



DMCJA Board of Governors Meeting
Friday, February 12, 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 Linda Coburn
Judge Karen Donohue
Judge Douglas Fair
Judge Michelle Gehlsen
Judge Michael Lambo (non-voting)
Commissioner Rick Leo
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 (via telephone)

Guests:

Ms. Deena Kaelin, MCA
Ms. Trish Kinlow, DMCMA
Judge Sean O'Donnell, SCJA
Dr. Carl McCurley, WSSCR
Dr. Andrew Peterson, WSCCR
Judge Kimberly Walden
Loyd Willaford, Esq., WSAJ
Ms. Margaret Yetter, DMCMA

AOC Staff:

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)

CALL TO ORDER

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

DISCUSSION

Judge Steiner informed that the discussion items would be addressed prior to other items on the agenda in order to accommodate the presenters.

- A. Washington State Center for Court Research (WSCCR) Presentation regarding services available to Courts of Limited Jurisdiction

Drs. Carl McCurley and Andrew Peterson, WSCCR Researchers, informed the Board that WSCCR can assist the courts of limited jurisdiction by performing research that offers information that could save the courts money and provide judges with more information when adjudicating criminal and civil cases. For instance, a study of criminal case loads could contribute to knowledge regarding lower level offenders and provide cost savings because of informed decision making, justice reinvestment opportunities, and legislation, according to the distributed handout, *Hindsight and Foresight: Lessons From Adult Misdemeanants in FY2010*. Further, research could help save money for the state and counties and create better outcomes for offenders and the community. Drs. McCurley and Peterson also informed that their research could provide data regarding the impact of jail and drug treatment programs on a defendant's rehabilitation. Dr. McCurley offered to invite Dr.

John Roll, Washington State University Professor, to discuss with the Board how to address addiction issues in court.

Judge Steiner expressed that he would like for the DMCJA Long Range Planning Committee to incorporate court research in its association planning. In 2017, the Long Range Planning Committee is charged with making a list of the most important DMCJA research issues. Board members were encouraged to submit research topics to Ms. Harvey following the meeting.

B. Funding Request: Presiding Judges and Administrator Education Committee Education Program

This issue relates to a Presiding Judges and Administrator Education Committee request for thirty thousand dollars (\$30,000) toward an education program on November 6-8, 2016. At present, the Board for Judicial Administration Court Education Committee (CEC) does not have funds for the Program. For this reason, the DMCJA and Superior Court Judges' Association (SCJA) are requested to each contribute ten thousand dollars (\$10,000) and the District and Municipal Court Management Association (DMCMA) and Washington State Association of Superior Court Administrators are requested to contribute five thousand dollars (\$5,000) each.

Ms. Margaret Yetter and Ms. Trish Kinlow, DMCMA Representatives, informed the Board that they support the program, however, the DMCMA does not have \$5,000 to contribute toward it. For this reason, the DMCMA has requested that the DMCJA financially fund the DMCMA's portion.

The Board motioned, seconded, and passed a vote (M/S/P) to make this issue an action item.

C. Support Request: Mandatory Continuing Education for Court Administrators

Ms. Yetter and Ms. Kinlow, DMCMA Representatives, requested DMCJA support for mandatory continuing education for court administrators. Specifically, the DMCMA sought DMCJA support for (1) General Rule 26 amendments that would require mandatory continuing education for court administrators, and, (2) a Court Administrators' College. At present, there is the Institute for New Court Employees and a Judicial College for new judges. However, there is no state funded education for new court administrators. The DMCMA provides education during the annual conference, and while the education is available, some court administrators are not in attendance because education is not mandatory. Court administrators are highly relied upon by many judges to oversee the non-judicial functions of the court. Continued education will help to ensure their competence in the court, according to the DMCMA.

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

D. Special Legislative Update: Office of the Superior Court Judges' Association

This item was discussed during the DMCJA Legislative Committee Report.

GENERAL BUSINESS

Judge Steiner resumed the order of the Board agenda.

A. Minutes

M/S/P to approve the Minutes for January 8, 2016 with amendments that Loyd Willaford, Esq., Washington Association for Justice (WSAJ), was present at the meeting and Judge Fair was absent.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Burrowes reported that a *DMCJA Dues Received as of February 9, 2016* list was sent to DMCJA Members via the DMCJA public listserv that states which judges have paid their annual dues.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Ahlf reported that the *DMCJA Dues Received as of February 9, 2016* list reveals which judges have paid their Special Fund dues.

D. Standing Committee Reports

1. Legislative Committee

Judge Meyer, DMCJA Legislative Committee Chair, reported that the 2016 Legislative Session is half-way complete. The cutoff date for the House and Senate to address bills that originated in their respective chambers was February 9, 2016. He stated that the following DMCJA proposed bills are moving forward in the Legislature: *Revising the authority to charge fees in courts of limited jurisdiction*, House Bill (HB) 2097, *Concerning the courts' consultation of the judicial information system before granting orders*, (HB 2463;2371/Senate Bill (SB) 6402), *Concerning the disposition of penalties paid for failure to comply with recreational site or lands pass/permit requirements*, which is known as the "Discover Pass bill," (SB 6297), and *Concerning surrender of person under surety's bond* (HB 2462/SB 6403). The statewide relicensing bill, which is titled, *Developing a plan for the consolidation of traffic-based financial obligations* (HB 2659/ SB 6360) had a hearing in early February. The Senate version of the bill creates a task force to develop a statewide relicensing program but does not include any other language included in HB 2659. SB 6360 tasks the Office of the Attorney General with convening the workgroup.

