

Board for Judicial Administration

March 21, 2008

Board for Judicial Administration

March 21, 2008
9:30 a.m.
AOC SeaTac Office
Suite 1106, SeaTac Office Center

Agenda

1. Call to Order	Chief Justice Gerry Alexander	
2. Welcome and Introductions	Chief Justice Gerry Alexander	
3. Judicial Retirement Account Investment Report	Mr. Ramsey Radwan Ms. Stacy Rundle, Education and Outreach Representative, DRS	Tab 1
4. Public Trust and Confidence Committee Report Action: Motion to approve the Public Trust and Confidence Committee Report	Justice Mary Fairhurst	Tab 2
5. Recognition of Representative Pat Lantz	Chief Justice Gerry Alexander	
6. Review, Comment and Possible Endorsement of the Principal Policy Objectives of the Washington State Judicial Branch Action: Review, comment and possibly endorse the Principal Policy Objectives of the Washington State Judicial Branch	Mr. Jeff Hall	Tab 3
7. Legislative Wrap-up	Ms. Mellani McAleenan Mr. Ramsey Radwan	Tab 4
8. Interpreter Funding	Mr. Jeff Hall	Tab 5
9. Washington State Family and Juvenile Court Improvement Plan Bill	Judge Deborah Fleck	Tab 6
10. Trial Court Operations Funding Committee Action: Motion to approve membership and chair. Action: Motion to establish funding request priorities for development by Trial Court Operations Funding Committee	Mr. Jeff Hall	Tab 7

11. February 15, 2008 Minutes Action: Motion to approve the minutes of the February 15, 2008 meeting	Chief Justice Gerry Alexander	Tab 8
12. Access to Justice Board	Mr. M. Wayne Blair	
13. Washington State Bar Association	Mr. Stan Bastian Ms. Paula Littlewood	
14. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge Ronald Cox Judge Vickie Churchill Judge Stephen Shelton	
15. Other Business Next meeting: April 18 Beginning at 9:30 a.m. at the AOC SeaTac Office, Suite 1106, SeaTac Office Center	Chief Justice Gerry Alexander	

Judicial Retirement Account (Title 2, Chapter 14) 2006-2007 Comparison Report

Judicial Retirement Account Overview

The Judicial Retirement Account (JRA) is a supplemental retirement account for judges appointed or elected under chapter 2.04, 2.06 or 2.08 RCW. The JRA was established in 1988 to provide supplemental "retirement-like" benefits to judges when the Judicial Retirement Systems Act (Chapter 2.10 RCW) was repealed and PERS became the retirement plan.

The Administrative Office of the Courts (AOC), under the direction of the Board for Judicial Administration (BJA) is responsible for administering the account.

The state investment board or the department of retirement systems, at the request of the administrator for the courts, may invest moneys in the principal account.

Each qualified member pays 2.5% of their monthly salary to the account. The state matches this amount, making the effective contribution 5% per month.

In November 2006 a revised JRA Administrative Plan was adopted by the Board for Judicial Administration. The revisions included statutory reference corrections as well as corrections for plan deficiencies. Among other activities, the Plan calls for annual status reports.

The 2006-2007 Plan comparison and status summary is attached.

**Judicial Retirement Account (JRA)
Status Summary - Calendar Year 2006 & 2007 Comparison**

<u>TOTAL PLAN ASSETS</u>	<u>2006</u>	<u>2007</u>
<i>Beginning Plan Balance (Jan 1)</i>	\$16,110,136.54	\$19,196,461.80
<i>Ending Plan Balance (Dec 31)</i>	\$19,196,461.80	\$13,887,910.06

<u>CONTRIBUTIONS</u>		
<i>Total contributions</i>	\$1,308,349.84	\$290,779.50

<u>DISTRIBUTIONS</u>		
<i>Total distributions</i>	\$177,570.96	\$6,513,859.89

<u>MEMBERS</u>	<u>2006</u>	<u>2007</u>
<i>Membership on Jan 1</i>		
<i>Active</i>	196	202
<i>Inactive</i>	19	17
Total	215	219

<i>Membership on Dec 31</i>		
<i>Active</i>	202	12
<i>Inactive</i>	17	200
Total	219	212

<i>Membership Profile (December 31)</i>	<u>2006</u>	<u>2007</u>
<i>Superior Court</i>	175	6
<i>Appellate Court</i>	19	1
<i>Supreme Court</i>	8	5

<u>FUNDS</u>	<u>2006 Balance</u>	<u>2007 Balance</u>	<u>2006 % of Total</u>	<u>2007 % of Total</u>
Savings Pool	\$6,062,917.30	\$4,368,294.83	31.58%	31.45%
US Small Stock Index	\$652,031.65	\$444,616.98	3.40%	3.20%
WA State Bond Fund	\$741,816.97	\$664,665.62	3.86%	4.79%
Social Balanced Fund	\$418,369.69	\$266,263.80	2.18%	1.92%
Active US Value Stock	\$3,069,693.39	\$1,792,789.73	15.99%	12.91%
US Stock Market Index	\$1,362,563.65	\$978,636.30	7.10%	7.05%
Active US Core Stock	\$3,172,579.42	\$2,084,000.11	16.53%	15.01%
WA State Short Horizon	\$76,955.46	\$105,625.51	0.40%	0.76%
WA State Mid Horizon	\$310,005.09	\$245,906.92	1.62%	1.77%
WA State Long Horizon	\$154,218.63	\$192,987.77	0.80%	1.39%
Growth Company	\$2,314,603.65	\$1,787,910.23	12.06%	12.87%
International Stock Fund	\$860,706.90	\$956,212.26	4.48%	6.88%
Combined Total	\$19,196,461.80	\$13,887,910.06	100.00%	100.00%

(Source: DRS Reports prepared by Cindy Fetterly, 3-14-08)

Public Trust and Confidence Committee Report

Suggested Motion Wording

I move that the Public Trust and Confidence Committee Report be approved as presented.

