



WASHINGTON
COURTS

**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

April 8, 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.	Best Western Dayton, WA
<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, APRIL 8, 2016
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE DAVID STEINER

AGENDA

TAB

Call to Order

General Business

- A. Minutes – March 11, 2016 (pp 1-5)
- B. Treasurer's Report – *Judge Burrowes*
- C. Standing Committee Reports
 - 1. Rules Committee Minutes for February 24, 2016 (pp 7-8)
- D. Trial Court Advocacy Board (TCAB)
- E. JIS Report – *Ms. Vicky Cullinane*

1

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*

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." (pp 9-10)

2

Discussion

- A. YMCA Regional Mock Trial Competition – *Ms. Sarah Clinton, YMCA Director* (pp 11-14)
- 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 (pp 15-16)
- C. DMCJA Rules Committee Recommendation regarding Proposed Amendments to GR 26 (pp 17-20)
- D. DMCJA Rules Committee Recommendation regarding Proposed Amendments to GR 35 (pp

3

21-28)

E. DMCJA National Leadership Grant Applications (pp 29-35)

F. DMCJA Vice-President to serve on the BJA Policy and Planning Committee (pp 37-40)

G. Judicial Information System Committee Meeting Follow-up: E-Filing – *Judge Marinella* (p 41)

Information

A. The Board Retreat is May 13-14, 2016 at the Best Western in Dayton, WA.

Other Business

The next DMCJA Board Meeting is May 14, 2016, 11:10 a.m. to 1 p.m., at the Best Western in Dayton, WA.

Adjourn



DMCJA Board of Governors Meeting
Friday, March 11, 2016, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge G. Scott Marinella
Judge Scott Ahlf
Judge Joseph Burrowes
Judge Linda Coburn
Judge Karen Donohue
Judge Douglas Fair
Judge Michelle Gehlsen
Commissioner Rick Leo
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Douglas Robinson
Judge Charles Short
Judge David Svaren
Judge Tracy Staab

Members Absent:

Judge Janet Garrow (non-voting)
Judge Judy Jasprica (non-voting)
Judge Michael Lambo (non-voting)
Judge Rebecca Robertson
Judge David Steiner

Guests:

Ms. Deena Kaelin, MCA
Judge Michael Downes, SCJA
Melanie Stewart, Esq., Lobbyist (via phone)
Loyd Willaford, Esq., WSAJ

AOC Staff:

Ms. J Benway, Senior Legal Analyst
Ms. Vicky Cullinane, Business Liaison
Ms. Sharon R. Harvey, Primary DMCJA Staff
Mr. Dirk Marler, Jud. Serv. Div. Director

CALL TO ORDER

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

DISCUSSION

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

A. Request for \$400 to Film CLE in Judge Linda Portnoy's Court

In response to the increasing number of heroin addicts appearing in her courtroom, Judge Linda Portnoy, Lake Forest Park Municipal Court, held a program in her court entitled, "The Heroin Epidemic New Challenges for the Courts." Judge Portnoy wanted to film the event in order to provide it to other courts of limited jurisdiction judges. However, she was told that it would cost approximately four hundred dollars (\$400) to videotape the three hour program. The event was also open to King County and Snohomish County probation officers. Judge Portnoy stated that she held this event in order for courts to learn more about heroin addiction. At present, there are many educational materials on alcoholism, according to Judge Portnoy, but few on other drug addictions. She then stated that this program was largely based on the Public Broadcasting Service (PBS) documentary, "Chasing Heroin." Judge Portnoy requested DMCJA funding in order to pay for a videotape of the event. Judge Portnoy stated that she would work with the

Administrative Office of the Courts (AOC) regarding video distribution if DMCJA funding is available. The program offers judges two and one-half (2.5) continuing judicial education (CJE) credits.

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

B. Proposed Amendments for General Rule (GR) 14.1

The Board discussed whether to accept the DMCJA Rules Committee's recommendation to comment favorably for proposed amendments to General Rule 14.1, *Citation to Unpublished Opinions*. These amendments, which were proposed by the Supreme Court and Court of Appeals (COA), would allow parties to cite to unpublished COA opinions. Specifically, unpublished opinions may be cited as non-binding authority in which a court may accord persuasive value as the court deems appropriate. Further, only unpublished opinions that date back to March 2013 may be cited because unpublished opinions prior to March 2013 are not available online.

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

C. Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) 3.2

Jaime Hawk, Esq., American Civil Liberties Union (ACLU) of Washington, requested that the Board reconsider its proposal to amend Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2, *Release of Accused*. The proposed amendment strikes CrRLJ 3.2 (b)(4), which allows a criminal defendant to deposit cash or other security bond with the court registry. According to Ms. Hawk, the ACLU thinks (b)(4) should remain in CrRLJ 3.2 because it provides a helpful option for low income defendants and is not precluded by *State v. Barton*, 181 Wash. 2d 148, 331 P.3d 50 (2014). This amendment was initially proposed by the Superior Court Judges' Association (SCJA). The DMCJA submitted a comment that stated if the Supreme Court adopts the SCJA's amendment, then the DMCJA was in favor of a similar amendment to CrRLJ 3.2 (b)(4) so the trial court rules would remain congruent. In September 2015, the Supreme Court approved the SCJA proposed amendment and struck Superior Court Criminal Rule (CrR) 3.2 (b)(4). For this reason, in October 2015 the DMCJA requested that CrRLJ 3.2 (b)(4) be stricken to parallel the Superior Court rules and reflect the holding in *State v. Barton*. Some Board members noted that CrRLJ 3.2 (b)(7) may provide the same result as (b)(4). Judge Marinella informed Ms. Hawk that the DMCJA has already submitted its proposal, so it was now within the purview of the Supreme Court. He then stated that Board members, however, may individually send in comments regarding the proposed amendment to CrRLJ 3.2 (b)(4). The comment period deadline is April 30, 2016.

D. Special Legislative Update

Melanie Stewart, Esq., DMCJA Lobbyist, reported that the Legislature failed to provide a budget to the Governor on March 10, 2016, which is the last day of the regular legislative session. Thus, the Governor vetoed twenty-seven bills at approximately 10:30 pm on March 10th. The Senate budget includes a proviso that would require the AOC to transfer \$516,000 in existing resources to the SCJA to implement Senate Bill (SB) 6317, Establishing an office of superior courts, regardless of whether the bill passes the Legislature. Moreover, the JIS consultation bill, House Bill (HB) 2371, is currently on the Governor's desk to be signed. Ms. Stewart continues to work with legislators to find solutions for trial courts that process large amounts of Discover Pass violations without funding. The Senate budget provides twenty thousand dollars for these burdened courts. The DMCJA surrender of surety bond bill, HB 2462/SB 6403, died in the Legislature. Ms. Stewart further reported that the Legal Financial Obligation bill, HB 1390, also died. The omnibus driving under the influence (DUI) bill, HB 2700, passed out of the Legislature and the Governor will likely not veto this bill. Further the statewide relicensing bill, SB 6360, is on the Governor's desk.

Judge Meyer, Chair of the DMCJA Legislative Committee, reported that SB 6317 passed out of the Senate and the House Judiciary Committee held a hearing on the bill. At the hearing, the DMCJA opposed the bill because Administrative Office of the Courts (AOC) resources would be extracted if implemented.

GENERAL BUSINESS

A. Minutes

M/S/P to approve the Minutes.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Burrowes reported on the judges who have paid dues and encouraged Board members to contact the judges listed who have not paid.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Ahlf reported that judges continue to pay their Special Fund dues. There is no money being spent from the Special Fund at this time.

D. Standing Committee Reports

1. *Nominating Committee Slate of Candidates*

The Committee provided a report that listed the following slate of candidates for positions on the DMCJA Board and Board for Judicial Administration (BJA), pursuant to DMCJA Bylaws, Article X, Section 2 (4):

DMCJA BOARD: President – Judge G. Scott Marinella, *Columbia County District Court*; President-Elect – Judge Scott Ahlf, *Olympia Municipal Court*; Vice-President – Judge Joseph Burrowes, *Benton District Court*; Secretary/Treasurer – Judge Rebecca Robertson, *Federal Way Municipal Court*; Past- President – Judge David Steiner, *King District Court*; Position #2 (Full-time District Court) – Judge Michael Finkle, *King District Court*, Judge Debra Hayes, *Spokane District Court*; Position #3 (Part-time District Court) – Judge Charles Short, *Okanogan District Court*; Position #4 (Full-time Municipal Court) – Judge Terry Jurado, *Renton Municipal Court*. **BJA:** Municipal Court Representative – Judge Mary Logan, *Spokane Municipal Court*; Judge Damon Shadid, *Seattle Municipal Court*. Open Position – Judge James Docter, *Bremerton Municipal Court*; Judge Kevin Ringus, *Fife Municipal Court*.

2. *Bylaws Committee Report*

Ms. Benway, AOC Staff for the Bylaws Committee, reported that the Committee recommended a DMCJA Bylaws amendment to Article X, Section 2 (a) Nominating Committee and (d) Diversity Policy Implementation Committee, to include, "The Chair of the Diversity Committee shall be a member of the Nominating Committee." The Bylaws Committee's recommendation is in response to a request for bylaw language that would ensure that the Nominating Committee apply the DMCJA diversity policy in selecting its slate of candidates.

3. *Rules Committee Minutes for December 16, 2015*

Judge Marinella informed that the DMCJA Rules Committee provided Minutes for December 16, 2015 for the Board's review.

4. *Legislative Committee*

Judge Meyer provided his report during the Special Legislative Update discussion, which was heard earlier during the meeting.

E. Trial Court Advocacy Board (TCAB) Update

Judge Svaren reported that the TCAB has not met since the last update in February. The next TCAB meeting is April 8, 2016. The TCAB is also scheduled to meet in May 2016.

F. Judicial Information System Committee (JISC) Report

Judge Marinella reported that the JISC met on February 26, 2016. The JISC discussed the status of the Superior Court Case Management System (SC-CMS) Project, which has encountered some glitches regarding the transfer of case information from a legacy system to the new Odyssey system. The County Clerks have

raised concerns regarding these errors. The Administrative Office of the Courts is working with the Odyssey team to correct the errors and transfer Superior Court case data into the Odyssey system. 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. The highest risk identified for all ongoing projects was the reduction of staff. Judge Marinella then reported on Legislative funding related to the SC-CMS Project. He informed that that the Senate budget does not include the \$492,000 requested by the AOC for additional staff support to assist courts in their transition from the Superior Court Management Information System (SCOMIS) to Odyssey. In contrast, the House budget includes the requested funding amount. Budget cuts will lead to a reduction of AOC Staff that will impact not only the SC-CMS Project but also the courts of limited jurisdiction case management system (CLJ-CMS) Project. Judge Marinella further reported that the Data Dissemination Committee has created a final JISC Data Dissemination Policy draft for comment.

