

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, SEPTEMBER 20, 2013
9:00 A.M.**

**AOC SEATAC OFFICE
18000 INTERNATIONAL BOULEVARD, SUITE 1106
SEATAC, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Barbara Madsen, Chair
Supreme Court

Judge Kevin Ringus, Member Chair
District and Municipal Court Judges' Association
Fife Municipal Court

Judge Vickie Churchill
Superior Court Judges' Association
Island County Superior Court

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

Judge Judy Rae Jasprica
District and Municipal Court Judges' Association
Pierce County District Court

Judge Jill Johanson
Court of Appeals, Division II

Judge Kevin Korsmo
Court of Appeals, Division III

Judge Linda Krese
Superior Court Judges' Association
Snohomish County Superior Court

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

Justice Susan Owens
Supreme Court

Judge Kimberley Prochnau
Superior Court Judges' Association
King County Superior Court

Judge Ann Schindler
Court of Appeals, Division I

Judge Charles Snyder, President
Superior Court Judges' Association
Whatcom County Superior Court

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

Judge David Svaren, President
District and Municipal Court Judges' Association
Skagit County District Court

NON-VOTING MEMBERS:

Judge Veronica Alicea-Galvan, President-Elect
District and Municipal Court Judges' Association
Des Moines Municipal Court

Ms. Callie Dietz
State Court Administrator

Judge Stephen Dwyer
Presiding Chief Judge
Court of Appeals, Division I

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Patrick Palace, President-Elect
Washington State Bar Association

Ms. Michele Radosevich, President
Washington State Bar Association

Judge Jeffrey Ramsdell, President-Elect
Superior Court Judges' Association
King County Superior Court



Board for Judicial Administration (BJA) Meeting
Friday, September 20, 2013 (9:00 a.m. – Noon)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Kevin Ringus	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Kevin Ringus	9:00 a.m.
Action Items		
3. August 16, 2013 Meeting Minutes Action: Motion to approve the minutes of the August 16, 2013 meeting	Chief Justice Barbara Madsen Judge Kevin Ringus	9:05 a.m. Tab 1 – Page 6
Reports and Information		
4. BJA Public Trust and Confidence Committee Membership Adjustment and Update	Justice Mary Fairhurst	9:10 a.m.
5. BJA Regional Courts Oversight Committee	Judge David Svaren	9:25 a.m. Tab 2 – Page 12
6. Judicial Assistance Services Program	Judge Michael Lambo	9:45 a.m. Tab 3 – Page 16
7. Legislative Report	Ms. Mellani McAleenan	9:55 a.m. Tab 4 – Page 19
Break		10:15 a.m.
8. Budget Report	Mr. Ramsey Radwan	10:30 a.m. Tab 5 – Page 26
9. Long Range Planning Committee	Judge Kevin Ringus	10:45 a.m.
10. BJA Dues Update	Ms. Mellani McAleenan	10:55 a.m. Tab 6 – Page 28
11. BJA Best Practices Committee Update	Mr. David Elliott	11:05 a.m. Tab 7 – Page 30
12. AOC Reorganization	Ms. Callie Dietz	11:20 a.m. Tab 8 – Page 33

13. GR 31.1 Implementation Date	Chief Justice Barbara Madsen	11:35 a.m. Tab 9 – Page 43
14. Other Business Next meeting: October 18 AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Kevin Ringus	11:50 a.m.
15. Adjourn		12:00 p.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.		

Tab 1



Board for Judicial Administration (BJA) Meeting
Friday, August 16, 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 Stephen Dwyer
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge Jill Johanson
Judge Kevin Korsmo
Judge Linda Krese
Justice Susan Owens (by phone)
Judge Kimberley Prochnau (by phone)
Judge Ann Schindler
Judge Charles Snyder
Judge Scott Sparks

Guests Present:

Ms. Ishbel Dickens
Judge Deborah Fleck
Ms. Sonya Kraski
Mr. Paul Sherfey (by phone)
Ms. Aimee Vance
Judge Chris Wickham

Public Present:

Mr. Tom Goldsmith
Mr. Christopher Hupy
Mr. Mark Mahnkey

AOC Staff Present:

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

Judge Ringus called the meeting to order.

Judge Ringus thanked Judge Fleck for her many years of service to the BJA and presented her with a Temple of Justice print. He said there is not a meeting he has been to that Judge Fleck was not a part of. Judge Fleck has always made an impact on the BJA and any other group she has been a part of. Judge Fleck said she enjoyed working with judges around the state and all levels of court and they accomplished a lot and enjoyed many successes. Judge Churchill said she has never met anyone who works harder than Judge Fleck, has more of a strategic look on how the whole process fits together, and she really cares. Chief Justice Madsen said she has served almost as many years as Judge Fleck on the BJA and Judge Fleck is the hardest working person she has ever had the pleasure of working with. She will be missed as a very integral part of this Board.

Chief Justice Madsen presented Judge Wickham with a clock for his service as the Member Chair. She thanked Judge Wickham for having a strategic outlook and seeing the big picture and appreciates his gentle spirit and collaborative mind. Judge Ringus presented Judge Wickham with a Temple of Justice print for his service to the BJA. Judge Wickham thanked everyone for being patient with him and allowing him to move things along on the BJA and he really appreciated being on the BJA.

July 19, 2013 Meeting Minutes

It was moved by Judge Garrow and seconded by Judge Churchill to approve the July 19, 2013 BJA meeting minutes with the correction of the spelling of Judge Krese's name. The motion carried.

GR 31.1 Timeline

Mr. Radwan stated that all 27 members have agreed to be on the GR 31.1 committees. The Core Work Committee will be the first to meet and will begin their work in August.

In September it is anticipated that each of the committees will meet to review their timelines, expectations and charter and determine how they want to run the meetings.

The timeline is fairly vague from October on because the groups will need to decide how they want to proceed and the timeline can come back to the BJA or be posted online.

It is anticipated that most of the work will be completed in nine to ten months and there are three months built into the plan for roll-out and training.