**Board for Judicial Administration
Public Trust and Confidence Committee Presentation
March 21, 2008**

Materials:

- Committee Membership List and Terms
- Judicial Independence Visual Aids
 - Separation of Powers Triangle
 - Branches of Government
 - County/City Organization Chart
- Children's Activity Book (Work in Progress)
- Model Jury Summons
- Model Jury Exit Survey
- 2008 Project List

**BOARD FOR JUDICIAL ADMINISTRATION'S
PUBLIC TRUST AND CONFIDENCE COMMITTEE**

MEMBERSHIP LIST (Updated March 2008)

Honorable Mary E. Fairhurst, Chair
Washington Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929
(360) 357-2053
J.M.Fairhurst@courts.wa.gov
Term: Permanent Chair

Mr. Charles Benedict
P.O. Box 112
Maple Valley, WA 98038
(425) 306-0465
Charlesbenedict@comcast.net
*Website Advisory Group
*Pro-se Best Practices
Term: Sept. 1, 2006 – Sept. 1, 2008

Mr. J. Gregory Casey
225 W. Main, Suite 100
Spokane, Washington 99201
(509) 252-9700
gregcasey@comcast.net
*Juror's Rights and Responsibilities
Term: Sept. 1, 2007 – Sept. 1, 2009

Ms. Suzanne Elsner
Marysville Municipal Court
1049 State Avenue, Ste 205
Marysville, WA 98012
360-363-8054
selsner@ci.marysville.wa.us
*Website Advisory Group
Term: Sept. 1, 2008 – Sept. 1, 2010

Ms. Delilah George
Skagit County Superior Court
205 W. Kincaid Street Room 202
Mount Vernon, WA 98273
(360) 336-9325
delilahg@co.skagit.wa.us
*Juror's Rights and Responsibilities (Chair)
Term: Sept. 1, 2007 – Sept. 1, 2009

Honorable John Hickman
Pierce County Superior Court
930 Tacoma Ave S, Rm 334
Tacoma, WA 98402-2108
253-798-6779
Supcrtdept22@co.pierce.wa.us
Term: March 2008 – Sept. 2010

Vacant
DMCJA Position

Ms. Pam Inglesby, Ex Officio Member
Public Legal Education Mgr, WSBA
2101 Fourth Avenue, Fourth Floor
Seattle, WA 98121-2330
(206) 727-8226
pami@wsba.org
*Website Advisory Group
Term: Permanent Ex-Officio

Ms. Paula Littlewood, Ex Officio Member
Washington State Bar Association
2101 4th Avenue, 4th Floor
Seattle, WA 98121-2330
(206) 727-8244
Term: Permanent Ex-Officio

Ms. Kay Newman
Washington State Law Library
415 12th Avenue S.W.
Olympia, WA 98504-0751
(360) 357-2156
*Website Advisory Group
kay.newman@courts.wa.gov
Term: Sept. 1, 2007 – Sept. 1, 2009

Honorable Sherry Parker
Clark County Clerk
1200 Franklin St
PO Box 5000
Vancouver, WA 98666-5000
(360) 397-2287
countyclerk@clark.wa.gov
Term: March 2008 – September 1, 2009

Honorable Kevin Ringus
Fife Municipal Court
3737 Pacific Hwy E
Tacoma, WA 98424-1135
(253) 922-6635
KRingus@cityoffife.org
*Pro-se Best Practices
Term: Sept. 1, 2006 - Sept. 1, 2008

Honorable Peggy Semprimoznik
PO Box 68
Davenport, WA 99122-0068
509-725-1401 509-725-1150 fax
psemprimoznik@co.lincoln.wa.us
*Juror's Rights and Responsibilities
Term: Sept. 1, 2006 - Sept. 1, 2008

Honorable John Schultheis
Court of Appeals, Division III
500 North Cedar Street
Spokane, WA 99210
(509) 456-3944
John.schultheis@courts.wa.gov
*Website Advisory Group
Term: Sept. 1, 2007 - Sept. 1, 2009

Michele E. Storms, Director
William H. Gates Public Service Law
Scholarship Program
University of Washington Law School
Box 353020
Seattle, WA 98195-3020
(206) 897-1836
mestorms@u.washington.edu
*Pro-Se Best Practices (Chair)
Term: Sept. 1, 2007 - Sept. 1, 2009

Dr. Ruth Walsh McIntyre
P.O. Box 2527
Issaquah, WA 98027
(206) 465-6228 cell
drruth@debug.org
ruth.mcintyre@ihmail.com
Term: Sept. 1, 2007 - Sept. 1, 2009

Ms. Helen B. West
1209 Alpine View Drive
Mount Vernon, WA 98274
(360) 424-1791
historywoman@comcast.net
*PT&C Annual Report
Term: Sept. 1, 2006 - Sept. 1, 2008

Coordinator:
Ms. Wendy Ferrell
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
(360) 705-5331 (M, W, F)
(360) 704-4056 (T, TH)
*Website Advisory Group (Chair)
*PT&C Annual Report (Chair)
wendy.ferrell@courts.wa.gov

What's Happening In Court?

An Activity Book for Young People
Who Are Going to Court
In Washington

WORK IN PROGRESS

Welcome from the Judges

Going to court can be scary or intimidating for anyone - especially young people. Yet young people go to court every day, for all sorts of reasons.

We want to make the experience of going to court easier to understand for all young people. This book will tell you what happens in court: who works there, what the rules are, and how you might be involved in a case. Remember that you always can ask questions if you are in court and you feel afraid or confused.

I hope you will enjoy this book, learn from it, and have fun with it. You can keep this book to help you remember what you want to know about going to court.

(Signature)

*Chief Justice Gerry L. Alexander
Supreme Court Washington*

Acknowledgement

This publication is based on a book written in 1999 by the legal staff of the California Office of the General Counsel, Administrative Office of the Courts, *What's Happening in Court?* was illustrated by San Francisco artists Andrew DeWitt and Robert Gutierrez and was produced by the dedicated staff of the AOC. The project was made possible by the generous support of the U.S. Department of Health and Human Services, with additional funding from the Foundation of the State Bar of California. The Washington State version was prepared by the Public Trust and Confidence Committee.

