



DMCJA Board of Governors Meeting
Friday, March 13, 2015, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office

MEETING MINUTES

Members Present:

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

Guests

Judge Marcine Anderson
Shirley L. Bluhm, Esq., WSAJ
Judge Harold Clarke III, SCJA
Ann Danieli, Esq., WSBA
Ms. Suzanne Elsner
Ms. Deena Kaelin, MCA
Judge T.W. "Chip" Small

AOC Staff:

Ms. Vicky Cullinane
Ms. Callie Dietz
Ms. Sharon R. Harvey
Mr. Dirk Marler
Mr. Ramsey Radwan

Members Absent:

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

Judge David Steiner, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 PM. All attendees were asked to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the February 13, 2015 Board Meeting Minutes.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Ahlf informed that he included the list of DMCJA members in good standing in the March Board packet.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Marinella informed that the Special Fund earned three dollars and sixty five cents (\$3.65) in interest. He also requested an agenda item regarding whether to pay a small sum annually for the Special Fund dues in order to fund activities relating to judges' retirement plans. The Special Fund dues is typically discussed at the November Board meeting before the request for dues is sent to the entire DMCJA membership.

D. Judicial Information System Committee (JISC) Update

Mr. Ramsey Radwan, Administrative Office of the Courts (AOC) Management Services Division Director, discussed the March 6, 2015 JISC meeting in which a request for an increase in assessments and base penalty fees was discussed. Mr. Radwan stated that the Judicial Information System (JIS) Account needs funding in order to support the new Case Management System (CMS) Projects underway. According to Mr. Radwan, the Legislature has taken approximately twenty-two million dollars from the JIS Account in recent years. Thus, in order to fund the Account to the levels necessary for the next biennium, Mr. Radwan recommends an increase in infraction assessments from seventeen dollars (\$17) to twenty-three (\$23) and a base penalty fee amount from forty-two dollars (\$42) to forty-eight dollars (\$48). Mr. Radwan provided the Board with an electronic copy of the report presented to the JISC on March 6, 2015.

E. Standing Committee Reports

1. Legislative Committee

Judge Meyer reported that Friday, March 13, 2015, was the sixty first day in the one hundred five day 2015 Legislative Session. Judge Meyer then informed of DMCJA bills of interest, which include (a) Senate Bill (SB) 5125 and House Bill (HB) 1248, which are bills relating to an increase in the district court jurisdiction limit from seventy-five thousand dollars (\$75,000) to one hundred thousand dollars (\$100,000), (b) SB 5174, which establishes an additional judge for Skagit County District Court, (c) SB 5107, which encourages the establishment of Therapeutic courts, (d) HB 1390, which relates to legal financial obligations, (e) HB 1276, which relates to driving under the influence, (f) HB 1282, which relates to driving while license is suspended for a failure to pay child support, (g) HB 1943, a bill regarding electronic home monitoring, (h) HB 1397, a bill regarding public disclosure commission (PDC) requirements relating to judges' addresses, and (h) SB 5980 and SB 5982, bills regarding retirement plans. The bills listed above have passed their original chambers and are now being heard in the opposite chambers. For instance, House Bills are now being heard in the Senate and vice-versa. Judge Finkle has testified for the Therapeutic courts bill. Judge Buckley will testify on HB 1397 regarding the PDC request for judges to report their home addresses.

2. Rules Committee

Judge Robertson reported that she has drafted a letter for Judge Steiner to sign regarding Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 2.1, which relates to Citizens Complaints. The letter is located in the March Board packet.

Trial Court Advocacy Board (TCAB)

Judge Steiner reported that the TCAB two-year draft work plan will be added to the Information section of the April 2015 Board packet. He further reported that the TCAB discussed the issue of courtroom interpreters, which was initiated by Supreme Court Justice Steven Gonzalez, Court Interpreter Commission Chair, and Mr. Robert "Bob" Lichtenberg, AOC Staff for the Commission. Interpreter issues arise in rural courts where interpreter costs are extremely expensive. The issue is ongoing in the Legislature. There will be a meeting to encourage trial court judges to contact their legislators. Further, TCAB will adopt its Trial Court Security Rule when it is approved by the DMCJA. The TCAB also discussed issues regarding future staffing and a possible Charter amendment. It was recommended that TCAB champion issues relating to the legislative budget.

