



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

FRIDAY, FEBRUARY 13, 2015

**AOC SEATAC OFFICE
SEATAC, WASHINGTON**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2014-2015

<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 8 & 9, 2015</i>	May 8 12:00-5:00 p.m. May 9 9:00-1:00 p.m.	Enzian Inn, Leavenworth
<i>June 7-10, 2015</i>	TBD	Skamania Lodge, Stevenson, WA

AOC Staff: Sharon Harvey

(AOC Conference Room Reserved)

Updated: December 16, 2014



WASHINGTON
COURTS

DMCJA BOARD MEETING
FRIDAY, FEBRUARY 13, 2015
12:30 P.M. – 3:30 P.M.
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE DAVID STEINER

AGENDA

TAB

Call to Order

General Business

1

- A. Minutes – January 9, 2015
- B. Treasurer's Report – *Judge Ahlf*
- C. Special Fund Report – *Judge Marinella*
- D. Standing Committee Reports
 - 1. Legislative Committee 2015 Session Update – *Judge Meyer*
 - 2. Rules Committee
 - a. Meeting Minutes for January 21, 2015
 - b. Letter to Judge Steiner regarding WSBA Proposal to Amend CrRLJ 2.1
- E. Trial Court Advocacy Board (TCAB) Update – *Judge Steiner*
- F. JIS Report – *Ms. Cullinane*

Liaison Reports

DMCMA MCA SCJA WSBA WSAJ AOC BJA

Discussion

2

- A. DMCJA Conference Registration Fee Payment for Members in Good Standing
- B. Supreme Court Annual Meeting Request with DMCJA
- C. Request for Project Support from Committee to Address Racial Minority Juror Participation
- D. Misdemeanant Corrections Association Grant Request
- E. ELIAS Warrant Project Update
 - 1. Bi-Weekly Status Report
 - 2. DMCJA Letter to Detective Leyba regarding decision to remain neutral on Project Charter

Information

3

- A. Washington State Center for Court Research Strategic Oversight Committee Appointment
- B. Special Fund Check sent to DMCJA Lobbyist, Ms. Melanie Stewart
- C. Flowers sent to Mr. Doug Haake, former AOC Staff to DMCJA
- D. YMCA Youth & Government Thank You Letter to DMCJA

<p>E. DMCJA Board of Governors Retreat will be held at the Enzian Inn, Leavenworth, WA, May 8-9, 2015</p> <p>F. DMCJA Spring Conference will be held at the Skamania Lodge, Stevenson, WA, June 7-10, 2014</p>	
<p>Other Business</p> <p>A. Next Meeting: Friday, March 13, 2015, 12:30 p.m. – 3:30 p.m., AOC SeaTac Office</p>	
<p>Adjourn</p>	



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

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

C. Special Fund Report

M/S/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 Kalner; 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. DMCJ 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.

District and Municipal Court Judges' Association

February 9, 2015

President

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S, Ste C
Des Moines, WA 98198
(206) 878-4597

President-Elect

JUDGE DAVID STEINER
King County District Court
585 112th Ave. S.E.
Bellevue, WA 98004
(206) 477-2102

Vice-President

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

Secretary/Treasurer

JUDGE SCOTT K. AHLF
Olympia Municipal Court
900 Plum St SE
PO Box 1967
Olympia, WA 98507-1967
(360) 753-8312

Past President

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

Board of Governors

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 735-8476

JUDGE MICHELLE K. GEHLSSEN
Bothell Municipal Court
(425) 487-5587

JUDGE JEFFREY J. JAHNS
Kitsap County District Court
(360) 337-4972

JUDGE SAMUEL MEYER
Thurston County District Court
(360) 786-5562

COMMISSIONER SUSAN J. NOONAN
King County District Court
(206) 477-1720

JUDGE KELLEY C. OLWELL
Yakima Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 835-3000

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

JUDGE TRACY A. STAAB
Spokane Municipal Court
(509) 625-4400

To: President Elect Steiner; DMCJA Officers; DMCJA Board of
Governors
From: Scott Ahlf, DMCJA Treasurer
Subject: Monthly Treasurer's Report for September/October 2014

Dear President Elect Steiner, 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 - \$100,482.03, as of October 31, 2014

Bank of America Accounts:
Investment Account - \$85,074.69, as of January 31, 2015
Checking Account - \$4,766.84, as of January 31, 2015
Deposits on February 6, 2015 totaled: \$88,878.00 for dues.

EXPENDITURES

Total 2014/2015 adopted budget:	\$246,900.00
Total expenditures to date (01-06-15):	\$104,336.55
Total remaining budget as of Jan. 6, 2015:	\$140,063.45

DEPOSITS

Total deposits 2014/2015:	\$113,487.00
---------------------------	--------------

DMCJA 2014-2015 Budget

ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
Access to Justice Liaison	\$500.00	\$0.00	\$500.00
Audit	\$2,000.00	\$0.00	\$2,000.00
Bar Association Liaison	\$5,000.00	\$0.00	\$5,000.00
Board Meeting Expense	\$30,000.00	\$11,774.17	\$18,225.83
Bookeeping Expense	\$3,000.00	\$1,750.00	\$1,250.00
Bylaws Committee	\$250.00	\$0.00	\$250.00
Conference Committee	\$3,500.00	\$0.00	\$3,500.00
Conference Incidental Fees For Members Spring Conference 2014	\$40,000.00	\$36,285.00	\$3,715.00
Diversity Committee	\$2,000.00	\$1,027.09	\$972.91
DMCMA Education	\$0.00	\$0.00	\$0.00
DMCMA Liaison	\$500.00	\$0.00	\$500.00
DOL Liaison Committee	\$500.00	\$33.56	\$466.44
Education Committee**	\$21,000.00	\$12,538.26	\$8,461.74
Educational Grants	\$5,000.00	\$1,000.00	\$4,000.00
Judicial Assistance Committee*	\$10,000.00	\$6,133.45	\$3,866.55
Legislative Committee	\$6,000.00	\$694.53	\$5,305.47
Legislative Pro-Tem	\$2,500.00	\$0.00	\$2,500.00
Lobbyist Expenses	\$1,000.00	\$224.00	\$776.00
Lobbyist Contract	\$55,000.00	\$16,000.00	\$39,000.00
Long-Range Planning Committee	\$1,500.00	\$0.00	\$1,500.00
MCA Liaison	\$1,500.00	\$539.88	\$960.12
National Leadership Grants	\$5,000.00	\$4,000.00	\$1,000.00
Nominating Committee	\$400.00	\$0.00	\$400.00
President Expense	\$7,500.00	\$1,440.12	\$6,059.88
Reserves Committee	\$250.00	\$0.00	\$250.00
Rules Committee	\$1,000.00	\$0.00	\$1,000.00
Salary and Benefits Committee	\$2,500.00	\$0.00	\$2,500.00
SCJA Board Liaison	\$1,000.00	\$0.00	\$1,000.00
Technology/CMS Committee	\$7,500.00	\$0.00	\$7,500.00
Therapeutic Courts	\$2,500.00	\$0.00	\$2,500.00
Treasurer Expense and Bonds	\$1,000.00	\$10.00	\$990.00
Trial Court Advocacy Board	\$5,000.00	\$0.00	\$5,000.00
Judicial Community Outreach	\$4,000.00	\$3,100.00	\$900.00
Uniform Infraction Committee	\$1,000.00	\$0.00	\$1,000.00
Professional Services	\$15,000.00	\$7,786.49	\$7,213.51
DMCJA/SCJA Sentencing Alternatives	\$2,500.00	\$2,500.00	\$0.00
TOTAL	\$246,900.00	\$104,336.55	\$140,063.45
TOTAL DEPOSITS MADE	\$113,487.00		
CREDIT CARD (balance owing)	\$0.00		

*includes \$5,000 from the SCJA

**includes \$12,500 committed to the Presiding Judges Conference as a one time expense

**District & Municipal Court Judges/Comms/Magis
2015 Members in Good Standing
5/1/2015 deadline**

red=payment received after May 1

	LastFirstMiddle	Pos.	Gen. Dues Paid Amount	Gen. Dues Pd Good Stand	Spec Fund N/A for 2015	
1	Ahlf, Scott K.	Judge	\$750.00	1	1	2
2	Alicea-Galvan, Veronica	Judge			1	1
3	Allen, Sandra L.	Judge	\$187.00	1	1	2
4	Andersen, Bradley	Judge	\$187.00	1	1	2
5	Anderson, Marcine S.	Judge	\$750.00	1	1	2
6	Andrew, Stewart R.	Judge	\$750.00	1	1	2
7	Arb, Susan C.	Judge	\$187.00	1	1	2
8	Baker, Jeff	Judge			1	1
9	Ball, Dennis	Comm	\$600.00	1	1	2
10	Barlow, Brian D.	Comm	\$600.00	1	1	2
11	Bates, Christopher	Judge			1	1
12	Bathum, Richard	Judge	\$750.00	1	1	2
13	Beall, Andrea L.	Judge			1	1
14	Bejarano, Elizabeth M.	Judge	\$375.00	1	1	2
15	Bender, Johanna	Judge	\$750.00	1	1	2
16	Bennett, Roger A.	Judge	\$187.00	1	1	2
	Blauvelt, Arthur A. III	Judge	\$187.00			
17	Blinn, Grant	Judge	\$750.00	1	1	2
18	Bobbink, Michael	Judge			1	1
19	Bonner, Fred	Judge			1	1
20	Bradley, Clair	Judge	\$750.00	1	1	2
21	Brown, Thomas D.	Judge			1	1
22	Brueher, Gary J.	Judge	\$375.00	1	1	2
23	Buckley, Brett	Judge			1	1
24	Bui, Tam T.	Judge			1	1
25	Burrowes, Joseph M.	Judge	\$750.00	1	1	2
26	Butler, Katharine A.	Judge	\$750.00	1	1	2
27	Buttorff, Karla E.	Judge	\$750.00	1	1	2
28	Buzzard, James M.B.	Judge	\$187.00	1	1	2
29	Buzzard, R.W.	Judge	\$750.00	1	1	2
30	Buzzard, Steven R.	Judge	\$187.00	1	1	2
31	Caniglia, Gerald	Comm			1	1
32	Castelda, Anthony	Judge			1	1
33	Chapman, Arthur R.	Judge	\$750.00	1	1	2
34	Chow, Mark C.	Judge	\$750.00	1	1	2
35	Christie, David M.	Judge	\$750.00	1	1	2
36	Chung, Robert E.	Magis	\$600.00	1	1	2
37	Clough, Steve M.	Judge			1	1
38	Connolly Walker, Patricia	Judge	\$750.00	1	1	2
39	Cooper, Terri K.	Comm			1	1
40	Copland, Thomas A.	Judge	\$750.00	1	1	2
41	Crowell, Chancey C.	Judge	\$375.00	1	1	2
42	Curry, John F.	Judge	\$187.00	1	1	2
43	Dacca, Franklin L.	Judge	\$750.00	1	1	2
44	Dane, Melanie	Judge			1	1
45	Decker, Tarrell	Judge	\$375.00	1	1	2
46	Delarenti, II, Charles J.	Judge	\$750.00	1	1	2
47	Derr, Sara B.	Judge	\$750.00	1	1	2
48	Devilla, Francis	Magis	\$600.00	1	1	2
49	Dixon, Martin M.	Comm	\$300.00	1	1	2

	LastFirstMiddle		Gen. Dues	Gen. Dues Pd	Spec Fund	
		Pos.	Paid Amount	Good Stand	N/A for 2015	
50	Docter, James N.	Judge	\$750.00	1	1	2
51	Doherty, John H.	Judge	\$375.00	1	1	2
52	Donohue, Karen	Judge	\$750.00	1	1	2
53	Druffel, Bill	Judge	\$187.00	1	1	2
54	Dunn, Michael A.	Judge			1	1
55	Ebenger, David	Judge	\$187.00	1	1	2
56	Eide, D. Mark	Judge	\$750.00	1	1	2
57	Eilmes, Kevin G.	Comm	\$600.00	1	1	2
58	Eisenberg, Adam	Magis	\$300.00	1	1	2
59	Elich, Matthew S.	Judge	\$750.00	1	1	2
60	Ellington, Thomas M.	Judge	\$187.00	1	1	2
61	Ellis, Darrel R.	Judge	\$375.00	1	1	2
62	Eng, Park	Magis	\$600.00	1	1	2
63	Engel, Donald	Judge	\$750.00	1	1	2
64	Fair, Douglas J.	Judge			1	1
65	Fassbender, Jennifer	Judge	\$187.00	1	1	2
66	Faubion, William J.	Judge			1	1
67	Faul, Bronson	Judge			1	1
68	Finkle, Michael J.	Judge	\$750.00	1	1	2
69	Fitterer, Richard C.	Judge	\$750.00	1	1	2
70	Fore, Roy S.	Judge	\$750.00	1	1	2
71	Fraser, Beth	Judge			1	1
72	Freedman, Larry	Comm	\$150.00	1	1	2
73	Garrison, Douglas K.	Judge	\$187.00	1	1	2
74	Garrow, Janet E.	Judge	\$750.00	1	1	2
75	Gehlsen, Michelle K.	Judge	\$375.00	1	1	2
76	Gilbert, Warren M.	Judge			1	1
77	Gillings, Fred L.	Judge	\$750.00	1	1	2
78	Goddard, Dianne E.	Comm			1	1
79	Goelz, Douglas E.	Judge	\$375.00	1	1	2
80	Goodwin, Jeffrey D.	Judge			1	1
81	Grant, David	Judge	\$750.00	1	1	2
82	Grant, Joshua F.	Judge	\$750.00	1	1	2
83	Green, Nathaniel	Judge	\$750.00	1	1	2
84	Gregory, Willie J.	Judge	\$750.00	1	1	2
85	Hagensen, John P.	Judge	\$750.00	1	1	2
86	Hamilton, Robert W.	Judge			1	1
87	Hansen, Randall L.	Comm	\$300.00	1	1	2
88	Hansen, Rick L.	Judge			1	1
89	Harmon, Nancy A.	Judge	\$750.00	1	1	2
90	Harn, Corinna D.	Judge	\$750.00	1	1	2
91	Harper, Anne C.	Judge	\$750.00	1	1	2
92	Hart, John H.	Judge	\$187.00	1	1	2
93	Hatch, David S.	Judge			1	1
94	Hawkins, W. H.	Judge			1	1
95	Hayes, Debra R.	Judge	\$750.00	1	1	2
96	Hedine, Kristian E.	Judge	\$750.00	1	1	2
97	Heller, James R.	Judge	\$750.00	1	1	2
98	Henke, Drew Ann	Judge	\$750.00	1	1	2
99	Henry, John R.	Judge	\$375.00	1	1	2
100	Heslop, Ronald D.	Judge	\$750.00	1	1	2
101	Hightower, Judith	Judge	\$750.00	1	1	2
102	Hill, Tyson R.	Judge	\$750.00	1	1	2
103	Hille, Adalia A.	Judge	\$375.00	1	1	2
104	Hitchcock, Kathleen E.	Judge			1	1
105	Holman, Stephen J.	Judge	\$750.00	1	1	2
106	Howard, Anthony E.	Judge			1	1