(Add Washington contact information).

What's in This Book?

Welcome From the Judges inside front cover

On My Way to Court

Why Am I Here?

Who Are the People in Court?

How Should I Act in Court?

What Does a Witness Do?

What Is Juvenile Dependency?

Mental Health Hearings

Courthouse Rooms to Decorate

Family Law Court

Guardianships

Being Adopted

Being Emancipated

Special Laws for Children

Did I Do Something Wrong?

Answer Key

Facts About Me

Some Important Information

About This Book

On My Way to Court

These are the rules of the game:

Be the first player to get to the courthouse by following the path that has a picture of how you got to the courthouse.

1-4 players can play.

You need 3 coins.

Use coins or erasers or other small objects as game pieces.

Drop 3 coins on a flat surface.

Count the number of heads and move ahead that number.

If there are 1 head and 2 tails, move forward 1 space.

If there are 2 heads and 1 tail, move forward 2 spaces.

If there are 3 heads and no tails, move forward 3 spaces.

If there are no heads and 3 tails, do not move.

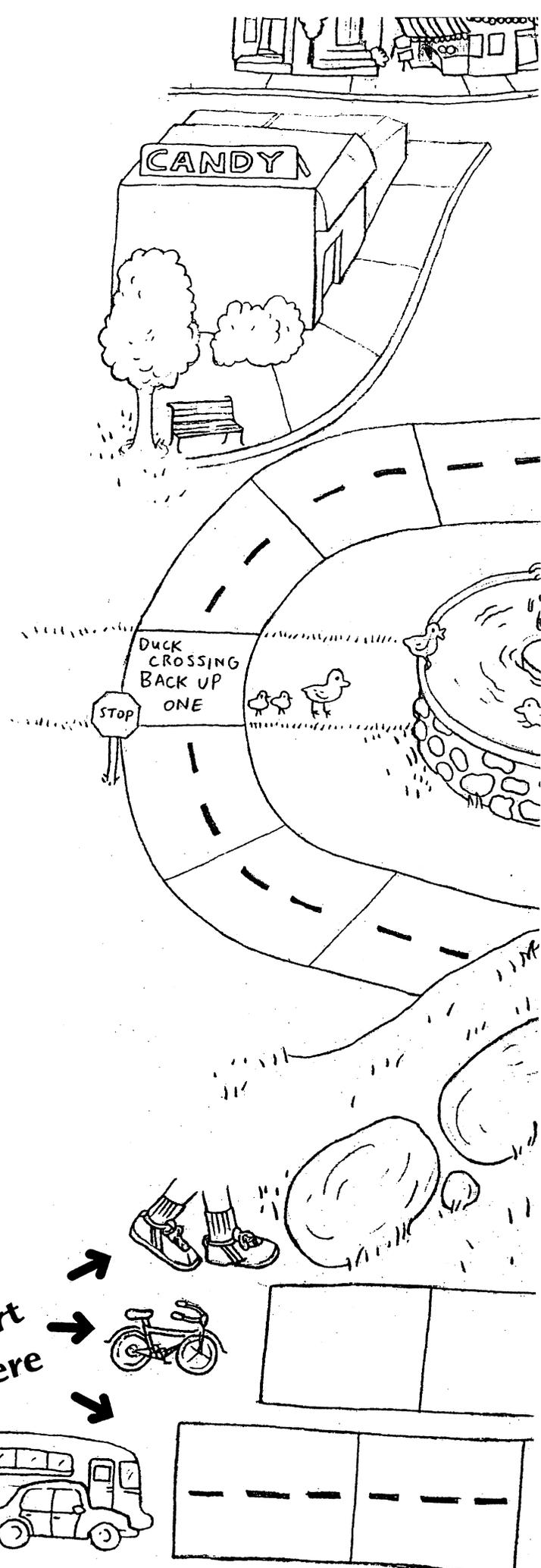
When you land on a space, follow the instructions on that space.

The first player to get to the courthouse wins.

At the end of the game, make sure everyone gets their game pieces back.

Circle on the game all the objects that you saw on your way to court today. If you saw a horse, then circle the horse. If what you saw today is not here, draw a picture of it on the game.

2



State of Washington
County of Kitsap



Jury Summons
&
Parking Permit

TO: PETERSON, DAVID W

- You are hereby summoned to serve as a juror for the Courts of Kitsap County.
- Please complete your profile and return it within five days.
- Your call in procedures are on the reverse side of this form.
- Penalties may be invoked for failure to comply with this summons.

www.kitsapgov.com/clerk/juryduty/jurymain.htm
Jury Office: 360 - 337-7166

Your term of service is:

Monday, July 30, 2007 To: Friday, August 03, 2007

Your group number is:

1

(Bring this portion when you report)

Parking Permit
(Place this portion on the dashboard of your car)

Detach here and retain upper portion

Confidential Juror Profile
(Please use black ink)



PRINT NAME: _____

First

Middle

Last

Qualifications:

1. Are you 18 years of age or older? Yes [] No []
2. Are you a citizen of the United States? Yes [] No []
3. Are you a resident of Kitsap County? Yes [] No []
4. Can you communicate in English? Yes [] No []

State/County: _____

If you have answered NO to any of the above, you are excused from jury service. Please sign, date and return this form.

5. Have you ever been convicted of a felony? Yes [] No []
- If yes, have your rights been restored? Yes [] No []

What crime: _____

If your rights have not been restored, you are excused from jury service. Please sign, date and return this form.

LAW RELATING TO JURY SERVICE AND EXEMPTIONS

Except for a person who is not qualified for jury service under RCW 2.36.070, no person may be excused from jury service by the court except upon a showing of undue hardship, extreme inconvenience, public necessity, or any reason deemed sufficient by the court for a period of time the court deems necessary. (RCW 2.36.100.) Any employer shall provide an employee with a sufficient leave of absence from employment to serve as a juror when that employee is summoned pursuant to RCW 2.36. An employer shall not deprive an employee of employment or threaten, coerce, or harass an employee, or deny an employee promotional opportunities because the employee receives a summons, responds to a summons, serves as a juror, or attends court for prospective jury service. An employer who intentionally violates subsection (1) or (2) of this section shall be guilty of a misdemeanor. A person summoned for jury service who intentionally fails to appear as directed shall be guilty of a misdemeanor. Jury service requires some interruption in your normal occupation or activities. We expect your employer and fellow workers to make the adjustments. They, too, may be called as jurors someday. Jurors are paid in the amount not less than \$10.00 per day, as determined by the county commissioners. You will also receive a mileage reimbursement for travel between your home and the courthouse at the state rate under RCW 43.03.060.

