JUDICIAL INFORMATION SYSTEM COMMITTEE

April 26th, 2019
10:00 a.m. to 1:30 p.m.
AOC Office, SeaTac WA

Minutes

Members Present:
Chief Justice Mary Fairhurst, Chair - Phone
Judge Scott Ahlf
Mr. Larry Barker
Judge Jeanette Dalton - Phone
Judge John Hart
Mr. Rich Johnson
Judge J. Robert Leach
Mr. Frank Maiocco
Ms. Barb Miner
Chief Brad Moericke
Ms. Brooke Powell
Ms. Paulette Revoir
Ms. Dawn Marie Rubio
Judge David Svaren - Phone
Mr. Bob Taylor - Phone
Mr. Jon Tunheim
Ms. Margaret Yetter

Members Absent:

AOC Staff Present:
Mr. Kevin Ammons
Ms. Vicky Cullinane
Ms. Vonnie Diseth
Mr. Curtis Dunn
Mr. Brian Elvin
Mr. Mike Keeling
Ms. Keturah Knutson
Mr. Dirk Marler
Mr. Dexter Mejia
Ms. Dory Nicpon - Phone
Mr. Ramsey Radwan
Mr. Kumar Yajamanam

Guests Present:
Mr. Terry Price
Mr. Othniel Palomino
Judge Corinna Harn
Judge Susan Mahoney
Judge Kimberly Walden
Judge Rebecca Robertson
Mr. Josh Sattler
Mr. Howard Delaney
Judge Mary Logan
Ms. Trish Kinlow
Ms. Suzanne Elsner
Mr. Kevin Kelly
Judge Claire Bradley
Judge Jeffrey Jahns
Judge Marilyn Paja
Mr. Clint Casebolt

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Call to Order

Judge J. Robert Leach, JISC vice chair and filling in for Chief Justice Mary Fairhurst, called the Judicial Information System Committee (JISC) meeting to order at 10:00 a.m. and introductions were made. Chief Justice Fairhurst will be joining the meeting at a later time.

February 22nd, 2019 Meeting Minutes

Judge Leach asked if there were any changes to be made to the February 22, 2019 meeting minutes. Hearing none, Judge Leach deemed the minutes approved.

JIS Budget Update

Mr. Ramsey Radwan reported on the 17-19 budget using the green sheet. The green sheet identifies project information with regard to the amount allocated, expended, plus projections and the estimated variance at the end of the current biennium through March 31st, 2019. Due to the low amount of activity, not much has changed since the last report. If everything remains the same, there will be a small amount of funding left over in the Superior Court Case Management System (SC-CMS) budget consisting of mostly staffing. The Courts of Limited Jurisdiction Case Management System (CLJ-CMS) project has slowed down to review options that are available. Mr. Radwan explained those funds will go back into the JIS account and will help fund the next biennial budget. The funds are not lost; they are just back in the pool of monies available. Mr. Radwan stated there was approximately $8.7 million which was rolled into the fund balance computation for the ensuing biennium with legislative staff in agreement.

Mr. Radwan reported on the blue sheet showing the AOC budget requests. Mr. Radwan drew the Committee's attention to the last page, showing AOC had requested approximately $29.3 million. The House of Representatives has appropriated all the funding in the account with an approximate $800,000 shortfall. Mr. Radwan stated this was not necessarily a negative as the entire JIS account budget for the entire biennium is approximately $61 million. Mr. Radwan stated the Senate structured the budget a little differently, leaving about $1.1 million in the account funding specific decision packages; however, they did not fund the Odyssey Business and Training Support request. Mr. Radwan stated the general budget outlook is looking pretty good. In the near future a team will be put together to start looking at alternatives for funding as the account will not be able to fully fund all the activities. Mr. Radwan stated there is a rumor the Legislature has reached tentative agreement on the budget but will wait and release it on Saturday with Sunday being the last day of session. The question was asked if Washington State Legislatures were typically last minute voters regarding budgets. Mr. Radwan replied that in the last ten years, the Legislature has not gotten out on time, so this is unprecedented in recent history.

Legislative Update

Ms. Dory Nicpon gave the Legislative update.

2019 Legislative Session -- Cutoff Calendar

Consistent with the cutoff date for chamber of origin (March 13), only bills that have passed out of their chamber of origin and transferred to the opposite chamber remain eligible for further consideration this legislative session. In order to advance for further consideration, bills must pass out of the opposite chamber by April 17. Bills that were amended by the opposite chamber will return to the chamber of origin for concurrence.

Board for Judicial Administration (BJA) Legislative Priorities

As previously reported, the BJA identified its priorities for 2019 to include:

Court Technology Projects: The judicial branch is successfully implementing major modernization projects for all court levels and needs continued funding to deliver the projects and support them after delivery. These technology needs were described to the Legislature in funding requests called decision packages.

