

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, MAY 17, 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 Chris Wickham, Member Chair
Superior Court Judges' Association
Thurston County Superior Court

Judge Sara Derr, President
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Janet Garrow
District and Municipal Court Judges'
Association
King 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

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

Justice Susan Owens
Supreme Court

Judge James Riehl
District and Municipal Court Judges'
Association
Kitsap County District Court

Judge Kevin Ringus
District and Municipal Court Judges'
Association
Fife Municipal Court

Judge Ann Schindler
Court of Appeals, Division I

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

NON-VOTING MEMBERS:

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

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



Board for Judicial Administration (BJA) Meeting
Friday, May 17, 2013 (9:00 a.m. – 11:00 a.m.)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Chris Wickham	9:00 a.m.
Action Items		
3. April 19, 2013 Meeting Minutes Action: Motion to approve the minutes of the April 19, 2013 meeting	Chief Justice Barbara Madsen Judge Chris Wickham	9:05 a.m. Tab 1 (Page 5)
Reports and Information		
4. Budget Update	Mr. Ramsey Radwan	9:10 a.m.
5. Judicial Information System Update	Ms. Vonnie Diseth	9:20 a.m.
6. Legislative Update	Ms. Mellani McAleenan	9:35 a.m. Tab 2 (Page 12)
7. BJA Member Chair	Chief Justice Barbara Madsen Judge Chris Wickham	9:45 a.m. Tab 3 (Page 37)
8. GR 31.1 Implementation Committee	Chief Justice Barbara Madsen	9:50 a.m.
9. BJA Structure Workgroup Recommendations	Chief Justice Barbara Madsen Judge Chris Wickham	10:00 a.m. Tab 4 (Page 40)
10. Other Business Next meeting: June 21 AOC SeaTac Office, SeaTac	Chief Justice Barbara Madsen Judge Chris Wickham	
11. Adjourn		11:00 a.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, April 19, 2013 (9:00 a.m. – 12:15 p.m.)
AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Chris Wickham, Member Chair
Judge Sara Derr
Ms. Callie Dietz
Judge Stephen Dwyer
Judge Deborah Fleck
Judge Janet Garrow
Judge Jill Johanson
Judge Kevin Korsmo (by phone)
Judge Linda Krese
Judge Michael Lambo
Ms. Paula Littlewood
Judge Craig Matheson
Judge James Riehl
Judge Kevin Ringus
Judge Ann Schindler
Judge Charles Snyder
Judge Scott Sparks
Judge David Svaren

Guests Present:

Mr. Jeff Amram (by phone)
Mr. Jim Bamberger (by phone)
Judge Harold Clarke
Mr. Eric Johnson
Ms. LaTricia Kinlow
Ms. Sonya Kraski (by phone)
Ms. Sophia Byrd McSherry (by phone)
Commissioner Todd Mielke

Public Present:

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

AOC Staff Present:

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

Judge Wickham called the meeting to order.

County Fiscal Sustainability

Chief Justice Madsen introduced Mr. Johnson, Executive Director of the Washington State Association of Counties (WSAC), and Commissioner Mielke, Spokane County Commissioner and President of the WSAC. This presentation is intended to give the BJA an opportunity to think about how the BJA and the WSAC can work together on criminal justice funding.

Mr. Johnson said he is hoping to find the crossroads where the courts can help the WSAC move forward with sustainable budgets. Generally, between 70-80% of a county budget goes to the criminal justice system. The WSAC has drafted a Fiscal Sustainability Initiative because they would like healthy budgets in each county. If counties do not have money for anything other than courts, and they do not have a robust mechanism to fund the entire system, they are failing. The Initiative gives a baseline education and reminds legislators about the lack of parity in funding sources, problems with inflation, and reflects on major cost drivers.

Commissioner Mielke stated that while there is separation of powers, there are resources that cross branches. The mission of counties is really an extension of the state's mission if the duties of the counties are examined. They are intrinsically linked and if other constitutional

requirements are considered, such as the assessor, treasurer, auditor, elections, and clerks, the costs for all of the constitutional requirements typically make up about 88% of the budget.

Counties have three revenue sources: property tax (capped at 1%), sales tax, and shared revenues. The counties' abilities to be innovative and think outside the box are hindered by limited resources and the resources the counties do have are not stable. Sales tax revenue decreases during a recession and last year the House budget included a \$100 million reduction to counties. In addition, there are increased costs for things such as utilities. Revenue and costs are largely out of the control of the county commissioners.

WSAC members are split on the issue of raising taxes. Some want local control and others do not. The WSAC would like the Legislature to help fund issues/items that are statewide, not just county issues. There should be equal access to basic services statewide. As counties have invested in mental health, the state has shrunk its investment. The WSAC is trying to fill the county commissioners' toolboxes with revenue tools. Counties can pick and choose what they want based on their community. They are also trying to maximize flexibility. They are continuing their dialogue with the Legislature to get more flexibility.

The WSAC is looking for alliances and a plan to move forward.

Chief Justice Madsen thanked Mr. Johnson and Commissioner Mielke for taking the time to meet with the BJA. The BJA will discuss ways to partner with them.

Budget Update

Mr. Radwan presented a comparison of the 2013-2015 biennial House and Senate budget proposals. He said that the House budget, in general, is much better than the Senate budget for the judicial branch. However, there are a few issues with the House budget such as a reduction of Becca funding and the elimination of the Office of Public Guardianship (OPG) in addition to some provisos on Judicial Information System funds. There were a few small fixes on the Senate floor with their budget.

The Senate and House will have to reach some sort of consensus. Mr. Radwan believes the Senate will have to impose taxes and give up some of their cuts. He also believes there will be cuts in the final budget. That would put the judicial branch into an almost no growth 2013-2015 budget scenario. Because revenue is flat, it will likely be a number of years before the state climbs out of this budget reduction mode. It is kind of the new normal.

The Legislature does understand the budget process the judicial branch goes through and the branch needs to be extremely strategic regarding what is submitted and pushed out on paper to them. Some letters regarding the judicial branch budget have been written along with op-eds. Mr. Radwan thinks the Legislature is hearing the message about the judicial branch budget but he is not sure what they are doing with the information.

Ms. McAleenan stated that the House and Senate have not started talking about the budget. The House is in the process of trying to pass revenue packages. There will be a special session and decisions will be made behind closed doors. The judicial branch has done as good a job as possible in getting the word out. Now, it is just a matter of waiting to see what happens.

GR 31.1

Mr. Radwan distributed a proposal to establish a GR 31.1 Implementation Work Group. The proposal included the work group composition, purpose, and charter. The work group is needed to educate courts and affected judicial branch agencies on the procedures, processes and other best practices for implementing and administering GR 31.1.

Chief Justice Madsen stated that the Supreme Court will consider passing the rule at their May En Banc conference. There has been a lot of work on the rule. The implementation date will allow the GR 31.1 Work Group to complete their work prior to implementation.

It is anticipated that the work of the group will be completed primarily through conference calls.

This will be an action item for the May BJA meeting.

Legislative Update

Ms. McAleenan reported that there are nine days left in the legislative session. Both of the bills authorizing additional judges were passed by the Legislature, but the interpreter bill died. The JSTA bill is not subject to cut-off dates because it is necessary to implement the budget. It passed the House earlier this week. Ms. McAleenan does not know in what form the JSTA bill, SHB 1961, will go back and forth between the houses because the final version will be determined by the budget negotiations.

The BJA did not take a position on the juvenile records bill, House Bill 1651. The bill as drafted would have required two years of computer programming at AOC to comply with the requirements in the bill. That bill did die as of cut-off. It is one that the advocates are continuing to work very hard on and trying to keep alive.

Senate Bill 5860 states the Attorney General's Office is not required to bring actions on behalf of judges over inadequate funding. House Bill 2024 states the Attorney General's Office does not have to bring actions on behalf of any state officer over claims of inadequate funding. This bill is specifically exempted from cut-off. It is currently on the House floor. If it passes, it will go to the Senate but may not survive because they are running out of time. However, it could be brought back in a special session.

The bills affecting judicial elections, such as HB 1474, which requires the top two candidates for nonpartisan offices in the primary move forward to the general election, are still alive.

Both the Superior Court Judges' Association and the District and Municipal Court Judges' Association have had some success with their legislative agendas.

March 15, 2013 BJA Meeting Minutes

Judge Svaren requested a change to Page 5 of the minutes: change "poser" to "power." Judge Fleck requested some revisions to Page 6 of the minutes (second to last paragraph): change "fractioning" to "fracturing" and add "to the trial courts" at the end of "Reducing the number of trial court representatives on the BJA will make the BJA less relevant." After "GR 31.1" add

“passed a resolution process, adopted a resolution, and worked on the budget process passed by the Supreme Court” and continue the sentence after the addition.

It was moved by Judge Johanson and seconded by Judge Sparks to approve the March 15 BJA meeting minutes. Judge Svaren and Judge Fleck asked for friendly amendments to include their revisions to the minutes. Judges Johanson and Sparks agreed with the amendments. The motion carried.

Appointment to the Office of Civil Legal Aid Oversight Committee

Judge Derr nominated Judge Gregory Tripp to the OCLA Oversight Committee. She thinks he is highly qualified and has a commitment to it.

It was moved by Judge Derr and seconded by Judge Lambo to appoint Judge Gregory Tripp to the OCLA Oversight Committee.

Trial Court Operations Funding Committee Recommendations

Judge Clarke stated that while the timing of this seems odd given the legislative activities that are going on regarding the budget, this is the timeline that was laid out for the Trial Court Operations Funding Committee (TCOFC) and he is hoping the BJA will take action on these funding requests today.

The seven funding requests fall into one of the following categories: access to justice, children and families, or support for local jurisdictions. Judge Clarke encouraged the BJA to consider the merits of the requests separately from the state budget situation.

There was a question about the requests meeting the definition of the purposes of a supplemental budget request. Mr. Radwan responded that supplemental budget requests are, in general, for non-discretionary increases in caseload and technical corrections in the budget.

Judge Fleck stated she would like the BJA to consider at least two of the requests: \$34,300 for centralized interpreter scheduling and \$752,771 for restoration of CASA funding. In the last year, the number of dependency cases has increased approximately 30% although the number of dependency cases in the future is unknown. Because of the increased caseload additional CASAs are needed. Court interpreters and dependency cases are requirements for courts and Judge Fleck suggests taking the next step on these two items.

It was moved by Judge Fleck and seconded by Judge Garrow to move forward with Centralized Interpreter Scheduling and Restoration of CASA Funding. The motion carried with eight voting for the motion and four opposed. Chief Justice Madsen abstained.

The Administrative Office of the Courts will prepare detailed decision packages on each of the proposals moving forward.

Restructure Workgroup

Judge Wickham updated the BJA on the proposed revisions to the BJA Restructure Workgroup's original proposal. The Workgroup is now proposing the following:

- That the entire BJA meeting be an open meeting. The morning would still be mostly presentations and public participation and the afternoons would be for member deliberations and action.
- The BJA would have a membership of 12 – 15 judges.
- Association presidents will be non-voting members of the BJA and other association officers will be eligible to be voting members of the BJA.
- The original proposal did not include an executive committee but with a larger board, the creation of an executive committee, possibly comprised of the co-chairs and standing committee chairs, might be justified.

The workgroup will meet after the BJA meeting and they are interested in any comments on their proposed revisions. They will draft a revised proposal for the BJA's approval. After BJA approval, it will be sent to associations for review and comment.

There will not be a vote on the proposal any sooner than the June BJA meeting.

Judge Fleck stated that seven of the 15 recommendations are already part of what the BJA currently does. She believes the proposed system of standing committees would be burdensome for individuals tasked with serving on the committees and quite insular. Meeting every other month would result in the BJA not being effective during the legislative session and it would take longer to get things accomplished.

