



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

SATURDAY, APRIL 26, 2014

**WILLOWS LODGE
WOODINVILLE, WASHINGTON**



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COURTS

DMCJA BOARD MEETING
SATURDAY, APRIL 26, 2014
11:00 A.M.
WILLOWS LODGE, WOODINVILLE, WA

PRESIDENT JUDGE DAVID SVAREN	TAB
Call to Order	
Minutes – April 11, 2014	1
Treasurer’s Report – Judge Marinella	2
Special Fund Report – Judge Svaren & Judge Marinella	3
JIS Status Update – Vicky Cullinane	4
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. 2. Because there are no specific expenditures on the horizon, do not collect Special Fund dues in 2015. 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. B. 2014-2015 DMCJA Budget Adoption C. DMCJA National Leadership Grant Awards D. 2014-2015 DMCJA Lobbyist Contract E. System Improvement Committee Recommendations F. Long Range Planning Recommendations G. 2014-2015 Board Meeting Schedule H. Rules Committee Recommendations Proposed Amendments to GR 15 – <i>Judge Garrow</i> I. Court Retention of Certification of Compliance Forms	5

<p>Discussion</p> <p>A. By-Laws Change regarding Commissioner Representatives to the Board of Governors – <i>Judge Derr</i></p>	<p>6</p>
<p>Liaison Reports</p> <p>DMCMA MCA SCJA WSBA WSAJ AOC BJA</p>	
<p>Information</p> <p>A. Joint 2015 Annual Conference and Business Meeting Space</p>	<p>7</p>
<p>Other Business</p> <p>A. Next Meeting: 9:30 am, Sunday, June 8, 2014, Semiahmoo Resort, Blaine, WA</p>	
<p>Adjourn</p>	



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DMCJA Board of Governors Meeting
Friday, April 11, 2014, 12:30 p.m. – 3:00 p.m.
AOC SeaTac Office

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~~

Guests:

Detective Christopher Leyba, Seattle PD
Mr. Scott Bergstedt, WTSC Liaison
Ms. Aimee Vance, DMGMA
Deena Kaeling, MCA

AOC Staff:

Mr. Dirk Marler
Ms. Vicky Cullinane
Ms. Michelle Pardee
Ms. Sharon R. Harvey

President Svaren called the meeting to order at 12:34 p.m. and noted there was a quorum present. The new Courts of Limited Jurisdiction (CLJ) Court Association Coordinator, Sharon R. Harvey, was introduced to the District and Municipal Court Judges Association's Board of Governors.

ASSOCIATION BUSINESS

Minutes

M/S/P to approve the March 14, 2014 Board Meeting minutes as presented with one correction to change the date from February 14, 2013 to March 14, 2014.

Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Marinella reported that ninety-five percent of DMCJA members are active and a total of eight members have not paid DMCJA dues.

Special Fund Report

Judge Svaren reported that there is fifty-three thousand dollars (\$53,000.00) in the Special Fund. Interest has accrued by sixty cents (\$0.60). Judge Svaren reported that nothing has happened with this account.

eWarrants Presentation

Washington Traffic Safety Commission (WTSC) representatives, Scott Bergstedt and Seattle Police Department Detective, Christopher Leyba, spoke to the DMCJA Board of Governors about an electronic Warrants (eWarrants) initiative. WTSC has received a grant for a Washington State eWarrant system. A WTSC poll revealed that a search warrant is obtained two to four hours after a judge hears an issue. Washington State Patrol (WSP) and WTSC came together to create an electronic warrant system for

Washington State. WTSC will model the Washington State eWarrants system from the Utah Criminal Justice Information System (UCJIS).

Detective Leyba stated that there are three phases to the Washington State system. The first phase includes the Electronic Interface, which is the stand alone web based application that may be used with Internet explorer or Mozilla applications. The officer may log into an online database and generate the desired warrant. The template will be filled in portable document format (PDF). The warrant is exported to the prosecutor's office. Once digitally signed, the eWarrant is then sent to the Judge. This process models the Utah system. There is also an "on-call" Judge system, which is known as the "opt in and opt out" feature. The second phase includes the Judge's notification of the eWarrant. When judges receive notification it is delivered into a queue. If the eWarrant is denied the Judge will not sign the warrant, however, if the eWarrant is approved, the officer prints the eWarrant for service. The third phase involves the Return of Service. There are three options regarding the return of service for eWarrants, namely, (1) the Judge may go into system and acknowledge the warrant, (2) the "e-mail option," which sends the eWarrant via email, and (3) electronic return of service warrant, which is a completely electronic "universal court based system." The "e-mail option" is known as the "middle ground" option. The Return of Service options need to be worked out according to Detective Leyba. The projected date of the eWarrant roll out and the drafting of a formal Charter is June 13, 2014. The tentative date for pilot agencies is October 2014. All warrants will be covered, however, only blood warrants are being tested at present. Judge Larson and Commissioner Howard are the DMCJA Representatives for this WTSC eWarrant initiative.

Standing Committee Reports

There were no Standing Committee Reports.

JIS Status Update

Ms. Vicky Cullinane reported that on May 29, 2014, there will be a change regarding how Judges will sign up on the Judicial Access Browser System (JABS). Judges will need to use a valid Resource Access Control Facility identification (RACF ID). Judges will be able to use one RACF ID to link into the computer systems of multiple courts. CLJ-CMS Steering Committee Charters will be ready for approval on April 25, 2014. Ms. Cullinane will report the outcome on April 26, 2014.

ACTION

A. Rules Committee

1) Proposed WSBA RALJ Amendments

a. RALJ 2.2 What May be Appealed

Rules Committee Recommendation: No objection to amendment.

Judge Rebecca Robertson reported for the Rules Committee.

M/S/P to adopt recommendations of the Rules Committee.

b. RALJ 5.4 Clarify scope of when new trial required-electronic record lost or damaged.

Rules Committee Recommendation: Some concern.

M/S/P to adopt recommendations of the Rules Committee.

c. RALJ 11.7(e) Application of Other Court Rules- Rules of Appellate Procedure

Rules Committee Recommendation: No objection to amendment. (RALJ – no discussion)

M/S/P to adopt Rules Committee Recommendations.

2) Proposed Amendments to CrR 8.10 and CrRLJ 8.13

Rules Committee Recommendation: Not support.

M/S/P to adopt Rules Committee Recommendations based on the proposed decision of the Washington Association of County Officials (WACO).

B. BJA Recommendations for Committees Review – *Judge Svaren*

1) Request for judicial branch entities that operate committees under authority using AOC staff or resources consider implementing BJA proposed chartering and committee standards.

M/S/P to look at Committees and to make a Charter.

DISCUSSION

A. Rules Committee

1) Proposed Amendments to GR 15 (action at next Board meeting)

Judge Robertson reported on GR 15, which relates to sealing records. Judge Ramsdell reported that the Superior Court Judges Association addressed the same issues as Rules Committee Chair, Judge Garrow.

B. Secretary of State Records Retention for Certification of Compliance (New Standards for Indigent Defense)

Judge Svaren reported on the Secretary of State's request for comments regarding the retention for certifications of compliance relating to standards for indigent defense. Judge Derr stated the forms should be retained for at least two years in case of audit. Mr. Dirk Marler had no position regarding the retention of these certifications. According to Judge Svaren, the Executive Branch has responsibility for these certifications. Judge Derr suggested the issue be sent to the DMCJA listerv to get membership input regarding the time period certification of compliance forms should be retained by the courts.

LIAISON REPORTS

DMCMA – Ms. Aimee Vance stated that District and Municipal Court Management Association (DMCMA) had no report.

MCA - Ms. Deena Kaelin reported that Misdemeanant Corrections Association (MCA) has assigned two people for the Judicial Information System Committee (JISC) and one person has been assigned for the Court User Work Group (CUWG).

SCJA – Judge Ramsdell reported that Superior Court Judges Association (SCJA) has no position on GR 31. The SCJA will reconstitute the Pension Committee to address legislation that will impact judges' retirements. SCJA has discussed rules regarding the personal constraints of juveniles.

WSBA – Judge Derr stated that the Washington State Bar Association (WSBA) has no report because the group has not met.

WSAJ – No Washington State Association of Justice (WSAJ) representative was present for the Board Meeting.

AOC – Mr. Dirk Marler reported that the Administrative Office of the Courts (AOC) is solely focusing on the case management system (CMS) initiative in superior courts. The AOC is reorganizing its staff to handle court CMS issues. Mr. Marler stated that the AOC will not spend money for the eWarrants initiatives or for the courts of limited jurisdiction (CLJs) to modernize.

BJA – No Board for Judicial Administration (BJA) representative was present for the Board Meeting. The April 11, 2014 BJA meeting was cancelled, and, therefore, there was nothing to report.

INFORMATION

A. Update on Public Record Request

Judge Svaren reported that no settlement had been reached in this case.

B. Reserves Committee Recent Meeting Minutes

Judge Alicea-Galvan reported that the Reserves Committee met regarding Special Fund dues. The Committee is looking at options to get more of a financial return for the Special Fund.

C. Rules Committee

1) Recent Meeting Minutes

2) Proposed Amendments to IRLJ 3.5

DMCJA rejects the proposed amendments to IRLJ 3.5.

D. JABS Logon Changes

Ms. Cullinane reported that JABS will change to be mildly more complicated. Judges must get a RACF ID and learn how the system works. One RACF ID may be used for multiple courts.

E. House Judiciary Committee Request for Interim Public Defense Work Group

DMCJA has been requested to participate in an Office of Public Defense (OPD) workgroup initiative. DMCJA Board members agreed to participate with the initiative after debated discussion. Judge Samuel Meyer and Judge Rebecca Robertson volunteered to be DMCJA representatives for the OPD workgroup.

OTHER BUSINESS

A. Next Board of Governor's Meeting is April 25-26, 2014 in Woodinville, Washington.

ADJOURNED 2:45 pm



**WASHINGTON
COURTS**

District and Municipal Court Judges' Association

April 2, 2014

President

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 536-9319

President-Elect

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
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Des Moines, WA 98198
(206) 878-4597

Vice-President

JUDGE DAVID STEINER
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Bellevue, WA 98004
(206) 265-9200

Secretary/Treasurer

JUDGE G. SCOTT MARINELLA
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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
Kitsap 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) 835-3009

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

JUDGE HEDI 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 April, 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 - \$100,380.95, as of February 28, 2014.

Bank of America Accounts
Investment Account - \$216,932.08, as of March 31, 2014.
Checking Account - \$15,168.29, as of March 31, 2014.

Total for all Accounts: \$332,481.32

EXPENDITURES

Total 2013/2014 adopted budget:	\$228,900.00
Total expenditures to date (4-2-2014):	<u>\$104,404.40</u>
Total remaining budget as of April 2, 2014:	\$124,495.60

DEPOSITS

Total deposits 2013/2014:	\$142,691.16
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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	\$18,046.71	\$11,953.29
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	\$792.01	\$1,207.99
10 DMCMA Education	\$5,000.00		\$5,000.00
11 DMCMA Liaison	\$500.00		\$500.00
12 DOL Liaison Committee	\$500.00	\$50.82	\$449.18
13 Education Committee**	\$8,500.00	\$2,064.76	\$6,435.24
14 Educational Grants	\$5,000.00	\$830.44	\$4,169.56
15 Judicial Assistance Committee	\$10,000.00	\$8,247.94	\$1,752.06
16 Legislative Committee	\$6,000.00	\$1,693.19	\$4,306.81
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	\$14,000.00	\$41,000.00
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	\$1,970.03	\$5,529.97
25 Reserves Committee	\$250.00		\$250.00
26 Rules Committee	\$1,000.00	\$77.49	\$922.51
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	\$97.30	\$902.70
30 Technology Committee	\$5,000.00	\$96.10	\$4,903.90
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	\$2,236.82	\$12,763.18
TOTAL	\$228,900.00	\$104,404.40	\$124,495.60
37 TOTAL DEPOSITS MADE	\$142,691.16		
38 CREDIT CARD	\$610.67		
***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
		TOTAL DUES PAID	\$135,160.00		
		TOTAL DEPOSITS MADE	\$142,691.16		

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

DISTRICT AND MUNICIPAL COURT JUDGES ASSOCIATION

SPECIAL FUND

POLICIES AND USE CRITERIA

The District and Municipal Court Judges Association Special Fund (Special Fund) is a fund comprised of personal contributions from members of the District and Municipal Court Judges Association (DMCJA). The fund is used for activities consistent with the DMCJA purpose as set forth in RCW 3.70.040 and DMCJA Bylaws, for which public funds may not be expended. The Special Fund shall consist of a savings and a checking account.

Special Fund expenditures shall be made only for initiatives that benefit a substantial segment of the DMCJA membership. Such expenditures may include, but are not limited to, issues of general interest to courts of limited jurisdiction, lobbying expenses, *amicus* briefs and arguments, honorariums, condolences, and gifts. The DMCJA President may approve expenditures under \$100 without prior approval, but shall timely report such expenditures to the DMCJA Board of Governors (Board). Application for expenditure of Special Fund monies in excess of \$100 shall be submitted to the Board for approval. Board approval of such special fund expenditures in excess of \$100 shall be subject to majority vote at regularly or specially scheduled Board meetings prior to the expenditure. While the Washington State Legislature is in session, the Board Executive Committee may authorize by majority vote up to \$1,000 for lobbying services that are not provided for in the general lobbying contract. Approval of all President or Board Executive committee expenditures shall be noted in Board minutes.

The Board may, as part of the DMCJA annual budget, allocate amounts from the Special Fund for specific committees or projects.

The DMCJA Special Fund shall be administered by a Special Fund Custodian (Custodian), appointed by the DMCJA President and approved by the Board. It shall be the Custodian's duty to receipt Special Fund contributions, timely deposit all receipts, and pay invoices as approved by the Board. The Custodian is authorized to expend up to \$25 annually for administrative office expenses without prior Board or President approval. The Custodian shall submit monthly reports to the Board of all income, contributions, expenses, and distributions. The Custodian shall make an annual report to the membership at the Annual Meeting. The Custodian is responsible to ensure that fund monies are managed in accordance With sound principles of money management.

The Reserves Committee shall consider issues relating to association reserve funds and make recommendations to the Board of Governors annually.

(Adopted September 27, 2006)

(Amended by Board November 12, 2010)



P.O. Box 15284
Wilmington, DE 19850

Customer service information

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

Your combined statement

for March 01, 2014 to March 31, 2014

Your deposit accounts	Account/plan number	Ending balance	Details on
Business Interest Checking	[REDACTED]	\$6,365.44	Page 3
Business Investment Account	[REDACTED]	\$42,175.19	Page 5
Total balance		\$48,540.63	



Account number: XXXXXXXXXX

Your Business Interest Checking

DMCJA SPECIAL FUND

Account summary

Beginning balance on March 1, 2014	\$6,365.40	# of deposits/credits: 1
Deposits and other credits	0.05	# of withdrawals/debits: 1
Withdrawals and other debits	-0.01	# of days in cycle: 31
Checks	-0.00	Average ledger balance: \$6,365.40
Service fees	-0.00	
Ending balance on March 31, 2014	\$6,365.44	

Annual Percentage Yield Earned this statement period: 0.01%.
 Interest Paid Year To Date: \$0.15.
 Federal Withholding This Period: \$0.00

Deposits and other credits

Date	Description	Amount
03/31/14	Interest Earned	0.05
Total deposits and other credits		\$0.05

Withdrawals and other debits

Date	Description	Amount
03/31/14	Federal Withholding	-0.01
Total withdrawals and other debits		-\$0.01

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Your Business Investment Account

DMCJA SPECIAL FUND

Account summary

Beginning balance on March 1, 2014	\$42,174.67	# of deposits/credits: 1
Deposits and other credits	0.72	# of withdrawals/debits: 1
Withdrawals and other debits	-0.20	# of days in cycle: 31
Service fees	-0.00	Average ledger balance: \$42,174.68
Ending balance on March 31, 2014	\$42,175.19	Average collected balance: \$42,174.68

Annual Percentage Yield Earned this statement period: 0.02%.
Interest Paid Year To Date: \$2.09.
Federal Withholding This Period: \$0.00

Deposits and other credits

Date	Description	Amount
03/31/14	Interest Earned	0.72
Total deposits and other credits		\$0.72

Withdrawals and other debits

Date	Description	Amount
03/31/14	Federal Withholding	-0.20
Total withdrawals and other debits		-\$0.20

Daily ledger balances

Date	Balance (\$)	Date	Balance (\$)
03/01	42,174.67	03/31	42,175.19

 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.



WASHINGTON
COURTS

Administrative Office of the Courts

Project Charter for Courts of Limited Jurisdiction Case Management Project

ITG-102

Authored By: Michael Walsh
Phone: 360-705-5245
Email: Michael.walsh@courts.wa.gov
Address
Date: April 8, 2014

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Document History

Author	Version	Date	Comments
M.Walsh	.1	1/13/2014	
	.2	2/7/2014	Updated roles and responsibilities
	.3	3/6/2014	Rewrite project overview section, prep for internal team review.
M. Walsh	.4	3/25/2014	Added Justice Fairhurst as signatory Added responsibility bullet item for Project Sponsor roles and responsibilities
M. Walsh	1.0	3/25/2014	For Associations review
	2.0	4/9/2014	Ready for JISC review and approval

A. General Information

Project Name:	Courts of Limited Jurisdiction (CLJ) Case Management System Project (CLJ CMS)	Creation Date:	1/2/2014
Controlling Agency:	AOC	Revision Date:	
Prepared by:	Michael Walsh	Authorized by:	Callie Dietz Vonnie Diseth
Project Manager:	Michael Walsh		Dirk Marler

Key Stakeholders:

- AOC Senior Management
- AOC Management and Staff
- District and Municipal Court Judges' Association (DMCJA)
- District and Municipal Court Management Association (DMCMA)
- Judicial Information Steering Committee (JISC)
- Misdemeanant Corrections Association (MCA)

B. Project Overview

Under the leadership of the Judicial Information System (JIS) Committee, the Administrative Office of the Courts operates the statewide information network that supports the daily operations of the courts. It also serves as the statewide database for criminal history information, which provides critical public safety information to courts and partner criminal justice agencies. JIS clients include judicial officers, clerks, court managers, local law enforcement, prosecutors, defense attorneys, the Washington State Patrol, Department of Corrections, Department of Licensing, Sentencing Guidelines Commission, and the Secretary of State.

The 258 courts of limited jurisdiction in Washington are the workhorses of the judicial system, processing more than 18 million transactions a month, approximately 87% of the state's caseload.

The existing case management and accounting system used by district and municipal courts is aging 1980's technology that no longer meets the business needs of the courts and their criminal justice partners. With ever increasing workloads and shrinking budgets, courts of limited jurisdiction are in dire need of a modern case management system that can keep pace with the needs of today's courts to fairly and efficiently administer justice for the public.

Some cities and counties that have the resources are considering implementing their own systems. The loss of comprehensive criminal history information statewide can have a

significant impact on public safety around the state. As more courts move off of the statewide court case management system, less and less information about defendants is easily accessible to judicial decision makers and criminal justice partners.

Replacing a major legacy system is a multi-year effort and a multi-million dollar investment, which begins with the gathering of the business requirements for the courts.

Purpose

AOC will work with court customers to gather the business and technical requirements and develop an procurement plan for a commercial off-the-shelf (COTS) case management system.

C. Project Objectives

This project will meet the following objectives:

- Objective 1. Assemble cross-functional representation from the Courts of Limited Jurisdiction (CLJ) to support the governance groups (i.e., Steering Committee, Court User Work Group) that are needed for the project.
- Objective 2. Organize the work through the use of project management best practices to include all phases of the project (Initiation, Planning, Execution, Monitoring and Controlling, and Project Closure).
- Objective 3. Analyze and document the CLJ's current processes.
- Objective 4. Transform current state processes to future state processes to be used for evaluating COTS solutions and as specifications for implementing and deploying a statewide case management system.
- Objective 5. Create a complete, accurate and high quality procurement and evaluation process that represents the AOC and CLJ's business needs and technical requirements.
- Objective 6. Communicate effectively with the stakeholder community to prepare for their roles.

D. Project Scope

The scope of this project includes and excludes the following items:

In Scope

- Organization of a Court User Work Group (CUWG) that will make decisions regarding the court processes for implementing and deploying a case management system statewide.
- Develop a project governance structure and process that will assist the project team with timely decision making, obtaining court business process information, and overall guidance.
- Develop the District and Municipal Courts' future state business and technical requirement declaration.
- Develop a procurement plan that describes the process to select the best fitting and available Case Management Solution.

