

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, OCTOBER 18, 2019
9:00 A.M.**

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

Board for Judicial Administration Membership

2019-2020



VOTING MEMBERS:

Chief Justice Mary Fairhurst, Chair
Washington State Supreme Court

Judge Gregory Gonzales, Member Chair
Superior Court Judges' Association
Clark County Superior Court

Judge Tam Bui
District and Municipal Court Judges'
Association
Snohomish County District Court

Judge Doug Federspiel
Superior Court Judges' Association
Yakima County Superior Court

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

Judge David Kurtz
Superior Court Judges' Association
Snohomish County Superior Court

Judge Robert Lawrence-Berrey
Court of Appeals, Division III

Judge Linda Lee
Court of Appeals, Division II

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

Judge David Mann
Court of Appeals, Division I

Judge Samuel Meyer, President
District and Municipal Court Judges'
Association
Thurston County District Court

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

Judge Michael Scott
Superior Court Judges' Association
King County Superior Court

Justice Debra Stephens
Washington State Supreme Court

Judge Kitty Ann van Doorninck, President
Superior Court Judges' Association
Pierce County Superior Court

NON-VOTING MEMBERS:

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Judge Michelle Gehlsen, President-Elect
District and Municipal Court Judges'
Association
King County District Court

Rajeev Majumdar, President
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

Judge J. Robert Leach,
Presiding Chief Judge
Court of Appeals, Division III

Judge Judith Ramseyer, President-Elect
Superior Court Judges' Association
Pierce County Superior Court

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 for Judicial Administration is to be the voice of the Washington State courts.



Board for Judicial Administration (BJA)

Friday, October 18, 2019 (9 a.m. – noon)

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

AGENDA

1. Call to Order Welcome and Introductions	Chief Justice Mary Fairhurst Judge Gregory Gonzales	9:00 a.m.
2. BJA Court System Education Funding Task Force Presentation Discussion on Task Force activities and motion to extend the Task Force until June 2021	Judge Gregory Gonzales/Jeanne Englert	9:05 Tab 1
3. Judicial Needs Estimates Discussion of process and recommendations	Dawn Marie Rubio/Carl McCurley	9:20
4. Standing Committee Reports Budget and Funding Committee Court Education Committee Legislative Committee Policy and Planning Committee	Judge Mary Logan Judge Gregory Gonzales Judge Kevin Ringus Judge Michael Scott	9:55 Tab 2
5. BJA Task Forces Court Security	Judge Rebecca Robertson/Judge Sean O'Donnell	10:10 Tab 3
6. BJA Court Rules and Bylaws Motion to approve the revised rules and bylaws (minor edit)	Chief Justice Mary Fairhurst	10:20 Tab 4
7. Annual Picture		10:25
Break		10:35
8. BJA Interpreter Services Funding Task Force Presentation Discussion on Task Force activities and motion to conclude the Task Force	Judge Andrea Beall/Jeanne Englert	10:45 Tab 5
9. Judicial Leadership Summit Follow Up Action: Review and motion to approve recommendations	Chief Justice Mary Fairhurst Judge Greg Gonzales Jeanne Englert	11:00 Tab 6
10. September 20, 2019 Meeting Minutes	Chief Justice Mary Fairhurst	11:40 Tab 7

Action: Motion to Approve the Minutes of the September 20, 2019 Meeting		
11. Information Sharing Roundtable Meeting Review	Chief Justice Mary Fairhurst	11:45
12. Adjourn		12:00
Persons who require accommodations should notify Jeanne Englert at 360-705-5207 or jeanne.englert@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.		

- Next meetings:** November 15, 2019 - AOC SeaTac Office
February 21, 2020 - AOC SeaTac Office
March 20, 2020 - AOC SeaTac Office
May 15, 2020 - AOC SeaTac Office
June 19, 2020- AOC SeaTac Office
September 18 - AOC SeaTac Office
October 16 - AOC SeaTac Office
November 20 - AOC SeaTac Office

TAB 1



BOARD FOR JUDICIAL ADMINISTRATION

Court System Education Funding Task Force

Mid-Term Report

October 2019



Court System Education Funding Task Force

Judge Joe Burrows, Co-Chair, Benton County Superior Court

Judge Doug Fair, Co-Chair, Snohomish County South Division, Snohomish County District Court

Judge Gregory Gonzales, Clark County Superior Court

Judge Cecily Hazelrigg-Hernandez, Court of Appeals, Division 1

Trish Kinlow, Tukwila Municipal Court Administrator, Court Management Council

Dirk Marler, Administrative Office of the Courts Court Services Division

Dory Nicpon, Administrative Office of the Courts Office of Judicial and Legislative Relations

Kevin Plachy, Washington State Bar Association

Ramsey Radwan, Administrative Office of the Courts Management Services Division

Judge Charles Short, Okanogan County District Court

Judge Lori K. Smith, Representative, Supreme Court Commissions

Administrative Office of the Courts (AOC) Task Force staff and report prepared by:

Jeanne Englert, MSW, MPA

Manager, Board for Judicial Administration

Washington State Administrative Office of the Courts

Introduction

Everyone entering a courthouse has the right to expect competent personnel, accurate information, and equal access to justice. Over the past ten years, court education funding has remained the same while information and staffing have not. Judicial and court personnel turnover, changes to laws, and increasing numbers of self-represented litigants have impacted communities and courts. Better access to and additional kinds of training are needed for all court system personnel to address these issues.

The Court System Education Funding Task Force found that additional funding was needed to provide judicial and court personnel essential training in a timely manner and to remove barriers to accessing that training.

The judicial system faces ever increasing societal demands for effective and informed responses to issues such as mental health, domestic violence, drug addiction, and complex trials. Judicial officers need comprehensive knowledge and skill building on a variety of topics and must meet mandatory training requirements. Court administrators need specialized knowledge and must adhere to a code of professional conduct and standards of performance. Line staff, the face of the judiciary to the community, need ongoing and specialized education in order to facilitate access to justice and provide effective customer service.

“The public deserves and should expect their judiciary to function at the highest possible level. Continuing education is vital to public trust and confidence in the judiciary.”
– Survey respondent

The Board for Judicial Administration’s (BJA) Court Education Committee (CEC)¹ collected information through surveys and outreach to associations’ court education committees about judicial branch training needs. The CEC found unprecedented turnover in judicial officers and court personnel; lack of essential training such as training for presiding judges and court administrators; limited to non-existent training for county clerks, administrators and other personnel; and funding and travel barriers to attending training.

In March 2017 the BJA adopted the goal of obtaining adequate and sustainable funding for court system education as one of their strategic priorities for 2017–2019 and established the Court System Education Funding Task Force (Task Force). The Task Force reviewed past and current funding, costs for providing training, and how resources impacted the public and the courts. The Task Force submitted a legislative funding proposal for the 2019–21 biennium and while the Senate supported the online training system, there was no additional funding for court education in the final 2019–21 legislative budget.

¹ The AOC, with guidance from the judges, clerks, and administrators on the BJA Court Education Committee, is responsible for providing training to court personnel at all court levels. General Rule 26; See, RCW 2.56.030, .060; RCW 13.32A, 13.34, and 13.40; RCW 9A.36.080; RCW 43.113, .115 and .117

Task Force Charter

The BJA created the Task Force in July 2017 to obtain funding for court education in Washington State. Originally a two-year charter, it was extended until June 2020 by the BJA.

The Task Force's goal was to create a strategic plan to establish adequate and sustainable funding dedicated to court system education and training.

The Task Force was asked to:

- 1) Analyze past and present education and training funding, including the origin of education and training funding and how it is currently funded.
- 2) Articulate the impact on the courts and public due to the steady decline in funding and resources for education and training of court personnel.
- 3) Estimate the costs of providing education and training.
- 4) Develop a legislative strategy to establish adequate and sustainable funding dedicated to court system education and training for the 2019–21 biennium.
- 5) Generate a stakeholder marketing plan, strategy, and materials to communicate the need for adequate and sustainable funding for court system education and training.

The Task Force's membership consists of judges from every level of court, a representative from the Court Management Council and Supreme Court Commissions, and AOC staff.

The Task Force met in person and by phone over the course of the last two years. BJA funds supported member travel and meeting expenses, and AOC provided staff support.

Data Collection

As part of the information gathering stage, AOC staff reviewed existing research and national and state reports addressing court education and funding, conducted interviews with AOC staff in other states and key stakeholders in Washington, and reviewed previous surveys and data in Washington. Staff also reviewed previous budget requests and CEC efforts and data. The Task Force identified additional data needed and implemented the data collection activities outlined below.

Court System Training Needs Survey

The Task Force conducted a survey in January 2018 in order to gather additional data about training needs, timeliness, and the impact of a well-trained court system on the public and courts.

The survey was distributed to the listservs for Washington State judicial officers, court administrators, and county clerks. There were 396 respondents out of an estimated 1,050 possible respondents, which gave the survey a 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 court levels were represented in the survey.

Other Data Collected

The Task Force also collected and reviewed:

- Court training program costs.
- Training attendance numbers over the years.
- Turnover rates of judges for all level of courts.
- Comments from CEC members (many are also their association education committee representative) about the importance of court training.
- Number of legislative bills passed each year impacting the courts.

Key Findings

Well-trained court personnel increase public trust and confidence by ensuring consistent and accurate information; processes that are just, fair, and timely; and full and fair hearings. The survey results suggested that all new personnel needed more timely and essential training and that it needed to be more accessible, and that training opportunities for court administrators and other court and clerks' office personnel were limited.

“A system that is well-trained inspires public confidence by providing reasoned decisions that are supported by research and best practices and have a positive impact on our communities.” – Survey respondent

The survey findings identified:

- 1) Training opportunities were comparatively limited for court administrators and other court and clerks' office personnel.
- 2) More timely training was needed for personnel when they start their positions.
- 3) Financial support would have been helpful for all positions to offset travel and registration costs.
- 4) Court administrators should have mandatory training requirements and more training opportunities.
- 5) Without support, courtroom coverage, and time to attend, court personnel often cannot participate in training.
- 6) While all respondents in all positions surveyed prefer in-person training, responses suggest that online training opportunities would be helpful for court and clerks' office personnel and for personnel who cannot easily leave their courthouse.
- 7) Current funds provide only limited training opportunities for all court personnel in district and municipal courts, superior courts, and appellate courts in the 39 counties. Annually, \$312,500 is allocated to conduct training for thousands of court personnel, many of whom have limited to no training opportunities.

It is critical that funding and local court practices be addressed in order to provide more timely and essential training for judicial officers and other court personnel.

