

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, FEBRUARY 16, 2018
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

The organization goals of the Board for Judicial Administration are 1) Speaking with One Voice; 2) Branch Communication; 3) Committee Coordination; and 4) Committee Composition.



Board for Judicial Administration (BJA)

Friday, February 16, 2018 (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. Gender and Justice Commission <i>Information and Request for Support</i>	Justice Sheryl Gordon McCloud	9:05 a.m. Tab 1
4. Branch Principal Policy Goals, BJA Mission and BJA Vision <i>Discussion/Adoption</i>	Judge Rebecca Robertson	9:25 a.m. Tab 2
5. Education Resolution <i>Discussion/Adoption</i>	Judge Judy Rae Jasprica	9:35 a.m. Tab 3
6. BJA Administrative Manager Update a) <i>BJA Rules and Bylaws: Analysis and Recommendation</i> b) <i>Branch Entity Updates to the BJA: Discussion</i>	Ms. Misty Butler Robison	9:45 a.m. Tab 4
7. Biennial Budget Development Process <i>Action: Approval of process</i>	Judge Ann Schindler Mr. Ramsey Radwan	9:55 a.m. Tab 5
8. Budget Update	Mr. Ramsey Radwan	10:05 a.m.
9. Branch Budget Overview <i>Information:</i> a) <i>State judicial branch funding as a percent of general funds</i> b) <i>History of budget requests and funding allocated for AOC; 11-13 to 17-19</i> c) <i>Draft 2019-2021 budget instructions and timeline</i>	Mr. Ramsey Radwan	10:15 a.m. Tab 6
Break		10:35 a.m.
10. Legislative Update	Judge Kevin Ringus Mr. Brady Horenstein	10:50 a.m. Tab 7

11. BJA Strategic Initiatives <i>Information:</i> a) <i>Interpreter Services Funding</i> b) <i>Court System Education Funding</i>	Ms. Jeanne Englert	11:00 a.m. Tab 8
12. Standing Committee Reports a) <i>Budget and Funding Committee</i> b) <i>Court Education Committee</i> c) <i>Policy and Planning Committee</i> d) <i>Legislative Committee</i>	Judge Ann Schindler Judge Judy Rae Jasprica Judge Rebecca Robertson Judge Kevin Ringus	11:05 a.m. Tab 9
13. Washington State Center for Court Research and the Center for Study and Advancement of Justice Efficiency <i>Information</i>	Dr. Carl McCurley	11:10 a.m. Tab 10
14. Death Penalty Resolution <i>Procedural discussion and consideration</i>	Judge George Fearing	11:30 a.m. Tab 11
15. Public Trust and Confidence Committee <i>Action: Appointment of Mary Crawford</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:40 a.m. Tab 12
16. November 17, 2017 Meeting Minutes <i>Action: Motion to approve the minutes of the November 17, 2017 meeting</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:42 a.m. Tab 13
17. Information Sharing a) <i>JISC Minutes – October 27, 2017</i> b) <i>BJA Business Account Annual Statement</i> c) <i>CMC 2017 Annual Report</i> d) <i>Superior Court Security Report</i> e) <i>Roundtable</i>	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:45 a.m. Tab 14
18. Meeting Review	Chief Justice Mary Fairhurst Judge Judy Rae Jasprica	11:55 a.m.
19. 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:

- 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

To: Board for Judicial Administration

From: Washington State Supreme Court Gender and Justice Commission

Re: New study on Gender and Justice in Washington State Courts

I. PROJECT SUMMARY

In 1987 the Washington State Legislature tasked the Administrative Office of the Courts with developing measures to prevent gender bias in the state court system. After two years of research, public hearings, and surveys, the Gender and Justice Task Force concluded that gender bias existed in the Washington State court system and described the extent of that bias along with recommendations for change in its final report, *Gender and Justice in the Courts, Washington State, 1989*. The Washington State Supreme Court then created the Gender and Justice Commission to continue the job of monitoring and implementing the recommendations from the report.

That was almost 30 years ago. The extent of gender bias in the court system in Washington State, and the forms it currently takes, has not been studied since then. Much has changed since, such as advancements in technology, dramatic increases in incarceration, waves of new immigrants, increases in court user fees, and our greater knowledge of the human costs of legal/financial obligations. There are also larger numbers of women in law schools and in the profession. To our knowledge, no jurisdiction has done a comprehensive re-evaluation of gender and the courts in areas previously studied, in the current status of women litigants, lawyers, judges, and court personnel, and in these new areas.

We are going to take the lead. In order to gain a better understanding of the extent of gender bias in Washington State Courts in 2018, and to recommend ways to reduce gender inequalities, the Gender and Justice Commission will undertake a new and updated *Gender and Justice in the Courts Study*.

II. SCOPE & STRUCTURE

The original report looked at the status of litigants in three areas: domestic violence and sexual assault, divorce, and economic consequences in wrongful death cases and attorney fee awards in discrimination cases. In addition, it addressed the courtroom treatment and acceptance of women lawyers, litigants, judges, and court personnel.

With our thirty-year review, the Gender and Justice Commission will expand the number of substantive legal topics addressed and add a primary focus on women of color and women in poverty in the legal system. This will include researching topics that clearly have a gender impact, such as sexual harassment in the workplace, and will also expand to topics that are not explicitly related to gender but may disparately impact women, e.g. court fees.

It is also essential for the study to address the new context in which all of these questions are being raised. It will look at how women's experiences in the legal system are affected by issues such as legal/financial obligations, mass incarceration, and immigrant status.

The report will follow women through all of the potential interactions they may have with Washington State Courts:

- Circumstances that force individuals into court or compel them to seek the courts as a forum;
- What happens in the courtroom; and
- Consequences after a court case, such as legal/financial obligations and the dramatic increase in incarceration of both men and women in the last 30 years.

III. STATUS

Towards this end, a core group of Gender and Justice Commissioners, including judicial officers from all court levels, private practice and legal aid attorneys, and law professors, have spent the last year and a half diligently and thoroughly reviewing every aspect of the original study, conducting research on numerous potential new topics, and prioritizing seven topical sections to include in the new study. In addition to developing a structure for the report and prioritizing topics, the Commission has identified leads for the seven sections, which will each convene a working group.

Finally, the Commission has sought and received the support of the Administrative Office of the Courts, the Washington State Law Library, Washington Women Lawyers, and the National Association of Women Judges. We are confident in the Commission's ability to secure many additional state and national stakeholders.

IV. PROPOSAL

The Washington State Supreme Court Gender and Justice Commission plans to apply for a State Justice Institute project grant to conduct this study, in May 2018. The Commission is currently working with the National Center for State Courts to identify research methodologies and develop a grant work plan and budget.

The Commission recognizes that as the entity charged with providing effective leadership to the state courts and developing policy to enhance the administration of the court system, the BJA would be an important partner in this endeavor.

The Commission requests assistance from the Board for Judicial Administration in a few specific areas:

- Formal Declaration of Support: Gender bias affects all levels of the courts. We request BJA's formal declaration of support for our goal of studying gender at all levels of our

court system and developing strategies to address gender impact at all levels. We think that such support will help make our grant proposal more competitive.

- Staffing Support: The Commission hopes to use grant funds to hire a project manager for the study. From reviewing the efforts of the 1989 study, we know that additional staffing will be needed. In particular, the Commission plans to use its priority topics to divide the work into seven research task forces. If the BJA could provide staffing support for one or more of these task forces, we welcome that help.

V. NATIONAL IMPACT

Revisiting the *Gender and Justice in the Courts* study is an undertaking which will require considerable resources and the support of state and national stakeholders. We believe that Washington State's efforts would lead the way for other states to revisit their gender bias studies, and that our model could serve as a template for replicating these efforts across the nation.

Tab 2

PRINCIPAL POLICY GOALS OF THE WASHINGTON STATE JUDICIAL BRANCH

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Washington State Constitution, Article I, Section 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of justice in the state.

The judicial branch in Washington State is a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments, which are grounded in mutual respect.

The Principal Policy Goals of the Washington State Judicial Branch

1. **Fair and Effective Administration of Justice.** Washington courts will openly, fairly, efficiently and effectively administer justice in all 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 income, language, culture, ability, or other access barrier.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interests 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. **Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.

The Mission of the Board for Judicial Administration

The mission of the Board for Judicial Administration is to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government.

The Vision of the Board of Judicial Administration

The vision of the Board of Judicial Administration is to be the voice of the Washington State courts.

Principal Policy Goals of the Washington State Judicial Branch

“Justice in all cases shall be administered openly, and without unnecessary delay.”
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Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of ~~criminal and civil~~ justice in the state.

The judicial branch in Washington State is ~~not structurally unified at the statewide level.~~ ~~Ours is~~ a local and state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments which are grounded in mutual respect. ~~for the constitutional prerogatives of each branch and constitutional separation of powers considerations.~~

~~The following represent t~~he principal policy goals 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 income, language, culture, ability ~~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~~ Sufficient Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported and trained.

Approved ~~En Banc June 5, 2008~~

The **Mission** of the Board for Judicial Administration JA is “to provide leadership and develop policy to enhance the judiciary’s ability to serve as an equal, independent and responsible branch of government.”

The **Vision** of the Board for Judicial Administration JA is to be the that it will “~~become the leader and~~ voice of the Washington State Courts.”

Tab 3

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

In support of adequate and sustainable funding to foster excellence in the courts through effective education and training.

SUBMITTED BY: Judge Judy Rae Jasprica

(1) Name(s) of Proponent(s):

- Board for Judicial Administration's Court Education Committee

(2) Spokesperson(s): (List who will address the BJA and their contact information.)

Judge Judy Rae Jasprica, Co-Chair, BJA Committee
Chair, Court Education Committee
Pierce County District Court
930 Tacoma Ave S Rm 239
Criminal Division
Tacoma, WA 98402-2115
(253) 798-3313
jjaspri@co.pierce.wa.us

Judge Doug Fair, Co-chair, BJA Court System Education Funding Taskforce,
Co-chair, Court Education Committee
Snohomish County District Court – South Division
20520 68th Ave W
Lynnwood, WA 98036-7406
(425) 774-8803
Douglas.fair@snoco.org

(3) Purpose: (State succinctly what the resolution seeks to accomplish.)

The support of the BJA to support the CEC and the Task Force to develop adequate education and training for all court personnel in the state of Washington and acknowledge the need for long term funding.

(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.)

The CEC and the Task Force will continue their work to pursue long term sustainable funding for court education to support their work to support the professional development of Washington State Judges and court personnel.

(5) Expedited Consideration: (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

Time is of the essence as the CEC and the Task Force are currently working to develop a strategy to obtain funding and the Resolution would support those efforts.

(6) Supporting Material: (Please list and attach all supporting documents.)

Charter of CEC
Charter of the Task Force
CEC Roadmap
CEC At-A-Glance

**RESOLUTION of the BOARD FOR JUDICIAL ADMINISTRATION
of the State of Washington
In Support of Adequate and Sustainable Funding for Court Education**

WHEREAS, the Board for Judicial Administration (BJA) is the principal policy making body for the Judicial Branch; and

WHEREAS, the BJA has established the Court Education Committee (CEC) as a standing committee of the BJA; and

WHEREAS, the purpose of the CEC is to improve the quality of justice in Washington by fostering excellence in the courts through effective education and training; and

WHEREAS, the goal of the CEC is to enhance the performance of the judicial system as a whole by continuously improving the personal and professional competence of all persons performing Judicial Branch functions through court system education and training; and

WHEREAS, there is a current trend of Judges and court personnel reaching the age of retirement and being replaced by new Judges and personnel, who need education and training to perform their functions at an adequate level; and

WHEREAS, the availability of court system education and training should not be dependent on any court's location or budget; and

WHEREAS, new Judges and personnel sometimes have to wait up to a year to receive education and training for the new position; and

WHEREAS, the amount of funding provided to the Judicial Branch for education and training has remained unchanged over a decade; and

WHEREAS, the cost of education and training has increased annually; and

WHEREAS, the State of Washington is responsible for setting the budget for the Administrative Office of the Courts to support Judicial Branch education and training;

WHEREAS, the BJA has created the Court System Education Funding Taskforce to work with the BJA and the CEC in procuring adequate and sustainable funding for ongoing education and training of court system personnel.

NOW, THEREFORE, BE IT RESOLVED that the Board for Judicial Administration:

- (1) Supports the work of the Court Education Committee and the necessity of well-educated and trained Judicial Branch personnel;
- (2) Supports the efforts of the CEC and the Court System Education Funding Taskforce to procure sustainable funding for court personnel education and training;
- (3) Encourages the State to enhance professional competence at the Judicial Branch through increased education and training funding.

- (4) Recommends additional funding to support the creation of new programs which would be accessible to all court personnel, regardless of location or an individual court's budget to attend education and training programs; and
- (5) Understands that the need of the Judicial Branch, to train and educate new Judges and court personnel, exceed its ability to effectively do so within the current budget.

Tab 4



January 22, 2018

TO: Board for Judicial Administration Members
FROM: Misty Butler Robison, BJA Administrative Manager
RE: ANALYSIS OF BJA RULES AND BYLAWS

Purpose

The purpose of this memorandum is to provide an analysis of the BJA Rules and Bylaws and recommend areas of improvement.

Analysis and Recommendations

The Board for Judicial Administration's rules became effective December 8, 1986. The Board's role was to speak on behalf of the judicial branch of government on those matters which it has unanimously approved. At its July 27, 1987 meeting, the BJA adopted their bylaws. Over the years the rules and bylaws have been amended numerous times.

In an attempt to continually improve the BJA and for its rules and bylaws to accurately reflect current practice, I offer the following analysis and recommendations.

1. The BJA Rules should outline the framework of the BJA and the bylaws should outline the operation. Rule changes fall under the Supreme Court and amendments can be a lengthy process. Bylaws can be amended by majority vote of the BJA. Simplification of the BJA rules is recommended. For example:
 - BJAR 2(c)(1) Composition (Terms of Office). I would recommend moving to bylaws where it can be easily amended by the BJA if dates change.
2. BJAR 3(b) Operation (Committees) "Non-judicial committee members shall participate in non-voting advisory capacity only." This statement is contradictory of the committee charters which state that all members are voting members, including non-judicial committee members. I would recommend removing this statement or amending it to state that all BJA approved committee members shall be voting members.
3. BJAR 4 Duties. The currently stated duties do not appear to accurately reflect the charge and activities of the BJA. I would recommend having a discussion with the BJA about what they believe the duties of the BJA are and then keep the BJA focused on those activities.

TEMPLE OF JUSTICE

4. Other items to include in the BJA Bylaws.
 - BJA Dues
 - Rules of Procedure
 - BJA/Branch Communicating Structure and Process

5. It is my recommendation that an ad hoc task force or the Policy and Planning Committee formally evaluate the rules and bylaws and offer recommendations to the BJA for adoption.



January 26, 2018

TO: Board for Judicial Administration Members
FROM: Misty Butler Robison, BJA Administrative Manager
RE: BRANCH ENTITY UPDATES TO THE BJA

Purpose

The purpose of this memo is to request the Board for Judicial Administration's preference for receiving updates from branch entities.

Request

Over the last few years and in the effort of continuous improvement, the BJA has experimented with the method that it receives updates from branch entities. These groups include the following:

- DMCJA
- SCJA
- COA
- Supreme Court
- WSBA
- OPD
- OCLA/Access to Justice
- CMC (DMCMA, WAJCA, WSACC, and AWSCA)
- JISC
- Public Trust and Confidence Committee
- Commission on Children in Foster Care
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission

The goal has been to have each of the groups give an annual update. Currently the BJA receives in-meeting presentations that usually last between 15-25 minutes. Although informative, these presentations take time away from what could be substantive policy discussions amongst the BJA. The goal is to find a balance between keeping updated on branch activities, and also having time for the BJA to conduct business.

The BJA Co-chairs and I would like to know from BJA members what method you would like to receive information from branch entities. Some ideas include the following:

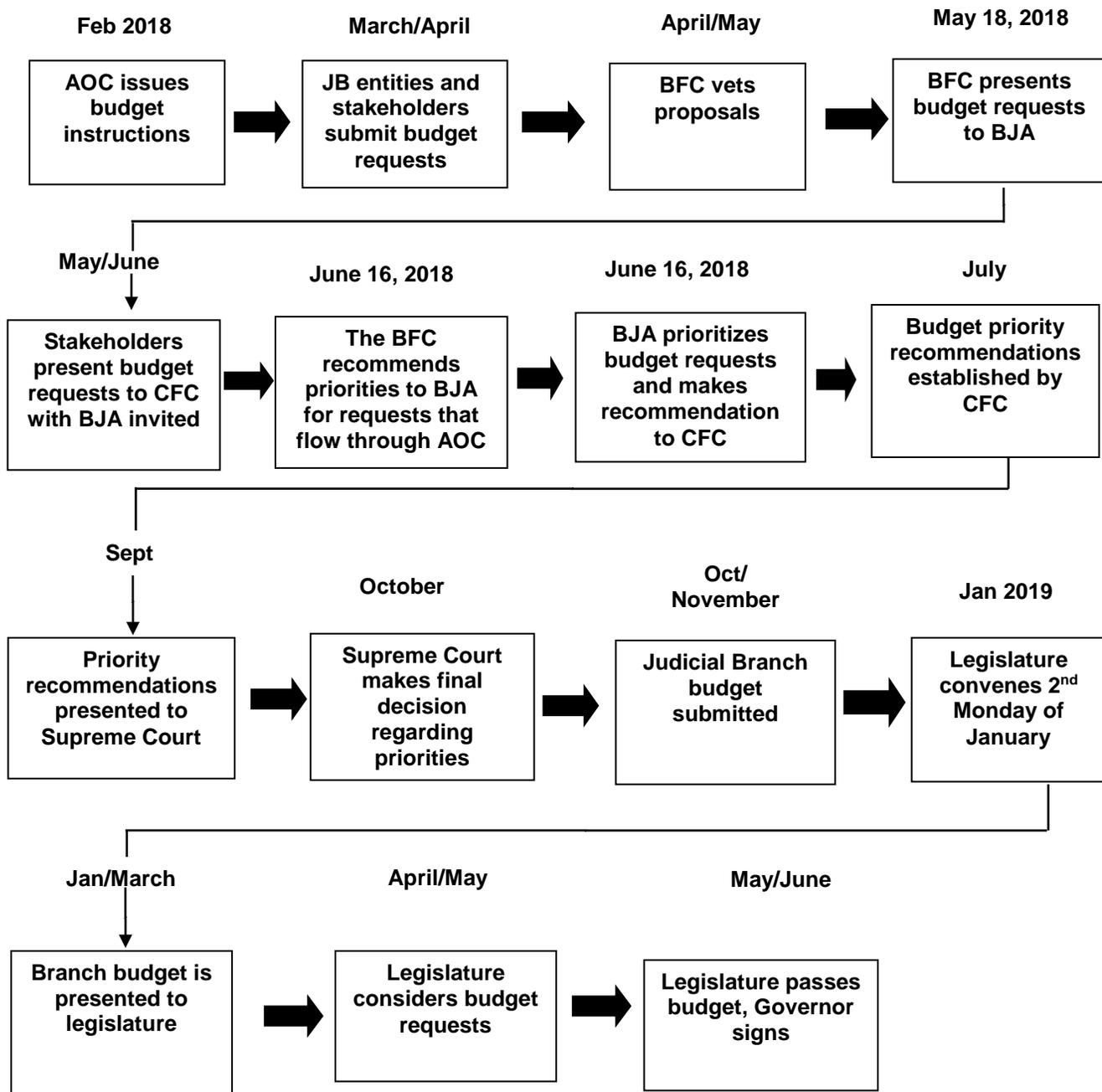
- Written reports included in the BJA packet instead of presentations.
- More frequent, and less lengthy reports given during the roundtable portion of the BJA.
- Branch entities will ask to be put on the BJA agenda if they have something specific they would like to share or have the BJA discuss.

In addition, are there any other groups the BJA would like to hear from and how should that information be received?

TEMPLE OF JUSTICE

Tab 5

Proposed 2019-2021 Biennial Budget Development Process-Requests That Flow Through AOC



¹ JB-Judicial Branch; BFC-BJA Budget and Funding Committee; CFC-Court Funding Committee
Revised 2-5-18

Proposed Biennial Budget Development, Review and Submittal Process

The budget development, review and submittal process has been revised for those state general fund budget requests that flow through the Administrative Office of the Courts (AOC). The revision will expand the 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.
- State general fund budget requests that flow through the AOC will initially be sent to the Budget and Funding Committee (BFC) via AOC.
- The BFC may seek clarifying information from the proponents.
- The BFC will present the state general fund requests that flow through the AOC to the BJA for discussion and input.
- The Court Funding Committee (CFC) will be constituted and comprised of the following:
 - Supreme Court Budget Committee (5 members),
 - BJA BFC (3 members) and,
 - Judge representatives from the JISC Executive Committee (3 members).
- All stakeholders, including independent judicial branch entities will present all budget requests to the CFC and invitees.
- The BFC will recommend budget request priorities to the BJA for those state general fund requests that flow through the AOC.
- Priority recommendations will be established (voted on) by the BJA for those state general fund requests that flow through the AOC. The recommendations will be forwarded to the CFC.
- The CFC will use previously approved prioritization criteria, as well as the priority recommendations from the BFC and BJA and input from stakeholders, when prioritizing state general fund budget requests that flow through the AOC. The priority recommendations will be forwarded to the Supreme Court for final approval.
- The Supreme Court will finalize the budget priorities and establish the funding request level for those requests that flow through the AOC.
- The Chief Justice will transmit the judicial branch budget request to legislature.
- Results will be reported to the BJA, CFC, JISC and other stakeholders.

JISC budget requests, once approved by JISC, will be routed through the BFC, BJA and CFC. Those requests from the state general fund will be prioritized with other requests that flow through the AOC.

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.

Tab 6

Other State's Contribution to Judicial Branch Operations-General Fund

State	Jud. Branch Budget as a Percent of State General Fund*	States Legally Defined as Unified**
Alabama	Not answered	X
Alaska	2.50	X
American Samoa	Not answered	
Arizona	1.40	X
Arkansas	1.00	
California	1.40	
Colorado	2.50	
Connecticut	2.92	X
Delaware	2.36	
District of Columbia	4.46	
Florida	0.65	X
Georgia	1.00	X
Guam	5.01	
Hawai'i	2.30	
Idaho	Not answered	X
Illinois	1.00	X
Indiana	1.00	
Iowa	2.50	
Kansas	1.60	X
Kentucky	3.40	X
Louisiana	0.63	
Maine	Not answered	
Maryland	1.30	
Massachusetts	1.60	
Michigan	1.90	X
Minnesota	1.70	
Mississippi	Not answered	
Missouri	2.00	X

State	Jud. Branch Budget as a Percent of State General Fund*	States Legally Defined as Unified**
Montana	Not answered	
Nebraska	Not answered	X
Nevada	0.53	
New Hampshire	1.50	X
New Jersey	2.10	
New Mexico	2.60	
New York	3.60	X
North Carolina	2.29	X
North Dakota	1.00	X
Northern Mariana Islands	Not answered	
Ohio	0.50	
Oklahoma	Not answered	X
Oregon	3.70	
Pennsylvania	0.50	X
Puerto Rico	Not answered	
Rhode Island	2.62	X
South Carolina	0.63	X
South Dakota	2.80	X
Tennessee	0.40	
Texas	0.40	
Utah	1.00	X
Vermont	4.00	X
Virgin Islands	Not answered	
Virginia	2.00	X
Washington	0.07	
West Virginia	1.20	
Wisconsin	0.80	X
Wyoming	Not answered	

*/** National Center for State Courts

**Administrative Office of the Courts
 Budget Request Review - General Fund State
 2017-2019 Biennium - General Fund State**

Decision Package Title	Category	BJA Recommendation	Status		
			Proposed Dollars	Requested Dollars	Funded Dollars
Trial Court Interpreter Services	Program Expansion	1	\$8,000,000	\$4,305,000	\$0
Court Personnel Education	Program Expansion	2	\$396,000	\$396,000	\$0
Pattern Forms	Expansion	3	\$371,000	\$299,000	\$0
Courthouse Facilitator Training	New Program	4	\$268,000	\$268,000	\$0
Web Services Support	Expansion	5	\$487,000	\$487,000	\$0
Telephonic Interpreting Services	New Program	6	\$2,187,000	\$0	\$0
Guardian Monitoring	Program Expansion	7	\$1,243,000	\$0	\$0
Therapeutic Courts Best Practices	New Program	8	\$136,000	\$0	\$0
CASA Program Expansion	Program Expansion	9	\$12,100,000	\$0	\$0
AOC Salary Adjustment	Increase	N/A	\$200,000	\$200,000	\$0
SCJA Support	Increase	N/A	\$0	\$423,000	\$0
Expedited Data Exchange	Fund Shift	N/A	\$5,513,000	\$5,513,000	\$0
Total			\$30,901,000	\$11,891,000	\$0

**Administrative Office of the Courts
 Budget Request Review - General Fund State
 2015-2017 Biennium - General Fund State**

Decision Package Title	Category	BJA Recommendation	Status		
			Proposed Dollars	Requested Dollars	Funded Dollars
Trial Court Funding for Language Access	Program Expansion	1	\$6,609,000	\$5,070,000	\$0
Employee Salary Adjustment	Technical/Other	2	\$0	\$0	\$0
Telephonic Interpreting	Program Expansion	3	\$1,324,000	\$0	\$0
CASA Restoration & State CASA Funding	Program Restoration	4	\$1,656,000	\$0	\$0
Family & Juvenile Court Improvement Program Expansion	Program Expansion	5	\$558,000	\$428,000	\$0
Juvenile Court & Juvenile Detention Alternative Staff	New Program	6	\$394,000	\$302,000	\$0
Misdemeanant Corrections	New Program	7	\$1,100,000	\$0	\$0
Becca Programs	Program Expansion	Failed	\$5,090,000	\$0	\$0
Guardian Monitoring Program	Program Expansion	No Motion	\$956,000	\$0	\$0
Therapeutic Court Coordinator	New Program	Failed	\$191,000	\$0	\$0
Total			\$17,878,000	\$5,800,000	\$0

**Administrative Office of the Courts
 Budget Request Review - General Fund State
 2013-2015 Biennium - General Fund State**

		BJA Recommendation	Status		
Decision Package Title	Category		Proposed Dollars	Requested Dollars	Funded Dollars
Interpreter Restoration	Program Restoration	1	\$679,000	\$0	\$0
Courts of Limited Jurisdiction (CLJ) Judges Salaries	New Program	2	\$6,269,000	\$0	\$0
CASA Restoration	Program Expansion	3	\$1,242,000	\$0	\$0
Interpreter Services	Program Expansion	4	\$1,231,000	\$0	\$0
Expand Interpreter Program	Program Expansion	5	\$3,829,000	\$0	\$0
Video Remote Interpretation	Program Expansion	6	\$370,000	\$384,000	\$0
Family & Juvenile Court Improvement Program Restoration	Program Restoration	7	\$234,000	\$0	\$0
Therapeutic Court Coordinator	New Program	8	\$170,000	\$0	\$0
Quality Assurance Transfer	Program Expansion	9	\$1,337,000	\$0	\$0
AOC Court Access Forms	New Program	No Action	\$1,046,000	\$0	\$0
Access to Justice Board	Program Expansion	No Action		\$50,000	\$0
Criminal Justice Research Associate	New Program	No Action	\$196,000	\$0	\$0
Guardianship Service Expansion	Program Expansion	No Action	\$708,000	\$0	\$0
Risk Assessment & Law Table Support	New Program	No Action	\$169,000	\$0	\$0
Spokane Water Rights Adjudication	New Program	No Action	\$1,308,000	\$0	\$0
Total			\$18,788,000	\$434,000	\$0

**Administrative Office of the Courts
 Budget Request Review - General Fund State
 2011-2013 Biennium - General Fund State**

Decision Package Title	Category	BJA Recommendation	Status		
			Proposed Dollars	Requested Dollars	Funded Dollars
Spokane Superior Court (Water Rights Adjudication)	New Program	No BJA participation	\$1,812,058	\$0	\$0
Transfer Quality Assurance Funds	New Program	No BJA participation	\$1,078,376	\$1,178,000	\$0
Risk Assessment Phase I	New Program	No BJA participation	\$270,000	\$200,000	\$0
Risk Assessment Phase II	Program Expansion	No BJA participation	\$388,000	\$0	\$0
FJCIP Restoration	Restoration	No BJA participation	\$309,000	\$0	\$0
FJCIP Enhancement	Program Expansion	No BJA participation	\$1,491,000	\$0	\$0
Office of Public Guardianship Services	Program Expansion	No BJA participation	\$1,060,075	\$1,060,000	\$265,000
Thurston County Impact Fees	Program Expansion	No BJA participation	\$439,482	\$438,000	\$0
Legal Financial Obligation Postage	Program Expansion	No BJA participation	\$51,760	\$52,000	\$0
Juvenile Court Quality Assurance	Program Expansion	No BJA participation	\$729,000	\$729,000	\$0
Total			\$7,628,751	\$3,657,000	\$265,000

2019-2021 Budget Development, Review and Submittal Schedule

MONTH	TASK	DUE DATE
February 2018	AOC distributes budget instructions and associated materials	February 2018
February 2018 March 2018	Branch budget decision packages are developed	Ongoing
April 2018	<u>Branch budget requests are due to AOC</u>	April 6, 2018
April 2018	<u>JISC meeting.</u> Reviews/approves IT budget requests	April 27, 2018
April 2018	BFC vets state general fund budget proposals that flow through AOC and prepares priority recommendations for BJA	April 2018
May 2018	<u>BJA meeting.</u> BFC presents state general fund budget requests that flow through AOC to BJA	May 18, 2018
May-June 2018	<u>Branch stakeholders present proposals to CFC</u>	TBD
June 2018	<u>BJA meeting.</u> BFC recommends priorities to BJA; BJA makes priority recommendation to CFC	June 16, 2018
July 2018	Budget priority recommendations established by CFC	July 2018
August 2018	Budget decision packages refined	August 2018
September 2018	<u>Admin. En Banc.</u> Priority recommendations presented to Supreme Court; Supreme Court approves final budget	September 5, 2018
October 2018	<u>Admin. En Banc.</u> Placeholder	October 3, 2018
October 2018	Branch budget transmitted	October 2018
January 2019	Legislature convenes	January 14, 2019

BJA Meeting Schedule	JISC Meeting Schedule	Revenue Forecast Schedule
February 16, 2018	March 2, 2018	February 15, 2018
March 16, 2018	April 27, 2018	N/A
May 18, 2018	N/A	N/A
June 15, 2018	June 22, 2018	June 19, 2018
September 21, 2018	August 24, 2018	September 18, 2018
October 19, 2018	October 26, 2018	N/A
November 16, 2018	December 7, 2018	November 20, 2018

Washington State Judicial Branch 2019 – 2021 Biennial Budget Decision Package

Agency: [Click here to enter text.](#)

Decision Package Title: [Click here to enter text.](#)

Budget Period: [Click here to enter text.](#)

Budget Level: [Click here to enter text.](#)

Agency Recommendation Summary Text:

[Click here to enter text.](#)

Summary:

Operating Expenditures	FY 2020	FY 2021	FY 2022	FY 2023
Fund	\$Click here to enter text.			
Fund	\$Click here to enter text.			
Total Cost	\$Click here to enter text.			
Staffing	FY 2020	FY 2021	FY 2022	FY 2023
FTEs	Click here to enter text.			
Revenue	FY 2020	FY 2021	FY 2022	FY 2023
Fund	\$Click here to enter text.			
Fund	\$Click here to enter text.			
Object of Expenditure	FY 2020	FY 2021	FY 2022	FY 2023
Obj. X	Click here to enter text.			
Obj. X	Click here to enter text.			
Obj. X	Click here to enter text.			

Package Description

[Click here to enter text.](#)

Current Level of Effort: If the proposal is an expansion or alteration of a current program or service, provide information on the current level of resources devoted to the program or service. Please include current expenditure authority level and FTEs.

[Click here to enter text.](#)

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Clearly articulate the workload or assumptions used in calculating expenditure and revenue changes proposed.

[Click here to enter text.](#)

Decision Package Justification and Impacts

How does this package contribute to the Judicial Branch Principle Policy Objectives identified below?

Accessibility

[Click here to enter text.](#)

Access to Necessary Representation

[Click here to enter text.](#)

Commitment to Effective Court Management

[Click here to enter text.](#)

Appropriate Staffing and Support

[Click here to enter text.](#)

What is the impact on other state agencies?

[Click here to enter text.](#)

What is the impact to the Capital Budget?

[Click here to enter text.](#)

Is change required to existing statutes, Court rules or contracts?

[Click here to enter text.](#)

Is the request related to or a result of litigation?

[Click here to enter text.](#)

What alternatives were explored by the agency and why was this option chosen?

[Click here to enter text.](#)

What are the consequences of not funding this request?

[Click here to enter text.](#)

How has or can the agency address the issue or need in its current appropriation level?

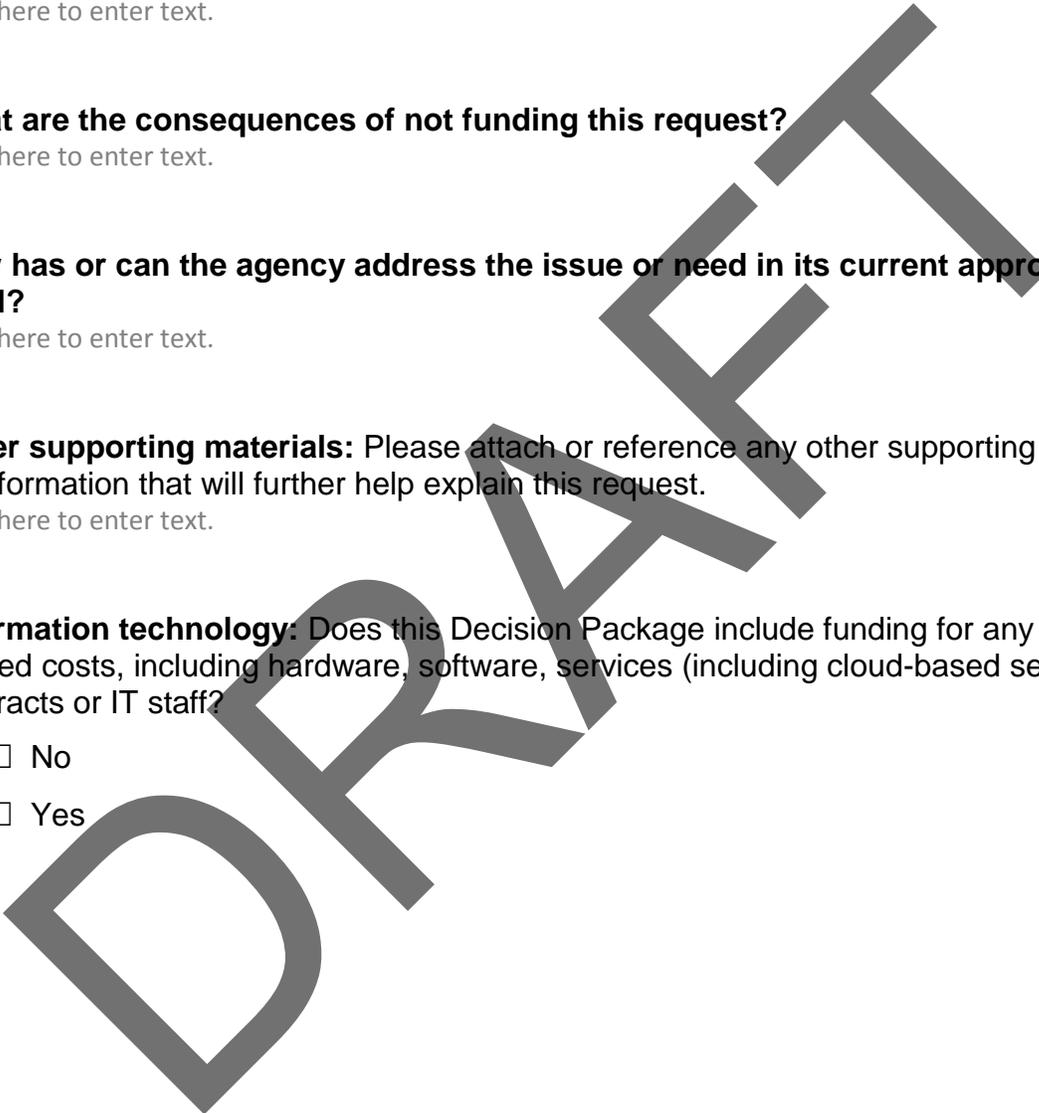
[Click here to enter text.](#)

Other supporting materials: Please attach or reference any other supporting materials or information that will further help explain this request.

[Click here to enter text.](#)

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

- No
- Yes



Tab 7



February 9, 2018

TO: BJA Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Brady Horenstein, AOC Associate Director, Legislative & Judicial Relations
RE: 2018 Legislative Session Update

The 2018 Legislative Session has reached the halfway point. Legislators are now spending much of their time on the floor passing bills that made it through the first round of policy and fiscal committee cutoffs. AOC is now tracking nearly 300 bills with some sort of court impact. The BJA Bill Status Report we've provided includes a list of some of these bills, including ones we've talked about on our weekly conference calls.

Several bills of particular interest to the BJA are making their way through the legislature right now. [E2SHB 1783](#), the comprehensive legal financial obligations reform bill, passed the House earlier this session and had a hearing in Senate Law & Justice on Wednesday, February 7. The BJA Legislative Committee approved supporting this bill this year. The bill is expected to pass this year.

BJA request legislation to expand the Office of Public Guardianship ([SB 5447](#)) is currently making its way through the Senate. Additionally, [SHB 1186](#), our bill from last session to expand interpreter services to civil cases, has passed the House and is currently making its way through the Senate.

Here are some other bills of particular interest to the judiciary that we'd like to highlight:

1. [SB 6139](#), which would have extended the public records act to judicial branch records, is dead for the session.
2. The Attorney General's Office request legislation that would've directed AOC to create a consolidated traffic LFO repayment program ([HB 2421/SB 6216](#)) appears to be dead for the session due to collection agency concerns.
3. A bill to clarify pretrial release program requirements ([SB 5987](#)) in response to *Blomstrom v. Tripp* passed the Senate unanimously.
4. A bill to change the small claims court jurisdictional amounts from \$5000 to \$10,000 passed the Senate unanimously and is now scheduled for hearing this week in the House Judiciary Committee ([SSB 5989](#)).

5. The civics learning initiative bill ([SHB 1896](#)) had a public hearing and executive session in House Appropriations yesterday. The bill is now headed for the floor.

The Legislature is scheduled to adjourn on March 8. All indications are that legislators will complete their work on time. With the passage of the capital budget and a *Hirst* compromise earlier this session, much of the partisan rancor that could have kept legislators in overtime has subsided. It's unclear at this time what the Legislature will do in response to the latest *McCleary* order but we expect to see a proposed supplemental budget very soon.

Soon the BJA Legislative Committee will be sending letters to all branch entities asking them to submit proposals for 2019 session BJA request legislative items. Now is a good time to start thinking about this.

BJA Bill Tracking Report

<u>Bill Details</u>	<u>Status</u>	<u>Sponsor</u>
<u>SHB 1186</u> Court interpreter services Concerning the provision of and reimbursement for certain court interpreter services. Addresses the appointment of and reimbursement for certain court interpreter services.	S Ways & Means	Santos
<u>ESHB 1196 (SB 5175)</u> Small claims court judgments Modifying the process for prevailing parties to recover judgments in small claims court. HB 1196-S - DIGEST Revises small claims court provisions with regard to the process for prevailing parties to recover judgments in the court.	S Rules 2	Goodman
<u>E2SHB 1783</u> Legal financial obligations Concerning legal financial obligations. Addresses legal financial obligations. Eliminates the accrual of interest on certain nonrestitution portions of legal financial obligations. Prohibits a court from imposing costs on a defendant who is indigent at the time of sentencing. Provides that this act is null and void if appropriations are not approved.	S Law & Justice	Holy
<u>2SHB 1896 (SB 5668)</u> Civics education Expanding civics education in public school.	H Rules R	Dolan
<u>HB 1945 (Dead)</u> Elderly prospective jurors Allowing prospective jurors who are elderly to choose to be excused from jury service or to remain a prospective juror. Authorizes a person, who is at least seventy years old, to choose to: (1) Be excused from jury service because of his or her age; or (2) Remain a prospective juror.	H Judiciary	Condotta
<u>SHB 2035</u> Civil traffic infractions Concerning information on civil traffic infractions. Prohibits the administrative office of the courts from displaying personally identifying information about individual cases that involve parking infractions, or infractions processed in the same manner as parking infractions, on any publicly accessible online case records portal maintained by the office.	H Passed 3rd	Harmsworth
<u>SHB 2308 (SSB 6041)</u> Civil legal aid Concerning civil legal aid. Finds that the prevalence of civil legal problems experienced by low-income people in the state	H Rules R	Jinkins

exceeds the capacity of the state-funded legal aid system to address. Modifies civil legal aid provisions regarding: (1) The duty of the director of civil legal aid services to periodically assess the most prevalent civil legal problems experienced by low-income people in the state and the capacity of the state-funded legal aid system to meet the legal needs arising from the problems; (2) The appropriation of public funds for civil representation of indigent persons; and (3) The distribution of funds to persons appointed in dependency proceedings.