CLAIM OF EXEMPTION

- I am not available to report due to previously scheduled events/appointment. Please defer me to a future date: Into the month of _____ (must be within 4 months)
- Please excuse me for prior jury service in the past 12 months. Approximate date: _____
- Please excuse me for ill health as stated below. Doctor's name: _____. Statement from doctor attached. *This statement does not need to give specific information about illness.*
- Please excuse me from this Summons for my reason stated below.
- I am requesting a permanent exemption. Attached is the statement from my doctor or justification. *This statement does not need to give specific information about illness.* If approved, the Court will send an exemption card to keep with your permanent records. *If you are summoned anytime in the future, please send us a copy of the exemption card.*

I claim exemption for the following reasons:

I certify, under penalty of perjury, the foregoing statements are true to the best of my knowledge and belief, and I acknowledge receipt of this Summons.

Date

Signature

You will be notified by mail whether or not your exemption is granted.

Recorded message plays 24 hours per day beginning at 6:00 p.m. on Friday

360-337-7072 or 1-800-562-5953

- Call **each** evening beginning the weekend of your term of service.
- Listen for your **group** number, rather than your bar-coded number.
- In case of inclement weather, call the message line for possible changes in reporting time.

You have been summoned for a one-week call-in obligation. Only if your group number is listed on the recorded message will you be required to report. If your group number *is* called and you are selected for a trial, the trial may extend beyond the week.

If you serve the one day or one trial, your service will be complete for this summons and you will no longer be required to call in.

If you are not notified that you have been excused, you must call in as instructed.

Five Court Locations

Superior Court & District Court South
614 Division St.
Port Orchard, WA 98366

Bainbridge Island Municipal Court
10255 NE Valley Rd, Rolling Bay, WA 98061

Port Orchard Municipal Court
216 Prospect St, Port Orchard, WA 98366

District Court North & Poulsbo Municipal Court
19050 Jensen Way NE, Poulsbo, WA 98370

Bremerton Municipal Court
900 Pacific Ave, Bremerton, WA 98337

----- Detach here -----

KITSAP COUNTY DRESS AND CONDUCT CODE

1. No guns or weapons, including knives, shall be allowed in the courtroom.
2. No food or drinks, except water, shall be allowed in the courtroom.
3. All persons in the courtroom, except those required to be there because of arrest or court order, shall be attired in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply: (a) Men shall wear shirts, trousers and shoes. Women shall wear shoes, and either dresses, skirts and tops, or pants and tops. (b) Shorts, halter-tops, tank tops, hats, caps, torn clothing, shirts or other clothing with obscene or profane pictures or messages, and flip-flops, shall not be worn.
4. All persons in the courtroom shall, in their speech and actions, conduct themselves in a manner appropriate to the dignity and decorum of the courtroom setting. As minimum standards, the following rules shall apply: (a) Spectators and persons not then actively engaged in court proceedings shall be quiet; any speech which does occur shall be as unobtrusive as possible. (b) All persons shall refrain from any gestures and from conduct or behavior, which manifest disrespect for the court, counsel, litigants, witnesses, court staff, law enforcement personnel, or other persons.
5. No cell phones, beepers or pagers shall be allowed in the courtroom.
6. Do not bring children with you.

FAILURE TO APPEAR FOR JURY DUTY IS A MISDEMEANOR PURSUANT TO RCW 2.36.170.1

For more information, please go to: www.courts.wa.gov/newsinfo/resources/

● I am NOT asking to be excused but I need the Court to provide the following because of my disability:

- Sign Language (ASL) Listening Device Wheelchair

OLD

Fold here, seal with a small piece of tape and mail

FOLD

ADDITIONAL QUESTIONS TO BE ASKED OF JURORS AT TIME OF TRIAL:

- AGE
- EDUCATION-HIGHEST GRADE COMPLETED
- MARITAL STATUS
- NUMBER OF CHILDREN
 - AGES OF CHILDREN
- YEARS LIVED IN COUNTY
- ARE YOU CURRENTLY EMPLOYED?
 - IF YES, STATE YOUR OCCUPATION
- EMPLOYER'S NAME AND CITY
- IF RETIRED OR UNEMPLOYED, WHAT WAS YOUR PRIOR OCCUPATION IF ANY?
- IS YOUR SPOUSE EMPLOYED?
 - IF YES, STATE HIS/HER OCCUPATION
- EMPLOYER'S NAME AND CITY
- IF RETIRED OR UNEMPLOYED, WHAT WAS HIS/HER PRIOR OCCUPATION IF ANY?
- DO YOU DRIVE A CAR?
- HAVE YOU SERVED AS A JUROR BEFORE?
 - IF YES, WHAT YEARS AND WHICH COURT?
- ARE YOU RELATED TO OR CLOSE FRIENDS WITH ANY LAW ENFORCEMENT OFFICER?
- HAVE YOU, YOUR SPOUSE OR CHILDREN EVER....
 1. BEEN A PARTY OR A WITNESS TO A LAWSUIT?
 2. SUFFERED ANY SERIOUS BODILY INJURY OR ILLNESS REQUIRING MEDICAL ATTENTION?
 3. MADE A CLAIM FOR DAMAGES?
 4. HAD A CLAIM FOR DAMAGES MADE AGAINST YOU:

OTHER QUESTIONS WHICH MAY OR MAY NOT BE ASKED:

NAME ORGANIZATIONS AND CLUBS TO WHICH YOU OR YOUR SPOUSE BELONG:

JURY SERVICE EXIT QUESTIONNAIRE

Your answers to the following questions will help improve jury service. All responses are voluntary and confidential. (Please circle answers where appropriate.)

