.

4
5 (4) Clerks may charge reasonable fees to be established by the ~~Office~~
6 ~~of the Administrator for the Courts~~ Administrative Office of the Courts, for receiving,
7 collating, and verifying fax transmissions.

8
9 (5) Without prior approval of the clerk of the receiving court, facsimile transmission is
10 not authorized for judge's working copies (courtesy copies) or for those documents for
11 which a filing fee is required. Original wills and negotiable instruments may not be filed
12 by facsimile transmission.

13
14 (6) Facsimile Machine Not Required. Nothing in this rule shall require an attorney or a
15 clerk of a court to have a facsimile machine.

16
17 (b) Conditions.

18
19 (1) Documents transmitted to the clerk by fax shall be letter size (8-1/2 by 11 inches).
20 Unless otherwise provided by local court rule, Dd documents over ~~40-20~~ pages in length
21 may not be filed by fax without prior approval of the clerk.

22
23 (2) Any document transmitted to the clerk by fax must be accompanied by a fax
24 transmittal sheet in a format prescribed by the court. The form must include the case
25 number (if any), case caption, number of pages, the sender's name, the sender's voice

1 and facsimile telephone numbers, and fax fee remittance certification. Transmittal
2 sheets are not considered legal filings.

3

4 (3) A document transmitted directly to the clerk of the court shall be deemed received at
5 the time the clerk's fax machine electronically registers the transmission of the first
6 page, regardless of when final printing of the document occurs, except that a document
7 received after the close of normal business hours shall be considered received the next
8 judicial day. If a document is not completely transmitted, it will not be considered
9 received. A document transmitted to another for filing with the clerk of the court will be
10 deemed filed when presented to the clerk in the same manner as an original document.

11

12 (4) Court personnel will not verify receipt of a facsimile transmission by telephone or
13 return transmission and persons transmitting by facsimile shall not call the clerk's office
14 to verify receipt.

15

16 ~~(5) The clerk shall neither accept nor file a document unless it is on bond paper.~~

17

18 ~~(5)~~ (6) The clerk shall develop procedures for the collection of fax service fees for those
19 documents transmitted directly to the clerk. Nonpayment of the fax service fee shall not
20 affect the validity of the filing.

21

22 ~~(6)~~ (7) Agencies or individuals exempt from filing fees are not exempt from the fax
23 service fees for documents transmitted directly to the clerk. [Adopted effective
24 September 1, 1993.]

25

1 **SUGGESTED AMENDMENTS**

2 **GENERAL RULES**

3 **GR 30 - ELECTRONIC FILING AND SERVICE**

4
5 (a) Definitions.

6
7 (1) "Digital signature" is defined in RCW 19.34.020.

8
9 (2) "Electronic Filing" is the electronic transmission of information to a court or clerk for
10 case processing.

11
12 (3) "Electronic Document" is an electronic version of information traditionally filed in
13 paper form, except for documents filed by facsimile which are addressed in GR 17. An
14 electronic document has the same legal effect as a paper document.

15
16 (4) "Electronic Filing Technical Standards" are those standards, not inconsistent with
17 this rule, adopted by the Judicial Information System committee to implement electronic
18 filing.

19
20 (5) "Filer" is the person whose user ID and password are used to file an electronic
21 document.

22 Comment: The form of "digital signature" that is acceptable is not limited to the
23 procedure defined by chapter 19.34 RCW, but may include other equivalently reliable
24 forms of authentication as adopted by local court rule or general.

1 (b) Electronic filing authorization, exception, service, and technology equipment.

2

3 (1) The clerk may accept for filing an electronic document that complies with the Court
4 Rules and the Electronic Filing Technical Standards.

5

6 (2) A document that is required by law to be filed in non-electronic media may not be
7 electronically filed.

8 Comment: Certain documents are required by law to be filed in non-electronic media.

9 Examples are original wills, ~~certified records of proceedings for purposes of appeal,~~
10 negotiable instruments, and documents of foreign governments under official seal.

11

12 (3) Electronic Transmission from the Court. The court or clerk may electronically
13 transmit notices, orders, or other documents to all attorneys as authorized under local
14 court rule, or to a party who has filed electronically or has agreed to accept electronic
15 documents from the court, and has provided the clerk the address of the party's
16 electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party
17 to maintain an electronic mailbox sufficient to receive electronic transmissions of
18 notices, orders, and other documents.

19

20 (4) A court may adopt a local rule that mandates electronic filing by attorneys and/or
21 electronic service of documents on attorneys for parties of record, provided that the
22 attorneys are not additionally required to file paper copies except for those documents
23 set forth in (b)(2). Electronic service may be made either through an electronic
24 transmission directly from the court (where available) or by a party's attorney. Absent
25 such a local rule, parties may electronically serve documents on other parties of record.

1 ~~only by agreement.~~ The local rule shall not be inconsistent with this Rule and the
2 Electronic Filing Technical Standards, and the local rule shall permit paper filing and/or
3 service upon a showing of good cause. Electronic filing and/or service should not serve
4 as a barrier to access.

5 Comment: When adopting electronic filing requirements, courts should refrain from
6 requiring counsel to provide duplicate paper pleadings as "working copies" for judicial
7 officers.

8

9 (c) Time of Filing, Confirmation, and Rejection.

10

11 (1) An electronic document is filed when it is received by the clerk's designated
12 computer during the clerk's business hours; otherwise the document is considered filed
13 at the beginning of the next business day.

14

15 (2) The clerk ~~shall~~may issue confirmation to the filing party that an electronic document
16 has been received.

17

18 (3) The clerk may reject a document that fails to comply with applicable electronic filing
19 requirements. The clerk must notify the filing party of the rejection and the reason
20 therefor.

21

22 (d) Authentication of Electronic Documents.

23

24 (1) Procedures

25

1 (A) A person filing an electronic document must have received a user ID and password
2 from a government agency or a person delegated by such agency in order to use the
3 applicable electronic filing service.

4 Comment: The committee encourages local clerks and courts to develop a protocol for
5 uniform statewide single
6 user ID's and passwords.

7

8 (B) All electronic documents must be filed by using the user ID and password of the
9 filer.

10

11 (C) A filer is responsible for all documents filed with his or her user ID and password. No
12 one shall use the filer's user ID and password without the authorization of the filer.

13

14 (2) Signatures

15

16 (A) Attorney Signatures. An electronic document which requires an attorney's signature
17 may be signed with a digital signature or signed in the following manner:

18

19 s/ John Attorney

20 State Bar Number 12345

21 ABC Law Firm

22 123 South Fifth Avenue

23 Seattle, WA 98104

24 Telephone: (206) 123-4567

25 ~~Fax: (206) 123-4567~~

1 E-mail: John.Attorney@lawfirm.com

2

3 (B) Non-attorney signatures. An electronic document which requires a non-attorney's
4 signature and is not signed under penalty of perjury may be signed with a digital
5 signature or signed in the following manner:

6

7 s/ John Citizen

8 123 South Fifth Avenue

9 Seattle, WA 98104

10 Telephone: (206) 123-4567

11 ~~Fax: (206) 123-4567~~

12 E-mail: John.Citizen@email.com

13

14 (C) Non-attorney signatures on documents signed under penalty of perjury. Except as
15 set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-
16 attorney signed under penalty of perjury, the filer must either:

17

18 (i) Scan and electronically file the entire document, including the signature page with the
19 signature, and maintain the original signed paper document for the duration of the case,
20 including any period of appeal, plus sixty (60) days thereafter; or

21

22 (ii) Ensure the electronic document has the digital signature of the signer.

23

24 (D) Law enforcement officer signatures on documents signed under penalty of perjury.

25

1 (i) A citation or notice of infraction initiated by an arresting or citing officer as defined in
2 IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have
3 been signed when the arresting or citing officer uses his or her user id and password to
4 electronically file the citation or notice of infraction.

5
6 (ii) Any document initiated by a law enforcement officer is presumed to have been
7 signed when the officer uses his or her user ID and password to electronically submit
8 the document to a court or prosecutor through the Statewide Electronic Collision &
9 Traffic Online Records application, the Justice Information Network Data Exchange,
10 or a local secured system that the presiding judge designates by local rule. Unless
11 otherwise specified, the signature shall be presumed to have been made under penalty
12 of perjury under the laws of the State of Washington and on the date and at the place
13 set forth in the citation.

14
15 (E) Multiple signatures. If the original document requires multiple signatures, the filer
16 shall scan and electronically file the entire document, including the signature page with
17 the signatures, unless:

18
19 (i) The electronic document contains the digital signatures of all signers; or

20
21 (ii) For a document that is not signed under penalty of perjury, the signator has the
22 express authority to sign for an attorney or party and represents having that authority in
23 the document. If any of the non-digital signatures are of non-attorneys, the filer shall
24 maintain the original signed paper document for the duration of the case, including any
25 period of appeal, plus sixty (60) days thereafter.

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(F) Court Facilitated Electronically Captured Signatures. An electronic document that requires a signature may be signed using electronic signature pad equipment that has been authorized and facilitated by the court. This document may be electronically filed as long as the electronic document contains the electronic captured signature.

(3) An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.

(e) Filing fees, electronic filing fees.

(1) The clerk is not required to accept electronic documents that require a fee. If the clerk does accept electronic documents that require a fee, the local courts must develop procedures for fee collection that comply with the payment and reconciliation standards established by the Administrative Office of the Courts and the Washington State Auditor.

(2) Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees. The court or clerk shall establish an application and waiver process consistent with the application and waiver process used with respect to non-electronic filing and filing fees.

- 1 [Adopted effective September 1, 2003; December 4, 2007; September 1, 2011;
- 2 December 9, 2014.]

APPENDIX C

CMC Information Sheet

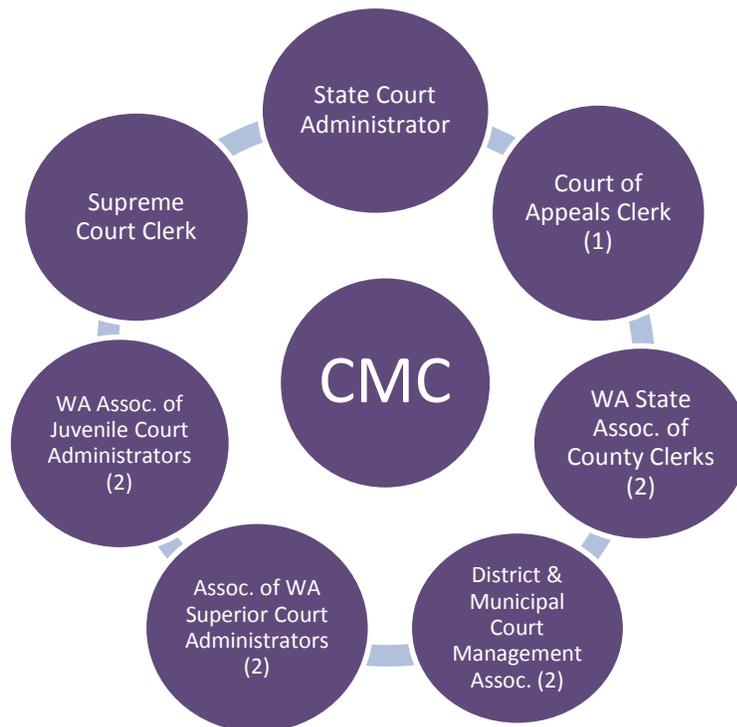


Court Management Council (CMC)

The CMC was established in 1987 by Supreme Court Order 25700-B-217 to encourage communication and coordination among court administrative personnel at all levels of court.

Specifically, the CMC serves as a statewide forum for enhancing the administration of the courts. It is uniquely comprised of non-judicial court professionals, and established to recommend policy development and facilitate statewide organizational improvements that promote the quality of justice, access to the courts, future planning, and efficiency in court and clerks' office operations statewide.

CMC members serve as administrative subject-matter resources in the development and implementation of judicial branch legislation; provide direction to the Administrative Office of the Courts (AOC) on other matters affecting the administration of the courts; and foster communication among the various entities providing court administration. Members include:



CMC Staff Contacts:

Dirk Marler, Director
AOC, Judicial Services Division
360-705-5211
dirk.marler@courts.wa.gov

Caroline Tawes
AOC, Judicial Services Division
360-705-5307
caroline.tawes@courts.wa.gov

APPENDIX D
Court Manager of the Year Criteria
And Previous Recipients

COURT MANAGEMENT COUNCIL
COURT MANAGER OF THE YEAR AWARD—2016

Eligibility Rules and Selection Guidelines

The selection of a court manager serving the courts of the state of Washington as the outstanding court manager in the state shall be in accordance with these rules adopted by the Court Management Council.

1. Consideration of nominees for the Court Management Award shall be commenced upon the filing, by a person other than the candidate, of a written nomination in the form approved by the Court Management Council. A selection committee shall be identified from among members of the Court Management Council. Any member who has been nominated for that year's award will be excluded from the selection committee.
2. A nominee for this award shall have completed at least five (5) consecutive years as court manager in a Washington State court and shall not have been retired for more than two (2) years.
3. Any person previously or currently employed by a Washington State court as the chief executive officer, administrator, clerk or manager is eligible for nomination. Nominees should have demonstrated leadership on a regional or statewide basis that is beyond the leadership expected of an individual court manager.
4. The selection committee may use various criteria to determine the award recipient including that the nominee made significant contributions to the court community in one or more of the following areas:
 - Enhancing the administration of justice in Washington's courts
 - Improving the quality of service in Washington's courts
 - Improving access to justice in Washington's courts
 - Enhancing expedition and timeliness of actions in Washington's courts
 - Promoting equality, fairness, and integrity in Washington's courts
 - Furthering independence and accountability of the judiciary
 - Instilling public trust and confidence in Washington's courts
5. The Court Management Council may revise or amend these rules and guidelines without notice to any nominator, nominee, or other person. Any change that would adversely affect a nomination the Council has begun to consider shall not be implemented while that nomination is pending.

Court Manager of the Year Award Recipients

1991	Lee Fish, Spokane County Juvenile Court
1992	Donna Karvia, Lewis County Clerk
1993	Mimi Walsh, Snohomish County Clerk's Office
1994	<i>No award</i>
1995	Bev Bright, Pierce County Superior Court
1996	Siri Woods, Chelan County Clerk
1997	Tricia Hansen (Crozier) King County District Court <i>and</i> Madelyn Botta, Kitsap County Superior Court
1998	Jan Michels, King County Superior Court Clerk <i>and</i> Virgil Hulsey
1999	Tom Kearney, San Juan Juvenile Court
2000	Eileen Possenti, Puyallup Municipal Court
2001	Pam Springer, Skagit County District Court
2002	<i>No award</i>
2003	Harold Delia, Yakima County Superior Court
2004	Siri Woods, Chelan County Clerk
2005	Barbara Miner, King County Superior Court
2006	Richard E. Carlson, Snohomish County Superior and Juvenile Courts
2007	Richard Johnson, Court of Appeals Division I
2008	Cathy Grindle, Director of Court Technology, King County District Court
2009	Michael Merringer, Island County Superior Court, Island County Juvenile Court
2010	Sharon Paradis, Administrator, Benton County Juvenile Court
2011	N.F. Jackson, Whatcom County Superior Court
2012	Frank Maiocco, Kitsap County Superior Court
2013	Delilah George, Skagit County Superior Court
2014	Susie Parker, Lewis County Superior Court
2015	Renee Townsley, Court of Appeals Division III <i>and</i> Ron Miles, Spokane Superior Court
2016	Terri Cooper, Cheney Municipal Court

To: National Center for State Courts

From: GBA Strategies

Date: December 12, 2016

Annual National Tracking Survey Analysis

Our latest national survey of registered voters, conducted on behalf of the National Center for State Courts, provides some good news for court officials, particularly in terms of overall confidence in the courts and their critical role in protecting individual rights. But calls for more innovation and a greater use of technology remain central to public perceptions of state courts, underscoring persistent concerns about state courts' ability to meet the demands of their 'customers' within an environment of limited budgets.

This survey also demonstrates very clearly how little most Americans understand government funding at the federal and state levels, and especially funding of the court systems upon which they rely. These misperceptions, which assume a much higher level of funding than the courts actually receive, could be interpreted as a call for more civic education in the long term, but we feel it is more important that court leaders understand the disconnect between perception and reality so that they can better anticipate and meet the expectations of their customers. This challenge is not unique to the courts, as studies consistently show greater disconnects between objective facts and public perceptions when it comes to the performance of government at every level, presenting the court system with an opportunity to provide leadership for other areas of government.

Beyond continuing to explore public perceptions of court performance and funding challenges, this survey focused on two timely issues. On the question of fines and fees, we found that while voters would not volunteer the issue as a major concern, they strongly oppose 'debtors prison' policies that imprison indigent defendants for an inability to pay court fines and fees and support a number of policy options, particularly those that rely on alternative requirements such as community service or court-mandated training that reduce the likelihood of recidivism and better prepare a defendant to succeed after leaving the court system.