	LastFirstMiddle	Pos.	Gen. Dues	Gen. Dues Pd	Spec Fund	
			Paid Amount	Good Stand	N/A for 2015	
107	Hurson, James E.	Judge	\$750.00	1	1	2
108	Hyde, Stephen J.	Judge			1	1
109	Imler, Kyle L.	Judge	\$187.00	1	1	2
110	Ingvalson, Robert J.	Judge	\$750.00	1	1	2
111	Jahns, Jeff	Judge	\$750.00	1	1	2
112	Jasprica, Judy Rae	Judge	\$750.00	1	1	2
113	Jenkins, Timothy A.	Judge	\$375.00	1	1	2
114	Jorgensen, Karli K.	Judge	\$750.00	1	1	2
115	Jurado, Terry L.	Judge	\$750.00	1	1	2
116	Kathren, Daniel F.	Judge	\$750.00	1	1	2
117	Kato, Eileen A.	Judge	\$750.00	1	1	2
118	Kipling, Linda B.	Comm			1	1
119	Knowlton, John O.	Judge	\$375.00	1	1	2
120	Kondo, C. Kimi	Judge	\$750.00	1	1	2
121	Koss, David	Judge	\$750.00	1	1	2
122	Ladenburg, David B.	Judge	\$750.00	1	1	2
123	Lambo, Michael J.	Judge	\$750.00	1	1	2
124	Landes, Jill	Judge	\$750.00	1	1	2
125	Langsdorf, Sonya L.	Judge	\$750.00	1	1	2
126	Larson, David A.	Judge			1	1
127	Leland, Richard M.	Judge	\$750.00	1	1	2
128	Leone, Lisa	Magis	\$600.00	1	1	2
129	Lev, Debra A.	Judge	\$750.00	1	1	2
130	Lewis, Terrance G.	Judge	\$187.00	1	1	2
131	Lineberry, Jeanette A.	Judge	\$750.00	1	1	2
132	Logan, Mary C.	Judge			1	1
133	Luken, Terri	Magis	\$600.00	1	1	2
134	Lutes, Ray D.	Judge			1	1
135	Lyon, Patricia L.	Judge			1	1
136	Maher, Dennis P.	Judge			1	1
137	Mahoney, Susan L	Judge	\$750.00	1	1	2
138	Mano, Jr., Joseph M.	Judge	\$187.00	1	1	2
139	Marinella, G. Scott	Judge	\$375.00	1	1	2
140	Markley, Mariynn	Comm			1	1
141	Marshall, Ronald S.	Judge	\$750.00	1	1	2
142	Maurer, Aimee	Judge	\$750.00	1	1	2
143	Maxwell, John E.	Judge	\$187.00	1	1	2
144	McBeth, Dale A.	Judge	\$375.00	1	1	2
145	McCann, Kevin A.	Judge	\$750.00	1	1	2
146	McCauley, Judith L.	Judge			1	1
147	McCulloch, Sara L.	Judge	\$375.00	1	1	2
148	McKenna, Edward	Judge	\$750.00	1	1	2
149	Meadows, Victoria C.	Judge	\$750.00	1	1	2
150	Mendoza, Debbie	Judge	\$187.00	1	1	2
151	Meyer, David	Judge	\$750.00	1	1	2
152	Meyer, Samuel G.	Judge			1	1
153	Meyer, Thomas L.	Judge	\$187.00	1	1	2
154	Michels, Steven L.	Judge	\$375.00	1	1	2
155	Miller, John A.	Judge	\$187.00	1	1	2
156	Moore, Stephen E.	Judge	\$750.00	1	1	2
157	Nault, Peter L.	Judge	\$750.00	1	1	2
158	Noonan, Susan	Comm	\$750.00	1	1	2
159	Odell, Timothy B.	Judge	\$750.00	1	1	2
160	Olbrechts, Kristen	Judge			1	1
161	Olson, John R.	Comm			1	1
162	Olwell, Kelley C.	Judge	\$750.00	1	1	2
163	O'Toole, Lisa	Judge	\$750.00	1	1	2

	LastFirstMiddle	Pos.	Gen. Dues	Gen. Dues Pd	Spec Fund	
			Paid Amount	Good Stand	N/A for 2015	
164	Osler, Kelli E.	Judge	\$750.00	1	1	2
165	Paja, Marilyn G.	Judge	\$750.00	1	1	2
166	Parcher, Kristen L.	Comm	\$300.00	1	1	2
167	Parise, Anthony	Comm	\$600.00	1	1	2
168	Penoyar, Elizabeth	Judge	\$375.00	1	1	2
169	Petersen, David L.	Judge	\$375.00	1	1	2
170	Peterson, Vance W.	Judge	\$750.00	1	1	2
171	Phillips, Glenn M.	Judge	\$750.00	1	1	2
172	Porter, Rick L.	Judge	\$750.00	1	1	2
173	Portnoy, Linda S.	Judge	\$375.00	1	1	2
174	Putka, Edward J.	Judge	\$750.00	1	1	2
175	Reynier, Jr., Ronald	Judge	\$375.00	1	1	2
176	Ringus, Kevin G.	Judge	\$750.00	1	1	2
177	Roach, Jerry	Judge	\$750.00	1	1	2
178	Robertson, Rebecca C.	Judge	\$750.00	1	1	2
179	Robinson, Douglas B.	Judge			1	1
180	Rochon, L. Stephen	Judge			1	1
181	Roewe, Michael P.	Comm	\$150.00	1	1	2
182	Rosen, Steven	Judge	\$750.00	1	1	2
183	Ross, Margaret Vail	Judge	\$750.00	1	1	2
184	Roy, Kevin M.	Judge	\$750.00	1	1	2
185	Rozzano, Mara	Judge			1	1
186	Sage, C Scott	Judge	\$187.00	1	1	2
187	Samuelson, Wade S.	Judge	\$750.00	1		
188	Sanderson, Brian K.	Judge	\$750.00	1	1	2
189	Schreiber, Vernon L.	Judge	\$750.00	1	1	2
190	Schweppe, Alfred G.	Judge	\$750.00	1	1	2
191	Seaman, Shane	Comm	\$150.00	1	1	2
192	Seitz, Vicki M.	Judge	\$750.00	1	1	2
193	Shadid, Damon G.	Judge	\$750.00	1	1	2
194	Shah, Ketu	Judge	\$750.00	1	1	2
195	Short, Charles D.	Judge	\$750.00	1	1	2
196	Smiley, Pete	Comm	\$600.00	1	1	2
197	Smith, Douglas J.	Judge	\$750.00	1	1	2
198	Smith, Heidi E.	Judge	\$750.00	1	1	2
199	Smith, Linford C.	Comm			1	1
200	Solan, Susan	Judge	\$375.00	1	1	2
201	Staab, Tracy	Judge			1	1
202	Steele, George A.	Judge	\$375.00	1	1	2
203	Steiner, David A.	Judge	\$750.00	1	1	2
204	Stephenson, Elizabeth D.	Judge	\$750.00	1	1	2
205	Stewart, Kevin D.	Comm			1	1
206	Stewart, N. Scott	Judge	\$375.00	1	1	2
207	Stewart, Wayne	Judge	\$375.00	1	1	2
208	Stewart, William J.	Judge	\$187.00	1	1	2
209	Stiles, Brian L.	Judge	\$187.00	1	1	2
210	Sussman, Claire	Judge	\$750.00	1	1	2
211	Svaren, David A.	Judge			1	1
212	Swanger, James P.	Judge	\$750.00	1	1	2
213	Szambelan, Michelle	Judge			1	1
214	Tanner, Terry M.	Judge	\$750.00	1	1	2
215	Tedrick, Marjorie	Judge	\$187.00	1	1	2
216	Tolman, Jeff	Judge	\$375.00	1	1	2
217	Towers, Lorrie C.	Judge	\$750.00	1	1	2
218	Tripp, Gregory J.	Judge	\$750.00	1	1	2
219	Tripp, Wendy	Comm	\$150.00	1	1	2
220	Tucker, Donna K.	Judge	\$750.00	1	1	2

	LastFirstMiddle	Pos.	Gen. Dues	Gen. Dues Pd	Spec Fund	
			Paid Amount	Good Stand	N/A for 2015	
221	Turner, Michael S.	Judge			1	1
222	Tveit, Gina	Judge			1	1
223	Van De Veer, Philip J.	Judge	\$375.00	1	1	2
224	Van Slyck, Laura	Judge	\$750.00	1	1	2
225	Verhey, Elizabeth	Judge	\$750.00	1	1	2
226	Walden, Kimberly A.	Judge	\$375.00	1	1	2
227	Whitener-Moberg, Janis	Judge	\$750.00	1	1	2
228	Wilcox, Kalo	Judge			1	1
229	Williams, Matthew	Judge	\$750.00	1	1	2
230	Wilson, Donna	Judge	\$750.00	1	1	2
231	Witteman, Jeffrey M.	Comm	\$600.00	1	1	2
232	Wohl, Paul	Comm			1	1
233	Woodard, Susan J.	Judge	\$750.00	1	1	2
234	Wyninger, Karen S.	Comm	\$300.00	1	1	2
235	Zimmerman, Darvin J.	Judge	\$750.00	1	1	2
236	New Edmonds Muni Jdg	Judge			1	1
			\$107,500.00	183	235	

% who have NOT paid regular dues 22.03%

% in good standing in 2014 77.97% Note: special fund dues not assessed in 2014

% in good standing in 2014 97.47% Note: special fund dues not assessed in 2014

% in good standing in 2013 97.93% Note: special fund dues not assessed in 2013

% in good standing in 2012 96.64% Note: special fund dues not assessed in 2012

% in good standing in 2011 98.32% Note: special fund dues not assessed in 2011

% in good standing in 2010 85.19%

% in good standing in 2009 84.81%

% in good standing in 2008 72.03%

% in good standing in 2007 71.06%

% in good standing in 2006 87.77%

% in good standing in 2005 78.30%

% in good standing in 2004 69.87%

DMCJA\dues notices\DMCJADuesPaid 2015.xls



P.O. Box 1800
Saint Paul, Minnesota 55101-0800

3452 TRN

Y ST01

Business Statement

Account Number: [REDACTED]

Statement Period:

Jan 2, 2015
through
Jan 31, 2015

Page 1 of 1



000137954 1 AV 0.381 106481909211193 P
THE WASHINGTON STATE DISTRICT AND
MUNICIPAL COURT JUDGES ASSOCIATION
PO BOX 7
DAYTON WA 99328-0007

To Contact U.S. Bank

24-Hour Business Solutions: 1-800-673-3555

Telecommunications Device for the Deaf: 1-800-685-5065

Internet: usbank.com

INFORMATION YOU SHOULD KNOW

Effective March 1, 2015, we will no longer offer American Express Travelers Cheques at our branch locations.

PLATINUM BUSINESS MONEY MARKET

Member FDIC

U.S. Bank National Association

Account Number: [REDACTED]

Account Summary

	# Items				
Beginning Balance on Jan 2		\$	100,507.21	Annual Percentage Yield Earned	0.15%
Other Deposits	1		12.80	Interest Earned this Period	\$ 12.80
Ending Balance on Jan 31, 2015		\$	100,520.01	Interest Paid this Year	\$ 12.80
				Number of Days in Statement Period	31

Other Deposits

Date	Description of Transaction	Ref Number	Amount
Jan 30	Interest Paid	3000004034	\$ 12.80
Total Other Deposits			\$ 12.80

10/10/2012

10/10/2012

ACCT# ██████████ WA STAT D M HISTORY INQUIRY 02/04/15 13:54 1 OF 2 SIDP

Date	TCD	Amount	Balance	Teller	STAT	MOD	DESCRIPTION
01 06/20/14	DEP	48,541.79	48,541.79	332-8679			
02 06/30/14	INT	2.19	48,543.98	080-0080			
03 07/02/14	WDL	10.95	48,533.03	080-0001	NF		HARLAND CLARKE
04 07/31/14	INT	6.18	48,539.21	080-0080			
05 08/31/14	INT	6.18	48,545.39	080-0080			
06 09/30/14	INT	5.99	48,551.38	080-0080			
07 10/31/14	INT	6.19	48,557.57	080-0080			
08 11/30/14	INT	5.99	48,563.56	080-0080			
09 12/31/14	INT	6.19	48,569.75	080-0080			
10 01/08/15	WDL	1,000.00	47,569.75	332-8537	Y		
11 01/22/15	WDL	10.95	47,558.80	080-0001	NF		HARLAND CLARKE
12 01/31/15	INT	4.45	47,563.25	080-0080			

ACCT# ██████████ WA STAT D M HISTORY INQUIRY 02/04/15 13:54 2 OF 2 SIDP

Date	TCD	Amount	Balance	Teller	STAT	MOD	DESCRIPTION
		ENDING BAL	47,563.25				



DMCJA Rules Committee

Wednesday, January 21, 2015 (12:00 p.m. – 1:00 p.m.)
Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Garrow
Vice Chair, Judge Dacca
~~Judge Butterff~~
~~Judge S. Buzzard~~
~~Judge Fraser~~
~~Judge Grant~~
~~Judge Harmon~~
~~Judge Robertson~~
~~Judge Steiner~~
~~Judge Szambelan~~
~~Judge Williams~~
~~Ms. Patti Kohler, DMCMA Liaison~~

AOC Staff:

Ms. J Benway

Judge Garrow called the meeting to order at 12:05 p.m.

