

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, SEPTEMBER 18, 2015
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 Scott Sparks, Member Chair
Superior Court Judges' Association
Kittitas County Superior Court

Judge Thomas Bjorgen
Court of Appeals, Division II

Judge Bryan Chushcoff
Superior Court Judges' Association
Pierce County Superior Court

Judge Harold Clarke III, President
Superior Court Judges' Association
Spokane County Superior Court

Judge Janet Garrow
District and Municipal Court Judges' Association
King County District Court

Judge Marilyn Haan
Superior Court Judges' Association
Cowlitz County Superior Court

Judge Judy Rae Jasprica
District and Municipal Court Judges' Association
Pierce County District Court

Judge Michael Lambo
District and Municipal Court Judges' Association
Kirkland Municipal Court

Judge Sean Patrick O'Donnell
Superior Court Judges' Association
King County Superior Court

Justice Susan Owens
Supreme Court

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

Judge Ann Schindler
Court of Appeals, Division I

Judge Laurel Siddoway
Court of Appeals, Division III

Judge David Steiner, President
District and Municipal Court Judges' Association
King County District Court East Division - Bellevue

NON-VOTING MEMBERS:

Ms. Callie Dietz
State Court Administrator

Judge Michael Downes, President-Elect
Superior Court Judges' Association
Snohomish County Superior Court

Mr. Anthony Gipe, President
Washington State Bar Association

Judge J. Robert Leach
Presiding Chief Judge
Court of Appeals, Division I

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Judge G. Scott Marinella, President-Elect
District and Municipal Court Judges' Association
Columbia County District Court



Board for Judicial Administration (BJA) Meeting
Friday, September 18, 2015 (9:00 a.m. – Noon)
 AOC SeaTac Office, 18000 International Blvd., Suite 1106, SeaTac

AGENDA

1. Call to Order	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
2. Welcome and Introductions	Chief Justice Barbara Madsen Judge Scott Sparks	9:00 a.m.
3. August 21, 2015 Meeting Minutes Action: Motion to approve the minutes of the August 21, 2015 meeting	Chief Justice Barbara Madsen Judge Scott Sparks	9:05 a.m. Tab 1
4. Approval of Updated Standing Committee Charters Action: Motion to approve the updated standing committee charters	Ms. Misty Butler	9:10 a.m. Tab 2
5. Recommendations on 2016 Supplemental Budget Requests that Impact AOC Action: Motion to approve the 2016 supplemental budget requests to move forward to the Supreme Court Budget Committee and the full court	Ms. Renée Lewis	9:20 a.m. Tab 3
6. Information Regarding JIS Account Budget Requests Action: Motion to support the JIS Account budget requests	Ms. Renée Lewis	9:35 a.m. Tab 4
7. Standing Committee Comprehensive Reports Budget and Funding Committee Court Education Committee Policy and Planning Committee Legislative Committee	Judge Ann Schindler Judge Judy Rae Jasprica Judge Janet Garrow Judge Sean O'Donnell	9:45 a.m. Tab 5
8. BJA Picture	All	10:45 a.m.
Break		10:50 a.m.
9. Discussion on the Office of Trial Courts	Judge Scott Sparks	11:05 a.m. Tab 6
10. Other Business • Next meeting: November 20 AOC SeaTac Office	Chief Justice Barbara Madsen Judge Scott Sparks	11:55 a.m.

11. Adjourn		Noon
<p>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.</p>		

Tab 1



Board for Judicial Administration (BJA) Meeting

Friday, August 21, 2015 (9 a.m. – Noon)

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

MEETING MINUTES

BJA Members Present:

Chief Justice Barbara Madsen, Chair
Judge Scott Sparks, Member Chair
Judge Thomas Bjorgen
Judge Bryan Chushcoff
Ms. Callie Dietz
Judge Marilyn Haan (by phone)
Judge J. Robert Leach
Judge G. Scott Marinella
Judge Sean O'Donnell
Justice Susan Owens (by phone)
Judge Kevin Ringus
Judge Laurel Siddoway (by phone)
Judge David Steiner

Guests Present:

Mr. Jeff Amram (by phone)
Ms. Linda Baker
Mr. Jim Bamberger
Ms. Ruth Gordon
Ms. Sophia Byrd McSherry

AOC Staff Present:

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

Judge Sparks called the meeting to order.

Judge Sparks recognized Judge Ringus for his service as the BJA Member Chair from June 2013 through June 2015. Chief Justice Madsen explained the amount of work required of the Member Chair and thanked Judge Ringus for his commitment to the BJA. She appreciated working with Judge Ringus and valued his wisdom and counsel. Judge Ringus stated that he learned a lot about the organization during the last two years and if an opportunity to be Member Chair arises he encouraged the BJA members to do it.

June 19, 2015 BJA Meeting Minutes

An error was pointed out in the section of the minutes regarding the Trial Court Improvement Account Report on page 4. The bill number should be 5454.

It was moved by Judge Chushcoff and seconded by Judge Ringus to approve the June 19 BJA meeting minutes with the revision to the bill number. The motion carried.

BJA Member Guide/Goals

Ms. Butler stated that some of the ideas proposed during last year's BJA governance retreat were to create a member guide and have a member orientation. Ms. Butler distributed recently drafted member guides to all the BJA members. The guide is to help members understand their roles and responsibilities. Please do not hesitate to let Ms. Butler know ways it could be improved. It is an annual document and will be updated and distributed yearly.

Judge Sparks shared some of his goals as Member Chair. He has two goals specific to him and three that he hopes he can be instrumental in helping the BJA achieve.

The goals he set for himself are: 1. He will set the agenda in a manner that will ensure the BJA meets its mission. 2. He will run the meetings in an efficient, open manner to ensure the mission of the BJA is met.

The goals he set for the BJA are: 1. Make sure everybody understands their role. Every person's voice is important. Everyone needs to contribute. Each BJA member's role is important to the BJA and to the standing committees they serve on. 2. Have the standing committees collaborate together and ensure that the state judiciary as a whole is a functioning body of government. 3. Assist in developing BJA initiatives.

Administrative Office of the Courts Presentation

Ms. Dietz, Mr. Marler, Mr. Radwan and Ms. Diseth gave a presentation about the Administrative Office of the Courts (AOC) to the BJA. The presentation was included in the meeting materials. The function of the AOC divisions and offices were outlined during the presentation.

Ms. Dietz wrapped up the presentation by stating there will never be enough time, money or staff to do everything AOC staff would like to do. AOC staff work very collaboratively and communicate with each other because a house divided cannot stand. Ms. Dietz has worked over the last few years to break down silos so staff can more effectively work together to get the work done. Change is not easy and the major challenge AOC has is to be relevant so staff can focus on helping courts to remain relevant. AOC wants to be efficient in the way staff provide services to courts and the public.

2016 Supplemental Budget Request Summary

Mr. Radwan explained that there are no new funding requests. AOC is asking the Legislature to honor their agreement on the Information Networking Hub (INH). AOC is also requesting State General Fund maintenance requests to cover the payment of unemployment compensation invoices and to correct errors in the computations used to implement information technology savings.

There are three Judicial Information System Account requests. Only one will most likely stay on the list and there may be a new one. The requests will be discussed at the Judicial Information System Committee (JISC) meeting next week.

Mr. Radwan would like the BJA to approve the budget requests as submitted. The dollar amounts might change a little prior to the next meeting.

The BJA should give input/feedback on the JISC budget requests but the JISC will be deciding on these.

Legislative Process Report

Ms. McAleenan reviewed the Legislative Development Timeline that was included in the BJA Member Guide. She reported that a few of the items are a little late this year because of the multiple special sessions. The Trial Court Improvement Account report will be completed in September. The BJA Legislative Committee has not yet discussed ideas to develop into legislation.

Ms. McAleenan has been discussing possible court tours for legislators, and she is also setting up tours with the state prisons. In addition, Representative Laurie Jenkins would like the House Judiciary Committee to tour some therapeutic courts, which Ms. McAleenan is coordinating.

BJA Dues Notice

Ms. Butler stated that the BJA dues notice will be sent to all judicial officers soon. The last dues notice response rate was 55-60% and it was about 70% prior to that.

It was suggested that a due date might help with the response rate as well as highlighting the information about the dues rate being the same since 1992.

By consensus, the BJA members agreed that the notice should be sent.

Standing Committee Reports

Budget and Funding Committee: Judge Chushcoff reported that the committee met several times after the June BJA meeting and has determined what would be important in analyzing budget requests. They will submit their budget request criteria at the September meeting.

Court Education Committee: A written report was submitted and included in the meeting materials. Chief Justice Madsen reported that the Supreme Court signed the order sunsetting the Board for Court Education.

Policy and Planning Committee: Judge Sparks stated that the committee had their forum on June 5 with all the justice system partner liaisons. A list of justice system liaisons was included in the meeting materials. Mr. Henley compiled data from the liaisons on issues of interest to them. Mr. Henley stated that in a decentralized system, the committee wants to work more closely with the partners on areas of concern. By September, they should have a narrow list of issues. The committee will revisit the BJA's mission, vision and goals during 2016.

Legislative Committee: Judge O'Donnell stated that Ms. McAleenan covered everything for their committee earlier in the meeting.

BJA Administrative Manager's Report

Ms. Butler will be meeting with members of the BJA in the next few months. She has already met with a few, she has some meetings scheduled and she will be scheduling more meetings.

Other Business

There will be a BJA member picture taken at the next meeting.

The BJA Public Trust and Confidence Committee's Myths & Misperceptions video is a finalist for the National Association of Telecommunications Officers and Advisors Government Programming Award in the public education category. The video will take first, second or third place nationally.

Chief Justice Madsen mentioned that AOC staff have been marvelous in helping roll out the McCleary order in a way that is consumable to the public. Ms. Wendy Ferrell and her staff did a terrific job in making that easy to understand.

There being no further business the meeting was adjourned.

Recap of Motions from the August 21, 2015 meeting

Motion Summary	Status
Approve the June 19, 2015 BJA meeting minutes.	Passed

Action Items from the August 21, 2015 meeting

Action Item	Status
<u>June 19, 2015 BJA Meeting Minutes</u> <ul style="list-style-type: none">• Post the minutes online• Send minutes to the Supreme Court for inclusion in the En Banc meeting materials	Done Done
<u>Office of Trial Courts</u> <ul style="list-style-type: none">• Add to September BJA meeting agenda	Done
<u>BJA Dues Notice</u> <ul style="list-style-type: none">• Send notice to judges	Done

Tab 2



Board for Judicial Administration (BJA)

BUDGET AND FUNDING STANDING COMMITTEE CHARTER

I. Committee Title

Budget and Funding Committee (BFC)

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Purpose and Policy

The BFC is created by the BJA and is responsible for 1) coordinating efforts to achieve adequate, stable and long-term funding of Washington's courts to provide equal justice throughout the state, and 2) reviewing and making recommendations, including prioritization, regarding proposed budget requests routed through the BJA.

Recommendation and Prioritization Criteria

The review and recommendations will be made in accord with the mission, core functions and Principal Policy Goals of the Washington State Judicial Branch and the Board for Judicial Administration.

The BFC will also take into consideration other factors including:

- Impact on constitutional and/or state mandates
- Impact on the fair and effective administration of justice in all civil, criminal, and juvenile cases
- Enhancement of accessibility to court services
- Improved access to necessary representation
- Improvement of court management practices
- Appropriate staffing and support

The BFC has the authority to establish guidelines regulating the format and content of budget request information received for the purposes of review, recommendation and prioritization.

IV. Membership and Terms

Members of the BFC must be voting members of the BJA. Members will be selected by the representative associations.

DMCJA Repetitive
SCJA Representative
COA Representative

V. Committee Interaction

Groups interested in seeking BJA support for funding initiatives must submit materials in accordance with AOC and BFC guidelines. The BFC will communicate and coordinate with other BJA standing committees when budget requests impact their mission.

VI. Reporting Requirements

The BFC will review materials as submitted and forward its recommendation to the BJA.