G. Judicial Information System (JIS) Report

Ms. Cullinane reported on various issues related to the JIS. Specifically, she informed that the courts of limited CLJ-CMS Project is progressing on schedule and on budget. She mentioned that neither the House nor Senate proposed budgets returned the \$5.3 million to the JIS Fund that was taken in order to fund the Expedited Data Exchange with King County. She also provided an update on the Information Technology Governance (ITG) Request 41, Destruction of Records, regarding deferred prosecutions. Ms. Cullinane explained that a new flag was created to mark those cases, and courts will receive reports identifying cases that could be deferred prosecutions. Court staff are encouraged to go through the list and flag deferred prosecution cases. The best way to ensure that future deferred prosecution cases are retained is to mark that flag any time a deferred prosecution is granted.

Ms. Cullinane further reported that there is a new reason for judges and court staff to rely on the Judicial Access Browser System (JABS) as the source for complete criminal histories. She reminded that when King County goes live on its own system, JABS will be the only AOC system for viewing King County information; it will not be in JIS. In addition, AOC has discovered that data entry errors are causing some data from Odyssey not to correctly replicate to JIS. Therefore, judges and court staff need to rely on JABS for complete data from Odyssey courts as well. She anticipates the change to having to rely on JABS for a complete criminal history will be more of an impact on court staff than judges.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Baker, DMCMA President, thanked the DMCJA for funding the DMCMA's five thousand dollar (\$5000) portion for the Presiding Judges' Committee's education program. Ms. Baker also reported on an issue related to the Abstract Court Record (ACR) that the court reports to the Department of Licensing (DOL) via a web based form. Washington Technology Solutions (WaTech), a state agency that handles information technology security for the DOL, now requires courts to provide the username and password used to submit the ACR reports. According to the DMCMA, the requirement that passwords are shared with WaTech is an unsafe practice. For this reason, the DMCMA objects to WaTech's request. Ms. Baker, on behalf of the DMCMA, will write a letter to the DOL and WaTech expressing the Association's objection to this new procedure.

B. Misdemeanant Corrections Association (MCA)

Ms. Deena Kaelin reported that the deadline to register for the MCA Conference is March 15, 2016. The MCA Conference is April 25-27, 2016 in Olympia, WA.

C. Board for Judicial Administration (BJA)

Judge Ringus reported that on February 19, 2016, the BJA discussed the civil legal needs study, the Northwest Justice Project Relicensing Program, the Working Interdisciplinary Network of Guardianship Stakeholders (WINGS) Program, the state budget, and the Legislative Report. He then reported that two resolutions were submitted to the BJA, namely, (1) Updated Civil Legal Needs Study Commissioned by the Office of Civil Legal

Aid, and (2) the WINGS Program. These resolutions were referred to the BJA Policy and Planning Committee. The next BJA meeting is scheduled for Friday, March 18, 2016.

D. Administrative Office of the Courts (AOC)

Mr. Marler reported that Judge Linda Portnoy and J Benway, AOC Senior Legal Analyst, have re-written the Infraction Benchbook. He encouraged Board members to view the materials on the Inside Courts website. He further informed that the AOC will soon begin working on updates to the so-called "Greenbook," which is a comprehensive guide for CLJ court managers. Ms. Shannon Hinchcliffe, AOC Legal Services Manager, plans to work with the court community on prioritizing various Benchbooks for trial court judges. Mr. Marler further addressed issues related to the Judicial Information System (JIS). Specifically, he discussed replication errors that exist when data is incorrectly transferred from the new Odyssey Case Management System (CMS) to JIS. Thus, there will be more trainings on how to properly enter data into Odyssey. The AOC created a team to address this data replication issue and the number of errors has now decreased. Mr. Marler then discussed the necessity of Legislative funding in order to successfully implement case management systems for both the superior courts and the district and municipal courts.

E. Superior Court Judges' Association (SCJA)

Judge Downes reported that the SCJA will provide ten thousand dollars in funding for the Presiding Judge and Administrator Education Committee's education program that will be held in November 2016. The Washington State Association of Superior Court Administrators contributed five thousand dollars toward the education program, however, their funds are now depleted. The SCJA is discussing the lack of funding for education programs and will work with the BJA to obtain the legislative funding needed to operate superior courts. He further reported that the SCJA had discussed having a tribal court judge liaison attend SCJA Board of Trustees meetings.

F. Washington State Association for Justice (WSAJ)

Mr. Willaford reported that the WSJA heavily supports House Bill (HB) 1248, *Concerning court proceedings*, as it relates to mandatory arbitration. He then inquired about the DMCJA's position regarding the bill. Judge Meyer informed that the DMCJA Legislative Committee had an interest in the bill in 2015 when it contained language regarding an increase in the district court's jurisdiction amount. In 2016, this language was removed from the bill with the passage of Senate Bill 5125, which increased the jurisdiction amount in district court. Thus, the only issue in HB 1248 is mandatory arbitration, which is not a DMCJA concern. Judge Marinella recommended that the WSJA send a letter to the DMCJA Legislative Committee next year requesting DMCJA support for the bill if it is reintroduced in the Legislature.

ACTION

1. M/S/P to pay five hundred dollars or less to film the presentation, "The Heroin Epidemic New Challenges for the Courts," which Judge Portnoy hosted in her courtroom.
2. M/S/P to adopt the DMCJA Rule Committee's recommendation to comment favorably for General Rule (GR) 14.1, *Citation to Unpublished Opinions*.

INFORMATION

Judge Marinella informed that the Board Retreat is May 13-14, 2016 at the Best Western in Dayton, WA. Board members were encouraged to return the DMCJA Board Retreat RSVP Form to Ms. Sondra Hahn, AOC staff assistant.

OTHER BUSINESS

Judge Marinella informed that the next Board meeting is Friday, April 8, 2016, at the AOC SeaTac Office.

ADJOURNED at 2:12 PM.



WASHINGTON
COURTS

DMCJA Rules Committee

Wednesday, February 24, 2016 (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

Judge Dacca called the meeting to order at 12:03 p.m.

The Committee discussed the following items:

1. Minutes from the December 2015 meeting

It was motioned, seconded and passed to approve the minutes from the December 16, 2015 Rules Committee meeting as presented.

2. Discuss proposed amendments to GR 11.3 and IRLJ 3.4, proposed by the Technology Subcommittee

A Technology Subcommittee, comprised of Judge Garrow, Judge Buzzard and Judge Goodwin, reviewed the court rules to determine if changes could be suggested that would facilitate court access through the use of technology. The Subcommittee has proposed two rule amendments for the Committee to consider:

A. GR 11.3, Telephonic Interpretation

Judge Garrow presented the Committee with proposed amendments to GR 11.1, pertaining to telephonic interpretation, that would allow for the use of video conference technology. The Committee was in favor of the proposal and suggested changes to the language. Judge Garrow agreed to make those changes and then distribute the proposal to the WSBA Rules Committee, the SCJA Rules Committee and the Interpreter Commission for comment.

B. IRLJ 3.4, Hearing on Mitigating Circumstances

Judge Goodwin presented a recommendation to amend IRLJ 3.4 to allow for telephonic or video conference appearance at infraction mitigation hearings. The Committee approved the concept, and had suggestions regarding the wording and placement of the subsection. Judge Goodwin stated that he would revise the draft and circulate it to the Committee before forwarding it to the WSBA Rules Committee for comment.

3. Discuss proposed amendments to GR 14.1, pertaining to the citing of unpublished opinions, proposed by the Washington Court of Appeals

The Committee discussed a proposal that has been published for comment to amend GR 14.1, pertaining to the citing of unpublished opinions. The proposal, which was requested by the Court of Appeals (COA), was modified by a letter from Judge Korsmo, Chair of the COA Rules Committee. After a vigorous discussion, the Committee voted in favor of the proposal as amended. Judge Dacca will prepare a memo the DMCJA Board to that effect.

4. Discuss proposed new General Rule 35, pertaining to jury selection, proposed by ACLU-WA

The Committee ran out of time to discuss this issue and tabled it until the next meeting.

5. Other Business and Next Meeting Date

The next Committee meeting is scheduled for Wednesday, March 23, 2016 at noon. 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 1:00 p.m.



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:

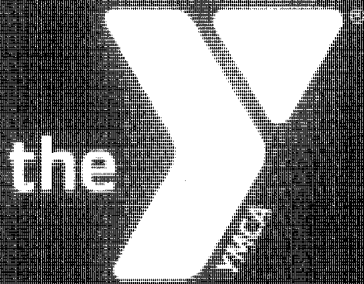
(1) [no change]

(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.



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

ENGAGED INFORMED CITIZENSHIP

YOUTH & GOVERNMENT 2014-2015 REPORT

LEADERSHIP MESSAGE

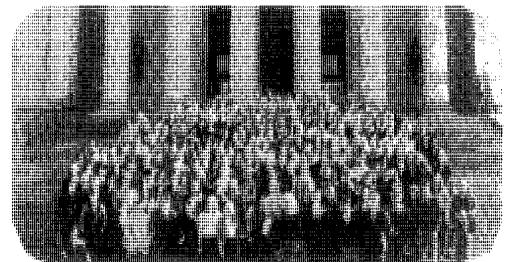
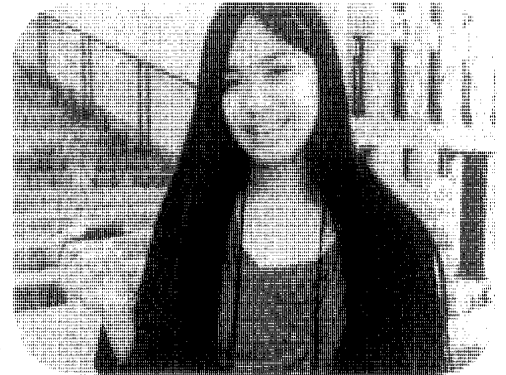
In the Y, we believe in the potential of every individual. Youth & Government volunteers and supporters nurture that potential by helping young people find the power of their own voice. Working with caring adult mentors and community leaders, teens build self-confidence and skills and gain a deeper connection to our community and our democratic institutions. Thank you for joining us in this important work – together we are improving young lives and shaping the future of our community- and we are pleased to report a great year with many successes.