The Committee discussed the following items:

1. December 2014 meeting minutes

The December 2014 Rules Committee meeting minutes were previously approved by the Committee via email.

2. Discuss proposed amendments to CrRLJ 2.1, submitted by WSBA: removing the provisions that allow for citizen complaints

The Committee discussed the WSBA proposal, which is similar to an amendment DMCJA previously proposed. Comments are due to the Supreme Court Rules Committee by April 30, 2015. The Committee recommends that the DMCJA Board submit a letter in support of the proposal. Judge Robertson agreed to draft the letter.

3. Discuss proposed amendments to CrRLJ 4.8, submitted by WSBA: technical change to correct a reference from 45(c) to 45(b)

The Committee determined that because the proposed amendment is so minor, a comment is unnecessary.

4. Discuss proposed amendments to CrRLJ 7.2, submitted by WSBA: requiring the court to advise a defendant that the right to appeal is limited following a guilty plea

The Committee discussed the WSBA proposal, which also has a comment submission deadline of April 30, 2015. The Committee thought the Supreme Court was likely to approve the amendment as it was consistent with the statute and caselaw. The Committee decided to recommend that the DMCJA Board not comment on the proposed amendment.

5. CrRLJ Subcommittee Report

The CrRLJ Subcommittee reviewed the Criminal Rules for Courts of Limited Jurisdiction and has no changes to recommend at this time.

6. CRLJ Subcommittee Report: Proposed Revisions to CRLJ 26 and CRLJ 56

Judge Dacca presented proposed revisions to CRLJ 26, Discovery, and CRLJ 56, Summary Judgment, to the WSBA for comment. The WSBA Court Rules Committee will consider the CRLJ 26 proposal at its January meeting but is taking more time to consider the CRLJ 56 proposal. Judge Robertson will attend the January meeting and report back.

7. Other Business and Next Meeting Date

The next Rules Committee meeting was scheduled for February 18, but Judge Garrow cannot attend at that time so the Committee decided to postpone the meeting. The next meeting is scheduled for Wednesday, February 25, 2014 at noon.

There being no further business, the meeting was adjourned at 12:30 p.m.

KING COUNTY DISTRICT COURT
East Division – Redmond Courthouse

Judge Janet E. Garrow
206-477-2103

8601 160th Ave NE
Redmond, WA 98052-3548

Kathy Orozco
Court Manager

TO: Judge David Steiner, President, DMCJA Board
FROM: Judge Janet Garrow, Chair, DMCJA Rules Committee
SUBJECT: WSBA Proposal to Amend CrRLJ 2.1
DATE: February 4, 2015

The Washington State Bar Association (WSBA) has requested that the Supreme Court amend CrRLJ 2.1 to remove the citizen complaint provisions in subsection (c). As the DMCJA made a similar request as recently as 2012, the DMCJA Rules Committee recommends that the DMCJA submit the attached letter in favor of the proposed amendment prior to the April 30, 2015 deadline.

If you have any questions, please contact me or J Benway.

Attachments: Comment letter re proposed amendment to CrRLJ 2.1(c)

CC: DMCJA Rules Committee
J Benway, AOC Staff

February 4, 2015

Honorable Charles W. Johnson, Chair
Supreme Court Rules Committee
PO Box 40929
Olympia, WA 98504-0929

Dear Justice Johnson,

RE: PROPOSED REPEAL OF CrRLJ 2.1(C)

Thank you for inviting comment on the Washington State Bar Association's (WSBA) proposed repeal of CrRLJ 2.1(c), Citizen Complaints. The District and Municipal Court Judge's Association (DMCJA) supports repeal of this provision.

The DMCJA has proposed repealing CrRLJ 2.1(c) on four occasions since 1987. The primary concern of the DMCJA is that CrRLJ 2.1(c) violates the separation of powers doctrine, requiring a judge to serve as both prosecutor and judicial officer. This concern is shared by the WSBA. (See WSBA GR 9 Coversheet re: CrRLJ 2.1(c)).

The Washington State Supreme Court has stated that the prosecuting attorney's core function is the exercise of discretion in charging decisions, and under the separation of powers doctrine this discretion shall not be interfered with by the legislative or judicial branches. State v. Rice, 174 Wn.2d 884 (2012). The decision to determine and file appropriate charges is vested in the prosecuting attorney as a member of the executive branch. State v. Walsh, 143 Wn.2d 1 (2001); State v. Meacham, 154 Wn.App. 467 (2010). It is improper for the court to assume authority for prosecutorial decisions, especially via a court rule, as court rules are reserved for procedural matters.

CrRLJ 2.1(c) violates the separation of powers doctrine by encroaching on a prosecuting attorney's charging discretion and imposing duties upon the judiciary as to whether a criminal case may be filed. Therefore, the DMCJA again asks that this provision be repealed.

Sincerely,

Judge David Steiner,
DMCJA President

cc. Judge Janet Garrow, DMCJA Rules Committee Chair
Ms. Jennifer Benway, AOC Staff

Harvey, Sharon

From: Keown, Julie on behalf of Madsen, Justice Barbara A.
Sent: Wednesday, January 21, 2015 5:21 PM
To: Veronica Alicea-Galvan
Cc: Harvey, Sharon
Subject: annual meeting request - Supreme Court and DMCJA

Dear Judge Alicea-Galvan:

On behalf of my colleagues, I would like to invite the board members of the District and Municipal Court Judges Association to meet with the Supreme Court on an annual basis to discuss matters of mutual interest.

If the board of amendable I would like to arrange a time following one of our monthly court meetings in April, September, or November. We can set aside a couple of hours in the afternoon (1:00/1:30-3ish) at The Temple of Justice.

I recognize the task of following up will fall to your successor, but I want to get the conversation started now.

Barbara Madsen, Chief Justice
Washington State Supreme Court

From: Rosen, Steve [<mailto:Steve.Rosen@seattle.gov>]
Sent: Tuesday, February 03, 2015 1:56 PM
To: Steiner, David; Ramsdell, Jeffrey
Subject: FW: request from Committee to address racial minority juror participation

Judges,

I am writing to you at the suggestion of Chief Justice Madsen. As you can see from the message below and the attachments, I am part of a committee that has been working for some time to come up with ideas on how Washington can increase the diversity of its jury pools. We have done a tremendous amount of work already.

The first step we hope to accomplish is to have research done on the current demographics of our juries. We have drafted a survey and secured the resources to analyze the results. However, we would like to have the Chief send out a letter asking jurisdictions to participate. She has asked me to contact you to see if your organizations, the SJA and the DMCJA, would support such a project.

Would each of you be willing to either answer for your organizations or put it on an agenda for discussion/voting?

Please let me know if you have any questions.

Thanks,

Steve Rosen
206-992-5281

December 18, 2013

Jeff Liang
President, Asian Bar Assn of Washington
671 S. Jackson Street, Suite 201
Seattle, WA 98104

Aric Bomszyk
President, Cardozo Society
1422 Bellevue Avenue
Seattle, WA 98122

Rommel de las Alas
President, Filipino Lawyers of Washington
787 Maynard Avenue South
Seattle, WA 98104

Jason Holloway
President, GLBT Bar Assn of Washington
1420 Fifth Avenue, Suite 3000
Seattle, WA 98101

Steven Kim
President, Korean American Bar Assn
516 3rd Avenue, Room W554
Seattle, WA 98104

Emily Gonzalez
President, Latina/o Bar Assn of Washington
1102 Broadway, #403
Tacoma, Washington 98402

Elijah Forde
President, Loren Miller Bar Assn
P.O. Box 21964
Seattle, WA 98111

Teebah Alsaleh
President Middle Eastern Legal Assn
2600 116th Avenue NE, Suite 200
Bellevue, WA 98004

Diana Bob
President, NW Indian Bar Assn
2665 Kwina Road
Bellingham, WA 98226

Kanika Chander
President, South Asian Bar Assn
1201 Third Avenue, Suite 4900
Seattle, WA 98101

Binh Nguyen
President, Vietnamese American Bar Assn
PO Box 97050, MS 1049-1
Seattle, WA 98124

Noel Nightingale
President, Washington Attorneys with
Disabilities
915 – 2nd Avenue, Suite 3310
Seattle, WA 98174

Naomi Ogan
President, Washington Women Lawyers
925 4th Avenue, Suite 2900
Seattle, WA 98104

Judge Mary Yu
King County Superior Court
516 3rd Avenue, Room C-203
Seattle, WA 98104

Peter Holmes
Seattle City Attorney's Office
600 4th Avenue, 4th Floor
P.O. Box 94769
Seattle, WA 98124

Don Madsen
Associated Counsel for the Accused
110 Prefontaine Place South, Suite 200
Seattle, WA 98104

Nancy Talner
ACLU of Washington
901 Fifth Avenue, Suite 630
Seattle, WA 98164

Re: Committee to address racial minority juror participation

To the Presidents of the Above Bar Associations:

After the Washington State Supreme Court's decision in *State v. Saintcalle*,¹ there can be no doubt that the use of preemptory challenges is and will continue to be a topic of significant discussion in our communities. I write today to ask for your help with a related but slightly different topic: the participation of, and roadblocks to, the racial minority community's participation in jury service. The issue can be stated another way: Why aren't certain groups of jurors coming to courts for jury service and what can we do about it?

When I became a full time trial judge in 2011, the presiding judge placed me into a trial rotation. Throughout the year, I noticed a pattern related to the jurors that came into my courtroom on jury panels. It seemed to me that racial minorities were included on my jury panels in a ratio that was not even close to their population in the Seattle area. When I returned to a trial rotation in my third year, I started keeping statistics relating to the make up of every juror on every panel. After about 9 months of tracking, I had gathered statistics on race and gender for 327 jurors comprising 20 panels.

The results shocked me. Racial minorities make up about 30% of the City of Seattle's population.² However, approximately 86% of the people reporting to jury service are caucasian. These are the same results as found in a 2011 Seattle Municipal Court voluntary juror survey I recently discovered.

¹ 178 Wn.2d 34 (2013)

² www.seattle.gov/oir/datasheet/demographics.htm and <http://quickfacts.census.gov/qfd/states/53/5363000.html>

I would like to try do something about this inequity. On January 31, 2014, you (or your representative) are invited to join the first meeting of an action group on this issue. The goal of this action group will be fairly straightforward – to come up with 5-10 ways to increase participation of racial minority jurors. Each member of the action group may be asked to research some area of policy or procedure. However, it is important to note that the amount of time involved will not be significant.

When we are finished, the action group will publish a letter containing its ideas. This letter will be sent to all appropriate people and entities. It may make specific requests for implementation to the Washington State Supreme Court and/or the Washington State Minority and Justice Commission. Hopefully, it will serve as part of the larger conversation on minority juror service.

The meeting specifics are:

January 31, 2014 at 12:15 pm
Seattle Municipal Court
10th Floor Chambers
600 Fifth Avenue
Seattle, WA 98104

RSVP steve.rosen@seattle.gov

I look forward to discussing these important issues with you and making a difference in 2014!

Sincerely,

Steven Rosen
Judge
Seattle Municipal Court



Misdemeanant Corrections Association

January 7, 2015

To: Judge Veronica Alicea-Galvin, Chair DMCJA

From: Deena Kaelin, Past President MCA

RE: Request for Grant for Plenary/Keynote Speaker at MCA 2015
Spring Conference

President

Skip Stover
Probation Officer
Chelan District Court
Probation
509-667-6239

Vice President

Pat Gigstead
Probation Officer
Kittitas County
Probation Services
507 N. Nanum, Ste 8
Ellensburg, WA
98926/509-962-7646

Treasurer

Chris Hornung
Marysville Municipal
Court Probation
360-363-8064

Secretary

Debbie Noland
Probation Officer
Pasco Municipal
Court Probation
509-545-3848

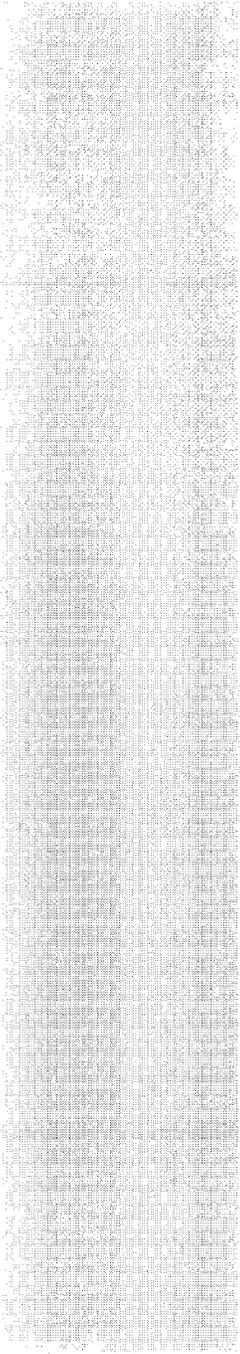
On behalf of MCA I am asking for financial support from DMCJA for MCA's 2015 Spring Conference. At the conference misdemeanor probation officers receive training for continuing education. The various trainings offered, assist probation officers in gaining new information and skills, and enhance skills previously achieved, thus providing quality service for our courts.

Attached is the Abstract of the presenter set for this spring's conference. MCA is requesting funding in the amount of \$2,500. DMCJA has made contributions in the form of scholarships in the past for MCA.

