



**DMCJA Board of Governors Meeting**  
**Friday, November 4, 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 (via phone)  
Judge Linda Coburn  
Judge Janet Garrow (non-voting)  
Judge Michelle Gehlsen (via phone)  
Judge Michael Lambo  
Commissioner Rick Leo (via phone)  
Judge Mary Logan (non-voting)  
Judge Samuel Meyer  
Judge Kevin Ringus (non-voting)  
Judge Rebecca Robertson  
Judge Douglas Robinson  
Judge Charles Short  
Judge Tracy Staab  
Judge David Steiner

### **Guests:**

Judge James Docter (via phone)  
Judge Janet Garrow  
Judge Deborah Hayes  
Ms. Judy Ly, DMCMA

### **AOC Staff:**

Ms. Vicky Cullinane  
Ms. Callie Dietz  
Ms. Sharon R. Harvey

### **Members Absent:**

Judge Karen Donohue  
Judge Douglas Fair  
Judge Michael Finkle  
Judge Judy Jasprica (non-voting)

## **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 12:34 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 Board Meeting Minutes for October 14, 2016.

### **B. Treasurer's Report**

M/S/P to approve the Treasurer's Report. Judge Robertson reported that Ms. Christina Huwe, DMCJA Bookkeeper, prepared the financial report. She further reported monies have been spent down, and, therefore, the association is tapping into its reserve account. Thirty-thousand dollars (\$30,000) of reserve funds have been transferred to the account to pay expenditures. Judge Robertson noted that annual dues would increase the association's financial accounts. She further informed that there is approximately fifty-four thousand dollars (\$54,000) in current expenditures to date.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Burrowes reported that money is in the account, and, therefore, there is no change to the Special Fund account.

D. Standing Committee Reports

1. *Legislative Committee*

a. *Legislative Proposal: RCW 12.40, Small Claims – Judge Janet Garrow*

Judge Janet Garrow, King County District Court, presented proposed legislation regarding Small Claims, Revised Code of Washington (RCW) 12.40. This proposed legislation would amend the small claims statute to allow a Judge's order 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.

M/S/P to make this topic a discussion item.

2. *Rules Committee Meeting Minutes for August 24, 2016*

Judge Marinella informed that the Rules Committee Meeting Minutes for August 24, 2016 are located in the meeting packet. Judge Marinella then requested that Judge Garrow report on the discussion item regarding Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2., Release of Accused. Judge Garrow provided a brief background of the issue. See *Discussion, Proposed Amendment to CrRLJ 3.2 (b)(4)*.

E. Trial Court Advocacy Board (TCAB) Update

The Trial Court Advocacy Board met on November 4, 2016 and revised the Court Security Rule. However, the edits were not approved during the meeting because there was no quorum present. Thus, the revised Court Security Rule has been circulated to all TCAB members for consent. Upon consent, TCAB will forward the amended Court Security Rule to the DMCJA Board for its approval. The Court Security Rule is scheduled to be a discussion item at the December Board meeting.

F. Judicial Information Systems (JIS) Report

Ms. Cullinane reported that the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project Steering Committee has selected the following Judges to serve as Request for Proposals (RFP) Evaluators:

Tier I: Judge John Hart (Colfax Municipal Court), Judge Samuel Meyer (Thurston County District Court), and Judge Tina Kernan (Asotin County District Court)

Tier II: Judge Scott Ahlf (Olympia Municipal Court), Commissioner Paul Wohl (Thurston County District Court), and Judge Michelle Gehlsen (Bothell Municipal Court)

Tier I evaluators will evaluate vendors' written proposals in December 2016, and will score vendor demonstrations in February 2017. Tier II evaluators will score vendor demonstrations in February 2017 and conduct on-site client visits in April 2017. Ms. Cullinane informed that thank you letters were sent to all those who volunteered for the RFP Evaluator positions. Those volunteers who were not selected for the RFP Evaluator position were encouraged to consider other CLJ-CMS Project opportunities. Ms. Cullinane mentioned that she informed of the new CLJ-CMS Project during a conference for court line staff in October 2016.

