



## Board for Judicial Administration (BJA)

October 18, 2024 (9 a.m. – 12:00 a.m.)

### MEETING MINUTES

#### **BJA Members Present:**

Judge Alicia Burton, Chair  
Judge Andrea Beall  
Judge Tam Bui  
Judge George Fearing  
Judge Kristin Ferrera  
Judge Rebecca Glasgow  
Judge Cindy Larsen  
Judge David Mann  
Judge Donald Richter  
Judge Diana Ruff  
Dawn Marie Rubio  
Judge Karl Williams

#### **Guests Present:**

Jefferey Adams  
Linnea Anderson  
Paul Holland  
Jessica Humphreys  
Judge Carolyn Jewett  
Katrin Johnson  
Sara Robbins  
Jason Schwarz

Susan Speiker

Commissioner Karl Triebel

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

Scott Ahlf  
Nicole Ack  
Crissy Anderson  
Heidi Green  
Brittany Gregory  
Melissa Hernandez  
Scott Hillstrom  
Kyle Landry  
Penny Larsen  
Allison Lee Muller  
Stephanie Oyler  
Haily Perkins  
Laurie Sale  
Christopher Stanley  
Caroline Tawes  
Lorrie Thompson  
Andrea Valdez

#### Call to Order

Judge Burton called the meeting to order at 9:02 a.m. and welcomed the participants. She reminded the participants of BJA member responsibilities, including reviewing the meeting materials in advance, particularly those materials related to voting. BJA members are also responsible for disseminating meeting information back to their court levels and related organizations. If a BJA member is unable to attend a meeting, they may give their proxy vote to a non-voting member from the same court level. The person with the proxy is also responsible for reviewing the materials and reporting back to their respective groups.

#### Washington Association of Juvenile Court Administrators (WAJCA) Update

Linnea Anderson, WAJCA President and San Juan County Juvenile Court Administrator, presented an update on the work of the WAJCA. The WAJCA is focused on its mission and vision, and operationalizing those commitments. They are committed to diversity, equity, and inclusion, and have operational guidelines for their membership and committees.

Linnea Anderson reviewed some project highlights. She shared that seven pilot courts are implementing the Washington State Center for Children and Youth Justice protocols for safe and affirming care for juveniles, specifically for LGBTQ youth.

San Juan County has a fully operational, integrated therapeutic court program. They partner with community agencies to look at ways to provide new and different opportunities for youth in the system, what the barriers are to diversion, and to advocate for early intervention for support for youth and families. Juvenile courts are becoming hubs and depots for partnerships with food banks and rotary clubs.

The WAJCA is committed to learning and increased research, and would like to partner with other agencies.

Presentation: Public Defense Standards

There was a public hearing on September 25, 2024, on public defense caseload standards. Several organizations were asked to speak, and the hearing was open to public comments. Judge Burton attended and took notes on general comments. BJA guests Jason Schwarz and Paul Holland will present an overview at another hearing on November 13, 2024. Judge Burton asked the BJA members to consider whether BJA should express an opinion on this issue or defer to other organizations.

Jason Schwarz, Director of the Snohomish County Office of Public Defense, and Paul Holland, Seattle University School of Law faculty, presented on the proposed changes to public defense caseload standards.

The Council on Public Defense (CPD) is charged with recommending amendments to the Washington State Bar Association (WSBA) Standards for Indigent Defense Services and public defense performance guidelines to the WSBA Board of Governors and the Washington State Supreme Court. The CPD has met to discuss the public defense crisis. They responded to two issues: the shortage of attorneys and the difficulty in recruiting new attorneys to public defense work, especially in rural areas, and caseload problems. High caseloads are the main problem in most jurisdictions.

Jason Schwarz reviewed the current caseload limits. They were adopted in 1984 and based on a 1973 study by the National Advisory Commission on Criminal Justice Standards and Goals (NAC). The NAC standards are widely criticized, and the current standards are not realistic. A 2023 study from the RAND Corporation, the National Center for State Courts, the American Bar Association, and attorney Stephen Hanlon asked public defense experts to provide the time involved in public defense cases, and correlated case types and associated hours to create the National Public Defense Workload Study (NPDWS). The CPD modified the resulting caseload standards to meet Washington State needs. The goal is early case resolution.

The CPD surveyed public defenders and asked them to look at the NPDWS standards and asked them whether those standards reflect the time they need to meet legal and ethical obligations. Seventy-three percent of those surveyed agreed the NPDWS better reflects time needed for felony cases.

