



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

MEETING MINUTES

Members Present:

Chair, Judge Alicea-Galvan
Judge Ahlf
Judge Burrowes
Judge Gehlsen
Judge Jahns
Judge Marinella
Judge Meyer
Commissioner Noonan
Judge Olwell
Judge Ringus (non-voting)
Judge Robertson
Judge Staab
Judge Steiner
Judge Svaren

Guests:

Judge Harold Clark III, SCJA
Ann Danieli, Esquire, WSBA
Ms. Suzanne Elsner, DMCMA
Judge James Heller
Ms. Deena Kaelin, MCA

AOC Staff:

Ms. Vicky Cullinane
Ms. Sharon R. Harvey

Members Absent:

Judge Garrow (non-voting)
Judge Jasprica (non-voting)
Judge Lambo (non-voting)
Judge Smith

Judge Alicea-Galvan, District and Municipal Court Judges' Association (DMCJA) President, noted that a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 PM.

GENERAL BUSINESS

Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes dated November 14, 2014.

Treasurer's Report

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

Special Fund Report

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

Standing Committee Reports

Diversity Committee

Judge Willie Gregory, DMJCA Diversity Committee Chair, provided correspondence and evaluation results regarding a Pro Tem Training sponsored by the Diversity Committee. Judge Gregory was unable to attend the December Board meeting because of unforeseen circumstances, and, therefore, will present at the January meeting.

Education Committee

Judge Burrowes presented the evaluation results for the 2014 DMCJA Spring Conference, which received an overall "good" rating. Although many participants enjoyed the plenary sessions, some requested break-out sessions and civil law sessions for future Spring Conferences. Judge Burrowes reported that the 2015 DMCJA Spring Conference will be curriculum driven and modeled on a five year curriculum plan. The focus will be on core values instead of specialty issues. Judge Burrowes informed that no proposals are being accepted now; however, if the education proposal focuses on a curriculum plan, then it will be accepted. Judge Burrowes stated that all previous proposals were accepted except for language access. The Minority and Justice Commission and the Gender and Justice Commission will present at the 2015 Spring Conference. Additionally, there will be updates for legal financial obligations (LFO) and General Rule (GR) 31 that will be a repeat of the 2014 Annual Fall Conference in Spokane, WA. The Administrative Office of the Courts (AOC) Staff will be necessary to support multiple break-out sessions. Judge Burrowes further reported that The Neuroscience of Judicial Decision-Making presentation received the second highest ratings but Ms. A. Kimberly Papillon, the presenter, was very expensive. The benefits of this presentation will lead the DMCJA Education Committee to request funds in order to retain such beneficial speakers.

Rules Committee

The DMCJA Rules Committee provided written meeting minutes dated October 15, 2014.

Therapeutic Courts Committee

The DMCJA Therapeutic Courts Committee provided written meeting minutes dated September 22, 2014. This Committee meets twice a year at (1) the DMCJA Spring Conference, and (2) the Annual Fall Conference.

Legislative Committee

Judge Meyer reported that Melanie Stewart, DMCJA Lobbyist, is in the process of getting the DMCJA legislative agenda bills drafted. Judge Meyer met with Judge Kitty-Ann van Doorninck, former Chair and SCJA Legislative Committee member, and determined that communications between the SCJA and DMCJA will be good as both have a mutual interest. Judge Meyer further informed that he attended the Electronic Home Monitoring (EHM) Workgroup meeting on Friday, December 5, 2014, and learned that standards would apply to any EHM legislation. Judge Glenn Phillips, DMCJA Representative for the Driving Under the Influence of Intoxicants (DUI) Workgroup, met with the DUI Workgroup and discussed a DUI bill. Judge Meyer then stated that the DMCJA Executive Legislative Committee will convene on Monday, January 12, 2015. Judge Meyer will provide an update at every Board meeting during the 2015 Legislative Session.

