

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, NOVEMBER 18, 2011
9:30 A.M.**

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Chris Wickham, Member Chair
Superior Court Judges' Association
Thurston County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Janet Garrow
District and Municipal Court Judges'
Association
King County District Court

Judge Laura Inveen, President
Superior Court Judges' Association
King County Superior Court

Judge Jill Johanson
Court of Appeals, Division II

Judge Teresa Kulik
Court of Appeals, Division III

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Jack Nevin
District and Municipal Court Judges'
Association
Pierce County District Court

Justice Susan Owens
Supreme Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Scott Sparks
Superior Court Judges' Association
Kittitas County Superior Court

Judge Gregory Tripp, President
District and Municipal Court Judges'
Association
Spokane County District Court

NON-VOTING MEMBERS:

Mr. Stephen Crossland, President
Washington State Bar Association

Judge Sara Derr, President-Elect
District and Municipal Court Judges'
Association
Spokane County District Court

Mr. Jeff Hall
State Court Administrator

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge Craig Matheson, President-Elect
Superior Court Judges' Association
Benton and Franklin Superior Courts

Ms. Michele Radosevich, President-Elect
Washington State Bar Association

Judge Ann Schindler, Presiding Chief Judge
Court of Appeals, Division I



Board for Judicial Administration (BJA)

Friday, November 18, 2011 (9:30 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Judge Michael Lambo	9:30 a.m.
2. Welcome and Introductions	Judge Michael Lambo	9:30 a.m.
Action Items		
3. October 21, 2011 Meeting Minutes Action: Motion to approve the minutes of the October 21, 2011 meeting	Judge Michael Lambo	9:35 a.m. Tab 1
4. BJA Public Trust and Confidence Committee Appointments Action: Motion to appoint Sharon Vance and Samantha Barrera and reappoint Mr. David Johnson, Ms. Kristen Barron, and Ms. Marilyn Finsen to the BJA Public Trust and Confidence Committee	Ms. Mellani McAleenan	9:40 a.m. Tab 2
5. BJA Best Practices Committee Appointment Action: Motion to appoint Pat Escamilla to the BJA Best Practices Committee	Ms. Mellani McAleenan	9:45 a.m. Tab 3
6. 2012 BJA Meeting Schedule Action: Motion to approve the 2012 BJA meeting schedule	Ms. Mellani McAleenan	9:50 a.m. Tab 4
Reports and Information		
7. BJA Account Audit	Ms. Mellani McAleenan	9:55 a.m. Tab 5

8. BJA Legislative Agenda	Ms. Mellani McAleenan	10:05 a.m. Tab 6
9. Budget Report	Mr. Jeff Hall	10:15 a.m.
10. Regional Courts Work Group	Judge Sara Derr	10:25 a.m. Tab 7
11. Access to Justice Board	Mr. M. Wayne Blair	10:40 a.m.
12. Washington State Bar Association	Mr. Stephen Crossland Ms. Paula Littlewood	10:45 a.m.
13. Reports from the Courts <ul style="list-style-type: none"> - Supreme Court - Court of Appeals - Superior Courts - Courts of Limited Jurisdiction 	Justice Susan Owens Judge Ann Schindler Judge Laura Inveen Judge Gregory Tripp	10:55 a.m.
14. Association Reports <ul style="list-style-type: none"> - Superior Court Administrators - Juvenile Court Administrators - County Clerks - District and Municipal Court Administrators 	Mr. Frank Maiocco Ms. Bonnie Bush Ms. Betty Gould Ms. Lynne Jacobs	11:15 a.m.
15. Administrative Office of the Courts	Mr. Jeff Hall	11:35 a.m.
16. Other Business BJA Account Update Next meeting: December 9 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Judge Michael Lambo Ms. Mellani McAleenan	11:40 a.m.

Persons with a disability, who require accommodation, should notify Beth Flynn at 360-357-2121 or beth.flynn@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.



Board for Judicial Administration (BJA)

Friday, October 21, 2011 (9:30 a.m. – 12:00 p.m.)

AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

Members Present:

Chief Justice Barbara Madsen, Co-Chair
Judge Christopher Wickham, Member Chair
Judge Marlin Appelwick
Judge Ronald Culpepper
Judge Sara Derr
Judge Deborah Fleck
Judge Janet Garrow
Mr. Jeff Hall
Judge Laura Inveen
Judge Jill Johanson
Judge Teresa Kulik (by phone)
Judge Michael Lambo
Judge Craig Matheson
Judge Jack Nevin
Justice Susan Owens
Judge Kevin Ringus
Judge Ann Schindler
Judge Gregory Tripp

Guests Present:

Mr. Jim Bamberger
Mr. M. Wayne Blair
Ms. Bonnie Bush
Mr. Pat Escamilla
Mr. Frank Maiocco
Judge Samuel Meyer (by phone)
Ms. Sophia Byrd McSherry
Dr. Arun Raha
Mr. Stephen Toole

AOC Staff Present:

Ms. Beth Flynn
Mr. Dirk Marler
Ms. Mellani McAleenan
Mr. Ramsey Radwan

Judge Wickham called the meeting to order.

September 16, 2011 Meeting Minutes

It was moved by Judge Inveen and seconded by Judge Lambo to approve the September 16, 2011 BJA meeting minutes. The motion carried.

Trial Court Operations Funding Committee Charter

An updated Trial Court Operations Funding Committee (TCOFC) Charter was distributed in the meeting materials. Ms. McAleenan stated that a few months ago the BJA reviewed a similar document but decided to hold off until after the September budget meeting to make a decision.

Ms. McAleenan stated there are few changes between the last version and the current one and one difference is that it was decided that the member terms should be staggered and have equal representation between judges and administrators.

Judge Fleck asked if there is any urgency to approving the charter today or if it can wait until the next meeting so the SCJA can review it. Chief Justice Madsen responded that her concern is the timing. If the committee members do not start working on the budget requests soon, they might find themselves frozen out of the Supreme Court budget process. The Supreme Court

has to abide by the budget deadlines set by the legislature and they are locked into some of the deadlines. Mr. Radwan responded that time is running out and the BJA needs to take a position on this today.

Judge Fleck stated that because of the economy there will not be any items coming forward from the TCOFC.

Judge Appelwick asked about the interaction between the TCOFC and the Justice in Jeopardy Implementation Committee (JIJIC). Chief Justice Madsen responded that the JIJIC is made up of all the branch entities and the TCOFC was originally created to work on budget requests for the courts. In the past, the BJA would instruct the TCOFC to spring into action by assigning some issues to the TCOFC to determine if a funding request was in order. With the current charter, the TCOFC will take a more forward thinking role than it has in the past. It will determine what issues to look at and it will report to the BJA and no longer report to the JIJIC.

A decision on the charter will be postponed until the next meeting.

BJA Public Trust and Confidence Membership

Justice Mary Fairhurst, Chair of the BJA Public Trust and Confidence (PT&C) Committee, sent a memorandum to the BJA Executive Committee requesting that a Washington State Bar Association (WSBA) representative be added to the membership of the PT&C Committee in place of the current WSBA ex officio member.

It was moved by Judge Ringus and seconded by Judge Culpepper to approve a membership slot on the BJA PT&C Committee for a member of the WSBA. The motion carried.

Regional Courts Work Group

Judge Derr provided an update on the progress of the Regional Courts Work Group. The work group proposes to systematically evaluate existing contracting jurisdictions to measure efficiency, accessibility, and management of regional limited jurisdiction pilot courts. The proposal includes a description of key elements of a regional court, including the three mandatory elements that a regional court must include, and additional variations of court operations and services that are optional. Most of the contracting jurisdiction scenarios are currently in use in courts (such as cities contracting with district courts or with other cities for court services). The work group proposes to gather information from the current models to determine the most efficient model of delivering limited jurisdiction court operations and services.

The work group proposal includes a defined governance role for a "Regional Court Districting Committee" to negotiate between contracting jurisdictions and determine a hub court. Some regions will need satellite courts. The work group proposed several options to evaluate as a regional court model because one size will not fit all.

The work group envisions a hub court housing the presiding judge who has all the authorities and duties defined in GR 29. A required element of the proposal is that court administration and court staff be full-time. Staff will be based at the hub court and then directed to staff the satellite

courts. Each regional court would also use whatever state information system is available instead of using their own software, resulting in increased consistency. While not a mandatory element of the regional court model, the work group recommends that contracting jurisdictions use the same prosecutor's office. This variable will be evaluated as part of the pilot court study.

The regional courts pilot evaluation proposal utilizes courts already using a regional courts model. The evaluation will gather data on the models for two to four years.

Before they go forward, they would like the BJA to determine if the work group should continue this approach. There were no objections to the work group moving forward with their approach to this issue.

