



BJA Court Recovery Task Force

Thursday, June 23, 2:00-4:00 pm

ZOOM Meeting

AGENDA

1. Welcome and Introductions Approve June 15 Meeting Minutes	Chief Justice Debra Stephens Judge Judith Ramseyer Judge Scott Ahlf
2. Committee Overview and Expectations	Chief Justice Debra Stephens Judge Scott Ahlf Judge Judith Ramseyer
3. Committee Updates <ul style="list-style-type: none"> • Technology Considerations • General Civil Litigation • Lessons Learned • Criminal Matters • Appellate Courts • Family Law • Child Welfare and Juvenile Civil Matters • Facilities and Logistics • Public Outreach and Communication 	Dawn Marie Rubio/Judge David Estudillo Chief Justice Debra Stephens Judge Judith Ramseyer Judge Scott Ahlf Judge Lisa Sutton Terry Price Linnea Anderson Justice Steve González Wendy Ferrell
4. Next Steps Recovery Summit Ideas Website	Chief Justice Debra Stephens Judge Judith Ramseyer Judge Scott Ahlf
5. Future Meetings <ul style="list-style-type: none"> • July 23, 2:00-4:00 • August 25, 9:00-12:00 Recovery Summit • October 9, 100-3:00 • November 19, 2:00-4:00 • December 17, 2:00-4:00 	
6. Adjourn	

Persons with a disability, who require accommodation, should notify Jeanne Englert at 360-705-5207 or Jeanne.englert@courts.wa.gov. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.



**Board for Judicial Administration (BJA)
Court Recovery Task Force
Monday, June 15, 2020, 2:30 – 4:30 p.m.
Videoconference**

DRAFT MEETING MINUTES

Participants:

Chief Justice Debra Stephens, co-chair
Judge Scott Ahlf, co-chair
Judge Judith Ramseyer, co-chair
Kelley Amburgey-Richardson
Linnea Anderson
Cindy Bricker
Alice Brown
Judge Faye Chess
Judge Harold Clarke
Adam Cornell
Jennifer Creighton
Jerrie Davies
Cynthia Delostrinos
Judge David Estudillo
Justice Steven González
P.J. Grabicki
Vanessa Hernandez
Jessica Humphreys
Tracy Jeffries
Ray Kahler
Mike Killian
Kathryn Leathers

Robert Lichtenberg
Cynthia Martinez
Carl McCurley
Sophia Byrd McSherry
Amy Muth
Briana Ortega
Glen Patrick
Terry Price
Judge Ruth Reukauf
Juliana Roe
Dawn Marie Rubio
P. Diane Schneider
Jason Schwarz
Judge Jeffrey Smith
Judge Lisa Sutton
Lorrie Thompson
Brad Thurman

AOC Staff:

Jeanne Englert
Penny Larsen
Caroline Tawes

Call to Order

Chief Justice Stephens called the meeting to order at 2:35 p.m. and introduced the co-chairs. Participants were asked to share their priorities for the Task Force (listed below).

Background and Overview

Chief Justice Stephens reviewed the Task Force charter and short- and long-term deliverables that will help the courts in their recovery. She also discussed membership and asked members to consider who else should be invited. Jeanne Englert will set up a Box drive for Task Force documents that will be accessible to the members.

Judge Ahlf reviewed the Task Force guidelines and also shared the ATJ Technology Principles and Race Equity Organizational Toolkit included in the meeting materials.

Additional Efforts

Judge Ramseyer introduced Judge Harold Clarke and Glen Patrick to discuss work already underway. Judge Clarke discussed the work of the Resuming Jury Trials workgroup. The report from the Resuming Jury Trials Workgroup, *Resuming Jury Trial Guidelines in Washington State Report* is currently being reviewed by the Supreme Court and will be sent out later this week.

Glen Patrick shared information from the Department of Health (DOH) Guidance Document on reopening courts amidst the pandemic. The guidance document will be shared with courts as soon as finalized.

The co-chairs thanked Mr. Patrick, Judge Clarke and the Resuming Jury Trials Workgroup for their excellent work

Additional national resources listed in the meeting materials were identified.

Activities and Timeline

The entire Task Force will meet approximately once a month. Work on plan details for specific case types and court operations will take place in committees. A list of suggested committees was included in the meeting materials and the members discussed the topics. The list will be refined and sent by Jeanne Englert along with a survey to Task Force members asking them to indicate their top three choices of committee assignments and if they can take a leadership role on a committee.

Jeanne Englert will send requests for meeting times for the next six months. Meeting minutes will be public and there will be discussions about the best way to make the Task Force meetings more available to stakeholders and the public.

There being no other business, the meeting adjourned at 4:33 p.m.

