



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

March 11, 2016

**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>
<i>Tentative: Friday, July 10, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 14, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Thursday, Sept. 3, 2015</i>	10:30 a.m. – 1:30 p.m.	AOC Puget Sound Conference Room, Olympia
<i>Friday, Oct. 9, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Nov. 13, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 11, 2015</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 8, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 12, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 11, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 8, 2016</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, May 13, 2016 & Saturday, May 14, 2016</i>	May 13: 12:00-5:00 p.m. May 14: 9:00-1:00 p.m.	Dayton, WA Location TBD
<i>Sunday, June 5, 2016</i>	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, MARCH 11, 2016
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT-ELECT JUDGE G. SCOTT MARINELLA

AGENDA

TAB

Call to Order

General Business

1

- A. Minutes – February 12, 2016 (pp 1-5)
- B. Treasurer’s Report – *Judge Burrowes* (pp 6-18)
- C. Special Fund Report – *Judge Ahlf*
- D. Standing Committee Reports
 - 1. Nominating Committee Slate of Candidates
 - 2. Bylaws Committee Report (pp 20-21)
 - 3. Rules Committee Minutes for December 16, 2015 (pp 22-23)
 - 4. Legislative Committee – *Judge Meyer*
- E. Trial Court Advocacy Board (TCAB) Update
- F. Judicial Information System Committee (JISC) Report – *Judge Marinella*
 - 1. DMCJA Letters of Support 2016 Supplemental Budget Request (pp 24-27)
 - 2. SCJA Letters of Support 2016 Supplemental Budget Request (pp 28-31)
- G. JIS Report – *Ms. Vicky Cullinane*

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, Esq.*
- E. Washington State Association for Justice (**WSAJ**) – *Loyd James Willaford, Esq.*
- F. Administrative Office of the Courts (**AOC**) – *Mr. Dirk Marler*
- G. Board for Judicial Administration (**BJA**) – *Judges Garrow, Jasprica, Lambo, and Ringus*

Discussion

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- A. Proposed Amendments for General Rule (GR) 14.1, *Citation to Unpublished Opinions*
 - 1. DMCJA Rules Committee Memorandum in favor of COA amendments (p 32)

2. GR 9 Cover Sheet for Proposed Amendment to GR 14.1 (pp 33-37)
 3. Letter from Judge Korsmo regarding the proposal (pp 38-40)
 4. 2015 Washington Trial Court Survey on the use of Unpublished Opinions (pp 42-49)
- B. Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.2, *Release of Accused*, regarding proposed amendments that eliminate the ability to deposit a bond with the court registry – *Jaime Hawk, Esq., ACLU*
1. WA Rule CrRLJ 3.2 (b) (p 50)
 2. *State v. Barton*, 181 Wash.2d 148 (2014) (pp 51-52)
 3. Judge Ronald Kessler's Proposed Amendment to CrRLJ 3.2 (p 53-54)
 4. DMCJA Comment regarding Proposed Amendment to CrRLJ 3.2 (pp 55-57)
- C. Special Legislative Update – *Judge Meyer and Melanie Stewart, Esq.*
1. AOC Legislative Update for Week 8 by Mellani McAleenan, *Office of Judicial and Legislative Relations* (pp 59-62)

Information

- A. The Board Retreat is May 13-14, 2016 at the Best Western in Dayton, WA. Please complete the DMCJA Board Retreat RSVP Form and return it to Ms. Sondra Hahn, Court Association Assistant, by April 1, 2016.

Other Business

The next DMCJA Board Meeting is Friday, April 8, 2016, at the AOC SeaTac Office.

Adjourn



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 (WSSCR) Presentation regarding services available to Courts of Limited Jurisdiction

Drs. Carl McCurley and Andrew Peterson, WSSCR Researchers, informed the Board that WSSCR 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 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 the 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

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 3rd 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. GEHLSSEN
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 February 2016

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 January 2016:	\$100,627.73
Interest for January 2016	\$ 8.54
Bank of American Accounts:	
Investment Account as of February 28, 2015:	\$ 23,547.93
Checking Account as of February 28, 2015:	\$132,388.67
Balance as of January 31, 2016	\$155,936.60

EXPENDITURES

Total 2015/2016 adopted budget:	\$253,400.00
Total expenditures to date, February 28, 2015:	\$ 83,656.54
Total remaining budget as of February 28, 2015:	\$169,743.46

DEPOSITS AND CREDITS

Total deposits 2015/2016 as of January 31, 2016:	\$19,616.70
Total Interest as of January 31, 2016:	\$.37

FEE'S

Total fee's as of February 28, 2016:	\$.0
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P.O. Box 1800
Saint Paul, Minnesota 55101-0800

3452 TRN

Y ST01

Business Statement

Account Number: [REDACTED]

Statement Period:

Feb 1, 2016
through
Feb 29, 2016

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000122220 1 AV 0.391 106481412481534 P
THE WASHINGTON STATE DISTRICT AND
MUNICIPAL COURT JUDGES ASSOCIATION
PO BOX 7
DAYTON WA 99328-0007



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PLATINUM BUSINESS MONEY MARKET

Member FDIC

U.S. Bank National Association

Account Number [REDACTED]

Account Summary

	# Items				
Beginning Balance on Feb 1		\$	100,636.25	Annual Percentage Yield Earned	0.09%
Other Deposits	1		7.97	Interest Earned this Period	\$ 7.97
Other Withdrawals	1		5.00-	Interest Paid this Year	\$ 16.49
Ending Balance on Feb 29, 2016		\$	100,639.22	Number of Days in Statement Period	29

Other Deposits

Date	Description of Transaction	Ref Number	Amount
Feb 29	Interest Paid	2900007531	\$ 7.97
Total Other Deposits			\$ 7.97

Other Withdrawals

Date	Description of Transaction	Ref Number	Amount
Feb 29	Dormant Service Charge	2900007532	\$ 5.00-
Total Other Withdrawals			\$ 5.00-

TC w/ Selena -

3/7/16 Refunded dormancy fee

- 1x a year make deposit or w/draw?
- State bank regs require (no matter what banking institution) that if no transaction for 1 year acct is dormant and it triggers assessment of fee/charge

DMCJA 2015-2016 Budget			
ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
1 Access to Justice Liaison	\$500.00	\$0.00	\$500.00
2 Audit	\$2,000.00	\$0.00	\$2,000.00
3 Bar Association Liaison	\$5,000.00	\$0.00	\$5,000.00
4 Board Meeting Expense	\$30,000.00	\$19,278.02	\$10,721.98
5 Bookkeeping Expense	\$3,000.00	\$2,200.00	\$800.00
6 Bylaws Committee	\$250.00	\$0.00	\$250.00
7 Conference Committee	\$3,500.00	\$0.00	\$3,500.00
Conference Incidental Fees For Members			
8 Spring Conference 2016	\$40,000.00	\$0.00	\$40,000.00
9 Diversity Committee	\$2,000.00	\$0.00	\$2,000.00
10 DMCJA/SCJA Sentencing Alternatives	\$2,500.00	\$2,724.10	-\$224.10
11 DMCMA Liaison	\$500.00	\$0.00	\$500.00
12 DOL Liaison Committee	\$500.00	\$8.89	\$491.11
13 Education Committee	\$9,000.00	\$6,901.78	\$2,098.22
14 Educational Grants	\$5,000.00	\$3,521.68	\$1,478.32
15 Education-PJ Conference	\$12,000.00	\$0.00	\$12,000.00
16 Education-Security	\$2,000.00	\$0.00	\$2,000.00
17 Judicial Assistance Committee*	\$14,000.00	\$6,671.10	\$7,328.90
18 Judicial Community Outreach	\$4,000.00	\$3,100.00	\$900.00
19 Legislative Committee	\$6,000.00	\$1,112.86	\$4,887.14
20 Legislative Pro-Tem	\$2,500.00	\$679.24	\$1,820.76
21 Lobbyist Contract	\$55,000.00	\$18,000.00	\$37,000.00
22 Lobbyist Expenses	\$1,000.00	\$68.00	\$932.00
23 Long-Range Planning Committee	\$1,500.00	\$0.00	\$1,500.00
24 MCA Liaison	\$1,500.00	\$360.25	\$1,139.75
25 National Leadership Grants	\$5,000.00	\$0.00	\$5,000.00
26 Nominating Committee	\$400.00	\$0.00	\$400.00
27 President Expense	\$7,500.00	\$2,846.02	\$4,653.98
28 Professional Services	\$15,000.00	\$11,088.60	\$3,911.40
29 Reserves Committee	\$250.00	\$0.00	\$250.00
30 Rules Committee	\$500.00	\$0.00	\$500.00
31 Salary and Benefits Committee	\$2,500.00	\$0.00	\$2,500.00
32 SCJA Board Liaison	\$1,000.00	\$76.00	\$924.00
33 Technology/CMS Committee	\$7,500.00	\$0.00	\$7,500.00
34 Therapeutic Courts	\$3,500.00	\$0.00	\$3,500.00
35 Treasurer Expense and Bonds	\$1,000.00	\$20.00	\$980.00
36 Trial Court Advocacy Board	\$5,000.00	\$5,000.00	\$0.00
37 Uniform Infraction Committee	\$1,000.00	\$0.00	\$1,000.00
TOTAL	\$253,400.00	\$83,656.54	\$169,743.46
TOTAL DEPOSITS MADE	\$97,980.72		
CREDIT CARD (balance owing)	\$0.00		

*includes \$7,000 from the SCJA

DMCJA

Dues Received as of March 7, 2016

red=payment received after May 1

Decision made at 10/2015 Board meeting that BJA dues do not affect "good standing" status

