

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, OCTOBER 20, 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 Judy Rae Jasprica, Member Chair
District and Municipal Court Judges' Association
Pierce County District Court

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

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

Judge George Fearing
Court of Appeals, Division III

Judge Gregory Gonzales
Superior Court Judges' Association
Clark County Superior Court

Judge Dan Johnson
District and Municipal Court Judges' Association
Lincoln County District Court

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

Judge Bradley Maxa
Court of Appeals, Division II

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

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

Justice Charles Wiggins
Supreme Court

NON-VOTING MEMBERS:

Ms. Callie Dietz
State Court Administrator

Mr. Bradford Furlong, President
Washington State Bar Association

Judge Blaine Gibson, President-Elect
Superior Court Judges' Association
Yakima County Superior Court

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Rebecca Robertson, President-Elect
District and Municipal Court Judges' Association
Federal Way Municipal Court

Judge Michael Spearman, Presiding Chief Judge
Court of Appeals, Division I



Board for Judicial Administration (BJA)

Friday, October 20, 2017 (9 a.m. – 12 p.m.)

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

AGENDA

1. Call to Order	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:00 a.m.
2. Welcome and Introductions	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:00 a.m.
3. September 15, 2017 Meeting Minutes <i>Action: Motion to approve the minutes of the September 15, 2017 meeting</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	9:05 a.m. Tab 1
4. Public Trust and Confidence Committee <i>Action: Appointment of New Members</i> <i>Action: Approval of Activity Books</i>	Chief Justice Mary Fairhurst	9:10 a.m. Tab 2
5. Office of Public Defense <i>Information: Overview and Update</i>	Ms. Sophia Byrd McSherry Ms. Katrin Johnson	9:20 a.m. Tab 3
6. Interpreter Commission <i>Information: Overview and Update</i>	Justice Steven González Mr. Robert Lichtenberg	9:40 a.m. Tab 4
7. BJA Strategic Initiatives <i>Information:</i> 1. <i>Interpreter Services Funding</i> 2. <i>Court System Education Funding</i>	Ms. Jeanne Englert	10:00 a.m. Tab 5
8. Standing Committee Reports <i>Budget and Funding Committee</i> <i>Court Education Committee</i> <i>Legislative Committee</i> <i>Policy and Planning Committee</i>	Judge Ann Schindler Judge Judy Rae Jasprica Judge Kevin Ringus Judge Rebecca Robertson	10:10 a.m. Tab 6
Break		10:20 a.m.
9. Branch Budget Overview <i>Information: State Budgeting Process, Sources of Funds, How Funds are Utilized</i>	Mr. Ramsey Radwan	10:35 a.m. Tab 7
10. 2018 Supplemental Budget Process Update <i>Information: Amended 2018 Budget, Development, Review, and Submittal Process</i>	Chief Justice Mary Fairhurst Mr. Ramsey Radwan	11:10 a.m. Tab 8

11. BJA Leadership Goals <i>Discussion: 2017-2018 BJA Leadership Goal Development</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:15 Tab 9
12. 2018 Legislative Agenda <i>Discussion: Review and Comment</i>	Judge Kevin Ringus Mr. Brady Horenstein	11:30 a.m. Tab 10
13. Information Sharing <i>Information:</i> <ol style="list-style-type: none"> 1. BJA Business Account – Q3 Statement 2. June 23, 2017 JISC Minutes 3. Roundtable 	Judge Judy Rae Jasprica	11:45 a.m. Tab 11
14. Meeting Review	Judge Judy Rae Jasprica	11:55 a.m.
15. 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 meetings:** November 17, 2017 - AOC SeaTac Office
 February 16, 2018 - AOC SeaTac Office
 March 16, 2018 - AOC SeaTac Office
 May 18, 2018 - AOC SeaTac Office
 June 15, 2018 - AOC SeaTac Office
 September 21, 2018 - AOC SeaTac Office
 October 19, 2018 - AOC SeaTac Office
 November 16, 2018 - AOC SeaTac Office

Tab 1



Board for Judicial Administration (BJA) Meeting

Friday, September 15, 2017 (9 a.m. – 1 p.m.)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Judy Rae Jasprica, Member Chair
Judge Scott Ahlf
Judge Bryan Chushcoff
Ms. Callie Dietz
Judge George Fearing
Mr. Bradford Furlong
Judge Gregory Gonzales
Judge Dan Johnson
Ms. Paula Littlewood
Judge Mary Logan
Judge Bradley Maxa
Judge Sean Patrick O'Donnell
Judge Kevin Ringus
Judge Rebecca Robertson
Judge James Rogers
Judge Ann Schindler
Judge Michael Spearman
Justice Charles Wiggins

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Barbara Christensen
Mr. Bill Hyslop
Judge David Keenan
Ms. Cynthia Marr

Public Present

Dr. Page Carter

AOC Staff Present:

Ms. Lynne Alfasso
Ms. Misty Butler
Ms. Jeanne Englert
Ms. Beth Flynn
Ms. Sharon Harvey
Mr. Brady Horenstein
Mr. Monto Morton
Mr. Ramsey Radwan
Ms. Janet Skreen
Ms. Intisar Surur

Chief Justice Fairhurst called the meeting to order and introduced the new BJA members.

June 16, 2017 BJA Meeting Minutes

It was moved by Judge O'Donnell and seconded by Judge Ahlf to approve the June 16, 2017 BJA meeting minutes. The motion carried.

BJA Orientation

Chief Justice Fairhurst came into her role of BJA Chair with a lot of energy and a desire to review things and make changes as needed. When Judge Jasprica came onto the BJA it took her a little while to figure out how everything works and she thinks this BJA orientation will be very helpful for everyone.

Chief Justice Fairhurst asked everyone present why they wanted to be on the BJA and to state their vision for the BJA. Some of the remarks were:

- The BJA spent the last few years trying to figure out who we are and what we do and the BJA should be able to move forward from here.

- The judicial branch needs to determine how to govern in a decentralized system.
- Learning about how the different branches of government work and what the different levels of courts want is interesting.
- It is good to bring a smaller county perspective to the issues.
- Interested in lack of funding for court security in small counties.
- Interested in statewide issues.
- Interested in transparency in budget and policy.
- There is a lack of understanding of what the BJA does.
- Believes the BJA is an important mechanism for speaking with one voice and identifying issues to obtain funding through legislation.
- As all court levels come together and see issues that come up, the BJA can work together for the good of the judiciary.
- The BJA, at a minimum, is an important forum for information sharing amongst the different levels of courts.
- The BJA's charter to find issues of commonality in all levels of court is a challenge. The challenge for this body is to figure out how an advisory board has relevance and impact.
- Limited resources are available so the BJA needs to determine if the time and effort expended on an issue is worth the return.
- The BJA has been working very well because the Chief Justice uses it as a sounding board and planning tool.
- There are concerns about the court system being an assembly line for justice and having to hurry cases through without enough time.
- The lack of funding is an issue. The BJA as a voice to the Legislature to promote adequate funding for all levels of court is needed. When justice becomes an assembly line it particularly hurts the poor.
- The CEC works well to bring all of the court levels together.
- Would like to see the BJA speak for the branch, by agreement, whenever possible.
- It is a challenge to figure out how the three levels of courts are going to get along with each other, relate to each other, figure out common goals and work toward reaching them.
- The BJA meetings are an opportunity for court management associations to be informed about the branch and for the judges to communicate with the court managers.
- Hope for the BJA to be an action committee and it seems to be doing that more.
- In crisis planning the BJA is a powerful way to come together and work on a common goal. However, BJA suffers from constant turnover which is a problem. If a committee has continuity and is working well toward their goal, and the membership changes, it can throw their momentum off.

The BJA Member Guide was distributed and reviewed. It was suggested that BJA members read it and bring it to future meetings.

Chief Justice Fairhurst stated that she wants to have respectful, robust discussions and to try to come to consensus on decisions. She encourages everyone to speak up so the best decisions are made using everyone's thoughts. Wisdom does not reside only in one mind, every person working in the judicial branch has a role to play and something to offer. She would like to ensure that the BJA environment is a safe space for people to talk openly and respectfully to have the benefit of all that thinking so the BJA can find some common ground to speak with one

voice. To the extent it can be done, it is really important to decide what the BJA's unified decision is and how to convey it in the best way and stand together.

Chief Justice Fairhurst reviewed the BJA's leadership goals for the year: 1) Speaking with a Unified Voice, 2) Branch Communication, and 3) Committee Coordination. Chief Justice Fairhurst will bring the list back to the October meeting and the BJA members can decide if they want to revise it.

Judge Jasprica reviewed the member responsibilities and stated that it is important that all levels of courts participate in the BJA. People need to not hold back and to have the courage to speak up. She encouraged members to feel that BJA meetings are a safe place to openly express their opinions.

It is really important for the judicial association members represented by the BJA members to hear what is going on in the BJA. BJA members should write a brief report to their judicial association constituents just to let them know what the BJA is working on. Part of the reluctance to go along with whatever is being proposed by the BJA is a lack of knowledge about what it is. It is the communication back down the chain that is so important for cooperation and buy-in.

Judge Jasprica asked if anything was missed in the responsibilities and the following were mentioned:

- One of the responsibilities of being a judicial association member is that you are a voice of the judicial association. It is a balancing act. To be an effective judicial association member, the BJA member needs to advocate for the judicial association in the BJA meetings. The concerns of the judicial association need to be voiced to the BJA.
- If the BJA can reach consensus on issues, then BJA members need to be the voice for the BJA with their judicial associations.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler gave a brief overview of the BFC which was created as one of the four BJA standing committees. The meeting materials contain the BFC charter and the budget request criteria.

Judge Schindler stated that a different budget development, review and submittal process might be used for the supplemental budget and it was discussed at a prior BJA meeting. On Page 26 of the BJA Member Guide is the 2018 Budget Development, Review and Submittal Process but it will be changing because the Supreme Court wants to retain final approval of the judicial branch budget. The revised process will be brought back to the BJA.

Discussion continued regarding submitting budget requests for everything or only pushing the most important issues forward. The BJA previously decided that prioritizing budget requests allows for the most successful funding chances.

Legislative Committee (LC): Judge Ringus commented about how heavily dependent the LC is on Mr. Horenstein, the AOC legislative staff. Judge Ringus provided information about the LC

and how they analyze and take positions on legislation during the session and how they develop a legislative agenda.

Policy and Planning Committee (PPC): Judge Robertson provided an update on the BJA strategic initiatives and the implementation of the Court System Education Funding Task Force and the Interpreter Services Funding Task Force. Ms. Englert is the new AOC staff supporting the PPC. The PPC will meet following this BJA meeting.

Court Education Committee (CEC): Judge Jasprica reported that the CEC is looking at how they can expand their partnerships in providing educational programs. They are moving forward with three priority projects in the coming year: 1) continue discussion on their priority projects; 2) focus on a coordinated approach to providing education, clarifying the role of the CEC, and establishing a knowledge-based repository accessible to all court personnel; 3) developing a 3-5 year plan for educating all court personnel. In addition, they are looking at how to coordinate judicial education needs of all judges and determine the best way to provide the biggest return on their investment while continuing to pursue additional funding for court education. They will be coming out with strategies for funding.

2018 BJA Meeting Schedule

Ms. Butler provided a proposed BJA meeting schedule for 2018.

It was moved by Judge Ringus and seconded by Judge O'Donnell to approve the 2018 BJA meeting schedule. The motion carried.

Public Trust and Confidence Committee Chair

Chief Justice Fairhurst asked if any BJA members had interest in being the Chair of the Public Trust and Confidence Committee or knew anyone who would be interested. She stated that Justice Mary Yu is willing to be Chair but Chief Justice Fairhurst wanted to know if others might be interested. Judge Maxa stated he thought Justice Yu would be a wonderful Chair.

It was moved by Judge Ahlf and seconded by Judge Maxa to nominate Justice Mary Yu as Chair of the Public Trust and Confidence Committee. The motion carried.

BJA Strategic Initiatives Charters

Ms. Englert reported on the activities of the Interpreter Services Funding Task Force and the Court System Education Funding Task Force. She met with the chairs of the task forces, sent invitation letters, and scheduled task force meetings for the year. She is currently meeting with internal and external individuals regarding the issues and she is trying to determine the need to go out more formally to collect information and data.

2017-2019 Budget Update

Mr. Radwan stated that the supplemental budget process will be refined as discussed earlier during the meeting. Overall the budget for the branch was fairly good with the exception of the Thurston County impact fees being reduced.

The entire amount projected to be in the Judicial Information System (JIS) account was appropriated for the court technology projects. While the amount appropriated is less than the original request, it is anticipated that the appropriated funds will cover anticipated costs because the estimated expenditures for the courts of limited jurisdiction case management system (CLJ-CMS) have been revised down based upon responses received for the CLJ-CMS request for proposal. In addition, there was a request for \$7 million from the state general fund for the Expedited Data Exchange (EDE) project. However, the Legislature chose to allocate the \$7 million from the JIS account rather than the state general fund. Because the JIS account is fully appropriated changes in actual revenue collections will affect expenditures.

State employees and statewide elected officials receive cost of living increases.

The capital budget was not passed because of the water rights issue. That impacts COA, Division III because they have a request to have their roof replaced.

Supplemental Budget Requests

Mr. Radwan explained that supplemental budget requests are mostly maintenance requests. The meeting materials contained a list of the proposed 2018 supplemental budget requests and Mr. Radwan reviewed them with the BJA.

The EDE funding requests on Page 50 of the meeting materials were to be funded with general funds but the Legislature appropriated those funds out of the JIS account which will negatively impact the next biennium's JIS account.

The Office of Public Defense's requested amounts will change some and an additional request will be added for a total of about \$5.5 million.

In general, the supplemental budget request is small and funding for new programs or large increases in existing programs are not requested. There will be a flurry of activity between now and October to get these requests through the supplemental budget process.

Branch Budget Review

Chief Justice Fairhurst asked the BJA members what type of budget information/concepts would make them feel more comfortable with the budget decisions. Below are their responses.

- How much money is available in the general fund?
- How much money is dedicated to particular budget items?
- What budget information is available a tier below the summary information that is given to the BJA?

- Would like to see the entire budget to provide transparency—the next level information that Mr. Radwan suggested providing would be helpful. The member had never been on a board where he did not see the entire budget and review it during a meeting. He would like to see the budget for all judicial branch offices.
- Would like to have information about how to work with other entities for funding.
- Would like to have the current funding level (maintenance level) and then see what is being requested in addition to that. By not having that core knowledge, BJA members are not able to speak confidently regarding BJA budget requests.
- Make the information basic so it is easily understood by people who are new to the state budget.
- Charts that show historical funding.
- Provide information regarding the BJA funds and the BJA standing committee funds.
- Provide a terminology list.

2017 Legislative Update

The Legislative Committee met all through the long legislative session. Page 34 of the meeting materials contains a summary of the 2017 legislative session.

The big issue that will determine how the next session goes is the outcome of the elections. The 45th district will be a consequential race.

The Legislative Committee has issues they want to tackle next session and they will have more information about those at a future BJA meeting.

They are very appreciative of everyone's collaboration during the session.

Overview of Legislative Development Timeline

Mr. Horenstein stated that 2018 is a good time to work on some policy fixes. If you have any legislative suggestions, please send them to Mr. Horenstein at brady.horenstein@courts.wa.gov. The goal is to get final BJA approval for BJA request legislation at the November BJA meeting.

Chief Justice Fairhurst stated that she will submit an errors and omissions report in December so let her know if you have anything that should be added.

Courthouse Security Federal Delegation Outreach

A draft letter of support for federal funding for courthouse security was included in the meeting materials. Chief Justice Fairhurst would like to send it to the Washington delegation. The purpose of it is to allow Homeland Security to fund courthouse security for local courthouses.

It was moved by Judge Rogers and seconded by Judge Ringus to approve the concept of the courthouse security funding letter and make it more specific prior to sending it to the Washington State delegation. The motion carried with Judges Jasprica, O'Donnell and Johnson out of the room during the vote.

Washington State Bar Association (WSBA)

Mr. Furlong gave a brief overview of his career and how he became involved with the WSBA Board of Governors.

The WSBA is an extremely healthy organization. They are doing a lot of work with their members around diversity and inclusion. They are also supporting the Access to Justice (ATJ) community. In addition, the WSBA is supporting the Washington Legal Institute which looks at bringing young attorneys from underrepresented groups into leadership roles. Mr. Furlong stated that the focus of the WSBA should be the future of young lawyers. They just formed a work group to look at the referendum process and determine if it really makes sense and is a way to administer their organization. They will also take a look at the mandatory malpractice insurance issue.

Another issue that surfaced at their retreat is looking at legal services disruption. It is largely unregulated and something that they need to discuss further. They need to look at the failure of the system to reach marginalized populations around the state and how legal services can be provided to everyone in a way that works well for all involved?

Information Sharing

The BJA Special Account second quarter statement was included in the BJA meeting materials.

A link to the Implicit Bias video from the US District Courts was included on the agenda.

The Judicial Information System Committee (JISC) met in June and will meet again next month. Once the JISC minutes are approved, they will be included in the BJA meeting materials. The BJA's approved minutes will be included in the JISC meeting materials.

There being no further business, the meeting was adjourned.

Recap of Motions from the September 15, 2017 Meeting

Motion Summary	Status
Approve the June 16, 2017 BJA meeting minutes.	Passed
Approve the 2018 BJA meeting schedule.	Passed
Nominate Justice Mary Yu as Chair of the Public Trust and Confidence Committee.	Passed
Approve the concept of the courthouse security funding letter and make it more specific prior to sending it to the Washington State delegation.	Passed with Judges Jasprica, O'Donnell and Johnson out of the room during the vote

Action Items from the September 15, 2017 Meeting

Action Item	Status
<u>June 16, 2017 BJA Meeting Minutes</u> <ul style="list-style-type: none">Post the revised minutes online.Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done Done

Board for Judicial Administration Meeting Minutes

September 15, 2017

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Action Item	Status
<u>BJA Orientation</u> <ul style="list-style-type: none">• Chief Justice Fairhurst will bring the 2017-18 BJA leadership goals list to the October meeting and the BJA members can decide if they want to revise it.	
<u>Standing Committee Reports</u> <ul style="list-style-type: none">• The last line of the 2018 Budget Development, Review and Submittal Process should say Supreme Court and the second to last bullet should be the Supreme Court instead of the Court Funding Committee. Those changes need to be made to the BJA Member Guide and updated in the online version. Once the process is updated, it needs to be added to the next BJA meeting agenda.	Done
<u>2018 BJA Meeting Schedule</u> <ul style="list-style-type: none">• Post online.	Done
<u>Public Trust and Confidence Committee</u> <ul style="list-style-type: none">• Create and send nomination letter to Justice Mary Yu as Chair of the Public Trust and Confidence Committee.	Done
<u>Supplemental Budget Request</u> <ul style="list-style-type: none">• Mr. Radwan will follow-up with Judge Chushcoff on his question about the Office of Public Defense's Transitional Appellate Attorney Costs budget request.	
<u>Courthouse Security Federal Delegation Outreach</u> <ul style="list-style-type: none">• Revise letter to make more specific and send to Washington State delegation.	
<u>Information Sharing</u> <ul style="list-style-type: none">• Include JISC meeting minutes in future BJA meeting materials.• Send BJA meeting minutes to the JISC for inclusion in their meeting materials.	Done

Tab 2

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
Two-Year Appointment**

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

Nominee Name: Chris Gaddis

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

Term Begin Date: January 1, 2018

Term End Date: December 31, 2019

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

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

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

This nomination is to replace Dennis Rabidou when his term ends December 31, 2017.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
Two-Year Appointment**

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

Nominee Name: Staci Myklebust

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

Term Begin Date: 1/1/2018

Term End Date: 12/31/2019

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

If yes, how many terms have been served and dates of terms: 1

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

The Honorable Staci Myklebust, Cowlitz County Clerk, is an excellent candidate for the Public Trust and Confidence Committee. Her demeanor and professional conduct are exemplary and represent a positive and trustworthy reflection of the courts. I strongly recommend Ms. Myklebust to serve on this committee. Thank you for your consideration.

Barbara Christensen
Clallam County Clerk
WSACC President
360-417-2333

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

Misty Butler
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment
Two-Year Appointment**

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

Nominee Name: Page Carter

Nominated By: Mary Fairhurst for public member position
(i.e. SCJA, DMCJA, BCE, etc.)

Term Begin Date: January 1, 2018

Term End Date: December 31, 2019

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

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

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

Please send completed form to:

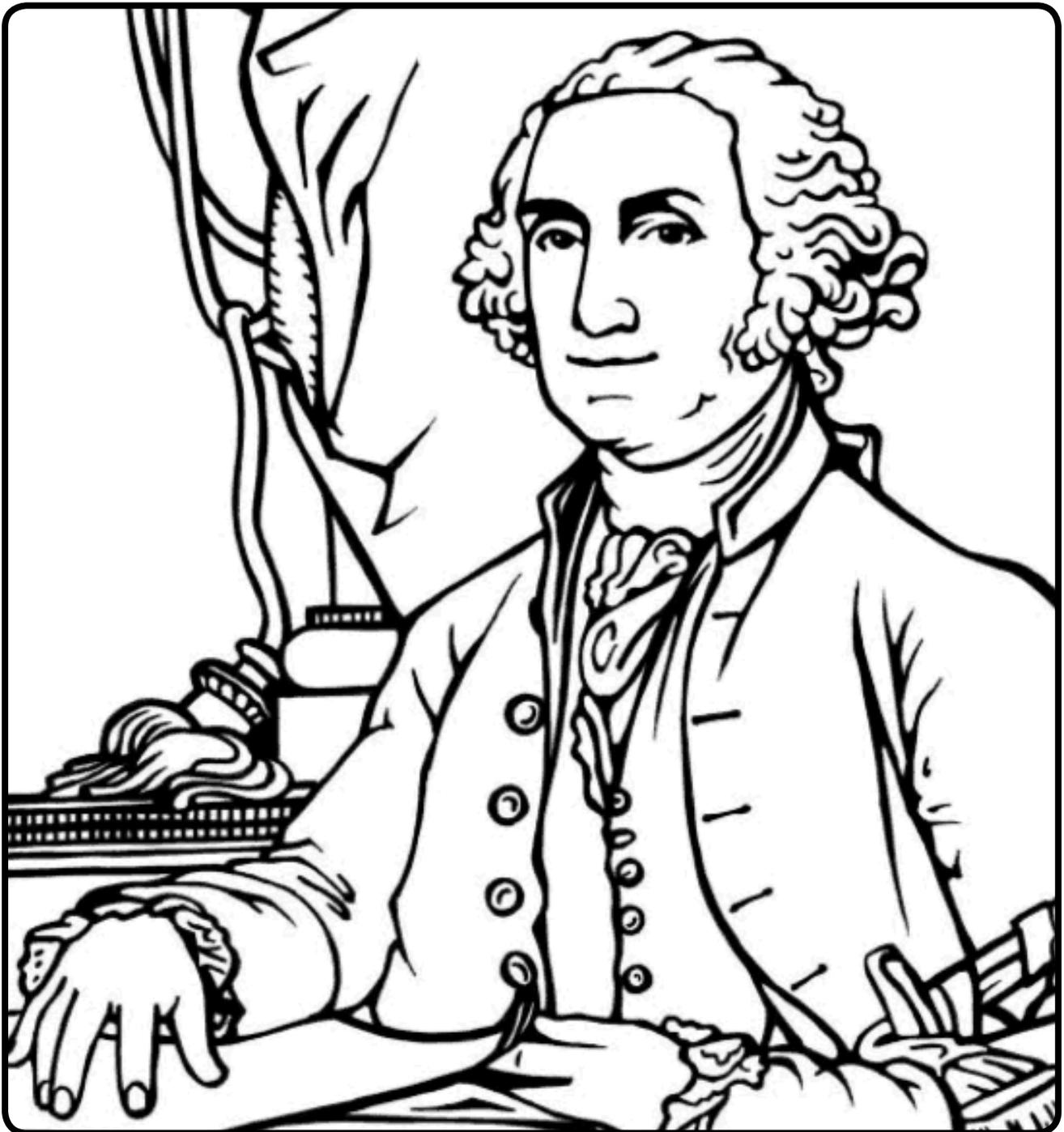
Beth Flynn
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
beth.flynn@courts.wa.gov

Misty Butler
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
misty.butler@courts.wa.gov

ACTIVITY BOOK

GRADES K-5

What's Happening in Washington Courts?





Welcome to Court

Judges know going to court can be scary or unfamiliar for anyone — especially young people. Yet young people go to court every day, for all sorts of reasons.

We want to make the experience of going to court easier for kids. This book will tell you what happens in court: who works there, what the rules are, and how you might be part of a case. Remember that you always can ask questions if you are in court and you feel afraid or confused.

I hope you enjoy this book, learn from it, and have fun with it. You can keep this book to help you remember what you want to know about going to court.

Chief Justice Mary Fairhurst
Supreme Court of Washington

About this Book

What's Happening in Washington Courts? is intended for youth who are in court for any reason — whether they are witnesses, visitors to the courthouse, or involved in a case. It aims to introduce youth to the court processes in which they are or could be involved, the people who work in the judicial system, and the vocabulary that may foster conversations between youth and adults about the court system and a game book that gives youth who are in court something to do while they wait. This book is not intended to give or substitute for legal advice.

Specific pamphlets have been created for youth in grades K–5 and 6–12. This activity book is intended for grades K–5. Depending on their age, ability, and interest, youth may look at and color the pictures, read the text, play games, or do the activities.

Contents

How Did You Get to Court?	6
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How Did You Get to Court?

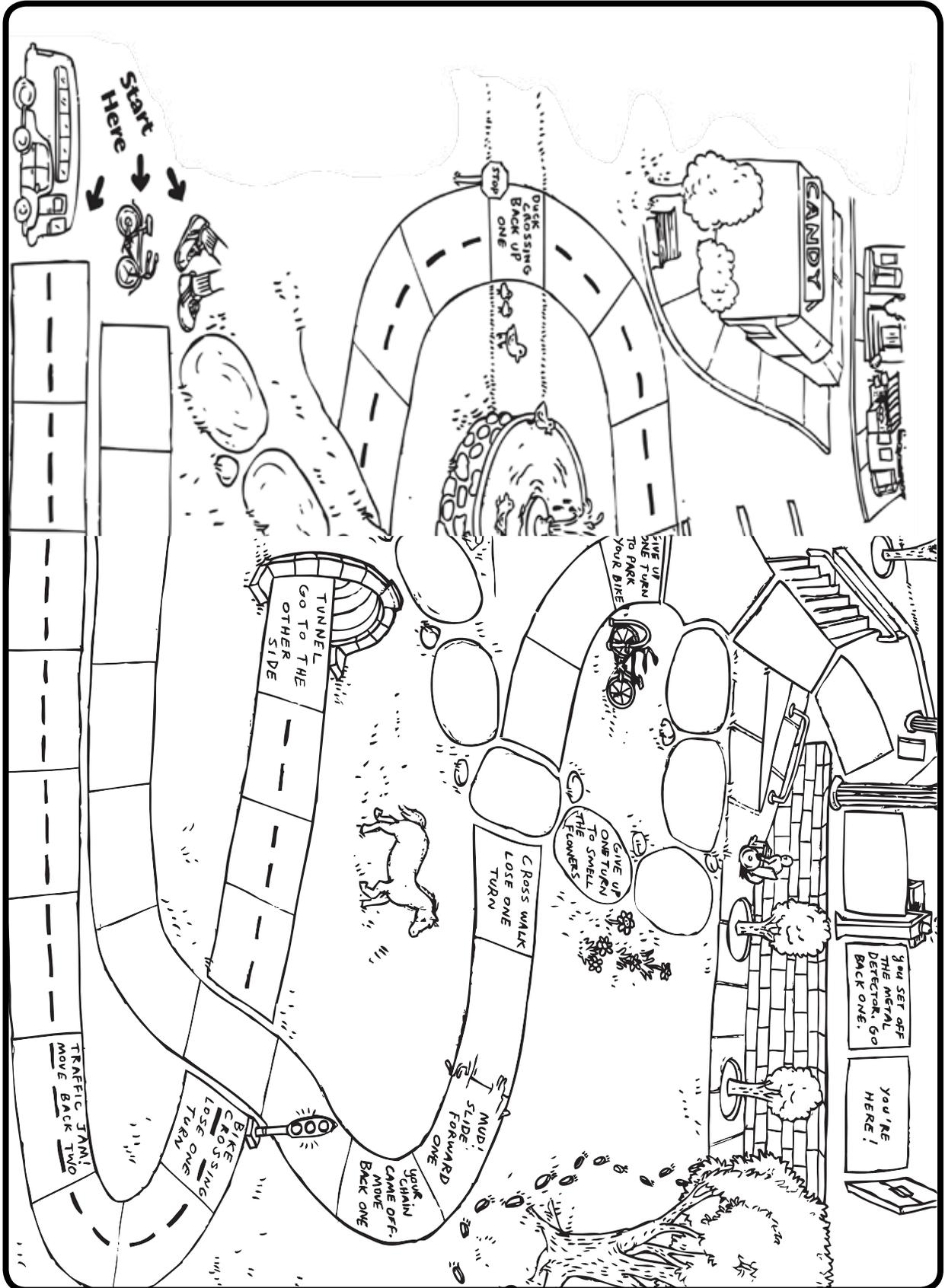
Using the game board on page 7, follow the path that has a picture of how you got to the courthouse. 1-4 players can play. Use 3 coins or other small objects as game pieces. The first player to get to the courthouse wins the game.