Deliverables Produced

- Deliverable 1. CLJ-CMS Project Charter
- Deliverable 2. CLJ-CMS Project CUWG Charter
- Deliverable 3. Comprehensive Project Management Plan
- Deliverable 4. CLJ current state assessment including the requirements and process model documents
- Deliverable 5. CLJ future state analysis, including:
 - Gap analysis between current and future state
 - Transform documentation produced from current state to support the future state findings
 - Interface requirements and data exchange definitions
 - Test verification of future state requirements analysis
- Deliverable 6. A procurement plan that considers the project requirements against the current AOC Case Management solutions and other products competing in the same market space
- Deliverable 7. Project Closeout including the execution of closeout tasks and a signoff of the project closeout report

Critical Success Factors

- Leading stakeholders must work together to provide unified vision and leadership.
- Individual judicial officers and court administrators must be willing to adopt processes, roles, and standardized practices that may be different from their current practices.
- Critical resources are provided to the project in a timely manner.
- All integrations points are identified as requirements.

Organizations Affected or Impacted

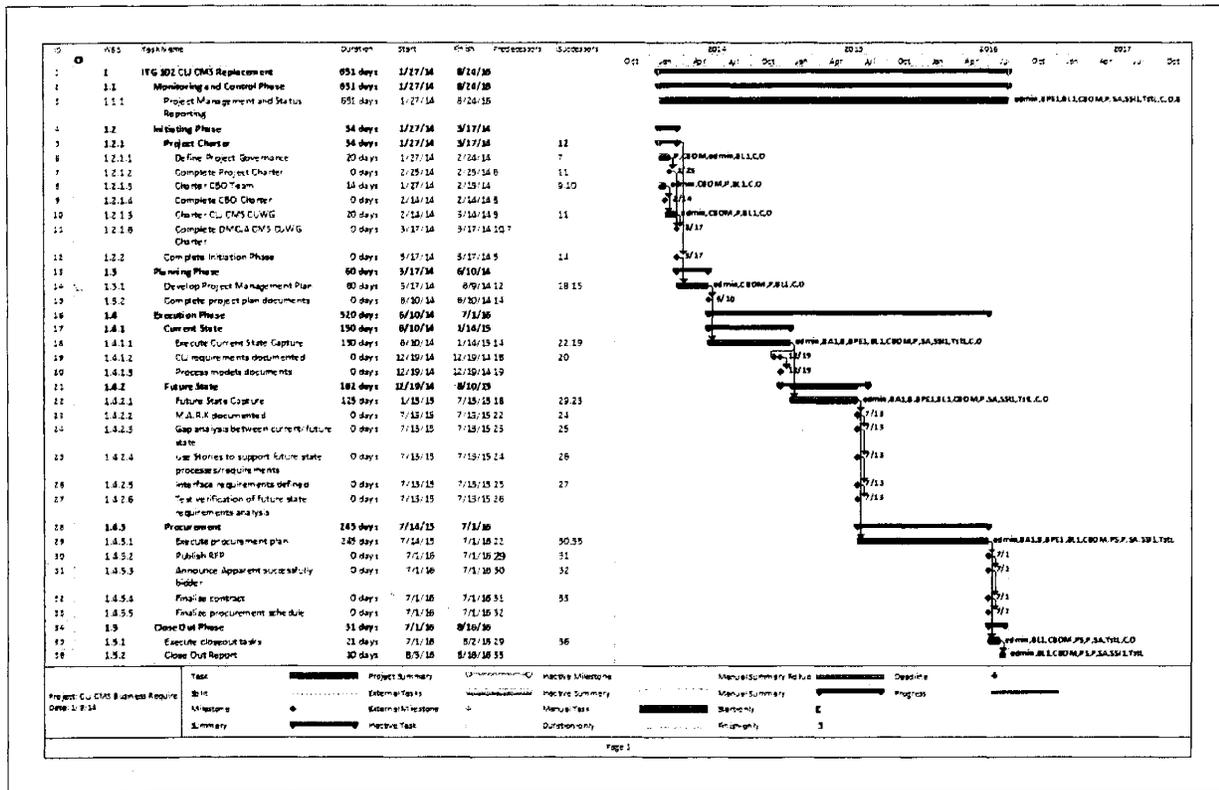
The impact of this project on other organizations needs to be determined to ensure the right people and functional areas are involved and communication is directed appropriately.

Organization	How Are They Affected, or How are They Participating?
Local Courts	Court subject matter experts (SMEs) participate in business process mapping and definition, requirements identification and prioritization, and product demonstrations. Court SMEs include judicial officers, court managers, and members of their staff.

<p>DMCJA DMCMA MCA</p>	<ul style="list-style-type: none"> • These associations provide representatives to the JISC, CLJ-CMS Steering Committee, support CLJ CMS Steering Committee decisions, and provide court subject matter experts (SMEs) to the project as needed. • This project has not received dedicated funding from the legislature or additional AOC staff resources. Its success is possible only by reprioritizing existing financial and staffing resources, including those that would otherwise be dedicated to supporting other CLJ business and technical needs such as codes, ITG requests, and training.
<p>AOC</p>	<p>The requirements gathering process and procurement development will require AOC's participation and services in several areas such as procurement, potential agreements between different court entities, budget reporting and management of contract payments. AOC staff will also be required to participate in requirements identification, requirements analysis, stakeholder communication, and solution evaluations.</p>

E. Project Estimated Effort/Duration

Estimated Duration: 33 Months



F. Project Assumptions

Certain assumptions and premises need to be made to identify and estimate the required tasks and timing for the project. Based on the current knowledge, the project assumptions are listed below. If an assumption is invalidated at a later date, the activities and estimates in the project plan should be adjusted accordingly.

- While the initial efforts related to this project are being accomplished using existing staff and resources, in order to proceed the project will need funding to be authorized by the legislature in future sessions.
- Court staff will be actively engaged during all key activities of this project.

G. Project Risks

Project risks are characteristics, circumstances, or features of the project environment that may have an adverse effect of the project or the quality of its deliverables. Known risks identified with this project have been included below. A plan will be put into place to minimize or eliminate the impact of each risk to the project.

Risk Area	Level (H/ML)	Risk Plan
1. The CLJs of the state do not share a single vision of what	H	The project will identify the standard data elements required for data exchanges.

services AOC should provide on a state-wide basis.		

H. Project Constraints

- No funding for this project has been authorized. As such, all resources for this effort must be provisioned from the AOC’s current budget.
- The project will require reprioritizing existing AOC financial and staffing resources, including those who would otherwise be dedicated to supporting other CLJ business and technical needs such as codes, ITG requests, and training.

I. Project Dependencies

Project	Date Due	Deliverable Dependency
None at this time		

J. Project Authority

Funding Authority

The project currently has no dedicated fund source. AOC leadership is committed to identifying sufficient funding for the project, including the sums necessary to reimburse necessary meeting and travel expenses for Project Steering Committee and Court User Work Group members.

Project Oversight Authority

The project will operate under the general authority of the Judicial Information System Committee (JISC).

A Project Steering Committee consisting of representatives from DMCJA, DMCMA, MCA, and AOC will 1) provide general project oversight; 2) ensure that the project reasonably satisfies the statewide business and technical needs of the courts of limited jurisdiction; 3) facilitate stakeholder communication and feedback; and 4) escalate any significant changes to scope, schedule or budget to the JISC through the AOC Chief Information Officer.

A Court User Work Group (CUWG) will be chartered with the agreement of DMCJA, DMCMA, MCA, and AOC to ensure broad statewide participation of system users and other stakeholders in defining the detailed statewide requirements.

K. Project Organization / Project Management Structure

An appropriate project organization structure is essential to achieve success. The following list depicts the proposed organization:

Project Executive Sponsors:

- Justice Mary Fairhurst, JISC Chair
- Callie Dietz, Washington State Court Administrator

Project Sponsor:

- Dirk Marler, Director of Judicial Services Division
- Vonnie Diseth, Director of Information Services Division

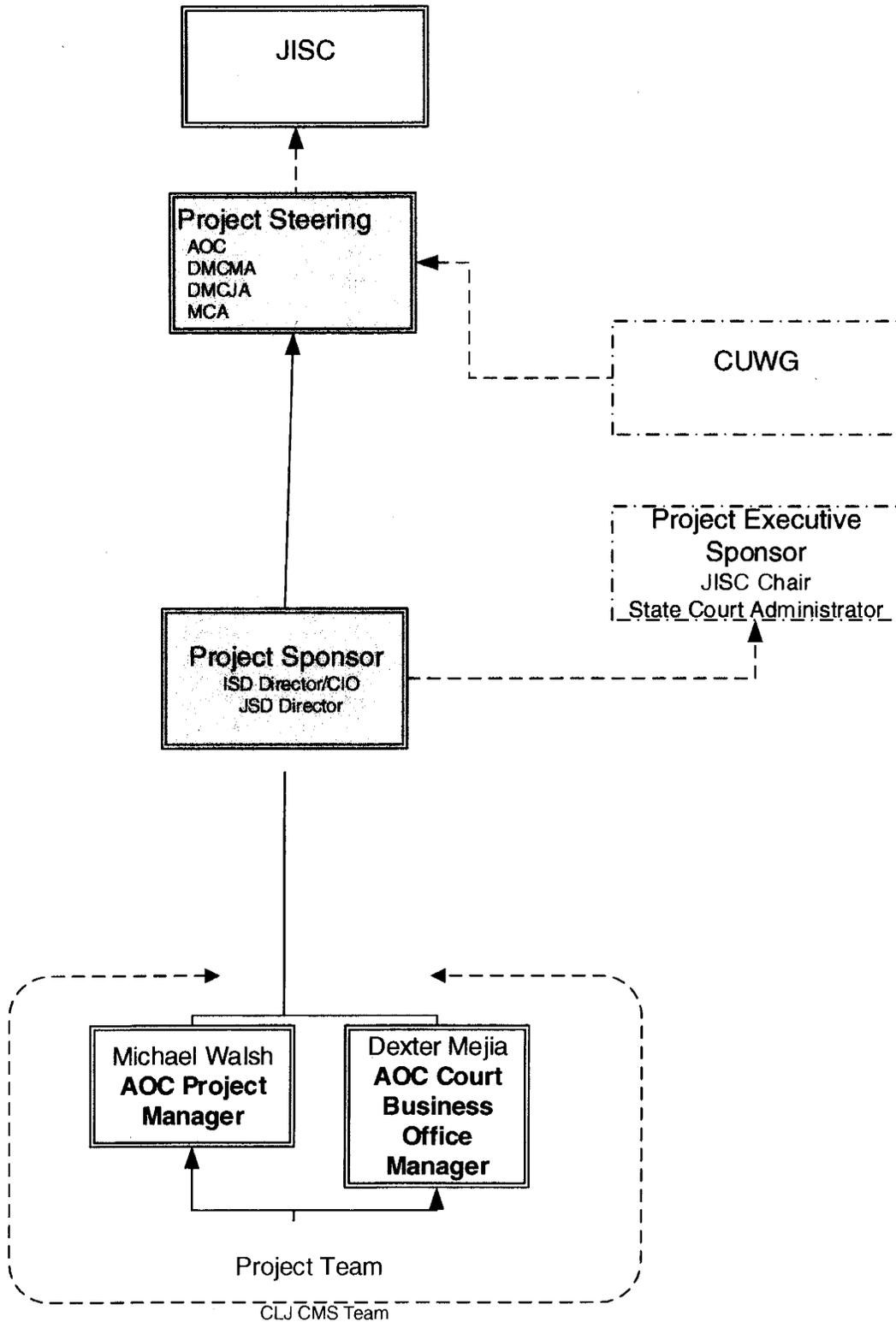
Steering Committee Members:

- District and Municipal Court Judges' Association:
 - Judge Kim Walden, Tukwila Municipal Court
 - Judge Glenn Phillips, Kent Municipal Court
- District and Municipal Court Management Association:
 - Cynthia Marr, Pierce County District Court
 - Lynne Campeau, Issaquah Municipal Court
 - Aimee Vance, Kirkland Municipal Court
- Misdemeanant Corrections Association:
 - Larry Barker, Klickitat County Adult Probation Services
 - Melanie Vanek, Issaquah Municipal Court Probation Services
- Administrative Office of the Courts:
 - Callie Dietz, State Court Administrator, AOC
 - Vonnie Diseth, Information Services Division Director/CIO
 - Dirk Marler, Judicial Services Division Director

Project Manager: Michael Walsh, Administrative Office of the Courts

Court Business Office Manager: Dexter Mejia, Administrative Office of the Courts

Organization Chart



Note: Functional roles required and duration needed is finalized with approved project plan.

Roles and Responsibilities

Role	Time Commitment	Responsible for
All	<ul style="list-style-type: none"> Varies 	<ul style="list-style-type: none"> Following all project standards Participating in all checkpoints Completing assigned tasks on time
Executive Sponsors <ul style="list-style-type: none"> JISC Chair State Court Administrator 	<ul style="list-style-type: none"> Varies 	<ul style="list-style-type: none"> Serves as spokesperson and single point of contact for policy-level concerns of the project's customer community Acts as the CLJ-CMS project's advocate with state agencies, industry trade associations, and other stakeholders Approves and communicates the project vision and overall project direction Ensures funding and other resources are available for the project's duration Oversees the work and provides direction of the independent Quality Assurance Professional team Ensures political and organizational obstacles to project success are addressed in a timely manner
Project Sponsor <ul style="list-style-type: none"> JSD Director ISD Director 	<ul style="list-style-type: none"> Varies Attends key check point and status meetings 	<ul style="list-style-type: none"> Secures program/project funding Acts as a liaison to legislature Representing project to stakeholders, as appropriate Promote and champions project to external agencies Identifies multi-jurisdictional issues for discussion and resolution Provides program/project ongoing support for resolution of impediments or blocking issues May escalate issues or concerns directly to the JISC on behalf of AOC
Steering Committee	<ul style="list-style-type: none"> Varies Attends key checkpoints and status meetings 	<ul style="list-style-type: none"> Aligning engagement goals with organizational vision Making cross-organizational decisions Approving completion of out-of-scope activities and budgets

Role	Time Commitment	Responsible for
Project Advisory	<ul style="list-style-type: none"> • Varies • Attends key checkpoints and status meetings 	<ul style="list-style-type: none"> • Provides day-to-day project guidance • Securing program/project funding • Acting as a liaison to legislature • Representing programs/projects to stakeholders, as appropriate • Promoting and championing programs/projects to external agencies • Identifying multi-jurisdictional issues for discussion and resolution by the steering committee • Providing program/project ongoing support for resolution of impediments or blocking issues • Contract Management • Budget and Finance • Resource Management • SharePoint/EPM portal administration • Quality Assurance/Compliance • IT Portfolio Management
AOC Project Management Office	<ul style="list-style-type: none"> • Varies • Attends key sessions, all checkpoints, and all status meetings 	<ul style="list-style-type: none"> • Change Management • Issue Management • Monitoring Risk Management • Contract Management • Budget and Finance • Resource Management • SharePoint/EPM portal administration • Quality Assurance/Compliance • IT Portfolio Management

Role	Time Commitment	Responsible for
<p>Project Manager</p>	<ul style="list-style-type: none"> • Full Time • Attends key sessions, all checkpoints, and all status meetings 	<ul style="list-style-type: none"> • Providing overall leadership oversight to project • Managing personnel and related issues • Defining scope and approving work plans • Reviewing and approving milestone deliverables • Ensuring that schedules and activities are coordinated within the project and that dependencies are identified, communicated to involved parties, and efficiently managed • Managing budgets • Communicating with stakeholders • Organizes requirements gathering structure. • Oversees requirements definition and capture • Documenting changes to scope, risks, assumptions • Documenting and managing impediments and blocking issues to closure and resolution • Daily coordination of AOC project team staffing and resources across court organizations • Directing and managing workload • Making decisions to keep the project on budget and on time • Working with AOC to define and enforce project standards and scope management • Daily coordination of issue management and resolution process with AOC and parties of interest • Change Management • Issue Management • Monitoring Risk Management

Role	Time Commitment	Responsible for
CBO Manager	<ul style="list-style-type: none"> • Full Time • Attends key sessions, all checkpoints, and all status meetings • 	<ul style="list-style-type: none"> • Managing personnel and related issues • Reviewing and approving milestone deliverables • Managing budgets • Communicating with stakeholders • Organizes requirements gathering structure • Oversees requirements definition and capture
Functional Domain (Experts) Team Members	<ul style="list-style-type: none"> • Full Time • Attend key sessions, all checkpoints, and all status meetings 	<ul style="list-style-type: none"> • Clarifying business and functional requirements • Performing assessments and reviews • Creating project level documentation as needed • Developing project deliverables • Facilitating interactions with internal or external parties of interest • Representing all ISD business viewpoints • Representing all user viewpoints • Participating in as-needed communication, work sessions, and reviews for input/feedback • Participating in Quality Assurance and Usability Testing
Technical Domain (Experts) Team Members	<ul style="list-style-type: none"> • Varies • Attend key sessions, all checkpoints, and as appropriate, status meetings 	<ul style="list-style-type: none"> • Creating system/technical level requirements • Clarifying system/technical requirements • Developing project deliverables • Performing assessments and reviews • Participating in as needed communication, work sessions, and reviews for input/feedback • Representing all AOC ISD technical viewpoints • Familiarity with existing tools/platform environment (PMO) • Participating in Quality Assurance and Usability Testing
Other	<ul style="list-style-type: none"> • TBD 	<ul style="list-style-type: none"> • TBD

L. Signatures

_____ Date _____

Honorable Mary Fairhurst
Chair
Judicial Information System Committee (JISC)
Justice
Washington State Supreme Court

_____ Date _____

Honorable David Svaren
President
District and Municipal Court Judges Association
(DMCJA)
Judge
Skagit County District Court

_____ Date _____

Callie Dietz
Washington State Court Administrator
Administrative Office of the Courts

_____ Date _____

Ms. Aimee Vance
President
District and Municipal Court Management Association
(DMCMA)
Administrator
Kirkland Municipal Court

_____ Date _____

Vonnie Diseth
Director and CIO
Information Services Division
Administrative Office of the Courts

_____ Date _____

Dirk Marler
Director
Judicial Services Division
Administrative Office of the Courts

_____ Date _____

Ms. Deena Kaelin
President
Misdemeanant Corrections Association
(MCA)
Probation Officer
Puyallup and Milton Municipal Probation Services

_____ Date _____

Michael Walsh
Project Manager
Information Services Division
Project Management Office
Administrative Office of the Courts



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Administrative Office of the Courts

Project Steering Committee Charter For the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project

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Document History

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Mike Walsh	.01	3/10/2014	Initial draft
Mike Walsh	.02	3/25/2014	Added Justice Fairhurst as signatory
	3.0	3/25/2014	For board presidents review (DMCJA, DMCMA, MCA)
	4.0	4/9/2014	Ready for JISC review and approval

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Authorizing Signatures

This Court of Limited Jurisdiction Case Management System (CLJ-CMS) Project Steering Committee Charter represents an agreement among the District and Municipal court representatives and the Administrative Office of the Courts as authorized by the Judicial Information System Committee (JISC). Signatures indicate that this CLJ-CMS Project Steering Committee Charter has been reviewed and that the signer concurs with the content.

Date _____
Honorable Mary Fairhurst
Chair
Judicial Information System Committee
(JISC)
Justice
Washington State Supreme Court

Date _____
Ms. Aimee Vance
President
District and Municipal Court Management
Association (DMCMA)
Administrator
Kirkland Municipal Court

Date _____
Honorable David Svaren
President
District and Municipal Court Judges'
Association (DMCJA)
Judge
Skagit County District Court

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Deena Kaelin
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Misdemeanant Corrections Association
(MCA)
Probation Officer
Puyallup and Milton Municipal Probation
Services

Date _____
Callie Dietz
State Court Administrator
Administrative Office of the Courts

Date _____
Vonnie Diseth
Director and CIO
Information Services Division
Administrative Office of the Courts

Date _____
Dirk Marler
Director
Judicial Services Division
Administrative Office of the Courts

Courtesy copies of this Charter have been provided to:

CLJ-CMS Project Stakeholder Team Members
CLJ-CMS Project Team Members
Kevin Ammons – Manager, AOC Project Management Office
Kathy Wyer – Manager, Court Business/Technology Integration

Authority

The Judicial Information System Committee Rules (JISCR) and RCW Chapter 2.68 provide that the Administrative Office of the Courts is responsible for designing and implementing the statewide Judicial Information System under the direction of the Judicial Information System Committee.

Introduction

The Judicial Information System Committee (JISC) approved the establishment of a governing body for the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project in April 2014, called the CLJ-CMS Project Steering Committee.

This CLJ-CMS Project Steering Committee consists of representatives of the courts of limited jurisdiction who have expressed an intent to use the statewide case management solution provided by AOC for courts of limited jurisdiction. They provide project oversight and strategic direction for the CLJ-CMS project over the life of the project. The CLJ-CMS Project Steering Committee plays a key leadership role within the project governance structure and is responsible for business decisions regarding the project and for making project recommendations to the JISC.