VII. Recommended Review Date

January 1, 2019

Adopted: July 18, 2014

Amended: September 19, 2014



Board for Judicial Administration (BJA)

COURT EDUCATION STANDING COMMITTEE CHARTER

I. Committee Title

Court Education Committee (CEC)

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Charge or Purpose

The CEC will improve the quality of justice in Washington by fostering excellence in the courts through effective education. The CEC will promote sound adult education policy, develop education and curriculum standards for judicial officers and court personnel, and promote coordination in education programs for all court levels and associations.

IV. Policy

The CEC will establish policy and standards regarding curriculum development, instructional design, and adult education processes for statewide judicial education, using the National Association of State Judicial Educator's *Principles and Standards of Judicial Branch Education* goals:

The goal of judicial branch education is to enhance the performance of the judicial system as a whole by continuously improving the personal and professional competence of all persons performing judicial branch functions.

- 1) Help judicial branch personnel acquire the knowledge and skills required to perform their judicial branch responsibilities fairly, correctly, and efficiently.
- 2) Help judicial branch personnel adhere to the highest standards of personal and official conduct.
- 3) Help judicial branch personnel become leaders in service to their communities.
- 4) Preserve the judicial system's fairness, integrity, and impartiality by eliminating bias and prejudice.
- 5) Promote effective court practices and procedures.
- 6) Improve the administration of justice.
- 7) Ensure access to the justice system.
- 8) Enhance public trust and confidence in the judicial branch.

V. Expected Deliverables or Recommendations

The CEC shall have the following powers and duties:

1. To plan, implement, coordinate, or approve BJA funded education and training for courts throughout the state.
2. Assure adequate funding for education to meet the needs of courts throughout the state and all levels of the court.
3. Collect and preserve curricula, and establish policy and standards for periodic review and update of curricula.
4. Develop and promote instructional standards for education programs.
5. Establish educational priorities.
6. Implement and update Mandatory Continuing Judicial Education policies and standards.
7. Develop working relationships with the other BJA standing committees (Policy and Planning, Legislative, and Budget and Finance).
8. Develop and implement standard curriculum for the Judicial College.
9. Provide education for judges and administrators that focuses on the development of leadership skills and provide tools to be used in the daily management and administration of their courts.

VI. Membership

Voting Members:

- Three BJA members with representation from each court level
- Education committee chair or a designee from the following:
 - Superior Court Judges' Association (SCJA)
 - District and Municipal Court Judges' Association (DMCJA)
 - Appellate courts
- Annual Conference Education Committee Chair or designee
- Education committee chair or a designee from each of the following:
 - Washington State Association of County Clerks (WSACC)
 - District and Municipal Court Management Association (DMCMA)
 - Association of Washington Superior Court Administrators (AWSCA)
 - Washington Association of Juvenile Court Administrators (WAJCA)
- Washington State Law School Dean

Appointments:

- BJA Members: Appointed by the BJA co-chairs
- Judicial Members: Trial court members appointed by their respective associations and appellate member appointed by the Chief Justice
- Annual Conference Chair: Annual Conference member appointed by Chief Justice
- Court Administrators and County Clerk Members: Administrative and County Clerk members appointed by their respective associations
- Washington State Law School Dean: CEC recruit and appoint

Chair of CEC:

CEC members will elect a chair from among the three BJA representatives. The chair shall serve for a term of two years.

Co-chair of the CEC:

CEC members will elect a co-chair from among the non-BJA representatives. The co-chair shall serve for a term of two years.

VII. Term Limits

Staggered terms recommended (suggestion: staggered three year terms for all members),

Representing	Term/Duration
BJA Member, Appellate Courts	*First population of members will be staggered (3 year term)
BJA Member, SCJA	*
BJA Member, DMCJA	*
Appellate Court Education Chair or Designee (1)	Term determined by Chief Justice
Superior Court Judges' Association Education Committee Chair or Designee (1)	Term determined by their association
District and Municipal Court Judges' Association Education Committee Chair or Designee (1)	Term determined by their association
Annual Conference Chair or Designee (1)	Term determined by Chief Justice
Association of Washington Superior Court Administrators Education Committee Chair or Designee (1)	Term determined by their association
District and Municipal Court Management Association Education Committee Chair or Designee (1)	Term determined by their association
Washington Association of Juvenile Court Administrators Education Committee Chair or Designee (1)	Term determined by their association
Washington State Association of County Clerks Education Committee Chair or Designee (1)	Term determined by their association
Washington State Law School Dean (1)	3 year term

VIII. Other Branch Committees Addressing the Same Topic

The CEC identified the following organizations involved in education:

- Association education committees
- Annual Conference Committee
- Gender and Justice Commission
- Minority and Justice Commission
- Court Interpreter Commission
- Certified Professional Guardian Board
- Court Improvement Training Academy
- Commission on Children in Foster Care
- AOC's Judicial Information System Education

The CEC will establish or continue relationships with the above named entities.

IX. Other Branch Committees to Partner With

Foster continual relationships with the BJA Legislative, Budget and Funding and Policy and Planning Committees. The CEC will be in close contact with the other BJA standing committees in order to develop long-term strategies for the funding of education and the creation of policies and procedures that are aligned with the BJA strategies and mission statement.

X. Reporting Requirements

The CEC will report at each regularly scheduled BJA meeting.

XI. Recommended Review Date

Every two years from adoption of charter.

Adopted: July 18, 2014

Attached Memorandum of Understanding with BCE signed

Amended: March 20, 2015

September 19, 2014



Board for Judicial Administration (BJA)

LEGISLATIVE STANDING COMMITTEE CHARTER

I. Committee Title

Legislative Committee

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Charge

The purpose of the Legislative Committee is to develop proactive legislation on behalf of the Board for Judicial Administration and to advise and recommend positions on legislation of interest to the BJA and/or the BJA Executive Committee when bills affect all levels of court or the judicial branch as a whole.

IV. Policy Area

Staff to the Legislative Committee shall refer bills to the committee based on the following criteria:

- The topic is highly visible, controversial or of great interest to the judiciary;
- The bill applies to multiple court levels or the entire branch;
- The bill is referred by another entity;
- There is or could be disagreement between associations or judicial branch partners.

Legislation or ideas for legislation may be referred to the Legislative Committee by other entities at any time. Staff to the Legislative Committee shall confer with staff to the trial court associations for potential referrals when developing agendas. The Legislative Committee cannot reject referrals but may choose not to act on the referred issue or bill after discussion.

V. Expected Deliverables

The BJA Legislative Committee shall:

- Review and recommend positions on legislation as described in Section IV;
- Recommend action by associations or individual persons based on positions taken;
- React quickly as issues arise during the legislative session;
- Ensure regular communication and that no other committee's authority is being inappropriately or inadvertently usurped; and
- Develop a communications plan regarding how the committee will interact with relevant stakeholders.
- During legislative sessions, conduct telephone conferences for the purpose of reviewing legislation and taking legislative positions. These calls should be

held as soon as practicable in an effort to accommodate the weekly legislative schedule;

- During the interim, meet monthly or as needed, to develop legislative issues and potential “BJA request” legislation. These meetings should be held in conjunction with the standing BJA meetings whenever possible in order to minimize travel-related expenses and time away from court; and
- The voting members of the BJA Executive Committee shall serve on the Legislative Committee as established under BJA 3(b) (1). ;
- The BJA Executive Committee shall take any emergency action necessary as a result of legislative proposals. The Legislative Committee shall have a vote on the recommendation to the Executive Committee.
- Legislative Committee members shall be well versed in all bills they act upon and shall be expected to communicate all relevant positions or information to the organizations they represent, as well as other parties, including legislators, as needed.

VI. Membership

The BJA Legislative Committee shall be composed of

- The voting members of the BJA Executive Committee;
- DMCJA and SCJA Legislative Committee Chairs; and
- Three BJA members, one from each court level, as nominated and chosen by the BJA.
- Each member will have one vote per seat on the committee. In the event of co-chairs at an association level, that position will have only one vote.
- The chair of the Legislative Committee shall serve for a two-year term, shall be chosen from the three BJA members that are nominated by the BJA, and shall rotate between the three court levels.

VII. Term Limits

The term of standing committee members shall be two years. Each committee member may be reappointed by the Board for Judicial Administration to one additional two-year term.

Term limits should be consistent with a member's term on BJA or commensurate with the term in the office that compels participation on the Legislative Committee.

VIII. Other Branch Committees to Partner With on Related Issues

- SCJA Legislative Committee;
- DMCJA Legislative Committee; and
- Other Judicial Branch Boards, Commissions, and Associations.

IX. Reporting Requirements

The BJA Legislative Committee shall report monthly, or upon request, to the BJA.

During session, staff to the Legislative Committee will provide an update to the full BJA after the chair of the committee has made opening remarks.

The Legislative Committees shall report in writing to the Board for Judicial Administration as requested.

The Chair of the Legislative Committee shall attend one BJA meeting per year, at a minimum, to report on the committee's work, if so requested.

X. Recommended Review Date

The committee will have a review date of every two years.

Adopted: July 18, 2014

Amended: September 19, 2014



Board for Judicial Administration (BJA)

POLICY AND PLANNING STANDING COMMITTEE CHARTER

I. **Committee Title**

Policy and Planning Committee

II. **Authority**

Board for Judicial Administrative Rules (BJAR 3)

III. **Charge or Purpose**

The charge and purpose of the Policy and Planning Committee is to create and manage a process of engagement within the judicial branch around policy matters affecting the courts of Washington, to identify and analyze priority issues, and to develop strategies to address those issues. In doing so the standing committee will work to advance the mission, vision and principal policy goals of the BJA.

The Policy and Planning Committee shall:

1. Create and oversee a planning process on a two-year cycle that accomplishes the following:
 - a. Sets out a clear and accessible plan and schedule for outreach to justice system partners and stakeholders that provides multiple opportunities for input and identifies major decision points.
 - b. Provides for preliminary identification of issues advanced for attention by the BJA.
 - c. Produces written analyses of proposed issues that outlines the substance of the issue, its impact on the courts, the scope of potential strategies to address the issue, the potential benefits and risks of undertaking a strategic initiative to address the issue, a statement of desired outcomes and the feasibility of achieving desired outcomes, the major strategies that might be employed to address the issue, the resources necessary, and a timeline.
 - d. Provides analyses of issues to branch stakeholders for their review and additional input.
 - e. Selects one or more issues for recommendation as strategic initiatives to be sponsored by the BJA.
 - f. For any strategic initiative approved by the BJA drafts and submits to the BJA a proposed charter for a steering committee or task force to implement the

initiative. The charter should provide for the composition of the task force or steering committee, its charge, desired outcomes of the campaign, its deliverables, a timeline for reporting and ending of the body, and a detailed identification of resources necessary to implement the initiative, including staff and fiscal resources.

- g. Produces recommendations to the BJA for action, referral, or other disposition regarding those issues not recommended for a strategic initiative.
 - h. Provides a critique and recommendations for changes in the planning process for consideration in subsequent cycles.
2. Serve as the oversight body of any committee or task force created to implement a strategic initiative.
 3. Identify strategic goals of the BJA and propose recommendations to address them in conjunction with the other standing committees.
 4. Propose a process and schedule for the periodic review of the mission statement, vision statement, and principle policy goals of the Board for Judicial Administration, and oversee any process to propose revisions and present proposed changes to the BJA.
 5. Provide analyses and recommendations to the BJA on any matters referred to the standing committee pursuant to the bylaws of the Board.

IV. Policy Area

The committee is authorized to research and make recommendations regarding any area of policy affecting the courts of Washington which is within the plenary authority of the BJA.

V. Expected Deliverables or Recommendations

The Policy and Planning Committee will produce interim and final reports and recommendations, analyses of issues conducted during its planning cycle, and reports of the status of ongoing strategic initiatives.

VI. Membership

All members of the Policy and Planning Committee shall be voting members regardless of voting status on the full body.

Representative

Chief Justice
BJA Member, SCJA
BJA Member, DMCJA
COA Presiding Chief Judge
SCJA President-Elect
DMCJA President-Elect

VII. Term Limits

The terms of members shall coincide with their term and seat on the BJA. The president-elects of the judicial associations shall serve on the committee until becoming president, and shall be then be replaced by the incoming president-elects.