Game Instructions

- Drop 3 coins on a flat surface.
- Count the number of heads and move forward that number.
 - If there are 1 head and 2 tails, move forward 1 space.
 - If there are 2 heads and 1 tail, move forward 2 spaces.
 - If there are 3 heads and no tails, move forward 3 spaces.
 - If there are no heads and 3 tails, do not move.
- When you land on a space, follow the instructions on that space.
- The first player to get to the courthouse wins.
- At the end of the game, make sure everyone gets their game pieces back.

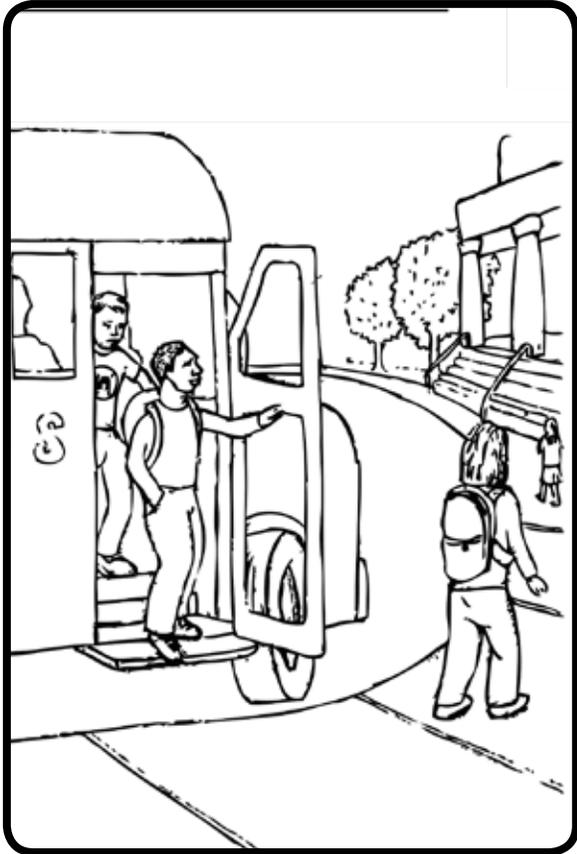
Activity

- Circle all the objects that you saw on your way to court today. If you saw a horse, then circle the horse. Draw a picture of anything you saw that isn't pictured on the game board.



Why Are You At Court?

People come to court for many different reasons. Check the box that best explains why you are at court today, then color the pictures.



I'm at court today on a field trip.



I'm at court today to be adopted.



I'm at court today because I am a part of a case or I am here as a witness to tell what I have seen or heard.



I don't know why I'm at court today.

Who Will You Meet in Court?

Many people work in a court. Everyone has a job to do.

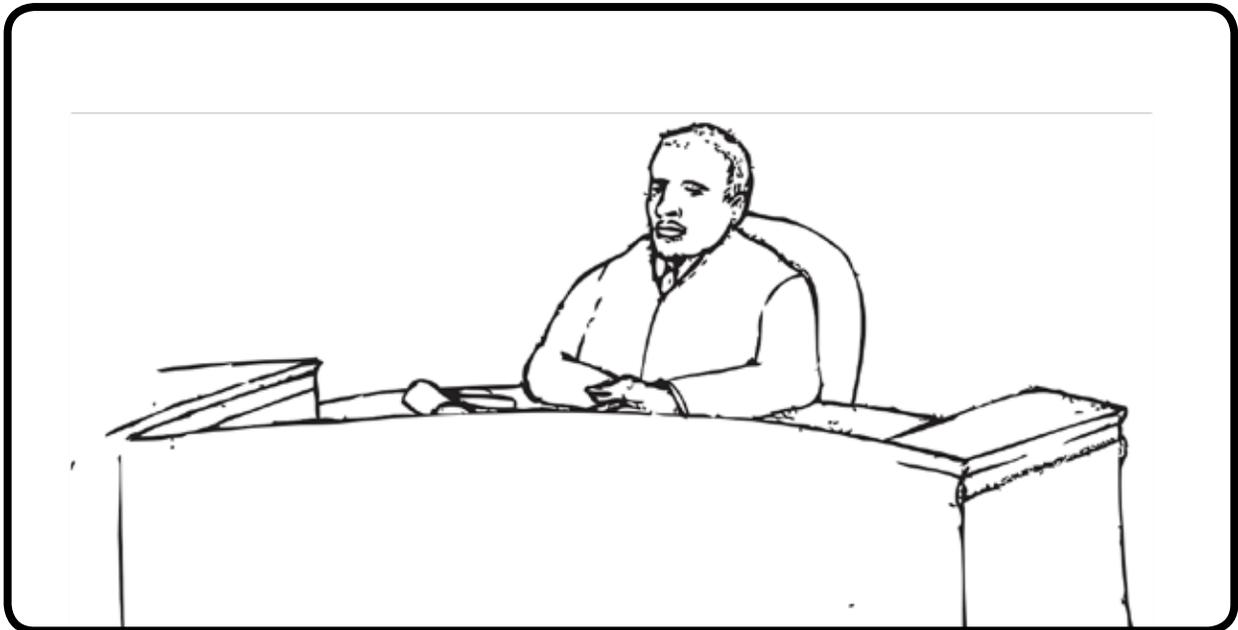
Judge

First, there is the **judge**. In many courts, the judge will be wearing a black robe. The judge usually sits at the front of the courtroom at a very large, raised desk, called a bench. The judge's name is often on a sign near the bench.

The judge does many things. First, the judge is like a referee, or an umpire at a ball game.

The judge makes sure that everyone is treated fairly.

Sometimes the judge is also the person who makes the decision about the problem (called a case) that the people came to court to solve. For example, if two people come to court because they disagree about money, the judge might be the person who finally decides who gets the money.





Juror

Other times, a group of people, instead of the judge, decides who wins the argument. These people are called **jurors**. Jurors are people who come to court to listen to each side of a disagreement. Then the jurors decide how the disagreement will be settled. A group of jurors is called a jury.

Bailiff

Some courts have uniformed **bailiffs**. You probably can spot the bailiff very easily. The bailiff is the person who tells everyone to stand up by saying, "All rise" when the judge comes in. The bailiff makes sure the people who go to court follow the rules.





Lawyer

When people go to court, they often have **lawyers**. Lawyers also are called attorneys. Lawyers give advice to people about their disagreements in court. It is the lawyer's job to talk to the judge and jurors for the people who come to court.

When a lawyer talks for someone who has come to court, it means that the lawyer "represents" the person. Each lawyer represents only one person in court. So, if many people are involved in a disagreement, there might be more than one lawyer in court. All kinds of people have lawyers, including young people! Lawyers usually sit next to the person they represent in the court.

Interpreter

Courts also have **interpreters** for people who don't speak or understand English. The interpreter's job is to tell the person in their own language what is said in court and tell the court what the person is saying.

Court Reporter

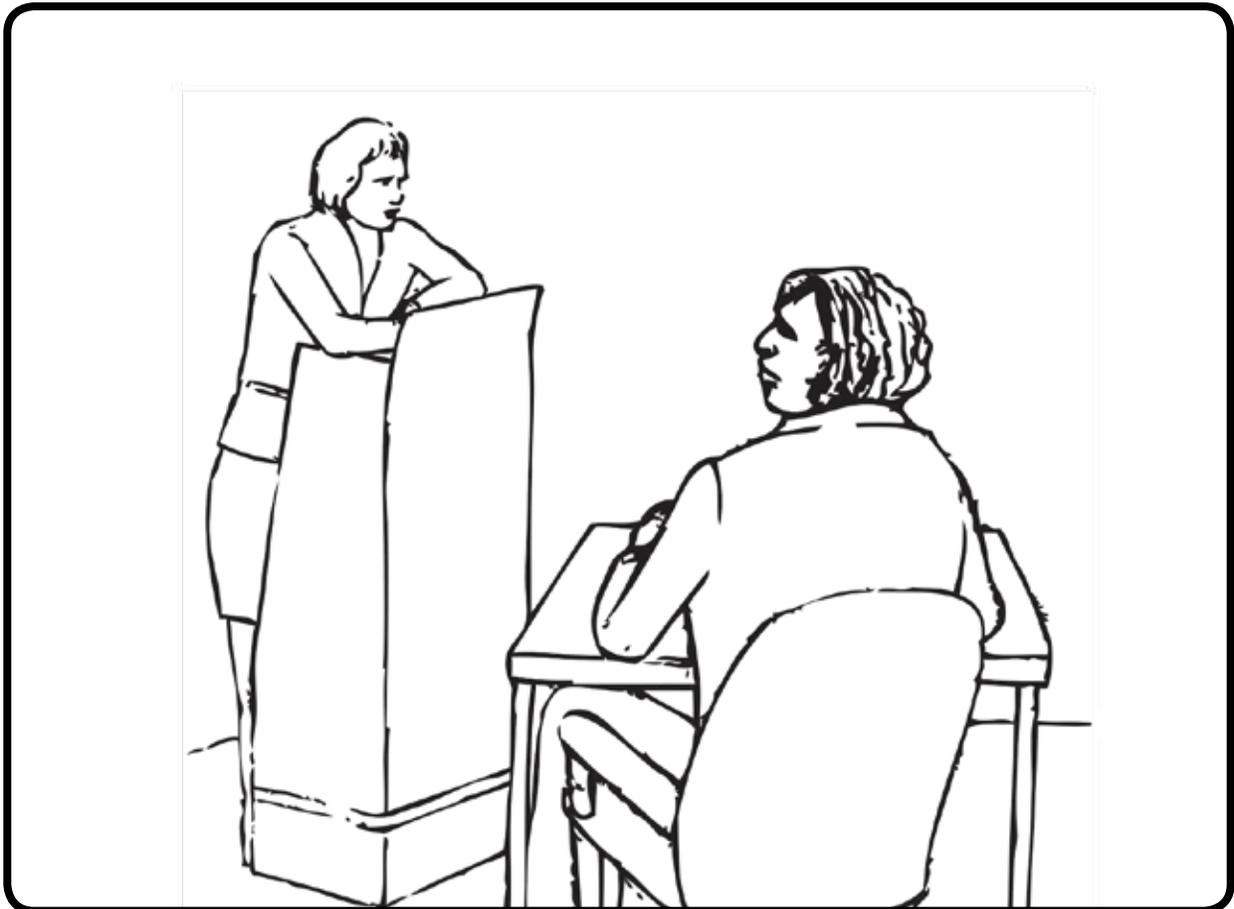
In many courts there is a **court reporter**. The court reporter is the person who writes down everything that everybody says in court.

Wow! Can you imagine writing down all the words people say?

The court reporter usually sits near the judge and types on a small machine. Even though court reporters type very fast, everyone in court must speak slowly and clearly so the court reporter can hear what they say.

Clerk

All courts have **clerks** as well. A court clerk keeps all the papers about the cases in the court and organizes them. The clerk keeps track of the names of the lawyers, the people who come to court to testify and anybody else who was a part of the case.



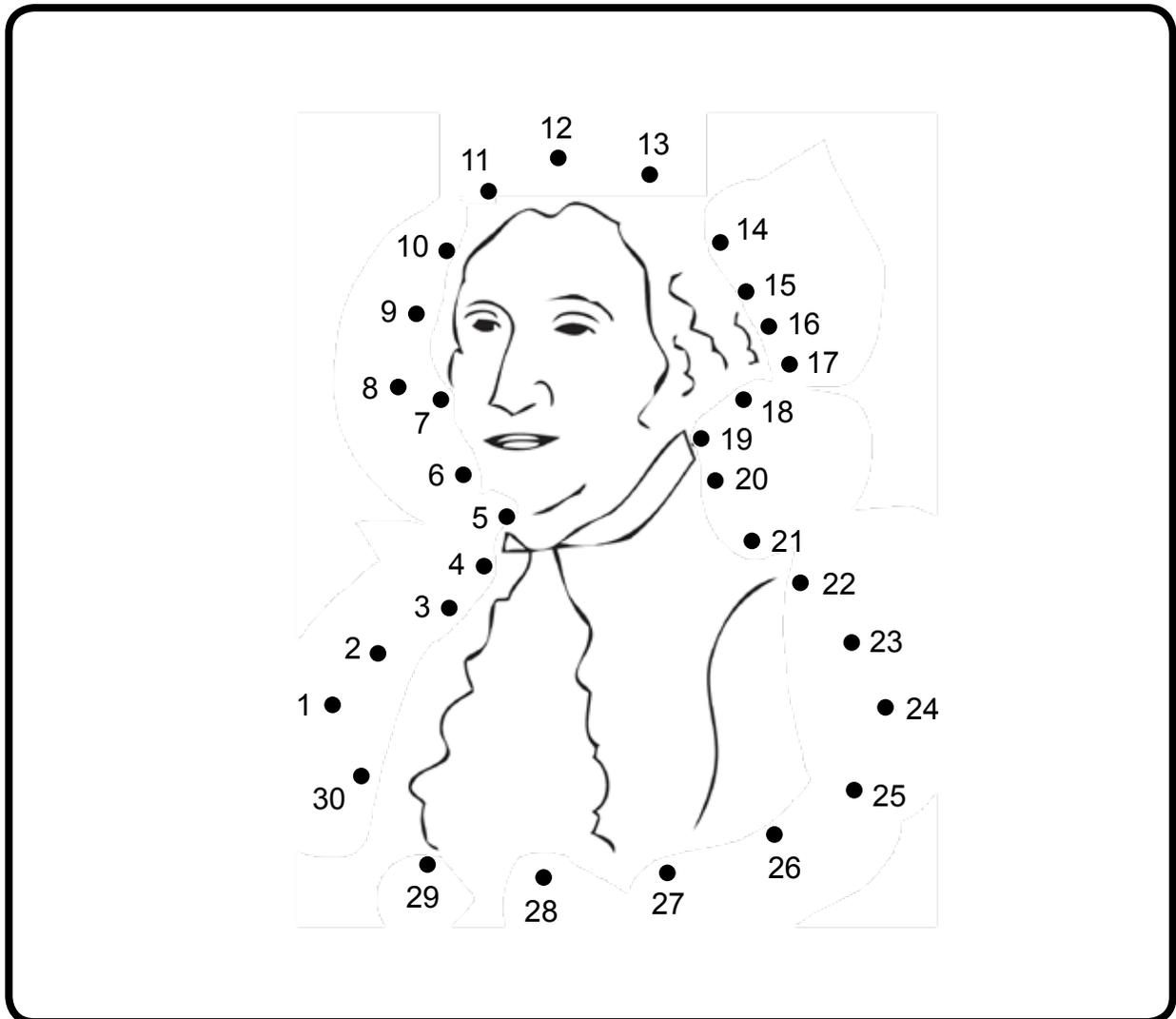
Witness

Witnesses are people who come to court to tell what they have seen or heard. For example if someone is accused of stealing something, a witness might come to court to say what they saw happen. When witnesses come to court, they have to raise their hand and make a special promise, called an oath, to tell the truth. They take a special seat and the lawyers ask them questions. Cases that last a long time may have lots of witnesses.



Are You A Witness?

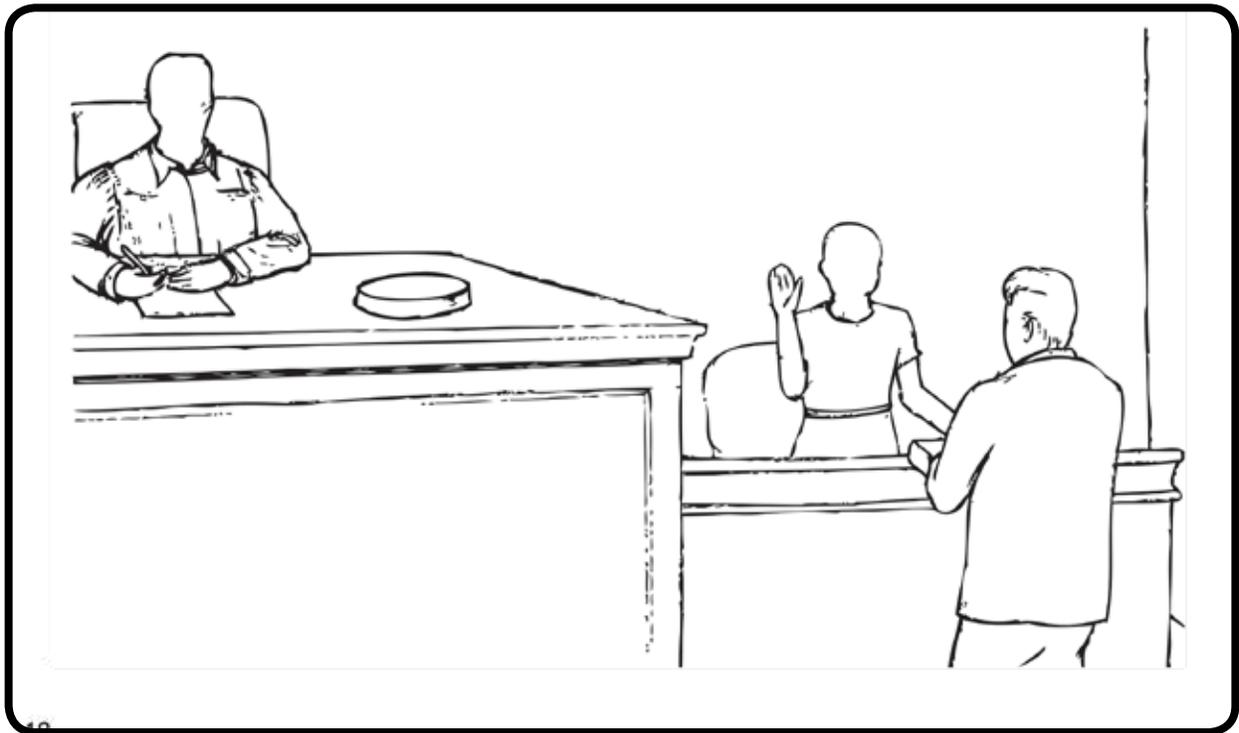
If you are called as a witness, the lawyers and sometimes the judge will ask you questions. Of course, it is very important to tell the truth when you answer questions in court. You even make a special promise, called an oath, to tell the truth before you answer questions. It is also important to answer just the questions that you understand. If you don't understand a question, it is OK to say so and have the question explained to you. If you are afraid to answer questions in the courtroom, be sure to tell the lawyer, if you have one, or the judge. They will do everything they can to make you feel more comfortable.



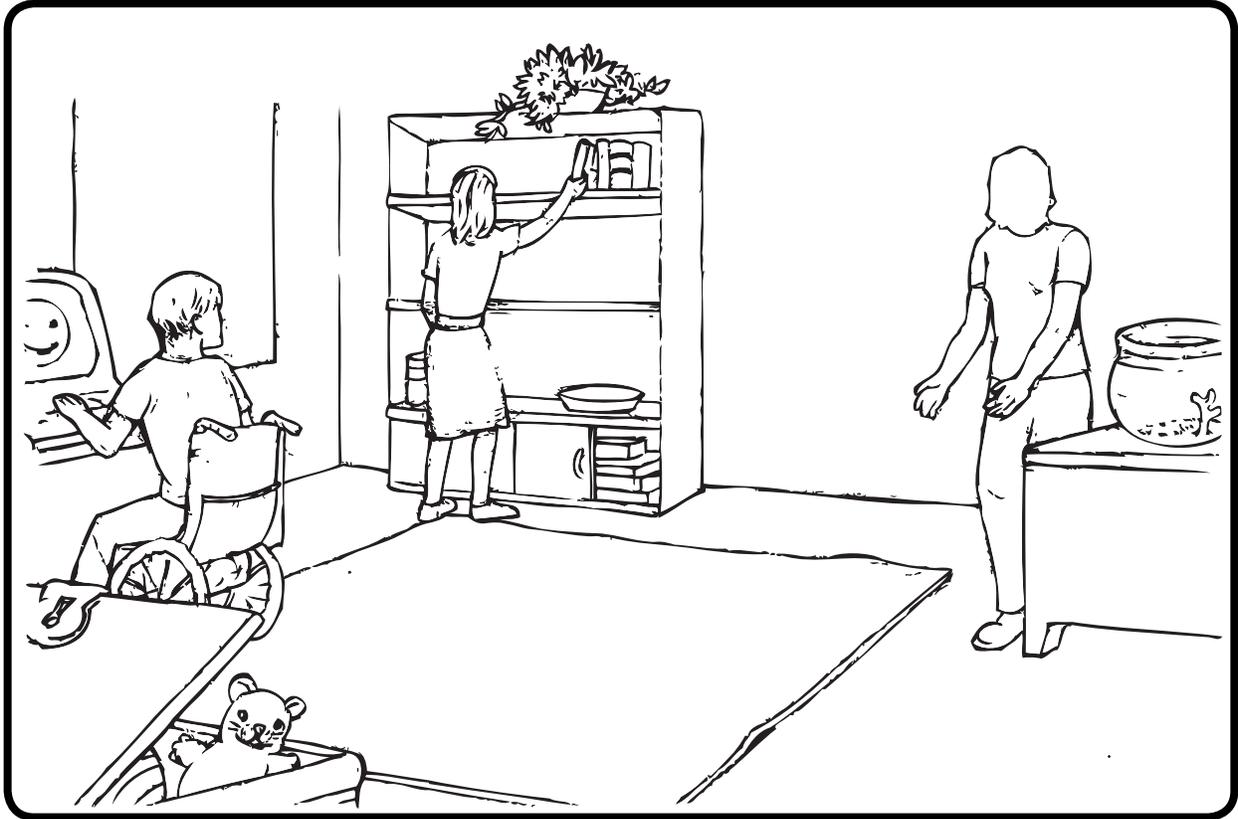
What Do Rooms at the Courthouse Look Like to You?

Rooms at the courthouse can look different for each person attending court. Decorate each scene and fill in faces based on what you saw and experienced during your visit.

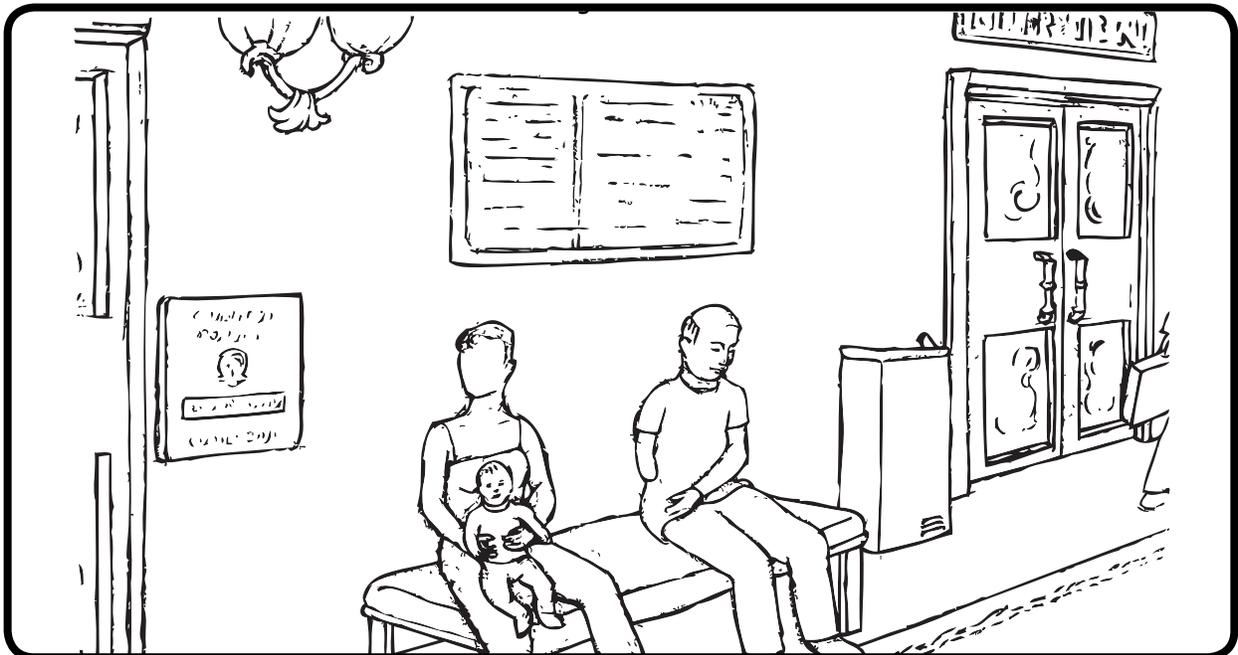
A judge listens to a witness being sworn in the courtroom.



A child waits in a special waiting room in the courthouse.



A witness waits their turn outside the courtroom.



How Should I Act in Court?

- Be on time.
- Dress neatly.
- Don't go in alone. Make sure there is an adult with you.
- Show respect to the people that are there.
- Don't eat or drink in court.
- Don't chew gum.
- Don't listen to music in court.
- Turn off your cell phone.
- There may be other people in court who have cases before you. You will have to wait and be quiet.
- You can read a book or play quietly with this book while you wait.
- When it is your turn, call the judge "Your Honor." This is what people call the judge to show respect.
- Don't speak unless the judge or a lawyer asks you to.
- If you don't understand something, say that you don't understand. Someone will explain it again for you.

What Time Is It?

Going to court can take a lot of time. Think back on your day and fill in the time next to the activity.



		:		
--	--	---	--	--

What time did you wake up?



		:		
--	--	---	--	--

What time did you leave your house?



		:		
--	--	---	--	--

What time did you get to court?



		:		
--	--	---	--	--

What time is it now?

What Is Adoption?

People adopt children because they love children and want to bring a child into their family. Foster parents, the birth parents' family, or anyone else who wants to include a child in their family can adopt children.

Sometimes birth-parents are not able to raise their child. For example, the parents may be too young. They may not be able to take care of the child so the child can be happy and healthy. Sometimes the birth-parents have died.

In these cases, children may be adopted. It is the way a child legally becomes part of a new family. The judge decides if it is best for the child to be adopted. Before the judge makes this decision, a social worker will talk with the child. The social worker also meets the potential new parents and visits the new home. After adoption a child is a member of a new family. A new family can include brothers and sisters, grandparents, and aunts and uncles.

Children can be adopted at any age. Some are babies. Others are teenagers. Even adults can be adopted. Children can be adopted into a family of a different race or religion. Children with special abilities can be adopted. Children can be adopted from other states or countries.

