



DMCJA Board of Governors Meeting
Friday, October 14, 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
Judge Michael Lambo
Judge Mary Logan (non-voting) (via phone)
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Douglas Robinson
Judge Charles Short
Judge Tracy Staab (via Skype)
Judge David Steiner

Guests:

Ms. Cynthia Marr, DMCMA
Ms. Melissa Patrick, MCA
Mr. Loyd Willaford, WSAJ

AOC Staff:

Ms. Vicky Cullinane
Ms. Sharon R. Harvey

Members Absent:

Judge Michael Finkle
Judge Janet Garrow (non-voting)
Judge Judy Jasprica (non-voting)
Commissioner Rick Leo
Judge Rebecca Robertson

CALL TO ORDER

Judge G. Scott Marinella, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:35 p.m. Judge Marinella asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Amended Board Meeting Minutes for September 11, 2016. The Amended Minutes clarifies that the DMCJA audit "will begin in six months."

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. The Board referred to the enclosed report provided by Judge Robertson.

C. Special Fund Report

Judge Burrowes reported that there is no change to the Special Fund account.

D. Standing Committee Reports

1. *Legislative Committee*
a. *Meeting Minutes for August 12, 2016*

Judge Meyer, Chair of the DMCJA Legislative Committee, reported that the DMCJA Legislative Committee met in August, September, and October to discuss courts of limited jurisdiction (CLJ) proposed legislation for the 2017 Legislative Session. The Committee seeks Board approval for the following CLJ legislative proposals:

1. **Bail Bonds** – The DMCJA submitted this proposed legislation for the 2016 Legislative Session. DMCJA Lobbyist, Melanie Stewart, Esq., considers it a good idea to move forward with this bill during the 2017 Legislative Session. The proposed bill amends RCW 10.19.160, *Surrender of persons under surety's bond*, by adding the following language, "Upon surrender, a person must be held until the next judicial day or until another bond is posted." It also amends language to state, "The surrender shall be made to the county or city jail affiliated with the jurisdiction issuing the warrant resulting in bail."
2. **Discover Pass** – The DMCJA submitted proposed legislation during the 2016 Legislative Session. The proposed bill would allow seventy five percent of the money received from discover pass violations to be remitted to the state treasurer. Twenty-five percent of the noninterest money received by the county treasurer must be deposited in the county current expense fund. The bill passed in 2016, however, it was not entirely acceptable to the Committee because it only referred to counties with a population less than 100,000. The Washington State Parks and Recreation Commission is running a bill that only provides the 75/25 split for counties less than 100,000 people. Thus, the Committee recommends running a separate DMCJA bill.
3. **DNA Samples** – This bill relates to adding a provision in RCW 43.43.754, *DNA identification system – Biological samples- Collection, use, testing- Scope and application of section*, that would allow the Washington State Patrol (WSP) to test DNA samples from municipal code offenders. The WSP Crime Lab has a large number of untested DNA samples from municipal code violators as a result of the current law. There was discussion to amend the law to not only include municipal violations but also to make the law retroactive.
4. **Youth Courts** – This bill would amend RCW 3.72.010, *Youth court creation – Jurisdiction*, to allow youth courts to adjudicate transit tickets.
5. **Commissioners to Solemnize Marriage** – This proposed legislation would amend RCW 26.04.050, *Who may solemnize*, to include District Court Commissioners. The Board discussed the possibility of including not only District Court Commissioners but also Magistrates.
6. **Small Claims** – This proposed legislation would amend RCW 12.40, *Small claims*, to allow a Judge's order in a small claims lawsuit to automatically become a civil judgment. The proposal would increase a small claims action filing fee from \$14 to \$34, which is less than it would cost to have a small claims judgment certified as a civil judgment on the district court's civil judgment docket. The proposal would also include an amendment to RCW 4.56.200, *Commencement of lien on real estate*, to reflect that a certified copy of the district court judgment has the same effect as a duly certified transcript of the docket of the district court, according to Judge Janet Garrow's written statements regarding the proposed bill.

