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**DISTRICT AND MUNICIPAL  
COURT JUDGES' ASSOCIATION**

***BOARD MEETING***

**June 7, 2015**

**SKAMANIA LODGE  
STEVENSON, WASHINGTON**

# DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

## 2015-2016

<b>DATE</b>	<b>TIME</b>	<b>MEETING LOCATION</b>
<b><i>Tentative: Friday, July 10, 2015</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Aug. 14, 2015</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Thursday, Sept. 3, 2015</i></b>	10:30 a.m. – 1:30 p.m.	AOC Puget Sound Conf. Room, Olympia
<b><i>Friday, Oct. 9, 2015</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Nov. 13, 2015</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Dec. 11, 2015</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Jan. 8, 2016</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, Feb. 12, 2016</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, March 11, 2016</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, April 8, 2016</i></b>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<b><i>Friday, May 13, 2016 &amp; Saturday, May 14, 2016</i></b>	May 13: 12:00-5:00 p.m. May 14: 9:00-1:00 p.m.	TBD
<b><i>Sunday, June 5, 2016</i></b>	9:00 a.m. – 12:00 p.m.	TBD, in conjunction with Spring Program

AOC Staff: Sharon Harvey

(AOC Conference Room Reserved)

Updated: May 27, 2015



WASHINGTON  
COURTS

**DMCJA BOARD MEETING**  
**SUNDAY, JUNE 7, 2015**  
**9:00 AM – 12:00 PM**  
**SKAMANIA LODGE**  
**STEVENSON, WA**

**PRESIDENT JUDGE DAVID STEINER**

**AGENDA**

**TAB**

**Call to Order**

**General Business**

**1**

- A. Minutes - May 9, 2015 (p. 1)
- B. Treasurer's Report – *Judge Ahlf* (p. 5)
- C. Special Fund Report – *Judge Marinella* (p. 9)
- D. Standing Committee Reports
  - 1. Legislative Committee – *Judge Meyer*
- E. Trial Court Advocacy Board (TCAB) Update – *Judge Steiner*
- F. JIS Report – *Ms. Cullinane*

**Liaison Reports**

- A. District and Municipal Court Management Association (**DMCMA**) – *Ms. Linda Baker*
- B. Misdemeanant Corrections Association (**MCA**) – *Ms. Deena Kaelin*
- C. Superior Court Judges' Association (**SCJA**) – *Judge Michael Downes*
- D. Washington State Bar Association (**WSBA**) – *Ann Danieli, Esq.*
- E. Washington State Association for Justice (**WSAJ**) – *Shirley Bluhm, Esq.*
- F. Administrative Office of the Courts (**AOC**) – *Mr. Dirk Marler*
- G. Board for Judicial Administration (**BJA**) – *Judges Ringus, Garrow, and Lambo*

**Discussion**

**2**

- A. Strategy to Achieve 2015-2016 DMCJA Goals (p. 11)
- B. Statewide Relicensing Program: Northwest Justice Project is proposing a relicensing plan to all justice partners. Do we want the ability to comment on the plan by inviting a representative to the next DMCJA meeting? (p. 15)
- C. Appointment of Judge for the Unexpired Term in Position Number Three (p. 25)

**Information**

**3**

- A. Judges Richard Bathum and James Docter were selected to represent the DMCJA on the Trial Court Sentencing and Supervision Committee. (p. 27)
- B. Judge Elizabeth Stephenson was selected to join the Judicial Needs Estimate Workgroup. (p. 29)
- C. Judge Donna Tucker was selected to represent the DMCJA on the WSBA Council on Public Defense. (p. 31)

<b>Other Business</b>	
A. Next Meeting: Tentative, July 10, 2015, AOC, SeaTac, WA	
<b>Adjourn</b>	





WASHINGTON  
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**DMCJA Board of Governors Meeting**  
**Saturday, May 9, 2015, 11:00 a.m. – 1:00 p.m.**  
**Enzian Inn, Leavenworth, WA**

**MEETING MINUTES**

**Members Present:**

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

**Guests**

Judge William Downes, SCJA  
Mr. Skip Stover, MCA

**AOC Staff:**

Ms. Vicky Cullinane  
Ms. Sharon R. Harvey

**Members Absent:**

Judge Jasprica (non-voting)  
Judge Lambo (non-voting)  
Commissioner Noonan  
Judge Smith (resigned)

Judge David Steiner, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 10:21 AM. All attendees were asked to introduce themselves. Judge Steiner welcomed and introduced Judge Downes, who is the new Superior Court Judges' Association (SCJA) liaison, and Mr. Skip Stover, Misdemeanant Corrections Association (MCA) President.

**GENERAL BUSINESS**

A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the April 10, 2015 Board Meeting Minutes.

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.

D. Standing Committee Reports

*1. Legislative Update*

Judge Meyer reported on the status of DMCJA bills of interest during the 2015 Legislative Session and Special Legislative Session, which occurs from April 29, 2015 to May 29, 2015.