AOC Budget Priorities

Mr. Hall reported that Chief Justice Madsen convened a group to review the budget process and they met on September 29. In preparation for the October 24 follow-up meeting, Mr. Hall surveyed the BJA members regarding the priorities of the AOC budget. The survey was distributed to all 21 voting and non-voting BJA members and 16 responses were received.

The responses were sorted in priority order and were compared to the responses received last year from the AOC stakeholders (all levels of judges and court administrators). While the AOC program areas listed remained the same in both surveys, the BJA members were asked to give each program area a high, medium or low priority and last year each organization was asked to list their 10 highest and lowest priorities.

Two of the items on last year's survey, the ADA program and the jury pass-through funds, were removed from this year's survey because they were both cut due to the last round of budget reductions. Court security was mistakenly left on the BJA survey—that has also been cut and should have been removed from the survey.

Chief Justice Madsen commented that the survey results are very rough and the survey is just a way to get the group thinking about what the AOC does. It is a way to start the conversation.

Mr. Hall stated that the results were not unexpected and there is a fair degree of congruence between the two surveys.

It was pointed out that it was difficult to complete the survey when the services that have to be provided because of legislative mandates or institutional support were not segregated from the items that can be reduced if necessary. Mr. Hall responded that part of the reason for including all the areas on the survey was so that everyone would realize that AOC performs all those tasks. If an area is rated low but it cannot be cut, that indicates some education needs to take place. Almost everything AOC does is required or allowed by statute. If change is necessary, there needs to be some statutory cleanup. AOC leadership has had conversations about legislation to repeal some things that have been cut during prior budget reductions.

Mr. Hall stated that of the cuts AOC has taken so far, 70% have been in the agency and 30% were to the pass-throughs. He knows that for upcoming budget reductions every cut that will be made will be to a direct service. If the AOC ends up with a budget reduction over \$500,000 it will be especially important to understand what the agency priorities are.

State Revenue Report

Dr. Raha, Washington State Chief Economist, reported on Washington's economic outlook. In the month since the September forecast the state expected to collect a billion dollars and they came in \$10 million higher which indicates they are coming in on forecast.

Instead of the U shaped recovery Dr. Raha had been predicting, in September he revised his forecast to an L shape recovery. The reasons for that are slow growth (less than 3%), high unemployment, weak consumer confidence, and low levels of spending.

Dr. Raha does not expect the economy to begin recovering until at least the end of the biennium.

BJA Legislative Agenda

Ms. McAleenan stated that most of the proposed 2012 Legislative Agenda was discussed by the BJA Legislative/Executive Committee and is coming to the full BJA without recommendations from the BJA Legislative/Executive Committee.

Pending Ideas for BJA Request Legislation:

Whatcom County Superior Court and Benton and Franklin Counties Superior Court are in the process of deciding if they want to request new judges. The courts understand that with the current economic climate their requests might not make it through the legislature this session.

Previously Approved BJA Request Legislation:

Ms. McAleenan stated that the municipal court judges bill was previously approved by the BJA but the BJA needs to decide if it wants to go forward with it this year or if the BJA should wait until later, after the special session, to determine how to proceed with this.

Outstanding Requests for BJA Request Legislation:

The District and Municipal Court Judges' Association (DMCJA) requested that the BJA consider retirement legislation that would allow a judge to finish out his/her term if the judge turns 75 during the term. The district court mandatory retirement age is set by statute and the superior court and Supreme Court mandatory retirement ages are constitutional.

It was moved by Judge Schindler and seconded by Judge Lambo that the BJA not move forward with a constitutional amendment bill regarding judicial retirement age. The motion carried.

The Interpreter Commission requested that the BJA consider legislation to require that interpreters be provided at no expense to non-English speaking persons regardless of indigency in all cases. State funding is not requested; the county will pick up the costs. The Interpreter Commission distributed a survey to determine how the courts were currently paying for interpreters and responses were received from each court level. The courts are currently picking up the costs one way or another.

Justice Owens stated that the courts that do not provide interpreter services for all limited English proficiency (LEP) individuals are out of compliance with the Department of Justice requirements and their federal funding may be in jeopardy.

There was discussion about not proposing anything that would require new funding at the state and local levels. In addition, there was discussion about the best way to approach this—through a resolution or best practices.

It was moved by Judge Schindler and seconded by Judge Lambo to send the Interpreter issue to the BJA Best Practices Committee to come up with best practices regarding the use and payment of interpreters. The motion carried.

Other Business

The next BJA meeting will be held November 18 and Judge Lambo will chair the meeting.

There being no further business, the meeting was adjourned.

