



Board for Judicial Administration (BJA) Meeting

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

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Scott Sparks, Member Chair
Judge Thomas Bjorgen
Judge Bryan Chushcoff
Judge Harold Clarke III
Ms. Callie Dietz
Judge Michael Downes
Judge Janet Garrow
Mr. William Hyslop
Judge Michael Lambo
Judge J. Robert Leach (by phone)
Ms. Paula Littlewood
Judge G. Scott Marinella
Judge Sean O'Donnell
Justice Susan Owens
Judge Kevin Ringus
Judge Ann Schindler
Judge Laurel Siddoway
Judge David Steiner

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Linda Baker
Ms. Ruth Gordon
Mr. Dennis Rabidou
Judge Jeffrey Ramsdell

Public Present:

Dr. Page Carter

AOC Staff Present:

Ms. Misty Butler
Ms. Beth Flynn
Mr. Steve Henley
Mr. Dirk Marler
Ms. Mellani McAleenan (by phone)

Judge Sparks called the meeting to order.

The BJA discussed what should be done with the photo of the BJA members that was taken at the September BJA meeting. It was determined that it will be hung up in the SeaTac conference room and will be added to the BJA Web site. It was also suggested that extra copies of the BJA Member Guide be kept at SeaTac for reference during BJA meetings.

September 18, 2015 BJA Meeting Minutes

It was moved by Judge Ringus and seconded by Judge Lambo to approve the September 18, 2015 BJA meeting minutes. The motion carried.

BJA Public Trust and Confidence Committee Appointments

It was moved by Judge Garrow and seconded by Judge Siddoway to appoint Ms. Staci Mykelbust to the BJA Public Trust and Confidence Committee. The motion carried.

It was moved by Judge Garrow and seconded by Justice Owens to reappoint

Mr. Dennis Rabidou to the BJA Public Trust and Confidence Committee. The motion carried.

It was moved by Judge Ringus and seconded by Judge Lambo to reappoint Ms. Barbara Fox to the BJA Public Trust and Confidence Committee. The motion carried.

Chief Justice Madsen announced that the BJA Public Trust and Confidence (PT&C) Committee contacted the BJA Policy and Planning Committee requesting permission for the PT&C Committee to send a letter to Senator Patty Murray asking her to support the Elementary and Secondary Education Act which contains funding for state grants for civic education. The Policy and Planning Committee approved the PT&C Committee sending a letter. The PT&C Committee requested the BJA Policy and Planning Committee and/or the BJA also consider sending a support letter to Senator Murray. Chief Justice Madsen asked if the BJA would like to send a similar letter. After discussion, it was decided that a letter would be sent.

2016 BJA Meeting Dates

It was moved by Judge Chushcoff and seconded by Judge Garrow to approve the proposed 2016 BJA meeting schedule. The motion carried.

During the discussion of the 2016 BJA meeting schedule, Ms. Butler was asked about a BJA member orientation that would be in addition to the regular BJA meetings. Ms. Butler will work on ideas about an orientation and bring the information back to a future BJA meeting.

Discussion on Expected Communication/Collaboration Between BJA Standing Committees

Ms. Butler stated that in recognizing the importance of the standing committees being the workhorses of the BJA, it is imperative that they work together. It is also important that each of the standing committees understands the timelines of the other committees. The timelines of the Budget and Funding and Legislative committees were included in the meeting materials.

Also included in the meeting materials was a list of questions that the standing committees should consider regarding efforts they are undertaking. Ms. Butler would appreciate feedback on the questions.

Ms. Butler asked if the standing committees reporting at the BJA meetings is sufficient communication. There was a comment that once the communication process is working better, hopefully the point will be reached that action items the committees bring to the BJA will be how the committees communicate.

There was some discussion about the standing committee staff meeting, which is held monthly, and having the standing committee staff determine the best way to communicate between the standing committees. Ms. Butler will discuss this with the standing committee staff and report on it at the December BJA meeting.