It was moved by Judge Garrow and seconded by Judge Jasprica to approve the GR 31.1 timeline as presented. The motion carried.

Administrative Office of the Courts Orientation

Ms. Dietz provided an overview of the Administrative Office of the Courts. AOC was established in 1957 through RCW 2.56 to serve the judicial branch in carrying out its constitutional mission to provide equal justice under the law. The AOC supports Washington's courts by providing administrative, technological, financial, education, program, and research services.

The AOC consists of four divisions: Administrative, Information Services, Judicial Services, and Management Services.

Ms. Dietz explained that the Administrative Division provides overall leadership to the AOC including planning, direction and coordination of agency operations, intergovernmental relations and communications, public relations and human resources. The Administrative Division contains the following services:

- Public Information
- Human Resources
- Board for Judicial Administration
- Policy, Planning and Legislative Relations

Ms. Diseth reported that the Information Services Division provides support to the courts through the development, operation, and maintenance of the Judicial Information System (JIS) covering superior, district, municipal, juvenile and appellate courts in addition to support of over 16,000 users of JIS data (judicial officers, court staff, county clerks, attorneys, law enforcement and private sector businesses). The Information Services Division contains the following services:

- Policy and Planning
- ISD Infrastructure
- IT Strategy and Architecture
- Project Management Office and IT Quality Assurance
- Data and Development
- IT Operations
- Superior Court Case Management System (SC-CMS) Project

Mr. Marler stated the Judicial Services Division provides comprehensive professional and technical support to the state's courts in the areas of policy and governance support, direct service programs, judicial education, legal services, research and association support. The Judicial Services Division provides the following direct services to courts:

- Court Level and Commission Services
- Association, Board and Committee Support
- Customer Service
- JIS Education
- Judicial Education
- eService Center
- Guardian Program
- Interpreter Program
- Legal Services
- Court Research
- Court Business Office

Mr. Radwan explained that the Management Services Division provides integrated budget planning, asset management, accounting, procurement, revenue monitoring and analysis and contract management along with administrative and technical financial assistance to the states' trial courts. Management Services Division support includes:

- Creating comprehensive annual financial statements for AOC, the Supreme Court, Court of Appeals, and Office of Civil Legal Aid (OCLA) with combined annual expenditures exceeding \$114 million.
- Advising the State Law Library and Office of Public Defense (OPD) through the annual financial closing process.
- Managing financial activities of the AOC, Supreme Court, Court of Appeals, State Law Library and OCLA.
- Monitoring and forecasting over \$75 million in biennial revenue and monitoring over \$275 million of biennial revenue collections.
- Facilitating development of judicial branch biennial and supplemental budgets (total combined biennial budget of \$297 million).
- Managing and distributing approximately \$80 million in state funding to courts for judicial salaries, CASAs, processing truancy petitions, interpreter reimbursement, juvenile and family court services.
- Producing more than 1.8 million pages of legal briefs, through the AOC Copy Center, for the Supreme Court and Court of Appeals in the 12 months ending August 2012.
- Providing public records and risk management services to the AOC, courts and judicial branch agencies as needed; continuity planning to ensure courts will be served following a crisis.

Ms. Diseth gave a brief update on the SC-CMS Project. A contract with Tyler Technologies was signed on July 26 for the SC-CMS program and work will begin after Labor Day. Ten counties submitted applications to be pilot courts.

She also gave an update on IT security. AOC issued an Request for Qualifications and Quotations (RFQQ) and bring in an IT security consultant to assist with strengthening AOC's security. It was reissued because the original RFQQ did not provide enough response time. AOC received five responses to the most recent RFQQ. Interviews with top vendors will occur between August 20 and 22. AOC is currently recruiting for an IT security officer. An IT security team has been meeting weekly and has identified a list of changes that need to be made to strengthen AOC's IT security. Some of the changes will impact court users and AOC will develop a communications plan to make sure everyone is aware of the new changes.

Ms. Dietz outlined some of the challenges facing AOC:

- Aging Information Technology Systems
- Staffing
- Demand vs. Supply
- Competing Priorities
- Visibility/Transparency
- Credibility

Ms. Dietz is still visiting courts. She has visited 15 counties and she has more visits scheduled for this month. She will try to get to the rest of the counties by the end of this year.

BJA Structure Workgroup Recommendations

Judge Ringus stated that it was directed by the BJA during the July meeting to put this on the agenda for action.

Judge Garrow moved and Judge Schindler seconded that the BJA adopt the BJA restructure proposal with an amendment that the number of members be 15. For lack of an affirmative vote from the superior court judges the motion died. Voting against were judges Johanson, Korsmo, Owens, Churchill, Krese, Prochnau, Snyder, and Sparks.

Judge Sparks moved and Judge Churchill seconded that the work of the BJA Reorganization Workgroup cease. The motion passed with Justice Owens abstaining.

Chief Justice Madsen asked the members of the BJA for ideas on where we go from here. Several members were hoping for a smaller Board. Several would like to let this sit for now. Others would like to figure out what the BJA's role is before moving forward on a restructure. When going forward in the future it needs to be done more slowly and done in a different way with more buy-in. Other members suggested that a focus on court funding be a priority of the BJA but it was noted that it is not just about court funding because courts could get all the money they want but without policy, it does no good. The BJA should be setting the policy. It was suggested that the BJA already has the framework to make some of the suggested changes. In addition, it was mentioned that the BJA should be working on substantive things

that affect the courts. Future efforts at a restructure should require input from the judiciary as a whole.

There being no further business Judge Snyder moved and Judge Schindler seconded to adjourn the meeting. The motion carried.

Recap of Motions from August 16, 2013 meeting

Motion Summary	Status
Approve the July 19, 2013 BJA meeting minutes with the revisions requested by Judge Krese.	Passed
Approve the GR 31.1 timeline.	Passed
Adopt the BJA Restructure proposal with an amendment that the number of members be 15.	The motion failed for lack of an affirmative vote from the superior court judges. Those voting against were Judge Johanson, Judge Korsmo, Justice Owens, Judge Churchill, Judge Krese, Judge Prochnau, Judge Snyder, and Judge Sparks
Cease the work of the BJA Reorganization Workgroup.	Passed with Justice Owens abstaining.

