



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

SUNDAY, JUNE 8, 2014

**SEMIAHMOO RESORT
BLAINE, WASHINGTON**



WASHINGTON
COURTS

DMCJA BOARD MEETING
SUNDAY, JUNE 8, 2014
9:30 A.M.
SEMAIHMUO RESORT, BLAINE, WASHINGTON

AGENDA	TAB
Call to Order	
Minutes – April 26, 2014	1
Treasurer’s Report – <i>Judge Marinella</i>	2
Special Fund Report – <i>Judge Svaren & Judge Marinella</i>	3
Standing Committee Reports A. Therapeutic Courts Committee	4
JIS Status Update – <i>Vicky Cullinane</i>	
Action – No items listed	
Discussion A. General Rule (GR) 30 1. Memorandum from Judge David Larson 2. Substitute Senate Bill 6279 B. Electronic Home Monitoring (EHM)/ Ignition Interlock Device (IID) 1. Upcoming House Public Safety Meetings C. Future of the Technology Committee D. Future of the Salary and Benefits Committee	5
Liaison Reports DMCMA MCA SCJA WSBA WSAJ AOC BJA	
Information A. DMCJA National Leadership Grant Award Recipients – <i>Judge Paja</i> B. 2014-2015 DMCJA Board Meeting Schedule C. 2014-2015 DMCJA Budget D. <i>West v. Washington State Association of District and Municipal Court Judges, et al.</i> 1. Motion for Summary Judgment 2. Notice of Hearing 3. Public Disclosure Commission Complaint	6
Other Business A. Next Meeting: 12:30 PM, Friday, July 11, 2014, AOC SeaTac Office Center, SeaTac	
Adjourn	



WASHINGTON
COURTS

DMCJA Board Meeting
Saturday, April 26, 2014
Woodinville, Washington

MEETING MINUTES

Members:

Chair, Judge Svaren
Judge Alicea-Galvan
~~Judge Allen~~
Judge Burrowes
Judge Derr
Judge Garrow (non-voting)
Judge Jahns
Judge Jasprica (non-voting)
Judge Lambo (non-voting)
Judge Logan
Judge Marinella
Judge Meyer
Judge Olwell
Judge Ringus (non-voting)
Judge Robertson
Commissioner Smiley
Judge Smith
Judge Steiner

AOC Staff:

Ms. Shannon Hinchcliffe
Ms. Sharon R. Harvey
Ms. Vicky Cullinane

Judge Svaren called the meeting to order at 11:10 am.

Minutes

M/S/P to approve the April 11, 2014 Board Meeting Minutes.

Secretary/Treasurer's Report

M/S/P to approve the Treasurer's Report.

Special Funds Report

M/S/P to approve the Special Funds Report.

JIS Status Update

Ms. Vicky Cullinane reported that the Judicial Information System Committee (JISC) approved all three Charters, namely, the (1) Project Charter for Courts of Limited Jurisdiction Case Management Project, (2) Project Steering Committee Charter For the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project, and (3)

M/S/P to approve the Project Charter for Courts of Limited Jurisdiction Case Management Project.

M/S/P to approve the Project Steering Committee Charter for the Courts of Limited Jurisdiction Case Management System.

M/S/P to approve the Courts of Limited Jurisdiction Case Management System Project User Work Group Charter with an amendment to have one non-voting DMCJA member from a court that has not expressed an intent to use the statewide case management system provided by the Administrative Office of the Courts (AOC).

ACTION

A. Reserves Committee Recommendations (March & April 2014):

1. Recommendation for the current account with Bank of America to be closed and the funds be put in a new account at US Bank. This should be done in conjunction with the incoming Special Funds Custodian in June 2014.

M/S/P to approve the Reserves Committee Recommendations.

2. Because there are no specific expenditures on the horizon, do not collect Special Fund dues in 2015.

M/S/P to approve not collecting Special Fund dues in 2015 because there are no specific expenditures on the horizon.

3. Recommendation for the new custodian to look at options in order to best maximize return on the Special Fund monies and make recommendations to the Board of Governors.

M/S/P to approve the recommendation for the new custodian to look at options that best maximize the return on the Special Fund monies and make recommendations to the Board of Governors.

B. 2014 – 2015 DMCJA Budget Adoption

M/S/P to approve the 2014 - 2015 DMCJA Budget Adoption recommendations discussed during the retreat session. Adjustments from last year's budget included a line item for the Trial court Advocacy Board (TCAB); re-naming the Technology Committee to the Technology/CMS Committee; removing the Regional Courts Committee/System Improvement Committee line item and keeping the District and Municipal Court Management Association (DMCMA) Education line item but not currently funding it. The total approved operating budget for 2014-2015 is two hundred twenty four thousand and four hundred dollars (\$224,400).

C. DMCJA National Leadership Grant Awards

M/S/P to approve the DMCJA National Leadership Grant Awards to four judges, namely, fourteen hundred dollars (\$1,400.00) to Spokane Municipal Court Judge Richard Kayne, twelve hundred dollars (\$1,200.00) to King County District Court Judge Eileen Kato, fourteen hundred dollars (\$1,400.00) to Kitsap County District Court Judge Marilyn Paja, and one thousand dollars (\$1,000.00) to Kitsap County District Court Judge James Riehl.

D. 2014 – 2015 DMCJA Lobbyist Contract

M/S/P to approve the proposed DMCJA 2014-2015 lobbyist contract with corrections, and, to authorize the execution of the contract.

E. System Improvement Committee Recommendations

Judge Steiner gave a report on the System Improvement Committee's recommendations. Judge Steiner discussed the issue of (1) Regional Courts and (2) Performance Benchmarks, and whether to support both or only one issue.

M/S/P to unanimously approve to adopt language in DMCJA System Improvement Committee Final Report dated Tuesday, February 04, 2014, Regional Courts, Section 1, See Attachment B, with an amendment to omit the word "best," which would read:

The consensus is that there is no need to further study the formation of a formal regional court system. Instead, the focus should be on developing practices that will provide optimum levels of service to the public through collaborative efforts.

F. Long Range Planning Recommendations

M/S/P to approve the Long Range Planning Committee's recommendations generally with an adjustment to prioritization. For 2014-2015 the Board committed to focus on, in the following order:

1. CLJ Case Management System
2. Court Security
3. Adequate Court Funding
4. Interpreter Issues
5. Member Involvement
6. Improve the Quality and Consistency of all CLJ's
7. Educate Justice Partners

G. 2014 – 2015 Board Meeting Schedule

M/S/P to approve the DMCJA Board Meeting Schedule as presented with the addition of an October offsite meeting in the Leavenworth area.

H. Rules Committee Recommendations
Proposed Amendments to GR 15

M/S/P to approve the Rules Committee's recommendations regarding proposed amendments to General Rule (GR) 15.

I. Court Retention of Certification of Compliance Forms

M/S/P to advise the Washington Secretary of State's Office (SOS) that the recommended retention schedule for Indigent Defense Certifications is "until superseded."

J. Department of Licensing (DOL) Issue Regarding Attorney General Speaking at Conference

M/S/P to deny the request of the DMCJA Education Committee to provide an Attorney General or someone in authority above Ms. Carla Weaver at the 2014 Spring Conference. DMCJA leadership will bring the specific issues to the annual DOL leadership meeting this year and request appropriate representatives from DOL to attend and address the concerns.

DISCUSSION

A. By-Laws Change regarding Commissioner Representatives to the Board of Governors – Judge Derr

M/S/P to make it an action item at this Board Meeting. The recommendation was to refer the issue to the By-Laws Committee to review it and change the Bylaws to add a proviso that only if all Commissioners are asked to participate on the DMCJA Board of Governors and decline then the position could open up to other willing candidates.

LIAISON REPORTS

DMCMA – Ms. Suzanne Elsner attended the meeting and gave a brief update on their spring conference planning and their next board meeting in May 2014.

BJA – Judge Ringus reported that the regional courts subject will be on the agenda in May since BJA staff has finished their assignment to review past studies. There will be a GR 31 update where staff will update the body on the workgroup's progress and report on completed products and general policies and procedures.

INFORMATION

A. Joint 2015 Annual Conference and Business Meeting Space

The Board did not discuss this issue but noted it was an issue to consider for future meetings.

OTHER BUSINESS

A. Next Meeting: 9:30 am, Sunday, June 8, 2014, Semiahmoo Resort, Blaine, WA.

ADJOURNED

DRAFT



**WASHINGTON
COURTS**

District and Municipal Court Judges' Association

May 21, 2014

President

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

President-Elect

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S Ste C
Des Moines, WA 98198
(206) 878-4597

Vice-President

JUDGE DAVID STEINER
King County District Court
585 112th Ave. S.E.
Bellevue, WA 98004
(206) 205-9200

Secretary/Treasurer

JUDGE G. SCOTT MARINELLA
Columbia County District Court
535 Cameron St
Dayton, WA 99328-1279
(509) 382-4812

Past President

JUDGE SARA B. DERR
Spokane County District Court
Public Safety Building
1100 W Mallon Avenue
Spokane, WA 99260-0150
(509) 477-2959

Board of Governors

JUDGE SANDRA L. ALLEN
Ruston/Milton Municipal Courts
(253) 759-8545

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 7535-8476

JUDGE JEFFREY J. JAHNS
Knap County District Court
(360) 337-7033

JUDGE MARY C. LOGAN
Spokane Municipal Court
(509) 622-4400

JUDGE SAMUEL MEYER
Thurston County District Court
(360) 786-5562

JUDGE KELLEY C. OLWELL
Yakima Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 838-3000

COMMISSIONER PETE SMILEY
Bellingham Municipal Court
(360) 778-8150

JUDGE HEIDI SMITH
Okanogan County District Court
(509) 422-7170

To: President Svaren, DMCJA Officers; DMCJA Board of Governors;
From: G. Scott Marinella, DMCJA Treasurer
Subject: Monthly Treasurer's Report for May, 2014

Dear President Svaren, Officers and Members of the DMCJA Board of Governors,

The following is a summary of the total DMCJA accounts, expenditures and deposits, as well as an update regarding the finances of our association.

ACCOUNTS

US Bank Platinum Business Money Market Account
Fund Balance - \$100,406.10, as of April 30, 2014.

Bank of America Accounts
Investment Account - \$218,022.67, as of April 30, 2014.
Checking Account - \$10,120.74, as of April 30, 2014.

