



WASHINGTON  
COURTS

**DISTRICT AND MUNICIPAL  
COURT JUDGES' ASSOCIATION**

***BOARD MEETING***

**December 11, 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**



**DMCJA BOARD MEETING**  
**FRIDAY, DECEMBER 11, 2015**  
**12:30 PM – 3:30 PM**  
**AOC SEATAC OFFICE**  
**SEATAC, WA**

**PRESIDENT JUDGE DAVID STEINER**

**AGENDA**

**TAB**

**Call to Order**

**General Business**

- A. Minutes – November 13, 2015 (pp 1-5)
- B. Treasurer’s Report – *Judge Burrowes* (pp 6-7)
- C. Special Fund Report – *Judge Ahlf* (p 8)
- D. Standing Committee Reports
  - 1. Legislative Committee – *Judge Meyer*
  - 2. Bylaws Committee Report (pp 9-10)
- E. Trial Court Advocacy Board (TCAB) Update
- F. JIS Report – *Ms. Vicky Cullinane*
- G. Judicial Information System Committee (JISC) Update – *Judges Marinella and Svaren* (p 11)

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**Liaison Reports**

- A. District and Municipal Court Management Association (**DMCMA**) – *Ms. Linda Baker*
- B. Misdemeanant Corrections Association (**MCA**) – *Ms. Deena Kaelin*
- C. Superior Court Judges’ Association (**SCJA**) – *Judge Michael Downes*
- D. Washington State Bar Association (**WSBA**) – *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. Create a Judicial Independence/Fire Brigade Committee that will establish its parameters
  - 1. 2014 Legislative Session House Bill 2601, Clarifying municipal court terms (pp 12-13)
  - 2. BJA Minutes regarding DMCJA Legislation relating to municipal court terms (pp 14-16)
- B. DMCJA Website Discussion – *Judge Walden*
  - 1. Operating Level Agreement (pp 17-24)
- C. Trial Court Security Rule Update (pp 25-26)
- D. Washington State Access to Justice Board Liaison Position Vacancy
  - 1. Access to Justice Board 2015-2016 Meeting Schedule (p 27)
  - 2. Order regarding Access to Justice Board (pp 28-31)
- E. Superior Court Judges’ Association Legislation Update (pp 32-37)

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<p><b>Information</b></p> <ul style="list-style-type: none"> <li>A. Receipt for Flowers sent for Mr. Doug Haake's Memorial Service (pp 38-39)</li> <li>B. 2015 DMCJA Annual Report (pp 40-41)</li> <li>C. 2015 DMCJA Errors and Omissions Report (pp 42-43)</li> <li>D. Judge Jeffrey Jahns has been appointed as the DMCJA Representative on the Financial Ability to Pay Appellate Costs Work Group</li> <li>E. Legislative Update from Melanie Stewart, Esq., DMCJA Lobbyist (p 44)</li> <li>F. Thank you Commissioner Noonan for your outstanding service on the DMCJA Board of Governors.</li> </ul>	<p><b>3</b></p>
<p><b>Other Business</b></p> <p>The next DMCJA Board Meeting is Friday, January 8, 2016, at the AOC SeaTac Office.</p>	
<p><b>Adjourn</b></p>	





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

**MEETING MINUTES**

**Members Present:**

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

**Guests:**

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

**AOC Staff:**

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

**Members Absent:**

Judge David Steiner  
Judge Janet Garrow (non-voting)

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

**GENERAL BUSINESS**

A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Minutes for October 9, 2015 with an amendment to the Executive Session portion of the meeting. The amendment should state, "The Board went into an Executive Session to discuss the SCJA proposed Office of Trial Court Policy and Research. The Board came out of Executive Session and voted in favor of the following motion during Regular Session."

B. Treasurer's Report

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

C. Special Fund Report

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

#### D. Standing Committee Reports

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

##### 1. *Legislative Committee*

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

##### Office of the Superior Court Judges' Association

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

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

##### 2. *Rules Committee*

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

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

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

#### F. JIS Report

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

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

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

## **LIAISON REPORTS**

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

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

### **B. Superior Court Judges' Association (SCJA)**

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

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

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

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

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

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

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

## **ACTION**

### **Office of the Superior Court Judges' Association**

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

### **DMCJA Position when Courts are Disbanded**

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

## DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

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

#### **INFORMATION**

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

#### **OTHER BUSINESS**

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

**ADJOURNED** at 3:30 PM.

# 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. GEHLEN**  
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 November 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 November 30, 2015:	\$36,046.69
Checking Account as of November 30, 2015:	\$ 7,139.96

## EXPENDITURES

Total 2015/2016 adopted budget:	\$253,400.00
Total expenditures to date (November 30, 2015):	\$ 55,945.55
Total remaining budget as of November 30, 2015:	\$197,454.45

## DEPOSITS AND CREDITS

Total deposits 2015/2016 as of October 31, 2015:	\$449.91
Total Interest as of October 31, 2015:	\$ .67

## FEE'S

Total fee's as of November 30, 2015:	\$14.00
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P.O. Box 1800  
Saint Paul, Minnesota 55101-0800

3452 TRN

Y ST01

## Business Statement

Account Number: [REDACTED]

Statement Period:

Oct 1, 2015  
through  
Oct 31, 2015

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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](http://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](http://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 [REDACTED]

### 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	[REDACTED]	\$ 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](http://usbank.com), or call 1-800-USBANKS (1-800-872-2657) for a copy.

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www.washingtonfederal.com

**Combined Savings Statement**

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Statement Ending Date 11/13/15

Branch Dayton

For 24-hour telephone banking  
1-877-431-1876

WA STATE DIST & MUNICIPAL COURT JUDGES'  
PO BOX 7  
DAYTON, WA 99328-0007

4305



Please direct all inquiries to (509) 382-4771  
306 E. Main Street, Dayton, WA 99328

Bus. Money Market: ██████████

**WA State Dist & Municipal Court  
Judges' Assoc**

Date	Description	Amount	Balance
11/01	Beginning Balance		\$40,086.95
	No Activity for Period		
11/13	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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## DMCJA Bylaws Committee Report October 2015

### Committee Members:

Commissioner Kipling, Chair  
Judge Gregory  
Judge Hedine  
Judge Phillips

### AOC Staff:

Ms. J Benway

The DMCJA Board requested that the Bylaws Committee propose a Bylaws amendment to incorporate the charges of the DMCJA Legislative Committee into the Bylaws section concerning Standing Committees, as is the case for other standing committees. The Bylaws Committee, in consultation with DMCJA Legislative Committee Chair Sam Meyer, modified the language of the charges slightly, to better reflect current practice. The Bylaws Committee recommends the following amendment:

Proposed amendment to DMCJA Bylaws Article X, Sec. 2  
**ARTICLE X - Committees**

### Section 1. Membership of Committees:

[no change]

### Section 2. Committee Functions:

(a) – (h) [no change]

\*\*\*

[new subsection:]

(i) Legislative Committee:

- (1) The Legislative Committee will evaluate and recommend responses to proposed legislation affecting courts of limited jurisdiction.
- (2) The Legislative Committee will recommend to the Board legislation to improve the delivery of services and administration of justice in district and municipal courts.
- (3) The Legislative Committee will develop and maintain efforts towards communication with legislators and state agencies.