In March, the Washington State Council for Public Legal Education honored Youth & Government with *The Flame of Democracy Award* for our contribution to the public's understanding of law, the justice system and government. The impact of Youth & Government programs is also highlighted by the outstanding support of our statewide leaders who stepped forward to join our new Advisory Board and take a more active role in supporting civic education and youth development through the Y. And 2015 marks the first time in our 68 year history that Youth & Government has a full time program staff stationed in Spokane! This is a tremendous leap forward in our ability to support program opportunities for teens, families, and communities in Eastern Washington.

We are also very proud to announce the establishment of a Youth & Government endowment fund to honor the late Justice Robert Utter. Not only was Justice Utter a program alum (1948), he continued to be a dedicated volunteer and supporter. Justice Utter was a true servant leader who embodied the Y's core values through his dedication to community and service to others. The Robert F. Utter Endowment for Civic Education will provide financial assistance to program participants and college scholarships to program alumni. Youth & Government is honored to work with his family and friends to recognize his many contributions to our program and our state as we teach democracy to the next generation.

Tom Hoemann
Board Chair

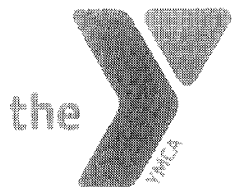
Sarah Clinton
Executive Director



My favorite thing about Youth & Government has been the self-assurance I've developed as a result of joining. Youth & Government gave me confidence, the program changed me. Today, I am audacious, outgoing, and vocal. I fearlessly take on challenges, and I stand up for what's right without hesitation. I feel free to be me.

Fancy Cox, Alumni





THANK YOU FOR YOUR SUPPORT!

AMBASSADORS

Microsoft Corporation

FOUNDERS

Lucy Helm
Perkins Coie
Puget Sound Energy
United States District Court,
Western Division
Washington Judges Foundation
YMCA of Greater Seattle

BENEFACTORS

BEUC
The Boeing Company
Chehalis Indian Tribe
Comcast Cable
JPMorgan Chase
Rob Makin
Bill Stauffacher
Vulcan Inc.

CHAMPIONS

Jeanne Cushman
David & Terri Fisher
Kevin & Michelle Hamilton
PEMCO Financial Services
Dwayne Slate
Premera Blue Cross
Washington District and Municipal
Court Judges
Washington State Council
of Firefighters
Robert & Carolyn Wolfe

ADVOCATES

Bobbe & Jon Bridge
Bill & Kathleen Collins
Pat & Susan Dunn
Mike Egan
Fremont Dock Co.
William & Kate Gamble
Erica Hallock
Thomas & Lee Hoemann
Marcia Isenberger
Kenneth Kanikeberg
Les Schwab Tire Centers
David M Namura
Al Ralston
Sabey Corporation

Sanitary Service Company
Valarie Schmidt
Starbucks Coffee Company
Virginia Stout
Marta Tolman
Scott & Cheryl Washburn
Washington State Association
for Justice
Washington Federation of
State Employees
YMCA of Pierce & Kitsap Counties
YMCA of Snohomish County

Youth & Government is more than a civic
educational program. You soon come to learn your
voice is actually important and you can have a say
in what happens.

Amber Grayson, Participant

SUSTAINERS

Jillian Barron
Benton Rural Electric Association
Jim Bricker
Gail Brown
The Clinton Family
Clallam County Bar Association
William & Laura Downing
Kelly Evans
Grant & Laura Gardner,
in honor of Phillip Gardner
Jeff & Candy Havens,
in honor of the volunteers
Jim & Kathryn Hedrick
Jennifer Joly & Jason Hellberg
Gary & Leona Huff
Norm & Karen Hyatt
Joe Jenkins & Phillip Setran
John & Judy Joly
Rebecca Johnson & Cody Arledge
Bill & Carole Koenig
Robert Lewis
John & Sandra McCullough
Kim Putnam
South Sound YMCA
Michael Temple

Washington Defense Trial Lawyers
Washington Education Association
Washington State Auto
Dealers Association
Washington Women Lawyers
Ronald & Barbara Woodhill,
in honor of Joseph Jenkins
YMCA of Grays Harbor

FRIENDS

Association of Washington Business
Bannecker & Associates, Inc
Bogard & Johnson LLC
Cheri Brennan & Tom Horsley
Dan Coyne
Randy Dorn
Denny Eliason
Stuart & Irene Elway
Dean & Sharon Foster, *in memory*
of Kimberly Petty Head
Daniel Harbaugh
Arien Harris
Brad & Krista Jurkovich
Judith Kaftan,
in honor of Eva Greenberg
Linda Lanham
Enid Laves
Jean Leonard
Robert Lovely
Platt Irwin Law Firm
Skagit Valley Family YMCA
Jim Spady
Krystal Starwich
Karl Tegland
Jane Rushford & Thomas Trompeter
Vail, Cross & Associates
Sam Reed
Richard B Wallis
Walla Walla YMCA
Washington Forest Protection
Association
Whatcom Family YMCA
Rufus Woods
YMCA of the Inland Northwest
Joan & Keiji Yoshitomi
Jennifer Ziegler

THANK YOU FOR YOUR SUPPORT!



SUPPORTERS

Jerrie Allard
Joyce Allen
Robert & Sarah Alsdorf
Stephanie Arend
Mark Ashida & Lisbet Nilson
Association of Washington Cities
Ruth Ballweg
Brian Barker
Charles Bates
Deborah Carpenter
Scott & Cheryloy Beckwith
Dan Berschauer
David & Dorothy Bjornson
Sam & Linda Bovard
Tim Boyd
Catherine Brazil
Christine Brischle
Brent Brodersen
Jane Broeksmit, *in honor of the
Hon. William Downing*
Marge Brouillet
Marty Brown & Kate Lykins
Alison Carl White
Jill Carnine
Kayla Castleberry
Tucker Cholvin
Jeanne Chowning
Abby Christensen
Dan Crocker
Larry Davis
Sam Downing
Wayne Ehlers & Patricia Hall
Mary Fairhurst
Stan Finkelstein
Jessica Fortescue
Chris & Andrew Foster, *in memory
of Leland T Johnson*
Barb Fotheringill
Taneum Fotheringill
Evan Fowler
Holly & Jim Gadbow
Jacki Gavin
Paula Glandon
Sean Graham
John & Marjorie Gray
Philip Grennan
Dan Grimm
Nora & Jack Hallett, *in memory of*

Justice Robert Utter
Nick Handy
Daniel Hannula
Greg Hanon, Communico
Norm & Tovi Harris
Thomas & Margaret Hayward
Allen Hayward
Lorraine Hine
Bill Hochberg
EJ & Delores Hoemann
Leigh Hofheimer, *in honor of
Franklin High School*
Jim Holstine
Aimee Holt
James Hutchinson
Laura Inveen
Jeffrey James
Kathleen Jenkins
Jim Justin
Keith Kauhanen
Chris & Liza Koenig
Bill Lahmann
Susan & Blake Lindskog
Marsha Long
Aiko Low
Terry Lukens
Carole McCarthy
Gilbert Mendoza
David Merrell
Mike Meskimen, *in memory of
Lance Braden*
Patrishia Milton
Bill Montgomery III
Anita Murray, *in honor of
Becky & Steve Cameron*
Bob & Penny Nerup
Robert & Janelle Nesbit
Jane Noland
Tom Parker
Teri Patrick
Jennifer Pesut
Dena Petersen
Frank Pritchard
Debbie & Dan Raas
Steve Retz
Edith Rice
Paula Rhyne
James Robart
Judith Roberts

Eva Rothschild
Bernard Ryan
Mike & Ann Ryherd
Don & Alice Sampson
Carol Schapira
Liz Setran
Mimi Sheridan
The Simpson Family
David & Judy Smith
Rachel Smith-Mosel, *in honor of
Don Brevik & Faren Johnson*
Charles Snyder
Phil Talmadge
David Taylor
Scott R Taylor
Richard Van Wagenen, *in honor of
Dwayne Slate*
Dale Vogal
Cherlyn Walden
Bill Wegeleben
Wenatchee Valley YMCA
Kristin Wiggins
James Williams
Matt Wojcik
Cindy Zehnder

I have seen this program do an amount for so many young people. It teaches the vocabulary they have something to say; it opens the eyes of kids who have never thought about how different the world looks through other eyes, and it gives them all a deep respect for what it means to be an engaged citizen.

James Rosenzweig, Advisor





PROGRAM LEADERSHIP

BOARD OF DIRECTORS

- Tom Hoemann**, Chair
- David Fisher**, Chair-elect
Business Consultant
- Joe Jenkins***, Treasurer
WHPacific
- Kevin Hamilton**, Treasurer-elect
Perkins Coie
- Catherine Brazil**, Secretary
University of Washington
- Jeanne Cushman***
Attorney/Lobbyist
- Mike Egan***
Microsoft
- Kelly Evans**
Sound View Strategies
- Anna Ferron**
Mock Trial Student Representative
- Lucy Helm***
Starbucks Coffee Company
- Ken Kanikeberg**
OSPI
- Judge Robert Lewis**
Clark County Superior Court
- Dan McGrady**
PEMCO
- David Namura**
Puget Sound Energy
- Al Raiston**
Checkerboard Consulting Services
- Sam Reed**
Secretary of State Emeritus
- Krystal Starwich***
Seattle Academy of Arts & Sciences
- Marta Tolman**
Business Management Consultant
- Annie Wensley**
Youth Legislature Student Representative
- Matt Wojcik**
Bullivant Houser Bailey PC

ADVISORY BOARD

- Governor Jay Inslee
- Lieutenant Governor Brad Owen
- Secretary of State Kim Wyman
- State Treasurer Jim McIntire
- Superintendent of Public Instruction Randy Dorn
- Justice Debra Stephens
- Solicitor General Noah Purcell*
- Senator Andy Billig
- Senator Joe Fain
- Representative Sam Hunt
- Representative Hans Zeiger
- Chief Clerk Barbara Baker
- Secretary of the Senate Hunter Goodman
- Renee Radcliff Sinclair, CEO, TVW
- Ralph Munro, Former Secretary of State
- Scott Washburn, CEO, YMCA of Snohomish County

*Alumni of YMCA Youth & Government

2014 FINANCIAL SUMMARY

REVENUE

Contributions & Special Events	\$169,784
Participation Fees	\$191,247
Other Revenue	\$75,451
TOTAL REVENUE	\$436,482

EXPENSE

Employee Expenses	\$179,691
Program Expenses	\$175,455
Administration	\$81,335
TOTAL EXPENSE	\$436,481

Endowment Total	\$176,950
------------------------	------------------

Washington YMCA Youth & Government
360.357.3475 / www.youthandgovernment.org

**DEMOCRACY MUST BE LEARNED
BY EACH GENERATION.**

South Sound In Depth

HEROIN OVERDOSES SOARING

Obama, state's lawmakers call for better treatment for drug addiction

BY ROB HOTAKAINEN
McClatchy

WASHINGTON

After getting shot in the leg at age 18 during a gang fight in Tacoma, Raymond Power found relief in OxyContin and Percocet.

