



Board for Judicial Administration (BJA) Meeting
Friday, July 19, 2013 (9:00 a.m. – 11:30 a.m.)
AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Kevin Ringus, Member Chair
Judge Veronica Alicea-Galvan
Judge Vickie Churchill
Ms. Callie Dietz
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge Kevin Korsmo
Judge Linda Krese
Judge Michael Lambo
Ms. Paula Littlewood
Judge Kimberley Prochnau
Ms. Michele Radosevich
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Charles Snyder (by phone)
Judge Scott Sparks
Judge David Svaren

Guests Present:

Mr. Pat Escamilla (by phone)
Mr. Michael Killian (by phone)
Ms. LaTricia Kinlow
Ms. Marti Maxwell
Ms. Sophia Byrd McSherry
Ms. Joanne Moore

Public Present:

Mr. Tom Goldsmith
Mr. Rowland Thompson

AOC Staff Present:

Ms. Beth Flynn
Mr. Steve Henley
Ms. Mellani McAleenan
Mr. Ramsey Radwan

Chief Justice Madsen called the meeting to order.

BJA Member Chair Election

It was moved by Judge Sparks and seconded by Judge Krese to elect Judge Kevin Ringus as the BJA Member Chair. The motion carried.

May 17, 2013 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Sparks to approve the May 17, 2013 BJA meeting minutes. The motion carried.

GR 31.1 Executive Oversight Committee and Core Work Committee Update

Mr. Radwan reported that Administrative Office of the Courts (AOC) staff are moving forward on finding members for the work groups and working closely with Mr. Charley Bates to make sure everything is lined up so the meetings can begin. A lot of the work will be done by the Core Work Committee and Ms. Shannon Hinchcliffe and Ms. Regina McDougall have assisted in identifying potential committee members. At this point in time, about 21 out of 27 members of the committees have agreed to participate and are ready to begin work on the implementation of GR 31.1.

Staff for the three implementation groups will primarily be Mr. Charley Bates and Ms. Jan Nutting. Mr. Bates will do a lot of the work to provide information to the committee members.

The BJA GR 31.1 Implementation Oversight Group will keep the BJA informed of the progress of the GR 31.1 implementation. A timeline will be brought to the BJA in August or September.

Ms. Kinlow requested that the wording on page 2 of the Proposal for the GR 31.1 Implementation Work Group be revised from “district court administrator” to “courts of limited jurisdiction administrator” under “Core Work Committee Composition” in the bullet about the co-chairs.

It was moved by Judge Schindler and seconded by Judge Krese to change the wording on page 2 of the Proposal for the GR 31.1 Implementation Work Group from “district court administrator” to “courts of limited jurisdiction administrator” under “Core Work Committee Composition” in the bullet about the co-chairs. The motion carried.

Mr. Radwan stated that he would like the BJA to appoint BJA members today, if possible, to the GR 31.1 Implementation Oversight Group. He would like to get the implementation process rolling before Fall Conference. Mr. Radwan stated that Judge Snyder, Judge Garrow and Judge Schindler volunteered to serve on the BJA GR 31.1 Implementation Oversight Group.

It was moved by Judge Korsmo and seconded by Judge Krese to appoint Judge Snyder, Judge Garrow and Judge Schindler to the BJA GR 31.1 Implementation Oversight Group. The motion carried.

BJA Structure Workgroup Recommendations

Judge Svaren gave a brief overview of the BJA Restructure Workgroup and reviewed the workgroup’s recommendations.

Size of the BJA: The workgroup decided that a smaller BJA would be beneficial. Right now, the BJA has 15 voting members and the workgroup thought a smaller board would be more beneficial and recommended nine voting members. After hearing from BJA members, the workgroup’s recommendation is now 12 voting members.

Court Level Veto: The current BJA rule, BJAR 3(c), has potential for a veto if a level of the court does not have at least one vote in the affirmative. With a smaller BJA, the workgroup determined that would be counter-productive and noted that the veto power has never really been used.

Legislative Matters: It has been recognized that the BJA should be the voice of the judiciary. There is always the potential that one court level will not agree with the BJA position. That court level could go to the Legislature directly if the court level keeps the other parties informed of their actions.