- (4) The Legislative Committee will recommend terms of employment of the Association's lobbyist and direct the lobbying effort.
- (5) The Legislative Committee will provide or arrange for oral or written testimony to the Legislature as needed.
- (6) The Legislative Committee will submit a written report at the Spring conference.
- (7) The Legislative Committee will submit oral or written reports to the President and the Board as appropriate or requested.

**2015 Meeting Schedule**  
**Judicial Information System Committee (JISC)**

*See Agenda for Conference Call Number*

<b>JISC Meetings</b> <b>10:00 a.m. - 2:00 p.m.</b>
March 6, 2015
April 24, 2015
June 26, 2015
August 28, 2015
October 23, 2015
December 4, 2015

JISC Meeting Material: [JISC Meeting Material](#)

AOC SeaTac Facility  
18000 International Boulevard, Suite 1106  
SeaTac, WA 98188  
(Dates/Times/Locations Subject to Change)



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HOUSE BILL 2601

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Freeman, Rodne, and Jinkins

Read first time 01/22/14. Referred to Committee on Judiciary.

1 AN ACT Relating to municipal court terms; adding a new section to  
2 chapter 3.50 RCW; and adding a new section to chapter 35.20 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 3.50 RCW  
5 to read as follows:

6 A municipal court term may only be terminated at the end of the  
7 judicial term of the judge or judges of that court. Provided, that for  
8 courts with elected municipal court judges, the judicial term includes  
9 the time period between the date the office is designated for election  
10 pursuant to RCW 29A.24.010 to the end of the four-year term that is the  
11 subject of the upcoming election. Provided further, that in the case  
12 of a judge appointed in a part-time court pursuant to RCW 3.50.040, the  
13 term of office includes the time period between the date the  
14 appointment is confirmed by the local legislative body to the end of  
15 the judge's four-year term of office as provided for in RCW 3.50.040.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.20 RCW  
17 to read as follows:

18 A municipal court term may only be terminated at the end of the

1 judicial term of the judge or judges of that court. The judicial term  
2 includes the time period between the date the office is designated for  
3 election pursuant to RCW 29A.24.010 to the end of the four-year term  
4 that is the subject of the upcoming election.

--- END ---



# Board for Judicial Administration (BJA) Meeting

Friday, January 17, 2014 (9:00 a.m. – Noon)

Administrative Office of the Courts, 1112 Quince Street, Olympia

## MEETING MINUTES

### BJA Members Present:

Chief Justice Barbara Madsen, Chair  
Judge Kevin Ringus, Member Chair  
Judge Veronica Alicea-Galvan  
Judge Vickie Churchill  
Ms. Callie Dietz  
Judge Stephen Dwyer  
Judge Janet Garrow  
Judge Judy Rae Jasprica  
Judge Jill Johanson  
Judge Kevin Korsmo (by phone)  
Judge Linda Krese  
Judge Michael Lambo  
Justice Susan Owens  
Judge Jeffrey Ramsdell  
Judge Ann Schindler  
Judge Charles Snyder  
Judge Scott Sparks

### Guests Present:

Mr. Jeff Amram (by phone)  
Mr. Jim Bamberger  
Mr. Michael Fenton  
Ms. Sophia Byrd McSherry  
Ms. Aimee Vance

### Public Present:

Mr. Tom Goldsmith

### AOC Staff Present:

Ms. Beth Flynn  
Mr. Steve Henley  
Ms. Shannon Hinchcliffe  
Ms. Charlotte Jensen  
Mr. Dirk Marler  
Ms. Mellani McAleenan  
Mr. Ramsey Radwan

The meeting was called to order by Judge Ringus.

### December 13, 2013 Joint BJA and CMC Meeting Minutes

It was noted that Ms. Vance was listed in the minutes as both a Court Management Council member and as a guest and that her name needed to be deleted from the list of guests present.

**It was moved and seconded to approve the December 13, 2013 joint BJA and CMC meeting minutes with the noted revision to remove Ms. Vance from the list of guests present. The motion carried.**

### DMCJA Legislative Agenda

Judge Alicea-Galvan reported that the District and Municipal Court Judges' Association (DMCJA) drafted legislation that would introduce parity between district and municipal court judges regarding closing courts during a judge's term. District courts, by law, are not allowed to be abolished during a judge's term. Municipal courts would like the same law. The law would apply to both appointed and elected judges. The legislation does not state that cities cannot contract with other courts but that it is inappropriate during mid-term to shut the court down. It is a separation of powers issue.



**It was moved by Judge Snyder and seconded by Judge Lambo to support the DMCJA legislation relating to municipal court terms. The motion carried.**

#### BJA Rule Amendments

**It was moved by Judge Sparks and seconded by Judge Garrow to approve the proposed BJAR 3 amendments and to forward the revised rule to the Supreme Court Rules Committee. The motion carried.**

#### 2015-17 Budget Process

Mr. Radwan explained that, in general, the 2015-2017 Budget Development, Review and Submittal Schedule will follow the same process that was used for the 2013-2015 budget cycle. The processes are based on the type of budget request. The first track is for budget requests that impact the Administrative Office of the Courts' (AOC) budget and where the proponents seek BJA support; these requests will run through the BJA from March through June. The second track is for those budget requests that will impact the AOC budget that come from groups not directly seeking BJA support. The third track is Supreme Court, Court of Appeals, and other state judicial branch entity requests not requiring BJA approval.

Trial court funding issues could flow through the BJA or flow straight to the Supreme Court. The last few budget cycles have had trial court funding issues flow through the Trial Court Operations Funding Committee (TCOFC) which is through the BJA so their requests came through the BJA.

Mr. Radwan stated that all the budget forms are currently being finalized and the forms and instructions will be available electronically next week but they will be marked draft. A letter will be distributed to all stakeholders soon.

