JUDICIAL INFORMATION SYSTEM COMMITTEE

April 24th, 2020
10:00 a.m. to 11:15 a.m.
Online Zoom Meeting

Minutes

Members Present:
Justice Barbara A. Madsen, Chair
Judge Scott K. Ahlf
Ms. Mindy Breiner
Judge John Hart
Mr. Rich Johnson
Judge J. Robert Leach
Mr. Frank Maiocco
Ms. Barb Miner
Chief Brad Moericke
Ms. Paulette Revoir
Mr. David Reynolds
Ms. Dawn Marie Rubio
Judge David Svaren
Mr. Bob Taylor
Mr. Jon Tunheim
Ms. Margaret Yetter

Members Absent:
Judge Jeanette Dalton

AOC Staff Present:
Mr. Kevin Ammons
Mr. Kevin Cottingham
Ms. Vicky Cullinane
Ms. Vonnie Diseth
Mr. Curtis Dunn
Mr. Rob Eby
Mr. Brian Elvin
Mr. Mike Keeling
Ms. Hayley Keithahn
Mr. Dennis Longnecker
Mr. Dirk Marler
Mr. Dexter Mejia
Ms. Dory Nicpon
Mr. Ramsey Radwan
Ms. Cat Robinson

Guests Present:
Judge Susan Mahoney
Mr. Othniel Palomino
Ms. Heidi Percy
Mr. Terry Price
Ms. Peggy Semprimoznik

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Call to Order

Judge J. Robert Leach called the Judicial Information System Committee (JISC) meeting to order at 10:00 a.m. and introductions were made. Justice Barbara Madsen joined shortly after the start of the meeting to due to connection issues.

Meeting Minutes

Judge Leach asked if there were any changes or corrections to the February meeting minutes. One change was noted regarding the date of the meeting shown on the meeting minutes. The minutes were unanimously approved with the one change.

JIS Budget Update

Mr. Ramsey Radwan provided an update of the 19-21 budget. The CLJ-CMS contract is currently being negotiated. Upon signature, additional staff will be hired for the project.

There will not be an official revenue forecast released until June 17, 2020. The state general fund is expected to be adversely impacted by the COVID-19 pandemic. The Legislature could reduce funding by at least 5% each year for the next three years. Because two-thirds of the state's state general fund budget is constitutionally protected from reductions an across-the-board reduction implemented by the

legislature could be well above 5%. Judicial Branch agencies have agreed to review their budgets and identify those funds that are tied to constitutional and statutory mandates.

Justice Madsen asked how much of the AOC budget is constitutionally or statutorily protected from reductions. Mr. Radwan said approximately 43% of the AOC budget is constitutionally protected and another 19% is currently protected through budget proviso.

Mr. Radwan presented the 2021-2023 Budget Development, Review and Submittal Schedule. Decision package requests are due by June 5, 2020.

Mr. Radwan presented about JIS External Equipment Replacement Funding. Letters and emails were sent on behalf of the clerks urging the JIS Committee to allow for more time to discuss and research potential options to address the $856,000 shortfall in funding from the Legislature. Members of the Committee agreed that cuts should come from the lowest priority Information Technology budget requests. A motion was made regarding the decision point on the agenda.

Motion: Judge J. Robert Leach

I move that the External Equipment Replacement decision package request, prioritized last by the JISC for the 19-21 biennium, be reduced by $856,000 to accommodate the shortfall of funding received from the Legislature.

Second: Judge David Svaren

Voting in Favor: Justice Barbara A. Madsen, Judge Scott K. Ahlf, Ms. Mindy Breiner, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Paulette Revoir, Mr. David Reynolds, Ms. Dawn Marie Rubio, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Absent: Judge Jeanette Dalton

The motion was passed. No motion was made regarding the remaining funds to be distributed based on court size of smallest to largest. More discussion and possible options are warranted.

Legislative Update

Ms. Dory Nicpon gave an update on the 2020 legislative session.

