

WSR 23-09-023
RULES OF COURT
STATE SUPREME COURT
[April 10, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1503
THE BJA RULES)

The Board for Judicial Administration, having recommended the adoption of the suggested amendments to the BJA Rules, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 10th day of April, 2023.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.

GR 9 COVER SHEET

Suggested Amendments

TO THE BOARD FOR JUDICIAL ADMINISTRATION (BJA) RULES
(Hearing is Not Recommended)

Submitted by the Board for Judicial Administration

A. Name of Proponent: The Board for Judicial Administration

B. Spokespersons:

- Chief Justice Stephen González, Chair
Judge Tam Bui, District and Municipal Court Judges' Association, Snohomish County District Court, Member Chair
Jeanne Englert, Administrative Manager, BJA

Purpose: This is a request to revise and update the BJA Rules (BJAR). Both the BJA Rules and Bylaws were reviewed to ensure they accurately reflect current practice and needs. Changes were recommended to the Rules to reflect current practices, provide clarification or simplify language, and to move items to the document that makes the most sense.

C. To accomplish this, the BJA formed an ad hoc committee to evaluate the BJA bylaws and rules. The Ad Hoc Committee was comprised of a representatives from BJA committees and each court level. The Bylaws and Rules Ad Hoc Committee members were Chief Justice Steven González, Judge Jennifer Forbes, Judge David Mann, Commissioner Rick Leo.

The BJA Bylaws were last amended October 24, 2019. The BJAR Preamble, and Rules 1, 2, 3, 4, and 5 were last amended November 6, 2019.

The Ad Hoc Committee reviewed the BJA Bylaws and Rules and made several recommendations, including:

- Changes included Article 3 of the Bylaws and BJAR 2 nomenclature for the Court of Appeals.
- shared authority language in Article 6 of the Bylaws;
- a slight change in language from telephone conferences to remote meetings in Article 8 of the Bylaws;
- added flexibility in designating a proxy in Article 13 of the BJAR;

These changes were reviewed by members and non-members of the BJA, revised as appropriate, and approved by majority vote of BJA members at the November 18, 2022 BJA meeting.

D. A hearing is not recommended.

E. Expedited consideration is not requested.

Supporting Materials

Attached as supporting materials are:

- A red-lined version of the proposed changes to BJA Rules.
- A version of the BJA Rules with all the proposed changes.
- A red-lined version of the proposed changes to BJA Bylaws.
- A version of the BJA Bylaws with all the proposed changes.

Additional supporting information, including BJA meeting minutes, is available at the AOC Website at: https://www.courts.wa.gov/programs_orgs/pos_bja/

BOARD FOR JUDICIAL ADMINISTRATION RULES (BJAR)

TABLE OF RULES

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.

[Adopted effective January 25, 2000, November 6, 2019 amended.]

BJAR 1

BOARD FOR JUDICIAL ADMINISTRATION

The Board for Judicial Administration (BJA) is established to provide leadership and develop policy to enhance the judiciary's ability to serve as an equal, independent, and responsible branch of government. The vision of the BJA is to be the unified voice of the Washington State Courts. Judges serving on the BJA shall pursue the best interests of the judiciary at large.

[Amended effective October 29, 1993; January 25, 2000; November 6, 2019.]

BJAR 2

COMPOSITION

(a) Membership. The Board for Judicial Administration shall consist of judges from all levels of court and other key stakeholders. The voting membership of 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, and five members from the District and Municipal Court Judges' Association, one of whom shall be the President. The non-voting membership shall include: the Washington State Bar Association's Executive Director and Board President, the Administrator for the Courts, ~~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.

(b) Selection. Members shall be selected based upon a process established by their respective associations or court level which considers demonstrated interest and commitment to judicial administration, improving the courts, racial and gender diversity, and the court's geographic and caseload differences.

(c) Terms of Office.

(1) Members serve four year terms, except the Chief Justice, ~~Presiding Chief Judge of the Court of Appeals~~, the Association President Judges, the Washington State Bar Association President and Executive Director, and the Administrator for the Courts who shall serve during their 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; July 4, 2017; November 6, 2019.]

BJAR RULE 3

STRUCTURE

(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 bylaws.

(b) Committees. The Board shall appoint at least four standing committees: Policy and Planning, Budget and Funding, Education, and Legislative. Other committees may be convened to help facilitate the work of the Board as determined by the Board.