What Do They Do?

Now that you've read about the people you may meet in court, draw a line to connect the name of the person with the job they do. (Answers are on page 24.)

Lawyers or Attorneys

These people come to court to tell the truth and talk about what they have seen or heard.

Judge

This person types everything that is said in court into a machine.

Bailiff

This person organizes all the papers in the court files and keeps track of the judge's decisions.

Jurors

This individual says in the person's own language what is said in court.

Clerk

This person's job is to make decisions and make sure that everyone is treated fairly in court.

Witnesses

These people help by giving advice and talking in court for the people who have disagreements.

Court Reporter

This person says "all rise" and makes people obey the rules.

Interpreter

These people listen to both sides of a disagreement in court and then decide who wins.

Word Search

Search for the words in the list below and circle them once you find them. The words may be horizontal, vertical, diagonal, or backward.
(Answers are on page 25.)

S F U I G B P A O S D M N R A L
T W O Z L A R B D L U T R F G E
N A R Q T S E T E N I R U T P O
E R A U J U V E N I L E H A L L
R M W S Y C L L R E F F T N S R
A S P M S P E E D I N G O N T H
P V L O I A Y E N P T I J H A R
Y O B K Y C U O O F T P P M T E
E B U I L E D L Y U I M P T U C
B M F N F A I D T L S N L H S I
O D C G V C C I L A C T U L O F
S S P O E X T I C U R F E W F F
I M P F A S T Q S U E D I T F O
D E A G E I P T A J F A L R E N
G L T R F E S N N U T A I U N O
G B E F G O C S I D I E D O S I
S O A I H Y T R A G N O E C E T
C R C M C G N I L E S N U O C A
G P H R N S K I P S C H O O L B
H E E S S I R P E S E N I F T O
P U R F L A W Y E R D P A A R R
L O H O C L A D A M E R R I C P

FIND

COUNSELING

COURT

PARENTS

JUDGE

LAWYER

POLICE

PROBLEMS

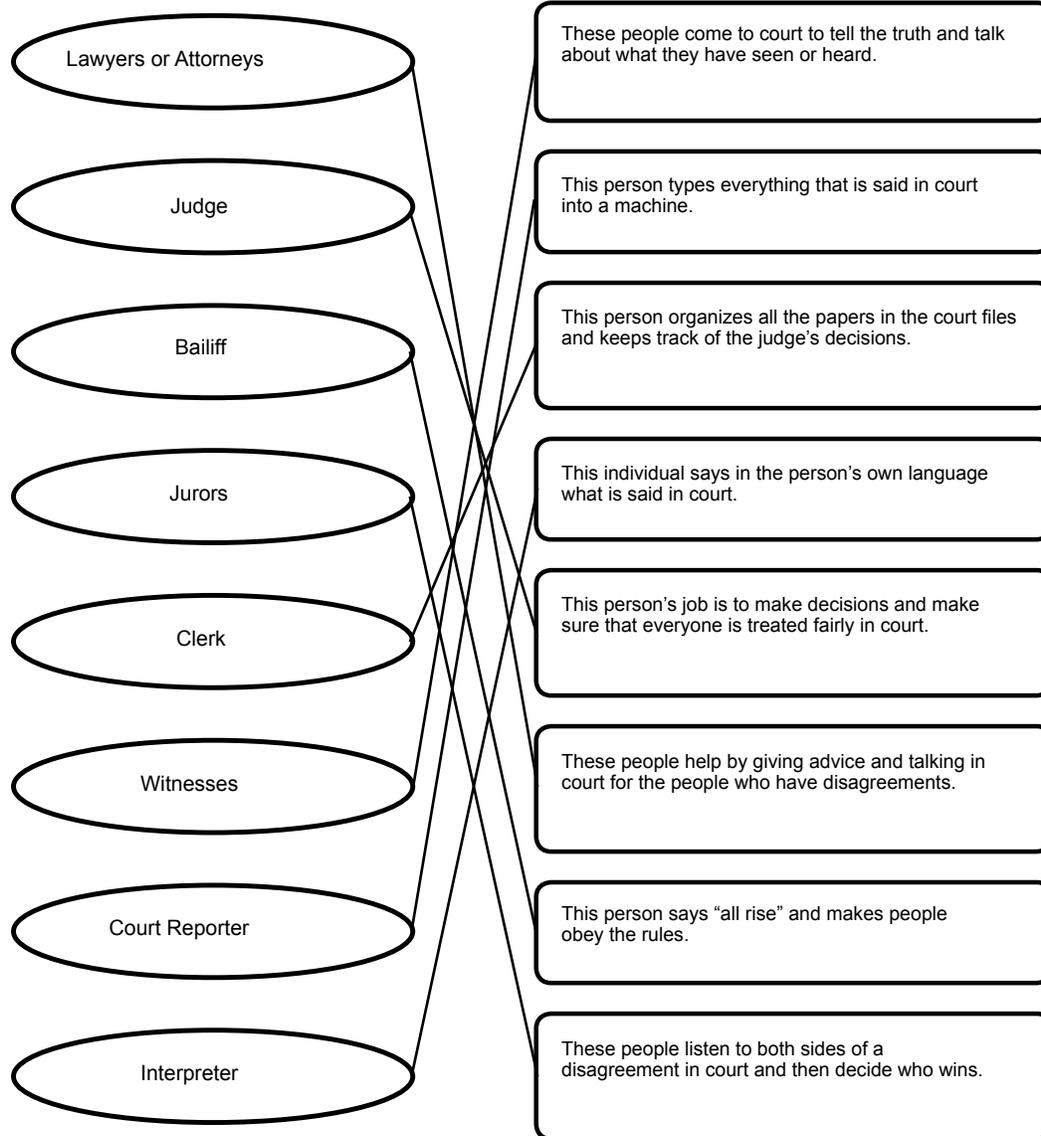
SCHOOL

TEACHER

Answer Key

PAGE 21

What Do They Do?



PAGE 23
Word Search

S	F	U	I	G	B	P	A	O	S	D	M	N	R	A	L
T	W	O	Z	L	A	R	B	D	L	U	T	R	F	G	E
N	A	R	Q	T	S	E	T	E	N	I	R	U	T	P	O
E	R	A	U	J	U	V	E	N	I	L	E	H	A	L	L
R	M	W	S	Y	C	L	L	R	E	F	F	T	N	S	R
A	S	P	M	S	P	E	E	D	I	N	G	O	N	T	H
P	V	L	O	I	A	Y	E	N	P	T	I	J	H	A	R
Y	O	B	K	Y	C	U	O	O	F	T	P	P	M	T	E
E	B	U	I	L	E	D	L	Y	U	I	M	P	T	U	C
B	M	F	N	F	A	I	D	T	L	S	N	L	H	S	I
O	D	C	G	V	C	C	I	L	A	C	T	U	L	O	F
S	S	P	O	E	X	T	I	C	U	R	F	E	W	F	F
I	M	P	F	A	S	T	Q	S	U	E	D	I	T	F	O
D	E	A	G	E	I	P	T	A	J	F	A	L	R	E	N
G	L	T	R	F	E	S	N	N	U	T	A	I	U	N	O
G	B	E	F	G	O	C	S	I	D	I	E	D	O	S	I
S	O	A	I	H	Y	T	R	A	G	N	O	E	C	E	T
C	R	C	M	C	G	N	I	L	E	S	N	U	O	C	A
G	P	H	R	N	S	K	I	P	S	C	H	O	O	L	B
H	E	E	S	S	I	R	P	E	S	E	N	I	F	T	O
P	U	R	F	L	A	W	Y	E	R	D	P	A	A	R	R
L	O	H	O	C	L	A	D	A	M	E	R	R	I	C	P

Acknowledgment

This publication is based on a book written in 1999 by the legal staff of the California Office of the General Counsel and the Administrative Office of the Courts (AOC). *What's Happening in Washington Courts?* was illustrated by San Francisco artists Andrew DeWitt and Robert Gutierrez and was produced by the dedicated staff of the AOC.

The project was made possible by the generous support of the U.S. Department of Health and Human Services, with additional funding from the Foundation of the State Bar of California.

The original Washington State version of this publication was prepared by the Board for Judicial Administration's Public Trust and Confidence (PTC) Committee. In 2017, the PTC made further edits and divided into age-appropriate activity books. Special thanks to Gini Niles of the Washington AOC for graphic design support.

For more information about the book, write to the address below. To make additional copies, visit the [Public Trust and Confidence Committee](#) web page and download the digital file.

Public Trust and Confidence Committee
Attn: Administrative Office of the Courts
P.O. Box 41170
Olympia, Washington
98504-1170



ACTIVITY BOOK

GRADES 6-12

What's Happening in Washington Courts?





Welcome to Court

Judges know going to court can be scary or unfamiliar for anyone — especially young people. Yet young people go to court every day, for all sorts of reasons.

We want to make the experience of going to court easier for kids. This book will tell you what happens in court: who works there, what the rules are, and how you might be part of a case. Remember that you always can ask questions if you are in court and you feel afraid or confused.

I hope you enjoy this book, learn from it, and have fun with it. You can keep this book to help you remember what you want to know about going to court.

Chief Justice Mary Fairhurst
Supreme Court of Washington

About this Book

What's Happening in Washington Courts? is intended for youth who are in court for any reason — whether they are witnesses, visitors to the courthouse, or involved in a case. It aims to introduce youth to the court processes in which they are or could be involved, the people who work in the judicial system, and the vocabulary that may foster conversations between youth and adults about the court system and a game book that gives youth who are in court something to do while they wait. This book is not intended to give or substitute for legal advice.

Specific pamphlets have been created for youth in grades K–5 and 6–12. This activity book is intended for grades 6–12. Depending on their age, ability, and interest, youth may look at and color the pictures, read the text, play games, or do the activities.

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Who Will You Meet in Court?

Many people work in a court. Everyone has a job to do.

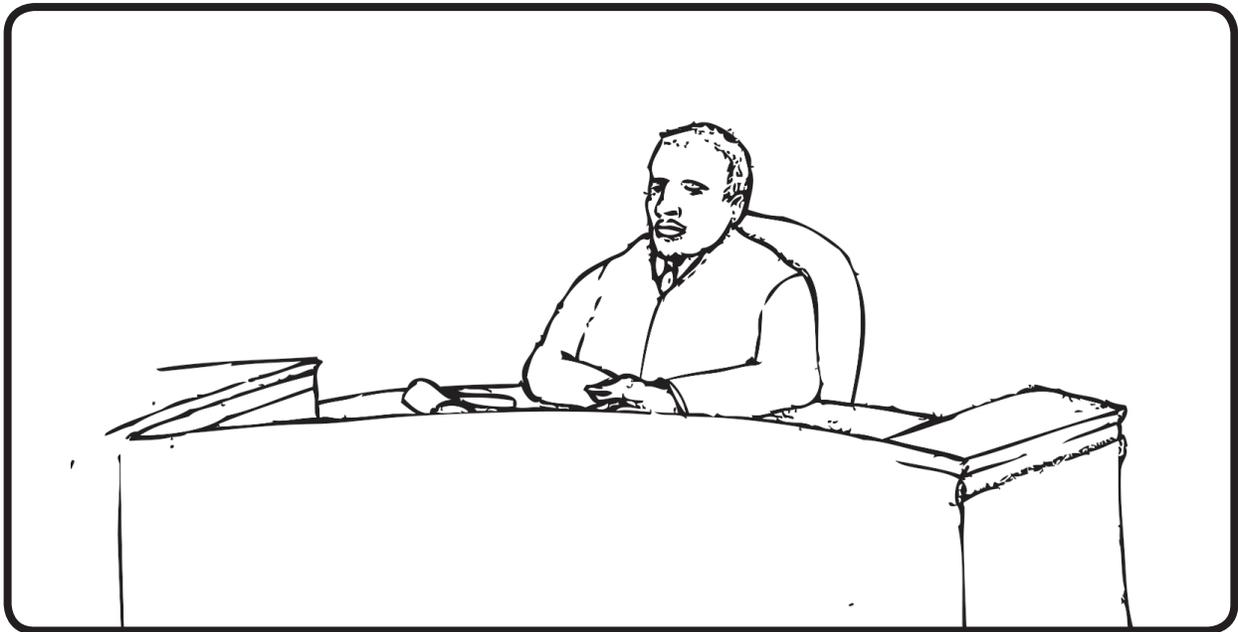
Judge

First, there is the judge. In many courts, the **judge** will be wearing a black robe. The judge usually sits at the front of the courtroom at a very large, raised desk, called a bench. The judge's name is often on a sign near the bench.

The judge does many things. First, the judge is like a referee, or an umpire at a ball game.

The judge makes sure that everyone is treated fairly.

Sometimes the judge is also the person who makes the decision about the problem (called a case) that the people came to court to solve. For example, if two people come to court because they disagree about money, the judge might be the person who finally decides who gets the money.





Juror

Other times, a group of people, instead of the judge, decides who wins the argument. These people are called **jurors**. Jurors are people who come to court to listen to each side of a disagreement. Then the jurors decide how the disagreement will be settled. A group of jurors is called a jury.

Bailiff

Some courts have uniformed **bailiffs**. You probably can spot the bailiff very easily. The bailiff is the person who tells everyone to stand up by saying, “All rise” when the judge comes in. The bailiff makes sure the people who go to court obey the rules.



Lawyer

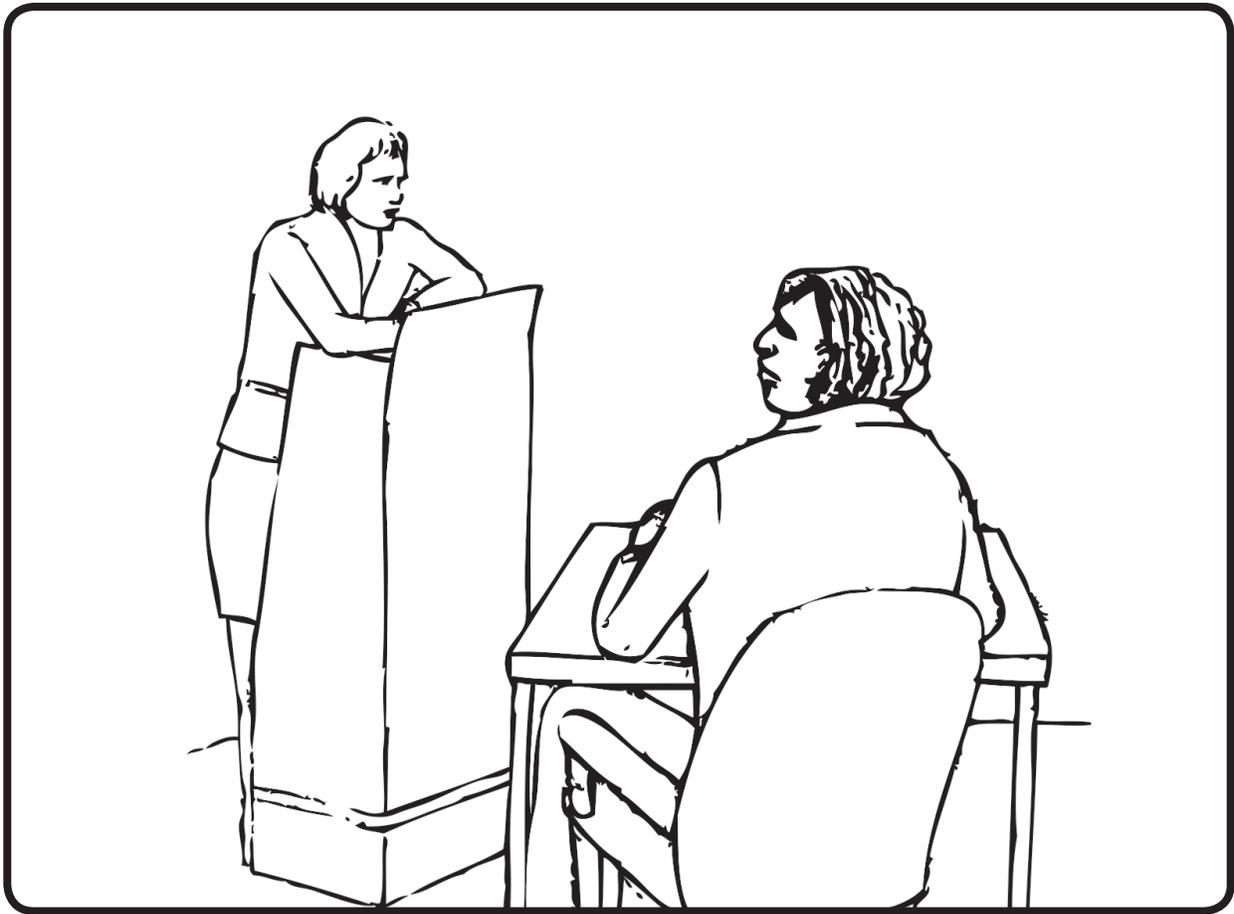
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Court Reporter

In many courts there is a **court reporter**. The court reporter is the person who writes down everything that everybody says in court.

Wow! Can you imagine writing down all the words people say?

The court reporter usually sits near the judge and types on a small machine. Even though court reporters type very fast, everyone in court must speak slowly and clearly so the court reporter can hear what they say.

Clerk

All courts have clerks as well. A court **clerk** keeps all the papers about the cases in the court and organizes them. The clerk keeps track of the names of the lawyers, the people who come to court to testify and anybody else who was a part of the case.

Witness

Witnesses are people who come to court to tell what they have seen or heard. For example if someone is accused of stealing something, a witness might come to court to say what they saw happen. When witnesses come to court, they have to raise their hand and make a special promise, called an oath, to tell the truth. They take a special seat and the lawyers ask them questions. Cases that last a long time may have lots of witnesses.



Are You a Witness?

If you are called as a witness, the lawyers and sometimes the judge will ask you questions. Of course, it is very important to tell the truth when you answer questions in court. You even make a special promise, called an oath, to tell the truth before you answer questions. It is also important to answer just the questions that you understand. If you don't understand a question, it is OK to say so and have the question explained to you. If you are afraid to answer questions in the courtroom, be sure to tell the lawyer, if you have one, or the judge. They will do everything they can to make you feel more comfortable.

Sometimes a lawyer can ask you a question and you do not remember the answer. If that ever happens, all you have to do is say you don't remember. If you do not know the answer to a question, you can say, "I don't know." It is important to tell the truth and not to guess. Do not give an answer just because you think that is what the lawyer or the judge wants to hear. Lawyers sometimes ask questions in a funny way. If they do, you may not understand what they mean. That's okay, too. Just let the judge or the lawyer know that you do not understand the question, and the judge will explain, or clear up the issue.

Sometimes young people are scared to go to court. If you need to go to court, it's okay to feel scared. Some adults get scared about court, too. Just remember the judge is there to make sure everything is fair.

Young people usually go to court for many reasons. If problems are handled by the court, they are called cases. It could be a criminal case, where someone is charged with a crime. Or it could be a family law case if a mother and father need the judge to decide something. Sometimes it is a case where someone in the family hurt someone else in the family. These cases are hard for everyone.

What Do They Do?

Now that you've read about the people you may meet in court, draw a line to connect the name of the person with the job they do. (Answers are on page 33.)

Lawyers or Attorneys

These people come to court to tell the truth and talk about what they have seen or heard.

Judge

This person types everything that is said in court into a machine.

Bailiff

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How Should I Act in Court?

- Be on time.
- Dress neatly.
- Don't go in alone. Make sure there is an adult with you.
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- Don't listen to music in court.
- Turn off your cell phone.
- There may be other people in court who have cases before you. You will have to wait and be quiet.
- You can read a book or play quietly with this book while you wait.
- When it is your turn, call the judge "Your Honor." This is what people call the judge to show respect.
- Don't speak unless the judge or a lawyer asks you to.
- If you don't understand something, say that you don't understand. Someone will explain it again for you.

What Is Juvenile Dependency?

A juvenile dependency case is when a young person comes to court because someone thinks that their parents might have hurt them or not taken care of them. Until a child grows up, he or she is dependent on adults and needs their protection. If parents can't or won't take care of the child properly, the juvenile court may help the family. The child may become "dependent" on the court for protection. When this happens, the child may live with relatives or with another family for a while. This temporary family is called a kinship or foster care family.

Usually, parents want to have their child live with them. The judge and helpers known as social workers will work with parents to make their home healthy and safe. When the home is safe, then the child may move back home with the parents. It is called reunification.

Sometimes parents can't make their home safe for the child. Then the judge and others may find another home where a young person can live safely until they become an adult. They make a permanent plan for a young person.

What Does the Social Worker Do in Juvenile Dependency Court?

A social worker is a person who tries to protect young people and keep them safe. A social worker may help young people who are being hit or touched in inappropriate ways. This is called abuse. The social worker also may help children who don't have enough food, clothes, or other things that they need. This is called neglect. If the abuse or neglect is serious, the social worker may have to find another place for the young person to live. Then the family and the social worker may go to court so that the judge can decide how best to help the young person and the family.

What Does the Judge Do in Juvenile Dependency Court?

Judges in dependency court do all the jobs judges usually do, except that there is no jury in dependency court. The judge is the one who makes the final decision about what happens in a case. It is the judge's job to listen to what everyone says in court. The judge knows what the law is and decides what needs to happen to keep young people safe. You can talk to a judge at the hearing on your case or ask a question. If the judge asks you a question, it is very important for you to tell the truth. The judge needs to know the truth to make the best decision for you.

What Do Lawyers Do in Juvenile Dependency Court?

On page 8 of this book, you learned about the job of lawyers, who also are called attorneys. People involved in a case usually have a lawyer to speak for them in court. The people in the dependency case who might have a lawyer are the young person, mother, father, social worker, and sometimes others.

What Does a CASA Do in Juvenile Dependency Court?

Sometimes the judge will assign a Court Appointed Special Advocate (CASA) to help with a dependency case. CASAs are people who volunteer to help by talking to people, especially children, to get more information to help the judge make the best decision. CASAs spend a lot of time with the children they work with. They listen to the young people and tell their stories and needs to the court. The CASA also suggests to the court what can be done to make the young people safe and healthy.

What Does a Guardian Ad Litem Do in Juvenile Dependency Court?

Sometimes the judge will assign a Guardian ad Litem (GAL) to help with a dependency case. A Guardian ad Litem is hired to help with the case. The GAL does the same things that the CASA volunteer does. The GAL talks to people involved in the case and spends a lot of time with the children involved. The GAL also tells the young person's story in court and makes suggestions to the court about what can be done to make the young person safe and healthy. In Washington State, some county courts use CASA volunteers and some use GALs. Both types of people are very helpful to the court and are present to help make sure the young people in the case are safe and well cared for.

What Do Youth Do in Juvenile Dependency Court?

This book tells about witnesses on pages 10 and 11. A youth might be a witness. If you are a witness, the lawyers and sometimes the judge will ask you questions. Of course, it is very important to tell the truth when you answer questions in court. You even make a special promise, called an oath, to tell the truth before you answer questions. It is also important to answer just the questions that you understand. If you don't understand a question, it is OK to say so and have the question explained to you.

If you are afraid to answer questions in the courtroom, be sure to tell the lawyer, if you have one, or the judge. They will do everything they can to make you feel more comfortable. They may have your CASA or GAL sit with you in court.

Special Court Words

Paternity

Sometimes if your parents were not married, a judge may have to decide who your parents are. If it is not certain who your father is and there is no father's name on your birth certificate, they may go to court to have a judge decide who is the legal father. This decision is called **paternity** or parentage.

Domestic Violence

Some parents hurt each other or their children. This is called **domestic violence**. If one parent hurts or really scares the other parent, that other parent can ask the judge for help. The judge can make a court order that tells the parent who is hurting or scaring the family to get help or to stay away and not hurt the family anymore. This kind of court order can be called a domestic violence protection order, a restraining order, or sometimes a TRO, for temporary restraining order.

Custody Evaluation

If your parents and the mediator can't work out a parenting plan, the judge may tell your parents to get a parenting plan evaluation. The evaluator will spend some time getting to know both you and your parents. After that, the evaluator will think about what would be the best way for you to spend time with your parents. Then the evaluator will tell the judge what he or she thinks is best.

What Is Family Law Court?

When parents decide they aren't going to live together anymore, they may decide to separate and live in different homes. If they've been married and don't want to live together or be married anymore, they can either get a legal separation or a divorce. Divorce is also called dissolution. To get a divorce, married people go to court. In court, the judge will help the parents plan for how they will take care of their children. A judge also will decide how they will share the things they owned while living together.

Most of the time, children don't have to go to court even if their parents have a case there, but sometimes they do. If you need to go to court, remember, it is not because you have done something wrong. Courts are different than other places you may have been, but you don't have to be afraid. Lots of children have parents who go to family court. If you're wondering about this or are a little scared, it helps to talk to someone about your feelings about going to court.



If your parents aren't living together, Family Court helps decide how you can spend time with your parents. A plan about where and when you live with your parents is called a parenting plan.

If you live mostly with one parent, you usually will get to spend time with the other parent. The plan for how often you spend time with your other parent is part of the parenting plan.

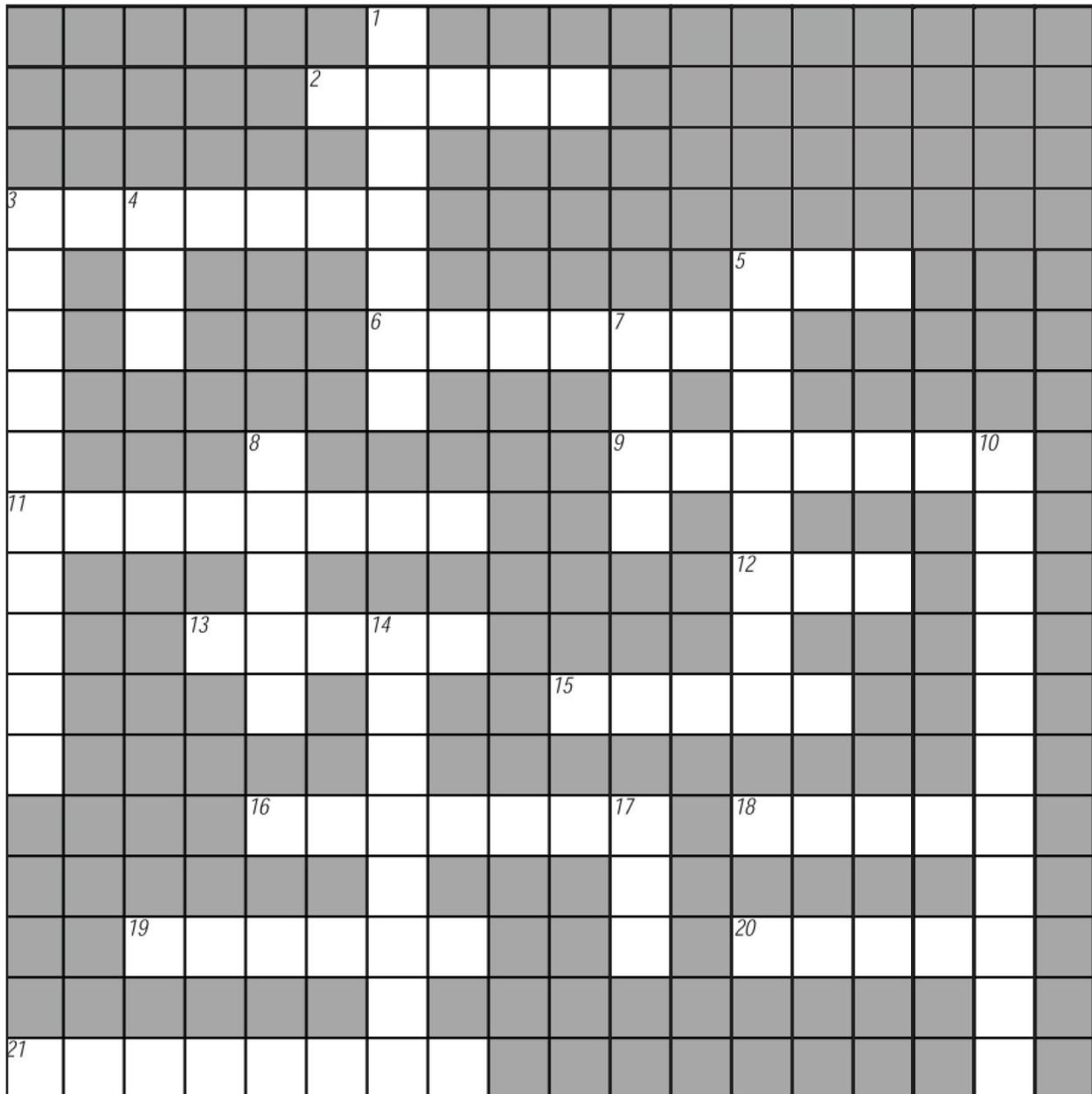
If your parents need help deciding about where and how you will spend time with your parents, they can see a court mediator. The mediator is a person who listens to each parent's ideas about how best to take care of you. The mediator helps them work out a plan that will be best for you. Sometimes mediators also want to meet the children. If your parents' mediator wants to talk to you, he or she probably will ask you questions about how things are going for you at home, at school, and with your friends. The mediator will not ask you to choose which parent you want to live with or to say if you like one of your parents more than the other.

