



WASHINGTON  
COURTS

**DISTRICT AND MUNICIPAL  
COURT JUDGES' ASSOCIATION**

***BOARD MEETING***

**November 13, 2015**

**AOC SEATAC OFFICE  
SEATAC, WASHINGTON**

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

## 2015-2016

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<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.	Dayton, WA Location TBD
<b><i>Sunday, June 5, 2016</i></b>	9:00 a.m. – 12:00 p.m.	Cambell's Resort, Chelan, in conjunction with Spring Program

AOC Staff: Sharon Harvey

(AOC Conference Room Reserved)

Updated: October 27, 2015



WASHINGTON  
COURTS

**DMCJA BOARD MEETING**  
**FRIDAY, NOVEMBER 13, 2015**  
**12:30 PM – 3:30 PM**  
**AOC SEATAC OFFICE**  
**SEATAC, WA**

**PRESIDENT- ELECT JUDGE G. SCOTT MARINELLA**

**AGENDA**

**TAB**

**Call to Order**

**General Business**

- A. Minutes – October 9, 2015 (pp 1-5)
- B. Treasurer’s Report – *Judge Burrowes*
  - 1. Monthly Treasurer’s Report for October 2015 (p 7)
  - 2. US Bank Business Statement – October 1-31, 2015 (p 9)
  - 3. US Bank Business Statement – September 1-30, 2015 (p 11)
  - 4. Accountant Reports – Dino W. Traverso, PLLC (pp 13-25)
  - 5. Letter regarding Audit Services Contract dated September 27, 2011 (p 27)
- C. Special Fund Report – *Judge Ahlf* ( p 29)
- D. Standing Committee Reports
  - 1. Legislative Committee – *Judge Meyer*
  - 2. Rules Committee Meeting Minutes for September 16, 2015 (p 31-32)
- E. Trial Court Advocacy Board (TCAB) Update
- F. JIS Report – *Ms. Vicky Cullinane*

**1**

**Liaison Reports**

- A. District and Municipal Court Management Association (**DMCMA**) – *Ms. Cynthia Marr*
- B. Misdemeanant Corrections Association (**MCA**) – *Ms. Deena Kaelin*
- C. Superior Court Judges’ Association (**SCJA**) – *Judge Michael Downes*
- D. Washington State Bar Association (**WSBA**) – *Sean Davis, Esquire*
- E. Administrative Office of the Courts (**AOC**) – *Mr. Dirk Marler*
- F. Board for Judicial Administration (**BJA**) – *Judges Garrow, Jasprica, Lambo, and Ringus*

**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?
  - 1. Correspondence regarding DMCJA policy proposals for court closures (pp 33-34)
  - 2. Judge Jeffrey Jahns’ DMCJA Policy Proposal regarding court closures (pp 35-39)
  - 3. Minutes - August 2012, September 2012, and November 2013 regarding court closures

**2**

(pp 41-43)

- B. BJA Policy and Planning Committee: Methods of Maintaining Continuity (pp 45-47) – *Judge Marinella*
- C. Financial Ability to Pay Appellate Costs Work Group
  - 1. Correspondence regarding financial ability to pay appellate costs workgroup (p 49)
  - 2. RCW 10.73.160, court fees and costs (p 51)
- D. AOC Judicial Needs Estimate (JNE) Presentation – *Mr. Dirk Marler, Ms. Charlotte Jensen*
  - 1. District and Municipal Court Judicial Needs PowerPoint materials (pp 53-74)
  - 2. Chart regarding JNE history and progress (pp 75-79)

**Information**

Mr. Doug Haake, former AOC employee and DMCJA Staff, passed away on October 12, 2015. Mr. Haake staffed the DMCJA from May 1999 to January 2008. A memorial service is planned for Saturday, November 14, 2015, at 1 pm at South Sound Manor, 455 North Street SE, Tumwater, WA 98501.

**Other Business**

The next DMCJA Board Meeting is Friday, December 11, 2015, at the AOC SeaTac Office.

**Adjourn**





**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 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 voted in favor of the following motion:

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.



# *District and Municipal Court Judges' Association*

**President**  
**JUDGE DAVID STEINER**  
 King County District Court  
 585 112th Ave SE  
 Bellevue, WA 98004  
 (206) 477-2102

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

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

**Secretary/Treasurer**  
**JUDGE JOSEPH M. BURROWES**  
 Benton County District Court  
 7122 W Okanogan Pl. Bldg A  
 Kennewick, WA 99336-2359  
 (509) 735-8476

**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 KAREN DONOHUE**  
 Seattle Municipal Court  
 (206) 684-7903

**JUDGE DOUGLAS J. FAIR**  
 Snohomish County District Court  
 (425) 744-6804

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

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

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

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

**JUDGE DOUGLAS B. ROBINSON**  
 Whitman County Dist. Court  
 (509) 397-5297

**JUDGE CHARLES D. SHORT**  
 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:** Joseph M. Burrowes, DMCJA Treasure

**Subject:** Monthly Treasure's Report for October 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 associations.

## ACCOUNTS

US Bank Platinum Business Money Market Account	
Fund Balance as of October 31, 2015:	\$100,610.93
Interest for October 2015	\$ 8.54
Bank of American Accounts:	
Investment Account as of October 31, 2015:	\$46,046.02
Checking Account as of October 31, 2015:	\$7,535.37

## EXPENDITURES

Total 2015/2016 adopted budget:	\$253,400.00
Total expenditures to date (October 31, 2015):	\$35,099.36
Total remaining budget as of October 31, 2015:	\$218,300.64

## DEPOSITS AND CREDITS

Total deposits 2015/2016 as of October 31, 2015:	\$1,665.31
Total Interest as of October 31, 2015:	\$.86

## FEE'S

Total fee's as of September 29, 2015:	\$14.00
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P.O. Box 1800  
Saint Paul, Minnesota 55101-0800

3452 TRN

Y ST01

## Business Statement

Account Number: XXXXXXXXXX

Statement Period:

Oct 1, 2015  
through  
Oct 31, 2015

Page 1 of 1

000123357 1 AV 0.391 106481252068571 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

Important changes are coming to your Online and Mobile Financial Services Agreement. Review the specific changes being made by clicking on the banner on your My Accounts page in Online Banking to learn more.

Effective November 23rd 2015 updates will be made to "Your Deposit Account Agreement" booklet and the "Consumer Pricing Information" booklet. The changes are slight, but may affect your rights. As of November 23rd 2015 you may pick up copies at your local branch, view copies at usbank.com, or call 1-800-USBANKS (1-800-872-2657) for a copy. Please see the [Additional Information Section](#) of this statement message for the main updates that were made to "Your Deposit Account Agreement" booklet and the "Consumer Pricing Information" booklet.

### PLATINUM BUSINESS MONEY MARKET

Member FDIC

U.S. Bank National Association

Account Number XXXXXXXXXX

#### Account Summary

	# Items				
Beginning Balance on Oct 1		\$	100,602.39	Annual Percentage Yield Earned	0.09%
Other Deposits	1		8.54	Interest Earned this Period	\$ 8.54
Ending Balance on Oct 31, 2015		\$	100,610.93	Interest Paid this Year	\$ 103.72
				Number of Days in Statement Period	31

#### Other Deposits

Date	Description of Transaction	Ref Number	Amount
Oct 30	Interest Paid	3000004701	\$ 8.54
<b>Total Other Deposits</b>			<b>\$ 8.54</b>

### ADDITIONAL INFORMATION

Effective November 23rd 2015 the main updates to note in the revised "Your Deposit Account Agreement" booklet sections, and sub sections, include:

- TDD number
- Fraud URL correction

Effective November 23rd 2015, the main updates to note in the revised "Consumer Pricing Information" booklet sections, and sub sections, include:

- Foreign Check/Currency Fees, Checks Deposited in U.S. Dollars on Foreign Banks: "Checks on Select Countries/Banks" fee of \$50 no longer applies
- Additional clarity on disclosures to Statement fees

As of November 23rd 2015 you may pick up copies at your local branch, view the updated Consumer Pricing Information Brochure at usbank.com, or call 1-800-USBANKS (1-800-872-2657) for a copy.





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

3452 TRN

Y ST01

## Business Statement

Account Number:

1 535 6489 6253

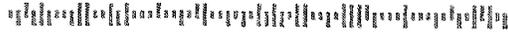
Statement Period:

Sep 1, 2015

through

Sep 30, 2015

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000126128 1 AV 0.391 106481213747380 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

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### PLATINUM BUSINESS MONEY MARKET

Member FDIC

U.S. Bank National Association

Account Number 1-535-6489-6253

#### Account Summary

	# Items				
Beginning Balance on Sep 1		\$	100,594.13	Annual Percentage Yield Earned	0.09%
Other Deposits	1		8.26	Interest Earned this Period	\$ 8.26
Ending Balance on Sep 30, 2015		\$	100,602.39	Interest Paid this Year	\$ 95.18
				Number of Days in Statement Period	30

#### Other Deposits

Date	Description of Transaction	Ref Number	Amount
Sep 30	Interest Paid	3000003898	\$ 8.26
Total Other Deposits			\$ 8.26

### ADDITIONAL INFORMATION

Effective November 23rd 2015 the main updates to note in the revised "Your Deposit Account Agreement" booklet sections, and sub sections, include:

- TDD number
- Fraud URL correction

Effective November 23rd 2015, the main updates to note in the revised "Consumer Pricing Information" booklet sections, and sub sections, include:

- Foreign Check/Currency Fees, Checks Deposited in U.S. Dollars on Foreign Banks: "Checks on Select Countries/Banks" fee of \$50 no longer applies
- Additional clarity on disclosures to Statement fees

As of November 23rd 2015 you may pick up copies at your local branch, view the updated Consumer Pricing Information Brochure at [usbank.com](http://usbank.com), or call 1-800-USBANKS (1-800-872-2657) for a copy.



**Dino W. Traverso, PLLC**

Certified Public Accountant  
Master of Science – Taxation (G.G.U.)  
606 Oakesdale Ave. SW, Suite 204  
Renton, WA 98057  
Phone: (425) 264-0165  
Fax: (425) 264-0167  
E-Mail: [dino@kingcountycpa.com](mailto:dino@kingcountycpa.com)

**SUMMARY OF REPORTS**

**WASHINGTON STATE  
DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION**

For the Period Ending September 30, 2015

Please find attached the following reports for you to review:

- Accountant's Compilation Report
- Statement of Financial Position
- Monthly Statement of Activities
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)

Please contact me if you have any questions in regards to the attached.

**PLEASE BE SURE TO KEEP FOR YOUR RECORDS**



**Dino W. Traverso, PLLC**  
www.kingcountycpa.com

DINO W. TRAVERSO  
Certified Public Accountant  
Masters of Science-Taxation (GGU)  
dino@kingcountycpa.com

606 Oakesdale Ave SW, Suite 204  
Renton, Washington 98057  
Phone: (425)264-0165 Ext. 202  
Fax: (425) 264-0167

ACCOUNTANTS' COMPILATION REPORT

Board of Directors  
WASHINGTON STATE DISTRICT AND  
MUNICIPAL COURT JUDGES' ASSOCIATION  
(an exempt organization)  
Olympia, Washington

We have compiled the accompanying Statement of Financial Position – Income Tax Basis, of the Washington State District and Municipal Court Judges Association (an exempt organization) as of September 30, 2015 and the related Statements of Activities – Income Tax Basis, for the three months then ended. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with the income tax basis of accounting.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with the income tax basis of accounting and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The Objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

The supplementary information contained in the reconciliation detail and the transaction detail by account is presented for purposes of additional analysis and is not a required part of the basic financial statements. The supplementary information has been compiled from information that is the representation of management. We have not audited or reviewed the supplementary information and, accordingly, do not express an opinion or provide any assurance on such supplementary information.

Management has elected to omit substantially all of the disclosures ordinarily included in financial statements prepared on the income tax basis of accounting. If the omitted disclosures were included in the financial statements, they might influence the user's conclusions about the Association's net assets, revenues, and expenses. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to the Washington State District and Municipal Court Judges Association.