	LastFirstMiddle	Pos.	Gen. Dues Paid Amount	Gen. Dues Pd	Spec Fund	
1	Ahlf, Scott K.	Judge	\$750.00	1	1	2
2	Allen, Sandra L.	Judge	\$187.00	1	1	2
3	Andersen, Bradley	Judge	\$187.00	1		1
4	Anderson, Marcine S.	Judge	\$750.00	1	1	2
5	Andrew, Stewart R.	Judge	\$750.00	1	1	2
6	Arb, Susan C.	Judge	\$750.00	1	1	2
7	Baker, Jeffrey J.	Judge	\$375.00	1		1
8	Ball, Dennis	Comm	\$600.00	1	1	2
9	Barlow, Brian D.	Comm	\$600.00	1	1	2
10	Bates, Christopher	Judge	\$187.00	1		1
11	Bathum, Richard	Judge	\$750.00	1	1	2
12	Beall, Andrea L.	Judge	\$750.00	1	1	2
13	Bejarano, Elizabeth M.	Judge	\$375.00	1	1	2
14	Bennett, Roger A.	Judge	\$375.00	1		1
15	Bisagna, Donald	Judge				0
16	Blauvelt, III, Arthur A.	Judge	\$187.00	1		1
17	Blinn, Grant	Judge	\$750.00	1	1	2
18	Bobbink, Michael	Judge	\$375.00	1	1	2
19	Bradley, Claire A.	Judge	\$750.00	1		1
20	Brown, Thomas D.	Judge	\$375.00	1		1
21	Brueher, Gary J.	Judge	\$375.00	1	1	2
22	Buckley, Brett	Judge	\$750.00	1	1	2
23	Bui, Tam T.	Judge	\$750.00	1		1
24	Burrowes, Joseph M.	Judge	\$750.00	1	1	2
25	Butler, Katharine A.	Judge	\$750.00	1	1	2
26	Buttorff, Karla E.	Judge	\$750.00	1	1	2
27	Buzzard, James M.B.	Judge	\$375.00	1		1
28	Buzzard, R.W.	Judge	\$750.00	1		1
29	Buzzard, Steven R.	Judge	\$150.00	1	1	2
30	Caniglia, Gerald	Comm	\$600.00	1		1
31	Castelda, Anthony	Judge				0
32	Chapman, Arthur R.	Judge	\$750.00	1	1	2
33	Chow, Mark C.	Judge	\$750.00	1		1
34	Christie, David M.	Judge	\$750.00	1	1	2
35	Chung, Robert E.	Magis	\$600.00	1	1	2
36	Clough, Steve M.	Judge	\$750.00	1		1
37	Coburn, Linda	Judge	\$750.00	1	1	2
38	Connolly Walker, Patricia	Judge	\$750.00	1		1
39	Cooper, Terri K.	Comm				0
40	Copland, Thomas A.	Judge	\$750.00	1		1
41	Crowell, Chancey C.	Judge	\$375.00	1		1
42	Curry, John F.	Judge	\$187.00	1		1
43	Dacca, Franklin L.	Judge	\$750.00	1	1	2
44	Dane, Melanie	Judge	\$187.00	1	1	2
45	Decker, Tarrell	Judge	\$375.00	1	1	2
46	Delaney, Howard F.	Comm	\$300.00	1		1
47	Delaurenti, II, Charles J.	Judge	\$750.00	1	1	2
48	Derr, Sara B.	Judge	\$750.00	1	1	2
49	Devilla, Francis	Magis	\$600.00	1	1	2
50	Docter, James N.	Judge	\$750.00	1	1	2

	LastFirstMiddle	Pos.	Gen. Dues Paid Amount	Gen. Dues Pd	Spec Fund	
51	Doherty, John H.	Judge	\$375.00	1	1	2
52	Donohue, Karen	Judge	\$750.00	1	1	2
53	Druffel, Bill	Judge	\$187.00	1		1
54	Dunn, Michael A.	Judge	\$375.00	1	1	2
55	Ebenger, David	Judge	\$187.00	1		1
56	Eide, D. Mark	Judge	\$750.00	1		1
57	Eilmes, Kevin G.	Comm	\$600.00	1	1	2
58	Eisenberg, Adam	Magis	\$600.00	1	1	2
59	Elich, Matthew S.	Judge	\$750.00	1		1
60	Ellington, Thomas M.	Judge	\$187.00	1	1	2
61	Ellis, Darrel R.	Judge	\$375.00	1		1
62	Eng, Park	Magis	\$600.00	1	1	2
63	Engel, Donald	Judge	\$750.00	1	1	2
64	Fair, Douglas J.	Judge	\$750.00	1		1
65	Fassbender, Jennifer	Judge	\$187.00	1	1	2
66	Faubion, William J.	Judge	\$375.00	1		1
67	Faul, Bronson	Judge	\$375.00	1		1
68	Finkle, Michael J.	Judge	\$750.00	1	1	2
69	Fitterer, Richard C.	Judge	\$750.00	1	1	2
70	Fore, Roy S.	Judge	\$750.00	1	1	2
71	Fraser, Beth	Judge	\$750.00	1	1	2
72	Freedman, Larry	Comm				0
73	Garrison, Douglas K.	Judge	\$187.00	1	1	2
74	Garrow, Janet E.	Judge	\$750.00	1	1	2
75	Gehlsen, Michelle K.	Judge	\$375.00	1	1	2
76	George, Todd N.	Comm	\$300.00	1	1	2
77	Gilbert, Warren M.	Judge	\$750.00	1		1
78	Gillings, Fred L.	Judge	\$750.00	1		1
79	Goddard, Dianne E.	Comm	\$600.00	1	1	2
80	Goelz, Douglas E.	Judge	\$375.00	1	1	2
81	Goodwin, Jeffrey D.	Judge	\$750.00	1	1	2
82	Grant, David	Judge	\$750.00	1	1	2
83	Green, Nathaniel	Judge	\$750.00	1		1
84	Gregory, Willie J.	Judge	\$750.00	1	1	2
85	Grim, Robert W.	Judge	\$750.00	1	1	2
86	Hagensen, John P.	Judge	\$750.00	1	1	2
87	Hamilton, Robert W.	Judge	\$187.00	1		1
88	Hanlon, Tamara A.	Comm	\$300.00	1		1
89	Hansen, Randall L.	Comm	\$300.00	1		1
90	Hansen, Rick L.	Judge	\$375.00	1		1
91	Harmon, Nancy A.	Judge	\$750.00	1	1	2
92	Harn, Corinna D.	Judge	\$750.00	1	1	2
93	Harper, Anne C.	Judge	\$750.00	1	1	2
94	Harrison, Noah	Comm				0
95	Hart, John H.	Judge	\$187.00	1	1	2
96	Hatch, David S.	Judge				0
97	Hawkins, W. H.	Judge	\$750.00	1	1	2
98	Hayes, Debra R.	Judge	\$750.00	1	1	2
99	Hedine, Kristian E.	Judge	\$750.00	1		1
100	Heller, James R.	Judge	\$750.00	1	1	2
101	Henke, Drew	Judge	\$750.00	1	1	2
102	Henry, John R.	Judge	\$375.00	1		1
103	Heslop, Ronald D.	Judge	\$750.00	1	1	2
104	Hightower, Judith	Judge	\$750.00	1	1	2
105	Hill, Tyson R.	Judge	\$750.00	1		1
106	Hille, Adalia A.	Judge	\$375.00	1		1
107	Hitchcock, Kathleen E.	Judge				0

	LastFirstMiddle		Gen. Dues	Gen. Dues Pd	Spec Fund	
		Pos.	Paid Amount			
108	Holman, Stephen J.	Judge	\$750.00	1	1	2
109	Howard, Anthony E.	Judge	\$750.00	1	1	2
110	Hurson, James E.	Judge	\$750.00	1		1
111	Hyde, Stephen J.	Judge				0
112	Imler, Kyle L.	Judge	\$187.00	1		1
113	Jahns, Jeff	Judge	\$750.00	1	1	2
114	Jasprica, Judy Rae	Judge	\$750.00	1	1	2
115	Jenkins, Timothy A.	Judge	\$375.00	1	1	2
116	Johnson, Dan B.	Judge	\$750.00	1	1	2
117	Jorgensen, Karli K.	Judge	\$750.00	1	1	2
118	Jurado, Terry L.	Judge	\$750.00	1	1	2
119	Kaino, Kristopher A.	Judge	\$187.00	1		1
120	Kathren, Daniel F.	Judge	\$750.00	1		1
121	Kato, Eileen A.	Judge	\$750.00	1		1
122	Kayne, Richard	Judge	\$187.00	1		1
123	Kernan, Tina	Judge	\$750.00	1		1
124	Kipling, Linda B.	Comm	\$600.00	1		1
125	Knowlton, John O.	Judge	\$375.00	1	1	2
126	Kondo, C. Kimi	Judge	\$750.00	1		1
127	Koss, David	Judge	\$750.00	1	1	2
128	Ladenburg, David B.	Judge	\$750.00	1	1	2
129	Lambo, Michael J.	Judge	\$750.00	1	1	2
130	Landes, Jill	Judge	\$750.00	1		1
131	Langsdorf, Sonya L.	Judge	\$750.00	1	1	2
132	Larson, David A.	Judge	\$750.00	1	1	2
133	Leland, Richard M.	Judge	\$750.00	1		1
134	Leo, Rick	Judge	\$600.00	1		1
135	Leone, Lisa	Judge	\$750.00	1	1	2
136	Lev, Debra A.	Judge	\$750.00	1	1	2
137	Lewis, Terrance G.	Judge	\$187.00	1	1	2
138	Lineberry, Jeanette A.	Judge	\$750.00	1	1	2
139	Logan, Mary C.	Judge	\$750.00	1		1
140	Luken, Terri	Magis	\$600.00	1		1
141	Lyon, Patricia L.	Judge	\$750.00	1		1
142	Maher, Dennis P.	Judge				0
143	Mahoney, Susan L	Judge	\$750.00	1		1
144	Mano, Jr., Joseph M.	Judge	\$187.00	1	1	2
145	Marinella, G. Scott	Judge	\$375.00	1	1	2
146	Markley, Marlynn	Comm				0
147	Marshall, Ronald S.	Judge	\$750.00	1	1	2
148	Maurer, Aimee	Judge	\$750.00	1	1	2
149	Maxwell, John E.	Judge	\$187.00	1	1	2
150	McBeth, Dale A.	Judge	\$375.00	1		1
151	McCann, Kevin A.	Judge	\$750.00	1	1	2
152	McCauley, Judith L.	Judge	\$750.00	1	1	2
153	McCulloch, Sara L.	Judge	\$375.00	1	1	2
154	McKenna, Edward	Judge	\$750.00	1	1	2
155	Meadows, Victoria C.	Judge	\$750.00	1		1
156	Meyer, David	Judge	\$750.00	1	1	2
157	Meyer, Samuel G.	Judge	\$750.00	1		1
158	Meyer, Thomas L.	Judge	\$187.00	1		1
159	Michels, Steven L.	Judge	\$375.00	1	1	2
160	Miller, John A.	Judge	\$187.00	1		1
161	Mistachkin, David J.	Judge	\$750.00	1		1
162	Moore, Stephen E.	Judge	\$750.00	1		1
163	Murphy, Therese	Judge	\$187.00	1	1	2
164	Nault, Peter L.	Judge	\$750.00	1	1	2