Language Access/Interpreter Services: Courts need adequate funding for qualified interpreters to maximize courthouse efficiency and ensure access to justice for individuals who are deaf, hearing impaired, or who have limited English proficiency. The judicial branch submitted a funding request to the Legislature to increase the amount available for interpreter reimbursement.

Education for Judges and Court Staff: Adequate funding is needed for timely and relevant training of judicial officers and court personnel. Such training provides information about implicit bias, cultural competence, best practices in court operations, and changes that impact the judiciary. The judicial branch submitted a funding request to the Legislature to increase the amount available for judicial branch education.

Family and Juvenile Court Improvement Program (FJCIP): Early father identification and staff oversight of dependency cases improves outcomes for children and families. Funding is needed to expand the proven strategies of the FJCIP courts, so the judicial branch submitted a funding request to the Legislature to increase FJCIP funding.

Guardianship Services: With growing populations of seniors and vulnerable individuals, funding is needed for additional public guardians and to create a regional guardianship monitoring program to support courts in their oversight of guardians. Statutory amendment is needed to adjust the services offered by public guardians. The judicial branch submitted a funding request for guardianship monitoring resources and more public guardians, and the BJA requested legislation to expand the services of public guardians (Representative Christine Kilduff sponsored the BJA's request, House Bill 1329, which is available for floor debate in the Senate as of April 11).

Courthouse Security: Funding and coordination is needed to ensure everyone visiting a courthouse can do so in a safe and secure environment. The BJA is convening a Courthouse Security Task Force in April 2019 to examine needs and opportunities for every trial court to achieve compliance with General Rule 36 by 2025.

Civic Education: Funding and support for civic education in our schools and communities helps emphasize the importance of the rule of law in our democracy.

Domestic Violence Data: A statutory refinement to domestic violence definitions is needed to facilitate more specific data collection and distinguish between intimate partner violence and non-intimate partner violence in order to improve risk assessments. The BJA requested inclusion of the definition refinement in legislation already introduced by Representative Roger Goodman on the topic of domestic violence (House Bill 1517, which is on the consent calendar for the Senate as of April 11).

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Legislative Discussions -- Theme of the Session Might be Vulnerable Individuals

Uniform Guardianship, Conservatorship, and Protective Arrangements Act (UGCPAA): Senate Bill 5604 changes Washington's statutes relating to guardianship to align substantially with the UGCPAA.

New Hope Act: Representative Drew Hansen has sponsored a bill called the New Hope Act (House Bill 1041), which: 1) modifies the process for an offender to receive a certificate of discharge; and 2) expands the circumstances in which an offender may have a conviction vacated.

Mental/Behavioral Health: Several recent committee work sessions and public policy discussions concern mental and behavioral health issues, increasing demand for mental health services, opioid use disorder, and the Trueblood settlement.

Specific Bill of Import for the Judiciary

5017 -- Concerning the uniform unsworn declarations act.

In 2014, a multi-agency effort introduced new language in RCW 9A.72.085 regarding standards for subscribing to an unsworn statement. This RCW is now referenced in court rule and on court forms, which are foundational for many e-filings within the judicial branch. This bill includes a repeal of RCW 9A.72.085. AOC staff identified significant potential ramifications from this repeal and engaged with Washington State Patrol (WSP), Washington Association of Sheriffs and Police Chiefs (WASPC), Washington Association of Prosecuting Attorneys (WAPA), counties, cities, the Governor's staff, legislative members and staff, Department of Licensing (DOL), and the Washington Traffic Safety Commission (WTSC). AOC requested that the Legislature not repeal RCW 9A.72.085. The Legislature denied that request because it wants to consolidate all language regarding unsworn declarations in chapter 5.50 RCW.

The Governor's staff has suggested amendments intended to address executive branch (WSP, WASPC, WAPA, DOL, WTSC) impacts. In order to avoid operational impacts within the judicial branch, AOC has requested an effective date for the repeal of RCW 9A.72.085 that is sufficiently delayed as to afford the courts an opportunity to adjust court rules and forms (e.g., October 2021). The Chief Justice and Governor discussed this bill during their quarterly meeting on April 3.

AOC staff remain concerned about this repeal triggering a need to adjust statutory references to RCW 9A.72.085 and may urge the judicial branch to consider adopting court rules and forms about standards for subscribing to an unsworn statement without statutory references.

Topics of Recurring BJA Engagement with the Legislature

The BJA has discussed concerns and collaborated with public policy makers regarding amendments to legislation where the bill language under debate raised concerns related to the administration of

justice, including: judicial independence/separation of powers; courts should not be revenue collectors; and judicial branch entities should not be funded by fees.