Mission

This CLJ-CMS Project Steering Committee serves as the business and strategic decision-making team that speaks for the Washington State District and Municipal Courts with a unified voice and vision.

Scope

The CLJ-CMS Project Steering Committee has oversight for all phases of the CLJ-CMS project, which must meet the business and technical needs of the Washington State District and Municipal Courts. The anticipated primary phases are:

- Scope Definition,
- Requirements Gathering and Documentation,
- Procurement,
- Configuration and Validation,

- Deployment:
 - Pilot,
 - Early Adopter,
 - Statewide,
- Project Closeout.

In scope for the CLJ-CMS Project Steering Committee:

- Authorizing the completion of the CLJ-CMS Requirements Document,
- Authorizing the CLJ-CMS Procurement Plan,
- Any go/no go decisions,
- Project oversight and guidance,
- Make recommendations to JISC regarding significant scope, schedule or budget changes,
- Recommend court rule or statutory changes,
- Resolve issues and remove roadblocks for the project,
- Final acceptance of the completed system.

If the CLJ-CMS Project Steering Committee authorizes the release of an RFP, then the scope for the CLJ-CMS Project Steering Committee will also include:

- A recommendation to the JISC on the Apparent Successful Vendor (ASV).

Governing Principles

The CLJ-CMS Project Steering Committee has identified and adopts the following principles important to the success of the project:

- Be positive advocates for the project to other court users and stakeholders throughout the state
- Focus on workable solutions rather than perfection
- Maintain a high level of transparency
- Make timely decisions in as unified a manner as is feasible
- Collaborate with partners and stakeholders
- Leverage the Court User Work Group to facilitate communication
- Continued stakeholder buy-in of the vision and technology direction
- Open communication between committee members, sponsors, and project leadership
- Active participation of all committee members
- Adherence to a consistent method for conducting project reviews and resolving issues

Project Steering Committee Success Criteria

- All escalated scope questions, business requirements, issues, risks, and changes are resolved clearly and timely to facilitate implementation of a case management system for the Washington State District and Municipal Courts.
- The CLJ-CMS Project Steering Committee agrees that the delivered requirements and procurement plan meet their business needs.

Project Steering Committee Membership

Members must have the authority to make decisions on behalf of their constituent group and be committed to the success of the project. CLJ-CMS Project Steering Committee membership must be consistent to maintain continuity and minimize risk. Substitution must be kept to a minimum. The CLJ-CMS Project Steering Committee will not exceed ten members, appointed by the JISC. Members will elect a Chair of the Committee from their membership.

- Two judicial officers nominated by the District and Municipal Court Judges' Association:
 - Judge Kim Walden, Tukwila Municipal Court
 - Judge Glenn Phillips, Kent Municipal Court
- Three court managers nominated by the District and Municipal Court Management Association:
 - Cynthia Marr, Pierce County District Court
 - Lynne Campeau, Issaquah Municipal Court
 - Aimee Vance, Kirkland Municipal Court
- Two Misdemeanant Corrections Association representatives nominated by the Misdemeanant Corrections Association:
 - Larry Barker, Klickitat County Adult Probation Services
 - Melanie Vanek, Issaquah Municipal Court Probation Services
- Three Administrative Office of the Courts members:
 - Callie Dietz, State Court Administrator, AOC
 - Vonnie Diseth, Information Services Division Director/CIO
 - Dirk Marler, Judicial Services Division Director

Roles and Responsibilities

- The CLJ-CMS Project Steering Committee and its members will:
 - Provide decision support and strategic direction throughout the life of the project
 - Determine and recommend funding and other resource requirements
 - Oversee project budget, schedule, and scope and escalate significant scope, schedule, or budget changes and risk mitigation strategies, to the JISC through the AOC CIO
 - Oversight responsibilities throughout the various phases of the project must include, but are not limited to, vendor management, contract and deliverable management, and assuring satisfaction of the business and technical needs at the local level
 - Authorize or decline requested changes to the project
 - Ensure adherence, or recommend changes, to the project scope, schedule and budget
 - Monitor project progress and intervene as needed to provide direction and guidance
 - Provide and approve resources consistent within the authority approved by the JISC
 - Act as an advocate for the project, the project manager and the project team.
 - Foster positive communication outside of the committee regarding the project's progress and outcomes
 - Address issues and risks posing major impact to the project
 - Provide timely decisions and resolution of escalated issues

- Reconcile differences in opinion and approach within the project and resolve disputes
- Provide timely review and approval of key project deliverables
- Review meeting materials in advance of a Project Steering Committee meeting
- Review and ensure the meeting notes accurately reflect the decisions and discussions of the meeting, and provide timely feedback if discrepancies or omissions are discovered
- Notify the Chair and Project Manager when a Project Steering Committee member cannot attend a CLJ-CMS Project Steering Committee meeting
- Notify the Chair and the Project Manager in advance of a meeting when a proxy will be attending a CLJ-CMS Project Steering Committee meeting on a member's behalf
 - CLJ-CMS Project Steering Committee members are responsible for briefing their proxy in advance of the meeting
- Communicate CLJ-CMS Project Steering Committee decisions to the groups they represent
- Express opinions openly during the meetings
- The Chair of the Steering Committee will:
 - Review and approve draft agendas and minutes
 - Conduct meetings according to the agendas
 - Ensure that all members are encouraged to provide input throughout the meetings
 - Ensure decisions or recommendations are adequately resolved and confirmed by the members
- The Project Manager will:
 - Schedule monthly CLJ-CMS Project Steering Committee meetings
 - Prepare meeting agendas
 - Send meeting notes to meeting participants for review and comment in a timely manner
 - Make appropriate updates to the meeting notes based on participant feedback
 - Ensure that decisions and recommendations are appropriately documented
 - Post final CLJ-CMS Project Steering Committee meeting notes on the project website and distribute copies to CLJ-CMS Project Steering Committee members via e-mail

Decision Process

CLJ-CMS Project Steering Committee membership must be consistent to maintain continuity and minimize risk. Substitution of members and proxy voting must be kept to a minimum.

- Five (5) voting members constitute a quorum for decision-making, provided at least one voting member from each group (DMCJA, DMCMA, MCA and AOC) is present in person, electronically, or by e-mail or written proxy.
- Formal motions will be presented for all decisions put to the committee.
- Decisions will be by majority rule.

Meetings

Meeting information:

- The Project Manager will schedule at least one CLJ-CMS Project Steering Committee meeting each month.
- Remote access to attend via Phone Bridge and online access to see documents will be provided at all meetings.
- The duration of each meeting will depend on the complexity of the agenda items, with a goal not to exceed one hour.
- Any ad hoc participants brought to the meeting by agreement of the members – to provide expert information on a process or subject – should be identified in advance to ensure that they are included on the agenda and that they receive meeting materials.
- CLJ-CMS Project Steering Committee members are mandatory meeting attendees on meeting schedule notices and every effort will be made by the Project Manager to avoid scheduling conflicts by scheduling meetings in advance.
- E-mail voting or proxy voting is allowed.
- The person standing in as a proxy for the CLJ-CMS Project Steering Committee member must have the authority to make decisions and give approval when needed.
- If it becomes apparent prior to a CLJ-CMS Project Steering Committee meeting that a quorum will not be in attendance, the Chair can decide to cancel the meeting.
- Meetings canceled due to the lack of a quorum will be rescheduled.

CLJ-CMS Project Steering Committee meeting participants will receive the following items within timely advance of a scheduled meeting:

- Agenda
- Minutes from the last meeting
- Supporting documents for agenda items

The CLJ-CMS Project Steering Committee meeting agenda will typically include:

- Review and approval of meeting minutes
- Project update
- Issues, risks, decisions
- Discussion of pertinent topics
- Next steps
- Confirmation of date, time and venue for the next meeting
- Other items as needed

Special meetings:

- Special meetings may be called by the Chair.
- Quorum attendance requirements are applicable for special meetings.



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**Courts of Limited Jurisdiction
Case Management System Project
Court User Work Group
Charter**

Last Revised: April 8, 2014

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1 Introduction

The Courts of Limited Jurisdiction wish to acquire and implement at a statewide level, a commercially available off-the-shelf court case management system to replace the aging District Court Information System (DISCIS) aka Judicial Information System (JIS). On April 25, 2014, the Judicial Information System Committee (JISC) authorized the project and the formation of the CLJ Project Steering Committee and the CLJ Court User Work Group (CLJ-CUWG) to establish an effective project governance structure ensure a successful project.

The CLJ-CUWG will serve as subject matter experts on court business processes, court operations, and the use of the DISCIS/Judicial Information System (JIS) for the purposes of defining and implementing the court's desired business processes and requirements through a case management system.

2 Purpose

The CLJ-CUWG is needed to support the project by providing guidance and essential information regarding the court's business processes and requirements. The CLJ-CUWG will work closely with AOC's Court Business Office (CBO) and the CLJ project's business analysts to capture and document the desired processes to be implemented via a new case management system.

The CLJ-CUWG will be a decision making body in regard to the court's business processes and requirements, ensuring that the process and requirements being captured are complete and accurate.

The CLJ-CUWG will strive to identify opportunities to establish common court business processes that could be packaged and configured as a model for deploying a new case management system across the state.

The CUWG will also need to provide insight on potential impacts, opportunities, and constraints associated with the transition to a new case management system.

The CLJ-CUWG will need to exist throughout the duration of the CLJ-CMS project to provide consistency.

3 Sponsor

The Judicial Information System Committee (JISC) is the sponsor for the formation of the CUWG.

4 Guiding Principles

The CLJ-CUWG will be guided by the following principles:

- Members will have a statewide and system-wide view of court operations, and shall pursue the best interests of the court system at large while honoring local decision making authority and local practice.

- Members will make timely decisions as needed to successfully implement a statewide solution.
- Members will be open to changing practices where it makes sense.
- Members will not avoid or ignore conflicting processes, requirements, and stakeholder views, and will proactively discuss and resolve issues.
- Members will strive to build a healthy and collaborative partnership among the court stakeholders, the AOC, and vendor representatives that is focused on providing a successful outcome.
- Members will ensure the CLJ-CMS Project Team complete and document validated court functions and processes to arrive at a complete understanding of the current and desired future state of court business processes.
- Members will work to understand the features and capabilities of the new case management system.
- Members will fulfill a leadership role in communicating with their peers about issues and decisions.
- Members will be guided by the Access to Justice Technology Principles.

5 Decision Making and Escalation Process

The CLJ-CUWG should work towards unanimity, but make decisions based on majority vote. Decisions made by the CLJ-CUWG are binding. Issues that are not able to be resolved by the CLJ-CUWG will be referred to the CLJ-CMS Project Steering Committee for resolution. Any issue that cannot be resolved by the CLJ-CMS Project Steering Committee and will materially affect the project's scope, schedule or budget, will be referred to the Judicial Information System Committee (JISC) for a final decision.

6 Membership

The CUWG will include representatives from the District and Municipal Court Judges' Association (DMCJA), the District and Municipal Court Management Association (DMCMA), the Misdemeanant Corrections Association (MCA), the Administrative Office of the Courts (AOC), the Washington State Bar Association (WSBA), and the Access To Justice (ATJ) Board.

Membership from the court should include a cross section of different geographic locations and court characteristics (district court, municipal court, court size, rural, metropolitan, etc.).

The CLJ-CUWG will be comprised of 14 total members of which only 11 are voting members who are direct users of the system and 3 are non-voting members.

The voting members will be appointed by the following associations and organizations:

- 2 members from the District and Municipal Court Judges' Association (DMCJA)
- 5 members from the District and Municipal Court Management Association (DMCMA)
- 2 members from the Misdemeanant Corrections Association (MCA).
- 2 members from the Administrative Office of the Courts (AOC).

The 3 non-voting members will be appointed by the following associations and organizations:

- 1 representative from the DMCMA from a court that has not expressed an intent to use the statewide case management solution provided by AOC.
- 1 representative from Washington State Bar Association (WSBA).
- 1 representative from the Access to Justice Board (ATJ).

Non-voting members are encouraged to provide subject matter expertise and input into the decision making process. Other subject matter experts may be invited to provide additional detailed information to support and inform the decision making process.

All CLJ-CUWG members should have deep knowledge of court functions, business processes, and business rules in the following areas:

- Manage Case
 - Initiate case, case participant management, adjudication/disposition, search case, compliance deadline management, reports, case flow lifecycle
- Calendar/Scheduling
 - Schedule, administrative capabilities, calendar, case event management, hearing outcomes, notifications, reports and searches
- Entity Management
 - Party relationships, search party, party management, reports and searches, administer professional services
- Manage Case Records
 - Docketing/case notes, court proceeding record management, exhibit management, reports and searches
- Pre-/Post Disposition Services
 - Compliance, access to risk assessment tools, reports and searches
- Administration
 - Security, law data management

7 Membership Terms

CLJ-CUWG members must be consistent to maintain continuity and minimize risk. Members are expected to attend all meetings for the duration of the project. If a member

is not able to attend a meeting, the member must delegate an alternate or proxy from their association in advance and notify the AOC CBO.

Organization	Member(s)	Alternate(s)
District and Municipal Court Judges' Association		
District and Municipal Court Management Association		
Misdemeanant Corrections Association		
Administrative Office of the Courts		
Washington State Bar Association		
Access to Justice Board		

8 Roles and Responsibilities

JISC – The JISC shall authorize the creation of the CUWG and is the final authority when issues are escalated by the CLJ-CMS Project Steering Committee that affect scope, budget and/or schedule.

CLJ-CMS Project Steering Committee – The project steering committee will establish the CLJ-CUWG charter and provide overall guidance and decision making authority on issues that are not resolvable at the CLJ-CUWG level.

Associations – The various associations will select members to represent them on the CLJ-CUWG.

CLJ-CUWG Members – The CLJ-CUWG members will actively participate in court business process discussions, make timely decisions, and complete assignments as needed to accomplish business process initiatives, improvements, and standardization.

- Identify common court business processes that could be packaged and configured as a model and used for deployments to courts with similar characteristics
- Identify opportunities to refine court business processes through review, analysis and continuous process improvement

- Must be open to new ideas and new ways of doing things
- Ensure that court business processes and requirements are complete, accurate and documented
- Provide insight on potential impacts, opportunities, and constraints associated with transforming court business processes and transitioning to new systems.
- Advocate for the agreed-upon process change, innovation, and standardization
- Advocate for and communicate decisions and changes to their staff, colleagues, associations, and coworkers

Court Business Office – The CBO staff will facilitate the CLJ-CUWG meetings and work collaboratively with the CUWG, vendor representatives, and others in AOC in identifying common court business processes that could be packaged and configured as a model for deploying a new case management system across the state. CBO staff will regularly report to the JISC on the activities of the CUWG.

CLJ-CMS Project Team – The project team is responsible for providing the project plan, executing the project activities, and making decisions at the project level that do not have a significant impact on the overall schedule, scope, and budget. Additionally, the project team will provide analysis and documentation to support the CUWG, the project steering committee and/or sponsors for business decision processing when the decision cannot or should not be made at the project level.

AOC CLJ-CMS Project Sponsors (State Court Administrator, Information Services Division Director and Judicial Services Division Director) – The project sponsors make non-policy decisions that have an impact on the scope, schedule or budget for the CLJ-CMS project and provides analysis to the AOC and the CLJ-CUWG to support the decision making process when escalated to the CLJ-CMS Project Steering Committee.

9 Meetings

- The CLJ- CUWG shall hold meetings as necessary by the project schedule and associated deliverables.
- Travel expenses shall be covered under the project budget.
- There must be a quorum of 6 voting members present to hold a vote; 1 from the DMCJA, 3 from the DMCMA, 1 from the MCA, and 1 from the AOC.
- If a voting member is not available, proxy voting is allowed.

Meeting Frequency:

- Meetings will be scheduled as needed, but are expected to be monthly.
- The meeting will be held in-person at AOC's SeaTac facility or a designated alternate facility.
- Meetings will begin promptly at 8 a.m.
- It is expected that each meeting will last up to 6 hours.

- Voting members will be mandatory attendees on meeting schedule notices and every effort will be made to avoid scheduling conflicts.
- Subject matter experts brought to the meeting by the members – to provide expert information on a specific topic – will be identified in advance to ensure that they are included on the agenda and receive meeting materials.
- AOC's CBO will facilitate the meetings and will be responsible for providing the members pertinent meeting information and artifacts at least 3 days before the scheduled meeting.

Decisions:

- The CLJ-CUWG will use the majority voting model.
- Voting members who disagree or have concerns with a decision must articulate the reasons for the conflict and concern. The concerns will be documented by the CBO and the work group will strive to answer and address the conflict until all members are comfortable with the direction to move forward.
- If all options have been explored by the group and a clear impasse exists, the issue will be directed to the CLJ-CMS Project Steering Committee for direction and decision.
- Decisions must be made in a timely manner to ensure the successful progression of the project activities dependent on the completeness and accuracy of the business processes and requirements.
- All decisions that materially impact scope, schedule or budget of the project will be automatically escalated to the CLJ-CMS Project Manager to follow the established governance process.

10 Budget

There is no designated funding for the CLJ project in the current biennium. All project resources for the initial phase of this project will be provided using internal AOC staff. Staffing is dependent on current workloads and staff availability. Future phases of the project are dependent on funding from the legislature.

11 Signatures

Title	Name	Signature	Date
District and Municipal Court Judges' Association, President	Judge David A. Svaren		
District and Municipal Court Management Association, President	Ms. Aimee Vance		
Misdemeanant Corrections Association, President	Ms. Deena Kaelin		
Administrative Office of the Courts, State Court Administrator	Ms. Callie Dietz		

DMCJA

2014 SPRING MEETING REPORT

Reserves Committee

COMMITTEE

Judge Veronica Alicea-Galvan

CHAIR(S)

PRINCIPAL ACTIVITIES SINCE LAST REPORT

The DMCJA Special Fund is comprised of personal contributions from members of the association for activities the DMCJA public funds cannot be used for. The Reserves Committee met in March 2014 to discuss issues relating to DMCJA's Special Fund Account. The funds, totaling \$48,540.07, have been accumulated over a substantial period of time wherein members paid \$25.00 per year. The Special Fund dues have not been collected from members since 2011.

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES

The following recommendations are made to the Board of Governors:

1. Due to the poor consumer services we continue to receive from Bank of America, the current account with Bank of America 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.
2. Because there are no specific expenditures on the horizon, not collect Special Fund dues in 2015.
3. The current and new custodian look at options in order to best maximize return on the Special Fund monies and make recommendations to the Board of Governors.

DMCJA 2014-2015 Proposed Budget

Item/Committee	2014-2015	requested	2013-2014	spent as of 4/1
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 Spring Conference 2014			\$ 40,000.00	\$ 42,000.00
Diversity Committee			\$ 2,000.00	
DMCMA Education			\$ 5,000.00	
DMCMA Liaison			\$ 500.00	
DOL Liaison Committee			\$ 500.00	
Education Committee			\$ 8,500.00	
Educational Grants			\$ 5,000.00	
Judicial Assistance Committee			\$ 10,000.00	
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			\$ 3,000.00	
Nominating Committee			\$ 400.00	
President Expense			\$ 7,500.00	
Reserves Committee			\$ 250.00	
Rules Committee		500.00	\$ 1,000.00	\$ 63.47
Rural Courts Committee			not funded	
Salary and Benefits Committee			not funded	
SCJA Board Liaison			\$ 1,000.00	
Technology Committee			\$ 5,000.00	
Therapeutic Courts			\$ 2,500.00	
Treasurer Expense and Bonds			\$ 1,000.00	
Judicial Community Outreach			\$ 3,000.00	\$ 3,000.00
Uniform Infraction Committee	\$ 1,000.00	1,000.00	\$ 1,000.00	May mtg
System Improvement Committee (ad hoc)Regional Courts (ad hoc to 2015)			\$ 5,000.00	
Professional Services			\$ 15,000.00	
Trial Court Advocacy Board				
Joint Security Committee				
PJ Education Conference	\$12,500	\$12,500		
Total	\$ 13,500.00		\$ 228,900.00	
*** funding will come from special funds				

DMCJA NATIONAL LEADERSHIP GRANT GUIDELINES

It shall be the policy of the Washington State District and Municipal Court Judges' Association (DMCJA) to acknowledge the benefit to the Association and its members of having its members in attendance at national judges' groups and conferences that impact the judiciary in the State of Washington. These benefits include national education, leadership training, one-on-one information exchange, and recognition for the programs and leadership of the DMCJA.

The DMCJA shall annually budget for attendees at such national judges' groups and conferences. The DMCJA Board of Governors shall select the attendees. To be eligible for consideration, the applicant must (1) be, or agree to become, a member of the applicable national organization; and (2) be in either a leadership position with the DMCJA or the applicable national organization; and (3) be a member of the DMCJA in good standing as defined in DMCJA Bylaws. Leadership position includes, but is not limited to, officer, board member, or committee chair.