October 30, 2015  
Renton, Washington

Washington State DMCJA  
Statement of Financial Position - Income Tax Basis  
As of September 30, 2015

	<u>September 30, 2015</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
Bank of America - Checking	6,619
Bank of America - Savings	56,045
US Bank - Savings	100,602
WA Federal - Special Funds	<u>45,083</u>
<b>Total Checking/Savings</b>	<u>208,349</u>
<b>Fixed Assets</b>	
Computer Equipment	579
Accumulated Depreciation	<u>(376)</u>
<b>Total Fixed Assets</b>	202
<b>Other Assets</b>	
Prepaid Expenses	<u>23,397</u>
<b>Total Other Assets</b>	<u>23,397</u>
<b>TOTAL ASSETS</b>	<u><u>231,948</u></u>
<b>LIABILITIES &amp; NET ASSETS</b>	
<b>Liabilities</b>	
Credit Card Payable	<u>-</u>
<b>Total Liabilities</b>	-
<b>Net Assets</b>	
Unrestricted Net Assets	305,296
Excess Expenses Over Revenue	<u>(73,348)</u>
<b>Total Net Assets</b>	<u>231,948</u>
<b>TOTAL LIABILITIES &amp; NET ASSETS</b>	<u><u>231,948</u></u>

Washington State DMCJA  
Statement of Activities - Income Tax Basis  
For the Two Months Ending September 30, 2015

	<u>Jul 15</u>	<u>Aug 15</u>	<u>Sep 15</u>	<u>TOTAL</u>
<b>Revenue</b>				
Interest Income	15	14	13	42
<b>Total Revenue</b>	<u>15</u>	<u>14</u>	<u>13</u>	<u>42</u>
<b>Expense</b>				
4 - Board Meeting Expense	357	3,333	1,276	4,965
5 - Bookkeeping Expense	-	-	1,325	1,325
7 - Conference Committee	-	203	-	203
8 - Spring Conference	38,430	-	-	38,430
10 - DMCJA/SCJA Sentencing Alt.	-	-	19	19
12 - DOL Liaison Committee	-	18	-	18
13 - Education Committee	1,087	1,094	-	2,181
14 - Educational Grants	-	1,389	-	1,389
17 - Judicial Assistance Committee	-	1,915	2,587	4,502
18 - Judicial Community Outreach	-	1,500	-	1,500
19 - Legislative Committee	-	133	-	133
20 - Legislative Pro-Tem	-	408	-	408
21 - Lobbyist Contract	2,583	6,583	4,583	13,750
22 - Lobbyist Expenses	-	68	2,500	2,568
24 - MCA Liaison	-	360	-	360
26 - Nominating Committee	-	5	-	5
27 - President Expense	578	-	-	578
28 - Professional Services	-	-	860	860
30 - Rules Committee	-	5	-	5
34 - Therapeutic Courts	-	150	-	150
37 - Treasurer Expense and Bond	-	-	11	11
99 - Depreciation Expense	10	10	10	29
<b>Total Expense</b>	<u>43,045</u>	<u>17,174</u>	<u>13,171</u>	<u>73,390</u>
<b>Excess Expenses Over Revenue</b>	<u>(43,030)</u>	<u>(17,160)</u>	<u>(13,158)</u>	<u>(73,348)</u>

## **OTHER INFORMATION**

11:04 AM  
10/30/15

**Washington State DMCJA  
Reconciliation Detail  
Washington Federal, Period Ending 09/30/2015**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						47,590.88
<b>Cleared Transactions</b>						
<b>Checks and Payments - 2 Items</b>						
Check	9/11/2015		Melanie Stewart	X	-2,500.00	-2,500.00
Check	9/23/2015		Harland Clarke	X	-11.45	-2,511.45
<b>Total Checks and Payments</b>					<u>-2,511.45</u>	<u>-2,511.45</u>
<b>Deposits and Credits - 1 Item</b>						
Deposit	9/30/2015			X	3.77	3.77
<b>Total Deposits and Credits</b>					<u>3.77</u>	<u>3.77</u>
<b>Total Cleared Transactions</b>					<u>-2,507.68</u>	<u>-2,507.68</u>
<b>Cleared Balance</b>					<u>-2,507.68</u>	<u>45,083.20</u>
<b>Register Balance as of 09/30/2015</b>					<u>-2,507.68</u>	<u>45,083.20</u>
<b>Ending Balance</b>					<u><u>-2,507.68</u></u>	<u><u>45,083.20</u></u>

11:00 AM

10/30/15

**Washington State DMCJA**  
**Reconciliation Detail**  
US Bank - Savings, Period Ending 09/30/2015

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						100,594.13
<b>Cleared Transactions</b>						
<b>Deposits and Credits - 1 item</b>						
Deposit	9/30/2015			X	8.26	8.26
<b>Total Deposits and Credits</b>					8.26	8.26
<b>Total Cleared Transactions</b>					8.26	8.26
<b>Cleared Balance</b>					8.26	100,602.39
<b>Register Balance as of 09/30/2015</b>					8.26	100,602.39
<b>Ending Balance</b>					<u>8.26</u>	<u>100,602.39</u>

10:58 AM  
10/30/15

**Washington State DMCJA**  
**Reconciliation Detail**  
**Bank of America - Savings, Period Ending 09/30/2015**

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						56,044.24
<b>Cleared Transactions</b>						
<b>Deposits and Credits - 1 item</b>						
Deposit	9/30/2015			X	0.92	0.92
<b>Total Deposits and Credits</b>					0.92	0.92
<b>Total Cleared Transactions</b>					0.92	0.92
<b>Cleared Balance</b>					0.92	56,045.16
<b>Register Balance as of 09/30/2015</b>					0.92	56,045.16
<b>Ending Balance</b>					<u>0.92</u>	<u>56,045.16</u>

10:57 AM

10/30/15

## Washington State DMCJA Reconciliation Detail Bank of America - Checking, Period Ending 09/30/2015

Type	Date	Num	Name	Clr	Amount	Balance
<b>Beginning Balance</b>						15,272.76
<b>Cleared Transactions</b>						
<b>Checks and Payments - 18 items</b>						
Check	8/31/2015		Willie Gregory	X	-999.93	-999.93
Check	8/31/2015		Michelle Gehlsen	X	-32.20	-1,032.13
Check	9/1/2015		Bank of America - B...	X	-862.56	-1,894.69
Check	9/10/2015		Melanie Stewart	X	-2,000.00	-3,894.69
Check	9/10/2015		Dino W Traverso, P...	X	-975.00	-4,869.69
Check	9/10/2015		Law, Lyman, Daniel...	X	-860.00	-5,729.69
Check	9/10/2015		G. Scott Marinella	X	-340.96	-6,070.65
Check	9/10/2015		David A. Svaren	X	-144.90	-6,215.55
Check	9/10/2015		Michelle Gehlsen	X	-88.55	-6,304.10
Check	9/10/2015		Rebecca Robertson	X	-83.95	-6,388.05
Check	9/10/2015		Karen Donohue	X	-83.95	-6,472.00
Check	9/10/2015		Douglas Fair	X	-80.50	-6,552.50
Check	9/10/2015		Kevin Ringus	X	-57.50	-6,610.00
Check	9/10/2015		Scott Ahlf	X	-57.50	-6,667.50
Check	9/10/2015		Sue Noonan	X	-35.65	-6,703.15
Check	9/10/2015		Judy Jasprica	X	-34.50	-6,737.65
Check	9/10/2015		Mary C. Logan	X	-19.20	-6,756.85
Check	9/16/2015		Douglas B. Robinson	X	-120.45	-6,877.30
Total Checks and Payments					-6,877.30	-6,877.30
Total Cleared Transactions					-6,877.30	-6,877.30
<b>Cleared Balance</b>					-6,877.30	8,395.46
<b>Uncleared Transactions</b>						
<b>Checks and Payments - 13 items</b>						
Check	2/11/2014	7276	Douglas Goelz		-84.00	-84.00
Check	9/30/2015		Barbara Harper		-722.80	-806.80
Check	9/30/2015		Dino W Traverso, P...		-350.00	-1,156.80
Check	9/30/2015		Chris Culp		-177.00	-1,333.80
Check	9/30/2015		David A. Steiner		-77.05	-1,410.85
Check	9/30/2015		David A. Steiner		-75.06	-1,485.91
Check	9/30/2015		James Doctor		-68.50	-1,554.41
Check	9/30/2015		Timothy Jenkins		-60.61	-1,615.02
Check	9/30/2015		Susan Woodard		-59.00	-1,674.02
Check	9/30/2015		Marybeth Dingley		-49.88	-1,723.90
Check	9/30/2015		Michael Finkle		-32.20	-1,756.10
Check	9/30/2015		Mary C. Logan		-19.20	-1,775.30
Check	9/30/2015		Administrative Offic...		-1.58	-1,776.88
Total Checks and Payments					-1,776.88	-1,776.88
Total Uncleared Transactions					-1,776.88	-1,776.88
Register Balance as of 09/30/2015					-8,654.18	6,618.58
<b>Ending Balance</b>					<b>-8,654.18</b>	<b>6,618.58</b>