The DMCJA proposed Senate Bill (SB) 5125, Increasing District Court Civil Jurisdiction, passed out of both chambers. SB 5174, Increase in the Number of District Court Judges in Skagit County, did not pass both chambers during the regular legislative session because of internal legislative conflict that had nothing to do with the merits of SB 5174. House Bill (HB) 1390, Concerning Legal Financial Obligations, died during the regular legislative session. Further, the striker amendment for HB 1276, Concerning Impaired Driving, did not pass. A number of bills will be considered during the special legislative session, namely, HB 1276 and SB 5174. Judge Svaren, who testified on behalf of SB 5174, informed that legislators guaranteed that the bill would pass during the 2015 Special Legislative Session.

Judge Meyer further informed that he met with Judges Warning and Van Dornick, Melanie Stewart, DMCJA Lobbyist, Callie Dietz, State Court Administrator, and Ramsey Radwan, AOC Director of the Management Services Division, regarding the state budget and learned that the Senate budget, which provides no money for the CLJ-CMS Project, was merely proposed to make a statement. Legislators indicated that the Judiciary would come out okay in the budget. Further, Senator Mike Padden now supports the CLJ-CMS Project after speaking with Judge Patricia Connolly Walker, Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Court User Work Group (CUWG) Chair. Judge Meyer further informed of a work session he attended regarding the state of the court in which Mellani McAleenan spoke and Court of Appeals Judge Marlin J. Applewick attended. The work session addressed bills that affect each court level.

## *2. Rules Committee*

M/S/P to adopt the proposed amendments to Civil Rules for Courts of Limited Jurisdiction (CRLJ) Rules 26, Discovery, and 56, Summary Judgment. These rule amendment proposals will be forwarded to the Supreme Court for consideration. The Rules Committee recommends that CRLJ 26 (g), which relates to time for discovery, be amended to remove the sixty and ninety day limitations on discovery. The last sentence of CRLJ (g) is omitted because it was seen as unnecessary. Regarding CRLJ 56, the Rules Committee recommended that CRLJ 56 (c) be amended to expand the initial filing period from ten to fifteen days prior to the hearing, with the adverse party being required to file and serve any responsive pleadings no later than three days before the hearing date. The amended CRLJ 56 (c) also provides that the moving party may file rebuttal pleadings the day prior to the motion hearing.

Judge Garrow reported that the Rules Committee formed three subcommittees to review the Infraction, Criminal, and Civil Rules for Courts of Limited Jurisdiction. The CRLJ Subcommittee proposed amending CRLJ 26 and CRLJ 56 to better reflect actual court practice. Judge Garrow informed that the Rules Committee requested the Washington State Bar Association (WSBA) Rules Committee review the proposed amendments, which was facilitated by Judge Frank Dacca. The WSBA Rules Committee approved the proposed amendment to CRLJ 26 and provided input regarding CRLJ 56.

Judge Garrow announced that she would no longer Chair the DMCJA Rules Committee and Judge Frank Dacca would assume the position as Committee Chair. She further informed that the DMCJA Rules Committee will meet at the 2015 Spring Conference.

## Trial Court Advocacy Board (TCAB)

Judge Steiner reported that TCAB met on Friday, May 8, 2015, at the Enzian Inn. The group discussed the TCAB logo and the Charter, which was amended on April 10, 2015. Judge Steiner stated that the amendment contained no substantive changes. The SCJA passed the amended Charter. The TCAB passed the amended Charter subject to DMCJA approving it. The Board then voted to pass the TCAB Charter.

Judge Steiner further reported on TCAB's Two-Year Work Plan, which focusses on obtaining state funding for the trial courts. The group will address funding history, research other states, and meet with key legislators in the fall and educate them about trial courts. Judge Steiner informed that TCAB will work with the BJA; however, TCAB's emphasis will be on the trial courts. Judge Steiner further informed that TCAB no longer has an AOC Staff person because Ms. Regina McDougall no longer works for the AOC.

#### JIS Report

Ms. Cullinane reported on the status of the CLJ records destruction project. She stated that the first round, which will destroy infractions and civil cases according to current rules, should go quickly. Ms. Cullinane, AOC Staff for the Judicial Information System Committee (JISC), also informed that the JISC is seeking two DMCJA Members to serve on the Committee. The current terms of the DMCJA Representatives will expire in July 2015. Ms. Cullinane informed that the candidate must have an interest and knowledge of court administration automation, which includes electronic filing, the Judicial Access Browser System (JABS), or other similar system. The Chief Justice determines the DMCJA Representative upon receiving the DMCJA President's recommendation and list of DMCJA volunteers for the Committee. The Board voted to request that the terms of DMCJA Representatives be staggered. A letter request will be sent to the JISC along with the President's recommendation and the list of DMCJA volunteers.

#### **LIAISON REPORTS**

Misdemeanant Corrections Association (MCA) – Mr. Skip Stover, MCA President, reported that the MCA held its Annual meeting at the Enzian Inn. Driving under the influence of intoxicants (DUI) was discussed at the conference. Additionally, Judge Doug Robinson, Whitman County, spoke on alternative sentencing. Mr. Stover informed that his term as President will soon end and Patrick Gigstead will become the new President. Mr. Gigstead is a master with the Robert's Rules of Order. Mr. Stover informed that the MCA is awaiting the legislative budget.