Finally, the 2016 presidential campaign brought into focus questions about whether a judge's ethnicity influences fairness in the court system. In the abstract, we see that most voters do believe there is an influence, albeit a minor one. But when we move to more specific hypothetical examples, we see a clear racial disparity, with non-white voters in particular suggesting that a minority defendant is less likely to receive equal justice from a white judge but few concerns in the opposite scenario for a white defendant with a minority judge. This is clearly another issue that undermines public confidence in the courts and should inform court policies and communications efforts at the state level.

The following are key findings and recommendations based on a survey of 1,000 registered voters conducted November 14-17, 2016, with more than 30 percent of interviews completed via cell phone. The poll is subject to a margin of error of +/- 3.1 percentage points at the 95 percent confidence level.

- **Overall confidence in state courts at highest level yet.** Over the course of four surveys dating back to April 2012, we have seen small but consistent gains in confidence in voters’ respective state courts. State courts have consistently inspired more confidence than the executive or legislative branches in each state, and today, nearly 3-in-4 say they have a great deal or some confidence in their state courts.

Confidence in State Court System		
	% Agree	
	% Confidence	% No Confidence
November 2016	74	24
October 2015	71	27
November 2014	68	28
April 2012	67	29

These gains in confidence in state courts have been relatively consistent across age, gender, and partisan identification, but we do see a racial gap, with white voters expressing more confidence while non-white voters express less confidence overall and have shown no movement on this measure since 2014.

In addition to overall confidence in the state courts, we see the highest number yet who agree that courts in their state are committed to protecting individual and civil rights (71 percent) and serve as an appropriate check on other branches of government (65 percent). We also see solid numbers on measures such as treating people with dignity and respect (71 percent) and taking the needs of people into account (63 percent).

- **Voters continue to express concerns about customer service, particularly when it comes to innovation and use of technology.** Despite stronger marks on overall confidence in state courts, voters continue to give state courts negative marks on overall job performance (46 percent excellent/good, 52 percent just fair/poor). This is a measure that gets more at day-to-day performance than the confidence measure explored above, and we see several areas where voters voice concerns, none of which are new in this research. Only 51 percent say state courts ‘provide good customer service to people in the court system,’ down from 55 percent in 2014 and 53 percent in 2015. Half of voters see state courts as ‘inefficient,’ and only 53 percent see them as ‘a good investment of taxpayer dollars.’

The concerns that drive these ratings are familiar. More than 6-in-10 voters view state courts as ‘political’ (61 percent, unchanged from a year ago), contributing to concerns about bias that we explored in greater detail last year. In this survey, we also see a new high in the

number of voters who call state courts ‘intimidating’ (45 percent). But the worst attribute for state courts remains ‘innovative’ – just 39 percent say this describes state courts well, while 54 percent say it does not; these numbers represent a 6-point net drop from a year ago, with the losses relatively consistent across demographics. Reflecting these concerns, a plurality continue to say ‘state courts are not effectively using technology to improve their own operations or how they interact with the people they serve.’ Previous research has consistently identified this failure to keep up with the technological advances that customers have now come to rely on as a primary driver of low customer service ratings and questions about the courts’ efficiency and value to taxpayers.

- **Courts’ unique nature does not exempt them from demand for innovation.** With previous research identifying innovation as a consistent weakness for state courts, we sought to dig deeper on the need for innovation and whether courts should be held to a different standard. We found that while voters acknowledge the unique roles of courts, including protecting individual rights and serving as a check on other branches of government, they still have clear expectations that courts will adapt to new technologies to meet the needs of their customers. However, as the table below demonstrates, there are significant gender, age, and race-based differences on this measure.

Majority Say Courts Must Change with the Times							
	% Agree						
	Total	White	Non-White	Men	Women	Under 50	50+
Just like any business, (STATE) courts must change with the times to meet the needs of their customers and to keep up with new innovations.	52	49	61	49	56	55	49
(STATE) courts are not a bank or a department store -- the court system is the ultimate protector of our constitutional rights and shouldn't significantly change the way it does business.	43	47	34	46	40	41	45

- **Voters broadly uninformed on government spending, including courts funding.** It is not news that voters often hold incorrect views about basic civic information, and that these misconceptions can influence their opinions about a range of public policy issues. This survey sought to extend that broad lesson to the court system, asking voters about a series of economic facts. First, we asked voters to identify the official unemployment figure, with less than 1-in-3 correctly answering within one point of the correct answer while 42% responded with an answer that was higher than reality, just 2 percent responded lower, and 24 percent couldn’t even offer a guess. We also asked voters to identify where the federal government spends the most and the least money each year across five budget areas – foreign aid, interest on the federal debt, education, veterans’ benefits, and the federal court system – and found

that nearly 1-in-3 correctly identified interest on the federal debt as the greatest expenditure (although more incorrectly chose foreign aid) while only 12 percent identified the federal court system as the lowest expenditure (nearly 60 percent incorrectly chose veterans’ benefits or education).

Previous research has shown that greater knowledge of basic civics education correlates with stronger opinions of the courts, and this more detailed look at knowledge of broad national economic and budget facts confirms a similar correlation. However, we also asked voters what percentage of their state’s budget goes to funding the state court system, a figure that differs by state but stands at 3 percent or less in every state. Only 6 percent correctly chose 3 percent or less, compared to 24 percent who chose 3.1-10 percent and 41 percent who volunteered more than 10 percent. But those who knew how little most states spend on their court systems also gave state courts a lower job approval figure (44 percent excellent/good, 56 percent fair/poor) than other voters.

We believe that there are two important lessons from these economic and budget questions for advocates of the state courts. First, and most obviously, we see that most voters do not understand how tax dollars are allocated and overestimate the money available to state courts, as well as other budget priorities. Second, educating voters about these budget realities is not a surefire means of improving perceptions of the courts or ratings of their effectiveness. While advocates for the courts should take every opportunity to educate voters about the proper role of the courts in our democracy and the budget constraints courts face, they should not view these efforts as substitutes for concrete steps to address the customer service, technology, and innovation concerns explored above.

- **Marks for procedural fairness reach a new high.** This survey reinforces earlier research that Americans harbor significant concerns about bias and unequal justice in the court system, but those with recent direct experience in the court system continue to express confidence in the fairness of those proceedings. Across four surveys, we have asked the same question of those who have had direct recent experience in the court system, and the results have been consistent and positive, with satisfaction reaching a new high this year at 78 percent.

Procedural Fairness				
<i>Regardless of the outcome, were you satisfied with the fairness of the process in your dealings with the court system?</i>	2012	2014	2015	2016
Yes	68	72	70	78
No	25	26	25	21

In a counterintuitive but consistent finding, those with direct experience within the court system continue to give the courts lower marks for customer service and other core attributes tested in these surveys, while simultaneously vouching for the fundamental fairness of their own proceedings.

- **Americans overwhelmingly support code of judicial conduct, reject tying judges’ performance or courts’ financial health to fines and fees.** One of the primary areas of focus for this research was court fines and fees, as well as a related exploration of how to measure and govern judicial performance. We asked a series of questions related to these topics and found broad and intense agreement (and in one case, disagreement) on virtually every measure.

Judicial Conduct, Judicial Performance, Fines and Fees		
	%_Strong Agree	%_Total Agree
All judges, regardless of the type of cases they hear, should be subject to a code of judicial conduct that makes unethical behavior a basis for discipline or removal from the bench.	78	93
The performance of a judge should be evaluated by the judge's temperament and fairness.	60	87
Judicial salaries should not be paid from proceeds produced by fees levied against defendants.	50	74
Courts should not be expected to operate exclusively from proceeds produced by fees levied against defendants.	38	71
	%_Strong Disagree	%_Total Disagree
The performance of a judge should be evaluated by the judge's rate of collecting court fines and fees.	49	63

Given the large margins on each of these measures, we see very little demographic or even partisan differences. We feel it is important to note that we rarely see such strong intensity on issues such as these that are not a part of most voters’ daily lives.

- **Strong initial opposition to ‘debtors prison’ policies that imprison indigent defendants for an inability to pay court fines and fees.** Even before any messages or information about alternatives are presented, Americans strongly oppose ‘imprisoning a defendant who is poor due to an inability to pay court fines and fees’ (25 percent approve, 70 percent disapprove, including 47 percent strongly approve). While we do not see significant differences on this measure across demographic lines, we do see a partisan gap, with Democrats overwhelmingly opposed (16 to 84 percent) and Republicans still opposed, but by a much smaller margin (37 to 58 percent).

This survey presents ample evidence that voters feel imprisonment is inappropriate, or at least a last resort, for non-violent misdemeanors or those awaiting trial, but it can be an appropriate punishment for those who possess the means to pay court fines and fees but refuse to do so.

Conditions for Imprisonment		
	%_Strong Agree	%_Total Agree
For defendants accused of non-violent misdemeanors like shoplifting or traffic-related offenses, judges should always consider alternatives to imprisonment.	65	87
Only defendants who present a high risk to the safety of the community or who are considered flight risks should be held in custody before appearing for their trial.	55	83
Defendants with the financial means to pay court-imposed fines and fees but who willfully refuse to pay should be imprisoned.	31	57

- **Community service, court-mandated certification lead list of popular alternatives.** We tested a short series of potential alternatives to imprisonment. Once again, in keeping with the initial broad and intense feelings on this issue, we found strong support for all four policy alternatives, with two in particular emerging as near-universal choices.

Alternatives to Imprisonment – Policy Proposals		
	%_Strong Support	%_Total Support
Allow defendants to pay off their fines by working through local, court-designated non-profit organizations to provide community service at an hourly rate until all debts are paid through hours worked.	75	93
Allow defendants to pay off their fines by completing court-mandated steps - such as a degree or job training or drug treatment programs - to improve their ability to earn a living and stay out of trouble in the future.	66	93
Instead of mandatory court fines and fees for everyone, set fines and fees based on an individual's income and the gravity of the charges against them.	45	76
Eliminate mandatory fees and instead allow judges to modify or waive fees for those who are unable to pay despite their best efforts.	44	79

These responses demonstrate that Americans want to ensure that there is accountability for defendants, but it does not need to be punitive. They support more judicial flexibility in dealing with defendants who can't pay, because they believe the courts can serve a role not just in meting out penalties but in creating more constructive outcomes as well.

- **Americans believe a judge’s ethnicity impacts fairness, with bias most evident between white judge and minority defendant.** Donald Trump’s rhetoric during the 2016 campaign brought into focus the question of whether a judge’s ethnicity impacts their ability to provide justice to all of those who appear before them. We found that a majority of Americans (57 percent) believe that the race or ethnicity of a judge has some impact on how they decide cases, but only 22 percent believe it has a major impact. As anticipated, there is a racial gap on this question, with 51 percent of whites seeing some impact (just 14 percent major impact) compared to 76 percent of African Americans (51 percent major impact) and 67 percent of Hispanics (35 percent major impact).

We then moved this exercise from the abstract to a more concrete example. In a split sample exercise, half of the respondents were asked whether a young white male defendant would be likely to receive a fair trial from an African American judge, while the other half were asked whether a young African American defendant would be likely to receive a fair trial from a white judge. Only 11 percent felt the white defendant would be less likely to receive a fair trial, while 71 percent felt it would make no difference and 15 percent felt the judge’s ethnicity would actually work to his advantage. But 36 percent felt the young African American would be less likely to get a fair trial, compared to 56 percent who felt it would make no difference. There was little differentiation based on race on the split for the white defendant. But 56 percent of African Americans and 44 percent of Hispanics felt the African American defendant would suffer bias at the hands of a white judge; while ‘only’ 30 percent of whites agreed, this number was still more than three times higher than it was for the white defendant before the African American judge.



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NCSC
National Center for State Courts

SURVEY ADVISORY COMMITTEE MEMBERS



Chief Judge
Eric T. Washington
District of Columbia



Steve Canterbury
West Virginia



Stephanie Hess
Ohio



PK Jameson
Florida



Jesse Rutledge
NCSC

METHODOLOGY



WHAT: NCSC nationwide telephone survey

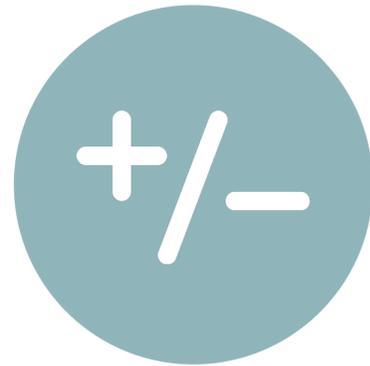
WHO: Conducted by GBA Strategies

WHEN: November 14–17, 2016

POLLED: 1,000 Registered Voters

STATS: MOE +/- 3.1% 19 times out of 20

KEY FINDINGS



There are signs of **positive momentum** in public trust—but innovation and **technology concerns persist**

A glaring **lack of understanding about court funding** is reflective of misperceptions about government spending generally

If courts lead on fines and fees reform, the **public will follow**

The public believes that the **ethnicity** of a judge **may impact fairness**

FIGURE #1

Positive momentum on core public trust questions vs. 2015 data.

* Percentage “swing” from 2015 survey. Percentages represent gap between “Agree” and “Disagree” from same questions in 2015 survey.

Q: “Do you agree or disagree with the following statements?”*

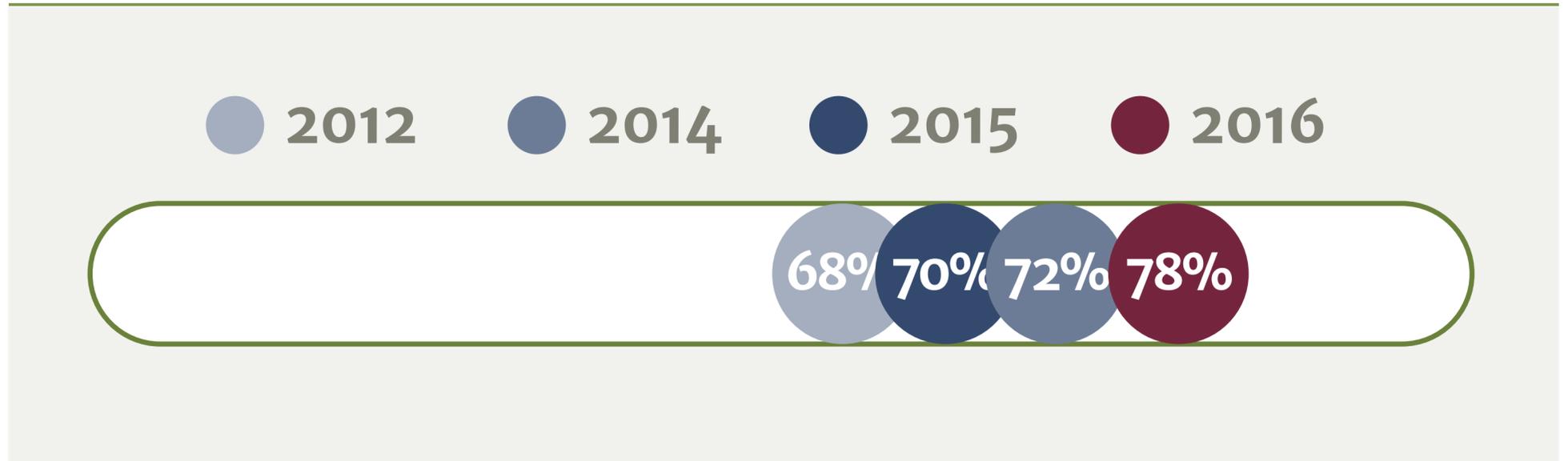


FIGURE #2

Procedural fairness is a hallmark of the court system.

Q: “Regardless of the outcome, were you satisfied with the fairness of the process in your dealings with the court system?”

Percent who reported feeling satisfied with their experience.



(N=725 who reported they had been party to a family matter; or had been to court for a traffic or parking ticket; or had been involved in any way in a criminal case; or had filed a case, or had had one filed against them)

FIGURE #3

Courts continue to face their own innovation imperative.

Q: “Which statement comes closer to your own view?”

Statement 1

“Just like any business, (STATE) courts must *change with the times to meet the needs of their customers* and to keep up with new innovations.”