**Washington State DMCJA  
Transaction Detail by Account  
July through September 2015**

Type	Date	Num	Name	Memo	Amount	Balance
<b>Bank of America - Checking</b>						
Transfer	7/2/2015			Funds Transfer	45,000.00	45,000.00
Check	7/8/2015		Renee Balodis-Cox		-1,000.00	44,000.00
Check	7/8/2015		Rebecca Robertson		-300.00	43,700.00
Check	7/8/2015		Veronica Alicea- Galvan		-278.20	43,421.80
Check	7/8/2015		Judy Jasprica		-189.29	43,232.51
Check	7/8/2015		Michael J. Lambo		-168.05	43,064.46
Check	7/13/2015	5448	Judicial Conf. Registrar		-38,430.00	4,634.46
Check	7/23/2015		Michael Finkle		-86.50	4,547.96
Check	8/1/2015		Kevin McCann		-389.00	4,158.96
Check	8/1/2015		Thurston County District Court		-163.19	3,995.77
Check	8/1/2015		Douglas B. Robinson		-360.25	3,635.52
Check	8/3/2015		David A. Steiner		-188.97	3,446.55
Check	8/3/2015		Barbara Harper		-100.00	3,346.55
Check	8/3/2015		Melanie Stewart		-2,000.00	1,346.55
Check	8/12/2015		Mary C. Logan		-19.20	1,327.35
Check	8/12/2015		Karen Donohue		-23.58	1,303.77
Check	8/12/2015		G. Scott Marinella		-324.86	978.91
Check	8/12/2015		Richard Kayne		-366.90	612.01
Check	8/12/2015		Michael Finkle		-32.20	579.81
Check	8/12/2015		Kelley Olwell		-184.00	395.81
Check	8/12/2015		Kevin McCann		-25.30	370.51
Check	8/12/2015		Timothy Jenkins		-10.35	360.16
Check	8/12/2015		Judy Jasprica		-28.75	331.41
Check	8/12/2015		Joseph Burrowes		-26.25	305.16
Check	8/21/2015		David A. Svaren		-87.40	217.76
Check	8/21/2015		G. Scott Marinella		-226.20	-8.44
Check	8/21/2015		Samuel G. Meyer		-57.50	-65.94
Check	8/21/2015		Administrative Office of the Courts		-4,934.94	-5,000.88
Check	8/21/2015		Barbara Harper		-100.00	-5,100.88
Check	8/21/2015		Joseph Burrowes		-1,500.00	-6,600.88
Check	8/21/2015		Wade Samuelson		-87.40	-6,688.28
Check	8/21/2015		Mary Lynch		-244.90	-6,933.18
Check	8/21/2015		Melanie Stewart		-2,000.00	-8,933.18
Check	8/21/2015		Melanie Stewart		-68.00	-9,001.18
Transfer	8/21/2015			Funds Transfer	20,000.00	10,998.82
Check	8/31/2015		Michelle Gehlsen		-32.20	10,966.62
Check	8/31/2015		Willie Gregory		-999.93	9,966.69
Check	9/1/2015		Bank of America - Business Card P...		-862.56	9,104.13
Check	9/10/2015		Rebecca Robertson		-83.95	9,020.18
Check	9/10/2015		Sue Noonan		-35.65	8,984.53
Check	9/10/2015		David A. Svaren		-144.90	8,839.63
Check	9/10/2015		Douglas Fair		-80.50	8,759.13
Check	9/10/2015		G. Scott Marinella		-340.96	8,418.17
Check	9/10/2015		Judy Jasprica		-34.50	8,383.67
Check	9/10/2015		Karen Donohue		-83.95	8,299.72
Check	9/10/2015		Kevin Ringus		-57.50	8,242.22
Check	9/10/2015		Michelle Gehlsen		-88.55	8,153.67
Check	9/10/2015		Scott Ahlf		-57.50	8,096.17
Check	9/10/2015		Dino W Traverso, PLLC		-975.00	7,121.17
Check	9/10/2015		Mary C. Logan		-19.20	7,101.97
Check	9/10/2015		Melanie Stewart		-2,000.00	5,101.97
Check	9/10/2015		Law, Lyman, Daniel, Kamerrer & Bo...		-860.00	4,241.97
Check	9/16/2015		Douglas B. Robinson		-120.45	4,121.52
Check	9/30/2015		James Doctor		-68.50	4,053.02
Check	9/30/2015		David A. Steiner		-77.05	3,975.97
Check	9/30/2015		Administrative Office of the Courts		-1.58	3,974.39
Check	9/30/2015		Dino W Traverso, PLLC		-350.00	3,624.39
Check	9/30/2015		Barbara Harper		-722.80	2,901.59
Check	9/30/2015		Chris Culp		-177.00	2,724.59
Check	9/30/2015		David A. Steiner		-75.06	2,649.53
Check	9/30/2015		Mary C. Logan		-19.20	2,630.33
Check	9/30/2015		Marybeth Dingleddy		-49.88	2,580.45
Check	9/30/2015		Michael Finkle		-32.20	2,548.25
Check	9/30/2015		Susan Woodard		-59.00	2,489.25
Check	9/30/2015		Timothy Jenkins		-60.61	2,428.64
Total Bank of America - Checking					2,428.64	2,428.64
<b>Bank of America - Savings</b>						
Transfer	7/2/2015			Funds Transfer	-45,000.00	-45,000.00
Deposit	7/31/2015			Deposit	1.32	-44,998.68
Transfer	8/21/2015			Funds Transfer	-20,000.00	-64,998.68
Deposit	8/31/2015			Deposit	1.17	-64,997.51
Deposit	9/30/2015			Deposit	0.92	-64,996.59
Total Bank of America - Savings					-64,996.59	-64,996.59
<b>US Bank - Savings</b>						
Deposit	7/31/2015			Deposit	10.08	10.08
Deposit	8/31/2015			Deposit	8.54	18.62
Deposit	9/30/2015			Deposit	8.26	26.88
Total US Bank - Savings					26.88	26.88
<b>Washington Federal</b>						
Deposit	7/31/2015			Deposit	4.04	4.04
Deposit	8/31/2015			Deposit	4.04	8.08
Check	9/11/2015		Melanie Stewart		-2,500.00	-2,491.92
Check	9/23/2015		Harland Clarke	Special Funds	-11.45	-2,503.37
Deposit	9/30/2015			Deposit	3.77	-2,499.60
Total Washington Federal					-2,499.60	-2,499.60

See Accountants' Compilation Report

**Washington State DMCJA  
Transaction Detail by Account  
July through September 2015**

Type	Date	Num	Name	Memo	Amount	Balance
<b>Accumulated Depreciation</b>						
General...	7/31/2015				-9.66	-9.66
General...	8/31/2015				-9.66	-19.32
General...	9/30/2015				-9.66	-28.98
Total Accumulated Depreciation					-28.98	-28.98
<b>Prepaid Expenses</b>						
General...	7/31/2015			1/12 of Contract	-2,583.33	-2,583.33
General...	8/31/2015			1/12 of Contract	-2,583.33	-5,166.66
General...	9/30/2015				-528.21	-5,694.87
General...	9/30/2015			1/12 of Contract	-2,583.33	-8,278.20
Total Prepaid Expenses					-8,278.20	-8,278.20
<b>Bank of America Credit Card</b>						
Check	9/1/2015		Bank of America - Business Card P...		862.56	862.56
Credit C...	9/10/2015				-1,390.77	-528.21
General..	9/30/2015				528.21	0.00
Total Bank of America Credit Card					0.00	0.00
<b>Unrestricted Net Assets</b>						
General...	7/1/2015				41,298.13	41,298.13
Total Unrestricted Net Assets					41,298.13	41,298.13
<b>Unrestricted Earnings</b>						
General ..	7/1/2015				-41,298.13	-41,298.13
Total Unrestricted Earnings					-41,298.13	-41,298.13
<b>Interest Income</b>						
Deposit	7/31/2015			Deposit	-1.32	-1.32
Deposit	7/31/2015			Deposit	-10.08	-11.40
Deposit	7/31/2015			Deposit	-4.04	-15.44
Deposit	8/31/2015			Deposit	-1.17	-16.61
Deposit	8/31/2015			Deposit	-4.04	-20.65
Deposit	8/31/2015			Deposit	-8.54	-29.19
Deposit	9/30/2015			Deposit	-0.92	-30.11
Deposit	9/30/2015			Deposit	-8.26	-38.37
Deposit	9/30/2015			Deposit	-3.77	-42.14
Total Interest Income					-42.14	-42.14
<b>4 - Board Meeting Expense</b>						
Check	7/8/2015		Judy Jasprica		189.29	189.29
Check	7/8/2015		Michael J. Lambo		168.05	357.34
Check	8/3/2015		David A. Steiner		188.97	546.31
Check	8/21/2015		David A. Svaren		87.40	633.71
Check	8/21/2015		G. Scott Marinella		226.20	859.91
Check	8/21/2015		Samuel G. Meyer		57.50	917.41
Check	8/21/2015		Administrative Office of the Courts		2,650.84	3,568.25
Check	8/21/2015		Administrative Office of the Courts	Board Retreat	89.48	3,657.73
Check	8/31/2015		Michelle Gehlsen		32.20	3,689.93
Check	9/10/2015		Rebecca Robertson		83.95	3,773.88
Check	9/10/2015		Sue Noonan		35.65	3,809.53
Check	9/10/2015		David A. Svaren		144.90	3,954.43
Check	9/10/2015		Douglas Fair		80.50	4,034.93
Check	9/10/2015		G. Scott Marinella		340.96	4,375.89
Check	9/10/2015		Judy Jasprica		34.50	4,410.39
Check	9/10/2015		Karen Donohue		83.95	4,494.34
Check	9/10/2015		Kevin Ringus		57.50	4,551.84
Check	9/10/2015		Michelle Gehlsen		88.55	4,640.39
Check	9/10/2015		Scott Ahlf		57.50	4,697.89
Check	9/16/2015		Douglas B. Robinson		120.45	4,818.34
Check	9/30/2015		James Doctor		68.50	4,886.84
Check	9/30/2015		David A. Steiner		77.05	4,963.89
Check	9/30/2015		Administrative Office of the Courts		1.58	4,965.47
Total 4 - Board Meeting Expense					4,965.47	4,965.47
<b>5 - Bookkeeping Expense</b>						
Check	9/10/2015		Dino W Traverso, PLLC		975.00	975.00
Check	9/30/2015		Dino W Traverso, PLLC		350.00	1,325.00
Total 5 - Bookkeeping Expense					1,325.00	1,325.00
<b>7 - Conference Committee</b>						
Check	8/21/2015		Administrative Office of the Courts	Conference Planning	203.29	203.29
Total 7 - Conference Committee					203.29	203.29
<b>8 - Spring Conference</b>						
Check	7/13/2015	5448	Judicial Conf. Registrar		38,430.00	38,430.00
Total 8 - Spring Conference					38,430.00	38,430.00
<b>10 - DMCJA/SCJA Sentencing Alt.</b>						
Check	9/10/2015		Mary C. Logan		19.20	19.20
Total 10 - DMCJA/SCJA Sentencing Alt.					19.20	19.20
<b>12 - DOL Liaison Committee</b>						
Check	8/21/2015		Administrative Office of the Courts		17.93	17.93
Total 12 - DOL Liaison Committee					17.93	17.93

**Washington State DMCJA  
Transaction Detail by Account  
July through September 2015**

Type	Date	Num	Name	Memo	Amount	Balance
<b>13 - Education Committee</b>						
Check	7/8/2015		Renee Balodis-Cox		1,000.00	1,000.00
Check	7/23/2015		Michael Finkle		86.50	1,086.50
Check	8/12/2015		Mary C. Logan		19.20	1,105.70
Check	8/12/2015		Karen Donohue		23.58	1,129.28
Check	8/12/2015		G. Scott Marinella		324.86	1,454.14
Check	8/12/2015		Richard Kayne		366.90	1,821.04
Check	8/12/2015		Michael Finkle		32.20	1,853.24
Check	8/12/2015		Kelley Olwell		184.00	2,037.24
Check	8/12/2015		Kevin McCann		25.30	2,062.54
Check	8/12/2015		Timothy Jenkins		10.35	2,072.89
Check	8/12/2015		Judy Jasprica		28.75	2,101.64
Check	8/12/2015		Joseph Burrowes		26.25	2,127.89
Check	8/21/2015		Administrative Office of the Courts		52.74	2,180.63
Total 13 - Education Committee					2,180.63	2,180.63
<b>14 - Educational Grants</b>						
Check	8/1/2015		Kevin McCann		389.00	389.00
Check	8/31/2015		Willie Gregory		999.93	1,388.93
Total 14 - Educational Grants					1,388.93	1,388.93
<b>17 - Judicial Assistance Commit</b>						
Check	8/3/2015		Barbara Harper		100.00	100.00
Check	8/21/2015		Barbara Harper		100.00	200.00
Check	8/21/2015		Administrative Office of the Courts	2014-2015 Budget	1,129.79	1,329.79
Check	8/21/2015		Administrative Office of the Courts	2015-2016 Budget	585.38	1,915.17
Credit C...	9/10/2015			Catering & Hotel - JAC Training	1,390.77	3,305.94
Check	9/30/2015		Barbara Harper		722.80	4,028.74
Check	9/30/2015		Chris Culp		177.00	4,205.74
Check	9/30/2015		David A. Steiner		75.06	4,280.80
Check	9/30/2015		Mary C. Logan		19.20	4,300.00
Check	9/30/2015		Marybeth Dingley		49.88	4,349.88
Check	9/30/2015		Michael Finkle		32.20	4,382.08
Check	9/30/2015		Susan Woodard		59.00	4,441.08
Check	9/30/2015		Timothy Jenkins		60.61	4,501.69
Total 17 - Judicial Assistance Commit					4,501.69	4,501.69
<b>18 - Judicial Community Outreac</b>						
Check	8/21/2015		Joseph Burrowes		1,500.00	1,500.00
Total 18 - Judicial Community Outreac					1,500.00	1,500.00
<b>19 - Legislative Committee</b>						
Check	8/21/2015		Wade Samuelson		87.40	87.40
Check	8/21/2015		Administrative Office of the Courts		45.45	132.85
Total 19 - Legislative Committee					132.85	132.85
<b>20 - Legislative Pro-Tem</b>						
Check	8/1/2015		Thurston County District Court		163.19	163.19
Check	8/21/2015		Mary Lynch		244.90	408.09
Total 20 - Legislative Pro-Tem					408.09	408.09
<b>21 - Lobbyist Contract</b>						
General	7/31/2015			1/12 of Contract	2,583.33	2,583.33
Check	8/3/2015		Melanie Stewart		2,000.00	4,583.33
Check	8/21/2015		Melanie Stewart		2,000.00	6,583.33
General	8/31/2015			1/12 of Contract	2,583.33	9,166.66
Check	9/10/2015		Melanie Stewart		2,000.00	11,166.66
General	9/30/2015			1/12 of Contract	2,583.33	13,749.99
Total 21 - Lobbyist Contract					13,749.99	13,749.99
<b>22 - Lobbyist Expenses</b>						
Check	8/21/2015		Melanie Stewart		68.00	68.00
Check	9/11/2015		Melanie Stewart		2,500.00	2,568.00
Total 22 - Lobbyist Expenses					2,568.00	2,568.00
<b>24 - MCA Liaison</b>						
Check	8/1/2015		Douglas B. Robinson		360.25	360.25
Total 24 - MCA Liaison					360.25	360.25
<b>26 - Nominating Committee</b>						
Check	8/21/2015		Administrative Office of the Courts		4.92	4.92
Total 26 - Nominating Committee					4.92	4.92
<b>27 - President Expense</b>						
Check	7/8/2015		Rebecca Robertson		300.00	300.00
Check	7/8/2015		Veronica Alicea- Galvan		278.20	578.20
Total 27 - President Expense					578.20	578.20
<b>28 - Professional Services</b>						
Check	9/10/2015		Law, Lyman, Daniel, Kamerrer & Bo...		860.00	860.00
Total 28 - Professional Services					860.00	860.00
<b>30 - Rules Committee</b>						
Check	8/21/2015		Administrative Office of the Courts		5.15	5.15
Total 30 - Rules Committee					5.15	5.15
<b>34 - Therapeutic Courts</b>						
Check	8/21/2015		Administrative Office of the Courts		149.97	149.97
Total 34 - Therapeutic Courts					149.97	149.97