If your parents cannot agree on a parenting plan even after the mediation, the judge will have to decide on a parenting plan for the children. Sometimes the court will ask a Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL) to help provide information about the best possible parenting plan. The CASA or GAL are adults who may talk to you, your parents, and sometimes other people as well to get information that will help the judge decide the best place for you to live. The CASA or GAL will give a report to the judge. The judge will consider the report and use it to help make a decision on the parenting plan.

The judge decides how much money is needed to take care of you after your parents separate. The money that is paid from one parent to the other is called child support.

Family Law Court Crossword Puzzle

Use the clues on page 21 to solve the crossword puzzle. (Answers are located on page 34.)



Across

2. Person who makes decisions when parents cannot agree
3. Money one parent pays the other to help take care of children
5. Shortened name for mother
6. Get unmarried
9. Person for the court who says, "all rise."
11. Another name for a lawyer
12. Judge's order to protect somebody
13. Place where the judge sits
15. Person who helps the judge stay organized
16. Person who tells what they know or saw to the judge
18. Place where the judge works
19. Someone you can talk to
20. Time spent with a parent you don't live with
21. Person who types up everything that is said in a court

Down

1. Plan for where a child lives
3. Parents who decide to live in different places
4. Nickname for dad
5. Person who helps parents decide together where children will live
7. Clothing that the judge wears
8. What the judge tells you to do
10. Person who helps the parent with child support
14. What a judge does when a case can't be heard that day
17. Short name for a sister

What Is a Guardianship?

Sometimes a parent cannot take care of their children. This can happen if the parents have drug or alcohol problems, are in jail, are very sick or have died. There can be other reasons, too. Another family member or a friend will need to take care of the children. This works best if a judge gives the friend or relative the legal right to act as the parent. When a judge selects someone else to care for children instead of their parents, that person is called a guardian. This plan is called a guardianship.

Like a parent, the guardian cares for the children until the parent can do it again or until the children grow up and don't need anyone to take care of them. Like a parent, the guardian finds a home and a school for the children, provides food and clothes, and takes the children to the doctor when they are sick. The children are part of the guardian's family. The guardian also listens to them when they want to talk and helps them with their homework and other things if they need help.

The fact that parents cannot take care of their family does not mean that they do not love you. If they are able, the parent may visit or phone the children at the guardian's home or other allowed places. If the parents get better, the judge may allow the parents to take care of the children again.

The judge gets information from the guardian to make sure the guardian is doing a good job. The parents, the children, and the guardian may see the judge to talk about any help the children need.

What Is Adoption?

People adopt children because they love children and want to bring a child into their family. Foster parents, the birth parents' family, or anyone else who wants to include a child in their family can adopt children.

Sometimes birth-parents are not able to raise their child. For example, the parents may be too young. They may not be able to take care of the child so the child can be happy and healthy. Sometimes the birth-parents have died.

In these cases, children may be adopted. It is the way a child legally becomes part of a new family. The judge decides if it is best for the child to be adopted. Before the judge makes this decision, a social worker will talk with the child. The social worker also meets the potential new parents and visits the new home. After adoption a child is a member of a new family. A new family can include brothers and sisters, grandparents, and aunts and uncles.

Children can be adopted at any age. Some are babies. Others are teenagers. Even adults can be adopted. Children can be adopted into a family of a different race or religion. Children with special abilities can be adopted. Children can be adopted from other states or countries.

What Is Emancipation?

Emancipation occurs when a child turns 18 or when the court orders emancipation for a child who is under 18. After emancipation, your parent no longer has legal authority and doesn't have to take care of you or pay for things that you need. Emancipation changes your life. You will have some new rights and also many new responsibilities.

When Can a Judge Emancipate You?

In order for a judge to emancipate you, you have to be at least 16 and be able to live away from home. If you want to live on your own, your parents have to agree with your decision. They also could decide not to argue against you in court. You have to have a legal income that pays for food, clothes, and rent. The judge has to decide that emancipation is best for you.

After You Are Emancipated, Which of These Are Rights? Which Are Responsibilities?

Right – the power to have or do something (if you want) that is guaranteed by law. Responsibility – an obligation or something you must do.

Write the word “right” or “responsibility” next to each sentence. (Answers are on page 34.)

1. You can live where you want. _____
2. You can decide when to go to the doctor. _____
3. You must have the money to take care of yourself. _____
4. You can sign contracts to buy, sell, rent, or give things away. _____
5. You can keep the money you make. _____
6. You can sign up for school and get a work permit. _____
7. You can get a driver's license if you have insurance. _____
8. You must pay your doctor bills if you get sick. _____

You Have Been Emancipated, What Now?

Circle yes or no for the following questions about emancipation.
(Answers are on page 35.)

- | | | |
|------------------------------------------------------------------------|-----|----|
| 1. Do you still have to attend school until you are 18? | YES | NO |
| 2. Can you work as many hours as an 18-year-old? | YES | NO |
| 3. Can you get married without your parent's consent? | YES | NO |
| 4. If you break a law, will you have
to go to adult criminal court? | YES | NO |
| 5. Can you vote? | YES | NO |

Special Laws For Youth

Sometimes children do things that would be OK for an adult to do but not for a child. Although an adult may drive a car, stay out all night or drink alcohol, a child may not. A child may not drive until age 16, may not stay out past curfew until age 18, and may not use alcohol or marijuana until age 21. If you are a young person and you do these things, they are called status offenses. This means that you are breaking the law because of your age.

In Washington, attendance at school is also mandatory if you are enrolled in a public school. Unexcused absences are called truancy and will require attendance workshops or court action, depending on the number of unexcused absences.

Young people do things that are status offenses for many reasons. Some young people have problems. They can feel sad, alone, or angry. They may feel so angry and alone that they disobey their parents, don't go to school, or even run away from home. But because of their age, it is against the law for young people to do these things. Young people can get help with these feelings. They can see a school counselor, a doctor, a person at their church, synagogue, or mosque, or any adult they trust to talk to about their feelings.

Usually status offenders are allowed to go home, but if you are arrested and held by the police you can call your parents, a lawyer, or someone else to help you.

Word Search

Search for the words in the list below and circle them once you find them. The words may be horizontal, vertical, diagonal, or backward.
(Answers are on page 35.)

S F U I G B P A O S D M N R A L
T W O Z L A R B D L U T R F G E
N A R Q T S E T E N I R U T P O
E R A U J U V E N I L E H A L L
R M W S Y C L L R E F F T N S R
A S P M S P E E D I N G O N T H
P V L O I A Y E N P T I J H A R
Y O B K Y C U O O F T P P M T E
E B U I L E D L Y U I M P T U C
B M F N F A I D T L S N L H S I
O D C G V C C I L A C T U L O F
S S P O E X T I C U R F E W F F
I M P F A S T Q S U E D I T F O
D E A G E I P T A J F A L R E N
G L T R F E S N N U T A I U N O
G B E F G O C S I D I E D O S I
S O A I H Y T R A G N O E C E T
C R C M C G N I L E S N U O C A
G P H R N S K I P S C H O O L B
H E E S S I R P E S E N I F T O
P U R F L A W Y E R D P A A R R
L O H O C L A D A M E R R I C P

FIND

ALCOHOL
ASSAULT
COUNSELING
COURT
CURFEW
DISOBEY PARENTS
DUI
GRAFFITI
JUDGE
JUVENILE HALL
LAWYER
POLICE
PROBATION OFFICER
PROBLEMS
RESTITUTION
SKIP SCHOOL
SMOKING
SPEEDING
TEACHER
TRUANCY

What If I Break the Law?

Young people can get into trouble if they disobey the law. If a police officer believes that you have broken the law, the officer can arrest you. The officer will ask you questions and decide if you can go home or if you have to go to a detention center. In detention, all of the doors are locked. Usually, youth have to stay there until a judge says they can leave. If the court decides you broke the law, you may be sent to detention.

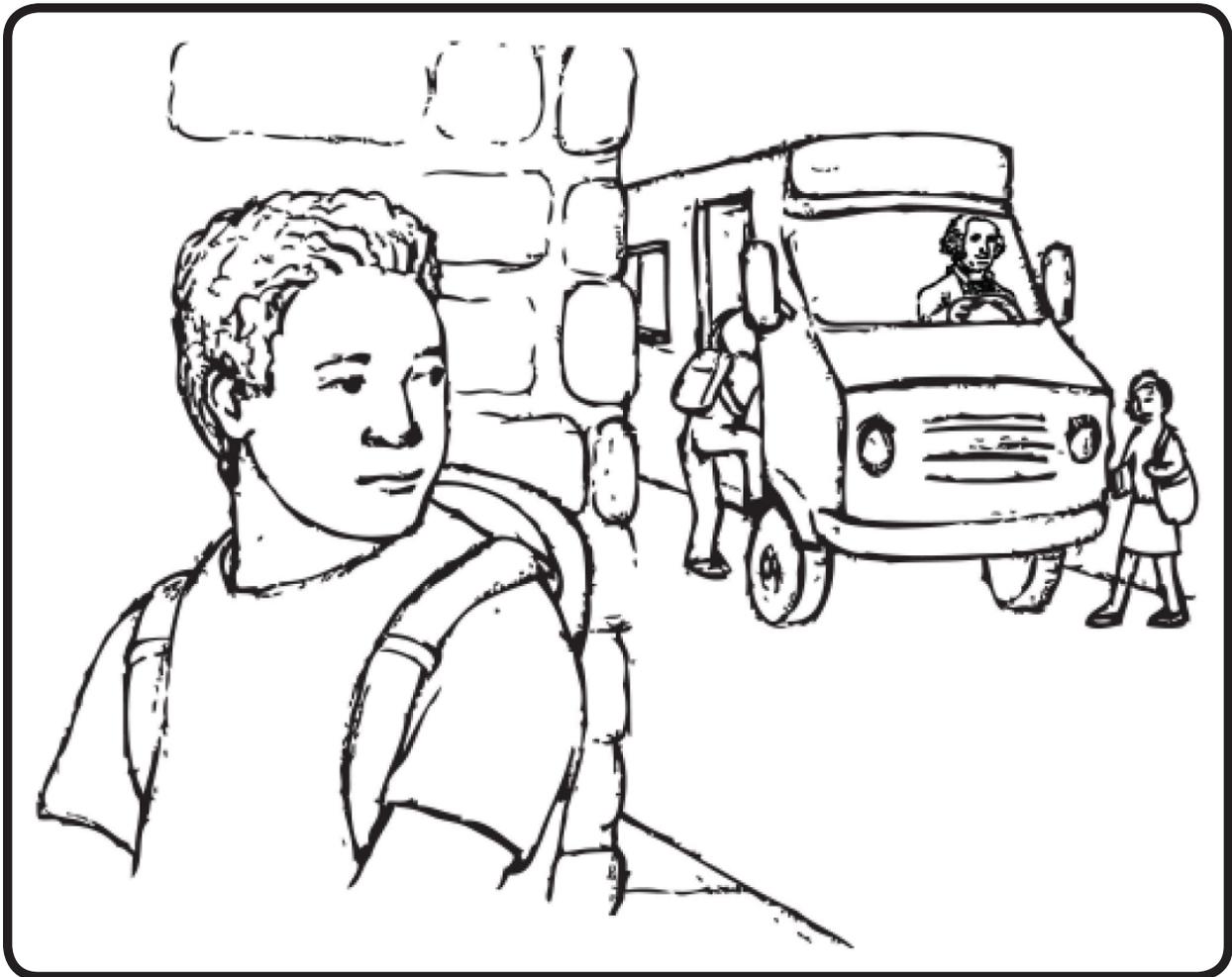
Even if you get to go home, later you may have to talk to a probation officer about what happened. The prosecutor may decide that you have to defend your case in juvenile court.

If you ever get arrested, the first thing to remember is to get some HELP! You need to talk to a lawyer about what happened. You have the right to call a lawyer right away if you are locked up. You don't have to answer any questions until you have talked with your lawyer. If you can't afford a lawyer, a public defender who is a lawyer will be appointed for you. The public defender defends you and is paid for by the county. Your lawyer will help you talk to the police and everyone else who wants to ask you questions.

There are different kinds of crimes. Some crimes are much more serious than other crimes. Felony crimes are more serious than misdemeanor crimes.

Some crimes can be either a misdemeanor or a felony, depending how bad the behavior was. A fist fight is one example. If you get into a fist fight you could be charged with a misdemeanor. If you hurt someone badly in a fist fight, you could be charged with a felony.

If you have to go to court to defend your case, don't be afraid to talk to your lawyer. The lawyer is there to help you. There may be a trial where the judge hears both sides of the story and then decides if you are guilty. If the judge finds you guilty, and the crime is not very serious, you may be put on probation. If the judge finds that you are guilty and the crime is serious, you may be put in a state facility and locked up. On probation you do what the judge and probation officer say, but you are not locked up. If you are locked up, your family usually can visit you. You and your family may even go to counseling together to learn how to get along with each other. No matter what, even if you do get into trouble, remember it's never too late to change yourself for the better. Don't ever give up on yourself!



Glossary of Terms

Abuse

To injure someone, either with physical force or by verbally attacking.

Adoption

To take a child into one's family legally and raise a child as one's own.

Attorney

A lawyer; one who is licensed to act as a representative for another in a case.

Bailiff

A bailiff's main job is to maintain order in the courtroom and to help court proceedings go smoothly.

Birth parents

Parents who gave birth to a child.

Case

A proceeding, action, cause, lawsuit or controversy started in the court system by filing a complaint, petition, indictment or information.

Child support

Financial support paid by one parent to another for the care of their child following a divorce.

Court Appointed Special Advocate (CASA)

A person appointed by the judge to help with a dependency case. CASAs are people who volunteer to help by talking to people, especially children, to get more information to help the judge make the best decision.

Court Clerk

An officer of a court whose main duty is to maintain court records, preserve evidence presented during a trial, and take notes.

Court Reporter

A person who records and transcribes the verbatim testimony and all other oral statements made during court sessions.

Crime

An act committed in violation of law forbidding it and for which punishment is imposed.

Dissolution

Legal ending of a marriage. Also called a “divorce.”

Divorce

Legal ending of a marriage.

Felony

A crime considered more serious than a misdemeanor and punishable by a stronger sentence

Foster care family

Certified, stand-in “parent(s)” who care for minor children or young people who have been removed from their birth parents or other custodial adults by state authority.

Guardian Ad Litem (GAL)

A person appointed by the court to manage the interests of a child in a court case.

Judge

An elected or appointed public official with authority to hear and decide cases in a court of law.

Juvenile dependency

When a court looks after children who have been removed from their parents because of abuse or neglect. Parents are usually given some time to work on programs and classes to help them provide a safer home for their children. During this time, children are considered “dependents” of the court and it is the dependency court judge’s responsibility to make sure each child’s needs are being met.

Lawyer

An attorney; One who is licensed to act as a representative for another in a case.

Legal separation

A court order which allows a married couple to live apart, without a divorce, but with the rights and obligations of a divorced couple.

Mediator

A person who works with two opposing sides to reach a mutually acceptable decision, or outcome.

Misdemeanor

An offense in violation of law less serious than a felony, such as theft, disorderly conduct, trespassing or vandalism.

Oath

A written or oral pledge by a person to keep a promise or speak the truth.

Order

A decision made by a judge.

Parenting plan

A plan that states which parent will be responsible for the children and decision-making, and how disputes will be decided between parents.

Reunification

When a child is allowed to live with his or her parent(s), following a separation by the court.

Social worker

A person trained to talk with people and their families about emotional or physical needs, and to find them support services.

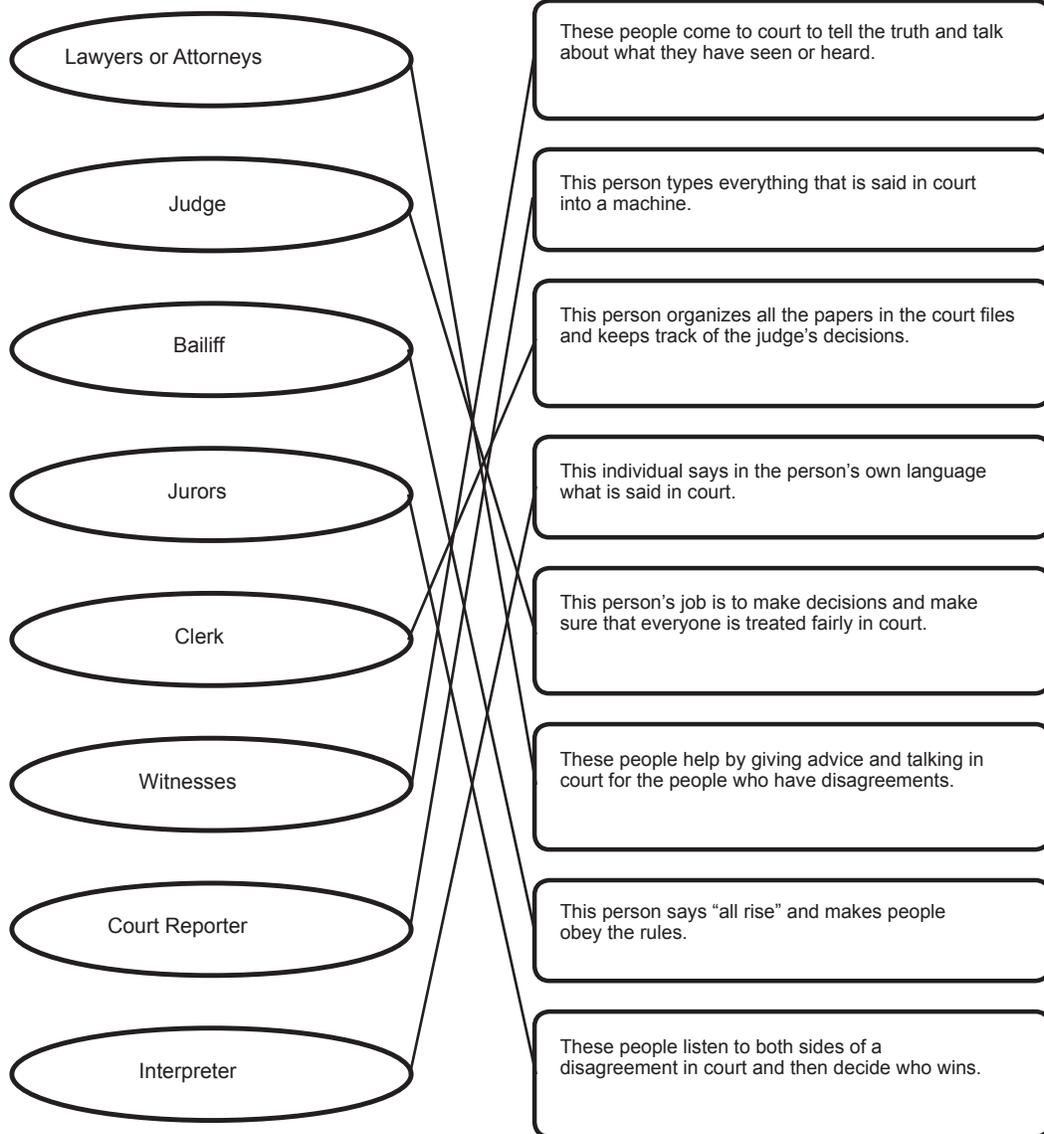
Witnesses

A person who testifies under oath before a court, regarding what he or she has seen, heard or otherwise observed.

Answer Key

PAGE 12

What Do They Do?



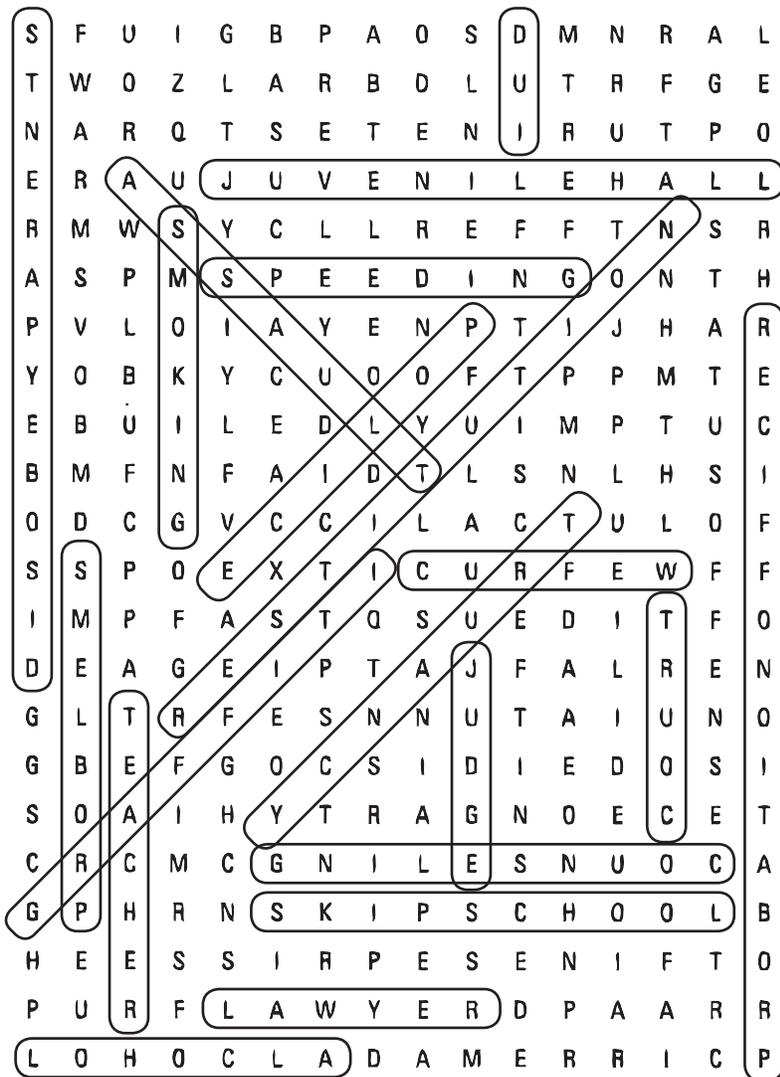
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You Have Been Emancipated, What Now?

1. Yes
2. Yes
3. No
4. No
5. No
6. No

PAGE 27

Word Search



Acknowledgment

This publication is based on a book written in 1999 by the legal staff of the California Office of the General Counsel and the Administrative Office of the Courts (AOC). *What's Happening in Washington Courts?* was illustrated by San Francisco artists Andrew DeWitt and Robert Gutierrez and was produced by the dedicated staff of the AOC.

The project was made possible by the generous support of the U.S. Department of Health and Human Services, with additional funding from the Foundation of the State Bar of California.

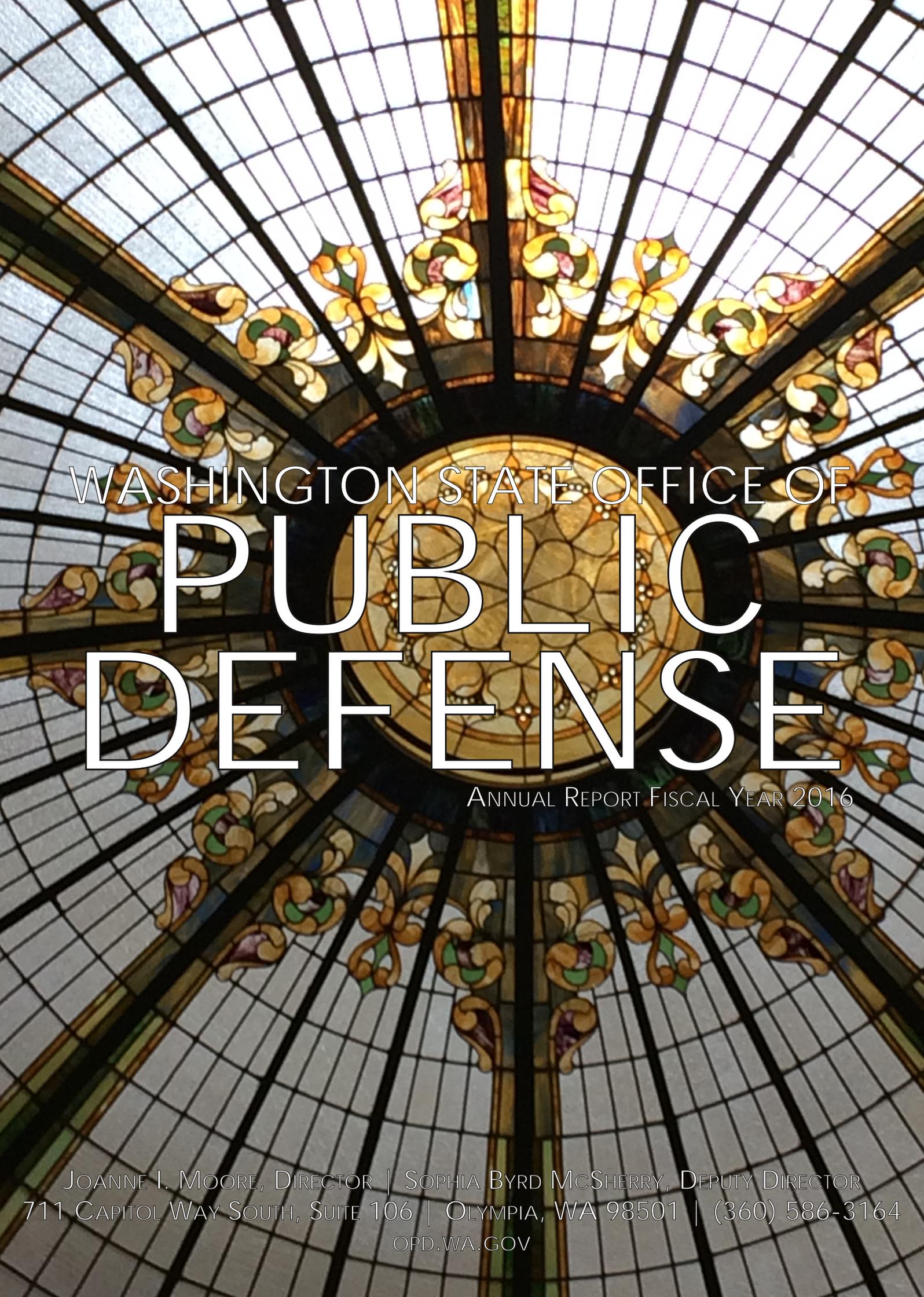
The original Washington State version of this publication was prepared by the Board for Judicial Administration's Public Trust and Confidence (PTC) Committee. In 2017, the PTC made further edits and divided into age-appropriate activity books. Special thanks to Gini Niles of the Washington AOC for graphic design support.