Chief Justice Madsen explained that the people on the steering committees are the overseers and decision-makers. The proposal was never about all the work falling on a small group of people. Ideas would come from workgroups. The BJA Restructure Workgroup did not want members invested in the product so they would be neutral decision-makers. Meeting every other month is really so the AOC can have more time to carry out directives they are given during each meeting.

Mr. Marler commented that the Judicial Information System Committee (JISC) is the model for meeting every other month which enables staff to prepare materials, go out and meet with the JISC members between meetings and have a more open dialogue between meetings. That was part of the rationale for that recommendation.

Mr. Henley stated that with all day meetings, every other month, there will be more time to really discuss the issues and presentations with less travel.

There was concern regarding the association presidents not voting.

There being no further business, the meeting was adjourned at 12:15 p.m.

Recap of Motions from April 19, 2013 meeting

Motion Summary	Status
Approve the March 15, 2013 BJA meeting minutes with the revisions from Judge Svaren and Judge Fleck.	Passed
Appoint Judge Gregory Tripp to the OCLA Oversight Committee.	Passed
Move forward with the Centralized Interpreter Scheduling and Restoration of CASA Funding recommendations.	Passed

Action Items from the April 19, 2013 meeting

Action Item	Status
<u>March 15, 2013 BJA Meeting Minutes</u> <ul style="list-style-type: none"> • Post the minutes online. • Send revised minutes to the Supreme Court for inclusion in the En Banc meeting materials. 	 Done Done
<u>GR 31.1 Implementation Work Group</u> <ul style="list-style-type: none"> • Add as an action item to May BJA meeting agenda. 	 Done
<u>Appointment to the OCLA Oversight Committee</u> <ul style="list-style-type: none"> • Send OCLA Oversight Committee appointment letter to Judge Gregory Tripp. 	 Done
<u>Trial Court Operations Funding Committee Recommendations</u> <ul style="list-style-type: none"> • Notify Jennifer Creighton that the BJA requests that the Centralized Interpreter Scheduling and Restoration of CASA Funding recommendations move forward. 	 Done
<u>BJA Structure Workgroup Proposal</u> <ul style="list-style-type: none"> • Add to April BJA meeting agenda for discussion. 	 Done

Tab 2

Board for Judicial Administration Sine Die Report

Monday, April 29, 2013

The Legislature adjourned *sine die* on Sunday, April 28th. They are scheduled to return for a special session beginning May 13th.

Bills not passed by *sine die* are returned to the Rules Committees in their houses of origin.

Here are the highlights regarding bills BJA is tracking:

BJA Request Legislation

HB 1159 - Increases the number of superior court judges in Whatcom County.

Position - Request

Status – Passed House 89-8. Died in Senate Law & Justice. Returned to House Rules.

HB 1175 - Increases the number of superior court judges in Benton and Franklin Counties jointly.

Position – Request

Status – Passed House 87-9. Passed Senate 47-1. Delivered to the governor. Action scheduled on May 1.

SHB 1542 - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts. (Amended in House Appropriations to remove the 2017 deadline for state funding.)

Position – BJA Request

Status – Passed House 54-42. Died in Senate Law & Justice. Returned to House Rules.

SHB 1961 – Extending the expiration date for judicial stabilization trust account surcharges. Amended in House Appropriations to extend sunset date by 4 years rather than 2 due to new budget outlook requirements. The Senate budget assumes a 2-year extension at one-half the amount, but does not have a bill.

Position – BJA Request

Status – Passed House 91-5. Bill should be considered “necessary to implement the budget” and should not be considered dead. Returned to House Rules.

SB 5052 - Increases the number of superior court judges in Whatcom County.

Position - Request

Status – Passed Senate 48-1. Passed House 91-6. Delivered to the governor.

Action scheduled for May 10.

~~**SB 5069**~~ - Increases the number of superior court judges in Benton and Franklin Counties jointly.

Position – Request

Status – Passed Senate 49-0. Died in House Rules. Returned to Senate Rules.

SB 5398 - Requires courts to appoint a certified or registered interpreter at public expense in all legal proceedings in which a non-English-speaking person is a party or is compelled to appear. Requires the state to pay 50 percent of the cost of interpreters beginning in January 2017. Requires courts to track and provide interpreter cost and usage data annually to the Administrative Office of the Courts.

Position – BJA Request

Status – Died in Senate Law & Justice

Data Dissemination/Access to Court Records

~~**HB 1497**~~ - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from \$1,010,400 to \$1,459,200.*

Position – No position

Status – Died in House Judiciary

~~SHB 1651~~ - Provides that juvenile offender records are confidential unless the juvenile has been adjudicated for a sex offense or a serious violent offense. The court may release juvenile records for inspection upon good cause shown. Provides that juvenile offender records may not be published, distributed, or sold. *This bill has significant JIS impact resulting in 4,300 hours of programming time and one-time costs of \$518,400 and an annual loss of \$19,500 in revenue.* Amended in House to increase the number of crimes that must remain open. Amended in Senate Human Services to mirror SB 5689. Court records and public court indices containing nonadjudication or nonconviction information relating to the commission of juvenile offenses are restricted from public access. Nonadjudication or nonconviction information means information contained in records collected by the courts relating to arrest, probable cause hearings, citation, and charges that did not lead to an adjudication; charges resulting in a dismissal or acquittal; and charges dismissed pursuant to a diversion or deferred sentence. Access by agencies for research purposes, as provided elsewhere in statute and expressly permitted for sealed juvenile records is allowed. *This bill requires significant changes to JIS, resulting 8,400 to 12,000 hours of programming time and one-time costs ranging from \$1.1 million to \$1.4 million.* A "null and void" clause was added by Senate Ways & Means. \$518,000 of JIS Account funding is provided in the House budget.
Position – No position. Concerns regarding JIS impact and costs.
Status – Passed House 97-0. Died on Senate Floor calendar. Returned to House Rules.

SB 5344 - Requests the Washington State Supreme Court to adopt court rules redacting or sealing nonconviction court records and, when technologically and economically feasible, providing a process for removing nonconviction information from public court indices. Prohibits employers and landlords from inquiring into, or receiving information through a criminal history background check, about nonconviction records and rejecting an applicant on the basis of nonconviction records. *This bill has significant JIS impact, resulting in 8,400 to 12,000 hours of programming time and a fiscal note ranging from \$1,010,400 to \$1,459,200.*

Position – No position

Status – Died in Senate Law & Justice

~~2SSB 5689~~ - Court records and public court indices containing nonadjudication or nonconviction information relating to the commission of juvenile offenses are restricted from public access. Nonadjudication or nonconviction information means information contained in records collected by the courts relating to arrest, probable cause hearings, citation, and charges that did not lead to an adjudication; charges resulting in a dismissal or acquittal; and charges dismissed pursuant to a diversion or deferred sentence. Access by agencies for research purposes, as provided elsewhere in statute and expressly permitted for sealed juvenile records is allowed. *This bill requires significant changes to JIS, resulting 8,400 to 12,000 hours of programming time and one-time costs ranging from \$1.1 million to \$1.4 million.*

Position – No position

Status – Died in Senate Rules

Bills Affecting AOC Employees and/or Judges

~~SHB 1005~~ - Assesses a \$150-\$200 yearly fee to political committees, lobbyists, lobbyist employers, government entities, and elected officials that receive a salary and file personal financial disclosure statements.

Position - Not reviewed

Status – Died in House Rules

SHB 1093 - Imposes personal liability, in the form of a civil penalty of \$100 per statement, on a state agency director who knowingly fails to file lobbying disclosure statements, in addition to any other civil remedy or sanction imposed on the agency. Establishes a civil penalty on any state agency official, officer, or employee who is responsible for or knowingly directs or expends public funds in violation of lobbying restrictions, and specifies that this penalty must be at least equivalent to the amount of public funds expended in the violation. Amended in Senate to require electronic reporting.

Position - Not reviewed

Status – Passed House 97-1. Passed Senate 40-8. House concurred in Senate amendments 95-0. Delivered to governor.

HB 1266 - Instead of requiring that a district court judge must retire from office at the end of the calendar year in which the judge reaches the age of 75, the judge is allowed to serve until the expiration of the judge's term of office.

Position – Support. DMCJA request

Status – Passed House 98-0. Died in Senate Rules. Returned to House Rules.

SB 5046 - Instead of requiring that a district court judge must retire from office at the end of the calendar year in which the judge reaches the age of 75, the judge is allowed to serve until the expiration of the judge's term of office.

Position – Support. DMCJA request

Status – Passed Senate 48-0-1. Passed House 92-0. Governor signed.

SSB 5577 - Knowing acquiescence by a supervisor in the ethics violation of an employee is made an ethics violation. A state employee who files an ethics complaint must be afforded whistleblower protection and receive protection from retaliation. Every state officer and employee must attend an approved ethics training within 60 days of employment and at least every three years thereafter. Amended in committee to apply to executive branch employees. Amended in House.

Position – Not Reviewed

Status – Passed Senate 47-0. Passed House 96-1. Senate concurred in House amendments 47-0. Delivered to governor.

ESB 5860 - The Attorney General is not required to institute legal actions on behalf of Superior Court judges unless requested to do so by the Administrator for the Courts. Amended by the Senate to require AOC to bear half the legal costs and to institute a 90-day notice requirement and a 120-day period for alternative dispute resolution. Amended by House Judiciary to provide that the Attorney General is not required to institute actions over funding on behalf of superior court judges.

HB 2024 applies the same restrictions to all state officers. Amended by Senate to reflect ESB 5860.

Position – Oppose

Status – ESB 5860 passed the Senate 47-2 and died in House Rules. Returned to Senate Rules. HB 2024 died on the Senate floor calendar. Returned to House Rules.

SB 5867 – Reduces the size of the Supreme Court from 9 to 5 by lottery (drawing straws.)

Position – Not currently reviewed. Presumably opposed.

Status – Died in Senate Law & Justice.

Elections

HB 1195 – The provisions that prohibit a primary election in an odd-numbered year to fill a vacancy in any office that is scheduled to be voted upon for a full term in an even-number year are repealed. Amended in the House to expand the requirement that no primary be held when there are no more than two candidates filing for office to include all nonpartisan offices. Amended in Senate Governmental Operations to include a requirement of prepaid postage for ballots. Amended in Senate Ways & Means to remove the Governmental Operations' amendment.

Position – Oppose

Status – Passed House 96-1. Passed Senate 45-3. House concurred in Senate amendments 94-1.

HB 1211 - Requires the Secretary of State to print and distribute a voters' pamphlet for the primary in even-numbered years and for the general election each year.

Position – Support

Status – Died in House Appropriations

HB 1386 - Requires a superior court judge to be a qualified voter in a county served by the superior court he or she is elected or appointed to.

Position – Watch

Status – Died in House Judiciary

HB 1474 - Requires that the names of the two candidates who receive the most votes in races for the office of justice of the Washington Supreme Court, judge of the court of appeals, judge of the superior court, and the Superintendent of Public Instruction appear on the general election ballot. Amended by Senate Government Operations to require voters' pamphlets. Amended by Senate Ways & Means to remove the Government Operations' amendment.

Position – Oppose

Status – Passed House 97-0. Passed Senate 37-9. Will need further action by the House.

HB 1966 - No primary may be held for any single position in any nonpartisan office if there are no more than two candidates filed for the position.

Position – Not reviewed but similar to other bills opposed by BJA

Status – Died in House Government Operations and Elections

HJR 4207 - Amends the state Constitution to modify eligibility requirements for superior court judges in accord with HB 1386.