Action Items from the June 15, 2020 Meeting

Action Item	Status
Jeanne Englert will set up a Box drive for Task Force documents that will be accessible to the members.	Done
Jeanne Englert will send a survey to Task Force members asking them to indicate their top three choices of subcommittee assignments and if they can take a leadership role on a subcommittee.	Done

Top Priorities from Court Recovery Task Force Participants:

- Guidance on Jury selection and trials.
- Family focused/acknowledge equity.
- Enduring systems to promote access to the courts for communities traditionally marginalized by the legal systems (especially low income, people of color, LEP populations, and people with disabilities).
- All service other than initial process electronically.
- Uniform electronic filing system statewide like Pacer.
- All non-dispositive hearings and conferences by video conference.
- Require all filing to be electronic.
- Fillable forms that can be e-mailed via the courts.wa.gov site for all litigants to the jurisdiction they are in.
- I am interested in knowing how the AOC can best provide support and service to the courts in adapting to the new normal that Judge Ahlf mentioned.
- After the obvious, which is how to resume operations safely, we have a number of concerns.
 1. Will the delay frustrate justice, 2. With the reductions in eligible jurors, will we have issues obtaining jurors and will the pools represent our community; 3. In poor communities, will the expanded use of technology further disadvantage the poor; 4. Will the judiciary have realistic expectations of prosecutors and defense while we are handling our current caseload and the backlog caseload.
- Communication and buy-in from the public; jury assembly process.
- Consideration of what to do for self-represented folks without easy access to technology.
- Changes to some of the Civil Rules, such as remote/video depositions, to keep discovery progressing in civil cases. Leadership/guidance to county Superior Courts for how to resume civil jury trials after the backlog in criminal cases is addressed.
- Identifying principles and systems for effective delivery of justice statewide while maintaining local flexibility in procedures, as appropriate.

- Discover and develop the tools needed to facilitate virtual hearings effectively with a court interested team.
- Obtain and disseminate how different jurisdictions around the State are adapting to the “new normal.”
- Ways we can segue towards a more electronic future — digital files and technology being common, widely-available for state courts.
- Access to justice, especially in remote areas — increase bandwidth for better connection, kiosks/public buildings where the public can access computers to participate remotely, when in-person is not an option.
- Access to information in other languages, especially audio recordings and online forms for court participants.
- A commitment to learn from experience and adapt as the work unfolds.
- Develop a routine to regularly collect feedback from court users.
- Confidence in health/safety practices for everyone while ensuring due process.
- Use the lessons that we all have learned through this process to make our courts more accessible to individuals we serve.
- I’m interested in the criminal court and the reimagining the courts task forces. I’m interested in addressing the unique impact the pandemic will have on the public defense system — including managing public defense caseloads, assuring defense counsel health and safety during hearings, and ensuring that pretrial detention accounts for implicit racial bias, which is heightened by the pandemic since COVID-19 has a disproportionate impact on communities of color.
- Ensure safe and equal access to the courts for all participants while addressing the disparities that individuals face in using technology to access the courts.
- Current technology limits full participation of limited English speakers and their interpreters which may not be obvious to those who have not attempted this.
- Making sure we are looking at issues with a race equity lens, also considering how the “new normal” will impact historically marginalized groups within our society to promote equity and access to justice for all. Facilitating involvement/input/advising from the Supreme Court Commissions.
- How best to move criminal matters forward.

- Take advantage of this opportunity to develop new modern, better ways of doing our work.
- Be careful not to be too aggressive with jury trials being mindful of the state the county is in of reopening.
- Cleaning protocols; educate public accessing courts. Interested in the APA issues. Also interested in improvements long term strategies for change.
- The Interpreter Commission is ready to assist with best practices for remote interpreting platform effectiveness and service connectivity with remote participants. Every remote court proceeding is affected by having interpreters in the mix

Recovery Task Force Committees

Priorities that apply to all committees

- How can the AOC can best provide support and service to the courts in adapting to the new normal?
- Enduring systems to promote access to the courts for communities traditionally marginalized by the legal systems (especially low income, people of color, LEP populations, and people with disabilities).
- Will the delay frustrate justice?
- Consideration of what to do for self-represented folks without easy access to technology.
- Identifying principles and systems for effective delivery of justice statewide while maintaining local flexibility in procedures, as appropriate.
- Obtain and disseminate how different jurisdictions around the State are adapting to the “new normal.”
- Access to information in other languages, especially audio recordings and online forms for court participants.
- Confidence in health/safety practices for everyone while ensuring due process.
- Making sure we are looking at issues with a race equity lens, also considering how the “new normal” will impact historically marginalized groups within our society to promote equity and access to justice for all. Facilitating involvement/input/advising from the Supreme Court Commissions.
- Take advantage of this opportunity to develop new modern, better ways of doing our work.

Committees

Task Force committees are broad categories, recognizing that members of each may decide to focus on discrete issues within the scope of that.

Each committee will:

- Assess challenges and options for modified practices
- Identify short term (Fall) and long term goals based on identified priorities
- Develop a work plan and timeline for activities
- Discuss/identify the following when developing your committee goals and activities: considerations around race and equity, access to justice, technology, self-represented litigants, and funding.
- Coordinate with and report to the whole Task Force
- Have an identified chair to facilitate the work and communicate with AOC support staff as needed.
- Assign leads on any subcommittees focusing on discrete issues.
- Recruit additional committee members as appropriate.

