

**Board for Judicial Administration
Meeting Minutes**

**April 15, 2011
Olympia, Washington**

Members Present: Chief Justice Barbara Madsen, Co-Chair; Judge Michael Lambo, Member Chair; Judge Marlin Appelwick; Judge Rebecca Baker; Judge Stephen Brown; Judge Ron Culpepper; Judge Deborah Fleck; Judge Janet Garrow; Mr. Jeff Hall; Judge Laura Inveen (by phone); Ms. Paula Littlewood; Judge Jack Nevin; Judge Christine Quinn-Brintnall; Judge Kevin Ringus; Judge Ann Schindler; Mr. Steven Toole; Judge Stephen Warning; and Judge Chris Wickham

Guests Present: Mr. Jim Bamberger, Ms. Peggy Bednared, Mr. M. Wayne Blair, Judge Harold Clarke III, Ms. Delilah George (by phone), and Mr. Kevin Stock

Staff Present: Ms. Beth Flynn, Ms. Shannon Hinchcliffe, Mr. Dirk Marler, Ms. Mellani McAleenan, Mr. Ramsey Radwan, Mr. Chris Ruhl, and Ms. Ann Watson

The meeting was called to order by Judge Michael Lambo and introductions were made.

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Judge Fleck asked that the following be added after the second paragraph on page 4:

Judge Fleck stated that the TCOFC was not an ad hoc committee but rather the necessary result of the BJA approved request by the Trial Court Operations Implementation Committee that it be renamed as the Justice in Jeopardy Implementation Committee. This created the necessity of an additional BJA committee to review and make proposals regarding the "Court Operations" leg of the Justice in Jeopardy three-legged stool. This committee was active in 2008, and has been dormant since that time.

Judge Fleck also requested that the consensus of the Board on page 4 be revised as follows:

By consensus, the BJA decided to ask that Judge Harold Clarke, the Chair of the BJA Trial Court Operations Funding Committee from 2008, and Judge Fleck should be in touch, activate the committee and make presentations on interpreters, CASAs and the Family and Juvenile Court Improvement Plan, at the April 15 BJA meeting in order to meet the April 22 date in the budget process.

It was moved by Judge Culpepper and seconded by Judge Warning to approve the March 18 Board for Judicial Administration (BJA) meeting minutes with the amendments requested by Judge Fleck.

Trial Court Operations Funding Committee

Judge Clarke gave a brief overview of the previous work of the Trial Court Operations Funding Committee (TCOFC). In 2008 the TCOFC was put together to work on funding proposals to take to the Legislature for the 2009-11 biennium. The projects the committee worked on sprung from the Justice in Jeopardy (JIJ) Task Force Report. The funding requests were for interpreter funding, state funding of district court judges salaries, and an increase in juror pay. About December 2008 the economic climate began to change. The economy started to unravel and all the proposals were shelved. Because of the economy the committee stopped meeting for practical purposes.

The TCOFC just became active again. Out of the nine previous committee members six agreed to serve on the committee again. There was no time to meet with the full committee prior to the meeting today because of the tight timeline but the committee is prepared to move forward.

The committee would like to restore the funding that had been in existence just two years ago for the CASA program, interpreters and the Family and Juvenile Court Improvement Plan (FJCIP). The funding for these programs has eroded. The impacts are substantial and they impact communities across the state.

Chief Justice Madsen asked Mr. Radwan to give the budget update so the BJA members would have an understanding of the budget issues prior to making a decision on the TCOFC recommendations. See the Budget section of these minutes.

After the budget report Judge Clarke indicated that the cuts and impact on programs need to be documented. Judge Clarke's recommendation is to keep the committee intact so that as the economy improves the committee can become more active in anticipation of increased funding.

Judge Fleck's suggestion is that the BJA endorse this material going forward to the Supreme Court. Moving it forward does not mean the Supreme Court will take it any further. A good portion of the background information for interpreters is complete and the state CASA program can assist in that presentation and the TCOFC is prepared for the FJCIP presentation also. Judge Fleck would like to have fresh numbers to move forward just like the Office of Public Defense and the Office of Civil Legal Aid are able to do. The BJA has a responsibility to keep the court operations portion of the Justice in Jeopardy Initiative focused and refreshed and able to move forward at the appropriate time.

It was moved by Judge Fleck and seconded by Judge Baker to approve the recommendations of the Trial Court Operations Funding Committee. The motion failed with four members in favor, nine against and Chief Justice Madsen abstaining.

Prior to the vote, the discussion focused on the need to prioritize the supplemental budget requests, how the Legislature will view the requests, the necessary amount of staff time to refresh the data when there is no money available, how critical it is to restore the funding right now, and is it considered an emergency which is what supplement budget requests are usually for.

Judge Fleck clarified that she is not proposing that the requests be in the Administrative Office of the Courts (AOC) or Supreme Court budgets. She just wants everything on the table. It is really just a matter of honoring the process. Judge Fleck stated that it is important for the BJA to recognize that with an executive director the Office of Public Defense (OPD) and the Office of Civil Legal Aid (OCLA) have a platform and court operations does not have that platform and does not know what the budget is until the AOC has figured out the budget. It is very clear that with their platforms OPD and OCLA have fared very well.