Superior Court Judges' Association (SCJA) – Judge Michael Downes informed that the SCJA is also waiting for the state budget and wants to get things more resolved. Judge Downes stated that it was nice to be at the Board meeting.

Board for Judicial Administration (BJA) – Judge Ringus reported that the BJA will meet next Friday, May 15, 2015, at AOC SeaTac Office. He informed that the Salary Commission will meet on Monday, May 11, 2015, and discuss the proposed three percent cost of living adjustment (COLA) for Judiciary.

#### **DISCUSSION**

##### A. GR 31.1

Judge Ahlf informed that he attended a meeting with representatives from the SCJA and the AOC on Friday, April 24, 2015, regarding General Rule (GR) 31.1, which relates to the disclosure of Administrative Records. GR 31.1 will be implemented on January 1, 2016. Judge Ahlf reported that Chambers records, which are not subject to public disclosure, was addressed at the meeting. Mr. Ramsey Radwan, AOC Manager, will look into Chambers Records as they relate to GR 31.1. Judge Garrow clarified that GR 31.1 relates to Administrative Records and GR 31 relates to Court Records. The Board discussed whether AOC staff would be covered under Chambers Records.

B. Trial Court Sentencing and Supervision Committee Amended Scope and Purpose

Judge Robertson reported that the Adult Static Risk Assessment (ASRA) Committee has been renamed to Trial Court Sentencing and Supervision Committee (TCSSC). She informed that the Committee will research issues relating to trial court sentencing and supervision. The state budget may impact this committee if research organizations are not funded.

**INFORMATION**

Judge Steiner informed that there are open positions available on the Judicial Information System, Trial Court Sentencing and Supervision Committee, Judicial Needs Estimate Workgroup, and WSBA Council on Public Defense. The Board discussed the idea of the Nominating Committee soliciting volunteers in order to provide more information for Judge Steiner to select candidates.

**OTHER BUSINESS**

The next Board Meeting is Sunday, June 7, 2015, 9 AM to Noon, at the Skamania Lodge, in Stevenson, WA.

Judge Downes informed that the DMCJA Board meeting is the same time as the SCJA Long Range Planning Committee Meeting.

The meeting adjourned at noon.

# District and Municipal Court Judges' Association

May 28, 2015

*President*

**JUDGE VERONICA ALICEA-GALVAN**  
Des Moines Municipal Court  
21630 11<sup>th</sup> 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 3<sup>rd</sup> 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. GEHLEN**  
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 Steiner; DMCJA Officers; DMCJA Board of  
Governors  
From: Scott Ahlf, DMCJA Treasurer  
Subject: Monthly Treasurer's Report for May 2015

Dear President Steiner, Officers and Members of the DMCJA:

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 - \$100,555.36, as of April 30, 2015

Bank of America Accounts:  
Investment Account - \$120,512.91, as of May 28, 2015  
Checking Account - \$44,796.91, as of May 28, 2015

## EXPENDITURES

Total 2014/2015 adopted budget:	\$246,900.00
Total expenditures to date (Apr. 30, 2015):	\$141,702.15
Total remaining budget as of Apr. 30, 2015:	\$105,197.15

## DEPOSITS

Total deposits 2014/2015:	\$126,608.00
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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	\$23,004.86	\$6,995.14
Bookeeping Expense	\$3,000.00	\$2,515.00	\$485.00
Bylaws Committee	\$250.00	\$0.00	\$250.00
Conference Committee	\$3,500.00	\$56.51	\$3,443.49
Conference Incidental Fees For	\$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	\$83.25	\$416.75
Education Committee**	\$21,000.00	\$14,600.55	\$6,399.45
Educational Grants	\$5,000.00	\$2,872.00	\$2,128.00
Judicial Assistance Committee*	\$10,000.00	\$7,168.11	\$2,831.89
Legislative Committee	\$6,000.00	\$1,653.81	\$4,346.19
Legislative Pro-Tem	\$2,500.00	\$699.68	\$1,800.32
Lobbyist Expenses	\$1,000.00	\$224.00	\$776.00
Lobbyist Contract	\$55,000.00	\$22,000.00	\$33,000.00
Long-Range Planning Committe	\$1,500.00	\$281.35	\$1,218.65
MCA Liaison	\$1,500.00	\$1,380.59	\$119.41
National Leadership Grants	\$5,000.00	\$5,487.01	-\$487.01
Nominating Committee	\$400.00	\$20.47	\$379.53
President Expense	\$7,500.00	\$3,390.28	\$4,109.72
Reserves Committee	\$250.00	\$0.00	\$250.00
Rules Committee	\$1,000.00	\$55.60	\$944.40
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	\$13,287.69	\$1,712.31
DMCJA/SCJA Sentencing Altern	\$2,500.00	\$2,500.00	\$0.00
<b>TOTAL</b>	<b>\$246,900.00</b>	<b>\$141,702.85</b>	<b>\$105,197.15</b>
<b>TOTAL DEPOSITS MADE</b>	<b>\$126,608.00</b>		
<b>CREDIT CARD (balance owing)</b>	<b>\$0.00</b>		