Statement 2

“(STATE) courts are not a bank or a department store—the court system is the ultimate protector of our constitutional rights and *shouldn’t significantly change the way it does business.*”

Don’t Know

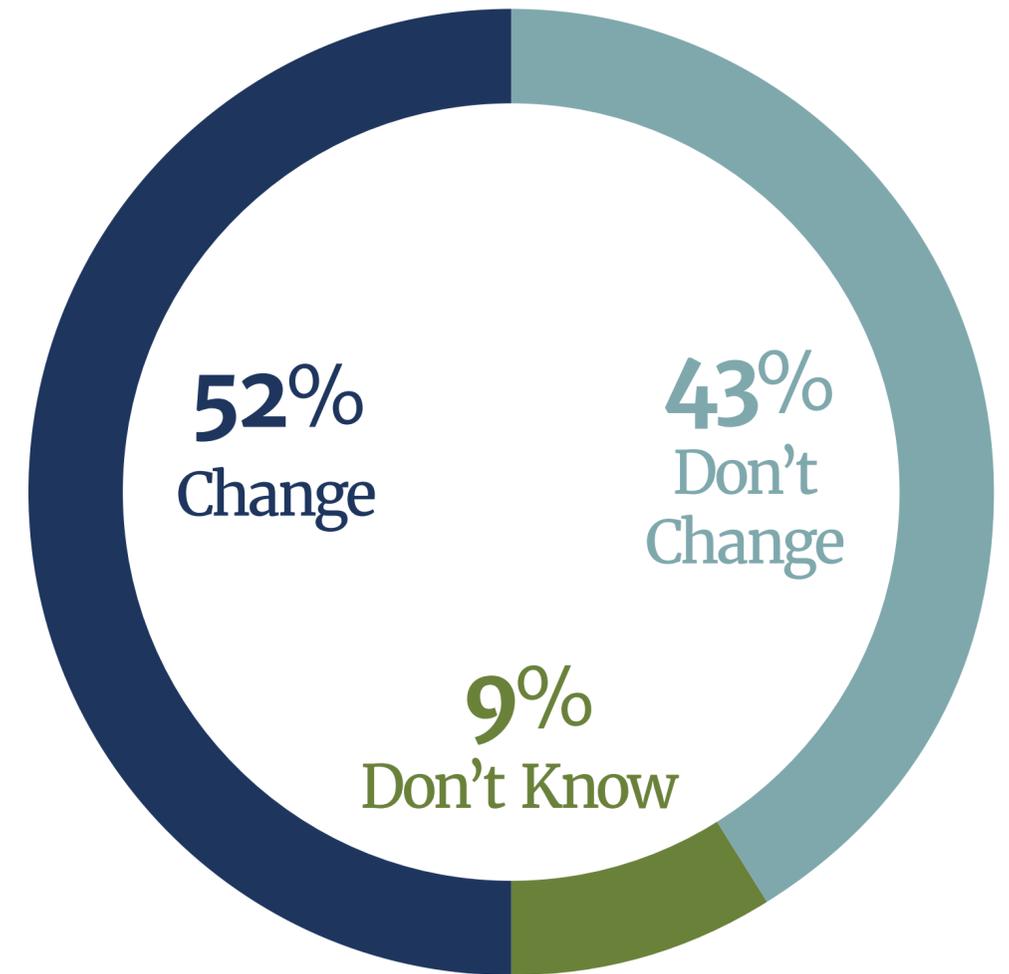


FIGURE #4

Americans are not familiar with government spending priorities...

Q: “On which of the following do you believe the federal government spends the most/least on an annual basis?”

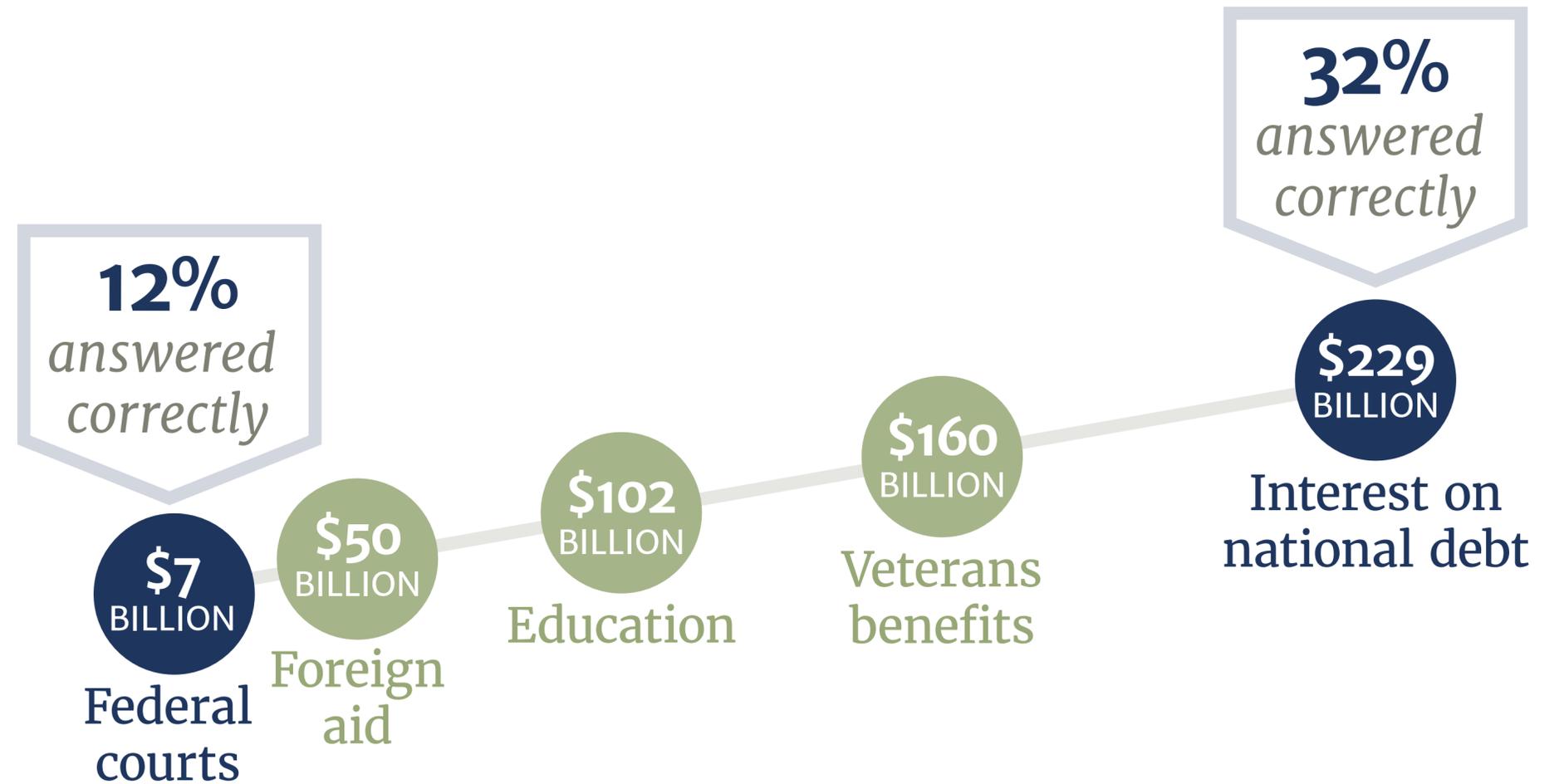
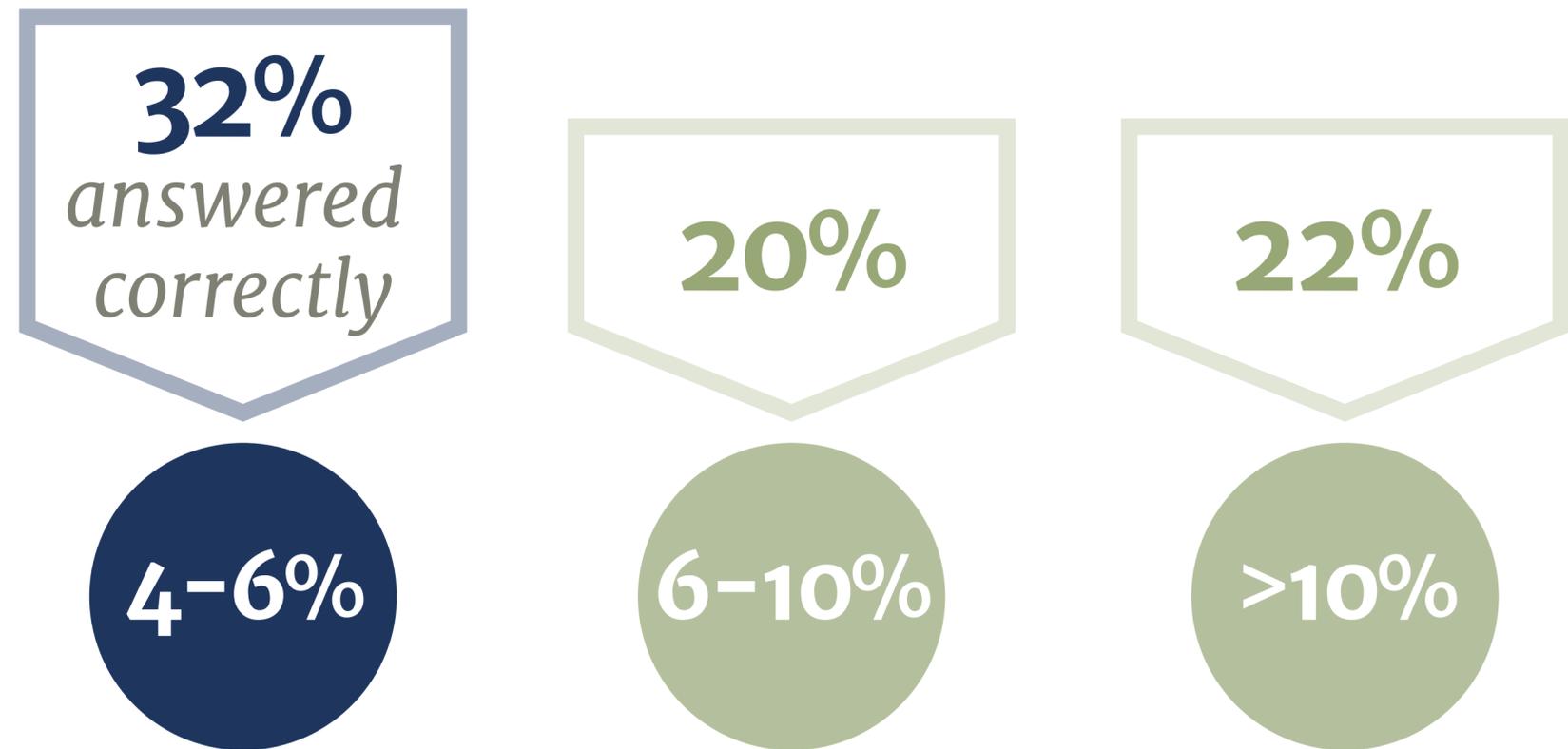


FIGURE #4, *cont'd*

...Or the unemployment rate.

Q: “What percent is the current official unemployment rate in the U.S.?”

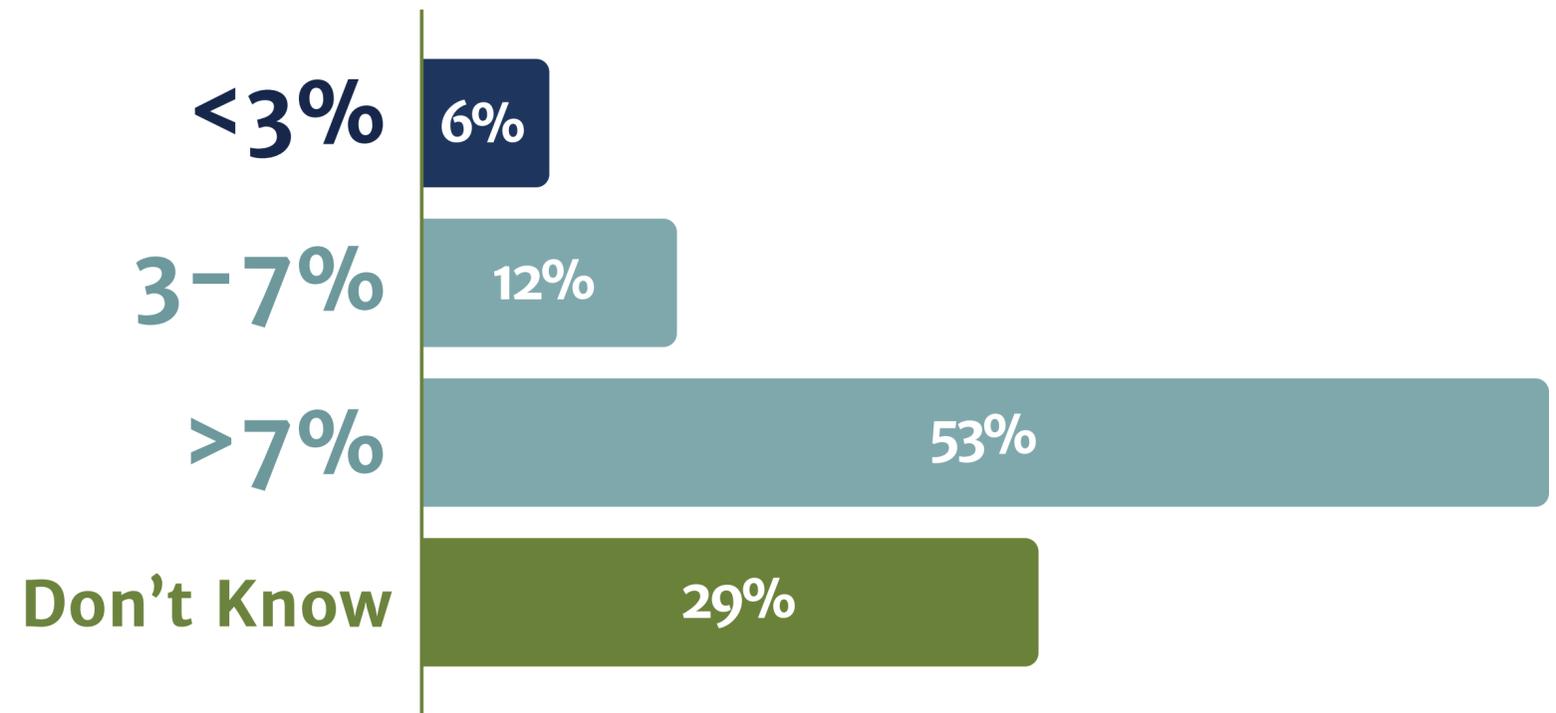


Correct answer at time of survey = 4.9%.

FIGURE #5

Americans think state courts are funded at much higher levels than they are.

Q: “If you had to guess, what percent of the state budget do you believe is spent on the state court system?”



↓ 13%

Respondents most knowledgeable about levels of court funding give lower ratings on job performance.

FIGURE #6

Voters want judges focused on fairness and ethics, not fines and fees.

Q: “Please tell me whether you agree or disagree with each of the following statements?”

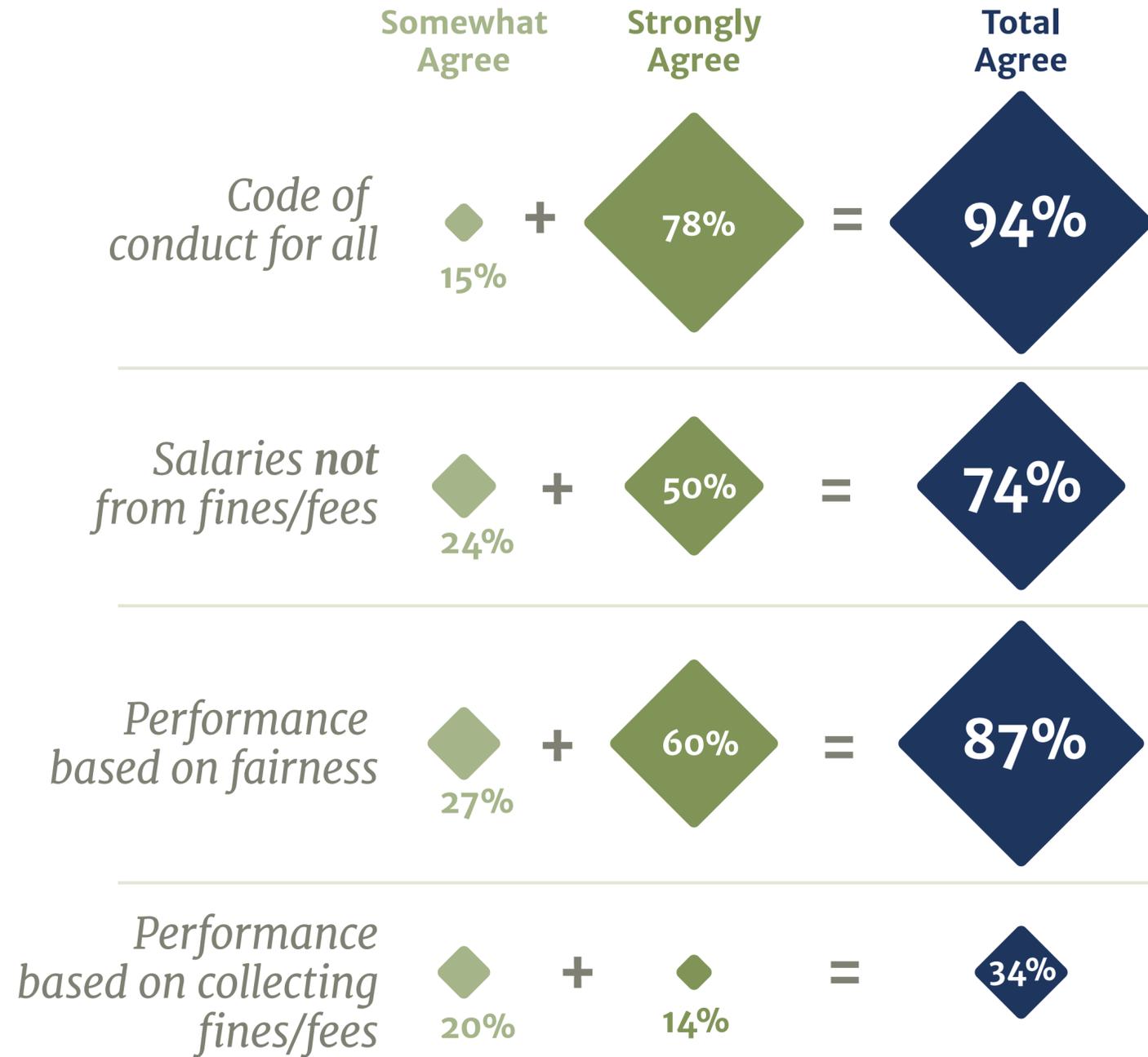


FIGURE #7

There is strong distaste for so-called “Debtors’ Prisons...”