Total for all Accounts: \$328,549.51

EXPENDITURES

Total 2013/2014 adopted budget:	\$228,900.00
Total expenditures to date (5-21-2014):	<u>\$126,790.56</u>
Total remaining budget as of May 21, 2014:	\$102,109.44

DEPOSITS

Total deposits 2013/2014:	\$143,252.16
---------------------------	--------------

DMCJA 2013-2014 Budget

ITEM	COMMITTEE	Beginning Balance	Total Costs	Ending Balance
1	Access to Justice Liaison	\$500.00		\$500.00
2	Audit	\$2,000.00		\$2,000.00
3	Bar Association Liaison	\$5,000.00		\$5,000.00
4	Board Meeting Expense	\$30,000.00	\$30,414.17	-\$414.17
5	Bookeeping Expense	\$3,000.00	\$2,400.00	\$600.00
6	Bylaws Committee	\$250.00		\$250.00
7	Conference Committee	\$3,500.00		\$3,500.00
8	Conference Incidental Fees For Members Spring Conference 2013	\$40,000.00	\$42,750.00	-\$2,750.00
9	Diversity Committee	\$2,000.00	\$807.66	\$1,192.34
10	DMCMA Education	\$5,000.00		\$5,000.00
11	DMCMA Liaison	\$500.00	\$103.04	\$396.96
12	DOL Liaison Committee	\$500.00	\$83.22	\$416.78
13	Education Committee**	\$8,500.00	\$1,573.71	\$6,926.29
14	Educational Grants	\$5,000.00	\$830.44	\$4,169.56
15	Judicial Assistance Committee	\$10,000.00	\$8,882.49	\$1,117.51
16	Legislative Committee	\$6,000.00	\$1,986.82	\$4,013.18
17	Legislative Pro-Tem	\$2,500.00	\$688.38	\$1,811.62
18	Lobbyist Expenses	\$1,000.00	\$480.90	\$519.10
19	Lobbyist Contract	\$55,000.00	\$18,000.00	\$37,000.00
20	Long-Range Planning Committee	\$1,500.00	\$441.82	\$1,058.18
21	MCA Liaison	\$1,500.00	\$596.31	\$903.69
22	National Leadership Grants	\$3,000.00	\$3,000.00	\$0.00
23	Nominating Committee	\$400.00		\$400.00
24	President Expense	\$7,500.00	\$2,870.23	\$4,629.77
25	Reserves Committee	\$250.00		\$250.00
26	Rules Committee	\$1,000.00	\$110.46	\$889.54
27	Rural Courts Committee	\$0.00	Not Funded	\$0.00
28	Salary and Benefits Committee	\$0.00	***Not Funded	\$0.00
29	SCJA Board Liaison	\$1,000.00	\$843.98	\$156.02
30	Technology Committee	\$5,000.00	\$153.22	\$4,846.78
31	Therapeutic Courts	\$2,500.00	\$532.06	\$1,967.94
32	Treasurer Expense and Bonds	\$1,000.00	\$166.28	\$833.72
33	Judicial Community Outreach	\$3,000.00	\$3,000.00	\$0.00
34	Uniform Infraction Committee	\$1,000.00		\$1,000.00
35	Systems Improvement Committee	\$5,000.00	\$145.04	\$4,854.96
36	Professional Services	\$15,000.00	\$5,930.33	\$9,069.67
	TOTAL	\$228,900.00	\$126,790.56	\$102,109.44
37	TOTAL DEPOSITS MADE	\$143,252.16		
38	CREDIT CARD (balance owing)	\$0.00		
	***funding will come from special funds			

DEPOSITS MADE					
Date	Chk. #	Item Committee	Debit	Deposit	Balance
					\$0.00
7/11/2013	DEP	Deposit - JASP		\$5,000.00	\$5,000.00
8/16/2013	7171	Deposit - 2013 Dues Judge Kevin A. McCann		\$750.00	\$5,750.00
9/24/2013	DEP	Deposit - 2013 Dues Adams County - Tyson Hill		\$375.00	\$6,125.00
11/19/2013	DEP	Credit Card overpayment refund		\$506.16	\$6,631.16
12/3/2013	DEP	Deposit - Dues Paid		\$824.00	\$7,455.16
12/12/2013	DEP	Deposit - Dues Paid		\$9,825.00	\$17,280.16
12/16/2013	DEP	Deposit Dues Paid		\$22,161.00	\$39,441.16
12/19/2013	DEP	Deposit Dues Paid		\$6,075.00	\$45,516.16
12/27/2013	DEP	Deposit Dues Paid		\$18,261.00	\$63,777.16
1/2/2013	DEP	Deposit Dues Paid		\$4,500.00	\$68,277.16
1/15/2014	DEP	Deposit Dues Paid		\$8,624.00	\$76,901.16
1/23/2014	DEP	Deposit Dues Paid		\$24,147.00	\$101,048.16
1/28/2014	DEP	Deposit Dues Paid		\$4,499.00	\$105,547.16
1/31/2014	DEP	Deposit Dues Paid		\$7,023.00	\$112,570.16
2/6/2014	DEP	Deposit Dues Paid		\$13,287.00	\$125,857.16
2/12/2014	DEP	Deposit Dues Paid		\$12,312.00	\$138,169.16
2/20/2014	DEP	Deposit Dues Paid		\$1,498.00	\$139,667.16
3/5/2014	DEP	Deposit Dues Paid		\$1,037.00	\$140,704.16
3/11/2014	DEP	Deposit Dues Paid		\$375.00	\$141,079.16
3/19/2014	DEP	Deposit Dues Paid		\$712.00	\$141,791.16
4/2/2014	DEP	Deposit 2013 Dues Paid - Lambo Olson		\$900.00	\$142,691.16
4/21/2014	DEP	Deposit - Dues Paid		\$187.00	\$142,878.16
4/30/2014	DEP	Deposit - Dues Paid		\$187.00	\$143,065.16
5/13/2014	DEP	Deposit - Dues Paid		\$187.00	\$143,252.16
		TOTAL DUES PAID	\$136,621.00		
		TOTAL DEPOSITS MADE	\$143,252.16		

CREDIT CARD BALANCE

Date	Chk. #	Line Item#	Item Committee	Payment	Charge	Balance
			July Statement Amount			\$1,285.58
7/19/2013	OL		Payment made by Steiner Online	\$1,285.58		\$0.00
8/2/2013	6990	4, 15, 24	Made CC payment by GSM	\$1,285.58		-\$1,285.58
7/31/2013	Chrg	16	EIG DOTSTER - Shannon flowers		\$17.49	-\$1,268.09
8/9/2013	Chrg	4	The Deli		\$28.06	-\$1,240.03
10/16/2013	Chrg	24	Macy's East #376 - present		\$181.78	-\$1,058.25
10/16/2013	Chrg	15	Hotel and Food - see CC Stmt 10-11-13		\$390.65	-\$667.60
9/30/2013	Credit	N/A	Easy Savings Credit	\$12.76		-\$680.36
10/1/2013	Chrg	15	WSBA.ORG - JASP CLE Credit App.		\$35.00	-\$645.36
11/5/2013	Credit	N/A	Easy Savings Credit	\$5.80		-\$651.16
11/1/2013	Chrg	4	Radisson		\$145.00	-\$506.16
11/11/2013	Credit	N/A	Credit Balance Refund		\$506.16	\$0.00
2/20/2014	chrg	4	Hotel - See CC Stmt.2-11-14		\$167.48	\$167.48
2/20/2014	7302	15	Payment - chk. 7302	\$167.48		\$0.00
3/11/2014	chrg		See CC Stmt. 3-11-14		\$830.23	\$830.23
3/19/2014	7318	18,4,15	Payment - chk. 7318	\$830.23		\$0.00
4/1/2014	chrg	24	Charge - Gifts		\$610.67	\$610.67
4/21/2014	7020	24	Payment - chek 7020	\$610.67		\$0.00
4/25/2014	chrg	4	Purple Café & Wine Bar (still owing)		\$872.56	\$872.56
5/21/2014	7048	4	Payment - chk 7048	\$872.56		\$0.00



P.O. Box 15284
Wilmington, DE 19850

Customer service information

AI 0 353 348 926 005664 #001 AV 0.381

1.888.BUSINESS (1.888.287.4637)

bankofamerica.com

Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

DMCJA SPECIAL FUND
C/O DAVID A SVAREN
PO BOX 340
MOUNT VERNON, WA 98273-0340

Your combined statement

for April 01, 2014 to April 30, 2014


Your deposit accounts	Account/plan number	Ending balance	Details on
Business Interest Checking	[REDACTED]	\$6,365.48	Page 3
Business Investment Account	[REDACTED]	\$42,175.69	Page 5
Total balance		\$48,541.17	

Stay connected

Our e-newsletter, **Small Business Connections**, gives you access to articles and other resources from small business experts on marketing, financing, cash flow management, human resources, and more.

Visit bankofamerica.com/smallbiznews and enter your email address to start receiving our free e-newsletter.

Bank of America, N.A. Member FDIC. ©2014 Bank of America Corporation. AR(W) DC | AD-01-14-8723A





Your Business Interest Checking

DMCJA SPECIAL FUND

Account summary

Beginning balance on April 1, 2014	\$6,365.44	# of deposits/credits: 1
Deposits and other credits	0.05	# of withdrawals/debits: 1
Withdrawals and other debits	-0.01	# of days in cycle: 30
Checks	-0.00	Average ledger balance: \$6,365.44
Service fees	-0.00	
Ending balance on April 30, 2014	\$6,365.48	

Annual Percentage Yield Earned this statement period: 0.01%.
 Interest Paid Year To Date: \$0.20.
 Federal Withholding This Period: \$0.00

Deposits and other credits

Date	Description	Amount
04/30/14	Interest Earned	0.05
Total deposits and other credits		\$0.05

Withdrawals and other debits

Date	Description	Amount
04/30/14	Federal Withholding	-0.01
Total withdrawals and other debits		-\$0.01

BankAmeriDeals™— Choose your deals and get cash back in your account



It's free, and now available on your Small Business card.

- Visit the Cash Back Deals tab in your Online or Mobile Banking
- Choose the cash back deals you want and pay with your Small Business debit or credit card
- Get cash back credited to an account of your choice

Visit bankofamerica.com/deals to learn more.

You must be enrolled in Online Banking or Mobile Banking to participate in the BankAmeriDeals™ program and have either an eligible Bank of America™ debit or credit card or Merrill Lynch™ credit card. Select co-brand credit cards are not eligible. Earned cash back will be credited into an eligible checking, savings, money market or credit account in the next month following redemption. For more information, please read the program terms of use at www.bankofamerica.com/serviceagreement. AR7KQJ6Q | AD-08-13-0596



Your Business Investment Account

DMCJA SPECIAL FUND

Account summary

Beginning balance on April 1, 2014	\$42,175.19	# of deposits/credits: 1
Deposits and other credits	0.69	# of withdrawals/debits: 1
Withdrawals and other debits	-0.19	# of days in cycle: 30
Service fees	-0.00	Average ledger balance: \$42,175.20
Ending balance on April 30, 2014	\$42,175.69	Average collected balance: \$42,175.20

Annual Percentage Yield Earned this statement period: 0.02%.
 Interest Paid Year To Date: \$2.78.
 Federal Withholding This Period: \$0.00

Deposits and other credits

Date	Description	Amount
04/30/14	Interest Eamed	0.69
Total deposits and other credits		\$0.69

Withdrawals and other debits

Date	Description	Amount
04/30/14	Federal Withholding	-0.19
Total withdrawals and other debits		-\$0.19

Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)
04/01	42,175.19	04/30	42,175.69

To help you BALANCE YOUR CHECKING ACCOUNT, visit bankofamerica.com/statementbalance or the Statements and Documents tab in Online Banking for a printable version of the How to Balance Your Account Worksheet.