Jury selection

H Passed 3rd

Kilduff

Concerning jury selection.

[SHB 2398](#)

Prohibits the exclusion of a citizen from jury service on account of membership in a protected class. States that this act does not affect the right to peremptory challenges, the right to general or particular causes of challenge, or a judge's duty to excuse a juror.

Traffic LFO consolidation

H Judiciary

Jinkins

[HB 2421](#)
(Dead)
(SB 6216)

Creating a program for the consolidation of traffic-based financial obligations.

Requires the administrator for the courts to create a unified payment plan system to allow for the consolidation of multiple traffic-based financial obligations from courts of limited jurisdiction.

Family assessment response

H Rules R

Senn

[SHB 2449](#)
(SSB
6309)

Extending the timeline for completing a family assessment response.

Changes the time, from ninety days to one hundred twenty days, for the family assessment response period.

Driving w/ suspended license

H Public Safety

Graves

[HB 2481](#)
(Dead)
(SSB
6189)

Changing driving a motor vehicle with a suspended or revoked driver's license provisions.

Modifies provisions with regard to driving a motor vehicle with a suspended or revoked driver's license.

Ex parte temp. orders/hours

H 2nd Reading

Nealey

[SHB 2542](#)

Concerning ex parte temporary orders outside of normal court hours.

Addresses the issuance, by a district court, of an ex parte temporary order for protection when a law enforcement officer responds to an act of domestic violence between family or household members, outside of normal court hours, and a party requests the order for protection.

Supreme court fiscal notes

H Approps

Holy

[HB 2636](#)
(Dead)
(SB 6405)

Concerning fiscal notes for supreme court decisions.

Requires the office of financial management, in consultation with the administrative office of the courts, to establish a procedure for the provision of fiscal notes estimating the impact of state supreme court decisions that increase or decrease, or tend to increase or decrease, state and local government revenues or expenditures.

Pretrial release programs H 2nd Reading Klippert

[HB 2679](#)
(SB 5987)

Concerning pretrial release programs.

Addresses bail determinations and conditions of release. Declares an intent to require an individualized determination by a judicial officer of conditions of release for persons in custody.

Public defense funding H Approps Frame

[HB 2687](#)
(Dead)

Increasing appropriated funding for public defense services.

Requires a county or city to: (1) Provide documentation that attorneys providing public defense services are in compliance with the state supreme court standards for indigent defense and the number and types of private cases from each individual or organization that contracts to perform public defense services; and (2) Provide information on actual expenditures for the services to the office of public defense. Requires the office of public defense to: (1) Determine the cost of public defense services, based on an average of expenditures for the services reported by counties and cities; (2) Monitor trial level criminal public defense services to determine eligibility of counties and cities; and (3) Establish policies for the distribution of appropriated funds to eligible counties and cities. Requires the money for eligible counties and cities to be distributed by the office of public defense. Provides the funds appropriated for the cost of public defense services in cities and counties and the manner in which they are appropriated.

Baby court initiative H Approps Kagi

[SHB 2798](#)
(Dead)

Concerning the baby court initiative.

Creates an initiative to support early interventions with substance-abusing parents through county treatment courts. Requires the family and juvenile court improvement grant program to: (1) Develop standards for baby courts; (2) Develop a process where a superior court may apply for grant funds from the grant program to establish a baby court; (3) Distribute grant funds to support baby courts in five superior courts; (4) Develop and define the outcome measures for baby courts; (5) Collect outcome measure data that is included in an annual report that summarizes the results of baby courts during the previous year; and (6) Sponsor and coordinate training for judicial officers and other professionals that participate in baby courts receiving grant funding.

Families in need of services H Erly Lrn/H Svc Orwall

[HB 2870](#)
(Dead)
(2SSB
6467)

Concerning families in need of services.

Repeals chapter 13.32A RCW (the family reconciliation act) and creates a new chapter (the family in need of services act). Recognizes that there is a need to provide support to youth and families who are experiencing severe conflict. Finds that, under the family reconciliation act, at-risk youth petitions and child in need of services petitions were available for youth and families to request assistance. This system was established to recognize early warning signs of risk and provide an avenue through the juvenile court system to request crisis intervention and services to stabilize the family. Declares an intent to create an early public system response designed to address family crisis by: (1) Merging those petitions into the family in need of services petition; (2) Providing a legal process by which families that are experiencing crisis can request and receive prompt assistance from juvenile courts; (3) Providing residential placement and therapeutic support for the youth; and (4) Allowing services and interventions for the parent.

Office of pub. guardianship S Rules 2 Conway

**[SB 5447](#)
(HB 1139)**

Concerning the methods of services provided by the office of public guardianship.

Modifies office of public guardianship provisions with regard to services for supported decision-making assistance and estate administration.

Sealing juvenile records

S Human Svcs/Corr

Darneille

**[SB 5694](#)
(Dead)**

Concerning the sealing of juvenile records.

Requires the records of an official juvenile court file to be confidential but may be released under certain circumstances.

Pretrial release programs

S Passed 3rd

Padden

**[SB 5987](#)
(HB 2679)**

Concerning pretrial release programs.

Addresses bail determinations and conditions of release. Declares an intent to require an individualized determination by a judicial officer of conditions of release for persons in custody.

Small claims court

H Judiciary

Padden

[SSB 5989](#)

Concerning small claims court.

Increases the monetary limit, in which a small claims department may have jurisdiction, from five thousand dollars to ten thousand dollars.

Therapeutic courts

S 2nd Reading

Dhingra

[SSB 6025](#)

Increasing success in therapeutic courts.

Allows the use of a portion of the criminal justice treatment account to provide services to foster increased success in drug courts. Requires the state treasurer, for the fiscal year beginning July 1, 2005, and each subsequent fiscal year, to transfer 8.25 million dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments.

Uniform parentage act

S Passed 3rd

Pedersen

[ESSB 6037](#)

Concerning the uniform parentage act.

Repeals chapter 26.26 RCW (the uniform parentage act) and creates a new chapter for the uniform parentage act.

Civil legal aid

S 2nd Reading

Pedersen

**[SSB 6041](#)
(SHB
2308)**

Concerning civil legal aid.

Finds that the prevalence of civil legal problems experienced by low-income people in the state exceeds the capacity of the state-funded legal aid system to address. Modifies civil legal aid provisions regarding: (1) The duty of the director of civil legal aid services to periodically assess the most prevalent civil legal problems experienced by low-income people in the state and the capacity of the state-funded legal aid system to meet the legal needs arising from the problems; (2) The appropriation of public funds for civil representation of indigent persons; and (3) The distribution of funds to persons appointed in dependency proceedings.

<u>SB 6052</u>	Death penalty elimination	S Rules 2	Walsh
	Reducing criminal justice expenses by eliminating the death penalty and instead requiring life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder.		
	Eliminates the death penalty and requires life imprisonment without possibility of release or parole as the sentence for aggravated first degree murder.		
<u>SSB 6117</u>	Juvenile court record seals	S Rules 2	Darneille
	Revising conditions under which juvenile court records may be sealed.		
	Modifies juvenile court record provisions regarding the conditions under which they may be sealed.		
<u>SB 6139</u> (Dead)	Public records/leg. & courts	S State Govt/Tri	Miloscia
	Concerning public access to the records of the legislature and judiciary.		
	Requires the clerk of the supreme court to advise each division of the courts of the necessity to keep public records. Requires the state archivist to work with the clerk to provide information and instructions on the best method for keeping judicial records. Requires the secretary of the senate and the chief clerk of the house of representatives to be the appointed public records officers for requests made to the senate or house, including each state legislative office in each house. Requires the clerk of the supreme court to appoint public records officers for each division of the courts for requests made to the judiciary.		
<u>SSB 6189</u> (Dead) (HB 2481)	Driving w/ suspended license	S Transportation	Fain
	Changing driving a motor vehicle with a suspended or revoked driver's license provisions.		
	Modifies provisions with regard to driving a motor vehicle with a suspended or revoked driver's license.		
<u>SB 6216</u> (Dead) (HB 2421)	Traffic LFO consolidation	S Law & Justice	Salda?a
	Creating a program for the consolidation of traffic-based financial obligations.		
	Requires the administrator for the courts to create a unified payment plan system to allow for the consolidation of multiple traffic-based financial obligations from courts of limited jurisdiction.		
<u>SB 6344</u> (Dead) (HB 2707)	Driving privileges/reinstate	S Law & Justice	O'Ban
	Creating a program for the reinstatement of driving privileges that are suspended because of failure to pay a traffic infraction.		
	States that the legislature creates a program to provide a path for the reinstatement of driving privileges that are suspended because of failure to pay a traffic infraction.		
<u>SB 6405</u> (Dead) (HB 2636)	Supreme court fiscal notes	S Ways & Means	Wagoner
	Concerning fiscal notes for supreme court decisions.		

Requires the office of financial management, in consultation with the administrative office of the courts, to establish a procedure for the provision of fiscal notes estimating the impact of state supreme court decisions that increase or decrease, or tend to increase or decrease, state and local government revenues or expenditures.

Family services/counties

S Rules 2

Darneille

Concerning families in need of services.

[2SSB 6467](#)
(HB 2870)

Repeals chapter 13.32A RCW (the family reconciliation act) and creates a new chapter (the family in need of services act). Recognizes that there is a need to provide support to youth and families who are experiencing severe conflict. Finds that, under the family reconciliation act, at-risk youth petitions and child in need of services petitions were available for youth and families to request assistance. Finds that this system was established to recognize early warning signs of risk and provide an avenue through the juvenile court system to request crisis intervention and services to stabilize the family. Declares an intent to create an early public system response designed to address family crisis by: (1) Merging those petitions into the family in need of services petition; (2) Providing a legal process by which families that are experiencing crisis can request and receive prompt assistance from juvenile courts; (3) Providing residential placement and therapeutic support for the youth; and (4) Allowing services and interventions for the parent.

Guardians/train & monitor

S Law & Justice

Conway

Concerning the training and monitoring of guardians.

[SB 6479](#)
(Dead)
(HB 2923)

Requires the department of social and health services to convene an advisory group to: (1) Develop a model program to monitor guardians appointed under chapter 11.88 RCW (appointments, qualifications, and removal of guardians) and to provide for monitoring of both professional and lay guardians; and (2) Develop an in-person training program for use by lay guardians across the state.

Juvenile offenses

S Rules 2

Dhingra

Concerning juvenile offenses.

[SSB 6566](#)
(HB 2932)

Modifies crimes regarding depictions of a minor engaged in sexually explicit conduct. Requires the Washington coalition of sexual assault programs, in consultation with the office of the superintendent of public instruction, the Washington association for the treatment of sexual abusers, the department of children, youth, and families, the Washington association of prosecuting attorneys, representatives from public defense, and other relevant stakeholders, to convene a work group to make recommendations to the legislature regarding age-appropriate prevention and intervention strategies to address potential harms caused by exchange of intimate images by minors. Provides a July 1, 2019, expiration date for the work group.

Tab 8



January 29, 2018

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 held a web meeting December 8. The Funding Interpreters Survey was distributed and closed in December. There was an 80% response rate. We collected 132 responses out of a possible 165.

At the December meeting, the task force discussed possible legislative strategies and decided to involve key legislative members in a later meeting to review and provide feedback on messaging strategies. The task force also reviewed the budgeting timeline and the decision package request process.

AOC staff are working on analyzing survey results, drafting the survey summary, and working on budget figures for funding different aspects of interpreter services. The task force meets in person in February to review survey results and finalize funding strategies. The task force will send agreed upon funding strategies to the BJA for review and approval at the March meeting. The decision package will be submitted in early April.



January 29, 2018

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 Education Funding Task Force held a web meeting December 4. At the December 4 meeting, the task force discussed possible legislative strategies and decided to involve key legislative members in a later meeting to review and provide feedback on messaging strategies. The task force also reviewed the budgeting timeline and the decision package request process.

The Education Funding Needs Survey was distributed mid-December and closed January 8. There was a total of 396 respondents: 53% judicial officers; 40% court administrators; and 7% County Clerks. There was an estimated 1050 possible respondents giving the survey an approximate 38% response rate. Given the high numbers of possible respondents, this was considered an adequate response rate for the information the task force was seeking. All levels of courts were represented in the survey.

The task force meets in person in February to review survey results and finalize funding strategies. The task force will send agreed upon funding strategies to the BJA for review and approval at the March meeting. The decision package will be submitted in early April.

Tab 9



February 9, 2018

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 (CEC) Report

I. Work in Progress

The CEC met January 5, 2018 via conference call. The committee identified items to be addressed during the March 2, 2018 meeting. The March meeting will be dedicated to developing a strategic plan for the year.

The CEC approved the BJA resolution drafted by the CEC. This resolution will now go to the Policy and Planning Committee for review next week and ultimately to the BJA for review.

Ms. Jeanne Englert reported that the Court System Education Funding Task Force has received 361 responses and the task force will be meeting in February to review the responses and finalize strategies they would like to pursue which will be presented to the BJA in March. Judge Jasprica drafted a message to go out with the final reminder about the survey.

II. Short-term Goals

The CEC will be reviewing all the remaining policies and procedures that were created by the Board for Court Education and adopted by the CEC.

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.



January 12, 2018

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 November 17, 2017 and January 12, 2018.

The PPC continues to work on compiling information from the varying courts/ associations/committees about their purpose, priority areas, planning process, and committee work. The PPC identified next steps and plans to share this information with others in the hopes of identifying future collaboration efforts. The PPC also plans to review previously submitted strategic initiatives proposals to identify other possible planning priorities and needs. The committee will explore non-funding initiatives for consideration.

The PPC revised the Judicial Branch Principal Policy Goals and BJA Mission and Vision. These revised drafts will be sent to the BJA for review and adoption at the February meeting. The Committee reviewed a resolution from the Court Education Committee that will also be sent to the BJA for review and adoption.

Tab 10

Washington State Center for Court Research

Dr. Carl McCurley, Research Manager

Washington State Center for Court Research

Strategic Oversight Committee

Advisory Board

Publications

Staff Bios

> Programs

Welcome
Juvenile Courts
Adult Courts
Dependency Case Timeliness
Multi-System Youth
WARNS
Other Research Activities

Welcome

The **Washington State Center for Court Research** (WSCCR) is the research arm of the Administrative Office of the Courts. It was established in 2004 by order of the Washington State Supreme Court. The order was revised in 2015 making changes to the advisory board and establishing a strategic oversight committee.

- Our empirical research is intended to improve understanding of the courts, help guide judicial policy, and improve the functioning of our judicial system.
- We serve judges, clerks, victims, offenders, legal advocates, and all other participants in the judicial process.

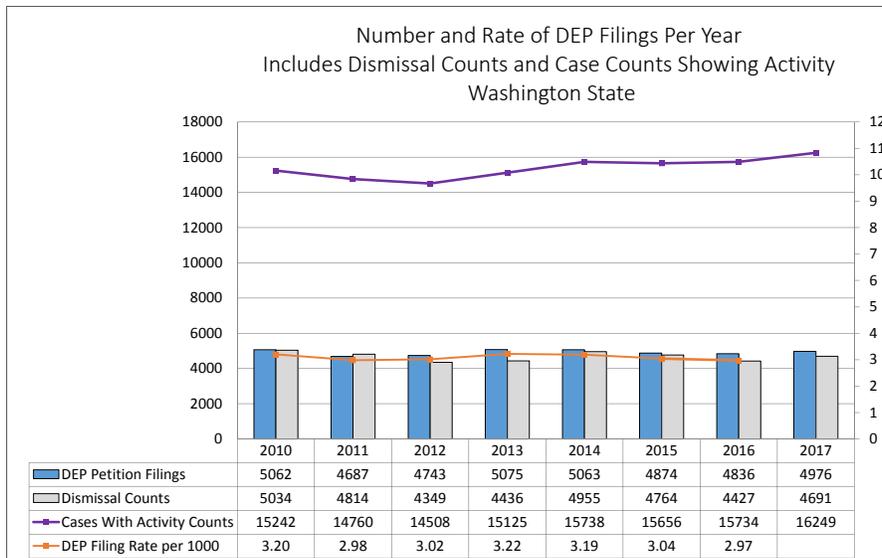
<http://www.courts.wa.gov/wsccr>

Contact Us
 WSCCR
 Administrative Office of the Courts
 Post Office Box 41170
 Olympia, WA 98504-1170
 Phone: (360) 753-3365
 Fax: (360) 956-5700
wscrr@courts.wa.gov

Search the Courts for:

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Dependency Timeliness Reporting



What do we know?

Exposure to multiple types of violence has a cumulative negative effect



EXPOSURE TO VIOLENCE

One of the realities youth involved with probation face is a high exposure to violence either as victims or witnesses

	Youth on Probation		Youth in the population	
	Girls	Boys	Girls	Boys
Witness violence at home	56%	42%	21%	21%
Witness violence in the community	52%	48%	25%	30%
Sexual abuse	34%	8%	11%	8%
Physical abuse	44%	31%	8%	11%
Child neglect	33%	21%	14%	15%

Juvenile Recidivism Study

Overall Recidivism Rates by Disposition Type

Recidivism Outcomes				
	All Dispositions (%)	Diversions (%)	Adjudications (%)	JR Release Cohort (%)
All Recidivism	28.1	20.0	43.5	54.3
Misdemeanor Recidivism	23.3	17.4	34.8	33.9
Felony Recidivism	9.7	4.6	18.3	33.7
Violent Felony Recidivism	3.5	1.6	6.7	13.9

Notes: Fields with fewer than 30 subjects are omitted as to not provide potentially skewed or misleading statistics.

SAJE C E N T E R

THE STUDY & ADVANCEMENT
OF JUSTICE EFFECTIVENESS



- Developmentally appropriate treatment
- Translation of research for practitioners
- Evaluation design



WASHINGTON STATE CENTER
FOR COURT RESEARCH

- Puts official data to use for the courts
- Long-term working relationships
- Supports incremental program improvements



WASHINGTON STATE
UNIVERSITY

- Risk and needs assessment
 - Adult pretrial
 - Juvenile probation
- Therapeutic courts
- Quantitative methods

Daily Docket

01 FEB 2018

Research Group Seeks Learning Organization

The Center for the Study and Advancement of Justice Effectiveness (SAJE) seeks long term relationships with courts devoted to mindfulness and lifelong self-improvement. Must have mission focus, strong leadership, and a commitment to using data in exciting ways.



Lipsey (2010) on learning organizations

- Strong leadership
 - Why?
- Open and inclusive management culture
 - As opposed to what?
- Able to launch process improvement
 - How does that happen? Which processes need improving?
- Transparent & accessible performance data
 - Where can we find usable data?

Lipsey, M.W., et al. 2010. Improving the Effectiveness of Juvenile Justice Programs



SAJE: Support for Learning Organizations

- Connects
 - Research and practitioners
 - State and universities
- Research
 - Conducts
 - Translates
 - Applies
- Program improvement and policy development
 - Measures
 - Reports
 - Advises
 - Persists



Tab 11

Dear Chairwomen Jasprica and Fairhurst:

I request that you place, on the February 16, 2018, Board for Judicial Administration meeting agenda, consideration of the abolition of the death penalty resolution stated below. The resolution follows my comments during the November 17, 2017, BJA meeting concerning Washington's death penalty. I note that BJAR Rule 3(a) permits any board member to submit issues for a meeting agenda.

I recognize that the Board for Judicial Administration should refrain from commenting on purely partisan measures. Instead, the BJA should focus on advancing justice within the State. Abolishment of the death penalty is not a partisan issue. Some Republicans support abolishment. Some Democrats support the death penalty. Two of the Republican members of the Washington State legislature who serve my territory, Senator Maureen Walsh and Representative Terry Nealey, support abolition of the death penalty and are sponsors of their respective chamber's bill. Republican King County Prosecuting Attorney Dan Satterberg supports abolition. The death penalty strikes at the core of the administration of justice and fairness in our judicial system.

I propose the following resolution:

WHEREAS, Washington law charges the Board for Judicial Administration with developing policy to enhance the administration of the court system in Washington State, with establishing a judicial position on legislation, and advancing the administration of justice

BE IT RESOLVED that the Washington State Board for Judicial Administration hereby supports efforts by the state legislature to abolish the death penalty in the State of Washington. The Board for Judicial Administration endorses passage of current Senate Bill 6052 and HB 1935.

I recognize the existence of a legislative committee for the Board for Judicial Administration. I request that the Board bypass committee consideration of this resolution because of the pending legislation before the state legislature and because of 2018 being a short legislative session. I further request that you circulate to board members this letter together with the attached summary of reasons for abolition in advance of the February 16 meeting.

Thank you for consideration of this request.

Repeal the Death Penalty

Expense of Death Penalty Cases

Because of the risk of executing an innocent accused, the law demands extensive and expensive safeguards. When the prosecution seeks the death sentence, state and local governments must commit additional resources to case preparation, jury selection, trial, sentencing, and appeals. These demands divert resources from the investigation of cold cases, the prosecution of other crimes, and fulfilling the needs of survivors and victims' families.

An excellent study by Seattle University criminologists concluded that on average a death penalty case adds \$1 million in expenses to a first degree murder prosecution. Three recent King County death penalty cases cost over \$15 million in the aggregate, but failed to result in death sentences.

Unequal Justice

Justice demands that the ultimate penalty for a crime be applied evenhandedly. Nevertheless, the death penalty is applied unevenly in Washington. Studies show that minority offenders receive the death penalty in a higher percentage of cases. The State executed a man who murdered one woman, while a man convicted of killing 49 women received life without parole. Smaller counties cannot afford to pursue the death penalty. In recent years, only King and Pierce Counties have sought the death penalty.

Uncertain and Lengthy Process

Victims' families and the public deserve and need swift and sure justice. The death penalty delivers neither. Victims' family members must endure an average of twenty years of trials, appeals, and retrials. Death sentences are frequently overturned. Courts have overturned 75 percent of death sentences imposed in Washington State since the state reimposed the penalty in 1981.

No Deterrence

Scientific studies repeatedly show that capital punishment does not deter people from committing murder. People who commit homicide do so without considering the penalty or with confidence that they will avoid capture.

Consequences of Error

Over 160 people have been exonerated from death row in the United States. In Washington State, Benjamin Harris spent twelve years on death row, before his exoneration in 1997, for a crime he did not commit.

Tab 12

**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: Mary Crawford

Nominated By: WSBA
(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: One Term (January 1, 2016-December 31, 2017)

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

**WASHINGTON STATE
BAR ASSOCIATION**

Office of the Executive Director

December 15, 2017

RECEIVED
DEC 19 2017
WASHINGTON STATE
SUPREME COURT

Hon. Mary Fairhurst
Chief Justice
Washington Supreme Court
PO Box 40929
Olympia WA 98504-0929

Dear Chief Justice Fairhurst,

Following the December 2017 meeting of the WSBA Board of Governors' Nominations Committee, the WSBA requests that the Supreme Court make the following appointments.

(1) Appoint Sarah Bove as a LLLT member of the Limited License Legal Technician Board for a term starting upon appointment and ending September 30, 2020. Ms. Bove was nominated by the LLLT Board, and the WSBA Board of Governors supports this nomination.

(2) Reappoint Mary Crawford as WSBA's representative on the Board for Judicial Administration's Public Trust & Confidence Committee, for a term starting January 1, 2018, and ending December 31, 2019.

Application materials for all those listed above are attached. Contact information will be provided separately to the Court's administrative staff. Please let me know if you have any questions about the application or nomination process for any of these positions.

Sincerely,



Paula C. Littlewood

cc: Sarah Bove
Mary Crawford
Bradford E. Furlong, WSBA President
William D. Pickett, WSBA President-Elect
Pam Inglesby, WSBA Bar Services Manager
Renata Garcia, Staff Liaison, Limited License Legal Technician Board

Encl.



MARY CRAWFORD

crawford.codringtonlegal@gmail.com [REDACTED]
P.O. Box [REDACTED] • Renton, Washington [REDACTED]
<https://www.linkedin.com/in/marycrawfordtechip/>

Pam Inglesby
Washington State Bar Association
Communications Services Operations Manager
1325 4th Avenue
Seattle, WA 98101

RE: Board Member, BJA Public Trust and Confidence Committee

November 20, 2017

Dear Ms. Inglesby:

I have a passion for improving students' civic education and enhancing community relations with our state's judiciary. That is why, I would be honored to serve a second term on the Board for Judicial Administration (BJA) Public Trust and Confidence Committee.

After joining the BJA Public Trust and Confidence Committee, I created a Judges in the Classroom lesson plan titled *Introduction to Trademark Law* and attended the 2017 Civic Learning Initiative Summit One. I also became the Chair of the Subcommittee, Implicit Bias Against Religious Minorities, where we are currently planning a panel to participate in the Fall 2018 Judicial Conference. After participating in these events, among many others, I realized I had joined a board whose members shared the same mission and passion as my own.

As a law student at The Ohio State University, I became a Street Law Instructor. In this position, I obtained firsthand knowledge of the importance of providing students with the opportunity to discuss relevant and current legal events in their classrooms. I continue to teach students various topics from Criminal Law to STEM. I am continuously amazed at the amount of insight, drive and vision that our youth possess. Being on the BJA Public Trust and Confidence Committee would allow me to continue to serve the needs of our youth and community, as a whole, with a group of likeminded professionals.

My enclosed resume will provide you with more details regarding my qualifications and experience. I know that I can bring much benefit with my experience, educational qualifications and skills and I look forward to putting these towards serving as a Board Member with BJA Public Trust and Confidence Committee.

Best regards,

Mary Crawford

Mary Crawford

MARY CRAWFORD

crawford.codringtonlegal@gmail.com • [REDACTED]

P.O. Box [REDACTED] • Renton, Washington [REDACTED]

<https://www.linkedin.com/in/marycrawfordtechip/>

EDUCATION

Computer Programming/Computer Science, *cum laude*, Cascadia College Jun 2018 (expected)

Juris Doctor, The Ohio State University Jun 2005

Bachelor of Arts in Political Science, *cum laude*, Western Michigan University Apr 2001

EXPERIENCE

Software Development Engineer Intern Jun 2017 - present

Puget Sound Energy

- Web/Mobile Apps – Outage Communications UI, Rest API Tests and frontend development
- Developed, automated and executed test cases using NUnit, C#, Autofac, and Bootstrap
- Debugged and submitted code contributing to a major release, over four sprint cycles
- Tested and debugged several critical components using unit and system level tests
- Familiarity with Cassandra and Redis Desktop Manager
- Implemented the functionality for administrator tools, filtering and parsing criteria
- Actively worked within an Agile development environment utilizing a Scrum framework
- Logged bugs in Visual Studio and ensured automated tests are running correctly

Staff Attorney Sept 2015 - Sept 2016

Professional Credit Service

- Ability to handle all aspects of litigation from inception to settlement, discovery and trial.
- Advised senior leadership of complex legal matters and maintained client relations.
- Knowledge of FDCPA, FRCP, applicable court and bankruptcy rules of procedure.

Employment & Litigation Attorney Jun 2014-May 2015

Crawford Codrington Legal, PLLC

- Courtroom litigation, hearings, and mediation experience.
- Ability to handle all aspects of litigation from inception to settlement, discovery and trial.
- Knowledge of FRCP and applicable civil and criminal court rules of procedure.

COMMUNITY INVOLVEMENT

Board Member, BJA Public Trust and Confidence Committee Jan 2016-present

Created Judges in the Classroom lesson plan titled, *Introduction to Trademark Law*
Subcommittee Chair, Implicit Bias Against Religious Minorities

Member, Society of Women Engineers, Pacific Northwest Chapter Aug 2016-present
Volunteer Mentor for Girls STEM event

Member, She's Coding and Women Who Code Seattle Jul 2017-present
Volunteer Coach for She's Coding Nov 4, 2017 DjangoGirls Python Workshop

Volunteer, iUrban Teen Summit Oct 2017-present
Serve as a Team Lead for middle and high school students STEM events

Tab 13



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

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

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

MEETING MINUTES

BJA Members Present:

Chief Justice Mary Fairhurst, Chair
Judge Judy Rae Jasprica, Member Chair
Judge Scott Ahlf
Judge Bryan Chushcoff
Judge George Fearing
Judge Blaine Gibson
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 (by phone)
Judge Ann Schindler
Judge Michael Spearman
Justice Charles Wiggins

CMC Members Present:

Ms. Susan Carlson (Co-chair)
Mr. Darryl Banks
Ms. Barbara Christensen
Mr. Frank Maiocco
Ms. Cynthia Marr
Mr. Mike Merringer
Mr. Dennis Rabidou
Ms. Renee Townsley
Ms. Margaret Yetter

Guests Present:

Mr. Jim Bamberger
Mr. Ted Bryan
Mr. Michael Fenton
Judge Anne Hirsch
Mr. William Hyslop
Judge Carol Murphy
Judge Christine Schaller
Mr. Paul Sherfey (by phone)

Public Present:

Dr. Page Carter

AOC Staff Present:

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

The meeting was called to order by Chief Justice Fairhurst.

Court Management Council

Overview and Update: Ms. Marr gave a brief overview of the Court Management Council (CMC) which was established in 1987 to provide a forum for enhancing the administration of the courts through legislation, direction to the Administrative Office of the Courts (AOC), and fostering communication among the various entities providing court administration. The CMC members represent the Washington State Association of County Clerks (WSACC), District and Municipal Court Management Association (DMCMA), Association of Washington Superior Court

Administrators (AWSCA), Washington Association of Juvenile Court Administrators (WAJCA) and appellate court clerks.

Early this year they reviewed the National Center for State Courts (NCSC) poll regarding public trust and confidence in the courts which indicates that although the courts remain the most trusted branch of government there is not a vast amount of confidence in the courts—partly because the public does not understand the limits on the assistance that can be provided by court staff. If court staff are unsure of how much information they can provide before it becomes legal advice, how can the public know what is considered legal advice? The CMC decided to work on the issue and created two subcommittees to advance the knowledge of legal advice vs legal information. The first subcommittee created a PowerPoint presentation and developed talking points, a curriculum, handouts, and objectives for education programs on legal information vs. legal advice. The second subcommittee updated and added to the Clallam County Clerk's *Legal Information vs. Legal Advice* guidebook. They also developed a checklist that can be used by court staff. These materials will be finalized and distributed in the near future.

In 2016 the CMC proposed amendments to GR 17, Facsimile Transmission; and GR 30, Electronic Filing and Service. The recommended amendments to GR 30 were not adopted by the Supreme Court and the amendments to GR 17 were adopted and became effective September 1, 2017.

Presentation of the Court Manager of the Year Award: Ms. Carlson explained that the Court Manager of the Year Award was established in 1987 to honor outstanding court managers who exemplify the leadership and ideals of their profession. There were nine nominations this year including Ms. Patricia Austin, Benton/Franklin Superior Court; Ms. Jill Dorsey, King County District Court; Mr. Mike Fenton, Thurston County Family and Juvenile Court; Mr. Chris Gaddis, Pierce County Superior Court; Ms. Cathleen Kinter-Christie, Kalispel Tribal Court; Ms. Deannie Nelson, Skagit County District Court; Mr. David Ponzoha, retired from Court of Appeals, Division II; Ms. Patsy Robinson, Mason County District Court; and Ms. Karen Wyninger, Skamania County District Court.

Ms. Carlson was pleased to present Mr. Mike Fenton with the Court Manager of the Year Award. Mr. Fenton is a forward thinker, innovative, progressive, respected, an agent of change, patient, and understanding. He started the Seeds of Change garden and it has produced 2069 pounds of produce for the Thurston County Food Bank. He is active statewide in the WAJCA and the Governor's Council of Juvenile Justice.

Judge Schaller said she wrote the nomination but the entire board of judges decided he should receive the award. Mr. Fenton is always focused on how the court can better serve kids in Thurston County and statewide. Judge Schaller is thankful for all he does for their court, community and statewide.

Mr. Fenton stated he is honored to work with such great people and that this award is really for all of us, thank you.

AWSCA, DMCMA, WAJCA, WSACC

DMCMA: Ms. Marr stated that the District and Municipal Court Management Association (DMCMA) was established in 1970. The DMCMA has 180 members representing 108 courts and their Board meetings have 30 members in attendance. They are a fully engaged association. They aim to increase efficiency, strive for standardization of procedures, and coordinate efforts with other associations to act on or improve laws impacting their courts. DMCMA members serve on various task forces, committees, and commissions. Their 2017 accomplishments include excelling at building and promoting a quality education system which included employing a cooperative model which exceeded all their expectations; holding leadership seminars in various locations with 300 attendees from all levels of courts; and publishing the DMCMA Connections communication which highlights topics and discussions from DMCMA Board meetings and disseminates information to all courts of limited jurisdiction.

AWSCA: Mr. Maiocco stated that the Association of Washington Superior Court Administrators (AWSCA) is up to 42 members (36 regular court administrators as well as six members who serve in an associate role). This year they are focused on: 1) Educating themselves because they have a lot of new members (between one-half and two-thirds of their members have changed recently because of retirements and so forth). 2) Updating/revising their desk reference manual which included using their Fall Summit to update four to five chapters of the desk reference manual. 3) Partnering with the SCJA for their spring conferences and they may have to realign their education sessions based on core competencies and will need to refocus on how they deliver their education to more effectively gain training in their core competencies. 4) The roll-out of SC-CMS which includes a very well supported roll-out strategy.

WAJCA: The Washington Association of Juvenile Court Administrators (WAJCA) is made up of the juvenile court administrators along with probation managers. This year they developed detention guidelines and created leadership training for mid-level managers. They have high turnover and wanted some succession planning and added employment and education training. They expanded the menu of evidence-based programs. The WAJCA is working with Commerce for ways to reduce CHINs. They continue to work on truancy and move that forward. They are also working with AOC and the State Auditor to look at best practices with the school audit. They reviewed the CMC's legal advice vs. legal information and that is very good information.

WSACC: Ms. Christensen gave an overview of the Washington State Association of County Clerks' (WSACC) recent activity, which includes: 1) The final stages of developing an association records retention policy and partnering with the Washington Association of County Officials (WACO) to store records electronically. 2) Implementing SC-CMS. 3) Updating their desk reference manual, making it more interactive, and it should be finalized by December or January.

BJA Organizational Goal Development

Judge Jasprica stated that the BJA Organizational Goals were discussed at the previous meeting. Judge O'Donnell and Ms. Butler worked together on the fourth goal which addressed the composition of the BJA committees. Goals one through three remain the same as in the previous meeting materials. The title was changed to Organizational Goals.

It was moved by Judge Schindler and seconded by Judge Ringus to adopt the BJA Organizational Goals with the revision of Goal 4 to include the wording of BJAR 2(b) in the goal along with citing the rule. The motion carried.

Ms. Butler stated that the BJA will need to identify the steps to achieve these goals in the future.

Chief Justice Fairhurst stated that she would like the BJA Organizational Goals document to reflect the date it was adopted and to include adoption dates on all BJA documents.

Branch Budget Overview

State legislative staff create graphs that show how funds are distributed in the operating budget throughout the state. The percentage of state funds for the judicial branch has been the same since the 2007 biennium and it is a standard used by Mr. Radwan to see if anything has changed in the budget. A significant change in judicial branch funding would have to occur in order to change the percent allocated. The first chart on Page 5 of the meeting materials shows the amount allocated from the general fund while the second chart shows the amount of funding allocated from all operating funding sources. The percentage allocated to the judicial branch is .7% and .4% respectively.

There was a question regarding how Washington's judicial branch funding compares to other states. Mr. Radwan explained that it is difficult to compare unified systems to non-unified systems but he will take a look at the information and bring it back to a future BJA meeting.

The graph on Page 6 of the meeting materials depicts how the branch budget is allocated between the judicial branch agencies. Approximately 51% of the judicial branch budget is allocated to AOC.

The graph on Page 7 of the meeting materials shows how AOC's budget is broken out between the areas of "Personnel," "Contracts," "Non-Personnel," "Pass Through" and "Uncontrollable." The uncontrollable expenses represent costs for items such as rent, dues to the National Center for State Courts, providing Westlaw access to all court and clerk personnel and funds appropriated to pay for services provided by other state agencies such as the Attorney General's Office, State Auditor's Office, Department of Enterprise Services and other statewide service costs. Over 84% of AOC's general fund budget is allocated to pass-through or uncontrollable costs, neither of which are controlled by AOC. The funding amount looks large but AOC has very little flexibility when it comes to funding priorities. Most of the remaining general fund, 16%, is allocated to costs for staff that provide direct services to the trial and appellate courts. The JIS account funds technology and 96% of the JIS budget is for personnel. The "Other" funding source is for grants and public/private funding.

2018 Supplemental Budget Requests

Judge Schindler stated that a list of budget requests from the state general fund that flow through the AOC have been previously submitted to the Office of Financial Management (OFM). The list is on Page 9 of the meeting materials. The supplemental budget process is different than how things will proceed during the biennial budget process. Because supplemental budget requests are generally maintenance in nature, the BJA has a more limited role than during the development and prioritization of biennial budget requests. The Budget and Funding

Committee (BFC) prioritized the supplemental budget requests via conference call. The prioritizations will be used when communicating with the Legislature.

It was moved by Judge O'Donnell and seconded by Judge Ahlf to adopt the November 2017 supplemental budget priorities. The motion carried.

Proposed Biennial Budget Process

On Page 11 of the meeting materials is a chart that lays out the process for the 2019-21 biennial budget process. Judge Schindler reviewed the process. There are some items that need to be adjusted on the chart so it will be updated and brought back to the BJA for approval in February. Chief Justice Fairhurst will have the Supreme Court weigh in on the process prior to the February BJA meeting.

BJA Strategic Initiatives

Ms. Englert provided the BJA with an update on each of the task forces. Both task forces met the first week in November. Things are moving forward at a quick, but good and thoughtful, pace. Both task forces reviewed and revised surveys that will go out in the next two weeks. The interpreter survey will be released first and about ten days later the education funding survey will be released. They will identify the demand for funding and the gaps. The interpreter survey will most likely be completed by the administrators. The education funding survey will be completed by judicial officers, county clerks and court administrators. Both task forces meet again in December to review budget packages, survey progress, and strategies for a high survey response rate. Ms. Englert thanked everyone in advance for completing and returning the surveys and she encouraged everyone to pass along the importance of returning the surveys.

Judicial Branch Legislative Overview

Mr. Horenstein stated that the memorandum on Page 15 of the meeting materials provides an overview of legislative updates and issues. There will be a big change in dynamic of the Legislature since it will be completely controlled by Democrats. The judicial associations are adopting their legislative agendas and a preview of those was included in the memorandum. It is a short session and precedes elections in the fall so some legislators may drop bills with political messages. Mr. Horenstein encouraged anyone with questions about legislative issues to contact him.

There was discussion regarding the Department of Corrections (DOC) legislation regarding a statewide judgment and sentencing (J&S) form. At this point in time, the Superior Court Judges' Association (SCJA) is opposing the DOC legislation. They propose entering into a memorandum of understanding (MOU) with the DOC, SCJA, Washington Association of Prosecuting Attorneys (WAPA), public defenders and the Administrative Office of the Courts (AOC). The SCJA does not think a legislative fix is necessary because of the frequency of changes to the law for felony sentences. There can be many changes in a year and the process for updating the form seems to be more trouble than it is worth.

Chief Justice Fairhurst stated that this continues to be a subject important to the Governor. She would like to have a conversation with DOC letting them know we want to help them with this

and figure out how we can help each other. There needs to be a system, with a point person to contact, to respond to issues that arise. She would like, prior to the legislative session if possible, to find out what the first step, second step, etc. would be to fix the issue. Everyone shares the goal that judgement and sentences should be clear and enforced. If there are concerns that this will not be fixed Chief Justice Fairhurst wants to elevate it so that it receives the attention it needs to get this resolved prior to the legislative session. She appreciates what Mr. Marler and Mr. Horenstein have been doing with DOC. She would like a small group to get together and come up with some solutions prior to the legislative session if other measures do not result in a resolution. The group will be separate from the work of Mr. Horenstein and Mr. Marler.

Judge Ahlf stated that the District and Municipal Court Judges' Association (DMCJA) is dealing with several legislative items they had last session that did not make it all the way through the Legislature last year. Discover Pass penalty fees is one of the things they are working on along with court commissioners being able to solemnize marriages.

Legislative Communication Plan and 2018 BJA Legislative Agenda

The BJA 2017-19 Legislative Communications Plan is on Page 17 of the meeting materials. The plan lists all of the ways the BJA communicates with the various stakeholders and outlines how legislative decisions are made.

The Office of Public Guardianship (OPG) bill is the only BJA request legislation for the 2018 legislative session.