VIII. Other Branch Committees Addressing the Same Topic

There are a number of existing committees within the branch created to address policy in specific subject matter areas or functions. The Policy and Planning Committee has a uniquely general assignment concerning any policy matter that affects the judicial branch.

IX. Other Branch Committees with Which to Partner

The Policy and Planning Committee will conduct its work in consultation with the other standing committees of the BJA.

The Policy and Planning Committee will initiate and maintain dialog with a number of branch entities and committees both within and outside of the judicial branch.

Branch committees and entities include:

- Washington Supreme Court
- Court of Appeals
- Superior Court Judges' Association
- District and Municipal Court Judges' Association
- Judicial Information System Committee
- Access to Justice Board
- Gender and Justice Commission
- Minority and Justice Commission
- Office of Public Defense
- Office of Civil Legal Aid

Other entities include:

- Office of the Governor
- Washington State Legislature
- Washington State Bar Association
- Washington Association of Prosecuting Attorneys
- Washington Association of Criminal Defense Attorneys
- Washington State Association for Justice
- Washington State Association of Counties
- Association of Washington Cities
- Washington State Association for Municipal Attorneys

X. Reporting Requirements

The Policy and Planning Committee shall provide a final report and recommendations near the conclusion of its two-year planning cycle, and shall provide an interim biennial report of activities and the status of any ongoing strategic initiatives or other projects.

XI. Duration/Review Date

The standing committee should be reviewed every three years to ensure that it is functioning consistent with its charge, producing deliverables and that the mission and

goals of the BJA are being advanced. The first review should occur in 2018 and reoccur every three years thereafter.

Adopted: July 18, 2014

Amended: September 19, 2014

Tab 3

**Washington State Administrative Office of the Courts
2016 Supplemental Budget Request**

For BJA Approval

Administrative Office of the Courts - General Fund State Requests		
Title	FTE	Amount Requested
Employment Security Department	FTE 0.0	\$107,000
Funding is requested for payment of unemployment compensation invoices.		
Technical Correction to Technology Savings	FTE 0.0	\$278,000
Funding is requested to correct errors in the computations used to implement information technology savings.		
Total Request- State General Fund	FTE 0.0	\$385,000

Note:

The request (below) to change the funding source for the Expedited Data Exchange from the Judicial Information System Account (JIS) to the state general fund was presented to the Judicial Information System Committee (JISC) on August 28, 2015. The JISC will vote on the proposed budget at the October 23, 2015 meeting.

Tab 4

**Washington State Administrative Office of the Courts
2016 Supplemental Budget Request**

Information Only

Administrative Office of the Courts-JIS Requests		
Title	FTE	Amount Requested
Fund Transfer for the Expedited Information Networking Hub	FTE 0.0	\$5,344,000 (SGF) -\$5,344,000 (JIS)
Funding is requested from the state general fund rather than the Judicial Information System Account to implement the expedited information networking hub (\$5.3 million from JIS to SGF).		
Operational Staffing for Odyssey Support	FTE 4.0	\$492,000
Funding is requested to hire staff to support the new Superior Court Case Management System.		
AC-ECMS	FTE 0.0	\$271,000
Additional carryover funding is requested to cover the cost of deliverables moved to 2015-2017 biennium. This is not an increase in total contract costs.		
Total Request JIS	FTE 4.0	\$763,000
AOC 2015-2017 Enacted Budget-All Sources		\$178,222,000
Percent Increase (net)		0.60%

Tab 5

Board for Judicial Administration Budget and Funding Committee Criteria

The Budget and Funding Standing Committee (BFC) of the Board for Judicial Administration is responsible for reviewing, making recommendations, and initially prioritizing budget requests submitted to the BJA. The following criteria will be used by the BFC to evaluate budget proposals submitted to the BJA.

Standards

- The budget request is for an activity essential to a constitutional, statutory or court rule mandate.
- The budget request is necessary to carry out the Principal Policy Goals of the Washington State Judicial Branch
 - Fair and Effective Administration of Justice in all Civil and Criminal Cases
 - Accessibility
 - Access to Necessary Representation
 - Effective Court Management
 - Appropriate Staffing and Support.
- The budget request implements a resolution adopted by the BJA.

Additional Criteria

- The budget request provides a complete and detailed description of the justification for the request, written in plain language so that an outside reader will understand the problem and the proposed solution. The request will include the following elements.
 - A description of the funding requested supported by empirical data.
 - Specifically identified outcomes.
 - Organizations and groups that support the request.
 - The impact if not funded.
- The request is an innovative approach or a more effective means of addressing a mandate or the principal policy goals, and includes a description of the justification and proposed empirical evaluation criteria.
- The budget request builds on or enhances existing and ongoing efforts and seeks to achieve more cost-effective outcomes.
- The request is designed to mitigate or eliminate structural or systemic funding problems.



September 18, 2015

TO: Board for Judicial Administration Members

FROM: Judge Judy Rae Jasprica, BJA Court Education Committee Chair
Judge Douglas J. Fair, BJA Court Education Committee Co-Chair

RE: Court Education Committee Overview

I. Accomplishments

The CEC met the first time on January 27, 2015 to review historical information on the Board for Court Education's work, information on each of their standing and advisory committees and the overall history of funding for judicial education.

Over the next several meetings the CEC reviewed judicial education models from Arizona, Ohio, California, and Idaho as well as judicial education models operating in conjunction with law schools around the country.

The CEC's biggest concern and priority is funding. The educational budget has plummeted over the years, forcing the BCE, the Associations and other organizations to use outside resources to help meet their educational needs however, they are unable to fund needed educational programming. Due to the lack of funding, judicial education in Washington has grown stagnant. While the rest of the country is moving ahead with diverse and dynamic educational models, we continue to rely on the same process with less funding available to meet those needs. The educational needs of the judiciary are numerous and not met through the current levels of funding. As a result, the CEC intends to find ways to increase funding for education and work toward identifying the specific educational needs of those we serve.

The BCE included a law school representative and at first the CEC did not. Over several meetings it became apparent that there was a need for a Law School representative and would be a valuable addition to the committee. Therefore the CEC requested the addition of a law school representative. Dean Clark was appointed by the BJA and has been asked to be pro-active in developing strategies of education for judges and court personnel via a coordinated effort with our three law schools.

A co-chair was added and was chosen from the non-BJA members. The three BJA members, including the chair, have limited terms on the BJA and the CEC while members from the non-BJA roster tend to remain active in education for a number of years. The CEC chose Judge Douglas Fair to be the co-chair.

The CEC worked with the BCE throughout the year and as of June 30, 2015 all roles and responsibilities are now under the CEC. The CEC is still reviewing documentation and determining guiding principles for use of CEC funding, the development of curriculum, supporting adult education principles and focusing on the actual educational needs of the judiciary, not on what they can fund.

The following recommendations by the BJA Unification Workgroup were reviewed and action taken

Recommendation 13 – Sunset Board and transition functions to CEC

The CEC asked for the official sunset of the Board for Court Education (BCE) which was signed by the Chief Justice on August 4, 2015.

Recommendation 13a- Review Board Sponsored Education Programs and Ad Hoc Committees

Over the next year, the Institute for New Court Employee and the Institute for Court Management committees will merge and begin work with an ad hoc committee which will focus on the educational needs of all court personnel from the beginning for their career to the end. This would include line-staff and administrators.

Recommendation 13b – Budget Standing Committee

The functions of the BCE Budget Committee have been transferred to the CEC and is an ad hoc committee of CEC volunteers. As we progress there will be a need for more coordination with the BJA and the other three standing committees. As noted above, the CEC needs more inclusion in the budget development and decision process.

Recommendation 13c – Bylaws Ad Hoc Committee

The BCE Bylaws ad hoc committee was sunset and the function was not moved under the CEC. The CEC is now under the BJA.

Recommendation 13d – Curriculum Ad Hoc Committee

The curriculum coordination has been moved under the CEC. The CEC is still in the discussion phase on the most effective way to approach this task.

Recommendation 13e – Judicial College Trustee Advisory Committee

The CEC disbanded the Judicial College Trustee advisory committee concluding that they had completed their original function.

Recommendation 13f – Judicial College

There are no changes to the format of the Judicial College. The deans will now report to the CEC and coordinate the development of an official curriculum with the CEC.

Recommendation 13g – Mandatory Continuing Judicial Education Advisory Committee

The CEC disbanded the Mandatory Continuing Judicial Education Advisory Committee and all the roles and responsibilities are now under the CEC. The CEC submitted administrative changes to GR26 and the Standards to the Supreme Court Rules committee and are awaiting a decision.

Recommendation 13h – Nominating Standing Committee

The BCE nominating committee was sunset with the BCE. The CEC process of nominating and appointing members is now under the BJA.

Recommendation 13i – Presiding Judges' Education Advisory Committee

The CEC agreed to keep the Presiding Judges' Education Committee and formally renamed it the Presiding Judge and Administrator Education Committee. The committee will continue developing educational programming for the Presiding Judge and Administrative team. The CEC has sent a formal letter to Ms. Callie Dietz, Administrative Office of the Court, requesting additional funding in FY17 to fund a Presiding Judge and Administrator program. The CEC supports developing leadership within the Judicial Branch (BJA Goal 1.3).

Within the same letter they requested additional funding of the FY17 Judicial College in anticipation of more participants since 2016 is an election year for the General Jurisdiction Courts.

Recommendation 13j – Research and Development Ad Hoc Committee

This function was sunset with the BCE.

Recommendation 13k – Faculty Development Program

This program is developed and taught by AOC educators. The CEC dedicates funding to the program to continue the education of judges and court personnel who are to become the faculty of the future. The Judicial College mandates that judicial officers who wish to teach at the Judicial College must attend this program.

Recommendation 13l – Institute for New Court Employees

See recommendation 13a.

II. Challenges

Establishing our role and responsibilities and focus. The BCE governed education extremely well, but as their funding decreased, so did the ability to grow education. The CEC would like to review past governing practices and also other state education models to determine models that might be more effective and fit the BJA model well.

Funding. It became apparent, very quickly, that judicial education funding has languished and continually been reduced over many years. Though the BCE made numerous attempts to secure additional funding, there was no support. The CEC does not want this to continue and will work with the BJA and the other standing committees to justify the need for additional funding and establish a stable funding source.

Developing relationships between not only the BJA itself but between the three other standing committees. How can we work together on processes, how can education become part of the language of BJA and not considered a luxury but more of a necessity.

III. Lessons Learned

Don't let the lack of education funding be the driving force of the CEC. The CEC needs to be more proactive in the budgeting process to restore the funding needed to effectively educate all levels of the judiciary. The educational needs and the funds to meet those needs is the focus.

Cannot continue planning by ourselves. Though there are representatives on the CEC from all the Associations, there needs to be more involvement by Association leadership and the BJA. Without input from all stakeholders and without a fundamental educational needs assessment of the judiciary, we can't move forward.

IV. Changes

There has been discussion at the AOC level about the rotation of the three BJA members and their length of service. Though most will stay for at least two years, it is the regulation that the Chair of the committee needs to be one of the BJA members that is the most problematic. The chair of the CEC would last only two years and a new set of BJA members will rotate in and may or may not have educational experience. The non-BJA members have no official terms and that is why the Co-Chair is appointed from their membership. We understand that the Chair needs to be the voice of the CEC committee and only BJA members attend the meetings but this is an ongoing concern.

V. How Can the BJA Support the CEC

Inclusion in any strategic planning. Education is usually a key component in managing change.

Inclusion in discussion regarding future funding of judicial education.

VI. Communication between BJA Committees

Begin discussions. The committees still seem to be working within their own purview and there has been no open discussion between them to see what they are planning, what they can and cannot do for each other, etc. We need to begin the discussion, include BJA members who are not on committees, and develop strategies to achieve our objectives.



