

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, SEPTEMBER 18, 2020
9:00 A.M.**

VIDEOCONFERENCE

Board for Judicial Administration Membership

2020-2021



VOTING MEMBERS:

Chief Justice Debra Stephens, 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 Michelle Gehlsen, President
District and Municipal Court Judges' Association
King County District Court

Judge Rebecca Glasgow
Court of Appeals, Division II

Justice Steven González
Washington State Supreme 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 Mary Logan
District and Municipal Court Judges' Association
Spokane Municipal Court

Judge David Mann
Court of Appeals, Division I

Judge Rebecca Pennell
Court of Appeals, Division III

Judge Judith Ramseyer, President
Superior Court Judges' Association
King County Juvenile Court

Judge Rebecca Robertson
District and Municipal Court Judges' Association
Federal Way Municipal Court

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

NON-VOTING MEMBERS:

Judge David Estudillo, President-Elect
Superior Court Judges' Association
Grant County Superior Court

Kyle Sciuchetti, President
Washington State Bar Association

Judge Bradley Maxa,
Presiding Chief Judge
Court of Appeals, Division II

Terra Nevitt, Interim Executive Director
Washington State Bar Association

Dawn Marie Rubio
State Court Administrator

Judge Charles Short, President-Elect
District and Municipal Court Judges' Association
Okanogan County District 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, September 18, 2020 (9 a.m. – noon)

Zoom Meeting

AGENDA

1. Call to Order Welcome and Introductions Recognition of New Members	Chief Justice Debra Stephens Judge Gregory Gonzales	9:00 a.m.
2. BJA Orientation Member Guide	Chief Justice Debra Stephens Judge Gregory Gonzales	9:10
3. Presentation: Public Trust and Confidence Information sharing	Justice Mary Yu	9:30
4. Court Recovery Summit Follow Up	Chief Justice Debra Stephens Judge Gregory Gonzales	9:50 Tab 1
5. Recognition Awards for COVID Efforts Discussion and Action: motion to approve creation of recognition awards	Chief Justice Debra Stephens Judge Gregory Gonzales	10:15
6. Break		10:30
7. BJA Racial Equity Work Group Action: create a work group to explore BJA racial equity and inclusion activities	Chief Justice Debra Stephens Judge Gregory Gonzales	10:40
8. Budget and Funding Committee 2021-2023 Biennial Budget Requests Information sharing	Judge Mary Logan/Ramsey Radwan	11:00 Tab 2
9. BJA Task Forces Court Recovery Court Security Court System Education Funding	Chief Justice Debra Stephens/Judge Judith Ramseyer Judge Rebecca Robertson/Penny Larsen Jeanne Englert	11:20 Tab 3
10. Standing Committee Reports Court Education Committee Legislative Committee	Judge Gregory Gonzales/Judith Anderson Judge Kevin Ringus/Dory Nicpon	11:35 Tab 4

Action: Motion to adopt Legislative Committee recommendations and support ninth TCSC judge Policy and Planning Committee	Judge Michael Scott/Penny Larsen	
11. June 19, 2020 Meeting Minutes Action: Motion to Approve the Minutes of the June 19, 2020 Meeting	Chief Justice Debra Stephens	Tab 5
12. Information Sharing Roundtable Meeting Review	Chief Justice Debra Stephens	11:45
13. 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: October 16, 2020 – Zoom Meeting
November 20, 2020 – Zoom Meeting

TAB 1

Board for Judicial Administration

Court Recovery Summit Discussion Groups Responses

August 25, 2020

As we assess changes to court operations necessitated by the pandemic and plan for the future, access to justice and racial equity must be at the center of our work. Jeff Robinson opened the Summit with a presentation, *Excerpts from "Who We Are: A Chronicle of Racism in America."* Participants then had an opportunity to collaborate in small group discussions to consider how courts can recover from the present crisis to achieve an even better, more inclusive, and accessible justice system. Following is a summary of responses from the group discussions.

Discussion Topic #1: Racial Justice and Reimagining the Justice System

Participants were broken into seven groups and answered two questions. Below is a summary of all of the groups' responses.

What about the current justice system that you work in or participate in reflects systematic racism? Can you identify court practices or policies that you believe are specific instances of systematic racism?

Systematic racism

- Implicit bias is evident in decisions around "appropriate" family placement.
- The assumption that everyone is similarly situated.
- The courts lack connection to the community or the ability to fully understand perspectives, especially when community members have a negative experience within the court community.
- Law firms have power over the community and decide who they want to represent and who they do not. Often times this excludes people of color.
- There is a lack of understanding. Individuals view the justice system as a lack of equity; this is a flawed statement because each of us are not coming from the same place. The lens needs to be via fairness and then try to address the unfairness. Equity doesn't address the barriers. For instance, look at juries – they receive \$10 a day, these are individuals who may have four jobs in order to survive. The parking alone is \$15. We need to look at the fairness.
- Data shows that individuals of color are five times over represented in post-conviction. Participant has observed a pattern that starts in foster care and then is compounded by race, disability, sexual violence, and the history of how African American men are viewed.
- Disproportionately impacts communities with higher instances of single parenting and poverty.
- There are very short-sighted policies that keep families in poverty. Financial triggers are often a trigger for neglect.
- White defendants get to keep their jobs while they are in the court process, while poor individuals can't afford to pay fines or pay bail while in the court process, so they lose their jobs.
- Many judges want to participate, but not in every county, and not every judge in every county. We need transparency in the process. Who does have the power? Judges can't legislate from the bench. Need to educate the public and move to un-silo the silos.
- Unified Family Court system – some counties may not be as eager to do systemic evaluation to make differences. How can we work with rural and urban together to make a difference? We need accountability. Who makes the decisions and how does that impact the family?

Access considerations

- In the attempts to offer equal access to justice (under COVID-19) system there are many

factors that are not even considered when the courts are setting up ways to administer justice under the new system. For example, given technological issues, guarantees of a speedy and public trial make it difficult when courts do not have room to let additional people into the court rooms and technical difficulties arise if providing effective language access.

- Staff have been struggling with identifying how people first get involved in the court/justice system and how we can fix the areas outside of the court's purview and how to be impartial. Some courts are looking internally at community courts and how to look at alternative sentencing options before people end up in the "system" and how we can be not participating in racism.
- This is the culture of the legal system. People don't access the legal system – they fear it – but they also have a poverty of time. There might be resources out there available to them but they don't have the time to figure it all out; it is overwhelming.
- Having the lack of resources does not help someone win their case. Communities that have more resources are more successful.
- Use of Zoom as the only way to enter a courthouse is problematic. Many individuals and communities in more rural areas do not have Wi-Fi.

Decision Making

- In family law you often see value judgments that are set by the dominant (white) culture.
- Public Safety Assessments and the systematic racism that is inherent in these pre-trial release tools. For instance, the use of housing as a score factor. Minorities are less likely to have stable housing. But is that really a measure of community ties and a predictor of public safety?
- Bail is a difficult issue. Using criminal history is problematic because we know that minorities are more likely to have more history. We need to look at the individual, look at the circumstances of the offense. A "violent" crime may not be what it appears in the charging document. If a defendant has a job/housing, don't remove them from stability if the whole picture tells you they are not at high risk offending. Exceptions are DVOs and DUIs.
- A court is conducting video hearings and the judge has been challenging attorneys on bail amounts. Are they asking more on persons of color? Is this something that is grounded in bias?
- Often see more minorities paying legal financial obligations to individuals. Is there a bias we don't see or acknowledge?
- Crimes of 2nd degree punishment, like driving without a license, seem to punish people of color and lower income more extremely.
- Perhaps the Supreme Court's sunset of LLLTs is a form of systemic racism.
- You can get daycare assistance from the state to go to work, but not to go to school.
- Bail decisions and use of risk assessment tools can be problematic.
- The idea that points accumulated in the juvenile system may affect adult sentences is inconsistent with the thoughts on juvenile decision making. This especially impacts people of color who are in the system at a higher rate.
- In the sexually violent predator commitment process and in the foster system, Blacks are overrepresented.
- Stacking offenses.
- Court rules: they are different in each jurisdiction and hard for non-trained people to understand.
- In the '90's with our juvenile super-predator mindset, they did away with automatically expunging juvenile records.
- How much authority do judges have?

Diversity in justice system personnel

- Every level of the courts needs more diversity, particularly in the leadership positions.

- Organizations are not hiring individuals of color for leadership roles to help make decisions.
- The legal community is somewhat overwhelmed. For instance, the WSBA conducts a pro tem training and there isn't much diversity in the audience. We haven't addressed how the system only works if you become the "chosen one." If you become the chosen one you receive the calls. Law firms state they want to hire persons of color but during the interview or when hired you are told to think like the law firm, not as a minority or a woman.
- People of color can sign up to be pro tem judges, but will they be chosen?