	LastFirstMiddle	Pos.	Gen. Dues Paid Amount	Gen. Dues Pd	Spec Fund	
165	Odell, Timothy B.	Judge	\$750.00	1		1
166	Olbrechts, Kristen	Judge	\$750.00	1	1	2
167	Olson, John R.	Comm	\$150.00	1		1
168	Olwell, Kelley C.	Judge	\$750.00	1	1	2
169	Osborne, Steve	Judge	\$750.00	1		1
170	Osler, Kelli E.	Judge	\$750.00	1		1
171	O'Toole, Lisa Napoli	Judge	\$750.00	1	1	2
172	Paja, Marilyn G.	Judge	\$750.00	1	1	2
173	Parcher, Kristen L.	Comm	\$600.00	1		1
174	Parise, Anthony	Comm	\$600.00	1	1	2
175	Penoyar, Elizabeth	Judge	\$375.00	1	1	2
176	Petersen, David L.	Judge	\$375.00	1		1
177	Peterson, Vance W.	Judge	\$750.00	1		1
178	Phillips, Glenn M.	Judge	\$750.00	1	1	2
179	Porter, Rick L.	Judge	\$750.00	1	1	2
180	Portnoy, Linda S.	Judge	\$375.00	1	1	2
181	Putka, Edward J.	Judge	\$750.00	1		1
182	Reynier, Jr., Ronald	Judge	\$375.00	1		1
183	Ringus, Kevin G.	Judge	\$750.00	1	1	2
184	Roach, Jerry	Judge	\$750.00	1	1	2
185	Robertson, Rebecca C.	Judge	\$750.00	1	1	2
186	Robinson, Douglas B.	Judge				0
187	Rochon, L. Stephen	Judge	\$187.00	1	1	2
188	Roewe, Michael	Comm	\$150.00	1		1
189	Rosen, Steven	Judge	\$750.00	1		1
190	Ross, Margaret Vail	Judge	\$750.00	1	1	2
191	Roy, Kevin M.	Judge	\$750.00	1		1
192	Rozzano, Mara J.	Judge	\$187.00	1	1	2
193	Sage, C Scott	Judge				0
194	Samuelson, Wade	Judge	\$750.00	1		1
195	Sanderson, Brian K.	Judge	\$750.00	1		1
196	Schreiber, Vernon L.	Judge	\$750.00	1	1	2
197	Schweppe, Alfred G.	Judge	\$750.00	1	1	2
198	Seaman, Shane	Comm	\$150.00	1		1
199	Seitz, Vicki M.	Judge	\$750.00	1		1
200	Shadid, Damon G.	Judge	\$750.00	1		1
201	Shah, Ketu	Judge	\$750.00	1		1
202	Short, Charles D.	Judge	\$750.00	1	1	2
203	Smiley, Pete	Comm	\$600.00	1		1
204	Smith, Douglas J.	Judge	\$750.00	1		1
205	Solan, Susan	Judge	\$375.00	1	1	2
206	Staab, Tracy	Judge	\$750.00	1	1	2
207	Steele, George A.	Judge	\$375.00	1		1
208	Steiner, David A.	Judge	\$750.00	1	1	2
209	Stephenson, Elizabeth D.	Judge	\$750.00	1	1	2
210	Stewart, Kevin D.	Comm	\$600.00	1		1
211	Stewart, N. Scott	Judge	\$375.00	1	1	2
212	Stewart, Wayne	Judge	\$375.00	1		1
213	Stewart, William J.	Judge			1	1
214	Stiles, Brock D.	Judge	\$187.00	1	1	2
215	Sussman, Claire	Judge	\$750.00	1		1
216	Svaren, David A.	Judge	\$750.00	1	1	2
217	Swanger, James P.	Judge	\$750.00	1	1	2
218	Szambelan, Michelle	Judge	\$750.00	1	1	2
219	Tanner, Terry M.	Judge	\$750.00	1	1	2
220	Tedrick, Marjorie	Judge	\$187.00	1		1
221	Tolman, Jeff	Judge	\$375.00	1	1	2

	LastFirstMiddle	Pos.	Gen. Dues	Gen. Dues Pd	Spec Fund	
			Paid Amount			
222	Towers, Lorrie C.	Judge	\$750.00	1	1	2
223	Tripp, Gregory J.	Judge	\$750.00	1	1	2
224	Tripp, Wendy	Comm	\$150.00	1		1
225	Tucker, Donna K.	Judge	\$750.00	1		1
226	Turner, Michael S.	Judge	\$187.00	1	1	2
227	Tveit, Gina	Judge	\$750.00	1		1
228	Van De Veer, Philip J.	Judge	\$375.00	1	1	2
229	Van Slyck, Laura	Judge	\$750.00	1	1	2
230	Verge, Thomas L.	Judge				0
231	Verhey, Elizabeth	Judge	\$750.00	1	1	2
232	Walden, Kimberly A.	Judge	\$375.00	1	1	2
233	Whitener-Moberg, Janis	Judge	\$750.00	1	1	2
234	Wilcox, Kalo	Judge	\$750.00	1		1
235	Williams, Matthew	Judge	\$750.00	1		1
236	Wilson, Donna	Judge	\$750.00	1		1
237	Wohl, Paul	Comm	\$600.00	1		1
238	Woodard, Susan J.	Judge	\$750.00	1	1	2
239	Wyninger, Karen S.	Comm	\$300.00	1		1
240	Zimmerman, Darwin J.	Judge	\$750.00	1		1
			\$132,999.00	226	133	

% who have NOT paid regular dues 5.83%
 %% who have NOT paid special fund 44.58%
 % who have NOT paid any dues 5.42%

% in good standing in 2016 55.00% Note: special fund dues WERE assessed in 2016

% in good standing in 2015 98.76% Note: special fund dues not assessed in 2015
 % in good standing in 2014 97.47% Note: special fund dues not assessed in 2014
 % in good standing in 2013 97.93% Note: special fund dues not assessed in 2013
 % in good standing in 2012 96.64% Note: special fund dues not assessed in 2012
 % in good standing in 2011 98.32% Note: special fund dues not assessed in 2011
 % in good standing in 2010 85.19%
 % in good standing in 2009 84.81%
 % in good standing in 2008 72.03%
 % in good standing in 2007 71.06%
 % in good standing in 2006 87.77%
 % in good standing in 2005 78.30%
 % in good standing in 2004 69.87%

DMCJA\dues notices\DMCJADuesPaid 2016.xls

Outstanding Membership Dues as of March 7, 2016

Donald Bisagna
Anthony Castelda
Terri Cooper
Larry Freedman
Noah Harrison
David Hatch
Kathleen Hitchcock
Stephen Hyde
Denis Maher
Marlynn Markley
Douglas Robinson
Scott Sage
William Stewart
Thomas Verge



DMCJA Bylaws Committee Report

March 2016

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 provide that the Chair of the DMCJA Diversity Committee is a permanent member of the DMCJA Nominating Committee. The Bylaws Committee recommends the following amendments:

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

Section 1. Membership of Committees:

[no change]

Section 2. Committee Functions:

(a) Nominating Committee:

(1) [no change]

(2) At the Board meeting in October, the President will appoint the members of the Nominating Committee. The Immediate Past-President will Chair the Nominating Committee. The Chair of the Diversity Committee shall be a member of the Nominating Committee. No more than one member of the Nominating Committee may be a member of the present Board of Governors.

(d) Diversity Policy Implementation Committee:

(1) The Diversity Committee will consider issues relating to diversity and shall recommend to the Board of Governors ways to promote the implementation of the current Diversity Policy Statement adopted by the Association.

- (2) In promoting the Diversity Policy Statement, the Diversity Committee should strive to coordinate activities with the Washington State Bar Association, the Washington State Minority and Justice Commission, the Washington State Gender and Justice Commission, the minority bar associations and any legal or judicial associations or committees with the stated goals of encouraging diversity in the judiciary.
- (3) Terms of the members shall be two years, and be staggered to insure a slower rate of turnover on the committee and greater continuity in the planning process.
- (4) The Chair of the Diversity Committee shall also be a member of the Nominating Committee.



WASHINGTON
COURTS

DMCJA Rules Committee

Wednesday, December 16, 2015 (12:00 p.m. – 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

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

AOC Staff:

Ms. J Benway
Ms. Sharon Harvey

Judge Dacca called the meeting to order at 12:05 p.m.

The Committee discussed the following items:

1. Minutes from the October 2015 meeting

It was motioned, seconded and passed to approve the minutes from the October 28, 2015 Rules Committee meeting as presented.

2. Discuss proposed amendments to CRLJ 55, pertaining to default judgments, requested by the Northwest Justice Project

The Committee discussed the proposed amendments, which were referred to the DMCJA for comment by the Supreme Court Rules Committee. The consensus was that as written the rules would add to trial courts' workloads by requiring judges to make detailed findings and would also hamper judicial discretion by mandating how judges evaluate evidence. In addition, the bill raises concerns by fundamentally altering the meaning of service and notice for one procedure, which will have impacts on other statutes and rules. The Committee is opposed to this proposal in current form. Judge Dacca will prepare a memo for the DMCJA Board stating the Committee's concerns and recommendation.

3. Further thoughts regarding making guilty plea forms mandatory

Judge Portnoy is concerned that pro se defendants may not be properly advised of their rights in jurisdictions that do not use the standard guilty plea form. She would like to table the matter as she conducts more research into the issue. The Committee agreed.

4. Discuss draft proposed amendments to CrRLJ 3.4, pertaining to video conference proceedings, requested by the SB 5177 (Court Video Technology) Work Group

The Committee reviewed the draft proposal and had no substantive comments at this time. The Committee would like to extend an offer to the Work Group to assist with the rule amendment process if it proceeds. Ms. Benway stated that she would convey the offer to Work Group staff.

5. Other Business and Next Meeting Date

The next Committee meeting was scheduled for Wednesday, January 27, 2016 at noon but was moved to Wednesday, January 20, 2016 at noon to accommodate a request by Ms. Benway. The meeting will be held via teleconference and materials will be provided before the meeting.

There being no further business, the meeting was adjourned at 12:45 p.m.



WASHINGTON
COURTS

District and Municipal Court Judges' Association

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JUDGE CHARLES D. SHORT
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JUDGE TRACY A. STAAB
Spokane Municipal Court
(509) 625-4400

February 8, 2016

Honorable Hans Dunshee
House of Representatives
315 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504

RE: 2016 Supplemental Budget Request – Administrative Office of the Courts

Dear Representative Dunshee:

We are writing you today to urge your support for two budget requests submitted by the Administrative Office of the Courts (AOC).

As you may know the AOC has successfully implemented a modern superior court case management system in four counties (Lewis, Thurston, Yakima and Franklin). We are very pleased with this success and believe that the AOC will continue this success over the next 2-3 years with its statewide implementation.

Project staff is currently focused on training court and county clerk staff, data accuracy and transfer, business process analysis and enhancement, and short term operational support. Existing AOC support staff provide legacy support to those counties and cities that have not transitioned to the new system. New staffing resources are needed to assist those counties that have implemented or will transition to the new system.