13

THERAPEUTIC COURTS COMMITTEE

DMCJA Therapeutic Courts Committee
Meeting Minutes
September 23, 2013
Wenatchee Convention Center

In Attendance

Judge Michael Finkle, King County District Court (East Div.) Co-Chair
Judge Debra Hayes, Spokane County District Court, Co-Chair
Judge Johanna Bender, King County District Court, West Div.
Judge Fred Gillings, Marysville Municipal Court
Judge Karli Jorgensen, Kent Municipal Court
Judge Mary C. Logan, Spokane Municipal Court
AOC Staff: Janet Skreen

Welcome Judge Finkle called the meeting to order at 7:13 a.m.

NAMI Conference Judge Gillings reported on the NAMI Conference August 9 & 10 in Ellensburg, which featured a legal education track. This is a great opportunity for all judges to learn more about mental health issues; members are requested to talk about the conference with their colleagues. The Therapeutic Courts Committee might want to think about presenting at future conferences. The Committee should examine its budget to see if at least half of the members can attend the conference. This year conference organizers were pleased to see judges in attendance.

Misdemeanant Corrections Committee Members of the Misdemeanant Corrections Committee (MCC) can't join the Therapeutic Courts Committee as they had hoped. They are holding a conference in October. Perhaps members of the Therapeutic Courts Committee can attend next year. It is especially important to have the MCC realize the different ways probation functions differently in therapeutic courts as compared to regular courts. Judge Finkle will be in touch with the MCC to advise two or three judges should be able to attend next year. The Therapeutic Courts Committee needs to brainstorm topics of interest and expertise. Judge Finkle will report back.

SB 5797 Workgroup The main goal of the legislation that will be proposed by the workgroup is to encourage therapeutic courts across the state. The legislation is incorporating the legislative findings that appeared in SB 5797 and repeals what isn't necessary. Prosecutors have voiced some discomfort with judges having inherent authority to allow or disallow participants in therapeutic courts. A definition section has been included. Judge Finkle drafted a revision to section 3 and asked the DMCJA Board to approve that language. Written findings can be made to allow inclusion of a defendant/respondent who otherwise would not be admitted. The proposed legislation also allows cities to contract with other cities to create a therapeutic court without having to join courts altogether. The grandfather clause is for courts that otherwise might not meet the requirements of a therapeutic court. A query was made as to why the

workgroup is crafting legislation. Legislation already exists, and this is an attempt to make the legislation as appropriate as possible; if this workgroup didn't address legislation, the legislature certainly would have.

SCJA Liaison Discussion took place as to the wisdom and appropriateness of having reciprocal liaisons from the two judges' associations serving on their respective therapeutic courts committee. Judge Finkle was selected to serve on the SCJA committee.

Minutes The minutes from the June 11, 2013, meeting were approved by consensus.

Judicial Conferences The Therapeutic Courts Committee should consider jointly sponsoring an education session with SCJA at fall conference and perhaps a breakfast or lunch meeting at DMCJA's conference to establish a mentorship with new judges. Judge Hayes spoke of a speaker at a Utah conference who allows attendees to really get into the mindset of someone with a mental health condition. Judge Logan is on the education committee and can help shepherd the education endeavors.

Next Meeting The next meeting will be held by phone in mid-November. Ms. Skreen will send details.

Adjournment Judge Finkle adjourned the meeting at 8:25 a.m.

GENERAL RULE (GR) 30

Memorandum

To: Judge David Svaren
From: Judge David Larson
RE: eWarrants
Date: May 27, 2014

I am looking for guidance regarding the official response of DMCJA.

The eWarrant program (ELIAS) is not intended to change any substantive requirements for a search warrant. The law regarding the sufficiency of the warrant remains the same. ELIAS just provides an alternative method to effectuate the issuance of search warrants.

Judges only interact with the system in the warrant review and approval process. Court administrators (or designees) would:

1. Assign and administer user names and passwords;
2. Input and maintain lists of judges and on call rotation of judges, if any;
3. Input and maintain contact information for judges;
4. Retention of the returned warrants under CrRLJ 2.3(c)¹. The will be accomplished per local preferences (i.e. email, FTP site, hard copy, etc.);
5. Review and maintain history and statistics.

The warrant review process would be as follows:

1. Law enforcement can select the reviewing judge and/or the court can designate an on-call judge to receive the request for a search warrant;
2. Any law enforcement agency can request a search warrant from any judge in the county where the crime occurred and it can be served anywhere in the state²;
3. The system will automatically generate an email to the judge that a warrant is ready for review once the officer submits the declaration and proposed warrant;
4. The system will also automatically contact the judge via text, phone, or email in the order of priority inputted into the system by the court;

¹A review of CrR 2.3(d) reveals that there is no such retention requirement by superior court. However, Sec. 3(4) of SSB 6279 provides that the return of service is to be filed with the court pursuant to CrRLJ 2.3 and CrR 2.3. The superior court rule also provides that the judge "shall record a summary of any additional evidence on which it relies." CrRLJ 2.3 has no such language. There may be a need for the system to provide for this difference if it will also be used in superior court (i.e. the ability for the judge to add a list of what was relied upon that was not submitted by the officer).

² See Section 2 of SSB 6279; Laws of 2014, Ch. 93.

- a. The system will move to the next lower priority contact every three minutes until the judge logs in to the system;
5. Judge will log in to his/her court email system and access the email prompt sent by the system;
6. The judge will click on the hyperlink in the email which will take the judge to the log-in screen;
7. The judge will review the documents and either approve or reject the warrant. The judge will select the reason for the rejection from a pull-down menu. The warrant will be "locked" and cannot be changed once the judge approves the warrant. See comments below for more options.

The issues to be addressed by the judges are as follows:

1. Whether there should be a provision that allows the judge to comment on the reason for the rejection. There would be no requirement to make a comment, just the ability to do so. Recommendation: Include the comment box and then provide proper training on what is appropriate to note in the comment section. This comment section may also be necessary to provide for compliance with CrRLJ 2.3 noted in footnote 1.
2. The system has the ability to keep track of performance statistics (i.e. judge's response times, number of warrants signed, number of warrants rejected etc). The issue is whether to disable this feature. No recommendation on my part.
3. SSB 6279 treats these warrants the same as telephonic warrants in the sense that the judge is authorizing his or her signature to be affixed to the document. However, judges are approving these warrants online and could affix an electronic signature. It is unclear how the judge's signature will be affixed in this system. GR 30 provides for electronic signatures for lawyers, law enforcement, and non-lawyers, but does not provide for electronic signatures for judges. It is recommended that DMCJA recommend a rule change that provides for electronic signatures of judges under GR 30. This suggested rule change would accommodate electronic signatures of judges in more than just ELIAS.
4. There was also a password issue raised, but it has been resolved.

Let me know how to respond to the issue noted above.

Thank you.

Judge David Larson
Federal Way Municipal Court

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6279

Chapter 93, Laws of 2014

63rd Legislature
2014 Regular Session

SEARCH WARRANTS--MAGISTRATE ACCESS

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 10, 2014
YEAS 47 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House March 5, 2014
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 27, 2014, 10:52 a.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6279** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

March 27, 2014

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6279

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senate Law & Justice (originally sponsored by Senators Kline, Padden, O'Ban, Pedersen, and Tom)

READ FIRST TIME 02/04/14.

1 AN ACT Relating to creating effective and timely access to
2 magistrates for purposes of reviewing search warrant applications;
3 amending RCW 9A.72.085; adding a new section to chapter 2.20 RCW;
4 adding a new section to chapter 10.79 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that recent decisions
7 of the United States supreme court and the Washington state supreme
8 court require law enforcement to obtain the review of a neutral and
9 disinterested magistrate and the issuance of a search warrant more
10 frequently before proceeding with a criminal investigation. The
11 legislature intends to accommodate this requirement by creating
12 effective and timely access to magistrates for purposes of reviewing
13 search warrant applications across the state of Washington. This act
14 does not change the legal standards for issuing a search warrant or the
15 legal standards for review of an issued search warrant.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.20 RCW
17 to read as follows:

1 Any district or municipal court judge, in the county in which the
2 offense is alleged to have occurred, may issue a search warrant for any
3 person or evidence located anywhere within the state.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 10.79 RCW
5 to read as follows:

6 (1) Any magistrate as defined by RCW 2.20.010, when satisfied that
7 there is probable cause, may upon application supported by oath or
8 affirmation, issue a search warrant to search for and seize any: (a)
9 Evidence of a crime; (b) contraband, the fruits of crime, or things
10 otherwise criminally possessed; (c) weapons or other things by means of
11 which a crime has been committed or reasonably appears about to be
12 committed; or (d) person for whose arrest there is probable cause or
13 who is unlawfully restrained.

14 (2) The application may be provided or transmitted to the
15 magistrate by telephone, e-mail, or any other reliable method.

16 (3) If the magistrate finds that probable cause for the issuance of
17 a warrant exists, the magistrate must issue a warrant or direct an
18 individual whom the magistrate authorizes to affix the magistrate's
19 signature to a warrant identifying the property or person and naming or
20 describing the person, place, or thing to be searched. The magistrate
21 may communicate permission to affix the magistrate's signature to the
22 warrant by telephone, e-mail, or any other reliable method.

23 (4) The evidence in support of the finding of probable cause and a
24 record of the magistrate's permission to affix the magistrate's
25 signature to the warrant shall be preserved and shall be filed with the
26 issuing court as required by CrRLJ 2.3 or CrR 2.3.

27 **Sec. 4.** RCW 9A.72.085 and 1981 c 187 s 3 are each amended to read
28 as follows:

29 (1) Whenever, under any law of this state or under any rule, order,
30 or requirement made under the law of this state, any matter in an
31 official proceeding is required or permitted to be supported,
32 evidenced, established, or proved by a person's sworn written
33 statement, declaration, verification, certificate, oath, or affidavit,
34 the matter may with like force and effect be supported, evidenced,
35 established, or proved in the official proceeding by an unsworn written
36 statement, declaration, verification, or certificate, which:

1 (~~(1)~~) (a) Recites that it is certified or declared by the person
2 to be true under penalty of perjury;

3 (~~(2)~~) (b) Is subscribed by the person;

4 (~~(3)~~) (c) States the date and place of its execution; and

5 (~~(4)~~) (d) States that it is so certified or declared under the
6 laws of the state of Washington.