In determining the selection of the attendees to such national meetings or conferences, the DMCJA Board of Governors shall consider the following non-exclusive criteria of the applicant:

1. The applicant shall engage in judicial education at the national level;
2. The applicant shall take educational opportunities and program developed at the national level and bring them back to the State of Washington;
3. The applicant shall take educational opportunities and programs developed on the state level and take them to the national level; and
4. The applicant shall demonstrate his or her ability to exchange and share innovative ideas to improve the function and operation of the courts in the State of Washington.
5. The applicant shall be a member in good standing of the DMCJA at the time of application as provided by DMCJA Bylaws.

The amount of expense reimbursement shall be in the discretion of the DMCJA Board of Governors, to be set as part of the annual budget.

KING COUNTY DISTRICT COURT
WEST DIVISION

Eileen A. Kato
Judge

E-301 King County Courthouse
Seattle, Washington 98104
(206) 477-1678

March 4, 2014

The Honorable David A. Svaren
DMCJA President
Skagit County District Court
P. O. Box 340
Mount Vernon, WA 98273-0340

Dear President Svaren:

As an active member of the American Bar Association, the National Conference of Specialized Court Judges of the Judicial Division of the ABA (including my role as past president of the conference), ABA Section of Litigation and the ABA General Practice/Solo/Small Firm Division, I hereby request financial assistance from the DMCJA National Leadership Grants to attend the ABA Annual Conference in Boston from August 7-10, 2014.

My current activities with the ABA GP/Solo/Small Firm Division include serving as Chair of the Judiciary Committee, co-chair of the Awards Committee, and member of the Diversity Committee. As part of my duties as chair of the judiciary committee, I have been named as co-chair of the Division's Magna Carta Celebration Program committee. We have drafted a proposal for a program on judicial independence to be presented at the Magna Carta Celebration program in London in 2015. This program may be of interest to our judges and I would certainly submit a proposal to the DMCJA Committee for one of our Spring Conference programs.

I also serve as co-chair of the Diversity Committee with the Section of Litigation and serve as a member of the Judicial Intern Opportunity Program (JIOP). For the past 3 years, I have successfully recruited the judges who participate in the NW program. Among the judges I have recruited who have been active participants in this program are Federal Judge Ricardo Martinez, Federal Magistrate Judge James Donohue, Justice Steven Gonzalez, Justice Debra Stephens, Justice Charlie Wiggins, Judge Linda Lee, Judge Mary Yu, Judge Dean Lum, Judge Carol Schapira, Judge Michael Trickey, and many others. The JIOP program provides minority and economically-disadvantaged law students with an opportunity to clerk for a judge during the summer for a minimum of 6 weeks. The ABA Section of Litigation pays a \$2,000 stipend to the student to participate and it is at no cost to the participating courts. The student participants come from law

schools across the country, including our three local Washington law schools. It has been a very successful and valuable program for all participants.

Also, I am once again looking forward to attending a number outstanding judicial programs presented at the annual meeting, which can hopefully be brought to our Washington State Judges as I have done in previous years for our conferences or other educational programs, including webinars and webcasts. The final agenda of programs has not been published at this time, but there are over 500 programs that are presented during the annual meeting.

My hope, once again, is to find programs which may be a proposed topic for our judges for our 2015 spring judicial conference, webinar, or webcast programs, or the 2015 Fall Conference as a result of my participation in the programs at this summer's ABA annual meeting.

As I have done in previous years, I hope to be able to return from the ABA meeting with materials and program ideas to present to our judges in Washington State as part of next year's spring and/or fall conferences, webinars and webcasts. I have been successful in

the past in bringing in outstanding programs for our spring judicial conferences as a result of my national activities, including plenary programs from the Holocaust Museum, Bankruptcy Court, Courts and Aging programs, and having Anthony Lewis, the author of "Gideon's Trumpet," telephonically participate in last year's Law & Literature program.

I did not apply for a grant last year as the annual meeting was in San Francisco, thus, the cost was minimal for me. In years past, I requested reimbursement for less than the amount granted to me. Due to the higher costs of air travel for this year's Boston meeting, I am respectfully requesting \$1,200.00 to attend this very worthwhile conference.

Sincerely,

Eileen A. Kato
Judge

Richard B. Kayne
Municipal Court Judge
2918 W. 17th Ave
Spokane, WA 99224

Please consider my application to the Board of the DMCJA for a National Leadership Grant to attend the 2014 Annual Education Conference of the American Judges Association. The Conference will take place October 5-10, 2014 in Las Vegas, Nevada.

- (1) I am, and have been, a member of the AJA since 1996.
- (2) I am a member of the Executive Committee of the AJA, and Chair of the Resolutions and Awards Committees. I am currently Co-Chair of the AJA Education Committee, as well as a member of the DMCJA Education Committee, the Presiding Judges Education Committee, and the Joint Education/Planning Committees for the 2015 AJAWA State Judges/NASJE Conference in Seattle.
- (3) I am a member in good standing of the DMCJA.

I anticipate conference expenses to exceed \$2,000, and am asking for \$1,500 to help defray costs. I have attached the Conference schedule of events.

Thank you for your consideration of this application.

American Judges Association/American Judges Foundation
54th Annual Educational Conference
October 5-10, 2014
The Golden Nugget
Las Vegas, Nevada

Welcome!

I invite you to join the American Judges Association as we gather for our 2014 Annual Educational Conference. The conference will be held October 5-10, 2014 at the Golden Nugget in Las Vegas. Every year I look forward to the AJA conference, and this year is no exception. Not only do I get a chance to attend fascinating educational sessions on a variety of topics of interest to me as a judge, but also to see friends I have made over the years and to make new ones. The contacts I have made through AJA have provided me with an invaluable network across the United States and Canada – I can send an e-mail or pick up the phone and get ideas on how to address many of the problems we all face on the bench. Please take a few minutes to read this brochure, and then register as soon as possible for this great conference.



Elliott Zide
President

President
Elliott Zide, Massachusetts

Secretary
Russell Otter, Ontario

President-Elect
Brian MacKenzie, Michigan

Treasurer
Kevin Burke, Minnesota

Vice President
John Conery, Louisiana

Immediate Past President
Toni Manning Higginbotham, Louisiana

The city of Las Vegas welcomes the American Judges Association. Come and experience all the glitz and glamour of Las Vegas, as well as the education and collegiality of an AJA conference.

You will have the opportunity to meet colleagues from across the United States and Canada, share ideas with them, and attend interesting and informative educational sessions. The Education Committee has planned a fantastic program including sessions on ethics: ex parte and recusal, court security, access to courts for people with disabilities, victim advocacy and cultural recognition. Attendees also will have the opportunity to enjoy the ever-popular review of the U.S. Supreme Court's 2012-2013 term by Professor Erwin Chemerinsky. The schedule found later in this brochure provides more details on the education program. You'll see that AJA is offering over 15 hours of education, all designed to further our goal of "Making Better Judges."

The scheduled social events will be outstanding also, including a welcome reception on Sunday evening and concluding with a fabulous President's Reception and Banquet on Thursday.

Registration

The conference registration fee is \$495; however, those judges who postmark their registrations (accompanied by payment) no later than July 1, 2014 will pay only \$450. The fee for guests and spouses is \$200, with an "early bird special" of \$175 for registrations postmarked by July 1. The judge registration fee includes the welcome reception, Tuesday lunch, coffee breaks, the president's reception and banquet and all conference materials. The spouse registration fee includes the welcome reception, Tuesday lunch and the final reception and banquet. Cancellations must be submitted in writing; all cancellations will incur a \$50.00 processing fee (\$25.00 for guest/spouse fees). Children may attend by paying for the individual functions in which they participate – a breakdown of costs will be available later.

Vendors

A variety of companies will be invited to display their products and/or services in a general vendor area that will be open during the major days of the conference. This is a wonderful opportunity to see the latest technology and ideas available to assist judges and their courts.

Hotel Accommodations

The Golden Nugget is located on Fremont Street in Downtown Las Vegas. Complete information is available at www.goldennugget.com/lasvegas/ or by calling (702) 385-7111. The hotel features over 2,400 rooms, a fabulous heated pool with a 3-story waterslide and shark tank, spa, shows and numerous shopping and dining options. Also the Fremont Street Experience, with shopping and dining and a nightly musical light show, is just outside the door.

Special room rates have been arranged for AJA and vary according to the day of the week. Rates are \$69.00 per night for Sunday through Thursday nights, and \$129 for Friday and Saturday nights. Reservations must be received by **August 26, 2014**. Please contact the hotel at (800) 634-3454 to make reservations. You must request the group rate and identify that you are with AJA. You also may make reservations on-line by going to the AJA Website under "Conferences." **Please be sure to make your reservations as soon as possible** – it is easier to cancel a reservation than it is to get a room when nothing is available.

Transportation

Las Vegas is easily accessible from most major North American cities by most airlines. McCarran International Airport (LAS) is about 25 minutes from the Golden Nugget, and is serviced by most major airlines. There are numerous shuttle companies available including SuperShuttle as well as taxi service. Should you decide to rent a car, the hotel has complementary self-parking.

Attire

Casual attire is acceptable at AJA educational programs. The Welcome Reception, President's Reception and Banquet are more formal, with business attire appropriate.

AMERICAN JUDGES ASSOCIATION/AMERICAN JUDGES FOUNDATION
2014 Annual Educational Conference
October 5-10
Las Vegas, Nevada

SCHEDULE OF EVENTS

Sunday, October 5

10:00 a.m. – Noon
Budget Committee Meeting

10:00 a.m. – 1:00 p.m.
Nominations Committee Meeting

1:00 - 5:00 p.m.
Registration

2:00 – 5:00 p.m.
Executive Committee Meeting

6:00 – 7:00 p.m.
Welcome Reception

Monday, October 6

7:30 a.m. – 4:30 p.m.
Vendor area open

7:30 a.m. – 5:00 p.m.
Registration

8:00 – 9:00 a.m.
Opening Ceremonies
Presiding: Hon. Elliott Zide, President, AJA

9:00 a.m. – 12:15 p.m.
Education Sessions

9:00 – 10:25 a.m.

Plenary Session

Ex Parte Communications: Recognizing typical and atypical contacts, Avoiding the inevitable and How to proceed safely [Judicial Ethics Program]

Faculty: Hon. Richard Glasson, Tahoe Justice Court, Douglas County, Nevada

This session will focus on building self-awareness for judges and for court staff regarding *ex parte* communications; recognizing the difference between a permissible and an impermissible *ex parte* communication; formulating appropriate

documentation, responses and avoidance strategies using multi-media and case studies.

10:50 a.m. – 12:15 p.m.
Choice Sessions

Choice Session A:

The Mind of the Batterer

Faculty: David J. H. Garvin, LMSW, Chief Operating Officer, Catholic Social Services, Ann Arbor, Michigan

Learn from a nationally-renowned expert in batterer intervention how a batterer is able to manipulate judges and others in the criminal justice system, not just the victim. Based on decades of working directly with and listening to batterers, learn how batterers act the way they do and why. This session will give judges unique insight into the mind of the batterer and the most effective way to intervene to best protect victims and hold batterers accountable. Learn what an effective batterer intervention program (BIP) requires and how judges can ethically work with BIPs to improve safety in our communities.

Choice Session B:

Court and Courtroom Technology in the Age of the Cloud and iPad

Faculty: Prof. Fredric I. Lederer, Chancellor Professor of Law, William and Mary Law School, Williamsburg, Virginia

This program will review how technology is changing how judges perform their traditional duties and will hazard predictions of what the future may hold and how judges can prepare.

12:15 – 1:30 p.m.
Lunch on your own

1:30 – 4:30 p.m.
Education Sessions

1:30-2: 55 p.m.

Plenary Session

Court Security

Faculty: Hon. Vincent A. Lilley, Roanoke County General District Court, Salem, Virginia

Timm Fautsko, Principal Court Management Consultant, National Center for State Courts

Does personal and courtroom security really matter? This course will describe several actual vignettes involving sitting judges and their families. The course will highlight steps to defend your courtroom, your family and yourself. It will provide expert advice and solutions to the rare but real possibility of violence against judges and their families, including specific actions to prevent and respond to potential and active threats. (*Judicial spouses and guests are welcome to attend.*)

3:05-4:30 p.m. Choice Sessions

Choice Session A:

Veterans Courts

Faculty: Hon. Brian McKenzie, 52/1st District Court, Novi, Michigan
Melissa Fitzgerald

Choice Session B:

Access to Courts for People with Disabilities

Faculty: Hon. Catherine Shaffer, King County Superior Court, Seattle, Washington

David Lord, Esq., Director of Public Policy, Disability Rights Washington

Participants will be updated on national legal requirements for courts and judicial officers in providing access for people with disabilities, learn about real life examples of obstacles to access, and receive useful tips on resources and ideas for accommodating people with visual, hearing, physical and cognitive/mental disabilities.

Tuesday, October 7

7:30 - 9:00 a.m.

AJF Officers & Trustees Meeting

7:30 a.m. – 4:30 p.m.

Vendor area open

9:00 a.m. – 12:15 p.m.

Education Sessions

9:00 – 10:25 a.m.

Choice Sessions

Choice Session A:

Mandatory Minimum Sentences: Handcuffing the Prisoner or the Judge?

Faculty: Hon. Kevin Emas, Third District Court of Appeal, Miami, Florida

Hon. Catherine Carlson, Provincial Court of Manitoba

Mandatory Minimum Sentences have arrived in Canada. Why were they adopted in the U.S., and what's been the U.S. experience? Have MMS resulted in a reduction in crime generally and in recidivist crime specifically? Is there continuing support for MMS in the U.S. or has there been a trend away from MMS and toward evidence-based sentencing or other forms of individualized sentencing?

Choice Session B:

Honing Judicial Skills in Domestic Violence Cases - FAQs that can stump any Judge

Faculty: Hon. Ronald B. Adrine, Cleveland Municipal Court

Hon. Elizabeth Pollard Hines, 15th District Court, Ann Arbor, Michigan

This interactive workshop will allow judges to examine the vexing and often counter-intuitive issues presented by abusive relationships and intimate partner violence. The forum will provide a unique opportunity for those in attendance to review these troublesome problems with colleagues and noted advocates of effective judicial intervention. Attendees are invited to bring their most challenging DV issue for a "stump the judge" discussion.

10:50 a.m. – 12:15 p.m.

Plenary Session

U.S. Supreme Court Review

Faculty: Prof. Erwin Chemerinsky, Founding Dean, University of California-Irvine School of Law

Noted U.S. Supreme Court scholar Erwin Chemerinsky returns for his insightful review of the previous term's work and its impact on state court judicial practice.

12:15 – 1:30 p.m.

AJA Awards/AJF Luncheon

Remarks: Chief Justice Mark Gibbons, Nevada Supreme Court

1:30-2: 55 p.m.

Choice Sessions

Choice Session A:

Domestic Violence Advocates: More Than Just A Feminist Face . . .

Faculty: Lore Rogers, Michigan Domestic and Sexual Violence Prevention and Treatment Board

Ever wondered who those advocates are that show up in your court, and why the heck they are there? This session will give you a "behind-the-scenes" look into the work of domestic violence advocates, what they do both in and out of court, and why their work can be critical to the psychological and physical safety of the survivors. As well, the presentation will provide insight into how the trauma of DV can affect survivor behavior in and out of the courtroom, and how advocates can help you better protect survivors and hold abusers accountable.

Choice Session B:

Toward A Trauma-Responsive Juvenile and Family Court: Initial Findings From the NCJFCJ Trauma Audit Project

Faculty: Shawn Marsh, Ph.D., Chief Program Officer, Juvenile Law, National Council of Juvenile and Family Court Judges

This presentation will describe the National Council of Juvenile and Family Court Judges' efforts to define and operationalize what it means to be a trauma-responsive court as well as develop a protocol to conduct "trauma audits" in courts to assess the degree to which environment, practice, and policy are trauma-responsive. This presentation will include preliminary findings and lessons learned from pilot trauma audits conducted in six jurisdictions (Las Angeles, CA; Austin, TX;

Tucson, AZ; LaGrange, GA; Reno, NV; and Seattle, WA).

3:05-4:30 p.m.

Choice Sessions

Choice Session A:

Human Trafficking and Its Impact on State and Provincial Court Practices

Faculty: Terence C. "Terry" Coonan, Executive Director of the Center for the Advancement of Human Rights, Associate Professor of Criminology and Courtesy Professor of Law, Florida State University

The United States of America is principally a transit and destination country for trafficking in persons. Human trafficking is occurring in the vast majority of U.S. communities. The Trafficking Victims Protection Act of 2000 and its reauthorizations enhance preexisting criminal penalties, afford new protection to trafficking victims, and make available certain benefits and services to victims of severe forms of trafficking. Furthermore, all 50 states have state statutes that address human trafficking which will result in a greater number of state prosecutions as human trafficking task forces and local law enforcement build cases against all forms of trafficking. After participating in the session, judges will be able to: (1) Describe how the Trafficking Victim Protection Act of 2000 and state laws have changed previous definitions of slavery; (2) Define how force, fraud, and coercion are employed against victims in modern human trafficking cases; (3) Apply human trafficking statutory provisions to one or more case studies; and (4) identify how court practices can be modified to successfully manage these cases.

Choice Session B:

D.I.Y.-V.I.P. Do It Yourself Victim Impact Panel

Faculty: Hon. Richard Glasson, Tahoe Justice Court, Douglas County, Nevada

Most States and some Provinces mandate attendance at a meeting at a panel of victims of drunk drivers as a penalty for a DUI offense; many judges order such attendance as a deterrence of recidivism. Our Nevada Association has developed, in conjunction with MADD, a protocol and best management practices from courtroom-based Victim Impact Panels. This program will teach how

to develop your own court-based program. Ideally, the presentation concludes and then immediately reconvenes at a Victim Impact Panel at the conference site that is arranged in advance with a local court. This can easily be done either in Las Vegas (the conference is one block from the Las Vegas Justice/Municipal Courts) or Seattle (King County MADD is the national originator of the Victim Impact Panel concept).

6:00 – 8:00 PM

AJF Fundraiser (Could be Monday or Wednesday)

Wednesday, October 8

7:00 – 9:00 a.m.

Committee Meetings

(Schedule will be posted in the AJA registration office and included in attendee packets.)

9:00 a.m. – 12:15 p.m.

Education Sessions

9:00 – 10:25 a.m.

Plenary Session

The Psychology and Neurobiology of Trauma

Faculty: David Lisak, Ph.D.

Fear is the cornerstone of what we have come to understand as psychological trauma. The very neural mechanisms that produce the fear that saves our lives in life-threatening situations are the same mechanisms that produce the neurophysiological and neuroanatomical changes that underlie Posttraumatic Stress Disorder. This presentation will review recent advances in our understanding of the neurobiology of trauma – how trauma alters the brain, and in so doing alters experience and memory and what this means for judicial practice.

10:50 a.m. – 12:15 p.m.

Choice Sessions

Choice Session A:

FASD and the Manitoba FASD Youth Justice Program: Diagnosis and Supports

Faculty: Hon. Mary Kate Harvie, Judge, Provincial Court of Manitoba

Dr. Sally Longstaffe, Developmental Pediatrician and Medical Director of the Manitoba FASD Centre

This presentation would provide a brief overview of Fetal Alcohol Spectrum Disorder (FASD) – what a diagnosis means from a medical perspective and how that might impact on an individual involved in the Court system.

The presentation would also involve a discussion of the Manitoba FASD Youth Justice Program, which provides access to diagnosis and supports prior to and after a young person's court appearance. The discussion will include reference to other initiatives of the Court and the youth justice program.

Choice Session B:

Mastering Electronic Discovery

Faculty: Hon. Susan Burke, Hennepin County District Court, Minneapolis, Minnesota

Electronic discovery issues are coming to your court soon if they are not already there now! In 2010, there were 730 million business email inboxes. In 2012, 425 million people used Google. In 2013, 400 million people used Outlook. In 2013, there were roughly 6 billion active cell phones, rivaling the world's population. In 2014, an estimated 2.5 billion people had email inboxes and sent 100's of billions of messages. From 2003-2009, 1% of new information was stored on paper, while 92% was stored electronically. In litigation, there were more electronic discovery sanctions in 2009 than in all the years before 2005 put together. Come find out what to do when electronic discovery issues hit your courtroom!

12:15 – 1:30 p.m.

Lunch on your own.

1:30-2: 55 p.m.

Plenary Session

How do members of the public understand facts and law?

Faculty: Prof. Dan M. Kahan, Elizabeth K. Dollard Professor of Law and Professor of Psychology, Yale University

The lecture will review experimental and other forms of empirical research that can help judges anticipate how jurors make sense of trial evidence and how members of the public will react to legal decisions by both trial and appellate tribunals.