The 2016 supplemental budget includes a request for \$492,000 from the judicial information system (JIS) account. This request would allow the AOC to provide operational support to those courts. Please include this request in the budget.

In addition, the AOC has requested that a \$5.3 million appropriation from the JIS account be changed to an appropriation from the state general fund.

In January 2015, the AOC agreed to expedite a data exchange that will allow counties that choose to build their own court case management systems to receive and exchange data across county lines. This project originally was not slated to begin until the SC-CMS and Courts of Limited Jurisdiction Case Management system (CLJ-CMS) were fully implemented. Expedited implementation of this project was based upon an agreement that the full cost of the project would come from the state general fund. However, only \$1.8 million of the \$7.1 million project was appropriated from the state general fund; the remaining \$5.3 million was appropriated from the JIS account.

STATE OF WASHINGTON

1206 Quince Street SE • P.O. Box 41170 • Olympia, WA 98504-1170
360-753-3365 • 360-586-8869 Fax • www.courts.wa.gov

Honorable Hans Dunshee
February 8, 2016
Page 2

If the \$5.3 million state general fund request is not adopted, implementation of the CLJ-CMS will be jeopardized. The JIS account does not have the capacity to fund both the expedited data exchange and the CLJ-CMS.

As stated, the AOC has successfully implemented the superior court case management system in four counties, and we believe that the success will be replicated throughout the state. Further, it is critical that the courts of limited jurisdiction legacy case management system be replaced within the time frame currently identified. In order to ensure these projects continue to succeed it is imperative that the funding requests be approved as submitted.

Thank you for your continued support and consideration in this matter.

Sincerely,



Judge David A. Steiner
DMCJA President

cc: Senator John Braun
Representative Timm Ormsby
Senator Bruce Dammeier
Representative Bruce Chandler
Senator Jim Hargrove
Representative Kevin Parker
Senator Kevin Ranker
Representative J.T. Wilcox
Representative Zack Hudgins



WASHINGTON
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JUDGE TRACY A. STAAB
Spokane Municipal Court
(509) 625-4400

February 8, 2016

Honorable Andy Hill
Washington State Senate
303 John A. Cherberg Building
PO Box 40455
Olympia, WA 98504

RE: 2016 Supplemental Budget Request – Administrative Office of the Courts

Dear Senator Hill:

We are writing you today to urge your support for two budget requests submitted by the Administrative Office of the Courts (AOC).

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Honorable Senator Andy Hill
February 8, 2016
Page 2

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Thank you for your continued support and consideration in this matter.

Sincerely,



Judge David A. Steiner
DMCJA President

cc: Senator John Braun
Representative Timm Ormsby
Senator Bruce Dammeier
Representative Bruce Chandler
Senator Jim Hargrove
Representative Kevin Parker
Senator Kevin Ranker
Representative J.T. Wilcox
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Superior Court Judges' Association

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(509) 477-5717

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(206) 296-9295

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Tacoma, WA 98402-2108
(253) 798-3646

February 8, 2016

Honorable Hans Dunshee
House of Representatives
315 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504

RE: 2016 Supplemental Budget Request – Administrative Office of the Courts

Dear Representative Dunshee:

We are writing you today to urge your support for two budget requests submitted by the Administrative Office of the Courts (AOC).

As you may know the AOC has successfully implemented a modern superior court case management system in four counties (Lewis, Thurston, Yakima and Franklin). We are very pleased with this success and believe that the AOC will continue this success over the next 2-3 years with its statewide implementation.

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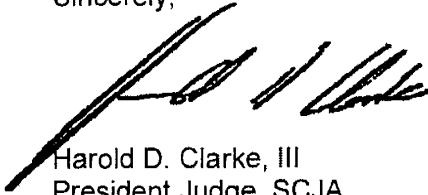
Honorable Hans Dunshee
February 8, 2016
Page 2

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Harold D. Clarke, III
President Judge, SCJA

cc: Senator John Braun
Representative Timm Ormsby
Senator Bruce Dammeier
Representative Bruce Chandler
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SCJA Board of Trustees
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February 8, 2016

Honorable Andy Hill
Washington State Senate
303 John A. Cherberg Building
PO Box 40455
Olympia, WA 98504

RE: 2016 Supplemental Budget Request – Administrative Office of the Courts

Dear Senator Hill:

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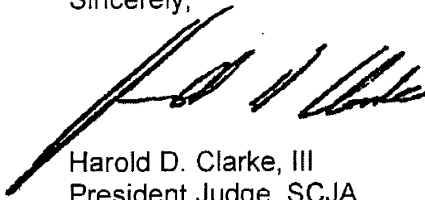
Honorable Senator Andy Hill
February 8, 2016
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SCJA Board of Trustees
Ms. Janet Skreen

TO: Judge David Steiner, President, DMCJA Board
FROM: Judge Frank Dacca, Chair, DMCJA Rules Committee
SUBJECT: Proposed Amendment to GR 14.1
DATE: March 2, 2016

At its February meeting, the DMCJA Rules Committee reviewed amendments to GR 14.1 regarding unpublished opinions, as proposed by the Washington Supreme Court and the Court of Appeals. By a close vote, the Rules Committee voted in support of the proposed amendments, as modified by the letter from Judge Korsmo, Chair of the COA Rules Committee, dated February 10, 2016. The general consensus is that it is fine for unpublished opinions to be cited as non-binding authority, in accordance with the terms as set forth in the rule. The DMCJA Rules Committee encourages the DMCJA Board to comment favorably on the proposal.

Thank you for consideration of these comments. If you have any questions, please contact me at 253-798-7712 or fdacca@co.pierce.wa.us.

Attachments: GR 9 Cover Sheet for Proposed Amendment to GR 14.1
Proposed Amendment to GR 14.1
Letter from Judge Korsmo regarding the proposal

CC: DMCJA Rules Committee
J Benway, AOC Staff

GR 9 Cover Sheet
Suggested Changes to GR 14.1 and RAP 13.4 (b)

(A) Name of Proponent: Washington Supreme Court and Washington Court of Appeals.

(B) Spokesperson: Honorable Michael S. Spearman, Chief Judge, Washington Court of Appeals, Division I.

(C) Purpose: The Washington Supreme Court and the Washington Court of Appeals propose amendments to two court rules, GR 14.1 and RAP 13.4. The proponents suggest amending GR 14.1(a) to allow parties to cite unpublished opinions of the Court of Appeals as non-binding authority, to add new subsection GR 14.1(c) stating that Washington appellate courts should not cite or discuss unpublished opinions unless necessary for a reasoned decision, and to add new subsection GR 14.1(d) requiring that a party citing an unpublished opinion include a copy of the opinion as an appendix to the pleading in which the opinion is cited.

The proponents also suggest amending RAP 13.4(b) (2), to state that a conflict with an opinion of the Court of Appeals is grounds for acceptance of a discretionary petition for review by the Supreme Court only if the conflict is with a published opinion of the Court of Appeals.

1) GR 14.1. A workgroup of the Court of Appeals researched and studied this issue for four years before these suggested rule changes were filed. The workgroup gathered information from Washington attorneys, trial court judges, and judges of the Court of Appeals on the use being made of unpublished opinions by the legal community, sought comment from these stakeholders on whether or not a change in the rules regarding citation should be proposed, and solicited information on what effect such a rule change would have on work processes. The workgroup found there to be significant support in the state's legal community for a rule change. These suggested amendments are the result of that workgroup's efforts.

When RCW 2.06.040 was enacted in 1969, it stated that all opinions of the Court of Appeals were to be published. The statute was amended in 1971 to allow the Court of Appeals to designate opinions as either published or unpublished. In 1971, unpublished opinions were available only in paper, and were not easily researched or available, unlike published opinions. However, the internet and electronic databases have now made all opinions, whether published or unpublished, widely available, both on the court's website and on legal research sites. While some legal research websites are available only by paid subscription, other websites are publicly accessible.

Because of this widespread and easy availability, lawyers, trial court judges, and appellate judges read and make use of the reasoning in unpublished opinions, even though the cases themselves cannot be cited. Allowing these cases to be cited by the

parties will bring greater transparency to the legal process, by clearly stating the source of the legal reasoning that is being considered by the parties and the courts, even if that case is only relied upon for its persuasive value.

This change in the rule will also bring greater consistency to the use of unpublished opinions by parties and trial courts. Parties will no longer need to guess whether or not a court is familiar with, and according some weight to, the decision in a relevant unpublished opinion.

Several other jurisdictions allow parties to cite unpublished opinions for precedential or persuasive purposes. For example, Utah allows parties to cite unpublished decisions of its Court of Appeals issued on or after October 1, 1998, for precedential value. Utah R. App. P. 30 (f). Wisconsin allows citation of unpublished “authored” opinions issued on or after July 1, 2009, for persuasive value. Wis. Stat. § 809.23(3) (b) (2015). Virginia permits citation of unpublished opinion as informative, but not as binding authority. VA Sup. Ct. Rules, Rule 5:1(f) and Rule 5A:1 (f).

In federal court, parties are permitted to cite to unpublished federal opinions issued after January 1, 2007. There is no restriction on how the opinions may be used as authority. Fed.R.App.P. 32.1. The federal rule change permitting citation to unpublished federal opinions in the federal courts was effective December 1, 2006, and has not been revised since it was adopted.

The suggested rule change states that unpublished opinions may be cited as non-binding authority, only. An opinion is unpublished because a panel of the Court of Appeals has decided that the opinion does not have value as precedent. Treating unpublished opinions as non-binding authority is consistent with the determination of the panel authoring the opinion that it is not precedential.

The suggested new subsection, GR 14 (c), is meant to minimize the risk for unpublished opinions to attain precedential status by means of citation in appellate court opinions. The new rule would provide that appellate courts should not cite or discuss unpublished opinions in their opinions, unless necessary for a reasoned decision.

Suggested new GR 14.1 (d) requires parties citing to an unpublished opinion to include a copy of the opinion as an appendix to the pleading. This change ensures that all parties and the courts will have immediate access to the opinion.

2) RAP 13.4(b). This rule sets out the circumstances under which a petition for review will be accepted by the Supreme Court. The suggested change to subsection (b)(2) makes clear that acceptance of review is only mandatory when the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals.

(D) Hearing: None recommended.

(E) Expedited Consideration: Expedited consideration is not requested.

**PROPOSED AMENDMENT TO GR 14.1
CITATION TO UNPUBLISHED OPINIONS**

(a) Washington Court of Appeals. ~~A party may not cite as an authority an unpublished opinion of the Court of Appeals.~~ Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports.

Unpublished opinions of the Court of Appeals have no precedential value and are not binding upon any court. However, unpublished opinions of the Court of Appeals may be cited as non-binding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate.