7 (2) The certification or declaration may be in substantially the
8 following form:

9 "I certify (or declare) under penalty of perjury under
10 the laws of the State of Washington that the foregoing is
11 true and correct":

12

13 (Date and Place)

(Signature)

14 (3) For purposes of this section, a person subscribes to an unsworn
15 written statement, declaration, verification, or certificate by:

16 (a) Affixing or placing his or her signature as defined in RCW
17 9A.04.110 on the document;

18 (b) Attaching or logically associating his or her digital signature
19 or electronic signature as defined in RCW 19.34.020 to the document;

20 (c) Affixing or logically associating his or her signature in the
21 manner described in general rule 30 to the document if he or she is a
22 licensed attorney; or

23 (d) Affixing or logically associating his or her full name,
24 department or agency, and badge or personnel number to any document
25 that is electronically submitted to a court, a prosecutor, or a
26 magistrate from an electronic device that is owned, issued, or
27 maintained by a criminal justice agency if he or she is a law
28 enforcement officer.

29 (4) This section does not apply to writings requiring an
30 acknowledgment, depositions, oaths of office, or oaths required to be
31 taken before a special official other than a notary public.

Passed by the Senate March 10, 2014.

Passed by the House March 5, 2014.

Approved by the Governor March 27, 2014.

Filed in Office of Secretary of State March 27, 2014.

ELECTRONIC HOME MONITORING (EHM)
AND
IGNITION INTERLOCK DEVICE (IID)

Harvey, Sharon

From: McAleenan, Mellani
Sent: Thursday, May 08, 2014 10:20 AM
To: Harvey, Sharon; Krebs, Jennifer
Cc: Kevin Ringus
Subject: FW: upcoming House Public Safety Meetings

Hello all – Please see the email below from Rep Goodman’s committee staff. I forwarded this information to Janet and Regina already, but I don’t know if they have judges planning to attend. However, I do know that Judge Ringus is interested in one of the bills at the second meeting so I thought I should share this with you guys, too, to see if the DMCJA was ok with his attendance and/or if you would have someone who was interested in any of the other topics. The June 23 meeting will be in Burien. They were hoping for our SeaTac office but it’s already in use and I have jury duty so couldn’t be there to “baby sit” the room anyway.

Thanks.

*Regards,
Mellani*

From: Walker, Yvonne [mailto:Yvonne.Walker@leg.wa.gov]
Sent: Tuesday, May 06, 2014 3:41 PM
To: McAleenan, Mellani
Subject: upcoming House Public Safety Meetings

Mellani,

I called you today but I thought I would follow up with an email message too. Chairman Goodman is planning on having 2 work sessions in June and if available, he would like you and any available superior judge(s) to sit in and offer input on the following upcoming work session discussions:

- **Thursday, June 12 (TIME: TBA) – Olympia**
- **Subject:** Legal Financial Obligations (meeting joint with the House Judiciary Committee) -- See HB 2751

- **Monday, June 23 (TIME: TBA) – SeaTac or Burien**
- **Subject:**
- Electronic Monitoring -- See HB 2543
- Retention of Biological Material for Evidence/DNA -- See HB 2468
- Returning Released Offenders to their County of Origin

Both meetings will probably begin around 10 am although the details are being finalized. If you can RSVP and let me if you and/or a superior judge can attend the two meetings than that would be appreciated.

Thanks!

Yvonne Walker

House of Representatives

Public Safety Committee

Office of Program Research, John L. O'Brien Building 252

P.O. Box 40600

Olympia, WA 98504-0600

ph. (360) 786-7841

e-mail: yvonne.walker@leg.wa.gov

Committee Meeting Documents are available online:

<http://apps.leg.wa.gov/cmd/start.aspx>

DMCJA NATIONAL LEADERSHIP GRANT AWARD RECIPIENTS

Harvey, Sharon

From: Harvey, Sharon
Sent: Wednesday, May 14, 2014 4:56 PM
To: mpaja@co.kitsap.wa.us
Subject: DMCJA National Leadership Grant Awards

Good afternoon Judge Paja:

I am writing to inform you that the DMCJA Board has voted to award you fourteen hundred dollars (\$1,400.00) for your leadership endeavors. The Board appreciates the work that you do on behalf of DMCJA on the state and national level. With that in mind, if you are planning to attend the DMCJA spring conference this year, Judge Svaren would like to extend the invitation for you to arrive a bit early and join the DMCJA Board meeting. If you are able to attend, please let me know and I will make sure there is a seat and lunch available for you. The Board meeting will be held at the Semiahmoo Resort in Blaine, Washington on Sunday, June 8, 2014 at 9:30 AM.

I look forward to meeting you. Have a good evening.

Sincerely,

Sharon R. Harvey
Court Association Coordinator
Office of Trial Court Services and Judicial Education
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
(360) 705-5282
Sharon.Harvey@courts.wa.gov

Harvey, Sharon

From: Harvey, Sharon
Sent: Wednesday, May 14, 2014 5:12 PM
To: 'eileen.kato@kingcounty.gov'
Subject: DMCJA National Leadership Grant Awards

Dear Judge Kato:

I am writing to inform you that the DMCJA Board has voted to award you twelve hundred dollars (\$1,200.00) for your leadership endeavors. The Board appreciates the work that you do on behalf of DMCJA. With that in mind, if you are planning to attend the DMCJA spring conference this year, Judge Svaren would like to extend the invitation for you to arrive a bit early and join the DMCJA Board meeting. The Board meeting will be held at the Semiahmoo Resort in Blaine, Washington on Sunday, June 8, 2014 at 9:30 AM. If you are able to attend, please let me know and I will make sure there is a seat and lunch available for you.

I look forward to meeting you. Have a good evening.

Sharon R. Harvey
Court Association Coordinator
Office of Trial Court Services and Judicial Education
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
(360) 705-5282
Sharon.Harvey@courts.wa.gov

Harvey, Sharon

From: Harvey, Sharon
Sent: Wednesday, May 14, 2014 5:07 PM
To: 'rkayne@medical-lake.org'
Subject: DMCJA National Leadership Grant Awards

Good afternoon Judge Kayne:

I am writing to inform you that the DMCJA Board has voted to award you fourteen hundred dollars (\$1,400.00) for your leadership endeavors. The Board appreciates the work that you do on behalf of DMCJA. With that in mind, if you are planning to attend the DMCJA spring conference this year, Judge Svaren would like to extend the invitation for you to arrive a bit early and join the DMCJA Board meeting. The Board meeting will be held at the Semiahmoo Resort in Blaine, Washington on Sunday, June 8, 2014 at 9:30 AM. If you are able to attend, please let me know and I will make sure there is a seat and lunch available for you.

I look forward to meeting you. Have a good evening.

Sincerely,

Sharon R. Harvey
Court Association Coordinator
Office of Trial Court Services and Judicial Education
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
(360) 705-5282
Sharon.Harvey@courts.wa.gov

Harvey, Sharon

From: Harvey, Sharon
Sent: Wednesday, May 14, 2014 5:18 PM
To: 'JRiehl@co.kitsap.wa.us'
Subject: DMCJA National Leadership Grant Awards

Dear Judge Riehl:

I am writing to inform you that the DMCJA Board has voted to award you one thousand dollars (\$1,000.00) for your leadership endeavors. The Board appreciates all of the work you do on behalf of the DMCJA.

Sincerely,

Sharon R. Harvey
Court Association Coordinator
Office of Trial Court Services and Judicial Education
Administrative Office of the Courts
PO Box 41170
Olympia, WA 98504-1170
(360) 705-5282
Sharon.Harvey@courts.wa.gov

2014-2015 DMCJA BOARD MEETING SCHEDULE

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2014-2015

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 11, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 8, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Sunday, Sept 21, 2014</i>	9:00 – 12:00 noon	2014 Annual Judicial Conference, Spokane, WA
<i>October, 10-11, 2014</i>	TBD	Off-Site Meeting; Location - TBD
<i>Friday, Nov. 14, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 12, 2014</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 9, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 13, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 13, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 10, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>May 2015</i>	TBD	
<i>June 2015</i>	TBD	

AOC Staff: Sharon Harvey

(AOC Conference Room Reserved)

Adopted April 26, 2014

2014-2015 DMCJA BUDGET

DMCJA 2014-2015 Adopted Budget

Item/Committee	2014-2015
Access to Justice Liaison	\$ 500.00
Audit	\$ 2,000.00
Bar Association Liaison	\$ 5,000.00
Board Meeting Expense	\$ 30,000.00
Bookkeeping Expense	\$ 3,000.00
Bylaws Committee	\$ 250.00
Conference Committee	\$ 3,500.00
Conference Incidental Fees for Members	\$ 40,000.00
Diversity Committee	\$ 2,000.00
DMCMA Education	\$ -
DMCMA Liaison	\$ 500.00
DOL Liaison Committee	\$ 500.00
Education Committee	\$ 8,500.00
Educational Grants	\$ 5,000.00
Judicial Assistance Committee	\$ 5,000.00
Legislative Committee	\$ 6,000.00
Legislative Pro-Tem	\$ 2,500.00
Lobbyist Expenses	\$ 1,000.00
Lobbyist Contract	\$ 55,000.00
Long-Range Planning Committee	\$ 1,500.00
MCA Liaison	\$ 1,500.00
National Leadership Grants	\$ 5,000.00
Nominating Committee	\$ 400.00
President Expense	\$ 7,500.00
Reserves Committee	\$ 250.00
Rules Committee	\$ 1,000.00
Salary and Benefits Committee	not funded
SCJA Board Liaison	\$ 1,000.00
Technology/CMS Committee*	\$ 7,500.00
Treasurer Expense and Bonds	\$ 1,000.00
Therapeutic Courts	\$ 2,500.00
Trial Court Advocacy Board	\$ 5,000.00
Judicial Community Outreach	\$ 4,000.00
Professional Services	\$ 15,000.00
Uniform Infraction Committee	\$ 1,000.00
Total	\$ 224,400.00
*Technology Committee is now the Technology/CMS Committee	
2014-2015 Final Budget.xls	

*West v. Washington State
Association of District and
Municipal Court Judges, et al.*

1
2
3
4
5
6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
IN AND FOR THE COUNTY OF KING

7 ARTHUR WEST, an individual;

8 Plaintiff,

9 vs.