When the prescription painkillers became too expensive, he found a cheaper alternative: hero-

in. "It used to be pills was the main drug and now everybody's doing heroin — they're smoking it, shooting it," said Power, now a 30-year-old college student and father of four. "It's sad our here — and they're getting younger and younger and younger. I started doing heroin at maybe 19, 20 — and they're starting at 13, 14

these days." With drug overdoses at a record high, President Barack Obama on Tuesday stepped up the fight against what many experts say is an epidemic. He urged Congress to spend \$1.1 billion over the next two years for more treatment for drug addicts, proposing that most of the money go to states to help them expand ac-

cess. And he said he wanted people enrolled in state Medicaid and the Children's Health Insurance Program to be covered for drug treatment, just as they are now for medical and surgical procedures. Speaking at the National Prescription Drug Abuse and Heroin Summit in Atlanta, Obama said drug addiction must be treated as a public health issue, not

just a criminal justice issue.

More than 47,000 Americans died from overdoses of heroin and prescription painkillers in 2014, a 7 percent increase in just one year, according to the Centers for Disease Control and Prevention. In the Northwest, overdoses killed an average of 153 people each month in Washington, Idaho, Ore-

gon and Alaska in 2014. Washington had the most deaths in the region, with 979 for the year.

"We know that drug overdose deaths are the leading cause of injury in the United States, taking more lives than car crashes," Susau Johnson, regional director of the U.S. Department of Health and Human Services in Seattle, said earlier this month in a conference call with reporters.

While Obama is promising to make his plan a top priority in his last year as president, the issue is showing signs of uniting Democrats and Republicans on Capitol Hill,

SEE ADDICTION, 9A

ADDICTION

never an easy trick in an election year.

On March 10, the Senate voted 94-1 to pass a broad drug treatment and prevention bill. The vote came after senators from both red and blue states complained that drug addiction rates had soared across the country, necessitating a quick response.

In a speech on the Senate floor earlier this month, Washington state Democratic Sen. Patty Murray said the drug crisis had resulted in "a rare moment of bipartisan agreement" in the Senate, giving lawmakers a chance to strengthen the nation's mental health system.

Murray has emerged as a key player in the debate, using her perch as the

top-ranked Democrat on the Senate Health, Education, Labor and Pensions Committee to elevate the issue. On Tuesday, she called Obama's plan a "strong step" forward.

Murray and Washington state Democratic Rep. Derek Kilmer, a member of the House Appropriations Committee, want to make it easier for addicts to get naloxone, a medication that can help prevent opioid overdoses from becoming fatal.

Power, who grew up on the streets, said his road to addiction began when he got into a fistfight in Tacoma's Eastside neighborhood and somebody jumped out of the bushes and shot him. He said the prescription painkillers

helped a lot at first.

"But once it was time to get off them, I realized I was hooked," Power said. "I just kind of hit rock bottom. And then somebody introduced me to heroin — and that was it."

He said he quit using heroin when he enrolled in a methadone program run by the Tacoma-Pierce County Health Department. He landed at Bates Technical College in Tacoma, where he studied electrical engineering.

Power said Obama's plan came late but was still a good one that could help Tacoma.

"I wish he would have done it years ago," he said. "We've been having a real problem ... I've got four kids, and my oldest is 9. And you know, I just want them to have a good life and not have to see so much drama out here."

TO: Judge David Steiner, President, DMCJA Board
FROM: Judge Frank Dacca, Chair, DMCJA Rules Committee
SUBJECT: Proposed Amendment to GR 26
DATE: March 31, 2016

The District and Municipal Court Management Association (DMCMA) has drafted proposed amendments to GR 26 pertaining to mandatory judicial and/or administrative education for court administrators. At its regular meeting on March 23, 2016, the DMCJA Rules Committee considered these proposed amendments. Ms. Margaret Yetter, Court Administrator for the Kent Municipal Court (and Co-Chair of the DMCMA Conference Committee) was kind enough to join us in our tele-conference meeting and provide helpful background information about the proposed education requirements.

The Rules Committee expressed their general support for the proposed amendments. However, the Committee did express some concern over certain language and provisions of the amendments. First of all, the Committee highlighted the importance of the requirement of GR 9 to prepare a detailed Cover Sheet outlining the background and rationale of the proposed changes. The Committee also suggested that the DMCMA review proposed paragraph (e) dealing with enforcement of the education requirements, and proposed paragraph (g) regarding delegation of authority which may be beyond the scope of this Rule. Ms. Yetter expressed her appreciation to the Committee for its input and related that she plans to resubmit a revised rule and GR 9 Cover Sheet to the Committee in the immediate future.

As noted above, the Committee is generally in favor of educational requirements for court administrators and would like to review the revised proposal and GR 9 Cover sheet when provided by Ms. Yetter. The Committee requests that the DMCJA Board table the matter until those additional materials are submitted for review.

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.

Attachment: Proposed Amendment to GR 26
CC: Ms. Margaret Yetter, Kent Municipal Court
DMCJA Rules Committee

DMCMA PROPOSED CHANGES TO GR 26
MANDATORY CONTINUING JUDICIAL AND ADMINISTRATIVE EDUCATION

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. Education in court administration is necessary to maintain judicial independence and carry out the judicial branch's obligation to administer justice impartially and competently. This rule establishes the minimum requirements for continuing judicial education of judicial officers and administrators.

(a) Minimum Requirement. Each judicial officer and administrator shall complete a minimum of 45 credit hours of continuing ~~judicial education~~ judicial education or administrative education in accordance with their position and as approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a ~~judicial officer or administrator~~ completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the ~~judicial officer's~~ judicial officer's their education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.

(b) Judicial College Attendance.

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a District Court, Municipal Court, Superior Court, or an appellate court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial

College, shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial and administrative education programs and may choose to award continuing judicial and administrative education credits for self-study or teaching. Continuing judicial and administrative education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the judicial office position.

(d) Compliance Report. Each judicial officer and administrator shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial and administrative education requirements of sections (a) and (b) of this rule during the previous calendar year. If a judicial officer or administrator does not respond by January 31, their credits will be confirmed by default. Judicial officers and administrators who do not have the requisite number of hours at the end of their three-year reporting period, will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers and administrators who do not fulfill the requirements of sections (a) and (b) of this rule. AOC may require a designated training coordinator from each administrative association to assist with compliance reporting. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site; publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout the Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct. A that would subject a judicial officer will be subject to sanctions by the Commission on Judicial Conduct.

(f) Definitions. In this section, the following definitions apply:

The term

"Judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

"Administrator" as used in this rule refers to the court administrator or other titled person responsible for the day-to-day administrative duties of the court and reports directly to the chief justice, chief judge, or presiding judge.

(g) Authority. The administrative responsibilities set forth in this rule cannot be delegated to persons in either the legislative or executive branches of government.

[Adopted effective July 1, 2002; amended effective November 7, 2002; December 31, 2003; December 31, 2003; December 31, 2007.]

DRAFT

TO: Judge David Steiner, President, DMCJA Board
FROM: Judge Frank Dacca, Chair, DMCJA Rules Committee
SUBJECT: Proposed General Rule 35
DATE: March 30, 2016

As you know, the ACLU-W Committee has proposed a new GR rule to address potential bias in peremptory juror exclusions and has requested comment from the DMCJA. In addition to a proposed GR 35, Mr. Salvador Mungia has further submitted a letter dated February 23, 2016 outlining the background and issues relating to this proposal.

At your request, the DMCJA Rules Committee considered the proposed new GR and the issues cited in Mr. Mungia's letter at its regular meeting on March 23, 2016. At the outset, the Committee wishes to point out that a GR 35 currently exists under the title of Official Certified Superior Court Transcripts. Therefore, any new such GR would be GR 36, not GR 35.

In its discussion, the Rules Committee expressed its appreciation of the thoughtful concern demonstrated by the ACLU regarding this developing area of case law. The Committee is also cognizant that the Supreme Court of Washington is continuing to closely review this important area in cases which may come under consideration. For these reasons, the Rules Committee recommends that the Board not endorse this proposed Rule.

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: Letter from Mr. Mungia Regarding Proposed GR 35
Proposed New General Rule, GR 35

CC: DMCJA Rules Committee
J Benway, AOC Staff

Direct: (253) 620-
E-mail:

February 23, 2016

Jennifer Benway
Legal Services Senior Analyst
Administrative Office of the Court
P.O. Box 41170
Olympia, WA 98504-1170

RE: DMCJA Rules Committee

Dear Jennifer:

I want to thank the DMCJA Rules Committee for considering our Proposed General Rule 35. This ACLU-W committee has been working on this issue for over two years. We are now taking the proposed rule to various stakeholders with one of the obvious stakeholders being the DMCJA.

A. The Problem: *Batson* isn't working

The three-part test set forth in *Batson v. Kentucky*, 476 U.S. 79 (1986) is not working.¹ As Michigan State University law professors Catherine M. Grosso and Barbara O'Brien wrote in their article about racial bias in jury selection in North Carolina:

Among those who laud its mission, it seems that the only people not disappointed in *Batson* are those who never expected it to work in the first place.

¹ As you know, in order to make a *Batson* challenge, a party challenging a peremptory challenge "must make out a prima facie case of purposeful discrimination by showing that the totality of the relevant facts gives rise to an inference of discriminatory purpose." *Batson*, 476 U.S. at 93-94. Second, "the burden shifts to the State to come forward with a [race]-neutral explanation" for the challenge. *Id.* at 97. Third, "the trial court then [has] the duty to determine if the defendant has established purposeful discrimination." *Id.*

Reply to:
Tacoma Office
1201 Pacific Ave., Suite 2100 (253) 620-6500
Tacoma, WA 98402 (253) 620-6565 (fax)

Seattle Office
600 University, Suite 2100 (206) 676-7500
Seattle, WA 98101 (206) 676-7575 (fax)

Their 2012 study found that North Carolina prosecutors used 60 percent of their peremptory challenges to strike black jurors, who made up only 32 percent of potential jury members. The study also found that defense attorney used 87 percent of their strikes against white jurors, who made up 68 percent of the jury pool.