The first round of budget requests (preliminary budget requests) that impact AOC's budget are due March 21. The BJA will review the information in April. Information necessary for preliminary budget requests can be limited to the general idea, impacts to stakeholders, estimated dollar amount and estimated staffing requirements. In May, there will be budget presentations to the BJA by the proponents seeking BJA support for budget requests that impact the AOC budget. In June, the BJA will prioritize the budget requests and send that information to the Supreme Court Budget Committee. Final decision packages are due to the Supreme Court Budget Committee in July.

Approval of the 2015-2017 Budget Development, Review and Submittal Schedule will be on the February BJA meeting for action.

#### Trial Court Funding Operations Committee (TCOFC)

Ms. Hinchcliffe stated that the BJA Co-chairs received a letter from Judge Harold Clarke III regarding the TCOFC. When the BJA discussed the status of all the committees previously, it was determined that they would all continue to operate as normal.

The TCOFC has quite a few positions up for appointment.

The legislators Ms. McAleenan spoke with regarding the interpreter bill are in agreement with the BJA. Representative Sharon Tamiko Santos suggested that a way to keep the issue alive is to request a committee work session. If this is something the BJA is interested in, the BJA needs to determine 1) which committee the work session should be held in, 2) who should give the presentation, and 3) what information should be presented.

The Mason County Superior Court judge bill received prime sponsorship in the Senate from Senator Tim Sheldon. Representatives Kathy Haigh and Drew MacEwen will be prime sponsors in the House. Both bills will be dropped in the next few weeks.

The juvenile records bill continues to be discussed and redrafted.



#### District and Municipal Court Judges' Association (DMCJA) Legislative Agenda

Judge Svaren stated that municipal courts can be eliminated by contracting with another municipal court or a district court in the middle of a judge's term. The DMCJA legislation attempts to address that issue when a municipality contracts with another court during a sitting judge's term. It will eliminate the ability of one branch of government to eliminate a court in the middle of a judge's term which is a separation of powers issue. The legislation requires the municipality to wait until the end of the judge's term. This is already a requirement for district courts but if the legislation becomes law it would also apply to municipal courts.

The DMCJA is requesting the BJA's support for their legislation. This will be added as an action item on the January BJA meeting agenda.

#### BJA Committee Next Steps

Ms. Hinchcliffe outlined the next steps regarding the BJA standing committees. Mr. Henley drafted an amendment to BJAR 3 and Ms. Hinchcliffe created an interim work plan.

The first step in the process is populating interim BJA standing committees with BJA voting members. Ms. Hinchcliffe requests that all voting members rank interest in participation in interim standing committees by completing the form Ms. Hinchcliffe distributed to each voting member and returning it by the end of the year. The BJA Co-chairs will review members' rank order of preference, court level, and BJA term expiration date to assemble the interim standing committees. Administrative Office of the Courts staff will then be assigned to help the committees develop committee charters. The AOC staff will meet monthly to communicate and collaborate.

The BJAR 3 rule amendment will be added as an action item to the January BJA meeting agenda.

**It was moved by Judge Churchill and seconded by Judge Garrow to adjourn the meeting. The motion carried.**

# Operating Level Agreement (OLA)

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*Between Administrative Office of the Courts, Information Services Division and the District and Municipal Court Judges' Association (DMCJA).*

## **OLA 2013-00X: Web Site Hosting for the DMCJA as a Sub-Section of the Washington Courts Public Site**

Agreed to on: September 6, 2013

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## **Purpose**

This Operating Level Agreement (OLA) documents the terms and service by which the Administrative Office of the Courts (AOC) will host the website for the District and Municipal Court Judges' Association (DMCJA) as a sub-section of their public site ([www.courts.wa.gov](http://www.courts.wa.gov)).

This document also identifies:

- Who authors the DMCJA sub-section content.
- What is posted on the DMCJA site (e.g., meeting notes, meeting documents, meeting schedules, etc.).
- Where the DMCJA content is posted.
- How frequently the DMCJA content is posted.
- Organizational roles and responsibilities.
- A course of action should the DMCJA no longer be available to provide content for the DMCJA website.

## **Definitions**

**AOC** – Administrative Office of the Courts

**DMCJA** – District and Municipal Court Judges' Association

**WWW** – The main public website for AOC located at '[www.courts.wa.gov](http://www.courts.wa.gov)'. Content on this website is available for public viewing.

**Internet** – The worldwide computer network, also known as the World Wide Web, which is potentially accessible to anyone with a computer network connection.

**ISD** – AOC's Information Services Division

**JSD** – AOC's Judicial Services Division

**Sub-Section** – A designated area on a website that is presented as a cohesive unit at some location underneath the main page of the site. Common website features, such as navigation and style, will be inherited from the parent section of the sub-section. Content posted to the AOC website sub-section will be available for public viewing.

## **Term of Agreement**

This agreement is in effect from September, 01 2013 for a period of three years or until it is deemed necessary to revisit it by any of the individuals identified in this document. Changes to this agreement must be authorized by the Chair of the DMCJA Technology Committee, the manager of the JSD Court Services Section, and the manager of the ISD Operations Section.

Requests for **changes** to this agreement must be made by the Chair of the DMCJA Technology Committee to the JSD Court Services Manager, who will designate an appropriate person to renegotiate the agreement.

This agreement may be **terminated** by the Chair of the DMCJA Technology Committee or by the managers of the JSD Court Services or ISD Operations sections should staffing impact the ability to create and/or post content.

### **Overview of the DMCJA Sub-Section Website**

The purpose of the DMCJA sub-section website is to support the communication and administrative needs of the District and Municipal Court Judges' Association (DMCJA), its judicial members, and the general public by providing a cohesive web portal for accessing information.

- To provide judicial officers access to resources to assist them in their decision-making both on and off the bench, and to provide other helpful links to a variety of other legal resources.
- To provide DMCJA members with information regarding the on-going business and committee activities of the DMCJA.
- To provide the public with access to information about the activities of the DMCJA.

Goals for the DMCJA sub-section website include:

- Maintenance
  - Maintain a sub-section site that is easy to use and manage for non technical users and audience.
  - Keep the sub-section site up-to-date with news about recent DMCJA and AOC events and announcements.
  - Keep the sub-section site up-to-date with meeting minutes and materials for the various DMCJA committees, boards, and the president.
- Technical
  - Provide content and information that is logically organized and easy to find via multiple avenues (navigation, search, related links, etc.).
  - Provide access to all materials on the sub-section site with three or less clicks.
  - Implement and maintain search functionality that returns relevant results.
  - Maintain sub-section site adherence to AOC formats and standards for a consistent user experience.
  - Minimizing redundant information found on Inside Courts and external courts.wa.gov website.
- Functional/Performance:
  - Monitor the overall traffic and unique visitors to the sub-section site for periodic review by the DMCJA technology committee.