JIS Report

Ms. Cullinane reported that the CLJ Case Management System (CLJ-CMS) project is going well and is on schedule. The Court User Work Group is working on the future state: how court business

should look in the future. She said the success of the project will depend on getting the \$7.2 million legislative funding for the 2015-17 biennium. It is very important for everyone to reach out to their legislators. She reported that two important developments could affect the successful completion of the project. The first is the JIS assessment increase. The second is a request from legislators that AOC work with King County on a plan and budget for speeding up work on the information networking hub (INH) project. The INH is a necessary part of the planning for transition from the current case management systems to new ones, including the CLJ-CMS. As we transition from the old systems to the new ones, it will allow the two machines to talk to each other, so judges and others can view data from multiple systems. Ms. Callie Dietz, Washington State Court Administrator, reported that House Representatives Zack Hudgins and Ross Hunter asked AOC to work with King County to come up with a plan to accelerate the INH work to meet King County District Court's (KCDC's) implementation deadline of August 2016, and a cost estimate for funding required to meet the deadline. Ms. Dietz reported that Ms. Veronica "Vonnie" Diseth, AOC Information System Division Director, and a team of AOC technical staff met with KCDC multiple times in recent weeks and developed an agreement. AOC estimates it will cost \$7.1 million to meet KCDC's implementation date, and AOC has asked that the funding come from the State General Fund, so it does not affect projects already underway, like the CLJ-CMS. Ms. Dietz further reported that she met with Representatives Zack Hudgins and Ross Hunter regarding the agreement with King County. Ms. Dietz said Representatives Hudgins and Hunter were supportive of using general fund monies to finance the plan. If general fund monies are used, speeding up the INH project timeline for KCDC should not delay the CLJ-CMS project, which depends on the JIS Fund.

LIAISON REPORTS

DMCMA – Ms. Suzanne Elsner, District and Municipal Court Management Association (DMCMA) President, reported that Mr. Maury Baker was appointed as the DMCMA liaison to the Washington State Center for Court Research (WSSCR). The DMCMA had its Board meeting on March 10, 2015. In April, the DMCMA will have regional trainings in which General Rule 31.1, Access to Administrative Records, will be discussed. The DMCMA is in favor of delaying implementation of this rule until funding is available. The DMCMA Spring Conference will be in Vancouver, WA, May 19-21, 2015.

SCJA – Judge Harold Clarke, Superior Court Judges' Association (SCJA) Representative, reported that the SCJA discussed some of the same issues addressed by the DMCJA Board, such as the Court Security Rule amendment, the Washington State Bar Association (WSBA) Task Force draft report regarding the cost of civil litigation, and judicial performance evaluations, which the SCJA is not endorsing in its current form. The SCJA also discussed juror evaluations in which they endorsed as an action item. The SCJA Board further discussed the courthouse guardianship facilitators issue, how to handle pro se litigants, and the joint meeting with the Supreme Court. The 2015 SCJA Spring Conference will be held at the end of April. Further, Judge Marinella informed that the SCJA voted to pay one thousand dollars (\$1000) toward an Outlook Webinar presented by Ms. Laura Stack that was requested by Superior Court Judge Small. The cost of the presentation is twenty-five hundred dollars (\$2500).

AOC – Mr. Dirk Marler, Administrative Office of the Courts Representative, reported that AOC staffers are preparing for association conferences. He further informed of a Department of Licensing (DOL) issue regarding issuing infractions to businesses versus individuals. At present, there is no consistency regarding the identifier system between businesses and individuals, which results in poor records. Ms. Cullinane added that the CLJ-CMS Court User Work Group is working on the future state of the CLJ-CMS Project. She further informed that the link to contact when the Judicial Access Browser (JABS) is down was sent to the entire DMCJA membership as was requested at the last Board meeting.

BJA – Judge Kevin Ringus, Board for Judicial Administration (BJA) Representative, reported that the BJA will meet on Friday, March 20, 2015, from 9 a.m. to 2 p.m. The BJA will discuss perceptions of justice, rules changes to General Rule 31.1, Administrative Records, proposed General Rule 35, which relates to judicial evaluations, and the Washington State Bar Association (WSBA) Task Force on Escalating Civil Litigation Costs. Judge Ringus requested that a May 2013 Bylaws change regarding DMCJA Representatives to the BJA start their terms July 1 be sent to the DMCJA Bylaws Committee for review.

WSAJ – Shirley Bluhm, Esquire represented the Washington State Association for Justice (WSAJ) at the meeting.

WSBA – Ann Danieli, Esquire, Washington State Bar Association Representative, reported that the WSBA will have its next meeting on March 19, 2015.