[Adopted effective January 25, 2000; amended effective September 1, 2014; November 6, 2019.]

BJAR 4

STAFF

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

[Adopted effective January 25, 2000; November 6, 2019.]

BJAR 5

BYLAWS

The Board may by a majority vote of the voting members develop, adopt and amend bylaws for its operations that do not conflict with these rules. [Adopted effective November 6, 2019.]

Amended effective November 6, 2019

BOARD FOR JUDICIAL ADMINISTRATION

BYLAWS

Amended October 24, 2019

ARTICLE I: Purpose

The Board for Judicial Administration (BJA) shall adopt policies and provide leadership for the administration of justice in Washington courts. Included in, but not limited to, that responsibility is: 1) improving the quality of justice in Washington by fostering excellence in the courts through effective education; 2) developing proactive legislation and advising and recommending positions on legislation of interest; 3) facilitating and managing a process of engagement within the judicial branch to identify priority policy issues and to develop strategies to address those issues; 4) coordinating efforts to achieve adequate, stable and long-term funding of Washington's courts to provide fair and equitable justice throughout the state; 5) reviewing and making recommendations, including prioritization, regarding proposed budget requests routed through the BJA.

ARTICLE II: Membership

The Board for Judicial Administration shall consist of judges from all levels of court and other key stakeholders as outlined in the Court Rules.

ARTICLE III: Terms of Office

The Chief Justice, ~~Presiding Chief Judge of the Court of Appeals,~~ the Association President Judges, the Washington State Bar Association President and Executive Director, and the Administrator for the Courts shall serve during their tenure. All other members serve four year terms unless their governing body specifies otherwise and their terms are renewable for one additional four year term.

ARTICLE IV - Vacancies

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

ARTICLE V: Chairs

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 nominated by the Chief Justice Chair and confirmed by the Board. The member chair 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 VI: Duties of Chairs

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 Member Co-Chair shall preside at all meetings of the Board, performing the duties usually incident to such office,~~ 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 VII: Committees

1) Standing Committees are identified in BJAR 3(b). Any change to standing committees must be approved by a majority vote.

2) The BJA, by majority vote, can establish ad hoc committees or task forces. Ad hoc committees or task forces will be guided by a BJA approved charter for a duration of 2 years, subject to renewal or revision by a majority of the BJA. The Chief Justice chair and the Member chair shall nominate committee and task force chairs for the Board's approval. Membership on all committees and task forces will reflect representation from all court levels as outlined in their charter. Membership may also include anyone working in the judicial system or anyone from the public.

3) Committees and task forces shall report in writing to the Board for Judicial Administration as appropriate to their charter.

4) The terms of committee and task force members will be determined by their charter.

ARTICLE VIII: 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, and the President Judge of the District and 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. During legislative sessions, the Executive Committee is authorized to conduct ~~telephone conferences~~ remote meetings for the purpose of reviewing legislative positions.

ARTICLE IX: Regular Meetings

There shall be regularly scheduled meetings of the Board for Judicial Administration. A meeting schedule will be approved by the Board annually. Reasonable notice of meetings shall be given to each member. Any Board member may submit items for the meeting agenda.

Article X: Executive Sessions

Executive sessions may be held upon majority vote to discuss matters deemed confidential. A motion to enter executive session shall set forth the purpose of the executive session, which shall be included in the minutes.

ARTICLE XI: Special Meetings

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

ARTICLE XII: Quorum

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

ARTICLE XIII: Voting

Each judicial member of the Board for Judicial Administration shall have one vote. All decisions of the Board shall be made by ma-

majority vote of those present and provided there is at least one affirmative vote from each level of court. ~~Remote Telephonic or electronic attendance shall be permitted, but no member shall be allowed to cast a vote by proxy~~ A voting members may designate a non-voting BJA member from the same level of court to cast a vote by proxy in their absence.

ARTICLE XIV: Amendments and Repeal of Bylaws

These bylaws may be amended or modified at any regular or special meeting of the Board, at which a quorum is present and by majority vote, provided there is at least one affirmative vote from each level of court. No motion or resolution for amendment of bylaws 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

Amended 5/17/02

Amended 5/16/03

Amended 10/21/05

Amended 3/16/07

Amended 5/17/19

Amended 10/18/19

Amended 10/24/19

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical error in the above material occurred in the copy filed by the state supreme court and appears in the Register pursuant to the requirements of RCW 34.08.040.