



**DMCJA Board of Governors Meeting**  
**Friday, January 8, 2016, 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 Karen Donohue  
Judge Douglas Fair  
Judge Michelle Gehlsen  
Judge Michael Lambo (non-voting)  
Judge G. Scott Marinella  
Judge Samuel Meyer  
Judge Kevin Ringus (non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Charles Short  
Judge David Svaren  
Judge Tracy Staab

**Guests:**

Ms. Linda Baker, DMCMA  
Sean Davis, Esquire, WSBA  
Judge Michael Downes, SCJA  
Ms. Deena Kaelin, MCA  
Judge Kimberly Walden, DMCJA  
Judge Elizabeth Bejarano

**AOC Staff:**

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

**Members Absent:**

Judge Janet Garrow (non-voting)  
Judge Judy Jasprica (non-voting)

Judge David Steiner, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 PM. Judge Steiner asked attendees to introduce themselves.

**DISCUSSION**

Judge Steiner informed that the statewide relicensing topic, which was scheduled later on the agenda, would be the first agenda item discussed in order to accommodate attendees.

*Statewide Relicensing Program Report by Judge Elizabeth Bejarano and Proposed Legislation*

The Board revisited the Statewide Relicensing Program topic, which had been discussed at previous Board meetings. In November 2015, the Board voted to support the concept of a statewide relicensing program that would allow persons with legal financial obligations in multiple jurisdictions to pay one fee to a state administrator that would then pay a portion of the debt owed to the various jurisdictions. In response to the support of the relicensing project, the Northwest Justice Project convened a group of stakeholders to discuss the course of action needed to create a statewide relicensing program. The stakeholders met from October 2015 to December 2015 and in December 2015 determined that in order to create such a program, legislation must be enacted. The stakeholders group drafted legislation and presented it before the DMCJA Board for review and approval. It was noted that the AOC worked with representatives from the Attorney General's Office and Columbia Legal Services to amend the original version of the proposed bill to address concerns regarding administering the Program. Instead of a large stakeholder group developing the program, the amended version would have AOC work directly with DMCJA and DMCMA to develop the plan. The larger stakeholder group would be assembled to provide input on the plan before finalization.

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

## GENERAL BUSINESS

### A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Minutes for December 11, 2015, which includes Judge Svaren's amendments to the Judicial Information System Committee (JISC) Report.

### B. Treasurer's Report

M/S/P to approve the Treasurer's Report.

### C. Special Fund Report

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

### D. Standing Committee Reports

#### 1. *Legislative Committee*

Judge Meyer, DMCJA Legislative Committee Chair, reported on the status of the DMCJA proposed legislation. He informed that both the Discover Pass bill, Senate Bill (SB) 6297, and House Bill 2371, *requiring a court that consults the judicial information system in order to render a decision to file a copy of the information used in the court file upon request of a party*, have bill sponsors. The DMCJA Lobbyist continues to seek sponsors for the surrender of persons under a surety bond bill. Judge Meyer reported on the status of the Office of Superior Court Judges' Association bill, SB 6317. The DMCJA is neutral regarding the bill but is opposed to diverting Administrative Office of the Courts (AOC) funds for the Office of the Superior Court Judges' Association. Senator Mike Padden, Spokane, indicated that no new money will be provided to create the Superior Court agency.

Judge Meyer further informed that Judge Glenn Phillips, Kent Municipal Court, met with the legislative Driving Under the Influence (DUI) Workgroup to address courts of limited jurisdiction (CLJ) concerns regarding proposed DUI bills. Judge Kevin Ringus, Fife Municipal Court, will testify on an alcohol monitoring related bill on January 12, 2016. Judge Meyer also mentioned that a hearing will be held on a bill that would require CLJs to fingerprint defendants. The CLJs oppose this bill. Judge Meyer informed the Board that Judge Brett Buckley's wife passed away and requested that the Board send flowers to Judge Buckley. The Board voted to send flowers.

#### 2. *Nominating Committee Update regarding Board Member from a Minority Group (DMCJA Bylaws, Art. VII, Sec. 1)*

This issue relates to Article VII of the DMCJA Bylaws, which requires that the Board consist of at least one member from a minority group. The 2015-2016 Board does not have a member from a minority group. For this reason, Judge Steiner appointed Judge Linda Coburn, Edmonds Municipal Court, as an additional member to comply with the DMCJA Bylaws. The Board is requested to ratify Judge Steiner's appointment, pursuant to Art. VII Section 2 of the DMCJA Bylaws.

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

#### 3. *Rules Committee Minutes for October 28, 2015*

The Board was directed to review the DMCJA Rules Committee Minutes for October 28, 2015.

