



Board for Judicial Administration (BJA) Meeting
Friday, March 15, 2024, 9:00. – 12:00 p.m.
Videoconference

MEETING MINUTES

BJA Members Present:

Chief Justice Steven González, Chair
Judge Alicia Burton, Chair
Judge Tam Bui
Judge Sam Chung
Judge Kristin Ferrera
Judge Marilyn Haan
Judge John Hart
Judge Mary Logan
Judge David Mann
Raquel Montoya-Lewis
Judge Rebecca Robertson
Judge Michael Scott
Judge Karl Williams

Guests Present:

Jim Bamberger
TJ Bohl
Melissa Beaton
Elena Becker
Ashley Callan
Judge George Fearing
Isaac Jarret
Kristin Jensen
Judge Carolyn Jewett

LaTricia Kinlow
Judge Annette Plese
Sara Robbins

**Administrative Office of the Courts
(AOC) Staff Present:**

Scott Ahlf
Kelley Amburgey-Richardson
Jeanne Englert
Heidi Green
Scott Hillstrom
Kyle Landry
Penny Larsen
Joslyn Nelson
Stephanie Oyler
Chris Stanley
Caroline Tawes
Evan Walker

Call to Order and Welcome

Judge Burton called the meeting to order at 9:02 a.m. and welcomed the participants.

Biennium Budget Process and 2024 Legislative Budget Update

Christopher Stanley thanked everyone who advocated for the Judicial Branch budget to the Legislature. The Judicial Branch received the funding that was requested; some funding was from the Judicial Stabilization Trust Account (JSTA).

Christopher Stanley presented the 2025–27 biennium budget outlook and forecast. The Legislature may have to work with a deficit of around \$2.6 billion. He recommended aiming for a Judicial Branch budget request of \$40–50 million for policy items. This figure does not include maintenance requests.

Christopher Stanley reviewed the decision package cover sheet guide. He walked through the section of the decision package, including the introduction, summary, and collaboration

sections. Budget submissions must be affiliated with a BJA, member. A goal of the new budget submission process is to encourage better communication across the system for this budget. The budget submission must include one of BJA's core budget topic areas: support trial courts; improve access to justice; and maintain critical IT infrastructure.

The decision package will be due to AOC June 28, 2024. Chief Justice González will send an official letter in the next week or two regarding decision package submission. The BJA will make budget recommendations at the September 13, 2024 BJA meeting, and the budget requests will be submitted to the Legislature on October 14 or 21, 2024. Three new questions on diversity and inclusion have been added to the decision package template. Christopher Stanley is available for assistance on the decision packages.

Judge Logan said it was important for the Legislature to know and trust that the judicial branch is speaking with one voice.

It was moved by Chief Justice Gonzalez and seconded by Judge Logan to approve the new biennium budget process. The motion carried unanimously.

Presentation: Courts of the Future

AOC was allocated \$5 million for audio visual upgrades in the FY23 supplemental budget, and some of that funding was allocated to the Courtroom of the Future Program. Judge Please and Ashley Callan from Spokane Superior Court, and Kristin Jensen and Isaac Jarrett from Thurston County Superior Court reviewed updates in their courtrooms using the funding they received.

Spokane Superior Court is in an old building, and upgrades required quite a bit of new technology and wiring. Judge Please reviewed the courtroom infrastructure prior to the upgrade. Improvements include a large screen behind the witness stand with a monitor for the witness and cameras throughout the courtroom. The jury box is not shown on camera. Those participating in proceedings by Zoom are able to see the entire courtroom. Evidence may be shared with the judge electronically from the counsels' tables, and laptops at the counsel tables may be plugged into the court system. Sound quality has also improved. It was a challenge for the court staff to learn the system, but they all liked it once they learned how to use it.

Kristin Jensen from Thurston County Superior Court thanked the BJA for inviting her. Upgrades to an old building have been challenging. Isaac Jarrett with Thurston Superior Court reviewed the courtroom upgrades at that court.

Thurston County Superior Court first identified its goals and how they should use the funds. They addressed connectivity, sound reinforcement, and the ability to share evidence during trials so counsel would be prepared in whatever courtroom they were assigned. The goal was to create a baseline for all courtrooms where either digital or paper evidence would work.