### **Organizational Information (as of July 2013)**

- Administrative Office of the Courts

- Information Services Division
  - Associate Director: Bill Cogswell
  - Operations Section Manager: Mike Keeling
- Judicial Services Division
  - Court Services Manager: Jennifer Creighton
- DMCJA
  - Technology Committee Chair: Judge Kimberly Walden

## Service Description

Under this agreement AOC will host and support the DMCJA site as a sub-section of the Washington Courts website. The terms of this arrangement are as follows:

- The DMCJA sub-section will adhere to the design and style as defined by the parent site.
- The DMCJA sub-section will adhere to the AOC-approved applications for managing content on the site.
- AOC ISD support of the DMCJA sub-section will not exceed five hours per month without prior approval from the AOC ISD Operations Manager.
- AOC JSD support of the DMCJA sub-section and sub-section editing duties will not exceed five hours per month without prior approval from the AOC JSD Court Services Manager.
- Use of contractors or other support services to manage the site, outside of AOC ISD Operations staff, will only be allowed per approval of the AOC ISD Operations Manager and the AOC JSD Court Services Manager.
- Feature or functionality requests will only be allowed per approval of the AOC ISD Operations Manager and the AOC JSD Court Services manager. See 'Sub-site Design and Functionality' for details regarding functionality provided.
- Two DMCJA sub-section site editors will be identified from members of the DMCJA Technology Committee, one of whom will be the Chair. It will be the site editors' responsibility to implement and/or coordinate and manage all content changes to the website. Requests for changes from other committee members and other association members should be directed to the Chair.
- Two AOC business support staff within Court Services will be identified to help manage administrative content changes, this includes meeting schedules, agenda, meeting materials and minutes, on behalf of the Chair and committee.
- AOC ISD Operations Web Team staff will limit their support of the site to the DMCJA site editors and will not support every DMCJA content owner individually.
- All site content will be open and available for access by the general public.
- AOC ISD Operations Web Team staff will provide an annual training to sub-section editors. This training will detail how to manage content on the subsection which includes modifying news/announcements, uploading content, as well as describing the template layout for the site.

## Workflow Procedures

- DMCJA sub-section site editor approved content will be posted by a DMCJA or AOC sub-section site editor, using the instructions and tools provided by the AOC Web Team.

- The sub-section site editors manage site content (add, change or delete) within the established framework of the site, using the instructions and tools provided by the AOC Web Team.
- Any problems with content management or with the sub-section site are reported to the sub-section site editors who will report the problem to the AOC Web Team via the AOC eService Center (800)-442-2169 or <https://custhelp.courts.wa.gov/app/answers/list>.

## Sub-site Design and Functionality

Sub-site design and functionality will be limited to the following service description.

- Sub-sites will be based on a predefined two column or three column layout. Each section or page of a sub-site may independently have two or three columns as specified/coordinated with the customer.
- A custom banner will be allowed for each sub-site to provide specific branding for that organization. Creation of that banner may be created by request and approval from the Operations manager.
- Allowed content on each page will be laid out within each column as defined. Allowed content types are as follows:
  - Static content is content that does not change frequently and can be added or modified upon request via the eService Center.
  - News & Announcements content can be edited by the agreed upon editors. The News & Announcements editor allows for a title, a sub-header (optional), a publish date and a sunset date, active/inactive status, and main content body.
    - The editor for the main content body allows for customization of the content including: HTML editing, Bold, Italics, Ordered Lists, Unordered Lists, Hyperlinks. Images, tables, underline, and indentation.
    - Publishing of News & Announcements can be customized to any combination of title, sub-header, publish-dates, and main content body. Publishing can also be arranged by date and publish dates.
  - Document libraries will be supported that can be managed by agreed upon editors. Allowable document types are: DOC, DOCX, XLS, XLSX, PPT, PPTX, PDF, GIF, JPG, ZIP, and TXT.
  - Photo albums will be allowed based on predefined display functionality. Management of photos to be displayed will be controlled by document libraries.
- Sub-site availability will be subject to the same maintenance and up-time of the courts main public website ([www.courts.wa.gov](http://www.courts.wa.gov)). There are no guarantees of availability included with this service.

## Roles and Responsibilities

Role	Responsibilities
<p>DMCJA Sub-Section Site Editors (2)</p> <ul style="list-style-type: none"> <li>• Technology Committee Chair (1)</li> <li>• Technology Committee Member (1)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provides quality assurance oversight on the sub-section site to ensure that there are no problems with the site</li> <li>▪ Approves content to be posted to the site</li> <li>▪ Posts approved content or sends approved content to one of the AOC sub-section site editors for posting</li> <li>▪ Reports site problems via the AOC eService Center (800)-442-2169 or <a href="https://custhelp.courts.wa.gov/app/answers/list">https://custhelp.courts.wa.gov/app/answers/list</a></li> </ul>
<p>DMCJA Technology Committee Chair</p>	<ul style="list-style-type: none"> <li>▪ The Chair may terminate this OLA if needed</li> <li>▪ The Chair may request changes to this OLA</li> <li>▪ The Chair must authorize changes to this OLA</li> </ul>
<p>AOC JSD Sub-Section Site Editors (2)</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>▪ Posts and manages administrative content on the DMCJA sub-section site (no more than five hours monthly)</li> <li>▪ Assists in reporting sub-section issues to the AOC eService Center</li> <li>▪ Assists in submitting DMCJA approved requests for additional Web Team support or custom applications or features to the AOC ISD Operations Section Manager</li> </ul>
<p>AOC Web Team</p>	<ul style="list-style-type: none"> <li>▪ Assists the sub-section site editor with site problems (no more than five hours monthly)</li> <li>▪ Provides instructions for posting and managing sub-section site content</li> </ul>
<p>AOC Information Services Division</p>	<ul style="list-style-type: none"> <li>▪ Manages the OLA and brings it up for review at the designated time</li> </ul>
<p>AOC Court Services Manager</p>	<ul style="list-style-type: none"> <li>▪ Reviews and responds to requests for custom applications or additional support time</li> <li>▪ May terminate this OLA if needed</li> <li>▪ Receives requests for changes to this OLA and assigns staff to renegotiate the OLA</li> <li>▪ Authorizes changes to this OLA</li> </ul>
<p>AOC Operations Section Manager</p>	<ul style="list-style-type: none"> <li>▪ Communicates requests for custom applications or additional support time to the AOC Court Services Manager</li> <li>▪ May terminate this OLA if needed</li> <li>▪ Authorizes changes to this OLA</li> </ul>