Q: “Do you approve or disapprove of imprisoning a defendant who is poor due to an inability to pay court fines and fees?”



FIGURE #8

...And strong support for alternatives to incarceration.

Q: “Would you support or oppose (STATE) courts exploring each proposal as an alternative to prison for individuals who are unable to pay court fines and fees?”

Percent saying somewhat or strongly support

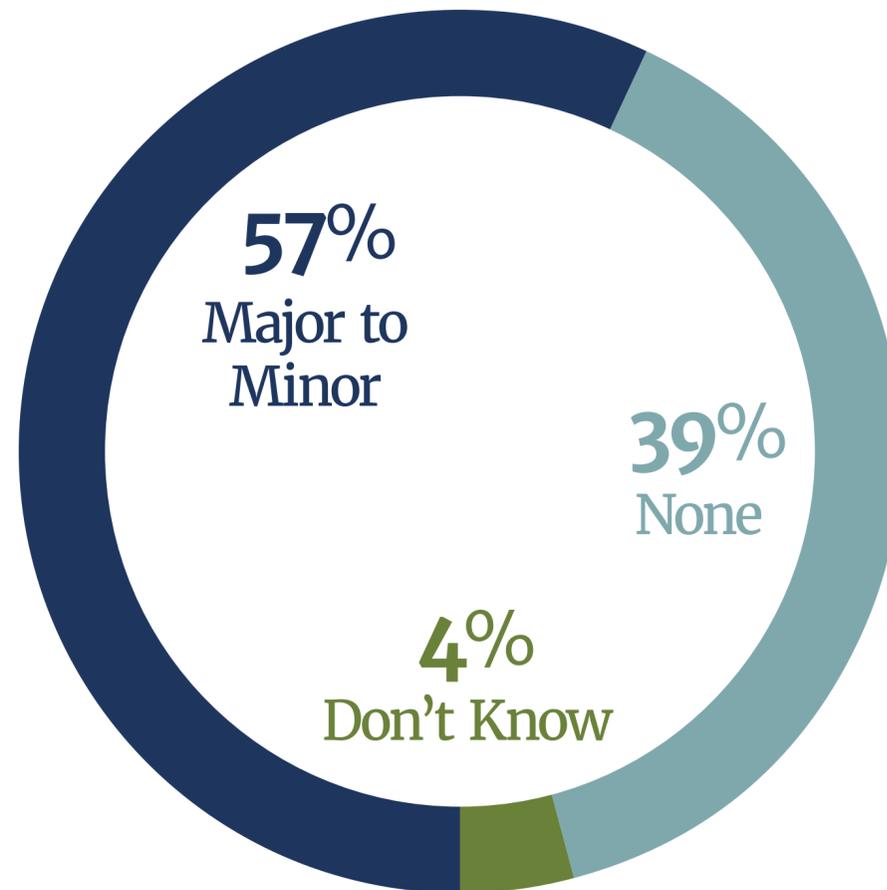
<i>Community service</i>	<i>Court-mandated training/certification</i>	<i>Allow judges to modify/waive</i>	<i>Set fines/fees based on income</i>
93%	93%	79%	76%

FIGURE #9

The public believes that the ethnicity of a judge may impact fairness.

Q: “Do you believe the race or ethnicity of a judge has a major impact, minor impact, or no real impact on how they decide cases before them?”

The majority see an impact...



...but that impact is primarily viewed as minor.

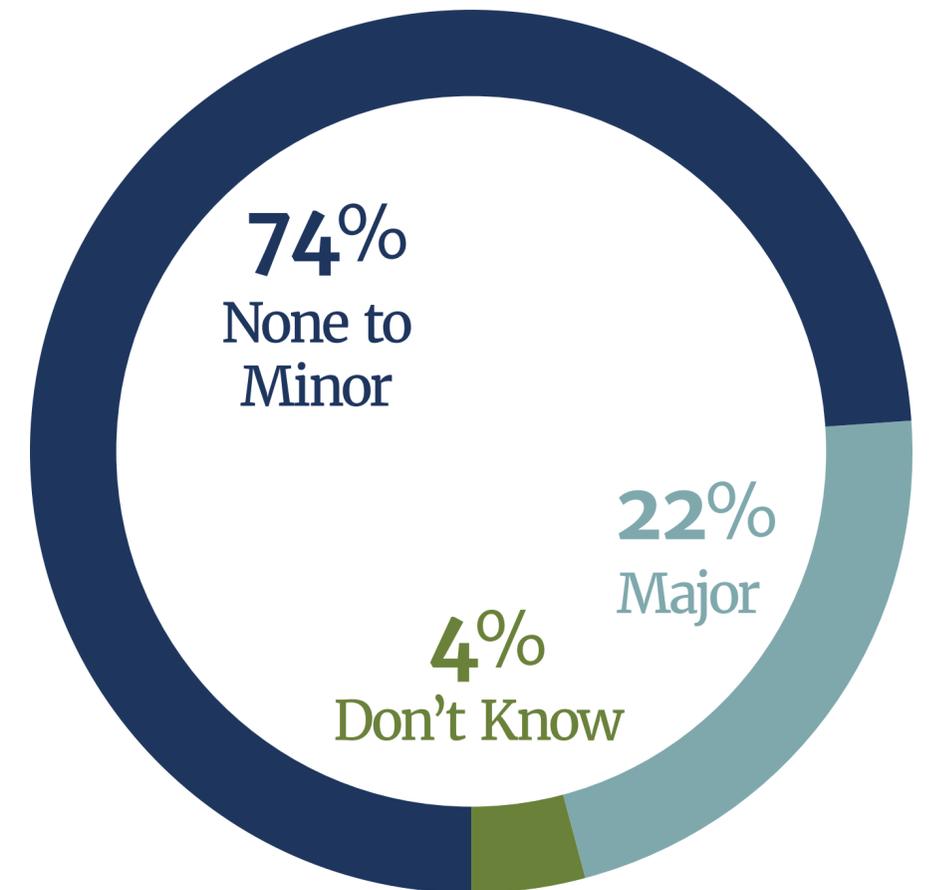
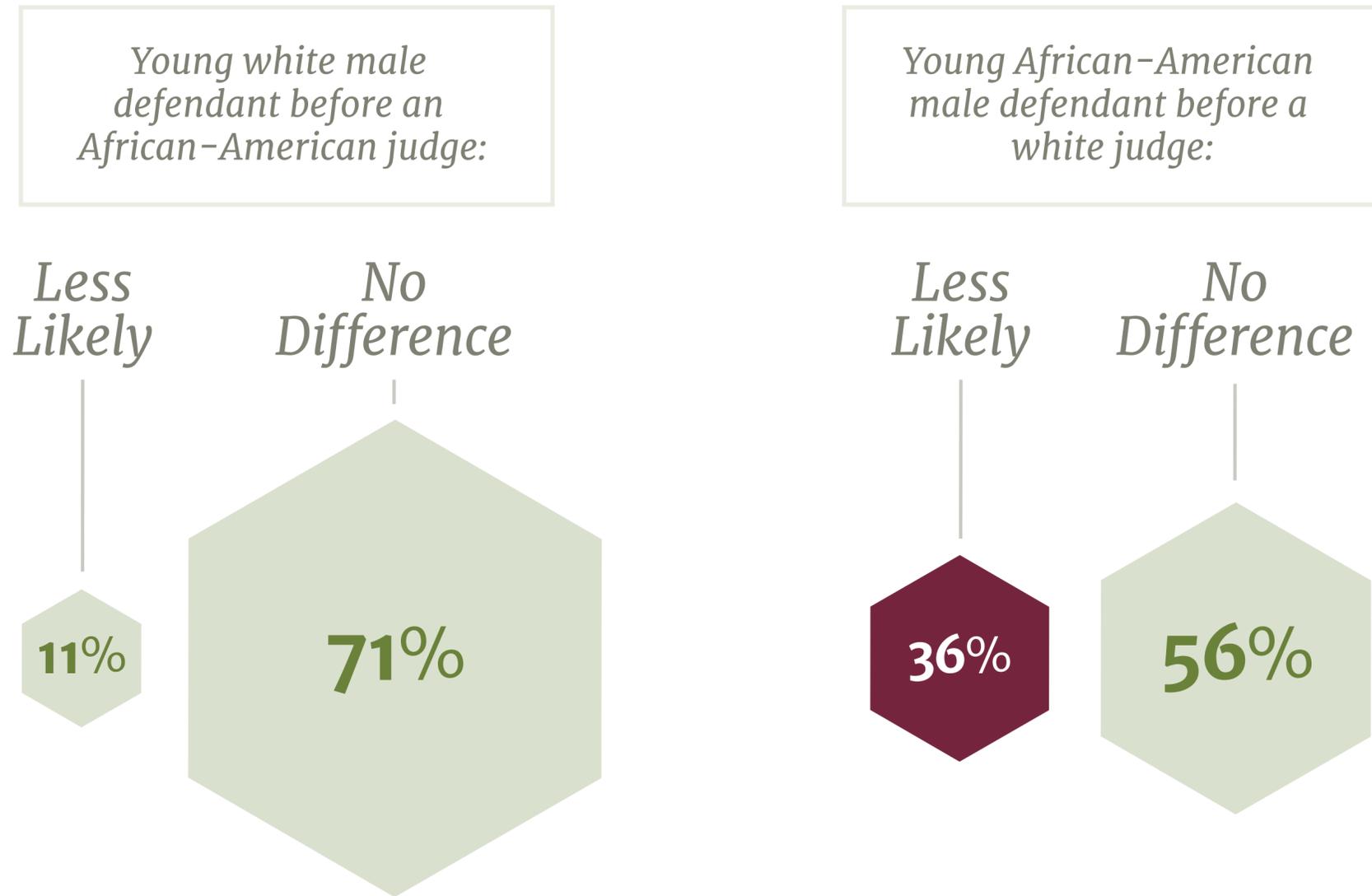


FIGURE #10

Moving from the abstract to the concrete, respondents perceive a greater impact.

Q: “Do you think that a young (African American/white) male would be more likely or less likely to receive a fair trial if the judge were (white/African American)?”





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For more information, visit:
ncsc.org/2016survey

**BJA BUSINESS ACCOUNT – FOURTH
QUARTER 2016 SUMMARY**

OCTOBER-DECEMBER 2016			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$11,870.78
BOOKKEEPING SERVICES	\$ 300.00		
EXPENSES	\$ 105.50		
DEPOSITS		\$0.00	
ENDING BALANCE	\$405.50	\$0.00	\$11,465.28

BJA BUSINESS ACCOUNT: THIRD QUARTER 2016 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
11.30.2016	3745	TAGS TROPHIES	GIFT FOR JUSTICE MADSEN	72.90	YES
12.19.2016	3746	BETH FLYNN	TEMPLE PRINT FOR J MADSEN	32.60	YES
12/31/2016	3751	JAN NUTTING	BOOKKEEPING SERVICES	300.00	NO
				405.50	

DEPOSIT DATE	AMOUNT
TOTAL 3RD QUARTER	0.00



STATE OF THE JUDICIARY

2017





JUSTICE BARBARA A. MADSEN
Chief Justice 2010–2017
Washington Supreme Court

PASSING THE GAVEL

It has been my honor to serve as Chief Justice of the Washington Supreme Court these past seven years. One of the joys of this position is sharing with the people of Washington the many accomplishments of the previous year by hard-working, caring members of the judicial branch to make the justice system more fair, effective, efficient, and more accessible.

This past year has been no exception.

Over the past year, members of the judicial branch focused more deeply on how the justice system impacts vulnerable or under-represented members of the population such as racial or ethnic minorities, religious minorities, the poor, women, disabled, and elderly.

Significant effort went into two comprehensive symposiums on a severe shortage of legal aid for the poor and on pretrial justice practices (such as the bail system) and how they impact low-income residents, revealing outcomes and trends that were not well known or understood statewide. Innovations and reforms are underway in these areas, as you can read about in this report.

Other efforts to understand and address challenges include projects to reform the system of court fines and fees, increase diversity in juries, to encourage hiring and promotion of diverse attorneys, to reach out to religious minorities such as the Muslim community, to study the impacts of gender

in a myriad of justice system practices and outcomes, to encourage diverse young people to consider careers in law and justice, and much more.

Information on all of these activities can be found in this report.

Additional efforts to understand and improve justice impacts on the poor and middle income include plans to simplify relicensing for persons with traffic offenses, to expand the number of Limited License Legal Technicians in the state, to continue establishment of the statewide guardianship network, and more. (See “Justice for All,” page 14.)

Many advances in the justice system are first made possible behind the scenes through administrative steps and operational support — changing court rules, applying for grants, training interpreters, conducting research, updating technical systems, putting goals and ideas into practice, collaborative meetings and decision-making that lead to progress. While these activities don’t usually make the news, they are critical to a functioning justice system.

Finally, while statewide efforts and impacts receive much attention, significant innovation and progress is being made by individual courts around the state that carve out time and resources from immensely busy schedules and tight budgets to make justice work better in their communities. Read about

MADSEN, CONTINUED ON NEXT PAGE

“It has been my honor to serve as Chief Justice of the Washington Supreme Court these past seven years.”



Passing of the gavel is a tradition in the state Supreme Court when a new Chief Justice takes the oath of office. In 2010, exiting Chief Justice Gerry Alexander passed the gavel to new Chief Justice Barbara Madsen, who went on to become the second longest serving Chief Justice in Washington state history. On January 9, 2017, Madsen passed the gavel to newly sworn in Chief Justice Mary Fairhurst.

MADSEN, CONTINUED FROM PREVIOUS PAGE

ambitious juvenile justice plans in Grays Harbor County, about mental health courts in Whatcom and Cowlitz counties, about innovative pretrial programs in Yakima and Spokane counties, about Olympia's new community court, about Lake Forest Park Municipal Court's new program to reduce recidivism, and about Mason County District Court's new pilot programs to reduce incarceration and help veterans. (See "Judicial Innovations," page 19.)

The hard work of dedicated and caring professionals has made Washington's judicial branch one to be proud of for many years. We were among the first states to form an interpreter commission, to establish minority and justice and gender and justice commissions, to create a statewide information system, to embrace therapeutic courts as an effective model, and to develop a research arm in order to promote evidence-based practices. Our branch has enjoyed a national reputation for innovation.

One of our most recent efforts to bridge communities is the Tribal State Court Consortium, which brings together tribal and state judges to learn from each other and to discuss areas where our justice issues intersect. Washington became the first state in the nation to launch a new legal position — the Limited License Legal Technician (LLLT) — that gives people of modest incomes more options in accessing legal help. States around the country watched us closely and many launched similar programs.

I am leaving the Chief Justice position in good hands with Mary Fairhurst, who was sworn in on January 9th. I've worked with Mary for many years and I know she is well prepared to lead the judicial branch. She is committed and capable, and I look forward to her tenure.

I also look forward to continuing on with the Supreme Court for another term, and being involved in many important, ongoing efforts to help courts in their operations and to improve the justice we provide.