For more information about the book, write to the address below. To make additional copies, visit the [Public Trust and Confidence Committee](#) web page and download the digital file.

Public Trust and Confidence Committee
Attn: Administrative Office of the Courts
P.O. Box 41170
Olympia, Washington
98504-1170



Tab 3



WASHINGTON STATE OFFICE OF
PUBLIC
DEFENSE

ANNUAL REPORT FISCAL YEAR 2016

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Page 8: Pacific County Courthouse by Steven Pavlov, available on Wikimedia Commons

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ADVISORY COMMITTEE MEMBERS

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MISSION STATEMENT

"To implement the constitutional and statutory guarantees of counsel and to ensure the effective and efficient delivery of indigent defense services funded by the state."



EXECUTIVE SUMMARY

Welcome to the 2016 annual report for the Washington State Office of Public Defense (OPD). This report covers fiscal year 2016, which ran from July 1, 2015, to June 30, 2016. This report is intended to be an informative summary of OPD's activities for the year.

OPD is overseen by an advisory committee made up of appointees from a range of organizations, which conducts business at quarterly meetings. For day-to-day operations, our agency had 16 employees for fiscal year 2016: a Director (myself), a Deputy Director, seven Managing Attorneys, a Social Services Manager, and five administrative staff members.

OPD's duty is to implement the right to counsel guaranteed by the United States Constitution, the Washington State Constitution and the Laws of the State of Washington. The right to counsel means that people who are indigent—lacking the funds to afford a lawyer—are provided with public defense attorneys when charged with crimes or when subject to certain other proceedings that place their constitutional rights in jeopardy.

Although our mission is broad, the Washington State Office of Public Defense does not supervise public defense across the entire state. Counties and cities supervise all public defense services for felony and misdemeanor cases in Superior, District, and Municipal courts, and are not subject to control by OPD. The Legislature has conferred specific responsibilities on OPD with respect to public defense in the state. Those responsibilities are, primarily:

- Administering funds for court-appointed counsel for indigent parties in appeals to the Washington State Court of Appeals and the Washington Supreme Court;
- Administering grants to counties and cities for improvement of trial-level public defense;
- Administering funds for court-appointed counsel for indigent parents who are at risk of losing their children in dependency and termination cases; and
- Administering funds for court-appointed counsel for indigent detainees who are subject to civil commitment as sexually violent predators.

OPD is organized into four programs based around these primary responsibilities. They are, respectively,

the Appellate Program, the Public Defense Improvement Program, the Parents Representation Program, and the RCW 71.09 Program (named after the chapter of the Revised Code of Washington dealing with the civil commitment of alleged sexually violent predators).

In fiscal year 2016, the Appellate Program continued its work on case weighting to deal with ever-increasing appellate transcript lengths. The RCW 71.09 Program also made important strides towards implementing a case weighting system that takes account of the unique nature of civil commitment practice. The Parents Representation Program continued its important work of training attorneys and social workers to meet their clients' needs and facilitate family reunification; the legislature also provided OPD with pass-through funding for the Parents for Parents program, which supports parents who have been through the dependency system and helps them successfully reunite with their kids.

Leading up to fiscal year 2016, OPD made it a priority to ensure adequate compensation for its contractors. It is vital that contractors be compensated competitively with other publicly funded attorneys so that OPD can ensure quality representation for clients. OPD conducted a salary survey of its contract attorneys in the spring of fiscal year 2015, which showed comparatively low compensation after considering the business expenses that contractors must bear. Based on this survey, OPD requested a large vendor rate increase from the legislature that would have brought contractors into line with other publicly funded attorneys over the course of the biennium. The legislature allocated funds for a smaller increase. OPD remains committed to pursuing adequate compensation for its contract attorneys and social workers. Only by paying competitive rates can OPD continue to effectively implement the right to counsel in its program areas.

As Justice Hugo Black wrote in the watershed case of *Gideon v. Wainwright*, "The right to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours." OPD strives to realize this ideal of fundamental fairness for all by working daily to improve public defense in Washington. I hope this report will provide an understanding of how OPD upholds justice and protects individual rights by implementing the right to counsel across each of its program areas.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne I. Moore". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Joanne I. Moore
Director



The United States Supreme Court

APPELLATE PROGRAM

Indigent appellate representation was OPD's first program, established at the agency's founding in 1996. At that time, OPD assumed responsibility for administering public defense services statewide for appeals to the Washington Court of Appeals and the Washington Supreme Court.

When a person loses their case in Superior Court, they have the right to appeal to the Court of Appeals, where a panel of three judges will decide whether the lower court's decision was valid. A case lost before the Court of Appeals can be appealed to the Washington Supreme Court. If a client is indigent and convicted of a crime, or is subject to another type of proceeding where there is a constitutional or statutory right to counsel, OPD is responsible for providing an appointed public defense attorney. OPD provides attorneys by contracting with qualified, independent attorneys across the state. OPD's contract attorneys provide representation before the Court of Appeals, and may continue cases before the Washington Supreme Court if they are unsuccessful in the Court of Appeals.

OPD's Appellate Program attorneys represent more than 1,000 indigent clients every year. Appellate Program Manager Gideon Newmark runs the day-to-day operations of the Appellate Program.

Case Weighting Continued

In fiscal year 2016, the Appellate Program continued to refine the case weighting system launched in fiscal year 2015. The case weighting system is designed to ensure reasonable caseloads for appellate public defenders in accordance with the Washington Supreme Court Standards for Indigent Defense. Those standards limit appellate public defenders to no more than 36 cases per year with an average transcript of 350 pages. Case weighting relies on statistical analysis to award additional credits for longer cases, ensuring that an attorney's caseload remains within the standards.

The case weighting system helped attorneys cope with escalating workloads in Divisions I and II during the fiscal year. An increase in both

transcript lengths and number of cases assigned led to the unprecedented situation of every contractor meeting their maximum caseload in May, a month before the end of the fiscal year. This required OPD to fulfill June's caseload needs by recruiting part-time contractors and qualified non-contract attorneys to handle appeals.

Training

The Appellate Program held its first open-to-the-public training in fiscal year 2016. The program, held at the SeaTac Airport Conference Center, featured John Salatti of LAWriters, a trainer with more than 20 years of experience. Mr. Salatti put on a full-day seminar entitled "Writing to Persuade," which focused on how to organize legal

writing in such a way that it is both clear and persuasive to judges. OPD funded the attendance of its own contractors, and invited outside criminal defense and public interest attorneys for a modest fee in order to help provide the venue and speaker. The seminar was well-received and the venue allowed easy attendance for the out-of-town speaker and OPD contractors.



Big Supreme Court Wins for Clients

Case: State v. E.J.J.

Attorney: Lila Silverstein

Result: Juvenile E.J.J. was convicted of obstructing the police for observing them from inside his house behind a screen door and verbally challenging them while they arrested his sister. The Supreme Court held E.J.J. could not be convicted of obstructing the police for his speech alone.

Case: State v. O'Dell

Attorney: Greg Link

Result: The superior court judge incorrectly believed he could not consider the defendant's youth as a factor in sentencing because the defendant was 18 years old. The Supreme Court held that the defendant's youth and immaturity were valid grounds for considering a reduced sentence even though he was legally an adult and remanded for resentencing.

Case: State v. Leonard
Attorney: Susan Gasch

Result: In line with last fiscal year's landmark ruling in Blazina, the superior court erred by imposing \$50 per day in incarceration costs on Mr. Leonard without finding that he had the ability to pay such costs. The Supreme Court remanded for a determination of Mr. Leonard's ability to pay.

Case: Personal Restraint of Moi
Attorney: Nancy Collins

Result: Mr. Moi was accused of using a gun to commit a murder. A jury deadlocked on whether he committed the murder, and a judge acquitted him of possessing the gun. Double Jeopardy barred the State from retrying him for the murder after he had already been acquitted of possessing the alleged murder weapon.

Case: State v. Larson
Attorney: Dana Nelson

Result: The Court of Appeals upheld Mr. Larson's conviction for

committing retail theft with tools "designed to overcome security systems" because he used wire cutters to remove a security tag. The court reasoned that because wire cutters are designed to cut wire, and because wire is used in security systems, wire cutters are "designed to overcome security systems" for purposes of the statute Mr. Larson was convicted under. The Supreme Court reversed, holding that just because an item can be used to overcome security systems does not mean it was designed to do so under the plain meaning of the statute.

Case: State v. DeLeon
Attorneys: Jan Gemberling, Ken Kato, Dennis Morgan

Result: Statements made by the defendants at jail booking that they were gang members could not be used against the defendants at trial. Refusing to disclose their gang affiliation would have put their safety at risk, so the statements were not voluntary.



Historic Pacific County Courthouse

PUBLIC DEFENSE IMPROVEMENT PROGRAM

Unlike OPD's other programs that retain and manage contract attorneys, OPD's Public Defense Improvement Program works with local jurisdictions to improve county and city administered trial level public defense in courtrooms across Washington State. Comprised of Managing Attorneys Katrin Johnson, Kathy Kuriyama, and George Yeannakis, the program's staff bring a great deal of experience and creativity to this critical mission. Kathy retired in November 2015 after many excellent years of service, for which OPD will forever be grateful.

Like many aspects of Washington's government, Washington's judicial system is decentralized and places great emphasis on local control. Thus, counties and cities administer and largely fund their own court systems, including their own local public defense systems. This has led to a variety of locally governed public defender agencies, independent law firms, and sole practitioners with contracts to provide public defense services across the state. OPD's Public Defense Improvement Program supports this diverse array of local public defense operations by holding trainings and consultations on key issues, and by administering state funds allocated to improve local public defense.

Federal Juvenile Justice Grant

In fiscal year 2016, OPD applied for and was awarded a Youth Access to Justice State Reform Planning Grant from the United States Office of Juvenile Justice and Delinquency Prevention. The grant was awarded for OPD to develop a strategic plan to ensure that every youth involved with the criminal justice system in Washington has fair and equal access to quality legal representation. OPD's activities under the grant included:

- Conducting visits with juvenile justice partners and stakeholders in 11 counties
- Organizing a workgroup including defense, prosecution, law enforcement, court officials, and others to help identify sustainable strategies for juvenile justice reform
- Conducting a survey of juvenile justice attorneys to gather previously unavailable data on local juvenile justice practices
- Producing a series of informational online videos designed to educate youth, their families, and professionals about the juvenile justice process, including resources to help mitigate the impacts of an adjudication
- Holding regional trainings on adolescent development and trauma attended by defense attorneys, prosecutors, court personnel, law

enforcement, and many other participants in the juvenile justice system

Public Defense Improvement Grants

The Public Defense Improvement Program also continued to carry out one of its core functions in fiscal year 2016, distributing grants to counties and cities for the improvement of trial level public defense. As mandated by chapter 10.101 RCW, the program distributed grants to each of the 38 counties that applied for the funding. In addition, 35 cities submitted applications for funding in calendar year 2014. 22 cities were awarded grant funds, and OPD worked with the city grant recipients to make improvements to their public defense systems.

OPD's Public Defense Improvement Program managing attorneys visited six counties and nine cities that received state funds in 2015. They observed courtroom procedures and met with judges, court administrators, public defense agency coordinators and directors, and public defense attorneys. They also met with city and county officials and their staff. These personal visits remain a vital tool for OPD to positively impact local public defense in Washington State.

Washington Defender Association

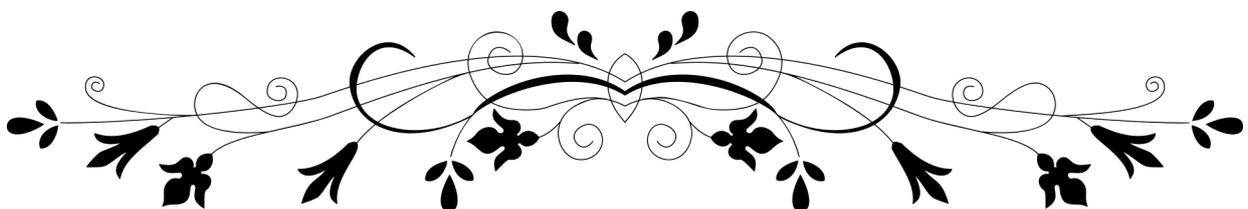
OPD continued to contract with the Washington Defender Association (WDA) for criminal law and immigration law resource attorney services in fiscal year 2016. WDA's immigration resource attorneys are available to help public defense attorneys understand the immigration consequences of criminal convictions so that they can properly advise their clients. Criminal cases can have a wide variety of consequences for a person's immigration status, and WDA plays a pivotal role in helping public defenders navigate the complex issues of federal immigration law. In addition, two resource attorneys at WDA provide targeted advice and consultation to public defense attorneys who contact them for assistance with individual criminal cases. WDA also provides training across the state for public defense attorneys.

WDA assumed the contract to staff the Death Penalty Assistance Center in fiscal year 2016. Under this contract, WDA provided training and resources for attorneys, investigators, mitigation specialists, and support staff working on capital cases.

Legal Financial Obligations and Collateral Consequences Training

In recent years, greater attention has been given to the detrimental impact of legal financial obligations (LFOs) and the collateral consequences of criminal convictions. Legal financial obligations are court costs, costs of incarceration, and other fees imposed by courts on convicted defendants. By law, they can only be imposed on defendants with the present or future ability to pay them. But for many years, LFOs were imposed with no meaningful consideration of a defendant's financial condition. The landmark Washington Supreme Court case of *State v. Blazina* sent a strong message that the ability to pay LFOs must be considered before they are imposed.

In fiscal year 2016, the Trial Level Public Defense Improvement Program put on trainings in Vancouver, Spokane, Olympia, Everett, and Yakima to educate attorneys on this vital issue, as well as the other collateral consequences that accompany a criminal conviction.





PARENTS REPRESENTATION PROGRAM

OPD's Parents Representation Program oversees the legal representation of indigent parents by attorneys who provide legal representation in dependency, termination, and guardianship cases. These are cases in which the State asks to take custody of a child after alleging that a parent has abandoned, abused, or neglected their child, or is incapable of caring for the child. Children are often removed from their parents' custody and placed with relatives, with another suitable adult, or in foster care. Indigent parents have a constitutional and statutory right to counsel in these cases to protect their fundamental right to raise their children. The Parents Representation Program has been providing counsel in these cases for more than a decade, since the Legislature authorized state funding to implement high quality of representation in these cases.

The Parents Representation Program contracts with attorneys, law firms, and public defender organizations to represent parents in all covered counties. These contractors follow the program's enhanced practice standards, which require regular client communication, diligent efforts to help parents access necessary services, adequate case preparation, effective negotiation with the State, access to social workers and experts, and competent litigation if a negotiated settlement isn't possible.

Amelia Watson, Brett Ballew, Jacob D'Annunzio and Jana Heyd are OPD's four Parents Representation Managing Attorneys. The four person managing attorney team supports the program's contract attorneys in applying OPD's practice standards. The managing attorneys provide legal resources during litigation, monitor attorney caseloads to ensure compliance with the Supreme Court Standards for Indigent Defense, conduct in-person attorney evaluations, and provide technical support and trainings each year.

Social Services Manager Mike Heard, the fifth member of the Parents Representation team, provides further support to contract attorneys by managing a group of independent social workers on contract with OPD. Mike provides both formal and informal training for the social workers, who give OPD's contract attorneys access to client support, social work theory, and resources in the community.

The Parents Representation Program continued to contract with attorneys in 31 counties in fiscal year 2016. A request to expand the program into Washington's remaining counties was not granted this fiscal year, but OPD remains committed to pursuing statewide Parents Representation Program coverage.

Training

As part of their training mission, the Parents Representation Program managers participated in the 2016 Children's Justice Conference. This conference, held in Spokane, brings together stakeholders from across the child welfare ecosystem.

Brett and Jacob spoke to conference attendees about the role of parents in working towards the best interests of children in the dependency process. They emphasized how high quality legal representation for parents leads to children being reunited with their parents more quickly when reunification is possible, and leads to children being adopted or placed with a permanent guardian more quickly when reunification can't be achieved.

Jana and Amelia helped plan workshops for the Children's Justice Conference, and Amelia gave a presentation on the ethics of representing parents with diminished capacity.

Also in fiscal year 2016, OPD created a two part webinar on the biology of trauma and the effective representation of parents with trauma. This training sought to help attorneys recognize the signs of clients with trauma and provided strategies for communicating with clients whose trauma makes it much more difficult for them to assimilate and act on legal information. OPD

Parents for Parents Program

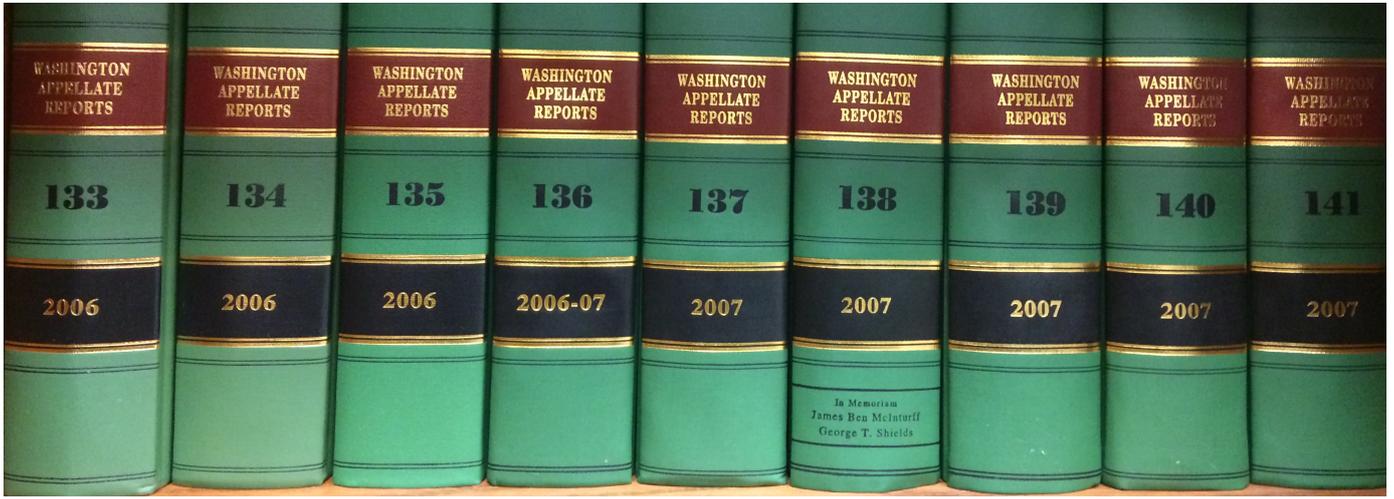
Fiscal year 2016 saw the beginning of state funding for the Parents for Parents program. OPD administers this funding through a contract with the nonprofit Children's Home Society. This innovative program recruits "parent allies" to help parents in dependency cases navigate the system and reunite with their children.

Parent allies receive extensive training and supervision to work with parents still in the dependency system. They provide peer mentoring to encourage positive engagement with child welfare stakeholders, increase compliance with court ordered services, and increase engagement in the dependency process as a whole.

Parent allies engage with their peers at the earliest stage of their dependency cases, providing the parents with support and showing them that there is hope for reuniting with their children. Parent allies also present "Dependency 101" classes to help introduce parents to the dependency system and educate them about how to succeed, and they provide ongoing support throughout the dependency process.

The Parents for Parents program is recognized as a promising practice for improving the child welfare system.





RCW 71.09 PROGRAM

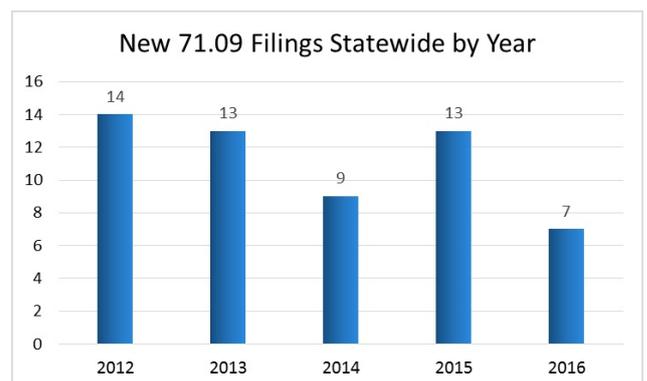
The RCW 71.09 Program is OPD’s newest practice area. The Legislature unanimously authorized the program in 2012, voting to transfer responsibility to OPD for public defense of respondents facing civil commitment as sexually violent predators. Public defense in these cases had previously been managed by the Department of Social and Health Services (DSHS), which also runs the Special Commitment Center (SCC) where the civilly committed are held. As civil detainees who are not under sentence for committing a crime, those in the civil commitment process must first be found by a jury to be mentally ill and likely to engage in future acts of violence due to the mental illness. Then, they have the right to annual reviews of their detention status, which can lead to trials on whether they should be released to a less restrictive setting or released unconditionally.

Washington law gives indigent persons facing civil commitment the right to counsel at every stage of the proceedings against them, including for each year’s annual review following commitment. OPD is responsible for providing that counsel, and does so by contracting with a small but dedicated group of attorneys. The RCW 71.09 program is overseen by Managing Attorney Shoshana Kehoe-Ehlers. Shoshana maintains the program’s quality of representation by carefully monitoring attorney caseloads and meeting individually with attorneys to discuss their performance. She also consults on issues that arise during cases and conducts training on handling RCW 71.09 cases for judges, judicial staff, and attorneys.

In fiscal year 2016, OPD maintained 10 contracts for RCW 71.09 representation with public and private law firms, for a total of 22.5 full-time equivalent attorney positions. Most of these attorneys carried a full-time RCW 71.09 caseload. OPD also contracted for 2.75 social work positions. Social workers worked with attorneys and clients to help the clients engage in treatment, to develop release plans, and to navigate public assistance options for clients.

Case Weighting

The 71.09 program refined its approach to contractor caseloads in fiscal year 2016 with a new case weighting standard. The standard was based on a detailed time study showing how much time attorneys spent at the various phases of a 71.09 case in four categories: communication with the client, research and litigation preparation, travel, and in-court time. The data showed that initial commitment cases demand the most attorney time, and the case weighting system accordingly weights initial commitments more heavily.



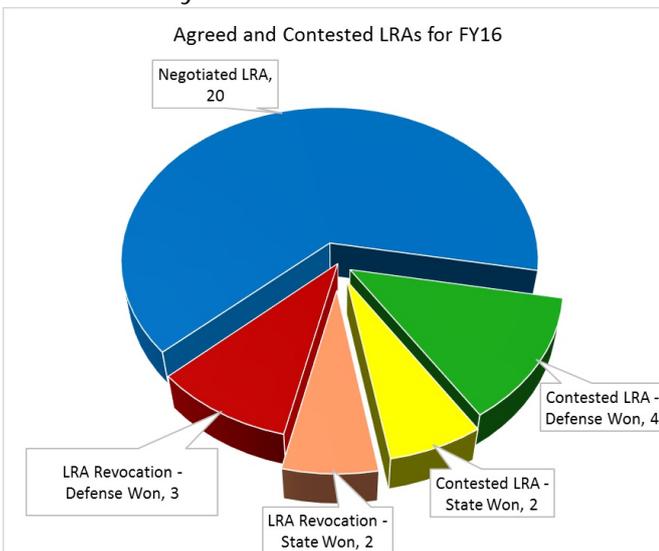
New 71.09 filings declined in FY16

Continuing Quality Enhancement

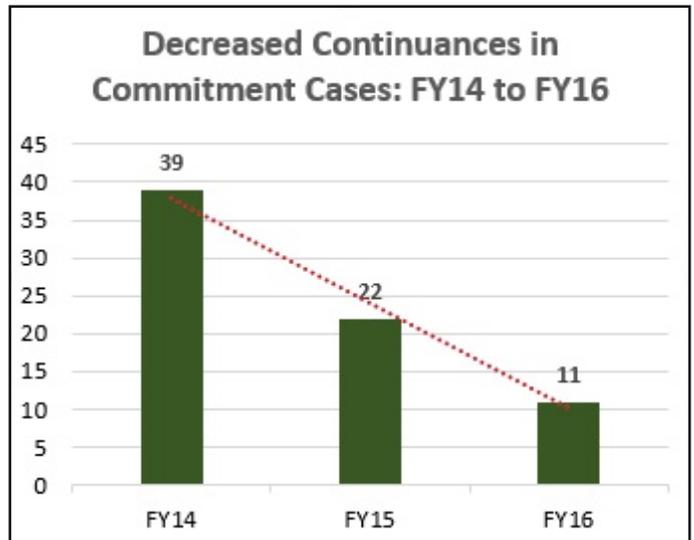
Since its inception, the RCW 71.09 program has seen improvements in the functioning of the civil commitment process. In 2015, continuances in new RCW 71.09 cases fell by more than 40 percent, from 37 to 22. Continuances fell another 50 percent in 2016, from 22 to 11. Six civil commitment proceedings were completed in 2016, two of which resulted in a verdict of no commitment or dismissal of the commitment petition.

The RCW 71.09 program continues to see progress for committed clients, as well. Once they have undergone treatment, civilly committed clients can petition to be released from total confinement at the SCC to a less restrictive alternative (LRA), or they can request unconditional discharge. LRA settings retain a great deal of security procedures to keep the community safe, but permit civilly committed clients to transition out of total confinement in an institutional setting and prepare for reentry into society should they complete treatment and be deemed eligible for release. In 2016, OPD contractors helped 20 clients move to an LRA with the agreement of prosecutors, and won four contested LRA trials, up from just one in 2015.

RCW 71.09 contractors won unconditional release for a number of clients as well in 2016. Six clients were released with the agreement of prosecutors for no longer being sufficiently mentally ill or dangerous for civil commitment, and two were unconditionally released after contested trials.



OPD contractors delivered strong results for clients on both agreed and contested LRAs



Trial continuances continued to decline in FY16

Conditions for LRAs

Courts impose conditions when respondents are approved for release from the SCC to a less restrictive alternative (LRA). These commonly include, among other requirements:

- DOC supervision; weekly reporting
- Electronic monitoring and chaperones
- Registration as a sex offender
- No travel without advance authorization
- Sex offender and other treatment
- Pre-approval for any work, school or volunteer activity
- A phone log of all calls made and received
- No contact with prior victims
- No contact with minors, felons, or persons with any sex crime conviction
- No firearms, alcohol, marijuana, or controlled substances, or pornographic or sex themed materials
- Alcohol and drug testing
- Polygraph testing to assess compliance



Internet Email: opd@opd.wa.gov

**WASHINGTON STATE
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164
FAX (360) 586-8165

Date: October 20, 2017
To: Board for Judicial Administration
From: Office of Public Defense

Re: BJA Strategic Issue Proposal 2016
Update on *Quality Indigent Defense* Assessment Project

Background:

In 2016 the Board for Judicial Administration (BJA) supported a strategic issue proposal entitled *Quality Indigent Defense* (QID) to be carried out by an Indigent Defense Workgroup (Workgroup), which included local government officials, public defense attorneys, the Administrative Office of the Courts, and OPD. The purpose of this project is to design and implement a program that trains experienced public defense professionals who can be hired to provide neutral third-party assessments of local public defense attorney performance. The anticipated market is small- to medium-sized counties and cities that provide public defense services through list appointment or contracts with local attorneys. The desired outcome is improvement in the quality, consistency, and cost-effectiveness of publicly funded indigent defense services in Washington's trial courts.

Project Update:

In recent months the Workgroup has made the following advancements:

- The Workgroup met several times to address the scope of the project, approximate timeline, and roles of member organizations.
- OPD developed a draft framework for analyzing attorney performance pursuant to state and national industry standards such as the Washington Supreme Court Standards for Public Defense, the Washington State Bar Association's Performance Guidelines for Criminal Defense Representation, the American Bar Association's Ten Principles of a Public Defense Delivery System, and Wilbur, et al., v. City of Mount Vernon, et al., No. C11-1100RSL (W.D. Wash 2013). The assessment framework consists of activities including, but not limited to: interviews of public defense attorneys, judicial officers, and other local stakeholders; courtroom observation; analysis of caseload data; and review of filed motions or other substantive written materials.
- OPD developed draft assessment tools and checklists to ensure consistency and thoroughness.