Position – Watch

Status – Died in House Judiciary

SB 5277 - Several changes eliminate or modify election administration requirements including requiring that primaries not be held for any nonpartisan position, including judicial positions, if only two candidates filed for the position.

Position – Oppose

Status – Died in Senate Governmental Operations

SSB 5637 - Requires the Secretary of State to print and distribute a voters' pamphlet for the primary in even-numbered years and for the general election each year. Amended in Senate Ways & Means to be subject to appropriation.

Position – Support

Status – Died in Senate Rules.

Court Security

HB 1365 - Requires counties, cities, and towns to provide security to district and municipal courts, and to pay the costs associated with courthouse security.

Position – Support. DMCJA Request

Status – Died in House Local Government

SHB 1653 - Makes an assault offense that is committed in any area used in connection with court proceedings an assault in the third degree offense. Adds a felony "crime against persons" to the list of aggravating circumstances when it occurs in any building that is used in connection with court proceedings.

Amended to require courts to develop procedures for notifying the public that an assault offense occurring on the grounds of a court proceeding is a class C felony. (AG request legislation)

Position – Support.

Status – Died in House Appropriations Subcommittee on General Government

SB 5240 - Requires counties, cities, and towns to provide security to district and municipal courts, and to pay the costs associated with courthouse security.

Position – Support. DMCJA Request.

Status – Died in Senate Law & Justice

ESB 5484 - Makes an assault offense that is committed in any area used in connection with court proceedings an assault in the third degree offense. Adds a felony "crime against persons" to the list of aggravating circumstances when it occurs in any building that is used in connection with court proceedings.

Amended in the Senate to clarify that when the building/area is not in use for judicial purposes, the bill does not apply. Further amended in House Public Safety to require notifying signage. (AG request legislation)

Position – Support

Status – Passed Senate 40-9. Passed House 83-10 as amended. Senate concurred in House amendments 35-9. Delivered to governor.

Problem Solving Courts

SB 5023 - Providing for college DUI courts.

Position – Concerns

Status – Died in Senate Law & Justice

SB 5797 - The Legislature respectfully encourages the Supreme Court to adopt any administrative orders and court rules of practice and procedure it deems necessary to support the establishment of effective specialty courts. Any jurisdiction that establishes a specialty court may seek state or federal funding as it becomes available for the establishment, maintenance, and expansion of the specialty courts and for the provision by participating agencies of treatment to participating defendants. Amended in House Judiciary to remove certain provisions, add therapeutic courts, municipal jurisdictions, and a study.

Position – Support

Status – Passed Senate 49-0. Passed House 94-1. Senate concurred in House amendments 47-0. Delivered to governor.

Other

SHB 1098 – Amends professional conduct requirements of bail bond agents. Requires a court to notify the Administrative Office of Courts when the court revokes or reinstates the justification or certification of a bail bond agent to post bonds in the court.

Position - Support

Status - Passed House 92-0-6. Died in Senate Law & Justice. Returned to House Rules.

SHB 1116 - Adopts the Uniform Collaborative Law Act.

Position – Concerns. Support WSBA position of removing sections relating to the regulation of the practice of law. (Issue not corrected in substitute bill.) Largely technical amendment adopted by Senate.

Status – Passed House 97-0. Passed Senate 48-0. House concurred in Senate amendment, 94-0. Delivered to governor.

HB 1335 – Repeals “unnecessary” provisions concerning the Washington State Bar Association.

Position - Watch

Status – Died in House Judiciary. Received a work session in Senate Law & Justice.

SHB 1771 - Requires approval before public agencies can obtain a public unmanned aircraft system. Allows a public unmanned aircraft system to be operated, or information gained therefrom, to be disclosed pursuant to a judicial search warrant, if the use is not regulatory enforcement and is reasonably determined to be unlikely to collect personal information, or in an emergency. Includes reporting requirements similar to those for wiretaps.

Position – Watch

Status – Died in House Rules.

HJR 4205 – Requires that all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and administration of justice reside exclusively in the Supreme Court.

Position – Watch

Status – Died in House Judiciary. Received a work session in Senate Law & Justice.

HR 4619 – Honoring the life work of Justice Vernon R. Pearson.

Position – Not Reviewed

Status – Adopted by House on February 19th

SSB 5165 - Court commissioners may hear applications and petitions filed in superior court for the purpose of administering antipsychotic medication without consent to a person who has been committed pursuant to the Involuntary Treatment Act. Criminal court commissioners may authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications, or for the installation of electronic taps or other devices to include, but not limited to, vehicle global positioning system or other mobile tracking devices, with all the powers conferred upon the judge of the superior court in such matters.

Position – Support

Status – Passed Senate 46-2. Passed House 72-25. Governor signed.

SB 5782 - Establishing standards for the use of public unmanned aircraft systems.

Position – Concerns/Watch

Status – Died in Senate Law & Justice

Budget

ESSB 5034 – Senate budget reduces Office of Civil Legal Aid by \$3 million, Supreme Court by \$500,000, Court of Appeals by \$1.1 million, and Administrative Office of the Courts by \$7.8 million plus \$20 million in transfers from the JIS Account. The Superior Court Case Management System upgrade is not funded. The Office of Public Defense is funded and includes a rate increase for contract attorneys. State Law Library and Commission on Judicial Conduct sustain reductions for “administrative efficiencies.” Restores state employees’ 3% wage reduction.

Position – Oppose

Status – Passed Senate 30-18-1

The House striking amendment on the budget funds the Office of Civil Legal Aid, funds the Office of Public Defense and expands the parents' representation program, and funds the Court of Appeals, Supreme Court, Law Library, and Judicial Conduct Commission. In the AOC budget, funding for BECCA/truancy and the Office of Public Guardianship is curtailed. Funding is provided for a video remote interpretation pilot. Funding is also provided for Judicial Information Systems projects including the SC-CMS, but some conditions are required. State employees' wage reduction is restored.

Position – Support, with some changes

Status – Passed House 54-43-1.

Referred to Senate Rules.

Board for Judicial Administration

2013 Legislative Session

Strike = dead bills

Bill	Description	Date	Position	Hearings / Comments
HB 1098	Bail practices Addressing bail practices. H subst for - Leg Link	01/22/2013	Support	01/30/2013 at 13:30 Bill is substantially similar to previous bills that BJA supported. Support but defer to associations for additional consideration as necessary.
HB 1116	Unif. collaborative law act Adopting the uniform collaborative law act. H subst for - Leg Link	01/22/2013	Concerns	H- Judiciary 01/22/2013 at 10:00 Support position of WSBA regarding removal of those provisions of the bill that regulate the practice of law.
HB 1159 5052	Superior crt judges/Whatcom Increasing the number of superior court judges in Whatcom county. S Law & Justice - Leg Link	01/16/2013	Request	H- Judiciary 01/29/2013 at 10:00
HB 1175 5069	Judges/Benton & Franklin co. Increasing the number of superior court judges in Benton and Franklin counties jointly. Gov signed - Leg Link	01/22/2013	Request	H- Judiciary 01/29/2013 at 10:00
HB 1211 5637	Voters' pamphlets, primaries Concerning primary election voters' pamphlets. H Approps - Leg Link	03/01/2013	Support	01/29/2013 at 08:00
		01/28/2013	Support	Bill requires SOS to publish a primary election voters' pamphlet in even numbered years. Would include Supreme Court and COA elections (per fiscal note). Hearing scheduled for 1/29. Est cost \$1M. Mellani will sign in pro
HB 1236 5821	Agency decision making Establishing consistent standards for agency decision making. H Govt Acct & Ov - Leg Link	03/01/2013	Watch	
		01/22/2013	Watch	Watch based on workload concerns, specifically Thurston County. Send to associations for review. Other than impact, it's a policy decision that BJA would probably not take a position on.
HB 1266 5046	District judges, retirement Modifying the mandatory retirement provision for district judges. S Rules 2 - Leg Link	03/01/2013	Support	H- Judiciary 01/29/2013 at 10:00
HB 1335	State bar association Repealing unnecessary provisions concerning the Washington State Bar Association. H Judiciary - Leg Link	01/28/2013	Watch	Repeals state bar act
HB 1365 5240	Court security Requiring cities and counties to provide security for their courts. H Local Govt - Leg Link	01/26/2013	Support	H- Local Government 02/12/2013 at 13:30 BJA voted to support this bill at the 12/14/12 BJA meeting.

Bill	Description	Date	Position	Hearings / Comments
HB 1386	Superior court judges Requiring a superior court judge to be a qualified voter in a county served by the superior court he or she is elected or appointed to. H Judiciary - Leg Link	01/28/2013	Watch	Limits qualification for superior court judge to those eligible to vote in that county. Allows those currently sitting to finish their terms. Watch, but leaning NP as a policy matter.
HB 1389	Crime victims' rights Addressing the rights of crime victims. H Judiciary - Leg Link	01/28/2013	Oppose	Court must inquire whether a victim is present and even if not must read a victims' rights statement. Opposed bill in last two biennia - more appropriate role for prosecutor, court should not be seen in advocacy role. Will impact court time. Creates appearance problem. Legislature should not dictate how courts are run. Focus on fiscal impact.
HB 1474	Top 2 nonpartisan candidates Giving general election voters the power to choose between the top two candidates for nonpartisan offices. Del to Gov - Leg Link	01/28/2013	Oppose	02/13/2013 at 13:30 Having to campaign for general election will unnecessarily add to judges' time away from court. Yet another impediment to recruiting good candidates to bench. Would ask judge to testify if there is a hearing - Justice Owens volunteers. Research history of statute. A constitutional amendment would be necessary, at least for superior courts.
HB 1497	Nonconviction records Concerning the use of nonconviction records for employment and housing opportunities. H Judiciary - Leg Link	02/11/2013	No Position	H- Judiciary 02/14/2013 at 13:30 No position. Supportive of goals of legislation to reduce disproportionality but concerned about removing records from the index entirely. Mellani will testify.
		02/04/2013	Refer to Com.	Possible companion to 5341. Refer to SCJA and DMCJA.
HB 1542 SHB 1542 5398	Court interpreter services Concerning the provision of and reimbursement for certain court interpreter services. H subst for - Leg Link	02/19/2013	Request	H- Judiciary 02/12/2013 at 10:00 BJA does not want to amend to add indigency calculation.
		02/11/2013	Request	BJA ok with ODHH technical amendment
		02/04/2013	Request	Referred by SCJA. SCJA has two amendments - cost recovery, which is in existing language, and "at any stage in the legal proceeding." Judge Matheson will provide Mellani language and Mellani will talk to the bill sponsor
		03/04/2013	Request	BJA continues to support bill, though amended.
HB 1651	Juvenile records access Concerning access to juvenile records. H subst for - Leg Link	02/19/2013	No Position	H- Early Learning & Human Services 02/12/2013 at 13:30
		02/11/2013	No Position	Mellani will testify to address fiscal note as needed.
		02/04/2013	No Position	NP but refer to SCJA and JCA. Mellani should testify regarding cost if it has a fiscal note like the last version and goes to Appropriations.
HB 1653	Assault in 3rd degree/court	02/11/2013	Support	02/12/2013 at 08:00 Support in principle regarding increasing