In Houston County, Alabama, prosecutors between 2005 and 2009 used their peremptory strikes to eliminate 80 percent of the blacks qualified for jury service in death penalty cases. The result was that half of these juries were all white, and the remainder had only a single black member, even though the county is 27 percent black.

In 2012, a state trial judge in North Carolina found that prosecutors in his state had created a "cheat sheet" of race-neutral reasons to offer when challenged. Among the reasons given were "air of defiance," "arms folded" and monosyllabic responses. (New York Times, August 16, 2015.)

Here are some reasons prosecutors have offered for excluding blacks from juries: They were young or old, single or divorced, religious or not, failed to make eye contact, lived in a poor part of town, had served in the military, had a hyphenated last name, displayed bad posture, were sullen, disrespectful or talkative, had long hair, wore a beard. (New York Times, August 16, 2015.)

As was stated in the Washington Post:

Studies and experience have concluded that only the most incompetent lawyer will fail to come up with a justification that a judge can accept.

(Washington Post, October 25, 2015.)

B. Washington State is no exception

"Twenty-six years after *Batson*, a growing body of evidence shows that racial discrimination remains rampant in jury selection," wrote Washington State Supreme Court Justice Wiggins in *State v. Saintcalle*, 178 Wn.2d 34, 309 P.3d 326 (2013). "In part, this is because *Batson* recognizes only 'purposeful discrimination,' whereas racism is often unintentional, institutional or unconscious."

Kirk Saintcalle, an African American defendant, challenged his first-degree felony murder conviction for a 2007 homicide, alleging racial bias in jury selection at his trial. The only black person in the jury pool was singled out by prosecutors for additional questioning about her views on race in the justice system. During that questioning, she revealed that a friend had been murdered two weeks earlier.

The prosecutor used a peremptory challenge to dismiss the potential juror claiming he did so because the potential juror said she did not know how her friend's murder would affect her during the trial. The prosecutor also justified his use of the peremptory by stating that the potential juror had checked out during voir dire. The prosecutor attempted to use a peremptory challenge against the sole Mexican-American juror in the venire but the judge sustained a *Batson* challenge to that strike rejecting each of the prosecutor's proffered reasons as pretextual.

The Court ruled that *Batson* requires a finding of purposeful discrimination and the trial court's finding of no purposeful discrimination was not clearly erroneous. Accordingly, the Court sustained the trial court's rejection of the *Batson* challenge. The Court made it clear, however, that *Batson* is not working.

However, we also take this opportunity to examine whether our *Batson* procedures are robust enough to effectively combat race discrimination in the selection of juries. We conclude that they are not. Twenty-six years after *Batson*, a growing body of evidence shows that racial discrimination remains rampant in jury selection. In part, this is because *Batson* recognizes only "purposeful discrimination," whereas racism is often unintentional, institutional, or unconscious. We conclude that our *Batson* procedures must change and that we must strengthen *Batson* to recognize these more prevalent forms of discrimination.

C. The *Batson* bar is high

As the *Saintcalle* Court noted, *Batson* requires a finding of purposeful discrimination – an element that makes it difficult on the attorney making the objection, difficult on the attorney accused of engaging in behavior alleged to be purposeful, and difficult on the judge if the judge upholds the objection.

In addition, Washington courts have used the expansive language of *State v. Vreen*, 143 Wn.2d 923, 927 (2002) that the prosecutor's explanations need not be "persuasive, or even plausible" to accept a range of reasons for peremptory challenges. See, e.g., *State v. Williams*, No. 28608-4-II, 2003 Wash. App. LEXIS 2893 at *7 (Wash. Ct. App. Dec. 9, 2003); *State v. Titialli*, No. 30187-3-II, 2005 Wash. App. LEXIS 2571 at *17 (Wash. Ct. App. Sept. 27, 2005).

The following are some reasons given for exercising peremptory challenges that have survived *Batson* objections.

- The potential juror expressed hostility to the justice system by noting the racial disparities in the seated jury pool, asking "[i]s this really a makeup of Tacoma or Pierce County?" *State v. Thomas*, 166 Wn.2d 380, 396 (Wash. 2009).

- The potential juror has low intelligence. Opening Brief of Appellant at *7, *State v. Sadler*, 147 Wn. App. 97 (Wash. Ct. App. 2008) (No. 35021-1-II), available at <http://www.courts.wa.gov/content/Briefs/A02/350211%20appellant.pdf>.
- “[The potential juror] has a large family, similar to the family makeup of the defendants.” *State v. Titalii*, No. 30187-3-II, 2005 Wash. App. LEXIS 2571 at *15 (Wash. Ct. App. Sept. 27, 2005).
- The potential juror answered “[t]here is no comment to make. None of it's applicable to me. I'll do my best” when asked if she could set aside prejudice. *State v. Jalothot*, No. 28660-2-II, 2003 Wash. App. LEXIS 1716 at *8 (Wash. Ct. App. July 29, 2003).
- The potential juror was suspicious of the criminal justice system because she said “it's not infallible. There's problems, as there are anywhere else” to a question about flaws in the system. *State v. Nordlund*, No. 26859-1-II, 2002 Wash. App. LEXIS 2219 at *14 (Wash. Ct. App. Sept. 13, 2002).
- The potential juror mentioned “beyond a shadow of a doubt” in an answer when the legal standard was actually “beyond a reasonable doubt.” *State v. Powell*, 55 Wn. App. 914, 916 n.1 (Wash. Ct. App. 1989).

In several cases the reasons proffered for striking a minority juror also applied to non-minority jurors who were not removed. See, e.g., Opening Brief of Appellant at *7, *State v. Sadler*, 147 Wn. App. 97 (Wash. Ct. App. 2008) (No. 35021-1-II), available at <http://www.courts.wa.gov/content/Briefs/A02/350211%20appellant.pdf> (a minority juror was challenged in part for (1) having a military background and (2) not understanding the word “sodomasochism” – several jurors with similar characteristics were not challenged); *State v. Luvane*, 127 Wn.2d 690, 700 (Wash. 1995) (a minority juror was removed because (1) a family member had a criminal history and (2) the juror appeared uncomfortable discussing the death penalty – the prosecutor did not challenge several other jurors had similar characteristics).

D. The Proposal

Our Proposed General Rule 35 eliminated the requirement for a finding of purposeful discrimination. Instead, it employs a test of whether an objective person viewing the peremptory challenge could find that race or ethnicity was a factor for the peremptory challenge. The proposed rule includes comments to provide guidance to judges and lawyers. Comments four and five provide examples that are discussed in case law and provides that if those are the proffered reasons then there is a rebuttal presumption that the peremptory challenge is invalid.

E. Our Request

We have two requests. The first is that we would like to have any feedback you may have regarding the proposed rule. We have presented the proposed rule to the Washington State Minority and Justice Commission and received the comment that the trial judge should not have to rely upon an objection being made by a litigant but instead *sua sponte* rule that a peremptory challenge is invalid under the rule. We thought that was a valid point and will be including that in the next draft. Any suggestions you may have will be welcomed and considered.

Second, we would like to have the DMCJA endorse either the rule itself or at least the overall concept and framework of the proposed rule. We have received the latter from the Minority and Justice Commission and would welcome a similar endorsement from the DMCJA. I am presuming that your committee will be making a recommendation to the DMCJA Board for the endorsement we are seeking so I am hoping your committee will recommend supporting the proposed rule.

I am available to meet with either the committee, or the DMCJA Board, if requested to do so to answer questions or provide further information.

Once again, thank you for taking the time to consider this proposal.

Salvador A. Mungia

1 RULE 35. JURY SELECTION

2 (a) **Scope of rule.** This procedure is to be followed in all jury trials.

3 (b) A party may object to an adverse party's use of a peremptory challenge on the
4 grounds that the race or ethnicity of the prospective juror could be viewed as a
5 factor in the use of the challenge. When such an objection is made the
6 adverse party must, on the record, articulate the reasons for the peremptory
7 challenge.
8 challenge.

9 (c) Using an objective observer standard the court shall evaluate the reasons
10 proffered for the challenge. If the court determines that an objective observer
11 could view race or ethnicity as a factor for the peremptory challenge then the
12 challenge shall be denied.

13 **Comment**

14 [1] The purpose of this rule is to eliminate the unfair exclusion of potential jurors
15 based on race. This rule provides a different standard than that provided for in *Batson v.*
16 *Kentucky*, 476 U.S. 79 (1986) to determine whether a peremptory challenge is invalid.
17 For purposes of this rule it is irrelevant whether it can be proved that a prospective juror's
18 race or ethnicity actually played a motivating role in the exercise of a peremptory
19 challenge.
20 challenge.

21 [2] An objective observer is one who is aware that purposeful discrimination and
22 unintentional, institutional, or unconscious bias have resulted in the unfair exclusion of
23 potential jurors based on race in Washington.

24 [3] In determining whether an objective observer could view race or ethnicity as a
25 factor in the use of the peremptory challenge, the court shall consider the following: (a)
26 the number and types of questions posed to the prospective juror, and (b) whether other

1 prospective jurors provided similar answers but were not the subject of a peremptory
2 challenge by that party.

3 [4] Because historically the following reasons proffered for peremptory challenges
4 have operated to exclude racial and ethnic minorities from serving on juries in
5 Washington, there is a presumption that the following are invalid reasons for a
6 peremptory challenge: (a) having prior contact with law enforcement officers; (b)
7 expressing a distrust of law enforcement or a belief that law enforcement officers engage
8 in racial profiling; (c) having a close relationship with people who have been stopped,
9 arrested, or convicted of a crime; (d) living in a high-crime neighborhood; (e) having a
10 child outside of marriage; (f) receiving state benefits; and (g) not being a native English
11 speaker.
12

13 [5] If any party intends to exercise a preemptory challenge on the basis that a
14 prospective juror has been sleeping, not paying attention, or providing unintelligent
15 answers, sufficient advance notice must be provided to the court and opposing party so
16 that the behavior can be verified and addressed in a timely manner.
17
18
19
20
21
22
23
24
25
26

Application for Judge Marilyn G. Paja

Dear President Steiner and DMCJA Board:

I am very grateful to the DMCJA Board for continuing the budget line for the National Leadership Grant. Over the years, I believe that exposure to national organizations has greatly benefitted both the DMCJA and WA Courts in general.