Isaac Jarrett reviewed the cameras added to each room, the sound reinforcement system, and monitors. All the technology connects to the computer at clerk's station, and the clerk starts the remote meetings at that station.

The presenters were asked how they addressed disability challenges. Old courthouses were not built with accessibility in mind, and that has been a challenge. Spokane Superior Court has lapel microphones for interpreters, and the participant requiring an interpreter has a headset. Thurston County Superior court has handheld receivers for earbuds so participants can boost

the audio if someone has hearing issues. The Washington Supreme Court Disability Justice Task Force (DJTF) is working on an accessibility study.

These courts may be used as a model for other courts to see what upgrades are possible and may also be used for future funding justification. Kristin Jensen will be happy to coordinate visits from those who want to see the upgrades in person.

The Remote Proceedings Workgroup would like to include this information in their upcoming survey and discussed having a technology roundtable at their next meeting. Penny Larsen would like to invite today's presenters.

Chief Justice González thanked the presenters.

Courts of the Future: Large Group Discussion

Chief Justice González hopes to identify and promote innovative court programs. He asked the participants what they want to adopt in the courtrooms and what plans they have in the next two or three years.

Participants were asked to discuss two questions:

- What is one thing your court has or wants to implement in the near future?
- How else can courts be responsive to changing needs and issues?
 - The Court of Appeals Division I courtroom lacks ADA access and security. They are currently in the process of making it more accessible, are adding security, and improving audio visual capability for all proceedings.
 - King County has good technology, and is working on x-ray machines.
 - Judge Robertson expressed concern on how to get interpreters to appear in person for court. This is an ongoing problem and more than just a pay issue. Interpreters have no incentive to appear in person when they can book jobs remotely. There was a discussion on how to ensure adequate pay and benefits for interpreters and the need to recruit people into the interpreter profession. Chief Justice González will consult with the Interpreter Commission.
 - Tukwila built a new justice center with a focus on the court customer perspective. The building is accessible, and IT people were involved in the early planning. The courtroom is fully equipped, and court proceedings can be fully remote, hybrid, or in person. Staff can work remotely. They use technology to assist with interpreters, using a robot that goes from courtroom to courtroom. They also produce videos to provide customers with court information. There are a lot of opportunities for courts; the hardest thing is the court business is so traditional that advancement and changes are difficult. Courts will be serving a technically-savvy group of customers with different social skills, and courts need to make justice accessible and inclusive. Before moving to a new facility, Tukwila gave tours to residents to obtain feedback, and also received feedback from colleagues. All feedback was considered in designing the new facility.
 - We need to assess what the issues are. Audio and microphone systems need to be upgraded; Zoom participants have trouble hearing. The accessibility needs to be assessed.

- Interpreters are a significant problem. There needs to be improvement in ADA accessibility. The systems for evidence and how it is processed and viewed is important.

Jeanne Englert invited participants to let her know if there are issues on this subject that they would like discussed or shared at BJA.

BJA Task Forces and Workgroups

Alternatives to Incarceration Task Force

The Task Force will meet on March 27 and discuss funding recommendations from the workgroups. The funding request guide will assist their discussions. On March 18, the Task Force will be working on ideas on how and what to present to judges regarding alternatives. They are starting work on concept papers and focus on the budget. There will be a presentation at the June BJA meeting. Materials were included in the meeting packet.

Remote Proceedings Workgroup

The Workgroup will issue a survey soon that will include questions about technology needs. Penny Larsen posted a link to an article in the Washington State Bar Association *Bar News* (<https://wabarnews.org/2024/03/07/rules-of-the-remote/>). There have been a few comments on the Workgroup's proposed rules. More information will be presented at the May BJA meeting.

Electronic Monitoring and Victim Notification Technology (EMVNT) Work Group

The Workgroup is finalizing best practices for training protocols, and training modules. They plan to have a presentation at the May BJA meeting. Materials were included in the meeting packet.

Standing Committee Reports

Budget and Funding Committee

There was no further report.

