



**DMCJA Board of Governors Meeting**  
**Friday, September 3, 2015, 10:30 a.m. – 1:30 p.m.**  
**AOC Eastside Office Building**  
**Olympia, WA**

## MEETING MINUTES

### **Members Present:**

Chair, Judge David Steiner  
Judge Scott Ahlf  
Judge Joseph Burrowes  
Judge Karen Donohue  
Judge Douglas Fair  
Judge Michelle Gehlsen  
Judge Judy Jasprica (non-voting)  
Judge G. Scott Marinella  
Judge Samuel Meyer  
Commissioner Susan Noonan  
Judge Kevin Ringus (non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Charles Short  
Judge David Svaren  
Judge Tracy Staab

### **Guests:**

Ms. Linda Baker - DMCMA  
Karen Campbell, Esquire – NJP  
Judge Michael Downes - SCJA  
Leslie Owen, Esquire - NJP

### **AOC Staff:**

Ms. Vicky Cullinane, Business Liaison  
Ms. Sharon R. Harvey, Primary DMCJA Staff  
Mr. Dirk Marler, AOC Liaison

### **Members Absent:**

Judge Janet Garrow (non-voting)  
Judge Michael 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 10:30 a.m. Judge Steiner asked attendees to introduce themselves.

## **GENERAL BUSINESS**

### A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Board Meeting Minutes for August 14, 2015.

### B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Burrowes informed that he provided a bank statement to illustrate where DMCJA money is being spent.

### C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Ahlf, DMCJA Vice President, reported that he and Judge Marinella, former DMCJA Vice President, are in the process of switching the Special Fund account from Judge Marinella to Judge Ahlf. Judge Ahlf received an invoice of twenty-five hundred dollars (\$2500) from Ms. Melanie Stewart, DMCJA Lobbyist. Judges Ahlf and Marinella will work together to assure that Ms. Stewart is paid for services rendered regarding judges' retirement and pension funds.

*1. Legislative Committee*

Judge Meyer reported that there is nothing new to report since there has been no DMCJA Legislative Committee meeting since the last Board meeting on August 14, 2015. The next DMCJA Legislative Committee meeting is scheduled for September 11, 2015 at the AOC SeaTac Office.

Trial Court Advocacy Board (TCAB)

Judge Steiner reported that he has no update because the TCAB has not met in September. He informed that it is possible there will be a TCAB meeting in October 2015.

Judicial Information System Committee (JISC)

Judge Marinella reported that the JISC met on August 28, 2015 at the AOC SeaTac Office. He informed that there are six new JISC members, who are being brought up to speed with the work of the JISC. Ms. Cullinane briefed Judges Marinella and Svaren, DMCJA Representatives for the JISC, on background information relating to the JISC. At the JISC meeting, the group discussed retention policies for small claims expanding ten years and judgment aspects of small claims. Members then reviewed the supplemental legislative budget. There is \$5.3 million of JISC money provided to fund the data exchange project. Judge Marinella stated that many thought the funds would come from the General Fund, however, Justice Fairhurst informed that there was no agreement with the Legislature as a whole for this to occur. The agreement was with three legislators. The AOC is working on three case management system (CMS) projects, namely, (1) Superior Court (SC) CMS, (2) Court of Appeals (COA) CMS, and (3) courts of limited jurisdiction (CLJ) CMS. The CLJ-CMS Project budget is on track with its timelines. The JISC passed a motion regarding costs of court implementation. The King County Data Exchange has created a Steering Committee that consists of King County and the Administrative Office of the Courts personnel only. Judge Marinella further reported that Pierce County, Snohomish County, and Spokane County are developing a system. He further noted that there is a financial dispute between the COA Management and its CMS contractor. Judge Marinella mentioned that the AOC is moving forward with limited resources and noted that if the AOC loses resources it could impact ongoing projects. The CLJ-CMS Project, which was the last to get initiated will be the first to be greatly impacted if AOC resources are taken.

Judicial Information System (JIS) Report

Ms. Cullinane briefly reported on the status of the CLJ-CMS Project. The project is close to completing requirements gathering and will move into the procurement process. She reported that the project was specifically funded beginning in January 2016. The legislature attached a number of provisos to the project funding. The project sponsors are reviewing the provisos and will determine how best to address them.

Ms. Cullinane then reported on Information Technology Governance (ITG) Request 41, which relates to the destruction of case records in the Judicial Information System (JIS). The Judicial Information System Committee approved a new policy that will result in certain non-conviction criminal records being deleted after a number of years. The case destruction process will begin early next year with pilot courts, then alphabetically by court. Beginning in October 2015, judges will have the ability to flag individual cases to be retained in perpetuity, within the guidelines of the policy. Judges will have at least 90 days to flag cases before the destruction begins. Detailed instructions will be provided to judges and court staff in the near future.