10 WASHINGTON STATE ASSOCIATION OF
11 DISTRICT AND MUNICIPAL COURT
JUDGES, and STATE OF WASHINGTON,

12 Defendants.

NO. 13-2-16034-0 SEA

MOTION FOR SUMMARY JUDGMENT

13 **I. INTRODUCTION / MOTION**

14 Defendant Washington State District and Municipal Court Judge's Association hereby moves for
15 summary judgment in the above-entitled action. The Association is not an "agency" because it is part of
16 the judicial branch to which the Public Records Act does not apply. Additionally, the court lacks
17 jurisdiction over claims under the Public Disclosure Act because the plaintiff has failed to take steps
18 prerequisite to filing a citizen's action under RCW 42.17A.765. Even if the court had jurisdiction, the
19 Plaintiff has failed to demonstrate any violation of the Public Disclosure Act. This motion is supported
20 by the Declarations of David Svaren, Linda Olsen, Linda Dalton, Phil Stutzman and Jeffrey S. Myers.
21

22 **II. STATEMENT OF FACTS**

23 **A. ORGANIZATION AND FUNCTIONS OF THE ASSOCIATION**

24 The defendant Washington State District and Municipal Court Judge's Association
25 ("Association") is a part of the judicial branch of government. The Association was originally
26

1 incorporated in October 1953, but was recognized and established by the Legislature in 1961. Laws of
2 1961, Ch. 299, codified as Chapter 3.70 RCW. Originally the Association was known as the
3 “Magistrate’s Association”. As the courts have evolved, the Association’s enabling statute has been
4 amended from time to time and the name was changed to the Washington District and Municipal Court
5 Judge’s Association in 1994. Laws of 1994, Ch. 32.

7 The Association’s mandate is to monitor and report on the activities of courts of limited
8 jurisdiction. By statute, its members are judges from courts of limited jurisdiction. Pursuant to RCW
9 3.70.020, the Association’s activities are regulated by its by-laws. Declaration of David Svaren, **Exhibit**
10 **1**. The bylaws provide for membership for active judges, magistrates and court commissioners, and
11 associate membership for former or retired judges. The Association’s bylaws establish that there are
12 four elected officers and nine members at large on the Association’s board of governors. The current
13 president is Skagit County District Court Judge David Svaren. His immediate predecessor as president
14 is Spokane County District Court Judge Sara B. Derr.

16 In addition to the elective officers, the Association has numerous standing committees comprised
17 of member judges. These include the Legislative Committee, which is in charge of fulfilling the
18 statutory mandate to report to the Legislature concerning the activities of courts of limited jurisdiction
19 and make recommendations on how to improve, organize and operate these courts. Svaren Declaration,
20 Exhibit 1, (By-Laws, Article X, Section 1). The chairman of the legislative committee is Judge Samuel
21 Meyer of the Thurston County District Court. Svaren Declaration, ¶4.

23 The Association also retains a paid registered lobbyist to contact legislators on matters
24 concerning courts of limited jurisdiction. Svaren Declaration, ¶6. The Association’s registered lobbyist
25 is Melanie Stewart of Stewart and Associates.

1 From time to time members of the Association, including Judge Meyer as the Chair of the
2 Legislative Committee, will appear before the legislature to report on the Association's findings and
3 recommendations concerning courts of limited jurisdiction. During this time, they are forced to be away
4 from their respective courts. The Association provides reimbursement to their respective local
5 jurisdictions to cover the costs of a Pro Tem Judge for days that the elected judge is absent, where the
6 costs are not otherwise provided for by statute, ordinance, contract or policy. Svaren Decl., ¶5.

8 **B. PLAINTIFF'S RECORDS REQUEST**

9 On or about March 15, 2013, Arthur West requested information from the District Municipal
10 Court Judge's Association seeking information on several different categories concerning the
11 Association's expenditures for lobbying before the state legislature. Svaren Declaration, **Exhibit 2**. The
12 request was directed to former Association President Judge Gregory Tripp of the Spokane District Court
13 and was sent to him at the Spokane District Court's case management web mailbox. *Id.* Judge Tripp
14 forwarded the request to then President, Judge Sara B. Derr, President-Elect Judge David Svaren and
15 Shannon Hinchcliffe at the Administrative Office of the Courts. *Id.*

17 On March 26, 2013 the Association President, Judge Derr responded by sending a letter to West
18 explaining that the Association is a judicial entity and not subject to the Public Records Act. Svaren
19 Declaration, **Exhibit 3**. The Association informed him that the Public Records Act does not apply to the
20 judicial branch of government including entities such as the DMCJA. Her letter cited to the case of *Nast*
21 *v. Michels*, 107 Wn.2d 300 (1986), and quoted from *City of Federal Way v. Koenig*, 167 Wn. 2d 341
22 (2009) which affirmed *Nast's* holding that the judicial branch is not subject to the PRA. Judge Derr also
23 cited and quoted RCW 3.70.040 which demonstrates that the Association is part of the judicial branch of
24 government.
25
26

1 Even though the Association, as a judicial branch entity, had no formal process for dealing with
2 information requests such as that submitted by Mr. West, the Association nevertheless responded by
3 directly providing the information sought. Judge Derr's letter informed him of the amounts spent on the
4 Association's lobbyist, Melanie Stewart, who was paid \$35,000 for lobbying from July 2012 to March
5 2013. Her expenditures of \$626.01 during this period were also disclosed to Mr. West. Additionally the
6 Association disclosed reimbursements to participating jurisdictions to compensate for time spent by
7 judges testifying before the legislature and therefore being absent from the bench. These amounts were
8 to pay expenditures for pro tem judges. See **Exhibit 3**.

10 **C. PROCEDURAL HISTORY**

11 Plaintiff Arthur West filed this lawsuit on March 28, 2013. Prior to commencing this action,
12 West did not send any notice letters to the Attorney General or Prosecuting Attorney as required by
13 RCW 42.17A.765(4). West also did not immediately serve the Association. On June 20, 2013, West
14 served a Summons dated January 24, 2013 and a Complaint dated March 28, 2013 by delivering a copy
15 of these documents to Ms. Hinchcliffe, a staff member at the Administrative Office of the Courts
16 assigned as the liaison to the DMCJA.¹ The lawsuit contained allegations of a violation of the Public
17 Records Act and unlawful lobbying by the Association and its member, Judge Samuel Meyer, which is
18 alleged to violate the Public Disclosure Act, RCW 42.17A.635. The Association retained counsel who
19 appeared on June 28, 2013.

22 After receiving the Notice of Appearance, West sent an email to defense counsel in which he
23 acknowledged that he had "forgotten something" and attached a letter purporting to send notice to the

24 ¹ The Summons is dated January 24, 2013, two months prior to submission of any records request to the Association. This
25 shows that this action was contrived, not brought in good faith and that West planned to sue the Association months in
26 advance, no matter what the Association's response would be.

1 Attorney General's office, the Thurston County Prosecuting Attorney, and the Washington State Public
2 Disclosure Commission. Myers Declaration, Exhibit 1. For the first time, this letter detailed the basis of
3 West's allegation of illegal lobbying activity against certain municipal court judges on behalf of the
4 Association. West's letter contended that the Association unlawfully expended public funds to hire pro
5 tem judges during the times when Thurston County District Court Judges Sam Meyer and Brett Buckley
6 appeared before the Legislature. Thus, the contention in the notice letter is that it is illegal lobbying for
7 the Association to pay for the expenses of their jurisdictions for pro tem judges while members make the
8 reports required by RCW 3.70.040(3).
9

10 The notice letter acknowledges the requirement to make a second 10 day notice to the Attorney
11 General and Prosecuting Attorney prior to initiating a citizen's enforcement action. However, West
12 made no further efforts to notify the PDC, the Prosecuting Attorney, or the Attorney General's Office as
13 required by RCW 42.17A.765(4)(a)(ii). Upon investigation, West did not actually send the purported
14 notice letter to the Public Disclosure Commission, the Attorney General or the Thurston County
15 Prosecutor. None of these offices has any record of receiving a June 28, 2013 notice letter from West,
16 as was represented to the Defendant's counsel. Declarations of Linda Olsen, Linda Dalton, and Phil
17 Stutzman. Defendant DMCJA now moves for dismissal of this action.
18

19 III. ARGUMENT

20 A. THE PUBLIC RECORDS ACT DOES NOT APPLY TO THE JUDICIARY OR 21 JUDICIAL BRANCH OF GOVERNMENT.

22 It is well settled law that the Public Records Act does not apply to the judicial branch of
23 government. This principle was established by *Nast v. Michels*, 107 Wn. 2d 300, 306-07, 730 P.2d 54,
24 58 (1986) and reaffirmed by the Supreme Court in *City of Federal Way v. Koenig*, 167 Wn. 2d 341, 347-
25 48, 217 P.3d 1172, 1175 (2009) where the Court rejected arguments urging that *Nast* be overruled.
26

1 The principle that courts are not an agency has been relied on to reject public records requests,
2 such as West's request, in numerous cases including both court files and administrative records of
3 courts. *Nast*, supra; *Spokane and Eastern Lawyer v. Tomkins*, 136 Wn.App. 616, 621–22, 150 P.3d 158
4 (upholding denial of public records request for correspondence from county judges to the bar
5 Association regarding local lawyers), *review denied*, 162 Wn.2d 1004, 175 P.3d 1092 (2007). Likewise,
6 the personal records, notes and files of a judge are not subject to the Public Record Act. *Buehler v.*
7 *Small*, 115 Wn.App. 914, 918, 64 P.3d 78 (2003) (upholding denial of public records request for a
8 computer file containing a judge's notes on prior sentences he had imposed).

9
10 *City of Federal Way v. Koenig*, supra, is conclusive in its holding that the Public Records Act
11 does not apply to the judicial branch. There, a citizen made a Public Records Act request for records
12 concerning the resignation of a municipal court judge and sought correspondence to and from the
13 presiding municipal court judge. *Koenig*, 146 Wn.2d at 344. Additional records requests sought
14 documents related to job-related exemptions from jury duty and the appointment of pro tempore judges.
15 *Id.* The City of Federal Way refused to disclose the requested correspondence and sued for injunctive
16 relief and a declaratory judgment that the PRA did not apply to municipal court records, which was
17 granted by the trial court. The Supreme Court affirmed on appeal, stating:

18
19 This case requires us to consider the extent to which the PRA applies to the judiciary and
20 judicial records. We previously considered this issue in *Nast v. Michels*, 107 Wn.2d 300,
21 730 P.2d 54 (1986), where we held that the PRA does not apply to court case files
22 because the judiciary is not included in the PRA's definition of "agency." *Id.* at 305–06,
23 730 P.2d 54. We conclude that *Nast* continues to stand for the principle that the PRA
does not apply to the judiciary and that the appellant has not demonstrated a compelling
reason to overturn *Nast*.

24 *Koenig*, 167 Wn.2d at 343 (emphasis added).

