



Stakeholder Meeting Minutes

February 23, 2024

Call to Order: The meeting convened at 10 a.m. with the following participants:

Holly Kessler
Isabel A. M. Cole
Jack S. Eng
Brian Watkins
Kylee Redman
Anita Booker-Hay

Bob Liston
Lynn Hendrickson
Katherine Mason
Robert Silber
Sarah Jackson
Sarah Kortokrax

Ryan Miller
Lionel Greaves IV
Dane Henager
Bob Battles
Chris Bishop

Judicial Survey: Ms. Hendrickson presented an overview of the 2023 survey results. The results will be available on our website under About Us/Reports and Measures.

Seattle Office: Mr. Liston reported on our efforts to move our Seattle office to the Renton/Tukwila area. We are processing an amendment to extend our lease in Seattle to February 2025 because we need more time and flexibility to secure a lease for the Renton area.

- Mr. Greaves asked about a Seattle North location.
 - It is off the table for now. We requested it but OFM rejected it.
- Mr. Silber asked about the Everett office.
 - Yes, we are keeping that office.

BIIA Case Management System: Ms. Booker-Hay reported we have an apparently successful bidder for the replacement of our legacy case management system: Delaney Advantage Technologies. We are negotiating a contract with them now.

- Ms. Mason asked about the timeline.
 - We estimate at least 12 months.

Rulemaking and Significant Decisions: Mr. Watkins reported 2023 Significant Decisions have been designated and will be published on our website soon; they were also emailed to our stakeholder representatives. He also reviewed two cases that have been de-listed. Mr. Watkins reviewed our potential 2024 rulemaking items. You can email brian.watkins@bii.wa.gov if you have comments.

- Mr. Greaves asked about de-listing. Do you want us to contact you if we have suggestions?

- Yes, email brian.watkins@biia.wa.gov advising why you think the Significant Decision is no longer good law. You can also advise if you think a headnote needs to be amended.
- Mr. Battles: Thanks for the preview of the rulemaking, that is very helpful.
- Mr. Silber: Can you send us your preview document and can we share it?
 - Yes! You can also add or substitute recipients of our email list.
- Ms. Mason: Our court reporters need to be able to use the technology you reference. Is there a way for us to ask our court reporting companies what features they have so we can get that lined up before the official rulemaking?
 - One of the things we're going to be concerned with is the cost and whether the firms have access to the technology we're asking for. We don't have a standard that we are asking for, but as soon as we do we will update you. We don't want this to alienate you from the court reporting firms you use.

BIIA Staff Update: Ms. Booker-Hay reported in the last nine months we hired two hearings judges, Eric Senta and Zac Franz; three schedulers, Delia Silva, Lisa Ramierz, and Anna Deines; two JAs, Jen Schenk and Haylee Smith; and we welcomed back JA Sandi Ruedy. Leslie Birnbaum and Jeffrey Friedman retired last year.

- Mr. Greaves: One thing our folks have noticed is that a lot of institutional knowledge goes out the door. Where we notice a gap, where should we direct our feedback?
 - You can always email or call Anita. But with regard to new support staff, direct your comments to beth.blue@biia.wa.gov.
- Mr. Bishop: Is there a process by which the parties are made aware of when the judge is retiring in the middle of the proceedings? It can cause a lot of issues when a judge retires in the middle of a complex case.
 - We are not in a position where we can really share a lot of personnel information. What we are left with is the change of judge notifications we provide. We'll take this comment and have further discussion about it.

Stakeholder Q&A:

- Mr. Silber: Regarding the new case management system, we practitioners are going to get access once the whole system is replaced?
 - Yes, we anticipate similar access as those who practice in Pierce County are familiar with. You file your document electronically, and with that system you are able to access the file and see what the filings are. We will need to have a lot of interaction with the practitioners to make sure the end product meets that need. But remember this is not a custom-made system, this is "off-the-shelf."
- Mr. Bishop: Do you anticipate any cost to the parties to using this new online portal?
 - No.

- Mr. Greaves: Do you anticipate that filing through the portal serves the parties?
 - We have to look at that.
- Mr. Greaves: Between now and then, we are encountering issues with max filing limits on the BIIA website. It is difficult to get the file before the judge, and judges have different processes. Hopefully the new system with address large files.
 - We will have to discuss that with the vendor. We are now fine-tuning our Statement of Work with the vendor; then we contract; then there's discovery. If you have items we should consider you are welcome to bring those to Anita and Bob.
- Ms. Kortokrax: We are seeing challenges. If it can't be filed through the portal—like videos—they have to get filed in Olympia and there are limited days and hours when they can be delivered.
 - Many of these questions will be answered in the discovery phase, please continue to send concerns to Bob and Anita.
 - Ms. Hendrickson: In the meantime, reach out to me to figure out what you need regarding large filings. We will make it work! It's not just getting it in the door, it's how can you use it in the proceeding. lynn.hendrickson@biia.wa.gov.
- Mr. Greaves: Regarding litigation orders, there's new language about exchanging documents and contacting doctors in a binding situation. Can we set up a smaller discussion group?
 - Mr. Greaves will exchange the concept by email.
- Mr. Greaves offered kudos to Judge Cicierski, who worked with an LEP pro se who was distraught and he was very masterful in making the worker feel respected. Also, Judge Swan takes a lot of time, and displays empathy, sympathy working with people.
- Ms. Mason: Keep in mind not all the people who appear before the BIIA have access to technology. Continue to make it easy for people to advocate for themselves before the BIIA on relatively equal footing. Rulemaking: keep in mind receipt dates re communication (e-correspondence date for example).

Next meeting: We proposed May 31, 2024, at 10 a.m. Please email jay.raish@biia.wa.gov if you have conflicts.

Adjournment: The meeting was adjourned at 11:09 a.m.

Respectfully submitted,

/s/

Jay Raish,
Confidential Secretary