Odyssey Case Management System Court User Work Group Charter

Mr. Dexter Mejia presented the draft Odyssey Case Management System (CMS) Court User Work Group (CUWG) Charter. Mr. Mejia reminded the Committee he had briefly discussed the charter at the February JISC meeting when giving the final SC-CMS update. After the project stage is completed, there is a need to continue with a CUWG to support the operational and ongoing maintenance of Odyssey. Mr. Mejia stated a two-year term limit is being introduced for members whereas previously it was open until the project was done, with most CUWG members willing to continue being members. After a few questions were asked regarding the type of issues the CUWG would make decisions on, a motion was made.

Motion: Mr. Frank Maiocco

I move that the JISC approve the creation of the Odyssey Case Management Operational Court User Work Group as presented behind tab 4.

Chief Moericke asked if the motion needed to include the approval of the charter. Judge Leach asked if Mr. Maiocco would treat that as a friendly amendment. Mr. Maiocco agreed in addition to the second by Judge Ahlf.

Second: Judge Scott K. Ahlf

Voting in Favor: Chief Justice Mary Fairhurst, Judge Scott K. Ahlf, Mr. Larry Barker, Judge Jeanette Dalton, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Brooke Powell, Ms. Paulette Revoir, Ms. Dawn Marie Rubio, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Absent: None

The motion passed unanimously as amended.

Prior to going to break, Ms. Barb Miner requested a brief update on some recent performance issues pertaining to Odyssey. Ms. Vonnie Diseth reported that over the past few months some courts had been reporting various slowdowns in Odyssey, referred to as latency. Tyler and AOC were able to resolve the issues by the addition of server memory and performance enhancements to certain queries and processes. AOC will continue to performance tune the system as Odyssey stabilization continues.

JIS Priority Project #1 (ITG102): CLJ-CMS Project Update

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Ms. Diseth brought before the Committee the nomination of Suzanne Elsner to the CLJ-CMS Steering Committee.

Motion: Judge John H. Hart

I move that that Suzanne Elsner be appointed to the CLJ-CMS Steering Committee.

Second: Ms. Paulette Revoir

Voting in Favor: Chief Justice Mary Fairhurst, Judge Scott K. Ahlf, Mr. Larry Barker, Judge Jeanette Dalton, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Brooke Powell, Ms. Paulette Revoir, Ms. Dawn Marie Rubio, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Absent: None

Ms. Elsner was unanimously approved as a member to the CLJ-CMS Steering Committee to replace Ms. Lynne Campeau.

JISC Rule 13 Proposed Amendment

Ms. Paulette Revoir read a statement to the JISC concerning the CLJ-CMS Steering Committee's position on the Proposed Amendment to JISC Rule 13. Ms. Revoir is the Court Administrator for Lynnwood Municipal Court and Chair of the CLJ-CMS Steering Committee. Immediately following, Ms. Diseth gave a brief explanation as to the nature of the amendments to JISC Rule 13. Ms. Diseth relayed that there was concern from courts that have never been on JIS and are implementing their own CMS about the language requiring duplicate data entry into JIS. Ms. Diseth stated that to alleviate this concern, the language in the proposal was changed to reflect that a court would need to continue inputting their data into the statewide system by whatever method they are currently using. Therefore, until a court implementing its own CMS is able to connect to the Enterprise Data Repository (EDR), it would continue to use the current method of inputting data into JIS until such a time when the court has successfully connected to the statewide system through the EDR.

Ms. Revoir then detailed to the Committee the amendments to JISC Rule 13 contained in the packet. Ms. Revoir stated she and the CLJ-CMS Steering Committee were open to holding the vote over until the next JISC meeting but would like discussion to begin today at the current JISC meeting. Judge Leach let the Committee know there were a few letters received from interested parties with various opinions on Rule 13. As acting Chair, Judge Leach opened the floor to discussion. Judge Jeanette Dalton stated her concern that other associations had not been given the time to review and comment on the rule. She requested the tabling of the vote until all associations and the Data Dissemination Committee (DDC) have a chance to weigh in on JISC Rule 13.

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Judge Leach stated the DDC has not vetted the rule nor have they been asked. Furthermore, he stated, as Chair of the DDC, it would be beyond the scope of the charter of the DDC as it does not have a role in this part of the JISC process. Other comments came from some JISC members expressing reservations with voting on the Rule 13 proposed amendments at the current time. Some members raised concern about the risks of not seeing other courts' data in the statewide solution. Other members had concerns about the conditions that would be imposed on courts pursuing their own CMSs, with specific issues voiced by Mr. Maiocco and Ms. Miner regarding sections F and C. Judge Kimberly Walden pointed to King County as a specific example of the risk associated with courts branching off of the statewide solution, indicating she is unable to see their data while on the bench. Since November, she has been unable to see King County Superior Court information other than a charge and ordered warrant. Furthermore, she stated this is one of the reasons she has always been a supporter of JISC Rule 13 and pushed for the rule including double data entry to ensure all data is shared statewide. Chief Justice Fairhurst added she believed having a rule helps get all parties on the same page and know what is expected of them. Much of what is in the rule is already required today and she is okay with taking time for other parties to review the rule as long as the review period is not open-ended but tied to a date. Furthermore, she stated her concern that courts looking to implement their own CMS be fully aware of exactly what the requirements are and the limitations on AOC resources to build multiple data exchanges. A motion was put forward.