Bill	Description	Date	Position	Hearings / Comments
5484	Concerning assault in the third degree occurring in areas used in connection with court proceedings. H Apps Gen Govt - Leg Link	02/04/2013	Support	courthouse security. Mellani will sign in pro. Generally supportive of courthouse safety. DMCJA needs to review for language concerns and SCJA needs to review generally.
HB 1771	Unmanned aerial vehicles Establishing standards for the use of public unmanned aircraft systems. H Rules C - Leg Link	02/19/2013	Watch	02/21/2013 at 10:00 Bill, as amended in committee, removes concerning sections about PRA and felony. Reporting requirements are similar to the wiretap reporting requirements.
HB 2024	Attorney general/proceedings Concerning legal proceedings by the attorney general on behalf of state officers. H Rules 3C - Leg Link	04/08/2013	Oppose	04/04/2013 at 13:30 Assume BJA is opposed due to opposition to 5860
HJR 4205	Supreme court Requiring that all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and administration of justice reside exclusively in the supreme court. H Judiciary - Leg Link	01/28/2013	Watch	Amends constitution to move all attorney regulation to the supreme court, prohibits mandatory bar association, defines what "administration of justice" issues the court may be involved in.
HJR 4207	Superior court judges Amending the state Constitution to modify eligibility requirements for superior court judges. H Judiciary - Leg Link	01/28/2013	Watch	Amends constitution to limit those qualified for superior court judge to those who are eligible to vote in that county. Watch, but leaning NP as a policy matter.
HJR 4209 8203	Searches of students Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds. H Judiciary - Leg Link	03/01/2013	No Position	
HR 4619	Justice Vernon R. Pearson Honoring the life work of Justice Vernon R. Pearson. H Adopted - Leg Link	03/11/2013	-----	
SB 5005	City & county fiscal relief Concerning fiscal relief for cities and counties in times of declining revenues. S Govt Ops - Leg Link	01/14/2013	Watch	Referred by DMCJA. Refer to SCJA. Concerns about impact to problem solving courts; drug court assn opposed. Review impact to Trial Court Improvement funds.
SB 5020	Indigent defense Modifying indigent defense provisions. S Law & Justice - Leg Link	01/22/2013 01/14/2013	Watch Under Review	01/21/2013 at 13:30 Referred by DMCJA. Refer to SCJA.BJA review on 1/22. Questions about execution and enforcement of promissory notes, existing law. By removing presumptive eligibility based on receiving assistance, there is no longer a bright line standard. This may

Bill	Description	Date	Position	Hearings / Comments
				lead to more individualized reviews or determinations of indigency by judicial officers, which is a work load concern. Judges prefer to require reimbursement of defense costs post-adjudication, when appropriate.
SB 5023	College DUI courts Providing for college DUI courts. S Law & Justice - Leg Link	01/14/2013	Concerns	01/18/2013 at 08:00 DMCJA has concerns because independent muni courts can't offer the service and may testify on that issue. BJA does not necessarily support or oppose but does not concede that courts need the authority to create specialty courts.
SB 5046 1266	District judges, retirement Modifying the mandatory retirement provision for district judges. C 22 L 13 - Leg Link	03/01/2013	Support	01/16/2013 at 13:30
		01/14/2013	Support	Hearing: Law & Justice Committee, 1.16.13 @ 1:30 p.m.
SB 5052 1159	Superior crt judges/Whatcom Increasing the number of superior court judges in Whatcom county. Del to Gov - Leg Link	01/16/2013	Request	01/23/2013 at 13:30
SB 5069 1175	Judges/Benton & Franklin co. Increasing the number of superior court judges in Benton and Franklin counties jointly. H Rules R - Leg Link	01/22/2013	Request	01/23/2013 at 13:30
SB 5156	Abortion/notifying parent Requiring notification to parents or guardians in cases of abortion. S Law & Justice - Leg Link	01/28/2013	Watch	02/06/2013 at 13:30 Directs the supreme court to establish rules. "Court must..."
SB 5165	Superior court commissioners Increasing the authority of superior court commissioners to hear and determine certain matters. S subst for - Leg Link	01/22/2013	Support	02/01/2013 at 08:00 BJA will support unless otherwise advised from the associations. SCJA will take the lead on this bill. Pierce and King County judges have indicated support.
SB 5240 1365	Court security Requiring cities and counties to provide security for their courts. S Law & Justice - Leg Link	01/26/2013	Support	BJA voted to support this bill at the 12/14/12 BJA meeting.
SB 5277	Elections Reducing costs and inefficiencies in elections. S Govt Ops - Leg Link	02/04/2013	Oppose	02/05/2013 at 10:00 Oppose section 6. Increased time away from bench and increased cost to candidates. How does this change square with the constitution and RCW 29A.36.171? Someone will testify.
SB 5308	Sexually exploited children Establishing the commercially sexually exploited children statewide coordinating committee.	01/26/2013	Reviewed	S - Human Services & Corrections 02/04/2013 at 10:00 Creates a task force on which an AOC rep is included.

Bill	Description	Date	Position	Hearings / Comments
	S subst for - Leg Link			
SB 5341	Nonconviction records Concerning the use of nonconviction records for employment and housing opportunities. S Law & Justice - Leg Link	02/11/2013	No Position	No position - see note for 1497.
		02/04/2013	Refer to Com.	DMCJA and SCJA need to review.
		01/28/2013	Refer to Com.	Refer to DD Committee. Additional BJA review on 2/4.
SB 5398 1542	Court interpreter services Concerning the provision of and reimbursement for certain court interpreter services. S Law & Justice - Leg Link	03/04/2013	Request	02/04/2013 at 13:30 BJA continues to support bill, though amended.
		02/19/2013	Request	BJA does not want to amend to add indigency calculation.
		02/11/2013	Request	BJA ok with ODHH technical amendment.
		02/04/2013	Request	Referred by SCJA. SCJA has two amendments - cost recovery, which is in existing language, and "at any stage in the legal proceeding." Judge Matheson will provide Mellani language and Mellani will talk to the bill sponsor
		01/28/2013	Request	
SB 5484 1653	Assault in 3rd degree/court Concerning assault in the third degree occurring in areas used in connection with court proceedings. S 2nd Reading - Leg Link	02/11/2013	Support	02/15/2013 at 08:00 Support in principle regarding increasing courthouse security. Mellani will sign in pro.
		02/04/2013	Support	Generally supportive of courthouse safety. DMCJA needs to review for language concerns and SCJA needs to review generally.
SSB 5637 1211	Voters' pamphlets, primaries Concerning primary election voters' pamphlets. S 2nd Reading - Leg Link	03/01/2013	Support	02/19/2013 at 10:00
SB 5689	Juvenile records access Concerning access to juvenile records. S 2nd Reading - Leg Link	02/19/2013	No Position	S - Human Services & Corrections 02/19/2013 at 10:00
		02/11/2013	No Position	Mellani will testify regarding fiscal note as needed.
SB 5782	Unmanned aerial vehicles Establishing standards for the use of public unmanned aircraft systems. S Law & Justice - Leg Link	02/19/2013	Watch	02/20/2013 at 13:30 Concerns re section 13 (felony) and 19 (PRA). Amended House bill addresses those concerns (HB 1771)
SB 5797	Specialty and therap. courts Encouraging the establishment of effective specialty courts. (REVISED FOR PASSED LEGISLATURE: Encouraging the establishment of effective specialty and therapeutic courts.) Del to Gov - Leg Link	02/19/2013	Support	02/20/2013 at 13:30 Judge Snyder to testify in support. Will note definitional concern.
SB 5821 1236	Agency decision making Establishing consistent standards	03/01/2013	Watch	

Bill	Description	Date	Position	Hearings / Comments
	for agency decision making. S Govt Ops - Leg Link			
SB 5860	Attorney general Addressing legal proceedings by the attorney general on behalf of superior court judges. S 2nd Reading - Leg Link	03/04/2013	Oppose	S - Ways & Means 02/28/2013 at 13:30
SB 5867	State supreme court judges Modifying the number of judges on the state supreme court. S Law & Justice - Leg Link	03/11/2013	-----	
SJR 8203 4209	Searches of students Amending the state Constitution to allow a reasonable suspicion standard in certain searches of students on school grounds. S Law & Justice - Leg Link	03/01/2013	No Position	01/25/2013 at 08:00
		01/22/2013	No Position	Referred by DMCJA as an FYI.



Legislative Building
PO Box 40220
Olympia, WA 98504-0220
Tel 360.902.4151
Fax 360.586.5629
www.sos.wa.gov

May 2, 2013

Mellani McAleenan
Associate Director
Board for Judicial Administration
P.O. Box 41174
Olympia, WA 98504-1174

Dear Ms. McAleenan:

I want to make you aware of three bills that passed the Legislature during the 2013 regular session that impact judicial elections:

HB 1474 repeals the law that allowed a candidate who received a majority of votes in a contested primary to be the only candidate listed on the ballot in the general election.

2SHB 1195 establishes that there be no primary election if there are only one or two candidates in the race. This makes judicial elections consistent with election procedures for other nonpartisan office.

SSB 5518 codifies the decision in *Parker v. Wyman* that a candidate for Superior Court is not required to be a registered voter of the county.

We have summarized the changes in a new judicial chart, which is attached. Copies of the bills are also attached (SSB 5518 is limited to the relevant section because the full bill is 62 pages).

If you have any questions, please don't hesitate to contact me at (360) 902-4168. Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Katie Blinn'.

Katie Blinn
Asst. Director of Elections

cc: Public Disclosure Commission
Washington State County Auditors' Association
Nick Brown, Counsel to Governor Inslee

Judicial Elections in Washington State

Candidates	Municipal Court District Court Court of Appeals Supreme Court		Superior Court	
	Primary	General	Primary	General
1	No ¹	Yes ²	No ¹ If population of county is over 100,000, certificate of election is issued after candidate filing ³	Yes ² If population of county is over 100,000, certificate of election was issued after candidate filing.
2	No ¹	Yes ²	No ¹	Yes ²
3 or more	Yes	Yes ²	Yes	Yes ²

¹ [RCW 29A.52.220](#)

² [RCW 29A.36.170](#)

³ [Article IV, Section 29](#)

An election to fill a vacancy in District Court may not occur in an odd-numbered year, per [AGLO 1973 No. 76](#) and [RCW 29A.04.321\(1\)](#).

HOUSE BILL 1474

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Pedersen, Rodne, Goodman, Buys, Hunt, Hunter, Hudgins, Carlyle, Fey, and Pollet

Read first time 01/28/13. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to giving general election voters the power to
2 choose between the top two candidates for nonpartisan offices;
3 reenacting and amending RCW 29A.36.170; and repealing RCW 29A.36.171.

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

5 **Sec. 1.** RCW 29A.36.170 and 2005 c 2 s 6 are each reenacted and
6 amended to read as follows:

7 ~~((1))~~ For any office for which a primary was held, only the names
8 of the top two candidates will appear on the general election ballot;
9 the name of the candidate who received the greatest number of votes
10 will appear first and the candidate who received the next greatest
11 number of votes will appear second. No candidate's name may be printed
12 on the subsequent general election ballot unless he or she receives at
13 least one percent of the total votes cast for that office at the
14 preceding primary, if a primary was conducted. On the ballot at the
15 general election for an office for which no primary was held, the names
16 of the candidates shall be listed in the order determined ~~((under))~~
17 pursuant to RCW ~~((29A.36.130))~~ 29A.36.131.

18 ~~((2) For the office of justice of the supreme court, judge of the~~
19 ~~court of appeals, judge of the superior court, or state superintendent~~

1 ~~of public instruction, if a candidate in a contested primary receives~~
2 ~~a majority of all the votes cast for that office or position, only the~~
3 ~~name of that candidate may be printed for that position on the ballot~~
4 ~~at the general election.)~~)

5 NEW SECTION. **Sec. 2.** RCW 29A.36.171 (Nonpartisan candidates
6 qualified for general election) and 2004 c 271 s 170 are each repealed.

--- END ---

SECOND SUBSTITUTE HOUSE BILL 1195

AS AMENDED BY THE SENATE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By House Appropriations Subcommittee on General Government
(originally sponsored by Representatives Wylie, Buys, Hunt, Van De
Wege, Appleton, Orwall, Ryu, and Jenkins)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to candidate names on the primary ballot; amending
2 RCW 29A.52.220; repealing RCW 29A.52.010 and 29A.52.011; and declaring
3 an emergency.