Chief Justice Fairhurst stated that when legislation comes in for the BJA's consideration it would be helpful to have a fiscal note as information that the BJA can use to make a decision. Mr. Horenstein will send the fiscal note for the OPG legislation to the BJA members.

It was moved by Judge Chushcoff and seconded by Judge Logan to approve the Office of Public Guardianship request legislation. The motion carried.

Mr. Horenstein stated that it is common for groups to prepare legislative one-pagers to use with the Legislature. The Washington Courts Legislative Priorities handout is on Page 20 of the meeting materials. The handout can be used by BJA members for legislators and justice partners so everyone is working from the same high level list. It is a good opportunity to restate what the BJA is focusing on. Mr. Horenstein will use the document to continue discussions about these priorities.

Judge Ringus reminded everyone that the BJA Legislative Committee will have weekly phone calls during the legislative session and the BJA reception will be held on Thursday, January 18 from 5:30 – 8 p.m. and everyone is invited.

Standing Committee Reports

Budget and Funding Committee (BFC): Judge Schindler stated there is nothing to add regarding the BFC.

Court Education Committee (CEC): Judge Jasprica reported that the CEC has not met since the last BJA meeting. There is a written report on Page 29 of the meeting materials. They have completed their conversations with all the associations. If there is anything the CEC can do to help with association education as they move forward, please contact them. They look forward to working with the Court System Funding Task Force on funding issues.

Legislative Committee (LC): Judge Ringus had nothing to add regarding the LC.

Policy and Planning Committee (PPC): Judge Robertson stated that the PPC will meet this afternoon and they have a lot of information to review. There is a written report on Page 31 of the meeting materials.

October 20, 2017 Meeting Minutes

Judge O'Donnell requested that information be included in the October 20 meeting minutes regarding the discussion of King County's cancellation costs, approximately \$100,000/year, when interpreters are no longer needed but the court is not notified. The information should be added to the end of the Interpreter Commission section of the minutes.

Judge Chushcoff requested that the second sentence in the second to last paragraph under Leadership Goals be replaced with "It was pointed out that BJAR 2(b) requires diversity so the associations need to keep that in mind when they choose their BJA representatives."

It was moved by Judge Chushcoff and seconded by Judge Ringus to approve the October 20, 2017 meeting minutes with the suggested amendments. The motion carried.

Meeting Feedback

Judge Jasprica said that the agenda was rearranged to leave time for topics that need discussion. Chief Justice Fairhurst said that they are trying to use the meeting time to make decisions, move forward, and have room for continuing discussions. They will continue to have discussions about the timing of the BJA meetings and probably bring this topic back in February for discussion.

Recap of Motions from the November 17, 2017 Meeting

Motion Summary	Status
Approve the October 20, 2017 BJA meeting minutes with the addition of information about the cost to King County for canceled interpreter need under the Interpreter Commission section and the addition of BJAR 2(b) wording under the BJA Leadership Goals section.	Passed
Adopt the BJA Organizational Goals with the revision of Goal 4 to include the wording of BJAR 2(b) in the goal along with citing the rule.	Passed
Adopt the November 2017 supplemental budget request prioritizations.	Passed
Approve the OPG legislation.	Passed

Tab 14

JUDICIAL INFORMATION SYSTEM COMMITTEE

October 27, 2017
10:00 a.m. to 2:00 p.m.
AOC Office, SeaTac WA

Minutes

Members Present:

Chief Justice Mary Fairhurst, Chair
Mr. Larry Barker
Ms. Lynne Campeau
Judge Jeanette Dalton
Ms. Callie Dietz – Phone
Mr. Rich Johnson
Judge J. Robert Leach
Mr. Frank Maiocco
Judge G. Scott Marinella – Phone
Ms. Barb Miner
Chief Brad Moericke
Judge David Svaren
Mr. Bob Taylor
Mr. Jon Tunheim
Ms. Aimee Vance
Judge Thomas J. Wynne

Members Absent:

Ms. Brooke Powell

AOC Staff Present:

Mr. Kevin Ammons
Ms. Kathy Bradley
Ms. Vicky Cullinane
Mr. Keith Curry
Ms. Vonnie Diseth
Mr. Brian Elvin
Mr. Mike Keeling
Ms. Keturah Knutson
Mr. Dirk Marler
Mr. Ramsey Radwan
Ms. Maribeth Sapinoso
Mr. Mike Walsh
Mr. Kumar Yajamanam
Mr. Brady Horenstein

Guests Present:

Mr. Tom Boatright
Mr. Othniel Palomino
Mr. Sart Rowe
Ms. Elizabeth Baldwin
Mr. Mike Castel
Mr. John Bell
Ms. Linda Myhre Enlow
Ms. Sonya Kraski
Ms. Elaine McLaughlin

Call to Order

Chief Justice Fairhurst called the meeting to order at 10:00 a.m. and introductions were made. Chief Justice Fairhurst noted this was the last JISC meeting for Judge Wynne and Aimee Vance. As chair of the JISC, Chief Justice Fairhurst appointed Judge John Hart and Ms. Paulette Revior to the Data Dissemination Committee (DDC). Chief Justice Fairhurst asked that a motion be made to appoint a new member of the CLJ-CMS Project Steering Committee.

Motion: Judge David Svaren

I move to appoint Paulette Revior to the CLJ-CMS Project Steering Committee in place of Aimee Vance.

Second: Judge J. Robert Leach

Voting in Favor: Chief Justice Mary Fairhurst, Chair, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco,

Judge G. Scott Marinella, Ms. Barb Miner, Chief Brad Moericke, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Aimee Vance, Judge Thomas J. Wynne

Opposed: None

Absent: Ms. Brooke Powell

The motion was passed.

August 25, 2017 Meeting Minutes

Chief Justice Fairhurst asked if there were any changes or corrections to the August 25, 2017 meeting minutes. Hearing none, Chief Justice Fairhurst deemed them approved.

New JISC Vice-Chair/DDC Chair Election

Chief Justice Fairhurst moved to section 2 of the agenda to determine the new JISC Vice-Chair and the DDC Chair. Judge Wynne explained under the by-laws the vice chair is the chair of the DDC. Also, that person must be a judge which limits the number of available vice-chairs. Judge Wynne then made a motion to nominate the JISC Vice-Chair and Chair of the DDC Committee.

Motion: Judge Thomas Wynne

I nominate Judge J. Leach to serve as the Vice-Chair.

Second: Mr. Frank Maiocco

Voting in Favor: Chief Justice Mary Fairhurst, Chair, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Mr. Rich Johnson, Mr. Frank Maiocco, Judge G. Scott Marinella, Ms. Barb Miner, Chief Brad Moericke, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Aimee Vance, Judge Thomas J. Wynne

Opposed: None

Absent: Ms. Brooke Powell

Abstaining: Judge J Robert Leach

The motion was passed.

JIS Budget Update

Mr. Ramsey Radwan reported on the 17-19 budget and the 2018 supplemental budget. Mr. Radwan reported everything was proceeding in regard to the funding for the projects, in the current biennium. As previously reported there are some issues with regard to equipment replacement. Mr. Radwan will be looking into these issues and will bring back information for the JISC decision on how to move forward. With regard to the EDE everything is going smoothly on the funding part as well as the SC-CMS and the CLJ-CMS, which has a large balance as a contract has not been executed at this time.

Mr. Radwan reported revenue is up slightly in the JIS account although not as much as had been hoped.

Mr. Radwan reported the 2018 Supplemental Budget request had been submitted to the Office of Financial Management to be put in the statewide system with the next step being the legislature. Because the EDE carry over funding was appropriated out of the JIS account, AOC is asking for the appropriation to be returned to the JIS account from general fund. Mr. Radwan stated the approach during the 2018 session will be letting the legislature know that if this does not happen then it will impact services and/or activities if the funding is not replaced. That will be the case for both the \$4.3 million and \$1.1 million as shown on the supplemental budget request included in the packet. In the past there has been support from Representative Hudgins, during the 2017 session, when he amended the budget bill to include approximately \$1.2 million in general funds for this specific purpose. While it did not make it in the final budget there is some understanding of the need and impacts on the project in the legislature.

Mr. Radwan then turned the committee's attention to the equipment replacement request and the full funding of external replacements, being the computers and laptops the JIS account purchases for county clerks offices and courts. Funding for this was not entirely funded in the budget while it was mentioned that the \$10 million could be used for that purpose and is included here to let the legislature know this is a high impact request. Mr. Radwan will be presenting the request broken down by county, clerks' offices and by cities so the legislature will be able to easily see the impact if the equipment is not replaced. Mr. Radwan stated \$390,000 for the AC-ECMS is included for software and services including training and software updates to the existing system. It also includes the estimate to have Image Soft come in and help with the updates as well.

Self-Represented Litigant Presentation

Ms. Elaine McLaughlin reported on the Self-Represented Litigant (SRL) Presentation. In August 2016, the SC-CMS Project Steering Committee asked for representatives from the ATJ Board, the Washington State Association of County Clerks, and AOC to address the needs of SRLs who will access court records through the Odyssey Portal. The goal of the group is to create equal access for SRL users, wherever possible, to the existing Attorney of Record role. Group membership includes: Access to Justice Board liaison Mr. Sart Rowe, Snohomish County Clerk Ms. Sonya Kraski, Thurston County Clerk Ms. Linda Myhre-Enlow, as well as Mr. John Bell, Ms. Kathy Bradley, Ms. Vicky Cullinane, and Ms. Elaine McLaughlin from AOC. Mr. Bob Taylor also served as a special consultant for our group. The Odyssey Portal does not have a security role available for SRL access. Tyler Technologies acknowledges SRL access is a growing request across the country and something they are exploring but at this time, there is not an easy way to implement without significant oversight on their end. This proposal is specific to counties who are using both Odyssey and the Odyssey Document Management System (DMS). Counties utilizing a third party DMS will not be able to implement these recommendations. If approved, there is still a considerable amount of work needed before an SRL role would be available to SRLs. SC-CMS asked the group to provide the following deliverables for the JISC's consideration: Process Overview, Security Recommendations, and an Overview of Resources, including potential impacts. It should be noted that fees and length of access are outside of the scope of this work group. The following are high level recommendations:

Processes & Security

- **Proposed Processes** are articulated in Appendix A. Existing portal registration activities were documented during site visits to AOC, and Snohomish & Thurston Counties. After the site visits, each phase of the registration process was mapped into a separate section. SRL processes were created against the current registration and any variances in process are documented side-by-side. SRL Identification processes, SRL specific Registration Materials, and SRL tracking and coordination are the areas where additional processes and time will be required.
- **Proposed Changes to AOR Party Information Access:** In order to create equal access and protect personally identifying information, the workgroup proposes limiting AOR access to select Party information (gender, height, ethnicity, state ID, weight, physical descriptors, and vehicle information). AORs have other means of gathering this potentially sensitive information.
- **Case Type Access Variances:** A small percentage of case types were deemed inappropriate or not useful for SRLs. These case types include Juvenile Drug Court cases, Confidential Name Changes, and Mental Health cases.
- **SRL Portal View:** The Portal Role Comparison – Appendix C, illustrates how the proposed security rights will populate in Portal. The comparison shows search results for case number and name searches. Appendix C includes the proposed changes to the AOR Security access noted above.

Ms. Kraski reported on the SRL role functionality.

Function

Upon registration, the proposed SRL role will provide access to all publicly available case information (court dockets), without access to case documents, similar to the Portal JISLink Level-01 role.

County Clerks will grant elevated access, including access to case documents, to all cases where the SRL is a Party of Record by entering the SRL’s Odyssey Party Identification Number (Party ID) into Odyssey Case Manager (Odyssey).

There may be some instances where dual logins will be necessary for SRLs to access both WIP and non-WIP cases.

SRL Access Need:	Emails Required:
One case (WIP or civil)	1
Multiple WIP or civil cases	1
One WIP and one civil case	2
Multiple WIP and civil cases	2

Top 10 SRL Cause of Actions – pulled from AOC Data Warehouse:

- **ALWAYS WIP (4):** Dissolution with Children, Paternity, Parenting Plan & Child Custody
- **SOMETIMES WIP/Civil (2):** Dissolution No Children & Legal Separation
- **ALWAYS Civil (4):** Unlawful Detainer, Miscellaneous, Estate & Commercial.

Mr. Rowe reported on the Resources and Impacts.

Resources & Impacts

At this time, work related to the development of this role will need to be absorbed by existing AOC and County Clerk staff. The work needed to develop and create the SRL role will be labor-intensive up front, but will save both Clerk's staff and SRLs time and energy once the SRL is registered. If a need for funds is identified during role development, we recommend pursuing grant monies. Once the role is developed, project partners will need to coordinate outreach and marketing strategies to let SRLs know the access is available.

Ms. McLaughlin ended the presentation by reiterating that these are high-level recommendations and asked that the role not be developed until the SC-CMS Implementation is complete. She also gave thanks to those involved in the project including the ATJ, WSACC, and various individual members. Ms. McLaughlin then opened the floor to questions.

Judge Wynne asked if other county clerks using the Odyssey system are in agreement with the SRL proposal. Ms. Kraski confirmed the clerks in Odyssey-implemented counties are on board with this approach in providing SRL access to records. Furthermore, third party document management systems were not reviewed, as functionality for such systems is beyond AOC's control. It was confirmed that those who have access to the Odyssey Portal have records-only access (not document access), and currently the only role available is registered public access. This is not equal to the Attorney of Record role, whereas the end goal is to create equal access for SRL litigants.

Mr. Rich Johnson asked for clarification on what the Committee is being asked to approve at this meeting. It was explained the Committee is being asked to approve the further development of the SRL role, so at the time of post-implementation they will have equal access in Washington State Superior Courts. Chief Justice Fairhurst asked a question concerning the modification of the motion to include the "the continued development". This would clarify and approve the development of this role and once all Odyssey courts have been implemented, a clear and defined role would have been drafted and ready for approval by this Committee. A question was posed by Ms. Barb Miner as to why this is not rolled into an ITG request and how this is differentiated. Judge Leach replied it was his understanding the Committee is being asked to approve a concept, and whether it is a worthwhile use of time exploring these options. Further down the road, depending on the amount of money it costs, there could be an ITG request. However, currently the JISC is approving the concept of elevating the SRL to the same status in the Tyler system as an attorney, with respect to the case the litigant is representing him- or herself. Mr. Rowe replied in the affirmative.

Chief Justice Fairhurst clarified her understanding that the work AOC is putting into the effort is being done by Ms. McLaughlin with the clerks and ATJ community providing the workgroup and discussions moving forward. The question is, how does this fit into our governance, and how will this come about

11 months down the road? Ms. McLaughlin explained initially the conversation began early to late spring in 2016 when the ATJ Board wrote a letter requesting the AOC and Washington State Association of County Clerks (WSACC) review SRL or pro se access. No other portal role has been created in this way, so when the CUWG received the letter it was escalated to the Project Steering Committee as the CUWG decided it was outside the scope of their control. After being presented to the SC-CMS Project Steering Committee, it was reviewed and subsequently the Steering Committee asked the AOC, ATJ, and WSACC to come together and create these recommendations for further review.

Judge Marinella asked a question concerning the resources involved due to the proposal, stating the AOC and county clerk staff will “use existing resources” to develop and implement this role. In light of that, are the resources being taken from existing projects to support this proposal? Are there funds set aside to provide fiscal assistance to develop this, or is there an expectation that this proposal will drain other matters the Committee is working with and affect those other matters--particularly monies set aside for the CLJ-CMS project? Ms. McLaughlin responded that this portal role has come up in a way no other role has in the past. AOC has Ms. McLaughlin and a portal administrator on staff supporting the implementation, while the County Clerk’s offices have been using their existing staff to get the portal up and running in their own organizations. All the portal roles at this time were already developed with that dynamic and costs were in-house. The main reason this issue is being discussed today is due to the way the issue was raised and the ramifications involved. All other portal roles have been created where it was absorbed in house by existing FTEs. At this time that is how this role is being examined. In the event other costs are identified above and beyond what is being presented today, grants may need to be pursued in order to fund those costs. Unfortunately, while this is an important issue in Washington State, it is not an issue where a lot of funding is available. Currently, most of the work this group has done is document and show the work which would be happening day to day already, in order to define the role and present it today.

Ms. Diseth requested Operations Manager Mr. Mike Keeling to comment as it is his staff that would be doing the work. Mr. Keeling responded, stating the biggest problem in Odyssey is being able to identify the SRL as a unique individual and then having the ability of that person to get into the system and be associated with a particular case. Currently, with attorneys, all are registered, providing them with unique identifying numbers, which allows them to be easily identifiable. SRLs would need an account specific to them so they have access to the cases they are a party to. Maintaining a list of the people and the actual access level they are going to have is fairly complicated for those that maintain, edit, and store the list. There are similarities to the work the AOC has done with guardians, within the definition of the system, so there are similar things that could possibly be done with SRLs, but it does require some work be done at the individual report level, as well as in the system. One possibility is creating a group that maintains these lists, whether it be at AOC or the individual courts that have this available to them. Mr. Keeling stated that working within the system, the possibilities are using existing staff and expertise to set up something like that with minor modifications. If further steps are required, for example including Tyler making modifications to the system, then that creates another level of complexity and cost for which AOC does not currently have funding.

Chief Justice Fairhurst why this is coming to the JISC when other portal requests have not? Ms. McLaughlin stated the main reason is due to the letter AOC received from the ATJ. Mr. Rowe added

the ATJ had originally brought up their concern to the Court User Work Group (CUWG) and then to the Strategic Committee. Both of those groups stated that this was outside their scope, thus the progress to the JISC. Chief Justice Fairhurst clarified, for the group, her understanding of the decision point is an approval for them to continue as they have been, without spending any other resources other than what would occur anyway by the Portal Administrators. If the direction were to change then it would be brought back to the JISC, where money would be approved or grants would be sought. Therefore, the decision before this body is to continue the conversation, give approval for the path of the group to continue trying to sort out this issue due to the importance of SRL being able to work inside the Odyssey system. Ms. McLaughlin and Mr. Rowe agreed. Mr. Rowe, added if what the group is looking into cannot be done with existing resources, then they would have a different proposal to bring to this Committee.

Chief Justice Fairhurst requested an amendment to the motion, adding “the continued development of”, with a friendly amendment by Judge Scott Marinella adding “using existing resources” to the end of the motion to clear any confusion regarding funding.

Motion: Chief Justice Fairhurst

I move that the JISC approve *the continued development of* the Self-Represented Litigants (SRL) Workgroup’s proposal for SRL access to the Odyssey Portal *within existing resources*.

Second: Mr. Larry Barker

Voting in Favor: Chief Justice Mary Fairhurst, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Judge G. Scott Marinella, Ms. Barb Miner, Chief Brad Moericke, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Aimee Vance, Judge Thomas J. Wynne

Opposed: None

Absent: Ms. Brooke Powell

The motion was passed as amended.

JIS Priority Project #1 (ITG 2): SC-CMS Update

Ms. Maribeth Sapinoso provided the update for the SC-CMS project beginning with the most recent activities in preparation for Event #6 Go Live: Clallam, Island, Jefferson, Kitsap, San Juan, Skagit, and Whatcom counties. Ms. Sapinoso pointed out that Event #6 Go Live was just a couple days away: Sunday, October 29, 2017 and reported this implementation is moving forward with no major concerns, or issues. All activities in preparation for this Go Live have been successfully completed with the exception of a few document related items that are scheduled to complete during the next day before the first day of Go Live. Ms. Sapinoso also discussed the activities that have been completed or are scheduled to be completed in the next few months with Event #7: Adams, Benton, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Stevens, and Walla Walla counties. Judge Edition 2017 was successfully implemented in all Odyssey DMS Counties in late September. This

newest edition is now web based and offers case information, including documents, real time. Last, Ms. Sapinosa corrected the status of the Audit functionality. It will not go live in production as indicated in the presentation slide due to performance issues; however, the audit functionality has passed testing and is working as it was designed. The target for having it ready in production is now December 15, 2017.

Ms. Sapinosa then gave an overview of the decision point regarding cash drawers for County Clerks. One county in particular requested and escalated the issue. The state auditors have recommended these cash drawers as a method of "best practices" and the county does not want to be left behind. Judge Marinella asked how many cash drawers this would be per county. Ms. Sapinosa responded that each county is different as to the amount of cash drawers, but the Steering Committee made the motion to finance at least one cash drawer as needed. If a county has four cash drawers and they would like all four to be updated then the project would purchase one while the county would purchase the other three. Judge Leach asked whether there was a cap on this request. At present there is not one, but Chief Justice Fairhurst interjected that the motion could be amended to reflect a limit if desired and as written only provides for one per county. Ms. Vance asked as the decision point pertains to only one county at the moment, or will every county now get a cash drawer? Furthermore, will this be a continuing obligation as far as replacement, maintenance etc. Ms. Sapinosa responded it would be for those counties that need and request the financial assistance. So it would not be just limited to the one, but it was escalated due to the one county requesting assistance. Ms. Sapinosa clarified it would be a one-time cost approval, as with other requests.

Ms. Diseth asked for clarification that this is an option and not a mandatory required upgrade. Ms. Sapinosa replied in the affirmative. Some counties have followed the auditor's recommendation and are purchasing USB cash drawers while others are not. It is not the project's decision to make a mandatory requirement to purchase this but a county decision to opt for the auditor's recommendation. Ms. Kraski spoke to the value of \$100 in terms of smaller counties where it could be a big deal budget wise. She voiced her agreement with Ms. Miner and Ms. Sapinosa when a state auditor makes a recommendation it is in the counties best interest to follow that recommendation. Judge Leach responded it sounds as if the Committee is being asked to fund a County Clerk's need to comply with an auditor's requirement rather than anything having to do with the functionality of the system. Judge Leach voiced his concern with the precedent the Committee would be setting. While this is a small amount of money, the concern is, the next time an auditor makes a requirement with a large dollar amount, counties will then ask for JISC or AOC to cover those costs. He also asked if there was anything other than satisfying an auditor's requirement that is driving the need for this. Ms. Miner responded that this is part of the cost of transitioning to a new system. Previously, when the parameters of what would be reimbursed to the counties was approved, this was not a known cost. It is an expense going to a new system not an expense any user of JIS or JABS currently has. If it was a JABS or JRS related requirement, the counties would be expecting the cost to be covered the same as computers or cash registers are currently provided. It is an Odyssey based requirement that came to the counties, and for a lot of clerks this is a big expense that would not otherwise be realized without the transfer to the Odyssey system. Mr. Johnson talked about the local implementation process where a certain budget was allocated for those local implementation costs. As it is less than \$5,000, how does it relate to the allocation of funds that were set aside for local implementation costs and why couldn't this be

put under that allocation. Ms. Miner replied it is indeed what the request is for, as it was not specific enough on what could be reimbursed to the clerks of the counties. This is now coming to the Committee for its blessing for the USB cash drawer to be a reimbursable expense. Presently, the counties were told this is not a reimbursable expense and are here to have the parameters expanded to include this one expense in those parameters. It was noted the Steering Committee unanimously supported this expense as reimbursable. Ms. Sapinoso added that counties already have this existing functionality in SCOMIS on no sale transactions. For them to continue to have the existing functionality in Odyssey as well it will require the new cash drawer.

At this time Ms. Miner made a motion. There was further discussion on adding an amendment inserting the words “*include in reimbursable local costs the*” and for the amount reimbursed capped at \$125 per USB.

Motion: Ms. Barb Miner

I move that the JISC approve the SC-CMS Project Steering Committee’s recommendation to *include in reimbursable local costs the* reimbursement for one USB cash drawer, *not to exceed \$125 each*, to those counties implementing Odyssey and requesting financial assistance.

Second: Mr. Rich Johnson

Voting in Favor: Chief Justice Mary Fairhurst, Mr. Larry Barker, Ms. Lynne Campeau, Judge Jeanette Dalton, Ms. Callie Dietz, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Judge G. Scott Marinella, Ms. Barb Miner, Chief Brad Moericke, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Aimee Vance, Judge Thomas J. Wynne

Opposed: None

Absent: Ms. Brooke Powell

Abstaining: Judge David Svaren

The motion was passed as amended.

JIS Priority Project #4 (ITG 102): CLJ-CMS Project 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 completed additional court and probation site visits bringing the total visits to over 120. The project is continuing with their Organizational Change Management customer outreach to members of the courts and to AOC organizations impacted by the courts move to a new CLJ-CMS solution.

The Court User Work Group (CUWG) is utilizing smaller focus groups when a specific topic calls for it. The groups are initially being tried in two functional areas: probation and accounting. The outcome of the focus group meetings will be reported back to the larger CUWG for approval or issues resolution.

The AOC project team has relocated to the Plum Street or Office Building 3. This was done to accommodate team expansion as they are ready for vendor engagement and the participation of team members on the solution configuration work activities.

Mr. Walsh reported that project risk remains stable at low severity. These risks are continually watched for any changes that might increase the severity levels. One active project issue has been identified that requires further consideration. The project negotiations are taking longer than expected as agreement on some key terms and conditions still need to be negotiated. The AOC Contract Office continues to work through the issues.

Next steps for the procurement phase of the project include:

Finalize contract negotiations	July – November 2017
Anticipated contract start	January 2017
Project Schedule	TBD

AOC Expedited Data Exchange (EDE) Pilot Implementation Project Update

Mr. Kevin Ammons presented the update on the Expedited Data Exchange (EDE) Project. Mr. Ammons began by reviewing the overall structure of the EDE Program and providing a review of the purpose of the program. He updated the Committee on the resource and scheduling issues reported during the previous two JISC meetings.

Mr. Ammons continued by reporting several recent accomplishments, but he also stressed development within AOC and development of integrations at King County Clerk's Office (KCCO) were significantly behind the original schedule for integration testing. KCCO plans to implement their system January 2, 2018. Mr. Ammons emphasized that the lack of time for completing development and testing would mean significant impacts to statewide users when KCCO implements their new system. Mr. Ammons will make a presentation of the impacts at the December 2017 JISC meeting.

Concluding his presentation, Mr. Ammons asked if there were any questions. Judge Wynne asked if they were going to continue to send out the message that in January JABS may not be reliable regarding King County Data. Mr. Ammons replied in the affirmative, that they will continue to relay that information to all parties involved. Mr. Ammons proceeded to present the progress being made with Person Search using JIS data, the only data currently available in the EDR, and how the progress will proceed and expand from there. Chief Justice Fairhurst asked when AOC was expecting to have King County data or if there was a timeframe being given. Mr. Ammons replied the best estimate he has heard from the King County Technology Division Manager is about a month from the current date. Chief Justice Fairhurst clarified if the data is received a month from now, then it could be available in the system six months after that and Mr. Ammons replied affirmatively. In addition, it was clarified King County is looking to have Person Data ready within the next week, which would allow AOC to start work on the data sets as they receive them. That will also stand true for other iterations.

Mr. Othniel Palomino reported on the King County District Court (KCDC) Project update. Mr. Palomino started off reminding the JISC members of the scope of the project: replacing all of the case

management functionality, probation functionality, existing case management system, and existing document management system, as well as introducing e-filing as part of the launch of the case management system. The implementation will be in three phases. The first will be limited civil, which is the body of work that the civil judges do. To date, it has been implemented in three court locations: Burien, Issaquah and Seattle. E-filing will also be introduced in the initial implementation. The second phase will occur next spring, with the remaining parts of civil cases. Criminal and infraction will be rolled out and implemented next summer in the third phase.

Mr. Palomino stated that today they are in the process of going live with the first phase. Implementation began the previous evening and KCDC has moved all of the civil limited data from DISCIS into eCourt, including all the documents into the document management system. This was completed earlier this morning, with Journal Technologies validating the work with King County staff, going through checking the data. Currently, they are showing no discrepancies with the final go no-go decision tomorrow morning. As of noon on the 26th, no new data has been entered into the legacy system. Starting January 1, 2018, it will be mandatory for lawyers to utilize the e-filing system with the option given to pro se filers. On October 9th, King County took their e-probation model live with some of the legacy data converted from the custom probation program without many issues. One area of difficulty for some probation offices was going from a paper to paperless system. Other than that, they have not experienced any technical issues. The big new functionality of phase two will be the EDR. With phase one completed, King County will take an active role doing integration work to ensure it goes smoothly in the spring.

Ms. Barb Miner gave the report on the King County Clerk's Office Update. Currently the Clerk's office is nine weeks away from their go-live. In scope for the Clerk's office is the replacement for JIS SCOMIS, JRS, and three internal systems operated by King County. In addition, work is being done on the integrations both locally and with state systems. Not in scope are e-filing and its components, ex parte or document management. However during phase two, there will be a review whether or not to change those systems. Therefore, the current project will not touch much for either the court or court customers with the exception of those that are users of SCOMIS. Recent activities include continuing work on configuration and testing data conversions. Two out of sixteen interfaces are complete with fourteen still in-progress. Currently, in-house training is being conducted with the course catalog complete, facilities are ready, and the training development is in-process. In addition the IT Infrastructure server setup has been completed. Ms. Miner stated KCCO is presently on track to go-live in January 2018.

DRIVES AOC DOL Interface Modification Update

Ms. Keturah Knutson gave the presentation on the DRIVES AOC DOL Interface Modification Update. The Department of Licensing (DOL) is currently replacing its multiple legacy systems with a single modern integrated system called DRIVES. DRIVES Phase 1 replaced the Vehicles Licensing System in December 2016. DRIVES Phase 2 will replace the Drivers Licensing System in September 2018. The changes associated with this system will affect AOC and other partner agencies. To maintain court system continuity, a number of existing AOC interfaces must be modified or replaced for required business capabilities to continue.

Impacts to Court Applications

Technical Impacts

- All existing driver related AOC data exchanges, including FTA and Adjudications will be affected
- Access to the DOL Abstract Driver Record (ADR) data through existing JIS applications will be no longer be available requiring AOC to interface with new DOL web services
- All existing AOC ADR web services must be modified or replaced to access DOL data
- The following AOC applications are affected:
 - JIS (SCOMIS/DISCIS)
 - JABS (Judicial Access Browser System)
 - JCS (Juvenile and Corrections System)
 - ETP (Electronic Ticket Processing)
 - Odyssey
 - CLJ CMS

While the goal is to minimize the impact to courts as much as possible business impacts include, impacts to existing screens and reports cannot be avoided for all applications. In addition, mitigation to JIS will require changes to court business processes and education for court users. Affects are also seen in resources at AOC specifically, the work will require participation from technical leads, business analysts, application developers, testers, security, educators, etc., while needed resources could impact other JISC prioritized projects as well. DRIVES specific impacts to current JISC Priority Projects were listed as:

EDE Program (EDR)

- EDE identified data exchange interface modifications would be complete before the DRIVES work
- No other dependencies have been identified
- No conflict in resourcing expected at this time

SC CMS - Odyssey

- Existing DOL look-up and ADR applications used by Odyssey will be modified in early 2018
- Planned work will not impact Odyssey Go-Live events

CLJ CMS

- Project schedule is not impacted by the DRIVES work
- CLJ CMS project is planning to utilize the new DOL Look-up and ADR applications

Ms. Knutson gave the committee an overview of the AOC ITG Requests Associated with DOL DRIVES.

ITG 243 - Random Driver's License Numbering Assignment

- DOL is changing the algorithm for the new driver's license in Sept 2018
- The new license will be a random generated number with the same number of characters starting with WDL
- Alpha/numeric characters will remain in the same locations as in the current license design
- DOL is expected to maintain the link between old and new driver license history
- The expected impact will require a moderate amount of effort on AOC JIS
- Possible business process changes, education changes, documentation and training changes associated with this change request

ITG 236 - Multi-part Name subsection only

- FTA file sent to DOL requires separate name fields for first, middle, last

ITG 240 - Change DOL/AOC Interfaces

- Modification or replacement of interfaces used for data sharing
- DOL Look-up application modifications
- ADR web service interface modifications for multiple applications
- Removal of DOL screen commands and ADR formatted display and batch print capability from DISCIS
- Data exchanges modifications for FTA and Adjudications
- Removal of access to DOL ADR from DISCIS will require changes to court business processes
- Education and training

Ms. Knutson gave the estimated hours of work on the project ranging from 2,974 to 5,626. Initial costs estimates in the low end are \$226,024 and \$427,576 on the high end. Ms. Knutson alerted the Committee these are high-level estimates, and they will be adjusted as the design and requirements are completed. In addition, the estimates include all resource costs. No hardware or software purchases are anticipated, and AOC plans to use existing staff resources to complete the interface modification.

Data Dissemination Committee Report (DDC)

Judge Thomas Wynne reported on the Data Dissemination Committee (DDC). The Committee approved a request brought by the prosecutor of the city of Poulsville. The request was to provide access to the DDI screen and relationships between parties and restraining orders. Previously, prosecutors have not had access to those screens despite the need to have access to make prosecutorial decisions as to whom is the restraining party and whom is the protected party. This decision will allow prosecutors access. Mr. Keeling alerted the DDC that it will take a minimal amount of work to accomplish. Once it is completed, all prosecutors will have this access.

Ms. Barb Miner alerted the DDC that the public website does not show the existence of sealed court records. This is a problem as GR 13 provides the existence of sealed records should be available to

the public. Currently, the fix is not an easy one, but a temporary fix is to put a disclaimer on the AOC public website indicating that sealed records are not displayed and refer them to the county or County Clerk to whom they think the records belong. Discussion was held as to the priority of this issue, whether it should be an ITG request as the current fix is only temporary in nature. This issue also comes up with will repositories as they are not available on the AOC website either. Another area of issue is expunged records, which are authorized in the case of juvenile records. GR 13 says records are not to be expunged except as authorized by statute. The only statute authorizing expungement of cases are in the juvenile arena. Nevertheless, some judges are ordering cases to be expunged, including some criminal cases. The question is what does AOC now do with those expunged cases? Legally, there is no such thing as an expunged case with the exception of juvenile cases. As with the sealed records, AOC needs to make the public aware of the existence of the non-juvenile expunged records available and how to find them. A number of options were discussed for addressing the issue of non-juvenile records being expunged, including legislation or judge training.

Board for Judicial Administration Report (BJA)

Chief Justice Fairhurst pointed the Committee to the minutes from the most recent BJA meeting. Chief Justice Fairhurst let the Committee know they are informational materials to make the BJA and the JISC aware of what each Committee is talking about.

Adjournment

Chief Justice Fairhurst reminded the Committee of the request by a member, to receive calendar invites to the JISC Meetings. Chief Justice Fairhurst advised that the AOC was happy to accommodate. Without any objections, the decision was made to start sending calendar invites for the JISC meetings, starting in calendar year 2018. In addition, Chief Justice Fairhurst alerted the Committee to a change in date for the first meeting in 2018. Due to a conflict for Chief Justice Fairhurst, the meeting was moved to March 2, 2018. Chief Justice Fairhurst directed the Committee to the complete list of 2018 meetings under Tab 9, as well as the updated ITG Status Report.

Chief Justice Fairhurst declared the meeting adjourned at 1:48pm.

Next Meeting

The next meeting will be December 1, 2017, at the AOC SeaTac Facility from 10:00 a.m. to 2:00 p.m.

Action Items

	Action Items	Owner	Status

BJA BUSINESS ACCOUNT
FOURTH QUARTER 2017 SUMMARY

OCTOBER - DECEMBER 2017			
ITEM	WITHDRAWALS	DEPOSITS	BALANCE
BEGINNING BALANCE			\$6789.95
BOOKKEEPING SERVICES	\$300.00		
DEPOSITS		\$0.00	
ENDING BALANCE	\$300.00		\$6489.95

BJA BUSINESS ACCOUNT
FOURTH QUARTER 2017 ACTIVITY DETAIL

DATE	CK #	TO	FOR	AMOUNT	CLEARED
10/6/2017	3764	JAN NUTTING	BOOKKEEPING SERVICES	300.00	YES

DEPOSIT DATE	AMOUNT
	0.00
TOTAL FOURTH QUARTER DEPOSITS	0.00



WASHINGTON
COURTS

**Court Management Council (CMC)
Annual Report**

2017

Prepared for the Board for Judicial Administration

Submitted February 2018

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December 27, 2017

Members of the Board for Judicial Administration (BJA):

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

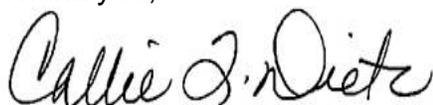
In 2017 the CMC reviewed a National Center for State Courts (NCSC) opinion poll that showed that while courts remain the most trusted branch of government, (71% of those polled), the general public perceives that judges are out of touch with community concerns and the justice system is seen as too complicated to allow for self-representation. They also believe that justice in rural areas is a concern for many. Because of these issues, public faith and confidence in courts is diminished. One of the reasons for this may be that the public does not understand the limits of how much assistance court staff may provide them. Basically, the public likely does not understand that the judicial system can provide legal information but not legal advice. On the other hand, some staff may not fully understand the amount of assistance they can provide to the public that is not considered legal advice. In response, the CMC formed two subcommittees with the intent of developing materials for court staff to better understand what legal information they can provide to assist the public.

One of the subcommittees focused on creating a PowerPoint presentation, talking points, a training curriculum, and objectives for education programs for judicial system staff on the difference between legal information and legal advice. The second subcommittee focused on updating and adding to a guidebook titled "Legal Information vs. Legal Advice" that was developed by the Clallam County Clerk's Office. This subcommittee also developed a checklist that can be laminated for use by clerks and court administrative staff as a desk reference.

The CMC members are continuing to discuss and refine the materials prepared by both subcommittees as well as soliciting comments on the materials from their respective association boards and other stakeholders. We believe that continued self-assessment and improvement will lead to greater confidence in the judicial system as well as the officials and staff that serve them.

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

Thank you,



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



Susan Carlson
CMC Co-Chair
Clerk
Washington State Supreme Court

I. Background

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

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

The CMC focus is on issues common across court levels, including municipal, district, juvenile, superior, and appellate courts. The CMC also works in partnership with other associations, committees, or work groups, depending on the project or policy under consideration.

II. Members

2017 Court Management Council Members

This year, for the first time, the CMC had alternate members. Mr. Dennis Rabidou was selected as an alternate member for the Association of Washington Superior Court Administrators (AWSCA), and Ms. Dawn Williams was selected as an alternate for the District and Municipal Court Management Association (DMCMA). Each association still only has two votes, and the alternates attend meetings and vote only if one of the regular association members is not available.

The State Court Administrator continues to serve as a co-chair with the other co-chair position rotating for a year term among the other association members. In 2017, Supreme Court Clerk Ms. Susan Carlson served as a co-chair. The AOC provides staff support for the CMC.

The following individuals served on the Council in 2017:

- Callie T. Dietz, Co-Chair, State Court Administrator, Administrative Office of the Courts
- Susan Carlson, Co-Chair, Clerk, Washington State Supreme Court
- Renee Townsley, Clerk/Administrator, Court of Appeals Division III
- Barbara Christensen, President, Washington State Association of County Clerks, Clallam County Clerk
- Kim Morrison, Washington State Association of County Clerks, Chelan County Clerk

- Frank Maiocco, Association of Washington Superior Court Administrators, Administrator, Kitsap County Superior Court
- Jane Severin, Association of Washington Superior Court Administrators, Administrator, San Juan County Superior Court
- Dennis Rabidou, Association of Washington Superior Court Administrators (Alternate), Administrator, Okanogan County Juvenile Court
- Mike Merringer, Washington Association of Juvenile Court Administrators, Director, Kitsap County Juvenile Court
- Darryl Banks, President, Washington Association of Juvenile Court Administrators, Administrator, Benton County Juvenile Court
- Cynthia Marr, President, District and Municipal Court Management Association Analytic Support Manager, Pierce County District Court
- Margaret Yetter, President-Elect, District and Municipal Court Management Association, Administrator, Kent Municipal Court
- Dawn Williams, District and Municipal Court Management Association, (Alternate), Administrator, Bremerton Municipal Court

Administrative Office of the Courts (AOC) Staff

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

III. Summary of Activities in 2017

A. Meetings

The CMC held in-person meetings every one to two months until 2008 when budget cuts required the CMC to begin meeting by phone rather than in person. Currently, the CMC typically meets by phone every other month, and continues to meet in-person with the BJA each year.

While updating the Bylaws in 2015, CMC members decided to add a second, in-person meeting to facilitate communication. Due to scheduling conflicts, the only in-person meeting in 2017 was the joint meeting with BJA on November 17 at the AOC SeaTac office.

B. Projects

The CMC functions as an important forum for court managers to communicate and coordinate on the efficient administration of justice in their courts. Each year the CMC members are asked to work with their respective associations to provide ideas about future CMC agenda topics and goals, and what information members would like to take back to their associations. In 2017, CMC worked on several projects.

1. BJA Interpreter Services Funding Task Force and the BJA Court System Education Funding Task Force

Ms. Jeanne Englert, AOC Senior Court Program Analyst who supports the BJA, requested a CMC representative for the BJA Interpreter Services Funding Task Force and the BJA Court System Education Funding Task Force. As a former member of the CMC who is dedicated to judicial education efforts, Ms. Trish Kinlow volunteered to represent the CMC on the Education Funding Task Force. She was approved because of her extensive knowledge in this area and of the CMC. Mr. Rabidou volunteered for the Interpreter Funding Task Force.