Board for Judicial Administration

DRAFT Court Education Committee Transitional Work Plan Fall 2014-2015

Title: CEC Work Plan

Planned Start Date: September 2015

Planned Finish Date: December 2016

Sponsor: Board for Judicial Administration (BJA)

Plan Coordinator: Judith M. Anderson, Court Education Coordinator

I. Background

As of September 1, 2014, BJAR 3 includes four standing committees. The Court Education Committee's charter was approved by the BJA in July 2014. Since 1981 the Board for Court Education has been the governing body for judicial education and the new CEC has assumed that role. The new CEC committee consists of three BJA representatives from each level of the court who have been appointed by the BJA co-chairs. Membership include representatives from each of the Association's education committees along the chair of the Annual Conference Committee and a law school dean.

II. Purpose

A work plan is essentially an accounting of how the CEC proposes to accomplish a specific task and is used as a management tool to plan. This document is a high-level work plan which maps the substantive focus of the CEC's agendas in order to effectively develop the CEC's role and responsibilities.

Below is a draft of a work plan for the next year based on the recommendation by the CEC and AOC personnel. Some degree of flexibility is required of this work plan since the CEC is an evolving committee of the BJA. It is the intent that the CEC, and AOC will create a Court Education Committee-specific work plan to create a timeline for the committee's work while ensuring the committee deliverables are anticipated, completed and communicated to the board.

As the CEC develops its own role and responsibilities the committee needs to build relationships with the other BJA standing committees and engage organizations and other stakeholders within the judicial branch, not only on individual educational needs but to cultivate a culture of cooperative education.

III. Goals and Objectives

Goal: To create a work plan that fulfills the purpose and duties of the CEC according to the Board for Judicial Administration Rules (BJARs).

Objectives:

- Develop a CEC timeline of work and deliverables.
- Identify the CEC work product.
- Establish a schedule of CEC meetings
- Develop relationship with the BJA and the three other standing committees.

The work plan can be adapted to a different meeting schedule. It is anticipated that the CEC will need to meet monthly in order to develop policies, procedures and strategic plan for the growth of judicial branch education.

Month/Year	Anticipated Business Item	Judicial Branch/ Community Member Education/Update
September 2015	CEC discussion on Goals and Objectives CEC review of Adult Education Principles, Needs Assessment and Goals and Objectives (mini-faculty development program) Judicial College Curriculum Reports Development of Judicial Education Leadership Event Biennial Budget Committee Identified Prioritization and justification of additional educational programming	

Month/Year	Anticipated Business Item	Judicial Branch/ Community Member Education/Update
	<p>Approaching State Justice Institute (SJI), National Center for State Courts (NCSC) to help with development of the Committee for Education of Court Employees (CECE)</p> <p>Identification of impact of additional educational funding on AOC resources</p>	
October 2015	<p>Review of CEC Goals and Objectives</p> <p>Status Reports from CEC and Judicial Education Taskforce (JET)</p> <p>Biennial Budget Draft Review</p> <p>Justification arguments for additional funding (i.e. complexity of the jobs, purchasing power – budget hasn't changed in a number of years and what we had cannot purchase what we used to (a.v., faculty) pace of change, impact on public, turnover on bench and in administration etc.) Identify the gaps</p>	
November 2015	2017-2019 Biennial Budget Review (FY18-FY19)	
December 2015	2017 – 2019 Biennial Budget Review (FY18-FY19)	
January 2016	2017 – 2019 Biennial Budget Review (FY18-FY19)	
February 2016	2017 – 2019 Biennial Budget Review (FY18-FY19)	
March 2016	Submit CEC Biennial Education Programming Request (3/1)	
April 2016	BJA Reviews all Biennial Education Requests – BJA representatives provide input – Judge Jasprica, Judge Siddoway, Judge Haan	

Month/Year	Anticipated Business Item	Judicial Branch/ Community Member Education/Update
May 2016	BJA Presentations – Judge Jasprica, Judge Siddoway, Judge Haan	
June 2016	BJA prioritizes all requests and disseminates to the Supreme Court Budget Committee If CEC request moves forward liaisons to the BJA and legislature identified.	
July 2016		
August 2016		
September 2016		
October 2016		
November 2016		
December 2016		

Other Presentations

Judicial Education Leadership Retreat

2016-2017 Items

DRAFT



Board for Judicial Administration Legislative Committee

Annual Report, September 2015

Charge: The purpose of the Legislative Committee is to develop proactive legislation on behalf of the BJA and to advise and recommend positions on legislation of interest to the BJA and/or the BJA Executive Committee when bills affect all levels of court or the judicial branch as a whole.

Committee Chair: Judge Sean Patrick O'Donnell, King County Superior Court

Committee Staff: Ms. Mellani McAleenan, Assoc. Dir., AOC Office of Judicial & Legislative Relations
Ms. Mara Machulsky, Sr. Admin. Asst., AOC Office of Judicial & Legislative Relations

Committee Members:

BJA Member, Appellate Courts	Judge Thomas Bjorgen
BJA Member, SCJA	Judge Sean Patrick O'Donnell, Chair
BJA Member, DMCJA	Judge Kevin Ringus
Chief Justice	Chief Justice Barbara Madsen
BJA Member Chair	Judge Scott Sparks
COA Presiding Chief Judge	Judge J. Robert Leach
SCJA President	Judge Harold Clarke III
DMCJA President	Judge David Steiner
DMCJA Legislative Committee Chair	Judge Samuel Meyer
SCJA Legislative Committee Chair	Judge Stephen Warning/ Judge Kitty-Ann van Doorninck

BJA Request Legislation:

HB 1061/SB 5174

SUMMARY: Changes the number of judges Skagit County District Court from two to three.

STATUS: SB 5174 passed

HB 1111

SUMMARY: Updating the court transcriptionist statutes and implementing the recommendations of the Court Management Council to comport with recently adopted court rule.

STATUS: Passed the House unanimously and died on the Senate floor calendar

Achievements

- Spearheaded educational presentation to the House Judiciary Committee in January
- Actively tracked over 60 bills.
- Took positions on approximately 30 bills.
- Successfully passed legislation to add a judge to Skagit County District Court.
- Met approximately 10 times during the 2015 legislative session.
- Avoided most negative policy or budget proposals during 2015 legislative session.

Challenges

- Ability of members to read and review bills in the timeframe allowed.
- Coordination and communication between the committee and associations.

Lessons Learned

- Adding time to the meeting agenda to hear reports from the associations' and appellate court legislative committees as well as time for them to make specific requests of the BJA committee could be helpful.

Changes Needed

- Charter needs updated to reflect 2-year committee chair position.

BJA Support

- Continued communication with and support from BJA staff is essential.

Communication between BJA and Committees

- As the new committees come into their own and begin development of their own agendas, communication will be essential in order to maintain coordination and teamwork between the BJA committees.

Other – Upcoming Events

- Tours of WCCW and Stafford Creek correctional facilities in October. Presentations by Mellani McAleenan and Thurston County Superior and District Court Judges about therapeutic courts and court tour for House Judiciary Committee in September.
- Court tours in other counties to be scheduled in fall.
- BJA 2016 Legislative Agenda development.

Tab 6

OFFICE of TRIAL COURT POLICY and RESEARCH

Executive Summary

The Office of Trial Court Policy and Research is created to organize and promote activities of trial court associations for judges and administrators that will improve quality access to courts in Washington State. The trial courts are a system that holds itself to a high standard centered on fundamental mandates that provide consistency and reliability in the legal system. The mission is to advance the level of professional policy development and staff assistance to execute high level court reform designs.

The **superior/trial** courts are poised to advance court policy based on contemporary research and best practices, but the current organizational structure does not support advancement. In fact the level and expectations for professional support through research, policy design, and program support is a diminishing resource. This dynamic fails to produce opportunity for statewide improvement for **superior/trial** court infrastructure, available services, and stability with external entities such as the legislature. Our interest is to execute innovative operations that are co-designed and supported by the Legislature.

The goal of the carve-out strategy is to better align reform needs to staff support, without diluting the trial courts' mission. The proposal is to extract association administrative staffing and trial court research, add a layer of support for policy design and program support. While these functions are outlined separately, by becoming part of one office with a singular focus, the duties fuse together over time.



The long term fiscal impact to create the Office of Trial Court Policy and Research is neutral. Removing responsibility from one organization also transfers the budget.

OFFICE of TRIAL COURT POLICY & RESEARCH

LOGO/WATERMARK

*Advance statewide trial court organization
through development of policy and funding initiatives*

Administrative Support

Provide staff support
to Boards and
Committees

Prepare meeting
logistics and
materials

Modernize medium
and delivery of
materials and
meeting logistics

Liaison between
policy development
and association
leadership

External Engagement

Target list of
stakeholders from
other state branches
or member
organizations

Identify and target
areas of mutual
interest

Participate in
statewide forums for
policy development

Legislative and Budget Advocacy

Inform legislators
on issues relevant to
trial courts

Work in partnership
with Legislature on
policy and funding

Design state funding
packages to target
unfunded mandates,
infrastructure gaps,
or program/service
enhancement

When possible
coordinate
communication
between trial court
association
legislative
representatives

Policy and Program Development

Enhance subject
matter expertise
through research
and development

Design policy
focused
opportunities for
superior/trial courts
statewide

Work through
associations to
identify areas of
reform in trial
courts

Reform topics will
incorporate
feedback from
association
committees

Research Center

Evidence is at the
center of policy
making

Understand
performance and
assess outcomes

Create opportunity
for further
advancement of
policy and
measurement

Establish data
collection and
quality assurance
systems

Create web-based
reporting and
dashboard access for
customers

OFFICE of TRIAL COURT POLICY & RESEARCH

Advance statewide trial court organization through development of policy and funding initiatives

Why we exist...

The Office is designed to support **superior/trial** court associations in the areas of policy development and program enhancement. The business of the associations is complex and demands a more sophisticated support model. Trial court improvement strategy to promote court policy and services need staff who have expertise in development and research. We strive for data-informed court governance and are poised to offer structure and programs that yield evidence of effectiveness.

What we do...

The Office provides professional policy and research staff support to **superior/trial** court associations to create opportunity for local court improvement. Through support of the Office, trial court leadership will pursue equal funding and improvement for **superior/trial** courts regardless of size and demographics.

Who we serve...

The Office provides three major areas of concentrated staffing: research, policy development, and association administrative support. The direct customers for staff services provided the Office are statewide **superior court/trial court** associations.

How we do it...

Under direct leadership of the **SCJA/DMCJA**, the Office is committed to pursuing equal advancement of court policy and design statewide. The direct focus of the Office is to allow **superior courts/associations** to be prepared to advocate for contemporary, service-oriented services through trial court operations.

**WASHINGTON STATE
OFFICE OF TRIAL COURT POLICY AND RESEARCH**

I. Mission

- Values
- Purpose
- Measurement
- Customer

II. Charter

- Association Administrative Support
- External Stakeholder Engagement
- Legislative and Budget Advocacy
- Policy Development and Program Support
- Trial Court Research

III. Authority

IV. Funding

WASHINGTON STATE OFFICE OF TRIAL COURT POLICY AND RESEARCH

MISSION

The Office of Trial Court Policy and Research shall organize and promote activities of the associations of trial court judges and administrators to improve quality of and access to trial courts in Washington State. The trial courts hold themselves to a high standard centered on fundamental mandates to provide consistency and reliability in the legal system. The mission is to advance the level of professional policy development and staff assistance to assure consistently high level court performance.

Values

Statewide **superior/trial** court associations exist to improve court operations and to identify and improve **superior/trial** court access to best practices. Contemporary data, relevant research, and the ability to continuously measure outcomes is essential in order to wisely invest and manage limited resources and measure the return on that investment.

The **superior/trial** courts must have a voice in the legislative process. The Office of Trial Court Policy and Research (the Office) will engage in the legislative process providing insight and expertise to legislators and promoting initiatives that will improve trial court efficiency while ensuring equal access for all parties to legal disputes. The Office will advocate for reform that supports fair and equal treatment for all Washingtonians involved in the justice system.

Purpose

The Office is created to provide dedicated support to superior/trial courts. The Office will create a structure to provide analysis, develop policy, support association business, and prepare initiatives to enable and encourage **superior/trial** courts to implement best practices. In contrast with the existing model, the organizational design of the Office will enable the **superior/trial** courts to effectively participate in the ever-changing legislative environment.