Data and evaluation

- When there is no data, it is difficult to develop better systems. There is a lack of data about how cases proceed. We need to better track data so evaluations can be data driven.
- One example of disparity is the sentencing and outcomes are not shared equally among the defendant population, if defined by race and ethnicity in the absence of actions that examine the population and characteristics of the court, and by not trying to address these disparities, then we are perpetuating the racism and inequities.
- No one is aware of data on race being collected in relation to bail decisions. One judge feels like they are chipping away at the edges of disparities in bail decisions, but no data is being collected. However, Spokane County jail has a dashboard that is going live publicly that will offer some transparency.
- Data shows a high level of disproportionality of minority children and families who are involved in the child welfare system. When children are removed due to abuse or neglect you rarely see families who are involved in just one aspect of the system. Factors are interconnected with each other, as well as the results of racism, like a domino effect.
- Incarceration for youth in WA—minority numbers have stayed the same, while Caucasian numbers have gone down due to deferrals. Where can we call attention to it?
- Pipeline – look at the preceding structures before coming in front of judge. For example, juveniles earn points when convicted and that compounds standard sentences in the adult world, which doesn't make sense as brain science tells us the brain is still forming in their youth. Youth of color are predominant in the juvenile system, which is then compounded later in pipeline.
- Young people of color are more likely to be stopped, arrested, and placed in juvenile detention. Then additional points from that adds to sentence as an adult. And because of poverty they are more likely to be involved in crime.
- In King County Juvenile Court the numbers in juvenile detention are going down, but disparities are going up. Sixty percent of youth in juvenile detention are black and Latino.

The Court Recovery Taskforce provides an opportunity to reimagine the justice system. As a founder of this new justice system, what do you most want to accomplish? What is something in the present system that you most want to change?

Systematic Approaches

- What we are talking about is life and death; the delay to actually discuss the issues cost lives. The community most impacted is usually not present at the table when key discussions are taking place. We need to seek what they see as the solutions. Step out of the silos and be accountable to the community that is being most impacted.
- The key for equality in the system is fairness and eliminating barriers to accessing the system.
- What we ask of people to even come to court can be problematic. We should ask ourselves, "Why do we even ask people come to court in the first place?"

- (Juvenile issues) Is there a risk assessment of the “village” where the children are most impacted? Focus on the broader community. Acknowledgement that it isn’t isolated and broader community needs to be examined.
- Are there too many steps in the process to get people through the system?
- When are we going to actually challenge the traditional way of doing things?
- We need to closely examine the pipeline of how individuals come to court and then examine the role of the court once those individuals are in front of us. We need to address early decisions in the life of people and structural racism.
- Judges do have authority and can be instrumental in breaking down silos, and developing rules and practices that affect the pipeline.
- Every court has their own rules and they are written in more complex, legal language. It would help immensely to have easier language.
- Court rules and processes are cumbersome.
- Viewing prevention in a different way would be a great step forward.

Personal Accountability/Exploration

- Recognition of privilege and the people who are summoned to the judicial system.
- Look to understand why people do what they do or don’t do. Really understanding assumptions and understanding the world.
- Listen more to understand.
- What is my role? Need to take a very hard look and move away from the white fragility response.
- Things judges can do—need to understand our authority and voices and how we can maximize that.

Decision Making

- Courts spend more energy on how to stop disproportionality in the justice system.
- Are we really assessing the right factors when using risk assessment tools? Is there a rigorous enough process in place to vetting the information (especially in juvenile cases)?
- Look at how we are processing cases and alternatives to incarceration.
- We have an opportunity to hear from all stakeholders who are impacted. Judges are often put in a role as being neutral deciders when the impacts of those decisions are anything but neutral. Courts could be more proactive in looking at early resolution/diversions.
- Studies show because of implicit bias, people of color receive harsher sentences and are less likely to PR.

Diversity in justice system personnel

- Expanding and improving diversity across the court levels requires working in the schools and mentoring so that people know their options. Focus on younger people.
- Challenge is where do you go to find the people to fill the positions? What do law schools look like? The pool you pull from isn’t diverse. Attorneys of color are very difficult to find. How do you connect the systems? Legal system needs to be involved in the early days of education.
- Valuing people’s experiences and recognizing the barriers persons of color go through to be deemed “qualified.” We need to change the perception that people of color may not be as qualified.

Specific programs and practices

- We have no alternative to incarceration or solutions to incarceration and would suggest that having more therapeutic courts could help with changes.
- The funding or financial support for specialty courts in our juvenile system.
- Accountability is a big part of things, but doesn’t mean jail. It involves growth and creating

opportunities for intrinsic moments. We have created tools to help with probation counselors that help reduce their response to teenage annoyance levels.

- We have incorporated a lot of foundational pieces of therapeutic courts into our juvenile court processes.
- Use of Arnolds Foundation Safety Assessment. Come out with a policy statement that until it can be objective then it should be banned in Washington State. This perpetuates racial disparity.
- Moving away from routine calendar hearings, reducing failures to appear, and making it easier to respond to judicial proceedings.
- There is a need for more inter-agency communication. Things do not work cohesively for the people who are trying to use the services. Also, it is easier to hide racist tendencies/ for things to fall through the cracks when things are not cohesive across the board. There could be CLEs for judges and attorneys to understand the role of these agencies.
- Judges and prosecuting attorneys should not take youth out of school/community. In Clark County they were able to close down three pods in their juvenile detention facility with this approach.
- Clark County decided 30 years ago not to lock up status offenders. Judges met as a group and decided that, even though they had the ability, they wanted to go down a different path. Judges can address and make choices.

Remote hearings

- Remote hearings have decreased the number of failures to appear. Although in some jurisdictions, in-person contact with the judge and defense is preferred.
- Has changed the way courts handle routine calendar management for the better for attorneys and defendants.
- Voir Dire – some attorneys and defendants feel seeing jurors in the Zoom squares allow them to read their reactions better. Others said they have the space for onsite proceedings and have not changed their practice.
- Jail security prefers remote hearings to prevent transporting inmates for health safety.
- Access to the internet is a problem for some jails and defendants.

Data and evaluation

- Work with evaluators to help track your progress and show decision makers and judges that the programs or changes made are making a shift to rehabilitative and transformative work. Greatest hope would be that these alternatives are the way to move to outcomes.
- Measure what's going on – define the outcomes and what are we trying to get to in the end.

Discussion Topic #2: Court Recovery Topics

Participants were broken into seven court recovery topic discussion groups with a facilitator and note taker and asked to answer two questions. The following are the specific highlights from each discussion group and responses to each question. These groups were broken down by content area as described below.

Juvenile Justice – both civil and criminal juvenile issues and considerations.

- 1) Have you made COVID-related changes you want to keep? If so, how do they improve our work? Please provide examples.
 - Continue to allow the same meaningful access.
 - A kiosk in the courthouse.
 - Video access to courts. Use of a format like Zoom is a fantastic tool. The access to justice using these tools should not be reduced for folks. It must be in addition to.
 - Technology has helped courts talk to clients who are in jails across the city, state, and country.
 - Electronic filing has provided public access to the court system. Implementing digital signatures should continue.
 - We need to come together and talk through strategies and work together.
- 2) Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and if so how? Please provide examples.
 - Technology has been helpful in some cases where transportation and child care is not available for some people to get to court, but does not work for everyone to have equal access to courts.
 - As courts reopen, courts have been inconveniencing defendants and have asked them to continue to come back into court multiple times.
 - The budget and staff shortages are barriers.

Civil Justice – general civil, unlawful detainers, self-represented litigants, and mental health issues and considerations.

1. Have you made COVID-related you want to keep? If so, how do they improve our work? Please provide examples.
 - There has been beneficial engagement and collaboration between the judicial branch and other agencies. Collaboration is important to keep moving forward.
 - Continue the use of technology, keeping in mind the barriers of urban and rural access, and use of different technology by different courts.
 - Remote technology improves access to the court and decreases the cost of litigation.
 - The crisis has created an opportunity for us to look more systemically and to be more communally involved with one another. Hope those relationships get institutionalized long-term.
 - At the administrative hearing level virtual hearings are much more common with deeper and broader participation.
 - Would like to keep extended hours in the discussion, particularly in smaller counties.
2. Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and, if so, how? Please provide examples.

- How do we accommodate lack of technology?
- Would non-traditional court hours (evening or weekends) help courts get through the backlog?
- Wish that were universal perspectives of the bench. Still some child welfare cases where attorney presence continues to be demanded.
- Some courts are advanced with their technology; other courts lack the bandwidth/technology/training to do remote hearings (especially the courts in more rural counties).
- Universal electronic filing in the courts would be very helpful.
- Some sort of simplified filing system (even just an email address on each court website) in the rural counties would be helpful.
- Ability to circulate and get signatures electronically would be a huge help.
- Would love to get input on court hours. Moving a lot of procedures out of traditional courtrooms, what about weekend court/night court and complete online processes?
- For our clients, the big issues are access to childcare and access to technology.

Technology and Logistics – facility and technology infrastructure issues and considerations.

1. Have you made COVID-related changes you want to keep? If so, how do they improve our work? Please provide examples.

- There is broad support for the use of videoconferencing. It has decreased the number of failures to appear, changed the way courts handle routine calendar management for the better for attorneys and defendants, assisted with Voir Dire and allowing attorneys and judges to read their reactions better and to prevent transporting inmates for health safety.
- Appeals Court grateful they went to all electronic records pre-COVID, it's been a good change.

2. Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and, if so, how? Please provide examples.

- Access to internet is a problem for some jails and defendants.
- Internet access is needed for court users. Courts are creating high speed internet hot spots for court users in community spaces all over town and in the parking lots of the court facilities. Hot spots could also be set up in community centers or libraries.
- Technology upgrades are needed for some court facilities. Cares money has provided cables, software, hardware, Owl cameras, etc. so courts can conduct remote proceedings effectively.
- Livestreaming proceedings. Good for fulfilling open courtroom laws, and recording potential misconduct. But there are concerns for sensitive litigants, especially defendants and victims in sexual assault cases. How to stop cameras for sensitive testimony is not resolved. When using live-streaming to accommodate open court rules, how do you balance this with privacy needs? This will be an area of litigation.