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

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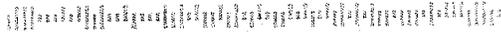
**Business Statement**

Account Number: XXXXXXXXXX

Statement Period:

Apr 1, 2015  
through  
Apr 30, 2015

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000130662 1 AV 0.381 106481021646178 P  
THE WASHINGTON STATE DISTRICT AND  
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Account Number XXXXXXXXXX

**Account Summary**

	# Items				
Beginning Balance on Apr 1		\$	100,844.37	Annual Percentage Yield Earned	0.13%
Other Deposits	1		10.99	Interest Earned this Period	\$ 10.99
Ending Balance on Apr 30, 2015		\$	100,855.26	Interest Paid this Year	\$ 45.15
				Number of Days in Statement Period	30

**Other Deposits**

Date	Description of Transaction	Ref Number	Amount
Apr 30	Interest Paid	3000003665	\$ 10.99
Total Other Deposits			1 10.99



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Combined Savings Statement  
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Statement Ending Date: 04/30/15  
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3156



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306 E. Main Street, Dayton, WA 99328

Annual Percentage Yield Earned: 00.10%

Bus. Money Market: [REDACTED]

WA State Dist & Municipal Court  
Judges' Assoc

Date	Description	Amount	Balance
04/01	Beginning Balance		\$47,570.94
04/30	Interest	+3.91	47,574.85
04/30	Ending Balance		\$47,574.85

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## Strategy to Achieve 2015/2016 DMCJA Goals:

1. Court Security: Seek Supreme Court passage of GR 35; once passed - prepare a packet for our judges outlining suggested methods for the implementation of all four requirements/recommendations of the rule. (The TCAB Courthouse Security Committee could undertake this effort.)
2. JIS/Case Management System: Work to obtain continuing funding for the CMS; continue to work with AOC, our JISC representatives and the CUWG; to the greatest degree possible, remain unified.
3. Adequate Court Funding: Continue to work through TCAB (which has identified state funding as its primary issue for the next year) and the BJA as they pursue state funding.
4. Courts Out of Collection Business: (See Statewide Relicensing Program below.)
5. Statewide Relicensing Program: Create an Ad Hoc Committee to consider the proposal from NJP for a statewide relicensing program. The committee would be tasked with determining whether to accept the proposal as is, modify the proposal or create a new plan. The creation or designation of a statewide collection agency for the courts would be considered as a part of any proposal.
6. Educate Justice Partners: We need to discuss the Long Range Planning Committees suggestion that we create a task force/workgroup, such as a Public Outreach Committee, to develop materials to assist judges and educate our justice partners.
7. Interpreter Issues: We need to decide whether we want to assign the identified interpreter issues to a task force/ad hoc committee. (None of our current committees seem a good fit.)
8. Member Involvement: We should use our spring conference as a means to encourage more member participation in the DMCJA and in our committees. Because the content of the spring conference falls to the Education Committee, we could amend our bylaws to task that committee with the development of a plan of action for each conference. We could send this to the Education Committee for a response and then to the Bylaws Committee.
9. Improve the Quality and Consistency of all CLJs: We could amend our bylaws to state that one of the duties of the Legislative Committee is to work to remove statutory disparities between district and municipal courts. (Currently, the Legislative Committee is not mentioned in the bylaws. A full list of duties should be drafted. The Committee has a list of "charges" under the "Committee" tab of our Board Reference Materials.) We could send this to the Legislative Committee for a response and then to the Bylaws Committee.



## DMCJA Board Plans for 2015-2016

1. Courthouse Security. The safety of all of the participants in our courthouses remains a top priority for the DMCJA. Without adequate security, the safety of all participants is in needless jeopardy, including:
  - Members of the public summonsed in for jury duty; traffic infractions; civil cases and criminal cases.
  - Every party involved in domestic violence cases, including alleged victims and witnesses, who appear to deal with: domestic violence criminal cases; protection order cases; stalking and anti-harassment cases.
  - Courthouse staff who are required to work every day in a building where disputes are resolved and where some of those staff are involved in those disputes.
  
2. JIS/Case Management. Our current case management system is, in the world of computer software, a Model T in a Tesla world. We remain vulnerable to system failure and are forced to work every day with an antiquated system. We saw our Courts of Limited Jurisdiction (CLJ) priority slip when the system being designed for the Court of Appeals was upgraded to a full case management system. We need to continue to state our case for high priority so that, if anything, we move up, rather than down in priority.
  
3. Adequate Court Funding. The CLJ cannot provide services or justice when we are chronically underfunded. We need to educate the public, from the voters to the legislators, regarding the effect that minimal funding has on our ability to serve the constitutionally protected interests of the public. This includes legislative cuts to the Administrative Office of the Courts' budget that resonate through every level of the courts. We should assess the mandated services the court provides and question how we are expected to provide these services in an environment of shrinking budgets.
  
4. Courts Out Of Collection Business. Should/could the courts formulate a policy to get us out of the receipt of money/money collection business altogether. As a subcategory of this issue, is it appropriate for the courts to impose fines, use a collection agency to collect the fine and then sign a garnishment order concerning the same fine? Should these issues be assigned to the Long Range Planning Committee?
  