Proposed Office of the Superior Court Judges Association

Judge Sparks stated that the Superior Court Judges' Association (SCJA) did not ask to have this put on the agenda. This is a follow-up to the September meeting. The SCJA is making a proposal which is going to have some impact on Washington's judiciary so it should be discussed by the BJA.

The following motion was made early in the discussion and it was held until Judge Clarke arrived at the meeting.

It was moved by Judge Ringus and seconded by Judge Garrow to support the SCJA legislation.

It was moved by Judge Steiner and seconded by Judge O'Donnell to table the motion by Judge Ringus until the next BJA meeting. There were four members in support of the motion and seven members opposed. Judge Sparks abstained. The motion failed.

The question was called on the original motion.

Judge Steiner and Judge Sparks abstained and there were three members in support of the motion and seven opposed. The motion failed. No member of the SCJA opposed the motion.

Several concerns about the SCJA going forward with legislation were expressed. One is that the SCJA initially proposed creating the new office from a "carve out" of AOC staff and funds, but later said they decided to ask for a new general fund appropriation so AOC services would not be impacted. The Chair of the Senate Law and Justice Committee said today that he intended to move resources from AOC to the new SCJA office. Another concern is that taking this to the Legislature could result in some unintended consequences.

Several BJA members felt that something, short of legislation, should be done to resolve this issue. It was suggested that the AOC and SCJA work on a compromise. There could be a memorandum of understanding (MOU) between the associations and AOC outlining what happens in the event of conflict and there could be a mechanism to resolve that kind of conflict.

Judge Downes stated that the SCJA recognizes there has been a suggestion to try to work this out. They will listen to any reasonable plans that are brought forward. If there is some resolution of this short of legislation, it will have to be meaningful. The SCJA is not willing to set this aside and do nothing and then have it devolve into nothing. That is why they are going forward. It has nothing to do with being disloyal or not caring about the branch. They have as much regard for the judicial branch as anyone else in the room.

Ms. Dietz stated that it is not that AOC is unwilling to work with the SCJA. AOC is unable to give staff to the SCJA to manage. AOC wants to work with the SCJA. The BJA speaks with one voice and that cannot be done if everyone does not work together. AOC has tried to work with each of the associations. That does not mean it was always done perfectly and AOC is

open to suggestions. In addition, Ms. Dietz would like the SCJA to give the new BJA committee system an opportunity to work.

Chief Justice Madsen stated that it is unfortunate that the issues the SCJA had with the AOC were never brought to the BJA to try to resolve. If there was an MOU, there are two sides and both sides have the right to demand that it be followed. In any event, the BJA is the place that was decided to hash these issues out. The BJA can do a number of things with this proposed legislation—support, oppose, take no position, there are many options.

It was moved by Judge Garrow and seconded by Judge Steiner that under the auspices of the BJA a mediation process be undertaken with all levels of court and AOC to try to resolve the issues of staff support. Judge Sparks abstained. No SCJA member voted in favor of the motion. Therefore, the motion failed due to an SCJA court level veto.

Administrative Manager's Report

Ms. Butler reported that BJA account information was included in the meeting materials. She stated that \$8,475 has been collected from the BJA dues for four of the nine justices, 17 of the 22 Court of Appeals judges, 65 out of 192 superior court judges, and 80 of 211 district and municipal court judges.

The BJA has asked that the account be audited and an auditor has been identified. The audit will be done in January so the 2015 transactions can be included.

Washington State Center for Court Research

Because of time constraints this presentation was delayed until a future meeting.

Standing Committee Reports

Budget and Funding Committee: Judge Schindler is asking the BJA to take action and vote on the proposed budget criteria that were submitted at the last meeting. The criteria give everyone an opportunity to see what types of funding they will move forward with.

It was moved by Judge O'Donnell and seconded by Judge Garrow to adopt the Budget and Funding Committee Criteria. The motion carried.