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

5 **Sec. 1.** RCW 29A.52.220 and 2005 c 153 s 10 are each amended to
6 read as follows:

7 (1) No primary may be held for any single position in any ((city,
8 town, district, or district court, as required by RCW 29A.52.210,))
9 nonpartisan office if, after the last day allowed for candidates to
10 withdraw, there are no more than two candidates filed for the position.
11 The county auditor shall((7)) as soon as possible((7)) notify all the
12 candidates so affected that the office for which they filed will not
13 appear on the primary ballot.

14 (2) ((No primary may be held for nonpartisan offices in any first-
15 class city if the city:

16 (a) Is a qualifying city that has been certified to participate in
17 the pilot project authorized by RCW 29A.53.020; and

18 (b) Is conducting an election using the instant runoff voting
19 method for the pilot project authorized by RCW 29A.53.020.

1 ~~(c) This subsection (2) expires July 1, 2013.~~

2 ~~(3))~~) No primary may be held for the office of commissioner of a
3 park and recreation district or for the office of cemetery district
4 commissioner.

5 ~~((4))~~) (3) Names of candidates for offices that do not appear on
6 the primary ballot shall be printed upon the general election ballot in
7 the manner specified by RCW 29A.36.131.

8 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
9 repealed:

10 (1) RCW 29A.52.010 (Elections to fill unexpired term--No primary,
11 when) and 2005 c 2 s 13 & 2003 c 111 s 1301; and

12 (2) RCW 29A.52.011 (Elections to fill unexpired term--No primary,
13 when) and 2006 c 344 s 14 & 2004 c 271 s 172.

14 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

--- END ---

1 **Sec. 25.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to
2 read as follows:

3 (1) A person filing a declaration of candidacy for an office shall,
4 at the time of filing, be a registered voter and possess the
5 qualifications specified by law for persons who may be elected to the
6 office.

7 (2) Excluding the office of precinct committee officer or a
8 temporary elected position such as a charter review board member or
9 freeholder, no person may file for more than one office.

10 (3) The name of a candidate for an office shall not appear on a
11 ballot for that office unless, except for judge of the superior court
12 and as provided in RCW (~~(3.46.067 and~~) 3.50.057, the candidate is, at
13 the time the candidate's declaration of candidacy is filed, properly
14 registered to vote in the geographic area represented by the office.
15 For the purposes of this section, each geographic area in which
16 registered voters may cast ballots for an office is represented by that
17 office. If a person elected to an office must be nominated from a
18 district or similar division of the geographic area represented by the
19 office, the name of a candidate for the office shall not appear on a
20 primary ballot for that office unless the candidate is, at the time the
21 candidate's declaration of candidacy is filed, properly registered to
22 vote in that district or division. The officer with whom declarations
23 of candidacy must be filed under this title shall review each such
24 declaration filed regarding compliance with this subsection.

25 (4) The requirements of voter registration and residence within the
26 geographic area of a district do not apply to candidates for
27 congressional office. Qualifications for the United States congress
28 are specified in the United States Constitution.

29 **Sec. 26.** RCW 29A.20.111 and 2004 c 271 s 188 are each amended to
30 read as follows:

31 A "convention" for the purposes of this chapter, is an organized
32 assemblage of registered voters representing an independent candidate
33 or candidates or a new or minor political party, organization, or
34 principle. (~~(As used in this chapter, the term "election jurisdiction"~~
35 ~~shall mean the state or any political subdivision or jurisdiction of~~
36 ~~the state from which partisan officials are elected. This term shall~~
37 ~~include county commissioner districts or council districts for members~~

Judicial Elections in Washington State

Candidates	Municipal Court District Court Court of Appeals Supreme Court		Superior Court	
	Primary	General	Primary	General
1	No ¹	Yes ²	County population less than 100,000: No ¹ County population 100,000 or more: No because certificate of election is issued after candidate filing ³	County population less than 100,000: Yes ² County population 100,000 or more: No because certificate of election was issued after candidate filing ³
2	No ¹	Yes ²	No ¹	Yes ²
3 or more	Yes	Yes ²	Yes	Yes ²

¹ [RCW 29A.52.220](#)

² [RCW 29A.36.170](#)

³ [Article IV, Section 29](#)

An election to fill a vacancy in District Court may not occur in an odd-numbered year, per [AGLO 1973 No. 76](#) and [RCW 29A.04.321\(1\)](#).

Tab 3

BOARD FOR JUDICIAL ADMINISTRATION

BJA@listserv.courts.wa.gov

Name	Address
Chief Justice Barbara A. Madsen, <i>Co-Chair</i> (1/13)	Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929
Justice Susan Owens (6/15)	Supreme Court Temple of Justice P.O. Box 40929 Olympia, WA 98504-0929
Judge Jill Johanson (6/14)	Court of Appeals, Division II 950 Broadway, Ste 300 MS TB-06 Tacoma, WA 98402-4454
Judge Kevin Korsmo (4/14)	Court of Appeals, Division III 500 N Cedar St Spokane, WA 99201-1905
Judge Ann Schindler (6/15)	Court of Appeals, Division I One Union Square 600 University Street Seattle, WA 98101-1176
Judge Deborah Fleck (6/13)	King County Superior Court Maleng Justice Center 401 4th Ave N, Rm 2D Kent, WA 98032-4429
Judge Linda Krese (6/14)	Snohomish County Superior Court 3000 Rockefeller Ave, MS 502 Everett, WA 98201-4046
Judge Charles Snyder (SCJA President) (6/14)	Whatcom County Superior Court 311 Grand Avenue, Suite 301 Bellingham, WA 98225-4048
Judge Scott Sparks (6/14)	Kittitas County Superior Court 205 W 5th Ave, Ste 207 Ellensburg, WA 98926-2887
Judge Chris Wickham <i>Member Chair</i> (6/13)	Thurston County Superior Court 2000 Lakeridge Dr SW, Bldg. 2 Olympia, WA 98502
Judge Sara Derr (DMCJA President) (6/13)	Spokane County District Ct. 1100 W Mallon Ave Public Safety Bldg Spokane, WA 99260-0150
Judge Janet Garrow (6/13)	King Co. Dist. Ct., East Division 585 112 th Ave SE Bellevue, WA 98004
Judge Michael Lambo (6/16)	Kirkland Municipal Court PO Box 678 Kirkland, WA 98083-0678

Name	Address
Judge James Riehl (6/13)	Kitsap County District Court 614 Division St, MS 25, Rm 106 Port Orchard, WA 98366-4684
Judge Kevin Ringus (6/16)	Fife Municipal Court 3737 Pacific Hwy E Fife, WA 98424-1135
Non-voting Members:	
Mr. Callie Dietz (Court Administrator) (Indefinite)	Administrative Office of the Courts Temple of Justice P. O. Box 41174 Olympia, WA 98504-1174
Ms. Paula Littlewood (WSBA Executive Director) (Indefinite)	Washington State Bar Association 1325 4th Avenue, Ste 600 Seattle, WA 98101-2539
Mr. Patrick Palace (WSBA President-Elect) (9/14)	Palace Law Offices PO Box 1193 Tacoma, WA 98401-1193
Judge Stephen Dwyer (COA Presiding Chief Judge) (4/14)	Court of Appeals, Division I One Union Square 600 University Street Seattle, WA 98101-1176
Ms. Michele Radosevich (WSBA President) (9/13)	1201 3rd Avenue, Suite 2200 Seattle, WA 98101-3045
Judge Jeffrey Ramsdell (SCJA President-Elect) (6/15)	King County Superior Court 516 3 rd Avenue, Room C-203 Seattle, WA 98104-2361
Judge David Svaren (DMCJA President-Elect) (6/14)	Skagit County District Ct. PO Box 340 Mount Vernon, WA 98273-0340
Staff:	
Ms. Mellani McAleenan	Administrative Office of the Courts Temple of Justice P. O. Box 41174 Olympia, WA 98504-1174
Ms. Beth Flynn	Administrative Office of the Courts Temple of Justice P. O. Box 41174 Olympia, WA 98504-1174

Tab 4

The Supreme Court
State of Washington

BARBARA A. MADSEN
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
FAX (360) 357-2085
E-MAIL J_B.MADSEN@COURTS.WA.GOV

May 13, 2013

Jeffrey Amram, AWSCA President
Clark County Superior Court
P. O. Box 5000
Vancouver, WA 98666-5000

Dear Mr. Amram:

Thank you for your May 6 letter regarding your views of the BJA restructure efforts. As you know this effort is a "work in progress." We are in ongoing discussions regarding the restructure and will give full consideration to the views of the Association of Washington Superior Court Administrators as we make decisions.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Madsen".

Barbara A. Madsen
Chief Justice

c: Judge Chris Wickham
Callie Dietz, AOC
Mellani McAleenan, AOC



WASHINGTON
COURTS

Association of Washington Superior Court Administrators

May 6, 2013

President

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Dear Justice Madsen:

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As you are probably aware, the Association of Washington Superior Court Administrators (AWSCA) has been privileged to attend BJA meetings for approximately the past ten years. Our role as observers is appreciated by our membership as much for the insight it provides into the workings of our Court System as for the opportunity it provides to offer assistance and insight when we are called upon to do so.

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As we listened to the dialog about BJA/Court governance that occurred at Spring Conference this year, our membership came to the conclusion that, in the event the Board for Judicial Administration is reconfigured, we should request membership on the BJA with either voting or non-voting status.

It is apparent to us that the Washington Courts value their Court Administrators. Our numbers and the respect with which we are treated by the judges who employ us provide testimony to that fact. It is our belief that having administrators serve on the BJA would support the Courts and the public we serve.

We would welcome the opportunity to provide additional information or answer any questions you may have about this request.

Sincerely,

Jeffrey Amram
President, AWSCA

Cc: Hon. Chris Wickham



May 2, 2013

TO: Chief Justice Barbara Madsen
Judge Chris Wickham

FROM: Judge Scott Sparks

RE: Committee Unification Workgroup

The Committee Unification Workgroup has been charged with reviewing the boards, commissions, task forces, etc. outlined in the Program Review Draft created by the Administrative Office of the Courts (AOC) and submitted to the Board for Judicial Administration (BJA) in October 2012. The Workgroup began meeting in December 2012 and, after grouping all the entities by mission, has reviewed education committees, non-project, non-governance technology committees, traffic and vehicle committees, and several miscellaneous groups such as rural courts committees and problem solving courts committees.

The Workgroup has created a plan to review the remaining groups by September 2013. I intend to submit the Workgroup's recommendations to the BJA at their October 2013 meeting.

Although the Workgroup prefers to wait and deliver all recommendations at the conclusion of the work, the proposal for the Board for Court Education (BCE) directly impacts the proposed BJA restructure, so I am bringing it forward now.

The Workgroup is recommending that the BJA institute a fourth standing committee in its new structure. This committee would be an education committee (on par with the proposed budget, policy, and legislative standing committees), and would assume the responsibilities of the Board for Court Education, the Presiding Judges Education Advisory Committee and the Deans of the Judicial College. The Trustees Advisory Committee, Mandatory Continued Judicial Education (MCJE) Advisory Committee, and Curriculum Ad Hoc Committee will be dissolved. Please note that the tracking of CJE credits will continue to be done by AOC staff, but there is no longer a need for a separate MCJE advisory committee.

While the Workgroup acknowledges the key role and functions of the Board for Court Education, the intent in forming a fourth standing committee is to align the educational goals of the judiciary with the strategic goals set forth by the BJA, to stress the importance of continuing education to members of the bench, and to eliminate some existing education committees, thereby streamlining the process and freeing up both AOC and judicial resources.

