



Board for Judicial Administration (BJA) Meeting

Friday, March 20, 2015 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Judge Kevin Ringus, Member Chair
Judge Thomas Bjorgen
Judge Bryan Chushcoff
Judge Harold Clarke III
Judge Janet Garrow
Judge Judy Rae Jasprica
Judge John Meyer
Judge Sean O'Donnell
Judge Jeffrey Ramsdell
Judge Ann Schindler
Judge Laurel Siddoway (by phone)
Judge Scott Sparks
Judge David Steiner

Guests Present:

Ms. Suzanne Elsner
Ms. Ruth Gordon
Mr. Paul Sherfey (by phone)
Mr. Greg Taylor

AOC Staff Present:

Mr. John Bell
Ms. Misty Butler
Ms. Cynthia Delostrinos
Ms. Wendy Ferrell
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan
Ms. Danielle Pugh-Markie
Mr. Ramsey Radwan

The meeting was called to order by Judge Ringus.

Judge Ringus introduced Ms. Butler who is the new Administrative Manager for the Board for Judicial Administration (BJA).

Perceptions of Justice

Ms. Delostrinos stated that the Minority and Justice Commission was approached by the Washington State Center for Court Research (WSCCR) to study the perceptions of justice in Washington State. There were two phases of the research and two reports were released.

As a result of the information gathered from the research, the Washington State Minority and Justice Commission is working with Mr. Greg Taylor from Community Connection Consulting to present "Perceptions of Justice" at spring conferences this year. Mr. Taylor explained that the presentation to the BJA is a preview of the spring conference presentations.

Mr. Taylor had the BJA discuss the question, "when was the first time that you realized that your race really mattered?" and then he reviewed some of the key findings from the Justice in Washington State Survey. The findings were distributed in the meeting materials.

During the spring conferences participants will learn where the perceptions are coming from, what can fuel perceptions, how to unpack the distrust, and what participants can do to improve themselves.

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Judge O'Donnell noted that his name should be added to the list of attendees in the minutes because he called into the meeting. Judge Chushcoff noted that the spelling of his name needed to be corrected in the minutes.

It was moved by Judge Sparks and seconded by Judge Chushcoff to approve the February 20, 2015 meeting minutes with the addition of Judge O'Donnell to the list of attendees and with the corrected spelling of Judge Chushcoff's name. The motion carried.

BJA Special Account Request for Signature Authority

Judge Ringus explained that with Ms. Shannon Hinchcliffe's departure as staff to the Board for Judicial Administration (BJA), her name needs to be removed from the list of BJA Special Account signers and Ms. Butler's name needs to be added.

It was moved by Judge Steiner and seconded by Judge Garrow to vest the authority to spend monies on behalf of the BJA Special Account to the newly appointed Administrative Manager of the Board for Judicial Administration, Ms. Misty Butler, by adding her as a signatory to the private account currently held at the Washington State Employees Credit Union (WSECU) and to remove Ms. Shannon Hinchcliffe. The motion carried.

GR 31.1 Suggested Rule Changes

Mr. Bell received e-mails from Judge Meyer and Judge Michael Downes on two issues. One of the issues was including court administrators as chambers staff. Mr. Bell explained that if the BJA were to add court administrators as chambers staff there would be major pushback from the public records folks and the media. The comments in the rule do make it clear that if the administrator is providing support directly to the judicial officer, those records are exempt.

Mr. Bell stated that a suggestion was made during the February BJA meeting to add a comment regarding the fees a court could charge for research and preparation of administrative court records. Mr. Bell provided both a comment and a rule change in the meeting materials for the BJA's consideration.

It was moved by Judge Chushcoff and seconded by Judge O'Donnell to use the first version of section (h) in the proposed revisions to GR 31.1. The motion carried.

It was moved by Judge Chushcoff and seconded by Judge Garrow to revise section (m)(1) as follows: after "law clerk" add ", a judicial officer's administrative staff," prior to "and any other staff when providing support directly to the judicial officer." The motion carried with Judge Bjorgen opposed and Judge Steiner abstaining.

There was a question regarding whether the court's public records officer is required to be in the judicial branch. Mr. Bell responded that the rule does not require the public records officer to be in the judicial branch.

It was moved by Judge O'Donnell and seconded by Judge Schindler to use the first version of section (h) and the revised version of section (m)(1) and approve the other requested revisions to GR 31.1. The motion carried.

The BJA will set an implementation date for the rule during the May BJA meeting. GR 31.1 education sessions will be held at the spring conferences.

BJA Court Education Committee Charter Revision

Judge Meyer requested that the BJA modify the BJA Court Education Committee charter to allow the Committee to designate a non-BJA member as co-chair who would remain on the Committee as the BJA members come and go and add institutional memory to the Committee. He also requested that the BJA modify the charter to include a law school dean as a member of the Committee. As the Committee began looking at court education as a whole, they realized there is a good opportunity to partner with the law schools in the state and it is helpful to have a law school dean on the Committee.

It was moved by Judge Meyer and seconded by Judge Jasprica to approve the recommended revisions to the BJA Court Education Committee Charter and to appoint the new members to the Committee. The motion carried.

Suggested Rule GR 35 Judicial Performance Evaluations

It was requested that the BJA take a position on proposed GR 35 and separately consider performance evaluations.

The rule was discussed and some of the reasons mentioned for not supporting proposed GR 35 were: confidentiality, use of state funds to seemingly endorse judicial candidates, and that the proposed criteria does not adequately apply to appellate courts.

Proposed GR 35 and the concept of judicial performance evaluations were discussed. It was suggested that the BJA Policy and Planning Committee could study the matter and make recommendations to BJA for future consideration. It was noted that if the committee studies this concept that they enlist the help of members of the committee recommending GR 35.