Action Items from the August 16, 2013 meeting

Action Item	Status
<u>July 19, 2013 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Make correction to spelling of Judge Krese's name • Post the minutes online • Send minutes to the Supreme Court for inclusion in the En Banc meeting materials 	Done Done Done
<u>GR 31.1 Implementation Work Group</u> <ul style="list-style-type: none"> • The timeline was approved so move forward 	In Progress
<u>AOC Overview</u> <ul style="list-style-type: none"> • Send the percentage of statewide cases that are not being entered into JIS system for Seattle Municipal Court to the BJA members 	In Progress

Tab 2

Board for Judicial Administration

Municipal Court Study Oversight Workgroup

Review of NCSC Recommendations

Background: The report conducted by the National Center for State Courts for the Board for Judicial Administration, entitled “Study on the Courts of Limited Jurisdiction in Washington State,” was presented at the July meeting of the board. The report provides two recommendations, to be found on pages 60 and 61 of the report. One recommendation pertains to the development of performance standards and a data reporting system for the courts of limited jurisdiction, and the second pertains to the development of what the researchers call “evaluation projects” to experiment with inter-municipal collaboration to provide court services.

After some discussion among board members, Judge David Svaren, chair of the study oversight workgroup, was asked whether the workgroup had any recommendations regarding the researchers’ recommendations. He responded that the workgroup did not, and explained that the workgroup had been directed to oversee the study and was not asked to generate recommendations of its own. He was then asked to reconvene the workgroup and ask it to provide its collective opinion.

The workgroup met by conference call on September 6th to consider for this purpose. Members on the call were Judge Mark Eide of the King County District Court, Chris Ruhl from Pierce County District Court and DMCMA, Candice Bock of the Washington Association of Cities, and Dirk Marler of the Administrative Office of the Courts, as well as Judge Svaren. AOC staff on the call were Steve Henley and Shannon Hinchcliffe.

The workgroup had several options:

- A. Endorse both recommendations;
- B. Endorse neither recommendation;
- C. Endorse the recommendation for performance standards but not the recommendation to undertake evaluation projects;
- D. Endorse the recommendation to undertake evaluation projects but not the recommendation for performance standards;
- E. Any of the above and along with any recommendations of the workgroup’s own.

Performance standards: Discussion revealed that the workgroup is generally supportive of the recommendation regarding development of performance standards but does have some reservations. A major concern is that, absent a broader commitment to develop standards for all of the court levels, it would be inconsistent and unfair to institute standards only for the municipal courts or limited jurisdiction courts. If the board is interested in performance standards it should consider a more comprehensive initiative to develop standards and reporting requirements for all of the Washington courts.

A second concern is that the focus of any performance standards that might be developed is not well defined. The workgroup is uncomfortable fully endorsing the concept without a clearer understanding of what the measures would focus on: whether fiscal efficiency, timeliness of case processing, individual judge productivity, staff qualifications and training, public access and service, or any other potential aspects of court performance and operations.

Evaluation projects. The workgroup is not supportive of an effort to promote regionalization projects for evaluation at this time. Members are aware that there have been discussions about municipal courts for a number of years, particularly regarding smaller and part-time municipal courts. The strategy of promoting regional courts appears to have emerged from those discussions several years ago as a remedy or solution to perceived shortcomings in those courts. The NCSC study, however, does not provide clear evidence of such shortcomings. The workgroup understands that this result may well be due to the fact that reliable and relevant data is not systematically collected and so not available to the researchers. In any event the fact is that the perceived problems of the municipal courts are not well defined. The workgroup feels that the board should more specifically articulate the concerns that it has with the municipal courts before attempting to fashion an appropriate remedy.

The workgroup would note that current law provides broad flexibility to municipalities to contract with district courts or with other municipalities to provide judicial services and to collaborate in more limited ways through inter-local agreement. A structured program to promote inter-municipal and municipal-district collaborations could help facilitate increased cooperation, and could provide an overlay of planning and evaluation that otherwise might not occur, but as it stands the workgroup is not aware of any current laws or rules constraining municipalities from entering into such arrangements on their own.

Additional comments. The workgroup urges the current board to contemplate and clarify its intentions and aspirations for the municipal courts and the limited jurisdiction courts in general. If the goal of regionalization is to promote consolidation so that fewer courts would have unelected part-time judges, there are more direct ways to achieve such an outcome: for example the legislature could be asked to address the issue by requiring election of all judges regardless of part-time status, abandoning the current standard found in RCW 3.50.055. If the goal is improved service, then the nature of the shortcomings and desired improvements should be identified and addressed directly. The adoption of performance standards might assist in the identification of such improvements. It is not obvious that regionalization is the only, or best, strategy to improve public service or court performance, however defined.

In summary, the workgroup feels that the overriding goal of the branch and the BJA should be to promote competent, effective and independent courts that provide valuable and timely services to the public. If this were the goal, it seems that it could be addressed more directly through improved training, education, and communication as well as support for opportunities for collaboration.

Tab 3

Confidential help for judges has been in existence for over 10 years

Judicial Assistance Service Program (JASP)

They weren't easy stories to hear – reports of fellow judicial officers with problems.

Crisis, collapse, loss. No way to help.

"I became aware that some of my colleagues were having problems, and I thought, 'there ought to be some way to help these folks.' You shouldn't lose good people from the bench because of lack of help," said King County District Court Judge Charles Delaurenti II, as he recently discussed the history of the Judicial Assistance Service Program (JASP).

Other judges heard the reports as well and were instrumental in creating the program and seeking confidentiality through Court Rule. Former Thurston County District Court Judge Kip Stiliz who is now deceased, was quoted in a Full Press Article in 2004, "I was aware of one situation with someone who's no longer a judge, a real emotional collapse. It was sad. We've had a couple of instances in the past where we had judges with personal crises who needed some compassionate intervention, and we had no formal process for that."