3:05-4:30 p.m.
Choice Sessions

Choice Session A:

Implicit Juror Bias

Faculty: Prof. Anna Roberts, Assistant Professor of Law, Seattle University School of Law

What does the most recent social science research tell us about the phenomenon of implicit or unconscious bias among jurors? What methods of addressing this kind of juror bias have been proposed and attempted, and how might their effectiveness be assessed? What additional approaches to this problem might be worth consideration? Attendees at this session will be informed about cutting-edge research into the workings and potential consequences of implicit juror bias, as well as of existing approaches to the problem, and will share ideas on additional potential solutions.

Choice Session B:

The Write Stuff: Good Judicial Writing

Faculty: Hon. Robert H. Alsdorf (ret.),

Alsdorf Dispute Resolution, Seattle, Washington

Hon. Steve Leben, Kansas Court of Appeals

This program will look at how judges can best convey rulings through written orders and opinions. The presenters will emphasize how to write clearly, how to handle high-profile cases, and how to make sure the parties feel they received a fair hearing.

Thursday, October 9

8:00 – 10:00 a.m.

General Assembly Meeting

10:00 a.m. – Noon

Board of Governors Meeting

6:00 – 7:00 p.m.

President's Reception

7:00 – 10:00 p.m.

Installation Dinner (Black-tie optional)

Friday, October 10

8:00 – 10:00 a.m.

Executive Committee Meeting

Judge Marilyn G. Paja
Kitsap County District Court

I would like to request to be considered for a 2014 DMCJA Leadership Grant (which as I recall is awarded during the Board's Spring Leadership meeting). I have been reappointed as the national Membership Chair of the National Association of Women Judges (NAWJ) for the 2014 calendar year, and am also the Washington state coordinator. In this capacity I am required to attend both the Mid-Year and Annual Meetings of the NAWJ to report on my efforts during the year. (A little over ½ of my expenses at the mid-year are covered by the NAWJ, for the rest I am on my own.) Over the past several years I have utilized my attendance at these conferences to 'bring back' education topics and speakers to our State, through both the DMCJA and the Gender & Justice Commission. (Immigration/ DV/ Firearms/ last year's Fall Conference speaker on internet stalking are examples). I have reported back to the DMCJA Board and Education Committee, as well as the Gender & Justice Commission following each Conference. These conferences are always out-of-state and last for 3-4 days, depending on the location. Education is the primary component of each conference, and I attend the NAWJ Board meeting and other committee meetings as well.

Here in Washington the NAWJ has been a financial and leadership sponsor of the Annual Judicial Reception (co-sponsored by law students and the Gender & Justice Commission) at which many DMCJA members participate. The NAWJ sponsored a regional education conference three years ago in Seattle. All of the women justices of our State Supreme Court are members of the NAWJ and most attend the Annual Conference each year. Together with the WSBA, the NAWJ has been a co-sponsor of the DMCJA's own Pro tem Training program. I want to thank the DMCJA for their support of my efforts in the past. I would greatly appreciate an award for 2014 under the DMCJA Leadership Grant program.

The 2014 NAWJ Annual Conference is in San Diego in October of 2014 (starting 10 AM on Wednesday Oct 8 through Sunday morning October 12 at noon). I estimate out-of pocket costs of at least \$2,000 as follows:

\$475 – registration (already registered to take advantage of the early bird rate)

\$450 – airfare

\$1,000 -- 4 nights hotel at conference rate

\$75 – ground transportation here in Washington and in California

(Not including non-conference meals)

Please let me know if any more formal application is required, or if you have any questions at all. Again, thank you for your previous support.

KITSAP COUNTY DISTRICT COURT

**JAMES M. RIEHL, JUDGE
DEPARTMENT NO. 1**

**JEFFREY J. JAHNS, JUDGE
DEPARTMENT NO. 2**

**614 Division Street, MS-25
Port Orchard, WA 98366
Phone (360) 337-7109
Fax 337-4865**

**MAURICE H. BAKER
COURT ADMINISTRATOR
March 4, 2014**

**MARILYN G. PAJA, JUDGE
DEPARTMENT NO. 3**

**STEPHEN J. HOLMAN, JUDGE
DEPARTMENT NO. 4**

To: District and Municipal Court Judge's Association Board of Governors
Attn: Michelle Pardee
Re: DMCJA National Grants Guidelines

Dear Board Members:

Please consider this letter and enclosure as a formal request for a National Grant to attend the ABA annual meeting to be held in Boston in August, 2014. I have been a member of the ABA for many years, and have served on the Board as well as Chair of the National Conference of Specialized Court Judges within the Judicial Division of the ABA.

I currently serve as Representative on the Board for District 9 and meet all the guidelines set forth by the DMCJA.

I am enclosing for your review an article written by J. Mathew Martin who I have worked with for several years in the ABA. It is anticipated that at this year's annual meeting in Boston, a program will be presented addressing new legislation impacting the prosecution of non-Indian defendants in specific cases on Indian land.

At this time, there is no other entity providing reimbursement to me to attend the annual meeting.

I am requesting reimbursement under the National Grant line item in the DMCJA budget in an amount not to exceed \$1,000 to cover airline costs and well as lodging.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'James M. Riehl', is written over a horizontal line. The signature is somewhat stylized and overlaps the line. Above the signature, the text 'Sig Place Riehl' is printed. Below the signature, the date and time '03/04/2014 01:41:40 pm' are printed.

JUDGE JAMES M. RIEHL

DMCJA System Improvement Committee
Final Report
Tuesday, February 04, 2014

MEMBERS:

Judge David Steiner, King County District Court, Chair
Judge Steve Holman, Kitsap County District Court
Judge David Larson, Federal Way Municipal Court
Judge Kelly Olwell, Yakima Municipal Court
Judge Sandy Allen, Milton & Ruston Municipal Courts
Judge Linda Portnoy, Lake Forest Park Municipal Court
Judge Douglas Goelz, South Pacific County District Court District Court
Trish Kinlow, Tukwila Municipal Court Administrator
Chris Ruhl, Pierce County District Court
Candace Bock, Association of Washington Cities (AWC)
Brian Enslow, Washington State Association of Counties (WSAC)

The System Improvement Committee was tasked as follows:

CHARGE: Evaluate the system of Courts of Limited Jurisdiction in Washington and make recommendations for steps that can be taken to improve service to the public while preserving the Court's role as a co-equal branch of government. Included within this charge are the following concepts:

1. **REGIONAL COURTS.** Study forms of court regionalization and report whether existing forms are adequate; whether new forms of regionalization are desirable; whether legislation should be drafted to facilitate new methods of regionalization; under what circumstances is regionalization desirable or undesirable from a service standpoint.
2. **PERFORMANCE BENCHMARKS.** Whether performance benchmarks/best practices should be adopted to provide a baseline for evaluating court performance; identify a baseline of minimum services every court user can reasonably expect.
3. **UNIVERSAL PAYMENT.** Make recommendations regarding the desirability and feasibility of a universal payment system and whether one can be reasonably implemented prior to deployment of a new case management system.
4. **SERVICES.** Explore and recommend services beneficial to the public that can be implemented with minimal financial impact and, conversely, identify and evaluate efficiencies that can be employed without reducing service to the public.
5. **JUDICIAL INDEPENDENCE.** Explore and recommend ways to elevate the independent services courts provide as essential to the well-being of individuals and communities at large. Recommend laws and rules that institutionalize the courts as the co-equal branch of government it is intended to be.

The committee of the whole was divided into two subcommittees; the Regional Courts and Performance Benchmarks Subcommittee and the Services and Universal Payment Subcommittee.

Each produced reports and recommendations. At our final meeting on January 31, 2014, the committee of the whole adopted the following reports and recommendations.

REGIONAL COURTS

1. **Charge: Study forms of court regionalization and report whether existing forms are adequate.**

There have been several studies conducted over the past few years. Attachment A provides a summary of those studies. The BJA Municipal Court Study Oversight Workgroup reviewed the conclusions from the 2013 study by the National Center on State Courts and concluded in their own report to BJA, in part, as follows:

Evaluation projects. The workgroup is not supportive of an effort to promote regionalization projects for evaluation at this time. Members are aware that there have been discussions about municipal courts for a number of years, particularly regarding smaller and part-time municipal courts. The strategy of promoting regional courts appears to have emerged from those discussions several years ago as a remedy or solution to perceived shortcomings in those courts. The NCSC study, however, does not provide clear evidence of such shortcomings. The workgroup understands that this result may well be due to the fact that reliable and relevant data is not systematically collected and so not available to the researchers. In any event the fact is that the perceived problems of the municipal courts are not well defined. The workgroup feels that the board should more specifically articulate the concerns that it has with the municipal courts before attempting to fashion an appropriate remedy.

See Attachment B

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 best practices that will provide optimum levels of service to the public through collaborative efforts.

2. **Charge: Determine whether new forms of regionalization are desirable.**

The consensus is that we need to develop a “culture of cooperation” among jurisdictions so that service can be provided to the public in the most independent, direct, and local fashion possible. We need to develop systems that empower local courts to cooperate with other courts in ways that bolster services to the public without threatening the local control and independence necessary to adapt to local needs.

3. **Charge: Determine whether legislation should be drafted to facilitate new methods of regionalization.**

The consensus is that the DMCJA should take the lead with the involvement of the DMMCA to create a “culture of cooperation” among local jurisdictions through changes to not only court rules and statutes, but also changes to attitudes on how local courts are perceived.

We also agree that the judiciary needs to have more influence when courts are formed or merged through interlocal agreements. The present statutory structure sees what we do as judges as a “service” rather than the exercise of power granted to us as a member of a co-equal

branch of government. The present statutory structure allows the executive and legislative branch to farm out judicial services to other government bodies in much the same way that the local government might contract with another jurisdiction to fill potholes. The judiciary's influence is effectively nullified under the present statutory structure. This is an affront to judicial independence because the other branches have undue influence to threaten existing arrangements as a way to influence judicial decisions and control judges. Judicial services need to be seen by policymakers and the public as holding a unique place in government because of its role in delivering justice and dignity independent of outside pressure and influence as a co-equal branch of government with distinct constitutional powers.

4. **Charge: Under what circumstances is regionalization desirable from a service standpoint?**
The culture of cooperation would give power to localities through their judicial officers to develop ways to deliver service without threatening local control and independence.
5. **Under what circumstances is regionalization undesirable from a service standpoint?**
Forced regionalization that feeds turf-oriented reactions will not be productive. There is not a systemic, structural issue with courts of limited jurisdiction that can or will be solved by a broad regionalization effort, mandate, or structure.

PERFORMANCE BENCHMARKS

1. **Charge: Whether performance benchmarks/best practices should be adopted to provide a baseline for evaluating court performance.**
The National Center for State Courts CourTools program may be a good start <http://www.courttools.org/Trial-Court-Performance-Measures.aspx>. However, the consensus is that a group dedicated to this sole task be formed to make recommendations regarding voluntary performance benchmarks/best practices for courts of limited jurisdiction. In the meantime, we recommend that the DMCJA Education Committee develop a program on Performance Standards (focusing on CourTools) for the 2015 Joint DMCJA/DMCMA annual conference.
2. **Charge: Identify a baseline of minimum services every court user can reasonably expect.**
The consensus is that a group dedicated to this sole task be formed to make recommendations.

Universal Cashiering

1. **Charge: Make recommendations regarding the desirability and feasibility of a universal payment system and whether one can be reasonably implemented prior to deployment of a new case management system.**

We recommend the new CLJ CMS have the capacity to do universal cashiering. (Whether we go with Tyler/Odyssey or some other case management system.) We need to confirm whether Odyssey has the accounting functionality we would need in order to meet the needs of the CLJ's. In any event, this should be included as a priority in the requirements gathering for a CLJ CMS.

We also recommend we obtain information from AOC about the overall CLJ collection rate on fines and fees, as well as the total number of DWLS 3rd's. See the attached spreadsheet on the latter with data on outstanding DWLS 3's provided by AOC.¹

The goal here is that a defendant can walk into any court in the state and pay fines, fees or other legal financial obligations from any other court. A more limited goal would be universal cashiering among all courts of limited jurisdiction. There may be more receptivity to this with the possibility of a new case management system (CMS) for CLJ's. It also may be more possible and practical to actually implement it with a new CMS, due to system obstacles in JIS/DISCIS as well as the issue of transfer fees. Otherwise, AOC would need to come up with a way of using the MSP screen for payment processing from one court to another.

We note though that one potential issue if and when some form of universal cashiering becomes a reality is that some of the more easily accessible courts may well become de facto "payment centers of choice" for many customers, and thus bear a disproportionate burden of providing this customer service.

We also recommend that a single statewide online payment system be created (presumably to be managed/operated by AOC).

It should also be noted that this is not a new recommendation. In October 2003 the Justice Management Institute conducted a study of the Washington Courts of Limited Jurisdiction, which included an assessment of CLJ service delivery. That report concluded:

Local courts or the AOC should develop methods to ensure that fines and costs are paid and that court judgments and orders are followed. A statewide system for processing payments of fines and costs would assist local courts in the management of this system, would assist offenders in making periodic payments on time, and would make the system more uniform across the state. A statewide system should be developed that permits acceptance by any local court of payments for infraction cases filed anywhere in the state. A statewide procedure governing the collection and monitoring of fines and costs should be developed. Technological support for such a process would be vital to its successful implementation.²

¹ The attached report created by AOC shows the total number of DWLS cases that remain outstanding in the CLJ's as of early January 2014. The search criteria looks for "DWLS" in the charge name or a law number that contains "46.20.342" and those charges do not have a disposition code entered. Cases that qualify are then counted by filing year. Counting at the case level does not exclude warrants and/or FTA's.

² Somerlot and Baehler, "Always the People: Delivering Limited Jurisdiction Court Services Throughout Washington", The Justice Management Institute (Oct. 2003), *Submitted to The Courts of Limited Jurisdiction Delivery of Services Work Group, Washington Court Funding Task Force.*

2. **Charge: Explore and recommend services beneficial to the public that can be implemented with minimal financial impact and, conversely, identify and evaluate efficiencies that can be employed without reducing service to the public.**

Referral of Cases to Collection Agencies

We recommend development of a judicial educational program on collection practices with a view to creating greater consistency in such practices among the courts.

Community Outreach

- A. We recommend that Courts be encouraged to do more community outreach to educate the public about court processes (e.g. RE: license suspension process, DV, DUI); and
- B. We recommend that judges be able to receive CJE credits for offering this kind of community outreach/education.

Long Range Planning Committee Report

October 18, 2013

Having met in person on October 18, 2013, the Long Range Planning Committee submits the following report. The committee recognizes that its charge is to annually review issues relating to long range planning and review processes. In this context, the committee reviewed 7 areas of concern to the DMCJA, discussed approaches in addressing these issues and roughly prioritized these issues. In approximate order of priority, these issues are:

1. Courthouse Security. The safety of all of the participants in our courthouses remains a top priority for the DMCJA. Without adequate security, the safety of all participants is in needless jeopardy, including:
 - Members of the public summonsed for jury duty; traffic infractions; civil cases and criminal cases.
 - Every party involved in domestic violence cases, including alleged victims and witnesses, who appear to deal with: domestic violence criminal cases; protection order cases; stalking and anti-harassment cases.
 - Courthouse staff who are required to work every day in a building where disputes are resolved and where some of those involved in those disputes will present a risk for violence.
2. JIS/Case Management. Our current case management system is, in the world of computer software, a Model T in a Tesla world. We remain vulnerable to system failure and are forced to work every day with an antiquated system. Last year we saw our Courts of Limited Jurisdiction (CLJ) priority slip when the system being designed for the Court of Appeals was upgraded to a full case management system. We need to continue to state our case for high priority so that, if anything, we move up, rather than down in priority.
3. Adequate Court Funding. The CLJ cannot provide services or justice when we are chronically underfunded. We need to educate the public, from the voters to the legislators, regarding the effect that minimal funding has on our ability to serve the public's constitutionally protected interests. This includes legislative cuts to AOC's budget that resonate through every level of the courts. We should assess the mandated services the court provides and question how we are expected to provide these services in an environment of shrinking budgets.
4. Improve the Quality and Consistency of all CLJ. The DMCJA needs to work to improve the quality and consistency of justice across all CLJ. We must continue

to work to remove statutory disparities between district and municipal courts and monitor regional courts initiatives.

5. Educate Justice Partners. When we educate our judges we must not forget our justice partners. Topics of importance to the judiciary may be just as important to our city, county and state partners. These topics include, but are not limited to security concerns, court funding, the separation of powers, court administration, access to justice and access to court records and court information. Committee members suggested several ways to begin educating our partners at AWC, WAPA, WASAMA, WSAC, risk management agencies, city and county councils, including: letters offering to teach on appropriate topics, inviting them to meet with us and encouraging our judges to educate justice partners on a local level.
6. Interpreter Issues. Several issues related to interpreters were highlighted, including highlighting distinctions between ADA/foreign language interpreters, the quality of interpretation options and access to interpreters.
7. Member Involvement. The Board should encourage the participation of DMCJA members in the committee work and governance of our organization. Face to face committee meetings during the spring conference may still help in this regard.

**DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION
SCHEDULE OF BOARD MEETINGS**

2014-2015

DRAFT

<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>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

TO: President David Svaren and DMCJA Board
FROM: Judge Janet Garrow, Chair, DMCJA Rules Committee
SUBJECT: Proposed Amendments to GR 15
DATE: March 25, 2014

The Judicial Information Services Committee (JISC) has proposed amendments to GR 15, Destruction, Sealing and Redaction of Court Records, which have been published for comment by the Supreme Court. The DMCJA Rules Committee previously submitted comments on the JIS Data Dissemination Committee's initial draft. The DMCJA Board adopted those comments and forwarded them to the JIS Data Dissemination chair. A copy of the Board's comment letter is attached to this memo. Some, but not all of DMCJA comments were incorporated into the JISC's current rule proposal.

A subcommittee of the Rules Committee, Judges Harmon, Dacca and Robertson, reviewed the current JISC rule proposal. Although many suggestions could be made to improve the proposal, the subcommittee suggests two primary comments be made:

1. The use of "court records" potentially conflicts with the definition of "case records" in GR 31.1, which has been adopted without an effective date. Section (b)(1) of that rule states: "Case records are records that relate to in-court proceedings, including case files, dockets, calendars, and the like. Public access to these records is governed by GR 31, which refers to these records as "court records," and not by this GR 31.1." This potential confusion could be avoided by clarifying GR 31.1 before it goes into effect.
2. In two areas, superior court rules are referenced without a corresponding mention of the analogous court of limited jurisdiction rule:
 - a. GR 15(c)(4)(B) refers to CR 12(f) in the context of whether an order to seal or redact should be issued. CR 12(f) refers to motions to strike in the context of Defenses & Objections; the analogous CLJ rule, CRLJ 12(f), is identical, so CRLJ 12(f) should also be referenced. (Note: This section also mentions CR 26(c), but there is no analogous rule for the courts of limited jurisdiction.)
 - b. GR 15(f)(3) refers only to the "Superior Court Rules" in the context of making a "good faith reasonable effort" to provide notice of an attempt to unseal or unredact records in a civil case. The specific CR section is not identified, but it

would appear to be encompassed by the “Process” rules, CR 4, 4.1 and 4.2. The CLJ civil rules have similar provisions regarding process, CRLJ 4 and 4.2, so the Courts of Limited Jurisdiction Rules should also be referenced.

If the Supreme Court adopts the JISC’s recommendation, the Rules Committee recommends that Section (c)(2)(B) be amended to include the word “factors” before the colon, to make it congruent with Section (c)(2)(A). The amended sentence would read: “For any court record that was not a part of the court’s decision-making process, the court must consider and apply the following factors.”

The Rules Committee recommends that the DMCJA Rules Committee pass along these comments and consider submitting the Board’s previous comments on the proposed amendments to GR 15.

Attachments

JISC proposed amendments to GR 15

DMCJA Board’s October 21, 2013 comment letter regarding proposed amendments to GR 15

Suggested Amendments to GR 15

Submitted by the Judicial Information System Committee

Purpose:

The Judicial Information Systems Committee (JISC) is proposing amendments to GR 15, Destruction and Sealing of Court Records. Current GR 15 language does not provide trial courts enough guidance in considering a Motion to Seal or Redact court records. Courts must use the rule in conjunction with case law to meet Washington Constitution, Article I, Section 10 standards. Due to the amount of case law that trial courts and litigants must consider, GR 15 language should be updated with current standards.

The goals of the proposed amendments are to incorporate the current case law on sealing and redacting court records, address juvenile offender records in the rule consistent with chapter 13.50 RCW, provide a basis for sealing non-conviction adult and juvenile court records, emphasize that party names may not be redacted consistent with the principal that the existence of a sealed or redacted adult case is always available to the public, and provide that Orders to Seal or Redact shall contain an expiration date unless specific to a juvenile record.