- OPD developed a draft final report template for cataloging final recommendations to the local jurisdiction.
- AOC programmed a BOXI query for courts of limited jurisdiction which provides the capability to review and analyze identified attorneys' caseload activity for a given court and given time frame. Data elements include: number and types of cases, length of time between assignment and disposition, hearings held, dispositions by charge, and client demographics.
- The Workgroup and other stakeholders have reviewed and provided feedback on the framework and accompanying tools/templates.
- One city in Eastern Washington is currently serving as a pilot site for testing the assessment framework and evaluation tools. In consultation with OPD the city has engaged a qualified monitor.

Next Steps:

- The Workgroup will continue to solicit feedback from stakeholders on the assessment framework, tools and templates.
- The Workgroup will identify a city in Western Washington to serve as a second pilot site.
- The pilot site assessments will be carried out using the evaluation framework, tools and templates. Feedback from stakeholders of the pilot cities will be solicited following the assessments to inform adjustments and improvements to the assessment tools.
- OPD will recruit and train additional public defense professionals to conduct public defense assessments.
- The Workgroup will identify potential funding sources for training monitors and conducting assessments.
- The Workgroup will notify cities and counties about the resources available for purchase, and will encourage local jurisdictions to periodically assess their public defense services.



Quality Indigent Defense Evaluation Phases

Phase 1 – Initial Preparation

- Meet with appropriate city/county government officials to set clear goals and expectations
- Identify potential sources for data and information identified in Phase 2, create timeline for city's/county's delivery of materials
- Enter into JIS data sharing agreement between local government and the selected evaluator

Phase 2 – Background Research

- Review of Guiding Authorities: RCW 10.101, WSBA Standards for Indigent Defense Services, WA Supreme Court Standards for Indigent Defense, WSBA Performance Guidelines for Criminal Defense Representation, ABA 10 Principles of a Public Defense Delivery System, Rules of Professional Conduct, Wilbur, A.N.J., Padilla and Sandoval
- JIS Data – BOXI Query Analysis
- Local Public Defense Standards – Ordinance or Resolution per RCW 10.010.030
- Current Attorney Contracts
- Public Defense Policies, Forms
- Recent Attorney Monthly, Quarterly, and/or Annual Reports
- Recent Public Defense Attorney Certifications
- Previous Public Defense Assessments
- Jail Visit Logs
- Invoices for Public Defense Services – Interpreters, Experts, Investigators
- Recent Public Defense Contract RFP and Submissions
- Prosecuting Attorney's Contract or Salary Information
- Public Defense Attorneys' CLE Report – past 2-3 years

Phase 3 – Site Visits, Observations, Feedback and Interviews

- Interviews with Public Defense Attorneys and appropriate stakeholders: Judicial Officers, Court Staff, Prosecutors, Probation Officers
- Courtroom Observations
- Jail Visit – view the attorney/client meeting area, understand protocols for client visits
- Conduct Client Surveys
- Review Court Files – especially cases with trials, motions filed, and dismissals

Phase 4 – Reporting Out Conclusions and Recommendations

- Meet with Public Defense Attorneys to Discuss Findings and Recommendations
- Meet with City/County to Discuss Findings and Recommendations
- Submit Written Report to City/County

Tab 4



Washington State Supreme Court Interpreter Commission

2016
Annual Report

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Statement from the Chair

Diversity in the State of Washington has grown steadily since the creation of the Court Interpreter Commission. We remain one of the top states in the number of refugee resettlements, and with this rich diversity comes many voices and cultures. It is crucial to the functioning of our justice system that we ensure meaningful language access to everyone. The Commission members and the Court Interpreter Program staff have worked hard to keep the promise that we are all equal before the law, by promoting the delivery of language access services statewide. We look forward to continuing our work recruiting, training and supporting interpreters, and implementing language access plans in local courts across the state.

Justice Steve González, Washington State Supreme Court

History and Mission

The Washington State Supreme Court Interpreter Commission was created in 1995 to establish guidelines for the use of spoken language interpreters in court proceedings and services.

The Mission of the Commission is to ensure equal access to justice and to support the courts in providing access to court services and programs for all individuals regardless of their ability to communicate in the spoken English language. The Commission serves as a policy making and advisory body to the Washington Courts, including the Administrative Office of the Courts (AOC) concerning court interpreters and language assistance in general. The Commission sets policy for the courts' use of language assistance services such as interpreters and document translation efforts. It also sets policy for the AOC's Court Interpreter Program, which is responsible for interpreter certification, registration, testing, continuing education, training, and discipline.

The Commission is also responsible for strategic planning efforts to provide language access resources to the courts by assisting with program implementation and engaging policy makers on matters involving legislative funding and support. The Commission provides guidance on program development involving educational institutions and collaborative efforts with other language access stakeholder groups to provide resources supporting court interpreting in Washington.

Washington State Interpreter Commission 2016 Commission Members

The Washington State Supreme Court appoints the members of the Commission, including designating the chair of the Commission. There are currently 14 members on the Commission. To ensure that a wide range of viewpoints are available to the Commission, members come from a variety of representational groups that have key roles and stakes in the delivery of language access services: three judicial officers, two interpreters, two court administrators, one court interpreter organization or user group representative, two attorneys, three members of the public, one representative of an ethnic organization and one AOC representative.

Justice Steven C. González, Chair
Washington Supreme Court

Lynne Lumsden
Sign Language Interpreter Representative

Dirk Marler
Administrative Office of the Courts
AOC Representative

Alma Zuniga
Northwest Justice Project
Attorney Representative

Judge Andrea Beall
Puyallup Municipal Court
District and Municipal Court Representative

Eileen Farley
Northwest Defenders Association
Ethnic Organization Representative

Judge Theresa Doyle
King County Superior Court
Superior Court Representative

Fona Sugg
Chelan County Superior Court
Superior Court Administrator Representative

Katrin Johnson
Washington State Office of Public Defense
Public Member Representative

LaTricia Kinlow
Tukwila Municipal Court
District and Municipal Court Administrator Representative

Thea Jennings
Washington State Bar Association
Public Member Representative

Francis Adewale
Spokane City Office of the Public Defender
Public Defense Organization Representative

Linda Noble
Interpreter Representative

Maria Luisa Gracia Camón
Interpreter Representative

(Vacancy)
Language Community Member Representative

Our Work

Commission members serve on one or more of the three standing committees that carry out the work of the Commission. The standing committees are the **Issues Committee**, the **Education Committee**, and the **Disciplinary Committee**.

Issues Committee

Covers topics directly related to the Court Interpreter Program, including participating in collaborative groups to develop statewide practices. It is the first group to review new requests or projects that come to the Commission. The Issues Committee also looks at issues, complaints, and requests from interpreters. The Issues Committee can also refer matters to the Disciplinary or Education Committee.

The Issues Committee reviewed and provided guidance on the following matters:

- Approved new language to GR 11.1 regarding the composition of the Commission membership, which added three new positions to the Commission and approved GR 11.2 language clarifying that court interpreters are officers of the court.
- Created complaint forms to report rule violations of court interpreters.
- Moved the Portuguese language category from registered to certified.
- Recognized American Sign Language interpreters whom are credentialed by the Office of the Deaf and Hard of Hearing as being the credentialed equivalent of spoken language interpreters working in the certified language category.

Education Committee

Has as a primary assignment of the provision of educational opportunities, trainings, and resources for judicial officers and court staff working with interpreters.

The Education Committee was actively engaged in the following areas:

- Provided training to Pro-Tem Judges regarding working with spoken and sign language interpreters in judicial proceedings.
- Sponsored training to newly-appointed judicial officers at the annual Judicial College and to new local court staff at the Institute for New Court Employees regarding the work of the Commission, statutory obligations for interpreter services, best practices, and where to find interpreter resources.
- Provided sponsorship for the Washington State Coalition for Language Access (WASCLA) conference and organized a presentation related to forensic interviewing of child abuse victims when a LEP or ASL interpreter is involved. Provided guidance to interpreters on how to work properly in such kinds of structured interview settings.

- Supported workshops that were the result of a partnership between the Washington State Supreme Court Gender & Justice Commission, the Interpreter Commission, and the Asian Pacific Institute on Gender-Based Violence. The half day, multi-disciplinary workshop was led by a faculty team of experienced national experts who have pioneered work on interpreters and sexual violence issues in the courtroom and beyond. The interactive workshop provided attendees with the tools they needed to develop or enhance their knowledge and ability to work together on these complex and challenging cases.

Disciplinary Committee

Considers issues involving credentialed interpreters who fail to meet their continuing education credit requirements or their minimum court hours. It also acts on formal complaints made against any court interpreter for violations to the Code of Conduct. When necessary, the Disciplinary Committee can impose sanctions against interpreters who violate the code. The Disciplinary Committee conducted the following activities:

- Issued final decisions regarding interpreters who did not comply with biennial continuing education hour requirements. As a result, 10 interpreters were decertified.
- Authorized a settlement agreement requiring remedial training for an interpreter who admitted to interpreter misconduct under the Code.

Interpreter Commission Key Activities:

As the language needs of Washington citizens in the courts have grown over the ensuing years, the role of the Commission has broadened to address language matters conveyed by means other than speech. The Interpreter Commission initiated or completed the following key activities:

Public Forum — Mt. Vernon

On May 20, about 50 local community stakeholders, court staff, attorneys, and court services advocates attended the public forum. Comments involving access to court proceedings by non-signing persons who have hearing loss, languages of lesser diffusion, and the need for training resources for interpreters located in rural, less populated areas were received and discussed.

Legislation

Submitted a legislative bill request related to the statutory revision of RCW 2.43, language concerning civil case costs, and requested full funding of court interpreting costs. The Commission also submitted a legislative bill request to modify the oath-taking requirements for court interpreters.

Model Language Access Plan (LAP)

Developed an updated model language access plan. The updated language access plan was completed in August 2017 and is available on the Commission's website: [Language Access Plan](#).

Court Interpreter Reimbursement Program - Fiscal Year 2016

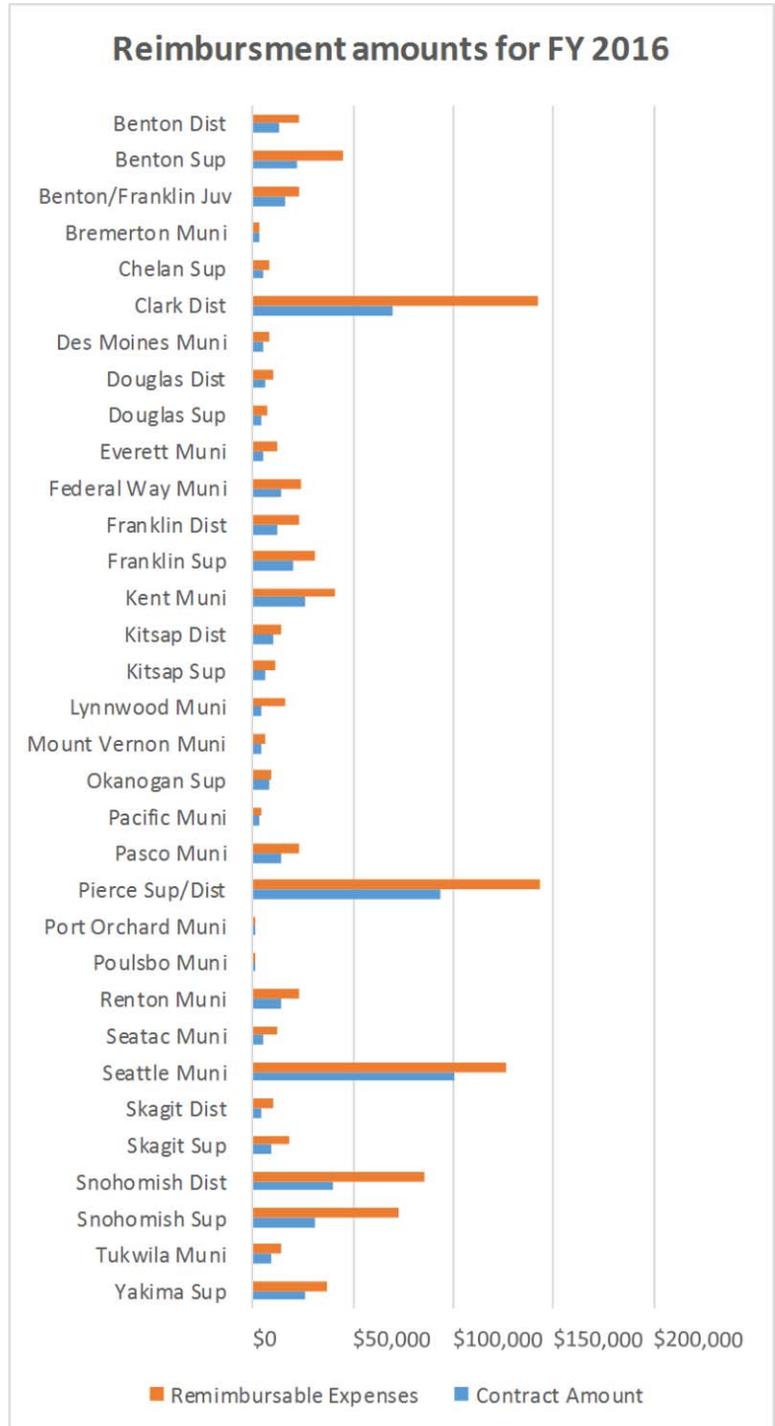
Program Overview

The Washington State Administrative Office of the Courts (AOC) contracts with 33 courts covering 41 jurisdictions across Washington to reimburse for some costs of hiring interpreters. Contracts are based on the fiscal year: July 1 to June 30. At the beginning of the fiscal year 2016, the AOC had \$610,501 available to partially reimburse courts for their interpreting expenses. The maximum amount available for each court varies and is based on their interpreter usage over the two previous years. For FY 2016 contracts ranged from \$374 to \$100,673.

In FY 2016, courts spent more money on interpreter expenses than the AOC had available for reimbursement, which is not unusual. The graph to the right compares the amount of money that courts were reimbursed (*Contract Amount*) to the amount of money the courts would have been reimbursed if their contracts were not limited (*Reimbursable Expenses*).

Two courts the AOC contracts with handle the reimbursement funds for other jurisdictions in that region. Clark County Superior Court covers six jurisdictions while Yakima County Superior Court covers three jurisdictions. Jurisdictions receiving funds from the reimbursement program, are found at several levels:

- 11 Superior
- 9 District
- 18 Municipal
- 3 Juvenile



Interpreting Data Summary

Data Reporting

Participating courts send an invoice, electronic data, and an annual report to the AOC. The electronic data provides detailed information about each interpreting event, each time an interpreter is used. The data falls into several categories, which are listed on the right.

Interpreter Credentials

The AOC generally only reimburses courts for the costs of ASL interpreters or spoken language interpreters that are credentialed by the AOC. However, the AOC also reimburses for interpreters in languages where there are no existing credentialed interpreters.

Electronic Data Categories
· Interpreter Credentials
· Language
· Type of Event
· Date of Service
· Case Type
· Hearing Type
· Billed Time and Hourly Rate
· Mileage (if applicable)

Hours per Language	
Language	Hours
Spanish	28831
Russian	2778
Vietnamese	2098
ASL	1431
Chuukese	1348

Language

Courts reported using interpreters for 96 different languages in FY 2016. Courts vary in the diversity of languages they needed interpreters for, ranging from 1 language (Spanish for some Eastern WA courts) to 56 languages (Seattle Municipal). Courts usually pay interpreters at an hourly rate for in-person interpreting. The table at the left shows the languages that courts recorded the most number of hours for.

Type of Event

Most interpreting is done in person by interpreters who work freelance. Thirteen courts have a Spanish interpreter on their staff and three courts contract with specific interpreters. Many courts also use interpreters on the phone when appropriate.

Interpreter Pay Rates

For qualified interpreters who are paid an hourly rate, the AOC reimburses courts for up to 50 percent of that rate up to a maximum of \$25 per hour. The AOC may also reimburse for mileage or travel time. Each court individually decides how much to compensate interpreters, although some courts take part in a joint compensation policy. Rates are sometimes negotiated between the courts and each interpreter. Rates can vary because of a number of factors, including the language needed, location of the courts, and credentials of the interpreter.

Languages Most Commonly Requested
Spanish
Russian
Vietnamese
ASL
Korean

Certified and Registered Languages

The AOC offers credentials in 14 certified languages and over 80 registered languages. However, there are not credentialed interpreters available in all languages. Certified or registered interpreters are available in the following languages:

Certified Languages	Registered Languages	
Arabic	Albanian	Korean
Bosnian/Croatian/Serbian	Amharic	Kurdish-Kurmanji
Cantonese	Burmese	Polish
French	Czech	Portuguese
Khmer (Cambodian)	Dutch	Punjabi
Laotian	Farsi	Romanian
Mandarin	German	Samoan
Russian	Hebrew	Somali
Spanish	Haitian Creole	Swahili
Tagalog	Hindi	Tagalog*
Vietnamese	Hungarian	Thai
	Indonesian	Tigrinya
	Ilocano	Turkish
	Italian	Ukrainian
	Japanese	Urdu
11 Languages	30 Languages	

**Tagalog is transitioning from a registered to a certified language, so there are currently interpreters in both categories.*

Court Interpreter Program Updates

The Court Interpreter Program is responsible for the credentialing of court interpreters in Washington State. Each year begins a new cycle of testing end education classes that includes written and oral exams.

Written Exam

In February we administered the court interpreter written exam. The exam is used by most states and created by the National Center for State Courts. The exam was offered in two locations, Bellevue and Moses Lake. This year a total of 173 people took the exam with a pass rate of 30% (52 passed).

Oral Exam

Oral exams for registered languages took place in the summer and fall. Six candidates took exams in the following languages: Czech, German, Lithuanian, Romanian, Samoan, and Ukrainian.

The oral exams for certified languages took place in October and November. There were 51 test candidates in 8 languages. This was the first year that we administered the certified Portuguese exam.

Newly Credentialed Interpreters

This year, 13 new interpreters received their credentials. This includes Washington's first registered Ilocano interpreter.

Overall nine 9 interpreters passed the oral exams in 2016, with a pass rate of 18%. These interpreters receive their credentials at the next Ethics and Protocol class in 2017. See list to the right.

Newly Credentialed Interpreters	
Language	Number
Bosnian/Serbian/Croatian	1
Ilocano	1
Mandarin	1
Romanian	1
Spanish	9

Training Classes

Increasing the pool of interpreters for the courts is a priority for the Program. The exams are very challenging and only interpreters with the right combination of skills and experience are successful. To help interpreters prepare for the exams, we offered the following training classes in 2016:

- **Written Exam Preparation Course:** The written exam requires a very high proficiency in English some knowledge of court terminology and ethics. In 2016 we had our first two-day class, expanding on a one-day class from 2015.
- **Language Neutral Oral Exam Preparation:** This two-day class covered the fundamentals of court interpreting and how to improve interpreting skills. Augustin de la Mora, a well-known and highly-regarded interpreter and trainer, was the instructor. This class was open to all interpreters eligible to take the oral exam.
- **Language Specific Oral Exam Preparation:** This course included 40 hours of preparation over 4 weeks. Students had an opportunity to practice their skills and receive feedback from experienced court certified interpreters in their own languages. Classes were available for interpreters in Korean, Mandarin, and Spanish.

Status of Portuguese

Whether a language falls into the certified or registered category is primarily based on the type of oral exam that is available for that language. The oral exam for certified languages is a comprehensive interpreting test that is only available for a limited number of languages. In 2016, the Interpreter Commission moved Portuguese from a registered language to a certified language. Recently a certified oral exam for Portuguese became available prompting the change in status.



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

Tab 5



October 9, 2017

TO: Board for Judicial Administration Members
FROM: Judge Douglas Fair and Judge Joseph Burrowes, Co-Chairs
RE: REPORT OF COURT SYSTEM EDUCATION FUNDING TASK FORCE

BJA Strategic Initiative

The Court System Education Funding Task Force kickoff online meeting is scheduled for October 16. The in person meeting is scheduled for November 6.

Judge Fair and Jeanne Englert presented the initiative activities at the BJA CEC Meeting in September. The funding priorities were clarified and next steps for collaboration and information collection were identified.

AOC staff continue to work on charter activities: collection of existing data, identification of information needs and coordination with the BJA Court Education Committee.



October 9, 2017

TO: Board for Judicial Administration Members
FROM: Justice Steven González, Judge Michael Downes, and Judge Andrea Beall, Co-Chairs
RE: INTERPRETER SERVICES FUNDING TASK FORCE UPDATE

BJA Strategic Initiative

The Interpreter Services Funding Task Force kickoff meeting is scheduled for November 8. The meetings are scheduled, the task force members have been invited and the timeline is drafted.

Justice González and Judge Beall presented the initiative activities at the DMCJA Board meeting in September. Jeanne Englert has met with several court administrators from across the state to discuss local practices and identify questions for statewide data collection. Englert is working with AOC staff with the Washington State Center for Court Research to help draft a survey that can be distributed to all courts in November.

AOC staff continue to work on charter activities: meetings with key internal AOC staff, collection of existing data, initial identification of information needs and coordination with the Interpreter Commission and Reimbursement Program.

Tab 6



October 12, 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

Judge Jasprica and Ms. Judith Anderson met with the BJA Court System Education Task Force chairs on September 12, 2017 via conference call to discuss the focus of the task force and the information they need from the CEC.

The Court Education Committee met September 29, 2017 and Ms. Jeanne Englert attended. Ms. Englert is staff to the BJA Policy and Planning Committee and responsible for the work of the Court System Education Funding Task Force. Judge Fair is not only the Co-Chair of the CEC but also Co-Chair of the Court System Education Funding Task Force.

The CEC reviewed the proposed FY18 budget. There were minor changes within some of the budgets based on spending trends, however, with no more funding, little educational growth could be developed. However, the DMCMA was recognized for their recent effort to invite all court personnel at all levels to attend their fall regionals on Leadership. Judge Jasprica wrote an introductory remark about the program that was sent with the flyer to all court personnel and urged them to take advantage of this opportunity. Ms. Margaret Yetter reported that registrations are going very well and the courts are taking advantage of this program which is hosted by the DMCJA and funded via a registration fee. The CEC has been pushing for sharing of educational opportunities amongst the levels of courts and this is a prime example of what can be done.

The Gender and Justice Commission's Education Committee reached out to Ms. Anderson to discuss expanding domestic violence (DV) education for new judicial officers. They are going to meet with the Judicial College Deans to discuss not only the content of the DV program within the Judicial College but other methods and modalities to provide much need DV education to new judicial officers.

The CEC is developing a year-end reporting form that the association education committees can use to provide the CEC information on what they accomplished in FY17, how they allocated their funds and why, what needs to be funded and why. This information will provide an overview of current educational opportunities, what is missing, etc. This information will be valuable to the task force as well.

II. Short-term Goals

The CEC plans to continue work on strategic priorities:

- CEC members continue to attend association education committee meetings and board meetings to continue discussion on their priority projects.
- Continue to focus on 1) developing a coordinated approach to providing education and training; 2) clarifying the role of the CEC as the coordinator; and 3) establishing a knowledge repository for all court personnel.
- Approve taskforce funding priorities. Identify what education we are not funding and why, i.e. courthouse facilitators. Articulate the impact to the courts and community due to the decline in funding, and what happens if we do not receive additional funding. The task force will be sending out an e-mail to CEC members/education chairs asking for this information and more. The information received will be reviewed during the November 27 CEC meeting.
- Working on developing 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 court system education.
- Develop a stable and adequate funding source for court education and work with the BJA Court System Education Funding Task Force.
- Develop an in-state Judicial Education Leadership Institute.



October 12, 2017

TO: BJA Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brady Horenstein, AOC Associate Director, Legislative Relations
RE: BJA Legislative Committee Update

The 2018 Legislative Session will commence on January 8 – just under three months from now. The short even-year session is scheduled to run only 60 days. Here are a few issues to pay attention to as we get closer to January:

November 7 Election: The 45th District State Senate race will determine which party controls the Senate in Olympia in 2018. Manka Dhingra (Democrat) and Jinyoung Englund (Republican) are both vying for the open seat vacated after Sen. Andy Hill passed away last year. Sen. Dino Rossi, who was appointed to fill the seat, chose not to run for it; he recently announced his candidacy for Congress in the 7th Congressional District.

Capital Budget and Hirst: Partisan discord remains on both of these issues. Regardless of the outcome of the 45th District election, the issue will remain challenging because a supermajority vote is still required for the bonds to fund the capital budget. So even if the Democrats gain a 1 vote majority in the Senate, that would not necessarily be enough to move the capital budget through.

Legislative Assembly Days and other Pre-Session Meetings: Legislators will be in Olympia for pre-session committee meetings during the week of November 13. Committees have also been holding work sessions during the interim. The Senate Law & Justice Committee will meet in Spokane Valley next week to discuss DOC supervision issues, the *Blaine* amendment to the Washington Constitution, and expanding small claims court jurisdiction.

DOC Agency Request Legislation re: J & S Forms: We anticipate DOC will pursue legislation again to mandate a “table” within felony judgment and sentence forms. AOC staff and association leadership are continuing to work with DOC and others on this issue.

Revenue Forecast Increases: The Economic and Revenue Forecast Council in September raised its revenue estimates by more than \$530 million through 2021. Legislators have already called for revisiting the tax increases approved as part of the 17-19 budget and *McCleary* agreement.

Legislative Reception: The BJA, SCJA and DMCJA will jointly host our legislative reception at the Temple of Justice on January 18 from 5:30 - 8 p.m. Please plan to join us!



Washington State
Association of Counties
The Voice of Washington Counties

2018 Legislative Session

Legislative Priorities

Justice, Health & Safety for all Washingtonians

Counties play an essential role in keeping Washington residents safe and secure by preserving public health and well-being, protecting public safety, and safeguarding justice. Enactment of the Washington State Association of Counties' 2018 Legislative priorities will help counties sustain the basic government services that ensure justice, and protect the health and safety of all Washington citizens.



Adequate Funding for Indigent Defense

Access to a defense attorney in criminal matters is a basic constitutional right, that counties were assigned by the Legislature. Yet, the state funds less than 5% of the cost for these services. Counties currently spend approximately \$137 million annually with the state providing only \$5 million to cities and counties.

In order to continue effective access to justice, the Legislature must fund the full cost of indigent defense services: \$137 million additional per fiscal year.

“The state must invest significant, targeted funding in our public defense systems.”

—2007 Status Report on Public Defense in Washington State



Rural Water Solutions

Counties are asking for a laser focused fix, a workable solution for *Hirst*. Washington's 39 counties want to provide the State and citizens a path forward before more value is lost on property across the state. The Legislature needs to provide clarity and cause no more harm to counties by providing a legislative solution.

The Legislature must restore counties ability to rely on Ecology's rules for land use planning and permitting.



Foundational Public Health Services

Providing public health services is a shared state and local responsibility. Some public health services are so critical that they must be provided to every resident of Washington State. Other public health needs may be unique to certain regions of our state, so each community determines and implements local priorities. The Foundational Public Health Services model ensures all residents can depend on a core set of services which only governmental public health can provide.

Passing HB 1432 and SB 5353 and securing the FPHS account for local health jurisdictions will assure the public that the system is adequately funded and has the capability to respond to various public health threats.



Local Government Property Tax Revenue

Property taxes are counties' top revenue source, comprising approximately 50% of general fund revenue. Property taxes are capped and can't keep up with growing costs. Public safety and criminal justice services make up about 75% of counties' total general fund expenditures. Thus, property taxes are inextricably tied to justice, health and safety for Washington citizens.