It was noted that the Policy and Planning Committee should continue to work on plans they are currently developing and that the matter of judicial performance evaluations should not take priority of these other policy issues. However, members cautioned that if BJA is not being proactive in determining an acceptable method of evaluating judges there is a risk that others will develop the criteria for the branch.

It was moved by Judge Ramsdell and seconded by Judge Schindler that the BJA not support proposed GR 35. The motion carried with Judge Steiner abstaining.

It was moved by Judge O'Donnell and seconded by Judge Steiner to refer the idea of judicial performance evaluations, with the comments noted in the minutes from the BJA, to the BJA Policy and Planning Committee for a recommendation. The motion carried with Judge Chushcoff opposed.

WSBA Task Force on the Escalating Costs of Civil Litigation Report

Judge Ringus understands that all the court levels will be discussing this report at their association meetings over the next month so this will be tabled until the May BJA meeting.

Legislative Report

Ms. McAleenan stated that it is now day 68 into the 105 day session and the house of origin cut-off has passed. The session is now into committee hearings of the opposite house. About 2,700 bills have been introduced and AOC is currently tracking about 300 of those bills.

For the BJA legislation, the Court Transcriptionist bill passed out of the House and was heard in Senate Law and Justice. The Skagit County District Court judge bill passed the Senate and was heard in House Judiciary earlier this week. It moved out of committee 12-1 and has not been referred yet. Ms. McAleenan is not sure if it will go to House General Government or House Rules.

Ms. McAleenan distributed information about the bills that the BJA is tracking in the meeting materials.

State Budget Update

Mr. Radwan provided a written report from the February 20, 2015 Economic and Revenue Forecast. Another forecast is being released today.

The state, in general, will spend about 75% of the \$2.9 billion it expects in new revenue on ongoing expenditures. That only leaves \$800,000. Mr. Radwan believes there will be reductions in the court budget requests from at least one of the budgets. At this time, the revenue packages have not been identified so proposed budgets may not be submitted until April.

At this point in time, the revenue packages have not been identified and the budget might not be dropped until April.

Regarding the Judicial Information System (JIS) budget, the Judicial Information System Committee (JISC) reached an agreement for \$7.1 million in additional state general funding for the development of a data exchange on an expedited schedule. There is concern that a "data gap" could exist if the timeframe for developing a data exchange is not expedited. The King County Council has funded a replacement CMS for King County District Court and a SCOMIS replacement for King County Superior Court Clerk.

On March 6, the JISC agreed to recommend to the Supreme Court that the JIS assessment/penalty and the base traffic infraction penalty be increased by \$6 each. The new

infraction amount would be \$136. That funding is needed for projects and ongoing maintenance costs.

Standing Committee Reports:

Legislative Committee: The BJA policy bills are moving through the Legislature and the Committee is hoping the budget process will turn out well.

Budget and Funding Committee: The Committee met and is developing budget criteria.

Court Education Committee: A written report was distributed in the meeting materials.

Policy and Planning Committee: The Committee is meeting later today and will report during the May meeting.

It was moved by Judge Ramsdell and seconded by Judge Garrow to adjourn the meeting. The motion carried.

Recap of Motions from the March 20, 2015 meeting

Motion Summary	Status
Approve the February 20, 2015 BJA meeting minutes with the revisions of adding Judge O'Donnell to the attendee list and correcting the spelling of Judge Chushcoff's name on Page 1.	Passed
Vest the authority to spend monies on behalf of the BJA Special Account to the newly appointed Administrative Manager of the Board for Judicial Administration, Ms. Misty Butler, by adding her as a signatory to the private account currently held at the Washington State Employees Credit Union (WSECU) and to remove Ms. Shannon Hinchcliffe.	Passed
Use the first version of section (h) in the proposed revisions to GR 31.1.	Passed
Revise section (m)(1) as follows: after "law clerk" add ", a judicial officer's administrative staff," prior to "and any other staff when providing support directly to the judicial officer."	Passed with Judge Bjorgen opposed and Judge Steiner abstaining
Use the first version of section (h) and the revised version of section (m)(1) and approve the other requested revisions to GR 31.1.	Passed
Approve the recommended revisions to the BJA Court Education Committee Charter and appoint the new members to the committee.	Passed
Not support proposed GR 35.	Passed with Judge Steiner abstaining
Refer the idea of judicial performance evaluations, with the comments noted in the minutes from the BJA, to the BJA Policy and Planning Committee for a recommendation	Passed with Judge Chushcoff opposed
Adjourn the meeting	Passed

Action Items from the March 20, 2015 meeting

Action Item	Status
<u>February 20, 2015 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>BJA Special Account</u> <ul style="list-style-type: none"> • Take March 20, 2015 minutes into the Washington State Employees Credit Union with all BJA Special Account signatories and update list of signatories 	<p>Done</p>
<u>GR 31.1</u> <ul style="list-style-type: none"> • Add the implementation date of GR 31.1 for action to the May meeting agenda 	<p>Done</p>
<u>Court Education Committee Charter</u> <ul style="list-style-type: none"> • Update the charter as revised 	<p>Done</p>
<u>GR 35</u> <ul style="list-style-type: none"> • Send letter to Justice Charles Johnson with a cc to Judge Trickey informing them of the BJA's decision regarding proposed GR 35 • BJA Policy and Planning Committee to discuss this issue 	<p>Done</p> <p>In Progress</p>
<u>WSBA Task Force on the Escalating Costs of Civil Litigation</u> <ul style="list-style-type: none"> • Notify Mr. Russ Aoki of the delay in responding • Add to May BJA meeting agenda for action 	<p>Done</p> <p>Done</p>