The Data Dissemination Committee (DDC) initiated the amendments and held a public hearing in Everett on April 12, 2013. Written and oral comments were received by the DDC throughout the drafting process, and two drafts were circulated to stakeholders in July, 2013, and in September, 2013. The supporting documentation to the proposed GR 15 amendments can be located on the JIS Data Dissemination Committee webpage at www.courts.wa.gov, located **here**.

The JISC forwards this proposed GR 15 draft as a much needed language update to allow the rule to remain consistent with current case law and statutory changes.

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GENERAL RULE

15

DESTRUCTION, SEALING,
AND REDACTION OF COURT RECORDS

- (a) Purpose and Scope of the Rule. This rule sets forth a uniform procedure for the destruction, sealing, and redaction of court records. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record, or the method of storage of the court record.
- (b) Definitions.
- (1) "Court file" means the pleadings, orders, and other papers filed with the clerk of the court under a single or consolidated cause number(s).
 - (2) "Court record" is defined in GR 31(c)(4).
 - (3) "Destroy" ~~—To destroy~~ means to obliterate a court record or file in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.
 - (4) "Dismissal" means dismissal of an adult criminal charge or juvenile offense by a court for any reason, other than a dismissal pursuant to RCW 9.95.240, or RCW 10.05.120, RCW 3.50.320, or RCW 3.66.067.
 - (5) ~~(4) Seal. To s~~ "Seal" means to protect from examination by the public and unauthorized court personnel. A motion or order to delete, purge, remove, excise, or erase, or redact shall be treated as a motion or order to seal.
 - (6) ~~(5) Redact. To r~~ "Redact" means to protect from examination by the public and unauthorized court personnel a portion or portions of a specified court record.
 - (7) ~~(6) "Restricted Personal Identifiers"~~ are defined in GR 22(b)(6).
 - (8) ~~(7) "Strike" applies to~~ "Strike" ~~—Aa motion or order to strike and is not a motion or order to seal or destroy.~~
 - (9) ~~Vacate. To v~~ "Vacate" means to nullify or cancel.

1 (c) Sealing or Redacting Court Records.

2
3 (1) In a civil case, the court or any party may request a
4 hearing to seal or redact the court records. In a criminal
5 case or juvenile proceedings, the court, any party, or any
6 interested person may request a hearing to seal or redact
7 the court records. Reasonable notice of a hearing to seal
8 must be given to all parties in the case. In a criminal
9 case, reasonable notice of a hearing to seal or redact must
10 also be given to the victim, if ascertainable, and the
11 person or agency having probationary, custodial, community
12 placement, or community supervision over the affected adult
13 or juvenile. No such notice is required for motions to seal
14 documents entered pursuant to CrR 3.1(f) or CrRLJ 3.1(f).

15
16 (2) ~~After~~ At the hearing, the court may order the court files
17 ~~an and records in the proceeding, or any part thereof, to~~
18 ~~be sealed or redacted if the court makes and enters written~~
19 ~~findings that the specific sealing or redaction is~~
20 ~~justified by identified compelling privacy or safety~~
21 ~~concerns that outweigh the public interest in access to the~~
22 ~~court record. Agreement of the parties alone does not~~
23 ~~constitute a sufficient basis for the sealing or redaction~~
24 ~~of court records. Sufficient privacy or safety concerns~~
25 ~~that may be weighed against the public interest include~~
26 ~~findings that:~~ shall consider and apply the applicable
27 factors and enter specific written findings on the record
28 to justify any sealing or redaction, or denial of a motion
29 to seal or redact.

30
31 (A) For any court record that has become part of the
32 court's decision-making process, the court must
33 consider and apply the following factors:

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35 (i) Has the proponent of sealing or redaction
36 established a compelling interest that gives
37 rise to sealing or redaction, and if it is
38 based upon an interest or right other than an
39 accused's right to a fair trial, a serious and
40 imminent threat to that interest or right; and

41
42 (ii) Has anyone present at the hearing objected to
43 the relief requested; and

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45 (iii) What is the least restrictive means available
46 for curtailing open public access to the
47 record; and

48
49 (iv) Whether the competing privacy interest of the
50 proponent seeking sealing or redaction
51 outweighs the public's interest in the open
52 administration of justice; and

53
54 (v) Will the sealing or redaction be no broader in
55 its application or duration than necessary to
56 serve its purpose.
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COMMENT

GR 15(c)(2)(A) does not address whether the applicable factors identified in Section (c)(2)(A)(i)-(v) must be considered by the court before sealing Juvenile Offender records pursuant to RCW 13.50.050. This section does apply to Juvenile Offender records sealed under the authority of GR 15, only. The applicable factors the court shall consider in a Motion to Seal or Redact incorporates Seattle Times v. Ishikawa, 97 Wn.2d 30 (1982), State v. Sublett, 176 Wn.2d 58, at FN 8 (2012), and other current Washington caselaw.

(B) For any court record that was not a part of the court's decision-making process, the court must consider and apply the following:

(i) Has the proponent of the sealing or redaction established good cause; and

(ii) Should any nonparty with an interest in nondisclosure have been provided notice and an opportunity to be heard and has that notice and opportunity to be heard been provided.

COMMENT

Bennett et al v. Smith Bunday Berman Britton, PS, 176 Wn.2d 303 (2013), held that documents obtained through discovery that are filed with a court in support of a motion that is never decided are not part of the administration of justice and therefore may be sealed under a good cause standard. One of the concerns intended to be addressed by this rule is whether the press should have received notice.

(3) Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records.

(4) Sufficient privacy or safety concerns that may be weighed on a case-by-case basis against the public interest in the open administration of justice include findings that:

(A) The sealing or redaction is permitted by statute; or

(B) The sealing or redaction furthers an order entered under CR 12(f) or a protective order entered under CR 26(c); or

(C) A criminal conviction or an adjudication or deferred disposition for a juvenile offense has been vacated; or

(D) A criminal charge or juvenile offense has been dismissed, and;

(i) The charge has not been dismissed due to an acquittal by reason of insanity or incompetency to stand trial; or

(ii) A guilty finding does not exist on another count arising from the same incident or within the same cause of action; or

(iii) Restitution has not been ordered paid on the charge in another cause number as part of a plea agreement.

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or

- (E) A defendant or juvenile respondent has been acquitted, other than an acquittal by reason of insanity or due to incompetency to stand trial; or
- (F) A pardon has been granted to a defendant or juvenile respondent; or
- (G) The sealing or redaction furthers an order entered pursuant to RCW 4.24.611; or
- (H) The sealing or redaction is of a court record of a preliminary appearance, pursuant to CrR 3.2.1, CrRLJ 3.2.1, or JUCR 7.3 or a probable cause hearing, where charges were not filed; or
- (I) The redaction includes only restricted personal identifiers contained in the court record; or
- (J) Another identified compelling circumstance exists that requires the sealing or redaction.

COMMENT

Additional privacy or safety concerns that may be weighed against the public interest are included based upon the deliberations at the Joint Legislative Court Records Privacy Workgroup in 2012. In Allied Daily Newspapers v. Eikenberry, 121 Wn.2d 205 (1993), the Court held that the presumptive right of public access to the courts is not absolute and may be outweighed by some competing interest as determined by the trial court on a case-by-case basis, according to the Ishikawa guidelines.

- (5) (A) Every order sealing or redacting material in the court file, except for sealed juvenile offenses, shall specify a time period, after which, the order shall expire. The duration specified in an Order Sealing or Redacting shall be no longer than necessary to serve its purpose. The proponent of sealing or redaction has the burden of coming back before the court and justifying any continued sealing or redaction beyond the initial specified time period. The court, in its discretion, may order a court record sealed indefinitely if the court finds that the circumstances and reasons for the sealing will not change over time.
- (B) Any request for public access to a sealed or redacted court record received by the custodian of the record after the expiration of the Order to Seal or Redact shall be granted as if the record were not sealed, without further notice. Thereafter, the record will remain unsealed. This subsection shall not apply to a court if the court's Order to Seal has been destroyed.

COMMENT

Requiring a time period, after which the order sealing or redacting expires, implements the Ishikawa factor that the order must be no broader in its duration than necessary to serve its purpose. The critical

1 distinction between the adult criminal system and the juvenile offender system lies in the 1977 Juvenile
2 Justice Act's policy of responding to the needs of juvenile offenders. Such a policy has been found to be
3 rehabilitative in nature, whereas the criminal system is punitive. State v. Rice, 98 Wn.2d 384 (1982);
4 State v. Schaaf, 109 Wn.2d 1,4(1987); Monroe v. Soliz, 132 Wn.2d 414, 420 (1997); State v. Bennett, 92
5 Wn. App. 637 (1998). Legacy JIS systems do not have the functionality to automatically unseal or
6 unredact a court record upon the expiration of an Order to Seal or Redact.

7 (6) The name of a party to a case may not be redacted, or
8 otherwise changed or hidden, from an index maintained by
9 the Judicial Information System or by a court. The
10 existence of a court file containing a redacted court
11 record is available for viewing by the public on court
12 indices, unless protected by statute.

13
14 COMMENT

15 Existence of a case can no longer be determined for the purpose of public access and viewing, if the case
16 cannot be found by an index search. Redacting the name of a party in the index would prevent the public
17 from moving for access to a redacted record under section (f). The policy set forth in this section is
18 consistent with existing policy when the entire file is ordered sealed, as reflected in section (c) (9).
19

20 (7) ~~(3)~~A No court record shall not be sealed under this section
21 rule when redaction will adequately resolve protect the
22 issues before interests of the court pursuant to subsection
23 (2) above proponent.

24
25 (8) Motions to Seal/Redact when Submitted Contemporaneously
26 with Document Proposed to be Sealed or Redacted - Not to be
27 Filed.

28 (A) The document sought to be sealed or redacted shall
29 not be filed prior to a court decision on the motion.
30 The moving party shall provide the following
31 documents directly to the court that is hearing the
32 motion to seal or redact:

33 (i) The original unredacted document(s) the party
34 seeks to file under seal shall be delivered in
35 a sealed envelope for in-camera review.

36 (ii) A proposed redacted copy of the subject
37 document(s), if applicable.

38 (iii) A proposed order granting the motion to seal or
39 redact, with specific proposed written findings
40 and conclusions that establish the basis for
41 the sealing and redacting and are consistent
42 with the five factors set forth in subsection
43 (2) (a).

44 (B) If the court denies, in whole or in part, the motion
45 to seal or redact, the court will return the original
46 unredacted document(s) and the proposed redacted
47 document(s) to the submitting party and will file the
48 order denying the motion. At this point, the
49 proponent may choose to file or not to file the

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original unredacted document.

(C) If the court grants the motion to seal, the court shall file the sealed document(s) contemporaneously with a separate order and findings and conclusions granting the motion. If the court grants the motion by allowing redaction, the judge shall write the words "SEALED PER COURT ORDER DATED [insert date]" in the caption of the unredacted document before filing.

COMMENT

The rule incorporates the procedure established by State v. McEnroe, 174 Wn.2d 795 (2012).

(9)-(4) Sealing of Entire Court File. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. Except for sealed juvenile offenses, the existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, the charge has been dismissed, the defendant has been acquitted, a pardon has been granted, or the order is to seal a court record of a preliminary appearance or probable cause hearing; then section (d) shall apply. Except for sealed juvenile offenses, the order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.

(10)-(5) Sealing of Specified Court Records. When the clerk receives a court order to seal specified court records the clerk shall:

- (A) On the docket, preserve the docket code, document title, document or subdocument number and date of the original court records; and
- (B) Remove the specified court records, seal them, and return them to the file under seal or store separately. The clerk shall substitute a filler sheet for the removed sealed court record. If the court record ordered sealed exists in a microfilm, microfiche or other storage medium form other than paper, the clerk shall restrict access to the alternate storage medium so as to prevent unauthorized viewing of the sealed court record; and
- (C) File the order to seal and the written findings supporting the order to seal. Except for sealed

1 juvenile offenses, both shall be accessible to the
2 public; and
3

4 (D) Before a court file is made available for
5 examination, the clerk shall prevent access to the
6 sealed court records.

7 ~~(11)-(6)~~ Procedures for Redacted Court Records. When a court record
8 is redacted pursuant to a court order, the original court
9 record shall be replaced in the public court file by the
10 redacted copy. The redacted copy shall be provided by the
11 moving party and shall be a complete copy of the original
12 filed document, as redacted. The original unredacted court
13 record shall be sealed following the procedures set forth
14 in (c) (5).
15

16 (d) Procedures for Vacated Criminal Convictions, Dismissals and
17 Acquittals, Pardons and Preliminary Appearance Records.
18

19 (1) In cases where a criminal conviction has been vacated and
20 an order to seal entered, the information in the public
21 court indices shall be limited to the case number, case
22 type with the notification "DV" if the case involved
23 domestic violence, the ~~adult's defendant's or juvenile's~~
24 name, and the notation "vacated."
25

26 (2) In cases where a defendant has been acquitted, a charge has
27 been dismissed, a pardon has been granted, or the subject
28 of a motion to seal or redact is a court record of a
29 preliminary appearance, pursuant to CrR 3.2.1 or CrRLJ
30 3.2.1, or a probable cause hearing, where charges were not
31 filed, and an order to seal entered, the information in the
32 public indices shall be limited to the case number, case
33 type with the notification "DV" if the case involved
34 domestic violence, the adult's defendant's or juvenile's
35 name, and the notation "non conviction."
36

37 (e) Procedures for Sealed Juvenile Offender Adjudications, Deferred
38 Dispositions, and Diversion Referral Cases. In cases where an
39 adjudication for a juvenile offense, a juvenile diversion
40 referral, or a juvenile deferred disposition has been sealed
41 pursuant to the provisions of RCW 13.50.050 (11) and (12), the
42 existence of the sealed juvenile offender case shall not be
43 accessible to the public.
44

45 COMMENT

46 GR 15(e) does not address whether the applicable factors identified in Section (c)(2)(A)(i)-(v) must be
47 considered by the court before sealing Juvenile Offender records pursuant to RCW 13.50.050.
48 RCW 13.50.050 (11) addresses sealing of juvenile offender court records in cases referred for diversion.
49 RCW 13.40.127 prescribes the eligibility requirements and procedure for entry of a deferred disposition
50 in juvenile offender cases, and the process for subsequent dismissal and vacation of juvenile offender
51 cases in which a deferred disposition was completed. Records sealing provisions for deferred
52 dispositions are contained in RCW 13.50.050. RCW 13.40.127(10)(a)(ii) provides for administrative
53 sealing of deferred disposition in certain circumstances. RCW 13.50.050(14)(a) states that:

54 "Any agency shall reply to any inquiry concerning confidential or sealed records that
55 records are confidential, and no information can be given about the existence or
56 nonexistence of records concerning an individual."

1 This remedial statutory provision is a clear expression of legislative intent that the existence of juvenile
2 offender records that are ordered sealed by the court not be made available to the public. Records sealed
3 pursuant to RCW 13.40.127 have the same legal status as records sealed under RCW 13.50.050. RCW
4 13.40.127(10)(c). The statutory language of 13.50.050(14)(a), included above, differs from statutory
5 provisions governing vacation of adult criminal convictions, reflecting the difference in legislative intent
6 found in RCW 9.94A.640, RCW 9.95.240, and RCW 9.96.060.

8 (f) ~~(e)~~ Grounds and Procedure for Requesting the Unsealing of
9 Sealed Court Records or the Unredaction of Redacted Court
10 Records.

11
12 (1) Order Required.

13 (A) Sealed or redacted court records may be examined by
14 the public only after the court records have been
15 ordered unsealed or unredacted pursuant to this
16 section ~~ex~~, after entry of a court order allowing
17 access to a sealed court record or redacted portion
18 of a court record, or after an order to seal or
19 redact the record has expired. Compelling
20 circumstances for unsealing or unredaction exist when
21 the proponent of the continued sealing or redaction
22 fails to overcome the presumption of openness under
23 the factors in section (c) (2). The court shall enter
24 specific written findings on the record supporting
25 its decision.

26
27 (B) If the time period specified in the Order to Seal or
28 Redact has expired, the sealed or redacted court
29 records shall be unsealed or unredacted without
30 further order of the court in accordance with this
31 rule. This subsection shall not apply to a court if
32 the court's Order to Seal has been destroyed.

33
34 (2) Criminal Cases. A sealed or redacted portion of a court
35 record in a criminal case shall be ordered unsealed or
36 unredacted only upon proof of compelling circumstances,
37 unless otherwise provided by statute, and only upon motion
38 and written notice to the persons entitled to notice under
39 subsection (c) (1) of this rule except:

40
41 (A) If a new criminal charge is filed and the existence
42 of the conviction contained in a sealed record is an
43 element of the new offense, or would constitute a
44 statutory sentencing enhancement, or provide the
45 basis for an exceptional sentence, upon application
46 of the prosecuting attorney the court shall nullify
47 the sealing order in the prior sealed case(s).

48
49 (B) If a petition is filed alleging that a person is a
50 sexually violent predator, upon application of the
51 prosecuting attorney the court shall nullify the
52 sealing order as to all prior criminal records of
53 that individual.

54
55 (3) Civil Cases. A sealed or redacted portion of a court record
56 in a civil case shall be ordered unsealed or unredacted
57 only upon stipulation of all parties or upon motion and

1 written notice to all parties and proof that identified
2 compelling circumstances for continued sealing or redaction
3 no longer exist, or pursuant to RCW chapter 4.24 RCW or CR
4 26(j). If the person seeking access cannot locate a party
5 to provide the notice required by this rule, after making a
6 good faith reasonable effort to provide such notice as
7 required by the Superior Court Rules, an affidavit may be
8 filed with the court setting forth the efforts to locate
9 the party and requesting waiver of the notice provision of
10 this rule. The court may waive the notice requirement of
11 this rule if the court finds that further good faith
12 efforts to locate the party are not likely to be
13 successful.
14

15 COMMENT

16 In State v. Richardson, 177 Wn.2d 351(2013), there was a motion in the trial court to unseal a 1993
17 criminal conviction, which had been sealed in 2002, under an earlier version of GR 15. The State
18 Supreme Court remanded to the trial court for further proceedings, because there was no record of
19 considering the Ishikawa factors. The Supreme Court held that "compelling circumstances" for
20 unsealing exist under GR 15 (e) when the proponent of sealing fails to overcome the presumption of
21 openness under the five-factor Ishikawa analysis. In either case, the trial court must apply the factors.
22

23 (4) Juvenile Proceedings. Inspection of a sealed juvenile
24 court record is permitted only by order of the court upon
25 motion made by the person who is the subject of the record,
26 except as otherwise provided in RCW 13.50.010(8) and
27 13.50.050(23). Any adjudication of a juvenile offense or a
28 crime subsequent to sealing has the effect of nullifying
29 the sealing order, pursuant to RCW 13.50.050(16).
30 Unredaction of the redacted portion of a juvenile court
31 record shall be ordered only upon the same basis set forth
32 in section (2), above.
33

34 (g) ~~(f)~~ Maintenance of Sealed Court Records. Sealed court records
35 are subject to the provisions of RCW 36.23.065 and can be
36 maintained in mediums other than paper.
37

38 (h) ~~(g)~~ Use of Sealed Records on Appeal. A court record, or any
39 portion of it, sealed in the trial court, shall be made
40 available to the appellate court in the event of an appeal.
41 Court records sealed in the trial court shall be sealed from
42 public access in the appellate court, subject to further
43 order of the appellate court.
44

45 (i) ~~(h)~~ Destruction of Court Records.

46 (1) The court shall not order the destruction of any court
47 record unless expressly permitted by statute. The court
48 shall enter written findings that cite the statutory
49 authority for the destruction of the court record.
50

51 (2) In a civil case, the court or any party may request a
52 hearing to destroy court records only if there is express
53 statutory authority permitting the destruction of the court
54 records. In a criminal case or juvenile proceeding, the
55 court, any party, or any interested person may request a
56

1 hearing to destroy the court records only if there is
2 express statutory authority permitting the destruction of
3 the court records. Reasonable notice of the hearing to
4 destroy must be given to all parties in the case. In a
5 criminal case, reasonable notice of the hearing must also
6 be given to the victim, if ascertainable, and the person or
7 agency having probationary, custodial, community placement,
8 or community supervision over the affected adult or
9 juvenile.

10
11 (3) When the clerk receives a court order to destroy the entire
12 court file the clerk shall:

13
14 (A) Remove all references to the court records from any
15 applicable information systems maintained for or by
16 the clerk except for accounting records, the order to
17 destroy, and the written findings. The order to
18 destroy and the supporting written findings shall be
19 filed and available for viewing by the public.

20
21 (B) The accounting records shall be sealed.

22
23 (4) When the clerk receives a court order to destroy specified
24 court records the clerk shall:

25
26 (A) On the automated docket, destroy any docket code
27 information except any document or sub-document
28 number previously assigned to the court record
29 destroyed, and enter "Order Destroyed" for the docket
30 entry; and

31
32 (B) Destroy the appropriate court records, substituting,
33 when applicable, a printed or other reference to the
34 order to destroy, including the date, location, and
35 document number of the order to destroy; and

36
37 (C) File the order to destroy and the written findings
38 supporting the order to destroy. Both the order and
39 the findings shall be publicly accessible.