**LIAISON REPORTS**

SCJA – Judge Downes, Superior Court Judges' Association (SCJA) Liaison, addressed the SCJA's proposed Office of Trial Court Policy and Research (OTCPR). Judge Downes informed that the legislative proposal for the OTCPR primarily stems from the SCJA's desire for its staff person to report directly to SCJA leaders. Currently, the AOC provides staff for trial court associations and these staff persons are hired and fired by the AOC. In contrast, under the OTCPR, AOC Staff would be solely employed by the OTCPR. Judge Downes further stated that the OTCPR would have more direct dealings with the Legislature. OTCPR would also have research based decisions, according to Judge Downes. He further informed that the OTCPR staff would be

taken from AOC full time equivalents (FTEs). Although the actual number of staff needed is uncertain, SCJA written documents state that approximately twelve AOC Staff are necessary for the proposed agency. Judge Downes further stated that the SCJA is seeking to move resources from one agency, the AOC, to another agency, the OTCPR. A question was raised regarding whether there was a legal reason that the AOC must have the ability to hire and fire association support staff. Judge Downes expressed that he could ask for an Attorney General's opinion regarding this legal question. Judge Downes further stated that the OTCPR idea has been circulating among the SCJA for fifteen years and that the Trial Court Advocacy Board (TCAB) was an attempt to address SCJA concerns regarding legislative funding, which is another SCJA concern.

*DMCMA* – Ms. Linda Baker, District and Municipal Court Management Association (DMCMA) President, informed that the DMCMA agenda misstates the date of the November meeting. The correct meeting date is November 10, 2015 and not November 20, 2015. The DMCMA is seeking to have a two-day conference in the Spokane and Olympia areas.

AOC – Dirk Marler, Administrative Office of the Courts (AOC) Representative, addressed two issues, namely, (1) the AOC organizational structure in response to the SCJA proposed Office of Trial Court Policy and Research, and (2) a request for DMCJA peer assistance for a judge and administrator in a jurisdiction that is considering eliminating its municipal court. Mr. Marler indicated that he has worked with the city on judicial independence issues but a fellow judge may be more helpful regarding policy considerations. Judges discussed courts that have been impacted by this issue. Judge Fair suggested that DMCJA consider forming a “fire brigade” similar to the one employed by the Bench-Bar-Press Committee to address this recurring issue. Mr. Marler noted that the BJA once had a Court Independence Response Team that was created to bring people together regarding this issue, but the group was not effective and dissolved.

M/S/P to place on the October 9, 2015 agenda the issue regarding when a court is disbanded whether the DMCJA cares and under what circumstances? The issue will be addressed as follows:

1. In which situations when a court is talking about moving into or out of another court will we consider intervening with a fire brigade?
2. Do we wish to set up a fire brigade?

Mr. Marler then addressed an issue regarding the DMCJA listserv that relates to who constitutes as Chamber staff. General Rule (GR) 31.1, which governs Administrative Public Records requests, becomes effective on January 1, 2016. Mr. Marler stated that the AOC wants to be deliberate and create a policy or protocol that is consistent and legally defensible. Judge Ahlf, Chair of the GR 31.1 Implementation Workgroup, informed that he met with the SCJA and Ms. Callie Dietz, State Court Administrator, regarding this issue, and the discussion was that Ms. Harvey, Primary DMCJA Staff, should be the only non-judge to be considered Chambers Staff under GR 31.1. Issues regarding AOC staff with send only privileges on the listserv were also briefly discussed.

*BJA* – Judge Ringus, Board for Judicial Administration (BJA) representative, reported that the BJA met on Friday, August 21, 2015. Attendees received a Members Guide. The AOC gave a presentation on its functions and how agency departments intersect. There was also a supplemental budget preview. The next BJA meeting is Friday, September 18, 2015. Standing Committees will be discussed at the next meeting.

## **ACTION**

### **A. Relicensing Initiative**

M/S/P that the DMCJA will support a Statewide Relicensing Project as a concept with the understanding that when a specific program is created the Board will have an opportunity to vote on the details of the Statewide Relicensing Program.