See Accountants' Compilation Report

**Washington State DMCJA  
Transaction Detail by Account  
July through September 2015**

Type	Date	Num	Name	Memo	Amount	Balance
<b>35 - Treasurer Expense and Bond</b>						
Check	9/23/2015		Hariand Clarke	Special Funds	11.45	11.45
Total 35 - Treasurer Expense and Bond					11.45	11.45
<b>99 - Depreciation Expense</b>						
General...	7/31/2015				9.66	9.66
General...	8/31/2015				9.66	19.32
General...	9/30/2015				9.66	28.98
Total 99 - Depreciation Expense					28.98	28.98
<b>TOTAL</b>					<b>0.00</b>	<b>0.00</b>





September 27, 2011



King County District Court  
Judge Frank La Salata  
East Division / Issaquah Court House  
5415 220<sup>th</sup> Ave. SE  
Issaquah, WA 98029  
[Frank.lasalata@kingcounty.gov](mailto:Frank.lasalata@kingcounty.gov)

Dear Judge La Salata:

Thank you for contacting us concerning your business and accounting needs. This proposal covers the items that you will need to address your areas of concern.

After we talked, it is my understanding that you would like us to employ selected audit procedures in a limited scope engagement for the years, 2009 and 2010.

We would get the accounting records from Dino Traverso and the source documents from you. We agree to retain our documentation or work papers for a period of at least five years from the date of our report

We would bill you at Standard hourly rates for this but not to exceed \$500.00 for each year reviewed and we will also issue a report for your use for each year.

Even this kind of limited spot checking is not designed to provide assurance on internal control or to disclose errors, fraud, or illegal acts that may exist. That would be a much larger project; however, we will inform you of any material errors that come to our attention and any fraud or illegal acts that come to our attention. If you would like us to address that as an additional service, we can make a review of your internal control procedures.

If you accept the above proposal, please sign and date one the enclosed original letter and return in envelope provided to our office for our files. Any changes or modifications must be in writing. We look forward to the opportunity to work with you.

Please call me if you have any questions.

Sincerely,

FRUCI & ASSOCIATES, P.S.

Paul M. Fruci, CPA

I ACCEPT THE ABOVE STATED CONTRACT CONDITIONS:

\_\_\_\_\_  
Judge Frank La Salata DATE

Contract Proposal Month.doc



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Combined Savings Statement

PAGE 1 OF 1

Statement Ending Date 09/30/15  
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3746



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306 E. Main Street, Dayton, WA 99328

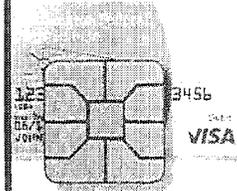
Annual Percentage Yield Earned: 00.10%

Bus. Money Market: 332-910023-8

WA State Dist & Municipal Court  
Judges' Assoc

Date	Description	Amount	Balance
09/01	Beginning Balance		\$47,590.88
09/11	Withdrawal	-2,500.00	45,090.88
09/23	Withdrawal Harland Clarke	-11.45	45,079.43
09/30	Interest	+3.77	45,083.20
09/30	Ending Balance		\$45,083.20

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## DMCJA Rules Committee

Wednesday, September 16, 2015 (12:00 p.m. – 1:00 p.m.)  
Via Teleconference

### MEETING MINUTES

#### Members:

Chair, Judge Dacca  
~~Judge Butterff~~  
~~Judge S. Buzzard~~  
~~Judge Dane~~  
Judge Garrow  
Judge Goodwin  
~~Judge Harmon~~  
~~Judge Portnoy~~  
~~Judge Robertson~~  
Judge Samuelson  
~~Judge Szambelan~~  
~~Judge Williams~~  
Ms. Patti Kohler, DMCMA Liaison

#### AOC Staff:

Ms. J Benway

Judge Dacca called the meeting to order at 12:04 p.m.

The Committee discussed the following items:

#### 1. Minutes from the August 2015 meeting

It was motioned, seconded and passed to approve the minutes from the August 26, 2015 Rules Committee meeting as presented.

#### 2. Discussion of Rules Related to Technology and Access to Justice

Judge Dacca stated that he had spoken with the Co-Chair of the Access to Justice Board's Technology Committee about possible ways for the Committees to cooperate regarding potential rule changes to improve access to justice. The Committee reviewed current rules that may impact access to justice and discussed proposing rules to improve access to interpreters in the civil context. Judge Garrow agreed to look at the issue.

#### 3. Discussion of WSP Proposal to Amend IRLJ 6.6

The Washington State Patrol (WSP) has drafted a proposal to amend IRLJ 6.6, related to speed measuring devices, which is similar to a previous proposal that the DMCJA opposed. The Committee discussed the WSP proposal and determined that it is again flawed, for the reasons noted in the DMCJA Board letter. Judge Dacca will request that Judge Robertson, who serves on the Washington State Bar Association (WSBA) Court Rules Committee, convey the Committee's concerns to the WSBA Committee, to whom the proposal was addressed.

#### **4. Discussion of Potential Amendment to CrRLJ 3.2**

Ms. Benway stated that, as mentioned in a previous meeting, the Supreme Court voted to adopt the SCJA proposal to amend CrR 3.2 in light of the Barton decision. The Committee directed Ms. Benway to prepare a draft CrRLJ 3.2 amendment for the Committee to forward to the DMCJA Board for consideration, which Ms. Benway presented. Judge Dacca stated that he had some comments on the draft and would work with Ms. Benway to present it to the DMCJA Board. It was motioned, seconded and passed that the amended proposal be forwarded to the DMCJA Board.

#### **5. Other Business and Next Meeting Date**

The next Committee meeting is scheduled for Wednesday, October 28, 2015 at noon via teleconference.

There being no further business, the meeting was adjourned at 12:47 p.m.



## DMCJA POSITION REGARDING COURT CLOSURES

**From:** Steiner, David  
**Sent:** Wednesday, October 28, 2015 3:31 PM  
**To:** DMCJA BOARD  
**Subject:** FW: Court Closures

The board is going to discuss options for the creation of a policy concerning the movement of municipal courts at our meeting on November 13<sup>th</sup>. (I will be on vacation and will miss this discussion.) Because of their interest in this issue, I have asked Judge Jeff Jahns and Judge David Larson to draft proposed policies for us. (We are not required to use their suggestions, but I thought they would be a good starting point.) Judge Larson is still working on his, but Judge Jahns sent his proposal out faster than lightning. I asked him a couple of questions about his proposal and you can read the questions and his answer, which both appear below his email containing the proposal:

**From:** Jeffrey J. Jahns  
**Sent:** Monday, October 26, 2015 5:04 PM  
**To:** Steiner, David; David A. Larson  
**Cc:** Harvey, Sharon  
**Subject:** RE: Court Closures

Greetings:

My proposed DMCJA policy concerning Municipal Court Abolishment is attached, as is a copy of *In re Cloherty*, 2 Wash. 137 (1891).

I also propose that our DMCJA By-laws be amended to add a new standing committee in By-law Article X entitled "Municipal Court Strike Force Committee."

Thanks for your thoughts.

Jeff

**Here was my question to Jeff:**

Jeff  
Thanks for your work on this. Your analysis, however, stops short of answering a few questions. First, is the transfer of a municipal courts duties to another court – for instance, another municipal court – an abolishment of the municipal court? If so, what case or statutory authority supports that conclusion? Would the movement of a city's cases out of a district court to its own municipal court or into another municipal court also violate the constitution? If not, what case or statutory authority supports that conclusion?

**Here is his answer:**

The issue of judge selection or retention is not included in my analysis.

The legislature has the constitutional power to decide how judges are selected and retained at the CLJ level. While I think as a policy matter giving a city's executive and legislative branches the power to decide whether to retain a particular judge is suspect under judicial independence and separation of powers, the issue is one of policy and not of constitutional import.

So, if a city's executive and legislative branches decide to not renew a part-time appointed judge's contract for another four year term, so be it. If the city decides to "contract out" its court's work to another jurisdiction, so be it so long as the contracted judge/jurisdiction sits as the municipal court judge while handling municipal court cases, and so long as that contracted judge/jurisdiction has complete control over court staffing. For elected judges, the city/county executive and legislative branches lack the statutory power to contract out the judicial position since the voters are tasked to make that determination.

Transfer of judicial duties is permissible by statute in non-elected judge situations. Elimination of the court, with the work being transferred/contracted with another municipal court or district court is unconstitutional in my opinion. If all municipal courts are subservient departments of city government subject to being eliminated at any time, and not a co-equal branch of city government, then I am wrong.

A city can decide to enact an ordinance creating an inferior aka municipal court under the constitution, so long as the city follows the legislature's statutory directives. The result would be to transfer cases from district court to the municipal court, something Article IV, sections 1 and 12 contemplate and *In re Cloherty* held to be constitutional.

Tacoma failed to do so in 1890 because there was not state law creating inferior aka municipal courts, so Tacoma's court was held to be non-existent constitutionally. A city, once it decides to establish a co-equal third branch municipal court may not, however, ever abolish the court because Article IV, sections 1 and 12 do not give a city the power to do so. A city does, though, have legislatively granted authority concerning judge selection and retention (for non-elected positions) because the Article IV, section 12 granted the legislature the power to determine an inferior court's jurisdiction and powers.

The legislature can, perhaps, constitutionally pass legislation abolishing all inferior aka municipal courts under the constitution's delegation to the legislature of the power to transfer from other constitutional courts (superior or district) an inferior court's jurisdiction and powers. Even that issue is open for debate.

But I do not think the legislature can delegate to cities the legislature's Article IV delegated power to establish municipal courts, or to abolish them. That power is only with the legislature. That was true in 1891, and remains true today.

So, unless and until the legislature passes legislation abolishing all municipal courts, or perhaps passes legislation on behalf of a particular city to abolish its municipal court, a municipal court once established by a city's executive and legislative branches will exist in perpetuity (or until the city decertifies all three branches of city government). If my constitutional analysis is incorrect, then all municipal courts are subservient city departments, and not co-equal branches of city government.

# DMCJA Policy Regarding a City’s Attempted Abolishment of its Municipal Court

## Purpose of the DMCJA

The purpose of the District and Municipal Court Judges Association is to “improve the administration of justice in the courts of limited jurisdiction and to recommend and support proposals to that end...”<sup>1</sup>

## The Judiciary is a Co-Equal Independent Branch of Government

The state of Washington is a sovereign, whose written constitution is her visible charter.

By the constitution all judicial power (which is a distinct branch of the sovereignty) is vested in the courts therein created, independently of all legislation. The jurisdiction of those courts is universal, covering the whole domain of judicial power, even to that growing out of the supposed existence of municipal ordinances.

*In re Cloherty*, 2 Wash. 137, 139 (1891).