We hope DMCJA can support MCA in continuing to provide quality training for probation officers working with Courts of Limited Jurisdiction. Thank you for your consideration of this request.

Sincerely,

Deena Kaelin
Probation Officer
Puyallup/Milton Municipal Courts
929 E. Main #120
Puyallup, WA 98373
(253) 770-3347



The Behavior Change Drivers:
How Motivational Interviewing (MI) and Feedback-Informed Treatment (FIT)
Engage the Real “Engines” of Behavior Change

Keynote / Plenary Abstract

(Description can be shortened for conference brochure);

New research concludes change is “isomorphic” – it’s one offender at a time. Why then does our field tout the power of treatment models when important studies find it’s the individual client who represents the real engine to change? Why must agencies always be doomed to gain feedback about offender relationships (and service effectiveness) AFTER services have ended? Join this presentation to learn how to harness the tremendous power that relationships can offer, through the use of real-time (immediate) feedback. Examine the benefits to be gained when one moves from evidence-based practice to *practice-based evidence!*

It has been said that the most overlooked and wasted resources in helping efforts are the capabilities and strengths of offenders and their environments. Focusing on the problem and trying to “fix it” creates obstacles in our work. What is wrong, what is missing and what is abnormal keeps our attention while strengths and healthy patterns are passed over and ignored. We’ve studied how offenders “fall down” for over five decades. Motivational Interviewing represents a new science of investigating how probationers “get up.”

How one understands motivation with offenders will directly affect what one does (or doesn’t do) to increase it. Join this workshop for a research-based look at the questions, “Why do people change?” and “How do people change?” Motivation is not a trait (like having brown eyes) it’s a state—and a state *that can be influenced!* Increase your understanding about the conditions that drive positive behavior change and consider what can be done to increase the conditions necessary *for change to occur.*

Goals-Learning Objectives:

Upon completion, participants attending this training will be able to:

- Be able to explain how “Practice-Based Evidence” (utilizing offender feedback in real time) can increase positive outcomes.
- Define the concepts of importance, confidence and readiness to change and explain why these conditions influence positive behavior change.
- Be able to explain why direct confrontation in probationer interactions can impede behavior change.

Michael D. Clark, MSW, LMSW
Director, Center for Strength-Based Strategies
872 Eaton Drive / Mason, Michigan USA 48854-1346
Daytime telephone: [517] 244-0654
E-mail: buildmotivation@aol.com / Website : www.buildmotivation.com

Publications

- (July 2013) Clark, Michael D., "Moving from Compliance to Behavior Change: Motivational Interviewing and the Field of Corrections. *The IACFP Newsletter* (International Association of Correctional & Forensic Psychology), Vol. 45 (3) 1-4.
- (January 2012) Clark, Michael D., "Why Do Criminals Desist?" *The IACFP Newsletter* (International Association of Correctional & Forensic Psychology), Vol. 44 (1) 1-4.
- (2009) Clark, Michael D., *The Strengths Perspective in Criminal Justice*. In D. Saleebey (ed.) Fifth Edition (2009). *The Strengths Perspective in Social Work Practice*. New York: Longman
- (Summer 2008) Clark, Michael D., "Moving From Compliance To Behavior Change: Motivational Interviewing and the Juvenile Court." *Juvenile and Family Justice Today*, National Council of Juvenile and Family Court Judges. Vol. 17 (3), 22-23.
- (June 2007) Walters, Scott T., Clark, Michael D., Gingerich, Ray & Meltzer, Melissa, "Motivating Offenders to Change: A Guide for Probation & Parole Officers" Practice Monograph, National Institute of Corrections (NIC) – US Department of Justice. (NIC Accession number 022253)
- (June 2006) Clark, Michael D., Walters, S. T., Gingrich, R., & Meltzer, M. "Motivational Interviewing for Probation Officers: Tipping the balance towards change." *Federal Probation*. (United States Courts). Vol. 70 (1). 38-44. [Part Two of Two Part Series]
- (Summer 2006) Clark, et al., "Importance, Confidence and Readiness to Change: Motivational Interviewing for Probation and Parole." *Perspectives*. Journal of the American Probation & Parole Association. Vol. 30 (3). 36-45. [Part Two of Two Part Series]
- (Spring 2006) Clark, Michael D. "Motivational Interviewing and the Probation Executive: Moving into the Business of Behavior Change." *Executive Exchange*. Journal of the National Association of Probation Executives. 17-22.
- (Winter 2006) Clark, Michael D. "Entering the Business of Behavior Change: Motivational Interviewing for Probation Staff" *Perspectives*. Journal of the American Probation & Parole Association. Vol. 30 (1). 38-45. [Part One of Two Part Series]
- (December, 2005) Clark, Michael D. "Motivational Interviewing for Probation Staff: Increasing the Readiness to Change. *Federal Probation Journal* (United States Courts). Vol. 69 (2). 22-28. [Part One of Two Part Series]

Previous train-the-trainer initiatives for Motivational Interviewing includes:

- Los Angeles County Probation
- Wyoming Department of Corrections
- Hawaii District - Federal Probation Services
- Utah Department of Corrections
- Montgomery County Juvenile Court – Dayton, Ohio
- Michigan Association of Community Mental Health Boards
- Brazoria County – Texas, Community Corrections Department
- Bay-Arenac Community Mental Health, Bay City, Michigan
- State of Nebraska – Youth Rehabilitation and Treatment Center
- Pennsylvania Board of Probation and Parole
- South Central Behavioral Health Services – Kearney/Hastings, Nebraska
- Montgomery County Adult Community Corrections – Dayton, Ohio
- Arizona Department of Juvenile Corrections
- Nueces County Community Corrections – Corpus Christi, Texas
- Texas Dep't of Criminal Justice – Community Justice Assistance Division
- Starr Commonwealth – Adolescent Residential/ Community Programming
- Mid-Plains Center for Behavioral Healthcare Services – Grand Island, NE
- State of Idaho, Juvenile Corrections Department
- El Paso Probation Department
- Nashville Juvenile Court
- Memphis Juvenile Court
- North Carolina – TASC (Treatment Alternative for Safer Communities)
- State of Louisiana, Department of Corrections and Public Safety
- Pending for 2015 – Montana Department of Corrections
- Pending for 2015 – Idaho Department of Corrections

Keynotes - presentations for this topic in 2014

- Iowa Correctional Association (ICA)
- Robert Wood Johnson – Reclaiming Futures National Leadership Conference
- American Probation & Parole Association (APPA) – Houston (Winter) & New Orleans (Annual)
- International Community Corrections Association (ICCA) Conference

Please contact me if any further information is needed.

Project: Electronic Search Warrant Protocol
 Date: 1/91/15
 Prepared By: Chris Leyba
 Reporting Period: 12/27/14 to 1/9/15

Weekly Status Summary
Project will be delayed on rollout until January 2015
WIDAC is considering more Ipad hardware purchases for the ELIAS project.
Due to licensing issues with Adobe, the development team has to redesign part of the database integration.

Project Vital Signs:

Resource	Green (Controlled)	Yellow (Caution)	Red (Critical)	Comment
Effort	x			WSP and KCSO developers continue to work through various programming issues with what resources are available prior to the finalized WA budget.
Schedule			x	The development team suffered a minor setback in timeline for completion due to Adobe licensing issues
Scope	x	x		No changes to the scope of the project have occurred since the discussion of general search warrants.

Accomplishments:

Project will be delayed on rollout until January 2015

- We still have no timeline on the Back Office enhancements project, which currently takes precedence over ELIAS implementation.
- Minor development issues have arisen (see below)
- Development meeting scheduled for Friday 1/23 to determine if issues have been resolved and establish a more solidified timeline.

WIDAC is considering more Ipad hardware purchases for the ELIAS project.

- ELIAS team may receive additional hardware funding for pilot judges and early implementation of the system.

Due to licensing issues with Adobe, the development team has to redesign part of the database integration.

- Additional licensing costs of up to \$250,000 are impractical.
- Development team does not see this as a critical roadblock, but reverse engineering on the ELIAS database must occur to meet the technical requirements of the application.

Key Project Decisions this Period:

Date Decided	Decision Maker(s)*	Decision

Key Project Issues Identified this Period:

Date Identified	Issue	Potential Impact	Steps to Resolve
1/7/15	Adobe licensing is too expensive to allow direct .pdf linking into the ELIAS database.	Delay in rollout of the testing environment	Reverse engineering of the ELIAS database

Key Project Risks Identified this Period:

Date Identified	Risk	Potential Impact	Mitigation Steps
None this period.			

Project Performance:

Estimated vs. actual activity completion:

Milestone	Est. Start Date	Est. Finish Date	Act. Start Date	Act. Finish Date	Notes
1. Develop Project Team and Initial Goals	11/13/13	11/13/13	11/13/13	11/13/13	
2. Determine Project Development Direction	11/14/13	01/31/2014	11/14/13	1/22/14	We now believe with educated certainty that the warrant application and transmission media will live with WSP; the project can move into the late stages of pre-development.
3. System Design	5/1/2014	8/1/2014	8/14/14	12/1/14	The new anticipated start dates are pending technical requirements gathering
4. Pilot Agency Introductions	2/21/2014	TBD			Due to delays in development rollout, these engagements were delayed until after 5/1/2014
5. System Testing	11/1/14	11/30/14			Delayed due to development issues
6. Pilot Agency Training	12/1/14	1/31/14			
7. Rollout for Pilot Project	12/1/14	1/31/14			
8. Various Statewide Training for Anticipated System Rollout	Ongoing in 2015	Ongoing in 2015			
9. Pilot Analysis and Final Reporting	5/16/15	5/31/15			
10. Project Close Out	6/1/15	6/1/15			

External Dependencies:

Date Identified	Dependency	Owner	Steps to Address
None this period.			

District and Municipal Court Judges' Association

President

JUDGE VERONICA ALICEA-GALVAN
Des Moines Municipal Court
21630 11th Ave S, Ste C
Des Moines, WA 98198
(206) 878-4597

August 15, 2014

President-Elect

JUDGE DAVID STEINER
King County District Court
585 112th Ave, S.E.
Bellevue, WA 98004
(206) 477-2102

Detective Christopher Leyba
ELIAS Project Manager
c/o Washington Traffic Safety Commission
621 8th Avenue SE, Ste 409
Olympia, WA 98501

Vice-President

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

Dear Detective Leyba:

Secretary/Treasurer

JUDGE SCOTT K. AHLF
Olympia Municipal Court
900 Plum St SE
PO Box 1967
Olympia, WA 98507-1967
(360) 753-8312

The District and Municipal Court Judges' Association (DMCJA) Board of Governors would like to thank you for attending our Board meetings to discuss the Electronic Law Enforcement Interface for Acquisition of Search Warrants (ELIAS) Project. The DMCJA Board would like to remain informed regarding the developments relating to the ELIAS Project and is supportive of using technology to implement more efficient processes. The DMCJA, however, does not want to become a stakeholder in the project out of concern for perceptions of neutrality. As judicial officers, the Board wants to ensure the public that there have been no preconceived judgments on the warrants that appear before us with regards to format or content. For this reason, the DMCJA Board will offer no comments regarding the ELIAS Project Charter.

Past President

JUDGE DAVID A. SVAREN
Skagit County District Court
600 S 3rd Street
PO Box 340
Mount Vernon, WA 98273-0340
(360) 336-9319

We understand that this is a contrast from our previous position, however, after ample consideration, the DMCJA Board has decided it is best to remain neutral. Therefore, each individual court will decide the process for electronic search warrants that works best within their jurisdiction. Thank you again for your time and effort to include the courts of limited jurisdiction in the ELIAS Project.

Board of Governors

JUDGE JOSEPH M. BURROWES
Benton County District Court
(509) 735-8476

JUDGE MICHELLE K. GEHLSSEN
Bothell Municipal Court
(425) 487-5587

JUDGE JEFFREY J. JAHNS
Kitsap County District Court
(360) 337-4972

JUDGE SAMUEL MEYER
Thurston County District Court
(360) 786-5562

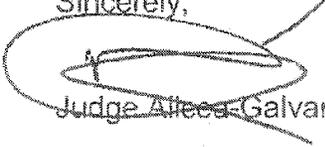
COMMISSIONER SUSAN J. NOONAN
King County District Court
(206) 477-1720

Please do not hesitate to contact me with any questions and/or concerns. Thank you.

JUDGE KELLEY C. OLWELL
Yakima Municipal Court
(509) 575-3050

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 835-3000

Sincerely,


Judge Alicea Galvan

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

cc: Sharon R. Harvey, AOC

JUDGE TRACY A. STAAB
Spokane Municipal Court
(509) 625-4400

The Supreme Court
State of Washington

BARBARA A. MADSEN
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2037
FAX (360) 357-2085
E-MAIL J_B.MADSEN@COURTS.WA.GOV

January 6, 2015

Honorable Veronica Alicea-Galvan
Des Moines Municipal Court
21630 – 11th Avenue South, Suite C
Des Moines, WA 98198-6317

Re: Appointment to the Washington State Center for Court Research Strategic Oversight Committee

Dear Judge Alicea-Galvan:

On November 6, 2014, the Washington Supreme Court signed an order revising the charter for the Washington State Center for Court Research (WSCCR) to clarify the mission of WSCCR and establish a strategic oversight committee.

The purpose of the strategic oversight committee is to set priorities for research projects. The committee's membership is composed of judicial branch leaders:

Chief Justice of the Supreme Court
Current Superior Court Judges' Association President
Current District and Municipal Court Judges' Association President
State Court Administrator
Judicial Information System Committee Chair
Commission on Children in Foster Care Co-Chair
Gender and Justice Commission Chair
Minority and Justice Commission Co-Chair
Interpreter Commission Chair
WSCCR Advisory Board Chair

In accordance with the order, I am appointing you to serve in the ex officio position until such time as your term as the current District and Municipal Court Judges' Association president expires.