The Committee is working on criteria for budget reductions and they will bring them to the BJA for approval at a future meeting.

Court Education Committee: Judge Siddoway reported that the Court Education Committee's last meeting was October 30. The major topic of discussion was a retreat they will have next year to discuss the big picture of education needs for the future. They will invite associations and commissions and have identified a preferred facilitator and timing. They also decided that they might apply for a grant to get the facilitator's assistance going forward.

Policy and Planning Committee: Judge Garrow thanked the Policy and Planning Committee members for attending a 7:30 a.m. meeting today. They set up workgroups and discussed

possible chairs. The workgroups will flesh out details about possible BJA initiatives. The Committee will select one or two initiatives to give to the BJA to recommend moving forward on.

They are also working on other issues assigned to their committee.

Legislative Committee: Judge O'Donnell stated that the next Legislative Committee meeting is scheduled for December. They did not have an October meeting but did communicate via e-mail on a number of issues. During the last legislative session, their major success was protecting the budget. The new budget projection is a \$500 million shortfall in the budget. The Committee will take up the transcriptionist bill which did not pass during the last legislative session. Other legislation that will come back are LFO reforms. In addition, Certificate of Restoration of Opportunities Act (CROP) legislation will also be looked at for consideration of support.

The Committee is working on developing criteria for legislation reviewed by the BJA and provided information regarding criteria in the meeting materials. If you have suggestions, please send them to Ms. McAleenan. The Committee will discuss the criteria at their next meeting.

There being no further business the meeting was adjourned.

Recap of Motions from the November 20, 2015 meeting

Motion Summary	Status
Approve the September 18, 2015 BJA meeting minutes.	Passed
Approve the appointment of Ms. Staci Myklebust to the BJA Public Trust and Confidence Committee.	Passed
Approve the reappointment of Mr. Dennis Rabidou to the BJA Public Trust and Confidence Committee.	Passed
Approve the reappointment of Ms. Barbara Fox to the BJA Public Trust and Confidence Committee.	Passed
Approve the proposed 2016 BJA meeting schedule	Passed
Support the SCJA legislation	Failed
Table the motion on the SCJA legislation until the December BJA meeting.	Failed
Approve a mediation process to be undertaken with all levels of court and AOC to try to resolve the issues of association support.	Failed
Adopt the Budget and Funding Committee funding criteria.	Passed

Action Items from the November 20, 2015 meeting

Action Item	Status
<u>September 18, 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 	Done Done

Board for Judicial Administration Meeting Minutes

November 20, 2015

Page 6 of 6

Action Item	Status
<u>Miscellaneous</u> <ul style="list-style-type: none"> • Hang BJA photo at SeaTac • Post BJA photo on BJA Web site • Put extra BJA Member Guides in the AOC SeaTac conference room • Send letter regarding BJA Public Trust and Confidence Committee grant request and Elementary and Secondary Education Act passage to Senator Patty Murray 	<p>Done</p> <p>Done</p>
<u>BJA Public Trust and Confidence Committee Appointment and Reappointments</u> <ul style="list-style-type: none"> • Send appointment/reappointment letters 	<p>Done</p>
<u>2016 BJA Meeting Schedule</u> <ul style="list-style-type: none"> • Post online 	<p>Done</p>
<u>Expected Communication/Collaboration Between BJA Standing Committees</u> <ul style="list-style-type: none"> • Ms. Butler will discuss communication strategies with the AOC staff to the standing committees and present more information at the December meeting • Add to December meeting agenda 	<p>Done</p> <p>Done</p>
<u>Budget and Funding Committee</u> <ul style="list-style-type: none"> • Post the funding criteria online 	
<u>Washington State Center for Court Research</u> <ul style="list-style-type: none"> • Add to December BJA meeting agenda 	<p>Done</p>
<u>BJA Member Orientation</u> <ul style="list-style-type: none"> • Create an orientation plan • Add to December BJA meeting agenda 	<p>Done</p>