I would like to be considered for funding in 2016 to attend the National Association of Women Judges (NAWJ) Annual Conference in Seattle. The mission of the NAWJ is "to promote the judicial role in protecting the rights of individuals under the rule of law through strong, committed, diverse judicial leadership; fairness and equality in the courts; and equal access to justice". Men and women judicial officers may be members. While the Conference is closer geographically than it has been in prior years, because it is being held in Seattle, my duties at the Conference (and the lead-up to it) are considerably greater. Assistance from the DMCJA in the costs of attendance and the hotel stay would be very helpful, as my responsibilities at the Conference would make it difficult to make a weekday commute of 2 hours each way each day. I am asking for funding of \$ 1,050 estimated as follows:

Early Bird Conference Registration fee	\$525
½ conference hotel room (will share with another judge) (4 nights @ \$229/2 = \$115)	
= \$460	
Mileage and bridge toll to and from Seattle	\$ 65

With regard to the DMCJA Leadership Grant criteria, I believe I qualify in all regards:

I have been a member of the NAWJ since 1995 and presently serve in several leadership positions. Currently and since 2012 I have served as Chair of the Membership Committee of the NAWJ (co-chair the past two years). Since 2014 and to the present I also serve on the Board of the NAWJ as the Director from District 13 (which includes the States of WA, AK, MT, OR, HA, ID), having served previously in that Board position from 2010-2012. I have served on many DMCJA Committees, am a past DMCJA Board member and past President of the DMCJA as well.

I am a member of the Education Committee for the 2016 NAWJ Annual Conference. In addition I serve on the 2016 Conference Planning Committee and Chair the Events Committee.

In the past I have taken educational opportunities and programs developed at prior NAWJ Conferences and helped bring them back to the state of Washington, including but not limited to the following: Judicial education such as Immigration Issues for Victims of DV, Immigration and Firearms, Internet Privacy and 'Revenge Porn', and Girls in Trouble (girls in the juvenile system), as well as Success Inside & Out (an NAWJ program of education of women in prison with a goal toward reducing recidivism).

Recently, I have reported to the NAWJ President and Executive Board with regard to the Gender & Justice Commission/Minority and Justice Commission partnership to expand diversity in law and justice careers statewide. This Youth Diversity Initiative seeks to identify all programs statewide designed to inform teens about opportunities to succeed in law and justice careers

from bailiffs, law enforcement, lawyers and judges. This WA State Initiative shows great promise, both to show what kinds of programs are available (and providing a template for duplication), and also to develop an evaluation that might be used nationwide for all youth programs of this type. I serve on the Youth Initiative Planning Committee. The NAWJ program called "Color of Justice" is one of the youth programs offered in our state that is part of this initiative, so are programs such as the annual WA State Kiwanis Youth Law Enforcement Camp and the annual Benton-Franklin County Youth Diversity Conference, and many others.

In addition I have reported extensively to the NAWJ President and Board about the biennial DMCJA/WSBA Pro tem Training Program that also has as its goal increased opportunity for minority/diverse lawyers to consider pro tem work as a path to the bench.

In part as a result of my work with the NAWJ I have been asked to serve on the Gender & Justice Commission here in Washington, and have been able to capitalize on the efforts of AOC, DMCJA and the NAWJ by helping be a bridge of communication between these organizations. For the second time, I coordinated with the Mission Creek Corrections Center for Women (MCCCW) to present Success Inside and Out. Many more judges participated, I was asked to be the emcee, and the evaluations made it clear that the education that AOC was able to help DOC coordinate was of great interest to the offenders. All of the judges who participated expressed their strong interest in further involvement in the issue of reducing recidivism.

I am a member in good standing of the DMCJA.

Thank you for considering my application for the 2016 DMCJA National Leadership Grant. I truly appreciate the opportunity to serve the courts of our state in any way that I am able. If you have any further questions, please do not hesitate to contact me.

Marilyn G. Paja

Judge Marilyn G. Paja
Kitsap County District Court
614 Division Street, MS-25
Port Orchard, WA 98366

Chambers: 360-337-7261

Application for Judge Richard B. Kayne

To Sharon Harvey, Sharon.Harvey@COURTS.WA.GOV

Re: National Leadership Grant

I am hereby expressing interest in the DMCJA National Leadership Grant to attend the AJA 2016 Annual Conference in Toronto, Canada, September 25-30th. The approximate costs for me to attend include \$800 airfare, \$1,200 room, and \$400 registration, for a \$2,400 total.

- 1) I am a member of the American Judges Association.
- 2) I am currently Secretary of the AJA and Co-Chair of its Education Committee.
- 3) I am a member in good standing of DMCJA.

1. In addition, I am engaged in judicial education on the national level, serving as faculty for AJA education programs, as well as faculty at the NJC.

2. I have and will continue to take educational opportunities and programs developed at the national (and international) level, and bring them back to the state of Washington.

3. I have and will continue to take educational opportunities and programs developed at the state level, and take them to the national (and international) level.

4. At last year's fall judicial conference at Seattle, held jointly with the AJA, I was Co-Chair of the Joint Education Planning Committee. We exchanged and shared innovative ideas from the U.S. and Canada, and worked with AOC and the State Supreme Court, in presenting these ideas to the Judges of the Courts in the state of Washington.

5. I am currently a member in good standing of the DMCJA as provided by DMCJA bylaws.

Judge Richard B. Kayne
Medical Lake Municipal Court/
Kalispel Tribal Court
2918 W. 17th Ave
Spokane, WA 99224

(509) 953-1162
rbkayne@comcast.net

THE MUNICIPAL COURT OF SEATTLE
Karen Donohue
Presiding Judge



February 10, 2016

Judge David Steiner,
President DMCJA Board

DMCJA Board Members

RE: DMCJA National Leadership Grant

Dear Judge Steiner & DMCJA Board Members,

I would like to be considered for a DMCJA National Leadership Grant in 2016 to attend the National Association of Women Judges (NAWJ) Annual Conference in Seattle.

The mission of the NAWJ is "to promote the judicial role in protecting the rights of individuals under the rule of law through strong, committed, diverse judicial leadership; fairness and equality in the courts; and equal access to justice."

NAWJ members work to achieve fairness and equality for vulnerable populations, to ensure equal justice and access to the courts for women, minorities and other historically disfavored groups, and to preserve judicial independence. Our membership includes trial, appellate and administrative judges on federal, state and tribal courts at every level of the judiciary, including U.S. Supreme Court Justices and military judges, throughout the country and internationally. We are engaged in projects and cutting edge judicial education that include, among other things, human trafficking/modern day slavery, conditions for women in prison, problems facing immigrants in our court system, bioethics, voter education in states with judicial elections and outreach to students about legal and judicial careers.

I am the Washington State Chair for NAWJ and the co-chair of the education committee for our annual conference, to be held at the Seattle Sheraton October 5 – 9, 2016. I also serve on the conference planning committee. As such, I will need to be present at all events, which begin as early as 7:00 am and end as late as 11:00 pm. Assistance from the DMCJA in the costs of attendance and the hotel stay would be very helpful, as my responsibilities at the Conference would make it difficult to make a weekday commute each day. I am asking for funding in the amount of \$985.00, which breaks down as follows:

Early Bird Conference Registration fee	\$525.00
Hotel room (will share with another judge) (4 nights @ \$229/2)	\$460.00

Seattle Justice Center, Room 1037, 600 Fifth Ave., P.O. Box 34987, Seattle, WA 98124-4987
Tel: (206) 684-8709 Fax: (206) 615-0766

With regard to the Leadership Grant criteria, I believe I meet all of the eligibility requirements:

- 1) I have been a member of the NAWJ since 2011 and presently serve in several leadership positions. In addition to the roles mentioned above, I am the chair of the website redevelopment committee and have served on this committee since 2014. I was also a member of the planning committee for the Success Inside and Out conference held at the Mission Creek Correctional Facility in November. Success Inside and Out is an NAWJ program for women in prison which focuses on providing offenders with tools to help them be successful in their transition out of prison.
- 2) I have served on the DMCJA education committee since 2012 and currently am the co-chair of that committee. I've also served on the DMCJA DOL Liaison Committee and the Uniform Citation Committee. I joined the DMCJA Board last spring and, 3) remain a member in good standing.

I am very excited about the educational programming that the DMCJA conference committee has put together and am certainly willing to bring some of the programming back to the State. I have also brought Washington State programming to the NAWJ. At the conference this fall, we will be holding a session on Legal Financial Obligation similar to the session presented at our Washington State Fall Conference, as well as a session featuring The If Project. The If Project is a local program co-founded by a Seattle Police Detective, which focuses on intervention, prevention and reduction in incarceration and recidivism.

Thank you for considering my application for the 2016 DMCJA National Leadership Grant. I very much appreciate the opportunity to serve the courts of our state in any way that I am able. If you have any further questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "K Donohue", with a long horizontal flourish extending to the right.

Karen Donohue

KING COUNTY DISTRICT COURT
East Division – Redmond Courthouse

Judge Janet E. Garrow
Judge Arthur Chapman
Judge Lisa N. O'Toole

8601 – 160th Avenue NE
Redmond, WA 98052

Kathy Orozco, Court Manager
Redmond Courthouse
206-477-3200

March 30, 2016

President David Steiner and DMCJA Board Members

Re: DMCJA National Leadership Grant

Dear Judge Steiner and DMCJA Board Members:

I am applying for a DMCJA National Leadership Grant to attend the 2016 National Association of Women Judges' (NAWJ) annual conference which is being held in Seattle from October 5-9, 2016. I have been a member of NAWJ for several years but have not previously had the time to attend a national conference.

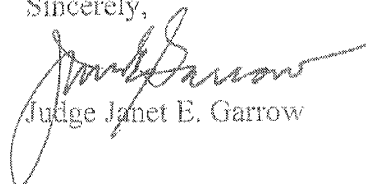
As you know, I am a DMCJA-elected member of the Washington Board for Judicial Administration (BJA) and have served in that capacity for several years. Currently I serve as chair of the BJA's Policy and Planning Committee. For many years I served as the chair of the DMCJA's Rules Committee. I continue to serve as a member of that committee and am interested in trying to developing additional ways to enhance access to justice through technology.