Which is why Delaurenti and Stiliz found themselves involved in forming a committee in June 2001, exploring how to get judges the confidential help and intervention they needed. Prior to the committee's early efforts, only a small group of judges helping other judges was operating under the radar.

Delaurenti and Stiliz's efforts resulted in the Judicial Assistance Service Program, created after the committee studied options, received input from judicial officers around the

State, worked to get confidentiality protection placed in the court rules, and sought help from the Washington State Bar Association to make parts of their program available to judges.

"Every once in a while we heard a horror story, and this program was and is about preventing those problems that grow into horror stories for judges, lawyers and the legal community," said Barbara Harper, a mental health professional who is also the former director of WSBA's Lawyer Services Department and a current member of the JASP's Board.

The WSBA originally supported and staffed the new program because the Association already had a strong network of resources, therapists on staff, and peer counselor training available. The Judicial Assistance Committee (JAC) of the District and Municipal Judges Association (DMCJA) was then formally created after the Supreme Court adopted a court rule in 2003 providing confidentiality. Although the program was initiated by the DMCJA, the Judicial Assistance Service Program is now a joint committee of the DMCJA and the Superior Court Judges Association and its purpose is to offer confidential assistance with mental, emotional, drug, alcohol, family, health, and other personal problems to judges at all levels of court. The resources offered include assessment, referral, counseling, and follow up.

The JASP has trained several Peer Counselors judges over the years to help the JASP carry out its duties. Last year, JASP hired Barbara Barnes, RN, LHMC who practices as a psychotherapist specializing in trauma stress management and addictions to be the main

speaker at the annual peer counseling training session.

Here's how the program works: A judicial officer who would like help can call the JASP help line and ask to speak to a trained peer counselor, or ask for a referral to confidential treatment help. Because judges are public figures, program members will work to find treatment options that are most comfortable for the judge.

The JASP is also available to take referrals from family members, friends or colleagues who are concerned about a judicial officer. A peer counselor – Judicial officers from around the state who are trained in peer counseling – will contact the judge about the concerns expressed, and will offer assistance in getting the judge in contact with the JASP.

“Professionals who have problems are often the most difficult to intervene with,” Delaurenti said. They tend to be highly intelligent, and have often convinced themselves that their problems are not interfering in their work.

“Lawyers and judges are people working in a very stressful profession,” Harper said. “We have knowledge of the unique stressors of the profession,” she said.

Legal professionals are public figures to a certain degree, and strong ethics rules can isolate them from colleagues. Isolation is a particular problem for judges, Harper said.

The JASP became possible only after court rule – DRJ 14(e) – was adopted to create confidentiality between peer counselors and judicial officers, Delaurenti said. According to the rule, conversations between peer counselors and judges “shall be privileged against disclosure without the consent of the judicial officers to the same extent... as confidential communication between a client and psychologist.”

This rule allows peer counselors and judicial officers to speak frankly, with complete confidentiality, and without fear of reprisals.

The JASP has been serving the judiciary for a decade, and its committee is looking for ways to remind judges that it can help.

Brochures are available at the judicial conferences. The committee is also continuing to look for judicial officers interested in being trained as peer counselors. “I’m really enthused with the progress we have made over the past decade.” Said Delaurenti.

Harper hopes the program will continue to add a new layer of support for the judicial profession. “It’s a very honorable profession, and we don’t want to see its members go unaided when they are in need, nor do we want to see the public harmed when a member of the judiciary is in distress,” she said.

Delaurenti hopes that judges will continue to use what the program has to offer. “I hope that someone who might not otherwise reach out will take advantage, and realize that it’s confidential, and get help,” he said. “It will be there and be available. This will make us all better.”

This article was written by Judge John A. McCarthy, Pierce County Superior Court. *If you or someone you know is in need of assistance, please call 206-727-8268 or email JASP@courts.wa.gov. All referrals and information is confidential under DRJ 14(e).*

Tab 4

2014 BJA Legislative/Executive Committee

BJALegExec@listserv.courts.wa.gov

Regular Session begins January 13, 2014 / Sine die _____

BJA Executive Committee (voting):

Chief Justice Barbara Madsen	j_b.madsen@courts.wa.gov	BJA Chair Julie.keown@courts.wa.gov
Judge Kevin Ringus	kringus@cityoffife.org	BJA Member-chair
Judge Stephen J. Dwyer	J_s.dwyer@courts.wa.gov	COA Presiding Chief Judge
Judge Charles R. Snyder	csnyder@co.whatcom.wa.us	SCJA President
Judge David Svaren	dsvaren@co.skagit.wa.us	DMCJA President

BJA Leg/Exec members (non-voting):

Callie Dietz	callie.dietz@courts.wa.gov	AOC Beth.flynn@courts.wa.gov
Michele Radosevich Patrick Palace	micheleradosevich@dwt.com Patrick@palacelaw.com	WSBA President WSBA President-elect
Judge Jeffrey Ramsdell	jeffrey.ramsdell@kingcounty.gov	SCJA President-elect
Judge Veronica Alicea-Galvan	valicea-galvan@desmoineswa.gov	DMCJA President-elect

Legislative Chairs (non-voting):

Justice Susan Owens	J_s.owens@courts.wa.gov	Supreme Court Brenda.moore@courts.wa.gov
Judge Kitty-Ann van Doorninck	kvandoo@co.pierce.wa.us	Superior
Judge Sam Meyer	meyers@co.thurston.wa.us	District

AOC Staff:

Mellani McAleenan	Mellani.mcaleenan@courts.wa.gov	Associate Director, Board for Judicial Administration
Dirk Marler	Dirk.marler@courts.wa.gov	Director, Judicial Svcs Division Caroline.tawes@courts.wa.gov
Jennifer Creighton	Jennifer.creighton@courts.wa.gov	Manager, Court Services
Lynne Alfasso	Lynne.alfasso@courts.wa.gov	Staff, Court of Appeals
Regina McDougall	Regina.mcdougall@courts.wa.gov	Staff, SCJA
Shannon Hinchcliffe	Shannon.hinchcliffe@courts.wa.gov	Staff, DMCJA

HOUSE BILL 1542

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Santos, Ryu, Moscoso, Kirby, Roberts, Appleton, Upthegrove, Stanford, Goodman, Bergquist, Pollet, and Fitzgibbon; by request of Board For Judicial Administration

Read first time 01/30/13. Referred to Committee on Judiciary.