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

Judge Steiner reported that the TCAB met and approved its meeting Minutes, discussed General Rule 31.1, Access to Administrative Records, made amendments to the court security rule, and removed the Gaelic words from its logo. The TCAB continues to focus on issues related to adequate court funding and court interpreter matters. Judge Steiner also distributed an amended Trial Court Security Rule that was sent to the Washington Supreme Court for approval.

F. Judicial Information System (JIS) Report

Ms. Cullinane, AOC business liaison, reported on several topics related to the JIS. She informed that the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project is going well. The CLJ-CMS Court User Work Group (CUWG) will vote on the final business requirements in January 2016. Those requirements will be in the request for proposal (RFP). Ms. Cullinane further reported that communication on project activities during the procurement phase will have to be more limited so as not to run afoul of procurement rules.

Ms. Cullinane reported that the Information Technology Governance (ITG) Request 41 project team discovered an issue with deferred prosecution cases. Deferred prosecution cases need to be kept in perpetuity, as a person can only be granted one in a lifetime. There are some deferred prosecution cases that have either no deferred prosecution code or an incorrect code. Those cases would be destroyed unless the correct code is entered. AOC will be sending courts reports showing these cases, so that courts can correct their records. The second part of the problem is deferred prosecution cases that were not successfully completed, but were not found guilty. In that scenario, JIS does not have a way to mark those cases to be kept in perpetuity. The Project Steering Committee will meet soon to decide how to develop a way to mark the latter types of cases, as well as how much time to allow courts to correct the cases with missing or incorrect deferred prosecution codes. One way to fix the problem may be to add another type of "retain case" flag to the screen allowing judges to retain a particular case despite the destruction rules. Judge Ahlf mentioned that his court has a policy regarding retaining individual cases that he will provide to Judge Steiner.

Ms. Cullinane further reported that she has recently become aware of problems with the Judicial Access Browser System (JABS) relating to judges' calendars not loading properly in some circumstances. She only recently became aware of the problem because earlier complaints were made on the judges' listserv, and she does not have access to that listserv. Ms. Cullinane requested that if judges have problems with JABS that they put in a ticket with AOC's help desk. The sooner we know about the problems, the sooner we can fix them. Lastly, Ms. Cullinane reported back on the question of limited jurisdiction judges gaining access to documents in the superior courts' Odyssey portal. She explained that each county clerk controls access to the documents. She explained that there would be further discussion on the superior court case management system project regarding access for limited jurisdiction judges, and she and Dirk Marler would do everything they could to advocate for CLJ judges' access.

**LIAISON REPORTS**

A. District and Municipal Court Management Association (DMCMA)

Ms. Linda Baker, DMCMA President, requested that the DMCJA financially support mandatory continuing education for court administrators. Ms. Baker informed that many court administrators do not receive training, which impacts the courts. Judge Steiner requested that a DMCMA representative discuss all funding requests related to education at the next DMCJA Board meeting on February 12, 2016.

B. Washington State Bar Association (WSBA)

Sean Davis, Esquire, WSBA Board Governor, reported that the WSBA Board adopted a schedule for comments regarding the Escalating Cost of Civil Litigation (ECCL) Task Force Recommendations. The WSBA has also addressed 2015 legislation that would raise the district court jurisdiction amount to one hundred thousand dollars (\$100,000).

C. Board for Judicial Administration (BJA)

Judge Ringus reported that the Court Management Council awarded Court Administrator awards to Ms. Renee Townsley, Court of Appeals Division III, and Mr. Ron Miles, Spokane County Superior Court Administrator. Dr. Carl McCurley presented the work of the Washington State Center for Court Research (WSCCR). The next BJA meeting is scheduled for February 18, 2016. Judge Steiner informed that Dr. McCurley has been

asked to attend the next DMCJA meeting to explain the services WSSCR may offer the courts of limited jurisdiction.

D. Administrative Office of the Courts (AOC)

Mr. Dirk Marler, AOC Judicial Services Division Director, reported that AOC Senate bill (SB) 5177, Improving timeliness of competency evaluation and restoration services required AOC to put together a task force for recommendations regarding video testimony in competency proceedings and to develop new statewide forms. Mr. Marler informed that Ms. Merrie Gough, AOC Legal Analyst, and Judge Finkle have worked with the Pattern Forms Committee to create twenty-one new forms under SB 5177 provisions. The forms work group consisted of judges, administrators, and clerks. Mr. Marler appreciates the excellent work by Judge Finkle, his work group, and AOC staff. The AOC now maintains over 700 Pattern forms, and that list grows every year. Pattern Forms are available at courts.wa.gov under the Forms section.

E. Superior Court Judges' Association (SCJA)

Judge Downes reported that the SCJA addressed the retention schedule policy and the WSBA EECL Task Force Recommendations at the last SCJA meeting. The SCJA is also working with TCAB on issues.