Washington is among those states which recognize the separation of powers doctrine by vesting in its constitution the “judicial power of the state” in a separate co-equal branch of government.<sup>2</sup> Const. Art. IV, §1 reads—

**SECTION 1 JUDICIAL POWER, WHERE VESTED.** 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.<sup>3</sup>

Justices of the Peace are now named District Courts. Municipal Courts are Inferior Courts.<sup>4</sup>

In furtherance of the principle of separation of powers, our Supreme Court has refused to interfere with the executive and legislative branches of government, and “insisted that those branches do not usurp the functions of this one.”<sup>5</sup>

The doctrines of separation of powers, checks and balances, and inherent judicial power began in eighteenth century England and France.<sup>6</sup> Because of its generality, “the doctrine of separation of

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<sup>1</sup> DMCJA Bylaw, Article II.

<sup>2</sup> *Zylstra v. Piva*, 85 Wn.2d 743, 754 (1975) (Utter, A. J., concurring).

<sup>3</sup> Const. Art. IV, §30 (approved November 5, 1968) includes the court of appeals in Const. Art. IV, §1.

<sup>4</sup> *In re Eng*, 113 Wn.2d 178, 185-86 (1989). See also RCW 3.50.010.

<sup>5</sup> *Zylstra v. Piva*, *Id.* (citations omitted).

<sup>6</sup> *In re Juvenile Director*, 87 Wn.2d 232, 238 (1976).

powers does not stand as a definitive guide to the intergovernmental relations. It is, nevertheless, 'the dominant principle of the American political system.'"<sup>7</sup>

It is the responsibility of the Washington Supreme Court as ultimate interpreter of our Constitution to decide whether an action by one branch of government exceeds its authority. Such a decision is a "delicate exercise in constitutional interpretation" because the complete separation of the branches was never intended and overlapping functions were created deliberately.<sup>8</sup> The overlapping of functions allows for the scheme of checks and balances which evolved "side-by-side with and in response to the separation of powers concept."<sup>9</sup>

The spirit of reciprocity and interdependence requires that if checks by one branch undermine the operation of another branch or undermine the rule of law which all branches are committed to maintain, those checks are improper and destructive exercises of the authority.<sup>10</sup>

The separation of powers doctrine dictates that the judiciary must be able to ensure its own survival.

To do so, courts possess inherent power, that is, authority not expressly provided for in the constitution but which is derived from the creation of a separate branch of government and which may be exercised by the branch to protect itself in the performance of its constitutional duties.<sup>11</sup>

When a court must use its inherent power to ensure its survival, the court must clearly communicate and demonstrate to the public the grounds for the court's action. Accordingly, the highest burden of proof in civil cases is imposed on the judiciary when it seeks to exercise its inherent power under the separation of powers doctrine—clear, cogent and convincing proof.<sup>12</sup> Although the application of the principle of inherent power as it applies to the judiciary under the separation of powers doctrine is not fully developed, the remedy generally sought is a writ of mandamus or declaratory judgment.<sup>13</sup>

### Municipal Courts are Constitutionally-Created Courts with Legislatively Established Jurisdiction and Powers

While Washington was a territory, it was taken for granted that the Legislature lacked the power to create municipal courts.

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<sup>7</sup> *In re Juvenile Director*, 87 Wn.2d at 240 (citation omitted).

<sup>8</sup> *In re Juvenile Director*, 87 Wn.2d at 241-42.

<sup>9</sup> *In re Juvenile Director*, 87 Wn.2d at 242.

<sup>10</sup> *In re Juvenile Director*, 87 Wn.2d at 243.

<sup>11</sup> *In re Juvenile Director*, 87 Wn.2d at 245.

<sup>12</sup> *In re Juvenile Director*, 87 Wn.2d at 251. Four members of the Supreme Court would have placed the burden of proof as a preponderance of the evidence. *In re Juvenile Director*, 87 Wn.2d at 252-53 (Stafford, C. J. concurring, joined by Rosellini, Wright and Brachtenbach, JJ.)

<sup>13</sup> *In re Juvenile Director*, 87 Wn.2d at 246-247 n.3.

While Washington was yet a territory, although it was not held by any of the territorial courts, the legislature never attempted to create municipal courts, it being taken for granted that the organic act forbade the exercise of that power by prescribing that the judicial power of the territory should be vested in certain courts therein named.

*In re Cloherty*, 2 Wash. 137, 140 (1891).

This situation was remedied in 1889 with the creation of Inferior Courts by Const. Art. IV, §12, which reads—

**Section 12 Inferior Courts.** The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

The Constitution delegates to the Legislature the authority to transfer from one of its constitutional courts to another constitutional court limited portions of judicial power.

But to the legislature of the state the constitution delegates authority to transfer from one of the constitutional courts to another certain limited portions of the judicial power, and it may also provide new, inferior courts, not specifically mentioned in the constitution, to which may be assigned such part of the inferior judicial power as it may deem wise to transfer.

*In re Cloherty*, 2 Wash. 137, 139 (1891) (emphasis added).

Significantly, though, the legislative power to establish municipal courts is not an original, inherent power of the Legislature. Rather, it is a constitutionally delegated power which may not be delegated.

But upon this point we deem it sufficient to say that the power conferred upon the legislature to create additional courts is not one of its original, inherent powers as the supreme legislative body of the state, which can be delegated by it, but is a delegated power, which must be exercised in the manner pointed out, and cannot be again delegated.

*In re Cloherty*, 2 Wash. 137, 142 (1891) (emphasis added).

In 1890, pursuant to statute, the people of the city of Tacoma adopted a municipal charter. A provision in the charter established a police court. Joseph Cloherty was convicted of assault and battery and sentenced to six months in jail by the Tacoma city court. Cloherty sought *habeas corpus* relief, asserting that the Tacoma city court had no legal existence, and therefore no jurisdiction to arraign, try, or convict him.

Our Supreme Court agreed, holding that the city of Tacoma court had no legal existence because the legislature did not establish its jurisdiction and powers as authorized by the constitution.

The natural conclusion from this premise would be that a court for the administration of municipal ordinances must have been created by an act of the legislature.

*In re Cloherty*, 2 Wash. 137, 139 (1891).

### The Legislature Lacks the Constitutional Authority to Delegate Termination of a Municipal Court to the City

*In re Cloherty* makes clear that municipal courts are constitutionally-created courts, and a part of the co-equal and independent judicial branch of government.

Const. Art. IV, §12 delegates authority to the legislature to transfer from another constitutional court to municipal courts limited portions of judicial power. Such legislatively transferred jurisdiction and powers from one constitutional court to another is not an inherent legislative power, and cannot be delegated by the legislature to cities.

A question unresolved by Washington's appellate courts is whether Const. Art. IV, §12 includes the inherent power in the Legislature to terminate municipal courts after the legislature prescribes the transfer of some jurisdiction and powers from Washington's superior or district courts to municipal courts.

Regardless of whether the legislature has an inherent power to terminate municipal courts, *In re Cloherty* could not be more clear that the legislature lacks the power under Const. Art. IV, §12 to delegate any power authorized by Const. Art. IV, §12 to a city.

Yet this is precisely what the Legislature did with its enactment of RCW 3.50.060, which reads—

A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with RCW 3.50.805, 35.22.425, 35.23.595, 35.24.455, 35.27.515, 35.30.100, and 35A.11.200.

A city or town newly establishing a municipal court pursuant to this chapter shall do so by adoption of an appropriate ordinance on or before December 1 of any year, to take effect January 1 of the following year.

Even assuming pursuant to Const. Art. IV, §§ 1 and 12 that the Legislature could abolish all municipal courts, or could abolish specific municipal courts, the constitutional power remains only with the legislature to do so.

Pursuant to RCW 3.50.060, the Legislature has delegated the Const. Art. IV, § 12 power to abolish a municipal court to the executive and legislative branches of city government. Such an action is in direct conflict with *In re Cloherty* and the separation of powers doctrine.

Const. Art. IV, § 1 creates a co-equal, independent judicial branch of government, including municipal courts. The separation of powers doctrine ensures that the judicial branch remains independent of and not subservient to the executive and legislative branches of government.

By delegating the power to abolish a municipal court to a city, the legislature sub silentio strips away a municipal court's co-equal status as an independent branch of government, and converts all municipal courts into subservient city departments subject to the whims of the city's executive and legislative branches.

Const. Art. IV, § 12 delegates to the Legislature the power to transfer some jurisdiction and powers from Washington's superior and district courts to municipal courts. Const. Art. IV, § 12 most certainly does not authorize the Legislature to ignore Const. Art. IV, § 1's creation of a co-equal independent inferior court.

RCW 3.50.060 violates both Const. Art. IV, §§ 1 and 12. The legislature lacks the constitutional authority to delegate to a city the power to abolish its municipal court.

### Policy of the DMCJA

For the reasons discussed, it is the policy of the DMCJA to oppose by all means available any city's attempt to abolish its municipal court.

The DMCJA, in accordance with the Board for Judicial Administration's duty to "speak on behalf of the judicial branch of government" as required by BJAR 4(e), also calls upon the Board for Judicial Administration to similarly oppose every city's attempt to abolish its municipal court.



H. Support for Judicial Officers

Judge Derr relayed the circumstances as Judge Burns has described them in the city of Auburn. Auburn has chosen to contract with King County District Court and terminate the municipal court at the end of the year. The city has taken the position that once the municipal court has been repealed, they are not required to pay the judicial multiplier for the remainder of his term.

*There was a consensus to look at ways to support Judge Burns' position and be poised to assist when asked. Board members asked to explore ways to look at the issue of judicial independence, whether it would be valuable to develop criteria on how to disband a municipal court. Members asked to provide Judge Burns with the Wyse v. Chelan County case and consider referring the issue to BJA in furtherance of judicial independence.*

I. Representation to the Minority and Justice Commission

Judge Shelton has requested to continue to represent the DMCJA as a retired judge since he is retiring in October of this year. Board members discussed the ramifications of having retired judges representing the Association and Judge Shelton's wealth of contributions to the Association. Members acknowledged the potential loss of institutional knowledge but could not reconcile changing current practice to accommodate an individual.  
*Notify Judge Shelton*

J. Data Dissemination issue with DCH screen

Members reviewed the letter sent by Data Dissemination Committee Chair, Judge Wynne. Judge Snyder explained that the SCJA has discussed this issue and it wraps into some of the discussion surrounding SB 5019 and restricting access to non-conviction data. Our Legislative Committee should talk to the SCJA Legislative Committee about 5019 and how this fits into things.  
*Request Judge Meyer, Legislative Committee Chair to talk with SCJA Legislative Committee Chair*

K. Request for Up Front Costs of Fall Conference Session Book Purchase

Judge Logan presented a request to the Board to help fund the up-front purchase of books for Dr. Nieto's fall conference session. It is intended that the contribution would go toward buying bulk books at a discount, if you order 50 or more, the books are about \$30. Session members will approach or have approached SCJA with the same request. It is not guaranteed that DMCJA will see a full reimbursement of costs as the number of registration participants cannot be guaranteed.

*M/S/P to Action Item, one dissent*

*M/S/P to authorize \$750 for the purchase of the books.*

SCJA – Judge Snyder reported that SCJA did not meet in August. They are currently working on changing their Legislative Committee practice and the most significant change in process is have a screening process through the lobbyist Tom Parker which they deem will be more efficient. As to the SCJA rule regarding the electronic authorization of warrants, the Board engaged in some review and thought it would be a good idea to raise the issue with the DMCJA and the WSBA.

DMCMA – Ms. Trish Kinlow reported on her and other managers' recent attendance to the NACM conference. She saw Mr. Stephen Covey and his presentation "Leading at the Speed of

## INFORMATION

### A. Regional Courts Oversight Committee

Judge Svaren gave a brief overview and explained that this newly formed committee has met to talk with NCSC researchers about their project. The recommendations which came out of the last iteration of the Regional Courts Workgroup were to study current regional models including municipal with municipal courts, municipal with district courts, and circuit riders where municipals join to hire one judge who travels. The next meetings are scheduled for November and January.

### Other Business

#### 1. Member motion to authorize funds for DMCJA Lawsuit

 Judge Burns was present to explain the situation in the City of Auburn and that Auburn has chosen to terminate its municipal court in November and contract with King County District Court for court services. Judge Burns' judicial term does not end until the end of 2013.