1 AN ACT Relating to the provision of and reimbursement for certain
2 court interpreter services; and amending RCW 2.43.030, 2.43.040, and
3 2.42.120.

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

5 **Sec. 1.** RCW 2.43.030 and 2005 c 282 s 3 are each amended to read
6 as follows:

7 (1) Whenever (~~(an interpreter is appointed to assist a non-English-~~
8 ~~speaking person in))~~ a non-English-speaking person is a party, is
9 subpoenaed or summoned, or is otherwise compelled to appear at any
10 stage of a legal proceeding, the appointing authority shall(~~(, in the~~
11 ~~absence of a written waiver by the person,))~~ appoint a certified,
12 registered, or ((a)) qualified interpreter to assist the non-English-
13 speaking person (~~(throughout))~~ in the proceeding(~~(s)~~).

14 (a) Except as otherwise provided for in (b) of this subsection, the
15 interpreter appointed shall be a qualified interpreter.

16 (b) Beginning on July 1, 1990, when a non-English-speaking person
17 is a party to a legal proceeding, (~~(or))~~ is subpoenaed or summoned by
18 an appointing authority, or is otherwise compelled by an appointing
19 authority to appear at a legal proceeding, the appointing authority

1 shall use the services of only those language interpreters who have
2 been certified or registered by the administrative office of the
3 courts, unless good cause is found and noted on the record by the
4 appointing authority. For purposes of chapter 358, Laws of 1989, "good
5 cause" includes, but is not limited to, a determination that:

6 (i) Given the totality of the circumstances, including the nature
7 of the proceeding and the potential penalty or consequences involved,
8 the services of a certified interpreter are not reasonably available to
9 the appointing authority; ~~((or))~~

10 (ii) The current list of certified interpreters maintained by the
11 administrative office of the courts does not include an interpreter
12 certified in the language spoken by the non-English-speaking person; or

13 (iii) The current list of registered interpreters maintained by the
14 administrative office of the courts does not include an interpreter
15 registered in the language spoken by the non-English-speaking person.

16 (c) Except as otherwise provided in this section, when a non-
17 English-speaking person is involved in a legal proceeding, the
18 appointing authority shall appoint a qualified interpreter.

19 (2) If good cause is found for using an interpreter who is not
20 certified or registered, or if a qualified interpreter is appointed,
21 the appointing authority shall make a preliminary determination, on the
22 basis of testimony or stated needs of the non-English-speaking person,
23 that the proposed interpreter is able to interpret accurately all
24 communications to and from such person in that particular proceeding.
25 The appointing authority shall satisfy itself on the record that the
26 proposed interpreter:

27 (a) Is capable of communicating effectively with the court or
28 agency and the person for whom the interpreter would interpret; and

29 (b) Has read, understands, and will abide by the code of ethics for
30 language interpreters established by court rules.

31 **Sec. 2.** RCW 2.43.040 and 2008 c 291 s 3 are each amended to read
32 as follows:

33 (1) Interpreters appointed according to this chapter are entitled
34 to a reasonable fee for their services and shall be reimbursed for
35 actual expenses which are reasonable as provided in this section.

36 (2) In all legal proceedings in which the non-English-speaking
37 person is a party, ~~((or))~~ is subpoenaed or summoned ~~((by the appointing~~

1 authority)), or is otherwise compelled (~~by the appointing authority to~~
2 ~~appear, including criminal proceedings, grand jury proceedings,~~
3 ~~coroner's inquests, mental health commitment proceedings, and other~~
4 ~~legal proceedings initiated by agencies of government~~) to appear, the
5 cost of providing the interpreter shall be borne by the governmental
6 body initiating the legal proceedings or, in cases that are not
7 initiated by a governmental body, the governmental body under the
8 authority of which the legal proceeding is conducted.

9 ~~(3) ((In other legal proceedings, the cost of providing the~~
10 ~~interpreter shall be borne by the non-English speaking person unless~~
11 ~~such person is indigent according to adopted standards of the body. In~~
12 ~~such a case the cost shall be an administrative cost of the~~
13 ~~governmental body under the authority of which the legal proceeding is~~
14 ~~conducted.~~

15 ~~(4))~~ The cost of providing the interpreter is a taxable cost of
16 any proceeding in which costs ordinarily are taxed.

17 ~~((5))~~ (4)(a) Subject to the availability of funds specifically
18 appropriated therefor, the administrative office of the courts shall
19 reimburse the appointing authority for up to one-half of the payment to
20 the interpreter where an interpreter is appointed by a judicial officer
21 in a proceeding before a court at public expense and:

22 ~~((a))~~ (i) The interpreter appointed is an interpreter certified
23 by the administrative office of the courts or is a qualified
24 interpreter registered by the administrative office of the courts in a
25 noncertified language, or where the necessary language is not certified
26 or registered, the interpreter has been qualified by the judicial
27 officer pursuant to this chapter;

28 ~~((b))~~ (ii) The court conducting the legal proceeding has an
29 approved language assistance plan that complies with RCW 2.43.090; and

30 ~~((c))~~ (iii) The fee paid to the interpreter for services is in
31 accordance with standards established by the administrative office of
32 the courts.

33 (b) By January 1, 2017, the state must reimburse the appointing
34 authority for one-half of the payment to the interpreter when an
35 interpreter is appointed by a judicial officer in a proceeding before
36 a court at public expense.