5. Statewide Relicensing Program. This issue relates to a statewide relicensing initiative intended to reduce the number of suspended drivers and collect more traffic fines and legal financial revenue. The Spokane and Oregon relicensing programs have been referenced as model systems. The Board is in favor of exploring a statewide relicensing program and will refer the issue to the 2015-2016 DMCJA LRPC.
  
6. Educate Justice Partners. When we educate our judges we must not forget our justice partners. Topics of importance to the judiciary may be just as important to cities, counties and the state. These topics include, but are not limited to security concerns, court funding, the separation of powers, court administration, access to justice and access to court records and court information. Committee members suggested several ways to begin educating our partners at the Association of Washington Cities (AWC), Washington Association of Prosecuting Attorneys (WAPA), Washington State Association of Municipal Attorneys (WASAMA), Washington State Association of Counties (WSAC), risk management agencies, city and county councils, including, letters offering to teach on appropriate topics, inviting them to meet with us and encouraging our judges to educate justice partners on a local level. In addition, the DMCJA should create a DMCJA task force or workgroup, such as a Public Outreach Committee, to develop materials that would assist both urban and rural court judges in proactively requesting money for CLJs.

7. Interpreter Issues. Several issues related to interpreters have been highlighted, including ADA/foreign language interpreters, the quality of interpretation options and access to interpreters.
8. Member Involvement. The Board should encourage the participation of DMCJA members in the committee work and governance of our organization. Face to face committee meetings during the spring conference may still help in this regard.
9. Improve the Quality and Consistency of all CLJ. The DMCJA needs to work to improve the quality and consistency of justice across all CLJ. We must continue to work to remove statutory disparities between district and municipal courts.

## Statewide Relicensing Program – Quick Summary

**The Problem:** Currently, about 375,231 Washingtonians have suspended drivers licenses—or almost 6% of the state's adult population. These license suspensions consume a disproportionate share of legal and judicial resources and divert police officers from more serious matters—indeed, Driving While License Suspended<sup>39</sup> charges now make up approximately 1/3 of annual misdemeanor prosecutions in the state. Drivers whose licenses are suspended are unable to maintain employment, fulfill parental obligations, obtain health care, or take part in numerous other important activities. Suspended drivers cannot obtain auto insurance—yet many drive anyway, putting others at heightened risk of being in accidents with uninsured motorists. This problem endures despite recent legislative changes (e.g. Laws of 2012, Reg. Sess., ch 82, § 1 restricting license suspensions for failing to pay fines or appear to moving violations only occurring after June 1, 2013) and prosecutorial charging decisions, in a limited number of jurisdictions, refusing to file these cases or reducing to an Infraction.

**Why the problem exists:** Most drivers with suspended licenses owe traffic fines in multiple jurisdictions. To regain their licenses, those drivers must pay off the tickets in all those jurisdictions. But as the balances on those fines often reach into the thousands of dollars, suspended drivers lack the funds to do so. This means drivers have to seek installment payment plans. But it can be very difficult, and often impossible, for suspended drivers to obtain payment plans in several different courts. Courts use a wide variety of rules and procedures for handling license suspensions and payment plans—and some courts make payment plans or other relief on traffic fines very difficult to obtain. Also, unpaid fines are ordinarily sent to collection agencies, which often demand high down payments and steeper monthly installments than suspended drivers can afford. Many suspended drivers cannot afford high payments—especially down payments—because license suspensions often cause drivers to lose their jobs or prevent them from obtaining new employment.

**What can be done:** Many suspended drivers would pay their fines, if the fines could be consolidated into a single monthly payment they can afford, with the suspension being lifted once the payments commence. Local relicensing programs of this kind have proven very successful in Spokane, Seattle, King County, and elsewhere—both in terms of helping drivers regain their licenses, and in enabling courts to collect more fines than they would otherwise receive. The spotty coverage of these programs has made them ineffective for many drivers (i.e., those with fines from non-participating jurisdictions) and frustrating for the participating judges. A single relicensing program that covers the entire state would ensure that any driver able and willing to make affordable monthly payments toward his or her tickets could resolve a suspension based solely on unpaid fines.

**How this would work:** The program would (i) set up payment plans with drivers, collect the payments, and divide the money among the courts to which that driver's fines are owed; (ii) once a driver sets up a payment plan with the program and begins making payments, the driver's license holds would be cleared (allowing him or her to regain the license); (iii) so long as the driver continues to make the payments, the suspension would remain lifted; and (iv) the program would collect a monthly administrative fee from the driver's payments to fund the cost.

## Statewide Relicensing Program

### A Proposal to Increase Collection of Unpaid Traffic Fines and Address the Crises of 375,231 Unlicensed Drivers in Washington

**Objective:** Design a statewide relicensing program that would enable drivers whose licenses are suspended for delinquent fines to consolidate their fines into simple and affordable payment plans.

