



## **Board for Judicial Administration (BJA) Meeting**

**Friday, March 21, 2014 (9 a.m. – 11 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 Stephen Dwyer  
Judge Janet Garrow  
Judge Judy Rae Jasprica  
Judge Kevin Korsmo (by phone)  
Judge Linda Krese  
Justice Susan Owens  
Judge Ann Schindler  
Judge Charles Snyder  
Judge Scott Sparks  
Judge David Svaren

#### **Guests Present:**

Mr. Jim Bamberger  
Ms. Ishbel Dickens  
Mr. Brian Enslow  
Mr. Eric Johnson  
Ms. Sophia Byrd McSherry  
Ms. Sonya Kraski (by phone)  
Ms. Aimee Vance

#### **AOC Staff Present:**

Ms. Beth Flynn  
Mr. Steve Henley  
Ms. Shannon Hinchcliffe  
Mr. Dirk Marler  
Ms. Mellani McAleenan

#### February 21 Meeting Minutes

**It was moved by Judge Sparks and seconded by Judge Svaren to approve the February 21 BJA meeting minutes. The motion carried.**

#### County Fiscal Sustainability

Mr. Johnson stated that the Washington State Association of Counties (WSAC) launched their County Fiscal Sustainability Initiative and they would like to work with the judicial branch in securing sustainable county funding.

The counties are continuing to see a slow erosion of revenue sources and 75% of the revenue goes to justice/public safety. Resources for revenue generation are not keeping up with the cost drivers. They need growth in their number one revenue source: property tax; but raising the property tax lid is difficult.

County government serves a region, not just the unincorporated areas. The superior court, prosecutor, running elections, etc. are for the entire county. Outside of the road fund and sheriff, all other expenses are for the entire county, not just the unincorporated areas. The fundamental role of the county is to be the agent of the state. County tax revenues are heavily dependent on the unincorporated population, which is flat.

The WSAC legislative proposal for next session is to set the stage for the following session. They will be educating the Legislature that the need for a sustainable funding source is structural. They are currently working through a series of ideas to determine what legislative

proposals to bring forward next session and they will meet with association members in May to work on the proposals. They would like to come back to the BJA later to discuss working together to create a healthy county current expense fund. They are interested in ensuring that the current expense fund be fully funded to eliminate erosion. They would also like to assure that the system is whole and healthy and not dedicated funding for particular items.

It was pointed out that when lumping together justice and public safety, a very small portion of that is going to courts. It was suggested that the courts be listed separately and not lumped in with the other justice and public safety costs.

There was also a comment indicating that there needs to be recognition that the judicial branch is a separate and coequal branch of government. If there is a vote to lift the levy lid to fund police, it also needs to include funding for the impact on prosecutors and courts. Courts need to work with the counties on those administrative issues and counties need to invite the courts to the table when discussing the budget and recognize the judiciary as a separate but coequal branch of government. Mr. Johnson responded that there are 137 county commissioners and four county executives. They have tried to have someone from the judicial branch talk to each group about the relationship between the judicial, legislative and executive branches.

Chief Justice Madsen stated that if the BJA does not become invested in the issues facing the counties, they will lose out. It seems to be justified to have a strong relationship with the counties. The courts need to help the WSAC to increase resources.

Mr. Johnson stated that the WSAC will be working with the BJA on more precise proposals on the cost and revenue side. He would like a close relationship with the courts on those proposals.

### Legislative Report

Ms. McAleenan reported that 15 legislators and nine legislative staff attended the BJA legislative reception. It was a lower number of attendees than expected but there were several conflicting receptions that night and the invitations were sent fairly late. Ms. McAleenan compared the number of legislators who attended the legislative dinners in the past with the number who attended the reception and the reception was less expensive per legislator. Total cost for the reception was \$170 per legislator and the last legislative dinner was \$224 per legislator. If a reception is held in the future, there will be more time to choose a date without any conflicting events and there will be time to figure out ways to lower the cost of the event.

For the lawyer-legislator lunch, the costs have stayed about the same over the last few years. Eleven of the 18 lawyer-legislators attended the lunch. It is always difficult to get legislators for a lunch during the legislative session. The lunch cost \$600 and is sponsored by the Administrative Office of the Courts, the Office of Public Defense and the Office of Civil Legal Aid and seems to be well received.

Both of these events are very good opportunities to build relationships with legislators.

Ms. McAleenan is getting ready to send out the request for Trial Court Improvement Account (TCIA) reports to find out how local governments are using the funding which is about \$6 million per biennium. Court administrators and presiding judges respond and report about how that

money is spent. Ms. McAleenan has collected the data every year although it has not been compiled into a published report since 2009.

