

**Board for Judicial Administration
Meeting Minutes**

**April 16, 2010
AOC SeaTac Office
SeaTac, Washington**

Members Present: Chief Justice Barbara Madsen, Chair; Judge Michael Lambo, Member-Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ronald Culpepper; Judge Sara Derr; Judge Susan Dubuisson; Judge Deborah Fleck; Mr. Jeff Hall; Ms. Paula Littlewood; Mr. Sal Mungia; Judge Jack Nevin; Judge Glenn Phillips; Judge Dennis Sweeney; Judge Stephen Warning; and Judge Christopher Wickham

Guests Present: Mr. M. Wayne Blair, Ms. Candice Bock, Ms. Jeri Cusimano (by phone), Ms. Marti Maxwell, and Ms. Barb Miner

Staff Present: Ms. Beth Flynn, Ms. Mellani McAleenan, and Mr. Chris Ruhl

The meeting was called to order by Judge Lambo.

February 19, 2010 Meeting Minutes

It was moved by Judge Dubuisson and seconded by Judge Phillips to approve the February 19, 2010 meeting minutes as written. The motion carried.

BJA Best Practices Committee Nomination

It was moved by Judge Culpepper and seconded by Judge Derr to appoint Judge Linda Krese to the BJA Best Practices Committee. The motion carried.

Court Closure/Hours of Operations

Chief Justice Madsen reported that the last time the BJA discussed this issue it was agreed that the associations would discuss it and bring information back to the BJA. She stated that perhaps a BJA committee should be established to define what an "open" court is and whether it is the BJA's role to define that.

There was discussion about what is/is not considered an open court and the best route to take to come up with a definition.

It was moved by Judge Fleck and seconded by Judge Phillips to establish a committee to determine the definition of an open court or determine when a court can be closed. The motion carried with Judge Wickham abstaining.

The committee will be composed of members from the following groups: District and Municipal Court Management Association (DMCMA), Washington State Association of County Clerks (WSACC), Association of Washington Superior Court Administrators (AWSCA), District and Municipal Court Judges' Association (DMCJA), Superior Court Judges' Association (SCJA), and Court of Appeals (COA). Mr. Hall will draft a committee charter and circulate it.

Immigration Arrests in Courtrooms

Judge Mary Yu sent Chief Justice Madsen a copy of a policy that King County adopted regarding courtroom arrests based on immigration status. Because they adopted the policy they were able to get more cooperation with Homeland Security regarding arrests than they would have received without the policy.

The Gender and Justice Commission will establish an advisory group to identify current issues and practices regarding immigration issues in the courts. Chief Justice Madsen wants to determine how active the Board wants to be in participating in this advisory group.

It was moved by Judge Phillips and seconded by Judge Derr to appoint BJA members to serve on the Gender and Justice Commission advisory group regarding immigration issues in courts. The motion carried.

Judge Fleck and Judge Lambo volunteered to serve on the advisory group. If anyone else would like to serve, please contact Mr. Hall.

Budget Update

A high-level summary of the judicial branch budget was distributed in the meeting materials.

The Administrative Office of the Courts (AOC) received a supplemental appropriation for the Judicial Information System Committee (JISC) operational plan. AOC also received funding for the Office of Public Guardianship. The Guardianship program is still in a deficit situation for the next biennium but AOC is very grateful for the additional funding this year.

AOC's budget was reduced 4.9% and AOC will share the reduction equally with the pass-through funds.

Legislative Update

Ms. McAleenan gave a legislative update on the bills the BJA took a position on.

- The bill to modify interpreter oath requirements passed almost unanimously and hopefully it will save some time and costs in courtrooms.
- The bill to increase the number of judicial positions in Yakima County Superior Court did not pass. The BJA will probably be back with this request next year.
- The BJA was not successful in passing the municipal courts bill but there was a good editorial in the Olympian about that bill. Ms. McAleenan will forward it to the BJA members.
- The BJA tried to keep toll infractions in the court system but were not successful in retaining that authority in the judicial branch. The Washington State Department of Transportation (WSDOT) will adjudicate the infractions. At some point in the future those infractions will move from Pierce County District Court to the WSDOT. The good news is that AOC does not have to come up with a JIS solution since it will not be going through the courts.

Chief Justice Madsen reported on the domestic violence bill, ESHB 2777. It places a burden on the courts and AOC to do the following:

- Pattern forms developed for this legislation have to be substantially in compliance with forms developed by the AOC.
- Provide a procedure for victims to rescind or modify no contact orders.
- Reconciliation of duplicate no contact orders and protection orders.
- Develop a workgroup to address the issue of transmitting information regarding revocation of concealed pistol licenses, upon entry of orders issued under chapter 10.99, 26.50, or 26.52 RCW. Anyone interested in participating in this work group should contact Chief Justice Madsen or Ms. Myra Downing at AOC.