Recommendations

Based on the data collected and reviewed, the Task Force recommended:

- 1) The development of online training opportunities for all court personnel with an emphasis on developing training for court administrators and other court and clerks' office personnel. Funding will support staffing to develop content, the securing or development of a learning management system, and implementation of trainings. Online trainings will better support personnel whose training opportunities are limited and who do not have adequate funds or time to attend in-person training. Online training will also provide more timely access to critical information necessary for new personnel.
- 2) Increased funding to develop additional trainings that are currently not being provided, to support increased costs of existing trainings, and to provide much needed scholarships.
- 3) A review of the scholarship structure with prioritization for rural and smaller courts and for personnel who otherwise would not have access to essential training when they start their positions with the court.
- 4) Increased funding to conduct a needs assessment to identify content, format, and develop future bench guides.
- 5) Research into barriers identified by rural/smaller courts to attending trainings, such as lack of coverage, time, and support to attend trainings.
- 6) A policy establishing mandatory training for court administrators. The Task Force would write a letter to the CEC and BJA for policy consideration.

The Task Force determined that the first two recommendations directly related to the Task Force's goal for increased funding and should be pursued. The other items could be considered for future exploration.

Budget Request

In 2019, the Task Force developed two budget requests and requested \$1.4 million to ensure new judicial officers and court personnel have timely access to training. Funds would be used to 1) develop a statewide online delivery system to provide immediate and sustainable training opportunities (\$496,000) and 2) expand critical in-person training, support increased costs of existing training, and provide much needed scholarships for personnel who otherwise would not have access to essential training when they start their position with the court (\$911,000).

These budget requests were prioritized by the BJA and Supreme Court and transmitted as part of the Judicial Branch legislative budget submission.

Communication Campaign and Advocacy

The Task Force developed and implemented a communication campaign and outreach plan. As part of the campaign development, the Task Force identified goals, key messages, and materials and activities to best disseminate messages. The Task Force also developed an outreach plan that identified key stakeholders and individuals, key engagement activities, and timelines to implement outreach activities.

The primary goals of the communication campaign were to convey the importance of timely, accessible, and essential court training and receive additional court education funding.

The Task Force developed a web-based Legislative Communication Toolkit including a one-page handout, talking points, and a question and answer resource document. Key legislator contact information, Task Force resources, and outreach ideas were shared with internal and external stakeholders.

Funding Request Talking Points

- 1) The Washington Judiciary is requesting \$1.4 million to ensure new judicial officers and court personnel get timely access to the training needed to effectively serve the public. Funding will ensure equal access for small and rural courts that struggle to afford sending judges and court staff to training opportunities.
- 2) Funds will be used to develop a statewide online education and training system which can provide immediate and sustainable training opportunities, and to expand critical in-person training for judicial officers and court staff who work in all regions of the state.
- 3) New judges are typically highly experienced legal professionals in specialty practice areas. Judges are required to be proficient in all areas of the law. They need knowledge and training to preside over continuous changes in law, policy, and technology.
- 4) A recent survey revealed that almost 50% of judicial officers and 63% of new administrators received no training during their first six months on the job.
- 5) Even when training is provided, there is often insufficient funding for court personnel to attend training. The lack of resources make it particularly difficult for small and rural court staff to access training opportunities. We will use the additional funding to develop and implement critical court personnel trainings and remove financial barriers to attending those trainings.
- 6) Well-trained judicial officers and court staff foster confidence in the judicial process. Better outcomes for the public means greater trust in state and local government. Research has shown that people tend to comply with court orders and the law if they perceive that court proceedings and the laws are fair.

- 7) In the last three years, the Legislature has passed more than 150 bills² impacting the court system. Nearly every year, the Legislature makes changes to a wide array of substantive legal and policy areas such as DUI laws, family law and parentage, guardianship, mental health, public records, and juvenile justice. Timely training is essential to make sure that the intent of the legislature is carried out in the cases that come through the courts.
- 8) The “age wave” is here and is creating huge turnover on the bench and among court staff. Nearly a third of the district and municipal court bench will be replaced by the end of 2018. Superior Court and Court of Appeals judges are retiring in similar numbers. We need additional dollars to train these new judges.
- 9) Timely training is critical to informed and effective responses to increasing numbers of self-represented litigants and mental health, domestic violence, and drug addiction cases swamping the courts.

As part of the outreach strategies, the Task Force conducted one-on-one meetings with legislators on the House and Senate budget committees and law and justice related committees and engaged in email advocacy with legislators after budgets were publically released. Task Force Chairs met with approximately fifty legislators.

Task Force members also reached out to local and statewide stakeholders, the court community, and other legal organizations. The Task Force communicated with stakeholders through presentations, one-on-one meetings, and various electronic communications.

As a result of the communication campaign, stakeholders reached out to legislators in their districts. While the Task Force attempted to track stakeholder efforts, the extent of outreach is unknown.

While no additional court education funds were allocated, the Task Force continues to explore other funding options and prepare for the 2021–23 biennium.

² In the 2019 Legislative Session approximately 130 bills passed that had some type of court impact which is a significant increase from the last three years.

Lessons Learned

The BJA created the Task Force to focus attention on an agreed-upon priority of the courts in a time-limited and task-specific manner. The following are lessons learned thus far in the process.

1) Additional data is needed to better tell our story.

The impact of education can be challenging to quantify as it is difficult (and perhaps almost impossible) to directly correlate training with outcomes, especially in court proceedings. That being said, in general people can agree that training is necessary and helpful to be better able to do one's job. During the 2019 legislative session, approximately 130 bills passed that had court impact, which is a substantial increase from 150 bills over the past *three* years. The bill numbers from last year and examples of educational needs resulting from these bills should be used to develop additional talking points. Furthermore, data points should be identified that could help address the need for training such as time and cost efficiencies that can be tracked pre- and post-education and any specific impacts on individuals.

2) Increased broader stakeholder support is critical to success.

Early on the Task Force received input that it would be important to have broader, non-court community voices advocating for court training. While the Task Force engaged with statewide organizations and associations, many of these were within the justice field. Broader community organizations that would support court funding advocacy efforts should be identified. The increased timeline should help in identifying and meeting with stakeholders early in the process and hopefully identify more "champions" to engage legislators during the next biennium.

3) Coordination of and consistent messaging is necessary.

Developing the communication campaign and outreach plan helped focus efforts and activities with key stakeholders. The data collected helped to better demonstrate the need for additional education funding. The identified core messages of timely and accessible training provided the foundation for the talking points and other outreach resources. The resources developed helped ensure that everyone was delivering consistent messages about the need for additional funding. Different strategies for outreach provided more options to garner support: face-to-face meetings with legislators, email communications with legislators and key stakeholders, providing resources to groups to engage with their constituents and elected officials, and presentations to key stakeholders. It would have been helpful to identify earlier members of the Task Force or broader stakeholder groups who could help coordinate activities with specific groups. Having engaged and committed policy staff was critical in helping coordinate these efforts and will be an important factor for future efforts.

4) Realistic and clear funding strategies are key.

The Task Force developed two budget requests. The development of a comprehensive online training system budget request was more favorably received by legislators and allocated for in the Senate budget but was not funded in the final legislature budget. The feedback received on the essential and timely training package suggests that it was not as defined as the interpreter package, which was fully funded, and that half of the education funding would be used for travel costs which was not appealing to legislators.

Regarding the Task Force make-up and timeline, it would have been helpful to have additional time to collect data, develop the messages, identify and engage stakeholders early in the process, and develop the budget package. Furthermore, membership could have been expanded to include more advocacy groups, legislators, and other statewide organizations.

Next Steps

The Task Force identified several activities to help move their work forward.

- 1) Determine additional data points that could help address the need for training such as time and cost efficiencies resulting from training and specific impacts on individuals. Additionally, clearly quantifying the impact of higher court personnel turnover rates on individuals, communities, and courts would be useful.
- 2) Continue to explore other funding sources for court education.
- 3) Identify other stakeholders, continue to engage legislators, and identify champions of court education.
- 4) Reach out to court associations for continued support and ideas for additional stakeholder engagement.
- 5) Revisit the funding requests and revise as needed.

While the Task Force did not receive funding this past year, there was somewhat successful engagement with the Senate and other stakeholders, and there was a consistent and unified approach to court education funding.

The Task Force plans to continue exploring other funding options and submit another budget request in the 2021–23 biennium. The Task Force requested another year be added to their charter, extending their work until June 2021.



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TAB 2



October 18, 2019

TO: Board for Judicial Administration Members

FROM: Judge Gregory M. Gonzales, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Report

I. Work in Progress

The CEC ad hoc budget committee met to review FY21 allocation possibilities. They want to take a closer look at how the current fiscal year funding of \$312,500 is currently allocated and if there were ways to stretch the limited funding to address additional education and training needs. They are also looking at ways to divert funding toward the development of online educational opportunities. The committee found they are very limited in what can be done due to the low amount of funding and the current needs. However, they are going to review spending trends to determine if FY20 allocations need to go up or down for each group in FY21. They are encouraging all groups receiving CEC funding to “go green” by not printing materials and placing them online only. The intent is to stretch their limited funding and reduce or eliminate as much paper as possible. Because the CEC is encouraging groups to “go green”, they have asked the AOC to send out a Request for Information (RFI) for off-the-shelf event management systems, which would provide easy access to materials for all educational events and more. The use of such a system would not be limited to education and training but open to all events conducted by the AOC.

The CEC is continuing to look at reorganizing Inside Court online education (webinars and JIS education) and live educational opportunities. The Committee is also reviewing other state models.

The Education team is working on ways to create short, online educational content with little or no money.

Short-term Goals

- FY21 allocation planning.
- CEC hosted webinar.
- Strategic plan for online education with no additional funding. Addressing Court System Education Funding Taskforce's survey results.
- Review RFI on off-the-shelf event management systems.

Long-term Goals

- Continue to work with the BJA taskforce on adequate and sustainable court education funding.
- Continue to implement strategies and priorities identified in the CEC Roadmap.
- Update Roadmap.
- Continue to develop collaborative relationships with other stakeholders who conduct education and training both within the AOC and in the broader community.



October 18, 2019

TO: BJA Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Dory Nicpon, AOC Associate Director, Judicial and Legislative Relations
RE: BJA Legislative Committee Report

During the legislative interim, the BJA Legislative Committee convenes meetings or calls as needed to address interim business and prepare for the next legislative session.

The current activities of the Committee include hosting and preparing for the following:

- AOC and legislative staff discussion of court processes and bill drafting on October 17;
- A judicial branch discussion of regulation or use of Artificial Intelligence and Algorithmic Tools in government decision making; and
- At Committee Assembly, November 20-22, 2019, the Chief Justice will present an update to the Senate Law & Justice Committee and the House Civil Rights & Judiciary Committee about the Supreme Court Work Group on the Bar Structure, the *Report and Recommendations* from the Work Group, and the Court's decisions regarding the recommendations.

The BJA Legislative Committee engagement regarding bill language will emphasize the interrelated themes of:

- The judiciary as a separate but co-equal branch of government;
- Judicial independence/judicial discretion;
- Separation of powers; and
- The role of courts.



October 18, 2019

Policy and Planning Committee

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

The Policy and Planning Committee (PPC) met on September 20, 2019. This first meeting of the program year included a brief refresher/orientation and review of the committee charter and the 2020 work plan.