(b) Other Jurisdictions. A party may cite as an authority an opinion designated “unpublished,” “not for publication,” “non-precedential,” “not precedent,” or the like that has been issued by any court from a jurisdiction other than Washington state, only if citation to that opinion is permitted under the law of the jurisdiction of the issuing court. ~~The party citing the opinion shall file and serve a copy of the opinion with the brief or other paper in which the opinion is cited.~~

(c) Citation of Unpublished Opinions in Subsequent Opinions. Washington appellate courts should not, unless necessary for a reasoned decision, cite or discuss unpublished opinions in their opinions.

(d) Copies of Unpublished Opinions. The party citing an unpublished opinion shall file and serve a copy of the opinion as an appendix to the pleading in which the authority is cited.

[Adopted effective September 1, 2007.]

COMMENT

RCW 2.06.040 provides that all cases having precedential value shall be published as

opinions of the court. The statute further provides that each panel shall determine whether a decision has sufficient precedential value to be published, and those which do not shall not be published.

The Court of Appeals
of the
State of Washington

KEVIN M. KORSMO, JUDGE
NORTH 500 CEDAR STREET
SPOKANE, WASHINGTON 99201



(509) 456-4032

February 10, 2016

The Honorable Barbara Madsen
Chief Justice of the Washington State Supreme Court
Temple of Justice
PO Box 41174
Olympia, WA 98504-1174

Re: Proposed Amendment to GR 14.1

Dear Chief Justice Madsen:

On behalf of the Court of Appeals Rules Committee, I am writing to request that a revision be made to the proposed amendment to GR 14.1 that has been published for comment.

At the behest of the presiding chief judge, our committee met February 1 to discuss the proposed amendment that would permit limited citation to unpublished Court of Appeals opinions. Our discussion was informed by the presence of Judge Michael Spearman and Judge Brad Maxa, two members of the committee that drafted the proposed amendment. They explained that when drafting the amendment they anticipated the court would set a date from which unpublished decisions could be used.

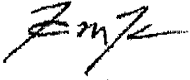
The concern, unanimously shared by the members of our committee, was that certain institutional and specialized parties would have greater access to unpublished opinions, particularly those that predate the electronic posting period, than would most attorneys or the general public. In addition, more unpublished opinions are available in subscription services than by free public services, a factor that skews use of the unpublished opinion in favor of those with access to the subscription resources. After discussion, it was unanimously agreed that we would ask the court to permit use of only those unpublished opinions filed on or after March 1, 2013. That is the oldest date that the court's website retains unpublished opinions. You may recall that prior to that time, the unpublished opinions were only available for 90 days before being removed from the website. We believe this date levels the playing field to the date all unpublished opinions are currently provided by the court.

A revision to the proposed amendment to GR 14.1(a), with our suggested language in italics, is attached.

We remain available to answer any questions that may arise during the Supreme Court's review of this proposal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Korsmo', written in a cursive style.

Kevin M. Korsmo
Chair, Court of Appeals Rules Committee

Enclosures

cc: The Honorable Charles W. Johnson, Chair of the Supreme Court Rules Committee
The Honorable J. Robert Leach, Presiding Chief Judge Washington Court of Appeals

SUGGESTED REVISION TO PROPOSED GR 14.1(a)

(a) Washington Court of Appeals. Unpublished opinions of the Court of Appeals are those opinions not published in the Washington Appellate Reports.

Unpublished opinions of the Court of Appeals have no precedential value and are not binding upon any court. However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as non-binding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate.

To Cite

Or

Not to Cite

A Washington State Supreme Court Survey About Unpublished Opinions.

Trial Court Survey on Citation to Unpublished Opinions

Unpublished opinions of the Washington State Court of Appeals are now broadly accessible online. The Washington State Supreme Court is interested in examining the rule prohibiting citation to unpublished opinions in light of new technology. The Supreme Court is interested in your responses to this survey as part of its reassessment (please check all that apply).

1. Do you read unpublished opinions? No Yes
If yes, at which times during your research do you read them? (check all that apply)

- I always read unpublished opinions
- after I cannot find any published opinion on point
- when I am looking for a new/different legal analysis
- when asked to review by an attorney or self-represented litigant in the case before me
- other:

2. How have you used unpublished opinions? (check all that apply)

- for my own education
- cited the same legal authorities used in the unpublished opinion and applied them to the case before me
- tailored my decision to avoid a possible similar outcome
- to see if the Court of Appeals for my division has addressed a similar issue
- changed my procedural practice or asked someone else to change their procedural practice
- changed my view of an area of substantive law
- other:

3. Would you support allowing citation to unpublished Washington opinions? (check all options you would support)

- not under any circumstances
- yes, always
- yes, but only as persuasive authority
- yes, but only as persuasive authority and only for cases written after the rule change
- yes, but without specifying any particular weight or value, which would be determined by the court
- yes, but only when the unpublished opinion meets the following criteria:

4. How do you think allowing citation to unpublished opinions for persuasive purposes would affect your research and/or your decision making? (E.g., would it increase time required for research and writing?) If so, how?

5. Attorneys have made recommendations for appellate practice changes. Which of the following recommendations contain a concept that merits additional consideration? (Check all that apply.)

- Publish cases as precedent; but authorize some to be:
- “Per curium affirmed.” (This type of opinion summarily resolves an appeal without facts, legal authority, or analysis.)
 - “Opinion is limited to the facts of the case.” (This option is intended to result in a decision that only applies to the case and is not useful for another case.)

- Publish cases as precedent; but authorize some to be decided by:
- Memorandum of Decision (A reasoned decision, which does not identify the author nor is it designated “Per Curium.” Similar to the 9th Circuit.)
 - Decision by Order (Summarily dispose of cases by order with legal reasons, but little discussion, similar to a Commissioner’s Ruling.)
 - Fast Track Appeal (Similar to Fast Track Appeals of the Nevada Supreme Court. This appeal process reduces the cost and expedites decisions in cases involving criminal appeals (with some exclusions) and child custody appeals. The process includes shorter timelines, cost saving records development such as a “rough transcript (not certified)” and page restrictions. Based upon documents, the court may summarily dismiss the appeal, affirm or reverse the decision appealed from without further briefing or argument, or may order full briefing or argument or other procedures reasonably calculated to expedite resolution of the appeal and to promote justice.)

6. Which level of trial court are you presently sitting on?

- superior court
 district or municipal court

7. Do you have other comments or concerns about citation to unpublished opinions or changes to appellate practices?



March 18, 2015

TO: Honorable Barbara A. Madsen, Chief Justice
FROM: Merrie Gough, AOC Sr. Legal Analyst
RE: Trial Court Survey on Citation to Unpublished Opinions - Summary

In February 2015, the Administrative Office of the Courts distributed the *Trial Court Survey on Citation to Unpublished Opinions* to superior judges and commissioners and courts of limited jurisdiction judges and commissioners. 192 of 517 judges and commissioners responded to the survey. The questions and responses follow:

1. Do you read unpublished opinions?
(189 answered the question, 3 skipped the question)

Options	Response Percent	Response Count
A. No	10.05%%	19
B. Yes	89.95%%	170

2. If yes, at which times during your research do you read them? (check all that apply)
(175 answered the question, 17 skipped the question)

Options	Response Percent	Response Count
A. I always read unpublished opinions.	36.00%	63
B. after I cannot find any published opinion on point.	45.14%	79
C. when I am looking for new/different legal analysis.	29.71%	52
D. when asked to review by an attorney or self-represented litigant in the case before me.	21.14%	37
E. other reasons.	22.29%	39

3. How have you used unpublished opinions? (check all that apply)
(189 answered the question, 3 skipped the question)

Options	Response Percent	Response Count
A. for my own education.	85.19%	161
B. cited the same legal authorities used in the unpublished opinion and applied them to the case before me.	58.73%	111
C. tailored my decision to avoid a possible similar outcome.	26.46%	50
D. to see if any of the Court of Appeals for my division has addressed a similar issue.	61.38%	116
E. changed my procedural practice or asked someone else to change their procedural practice.	11.11%	21
F. changed my view of an area of substantive law.	20.63%	39
G. Other purpose.	7.41%	14

4. Would you support allowing citation to unpublished Washington opinions? (check all options you would support)
(186 answered the question, 6 skipped the question)

Options	Response Percent	Response Count
A. Not under any circumstances.	18.28%	34
B. Yes, always.	19.89%	37
C. Yes, but only for persuasive authority.	24.19%	45
D. Yes, but only for persuasive value and only for cases written after the rule change.	17.74%	33
E. Yes, but without specifying any particular weight or value, which would be determined by the court to which it is cited.	23.66%	44
F. Yes, but only when the unpublished opinion meets specified criteria.	9.68%	18

5. How do you think allowing citation to unpublished opinions for persuasive purposes would affect your research and/or your practice? (e.g., would it increase time required for research and writing? Would it change your approach to exercising due diligence to know the law? If so, how?)

Responses

(138 answered the question, 54 skipped the question)

6. Attorneys have made recommendations for appellate practice changes. Which of the following recommendations contain a concept that merits additional consideration? (check all that apply)
(122 answered the question, 70 skipped the question)

Options	Response Percent	Response Count
<p>A. Publish cases as precedent; but authorize some to be:</p> <ul style="list-style-type: none"> • “Per curium affirmed.” (This type of opinion summarily resolves an appeal without facts, legal authority, or analysis.) • “Opinion is limited to the facts of the case.” (This option is intended to result in a decision that only applies to the case and is not useful for another case.) 	48.36%	59
<p>B. Publish cases as precedent; but authorize some to be decided by:</p> <ul style="list-style-type: none"> • Memorandum of Decision (A reasoned decision, which does not identify the author nor is it designated “Per Curium,” similar to the 9th Circuit.) • Decision by Order (Summarily dispose of cases by order with legal reasons, but little discussion, similar to a Commissioner’s Ruling.) • Fast Track Appeal (Similar to Fast Track Appeals of the Nevada Supreme Court. This appeal process reduces the cost and expedites decisions in cases involving criminal appeals (with some exclusions) and child custody appeals. The process includes shorter time lines, cost-saving records development such as a “rough transcript (not certified)” and page restrictions. Based upon documents, the court may summarily dismiss the appeal, affirm or reverse the decision appealed from without further briefing or argument, or may order full briefing or argument or other procedures reasonably calculated to expedite resolution of the appeal and to promote justice.) 	77.05%	94

7. Which level of trial court are you presently sitting on?
(182 answered the question, 10 skipped the question)

Options	Response Percent	Response Count
A. Superior Court	61.54%	112
B. District or Municipal Court	38.46%	70

8. Do you have other comments or concerns about citation to unpublished opinions or changes to appellate practices?

Responses

(50 answered the question, 142 skipped the question)

RULE ~~CIRL~~ 3.2. RELEASE OF ACCUSED

(b) **Showing of Likely Failure to Appear--Least Restrictive Conditions of Release.** If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;
- (5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;
- (6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

State v. Barton, 181 Wash.2d 148 (2014)
331 P.3d 50

181 Wash.2d 148
Supreme Court of Washington,
En Banc.

STATE of Washington, Respondent,
v.
Peter Richard BARTON, Petitioner.