1. Approximately how many days did you spend at the courthouse? _____
2. How many hours were spent in the jury waiting room? _____
3. How many times did you report to a courtroom for jury selection? _____
4. How many times were you actually selected to be a juror? _____
5. How would you rate each of the following factors?

	Good	Adequate	Poor
A. The Jury summons gave complete information			
B. Initial Orientation			
C. Professional and Courteous treatment by Court Personnel			
D. Physical Comfort of the Jury Room			
E. Physical Comfort of the Courtroom			
F. Physical Comfort of the Restrooms			
G. Personal Safety			
H. Parking Facilities			
I. Scheduling of Your Time			

6. Did you continue to receive your salary while on jury service? YES NO

If no, did you lose income as a result of jury service? YES NO

Amount \$ _____

7. Have you ever served on jury duty before? YES NO

8. After having served, what is your impression of jury service? (Circle one)

- A. The same as before — Favorable
- B. The same as before — Unfavorable
- C. More Favorable than Before
- D. Less Favorable than Before

9. AGE: 18-20 21-24 25-34 35-44 45-54 55-64 65-70 71-Over

10. SEX: Female Male

11. Occupation: _____.

12. What ethnicity do you consider yourself to be? (Check all that apply.) OPTIONAL - FOR STATISTICAL PURPOSES ONLY.

Asian/Pacific Islander

- Black African/American
- Filipino
- Hispanic/Latino.
- Native American/Native Alaskan
- White
- Other. Please specify _____

13. In what ways do you think jury service can be improved? (Use reverse side if necessary)

PUBLIC TRUST AND CONFIDENCE COMMITTEE

Projects for 2008:

- Create a “Juror’s Rights and Responsibilities” document (Chair: Delilah George. Members: Gregg Casey, Peggy Semprimoznik)
- Establish a Website Advisory Group for the Washington Courts Website (Chair: Wendy Ferrell. Members: Suzanne Elsner; Pam Inglesby; Charley Benedict; Kay Newman)
- Establish and promote best practices for judges in Washington their interactions with pro-se’s to improve public trust and confidence (Guide: *Best Practices in Court-Based Self Help Programs for the Self Represented: Concepts, Attributes and Issues for Exploration* National Center for State Courts, 2006) (Chair: Michele Storms. Members: Kevin Ringus; John Schultheis; Charley Benedict)
- Create a library of Public Trust and Confidence Committee Projects (Chair: Wendy Ferrell. Members: Helen West)

**Endorsement of the Principal Policy Objectives
of the Washington State Judicial Branch**

Suggested Motion Wording

I move that the BJA endorses the Principal Policy Objectives of the Washington State Judicial Branch with the following changes:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

PRINCIPAL POLICY OBJECTIVES OF THE WASHINGTON STATE JUDICIAL BRANCH

DRAFT

“The first duty of government is justice.” -- Alexander Hamilton

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Wash. Const. art. 1, sec. 10.

Washington State’s judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of criminal and civil justice in the state.

The judicial branch in Washington State is not structurally unified at the statewide level. Ours is a local/state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments which are grounded in mutual respect for the constitutional prerogatives of each branch and constitutional separation of powers considerations.

The following represent the principal policy objectives of the Washington State Judicial Branch:

1. **Fair and Impartial Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional and statutory mandates and the judiciary’s duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all regardless of cultural, linguistic, ability-based or other characteristics.
3. **Commitment to Best Administrative Practices and Public Access to Information.** Washington courts will employ/maintain uniform systems and practices that enhance effective court management, are grounded in relevant performance benchmarks and ensure timely and appropriate access to public records, information and data.
4. **Equal Access to Necessary Legal Resources.** Washington courts will provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel or the inability to understand legal proceedings.
5. **Appropriate Staffing and Support.** The courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

1000

Judge McKeeman's Proposal

**PRINCIPAL POLICY OBJECTIVES OF THE
WASHINGTON STATE JUDICIAL BRANCH**

“The first duty of government is justice.” -- Alexander Hamilton

“Justice in all cases shall be administered openly, and without unnecessary delay.”
Wash. Const. art. 1, sec. 10.

Washington State's judicial branch is a constitutionally separate, independent and co-equal branch of government. It is the duty of the judicial branch to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully through the open and fair administration of criminal and civil justice in the state.

The judicial branch in Washington State is not structurally unified at the statewide level. Ours is a local/state partnership where local courts, court managers and court personnel work in concert with statewide courts, judicial branch agencies and support systems.

The judicial branch maintains effective relations with the executive and legislative branches of state and local governments which are grounded in mutual respect for the constitutional prerogatives of each branch and constitutional separation of powers considerations.

The following represent the principal policy objectives of the Washington State Judicial Branch:

1. **Fair and Impartial Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional and statutory mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all regardless of cultural, linguistic, ability-based or other characteristics.
3. **Commitment to Best Administrative Practices and Public Access to Information.** Washington courts will employ/ and maintain uniform systems and practices that enhance effective court management; ~~are grounded in relevant performance benchmarks and ensure timely and appropriate access to public records, information and data~~ including adopting as best practices those that are supported by empirical evidence demonstrating their superiority over alternative practices.
4. **Equal Access to Necessary Legal Resources.** Washington courts will provide meaningful access to all, ensuring that no litigant is denied justice due to the lack of counsel or the inability to understand legal proceedings.

5. **Appropriate Staffing and Support.** The courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

6. **Public Access to Information.** Washington courts will ensure timely and appropriate access to public records, information and data.