The legislative session ended on time on March 13. There were over 2,000 bills from the last legislative session that carried forward and another 1,300 bills introduced this year. Of the 229 bills that had an impact on the judiciary, 46 passed. Approximately 20% of the bills that passed affect the judicial branch. AOC completed 183 judicial impact notes this year, which is the third highest of all agencies in the number of fiscal notes.

The BJA's request legislation, the Mason County Superior Court judge bill, passed. The interpreter legislation went to Rules and stayed there. The juvenile records bill passed, but AOC is not required to make any major IT changes in order to implement the bill. The bill report is included in the meeting packet.

Ms. McAleenan stated that the new information-sharing process continues to be a work in progress. The listserv was not used daily, but it was a good way to get information out there as needed. Informal communication between the lobbyists went fairly well.

#### Budget Report

Ms. McAleenan reported that there were no major cuts to the judicial branch or judicial branch agencies. No funding was provided for the new judges in Whatcom County Superior Court, Benton/Franklin Counties Superior Court, and Mason County Superior Court. When the positions are ready to be filled and need to be funded, it is similar to a maintenance request and they will most likely be funded. The Court of Appeals and Supreme Court budgets did not include funding for merit increments or Step M increases.

The Appellate Court Enterprise Content Management System was fully funded.

The Superior Court Case Management System (SC-CMS) was funded, but budget provisos were included with the funding. The provisos changed the makeup of the SC-CMS Steering Committee. In addition, courts not part of the project will not receive funding for data exchanges or developing their own CMS. The provisos are most likely a result of the fact that King County pulled out of the project, and the provisos affect Pierce and King counties.

One major cut in the AOC pass-through budget was a 50% reduction in legal financial obligation collection fees (a \$440,000 reduction). Senator Hargrove believed the money given to the County Clerks for the LFO collection was to be startup funding and as they collected the money, the program would be self-sustaining.

The IT security request was fully funded.

#### Administrative Manager's Report

Ms. Hinchcliffe reported that a regionalization report will come to the BJA in the next few months for review and discussion. The report was requested by the BJA last fall.

Paying the BJA dues electronically is now an option and information about paying electronically was sent with the second dues notice. Approximately two-thirds of the judges have paid their BJA dues.

Regarding the Committee Unification Workgroup recommendations, a few ways have been explored to share the information gathered regarding committees. A letter was sent to committees/boards/commissions asking for their charters. There will be some follow-up with different organizations regarding their voluntary submittal of their charter. Once the information is received, decisions will be made on what information will be placed where. One idea is to use SharePoint which is used by AOC internally but could be opened to the BJA using RACF IDs on the Inside Courts Web site. The Washington Courts Web site was redesigned. The BJA Web site is in the queue to be redesigned and the committee information could be stored there but it would be accessible to everyone since it is a public site.

BJA and AOC staff are progressing through the work plan to create charters for all of the BJA's standing committees.

BJA staff are working on Court Management Council and BJAR 3 rule changes.

There have been three "Team of 8" meetings. The meeting attendees are the internal staff at AOC working on the BJA interim standing committees. The feedback Ms. Hinchcliffe is receiving is very positive. Each interim standing committee is working hard to create the charters and some are struggling with different issues regarding membership and terms. The Team of 8 will meet again next month.

AOC staff are using an internal SharePoint site and Ms. Hinchcliffe is looking at centrally locating the BJA files so all staff working with the BJA and/or the standing committees can easily find BJA-related documents.

The Public Trust and Confidence Committee will be presenting a report of their activities to the BJA in the next few months along with a report regarding GR 31.1.

#### Other Business

There was an error on the meeting agenda and the next Board for Judicial Administration meeting is scheduled for April 11.

Judge Dwyer was thanked for his service on the BJA.

Judge Snyder reported that Judge Churchill has asked to resign from the BJA and Judge Prochnau will be back to work the first of May but has decided not to serve on the BJA. The Superior Court Judges' Association will appoint new members at their next Board meeting and hold elections during their spring conference.

**It was moved by Judge Garrow and seconded by Judge Sparks to adjourn meeting. The motion carried.**

**Recap of Motions from the March 21, 2014 meeting**

<b>Motion Summary</b>	<b>Status</b>
Approve the February 21, 2014 BJA meeting minutes	Passed
Ratify the list of Trial Court Operations Funding Committee members	Passed

**Action Items from the March 21, 2014 meeting**

<b>Action Item</b>	<b>Status</b>
<u>February 21, 2014 BJA Meeting Minutes</u> <ul style="list-style-type: none"><li>• Post the minutes online</li><li>• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials</li></ul>	Done Done