No. 89990-0.

July 31, 2014.

Opinion

STEPHENS, J.

¶ 150 ¶ 1 This case centers on article I, section 20 of the Washington State Constitution and its mandate that criminal defendants "shall be bailable by sufficient sureties." Peter Barton's bail was set at \$500,000, invoking Criminal Rule (CrR) 3.2(b)(4), the trial court ordered that Barton post 10 percent of that amount with the registry of the court in cash or other security. Barton claims this order violates his guaranty to bail by sufficient sureties.

¶ 2 We hold that article I, section 20 means a defendant must be allowed the option to secure bail via a surety, as distinct from cash or other security. To the extent the trial court's order disallowed this possibility, we vacate the order and remand for further proceedings consistent with this opinion.

ANALYSIS

¶ 6 Article I, section 20 reads:

All persons charged with crime
shall be bailable by sufficient
sureties, except for capital offenses
when the proof is evident, or the

presumption great. Bail may be
denied for offenses punishable by
the possibility of life in prison upon
a showing by clear and convincing
evidence of a propensity for
violence that creates a substantial
likelihood of danger to the
community or any persons, subject
to such limitations as shall be
determined by the legislature.

¶ 10 This case mainly concerns the meaning of article I, section 20 of the Washington State Constitution. In order to determine if the bail order here is proper, we must first understand the import of the phrase "bailable by sufficient sureties." Because the federal constitution contains no clause requiring that defendants be bailable by sufficient sureties, this is purely a question of state constitutional law.

CONCLUSION

¶ 36 Article I, section 20 of the Washington State Constitution guarantees those accused of bailable offenses the right to access bail by sufficient sureties. Consistent with both its historical and ordinary meaning, we hold that surety contemplates a third-party arrangement, as distinguished from the accused depositing cash or property directly with the court. Barton was ordered to secure his bail with a 10 percent deposit in the amount of the bond "in cash or other security." We hold that this order, insofar as it disallowed use of a surety, violates the constitutional mandate of article I, section 20. We vacate the order and remand for proceedings consistent with this opinion.

WE CONCUR: C.W. JOHNSON, J., OWENS, J.,
FAIRHURST, J., WIGGINS, J., and KORSMO, J.P.T.
MARY I. YU, J., not Participating

State v. Barton, 181 Wash.2d 148 (2014)
331 P.3d 50

181 Wash.2d 148
Supreme Court of Washington,
En Banc.

STATE of Washington, Respondent,
v.
Peter Richard BARTON, Petitioner.

No. 89390-0.
July 31, 2014.

Opinion
STEPHENS, J.

*150 ¶ 1 This case centers on article I, section 20 of the Washington State Constitution and its mandate that criminal defendants "shall be bailable by sufficient sureties." Peter Barton's bail was set at \$500,000, involving Criminal Rule (CrR) 3.2(b)(4), the trial court ordered that Barton post 10 percent of that amount with the registry of the court in cash or other security. Barton claims this order violates his guaranty to bail by sufficient sureties.

¶ 2 We hold that article I, section 20 means a defendant must be allowed the option to secure bail via a surety, as distinct from cash or other security. To the extent the trial court's order disallowed this possibility, we vacate the order and remand for further proceedings consistent with this opinion.

ANALYSIS
¶ 6 Article I, section 20 reads

All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the

presumption great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.

¶ 10 This case mainly concerns the meaning of article I, section 20 of the Washington State Constitution. In order to determine if the bail order here is proper, we must first understand the import of the phrase "bailable by sufficient sureties." Because the federal constitution contains no clause requiring that defendants be bailable by sufficient sureties, this is purely a question of state constitutional law.

CONCLUSION

¶ 36 Article I, section 20 of the Washington State Constitution guarantees those accused of bailable offenses the right to access bail by sufficient sureties. Consistent with both its historical and ordinary meaning, we hold that surety contemplates a third-party arrangement, as distinguished from the accused depositing cash or property directly with the court. Barton was ordered to secure his bail with a 10 percent deposit in the amount of the bond "in cash or other security." We hold that this order, insofar as it disallowed use of a surety, violates the constitutional mandate of article I, section 20. We vacate the order and remand for proceedings consistent with this opinion.

WE CONCUR: C.W. JOHNSON, J., OWENS, J., FAIRCOURT, J., WEGGINS, J., and KORSMO, J.P.I.
MARY T. YU, J., not Participating

State v. Barton, 181 Wash.2d 148 (2014)
331 P.3d 50

181 Wash.2d 148
Supreme Court of Washington,
En Banc.

STATE of Washington, Respondent,
v.
Peter Richard BARTON, Petitioner.

No. 89390-0.
July 31, 2014.

GORDON McCLOUD, J. (concurring)

¶ 37 The Washington Constitution, article I, section 20, states that criminal defendants "shall be bailable by sufficient sureties." I agree with the majority that this means that criminal defendants have the right to make bail not just by posting cash but alternatively by using a surety, that is, a third party guarantor. I agree with the majority's analysis of the meaning and importance of this constitutional provision. *169 And I agree with the majority that the trial court's October 18, 2012, order in this case violated that constitutional provision; it required the defendant to post cash with the court and prohibited him from using a surety. Majority at 59 ("We hold that the October 18, 2012 order entered in this case improperly prohibited Barton's access to a surety as guaranteed by article I, section 20.")

¶ 38 But, as the majority acknowledges, the trial court's October 18, 2012, order "tracked the language of [Criminal Rule] CrR 3.2(b)(4)." Majority at 57. And as the majority further acknowledges, even the portion of the trial court's October 18, 2012, order barring the defendant

from using a surety to post cash with the court tracked CrR 3.2(b)(4), when read in context with the rest of that rule. Majority at 58. A fortiori, CrR 3.2(b)(4) itself—and not just the trial court's order which relied on that rule and tracked its language—violates article I, section 20.

¶ 39 The majority, however, makes a complicated argument about why CrR 3.2(b)(4) nevertheless remains constitutional. Majority at 59. It reasons that the rule was fair, but the trial court erred in following that rule to the letter.

¶ 40 I disagree. The trial court did follow the rule. The trial court's order was unconstitutional in this case. The subsection of CrR 3.2(b) that the trial court tracked was unconstitutional as applied in this case. I don't understand how one can fault the trial court for applying the literal language of the rule but not fault the rule.

¶ 41 For that reason, I respectfully concur in the vast bulk of the majority's analysis and in its conclusion. I disagree, however, with its assertion that CrR 3.2(b)(4)—the statutory subsection that formed the basis for the unconstitutional bail order—survives constitutional scrutiny.

MAJESSEN C.J., and GONZALEZ, J.

All Citations

181 Wash.2d 148, 331 P.3d 50

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, December 14, 2015 8:25 AM
To: Tracy, Mary
Subject: FW: Comment to proposed amendment to CrRLJ 3.2

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Kessler, Ronald [mailto:Ronald.Kessler@kingcounty.gov]
Sent: Monday, December 14, 2015 8:25 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Comment to proposed amendment to CrRLJ 3.2

The Court proposes to eliminate CrRLJ 3.2(b)(4) which allows an option for judges, in setting bail, of what has been referred to as a 10% appearance bond: defendant posts 10% of the amount of bail, signs a bond with the court and gets the money back when all conditions are met and the case is over; if defendant fails to appear s/he loses the 10% and the court can execute on the bond for the remaining 90%. In *Barton* the Court, interpreting CONST., art. I § 20, held:

the better view is that a defendant must be allowed the option of a surety arrangement in addition to the option of depositing cash or property in the registry of the court.

State v. Barton, 181 Wn.2d 148, 162 (2014).

By eliminating CrRLJ 3.2(b)(4) the Court proposes to remove the option of a 10% appearance bond. Since *Barton* judges have sometimes set bail at a surety bond or a 10% appearance bond, giving defendants the opportunity to post the 10% with the court rather than buy a bond from a bonding company. While bonding companies are not obliged to charge a 10% premium and sometimes do not, most do and this is costly to indigent defendants and families. In many cases judges impose only a surety bond because the bonding company will assist in apprehension should the defendant fail to appear; this, however, is not always necessary. We know that economic disparity impacts racial disparity; retaining a lesser cash option will provide some relief.

A workaround with the amended rule would be that a judge sets bail at, e.g., \$50,000 surety or \$5000 cash (a Division III case, *Yakima v. Mollett*, 115 Wn.App. 604 (2003), cited in *Barton*, prohibits cash only bail). I expect that bonding companies would likely challenge this procedure, arguing that the language of proposed CrR 3.2(b)(4) contemplates the same amount.

I suggest that a better approach would be to amend CrRLJ 3.2(b)(5) to read:

Require the execution of a bond with sufficient solvent sureties, or the deposit of cash, in an amount set by the court, in lieu thereof,

providing defendants with a less costly option for release pending trial.

The Court should also amend CrR 3.2 to reflect the same language.

Ronald Kessler
King County Superior Court


[Courts Home](#) > [Court Rules](#)

3.2 - Release of Accused **Comments for 3.2 must be received no later than April 30, 2016.**

- [Proposed Changes to 3.2 - Release of Accused](#) (in Word Format)
- [Comments Received for 3.2 - Release of Accused](#)

GR 9 COVER SHEET

Suggested Amendment to WASHINGTON STATE COURT RULES: CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION

Amend CrRLJ 3.2: Release of Accused

Submitted by the District & Municipal Courts Judges Association

A. Name of Proponent: District & Municipal Courts Judges Association

B. Spokesperson: Judge David Steiner, President
DMCJA

C. Purpose: CrRLJ 3.2 governs issues regarding release of accused persons in Courts of Limited Jurisdiction. In *State v. Barton*, 181 Wn.2c 150, 331 P.3d 50 (2014), the Supreme Court held that a defendant must be allowed the option to secure bail via a surety and called into question the validity of CrR 3.2(b)(4). The DMCJA Rules Committee reviewed the issue at that time and recommended that the DMCJA not request a rule amendment, as the case did not invalidate that portion of the CLJ rule.

The Superior Court Judges' Association (SCJA) did decide to request a rule amendment. The DMCJA Board took no position on the proposed rule amendment, but determined that if the Supreme Court approved the amendment for the CrR 3.2, that CrRLJ 3.2 should also be amended. Subsequently, the Supreme Court approved the SCJA-proposed rule amendment, effective September 1, 2015. The DMCJA there requests that CrRLJ 3.2(b)(4) be deleted to parallel the rules of the superior courts and to reflect the holding in *State v. Barton*.