Judge Phillips encouraged the Board to take action on behalf of Judge Burns and/or the issues surrounding the infringement of judicial independence.

Judge Tripp, acting Chair, retired the voting members into Executive Session at 2:40 to discuss the possibility of litigation.

At 3:35, Judge Tripp re-convened the regular meeting. The following motion was entertained and passed:

If Judge Burns chooses to pursue litigation to enforce RCW 3.50.095 as long as one of the named parties is the City of Auburn, the Board authorizes \$10,000 of special funds to hire counsel to provide an amicus brief at the earliest level including the injunctive level in support.

briefly discussed whether, if a judge pays the dues and then leaves office, would that judge receive a refund on pro-rated dues. Judge Marinella will continue to work on clarifying the expectations based on who paid the dues and submit a policy for action at the December meeting.

#### Special Fund Report

Judge Svaren reported on behalf of Judge Steiner that the recommendation is for no action at this time, but in the spring the new Vice President will submit a proposal to the Board for action on this fund. Judge Svaren, who is still on the account will work with the new Vice President to close the current fund and transfer money to an alternative banking option.

*M/S/P to approve the Special Fund Report.*

### **LEGISLATIVE COMMITTEE REPORT**

#### 1. Removal of Municipal Court Judges

The Legislative Committee has approved statutory language clarifying Washington State law that municipalities may not terminate a municipal court during a municipal judicial officer's term of office. The recommendation is to work with the BJA to pursue legislation.

*M/S/P to adopt the recommendation of the Legislative Committee with the caveat that it be referred back to the Legislative Committee to add language addressing when a jurisdiction contracts with another jurisdiction. Judge Jahns voted opposed.*

#### 2. Imposing Misdemeanor Jury Fees

Courts of limited jurisdiction lack clear authority to impose jury fees when defendants are convicted of misdemeanors. This proposal would authorize municipal and district courts to impose these fees.

*No action taken. Sent back to the Legislative Committee for further review.*

#### 3. Discover pass fee allocations

All revenue from discover pass violations currently is remitted only to the state, despite the burden on courts and local jurisdictions to process these infractions. The Legislative Committee proposes working with the counties on legislation that would provide that at least a portion of the money would go to the local jurisdiction.

*M/S/P to adopt the recommendation of Legislative Committee.*

#### 4. Therapeutic Courts (SB 5797) Workgroup

This will be discussed at the December Legislative Committee meeting and brought for action at the December 13<sup>th</sup> Board Meeting.

### **FUTURE SECURITY CHANGES RELATED TO COURT INFORMATION**

Mr. Marler reported on the memo sent out by Callie Dietz, Court Administrator, regarding future security changes. The catalyst for the changes was the breach in AOC data security. AOC is giving notice to affected parties so they have time to prepare, and will also follow up with affected parties after the changes are made to make sure things are still running smoothly. Some highlights of the security changes are: change in password requirements to make them stronger; Inside Courts will time out after a specified period of inactivity and all users will be logged off at 3am each day; future changes to JABS log in will keep in mind ease of use for those users.



## **BJA POLICY AND PLANNING COMMITTEE: METHODS OF MAINTAINING CONTINUITY**

**From:** Henley, Steve  
**Sent:** Friday, October 23, 2015 4:09 PM  
**To:** scott  
**Cc:** Garrow, Janet  
**Subject:** BJA issue workgroup membership

Judge Marinella: I thought I sent you a note about this, but now I can't find it and it is possible that I drafted something but didn't send it. If I did send something, ignore this. Or ignore the previous.

At any rate, yesterday we sent you the same message that went to all of the liaisons about participation in the issue workgroups being organized by the Policy and Planning Committee. But you are a special case. As you know the committee wants to avoid having committee members on the workgroups. Among other reasons is the obvious fact that the committee will be reviewing the proposals of the workgroups, and if you are on both the workgroup and the committee you will end up in a little bit of a conflict. So if possible the best solution is to find someone from the DMCJA to serve on the workgroup. The only one we have you down for is local funding, which is a hot issue, so I hope it is not difficult to find someone. The good news is that as far as developing a proposal the hope is that it can be done with one in-person meeting and several phone meetings thereafter.

Let me know if you have any questions or if there is any way I can help facilitate this.

Regards,  
Steve

**Steve Henley, JD**  
Judicial Planning Specialist  
Board for Judicial Administration  
Administrative Office of the Courts  
STATE OF WASHINGTON

**From:** Henley, Steve  
**Sent:** Thursday, October 22, 2015 4:37 PM  
**To:** scott  
**Cc:** Garrow, Janet  
**Subject:** BJA -- Issue Management Initiative

Judge Marinella: Please find a message below from Judge Janet Garrow:

Judge Marinella:

I am writing to you on behalf of the Policy and Planning Committee of the Board for Judicial Administration (BJA) regarding the committee's Strategic Issue Management Initiative. After reviewing the input received at the June 5<sup>th</sup> forum and through the subsequent online survey, the committee is now prepared to move the project to the next phase, with the development of practical strategies to address issues that you and the other liaisons have identified as being of high priority. As we take this important step we are hopeful that your commitment on behalf of the District and Municipal Court Judges' Association will continue.

Based on your input at the June 5<sup>th</sup> forum and through the follow-up survey, the committee asks that you, or another representative from the District and Municipal Court Judges' Association, serve on a workgroup that will address issues related to local funding, as outlined below.

The committee has modified the issue management process as it was described at the forum on June 5<sup>th</sup>, simplifying and streamlining it by combining several steps. The basic goal of the project remains unchanged: to encourage the formation of collaborative coalitions between and among the BJA and judicial branch stakeholders, capable of identifying and acting on strategically important issues of common concern. The hoped for output of the next stage is a series of specific project proposals to address issues that participating stakeholders have identified as high priority.

You will recall that at the June 5<sup>th</sup> forum in Seatac, liaisons representing a range of branch stakeholders identified approximately eighty potential issues. These issues were prioritized according to stakeholder interest through the online survey. Based on the results of the survey, the committee identified five clusters of issues, or issue areas, of broad interest and importance. A full report on the forum and survey results, and the process used to arrive at the five issue areas, will be provided to you. The five issue areas are:

- Local Funding: local justice system funding, state funding responsibilities, structural deficits, and revenue sources.
- Juveniles: racial disproportionality, reliance on criminal sanctions, dependency and foster care.
- Access and Technology: access to the judicial process, e-everything.
- Mental Health: adult mental health, juvenile mental health, rules and case processing, availability of treatment and services.
- Indigent Defense: adequate funding, state funding, caseload monitoring, training.

For the next phase, a workgroup comprised of volunteers will be formed for each issue area. Each workgroup will be asked to provide a brief analysis of the issue, and to develop a proposal for a two-year project that will address some aspect of the issue area. Each workgroup will be provided with guidelines and a template to assist in developing a brief issue analysis and project proposal.

The timeframe for the project is only slightly changed by the adjustments made to the process. As soon as the membership of the five workgroups is finalized, staff at the Administrative Office of the Courts (AOC) will help to arrange an initial meeting of each workgroup. The intention remains to make the process efficient and respectful of the time committed by participants. We are hopeful that the workgroups can complete their work by the end of 2015 through one in-person meeting followed by two or three telephone meetings. AOC staff will be on hand to assist.

Once the proposals are complete they will be circulated to all stakeholder liaisons, and each organization can then consider its posture with respect to each proposal. The Policy and Planning Committee has a mandate to recommend at least one project to the Board for Judicial Administration for a two-year initiative, and is hopeful that all of the proposals will find support and leadership among those stakeholders who are supportive of the issue.

To summarize, we ask that you, or a surrogate from your organization, serve on the workgroup that will address issues related to local funding. Please provide your response to Mr. Steve Henley at [Steve.Henley@courts.wa.gov](mailto:Steve.Henley@courts.wa.gov) by next Friday, October 31, so that we can move forward with organizing the initial meetings sometime in November.

If you have any questions please feel free to respond to me or direct them to Mr. Henley. Finally, thank you for your public service and for your contribution to this project.

Regards,  
Judge Janet E. Garrow, Chair  
Policy and Planning Committee  
Board for Judicial Administration



## FINANCIAL ABILITY TO PAY APPELLATE COSTS WORKGROUP

**From:** Steiner, David  
**Sent:** Friday, October 30, 2015 3:06 PM  
**To:** DMCJA Board  
**Subject:** RE: [DMCJABOARD] work group re financial ability to pay appellate costs

I'm going to leave this to the board to decide during our November meeting.

**From:** Keown, Julie **On Behalf Of** Madsen, Justice Barbara A.  
**Sent:** Wednesday, October 28, 2015 10:56 AM  
**To:** Leach, J.; 'Clarke, Harold'; Steiner, David; Pierce, Narda; kim.morrison; Joanne Moore; 'Tom McBride'; Teresa Mathis  
**Cc:** Keown, Julie  
**Subject:** work group re financial ability to pay appellate costs

Greetings:

The court has been reviewing challenges to the imposition of appellate costs pursuant to RCW 10.73.160.

On behalf of the court, I would like to invite you, or your designee, to join a work group to discuss whether the RAPs or internal procedures conform to the statutory language and/or whether changes should be considered in light of *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015).

Please let me know if you or the organization you represent is interested in participating in these discussions and, if so, a contact person to set up scheduling.

*Barbara Madsen*, Chief Justice  
Washington State Supreme Court



**RCW 10.73.160****Court fees and costs.**

\*\*\* CHANGE IN 2015 \*\*\* (SEE 5564-S2.SL) \*\*\*

(1) The court of appeals, supreme court, and superior courts may require an adult or a juvenile convicted of an offense or the parents or another person legally obligated to support a juvenile offender to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction or sentence or a juvenile offender conviction or disposition. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant or juvenile offender to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence. An award of costs in juvenile cases shall also become part of any order previously entered in the trial court pursuant to RCW 13.40.145.

(4) A defendant or juvenile offender who has been sentenced to pay costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant, the defendant's immediate family, or the juvenile offender, the sentencing court may remit all or part of the amount due in costs, or modify the method of payment under RCW 10.01.170.

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs pursuant to RCW 13.40.145 and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment. [1995 c 275 § 3.

[1995 c 275 § 3.]

**NOTES:**

**Finding—Severability—1995 c 275:** See notes following RCW 10.73.150.



# DISTRICT AND MUNICIPAL COURT JUDICIAL NEEDS

November 13, 2015 Meeting  
DMCJA Executive Board

# Inception

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- Current model adopted by the DMCJA Board of Trustees on August 12, 2002.
- No changes or updates to the model since 2002.
- “Predicted need is ultimately determined by observed past practice” – AOC Research, 2003.
- Ratio of resolutions per judge sets productivity standard.

# Rough Example

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- If the productivity per judge is 4000 cases yearly
- AND
- The anticipated caseload for next year is 8000,
- THEN
- The predicted need for judges is  $8000 / 4000 = 2.0$ .
- BUT
- there are multiple case categories to consider
- terms are added to reflect real differences in productivity

# JNE Tool Purpose

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- Be objective.
- Be accurate and feasible.
- Be flexible enough to capture changes in court business practices over time.
- Adapt the work that was already done to create the Superior Court JNE Tool, **however**
  - ▣ SC tool makes no distinction across case types,
  - ▣ SC tool considers 1 filing to be equal to 1 resolution, and does not track hearings.

# Criteria

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- Uses five most recent years of caseload data.
- Staffing survey data.
- Case resolution counts measure work accomplished:
  1. Infractions involving a hearing (hearing counts).
  2. DULs (disposed + reduced/amended – bail forfeitures).
  3. All other misdemeanors (disposed – bail forfeitures).
  4. All other case types: civil (disposed), small claims (disposed), felony complaints (disposed), protection orders.

## Criteria: About Civil and Small Claims

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- In estimating judge productivity, adjustment to account for underreporting of resolutions:
  - Civil resolutions adjusted upward by 25%.
  - Small claims resolutions adjusted upward by 12%.
- Adjustments calculated in 2002, not since re-visited.