The goal of the Office is to create consistent statewide trial court advancement opportunity. Currently, equal access to program and service enhancement is lacking due to inconsistent funding for the trial courts. The Office will use innovative strategies to promote equality for **superior/trial** courts regardless of location and local funding limitations. In order to manage

court business as required by the constitution and legislative enactment, stable policy and program development must be equally available statewide. The Office is designed to create this opportunity.

Measurement

The Office is created to ensure that the state's investment in court policy initiatives produce demonstrable improvement to local trial court operations. It will accomplish this by supporting program development, best practice implementation, technology improvement, and the provision of information to the Legislature. By consolidating research and policy development, and by removing barriers to access, the Office will offer transparent and responsive outcome measurement and quality assurance while keeping contemporary reform a continuing goal.

Customer

The Office will serve the needs of **superior/trial** court leaders and will receive direction from the **superior/trial** court executive committee. The policy development and initiatives of the Office will serve **superior/trial** court judges and administrators as the primary customers.

CHARTER

Association Administrative Support

There will be no interruption in staffing support for association board and committee business. The association meetings will be staffed, with thorough agendas, materials compiled, and facility arrangements made to support the work of the associations. The Office will be responsible to present alternative formats of administrative support for association business (i.e. electronic materials, web meetings, etc.).

External Stakeholder Engagement

Currently, statewide public policy forums related to court practices occur but with limited input from the trial courts. The associations do not now effectively influence system design or provide meaningful input on structural changes. The Office creates a new focus on policy design and research which does not now exist. With assistance of the Office, **superior/trial** courts will provide effective leadership of system reform.

Legislative and Budget Advocacy

The way to equalize services and support of **superior/trial** courts in a decentralized court system, is to increase state funding for trial court infrastructure and development. Only with undiluted information about the core mission and mandates of the **superior/trial** courts will legislators know why current local funding results in an inequity of court access. Laws that govern our system of justice may not be administered equally. Some courts have programs that neighboring jurisdictions do not offer. Sentencing standards and determinant sentencing laws

reflect efforts to equalize justice in trial courts, but equal justice will not be a reality until trial court leadership, with assistance from the Office of Trial Court Policy and Research, provides expertise, information, and resources to stabilize trial court infrastructure and best practice programs.

The Office will work at the direction of **superior/trial** court leadership to develop trial court funding packages consistent with deadlines established by the Supreme Court Budget Committee. The entire list of packages will be submitted to the Supreme Court Budget Committee for informational purposes, which the Supreme Court may or may not include in their annual budget. The Office, through its legislative liaisons, will work with legislators on topic-specific issues to examine budget initiatives. Working through the legislative liaisons, the Office will prepare materials for judges and administrators to inform legislators on trial court initiatives. Before the Legislative Session begins each January, the Office and associations will have clearly developed policy and funding initiatives with legislative support. Trial court funding initiatives will not be delayed by the Supreme Court budget process. The Office will increase responsiveness to the Legislature directly

Policy Development and Program Support

Creating a renewed expectation of policy and program development support for **superior/trial** court business will advance the mission and create an opportunity for ongoing communication between local courts, association leadership, and interested external stakeholders. The Office will specialize in system design to reform court operations while remaining mindful of the interests of investors and customers. By consolidating subject matter expertise and research functions, the Office staff will be able to support advancement with a holistic approach, rather than a piecemeal approach that lacks context.

Trial Court Research

Research provided through the Office will offer direct access and support to trial court reform development. Accessibility to research (outcome evaluation, best practices literature, dashboard reporting, and quality assurance) will directly enhance trial court operations. The Office will specialize in system design to reform court operations while remaining mindful of the interests of investors and customers. By consolidating subject matter expertise and research functions, the Office staff will be able to support advancement with a holistic approach, rather than a piecemeal approach that lacks context.

The Office expects that the duties of policy design and research will be consolidated, which will provide a robust platform to support trial court advancement of programs, services, best practices, and core infrastructure statewide. Policy development and research capacity will grow together under the organizational structure of the Office to create a solid foundation for trial court system advancement.

AUTHORITY

The Office will perform functions that fall in one of three categories: 1) research; 2) policy design and program support; and 3) direct support for (the) association board(s) and committees.

- The Center for Court Research (the Center) will provide additional services to the **superior/trial** courts by supporting policy design and program enhancement. The Center will provide a work plan and communication plan on projects requested by **superior/trial** court association(s).
- Policy and program analysis and design of reform efforts will be at the direction of the association Executive Committee(s).
- Decisions about association business will be handled in the same manner as directed by the **Board of Trustees/Board of Governors** and the association bylaws.

Superior/Trial Court Association Boards remain in full force and effect. Each association, judge and administrator retains the right to organize committees and propose budget ideas based on their bylaws at the direction of their leadership. The Office operates to serve, organize, and coordinate the needs of each association, together and separately.

The Executive Director of the Office will report to an executive committee.

FUNDING

The associations will continue to manage its/their financial business by collecting dues as currently occurs. As part of the mission to support association business, Office staff will coordinate meetings and expenses on behalf of the associations (Board and Committee business and Long Range Planning).

The carve-out funding plan assumes that legislative enactment will extract the above defined responsibilities and that the associated operating cost would be extracted at a level similar to the current cost to state government. Expenses for the Office will likely fall into two categories, infrastructure and staff.

- Infrastructure - facility, desk, chairs, computers, phones, copy machines, printers, paper, business cards, system security, etc.
- Staff – salaries and benefits



AOC Response to SCJA “Office of the State Trial Courts” Proposal - September 2015

SUMMARY

The Superior Court Judges’ Association (SCJA) has proposed the legislative creation of a new state agency, the Office of the State Trial Courts (the Office or Agency). SCJA proposes to “extract association administrative staffing and trial court research, [and] add a layer of support for policy design and program support” through a “carve out” of the Administrative Office of the Courts’ (AOC) budget. The initial carve-out for SCJA alone would cover five or six staff positions and infrastructure.

POSITION

AOC cannot support the creation of a new state agency whose services are redundant to those already provided by AOC staff members. The judicial branch is already resource poor and further diluting those resources for redundant services is not in the best interest of the trial courts, the public, nor of the judiciary as a whole. AOC is always open to exploring better ways to support the trial courts if the SCJA can identify specific needs and help develop solutions to those needs.

SCJA PROPOSAL

According to documents provided by the SCJA, “[t]he Office will create a structure to provide analysis, develop policy, support association business, and prepare initiatives to enable and encourage superior/trial courts to implement best practices.”

“It will ... [support] program development, best practice implementation, technology improvement, and the provision of information to the Legislature.”

The agency would serve at the direction of a superior/trial court executive committee. Policy and program analysis would be done at the direction of the executive committee. Decisions about association business would be handled in the same manner as currently directed and the association bylaws. An executive director would be hired by and report to the executive committee.

The new state agency would provide staffing support for the association board and committee business. Meetings would be staffed, agendas and materials compiled, and facility arrangements made by the new agency.

The Office proposes to create a new focus on policy design and research, combining that with the move of the Washington State Center for Court Research (WSCCR) from AOC to the new agency at a later, unspecified date. Regardless, WSCCR is expected to provide additional services on projects requested by the associations.

The Office would develop trial court funding packages to be submitted to the Supreme Court budget committee “for informational purposes.” The new agency’s legislative liaisons would inform legislators on trial court initiatives. Legislators will be given “undiluted information about the core mission and mandates of the ... courts” so that legislators “will know why current local funding results in an inequity of court access.”

Association dues will continue to be required. Funding for salaries and infrastructure would come from state funds, largely a “carve out” from AOC’s budget.

RESPONSIBILITIES OF THE AOC

AOC was created in 1957, in large part as an agency for the trial courts. The mission of the AOC is to advance the efficient and effective operation of the Washington judicial system. AOC’s philosophy is “to provide prompt, courteous, and competent service to all we serve through cooperation, collaboration, and use of best practices and modern technology, always maintaining ethical and professional conduct.”

In part due to concerns raised by the SCJA, AOC has recently restructured. Many offices within the four divisions are devoted to specific needs of the trial courts, such as the Office of Court Innovation, which focuses on WSCCR and the commissions; the Office of Judicial and Legislative Relations, which serves as the primary liaison with the legislature, association contract lobbyists, and the executive branch; and the Office of Trial Court Services and Judicial Education, which is focused directly on daily support for trial court judges, clerks, and staff, plus providing educational programs for all levels of court.

AOC’s trial court services staff members support the trial court associations in many ways – everything from analyzing the large volume of legislation that affects the trial courts to ordering lunch at association meetings. They prepare materials, assist with research, aid in the development of policy and court rules, set up conference calls and web meetings, and organize conferences. They maintain complex law tables, without which the technology systems cannot maintain accurate case and criminal histories. They coordinate with other state agencies such as DOL and DOC. AOC employees throughout the agency also work with IT staff to assist in the implementation of the new case management systems, to help ensure that business practices and technology intersect.

AOC’s employees handle the payroll and benefits for the state’s judges, they offer human resource and public relations assistance, and they provide the technology on which the courts depend. AOC staff members developed and maintain the website for the state’s court system, which receives 235,000 hits daily. AOC staff also provide customer service to the court administrators and clerks, answering questions about how to utilize IT applications or walking them through how to implement a new law. They also provide services to the general public, which means fewer calls to the courts themselves.

WSSCCR and the commissions focus on evidence-based best practices to improve the functioning of the judicial system. The Interpreter Commission, Commission on Children in Foster Care, the Gender and Justice Commission, and the Minority and Justice Commission all focus on problems and issues prevalent at the trial court level. WSSCCR's current projects all relate to superior and juvenile court matters. These entities all function successfully and interdependently as staffed by AOC.

Of the AOC general fund budget, 71 percent is dedicated to the trial courts:

- **63 percent** goes to superior court judges' salaries and benefits and programs specific to the superior courts, such as BECCA and truancy, Family and Juvenile Court Improvement, and CASA;
- **5 percent** goes to District and Municipal Court Judges' salaries through the Trial Court Improvement Account (although those funds can be spent by the local jurisdictions on either the CLJ or superior courts);
- **3 percent** goes to other services such as interpreter reimbursement that is shared by the trial courts, guardianship, and collecting superior court legal financial obligations.

The remaining 29 percent of AOC's budget provides the personnel and infrastructure necessary to deliver these services and special projects for the court community.

These numbers do not reflect additional Judicial Information System (JIS) Account funds dedicated to information technology maintenance and improvements, such as the current superior court case management system project.

WASHINGTON JUDICIAL BRANCH GOVERNANCE

As a non-unified system, judicial branch governance in Washington is less straight forward than in other states. All current branch agency heads serve at the discretion of the Supreme Court. While the Supreme Court has the power to promulgate rules, so do the courts at the local level. Additionally, both the superior and limited jurisdiction courts have associations, funded by dues paid by the cities or counties, which have their own governance structure, committees, and paid lobbyists. With the exception of the contract lobbyists, staffing support for these associations is provided solely by the AOC, a situation unique to Washington State.

In order to maintain a cohesive presence and a unified voice, the judiciary created the Board for Judicial Administration in 1981. It was restructured in 2000 to reflect the recommendations of the Commission on Justice, Efficiency and Accountability to emphasize a mission that reflects governance rather than a representative purpose. The BJA "is charged with providing effective leadership to the state courts and developing policy to enhance the administration of the court system in Washington State. Judges serving on the Board pursue the best interests of the judiciary at large."

In comparison, the trial court associations generally represent the interests of their particular court levels.

In 2014, the BJA was again restructured - this time, to create four standing committees devoted to the policy and planning, budget, legislative, and education needs of all court levels.

In 2007, the Supreme Court officially adopted the first budget development and approval schedule for the judicial branch. The purpose of the schedule and procedures is to ensure that the budget development, review, and submittal process is consistent and objective, providing several opportunities for review and discussion. The previous process was strengthened to establish a transparent budget process that institutes a number of review, assessment, and accountability measures to ensure funding requests align with judicial branch policy objectives and that resources are targeted to the highest priorities.

While a budget request may not make it into the Supreme Court's final budget submission to the Legislature, the trial court associations, appellate courts, and judicial branch agencies all may submit their own requests in the same manner that they propose policy legislation based on their individual needs.