### Approvals

  
\_\_\_\_\_  
Judge Kimberly Walden  
Chair, DMCJA Technology Committee

9/6/13  
Date

  
\_\_\_\_\_  
Mike Keeling, Manager  
AOC ISD Operations

6 Sept 2013  
Date

  
\_\_\_\_\_  
Jennifer Creighton, Manager  
AOC JSD Court Services

9/6/13  
Date

## Trial Court Security Rule Update

**From:** Hinchcliffe, Shannon  
**Sent:** Thursday, December 03, 2015 12:37 PM  
**To:** Steiner, David  
**Subject:** RE: Security Rule Letter/Callie Dietz Memorandum/Amended Security Rule

Judge Steiner,

The Supreme Court *is* in en banc administrative conference this week but the next regularly scheduled Rules Committee meeting—as referenced in Justice Johnson’s letter — is not until March 14, 2016. I believe the committee is awaiting your response to the letter before making a recommendation regarding publication. I can either forward the information below to the Rules Committee or you can wait for the Board’s response and send a separate letter — whatever you would prefer.

Sorry for the delay in responding and I’m not on the Board listserv so thank you for sending along the information!

**From:** Steiner, David  
**Sent:** Tuesday, December 01, 2015 4:24 PM  
**To:** Hinchcliffe, Shannon  
**Subject:** FW: Security Rule Letter/Callie Dietz Memorandum/Amended Security Rule

Shannon,

I am forwarding you a copy of the email I just sent out to my Board. I’m not sure whether there is any way to make any more changes before this rule is published. If it is possible, it would be nice to have the items I’ve identified considered.

**From:** Steiner, David  
**Sent:** Monday, November 30, 2015 4:23 PM  
**To:** DMCJA BOARD  
**Subject:** Security Rule Letter/Callie Dietz Memorandum/Amended Security Rule

I am enclosing the latest version of the TCAB proposed security rule. It has been reformatted and modified by the Supreme Court Rules Committee. I believe that all of the substantive amendments were based upon a letter from Callie Deitz, also attached. Not all of Ms. Deitz’s suggestions were adopted. I have no issue with any of the proposed amendments to the rule as proposed by the Supreme Court. We may wish to consider, however, one of the suggestions which was not adopted. Ms. Deitz suggests that section (f) state:

Security Drills: It is recommended that each court hold security drills as determined by the Court Security Committee, as deemed necessary by the Presiding Judge in consultation with other authorities in the courthouse. Drills should include all court personnel, prosecutors, defense attorneys, police, law enforcement, and other regular court users.

This revised section would make it clear that courts were not required to hold security drills unless law enforcement believed it was wise. In addition, if the rule were adopted as currently proposed, we could create liability for our courts if the required drills did not occur.

There are also two typos that I would propose changing in section (b) and (c).

(b) Definition. “Incident” is defined as a threat to or assault against the court community, including court personnel, litigants, attorneys, witnesses, jurors or others using the courthouse. It also includes any event or threatening situation that disrupts the court or compromises the safety of the court or the court community.  
(c) (1) The court should make a record of each incident ~~is made~~ as soon as practicable, but no later than two days after the incident, ~~and~~. The report shall be kept on file by the local court administrator.

As currently written, the definition of court community includes court personnel. The addition of the word "court" before the term "court community" might cause confusion and is not consistent with the earlier reference to court community which does not include a reference to "court." The proposed changes to section (c) (1) simply correct the English used.

Please review the proposed changes and let me know if anyone has any concerns. We will talk about the rule at our next meeting.



## Access to Justice Board 2015-2016 Meeting Schedule

Revised Version Adopted November 20, 2015

Board meetings are the third Friday of each month from 10AM to 12PM unless otherwise indicated.

ATJ Board Meeting Date	Location
<b>Friday, October 16, 2015</b> Annual Committee Chairs Meeting	Seattle
<b>Friday, November 20, 2015</b>	Seattle
<b>Friday, December 18, 2015</b>	Seattle
<b>Friday, January 15, 2016</b>	Seattle
<b>Friday, February 26, 2016</b> Goldmark Luncheon	Seattle
<b>Friday, March 18, 2016</b>	Seattle
<b>Friday, May 20, 2016</b> Listening Session	Spokane
<b>Friday, June 17, 2016</b> Annual ATJ Board Retreat	Seattle
<b>Friday, July 15, 2016</b>	Seattle
<b>Friday, September 16, 2016</b> Annual Committee Chairs Meeting	Seattle

# THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE REAUTHORIZING OF  
THE ACCESS TO JUSTICE BOARD

ORDER

NO. 25700-B-524

WHEREAS, the Washington judicial system is founded upon the fundamental principle that the judicial system is accessible to all persons, which advancement is of fundamental interest to the members of the Washington State Bar Association.

WHEREAS, responding to the unmet legal needs of low and moderate income people in Washington State and others who suffer disparate access barriers, the increasing complexity of civil legal services delivery, the importance of civil equal justice to the proper functioning of our democracy, and the need for leadership and effective coordination of civil equal justice efforts in our state, the Supreme Court in May 1994 established an Access to Justice Board and directed that the Board operate for an initial two year period.

WHEREAS, the Access to Justice Board's initial accomplishments in the face of tremendous difficulty demonstrated the practical value of coordinated and focused leadership under the auspices of the Supreme Court and led the Court to reauthorize the Access to Justice Board for an extended five-year period;

WHEREAS, the Access to Justice Board is a national model that has proven its value in expanding, coordinating and promoting effective and economical civil legal services delivery for vulnerable low and moderate income people, has developed a track record of significant accomplishments that maximized effective use of limited resources to address the civil legal needs of an increasing poverty population, and has made great strides in enhancing access to the civil justice system in Washington State.

Now, therefore, it is hereby

ORDERED:

That the Access to Justice Board is hereby reauthorized and shall continue to be administered by the Washington State Bar Association, and is charged with responsibility to achieve equal access to the civil justice system for those facing economic and other significant barriers.