# JNE Tool - Current Measure

## Infractions involving a hearing (hearing counts)

### Caseloads of the Courts of Washington

#### Courts of Limited Jurisdiction Non-Traffic Infractions - 2012 Annual Report

	Filings	Charges	Violations Disposed				Proceedings								
			Committed	FTR/FTA	Paid	Not Committed	Dismissed	Total Disposed	Contested Hearing	Mitigation Hearing	Show Cause Hearing	Other Hearing			
District Courts															
.State/County	16,164	18,469	11,258	57	5,870	249	2,006	19,440	1,408	1,674	24	774			
.Municipal	2,115	2,839	1,840	8	554	77	440	2,919	242	312	26	246			
Municipal Courts	11,847	14,670	8,734	2,591	3,484	195	1,628	16,632	1,419	1,373	97	963			
State Total	30,126	35,978	21,832	2,656	9,908	521	4,074	38,991	3,069	3,359	147	1,983			

Same criteria is used for Traffic Infractions.

# JNE Tool - Current Measure

DULs (disposed + reduced/amended)

## Courts of Limited Jurisdiction DUI/Physical Control Misdemeanors - 2012 Annual Report

Adams County ▼

	Filings	Charges	Violations Disposed			Proceedings					Cases Appld			
			Guilty	Ball Forfeit (3)	Not Guilty	Jury	Non Jury	Slip to Rec	Arraignment	Other Hearing		Defer Pros.		
.State/County	21,757	21,878	9,099	1	80	4,034	11,164	460	220	107	22,983	139,381	2,609	137
.Municipal	3,122	3,151	1,468	0	10	806	1,474	46	10	176	3,687	22,003	520	10
Municipal Courts	9,822	10,356	4,710	0	37	1,985	4,915	122	228	1,023	9,547	59,563	1,792	40
State Total	34,701	35,385	15,277	1	127	6,825	17,553	628	458	1,306	36,217	220,947	4,921	187

# JNE Tool - Current Measure

## Other Misdemeanors

### Courts of Limited Jurisdiction Other Traffic Misdemeanors - 2012 Annual Report

	Filings	Charges	Violations Disposed			Proceedings				Cases Appld			
			GUILTY	Ball Forfeit (3)	Not Guilty	Jury	Non Jury	Stip to Rec	Arraignment		Other Hearing	Deter Pros.	
State/County	38,905	45,511	23,818	473	49	19,306	101	236	305	30,221	87,496	2,343	41
Municipal	14,626	16,430	8,366	148	15	5,458	21	34	385	14,668	37,248	589	8
Municipal Courts	45,033	51,478	22,327	518	46	17,315	54	368	3,928	36,574	79,700	2,318	18
State Total	98,564	113,419	54,511	1,139	110	42,079	176	638	4,518	81,463	204,444	5,250	67

Same criteria is used for Non-Traffic Misdemeanors.

# JNE Tool - Current Measure

## Other Case Types

Courts of Limited Jurisdiction  
Domestic Violence/Antiharassment Protective Orders - 2012 Annual Report

	Petitions Filed (1)			Proceedings			Petitions Disposed			
	Domestic Violence	Anti-Harassment	Sexual Abuse Prov.	Total Filed	Ex Parte Hearing	Full Order Hearing	Granted	Denied or Dismissed	Transferred To Superior	Total Disposed
District Courts										
.State/County	2,060	8,536	65	10,661	8,277	8,534	3,896	5,827	364	9,897
Municipal Courts	195	54	1	250	100	154	20	45	49	114
State Total	2,255	8,590	66	10,911	8,377	8,688	3,716	5,882	413	10,011

Adams County

Same criteria is used for Civil and Small Claims Cases.

Courts of Limited Jurisdiction  
Felony Complaints - 2012 Annual Report

	Felony Complaints			Felony Proceedings						
	Filed	Dismissed	Reduced to Misdemeanor	Bound Over	Total Disposed	Felony Probable Defendant	Preliminary Appearance	Formal Charge Hearing	Felony Preliminary	Other Hearing
District Courts										
.State/County	5,834	3,964	2,297	55	6,316	16,157	2,114	3,146	1,107	10,892
.Municipal	6	12	4	0	16	80	0	5	6	22
Municipal Courts	1	24	9	0	33	1,949	0	0	0	3
State Total	5,841	4,000	2,310	55	6,365	18,186	2,114	3,151	1,113	10,707

Asotin County

# Estimating productivity excludes

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- Judges' time spent at Superior Court Commissioner is excluded from the estimate of total time available to conduct business
- Courts with less than 18 judicial hours per week, but included in second round of prediction.

Note: Baseline level of staffing.

- Court requires at least SOME minimum judge time.
- The baseline staffing needed to open the doors.
- In 2013, the estimated minimum was 9.1 hours weekly.

# Post-Estimation Adjustment

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- Estimated judge need increased to account for the number of probable cause hearings and search warrants from the most recent year
- Example: In King District in 2012 there were 10,476 prob. cause and 139 search warrant hearings = added 0.88 FTE

*For the 2013 JNE, data for search warrants entered into document indexing by 14 district courts and 2 municipal courts totaled 2,161.*

# What's Left Out

- Anything that is not reliably, uniformly in JIS—e.g.,
  - Vehicle-related violations.
  - Therapeutic court activity.

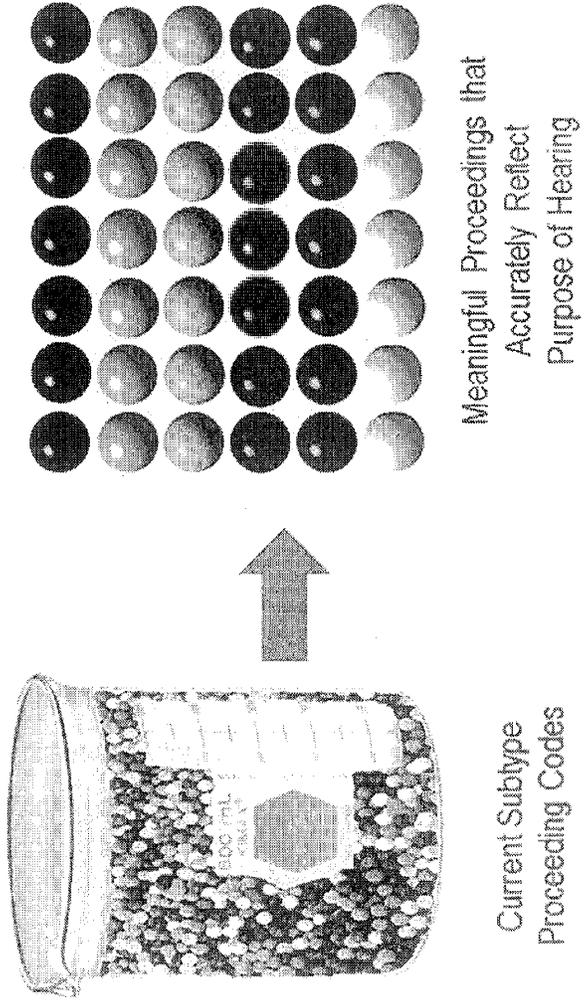
# Review Request

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- DMCJA requested the AOC to review the JNE tool.
- What data elements are used in the Judicial Needs Estimate (JNE) tool?
  - How warrants are counted.
  - How vendor-processed vehicle-related violations can be included in the JNE tool.
  - How hearings time is included in the JNE tool.
  - How to incorporate therapeutic court hearing time in the JNE tool.
  - How to ensure accurate docketing practices of hearings.

# JNE Recommendation - Hearings

- Hearing codes should distinctly and easily identify the hearing's purpose.
- OTH (Other) code does not provide value.
- 1,643 proceeding sub-type codes.
- 412,161 OTH Proceedings marked "Held" in 2014.



# JNE Recommendation - Hearings

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- New proceedings are the result of the review of:
  - Current court business practices,
  - Currently available proceeding codes by case type.
- 36 new codes implemented in April 2015.
- Counting new codes starting January 2016 to be reported in published caseloads.

# JNE Workgroup Recommendations

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- Include hearings and base workload estimates for the amount of judicial time needed to conduct hearings.
- Include judicial time for post-adjudication and therapeutic court hearings.
- Include VRV.
- Use Document Indexing for warrants.
- Develop reference guide for accurate hearing code use.
- Develop exception reports to identify inconsistent and/or inaccurate use of hearing held codes.

# JNE Workgroup Recommendations

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- Retain current methodology for two to three years.
- Published Caseloads.
  - ▣ Encourage use of VRV Module to record Vehicle Related Violations.
  - ▣ Include therapeutic court proceedings.
- Data accuracy.
  - ▣ Exception reports.
  - ▣ Meaningful case management reports.
    - Time-in-Process.
    - Active Pending Caseload.

## Phase 2 – Strategic Process

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- Formulate plan for assessing “weights” or “values” and “averages” for new proceeding codes for JNE model application.
- Do court processes approved in 2002 remain current?
- Develop meaningful CLJ Time Standards Reports that include disposition based on definition under ARLJ 8.
- Develop Exception Reports for data accuracy.
- Gather reporting needs for judicial time tracking; e.g., therapeutic courts.

## Phase 2 – Strategic Process

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- Should body wire and phone tap warrants be included in search warrant recording?
- Review Probable Cause and Felony Complaint case processing?
- Should fugitive warrants entered as PC cases?
- Accounting for Superior Court Commissioner Workload?

# JNE Workgroup Members

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Judge Joseph M. Burrowes, Benton County District Court

Judge Mary C. Logan, Spokane Municipal Court

Judge Elizabeth D. Stephenson, King County District Court

Ms. Stacy Colberg, Gig Harbor Municipal Court

Ms. Deannie Nelson, Skagit County District Court

Ms. Cynthia Marr, Pierce County District Court

Ms. Deana Wright, Lakewood Municipal Court

Charlotte S. Jensen, AOC Staff

# Questions?

Carl McCurley, Ph.D., Manager  
Washington State Center for  
Court Research  
Administrative Office of the Courts  
☎ 360-705-5312  
✉ [Carl.McCurley@courts.wa.gov](mailto:Carl.McCurley@courts.wa.gov)

Charlotte S. Jensen  
Court Business Information Coordinator  
Administrative Office of the Courts  
☎ 360-705-5213  
✉ [Charlotte.Jensen@courts.wa.gov](mailto:Charlotte.Jensen@courts.wa.gov)

Dirk A. Marler, Director  
Judicial Services Division  
Administrative Office of the Courts  
☎ 360-705-5211  
✉ [Dirk.Marler@courts.wa.gov](mailto:Dirk.Marler@courts.wa.gov)

How did we get to this point? Where are we going?