Thank you for undertaking this important responsibility. The committee's critical role is to align research priorities for WSCCR with the strategic priorities of the judiciary, and to ensure that the limited resources of WSCCR are used to the best effect.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Madsen".

Barbara A. Madsen
Chief Justice

c: Judge Ann Schindler
Carl McCurley, AOC

NEALEY & MARINELLA

ATTORNEYS AT LAW

TERRY R. NEALEY
G. SCOTT MARINELLA
KIMBERLY R. BOGGS

NEALEY-MARINELLA.COM
(509) 382-2541
(509) 382-4634 Fax

tnealey@nealey-marinella.com
smarinella@nealey-marinella.com
kboggs@nealey-marinella.com

January 9, 2015

Melanie Stewart
Attorney at Law
6035 Troon Lane, SE
Olympia, WA 98501-5176

Re: Judge Marinella - Voucher

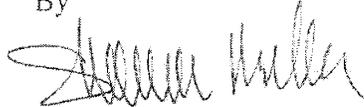
Dear Ms. Stewart:

Enclosed is a check in the amount of \$1,000.00, for reimbursement for your work done regarding the judges' pension funds. Thank you and if you should have any questions, please do not hesitate to contact me or Judge Scott Marinella.

Very truly yours,

NEALEY & MARINELLA

By



Shannon McMillen,
Legal Assistant

Enclosure

cc: Scott Ahlf
Sharon Harvey

REPLY TO DAYTON OFFICE
P.O. BOX 7 • 338 E. Main Street
Dayton, Washington 99328
(509)382-2541 (509)382-4634-Fax

REPLY TO POMEROY OFFICE
P.O. Box 820 • 809 Columbia Street
Pomeroy, Washington 99347
(509)843-1396 (509)843-2337-Fax

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK.

OFFICIAL CHECK

ABSENCE OF THIS FEATURE WILL INDICATE A COPY.

Washington Federal.
invested here.

1035873866

Corporate Headquarters • 425 Pike Street • Seattle, WA 98101

ISSUED BY: MONEYGRAM PAYMENT SYSTEMS, INC.
P.O. BOX 8470, MINNEAPOLIS, MN 55480
DRAWEE: FIRST INTERSTATE BANK, BILLINGS, MT

22-641
200

01/08/2015

RE: WA State Dist & Municipal Court Judges' Assoc

\$1,000.00

\$1,000.00

PAY

TO
THE
ORDER
OF

Melanie Stewart

[Handwritten Signature]
DRAWER: WASHINGTON FEDERAL
President and CEO

AUTHORIZED SIGNATURE

Haggen Floral



Toll Free: 866-852-9644

[Continue Shopping](#)

YOUR ORDER HAS OFFICIALLY BEEN SUBMITTED.

Please print this page for your records.
You will also receive an e-mail confirmation of this order. Please save.

Your reference number for this order is **MASTER ID:220404504**
Item (1) confirmation number: **FPH5627733** - recipient: **Doug Haake**

Billing Information

First Name:	Judge Scott	Address:	900 Plum St. SE, PO Box 1967
Last Name:	Ahlf	Zip/Postal Code:	98507
Day #:	3607538312	City:	OLYMPIA
Evening #:	3607538312	State/Province:	WA
E-mail:	sahlf@cl.olympla.wa.us	Country:	United States

Credit Card Information



Credit Card #: *****6977

Item 1 For Delivery



The FTD® Thinking of You™ Bouquet THU for **DELIVERY** to

First Name:	Doug	Address:	3611 Baker Ames Road NE	Better Item	\$69.99
Last Name:	Haake	Zip/Postal Code:	98506		
Location Type:	Residence	City:	Olympia	Delivery Charge	\$15.00
Business:	N/A	State/Province:	WA		
Recipient's Phone #:		Country:	United States	TOTAL	\$84.99
Delivery Date:	21, January 2015				
Special Delivery Instructions:	N/A				
Occasion:	Get Well/Pick-Me-Up				
Card Message:	The District and Municipal Court Judges' Association wants you to know that you are in our thoughts during this time.				
Card Signature:	Judge Alicea-Galvan, President, DMCJA				

If you have any questions or would like to make changes to your online order please contact us by phone at: 866-852-9644, Haggen Floral

Please note: If changes are required we ask that you please contact us 30 minutes after your order is placed as there is a slight delay in receiving the order information in our store.

[Continue Shopping](#)

Item 1 Price =	\$84.99
Subtotal =	\$84.99
Tax =	\$7.60
Service Charge =	\$9.99
GRAND TOTAL =	\$102.58 US



December 31, 2014

Washington District and Municipal Court Judges
Shannon Hinchcliffe
PO Box 41170
Olympia, WA 98504

Dear Shannon:

You make more possible.

Thank you for your \$1600 donation to the YMCA Youth & Government 2015 Annual Campaign.

Together, we are transforming lives. Because of your support, young people are able to achieve their potential, people of all ages are empowered to lead healthier lives, and our community grows stronger.

The Y is committed to empowering people with the resources and support needed to be active and engaged in their communities. Just like this young man from south King County.

Matt's speech impediment made it extraordinarily difficult for him to speak in front of large groups so when he decided to run for a statewide office at Youth Legislature he was taking on a very personal challenge. Statewide elections mean a speech in front of the entire conference. The first time he practiced, it took nearly 20 minutes to get through his remarks. After 6 months, and a tremendous amount of support from his peers and adult mentors, Matt delivered a 2-minute speech to a respectful and supportive audience of 400 youth delegates... and won his election!

For over 1,000 young people like Matt each year, Youth & Government programs provide a safe place to overcome fears, build confidence, and find their voice. These opportunities are only possible because of your generous commitment to the YMCA.

Your partnership with the Y creates not only a positive and lasting change in our community.

Please contact Sarah Clinton at sclinton@seattleyymca.org or 360.357.3475 if you have any questions about our programs, or would like to see your donation at work.

Sincerely,


Sarah Clinton
Executive Director

*Thank you for
your continued
support!*

Important Tax Information – Please retain this letter for your IRS records.

Under federal tax law, the accompanying information may be needed to substantiate a charitable tax deduction for gifts. For more information, please consult your tax manual or tax advisor. The YMCA of Greater Seattle has not provided any goods or services to the donor in return for this contribution.

Pledge Amount: \$1600
Amount Received: \$1600

YMCA YOUTH & GOVERNMENT
PO Box 193, Olympia, WA 98507
P 360 357 3475 youthandgovernment.org



DMCJA BOARD MEETING
FRIDAY, FEBRUARY 13, 2015
12:30 P.M. – 3:30 P.M.
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE DAVID STEINER

SUPPLEMENTAL AGENDA

TAB

Call to Order

General Business

1

A. Minutes

1. December 12, 2014

X

a. Meeting Minutes for December 12, 2014

b. Clarifying Language for Judge Heller's Presentation

2. January 9, 2015

B. Treasurer's Report – *Judge Ahlf*

C. Special Fund Report – *Judge Marinella*

D. Standing Committee Reports

1. Legislative Committee 2015 Session Update – *Judge Meyer*

2. Rules Committee

a. Meeting Minutes for January 21, 2015

b. Letter to Judge Steiner regarding WSBA Proposal to Amend CrRLJ 2.1

E. Trial Court Advocacy Board (TCAB) Update – *Judge Steiner*

F. JIS Report – *Ms. Cullinane*

Liaison Reports

DMCMA

MCA

SCJA

WSBA

WSAJ

AOC

BJA

Discussion

2

A. DMCJA Conference Registration Fee Payment for Members in Good Standing

B. Supreme Court Annual Meeting Request with DMCJA

C. Request for Project Support from Committee to Address Racial Minority Juror Participation

D. Misdemeanant Corrections Association Grant Request

E. Recall Petitions Against CLJ Judges

X

F. ELIAS Warrant Project Update

1. Bi-Weekly Status Report

2. DMCJA Letter to Detective Leyba regarding decision to remain neutral on Project Charter

<p>Information</p> <ul style="list-style-type: none"> A. Washington State Center for Court Research Strategic Oversight Committee Appointment B. Special Fund Check sent to DMCJA Lobbyist, Ms. Melanie Stewart C. Flowers sent to Mr. Doug Haake, former AOC Staff to DMCJA D. YMCA Youth & Government Thank You Letter to DMCJA E. DMCJA Board of Governors Retreat will be held at the Enzian Inn, Leavenworth, WA, May 8-9, 2015 F. DMCJA Spring Conference will be held at the Skamania Lodge, Stevenson, WA, June 7-10, 2014 	<p>3</p>
<p>Other Business</p> <ul style="list-style-type: none"> A. Next Meeting: Friday, March 13, 2015, 12:30 p.m. – 3:30 p.m., AOC SeaTac Office 	
<p>Adjourn</p>	



WASHINGTON
COURTS

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 Representative since 1987, provided the JISC history and his long-time commitment to the CMS-CLJ project. He informed that the JISC started in the 1980's at which time it introduced the District and Municipal Court Information Systems (DISCIS). Historically, CLJ technology was not promoted and the Superior Court Management Information System (SCOMIS) was identified as a priority for system replacement. Thus, the CLJ-CMS project is just now getting started. He stated that the JISC solicited bids for an off-the-shelf case management system when asked to do so at the last DMCJA Board meeting that he attended. At present, the JISC is in the process of adopting a new system for trial courts, however, the biggest issue is legislative funding for the project. Judge Heller informed that the funding source has been attached by the Legislature several years in a row and the JISC is trying to protect the funding for the new CLJ-CMS system. Both the Superior Court and the CLJs are required to adopt data standards in order to obtain state funding. Judge Heller briefly mentioned the ground work that went into this product, the compromises, and the time and effort that occurred at the same time as the Superior Court CMS project, which is estimated to begin in June 2015 in Lewis County. A goal was to have one system to serve all trial court levels but technology did not support the courts' needs and would demand lots of resources. Judge Heller further explained that JISC 13 was implemented in order to maintain a case management system that would allow all systems to exchange data. The CLJs will request funding but notice will be an issue. Judge

Heller stated that he voted for JISCR 13 because the 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 situations in which courts have opted out of the CMS project. Judge Heller stated that it is his desire for 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.

Judge Heller's Presentation

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.

Harvey, Sharon

From: DMCJA Board <DMCJABOARD@LISTSERV.COURTS.WA.GOV> on behalf of Jeffrey J. Jahns <JJahns@CO.KITSAP.WA.US>
Sent: Wednesday, February 11, 2015 5:01 PM
To: DMCJABOARD@LISTSERV.COURTS.WA.GOV
Subject: [DMCJABOARD] Recall Petitions Against CLJ Judges
Attachments: Scheidler Citizen Comp and Recall.pdf

Greetings:

The following is presented to the Board for its information and consideration.

In November 2014, William Scheidler presented a citizen's complaint pursuant to CrRLJ 2.1(c) to the Kitsap County District Court seeking to initiate a criminal action against David Ponzoha, clerk of Division II of the Court of Appeals. Scheidler wanted seven gross misdemeanors and one misdemeanor charged against Ponzoha based upon actions taken by Ponzoha in his official capacity.

A hearing was conducted pursuant to CrRLJ 2.1(c), the Honorable Stephen Holman presiding. Judge Holman took the matter under advisement.

On December 11, 2014, Judge Holman issued a written ruling denying Scheidler's request to institute criminal charges against Ponzoha.

No appeal was taken from Judge Holman's ruling.

On February 5, 2015, Scheidler presented a demand to recall Judge Holman to the Kitsap County Auditor alleging that Judge Holman's actions in the citizen complaint proceeding justified a recall election pursuant to RCW 29A.56.110, which reads:

Whenever any legal voter of the state or of any political subdivision thereof, either individually or on behalf of an organization, desires to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of Article 1 of the Constitution, the voter shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of the office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated the oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall. The charge shall state the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person or persons making the charge, give their respective post office addresses, and be verified under oath that the person or persons believe the charge or charges to be

true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

For the purposes of this chapter:

(1) "Misfeasance" or "malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;

(a) Additionally, "misfeasance" in office means the performance of a duty in an improper manner; and

(b) Additionally, "malfeasance" in office means the commission of an unlawful act;

(2) "Violation of the oath of office" means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law.

Pursuant to RCW 29A.56.120, the Auditor's Office promptly served a copy of the charge on Judge Homan and certified and transmitted the charge to the Prosecutor's Office to prepare the ballot synopsis provided in RCW 29A.56.130.

RCW 29A.56.130(1) requires the Prosecutor's Office, within 15 days after receiving the charge, to formulate a ballot synopsis of the charge of not more than 200 words. The ballot synopsis shall then be certified and transmitted to the person filing the charge and the official subject to recall. The Kitsap County Prosecutor's Office is currently reviewing the recall petition.

The Prosecutor's Office shall also additionally certify and transmit the charges and ballot synopsis to the superior court, and shall petition the superior court to approve the synopsis and to determine the sufficiency of the charges. RCW 29A.56.130(2).

Within 15 days after receiving the petition, the superior court shall conduct a hearing without cost to any party and determine (1) whether the acts stated satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis. RCW 29A.56.140.

The clerk shall notify the parties. Both parties may appear with counsel. RCW 29A.56.140.

If the petition is approved by the superior court, signatures in support of the recall petition of at least 25% of the total number of votes cast for Judge Holman's department in the last election must be secured. RCW 29A.56.180.

If the petition for recall bears the required number of signatures of certified legal voters, a date for the special election shall be fixed. RCW 29A.56.210.

Issues:

Several significant issues are presented by Scheidler's demand for a recall election of Judge Holman.

1. No Opportunity to Respond Until Ballot Synopsis Made Public. Much of RCW 29A.56's recall procedural process is mandatory, with no ability of the person subject to recall to participate. Once the demand for a recall election is presented to the auditor, the auditor shall present the demand to the prosecutor's office. The prosecutor's office then shall prepare a ballot synopsis and present it to superior court. The first chance a person subject to recall has to respond is in open court only after the ballot synopsis is made public.