Recap of Motions from October 21, 2011 meeting

Motion Summary	Status
Approve the September 16 Meeting Minutes	Passed
Approve the PT&C request to add a WSBA member to their committee	Passed
Send the issue regarding payment of interpreter expenses to the BJA Best Practices Committee to create best practices	Passed
The BJA will not pursue a constitutional amendment regarding the judicial retirement age	Passed

Action Items updated for October 21, 2011 meeting

Action Item	Status
<u>September 16, 2011 Meeting Minutes</u>	
• Send the approved minutes to Camilla Faulk for the En Banc binders	Done
• Post the approved minutes online	Done
<u>Trial Court Operations Funding Committee Charter</u>	
• Add to November BJA agenda for action	Done
<u>BJA Public Trust and Confidence Committee Membership</u>	
• Notify Margaret Fisher that the BJA approved the PT&C request for a WSBA member	Done
<u>Payment of Interpreter Expenses in Civil Hearings</u>	
• Send the issue to the BJA Best Practices Committee	
<u>November BJA Meeting</u>	
• The November BJA meeting will be held on November 18 and Judge Lambo will chair the meeting	E-mail sent to members

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Sharon Vance

Nominated By: WSACC
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: November 18, 2011

Term End Date: December 31, 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Sharon Vance has indicated a strong interest and commitment to the issues of public trust and confidence.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Samantha Barrera

Nominated By: Representing Public
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2012

Term End Date: December 31, 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Ms. Barrera represents the House of Representatives' efforts in organizing Civic Education Day and the Legislative Scholars program, that now has an additional day of training for teachers on the ways that the courts interact with legislation. She brings important information to bear on reaching the educational community on the topic of subject of public trust and confidence in the courts.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: David Johnson

Nominated By: Representing the Public
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2012

Term End Date: December 31, 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: One term: January 1, 2010-December 31, 2011

Additional information you would like the BJA to be aware of regarding the nominee:

David Johnson has brought insight into the role of TVW in helping get information about the courts to the public as well as his projects to involve students in the legal process.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Kirsten Barron

Nominated By: Access to Justice Board
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2012

Term End Date: December 31, 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: One term: January 1, 2010-December 31, 2011

Additional information you would like the BJA to be aware of regarding the nominee:

Kirstin Barron has been particularly helpful in bringing knowledge of the Access to Justice's efforts to implement a pro se project. She has also been very helpful in her contributions to the survey on the use of senior volunteers in court.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Public Trust and Confidence Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Marilyn Finsen

Nominated By: SCA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: January 1, 2012

Term End Date: December 31, 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: One term: January 1, 2010-December 31, 2011

Additional information you would like the BJA to be aware of regarding the nominee:

Marilyn Finsen has excellent knowledge of the right recipients to learn of the products prepared by PT&C as well as her helpfulness in co-chairing the subcommittee on using retired persons as volunteers in the courts.

Please send completed form to:

Beth Flynn
Administrative Office of the Courts
PO Box 41174
Olympia, WA 98504-1174
beth.flynn@courts.wa.gov

**Board for Judicial Administration
Nomination Form for BJA Committee Appointment**

BJA Committee: Best Practices Committee
(i.e. Best Practices, Court Security, Justice in Jeopardy, Long-Range Planning, and Public Trust and Confidence)

Nominee Name: Pat Escamilla, Clark County Juvenile Court Administrator

Nominated By: WAJCA
(i.e. SCJA, DMCJA, etc.)

Term Begin Date: November 2011

Term End Date: June 2013

Has the nominee served on this subcommittee in the past? Yes No

If yes, how many terms have been served and dates of terms: _____

Additional information you would like the BJA to be aware of regarding the nominee:

Mr. Escamilla will be replacing Ms. Holli Spanski who needed to resign due to other job commitments.

Please send completed form to:

Colleen Clark
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
colleen.clark@courts.wa.gov

(Colleen will forward on to Beth Flynn for BJA action)

**Board for Judicial Administration
2012 Meeting Schedule**

Date	Location
January 20	Olympia (9:30 a.m.)
February 17	Olympia (9:30 a.m.)
March 16	Olympia (9:30 a.m.)
April 20	SeaTac (9:30 a.m.)
May 18	SeaTac (9:30 a.m.)
June 15	SeaTac (9:30 a.m.)
July 20	SeaTac (9:30 a.m.)
August 17	SeaTac (9:30 a.m.)
September 21	SeaTac (9:30 a.m.)
October 19	SeaTac (9:30 a.m.)
November 16	SeaTac (9:30 a.m.)
December 14	SeaTac (Joint meeting with Court Management Council) (9:30 a.m.)