Additionally, at the request of the SCJA, AOC now staffs the Trial Court Advocacy Board (TCAB), which was created to enhance "statewide awareness of trial court issues involving court policy, staffing, and budget." TCAB was designed to advance the mission of the trial courts related to local court operations. With the creation of the new BJA committees, TCAB also plays a role in the Supreme Court budget process by vetting and prioritizing all preliminary proposals affecting the trial courts before submitting those recommendations to BJA's Budget and Funding Committee.

UNKNOWNNS

All practical details of this proposal are currently unknown. It is not clear the level of administrative work for which this agency would take responsibility. It is also unknown whether the limited jurisdiction trial courts will be, or even want to be, included. SCJA leadership has indicated the need for "double or triple" the amount of resources if DMCJA is included.

IMPACTS

Depending on the level of administrative work taken on by the new agency, AOC's responsibilities may actually increase rather than decrease because of this new entity. At best, efficiencies and economies of scale created by AOC's role as the sole support agency for the courts will be lost due to redundant and confusing processes. Such duplication of efforts is ineffective.

AOC and the BJA provide the conduits through which coordination and communication between the court levels and other branch agencies occur. It is difficult to understand how transparency, coordination, and communication will be enhanced by the bifurcation of staff and the creation of a new agency with the express mission of elevating its priorities above all others. AOC staff, already short of time and resources, will be stretched even thinner by the requirement to coordinate with yet another agency.

As a state agency, the Office of the State Trial Courts will have responsibilities for maintaining public records and responding to public records requests. It will have human resource and payroll needs. Facilities and information technology services, beyond case management, will be required. Again, if AOC is required to provide these services, budgets and staffing will be stretched even further, impacting all levels of court and services to the public.

It is difficult to understand how coordination and transparency will be improved by this proposal. Some superior court judges have mentioned concerns that the creation of a new agency will fracture the judicial branch both internally and externally.

Relationships with the other branches will also suffer. As has been repeated throughout history, a house divided cannot stand. The strength of the judicial branch lies in its unity. Such bifurcation could be seen as a vote of “no confidence” and an excuse to devalue the court system and/or AOC by the Legislature. Moreover, for every dollar in the budget request submitted by the Supreme Court, the Governor must eliminate a dollar in his. The Governor is constitutionally required to provide a balanced budget. Communication and coordination between the branches has been essential to the maintenance of a cordial relationship between the executive and the courts.

At the request of judges, clerks, and administrators, AOC is undertaking mission-critical information technology and business transformation projects that are already facing resource constraints. These projects depend on active involvement from staff in all parts of the agency, not just IT staff. Removing the positions associated and financial resources from the already limited pool available to support these projects would have a devastating impact on our ability to modernize court technology.

These IT projects will require ongoing support from the Legislature. The SCJA proposal will further complicate necessary conversations with the Legislature because it demonstrates a lack of judicial branch cohesiveness and unity.

CONCLUSION

The vast majority of the work done by AOC is in support of the trial courts and the justice components (like access, equality, and funding) that affect them. It is difficult to find a unit or even a staff person who does not work all or part time in support of the trial courts. Most support work is intertwined with multiple levels of court and through judicial branch partners and agencies. Such coordination was intentional in the development of

the current offices within AOC so that work would not be siloed, communication would flow as freely as possible, and staff would better understand the functioning of the courts as a whole rather than piecemeal.

Every function on the list of activities for this new office/agency is being done now by staff members at AOC. Creating a new agency merely adds an additional layer of bureaucracy without adding value to the trial courts or the judicial branch as a whole. Research, planning, legislative advocacy, coordination with other judicial agencies and other branches, materials preparation, staff support, etc. are all done by the AOC staff who consider themselves to be working for, and partners with, the state courts for the better operation of the courts and the better delivery of justice. They are quality staff members who take pride in their work, and morale has already suffered because of this proposal. Much staff time, normally dedicated to programs and projects in support of the courts, has already been diverted to addressing this proposal.

The trial court associations, BJA, and AOC have a history of working well together. This is evidenced by the Justice in Jeopardy Initiative, the retention of most of the funds passed through AOC to the trial courts despite unprecedented economic circumstances, the continued success in implementing modern case management systems, as well as the restructuring of the BJA and AOC in an effort to be more responsive to the needs of the courts. Both restructuring efforts are relatively new and may need time and adjustment.

In any diverse organization, needs will change and priorities will be revisited. Continued communication and process improvement is vital to long-term health and stability. However, in such an organization the needs of one cannot be paramount over another. The trial court associations are already set up to address such situations.

Resources are scarce and prioritizations have to be made. It is better that those decisions be made whenever possible as a whole rather than as separate entities. This additional support organization would also not have unlimited resources, and so it will inevitably face the same challenge of prioritizing among competing requests and viewpoints from 39 courts and over 250 independently elected judges. And, because many support services for superior court judges and other court levels will remain at AOC, the outside Office will inevitably compete for the same scarce resources.

In any diverse group, disagreement is inevitable. The better path toward resolution is not to create separate entities but to work together to determine how current partners can strive for overall improvement.

Administrative Office of the Courts-General Fund Budget Reduction Summary

Item	Agency Reduction	Pass Through Reduction
2009-Permanent Reductions		
Renegotiate Existing Services	(\$838,000)	
Expenditure Reductions	(\$2,776,000)	
Staff Reductions	(\$1,647,000)	
Office of Public Guardianship	(\$1,625,000)	
Marriage Dissolution		(\$400,000)
Family & Juvenile Court Improvement		(\$309,000)
Court Appointed Special Advocates (CASA)		(\$1,242,000)
Interpreter		(\$301,000)
Legal Financial Obligations (printing & postage)		(\$667,000)
Total 2009 Reduction	(\$6,886,000)	(\$2,919,000)
2010-Permanent Reductions		
Expenditure Reductions	(\$936,000)	
Marriage Dissolution (SB 5470) GAL		(\$244,000)
Interpreter		(\$38,000)
Legal Financial Obligations (printing & postage)		(\$80,000)
Total 2010 Reduction <small>(doubled for 11-13)</small>	(\$936,000)	(\$362,000)
Excludes the state general fund furlough reduction of \$344,000		
2010 Special Session-Temporary Reduction (HB 3225)		
Staff Reductions	(\$317,000)	
Cost Reductions	(\$809,000)	
Expenditure Reductions	(\$903,000)	
Truancy		(\$113,000)
Becca		(\$519,000)
CASA		(\$141,000)
Total 2010 Special Session Reduction	(\$2,029,000)	(\$773,000)
2011-Temporary Reduction (ESHB 1086)		
Becca (legislatively imposed)		(\$200,000)
Truancy (legislatively imposed)		(\$300,000)
Total 2011 Reduction	(\$0)	(\$500,000)
ESHB 1086 also reduced JIS by \$1.9 m for carryover to next biennium and \$106k general fund for the elimination of a Pierce County Superior Court judge position-neither of which are considered reductions impacting services or pass through programs.		

Administrative Office of the Courts-General Fund Budget Reduction Summary

Item	Agency Reduction	Pass Through Reduction
2011-2013-Permanent Reduction		
Staff Reductions	(\$775,000)	
Cost Reductions	(\$500,000)	
Jury Source List		(\$170,000)
Marriage Dissolution GAL		(\$55,000)
Total 2011-2013 Reduction	(\$1,275,000)	(\$225,000)
Excludes the state general fund 3% salary reduction of \$546,000		
2012 Session-Permanent Reduction		
Truancy(SSB 6494)	\$0	(\$802,000)
Becca(SSB 6494)	\$0	(\$1,880,000)
Total 2012 Reduction	\$0	(\$2,682,000)
SSB 6494 changed the truancy petition laws which reduced the cost of filing petitions. Amount reflected is the total after CFL adjustment (bow wave).		
2013-2015-Permanent Reduction		
Legal Financial Obligation Reduction*	(\$47,000)	(\$323,000)
2014 Supp Legal Financial Obligation Reduction*	\$0	(\$981,000)
Total 2013-2015 Reduction	(\$47,000)	(\$1,304,000)
*LFO reductions initiated by the legislature. The 13-15 reduction intent was not clear, therefore reduction amount shared. The 2014 reduction intent very clear. The 2014 reduction includes CFL adjustment (bow wave).		
2015-2017-Permanent Reduction		
No reductions to pass through programs or to AOC operations were included in the 2015-2017 omnibus operating budget. Funds for distribution to county clerks for county legal financial obligation programs were transferred to the Office of the State Treasurer. Because this was requested by the county clerks it is NOT considered a reduction to pass through funding.		

Administrative Office of the Courts-General Fund Budget Reduction Summary

Item	Agency Reduction	Pass Through Reduction
Total Permanent and Temporary Reductions		
Total	\$11,173,000	\$8,765,000
Total Reductions	\$19,938,000	
Percent of Total Reduction	56%	44%
Permanent Reductions		
Permanent Reductions	\$9,144,000	\$7,492,000
Total Permanent Reductions	\$16,636,000	
Percent of Permanent Reductions	55%	45%
Permanent Reductions Excluding Statutory Changes (Becca & Truancy)		
Permanent Reductions	\$9,144,000	\$4,810,000
Total Permanent Reductions	\$13,954,000	
Percent of Permanent Reductions	66%	34%

TOTAL AGENCY BUDGET: State General Fund (SGF) plus JSTA = \$119.4* million (m)					
State Funds for Trial Courts 71%				Direct Court Services 25% Pmts & Special Projects 4%	Judicial Information Systems (JIS)
Superior Court Funding 63%		District/Municipal Court Funding 5%	Shared/Other 3%		
Superior Court Judges Salaries & Benefits \$51 m	Becca and Truancy \$17.4 m	Limited Jurisdiction Judge Contribution \$6.4 m	Interpreter Reimbursement \$1.2 m	Agency Administration (Board for Judicial Administration, Branch HR, Public Information, Research, Commissions)	Information Services
FJCIP \$1.2 m	Court Appointed Special Advocates (CASA) \$6.1 m		Office of Public Guardianship \$948 k	Management Services (Share d services, budget accounting, risk management, contracts, financial statements)	
			Legal Financial Obligations \$673 k	Judicial Services (Legal, Education, Association support)	\$56 m
Total Superior Court: \$75.7 m		D/M Court: \$6.4 m	Shared/Other: \$2.8 m	Total Direct Svcs: \$34.5 m	

Over \$2 million of state general fund is included in the AOC budget for statewide services such as payments to CTS, DES, Auditor, debt service, etc.



Current WSCCR Projects and Programs

Adult Sentencing and Supervision: With trial courts' Sentencing and Supervision Committee 1) educate courts about the content and uses of the Adult Static Risk Assessment (ASRA), 2) continue development of ASRA to take into account to failure to appear and calculate risk for domestic violence offending, 3) analyze offending careers across the life course, to understand the relationships among juvenile, adult misdemeanor, and adult felony offending, and 4) participate in the development of a risk-needs-responsivity approach to court supervision of offenders in the community.

Dependent Children Case Timeliness and Outcomes: Performance reporting on court process, total time in dependency status, and other case outcomes; annual report to the Legislature; detailed monthly reports are used by the courts, Children's Administration, OPD, OCLA, the AG, and others for program management. Funded by the Federal Court Improvement Program. Some research conducted with DSHS/Research and Data Analysis.

Judicial Needs Estimates for Trial Courts: WSCCR analyzes judicial staffing and caseload data to estimate the number of judicial officers needed to handle courts' forecasted caseloads.

Juvenile Detention Reform: To prepare for expansion of the Juvenile Detention Alternatives Initiative (JDAI), and support use of detention in an informed manner, work with JDAI to identify gaps in current detention data and develop reporting for the Juvenile Courts.

Juvenile Domestic Violence Incidents and Offenders: With UW's Evidence-Based Practices Institute, analysis of court and law-enforcement data to understand victim-offender relationship, injury severity, and other incident characteristics, along with the characteristics of offenders.