While this is true for any public official subject to a recall demand, such a process places a significant burden on the judicial branch where a mere allegation of impropriety damages the integrity of the judicial branch.

2. Supreme Court the Only Entity Which May Remove a Sitting Judge During a Term. More significantly, whether a judicial officer can be subject to a recall election is certainly unclear. When a threat of recall is presented based upon actions taken by a judicial officer in his or her official capacity, the recall threat directly impacts both decisional and institutional judicial independence.

Const. art. I, §33, approved in November 1912, authorizes recall of elective public officers.

Every elective public officer of the state of Washington except [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

Const. art I, §34 requires the legislature to enact necessary laws to carry out Const. art I, §33.

I have not researched the 1912 meaning of the phrase "judges of courts of record" to determine whether the phrase includes or excludes judicial officers of courts of limited jurisdiction.

The question arises whether the 1980 constitutionally created Commission on Judicial Conduct (Const. art. IV, §31) is the sole method for sanctioning and/or removing a sitting elected judicial officer during his or her term. The CJC is an independent agency of the judicial branch, which

has jurisdiction over all Washington judicial officers. Only the Washington Supreme Court has constitutional authority pursuant to Const. art. IV, §31(5) to remove a sitting judicial officer during his or her term of office.

The separation of powers doctrine and the doctrine of judicial independence are outlined in Const. art. IV, §1:

The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

3. Payment of Judicial Officer's Attorney's Fees. Certainly, a CLJ judicial officer subject to recall would not want to publicly argue his or her own case in response to a recall petition. Such arguments must be made, and made by an attorney. It would seem that the prosecutor's office who is required to review the charges and prepare the ballot synopsis on behalf of the auditor would be conflicted from representing the judicial officer. If the prosecutor's office does represent the judicial officer, must the judicial officer disclose this relationship to all litigants appearing before the officer where the prosecutor's office is a party? Who is responsible for paying a judicial officer's costs of counsel?

I present this information to the Board for its consideration. I expect that the superior court will find Judge Holman's recall petition not to be authorized by law and dismiss the action. However, in my opinion the impact of potential statewide recall petitions against courts of limited jurisdiction judicial officers in response to a litigant's unsuccessful litigation is a most troubling attack on our judicial independence.

Jeff

Jeffrey J. Jahns
Kitsap County District Court
614 Division Street, MS-25
Port Orchard, WA 98366
360-337-4469
jjahns@co.kitsap.wa.us

This e-mail has been sent to everyone in the DMCJABOARD@LISTSERV.COURTS.WA.GOV mailing list. To reply to the sender, click Reply. To reply to the sender and the mailing list, click Reply All.

You can remove yourself from this mailing list at any time by sending a "SIGNOFF DMCJABOARD" command to LISTSERV@LISTSERV.COURTS.WA.GOV.

RECEIVED

FEB 05 2015

To: Ms. Dolores Gilmore
Kitsap County Auditor
619 Division St.
Port Orchard, WA. 98366

AUDITOR / ELECTIONS
KITSAP COUNTY

Demanding the RECALL and DISCHARGE of Stephen J. Holman from serving as Judge, Kitsap District Court, Department 4.

I, the undersigned, William Scheidler, a resident and registered voter of Kitsap County, WA, make this sworn and verified complaint upon my personal knowledge of the facts and circumstances involved in demanding the recall and discharge of Stephen J. Holman from Judge, Kitsap District Court, by the provisions established in RCW 29A.56.110.

WA State Bar Associate, Stephen J. Holman, WSBA #8451, serving as Judge, Kitsap District Court, (a court not of record) committed the following acts that constitute malfeasance, misfeasance, violation of his oath of office, and violations of Constitutional provisions and WA State Law and his recall is demanded per Sections 33 and 34 of WA Constitution Article 1.

FACTS: On November 19, 2014, I delivered to the District Court of Kitsap County evidence that another member of the judicial branch, David Ponzoha, clerk of the court of appeals II, committed seven gross misdemeanor and one misdemeanor act to further a fraud upon the court in the racketeering enterprise consisting of WA State Bar Associates, Scott Ellerby, WSBA #16277, Jeffrey Downer, WSBA #12625, and Kevin Hull WSBA #23994. This was noted on the District Court Docket as Case Y14-04890. The complete file for this case is included as an additional offer of proof.

On December 5, 2014, Stephen J. Holman, WSBA #8451, as Judge, Kitsap District Court, conducted a motion hearing to determine my standing to file criminal charges against David Ponzoha, per Criminal Rules for Courts of Limited Jurisdiction, rule 2.1(c).

Stephen J. Holman, WSBA #8451, as Judge, Kitsap District Court asked two WA State Bar associates, who serve as state/county prosecutors, to attend the December 5th hearing for the purpose of supplying 'evidence.' The court record identifies Jeremy Morris, WSBA #28722, as one of the prosecutors, the other is unidentified. The duty imposed upon these Bar Associates, serving as prosecutors, is mandated by statute, RCW 10.16.110, which states,

"It shall be the duty of the prosecuting attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination,..."

These WSBA associates, Jeremy Morris and one other, serving as prosecutors, deliberately withheld evidence and failed to examine all the facts as they are required by law to do. The evidence and facts were pivotal as Judge Holman inquired, repeatedly, about the existence of

 ORIGINAL

pg. 1

this 'evidence'. This "evidence" and its existence was based upon my sworn testimony that the "evidence" existed as a public document, an "Opening Brief," and was held by defendant, David Ponzoha, in a pouch found at the appellate court.

A public document, as this "Opening Brief" is, is clearly evidence and fact available to these WSBA lawyers, Jeremy Morris and one other, serving as prosecutors. This "failure" of these two prosecutors to perform a statutory duty imposed upon them by RCW 10.16.110, to obtain this document and examine its factual value is "official misconduct" – a gross misdemeanor under RCW 9A.80.010, and constitutes "concealing evidence" – gross misdemeanor under RCW 9A.72.150.

Stephen Holman's blind-eye to the failure of these two prosecutors, Jeremy Morris and one other, whose lawful duty was to inquire into and make a full examination of all the facts, constitutes "complicity" in these gross misdemeanor acts by these prosecutors under the principles of liability codified by WA Statute RCW 9A.08.020.

As a consequence of the WSBA lawyers, serving as prosecutors, neglecting their duty by deliberately withholding evidence and fact, Stephen Holman penalized me and denied my 'wish to file criminal charges' against David Ponzoha for his crimes. Now, Stephen Holman and the two prosecutors, due to their "official misconduct" must be held complicit in the criminal conduct committed by David Ponzoha under the same statutory principles of RCW 9A.08.020. Said another way, one deliberate act of misconduct to protect another deliberate act of misconduct, which protects yet another deliberate act of misconduct, and so on ... implicates them all in each and every criminal act committed by one or all.

Furthermore, Stephen J. Holman, irrespective of the evidence withheld, intentionally misstated the law and misstated court rules as yet another despicable tactic to save the fraud being committed by his colleagues of the WA State Bar, Scott Ellerby, Jeffrey Downer and Kevin Hull, and judicial colleague David Ponzoha. For Stephen Holman to misstate law and court rules constitutes filing a "false report", which is a gross misdemeanor under RCW 42.20.040.

As an adverse consequence to me, by the gross misdemeanor acts by Stephen Holman and the two prosecutors noted above, my request to file criminal charges against David Ponzoha was denied. And David Ponzoha was permitted to escape his crimes and the fraud upon the court in the theft of \$119,272.45 by WA State Bar Associates Scott Ellerby, Jeffrey Downer and Kevin Hull, and their misallocation of government tax money in funding this fraud, was consummated approximately 4 weeks later.

Nevertheless, in my civic duty to report and prosecute criminal conduct committed by David Ponzoha occurring within the judicial branch, I provided the needed evidence – a copy of the document, and re-submitted an additional motion to amend Stephen J. Holman's findings and order denying the criminal prosecution of David Ponzoha.

Now Stephen Holman had the evidence he needed. I also, in the motion to amend, corrected Stephen Holman's errors of law and errors in citing court rules. I specifically reminded Stephen Holman that the people determine governments "just powers" not public servants determining their own power. I noted that this mandate reserved to the people is enshrined in WA State's Constitution Article 1, Section 1. However Stephen Holman has ignored all that I have done, ignored all that I have provided and argued, so his colleague of the judicial branch, David Ponzoha, can escape the law and the racketeering scheme of Ellerby, Downer, Hull and Ponzoha can proceed to completion.

These unlawful things that Stephen J. Holman did are done to save a fraud being perpetrated upon the court by his colleagues of the judicial branch -- David Ponzoha, Scott Ellerby, Jeffrey Downer and Kevin Hull -- and constitute violations of Stephen Holman's oath to be impartial and to faithfully perform the duties of his office - NOT to be complicit in the gross misdemeanor acts of Ponzoha, or to further a racketeering scheme by Ellerby, Downer, Kevin Hull and the two prosecutors -- Jeremy Morris and one other.

RCW 3.34.080

Oath — District judges — Court commissioners.

Each district judge, district judge pro tempore and district court commissioner shall, before entering upon the duties of office, take an oath to support the Constitution of the United States and the Constitution and laws of the state of Washington, and to perform the duties of the office faithfully and impartially and to the best of his or her ability.

Additionally, during the motion hearing of December 5th, I raised the obvious fact that my wish to institute criminal charges against David Ponzoha, Clerk of the Court of Appeals II, concerns a judicial colleague of Stephen Holman. In addition my criminal complaint against David Ponzoha has at its vortex the "Official Misconduct" statute, RCW 42.20, which Stephen J. Holman must also abide by. These conflicts were of concern to me in that a colleague of and the laws governing David Ponzoha are shared with Stephen Holman. For these conflict reasons I indicated the "disqualification" of Stephen Holman was required -- by law! I suggested an alternative to resolve this 'conflict' by having an impartial "jury" address the evidence and crimes of David Ponzoha. This alternative suggestion of mine, for an impartial decision-maker, is authorized by statute, RCW 2.28.150. Stephen Holman refused to disqualify himself for conflict and refused a lawful alternative to resolve the conflict. Clearly Stephen Holman's direct interest was not to abide by the law, but to insure his colleagues, Ponzoha, Ellerby, Downer, and Hull, escaped accountability. Stephen Holman's refusal to 'disqualify', which is mandated by law - RCW 3.34.110, are gross misdemeanor violations per RCW 9A.80.010 and RCW 42.20.080 and a misdemeanor violation per RCW 42.20.100. Full citations are noted below. Furthermore, Stephen Holman's unlawful conduct to let Jeremy Morris, and the other WSBA lawyer serving as prosecutor, and David Ponzoha escape accountability for their misconduct is in effect a legislative act to legalize or grant immunity to these wrongdoers when he is without such legislative power notwithstanding such legalization or immunities are prohibited by WA Constitution Article 1, Sec 8, and Article 2, Section 28(12).

TABLE OF AUTHORITIES CITED AND VIOLATED BY STEPHEN J. HOLMAN, WSBA # 8451

DECLARATION OF RIGHTS, ARTICLE 1, SECTION 1 POLITICAL POWER. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

DECLARATION OF RIGHTS, ARTICLE 1, SECTION 8 IRREVOCABLE PRIVILEGE, FRANCHISE OR IMMUNITY PROHIBITED. No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

ARTICLE 2, SECTION 28 SPECIAL LEGISLATION. The legislature is prohibited from enacting any private or special laws in the following cases:

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

RCW 3.34.110

District judicial officers — Disqualification.

(1) A district court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the same county.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

RCW 9A.80.010 Official misconduct.

(1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

(a) He or she intentionally commits an unauthorized act under color of law; or

(b) He or she intentionally refrains from performing a duty imposed upon him or her by law.

(2) Official misconduct is a gross misdemeanor.

RCW 42.20.080

Other violations by officers.

Every officer or other person mentioned in RCW 42.20.070, who shall willfully disobey any provision of law regulating his or her official conduct in cases other than those specified in said section, shall be guilty of a gross misdemeanor.

RCW 42.20.100

Failure of duty by public officer a misdemeanor.

Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their wilful neglect to perform such duty, except where otherwise specially provided for, shall be a misdemeanor.

RCW 29A.56.110

Initiating proceedings — Statement — Contents — Verification — Definitions.

Whenever any legal voter of the state or of any political subdivision thereof, either individually or on behalf of an organization, desires to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of Article 1 of the Constitution, the voter shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of the office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated the oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall. The charge shall state the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person or persons making the charge, give their respective post office addresses, and be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

For the purposes of this chapter:

(1) "Misfeasance" or "malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;

(a) Additionally, "misfeasance" in office means the performance of a duty in an improper manner; and

(b) Additionally, "malfeasance" in office means the commission of an unlawful act;

(2) "Violation of the oath of office" means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law.

RCW 10.16.110

Statement of prosecuting attorney if no information filed — Court action.

It shall be the duty of the prosecuting attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination, as provided by law, touching the commission of any offense wherein the offender shall be committed to jail, or become recognized or held to bail; and if the prosecuting attorney

shall determine in any such case that an information ought not to be filed, he or she shall make, subscribe, and file with the clerk of the court a statement in writing containing his or her reasons, in fact and in law, for not filing an information in such case, and such statement shall be filed at and during the session of court at which the offender shall be held for his or her appearance: PROVIDED, That in such case such court may examine such statement, together with the evidence filed in the case, and if upon such examination the court shall not be satisfied with such statement, the prosecuting attorney shall be directed by the court to file the proper information and bring the case to trial.

I certify and swear, under oath, that the facts set forth in this statement are true and correct and I believe the charges to be true and have personal knowledge of the facts upon which the stated recall grounds are based.

Submitted this 5th day of February 2015.



William Scheidler
1515 Lidstrom Place E.
Port Orchard, WA 98366
360-769-8531
billscheidler@outlook.com State of Washington

County of Kitsap

Signed and sworn to before me on February 5, 2015 by William Scheidler.

