



**DMCJA Board of Governors Meeting**  
**Friday, October 9, 2015, 12:30 p.m. – 3:30 p.m.**  
**AOC SeaTac Office**  
**SeaTac, WA**

**MEETING MINUTES**

**Members Present:**

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

**Guests:**

Ms. Linda Baker, DMCMA  
Judge Harold Clarke III, SCJA  
Sean Davis, Esq., WSBA BOG  
Ms. Deena Kaelin, MCA

**AOC Staff:**

Ms. J. Benway, AOC (via phone)  
Ms. Vicky Cullinane, Business Liaison  
Ms. Sharon R. Harvey, Primary DMCJA Staff  
Mr. Dirk Marler, AOC Liaison

**Members Absent:**

Judge Karen Donohue  
Judge Janet Garrow (non-voting)  
Judge Michael Lambo (non-voting)  
Judge Rebecca Robertson

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 Meeting Minutes for September 3, 2015.

**B. Treasurer's Report**

M/S/P to approve the Treasurer's Report. Judge Burrowes reported that DMCJA Accountant, Dino W. Traverso, PLLC, provided an Accountants' Compilation Report, which is included in the Board packet materials. Judge Burrowes then informed that a fifteen hundred dollars (\$1500) check that was written to him was in fact a check for the Judicial College in which Judge Burrowes is the Assistant Dean. There was discussion of whether the DMCJA should have an audit of its finances since it has not had one in many years. Judge Burrowes informed that he agrees that an audit would be useful and stated that he would ask the DMCJA accountant whether an audit is necessary.

**C. Special Fund Report**

M/S/P to approve the Special Fund Report. Judge Ahlf reported that the DMCJA paid its lobbyist, Melanie Stewart, Esq., twenty-five hundred dollars (\$2500) for the time and effort spent for judicial pension and salary lobbying.

M/S/P to pay Superior Court Judges' Association (SCJA) lobbyist five thousand dollars (\$5,000) for lead services rendered for judges' pension funds and retirement benefits. Here, SCJA President, Judge Harold Clarke, requested five thousand dollars from the DMCJA Board in order to pay Mr. Tom Parker, SCJA Lobbyist, for taking the lead on lobbying efforts regarding judicial pensions and retirement benefits. The request stemmed from an oral agreement between former DMCJA President and SCJA leaders that the DMCJA would contribute \$5000 toward SCJA lobbying efforts for trial court judges' retirement and pension fund benefits. There was discussion that such oral agreements be put in writing in the future.

#### D. Standing Committee Reports

##### 1. *Legislative Committee*

M/S/P to adopt the DMCJA Legislative Committee's proposed agenda for the 2016 Legislative Session, which includes statutory amendments to (1) Parkes Discover Pass Fine Split, (2) Bail Bonds, and (3) courts' consultation of the judicial information system before granting orders. Judge Meyer, DMCJA Legislative Committee Chair, reported that the Discover Pass Fee split bill is in response to courts processing discover pass violations without financial compensation. The proposed bill would provide thirty-two percent of ticket revenue to go to the county whose court processes these tickets. Melanie Stewart, Esq., DMCJA Lobbyist, says that there is some legislative support for this bill. Counties are in favor of the bill. Judge Meyer then reported that the bail bond proposal would allow the surrender of a person under surety's bond to be facilitated more smoothly by providing that the surrender be made to the county or city jail affiliated with the jurisdiction issuing the warrant resulting in bail. Judge Meyer then reported that the bill proposal relating to the courts' consultation of the judicial information system before granting orders would require judges to redact confidential information upon request only.

##### 2. *Rules*

The DMCJA Rules Committee provided Minutes for their August 26, 2015 meeting.

##### 3. *Diversity Committee*

Judge Short reported that the Diversity Committee met on September 15, 2015 to discuss a bylaw violation regarding the lack of diversity in DMCJA Board representation. The Diversity Committee, therefore, brainstormed ideas regarding how to promote diversity. One adopted suggestion was to add two Diversity Committee members to the DMCJA Nominating Committee in order to assist the Nominating Committee with fulfilling the DMCJA bylaws charge to promote the implementation of the DMCJA Diversity Policy statement when selecting a slate of candidates. The issue of diversity will be included in the Nominating Committee's year-long plan to increase membership involvement.