2. Legal Advice vs. Legal Information

CMC members reviewed a National Center for State Courts (NCSC) opinion poll that suggested the public lacks faith in courts. Part of the public perception of the courts may be due to not understanding the limits of how much assistance court staff may provide; the public may not understand the difference between legal advice and legal information. Some judicial system personnel may also not fully appreciate the amount of assistance they can properly provide to the public that is not considered legal advice. The CMC submitted a proposal to the BJA Policy and Planning Committee entitled “Enhancing Public Trust and Confidence in Washington Courts.” The proposal was not adopted by the BJA. (Appendix A)

The CMC members agreed it was important for the committee to move forward with the proposal, and, at the April 2017 CMC meeting, members decided to form two subcommittees to examine the public perception of courts with a primary focus on the difference between legal information versus legal advice, and what questions asked by the public and the answers provided might fit into each category. The members also wanted to identify common questions asked by the public and provide materials for court staff that would assist in providing appropriate answers.

The first subcommittee focused on creating a PowerPoint presentation and developing talking points, a curriculum, handouts from the PowerPoint, and objectives for education programs on the difference between legal information versus legal advice. The members of this subcommittee were Ms. Marr (chair), Mr. Maiocco, Ms. Morrison, Ms. Carlson, Mr. Merringer, and Mr. Marler.

The second subcommittee focused on updating and expanding a guidebook from the Clallam County Clerk’s office, *Legal Information vs. Legal Advice*. The guidebook will be for the clerks’ offices and court administrative staff. This subcommittee also developed a checklist or desk reference sheet that could be laminated for clerks and court administrative staff. The members of this group were Mr. Rabidou (chair), Ms. Christensen, Ms. Severin, Ms. Townsley, Ms. Revoir, and Ms. Dietz.

The CMC members are currently discussing the subcommittee products with their respective association boards and soliciting comments. The products of the subcommittees were reviewed at the December 2017 CMC meeting, and will be discussed again at the February 2018 CMC meeting. A draft of these materials is included in Appendix B.

3. Proposed Rule Changes for GR 17 and GR 30

In 2016, the CMC proposed amendments to GR 17, Facsimile Transmission, and GR 30, Electronic Filing and Service. The final versions of GR 17 and GR 30 were presented to the BJA for review prior to being submitted to the Supreme Court Rules Committee on September 2, 2016. The rule changes were posted for comment in January 2017 with a comment deadline of April 30, 2017.

Several comments were received regarding the proposed changes to GR 17. Some commenters wanted to retain the requirement for an affidavit and the requirement for filing on bond paper. The amendments to GR 17 were adopted and became effective September 1, 2017.

There were 33 comments on the changes to GR 30. While some comments supported the transition to electronic filing, many commenters opposed eliminating the need for agreement of the parties for electronic service of documents. The recommended amendments to GR 30 were rejected by the Supreme Court Rules Committee at the May 31, 2017, en banc conference. (Appendix C).

C. Court Manager of the Year Award

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

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

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

In 2017 there were nine nominees for the Court Manager of the Year award. The 2017 Court Manager of the Year award was presented to Mr. Mike Fenton, Juvenile Court Administrator, Thurston County Family and Juvenile Court, at the November 17 joint BJA and CMC meeting.

Mr. Fenton was nominated by Judge Christine Schaller and the other Thurston County Superior Court judges. In her nomination letter, Judge Schaller included the following information on Mr. Fenton:

Mr. Fenton started his career with Thurston County Juvenile Court working as a Juvenile Probation Counselor in 1983. In 1993, he became a Juvenile Probation

Supervisor and in 2002 was selected as the Juvenile Probation Manager. After nine years as Juvenile Probation Manager, Mr. Fenton was selected as the Thurston County Juvenile Court Administrator effective February 1, 2011.

Mr. Fenton implemented, with all of the probation counselors, a new vision in dealing with probation violations. Mr. Fenton also created a "Seeds of Change" garden, established by our staff and the work of youth who are on probation. The youth who have participated in this program have spoken of all of the skills they have learned working in the garden and produced over 1,300 pounds of produce donated to the Thurston County Food Bank in 2017.

Mr. Fenton has served as the Chair of the Thurston County Juvenile Justice Coalition since 2011, and is a member of the Thurston County Law and Justice Council and the YWCA Girls Council Steering Committee, a group trying to ensure that the unique issues facing girls in our community are properly addressed.

Mr. Fenton has served as President of the Washington Association of Juvenile Court Administrators (WAJCA), and has also served on its Executive Board, Finance Committee, and the Quality Assurance Committee. Mr. Fenton is currently on the Governor's Partnership Council for Juvenile Justice, a member of the Washington State Sentencing Guidelines Commission, Detention Reform Committee, SMART on Juvenile Justice, the Washington Partnership on Juvenile Justice Council, and the Washington State Center for Court Research Advisory Council. Mr. Fenton's was named Juvenile Court Administrator of the Year for 2013–2014.

APPENDIX A
Proposal to the Board for Judicial Administration

BOARD FOR JUDICIAL ADMINISTRATION (BJA)

Policy and Planning Committee

PROPOSED STRATEGIC GOAL

TITLE:

“Enhancing Public Trust and Confidence in Washington Courts”

PROPONENTS:

Callie T. Dietz and Cynthia Marr, Co-Chairs, on behalf of the Court Management Council (CMC)

ISSUE:

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

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

GOAL:

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

STAKEHOLDERS: (Internally)

Washington Supreme Court Justices and staff
Washington Court of Appeals Judges and staff
Superior Court Judges’ Association
District and Municipal Court Judges’ Association
Association of Washington Superior Court Administrators
Washington Association of Juvenile Court Administrators
District and Municipal Court Management Association
Public Trust and Confidence Committee of the BJA
Administrative Office of the Courts
Court Education Committees

Supreme Court Commissions
Judicial Information System Committee
Judicial Branch Department Entities

STAKEHOLDERS: (Externally)

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

INTERNAL OR EXTERNAL:

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

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

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

APPENDIX B
Legal Advice vs. Legal Information
Subcommittees' Draft Work Products



**Legal Advice v Legal
Information
Curriculum and Overview**

Objective



This training will enhance public trust and confidence and provide access to justice through an examination of the differences between legal information and legal advice.

Additionally, this training will improve customer service through an understanding of the difference between legal information and legal advice and providing staff with the knowledge and confidence to explain the difference to others.

Overview and Intended Audience



A half-day class for staff of Washington Courts, identifying and exploring obligations related to providing legal information and avoiding legal advice, while providing information to promote access to justice and public trust and confidence.

Activities employed during this class include role-playing.

Learning Outcomes



Upon completion of the course you should be able to:

- Identify guidelines for answering a customer's questions;
- Identify resources for court customers;
- Identify resources for court line staff;
- Define legal information;
- Recognize legal advice;
- Reframe a question to focus on information, not advice;
- Present examples of legal information that can be given;
- Affirm why your public service is important;
- Provide information and facts, not advice or opinion.

Resources



- **The State of State Courts: A 2016 NCSC Public Opinion Survey** <http://www.ncsc.org/2016survey>
 - ✦ Key finding noted signs of positive momentum in public trust -- but innovation and technology concerns persist; Voters continue to express concerns about customer service, particularly when it comes to innovation and use of technology.
- **Greacen, John. “Legal information vs. legal advice: Developments during the last five years”, Judicature, January - February 2001, pp. 198-204**
<http://www.srln.org/system/files/attachments/Greacen%20ARTICLE%20Legal%20Information%20v%20Legal%20Advice%202001.pdf>

Resources



- **Minnesota Judicial Branch**
 - What Court Staff Can and Cannot Do for You
<http://www.mncourts.gov/Help-Topics/What-Staff-Can-Do.aspx>
- **Texas Judicial Branch**
 - Legal Information vs. Legal Advice
<http://www.txcourts.gov/media/1220087/legalinformationvslegaladviceguidelines.pdf>

Suggested Answers to Recurring Questions

(Greacen, John)



Do I need a lawyer? Or Should I hire a lawyer?

You are not required to have a lawyer to file papers or to participate in a case in court. You have the right to represent yourself. Whether to hire a lawyer must be your personal decision. You may want to consider how important the outcome of this case is to you in making that decision. A lawyer may not cost as much as you think. I have information on the Lawyer Referral Service if you want help in finding a lawyer who specializes in your kind of case.

Can you give me the name of a good lawyer?

The court cannot recommend a particular lawyer. I have information on the Lawyer Referral Service if you want help in finding a lawyer who specializes in your kind of case.

Should I plead guilty?

You need to decide that for yourself.

What sentence will I get if I plead guilty [or do not plead guilty]?

The judge will decide what sentence to impose based on the facts and the law that apply to your case. I cannot predict what the judge will do.

What will happen in court?

Suggested answer to a plaintiff in a small claims case: The judge will call on you to present your evidence first. Then [he] [she] will call on the other side to present its evidence. The judge will ask questions if [he] [she] needs clarification. When the judge has heard all the evidence, [he] [she] will announce [his] [her] decision.

What should I say in court?

You must tell the truth.

How do I get the money that the judge said I am entitled to?

You are responsible for taking the steps necessary to enforce a judgment (or an award of child support). Here is a pamphlet that describes the procedural options available to you. When you decide what option to pursue, I can provide you with the appropriate forms. [It may be appropriate to refer a litigant to an agency for help, e.g., with child support enforcement.]

Suggested Answers to Recurring Questions

(Greacen, John)



What should I put in this section of the form?

You should write down what happened in your own words.

What should I put down here where it says "remedy sought"?

You should write in your own words what you want the court to do.

Would you look over this form and tell me if I did it right?

You have provided all of the required information. I cannot tell you whether the information you have provided is correct or complete; only you know whether it is correct and complete.

I am not able to read or write. Would you fill out the form for me?

In that case, I am able to fill out the form for you, but you have to tell me what information to put down. I will write down whatever you say and read it back to you to make sure what I have written is correct.

What do I do next?

Describe the next step in the court process.

I want to see the judge. Where is his office?

The judge talks with both parties to a case at the same time. You would not want the judge to be talking to the [police officer] [landlord] about this case if you were not present. Your case is scheduled for hearing on _____ at _____. That is when you should speak with the judge.

The judge heard my case today but did not make a decision. When will he decide?

There is no way for me to know when the judge will issue a decision in your case. In general, judges try to reach a decision within [60] days of taking a case under advisement. But there is no guarantee that the judge will decide your case within that time.

Legal Advice vs Legal Information: A Primer

DRAFT

Court Management Council

Objectives

- Outline the framework in which court service is performed
- Distinguish legal information from legal advice
- Identify tools/techniques for addressing the information vs advice question
- Practice our understanding of legal info vs legal advice
- Identify additional resources for court consumers .

Court Management Council Model Code Of Conduct For Court Employees

IMPARTIALITY

Court employees should provide fair and evenhanded treatment to all persons requesting assistance or doing business with the court.

PERSONAL INTEGRITY

Court employees should demonstrate the highest standards of honesty and truthfulness in all professional and personal dealings.

Court employees who are law students, attorneys or members of other professional groups are also bound by the appropriate professional standards of conduct.

Characteristics of an Ideal Court Employee

- ✓ A trustee of the public good
- ✓ A model citizen
- ✓ Spirit of professional responsibility
- ✓ Committed to public service
- ✓ Follows the Code of Ethics
- ✓ Recognizes real life ethical dilemmas
- ✓ Professional response

Court Management Council Model Code Of Conduct For Court Employees (Cont'd)

PROFESSIONAL PERFORMANCE OF DUTIES

Court employees should endeavor at all times to perform official duties properly and with diligence. Court employees should apply full-time energy to the business of the court during working hours.

Court employees should carry out their responsibilities as public servants in as courteous a manner as possible. Court employees should treat all persons with respect and responsiveness, acting always to promote public esteem in the court system.

Court Management Council Model Code Of Conduct For Court Employees (Cont'd)

PROFESSIONAL PERFORMANCE OF DUTIES (cont'd)

Court employees should endeavor to know every aspect of his or her job.

Court employees should provide accurate and timely information to those requesting it. Court employees are employed to serve and should strive to do everything possible to make things easier for customers rather than for themselves or the court organization.

Court employees should avoid any appearance of impropriety that might diminish the honor and dignity of the court.

Court Management Council Model Code Of Conduct For Court Employees (Cont'd)

CONFIDENTIALITY

Court employees should not disclose confidential information to any unauthorized person.

Information retained in electronic files should be treated the same as other court documents.

Restrictions Regarding Legal Advice

Unauthorized Practice of Law, RCW 2.48.180

(1) As used in this section:

(b) "Nonlawyer" means a person to whom the Washington supreme court has granted a limited authorization to practice law but who practices law outside that authorization, and a person who is not an active member in good standing of the state bar, including persons who are disbarred or suspended from membership;

Restrictions Regarding Legal Advice

Unauthorized Practice of Law, RCW 2.48.180

(2) The following constitutes unlawful practice of law:

- (a) A nonlawyer practices law, or holds himself or herself out as entitled to practice law;
- (b) A legal provider holds an investment or ownership interest in a business primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business;
- (c) A nonlawyer knowingly holds an investment or ownership interest in a business primarily engaged in the practice of law;
- (d) A legal provider works for a business that is primarily engaged in the practice of law, knowing that a nonlawyer holds an investment or ownership interest in the business; or
- (e) A nonlawyer shares legal fees with a legal provider.

Restrictions Regarding Legal Advice

Unauthorized Practice of Law, RCW 2.48.180

- (3)(a) Unlawful practice of law is a crime. A single violation of this section is a gross misdemeanor.
- (b) Each subsequent violation of this section, whether alleged in the same or in subsequent prosecutions, is a class C felony punishable according to chapter [9A.20](#) RCW.

Restrictions Regarding Legal Advice

WA State General Rule 24

The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

- (1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.
- (2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).

Restrictions Regarding Legal Advice

WA State General Rule 24 (cont'd)

- (3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.
- (4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

Court Staff:

- have an obligation to explain court processes and procedures to litigants, the media, and other interested citizens.
- have an obligation to inform litigants, and potential litigants, how to bring their problems before the court for resolution.
- cannot advise litigants whether to bring their problems before the court, or what remedies to seek.
- must always remember the absolute duty of impartiality. They must never give advice or information for the purpose of giving one party an advantage over another. They must never give advice or information to one party that they would not give to an opponent.
- should be mindful of the basic principle that neither parties nor their attorneys may communicate with the judge *ex parte*. Court staff should not let themselves be used to circumvent that principle by conveying information to a judge on behalf of a litigant, or fail to respect it in acting on matters delegated to them for decision.

Problems with Unreconciled Tension in Service Performance

Clerk's and Court Staff tend to give less information

Practices from court to court and among employees in the same local court organizations vary

Court and Clerk's Employees don't treat everyone the same

- Lawyers vs self-represented parties**
- Polite citizens vs difficult citizens**
- Responses determined by prevailing employee workload**
- English-speaking vs LEP citizens/minorities**



**SO, WHAT CAN COURT AND
CLERK'S EMPLOYEES DO TO
EXPAND LEGAL INFORMATION
WHILE AVOIDING LEGAL
ADVICE?**

Court Staff may:



- Provide information contained in docket reports, case files, indexes and other reports.
- Answer questions about the law and the legal process; questions concerning court rules, procedures, and ordinary practices. Such questions often contain the words "Can I?" or "How do I?"
- Answer questions that call for factual information – questions that begin with “who,” “what,” “when,” “where,” or “how.”
- Provide examples of forms or pleadings for the guidance of litigants.

Court Staff may:



- Answer questions about the completion of forms.
- Explain the meaning of terms and documents used in the court process.
- Answer questions concerning deadlines or due dates.
- Inform litigants of their options and the steps needed to carry out these options.

Court Staff may not:



- Give information when you are unsure of the correct answer. Transfer such questions to supervisors.
- Advise litigants whether to take a particular course of action.
- Answer questions that call for an opinion about what a litigant should do. Such questions contain the words “should” and “whether.” Direct these questions to legal resources.
- Take sides in a case or proceeding pending before the court.

Court Staff may not:



- Suggest whether it is advisable or wise to bring an issue before the court; how best to present issues before the court; which procedural option to pursue; or, how a judge is likely to decide.
- Provide information to one party that you would be unwilling or unable to provide to all other parties.
- Disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record, or until the judge directs disclosure of the matter.

Rules of Thumb



- **Legal advice is counseling.** Court employees should refrain from telling citizens what they should do.
- **Legal information is educating.** Court employees should ask “what information does this litigant need in order to decide what to do?”
- **The Website Rule.** Anything that is on the court’s or clerk’s website, or on any website to which those sites are linked, is legal information.
- How a citizen’s question is framed determines its appropriateness. Reframe the question to provide information.

Rules of Thumb (cont'd)



- Court employees can provide information about past decisions, provided they are not sealed or confidential. Court employees cannot and should not predict what the court will do in the future.
- Court employees can explain how and where to file complaints concerning judges, private attorneys or court employees; but, employees cannot provide opinions about the conduct of a judge, court employee or attorneys.
- Court employees can provide general references to other offices or persons, but cannot provide referrals to persons or services based upon personal preferences.

Rules of Thumb (cont'd)



- Court employees can review a court user's documents for completeness, and may inform the person of missing information; however, employees cannot provide or suggest information that should be added or entered.
- Some court positions, like courthouse facilitators or staff attorneys, may not be held to as strict a standard regarding legal advice – but do NOT assume that without consulting your supervisor or manager.

WA Supreme Court Order 25700-B-425; October 31, 2002

The Court, having been advised that an increasing number of parties using the courts are self-represented, and being aware that some of these parties will seek information from county clerks and court employees, and being further informed that clerks and court employees have requested guidance regarding the dissemination of information to parties, pursuant to General Rule 24(b)(10), and the Court being committed to improving the level of appropriate information that is being furnished to persons using the courts,

WA Supreme Court Order 25700-B-425; October 31, 2002 (cont'd)

Now, therefore, it is ordered that a notice advising citizens about information that may be obtained from clerks and court employees shall be posted by all trial courts in the State of Washington. All courts are hereby authorized to add specific directions in the notices as to the location of the office or offices within court facilities where such information is available, and

WA Supreme Court Order 25700-B-425; October 31, 2002 (cont'd)

It is further ordered that the Administrative Office of the Courts, with the assistance of court managers and legal practitioners, shall develop a model notice and provide information such as “frequently asked questions” and answers thereto and other guidance to equip clerks and court employees with the knowledge needed to answer the full range of questions that they may receive.

Scenario

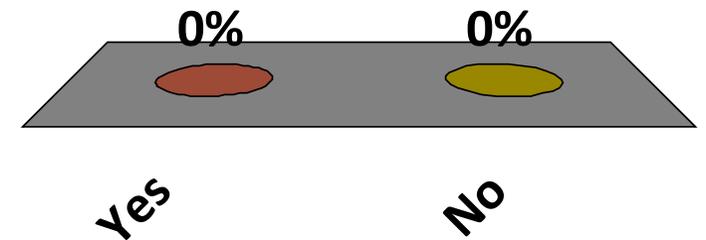


A woman who is obviously an immigrant from another country goes to the clerk's window with a friend. The woman is seeking help filing a DV no contact order. Neither she nor her friend seem to understand English well enough to fill out the form.

Can you help them? ○

- A. Yes
- B. No

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Response
Counter

Additional Resources for Legal Information and Legal Advice

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Can Provide	Cannot Provide
Legal definitions	Legal interpretations
Procedural definitions	Procedural advice
Cites of statutes, court rules, and ordinances	Research of statutes, court rules, and ordinances
Public case information	Confidential case information
General information on court operations	Confidential or restricted information on court operations
Options	Personal Opinions
Access	Deny access, discourage access, or encourage litigation
General referrals	Subjective or biased referrals
Forms and instructions on how to complete forms	Fill out forms for a party



WELCOME TO THE NEW JERSEY STATE COURTS.

WE WILL BE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE
ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE
WANT TO BE FAIR TO EVERYONE IN A CASE.

**THIS IS A LIST OF SOME THINGS THE COURT STAFF CAN AND CANNOT DO FOR YOU.
PLEASE READ IT CAREFULLY BEFORE ASKING THE COURT STAFF FOR HELP.**

WE CAN explain and answer questions about how the court works.

WE CAN tell you what the requirements are to have your case considered
by the court.

WE CAN give you some information from your case file.

WE CAN provide you with samples of court forms that are available.

WE CAN provide you with guidance on how to fill out forms.

WE CAN usually answer questions about court deadlines.



WE CANNOT give you legal advice. Only your lawyer can give you legal advice.

WE CANNOT tell you whether or not you should bring your case to court.

WE CANNOT give you an opinion about what will happen if you bring your case to
court.

WE CANNOT recommend a lawyer, but we can provide you with the telephone
number of a local lawyer referral service.

WE CANNOT talk to the judge for you about what will happen in your case.

WE CANNOT let you talk to the judge outside of court.

WE CANNOT change an order issued by a judge.

**WE LOOK FORWARD TO HELPING YOU IN ACCORDANCE
WITH THESE GUIDELINES.**

NEW JERSEY COURT SYSTEM MISSION STATEMENT

We are an independent branch of government constitutionally entrusted with the fair
and just resolution of disputes in order to preserve the rule of law and to protect the
rights and liberties guaranteed by the Constitution and laws of the United States and the State.

UTAH STATE COURTS

<http://courts1k.utcourts.gov>



WELCOME TO THE UTAH STATE COURTS.

WE WILL BE HAPPY TO HELP YOU IF WE CAN. HOWEVER, WE ARE ALLOWED TO HELP YOU ONLY IN CERTAIN WAYS, SINCE WE WANT TO BE FAIR TO EVERYONE.

This is a list of some things the court staff can and cannot do for you.

We can provide you with a list of local lawyers or the telephone number of the Utah State Bar lawyer referral service.

We can explain and answer questions about how the court works.

We can give you general information about court rules, procedures and practices.

We can provide court schedules and information on how to get a case scheduled.

We can give you information from your case file.

We can give you samples of court forms that are available.

We can usually answer questions about court deadlines and how to compute them.

We cannot tell you whether or not you should bring your case to court.

We cannot tell you what words to use in your court papers. However, we will check your papers for completeness. For example, we check for signatures, notarization, correct county name, correct case number and presence of attachments.

We cannot tell you what to say in court.

We cannot give you an opinion about what will happen if you bring your case to court.

We cannot talk to the judge for you.

We cannot let you talk to the judge outside of court.

We cannot change an order signed by a judge.

Utah Court System Mission Statement

The mission of the Utah Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

INFORMATION AVAILABLE FROM THE CLERK'S OFFICE

Court staff can provide:

- The status of a specific case, unless the case (or information in the case) is "sequestered" (not available for public inspection because of state law or a judge's decision)
- The court file on a specific case, unless the case is "sequestered," for you to review
- General information on court rules, procedures and practices
- Court-approved forms (Forms are not available for all legal proceedings.)
- Guidance on how to compute deadlines and due dates
- Court schedules and information on how to get matters scheduled

Court staff do not know the answers to all questions about court rules, procedures and practices. They have been instructed not to answer questions if they do not know the correct answer.

Court staff can not:

- Give advice about whether you should file a case or whether you should take any particular action in a case
- Fill out a form for you or tell you what words to put in a form
- Advise you what to say in court
- Speculate about what decision the judge might make or what sentence the judge might impose

Legal advice: Court staff provide information, not legal advice. If you need legal advice, please contact a lawyer. If you do not have a lawyer, you may wish to call the Statewide Lawyer Referral Program of the New Mexico State Bar, at 1-800-357-0777, for the name of a lawyer practicing in the area of law in which you need advice.

Remember -- The court, including the judge and all court staff, must remain impartial. They do not take sides in any matter coming before the court.

EXHIBIT F

SAMPLE STAFF GUIDELINES

Do's

Court staff are expected to perform these tasks:

1. Provide public information contained in docket reports, case file, indexes, and other reports.
2. Answer questions concerning court rules, procedures, and ordinary practices. Such questions often contain the words "Can I?" or "How do I?"
3. To the extent available, provide examples of forms or pleadings for the guidance of litigants.
4. Answer questions about the completion of forms.
5. Explain the meaning of terms and documents used in the court process.
6. Answer general questions concerning deadlines or due dates.

Don'ts

In providing information, the staff will not:

1. Give information when they are unsure of the correct answer. Staff should transfer such questions to supervisors.
2. Advise litigants whether to take a particular course of action.
3. Take sides in a case or proceeding pending before the court.
4. Provide information to one party that they would be unwilling or unable to provide to all other parties.
5. Disclose the outcome of a matter submitted to a judge for decision, until the outcome is part of the public record, or until the judge directs disclosure of the matter.

* * *

Adapted from J. Graecan, "No Legal Advice from Court Personnel" What Does That Mean?, The Judge's Journal (Winter 1995), at 10. Cited in BH Report at 41.

Suggested answers to recurring questions

Here are some of the most common questions presented by participants in seminars on this topic, and suggested answers:

Do I need a lawyer?

You are not required to have a lawyer to file papers or to participate in a case in court. You have the right to represent yourself. Whether to hire a lawyer must be your personal decision. You may want to consider how important the outcome of this case is to you in making that decision. A lawyer may not cost as much as you think. I have information on the Lawyer Referral Service if you want help in finding a lawyer who specializes in your kind of case. [Lawyers participating in the Albuquerque Bar Association lawyer referral service offer one half hour of consultation for \$25 plus tax.]

Should I hire a lawyer?

Same as above.

Can you give me the name of a good lawyer?

The court cannot recommend a particular lawyer. I have information on the Lawyer Referral Service if you want help in finding a lawyer who specializes in your kind of case.

Should I plead guilty?

You need to decide that for yourself.

What sentence will I get if I plead guilty [or do not plead guilty]?

The judge will decide what sentence to impose based on the facts and the law that apply to your

case. I cannot predict what the judge will do.

What will happen in court?

Suggested answer to a plaintiff in a small claims case: The judge will call on you to present your evidence first. Then [he][she] will call on the other side to present its evidence. The judge will ask questions if [he][she] needs clarification. When the judge has heard all the evidence, [he][she] will announce [his][her] decision.

What should I say in court?

You must tell the truth.

How do I get the money that the judge said I am entitled to?

You are responsible for taking the steps necessary to enforce a judgment (or an award of child support). Here is a pamphlet that describes the procedural options available to you. When you decide what option to pursue, I can provide you with the appropriate forms. [It may be appropriate to refer a litigant to an agency for help, e.g. with child support enforcement.]

What should I put in this section of the form?

You should write down what happened in your own words.

What should I put down here where it says "remedy sought"?

You should write in your own words what you want the court to do.

Would you look over this form and tell me if I did it right?

You have provided all of the required information. I cannot tell you whether the information you have provided is correct or complete; only you know whether it is correct and complete.

I am not able to read or write. Would you fill out the form for me?

In that case, I am able to fill out the form for you, but you have to tell me what information to put down. I will write down whatever you say and read it back to you to make sure what I have written is correct.

What do I do next?

Describe the next step in the court process.

I want to see the judge. Where is his office?

The judge talks with both parties to a case at the same time. You would not want the judge to be talking to the [police officer] [landlord] about this case if you were not present. Your case is scheduled for hearing on ____ at _____. That is when you should speak with the judge.

The judge heard my case today but did not make a decision. When will he decide?

There is no way for me to know when the judge will issue a decision in your case. In general, judges try to reach a decision within [60] days of taking a case under advisement. But there is no guarantee that the judge will decide your case within that time.

4. Engler, *And Justice for All—Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators and Clerks*, 67 *FORDHAM L. REV.* 1987 (1999).



Remember.....
HELP

- Be **H**elpful
- Be **E**qual (impartiality)
- To **L**isten Carefully
- Be **P**rofessional



The 7 Can Do's

1. Do provide legal and procedural definitions
2. Do cite statutes, court rules and ordinances
3. Do provide public case information
4. Do provide procedural options
5. Do make general referrals
6. Do provide forms and instructions
7. Do provide general information on court operations



Remember.....
HELP

- Be **H**elpful
- Be **E**qual (impartiality)
- To **L**isten Carefully
- Be **P**rofessional

The 7 Can't Do's



1. Don't give legal interpretations or procedural advice
2. Don't research statutes, court rules and ordinances
3. Don't disclose confidential case information
4. Don't give personal opinions
5. Don't make subjective or biased referrals
6. Don't fill out forms for parties
7. Don't disclose confidential, ex parte, or restricted information on court operations

How to Provide Access Without Giving Legal Advice



Legal Information vs. Legal Advice

DRAFT

Prepared for use by the Court Management Council

November 2017

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INTRODUCTION

Every day Court staff and Clerk's office employees are bombarded with a myriad of questions about courts, cases, laws, procedures, judges, terminology, forms, policies and attorneys. Front counter staff and those who answer the phones are the first, and sometimes only, contact that the public has with the court system. The public may form lasting impressions and perceptions about the court system from an initial contact with staff.

If someone doesn't know how to use the court system and you do not provide the information the customer needs, then access is effectively denied. How you respond can directly affect the public's access to the courts because most people are not familiar with the courts or court procedures and require some level of assistance. You have an important duty to **provide information** about the court system.

To meet your responsibilities, it is important for you to understand what can and cannot be provided. It is critical that you know what information you can provide to the public and what is considered **legal advice**.

In addition, your job requires a high degree of accuracy. Even seemingly small mistakes, such as giving a wrong case number or the wrong date and time of a hearing, can affect people's lives. There are many different people who need information and service: the general public, attorneys, parties, newspapers, legal secretaries/paralegals, title companies, etc. Giving accurate information is critical.

Listen closely and ask questions. Understand what it is that people are asking for or need. Take time and ask enough questions to clarify what the person needs. Careful listening is also important because some people may be trying to obtain information that will help them win their case. People are often stressed, confused and intimidated by the thought of going to court. It is important to remember that your tone of voice and body language speak as loud or louder than words and have a big impact on how people respond to attempts to provide assistance, so be patient.

There are many times when "legal advice" is used as an excuse not to provide service. Even if the person is clearly asking for legal advice, staff should **not** use that as an excuse not to provide service. It is your responsibility to provide information and access to the courts. There is usually some information that can be provided to help people, such as explaining the reasons you can't give legal advice. Remember to explain the customer's procedural options, or refer them to an agency that can help them. Unfortunately, the burden of dealing with pro se litigants falls on Clerk's office or Court staff to be able to assist them without crossing the legal advice line.

NOTE: GR 27 allows an exception regarding the practice of law for **courthouse facilitators**.



Neutrality

Staff must remain neutral at all times and cannot promote or recommend a particular course of action. Staff must remember that no matter how many cases you have seen, you are not in a position to know what is in a party's best interest. Only litigants or their counsel can make such a determination.

Impartiality

Court employees as well as Clerk's office staff have an absolute duty of impartiality. The concept of impartiality is similar to neutrality but it focuses on treating both sides equally. There are two points to keep in mind: (1) public information must be shared in a fair and equitable manner; and (2) confidential, restricted, and *ex parte* information must not be disclosed. You cannot provide information that would favor one side over another.

Unauthorized Practice of Law

Only licensed attorneys may practice law and give legal advice. There is no blanket answer for what constitutes legal advice - - it will always depend on the judgment and discretion of the person responding. However, the guidelines below reflect the responsibilities of staff and incorporate the principles of neutrality, impartiality, and the unauthorized practice of law.

“How do I know what is and isn't considered legal advice?”

This is perhaps the number one question asked by employees, and there is no easy answer. Staff have a tremendous amount of knowledge about the court system and are required to provide information as part of their duties. But how do you know what information you can or cannot provide? How do you know when you are crossing the invisible legal advice line?

There is never going to be a manual that clearly identifies every question asked and what questions can or cannot be answered. However, the following guidelines can be used to help define the legal advice line.



7 LEGAL ADVICE GUIDELINES

Court Staff Can:

1. Provide legal and procedural definitions
2. Cite statutes, court rules and ordinances
3. Provide public case information
4. Provide procedural options
5. Make general referrals
6. Provide forms and instructions
7. Provide general information on court operations

Court Staff Cannot:

1. Give legal interpretations or procedural advice
2. Research statutes, court rules and ordinances
3. Disclose confidential case information
4. Give personal opinions
5. Make subjective or biased referrals
6. Fill out forms for parties
7. Disclose confidential, *ex parte*, or restricted information on court operations



1. Providing Legal And Procedural Definitions

It is appropriate for staff to **provide definitions of legal terms or explain procedures**. Many people are not familiar with legal terms or procedures and may need assistance to understand what they need.

Refrain from using legal terms to describe other legal terms to avoid creating more confusion. Providing definitions of legal terms may help the public understand and does not involve the unauthorized practice of law.

It is **NOT** appropriate to provide interpretations of legal terminology, statutes, rules, orders, cases, or the constitution. You may **NOT** give advice on how to proceed in a case. However, you can point out various factors that individuals may consider in order to make the decision themselves. In other words, give them their options.

You may **NOT** tell someone what to say in court.

Example:

Q: What is child abandonment?

A: According to this dictionary of legal terms, abandonment is “the act of intentionally and permanently giving up, surrendering, deserting or relinquishing property, premises, a right of way, a ship, contract rights, a spouse and/or children. Abandonment of a spouse means intent at permanent separation, and with children a lengthy period of neither contact nor any support.”

Q: My neighbors left their teenage kids home by themselves a month ago. Is that abandonment?

A: I am not an attorney and cannot make a legal interpretation. However, I can refer you to someone that should be able to help you.

Tip: Resources for providing legal definitions include statutes, court rules and a dictionary of legal terms (such as Black’s Law Dictionary or online at <http://dictionary.law.com>).

Example:

Q: What happens at an arraignment?

A: An arraignment is where defendants are notified of the charges against them, informed of their rights, including the right to an attorney, bond/bail is set, and a plea may be entered.

Q: Whom should I sue?

A: I cannot tell you whom to sue because I cannot give you legal advice. You may want to seek the help of an attorney.

Tip: Whenever you hear the word **“should”**, it is a tip that you are being asked for advice.

Q: What transcriptionist should I use for my verbatim report of proceedings on my appeal case?

A: You will need to refer to the list of authorized transcriptionists for the county where the hearing was held. I am not able to make a referral for anyone in particular.



2. Staff May Cite Legal Authority But Cannot Conduct Legal Research

It is common for experienced staff to be knowledgeable of statutory and court rule citations. It is appropriate to share this information, provided the citations are accurate and provided the staff does not need to conduct research.

It is important to consider that legal cites may be more helpful for attorneys than for unrepresented litigants. Legal cites may only further confuse a pro se party. Remember, different people have different levels of understanding of the court system and, therefore, have different needs.

Example:

Providing copies of our court rules (see fee schedule) that are readily available would not be considered legal advice, but compiling information of all the drunk driving laws for someone would be. Court rules can be found electronically at http://www.courts.wa.gov/court_rules/

Example:

Q: Please provide me with a copy of all of the laws regarding stalking.

A: I'm sorry, but I am **not allowed to do legal research**. You may want to look up that information yourself at the Washington Courts website located at www.courts.wa.gov.

Tip: In determining what is considered research, consider whether the material or information requested is something that should be known as a part of your job and whether the information is readily available or would require compilation.



3. A Majority Of Court Records Are Public

The majority of court records are public and available for public review. Confidential information is not available to the public because of state law or a judge's decision and cannot be disclosed (see confidential chart). ?

You may tell the status of a specific case, unless the case is confidential. If the case is confidential, the customer may need a court order to see the file.

If you are unsure whether the information requested is public or confidential, or which parties are allowed to view a confidential file, you should check with another experienced staff member or the Clerk.

Example:

Q: Is there an estate file open for Mabel Miller?

A: Yes, there is. It is a public record. Would you like to see it?

Example:

Q: May I see the Kramer adoption file?

A: Since adoption files are confidential, they cannot be viewed by the public.

Tip: If you are asked about a confidential file, you should respond by saying that “no public record exists.”



4. Provide Procedural Options/Access

It is appropriate for staff to provide information on how to do something, except that you cannot disclose any confidential information.

You **cannot** advise litigants whether to bring their problems before the court, or what remedies to seek. You **cannot** advise court users whether to avail themselves of a particular procedural alternative -- this is a lawyer's role.

Most people are unfamiliar with courts and often cannot describe their problem in legal terms. It is your job to ensure that the court system is accessible. **The information presented, and the manner in which it is presented**, can affect how accessible the system is. Ask enough questions to determine what the customer needs in order to avoid making an inappropriate referral to another office.

Example:

Q: How can I collect my judgment?

A: You have several options. If you know where the defendant is employed or has a bank account, you can file a writ of garnishment. If you know of property that defendant owns, you can file a writ of execution. Otherwise, you can file supplemental proceedings to determine what assets, if any, the defendant has.

Example:

Q: Should I file a writ of garnishment or a writ of execution?

A: I can explain the difference between the two types of writs, but I cannot tell you what to do or give you an opinion on which option to select. That is a decision that you have to make.

Example:

Q: How do I “*convict*” my renter?

A: Do you want to *evict* your renter -- get him out?

Tip: Telling someone how to do something does not usually cross the legal advice line. Telling someone what he/she should do, does cross the legal advice line.



5. General Referrals

Requests for attorney referrals are common. If you are asked to provide the name of an attorney, you can refer people to the Washington State Bar Association, the yellow pages, or CLEAR. It would be inappropriate to refer people to a specific law firm or attorney.

Also, sometimes people call the “courts” when they don’t know whom to call. Again, ask enough questions in order to determine which office the person needs. Try to provide the customer with the appropriate phone number, extension, address, contact person, etc.

Example:

Q: I’m not sure I’m calling the right place, but I need to talk to someone about my birth certificate.

A: Let me give you the phone number for the County Health District, it is -----.

Example:

Q: Can you give me the name of a good criminal attorney?

A: I can’t refer you to a specific attorney, but you might want to check the yellow pages. Some attorneys list their areas of specialty there. You may also want to try the Washington State Bar Association website.

Tip: Good general referrals include yellow pages, local or state bar associations, or CLEAR.



6. Provide Forms And Instructions

Providing forms and instructions is an important way that staff can facilitate access to the courts. While staff can provide court-approved or required forms (or provide websites for them) and instructions, they cannot complete forms for a party or tell them what to say on a form (unless there is a handicap or physical disability that prevents the person from filling out the form*).

Be mindful of the basic principle that counsel or any party may not communicate with a judge *ex parte*. Do not let yourself be used to circumvent that principle, or fail to respect it. Avoid becoming a messenger to the judge of communication that would be improper for the judge to receive indirectly.

***NOTE:** This is a very difficult issue. Although courts have an obligation to facilitate access and are required under the Americans with Disabilities Act to accommodate individuals with disabilities, courts also have an obligation to remain neutral and impartial. Recommendations for handling exceptional situations:

- a. Exhaust all other possibilities first. Is there someone with them who can assist? Do they have any other friends or family who can assist them to complete the required forms?
- b. If there are no other alternatives, you must record exactly what is said, confirm the information with the party, make a notation on the document, and have the party sign the form.
- c. If possible, it is recommended that a witness, such as another deputy clerk or staff member be present.



7. Provide General Information On Court Operations

Because you have so much information about how our courts operate, you must be careful not to disclose information that would allow one side or another to have an unfair advantage.

You may provide court schedules and information on how to get matters scheduled on the dockets. You may answer general questions concerning deadlines or due dates.

Information about case assignment procedures and scheduling practices could be inappropriately used to affect the status or outcome of a case. If these questions are asked, refer the party to the Court Administrator.

MISCELLANEOUS “CANNOTS”

You cannot comment about specific persons named in a petition or pleading as you wait on a customer, or take sides in a case.

You cannot change an order signed by a judge.

You cannot allow customers to talk to a judge outside of court (no *ex parte* communications).

You cannot disclose the outcome of a matter submitted to a judge for decision until the outcome is part of the public record, or until the judge directs disclosure of the decision.

CONCLUSION

When you realize that most of the questions you are asked fall into the categories above or those listed on page 5, it is much easier to accurately draw the “legal advice” line and understand what is and what is not legal advice. With that understanding, staff can provide access to the courts and service to the public while remaining neutral and impartial.



HELPFUL WEBSITES

Many of the following websites can be helpful

- ❖ Pro Se individuals for many different types of cases:
www.washingtonlawhelp.org
- ❖ Pro Se individuals (to search for specific domestic forms at Washington Courts):
www.courts.wa.gov/forms
- ❖ Public Legal Education: www.lawforwa.org
- ❖ Pro Se individuals for unlawful detainer packets (charges apply):
www.doityourselfdocuments.com
- Washington Court Rules: http://www.courts.wa.gov/court_rules/
- ❖ Washington Administrative Code (WAC): <http://apps.leg.wa.gov/wac/>
- ❖ RCWs - Washington State Legislature: <http://apps.leg.wa.gov/rcw>
- ❖ Free legal services for low income and senior citizens/Information about Northwest Justice Project and CLEAR: www.nwjustice.org
- ❖ Washington State Bar Association: www.wsba.org
- ❖ Access to Justice Board: www.wsba.org/atj

Common “Problem Questions”:

1. How do I get my record expunged, vacated, or sealed?

- If I provide the RCW to the customer to research themselves, is this legal advice? No. Other options that you could provide are to hire an attorney or research the issue and do it on their own.