Resolution Regarding Recommendations Developed by the Task Force on Race in the Criminal Justice System

Mr. Marler reported that the BJA asked that a work plan be put together to work on the resolution regarding race in the criminal justice system that was drafted by Judge Fleck and presented at the March BJA meeting. An outline of a work plan has been developed and Justice Owens, Judge Steven González, Judge Fleck, Judge Garrow, Judge Wickham, Judge Quinn-Brintnall, and Judge Culpepper all volunteered to work on the resolution. Each of them will be contacted early next week and will get together for a phone conference to begin working on this and hope to have a deliverable in mid-to-late May.

Legislative Update

Mr. Hall congratulated Ms. McAleenan on moving the BJA's legislative agenda forward. The Governor signed the bill adding a third district court judge position in Grant County. The assault on judges and court employees bill is on the way to the Governor's office for signature.

State Budget Report

Mr. Radwan distributed a summary of the House and Senate budget proposals. Both the House and Senate essentially took the same approach. Both budgets were favorably amended before being voted off the floor. At this time, the Senate budget is

more favorable, in general, to the AOC, but much less favorable to the State Law Library. The House budget proposal, as passed off the floor, is much less favorable to the AOC but much better for the State Law Library. Both budget proposals contain the same level of reduction for the Supreme Court and Court of Appeals. Both proposals provide JIS funding at levels well below the amount requested and both contain JIS fund shifts, that if enacted, would be devastating to future information technology projects. Our ability to accomplish our core constitutional and statutory requirements will be adversely affected if either of these budgets pass as is. The OPD and OCLA fared well in both budget proposals.

The bottom line is that at this point in time Mr. Radwan does not think it would be good to go forward with any budget requests in 2012. The House and Senate have heard the trail of tears on how the budget will impact people and we would lose credibility if we submitted requests for general fund monies.

Problem Solving Courts Resolution

Judge Clarke stated that this resolution was before the BJA last fall and the resolution has been redrafted. The Superior Court Judges' Association (SCJA) and the District and Municipal Court Judges' Association (DMCJA) both voted to endorse the resolution. He would like to bring the resolution back to a future meeting for action. If any BJA members have revision suggestions, please contact Judge Clarke.

Justice in Jeopardy Implementation Committee Charter Revision

The Justice in Jeopardy Implementation Committee (JIJIC) is requesting a slight revision to their committee membership to establish the WSBA Executive Director as a standing member of the IJIC. This request is coming to the BJA based on a motion passed at a recent IJIC meeting.

It was moved by Judge Fleck and seconded by Judge Garrow to make the WSBA Executive Director a standing member of the IJIC. The motion carried.

Chair of the BJA Best Practices Committee

Judge Julie Spector provided notice to the BJA that she is stepping down as Chair of the BJA Best Practices Committee. This will be an action item on the May BJA meeting agenda.

Judge Lambo stated that Judge Spector was an excellent committee chair because she is full of energy and very focused.

Access to Justice (ATJ) Board

Mr. Blair reported that June 3-5 is the annual ATJ conference in Kennewick. The theme is Eliminating Bias in the Justice System: A Call to Action and Service.

Washington State Bar Association (WSBA)

Mr. Toole stated that the WSBA Board of Governors (BOG) implemented a new procedure to allow their Legislative Committee to make decisions by e-mail in an emergency. Through voting yesterday they authorized their lobbyists to contact legislators regarding the judicial branch budget. An e-mail should be sent to their members by noon today encouraging them to contact their legislators.

A Civil Legal Needs Work Group was created by the BOG to address the problems with civil needs. A charter was created and Mr. Blair was selected as the Chair. They are currently asking for nominations to serve on the work group from various stakeholder groups.

The next BOG meeting is in Bellevue on April 29. The Council on Public Defense is asking the BOG to approve a resolution recommending adoption by the Supreme Court of standards for indigent defense services required by CrR 3.1, CrRLJ 3.1 and JuCR 9.2.

Reports from the Courts

Supreme Court: Chief Justice Madsen and Justice Stephens reported that the Supreme Court is working on the budget and Justice Stephens is leading the long-range planning operation within the building.

Court of Appeals: Judge Schindler stated that the Court of Appeals is working hard on electronic filing but fears it will be part of the budget cut. They are also working on long-range planning.

Superior Courts: Judge Warning stated the SCJA Spring Conference is the first week of May in Cle Elum.

Courts of Limited Jurisdiction: Judge Brown reported that the DMCJA Spring Conference will be held in Ocean Shores in June.

Association Reports

Superior Court Administrators: Ms. George stated that her association members are operating with decreased budgets. In response to the budget reductions, courts are

implementing furloughs and asking staff to do more work in less time. They are going ahead with their spring conference and will meet in Wenatchee.

County Clerks: Mr. Stock reported that Ms. Vonnie Diseth will talk with his association about the Superior Court Case Management Feasibility Study during their spring conference.

District and Municipal Court Administrators: Ms. Bednared stated they had a staff conference in March which included two days of training for line staff and supervisors. The conference replaced their spring regional. Last year they had to cancel the regional because of the budget. In light of the budget the association is not reimbursing for conference lodging this year.

Administrative Office of the Courts

Mr. Hall reported that the Salary Commission had a good meeting early this week. A lot of good questions were asked and the level of understanding is good. They meet again in May and they will adopt the salary schedule. Mr. Hall suspects it will be a zero increase proposal.

The JIS Feasibility Study is being developed and is due June 24 and then the Judicial Information System Committee (JISC) will take action in August.

There being no further business, the meeting was adjourned.