The Legislature should protect citizens' access to justice, health and safety by tying property tax revenue growth to inflation and population - the factors that cause costs to grow - so that counties aren't forced to make dangerous cuts to core governmental services.

Josh Weiss

Director, Policy & Legislative Relations
(360) 489-3015
jweiss@wsac.org

Updated 10/10/17

The key to growing strong cities and towns in Washington starts with addressing housing shortages and affordability, helping individuals with mental health and drug addiction issues, and providing tools to enhance local economic vitality.

The 2017 legislative session was the longest in history and yielded numerous helpful policy and budget actions for Washington's 281 cities and towns. However, critical issues remain unresolved and need to be addressed in the 2018 legislative session. The Legislature needs to swiftly adopt a capital budget so that critical community projects can move forward, and take action on the following city priorities to help our communities and state thrive.



Strengthen city tools to address housing conditions in our communities

Cities large and small are experiencing challenges with housing in their community—from shortages of affordable housing, to a lack of workforce housing, to neighborhood impacts of abandoned foreclosed properties. Cities need a variety of local option tools to address the problems of their specific local circumstances. AWC urges the Legislature to adopt:

- 1) A new construction sales tax reimbursement pilot program to attract new multi-family housing in cities outside of our urban core;
- 2) A means for cities to mitigate the impacts of abandoned and bank-owned foreclosed homes; and
- 3) Additional flexibility with existing tools such as making the optional sales tax authority for affordable housing a council decision.



Direct funds to mental health, chemical dependency, and social safety net programs

Although cities are not frontline service providers, many of the problems associated with mental health and chemical dependency show up in our communities and on our streets. Increasingly, local public safety personnel play an expanding role in addressing these impacts. AWC actively supports and will engage with those seeking to direct resources to address these challenges and will collaborate with the state, counties, and providers to find ways to deliver support services in the most effective manner.



Enhance economic development tools and programs that foster business development in cities

Economic development opportunities vary greatly across the state. Some communities have commercial or industrial areas that have deteriorated or lack the needed infrastructure for critical development, and others lack access to adequate broadband services. AWC supports expansion of current programs and funding, and will engage key legislators and stakeholders to identify tools that can help foster vital economies in all corners of our state.



Preserve state-shared revenues with cities and increase law enforcement training funds

The 2017-19 state operating budget continued to fund traditional shared revenues such as liquor revenues and municipal criminal justice assistance at the levels provided in recent years. As the Legislature considers a supplemental budget, AWC will encourage the provision of additional funding for four additional Basic Law Enforcement Academy classes during the biennium to ensure that new recruits receive training as quickly as possible.

Contact:

Dave Williams
Director of Government Relations
davew@awcnet.org • 360.753.4137





October 9, 2017

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

The Policy and Planning Committee (PPC) met September 15, 2017. Committee orientation was implemented for all members which included reviewing key documents, the committee's purpose, planning in a non-unified system, and upcoming work plan. Meeting dates were set for the year.

The PPC reviewed the group's two year work plan – review and revision of judicial branch mission, vision and principle policy goals; and identification of short and long term goals.

The PPC discussed activities to help coordination and collaboration between the judicial branch's courts, associations and committees. PPC sent out a brief survey to collect information from the varying courts/associations/committees about the group's purpose, priority areas, planning process, and committee work. The PPC will then compile and share this information in the hopes of identifying future collaboration efforts.

Tab 7

General Overview of Statewide Budget Processes

Definitions

State Fiscal Year

State budget year that begins on July 1 and ends on June 30.

State Biennium

A two-year fiscal period. The Washington State biennium runs from July 1 of an odd-numbered year to June 30 of the next odd-numbered year.

Budget Decision Package

Written information describing a change in an existing budget amount, the impacts the change will have and the impacts that will occur if funding so not received.

Carryforward Budget Level

Biennialized cost to continue the workload or services already authorized through the legislative budget process, excluding time limited information technology projects.

Maintenance Budget Level

Additional mandatory caseload or other legally unavoidable costs not contemplated in the current budget.

Policy Budget Level

New or increases to existing programs or services.

Near General Fund

All accounts included in the general fund plus the Education Legacy Trust Account.

Judicial Information System Account

An account created by the legislature in RCW 2.68. The primary source of funding is an assessment placed on traffic infractions. Revenue from interest earned on penalties is also deposited into the Judicial Information System Account.

Judicial Stabilization Trust Account

A temporary account created by the legislature in 2009 in RCW 43.79.505. Receipts from the surcharges authorized by RCWs 3.62.060, 12.40.020, 36.18.018 and 36.18.020 are deposited into the account.

Appropriation/Appropriation Authority

A legal authorization to make expenditures and incur obligations for specific purposes from a specific account over a specific time period. Appropriations typically limit expenditures to a specific amount within a fiscal year or biennial timeframe. Only the Legislature can make appropriations in Washington State.

State Judicial Branch Budget Process

- Approximate Due Dates-Biennial Budget Request Process (all dates are for even numbered years-See flowchart below):
 - January: Budget process letter from the Chief Justice, budget instructions and budget schedule are issued.
 - April-May: All draft and final budget decision packages that impact AOC are due.
 - May-June: Budget and Funding Committee reviews and makes priority recommendations regarding state general fund budget requests that impact AOC.
 - May-June: Judicial Information System Committee (JISC) reviews and approves information technology budget requests.
 - July: Proponents from all judicial branch organizations present budget request(s) to governing body.
 - August: Governing body makes dollar amount and priority recommendations for those state general fund requests that impact AOC.
 - September: Governing body presents priority recommendations to BJA for input.
 - September: Governing body submits priority and dollar amount recommendations to Supreme Court.
 - Sept-Oct: Supreme Court makes final priority and dollar amount decision and transmits branch budget to the legislature.

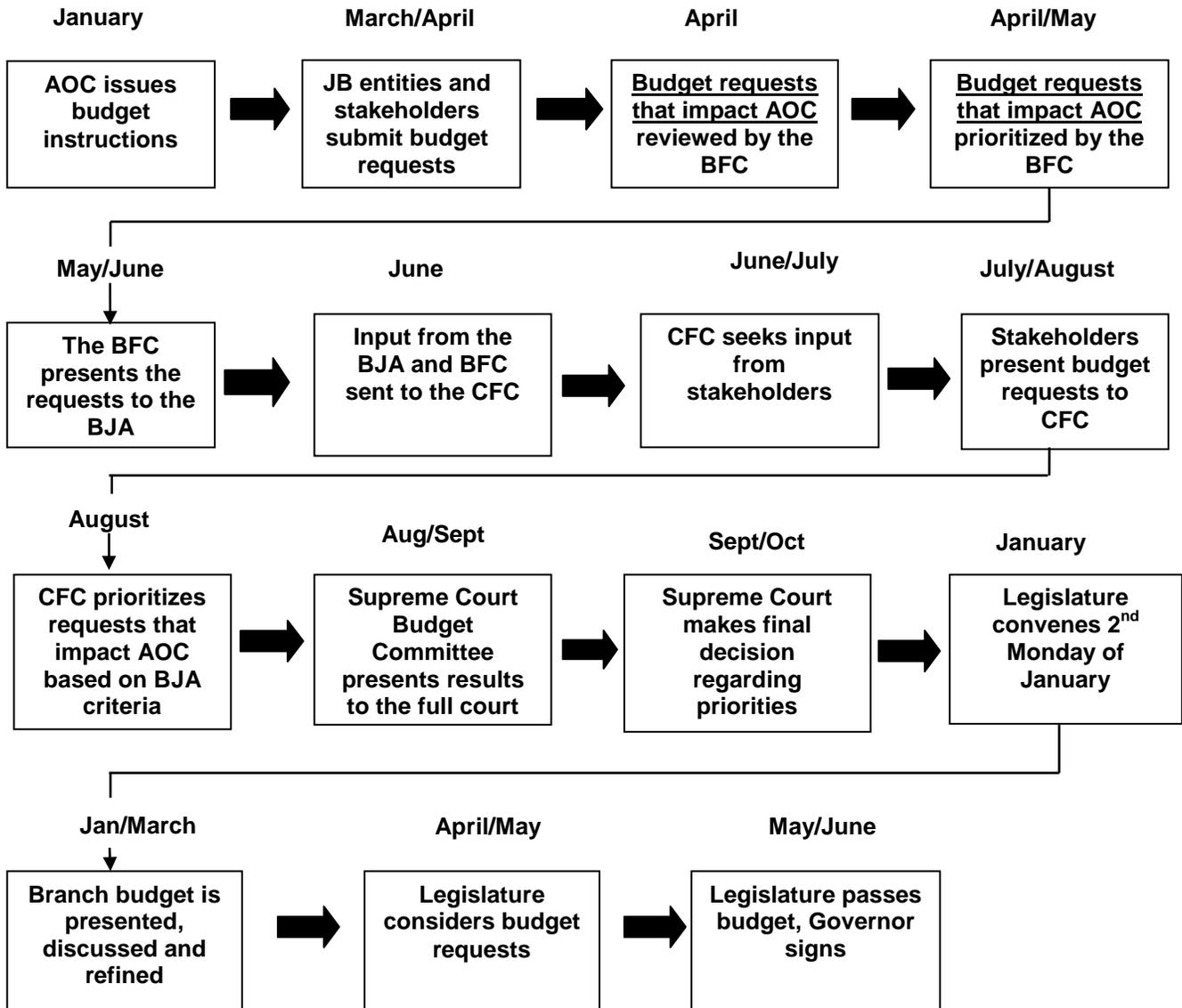
State Executive Branch Budget Process

- Approximate Due Dates-Biennial Budget Request Process (all dates are for even numbered years):
 - June: Budget process letter from the Office of Financial Management (OFM), budget instructions and budget schedule are issued. Strategic plan and information technology update and development instructions are also issued. September all executive branch agency budgets are due.
 - Sept-Dec: OFM and the Governor's Office decide what will be included in the budget. Agency interaction may be limited during this time.

State Legislative Branch

- Approximate Due Dates-Biennial Budget Request Process (all dates are for even numbered years):
 - Legislative agencies will assess their needs.
 - Depending on the legislative agency a group of internal stakeholders will review and approve budget requests e.g. the Legislative Services Committee reports to two oversight committees.
 - Requests are submitted to OFM for inclusion in the statewide systems.

Proposed Biennial Budget Development Process-Requests That Impact AOC

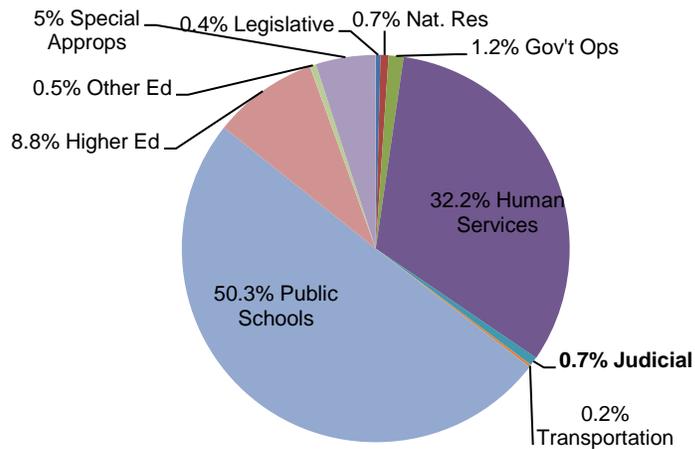


¹ JB-Judicial Branch; BFC-BJA Budget and Funding Committee; CFC-Court Funding Committee

2017-2019 State Budget Totals by Sector

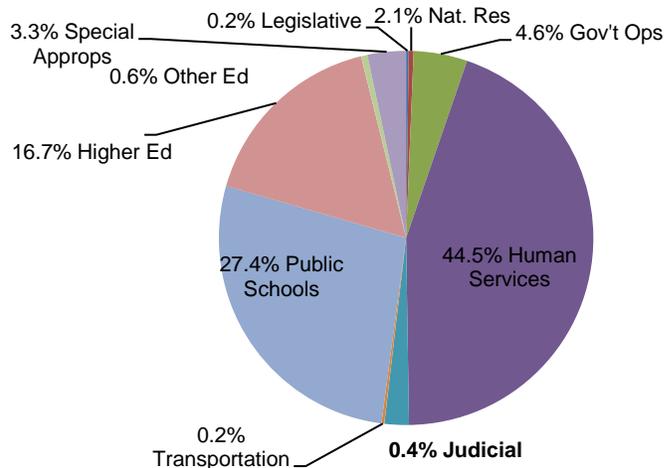
Washington State Omnibus Operating Budget Near General Fund 2017-2019

Legislative	\$173,344
Judicial	\$290,429
Gov't Operations	\$543,005
Human Services	\$14,080,515
Natural Resources	\$315,443
Transportation	\$93,970
Public Schools	\$21,968,576
Higher Education	\$3,832,786
Other Education	\$225,823
Special Apropos.	\$2,183,273
Statewide Total	\$43,707,164

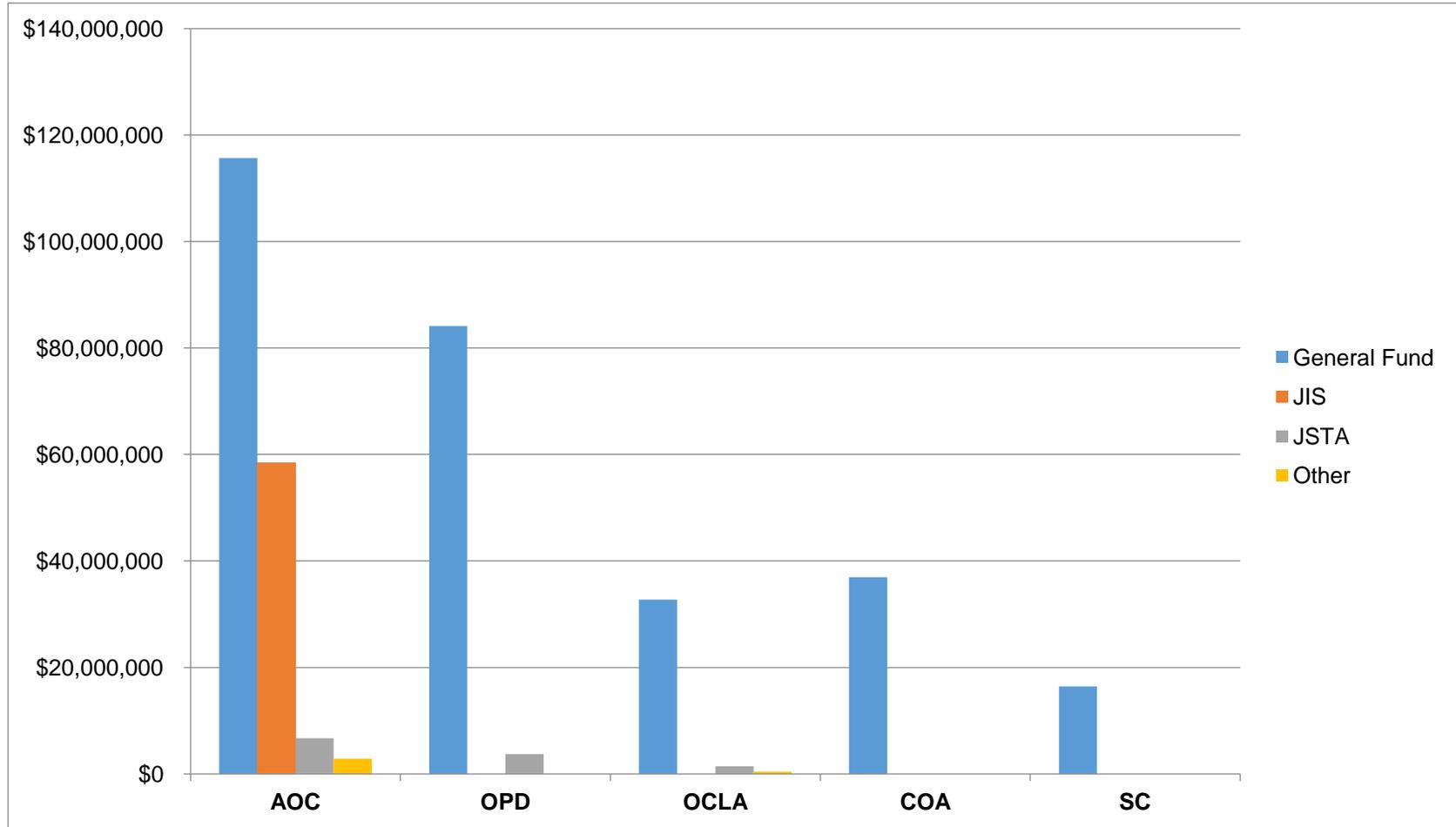


Washington State Omnibus Operating Budget All Funds 2017-2019

Legislative	\$196,666
Judicial	\$364,011
Gov't Operations	\$4,054,426
Human Services	\$38,829,804
Natural Resources	\$1,848,973
Transportation	\$210,379
Public Schools	\$23,905,236
Higher Education	\$14,544,733
Other Education	\$480,679
Special Apropos.	\$2,893,816
Statewide Total	\$87,328,723



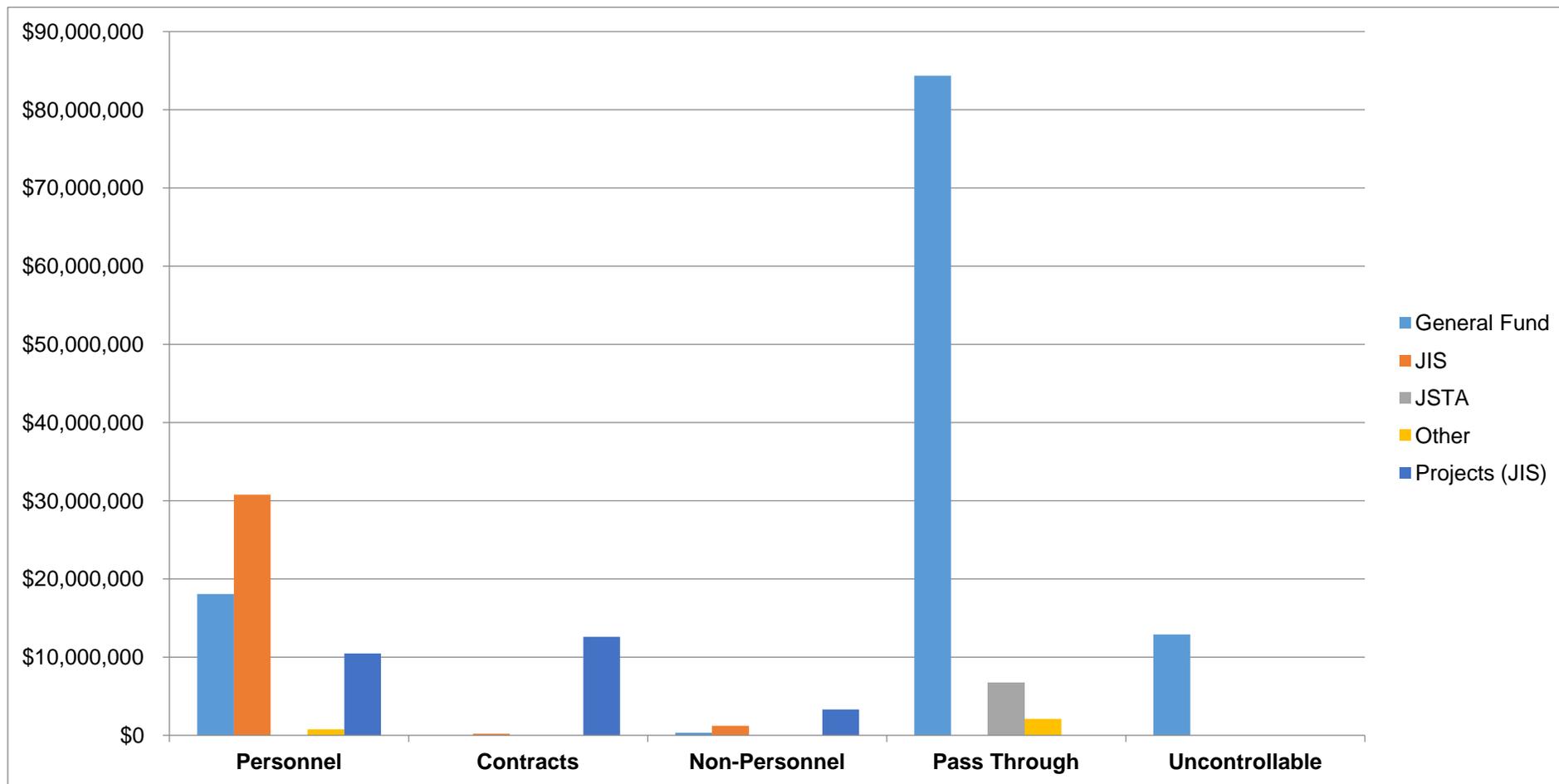
2017-2019 Judicial Branch Budget Allocation by Fund Source



	AOC	OPD	OCLA	COA	SC	LL
General Fund	\$115,661,000	\$84,097,000	\$32,716,000	\$36,937,000	\$16,414,000	\$3,399,000
JIS	\$58,486,000	\$0	\$0	\$0	\$0	\$0
JSTA	\$6,691,000	\$3,710,000	\$1,463,000	\$0	\$0	\$0
Other	\$2,852,000	\$0	\$380,000	\$0	\$0	\$0
Total Amt.	\$183,690,000	\$87,807,000	\$34,559,000	\$36,937,000	\$16,414,000	\$3,399,000
Total %	51.0%	24.0%	9.5%	10.0%	4.5%	1.0%

Notes: Total 17-19 Branch Budget \$362.8 million (excluding the Judicial Conduct Commission).

2017-2019 AOC Budget Allocation by Cost Category



	Personnel	Contracts	Non-Personnel	Pass Through	Uncontrollable
General Fund	\$18,080,000-16%	\$0-0%	\$332,000-.3%	\$84,360,600-73%	\$12,888,400-11%
JIS	\$30,750,500-96%	\$200,000-.6%	\$1,196,500-4%	\$0-0%	\$0-0%
JSTA	\$0-0%	\$0-0%	\$0-0%	\$6,691,000-100%	\$0-0%
Other	\$751,100-26%	\$0-0%	\$0-0%	\$2,100,900-74%	\$0-0%
Projects (JIS)	\$10,462,200-40%	\$12,587,700-48%	\$3,289,100-13%	\$0-0%	\$0-0%
Total	33%	7%	2.6%	51%	7%

Notes:

Total 17-19 AOC Budget \$183.7 million.

Over 73% of our general fund budget is distributed to or used solely for courts; over 11% of our budget goes to "uncontrollable" costs such as software lic/maint costs, rent, statewide costs, Westlaw and dues to the NSCS.

Only .3% of our general fund budget is devoted to staff support costs (non-personnel) such as travel, equipment and training.

Tab 8

2018 Budget Development, Review and Submittal Process

The budget development, review and submittal process has been revised for those requests that impact the Administrative Office of the Courts. The revision will expand the decision-making process by including members of the Judicial Information System Committee (JISC) and increase information sharing.

Highlights of the process include:

- The new process will be a pilot. An assessment will be conducted in the fall of 2017.
- There will not be a branch presentation for the 2018 supplemental budget requests.
- Requests will initially be sent to the Budget and Funding Committee (BFC) via AOC.
- The Budget and Funding Committee may seek clarifying information from the proponents.
- The Budget and Funding Committee may make priority recommendations.
- The Budget and Funding Committee will present the requests to the BJA for discussion and input.
- Input from the BJA and BFC will be transmitted to the Court Funding Committee.
- The Court Funding Committee will be constituted and comprised of the following:
 - Supreme Court Budget Committee (5 members),
 - BJA Budget and Funding Committee (3 members) and,
 - Representatives from the Judicial Information System Committee (3 members).
- The Court Funding Committee will use the prioritization criteria established by the BFC and approved by the BJA, as well as input from stakeholders, for decision making purposes.
- The Court Funding Committee will prioritize the requests and determine which budget requests will move forward to the ~~legislature~~Supreme Court.
- Results will be reported to the Supreme Court, BJA, JISC and other stakeholders.

Budget requests concerning the Supreme Court, State Law Library, Court of Appeals, Office of Public Defense and Office of Civil Legal Aid will be processed as they have in the past. Information regarding the budget requests that move forward will be reported to the Court Funding Committee, BJA, stakeholders and full court.

JISC budget requests, once approved by JISC, will be routed to/through the BFC (generally informational unless there is a state general fund component/request). The request information will be presented to the BJA and then move to the ~~Court Funding Committee~~Supreme Court for ratification or possible modification.

Tab 9

2017-2018 BJA Internal Goals

1. Speaking with a Unified Voice - The BJA should strive to present unified messages.
2. Branch Communication - Multiple methods of communication should be explored with the intent of keeping each other informed, offering expertise and support, and eliminating the duplication of efforts. Open and honest communication should be encouraged to assure that issues or problems are identified and resolved.
3. Committee Coordination - The BJA should create opportunities for active participation by members on standing committees, subcommittees and taskforces. Shared expertise should be recognized and cross-committee coordination should be strategic and communicated clearly.

Tab 10



WASHINGTON
COURTS

2018 LEGISLATIVE PRIORITIES

COURT TECHNOLOGY PROJECTS

The judicial branch, under the direction of the Judicial Information System Committee, is undergoing major technology modernization projects impacting all court levels. Continued funding and support for these projects is crucial as antiquated systems limit our ability to operate efficiently.

COURTHOUSE SECURITY

Employees, jurors, litigants, and members of the public have a right to safe and secure courthouses in every part of our state. Additional steps should be taken to ensure adequate funding and coordination among all branches of government to ensure everyone visiting a Washington courthouse feels safe and secure.

COURT EDUCATION

Fostering excellence in our courts through effective education is crucial to improve the quality of justice in Washington. Judicial officers and court personnel should have access to high quality educational opportunities on a wide range of topics.

LANGUAGE ACCESS

Equal access to courts is fundamental to our system of government. Language barriers can create impediments to access to justice for individuals who are limited-English proficient. Washington should lead the way in providing language access services for all who need it.

CIVIL LEGAL AID

The 2015 Civil Legal Needs Study identified significant unmet needs in our civil legal aid system. Providing adequate funding to meet these needs is critical to ensure the judicial system is accessible for all Washington residents.

CIVIC EDUCATION

An engaged citizenry requires educational programs that instill in young people the role of the judicial branch in our democracy. Funding and support for civic education programs in our schools and communities is important to ensure respect and support for our legal institutions.

ABOUT THE BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration (BJA) is charged with providing effective leadership to the state courts and developing policy to enhance the administration of the court system in Washington State. Judges serving on the Board pursue the best interests of the judiciary at large in representing the more than 400 elected and appointed judges presiding at four levels: the Supreme Court, the Court of Appeals, Superior Courts, and District and Municipal Courts.

DRAFT

HOUSE BILL 1139

State of Washington

65th Legislature

2017 Regular Session

By Representatives Kilduff, Rodne, Jinkins, and Muri; by request of Board For Judicial Administration

Read first time 01/12/17. Referred to Committee on Judiciary.

1 AN ACT Relating to the methods of services provided by the office
2 of public guardianship; and amending RCW 2.72.005, 2.72.010,
3 2.72.020, 2.72.030, and 11.28.120.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 2.72.005 and 2007 c 364 s 1 are each amended to read
6 as follows:

7 (1) In establishing an office of public guardianship, the
8 legislature intends to promote the availability of guardianship and
9 alternate services that provide support for decision making for
10 individuals who need them and for whom adequate services may
11 otherwise be unavailable. The legislature reaffirms its commitment to
12 treat liberty and autonomy as paramount values for all Washington
13 residents and to authorize public guardianship only to the minimum
14 extent necessary to provide for health or safety, or to manage
15 financial affairs, when the legal conditions for appointment of a
16 guardian are met. It does not intend to alter those legal conditions
17 or to expand judicial authority to determine that any individual is
18 incapacitated.