2. Do I need to serve the other party?

- If my answer is “yes”, am I giving legal advice? Yes and no. If the question was how do I serve the other party, the response could be information on contacting a local law enforcement agency or a process server to perform service. Service of paper filings is required in most cases on all parties, amicus, or other person entitled to service. Referral to the following court rules, depending on the case type, would be appropriate: RAP 18.5, CR 5, CrR 8.4, RALJ 11.6, and CRLJ 5.

3. Who can personally serve the papers? Can my brother?

- Give general information about who can serve (see return of service form) and inform them about process servers and Sheriff service.

4. How do I complete this document?

- Fill in all form blanks and sections as required/applicable. If I explain without telling the party what to write, is this legal advice? Yes. However, this is a gray area and will depend on the particular situation. You cannot tell a person what to write, but you could review the document and point out if they had not completed a section, for example.

5. What documents do I need to file in this case?

- If I inform the person of what documents are needed, is this legal advice? Yes.

However, for domestic matters, we can generally refer the person to the Court Facilitator, NW Justice or AIB.Inc. You may also provide general case procedural information and direct parties to standard forms found throughout the Washington Court Rules or on the Washington Courts website at <http://www.courts.wa.gov/forms/>.

The appellate courts routinely send “perfection letters” to the case participants at the beginning of the case to outline the required/optional documents for case progression and the standard deadlines for each.

6. How do I file my unlawful detainer paperwork by mail? How many copies do I provide? Do I have to serve the other party?

- We can instruct the person on where to mail and appropriate fees. We can inform the person that we will always file the original of a document and will conform as many copies as they provide (don’t forget a return envelope with stamps). It is okay to inform people that “generally whatever documents get filed with the court should also be provided to the opposing party, but it is up to you to decide whether or not they must be personally served.” Referral to the following court rules depending on the case type would be appropriate: RAP 18.5, CR 5, CrR 8.4, RALJ 11.6, and CRLJ 5.

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

GR 9 COVER SHEET

Suggested Amendments to GR 17 and GR 30

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

Callie T. Dietz, State Court Administrator

(C) **Purpose:**

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

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

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

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

GR 17 Facsimile Transmission

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

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

GR 30 Electronic Filing and Service

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

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

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

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

1 **SUGGESTED AMENDMENTS**

2 **GENERAL RULES**

3 **GR 17 - FACSIMILE TRANSMISSION**

4
5 (a) Facsimile Transmission Authorized; Exceptions.

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

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

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

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

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

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

16
17 (b) Conditions.

18
19 (1) Documents transmitted to the clerk by fax shall be letter size (8-1/2 by 11 inches).
20 Unless otherwise provided by local court rule, Documents over 10-20 pages in length
21 may not be filed by fax without prior approval of the clerk.

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

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

3

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

11

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

15

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

17

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

21

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

25

1 **SUGGESTED AMENDMENTS**

2 **GENERAL RULES**

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

4
5 (a) Definitions.

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

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

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

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

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

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

25

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

2

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

5

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

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

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

11

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

19

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

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

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

8

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

10

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

14

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

17

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

21

22 (d) Authentication of Electronic Documents.

23

24 (1) Procedures

25

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

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

7

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

10

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

13

14 (2) Signatures

15

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

18

19 s/ John Attorney

20 State Bar Number 12345

21 ABC Law Firm

22 123 South Fifth Avenue

23 Seattle, WA 98104

24 Telephone: (206) 123-4567

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

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

2

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

6

7 s/ John Citizen

8 123 South Fifth Avenue

9 Seattle, WA 98104

10 Telephone: (206) 123-4567

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

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

13

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

17

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

21

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

23

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

25

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

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

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

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

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

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

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

(e) Filing fees, electronic filing fees.

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

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

APPENDIX D
Court Manager of the Year Criteria
And Previous Recipients

COURT MANAGEMENT COUNCIL

2017 COURT MANAGER OF THE YEAR AWARD

Eligibility Rules and Selection Guidelines

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

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

Court Manager of the Year Award Recipients

1991	Lee Fish, Spokane County Juvenile Court
1992	Donna Karvia, Lewis County Clerk
1993	Mimi Walsh, Snohomish County Clerk's Office
1994	<i>No award</i>
1995	Bev Bright, Pierce County Superior Court
1996	Siri Woods, Chelan County Clerk
1997	Tricia Hansen (Crozier) King County District Court <i>and</i> Madelyn Botta, Kitsap County Superior Court
1998	Jan Michels, King County Superior Court Clerk <i>and</i> Virgil Hulsey
1999	Tom Kearney, San Juan Juvenile Court
2000	Eileen Possenti, Puyallup Municipal Court
2001	Pam Springer, Skagit County District Court
2002	<i>No award</i>
2003	Harold Delia, Yakima County Superior Court
2004	Siri Woods, Chelan County Clerk
2005	Barbara Miner, King County Superior Court
2006	Richard E. Carlson, Snohomish County Superior and Juvenile Courts
2007	Richard Johnson, Court of Appeals Division I
2008	Cathy Grindle, Director of Court Technology, King County District Court
2009	Michael Merringer, Island County Superior Court, Island County Juvenile Court
2010	Sharon Paradis, Administrator, Benton County Juvenile Court
2011	N.F. Jackson, Whatcom County Superior Court
2012	Frank Maiocco, Kitsap County Superior Court
2013	Delilah George, Skagit County Superior Court
2014	Susie Parker, Lewis County Superior Court
2015	Renee Townsley, Court of Appeals Division III <i>and</i> Ron Miles, Spokane Superior Court
2016	Terri Cooper, Cheney Municipal Court
2017	Mike Fenton, Thurston County Family and Juvenile Court

APPENDIX E

CMC Information Sheet

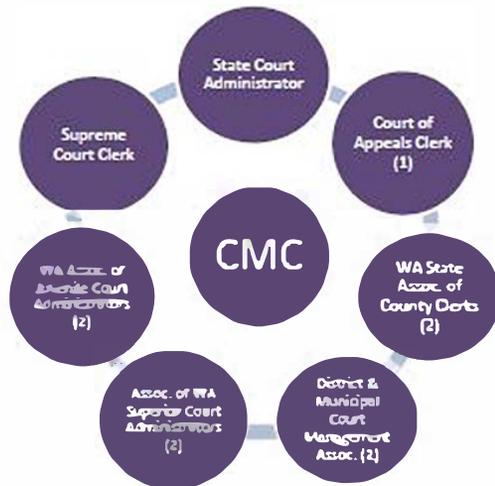


Court Management Council (CMC)

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

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

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



CMC Staff Contacts:

Dirk Marler, Director
AOC, Judicial Services Division
360-705-5211
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Washington State Courthouse Security Report



Superior Court Judges' Association presents:
Washington State County Courthouse Security Report

January 2018

Intisar Surur, Esq.
Senior Policy Analyst
Superior Court Judges' Association

Special thanks to the Washington Center for Court Research (WSCCR) for their consultation.

INTRODUCTION:

County courthouses are a hub of civic life in our communities. Courthouses are where some of our most significant disputes are resolved peacefully and according to the rule of law. Whether as a juror, litigant, or employee, going to court should be a safe experience.

Tragically, Washington is no stranger to violence in the courthouse. It has been nearly twenty-three years since Timothy Blackwell entered the second floor of the King County Courthouse to attend his marriage dissolution trial. Armed with a 9mm handgun, he walked freely through the courthouse doors. Once inside, Blackwell shot and killed his wife Susanna Blackwell, their unborn child, and Susanna's two friends, Phoebe Dizon and Veronica Johnson, as they waited for the Blackwell hearing to begin.

In the years leading up to the Blackwell murders, judges implored the County Council to buy metal detectors to screen individuals coming into the courthouse. Their requests were not granted. Within four days of the killings, however, metal detectors were installed and staffed at each public entrance at the King County Courthouse.

Statewide, the murders prompted intense scrutiny on courthouse security. But, despite tough talk and good intentions to do otherwise, security continues to be grossly inadequate in many county courthouses.

More recently, in 2012, Steven Kravetz walked unimpeded into the Grays Harbor County Courthouse, which had no weapons screenings at its entrances. Armed with a knife, Kravetz stabbed Grays Harbor County Superior Court Judge David Edwards in an unprovoked attack. Kravetz also attacked a sheriff's deputy, stabbing her and eventually shooting her with her service weapon. In the months preceding these assaults, Grays Harbor Superior Court had asked that metal detectors be installed at its courthouse entrances. The Court's requests went unmet.

According to the National Center for State Courts (NCSC), from 2005 to 2012 Washington State had the 8th most documented courthouse security incidents in the country.¹

On March 29, 2017, the Washington State Supreme Court adopted General Rule (GR) 36 concerning trial court security. In its order adopting the new rule, the Court determined that "[a] safe courthouse environment is fundamental to the administration of justice. Employees, case participants, and members of the public should expect safe and secure courthouses."² GR 36 went into effect on September 1, 2017.

The stated purpose of GR 36 is to "encourage incident reporting and well-coordinated efforts to provide basic security and safety measures in Washington courts."³ GR 36 also provides Minimum Security Standards that all trial courts "shall endeavor to meet or exceed."⁴ These minimum-security standards include, among others: increased weapons screenings; the adoption/creation of a security policy and

¹ Status of Court Security in State Courts – A National Perspective, National Center for State Courts, June 2013, p. 4-9, available at <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/184>.

² GR 36(a).

³ *Id.*

⁴ GR 36(g).

procedure guide for all court and clerk personnel; security audits every three years; and active shooter training for court and clerk personnel.

To address the goals of this new rule, the Superior Court Judges' Association (SCJA) conducted a survey in the summer of 2017 to identify the court security issues affecting Washington's 39 Superior Courts. This report is a compilation of the survey's results along with key findings and recommendations based on the survey data.

Ultimately, the SCJA hopes adequate security—with weapons screening at each public courthouse entrance and training for staff to deal with emergency situations—will be provided for all superior courts throughout Washington State. To this end, the SCJA will continue to work with its partners at all levels of government to improve court security and ensure that courts are safe for the public, court employees, litigants, and judicial officers.

I hope you find this a useful guide to this critical issue facing Washington's superior courts.

Judge Sean P. O'Donnell
President
Superior Court Judges' Association

METHODOLOGY:

During the summer of 2017, the SCJA disseminated a comprehensive online survey to the presiding judge and court administrator in each of Washington’s superior courts. Each recipient could in turn refer the survey to whomever was best equipped within their court to answer the survey’s questions.

The purpose of the survey was to help the SCJA assess the current state of security in the superior courts of each of Washington’s 39 counties. The survey specifically solicited information identifying what measures were already in place in terms of current security policies, procedures, equipment, and protocols. In total, the survey asked 53 questions covering a variety of topics within the broad area of court security.

The survey had a 100% participation rate. Of those that responded to the survey, 21% were presiding judges, 59% were court administrators, 10% were court clerks, and the remainder fell into the “other” category, which included facilities and securities manager, administrative deputy/safety coordinator, etc.

Despite being sent to multiple people, the SCJA intended the survey results to represent each county only once. As a result, SCJA’s Senior Policy Analyst created an objective process to analyze the survey when more than one representative from the same county responded.⁵

KEY FINDINGS:

In recent years, there has been an increase in the number of courthouse security incidents nationwide.⁶ According to the National Center for State Courts (NCSC), from 2005 to 2012 Washington State had the 8th most documented courthouse security incidents in the nation.⁷

Our survey findings show that over 50% of Washington’s superior courts do not have weapons screenings at public entrances⁸ and that court employees are undertrained to deal with security incidents.⁹

Washington had more documented incidents than New York, whose population of 19.38 million¹⁰ is nearly three times that of Washington.¹¹

One possible explanation for this is that Washington superior courts diligently document their security incidents, while others states might not. This is unlikely, however, because the survey results reveal that

⁵ The process to analyze these counties’ responses was to first remove any incomplete surveys and then use whichever complete survey was submitted first. In other words, we used the first, complete survey from counties that submitted more than one response.

⁶ Status of Court Security in State Courts – A National Perspective, National Center for State Courts, June 2013, p. i., available at <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/184>.

⁷ *Id.* at 4-9.

⁸ See *infra* p. 31, Q20.

⁹ See *infra* p. 29, Q18.

¹⁰ The NCSC study took place from 2005 to 2012. In 2010, New York’s population was 19.38 million. United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/NY/PST045216> (last visited Nov. 29, 2017).

¹¹ The NCSC study took place from 2005 to 2012. In 2010, Washington’s population was 6.72 million. United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/WA/PST045216> (last visited Nov. 29, 2017).

only 72% of superior courts in Washington record their security incidents.¹² Of those 72% of courts that do record security incidents, only 32% report them to the Administrative Office of the Courts (AOC).¹³ In other words, of the 28 superior courts that record their security incidents, only 9 report the incidents to AOC.¹⁴

In Washington State, 74% of superior courts have experienced at least one security incident within the last five years.¹⁵ Despite the increased frequency of security incidents nationally, the available court security funding from state and local governments is decreasing.¹⁶

The survey's findings show that the security issues facing a majority of our courts are: (1) a need for weapons screening at public courthouse entrances; (2) a need for increased and more formal security training; (3) a need for clearly established and implemented security protocols, policies, and procedures; and (4) a need for increased security funding to address these and other issues.

The following responses help support those conclusions: 20 out of 39 superior courts do not have weapons screenings at their public entrances; only four superior courts strongly agree that their security equipment is adequate; only two superior courts strongly agree that they receive adequate training on security procedures; only one superior court strongly agrees that current security policies are adequate; and only four superior courts strongly agree that their personnel feel safe in the courthouse.¹⁷

WEAPONS SCREENINGS AND EQUIPMENT:

The paramount security issue facing Washington's superior courts is a lack of adequate weapons screenings at public entrances. Of those courts that do conduct weapons screenings at public entrances, only 68% conduct screenings at all public entrances.¹⁸ In other words, just under a third of the courthouses that screen for weapons do not screen at all of their public entrances.¹⁹ These statistics are even more alarming when considering the number of weapons that are confiscated during the screenings that do take place. A majority of courts that do security screenings prevented over 100 weapons from being brought into their respective courthouses in 2016 alone.²⁰

One superior court stated that while security personnel do not "confiscate" weapons, they prohibited 1,711 knives and 127 guns from entering the courthouse during their screenings in 2016.²¹

Not only are dangerous weapons being brought into courthouses, but if a dangerous or harmful act were to occur with such a weapon, a recording of the incident is unlikely. Roughly 28% of superior courts do not have any security cameras,²² and of those that do have security cameras, only 64% have

¹² See *infra* p. 14, Q4.

¹³ See *infra* p. 17, Q7.

¹⁴ *Id.*

¹⁵ See *infra* p. 61, Q50.

¹⁶ Status of Court Security in State Courts – A National Perspective, National Center for State Courts, June 2013, p. i., available at <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/184>.

¹⁷ See *infra* p. 62, Q51.

¹⁸ See *infra* p. 31, Q21.

¹⁹ *Id.*

²⁰ See *infra* p. 35, Q24.

²¹ *Id.*

²² See *infra* p. 38, Q27.

them in individual courtrooms.²³ In other words, 11 superior courts do not have security cameras and an additional 9 superior courts do not have security cameras inside individual courtrooms.²⁴

TRAINING:

There is a lack of security training being conducted statewide. The only security trainings conducted in more than half of the superior courts were in the areas of active shooter protocol and the physical layout of the court facility and escape routes.²⁵

The data reveals that very few superior courts provide any other security training. For example, only 21% of superior courts were trained in routine security operations such as security screenings and storage of weapons; only 26% were trained to handle written and oral threats or declarations of intent to inflict pain or injury upon anyone in the court community; only 11% were trained to handle escaped prisoner situations; only 18% were trained to manage high risk trials; only 23% received training to respond to threats and security incidents in and around the court facility; only 31% received training in personal safety techniques in and around court facility training; and only 26% received training in dealing with irate and abusive individuals.²⁶

In addition to the fact that very few courts offer training in the numerous substantive security areas, a minority of courts conduct security drills simulating the proper procedure for when a security incident occurs.²⁷

Fewer than 39% of superior courts conduct any security drills at all.²⁸

PROTOCOLS, POLICIES, AND PROCEDURES:

Most courts are experiencing security incidents, but these incidents are not being reported to the AOC.²⁹ As a result, the information surrounding specific security incidents remains within the specific court that experienced the incident. 74% of superior courts have experienced a security incident in the last five years,³⁰ and 72% of superior courts make a record of the security incidents.³¹ But only 32% of those that do record their security incidents actually report them to AOC.³² Without reporting, many security incidents go unnoticed and court security as a policy issue cannot be addressed or prioritized on a statewide basis.

Even more alarming than the low reporting rates is the fact that, of the superior courts that do record their incidents, only 39% keep their security incident reports on file with their own local court administrator.³³ This is significant because, in addition to infrequent reporting of incidents at the state

²³ See *infra* p. 40, Q29.

²⁴ *Id.*

²⁵ See *infra* p. 29, Q18.

²⁶ *Id.*

²⁷ See *infra* p. 52, Q41.

²⁸ *Id.*

²⁹ See *infra* p. 61, Q50; see also *infra* p. 16, Q7.

³⁰ See *infra* p. 61, Q50.

³¹ See *infra* p. 14, Q4.

³² See *infra* p. 17, Q7

³³ See *infra* p. 16, Q6.

level, there are also no uniform procedures for maintaining security incident records at the individual court level. Ultimately, the data suggests there is an incident recording issue at the individual court level and an incident reporting issue at the state level.³⁴ GR 36 now requires superior courts to file security incident reports with their local court administrator and report these incidents to AOC. Implementing the procedure of both recording and reporting all security incidents will provide a much-needed centralized point of contact at the county and state level and will make records of those incidents available.

Less than half of superior courts have a court security committee.³⁵ Of the courts that do have a court security committee, only 47% are adopting court security plans and revising them as necessary.³⁶ Nationally, court security committees are known as one of the most fundamental³⁷ and inexpensive³⁸ methods to improve court security. Coordinated, uniform implementation of court security committees with clearly defined functions and roles, including the adoption of court security plans, is an effective and cost efficient way to improve court security.

Another key finding discovered through this survey was that only 33% of superior courts have ever had a security audit conducted.³⁹

Almost all of those courts that have conducted an audit did not know how frequently audits were conducted.⁴⁰

FUNDING:

According to the Bureau of Justice Statistics, Washington State ranked 50 out of 50 in state funding for trial courts in 2012,⁴¹ and little has changed since.⁴² Because of the general absence of state funding for trial courts, superior courts rely almost exclusively on county funds for critical operations.

In 2005, the Washington State Legislature passed E2SSB 5454 to relieve counties from this heavy financial burden, to improve access to justice, and to provide adequate trial court funding.⁴³ However, in

³⁴ *Id.* See also *infra* p. 17, Q7.

³⁵ See *infra* p.19, Q9.

³⁶ See *infra* p. 22, Q12.

³⁷ Steps to Best Practices for Court Building Security, National Center for State Courts, Revised Sept. 2016, p.3, available at

http://www.ncsc.org/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Emergency%20Preparedness/Security_Best%20Practices_%20Steps_to_Best_Practices.ashx.

³⁸ Ten Essential Elements for Court Security and Emergency Preparedness, CCJ/COSCA Court Security Handbook, Revised Sept. 2012, p. 1-8, available at <https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/165>.

³⁹ See *infra* p. 46, Q35.

⁴⁰ See *infra* p. 47, Q36.

⁴¹ Justice Expenditure and Employment Extracts, 2012 – Preliminary (Table 3); Bureau of Justice Statistics, U.S. Department of Justice; Washington, D.C.

⁴² 2015 State of the Judiciary, Chief Justice Barbara A. Madsen on behalf of the courts of Washington, p.11, <https://www.courts.wa.gov/newsinfo/content/stateOfJudiciary/january2015.pdf>.

⁴³ Final Bill Report, E2SSB 5454, March 1, 2005, available at <http://lawfilesexternal.wa.gov/biennium/2005-06/Pdf/Bill%20Reports/Senate/5454-S2.FBR.pdf>.

2015, more than 80 percent of trial court costs and services were still funded by the local counties and cities.⁴⁴

There have been attempts to address this funding problem for courthouse security. In 2004, the judiciary, with the help of stakeholders from across the justice system, issued a comprehensive report titled “Justice In Jeopardy,” in which courtroom security was one of the critical funding areas identified for improvement and attention.⁴⁵

Prior to the Great Recession, funding at the state level for trial court improvement projects was a priority—the Legislature appropriated millions for trial court operations, indigent defense, parent dependency representation, and the Office of Civil and Legal Aid.⁴⁶

County courthouse security, however, was not one of the funding priorities.

Courthouse security funding at the county level is a complicated issue. Because Washington State’s superior courts are funded by the county in which the court is located, counties (and not the state) fund the metal detectors, security staffing, capital improvement projects, and courthouse security audits.⁴⁷ Additionally, funding for courthouse security can flow through different entities within a particular county: the sheriff’s office, the court, or even a county’s facility management department.⁴⁸

Compounding these issues is that in the last 20 years, counties across Washington have experienced significant budget shortfalls.⁴⁹

Budget impacts from the Great Recession, and from other decisions related to county funding priorities, have the most impact on services that are not mandated by state law (discretionary services).⁵⁰ While it may be a crime to bring weapons into county courthouses, there is no state law that currently mandates minimum security standards in them. As a result, funding for county courthouse security has often been neglected.⁵¹

Despite the complexity of the issue and the challenges involved with adequately funding Washington’s courts, the bottom line is Washington’s superior courts are dangerously lacking in weapons screening, training, and security planning.

⁴⁴ 2015 State of the Judiciary, Chief Justice Barbara A. Madsen on behalf of the courts of Washington, p.11, <https://www.courts.wa.gov/newsinfo/content/stateOfJudiciary/january2015.pdf>.

⁴⁵ Justice in Jeopardy: The Court Funding Crisis in Washington State, Court Funding Task Force, Board of Judicial Administration, Dec. 2004, available at http://www.courts.wa.gov/programs_orgs/pos_bja/wgFinal/wgFinal.pdf.

⁴⁶ Trial Court Improvement Account 2014 Use Report, Board of Judicial Administration, Published Sept. 2015, available at https://www.courts.wa.gov/programs_orgs/pos_bja/cftf/2014TCIReport.pdf.

⁴⁷ See *Id.*

⁴⁸ See generally *infra* pp. 54-59, Q43-48.

⁴⁹ See e.g., King County’s Budget Shortfall, http://www.kingcounty.gov/council/budget/budget_basics/budget_shortfall.aspx; see also Washington Courts: Consequences of Inadequate Funding, Justice in Jeopardy Implementation Committee, Board of Judicial Administration, available at <http://www.courts.wa.gov/JusticeInJeopardy/documents/FundingSurvey.pdf>.

⁵⁰ Washington Courts: Consequences of Inadequate Funding, Justice in Jeopardy Implementation Committee, Board of Judicial Administration, available at <http://www.courts.wa.gov/JusticeInJeopardy/documents/FundingSurvey.pdf>.

⁵¹ *Id.*

RECOMMENDATIONS:

It is a primary responsibility of government to provide a secure and safe courthouse for the people who use it and work within it. It is also worth noting that while superior courts are located in each county, they are state courts, with state judges applying state laws.

It is clear from this survey that the security issues facing a majority of our courts are: (1) a need for weapons screening at all public courthouse entrances; (2) a need for increased and more formal security training; (3) a need for clearly established and implemented security protocols, policies, and procedures; and (4) a need for increased security funding to address these and other issues.

There are numerous ways to improve the above-mentioned court security issues, many of which would require significant amounts of money and staffing. There are, however, at least a two strategies to improve court security that are worthy of prompt action.

First, each court should comply with the requirements of GR 36 and create a court security committee with clearly defined objectives. If a court already has a security committee, then it should make sure the committee is meeting regularly and pursuing its objectives.

- The court security committee should consist of a variety of stakeholders and represent every entity in the court community including judges, prosecutors, public defenders, administrators, executive staff, legislative staff, clerks, law enforcement, etc.
- The court security committee should be tasked with developing specific court security protocols, policies, and procedures necessary to protect court staff, the public, jurors, and judicial officers.
- The court security committee should also be responsible for sharing its security protocols, policies, and procedures with county administration and court community at large.
- The court security committee should track all security trainings and drills occurring within its courthouse.
- Generally, the court security committee should be fully informed about and oversee the security (or lack thereof) provided within the courthouse including equipment, security staff, etc.
- Finally, the court security committee should be responsible for obtaining and maintaining information about funding, including:
 - How much funding is currently devoted to courthouse security;
 - How much additional funding needs to be provided for adequate or updated courthouse security; and
 - The precise source or sources of its court security funding.

Second, the SCJA generally, and each court specifically, need to continue to work with their county and state partners to address the security shortcomings described in this report, with a particular emphasis on ensuring weapons screening at all public courthouse entrances.

Hiring and training security staff to screen for weapons at courthouse entrances can be an expensive proposition. So too is the purchase of equipment to facilitate the screening or to invest in capital improvements to ensure that the courthouse is secure. For rural counties, the likelihood of being able to address security problems without some state assistance and intervention is low. For larger counties,

available dollars for courthouse security continue to be exceedingly tight given current funding restrictions and county funding obligations.

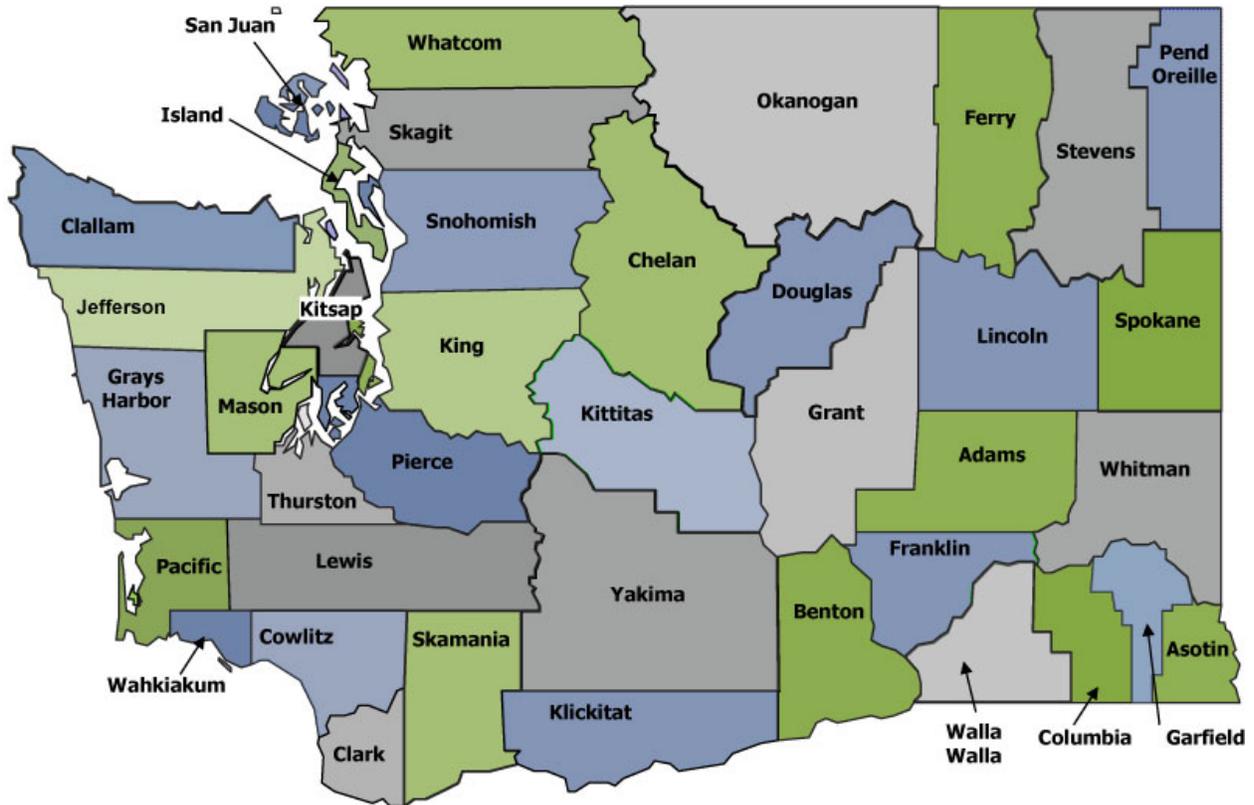
It should come as no surprise that security costs can range in the tens of thousands of dollars annually, for labor, equipment, and training.

Alternatively, the costs of failing to provide adequate security can be extraordinary—in lost lives and a loss of feeling secure in this very public and civic forum.

Working together, partners across each branch and each level of government can, and must, effectively advocate and implement necessary security funding to ensure the safety of Washington State’s county courthouses.

2017 SCJA Courthouse Security Survey

Q1: Please identify the county in which your superior court is located?

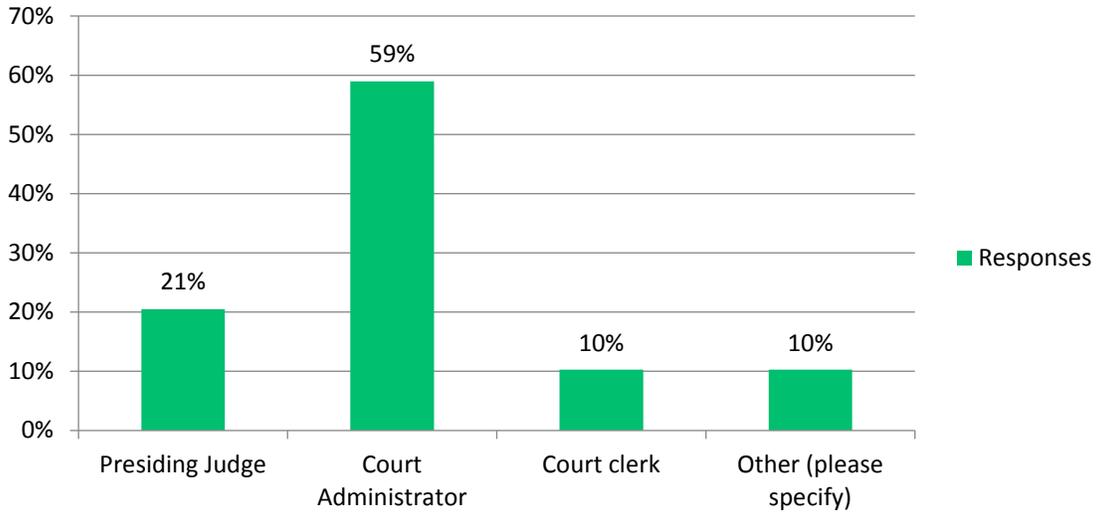


Every county in Washington State responded to the SCJA Courthouse Security Survey 2017.

Q2: If the superior court in your county has more than one location, please indicate the specific courthouse for which you are answering.

All respondents answered on behalf of the main superior court location, and in addition a few respondents also answered on behalf of their juvenile and family law buildings.

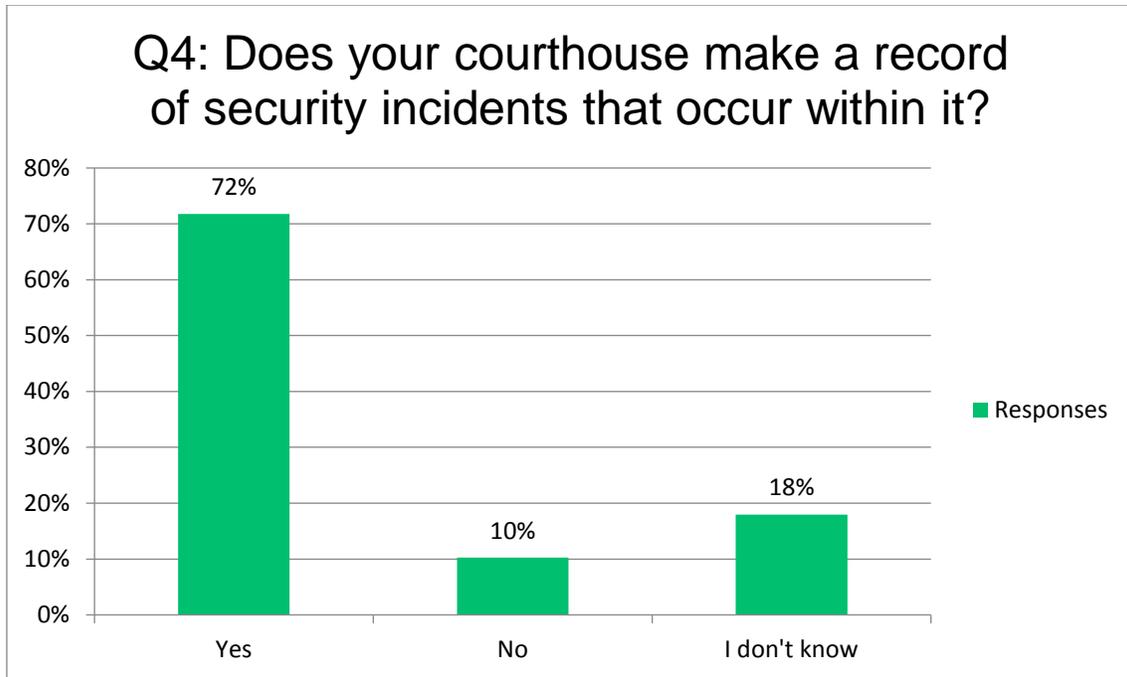
Q3: What is your current position at the courthouse?



What is your current position at the courthouse?

Answer Choices	Responses	
	Presiding Judge	20.51%
Court Administrator	58.97%	23
Court clerk	10.26%	4
Other (please specify)	10.26%	4
	Answered	39
	Skipped	0

#	Other (please specify)
1	Facilities and Security Manager
2	Administrative Deputy / Safety Coordinator
3	Court Administrator and Court Clerk
4	Deputy Court Administrator

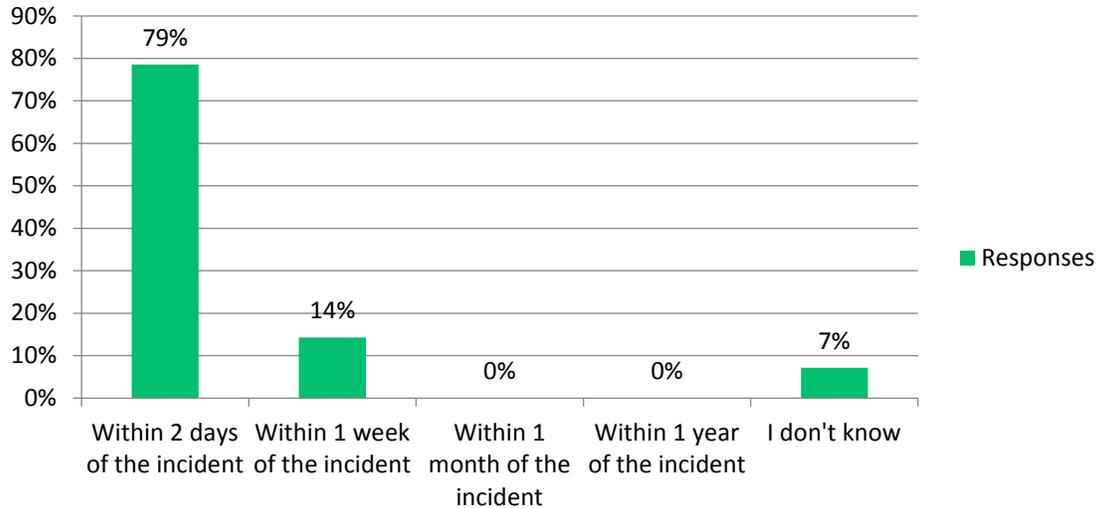


[*Incident: a threat to or assault against the court community, including court personnel, litigants, attorneys, witnesses, jurors, or others using the courthouse. It also includes any event or threatening situation that disrupts the court or compromises the safety of the court community.]

Does your courthouse make a record of security incidents that occur within it?		
Answer Choices	Responses	
Yes	71.79%	28
No	10.26%	4
I don't know	17.95%	7
Comments:		5
	Answered	39
	Skipped	0

#	Comments:
1	Haven't really had any.
2	Incident reports are submitted to the Risk Management Office.
3	I have not personally made such a record in the last 2 years.
4	Superior Court does, not sure about other depts.
5	When incidents are deemed significant, details are recorded in the AOC incident log.

Q5: To the best of your knowledge, how soon are security incidents recorded?

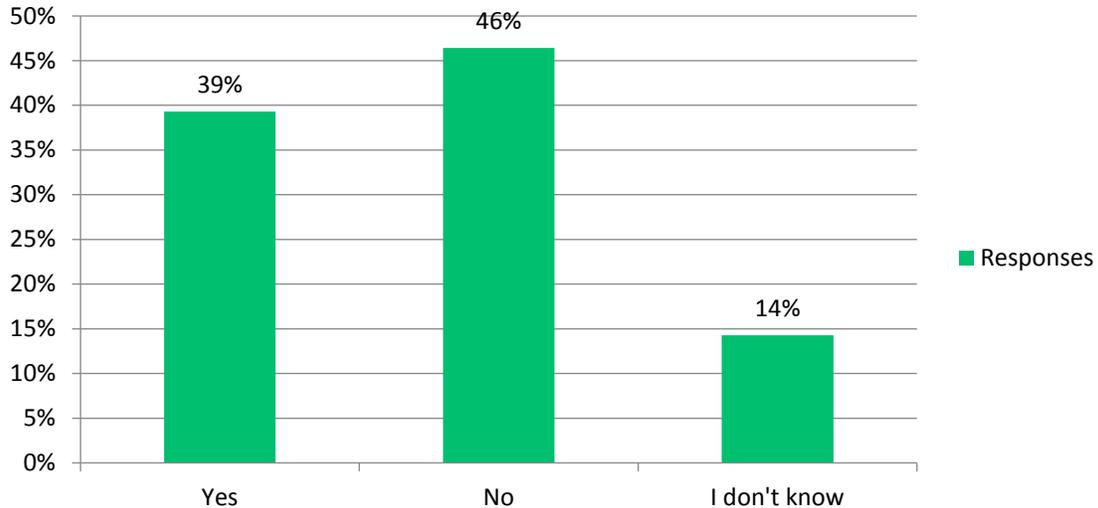


To the best of your knowledge, how soon are security incidents recorded?

Answer Choices	Responses	
Within 2 days of the incident	78.57%	22
Within 1 week of the incident	14.29%	4
Within 1 month of the incident	0.00%	0
Within 1 year of the incident	0.00%	0
I don't know	7.14%	2
Comments:		1
	Answered	28
	Skipped	11

#	Comments:
1	May take longer at times depending on workload.

Q6: Are the security incident reports kept on file with your local court administrator?

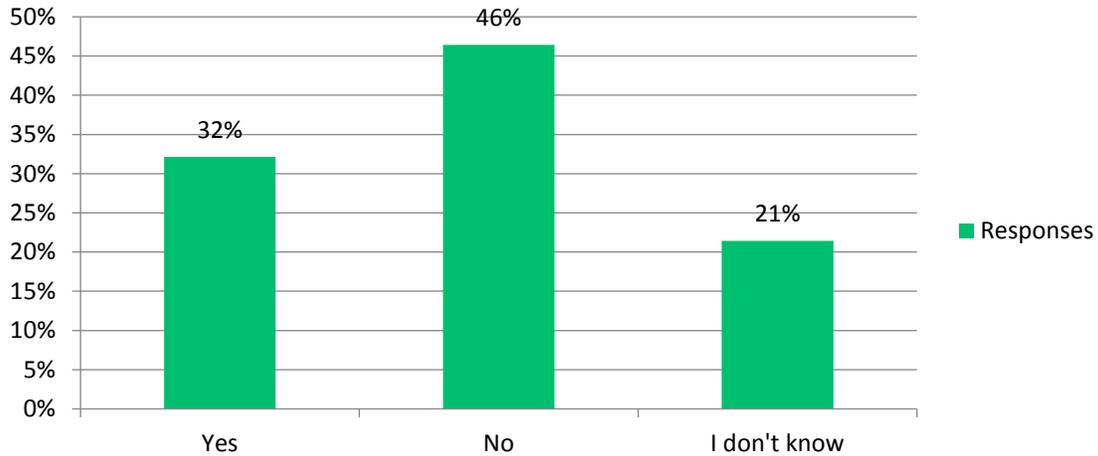


Are the security incident reports kept on file with your local court administrator?

