



DMCJA Board of Governors Meeting
Friday, April 8, 2016, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge David Steiner
Judge Joseph Burrowes
Judge Linda Coburn
Judge Karen Donohue
Judge Michelle Gehlsen
Judge Michael Lambo (non-voting)
Commissioner Rick Leo
Judge G. Scott Marinella
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Charles Short
Judge David Svaren

Guests:

Ms. Linda Baker, DMCMA
Ms. Sarah Clinton, YMCA
Judge Michael Downes, SCJA
Sean Davis, Esq., WSBA
Ms. Deena Kaelin, MCA
Loyd Willaford, Esq., WSAJ

AOC Staff:

Ms. J Benway, Legal Analyst (via phone)
Ms. Vicky Cullinane, Business Liaison
Ms. Sharon R. Harvey, Primary DMCJA Staff

Members Absent:

Judge Scott Ahlf
Judge Douglas Fair
Judge Janet Garrow (non-voting)
Judge Judy Jasprica (non-voting)
Judge Samuel Meyer
Judge Tracy Staab

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.

GENERAL BUSINESS

A. Minutes

The Board motioned, seconded, and passed a vote (M/S/P) to approve the Minutes for March 11, 2016, with an amendment to the *Judicial Information System Committee Report* that states, "The JISC **has hired** an independent quality control entity, which is required on projects of this size, to determine the risks that could possibly torpedo the SC-CMS Project." The former sentence stated, "The JISC **will hire** an independent quality control entity, which is required on projects of this size, to determine the risks that could possibly torpedo the SC-CMS Project."

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Burrowes' report provided a list of the DMCJA Judges who have not paid their annual dues. He stated that he would contact these DMCJA members with e-mails and follow-up telephone calls to remind these members to pay their DMCJA dues.

C. Standing Committee Reports

1. Rules Committee Minutes for February 24, 2016

Ms. Benway, AOC Staff for the DMCJA Rules Committee, reported that the Committee met on February 24, 2016 and discussed topics relating to General Rule (GR) 11.3 (Telephonic Interpretation), Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.4 (Hearing on Mitigating Circumstances), and GR 14.1 (Citation to Unpublished Opinions).

D. Trial Court Advocacy Board (TCAB) Update

Judge Svaren reported that the TCAB met the morning of Friday, April 8, 2016. The group discussed issues regarding video testimony court rules, Court Security Rule, and Court Funding. The Senate Bill (SB) 5177, *Improving timeliness of competency evaluation and restoration services*, workgroup has developed court rules regarding video testimony. Further, TCAB members noticed a discrepancy between the Superior Court and Courts of Limited Jurisdiction rules. Namely, in Superior Court Criminal Rule (CrR) 3.4 (e)(1) the language is discretionary while language in CrRLJ 3.4 (e)(1) is mandatory. Judge Svaren will send a letter to Judge Ronald Kessler, SB 5177 Workgroup Chair, requesting discretionary language in both rules.

Judge Steiner reported that TCAB members noticed that the court security standards clause was omitted from the proposed Rule when the Supreme Court reformatted the Rule. The Supreme Court deleted the court security standards language because there are no security standards that have been adopted by the TCAB. For this reason, Judge Steiner requested that Judge Robertson, Trial Court Security Committee Chair, convene a meeting to promulgate TCAB Court Security standards and to report back by the May 20, 2016 TCAB meeting.

Judge Marinella reported that trial court funding is a priority for TCAB. The group discussed the Trial Court Improvement Account (TCIA), which was created in 2005 by Second Engrossed Substitute Senate Bill (2ESSB) 5454. The bill was to provide for phased-in funding. The goal was to have the state pay fifty percent of the district court judges' salaries and twenty-five percent of elected municipal court judges' salaries, with savings to be deposited in the TCIA. However, these amounts have yet to be realized. Judge Marinella further reported that TCAB will contact Ms. Callie Dietz, State Court Administrator, regarding obtaining additional staff support to assist with issues related to 2ESSB 5454.