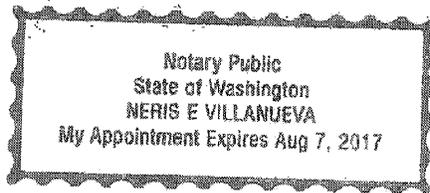


(Signature)

(Seal or stamp)

Notary

Title



My appointment expires Aug. 7, 2017

FILED

DEC 11 2014

KITSAP COUNTY DISTRICT COURT

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KITSAP

1
2
3
4
5 IN RE:) NO. Y14-04890
6 WISH OF WILLIAM SCHEIDLER TO) FINDINGS AND RULING
7 INSTITUTE CRIMINAL ACTION)
8 ALLEGING A GROSS MISDEMEANOR)
9)
10)
11)

12 William Scheidler wishes to institute a criminal action, pursuant to CrRLJ 2.1(c), in Kitsap County
13 District Court, alleging seven gross misdemeanors and one misdemeanor. The court has
14 reviewed the documents submitted by Mr. Scheidler, marked as exhibit 1, and the documents
15 submitted by Jeremy Morris, Kitsap County Deputy Prosecutor, marked as exhibit 2. Both of
16 these exhibits have been admitted by the court as evidence. The court has reviewed all the
17 documents filed in this case, and has considered the testimony of Mr. Scheidler given at the
18 hearing on December 5, 2014. The court now makes the following findings and ruling.
19

20 Mr. Scheidler is a party in a lawsuit in which Scott Ellerby is another party. Mr. Scheidler filed a
21 notice of appeal in the Court of Appeals, Division 2, in Tacoma, WA. David C. Ponzoha, the
22 Court Clerk of Division 2, sent a letter to Mr. Scheidler, dated January 28, 2014, which is
23 denominated "exhibit A 1" in exhibit 1 herein. The letter was sent from Tacoma, WA. Mr.
24 Ponzoha wrote another letter to Mr. Scheidler, dated February 11, 2014, which is denominated
25 "Exhibit C 1" in exhibit 1 herein. The letter was sent from Tacoma, WA. On March 19, 2014, a
26 Ruling Dismissing Appeal was filed in Division II of the Washington State Court of Appeals, in
27 Tacoma. This ruling is denominated "Exhibit C 2" in exhibit 1 herein. The ruling appears to
28 have been signed by Mr. Ponzoha.
29

30 CrRLJ 2.1 (c) contemplates that the court consider whether there is probable cause to believe a
31 crime was committed. Probable cause exists when the facts and circumstances would cause a
32 reasonably prudent person to believe that another person committed a crime. State v. Avery,
33 103 Wash.App. 527 (2000) The Kitsap County District Court has jurisdiction over misdemeanors
34 and gross misdemeanors committed in Kitsap County. RCW 3.66.060.

1 Mr. Scheidler wishes that the criminal action allege as count 1 a violation of RCW 42.20.040,
2 which states, "Every public officer who shall knowingly make any false or misleading statement
3 in any official report or statement, under circumstances not otherwise prohibited by law, shall
4 be guilty of a gross misdemeanor." Mr. Scheidler alleges that the statements made by Mr.
5 Ponzoha in the January 28, 2014 letter were false. In the letter, Mr. Ponzoha states that the
6 brief submitted by Mr. Scheidler does not conform to the content and form requirements set
7 out in the Rules of Appellate Procedure. Mr. Scheidler states that his brief did conform to the
8 rules, but the brief is not part of the record. A reasonably prudent person would not believe
9 that Mr. Ponzoha committed the crime of making a false statement by pointing out that Mr.
10 Scheidler's brief failed to conform to the Rules of Appellate Procedure, or that his action writing
11 the letter took place in Kitsap County. The court finds that the record does not support a
12 finding that there is probable cause for count 1.

13
14 Mr. Scheidler wishes that count 2 allege a violation of RCW 42.20.040. Mr. Scheidler alleges
15 that the January 28, 2014 letter from Mr. Ponzoha constituted a false statement because the
16 letter states, "...submit and re-serve a corrected brief by February 7, 2014". A reasonably
17 prudent person would not believe that Mr. Ponzoha committed the crime of making a false
18 statement by stating that Mr. Scheidler should submit and reserve a corrected brief, because
19 there is nothing false in the statement, and the letter was not written in Kitsap County. The
20 court finds that the record does not support a finding that there is probable cause for count 2.

21
22 Mr. Scheidler wishes that count 3 allege a violation of RCW 42.20.040. Mr. Scheidler alleges
23 that the February 11, 2014 letter from Mr. Ponzoha stated that a commissioner will consider a
24 motion for dismissal and/or sanctions because of a failure to timely file the Amended
25 Appellant's Brief, that no commissioner heard the motion, and that Ponzoha ruled on his own
26 motion. Exhibit 2 herein indicates, on the second page, that the motion to dismiss was set on a
27 March 5, 2014 calendar before hearing official Eric B. Schmidt, and that on March 7, 2014 there
28 was a ruling on the motion. A reasonably prudent person would not believe that Mr. Ponzoha
29 committed the crime of making a false statement by stating that a commissioner would hear
30 the motion, because the evidence indicates that a hearing official did hear the motion, and
31 because the letter was not written in Kitsap County. The court finds that the record does not
32 support a finding that there is probable cause for count 3.

1 Mr. Scheidler wished that count 4 allege a violation of RCW 42.20.040. Mr. Scheidler alleges
2 that the March 19, 2014 Ruling Dismissing Appeal, denominated "Exhibit C 2" in exhibit 1
3 herein, states that Mr. Scheidler abandoned his appeal. The ruling actually states, "This matter
4 coming before the undersigned to dismiss the above-entitled appeal as it appears to have been
5 abandoned." It appears, from a review of the evidence in this matter, that Mr. Scheidler never
6 filed the amended appellant's brief. Therefore, the statement that it appears that the appeal
7 had been abandoned is not false. A reasonably prudent person would not believe that Mr.
8 Ponzoha committed the crime of making a false statement by stating that it appears that the
9 appeal had been abandoned, because that is not a false statement, and the ruling was not
10 written in Kitsap County. The court finds that the record does not support a finding that there
11 is probable cause for count 4.

12
13 Mr. Scheidler wishes that count 5 allege a violation of RCW 42.20.080, which states, "Every
14 officer or other person mentioned in RCW 42.20.070, who shall willfully disobey any provision
15 of law regulating his or her official conduct in cases other than those specified in said section,
16 shall be guilty of a gross misdemeanor." Mr. Scheidler alleges that RCW 2.32.050(4) governs
17 Mr. Ponzoha's official conduct. That statute states, "The clerk of the supreme court, each clerk
18 of the court of appeals, and each clerk of a superior court, has power to take and certify the
19 proof and acknowledgment of a conveyance of real property, or any other written instrument
20 authorized or required to be proved or acknowledged, and to administer oaths in every case
21 when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the
22 court of appeals, and of each county clerk for each of the courts for which he or she is clerk:
23(4) To file all papers delivered to him or her for that purpose in any action or proceeding in
24 the court as directed by court rule or statute;...." Mr. Scheidler points to Mr. Ponzoha's letter
25 of January 28, 2014, which states that Mr. Scheidler's brief does not conform to the content
26 and form requirements of RAP 10.3(a)(4), 10.3(a)(5), 10.4(b), 9.1, and 10.4(a)(1). The court has
27 not been provided a copy of the brief that was submitted by Mr. Scheidler, so it is impossible to
28 determine, from the record in this case, whether Mr. Scheidler's brief conformed to the
29 content and form requirements of the various RAP provisions cited above. RCW 2.32.050(4),
30 set out above, requires Mr. Ponzoha to file papers delivered to him as directed by court rule
31 and statute. RAP 10.7 states, "If a party submits a brief that fails to comply with the
32 requirements of Title 10, the appellate court, on its own initiative or on the motion of a party,
33 may (1) order the brief returned for correction or replacement within a specified time, (2) order
34 the brief stricken from the files with leave to file a new brief within a specified time, or (3)

1 accept the brief. The appellate court will ordinarily impose sanctions on a party or counsel for a
2 party who files a brief that fails to comply with these rules." From the record in this case, it
3 cannot be determined whether Mr. Scheidler's brief failed to conform to the content and form
4 requirements of the rules, but if the brief failed to conform to the rules, then RAP 10.7
5 authorizes the court to order that brief be returned for correction or replaced within a specified
6 time, which appears to be exactly what Mr. Ponzoha indicated in his January 28, 2014 letter. To
7 return the brief to a litigant necessarily implies that the brief would not be filed. A reasonably
8 prudent person would not believe that Mr. Ponzoha committed the crime of willfully disobeying
9 any provision of law regulating his official conduct because the facts do not indicate that Mr.
10 Ponzoha willfully disobeyed any provision of law regulating his behavior, or that Mr. Ponzoha
11 wrote the January 28, 2014 letter in Kitsap County. The court finds that the record does not
12 support a finding that there is probable cause for count 5.

13
14 Mr. Scheidler wishes that count 6 allege a violation of RCW 42.20.080. This wish is based on the
15 January 28, 2014 letter written by Mr. Ponzoha, wherein Mr. Ponzoha states, "Therefore, you
16 must submit and re-serve a corrected brief by February 7, 2014. For your reference, I am
17 attaching a sample Appellant's Brief." Mr. Scheidler asserts that Mr. Ponzoha willfully
18 disobeyed the law by not ignoring any errors in Mr. Scheidler's brief and by not having a lawyer
19 correct any errors in his brief. Mr. Scheidler also claims this amounts to a false report. The
20 facts do not lead to a conclusion that Mr. Ponzoha willfully disobeyed any provision of law
21 regulating his conduct. To the contrary, the law and the appellate rules contemplate that Mr.
22 Ponzoha require litigants to conform to the rules, and to not file briefs that fail to conform to
23 the rules. A reasonably prudent person would not believe that Mr. Ponzoha committed the
24 crime of willfully disobeying any provision of law regulating his official conduct because the
25 facts do not indicate any provision of law that Mr. Ponzoha willfully disobeyed, or that his
26 conduct took place in Kitsap County. Furthermore, there is nothing false about the portion of
27 Mr. Ponzoha's January 28, 2014 letter set out above. The court finds that the record does not
28 support a finding that there is probable cause for count 6.

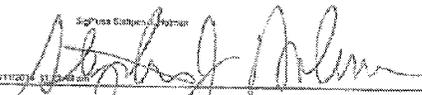
29
30 Mr. Scheidler wishes that count 7 allege a violation of RCW 9A.80.010, which states, "(1) A
31 public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive
32 another person of a lawful right or privilege: (a) He or she intentionally commits an
33 unauthorized act under color of law; or (b) He or she intentionally refrains from performing a
34 duty imposed upon him or her by law. (2) Official misconduct is a gross misdemeanor." Mr.

1 Scheidler asserts that he has a right to an appeal and a constitutional right of petition and for
2 redress of grievances, and that Mr. Ponzoha deprived him of that right. In the January 28, 2014
3 letter, Mr. Ponzoha writes, "Therefore, you must submit and re-serve a corrected brief by
4 February 7, 2014. For your reference, I am attaching a sample Appellant's Brief." This
5 indicates that, rather than depriving Mr. Scheidler of his right to appeal, Mr. Ponzoha
6 attempted to assist Mr. Scheidler to file a brief that conformed to the content and form
7 requirements of the Rules of Appellate Procedure. A reasonably prudent person would not
8 believe that Mr. Ponzoha committed the crime of official misconduct proscribed by RCW
9 9A.80.010, because Mr. Ponzoha appeared to have intended to assist Mr. Scheidler in
10 exercising his right to appeal, not to have intended to deprive him of that right. Furthermore,
11 the facts indicate that Mr. Ponzoha did not write the letter in Kitsap County. The court finds
12 that the record does not support a finding that there is probable cause for count 7.

13
14 Mr. Scheidler wishes that count 8 allege a violation of RCW 42.20.100, which states, "Whenever
15 any duty is enjoined by law upon any public officer or other person holding any public trust or
16 employment, their wilful neglect to perform such duty, except where otherwise specially
17 provided for, shall be a misdemeanor." Mr. Scheidler asserts that Mr. Ponzoha deprived him of
18 his right to appeal presumably based on the January 28, 2014 letter. A reasonably prudent
19 person would not believe that Mr. Ponzoha committed a crime in violation of this statute, for
20 the reasons indicated with regard to Mr. Scheidler's wishes regarding count 7. The court finds
21 that the record does not support a finding that there is probable cause for count 8.

22
23 For these reasons, Mr. Scheidler's wish to institute a criminal action as set out herein shall be
24 denied. The court does not authorize Mr. Scheidler to sign and file a criminal complaint alleging
25 the 7 gross misdemeanors and 1 misdemeanor that are set out in his declaration.

26
27
28 Dated and Filed: 12/11/2014

29
30
31
32
33
34

JUDGE STEPHEN J. HOLMAN

cc: Jeremy Morris, D.P.A.
Kitsap County Prosecutors Office
William Scheidler

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Kitsap County District Court, State of Washington

Free Wish
William Scheidler,
Plaintiff, Pro per.

Case No.: Y14-04890

Scheidler's statement and offers of proof in Support of Motion to Institute Criminal Action against David Ponzoha.

V

David Ponzoha,
Defendant

My criminal complaint per CrRLJ 2.1(c) against David Ponzoha, Clerk COA II, is for the following gross misdemeanor violations:

1. Four Counts Violation of RCW 42.20.040, which states, Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor.
2. Two Counts violation of RCW 42.20.080, which states, Every officer or other person mentioned in RCW 42.20.070, who shall willfully disobey any provision of law regulating his or her official conduct in cases other than those specified in said section, shall be guilty of a gross misdemeanor.