For instance, the Gender and Justice Commission is undertaking an ambitious update of our state's groundbreaking 1989 study, "Gender and Justice in the Courts." That study has served as a foundation for amazing progress in the past quarter century, but much has changed and now it is time to renew our understanding of the modern challenges to gender fairness in the judicial system.

I want to send a special thank you to the staff members of the Temple of Justice and the Administrative Office of the Courts, who work tirelessly behind the scenes to support the courts and to make these improvements possible.

And lastly, I'd like to thank all of the judicial officers, court staff members, and judicial branch agency workers who put in so much effort day in and day out to help the people of Washington find safety, fairness, and justice. The work you do makes more difference than you will probably ever know. I very much look forward to continuing those efforts with you in the coming years.



CHIEF JUSTICE MARY E. FAIRHURST
Washington Supreme Court

AN AMAZING AND HUMBLING HONOR AND RESPONSIBILITY

Thank you to my Supreme Court colleagues for their trust in electing me Chief Justice. I am excited to work with them and all members of the judicial branch as together, we maintain and improve the quality of justice we provide in Washington.

I want to especially thank Justice Barbara Madsen, who provided me this opportunity. She has worked faithfully and tirelessly as Chief Justice. I am grateful to her for encouraging me to become a justice and for all of the support and assistance she has given me, and will continue to provide me, as I continue her good work.

The position of Chief Justice is a unique role in our court system, which is not unified because of the way the levels of court were created and because trial courts are primarily funded and administered at the local level. Leadership of such a system is mainly about working together collaboratively and collegially to have a shared vision of how we deliver justice. It also involves encouraging and supporting the amazing work being done by judges, court staff members, clerks, and justice partners at all levels and in every region of the state.

Beyond the significant efforts already underway, more work is ahead for Washington courts and the judicial branch. An important civic education campaign will launch this month, inspired by similar efforts of retired United States Supreme Court Justice Sandra Day O'Connor, and will boost opportunities for Washington students to learn about their government and their roles and responsibilities as citizens. Studies reveal a disturbing lack of knowledge by students and young adults about the branches of government and how they can be part of the decision-making and leadership in their communities and state. The civic education initiative is a collaborative effort coordinated in the judicial branch, but with leaders from all of the branches who are very active and committed to its goals. You can read about it on page 32.

This is also an important year in the active education-funding case known as the McCleary case. I have full confidence that the legislative and executive branches can and will work together to get this important work done for the students and families of Washington.

FAIRHURST, CONTINUED ON NEXT PAGE

“ I believe that as elected leaders, we serve the people of Washington every single day with our decisions and our actions. ”

FAIRHURST, CONTINUED FROM PREVIOUS PAGE

I believe that as elected leaders, we serve the people of Washington every single day with our decisions and our actions. It's an amazing and humbling honor and responsibility. Some of my goals as Chief Justice are for all who work in the legal system to recognize that they are stewards of justice, that all who come in contact with the judicial branch will be treated fairly and will feel they are treated fairly, that justice will be administered efficiently and all who need or want to access the judicial system will be able to with appropriate representation.

Bringing fair, efficient, accessible justice to all the people of Washington in an era of uncertain funding is an enormous challenge each year, and we add to that a commitment to keep improving justice by continually seeking out new knowledge

and better methods.

I want the justice system to live up to its ideal. We accomplish that by not allowing ourselves to become overwhelmed — by believing that each court, each committee, each individual can make a difference and that every improvement, no matter the size, adds to a better whole. For those who work in it to ask themselves: “What would I attempt to do if I knew I could not fail?” and “What can I do to make a difference?”

Washington is fortunate to have a judicial branch filled with people who will never give up trying to make a difference and trying to improve justice, in ways big and small. My goal as Chief Justice is to encourage and support those efforts, and today I applaud the work being done on behalf of all people who need our courts.



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Supporting Justice

Justice in Action

Justice Matters

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DIVERSITY AND JUSTICE

Washington state leaders have long worked for fairness in the justice system for people of all races, ethnicities, genders, religions, abilities, income level and other under-represented population groups. The Washington Supreme Court was one of the first in the nation to establish a Minority and Justice Task Force in the 1980s, which became the active Minority and Justice Commission that exists today. However, increasing diversity and fair outcomes in Washington's judicial branch is not about a committee or a project or an office — it is an ongoing goal present in nearly every effort toward improving the justice system. In this section, read about just some of the work from 2016 that focused directly on diversity and justice.

Supreme Court Symposium Examines Impact of Pre-Trial Practices on Justice

Four years ago, meaningful bail hearings for persons arrested in Yakima County were not happening until 14 to 21 days after their arrest — time that defendants usually lingered in jail away from family, jobs, and school, and suffered the consequences for their absences.

Deeply concerned by this, newly elected Yakima County Superior Court Judge Richard Bartheld began talking with court and community officials about changes.

Earlier this year, Yakima implemented its new pre-trial program requiring release decisions within 48 hours of arrest, the presence of prosecutors and defense counsel at these hearings, use of a new risk assessment tool, and more information for judges to make decisions. The program includes four levels of pre-trial release that include varying levels of required contact with the court.

In the first six weeks of Yakima's program, the average time for a "meaningful" bail or release decision decreased from 14.7 days to 1.7 days, and the county's jail now averages 50 fewer inmates per day.

Judge Bartheld is excited about the early success, and is happiest about one particular statistic: 42.

That is the number of persons arrested during the six weeks who were never charged with any crime — and were released rather than held waiting for a bail hearing. Under the old system, they likely would have spent time in jail and had their lives significantly disrupted, yet never been charged.

Though "justice system" to many people invokes images of hearings, trials, juries and findings, the processes that take place before all of that have huge impacts on individuals who are arrested — perhaps not even charged — and on courts, jails and communities.

With a growing understanding of the impacts of pre-trial processes, the Washington Supreme Court Minority and Justice Commission presented a public symposium, "Pre-Trial Justice: Reducing the Rate of Incarceration," on May 25 at the Temple of Justice, exploring the problems and possible solutions.

PRE-TRIAL JUSTICE, CONTINUED ON NEXT PAGE



PRE-TRIAL JUSTICE, CONTINUED FROM PREVIOUS PAGE

It was the fourth in an annual series of symposiums conducted by the Minority and Justice Commission which examine critical components of the justice system where improvements are needed, and which also impact racial and ethnic minorities disproportionately.

King County Superior Court Judge Theresa Doyle served as moderator for the symposium, which examined a nationwide effort to reform pre-trial practices, explored innovative new programs in Yakima and Spokane, presented a panel of Washington experts, and a panel of people adversely affected by pre-trial processes.

When a defendant cannot afford bail and waits weeks in jail for a trial, “lives are upended,” Judge Doyle said. Jobs are lost, families scattered, housing put in peril, perhaps for want of \$1,000 in bail a person does not have, while taxpayers foot

the bill for the jail time and often severely disrupted lives.

“There’s a better way,” Doyle said.

She introduced keynote speaker Professor Cynthia Jones of the American University College of Law and the Pre-Trial Racial Justice Initiative, considered the national expert on the issue.

Bail and pre-trial practices have become a national justice issue because they have a great deal of impact on people accused of crimes, particularly low-income persons; because they have become “untethered” from their original purposes and have morphed into a monetary industry; and because they disproportionately affect racial and ethnic minorities, Jones said.

Rather than focusing on safety or flight concerns, “we are using money to determine pre-trial detention,” she said.

PRE-TRIAL JUSTICE, CONTINUED ON NEXT PAGE



JURY POOL DIVERSITY STUDY UNDERWAY IN WASHINGTON

The Minority and Justice Commission is undertaking a study of jury pool diversity with the help of more than 30 courts around Washington. Studies (such as one conducted in 2012 by UCLA) show that white juries are more likely to convict black and Hispanic defendants than white defendants in similar crimes with similar facts. However, capturing data on the demographic makeup of juries and those who respond to jury summonses (the “jury pool”) is challenging in Washington’s non-unified court system. The project uses a voluntary survey to track that data for many months, with data collection continuing into May 2017. The Commission will produce a report of findings and recommendations based on those findings.



PRE-TRIAL JUSTICE, CONTINUED FROM PREVIOUS PAGE

With court calendars so crowded, bail decisions are handled quickly almost as an administrative function (with use of bail schedules), but even a \$1,000 bail “might as well be a million” for a homeless or destitute person.

The reality is that many or most judges do not know how long a defendant stays in jail after bail is set. Jails are not operated by courts and judges, and a Washington judge very likely does not know that the defendant with the \$500 bail is still in jail awaiting trial six weeks later.

Yet studies show detention before trial has enormous impacts.

Data reveals that a person held in jail is more likely to lose a job, a car, family cohesion; is more likely to plead guilty out of desperation to be released as quickly as possible to limit the damage of detention; that prosecutors know of this desperation and are less likely to offer plea deals; that the person held in pre-trial detention is more likely to get a longer sentence.

The studies also show that racial and ethnic minorities fare worse outcomes under this system because they are disproportionately pulled into and held in the criminal justice system, and with so little examination of the bail decision process, unintended biases will continue to persist.

“We need to talk about reforming the pre-trial processes — fixing what’s wrong with bail,” Jones said. Washington is a right-to-bail state, as many states are, but many potential improvements to the bail system are not expensive or extreme.

Some examples of potential improvements include:

- Consider eliminating bail and pre-trial detention altogether for low-level non-violent offenders. Other restrictions and requirements could be ordered.
- Provide more information to judges before bail hearings through short pre-hearing interviews or non-biased risk assessments. Information should include ability to pay bail among other factors.
- Provide training for judges and prosecutors on implicit — subconscious — bias and how it can manifest in a bail decision. “We all have biases,” Jones said. “It’s not about being racist, it’s a factor of our environment growing up.”
- Require a very brief written reason for a bail decision — such as “previously threatened victim,” or “no criminal history,” as a reminder that the decision has magnitude and needs some thought and reasoning.
- Institute regular reviews of bail decisions as a way to catch unintended biases or trends that have snuck into the process.

Studies show that as much as 60 to 70 percent of jail inmates can be persons awaiting trial who could not pay bail in jails used to primarily house low-level offenders serving their sentences.

Edmonds Municipal Court Judge Linda Coburn closed the symposium saying, “Now is an exciting time,” because so many individuals and groups are working hard to examine issues of mass incarceration, disproportionality and other critical justice issues.

“The goal is to seek ways where all of us can be better,” she said.

Judicial Commitment Remains Strong to End Bias and Stereotypes in Muslim Communities

Washington judges and judicial branch officials worked with the Muslim community in 2016 to exchange information. Washington Supreme Court then-Chief Justice Barbara Madsen and Washington State Bar Association President Bill Hyslop traveled to meet with members of the community at the Islamic Center of Spokane in February 2016.

“It was a very friendly and informative visit, but unfortunately the main reason for the invitation was more than social. These Washingtonians and their children are experiencing an increasing amount of bullying and harassment because of their faith,” Justice Madsen said after the visit. “They are reaching out to elected officials around the state, including judges, trying to build relationships and battle stereotypes. They are very concerned about inflammatory statements being made and more concerned that such statements are often not being challenged by other officials and community leaders.”

Madsen continued: “As members of Washington’s judicial branch, we are committed to being aware of biases of all kinds that might find their way into the justice system. Our research reports tend to contain data on the larger population

segments, but smaller groups can also be affected, and trends can shift quickly at times.”

As part of the branch’s commitment to hearing from the Muslim community, Washington judges included a training session on “Muslims and American Politics” at their annual training conference in September. The session was presented by University of Washington Professor Dr. Karam Dana.



Fourth Annual Initiative for Diversity Summit Held in May

Members of Washington’s legal community held the fourth annual Initiative for Diversity Summit in Seattle in May, with students from the state’s three law schools discussing the 15-year-old Initiative 200 (I-200), in which Washington voters barred the state from allowing any preferences in areas of public employment, public education or public contracting. While the language was simple, it erased steps being taken to try to equalize the representation of women and minorities in these sectors.

The Washington Initiative for Diversity was established in 2004 as a partnership among the state’s law firms and legal community to increase diversity in hiring, retaining, promoting and elevating diverse attorneys to leadership positions. It began after a number of research reports and task forces found that a lack of diversity in the legal

profession, particularly at higher levels, continues to be a serious problem.

The initiative defines diversity to include any population of groups that have been historically discriminated against or disadvantaged based on ethnicity, race, culture, sex, gender identity, sexual orientation, socioeconomic background, religion, age and physical abilities.

The initiative asks law firms and organizations with legal departments — such as Microsoft and Starbucks — to sign commitments and create measurable plans for improving their diversity.

More than 110 leaders from law departments, law firms, government entities, non-profit organizations, law schools and the judiciary attended the summit May 11 at the offices of Davis Wright Tremaine in Seattle.

Youth and Justice Forums Provide Important Opportunity for Students to Learn More About the Justice System

Dozens of middle and high school students from throughout the Yakima and Spokane areas attended Youth and Justice Forums in October and December to learn about different careers in law and justice, and how more diversity can improve the system. The free forums, which began in the Tri Cities, are sponsored by the Minority and Justice Commission and are being expanded to additional communities around the state. Students in grades 8 through 12 hear from such justice leaders as Washington Supreme Court Justice Mary Yu, argue fictitious cases with attorneys and judges, meet local leaders in the justice system, and much more.

The primary goals of the forums include educating middle and high school students from under-represented communities about careers and employment opportunities in the legal system; enhancing students' knowledge of legal education; helping build trust between students and those in the justice system.

"The forum gives us an important opportunity to let young people know how important they are," said Justice Yu, co-chair of the Minority and Justice Commission. "In answering their questions about the criminal justice system and providing insight into our work, we hopefully restore confidence in what we do and inspire them to join our profession someday. We want them to dream big."

Update to Groundbreaking Research Examines Impacts of Gender in the Justice System

In 2016, the Washington Supreme Court Gender and Justice Commission began work on a comprehensive update of research examining the impacts of gender on accessibility and outcomes in the justice system. The original ground-breaking research on gender and justice in Washington was presented to state lawmakers and residents 27 years ago in 1989 by the Gender and Justice Task Force, which has become the Gender and Justice Commission. The report will use new research tools and data to examine how new justice processes and institutions impact different genders and what areas need focus.



New Public Service Announcement Stresses Importance of Jury Duty

A new public service message on the need for broad participation in jury service was released in late 2016 by two judicial branch committees and TVW. The 30-second public service announcement (PSA), available in both English and Spanish, includes subtitles and focuses on the message, "Without you, there is no justice." The PSA was created at the request of the Washington Supreme Court Pattern Jury Instruction Committee, coordinated by the Public Trust and Confidence Committee of the Board for Judicial Administration, and filmed by TVW in Pasco, Washington. One aim of the PSA is reaching groups with low response rates to jury summonses such as members of minority populations.





JUSTICE CHARLES Z. SMITH

First Washington Supreme Court Justice of Ethnic Minority Heritage Passes Away at 89

Retired Washington Supreme Court Justice Charles Z. Smith, who served on the Court from 1988 to 2002, died peacefully at home with his family in Seattle on August 28, 2016. He was 89.

Justice Smith was of both African American and Cuban descent, and became the first ethnic minority judge to serve on Seattle Municipal Court in 1965, then the first to serve on King County Superior Court in 1966 when he was appointed to the bench by Governor Dan Evans.

In 1988, Smith was appointed by Governor Booth Gardner to be the 78th Washington Supreme Court justice, and the first person of ethnic minority

heritage to serve in the position.

“Justice Smith was a force in the legal community and a voice for diversity and inclusion. He reminded us that the justice system was created to serve all people,” said then Supreme Court Chief Justice Barbara Madsen, who joined Smith on the Court in 1992. “Justice Smith advocated for a purposeful, deliberate strategy to end racial bias in our courts. I was personally in awe of the man and was honored to serve with him.”

Smith was born in Florida to a Cuban father who was a mechanic and an African American mother who was a restaurant chef and the granddaughter of slaves. He attended segregated

schools and enlisted in the Army in 1945. He came to Washington state in 1952 after finishing college to visit his mother, who had moved to Seattle, and was immediately accepted into the University of Washington School of Law.

Though he could not find legal offices that would hire him, Smith was accepted as a law clerk for Supreme Court Justice Matthew Hill in 1955, the first ethnic minority in that position. Smith later said clerking for Justice Hill for nine months “opened up the law to me in a more intense manner than three years of law school,” according to author Charles H. Sheldon in “The Washington

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High Bench,” a biographical history of the state Supreme Court.

Smith went on to work for the King County Prosecutor’s Office and gained some fame for successful prosecution of labor union corruption. This gained him the notice of U.S. Attorney General Robert F. Kennedy, who lured Smith away to join a team investigating a corruption case against Teamster President Jimmy Hoffa, from 1960-64.