Board for Judicial Administration

Legislative Review

**Bills Reviewed and Positions Taken As of
Sine Die – 3/13/08**

Bill	Bill Title	Position/ Comments	Brief Description	Leg Status
SHB 1522	Retirement age for judges	Support	Remove mandatory retirement age	Dead
HB 1530 SB 5601	Voters' pamphlets	Support Letter sent from Chief Justice Alexander to Senator Prentice.	Requires primary election voters' pamphlets	Dead
2E2SHB 2176 SSB 6005	Interpreter services	Support Senate amend. "up to 50%"	Requires language assistance plans. Provides for partial funding	HB delivered to governor
SHB 2177 SSB 6322	Definition of a weapon	Request	Clarifies weapons prohibited in courtrooms	SB to be signed on 3/17
HB 2465 SB 6193	Legal financial obligations	Support	Allows clerks to withhold and deliver	Dead
HB 2466	County clerk duties	Support	Modifies duties for notice requirements	Dead
2SHB 2557	Trial court operation	Referred by DMCJA.	Changes jurisdictional provisions, municipal court contracting, commissioners, municipal depts.	Delivered to governor
SHB 2588 ESSB 6442	Office of public defense	Support Support budget request as well.	Reauthorizes OPD	SB delivered to governor
HB 2622 SB 6363	Evidence admissibility	Oppose	Changes court rule for admissibility in sex cases	Dead
HB 2645 SSB 6297	Prosecuting atty salaries	No Position	Changes method for determining salaries	SB delivered to governor
E2SHB 2712 SB 6608	Criminal street gangs	No Position Referred by DMCJA.	Comprehensive focus on gangs	HB delivered to governor
HB 2716	Criminal case appeal review	Oppose Referred by DMCJA.	State may appeal order re suppression of evidence	Dead

HB 2762 SB 6252	Cowlitz county judges	Request	Authorizes new district court judge	HB delivered to governor
2SHB 2807	Judicial candidate info	No Position	Candidate info on web	Dead
2SHB 2822	Family/juvenile court program	Support	Assist superior courts in improving juvenile and family court	Delivered to governor. Partially funded
HB 2851	Campaign contribution limits	No Position Referred by DMCJA.	Modifies contribution limits	Dead
SHB 2852 SSB 6202	Public office defamation	No Position	Disallows false statements about candidates that are defamatory and made with malice	Dead
HB 2887	Judicial retirement	No Position DMCJA & SCJA support	Authorizes purchase of increased benefit multiplier	Delivered to governor
2SHB 2903	Access coordinator	Support Null & void added	Requires AOC to hire ADA coordinator to assist courts	Delivered to governor. Funded
HB 2926	Office of public defense	No Position	Adds new sunset clause	Dead
2SHB 3159	Voter registration	No Position, but there are concerns re: cost and potential conflict with GR 18.	Requires court to notify secretary of state when juror does not meet voter requirements	Dead
HB 3280	Uniform interest rate	Watch Referred by DMCJA.	Creates uniform interest rate calculated each December	Dead
HB 3296	Tax controversies	No Position	Creates study about tax court	Dead
HB 3336	Supreme court campaigns	No Position	Voluntary pilot for alternate funding	Dead
SB 5343	Crimes against property	Support Opposed by retailers	Updates theft of property statutes	Dead
SSB 5353	Municipal courts	Support original form	Election of judge	Dead
SSB 5892	State building code	No Position	Creates new cause of action	Dead
SSB 6217	District court clerk fees	No Position BJA determined that the bill does not conflict with	Allows district court clerks to accept fees for certain things like superior court	Dead

		JJJ.	does	
SB 6311	Competency evaluations	Support contingent on funding.	Revises procedures for competency evaluations and restoration	Dead
SB 6329	Jury selection process	Oppose Referred by DMCJA.	Cannot repeat jurors until entire list is exhausted	Dead
SB 6330	Juror compensation	Support Referred by DMCJA. "Support increasing juror compensation."	Increases juror compensation paid for by state	Dead
SB 6555	Jury service	No Position, but there are concerns re: cost and potential conflict with GR 18.	Requires court to notify secretary of state when juror does not meet voter requirements	Dead
SB 6680	Jury service	Oppose	Exempts over age 75	Dead
SB 6763	Background checks	No Position Referred by SCJA.	Addresses federal law re firearms and the mentally ill	Dead
SB 6779	Juror compensation	No Position Referred by SCJA and DMCJA.	Requires employers to pay during jury service	Dead
SB 6788	Prisoner medical expenses	Oppose OPD believes this is an executive branch function that is being moved into the judicial branch to avoid OFM budget oversight. Improperly expands OPD scope.	Requires OPD to track and allocate funds for extraordinary prisoner medical expenses	Dead
SSB 6933	Evidence admissibility	Watch	Changes court rule for admissibility in sex cases	Delivered to governor
SB 6937	Ex parte orders	Watch	Local option ex parte fee	Dead

Proposed Allocation of Additional FY08 Interpreter Funds

	Applicants Not Selected As Implementation Sites	Amt Requested (FY 08 Only)	FY08 Funds Now Available*
Spokane	Superior; District; Municipal--Airway Heights, Medical Lake, Spokane (5 Courts)	42,278	15,500
Grant	District (1 Court)	69,600	25,000
Pierce	Municipal--Bonney Lake, Buckley, Fife, Fircrest, Gig Harbor, Lakewood, Milton, Orting, Puyallup, Roy, Steilacoom, Sumner, Wilkeson (13 Courts)	33,258	12,000
Pierce	Municipal--Tacoma (1 Court)	44,991	16,500
King	Superior (1 Court)	285,000	104,000
Mason	Superior; District; Municipal--Shelton (3 Courts)	25,411	9,500
Grant	Superior (1 Court)	20,000	7,500
Jefferson	Superior; District (2 Courts)	1,000	1,000
Total		521,538	191,000

WASHINGTON STATE FAMILY AND JUVENILE COURT IMPROVEMENT PLAN *Implementation Strategy of HB2822*

The foundation of the Washington State Family and Juvenile Court Improvement Plan (WSFJCIP) is to incrementally and fundamentally enhance family and juvenile court operations by laying the groundwork and funding court improvements. Phase I of the plan, FY 09, is to strategically fund specific requirements to encourage long-term commitment from the court leadership and court community at the local level. To that end, and, ensure the local improvements are consistent with the Unified Family Court (UFC) principles, the chief judge of family and juvenile court must:

1. Ensure the judicial officers hearing family and juvenile matters receive specialized training, and
2. Hire case coordinator staff to work with leadership to assess the court culture and existing resources so that Phase II of the plan can target gaps in services.