Equity and Inclusion – racial equity, language access, disability considerations, judicial officers and court personnel diversity issues and considerations.

1. Have you made COVID-related changes you want to keep? If so, how do they improve our work? Please provide examples.

- Video conferencing has increased the access to justice for many, especially in large counties where people have to travel long distances to come to court.

- Technology has increased access for those with transportation issues or who cannot take time away from work or find daycare and can reduce travel costs for others.
- The jail populations are down due to COVID and prosecutors and judges are doing more to keep accused people out of jail. This is a positive development which might reduce disproportionality within the jails.
- The Chief Justice meets with the presidents of the judicial associations and others every Friday morning. They brainstorm issues, across court levels, across counties. Perhaps this would be the starting point.

2. Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and, if so, how? Please provide examples.

- Barriers to remote hearings: community members not having internet access, no phones or computers or cell service. One county is looking at creating access points throughout the county where individuals can utilize technology. Perhaps video technology can reduce bench warrants and reduce this disparity of the higher number of Native Americans in their jails.
- Access points are the key. This would be a very concrete action the BJA summit could work on. It would benefit everyone.
- Technology is wonderful but we need to make sure those with disabilities and/or needing language access are not forgotten. Dealing with disabilities within the court setting is one thing but courts have not been able to address it adequately via technology.
- Some organizations' facilities don't have the technological infrastructure needed to address court needs.
- Wearing masks may create a problem for interpreters. ASL Interpreters and other interpreters are having difficulty translating while everyone is in masks.
- It is critical for courts to talk to each other. From an attorney's standpoint it is very difficult and discouraging to have different rules and procedures at the different levels of courts. More uniformity and centralized resources would be helpful. Look at what has already been done, share it, and replicate it.
- It is critical to hear from groups across the spectrum and hearing the good and the bad. This type of forum should continue and continue to add other voices to this forum.
- We need to hear from those within the system, those impacted the most. Are we willing to hear from people in the system? If so, we cannot be defensive.
- We need to recognize and embrace problems and have an honest and blunt assessment.
- Judges need to be willing and able to engage in conversations on needed changes.
- We need to identify and address obstacles to people with no access to Wi-Fi or with disabilities.

Family Justice – child welfare, delinquency, elder and protection order issues and considerations.

1. Have you made COVID-related changes you want to keep? If so, how do they improve our work? Please provide examples.

- The Department of Children, Youth, and Families (DCYF) moved to remote services for parent-child visitation and in-home services. They learned that remote visits were helpful to families, but does not replace in-person visits. Positive change that they would like to keep—for instance, video call to child to say goodnight in addition to visits, and when parents cannot make it to a visit, it will not be canceled, but made remotely.
- Child advocate training—a number of the local programs didn't have the capability to train remotely. Over 140 child advocates trained online statewide during COVID. Now the

training is centralized and there are assurances that volunteers are getting information on disproportionality and bias because it is in the curriculum.

- Scheduling is better than before.
- Those filing protective orders don't have to face perpetrators, and we should use this process going forward.

2. Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and, if so, how? Please provide examples.

- Agencies are often siloed. They need to work together to address financial and educational inequalities. We need education, health care, and employment opportunities.
- DCYF provided all phones, hot spots, etc. through concrete goods and services. Most families are able to participate remotely, some remote areas difficult, but a small percentage.
- Technology was not the biggest challenge, giving them permission to use it was.
- Some courts don't have Wi-Fi and at the same time have to be like air traffic controllers to move cases through.
- The number of protective orders has increased. SCJA is drafting legislation to provide consistency with various protective orders in statute to introduce next session.
- Self-represented family law matters. AK, OR, ID do not have informal domestic relations trials. A template would be helpful (Thurston County may be doing it).
- Barriers from the child welfare perspective – they are a reactive point in system. Typically layers and layers of things have occurred by the time they see families. Need to get upstream, think more collaboratively, and need to think about education, economics, medical, etc. Is there a group that can take this on and answer the question: What do we want for all families? People expect DCYF to solve this problem, but they can't do it all. Need to turn system on its head and allocate resources.

Adult Criminal Justice – adult criminal justice issues and considerations.

1. Have you made COVID-related changes you want to keep? If so, how do they improve our work? Please provide examples.

- Continue the current level of cooperation and collaboration.
- Reconsider releases of non-violent offenders.
- Using remote technology for defendants has increased access.
- For efficiency sake, remote work can be done and there could be some cost savings.
- Strategic plan for use of Zoom/de-personalization issues must be considered.
- Requirement of appearance when cases are going to be continued – not requiring them to be present helps to expedite the process.
- Juvenile cases need to be mindful of constitutional rights.

2. Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and, if so, how? Please provide examples.

- Think about barriers to access and uniformity of court documents and court processes.
- In the interest of streamlining, consider a central clearing house for information.
- Obtaining documents from the clerk's office and uniformed documents.
- Consider language access needs as we move forward.
- Need for statewide coordination of public defenders – the decentralized nature currently makes communication challenging.

Court Management – case flow management, judicial and court personnel and staffing, training, and accountability issues and considerations.

1. Have you made COVID-related changes you want to keep? If so, how do they improve our work? Please provide examples.

- When motions or other hearings can be held by videoconferencing platforms, this works well for rural courts; they improve the justice system for attorneys and defendants, etc. Doing depositions by Zoom or by remote means saves travel time and cost as well.
- Access to services increases with tele-appointments.
- One court is using videoconferencing for mitigations and if the court user wants an in-person hearing, then parties call. Keeps courts open for backlog. They were able to go to e-courts so many people, including probation officers, are working from home.
- Access to services and remediation of behavior or parental issues in small rural communities is something that has increased because they have been able to increase menu offerings due to video/health and teleservices.

2. Are there barriers to moving changes and innovations forward? What are the barriers and how can they be overcome? Would these changes positively affect equity and access and, if so, how? Please provide examples.

- Consider the difficulty of access when all jurisdictions have different accessibility.
- There are challenges still with docu-signing and sharing documents and for courts that do not want everything out on YouTube.
- One court is trialing a work from home day for all personnel to see if it can be done.
- Interpretation: there are difficulties with simultaneous interpretation if interpreters are not given a separate line for communication and if they are there will be a learning curve. Other barriers for language access: may be hard to hear individuals through the platform, interpreters may not have access to the documents ahead of time, and consecutive interpreting may take more time or things may be missed. How do you connect people to online interpreter if the website is not updated or translations done?
- Biggest hurdle is not having electronic filing and that the postal service is slowing down.
- Not having consistent technology platforms or best practice or standardization from the courts can be challenging for individuals to learn and know where to find things.

Themes from the Summit Discussion Groups

There were several themes that came up in the discussion groups:

- 1) **Universal Access to Technology and Remote Hearings** – Remote hearings and access to technology are important issues to move forward. While remote hearings have often increased access to the courts, there is a need to train on the technology, create access to Wi-Fi and technology tools, and address language and disability considerations for technology usage.
- 2) **Continued Collaboration** – Increased collaboration with justice and community partners has been critical in being successful and must continue past the pandemic.
- 3) **Increased Stakeholder Feedback** – It is critical to engage broad stakeholder feedback including court user (those that come into the courts to utilize services) feedback to ensure identified outcomes are met.
- 4) **Racial Equity and Access Considerations** – Racial Equity, language access, and disability access must be at the forefront as we develop new procedures and ways of doing business.

TAB 2

**Washington State Judicial Branch
2021-2023 Biennial Budget Request
August 2020**

Administrative Office of the Courts – State General Fund Requests		
Title	FTE	Amount Requested
Judicial Needs Development: Caseload Study and Sustainability of Essential Information	1.5	\$620,000
Funding is requested to develop a judicial needs weighted caseload study. Current level \$0 per year		
Realizing Change through Research	1.0	\$301,000
Funding is requested for research related to race, gender, foreign and signed language groups, and how the courts interact and administer justice to historically marginalized groups. Current level \$0.		
Responding to Behavioral Health Needs in the Court	4.0	\$1,071,000
Funding is requested to develop a statewide court Behavioral Health Response Team. Current level \$0.		
New Judge Position – King County	1.0	\$318,000
Funding is requested to add a 54 th judge to King County Superior Court. Current level \$0		
Trial Court Legal Services	3.0	\$769,000
Funding is requested for additional professional legal staff who will provide legal research, legal materials and training to judicial officers. Current level \$1,403,000.		
Trial Court Security Improvement	1.0	\$768,000
Funding is requested to purchase the basic security equipment and services that courts need in order to provide safe access to justice to the communities of Washington State. Current level \$0.		
Court Equity and Access Team	5.0	\$1,518,000
Funding is requested to develop a statewide Court Equity and Access Team who will ensure equal access to civil justice. Current level \$0.		
The LFO Calculator	0.0	\$61,000
Funding is requested to continue support of the Legal Financial Obligations (LFO) Calculator, a web-based tool that provides ready access to current statutes and case-law governing LFO's. Current level \$12,400.		

**Washington State Judicial Branch
2021-2023 Biennial Budget Request
August 2020**

Title	FTE	Amount Requested
Web Services Support	1.0	\$319,000
Funding is requested for additional Web Services staff support, necessary to serve increasing demand. Current level \$1,112,000.		
Trial Court Funding Language Access	0.0	\$2,726,000
Funding is requested to expand the state Interpreter Reimbursement Program. Current Level \$2,160,000.		
Total 2021-2023 SGF Request-Pass Through /Programmatic	2.0	\$3,812,000
Total 2021-2023 SGF Request-Infrastructure	15.5	\$4,659,000
Total 2021-2023 SGF Proposal	17.5	\$8,471,000 Approximately a 6.3 % increase in near general fund.