E. Judicial Information System (JIS) Report (Vicky Cullinane)

Ms. Cullinane reported on the status of the (1) Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project, (2) Information Technology Governance (ITG) 41, Destruction of Documents, (3) Expedited Data Exchange, and (4) Plain Paper Notices. She informed that the CLJ-CMS Project Steering Committee, and then the JIS Committee will review the request for proposal (RFP) for the new CLJ-CMS, and they are expecting to release the RFP early this fall. Regarding ITG 41, Destruction of Records, AOC created a way for courts to flag deferred prosecution cases to prevent their deletion, and will wait until a court has marked them before deleting that court's other non-conviction cases. Ms. Cullinane then reported on the Expedited Data Exchange (EDE) Project. She explained that once King County District Court (KCDC) is completely on its own system, KCDC case information will not appear in JIS. Users will have to use JABS to get a complete criminal history. Ms. Cullinane then informed that in a few months courts will be able to print hearing notices on plain paper, as many courts do now for warrants.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Baker, DMCMA President, reported that the DMCMA will not meet in April 2016. She further reported on an issue related to the Abstract Court Record (ACR) reports that the court submits to the Department of Licensing (DOL) via a web based form. Ms. Baker informed that the DOL no longer strictly adheres to its policy that courts provide the password used to submit the ACR report to Washington Technology Solutions (WaTech), after being advised that the DMCMA opposes the practice because it considers it unsafe.

B. Misdemeanant Corrections Association (MCA)

Ms. Kaelin reported that the MCA met in March 2016. The MCA has an AD HOC Committee to review the current risk assessment tool. The Committee will research and obtain a new tool or assist in the development of a new risk assessment tool.

C. Board for Judicial Administration (BJA)

Judge Ringus informed that the BJA will not meet in April 2016. He reported that in March, the Association discussed issues regarding the budget committee, the Special Legislative Session, the civil legal needs study and the reduction of BJA Standing Committees. The group will discuss the next steps for the BJA at its May meeting.

D. Superior Court Judges' Association (SCJA)

Judge Downes reported that neither the Senate Bill (SB) 6317, *Establishing an office of superior courts*, nor the budget proviso to fund the Office of Superior Court passed out of the Legislature. He informed that there was discussion between the AOC and the SCJA to hire a mediator from the National Center for State Courts to resolve issues between the two entities. Judge Downes then announced that this is his last meeting as the SCJA liaison to the DMCJA because he will become the SCJA President at the end of the month.

E. Washington State Association for Justice (WSAJ)

Mr. Willaford reported that the WSAJ has concerns regarding judicial education relating to the Washington Rules of Civil Procedure. Judge Burrowes, DMCJA Education Committee Co-Chair, requested that Mr. Willaford send a list of concerns to Judge Burrowes' attention.

F. Washington State Bar Association (WSBA)

Mr. Davis reported that the WSBA Board of Governors will review comments regarding the Task Force reports next week.

DISCUSSION

Board Packets

Prior to addressing the discussion items on the agenda, Judge Steiner informed that he wanted to add an item to the list, namely, whether judges want to continue to receive hard copies of Board packets. Judge Steiner took a straw poll and determined that Board members want to continue hard copies of Board packets.

A. YMCA Regional Mock Trial Competition

Ms. Sarah Clinton, YMCA Executive Director, expressed her gratitude to the DMCJA for financially contributing to the YMCA Youth and Government Program (Program). The DMCJA has financially supported the Program for more than a decade. Ms. Clinton informed that the Program includes both the (1) Mock Trial competition, and (2) Youth Legislators. There are approximately twelve hundred high school students in Washington State participating in the Program. DMCJA judges have been instrumental in the Mock Trial Program by serving as judges, according to Ms. Clinton. She also informed that the YMCA aims to instill its core values of caring, honesty, respect, and responsibility to all students participating in the Program.

B. Washington State Center for Court Research Follow-up: Whether to invite a researcher to discuss effective methods of handling drug addiction in the courts

This topic is a follow-up to the WSCCR presentation at the February board meeting. During the WSCCR presentation, Dr. Carl McCurley was asked for statistics related to the effectiveness of jail and drug treatment courts for defendants with drug addictions. Dr. McCurley informed that a professor at the Washington State University could best provide answers to questions regarding the courts and drug addiction and offered to request that the Professor speak to the Board on the topic. Judge Steiner informed the Board that he inquired information from WSCCR to determine what the researcher could provide to the Board. Judge Steiner is awaiting a response. Judge Donohue, DMCJA Education Committee Co-Chair, informed that there will be a

Plenary Session, *Treating the Addicted Brain: What Works* that will address issues regarding effective methods of handling drug addiction in the courts. Judge Robertson reported that the program in Judge Portnoy's courtroom, *The Heroin Epidemic New Challenges for the Courts*, was phenomenal. Judge Downes also stated that there is a television show that addresses the heroin epidemic in the Seattle area. Judge Steiner stated that he would provide a link of this television show to the Board.