One implementation challenge resulting from HB 2822 is that courts are to submit a Local Improvement Plan to access state funds, therefore requiring the targeted areas to be identified prior to a complete analysis of the current court operations. To rectify this challenge, the Local Improvement Plan will be divided in to two phases described below, with two deadlines. The purpose of dividing the Local Improvement Plan into two phases is to allow courts an opportunity to thoroughly analyze current local operations to determine where the gaps in service are, and develop a local Court Improvement Plan that makes significant improvements consistent with the goals of UFC.

Templates and instructions for each phase of the Local Improvement Plan are attached

Phase I Implementation

The first phase requires interested courts to submit a Phase I Local Improvement Plan, which includes the following:

- (1) Identify the chief judge for family and juvenile court cases,
- (2) List judges who will meet the educational requirements in the funding cycle (FY 09),
- (3) Describe the alignment of the courts targeted improvements with specific UFC principles,
- (4) Include letters of support from other court or community groups, and
- (5) List expectations of the case coordinator staff

Phase I of the plan is due to the AOC by August 1, 2008. AOC staff will work with the oversight committee and BJA to determine the criteria to select the Local Improvement Plans that will be accepted to receive state funding.

Phase II Implementation

The second phase of the WSFJIP requires the court to identify the specific staffing, facility, case management or operational improvement(s) that the Local Improvement Plan intends to accomplish along with specifying which UFC principle(s) are targeted. Phase II of the Local Improvement Plan requires the court to

- (1) Identify the case types that will be impacted (family, juvenile, or both),
- (2) Explain what the local improvement is and how it will enhance the current court operation,
- (3) List which UFC principle(s) the local improvement is targeted to meet,
- (4) Breakdown the estimated cost for FY 10 and FY 11,
- (5) Consider potential barriers to implementing the local improvement, and

(6) Include measurable outcomes for which data will be collected

Phase II of the plan is due to the AOC by December 1, 2008. AOC staff will work with the oversight committee and BJA to determine the criteria to select the local improvements that will be funded within the state resources allocated by the WSFJIP/HB 2822.

Implementation strategy.doc



WASHINGTON STATE FAMILY AND JUVENILE COURT IMPROVEMENT PLAN IMPLEMENTATION SCHEDULE FOR FY 09

April 2008

Amount of state funding confirmed at end of 2008 session

April through June 1st 2008

AOC coordinate education opportunities with associations at Spring Conferences or meetings

- BJA,
- SCJA,
- Superior Court Administrators,
- WAJCA

June 30th 2008

AOC will provide staffing and support in the following ways:

- Contact associations to populate oversight committee to convene by mid-summer
- Establish recommended set of criteria to select sites for state funds
- Draft Local Improvement Plan template and instructions
- Have oversight committee finalize criteria, template and instructions
- Propose criteria to BJA (must approve according to 2822)
- Create model job description of case coordinators for chief judges/local leadership
- Work with JSD education and other educational institutions/workgroups (Children's Justice Conference) about opportunities for specialized education – compile a regularly updated electronic bulletin board to be sent to chief judges
- Develop process with AOC management services (Jan Moore) on distribution of funds
- Establish measurement criteria with Center for Court Research (Carl McCurley)

July 1st 2008

AOC hire program coordinator

August 1st 2008

Phase I Local Improvement Plans due to AOC

DRAFT

August 15th 2008

Sites selected by oversight committee.

September 1st 2008

Courts notified of approved Local Improvement Plans and for those selected, funds available to hire case coordinators and reimbursement for education.

September 1st 2008 through June 30th 2009

State funds available to implement phase I (hire case coordinators and reimburse for education)

December 1, 2009

Phase II Local Improvement Plan due to AOC

May 15th 2009

Oversight committee meets with the Center for Court Research to review implementation approaches, distribution of state funds, improvements accomplished, improvements underway, etc.

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Trial Court Operations Funding Committee

Suggested Motion Wording

Motion #1:

I move that the BJA approve the membership and chair of the Trial Court Operations Funding Committee as submitted.

Motion #2:

I move that the BJA establish the following funding request priorities for development by the Trial Court Operations Funding Committee:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

**Trial Court Operations Funding Committee
Membership**

Name	Representing	Term/Expiration
Ela D. Selga Court Administrator	Court Management Council	Effective March 1, 2008/Indefinite
Paul Sherfey Chief Administrative Officer	Court Management Council	Effective March 1, 2008/Indefinite
Roni Booth County Clerk	Court Management Council	Effective March 1, 2008/Indefinite
Frank V. LaSalata Judge	District and Municipal Court Judges Association	Effective March 1, 2008/Indefinite
Patrick Burns Judge	District and Municipal Court Judges Association	Effective March 1, 2008/Indefinite
Sara Derr Judge	District and Municipal Court Judges Association	Effective March 1, 2008/Indefinite
Deborah Fleck Judge	Superior Court Judges Association	Effective March 1, 2008/Indefinite
Michael Trickey Judge	Superior Court Judges Association	Effective March 1, 2008/Indefinite
Harold Clarke Judge	Superior Court Judges Association	Effective March 1, 2008/Indefinite

February 15, 2008 BJA Meeting Minutes

Suggested Motion Wording

I move that the February 15, 2008 meeting minutes be approved as written.

Board for Judicial Administration
February 15, 2008
Conference Call
Olympia, Washington

Members Present: Chief Justice Gerry Alexander, Chair; Judge Vickie Churchill, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker, Judge Ronald Cox; Mr. Stan Bastian; Judge Susan Dubuisson; Judge Deborah Fleck; Ms. Paula Littlewood; Justice Barbara Madsen; Judge Richard McDermott; Judge Larry McKeeman; Judge Robert McSeveney; Judge Marilyn Paja; Judge John Schultheis; Judge Stephen Shelton; and Mr. Butch Stussy

Guests Present: Mr. M. Wayne Blair, Ms. Kathy Martin, and Mr. Paul Sherfey

Staff Present: Ms. Beth Flynn, Mr. Doug Haake, Mr. Jeff Hall, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, Mr. Rick Neidhardt, Mr. Ramsey Radwan, and Mr. Chris Ruhl

Chief Justice Alexander called the meeting to order.