Status of BJA Strategic Initiative Process:

The PPC reviewed the strategic initiative proposal for the assessment and coordination of the Therapeutic Courts Task Force and discussed revisions to the draft charter. Members discussed whether PPC and BJA resources were available to work on this Task Force, given the motion at the September 20 BJA meeting tasking the PPC to research approaches to addressing adequate funding of the Judicial Branch. The PPC decided to contact the AOC association coordinators to find out what work is currently being done on their respective therapeutic court committees. PPC may invite therapeutic court committee chairs to the November PPC meeting to collaborate.

Judicial Leadership Summit (JLS) Planning Committee's recommendations for BJA:

1. The PPC discussed the JLS planning committee's recommendation to the BJA that the PPC develop small group discussion questions on increasing efficiencies in the courts. We reviewed issues listed by the JLS attendees and are working on developing a list of examples to prompt discussions around question sets for each small group.
2. The PPC briefly discussed the JLS planning recommendation to BJA that PPC explore the feasibility of a central pool of law clerks to support rural and low-resourced courts.
3. The PPC agreed that there are opportunities to use the JLS materials to scope future work projects.

BJA directive on adequate funding of the judicial branch:

Members discussed the new BJA directive for the PPC to explore approaches to addressing the adequate funding. This issue will be the topic of the November PPC meeting.

TAB 3



October 18, 2019

TO: Board for Judicial Administration Members
FR: Judge Sean O'Donnell and Judge Rebecca Robertson
Co-Chairs, BJA Court Security Task Force
RE: REPORT OF THE COURT SECURITY TASK FORCE

The Court Security Task Force (Task Force) met at the Administrative Office of the Courts (AOC) SeaTac office on October 9, 2019. Members discussed the approaches recommended by the work groups to address several items on the work plan.

First, the Task Force has approved an effort (still in its planning stages) to have security experts conduct a security assessment of courts that have no screening at public entrances. Simultaneously, the Task Force approved a plan to survey a select number of courts, starting with those lacking weapons screening, to get a sense of both their annual security budgets and what capital improvements (building, equipment) may be needed to come into compliance with GR 36.

The Task Force approved developing a security training plan tool kit. Members will evaluate materials located on Inside Courts, identify gaps in security efforts, and evaluate external training resources, including costs. There may be grants available to assist in ensuring that all court personnel have security training.

As noted above, the Task Force discussed security audits in some detail. There were ideas on low cost options and the Task Force Assessment and Evaluation Work Group will follow up and provide a list of the opportunities to the full Task Force. Members will recruit and create a list of volunteer courts that may be able to consult with other courts that are just starting to implement GR 36.

One of the more critical decisions the Task Force will make is how, and whether, to approach the legislature for court security funding assistance. Task Force member Representative Roger Goodman noted that it may be beneficial to submit a statewide consolidated list of prioritized projects with line item details. The Task Force Proposals and Implementation Work Group will

follow up on the suggestion, but there was consensus that limiting major funding requests to capital costs (vs labor expenditures) would be more productive with the legislature.

Ramsay Radwan, Management Services Division Director at AOC, informed the Task Force that the Supreme Court will be seeking funding for a number of physical plant improvements to the Temple of Justice, including increased security measures. The Task Force invited Judge John Chun, representing the appellate courts, to provide input on the appellate court security needs.

Finally, the Task Force discussed compiling a list of stakeholders to assist in a funding advocacy campaign that will likely begin before the 2021–22 legislative session.

The next online Task Force meeting will occur in January 2020 and a full in-person Task Force meeting will be held in April 2020.

TAB 4

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR) TABLE OF RULES

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.

[Adopted effective January 25, 2000, amended October 1, 2019.]

BJAR 1 BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration (BJA) is established 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 BJA is to be the unified voice of the Washington State Courts. Judges serving on the BJA shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000, October 1, 2019.]

BJAR 2 COMPOSITION

(a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court and other key stakeholders. The voting membership of 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, and five members from the District and Municipal Court Judges' Association, one of whom shall be the President. The non-voting membership shall include: the Washington State Bar Association's Executive Director and Board President, the Administrator for the Courts, 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.

[Amended October 1, 2019.]

(b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated interest and commitment to judicial administration, improving the courts, racial and gender diversity, and the court's geographic and caseload differences.

[Amended October 1, 2019.]

(c) Terms of Office.

(1) Members serve four year terms, except the Chief Justice, **Presiding Judge of the Court of Appeals**, the President Judges, the Washington State Bar Association President and Executive Director, and the Administrator for the Courts who shall serve during their tenure.

[Amended October 1, 2019]

(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, October 1, 2019.]

BJAR RULE 3 STRUCTURE

(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 bylaws. *[Amended October 1, 2019.]*

(b) Committees. The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened to help facilitate the work of the Board as determined by the Board.
[Adopted effective January 25, 2000; amended effective September 1, 2014, amended October 1, 2019.]

BJAR 4 STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000, amended October 1, 2019.]

BJAR 5 BYLAWS

The Board may by a majority vote of the voting members develop, adopt and amend bylaws for its operations that do not conflict with these rules.

[Adopted effective October 1, 2019]

Amended effective October 1, 2019

BOARD FOR JUDICIAL ADMINISTRATION

BYLAWS

Amended October 18, 2019

ARTICLE I: Purpose

The Board for Judicial Administration (BJA) shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) improving the quality of justice in Washington by fostering excellence in the courts through effective education; 2) developing proactive legislation and advising and recommending positions on legislation of interest; 3) facilitating and managing a process of engagement within the judicial branch to identify priority policy issues and to develop strategies to address those issues; 4) coordinating efforts to achieve adequate, stable and long-term funding of Washington's courts to provide fair and equitable justice throughout the state; 5) reviewing and making recommendations, including prioritization, regarding proposed budget requests routed through the BJA.

ARTICLE II: Membership

The Board for Judicial Administration shall consist of judges from all levels of court and other key stakeholders as outlined in the Court Rules.

ARTICLE III: Terms of Office

The Chief Justice, **Presiding Judge of the Court of Appeals**, the President Judges, the Washington State Bar Association President and Executive Director, and the Administrator for the Courts shall serve during their tenure. All other members serve four year terms unless their governing body specifies otherwise and their terms are renewable for one additional four year term.

ARTICLE IV – Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing group shall determine how the vacancy will be filled.

ARTICLE V: Chairs

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 nominated by the Chief Justice Chair and confirmed by the Board. The member chair 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 VI: Duties of Chairs

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 VII: Committees

- 1) Standing Committees are identified in BJAR 3(b). Any change to standing committees must be approved by a majority vote.
- 2) The BJA, by majority vote, can establish ad hoc committees or task forces. Ad hoc committees or task forces will be guided by a BJA approved charter for a duration of 2 years, subject to renewal or revision by a majority of the BJA. The Chief Justice chair and the Member chair shall nominate committee and task force chairs for the Board's approval. Membership on all committees and task forces will reflect representation from all court levels

as outlined in their charter. Membership may also include anyone working in the judicial system or anyone from the public.

- 3) Committees and task forces shall report in writing to the Board for Judicial Administration as appropriate to their charter.
- 4) The terms of committee and task force members will be determined by their charter.

ARTICLE VIII: 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, and the President Judge of the District and 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. During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE IX: Regular Meetings

There shall be regularly scheduled meetings of the Board for Judicial Administration. A meeting schedule will be approved by the Board annually. Reasonable notice of meetings shall be given to each member. Any Board member may submit items for the meeting agenda.

Article X: Executive Sessions

Executive sessions may be held upon majority vote to discuss matters deemed confidential. A motion to enter executive session shall set forth the purpose of the executive session, which shall be included in the minutes.

ARTICLE XI: Special Meetings

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given to each member.

ARTICLE XII: Quorum

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XIII: 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 provided there is at least 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 XIV: 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 and by majority vote, provided there is at least one affirmative vote from each level of court. No motion or resolution for amendment of bylaws may be considered at the meeting in which they are proposed.

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**Board for Judicial Administration and
Interpreter Commission**

**Interpreter Services Funding Task Force
Final Report**

October 2019



Interpreter Services Funding Task Force Members

Justice Steve González, Co-Chair, Interpreter Commission, Supreme Court

Judge Sean O'Donnell, Co-Chair, Superior Court Judges' Association, King County Superior Court

Judge Andrea Beall, Co-Chair, District and Municipal Court Judges' Association, Puyallup Municipal Court

Anita E. Ahumada/Elena Rivera-Patton/P. Diane Schneider (shared position), Washington State Coalition for Language Access

Anthony David Gipe, Minority and Justice Commission, Washington State Bar Association

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Dennis T. Rabidou, Okanogan Superior Court Administrator and Director of Juvenile Services

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Craig Warner, WA State Association of Counties, Yakima County

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Introduction

The ability to communicate is a fundamental prerequisite to accessing justice. Equal and fair access requires full engagement of the participants, whether presenting information or understanding the proceedings and rulings. For individuals whose English proficiency is limited, or those who are deaf or hard of hearing, this can only be accomplished through the use of qualified interpreters.

Over the past few years, Washington State courts have experienced increased court interpreter costs and difficulties finding qualified interpreters.

State and federal laws require Washington courts to provide meaningful access to court proceedings and court services for persons who have functional hearing loss or have limited English proficiency.¹ Washington law also prescribes the requirements for providing services² and who pays for them³, and compels the courts to use interpreters certified by the Administrative Office of the Courts (AOC).⁴ Additionally, the Department of Justice has warned that recipients of federal funds which fail to provide interpreter services for all court cases as well as access to all court managed programs and activities, including those outside the courtroom, risk losing those funds.

There have been many impacts on interpreter services over the years. Washington State has experienced an increase in its limited English proficient population, resulting in more languages requiring interpretation, and increased interpreter court costs. The AOC Interpreter Reimbursement Program was created to help with these costs.

The AOC's Interpreter Reimbursement Program (Reimbursement Program) contracts with 33 courts covering 41 jurisdictions across Washington to partially reimburse the costs of hiring interpreters. The AOC reimburses courts for up to 50% of interpreters' hourly rate and travel costs. Since 2011, the AOC has annually expended approximately \$610,500 to reimburse courts in the program. Almost every court spends well beyond what the AOC has available to reimburse for interpreter expenses and the funds provided by AOC are routinely exhausted by year's end.

With interpreter needs and costs increasing, the Board for Judicial Administration (BJA) adopted the goal of obtaining adequate and sustainable funding for interpreter services as one of their strategic priorities for 2017–2019. The Interpreter Services Funding Task Force (Task Force) was created to identify the current demand for interpreter services statewide, the costs associated with providing these services, and statewide funding options to meet these needs. The Task Force submitted a legislative funding proposal of 2.1 million for the 2019–21 Biennium and was successful in obtaining funding.

¹ RCW 2.43.010, Title VI of the Civil Rights Act of 1964, Executive Order 13166

² RCW Chapters 2.42 and 2.43

³ RCW 2.42.120, RCW 2.43.040

⁴ RCW 2.43.030

Task Force Charter

The BJA and Interpreter Commission created the Interpreter Services Funding Task Force in July 2017 to identify funding needs for court interpreters in Washington State. Originally a two-year charter, its term was extended until June 2020 by the BJA.

