Judicial Information System Committee Meeting June 28, 2019

DECISION POINT – Revised Access to Justice Technology Principles Proposal to the Supreme Court.

MOTION:

- I move to endorse the updated Access to Justice Technology Principles for submission to the Washington Supreme Court.

I. BACKGROUND

The Access to Justice Board developed the Access to Justice (ATJ) Technology Principles to ensure that technology increases opportunities and eliminates barriers to access to the justice system. The Washington State Supreme Court adopted the ATJ Technology Principles in 2004.

In 2016, the ATJ Technology Committee began the process of updating the technology principles, including online surveys, organized events, and gathering feedback from focus groups representing incarcerated people, legal professionals, and immigrant and rural communities.

In August 2018, the ATJ Board submitted the updated technology principles to the Washington Supreme Court. In September 2018, AOC submitted a letter to the Washington Supreme Court with concerns about the language of the revised principles and the lack of vetting with the governing and policymaking bodies for the judicial branch. Following that letter, the ATJ Technology Committee worked with AOC to incorporate some of the feedback. The proposed new technology principles were first presented to the JISC October 26, 2018. The JISC asked the ATJ to solicit feedback from the governing bodies representing the judicial branch. The ATJ Technology Committee subsequently gathered feedback from court associations, including the District and Municipal Court Judges' Association, the Superior Court Judges' Association, the Washington State Association of County Clerks, and the Board for Judicial Administration. There were no further revisions to the technology principles following the October 26, 2018 meeting of the JISC.

The ATJ Technology Committee again brought the revised technology principles to the JISC on February 22, 2019, requesting that the JISC join the ATJ Board in requesting that the Washington Supreme Court adopt the revised principles. On March 29, 2019, Salvador Mungia, Chair of the ATJ Board, formally requested that the JISC endorse the revised ATJ Technology Principles.

II. DISCUSSION

The primary area of disagreement between the ATJ Board and stakeholders representing the court community revolves around the use of “must” rather than “should” in the revised technology principles. In the discussion at the February 22, 2019 JISC meeting, a compromise was proposed to include a preamble and comments to the new proposed ATJ Technology Principles similar to what exists now with the current principles. Judge Leach requested that the proposed new ATJ Technology principles contain a preamble and comments indicating that they do not create the basis for new causes of action or create unfunded mandates. Mr. Price agreed to make the requested change.

III. OUTCOME IF NOT PASSED

The ATJ Board has indicated that it intends to ask the Washington Supreme Court to adopt the revised ATJ Technology Principles. If the JISC does not endorse the principles, they could be submitted to the court without the JISC’s endorsement.