Administrative Office of the Courts – JIS Requests		
Title	FTE	Amount Requested-JIS Account
Appellate Court Systems Operations and Maintenance (AC-ECMS)	5.0	\$2,000,000
Funding is requested to establish permanent staffing for the maintenance, operations, and support of the Appellate Court Information Systems and web pages. Current level \$0.		
CLJ-CMS	34.0	\$16,835,000
Funding is requested to continue the implementation of the Case Management System (CMS) for the Courts of Limited Jurisdiction (CLJ) and probation offices. Current level \$0.		
External Equipment Replacement	0.0	\$252,000
Funding is requested to replace aged computer equipment at the trial courts and county clerk's offices. Current level \$0.		
INH-EDR Future Integrations	0.0	\$500,000
Funding is requested to preserve funding to integrate additional case management systems with the Information Networking Hub – Enterprise Data Repository (INH-EDR). Current level \$0.		

**Washington State Judicial Branch
2021-2023 Biennial Budget Request
August 2020**

Title	FTE	Amount Requested-JIS Account
Internal Equipment Replacement	0.0	\$2,503,000
Funding is requested to replace end of life equipment and to improve performance of heavily used JIS services. Current level \$0.		
Juvenile Court Portfolio Enhancements	3.5	\$1,032,000
Funding is requested to expand AOC staff to sustain support for and enhance the juvenile court application Portfolio. Current level \$860,000.		
Total Information Tech. Requests-JIS Acct.	42.5	\$23,122,000
Total Information Tech. Requests-All Sources	42.5	\$23,122,000

**Total Administrative Office of the Courts
2019 – 2021 Biennial Budget Request**

Title	FTE	Amount
Total State General Fund Requests	17.5	\$8,471,000
Total Info. Tech. Requests (JIS Acct.)	42.5	\$23,122,000
Total All Requests	60.0	\$31,593,000
Total Proposed SGF Request \$8.644 million - approximately 6.3% greater than carry forward level.		

**Washington State Judicial Branch
2021-2023 Biennial Budget Request
August 2020**

Office of Civil Legal Aid		
Title	FTE	Amount Requested
Children's Representation Caseload Reduction	0.0	(\$330,000)
Recent and projected reductions in caseloads of legally free children entitles to appointed counsel under RCW 13.34.100(6) require a downward adjustment to the FY 20201 budget.		
Eliminate Dedicated Funding for International Families Justice Coalition	0.0	(\$300,000)
Dedicated funding for the International Families Justice Coalition (IFJC) is removed from carryforward level due to its inability to meet basic client service and capacity development performance objectives.		
Total OCLA Request	0.0	(\$630,000)

Total 2021 – 2023 Biennial Budget Request

Title	FTE	Amount
Total AOC State General Fund Requests	17.5	\$8,471,000
Total AOC Info. Tech. Requests (JIS Acct.)	42.5	\$23,122,000
Total AOC Requests All Sources	60.0	\$31,593,000
Total Supreme Court Request	0.0	\$0
Total Court of Appeals Request	0.0	\$75,000
Total State Law Library Request	0.0	\$0
Total Office of Public Defense Request	0.0	\$0
Total Office of Civil Legal Aid Request	0.0	(\$630,000)
Total Request (above existing funding)	55.9	\$31,038,000

TAB 3



September 18, 2020

TO: Board for Judicial Administration Members
FROM: Chief Justice Debra Stephens, Judge Judith Ramseyer, Judge Scott Ahlf, Co-Chairs
RE: Court Recovery Task Force Report

On May 8, 2020, the BJA approved the creation of the Court Recovery Task Force to address court impacts from the COVID-19 pandemic. The BJA Court Recovery Task Force will assess current court impacts from the pandemic; develop and implement strategies to ensure that every court can provide fair, timely, and accessible justice; and provide recommendations for ongoing court operations and recovery after the public health emergency subsides.

The Task Force met in June and developed 12 committees to look at various aspects in the court system. These are: Technology Considerations, Facilities and Logistics, General Civil Litigation, Family Law, Child Welfare, Criminal Matters (Subcommittees: Juvenile Criminal Civil, Therapeutic, Adult), Appellate Courts Lessons Learned, Public Outreach, and Communication. These committees will be expected to develop a work plan identifying activities and tasks to work on in the coming years.

The Task Force co-sponsored with BJA the Court Recovery Summit, August 25, 2020. Approximately 110 attended from a variety of disciplines. Jeffery Robinson presented, *Excerpts from "Who We Are: A Chronicle of Racism in America."* There were several discussion groups that explored several questions. The report is attached in the BJA meeting packet.



September 18, 2020

TO: Board for Judicial Administration (BJA) 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 Task Force has begun working on the court security tool kit that will be available on Inside Courts. The toolkit will expand the current resources and will include materials that will be helpful for new court staff and courthouse security committees. The toolkit will include:

- Updated sample guides for creating and maintaining effective security committees and developing security plans unique to each courthouse.
- Security training videos and materials from previous security presentations at conferences.
- Recommended reference materials from the National Center for State Courts and other reputable sources on a variety of courthouse security issues.

The Task Force is waiting to hear if the budget decision package that was submitted to the AOC in early June will be included in the 2021-2023 Judiciary biennium budget. The Task Force will either begin creating the advocacy network and communication campaign to support the budget package or convene the Task Force to discuss viable options to recommend to the BJA if the funding request is not included in the judiciary budget.



September 11, 2020

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

Since the last report, the education team continues to design, develop and facilitate online education. The education team, of Mr. Phil Zitzelman, Pam Dittman and Laura Blacklock, helped design, develop, and host the following online educational programs.

The Washington State Association of County Clerks held an online *Odyssey Security Training* and will be presenting another on *The Future of JIS, EDR, Statewide Data and Reporting* in early September. AOC personnel served as faculty for both webinars.

Association of Washington Superior Court Administrators' held a *Virtual Roundtable on Jury Trial Logistics*.

The District and Municipal Court Judges' Association's Education Committee conducted a webinar on *Mediation*. Judge Linda Portnoy, of Lake Forest Park Municipal Court, moved her live program into a virtual environment.

The Superior Court Judges' Associations' Education Committee developed and designed a three part series on *Evictions*. The first two parts were informational and the third portion was a roundtable discussion with faculty from the previous webinars.

Presiding Judge and Administrators conducted a webinar on *Judicial Independence in Tough Times*, followed up by a virtual roundtable discussion.

In mid-September, the third part of a Mental Health series was presented, which was slated to be held in person at the 62nd Annual Conference. The first two parts were held during the District and Municipal Court Judges' Virtual Spring Program. The webinar will cover *Judicial Leadership: The Story of Miami-Dade County* with guest faculty Judge Steve Leifman, Eleventh Judicial Circuit of Florida, Ms. Patti Tobias, National Center for State Courts, and Judge Charles Short, Okanogan County District Court.

The 2021 Judicial College Deans and educators have designed a tentative schedule for the 2021 College. The majority of the courses will be online over a two-week period with the hopes of meeting in person for 2 days at a later date to conduct additional education. The Education team conducted two online faculty refreshers, which focused on pivoting their courses to an online environment.

The CEC re-allocated the FY21 Institute for Court Management funding, usually reserved for in-person programming in February, to fund ICM scholarships. The intent is to allow court personnel to continue to pursue their ICM Certified Court Manager (CCM) certificate via online and to continue to grow professionally. The CCM consists of six online courses: Court Performance Standards: CourTool; Fundamentals Issues in Caseflow Management; Managing Court Financial Resources; Managing Human Resources; Managing Technology Projects; and Technology Resources, Purposes & Responsibilities of Courts.

The Education team is enrolled in an online faculty development course conducted by The National Judicial College. The weekly courses started in mid-July and will end in September.

The Education team is currently working to move the in-house *Faculty Development* program, required for all Judicial College faculty, into an online environment. The live program is held in early November for a week, but due to continual COVID restrictions, the team is moving the content online. Programming will occur over a two-week period with an additional time for the participants to give their online presentations in early November.

The Judicial Assistance Services Programs' Peer Counselor Training scheduled for October 2, 2020 will go online. Guest faculty Dr. Susanne Kanther will discuss *Living in Limbo*, followed by an Active Listening training for the Peer Counselors.

The AOC conducted interviews for the Distance Learning Coordinator and have conditionally offered the position contingent on the background check (finger printing). The hope is to have the chosen candidate on board in early October.

Work in Progress

Develop a strategic plan to implement the online education platform, and to prioritize projects.

Onboard a new Distance Learning Coordinator.

Analyze and review requirements for a Learning Management System (LMS) for the AOC.

Continual work on Inside Courts Education and Training site.



September 18, 2020

TO: Board for Judicial Administration (BJA) Members
FROM: Judge Kevin Ringus, BJA Legislative Committee Chair
Dory Nicpon, AOC Associate Director, Judicial and Legislative Relations
RE: BJA Legislative Committee Report and Action Items for the Board

During the regular legislative session and any special session, the Legislative Committee convenes weekly calls to discuss pending legislation. During the legislative interim, the Legislative Committee convenes as necessary to review and prepare legislative proposals and develop strategies for any upcoming legislative sessions.

On March 23, 2020, the Legislative Committee solicited legislative proposals for the 2021 legislative session from court levels and entities. The solicitation included information about the process and forms to submit a proposal, and asked for proposals and supporting documentation to be submitted by June 15, 2020. The Committee received two proposals: a request from Thurston County Superior Court (TCSC) to add a ninth judge and a request designed to address the emergency loss of a presiding judge in certain single judge courts.