1 **B. THE ASSOCIATION IS PART OF THE JUDICIAL BRANCH WHOSE RECORDS ARE**
2 **REGULATED BY COURT RULES, NOT THE PUBLIC RECORDS ACT.**

3 **1. The Association is part of the Judicial Branch**

4 The Association from which West seeks records is indisputably a judicial entity. It was created
5 by legislation in 1961 to be known as the “Washington State Magistrate’s Association”. Laws of 1961,
6 Ch. 299, Section 123. That legislation was part of a comprehensive bill, SSB 111, whose title was “An
7 Act relating to the judiciary; and to justices of the peace and other inferior courts.” *Id.*

8 Originally the Association was directed to survey and study the operation of the courts served by
9 its membership, and to promulgate suggested court rules for the administration of justice in such courts.
10 See RCW 3.70.040(1), (2). This enabling legislation was amended in 1980 to require the Association to
11 report at least annually to the Supreme Court, the governor and legislature on the condition of business
12 in the courts of limited jurisdiction. Laws of 1980, Ch. 162, Section 10. The statute was amended again
13 by the Court Improvement Act of 1984 to reflect membership from all judges in courts of limited
14 jurisdiction. Laws of 1984, Ch. 258, Sections 50-53. The 1984 legislation specifically authorized
15 reimbursement of judge’s travel expenses while participating in Association activities. In 1994, the
16 name of the Association was changed to the Washington State District and Municipal Court Judge’s
17 Association. Laws of 1994, Ch. 32, Section 3.

18 The fact that the Association was created pursuant to legislation does not mean that it is not part
19 of the judicial branch. The Washington Constitution recognizes the legislature’s role in creating inferior
20 courts in Article IV, Section 1, which reads:

21 The judicial power of the state shall be vested in a supreme court, superior courts, justices
22 of the peace, and such inferior courts as the legislature may provide.

1 Likewise, Article IV, Section 12 assigns to the legislature the role of specifying the jurisdiction
2 and authority of inferior courts, stating:

3 The legislature shall prescribe by law the jurisdiction and powers of any of the inferior
4 courts which may be established in pursuance of this Constitution.

5 The creation of the court of appeals, inferior courts, and other judicial organizations thus flows
6 from the same constitutional authority vested in the Legislature under Article IV. The status of the
7 Association as a judicial branch entity applies with equal force to the courts of appeal created by RCW
8 2.06.010, to the Superior Court Judges Association created under RCW 2.16, to district courts created
9 under RCW 3.30; and to municipal courts created under RCW 3.50.010.

10
11 The Association's membership is exclusively comprised of judges in courts of limited
12 jurisdiction. This is prescribed by RCW 3.70.010. The Association's Constitution and by-laws, adopted
13 pursuant to RCW 3.70.020, also authorize former judges in courts of limited jurisdiction to become non-
14 voting associate members.

15 Under its enabling legislation, the function of the Association is exclusively judicial. It surveys
16 and studies the operation of the courts of limited jurisdiction that its membership serves. RCW
17 3.70.040(1). The Association promulgates suggested rules for the administration of the courts of limited
18 jurisdiction for adoption by the Supreme Court. RCW 3.70.040(2).

19
20 Finally, the Association reports on its findings and monitoring of courts of local jurisdiction, first
21 to the Supreme Court, and also to the other branches of government. RCW 3.70.040(3). Such reports
22 concern the condition of business in the courts of limited jurisdiction, including the Association's
23 recommendations as to needed changes in the organization, operation, judicial procedure, and laws or
24 statutes implemented or enforced in these courts. *Id.* Thus, the Association has an express statutory
25 duty and is mandated by law to speak to the Legislature to report on the activities and business of courts
26

1 of limited jurisdiction so that these other branches can exercise their prerogatives and make any
2 necessary changes in how these courts are organized, operated, and are funded.

3 Pursuant to these statutory provisions, the Association serves as the collective voice of the courts
4 of limited jurisdiction. All of the Association's functions and roles serve the judicial branch. It is the
5 basis for why it was created, how it operates and who its members are.

6
7 **2. GR 31.1 Regulates Access To Association Records.**

8 The plaintiff's contention that the Association is not a judicial branch entity, but a "state agency"
9 or "local agency" subject to the Public Records Act is also repugnant to its treatment under current court
10 rules. Under GR 31.1, the Association is treated as part of the judicial branch and its records are
11 available as specified in the court rule, not pursuant to the Public Records Act. This court rule, although
12 adopted after the filing of this matter is conclusive that the Association is not subject to the PRA.

13
14 GR 31.1 was adopted on October 18, 2013 by the Supreme Court, but is not yet effective. It was
15 adopted to provide public access to administrative records of the courts. Its inclusion of the Association
16 and provision for access to the Association's records clearly establishes that the Association is part of
17 the judicial branch, subject to the Supreme Court's rulemaking authority under Article IV of the State
18 Constitution. Thus, it is not an agency under the Public Records Act, as established by *Nast, Tompkins*
19 and *Koenig, supra*.

20
21 GR 31.1(k) defines the entities subject to the rule, which are "judicial branch agencies", stating:

22 **(k) Entities Subject to Rule.**

23 (1) This rule applies to the Supreme Court, the Court of Appeals, the superior courts, the
24 district and municipal courts, and the following judicial branch agencies:

- 25 (i) All judicial organizations that are overseen by a court, including
26 entities that are designated as agencies, departments, committees,
boards, commissions, task forces, and similar groups;

- 1 (ii) The Superior Court Judges' Association, the District and Municipal
2 Court Judges' Association, and similar Associations of judicial
3 officers and employees; and
(iii) All subgroups of the entities listed in this section (k)(1).

4 *COMMENT: The elected court clerks and their staff are not included in this rule*
5 *because (1) they are covered by the Public Records Act and (2) they do not generally*
6 *maintain the judiciary's administrative records that are covered by this rule.*

7 (Emphasis Added).

8 As a judicial branch entity, the Association is not subject to the Public Records Act. The
9 Association correctly informed West of this fact in its March 26, 2013 letter. Any disagreement was
10 conclusively resolved by *City of Federal Way v. Koeing* in 2009. This claim should be dismissed.

11 **C. WEST HAS NOT COMPLIED WITH STATUTORY PREREQUISITES TO MAINTAIN**
12 **AN ACTION UNDER RCW 42.17A.765 AND IS NOT AUTHORIZED TO BRING A**
13 **CITIZEN'S SUIT UNDER THE PUBLIC DISCLOSURE ACT.**

14 A citizen's action may be brought in the name of the State under the Public Disclosure Act (if the
15 State has failed to commence an action after notification of possible violations. *Utter v. Building*
16 *Industry Ass'n of Washington*, 176 Wn.App. 646, 673, 310 P.3d 829 (2013). Where a citizen failed to
17 show that attorney general or local prosecuting attorney had received notice of agencies' failure to
18 maintain a document index or publish an order specifying the reasons why maintaining such an index
19 would be unduly burdensome, in violation of the Public Disclosure Act (PDA), and thus citizen was not
20 entitled to bring action to enforce PDA. *Vance v. Offices of Thurston County Com'rs*, 117 Wn.App.
21 660, 71 P.3d 680 (2003) (dismissing action where plaintiff failed to provide notice required under Public
22 Disclosure Act citizen enforcement section); *Crisman v. Pierce County Fire Protection Dist. No. 21*, 115
23 Wn.App. 16, 22, 60 P.3d 652 (2002) (citizen enforcement action may be brought "only after notice to
24 and failure by the attorney general and the prosecuting attorney to act.").

1 A private person may bring a citizen's action for violations of the Public Disclosure Act only
2 after: (1) the person gives notice to the Attorney General (AG) and the prosecuting attorney that there is
3 reason to believe that some provision of the Act is being or has been violated; (2) if 45 days after this
4 first notice the prosecuting attorney and AG have not commenced an action, the person files a second
5 notice with the AG and prosecuting attorney notifying them that the person will commence a citizen's
6 action within 10 days if neither the prosecutor nor the AG acts; and (3) the AG and the prosecuting
7 attorney fail to bring such an action within 10 days of receiving the second notice. *State ex rel.*
8 *Evergreen Freedom Foundation v. Washington Educ. Ass'n*, 111 Wn.App. 586, 49 P.3d 894(2002). The
9 terms of RCW 42.17A.765 provide as follows:
10

11 (4) A person who has notified the attorney general and the prosecuting attorney in the county in
12 which the violation occurred in writing that there is reason to believe that some provision of this
13 chapter is being or has been violated may himself or herself bring in the name of the state any of
14 the actions (hereinafter referred to as a citizen's action) authorized under this chapter.

15 (a) This citizen action may be brought only if:

16 (i) The attorney general and the prosecuting attorney have failed to commence an action
17 hereunder within forty-five days after the notice;

18 (ii) The person has thereafter further notified the attorney general and prosecuting attorney
19 that the person will commence a citizen's action within ten days upon their failure to do so;

20 (iii) The attorney general and the prosecuting attorney have in fact failed to bring such action
21 within ten days of receipt of said second notice; and

22 (iv) The citizen's action is filed within two years after the date when the alleged violation
23 occurred.

24 Here, West did not file the required notices prior to commencing this action. After filing his
25 Complaint, he claims to have filed a belated notice letter to the Attorney General and Thurston county
26 prosecutor, which is clearly untimely. Declaration of Myers, Exhibit 1. Thus, when he commenced this
lawsuit, he was not authorized to sue under RCW 42.17A.765(4).

1 West did not actually send the purported 45 day notice letter to its stated recipients. Instead, he
2 misrepresented having done so by sending Defendant's counsel a copy of a letter never sent to the
3 Attorney General, Thurston County Prosecutor and Public Disclosure Commission. By sending this
4 letter to the Association's counsel, he sought to mislead the Association and, by logical inference, the
5 Court into believing that he had provided notice. Such a misrepresentation confirms the frivolous nature
6 of this action.

7
8 Finally, West never complied with the statutory requirement to file a second "10 day" notice
9 letter as required under RCW 42.17A.765(4)(a)(ii). This notice gives the requisite state authorities 10
10 days to commence an action before the citizen may file a lawsuit. Absent the required notice letters,
11 West was not authorized to sue under the Public Disclosure Act. Hence, his motion must be dismissed
12 because absent the required notices, he is not a person authorized to sue under RCW 42.17A.765(4) and
13 he lacks standing to bring these claims.

14
15 **D. WEST FAILS TO ALLEGE ILLEGAL LOBBYING BY THE ASSOCIATION.**

16 **1. Payment For A Substitute Judge Pro Tem While Association Officers Carry Out
17 Their Duties Is Not Unlawful Lobbying.**

18 The essence of West's claim in his belated notice to the Attorney General and Prosecuting
19 Attorney is that the Association authorized payment for a pro tem judge to serve in Thurston County
20 District Court while Judges Buckley and Meyer were performing their functions as officers of the
21 Association by testifying before the legislature. Providing such testimony, however, is not lobbying
22 under the PDA.

23 As an initial matter, the legislature has specifically directed the Association to report on the
24 status of courts of limited jurisdiction from time to time to both the Supreme Court and to the
25 Legislature. RCW 3.70.010. As such, it is complying with a specific legislative mandate by appearing
26

1 before the legislature to recommend and advocate certain bills concerning courts of limited jurisdiction.