After he returned to Seattle in 1965, Smith was appointed to the Seattle Municipal Court, where he served until his appointment to the Superior Court in 1966. He left the bench in 1973 to serve as a UW School of Law professor and dean, launching several innovative programs, then returned to private practice until being appointed to the Supreme Court by Governor Gardner.

During his time on the Court, Smith helped establish and chaired the Supreme Court Minority and Justice Task Force in 1988, charged with researching whether racial and ethnic bias exists in the state’s justice system and with making recommendations to

eliminate it. The task force became the Minority and Justice Commission, co-chaired by Justice Smith for years after his retirement from the Court, and is still highly active today.

“I had the privilege of serving — at his insistence — with Justice Smith on the Minority and Justice Commission while I was a lawyer in the King County Prosecutor’s Office,” said Supreme Court Justice Mary Yu. “He ran a tight ship and made sure that we were always focused on the mission of eradicating bias within our court system. I remained on the Commission through the years and today, it is with great honor that I serve as co-chair of the Commission with his long-time friend and colleague, Justice Charles Johnson. We will keep his legacy alive and bright.”

With Smith at the helm, Washington was one of four founding states — including New Jersey, Michigan and New York — that in 1988 formed the National Consortium on Task Forces and Commissions on Racial and Ethnic Bias in the Courts. Smith remained active at the national and international level for many years, advocating for states nationwide to form commissions to battle racial bias in the courts.

“He was a man of great integrity, vision and organization. He exhibited a clarity of thought and purpose that I envied,” said Justice Charles Johnson, who joined the Supreme Court shortly after Smith in 1991 and has co-chaired the Minority and Justice Commission since 1998. “He helped found our Commission and then helped other states establish commissions on race and justice. He had a profound impact on the judicial branch by promoting inclusiveness and fairness both nationally and internationally.”

In addition to his work on racial justice, Smith was known to advocate for treatment over incarceration for accused persons addicted to drugs or alcohol, to advocate for scholarships and training programs for individuals charged with prostitution, and to work toward fairness on immigration and other issues.

“Justice Smith was a pioneer in Washington, accomplishing many firsts,” said Justice Steven González, who was appointed to the Court in 2012 and counts Smith as one of his mentors. “He was a mentor to hundreds of lawyers and judges and his influence lives in us, in his opinions, and in the Minority and Justice Commission he founded.”



JUSTICE FOR ALL

The intersection of income and justice has long been a concern of Washington's judicial branch, whose core mission is to ensure justice is administered equitably. With the advent of new research, more detailed understanding is emerging of specifically how monetary resources affects outcomes in the court system. This is leading to new efforts to mitigate the impact of middle or lower incomes on fair outcomes in Washington's justice system.

Growing Vulnerable Population Now Has WINGS

After launching in late 2015, an effort to help courts and communities successfully handle the coming Baby Boomer age wave has taken flight, so to speak, with a second statewide summit, a new Website, newly adopted recommendations, creation of an online community and listserv group, and plans for new workgroups and actions in 2017.

Washington's Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) is a statewide network of professionals and individuals who help assess the needs of the aging population so vulnerable seniors can get assistance, and courts and communities will not be overwhelmed.

"It's not just about guardianship," said Shirley Bondon, manager of Office of Guardianship and Elder Services at the Administrative Office of the Courts. "How do you interview someone who is elderly? How do you handle access to the courts? Many elders don't use technology. How do they access representation? There could be a lot more ADA issues, more protection orders involving elder abuse. More issues around loss of rights."

Within the next 15 years, for the first time in our history,

"there will be more people in this country over the age of 65 than children starting grade school," said Washington State Court Administrator Callie T. Dietz. "Courts, like the rest of society, must get prepared for this major cultural change."

The need is expected to be huge, Bondon agreed, and policy makers should be discussing alternatives to traditional guardianship such as supported decision-making.

Some individuals may function well with "decisional support," a less extensive alternative to guardianship. This may include durable power of attorney for financial or health decisions, living wills, senior shared housing arrangements, money management services, and other options.

With coordination and planning, courts and communities can begin (or continue) developing education and services for this population, which is where the WINGS effort comes in.

In 2015, Washington became just one of 10 states to be named by the National Guardianship Network as a WINGS state. The network now has numerous sponsors from the judicial branch, service agencies and foundations, and AOC's Office of Guardianship and Elder Services is working to grow those partnerships and provide support everywhere it can.



- The number of people **over age 85** will **double** in the **next 20 years**.
- Approximately **107,000 Washingtonians** currently have **Alzheimer's disease or other dementia**, which is estimated to more than **double by 2040**.

Relicensing Programs Give Drivers More Options



Washington state attorneys, judges, courts, community groups and lawmakers are working toward widespread development of relicensing programs that give state drivers with suspended licenses options other than sinking deeper into trouble with debt, criminal charges, and incarceration.

The Northwest Justice Project (NJP) first identified the need for a statewide relicensing/cashiering system over four years ago when it recognized the lack of a valid driver's license as a key impediment to employability among low-income persons. In 2014, project members convened two summits, one on each side of the state, to identify barriers to relicensing and then presented the information and recommendations to the Board for Judicial Administration (BJA), the District and Municipal Court Judges' Association (DMCJA) board, and to the state Supreme Court.

In April 2016, Washington state legislators approved a bill requiring the state attorney general to form a workgroup that will develop recommendations for "the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan."

The bill requires the Attorney General's Office to submit a report detailing its recommendations for a plan and program to the state Supreme Court no later than December 1, 2017.

Relicensing in the courts

The NJP's efforts revealed that more than 375,000 Washingtonians statewide had Driving While License Suspended 3rd Degree (DWLS 3) suspensions, posing a barrier to employment, access to health care and family reunification. DWLS 3 accounts for nearly a third of annual misdemeanor filings, and arrest and conviction costs of more than \$100 million annually.

License suspensions fall most heavily on persons of low-income and on racial and ethnic minorities. It was discovered that a central problem for many individuals was having citations in multiple jurisdictions with little or no uniformity in dealing with payments and license reinstatements.

Several Washington municipal and district courts have already developed relicensing programs in conjunction with their local prosecutors, city attorney offices and community groups.

In King County, drivers can consolidate traffic fines from district

court and some municipal courts into a single community service or payment plan. Clark and Cowlitz counties and the cities of Tacoma and Tukwila also have relicensing programs.

In the Spokane area, drivers can consolidate fines from Spokane and Pend Oreille counties and the cities of Spokane, Cheney, Airway Heights and Medical Lake into a single plan. The Spokane program launched in 2008 when budgets were being slashed but caseloads for the CLJ courts, public defenders, prosecutors, police and corrections officers were still high and mostly made up of DWLS 3 cases, which involved non-payment of fines.

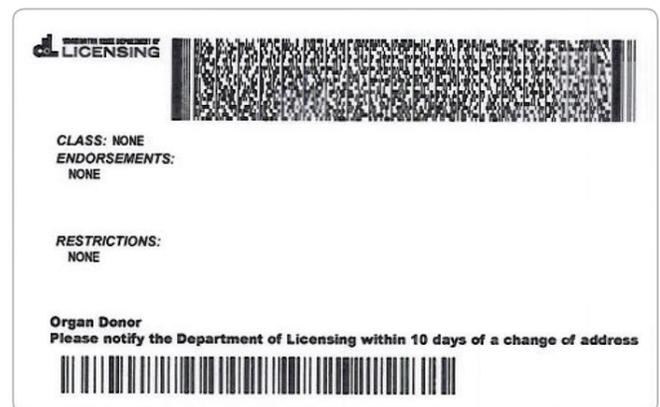
The Community Relicensing Program was created as a diversion program through the Spokane Prosecutor's office, and a second program for cases that don't qualify for diversion was developed by the Center for Justice in Spokane.

Since inception in 2008, the Spokane program has collected more than \$5 million in fines, while drivers assigned to collection have only paid about \$620,000. At the same time, prosecution and incarceration for DWLS 3 have dropped significantly.

National concern

Relicensing efforts are related to a larger national examination of legal financial obligations (LFOs) and bail practices that result in large incarceration numbers. (See page 7 for story on the Pre-Trial Justice Symposium.)

In February, the National Center for State Courts (NCSC) announced the formation of the National Task Force on Fines, Fees and Bail Practices "to address the ongoing impact that court fines and fees and bail practices have on communities — especially the economically disadvantaged — across the United States."





MINORITY & JUSTICE COMMISSION

Sizable Grant Obtained for LFO Reform

The Washington Supreme Court Minority and Justice Commission in September was awarded a three-year, \$500,000 grant by the U.S. Department of Justice (DOJ) to seek out strategies to structure legal financial obligations (LFO) “in ways that support, rather than undermine, rehabilitation.”

It was one of five grants awarded to states around the U.S. through the DOJ’s grant program titled, “The Price of Justice: Rethinking the Consequences of Justice Fines and Fees.” The other states receiving grants included California, Louisiana, Texas and Missouri.

“I am so pleased and honored to have our state selected for this grant. It provides us with an opportunity to further examine an issue we have been concerned with for a number of years — the disproportionate impact of legal financial obligations on minority populations and poor people,” said Washington Supreme Court Justice Mary Yu, Co-Chair of the Minority and Justice Commission.

“The DOJ grant will allow us to capture data that we sorely need in order to come up with alternatives or solutions,” Yu said.

The successful grant proposal was developed with input from

dozens of judges, attorneys, court officials and stakeholder groups, who will remain involved as the project moves forward toward recommended changes.

Tipping point

Serious problems associated with LFOs have been building for a number of years. The American Civil Liberties Union (ACLU) and National Public Radio (NPR) have produced high-profile reports on “debtors’ prisons” about individuals jailed for non-payment of court fines and fees, and in some cases, for non-payment of other debts as well.

In 2008, the Minority and Justice Commission issued a report finding that LFOs often create a cycle of poverty and incarceration. While the fines met the state’s goal of having offenders be financially responsible for their actions, the fines severely inhibited the goal of reducing recidivism and helping past offenders rejoin their communities.

The Commission later created an LFO Reference Guide for judges in all trial court levels in Washington.

In 2014, the ACLU of Washington produced a report, “Modern

LFO REFORM, CONTINUED ON NEXT PAGE

“ I am so pleased and honored to have our state selected for this grant. It provides us with an opportunity to further examine an issue we have been concerned with for a number of years. ”

JUSTICE MARY YU
Minority and Justice Commission, Co-Chair

Day Debtors' Prisons: How Court-Imposed Debts Punish Poor People in Washington," investigating practices in some Washington counties and profiling former offenders strongly impacted by LFOs.

In mid-2015, the Washington Supreme Court issued an opinion in *State v. Blazina* "that a trial court has a statutory obligation to make an individualized inquiry into a defendant's current and future ability to pay before the court imposes LFOs."

The three major prongs of Washington's plan for the grant include:

- Creation of an LFO Stakeholder Consortium — This will be a forum for collaboration, sharing data and information, assessment of the issues, and much more.
- Study of LFO "big picture" — A study will be conducted to examine both formal and informal laws and regulations governing LFOs across the state. It will look at the true costs related to LFOs, from imposition to collection, to

where the money goes after it has been collected, and the impact of LFOs on those who receive them. Significant data is needed to fully understand LFO practices and outcomes around Washington in order to develop effective policy recommendations related to LFOs.

- Development of an LFO Calculator — The third prong includes development of an interactive LFO calculator, a computer-based tool that will provide guidance to help judges determine defendants' ability to pay fines and fees and appropriate payment amounts. A type of LFO calculator was used in Edmonds Municipal Court at the end of 2015 in an effort to assist judges, and the result was an identifiable decrease in the number and amounts of LFOs assigned.

"The chance to make headway on a justice issue of great concern is exciting," Justice Yu said. "We in Washington state have an opportunity to be a leader and role model for how to imagine justice in such a way that it is accessible and dispensed fairly to all people."



Limited License Legal Technicians Filling Gap in Access to Justice

An innovative new legal position launched in Washington to help those who cannot afford to hire attorneys is gaining new practitioners now that technicians are completing schooling and passing exams.

There are now 20 Limited License Legal Technicians (LLLT) in Washington, with more students in training throughout the state. A new directory of LLLTs can be found on the Washington State Bar Association (WSBA) Website, www.wsba.org, under [Licensing & Lawyer Conduct](#).

While LLLTs can currently practice in family law only, committees of the LLLT Board are researching a possible expansion of duties and other areas of law, such as elder law, that might be appropriate for LLLTs.

Legal technicians can help clients fill out court forms and

can offer guidance in how to file forms and navigating the court process. They are trained and certified, but do not pass the Bar exam and are not attorneys, and cannot represent clients in court.

The Limited License Legal Technician Rule was adopted by the state Supreme Court in 2012. The rule was the first in the nation allowing trained non-attorneys — legal technicians — to help court users with less-complex legal needs, providing a more affordable option for people seeking help with accessing the courts.

The rule was patterned after other professions offering limited practice options such as physician assistants and nurse practitioners in the medical profession.

The LLLT Program is hosted by the WSBA, with a board overseeing the parameters and certification of the new position.

Civil Justice Reinvestment Plan Looks to Secure Support for Initial Phase

After the sobering findings of the 2015 Civil Legal Needs Study Update — that more than 70 percent of low-income households in Washington experience profound civil legal problems and the vast majority of those receive no legal assistance — the Office of Civil Legal Aid (OCLA) has submitted the Civil Justice Reinvestment Plan to the Legislature, including a budget request designed to implement Phase I of the plan.

The fruit of a nearly two-year effort by Washington State University's Social and Economic Sciences Research Center, the report provides detailed assessment of the civil legal issues of low income people which include critical problems with housing, employment, access to health care, family safety and more. The study was conducted under direction of the Washington State Supreme

Court's Civil Legal Needs Study Update Committee.

During 2016, OCLA, the bipartisan Civil Legal Aid Oversight Committee, the Supreme Court's Access to Justice Board and many others worked to develop effective policy and budgetary responses to the crisis. The Oversight Committee unanimously endorsed the resulting four-year Civil Justice Reinvestment Plan (Reinvestment Plan) and committed to securing increased legislative support to implement the plan.

The Reinvestment Plan includes four key initiatives designed to:

1. Expand the use of technology and systems innovation to enhance the ability of low-income people to understand their legal rights, make informed decisions about when and

where to go for legal help, and expand their ability to successfully solve legal problems without an attorney;

2. Expand the level of volunteer (pro bono) support provided by lawyers throughout the state, including the capacity of volunteer lawyers to use technology to serve clients in rural and remote parts of the state;
3. Expand staffed legal aid capacity to achieve a minimum access level of one FTE legal aid attorney for every 5,000 persons at or below 125 percent of the federal poverty level; and
4. Expand essential infrastructure, training and support for legal and volunteer attorneys across the state, and employ data-driven systems to monitor the effectiveness of civil legal aid system enhancements.



JUDICIAL INNOVATIONS

Washington has a non-unified court system, meaning courts receive some requirements, direction and support from their branch, but handle day-to-day operations and projects county by county. Washington courts are innovative and constantly working to improve the delivery of justice to their communities. This section includes a few examples of their efforts in 2016.

GRAYS HARBOR

Program Partners to Reform Approaches to High-Risk Youth



The Grays Harbor Juvenile Court, Superior Court, Health Department, three school districts and other community groups have partnered to reform the county approach to caring for truant and at-risk youth and minor juvenile offenders. Called the “Grays Harbor Youth System of Care Modernization Project,”

the initiative was funded with a one-tenth of 1 percent sales tax to improve services to Grays Harbor youth heavily impacted by substance abuse, mental health disorders and social problems. These youth have primarily found themselves in juvenile court and juvenile detention.

The program calls for identifying high-risk youth before they become involved with the juvenile justice system and to develop a series of connected services — such as functional family therapy, aggression replacement training, school re-engagement and more — that can help families and put youth on a healthier track. The program is overseen by the new Grays Harbor County Youth System of Care Steering Committee.

LAKE FOREST PARK

Step-by-Step Planning Motivates Newly Released Individuals To Avoid Future Incarceration



Lake Forest Park Municipal Court developed a new program to help motivated offenders find a better track so as to avoid new charges and incarceration. The Release and Planning Services (RAPS) program connects released persons with counselors to design customized, step-by-step plans to achieve specific

goals. Research shows that released persons experience multiple problems and that key needs include education, housing, employment and support in order to successfully change directions.

Lake Forest Park Municipal Court Judge Linda Portnoy and Court Administrator Kelley Gradwohl also arranged for a regional training session with other courts and probation departments on the reasons for and impacts of the heroin epidemic being experienced in Washington. The session was meant to help judges, court officials and probation officers better understand and make plans for dealing with offenders who are addicted to heroin.