This issue will be a discussion item at the May Board meeting because the necessary information was not obtained in time for the April Board meeting.

C. DMCJA Rules Committee Recommendation regarding Proposed Amendments to GR 26

Ms. Benway reported that the Rules Committee reviewed the District and Municipal Court Management Association (DMCMA) proposed amendments to General Rule (GR) 26, *Mandatory Continuing Judicial Education*, and is in favor of the idea. The Committee, however, had concerns with the manner in which the proposed amendments are set forth. Thus, the Rules Committee requested that Ms. Margaret Yetter, DMCMA, make a few changes and prepare a GR 9 sheet that would provide more background regarding the proposed Rule. Ms. Yetter made the necessary changes and forwarded the documents to the Education Committee, which is now reviewing the proposed amendments.

D. DMCJA Rules Committee Recommendation regarding Proposed Amendments to GR 35

This issue relates to proposed amendments to GR 35, *Jury Selection*, by the American Civil Liberties Union (ACLU). Ms. Benway reported that the proposal is technically a new rule regarding peremptory or Batson challenges. The Rules Committee is concerned that the issue is premature because there is developing case law regarding the issue of peremptory challenges. The Committee, therefore, recommends that the Board not endorse the proposed amendments at this time. The Superior Court Judges Association has also taken no position at this time, according to Judge Downes. This topic will be an action item at the next Board meeting.

E. DMCJA National Leadership Grant Applications

Judge Steiner informed that four DMCJA judges have submitted National Leadership Grant Applications. These judges are (1) Judge Richard Kayne, Medical Lake Municipal Court, (2) Judge Janet Garrow, King County District Court, (3) Judge Karen Donohue, Seattle Municipal Court, and (4) Judge Marilyn Paja, Kitsap County District Court. M/S/P to make this an action item at the Board meeting in May 2016.

F. DMCJA Vice-President to serve on the BJA Policy and Planning Committee

Judge Marinella reported that the BJA Policy and Planning Committee has proposed amendments to its Charter that would allow for an additional DMCJA member. Judge Marinella recommended that the additional member be the DMCJA Vice President in order to provide continuity for the position. DMCJA members on this Committee will include the (a) DMCJA President-Elect, (b) DMCJA Representative on the BJA, and (c) DMCJA judge. This topic will be an action item at the next Board meeting in May 2016.

G. Judicial Information System Committee (JISC) Meeting Follow-up: E-Filing

Judge Marinella reported that the JISC is considering an electronic filing (e-filing) system for all court levels. In Washington State, only five counties offer the e-filing of court cases, namely, King, Pierce, Thurston, Clark, and Chelan. Judge Marinella informed that the JISC intends to make a decision regarding how e-filing should be implemented in Washington. He noted that as the JISC approaches the new court case management system, the JISC must decide whether to include e-filing. There are various questions surrounding a statewide e-filing system, such as how it will be funded and whether it should be mandatory for all counties. For this reason, Justice Mary Fairhurst, JISC Chair, has asked each JISC member to request from its group the types of issues and policy questions that will need to be addressed regarding e-filing. Thus, Judge Marinella presented the issue to the Board.

ACTION

- A. Bylaws Committee Report regarding amendment to the Nominating and Diversity Committees that states, "The Chair of the Diversity Committee shall be a member of the Nominating Committee."

M/S/P to approve the amendment to the Nominating and Diversity Committees proposed by the Bylaws Committee. M/S/P to propose this amendment at the Annual Spring Conference.

INFORMATION

The Board Retreat is May 13-14, 2016 at the Best Western in Dayton, WA. Please complete and return the RSVP form to Sondra Hahn.

OTHER BUSINESS

The agenda packet stated that the next DMCJA Board meeting is Saturday, May 14, 2016, 11:10 am to 1 p.m. at the Best Western in Dayton, WA.

ADJOURNED at 1:55 PM.