Court Education: The BJA would be charged with oversight of court education.

BJA Standing Committees: The workgroup initially suggested having three standing committees: Budget, Legislative, Policy and Planning. A fourth one was added: Court Education. The standing committees would have the ability to create subcommittees and ad hoc committees bringing in judges, administrators and clerks with expertise in the subject being reviewed by the committee. The Executive Committee would be comprised of the BJA co-chairs and the chairs of the standing committees.

Meeting Frequency: The meetings would be held every two months.

Agenda: The agenda would be determined by the co-chairs but any BJA member or association president can have an item placed on the agenda.

The recommendations have changed since December and that is where they stand at this time.

Ms. Dietz stated that it was suggested by one of the BJA's retiring members to explain how the committee system and the planning cycle would work. Ms. Dietz presented a few examples to demonstrate how those committees and subcommittees would work.

The presentation illustrated how the standing committees could interact with the planning cycle using two examples. The first example was of a complex issue that would take about two years to complete. The Policy and Planning Committee would establish a Planning Advisory Committee. The Planning Advisory Committee would do outreach to stakeholders and consider a number of issues that could be chosen as priorities for board initiatives. The Policy and Planning Committee would adopt one or two issues that could be good candidates for board initiatives. Or, they could ask the Planning Advisory Committee to go back and look at other issues. The Policy and Planning Committee would bring their recommendations to the BJA. If the BJA decided to adopt the issue recommended as an initiative—work on jury issues, for example—the Policy and Planning Committee would develop a proposal for a steering committee on jury issues. Phase I would be for that steering committee to conduct research and outreach to stakeholders and subject matter experts, and to create a set of recommendations. They would report those recommendations for jury system improvements back to the full BJA. The BJA could refer that report to the standing committees for review. If the recommendations are adopted by the BJA, Phase II would be to create an implementation committee to guide the process of putting the recommendations into effect.

The biggest emphasis in this model is how the process would involve a lot more members of the judicial community and our stakeholders than are currently involved in workgroups. One of the greatest strengths is that it models a back and forth dialogue between the BJA, the court associations, and other stakeholders. There is outreach at the start when issues are being identified and priorities selected to be initiatives of the BJA. Then it comes back to the BJA for approval. Again, during the study phase stakeholders and subject matter experts create a plan of action, then that comes back to the BJA. Finally, the implementation stage is carried out through a group of stakeholders. It gives the stakeholders a greater opportunity to work with the BJA in creating and implementing policies which we think will make the policies better and will generate more support in the field.

If the BJA met every other month, it would give time for the standing committees and other committees to meet during the other months.

Judge Svaren moved and Judge Churchill seconded that the proposed BJA Bylaws, Article VIII, should be revised to remove the provision that “The presidents of the judicial associations shall not vote.” The motion carried with Chief Justice Madsen and Judge Korsmo opposed and Judge Snyder abstained.

It was moved by Judge Svaren and seconded by Judge Garrow to retain the voting language in Article XI of the current BJA Bylaws that creates the court level veto and add the language to the proposed BJA Rules in Rule 4 (d) and Article 13 of the BJA Bylaws. The motion carried with Judge Korsmo, Chief Justice Madsen and Judge Garrow opposed and Judge Snyder abstained.

It was moved by Judge Churchill and seconded by Judge Jasprica to revise Article III in the BJA Bylaws so the membership will conform to the earlier motion regarding association presidents and strike “ex officio liaisons.” In addition, the Bylaws need to indicate that the membership will consist of the Chief Justice, another member of the Supreme Court, three members from the COA, five members of the SCJA (one of whom is president), and five members of the DMCJA (one of whom is president). The changes would also have to be made on page 33 and on pages 14 and 15. There was no appellate vote in the affirmative so the motion failed. Judge Sparks, Judge Korsmo, Chief Justice Madsen and Judge Schindler were opposed and Judge Snyder abstained.

It was moved by Judge Krese and seconded by Judge Sparks to make one of the four voting members of the SCJA and DMCJA the president. Judge Lambo, Judge Churchill, Judge Jasprica, Judge Prochnau, and Judge Garrow opposed and Judge Snyder abstained. The motion passed 6-5.

