

**Board for Judicial Administration
Meeting Minutes**

**March 20, 2009
Temple of Justice
Olympia, Washington**

Members Present: Chief Justice Gerry L. Alexander, Chair; Judge Vickie Churchill, Member-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge C. C. Bridgewater; Judge Ronald Culpepper; Judge Sara Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Mark Johnson (by phone); Ms. Paula Littlewood; Justice Barbara Madsen; Judge Richard McDermott; Judge Robert McSeveney; Judge Marilyn Paja; and Judge Christine Quinn-Brintnall

Guests Present: Mr. Jim Bamberger, Ms. Marti Maxwell, Mr. M. Wayne Blair, Mr. Joe McGuire, Mr. Michael Merringer, and Judge Julie Spector

Staff Present: Ms. Julia Appel, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Chris Ruhl

Chief Justice Alexander called the meeting to order.

February 20, 2009 Meeting Minutes

The following revisions to the minutes were requested: 1) indicate Judge Culpepper's attendance, and 2) reflect in the minutes that the local option user fees motion passed unanimously.

It was moved by Judge Paja and seconded by Judge Dubuisson to approve the minutes with the requested revisions. The motion carried.

BJA Best Practices Committee Access Measures

Judge Spector reported that since they last reported to the BJA, the Best Practices Committee has been working on three measures related to access to justice. The measures have been tested, evaluated, and approved by the Committee. They are recommending that the BJA adopt these measures:

- Measure 12 – Access for the Self-Represented and/or the Financially Disadvantaged
- Measure 15 – Access for Court Users with Disabilities
- Measure 16 – Access for Court Users with Limited English Proficiency

For each measure, the Committee developed threshold standards that apply to all court levels. The measures were tested in three courts and then evaluated by the Committee utilizing the BJA criteria and Generally Accepted Government Auditing Standards (GAGAS).

The Committee's next project will be the creation of a measure to evaluate courts' effective use of jurors, using the National Center for State Court's CourTools as a starting point for creating standards.

Judge Baker asked if there will be any AOC support to create model rural court written procedures as opposed to having to reinvent the wheel in each court. Judge Spector responded that the goal is to create standards that can be met by urban and rural, and large and small courts. The Committee recognizes that when the measures are implemented, there may be some courts that do not have the resources to meet the standards. In those instances, AOC will meet with the courts and determine how to proceed.

Mr. Bamberger stated that the Office of Civil Legal Aid (OCLA) is interested in all three measures and strongly recommends adoption. They provide a solid benchmark to assess courts. OCLA offered to help implement and apply the standards.

Judge Churchill thanked Judge Spector for all the hard work the Committee has put into these measures. Adoption of the measures will be on the action calendar at the April BJA meeting.

Bail Forfeiture – Proposed Revision to CrRLJ 3.2

Judge Paja reported that the District and Municipal Court Judges' Association (DMCJA) feels strongly that bail forfeiture should be removed from CrRLJ 3.2. The Association has 210 members and they polled them regarding their opinions of the rule revision. Approximately 10 of the members submitted negative responses which are all included in the meeting materials.

The DMCJA has had preliminary conversations with the agencies listed in the rule so they know a change is possible and that they will be able to set their own fees.

There were questions during the discussion of the proposed revision regarding setting a standard bail amount for release of a defendant prior to appearance before a judge. It is conceivable that something could be developed to address the issue in the future. It was determined that the BJA would look just at the rule as proposed at this point in time. Judge Paja will bring up other rule issues mentioned during the discussion with the DMCJA.

It was moved by Judge Fleck and seconded by Judge Derr that the BJA recommend to the Supreme Court the revision of CrRLJ 3.2 as proposed by the DMCJA. The motion carried with two abstentions (Chief Justice Alexander and Justice Madsen).

Legislative Report

Ms. McAleenan reported that we are approximately two-thirds of the way through the legislative session. All of the BJA bills are in really good shape, with the exception of the jury pay bill which was heard in the House Judiciary Committee. A bill status list was included in the meeting materials.

Access to Justice Board

Mr. Blair shared that the Access to Justice (ATJ) Board met with the Supreme Court on March 5. Prior to the Board meeting, the Access to Justice Board prepared and submitted its Annual Report to the Washington State Supreme Court and the Washington State Bar Association Board of Governors. The report is available on the ATJ Web site. The Board discussed with the Court the legal technician rule, the WSBA state housing pro bono initiative, how the Board is spending the funds provided by the Court, along with other issues.