The Task Force's goals were to identify the demand for and costs of court interpreter services in Washington and to develop and implement a successful strategy to obtain adequate and sustainable state funding for interpreter services statewide.

The Task Force was asked to:

- 1) Identify and quantify the current demand for and costs of interpreter services statewide using empirical information and sound research methods.
- 2) Analyze state and local funding for interpreter services.
- 3) Review past budget proposals for interpreter services.
- 4) Identify current efforts used to meet the demand for interpreter services and best practices that would optimize use of resources to provide services.
- 5) Develop and submit a budget proposal for the 2019–21 biennium justified by quantitative empirical evidence.
- 6) Develop a legislative strategy to successfully obtain adequate state funding for interpreter services.
- 7) Provide a report to the BJA and the Interpreter Commission along with a budget proposal at a time that conforms to the 2019–21 legislative biennium.

The Task Force's diverse membership consisted of judges from every level of court; representatives from city and county associations, advocacy organizations, court management associations, the Office of Public Defense, and the Minority and Justice Commissions; and AOC legislative and budget staff.

The Task Force met in person and by phone over the course of the two years. BJA funds supported member travel and meeting expenses, and AOC provided staff support.

Data Collection

As part of the information gathering stage, AOC staff reviewed existing research and national and state reports addressing interpreter services and funding, conducted interviews with AOC staff in other states and key stakeholders in Washington, and reviewed previous surveys and data in Washington. Staff also reviewed previous budget requests and Reimbursement Program efforts and data. The Task Force identified additional data needed and implemented the data collection activities outlined below.

Funding Court Interpreter Survey

The Task Force conducted a survey in December 2017 to gather information about local courts' interpreter services and funding needs. The Task Force wanted to determine the frequency at which interpreter services were accessed around the state, what types of cases they were most used for, the approximate costs, and challenges and successes in administering interpreter services. The survey was distributed to all presiding judges and court administrators across Washington; 132 out of a possible 165 courts completed the survey. Past interpreter survey information and other information collected helped shape the Task Force recommendations.

Domestic Violence and Sexual Assault Advocate Survey

The Task Force sought information from advocacy organizations to help assess court interpreter services for victims of sexual and domestic violence across Washington State. Interpreter services are critical for survivors of abuse, especially for all parties to communicate about the seriousness of violent situations and to understand what protection orders mean, what happens in custody hearings, and other family law matters that domestic violence and sexual assault survivors encounter. A survey was distributed in September 2018 to community sexual assault and domestic violence programs through the Washington State Coalition Against Domestic Violence, the Washington Coalition of Sexual Assault Programs, and legal aid programs that provided legal advocacy/information without representation in court. There were 95 responses to the survey, representing all regions across the state. AOC staff also talked with several local programs and attorneys who work with victims of sexual assault and domestic violence.

Attorney Feedback Sessions

AOC staff met with approximately 29 attorneys from across the state in small group discussions, in-person meetings, and by telephone. Attorneys were asked about their clients' court experiences when they used interpreter services, when they needed interpreters and did not get them, and what challenges and successes they experienced when requesting or using interpreter services.

Courts in the Reimbursement Program

Judicial officers and court administrators who worked in their courts prior to implementation of the Reimbursement Program were asked to share the before and after impacts of the program on overall interpreter services, the court users, and court practices. Some of those interviewed worked at the court only after implementation.

Court Users

One court surveyed twelve court users who spoke different languages to answer: 1) Was the interpreter helpful today? Why? 2) What is the most important thing about having an interpreter in the court? 3) How was your court experience? While this was a small sample, the information was helpful. Additional court user feedback should be considered for future evaluation efforts.

Key Findings

It was clear from the surveys and interviews that courts and court users need more timely and accessible interpreter services and that funding could help achieve these goals. The main findings from the data collection activities are highlighted. Task Force reports⁵ provide additional details.

1) Court interpreters are frequently used.

The [Funding Court Interpreters Report](#) found that over half of Washington State courts frequently used qualified interpreters and that approximately 66% of district and superior courts were most likely to use interpreters daily or weekly. Around 20% of domestic violence and sexual assault advocates reported that the majority of their clients needed court interpreters. Around 50% of advocates reported that their clients needed court interpreters almost a third of the time.

2) Courts experienced increased interpreter costs.

Between 2015 and 2016, interpreter costs increased by \$1.2 million and approximately 50% of courts reported exceeding their allocated budgets⁶.

3) Lack of services and qualified interpreters led to delays in over 50% of hearings.

It is not always easy to obtain interpreters. In the [advocate survey](#), half of respondents said it was somewhat easy to obtain interpreter services in their courts. Almost 30% said it was not easy to obtain interpreter services. The number increased to 50% of respondents from Region 2 (Adams, Chelan, Douglas, Grant, Kittitas, Klickitat, Okanogan, and Skamania) who said that obtaining court interpreters was not easy.

Fifty-nine percent of courts experienced delays in proceedings when interpreter services were needed and unavailable⁷. Advocates also reported delays in 56% of hearings when court interpreters were not available for individuals at the time they were needed. In the majority of situations where an interpreter was not available, the case was rescheduled or language line⁸ was used. In some situations when interpreters were not available, clients waived the requirement for certified interpreters, clients understood enough English to proceed, bilingual advocates or attorneys were asked to translate (more likely to happen in ex parte hearings), or clients had to wait long periods until an interpreter could come to the court.

Attorneys reported that their clients sometimes encountered staff who did not speak the language nor use language line to communicate and were therefore unable to receive services. There were often delays in cases and continuances because of a small pool of interpreters.

⁵ Reports include: [Funding Court Interpreters Report](#) and [Funding Court Interpreter Services in Washington Courts: A summary of feedback on court interpreter services and funding needs](#).

⁶ Funding Court Interpreters Report

⁷ Funding Court Interpreters Report

⁸ Language line is a call-in interpreter service.

4) **Quality interpretation is critical.**

Courts experienced difficulties finding rarer language interpreters and qualified interpreters. Compared to urban courts, small and rural courts had more difficulties accessing qualified interpreters. Additionally, hiring AOC-qualified interpreters outside of the court's region may be cost prohibitive due to transportation and lodging costs.

Court users unanimously shared that interpreters were helpful in order to understand the court proceedings, gain clarity in the information presented, better understand the audience and ask questions, and better express themselves.

“Yes very much! Interpret English into Samoan enables me to understand what is being done to me.” – Court user

Advocates reported that when interpreter services were not provided or when there was poor interpretation that clients left court without receiving help, orders and decisions were made without accurate or appropriate interpretation, and that clients experienced emotional and financial impacts. In some communities, interpreters and clients know each other which created a conflict of interest and resulted in delays.

***“I had a client in a situation where (the) interpreter seemed to minimize seriousness of (the) injury because they didn't accurately describe the sexual abuse caused.”
– Advocate***

Advocates also shared the advantages of having language access and quality interpreter services. When there was a qualified interpreter, individuals (both clients and witnesses) had the opportunity to understand and participate in proceedings, had their questions answered, and felt safer and more comfortable presenting difficult information.

“In filing for a protection order, it would not have been possible to speak to the judge unless the interpreter was there.” – Advocate

Attorneys stated that qualified interpreters led to more accurate information being shared, fewer delays, efficient court calendars, and fewer questions about the process. Experienced interpreters were also comfortable in legal proceedings, and were better able to recognize different dialects and ensured appropriate interpretation was used. Clients were more relaxed and more comfortable when someone knew their language and they were able to communicate more easily in the courtroom.

5) **Increased funding, interpreters, and training are needed.**

Increased funding is critical in order to provide more qualified interpreters for all involved in court hearings. Courts need to hire more interpreters, pay interpreters appropriately, recruit more interpreters, and provide funds for extraordinary situations such as longer trials or interpreters for rarer languages⁹.

⁹ Funding Court Interpreters Report

Advocates noted that courts should hire more bilingual staff, develop an easier process to obtain interpreters, post how to get an interpreter at the front desk, add a language box on forms, and providing in-person interpreters. Providing interpreters at ex parte hearings would also ensure that information was provided, shared, and understood. There is a need for translated forms and orders to ensure victims understand proceedings, the outcomes, and their rights.

Attorneys would like increased access to interpreters before a hearing and more interpreters in the court. Training for judges and front line staff on working with pro se clients who are limited English proficient or deaf, or hard of hearing and on qualifying non-certified interpreters on record would be helpful. More training on ethics for all interpreters, regardless of whether they are credentialed or not, would be helpful if they are working in the courts.

6) Court Interpreter Reimbursement Program increases the use of qualified interpreters.

Ten years after implementation, the Reimbursement Program has improved court interpreter services for courts currently receiving funds. Reimbursement eligibility requires hiring credentialed court interpreters and paying them fair market rates. The 50% program cost-sharing requirement has encouraged participating courts to implement cost-saving and quality-ensuring practices such as web-based scheduling, multi-court payment policies, grouping of interpreter cases, and sharing of staff interpreters.

Prior to the Reimbursement Program some courts didn't know who to contact for qualified interpreters or used non-credentialed interpreters. Some courts hired contracted or staff interpreters. The Reimbursement Program helped courts with scheduling and in developing relationships with the interpreters which in turns increases confidence in the interpreting and experience in the courts.

Additionally, courts are experiencing more languages than in the past. The explosion in diverse languages for courts is staggering. In King County, the State's largest county, the Court provides interpreter services for over 165 languages. Smaller counties are similarly seeing more diverse and infrequently spoken languages among court participants. They can present significant cost and logistic complications. The Reimbursement Program has helped identify interpreters, certified and trained more interpreters, and created a network between courts to share resources more easily.

“Before the grant, there were constant delays in multiple courtrooms while judges waited for a free interpreter. The grant has helped reduce those waits for the times when we know ahead of time that we need to add a contract interpreter to the schedule. We still have delays on days when an unexpected interpreter issue arises, but it is better than before. If we could have a regular contracted interpreter here at least five to six hours a day, it would significantly increase efficiencies in our courtrooms.”

– Reimbursement Program Court

Recommendations

Based on the research and data collected, the Task Force recommended to:

- 1) **Expand the AOC Interpreter Reimbursement Program** to include new courts and to provide additional funds to existing courts. The Reimbursement Program currently provides limited funds to only 33 courts. No new courts have been able to apply for these funds since the program's inception in 2008. Increased funds will allow more courts access to quality interpretation. There will be a priority in the first year to recruit small and rural courts into the program.
- 2) **Request increased funding to support additional recruitment, testing, and training** for all languages with a focus on rarer language and certified interpreters.
- 3) **Evaluate and test cost savings strategies** such as collaborative efforts with justice partners, online calendaring, and video remote interpretation. Cost saving strategies will be shared with all Washington State courts.
- 4) **Explore a statewide system to provide telephonic or video interpretation.** There currently is no statewide system for telephonic or video interpretation and the national language lines do not have certified court interpreters.