CLERK

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
MAR - 8 PM 3:45  
RONALD R. CARPENTIER

631/124

The Access to Justice Board shall consist of ten members nominated by the Board of Governors of the Washington State Bar Association and appointed by the Supreme Court. Members are appointed based on experience in and commitment to access to justice issues. Therefore, the Board of Governors shall broadly solicit and make nominations to the Supreme Court based on experience in and commitment to access to justice issues, consistent with the needs of the Access to Justice Board, including, for example, people affiliated with the following constituencies:

- Board for Judicial Administration
- Washington State Bar Association Board of Governors
- Statewide Staffed Legal Services Programs
- Volunteer Legal Services Community
- Other Members and Supporters of the Washington State Alliance for Equal Justice.

Of these, not less than one nor more than two members of the Board shall be a non-attorney.

The membership of the Board shall reflect ethnic, gender, geographic, and other diversity. Mid-term vacancies shall be filled in the same manner as original appointments, provided however, the solicitation for nominations may be abbreviated. The appointee for a mid-term vacancy shall fill the remainder of the vacated term and shall be eligible for reappointment up to two additional terms.

If Board membership is expanded beyond nine positions, new appointments shall be for an initial two-year term, with eligibility for reappointment for one additional three-year term.

The Board shall designate one member as the chairperson of the Board who shall serve a term of two years and who shall be eligible for reappointment for one additional two-year term. An individual may continue to serve as chairperson even notwithstanding the expiration of his or her term on the Board.

Appointments shall be for a three-year term. Board members shall be eligible for reappointment for one additional term.

The Access to Justice Board shall work to:

- Establish, coordinate and oversee a statewide, integrated, non-duplicative, civil legal services delivery system that is responsive to the needs of poor, vulnerable and moderate means individuals;
- Establish and evaluate the performance and effectiveness of the civil legal services delivery system against an objective set of standards and criteria;
- Promote adequate levels of public, private and volunteer support for Washington State's civil equal justice network;
- Serve as an effective clearinghouse and mechanism for communication and information dissemination;
- Promote, develop and implement policy initiatives and criteria which enhance the availability of resources for essential civil equal justice activities;
- Develop and implement new programs and innovative measures designed to expand access to justice in Washington State;
- Promote jurisprudential understanding of the law relating to the fundamental right of individuals to secure meaningful access to the civil justice system;
- Promote widespread understanding of civil equal justice among the members of the public through public legal education;
- Promote the responsiveness of the civil justice system to the needs of those who suffer disparate treatment or disproportionate access barriers; and
- Address existing and proposed laws, rules and regulations that may adversely affect meaningful access to the civil justice system.

The Access to Justice Board may adopt internal operational rules pertinent to these powers and duties.

The Access to Justice Board shall be funded and staffed by the Washington State Bar Association, which shall have authority to establish a budget and approve expenditures.

The Board shall file with the Supreme Court and the Board of Governors of the Washington State Bar Association an annual report outlining its work during the prior 12-month period.

DATED at Olympia, Washington this 8<sup>th</sup> day of March, 2012.

Johnson, J.

Chambers, J.

Allen, J.

Fuhrman, J.

Madsen, C.J.

McGuire, J.

Stephens, J.

Wiggins, J.

Carriker, J.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: S-3475.2/15 2nd draft

ATTY/TYPIST: KS:eab

BRIEF DESCRIPTION: Establishing an office of superior courts.

1 AN ACT Relating to the establishment of an office of superior  
2 courts; and adding a new chapter to Title 2 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that superior  
5 courts are constitutionally established to serve Washington's  
6 citizens by resolving legal disputes in domestic, civil, juvenile,  
7 and criminal cases.

8 (2) The legislature further finds that the effective  
9 administration of Washington's superior courts is an important  
10 component of the state's responsibility to fairly resolve domestic,  
11 civil, juvenile, and criminal justice cases.

12 (3) The legislature further finds that research is imperative to  
13 guide trial court reform efforts that improve equal access for  
14 Washington citizens, and that as Washington's population continues to  
15 grow and become more diverse, equal access to justice is in jeopardy.

16 (4) The legislature further finds that the cost of litigation has  
17 increased significantly, and superior courts require staff assistance  
18 to provide statewide development of policies that maintain access to  
19 justice for all citizens.

20 (5) It is the intent of the legislature to establish an office of  
21 superior courts that will:

1 (a) Utilize contemporary research to advance trial court services  
2 through policy, programs, services, and participation with justice  
3 stakeholders;

4 (b) Pursue improvements to family and juvenile justice by  
5 maximizing investment in juvenile court cases and promoting policies  
6 that equalize access to proven methods of service across the state;

7 (c) Respond to legislative efforts to improve court operations  
8 through program and budget development; and

9 (d) Utilize and develop research tools that promote programs  
10 leading to best practices that improve public safety in the criminal  
11 justice system.

12 NEW SECTION. **Sec. 2.** (1) An oversight committee of the office  
13 of superior courts is created, consisting of the following five  
14 members:

15 (a) The president of the association of the superior court judges  
16 of the state of Washington;

17 (b) The incoming president of the association of the superior  
18 court judges of the state of Washington;

19 (c) The immediate past president of the association of the  
20 superior court judges of the state of Washington;

21 (d) The chair of the legislative committee of the association of  
22 the superior court judges of the state of Washington; and

23 (e) One member of the board of the association of the superior  
24 court judges of the state of Washington, appointed by the executive  
25 committee of the association.

26 (2) The appointed member of the association board serves a one-  
27 year term, and may not serve more than three consecutive terms.

28 (3) Members of the oversight committee receive no compensation  
29 for their services as members of the oversight committee, but may be  
30 reimbursed for travel and other expenses in accordance with rules  
31 adopted by the office of financial management.

32 (4) The oversight committee oversees the activities of the office  
33 of superior courts created by this chapter.

34 NEW SECTION. **Sec. 3.** (1) A state office of superior courts is  
35 hereby created as an independent agency of the judicial branch.

36 (2) Activities of the office of superior courts are carried out  
37 by a director appointed by, and serving at the pleasure of, the  
38 oversight committee of the office of superior courts. The oversight

1 committee shall determine the qualifications and salary for the  
2 director.