OLYMPIA

Community Court Program Aims to Close Revolving Door



Olympia Municipal Court launched a Community Court program in early 2016 aimed at reducing the revolving door of charges and incarceration for some low-level offenders. The program seeks to connect people with help filling basic needs — housing, health care, and employment — so they can get back on their feet and

halt the cycle of committing offenses. The program was made possible through a \$200,000 grant from the Center for Court Innovation; Olympia Municipal was one of two Washington courts to receive grants.

Defendants can apply to go through the Community Court program and can have charges dismissed or converted to infractions if they complete requirements. Probation officers and service providers gather information and report to judicial officers, who set requirements based on each individual to take such steps as attend counseling, renew education, find employment, find stable housing, start addiction treatment and other actions as ordered by the court. Participants must also come back to court regularly for reviews until they have made enough progress for the case to be concluded. Olympia will track data on outcomes of Community Court cases for a later report.

BENTON

New Mental Health Court Opens to Non-Violent Offenders



The Benton County Mental Health Court began accepting participants at the beginning of 2016, working to divert persons with mental illnesses from jail. The court was funded through a public safety tax supported by voters in 2014. The program works with non-violent offenders who have been diagnosed with

serious mental illnesses. They are required to meet regularly with the court, take medication if prescribed, follow treatment plans, stay sober, and work on life tasks such as employment and schooling.

SPOKANE

Generous Grant Awarded to Reduce Jail Population and Ethnic Disparities



Spokane County received a \$1.75 million grant in April 2016 from the John D. and Catherine T. MacArthur Foundation to work on reducing its jail population and racial and ethnic

disparities in its justice system. The grant was one of 20 awarded around the U.S. in the MacArthur Foundation's "Safety and Justice Challenge" which seeks to reduce over-incarceration by changing the way America thinks about and uses jails, with one focus on pre-trial justice steps such as bail, risk assessments, information for judges, and more.

Spokane Detention Services is the lead agency for the grant, charged with developing a system including risk assessment, community supervision and treatment; new prosecutor diversion alternatives; improved jail-based mental health intervention; and measures to help reduce racial and ethnic disparities.

Spokane County Superior Court also expanded its Parents for Parents program to reach out to incarcerated parents whose children are in the dependency system. The Incarcerated Parents Helping Other Parents Engage (HOPE) class is designed to empower parents with information so they can navigate the child welfare system from within detention. This project aims to increase family reunification and reduce recidivism in adults and youth in Washington state. The class recently won the Social Entrepreneur Award from Students Serving Washington. It launched at Geiger Corrections Center in January 2016 and will continue to expand in early 2017.

LAKESWOOD

Launch of Veterans Court Helps Former Military Members



Lakewood Municipal Court launched a Veterans Court in 2016 to help former members of the military avoid future charges through services and ongoing support and regular monitoring. The court also initiated video hearings for incarcerated defendants,

which provides more timely hearings for recently arrested persons and results in substantial cost savings for the court and county.

MASON

New Programs Aim to Reduce Recidivism Rates



The Mason County District Court implemented two new programs through its probation department aimed at reducing the number of people who return to court and jail for reoffending.

The first program adopts Moral Reconciliation Therapy (MRT), a cognitive behavioral counseling program that combines education, group and individual therapy and structured exercises designed to foster moral development. The pilot program serves as an alternative to incarceration for charges of domestic violence, multiple DUIs, or for those who have resisted other forms of treatment and intervention. The program is showing some early signs of success.

The probation department also established a Veterans Compliance Group for veterans on active probation, a different approach to probation appointments which gives veterans a chance to talk with service providers and experts on a monthly basis. Probation staff members completed training in working with people suffering from Post Traumatic Stress Disorder (PTSD), as many veterans do.

KING COUNTY

Unique Approach to Handling Juvenile Family Violence Implemented



A coalition of justice leaders in King County developed and implemented the Family Intervention and Restorative Services (FIRS) as a new approach for handling juvenile family violence. Historically, juvenile domestic violence constituted one third of

bookings into detention, more than any other offense. The old model for handling juvenile domestic violence was not working — formal processing introduced an adversarial relationship to the family that required adjudication before services could be provided, with families commonly waiting for several months to receive services at a time of crisis.

In FIRS, an alternative response that no longer utilized detention or formal prosecution was designed. Starting January 1, 2016, the FIRS team was assigned to respond to juvenile family violence cases referred to King County Juvenile Court. Within hours of being presented, youth are met by FIRS staff members and the families are engaged by the Step-Up Social Workers. All cases are carefully staffed and triaged for the appropriate interventions and services to be offered. Families complete a safety plan that assists them in dealing with future incidents. Youth are offered services and enter into a FIRS agreement to avoid formal court processing.

The program also includes opening of a small respite center in a converted section of Juvenile Detention, staffed 24 hours a day, where youth can remain until it is safe to return home or to locate another place for them to stay.

By the end of 2016, about 400 youth had been referred to FIRS and half had signed agreements and agreed to join in interventions. Prior to FIRS, only 3 percent of juveniles with domestic violence charges had been involved in interventions.



YAKIMA

Innovative Pre-Trial Services Program Intends to Reduce Lengthy Jail Stays

Yakima trial courts launched an innovative Pre-Trial Services program early in 2016 in an effort to reduce lengthy stays in jail caused by delays in bail hearings and by a defendant's lack of income to afford even small bail amounts.

The new program requires release decisions within 48 hours of arrest, the presence of prosecutors and defense counsel at these hearings, use of a new risk assessment tool, and more information for judges to make decisions. The program includes four levels of pre-trial release that include varying levels of required contact with the court, depending on charges filed.

In the first six weeks of Yakima's program, the average time for a "meaningful" bail or release decision decreased from 14.7 days to 1.7 days, and the county's jail now averages 50 fewer inmates per day.

The mission of the program is to, "Assist the court in making custody release decisions by using evidence based practices to provide timely, accurate investigative reports and client supervision services that support early intervention, personal improvement and the preservation of public safety."

WHATCOM COUNTY

Pilot Program Relies On Increase in Personal Contact to Reduce Incarceration Rates



Whatcom County District Court has launched a new Monthly Pretrial Check-in Reporting program in an effort to reduce the incarceration of persons waiting for trial on charges. The pilot program is based on research showing that

consistent periodic contact with the court increases the likelihood of compliance with court ordered conditions of behavior and appearance at future court hearings. Defendants released under the pilot program will be required to make personal contact with the court's probation department on a monthly basis until pending charges are fully resolved. Each defendant is assessed a single \$25 fee for the supervision which can be paid across 90 days or satisfied by performing community service.

Also addressing the issue of court appearances, Whatcom County District Court instituted a Phone Call Reminder Program in which all defendants with a scheduled arraignment or probation hearing receive a reminder call before the hearing. In the first full year of the program, more than 4,000 reminder phone calls were made. The failure-to-appear rate for probation hearings dropped from 38 percent to 22 percent. The failure to appear rate for arraignments dropped a more modest 2 percent.

The court also celebrated its first graduates from its new Mental Health Court — which serves both Whatcom County District and Bellingham Municipal Court — in late 2016. Launched in early 2015, the approximately two-year program involves intense supervision, weekly court hearings to monitor goals, and connection to treatment and other social services. The program now has 23 participants.

2015 Caseload Statistics

Statistics on the caseloads of the courts of Washington are compiled from the Judicial Information System (JIS) to provide a detailed overview of the case work of the courts. This page contains one chart from each court level in the state. Dozens of charts are available on the numbers of case filings, types of cases, proceedings and outcomes from the most recent year calculated, as well as hundreds of archived charts for past years' case activities online at www.courts.wa.gov/caseload. Visitors to this page can also sign up to be notified when the most recent reports are available.

Courts of Limited Jurisdiction

2015 CASE FILINGS (BY TYPE, EXCLUDES PARKING)

	FILED
Infractions	
Traffic	810,635
Non Traffic	35,845
Misdemeanors	
DUI/Physical Control	26,363
Other Traffic	73,948
Non Traffic	104,953
Felony Complaints	5,634
Civil	118,981
Civil Harassment Protection	7,282
Domestic Violence Protection	1,755
Sexual Assault Protection	73
Stalking Protection	409
Small Claims	14,500
Total	1,200,378

Supreme Court

2015 COURT ACTIVITY (BY SOURCE OF REVIEW)

	TRIAL COURTS	COURT OF APPEALS	ORIGINAL ACTIONS	WSBA (CJC)	CERTIFIED ISSUES	TOTAL
Filings	172	1,154	120	112	7	1,565
Resolutions	161	1,113	27	98	1	1,400
Pending at Year End	68	598	8	22	6	702
Mandated	175	1,208	136	101	4	1,624

Superior Courts

2015 COURT ACTIVITY (BY TYPE)

	FILED	RESOLVED	COMPLETED
Criminal	41,287	39,319	39,531
Civil	108,062	105,839	105,175
Domestic	38,717	37,592	37,645
Probate/Guardianship	23,044	21,455	17,309
Adoption/Parentage	6,696	6,426	6,482
Mental Illness/Alcohol	11,603	10,946	11,456
Juvenile Dependency	19,701	18,263	18,406
Juvenile Offender	11,198	11,146	10,878
Total	260,308	250,986	246,882

Court of Appeals

2015 COURT ACTIVITY

	DIVISION I	DIVISION II	DIVISION III
Filings	1,421	1,245	929
Resolutions	1,499	1,395	763
Pending at Year End	1,159	1,086	935
Mandated	1,501	1,462	920



ADMINISTERING JUSTICE

The judicial branch is an independent and co-equal branch of government that works in conjunction with the other two branches — the executive and legislative branches — to provide government services and protect the rights of Washington residents. The rules and policies regulating how courts and the judicial system function are administered within the branch. The primary governing body is the state Supreme Court, which receives recommendations for rule adoptions and policy changes through the branch's boards and committees. Chief among those entities recommending policy changes is the Board for Judicial Administration. Individual courts also develop local court rules, with judges in charge of their court governance. This section includes examples of rule changes and policy recommendations completed in 2016.

BJA Accomplishments of 2016

The Board for Judicial Administration consists of judges from all levels of court selected for their commitment to judicial administration and court improvement. The majority of the BJA's work takes place in its four standing committees focusing on areas essential to administering justice in Washington state.

The Court Education Committee is charged with improving justice by fostering effective education. The committee in 2016:

- Identified court education available to administrators, county clerks and line-staff, and gaps in education.
- Received a State Justice Institute grant to help develop goals and conduct a judicial leadership retreat.

The Policy and Planning Committee is charged with developing engagement around policy matters affecting the courts, identifying priority issues, and developing strategies to address those issues. The committee in 2016:

- Developed a plan to review the mission, vision and strategic goals of the BJA.

- Convened stakeholder workgroups to identify and address areas in which the judicial branch can make improvements.

The Legislative Committee is responsible for developing legislation on behalf of the BJA and to recommend positions when bills affect all levels of court or the judicial branch. In 2016 the committee:

- Tracked 25 bills and took positions on nine.
- Passed HB 1111 updating court transcriptionist statutes and implementing Court Management Council recommendations regarding the adopted court rule.
- Compiled the 2016 Legislative Summary and disseminated it to BJA, judges, clerks and court administrators.

The Budget and Funding Committee coordinates efforts to achieve adequate, stable, long-term funding for Washington's courts and to makes recommendations on proposed budget requests. In 2016 the committee:

- Developed criteria to review budget requests.
- Developed budget reduction criteria as a guide in recommending cuts when necessary.

SUPREME COURT REVIEWS 125 COURT RULES IN 2016

The full text of statewide rules governing the Washington judicial system can be found under the [Rules](#) section of the Washington Courts Website. For information about the process to create or change rules, refer to [GR 9 - Supreme Court Rulemaking and Schedule for Review](#), also located in the Rules section of www.courts.wa.gov.

In 2016, the Supreme Court reviewed approximately 125 recommended rules and related regulations and adopted 25 rule changes. Approximately 69 rules were still in the comment period at the end of the year. Examples of rules adopted, with various effective dates, included:

- [General Rule 27 - Courthouse Facilitators](#) expands the courthouse facilitator program from family law to include guardianship.
- [General Rule 14.1 - Citation to Unpublished Opinions and RAP 13.4\(b\) - Considerations Governing Acceptance to Review](#) allows parties to cite unpublished opinions of the Court of Appeals filed on or after March 1, 2013 as nonbinding authority and RAP 13.4(b) clarified the circumstances in which Supreme Court acceptance of review is mandatory.
- [Civil Rule \(Superior Court\) 28\(e\) - Persons Before Whom Depositions May Be Taken - Final Certification of the Transcript](#) adds a new subsection, (e), to prevent a court reporting firm, consortium, or other organization transmitting a court reporter's certified transcript from altering the format, layout, or content of the transcript after it has been certified.
- [Civil Rule Limited Jurisdiction \(CRLJ\) 26 Discovery](#) removes time limits for discovery in limited jurisdiction courts to be consistent with the types of civil cases now being heard in CLJ courts.
- [Admission to Practice Rule \(APR\) 20-25](#) changes Washington's character and fitness to practice law procedures to align with recent interpretations of the Americans with Disability Act (ADA).

COURT RULE AND POLICY CHANGES IN WASHINGTON COURTS TODAY

Examples of previous court rule and policy changes and how they affect Washington courts today:

Access to Judicial Administrative Records, General Court Rule (GR) 31.1

The Supreme Court approved GR 31.1 to provide regulations and guidance to courts and judicial branch agencies in responding to public requests for administrative records (as opposed to case records). The new court rule facilitates timely, open, and consistent responses by courts and agencies of the judicial branch.

The rule became effective January 1, 2016. By mid-year, courts answering a survey responded they had seen modest increases in requests for records. The Administrative Office of the Courts (AOC) produced a self-paced education module to help courts with questions and with guidance on implementing the rule. In 2016, the Administrative Office of the Courts responded to about 235 requests for administrative records of the Supreme Court, Court of Appeals, and the AOC.

Limited License Legal Technician, Admission to Practice Rule (APR) 28

Approved in 2012, this rule established a new legal position, the first in the nation, to provide less-complex legal services to clients who might not need (or be able to afford) the services of a full attorney. The Supreme Court ordered a plan for setting parameters and criteria, training, testing, certification, ethics and monitoring. With program elements in place, 20 LLLTs are now licensed to practice in Washington in the area of family law, with more students and additional programs in place around the state.

Plain-Language Court Forms for Family Law Cases

New family law court forms using plain language in place of legalese became effective in May 2016, and required in July 2016. Nearly 200 family law forms, which are often used by non-lawyers representing themselves in court during family law cases, were translated into easier to understand "plain" language as part of a joint project of the Washington State Access to Justice Board, the Washington State Bar Association, the Administrative Office of the Courts, with the encouragement of the state Supreme Court. The forms aim to increase clarity and understanding, help court users achieve personal and legal goals while reducing confusion and delays in the courts.



TECHNOLOGY AND JUSTICE

Technology is rarely the first thing that comes to mind when the justice system is discussed, if it comes to mind at all. This can sometimes impede support and funding for modernization of technology systems that can be important allies in opening access to justice services for all, as well as provide the critical information and case-management abilities that judges and court staff need to do their jobs. Following are some activities of the judicial branch in 2016 toward improving technology.

Superior Court Case Management System Successful in Nine Counties

Five more Washington counties — Snohomish, Whitman, Garfield, Asotin and Columbia — implemented the new Odyssey case management system for Washington superior courts in 2016.

They joined Lewis, Thurston, Franklin and Yakima counties in adopting the new system.

“The launch went better than I expected,” Snohomish County Superior Court Administrator Marilyn Finsen said. “I have been through a few software conversions in previous jobs so I understood what we were up against.”

The SC-CMS Project to replace the 40-year-old SCOMIS system now in use by most Washington superior courts began in 2010, following a request for a more

functional and efficient system made by the Superior Court Judges’ Association in conjunction with the Association of Washington Superior Court Administrators and the Washington State Association of County Clerks.

The Odyssey case management system by Tyler Technologies will be adopted by

SC-CMS, CONTINUED ON NEXT PAGE





Staff members from Snohomish County Superior Court, Snohomish County Clerk's Office, the Administrative Office of the Courts and Tyler Technologies prepare to launch the Odyssey case management system in the court and clerk's office in early May, 2016.

SC-CMS, CONTINUED FROM PREVIOUS PAGE

nearly every superior court and county clerk office in the state by the end of 2018. The next courts to implement Odyssey in May of 2017 include those in Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, Skamania, and Wahkiakum counties.

Lewis County Superior Court Administrator Susie Parker said she has seen launches improve with each successive implementation of the Odyssey system. Lewis County served as the Odyssey pilot court in June 2015, and Parker has served as an advisor helping new courts at each implementation since.

"I credit AOC and Tyler for recognizing the need to improve the training for users and the selection process for power users and super users," she said. "I applaud the counties who have allowed their staff to get the necessary training, which was very limited at pilot court implementation, ahead of time."