The Task Force determined that the first two recommendations directly related to the Task Force's goal for increased funding and should be pursued and that the other two items could be considered for future exploration.

Budget Request

The Task Force developed and submitted a budget proposal which sought \$2.1 million to expand the Reimbursement Program to help fund additional courts with an emphasis on small and rural courts, increase funds to courts now receiving assistance, and provide additional testing and training for qualified interpreters. This budget request was prioritized by the BJA and Supreme Court and transmitted as part of the Judicial Branch legislative budget submission.

The 2021–23 biennium would expand the Reimbursement Program to urban courts, thus ensuring all courts across Washington have access to qualified interpreters and funds to reimburse a portion of interpreter services.

Communication Campaign and Advocacy

The Task Force developed and implemented a communication campaign and outreach plan. As part of the campaign development, the Task Force identified goals, key messages, and materials and activities to best disseminate messages. The Task Force also developed an outreach plan that identified key stakeholders and individuals, key engagement activities, and timelines to implement outreach activities.

The primary goals of the communication campaign were to convey the importance of meaningful communication in the court regardless of language ability and the need for timely and accessible court interpreter services.

The Task Force developed a web-based Legislative Communication Toolkit including a one-page handout, talking points, and a question and answer resource document. Key legislator contact information, Task Force resources, and outreach ideas were shared with internal and external stakeholders.

Funding Request Talking Points

Increase State Funded Interpreter Program

1. The judicial branch is requesting \$2.1 million for the state Interpreter Reimbursement Program so that more courts throughout the state receive financial help to hire qualified court interpreters. Interpreter services are fundamental to justice, providing the ability for all participants to meaningfully participate in court proceedings.
2. Funding for court interpreters is meant to be a partnership. The legislature established funding for the Interpreter Reimbursement Program in 2008 as a partnership between local courts and the State to provide 50% funding for interpreter services.
3. The program currently provides limited funds to only 20% of Washington courts. It's time to reaffirm our commitment to this partnership.
4. Increased funds will help additional courts, especially rural and small courts, access the program and support interpreter recruitment and testing to increase the number of qualified interpreters.

Increased Demand, Insufficient Local Resources

5. State funding has been flat since 2008, yet a recent study of Washington Courts found that the costs of providing interpreters is increasing. The number of languages courts are facing has increased 30% percent, with one court reporting 165 languages.
6. Small and rural courts often face a shortage of qualified interpreters in their communities, which can lead to unexpected interpreter travel costs that break the bank.

Due Process and Protection of Legal Rights

7. Individuals can face severe consequences affecting safety, health, families, housing, and finances if they're unable to access qualified interpreter services at the needed time in court. Availability of qualified interpreters from the beginning of a case can resolve minor legal issues before they become bigger ones.

8. A recent survey of Washington courts revealed that 59% of courts experienced delays in proceedings when interpreter services were unavailable. Delays cost the courts, community, and individuals. Delays may increase staff, attorney, and jail costs. Individuals may lose work days, struggle to find additional child care, or spend more time incarcerated.
9. Delays can be especially challenging for persons who are low income or who have health and mobility challenges.

As part of the outreach strategies the Task Force reached out to the House and Senate Members of Color Caucus Committees, conducted one-on-one meetings with legislators on the House and Senate budget committees and law and justice related committees, and engaged in email advocacy with legislators after budgets were publically released. Task Force Chairs met with approximately fifty legislators. The Senate and House Members of Color Caucuses included interpreter services as one of their top legislative priorities.

Task Force members reached out to local and statewide stakeholders, advocacy organizations, interpreter groups, the court community, and other legal and non-legal organizations. The Task Force communicated with stakeholders through presentations, one-on-one meetings, and various electronic communications.

As a result of the communication campaign, stakeholders included Task Force materials on their website, distributed key information during their own lobby days and listservs, and reached out to legislators in their districts. While the Task Force attempted to track stakeholder efforts, the extent of outreach is unknown.

The Legislature funded the Task Force budget request.

Lessons Learned

The BJA created the Task Force to focus attention on an agreed-upon priority of the courts in a time-limited and task-specific manner. There were many things learned along the way that can help inform future Task Force work. The following are the top lessons learned from this process.

1) Surveying the broader community is helpful to understand better the impacts of the issue.

In addition to surveying the courts, the Task Force also gathered feedback from community-based sexual assault and domestic violence advocates, attorneys, and a small number of court users. The feedback helped tell the story of good and no- so-good interpreter services and how communities benefit from these services.

2) Increased broader stakeholder support is critical to success.

Early on the Task Force received input that it would be important to have broader, non-court community voices advocating for interpreter services. The Task Force engaged with statewide organizations and associations, attorney organizations including minority and volunteer bar associations, advocacy organizations, interpreter groups, and various other court and non-court allies. While the Task Force did have broader community support, additional time would have helped to identify and meet with stakeholders to secure more support prior to legislative session. It would have also been helpful to identify more “champions” to help engage legislators.

3) Coordination of the communication campaign and consistent messaging is necessary.

Developing the communication campaign and outreach plan helped focus efforts and activities with key stakeholders. The data collected helped to communicate better the impact of interpreter services on individuals, communities, and courts and the need for more funding to address these impacts. The identified core messages of timely and accessible interpreter services provided the foundation for the talking points and other outreach resources. The resources developed helped ensure that everyone was delivering consistent messages about the need for additional funding. Different strategies for outreach provided more options to garner support: face-to-face meetings with legislators, email communications with legislators and key stakeholders, providing resources to groups to engage with their constituents and elected officials, and presentations to key stakeholders. It would have been helpful to identify earlier members of the Task Force or broader stakeholder groups who could help coordinate activities with specific groups.

4) Realistic and clear funding strategies are key.

The Task Force refined their budget request to expand an already existing program and maintain the 50% reimbursement component. This reinforced the partnership between local and state government in supporting these services. The budget request clearly laid out the implementation of funds over a four-year period while initially prioritizing small and rural courts that have fewer resources.

While the above strategies were successful in securing funding, other factors may also have impacted the success of the Task Force. These included: previous funding requests for

interpreter services created historical knowledge of the issue; the funding request was realistic in asking for half of the costs needed to bring interpreter funding to all courts and expanding an existing program; the make-up of the Senate and House changed with the recent election and the Member of Color Caucuses included interpreter services in their legislative priorities; and the current national attention on immigrant issues.

Regarding the Task Force make-up and timeline, it would have been helpful to have additional time to collect data, develop the messages, identify and engage stakeholders early in the process, and develop the budget package. Furthermore, membership could have been expanded to include more advocacy groups, legislators, and court users.

5) Staffing support is critical.

Having engaged and committed policy staff to assist with all aspects of the Task Force was a critical factor in our success. Ensuring that these efforts remain staffed will be an important component for future efforts.

Moving Forward

There are several remaining considerations that resulted from the Task Force work. The Task Force recommends that the Interpreter Commission and Reimbursement Program determine which, if any, of the remaining items outlined below have merit for further consideration or exploration.

- 1) Continue to gather court, community groups, and court user feedback to evaluate interpreter services and funding outcomes, and identify remaining needs.
- 2) Identify ongoing data needs to help support continued state funding for interpreter services.
- 3) Evaluate and test cost savings strategies such as collaborative efforts with justice partners, online calendaring, and video remote interpretation. Cost saving strategies will be shared with all Washington State courts.
- 4) Explore a statewide system to provide telephonic interpretation. There currently is no statewide system for telephonic interpretation and the national language lines do not have certified court interpreters.

Critical data points should be identified, developed, and incorporated into the revision of the reimbursement online application and reporting mechanism. This data will help demonstrate how the increased funding is being used and its impacts.

The Task Force met their goals and concluded that any work moving forward can be completed by the Interpreter Commission and/or Reimbursement Program.





September 20, 2019

TO: Board for Judicial Administration Members

FROM: Chief Justice Mary Fairhurst, Judges Greg Gonzales and Judy Jasprica, Dawn Marie Rubio (Judicial Leadership Summit Planning)

RE: Judicial Leadership Summit Recommendations

Purpose

The purpose of this memorandum is to provide recommendations on the prioritized items from the 2019 Judicial Leadership Summit. We ask that BJA members review the recommendations and identify and approve next steps. The red numbers after each priority reflects how many votes each item received.

Ranked Priorities/Issues from the Summit and Recommendations

- 1) **Adequate Funding (32)** as a branch. We need funding for the courts and AOC. We need adequate and dependable funding for court infrastructure (i.e., security, technology) and resources (i.e., interpreters, judicial officers, family court facilitators, and so on) to promote efficiencies and access to justice. How do we get the state to fund what we do and how do we tell them what we can do if they adequately fund us? How does funding ultimately impact the community and justice system? How can we reduce the number of unfunded mandates?

Summit participants interested in future conversation/committee work around this topic:

Justice Susan Owens, Judges Kevin Ringus, Sam Meyers, Michelle Gehlsen, Dan Johnson, Michael Scott, and Judith Ramseyer, and Ramsey Radwan, Dory Nicpon

Recommendations:

- The BJA will create a new committee that will address long term adequate funding for the court system. An ad hoc committee will work on creating the charter and membership for this group. BJA staff will support this committee.
 - The priorities of speaking with a unified voice/telling our story and building relationships (priorities 5 and 7) will be incorporated into this group. The BJA may also have conversations about these topics.
- 2) **Access to courts and justice (23):** Working to reduce unequal treatment of minorities within the court system and in all contexts. Implicit bias, access to justice, and help when litigants are disabled, non-English speaking, and/or pro se. Criminal and juvenile justice reform to reduce disproportionality, collateral consequences of convictions, and associated costs. Immigrant rights.

Summit participants interested in future conversation/committee work around this topic:
Justices Debra Stephens and Steven González, and Judges Kitty-Ann van Doorninck, J. Robert Leach, Lori Kay Smith

Recommendations:

- There are many existing groups working on needs and issues addressing access to justice.
 - The BJA should determine if: 1) There any gaps identified and groups that can address them; 2) There any next steps or needs from the conversations that the BJA wants to address.
- 3) **Improving quality of decisions and our role** in judicial branch and turnover of judges **(21)**.
How do we mentor and recruit judges/managers? Expand outreach and mentoring to increase diversity on the bench. Self-care – how do we prevent burnout? (There have been discussions at BJA on turnover of judges). Professionalism and civility.

Summit participants interested participants for ongoing work: Judges Judy Jasprica, Greg Gonzales, Blaine Gibson, Linda Lee, Doug Federspiel, Brad Maxa, Rebecca Robertson, and David Mann and Dirk Marler.