40
41 (5) Destroying Records.

42
43 (A) This subsection shall not prevent the routine
44 destruction of court records pursuant to applicable
45 preservation and retention schedules.

46
47 (B) ~~(1)~~ Trial Exhibits. Notwithstanding any other provision
48 of this rule, trial exhibits may be destroyed or
49 returned to the parties if all parties so stipulate
50 in writing and the court so orders.

51
52 (j) Effect on Other Statutes. Nothing in this rule is intended to
53 restrict or to expand the authority of clerks under existing
54 statutes, nor is anything in this rule intended to restrict or
55 expand the authority of any public auditor in the exercise of
56 duties conferred by statute.



**WASHINGTON
COURTS**

District and Municipal Court Judges' Association

President

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October 21, 2013

President-Elect

JUDGE VERONICA ALICEA-GALVAN
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Honorable Justice Mary Fairhurst, Chair, JISC
Washington State Supreme Court
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Olympia, WA 98504-0929

Vice-President

JUDGE DAVID STEINER
King County District Court
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Dear Justice Fairhurst:

Secretary/Treasurer

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

Re: Proposal to Amend GR 15

The Rules Committee of the DMCJA Board reviewed a draft proposal to amend GR 15, dated August 9, 2013, and presented a memo to the DMCJA Board. At its September Board meeting, the DMCJA Board voted unanimously to accept the Rules Committee memo, which is attached, along with comments to the draft proposal itself. Both the memo and the comments are attached to this letter.

Past President

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

Thank you for considering these comments. If you have any questions regarding this recommendation, please let me know.

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

Sincerely,

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

Judge David A. Svaren,
President, DMCJA Board

JUDGE MARY C. LOGAN
Spokane Municipal Court
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COMMISSIONER PETE SMILEY
Bellingham Municipal Court
(360) 778-8150

cc: Stephanie Happold, AOC
Jennifer Krebs, AOC
Michelle Pardee, AOC

Attachments:
August 15, 2013, Memo from DMCJA Rules Committee
August 9, 2013, draft amendments to GR 15, with margin comments

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

Memorandum

To: DMCJA Board
From: DMCJA Rules Committee
Date: 8/15/2013
Re: Proposed Amendments to GR 15

Background

The DMCJA Rules Committee was asked to review proposed amendments to General Rule (GR) 15 and provide initial feedback to the DMCJA Board. The draft proposal, dated August 9, 2013, is attached. We had a phone conference with Judge James Heller and Judge Steve Rosen, both of whom sit on the Data Dissemination Committee (DDC), and discussed the draft amendments and the intent and purpose in preparing it. It is our understanding that some member(s) of the Supreme Court requested the DDC to draft proposed amendments to GR 15 to help clarify the process for sealing and redacting court records.

Analysis

There has been substantial case law over the past thirty years discussing the substantive and procedural issues involving the sealing and redacting of court records. It appears the proposed amendments to GR 15 are an attempt to incorporate specific factors contained in case law. *Seattle Times Co., v. Ishikawa*, 97 Wn. 2d (1982); *Dreiling v. Jain*, 151 Wn. 2d 900 (2004); *Rufer v. Abbott Labs.*, 154 Wn 2d 530 (2005). For example, the amendments attempt to incorporate provisions of the recent decision in *Bennett v. Smith Bundy Berman Britton*, 176 Wn.2d, 303, 291 P.3rd 886 (2013). The majority's opinion was written by Justice Chambers with three justices joining. However, *Bennett* contains a strong dissent by four justices and a concurrence in the result only by Justice Madsen, which J. Johnson also joined. There is a question whether the "uber dicta" of the majority opinion in *Bennett* is truly the opinion of the majority of the Supreme Court and should be incorporated into GR 15. GR 15 was substantially amended in 2006. Given some of the statements contained in the concurrence and dissent, and the extensive case law that already exists in this area, it's unclear whether there is need for an amendment to GR 15 at this time.

These reviewers appreciate the effort the DDC has gone to into drafting amendments to GR 15 to incorporate the Supreme Court's opinions on the issues related to sealing and redaction. Whether GR 15 conflicts or replaces the *Ishikawa* factors was addressed in *State v. Waldon*, 148 Wn. App. 952 (2009), *rev. denied* 166 Wn. 2d 1026 (2009). In *Waldon*, the court held: "In sum, revised GR 15 does not fully comply with the constitutional benchmark defined in *Ishikawa*. But it can be harmonized with *Ishikawa* to preserve its constitutionality. We

conclude that GR 15 and *Ishikawa* must be read together when ruling on a motion to seal or redact court records. Many of the appellate cases on this topic reveal that parties have not presented and discussed the *Ishikawa* factors to the trial court and trial judges have consequently failed to apply the factors when deciding motions to seal or redact. Hence, many appellate decisions remand the case to the trial court to apply the *Ishikawa* factors and GR 15 provisions to the motion and enter an order specifically setting forth the court's findings and conclusions

The currently case law in this area is clear that the *Ishikawa* factors, along with other provisions of GR 15 must be used. The amendments attempt to incorporate the factors into GR 15, but due to the numerous comments inserted between various sections of the rule, the amendments are difficult to follow.

One of the changes proposed to GR 15 is the mandatory requirement for an expiration date in the order sealing or redacting. See GR 15(c)(5): "Every order sealing or redacting material in the court file, except for sealed juvenile offenses, shall specify a time period, after which, the order shall expire." It appears that this provision seeks to implement the fifth *Ishikawa* factor that the order be no broader in its application or duration than necessary to serve its purpose and that the order apply for a specific time period with a burden on the proponent to come before the court at a time specified to justify continued sealing. *Id. at 39*. The majority in *Bennett* noted that "with or without an expiration date, an order to seal is always subject to challenge consistent with our open administration of justice jurisprudence." *Bennett* at 893. The requirement for an explicit expiration date raises several issues for trial courts.

Notably, Courts of Limited Jurisdiction are allowed to destroy court records after a period of time, maintaining only the index. If an order sealing a record is set to expire after the document would otherwise be destroyed, is the CLJ required to maintain the sealed record?

It has been noted that the Judicial Information System (JIS) does not currently have the ability to include an expiration date on an order to seal or redact. Would the document(s) remain sealed in JIS until a request to unseal is made?

Another question is whether the proposed amendments are prospective or retrospective? If the amendments to GR 15 are intended to simply incorporate existing appellate case law on this topic, it is assumed its application is retrospective. However, if there are substantive amendments that affect sealing or redaction orders previously entered, there may be significant ramifications on trial courts if there is an expectation trial courts will go back and review formerly sealed or redacted records absent a motion.

There are several concerns with proposed language. For instance, the rule seems unorganized when determining which factors to consider on a motion to seal or redact. Subsection (c) provides the factors a court should consider in deciding a motion to seal or redact. The factors to consider vary depending on when the motion to seal is filed, and what it attempts to protect. Subsection (c)(2)(A) provides factors to consider when a court record was considered by a court in reaching a decision, whereas (c)(2)(B) provides factors to consider when a court record was not considered by a court in reaching a decision. In subsection (c)(8), the rule sets forth the procedure to follow when a motion to seal is made at the same time as the documents proposed to be sealed are filed. For clarity, perhaps these three sections should be closer together as they cover the three possible scenarios.

The proposed rule, under GR 15(c)(2), requires a court to “enter specific findings on the record to justify any sealing or redaction.” For purposes of appellate review, it would seem the court should also enter specific findings when it denies a motion to seal or redact. The lack of a record and detailed findings have been an issue in several reported cases.

Subsection (c)(4) sets forth the privacy or safety concerns that may be weighed against the public interest in open files. While the rule provides factors a court may consider, it does not provide guidance on the weight these factors carry. The parties and the court need to look at case law for this information. *E.g., Waldon* at 334.

Language in two of the subsections is ambiguous, and it is not clear whether the subsections apply only to juvenile offenses or whether they also apply to adult convictions. See GR 15(c)(4)(C) and (D). Likewise, the language in subsection (c)(4)(D)(iii) regarding restitution is confusing.

- (4) Sufficient privacy or safety concerns that may be weighed on a case by case basis against the public interest in the open administration of justice include findings that:
 - ...
 - (C) A criminal conviction or an adjudication or deferred disposition for a juvenile offense has been vacated; or
 - (D) A criminal charge or juvenile offense has been dismissed, and:
 - ...
 - (iii) Restitution has not been ordered paid on the charge in another cause number as part of a plea agreement.

The proposed addition of GR 15(c)(4)(I) appears to be redundant: “The redaction includes only restricted personal identifiers contained in the court record.” By their nature, restricted personal identifiers are already redacted. Does this mean that before a court can redact something that is already supposed to be redacted under court rule, it must go through the analysis to redact any “restricted personal identifiers”?

It is unclear how the following terms are used in the rule, as their usage is not always consistent: “juvenile proceedings”, “court files”, “court records”. It is also unclear how someone is to apply the provisions of GR 15 in relationship to the sealing provisions of GR 22.

We are also providing some “margin” comments to the proposed GR 15 amendments which address specific questions or concerns.

GENERAL RULE 15 As Of 0809013

Draft Amendment

DESTRUCTION, SEALING,
AND REDACTION OF COURT RECORDS

(a) **Purpose and Scope of the Rule.** This rule sets forth a uniform procedure for the destruction, sealing, and redaction of court records. This rule applies to all court records, regardless of the physical form of the court record, the method of recording the court record, or the method of storage of the court record.

(b) **Definitions.**

- (1) "Court file" means the pleadings, orders, and other papers filed with the clerk of the court under a single or consolidated cause number(s).
- (2) "Court record" is defined in GR 31(c) (4).
- (3) "Destroy"—~~To destroy~~ means to obliterate a court record or file in such a way as to make it permanently irretrievable. A motion or order to expunge shall be treated as a motion or order to destroy.
- (4) "Dismissal" means dismissal of an adult criminal charge or juvenile offense by a court for any reason, other than a dismissal pursuant to RCW 9.95.240, ~~or~~ RCW 10.05.120, RCW 3.50.320, or RCW 3.66.067.
- (5) ~~(4) Seal. To s~~"Seal" means to protect from examination by the public and unauthorized court personnel. A motion or order to delete, purge, remove, excise, or erase, or redact shall be treated as a motion or order to seal.
- (6) ~~(5) Redact. To r~~"Redact" means to protect from examination by the public and unauthorized court personnel a portion or portions of a specified court record.
- (7) ~~(6) "Restricted Personal Identifiers"~~ are defined in GR 22(b) ~~(6)~~.
- (8) ~~(7) "Strike" applies to~~ ~~A~~ motion or order to strike and is not a motion or order to seal or destroy.
- (9) ~~Vacate. To v~~"Vacate" means to nullify or cancel.

(c) **Sealing or Redacting Court Records.**

- (1) In a civil case, the court or any party may request a hearing to seal or redact the court records. In a criminal case or juvenile proceedings, the court, any party, or any interested person may request a hearing to seal or redact the court records. Reasonable notice of a hearing to seal must be given to all parties in the case. In a criminal case, reasonable notice of a hearing to seal or redact must also be given to the victim, if ascertainable, and the person or agency having probationary,

Commented [jeg1]: What is the difference between "court file" and "court record"? It would seem that "court record" includes the "case file". In proposed GR 31.1 there is a definition of "case records", which includes "case files". Consistent terminology would be nice.

Commented [jeg2]: Does examination by the public include attorneys to the case? Is it "protecting from examination" or "restricting public access"?

Commented [jeg3]: Why does this reference only GR 22, as redaction of personal identifiers are also mentioned in other court rules?

Commented [jeg4]: Should an interested person be permitted to file a motion in a civil case?

Commented [jeg5]: Should this clarify "an adult criminal case"? A "juvenile proceeding" is not necessarily a juvenile offense proceeding, but it's implied in the way this sentence is drafted.

Commented [jeg6]: This sentence implies that it's an "adult" criminal case, but then notice must be given to a person/agency having custody of the juvenile. Would this just be in decline cases?

custodial, community placement, or community supervision over the affected adult or juvenile. No such notice is required for motions to seal documents entered pursuant to CrR 3.1(f) or CrRLJ 3.1(f).

(2)

~~After At the hearing, the court may order the court files an and records in the proceeding, or any part thereof, to be sealed or redacted if the court makes and enters written findings that the specific sealing or redaction is justified by identified compelling privacy or safety concerns that outweigh the public interest in access to the court record. Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records. Sufficient privacy or safety concerns that may be weighed against the public interest include findings that shall consider the applicable factors and enter specific findings on the record to justify any sealing or redaction.~~

Commented [jeg7]: Delete?

(A) ~~For any court record that has become part of the court's decision-making process, the court must consider the following factors:~~

Commented [jeg8]: Establishing the basis for

Commented [jeg9]: Or denial

Commented [jeg10]: The distinction of records the court has reviewed and relied upon in its decision-making process [announced in the Bennett case] is an awkward standard. If something has been filed in the court file, without a contemporaneous motion to seal, it would seem that the document is open for public review. Will judges be required to go through the court file and determine which pieces of paper the judge considered in making a decision? If a document wasn't considered in a decision, but was not filed under seal, is public access restricted?

~~(i) Has the proponent of sealing or redaction established a compelling interest that gives rise to sealing or redaction, and if it is based upon an interest or right other than an accused's right to a fair trial, a serious and imminent threat to that interest or right, and~~

~~(ii) Has anyone present at the hearing objected to the relief requested; and~~

~~(iii) What is the least restrictive means available for curtailing open public access to the record; and~~

~~(iv) Whether the competing privacy interest of the proponent seeking sealing or redaction outweighs the public's interest in the open administration of justice; and~~

~~(v) Will the sealing or redaction be no broader in its application or duration than necessary to serve its purpose.~~

Commented [jeg11]: Odd word choice. Recognized that the language comes from caselaw. Suggest rewording: e.g., What is the least restrictive means available to protect the identified interest while allowing public access to the record.

COMMENT

~~CR 15(c)(2)(A) does not address Juvenile Offender records sealed pursuant to RCW 13.50.050. This section does apply to juvenile offender records sealed under the authority of CR 15, only.~~

~~The applicable factors the court shall consider in a Motion to Seal or Redact incorporate current Washington caselaw, including:~~

~~Federated Publications v. Kurtz, 94 Wn.2d 254 (1980)~~

~~Seattle Times v. Ishikawa, 97 Wn.2d 20 (1982)~~

~~Allied Daily Newspapers v. Eikenberry, 121 Wn.2d 205 (1993)~~

~~State v. Boneclub, 128 Wn.2d 254 (1995)~~

~~Rufer v. Abbot Laboratories, 154 Wn.2d 530 (2005)~~

~~Dreiling v. Jain, 151 Wn.2d 900 (2004)~~

~~State v. Walden, 148 Wn. App. 952 (2009)~~

~~State v. Coleman, 151 Wn. App. 614, at FN 13 (2009)~~

(B) For any court record that was not a part of the court's decision-making process, the court must consider the following:

Commented [jeg12]: This is really an awkward standard.

(i) Has the proponent of the sealing or redaction established good cause; and

Commented [jeg13]: Good cause for what?

(ii) Has any nonparty with an interest in nondisclosure been provided notice and an opportunity to be heard.

Commented [jeg14]: It may impossible to determine who is a nonparty with an interest.

COMMENT

In Bennett et al v. Smith Bunday Berman Britton, PS, 176 Wn.2d. 303 (2013), the State Supreme Court held that documents obtained through discovery that are filed with a court in support of a motion that is never decided are not part of the administration of justice and therefore may be sealed under a good cause standard.

(3) Agreement of the parties alone does not constitute a sufficient basis for the sealing or redaction of court records.

(4) Sufficient privacy or safety concerns that may be weighed on a case by case basis against the public interest in the open administration of justice include findings that:

Commented [jeg15]: Does this mean that any of these concerns will always weigh against the public interest such that sealing or redaction is allowed?

(A) The sealing or redaction is permitted by statute; or

(B) The sealing or redaction furthers an order entered under CR 12(F) or a protective order entered under CR 26(c); or

(C) A criminal conviction or an adjudication or deferred disposition for a juvenile offense has been vacated; or

(D) A criminal charge or juvenile offense has been dismissed, and:

(i) The charge has not been dismissed due to an acquittal by reason of insanity or incompetency to stand trial; or

(ii) A guilty finding does not exist on another count arising from the same incident or within the same cause of action; or

(iii) Restitution has not been ordered paid on the charge in another cause number as part of a plea agreement.

Commented [jeg16]: This subsection does not make sense. If restitution was paid, is this still a factor?

or

(E) A defendant or juvenile respondent has been acquitted,

other than an acquittal by reason of insanity or due to incompetency to stand trial; or

- (F) A pardon has been granted to a defendant or juvenile respondent; or
- (G) The sealing or redaction furthers an order entered pursuant to RCW 4.24.611; or
- (H) The sealing or redaction is of a court record of a preliminary appearance, pursuant to CrR 3.2.1, CrRLJ 3.2.1, or JUCR 7.3 or a probable cause hearing, where charges were not filed; or
- (I) The redaction includes only restricted personal identifiers contained in the court record; or
- (J) Another identified compelling circumstance exists that requires the sealing or redaction.

Commented [jeg17]: And criminal charges were not subsequently filed

Commented [jeg18]: Why is this needed if the personal identifier redaction rule applies?

COMMENT

Additional privacy or safety concerns that may be weighed against the public interest are included based upon the deliberations at the Joint Legislative Court Records Privacy Workgroup in 2012.

In *Allied Daily Newspapers v. Eikenberry*, 121 Wn.2d 205 (1993), the court held that the presumptive right of public access to the courts is not absolute and may be outweighed by some competing interest as determined by the trial court on a case by case by basis, according to the Ishikawa guidelines.

- (5) Every order sealing or redacting material in the court file, except for sealed juvenile offenses, shall specify a time period, after which, the order shall expire. The proponent of sealing or redaction has the burden of coming back before the court and justifying any continued sealing or redaction beyond the initial specified time period. Any request for public access to a sealed or redacted court record received by the custodian of the record after the expiration of the Order to Seal or Redact shall be granted as if the record were not sealed, without further notice. Thereafter, the record will remain unsealed. The Court, in its discretion, may order a court record sealed indefinitely if the court finds that the circumstances and reasons for the sealing will not change over time.

Commented [jeg19]: Note that the term "court file" is used here, not "court record".

Commented [jeg20]: This provision applies in adult criminal cases and all civil cases, including family law, adoption, etc?

Commented [jeg21]: Is it intended that this provision will be prospective?

Commented [jeg22]: Does this mean that CLJ will have to maintain sealed records until the expiration of the sealing order to allow public access? Will CLJ be permitted to destroy sealed records in conjunction with the usual destruction schedule?

COMMENT

Requiring a time period, after which the order sealing or redacting expires, implements the Ishikawa factor that the order must be no broader in its duration than necessary to serve its purpose. The critical distinction between the adult criminal system and the juvenile offender system lies in the policy of the 1977 Juvenile Justice Act's policy of responding to the needs of juvenile offenders. Such a policy has been found to be rehabilitative in nature, whereas the criminal system is punitive. *State v. Rice*, 98 Wn.2d 384 (1982); *State v. Schaaf*, 109 Wn.2d 1, 4; *Monroe v. Soliz*, 132 Wn.2d 414, 420 (1997); *State v. Bennett*, 92 Wn. App. 637 (1998). Legacy JIS systems do not have the functionality to automatically unseal or unredact a court record upon the expiration of an Order to Seal or Redact.

Commented [jeg23]: There should be no current support for the proposition that the policy underlying the adult criminal system is simply punitive.

Commented [jeg24]: This is a big concern. How will courts keep track of this information?

- (6) The name of a party to a case may not be redacted, or

otherwise changed or hidden, from an index maintained by the Judicial Information System or by a court. The existence of a court file containing a redacted court record is available for viewing by the public on court indices, unless protected by statute.

COMMENT

Existence of a case can no longer be determined for the purpose of public access and viewing, if the case cannot be found by an index search. Redacting the name of a party in the index would prevent the public from moving for access to a redacted record under section (f). The policy set forth in this section is consistent with existing policy when the entire file is ordered sealed, as reflected in section (c) (9).

Commented [Jeg25]: This prohibition conflicts with the opinions in *Indigo Real Estate v. Rousey*, 151 Wn. 941 App (2009) and *Hundtofte v. Encarnacion*, 169 Wn. App. 498 (2013), which provide that the trial court must do a GR 15 and *Sbirkava* factor analysis on such requests. The Supreme Court has granted review in *Hundtofte*.