MCA – Ms. Deena Kaelin, Misdemeanant Corrections Association Representative, informed that an extra component will be added at the MCA annual training.

ACTION

Court Security Rule Amendment

M/S/P to approve revisions to the Court Security Rule. The revisions to the Court Security Rule were provided in the March 2015 Board packet.

DISCUSSION

A. WSBA Escalating Cost of Civil Litigation Task Force Seeking Comments

Judge Marcine Anderson informed that the WSBA Task Force on the Escalating Cost of Civil Litigation, which commenced in 2011, drafted a report to be reviewed by the DMCJA and other associations. The Task Force proposed four recommendations for managing civil litigation costs, namely, (1) issue a case schedule when a civil case is filed, (2) assign a judge to a filed case unless impractical, (3) adopt a two-tier or multitrack system in superior courts, which would determine the case schedule and discovery limits, and (4) create a mandatory early discovery conference with a list of topics to be discussed in both superior court and district court cases. The DMCJA will provide comments regarding the draft report at the April Board meeting and a letter with DMCJA Board comments will be sent directly to the Task Force at ECCL@wsba.org.

B. CLJ-CMS Court User Work Group DMCJA Representative Replacement

Judge Steiner nominated Judge Tam Bui to replace Judge R.W. Buzzard on the CLJ-CMS Court User Work Group (CUWG) after discussing the requirements for the position with the Board and CLJ-CMS Project Steering Committee Representatives, Judges Kimberly Walden and Glenn Phillips. The replacement Judge is required to come from a court that intends to use the new courts of limited jurisdiction case management system, according to the CLJ-CMS CUWG Charter. Judge Buzzard resigned from the CUWG for personal reasons in January 2015.

C. SCJA/DMCJA Meeting with the Washington Supreme Court

Judge Steiner informed that the SCJA, DMCJA, and Supreme Court leaders had discussed having a joint meeting on Thursday, September 3, 2015. The Board discussed the date and determined not only to attend the joint meeting but also to have a Board meeting on September 3, 2015. The Board meeting will be held prior to the joint meeting.

D. Outlook Webinar

Superior Court Judge Small requested one thousand dollars (\$1000) from the DMCJA for a webinar on effectively managing Outlook email that would be presented by Ms. Laura Stack, MBA, CSP. The

SCJA Board agreed to pay \$1000 and the Superior Court Administrator Association indicated that they would contribute five hundred dollars (\$500) toward the Outlook Webinar. Judge Small will provide more information regarding the terms of the contract and the Board will vote via email whether to contribute \$1000 to the Outlook Webinar.

E. Recall Petitions Against CLJ Judges

Judge Jahns informed that the Petition for Recall of a Kitsap County Judge was denied. The case involves a demand presented to a Kitsap County Auditor for the recall election of a Kitsap County Judge. Judge Jahns addressed issues relating to the case, such as, whether a 1912 constitutional law is effective in light of the 1980 constitutional enactment of the Commission on Judicial Conduct (CJC).

F. Bylaws Changes

M/S/P to approve the proposed Bylaw amendment regarding a designated Commissioner position on the DMCJA Board to be placed as an action item at the 2015 DMCJA Spring Conference Business meeting.

M/S/P to send to the DMCJA Bylaws Committee the proposed Bylaw amendment regarding the term dates of DMCJA Representatives on the Board for Judicial Administration (BJA). The BJA would like for the DMCJA Representatives to the BJA to begin their terms on July 1.

INFORMATION

A. Nominating Slate

Judge Svaren, Chair of the DMCJA Nominating Committee, reported that after soliciting suggestions of nominees and securing the consent of the nominees to serve, the Committee submitted its nominating slate report in the March Board packet. Judge Svaren asked whether there were any questions or concerns regarding the nominees.

B. Washington State Minority and Justice Request

Judge Steiner informed that the Washington State Minority and Justice Commission is seeking a DMCJA liaison. Judge Veronica Alicea-Galvan, former DMCJA President, served on the Commission until she was appointed to the Superior Court. The term length for the DMCJA Commission Liaison is four years.

C. Legal Financial Obligations

Judge Jahns addressed the issue of legal financial obligations in light of the recent Washington State Supreme Court decision of *State v. Blazina*, No. 89028-5 (consol. w/No. 89109-5) (2015). Judge Steiner recommended that Judge Jahns pose any questions he may have regarding the decision to the DMCJA listserv.

ADJOURNED at 2:53 PM.