The WSBA proposed a timeline for the next step, implementation. The CPD agreed unanimously on the caseload standards but not on the timeline. They are not experts on

implementation. The CPD would like to hear concerns from the community on the implementation timeline. Should every jurisdiction come up with their own plan?

Corrections to public defense compensation and infrastructure will have the most impact on defendants. There are also questions about the possible impact on unrepresented people.

The Office of Public Defense will ask for an additional \$40 million of funding in the upcoming legislative session to support defense costs in counties and cities.

These standards will also apply to conflict lawyers. The WSBA also changed standards for compensation for private lawyers. Snohomish County has moved to an hourly rate compensation.

There were questions about the experts involved in the NPDWS. Their names are available. There was also a question about the county caseload for each public defense office in the state. Counties may have public defense agencies, or may use only contractors and have no data on how many cases they were assigned, so there is no statewide, comprehensive data set. Additional funding will increase data collection capacity. Participants also discussed the hours estimated for felonies, which some thought were high and some thought were accurate estimations.

A decision needs to be made on how to address the crisis. Should phase 1, implementation of all revised standards other than caseload standards and support staff and forwarding court rule revisions to the Supreme Court, be implemented and see if that helps?

The Superior Court Judges' Association (SCJA) would like a red-lined version of the proposed rule to look at alternatives before making any proposals.

Supreme Court has made no decisions yet aside from publishing the proposed rules for comment and holding hearings to hear from those affected. They are interested in addressing the public defender shortage in Washington; however, no vote on implementation has occurred. The Supreme Court is interested in ideas and assistance on how to improve the situation. BJA may offer ideas. This will not be a simple yes/no vote but a lengthier conversation. A special meeting will be convened for further conversations.

Jason Schwarz and Paul Holland are happy to answer questions or have further conversations. Jason Schwarz asked to be kept in the loop of further developments.

Judge Burton thanked Jason Schwarz and Paul Holland.

#### Presentation: Juror Initiatives

Laurie Louise Sale, AOC, is the project manager of the Pierce County Juror Pay Pilot Program. The Program increases juror pay from \$10 to \$100 per day for jury service. The pilot program will run from October 14, 2024, to June 30, 2025, and the motivation for the pilot program is to increase jury diversity. The \$100 is commensurate with a daily wage. The 2024 Legislature provided funding for the pilot program with SB 5187.

A key communication piece is the jury summons card that states jury duty pays \$100 per day. There is also an extensive media campaign that will continue through the pilot project. The juror

response rate is being tracked, and there has already been an increase in the expected response to the jury summons.

Laurie Sale thanked AOC staff Frank Thomas and Patty Chirco, as well as her partners in Pierce County, Chris Gaddis and Michelle West.

Laurie Sale is also the program manager for the Childcare Assistance Program. In 2024, SB 5128 directed AOC to establish a workgroup to make recommendations on the creation of a childcare assistance program for juror participants. A report is due to the Legislature by December 1, 2024.

The workgroup sent a survey to presiding judges, jury managers, and court administrators to gather information on establishing a statewide childcare assistance program for juror participants. The survey had a 92% response rate.

The workgroup recommendation to Legislators will look at pilots in three courts, partnering with child care centers specific to those courts.

Laurie Sale thanked the BJA for their time. She is available to answer questions or provide more information online at [laurielouise.sale@courts.wa.gov](mailto:laurielouise.sale@courts.wa.gov).

#### Disability Justice Task Force

Commissioner Triebel provided an update on the Disability Justice Task Force (Task Force). Commissioner Triebel thanked Justice G. Helen Whitner, Judge David Whedbee, Joslyn Nelson, and other AOC staff.

The Task Force's main group and subcommittees meet frequently. Highlights of their work are available in the meeting materials. The Task Force is in the final stages of developing a Task Force website that will be accessible and mobile device-friendly.

The Task Force is developing survey questions to identify both physical and programmatic barriers in the court system. The survey will be sent to judges and court staff. They have published a Request for Proposals for a research team that will assess the survey and provide guidance and analysis. The Task Force is also gathering information on Americans with Disabilities Act (ADA) Coordinators at all court levels. Commissioner Triebel will provide another update to the BJA on the survey responses.

#### BJA Task Forces and Workgroups

##### Alternatives to Incarceration Task Force

The Alternatives to Incarceration Task Force will meet next Tuesday to discuss deliverables and their funding request.

##### Remote Proceedings Workgroup

No report.

#### Standing Committee Reports

##### Budget and Funding Committee (BFC)

Judge Ruff apologized for not providing budget materials further in advance of the September meeting. Next year's communications will be better.