19 (2) The legislature further recognizes that services that support
20 decision making for people who have limited capacity can preserve
21 individual liberty and provide effective support responsive to

1 individual needs and wishes. The legislature also recognizes that
2 these services are less expensive than guardianship for the state,
3 the courts, and for individuals with limited capacity and their
4 families.

5 **Sec. 2.** RCW 2.72.010 and 2007 c 364 s 2 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Office" means the office of public guardianship.

10 (2) "Public guardian" means an individual or entity providing
11 public guardianship services.

12 (3) "Public guardianship services" means the services provided by
13 a guardian or limited guardian appointed under chapters 11.88 and
14 11.92 RCW, who is compensated under a contract with the office of
15 public guardianship.

16 (4) "Long-term care services" means services provided through the
17 department of social and health services either in a hospital or
18 skilled nursing facility, or in another setting under a home and
19 community-based waiver authorized under 42 U.S.C. Sec. 1396n.

20 (5) "Supported decision-making assistance" means support for an
21 individual with diminished decision-making ability in making
22 decisions affecting health or safety or to manage financial affairs.
23 Assistance includes, without limitation, acting as a representative
24 payee, an attorney-in-fact, a trustee, and a public guardian.

25 (6) "Representative payee" means the designated agent for a
26 recipient of government benefits whom a government agency has
27 determined to be incapable of managing his or her benefits.

28 (7) "Attorney-in-fact" means an agent authorized by an individual
29 to act on his or her behalf pursuant to a power of attorney.

30 (8) "Trustee" means a person or organization named in a trust
31 agreement to handle trust property for the benefit of one or more
32 beneficiaries in accordance with the terms of the agreement.

33 **Sec. 3.** RCW 2.72.020 and 2007 c 364 s 3 are each amended to read
34 as follows:

35 (1) There is created an office of public guardianship within the
36 administrative office of the courts.

37 (2) The supreme court shall appoint a public guardianship
38 administrator to establish and administer a public guardianship.

1 supported decision-making assistance, and estate administration
2 program in the office of public guardianship. The public guardianship
3 administrator serves at the pleasure of the supreme court.

4 **Sec. 4.** RCW 2.72.030 and 2009 c 117 s 1 are each amended to read
5 as follows:

6 The public guardianship administrator is authorized to establish
7 and administer a public guardianship, supported decision-making
8 assistance, and estate administration program as follows:

9 (1)(a) The office shall contract with public or private entities
10 or individuals to provide: (i) Public guardianship, supported
11 decision-making assistance, and estate administration services to
12 persons age eighteen or older whose income does not exceed two
13 hundred percent of the federal poverty level determined annually by
14 the United States department of health and human services or who are
15 receiving long-term care services through the Washington state
16 department of social and health services; (ii) supported decision-
17 making services for a fee to persons age eighteen or older when there
18 is no one else qualified who is willing and able to serve; and (iii)
19 estate administration services for a fee to decedents age eighteen or
20 older, in circumstances where a service provider under contract with
21 the office of public guardianship is granted letters under RCW
22 11.28.120(7).

23 (b) Neither the public guardianship administrator nor the office
24 may act as public guardian or limited guardian or act in any other
25 representative capacity for any individual.

26 ~~((b))~~ (c) ~~The~~ ~~office is exempt from RCW 39.29.008 because~~
27 ~~the~~ primary function of the office is to contract for public
28 guardianship, supported decision-making assistance, and estate
29 administration services that are provided in a manner consistent with
30 the requirements of this chapter. The office ~~((shall otherwise comply~~
31 ~~with chapter 39.29 RCW and))~~ is subject to audit by the state
32 auditor.

33 ~~((c))~~ (d) Public guardianship, supported decision-making
34 assistance, and estate administration service contracts are dependent
35 upon legislative appropriation. This chapter does not create an
36 entitlement.

37 ~~((d) The initial implementation of public guardianship services~~
38 ~~shall be on a pilot basis in a minimum of two geographical areas that~~

1 ~~include one urban area and one rural area. There may be one or~~
2 ~~several contracts in each area.))~~

3 (2) The office shall, within one year of the commencement of its
4 operation, adopt eligibility criteria to enable it to serve
5 individuals with the greatest need when the number of cases in which
6 courts propose to appoint a public guardian exceeds the number of
7 cases in which public guardianship and supported decision-making
8 assistance services can be provided. In adopting such criteria, the
9 office may consider factors including, but not limited to, the
10 following: Whether an (~~incapacitated~~) individual with diminished
11 decision-making ability is at significant risk of harm from abuse,
12 exploitation, abandonment, neglect, or self-neglect; and whether an
13 (~~incapacitated person~~) individual with diminished decision-making
14 ability is in imminent danger of loss or significant reduction in
15 public services that are necessary for the individual to live
16 successfully in the most integrated and least restrictive environment
17 that is appropriate in light of the individual's needs and values.

18 (3) The office shall adopt minimum standards of practice for
19 public guardians and contract service providers providing public
20 guardianship, supported decision-making assistance, and estate
21 administration services. Any public guardian providing such public
22 guardianship services must be certified by the certified professional
23 guardian board established by the supreme court.

24 (4) The office shall require a public guardian to visit each
25 incapacitated person for which public guardianship services are
26 provided no less than monthly to be eligible for compensation.

27 (5) The office shall not petition for appointment of a public
28 guardian for any individual. It may develop a proposal for the
29 legislature to make affordable legal assistance available to petition
30 for guardianships.

31 (6) The office shall not authorize payment for services for any
32 entity (~~that is serving~~) providing guardianship services for more
33 than twenty incapacitated persons per certified professional
34 guardian.

35 (7) The office shall monitor and oversee the use of state funding
36 to ensure compliance with this chapter.

37 (8) The office shall collect uniform and consistent basic data
38 elements regarding service delivery. This data shall be made
39 available to the legislature and supreme court in a format that is

1 not identifiable by individual incapacitated person to protect
2 confidentiality.

3 ~~(9) ((The office shall report to the legislature on how services
4 other than guardianship services, and in particular services that
5 might reduce the need for guardianship services, might be provided
6 under contract with the office by December 1, 2009. The services to
7 be considered should include, but not be limited to, services
8 provided under powers of attorney given by the individuals in need of
9 the services.~~

10 ~~(10))~~ The office shall require ~~((public guardianship))~~ contract
11 service providers to seek reimbursement of fees from program clients
12 who are receiving long-term care services through the department of
13 social and health services to the extent, and only to the extent,
14 that such reimbursement may be paid, consistent with an order of the
15 superior court, from income that would otherwise be required by the
16 department to be paid toward the cost of the client's care. Fees
17 reimbursed shall be remitted by the provider to the office unless a
18 different disposition is directed by the public guardianship
19 administrator.

20 ~~((11))~~ (10) Fees may be collected from the estate of persons
21 whose income exceeds two hundred percent of the federal poverty level
22 determined annually by the United States department of health and
23 human services, based on a fee schedule established by the office
24 that must be published annually.

25 (11) The office shall require public guardianship providers to
26 certify annually that for each individual served they have reviewed
27 the need for continued public guardianship services and the
28 appropriateness of limiting, or further limiting, the authority of
29 the public guardian under the applicable guardianship order, and that
30 where termination or modification of a guardianship order appears
31 warranted, the superior court has been asked to take the
32 corresponding action.

33 (12) The office shall adopt a process for receipt and
34 consideration of and response to complaints against the office and
35 contracted providers of public guardianship, supported
36 decision-making assistance, and estate administration services. The
37 process shall include investigation in cases in which investigation
38 appears warranted in the judgment of the administrator.

39 ~~(13) ((The office shall contract with the Washington state~~
40 ~~institute for public policy for a study. An initial report is due two~~

1 years following July 22, 2007, and a second report by December 1,
2 2011. The study shall analyze costs and off-setting savings to the
3 state from the delivery of public guardianship services.

4 ~~(14))~~ The office shall develop standardized forms and reporting
5 instruments that may include, but are not limited to, intake, initial
6 assessment, guardianship care plan, decisional accounting, staff time
7 logs, changes in condition or abilities of an incapacitated person,
8 and values history. The office shall collect and analyze the data
9 gathered from these reports.

10 ~~((15))~~ (14) The office shall identify training needs for
11 ~~((guardians))~~ service providers it contracts with, and shall make
12 recommendations to the supreme court, the certified professional
13 guardian board, and the legislature for improvements in
14 ~~((guardianship))~~ training. The office may offer training to
15 individuals providing services pursuant to this chapter ~~((or))~~,
16 to individuals who, in the judgment of the administrator or the
17 administrator's designee, are likely to provide such services in the
18 future, to lay guardians, and to the family and friends of
19 individuals subject to a guardianship.

20 ~~((16))~~ (15) The office shall establish a system for monitoring
21 the performance of ~~((public guardians))~~ contract services providers,
22 and office staff shall make in-home visits to a randomly selected
23 sample of public guardianship and supported decision-making
24 assistance clients. The office may conduct further monitoring,
25 including in-home visits, as the administrator deems appropriate. For
26 monitoring purposes, office staff shall have access to any
27 information relating to a public guardianship, supported decision-
28 making assistance, or estate administration client that is available
29 to the guardian.

30 ~~((17) During the first five years of its operations, the office~~
31 ~~shall issue annual reports of its activities.))~~

32 **Sec. 5.** RCW 11.28.120 and 2007 c 156 s 28 are each amended to
33 read as follows:

34 Administration of an estate if the decedent died intestate or if
35 the personal representative or representatives named in the will
36 declined or were unable to serve shall be granted to some one or more
37 of the persons hereinafter mentioned, and they shall be respectively
38 entitled in the following order:

1 (1) The surviving spouse or state registered domestic partner, or
2 such person as he or she may request to have appointed.

3 (2) The next of kin in the following order: (a) Child or
4 children; (b) father or mother; (c) brothers or sisters; (d)
5 grandchildren; (e) nephews or nieces.

6 (3) The trustee named by the decedent in an inter vivos trust
7 instrument, testamentary trustee named in the will, guardian of the
8 person or estate of the decedent, or attorney-in-fact appointed by
9 the decedent, if any such a fiduciary controlled or potentially
10 controlled substantially all of the decedent's probate and nonprobate
11 assets.

12 (4) One or more of the beneficiaries or transferees of the
13 decedent's probate or nonprobate assets.

14 (5)(a) The director of revenue, or the director's designee, for
15 those estates having property subject to the provisions of chapter
16 11.08 RCW; however, the director may waive this right.

17 (b) The secretary of the department of social and health services
18 for those estates owing debts for long-term care services as defined
19 in RCW 74.39A.008; however the secretary may waive this right.

20 (6) One or more of the principal creditors.

21 (7) If the persons so entitled shall fail for more than forty
22 days after the death of the decedent to present a petition for
23 letters of administration, or if it appears to the satisfaction of
24 the court that there is no next of kin, as above specified eligible
25 to appointment, or they waive their right, and there are no principal
26 creditor or creditors, or such creditor or creditors waive their
27 right, then the court may appoint a service provider under contract
28 with the office of public guardianship under chapter 2.72 RCW or any
29 suitable person to administer such estate.

--- END ---

Tab 11

BJA BUSINESS ACCOUNT
THIRD QUARTER 2017 SUMMARY

JULY-SEPTEMBER 2017			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$7089.95
BOOKKEEPING SERVICES	\$ 300.00		
DEPOSITS		\$0.00	
ENDING BALANCE	6789.95	\$0.00	\$6789.95

BJA BUSINESS ACCOUNT
SECOND QUARTER 2017 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
9/5/2017	3762	JAN NUTTING	BOOKKEEPING SERVICES	100	YES
9/7/2017	3763	JAN NUTTING	BOOKKEEPING SERVICES	200	YES
				300.00	

DEPOSIT DATE	AMOUNT
	0.00
TOTAL SECOND QUARTER DEPOSITS	0.00

JUDICIAL INFORMATION SYSTEM COMMITTEE

June 23, 2017
10:00 a.m. to 12:30 p.m.
AOC Office, SeaTac, WA

Minutes

Members Present:

Mr. Larry Barker
Ms. Lynne Campeau - Phone
Ms. Callie Dietz
Mr. Rich Johnson
Mr. Frank Maiocco
Judge G. Scott Marinella
Chief Brad Moericke
Ms. Brooke Powell
Judge David Svaren - Phone
Mr. Bob Taylor - Phone
Ms. Aimee Vance
Judge Thomas J. Wynne

Members Absent:

Chief Justice Mary Fairhurst, Chair
Judge Jeanette Dalton
Judge J. Robert Leach
Ms. Barb Miner
Mr. Jon Tunheim

AOC Staff Present:

Ms. Charlene Allen
Mr. Kevin Ammons
Ms. Tammy Anderson
Ms. Kathy Bradley
Ms. Vicky Cullinane
Mr. Keith Curry
Ms. Vonnie Diseth
Mr. Brian Elvin
Mr. Brady Horenstein
Mr. Mike Keeling
Ms. Keturah Knutson
Mr. Martin Kravik
Ms. Renee Lewis
Mr. Dirk Marler
Ms. Cheryl Mills

Guests Present:

Ms. Beth Baldwin
Mr. Tom Boatright
Mr. Derek Byrne - Phone
Ms. Susan Carlson – Phone;
Ms. Gena Cruciani
Mr. Paul Farrow - Phone
Mr. Allen Mills
Mr. Othniel Palomino
Mr. Sart Rowe
Ms. Renee Townsley - Phone
Judge Donna Tucker
Ms. Melanie Vanek
Ms. Kim Walden

Call to Order

Judge Thomas Wynne called the meeting to order at 10:00 a.m. and introductions were made. Judge Wynne drew the committee's attention to tab one containing the reappointment letters of Judge Dalton, Judge Svaren, Brook Powell, Barbara Miner and John Tunheim. Each member was nominated by their respective association and reappointed by Chief Justice Fairhurst. Judge Wynne alerted the committee of his retirement at the end of October when his time on the committee would come to an end.

February 24, 2017 Meeting Minutes

Judge Wynne asked if there were any changes or corrections to the February 24, 2017 meeting minutes. Vonnie Diseth announced Chief Justice Fairhurst had a number of corrections she was going to mention at the meeting. Judge Wynne asked if the minutes could be approved with the exception of Chief Justice Fairhurst' edits; hearing no objections the minutes were approved pending Chief Justice Fairhurst' edits.

JIS Budget Update

Ms. Lewis, filling in for Mr. Ramsey Radwan, reported on the green sheet, a summary of the amounts allocated and expended thru May 31st, 2017 for the major information technology projects at AOC. All is going well with the spending with variance monies left over. These monies are expected to be used by projects, next biennium. Ms. Lewis reminded the committee that a budget has not been passed for 17-19 and referred to Mr. Brady Horenstein on the Legislative Update for more information.

Legislative Update

Mr. Horenstein gave the legislative update as it pertains to the legislative budget impasse. Mr. Horenstein stated there was still no resolution with many differing options, depending on whom you asked. Mr. Horenstein felt, the current situation mirrors the 15-17 process and if history is the best predictor of what will happen, then the legislature would reach a deal at the very end. News stories of the impending shutdown have been picking up in the past couple of days showing the impacts, of various kinds, to public services and will probably continue. The Senate is scheduled to be back Monday (26th) for marathon sessions with the budget negotiators currently continuing to meet.

On the policy side there are a number of issues that remain technically alive but are not anticipated to materialize or pass in the end. The issues include 1783 Legal Financial Obligations Reform bill, which would have a number of significant IT impacts to AOC, and is being kept alive by House Democrats. In addition, the Senate has kept the Tax Court Measure alive during the special session. However, with the costs associated in implementation, it appears unlikely to be included in any final budget and is not currently being considered in the House. Now, eight days from a shutdown the rhetoric has been amplified with the governor coming out with a strong statement on the need to pass a budget.

JIS Priority Project #4 CLJ-CMS Update

Mr. Michael Walsh, presented the project update on the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) project. Regarding project activities, the project team has been primarily focused on stakeholder outreach and communicating the goals and objectives to court and probation staff who may not typically be seeking this type of communication. Additionally, the project team has been contributing to the EDE project as SME in the business and technical areas. The business team is preparing a requirements traceability matrix. This matrix provides an inventory for all project requirements along with a reference to configuration, custom development, reports, and interfaces. The matrix includes both processed and closed requirements.

The project procurement phase is nearing completion. The following activities have completed in the past six months.

- ✓ Written Proposal evaluation completed 1/17/17.

- ✓ Demonstration evaluation completed 3/7/17.
- ✓ On-site evaluations 4/24/17 & 4/26/17.
- ✓ Cost Proposal Evaluation reviewed 6/13/17.
- ✓ Project Steering Committee determines Apparent Successful Vendor (ASV) 6/13/17.
- ✓ JISC approves ASV 6/23/17

Next steps for the procurement phase of the project include:

Notification and debrief	July 2017
Contract negotiations	July – September 2017
Anticipated contract start	October 2017

A motion was presented to the JISC to accept the recommendation of eCourts, a COTS solution from Journal Technologies, Inc. The JISC voted to approve the recommendation.

Motion: Chief Brad Moericke

I move that the JISC approve the CLJ-CMS Steering Committee's recommendation that the Administrative Office of the Courts (AOC) should proceed with contract negotiations with the Apparent Successful Vendor for the purpose of securing a statewide case management system for courts of limited jurisdiction and probation departments.

Second: Judge Scott Marinella

Voting in Favor: Mr. Larry Barker, Ms. Lynne Campeau, Ms. Callie Dietz, Mr. Rich Johnson, Mr. Frank Maiocco, Judge G. Scott Marinella, Chief Brad Moericke, Ms. Brooke Powell, Judge David Svaren, Mr. Bob Taylor, Ms. Aimee Vance, and Judge Thomas J. Wynne.

Opposed: None

Absent: Chief Justice Fairhurst, Judge Jeanette Dalton, Judge J. Robert Leach, Ms. Barbara Miner, and Mr. John Tunheim.

JIS Priority Project #1 – SC-CMS Update

Ms. Maribeth Sapinoso provided the update for the SC-CMS project beginning with the most recent Go-Live event which was Event #5 (Cowlitz, Grays Harbor, Klickitat, Mason, Pacific, Skamania, and Wahkiakum Counties). Event #5 successfully went live on May 8, 2017. Ms. Sapinoso covered the summary of activities that took place for those seven counties including a summary of Go-Live issues during the two week period of on-site implementation of Odyssey as well as lessons learned and the on-site post implementation support provided by the AOC Customer Services Support section. Ms. Sapinoso also provided an update on the status of Klickitat and Skamania Counties 3rd Party DMS integration. Both counties have succeeded in completing Phase 1 of the Link Only option at the conclusion of the two week Go Live which means staff from their county are able to access documents

using their 3rd Party DMS. Pacific County, originally slated for the Link Only option, decided after their Odyssey implementation to go with the Odyssey DMS instead. Ms. Sapinoso reported as of today, Pacific County was successfully scanning and had the ability to access their documents in Odyssey. Ms. Sapinoso then discussed the status of the project's deployment being close to 50% complete with 21 counties remaining to implement Odyssey. A total of 16 counties are now live with Odyssey. Ms. Sapinoso continued with the project update providing recent activities for Event #6 (Clallam, Island, Jefferson, Kitsap, San Juan, Skagit, and Whatcom Counties) which are on track for the next Go-Live implementation in October 2017 and recent activities for Event #7 (Adams, Benton, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Stevens, and Walla Walla Counties) which are scheduled for the June 2018 implementation. Last, Mr. Keith Curry provided an update on the status of the audit functionality and a high level overview of the audit implementation schedule.

JIS Priority Project #2 (ITG 45) Update

Mr. Martin Kravik presented a status update on the AC-ECMS project. He reported that the team is currently in the last iteration of the project. The vendor contract is over on June 30th and the AC-ECMS document management system will be migrating to production mode using the same AOC/Court team.

Accomplishments since the last attended JISC meeting include:

- Developed the remainder of the planned document process workflows.
- Finalized the updated appellate court efilings system.
- Refined the data lookup to ACORDS to improve accuracy and response time.
- Conducted a hands-on functionality review with court staff.
- Planned document conversion.
- Developed a rollout schedule:
 - Supreme Court – May 15, 2017
 - Court of Appeals Division III – May 30, 2017
 - Court of Appeals Division II – June 12, 2017
 - Court of Appeals Division I – June 26, 2017

The Supreme Court, Court of Appeals Division III, and Court of Appeals Division II rolled out on schedule. Each rollout event consisted of:

- Training – primarily handled by the court with assistance from the project team.
- Deploying the client applications.
- Enabling documents from desktop scanners to be ingested into the new document management system.
- Document conversion.
- Pointing efilings to the new document management system.
- Resolving defects that came up.

Next steps include the Court of Appeals Division I rollout and moving the system into production mode.

AOC Expedited Data Exchange (EDE) Pilot Implementation Project Update

Mr. Kevin Ammons presented the update on the Expedited Data Exchange Project. Mr. Ammons began by reviewing the overall structure of the Expedited Data Exchange Program and providing a review of the purpose of the program. He updated the committee on the resource and scheduling issues reported during the April JISC meeting. Mr. Ammons reported that the critical shortage of business analysts had been resolved with the assignment of a Court Business Coordinator and formation of a dedicated business team.

Mr. Ammons reported that King County District Court plans to pilot their new system in August of 2107. The pilot will include civil case types without well identified persons. No data will be sent to the EDR at the time of the pilot. The King County Clerk's Office plans to implement their system and begin sending data to the EDR in January of 2018 and will be the first, non-JIS case management system to integrate with the EDR.

Mr. Othniel Palomino gave an update on King County District Court. Mr. Palomino gave a brief high level overview on what the project was, stating, they were replacing the case management probation system, document management, introducing e-filing and a public portal. King County District Court will be going live in three phases with the first scheduled for August 21st. This phase is being called *limited civil* because it describes the body of work for judges that do only civil work. Initial rollout will happen in three of the courthouses Issaquah, Seattle and Burien. The second go live is targeted for spring of next year and will be all of the civil work across all locations as well as introducing protection orders requiring integration with the EDR at that go live. The final go live is set for the summer of 2018 and will include criminal and infractions. At that point the entirety of the courts work will be within Journal's eCourt system.

BOXI upgrade – Business Intelligence Tool (BIT) Project Update

Ms. Charlene Allen presented on the Business Intelligence Tool (BIT). Ms. Allen reported the Business Intelligence Tool was upgraded from BOXI to BIT. Ms. Allen explained the project went through a name change so every time there was a new tool they would not have to go through a rebranding process. The project went live on June 19 the Monday prior to the JISC Meeting. There have been several issues the team has been working on and supporting thru daily live chat sessions in the morning. In addition, they are holding brown bag sessions for those wanting to experience the tool online, they have implemented an eLearning training for courts around the state without the need to travel to each court. Ms. Allen point to the End User Training tab in the presentation which was a result of the committees request for a hands on form of training, prior to the projects go live date, to ensure users learned the tool. As a result training manuals were developed, twenty-two training videos were created and four customer eLearning sessions were held where over 300 customers, statewide, participated. Ms. Charlene called attention to the slide, containing a list of interactive demos, allowing customers to gain hands on experience, stop the demo, work on an issue at their desk and be able to see the completed results. With the beginner training manual completed, work has begun on the intermediate and advanced manual for the end user.

For next steps the team will continue to hold brown bag sessions, complete the BIT user's manual, troubleshoot with the vendor on issues and begin training AOC staff on the administration and training of the tool. The specified risk to the project was closed due to the creation and implementation of the training program, as requested.

Ms. Allen reported to the committee on the milestones completed with the exception of Formal Customer Training available in August 2017, Vendor Support Cessation September 2017 and the Project Closure in October of 2017.

Data Dissemination Committee Report (DDC)

Judge Wynne reported the JIS Committee previously approved the proposed changes to the Data Dissemination Policy (DDP). Pursuant to JISC Rule 12, the policy was then sent to the Supreme Court for their action. In, En Banc, the Supreme Court discussed and sent a letter to the DDC with a number of concerns. One concern was the DDC providing enhanced access to the Attorney General's (AG) office in Section 8 without providing enhanced access to anybody from the other side. The second issue was with some language in paragraph 9 dealing with Public Purpose Agencies and contracts. Judge Wynne replied to the Supreme Court via letter that Section 9 of the DDC Policy was taken almost entirely from GR 31. The purpose of that was to implement GR 31 which had not been completely implemented and the Supreme Court accepted Judge Wynne's representation.

Judge Wynne alerted the committee to one change that had been made since the committee last saw the policy, located in Section 8. Enhanced access was granted to the Washington State Office of Civil and Legal Aid (OCLA) and the Office of Public Defense (OPD) in addition to the AG's office. The DDC found there was statutory authority to provide that access at the behest of OCLA, pursuant to RCW 13.50.010(14) and OPD pursuant to RCW 13.50.010(13). The proposed changes were then forwarded to the Supreme Court, a second time with the Supreme Court taking no action therefore putting the new policy into effect as of June 19th, 2017.

Judge Wynne pointed out some changes to the committee including: Court staff, county clerks and anybody receiving access from a court or county clerk's office must sign a confidentiality agreement by January 31st on a yearly basis, a statement of compliance must be submitted to AOC by March 31st that secondary staff and other users have executed the agreement. That requirement does not apply, however, to users of the Odyssey portal. The list of confidential data elements have also been updated with the addition of the addresses of parties. The policy is intended to protect the addresses of domestic violence victims. Rules on the dissemination of dates of birth of minor children is being implemented as a requirement of GR 31 which had not previously been completely implemented. In addition allowances were made for dissemination by local courts or county clerks as the policy does not apply to documents filed **with** local courts or county clerks' offices. Also local courts and county clerks are not precluded, by the policy, from providing the address of a party or well identified person to a state agency to meet requirements of law or court rules or for the purpose of conducting the court's or the county clerk's business.

Does the JISC wish to receive BJA information at JISC Meetings?

Judge Wynne alerted the committee that Chief Justice Fairhurst wished to discuss whether the JISC would like to receive BJA information at JISC meetings. In Chief Justice Fairhurst’s absence, Callie Dietz reported on the topic. Ms. Dietz explained the topic has come up for two reasons with the first being, the BJA is looked at as the policy making authority for the judiciary, represented by the three levels of the court, as members to it. Currently, the BJA and the JISC operate separately because the funding is separate. The JIS account pays for the technology projects but where some of the overlap is coming in, as there are more technology projects there is a depletion of funds in JISC. Consequently, there are times IT projects need to ask for general funds. Ms. Dietz clarified this is not due to overspending or not managing the account. However, there have been sweeps, of the account, by the legislature, in addition to new technology the AOC is implementing, that have collided, making it necessary to look at general fund money and other areas for the use in technology. Chief Justice Fairhurst, as the co-chair of the BJA and the chair of the JISC, thought it would be helpful to have both groups learn more about what the other is doing. The JISC would be able to learn more about policy issues, the campaigns they may be working on or addressing and conversely, the BJA would know more about the different IT projects that have been approved by the JISC. With this information the BJA would be able to make a more informed decision, when technology requests are received, on general fund monies as to competing projects, project conflict and priorities. To be clear Chief Justice Fairhurst is not asking BJA to have approval of JISC projects and JISC will not be asked to weigh in or prioritize BJA projects but more of an information sharing and full knowledge of both groups when there are competing interests against some of the same general fund monies.

Judge Wynne asked the JISC if there were any objections to including a BJA update during JISC meetings. Judge Wynne hearing no objections took it as the consent of the committee.

Adjournment

The meeting was adjourned by Judge Wynne at 12:20 pm.

Next Meeting

The next meeting will be August 25, 2017, at the AOC SeaTac Facility; from 10:00 a.m. to 2:00 p.m.

Action Items

	Action Items	Owner	Status

Tab 12

Board for Judicial Administration Rules

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 that begin on July 1, 2017 shall be for less than a full term, two years, and shall thereafter be for a term of four 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 July 1. The Chief Justice, the President of 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; July 4, 2017.]

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.)