



WASHINGTON COURTS

ADMINISTRATIVE OFFICE OF THE COURTS

Dawn Marie Rubio, J.D.
State Court Administrator

September 29, 2020

The Honorable Debra Stephens
Chief Justice
Washington State Supreme Court
415 12th Ave SW
PO Box 40929
Olympia, WA 98504-0929

The Honorable Charles Johnson
Associate Chief Justice
Chair, Supreme Court Rules Committee
Washington State Supreme Court
415 12th Ave SW
PO Box 40929
Olympia, WA 98504-0929

Dear Chief Justice Stephens and Justice Johnson:

I am writing to support passage of the proposed amendments to JISC Rule 13.

As the State Court Administrator, one of my primary duties is to ensure all Washington courts have the information needed to administer justice. Every day, our judges, justice partners, the media, and most importantly, Washingtonians depend on access to information from courts across the state. The amendments to JISC Rule 13 reflect two objectives: providing judicial officers, policy makers and Washingtonians with current, complete and accurate court data; and ensuring that priorities for scarce court technology resources are set through a transparent and inclusive judicial branch governance process.

True access to justice and public safety in Washington depends on accurate court information. When almost all of Washington's trial courts used a single database, statewide information sharing was fairly seamless. Ten years ago, there were only two courts in Washington with their own case management systems, and judges around the state regularly complained about the lack of information from those courts. Now the challenge has multiplied -- there are five courts with separate case management systems, and at least four more courts in various stages of implementing separate systems needing to connect with the AOC's Enterprise Data Repository (EDR) to share data with the rest of the state's courts. Connecting to the EDR is both time and resource intensive. For example, efforts with King County Clerk's Office and King County District Court each took over four years, and required a separate AOC team to do this work.

The proposed amendments to JISC Rule 13 provide a mechanism for courts and the AOC to plan for minimum disruption to statewide data sharing. The amendments also make it clear that the JISC, as the governing body for judicial branch IT resources, decides how those resources will be allocated, not individual courts. The amendments also clarify that the JISC will settle any disagreements between courts and the AOC if temporary measures are needed to ensure that courts continue to access information that is critical to fair and just outcomes.

Some commenters in opposition have focused on the provision in the proposed rule that authorizes the JISC to determine an appropriate sanction in the event a jurisdiction fails or refuses to share its data for statewide decision-making or in the event the AOC refuses to participate in the connection process. I respectfully disagree.

STATE OF WASHINGTON

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The Supreme Court directed the creation of a statewide Judicial Information System—“designed and operated by the Administrator for the Courts under the direction of the Judicial Information System Committee,¹” with standard data elements², codes and case numbers³, “to serve as the communications link for the courts with all local, regional, statewide, and national noncourt systems⁴.” In RCW 2.68.050, the legislature affirmed its expectation that all Washington courts will *through the judicial information system committee*:

- “plan for and implement processes for making judicial information available electronically;
- [p]romote and facilitate electronic access to the public of judicial information and services,” and
- “establish technical standards for such services...”

To be clear:

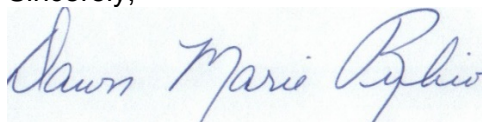
- 1) JISC is constituted both by statute and by rule of this Court as a representative body to set standards regarding statewide court technology;
- 2) it is reasonable for this Court to assume the JISC— comprised of judges and court administrators and chaired by a Justice of this Court—would act judiciously and within the limits of its authority; and
- 3) The Supreme Court retains ultimate approval authority under JISCR 1. The Court regularly considers and resolves questions related to court administration that are brought to its attention without the formality of motions or narrowly-drawn procedures suggested by some commenters as necessary here.

I ask the Court to consider the consequences of a JISC that is powerless to act in the event of a willful refusal by a judicial branch entity to share the information deemed through the established judicial branch governance process as necessary for effective decision-making and public safety. Should the JISC, for example, be powerless to link data sharing with an expectation that entity might have for receiving JIS-funded resources or JIS-supplied equipment? I believe the Court can trust the judgment and goodwill of the representatives of the court community who serve on the JISC.

In closing, without a mechanism for courts to reliably share information, we lose information that courts, and the people they serve need to ensure access to justice. I urge you to pass the proposed amendments to protect the integrity of the information we depend on for the administration of justice.

Thank you for the opportunity to provide feedback during this rule-making process.

Sincerely,



Dawn Marie Rubio

cc: Hon. Barbara A. Madsen
Hon. Susan Owens
Hon. Steven C. González
Hon. Sheryl Gordon McCloud
Hon. Mary I. Yu
Hon. Raquel Montoya-Lewis
Hon. G. Helen Whitener

¹ [JISCR 1](#), effective May 15, 1976.

² [JISCR 5](#)

³ [JISCR 7](#)

⁴ [JISCR 9](#)

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From: Rubio, Dawn Marie
Sent: Tuesday, September 29, 2020 4:48 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: JISCR 13 Comment

Good afternoon.

Please see attached for consideration by the Supreme Court in its review of the proposed amendments to JISCR 13.

Thank you.

Dawn Marie Rubio, J.D. | **State Court Administrator**

Administrative Office of the Courts

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