Christopher Stanley explained what happens next in the budget process. The budget outlook forecasts a \$4.3 billion deficit. The total maintenance in the budget is \$10 billion, which is a problem the Legislature will face and creates a competitive environment. The November 20, 2024, forecast will likely be flat.

Christopher Stanley reviewed the three categories of the 2025–27 Judicial Branch Biennial Budget Request which totals \$49.1 million. He also sent a list to the BJA participants that included an itemized list. The budget website was posted yesterday, and he will send a link to the BJA participants. He anticipates receiving pages of questions from Legislative staff. Those questions will be sent to the appropriate subject matter expert (SME) to be answered.

The formal submission of the Governor's budget will be December 20, 2024, or earlier. AOC staff and SMEs will begin meeting with Legislators who are best positioned to advocate for our budget proposals. The Legislative session will begin January 13, 2025, and end on April 27, 2025. Chamber budgets will be available in mid-March.

The Office of Public Defense requested an additional \$42 million for local public defense services. This request may be treated as a special request, handled separately from the other budget requests, and a dedicated account for the request may be created so it does not compete with the other judicial branch budget requests.

Anyone with budget questions, concerns, strategy, and advocacy questions may contact Christopher Stanley. For general strategy and advocacy questions, please contact Brittany Gregory.

#### Court Education Committee (CEC)

The CEC approved and allocated the education budget for CEC-supported programs. The next CEC-supported education programs are the SCJA-sponsored program in Vancouver in November 2024; the Judicial College in January 2025; and the Appellate program in March 2025.

#### Legislative Committee (LC)

Asotin, Columbia, and Garfield counties withdrew their support of an additional judicial position due to budget risks. The LC will request an additional judicial position again next year. A Supreme Court commissioner has been added to the appellate commissioner bill.

After the recent presentation to the Washington Citizens' Commission on Salaries for Elected Officials (Commission), the Commission voted to preliminarily give all elected officials COLAs matching the State Employees federation: +3% FY 26 and +2% FY 27. In addition, the Judiciary will receive a general wage increase of 1% in FY26 and 1% in FY27. The Commission will meet to finalize salaries for the next biennium on February 5, 2025.

Judge Ferrera thanked Brittany Gregory and others for their work with the Commission.

#### Policy and Action Committee (PAC)

There is an update on the PAC in the meeting materials. There will be more discussion on the strategic initiative cycle at the November BJA meeting.

### Court Security Committee

The new incident and threat reporting system is live online. The Court Security Committee is encouraging creation of local court security committees and funding for those committees. Yesterday Kyle Landry spoke to law enforcement representatives and had a positive response to the idea of a city- or county-based court security committees.

### Motions

**It was moved by Judge Beall and seconded by Judge Glasgow to approve the September 20, 2024, meeting minutes as written. The motion passed.**

### Information Sharing

Judge Ferrera was concerned about the Legislative Committee charter changes from the September BJA meeting. She would like a red-lined version of the charter so she is clear about the changes. She would like future changes in the meeting materials to have changes indicated with red lining. The revised charter will be posted to the BJA website.

Nicole Ack presented an update on the Public Engagement and Education Committee. They have a meeting today. She announced the YMCA Mock Trial Board is looking for a judicial member. Her email is [Nicole.ack@courts.wa.gov](mailto:Nicole.ack@courts.wa.gov) if anyone is interested in participating.

Judge Burton asked the members to expect an email from Melissa Hernandez in a few days regarding a 90-minute meeting on public defense caseload standards.

The November BJA meeting will be a hybrid meeting at SeaTac. Information on attending and making travel arrangements will be sent. The Court Management Council members will join the meeting, and the Court Manager of the Year and the Innovating Justice Awards will be presented.

### Adjourn

The meeting adjourned at 11:14 a.m.

### **Recap of Motions from the October 18, 2024 Meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the September 20, 2024, meeting minutes as written.	passed

### **Action Items from the October 18, 2024 Meeting**

<b>Action Item</b>	<b>Status</b>
<ul style="list-style-type: none"><li>Judge Burton asked the BJA members to consider whether BJA should express an opinion on public defense standards or defer to other organizations. A special BJA meeting will be convened for further conversations.</li></ul>	
<ul style="list-style-type: none"><li>BJA members should expect an email from Melissa Hernandez in a few days regarding a 90-minute meeting on public defense standards.</li></ul>	Done

Action Item	Status
<u>September 20, 2024 BJA Meeting Minutes</u> <ul style="list-style-type: none"><li>• Post the minutes online</li><li>• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials.</li></ul>	Done Done