#### E. Trial Court Advocacy Board (TCAB)

There was no report provided during the Board meeting.

#### F. JIS Report

Ms. Cullinane reported that the courts of limited jurisdiction case management system (CLJ-CMS) project will enter into the procurement phase in early 2016. She further reported that the Information Technology Governance (ITG) 41 project will start the destruction process for certain non-conviction criminal records in early 2016, beginning with pilot courts, then alphabetically by court. Judges will have the ability to mark cases that they do not want destroyed, within the guidelines of the AOC Retention Schedule for JIS Records. All courts will receive a notice with instructions on marking the cases. Ms. Cullinane then reported on the Judicial Access Browser System (JABS) Statewide Viewer project. The project is primarily focused on technical improvements to JABS, but there will be some changes that will be visible to users. A JABS user advisory group has been formed to provide input on improvements users would like to see. One of the group's suggestions, to show active orders and warrants in red bold type, will be implemented within a couple of

months. A question was posed regarding whether the new case management system will be person based. Ms. Cullinane stated that she would get back to the Board with an answer to this inquiry.

## **LIAISON REPORTS**

### **A. District and Municipal Court Management Association (DMCMA)**

Ms. Baker, DMCMA Liaison, reported that regional trainings are being offered during the month of October. Department of License and Administrative Office of the Courts staff have teamed up to provide court line staff with training on the pre-ignition interlock device. King County District Court staff members are also providing tips and tricks for the Judicial Information System.

### **B. Misdemeanant Corrections Association (MCA)**

Ms. Kaelin, MCA Liaison, reported that the MCA is preparing for its 2016 Spring Conference in April 2016. Ms. Kaelin informed of available scholarships and stated that one must be member for scholarship eligibility.

### **C. Washington State Bar Association (WSBA)**

Mr. Davis, WSBA Liaison, reported that the WSBA is working on the Escalating Cost of Civil Litigation (ECCL) Task Force Recommendations.

### **D. Board for Judicial Administration (BJA)**

Judge Jasprica, BJA Liaison, reported that the BJA addressed its Committees. These BJA Committees will meet to discuss future plans.

### **E. Administrative Office of the Courts (AOC)**

Mr. Marler, AOC Judicial Services Division Director, reported that the Fall Judicial Conference experiment with the American Judges Association and the National Association of State Judicial Educators went well and benefited from the additional financial resources. Mr. Marler informed that the AOC continues to work on case management system (CMS) projects for all court levels that require resources from the entire agency to be successful. In June 2015, Lewis County was successfully implemented as the pilot site for the new Superior Court Case Management System, "Odyssey". On October 31, 2015, Superior Courts and county clerks offices in Franklin, Thurston, and Yakima Counties will "Go Live" with the Odyssey CMS. The continued success of the superior court will be a big boost for the courts of limited jurisdiction case management system project.

## **ACTION**

### **A. *Rules Committee Memorandum for Revisit of CrRLJ 3.2***

M/S/P for the DMCJA to send a request to delete Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2, pertaining to conditions of release, to the Supreme Court by October 15, 2015. Ms. Benway informed that the Supreme Court approved the SCJA-proposed rule amendment to Superior Court Criminal Rule (CrR) 3.2 (b)(4) on September 1, 2015. The DMCJA Rules Committee, therefore, recommends that the Board request that CrRLJ 3.2(b)(4) be deleted to parallel the rules of the superior courts and to reflect the holding in *State v. Barton*, 181 Wn.2d 148, 331 P.3d 50 (2014).

### **B. *Whether Dues Should Remain the Same and Whether a 2016 Special Fund Assessment is Necessary***

M/S/P that DMCJA dues should remain the same as the previous year. M/S/P that a twenty-five dollars (\$25) Special Fund assessment is required for DMCJA Members to be in good standing.

### **C. *Whether New Judges Should be Announced on the DMCJA Listserv***

M/S/P to announce new judges on the listserv.