To examine the issue of continuity of operations in single judge courts statewide, the Committee convened a small work group and asked it to determine what language should be advanced in court rule or statute. In lieu of the original proposal submitted to the Legislative Committee, the Single Judge Courts Work Group (Work Group) recommended:

- 1) A court rule amendment to impose the obligation on a judge in a single judge court to predesignate a Presiding Judge Pro Tempore to fulfill presiding judge duties in the case of illness, incapacity, resignation, death, or unavailability of the judge;¹ and
- 2) The attached bill draft to:
 - a) authorize the Chief Justice to appoint a Presiding Judge Pro Tempore when either the requisite predesignation under court rule has not occurred or the administration of justice would be served by a change to the Presiding Judge Pro Tempore; and
 - b) address explicitly the scope and duration of the authority of the Presiding Judge Pro Tempore to fulfill certain functions, including appointment of commissioners.

¹ When it considered the proposed court rule amendment recommended by the Work Group, the Legislative Committee made a minor addition to the commentary added to General Rule (GR) 29(b). The proposed court rule amendment included in these materials is the version adjusted and recommended by the Legislative Committee.

On August 31, 2020, the Legislative Committee reviewed the original proposal regarding certain single judge courts, the proposal recommended by the Work Group, as well as TCSC's request to add a ninth judge and the supporting documentation submitted for it. Mindful of the legislative expectation regarding local funding commitments, the documentation required during the proposal submission process includes "documentation of *approved* local/county budget(s) that include funding for the count(ies)' portion(s) of the judicial salary." In lieu of documentation of an approved local budget funding the county's portion of the additional judge's salary, the Thurston County Board of County Commissioners wrote a letter that indicates support for TCSC's request for an additional judge, acknowledges the need for an additional judge and the impact on timely administration of justice, but states that, "[b]ecause of COVID-19, secured funding for this additional position is difficult to commit to" The letter evinces a willingness to look at all possibilities for funding and an intent to discuss the need for an additional judge with local legislators.

Based on all of the information reviewed, the Legislative Committee voted on recommendations to the Board regarding 2021 BJA-request legislation. Specifically, the Legislative Committee recommends the Board vote as follows:

ACTION ITEM #1: Adopt the Legislative Committee recommendation to seek legislative sponsorship of the attached bill draft numbered Z-0916.1/20 as BJA-request legislation and support the adoption of the attached proposed court rule amendment to GR 29.

ACTION ITEM #2: Adopt the following position regarding the addition of a ninth judge for TCSC:

- 1) BJA supports the need for a ninth TCSC judge;
- 2) BJA will testify in support of any legislation that proposes to adjust the statutorily-authorized number of TCSC judges from eight to nine that is introduced in the 2021-23 biennium;
- 3) BJA will only seek legislative sponsorship of "*BJA-request legislation*" to adjust the number of TCSC judges from eight to nine after AOC receives documentation of an approved local budget with funding for the county's portion of the additional judge's salary.

Legislative Committee Next Activities

The Legislative Committee will develop appropriate legislative and stakeholder engagement plans based on the Board votes on the foregoing action items and will continue to work with sentencing courts and the legislative committees of the trial court associations regarding the potential reintroduction of Clean Slate Act legislation.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0916.1/20

ATTY/TYPIST: KS:jlb

BRIEF DESCRIPTION: Concerning continuity of judicial operations in
single judge courts.

1 AN ACT Relating to continuity of judicial operations in single
2 judge courts; amending RCW 2.56.040, 2.08.180, 2.08.120, 2.24.010,
3 3.34.150, 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; and
4 adding a new section to chapter 3.50 RCW.

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

6 **Sec. 1.** RCW 2.56.040 and 2005 c 182 s 1 are each amended to read
7 as follows:

8 (1) The chief justice shall consider all recommendations of the
9 administrator for the assignment of judges, and, in the discretion of
10 the chief justice, direct any judge whose calendar, in the judgment
11 of the chief justice, will permit, to hold court (~~in any county or~~
12 ~~district~~) where need therefor exists, to the end that the courts
13 (~~of~~) in this state shall function with maximum efficiency, and that
14 the work of other courts shall be equitably distributed. It shall be
15 the duty of every judge to obey such direction of the chief justice
16 unless excused by the chief justice for sufficient cause.

17 (2)(a) If, due to illness, incapacity, resignation, death, or
18 other unavailability, the presiding judge in a single judge court is
19 unable to fulfill the duties of the office, and no person has been
20 previously designated by the presiding judge to serve as presiding
21 judge pro tempore, the chief justice may upon recommendation of the

1 administrator of the courts appoint another judicial officer or other
2 person who meets the qualifications of a judge pro tempore to serve
3 as presiding judge pro tempore during the period of such illness,
4 incapacity, or unavailability, or until a vacancy in the position is
5 filled as provided by law.

6 (b) The chief justice may appoint someone other than the
7 previously designated or appointed individual to serve as presiding
8 judge pro tempore during a period of illness, incapacity,
9 resignation, death, or unavailability of the presiding judge in a
10 single judge court whenever the chief justice determines that the
11 administration of justice would be better served by appointment of
12 someone else to fulfill the presiding judge duties during the period
13 of illness, incapacity, or unavailability, or until a vacancy in the
14 position is filled as provided by law.

15 **Sec. 2.** RCW 2.08.180 and 2005 c 142 s 1 are each amended to read
16 as follows:

17 A case in the superior court of any county may be tried by a
18 judge pro tempore, who must be either: (1) A member of the bar,
19 agreed upon in writing by the parties litigant, or their attorneys of
20 record, approved by the court, and sworn to try the case; or (2)
21 pursuant to supreme court rule, any sitting elected judge or a
22 presiding judge pro tempore appointed by the chief justice under RCW
23 2.56.040(2). Any action in the trial of such cause shall have the
24 same effect as if it was made by a judge of such court. However, if a
25 previously elected judge of the superior court retires leaving a
26 pending case in which the judge has made discretionary rulings, the
27 judge is entitled to hear the pending case as a judge pro tempore
28 without any written agreement.

29 A judge pro tempore shall, before entering upon his or her duties
30 in any cause, take and subscribe the following oath or affirmation:

31 "I do solemnly swear (or affirm, as the case may be,) that I will
32 support the Constitution of the United States and the Constitution of
33 the State of Washington, and that I will faithfully discharge the
34 duties of the office of judge pro tempore in the cause
35 wherein is plaintiff and defendant, according
36 to the best of my ability."

37 A judge pro tempore who is a practicing attorney and who is not a
38 retired justice of the supreme court or judge of a superior court of
39 the state of Washington, or who is not an active judge of a court of

1 the state of Washington, shall receive a compensation of one-two
2 hundred fiftieth of the annual salary of a superior court judge for
3 each day engaged in said trial, to be paid in the same manner as the
4 salary of the superior judge. A judge who is an active full-time
5 judge of a court of the state of Washington shall receive no
6 compensation as judge pro tempore. A judge who is an active part-time
7 judge of a court of the state of Washington may receive compensation
8 as a judge pro tempore only when sitting as a judge pro tempore
9 during time for which he or she is not compensated as a part-time
10 judge. A justice or judge who has retired from the supreme court,
11 court of appeals, or superior court of the state of Washington shall
12 receive compensation as judge pro tempore in the amount of sixty
13 percent of the amount payable to a judge pro tempore under this
14 section, provided that a retired justice or judge may decline to
15 accept compensation.

16 **Sec. 3.** RCW 2.08.120 and 1955 c 38 s 5 are each amended to read
17 as follows:

18 (1) If a vacancy occurs in the office of judge of the superior
19 court, the governor shall appoint a person to hold the office until
20 the election and qualification of a judge to fill the vacancy, which
21 election shall be at the next succeeding general election, and the
22 judge so elected shall hold office for the remainder of the unexpired
23 term.

24 (2) During any vacancy that occurs pursuant to subsection (1) of
25 this section in a single judge court, a presiding judge pro tempore
26 who has been predesignated pursuant to court rule or appointed
27 pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and
28 the authority of the predesignated or appointed presiding judge pro
29 tempore endures until the chief justice appoints someone else to
30 fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or
31 until a vacancy in the position is filled as provided by law,
32 whichever occurs first.

33 **Sec. 4.** RCW 2.24.010 and 2013 c 27 s 3 are each amended to read
34 as follows:

35 (1) There may be appointed in each county or judicial district,
36 by the judges of the superior court having jurisdiction therein or by
37 a presiding judge pro tempore who is fulfilling presiding judge
38 duties for a single judge court pursuant to RCW 2.08.120(2), one or

1 more court commissioners for said county or judicial district. Each
2 such commissioner shall be a citizen of the United States and shall
3 hold the office during the pleasure of the judges making the
4 appointment.

5 (2) (a) There may be appointed in counties with a population of
6 more than four hundred thousand, by the presiding judge of the
7 superior court having jurisdiction therein, one or more attorneys to
8 act as criminal commissioners to assist the superior court in
9 disposing of adult criminal cases. Such criminal commissioners shall
10 have power, authority, and jurisdiction, concurrent with the superior
11 court and the judges thereof, in adult criminal cases, to preside
12 over arraignments, preliminary appearances, initial extradition
13 hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or
14 9.94B.040; accept pleas if authorized by local court rules; appoint
15 counsel; make determinations of probable cause; set, amend, and
16 review conditions of pretrial release; set bail; set trial and
17 hearing dates; authorize continuances; accept waivers of the right to
18 speedy trial; and authorize and issue search warrants and orders to
19 intercept, monitor, or record wired or wireless telecommunications or
20 for the installation of electronic taps or other devices to include,
21 but not be limited to, vehicle global positioning system or other
22 mobile tracking devices with all the powers conferred upon the judge
23 of the superior court in such matters.