Concern	Response	DMCJA-Approved Recommendations
1. What data elements are used in the Judicial Needs Estimate (JNE) tool?	JNE tool uses data reported in the published caseload reports. Those reports are available online at <a href="http://www.courts.wa.gov/caseload/">http://www.courts.wa.gov/caseload/</a> . Basically an input-output model.	
2. How warrants are counted?	Search warrants are currently counted in the JNE tool if they are entered in JIS using the JIS Document Indexing process. Very few courts enter search warrants into JIS, therefore very few search warrants are counted.	<ul style="list-style-type: none"> <li>a. Retain current process for counting search warrants in the JNE tool and <i>provide education to court staff on the JIS Document Indexing process in an effort to increase reporting.</i></li> <li>b. Implement a proceeding code in JIS to record the hearings held for issuing and quashing bench warrants.</li> </ul>
3. How vendor-processed vehicle-related violations can be included in the JNE tool?	If VRVs are not filed in JIS, they are not included in case filings and disposition categories, and therefore not included in the JNE. Vehicle-related violations (VRV) include parking, red light camera, and speeding camera violations.	<ul style="list-style-type: none"> <li>a. Change the JNE tool to include vehicle-related violations processed in JIS using the current input/output method for infractions.</li> <li>b. Courts should consider implementing the VRV Data Exchange option available in JIS. There is a level of standardization using the Vehicle-Related Violation application that facilitates consistent tracking and counting options through JIS.</li> <li>c. Implement proceeding codes in JIS to record the contested and mitigation hearings held in the Discover Pass and</li> </ul>

<p>How vendor-processed vehicle-related violations can be included in the JNE tool? <i>(cont.)</i></p>		<p>Photo Enforcement violations. (Other parking violation hearings would be counted by using existing hearing codes.)</p> <ul style="list-style-type: none"> <li>d. Change the published caseload reporting category "Parking" to "Vehicle-Related Violations."</li> <li>e. Consider segregating the VRVs into four sub-categories for reporting purposes in a new case management system: Disability Parking, Discover Pass, Red-Light, and Parking (generic).</li> </ul>
<p>4. How hearings time is included in the JNE tool?</p>	<p>Hearings held and hearing length are not currently considered in the JNE tool.</p>	<ul style="list-style-type: none"> <li>a. Shift from filings and resolutions to include hearings held. There is good quality control with filings and resolutions data. <i>There has to be a commitment to having accurate, detailed, and standardized hearing use in order for the tool to work for counting hearings.</i></li> <li>b. Implement additional JIS hearing codes to cure the gaps identified above.</li> </ul>

<p>5. How to incorporate therapeutic court hearing time in the JNE tool?</p>	<p>See Recommendations</p>	<ul style="list-style-type: none"> <li>a. Implement an additional JIS hearing code specifically created to count the number of therapeutic court compliance review hearings held. This hearing code, in conjunction with Other Deferral Reason Code TC and new Case Condition Codes for the various therapeutic courts will facilitate counting these post-adjudication hearings held.</li> <li>b. Modify the JNE tool to include post-adjudication therapeutic court hearings held and recommendations from the best practices workgroup (Note: best practices workgroup was changed to strategic process workgroup.)</li> <li>c. Develop a case management report (currently through BOXI) for use in therapeutic courts that includes, but is not limited to, data on the number of hearings held in the therapeutic court during the month; the number of hearings held per therapeutic court participant during the month, and a cumulative total of hearings held for a participant during the period of therapeutic court participation</li> </ul>
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<p>6. How to ensure accurate docketing practices of hearings?</p>	<p>It became clear to the workgroup members that there is little documentation or guidance on the appropriate use of existing JIS hearing codes. A large number of hearings held are being coded as OTH (Other Hearings), which does not provide a clear picture of the intent of the hearing. In addition courts rely on their locally-determined hearing sub-type code to further define a hearing's intent. Those locally-determined hearing sub-type codes are not included in the published caseload report, and there is no statewide standard for local hearing sub-type codes.</p>	<ul style="list-style-type: none"> <li>a. Include in online code documentation all hearing code definitions and criteria needed to mark a hearing as "Held."</li> <li>b. Request the AOC to include hearing code definitions and criteria in their regularly scheduled training classes offered to court staff.</li> <li>c. Work with the AOC to develop a communications plan to share the code definitions and criteria with every court.</li> <li>d. Develop exception reports to identify inconsistent and/or inaccurate use of hearing held codes, with AOC staff follow-up with additional education and guidance for data accuracy and integrity</li> </ul>
<p>Other Recommendations</p>	<ul style="list-style-type: none"> <li>a. Develop a standard, plain-language guide describing the data used to prepare the published caseload reports.</li> <li>b. Maintain the current JNE workgroup to review implementation progress of the recommendations at least twice a year until the JNE model changes, receive updates from the best practices workgroup,* and review documentation changes related to new hearing codes. (*Now strategic process workgroup.)</li> <li>c. Review the JNE model every three years thereafter</li> <li>d. Include at least one member of the JNE workgroup to represent the interests of the JNE Workgroup in the CLJ-CMS project. (Note: Cynthia Marr is a member of the CLJ Steering Committee and is willing to represent the JNE Workgroup's interests.) The JNE Workgroup members should also work with their representatives on the CLJ Court User Work Group (CUWG) to ensure that common court business processes and requirements</li> </ul>	

	incorporate the JNE recommendations. AOC staff supporting the JNE Workgroup should work with the AOC staff members on the CLJ-CUWG.
Additional topics to be reviewed by Strategic Process Workgroup – Agenda 2.1	<ul style="list-style-type: none"> <li>a) Case Resolution based on ARLJ 8</li> <li>b) CLJ Time Standards Reports</li> <li>c) Exception Reports for data accuracy.</li> <li>d) Other reporting needs for judicial time tracking; e.g. therapeutic courts.</li> <li>e) Body wire and phone tap warrants should be included in search warrant recording. Search warrant data should be captured using the Document Indexing capability.</li> <li>f) Probable Cause and Felony Complaint case processing</li> <li>g) Fugitive warrants entered as PC cases.</li> <li>h) Superior Court Commissioner Workload.</li> <li>i) Formulate plan for assessing “weights” and “averages” for new proceeding codes for JNE model application.</li> </ul>





WASHINGTON  
COURTS

**DMCJA BOARD MEETING**  
**FRIDAY, NOVEMBER 13, 2015**  
**12:30 PM – 3:30 PM**  
**AOC SEATAC OFFICE**  
**SEATAC, WA**

**PRESIDENT- ELECT JUDGE G. SCOTT MARINELLA**

**SUPPLEMENTAL AGENDA**

**TAB**

**Call to Order**

**General Business**

- A. **Minutes (Revised to reflect Judge Burrowes' attendance)** – October 9, 2015 (pp 1-5)
- B. Treasurer's Report – *Judge Burrowes*
  - 1. Monthly Treasurer's Report for October 2015 (p 7)
  - 2. US Bank Business Statement – October 1-31, 2015 (p 9)
  - 3. US Bank Business Statement – September 1-30, 2015 (p 11)
  - 4. Accountant Reports – Dino W. Traverso, PLLC (pp 13-25)
  - 5. Letter regarding Audit Services Contract dated September 27, 2011 (p 27)
- C. Special Fund Report – *Judge Ahlf* ( p 29)
  - 1. Washington Federal Statement for September 30, 2015
  - 2. **Washington Federal Statement for October 31, 2015**
- D. Standing Committee Reports
  - 1. Legislative Committee – *Judge Meyer*
  - 2. Rules Committee Meeting Minutes for September 16, 2015 (p 31-32)
- E. Trial Court Advocacy Board (TCAB) Update
- F. JIS Report – *Ms. Vicky Cullinane*

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X

X

**Liaison Reports**

- A. District and Municipal Court Management Association (**DMCMA**) – *Ms. Cynthia Marr*
- B. Misdemeanor Corrections Association (**MCA**) – *Ms. Deena Kaelin*
- C. Superior Court Judges' Association (**SCJA**) – *Judge Michael Downes*
- D. Washington State Bar Association (**WSBA**) – *Sean Davis, Esquire*
- E. Administrative Office of the Courts (**AOC**) – *Mr. Dirk Marler*
- F. Board for Judicial Administration (**BJA**) – *Judges Garrow, Jasprica, Lambo, and Ringus*

**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?
  - 1. Correspondence regarding DMCJA policy proposals for court closures (pp 33-34)

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<ul style="list-style-type: none"> <li>2. Judge Jeffrey Jahns' DMCJA Policy Proposal regarding court closures (pp 35-39)</li> <li>3. <b>Judge David Larson's Comment regarding court closures</b></li> <li>4. Minutes - August 2012, September 2012, and November 2013 regarding court closures (pp 41-43)</li> <li>B. BJA Policy and Planning Committee: Methods of Maintaining Continuity (pp 45-47) – <i>Judge Marinella</i></li> <li>C. Financial Ability to Pay Appellate Costs Work Group <ul style="list-style-type: none"> <li>1. Correspondence regarding financial ability to pay appellate costs workgroup (p 49)</li> <li>2. RCW 10.73.160, court fees and costs (p 51)</li> </ul> </li> <li>D. AOC Judicial Needs Estimate (JNE) Presentation – <i>Mr. Dirk Marler, Ms. Charlotte Jensen</i> <ul style="list-style-type: none"> <li>1. District and Municipal Court Judicial Needs PowerPoint materials (pp 53-74)</li> <li>2. Chart regarding JNE history and progress (pp 75-79)</li> </ul> </li> </ul>	<p><b>X</b></p>
<p><b>Information</b></p> <p>Mr. Doug Haake, former AOC employee and DMCJA Staff, passed away on October 12, 2015. Mr. Haake staffed the DMCJA from May 1999 to January 2008. A memorial service is planned for Saturday, November 14, 2015, at 1 pm at South Sound Manor, 455 North Street SE, Tumwater, WA 98501.</p>	
<p><b>Other Business</b></p> <p>The next DMCJA Board Meeting is Friday, December 11, 2015, at the AOC SeaTac Office.</p>	
<p><b>Adjourn</b></p>	



**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 voted in favor of the following motion:

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.

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**Combined Savings Statement**  
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10/31	Interest	+3.75	40,086.95
10/31	Ending Balance		\$40,086.95

**Systems update  
reminders:**

- Online banking will be unavailable from 6pm Friday, November 13 through 6pm Monday, November 16.
- Local branches are scheduled to be closed Monday, November 16. The Client Care Center will be available with extended hours by calling 800-324-9375.
- You may receive two statements in November. One statement will contain activity through November 13 and the other will contain activity from November 16 through the end of your statement cycle.



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## Judge David Larson's Comment regarding Court Closures

Note: The term "municipalities" is intended to include cities and counties. Thanks. DAL

The following can serve as a preamble or as a comment to the establishment of the committee:

*The dignity and respect of the judiciary is dependent upon its role as a co-equal branch of government.*

*Canon 1 of the Code of Judicial Conduct provides that "a judge shall uphold and promote the independence, integrity, and impartiality of the judiciary..." "Conduct that compromises the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary." See CJC 1.2, Comment 3. This should be interpreted to mean that judges at all levels of court have the affirmative duty to uphold and maintain the independence and dignity of the courts as the constitutionally established third branch of government.*

*Current state law does not give the judiciary an adequate voice in the decision by municipalities to contract for court services with other municipalities. In many cases, the pressure on the local judges keeps them from speaking up against decisions made by their jurisdiction to either acquire or lose judicial services. This means that a strong and independent voice is needed to inform municipalities of the pros and cons of contracting for judicial services.*

*Current state law provides for terms of office for judges. Despite these laws, the executive and legislative branches of local government have decided to remove judges in the guise of contracting for judicial services before the term of the judge is completed. This practice diminishes the dignity and respect of the judiciary by allowing municipalities to treat courts as just another department rather than a co-equal branch of government. In essence, current law pits judge against judge to compete for "business" and allows municipalities to use the termination of courts as a means to pressure judicial outcomes.*

Therefore:

1. The DMCJA establishes the Judicial Independence Committee.
2. The Judicial Independence Committee will consist of a chair that is a member of the DMCJA Board and three members of the DMCJA that are in good standing.
  - a. The members shall be representative of the following courts:
    - i. The chair may be a district court or municipal court judge;
    - ii. One district court judge member;
    - iii. One appointed municipal court judge member;
    - iv. One elected municipal court judge member.

3. *To preserve the independence of the committee and to assure the fastest possible response, the positions taken by the Judicial Independence Committee will not be subject to approval by the DMCJA Board. The committee should consider the board's position, but should not be bound by it.*
4. *The duties of the Judicial Independence Committee are as follows:*
  - a. *Review proposed terminations of courts and/or interlocal agreements for court services between municipalities;*
  - b. *Provide objective and impartial information to the involved courts and municipalities regarding legal and practical issues created by the proposed termination and/or interlocal agreement.*
    - i. *The committee should consider whether the proposed arrangement:*
      1. *Will interfere with judicial independence and/or the dignity of the courts as the third co-equal branch of government;*
        - a. *Termination of a municipal court during the judge's term of office is a per se violation of the court's status as the constitutionally established third branch of government and may be a violation of state law;*
        - b. *A city's termination of an agreement with a county before the end of the district court judge's term is a clear violation of state law.*
      2. *Is in compliance with state statutes;*
      3. *Is in compliance with court rules;*
      4. *Will best serve the constituents of the respective communities considering such factors as convenience of travel to and from court, availability of services, cost to taxpayers, and accountability of the judiciary to the local population;*
      5. *Any other considerations deemed relevant by the committee.*
    - ii. *The report of the committee may be provided verbally, in writing, or at official government meetings.*
  - c. *Advocate at public meetings and in other public forums for the preservation of the judiciary as the constitutionally established third branch of government.*