



DMCJA Board of Governors Meeting
Friday, January 9, 2015, 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 Staab
Judge Steiner
Judge Svaren

Guests:

Shirley Bluhm, WSAJ

Liaisons:

Judge Harold Clark III
Ann Danieli, Esquire, WSBA
Ms. Suzanne Elsner, DMCMA

AOC Staff:

Ms. J Benway
Ms. Vicky Cullinane
Ms. Sharon R. Harvey
Mr. Dirk Marler

Members Absent:

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

Judge Alicea-Galvan, 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 12:31 PM. All attendees were asked to introduce themselves.

GENERAL BUSINESS

A. Minutes

A vote for the approval of the Board meeting minutes dated December 12, 2012 were held off for clarification regarding the presentation of Judge Heller, DMCJA Representative for the Judicial Information System Committee. Ms. Cullinane will send corrections to the meeting minutes relating to Judge Heller's report to both Judge Steiner and Ms. Harvey for review.

B. Treasurer's Report

MS/P to approve the Treasurer's Report.

C. Special Fund Report

MS/P to approve the Special Fund Report. Judge Marinella reported that he sent a cashier's check to Ms. Melanie Stewart, DMCJA Lobbyist, in the amount of one thousand dollars (\$1000) for services rendered regarding the pension fund for courts of limited jurisdiction (CLJ) judges. The Board approved this amount for Ms. Stewart at the 2014 Board Retreat. The Special Fund balance will be forty-seven thousand five hundred sixty nine dollars and seventy-five cents (\$47,569.75) when Ms. Stewart's check is cleared.

D. Standing Committee Reports

1. *Legislative Committee*

Judge Meyer reported that of the three approved DMCJA proposed legislation only two bills are likely to be sponsored, namely, (1) the bill regarding a District Court Civil Jurisdiction Monetary Limit increase from seventy five thousand dollars (\$75,000) to one hundred thousand dollars (\$100,000), and (2) the bill regarding Employment Security Department Subpoenas, according to DMCJA Lobbyist, Melanie Stewart. Hence, Ms. Stewart will likely not seek sponsorship for the CLJ Fee Parity bill. Judge Meyer further reported that Judge Marinella will be added to the DMCJA Executive Legislative Committee because Judge Alicea-Galvan has elevated to the King County Superior Court bench and will no longer be the DMCJA President. Judge Meyer informed that bills are being drafted via workgroups relating to driving under the influence of intoxicants (DUI), legal financial obligations (LFO), and electronic home monitoring (EHM). Judge Glenn Phillips has attended the DUI work sessions, Judges Ketu Shah and David Larson have attended LFO workgroups, and Judges Meyer and Kevin Ringus have attended EHM work sessions. Judge Meyer informed the Board that Mr. Doug Haake, former AOC staff for the DMCJA, is terminally ill. The DMCJA President recommended the Board send flowers to Mr. Haake.

2. *Rules Committee*

The Rules Committee provided a copy of meeting minutes for November 19, 2014.

3. *Therapeutic Courts*

The Therapeutic Courts Committee provided an update on the Washington Supreme Court case of State v. Sykes, No. 87946-0 (2014), which held that the Washington Constitution does not require adult court staffings to be presumptively open to the public.

E. Trial Court Advocacy Board (TCAB) – Judge Steiner reported that the TCAB met in the morning of January 9, 2015 and discussed the name and motto of the TCAB. Although there have been no changes, the group is working on its name and motto. Judge Steiner addressed a TCAB staffing issue by stating that the DMCJA and SCJA have a memorandum of understanding (MOU) that provides a right to have input regarding who staffs the Advocacy Board. Mr. Marler, Administrative Office of the Courts (AOC) Judicial Services Department Director, responded that the TCAB will have an AOC staff person during the 2015 Legislative session and there is an AOC plan to address the TCAB staff issue thereafter. The TCAB will speak with Chief Justice Madsen regarding a letter relating to the Legislature's decision not to hold a State of the Court address. Judge Steiner further reported on the Security Rule, which was passed by both the DMCJA and the TCAB. In contrast, the SCJA has not passed the Rule, which will be sent to the District and Municipal Court Management Association (DMCMA) and returned to the TCAB. This Rule is moving ahead.

F. JIS Report – The CLJ – CMS Court User Work Group (CUWG) is working well and will complete the future state of the project by August 2015. The focus at present is to receive funding for the project. The Judicial branch has requested seven point two million dollars (\$ 7.2 million), thus, it is critical for CLJ judges to discuss the CLJ-CMS project with state legislators. Ms. Cullinane also reported that there are Judicial Access Browser System (JABS) improvements, namely, (1) JABS will display the new Abstract of Driving Record format from the Department of Licensing (DOL), (2) electronic tickets (eTickets) will display in JABS without opening a new browser window, and (3) bugs have been fixed regarding Internet Explorer versions 10 and 11. The AOC will continue to work on JABS improvements as part of a larger project mostly focused on users being able to see all the data from new and old systems.