**Purpose:** To reduce the number of suspended drivers and collect more traffic fines and legal financial revenue for courts as demonstrated by Spokane's relicensing program.<sup>1</sup>

**Characteristics:** A statewide program would need to have the following components to effectively meet these goals:

#### 1) Eligibility (i.e., who the program will serve)

As a general rule, the more types of fines a driver can consolidate into a payment plan, the more effective a relicensing program will be in advancing its dual goals to collect more fines and reduce the number of suspended drivers. Guidelines for eligibility should be:

- Allow participating drivers to consolidate any kind of traffic fine that causes a license suspension (but especially moving violations and DWLS 3 fines) into payment plans;
- If non-suspending fines are included in the payment plan, the model should either give the driver the option of excluding those fines or require that payments be posted to suspending fines first;
- The existence of other license holds (e.g. child-support, accident judgments, HTO, etc.) would not disqualify a person from participating in the relicensing program, even if those items must be dealt with separately.

#### 2) Administration

The program should carry out a handful of basic functions such as:

- *Enrolling drivers in the licensing program.* Enrollment should be easy and efficient. At most, steps should include: (i) establishing an application process, (ii) advertising the program to likely participants, and (iii) processing applications that are received.

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<sup>1</sup> The Spokane program has collected over \$1.9 million in "uncollectable" fines received and an annual savings of about \$100,000 in jail costs in addition to other administrative burdens. Muramatsu, Mary, "The City of Spokane's Third Degree Strategy: an approach to case prioritization," [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/ls\\_sclaid\\_def\\_spokane\\_diversion\\_program.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_spokane_diversion_program.authcheckdam.pdf), [http://www.courts.wa.gov/programs/orgs/pos\\_bja/index.cfm?fa=pos\\_bja.display&fileid=cftf/AppendA](http://www.courts.wa.gov/programs/orgs/pos_bja/index.cfm?fa=pos_bja.display&fileid=cftf/AppendA), last visited Mar. 4, 2015.

• *Establishing payment plans with participants.* While every driver may have individualized needs, an efficient approach to setting up payment terms with applicants could be through creating a matrix or other established policy with stated criteria and reducing those terms to written forms.

• *Reporting payments plans:* The program should have a system for reporting the existence of a payment plan to relevant third-parties, such as the courts or collection agencies, to withdraw participating drivers and eligible fines from collections and to the Department of Licensing which would remove the holds and reinstate the driver's license.

• *Collecting payments & disbursing funds.* The program will need the infrastructure to receive and account for payments that drivers make. Then, once the funds are received, there could be many different ways to divide payments as they arrive. Funds could be divided evenly between a participant's jurisdictions, applied on a pro-rata type basis toward the outstanding fines, or applied first to suspending fines and then to other fines, etc. The program should also have a system in place by which participating drivers can receive an accounting of amounts paid and fines satisfied.

• *Canceling payment plans on default.* Inevitably some participants will fail to make the payments as they come due. The program will need some way of sending notices and canceling plans for drivers who fail to bring their accounts current. A good system should provide (i) notice of a default, with some clearly defined opportunity to catch up on a delinquent plan; (ii) an opportunity to voluntarily cancel a plan (and thereby avoid disqualification or other sanctions associated with involuntary termination of a payment plan); and (iii) procedures for canceling a plan when a driver has been given notice of default and failed to bring the plan current. While some period of disqualification may be necessary to ensure that deadlines are taken seriously and to minimize administrative burdens (e.g. 6-12 months preceding the application), drivers should not be permanently barred from the program based on prior defaults. The driver would regain eligibility automatically once the period of disqualification expires.

• *Dispute resolution/due process.* A person negatively affected by some act or decision made by the program would presumably have a due process right to dispute that matter. Disputes could arise regarding eligibility for admission to the program, inclusion of particular fines in a payment plan, repayment terms or conditions, processing, servicing issues, and so forth. Some type of review mechanism would be needed to accommodate these disputes.

• *Administrative fees.* The goal for a statewide relicensing program is to self-fund. There are many ways to accomplish this; including allocating a percentage of the amount collected to the program or charging participating drivers a small administrative fee. For example, adding a nominal monthly surcharge to each account could be the most efficient and fair approach. However, care would need to be taken to avoid disproportionate treatment based on either the amount of fines or duration of the payment plan.

• *Community service.* The statewide relicensing program will not directly provide community service alternatives for participating drivers. However, the model should allow drivers who obtain community service in particular courts, to exclude those fines from the payment plan. Courts should be explicitly encouraged to allow community service in appropriate cases where feasible, and the existence of the statewide relicensing program should not operate to discourage or deter courts from allowing community service in lieu of fines for drivers with limited financial resources.

### 3) Repayment Terms

The goals of the statewide relicensing program would be best served by requiring small payments that participating drivers can reasonably be expected to make despite fluctuations in their incomes. Establishing a one-size fits all rule for payment plans is likely impossible, given that every participant's circumstances will differ—and will often change during the life of a payment plan. Income-contingent or other adjustable payment plan terms may better accommodate drivers' circumstances, but impose much higher burdens on the administering entity. However, establishing a matrix relative to fine amounts, income, and household size, would help assure uniformity with respect to persons similarly situated. A small, fixed monthly payment thus best enables participating drivers to remain in compliance with their payment plans, while requiring minimal staff resources to adjust or renegotiate plans with drivers encountering hardships.