Boards and Commissions Bill HB 2617

Mr. Ramsey Radwan is putting together a group to determine how HB 2617 applies to the boards and commissions supported by AOC and how to implement it. The bill regulates the different types of boards and commissions and travel expenses might not be covered for some judicial branch boards and commissions.

At the May BJA meeting, AOC will have a complete understanding of the bill and know if meeting formats need to be adjusted, exceptions need to be made, or meeting costs need to be paid out of the BJA private funds. AOC has yet to make the final determination on if, in fact, the BJA falls under this legislation.

BJA Public Records Act Work Group Update

The BJA created the Public Records Act (PRA) Work Group. The charge is to make a recommendation regarding how the PRA should apply to the administrative records of the judicial branch as defined by GR 31 (c) (2).

The threshold review of the court rule is that as it applies to case rules, it appears to be adequate. Work Group members are identifying chambers records and administrative records. The AOC staff is gathering retention schedules. There are six meetings scheduled between now and September.

Access to Justice Board

Mr. Blair reported that the annual Access to Justice Conference will be held June 4-6 in Wenatchee. The theme is "Transformation: Crisis and Opportunity." Judge Steven González will become Chair of the Access to Justice Board, replacing Mr. Daniel Gottlieb.

Washington State Bar Association (WSBA)

Mr. Mungia will be in Washington DC next week to speak with senators and representatives regarding access to justice issues.

The next meeting of the WSBA Board of Governors (BOG) will be in Port Angeles on April 23 and 24.

Ms. Littlewood discussed the WSBA Moderate-Means Program which has attorneys take cases for \$50-\$75 an hour for people with incomes 200% to 400% above the poverty level who might not otherwise be able to afford an attorney. The program will use lawyers and law students for client interviews. The University of Washington might tie the program into the curriculum.

Reports from the Courts

Supreme Court: Chief Justice Madsen reported that the Supreme Court justices will be attending the Access to Justice and Bar Leaders Conference for a roundtable discussion. They are trying to organize an ad hoc group to talk about GR 34 and GR 35. The ATJ Board is concerned with GR 35.

The Supreme Court is headed to Big Bend Community College in Moses Lake for oral arguments in May.

The Supreme Court just returned from the Appellate Judges' Spring Program in Chelan. It was well done and there was one full day devoted to science—in the courtroom and brain development as it pertains to criminal behavior.

The Secretary of State's Office is not printing a primary voter pamphlet this year due to funding reductions and it is unlikely that AOC will be able to absorb the cost. Chances are good that there will not be a printed primary voter pamphlet but AOC has been in contact with the Secretary of State's office and they will provide an online voter pamphlet. AOC is hoping to get the online link to editorial boards and they can also alert the public to the Voting for Judges Web site.

Court of Appeals: Judge Sweeney reported that the Court of Appeals is going through some transition with new personnel. Judge Susan Agid retired and Judge Michael Spearman was appointed by Governor Chris Gregoire to replace her. At Division II, Judge Elaine Houghton retired and the Governor's announcement regarding a replacement should be soon. Judge John Schultheis retired from Division III last year and the Governor appointed Judge Laurel Siddoway as his replacement.

Superior Courts: Judge Warning reported that the SCJA is working a request through the JIS process; they have enough judges attending the spring conference that they will not have funding issues; and the legislative session could have been better but could have been worse.

Courts of Limited Jurisdiction: The DMCJA found out that the Department of Licensing (DOL), because of the errors they are receiving from courts of limited jurisdiction, took the position that if there is an error on the paperwork they receive they shred it and do not let anyone know. The DOL also eliminated the suspension of license information from the driving abstract. The DMCJA is asking Mr. Hall to contact the DOL to request that they officially add this back to the abstract.

The DMCJA Spring Conference is coming up May 23-26.

Association Reports

County Clerks: The WSACC was honored to send a representative, Ms. Betty Gould, to a Restitution Roundtable in Washington, D.C. at the invitation of the National Center for Victims of Crime.

Superior Court Administrators: This is Ms. Maxwell's next to last meeting of the BJA. Ms. Delilah George is the incoming president. Ms. Maxwell has appreciated attending the BJA meetings and learned a lot. She is looking forward to the upcoming AWSCA spring conference.

Administrative Office of the Courts

The conference season is upon the staff at AOC and the legislative session is over and the budget is out. Mr. Hall recognized the tremendous work of the AOC staff for their work with legislative staff, fiscal notes, reviewing bills, and working with the Office of Public Defense and the Office of Civil Legal Aid throughout the session.

The Information Services Director, Gregg Richmond, resigned earlier this week. The job has been posted and Mr. Hall will review applications in the next few weeks. The JISC has adopted a new governance framework.

Other Business

BJA Account Report: Ms. McAleenan reported that there is just under \$20,000 in the BJA account. There are still close to 200 judges who have not responded to the dues notice. A dues reminder will be sent.

There being no further business the meeting was adjourned.