Attending a national conference gives judges the opportunity to not only participate in educational sessions with judges from across the United States, but the ability to be enlightened, through individual conversations with other judicial officers, about different approaches and innovations occurring in their courts.

The registration fee for the NAWJ conference is \$525. I am not requesting lodging. I would appreciate additional funds of up to \$75 for travel expenses. The total requested is \$600.

If you have any questions, please do not hesitate to contact me. Thank you for your consideration of this request.

Sincerely,



Judge Janet E. Garrow



Board for Judicial Administration (BJA)

POLICY AND PLANNING STANDING COMMITTEE CHARTER

-- PROPOSED AMENDMENTS --

I. Committee Title

Policy and Planning Committee

II. Authority

Board for Judicial Administrative Rules (BJAR 3)

III. Charge or Purpose

The charge and purpose of the Policy and Planning Committee is to create and manage a process of engagement within the judicial branch around policy matters affecting the courts of Washington, to identify and analyze priority issues, and to develop strategies to address those issues. In doing so the standing committee will work to advance the mission, vision and principal policy goals of the BJA.

The Policy and Planning Committee shall:

1. Create and oversee a planning process on a two-year cycle that accomplishes the following:
 - a. Sets out a clear and accessible plan and schedule for outreach to justice system partners and stakeholders that provides multiple opportunities for input and identifies major decision points.
 - b. Provides for preliminary identification of issues advanced for attention by the BJA.
 - c. Produces written analyses of proposed issues that outlines the substance of the issue, its impact on the courts, the scope of potential strategies to address the issue, the potential benefits and risks of undertaking a strategic initiative to address the issue, a statement of desired outcomes and the feasibility of achieving desired outcomes, the major strategies that might be employed to address the issue, the resources necessary, and a timeline.
 - d. Provides analyses of issues to branch stakeholders for their review and additional input.
 - e. Selects one or more issues for recommendation as strategic initiatives to be sponsored by the BJA.

- f. For any strategic initiative approved by the BJA drafts and submits to the BJA a proposed charter for a steering committee or task force to implement the initiative. The charter should provide for the composition of the task force or steering committee, its charge, desired outcomes of the campaign, its deliverables, a timeline for reporting and ending of the body, and a detailed identification of resources necessary to implement the initiative, including staff and fiscal resources.
 - g. Produces recommendations to the BJA for action, referral, or other disposition regarding those issues not recommended for a strategic initiative.
 - h. Provides a critique and recommendations for changes in the planning process for consideration in subsequent cycles.
2. Serve as the oversight body of any committee or task force created to implement a strategic initiative.
 3. Identify strategic goals of the BJA and propose recommendations to address them in conjunction with the other standing committees.
 4. Propose a process and schedule for the periodic review of the mission statement, vision statement, and principle policy goals of the Board for Judicial Administration, and oversee any process to propose revisions and present proposed changes to the BJA.
 5. Provide analyses and recommendations to the BJA on any matters referred to the standing committee pursuant to the bylaws of the Board.

IV. Policy Area

The committee is authorized to research and make recommendations regarding any area of policy affecting the courts of Washington which is within the plenary authority of the BJA.

V. Expected Deliverables or Recommendations

The Policy and Planning Committee will produce interim and final reports and recommendations, analyses of issues conducted during its planning cycle, and reports of the status of ongoing strategic initiatives.

VI. Membership

All members of the Policy and Planning Committee shall be voting members regardless of voting status on the full body.

Representative

- Chief Justice
- BJA Member, SCJA
- BJA Member, DMCJA
- COA Presiding Chief Judge
- SCJA President-Elect
- DMCJA President-Elect

The committee chair, by majority vote of the representative members may appoint the following members:

one superior court judge,

one district court or municipal court judge,

one member of the Court Management Council,

the Executive Director of The Washington State Bar, and

one at-large member.

VII. Terms Limits

The terms of BJA members shall coincide with their term and seat on the BJA. A president-elect of a judicial associations shall serve on the committee until becoming president.

The terms of any additional members shall be two years, beginning on July 1 and ending on June 30 or even-numbered years.

VIII. Other Branch Committees Addressing the Same Topic

There are a number of existing committees within the branch created to address policy in specific subject matter areas or functions. The Policy and Planning Committee has a uniquely general assignment concerning any policy matter that affects the judicial branch.

IX. Other Branch Committees with Which to Partner

The Policy and Planning Committee will conduct its work in consultation with the other standing committees of the BJA.

The Policy and Planning Committee will initiate and maintain dialog with a number of branch entities and committees both within and outside of the judicial branch.

Branch committees and entities include:

- Washington Supreme Court
- Court of Appeals
- Superior Court Judges' Association
- District and Municipal Court Judges' Association
- Judicial Information System Committee
- Access to Justice Board
- Gender and Justice Commission
- Minority and Justice Commission
- Office of Public Defense
- Office of Civil Legal Aid

Other entities include:

- Office of the Governor
- Washington State Legislature
- Washington State Bar Association
- Washington Association of Prosecuting Attorneys
- Washington Association of Criminal Defense Attorneys
- Washington State Association for Justice
- Washington State Association of Counties
- Association of Washington Cities
- Washington State Association for Municipal Attorneys

X. Reporting Requirements

The Policy and Planning Committee shall provide a final report and recommendations near the conclusion of its two-year planning cycle, and shall provide an interim biennial report of activities and the status of any ongoing strategic initiatives or other projects.

XI. Duration/Review Date

The standing committee should be reviewed every three years to ensure that it is functioning consistent with its charge, producing deliverables and that the mission and goals of the BJA are being advanced. The first review should occur in 2018 and reoccur every three years thereafter.

Adopted: July 18, 2014
Amended: September 19, 2014
September 18, 2015
March 18, 2016

This message is being sent on behalf of Justice Mary Fairhurst, JISC Chair

Good Afternoon,

At the end of the e-filing discussion that included a presentation by Jim Bamberger, Director OCLA, I asked each of you to take an action item to discuss with your respective associations, committees, and groups and to ask them about the types of issues and policy questions that will need to be addressed as the conversations for e-filing begin.

Responses are due to be sent to me directly. This will be an agenda item as an update for the April 22 JISC Meeting.

Thank you,

Mary



WASHINGTON
COURTS

DMCJA BOARD MEETING
FRIDAY, APRIL 8, 2016
12:30 PM – 3:30 PM
AOC SEATAC OFFICE
SEATAC, WA

PRESIDENT JUDGE DAVID STEINER

SUPPLEMENTAL AGENDA

TAB

Call to Order

General Business

- A. Minutes – March 11, 2016 (pp 1-5)
- B. Treasurer's Report – Judge Burrowes**
- C. Standing Committee Reports
 - 1. Rules Committee Minutes for February 24, 2016 (pp 7-8)
- D. Trial Court Advocacy Board (TCAB)
- E. 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*

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." (pp 9-10)

2

Discussion

- A. YMCA Regional Mock Trial Competition – *Ms. Sarah Clinton, YMCA Director* (pp 11-14)
- 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 (pp 15-16)
- C. DMCJA Rules Committee Recommendation regarding Proposed Amendments to GR 26 (pp 17-20)
- D. DMCJA Rules Committee Recommendation regarding Proposed Amendments to GR 35 (pp

3

<p>21-28)</p> <p>E. DMCJA National Leadership Grant Applications (pp 29-35)</p> <p>F. DMCJA Vice-President to serve on the BJA Policy and Planning Committee (pp 37-40)</p> <p>G. Judicial Information System Committee Meeting Follow-up: E-Filing – <i>Judge Marinella</i> (p 41)</p>	
<p>Information</p> <p>A. The Board Retreat is May 13-14, 2016 at the Best Western in Dayton, WA.</p>	
<p>Other Business</p> <p>The next DMCJA Board Meeting is May 14, 2016, 11:10 a.m. to 1 p.m., at the Best Western in Dayton, WA.</p>	
<p>Adjourn</p>	

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. GEHLEN
Bothell Municipal Court
(425) 487-5587

JUDGE SAMUEL MEYER
Thurston County District Court
(360) 786-5562

COMMISSIONER SUSAN J. NOONAN
King County District Court
(206) 477-1720

JUDGE REBECCA C. ROBERTSON
Federal Way Municipal Court
(253) 835-3000

JUDGE DOUGLAS B. ROBINSON
Whitman County Dist. Court
(509) 397-5297

JUDGE CHARLES D. SHORT
Okanogan County District Court
(509) 422-7170

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

To: President Steiner; DMCJA Officers; DMCJA Board of Governors

From: Joseph M. Burrowes, DMCJA Treasure

Subject: Monthly Treasure's Report for March 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 February 2016:	\$100,627.73
Interest for February 2016	\$ 8.54
Bank of American Accounts:	
Investment Account as of March 31, 2016:	\$ 23,548.33
Checking Account as of March 31, 2016:	\$117,686.86
Balance as of March 31, 2016	\$141,235.19

EXPENDITURES

Total 2015/2016 adopted budget:	\$253,400.00
Total expenditures to date, March 31, 2016:	\$ 88,966.33
Total remaining budget as of March 31, 2016:	\$164,433.67

DEPOSITS AND CREDITS

Total deposits from January 2016 to March 31, 2016:	\$ 51,006.16
Total Interest as of March 31, 2016:	\$.37

FEE'S

Total fee's as of March 31, 2016:	\$.0
-----------------------------------	-------

Outstanding Membership Dues as of April 4, 2016

Terri Cooper
Larry Freedman
Noah Harrison
David Hatch
Kathleen Hitchcock
Denis Maher
Marlynn Markley
Douglas Robinson
Scott Sage
William Stewart
Thomas Verge



P.O. Box 15284
Wilmington, DE 19850

WASHINGTON STATE DISTRICT AND
COURT JUDGES ASSN
7122 W OKANOGAN PL BLDG A
KENNEWICK, WA 99336-2359

Customer service information

1.888.BUSINESS (1.888.287.4637)

bankofamerica.com

Bank of America, N.A.
P.O. Box 25118
Tampa, FL 33622-5118

Your Bus Platinum Privileges combined statement

for March 01, 2016 to March 31, 2016

Your deposit accounts	Account/plan number	Ending balance	Details on
Business Economy Checking	[REDACTED]	\$117,686.86	Page 3
Business Investment Account	[REDACTED]	\$23,548.33	Page 7
Total balance		\$141,235.19	

Simplify payroll so you can easily run it yourself

Run payroll, view balances, file taxes and more with Payroll Services by Intuit®. It's easy to learn and easy to use with Small Business Online Banking.