Answer Choices	Responses	
Yes	39.29%	11
No	46.43%	13
I don't know	14.29%	4
Comments:		9
	Answered	28
	Skipped	11

#	Comments:
1	I keep these records and they are readily accessible to our Chief Administrative Officer, et al.
2	They are sent to our Risk Management Office (Corporate).
3	It depends if it was directly related to the court.
4	The reports are made to the Sheriff's Office and they do all the reports.
5	Kept with the Sheriff's Office.
6	If/when they are provided directly to me.
7	These types are given to the Sheriff.
8	Our security department keeps them and sends us a monthly, very brief listing of everything that happened in courthouse.
9	District Court has a file- Superior Court has had no incidents in my time as C.A.

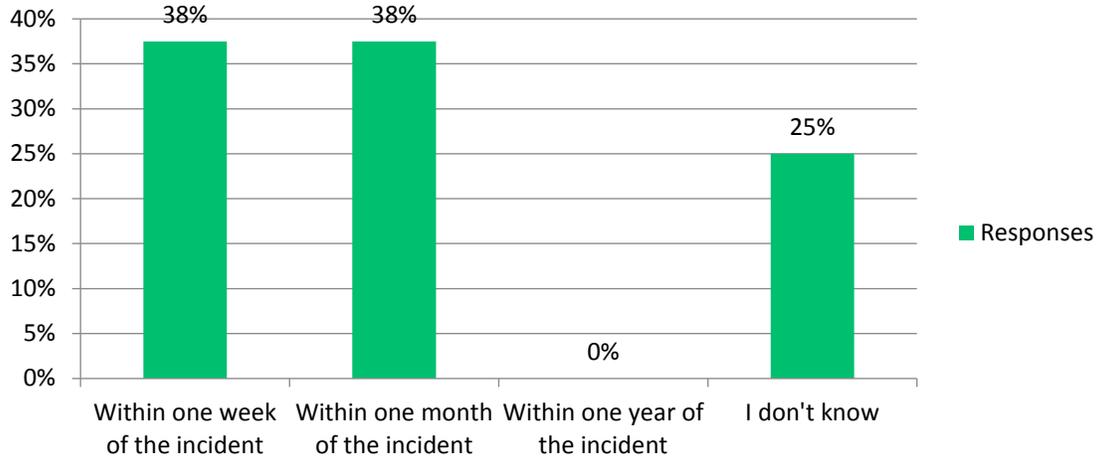
Q7: Are security incidents reported to the Administrative Office of the Courts (AOC)?



Are security incidents reported to the Administrative Office of the Courts (AOC)?		
Answer Choices	Responses	
Yes	32.14%	9
No	46.43%	13
I don't know	21.43%	6
Comments:		6
	Answered	28
	Skipped	11

#	Comments:
1	I would assume but am not sure.
2	AOC website is difficult to use or to transfer our files. We have approximately 500 incidents on file and these documents should not need to be recreated on the AOC website. In addition, some information contained in our files would need to be redacted.
3	Not all incidents are reported to AOC.
4	When they fit the criteria in the online form at Inside Courts.
5	We will in the future. We haven't had any for a very long time.
6	We have not had any concerning Superior Court to report.

Q8: To the best of your knowledge, how soon are the security incidents reported to AOC?

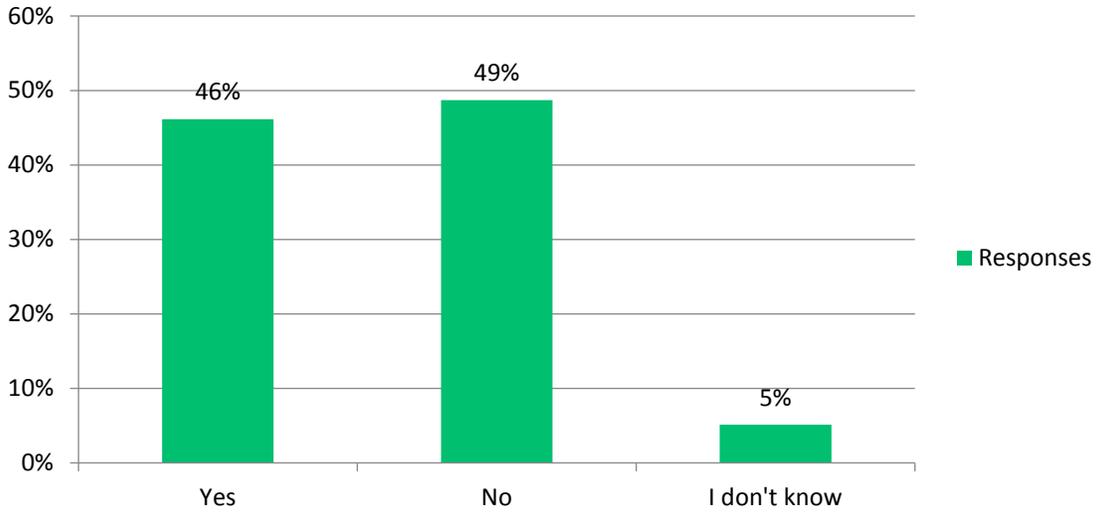


To the best of your knowledge, how soon are the security incidents reported to AOC?

Answer Choices	Responses	
Within one week of the incident	37.50%	3
Within one month of the incident	37.50%	3
Within one year of the incident	0.00%	0
I don't know	25.00%	2
Comments:		2
	Answered	8
	Skipped	31

#	Comments:
1	As soon as possible.
2	Varies.

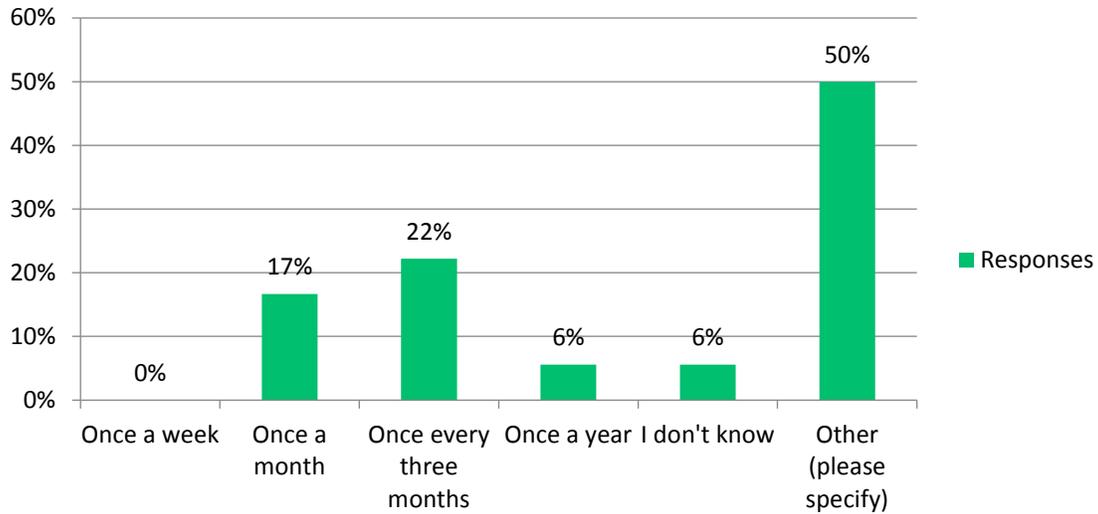
Q9: Does your court have a Court Security Committee?



Does your court have a Court Security Committee?		
Answer Choices	Responses	
Yes	46.15%	18
No	48.72%	19
I don't know	5.13%	2
Comments:		12
	Answered	39
	Skipped	0

#	Comments:
1	Currently non-functional. Re-convening this month.
2	We also hold monthly meetings with Sheriff, FMD, etc.
3	Not currently active.
4	We currently have a courthouse security committee, but not court. I am a member of that committee.
5	We have in the past, but not sure now.
6	We have a safety committee--but it is county-wide.
7	The County has a formal court security committee.
8	It is a Campus Security Committee with representatives from each level of Court.
9	Not that I am aware of anyway.
10	We have a Security Committee for the County and court employees serve on said Committee.
11	The county has a security committee. The Courts have a representative on that committee.
12	We're forming one in accordance with this rule.

Q10: How often does the Court Security Committee meet?

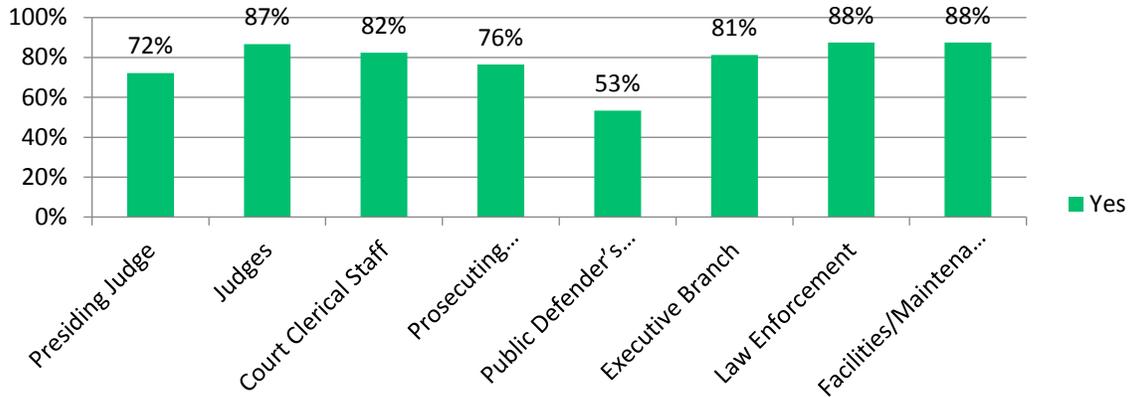


How often does the Court Security Committee meet?

Answer Choices	Responses	
Once a week	0.00%	0
Once a month	16.67%	3
Once every three months	22.22%	4
Once a year	5.56%	1
I don't know	5.56%	1
Other (please specify)	50.00%	9
	Answered	18
	Skipped	21

#	Other (please specify):
1	Generally monthly, or as needed. Several times each year.
2	Currently has not met for years. Electing a new chair and reinstating the committee this month.
3	As needed/requested.
4	Not currently active.
5	Twice a year.
6	In the beginning it was once a quarter but now once a year or when there is an issue.
7	Whenever an issue arises.
8	When issues arise that require discussion.
9	The committee has not met for the past 3 years.

Q11: Are members from the following organizations (or positions) represented on the Court Security Committee?

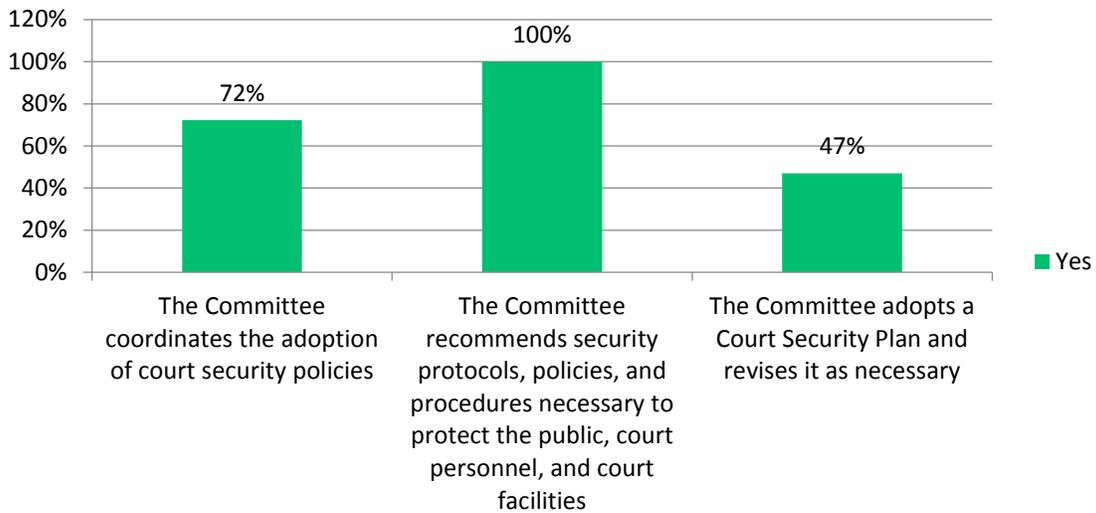


Are members from the following organizations (or positions) represented on the Court Security Committee?

	Yes		No		Don't know		Total
Presiding Judge	72.22%	13	22.22%	4	5.56%	1	18
Judges	86.67%	13	6.67%	1	6.67%	1	15
Court Clerical Staff	82.35%	14	11.76%	2	5.88%	1	17
Prosecuting Authority's Office	76.47%	13	17.65%	3	5.88%	1	17
Public Defender's Office	53.33%	8	26.67%	4	20.00%	3	15
Executive Branch	81.25%	13	12.50%	2	6.25%	1	16
Law Enforcement	87.50%	14	12.50%	2	0.00%	0	16
Facilities/Maintenance Department	87.50%	14	12.50%	2	0.00%	0	16
Other (please specify)							7
						Answered	18
						Skipped	21

#	Other (please specify):
1	A superior court judge sits on the committee at all times; however, it is not always the presiding judge.
2	This answer relates to our Superior Court Committee. Our other monthly meetings include various representatives from law enforcement and security related departments within King County.
3	When active, the committee would include all of these organizations.
4	Risk Management / County Department Heads.
5	Not everyone attends every meeting.
6	District court judge and superior court administrator. We are a one judge county.
7	Court Administrator represents Court Clerical Staff.

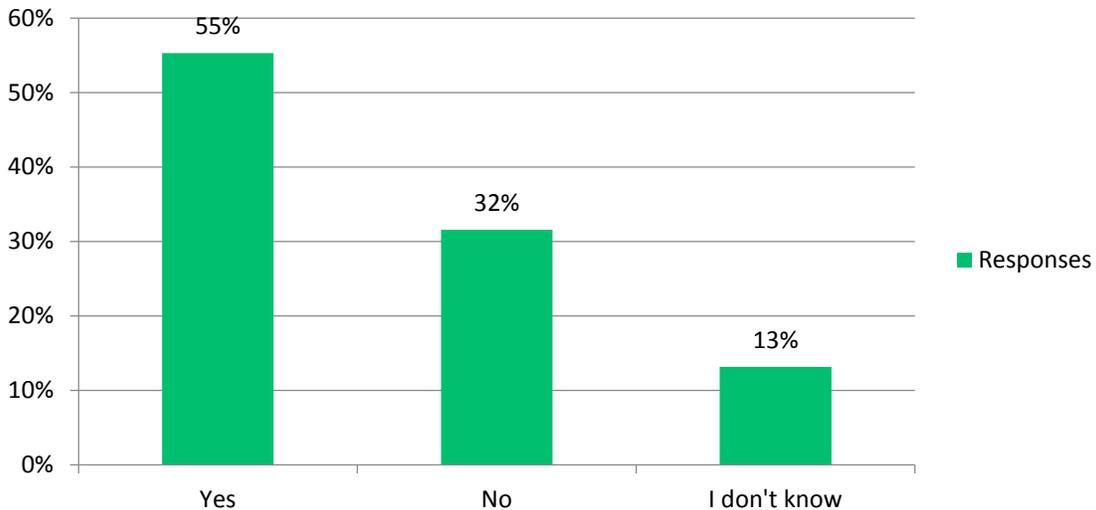
Q12: What does the Court Security Committee do?



What does the Court Security Committee do?	Yes	No	I don't know	Total
coordinates the adoption of court security policies	72.22% 13	22.22% 4	5.56% 1	18
recommends security protocols, policies, and procedures	100.00% 18	0.00% 0	0.00% 0	18
adopts a Court Security Plan and revises it as necessary	47.06% 8	52.94% 9	0.00% 0	17
Comments:				4
			Answered	18
			Skipped	21

#	Comments:
1	Executive Committee ultimately adopts the plan.
2	When active, the court security committee would perform these functions.
3	These questions are difficult to answer because many of these functions are done in conjunction with the Safety Committee, Risk Management Dept. and Facilities/IT (various departments as affected).
4	The Plan is formally approved by the legislative body.

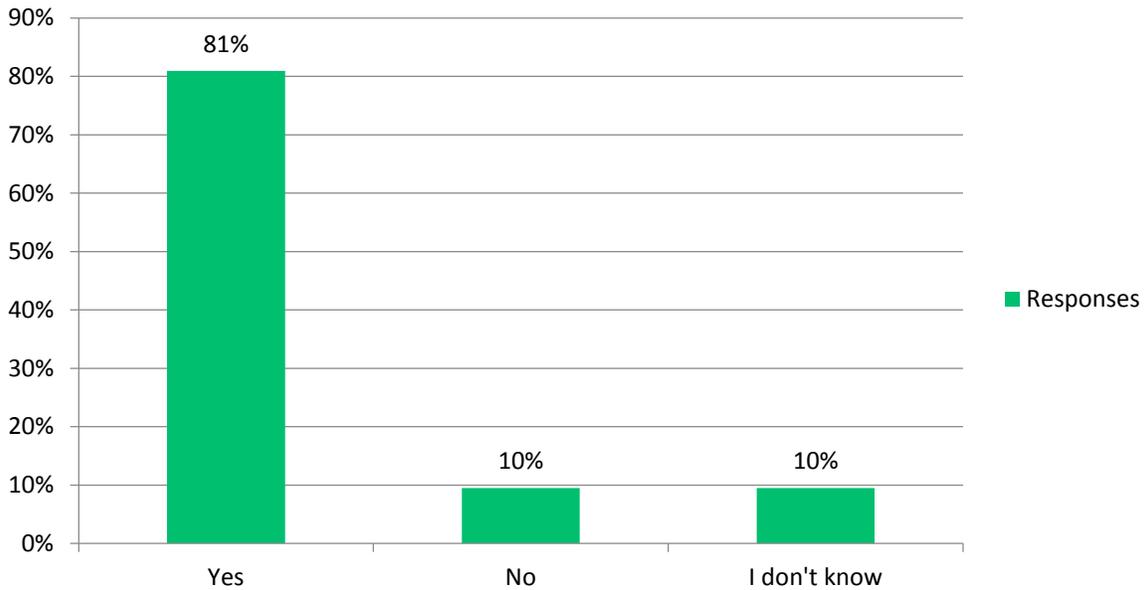
Q13: Does your courthouse have a Court Security Plan?



Does your courthouse have a Court Security Plan?		
Answer Choices	Responses	
Yes	55.26%	21
No	31.58%	12
I don't know	13.16%	5
Comments:		11
	Answered	38
	Skipped	1

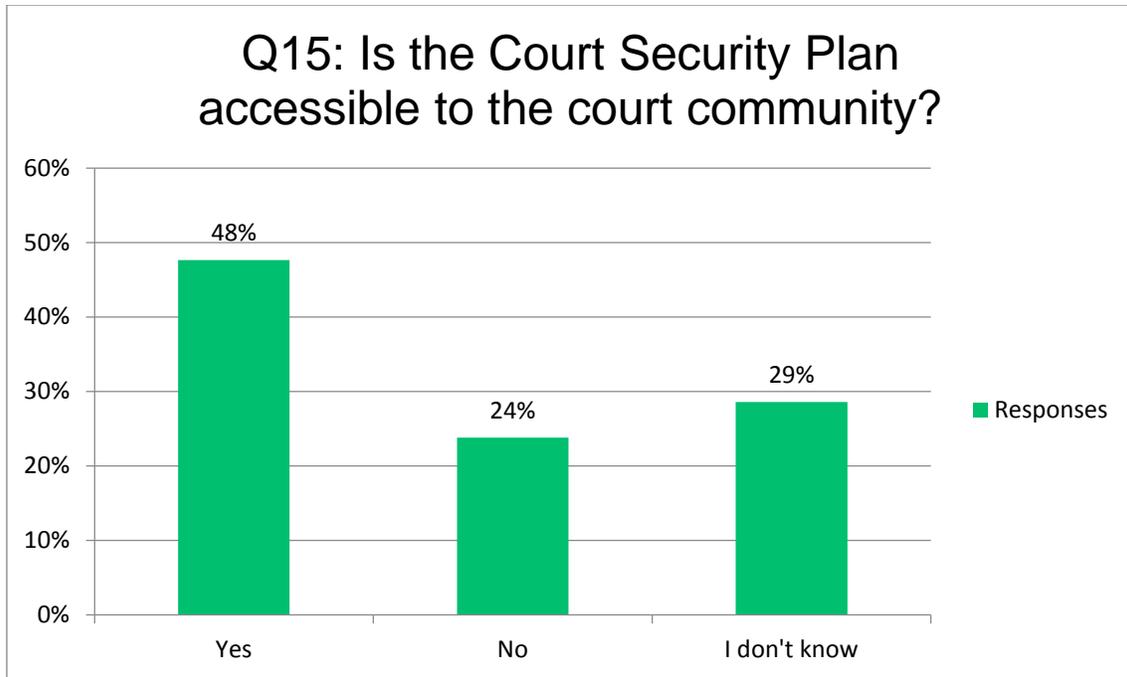
#	Comments:
1	We currently have a limited plan that focuses on emergency evacuation procedures and are working on a more comprehensive court security plan.
2	Not an adequate court security plan.
3	We have continual contact with both the Sheriff's Office located in the Courthouse and with the private security company. We routinely plan for and request extra security when needed and have the ability to call for immediate security when an unexpected security incident arises.
4	We have worked on a draft but there have been challenges with the remodel project, keying project, and technology challenges.
5	A rewrite is in progress.
6	Court/County evacuation and/or lockdown in place.
7	It is actually a County Safety and Emergency Policy.
8	We have a Campus Security Plan.
9	We do have courthouse-wide security plan.
10	Not a formal plan. We have an informal plan. We all have buzzers at our desks and there are buzzers on the bench and clerk stations in the courtrooms to call security in an emergency.
11	But in need of update.

Q14: Is the Court Security Plan in writing?



Is the Court Security Plan in writing?		
Answer Choices	Responses	
Yes	80.95%	17
No	9.52%	2
I don't know	9.52%	2
Comments:		6
	Answered	21
	Skipped	18

#	Comments:
1	There was a draft with the Marshals.
2	County has a Security Policy but all aspects may not be currently addressed in the document.
3	Campus Security Plan.
4	We are working on it.
5	Stemming from our last evacuation drill, we have a "plan" in writing.
6	But in need of update.

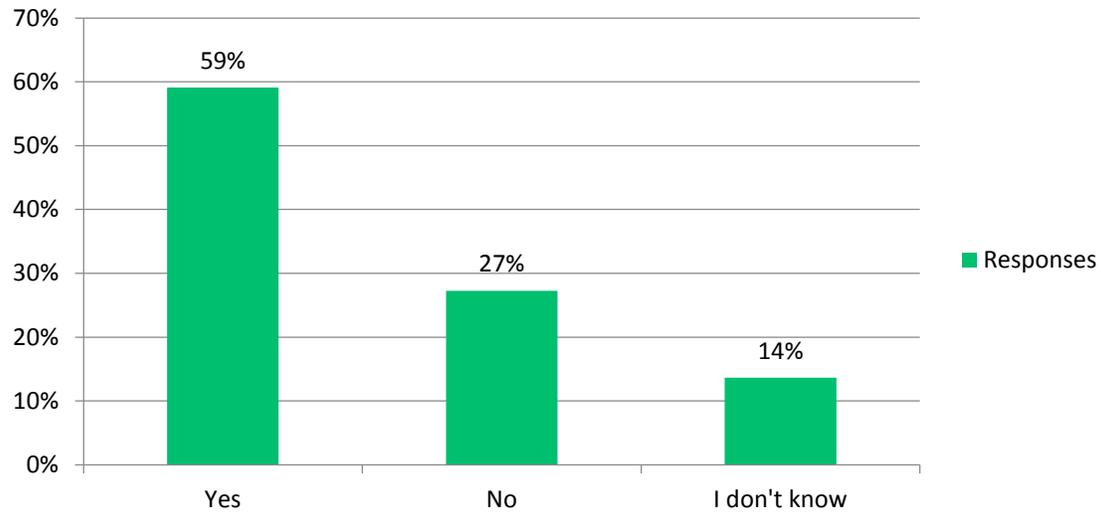


[*Court Community: includes court personnel, litigants, attorneys, witnesses, jurors or others using the courthouse.]

Is the Court Security Plan accessible to the court community?		
Answer Choices	Responses	
Yes	47.62%	10
No	23.81%	5
I don't know	28.57%	6
Comments:		4
	Answered	21
	Skipped	18

#	Comments:
1	Only available to court staff & judicial officers.
2	Court Administration does have a copy in a semi central location where attorneys could have access to it if they inquired. Otherwise, no... I don't believe we have it posted anywhere. However, a majority of the time our judges make a statement prior to the start of dockets/trials about safety exits, etc. Our court bailiffs give verbal instruction to every jury regarding the evacuation process and answer any questions they may have.
3	For all court personnel and they are responsible for care of those outside of the court's employment during an emergency.
4	Only available to employees who work in the Courthouse.

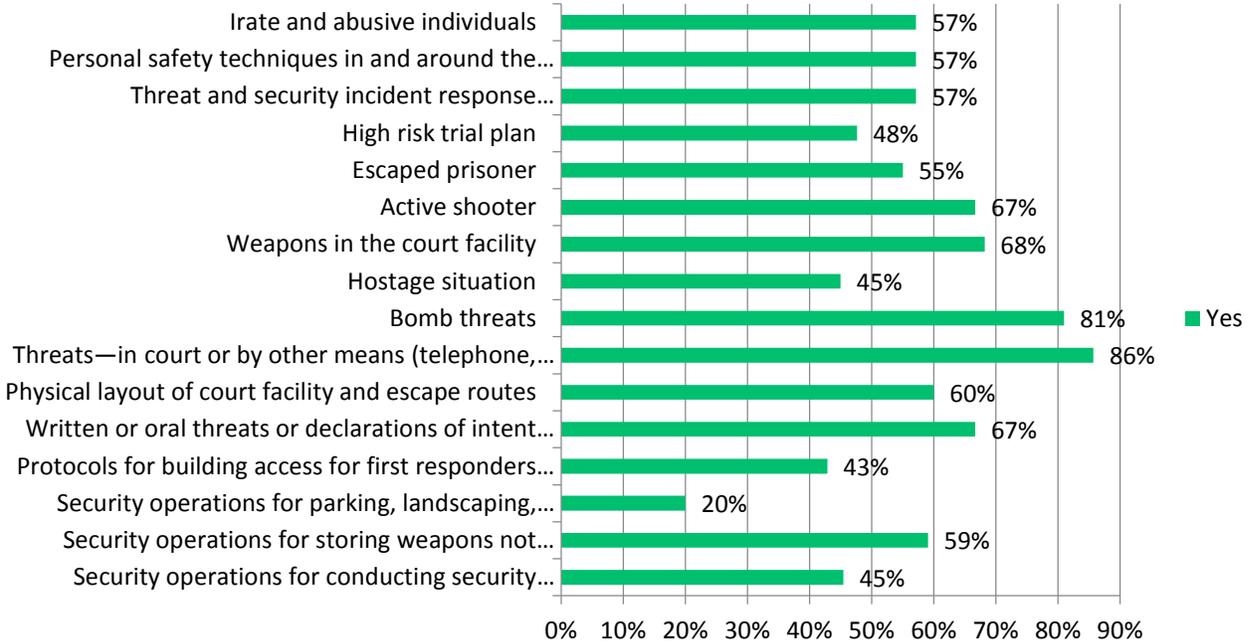
Q16: Is the Court Security Plan on file with your local court administrator?



Is the Court Security Plan on file with your local court administrator?		
Answer Choices	Responses	
Yes	59.09%	13
No	27.27%	6
I don't know	13.64%	3
Comments:		2
	Answered	22
	Skipped	17

#	Comments:
1	Located on Superior Court internal SharePoint site.
2	County Facilities Security Plan available on shared server.

Q17: What does the Court Security Plan address?

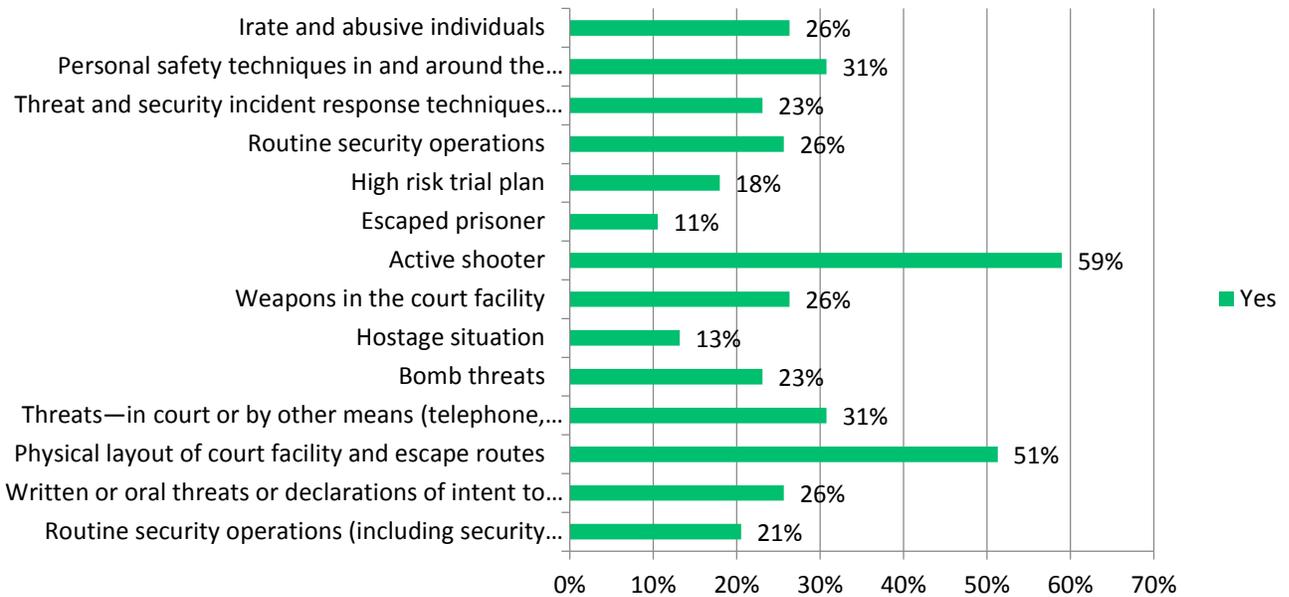


What does the Court Security Plan address?							Yes	No	I don't know	Total
Security operations for conducting security screenings	45.45%	10	50.00%	11	4.55%	1	22			
Security operations for storing weapons	59.09%	13	31.82%	7	9.09%	2	22			
Security operations for parking, landscaping, lighting, doors, alarms, and windows	20.00%	4	65.00%	13	15.00%	3	20			
Protocols for building access for first responders	42.86%	9	42.86%	9	14.29%	3	21			
Written or oral threats of intent to inflict pain or injury	66.67%	14	19.05%	4	14.29%	3	21			
Physical layout of court facility and escape routes	60.00%	12	30.00%	6	10.00%	2	20			
Threats—in court or by other means (telephone, email, etc.)	85.71%	18	4.76%	1	9.52%	2	21			
Bomb threats	80.95%	17	9.52%	2	9.52%	2	21			
Hostage situation	45.00%	9	35.00%	7	20.00%	4	20			
Weapons in the court facility	68.18%	15	18.18%	4	13.64%	3	22			
Active shooter	66.67%	14	28.57%	6	4.76%	1	21			
Escaped prisoner	55.00%	11	30.00%	6	15.00%	3	20			
High risk trial plan	47.62%	10	42.86%	9	9.52%	2	21			
Threat and security incident response techniques which may include how to diffuse sit	57.14%	12	23.81%	5	19.05%	4	21			
Personal safety techniques in and around the court facility	57.14%	12	28.57%	6	14.29%	3	21			
Irate and abusive individuals	57.14%	12	38.10%	8	4.76%	1	21			
Comments:							11			
						Answered	22			
						Skipped	17			

#	Comments:
1	The current plan does not address most of the above issues; however, there are other written protocols that address some of the above issues not covered in the plan.
2	All "no" answers are addressed in KCSO/FMD plans.

3	All items covered in security manual.
4	Many of these items are under the responsibility (in regard to retaining/updating a written policy) of other departments within our building. For example, building security is covered by our Sheriff's Office and they maintain their procedure/process for weapons check in at security.
5	Security screening before entering courtroom.
6	Not all items are addressed in the written security policy but are practiced.
7	Some of these items are addressed in the written policy others are standard operating procedure and explained to new hires during orientation.
8	The current manual is not focused directly on courts. It is more general in nature to the County complex.
9	If we have any concerns we call the Sheriff's Office and they are just down the hallway.
10	The specific incidents are outlined in a Campus Incident Guide.
11	We are currently drafting a Court Security manual—so this survey may be premature. Any information is stemming from our last evacuation drill in September 2016.

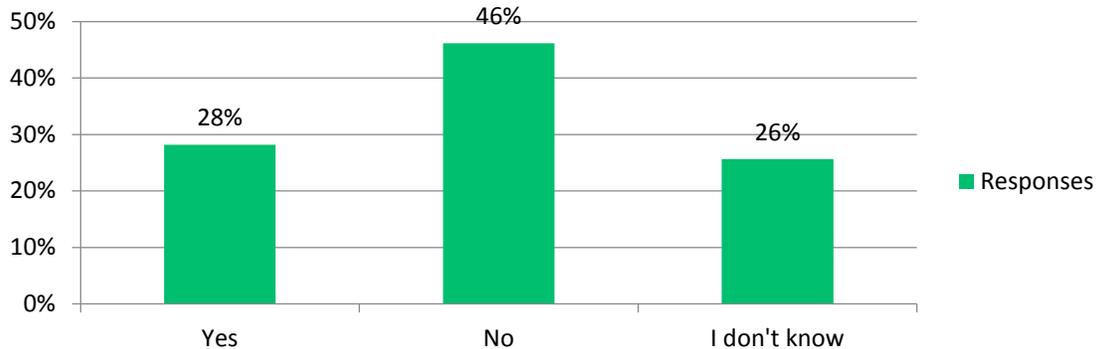
Q18: In the last three years, has your courthouse provided training(s) on any of the following topics?



In the last three years, has your courthouse provided training(s) on any of the following topics?							Total
	Yes		No		I don't know		Total
security screening, weapons storage, parking, alarms, etc.	20.51%	8	56.41%	22	23.08%	9	39
threats to inflict pain/injury against court community	25.64%	10	51.28%	20	23.08%	9	39
Physical layout of court facility and escape routes	51.28%	20	38.46%	15	10.26%	4	39
Threats—in court or by other means (telephone, email, etc.)	30.77%	12	51.28%	20	17.95%	7	39
Bomb threats	23.08%	9	51.28%	20	25.64%	10	39
Hostage situation	13.16%	5	63.16%	24	23.68%	9	38
Weapons in the court facility	26.32%	10	52.63%	20	21.05%	8	38
Active shooter	58.97%	23	25.64%	10	15.38%	6	39
Escaped prisoner	10.53%	4	63.16%	24	26.32%	10	38
High risk trial plan	17.95%	7	61.54%	24	20.51%	8	39
Routine security operations	25.64%	10	48.72%	19	25.64%	10	39
Threat and security incident response techniques	23.08%	9	51.28%	20	25.64%	10	39
Personal safety techniques	30.77%	12	51.28%	20	17.95%	7	39
Irate and abusive individuals	26.32%	10	52.63%	20	21.05%	8	38
Comments:							8
						Answered	39
						Skipped	0

#	Comments:
1	All "no" answers are addressed in KCSO/FMD plans.
2	We have a Safety Moment at the beginning of every meeting in Superior Court Administration. Many topics are discussed.
3	Courthouse/courtroom security provided by Sheriff/Jail personnel.
4	There was an active shooter-type training for law enforcement, but staff was not included.
5	We have a metal detector which is used on high profile cases located down the hall from the clerk's office.
6	Irate and abusive individuals we have alarms we can activate for quick response from our Sheriff's Office.
7	Security officers may have training specific to them that I don't know about.
8	We currently are scheduling an active shooter training with the Sheriff's Office and our County Facilities Management to be held by early next year.

Q19: Does your courthouse have a document that contains court security policies and procedures specifically for all court and clerk personnel for internal use only (i.e., not provided to the public)?

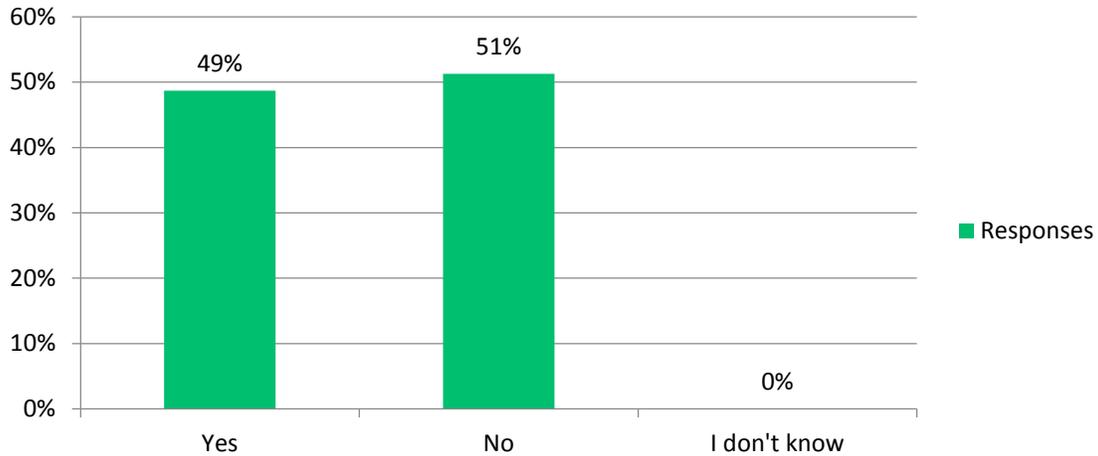


Does your courthouse have a document that contains court security policies and procedures specifically for all court and clerk personnel for internal use only (i.e., not provided to the public)?

Answer Choices	Responses	
Yes	28.21%	11
No	46.15%	18
I don't know	25.64%	10
Comments:		5
	Answered	39
	Skipped	0

#	Comments:
1	Facility Security Policy.
2	Court/County Security Policy.
3	To a limited extent.
4	We have a plan which includes Crisis Plan, Panic Buttons, Evacuation Procedures, Medical Emergency, Fire Drills, and Weather related incidents.
5	I have worked in this position for less than a year so am not sure and our judge is new as of January 1, 2017 as well.

Q20: Does your courthouse conduct weapons screenings at its public entrance(s)?

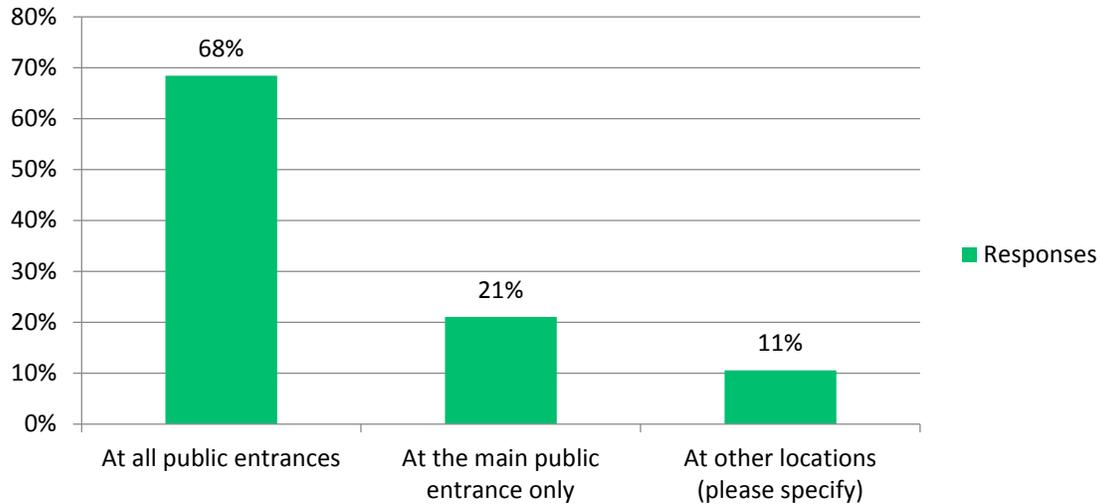


Does your courthouse conduct weapons screenings at its public entrance(s)?

Answer Choices	Responses	
Yes	48.72%	19
No	51.28%	20
I don't know	0.00%	0
Comments:		5
	Answered	39
	Skipped	0

#	Comments:
1	On court days.
2	Only on third floor for entry into courtrooms.
3	Weapons screening is at the entrance to the floors that house courtrooms.
4	Only very rarely if we are having a big jury trial.
5	Only at the entrance to the courtroom.

Q21: At what entrances in your courthouse are weapons screenings conducted?