24 (b) The county legislative authority must approve the creation of
25 criminal commissioner positions.

26 **Sec. 5.** RCW 3.34.150 and 1989 c 227 s 7 are each amended to read
27 as follows:

28 (1) If a district has more than one judge, the supreme court may
29 by rule provide for the manner of selection of one of the judges to
30 serve as presiding judge and prescribe the presiding judge's duties.
31 If a county has multiple districts or has one district with multiple
32 electoral districts, the supreme court may by rule provide for the
33 manner of selection of one of the judges to serve as presiding judge
34 and prescribe the presiding judge's duties.

35 (2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge
36 pro tempore may be predesignated or appointed to fulfill presiding
37 judge duties in case of the illness, incapacity, resignation, death,
38 or unavailability of the presiding judge of a single judge court. In
39 such circumstances, the authority of the predesignated or appointed

1 presiding judge pro tempore endures until the chief justice appoints
2 someone else to fulfill the presiding judge duties pursuant to RCW
3 2.56.040(2)(b), or the period of such illness, incapacity, or
4 unavailability ends, or until a vacancy in the position is filled as
5 provided by law, whichever occurs first.

6 **Sec. 6.** RCW 3.34.100 and 2003 c 97 s 3 are each amended to read
7 as follows:

8 (1) If a district judge dies, resigns, is convicted of a felony,
9 ceases to reside in the district, fails to serve for any reason
10 except temporary disability, or if his or her term of office is
11 terminated in any other manner, the office shall be deemed vacant.
12 The county legislative authority shall fill all vacancies by
13 appointment and the judge thus appointed shall hold office until the
14 next general election and until a successor is elected and qualified.
15 However, if a vacancy in the office of district court judge occurs
16 and the total number of district court judges remaining in the county
17 is equal to or greater than the number of district court judges
18 authorized in RCW 3.34.010 then the position shall remain vacant.
19 District judges shall be granted sick leave in the same manner as
20 other county employees. A district judge may receive when vacating
21 office remuneration for unused accumulated leave and sick leave at a
22 rate equal to one day's monetary compensation for each full day of
23 accrued leave and one day's monetary compensation for each four full
24 days of accrued sick leave, the total remuneration for leave and sick
25 leave not to exceed the equivalent of thirty days' monetary
26 compensation.

27 (2) During any vacancy that occurs pursuant to subsection (1) of
28 this section in a single judge court, a presiding judge pro tempore
29 who has been predesignated pursuant to court rule or appointed
30 pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and
31 the authority of the predesignated or appointed presiding judge pro
32 tempore endures until the chief justice appoints someone else to
33 fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or
34 until a vacancy in the position is filled as provided by law,
35 whichever occurs first.

36 **Sec. 7.** RCW 3.34.130 and 1996 c 16 s 1 are each amended to read
37 as follows:

1 (1) (~~Each~~) In addition to the designation of a presiding judge
2 pro tempore for a single judge court as described in RCW 3.34.150(2),
3 each district court shall designate one or more persons as judge pro
4 tempore who shall serve during the temporary absence,
5 disqualification, or incapacity of a district judge or to serve as an
6 additional judge for excess caseload or special set cases. The
7 qualifications of a judge pro tempore shall be the same as for a
8 district judge, except that with respect to RCW 3.34.060(1), the
9 person appointed need only be a registered voter of the state. A
10 district that has a population of not more than ten thousand and that
11 has no person available who meets the qualifications under RCW
12 3.34.060(2)(a) (~~(or (b))~~), may appoint as a pro tempore judge a
13 person who has taken and passed the qualifying examination for the
14 office of district judge as is provided by rule of the supreme court.
15 A judge pro tempore may sit in any district of the county for which
16 he or she is appointed. A judge pro tempore shall be paid the salary
17 authorized by the county legislative authority.

18 (2) For each day that a judge pro tempore serves in excess of
19 thirty days during any calendar year, the annual salary of the
20 district judge in whose place the judge pro tempore serves shall be
21 reduced by an amount equal to one-two hundred fiftieth of such
22 salary: PROVIDED, That each full time district judge shall have up to
23 fifteen days annual leave without reduction for service on judicial
24 commissions established by the legislature or the chief justice of
25 the supreme court. No reduction in salary shall occur when a judge
26 pro tempore serves:

27 (a) While a district judge is using sick leave granted in
28 accordance with RCW 3.34.100;

29 (b) While a district court judge is disqualified from serving
30 following the filing of an affidavit of prejudice;

31 (c) As an additional judge for excess case load or special set
32 cases; or

33 (d) While a district judge is otherwise involved in
34 administrative, educational, or judicial functions related to the
35 performance of the judge's duties: PROVIDED, That the appointment of
36 judge pro tempore authorized under subsection (2)(c) and (d) of this
37 section is subject to an appropriation for this purpose by the county
38 legislative authority.

39 (3) The legislature may appropriate money for the purpose of
40 reimbursing counties for the salaries of judges pro tempore for

1 certain days in excess of thirty worked per year that the judge pro
2 tempore was required to work as the result of service by a judge on a
3 commission as authorized under subsection (2) of this section. No
4 later than September 1 of each year, each county treasurer shall
5 certify to the administrator for the courts for the year ending the
6 preceding June 30, the number of days in excess of thirty that any
7 judge pro tempore was required to work as the result of service by a
8 judge on a commission as authorized under subsection (2) of this
9 section. Upon receipt of the certification, the administrator for the
10 courts shall reimburse the county from money appropriated for that
11 purpose.

12 **Sec. 8.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to
13 read as follows:

14 When so authorized by the districting plan, one or more district
15 court commissioners may be appointed in any district by the judges of
16 the district. Each commissioner shall be a registered voter of the
17 county in which the district or a portion thereof is located, and
18 shall hold office at the pleasure of the appointing judges. For
19 purposes of this section, "appointing judge" includes a presiding
20 judge pro tempore fulfilling presiding judge duties for a single
21 judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person
22 appointed as a commissioner authorized to hear or dispose of cases
23 shall be a lawyer who is admitted to the practice of law in the state
24 of Washington or who has passed the qualifying examination for lay
25 judges as provided under RCW 3.34.060.

26 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.50 RCW
27 to read as follows:

28 During any vacancy that occurs in a single judge court pursuant
29 to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has
30 been predesignated pursuant to court rule or appointed pursuant to
31 RCW 2.56.040(2) may fulfill presiding judge duties, and the authority
32 of the predesignated or appointed presiding judge pro tempore endures
33 until the chief justice appoints someone else to fulfill the
34 presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a
35 vacancy in the position is filled as provided by law, whichever
36 occurs first.

1 **Sec. 10.** RCW 3.50.075 and 2019 c 52 s 1 are each amended to read
2 as follows:

3 (1) One or more court commissioners may be appointed by a judge
4 of the municipal court.

5 (2) Each commissioner holds office at the pleasure of the
6 appointing judge.

7 (3) Except as provided in subsection (4) of this section, a
8 commissioner has such power, authority, and jurisdiction in criminal
9 and civil matters as the appointing judges possess, and must be a
10 lawyer who is admitted to practice law in the state of Washington or
11 a nonlawyer who has passed, by January 1, 2003, the qualifying
12 examination for lay judges for courts of limited jurisdiction under
13 RCW 3.34.060.

14 (4) On or after July 1, 2010, when serving as a commissioner, the
15 commissioner does not have authority to preside over trials in
16 criminal matters, or jury trials in civil matters unless agreed to on
17 the record by all parties.

18 (5) A commissioner need not be a resident of the city or of the
19 county in which the municipal court is created. When a court
20 commissioner has not been appointed and the municipal court is
21 presided over by a part-time appointed judge, the judge need not be a
22 resident of the city or of the county in which the municipal court is
23 created.

24 (6) For purposes of this section, "appointing judge" includes a
25 presiding judge pro tempore fulfilling presiding judge duties for a
26 single judge court pursuant to RCW 3.50.090(2).

27 **Sec. 11.** RCW 3.50.090 and 2000 c 55 s 1 are each amended to read
28 as follows:

29 ~~((The))~~ (1) In addition to the designation of a presiding judge
30 pro tempore for a single judge court as described in subsection (2)
31 of this section, the presiding municipal court judge may designate
32 one or more persons as judges pro tem to serve in the absence or
33 disability of the elected or duly appointed judges of the court,
34 subsequent to the filing of an affidavit of prejudice, or in addition
35 to the elected or duly appointed judges when the administration of
36 justice and the accomplishment of the work of the court make it
37 necessary. The qualifications of a judge pro tempore shall be the
38 same as for judges as provided under RCW 3.50.040 except that a judge
39 pro tempore need not be a resident of the city or county in which the

1 municipal court is located. Judges pro tempore shall have all of the
2 powers of the duly appointed or elected judges when serving as judges
3 pro tempore of the court. Before entering on his or her duties, each
4 judge pro tempore shall take, subscribe, and file an oath as is taken
5 by a duly appointed or elected judge. Such pro tempore judges shall
6 receive such compensation as shall be fixed by ordinance by the
7 municipality in which the court is located and such compensation
8 shall be paid by the municipality.