Judicial Information System Committee (JISC) Representatives

DMCJA Representatives for the JISC, Judge Heller and Judge Steve Rosen, were asked to regularly attend Board meetings in order to keep the Board informed of the new courts of limited jurisdiction case management system (CLJ-CMS) project. Judge Heller, who has been a JISC member since 1987, provided the JISC history and his long-time commitment to the CLJ-CMS project. He informed that there was a plan to replace the Superior Court Management Information System (SCOMIS) in the 1980's, but the CLJ system at the time (WANG) was so bad, that the DISCIS system had to be built. JISC started the District and Municipal Court Information System (DISCIS) in the 1980's. Once DISCIS was built, SCOMIS became a priority for system replacement. Thus, the new CLJ-CMS replacement project is just now getting started. At present, the JISC is in the process of acquiring a new case management system for limited jurisdiction courts, however, the biggest issue is legislative funding for the project. Judge Heller informed that the legislature has taken money out of the JIS fund several years in a row to balance the general fund budget. The JISC is trying to protect the funding for the new CLJ-CMS system. The legislature passed a proviso requiring superior courts to meet data standards in order to obtain state funding. Legislators have said we can expect the same proviso on future funding. Judge Heller briefly mentioned the ground work that went into the CLJ-CMS project, the compromises, and the time and effort that has occurred, at the same time as the Superior Court CMS (SC-CMS) project is being worked on. The pilot court for that project, Lewis County, is estimated to be on the new system by June 2015. Judge Heller further explained that the JISC recommended amendments to JISCR 13 in order to maintain a statewide database that would maintain the statewide data. Judge Heller stated that he voted for

JISCR 13 because the data standards would allow data to be shared among Washington state trial courts, which has been the ideal since the mid-1980s. He stated that the JISC is working on solutions for courts that have opted out of the CMS project. Judge Heller stated that it is his desire for all courts to participate in the project in order for all CLJs to exchange crucial court information. Judge Alicea-Galvan informed the Board that the comment period for JISCR 13 opens on December 23, 2014. The DMCJA Steering Committee and CUWG will pass along comments to approve the Rule. The Board will have a robust discussion regarding JISCR 13 at its January meeting. The Board will then send a letter stating its position regarding the Rule.

Trial Court Advocacy Board (TCAB) Update

Judge Steiner reported that all trial court judges have received a TCAB letter encouraging them to contact their local legislators in order to familiarize legislators with the work of the trial courts. The TCAB continues to address the Trial Court Security issue.

JIS Report

Ms. Cullinane provided talking points regarding the CLJ- CMS project that may be used when a judge speaks with a local legislator. The project will need seven million and two hundred thousand dollars (\$7.2 million) in funding in order to initiate and complete the vendor selection process and prepare existing systems for the transition to the new CMS. She further revealed that the procurement process for the vendor would likely take one year based on the Superior Court case management process. Ms. Cullinane distributed color copies of the Court User Work Group (CUWG) project timeline and informed that the CUWG is ahead of schedule. She also directed Board members to review resource information contained in the December Board packet.

LIAISON REPORTS

DMCMA – Ms. Elsner reported that the District and Municipal Court Management Association (DMCMA) Education Retreat will be held the first two weeks of December 2014. General Rule (GR) 31.1 will be discussed at the Retreat.

MCA – Ms. Kaelin reported that the Misdemeanant Corrections Association (MCA) Spring Conference will be held from April 20-22, 2015 at the Enzian Inn in Leavenworth, WA. Scholarships are available for MCA probation officers.

SCJA – Judge Clark III reported that the Superior Court Judges Association (SCJA) met on December 5, 2014 for its annual legislative meeting for which Judge Steiner attended. The SCJA Legislative Committee Chair shared meeting information with Judge Meyer on Monday, December 8, 2014. At the annual meeting, the SCJA talked about the Supreme Court budget, court interpreter issues and the impacts to Superior Court, the JIS project needing twelve million dollars (\$12 million) in funding, and probate and guardianship on the criminal side. Judge Clark III also reported that the Justice Reinvestment Task Force proposal to push back from prison and jail, which would take a huge bite out of county funds, was discussed at the annual meeting. Further, mental health funding legislation was also discussed at the SCJA Board meeting. Judge Steiner added that the goal is to avoid jail or prison time. Thus, the Adult Static Risk Assessment (ASRA) Committee will strive to marry jail with supervision and treatment in order to create better people. There are funding issues, however. The SCJA is also watching issues related to Juvenile Family law.