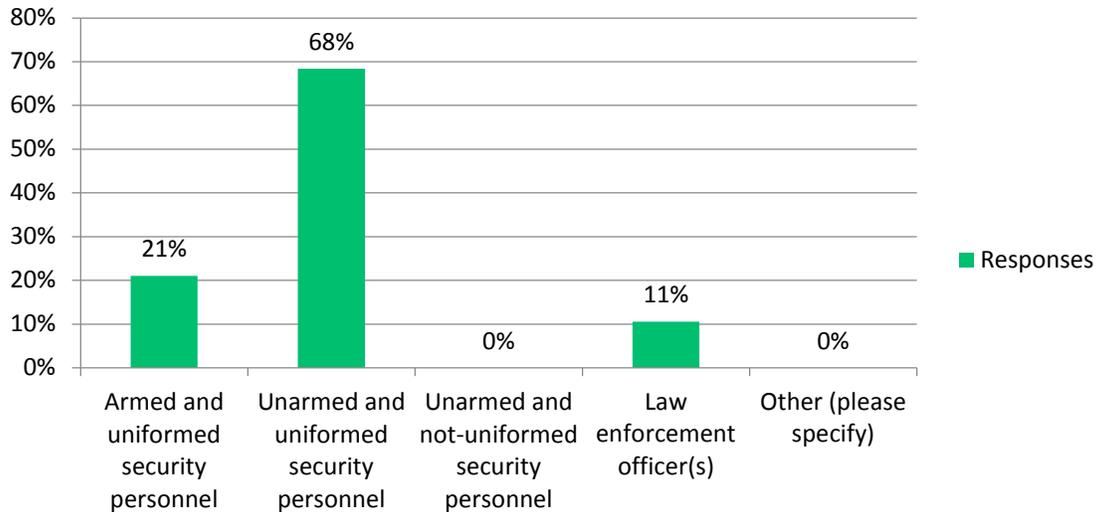


At what entrances in your courthouse are weapons screenings conducted?

Answer Choices	Responses	
At all public entrances	68.42%	13
At the main public entrance only	21.05%	4
At other locations (please specify)	10.53%	2
	Answered	19
	Skipped	20

#	Comments:
1	Prior to entering the third floor where the clerks' office and courtroom are located.
2	There are campus building locations where court is held. We attempt to have all individuals screened at each building; however, this is not always accomplished.

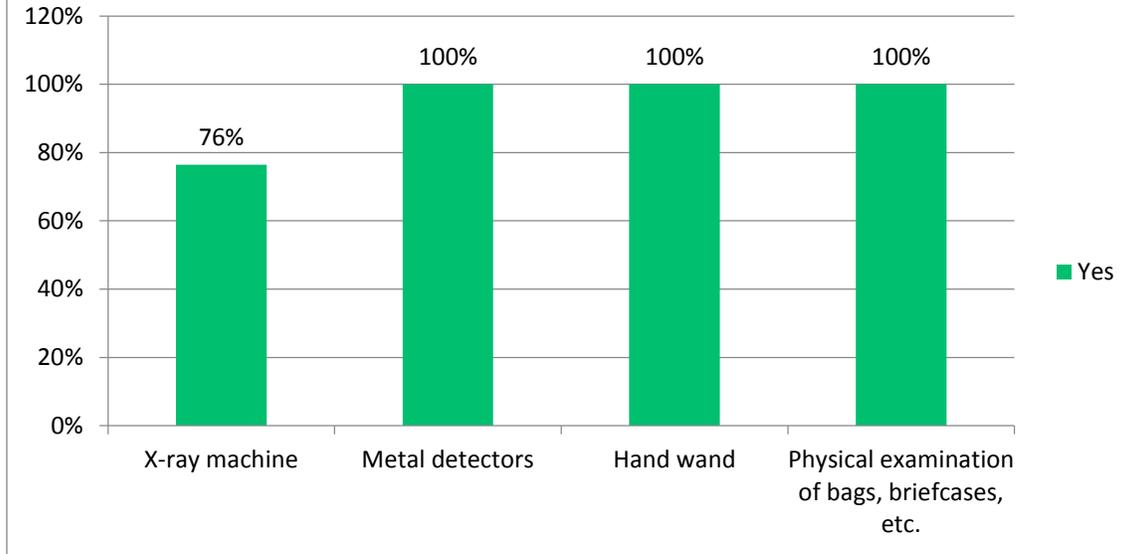
Q22: Who conducts the weapons screenings? (Check all that apply)



Who conducts the weapons screenings? (Check all that apply)

Answer Choices	Responses	
	Percentage	Count
Armed and uniformed security personnel	21.05%	4
Unarmed and uniformed security personnel	68.42%	13
Unarmed and not-uniformed security personnel	0.00%	0
Law enforcement officer(s)	10.53%	2
Other (please specify)	0.00%	0
	Answered	19
	Skipped	20

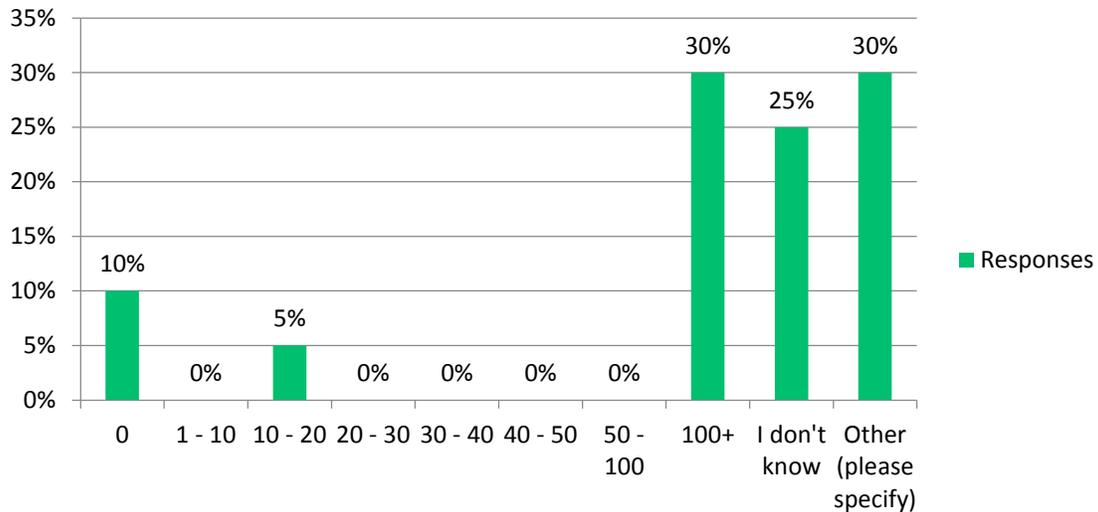
Q23: How are weapons screenings conducted?



How are weapons screenings conducted?							
	Yes	No	I don't know			Total	
X-ray machine	76.47%	13	23.53%	4	0.00%	0	17
Metal detectors	100.00%	19	0.00%	0	0.00%	0	19
Hand wand	100.00%	18	0.00%	0	0.00%	0	18
Physical examination of bags, briefcases, etc.	100.00%	18	0.00%	0	0.00%	0	18
Other (please specify)							2
						Answered	19
						Skipped	20

#	Other (please specify):
1	The main courthouse building has an x-ray machine & walk-through metal detector. For courtrooms outside the courthouse building, security personnel hand wand and physically examine bags, briefcases, etc.
2	Not all entryways have an x-ray machine.

Q24: How many weapons were confiscated by security in 2016?

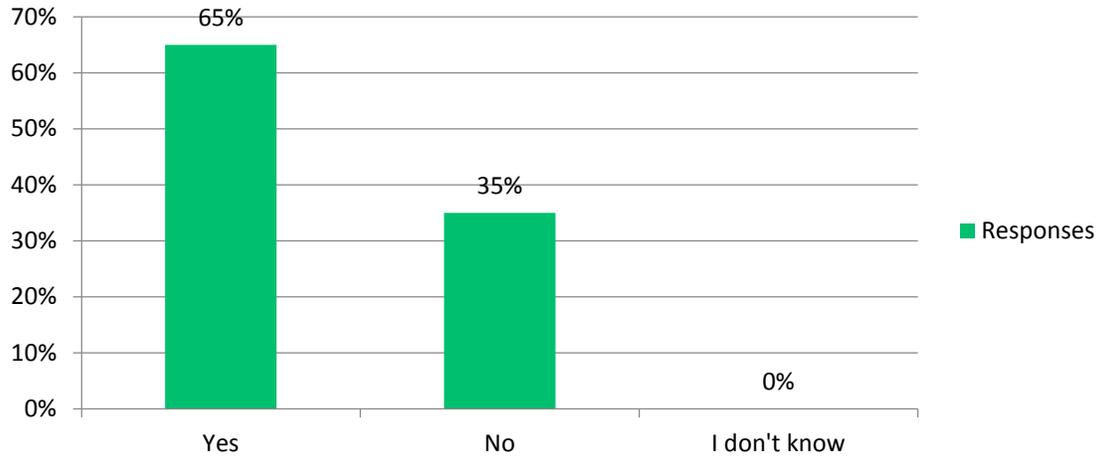


How many weapons were confiscated by security in 2016?

Answer Choices	Responses	
0	10.00%	2
1 - 10	0.00%	0
10 - 20	5.00%	1
20 - 30	0.00%	0
30 - 40	0.00%	0
40 - 50	0.00%	0
50 - 100	0.00%	0
100+	30.00%	6
I don't know	25.00%	5
Other (please specify)	30.00%	6
	Answered	20
	Skipped	19

#	Other (please specify)
1	1711 knives & 127 guns were identified in 2016. Since a private firm provides security, weapons are not actually confiscated. Instead, individuals are instructed to use lock boxes located at the entrance or leave them in their car.
2	Our Sheriff's Office would have this information.
3	We don't confiscate the weapons but 30-40 weapons were found and not allowed in the building.
4	Head of Security has this data.
5	Head of Security would have these statistics.
6	We track this information, but I do not have it readily available.

Q25: Does your courthouse provide a secure non-public entrance for judicial officers?

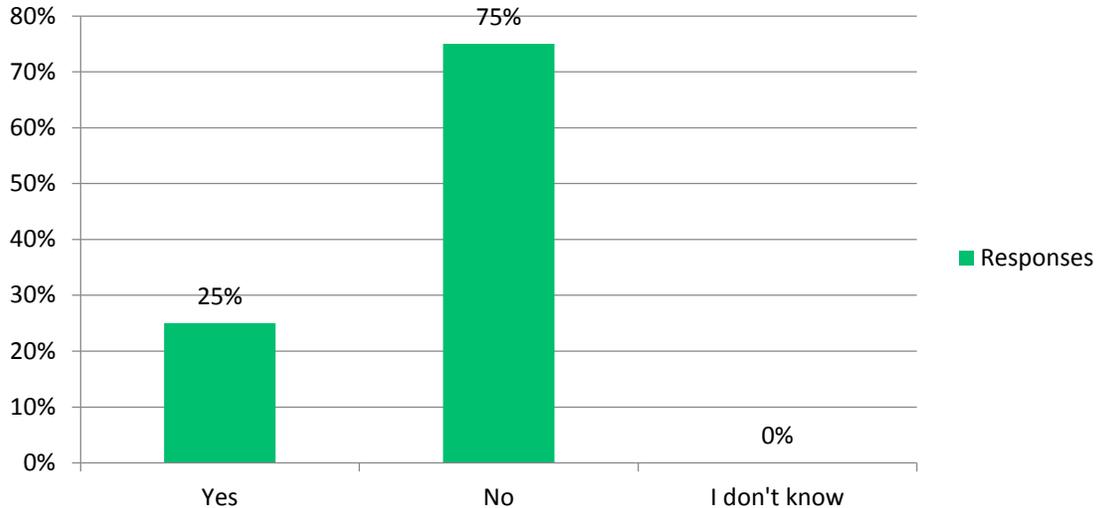


Does your courthouse provide a secure non-public entrance for judicial officers?

Answer Choices	Responses	
Yes	65.00%	13
No	35.00%	7
I don't know	0.00%	0
Comments:		6
	Answered	20
	Skipped	19

#	Comments:
1	There is a separate non-public locked entrance for judicial officers but no security officer is stationed at that entrance.
2	And some elected officials, prosecutors, and facilities staff.
3	It is more secure but not fool-proof.
4	No entrance specific for judicial officers—all County staff can access.
5	The judicial officers have a non-public entrance but it is not secure.
6	There is always some question as to how secure the non-public judicial entrance really is, given that it is located next to the jail booking exit, and it is used by non-judicial employees also.

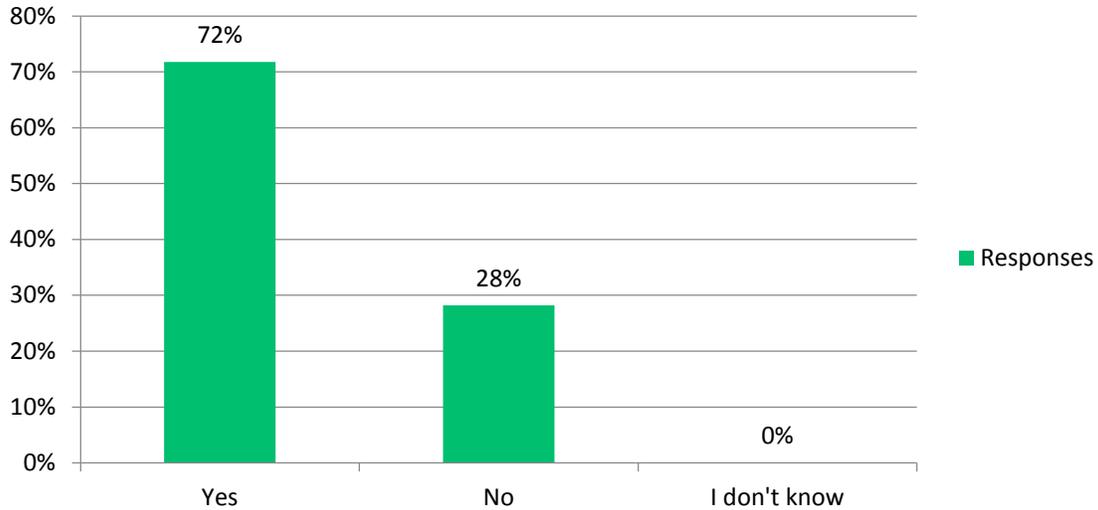
Q26: Does your courthouse provide secure parking for judicial officers?



Does your courthouse provide secure parking for judicial officers?		
Answer Choices	Responses	
Yes	25.00%	5
No	75.00%	15
I don't know	0.00%	0
Comments:		6
	Answered	20
	Skipped	19

#	Comments:
1	Seattle (judges pay) MRJC & YSC (court provided).
2	We have a project underway to create secure parking for judicial officers.
3	Semi-secure. There is a gate, but anyone can walk into the parking area.
4	Assigned but not "secure."
5	The judicial officers have parking spots but they are not secure.
6	Reserved parking is assigned, but the secure nature of it is subject to question given that it is open and visible to the public and defendants released from jail.

Q27: Does your courthouse have security cameras?

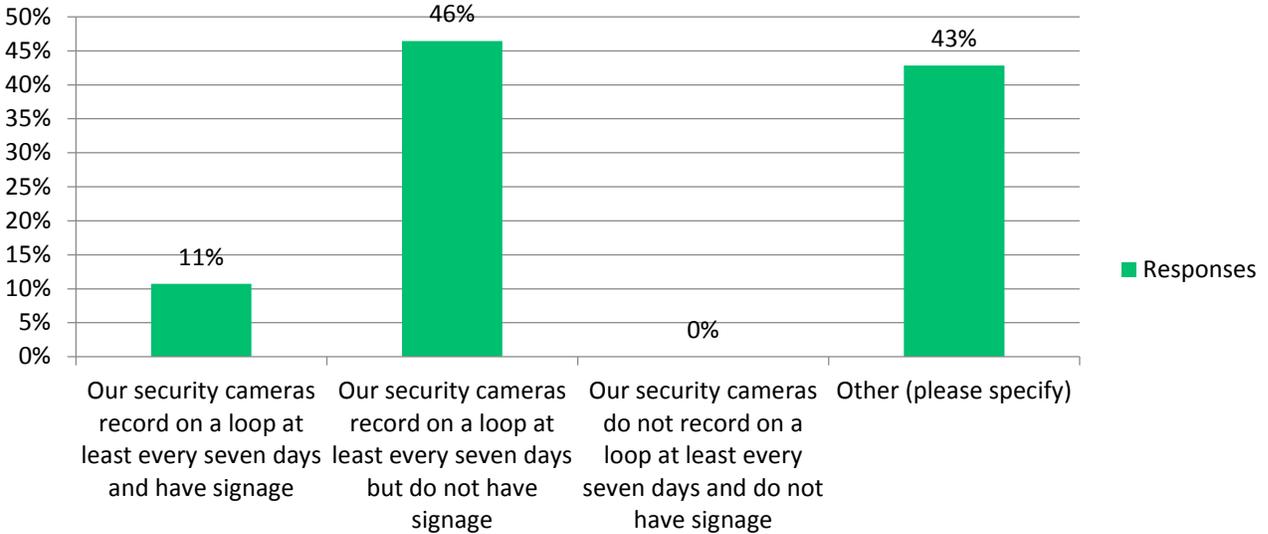


Does your courthouse have security cameras?

Answer Choices	Responses	
Yes	71.79%	28
No	28.21%	11
I don't know	0.00%	0
Comments:		10
	Answered	39
	Skipped	0

#	Comments:
1	At the public entrance to main courthouse only.
2	We have cameras only in certain areas of the courthouse.
3	Cameras are operated/monitored by FMD Security.
4	Not inside, but outside front & back entrances.
5	1 on the Clerk's desk and 1 in the courtroom focused on the gallery.
6	Internal hallways and courtrooms.
7	Security cameras are in the interior main hallways and courtrooms. Exterior cameras are currently being installed.
8	Our floor does. I do not know about the rest of the building.
9	At this time only in the Auditor's office. We are discussing hallway cameras in the future.
10	The county is working on a plan.

Q28: Which of the following statements best describe the recording and signage of your courthouse's security cameras?



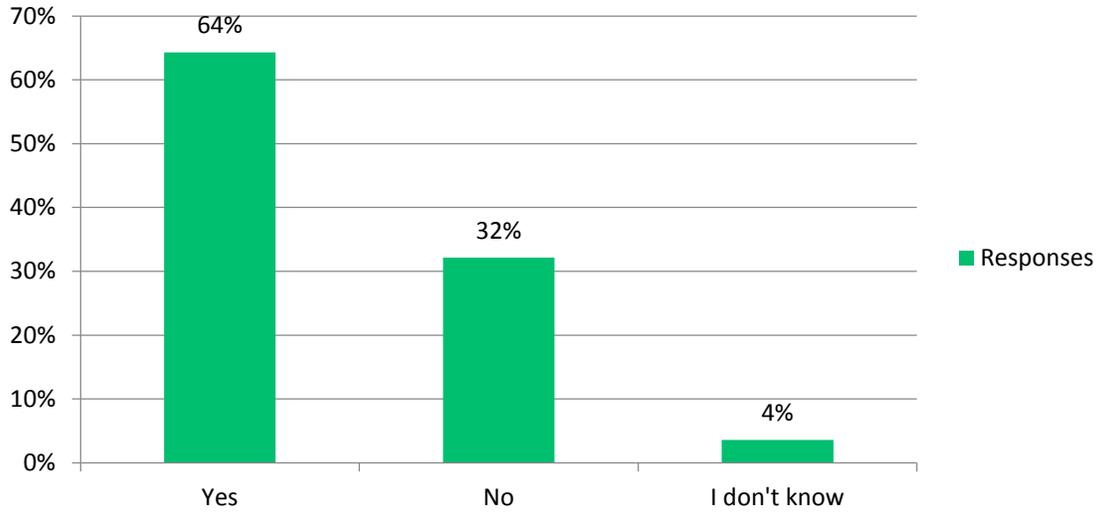
[*Signage: a posted notice advising that recording is taking place.]

Which of the following statements best describe the recording and signage of your courthouse's security cameras?

Answer Choices	Responses	
Our security cameras record on a loop at least every seven days and have signage.	10.71%	3
Our security cameras record on a loop at least every seven days but do not have signage.	46.43%	13
Our security cameras do not record on a loop at least every seven days and do not have signage.	0.00%	0
Other (please specify)	42.86%	12
	Answered	28
	Skipped	11

#	Other (please specify):
1	The camera at the main entrance records on a loop at least every 3 days and has signage.
2	We do not have signage for our cameras—I'm sure they record on a loop but i do not know that for certain.
3	Record on a 30 day loop. No signage.
4	Unknown as to whether recording or not.
5	Our facilities and IT staff would know this information. I can only speak on the security/FTR recording within our courtrooms.
6	Don't know.
7	I am not sure about the loop and we do not have signage.
8	Not sure about the 7 days.
9	Security cameras vary by department.
10	I do not know how often the cameras loop, but there is not any signage.
11	No idea.
12	Unknown.

Q29: Does your courthouse have security cameras in individual court rooms?

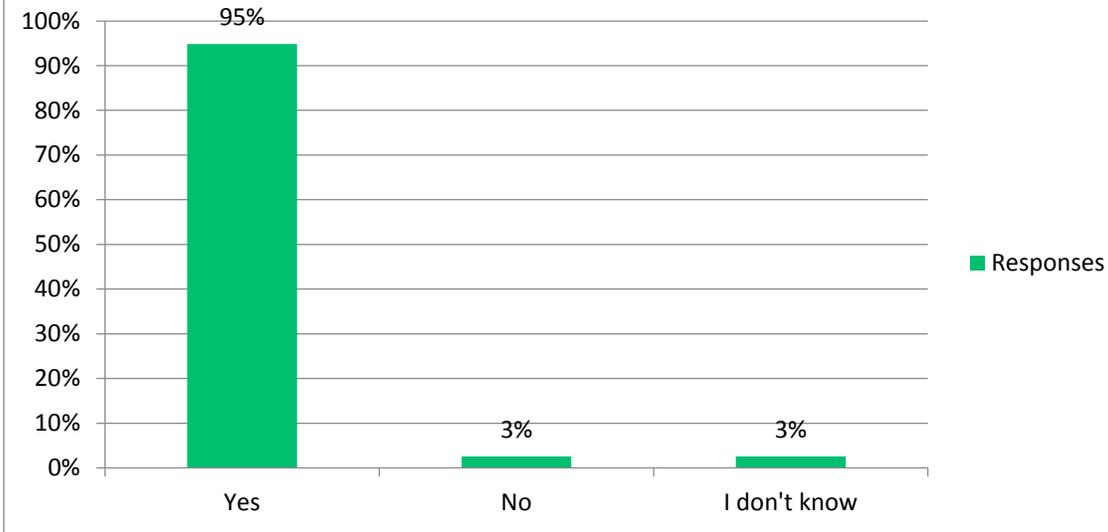


Does your courthouse have security cameras in individual court rooms?

Answer Choices	Responses	
Yes	64.29%	18
No	32.14%	9
I don't know	3.57%	1
Comments:		4
	Answered	28
	Skipped	11

#	Comments:
1	One courtroom has a camera on a 3-day loop. The other 3 courtrooms have JAVS recording systems, but not security. One courtroom has no camera.
2	Only when court is in session. (FTR Recording)
3	We only have one courtroom.
4	I don't know for sure, but if we do the images are only sent to our sheriff's dispatch office.

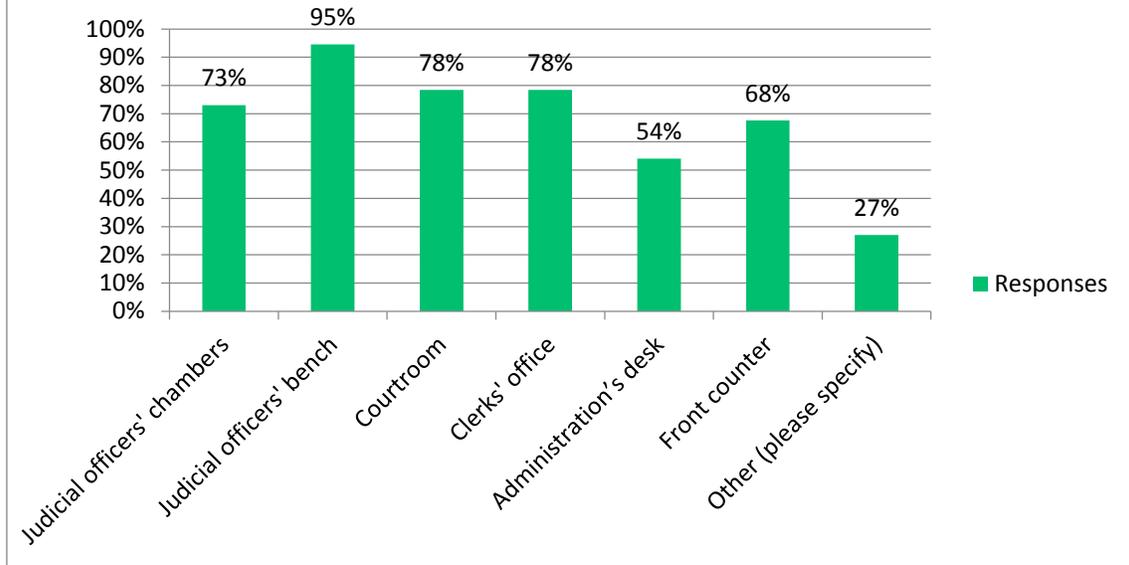
Q30: Does your courthouse have duress alarms?



Does your courthouse have duress alarms?		
Answer Choices	Responses	
Yes	94.87%	37
No	2.56%	1
I don't know	2.56%	1
Comments:		2
	Answered	39
	Skipped	0

#	Comments:
1	However, not all courtrooms have them at this time.
2	They don't always work, but they are working on it.

Q31: Where are the duress alarms located? (Select all that apply)

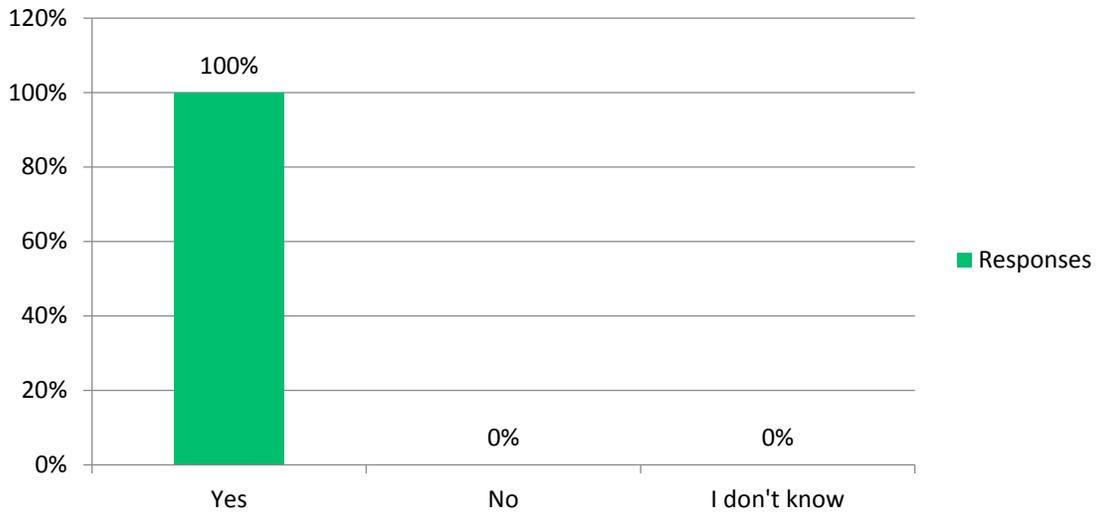


Where are the duress alarms located? (Select all that apply)

Answer Choices	Responses	
Judicial officers' chambers	72.97%	27
Judicial officers' bench	94.59%	35
Courtroom	78.38%	29
Clerks' office	78.38%	29
Administration's desk	54.05%	20
Front counter	67.57%	25
Other (please specify)	27.03%	10
	Answered	37
	Skipped	2

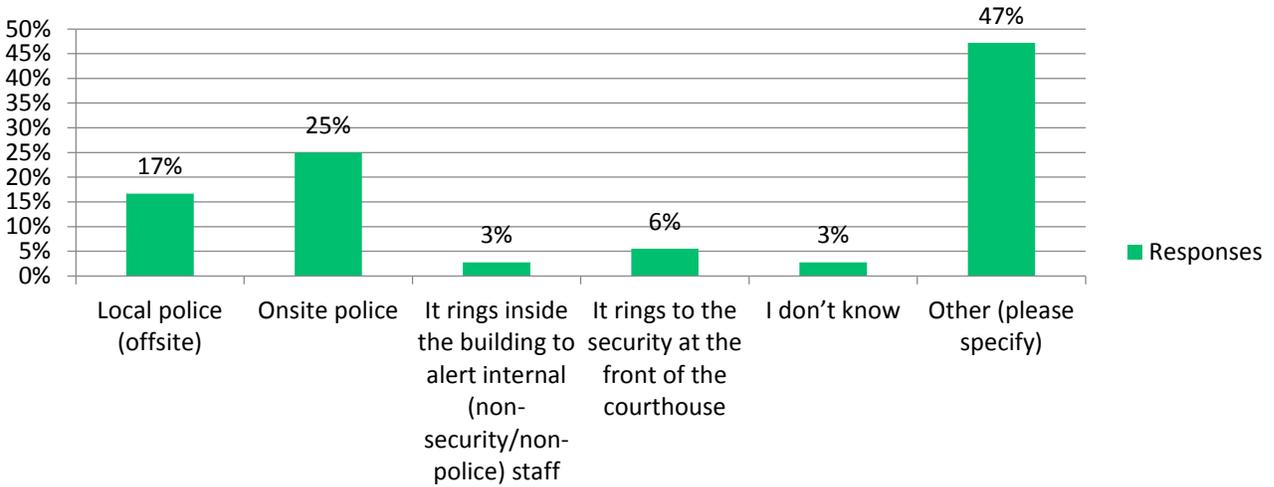
#	Other (please specify):
1	Entire courthouse.
2	2 of the courtrooms do not have duress alarms on the bench or in chambers.
3	Bailiff and Clerk stations in courtrooms. Bailiff offices.
4	Radio contact with security.
5	We are migrating to a network based alarm system.
6	Court reporters desk and courtroom area.
7	We are a bi-county court and there are no court administration offices at this location.
8	Key staff also have security alarms at their desks.
9	All offices located in the courthouse.
10	District Court office across the hall.

Q32: Are the duress alarms accessible and discreetly placed?



Are the duress alarms accessible and discreetly placed?		
Answer Choices	Responses	
Yes	100.00%	37
No	0.00%	0
I don't know	0.00%	0
Comments:		0
	Answered	37
	Skipped	2

Q33: Where do the duress alarms in your courthouse ring to? (Check all that apply)

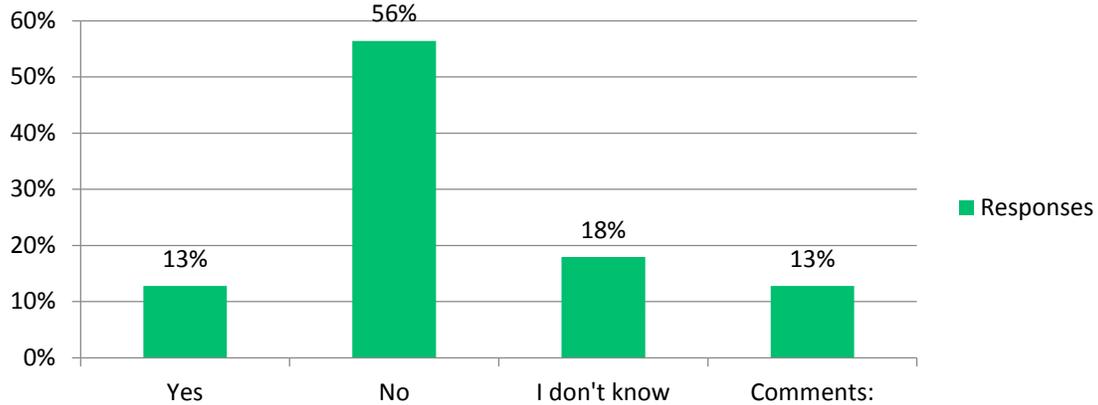


Where do the duress alarms in your courthouse ring to? (Check all that apply)

Answer Choices	Responses	
Local police (offsite)	16.67%	6
Onsite police	25.00%	9
It rings inside the building to alert internal (non-security/non-police) staff	2.78%	1
It rings to the security at the front of the courthouse	5.56%	2
I don't know	2.78%	1
Other (please specify)	47.22%	17
	Answered	36
	Skipped	3

#	Other (please specify):
1	911 system.
2	They ring to an offsite alarm center who then notifies our dispatch who then notifies law enforcement.
3	Dispatch Center.
4	It rings to our sheriff's office-dispatch where they alert officers—our jail happens to be attached to the courthouse on the back side so security as well as any other officers nearby will come if needed.
5	FMD Dispatch Center in the Seattle courthouse.
6	We have two duress alarms—one that will ring to our building security and one that will summon offsite police.
7	We have a dedicated security operations center.
8	Rings to Dispatch in same complex, Jail/Sheriff are notified.
9	Alerts internal Marshals.
10	When working - the Sheriff's Office.
11	Local dispatch next door in Sheriff's Office.
12	911 center.
13	Sheriff-- on site.
14	Sheriff's Office.
15	Police in adjoining building.
16	The Jail Control Room, Sheriff's Office, and law enforcement dispatch.
17	Jefferson County Sheriff and Civil Department.

Q34: Does your court have an emergency notification broadcast system with standardized color coding denoting the level of emergency?

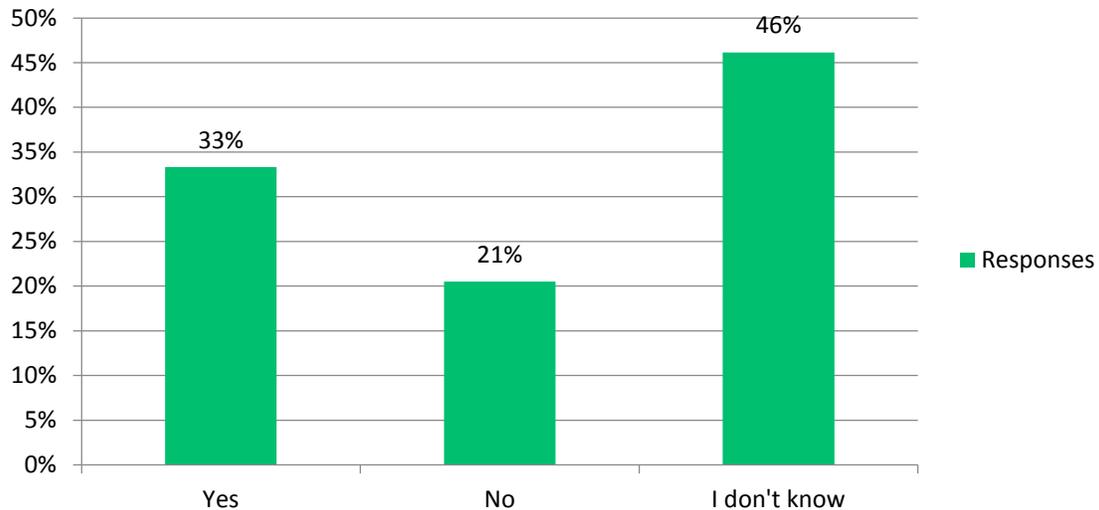


Does your court have an emergency notification broadcast system with standardized color coding denoting the level of emergency?

Answer Choices	Responses	
Yes	12.82%	5
No	56.41%	22
I don't know	17.95%	7
Comments:	12.82%	5
	Answered	39
	Skipped	0

#	Comments:
1	Currently being installed.
2	We have a public broadcast system throughout the facility - no color coding.
3	We have the capability but it's not in place yet.
4	We have a campus alert system without color coding.
5	We have an all page alert system, but no standardized color coding.

Q35: Have you ever had a security audit conducted on your courthouse facility?

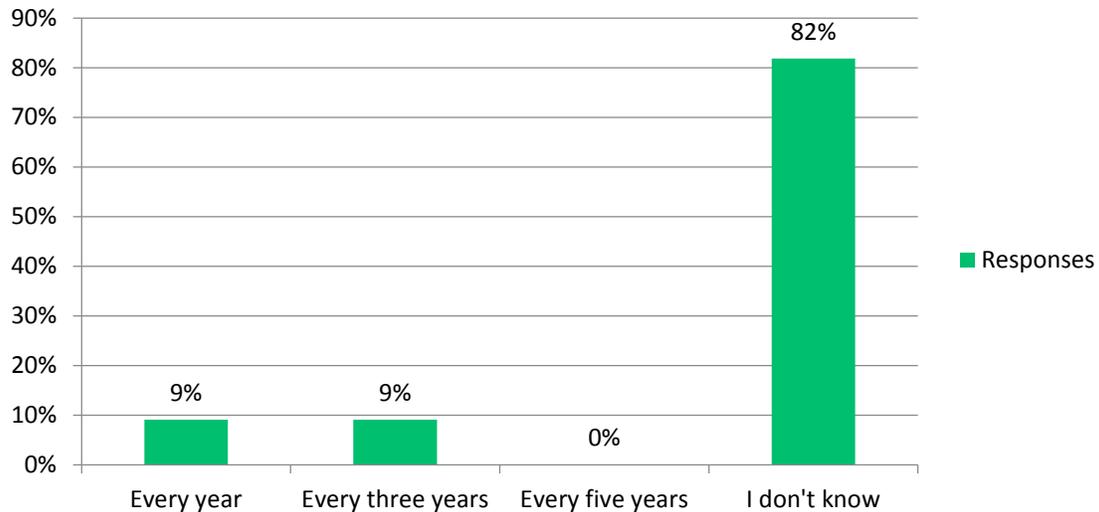


Have you ever had a security audit conducted on your courthouse facility?

Answer Choices	Responses	
Yes	33.33%	13
No	20.51%	8
I don't know	46.15%	18
Comments:		3
	Answered	39
	Skipped	0

#	Comments:
1	An inspection was made, but no report was created.
2	U.S. Marshal - approximately 10 years ago.
3	Many years ago.

Q36: How frequently are security audits conducted on your courthouse facility?

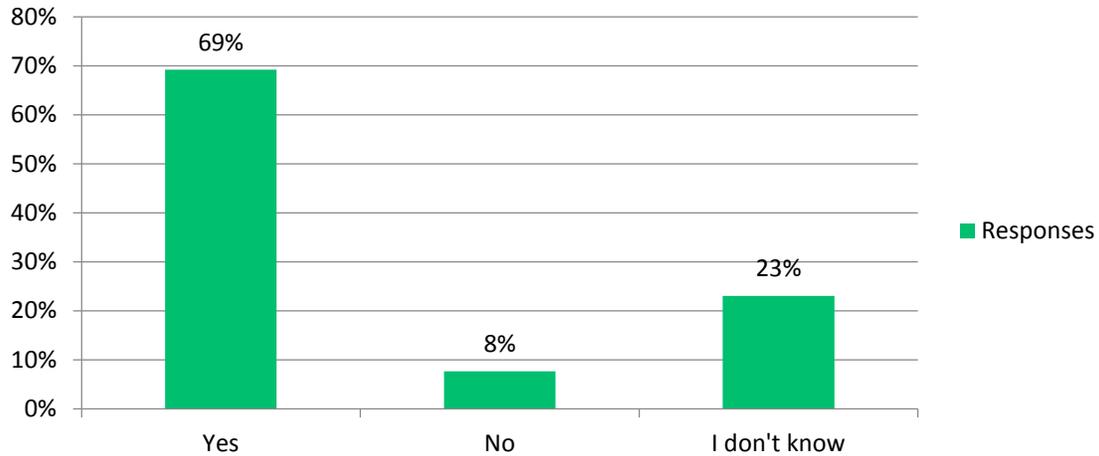


How frequently are security audits conducted on your courthouse facility?

Answer Choices	Responses	
Every year	9.09%	1
Every three years	9.09%	1
Every five years	0.00%	0
I don't know	81.82%	9
Comments:		3
	Answered	11
	Skipped	28

#	Comments:
1	Not conducted on a routine basis.
2	Seems random, US Marshall's office maybe twice in 10 years or so.
3	No established frequency—just as thought prudent.