9 (2) If a presiding municipal court judge is the single judge of
10 the court, then pursuant to court rule or RCW 2.56.040(2), a
11 presiding judge pro tempore may be predesignated or appointed to
12 fulfill presiding judge duties in case of the illness, incapacity,
13 resignation, death, or unavailability of the presiding judge. In such
14 circumstances, the authority of the predesignated or appointed
15 presiding judge pro tempore endures until the chief justice appoints
16 someone else to fulfill the presiding judge duties pursuant to RCW
17 2.56.040(2)(b), or the period of such illness, incapacity, or
18 unavailability ends, or until a vacancy in the position is filled as
19 provided by law, whichever occurs first.

--- END ---

General Rule 29
PRESIDING JUDGE IN SUPERIOR COURT DISTRICT AND
LIMITED JURISDICTION COURT DISTRICT

(a) Election, Term, Vacancies, Removal and Selection Criteria--Multiple Judge Courts.

(1) *Election.* Each superior court district and each limited jurisdiction court district (including municipalities operating municipal courts) having more than one judge shall establish a procedure, by local court rule, for election, by the judges of the district, of a Presiding Judge, who shall supervise the judicial business of the district. In the same manner, the judges shall elect an Assistant Presiding Judge of the district who shall serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge and who shall perform such further duties as the Presiding Judge, the Executive Committee, if any, or the majority of the judges shall direct. If the judges of a district fail or refuse to elect a Presiding Judge, the Supreme Court shall appoint the Presiding Judge and Assistant Presiding Judge.

(2) *Term.* The Presiding Judge shall be elected for a term of not less than two years, subject to reelection. The term of the Presiding Judge shall commence on January 1 of the year in which the Presiding Judge's term begins.

(3) *Vacancies.* Interim vacancies of the office of Presiding Judge or Acting Presiding Judge shall be filled as provided in the local court rule in (a)(1).

(4) *Removal.* The Presiding Judge may be removed by a majority vote of the judges of the district unless otherwise provided by local court rule.

(5) *Selection Criteria.* Selection of a Presiding Judge should be based on the judge's 1) management and administrative ability, 2) interest in serving in the position, 3) experience and familiarity with a variety of trial court assignments, and 4) ability to motivate and educate other judicial officers and court personnel. A Presiding Judge must have at least four years of experience as a judge, unless this requirement is waived by a majority vote of the judges of the court.

Commentary

It is the view of the committee that the selection and duties of a presiding judge should be enumerated in a court rule rather than in a statute. It is also our view that one rule should apply to all levels of court and include single judge courts. Therefore, the rule should be a GR (General Rule). The proposed rule addresses the process of selection/removal of a presiding judge and an executive committee. It was the intent of the committee to provide some flexibility to local courts wherein they could establish, by local rule, a removal process. Additionally, by delineating the selection criteria for the presiding judge, the committee intends that a rotational system of selecting a presiding judge is not advisable.

(b) Selection, ~~and Term, and Designation of Presiding Judge Pro Tempore~~--Single Judge Courts. In court districts or municipalities having only one judge, that judge shall serve as the Presiding Judge for the judge's term of office, and shall predesignate and prepare a Presiding Judge Pro Tempore to fulfill presiding judge duties in the case of illness, incapacity, resignation, death, or unavailability of the judge.

Commentary

In training and preparing the designated Presiding Judge Pro Tempore to fulfill presiding judge duties, a Presiding Judge from a single judge court should address the significant and non-delegable administrative, budgetary and personnel responsibilities of a presiding judge under this court rule, any obligations under collective bargaining agreement(s) or law(s) applicable to court personnel, interjurisdictional relations, and executive and legislative branch collaborations.

If it becomes necessary for the Chief Justice to appoint a Presiding Judge Pro Tempore for a single judge court pursuant to RCW 2.56.040(2) or other authority, then the State Court Administrator or the Chief Justice may consider consulting with the local court administrator, local executive or legislative authorities prior to the appointment.

(c) Notification of Chief Justice. The Presiding Judge so elected shall send notice of the election of the Presiding Judge and Assistant Presiding Judge, and in cases of single judge courts, the predesignated Presiding Judge Pro Tempore, to the Chief Justice of the Supreme Court within 30 days of election or any new or changed Presiding Judge or Presiding Judge Pro Tempore designations.

(d) Caseload Adjustment. To the extent possible, the judicial caseload should be adjusted to provide the Presiding Judge with sufficient time and resources to devote to the management and administrative duties of the office.

Commentary

Whether caseload adjustments need to be made depends on the size and workload of the court. A recognition of the additional duties of the Presiding Judge by some workload adjustment should be made by larger courts. For example, the Presiding Judge could be assigned a smaller share of civil cases or a block of time every week could be set aside with no cases scheduled so the Presiding Judge could attend to administrative matters.

(e) General Responsibilities. The Presiding Judge is responsible for leading the management and administration of the court's business, recommending policies and procedures that improve the court's effectiveness, and allocating resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.

(f) Duties and Authority. The judicial and administrative duties set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government. A Presiding Judge may delegate the performance of ministerial duties to court employees; however, it is still the Presiding Judge's responsibility to ensure they are performed in

accordance with this rule. In addition to exercising general administrative supervision over the court, except those duties assigned to clerks of the superior court pursuant to law, the Presiding Judge shall:

(1) Supervise the business of the judicial district and judicial officers in such manner as to ensure the expeditious and efficient processing of all cases and equitable distribution of the workload among judicial officers;

(2) Assign judicial officers to hear cases pursuant to statute or rule. The court may establish general policies governing the assignment of judges;

(3) Coordinate judicial officers' vacations, attendance at education programs, and similar matters;

(4) Develop and coordinate statistical and management information;

(5) Supervise the daily operation of the court including:

(a) All personnel assigned to perform court functions; and

(b) All personnel employed under the judicial branch of government, including but not limited to working conditions, hiring, discipline, and termination decisions except wages, or benefits directly related to wages; and

(c) The court administrator, or equivalent employee, who shall report directly to the Presiding Judge.

Commentary

The trial courts must maintain control of the working conditions for their employees. For some courts this includes control over some wage-related benefits such as vacation time. While the executive branch maintains control of wage issues, the courts must assert their control in all other areas of employee relations.

With respect to the function of the court clerk, generally the courts of limited jurisdiction have direct responsibility for the administration of their clerk's office as well as the supervision of the court clerks who work in the courtroom. In the superior courts, the clerk's office may be under the direction of a separate elected official or someone appointed by the local judges or local legislative or executive authority. In those cases where the superior court is not responsible for the management of the clerk's office, the presiding judge should communicate to the county clerk any concerns regarding the performance of statutory court duties by county clerk personnel.

A model job description, including qualification and experience criteria, for the court administrator position shall be established by the Board for Judicial Administration. A model job description that generally describes the knowledge, skills, and abilities of a court administrator would provide guidance to Presiding Judges in modifying current job

duties/responsibilities or for courts initially hiring a court administrator or replacing a court administrator.

(6) Supervise the court's accounts and auditing the procurement and disbursement of appropriations and preparation of the judicial district's annual budget request;

(7) Appoint standing and special committees of judicial officers necessary for the proper performance of the duties of the judicial district;

(8) Promulgate local rules as a majority of the judges may approve or as the Supreme Court shall direct;

(9) Supervise the preparation and filing of reports required by statute and court rule;

(10) Act as the official spokesperson for the court in all matters with the executive or legislative branches of state and local government and the community unless the Presiding Judge shall designate another judge to serve in this capacity;

Commentary

This provision recognizes the Presiding Judge as the official spokesperson for the court. It is not the intent of this provision to preclude other judges from speaking to community groups or executive or legislative branches of state or local government.

(11) Preside at meetings of the judicial officers of the district;

(12) Determine the qualifications of and establish a training program for Presiding Judges Pro Tempore predesignated under (c), pro tem judges and pro tem court commissioners; and

(13) Perform other duties as may be assigned by statute or court rule.

Commentary

The proposed rule also addresses the duties and general responsibilities of the presiding judge. The language in subsection (d), (e), (f) and (g) was intended to be broad in order that the presiding judge may carry out his/her responsibilities. There has been some comment that individual courts should have the ability to change the "duties and general responsibilities" subsections by local rule. While our committee has not had an opportunity to discuss this fully, this approach has a number of difficulties:

- It would create many "Presiding Judge Rules" all of which are different.
- It could subject some municipal and district court judges to pressure from their executive and/or legislative authority to relinquish authority over areas such as budget and personnel.

- It would impede the ability of the BJA through AOC to offer consistent training to incoming presiding judges.

The Unified Family Court subgroup of the Domestic Relations Committee suggested the presiding judge is given specific authority to appoint judges to the family court for long periods of time. Again the committee has not addressed the proposal; however, subsections (e) and (f) do give the presiding judge broad powers to manage the judicial resources of the court, including the assignment of judges to various departments.

(g) Executive Committee. The judges of a court may elect an executive committee consisting of other judicial officers in the court to advise the Presiding Judge. By local rule, the judges may provide that any or all of the responsibilities of the Presiding Judge be shared with the Executive Committee and may establish additional functions and responsibilities of the Executive Committee.

Commentary

Subsection (g) provides an option for an executive committee if the presiding judge and/or other members of the bench want an executive committee.

(h) Oversight of judicial officers. It shall be the duty of the Presiding Judge to supervise judicial officers to the extent necessary to ensure the timely and efficient processing of cases. The Presiding Judge shall have the authority to address a judicial officer's failure to perform judicial duties and to propose remedial action. If remedial action is not successful, the Presiding Judge shall notify the Commission on Judicial Conduct of a judge's substantial failure to perform judicial duties, which includes habitual neglect of duty or persistent refusal to carry out assignments or directives made by the Presiding Judge, as authorized by this rule.