First Technology and Justice Symposium for ATJ

The Access to Justice Board conducted its first "Technology and Justice Symposium" in September at the University of Washington School of Law, bringing together members of the technology and justice communities to discuss problems and solutions involving access to justice through technology. The symposium was led by the ATJ Board's Technology Committee, and is intended to continue in future years to provide a forum for discussing issues and sharing ideas for improvement. Washington Supreme Court then Chief

Justice Barbara Madsen gave the opening remarks.

The goal of the symposium is to build implementation of the Access to Justice Technology Principles through conversations and by connecting individuals from a variety of backgrounds. Among the issues discussed at the first symposium was an evaluation and update of the Access to Justice Technology Principles, adopted by the Washington Supreme Court in 2004.

Major Milestone Reached with RFP for Courts of Limited Jurisdiction Case Management Project

A Request For Proposal (RFP) was released nationally in late August seeking vendors with case management systems that would meet the needs of Washington’s courts of limited jurisdiction (district and municipal courts). The RFP release was an important milestone, representing many months of work by court staff members, judges, technology experts and the Administrative Office of the Courts to identify the hundreds of detailed requirements for a modern system that would serve the CLJ courts and probation departments.

Release of the RFP was approved unanimously by the Courts of Limited

Jurisdiction Case Management System (CLJ-CMS) Project Steering Committee and the Judicial Information System Committee.

The 30-year-old information system currently serving CLJ courts, DISCIS, “has been a great workhorse for courts of limited jurisdiction for a long time, but it just isn’t very efficient in this on-demand world. Wouldn’t it be great to point and click instead of memorizing countless codes to navigate?” said Issaquah Municipal Court Administrator Lynne Campeau. “Think of all the work-arounds that courts use now to get the job done.”

The CLJ-CMS committees and team

have been working for more than a year laying the groundwork for bringing a modern case management system to CLJ courts. In January 2016, the project kicked into high gear when \$3.7 million provided by state legislators for the project became available for use.

Project staff members have been hired and an outside quality assurance company — Bluecrane, Inc. — has been contracted to watch over the project and report to the Steering Committee.

Now that critical groundwork has been completed and staff hired, the CLJ-CMS Project moves into the next phase of acquiring a system to serve the courts.





SUPPORTING JUSTICE

After judicial branch leaders adopt rules and policies, approve new projects, develop new goals and focus areas, it is up to judicial branch staff to implement these decisions in addition to maintaining all current operational needs and efforts. Operations are handled by the staff members at individual courts, as well as by statewide agencies such as the Administrative Office of the Courts (the primary support agency for Washington’s non-unified court system), the Washington State Bar Association, the Office of Public Defense, the Office of Civil Legal Aid and the Commission on Judicial Conduct. Many operational activities of these agencies are listed in other areas of this report, but other examples of behind-the-scenes work in 2016 to keep justice up and running include:



Domestic Violence Manual and Other Bench Guides Extensively Updated in 2016 Release

A bench guide is a reference for judicial officers and court officials that compiles information on law changes, court rules, court processes and other information on legal and non-legal considerations in specific types of cases.

In 2016, the Washington Supreme Court Gender and Justice Commission released an extensively updated Domestic Violence Manual for use by Washington judicial officers presiding over domestic violence cases. More than two dozen state and tribal court judicial officers, attorneys, professors of law, experts, and student researchers contributed to the update, which was funded through a federal grant program. The last edition of the bench guide was in 2006. The Domestic Violence Manual provides updated information on laws, policies, procedures, and social science research involving pre-trial issues, civil and criminal cases, evidentiary issues, protection orders, parenting plans, child abuse and neglect, tribal courts, domestic violence assessments, mandated treatment and more.

Other benchbooks created or updated in late 2015 and 2016 include the revised 2016 Infractions Benchbook (containing a new section on photo enforcement, expanded information regarding natural resource and civil infractions and an updated penalty and assessments section); the 2016 Criminal Caselaw Notebook by Judge Ronald Kessler; Driving Under the Influence (DUI) bench guide; the Search and Seizure Deskbook by retired Judge Robert McBeth; and the Special Immigration Juvenile Status Benchbook and Resource Guide.



Roll Out of New Assessment Program Helps to Provide More Effective Support for Youth

The Washington State Center for Court Research in 2015 and 2016 rolled out a new assessment program, the Washington Assessment of Risks and Needs of Students (WARNS), designed to assist schools, courts, and youth service providers with assessing the risks and needs of individual students or groups of students in order to provide more effective interventions and services.

The program, part of the Models for Change Initiative funded by the John D. and Catherine T. MacArthur Foundation, is an 80-item self-report measure for 13-18 year old students. Juvenile courts and other agencies throughout Washington were critical to the development of WARNS, including the Center for Youth Justice, juvenile courts in Benton-Franklin, Clark, Pierce, Spokane and Thurston counties, as well as Educational Service District 101 and West Valley High School in Spokane.



Judicial Campaign Booklet Guides Candidates to Campaign in Compliance

Guidance involving [judicial campaigning in 2016](#) is posted on the Washington Courts Website listed under the Ethics Advisory Committee (EAC) section of the Programs and Organizations tab. The web page includes a 139-page booklet that provides an overview of the Code of Judicial Conduct as it pertains to campaigning, and lists opinions and comments from the judicial Ethics Advisory Committee (EAC) to campaign questions. The site also includes a video of the EAC's Judicial Campaign Forum held on March 30, 2016 at the SeaTac office of the Administrative Office of the Courts.



Interpreter Program Adds to Growing List of Credentialed Interpreters

In 2016, the State Court Interpreter Program issued interpreter credentials to 16 individuals covering eight languages, from Ilocano to Samoan, Czech, and Lithuanian. The state Office of the Deaf and Hard of Hearing collaborated with the Court Interpreter Program to issue credential status to over 25 sign language interpreters who meet standards that exceed those of many other state court systems. The program also conducted ethics training for interpreters.

The Court Interpreter Program now provides state courts with 327 credentialed interpreters in 43 languages. Washington is one of the top 10 states in the nation for refugee resettlement, and state courts have received requests for help in more than 150 languages.





AOC's Judicial Education Department Provides Quality Training for Judges, Clerks, and Court Staff

Continuing education is mandatory for judges, judicial officers and attorneys, and represents an extensive amount of work to coordinate and conduct across the state. Judicial education is overseen primarily by the Board for Judicial Education's Court Education Committee and is carried out by the Judicial Education department of the Administrative Office of the Courts, which also conducts training for new court employees, county clerks and court administrators.

In 2016, the Judicial Education department provided 2,856 hours of education programming to 1,780 judges, clerks and court staff. Training events include Judicial College for new judges, Institute for Court Management, Institute for New Court Employees, spring conferences for judges of different court levels, an annual educational conference for all judges in the state, a fall conference for presiding judges, training specifically for court line staff, and more. The Education department also provides numerous webinars and self-paced online modules.



Online Resources Provide Information on Work Being Done Behind the Scenes

To learn more about all the work being done behind-the-scenes to support the judicial branch, visit the Administrative Office of the Courts at www.courts.wa.gov, the Office of Public Defense at www.opd.wa.gov, the Office of Civil Legal Aid at www.ocla.wa.org, and the Commission on Judicial Conduct at www.cjc.state.wa.us, and the Washington State Bar Association at www.wsba.org.



Lives Changed Forever for Washington Foster Children Adopted into New Families

More than 120 Washington state foster children were adopted into new families in November 2016 during community celebrations where courts and social service offices observed the state's 12th annual National Adoption Day. The public and media were welcomed at these events where the goal was to raise awareness of the many foster children in Washington available and waiting to be adopted. In November, there were more than 9,000 Washington children in foster care, and more than 1,400 were legally free to be adopted into new families. While adoptions usually happen in closed court, National Adoption Day celebrations allow willing families to share their stories and their special day, with the hope that other parents will consider looking into foster adoption.

Celebrating counties in 2016 included Whatcom, Cowlitz, King, Skagit, Benton, Franklin, Snohomish, Kitsap, Thurston, Grays Harbor, Grant, Spokane, Yakima, Pierce, Island, San Juan, Clallam, Clark, Chelan and Douglas. "When a foster child is adopted into a new family, their lives change forever. They find the stability and nurturing they need to become confident adults," said King County Superior Court Judge Dean Lum, Chairman of the Washington State National Adoption Day Steering Committee, who was himself an adopted child.

Washington's statewide celebration was launched in 2005 by the state Supreme Court Commission on Children in Foster Care and is co-sponsored by the Department of Social and Health Services Children's Administration, the Administrative Office of the Courts, the Superior Court Judges' Association and by WARM 106.9's Teddy Bear Patrol program. National Adoption Day was founded by a handful of courts, child welfare agencies and businesses in 2000 to raise awareness of the thousands of foster children awaiting adoption.



JUSTICE IN ACTION

Helping younger generations learn about the judicial branch and what it means to them is a role taken seriously by Washington judges, attorneys and judicial branch members. Many court educational programs have been around for decades, and 2016 saw the development of an ambitious Civic Learning Initiative which launched in January 2017.

Statewide Initiative Seeks to Improve Civic Education for All Washington Students

If the idea of 10-year-olds playing judge or governor, president or lawmaker seem odd, perhaps it shouldn't.

For many years, an increasing focus on math and science education and high-stakes testing has pushed civics education into a quaint corner of the education system — almost an after-thought. Meanwhile, studies continued to show an eroding understanding of U.S. government even among American adults. A recent survey found that only one-third of adults could name all three branches of government, while another third could not name even one.

An ambitious new Civic Learning Initiative in Washington state seeks to change that with a statewide effort to improve civics education for all Washington students. The Initiative plans to build public-private partnerships throughout the state, to create an interactive iCivics-Washington website with games for students and resources for teachers, to seek legislation for more civic education in schools, to host further summits (the second summit will feature U.S. Supreme Court Justice Sonia Sotomayor) and to measure results.

The Initiative is a campaign of the Council on Public Legal Education (CPLÉ), which is part of LawForWA.org.

“A democracy thrives when its citizens vote, show up for jury duty, engage in public life, are aware of civic issues, listen to

other viewpoints, and interact with lawmakers,” said Margaret Fisher, a member of the Council on Public Legal Education and the lead coordinator for the Civic Learning Initiative.

The Initiative's components include:

- Kick-off summit held January 23, 2017, to identify goals and obstacles.
- Civic Learning Public Private Partnership — A Partnership will be established to bring together strong but unconnected civic entities in Washington.
- Washington's own iCivics web page with educational video games, lesson plans, “Webquests” that connect civic concepts to the real world, writing and reading tools and more, modeled after the national iCivics page founded by retired U.S. Supreme Court Justice Sandra Day O'Connor.
- Community team pilot projects comprised of business members, lawyers, educators, judges, youth and others in six underserved communities around the state.
- Legislation — A bill seeking funding to expand civic education in elementary, middle and high schools, and to provide teachers with training in civic education.
- Second summit in Spring of 2018 bringing U.S. Supreme Court Justice Sonia Sotomayor to Washington.
- Measurement of results.

CIVIC LEARNING, CONTINUED ON NEXT PAGE



ABOVE: Judges in the Classroom received a youth civics award for excellence in 2014. LEFT: Chief Justice Fairhurst swears in two students as U.S. President during the recent Civic Learning Initiative Summit. The swearing in and mock election was part of the Storypath civic learning curriculum taught to fifth grade students at Echo Lake Elementary in Shoreline.

CIVIC LEARNING, CONTINUED FROM PREVIOUS PAGE

“To keep our democracy functioning, citizens must feel free to actively engage with government and stop seeing themselves as spectators in the grandstands,” wrote Washington Supreme Court Justice Mary Fairhurst, who is a member of the CPLE and the primary convener of the Initiative, in an op-ed to the *Seattle Times*. “Let’s take steps to make the democratic process more vibrant here in Washington state.”

Current programs helping students learn about the justice system include:

- **Judges in the Classroom** — Judges volunteer to teach a class of students between grades 3 and 12, using a curriculum designed for specific age groups and meant to engage students in discussions and role-playing.
- **Street Law** — A practical law curriculum that pairs a judicial officer and a teacher for weekly presentations to a class, engaging high school students in learning about how the law applies to their everyday lives.
- **YMCA Mock Trial** — High school students engage in a

fictional courtroom drama by competing against other schools around the state, arguing the two sides of a case before real attorneys and judges, ending in state and national championships.

- **Youth Courts** — Youth Courts are established by judges to involve trained high school students in adjudicating minor offenses by their peers, both educating students on the judicial process and encouraging accountability without full system involvement.
- **Traveling Court** — Judges of the Washington Supreme Court and Court of Appeals travel several times a year to hear real cases in colleges and community halls around the state, and to visit with students and members of the public to answer questions.
- **Law Day** — Many local courts host Law Day events in their courthouses, bringing in students and community groups to learn about the judicial system and current justice issues and trends.
- **We The People** — A curriculum that simulates a Congressional hearing to make civic learning exciting for teachers and students.



JUSTICE MATTERS

As with the executive and legislative branches, judicial branch leaders are elected and appointed and often work behind the scenes to help the court system operate, improve and innovate. Here are a few members of the judicial branch whose work was noted in 2016.

Mary Fairhurst Named 56th Chief Justice of the Washington Supreme Court in December

Justice Mary Fairhurst was elected the 56th chief justice of the Washington Supreme Court by a vote of her peers in early November. Her four-year term as chief justice began January 9, 2017. She succeeded Chief Justice Barbara Madsen, one of the longest-serving chief justices in state history. The internal vote for the position of chief justice is held every four years in November at an administrative meeting of the Court. As chief justice, Fairhurst will become the Court's spokesperson, will preside over the court's public hearings and will co-chair the Board for Judicial Administration, the primary policy-setting group of the state judiciary.

Fairhurst was elected to the Supreme Court in 2002 and prior to serving on the court, she served 16 years with the Washington State Attorney General's Office. Fairhurst was also the second woman to serve as president of the Washington State Bar Association, which gave her its highest honor in 2011, the Award of Merit.

"I am honored and humbled to be elected by my colleagues for this role, and I am especially grateful for Chief Justice Madsen's support. She has been a tremendous leader, and I will rely on her guidance as I assume this awesome responsibility," said Fairhurst. "I look forward to working with the other branches of government and those in the judicial branch to serve the residents of the state of Washington."





The National Asian Pacific American Bar Association has named Washington Supreme Court **Justice Mary Yu** one of six national recipients of its Trailblazer Award.



Retired Spokane Superior Court **Judge Kathleen O'Connor**, the first woman elected to the Spokane County Superior Court in 1982, has been awarded the 2016 Outstanding Judge Award by the Washington State Bar Association.



Susan Carlson was appointed Supreme Court Clerk by the justices of the Court, taking over for retiring Clerk Ron Carpenter. Carlson is the first woman to serve in that position.



Washington State Court Administrator **Callie T. Dietz** has been elected President-Elect of the Conference of State Court Administrators (COSCA), and has also joined the board of the National Center for State Courts.



Seattle Municipal Court Presiding **Judge Karen Donohue** has been presented the 2016 Judge William Nevins Award by the Washington Judges Foundation, and has been presented the 2016 Justice Vaino Spencer Leadership Award by the National Association of Women Judges.



Robert Mead has been appointed State Law Librarian by the Washington Supreme Court, replacing long-time Librarian Kay Newman. Mead was formerly the State Law Librarian of the New Mexico Supreme Court.



King County Superior Court **Judge William Downing** was honored by the YMCA Youth and Government program for his many years heading and supporting the statewide high school Mock Trial competition. The Core Values Award, presented to a team during the annual championship competition, was renamed the William L. Downing Award.



Seattle Municipal Court **Judge Judith Hightower**, the second elected and longest serving African American female judge in Washington state, retired from the bench October 5, 2016 after 25 years of service.



Longtime Court of Appeals Division II Clerk **David Ponzoha** retired in October after 31 years. Appointed to replace Ponzoha was **Derek M. Byrne**, former director of finance for the Utah Administrative Office of the Courts.



Pierce County Superior Court **Judge Stephanie Arend** was presented the 2016 Judge of the Year Award by the American Board of Trial Advocates (ABOTA).



Cheney Municipal Court Administrator **Terri Cooper** was named 2016 Court Manager of the Year by the Washington Court Management Council.



The Quinault Indian Nation hosted the fifth regional meeting of Washington's Tribal State Court Consortium on June 24th at its headquarters in Tahola. The meeting provided an in-depth look at the Quinault Nation's efforts to modify sentencing practices to address mass incarceration concerns.



Published by the Administrative Office of the Courts
www.courts.wa.gov

To read the State of the Judiciary online, visit www.courts.wa.gov/newsinfo.

Tab 7

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.]



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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

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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.)