



DMCJA Board of Governors Meeting
Friday, April 10, 2015, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office

MEETING MINUTES

Members Present:

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

Guests

Judge Harold Clarke III, SCJA
Ann Danieli, Esq., WSBA (via telephone)
Ms. Linda Baker, DMCMA

AOC Staff:

Ms. Vicky Cullinane
Ms. J Benway (via telephone)
Ms. Callie Dietz
Ms. Sharon R. Harvey
Mr. Dirk Marler

Members Absent:

Judge Garrow (non-voting)
Judge Jasprica (non-voting)
Judge Ringus (non-voting)
Judge Smith (resigned)
Judge Svaren

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

GENERAL BUSINESS

A. Minutes

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

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Ahlf, DMCJA Treasurer, reported that approximately ninety-seven point five percent (97.5%) of DMCJA members have paid their dues and specific notices have been sent to those members who have not paid.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Marinella, DMCJA Vice President, reported that the Special Fund has a balance of forty-seven thousand five hundred seventy dollars and ninety-four cents (\$47,570.94).

1. *Legislative Committee*

Judge Meyer, DMCJA Legislative Committee Chair, reported that the legal financial obligation (LFO) bill, House Bill (HB) 1390, is moving forward. The case of *State v. Blazina*, 344 P.3d 680 (Wash. Mar 12,

2015) addresses court procedure regarding LFOs and states that interest is accrued at a rate of twelve percent when defendants do not pay their financial obligations. The DMCJA is concerned regarding retroactive interest, which is not required to be paid under HB 1390. Judge Meyer further reported that HB 1276, which is the Omnibus driving under the influence (DUI) Bill, is moving forward. Judge Glenn Phillips has assisted the DMCJA by providing valuable input regarding this bill. The Public Disclosure Commission (PDC) bill, HB 1397, has been modified to accommodate judges who do not want to provide their residential address. This bill will likely pass through both chambers. Judge Meyer further informed that the Electronic Home Monitoring (EHM) bill, HB 1943, will go forward despite issues that the Washington Association of Sheriffs and Police Chiefs (WASPC) had with the bill. In addition, the Therapeutic Courts bill, HB 5107, continues to move forward in both the Senate and House of Representatives.

Judge Meyer addressed the House Appropriations Bill, HB 1106, and Senate Appropriations Bill, SB 5077. He reported that HB 1106 is good for the courts while SB 5077 is devastating to the court budget. The Senate bill would impact the ability of the Administrative Office of the Courts (AOC) to hold Judicial College. In addition, court research would be eliminated. The courts of limited jurisdiction case management system (CLJ-CMS) Project is not funded under the Senate budget.

Callie Dietz, State Court Administrator, encouraged judges to write to their local legislators and write opinion editorials in local newspapers to bring about awareness regarding proposed budget cuts to the Judiciary.

2. Rules Committee

M/S/P to make an action item at the next Board meeting. The Board sent Rules 26, *Discovery*, and 56, *Summary Judgment*, to the DMCJA Rules Committee to determine whether a change was necessary. The Rules Committee has proposed changes and would like to know whether the Board agrees with the Rules amendments. The Board will decide whether to send comments at the next Board meeting.

3. Bylaws

M/S/P to make an action item a Bylaw amendment to change the date that the term of office begins for DMCJA representatives to the Board for Judicial Administration (BJA).

Trial Court Advocacy Board (TCAB)

Judge Steiner reported that TCAB discussed its Charter at their April meeting. He informed that he would send to the Board proposed changes to the Charter before the next Board meeting in May 2015. The TCAB Chart will be a discussion item at the next Superior Court Judges' Association (SCJA) meeting. Changes to the Charter were not substantial and issues relating to the document were discussed.

JIS Report

Ms. Cullinane, AOC Liaison, informed that there is nothing new to report regarding the CLJ-CMS Project. Ms. Cullinane informed that she has prepared an email regarding means to contact local officials and urged judges to write to their local legislators regarding the Senate budget, which cuts funding for the CLJ-CMS Project. She also informed that the CLJ-CMS Court User Work Group (CUWG) will meet two days in April. Ms. Callie Dietz, State Court Administrator, added that judges should contact legislators and inform how not funding the CLJ-CMS Project would adversely impact courts of limited jurisdiction.

LIAISON REPORTS

DMCMA – Ms. Baker, District and Municipal Court Management Association (DMCMA) Liaison, informed that the DMCMA will have a staff training for Access to Administrative Records, General Rule (GR) 31.1. The DMCMA will also have a judicial needs assessment code training. The DMCMA Conference will be in May 2015.

SCJA – Judge Harold Clarke, Superior Court Judges’ Association (SCJA) Liaison, reported that the SCJA Board of Trustees met on Saturday, April 4, 2015. The SCJA voted and the SCJA President signed a letter to approve the Judicial Information System (JIS) assessment and base penalty fee increase. The SCJA Spring Conference will be held the week of April 26, 2015 at the Skamania Lodge. The Annual Meeting will be held on Tuesday, April 28, 2015. Court Administrators will have their conference at the same time and place.