Juvenile Probation Performance Reporting: Analysis of youth supervised by juvenile probation, their characteristics, risk levels, treatment (such as evidence-based treatment programs), and outcomes; adding recidivism outcomes to existing reporting, with education and employment outcomes to follow. Funded by the Juvenile Courts and JJ&RA. Outcomes assessment funded by MacArthur until June, 2015.

Juvenile Probation Site Assessment: Juvenile Courts choose which interventions to offer locally, and to qualify for state funding select from a short menu of approved evidence-based treatment programs, but the programs are not automatically effective—impact is strongly influenced by local implementation of the state's probation model and the principles of risk-needs-responsivity.

Multi-System-Involved Youth: Using court, Children's Administration, and Education Research and Data Center data, analysis and reporting related to children and youth who are both dependent and involved with offender cases filed in juvenile court, examining the overlap between dependency, Children in Need of Services, At-Risk Youth, Truant Youth, and delinquency, along with education outcomes for these children and youth. Funded by Federal Court Improvement Program.

Pew Charitable Trust's Multi-State Recidivism Study: The Pew Public Safety Performance Project (PSPP) study of juvenile recidivism and its measures aims to provide meaningful indicators of system performance in five states "strongly positioned to serve as models for the field." Funded by Pew. A partnership between WSCCR, the Juvenile Courts, and JJ&RA with support from Pew, the National Center for Juvenile Justice, and the Council of Juvenile Correctional Administrators.

Problem-Solving Courts: With adult felony drug courts, building data capacity and reporting to empower the courts to understand the flow of clients into their courts, retention of clients, and outcomes. The long-term objective is to support courts in effective implementation of the therapeutic court model. Related grant application pending. The data is also being used by DSHS/Research and Data Analysis for Adult Felony Drug Court outcomes reporting for Criminal Justice Treatment Account spending.

Racial and Ethnic Disparity: With the National Center for Juvenile Justice, updating the 2012 report on RED in the juvenile courts, adding indicators of RED for 1st and other diversions, the use of detention, and assignment to evidence-based treatment programs during post-adjudication probation supervision

Truancy Petition Process: In response to a SCJA request for sustained reporting, analysis and reporting of school engagement and performance, student demographics, juvenile court-based interventions, use of detention, plus court and school outcomes. Work performed by contractor (UW-T). Funded by the MacArthur Foundation until June, 2015.

Washington Assessment of the Risks and Needs of Students: Validation studies completed by contractors (WSU, UW-T), revisions to the user manual are underway, and WSCCR is working with WSU to develop a middle school version of the instrument and to hand over responsibility for WARNS administration. WARNS addressed in current legislation. Funded by MacArthur until June, 2015.

Other

Research Consultations: To UW Evidence-Based Practices Institute to design an evaluation of the impact of Juvenile Detention Alternatives Initiative in Washington; to WSU Criminal Justice for the validation and revision to the Washington Juvenile Court Risk and Needs Assessment, to the Okanogan County Juvenile Court to prepare for evaluation of Aggression Replacement Training that incorporates drug abuse treatment, and to the City of Seattle Juvenile Domestic Violence Taskforce.

Supply Data to/ Receive Data from Other Research Groups: WSCCR-developed data is supplied to approved research projects at UW, WSU, DSHS, OFM, local treatment court evaluations, University of Chicago, and others. WSCCR receives non-JIS data directly from courts, DSHS (CA, DBHR, JJ&RA, and RDA), OFM/ERDC, WASPIC, and others.



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James A. Bamberger, Director
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To: Chief Justice Madsen, BJA Co-Chair
Judge Scott Sparks, BJA Co-Chair

From: Jim Bamberger, Director

Re: Proposal to Establish an Office of Trial Court Policy and Research as an Independent
Judicial Branch Agency

Date: September 14, 2015

The Office of Civil Legal Aid (OCLA), along with other judicial branch entities, has been invited to comment on the proposal offered by the Superior Court Judges Association to establish an Office of Trial Court Policy and Research as an independent judicial branch agency. I appreciate the opportunity to comment on this proposal and its potential implications on OCLA, the courts, court support infrastructure, coherence of judicial branch policy and planning and coherence of judicial branch engagement with the two other branches of state government – especially the legislative branch.

These comments represent my thoughts, framed in the context of my role as the OCLA Director. Given time constraints, I have not vetted them with the Civil Legal Aid Oversight Committee. By coincidence, the Oversight Committee will be meeting at the same time as the September 18th BJA meeting during which you will be discussing the proposal. I will therefore be unable to attend or participate.

In preparing these thoughts, I had an extended conversation with SCJA President Judge Harold Clarke. I want to thank Judge Clarke for taking the time to share his very candid opinions with me regarding the origins and intent of the proposal, as well as the SCJA's determination to proceed with them regardless of the input received from branch partners and stakeholders. I appreciate the substance of the concerns driving the proposal. While I disagree with the solution offered, I did offer Judge Clarke whatever assistance I can to help the principals engage in authentic conversations around the range of options available (short of this proposal) to address the legitimate concerns that have been raised.

1. Context

I believe the judicial branch works best as a single enterprise dedicated to ensuring meaningful access to and disposition of justice in all cases and in all courts. Since joining the judicial branch in 2005, I have worked to encourage integrated planning and priority setting, collective strategic engagement, unity of voice and the development promotion of common and coherent messaging about the role of the judicial branch and the resources it needs to accomplish its charge.

The SCJA proposal runs counter to these objectives. It places the branch as a whole in a potentially precarious position *vis a vis* the other two branches. While facially seductive, the proposal raises significant operational, policy and strategic challenges. I oppose it.

2. OCLA's Status as an Independent Judicial Branch Agency

I am advised that part of the objective is to place the trial courts on an equal footing with OCLA and its sister agency, OPD. Let me be clear here. OCLA exists as an independent agency because it is legally impossible, given the substance of the work funded through this agency, to integrate it into the Supreme Court or AOC.

In fact, before OCLA was established, proponents explored whether civil legal aid funding then administered in the executive branch might be moved over to and administered by either the Supreme Court or the (then) Office of the Administrator of the Courts (now AOC). The determination was that this could not happen given the substance of the legal work carried out by state-funded legal aid programs and attorneys. Both the Court and the OAC were operationally conflicted; and neither could fund or oversee legal representation in cases that presented in the courts themselves without being compromised by these institutional conflicts of interest.

Even though OCLA is an "independent" agency, we have worked to ensure effective and ongoing coordination with and support of the branch's core mission and policy objectives. The OCLA Director is appointed by and serves at the pleasure of the Supreme Court. OCLA regularly participates in meetings of the Board for Judicial Administration, has embraced the Judicial Branch Policy Objectives and participates in the judicial branch budget development process. OCLA is bound to and adheres by statewide judicial branch administrative practices and processes, including everything from procurement and contracting, administrative protocols and compliance with GR 31.1. We coordinate closely with key AOC staff members in areas of common focus and, where appropriate, actively coordinate our efforts with the Court, the State Court Administrator, the Supreme Court's ATJ Board, the judicial associations and appropriate AOC staff.

3. General Thoughts About the OTCPR Proposal

I have reviewed the materials proposing and describing the core functions of an independent Office of Trial Court Policy and Research. If implemented, core administrative support functions would be stripped from the AOC. It would redirect resources away from our shared common research institution (WSCCR) to a more narrowly tailored entity focused exclusively on

trial court operations and policy issues. It would create significant administrative redundancies (and corresponding duplication of scarce funding resources) without any compelling reason to do so. It would create an environment where core components of the branch will likely find themselves publicly at odds with one another in identifying, promoting and working to secure resources for strategic initiatives. Finally, the BJA would be rendered meaningless and the branch's capacity to work in concert for common purpose and with common voice would be significantly diminished.

I appreciate that these have been difficult times and that neither AOC nor the branch as a whole (including OCLA) have secured the resources or capacity to move key initiatives forward, assess the value of recent reforms or secure funding necessary to fully underwrite important initiatives, including those that promote trial court innovation and reform. I further appreciate that some believe that the current model for integrated planning, priority setting, support and legislative engagement has not proven itself effective in generating meaningful increases in state funding for the trial courts since the 2007-09 biennium. This may well be true, but it hardly justifies the suggested solution.

4. Specific Observations

Specific concerns related to this proposal are as follows:

1. I know from firsthand experience that state agency operations are complex and subject to myriad rules and requirements of general applicability. Standing up a new agency is complex. Maintaining agency operations in compliance with sound management practices and applicable fiscal, administrative and performance expectations is even more so. While our branch does not have to comply with all mandates of general application, we do have to comply with many ranging from compliance with state greenhouse gas reduction efforts to continuity of operations planning. Systems need to be developed, processes created and reports filed for each of these. AOC has developed systems to comply with these rules and mandates. A new agency will have to not only create such systems, but to administratively staff and implement them. This is an unnecessary waste of time and resources.
2. In order to ensure consistency with judicial branch practices, keep administrative overhead to a minimum¹ and ensure quality control, OCLA contracts with AOC to provide all of our fiscal, personnel, human resources, budget and much of our administrative support. It does not make sense to extract core functions from within AOC and then create duplicate administrative structures and systems to perform these same functions. Nor does it make sense to extract functions from within AOC and then contract with AOC to provide these same core functions when the agency has been stripped of substantial staff and resources.
3. It is in the interest of the branch to maintain -- and appear to maintain -- coherence of focus, policy and budget priorities. As former BJA Co-Chair Judge Wickham recently observed in expressing his concerns about this proposal, unity of voice and unity of effort

¹ OCLA's administrative expenses are less than 3% of the agency's total budget.

was the genius of the Justice in Jeopardy initiative championed by Judge Fleck and Wayne Blair. This is why OCLA participates at the BJA, in branch wide budget planning and priorities setting processes, branch wide administrative planning and the like. Extracting trial court planning, support, budget and policy advocacy – including legislative advocacy -- from AOC and positioning it as a separate enterprise accountable only to the SJCA is inconsistent with the goal of integrated judicial branch planning, policy making and budget prioritization.

4. The proposal offers no accountability to the branch. The proposal suggests that the Director of the OTCPR be appointed by and serve the interests of the SCJA. Other than the Commission on Judicial Conduct (which is constitutionally independent) there is no precedent for creating a state judicial branch agency (including OCLA and OPD) that is not accountable to the entire branch. The likelihood of institutional mission drift and intra-branch conflict is very high.
5. Research must serve the entire branch – not just the trial courts. If we do not have sufficient funds for research or if we do not like the priorities for research projects, let's address that. We should not strip the branch of dedicated, respected and effective research capacity.
6. The proposal creates too many and competing messages to the Legislature. Over the past few years, we have worked hard to coordinate legislative budget and policy advocacy. Recent budget and policy initiatives of statewide significance have very much focused on the needs of trial courts (e.g., FJCIP, interpreters, JDAI). BJA has worked closely with the associations to promote these objectives. While we have not been as successful as we would have liked, creating a separate legislative presence without any accountability to the larger judicial branch community will be divisive and destructive. As Lincoln told us so long ago, "United we stand; divided we fall."
7. This is the wrong idea at the wrong time. We are at a time of great tension between our branch and the legislative branch. The trial courts are not immune from these tensions. Nothing is to be gained by going to the Legislature and telling them that we have "family dysfunction" and asking them to fix it for us. If things are not working well in the judicial branch family, then let's assume responsibility and fix our own house. During my conversation with Judge Clarke last week, I invited the SCJA to present its specific grievances with detail and particularity. Should they do so, I encourage the rest of us to work with intent and commitment on a short timetable to authentically engage with the SCJA and explore the full range of options (short of the proposed solution) that may allow us to resolve our challenges within the judicial branch family.

5. Conclusion

I see nothing offered in the proposal that cannot be achieved by working within the branch. If AOC is not committing sufficient resources or support for priority superior court policy initiatives, let's address that. If the BJA is broken, let's fix it. If the superior courts are not securing the state resources they need, let's work together to address it. I do not believe we should hand the keys to the judicial branch car to the Legislature and expect anything other than a massive pileup.

Tab 7

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

Rule

Preamble

- 1 Board for Judicial Administration
- 2 Composition
- 3 Operation
- 4 Duties
- 5 Staff

BJAR
PREAMBLE

The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice.