ORIGINAL

- 1 3. Violation of RCW 9A.80.010, which states, 1) A public servant is guilty of official
2 misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right
3 or privilege:
4 (a) He or she intentionally commits an unauthorized act under color of law; or
5 (b) He or she intentionally refrains from performing a duty imposed upon him or her by
6 law.
7 (2) Official misconduct is a gross misdemeanor.
- 8 4. Violation of RCW 42.20.100, which states, Whenever any duty is enjoined by law upon
9 any public officer or other person holding any public trust or employment, their wilful
10 neglect to perform such duty, except where otherwise specially provided for, shall be a
11 misdemeanor.

12 Count 1 of Four Counts Violation of RCW 42.20.040 - False Report, a gross misdemeanor:
13 Ponzoha's gross misdemeanor act is established by his false claims, noted in his letter to me of
14 January 28, 2014, that my appeal brief submitted to Ponzoha for filing, violated Rule 10.3(a)(4),
15 re issues and assignments of error; Rule 10.3(a)(5) re citing the record; Rule 10.4(b) re length
16 of brief; and Rule 9.1 – attachments are not part of review. My brief conforms to these court
17 rules as a jury examination of the brief will prove. Offers of Proof are attached as Appendix A.

18 Count 2: Ponzoha's gross misdemeanor act is established when he demanded, in his letter to me
19 of January 28, 2014, that I am to "submit and re-serve a corrected brief by February 7, 2014". In
20 truth and by law, if there were any errors with my brief, and there are none, those errors are to
21 be ignored, as the law requires, or corrected by a lawyer under a lawyer's statutory, common
22 law and code of conduct obligations to conduct him/herself with 'truth and honor; to never seek
23 to mislead by any false statement of fact or law; and to disclose any material fact or law
24 omitted. Ponzoha's unlawful demand of me is unwarranted and constitutes a false report.
25 Offers of Proof are attached as Appendix B

26 Count 3: Ponzoha's gross misdemeanor act is conclusively established by his false claim noted
27 in his letter to me of February 11, 2014, stating that a "commissioner will consider" Ponzoha's

1 motion to dismiss my appeal. No commissioner heard this motion, rather Ponzoha, alone, ruled
2 upon his own motion. This claim that a commissioner would decide the motion when Ponzoha,
3 a clerk, decided the motion constitutes a lie and is a false report. Offers of Proof are attached as
4 Appendix C.

5
6 Count 4: Ponzoha's gross misdemeanor act is established by his false claim noted in his "Ruling
7 Dismissing Appeal" filed March 19, 2014, that I abandoned by appeal. The docket entries in
8 this case will show the jury that Ponzoha's characterization of "abandonment" is a false report.
9 Offers of Proof are attached as Appendix D.

10 Count 1 of two Counts violation of RCW 42.20.080 - violating a provision of law regulating his
11 official conduct - a gross misdemeanor. The statute governing Ponzoha's official conduct,
12 which he violated, is RCW 2.32.050(4) - to file all papers delivered to him for that purpose.

13 Ponzoha's gross misdemeanor act is conclusively established by Ponzoha's letter to me of
14 January 28, 2014, stating my opening brief will not be filed. The law mandates clerks to file
15 'All Papers'. Ponzoha's act of not filing those papers he is required to file is an unlawful act.
16 Offers of Proof are attached as Appendix E.

17
18 In Count 2: Ponzoha's gross misdemeanor act is conclusively established when Ponzoha
19 violated his oath of office to perform the duties of Clerk and uphold the US and WA
20 constitutions. Ponzoha's acts noted herein with all offers of proof that conclusively establish
21 Ponzoha lied about my brief as "non-conforming" when he is to ignore, by law, such
22 'administrative trivia' or have the court fix such 'formatting' issues; to refuse to file my brief in
23 defiance of law; to claim a commissioner will hear his (Ponzoha's) motion to dismiss, which
24 didn't happen, rather Ponzoha ruled on his own motion when "due process" requires an
25 "impartial decisionmaker". Ponzoha's conduct violates every tenant of law, common law, just
26 powers, and individual rights that governments are to protect and maintain. Offers of Proof are
27 attached as Appendix F.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Violation of RCW 9A.80.010 - Official misconduct – deprivation of rights.

All the preceding is incorporated by reference. It is a citizen's right to an appeal and a constitutional right of petition and for a redress of grievances. Ponzoha, by his unlawful acts described above deprives me of all of these rights. Offers of Proof encompass Appendixes A –F with all Exhibits.

Violation of RCW 42.20.100 - Failure of duty by public officer, a misdemeanor.

All the preceding is incorporated by reference. It is a citizen's right to an appeal and a constitutional right of petition and for a redress of grievances. Ponzoha, by his unlawful acts described above deprives me of all of these rights. Offers of Proof encompass Appendixes A –F with all Exhibits.

I affirm what I state is true and the proof offered supports the allegations made in this criminal complaint per CrRLJ 2.1(c).

Signed this 5 Day of December, 2014



William Scheidler

From: BILL SCHEIDLER <billscheidler@wavecable.com>
Sent: Jesday, November 18, 2014 2:27 PM
To: KCDC District CT
Subject: Criminal complaint via email
Attachments: D2 454351--Scheidler v. Ellerby--Letter.pdf; Ponzoha.pdf

To presiding judge,

I've attempted, through phone calls to the district court, to learn of the means by which to appear before a judge so as to initiate a "citizens criminal complaint." The rules of your court, CrRLJ 2.1(5)(c) provide citizens this right. In response to my inquiry the staff (I believe Jennifer Knight) has deemed it improper to provide me with "procedural" instructions in what to do to "appear before a judge" and claim the mysteries in what it takes to 'appear before a judge' per CrRLJ is "legal advice" and I must consult an attorney.

Why does an attorney have this information and not citizens? As you know attorneys charge a fee? Do you (the district court) have a contract with the Bar and are your court rule procedures secret and covered by some privacy law, or privilege of which I'm not aware? If so what law prevents citizens from the information that appears available to attorneys for a fee?

That aside, until you provide me the exact, step-by-step procedures contemplated by CrRLJ 2.1(5)(c) in "how to appear" - can it be by phone, email, fax, by appointment, at your home, during a court hearing ... I will submit my criminal complaint herewith and as follows with proof of the criminal conduct.

Per CrRLJ 2.1(5)(c) I wish to file a criminal complaint against the following individual, David Ponzoha, for violation of RCW 42.20.040 - False Report, a gross misdemeanor; violation of RCW 42.20.080 violating a provision of law regulating his official conduct -- The statute governing Ponzoha conduct, which he violated is RCW 2.32.050(4) - to file all papers delivered to him for that purpose - a gross misdemeanor; and Ponzoha's oath of office to perform the duties of Clerk. (Ponzoha's oath is attached)

The evidence consists of a letter from Ponzoha to me in which Ponzoha specifically states he will NOT FILE the papers (an opening appeal brief) that I delivered to him and for which a fee was paid and which by law, RCW 2.32.050(4) he is OBLIGATED TO FILE.

Furthermore, in the same letter, Ponzoha lies as to why he won't file the brief delivered to him, despite no authority to refuse to file, claiming the Brief is "overleght" "doesn't cite the record" ", "does not include assignments of error" "attachments are not part of the record" each of these claims by Ponzoha is a lie - a false report and a gross misdemeanor, upon which he then commits another violation of law by not filing, which is a deliberate violation of his duty regulating his official conduct - a gross misdemeanor.

The attached letter, which constitutes an official act and is part of a court record, as evidence of Ponzoha's criminal acts, is attached. While the sole act of "not filing papers delivered to Ponzoha as his statutory conduct requires" speaks for itself, the "false report" allegation is supported by the brief itself and as Ponzoha notes, is held in the "pouch."

Bill Scheidler
chief activist for www.CorruptWA.com

attachments

Affidavit of William Scheidler

REC'D NOV 19 2014

I, William Scheidler, the undersigned, upon my direct knowledge of the facts, make this criminal complaint per CrRLJ 2.1(5)(c) against the following individual, David Ponzoha, Clerk COA II, for violation of RCW 42.20.040 - False Report, a gross misdemeanor; violation of RCW 42.20.080 - violating a provision of law regulating his official conduct. The statute governing Ponzoha's official conduct, which he violated, is RCW 2.32.050(4) - to file all papers delivered to him for that purpose - a gross misdemeanor; and Ponzoha's oath of office to perform the duties of Clerk and uphold the US and WA constitutions. (Ponzoha's oath (EX 1) is attached as are copies of the laws cited as violated. (Ex 2)

The evidence consists of a letter (EX 3) from Ponzoha to me in which Ponzoha specifically states he will NOT FILE the papers (an opening appeal brief) that I delivered to him and for which a fee was paid and which by law, RCW 2.32.050(4) he is OBLIGATED TO FILE - a gross misdemeanor. Furthermore, in the same letter, Ponzoha lies as to why he won't file the brief delivered to him, despite no authority to refuse to file, claiming the Brief is "over-length" "doesn't cite the record", "does not include assignments of error" "attachments are not part of the record" each of these claims by Ponzoha is a lie - a false report and a gross misdemeanor.

Without 'waving' any right or conceding any duty owed to me under the laws of WA and constitution of the US and WA, or conceding to the jurisdiction of Administrative Court Rules, I further affirm that I have read case law, the meaning of "de novo review" and what that entails, and the rules on appeal, including RAP 1.2, which states:

INTERPRETATION AND WAIVER OF RULES BY COURT (a)

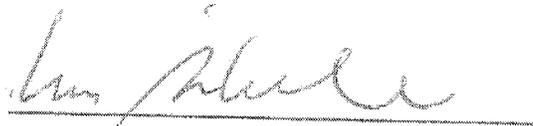
Interpretation. These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands, subject to the restrictions in rule 18.8(b).

Notwithstanding the express language of RAP 1.2, that cases and issues will not be predicated upon compliance or noncompliance with court rules, I have "complied" with Rule 10.3(a)(4), re issues and assignments of error; Rule 10.3(a)(5) re citing the record; Rule 10.4(b) re length of brief; and Rule 9.1 – attachments are part of review. Furthermore a copy of the opening brief was provided as an email attachment, which cured Ponzoha's claim I failed to file 'a brief and one copy.'

The attached letter, which constitutes an official act and is part of a court record, is evidence of Ponzoha's criminal acts. While the sole act of "not filing papers delivered to Ponzoha as his statutory conduct requires" speaks for itself, the "false report" allegation is supported by the brief itself and as Ponzoha notes, is held in the "pouch" and offered as proof.

I affirm what I state is true and the evidence cited supports the allegations made in this criminal complaint per CrRLJ 2.1(5)(c).

Signed this 17 Day of Nov. 2014



William Scheidler

Ex 1

FILED *[initials]*
FEB 05 1985

SECRETARY STATE OF WASHINGTON

STATE OF WASHINGTON)
) ss
County of Pierce)

OATH OF OFFICE

I, David C. Ponzoha, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully and impartially discharge the duties of Clerk of the Court of Appeals, Division II, State of Washington, to the best of my ability, SO HELP ME GOD.

David C. Ponzoha

Subscribed and sworn to before me this 4 day of February, 1985.

[Signature]

Chief Judge
Court of Appeals,
State of Washington,
Division II.

Statutes germane to Scheidler's CrRLJ 2.1(5)(c) complaint against David Ponzoha, Clerk, COA II

RCW 42.20.040

False report.

Every public officer who shall knowingly make any false or misleading statement in any official report or statement, under circumstances not otherwise prohibited by law, shall be guilty of a gross misdemeanor.

[1909 c 249 § 98; RRS § 2350.]

RCW 42.20.080

Other violations by officers.

Every officer or other person mentioned in RCW 42.20.070, who shall willfully disobey any provision of law regulating his or her official conduct in cases other than those specified in said section, shall be guilty of a gross misdemeanor.

[2012 c 117 § 116; 1909 c 249 § 318; RRS § 2570.]

RCW 2.32.050

Powers and duties of court clerks.

The clerk of the supreme court, each clerk of the court of appeals, and each clerk of a superior court, has power to take and certify the proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged, and to administer oaths in every case when authorized by law; and it is the duty of the clerk of the supreme court, each clerk of the court of appeals, and of each county clerk for each of the courts for which he or she is clerk:

- (1) To keep the seal of the court and affix it in all cases where he or she is required by law;
- (2) To record the proceedings of the court;
- (3) To keep the records, files, and other books and papers appertaining to the court;
- (4) **To file all papers delivered to him or her for that purpose in any action or proceeding in the court as directed by court rule or statute;**
- (5) To attend the court of which he or she is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein, in the presence and under the direction of the court;
- (6) To keep the journal of the proceedings of the court, and, under the direction of the court, to enter its orders, judgments, and decrees;

EX 3



Washington State Court of Appeals
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> OFFICE HOURS: 9-12, 1-4

January 28, 2014

William Scheidler
1515 Lidstrom Place East
Port Orchard, WA, 98366
billscheidler@wavecable.com

Jeffrey Paul Downer
Lee Smart PS Inc
701 Pike St Ste 1800
Seattle, WA, 98101-3929
jpd@leesmart.com

CASE #: 45435-1-II/William Scheidler, Appellant v. Scott Ellerby, Respondent
Case Manager: Cheryl

Dear Mr. Scheidler:

The brief you submitted to this court in this matter does not conform to the content and form requirements set out in the Rules of Appellate Procedure for one or more of the following reasons:

Brief does not include assignments of error together with issues pertaining to assignments of error. RAP 10.3(a)(4).

Brief does not cite to the record. RAP 10.3(a)(5).

Brief is overlength. RAP 10.4(b).

Attachments to the brief are not part of the record on review and, therefore, this Court cannot consider them. RAP 9.1.

An original and one copy must be filed with the court. RAP 10.4(a)(1).

The Court will not file the brief as part of the official record but will stamp it and place it in the pouch without filing. Therefore, you must submit and re-serve a corrected brief by **February 7, 2014**. For your reference, I am attaching a sample Appellant's Brief.

If you have any questions, please contact this office.

Very truly yours,

David C. Ponzoha
Court Clerk

DCP:c