CrRLJ 3.2(b), Showing of Likely Failure to Appear—Least Restrictive Conditions of Release, provides:

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;
- (5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;
- (6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

Subsection (b)(4) allows for a bail arrangement that is disallowed by *Barton*. As this subsection has now been deleted from CrR 3.2, DMCJA requests that subsection (b)(4) also be deleted from CrRLJ 3.2. Thus, the following amendment is recommended [redline]:

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) ~~Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;~~
- (5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

- (65) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (76) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

As amended, the rule would appear:

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

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- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;
- (5) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (6) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

This amendment removes the subsection that was problematic in *Barton*, and allows the trial court rules to remain congruent. As the amendment to CrR 3.2 became effective September 1, 2015, the DMCJA requests that this proposed amendment be considered as expeditious as possible.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested as it is desirable to have the trial court rules be congruent and the Supreme Court's decision to amend CrR 3.2 calls the validity of CrRLJ 3.2(b)(4) further into question.

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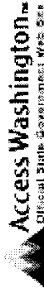
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Greetings, members of the Washington State Judicial Branch –

We've now completed the eighth week of the 2016 Washington State Legislative session. Today is the 56th of the 60-day 2016 Regular Session of the 64th Legislature. Only 4 more to go! (We hope.)



"Yoshino cherries are among the first Capitol trees to bloom in spring, with pale pink to white, airy flowers by the millions that fall like snow." [Capitol Campus Tree Brochure](#) These beautiful blossoms don't just signal the beginning of spring. They are also a sign that *sine die* is near.

Overview

Friday's cutoff continued to narrow the list of bills your hardworking AOC staff are tracking - down to 172. As the bill numbers continue to decrease, the fiscal note numbers continue to increase. AOC has now produced 167 judicial impact statements/fiscal notes so far this session.

Perspective

The lobbying community is like an extended family. Regardless of who your client is, everyone shares the long days and the stress. A camaraderie develops. One such long-time friend lost his three children to a house fire on Thursday night. The House, Senate, and Third House (lobbying corps) collectively laid down their arms for a moment to honor and grieve the tragic loss. Moments of silence were held on both floors, and the Tower family was included in the ceremonial opening prayers. The Senate, overlooked by a packed gallery of lobbyists, took turns offering "points of personal privilege" to offer their support and condolences. [TVW](#)



A candlelight vigil was held in Centralia on Saturday night.

Progress on Budgets

Negotiators continue to work behind the scenes to reach compromises on the supplemental operating, capital, and transportation budgets. There appears to be progress on the final

versions of the capital and transportation budgets, but some differences on the operating budget remain between the Majority Coalition/Republican-led Senate and the Democrat-led House.

So, will they get done on time, will they just adjourn without a budget, or will they need extra innings to finish their work? With only four days left, it seems odd to say that it is too soon to tell, but it is. While the full legislature did not work this weekend, budget negotiations continued. [Article](#)

As I said last week, the treatment of the judicial branch widely differs, and the House budget, though imperfect, is much better for the court community as a whole.

- The House budget, ESHB 2376, funds AOC's requested \$492,000 in JIS account funds that will allow for additional support staff to aid courts in their transition from SCOMIS to Odyssey. The Senate budget, ESSB 6246, does not include this funding.
- The Senate budget eliminates the Thurston County Impact Fee (\$811,000). As the "seat of government," many cases are required to be filed in Thurston County. This fee helped offset the additional costs related to the increased filings.
- The Senate budget also includes a proviso that will require AOC to transfer \$516,000 in existing resources to the Superior Court Judges' Association to implement SB 6317 regardless of whether the bill passes. Because this is not new money, other programs and services will have to be reduced as a result.
- Neither budget includes AOC's request for \$5.3M in general funds to replace JIS funds that were used to expedite the information networking hub necessary for King County District Court to exchange data with the statewide system. When the INH was required last year, AOC understood that the funds would come from the general fund. Without general fund dollars, the JIS account balance will be negative and current and future IT projects, such as the SC CMS and CLJ CMS (SCOMIS and DISCIS replacements), will suffer.

TVW's [Inside Olympia](#) features House Budget Chair Rep. Hans Dunshee and Senate Budget Vice Chair Sen. Bruce Dammeier.

Nonbudget (or Semibudget) News and Highlights from Week 8

One debate still on the table? School levies. See this [Crosscut](#) article for more information. Another? Charter Schools. See [here](#), which also discusses the much maligned but commonly used "title only" bill.

This last week focused mostly on floor action, which includes hours of closed-door caucus meetings followed by hours of debate and voting on the floors, only some of which may be of interest to the judicial branch. Thus, I am not copying links to floor action in this report, but you can watch it all or just catch the highlights on TVW (See below).

House Judiciary held their interim planning meeting, which can be watched [here](#).

House Public Safety held a work [session](#) on interim planning, an overview of the Second Look Proposal - 3 Strikes and Parole, an overview of the Second Chance Proposal - Bringing Back Parole, and what happens after release - eliminating barriers for successful re-entry.

Senate Ways & Means held a marathon hearing and executive [session](#) that included testimony on the legal financial obligation bill, HB [1390](#). The bill has been deemed necessary to implement the budget (NTIB) and remains alive despite not passing before Friday's cutoff.

Governor Jay Inslee took [action](#) on E2SSB 6195 (relating to basic education obligations) at the state capitol with a short [media availability](#) following the bill signing ceremony.

Bill Status

When bills are amended in their houses of origin, their monikers change, too. But, when the same bill is amended in the opposite house, you won't find the amendment reflected in the bill number. For example, the aforementioned LFO bill began life in 2015 as House Bill (HB) 1390. Amended in House Judiciary, it became Substitute House Bill (SHB) 1390. Amended again in House Appropriations, it then became Second Substitute House Bill (2SHB) 1390. Amended on the House floor, it changed to Engrossed Second Substitute House Bill (E2SHB) 1390. Subsequent amendments in Senate Law & Justice (twice) and Senate Ways & Means did not change the title, so the bill remains E2SHB 1390.

Given the number of special sessions we had last year combined with the reintroduction of last year's bills this year, there were more opportunities than normal to amend bills in their houses of origin. Thus, there is at least one [bill](#) that has a fifth engrossment. Several jokes about this possibly being the grossest bill ever have been made.

Bills that were amended in the opposite house now return to their houses of origin, which can concur in the changes or ask the other body to recede from its amendments. If the amending body does not recede, the bill goes into dispute. If a deal cannot be made, bills may be assigned to a conference committee to hash out the differences. Once the conference committee comes to a decision, the final vote on the bill is up or down; no further amendments are allowed.

Bills that have passed both the House and Senate must be signed by the Speaker, Chief Clerk, President of the Senate, and Secretary of the Senate. These "enrolled" bills are then sent to the governor for consideration. If the legislature is in session, the governor has five days (excluding Sundays) to take action in a bill unless the legislature is within 5 days of adjournment, in which case the Governor has 20 days after adjournment to act. After these deadlines, any enrolled bill that the governor has not acted upon become law automatically. This is unlike the federal process where bills not signed by the president do not become law (called a pocket veto). A veto at the Washington State level requires affirmative action by the governor. For a policy bill,

the governor may veto the entire bill or a section of the bill. He may not veto just a word or a line. The budget bill is treated slightly differently, where line-item or subsection vetoes are permitted. To override a veto, a two-thirds majority vote is required in each chamber. From the governor's desk, the bills go to the Secretary of State who assigns a session law chapter number.

Hashtag

If you're a Twitter user, you can follow Tweets about the Legislature using #WaLeg. Of course, remember to follow the courts at @WaCourts, too.

TVW

TVW has a wealth of information on their website, including archived hearings and floor debate. Along with the hearings, the "Legislative Review" airs nightly and provides a 15-minute recap of the day's events. See more at www.tvw.org.

The Legislative Website

From the www.leg.wa.gov homepage you can navigate to that day's hearings or those on future dates, floor activity, member information, and bill information. To review a particular bill, click on "Find Bills" and enter the bill number in the search box if you know it. From that page, you can also search for bills by topic and see the newest bill introductions.

For More Information

I've included a summary of bills of interest – the BJA opposite house cutoff report. For more information about the bills reviewed and positions taken by the Board for Judicial Administration, Superior Court Judges' Association, and District & Municipal Court Judges' Association, please see [this link to judge resources](#) where weekly position summaries can be found. Annual legislative summaries are posted at this link, as well.

Please feel free to contact me if you have any questions about the work of AOC, the Board for Judicial Administration, or the legislative process, or if you would like contact information for AOC staff to the trial court associations.

Thank you,

Mellani McAleenan

Office of Judicial and Legislative Relations
Administrative Office of the Courts | 360.357.2113



WASHINGTON
COURTS

DMCJA BOARD MEETING
FRIDAY, MARCH 11, 2016
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT-ELECT JUDGE G. SCOTT MARINELLA

SUPPLEMENTAL AGENDA

TAB

Call to Order

General Business

- A. Minutes – February 12, 2016 (pp 1-5)
- B. Treasurer’s Report – *Judge Burrowes* (pp 6-18)
- C. Special Fund Report – *Judge Ahlf*
- D. Standing Committee Reports
 - 1. **Nominating Committee Slate of Candidates**
 - 2. Bylaws Committee Report (pp 20-21)
 - 3. Rules Committee Minutes for December 16, 2015 (pp 22-23)
 - 4. Legislative Committee – *Judge Meyer*
- E. Trial Court Advocacy Board (TCAB) Update
- F. Judicial Information System Committee (JISC) Report – *Judge Marinella*
 - 1. DMCJA Letters of Support 2016 Supplemental Budget Request (pp 24-27)
 - 2. SCJA Letters of Support 2016 Supplemental Budget Request (pp 28-31)
- G. JIS Report – *Ms. Vicky Cullinane*

1

X

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, Esq.*
- E. Washington State Association for Justice (**WSAJ**) – *Loyd James Willaford, Esq.*
- F. Administrative Office of the Courts (**AOC**) – *Mr. Dirk Marler*
- G. Board for Judicial Administration (**BJA**) – *Judges Garrow, Jasprica, Lambo, and Ringus*

Discussion

- A. **Request for \$400 to Film CLE in Judge Linda Portnoy’s Court**
- B. Proposed Amendments for General Rule (GR) 14.1, *Citation to Unpublished Opinions*

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<ol style="list-style-type: none"> 1. DMCJA Rules Committee Memorandum in favor of COA amendments (p 32) 2. GR 9 Cover Sheet for Proposed Amendment to GR 14.1 (pp 33-37) 3. Letter from Judge Korsmo regarding the proposal (pp 38-40) 4. 2015 Washington Trial Court Survey on the use of Unpublished Opinions (pp 42-49) <p>C. Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.2, <i>Release of Accused</i>, regarding proposed amendments that eliminate the ability to deposit a bond with the court registry – <i>Jaime Hawk, Esq., ACLU</i></p> <ol style="list-style-type: none"> 1. WA Rule CrRLJ 3.2 (b) (p 50) 2. <i>State v. Barton</i>, 181 Wash.2d 148 (2014) (pp 51-52) 3. Judge Ronald Kessler's Proposed Amendment to CrRLJ 3.2 (p 53-54) 4. DMCJA Comment regarding Proposed Amendment to CrRLJ 3.2 (pp 55-57) <p>D. Special Legislative Update – <i>Judge Meyer and Melanie Stewart, Esq.</i></p> <ol style="list-style-type: none"> 1. AOC Legislative Update for Week 8 by Mellani McAleenan, <i>Office of Judicial and Legislative Relations</i> (pp 59-62) 	
<p>Information</p> <p>A. The Board Retreat is May 13-14, 2016 at the Best Western in Dayton, WA. Please complete the DMCJA Board Retreat RSVP Form and return it to Ms. Sondra Hahn, Court Association Assistant, by April 1, 2016.</p>	
<p>Other Business</p> <p>The next DMCJA Board Meeting is Friday, April 8, 2016, at the AOC SeaTac Office.</p>	
<p>Adjourn</p>	

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SLATE FOR ELECTION

June 2016

Simple majority vote wins.