37 (5) The appointing authority shall track and provide interpreter

1 cost and usage data, including best practices and innovations, to the
2 administrative office of the courts at least annually in a manner that
3 is determined by the administrative office of the courts.

4 **Sec. 3.** RCW 2.42.120 and 2008 c 291 s 2 are each amended to read
5 as follows:

6 (1) If a hearing impaired person is a party or witness at any stage
7 of a judicial or quasi-judicial proceeding in the state or in a
8 political subdivision, including but not limited to civil and criminal
9 court proceedings, grand jury proceedings, proceedings before a
10 magistrate, juvenile proceedings, adoption proceedings, mental health
11 commitment proceedings, and any proceeding in which a hearing impaired
12 person may be subject to confinement or criminal sanction, the
13 appointing authority shall appoint and pay for a qualified interpreter
14 to interpret the proceedings.

15 (2) If the parent, guardian, or custodian of a juvenile brought
16 before a court is hearing impaired, the appointing authority shall
17 appoint and pay for a qualified interpreter to interpret the
18 proceedings.

19 (3) If a hearing impaired person participates in a program or
20 activity ordered by a court as part of the sentence or order of
21 disposition, required as part of a diversion agreement or deferred
22 prosecution program, or required as a condition of probation or parole,
23 the appointing authority shall appoint and pay for a qualified
24 interpreter to interpret exchange of information during the program or
25 activity.

26 (4) If a law enforcement agency conducts a criminal investigation
27 involving the interviewing of a hearing impaired person, whether as a
28 victim, witness, or suspect, the appointing authority shall appoint
29 and pay for a qualified interpreter throughout the investigation.
30 Whenever a law enforcement agency conducts a criminal investigation
31 involving the interviewing of a minor child whose parent, guardian, or
32 custodian is hearing impaired, whether as a victim, witness, or
33 suspect, the appointing authority shall appoint and pay for a qualified
34 interpreter throughout the investigation. No employee of the law
35 enforcement agency who has responsibilities other than interpreting may
36 be appointed as the qualified interpreter.

1 (5) If a hearing impaired person is arrested for an alleged
2 violation of a criminal law the arresting officer or the officer's
3 supervisor shall, at the earliest possible time, procure and arrange
4 payment for a qualified interpreter for any notification of rights,
5 warning, interrogation, or taking of a statement. No employee of the
6 law enforcement agency who has responsibilities other than interpreting
7 may be appointed as the qualified interpreter.

8 (6) Where it is the policy and practice of a court of this state or
9 of a political subdivision to appoint and pay counsel for persons who
10 are indigent, the appointing authority shall appoint and pay for a
11 qualified interpreter for hearing impaired persons to facilitate
12 communication with counsel in all phases of the preparation and
13 presentation of the case.

14 (7)(a) Subject to the availability of funds specifically
15 appropriated therefor, the administrative office of the courts shall
16 reimburse the appointing authority for up to one-half of the payment to
17 the interpreter where a qualified interpreter is appointed for a
18 hearing impaired person by a judicial officer in a proceeding before a
19 court under subsection (1), (2), or (3) of this section in compliance
20 with the provisions of RCW 2.42.130 and 2.42.170.

21 (b) By January 1, 2017, the state shall reimburse the appointing
22 authority for one-half of the payment to the interpreter when a
23 qualified interpreter is appointed as described under (a) of this
24 subsection.

--- END ---

Tab 5

2015-2017 Budget Development, Review and Submittal Schedule

MONTH	TASK	DUE DATE
January	AOC distributes 2015-2017 budget submittal instructions	January 10, 2014
February	AOC staff assist with preliminary budget request development as necessary JISC meeting (FYI)	February 2014 February 28, 2014
March	Preliminary budget requests <u>that impact AOC</u> are due (7 weeks for development of high level request; summary info available for March 21 BJA) BJA review of preliminary requests <u>that impact the AOC budget</u> Preliminary budget requests <u>that do not impact AOC</u> are due Supreme Court Budget Committee meeting	March 7, 2014 March 21, 2014 March 28, 2014 March 2014
April	Proponents present preliminary requests to BJA JISC meeting (FYI)	April 18, 2014 April 25, 2014
May	Supreme Court Budget Committee meeting En Banc briefing BJA prioritize requests <u>that impact AOC budget</u>	April/May 2014 May 16, 2014
June	All final detailed budget requests are due Supreme Court Budget Committee Briefing/Presentation-all budget requests JISC meeting (FYI)	June 2014 June 2014 June 27, 2014
July	Revised final detailed budget requests due to AOC Supreme Court Budget Committee meeting (additional information, presentation and recommendation)	July 2014 July 2014
August	Supreme Court Budget Committee meeting (additional information, presentation and recommendation) En Banc briefing	August 2014
September	Supreme Court Budget Committee meeting (additional information, presentation and recommendation) En Banc briefing	September 2014
October	Supreme Court En Banc Final Approval & submission to Legislature JISC meeting (FYI)	October 2014 October 24, 2014

Note: The dates noted above may change due to scheduling and finalization of the 2014 BJA meeting schedule. Additional detail will be added when available.

Tab 6

BOARD FOR JUDICIAL ADMINISTRATION
2012 – 2013 DUES
(Originally sent out November 2012)

Dear Colleagues,

In 1987, the Board for Judicial Administration, under the leadership of Chief Justice Pearson, established a private account funded with dues paid by judges from their personal funds. The initial reason for establishing the account was to pay for dinner meetings with legislators for which the use of public funds is not appropriate. Contributions from judges of all court levels was deemed appropriate as the legislative agenda of the Board for Judicial Administration represents the judiciary as a whole and generally seeks improvements that affect all court levels. The dues have been levied on an as-needed basis through the years, on average about once every two years. The most recent dues levy occurred in 2009. The dues schedule has remained unchanged since 1992.