Commented [Jeg26]: This paragraph is confusing. It seems to refer to an "index" maintained by JIS or a court. Court file available for public viewing on "court indices". Does this include the "court record" and the "court file"? Unless protected by statute... What if the court ordered the redaction of a name and use of initials for some compelling reason? Is the use of a initials or "Janeor John Doe" allowed?

(7) (3) No court record shall be sealed under this rule when redaction will adequately protect the interests of the proponent.

(8) Motions to Seal/Redact when Submitted Contemporaneously with Document Proposed to be Sealed or Redacted - Not to be Filed.

(A) The document sought to be sealed or redacted shall not be filed prior to a court decision on the motion. The moving party shall provide the following documents directly to the court that is hearing the motion to seal or redact:

(i) The original unredacted document(s) the party seeks to file under seal shall be delivered in a sealed envelope for in camera review.

(ii) A proposed redacted copy of the subject document(s), if applicable.

(iii) A proposed order granting the motion to seal or redact, with specific proposed written findings and conclusions that establish the basis for the sealing and redacting and are consistent with the five factors set forth in subsection (2) (a).

Commented [Jeg27]: Is this all done ex parte or is opposing counsel provided a copy of the motion and document sought to be sealed or redacted?

Commented [Jeg28]: Given the developing caselaw, the number of factors could change.

(B) If the court denies, in whole or in part, the motion to seal, the court will return the original unredacted document(s) and the proposed redacted document(s) to the submitting party and will file the order denying the motion. At this point, the proponent may choose to file or not to file the original unredacted document.

Commented [Jeg29]: Or redact?

Commented [Jeg30]: If the documents are returned there is no record for appellate review.

Commented [Jeg31]: Must the order of denial contain specific findings and conclusions

Commented [Jeg32]: How would there ever be a record for appellate review if the documents are returned?

Commented [Jeg33]: Is this sentence necessary? The order may have allow some redaction.

(C) If the court grants the motion to seal, the court shall file the sealed document(s) contemporaneously with a separate order and findings and conclusions granting the motion. If the court grants the motion by allowing redaction, the judge shall write the words "SEALED PER COURT ORDER DATED (insert date)" in the caption of the unredacted document before filing.

Commented [Jeg34]: Is the sealing order available for public review?

COMMENT

The rule incorporates the procedure established by *State v. McEnroe*, 174 Wn. 2d 795 (2012). ~~For withdrawal of documents filed contemporaneously with a Motion to Seal or Redact is incorporated in the rule.~~

(9)-(4) Sealing of Entire Court File. When the clerk receives a court order to seal the entire court file, the clerk shall seal the court file and secure it from public access. All court records filed thereafter shall also be sealed unless otherwise ordered. Except for sealed juvenile offenses, the existence of a court file sealed in its entirety, unless protected by statute, is available for viewing by the public on court indices. The information on the court indices is limited to the case number, names of the parties, the notation "case sealed," the case type and cause of action in civil cases and the cause of action or charge in criminal cases, except where the conviction in a criminal case has been vacated, the charge has been dismissed, the defendant has been acquitted, the governor has granted a pardon, or the order is to seal a court record of a preliminary appearance or probable cause hearing; then section (d) shall apply. Except for sealed juvenile offenses, the order to seal and written findings supporting the order to seal shall also remain accessible to the public, unless protected by statute.

- Commented [Jeg35]: Court file is used here.
- Commented [Jeg36]: Court file is used here.
- Commented [Jeg37]: Court records is used here.
- Commented [Jeg38]: Court file vs. court record

(10)-(5) Sealing of Specified Court Records. When the clerk receives a court order to seal specified court records the clerk shall:

- (A) On the docket, preserve the docket code, document title, document or subdocument number and date of the original court records; and
- (B) Remove the specified court records, seal them, and return them to the file under seal or store separately. The clerk shall substitute a filler sheet for the removed sealed court record. If the court record ordered sealed exists in a microfilm, microfiche or other storage medium form other than paper, the clerk shall restrict access to the alternate storage medium so as to prevent unauthorized viewing of the sealed court record; and
- (C) File the order to seal and the written findings supporting the order to seal. Except for sealed juvenile offenses, both shall be accessible to the public; and
- (D) Before a court file is made available for examination, the clerk shall prevent access to the sealed court records.

- Commented [Jeg39]: The findings and order will have to be generic, otherwise the purpose of protecting the proponent's privacy is circumvented.
- Commented [SUH40]: DDC requested further review and discussion regarding (9) and asked for comments from interested parties.
- Commented [SUH41]: Possible comment added after subsection discussing financial restraints/computer system upgrades.
- Commented [Jeg42]: It becomes confusing when court file, index and court records are used somewhat interchangeably in this rule.
- Commented [Jeg43]: This section assumes old technology and paper records.
- Commented [Jeg44]: How is this accomplished with electronic court records?

(11)-(6) Procedures for Redacted Court Records. When a court record is redacted pursuant to a court order, the original court record shall be replaced in the public court file by the redacted copy. The redacted copy shall be provided by the moving party. The original unredacted court record shall be sealed following the procedures set forth in (c) (5).

(d) Procedures for Vacated Criminal Convictions, Dismissals and Acquittals, Pardons and Preliminary Appearance Records.

- (1) In cases where a criminal conviction has been vacated and an order to seal entered, the information in the public court indices shall be limited to the case number, case type with the notification "DV" if the case involved domestic violence, the adult's defendant's or juvenile's name, and the notation "vacated."
- (2) In cases where a defendant has been acquitted, a charge has been

Commented [Jeg45]: Juvenile offense and juvenile proceedings are used in the rule, and the distinction is not always clear.

dismissed, a pardon has been granted, or the subject of a motion to seal or redact is a court record of a preliminary appearance, pursuant to CrR 3.2.1 or CrRLJ 3.2.1, or a probable cause hearing, where charges were not filed, and an order to seal entered, the information in the public indices shall be limited to the case number, case type with the notification "DV" if the case involved domestic violence, the adult's defendant's or juvenile's name, and the notation "non conviction."

- (e) **Procedures for Sealed Juvenile Offender Adjudications, Deferred Dispositions, and Diversion Referral Cases.** In cases where an adjudication for a juvenile offense, a juvenile diversion referral, or a juvenile deferred disposition has been sealed pursuant to the provisions of RCW 13.50.050 (11) and (12), the existence of the sealed juvenile offender case shall not be accessible to the public.

COMMENT

GR 15(e) does not address whether the applicable factors identified in Section (c)(2)(A)(i)-(v) must be considered by the court before sealing juvenile offender records pursuant to RCW 13.50.050. RCW 13.50.050 (11) addresses sealing of juvenile offender court records in cases referred for diversion.

RCW 13.40.127 prescribes the eligibility requirements and procedure for entry of a deferred disposition in juvenile offender cases, and the process for subsequent dismissal and vacation of juvenile offender cases in which a deferred disposition was completed. Records sealing provisions for deferred dispositions are contained in RCW 13.50.050. RCW 13.40.127(10) (a) (iii) provides for administrative sealing of deferred disposition in certain circumstances. RCW 13.50.050(14) (a) states that:

"Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual."

This remedial statutory provision is a clear expression of legislative intent that the existence of juvenile offender records that are ordered sealed by the court not be made available to the public. Records sealed pursuant to RCW 13.40.127 have the same legal status as records sealed under RCW 13.50.050. RCW 13.40.127(10) (c). The statutory language of 13.50.050(14) (a), included above, differs from statutory provisions governing vacation of adult criminal convictions, reflecting the difference in legislative intent found in RCW 9.94A.640, RCW 9.95.240, and RCW 9.96.060.

Commented [Jeg46]: Is this COMMENT really needed?

Commented [Jeg47]: The Court is not an agency.

- (e)-(f) **Grounds and Procedure for Requesting the Unsealing of Sealed Court Records or the Unredaction of Redacted Court Records.**

- (1) **Order Required.** Sealed or redacted court records may be examined by the public only after the court records have been ordered unsealed or unredacted pursuant to this section or, after entry of a court order allowing access to a sealed court record or redacted portion of a court record, or after an order to seal or redact the record has expired. Compelling circumstances for unsealing or unredaction exist when the proponent of the continued sealing or redaction fails to overcome the presumption of openness under the factors in section (c)(2). The court shall enter specific findings on the record supporting its decision.
- (2) **Criminal Cases.** A sealed or redacted portion of a court record in a criminal case shall be ordered unsealed or unredacted only upon proof of compelling circumstances, unless otherwise provided

Commented [Jeg48]: Unredaction... awkward word choice. Grounds and Procedure for Requesting the Recision of an Order Sealing or Redacting Court Records [Court files?].

Commented [Jeg49]: Court files too?

Commented [Jeg50]: So this would allow a motion to rescind an order sealing or redacting soon after the original sealing/redaction order was entered. Is the burden shifting with this provision? Is this language needed given section 2 [below].

Commented [SUN51]: DDC requested further review as it relates to the *Bennett* case.

Commented [Jeg52]: Note: court record is used here.

by statute, and only upon motion and written notice to the persons entitled to notice under subsection (c) (1) of this rule except:

(A) If a new criminal charge is filed and the existence of the conviction contained in a sealed record is an element of the new offense, or would constitute a statutory sentencing enhancement, or provide the basis for an exceptional sentence, upon application of the prosecuting attorney the court shall nullify the sealing order in the prior sealed case(s).

(B) If a petition is filed alleging that a person is a sexually violent predator, upon application of the prosecuting attorney the court shall nullify the sealing order as to all prior criminal records of that individual.

(C) If the time period specified in the Order to Seal or Redact has expired, the sealed or redacted court records shall be unsealed or unredacted without further order of the court in accordance with this rule.

Commented [jeg53]: If there is a time period in the order, isn't the order self-executing? Should this sentence say the "records are available for public access without further court order"?

(3) Civil Cases. A sealed or redacted portion of a court record in a civil case shall be ordered unsealed or unredacted only upon stipulation of all parties or upon motion and written notice to all parties and proof that identified compelling circumstances for continued sealing or redaction no longer exist, or pursuant to RCW chapter 4.24 RCW or CR 26 (j). If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that further good faith efforts to locate the party are not likely to be successful.

Commented [jeg54]: It seems that the provisions of this section conflict with the provisions of GR 22, Access to Family Law and Guardianship Court Records.

Commented [jeg55]: Note: court record is used here.

Commented [jeg56]: It seems that this burden differs from (f) (1), i.e., compelling circumstances for unsealing exist when the proponent of sealing fails to overcome the presumption of openness under the factors.

Commented [jeg57]: CRLJ 26 as well?

Commented [jeg58]: CLJ Rules?

Commented [jeg59]: Or sworn declaration?

COMMENT

In State v. Richardson, 177 Wn.2d 351(2013), there was a motion in the trial court to unseal a 1993 criminal conviction, which had been sealed in 2002, under an earlier version of GR 15. The State Supreme Court remanded to the trial court for further proceedings, because there was no record of considering the Ishikawa factors. The Supreme Court held that "compelling circumstances" for unsealing exist under GR 15 (e) when the proponent of sealing fails to overcome the presumption of openness under the five factor Ishikawa analysis. In either case, the trial court must apply the factors.

(4) Juvenile Proceedings. Inspection of a sealed juvenile court record is permitted only by order of the court upon motion made by the person who is the subject of the record, except as otherwise provided in RCW 13.50.010(8) and 13.50.050(23). Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order, pursuant to RCW 13.50.050(16). Unredaction of the redacted portion of a juvenile court record shall be ordered only upon the same basis set forth in section (2), above.

Commented [jeg60]: Do juvenile proceedings include: juvenile offenses, truancy, alternative placement, dependency, etc?

~~(f)~~(g) Maintenance of Sealed Court Records. Sealed court records are subject to the provisions of RCW 36.23.065 and can be maintained in mediums other than paper.

Commented [jeg61]: And Redacted?

Commented [jeg62]: And redacted?

Commented [jeg63]: Court files?

(g)-(h) Use of Sealed Records on Appeal. A court record, or any portion of it, sealed in the trial court shall be made available to the appellate court in the event of an appeal. Court records sealed in the trial court shall be sealed from public access in the appellate court subject to further order of the appellate court.

Commented [jeg64]: And Redacted?

Commented [jeg65]: And redacted?

(h)-(i) Destruction of Court Records.

(1) The court shall not order the destruction of any court record unless expressly permitted by statute. The court shall enter written findings that cite the statutory authority for the destruction of the court record.

Commented [jeg66]: Any court record, any court file?

(2) In a civil case, the court or any party may request a hearing to destroy court records only if there is express statutory authority permitting the destruction of the court records. In a criminal case or juvenile proceeding, the court, any party, or any interested person may request a hearing to destroy the court records only if there is express statutory authority permitting the destruction of the court records. Reasonable notice of the hearing to destroy must be given to all parties in the case. In a criminal case, reasonable notice of the hearing must also be given to the victim, if ascertainable, and the person or agency having probationary, custodial, community placement, or community supervision over the affected adult or juvenile.

Commented [jeg67]: Definition of "juvenile proceeding"

(3) When the clerk receives a court order to destroy the entire court file the clerk shall:

Commented [jeg68]: Court file is used here and the subsection A uses court records.

(A) Remove all references to the court records from any applicable information systems maintained for or by the clerk except for accounting records, the order to destroy, and the written findings. The order to destroy and the supporting written findings shall be filed and available for viewing by the public.

Commented [jeg69]: Why the exception for accounting records?

Commented [jeg70]: Public access.

(B) The accounting records shall be sealed.

Commented [jeg71]: Is this because of the Auditor? If they are sealed, the Auditor cannot see them.

(4) When the clerk receives a court order to destroy specified court records the clerk shall:

(A) On the automated docket, destroy any docket code information except any document or sub-document number previously assigned to the court record destroyed, and enter "Order Destroyed" for the docket entry; and

(B) Destroy the appropriate court records, substituting, when applicable, a printed or other reference to the order to destroy, including the date, location, and document number of the order to destroy; and

(C) File the order to destroy and the written findings supporting the order to destroy. Both the order and the findings shall be publicly accessible.

Commented [jeg72]: Available for public access.

(5) Destroying Records.

(A) This subsection shall not prevent the routine destruction of court records pursuant to applicable

Commented [jeg73]: Does this include court files?

preservation and retention schedules.

~~(i)~~ (B) Trial Exhibits. Notwithstanding any other provision of this rule, trial exhibits may be destroyed or returned to the parties if all parties so stipulate in writing and the court so orders.

Commented [Jeg74]: Where are these preservation and retention schedules found? Are courts relying upon schedules set for in the PRA? Is there a statute or court rule establishing these schedules?

(j) **Effect on Other Statutes.** Nothing in this rule is intended to restrict or to expand the authority of clerks under existing statutes, nor is anything in this rule intended to restrict or expand the authority of any public auditor in the exercise of duties conferred by statute.

Commented [Jeg75]: After any applicable appeal period has expired or appeals exhausted?

Harvey, Sharon

From: Phillips, Glenn <GPhillips@kentwa.gov>
Sent: Tuesday, April 15, 2014 8:26 AM
To: Harvey, Sharon
Subject: RE: Court Retention of Certification of Compliance Forms

Ms. Harvey:

We have a couple different opinions at our court.

Myself, our court administrator and court supervisor believe it should be 3 years – although we can't give you any basis as to how we came up with that time period, it just seemed right.

Judge Jorgensen doesn't see why they shouldn't be held forever, but at least a minimum 5 years – again no basis for the period, just that it seemed appropriate to her.

Hope this helps.

Glenn Phillips, Judge
Kent Municipal Court

From: District and Municipal Court Judges' Association [mailto:DMCJA@LISTSERV.COURTS.WA.GOV] **On Behalf Of** Harvey, Sharon
Sent: Monday, April 14, 2014 2:49 PM
To: DMCJA@LISTSERV.COURTS.WA.GOV
Subject: [DMCJA] Court Retention of Certification of Compliance Forms

Dear DMCJA Members:

The Office of the Secretary of State would like to gather information regarding how long the courts of limited jurisdiction (CLJs) need or should retain the Certification of Compliance forms that are required under Supreme Court Order #25700-A-1004. This Order relates to the New Standards for Indigent Defense and Certification of Compliance. The Secretary of State's Office develops and promulgates records retention schedules for state agencies. It is anticipated that these certifications will take the form of a document that is submitted by a public defender to the court on a quarterly basis. Please let me know by noon on Friday, April 18, 2014, if you have any input regarding how long CLJs should retain these Certificate of Compliance forms. Thank you in advance.

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

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Harvey, Sharon

From: Terri Cooper <tcooper@cityofcheney.org>
Sent: Monday, April 14, 2014 3:35 PM
To: Harvey, Sharon
Subject: RE: Court Retention of Certification of Compliance Forms

Hi Sharon, My thought is they are administrative records and therefore should be kept for six years.

Terri Cooper

Commissioner
Cheney Municipal Court
611 2nd St
Cheney, WA 99004
(509) 498-9232

From: District and Municipal Court Judges' Association [mailto:DMCJA@LISTSERV.COURTS.WA.GOV] **On Behalf Of**
Harvey, Sharon
Sent: Monday, April 14, 2014 2:49 PM
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Harvey, Sharon

From: Tim Jenkins <timj@ci.sumner.wa.us>
Sent: Wednesday, April 16, 2014 9:10 AM
To: Harvey, Sharon
Cc: Cathy Pashon
Subject: RE: Court Retention of Certification of Compliance Forms

Ms. Harvey: I suggest 8 years because public defense (especially for private firms) is a matter of contract. The statute of limitations on contract issues is 6 years. This would add the jurisdiction on most misdemeanor criminal matters (2 years) for a reasonable period of eight years. Of course DUI and DV cases can be open for 5 years. The main reason for retention of these records would be a challenge (litigation) by an aggrieved defendant as to ineffective representation by defense counsel and the Certificates would be essential evidence in such a challenge. It is hard to cover all possible scenarios, especially when cases can be out on warrant for many years, but only permanent retention would cover all possibilities. Judge Tim Jenkins, Sumner Municipal

From: District and Municipal Court Judges' Association [mailto:DMCJA@LISTSERV.COURTS.WA.GOV] **On Behalf Of** Harvey, Sharon
Sent: Monday, April 14, 2014 2:49 PM
To: DMCJA@LISTSERV.COURTS.WA.GOV
Subject: [DMCJA] Court Retention of Certification of Compliance Forms

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Sincerely,

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ARTICLE VII - Board of Governors

Section 1. Membership:

There shall be fourteen members of the DMCJA Board of Governors elected from the membership at large, of whom five (5) shall be officers, and nine (9) shall be board members and shall be designated as board positions one (1) through nine (9). Board membership shall at all times include at least three municipal court judges of whom one is part-time, three district court judges of whom one is part-time, and one commissioner or magistrate, and positions one (1) through seven (7) shall be designated respectively. Positions eight (8) and nine (9) shall be open positions.

If any position designated one (1) through seven (7) is not filled because there is no candidate for the position, then that position shall be filled by a qualified candidate by appointment by the President with ratification of the Board of Governors at the first Board meeting following the annual election.

If after any annual election there is not at least one member of the Board of Governors from a minority group and one member from each gender, the Board of Governors shall be increased to include such additional member or members by appointment by the President with ratification of the Board of Governors at the first Board meeting following the annual election. The additional member or members so elected shall serve for a three-year term.

Hinchcliffe, Shannon

From: Hahn, Sondra
Sent: Monday, April 07, 2014 8:54 AM
To: Krebs, Jennifer; Dittman, Pam; Pardee, Michelle; Hinchcliffe, Shannon; Harvey, Sharon; Watson, Anne; McDougall, Regina; Delostrinos, Cynthia; Pugh-Markie, Danielle; Bricker, Cindy; Skreen, Janet; McDougall, Regina; Bondon, Shirley; Sullins, Nan; Alfasso, Lynne
Cc: Anderson, Judith
Subject: 2015 Fall Conference - Association Committee Meetings/Business

Greetings Association Committee Staff,

Judith shared that the 2015 Annual Conference will be different and run in conjunction with the American Judges Association (AJA) and the National Association of State Judicial Educators (NASJE), October 2-9, 2015 in Seattle. AOC will not have a role in contracting with the facility or running the conference in 2015. Because of this, there will be room rental costs for committee meeting spaces, but at this point we do not know what the rates will be. The Chief is planning to hold a joint business meeting but the associations may choose to skip their individual meetings in 2015 since turnout is generally poor.

The best guess is that Washington State judges will be funded to participate in the Sunday thru Wednesday portion of the conference, but will be allowed to attend the full week if they choose. Reimbursement for travel, meaning mileage & airfare, may be reduced or eliminated for this program, which is different than typical fall conferences.

Although unlikely, if you can confirm now that your committee(s) will want to meet during this conference, let me know and we can pass on word to AJA. I've marked my calendar to bring up this subject again early next year. By that point we should know more.

Thanks,

*Sondra Hahn
Administrative Office of the Courts
PO Box 41170
Olympia WA 98504-1170
360-705-5276
360-956-5700 FAX*