F. Washington State Association for Justice (WSAJ)

Lloyd Willaford, Esq. reported that the WSAJ has discussed the increase in cases because of the district court civil jurisdiction amount. Mr. Willaford also inquired about the number of annual and monthly civil filings since the district court jurisdiction limit increased.

**ACTION**

*1. Statewide Relicensing Program Report by Judge Elizabeth Bejarano and Proposed Legislation*

M/S/P to support the proposed statewide relicensing bill that includes Administrative Office of the Courts amendments regarding administering the Program and DMCJA Executive Legislative Committee amendments to the findings in Section 1 of the bill.

*2. Bylaw Committee Report for DMCJA Legislative Committee*

M/S/P to approve the DMCJA Bylaws Committee Report regarding an addition to the DMCJA Bylaws to include the duties of the DMCJA Legislative Committee.

*3. Nominating Committee Update regarding Board Member from a Minority Group (DMCJA Bylaws, Art. VII, Sec. 1)*

M/S/P to ratify Judge Steiner's appointment of Judge Linda Coburn, Edmonds Municipal Court, to become a member of the Board.

*4. General Rule (GR) 31.1 and DMCJA Retention Schedule Decision*

M/S/P to adopt the Washington State District and Municipal Court Judges' Association Administrative Public Records Requests Policy and Procedures that was proposed by the AOC.

*5. Association Bookkeeper –Should the DMCJA hire a bookkeeper to conduct all financial transactions and maintain all DMCJA financial records?*

M/S/P to hire a bookkeeper and request that the DMCJA Accountant, Dino Traverso LLC, handle Special Fund and Treasurer duties and make any budgetary adjustments.

*6. YMCA Youth & Government Request for Financial Support*

M/S/P to contribute sixteen hundred dollars (\$1600) to the YMCA Youth & Government Program.

*7. Commissioner Position Vacancy*

M/S/P to ratify Judge Steiner's appointment of Commission Rick Leo, Snohomish District Court, to fill the Board Commissioner position.

## **DISCUSSION (cont'd)**

### *A. General Rule (GR) 31.1 and DMCJA Retention Schedule Decision*

This issue relates to the Board's decision to adopt a policy regarding GR 31.1, *Access to Administrative Records*. The AOC prepared the Washington State District and Municipal Court Judges' Association Administrative Public Records Requests Policy and Procedures for the Board to consider adopting. This Policy would allow the AOC Public Records Officer (PRO) to respond to public requests for all DMCJA records other than financial records.

Judge Steiner informed that, as DMCJA President, he adopted the proposed Policy on an interim basis until the Board could have a formal vote.

M/S/P to move to an action item

### *B. Association Bookkeeper – Should the DMCJA hire a bookkeeper to conduct all DMCJA financial transactions and maintain all DMCJA financial records?*

This topic relates to the DMCJA hiring a bookkeeper to handle its financial records. The bookkeeper is bonded, and therefore, the Treasurer is no longer required to be bonded. The bookkeeper will handle both Special Fund and Treasurer records. The DMCJA Treasurer and Special Fund Custodian would provide monthly reports to the Board, however, the bookkeeper will handle monies related to the Association. The cost would be approximately twenty-five hundred dollars (\$2500) per year. M/S/P to make an action item.

### *C. YMCA Youth & Government Request for Financial Support*

This relates to an annual request by the YMCA Youth and Government for the DMCJA to donate sixteen hundred dollars (\$1600) to support Mock Trial Competition and other youth related programs. M/S/P to make an action item.

### *D. Civil Rule for Courts of Limited Jurisdiction (CrRLJ) 55, Default and Judgment*

The Board discussed the Northwest Justice Project's proposed amendments to CrRLJ 55. Judge Steiner informed that the DMCJA Rules Committee recommends opposing this amendment. This item will be an action item at the next Board meeting.

### *E. Statewide Relicensing Program Report by Judge Elizabeth Bejarano and Proposed Legislation*

This was the first item for discussion at the meeting. Please see Minutes on page 1.

### *F. DMCJA President appoints Commissioner Rick Leo and seeks Board ratification*

The Board was requested to ratify the President's appointment of Commissioner Rick Leo to fill Position 7 on the Board. Commissioner Leo will replace Commissioner Susan Noonan as a Board member. M/S/P to make an action item.

## **INFORMATION**

Judge Steiner informed the Board that Judge Donohue has been appointed as the DMCJA Representative on the Financial Ability to Pay Appellate Costs Workgroup. He also informed that the Draeger Alcotest 9510 case may be found on the DMCJA website.

## **OTHER BUSINESS**

A. Board members were informed that the next Board meeting is Friday, February 12, 2016.

B. Judge Steiner inquired whether Board members have received many GR 31.1 requests. Board members informed that their courts had not received many requests as of January 8, 2016.

**ADJOURNED** at approximately 2:15 PM