January 28, 2008 Minutes

One change to the minutes was requested—Judge McDermott asked to have his name added to the list of meeting attendees.

It was moved by Judge Fleck and seconded by Judge Dubuisson to approve the January 28 meeting minutes with the addition of Judge McDermott to the list of attendees. The motion carried.

Legislative Update

Ms. McAleenan gave an update on several bills of interest to the BJA.

- SB 6322 (definition of a weapon) is on the floor in the Senate.
- SB 6252 (Cowlitz county judges) is also on the floor in the Senate. The companion bill, HB 2762, passed the house 95-1.
- E2SHB 2176 (interpreter services) passed out of the House with a unanimous vote. It is now scheduled for a hearing on February 20 in the Senate Judiciary Committee.
- HB 1530/SB 5601 (voters' pamphlets) are both dead. Mr. Hall stated he thinks the funding need is the reason these bills did not pass. As long as Secretary of State Sam Reed is in office, this issue will be on his agenda. Mr. Hall and Chief Justice Alexander have been working with the Secretary of State's Office on the primary voters' pamphlet and the Secretary of State's Office has agreed to adopt the pamphlet format AOC has been using regarding the candidate statement.

AOC will work with the Secretary of State's Office on screening the candidate statements and AOC will pay for the inclusion of district court contested races via an interagency agreement.

- SHB 2557 (trial court operation) was placed on the House suspension calendar. Ms. McAleenan suspects it will be an easy vote and should pass the House.
- SB 6442 (Office of Public Defense) passed out of the Senate unanimously.

Access to Justice Board

Mr. Blair reported that the Access to Justice Board will meet with the Supreme Court on March 6 and will present their 2007 Annual Report at that time. The report can be accessed online. The next meeting of the Board is March 6 at the meeting with the Supreme Court.

Washington State Bar Association

Mr. Bastian stated that he is working on two letters for the WSBA this week. One is a letter regarding the proposed legal technician rule. He would like all interested parties to provide input on the proposed rule before the Board of Governors reviews the rule.

The second letter relates to when the WSBA investigates judges. It is not an attempt to pre-empt the Commission on Judicial Conduct and when complaints are received regarding judicial misconduct, the complaints are referred to the Commission on Judicial Conduct. The letter was sent to the Commission on Judicial Conduct for review prior to distribution. The letter will be mailed to the Chief Justice and presidents of the judicial associations and they are encouraged to distribute the letter to their judicial members.

The WSBA Board of Governors will meet in Tacoma in early March. After the meeting there will be a public forum on marriage equality. Another public forum will be held in Spokane in April.

Reports from the Courts

Supreme Court: Justice Madsen reported that the Supreme Court Personnel Committee is in the process of replacing the State Court Administrator. Consultant Ted Ford Webb has been to Olympia twice to meet with the Personnel Committee and AOC staff. He has also contacted key court system stakeholders requesting their input regarding the new State Court Administrator. Justice Madsen is hoping to wrap up the recruitment in six weeks.

The Supreme Court will hold court at Seattle University in two weeks. The Court is making an effort to hold court on an equal basis at each of the law schools in the state.

Court of Appeals: Judge Cox stated that the Court of Appeals has two new judges. Judge J. Robert Leach, Division I, is taking the bench at the end of the month and Judge Kevin Korsmo, Division III, is taking the bench in March.

Superior Court Judges' Association: Judge Churchill reported that the SCJA is busy reviewing legislation and she is working with Judge McDermott on SCJA committee appointments.

District and Municipal Court Judges' Association: Judge Shelton shared that the DMCJA is busy actively monitoring legislation and undergoing some changes in membership with the resignation of Judge Colleen Hartl and the appointment of Judge Michael McCarthy to the superior court bench.

The DMCJA is referring General Rule 29(k) to their Rules Committee for review and modification. They are also reviewing the proposed rule change to CrR 3.1(d)(4) which places judges in the position of monitoring members of the bar. Judge McSeveney stated that the proposed rule was in conflict with RCW 10.101.03 which directs the executive branch to oversee public defense attorneys. The DMCJA will draft a letter in opposition to the Supreme Court Rules Committee.

Judge Shelton noted concerns about recruitment and retention of court administrators and staff. Judge McDermott indicated that the Board for Court Education and the SCJA are also concerned and suggested a coordination of effort to address this issue.

BJA Court Security Committee Report

A written report was distributed with the BJA meeting materials for the BJA's information.

Other Business

Principal Policy Objectives: Mr. Hall stated that over the past few months Mr. Radwan, Mr. Jim Bamberger and Ms. Joanne Moore have been working on tools to frame the judicial branch budget request. The branch needs to identify the high-level aspirations the budget seeks to attain. Information regarding this work will be brought before the Supreme Court Budget Committee, the Board for Judicial Administration, the Civil Legal Aid Oversight Committee and the Office of Public Defense Advisory Committee.

A draft of the Principal Policy Objectives of the Washington State Judicial Branch was distributed to the BJA members for comment. Mr. Sherfey stated he is concerned about the use of the word "uniform" in the third objective. His sense is this should be the same procedurally from court to court. Judge Fleck stated that the current situation regarding technology at the state level raises concerns with the third objective.

Mr. Hall stated the objectives are aspirations and not a mandate.

This will be on next month's BJA agenda for discussion and any edits to the objectives should be sent to Mr. Hall prior to the March 21 meeting.

Next Meeting: Judge Fleck asked if the March 21 meeting could be moved from Olympia to Seattle since the legislative session will be finished by then. Ms. Flynn explained that the AOC SeaTac Office was booked on March 21 by the time she realized the March meeting should have been scheduled for SeaTac instead of Olympia. Judge Cox said he would find out if the meeting could be held at the Court of Appeals, Division I. Judges Fleck and McDermott said King County Superior Court could also host the meeting if necessary.