2 See Complaint, ¶3.2.

3 The Complaint is equivocal and vague in its allegations concerning the acts that he contends
4 constitute “unlawful lobbying”. Plaintiff does not identify any specific dates, actions or facts to support
5 his conclusory allegations that the Association is engaging in lobbying activity. His allegations merely
6 assume their own conclusion. Plaintiff’s complaint acknowledges that he lacks sufficient facts to allege
7 a violation of the Public Disclosure Act, instead only alleging that it “appears to have engaged in
8 lobbying activities in violation of RCW 42.17A.635.” Complaint ¶3.11. The Complaint thus fails to
9 allege an actual violation of the Public Disclosure Act.
10

11 Plaintiff’s statement of the law in the Complaint also appears to misconstrue RCW 42.17A.635.
12 Even if the Association were considered an “agency”, which it is not under *Nast*, the Public Disclosure
13 Act does not forbid agencies from “lobbying”.² Indeed, under RCW 42.17A.635(3), agencies are
14 expressly authorized to lobby. The law states, in relevant part:
15

16 (2) Any agency, not otherwise expressly authorized by law, may expend public funds for
17 lobbying, but such lobbying activity shall be limited to (a) providing information or
18 communicating on matters pertaining to official agency business to any elected official
19 or officer or employee of any agency or (b) advocating the official position or interests
20 of the agency to any elected official or officer or employee of any agency.

21 The Complaint alleges that the Association engages a paid lobbyist and a legislative director who
22 frequently appear before the legislature to lobby for specific bills. This is not a violation of the Public
23 Disclosure Act, and is allowed under the provisions of RCW 42.17A.635(3).

24 ² When *Nast* was decided in 1986, the Public Records Act was part of the Public Disclosure Act and the definitions of
25 agency were identical. See RCW 42.56.010(1), RCW 42.17A.005(2) and former RCW 42.17.010(1); see also *Telford v.*
26 *Thurston County*, 95 Wn.App. 149, 974 P.2d 886 (1999) (holding WSAC and WACO are agencies under Public Disclosure
Act for campaign finance purposes). The public records provisions were recodified into Chapter 42.56 RCW in 2006.
Because *Nast* relied on the same definition of “agency” now in Public Disclosure Act, its holding that the judiciary is not an
“agency” governs the Public Disclosure Act as well.

1 **2. Payment for a Pro Tem Judge serves the public interest.**

2 West's untimely, after the fact notice letter focuses on the reimbursement of expenses of local
3 jurisdictions for a pro tempore judge to preside while members are testifying before the Legislature.
4 Such testimony is provided at the express direction of RCW 3.70.040(3) and is authorized by RCW
5 42.17A.635(3).
6

7 The reimbursement referenced by West is provided to the jurisdictions whose judge is testifying
8 so that they do not have to close their doors during this time. Judges are reimbursed only for their travel
9 expenses by their respective jurisdictions. When absent from the bench, these jurisdictions are
10 reimbursed for the expense incurred for a pro tempore judge. This reimbursement promotes the
11 effective and continuous administration of justice while the testifying judges report to the Legislature as
12 contemplated by RCW 3.70.040. Nothing in the complaint references this reimbursement, nor alleges
13 any basis to challenge its legality.
14

15 **E. PLAINTIFF'S ACTION IS FRIVOLOUS, VIOLATES CR 11 AND SUPPORTS AN
16 AWARD OF ATTORNEY FEES UNDER RCW 4.84.185.**

17 **1. Plaintiff's PRA claims are frivolous in light of established Supreme Court
18 precedent.**

19 Plaintiff's claims here fly in the face of clearly established case law holding that the Public
20 Records Act is not applicable to the judiciary. Established case law under both the Public Disclosure
21 Act, and Public Records Act hold that the definition of "agency" does not include the judicial branch.
22 This holding, first set forth in 1986 by *Nast*, was reaffirmed by the Supreme Court in 2009 in *City of
23 Federal Way v. Koenig*.

24 Plaintiff cannot argue that he has a good faith basis to seek reversal of *Nast* and *Koenig* as the
25 Supreme Court expressly rejected requests to reverse this holding under the doctrine of stare decisis.
26 Nor can the Plaintiff plead ignorance of the law. In responding to his records requests, the Association

1 expressly cited *Nast, Koenig* and informed West that the Association was part of the judiciary, not an
2 agency under the PRA. West intentionally and recklessly disregarded this admonition and proceeded to
3 inflict costs and substantial attorney fees upon the Association by filing this baseless suit. West is liable
4 for attorney's fees and costs caused by his frivolous lawsuit under RCW 4.84.185.

5
6 **2. Plaintiff's Public Disclosure Act claims are frivolous and brought without reasonable cause.**

7 In addition to RCW 4.84.185, RCW 42.17A.765(4)(b) provides:

8 (b) If the person who brings the citizen's action prevails, the judgment awarded shall escheat
9 to the state, but he or she shall be entitled to be reimbursed by the state of Washington for costs
10 and attorneys' fees he or she has incurred. In the case of a citizen's action that is dismissed and
11 that the court also finds was brought without reasonable cause, the court may order the person
12 commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the
13 defendant.

14 (Emphasis added).

15 Plaintiff's claims were brought without reasonable cause to leverage his position against the
16 Association in seeking penalties under the Public Records Act. His claims lack any good faith basis
17 under the law and facts. He filed the lobbying claim without following the statutory procedures and has
18 no basis to sue the Association for complying with the express statutory directives of RCW 3.70.040.
19 He then sent an e-mail to defendant's counsel with a notice letter purportedly sent to the requisite
20 authoritative agencies. That was a lie.

21 This action was contrived by West in advance of any response by the Association and was
22 maliciously brought under false pretenses to obtain penalties and money from the Association. His false
23 notice letter compels the conclusion that this action, including the lobbying claim, is entirely frivolous
24 and advanced for improper purposes. The Association should receive its attorney's fees under RCW
25 4.84.185 and RCW 42.17A.765(4)(b).

1 **V. CONCLUSION**

2 Because it is well established that the Public Records Act and Public Disclosure Act do not apply
3 to the judiciary, the plaintiff's claims are not well grounded in law and are frivolous. Plaintiff
4 disregarded the statutory notice procedures required to have standing to sue under the Public Disclosure
5 Act and allege illegal lobbying. He therefore lacks standing to assert his lobbying claims, which are
6 baseless under the Act in any event. The Court should dismiss this case and award the Association its
7 expenses and attorney fees in defending pursuant to RCW 4.84.185 and RCW 42.17A.765.
8

9 DATED this 14th day of May, 2014.
10

11 LAW, LYMAN, DANIEL,
12 KAMERRER & BOGDANOVICH, P.S.

13 /s/ Jeffrey S. Myers
Jeffrey S. Myers, WSBA# 16390

14 Law, Lyman, Daniel, Kamerrer & Bogdanovich
15 P.O. Box 11880
Olympia, WA 98508-1880
16 Telephone: (360) 754-3480
17 Fax: 360) 357-3511
E-mail: jmyers@lldkb.com

18 Attorney for Defendant DMCJA
19
20
21
22
23
24
25
26

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

Arthur West

vs.

Washington State Association of District and Municipal
Judges; and State of Washington

**NO. 13-2-16034-0 SEA
NOTICE FOR HEARING
SEATTLE COURTHOUSE ONLY
(Clerk's Action Required) (NTHG)**

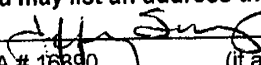
TO: THE CLERK OF THE COURT and to all other parties per list on Page 2:
PLEASE TAKE NOTICE that an issue of law in this case will be heard on the date below and the Clerk is directed to note this issue on the calendar checked below.

Calendar Date: June 20, 2014 **Day of Week:** Friday

Nature of Motion: Summary Judgment

CASES ASSIGNED TO INDIVIDUAL JUDGES – SEATTLE	
If oral argument on the motion is allowed (LCR 7(b)(2)), contact staff of assigned judge to schedule date and time before filing this notice. Working Papers: The <u>judge's name</u> , date and time of hearing <u>must</u> be noted in the upper right corner of the Judge's copy. Deliver Judge's copies to Judges' Mailroom at C203	
<input type="checkbox"/> Without oral argument (Mon - Fri)	<input checked="" type="checkbox"/> With oral argument Hearing
Date/Time: <u>June 20, 2014 at 10:00 a.m.</u>	
Judge's Name: <u>J. Rietschel</u> Trial Date: <u>July 7, 2014</u>	
CHIEF CRIMINAL DEPARTMENT – SEATTLE (E1201)	
<input type="checkbox"/> Bond Forfeiture 3:15 pm, 2 nd Thursday of each month	
<input type="checkbox"/> Extraordinary Writs from criminal or infraction (Show Cause Hearing) LCR 98.40(d) 3:00 p.m. Mon-Thurs.	
<input type="checkbox"/> Certificates of Rehabilitation- Weapon Possession (Convictions from Limited Jurisdiction Courts) 3:30 First Tues of each month	
CHIEF CIVIL DEPARTMENT – SEATTLE (Please report to E863 for assignment)	
<i>Deliver working copies to Judges' Mailroom, Room C203. In upper right corner of papers write "Chief Civil Department" or judge's name and date of hearing</i>	
<input type="checkbox"/> Extraordinary Writs (Show Cause Hearing) (LCR 98.40) 1:30 p.m. Thurs/Fri -report to Room E863	
<input type="checkbox"/> Supplemental Proceedings/ Judicial Subpoenas (1:30 pm Thurs/Fri)(LCR 69)	
<input type="checkbox"/> Motions to Consolidate with multiple judges assigned (LCR 40(a)(4) (without oral argument) M-F	
<input type="checkbox"/> Structured Settlements (1:30 pm Thurs/Fri)(LCR 40(2)(S))	
Non-Assigned Cases:	
<input type="checkbox"/> Non-Dispositive Motions M-F (without oral argument).	
<input type="checkbox"/> Dispositive Motions and Revisions (1:30 pm Thurs/Fri).	
<input type="checkbox"/> Certificates of Rehabilitation (Employment) 1:30 pm Thurs/Fri (LR 40(a)(2)(B))	

You may list an address that is not your residential address where you agree to accept legal documents.

Sign:  Print/Type Name: Jeffrey S. Myers
 WSBA # 16890 (if attorney) Attorney for: Defendant DMCJA
 Address: P.O. Box 11880 City, State, Zip Olympia, WA 98508
 Telephone: (360) 754-3480 Date: _____

DO NOT USE THIS FORM FOR FAMILY LAW OR EX PARTE MOTIONS.

LIST NAMES AND SERVICE ADDRESSES FOR ALL NECESSARY PARTIES REQUIRING NOTICE

Name Arthur West
Service Address: 120 State Avenue NE #1497
City, State, Zip: Olympia, WA 98501
WSBA# _____ Atty. For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty. For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty. For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty. For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty. For: _____
Telephone #: _____

Name _____
Service Address: _____
City, State, Zip _____
WSBA# _____ Atty. For: _____
Telephone #: _____

IMPORTANT NOTICE REGARDING CASES

Party requesting hearing must file motion & affidavits separately along with this notice. List the names, addresses and telephone numbers of all parties requiring notice (including GAL) on this page. Serve a copy of this notice, with motion documents, on all parties.