As an overview, the revenue is being cut substantially and the demand for services is rising rapidly. The ATJ Board recently went through a selection process for three open positions. They received 16 applications and have recommended four names to the Board of Governors. The Board of Governors has approved three of those names and is recommending them to the Supreme Court for Approval. One of those names is former Representative Pat Lantz.

Washington State Bar Association

Mr. Johnson stated that civil legal aid is in crisis and it is not going to get better in the near future. He proposes that the WSBA take a significant amount of money from the Continuing Legal Education (CLE) reserve fund to make a one-time donation to the LAW Fund's Campaign for Equal Justice. Mr. Johnson is also proposing a mandatory dues assessment for active attorneys of \$70 per year to support civil legal aid. The WSBA Board of Governors will have a presentation regarding the recommendations during their April Board meeting. Ultimately, probably at the May meeting, the Board may take action regarding the special assessment but Mr. Johnson is not certain it will pass. This is a moment in time for lawyers to come together and help those people who simply cannot afford lawyers.

On April 17 the WSBA will host a civil legal aid summit at Seattle University Law School. Many of the BJA members will be receiving an invitation to the summit to discuss the state and the structure of civil legal aid funding. The access to justice community and partners from large law firms in the state were invited to the summit to raise awareness of what needs to be done for access to justice until the economy recovers.

Ms. Littlewood shared that some law firms are dealing with the economy by furloughing new attorneys and paying them \$50,000 - \$75,000 per year and urging them to work for legal aid agencies.

Reports from the Courts

Supreme Court: Justice Madsen stated the Gender and Justice Commission has been tasked with managing STOP grant funds to the courts. They had some funds remaining and have granted scholarships for 13 judges to attend classes related to domestic violence cases. In addition, the Commission will be soliciting proposals for additional grant monies that have come to the courts through the federal stimulus package. The RFP will require a very quick turnaround as the projects must be selected by the end of April.

The Supreme Court anticipates having a budget meeting later this afternoon.

Court of Appeals: Judge Bridgewater reported that the Court of Appeals is currently dealing with a cut of \$380,000 from their budget this year and a supplemental cut could double that. The COA needs to come up with \$380,000 in cuts very soon and it is possible they will have to make larger cuts.

Today, Judge Bridgewater will testify for the Division II's eighth judge.

Superior Courts: Judge McDermott stated that the SCJA has had a very busy year. Their last Board of Trustees meeting was March 7.

The SCJA Legislative Committee, chaired by Judge Fleck, has had some success with their bills this session. Legislators are discussing with the SCJA any of their suggestions that save money. They are working on a delayed sentencing bill which they think will work and save counties a significant amount of money.

The SCJA is doing everything they can think of to try to minimize the impact of budget cuts on the pass-through programs. They have no idea if their work will pay off but they are getting in to see legislators and talking with them.

Courts of Limited Jurisdiction: Judge Paja reported that the DMCJA is working with the Washington State Department of Transportation regarding the 520 bridge toll legislation. It is estimated there will be 10,000 violators per day but there is no funding for increased workload at courts.

Association Reports

Superior Court Administrators: Ms. Maxwell stated the Superior Court Administrators are busy planning their spring conference the week of April 27. They are also continuing to work on budget issues. In Thurston County, they will save the court \$10,000 - \$15,000 by not holding court on holiday weeks. They will hold bench trials but not jury trials.

Juvenile Court Administrators: Mr. Merringer reported that their membership is struggling with budget cuts across the state. The main legislative issue for the JCAs has been the transfer of money from the JRA to the AOC.

District and Municipal Court Administrators: Mr. McGuire stated the DMCMA has noticed that dues and travel are taking a big hit in their association. Fewer members are paying dues and less are signed up for conferences.

Administrative Office of the Courts

Mr. Ruhl reported that the Interpreter Program recently graduated eight new interpreters.

Mr. Ruhl has been asked to coordinate a team at AOC to find out how they can get some of the economic stimulus funds for courts. The timeline is very short.

The Judicial Information System (JIS) Committee is meeting today at SeaTac. They are discussing how they want to approach a planned feasibility study to replace the JIS system.

Other Business

Judge Churchill reminded the BJA members that her term as Member Co-Chair expires in June and they need to start thinking about who the new Co-Chair will be from the DMCJA. This will be put on action calendar for the April or May meetings.

There being no further business, the meeting was adjourned.