For your information, the complete set of education committee recommendations is attached.

Attachment

Education Committees

The Committee Unification Workgroup reviewed 18 education boards and committees at its March 15, 2013 meeting. Recommendations for each entity are listed in the attached "Education Committees with Decisions" document.

Recommendations are not being made for education committees belonging to boards or commissions outside of the BJA. This group includes the following:

- SCJA Judicial Education Committee
- DMCJA Education Committee
- CPGB Education Committee
- Interpreter Commission Education Committee
- Washington State Association of County Clerks (WSACC) Education Committee
- WAJCA Education Committee
- Appellate Judges' Education Committee
- AWSCA Education Committee
- Gender and Justice Commission Education Committee
- Minority and Justice Commission Education Committee

The Workgroup is suggesting that the education committees of the Minority and Justice Commission and Gender and Justice Commission work together through their newly formed Collaboration Committee to jointly develop and offer education.

Staff support to the Advanced Science and Technology Adjudication Resource Center (ASTAR) will be provided when requested by the Supreme Court members of that group. Staff will not attend the meetings on a regular basis.

The Unification Workgroup is recommending that the current Board for Court Education be dissolved, along with its subordinate committees. It is further recommended that the BJA institute a fourth standing committee within their new structure. This fourth committee would be for education and would take on the responsibilities which continue to be required. Specifically,

- Deans of the Judicial College. The deans will continue to work with the AOC's education staff to provide programs at the annual Judicial College.
- Annual Judicial Conference Planning Committee. Members of this group will be the chairs of each association's education committee (appellate education, SCJA, DMCJA, AWSCA, DMCMA, WSACC).
- Presiding Judges Education Advisory Committee. PJs and their administrators will continue to work together under the new BJA standing committee.

It is recommended that the Mandatory Continued Judicial Education (MCJE) Advisory Committee be disbanded. This group was instituted to assist judges with understanding their responsibilities under GR 26. Now that the rule is well-established, the tracking of CJE credits will continue to be done by AOC staff.

The last committee reviewed was the curriculum ad hoc committee under BCE. This committee has never been convened so is considered disbanded.

Education Committees

ID	Committee Name	Subcommittee	Non-AOC Resources	Description	Workgroup Recommendation
13	Board for Court Education (BCE)		1 justice 7 judges 2 AWSCA 1 commissioner 1 tribal court representative 1 law school dean	The purpose of the Board for Court Education (BCE) is to improve the quality of justice in Washington by fostering excellence in the courts through effective education. The BCE plans, implements, coordinates, and approves BCE financed education and training of court personnel throughout the state, promotes desirable minimum education and curriculum standards for court judicial and non-judicial personnel and oversees the annual Washington State Judicial College.	Sunset the current committee and re-establish the required functions under a fourth standing subcommittee of the restructured BJA.
13e	BCE	Judicial College Trustees Advisory Committee	4 judges 1 commissioner	Creates governing policy for the College, establishes standards for programs and faculty, selects Deans, serves as liaison between the College and other outside agencies. Add - Goals for 2010-2011 are to continue to expand the education of new judicial officers beyond the college. Currently have a SJI grant to develop a Search and Seizure program to be conducted after the 2011 college. Second goal is to coordinate curriculums with BCE and associations.	Sunset and assign remaining required functions to the standing subcommittee recommended above.
13f	BCE	Judicial College	2 judges	To provide all judicial officers with the highest quality of education possible to meet their needs for the essential knowledge, skills, and abilities in their professional role.	The deans will continue to work with AOC's judicial education staff to provide programs at the annual Judicial College.
13g	BCE	Mandatory Continued Judicial Education (MCJE) Advisory Committee	1 justice 4 judges 2 commissioners	Administers General Rule (GR) 26. Establishes and maintains operating procedures consistent with this rule.	Tracking of CJE credits will continue to be done by AOC staff. Sunset the committee now that GR26 is well-established.
6	Annual Judicial Conference Planning Committee		10 judges	Plan and implement educational content of annual conference.	This committee will consist of the chairs of each association's education committee so that educational content can be reused among conferences. (SCJA; DMCJA; DMCMA; AWSCA; WSACC; appellate education)

ID	Committee Name	Subcommittee	Non-AOC Resources	Description	Workgroup Recommendation
7	Appellate Judges' Education Committee		7 judges	Plan and implement yearly Appellate spring program.	No changes, except that chair will now sit on Annual Judicial Conference Planning Committee.
52h	SCJA	Judicial Education Committee	11 judges 3 commissioners	Provide an educational curriculum for superior court judicial officers. Plan SCJA Spring Conference. Promote Judicial College. Maintain liaison with BCE. Administer the SCJA Education Assistance Program.	No changes, except that chair will now sit on Annual Judicial Conference Planning Committee.
31g	DMCJA	Education Committee	14 judges	Provide an educational curriculum for district and municipal court judicial officers. Plan DMCJA Spring Conference. Promote Judicial College. Maintain liaison with BCE.	No changes, except that chair will now sit on Annual Judicial Conference Planning Committee.
13i	BCE	Presiding Judges' Education Advisory Committee	7 judges 4 AWSCA	Develops programs that provide education for presiding judges and court managers focusing on the development of leadership skills.	No changes.
11a	AWSCA	Education Committee	8 AWSCA	Provide an educational curriculum for superior court administrators, and when possible for line staff.	No changes, except that chair will now sit on Annual Judicial Conference Planning Committee.
60b	WAJCA	Education Committee	6 WAJCA	To provide continuing education designed to enhance and improve the competency, quality and efficiency of the Washington Judicial System for juvenile court administrators as they can provide services to fulfill their duties as set in RCW 13.04.035	No changes, except that chair will now sit on Annual Judicial Conference Planning Committee.
62b	Washington State Association of County Clerks (WSACC)	Education Committee	3 WSACC	Plan and implement yearly county clerks conference.	No changes, except that chair will now sit on Annual Judicial Conference Planning Committee.
38	Gender & Justice Commission	Education Committee		Provides opportunities throughout the year to educate staff, court personnel, and judicial officers. Identifies other educational opportunities and provides staff assistance in developing and putting on webinars or other training sessions for judicial officers, AOC staff, and court staff.	GJComm Education Committee and MJComm Education Committee will collaborate through their newly formed collaboration subcommittee which consists of members from each commission.

ID	Committee Name	Subcommittee	Non-AOC Resources	Description	Workgroup Recommendation
49c	Minority & Justice Commission	Education Committee	3 judges 2 external stakeholders	The Committee seeks to improve the administration of justice by eliminating racism and its effects by offering and supporting a variety of innovative, high quality, education programs designed to improve the cultural and professional competency of court employees and other representatives of the Washington State justice system.	GJComm Education Committee and MJComm Education Committee will collaborate through their newly formed collaboration subcommittee which consists of members from each commission.
2	Advanced Science and Technology Adjudication Resource Center (ASTAR) DOJ		17 judges	Provide scientific and technological education to Washington judges. ASTAR is a leadership consortium dedicated to enhancements of capabilities of the courts via science and technology knowledge tools.	AOC staff support when requested by the Supreme Court.
17b	CPGB Education Committee		3 external stakeholders	Reviews staff approval or denial of continuing education courses.	No changes.
43b	Interpreter Commission,	Education Committee	1 judge 2 external stakeholders	The Judicial and Court Administration Education Committee shall provide ongoing opportunities for training and resources to judicial officers and court administrators related to court interpretation improvement.	No changes.
13d	BCE	Curriculum Ad Hoc Committee		Serves to collect and preserve curricula submitted by associations, to establish policy and standards for periodic review and update of curricula. Add will be taking on the additional role of keeping the Board informed on all eCCL projects and also review Inside Courts and determine how best to increase the use of the resources by the judicial branch and determine the need to establish a resource library.	This committee doesn't actually exist yet, so no recommendation.

Board for Judicial Administration

BJA Structure Workgroup

Report and Recommendations

May 14, 2013

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I. Background

In 2011 and early 2012 discussions among members of the Board for Judicial Administration (board or BJA) revolved around a general sentiment that the board is uniquely positioned within the Washington judicial branch to provide critical leadership for branch, but that this capacity was not being fully utilized. Without leadership from the BJA the branch would have difficulty effectively managing itself as an independent branch and planning for and addressing the many challenges it would face in the coming years.

At its February, 2012, meeting, the board resolved to hold a retreat dedicated to exploring the role of the BJA and the governance of the Washington judicial branch.

In advance of the retreat Interim State Court Administrator Callie Dietz requested that the National Center for State Courts conduct an independent review of the planning and governance processes of the Washington state court system as well as the Administrative Office of the Courts (AOC). The NCSC consultants traveled to Washington and conducted a series of interviews with court leaders. The consultants subsequently reported their conclusion that, at present, “(t)here is no governance in place or accepted as governance to carry out planning and implementation” and recommended that “the BJA structure,

roles and responsibilities need to be clearly defined and acknowledged if it is to be of any value in governing or developing long-range planning.”

II. Board Retreat

A two-day retreat was subsequently held at Cedarbrook Lodge in SeaTac on September 21-22, 2012. The thirty participants present included board members along other judges, as well as court administrators, leaders of branch associations, and directors of branch agencies. Guests included Governor Chris Gregoire, Former Chief Justice Christine Durham and State Court Administrator Dan Becker of Utah, and Laura Klaversma, Director of Court Services for the NCSC. A summary of the retreat is provided in a BJA document entitled “Governance Retreat Report” completed and presented to the board in October, 2012.

The format of the retreat including remarks by Governor Gregoire and presentations by Justice Durham and Dan Becker on the governance model developed in Utah and their article, “A Case for Court Governance Principles.” Of the eleven principles presented in Durham and Becker’s article, nine were identified as relevant to the discussion of branch governance in Washington. These were:

- A well defined governance structure for policy decision-making and administration for the entire court system.
- Meaningful input from all court levels into the decision-making process.
- Commitment to transparency and accountability.
- A focus on policy level issues; delegation with clarity to administrative staff; and a commitment to evaluation.
- Open communication on decisions and how they are reached.
- Clear, well understood and well respected roles and responsibilities among the governing entity, presiding judges, court administrators, boards of judges, and court committees.
- A system that speaks with a single voice.
- Authority to allocate resources and spend appropriated funds independent of the legislative and executive branches.
- Positive institutional relationships that foster trust among branches and constituencies.

These principles were sorted into three groups of related subjects, and the retreat participants were then broken out into three groups. Each group was then asked to discuss the application of the governance principles to one of three general questions:

- Why do we need a Board for Judicial Administration?
- Who is the Board for Judicial Administration?
- How will the Board for Judicial Administration function?

In reports back the groups expressed consensus on the following points:

Why do we need a Board for Judicial Administration?

- Speaking with a single message is necessary and appropriate as long as there is confidence that all positions are being considered in the development of that single message.
- Having a cacophony of voices working on the same problem can lead to differing conclusions and the inability to make good policy decisions. There is too much duplication of effort in the current system.
- There needs to be a body that is future-thinking, and it is appropriate that the BJA is that body.
- There is a need for commonly accepted values, and the BJA's work relates to that.
- The BJA struggles with the notion of independence of its members at the court level.
- There is no clear sense of who is in charge of what. There is a need to reopen the "jurisdictional" debate – what is BJA in charge of and how much power does it need to have to make change?
- BJA needs more power. In order for BJA to have power, others have to relinquish some power to the BJA.
- Fostering relationships outside of the branch is important, but fostering feelings of mutual trust and respect within the branch and court levels is equally, if not more, important.
- BJA can and should do more with administrative rulemaking.
- To make BJA more effective, there should be a better articulation of norms and expectations, which should be used as a recruitment and orientation tool. BJA members should do more consistent outreach and

nurturing of judiciary leadership with a more intentional educational process about the benefits of a stronger BJA to the whole judiciary.