OFFICERS: 2016-2017 (1-YEAR TERM)

POSITION	NOMINATION	WRITE-IN CANDIDATE
President	<input checked="" type="checkbox"/> Judge G. Scott Marinella Columbia District Court	<i>Write-in candidates for President are not allowed according to Bylaws.</i>
President - Elect	<input type="checkbox"/> Judge Scott Ahlf Olympia Municipal Court	<input type="checkbox"/>
Vice - President	<input type="checkbox"/> Judge Joseph Burrowes Benton District Court	<input type="checkbox"/>
Secretary/Treasurer	<input type="checkbox"/> Judge Rebecca Robertson Federal Way Municipal Court	<input type="checkbox"/>
Past - President	<input checked="" type="checkbox"/> Judge David Steiner King District Court	<i>Automatic succession according to Bylaws.</i>

BOARD OF GOVERNORS: 2016-2019 (3-YEAR TERM)

POSITION	NOMINATION	WRITE-IN CANDIDATE
#2 Fulltime District Ct Vote For One	<input type="checkbox"/> Judge Michael Finkle King District Court	<input type="checkbox"/>
	<input type="checkbox"/> Judge Debra Hayes Spokane District Court	
#3 Part-time District Ct	<input type="checkbox"/> Judge Charles Short Okanogan District Court	<input type="checkbox"/>
#4 Fulltime Municipal Ct	<input type="checkbox"/> Judge Terry Jurado Renton Municipal Court	<input type="checkbox"/>

BJA REPRESENTATIVE: 2016-2020 (4-YEAR TERM)

POSITION	NOMINATION	WRITE-IN CANDIDATE
BJA Municipal Ct Rep Vote For One	<input type="checkbox"/> Judge Mary Logan Spokane Municipal Court	<input type="checkbox"/>
	<input type="checkbox"/> Judge Damon Shadid Seattle Municipal Court	

OVER

BJA REPRESENTATIVE 2016-2020 (4-YEAR TERM)

POSITION

NOMINATION

WRITE-IN CANDIDATE

BJA Open Position
Vote For One

Judge James Docter
Bremerton Municipal Court

Judge Kevin Ringus
Fife Municipal Court

CONTINUED LEGAL EDUCATION FUNDING REQUEST

From: Steiner, David
Sent: Thursday, March 10, 2016 11:02 AM
To: G. Scott Marinella ; Harvey, Sharon
Subject: RE: DMCJA Board Meeting Materials

Scott

Can you get in touch with Linda Portnoy before the meeting? She wants the board to approve \$400 for filming the heroine CLE that she's having at her court.

LAKE FOREST PARK MUNICIPAL COURT

17425 Ballinger Way NE, 2nd Floor
Lake Forest Park, WA 98155



THE HEROIN EPIDEMIC NEW CHALLENGES FOR THE COURTS

**Friday, March 11, 2016
1—4PM, LFP Municipal Courtroom**

Please be our guest at this free informative and educational training session

Hosted by Lake Forest Park Municipal Court

- **WELCOME**—Linda S. Portnoy, Presiding Judge, Lake Forest Park Municipal Court
- **TRENDS**—Susan Kingston, Center for Opioid Safety Education, UW Alcohol & Drug Abuse Institute
- **MEDICATION ASSISTED TREATMENT**—Dr. Molly Carney, Ph.D. M.B.A, Executive Director, Evergreen Treatment Services
- **A LAW ENFORCEMENT PERSPECTIVE**—Dr. Steven Freng, Psy.D., MSW, Prevention/Treatment Manager, NW High Intensity Drug Trafficking Area
- **CLOSING REMARKS**— Monique D. Neal, Supervising US Probation Officer

Please RSVP by March 3, 2016

Kelley Gradwohl, Court Administrator

206-364-7711

kgradwohl@ci.lake-forest-park.wa.us

**Light refreshments will be served
2.5 CJE Credits Approved**

City Hall
17425 Ballinger Way NE, 2nd Floor
Lake Forest Park, WA 98155
Telephone: 206-364-7711
FAX: 206-364-7712



Judge
Linda S. Portnoy

Administrator
Kelley Gradwohl

Probation
Phil Stanley

www.cityofflp.com

LAKE FOREST PARK MUNICIPAL COURT

The Heroin Epidemic New Challenges for the Courts

Agenda

Friday, March 11, 2016

1 – 4PM

LFP Municipal Courtroom

- 1:00 – 1:15PM** **Welcome, Introductions, Opening Remarks**
 Presiding Judge Linda Portnoy
 Lake Forest Park Municipal Court
- 1:15 – 2:00PM** **Trends**
 Susan Kingston
 Center for Opioid Safety Education, UW Alcohol & Drug Abuse Institute
- 2:00 – 2:45PM** **Medication Assisted Treatment**
 Dr. Molly Carney, Ph.D. M.B.A.
 Executive Director, Evergreen Treatment Services
- 2:45 – 3:00PM** **Break**
- 3:00 – 3:30PM** **A Law Enforcement Perspective**
 Dr. Steven Freng, Psy.D., MSW
 Prevention/Treatment Manager
 NW High Intensity Drug Trafficking Area
- 3:30 – 3:45PM** **Closing Remarks**
 Monique D. Neal
 Supervising US Probation Officer
- 3:45 – 4:00PM** **Q & A**

*Hosted by Lake Forest Park Municipal Court
Light refreshments will be served*

Molly Carney, Ph.D., M.B.A.

Executive Director, Evergreen Treatment Services

Molly Carney is the Executive Director of Evergreen Treatment Services, a private nonprofit that offers medication assisted treatment program for adults with opioid use disorders. ETS has offices in Seattle, Olympia and Hoquiam and will be opening a facility in Renton in summer 2016. ETS serves about 2400 patients with methadone and buprenorphine (Suboxone).

ETS also operates the REACH team, which offers street-based case management and outreach services to nearly 800 homeless adults with substance use disorders primarily in the downtown Seattle area. The REACH team also provides case management services for the LEAD (Law Enforcement Assisted Diversion) program which is a collaborative effort between the Seattle Mayor's office, Seattle and King County Prosecuting Attorneys Offices, the Defenders Association, the Sherriff's office, the ACLU and a number of additional stakeholders in the issue of repeat, low-level drug offenders.

Dr. Carney earned her doctorate in clinical psychology, specializing in addiction treatment, at the University of Washington and worked for many years as a Research Scientist at the UW Alcohol and Drug Abuse Institute. Dr. Carney earned her MBA from the University of Washington. Dr. Carney joined ETS in 2011 and became Executive Director in January, 2013.

Susan Kingston

Center for Opioid Safety Education

UW Alcohol & Drug Abuse Institute

Susan is the Education Coordinator of the Center for Opioid Safety Education at the University of Washington's Alcohol and Drug Abuse Institute. The Center provides technical assistance to communities and professionals to respond effectively to the rise in opioid dependence and overdose in WA State. Previously, Susan worked at Seattle and King County Public Health as a specialist in public health interventions and treatment engagement strategies targeting drug users.

Monique Neal, Supervising U.S. Probation Officer

Monique Neal is a Supervising U.S. Probation Officer for the U.S. District Court in Seattle. She has been with the agency for 15 years and has worked in various disciplines within the agency including pre-sentence investigations, and post-conviction supervision. She has also worked as a Location Monitoring Specialist. Prior to her federal career, she worked for the King County Jail as a Pre-trial screener and as a case manager. Presently, she manages the Pre-trial unit in Seattle which supervises defendants who have pending criminal matters in federal court. She is also involved in the DREAM (Drug Reentry Alternative Model) Program which is a federal drug court program.

Steven Freng, Psy.D., MSW

Steven Freng currently serves as the Prevention/Treatment Manager for the Northwest High Intensity Drug Trafficking Area (NW HIDTA), a region of fourteen counties within Washington State that has been designated by the White House Office of National Drug Control Policy for special law enforcement and chemical dependency initiatives. The programs under his direction focus on several areas, including the development and operation of Drug Court programs throughout the NW HIDTA region, as well as the development and coordination of substance abuse prevention projects in nine counties within the region, each based on active collaborations with law enforcement agencies and variously emphasizing innovative service strategies, public education activities and community development projects.

Dr. Freng has acquired over 30 years experience as a chemical dependency professional, having worked in clinical, supervisory, administrative and managerial capacities in the development and delivery of chemical dependency prevention and treatment services in the State of Washington. During his tenure with the Seattle-King County Division of Alcoholism and Substance Abuse Services he occupied several positions including that of Division Manager/County Alcohol and Drug Coordinator. He has acquired a particular interest and expertise involving the development of public policy, programs and services designed for the most debilitated and often homeless persons within the community. Dr. Freng has initiated and overseen the construction of service and housing facilities, has pioneered new program strategies and has published numerous articles detailing these efforts and accomplishments.

As President of Community Network Services, Inc., Dr. Freng is also active as an independent clinician, international consultant and trainer, having developed inter-disciplinary treatment programs, directed a state-wide needs assessment project, managed prevention projects and provided technical assistance and facilitation addressing numerous topics and disciplines, ranging in diversity from trauma to methamphetamine and drugs of abuse, hypnotherapy and international drug trafficking and policies. Dr. Freng serves on a variety of local and regional boards and panels and is active in legislative issues and efforts.