The 2020 legislative session was a fast-paced 60 days. In addition to continuing debate on bills introduced but not passed in 2019, legislators considered 1,462 new bills. The legislature adjourned *sine die* on March 12, 2020, which means the default effective date of bills passed in 2020 is June 11, 2020.

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Even before session ended, staff of the Administrative Office of the Courts (AOC) began preparations for legislative implementation. This year, it proved exceedingly important to monitor the governor's action on bills that passed the Legislature before beginning implementation of bills.

In the days and weeks immediately following session, the public health and related economic considerations facing the state influenced the Governor's decisions with respect to several bills. Of the 380 bills that the Legislature passed this session, the Governor vetoed 24 in their entirety and 14 partially. The veto message accompanying 23 of the 24 complete vetoes stated:

> *Circumstances have changed dramatically since the 2020 supplemental operating budget was approved by the Legislature last month. The COVID-19 pandemic is having catastrophic effects on the health and welfare of Washingtonians. It will also have a major impact on the economic health of our state. I have conferred with leaders in the House of Representatives and Senate, and we agree that we must prepare for the effects of the lost revenue that will result from this pandemic.*
>
> *For these reasons I have vetoed [the bill] in its entirety.*

The Governor has also indicated that COVID-19 and economic considerations may necessitate a special session of the legislature before January 2021.

2020 Regular Legislative Session

New bills of interest to the judiciary this session included:

2567 (Courts/arrests): This bill (Chapter 37, Laws of 2020) restricts civil arrest of an individual going to, or returning from, a court facility. Except in specific circumstances, it prohibits judges, court staff, prosecutors, and prosecutors' staff from: 1) inquiring into, or collecting, immigration or citizenship information; and 2) providing non-publicly available personal information to federal Immigration and Customs Enforcement (ICE), or notifying ICE of an individual's presence at court facilities. The bill requires the government entity responsible for security at a court facility to collect information regarding state and federal law enforcement officers and actions at courthouses and report the information to the AOC to publish it.

2793 (Vacating convictions/formerly the Clean Slate Act): ***The Governor vetoed this act. The veto message included the statement quoted above.*** The version of the bill that passed the Legislature would have required the AOC to develop a court-driven process for the vacation of certain criminal convictions and pilot the process in a single county from July 1, 2021 through June 30, 2022. The AOC would have been required to submit implementation plans and other reports to the Governor and Legislature.

6287 (Guardianship, etc.): This bill (Chapter 312, Laws of 2020) makes adjustments to the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA), which was enacted in 2019 and was scheduled to take effect on January 1, 2021. Among the changes to the UGA are staggered implementation dates for major revisions to guardianship laws. The modified effective dates

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largely mean that sections related to minors go into effect on January 1, 2021, while sections related to adults go into effect on January 1, 2022.

5450 (Adding superior court judges): This bill (Chapter 53, Laws of 2020) was introduced at the request of the BJA to add two superior court judge positions: one in Clark County and one in the tri- county judicial district for Ferry, Pend Oreille, and Stevens Counties.

Ongoing Activities

The Board for Judicial Administration (BJA) Legislative Committee has solicited proposals from within the judicial community for any BJA-request legislation for the 2021 session. Instructions are available at the first link on this page. Proposals and supporting documentation should be submitted by June 15, 2020.

Access to Justice Technology Principles Report

Ms. Vicky Cullinane presented the 2019 Access to Justice Technology Principles report for submission to the Supreme Court of Washington.

Motion: Judge J. Robert Leach

I move to approve the 2019 Access to Justice Technology Principles Report to the Supreme Court.

Second: Judge Scott K. Ahlf

Voting in Favor: Justice Barbara A. Madsen, Judge Scott K. Ahlf, Ms. Mindy Breiner, Judge John Hart, Mr. Rich Johnson, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Paulette Revoir, Mr. David Reynolds, Ms. Dawn Marie Rubio, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Absent: Judge Jeanette Dalton

The motion was passed.

JISCR 13 Amendment

Justice Madsen spoke regarding the JISCR 13 Amendment Update which was submitted by the Rules Committee to the Supreme Court. The Supreme Court approved a motion to approve expedited commentary. Members have until September 30, 2020 to make comments.