Recommendations:

- The CEC will review the information from the discussion and identify next steps.
 - The PPC will explore the idea of a central pool of law clerks.
 - The BJA will determine if there are any next steps to address the issues that arose around self-care and burnout for judges.
- 4) **Behavioral health impacts on courts** (therapeutic courts) **(16)** we previously had budget requests for a coordinator to help facilitate learning from each other, develop best practices, etc. that were unfunded. Funding to provide tuition for indigent defendants to complete domestic violence perp treatment. Partnering with other agencies to secure adequate funding for and development of effective state-wide social services (e.g., mental health treatment, drug treatment, housing, etc.) that could translate into a reduction of court cases for many repeat offenders and provide courts with diversion options. Sequential Intercept Model.

Summit participants interested in future conversation/committee work around this topic:
Judges Mary Logan, Tam Bui, Rebecca Robertson, Charles Short, and Dawn Marie Rubio, Jeanne Englert

Recommendations:

- The PPC will develop a recommendation and charter for behavioral health as the next strategic initiative that will be presented to the BJA in October. This item was prioritized previously by BJA.
- 5) **Building relationships (15):** Build relationships with executive, legislative, community members to educate as to work and challenges of the courts and local funding structures and how they relate to larger funding needs and communications. Coordinate legislative approach outside and during session and priorities when able to. How do we effectively work with the legislative and executive branch to ensure judicial branch drives our priorities rather than the other way around?

Recommendations:

- Discussions at BJA and ongoing adequate funding group.

6) **Efficiency in the courts (14):** Better use of technology and to find ways to be more efficient. Completion of transition to electronic files and provide online public access to files to which public allowed access. Fully implement electronic court records. Including insuring records, other than physical exhibits, are scanned. Notice to litigants.

Recommendations:

- Facilitated conversation and small group discussions at the BJA/CMC joint meeting in November.
- Ask the PPC to develop small group discussion questions (separate areas for each group so that we can cover more topics).

7) **Unity, speaking with one voice/How do we better tell our story? (11):** What can we cooperate on at different levels? Identify goals/topics/areas on which we should have uniformity and a purpose to consolidate efforts and/or to collaborate as needed? How can we look at all the committees/task forces/etc. to ensure we are not duplicating efforts? How can we support the work of the BJA? What do we need to do as a branch to talk about what the courts do? Are there data points we want to collect to demonstrate the extent of the work the courts do, for example, how long a particular type of case can take?

Recommendations:

- Discussions at BJA and ongoing adequate funding group.

Recommendations for next steps for 8–13: Keep these on the list for possible future conversations.

8) **AOC-specific: (5)** Ensure that courts and judicial partners know about and value the AOC; move AOC from solely a support organization to an equal partner in the discussion; and establishment of branch goals, objectives, initiatives, and policies. Discussion and decision-making.

9) **Jury Selection (5):** GR 37. What has been the impact of GR 37?

10) **On the criminal side (3):** Expand safe alternatives to jail. Continuing to refine our pretrial release program. Implementing changes in protection orders. Timely issuance of opinions. Reducing the time from filing an appeal to decision. Criminal and juvenile justice reform to reduce disproportionality, collateral consequences of convictions, and associated costs. Immigrant rights.

11) **Civil litigation (2):** Access to paid counsel for individuals that cannot afford it and reducing the costs and time for civil litigation (the process has become too complicated and costly to provide an appropriate and available method for dispute resolution). Implementing changes in landlord/tenant policies. Streamline review of administrative decisions.

12) **Public defense funding (1).**

13) **Collaboration for youth services (1):** Collaborating to develop collateral community resources, such as emergency housing for dependent/at-risk youth and visitation supervision

centers and collaborating with DCYF to reduce the multiple placements dependent youth must endure.

Current activities dedicated to the following: (did not prioritize)

14) **Court education:** Adequate funding for court education (there is a task force dedicated to working on this).

15) **Sustaining/increasing number of qualified interpreters** (we have an interpreter task force that secured funds to help with recruitment and retention and the Interpreter Commission is working on this).

16) **Court security** (there is a task force dedicated to working on this).

17) **Self-represented litigants** (the Court Management Council and SCJA have current efforts underway to assess/discuss needs of SRLs).

18) **Statewide case management systems** (CLJ-CMS, JIS/EDR): Data is critical and information system necessary. Improved statewide electronic system that makes data collection & statistics easier for courts so courts can better assess effectiveness & fairness (JISC and other groups working on this).

Priorities/issues identified by BJA and JLS survey (as submitted)

- Funding as a branch: How do we get the state to fund what we do and how do we tell them what we can do if they adequately fund us? How does funding ultimately impact the community and justice system?
- Court education: Funding and turnover.
- Therapeutic courts.
- JIS/EDR: Data is critical and information system necessary.
- How do we mentor and recruit judges/managers?
- Legislative and budget implications.
- Self-represented litigants.
- Self-care: How do we prevent burnout?
- Mental health needs with litigants in the justice system.
- Public defense funding.
- National issues: Increasing litigations costs, access to justice needs, etc.
- How do local courts educate politicians/legislators/commissioners/councils about local funding structures and how they relate to a larger funding need and communications
- Case management systems (DMCJA).
- What can we cooperate on at different levels? Identify goals/topics/areas that we should have uniformity and a purpose to consolidate efforts and/or to collaborate as needed? How can we look at all the committees/task forces/etc. to ensure we are not duplicating efforts?
- Jury Selection – GR 37. What has been the impact of GR 37?
- How do we effectively work with the legislative and executive branch to ensure judicial branch drives our priorities rather than the other way around? How can we develop outreach to and educate legislators in-between session?
- How do we better tell our story? Are there data points we want to collect, for example, how long a particular type of case can take to demonstrate the extent of the work the courts do.
- Juror pay and jury diversity.
- Mentoring, training, and other roles for retired judges.
- Collaborating to develop collateral community resources, such as emergency housing for dependent/ARY youth and visitation supervision centers.
- Collaborating with DCYF to reduce the multiple placements dependent youth must endure.
- On the criminal side, we are continuing to refine our pretrial release program. We are also preparing for the many changes in the law that go into effect this year, especially regarding landlord/tenant and protection orders.
- Successfully implement modern case management systems to provide efficiencies and support future innovation; Enhance education and training opportunities for all judicial officers and court system personnel.
- Continued development of our case management system.
- Reducing the time from filing an appeal to decision.
- AOC; acquire adequate and stable funding that will allow us to provide support to all court levels and judicial branch partners; successfully lobby for higher salaries for all AOC staff; ensure that courts and judicial partners know about and value the AOC; move AOC from solely a support organization to an equal partner in the discussion and establishment of branch goals, objectives, initiatives and policies.
- Educate and familiarize myself with policy/issues; court level goal: funding for continuing education.
- Having a well-resourced, judiciary able to meet the needs of the public we serve.

- Improved statewide electronic system that makes data collection & statistics easier for courts so courts can better assess effectiveness and fairness.
- Funding to provide tuition for indigent defendants to complete domestic violence perp treatment.
- Adequate and dependable funding for court infrastructure (i.e., security, technology) and resources (i.e., interpreters, judicial officers, family court facilitators and so on) to promote efficiencies and access to justice. Judicial education and independence.
- Statewide IT Initiatives.
- Adequate court funding and increasing access to courts.
- Enhance trial court judicial training and continuing education.
- Completion of transition to completely electronic files. Provide online public access to files to which public allowed access.
- State provides additional funds for the county level so that adequate security can be achieved.
- Fully implement electronic court records. Including insuring records other than physical exhibits, are scanned.
- Improve security and timely issuance of opinions.
- Turnover of judges.
- Adequate funding, statewide CLJ/CMS. Access to data from all court levels, court security.
- Unrepresented litigants, court education.
- Lack of funding for trial courts. Unfunded mandates.
- Adequate and stable funding for education and training; creating a big, hairy, audacious vision for a modern court system.
- Long term stable funding for the AOC; court security and other initiatives that benefit the judiciary and AOC.
- Sustaining/increasing number of qualified interpreters.
- Local government collaboration.
- Adequate funding for court education, including administrators & staff.
- Adequate funding for court security while maintaining local control.
- Expand outreach & mentoring to increase diversity on the bench.
- Criminal and juvenile justice reform to reduce disproportionality, collateral consequences of convictions, and associated costs. Build relationships with executive, legislative, community members to educate as to work and challenges of the courts.
- Long term stable funding.
- Adequate court funding and increasing access to courts.
- Improved funding for the judicial branch.
- Access to civil courts with counsel; reducing expense and time for civil litigation.
- Need to work on strategies for obtaining more funds, perhaps a change in how courts are funded, more state funding than county funding.
- Unity, speaking with one voice.
- Streamline review of administrative decision.
- Work with legislature on funding; supporting the BJA
- Recruiting and keeping quality judges
- Adequate funding for the judicial branch/access to justice. Acting with unity and as justice partners.
- Coordinated legislative approach outside of and during session, increased coordination of priorities when able to.

Judicial Leadership 2019

Part I – Define and Analyze the Issue – Adequate Funding

Description from prioritization:

Adequate Funding as a branch. We need funding for the courts and AOC. We need adequate and dependable funding for court infrastructure (i.e., security, technology) and resources (i.e., interpreters, judicial officers, family court facilitators, and so on) to promote efficiencies and access to justice. How do we get the state to fund what we do and how do we tell them what we can do if they adequately fund us? How does funding ultimately impact the community and justice system? How can we reduce the number of unfunded mandates?

Possible BHAGs

Courts have sufficient resources to ensure all individuals have fair, effective, and equal access to the courts.

Courts have sufficient resources to provide effective and timely services to all individuals.

Define the need/issue that we are seeking to remedy.

We need dependable and adequate state funding.

Issues:

- There is a lack of understanding of the duality of the courts.
- Want funding for education of staff and judges, probation and supervision, technology and infrastructure, therapeutic courts and court security.
- Current funding mechanism can cause problems.
- Local judges, local authority.

What are we currently doing to address this issue?

What are some examples of how your current policies or practices on this issue are successful?

- Task Forces.
- Communications between branches and within the legislature.
- AOC and association lobbyists.
- BJA addressing unified messaging/voice.
- Nonprofit involvement.

What are areas for improvement?

- Educate the legislature better on courts and what we do.
- Work on doing a better job of having a unified message/speaking with one voice.
- Increase number of judges coming to the legislature to testify. Pair up legislators and judges.
- Broaden group of stakeholders to support court funding in their communities and with legislature (need more voices advocating for this).
- Bring legislators to observe courts in action.
- Overlap with access to justice.

What opportunities exist to help address this issue?

- Build relationships with legislators/other key stakeholders: off-session conversations, civics education, court observations and tours.
- Engage and coordinate more with the county and city associations.
- Are there any items from justice in jeopardy strategies that we want to revive?

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What challenges or barriers may we encounter while working on this issue?

- Change is hard. Bucking tradition.
- Legislators not having education/relationships with judiciary.
- Lack of understanding about what the courts do.
- Already being paid for at the local level and the reality of state versus local funding.
- Lack of understanding about what the branch does and responsibilities.
- Money is always tight and/or being paid by someone else.

Part II – Develop action plan to address issue

What goals and activities do we need to accomplish to address the priority?

What local and statewide steps can we take to address the goals and activities?