WSBA – Ms. Danieli reported that the Washington State Bar Association (WSBA) is raising Business and Occupation (B&O) taxes and working on rules for how Limited License Legal Technicians (LLLTs) should operate. The WSBA will raise Bar dues because it is losing money on continued legal education courses.

AOC – Ms. Harvey reported that AOC representatives met with DOL representatives regarding a DOL proposal to set a mandatory two hundred dollars (\$200) one-time Ignition Interlock Device (IID) fee in DUI cases in order to finance IIDs for the indigent. The AOC dissuaded the DOL from moving forward with the proposal by proving that DOL would not create the revenue anticipated.

BJA – Judge Ringus reported on budget proposals relating to the Judiciary.

DISCUSSION

Skagit County District Court Judicial Needs Request
M/S/P to make this an action item.

DMCJA Policy Regarding Status of Judge When Court Is Dissolved

The Board discussed the status of Judge Kayne, former Medical Lake Municipal Court judge whose court dissolved when it contracted with the Cheney District Court. The Board determined that an appointed judge is a judge until (1) the end of the contract, or (2) the judge is removed. It was suggested that a policy regarding judges with dissolved courts be placed in the Bylaws. Judge Svaren recommended the Board send a letter to the Rules Committee regarding a Bylaw for Judicial status. Judge Steiner recommended the Board look at current Rules that may already address the issue. The Board decided to maintain the status quo regarding Judge Kayne and allow him to remain a DMCJA member until the end of his term in 2017.

Proposed Amendments to Judicial Information System Committee Rules (JISCR) 13

The Board addressed JISCR 13 during Judge Heller's presentation. Judge Alicea-Galvan informed that the comment period begins on December 23, 2014.

Access to Justice Board's (AJB) Proposed Changes to Code of Judicial Conduct (CJC)

The AJB would like to meet with DMCJA members on Friday, January 9, 2015, to discuss the AJB's proposed changes to the Comments of the CJC relating to pro se civil litigants. Judge Svaren discussed possible ethical issues that may occur when judges tell litigants what to do, and, provided the history of this 2013 proposal. Both the DMCJA, via Rules Committee Chair, Judge Garrow, and the SCJA sent letters to the AJB stating their opposition to the proposed amendment. Thus, the AJB did not go forward with its proposal. Chief Justice Madsen requested the DMCJA, SCJA, and AJB get together and discuss the issue. Hence, the group will meet for a consensus on Rule changes that meet the needs of pro se litigants. Judge Svaren volunteered to attend the meeting and will contact a DMCJA Rules Committee member to attend.

California Civil Lawsuit

The DMCJA President provided the Board with a copy of a DMCJA letter denying a California litigant's request for DMCJA support in a civil lawsuit regarding the repossession of a vehicle.

Memorandum to DMCJA President regarding Revised Proposal to Amend CrRLJ 3.2

M/S/P to make this issue an action item at the January meeting because, although the Board had reviewed the DMCJA Rules Committee "Comment" to Criminal Rules for the Courts of Limited Jurisdiction (CrRLJ) 3.2, this was the first time the Board had seen the CrRLJ amendment. During the discussion, it was stated that the Rule is mandated by the Legislature, and, the statute is not inconsistent with the amended Rule. Judge Ringus warned, however, to make the Rule generic and not too specific.

ACTION

Memorandum to DMCJA President regarding Revised Proposal to Amend CrRLJ 3.2
M/S/P to make this action item a discussion item.

Skagit County District Court Judicial Needs Request

M/S/P to draft a letter to the Board for Judicial Administration (BJA) regarding Skagit County District Court's request for an additional judge.

OTHER BUSINESS

A. The next Board Meeting will be held on Friday, January 9, 2014, 12:30 PM to 3:30 PM, at the AOC SeaTac Office Center in SeaTac, Washington.

ADJOURNED at 2:03 PM.

