

**Joint Board for Judicial Administration and Court Management Council
Meeting Minutes**

**December 10, 2009
AOC SeaTac Office
SeaTac, Washington**

BJA Members Present: Chief Justice Gerry Alexander, Co-Chair; Judge Michael Lambo, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ronald Culpepper; Judge Deborah Fleck; Mr. Jeff Hall; Ms. Paula Littlewood; Justice Barbara Madsen; Mr. Sal Mungia; Judge Jack Nevin; Judge Glenn Phillips; Judge Christine Quinn-Brintnall; and Judge Stephen Warning

CMC Members Present: Mr. Ronald Carpenter, Co-Chair; Mr. Jeff Hall, Co-Chair; Ms. Roni Booth; Ms. Jeri Cusimano; Ms. Delilah George; Ms. Shelly Maluo; Ms. Marti Maxwell; Mr. Joseph McGuire; Mr. Michael Merringer; Ms. Barb Miner; and Ms. Renee Townsley

Guests Present: Judge Vickie Churchill, Judge Robert McSeveney, and Judge James Riehl

Staff Present: Ms. Julia Appel, Ms. Shirley Bondon, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Regina McDougall, Ms. Caroline Tawes, and Ms. Lorrie Thompson

The meeting was called to order by Chief Justice Alexander.

Court Manager of the Year Award

Mr. Carpenter stated that the Court Management Council (CMC) established the Court Manager of the Year Award in 1987 to honor outstanding court managers who exemplify the leadership and ideals of their chosen profession.

This year's nominees were: Mr. N. F. Jackson, Whatcom County Superior Court; Ms. Terri Cooper, Cheney Municipal Court; Mr. Michael Merringer, Island County Superior Court and Juvenile Court; and Ms. Betty Gould, Thurston County Clerk.

The 2009 Court Manager of the Year Award was presented to Mr. Merringer. In her nomination of Mr. Merringer, Ms. Sharon Paradis praised Mr. Merringer's exceptional work in implementing a standardized risk assessment tool in juvenile courts across the state; his calm rationality and highest level of professionalism; and how his exceptional skills, commitment to justice and quality of leadership benefit Washington courts. Judges Vickie Churchill and Alan Hancock noted Mr. Merringer's role in helping the juvenile courts save funding targeted toward lowering the juvenile crime rate statewide.

Mr. Merringer received a vase, a scholarship to attend the National Association for Court Management (NACM) conference in New Orleans, and his name will be added to a plaque located in the SeaTac office of the Administrative Office of the Courts.

Mr. Merringer stated that he was shocked because there is so much court management talent in the state and he would not be considered for this award if not for all the judges in the court and the state. He said the award was far more appreciated than deserved but he will do his best to live up to the expectations.

Recognition of Chief Justice Gerry Alexander

Judge Lambo announced that it was Chief Justice Alexander's last meeting as Chair of the BJA. Judge Lambo mentioned how wonderful it is to work with Chief Justice Alexander on the BJA. Judge Lambo presented Chief Justice Alexander with a vase, a gift certificate and a signed Temple of Justice print.

Chief Justice Alexander thanked everyone for the very nice acknowledgement. He said the gifts were more than he deserves but he gladly accepted them. He said that he hopes the BJA will move forward with the Justice in Jeopardy Initiative when the economy improves. The BJA has to stand for adequate funding, particularly for trial courts. He also hopes the BJA will consistently stand for the election of all judges because judicial independence is important. The BJA needs to stand for adequate pay for judicial positions. If the judiciary is going to get good people on the bench and working for the judiciary, adequate salaries need to be provided. His final hope is that funding will be provided to improve the really embarrassing juror pay. When the economy improves, he thinks that is something the BJA can achieve. After January 11, he will be there to support those ideas in any way he can.