1) Outline current funding process

Identify problems so we know how to address them.

Review Justice in Jeopardy to determine if there is anything to refresh, revise, etc.

2) Formulate broad communication/messaging:

With better funding, we have better outcomes (may bring cost savings).

Develop public relations tools (video, materials, etc.)

Continuum of branch communication.

Need a focused and consistent strategy.

3) Identify different funding options to bring to the legislature (no one is really excited about increased fees and taxes)

4) Develop and implement community and state organizations' engagement process

Identify and develop key community relationships.

Identify state stakeholder organizations that can partner and support.

Onsite one-one visits with judges and local legislators.

Attend town hall meetings as applicable.

Who should be involved? Are there groups already working on this issue?

- Legislators
- Community stakeholders
- City and County associations
- Legal associations, bars, etc.
- Any businesses that can be engaged?
- WASPC
- Identify stakeholders for specific issues.

What resources do we need to address this issue? (Be specific – funding, people time, equipment, etc.)

- Increased participation between AOC and associations
- TVW or something else

How will we know if we met our goals? When the budget comes out.

Interested in future conversation/committee work around this topic: Justice Susan Owens, Judges Kevin Ringus, Sam Meyers, Michelle Gehlsen, Dan Johnson, Michael Scott, and Judith Ramseyer, and Ramsey Radwan, Dory Nicpon

Judicial Leadership 2019

Part I – Define and Analyze the Issue – Access to Justice and Courts

Description from prioritization:

Access to courts and justice: Working to reduce unequal treatment of minorities within the court system and in all contexts. Implicit bias, access to justice, and help when litigants are disabled, non-English speaking, and/or pro se. Criminal and juvenile justice reform to reduce disproportionality, collateral consequences of convictions, and associated costs.

Possible BHAGs

All individuals have fair, effective, and equal access to the courts.

Define the need/issue that we are seeking to remedy.

People are able to get the help they need and achieve fair justice when they do.

Issues:

- Can people get legal help when they need it and a just outcome?
- Survival of our democracy. Access and faith in the system.
- Underlying social issues.
- Moral and fairness issues.
- Need for juvenile and criminal reform.
- It is about power and who we are.

What are we currently doing to address this issue?

What are some examples of how your current policies or practices on this issue are successful?

- OCLA
- Commissions
- AOC plain language forms
- ATJ – state planning
- Online legal services
- Legal clinics
- Caseload standards for criminal defense
- LLTs
- GR 37 and the conversations it promoted
- Interpreter funding
- Judicial training
- Implicit bias and implications to jurors
- Street Law – outreach
- Courts – facilitators
- ADR – software and programs

What are areas for improvement?

- Increased availability of interpreters, cultural competency
- Decreased delays in trial and appellate courts
- Help with debt collection
- Money incentives to take small cases for attorneys
- Public confidence

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What opportunities exist to help address this issue?

- Pro bono services/groups
- Use positional authority to push for changes
- Rulemaking
- Innovation
- Grants
- Re-entry programs

What challenges or barriers may we encounter while working on this issue?

- Consensus is hard
- Money is tight
- Tradition

Part II – Develop action plan to address issue

What goals and activities do we need to accomplish to address the priority?

What local and statewide steps can we take to address the goals and activities?

1) Faster decisions and speedy process

Simplification of discovery. Accurate trial date for simplified discovery.
Statewide consistency. Convene statewide conference for expedited discovery.
Expedited trials.

2) Reimagining how the court looks

Get out of the way of what we think things should look like and be creative.
Allow judges more freedom.
Courts providing legal assistance.
Specialty courts, like water courts.

3) Electronic dispute resolution

Look at different ways to provide dispute resolution, for example the tribal courts process.
Increase use of settlement models.

4) Creating less adversarial atmosphere

How to “watchdog” ourselves to improve efficiencies.
Not be locked into old models.

5) Increasing juror diversity and pool

Alternate ways to summon jurors/reimbursement.
Videos engaging jurors to serve.

6) Increased access to counsel

Who should be involved? Are there groups already working on this issue?

- ATJ
- Community stakeholders
- Union Gospel Mission/faith orgs.
- Legal voice community
- ACLU
- Legal associations, bars, etc.

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- Identify stakeholders for specific issues

What resources do we need to address this issue? (Be specific – funding, people time, equipment, etc.) All needed

How will we know if we met our goals?

- Be clear about where we start and identify ways to measure progress.

Interested in future conversation/committee work around this topic: Justices Debra Stephens and Steven González, and Judges Kitty-Ann van Doorninck, J. Robert Leach, Lori Kay Smith

Part I – Define and Analyze the Issue – Improving quality of decisions and our role in the judicial branch and dealing with turnover of judges

Description from prioritization:

Improving quality of decisions and our role in the judicial branch and dealing with turnover of judges. How do we A) enhance the quality of judicial decision making and B) mentor and recruit judges/managers? Expand outreach and mentoring to increase diversity on the bench. Self-care – how do we prevent burnout?

Possible BHAGs

The public perceives that cases will be decided fairly and correctly.

There is a substantial decrease in the number of cases remanded at the appellate level.

Judges have access to a wide array of resources necessary to improve the quality of their decision making.

There are highly qualified judicial officers at every court level.

Define the need/issue that we are seeking to remedy.

- Improving the quality of judicial decisions so they affirm the public expectation that cases will be decided fairly and correctly. Have some, but not enough trainings to keep up with evolving statutes new legal issues.
- Need methods and strategies to attract and retain good judges.
- Need to develop competent, skilled judicial officers (JO) who listen well.

What are we currently doing to address this issue? What are some examples of how your current policies or practices on this issue are successful?

- Judicial College, Spring and Fall Conference, Westlaw, Law clerks/Judicial Assistants (for some courts).
- Pierce County has breakfast meetings where judges share challenges and seek advice from each other on cases or legal issues. This may increase uniformity in deciding cases.
- King County has a manual for new judges that they will be sharing with the court community.
- The BJA is developing recommendations to address turnover, retention.

What are areas for improvement?

- Judicial College – too much information, too quickly. Need chunks over time. Space it out.
- Develop mentoring programs and recruit retired judges to participate.
- Develop a “sit and switch” program, where judges observe each other and get feedback and input that can help improve performance.
- Institute a “Senior Judge” status to help with the turnover of seasoned judges. These JOs may work part-time but also mentor. Ease into retirement and assuage the silver tsunami.
- Improve retirement packages to compete with higher compensation in private sector law.
- Highlight the quality of life and public service aspects of being a judge.

What opportunities exist to help address this issue?

- Observe other trial courts and view other decision making styles.
- Cross train between court levels. COA and trial judges shadow each other’s courts so that can view with a different lens. Gain new perspective and offer pointers to improve the process for both levels.
- Informal peer review.

- Some attorneys provide the judges with a copy of their color-coded, indexed binder books for cases. Very helpful to assist to good decisions. Encourage this practice on a larger scale.

What challenges or barriers may we encounter while working on this issue?

- JOs face scrutiny in elections, making candor less likely about anything that an opponent could use to raise doubts about competency for the job. It can thwart judge from admitting areas of struggle on the record.
- Time.
- Money.
- Busy dockets.

Part II – Develop action plan to address issue

What goals and activities do we need to accomplish to address the priority?

- Develop a profile of an “ideal” judge. List traits, characteristics, and skill sets needed to do the job well.
- Create a job description so that a prospective a judge can see what is involved. It will also help judges analyze what they actually do and perhaps lead to efficiencies.
- Look at the differences between trial and transactional attorneys. They require different skill sets that have implications for being a successful judge. Try to recruit trial attorneys.
- Rethink whether generalist model is best approach. Fewer generalist coming to the bench, it creates a big gap to educate up to the level to handle all cases. But smaller courts need generalists to handle the variety of cases.
- COA can collect data on the “Top Five” reasons cases are remanded, it will help trial courts focus on them.
- Develop a central pool of law clerks that can be used by smaller courts without those resources. Judges don’t have time to do all the research necessary to make the best decisions possible. Litigants in smaller courts deserve the high quality decisions too.

What local and statewide steps can we take to address the goals and activities?

- AOC/BJA can research the feasibility of the law clerk pool to serve smaller or under-resourced courts.
- Revamp the Judicial College.
- Allow new judges who have expertise in a certain area to opt out of a training on that topic and focus on what they need at Judicial College.
- More trainings like ret. Judge McBeth’s Search and Seizure.
- Video tape lectures into segments so judges can refer back to what they need quickly.
- Send Judges to National College in Reno.
- Revamp the judicial election and appointment process. Increase to 6–10 year retention. One problem with overhaul is that those who are successful in status quo vote to maintain it.
- The judicial branch will look at the appointment and election process and enhance training resources in order to recruit and retain the next generation of highly qualified judicial officers.

Who should be involved? Are there groups already working on this issue?

Judicial associations and BJA. BJA had small group discussions on retention and recruitment issues in the judiciary during a meeting based on feedback from the 2018 Judicial Leadership Summit.

What resources do we need to address this issue? (Please be specific – funding, people time, equipment, etc.) No info

How will we know if we met our goals? No Info

Interested participants for ongoing work: Judges Judy Jasprica, Greg Gonzales, Blaine Gibson, Linda Lee, Doug Federspiel, Brad Maxa, Rebecca Robertson, and David Mann and Dirk Marler.

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Part I – Define and Analyze the Issue – Behavioral Health Impact on the Courts

Description from prioritization:

Behavioral health impact on the courts (therapeutic courts): We previously had several budget requests that were unfunded for a coordinator to help facilitate learning from each other, develop best practices, etc. Funding to provide tuition for indigent defendants to complete domestic violence perp treatment. Partnering with other agencies to secure adequate funding for and development of effective state-wide social services (e.g., mental health treatment, drug treatment, housing, etc.) that could translate into a reduction of court cases for many repeat offenders and provide courts with diversion options.

Possible BHAGs

All individuals with behavioral health needs have fair and equal access to the courts. Communities and courts work with individuals with behavioral health needs so they do not enter the justice system. There is a coordinated community and court response to individuals with behavioral health needs.

Define the need/issue that we are seeking to remedy.

We need increased coordination and collaboration and a shared commitment to providing the continuum of behavioral health services (especially as it intersects with the justice system).

Issues:

- The criminal justice system is being used to address larger societal problems.
- There is a lack of coordination and communication between community organizations and criminal justice partners. There is coordination in some communities, especially those with therapeutic courts.
- Over criminalization and incarcerations rather than exploring community based, non-court options.
- Fragmented services and disjointed collaborative efforts across the state.
- We have to move upstream and address needs prior to the justice system becoming involved.
- Conversations should include juveniles and adults. Juveniles have different developmental considerations.

What are we currently doing to address this issue?

What are some examples of how your current policies or practices on this issue are successful?

- Community specific resources and community courts (varies).
- Participating in multidisciplinary teams (MDT) in some communities.
- Resource centers both inside and outside of the court.
- SIM – evidence based model for engagement/process.

What are areas for improvement?