SeaTac Location: AOC SeaTac Facility
SeaTac Office Center-South Tower
18000 International Blvd., Suite 1106
SeaTac WA 98188-4251

Olympia Location: Chief Justice's Reception Room
Temple of Justice
415 12th Ave SW
Olympia, WA 98501

Proposed Amendment to BJA Bylaws

The Associate Director shall cause regular books of account to be properly maintained, which shall be examined no less than every three years by a person who is not involved in maintaining the regular books of account. Examination findings shall be communicated directly to the Chief Justice Chair and the Member Chair.



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

Special meetings may be called by any member of the Board. Reasonable notice of special meetings shall be given each member.

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII **Amendments and Repeal of Bylaws**

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present, by majority vote. No motion or resolution for amendment may be considered at the meeting in which they are proposed.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
Amended 5/17/02
Amended 5/16/03
Amended 10/21/05
Amended 03/16/07

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**Board for Judicial Administration
Proposed 2012 Legislative Agenda**

Board for Judicial Administration Request Legislation – PENDING

- **New Judicial Position in Whatcom County Superior Court**
Whatcom County Superior Court has requested authorization for one additional judicial position.
Status: Pending further review.

- **New Judicial Position in Benton-Franklin County Superior Court**
Benton-Franklin County Superior Court has requested authorization for one additional judicial position.
Status: Pending further review.

- **Regional Courts of Limited Jurisdiction**
The Regional Courts of Limited Jurisdiction Work Group will continue meeting during October and November. The work group has not yet determined whether they will recommend that legislation be sought during the 2012 session but the need for legislation appears to be unlikely.
Status: Pending further work group discussion and review. Legislation unlikely.

Board for Judicial Administration Request Legislation – PREVIOUSLY APPROVED

- **Changing the election and appointment provisions for municipal court judges**
 - Legislation from the 2011 session is automatically revived for the 2012 session.
 - Last year's bill would require the election of all municipal court judges.
 - Technical corrections regarding the election process will need to be made at the request of the auditors if the bill proceeds.**Status: BJA approval received in 2010. BJA reviewed at the October 2011 meeting and made the recommendation to delay a decision regarding how to proceed until closer to session.**

Board for Judicial Administration Request Legislation – PREVIOUSLY REVIEWED

- **Payment of interpreter expenses in civil hearings**
 - The Interpreter Commission is requesting that the BJA consider legislation to require that interpreters be provided at no expense to non-English speaking persons regardless of indigency in all cases. State funding is not requested.
 - Subsequent to the Leg/Exec discussion, a survey was sent to all courts requesting information about their current practices in order to evaluate the impact of such a requirement on local government.**Status: BJA declined the request for legislation at the October 2011 meeting but offered to adopt a resolution or look at best practices. The Interpreter Commission will draft a resolution for BJA's review at its February meeting.**

- **Allowing judges facing mandatory retirement to complete their term of office**
 - The DMCJA is requesting that the BJA consider legislation to allow judges facing mandatory retirement to finish their term of office rather than requiring retirement at the end of their 75th year.
 - The mandatory retirement age is statutory for district court judges but constitutional for superior court judges and supreme court justices. Court of Appeals judges mirror the supreme court requirements by statute. To address the issue at all court levels, a constitutional amendment would be necessary. To amend the constitution, a bill must pass the legislature with a simple majority, a resolution must also pass the legislature with a two-thirds vote, and the amendment must be placed on the statewide ballot for approval.
 - A recent Seattle PI report indicated that 65% of those surveyed supported a mandatory retirement age for judges but did not address this question specifically.

Status: BJA declined the request for legislation at the October 2011 meeting but did not preclude supporting a DMCJA effort.

**SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR BENTON AND FRANKLIN COUNTIES**

7122 W. Okanogan Place, Bldg. A, Kennewick, WA 99336

CAMERON MITCHELL
PRESIDING JUDGE

BENTON COUNTY JUSTICE CENTER
FRANKLIN COUNTY COURTHOUSE
TELEPHONE (509) 736-3071
FAX (509) 736-3057

October 21, 2011

Mr. Jeff Hall, Administrator
Office of the Administrator for the Courts
Temple of Justice
PO Box 41170
Olympia, Washington 98504-1170

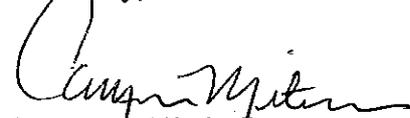
Re: Judicial Position

Dear Mr. Hall:

The Judges of the Benton and Franklin Counties Superior Court Judicial District have determined that the Court's caseload warrants the creation of an additional judgeship. Based upon the discussions among the local bench regarding increased population and the associated need that increase places on the courts, as well as the 2011 Judicial Needs Estimate and caseload statistics, we request that your office pursue legislation creating a seventh position in our district contingent and effective upon funding by the local legislative authorities. We understand similar "contingent" legislation has been adopted in the past with an extended sunset date, which also seems appropriate at this time.

