



DMCJA Board of Governors Meeting
Friday, November 13, 2015, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

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

Guests:

Ms. Cynthia Marr, DMCMA
Ms. Deena Kaelin, MCA

AOC Staff:

Ms. Vicky Cullinane, JIS Business Liaison
Ms. Sharon R. Harvey, Primary DMCJA Staff
Mr. Dirk Marler, JSD Director
Ms. Charlotte Jensen, Bus. Info. Coordinator

Members Absent:

Judge David Steiner
Judge Janet Garrow (non-voting)

Judge G. Scott Marinella, District and Municipal Court Judges' Association (DMCJA) President-Elect, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:33 PM. Judge Marinella asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Minutes for October 9, 2015 with an amendment to the Executive Session portion of the meeting. The amendment should state, "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."

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. M/S/P to approve an audit for a two-year period, which would include 2013-2014. M/S/P to approve that an in-depth review of the Treasurer's position be considered at a later date. Judge Burrowes proposed that there be (1) an independent audit, and (2) in-depth review of the Treasurer's responsibilities. The audit will cost between one thousand dollars and two thousand dollars. The last DMCJA financial audit was performed in 2011. Judge Burrowes also informed that the DMCJA Dues Request notice has been approved and will be sent to Association members.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Ahlf reported that the Special Fund Assessment notice has been approved and will be sent to Association members.

D. Standing Committee Reports

Prior to the Legislative Committee report, Judge Marinella briefly discussed a recent case regarding the request for certain records maintained by the DMCJA. He informed that on November 2, 2015, the Washington State Court of Appeals affirmed the lower court's decision that the Public Records Act does not apply to the DMCJA.

1. *Legislative Committee*

Judge Meyer reported on the status of the DMCJA proposed legislation, namely, (1) Parks Discover Pass Fine Split, (2) Bail Bonds, and (3) courts' consultation of the Judicial Information System before granting orders. He informed that Melanie Stewart, Esq., DMCJA Lobbyist, is shopping around for sponsors for these bills. There is some concern regarding the bail bonds issue that is being sorted out. Judge Glenn Phillips will continue his service on the Driving Under the Influence (DUI) legislative workgroup. Judge Meyer also mentioned the issue of the DMCJA paying five thousand dollars to the Superior Court Judges' Association (SCJA) for taking the lead on lobbying relating to retirement benefits. Judge Meyer informed that he spoke with the DMCJA Lobbyist about the issue and discovered that neither the DMCJA Lobbyist nor the SCJA Lobbyist had been aware of this financial agreement. Judge Downes addressed this issue during the SCJA liaison report.

Office of the Superior Court Judges' Association

Judge Meyer reported that the Washington State Senate Law and Justice Committee will address the Office of the Superior Court Judges' Association in a work session on November 20, 2015. The Board discussed its position regarding the SCJA proposed Office of the Superior Court Judges' Association, formerly known as the Office of Trial Court Policy and Research. The Board discussed tabling the Office of Superior Court Judges' Association issue until the December Board meeting when Judge Steiner is present.

M/S/P to make an action item the issue of clarifying the DMCJA position regarding the Office of the Superior Court Judges' Association.

2. *Rules Committee*

Judge Robertson encouraged Board members to review the DMCJA Rules Committee Minutes for September 16, 2015, which are located in the Board packet.

E. Trial Court Advocacy Board (TCAB)

The TCAB did not meet in November 2015 because both Judge Svaren and Judge Steiner were unavailable for the scheduled meeting. Judge Marinella informed that Judge Harold Clarke had expressed that he would like to get the TCAB running again in order to address issues that affect the trial courts.

F. JIS Report

Ms. Cullinane reported on the status of the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project. She informed that the CLJ Court User Work Group (CUWG) has finished gathering business requirements for the new CLJ-CMS. The requirements are being packaged for the Request for Proposal (RFP), and the CUWG will vote on the final requirements early next year. There are quite a few steps in the procurement process before the RFP can be released, including hiring an outside Quality Assurance vendor, and hiring a Special Assistant Attorney General. AOC can start work on hiring when legislative funding for the project is available in January 2016. Moreover, in response to a question posed at the November 2015 Board meeting, Ms. Cullinane informed that the new CLJ-CMS will be person based rather than case based.

Ms. Cullinane also reported on the status of the Superior Court Case Management System (SC-CMS) Project. The implementation of the new SC-CMS went smoothly in Thurston, Franklin, and Yakima counties. The success of the SC-CMS Project will benefit the CLJ-CMS Project.

Ms. Cullinane reported on enhancements to the Judicial Access Browser System (JABS) planned for December 2015. The enhancements will include display of Odyssey case information, and improvements to the Domestic Violence Inquiry (DVI) screen.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Marr, DMCMA Liaison, reported that the next DMCMA meeting is January 12, 2016. Judge Ahlf, DMCJA Liaison to the DMCMA, informed that the DMCMA is opposed to a proposal regarding court staff performing fingerprinting services. Judge Ahlf further reported that the DMCMA would like financial support for its 2016 Administrative Conference. It was mentioned that funding for this conference will be handled outside of the Board level.