Motion: Judge Scott K. Ahlf

I move to continue this matter for consideration on the June 28, 2019 JISC Agenda.

Second: Ms. Paulette Revoir

Voting in Favor: Chief Justice Mary Fairhurst, Judge Scott K. Ahlf, Mr. Larry Barker, Judge Jeanette Dalton, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Brooke Powell, Ms. Paulette Revoir, Ms. Dawn Marie Rubio, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Absent: None

The motion passed to table to the matter until the next JISC meeting on June 28, 2019. Judge Leach suggested the parties that do not like the language in the current proposed rule should propose alternate language and provide it to the JISC, AOC and the CLJ-CMS Steering Committee. He suggested this happen sooner rather than later so all parties are able to review all suggestions prior to the June 28, 2019 JISC meeting.

JISC Rule 13 Request

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Ms. Diseth reported this agenda item was a holdover from the February 22, 2019 JISC meeting. Kitsap County presented their request to move forward with their own CMS, outside the statewide court solution. Kitsap County and AOC were to meet prior to the April JISC meeting to discuss the rules, responsibilities and expectations when a court implements their own CMS. That meeting did occur. As such, it is back before the Committee for approval. Judge Jeffrey Jahns spoke to his county's request and expressed his thanks to King County and AOC for their help in educating him and his colleagues on the rules and responsibilities. Comments were given by Judge John Hart speaking from the standpoint of a rural community with limited resources and a reliance on AOC for their CMS. He expressed his fear that all funds or efforts going to assisting the dissemination of data to those counties implementing their own CMS directly hurts his county and other smaller counties reliant on AOC. Judge Leach spoke to the JISC and AOC's commitment to CLJ courts as the number one priority. Unless the JISC alters their priorities, added requests will be put in line based on prioritization by the JISC. Thus, whatever the vote is today, it will not impede the development of a CMS for those courts that stay on the statewide system.

Motion: Judge John H. Hart

I move that the JISC provisionally approve the Kitsap County District Court request to implement its own case management system, subject to Kitsap County District Court's agreement to comply with the JIS Data Standards for Alternative Electronic Court Record Systems and Implementation Plan.

Second: Judge Scott K. Ahlf

Voting in Favor: Judge Scott K. Ahlf, Mr. Larry Barker, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Brooke Powell, Ms. Paulette Revoir, Ms. Dawn Marie Rubio, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Abstention: Judge Dalton

Absent: Chief Justice Mary Fairhurst

The motion passed with Kitsap receiving provisional approval as stated in the motion.

Access to Justice (ATJ)

Mr. Terry Price, Access to Justice (ATJ) Liaison, presented the motion to approve the updated Access to Justice Technology Principles for submission to the Supreme Court of Washington. Mr. Price directed the Committee to the packet containing the current and proposed technology principles recently passed by the ATJ Board. There was discussion concerning the current preamble contained

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in the existing technology principles, and whether it would also be in the updated technology principles. Mr. Price stated the ATJ did not include a preamble. Further discussion revolved around the previous JISC meeting's discussion where members had requested the preamble be included due to the use of "shall" and "must" in the technology principles. Members expressed concern with the current language and lack of the preamble. Judge Leach stated he intended to vote against the proposed technology principles without a preamble. His stated reason is that if it is not clear that the principles are not intended to have the force of law, then it invites private litigation. The economic consequences to the government entity involved—even if the technology rules are aspirations rather than rules—would be expensive. He stated his belief that this could be avoided by adding a preamble. Other members voiced their willingness to provide some edits. Mr. Price stated if the message he is to take back to the ATJ Board that the JISC would like a preamble, it is his belief they will consider that. With no further discussion, Judge Leach asked if there was a motion. Hearing none, the matter died without a vote. Judge Leach suggested Mr. Price let the ATJ Board know the JISC is not opposed to principles but would like them clearly described as aspirational.

Data Dissemination Committee Report (DDC)

The Data Dissemination Committee meeting was cancelled.

Board for Judicial Administration Report (BJA)

Judge Leach reminded the Committee that the BJA minutes are contained in the JISC packet behind Tab 13.

Adjournment

Judge Leach adjourned the meeting at 12:40pm.

Next Meeting

The next meeting will be June 28th, 2019, at the AOC SeaTac Facility from 10:00 a.m. to 2:00 p.m.

Action Items

	Action Items	Owner	Status

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