Judge Fleck thanked Chief Justice Alexander for his exceptional leadership and for all his work on the Justice in Jeopardy Initiative. Without the Chief Justice, Justice in Jeopardy would not have been successful. Judge Fleck presented Chief Justice Alexander with a book of letters from members who have served on BJA over the past nine years, as well as the past nine presidents of WSBA and its Executive Director who have also served under Justice Alexander's leadership, thanking him for his years of service as Chief Justice.

Four of the five Member Chairs who have served with Justice Alexander as Chair attended the Chief Justice's last meeting to honor him. Judge Riehl, Judge McSeveney, and Judge Churchill, as well as Judges Lambo and Fleck, shared some memories of their terms as BJA Member Chair with Chief Justice Alexander. They all indicated how easy Chief Justice Alexander was to work with and how much he valued their opinions when issues were brought before the BJA.

November 20, 2009 Meeting Minutes

By consensus, the November 20 BJA meeting minutes were approved as distributed.

Office of Public Guardianship Report

Ms. Bondon reported that RCW 2.72 requires the Office of Public Guardianship (OPG) to provide a report to the Legislature on alternatives to guardianship by December 2009. The report was included in the meeting materials. The following recommendations were included in the report:

- Expansion of state aging and disability resource centers.
- Provide protective payee/money management services to individuals who lack the ability to manage their finances.
- Endorse adoption of the Uniform Power of Attorney Act, subject to modifications developed after review by others with expertise and experience with the use and abuse of powers of attorney.
- Provide power of attorney services to individuals who lack the ability to manage their finances.
- Create statutory surrogate decision-making committees, which empower committees of trained volunteers to evaluate the need for a surrogate decision-maker, and when necessary consent to a course of treatment.
- Develop a statewide guardianship monitoring program that includes visits/field investigations, financial audits and concise reports.

Ms. Bondon gave an update on the status of the OPG. Due to budget cuts, they are no longer accepting new cases. The office is currently being funded through the state Savings Incentive Account to carry the current caseload through 2011. The OPG will be submitting a budget request for \$275,000 which will allow them to accept some new cases. Basically, the OPG is on life support.

BJA Long-range Planning Committee Summary and Current Status of Recommendations Report

Judge Lambo reported that the BJA Long-range Planning (LRP) Committee met last week. During the meeting they discussed a proposal to revise the membership and term limits of the LRP Committee. Mr. Hall stated that the Proposed Membership and Term Limits (page 49 of the meeting materials) will be on the January BJA agenda for approval.

Included in the meeting materials is a report of the Committee to the BJA which contains a summary of the status of each of the recommendations that have been reviewed by the LRP Committee in the last year.

The LRP Committee will bring a broader group together for a one-day retreat to discuss the long-range plan for the judiciary in the spring.

Court Management Council Court Transcriptionists Subcommittee

Ms. Townsley reported that in August the Court Management Council (CMC) established a subcommittee to look at transcription issues such as how transcriptionists are authorized, how to achieve consistency, accuracy and timeliness, etc. The subcommittee is not looking at court employee transcriptionists, just independent court reporters and transcriptionists. They are checking with other states to see if there is a shift to more electronic recording processes. They are also checking with the Department of Licensing regarding licensing of court reporters and transcriptionists. It appears that only court reporters are currently licensed. They are working on a county survey to determine current county processes and will ultimately bring recommendations back to the CMC.

Fiscal Note Process

Mr. Dirk Marler and Ms. Julia Appel gave an overview of the Administrative Office of the Courts' fiscal note process.

Prior to each legislative session they collect data to build assumptions. They use the assumptions to calculate operational costs, staff and judicial salary information, trial and plea rates. That data is entered into spreadsheets that are used to calculate the fiscal notes.

The fiscal notes come through an Office of Financial Management (OFM) system and AOC has 72 hours to complete each fiscal note. At the height of the legislative session, AOC can receive 20 fiscal note requests a day. If the fiscal note is for a bill for a hearing, AOC may only have a few hours to complete the fiscal note.