Ms. Barb Miner stated that the rule does not recognize the clerks as having autonomy and authorization, and therefore will be submitting comments to such and a request for additional revisions.

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

Ms. Cat Robinson presented the update on the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) project. Ms. Robinson spoke to the progress the CLJ-CMS team has made on the Statement of Work (SOW). Discussion was held regarding the Project Steering Committee's (PSC) decision on e-filing. The PSC carefully considered the options for e-filing and chose this model as the best option for CLJ courts as a whole. Ms. Robinson also told the Committee that the PSC recently reviewed their charter and updates were made to better reflect how they function as a committee. A copy of the charter was included in the meeting materials.

Further discussion was held regarding the PSC decision on e-filing with Tyler Technologies. Tyler Technologies, like most vendors, charges a fee for use. This fee is charged to the state as a $5.00 per "envelope" charge. This would be a grouping of documents that are filed together on a case. Since this is a service, Tyler would have the responsibility of training customers, supporting, and maintaining Odyssey File and Serve, as well as providing customer support. The $5.00 fee would apply anytime a customer submits something for the case and would go directly to Tyler to support this service model. Ms. Robinson reported there would be fee waivers available that would apply to certain protection order cases, persons who are indigent, as well as for qualified legal service providers and government filers.

Ms. Robinson reported that the next decision made by the PSC was whether e-filing should be optional or mandatory and what transition period should apply. The PSC's decision was that e-filing will be mandatory for attorneys. However, there will be a grace period between implementation and mandatory filing. Pilot courts would have a ninety-day transition period before it becomes mandatory for attorneys, and the remaining courts will have a thirty-day transition period.

Ms. Robinson finished her presentation discussing the next steps for the project team. A motion was made regarding the PSC Charter.

Motion: Judge David Svaren

I move that the JISC approve the updated Courts of Limited Jurisdiction Project Steering Committee Charter as recommended by the Project Steering Committee.

Second: Judge Scott K. Ahlf

Voting in Favor: Justice Barbara A. Madsen, Judge Scott K. Ahlf, Ms. Mindy Breiner, Judge John Hart, Judge J. Robert Leach, Mr. Frank Maiocco, Ms. Barb Miner, Chief Brad Moericke, Ms. Paulette Revoir, Mr. David Reynolds, Judge David Svaren, Mr. Bob Taylor, Mr. Jon Tunheim, Ms. Margaret Yetter

Opposed: None

Abstained: Mr. Rich Johnson

Absent: Judge Jeanette Dalton, Ms. Dawn Marie Rubio

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JIS Priority Project #2 (ITG 62): Automate Courts DCXT Table Entries Project Update

Mr. Kevin Ammons presented the update on JIS Priority Project regarding the automation of the courts DCXT table entries. Mr. Ammons reiterated that courts may still need to add local data whenever a new BARS subaccount is added. In addition, they will retain the ability to add BARS codes or to edit information that is populated by AOC and the automated process. Mr. Ammons spoke to technical improvements that were identified during the code review and alerted the Committee that the release date for the new process has been moved from late April to early June. After the June implementation, AOC will develop a clean-up report to help courts correct existing BARS codes that are inaccurate and provide a new audit report to show what codes have been added by date range.

Data Dissemination Committee (DDC) Report

Judge Leach provided a brief update on the work of the Data Dissemination Committee. On the April 24, 2020 agenda was the ongoing issue of displaying sealed juvenile cases in AOC systems. The Committee will work to get further input on who is interpreting statute information and whether this issue can be resolved.

Board for Judicial Administration (BJA) Report

Justice Madsen reminded the Committee that the BJA minutes are contained in the JISC packet behind Tab 8.

Adjournment

Justice Madsen adjourned the meeting at 12:01 pm.

Next Meeting

The next meeting will be June 26th, 2020, via Zoom from 10:00 a.m. to 12:00 p.m.

Action Items

	Action Items	Owner	Status

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