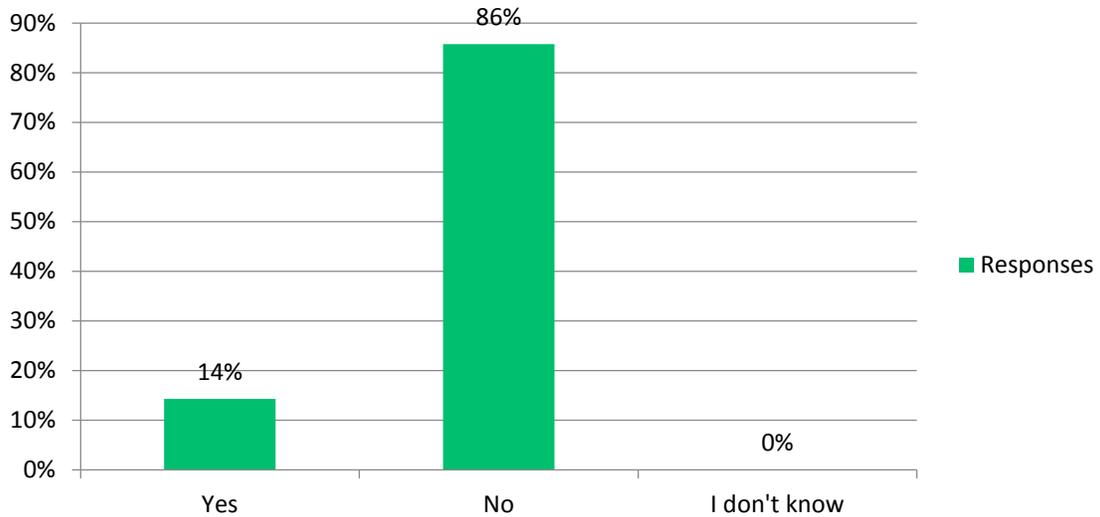
Q37: Did the last security audit conducted on your courthouse facility reveal any issues?



Did the last security audit conducted on your courthouse facility reveal any issues?		
Answer Choices	Responses	
Yes	69.23%	9
No	7.69%	1
I don't know	23.08%	3
Comments:		1
	Answered	13
	Skipped	26

#	Comments:
1	Conducted by Homeland Security – was not permitted review.

Q38: Have the issues that were revealed in the last security audit been resolved?



Have the issues that were revealed in the last security audit been resolved?		
Answer Choices	Responses	
Yes	14.29%	1
No	85.71%	6
I don't know	0.00%	0
Comments:		3
	Answered	7
	Skipped	32

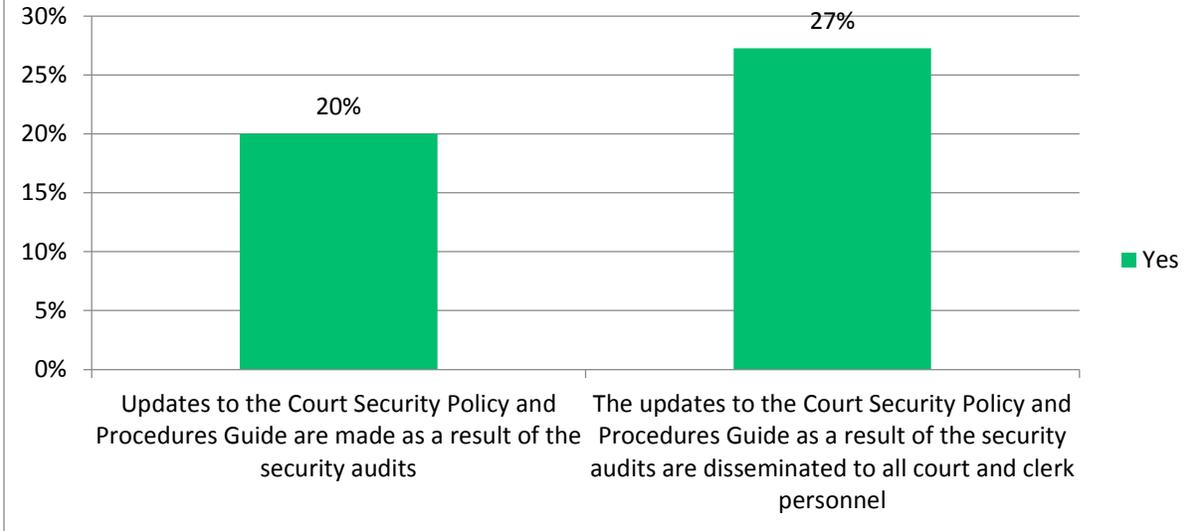
#	Comments:
1	Some, but not all – particularly the most costly.
2	All high risk issues have been resolved.
3	Mostly.

Q39: What issue(s) from the last security audit still remain?

Answered	8
Skipped	31

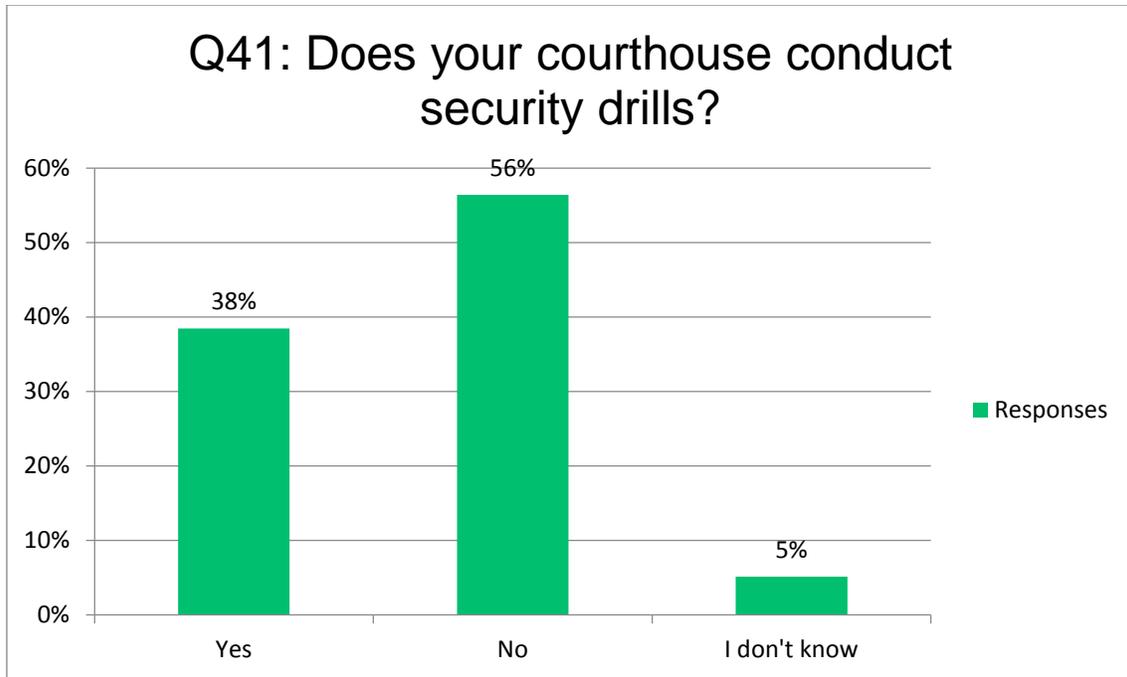
#	Responses
1	General security overall.
2	Too numerous to list but include no separate internal pathways for judicial officers, Seattle Chief Criminal courtroom has no escape route for judge, some courtrooms need additional security cameras for 100% coverage, lack of separate entrances for judicial officers, etc.
3	Security cameras in courtroom, deadbolt for all judicial officer chamber's door.
4	Poor judicial security, prisoner transport and public corridors combined. Blind spots. Inadequate elevators. Poor entrance and exits. Narrow hallways. Courtrooms lacking ADA compatibility for public and in-custody defendants. Lack of wayfinding.
5	All of them.
6	Entry screening.
7	Not all people and packages are screened therefore we are not a truly secure courthouse.
8	All of them.

Q40: What happens as a result of your security audits?



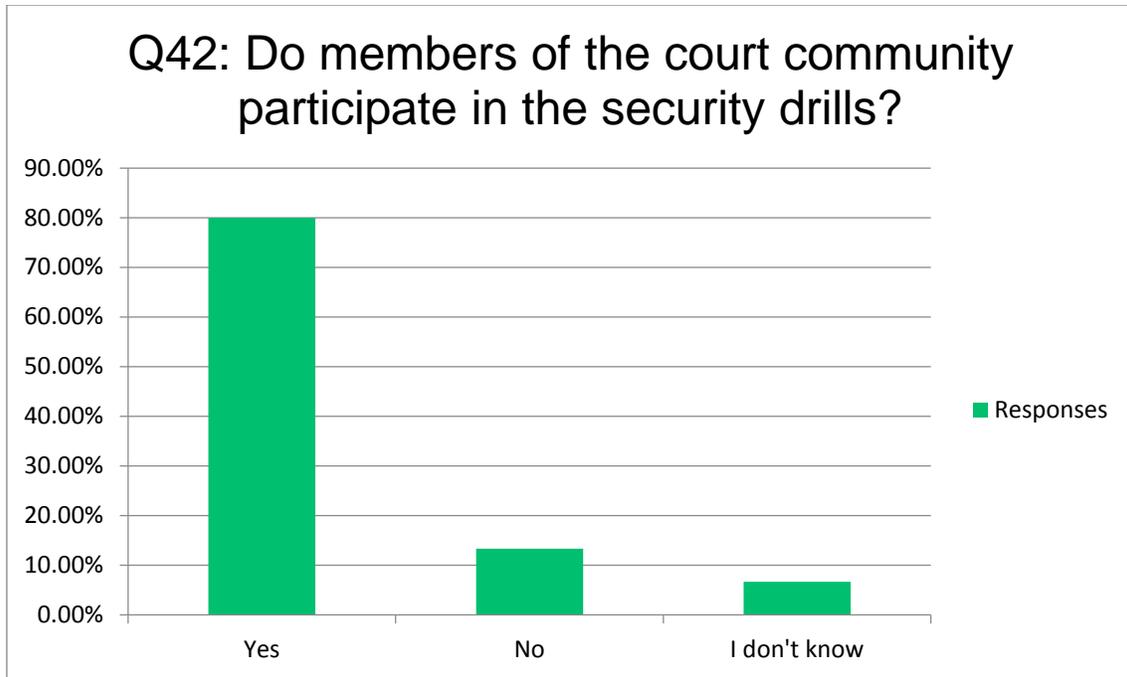
What happens as a result of your security audits?	Yes	No	I don't know	Total
Updates... are made...	20.00% 2	50.00% 5	30.00% 3	10
The updates... are disseminated...	27.27% 3	63.64% 7	9.09% 1	11
Comments:				2
			Answered	11
			Skipped	28

#	Comments:
1	Security audit was in the last two months, and issues are in the process of being addressed.
2	The only audit resulted in updating the Plan.



Does your courthouse conduct security drills?		
Answer Choices	Responses	
Yes	38.46%	15
No	56.41%	22
I don't know	5.13%	2
Comments:		6
	Answered	39
	Skipped	0

#	Comments:
1	Evacuation drills. One active shooter drill at MRJC.
2	They have not conducted a drill in several years.
3	There has been maybe one or two in the 20 years that I have been here.
4	If you are talking about fire and earthquake drills.
5	We have had a disaster drill in the past.
6	Not on a regularly scheduled basis, i.e., when plan was set up.



[*Court Community: includes court personnel, prosecutors, defense attorneys, law enforcement, and other regular court users.]

Do members of the court community participate in the security drills?		
Answer Choices	Responses	
Yes	80.00%	12
No	13.33%	2
I don't know	6.67%	1
Comments:		3
	Answered	15
	Skipped	24

#	Comments:
1	Participate by default as tenants, customers, etc.
2	The drills are held during the day and juries and the public may also be involved in the drill as well as local fire and police.
3	One is being scheduled for next year.

Q43: What is your superior court's annual courthouse security budget?	
Answered	15
Skipped	24

#	Responses
1	Unknown - this is a KCSO & FMD Security line item.
2	Included in the Sheriff's corrections budget, unable to extract a specific annual amount.
3	Unknown.
4	Our Court Administrator/Director should have this information.
5	Courthouse security is part of the larger County Facilities budget up to \$2 million dollars for security purposes.
6	I don't know; it comes from the Sheriff's Office.
7	\$95,000.00 for Superior Court and District Court has funds in their budget as well.
8	?? Security is managed through Risk Management - not Superior Court.
9	None.
10	I do not have an answer for this. I believe if there is one it would be through the Sheriff's Office.
11	Approx. \$1700.00
12	Superior Court does not have a specific line item.
13	See Jefferson County Sheriff's Department Budget.
14	\$1,324,012.00
15	\$380,000

Q44: What is your sheriff's office annual courthouse security budget?	
Answered	35
Skipped	4

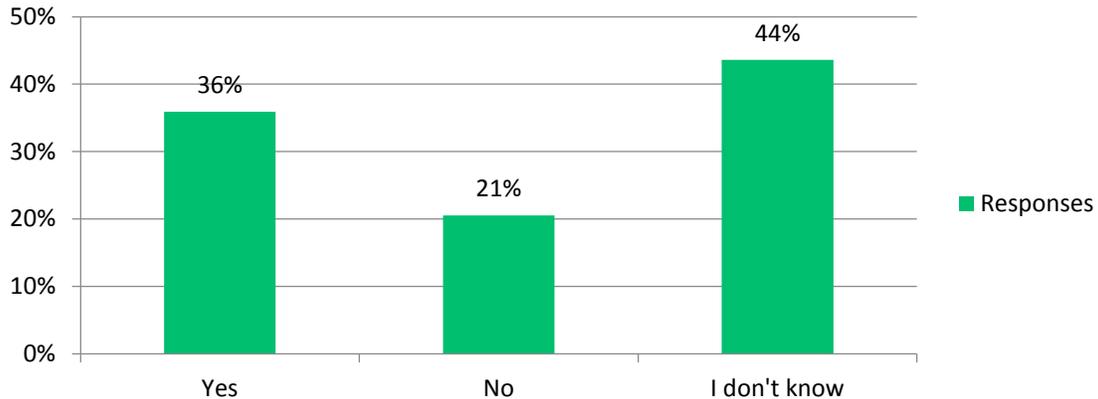
#	Responses
1	Don't know.
2	Unknown.
3	0
4	\$0.00
5	Unknown. Not part of the Superior Court budget.
6	Included in Jail/Corrections' budget, unable to extract specific amount.
7	Unknown.
8	The Sheriff's Office will have this information.
9	My best estimate is around \$700,000 for staffing of 6 total dedicated deputy sheriff's officers.
10	Don't know.
11	Don't know.
12	I don't know.
13	No separate budget.
14	I don't know.
15	0
16	Unknown.
17	Unknown.
18	I don't know.
19	Don't know.
20	Courthouse security is not funded through our Sheriff's Office.
21	Unknown, but we will find out.
22	??
23	Unsure.
24	I do not know. I spoke to the Sheriff's Office civil deputy and he did not know anything about this.
25	I do not know.
26	Unknown.
27	No idea.
28	Unknown.
29	\$708,203
30	Unknown.
31	\$186,000.00 for Emergency Mgmt. Safety & Security.
32	NA.
33	Unknown.
34	\$300,000+
35	Unknown, included entire sheriff's budget.

Q45: What is your Facilities/Management Division's (or equivalent's) annual courthouse security budget?

Answered	34
Skipped	5

#	Responses
1	Don't know.
2	Unknown.
3	0
4	\$0.00
5	Unknown. Not part of the Superior Court budget.
6	Included in Sheriff's budget for jail/corrections, unable to extract specific amount.
7	Unknown.
8	Facilities Dept. will have this information.
9	\$2 Million
10	Don't know.
11	Don't know.
12	I don't know.
13	No separate budget.
14	I don't know.
15	0
16	Unknown.
17	Unknown.
18	I don't know.
19	Don't know.
20	Courthouse security is not funded through our Facilities Dept.
21	Unknown, but we will find out.
22	??
23	Unsure.
24	Do not know.
25	I don't know.
26	Unknown.
27	No idea. But probably zero.
28	Unknown.
29	\$7,009,150
30	Unknown.
31	Unknown.
32	NA.
33	\$0
34	Unknown.

Q46: Are there any other outside agencies (non-superior court) that contribute to your courthouse's security budget?



Are there any other outside agencies (non-superior court) that contribute to your courthouse's security budget?		
Answer Choices	Responses	
Yes	35.90%	14
No	20.51%	8
I don't know	43.59%	17
Comments:		10
	Answered	39
	Skipped	0

#	Comments:
1	Courthouse security is a stand-alone budget in the county general fund.
2	KCSO Court Protection Unit & FMD Security.
3	Each county department contributes to the courthouse's security budget.
4	Security budget is outside of Superior Court.
5	Sheriff's Office is response for that.
6	It is funded through our Commissioner's Office (non-departmental) budget.
7	We will find out.
8	District Court, Grandview District Court, Juv Court.
9	DC reimburses Superior Court for the cost of one security officer.
10	Dept. of Admin Services.

Q47: If so, what is their annual courthouse security budget?	
Answered	24
Skipped	15

#	Responses
1	N/A
2	Unknown.
3	\$167,140
4	Unknown. Not a part of the Superior Court Budget.
5	Unknown.
6	N/A
7	Unknown.
8	Do not know.
9	I don't know.
10	n/a
11	Sheriff's Office handles that.
12	Unknown.
13	Unknown.
14	N/A
15	Unknown.
16	Unknown we will find out.
17	??
18	N/A
19	Unknown.
20	No idea.
21	It was all included in the figure provided.
22	Unknown.
23	Approximately \$ 60,000.
24	\$490,686

Q48: What is the estimated annual total courthouse security budget for your county?

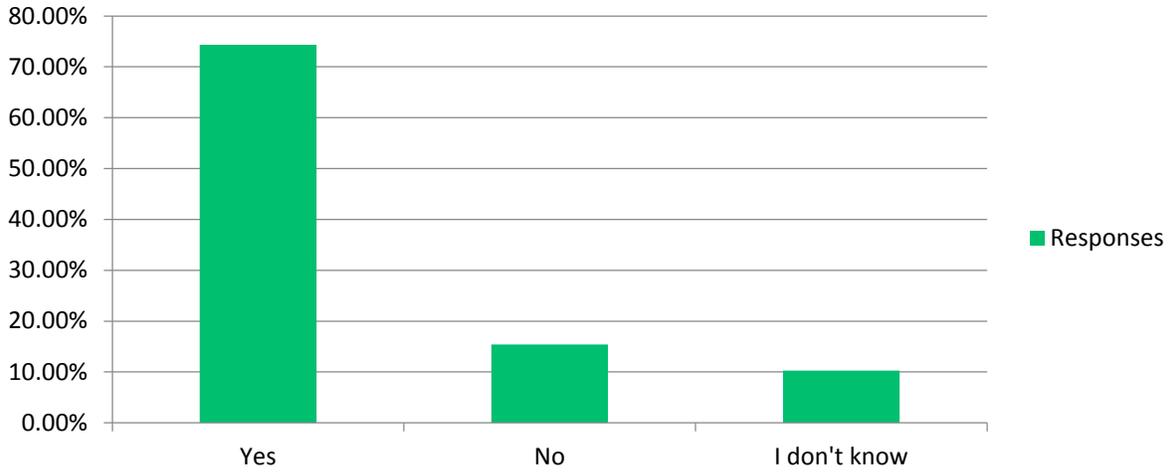
Answered	34
Skipped	5

#	Responses
1	Don't know.
2	Unknown.
3	\$167,140
4	\$0.00
5	Unknown.
6	Included in Sheriff's jail/corrections budget, unable to extract specific amount.
7	Unknown.
8	Unknown.
9	\$2 Million county-wide.
10	Do not know.
11	Don't know.
12	I don't know.
13	n/a.
14	Don't know—Sheriff's Office handles that.
15	0
16	Unknown.
17	Unknown.
18	I don't know.
19	Don't know.
20	Unknown.
21	Unknown, we will find out.
22	??
23	Unsure.
24	Do not know.
25	I do not have the answer to that question.
26	Unknown.
27	No idea.
28	\$708,203
29	Unknown.
30	See Sheriff Department Budget.
31	Unknown.
32	\$490,686
33	\$300,000+
34	Court alone \$27,848 (does not include Sheriff).

Q49: In your estimation, what would the total cost be to bring your courthouse into compliance with GR 36?	
Answered	34
Skipped	5

#	Responses
1	Don't know.
2	Unknown.
3	Unknown at this time.
4	Unknown at this time.
5	Unknown.
6	Unknown.
7	Unknown - probably very expensive.
8	Unknown.
9	\$300,000 Estimate for mandated training, camera upgrades.
10	To be determined.
11	We are in the process of a remodel and until the final design is complete I do not know.
12	What does compliance entail?
13	?
14	No idea.
15	A lot of money, since there is nothing in place.
16	Unknown.
17	Unknown.
18	Can't really guess a figure, but it would be a lot!
19	Don't know.
20	Unknown.
21	Unknown, but we find out.
22	??
23	I don't know.
24	I do not know.
25	Unknown.
26	Probably at least \$100,000.00
27	\$500,000-\$700,000
28	Unknown.
29	No idea.
30	\$200,000.00
31	\$ 800,000
32	Unknown at this time.
33	I don't know.
34	Unknown.

Q50: Within the last 5 years, has your court experienced a security incident?

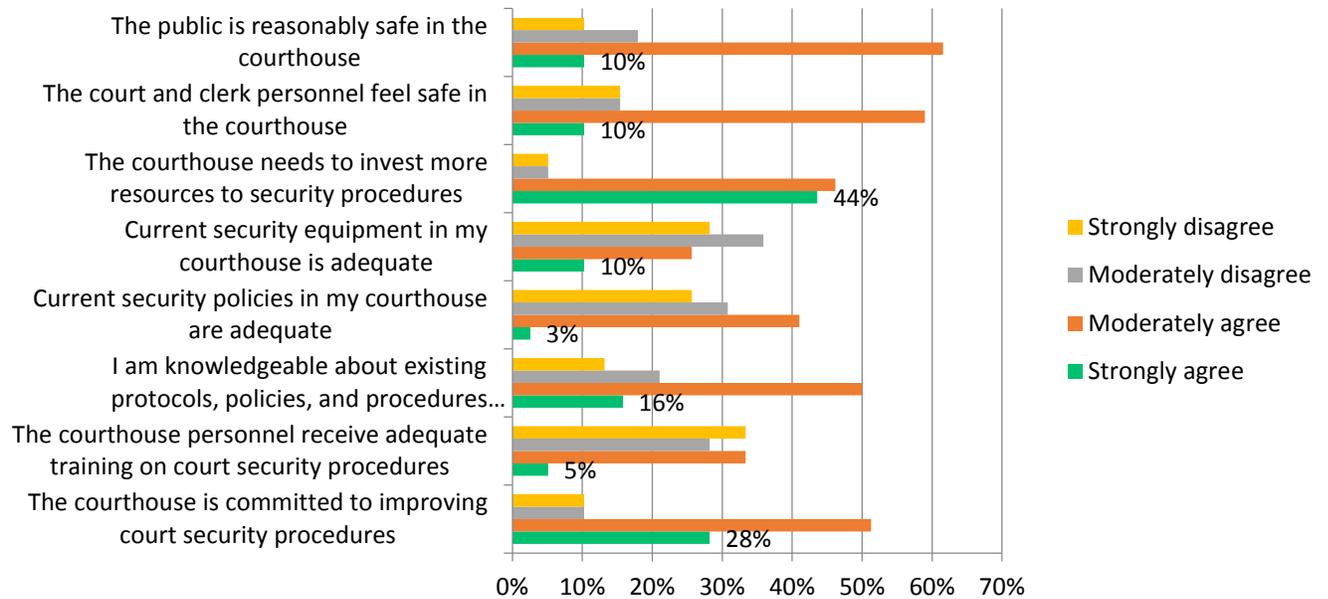


[*Incident: a threat to or assault against the court community, including court personnel, litigants, attorneys, witnesses, jurors or others using the courthouse. It also includes any event or threatening situation that disrupts the court or compromises the safety of the court community.]

Within the last 5 years, has your court experienced a security incident?		
Answer Choices	Responses	
Yes	74.36%	29
No	15.38%	6
I don't know	10.26%	4
Comments:		2
	Answered	39
	Skipped	0

#	Comments:
1	Threats to judicial officers and staff.
2	Not to my knowledge in Superior Court.

Q51: How much do you agree or disagree with the following statements about your courthouse?



How much do you agree or disagree with the following statements about your courthouse?												
	Strongly agree	Moderately agree	Moderately disagree	Strongly disagree	Does not apply	Total						
The courthouse is committed to improving court security proced	28.21%	11	51.28%	20	10.26%	4	10.26%	4	0.00%	0	39	
The courthouse personnel receive adequate training on court sec	5.13%	2	33.33%	13	28.21%	11	33.33%	13	0.00%	0	39	
I am knowledgeable about existing protocols, policies, and proced	15.79%	6	50.00%	19	21.05%	8	13.16%	5	0.00%	0	38	
Current security policies in my courthouse are adequate	2.56%	1	41.03%	16	30.77%	12	25.64%	10	0.00%	0	39	
Current security equipment in my courthouse is adequate	10.26%	4	25.64%	10	35.90%	14	28.21%	11	0.00%	0	39	
The courthouse needs to invest more resources to security proced	43.59%	17	46.15%	18	5.13%	2	5.13%	2	0.00%	0	39	
The court and clerk personnel feel safe in the courthouse	10.26%	4	58.97%	23	15.38%	6	15.38%	6	0.00%	0	39	
The public is reasonably safe in the courthouse	10.26%	4	61.54%	24	17.95%	7	10.26%	4	0.00%	0	39	
Comments:											6	
											Answered	39
											Skipped	0

#	Comments:
1	Have no knowledge of the training provided to corrections staff that provide security for courtroom.
2	I struggle with the term courthouse as an entity. I took this to mean all the services housed in our courthouse and not just court administration.
3	I feel everyone entering the courthouse should be screened.
4	We feel reasonably safe and secure as the Sheriff's Office is just down the hallway.
5	We do feel relatively safe in the courthouse, but there is room for improvements.
6	We need more officers, more cameras, updated equipment.

Q52: What are the three primary security concerns that you/your courthouse currently have?

Answer Choices	Responses	
1.	100.00%	34
2.	91.18%	31
3.	79.41%	27
	Answered	34
	Skipped	5

1	2	3
Weapons screening at the entrances.	Funding for security.	Training.
Lack of security personnel.	Secure working area in the courtroom.	A way in which to secure the gallery from court personnel.
Training.	2 courts regularly held outside of the courthouse building.	Courtroom layout and equipment.
Security screening and access.	Committed plans from funding authority.	Security training.
No secure internal pathways/elevators for judges.	Outdated (end of life) entrance screening hardware.	Security of staff and customers entering 3rd Avenue.
Screening.	Securing access points.	Secure window between staff and public.
Safety Training(s) i.e. hostage situation training.	Basement/judicial officer parking garage access.	Alertus system training.
Access to the building.	Access to court services offices.	
Courtroom safety.	Items that can be restricted to courthouse.	Security to and from vehicles for judicial officers
Judges security.	Broadcasting for security breach.	Lack of secure prisoner transport.
One long hallway with no good exit.		
Access to anyone walking in unscreened.		
No security in place at this time.		
No screening for people entering the courthouse/courtroom.	No security procedures in place for the courthouse.	No proper training as to the procedure during an emergency.
Employee screening to facility.	Safe and well-lit staff parking is needed. Parking is located behind the facility and is very dark in the winter. It does have a chain link fence surround; however, it could be scaled easily.	This is a historic building and some needs cannot be met, i.e. judges have to walk through main hallways to get in and out of the building.
Employees are not screened prior to entering the facility.	Staff parking lot is easily accessed by local transit company riders and others.	Facility-wide training is not conducted.

Entry screening.	Lack of drills.	Lack of money.
We have one security deputy for the entire campus—need at least one more to cover the number of buildings/courtrooms.	Weapons screening is done only on two floors—not at the building entrances.	When our campus security deputy is gone there is no one assigned to replace him.
We need hallway surveillance.	We cannot afford and really do not want front entrance courthouse security.	
Secured parking for judicial officers.	Parking for employees.	Consistent background check policies for all departments.
No security at courthouse entrance.	No duress alarms.	No security cameras.
People entering the courthouse are not screened for weapons.	Our offices do not have bullet-proof glass.	
Cameras do not cover the entire area of the courthouse.	Emergency ingress/egress of Clerk's Office.	Unsecure route to judges' chambers from courtrooms.
Threat of an armed shooter running by the unarmed security at the metal detectors.	Respond time to any incident.	Sufficient security staff in the courtrooms.
No checks for firearms.	Multiple entrances to the building with security monitoring.	
Not enough officers—they are stationed on first floor and have floaters who wander the courthouse. In an emergency it takes several seconds to several minutes for response.	No cameras in courtroom or hallways.	Only alarm is fire alarm—no way to quickly warn people in building of potential danger, i.e., bomb, active shooter, etc.
Evacuation/safety zone within courtroom.	No security at courthouse entry.	No security trainings.
Lack of consistent screening policy.	Response time by armed law enforcement.	Age of building and inadequate ingress/egress.
Lack of entrance screening.	Lack of bulletproof glass in Clerk's Office.	Lack of security cameras.
Lack of security guards on each floor.	Lack of x-ray for weapons.	Lack of armed security.
Lack of funding/resources.	Space/facility issues.	Central agency in charge of courthouse security.
Lack of consistent security at multiple doors.	Lack of comprehensive training among courthouse occupants.	Lack of effective communication mechanism throughout courthouse.
No screening at entrances.	Bringing inmates through the public hallways to court.	Minimum security during court proceedings.
Security screening mandated for all persons entering the building.	Package and mail screening.	Training and education of Protocols.

Q53: If you have any additional comments about security in your courthouse, please indicate them below:

Answered	7
Skipped	32

#	Responses
1	Outside of developing and training on a comprehensive plan is the need to modify or replace the courthouse facilities to separate the administration of the courts (i.e., judicial officers, staff, clerk personnel, jurors) from the public and to house all courtrooms in one building.
2	This is a very small county, with one courthouse that serves as offices for various county departments. Courthouse security is provided for all offices by the Sheriff's Department, which is in the adjacent building. The Courtroom itself has a metal detector and security at the door, when court is in session. Security cameras are located in the courtroom and hallways adjacent to the Clerk's Office and chambers.
3	On the budget numbers I hope to gather numbers from the Sheriff's Office but they provide county wide services which makes it difficult to narrow to just one building on campus.
4	We have made a lot of effort to keep our personnel and public safe. I believe we work well together to make this a priority in our courtrooms.
5	██████████ County is EXTREMELY lax as to the security in the courthouse and courtroom. The Sheriff's office only provide protection when transporting inmates from the jail for hearings. The rest of the time our courtroom is open for any individual to access without ANY screening at all. None of the doors from the outside the public uses to access the courthouse have any metal detectors. There are no safety procedures in place for ANY incident. There has never been an active shooter drill or training in the courthouse. Just two years ago, at my insistence, the duress alarms were tested since I did not know how to use them or deactivate them. And even then, the police did not respond. ██████████ County is VERY lacking!
6	I am hopeful that GR 36 forces our County Commissioner to take the risk seriously.
7	More training for staff would be helpful. Increased confidence with our security would be helpful in making people feel safe.

‘We’re raising a red flag’: Survey finds security woefully lacking in Washington state’s courthouses

Originally published January 8, 2018 at 10:04 am Updated January 8, 2018 at 10:39 am



The King County Courthouse in Seattle, seen from above. It has metal detectors to screen visitors, but judges have raised an alert that statewide, courthouse security is inconsistent and often lacking.

More than 20 of the state’s 39 county courthouses don’t screen visitors for weapons, and about a third of those that do check for weapons don’t carry out such screenings at all public entrances, according to a survey conducted by a judges’ group.



By [Lewis Kamb](#)

Seattle Times staff reporter

Washington state's county courthouses are woefully lacking in safety protocols, equipment and trained personnel at a time when security incidents are on the rise at courthouses nationally, a new statewide survey has found.

[The survey](#), conducted by the Washington Superior Court Judges' Association, found that more than 20 of Washington's 39 county courthouses don't even screen visitors for weapons, and about a third of those that do check for weapons don't carry out such screenings at all public entrances.

Other key findings show courthouse employees are largely undertrained to handle emergency situations; that many courthouses don't have adequate reporting mechanisms to help document and track security problems; and that state funding for courthouse security is nonexistent.

According to a recent national study, Washington ranked eighth in the nation for the most documented courthouse security incidents from 2005 to 2012.

King County Superior Court Judge Sean P. O'Donnell, president of the judges' association that conducted the survey, said he plans to share the findings with county and state lawmakers to highlight the glaring security needs at Washington's superior courts.

"We're raising a red flag," O'Donnell said. "My hope is that legislators, county executives and county councils will look at this and say, 'Hey, there's a systemic problem here that we need to address.' "

Last year, Washington's Supreme Court adopted a new court rule requiring presiding judges of state courts to develop security plans and take other measures to ensure courthouse safety. That prompted the judges' group to distribute the 53-question survey last summer, O'Donnell said. Judges, court administrators, clerks or other personnel representing all 39 county courthouses participated.

The results identified "the paramount security issue facing Washington's superior courts" as the lack of "adequate weapons screenings at public entrances."

At one unidentified superior court with screenings in place, security personnel stopped 1,711 knives and 127 guns from being brought into the courthouse in 2016, according to a report based on the survey's results.

Yet even some courthouses with screening practices in place identified other shortcomings, including a lack of funding or manpower to conduct checks at every public entrance.

"Not only are dangerous weapons being brought into courthouses, but if a dangerous or harmful act were to occur with such a weapon, a recording of the incident is unlikely," the report said. "Roughly 28 percent of superior courts do not have any security

cameras, and of those that do have security cameras, only 64 percent have them in individual courtrooms.”

Security measures employed at courthouses in Washington sometimes were put into place only after tragedy struck.

[Metal detectors were installed at the King County Courthouse](#) in downtown Seattle more than two decades ago, but only after Timothy Blackwell fatally shot his estranged wife, Susana Blackwell, 25, and two of her friends outside a courtroom in 1995.

The Grays Harbor County Courthouse installed weapons-screening protocols after [Steven Kravetz walked into the courthouse in 2012 with a knife, and later attacked a judge and sheriff's deputy](#).

While such incidents represent extreme examples, less-severe security incidents routinely occur at courthouses in both rural and urban counties, judges say.

“The reality is, the cases that we handle are turbocharged with emotion,” O’Donnell said. “The courthouse can be a place of conflict. That’s why this issue is so important. You’ve got to have a safe courthouse to carry out justice.”

In the judges’ association survey of Washington’s courthouses, 74 percent of superior courts have experienced at least one security incident within the past five years.

Judge Douglas Goelz, who presides over superior courts in Pacific and Wahkiakum counties in rural southwest Washington, said he has noticed a creeping rise of incidents during the past few years.

“We haven’t had people attacked, but in the last three or four years, we’ve seen some bizarre behavior in the courtroom,” said Goelz, a judge for more than 28 years. “... It doesn’t happen every docket, but it happens every three dockets or so, where someone acts out and I’ll need to ask the bailiff to intercede.”

Neither of the historic courthouses where Goelz works employs weapons screenings, and the rural, timber-reliant counties such as the ones he serves are limited by smaller, volatile tax bases, he said.

“To my mind, the finances of local jurisdictions are inadequate to deal with this problem,” Goelz said. “The only way it’s going to be funded so that the citizens of Pacific and Wahkiakum counties have the same security measures as those in King County is if the Legislature steps up.”

Each of Washington’s 39 county courthouses is home to a state-authorized superior court — the trial courts of general jurisdiction in Washington. While the state and county each cover half of a superior court judge’s salary, remaining expenses for operating

superior courts — including equipment, staffing, facilities and security — largely fall upon the counties.

Eric Johnson, executive director of Washington State Association of Counties, said the judges' survey is but the latest example "to illustrate the inability of county governments to pay for statutorily required services."

"For us, it's part of a larger issue," said Johnson. "Whether it's King County or Garfield County, we have to figure out the mechanism for our counties to pay for the rising costs of these and other services."

The survey noted that despite the increased frequency of security incidents nationally, "the available court security funding from state and local governments is decreasing."

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Spokane

Judge's study calls for more security in Washington courtrooms

Wed., Jan. 10, 2018, 6 a.m.



Spokane County Courthouse security officer Renee Hernandez watches a person walk through the metal detectors on Tuesday, Jan. 9, 2018. (Kathy Plonka / The Spokesman-Review)

By [Thomas Clouse tomc@spokesman.com](mailto:tomc@spokesman.com)(509) 459-5495

Related topics

- [Safety at the County Courthouse: time for a new formula](#)

A courtroom security study has found that about half of the Superior Courts in Washington – where divorces are settled, lawsuits are argued and killers are sentenced – still do not have even the most basic security screenings that would prevent people from entering county courthouses.

Such security issues persist despite clear dangers: In 1994, [a man in King County shot and killed his pregnant wife](#) and two friends as they waited for a divorce hearing. In 2012, [another man stabbed a Grays Harbor judge](#) before stabbing and shooting a female deputy with her own gun.

Unlike all of the rural counties that surround it, Spokane County pays for full-time screening at all of its court facilities. Last year alone, security staff stopped 1,368 guns, 9,474 knives and 2,747 dangerous tools from getting past the front door.

“The fact that half of county courthouses across this state have no weapons screening at public entrances should be a call to action,” said King County Superior Court Judge Sean O’Donnell, president of the Superior Court Judge’s Association. “The past formula of asking for help, suffering disaster, and then rushing to ‘fix’ the problem needs an urgent refresh.”

The association’s study found, based on statistics dating from 2005-2012, that Washington had the eighth most security incidents in the nation. Of the 20 of 39 courts that do screen, only 68 percent of those counties have metal detectors at all entrances to the county building.

And of those courthouses without screening, many don’t have any other safety measures like cameras. A survey of court staff found that only four of the 39 superior courts “strongly agree” that their personnel feel safe in the courthouse.

Based on those findings, the association is calling for state leaders to boost funding rather than continue to force rural counties to pay for the security measures.

“According to the Bureau of Justice Statistics, Washington State ranked 50 out of 50 in state funding for trial courts in 2012, and little has changed since,” the study reads. “Because of the general absence of state funding for trial courts, superior courts rely almost exclusively on county funds for critical operations.”

Last year Spokane County paid \$588,000 for the staff who operate the magnetometers and X-Ray machines used to screen persons who enter the Spokane County Courthouse, Public Safety Building and other buildings that operate courtrooms conducting state business, said Steve Bartel, director of risk management.

Bartel said he believes the county started using metal detectors not long after the King County shooting and he could not imagine returning to a system without it.

“I think that’s the single-most important security measure we have for our courts,” Bartel said. “We have to recognize that the courts, as well as other public entity buildings, are becoming more of a target.”

Adams County Commissioner Jeffrey Stevens said he’s personally been checked for weapons in Spokane but doesn’t know how he could pay for the same service in Ritzville.

“It’d be impossible,” Stevens said. “In order to do that, we would have to cut personnel from many other areas of the whole system. I really can’t imagine doing it.”

Adams County Superior Court Judge Steve Dixon said he understands the financial quandary that counties face. He noted that county officials installed a panic button that he can use to summon law enforcement.

Dixon has only pushed the button once, after he held a young man in contempt and the man began to act out.

“I had a state trooper come from the other side of town in two minutes,” Dixon said. “I was very pleased with the response time. But the problem is if somebody goes off with a firearm, they can kill an awful lot of people in under a minute.”

And even if the county could come up with more funding, Stevens said Adams County officials would be forced to modify a courthouse on the National Register of Historic Places.

The county would be required to build an addition “to do a situation like they do in Spokane,” Stevens said. “They have a good set up ... but you need room to do it.”

To the north, persons are not screened as they enter courtrooms in Stevens or Ferry counties.

“Pend Oreille County does have a screening, but they only do it only on court days,” Superior Court Administrator Evelyn Bell said. “It’s not manned every day.”

Instead, the county courthouses most often rely on judges to alert deputies of any cases where more security may be needed.

“The judges do have panic buttons on the benches,” Bell said. “Most of the time, we know who we should have security for. If something starts to brew, I call to the sheriff’s office ... and they run up here as fast as they can.”

Based on the security concerns, the Washington State Supreme Court adopted General Rule 36 that went into effect on Sept. 1.

The rule encouraged all trial courts to meet or exceed basic security and safety measures. They include weapons screening and providing employee training to deal with things such as an active shooter scenario.

That training has already occurred to the south in Whitman County, but Superior Court Judge Gary Libey said it’s difficult to legislate the same rule on 39 different courthouses.

“Everybody is a little different,” Libey said. “You work with what you’ve got and who your audience is. We are concerned ... but we don’t expect we will work out of a castle surrounded by a moat.”

He said officials in Whitman County operate a metal detector on high-profile cases, but he doesn’t think it’s been used since [Frederick Russell was charged in 2001](#) and later convicted of three counts of vehicular homicide.

“I have a button I can push,” Libey said. “And all courthouse employees have a button we can push and the sheriff’s office comes charging down. I think most of us feel comfortable with that.”

2017 SPOKANE COUNTY COURTHOUSE SECURITY



Tab 15

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
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Amended 5/16/03
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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.)