Judge Meyer stated that HB 2700, *Concerning impaired driving*, is moving forward in the Legislature. This bill was created by the legislative DUI Workgroup in which DMCJA Judge Glenn Phillips is a participant. HB 2558, *Establishing the joint legislative task force on jail standards*, which calls for a DMCJA representative to serve on the task force is also moving forward in the Legislature. Judge Meyer then discussed SB 6317, *Establishing an office of superior courts*. He informed that the DMCJA Executive Legislative Committee reviewed SB 6317 on January 11, 2016 and voted to recommend that the DMCJA reconsider its "no position" and oppose the bill. Judge Meyer then reported that the bill was introduced in the Senate and amended therein. The amendment creates an Office of Superior Courts within the Administrative Office of the Courts (AOC), which is likely to take money from the AOC, according to Judge Meyer. The AOC and the SCJA continue to meet and a Memorandum of Understanding (MOU) was proposed by the AOC but not accepted by the SCJA. Judge Meyer further reported that a letter clarifying the DMCJA's position regarding this bill was sent to Senator Andy Hill following a hearing in which SCJA leaders testified that the DMCJA has no position regarding the bill but is willing to accept any benefit from the bill if it were to become law. Judge Meyer requested that the Board adopt the DMCJA Executive Legislative Committee's recommendation to oppose SB 6317.

M/S/P to make an action item the request for the DMCJA to change its "no position" to "oppose" SB 6317, *Establishing an office of superior courts*.

E. Trial Court Advocacy Board (TCAB) Update

Judge Steiner reported that the TCAB is taking action on court funding issues.

F. Judicial Information System (JIS) Report

Ms. Cullinane reported on issues related to the JIS. She stated that in January, the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Court User Work Group (CUWG) approved the final business requirements that will go into the request for proposal (RFP). AOC is currently working on the non-functional requirements, things like acceptable response time, for example. AOC is drafting the RFP for the new CMS, which should be ready to release by the fall of 2016, according to Ms. Cullinane. She further mentioned that AOC is very stretched for resources, given that they are doing three system replacement projects in addition to the very sizable Expedited Data Exchange project. Further, Ms. Cullinane provided a status update on the Information Technology Governance (ITG) Request 41, Destruction of Records. Here, there was an issue regarding the retention of deferred prosecution cases that have not been coded in the

system as successfully completed or found guilty. That project's Steering Committee agreed to use the flag method for courts to mark those cases, and will determine how much time courts will have to flag those cases so they will be permanently retained when the destruction of records process is run.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Yetter and Ms. Kinlow stated that they had nothing to report other than the requests for (1) the DMCJA to contribute the \$5000 requested from the DMCMA for the PJ Education Program, and (2) support mandatory continuing education for court managers.

B. Misdemeanant Corrections Association (MCA)

Ms. Kaelin informed that she had nothing new to report regarding the MCA. The MCA Annual Spring Conference is in April 2016.

C. Board for Judicial Administration (BJA)

Judge Ringus reported that the next BJA meeting is February 19, 2016. The BJA will hold an evening reception on February 18, 2016. The Northwest Justice Project is scheduled to present on the statewide relicensing project at the next BJA meeting.

D. Administrative Office of the Courts (AOC)

Dirk Marler informed that he shared his AOC report earlier in the meeting when he expressed the impact the Superior Court bill, SB 6317, would have on AOC resources.

E. Superior Court Judges' Association (SCJA)

Judge O'Donnell requested clarification regarding the DMCJA's position on SB 6317, *Establishing an Office of Superior Courts*. He then mentioned the status of SB 6317 in the Legislature. The bill passed out of the Senate Ways and Means Committee and is currently in the Rules Committee.

F. Washington State Association for Justice (WSAJ)

Lloyd Willaford, Esq., reported that the WSAJ has been discussing the proposed limits on civil discovery for Superior Courts. Mr. Willaford asked the Board whether judges have experienced concern from litigants with the limited discovery process in civil cases in their courts. Board members stated that this issue has never come up in their respective courts.

ACTION

1. M/S/P to fund the PJ Committee and Administrator Program at a total of \$15,000. This amount includes \$10,000 for the DMCJA and \$5,000 for the DMCMA.
2. M/S/P to send the DMCMA requests to the DMCJA Rules Committee and Education Committee for a recommendation regarding whether to support (1) GR 26 amendments, and (2) a Court Administrator's College.
3. M/S/P for the DMCJA to remain neutral regarding SB 6317, *Establishing an office of superior courts*, if independent funding sources are used for the Office. In contrast, the DMCJA opposes SB 6317 if funding comes from the AOC or other judicial resources.

INFORMATION

- A. Judge Steiner informed that Judge Aimee Maurer, Spokane District Court, is the new DMCJA Liaison to the WSBA Access to Justice Board. Judge Maurer will replace Judge Johanna Bender, who has become a Superior Court Judge.

- B. The Statewide Relicensing Program related bills, House Bill (HB) 2659 and its companion bill, SB 6360, are still alive in the legislature. HB 2659 includes the findings prepared by the DMCJA. SB 6360 charges the Attorney General's Office with convening a workgroup to address the relicensing issue.

OTHER BUSINESS

The agenda packet stated that the next Board meeting is Friday, March 11, 2016 at the AOC SeaTac Office.

ADJOURNED at 3:00 PM