- Increased consistency of services and relationship building.
- How do we move upstream so that we can address issues before they come into the court?

What opportunities exist to help address this issue?

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- Readiness.
- Trueblood settlement.
- Community courts already in existence and additional courts interested in implementing them.
- There is awareness of/energy to address disproportionality and over incarceration both statewide and nationally.
- Existing mental health services and successful models, for example, wrap-around mental health services in communities. (Do we have these in WA?)
- Existing partnerships with community resources.
- Providing community-based services for behavioral health needs is more cost effective than incarceration.
- Courts' ability to convene people to have discussions, build relationships, and provide tools for the court to address behavioral health needs.

What challenges or barriers may we encounter while working on this issue?

- Attitudes/beliefs/stigma of people in the criminal system with behavioral health needs (is some work in progress to demystify attitudes/beliefs).
- Lack existing coordination efforts and funds to convene people.
- Non-consistency of services.
- Program implementation problems.

Part II – Develop action plan to address issue

What goals and activities do we need to accomplish to address the priority?

What local and statewide steps can we take to address the goals and activities?

1) State behavioral health courts coordinator

Help collect information, data, etc.

Need funding.

Also identify what we can do without funding for a coordinator.

2) Convene a BJA Task Force

Check into the possibility as therapeutic courts was the next prioritized strategic initiative for BJA (depending on resources).

3) Process to go through the system and address points of entry/treatment/coordination

May help focus on lower level misdemeanors and divert to more supportive and applicable services.

Will save money in the long run (we hope).

Sequential Intercept Model.

4) Conduct a needs assessment and inventory of available resources

Gather information, research, existing resources, and data available.

Convene stakeholders.

Develop and implement needs assessment and inventory process.

Utilize therapeutic court committees with associations.

AOC may have some updated information.

5) Develop and implement community and state organizations' engagement process

Conduct community conversations for buy-in.

Identify state organizations critical to the conversations.

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6) Identify best practices, diversion opportunities, successful collaboration models

Conduct a statewide summit whereby court teams can model best practices, SIM, etc.

Ensure that we address needs along the continuum of services and the age of individuals (later teens especially need transition services from juvenile to adult).

Deployment of teams to help educate communities.

Who should be involved? Are there groups already working on this issue?

- Law enforcement
- Schools
- Hospitals
- Nonprofits
- Legal agencies, local attorney groups
- Local and state behavioral health service providers
- Court users
- MH navigators
- WAPA
- City and County associations
- CCI – technical assistance, expertise, grants

If time, address:

What resources do we need to address this issue? (Please be specific – funding, people, time, equipment, etc.)

- Funding
- Paid personnel
- Meeting expenses

How will we know if we met our goals? Did not get to.

Interested in future conversation/committee work around this topic:

Judges Mary Logan, Tam Bui, Rebecca Robertson, Charles Short, and Dawn Marie Rubio, Jeanne Englert



Board for Judicial Administration (BJA) Meeting
Friday, September 20, 2019, 9:00 a.m. – 12:00 p.m.
AOC SeaTac Office, 18000 International Blvd, Suite 1106, SeaTac

DRAFT MEETING MINUTES

BJA Members Present:

Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge Doug Federspiel
Judge Michelle Gehlsen (by phone)
Judge Dan Johnson
Judge Robert Lawrence-Berrey (by phone)
Judge Linda Lee
Judge Mary Logan
Rajeev Majumdar
Judge David Mann
Judge Sam Meyer
Terra Nevitt
Judge Kevin Ringus
Dawn Marie Rubio
Judge Michael Scott
Justice Debra Stephens
Judge Kitty-Ann VanDoorninck

Guests Present:

Pamela Harman-Beyer (by phone)
Travis Jameson (by phone)
Bill Pickett
Kyle Sciuchetti
Margaret Yetter
Justice Mary Yu

Public Present:

Page Carter

Administrative Office of the Courts

(AOC) Staff Present:

Judith Anderson
Jeanne Englert
Sharon Harvey
Penny Larsen
Dirk Marler
Dory Nicpon
Ramsey Radwan
Caroline Tawes

Call to Order

Judge Gonzales called the meeting to order at 9:00 a.m. and the members introduced themselves. Judge Gonzales thanked Bill Pickett for his contributions to the BJA.

BJA Orientation

Judge Gonzales announced that this meeting is the new member orientation, and he discussed the mission and goals of the BJA as well as the responsibilities of the members on page 6 of the *Member Guide*. Judge Gonzales reviewed other sections of the *Member Guide*.

Priorities from the Judicial Leadership Summit (JLS) that the BJA members will work on include:

- Speaking in a unified voice: all judicial branch stakeholders should be involved in this goal. A strong written policy from BJA would be helpful.

- Building relationships: Members should work on building strong relationships with city and county governments and their local legislators. BJA members can develop a script to use when speaking with community members to help the community understand what the courts do.
- Diversity: Let the BJA know who might be able to help with this goal.

The members discussed the importance of an atmosphere at BJA meetings where members at all court levels feel comfortable contributing to the conversation. The Washington State Bar Association (WSBA) members plan to work on resolving conflicts between BJA and WSBA schedules so they can attend BJA meetings and be part of the conversation as well.

The meeting participants broke into small groups to discuss:

- What do you want to accomplish in the next year?
- How can we do it?
- How can BJA help?

Responses included:

- There is some concern that ideas from “outsiders” are not being taken seriously.
- The Judges in the Classroom program could be expanded to include faculty from the University of Washington, Sons of the Revolution, and text book authors at the University of Washington.
- It would be good for schools to understand how the court system works. There would be more support for the courts if the public were more knowledgeable.
- A centralized staff attorney program would be helpful for courts, especially the smaller, rural courts.
- The conversation on adequate court funding starts at the local level. Develop legislators and local authorities as resources. Approach local resources before going to the state.
- According to one of the BJA member feedback comments, the outside community has a low opinion of BJA. Our message and how it is projected is important.
- Make sure the BJA message is communicated to outside stakeholders.
- Build on small wins.
- There should be safety zones within the physical court structure and surrounding areas.
- Promote the use of automated forms.
- We need funding champions.
- There needs to be on-going funding for court education.
- Invite county council members and legislators to visit courts.
- Build a judicial infrastructure and ensure funding for it.
- Create a list of legislators and county officials who need to be contacted, when to contact them, and what to say to them.

Annual Picture

The BJA annual group photo was postponed until the October meeting.

Presentation: Public Trust and Confidence Committee (PTC)

Justice Yu distributed a report on the PTC and gave an overview of the work of the committee. She asked the BJA to consider a resolution or court rule to declare courthouses a safe place.

Standing Committee Reports

Budget and Funding Committee (BFC): The Uniform Guardian Act (UGA) was not fully funded. Ramsey Radwan reviewed the 2020 supplemental budget request on page 8 of the meeting materials. There may be some adjustments to the budget request before May 2020, including funding for the UGA.

Court Education Committee (CEC): Judge Gonzales reviewed the CEC report included in the meeting materials.

Legislative Committee (LC): The LC discussed the JLS at their September 9 conference call. Dory Nicpon reviewed the LC report on page 12 of the meeting materials.

Policy and Planning Committee (PPC): The last written PPC report was submitted to the BJA after the June PPC Meeting. The PPC is discussing diversity on the BJA and the process to identify initiatives for BJA consideration.

BJA Task Force Updates

The Court Security Task Force developed a survey to collect data on court security needs. Twenty Superior Courts currently have no security screening. The Task Force is developing questions to determine what kind of security makes sense for each courthouse.

Justice Stephens will include court security incident reporting in her welcoming remarks at the upcoming Annual Judicial Conference. Penny Larsen will e-mail a reminder to courts to report or continue reporting court security incidents, and Margaret Yetter has been reminding court administrators and judges to report security incidents.

Jeanne Englert reviewed the work of the Court System Education Funding Task Force and the Interpreter Services Funding Task Force. The Court System Education Funding Task Force members are currently looking for additional champions in the Legislature and court community, as well as examining more funding options.

The Interpreter Services Funding Task Force will continue its work for a limited time. There will be a more complete presentation on the work of the Task Forces at the October BJA meeting.

Judicial Leadership Summit Follow-Up

A summary of the recommendations from the Judicial Leadership Summit was included on page 19 of the meeting materials.

BJA members will review:

- What resources are available for the recommendations?
- Which recommendations do we want to bring forward?
- What other information is available?

Members were asked to discuss their thoughts and reactions to JLS recommendations. At a future meeting, members may make a motion to move forward all or some of the recommendations. Which of the top six or eight do the members want to push forward? What do the members want and how are we going to get there? The Justice in Jeopardy materials may be useful information for future campaigns.

There was a discussion about how a group looking at funding might be structured. There was some hesitation to add another ad hoc committee, and there was a suggestion that a funding group might be housed under the PPC or BFC.

It was moved by Judge vanDoorninck and seconded by Judge Ringus to give the PPC a charge to look at funding as an initiative for further investigation, including looking at the previous Justice in Jeopardy materials, and report back at a future BJA meeting. The motion carried unanimously.

2020 BJA Meeting Schedule

It was moved by Judge Logan and seconded by Judge Scott to approve the 2020 BJA meeting schedule included in the meeting materials. The motion carried unanimously.

June 21, 2019 Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Logan to approve the June 21, 2019, BJA meeting minutes. The motion carried unanimously.

Other Business

Jeanne Englert noted that other JLS conversation points, including access to justice and a behavioral health recommendation, will be moved to the October meeting.

Information Sharing

- The Annual Judicial Conference begins on Sunday. There are 206 attendees.
- Judge Logan is the co-chair of the E2SHB 1517 Domestic Violence Work Group. She requested input from the BJA members.
- The Court of Appeals 50th Anniversary celebrations will be held in early October.
- The District and Municipal Court Management Association regionals will be held in October. Staff are encouraged to attend.
- Dawn Marie Rubio will be attending the National Leadership Summit in Minneapolis next week.
- Judge Brett Buckley is receiving an APEX Award.

Other

There being no further business, the meeting was adjourned at 12:01 p.m.

Recap of Motions from the September 20, 2019 Meeting

Motion Summary	Status
Give the PPC a charge to look at funding as an initiative for further investigation, including looking at the previous Justice in Jeopardy materials, and report back at a future BJA meeting.	Passed
Approve the 2020 BJA meeting schedule.	Passed
Approve the June 21, 2019, BJA meeting minutes.	Passed

Action Items from the September 20, 2019 Meeting

Action Item	Status
The PPC will provide recommendations to the BJA to increase diversity before the end of the year.	
The Interpreter Services Funding Task Force will create a lessons learned report that will be presented to the BJA in October.	
There will be a more complete presentation on the work of the Court System Education Funding and Interpreter Services Funding Task Forces at the October BJA meeting.	
The PPC will review the Justice in Jeopardy materials for useful information regarding the JLS recommendations.	

Action Item	Status
<u>June 21, 2019 BJA Meeting Minutes</u> <ul style="list-style-type: none">• Post the minutes online.• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done Done