[Adopted effective January 25, 2000.]

BJAR 1
BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration is created to provide effective leadership to the state courts and to develop policy to enhance the administration of the court system in Washington State. Judges serving on the Board for Judicial Administration shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000.]

BJAR 2
COMPOSITION

- (a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court selected for their demonstrated interest in and commitment to judicial administration and court improvement. The Board shall consist of five members from the appellate courts (two from the Supreme Court, one of whom shall be the Chief Justice, and one from each division of the Court of Appeals), five members from the superior courts, one of whom shall be the President of the Superior Court Judges' Association, five members of the courts of limited jurisdiction, one of whom shall be the President of the District and Municipal Court Judges' Association, two members of the Washington State Bar Association (non-voting) and the Administrator for the Courts (non-voting).
- (b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated commitment to improving the courts, racial and gender diversity as well as geographic and caseload differences.
- (c) Terms of Office.
 - (1) Of the members first appointed, one justice of the Supreme Court shall be appointed for a two-year term; one judge from each of the other levels of court for a four-year term; one judge from each of the other levels of court and one Washington State Bar Association member for a three-year term; one judge from the other levels of court and one Washington State Bar Association member for a two-year term; and one judge from each level of trial court for a one-year term. Provided that the terms of the District and Municipal Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2011 shall be for two years and the terms of the Superior Court Judges' Association members whose terms begin on July 1, 2010 and July 1, 2013 shall be for two years each. Thereafter, voting members shall serve four-year terms and the Washington State Bar Association members for three-year terms commencing annually on June 1. The Chief Justice, the President Judges and the Administrator for the Courts shall serve during tenure.
 - (2) Members serving on the BJA shall be granted equivalent pro tempore time.

[Amended effective October 29, 1993; February 16, 1995; January 25, 2000; June 30, 2010.]

BJAR RULE 3
OPERATION

(a) Leadership. The Board for Judicial Administration shall be chaired by the Chief Justice of the Washington Supreme Court in conjunction with a Member Chair who shall be elected by the Board. The duties of the Chief Justice Chair and the Member Chair shall be clearly articulated in the by-laws. Meetings of the Board may be convened by either chair and held at least bimonthly. Any Board member may submit issues for the meeting agenda.

(b) Committees. Ad hoc and standing committees may be appointed for the purpose of facilitating the work of the Board. Non-judicial committee members shall participate in non-voting advisory capacity only.

(1) The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened as determined by the Board.

(2) The Chief Justice and the Member Chair shall nominate for the Board's approval the chairs and members of the committees. Committee membership may include citizens, experts from the private sector, members of the legal community, legislators, clerks and court administrators.

(c) Voting. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Eight voting members will constitute a quorum provided at least one judge from each level of court is present. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

[Adopted effective January 25, 2000; amended effective September 1, 2014.]

BJAR 4
DUTIES

(a) The Board shall establish a long-range plan for the judiciary;

(b) The Board shall continually review the core missions and best practices of the courts;

(c) The Board shall develop a funding strategy for the judiciary consistent with the long-range plan and RCW 43.135.060;

(d) The Board shall assess the adequacy of resources necessary for the operation of an independent judiciary;

(e) The Board shall speak on behalf of the judicial branch of government and develop statewide policy to enhance the operation of the state court system; and

(f) The Board shall have the authority to conduct research or create study groups for the purpose of improving the courts.

[Adopted effective January 25, 2000.]

BJAR 5
STAFF

Staff for the Board for Judicial Administration shall be provided by the Administrator for the Courts.

[Adopted effective January 25, 2000.]



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BOARD FOR JUDICIAL ADMINISTRATION BYLAWS

ARTICLE I

Purpose

The Board for Judicial Administration shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) establishing a judicial position on legislation; 2) providing direction to the Administrative Office of the Courts on legislative and other administrative matters affecting the administration of justice; 3) fostering the local administration of justice by improving communication within the judicial branch; and 4) providing leadership for the courts at large, enabling the judiciary to speak with one voice.

ARTICLE II

Membership

Membership in the Board for Judicial Administration shall consist of the Chief Justice and one other member of the Supreme Court, one member from each division of the Court of Appeals, five members from the Superior Court Judges' Association, one of whom shall be the President; five members from the District and Municipal Court Judges' Association, one of whom shall be the President. It shall also include as non-voting members two members of the Washington State Bar Association appointed by the Board of Governors; the Administrator for the Courts; and the Presiding Chief Judge of the Court of Appeals, the President-elect judge of the Superior Court Judges' Association and the President-elect judge of the District and Municipal Court Judges' Association.

ARTICLE III

Officers and Representatives

The Chief Justice of the Supreme Court shall chair the Board for Judicial Administration in conjunction with a Member chair. The Member chair shall be elected by the Board and shall serve a two year term. The Member chair position shall be filled alternately between a voting Board member who is a superior court judge and a voting Board member who is either a district or municipal court judge.

ARTICLE IV

Duties of Officers

The Chief Justice Chair shall preside at all meetings of the Board, performing the duties usually incident to such office, and shall be the official spokesperson for the Board. The Chief Justice chair and the Member chair shall nominate for the Board's approval the chairs of all committees. The Member chair shall perform the duties of the Chief Justice chair in the absence or incapacity of the Chief Justice chair.

ARTICLE V

Vacancies

If a vacancy occurs in any representative position, the bylaws of the governing groups shall determine how the vacancy will be filled.

ARTICLE VI **Committees**

Standing committees as well as ad hoc committees and task forces of the Board for Judicial Administration shall be established by majority vote.

Each committee shall have such authority as the Board deems appropriate.

The Board for Judicial Administration will designate the chair of all standing, ad hoc, and task force committees created by the Board. Membership on all committees and task forces will reflect representation from all court levels. Committees shall report in writing to the Board for Judicial Administration as appropriate to their charge. The Chair of each standing committee shall be asked to attend one BJA meeting per year, at a minimum, to report on the committee's work. The terms of standing committee members shall not exceed two years. The Board for Judicial Administration may reappoint members of standing committees to one additional term. The terms of ad hoc and task force committee members will have terms as determined by their charge.

ARTICLE VII **Executive Committee**

There shall be an Executive Committee composed of Board for Judicial Administration members, and consisting of the co-chairs, a Judge from the Court of Appeals selected by and from the Court of Appeals members of the Board, the President Judge of the Superior Court Judges' Association, the President Judge of the District Municipal Court Judges' Association, and non-voting members to include one Washington State Bar Association representative selected by the Chief Justice, President-elect judge of the Superior Court Judges' Association, President-elect judge of the District and Municipal Court Judges' Association and the Administrator for the Courts.

It is the purpose of this committee to consider and take action on emergency matters arising between Board meetings, subject to ratification of the Board.

The Executive Committee shall serve as the Legislative Committee as established under BJAR 3(b)(1). During legislative sessions, the Executive Committee is authorized to conduct telephone conferences for the purpose of reviewing legislative positions.

ARTICLE VIII **Regular Meetings**

There shall be regularly scheduled meetings of the Board for Judicial Administration at least bi-monthly. Reasonable notice of meetings shall be given each member.

ARTICLE IX **Special Meetings**

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

ARTICLE X **Quorum**

Eight voting members of the Board shall constitute a quorum provided each court level is represented.

ARTICLE XI **Voting**

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by majority vote of those present and voting provided there is one affirmative vote from each level of court. Telephonic or electronic attendance shall be permitted but no member shall be allowed to cast a vote by proxy.

ARTICLE XII **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.

Approved for Circulation--7/27/87
Amended 1/21/00
Amended 9/13/00
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BOARD FOR JUDICIAL ADMINISTRATION

PROCESS AND GUIDELINES FOR RESOLUTION REQUESTS

The Board for Judicial Administration (Board) was established to adopt policies and provide strategic leadership for the courts at large, enabling the Washington State judiciary to speak with one voice. To fulfill these objectives, the BJA may consider adopting resolutions on substantive topics relating to the administration of justice.

Resolutions may be aspirational in nature, support a particular position, or serve as a call to action. Resolutions may support funding requests, but do not stand alone as a statement of funding priorities or indicate an intent by the Board to proactively seek funding. Resolutions are not long-term policy statements and their adoption does not establish the Board's work plan or priorities.

The absence of a Resolution on a particular subject does not indicate a lack of interest or concern by the Board in regard to a particular subject or issue.

In determining whether to adopt a proposed resolution, the Board shall give consideration to the following:

- Whether the Resolution advances the Principal Policy Objectives of the Judicial Branch.
- The relation of the Resolution to priorities delineated in existing strategic and long range plans.
- The availability of resources necessary to properly act upon the resolution.
- The need to ensure the importance of resolutions adopted by the Board is not diluted by the adoption of large numbers of resolutions.

In order to ensure timely and thorough consideration of proposed resolutions, the following guidelines regarding procedure, form and content are to be followed:

- Resolutions may be proposed by any Board member. The requestor shall submit the resolution, in writing, with a request form containing a brief statement of purpose and explanation, to the Associate Director of the Board for Judicial Administration.
- Resolutions should not be more than two pages in length. An appropriate balance must be struck between background information and a clear statement of action. Traditional resolution format should be followed. Resolutions should cover only a single subject unless there is a clear and specific reason to include more than one subject. Resolutions must be short-term and stated in precise language.

- Resolutions must include a specific expiration date or will automatically expire in five years. Resolutions will not be automatically reviewed upon expiration of their term, but may be reviewed upon request for reauthorization. Resolutions may be terminated prior to their expiration date as determined by the Board.
- The Associate Director shall refer properly submitted resolutions to appropriate staff, and/or to an appropriate standing committee (or committees) for review and recommendation, or directly to the Board's Executive Committee, as appropriate. Review by the Board's Executive Committee will precede review by the full Board membership. Such review may be done via e-mail communication rather than in-person discussion when practical. Resolutions may be reviewed for style and content. Suggestions and comments will be reported back to the initiating requestor as appropriate.
- The report and recommendation of the Executive Committee shall be presented to the BJA membership at the next reasonably available meeting, at which time the resolution may be considered. Action on the proposed resolution will be taken in accordance with the BJAR and bylaws. The Board may approve or reject proposed resolutions and may make substantive changes to the resolutions.
- Approved resolutions will be numbered, maintained on the Board for Judicial Administration section of the Washington Courts website, and disseminated as determined by the Board for Judicial Administration.

**PRINCIPAL POLICY OBJECTIVES
OF THE WASHINGTON STATE JUDICIAL BRANCH**

1. **Fair and Effective Administration of Justice in All Civil and Criminal Cases.** Washington courts will openly, fairly, efficiently and effectively administer justice in all criminal and civil cases, consistent with constitutional mandates and the judiciary's duty to maintain the highest level of public trust and confidence in the courts.
2. **Accessibility.** Washington courts, court facilities and court systems will be open and accessible to all participants regardless of cultural, linguistic, ability-based or other characteristics that serve as access barriers.
3. **Access to Necessary Representation.** Constitutional and statutory guarantees of the right to counsel shall be effectively implemented. Litigants with important interest at stake in civil judicial proceedings should have meaningful access to counsel.
4. **Commitment to Effective Court Management.** Washington courts will employ and maintain systems and practices that enhance effective court management.
5. **Appropriate Staffing and Support.** Washington courts will be appropriately staffed and effectively managed, and court personnel, court managers and court systems will be effectively supported.

BOARD FOR JUDICIAL ADMINISTRATION

RESOLUTION REQUEST COVER SHEET

(INSERT PROPOSED RESOLUTION TITLE HERE)

SUBMITTED BY: (INSERT NAME HERE)

(1) **Name(s) of Proponent(s):**

(2) **Spokesperson(s):** (List who will address the BJA and their contact information.)

(3) **Purpose:** (State succinctly what the resolution seeks to accomplish.)

(4) **Desired Result:** (Please state what action(s) would be taken as a result of this resolution and which party/-ies would be taking action.)

(5) **Expedited Consideration:** (Please state whether expedited consideration is requested and, if so, please explain the need to expedite consideration.)

(6) **Supporting Material:** (Please list and attach all supporting documents.)