It was moved by Judge Svaren to send the recommendations to the judiciary in amended form for comment. The motion died for lack of a second.

It was moved by Judge Sparks and seconded by Judge Churchill to send the revised restructure proposal to the presidents of the judicial associations, the Chief Justice and the Presiding Chief Judge of the COA and give notice that this is what the BJA is proposing to vote on at the September 20 meeting. The motion was amended to add: if there are any suggestions or comments they need to be sent to the BJA by September 13. There was no appellate vote in the affirmative so the motion failed. Judge Korsmo, Chief Justice Madsen, and Judge Schindler opposed the motion.

Judge Snyder moved and Judge Garrow seconded putting the BJA structure recommendation as amended on the August BJA meeting agenda for action. The motion carried.

The BJA agreed to allow AOC staff to make revisions as needed to conform the rules and bylaws to the amendments. Staff was asked to develop several options to phase in implementation of the new membership requirements in the event the restructure proposal is adopted.

Study on the Courts of Limited Jurisdiction in the State of Washington

Judge Svaren is the Chair of the Regional Courts Study Oversight Committee and he gave a brief overview of the history of regional courts studies in Washington. In 2005 the BJA adopted a policy that called for a restructure of the courts of limited jurisdiction. The recommendation included having facilities in convenient locations, elected judges, standardized levels of services, and mixed state and local funding.

In 2008 the BJA drafted legislation to address regional courts. The legislation would have made regional courts optional, provided fiscal incentives, and required elected judges. Because of the economic climate, the Legislature did not take up the legislation.

In 2011 the BJA created a Regional Courts Workgroup that included judges along with county and city staff. The group recommended hub courts and various models that included contracting between district and municipal courts and having stand-alone courts. The idea was to complete pilot studies to determine how effective the different models are. Realizing that some of these models were already occurring, and based on information from Mr. Jeff Hall that funding might be available from the State Justice Institute, the workgroup recommended that the AOC should seek funding for a study to be done by the National Center for State Courts (NCSC) to evaluate existing models for the delivery of municipal court services in Washington.

The AOC developed and submitted a research grant request, which was approved in May 2012. A contract was entered into with the NCSC. The researchers came to Washington in August and met with a lot of different stakeholders, including the Regional Courts Study Oversight Committee. The researchers examined workload and fiscal efficiency, independence, professionalism, access to the court, consistency, accountability, and satisfaction. The study was hampered by a lack of useful, quality data about our limited jurisdiction courts. The researchers were able to reach some limited conclusions:

- There are some concerns about judicial independence between the municipalities and the courts.
- There are isolated concerns regarding judicial conduct, especially with respect to part-time judges, but judicial conduct is not a significant systemic issue.
- Issues of court performance are mixed. Limits on data prevented in-depth analysis.

The researchers made the following recommendations:

- There needs to be a specific, objective measure of performance and collection of data so there is something objective to use to compare courts and delivery models. They suggested using CourTools.
- A systematic approach needs to be developed to identify volunteer municipalities to join in demonstration projects to experiment with different models. These would be evaluated and would help other municipalities make decisions about entering into agreements to consolidate court services.

The Oversight Committee was somewhat disappointed in the report. The lack of good data made it impossible to provide in-depth quantitative analyses.

During discussion following the presentation, it was suggested that if the BJA wants to go forward with performance measures, that could be done through the BJA Best Practices Committee because they have been working on performance measures.

It was suggested that in addition to using CourTools, Washington courts could use BOXI reports to analyze what courts are doing prior to implementing best practices. That would provide a base measurement to know where courts currently stand.

There was a question about the need for more analysis since Washington allows regionalization. It appears that some municipalities have gone to regionalization and it has been done because of cost.

Chief Justice Madsen would like the committee to meet again and to offer its recommendations as to the next steps in this process.