The primary uses of the account are:

- Travel expenses related to Salary Commission hearings
- Legislative dinners, receptions, and “brown bag” sessions
- Travel expenses for judges testifying before the legislature on behalf of the Board for Judicial Administration
- Board for Judicial Administration events that exceed the state per diem
- Miscellaneous expenses such as recognition gifts for Board members leaving the Board and photographs of bill signings

On behalf of the Board for Judicial Administration, we are asking you to participate in supporting the Board’s efforts on your behalf and that of the judicial branch of government. Please direct any questions you may have regarding this notice or the purposes for which these dues are used to either your BJA representative or Mellani McAleenan, Associate Director. Ms. McAleenan may be reached at 360.357.2113.

Sincerely,

Chief Justice Barbara Madsen

Judge Chris Wickham

Board for Judicial Administration Dues Schedule

Supreme Court Justices	\$55.00
Court of Appeals Judge	\$55.00
Superior Court Judge	\$55.00
Courts of Limited Jurisdiction Judge (full-time)	\$55.00
Courts of Limited Jurisdiction Judge (part-time)	\$30.00

Please make check payable to BJA and mail to:
Colleen Clark, PO Box 41170, Olympia, WA 98504-1170
Thank you.

Tab 7

Best Practices Committee

Report to the Board for Judicial Administration September, 2013

Committee Chair: Judge Jean Rietschel, King County Superior Court

Committee Focus

The BJA Best Practices Committee's primary activity is concentrated on creating, testing, and evaluating performance audit measures. The BJA created a performance audit policy (GR 32), defined a process, and approved sixteen measures for the Best Practices Committee (BPC) to pursue. The measures will ultimately be integrated into a comprehensive court performance audit plan. Each measure is designed to allow the auditor (AOC staff) to evaluate a court's activities related to the standards defined for that measure. The standards must be reasonable for courts at all levels to achieve whether they are large, small, urban, or rural.

The BPC has created a uniform format for performance measures. Each measure begins with a brief description, defines the standards that the courts must meet, and provides a methodology for the auditor. This is followed by audit guidelines with questions designed to determine whether the court meets each standard. The questions focus on documentation, procedures, and court processes which, together with any available JIS data, can be objectively verified by the auditor. In addition, standard questionnaires are being created which allow the auditor to gather information during the audit that provides context for the report and documents circumstances that might prevent a court meeting the standards.

Each measure is tested in three courts and modified after each test as necessary. After the final test, staff prepares an assessment of the measure based on the evaluation criteria defined by the BJA and based on the Generally Accepted Government Auditing Standards (GAGAS). If the measure meets the criteria, it is approved by the BPC and recommended to the BJA for adoption. The adopted measures are being compiled into a Court Performance Audit Manual which will be published for two years before courts can be audited based on the standards contained in those measures.

Current Activities

Committee staff David Elliott was hired in June 2012. Two measures were approved by the Board for Judicial Administration (BJA) in January Work is well under way on a Civil Trial Date Certainty measure. The case management measure currently being developed by the Court of Appeals is ongoing. Appropriate data are not currently available to develop a case management measure for courts of limited jurisdiction.

The BJA has approved the following measures:

- Response to Financial Audits
- Access for the Self-Represented and/or Financially Disadvantaged
- Access for Court Users with Disabilities
- Jury management
- Superior Court Caseflow measure
- Access for Court Users with Limited English Proficiency

**PROPOSED
PERFORMANCE AUDIT BASE MEASURES**

Measure	Title	Status
In Process		
2a, 2b,14	Caseflow Management Measures:	On hold COA***. On hold CLJ**.
2a	Time to Disposition*	Ditto
2b	Age of Active Pending Caseload*	Ditto
14	Clearance Rates*	Ditto
3	Trial Date Certainty*	In Process SC civil cases
Not Yet Begun		
5	Integrity of Trial Court Outcomes	
6	Collection of Monetary Penalties*	
7	Accuracy, Consistency, and Timeliness of Case File Information and Docket Entries	
9	Court and Public Access to Court Records	
10	Structured Interviews of Presiding Judge and Court Administrator	
11	Compliance with Reporting and Distribution of No Contact Orders	
13	Perceptions of the Court's Independence and Comity	
Complete		
4	Effective Use of Jurors	Adopted by the BJA.
2a, 2b, 14	Caseflow Management Measures	Adopted by the BJA —superior court.
8	Evaluation of the Court's Response to Financial Audits	Adopted by the BJA.
	Access Measures (added to original list by BPC):	Adopted by the BJA.
12	Access for the Self-Represented and/or Financially Disadvantaged	Adopted by the BJA.
15	Access for Court Users with Disabilities	Adopted by the BJA.
16	Access for Court Users with Limited English Proficiency	Adopted by the BJA.
Rejected		
1	Attorney Survey	Rejected by BPC after testing.

*These measures are similar to the National Center for State Courts' established CourTools measures.

**Data deficiencies need to be resolved before CLJ measure can proceed.

*** COA association unable to reach consensus on measures.

Tab 8



Administrative Office of the Courts Administration

State Court Administrator – Callie Dietz

Office of Court Innovation – Callie Dietz

- Washington State Center for Court Research – Carl McCurley
- Minority and Justice – Cynthia Delostrinos
- Gender and Justice Commissions – Vacant (actively recruiting)
- Interpreter Commission and Language Access Program – Vacant (actively recruiting)

Office of Human Resources – Jane VanCamp

- Recruitment and Assessment
- Compliance with Employment Laws and Internal Policies
- Training and Development
- Classification and Compensation
- Payroll and Benefit Administration
- Employee Relations



Administrative Office of the Courts Administration (Cont.)