3 (3) The director shall:

4 (a) Respond to legislative requests to provide data to improve  
5 court operations through policy, program, and budget development;

6 (b) Evaluate and promote programs that lead to best practices to  
7 improve public safety in the criminal justice system;

8 (c) Pursue improvements to family and juvenile justice by  
9 maximizing investment in juvenile court cases and promoting policies  
10 that equalize access to proven methods of services across the state;

11 (d) Work collaboratively with the administrative office of the  
12 courts and other key stakeholders on implementation of statewide  
13 technology advancements allowing for data collection and outcome  
14 measurement;

15 (e) Report quarterly to the oversight committee established by  
16 section 2 of this act;

17 (f) Submit a biennial budget request;

18 (g) Conduct studies and complete activities related to the  
19 efficient and effective operation of the superior courts, as directed  
20 by the oversight committee;

21 (h) Employ staff, with the consent of the oversight committee, to  
22 complete the activities of the office; and

23 (i) Enter into contracts as necessary to implement and complete  
24 the operation, activities, and services of the office, where  
25 consistent with this chapter.

26 NEW SECTION. **Sec. 4.** The office of superior courts shall work  
27 collaboratively with the supreme court, administrative office of the  
28 courts, and statewide county association to advance the efficient and  
29 effective operation of the superior courts in all 39 counties of the  
30 state.

31 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act  
32 constitute a new chapter in Title 2 RCW.

--- END ---

# SENATE BILL REPORT

## S-3475.2

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As of November 19, 2015

**Title:** AN ACT Relating to the establishment of an office of superior courts.

**Brief Description:** Creating the Administrative Office of the Superior Courts.

**Sponsors:**

**Brief History:**

**Committee Activity:** Law & Justice: Work Session 11/20/15.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** Washington's Constitution vests judicial power in the Supreme Court, superior courts, justices of the peace, and inferior courts. The superior courts are courts of record having original jurisdiction to conduct trials and other proceedings in a wide range of civil and criminal matters at the county level.

The Supreme Court supervises the Administrative Office of the Courts (AOC) and appoints its executive director. The AOC develops and implements uniform systems, policies, and administrative methods for the state's judicial system. The AOC coordinates state court operations, information technology, integrated budget, accounting, procurement and contract management. In addition, the AOC provides administrative, technical, and fiscal assistance to the state's trial courts.

**Summary of Bill:** The Administrative Office of Superior Courts is created as a new independent agency within the judicial branch to develop efficiencies and improvements to superior court operations throughout the state. The agency is authorized to conduct studies and analyses leading to best practices for superior court administration. In addition, the agency, working collaboratively with the AOC and key stakeholders, will implement statewide technology improvements capable of collecting data and measuring outcomes regarding matters in the courts. The agency must provide quarterly reports of its activities to an oversight committee, respond to legislative data requests, and submit a biennial budget request.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Five members of the superior court judges' association serve as the oversight committee authorized to direct the agency's activities and appoint its director. The oversight committee serves without compensation but may be compensated for travel and other expenses in accordance with the Office of Financial Management rules.

**Appropriation:** None

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.





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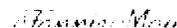
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Estimated Tax:	\$0.00
<b>Order Total:</b>	<b>\$87.97</b>

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Gift Details

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\* Last Name: BURROWES

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**JUDGE CHARLES D. SHORT**  
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**JUDGE TRACY A. STAAB**  
Spokane Municipal Court  
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December 4, 2015

Honorable Barbara A. Madsen  
Washington State Supreme Court  
Temple of Justice  
P.O. Box 40929  
Olympia, WA 98504-0929

Dear Chief Justice Madsen:

RE: 2015 DMCJA ANNUAL REPORT

On behalf of the District and Municipal Court Judges' Association (DMCJA), I submit this annual report of the condition of business in the courts of limited jurisdiction (CLJs), pursuant to the Revised Code of Washington (RCW) 3.70.040 (3).

The courts of limited jurisdiction have been busy in 2015. CLJ judges handled approximately 1.6 million cases, which include infractions, misdemeanors, civil protection orders, civil, small claims, and felony complaints, according to the Administrative Office of the Court's 2015 Caseload Report for January 2015 to September 2015. The revenue generated from CLJs during this period is approximately two hundred million dollars. The two hundred and fifty-eight CLJs in the State of Washington process more than eighteen million transactions a month, which is approximately eighty-seven percent of Washington State's caseload. See *2015 State of the Judiciary*, 19 (2015).

## Court Security

In 2015, the DMCJA Board of Governors (Board) determined that court security would be its first priority. To ensure that all of our courts have some level of security, the Board has encouraged the creation of minimum standards for courtroom security. The Association strongly holds that the public has an inherent right to expect a safe environment when they are summonsed to court. Each year there is news of a judge and/or court official who has been injured by a disgruntled party because of a deficiency in courthouse security. Many of the CLJs lack the most basic security measures. In an effort to protect its courts, the DMCJA voted to support a court rule that outlines recommended court security measures. The Supreme Court is currently considering this Court Security Rule.

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### Case Management System

The DMCJA joined with the Administrative Office of the Courts (AOC) to gather requirements for and develop a procurement plan to select a modern commercial-off-the-shelf (COTS) case management system that would meet the needs of the courts and efficiently administer justice for the public. The DMCJA also worked with the Judicial Information System Committee (JISC), which is the leader of the new CLJ-CMS project, to establish a CLJ-CMS Project Steering Committee (PSC). The PSC serves as the business and strategic decision-making team that speaks for the CLJs with a unified voice and vision. Another committee, the CLJ-CMS Court User Work Group (CUWG), serves as the subject matter expert on court business processes. The PSC and the CUWG have met project deadlines and continue to work toward establishing an efficient and effective case-management system.

### Statewide Relicensing Program

The DMCJA has agreed to be a stakeholder in a Statewide Relicensing Initiative, which was introduced by the Northwest Justice Project. The DMCJA Board supports the concept of the Program, and DMCJA leaders are working with stakeholders to determine the specifics of the Program. The Board will have an opportunity to vote on the details of the Statewide Relicensing Program when they are developed.

### Member Involvement

The DMCJA Board of Governors has made encouraging member involvement within the Association a priority. The DMCJA Nominating Committee and Diversity Committee are working together to create a plan to inspire DMCJA members to participate on committees, commissions, and workgroups that support court operations.

### Judicial Needs Estimates

The DMCJA Judicial Needs Estimate (JNE) Workgroup continues to review the judicial needs estimate tool for the courts of limited jurisdiction. An additional forty hearing codes were made available to the courts in 2015 to more accurately identify judicial officer work in case processing.

### Department of Licensing (DOL) Court Leadership Meeting

The DMCJA and the DOL continue to meet annually to work together to resolve administrative issues that arise from the high volume of cases administered. In August 2015, a joint meeting was held with the AOC, DMCJA, District and Municipal Court Management Association (DMCMA), and DOL to identify and resolve issues impacting the courts. All parties have committed to continued communication and efforts to improve business and technical processes regarding license issues.