Budget Update

Judicial branch budget details indicating the amount requested and the amount received from the Legislature were distributed. The biggest concern for AOC is a fund transfer of \$3 million from the JIS Account. The transfer is a net zero revision to the operating budget, however the unexpected use of the JIS fund balance will decrease funding flexibility in the future. The Legislature reauthorized the fee for the Judicial Stabilization Trust Account. AOC did not receive funding for the video remote project. Pass-through programs remain at current funding levels. Funding is stable and contracts for the pass-through funds will go out next week. A portion of the Appellate ECMS funding was received, a supplemental budget request will be submitted for the remaining portion. The Superior Court Case Management System was fully funded as requested but AOC will submit a supplemental request now that the contract has been negotiated. AOC did receive funding for replacement of internal and external equipment and the INH project. New superior court judges in Whatcom and Benton/Franklin counties were funded. The Supreme Court did not receive their \$50,000 funding request. The Office of Public Defense received funding to expand their Parents Representation Program. Division 1 of the Court of Appeals received funding for a commissioner position previously cut and fencing at Division III.

There being no further business the meeting was adjourned.

Recap of Motions from July 19, 2013 meeting

Motion Summary	Status
Elect Judge Kevin Ringus as the BJA Member Chair.	Passed
Approve the May 17, 2013 BJA meeting minutes.	Passed
Revise wording on page 2 of the Proposal for the GR 31.1 Implementation Work Group from "district court administrator" to "courts of limited jurisdiction administrator" under "Core Work Committee Composition" in the bullet about the co-chairs.	Passed
Appoint Judge Charles Snyder, Judge Janet Garrow and Judge Ann Schindler to the BJA GR 31.1 Implementation Oversight Group.	Passed

Motion Summary	Status
Revise the proposed BJA Bylaws, Article VIII, to remove the provision that "The presidents of the judicial associations shall not vote."	Passed with Judge Korsmo and Chief Justice Madsen opposed and Judge Snyder abstained.
Retain voting language in Article XI of the current BJA Bylaws that creates the court level veto and add the language to the proposed BJA Rules in Rule 4 (d) and Article 13 of the BJA Bylaws.	Passed with Judge Korsmo, Chief Justice Madsen and Judge Garrow opposed and Judge Snyder abstained.
Revise Article III in the BJA Bylaws so the membership will conform to the earlier motion regarding association presidents and strike "ex officio liaisons." In addition, indicate that the membership will consist of the Chief Justice, another member of the Supreme Court, three members from the COA, five members of the SCJA (one of whom is president), and five members of the DMCJA (one of whom is president). The changes would also have to be made on page 33 and on pages 14 and 15.	Failed with Judge Sparks, Judge Korsmo, Chief Justice Madsen and Judge Schindler opposed. Judge Snyder abstained. There was no appellate vote in the affirmative so this motion failed.
Make one of the four voting members of the SCJA and DMCJA the association president.	Passed with Judge Lambo, Judge Churchill, Judge Jasprica, Judge Prochnau and Judge Garrow opposed. Judge Snyder abstained.
Send the revised restructure proposal to all judges for comment.	The motion died for lack of a second.
Send the revised restructure proposal to the presidents of the judicial associations, the Chief Justice and the Presiding Chief Judge of the COA. Give notice that this is what the BJA is proposing to vote on at the September 20 meeting. Amended to add: if there are any suggestions or comments they need to be sent to the BJA by September 13.	Failed with Judge Korsmo, Chief Justice Madsen, and Judge Schindler opposed. The motion failed because there was no appellate vote.
Put the revised BJA restructure proposal on for action at the August BJA meeting.	Passed

Action Items from the July 19, 2013 meeting

Action Item	Status
<u>May 17, 2013 BJA Meeting Minutes</u>	
<ul style="list-style-type: none"> • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	<p>Done</p> <p>Done</p>
<u>GR 31.1 Implementation Work Group</u>	
<ul style="list-style-type: none"> • Change wording as indicated in the motion • Send appointment letters • Move forward on this 	<p>Done</p> <p>In Progress</p>
<u>BJA Member Chair</u>	
<ul style="list-style-type: none"> • Order Judge Ringus' signature stamp 	Done

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Action Item	Status
<u>BJA Restructure</u> <ul style="list-style-type: none">• Make revisions as indicated in the motions• Add to August BJA meeting agenda	Done Done
<u>CLJ Study</u> <ul style="list-style-type: none">• Meet one more time and make recommendation to the BJA regarding next steps• Add to future BJA meeting agenda	In Progress