Please feel free to contact Pat Austin, our Administrator, or myself if you need any additional information or if there is any action we need to take locally. Thank you in advance for your time and efforts extended on our behalf.

Sincerely,



Cameron Mitchell
Presiding Judge

Cc: Judge Craig Matheson
Judge Carrie Runge
Judge Bruce Spanner
Judge Robert Swisher
Judge Vic VanderSchoor
Pat Austin, Court Administrator

Superior Court of the State of Washington
For Whatcom County

311 Grand Avenue, Bellingham, Washington 98225

Chambers of
CHARLES R. SNYDER
Judge



(360) 738-2457
FAX (360) 676-6693
csnyder@co.whatcom.wa.us

October 17, 2011

The Honorable Barbara A. Madsen
Chief Justice
Washington State Supreme Court
415 12th Avenue SW
P.O. Box 40929
Olympia, WA 98504-0929

The Honorable Chris Wickham
Thurston County Superior Court
2000 Lakeridge Drive SW
Building 2
Olympia, WA 98504

Re: Whatcom County request for additional Superior Court Judge

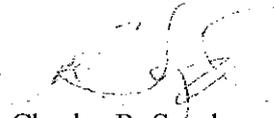
Dear Chief Justice Madsen and Judge Wickham,

We are writing on behalf of the Whatcom County Superior Court to you in your capacity as co-chairs of the Board for Judicial Administration in relation to a request for consideration of adding a fourth Superior Court Judge in Whatcom County.

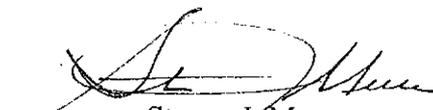
There is strong and growing support, including from the elected prosecutor, public defender, county executive's office and the local bar for a fourth Superior Court judge for Whatcom County. We are moving forward on a joint approach to our county council for approval and we are doing the background work on courthouse remodeling needs and staffing. The most recent AOC caseload statistics show that there is a need for seven full-time judicial officers in our county. We currently have six full-time judicial officers and supplement our needs with part-time court commissioners. Whatcom County last added a judge in the early 1970's and the population of the county has tripled in the ensuing years. Our most pressing need now is in the availability of jury trial dates, which would require an elected judge to fulfill.

We understand the serious budget issues facing the state government as well as in our own community. Nonetheless, we believe that our needs have become sufficiently acute to justify this request. We ask your assistance in initiating the process required to obtain a fourth judge position. Thank you for your consideration of this letter.

Sincerely,



Charles R. Snyder
Judge



Steven J. Mura
Judge



Ira J. Uhrig
Presiding Judge

Cc: Mr. Jeff Hall, Administrator for the Courts

Superior Courts—Judicial Needs Estimates by Full-Time Equivalents, 2011 Projected Filings¹