Court Education Committee (CEC)

The last CEC meeting was March 13 where they discussed allocation requests. The Executive Committee is editing the policy document and will send a draft to the CEC. It will be reviewed next month and discussed at the April 12 meeting. Materials were included in the meeting packet.

Legislative Committee (LC)

Materials were included in the meeting packet.

Policy and Action Committee (PAC)

Updates on the Anti-Harassment Project were included in the materials. Judge Jewett will discuss three recommendations in response to their survey, including training. The PAC is also discussing an equity assessment tool. They plan to have a presentation at the next BJA meeting.

Interbranch Advisory Committee

The next Interbranch Advisory Committee meeting will be April 19 from 10:00 a.m. to 1:00 p.m. at the Kitsap County Administration Building. The meeting will be live-streamed on TVW.

Information Sharing

Chief Justice González: The American Bar Association and the Rand Corporation developed caseload standards for public defense attorneys. The recommendations were referred to the Washington State Bar Association (WSBA) Board to review. The Board voted to adopt the recommendations, and the Supreme Court will now review the recommendations. Some recommendations will require a change in court rules. There may be significant changes statewide with funding requirements.

The Bar Licensure Task Force, led by Justice Montoya-Lewis, made recommendations about future admissions to the Bar and a joint request from the three state law school deans asking to change the cut score until the NextGen test is adopted in July 2026. If the recommendations from the Licensure Task Force are adopted, it will create two pathways to licensure in Washington State. The WSBA will be asked to staff those efforts and make recommendations to the Task Force. The NextGen Bar Exam will be used beginning in the summer of 2026. It is reputed to be a better exam and will reduce disproportionality. There was another motion to address cut score recommendations. That was not adopted but the Task Force did adopt the 266 score which was used during pandemic, and that score will be made retroactive. The cut score for the next iterations of the bar exam will be 266. The NextGen test does not have scoring protocol yet.

Regarding the lack of attorneys in some parts of the state, the law school deans are planning to consider approaches including recruiting from diverse populations, increasing recruitment, and instituting loan forgiveness programs for some kinds of practice. The Office of Public Defense is funding a program that created a recruiting program.

Judge Chung: The Superior Court Judges' Association (SCJA) Spring Conference will be April 28–May 1 in Yakima. A registration e-mail will be sent today. There will be a session on work-life balance, and there will be a relaxed gathering on Monday evening. Judge Chung will be stepping down as SCJA President and Judge Ferrera will be the new president.

Judge Logan: Gonzaga University School of Law held a convening of judges to discuss curriculum changes designed to increase enrollment by making sure students are prepared for next steps and there is more applied skill learning. Cities and counties are sensitive to attorney wage issues and are considering steps to even out pay. Judges are also taking steps to help.

Judge Robertson: King County District Court is planning an April retreat on racial and cultural bias. There will be many speakers, including National Center for State Courts (NCSC) president Mary McQueen. NCSC may be available at no cost to help courts.

As part of the BJA court wellness goal, Kyle Landry is working on two BJA-funded trainings. The first is a statewide de-escalation training from Aperture EQ. Kyle Landry is also in the initial stages of working with the University of Washington School of Law on a seminar on First Amendment Auditors.

Motions

It was moved by Chief Justice Gonzalez and seconded by Judge Scott to approve the February 16, 2024, meeting minutes. The motion carried unanimously with one abstention.

Adjourn

The meeting was adjourned at 10:51 am.

Recap of Motions from the March 15, 2024 Meeting

Motion Summary	Status
Approve the new biennium budget process.	passed
Approve the February 16, 2024 meeting minutes.	passed

Action Items from the February 16, 2024 Meeting

Action Item	Status
The Alternatives to Incarceration Task Force will have a presentation at the June BJA meeting.	
The Remote Proceedings Workgroup will present at the May BJA meeting.	
The Electronic Monitoring and Victim Notification Technology Work Group will have a presentation at the May BJA meeting.	
The Court Education Committee policy document will be discussed at the April 12 meeting.	
The Policy and Action Committee will have a presentation at the next BJA meeting.	
<u>February 16, 2024 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	done done