The original must be filed at the Clerk's Office not less than six court days prior to requested hearing date, except for Summary Judgment Motions (to be filed with Clerk 28 days in advance).

THIS IS ONLY A PARTIAL SUMMARY OF THE LOCAL RULES AND ALL PARTIES ARE ADVISED TO CONSULT WITH AN ATTORNEY.

The SEATTLE COURTHOUSE is in Seattle, Washington at 516 Third Avenue. The Clerk's Office is on the sixth floor, room E609. The Judges' Mailroom is Room C203.



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112
Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

May 28, 2014

DAVID A SVAREN
DMCJA – ADMIN OFFICE OF THE COURTS
PO BOX 41170
OLYMPIA WA 98504

Subject: 45 Day Citizen Complaint filed by Arthur West, PDC Tracking No. T14-107

Enclosed is a copy of a 45-day Citizen Action Complaint (Complaint) filed by Arthur West pursuant to RCW 42.17A.765(4) that was received by the Attorney General's Office and the Thurston County Prosecuting Attorney's Office on May 20, 2014, alleging that the Washington State District and Municipal Court Judges' Association (DMCJA); Sam Meyer; Brett Buckley; and Thurston County "*colluded to make unlawful lobbying expenditures, misappropriate public funds, and engage in frequent, unreported, unlawful lobbying activity.*" The Public Disclosure Commission (PDC) has jurisdiction over the portion of the complaint alleging violations of lobbyist and lobbyist employer registration and reporting requirements (RCW 42.17A.600 and .615 and .630). The sections of law cited in this letter can be found on our website, www.pdc.wa.gov, under the "Home" link, and then by selecting "Laws and Rules."

The Attorney General's Office has referred the Complaint to the PDC for review and possible investigation. Please note that under RCW 42.17A.765(4), the complainant can commence an action in superior court if the state fails to take action within the prescribed timeframes. PDC staff will attempt to complete its investigation and take appropriate action within 45 days of May 20, 2014.

Please provide a detailed written explanation by **no later than June 5, 2014** of the allegations relating to lobbyist registration and reporting. Your answer should include, but not be limited to, the following:

1. Did the DMCJA lobby the Washington State Legislature or State Agencies during 2012 or 2013?
2. Did Sam Meyer and Brett Buckley lobby for the DMCJA?
3. What were the terms of the lobbying agreement?
4. Did Thurston County participate in the lobbying agreement by paying for any of the lobbying services, or in any other way?
5. Were Lobbyist Registration Reports (L-1 reports) filed with the PDC?
6. Were monthly Lobbyist Expense Reports (L-2 reports) filed by the lobbyists?
7. Were annual Lobbyist Employer Reports (L-3 reports) filed by the DMCJA or Thurston County?

8. Did the DMCJA report its lobbying expenditures on a quarterly Lobbying by State and Local Government Agencies report (L-5 report)?
9. Does the DMCJA consider itself a public agency?
10. Did Thurston County reports its lobbying expenditures on a quarterly Lobbying by State and Local Government Agencies report (L-5 report)?

If you have questions, please contact Kurt Young at (360) 664-8853 or by email at kurtyoung@pdc.wa.gov or Phil Stutzman at (360) 664-8853 or by email at phil.stutzman@pdc.wa.gov, toll-free at 1-877-601-2828.

Sincerely,



Philip E. Stutzman
Director of Compliance

Enclosure – Copy of Complaint

MAY 27 2014

Public Disclosure Commission

**TO: ATTORNEY GENERAL BOB FERGUSON,
THURSTON COUNTY PROSECUTOR,
AND THE WASHINGTON STATE PUBLIC
DISCLOSURE COMMISSION**

May 20 2014
June 20, 2014
RECEIVED
H.L.B.

2014 MAY 20 PM 12: 43

ATTORNEY GENERAL
OF WASHINGTON

**RE: CITIZEN'S ACTION LETTER RE UNLAWFUL
LOBBYING BY THE DMCJA, SAM MEYER,
AND THURSTON COUNTY**

**FROM: ARTHUR WEST
120 State Ave #1497
Olympia, WA. 98501**

COPY RECEIVED
THURSTON COUNTY
PROSECUTING ATTORNEY
MAY 20 2014
BY WJ
TIME 12:27

Please consider this as a formal citizen's action letter under RCW 42.17.460 concerning the continuing unregistered lobbying activity and unreported lobbying expenditures by Sam Meyer, Brett Buckley, the Washington State District and Municipal Court Judges' Association and Thurston County.

The facts are as follows:

During the 2012-2013 legislative session the Washington State District and Municipal Court Judges Association, Sam Meyer, Brett Buckley and Thurston County colluded to make unlawful lobbying expenditures, misappropriate public funds, and engage in frequent, unreported, unlawful lobbying activity.

As testified to in open session by Sam Meyer, (while lobbying on behalf of the DMCJA) Thurston County unlawfully expended public funds to hire pro tem judges for the Thurston County District Court for the express purpose of allowing Sam Meyer to leave the bench to lobby the Legislature during business hours, while Meyer was employed full time as a Thurston County District Court Judge.

COMPLAINT RE UNLAWFUL CAMPAIGN ACTIVITY BY DMCJA

Both Buckley and Meyer lobbied repeatedly during the session, apparently more than 4 times per month, often during regular business hours while employed full time as Thurston County judges, on behalf of the Association of Judges, with Thurston County paying their salaries and expending funds on pro tem judges to cover their lobbying related absences.

These expenditures were not authorized by law and were further not reported as legitimate lobbying expenditures. Nor were Judge Meyer or Judge Buckley registered as lobbyists for Thurston County or the DMCJA as required by RCW 42.17A.600. Nor were the DMCJA or Thurston County registered as lobbyist employers as required by State law.

As John Kingdon observes in *Agendas, Alternatives, and Public Policies*, (Boston: Little, Brown, 1984) ...judges cannot roam the corridors of Congress buttonholing members and pleading the case of the Courts.

This appears to be exactly what the DMCJA and Thurston County have improperly expended public funds to allow in regard to the lobbying activities of the Honorable Judges Buckley and Meyer.

In the absence of action on your part in 45 days, the complainant will submit a further 10 day letter and institute a citizen enforcement action.

Thank you for your consideration.

RECEIVED

MAY 27 2014

Arthur West
Public Disclosure Commission
ARTHUR WEST

District and Municipal Court Judges' Association

RECEIVED

MAY 27 2014

Public Disclosure Commission

March 26, 2013

Mr. Arthur West
120 State Ave NE #1497
Olympia, WA 98501

Re: Records Request

Dear Mr. West:

I am writing to you in my capacity as president of the Washington State District and Municipal Court Judges Association (DMCJA). Past President Gregory Tripp received a forwarded email from you requesting certain records.

Your email indicated that you were making a request for public records pursuant to Chapter 42.56 RCW, the Washington Public Records Act. As I am sure you are aware, it is settled law that the PRA does not apply to the judicial branch of government. Please see, Nast v. Michels, 107 Wash. 2d 300 (1986) and its progeny. More recently, the Supreme Court reiterated this holding and also applied it to records related to the administration of the judicial branch of government:

More notably, the legislature has declined to modify the PRA's definitions of agency and public records in the 23 years since the Nast decision. This court presumes that the legislature is aware of judicial interpretations of its enactments and takes its failure to amend a statute following a judicial decision interpreting that statute to indicate legislative acquiescence in that decision. Soproni v. Polygon Apartment Partners, 137 Wash.2d 319, 327 n. 3, 971 P.2d 500 (1999). By not modifying the PRA's definition of agency to include the judiciary, the legislature has implicitly assented to our holding in Nast that the PRA does not apply to the judiciary and judicial records.

City of Federal Way v. Koenig, 167 Wash.2d 341 (2009).

The DMCJA is an association of judges of limited jurisdiction courts in the state of Washington. We have no employees and are funded by member dues. Pursuant to RCW 3.70.040, the DMCJA is required to:

President

JUDGE SARA B. DERR
Spokane County District Court
Public Safety Building
1100 W Mallon Avenue
Spokane, WA 99260-0150
(509) 477-2959

President-Elect

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

Vice-President

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S Ste C
Des Moines, WA 98198
(206) 878-4597

Secretary/Treasurer

JUDGE DAVID STEINER
King County District Court
585 112th Ave. S.E.
Bellevue, WA 98004
(206) 205-9200

Past President

JUDGE GREGORY J. TRIPP
Spokane County District Court
Public Safety Building
1100 W Mallon Avenue
Spokane, WA 99260-0150
(509) 477-2965

Board of Governors

JUDGE SANDRA L. ALLEN
Ruston/Milton Municipal Courts
(253) 759-8545

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 7535-8476

JUDGE JEFFREY J. JAHNS
Kitsap County District Court
(360) 337-7033

JUDGE JUDY RAE JASPRICA
Pierce County District Court
(253) 798-3313

JUDGE MARY C. LOGAN
Spokane Municipal Court
(509) 622-4400

JUDGE G. SCOTT MARINELLA
Columbia County District Court
(509) 382-4812

JUDGE KELLEY C. OLWELL
Wahkiakum Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(206) 875-3000

JUDGE PETER SMILEY
Bellingham Municipal Court
(609) 778-8150

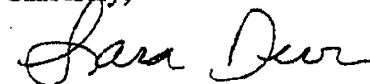
- (1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;
- (2) Promulgate suggested rules for the administration of the courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;
- (3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

As this statute makes clear, the DMCJA is a part of the judicial branch of government in Washington State. Thus, the PRA does not apply to the DMCJA. For that reason we do not have any formal process for dealing with requests for information.

Nonetheless, we thank you for your interest in our association and would like to provide answers to the questions which seem to have spurred your interest. Judge Samuel Meyer is not a lobbyist; rather he chairs the Legislative Committee of the DMCJA. Melanie Stewart is a registered lobbyist for the DMCJA and has been paid \$35,000.00 this fiscal year (July 2012 to date). We have also reimbursed Ms. Stewart in the amount of \$626.01 for lobbying expenses during the same period. Pro tem reimbursements have been made for pro tem time for Judge Michelle Gehlsen, in the amount of \$227.50 (March 25, 2013); Judge Brett Buckley in the amounts of \$217.55 (August 2, 2012), \$135.96, \$54.38 and \$135.90 (March 25, 2013); and Judge Samuel Meyer in the amounts of \$136.00 (August 2, 2012), \$108.77, \$135.96 and \$108.77 (March 25, 2013).

Again, thank you for your interest in our association.

Sincerely,



Sara B. Derr
DMCJA President

RECEIVED

MAY 27 2014

Public Disclosure Commission