In completing the fiscal notes, AOC staff look at the potential fiscal impact only, not policy. They also look at what court levels will be impacted, if the new law will result in new cases, longer hearings, etc. AOC fiscal note staff frequently rely on subject-matter experts in completing fiscal notes (AOC staff, courts, other agencies) because of the wide variety of topics covered.

Once OFM approves the fiscal note, it is published on their Web site. Anyone can view fiscal notes on OFM's Web site or through AOC's Bill Tracker program.

Washington State Bar Association

Mr. Mungia reported that the Washington State Bar Association's (WSBA) Board of Governors (BOG) met last week in Tacoma. One topic they discussed was the Uniform Bar Exam and they had two representatives from the National Conference of Bar Examiners to present information about the National Bar Exam. The main point that resonated with those in attendance was the disparity in passing rates among ethnicities.

Mr. Mungia will be writing about the Campaign for Equal Justice in his January *Bar News* column. He is pleased by the reaction of judges during the Fall Judicial Conference and from the BJA and is excited about the increased judicial participation. His goal is to get 100% participation for all WSBA members and judges.

Ms. Littlewood reported that the WSBA Bylaws Review Committee has made some amendments to the proposed judicial status in the WSBA Bylaws based on feedback. As soon as Ms. Littlewood has the revised language, she will push it out to the associations for comment.

Reports from the Courts

Supreme Court: Justice Madsen reported that she was excited to participate in the December 7 Municipal Court Judge Swearing-in Ceremony along with Chief Justice Alexander, Justice Charles Johnson, Justice Mary Fairhurst, and Justice Debra Stephens. It was the first time the event has been held and she hopes it becomes a tradition.

Upcoming Supreme Court events include Justice Madsen's Swearing-in Ceremony on January 11 at the Temple of Justice; a meeting with the WSBA BOG and dinner on January 21 and 22; and a Supreme Court visit to Skagit Valley Community College on February 23.

Court of Appeals: Judge Appelwick reported that the Court of Appeals currently has one vacancy from Judge Susan Agid's retirement and Judge John Schultheis is retiring soon. On Thursday, January 7 Judge Schultheis will be honored for his years of service on the bench. The Court of Appeals is asking the Governor to stall filling their positions to help with the budget situation.

Superior Courts: Judge Warning stated that Pierce County continues to be the incubator for issues concerning the courts. He thanked Mr. Hall for requesting an Attorney General's opinion regarding the authority for county commissioners to eliminate judicial positions. The Superior Court Judges' Association is preparing for the legislative session and their largest focus is an all-out effort to hang onto as much Justice in Jeopardy funding as they can.

Courts of Limited Jurisdiction: Judge Phillips reported that the next District and Municipal Court Judges' Association Board meeting is next week.

Association Reports:

County Clerks: Ms. Miner reported that there are two big JIS-related issues going on that involve the County Clerks: 1) JIS Index on the Web, and 2) IT governance structure. Ms. Sharon Franzen, Island County Clerk, is retiring in December.

Superior Court Administrators: Ms. George reported that the Regional Training was very successful. Ms. Charlotte Jensen from the AOC staffed the training and she did a wonderful job. Their training focused on time management and stress management.

Ms. Maxwell stated that in January the Superior Court Administrators will be launching a new budget survey to follow-up on the survey they completed earlier this year.

Juvenile Court Administrators: Mr. Merringer thanked Mr. Ramsey Radwan, Ms. Maluo, and Ms. McDougall for coming to agreement on some Juvenile Rehabilitation Administration issues but they still have more issues to work on. They will have a meeting on January 8 to hopefully broker a deal.

AOC

Mr. Hall reported that the Governor released her budget earlier this week. It is an all cut budget but she made no attempt or reference to cut the budget of the judiciary. The BJA can take some satisfaction that the efforts undertaken in the last few years with the Governor regarding the budget have paid off.

Judge Appelwick graciously agreed to chair the Public Records Act Work Group. The first meeting is set for December 18.

There being no further business, the meeting was adjourned.