LIAISON REPORTS

DMCMA – Ms. Elsner reported on developments regarding General Rule (GR) 31.1 and will speak with Ms. Charlotte Jensen, AOC Court Business Information Coordinator. The DMCJA will have eight to nine regional trainings to discuss GR 31.1.

SCJA – Judge Clark III reported that the Superior Court Judges Association (SCJA) met on Saturday, January 3, 2015 and discussed a pension bill that will change the benefit plan to a contribution plan with elected state officials. The SCJA will have no on-going special assessment fund and spoke on strategies regarding key issues relating to the Association. Judge Meyer informed that the Board voted to provide five thousand dollars (\$ 5000) to DMCJA Lobbyist, Melanie Stewart, for lobbying on the issue of pension funds. Judge Clark III reported that the SCJA has also contributed \$5,000 to this effort. SCJA Lobbyist, Tom Parker, will take the lead on pension funds, which is a big issue for the SCJA.

WSBA – Ms. Danielli reported that the next Washington State Bar Association (WSBA) meeting will be January 22 -23, 2015.

BJA – Judge Ringus, who was unable to attend the Board meeting, sent his Board for Judicial Administration (BJA) update to Judge Alicea-Galvan to report. Judge Alicea-Galvan informed the Board that the BJA discussed a proposal for judicial evaluations for which the BJA will consider at its next meeting. Judge Alicea-Galvan further stated that the DMCJA will be invited to speak on the issue in the near future. It was also suggested that the DMCJA invite Judge Tricky to a DMCJA Board meeting to see how the judicial evaluations will work. Judge Steiner informed the Board that King County judges have evaluations by their peers in order to prevent an attorney from having the option not to be evaluated when running for election. The Board decided to invite Judge Tricky to attend a Board meeting to learn more about the BJA proposal for judicial evaluations.

Access to Justice (ATJ) – Judge Svaren informed the Board that he met with the Access to Justice Board on Friday, January 9, 2015, regarding Comment 4 to Rule 2.6, which requires a judge to assist pro se litigants. The group decided that the proposed rule does not meet the concerns of many judges. Judge Snyder, Judge Johanna Bender; Judge Reiko Kalher; Judge Lee, and Judge Korosmo were not supportive of the revision. The group discussed using discretionary language instead of mandatory words for the Rule. Judge Svaren stated that the meeting was a success.

WSAJ – Ms. Bluhm, Washington State Association for Justice (WSAJ) representative, informed the Board that this is her first Board meeting as the new WSAJ representative.

ACTION

A. Rules Committee

1. Memorandum to DMCJA President regarding Revised Proposal to Amend CrRLJ 3.2 (o)

M/S/P to adopt the Rules Committee's Revised Proposal to Amend CrRLJ 3.2 (o) with an amendment to Section (o)(1) that reads, " Except as provided in subsection (2), if applicable, and (3) below."

B. DMCJA Comment Proposal for JISCR 13

1. M/S/P a vote not to send a DMCJA Board comment regarding the proposed JISC Rule 13. The Board had an in-depth discussion regarding its position on this Rule.

C. Memorandum to DMCJA President regarding Board Request to Review CrLJ 3.2 and 6.2

M/S/P to make this an action item. M/S/P to adopt the DMCJA Rules Committee recommendation. The Rules Committee recommends the Board not seek an amendment to CrRLJ 6.2 because it does not contain the

errors that the SCJA seeks to remedy. The Rules Committee recommends the DMCJA Board send a comment letter to the Supreme Court advising that it is not seeking to amend CrRLJ 3.2 (b)(4) but if the Court adopts the SCJA's amendment, the DMCJA recommends the Supreme Court adopt a similar amendment to CrRLJ 3.2 (b)(4) so the trial court rules remain congruent. The SCJA recommended amendments to these Rules because of the case of State v. Barton, 181 Wash.2d 148, 331 P.3d 50 (2014). The Board will seek from the DMCJA Rules Committee the appropriate language to use in its comment to the Supreme Court.

DISCUSSION

Memorandum to DMCJA President regarding Board Request to Review CrLJ 3.2 and 6.2

M/S/P a vote to make this discussion item an action item.

Other Business

A. DMCJA Leadership Transition

Judge Alicea-Galvan informed the Board that she was appointed to the King County Superior Court bench by Governor Jay Inslee on December 19, 2015. Judge Alicea-Galvan has accepted the appointment, which will officially begin on January 23, 2015 and, therefore, has resigned from her position as the DMCJA President. Judge Steiner, DMCJA President-Elect, will assume all responsibilities of the DMCJA President from January 23, 2015 until the 2015 DMCJA Spring Conference in June 2015.

ADJOURNED at 1:58 pm.