- A version of the Utah Judicial Council Norms should be adopted.
- The BJA needs to be resourced appropriately in order to be successful.

Who is the Board for Judicial Administration?

- Clear guidance to the Administrative Office of the Courts (AOC) would be beneficial. There is a lack of understanding about the AOC's functions. The AOC is pulled in many different directions, which makes it difficult to identify priorities.
- An evaluation process is important in setting policies and determining if they are carried out.
- Membership in the BJA carries a significant time commitment. Incentives for membership should be considered.
- The Utah model of advocacy from subgroups rather than members has merit.
- Membership in the BJA should be limited to judges but the other judicial branch stakeholders play a valuable role in providing information.
- Expanding membership beyond the judiciary would make the development of a unified message very difficult because each group has different priorities. Coalitions are important and can be achieved without actual voting membership on the BJA.
- Not all groups are necessary participants at all times, but they should be included when necessary.
- Too large of a group can be unwieldy.
- Present terms and selection of chairs is appropriate.

How will the Board for Judicial Administration function?

- Some thought should be given to how the BJA communicates its decisions to others.
- Much progress has been made since the creation of the original BJA. The positive changes should not be forgotten.
- The addition of a co-chair was a positive change.

- Without the BJA, there is no other audience for a single court level to obtain “buy in” on issues that are specific to that association.
- BJA members currently appear to engage in caucus decision-making with each court level voting as a bloc, but the BJA members should be making decisions in the best interest of the judiciary as a whole.
- The president of each association should speak on behalf of that association but the other court level members should make decisions on behalf of the judiciary as a whole and not on behalf of their particular association or court level.
- Task forces and work groups can be an important part of the decision-making process but should not be used to delay making difficult decisions.

The overall outcome of the retreat was a consensus by participants that the BJA should be retained as a leadership entity but reorganized and reconstituted so that it would be more focused and effective. The board would appoint a workgroup to develop a plan for reorganization, along with a separate workgroup to review the existing panoply of committees and commissions and propose a plan to streamline them where possible.

III. Structure Workgroup

On November 16 the BJA approved a charter for the BJA Structure Workgroup, charging it to:

Determine what structural changes are necessary in order to enhance the role of the Board for Judicial Administration as determined at the September 21-22, 2012 BJA retreat and as outlined in the report on the retreat approved by the BJA on October 19, 2012. Draft amendments to the BJA rules and bylaws, and develop policies and procedures regarding the roles, responsibilities, and structure of the BJA, which will be presented to the voting members of the BJA for approval.

The following individuals served on the Structure Workgroup:

Chief Justice Barbara Madsen
Judge Christine Quinn-Brintnall
Judge Stephen Dwyer
Judge Craig Matheson
Judge Charles Snyder
Judge Chris Wickham
Judge Sara Derr
Judge David Svaren

The workgroup met in person on October 29 and November 26, 2012, and on January 23, March 15 and April 19, 2013. In reviewing the work of the retreat and the court governance principles, the workgroup made several fundamental decisions:

- The judicial branch needs a single forum with the capacity, authority and resources to perform governance functions at the state level, while respecting and supporting the role of local court leaders and managers to operate their respective courts.
- The role of the BJA should be expanded and strengthened, vesting it with a more central role in policy development, budget, and oversight of the Administrative Office of the Courts.
- Modeled on the Utah Judicial Council, the role of the reorganized board should focus more on oversight and decision-making rather than direct policy development.
- Policy development should occur through a well structured system of committees and related entities.
- Meaningful stakeholder engagement and access to expertise would be greater through an extended committee system than it would be under the current system.
- The board itself would be smaller, encouraging more active participation on the part of members.

Draft language implementing these and other concepts that emerged at the retreat was developed and circulated to the full board for comment in February and March, 2013. The draft included proposed revisions to the Board for Judicial Administration Rules and the BJA bylaws. Based on the input received and

discussion at the March and April meetings of the board, the draft proposal was significantly modified.

The workgroup proposes to present the revised draft to the full board at the May meeting of the BJA, and to request feedback from the judicial associations prior to the June meeting. The workgroup would ask the board to approve the proposal at the June meeting for circulation to the wider judicial branch committee, including rank and file judges, the Washington State Bar, and judicial branch associations and agencies. An open meeting could be scheduled at the fall judicial conference to provide judges an opportunity to make comments directly to the workgroup. Following the fall conference the matter could be put on the BJA agenda for consideration of final approval.

IV. Intent of Revisions to Rules and Bylaws

The proposed revisions are intended to achieve the follow effects:

1. The board would be modeled on the Utah Judicial Council: smaller, serving as a decision-making body, delegating policy-development to a structured system of committees.
2. The board would be given a stronger charge, including primary responsibility for development of statewide policy to support the effective governance of Washington courts. Responsibility for direct control and governance of the courts is and will continue to be a local responsibility.
3. The board would be charged with oversight of the budget of the Administrative Office of the Courts (AOC). The board would review items affecting the AOC budget and would make recommendations to the Supreme Court Budget Committee. This would not include review of the budget requests of the Supreme Court, the Court of Appeals, the State Law Library, the Office of Civil Legal Aid, and the Office of Public Defense.
4. The board would provide general direction and oversight to the Administrative Office of the Courts.

5. The board would provide leadership for long-range planning for the judicial branch. It is expected, consistent with the concept of campaign planning recommended by the NCSC consultants, that the policy and planning committee of the board would oversee a process to conduct outreach, identify major strategic issues and opportunities, and conceptualize and propose to the board strategic initiatives for the branch.
6. The board would be the voice of the judiciary in legislative relations on matters affecting multiple levels of courts or the statewide administration of justice.
7. The Supreme Court would retain authority for rule-making.

V. Changes to Proposed Rules and Bylaws

1. The revised rules would charge the board with responsibility to:
 - a. speak for the judiciary in legislative relations;
 - b. adopt policies to support the effective operations of the courts;
 - c. provide leadership for long-range planning within the judicial branch;
 - d. provide oversight of the AOC budget and determine priorities; and,
 - e. provide general direction to the Administrative Office of the Courts.
2. The rules would identify the composition of the board as:
 - a. The Chief Justice of the Washington Supreme Court;
 - b. Three court of appeals judges selected by a process established by the court of appeals;
 - c. Four superior court judges selected by a process established by the Superior Court Judges' Association ;

- d. Four district or municipal court judges, at least one of each, selected by a process established by the District and Municipal Court Judges Association.
- e. The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association would serve as ex officio liaisons.

3. Terms of office will be for four years, with roughly half of the terms starting on July 1 of every odd year. Members may not serve more than two terms consecutively but may serve additional terms provided an interval of four years transpires between periods of service.

4. The revised bylaws would designate a committee structure and process including:

- a. Three standing committees corresponding with the principal functional responsibilities assigned to the board:

Legislative Committee

Budget Committee

Policy and Planning Committee

(There is a proposal to add court education)

- b. The board would have authority to create ad hoc committees, advisory committees, steering committees and task forces by the approval of a committee charter specifying the charge, membership and terms of the body being created. Ad hoc committees, like standing committees, are intended to act as subsets of the board while advisory committees, steering committees and task forces are intended to operate with a higher degree of independence and autonomy. An ad hoc committee must include a member of the board; a task force, steering committee or advisory committee need not include any members of the board.
- c. Other than the standing committees no committees and task forces can be authorized for more than two years, but may be reauthorized

through approval of a new charter. The board chairs are authorized to extend the term of any subordinate entity for up to three months to complete its charge.

- d. All committees and task forces would have authority to create subordinate entities, including subcommittees, workgroups and study groups with approval of the board.
- e. All committees would be required to provide a report to the BJA no less than once per year unless otherwise instructed.
- f. There would be an executive committee comprising the co-chairs and the chairs of the standing committees.

5. The rules and bylaws would specify that:

- a. A quorum would require the presence of seven members provided each level of court must be represented.
- b. The chief justice will serve as a co-chair and a member will be selected by the members to serve as co-chair, alternating every two years between a superior court judge and a district or municipal court judge.
- c. The agenda for meetings will be determined by the chairs. Any board member, the presiding chief judge of the Court of Appeals, or a president of a judicial association may request that an item be placed on the agenda and the item will be placed on the agenda of a subsequent meeting of the board.
- d. Meetings will be bifurcated, with informational presentations and structured participation by non-members in one session, and deliberations and voting conducted in a session with discussions limited to members and staff.

VI. Role of Judicial Associations

The workgroup had extensive discussion of the role of the judicial associations regarding deliberations of the BJA, legislative relations, and budgeting.

Regarding the relationship of the associations and the BJA in terms of deliberations, the workgroup concluded that the current structure is deeply flawed. The dual role of association presidents and vice presidents as both leaders within their association and members of the board places these individuals in a conflict that makes it difficult to fully fulfill either role. Instead the workgroup proposes that the association presidents serve as non-voting ex officio members, allowing them to fully advocate the position of their association but not requiring them to record a vote. In addition, the presidents along with the presiding chief judge of the Court of Appeals would have the power to place an item on the BJA agenda, thus ensuring that any issues important to their association is addressed.

Regarding legislative relations and budgeting, the workgroup considered the goal of a reorganized BJA to be a process that encourages the development of harmonious if not unified positions with respect to legislation and budget. Recognizing that at times positions on legislation and budget might diverge, the associations would continue to be able to present their own position to the legislature or to the Supreme Court Budget Committee when it differs from that of the board. The board should seek to ascertain the position of the association and attempt to reconcile the divergent positions. The board should request of the associations that in an instance that an association intends to present an alternative position to the Legislature the association should inform the board and afford it an opportunity to reconcile the positions.

VII. Recommendations

Recommendation One. The board should recommend to the Supreme Court that the Board for Judicial Administration Rules be amended consistent with Appendix One.

Recommendation Two. Contingent on amendment of the Board for Judicial Administration Rules by the Supreme Court, the board should amend its bylaws consistent with Appendix Two.

APPENDIX ONE

Board for Judicial Administration Rules

DRAFT PROPOSED REVISIONS

Preamble

The power of the judiciary to govern itself is inherent to the status of the judicial branch as a constitutionally equal and independent branch of government. The Board for Judicial Administration is established to provide effective leadership to the state courts in providing for the administration of the justice in Washington State.

Rule 1. Board for Judicial Administration

The Board for Judicial Administration is created to enable the judiciary to speak with one voice, to adopt statewide policies to support the effective operations of the courts, to provide strategic leadership for the judicial branch, to determine state budgetary priorities for the courts, to provide overall direction to the Administrative Office of the Courts, and to communicate with other branches of government.

Rule 2. Duties

The Board for Judicial Administration shall develop policies to support the effective operation of Washington courts, shall provide general direction to the Administrative Office of the Courts, shall review items affecting the budget of the Administrative Office of the Courts and make recommendations to the Supreme Court Budget Committee, shall provide leadership for long-range planning and the development of strategic initiatives for the judiciary, and shall develop and communicate the position of the Washington state judiciary on legislation affecting the administration of justice.

Rule 3. Composition

a. Membership.

(1) The board shall consist of the Chief Justice of the Supreme Court, three judges of the Court of Appeals, four judges of the superior courts, and four judges of the courts of limited jurisdiction, at least one being a district court judge and at least one being a municipal court judge. The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall serve as ex officio liaisons.

b. Selection.

(1) The Chief Justice shall serve during tenure in that office. The court of appeals judges shall be selected by a process established by the Court of Appeals. The superior court judges shall be selected by a process established by the Superior Court Judges' Association. The district court and municipal court judges shall be selected by a process established by the District and Municipal Court Judges' Association.