Ms. Cullinane further reported the Washington State Patrol (WSP) has grant funding for a project that would make the driving under the influence (DUI) process electronic. Electronic warrants are included

in that process. Ms. Cullinane inquired whether the DMCJA would like to appoint representatives for the stakeholder group that will gather the business requirements. She noted that this project is different from the Electronic Law Enforcement Interface for Acquisition of Search Warrants (ELIAS) eWarrants Project, which failed. Ms. Cullinane informed that the issues still remain regarding how the system collects and stores information related to the warrant review process, and whether that information could be subject to the Public Records Act. Judge Marinella noted that Judges David Larson and Anthony Howard represented the DMCJA on the Washington Traffic Safety Commission eWarrants Initiative Work Group, and, therefore, may be interested in joining the stakeholder group. Judge Garrow stated that she has worked with the eWarrant program and would be interested in participating with the eDUI stakeholder group.

## LIAISON REPORTS

### A. District and Municipal Court Management Association (DMCMA)

Ms. Ly reported that the DMCMA held a Staff Conference in October 2016. Seventy-five line staff attended the Conference. She further informed that the DMCMA Spring Conference is scheduled for May 21-24, 2016 in Semiahmoo, WA. Ms. Ly reported that the DMCMA's primary focus is data cleanup for the new courts of limited jurisdiction case management system (CLJ-CMS) Project. The DMCMA is also reinvigorating the courts helping courts program. This program will be discussed at the November DMCMA Board meeting.

### B. Administrative Office of the Courts (AOC)

Ms. Callie Dietz, State Court Administrator, reported that the Supreme Court elected Justice Mary Fairhurst to become the next Chief Justice effective January 9, 2017. Ms. Dietz also informed that the AOC has hired Brady Horenstein as the Associate Director of the Judicial and Legislative Relations Office. Mr. Horenstein worked at the Department of Licensing as the Deputy Assistant Director of the Programs and Services Division. He is also a former Judicial Law Clerk to Judges Elaine Houghton and Lisa Worswick, Court of Appeals Division II. Mr. Horenstein knows the DMCJA Lobbyist, Melanie Stewart, Esquire, and has other good contacts. In addition, Ms. Jennifer Way has joined the Judicial and Legislative Relations Office as the Senior Administrative Assistant. Ms. Way formerly worked for the Lt. Governor's Office. Ms. Dietz further informed that the AOC is continuing to work on the CLJ-CMS Project. The request for proposal (RFP) was sent out ahead of schedule and the Project is continuing to move forward. Ms. Dietz noted that legislative funding will be needed for the CLJ-CMS Project.

### C. Board for Judicial Administration (BJA)

Judge Ringus reported that the BJA will not meet in November. The BJA Legislative Committee, however, will meet on November 18, 2016 via Conference Call. Judge Ringus informed that the BJA Legislative Committee met on October 21, 2016 and narrowed nine legislative proposals to four items. Judge Garrow reported that the BJA Policy and Planning Committee will also meet on November 18 to discuss overarching BJA policies. Judge Logan reported that she will work with the BJA Budget and Finance Committee in 2016-2017.

## ACTION

### A. *Legislative Proposal: RCW 12.40, Small Claims*

M/S/P to recommend that the DMCJA Legislative Committee move forward with the proposed RCW 12.40 amendment as a concept and process it accordingly. Judge Meyer and Ms. Stewart will work with Judge Garrow's legislative draft and speak with legislators regarding the small claims amendment.

### B. *Proposed Amendment to Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2 (b)(4), Release of Accused*

M/S/P to adopt the Rules Committee's recommendation to add at the end of existing language in CrRLJ 3.2 (b)(4) the following sentence, "If this requirement is imposed, the court must also authorize a surety bond under section (b)(5)."