Court	Judges	Authorized Unfilled Judge Positions ²	Full-Time Commissioners	Part-Time Commissioners	Total Estimated Judge Need ³
Adams	1.00	0.00	0.00	0.00	1.00
Asotin/Columbia/Garfield	1.00	0.00	0.00	0.34	1.45
Benton/Franklin	6.00	0.00	2.00	0.50	10.12
Chelan	3.00	1.00	1.00	0.04	3.26
Clallam	3.00	0.00	1.00	0.19	3.63
Clark	10.00	0.00	3.00	0.60	14.12
Cowlitz	4.00	1.00	0.00	0.61	5.76
Douglas	1.00	0.00	0.00	0.09	1.23
Ferry/Stevens/Pend Oreille	2.00	0.00	0.00	0.43	2.55
Grant	3.70	0.00	0.00	0.75	3.83
Grays Harbor	3.00	0.00	0.00	0.00	3.52
Island	2.00	0.00	0.00	0.10	2.70
Jefferson	1.00	0.00	0.00	0.30	1.50
King	53.00	5.00	13.00	0.00	66.06
Kitsap	8.00	0.00	1.00	0.10	9.06
Kittitas	2.00	0.00	0.00	0.00	1.66
Klickitat/Skamania	1.00	0.00	0.00	0.13	1.56
Lewis	3.00	0.00	1.00	0.00	3.90
Lincoln ⁴	1.00	0.00	0.00	0.13	1.13
Mason	2.00	0.00	0.00	0.88	2.56
Okanogan	1.00	1.00	0.00	0.56	2.07
Pacific/Wahkiakum	1.00	0.00	0.00	0.00	1.30
Pierce	22.00	2.00	7.00	0.00	30.83
San Juan	1.00	0.00	0.00	0.00	0.73
Skagit	4.00	0.00	1.00	0.25	6.31
Snohomish	15.00	0.00	5.00	0.00	20.85
Spokane	12.00	1.00	6.00	0.00	17.44
Thurston	8.00	0.00	2.00	0.18	10.95
Walla Walla	2.00	0.00	0.00	0.35	2.80
Whatcom	3.00	0.00	3.00	0.80	7.03
Whitman	1.00	0.00	0.00	0.00	1.20
Yakima	8.00	0.00	2.00	0.60	9.91
Total	188.70	11.00	48.00	7.93	252.03

1. Year 2011 projected filings are based on the previous five-year filing trends of the various case types in a given court. Needs estimates are based on the previous five years of data for the number of total judicial officers and case resolutions.
2. Superior court judge positions authorized by state statute yet unfunded at the county level.
3. This column represents the estimated number of judge positions needed, as required by RCW 2.56.030(11). Individual counties or judicial districts may choose to establish and fund court commissioner positions instead of superior court judge positions. Identical indicators are used to measure the workload of both judges and commissioners.
4. The estimation process eliminates Lincoln County due to caseload anomalies which strongly influence the overall results. In order to obtain a true statewide total, the estimated judge need for Lincoln County is imputed to be identical to the current judicial officer FTE count in that county.

Description of Superior Court Judicial Needs Estimation

In March 2001, a new methodology for estimating judicial needs in the superior courts was adopted by the Administrative Office of the Courts in conjunction with the Superior Court Judges' Association. Beginning with the 2001 Annual Report, a yearly table is published displaying court-level judicial needs estimates using this methodology, along with a brief description of the process.

The superior court model for estimating judicial needs is workload-based. The estimates are derived from a statistical model with two primary data components: (1) the observed caseload processed, and (2) the number of available judicial officers. The caseload measure is represented by case resolutions, and the judicial officer measure is represented by judge and commissioner FTEs. Any significant effects due to differences in court size are captured during the estimation process. In order to ensure that a good representative sample underlies the estimation, the data are drawn from courts across the state and from the past several years.

This type of approach has wide usage in a number of diverse applications and so provides a well-established base model. One of the inherent advantages of this methodology is the facility to capture changes in practice over time. Another advantage is that qualitative adjustments – based upon objective data – are possible. A qualitative adjustment adopted for use in the superior court model relies upon the published case-management statistics for various case types to create a “time standards adjustment factor.” This adjustment allocates additional resources based upon an individual court’s time-in-process results versus the case-processing time standards adopted by the Board for Judicial Administration.* In other words, the model recognizes when a court has a case backlog problem, and takes into consideration the judicial resources needed by that court to reduce the delay in case processing. This adjustment factor is a way to introduce an *objective* quality assurance check on the baseline prediction from the input-output model.

* *The case-processing time standards were adopted by the Board for Judicial Administration as an objective means for courts to measure the pace of cases from filing to resolution. They are published in the Washington Court Rules.*

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0719.1/12

ATTY/TYPIST: AI:seg

BRIEF DESCRIPTION: Adding superior court judicial positions in
Whatcom, Benton, and Franklin counties.

AN ACT Relating to adding superior court judicial positions in Whatcom, Benton, and Franklin counties; amending RCW 2.08.063 and 2.08.064; and adding new sections to chapter 2.08 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Sec. 1. RCW 2.08.063 and 2005 c 95 s 1 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, four judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima, eight judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, ((three)) four judges of the superior court.

NEW SECTION. **Sec. 2.** A new section is added to chapter 2.08 RCW to read as follows:

The additional judicial position created in RCW 2.08.063 becomes effective only if the county through its legislative authority documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute.