B. Superior Court Judges' Association (SCJA)

Judge Downes reported that the SCJA is happy with the new Odyssey case management system. He mentioned the SCJA's support of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 6.2, which imposed additional fees for traffic related cases. Judge Downes further addressed the DMCJA's payment of five thousand dollars for retirement lobbying services rendered by SCJA Lobbyist, Tom Parker. Judge Downes explained that the five thousand dollars was a pledge from the former DMCJA President to support an SCJA campaign to raise money for lobbying expenses. The SCJA has no on-going Special Fund Assessment, and, therefore, asks its members for two hundred dollars and other affiliates to contribute whenever necessary. Judge Downes added that the SCJA is seeking a Special Fund Assessment policy similar to the DMCJA.

C. Misdemeanant Corrections Association (MCA)

Ms. Kaelin, MCA Liaison, informed that the MCA is holding a 2016 Training Conference. Flyers regarding the conference were disseminated to Board members.

D. Board for Judicial Administration (BJA)

Judge Jasprica, DMCJA Representative for the BJA, reported that the next BJA meeting is November 20, 2015. She informed that the BJA meets for two consecutive months and does not meet during the month following the consecutive monthly meetings. Judge Jasprica expressed that the BJA will discuss collaboration regarding Standing Committees. She also mentioned that Dr. Carl McCurley, Washington Center for State Court Research (WSSCR), will address the BJA on November 20, 2015.

E. Administrative Office of the Courts (AOC)

Mr. Marler, AOC Judicial Services Division Director, stated that he had nothing to report other than he would assist Ms. Jensen in the Judicial Needs Estimate (JNE) presentation later during the meeting.

ACTION

Office of the Superior Court Judges' Association

M/S/P to request that Judge Steiner, DMCJA President, send a letter to Judge Harold Clarke, SCJA President, outlining the DMCJA position regarding the Office of the Superior Court Judges' Association.

DMCJA Position when Courts are Disbanded

M/S/P to create a Judicial Independence or Fire Brigade Committee with the understanding that the parameters will be created at a later time by a Board vote.

DISCUSSION

- A. *DMCJA Position when Courts are Disbanded – (1) In which situations when a court is talking about moving into or out of another court will the DMCJA consider intervening with a fire brigade? (2) Does the DMCJA wish to set up a fire brigade?*

M/S/P to move to an action item proposing a fire brigade committee to assist judges whose courts are closing during the middle of the judge's term in office.

The Board discussed whether the DMCJA should get involved when a Municipal Court is closed because it has merged with another court and, therefore, the Municipal Court judge is left without a job. Judge Marinella spoke of an issue in 2012 in which the City of Auburn chose to contract with King County District Court and terminate the municipal court at the end of the year. The DMCJA Board set aside ten thousand dollars to assist the Auburn judge with any litigation he may have initiated regarding the possible loss of his employment because of Auburn's decision.

Judges Jeffrey Jahns and David Larson provided written thoughts regarding the situation that were placed in the Board packet. Judge Robertson informed of the work her bench mate, Judge David Larson, has done regarding the issue of Municipal Court closings prior to the expiration of a Municipal Court judge's term. Judge Larson has testified in Granger and other locales on the issue. Judge Larson supports a DMCJA fire brigade committee that addresses this issue. The committee, however, would not need approval from the Board regarding its positions or actions, which posed concern for some Board members. Judge Jahns' written position is that a city has no authority to disband a court based on separation of powers issues. The Board will discuss this issue as it relates to the parameters of the judicial independence/fire brigade committee at the December 2015 meeting.

- B. *BJA Policy and Planning Committee: Methods of Maintaining Continuity*

Judge Marinella informed the Board that as the DMCJA President-Elect, he is on the BJA Policy and Planning Committee for a term of one-year. During a Committee meeting, the idea of having the DMCJA Vice-President serve on the BJA Policy and Planning Committee for two years was proposed. In other words, the Vice-President will serve during his or her term as both DMCJA Vice-President and DMCJA President-Elect. Judge Marinella also mentioned that he is also on a local funding subcommittee of the BJA Policy and Planning Committee, which is a conflict of interest. For this reason, he inquired whether a Board member would like to serve on the subcommittee. He asked that any volunteers contact him directly regarding their interest.

- C. *Financial Ability to Pay Appellate Costs Work Group*

Judge Marinella addressed the Chief Justice's request for a DMCJA Representative on the newly created Financial Ability to Pay Appellate Costs Workgroup, which relates to legal financial obligations. Board members interested in representing the DMCJA on the Workgroup were encouraged to contact Ms. Harvey, DMCJA Primary Staff.

- D. *AOC Judicial Needs Estimate (JNE) Presentation*

Mr. Dirk Marler and Ms. Charlotte Jensen reported on the JNE tool. Mr. Marler reported on the history of the JNE, which has been caseload based since 2002. Mr. Marler also informed that the JNE is part of the Administrative Office of the Courts' core mission under RCW 2.56.030. The AOC wants to produce something that is objective, bulletproof, and reflects court work product.

Ms. Jensen, AOC Court Business Information Coordinator, informed that she works with the JNE tool and provides its data to the National Center for State Courts. Ms. She presented on the purpose, criteria, and current measure of the JNE tool. She also informed that one filing is equal to one resolution. In the interest of

time, Board members were encouraged to contact Ms. Jensen after the meeting with any questions and/or concerns regarding the JNE tool.

INFORMATION

There will be a memorial service for Mr. Doug Haake on November 14, 2015. Mr. Haake, a former AOC employee, was the Primary Staff for the DMCJA from 1999 to 2008. M/S/P for the DMCJA to send flowers to the location where the memorial service will be held on November 14, 2015.

OTHER BUSINESS

- A. Board members were informed that the next scheduled meeting is Friday, December 11, 2015.

ADJOURNED at 3:30 PM.