Office of Judicial Policy and Legislative Relations – Mellani McAleenan

- Communicate with legislative and executive branches concerning BJA legislative agenda, needs of judicial branch, and bills that impact the AOC
- Foster relationships between judges and judicial community and legislators

Office of Communications and Public Outreach – Wendy Ferrell

- Public Information and Social Media
- Court Information and Internal Communications
- Law Related and Civic Education
- Public Website

Board for Judicial Administration – Shannon Hinchcliffe

- Develop long range plan, funding strategy and statewide policy for judiciary
- Provide staff support for Board and committee meetings



Administrative Office of the Courts Judicial Services Division

Judicial Services Division Director - Dirk Marler

Office of Trial Court Services and Judicial Education – Jennifer Creighton

- Superior Court Judges’ Association – Janet Skreen
- District and Municipal Court Judges’ Association – Vacant (Actively recruiting. Interim: J Krebs & Michelle Pardee)
- District and Municipal Court Management Association – Michelle Pardee
- Association of Washington Superior Court Administrators – Sondra Hahn
- Washington Association of Juvenile Court Administrators – Regina McDougall
- Judicial Education – Judith Anderson
- Customer Services “Help Desk” – Ted Bailey
- Judicial Needs, Court Staffing, Best Practices



Administrative Office of the Courts Judicial Services Division (Cont.)

Office of Court Business and Technology Integration – Kathy Wyer

- Court Business Office – Dexter Mejia
- JIS Education
- Business Analysis
- Web Unit
- SharePoint Administration

Office of Legal Services and Appellate Court Support – Nan Sullins

- Appellate Court Support – Lynne Alfasso
- Legal Research and Analysis
- Pattern Forms and Instructions



Administrative Office of the Courts Information Services Division

Chief Information Officer – Vonnie Diseth

Office of ISD Policy and Planning – Bill Cogswell

- Business Liaison
- Portfolio Management
- IT Governance
- ISD Communications

Office of IT Security – Vacant (actively recruiting)

Office of IT Operations – Mike Keeling

- Legacy Applications
- JCS and JAVA



Administrative Office of the Courts Information Services Division (Cont.)

Office of Architecture and Strategy – Kumar Yajamanam

- Enterprise Architecture
- Solutions Architecture

Office of Infrastructure – Dennis Longnecker

- Network
- Systems Database
- Support
- Desktop
- Server

Office of Data and Development – Tammy Anderson

- Data Warehouse
- Development
- Database



Administrative Office of the Courts Information Services Division (Cont.)

Office of Project Management and Quality Assurance – Kevin Ammons

- Project Management
- Quality Assurance - Tester

SC-CMS Project – Maribeth Sapinoso



Administrative Office of the Courts Management Services Division

Management Services Division Director – Ramsey Radwan

Office of Contracts and Vendor Relations – John Bell

- Contract and Procurement Management
- Data Dissemination and JIS-Link
- Grant Development and Receivable Assistance

Office of Financial and Budget Services – Renée Lewis

- Agency and Branch-wide Financial and Budget Services
- Event Planning
- Revenue Monitoring and Forecasting
- Fiscal Notes

Office of Risk Management and Public Records – Charles Bates

- AOC, Branch and Court Level Public Records
- AOC and Branch Continuity of Operations
- Risk Management



Administrative Office of the Courts Management Services Division (Cont.)

Office of Staff Services – Jan Wilson

- Facility Management
- Print and Copy Services
- Telecommunications
- Emergency Evacuation
- Mass Communication
- Building Security

Office of Guardianship and Elder Services – Shirley Bondon

- Public Guardianship Services
- Certified Professional Guardianship
- Analysis and Coordination of Services to Elders in the Courts

Tab 9

GR31.1 Implementation Timeline

August 2013

Core Work Committee

- Convene Work Committee; elect co-chairs
- Refine work plan
- Refine timeline
- Review previously developed materials
- Proposed rule reviewed and areas highlighted for further discussion
- Establish distribution of work

September 2013

BJA Implementation Oversight Group (Group)

- Convene Group
- Develop Group time line
- Review materials provided to date

Executive Oversight Committee (EOC)

- Convene Committee, elect committee chair
- Develop EOC work plan and timeline
- Review timeline, work plan and work of the Core Committee

Core Work Committee

- Monthly meeting of full committee; subcommittees meet as needed

External Review Committee (Committee)

- Convene Committee
- Review Committee role
- Define method for communicating suggestions

October 2013

Core Work Committee

- Monthly meeting of full committee; subcommittees meet as needed

November 2013

Core Work Committee

- Monthly meeting of full committee; subcommittees meet as needed
- Brief BJA Implementation Oversight Group and Executive Oversight Committee

December 2013

Core Work Committee

- Monthly meeting of full committee; subcommittees meet as needed
- Brief External Review Committee
- Provide update to BJA and Supreme Court

January 2014

Core Work Committee

- Monthly meeting of full committee; subcommittees meet as needed
- Brief BJA Implementation Oversight Group and Executive Oversight Committee
- Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed

February 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Brief External Review Committee
March 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Brief BJA Implementation Oversight Group and Executive Oversight Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed • Provide update to BJA and Supreme Court
April 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Brief External Review Committee (convene if necessary)
May 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Brief BJA Implementation Oversight Group and Executive Oversight Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed
June 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Convene External Review Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed • Provide update to BJA and Supreme Court
July 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Briefing provided for BJA Implementation Oversight Group and Executive Oversight Committee • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed • Convene External Review Committee
August 2014
<p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Convene External Review Committee <p>Final review and ratification by the BJA</p>
September 2014
<p>Final review and approval of “best practices” (all materials and processes) by the Supreme Court</p> <p>Core Work Committee</p> <ul style="list-style-type: none"> • Monthly meeting of full committee; subcommittees meet as needed • Convene BJA Implementation Oversight Group and Executive Oversight Committee as needed

October, November, and December 2014

Court and state judicial branch agency implementation, following distribution of final/approved materials

Core Work Committee available to assist, continues to meet as needed

- Brief External Review Committee
- Brief BJA Implementation Oversight Group and Executive Oversight Committee

January 2015

GR 31.1 becomes effective

Tab 10

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

BJAR
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.

(1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.

(2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

BJAR 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. The Member Chair shall serve as chair of the Long-range Planning Committee. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least three standing committees: Long-range Planning, Core Missions/Best Practices and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. 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. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the

judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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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

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)