Sec. 3. RCW 2.08.064 and 2006 c 20 s 1 are each amended to read as follows:

There shall be in the counties of Benton and Franklin jointly, (~~six~~) seven judges of the superior court; in the county of Clallam, three judges of the superior court; in the county of Jefferson, one judge of the superior court; in the county of Snohomish, fifteen judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, five judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

NEW SECTION. **Sec. 4.** A new section is added to chapter 2.08 RCW to read as follows:

The additional judicial position created in RCW 2.08.064 becomes effective only if the counties through their legislative authority document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial position as provided by statute.

TAB 7

REGIONAL COURTS WORKGROUP ~ SUMMARY

The Regional Courts Workgroup submit a proposal to the BJA which includes an evaluation of regional pilot courts to evaluate the efficiencies and benefits of a consolidated model of limited jurisdiction court operations, administration and services. The draft was shared with the BJA on October 21, 2011. The court members of the workgroup met regularly in September and October, and the combined workgroup representatives met on October 21, 2011 and November 4, 2011 to provide additional input to the proposal.

The goal of the regional courts is to:

1. Improve services the court customer populations
2. Spend funds efficiently
3. Provide better justice by maximizing existing resources and services
4. Obtain a consistent level of training and expertise for administrative court staff statewide

I. Executive Branch – Governance Body

Regional courts need a governance body for the duration of the pilot. As pilot courts are implemented, the type of oversight necessary and the authority of the persons/entities involved will be evaluated. Initially, the responsibility and membership of the governance body are as follows:

1. Membership will consist of representatives from all contracting jurisdictions
2. Meetings will be convened by an agreed upon person and will meeting regularly (at least quarterly)
3. The governance body will be created by contract or Memorandum of Understanding (MOU) with an evaluation for possible statutory change
4. The Presiding Judge will be a member and active participant in the oversight committee especially for providing court data, and addressing court issues
5. Fiscal impact considerations as well as process considerations are considered by the oversight group

Any changes to the statutes could be through Title 39 contracting statutes or the Districting Committee statute. The proposal does not require statutory changes to the Districting Committee statutory structure, but any pilot courts selected will be required to incorporate an oversight group into the contractual relationship that consolidate court operations.

II. Judicial Branch - Pilots Courts

For the purposes of the pilot court evaluation, pilot courts and “control” courts need to be identified. This will be the first task of the evaluation team. The courts selected as pilots need to commit to three centralized elements of a regional court model including: election of a presiding judge to serve at the designated hub court, full time court administrator and staff centrally located at the hub court, and record maintenance by

entering court records into the Judicial Information System (JIS). This may be accomplished by existing contractual relationships, amending contracts, or entering into an MOU.

The other elements of the Regional Courts Pilot Courts include:

1. A hub court identified, including the option of satellite courts
2. A Regional Court Presiding Judge elected by the Judges serving the regional court
3. Centralized and full time Court Administrator and support staff primarily located at the Hub court
4. Centralized services – records, forms, cashiering (universal within the region?), probation, pretrial, technology, clerk support, etc
5. A commitment to 4 years for the pilot court (this is the proposed time frame but may be subject to change to be consistent with judicial term or for a period of time necessary for the study)
6. A commitment to abide by the Judicial Needs Estimate in determining the number of judicial officers necessary for the Regional Court
7. Neutral evaluation of the regional court pilots by AOC?/City and County?/outside agency? TBD

The Workgroup has identified several court groups that fall within the Regional Court structures as proposed. No court has been approached to participate yet.

SUMMARY

The Regional Courts Workgroup will await a decision of the BJA on whether or not to proceed with the pilot court evaluation for Regional Courts. Should the workgroup be tasked with proceeding, a meeting schedule and implementation schedule will be developed to pursue the objective of Regional Courts.

Judicial Branch
Presiding Judge

Administrator and Court
Staff
GR 29 Authority

Executive Branch
**Regional Court
Districting Committee
(RCDC)**

Contract
Interlocal Agreement
Memorandum of
Understanding

Hub Court Options

Centralized Court Operations
Administration and Services

Option 1A

Stand-alone full service
Hub Court
(District & City)

Infractions,
Criminal &
Civil

Option 2A

Multi Municipal
Jurisdiction Hub Court

Infractions &
Criminal

Option 1B

Hub Court with Satellites
(District & City)

Option 2B

Multi Municipal
Jurisdiction Hub Court
With Satellites

Satellite 1

- Infraction

Satellite 2

- Infraction
- Criminal

Satellite 3

- Infraction
- Criminal
- Civil

Satellite 1

- Infraction

Satellite 2

- Infraction
- Criminal

Satellite 3

- Infraction
- Criminal
- Civil