Board for Judicial Administration (BJA) Meeting

Friday, September 15, 2017 (9 a.m. – 1 p.m.)
AOC SeaTac Office, 18000 International Blvd, Suite 1106, SeaTac

MEETING MINUTES

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

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

Public Present
Dr. Page Carter

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

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

June 16, 2017 BJA Meeting Minutes

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

BJA Orientation

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

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

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

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

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

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

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

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

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

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

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

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

Standing Committee Reports

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

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

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

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

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

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

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

2018 BJA Meeting Schedule

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

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

Public Trust and Confidence Committee Chair

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

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

BJA Strategic Initiatives Charters

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

2017-2019 Budget Update

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

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

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

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

Supplemental Budget Requests

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

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

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

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

Branch Budget Review

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

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

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

2017 Legislative Update

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

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

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

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

Overview of Legislative Development Timeline

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

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

Courthouse Security Federal Delegation Outreach

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

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

Washington State Bar Association (WSBA)

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

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

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

Information Sharing

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

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

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

There being no further business, the meeting was adjourned.

Recap of Motions from the September 15, 2017 Meeting

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

Action Items from the September 15, 2017 Meeting

Action Item	Status
June 16, 2017 BJA Meeting Minutes	
• Post the revised minutes online.	Done
• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.	Done

Action Item	Status
BJA Orientation • Chief Justice Fairhurst will bring the 2017-18 BJA leadership goals list to the October meeting and the BJA members can decide if they want to revise it.	
Standing Committee Reports • The last line of the 2018 Budget Development, Review and Submittal Process should say Supreme Court and the second to last bullet should be the Supreme Court instead of the Court Funding Committee. Those changes need to be made to the BJA Member Guide and updated in the online version. Once the process is updated, it needs to be added to the next BJA meeting agenda.	Done
2018 BJA Meeting Schedule • Post online.	Done
Public Trust and Confidence Committee • Create and send nomination letter to Justice Mary Yu as Chair of the Public Trust and Confidence Committee.	Done
Supplemental Budget Request • Mr. Radwan will follow-up with Judge Chushcoff on his question about the Office of Public Defense's Transitional Appellate Attorney Costs budget request.	
Courthouse Security Federal Delegation Outreach • Revise letter to make more specific and send to Washington State delegation.	
Information Sharing • Include JISC meeting minutes in future BJA meeting materials. • Send BJA meeting minutes to the JISC for inclusion in their meeting materials.	Done