Thank you for the opportunity to report on the business of the DMCJA. On behalf of the DMCJA Board and officers, I sincerely thank the Supreme Court and the Board for Judicial Administration for its continued support of all of the courts of limited jurisdiction.

Sincerely,



Judge David A. Steiner  
President, DMCJA



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# District and Municipal Court Judges' Association

**President**

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December 3, 2015

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Honorable Barbara A. Madsen  
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Dear Chief Justice Madsen:

**Secretary/Treasurer**

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(509) 735-8476

RE: ERRORS AND OMISSIONS

Pursuant to RCW 3.70.040 (3), I make the following *Errors and Omissions* report on behalf of the District and Municipal Court Judges' Association (DMCJA):

**Past President**

JUDGE DAVID A. SVAREN  
Skagit County District Court  
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Mount Vernon, WA 98273-0340  
(360) 336-9319

**Abstract of Driving Records**

Judges are required to impose a mandatory Ignition Interlock Device (IID) restriction as a pre-trial condition of release whenever a person is charged with Driving Under the Influence (DUI), Physical Control, or Vehicular Homicide/Assault if that defendant has a "prior offense" as defined under RCW 46.61.5055. There is no "look back" restriction, so the judge must consider the person's lifetime record under RCW 10.21.055. While convictions for these charges must be maintained on a driver's record permanently, pursuant to RCW 46.52.130, a problem arises for convictions to an amendment or reduction from an original offense of DUI, Physical Control, or Vehicular Homicide/Assault because any of those convictions are retained on the Abstract of Driving Record (ADR) for only fifteen years under RCW 46.01.260. These amendments and reductions normally constitute "prior offenses," pursuant to RCW 46.61.5055, and, therefore, must be considered under RCW 10.21.055. Further, from a sentencing standpoint, those offenses, while they may be outside the seven year or ten year period to be considered for mandatory sentencing, should be available for the court to determine, in its discretion, whether the mandatory sentencing requirements are sufficient in a particular case.

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Okanogan County District Court  
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JUDGE TRACY A. STAAB  
Spokane Municipal Court  
(509) 625-4400

**DOL Suspensions for Criminal Citation and Infractions but Not Criminal Complaints**

The Department of Licensing (DOL) has reviewed the authorizing statutes, RCW 46.64.025, 46.20.291 and 46.20.289, and has determined or taken the position that these laws only authorize DOL to suspend for failures to appear (FTA's) if the case was initiated as a Criminal Citation, issued by the officer, or a Traffic Infraction. The DOL believes they are not authorized to suspend for any FTA on a case that was initiated by Criminal Complaint, such as that issued by a prosecutor. The result is that a defendant who FTA's for a Speeding infraction can be suspended, but that a defendant who FTA's for a DUI, Physical Control, Vehicular Homicide/Assault, Reckless Driving, etc., where the complaint originates from the prosecutor, cannot be suspended. If the Legislature intended this result – no action is needed. If they did not, then it is a simple fix to provide that the DOL can suspend for FTA's on all traffic matters initiated by Criminal Complaint as well as by Criminal Citation.

**Consultation of Judicial Information System**

Senate House Bill (SHB) 1617 created a new section to RCW 2.28. It essentially requires that whenever the court consults the Judicial Information System (JIS) or other related databases to “determine criminal history or the pendency of other proceedings involving the parties” that the court make a copy of every single screen that is looked at in JIS or other related databases, redact certain information, and file the documents in the court file as a confidential document. In a DUI setting, the court is required to look at various JIS screens, including a defendant's criminal history. This requirement to print out, redact, and file as a confidential document every page/screen that is looked at creates a significant burden on the court which was probably unintended.

It is suggested that this be reviewed and, as a proposed fix, that paragraph (2) be amended to read: In the event that the court consults such a database, the court shall disclose that fact to the parties and shall disclose any particular matters relied upon by the court in rendering the decision. A Upon request of a party, a copy of the document relied upon must be filed, as a confidential document, within the court file, with any confidential contact information such as addresses, phone numbers, or other information that might disclose the location or whereabouts of any person redacted from the document or documents.

Thank you for the opportunity to report on the Errors and Omissions of laws relating to the Courts of Limited Jurisdiction (CLJs). On behalf of the DMCJA Board and officers, I sincerely thank the Supreme Court and the Board for Judicial Administration for its continued support of all CLJs.

Sincerely,



Judge David A. Steiner  
President, DMCJA

## Legislative Update by Melanie Stewart, Esq., DMCJA Lobbyist

### Election recap and 2016 Session Preview

2015 was not an election year but due to the death of Representative Roger Freeman, Democrat - 30th Legislative District, Carol Gregory was appointed to his seat through the 2015 legislative session. In November, Gregory, a Democrat, was put on the ballot against Republican Teri Hickel in an attempt to retain her appointed seat in the House. The voters ended up choosing Hickel as she defeated Gregory with 54% of the votes.

A Republican victory narrows the Democratic majority in the state House to just a two-vote margin with 50 D's and 28 R's. This potentially complicates political life for the Democratic leadership as there are a couple of conservative Democrats who could side with Republicans on some policy questions. The Republicans currently control the Senate with 24 D's and 25 R's. With this upset for the Democrats in the House, there could be trouble for the Democrats in 2016.

The 2016 session is a "short session" and is only 60 days long. It is also an election year and it should prove to be an interesting one. All of the statewide officials (Governor, Lt. Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, etc.) are up for election including the State House and half of the State Senate. US Senator Patty Murray and our 10 US Congressional Representatives are also up in 2016. It is estimated that a record amount of money will be spent on these races and it will be a very competitive election year.

During the 2016 session, we can expect a lot of time will be spent on the McCleary Decision. *McCleary v. State* is the most important court case in decades for Washington public school students and for the future of our state. In January 2012, the Washington State Supreme Court ruled unanimously that the State of Washington is violating the constitutional rights of children by failing to live up to its "paramount duty" to amply fund the education of all K-12 students. The Court ordered the Legislature to make steady, real and measurable progress each year and to fully fund K-12 public education by 2018. The Legislature is currently being fined by the Supreme Court \$100,000 a day (since August 2015) for failing to provide a sufficient education plan.

Other key issues for 2016 will be minimum wage, the Governor's Environmental Priority (carbon tax), and I-1366 a Tim Eyman initiative that aims to reinstate a two-thirds super majority vote for the Legislature to raise taxes.