### **D. *Request for Funding – MCA Conference Workshop***

M/S/P to approve one thousand dollars (\$1000) from the DMCJA to help fund the Misdemeanant Corrections Association's one-day training workshop on Trauma exposure and Resiliency-Building. The \$1000 will be taken from the MCA line item. Judge Robinson is the MCA Liaison for the DMCJA. The MCA requested thirty-two hundred dollars, which is the total cost for the one-day workshop.

## **DISCUSSION**

### *A. Board Review of Operational Rules*

Judge Steiner encouraged Board members to review the DMCJA Operational Rules and Modern Rules of Order, which are located in the Board packet.

### *B. Whether Dues Should Remain the Same and Whether a 2016 Special Fund Assessment is Necessary*

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

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

Judge Steiner informed that the Board addressed this issue in 2012 and determined that the payment of Board for Judicial Administration dues should be voluntary. Thus, there is no need for the Board to discuss this issue.

### *D. Whether New Judges Should be Announced on the DMCJA Listserv*

M/S/P to make this an action item.

### *E. Request for Funding – Faculty Development Training*

Judge Burrowes will take four thousand dollars (\$4000) from the DMCJA Judicial Education line item in order to pay for four members of the Education Committee to attend Faculty Development training, which is required of all Education Committee members. No Board member has any concerns and all understand that Judge Burrowes, Education Committee Co-Chair, will request an increase of \$4000 in Education funding.

### *F. Request for Funding – MCA Conference Workshop*

The Board voted to make this issue an action item.

### *G. Public Outreach Committee*

Judge Gehlsen, Chair of the Public Outreach Committee, reported on the status of the work group. Committee members are being selected. The work group will pattern the Justice in Jeopardy format regarding its court agenda. Judge Gehlsen will work with the Treasurer and staff regarding the budget for the work group, which will receive its funding from the Judicial Community Outreach line item.

## **INFORMATION**

### *A. 2015-2016 DMCJA Nominating Committee Roster*

Judge Steiner, DMCJA President, appointed the members of the Nominating Committee, pursuant to Article X, Section 2. (a)(2) of the DMCJA Bylaws. Members of the Diversity Committee were added to the Nominating Committee to assist with applying the Association's Diversity Policy in selecting the slate of candidates.

### *A. Judicial Needs Estimate Workgroup Status Update*

The JNE Workgroup provided a written summary of the group's progress for the Board. The Board discussed whether the Workgroup is serving its purpose of determining the number of judges needed in a given jurisdiction. Mr. Marler expressed that the Administrative Office of the Courts is working on obtaining more accurate data about judicial workload by implementing new codes that were recommended by the Workgroup. AOC has provided training for court staff on the new codes and the importance of using them correctly and consistently. It will take time for the data to accumulate now that the codes are in place. This data is necessary to provide objective information that can be used to determine what specific changes should be made to the model. It is important that any changes be based on objective data and defensible to state and local legislative bodies. Judge Steiner asked Mr. Marler to provide an update for the Board at a future meeting.

**B. Bill 5177 Workgroup**

Judge Michael Finkle, East Division of King County District Court, and Judge Karli Jorgensen, Kent Municipal Court, were appointed to the Second Engrossed Substitute Senate Bill 5177 Workgroup. The group will consider and facilitate the use of video testimony by state competency evaluators in court matters. The appointment letter was provided in the Board packet.

**C. 2014-2015 Youth & Government Financial Summary Report**

Board Members were encouraged to review the 2014-2015 Youth & Government Financial Summary Report.

**OTHER BUSINESS**

A. Board members were informed that the next scheduled meeting is Friday, November 13, 2015.

**ADJOURNED** at 2:14 PM.

The Board went into an Executive Session to discuss the SCJA proposed Office of Trial Court Policy and Research. The Board came out of Executive Session and voted in favor of the following motion during Regular Session:

It is imperative that the dispute regarding the SCJA request to create an office of the trial court settle before a bill is filed in the legislature this fall. The DMCJA has remained neutral to date, but a solution which would benefit all has been proposed. Therefore, the DMCJA supports the fundamental SCJA request that any negotiated settlement resolve the question of the divided loyalty of AOC administrative staff assigned to assist the SCJA and the DMCJA. The SCJA and the DMCJA must be given control over these staff members.