Judge Meyer informed the Board that Judge Garrow, King County District Court, will discuss the proposed legislation regarding Small Claims with the District and Municipal Court Management Association (DMCMA) for its Board's input and present the proposal to the DMCJA Board at its meeting on November 4, 2016.

M/S/P for the Board to decide whether to approve the DMCJA Legislative Committee's proposed legislation for the 2017 Legislative Session.

Judge Meyer further reported that the Public Outreach Committee met on September 23, 2016. Judge Gehlsen, Public Outreach Committee Chair, reported that Committee members will create a fact sheet regarding court duties and encourage CLJ Judges to contact their local representatives regarding court visits. The Public Outreach Committee is charged with educating justice partners. The Committee will work closely with Judge Meyer, DMCJA Legislative Committee Chair, and Melanie Stewart, Esq., DMCJA Lobbyist, during the 2017 Legislative Session. Judge Meyer added that the Administrative Office of the Courts has hired Brady Horenstein to serve as the Associate Director, Judicial and Legislative Relations.

2. Diversity Committee

Judge Marinella referred the Board to a letter from Judge Marilyn Paja, Kitsap County District Court, regarding the success of the biannual Pro Tem Training that was held in Seattle on August 19-20, 2016. The Pro Tem Training is co-sponsored by the Washington State Bar Association (WSBA) and DMCJA Diversity Committee. Judge Paja is a member of the DMCJA Diversity Committee.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported that the TCAB met during the Annual Judicial Conference. The group discussed the 2005 Engrossed Second Substitute Senate Bill (E2SSB) 5454, *An act relating to court operations*. The TCAB discussed whether to propose legislation regarding trial court improvement funding and decided to cultivate relations with the Legislature prior to proposing a bill.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane informed that the courts of limited jurisdiction case management system (CLJ-CMS) Steering Committee met in October and discussed applicants for requests for proposal (RFP) evaluator positions. The CLJ-CMS Steering Committee will make a final decision at its November 1, 2016 meeting. Ms. Cullinane thanked the Board for its \$15,000 contribution toward partial pro tempore reimbursement. She informed that the first tier of RFP evaluations begins on December 7, 2016. Ms. Cullinane further reported on Information Technology Governance (ITG) 41, Destruction of Records, which is in the process of its first round of deletions. AOC will run the deletions in the order that courts return their forms certifying that they have reviewed their reports of deferred prosecution and domestic violence cases, and marked them to prevent deletions.

ACTION

A. DMCJA Rules Committee Proposed Amendments to Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.5, *Decisions on Written Statements*

M/S/P to approve the DMCJA Rules Committee's recommendation to amend IRLJ 3.5 in order to provide an opportunity for courts to adopt a local rule allowing a video or telephonic conference appearance instead of an in-person appearance for mitigation hearings related to infraction cases.

B. DMCJA Proposed Legislation for 2017 Legislative Session

M/S/P to approve the following DMCJA Legislative Committee (Committee) bill proposals:

1. Bail Bonds – as proposed by the Committee
2. Discover Pass – as proposed by the Committee
3. DNA Samples – adding municipal code violations and retroactive language
4. Youth Court – as proposed by the Committee
5. Commissioners to Solemnize Marriage – as proposed by the Committee

C. Funding Request for YMCA Youth & Government Program

M/S/P to contribute \$1600 to the YMCA Youth & Government Program and to discuss further support at the November DMCJA Board meeting.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Marr reported that the DMCMA will hold its line staff conference at the Great Wolf Lodge in October. She informed that there will be a similar session offered in Eastern Washington. Ms. Marr reported that the DMCMA will hold a Long Range Planning meeting in the coming months. She then mentioned that the DMCMA is working on data cleanup projects.

B. Misdemeanant Corrections Association (MCA)

Ms. Patrick reported that the MCA has secured a location for its Annual Conference. Judge Marinella recommended that Ms. Patrick speak with Judge Ahlf regarding the 3DaysCount Initiative because MCA representation may be necessary.