As an example of a good policy, a matrix or formula could establish basic payment terms consistent with an applicant's income and household size (using a reasonable threshold, such as 5% of the applicant's monthly income). A payment plan established properly under the matrix, with the initial payment being no greater than the monthly installment payments (i.e., no large up-front payment that may deter enrollment), would be presumed reasonable. The initial balance on such a plan would be the sum total of all traffic fines the applicant owes to all of the participating courts, plus any amounts the applicant owes to the administering entity. The plan would then require a single payment, which the participant makes to the administering entity, on a monthly basis. Pre-payment of all amounts owing should be allowed without penalty. The license suspension would be lifted upon receipt of the driver's first payment.

Applicants who disagreed with the payment amount (whether due to hardship, calculation error, etc.) would have a right to dispute the amount (albeit with minimal review process). Participating drivers should also have opportunities at reasonable intervals to seek adjustments in their monthly payments, such as for income fluctuations or personal hardships. Alternatively, the program could impose a low, flat rate on participants (such as \$10, \$25, \$50, or \$100 depending on the duration of the payment plan) and not make individual assessments of drivers. This type of policy would eliminate much of the administrative burden associated with individual assessments.

#### 4) Groups Not Covered

*Suspensions for reasons other than unpaid Washington traffic fines.* Suspended drivers whose suspensions would not be resolved by this program are those suspended for reasons other than delinquent Washington fines. This group includes: (i) drivers with delinquent out-of-state fines; (ii) drivers who owe unpaid judgments from auto accident cases; (iii) drivers whose licenses are suspended due to unpaid child support; (iv) drivers whose licenses are suspended because of serious traffic offenses, such as DUI; (v) drivers suspended due to habitual traffic offender status. Some of these suspensions may be warranted on public policy or safety grounds and are thus outside the scope of this project.



ANSWERS TO QUESTIONS POSED BY DMCJA SUBCOMMITTEE  
REGARDING NORTHWEST JUSTICE PROJECT'S RELICENSING PROPOSAL

**Question No. 1: Oregon Program**

A. Basic License Reinstatement Program (LRP) Process

1. Driver contacts DMV to determine which courts have judgments affecting the license.
2. Driver contacts the Department of Revenue's Office of Other Agency Accounts (OAA).
3. Driver makes a \$200.00 down payment to OAA toward the overdue fines.
4. OAA agent helps driver set up payment plan.
5. OAA notifies courts to release holds on the license pending completion of the LRP.

B. Impetus for LRP:

Multnomah County circuit court (equivalent to our state district level courts) started the idea. The program began with only one pilot court cooperating with DOR to facilitate the LRP. In 2004, the Oregon Judicial Department created an agreement with DOR to allow individual county level courts to opt out of the program. Today, only two courts have chosen to opt out. No statutes, court rules, or agency regulations specifically authorize or define the functions of the LRP. Internal rules direct operations. However, Oregon has a centralized court system and DOR, by statute, already collects for several state agencies including the courts.

C. Who is Eligible

Any driver with fines in circuit courts that are suspending his or her license. The driver cannot have:

1. Judgments that stipulate sanctions on license reinstatement (such as DWLS 1 or 2 in our system) or
2. an open bankruptcy

D. OAA's Role in LRP

1. Set up drivers with payment plans;
2. Notify courts of driver entering LRP and request courts to lift holds on license;
3. Accept payments toward court debts;
4. Monitor compliance with payment plans;
5. Notify courts of delinquency

#### E. Payment Process

1. Payment plan terms are based on an individual's ability to pay. Monthly payments can go as low as \$10/month.
2. Once the driver agrees to a payment plan, OAA notifies all courts that submitted debts to LRP to lift the holds on the driver's license.
3. A driver's payment plan can include multiple fines. Payments are applied to the oldest fines first. Under the Spokane model, each court is paid equally regardless of how old the fine is. For example, if I owe fines in three different courts and can pay \$150.00 per month, each court I owe will be paid \$50.00 per month.
4. New fines can be folded into an existing account.
5. Drivers who fall off their payments plans can get a second chance but need to make another \$200.00 down payment and start anew.
6. There is an administrative fee added to cover OAA's collection costs. The Spokane program charges a similar fee.
7. Interest is waived. Courts retain the right to request that interest be collected but none do.

For further information please see the LRP website at <http://www.oregon.gov/DOR/OAA/Pages/lrp.aspx>

#### **Question No. 2: Universal Cashiering**

Under the NJP proposal there would be universal cashiering. This could be done either by a state agency or a private firm. The Spokane relicensing program, which covers six separate jurisdictions, uses a private accounts receivables firm to collect the funds. NJP has met with the Department of Licensing (DOL) about the proposal and discussed their reactions. NJP also plans to meet with the Department of Revenue (DOR) to find out their opinions and the feasibility of that agency administering the program.