(i) Multiple Court Districts. In counties that have multiple court districts, the judges may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

(j) Multiple Court Level Agreement. The judges of the superior, district, and municipal courts or any combination thereof in a superior court judicial district may, by majority vote of each court, elect to conduct the judicial business collectively under the provisions of this rule.

(k) Employment Contracts. A part-time judicial officer may contract with a municipal or county authority for salary and benefits. The employment contract shall not contain provisions which conflict with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities. The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and Washington State Court rules.

[Adopted effective April 30, 2002; Amended effective May 5, 2009.]



September 18, 2020

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

Committee Work Plan Update:

1. Adequate Funding Project

At the last meeting, the committee revised the core functions table and list of court programs nested under each of the functions. With the BJA approval to form an adequate funding work group, Ramsey Radwan, chair of the BFC and Carl McCurley, manager of the Washington Center for Court Research have accepted invitations to attend PPC meetings and participate in this work. The PPC will be drafting the multi-prong research design outlined in the May 2020 BJA report and will present for approval by the BJA in October 2020.

2. Develop recommendations to the BJA to increase board diversity as requested at the March 2019 meeting.

The PPC revised a recruitment template that could be used by the associations to recruit BJA members and by the PPC to recruit at-large members. Penny Larsen is getting feedback from the AOC association staff members. The PPC will be finalizing recommendations to present to the BJA at the October 2020 meeting.

New Work Items for 2021

1. Review PPC Charter. This activity occurs every three years beginning in 2018. The purpose is to ensure that the committee is functioning consistent with its charge, producing deliverables, and that the mission and goals of the BJA are being advanced.
2. Managing BJA Resolutions. The PPC has notified owners of expiring resolutions to determine if they want to draft updated resolutions, request the BJA to readopt, or let them expire. The PPC will work with authors requesting new or updated resolutions for consideration by the BJA. To date, the Civil Legal Needs and WINGS resolutions are expiring and the respective owners will be submitting new resolutions later this year.



Board for Judicial Administration (BJA) Meeting
Friday, June 19, 2020, 9:00 a.m. – 12:00 p.m.
Videoconference

DRAFT MEETING MINUTES

BJA Members Present:

Chief Justice Debra Stephens
Judge Greg Gonzales, Member Chair
Judge Tam Bui
Judge David Estudillo
Judge Doug Federspiel
Judge Michelle Gehlsen
Judge Rebecca Glasgow
Justice Steven González
Judge Dan Johnson
Judge David Kurtz
Judge Mary Logan
Judge David Mann
Judge Bradley Maxa
Judge Sam Meyer
Rajeev Majumdar
Judge Rebecca Pennell
Judge Judith Ramseyer
Judge Kevin Ringus
Judge Rebecca Robertson
Dawn Marie Rubio
Judge Michael Scott
Judge Charles Short

Guests Present:

Esperanza Borboa
Sophia Byrd McSherry
Timothy Fitzgerald
Brooke Powell
Kyle Sciuchetti
Dawn Williams

**Administrative Office of the Courts
(AOC) Staff Present:**

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

Call to Order

Chief Justice Stephens called the meeting to order at 9:02 a.m.

Court Impacts – COVID-19 Information Sharing

Chief Justice Stephens and Judge Gonzales acknowledged that today is Juneteenth and offered brief remarks. Chief Justice Stephens introduced the new BJA members.

BJA members shared thoughts on the COVID-19 public health emergency and the national and global uprisings against racial injustice. Judge Ramseyer stated a work group has formed to discuss what judges can do in this environment to increase efforts on judicial diversity, education, and awareness of racial injustice. The work group would like to identify tangible goals to eradicate injustices.

Other issues shared by the members included:

- the importance of identifying meaningful and specific actions to take;
- recruitment of minority lawyers to bench;
- appreciation of the letters from the Supreme Court and AOC leadership;
- the importance of getting feedback;
- the importance of listening;
- working to facilitate access to justice and address inequities;
- the importance of judges as leaders;
- a commitment to justice.

Some counties are resuming jury trials in July.

Court Recovery Task Force Update

The Court Recovery Task Force met for the first time this week. Task Force information was included in the meeting materials. BJA members were asked to contact Task Force staff if there are other groups that should be included on the Task Force. A Recovery Summit is tentatively scheduled for August 25.

Superior Court Judges' Association (SCJA) Update

Judge Ramseyer is the new SCJA president, Judge Estudillo is the president-elect, and Judge VanDoorninck is the past president. The SCJA held a long-range planning and board meeting in early June where the Education Committee discussed virtual education and webinars in place of conference sessions. The webinar format developed for the Friday Forums will be used in the future. In anticipation of the lifting of the eviction moratorium, there will be webinars on basic eviction laws and regulations beginning in July. Upcoming projects include webinar development and a work group to prepare best practices and benchcards for evictions. There will also be new work groups focusing on protection orders and racial justice.

District and Municipal Court Judges' Association (DMCJA) Update

The DMCJA held a Board retreat and meeting in March and a virtual conference the first week of June. Judge Gehlsen is the new DMCJA president. The DMCJA is hiring outside evaluators to watch court proceedings and evaluate those proceedings. DMCJA is committed to increasing diversity in their membership. The DMCJA is considering how to best conduct the work of the courts during the pandemic, including options such as staggered calendars and virtual hearings. DMCJA priorities include racial justice, equity, diversity, adequate court funding, a new case management system, court security, and access to justice. Judge Meyer thanked the Court Security Task Force for their work.

BJA Task Force Updates

Court Security Task Force: The Task Force subcommittee met and discussed funding. A reduced funding request was submitted by the Task Force.

Court Education Funding Task Force: The Task Force met in May, and will continue to explore alternative funding options.

Standing Committee Reports

Court Education Committee (CEC): Judge Gonzales emphasized the importance of maintaining relationships with legislators and local officials who make budget decisions. The CEC will continue to offer diversity and access to justice sessions at conferences, and is using virtual platforms to deliver education. The Education staff at AOC have shifted to supporting online education. There were 13 hours of education offered at the DMCJA Spring Program. The District and Municipal Court Management Association (DMCMA) canceled their spring program but moved several sessions to online education and moved some programs to 2021. The County Clerks and the Association of Washington Superior Court Managers (AWSCA) have also moved programs online. AOC is working with the 2021 Judicial College Deans to develop an online program for Judicial College faculty as well as content for the Judicial College.

Funds saved from the canceled spring programs have been re-allocated to a scholarship program for all court personnel. Forty-three scholarship applications were received and 31 scholarships were funded.

A Supreme Court Order has been posted that provides for a temporary reduction in mandatory continuing judicial education credits and reporting requirements for 2020.

Ongoing projects include reviewing submissions from vendors for a mobile meeting event application that were submitted in response to a formal Request for Information published by AOC; developing a strategic plan for the development of online education; and re-organizing the education and training site on Inside Courts.

Legislative Committee (LC): On May 18 the LC held a joint meeting with the Budget and Funding Committee (BFC) to plan and strategize for the Special Legislative Session.

Policy and Planning Committee (PPC): A Therapeutic Court Task Force is not warranted at this time. New strategic initiatives will be discussed at the next PPC meeting, and new strategic initiative requests for proposals will be postponed. Recommendations for board diversity will be discussed at the October BJA meeting.

It was moved by Judge Scott and seconded by Judge Kurtz to approve an adequate court funding work group, including PPC and BFC and Washington State Center for Court Research representatives. The motion carried unanimously.

Budget and Funding Committee (BFC): Funding requests submitted to AOC were included in the meeting materials. Ramsey Radwan discussed the state budget shortfall and possible effects from the shortfall.

2020–21 Meeting Schedule

It was moved by Judge Scott and seconded by Judge Ramseyer to approve the 2020–21 BJA meeting schedule. The motion carried unanimously.

BJA Board and Committee Membership

Two changes were announced in the in BJA Board and Committee membership materials: on the Legislative Committee, Judge Michael Scott replaces Judge van Doorninck and Judge Sam Meyer is joining the PPC for another two years as the DMCJA representative. In addition, Judge Kevin Ringus was nominated by the BJA chairs as the Legislative Committee Chairperson for the next two years.

It was moved by Judge Kurtz and seconded by Judge Gonzales to approve the BJA committee membership with the mentioned changes. The motion carried unanimously.

May 8, 2020 Meeting Minutes

It was moved by Judge Kurtz and seconded by Justice González to approve the May 8, 2020, BJA meeting minutes. The motion carried unanimously.

Information Sharing

Dawn Marie Rubio outlined some of the things AOC has done to meet the challenges of the public health emergency and to continue to collaborate and be of service to others in the judicial branch. Others discussed their collaboration efforts to support both the public and courts.

Next Meeting

The next BJA meeting will be a videoconference on September 18. The October and November BJA meetings might be videoconferences, although that decision has not been made yet.

Other

There being no further business, the meeting was adjourned at 12:11 p.m.

Recap of Motions from the June 19, 2020 Meeting

Motion Summary	Status
Approve an adequate court funding task force.	Passed
Approve the 2020–21 BJA meeting schedule.	Passed
Approve the BJA committee membership.	Passed
Approve the May 8, 2020, BJA meeting minutes.	Passed

Action Items from the June 19, 2020 Meeting

Action Item	Status
<u>May 8, 2020, 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