Call 866.700.2142 or visit bankofamerica.com/payroll today.

intuit. Payroll

Monthly and other fees may apply. See product and pricing details at bankofamerica.com/payroll. Intuit and the Intuit logo are registered trademarks of Intuit, Inc. used under license. Bank of America and the Bank of America logo are registered trademarks of the Bank of America Corporation. Bank of America, N.A. Member FDIC. ©2015 Bank of America Corporation. ARCR6HS3 | SSM-08-15-0433.B

IMPORTANT INFORMATION: BANK DEPOSIT ACCOUNTS

Updating your contact information - We encourage you to keep your contact information up-to-date. This includes address, email and phone number. If your information has changed, the easiest way to update it is by visiting the Help & Support tab of Online Banking. Or, you can call our Customer Service team.

Deposit agreement - When you opened your account, you received a deposit agreement and fee schedule and agreed that your account would be governed by the terms of these documents, as we may amend them from time to time. These documents are part of the contract for your deposit account and govern all transactions relating to your account, including all deposits and withdrawals. Copies of both the deposit agreement and fee schedule which contain the current version of the terms and conditions of your account relationship may be obtained at our financial centers.

Electronic transfers: In case of errors or questions about your electronic transfers- If you think your statement or receipt is wrong or you need more information about an electronic transfer (e.g., ATM transactions, direct deposits or withdrawals, point-of-sale transactions) on the statement or receipt, telephone or write us at the address and number listed on the front of this statement as soon as you can. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- Tell us your name and account number.
- Describe the error or transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- Tell us the dollar amount of the suspected error.

For consumer accounts used primarily for personal, family or household purposes, we will investigate your complaint and will correct any error promptly. If we take more than 10 business days (10 calendar days if you are a Massachusetts customer) (20 business days if you are a new customer, for electronic transfers occurring during the first 30 days after the first deposit is made to your account) to do this, we will credit your account for the amount you think is in error, so that you will have use of the money during the time it will take to complete our investigation.

For other accounts, we investigate, and if we find we have made an error, we credit your account at the conclusion of our investigation.

Reporting other problems - You must examine your statement carefully and promptly. You are in the best position to discover errors and unauthorized transactions on your account. If you fail to notify us in writing of suspected problems or an unauthorized transaction within the time period specified in the deposit agreement (which periods are no more than 60 days after we make the statement available to you and in some cases are 30 days or less), we are not liable to you for, and you agree to not make a claim against us for the problems or unauthorized transactions.

Direct deposits - If you have arranged to have direct deposits made to your account at least once every 60 days from the same person or company, you may call us at the telephone number listed on the front of this statement to find out if the deposit was made as scheduled. You may also review your activity online or visit a financial center for information.

© 2016 Bank of America Corporation


Bank of America, N.A. Member FDIC and  Equal Housing Lender

**Your Business Economy Checking
Bus Platinum Privileges**

WASHINGTON STATE DISTRICT AND COURT JUDGES ASSN

Account summary

Beginning balance on March 1, 2016	\$132,388.67	# of deposits/credits: 1
Deposits and other credits	499.00	# of withdrawals/debits: 58
Withdrawals and other debits	-15,200.81	# of deposited items: 3
Checks	-0.00	# of days in cycle: 31
Service fees	-0.00	Average ledger balance: \$120,295.83
Ending balance on March 31, 2016	\$117,686.86	

Your account has overdraft protection provided by deposit account number 

Deposits and other credits

Date	Description	Amount
03/02/16	Counter Credit	499.00
Total deposits and other credits		\$499.00

Withdrawals and other debits

Date	Description	Amount
03/01/16	Melanie Stewart Bill Payment	-2,000.00
03/01/16	Administrative Off of the Courts Bill Payment	-1,899.86
03/01/16	Administrative Off of the Courts Bill Payment	-1,535.21

continued on the next page



Small Business
Online Banking

Transferring funds is a snap

Now you can send **transfers** from business accounts to a Bank of America® personal account, including your own.

Later this year, you'll be able to send transfers from your business accounts to any other Bank of America business account and from your personal account to any Bank of America business account.

Click on the **Transfers** tab when logged in at:
bankofamerica.com/smallbusiness.



TIP OF THE MONTH

ARVRND4V | SSM-02-15-0019.B

Withdrawals and other debits - continued

Date	Description	Amount
03/01/16	G. Scott Marinella Bill Payment	-490.80
03/01/16	Administrative Office of Courts Bill Payment	-455.60
03/01/16	Ingallina's Box Lunch Bill Payment	-418.95
03/01/16	Dino Traverso PLLC Bill Payment	-350.00
03/01/16	Charles Short Bill Payment	-293.30
03/01/16	David Steiner Bill Payment	-248.86
03/01/16	Thurston County District Court Bill Payment	-108.46
03/01/16	Barbara Harper Bill Payment	-100.00
03/01/16	David Svaren Bill Payment	-82.08
03/01/16	Corinna Harn Bill Payment	-62.64
03/01/16	Thurston County District Court Bill Payment	-54.23
03/01/16	Scott Ahlf Bill Payment	-54.00
03/01/16	Scott Ahlf Bill Payment	-54.00
03/01/16	Samuel Meyer Bill Payment	-54.00
03/01/16	Jennefer Johnson Bill Payment	-50.22
03/01/16	Glenn Phillips Bill Payment	-48.60
03/01/16	Joseph Burrowes Bill Payment	-32.70
03/01/16	Doug Fair Bill Payment	-32.40
03/01/16	Michael Lambo Bill Payment	-25.92
03/01/16	Michelle Gehlsen Bill Payment	-24.84
03/01/16	David Steiner Bill Payment	-24.84
03/01/16	Rick Leo Bill Payment	-24.18
03/01/16	Linda Coburn Bill Payment	-23.76
03/01/16	Karen Donohue Bill Payment	-22.19
03/01/16	Douglas Robinson Bill Payment	-18.00
03/01/16	David Steiner Bill Payment	-17.28
03/02/16	Thurston County District Court Bill Payment	-108.46
03/02/16	Barbara Harper Bill Payment	-100.00
03/02/16	Bank of America Business Card Bill Payment	-85.98
03/07/16	Melanie Stewart Bill Payment	-2,000.00
03/07/16	Ingallina's Box Lunch Bill Payment	-91.10
03/07/16	Marybeth Dingtedy Bill Payment	-47.14
03/07/16	Susan Woodard Bill Payment	-28.00
03/08/16	James Doctor Bill Payment	-54.40
03/10/16	Chris Culp Bill Payment	-135.80

continued on the next page



Your checking account

WASHINGTON STATE DISTRICT AND | Account # [REDACTED] | March 1, 2016 to March 31, 2016

Withdrawals and other debits - continued

Date	Description	Amount
03/10/16	Mary Logan Bill Payment	-19.40
03/14/16	Bank of America Business Card Bill Payment	-540.99
03/17/16	Ingallina's Box Lunch Bill Payment	-422.23
03/17/16	G. Scott Marinella Bill Payment	-386.80
03/17/16	Charles Short Bill Payment	-253.80
03/17/16	David Svaren Bill Payment	-82.08
03/17/16	Dino Traverso PLLC Bill Payment	-75.00
03/17/16	Barbara Harper Bill Payment	-59.65
03/17/16	Scott Ahlf Bill Payment	-54.00
03/17/16	Samuel Meyer Bill Payment	-54.00
03/17/16	Joseph Burrowes Bill Payment	-37.20
03/17/16	Doug Fair Bill Payment	-32.40
03/17/16	Linda Coburn Bill Payment	-32.40
03/17/16	Michelle Gehlsen Bill Payment	-30.24
03/17/16	Rick Leo Bill Payment	-24.18
03/17/16	Karen Donohue Bill Payment	-22.14
03/17/16	Kevin Ringus Bill Payment	-21.60
03/17/16	Douglas Robinson Bill Payment	-18.00
03/18/16	Cave B Bill Payment	-1,470.00
03/29/16	Bank of America Business Card Bill Payment	-306.90
Total withdrawals and other debits		-\$15,200.81

Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)	Date	Balance (\$)
03/01	123,781.75	03/08	121,765.67	03/17	119,463.76
03/02	123,986.31	03/10	121,610.47	03/18	117,993.76
03/07	121,820.07	03/14	121,069.48	03/29	117,686.86

Supplemental Information

This page intentionally left blank

Your Business Investment Account

Bus Platinum Privileges

WASHINGTON STATE DISTRICT AND COURT JUDGES ASSN-GRAYS HARBOR

Account summary

Beginning balance on March 1, 2016	\$23,547.93	# of deposits/credits: 1
Deposits and other credits	0.40	# of withdrawals/debits: 0
Withdrawals and other debits	-0.00	# of days in cycle: 31
Service fees	-0.00	Average ledger balance: \$23,547.94
Ending balance on March 31, 2016	\$23,548.33	Average collected balance: \$23,547.94


Annual Percentage Yield Earned this statement period: 0.02%.
Interest Paid Year To Date: \$1.17.

Deposits and other credits

Date	Description	Amount
03/31/16	Interest Earned	0.40
Total deposits and other credits		\$0.40

Daily ledger balances

Date	Balance (\$)	Date	Balance(\$)
03/01	23,547.93	03/31	23,548.33

 To help you BALANCE YOUR CHECKING ACCOUNT, visit bankofamerica.com/statementbalance or the Statements and Documents tab in Online Banking for a printable version of the How to Balance Your Account Worksheet.

This page intentionally left blank

This page intentionally left blank

This page intentionally left blank

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	\$21,404.82	\$8,595.18
5 Bookkeeping Expense	\$3,000.00	\$2,275.00	\$725.00
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	\$5.95	\$1,994.05
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	\$24.71	\$475.29
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	\$9,255.95	\$4,744.05
18 Judicial Community Outreach	\$4,000.00	\$3,100.00	\$900.00
19 Legislative Committee	\$6,000.00	\$1,145.99	\$4,854.01
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	\$408.67	\$1,091.33
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	\$13.25	\$386.75
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	\$37.56	\$462.44
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	\$8.76	\$3,491.24
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	\$88,966.33	\$164,433.67
TOTAL DEPOSITS MADE	\$148,986.88		
CREDIT CARD (balance owing)	\$0.00		

*Includes \$7,000 from the SCJA