#### **Question No. 3: Whether DOL is involved**

On March 30, 2015, NJP staff met with DOL personnel and had a productive discussion concerning the nuts and bolts of the proposal. DOL staff suggested that NJP contact various stake holder groups and obtain their reactions including but not limited to AOC, DOR, the Washington Traffic Safety Commission, the Washington Association of Prosecuting Attorneys, and the DMCA not necessarily in that order. DOL staff wanted to meet with NJP again after these contacts were made regarding outcomes. There were also discussions about the capacities of existing DOL technology and whether it could accommodate the proposal. DOL staff indicated that they are in the process of upgrading their computer systems which might be able to handle a program, as described by NJP, in a few years.

#### **Question No. 4: Protocol for outlying courts that do not participate in the program**

Under the NJP proposal, participating in the program would be mandatory. We are concerned that if too many courts opt out it will defeat the purpose of the program. Courts are allowed to opt out of Oregon program but only two have chosen to do so because of the success of that State's approach. In Oregon, although the Department of Revenue collects the funds, courts retain control over the case. Judges may direct DOR to set a different payment plan, for example, than what DOR originally established or courts may decide not to let the case go into the relicensing program at all and keep it at the local level. Research, conducted by NJP, has shown that relicensing programs are extremely

successful in that they allow people to become relicensed and generate more revenue for the courts. For these reasons, NJP favors the approach of allowing courts to retain control over the case, if they so choose, versus “opting out” of the program all together.

Note also that the NJP proposal would allow drivers the option of excluding specific tickets from a payment plan; the main purpose of this provision is to enable drivers to seek community service plans from courts that make community service available.

#### **Final Comments**

NJP realizes that this is a work in process. We have contacted Judge Steiner about meeting with the DMCJA Board at the June conference. We hope to discuss with the Board how NJP can improve our proposal.



Friday, May 15, 2015 – Correspondence from DMCJA Nominating Committee

David [Steiner, DMCJA President],

The nominating committee has made contact with numerous part time district court judges to fill the remainder of Judge Smith's term. Judge Docter says I have to tell you that this is the short list I am sending you. Judge Charles Short of Okanagan DC has agreed to fill the position.

David [Svaren, Chair of the DMCJA Nominating Committee]







WASHINGTON  
COURTS

# District and Municipal Court Judges' Association

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

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

May 19, 2015

Honorable Mary C. Logan  
Spokane Municipal Court  
1100 W. Mallon Avenue  
Spokane, WA 99260

Dear Judge Logan:

RE: DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION  
(DMCJA) REPRESENTATIVE TO THE TRIAL COURT  
SENTENCING AND SUPERVISION COMMITTEE

It is my pleasure to appoint Judge James Docter, Bremerton Municipal Court, and Judge Richard Bathum, King County District Court, to represent the DMCJA on the Trial Court Sentencing and Supervision Committee. Our understanding is that representatives will serve a two-year term. Please stagger the terms for each judge so that the judges' terms do not expire at the same time. Thank you for your consideration of this request.

Please let me know if you have any questions.

Sincerely,

Judge David A. Steiner  
President, DMCJA

cc: Judge James Docter  
Judge Richard Bathum  
Ms. Sharon Harvey ✓





WASHINGTON  
COURTS

# District and Municipal Court Judges' Association

*President*

JUDGE DAVID STEINER  
King County District Court  
585 112th Ave SE  
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(206) 477-2102

May 19, 2015

*President-Elect*

VACANT

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Administrative Office of the Courts  
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*Secretary/Treasurer*

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

Dear Ms. Jensen:

RE: DISTRICT AND MUNICIPAL COURT JUDGES'  
ASSOCIATION (DMCJA) REPRESENTATIVE TO THE  
JUDICIAL NEEDS ESTIMATE (JNE) WORKGROUP

*Past President*

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

It is my pleasure to appoint Judge Elizabeth D. Stephenson, King County District Court, to serve on the JNE Workgroup for a minimum of one-year.

*Board of Governors*

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

Please let me know if you have any questions. Thank you.

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

Sincerely,

Judge David A. Steiner  
President, DMCJA

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

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

cc: Judge Elizabeth D. Stephenson  
Ms. Sharon Harvey, AOC ✓

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

JUDGE TRACY A. STAAB  
Spokane Municipal Court  
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WASHINGTON  
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*District and Municipal Court  
Judges' Association*

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May 19, 2015

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*Vice-President*

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Washington State Bar Association  
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*Secretary/Treasurer*

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

Dear Ms. Littlewood:

RE: DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION  
(DMCJA) REPRESENTATIVE TO THE WASHINGTON STATE  
BAR ASSOCIATION (WSBA) COUNCIL ON PUBLIC DEFENSE

*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

It is my pleasure to nominate Judge Donna K. Tucker, King County District Court, to serve as a DMCJA representative to the WSBA Council on Public Defense.

*Board of Governors*

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

Thank you for the opportunity to make this nomination, and please let me know if you have any questions.

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

Sincerely,

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

Judge David A. Steiner  
DMCJA President

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

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

cc: Judge Donna K. Tucker  
Ms. Megan McNally  
Ms. Sharon R. Harvey ✓

JUDGE KELLEY C. OLWELL  
Yakima Municipal Court  
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JUDGE REBECCA C. ROBERTSON  
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JUDGE HEIDI SMITH  
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