1. Technology Considerations – issues that span across all groups

Co-Chairs: Dawn Marie Rubio and Judge David Estudillo

Priorities from Meeting:

- In poor communities, will the expanded use of technology further disadvantage the poor?
- All non-dispositive hearings and conferences by video conference.
- Require all filing to be electronic.
- Fillable forms that can be e-mailed via the courts.wa.gov site for all litigants to the jurisdiction they are in.
- All service other than initial process electronically.
- Uniform electronic filing system statewide like Pacer.
- Discover and develop the tools needed to facilitate virtual hearings effectively with a court interested team.
- Ways we can segue towards a more electronic future- digital files and technology being common, widely-available for state courts.
- Access to justice, especially in remote areas – increase bandwidth for better connection, kiosks/public buildings where the public can access computers to participate remotely, when in-person is not an option.
- Ensure safe and equal access to the courts for all participants while addressing the disparities that individuals face in using technology to access the courts.
- Current technology limits full participation of limited English speakers and their interpreters which may not be obvious to those who have not attempted this.
- The interpreter Commission is ready to assist with best practices for remote interpreting platform effectiveness and service connectivity with remote participants. Every remote court proceeding is affected by having interpreters in the mix.

2. Facilities and Logistics

Chair: Justice Steve González

Some issues identified:

- Offsite courtrooms and jury assembly areas
- Use of pro tems and portability
- Specialized cleaning/public health compliance (need for staff temps)
- Funding support and coordination with other branch leaders

Priorities from Meeting:

- With the reductions in eligible jurors, will we have issues obtaining jurors and will the pools represent our community
- Guidance on Jury selection and trials
- Be careful not to be too aggressive with jury trials being mindful of the state the county is in of reopening.
- Cleaning protocols

3. General Civil Litigation

Chair: Chief Justice Debra Stephens

Some issues identified:

- Self-represented litigants
- Discovery and case management
- Alternative trial methods (virtual trials, 3 judge panels, etc.)
- Civil infractions and small claims

Priorities from Meeting:

- Changes to some of the Civil Rules, such as remote/video depositions, to keep discovery progressing in civil cases. Leadership/guidance to county Superior Courts for how to resume civil jury trials after the backlog in criminal cases is addressed.
- Will the judiciary have realistic expectations of prosecutors and defense while we are handling our current caseload and the backlog caseload?

4. Family Law

Chair: Terry Price

Some issues identified:

- Facilitators and non-litigation options
- Preparation and access to forms, discovery
- Remote proceedings

Priorities from Meeting:

- Family focused/acknowledge equity.
- Will the judiciary have realistic expectations of prosecutors and defense while we are handling our current caseload and the backlog caseload?

5. Child Welfare and Juvenile civil matters

Chair: Linnea Anderson

Some issues identified:

- Dependency and termination matters
- Juvenile civil matters (e.g. CHINS ARY)
- Court appointed counsel

Priorities from Meeting:

- Family focused/acknowledge equity.
- Will the judiciary have realistic expectations of prosecutors and defense while we are handling our current caseload and the backlog caseload?

6. Criminal Matters

Chair: Judge Scott Ahlf

Subcommittee Chairs:

Judge Ruth Reukauf – Juvenile Offenders

Judge Jeffery Smith – Therapeutic/Treatment Courts

Amy Muth – Adult Offenders

Priorities from Meeting:

- Interested in addressing the unique impact the pandemic will have on the public defense system – including managing public defense caseloads, assuring defense counsel health and safety during hearings, and ensuring that pretrial detention accounts for implicit racial bias, which is heightened by the pandemic since COVID-19 has a disproportionate impact on communities of color.
- How best to move criminal matters forward.
- Will the judiciary have realistic expectations of prosecutors and defense while we are handling our current caseload and the backlog caseload?
- Civil commitments with appointed counsel (ITA, SVP)

7. Appellate Courts

Chair: Judge Lisa Sutton

Main issue and priority identified:

- Moving APA appeals directly to COA

8. Lessons Learned

Chair: Judge Judith Ramseyer

Some issues identified:

- Method for gathering data on effectiveness and equity of new procedures
- Promote efficiencies and innovations with permanent changes in statutes, rules, and local practice based on lessons learned during the COVID environment.
- Identify cost-savings and economies of scale
- Data collection/standardize successful innovations

Priorities from Meeting:

- A commitment to learn from experience and adapt as the work unfolds. (#8)
- Develop a routine to regularly collect feedback from court users.(#8)
- Also interested in improvements long term strategies for change.(#8)
- Use the lessons that we all have learned through this process to make our courts more accessible to individuals we serve. (#8)

9. Public Outreach and Communication

Chair: Wendy Ferrell

Priorities from Meeting:

- Communication and buy-in from the public; jury assembly process.
- Educate public accessing courts (#9)