C. Superior Court Judges' Association (SCJA)

Judge O'Donnell reported that the AOC and SCJA signed an Agreement regarding the Office of Superior Courts. He then informed that the BJA Legislative Committee will meet to discuss proposed legislation. The SCJA will work on language regarding Affidavit of Prejudice, RCW 4.12.050, to mirror DMCJA language. He informed that this year all are working to preserve current judicial resources. Judge Ahlf reported that the meeting in Seattle on October 7, 2016 regarding pretrial reform was successful. He informed that there were many opinions regarding risk assessment tools. The Pretrial Justice Institute (PJI) in Washington, D.C. is working with Yakima County district and superior courts regarding their pretrial release program. Additional meetings related to the program will be set for 2017.

D. Board for Judicial Administration (BJA)

Judge Logan reported that she attended the Pretrial Reform Initiative Informational Meeting on October 7, 2016 in Seattle on behalf of the DMCJA. Judge Ringus then reported that the BJA met on September 16, 2016. During the meeting, the BJA reappointed the Public Trust and Confidence Committee, discussed the CLJ-CMS Project, reviewed the budget reduction process, received a budget update, and discussed a judicial salary report. The BJA also reviewed 2015 data regarding the Trial Court Improvement Fund. Judge Ringus reported that the BJA discussed the Judicial Needs Estimate regarding the vacant position of retired Spokane District Court Judge Sara Derr. Judge Ringus then informed that Brady Horenstein will be introduced at the BJA Legislative Committee meeting on October 28, 2016.

E. Washington State Association for Justice (WSAJ)

Mr. Willaford reported that the WSJA is hosting a session regarding how to become a judge on November 29, 2016. The event will be held in downtown Seattle. The session is free and lunch will be provided. A representative from the Governor's Office will attend the training. Mr. Willaford provided an event flyer that will be distributed to the DMCJA membership.

F. Minority and Justice Commission (MJC)

Judge Coburn reported that Washington State has been selected for a new U.S. Department of Justice grant to study and improve the use of fines and fees in the judicial system. The grant also will be used to develop a legal financial obligation (LFO) calculator application that will be tested in Edmonds Municipal Court and one Superior Court. Judge Coburn has been using an LFO calculator she created in Edmonds Municipal Court. While she has shared it with several other judges, the grant will help develop a more user-friendly version that the commission hopes to make available to all judges.

DISCUSSION

A. DMCJA Proposed Legislation for 2017 Legislative Session

The Board discussed this topic during the Legislative Committee Report.

B. Whether to amend DMCJA Bylaws, Art. X, Sec. 2, Nominating Committee, to include members from Central WA

Judge Marinella informed that the DMCJA Bylaws require that Nominating Committee members are represented from the northwest, northeast, southwest, and southeast. He inquired whether the Board would approve amending the Bylaws to include a Nominating Committee member from Central Washington. Judge Marinella informed that the Board can further discuss the subject at a future Board meeting.

C. Funding Request for YMCA Youth & Government Program

The Board discussed whether to fund the YMCA at \$1600 as it has in the past. It was noted that the YMCA requested a modest increase to help support program expansion efforts.

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

D. Agreement Between Administrative Office of the Courts and Superior Court Judges' Association

Judge Marinella reported that the AOC and SCJA Agreement was submitted to the Board prior to the Board meeting. He stated that he spoke with Callie Dietz, State Court Administrator, who will attend the November Board meeting to discuss the Agreement. Judge Marinella requested that the Board come prepared to discuss DMCJA needs at the November Board meeting.

INFORMATION

Judge Marinella informed of vacant DMCJA Representative positions on the BJA Public Trust and Confidence Committee and Presiding Judge and Administrator Education Committee. He encouraged Board members to either apply for the position or encourage a colleague to apply. Judges Ahlf and Marinella reported that attendees of the October 7, 2016 Pretrial Reform Initiative Informational meeting discussed the importance of trustworthy assessment tools.

OTHER BUSINESS

The next DMCJA Board Meeting is November 4, 2016, 12:30 a.m. to 3:30 p.m., in AOC Office, SeaTac.

ADJOURNED at approximately 2:40 p.m.