AOC – State Court Administrator, Callie Dietz, introduced Ms. Misty Butler, who will be the new Board for Judicial Administration (BJA) Representative. Ms. Butler worked for the Utah Administrative Office of the Courts where she was instrumental with court improvement projects. Ms. Butler was born and reared in Washington State.

BJA – Judge Lambo, Board for Judicial Administration (BJA) Liaison, informed that he was not at the last BJA meeting but reported on recent activity. General Rule (GR) 31.1 will be addressed at the May 15, 2015 meeting in order to discuss how the law will be implemented. Further, the BJA did not pass GR 35, which relates to judicial evaluations. The issue, however, was sent to the BJA Policy and Planning Committee. Proponents of GR 35 have contacted Judge Clarke and plan to continue to discuss judicial evaluations.

ACTION

DMCJA Comments for WSBA Escalating Cost of Civil Litigation Task Force draft Report

Judge Steiner stated that he would send out a DMJCA listserv notice for the DMCJA members to send comments to the Washington State Bar Association (WSBA) regarding the WSBA Escalating Cost of Civil Litigation Task Force’s Draft Report.

Bylaws

M/S/P to approve an amendment to change the date that the term of office begins for DMCJA representatives to the Board for Judicial Administration (BJA) and place it on the ballot at the 2015 DMCJA Spring Conference.

Washington Pattern Jury Instruction (WPI) Committee 2015 Juror Guide for Review

M/S/P to approve the proposed 2015 Juror Information Guide.

DMCJA National Leadership Grant Requests

M/S/P to approve Judge Marilyn Paja’s request up to \$2000. M/S/P to fund Judge Richard Kayne’s request up to \$1500. Each DMCJA National Leadership Grant recipient must provide receipts for incurred expenses.

DMCJA Support Request for AOC Application regarding Adult Drug Court Discretionary Grant Program

M/S/P to approve a DMCJA letter of support for the grant.

DISCUSSION

A. DMCJA Position regarding Implementation of General Rule 31.1

Judge Steiner briefly discussed the issue of asking the Washington State Supreme Court to delay implementation of GR 31.1 unless a funding officer is provided. On Friday, April 24, 2015, the AOC and the SCJA will meet to discuss the issue. Judge Steiner requested that a DMCJA representative join the meeting and the request was granted. Judge Ahlf, who chaired the Implementation Committee, will attend the joint meeting regarding GR 31.1.

B. Selection of Two DMCJA Representatives for WA State Minority and Justice Commission

Judge Steiner discussed the opportunity for two DMCJA judges to represent the association on the Supreme Court Washington State Minority and Justice Commission. Judge Steiner requested that Board Members provide comments to him via email regarding each candidate by Friday, April 17, 2015.

C. Washington Pattern Jury Instruction (WPI) Committee 2015 Juror Guide for Review

M/S/P to make an action item this issue regarding the WPI Committee's proposed 2015 Juror Guide.

D. DMCJA National Leadership Grant Requests

M/S/P to move Judge Marilyn Paja and Judge Richard Kayne's requests for DMCJA National Leadership Grants to an action item.

E. Judge Heidi Smith Resignation from DMCJA Board of Governors

Judge Steiner reported that Board Member Judge Heidi Smith has resigned from the Okanogan District Court bench and, therefore, the Board. Judge Steiner informed the Board that he will appoint a replacement judge for the balance of Judge Smith's term, which is one year, upon recommendation by the DMCJA Nominating Committee.

F. Supreme Court Joint Meeting

Judge Steiner informed that Justice Fairhurst will host a Reception after the joint meeting in which all Board members are invited.

G. DMCJA Support Request for AOC Application regarding Adult Drug Court Discretionary Grant Program

M/S/P to make an action item this issue regarding a DMCJA letter of support for an AOC grant relating to Therapeutic Courts. M/S/P to approve a DMCJA letter of support for the grant.

H. Request for Judge Conery to Speak During Welcome Ceremony at 2015 DMCJA Spring Conference Regarding Fall Joint Conference in Seattle, WA

The Board discussed whether to grant a request by Judge John Conery, American Judge Association President, to speak for two minutes during the Welcome Ceremony to encourage DMCJA Members to attend the 2015 Annual Fall Conference in Seattle, WA. Judge Steiner decided to grant Judge Conery's request.

INFORMATION

Judge Steiner informed that the TCAB Draft Two-Year Work Plan, the thank you letter from the Judicial Institute, and the DMCJA letter of support for a JIS assessment and base penalty fee increase were included in the packet. Judge Steiner also informed that the Board unanimously voted not to fund the Outlook Webinar presentation that was discussed at the March 2015 Board meeting.

OTHER BUSINESS

Judge Steiner informed Board Members that the Board Retreat will be held May 8-9, 2015 at the Enzian Inn in Leavenworth, WA and to contact Ms. Sondra Hahn, AOC, regarding room assignments.

Judge Jahns reported that the denial of the citizen's recall complaint was appealed. Judge Jahns also led a brief discussion regarding the Senate budget impact on the CLJ-CMS Project.

ADJOURNED at 2:20 PM.