Mr. Howard Delaney, Spokane Municipal Court Administrator, presented on the benefits of the Relicensing Program in Spokane, WA. Mr. Delaney has worked with relicensing programs since 1998 and discovered that despite initial skepticism from groups such as the Department of Licensing (DOL), the DOL and others began to see the benefits of the system. One benefit is that courts get paid monies owed. For instance, once eleven jurisdictions in a county were added to the program, a defendant was able to make one payment that would be paid equally and contemporaneously to all courts in which the defendant had financial obligations. Although courts did not receive the total amount owed in one lump sum, courts received smaller amounts on a monthly basis. Many courts soon realized that a little money is better than no money. Mr. Delaney added that cash flow allows the county court to function. The Program does not financially burden the defendant, who must be on state assistance or employed. A defendant paying into the Program is able to retain a driver's license, which is helpful for those needing transportation to get to their jobs. Mr. Delaney encouraged that all defendants with Driving While License Suspended in the third degree (DWLS 3<sup>rd</sup>) charges should be allowed to participate in the Relicensing Program. He also found that an administration fee of one hundred dollars not only made defendants more likely to comply with Program requirements but also provided the funding necessary to run the Program. The courts' caseloads also reduced because of the relicensing program. Mr. Delaney stated that the Spokane Relicensing Program works because he showed prosecutors, public defenders, collection agencies, and courts how the Program works for everyone. The collection companies could now focus on defendants who would pay and not the group of defendants participating in the Program who almost never paid monies owed. Statistics were provided in the DMCJA Supplemental Agenda packet.

Mr. Delaney stated that the lessons learned from the Spokane Relicensing Program were that it is not a scary program, it does not mean giving up Judicial Independence, and it has changed the attitude of the offenders. In Spokane, the Program allows a defendant to waive one monthly payment because of a holiday, such as Christmas. There will be a Stakeholders Meeting regarding the statewide relicensing initiative on Friday, September 25, 2015, in which all Board Members are invited.

## **DISCUSSION**

### Office of Trial Court Policy and Research

M/S/P to discuss the Board's position regarding the Office of Trial Court Policy and Research (OTCPR) and to postpone consideration to the October 9, 2015 Board Meeting the issues relating to (1) Board Review of DMCJA Operational Rules and Modern Rules of Order, (2) Whether a 2016 Special Fund Assessment is Necessary and Whether DMCJA Dues Should Remain As Set, (3) Whether DMCJA Should Require Payment of BJA Dues (\$55) as a Condition of Good Standing, and (4) Whether New Judges Should be Announced on the DMCJA Listserv.

M/S/P to publicly state that the DMCJA neither supports nor opposes the SCJA proposed Office of Trial Court Policy and Research. Judge Steiner will speak with SCJA leaders regarding the OTCPR.

#### A. Board Review of DMCJA Operational Rules and Modern Rules of Order

M/S/P to postpone consideration of this issue until the next Board Meeting on October 9, 2015.

#### B. District and Municipal Court Management Association (DMCMA) Liaison Position Vacancy

Judge Steiner made an executive decision to appoint Judge Ahlf, DMCJA Vice-President, as the DMCMA liaison. Judge Steiner stated that he has made an executive decision that the DMCMA Liaison shall be the DMCJA Vice-President unless and until a new DMCJA President reverses this mandate.

C. Ethics Advisory Committee Position Vacancy

The Board was informed that Judge Michelle “Shelley” Szambelan was appointed to the Ethics Advisory Committee. Judge Szambelan will replace Judge Joshua Grant, who retired on July 1, 2015.

D. Whether a 2016 Special Fund Assessment is Necessary and Whether DMCJA Dues Should Remain As Set

M/S/P to postpone consideration of this issue until the next Board Meeting on October 9, 2015.

E. Whether DMCJA Should Require Payment of BJA Dues (\$55) as Condition of Good Standing

M/S/P to postpone consideration of this issue until the next Board Meeting on October 9, 2015.

F. Whether New Judges Should Be Announced On The DMCJA Listserv

M/S/P to postpone consideration of this issue until the next Board Meeting on October 9, 2015.

**INFORMATION**

- A. The Supreme Court letter regarding the appointment of Judge Michelle “Shelley” Szambelan as the DMCJA Representative on the Ethics Advisory Committee was provided to the Board.
- B. The AOC provided PowerPoint slides to illustrate its organizational structure and functions in light of the SCJA proposed Office of Trial Court Policy and Research.

**OTHER BUSINESS**

- A. The Joint Meeting with the Supreme Court Justices, the DMCJA Board of Governors, and the SCJA Board of Trustees will be held immediately following this September 3, 2015 Board Meeting from 2 p.m. to 4 p.m. at the Temple of Justice in Olympia, WA. Justice Fairhurst will host a reception at 4:30 p.m. following the Joint Meeting.
- B. The next DMCJA Board Meeting is Friday, October 9, 2015, at the AOC SeaTac Office.

**ADJOURNED** at 1:35 p.m.