(2) Criteria for selection shall include demonstrated interest in and commitment to judicial administration, demonstrated commitment to improving the courts, and

diversity of representation with respect to race, gender, professional experience, and geographic representation.

c. Terms of Office.

- (1) The Chief Justice shall serve during tenure in that office.
- (2) The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall each serve as ex officio liaisons during tenure in office.
- (3) . Of the judges of the Court of Appeals one shall be appointed to a term ending on June 30, 2015 and two shall be appointed to a term ending on June 30, 2017. Of the judges of the superior court two shall be appointed to a term ending on June 30, 2015, and two shall be appointed to a term ending on June 30, 2017. Of the judges of the district and municipal courts, two shall be appointed for a term ending on June 30, 2015 and two shall be appointed for a term ending on June 30, 2017.
- (4) Thereafter, terms of four years shall commence on July 1 of odd-numbered years.
- (5) A person may not serve more than two terms consecutively but may serve additional terms provided a period of four years transpires between periods of service.
- (6) A vacancy shall occur when a member resigns or is absent for three consecutive meetings or four meetings within twelve months. In the event of a vacancy the position shall be filled for the duration of the term by a process established by the relevant court or judicial association.

Rule 4. Operation

a. Leadership.

- (1) The board shall be chaired by the Chief Justice in conjunction with a Member Chair who shall be elected by the board. The duties of the Chief Justice Chair and the terms and duties of the Member Chair shall be specified in the by-laws.
- (2) The Member Chair position shall be filled in alternate terms by a superior court judge and a district or municipal court judge. The Member Chair shall be selected by the members for a two-year term commencing on July 1 of every odd-numbered year.

b. Meetings.

- (1) Meetings of the board shall be held at least every two months and shall be convened by either chair. Any board member, the presiding chief judge of the Court of Appeals, the president of the Superior Court Judges' Association, or the president of the District and Municipal Court Judges' Association may submit issues for the meeting agenda.
- (2) The board shall establish within its bylaws procedures governing the conduct of meetings.

c. Committees.

- (1) The board shall have the power to create an executive committee, standing committees, and other subordinate entities through procedures set out within its bylaws.
- (2) The board may delegate its authority to an executive committee.
- (3) Any committee or other subordinate entity must be authorized by a majority approval of the board of a charter that specifies the body's charge, membership and term.
- (4) Committees other than standing committees may include members who are not members of the board. The board should engage participation of other judges, members of the legal community, subject matter experts, legislators, clerks of court, court administrators, and members of the public as needed.

d. Voting and Quorum.

(1) All decisions of the board shall be made by simple majority vote of those voting.

(2) The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall not vote.

(3) Seven members will constitute a quorum provided at least one judge from each level of court is present.

e. Compensation.

Members shall not receive compensation for service but shall be granted equivalent pro tempore time and shall be reimbursed for travel expenses.

Rule 5. Staff

Staff for the Board for Judicial Administration shall be provided by the Administrative Office of the Courts.

Rule 6. Effective Date

These rules shall be effective _____, _____.

Amended _____, _____.

APPENDIX TWO

Board for Judicial Administration Bylaws

DRAFT PROPOSED REVISIONS

ARTICLE I

Purpose

The Board for Judicial Administration was created to enable the judiciary to speak with one voice, to adopt statewide policies to support the effective operations of the courts, to provide strategic leadership for the judicial branch, to determine state budgetary priorities for the courts, to provide general direction and oversight of the Administrative Office of the Courts, and to communicate with other branches of government regarding legislation.

ARTICLE II

Duties and Powers

The Board for Judicial Administration shall develop policies to enhance the administration of justice in Washington courts, shall provide general oversight of the Administrative Office of the Courts, shall review items that would affect the budget of the Administrative Office of the Courts and provide recommendations to the Supreme Court Budget Committee, shall provide leadership for long-range planning and the development of strategic initiatives for the judicial branch, and shall develop and communicate the position of the Washington state judiciary on legislation affecting the administration of justice.

The board: may develop internal policies and procedures for its own operations; may adopt resolutions regarding matters relevant to the administration of justice; may publish policies for the statewide operations of the courts of Washington, recognizing that the direct management of the courts is a local responsibility; may establish standing committees within its bylaws; and may create ad hoc committees, advisory committees, steering committees and task forces.

ARTICLE III

Membership

The membership of the board is established by Board for Judicial Administration Rule 3. Membership consists of the Chief Justice, three judges of the Court of Appeals, one being from each division of the court, four superior court judges, and four district or municipal court judges. Board membership shall include at least one district court judge and one municipal court judge at all times. The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association shall each serve as ex officio liaisons during tenure in office.

Members shall be selected by the Supreme Court, the Court of Appeals, the Superior Court Judges' Association and the District and Municipal Court Judges' Association in accord with Board for Judicial Administration Rule 3 and processes established by those entities.

ARTICLE IV

Officers and Representatives

The Chief Justice shall serve as chair of the board in conjunction with a Member Chair. The Member Chair shall be elected by the board and shall serve a two year term effective July 1 of every odd numbered year. The Member Chair position shall be filled alternately between a member who is a superior court judge and a member who is either a district or municipal court judge.

The president of the Superior Court Judges' Association and the president of the District and Municipal Court Judges' Association are representatives of those entities and shall advise the board on the interests and positions of the associations.

ARTICLE V

Duties of Officers

The Chief Justice Chair and the Member Chair shall jointly preside at all meetings of the board, performing the duties usually incident to such office, and shall be the official spokespersons for the board. The Chief Justice Chair and the Member Chair shall designate the chairs and membership of standing committees, and nominate for the board's approval the chairs and membership of all other committees.

ARTICLE VI

Vacancies

A vacancy shall occur when a member resigns or is absent for three consecutive meetings or four meetings within twelve months. If a vacancy occurs in any position the chairs shall inform the relevant court or judicial association and request that a new member be selected to complete the term of the position left vacant in accordance with a process established by that court or judicial association.

ARTICLE VII

Executive Committee

There shall be an executive committee composed of the co-chairs and the chairs of each standing committee. The executive committee is authorized to consider and take action on emergency matters arising between board meetings, subject to ratification of the board. If any level of court is not represented on the executive committee a member from that level of court may be added by nomination by the chairs and approval of the board.

ARTICLE VIII

Other Committees

The board may create standing committees by amendment of these bylaws, and ad hoc committees, advisory committees, steering committees and task forces by the approval of a charter specifying the charge, membership and term of the body to be created.

The board may approve the creation of subcommittees, workgroups and study groups at the request of a committee or task force and the approval of a charter specifying the charge, membership and term of the body to be created.

A standing committee is a committee charged with oversight of a major area of functional responsibility necessary to the exercise of duties assigned to the board.

Standing committees are comprised solely of members of the board. The Chief Justice Chair and the Member Chair shall designate the chairs and membership of standing committees for terms of two years and may assign members to fill vacancies. Standing committees are permanent. A standing committee may form subcommittees, workgroups and study groups with approval of the Board.

An ad hoc committee is a committee created by the board and charged with responsibilities related to issues within the purview of the board but not fully within the jurisdiction of any single standing committee. Ad hoc committees are appropriate for the study of issues related to the organization and governance of the board as well as deliberation of substantive policy issues. An ad hoc committee may be authorized for a period of up to two years and may be reauthorized following review and approval of a revised charter. An ad hoc committee must include at least one member of the board and may include individuals who are not members of the board. An ad hoc committee may form subcommittees, workgroups and study groups with approval of the board.

An advisory committee, steering committee or task force is an entity created by the board and charged with responsibilities related to the jurisdiction of the board. An advisory committee, steering committee or task force is an appropriate vehicle for study

of policy issues, efforts requiring broad outreach, or oversight of strategic initiatives. Advisory committees, steering committees, and task forces are intended to exercise a higher degree of independence from the board than standing and ad hoc committees. An advisory committee, steering committee or task force may be authorized for a period of up to two years and may be reauthorized through review and approval of a revised charter. An advisory committee or task force may, but need not, include any members of the board and may have a designated non-voting liaison member. An advisory committee, steering committee or task force may create subordinate entities with approval of the board.

Subcommittees, workgroups and study groups are subordinate entities created to facilitate the execution of responsibilities assigned to a committee or task force. The charge to a subcommittee, workgroup or study group should be relatively narrow and clearly defined in the charter creating it. A subcommittee, workgroup or study group may include members who are not on the superior body. In general a subcommittee, workgroup or study group should not be authorized for a period in excess of one year but may be authorized for up to two years.

The Chief Justice Chair and the Member Chair may authorize a continuance of the term of any subordinate entity for up to three months when necessary to complete its charge.

ARTICLE IX

Standing Committees

The board shall have three standing committees: a Budget Committee, a Legislative Committee, and a Policy and Planning Committee.

The *Budget Committee* shall be responsible for conducting a review of budget requests impacting the budget of the Administrative Office of the Courts, excepting the budget

requests of the Supreme Court, the Court of Appeal, the State Law Library, the Office of Civil Legal Aid, and the Office of Public Defense. The committee will conduct its review and develop recommendations in accord with a budget review process adopted by the Board. The committee may recommend changes to the budget review process.

The *Legislative Committee* shall be responsible for development and communication of the position of the Washington state judiciary on legislation affecting the administration of justice. The committee is responsible for coordinating with the judicial associations and the Court of Appeals regarding legislation and should attempt to ascertain the position of the associations and Court of Appeals on legislation. When the position of a judicial association or the Court of Appeals and the position of the board diverge the committee should request that the association or Court of Appeals afford an opportunity to reconcile the divergent positions.

The *Policy and Planning Committee* shall be responsible for development of policies supporting effective governance of the courts of Washington and developing priorities of the Administrative Office of the Courts. The committee shall provide leadership for long-range planning and shall implement a process to regularly identify major issues facing the judicial system and propose strategic initiatives designed to address them.

ARTICLE X

Meetings

There shall be regularly scheduled meetings of the board at least every other month. Reasonable notice of meetings shall be given each member.

Special meetings may be called by any member of the board. Reasonable notice of special meetings shall be given each member.

Any board member, the presiding chief judge of the Court of Appeals, the president of the Superior Court Judges' Association, or the president of the District and Municipal Court Judges' Association may submit issues for the meeting agenda.

Meetings shall be held in two sessions. The first session shall be informational, including reports and presentations, and shall be open to participation by invited guests and observation by members of the public. The second session will include member deliberations and votes, with participation only of members in attendance and staff. All sessions shall be open to observation by the public.

All committees and task forces created by the board shall report to the board annually unless otherwise directed.

The Administrative Office of the Courts, the Judicial Information System Committee, the Washington State Bar Association, the Gender and Justice Commission, the Minority and Justice Commission, the Access to Justice Board, the Civil Legal Aid Oversight Committee, and the Office of Public Defense Advisory Committee shall be asked annually to report on the work of the respective organization.

Representatives from organizations such as the Washington State Bar Association, the Washington State Association of County Clerks, the Office of Public Defense, the Office of Civil Legal Aid, the Association of Washington Superior Court Managers, the District and Municipal Courts Managers Association, and the Washington Association of Juvenile Court Administrators shall be invited as guests when matters affecting such an organization are on the agenda.

ARTICLE XI

Records

The board shall adopt a policy and procedure for electronic publication of its official records, including resolutions, policies, meeting agendas, minutes, outcome of votes, appointments, committee charters, reports, and other official records of the board.

ARTICLE XII

Quorum

Seven members of the board shall constitute a quorum provided at least one representative from each of the appellate, superior, and district or municipal levels of court are present.

ARTICLE XIII

Voting

Each member shall have one vote. The presidents of the judicial associations shall not vote.

Members may participate by telephone or other form of remote participation but no member shall be allowed to cast a vote by proxy.

ARTICLE XIV

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.