## DISCUSSION

### **A. Proposed Amendment to Criminal Rule for Courts of Limited Jurisdiction (CrRLJ) 3.2 (b)(4), Release of Accused**

Judge Garrow reported that this issue arose when, in light of the decision in *State v. Barton*, the SCJA proposed that subsection CrR 3.2(b)(4), which parallels CrRLJ 3.2, be deleted. When the Supreme Court accepted this proposal, the DMCJA recommended that CrRLJ 3.2(b)(4) also be deleted, to be congruent with the Superior Court rule. Following publication of the DMCJA proposal, there were comments from the judicial community regarding the disparate impact the proposed amendment could have on low-income litigants. For this reason, the DMCJA requested that the Supreme Court stay consideration of the rule until the trial courts associations could propose a solution. On October 20, 2016, Justice Johnson, Supreme Court Rules Committee Chair, requested that both trial court associations review the Council on Public Defense (CPD) proposed amendment to CrRLJ 3.2 and advise whether they support it. The DMCJA Rules Committee discussed the CPD's proposed amendment and determined that rather than accept the CPD proposal, it is best to retain the existing language but add the following sentence at the end of CrRLJ 3.2 (b)(4), "If this requirement is imposed, the court must also authorize a surety bond under section (b)(5)." Judge Garrow requested that the Board consider the DMCJA Rules Committee's recommendation.

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

### **B. Senate Law and Justice Work Session for Night and Weekend Court on November 15, 2016, from 8:00 a.m. to 10:00 a.m., at the J.A. Cherberg Building in Olympia, WA.**

A Senate Law and Justice Work Session regarding night and weekend courts is scheduled for November 15, 2016, from 8:00 a.m. to 10 a.m., at the JA Cherberg Building in Olympia, WA. The Board discussed what courts currently hold night and weekend court. Judge Marinella noted that no law prohibits courts of limited jurisdiction (CLJs) from holding court at night or during the weekend. The board discussed access to justice and judicial caseload issues relating to the subject. Judge Meyer agreed to attend the work session on November 15. Ms. Dietz suggested that judges attending the work session may also want to discuss with legislators the new courts of limited jurisdiction case management system Project.

### **C. Judicial Assistance Services Program (JASP) Bylaws Amendment**

This topic relates to a proposed JASP bylaws amendment regarding JASP membership. The amendment permits two non-voting members from either the Supreme Court or the Court of Appeals. The Presiding Judge of the Court of Appeals will appoint the Court of Appeals member and the Chief Justice of the Supreme Court will appoint the Supreme Court member. The term for the non-voting appellate judges is two years. The Board discussed concerns regarding the DMCJA contribution to JASP, which is currently \$7000. Board members noted the rising cost of the program in recent years. The Board will request the number of appellate judges participating in JASP and whether appellate judges are willing to financially contribute to the program. It was noted that no one wants to exclude any judge from participating in JASP, however, it is costly for the DMCJA.

### **D. Separation of Powers Flyer: Whether to Retain Document on Inside Courts**

Judge Docter, Bremerton Municipal Court, reported that a Separation of Powers flyer posted on the BJA Public Trust and Confidence (PT&C) Committee website on Inside Courts is inaccurate. Judge Docter, who serves on the BJA PT&C Committee, informed that a PT&C subcommittee reviewed the documents and determined that the following statements need slight modifications for accuracy: (1) Clark County became a "Charter County" in 2015, (2) the Organizational chart and related connecting lines under "county government" and "city government" are not completely accurate because elected judges are not connected to the Mayor, nor should there be connectors between the Clerk/Executive branch and Superior Court, and (3) judges should not be listed below the Presiding Judge. Judge Docter was informed by the AOC that it would be very costly to revise the flyer. For this reason, the PT&C would like to know whether the Board would like to keep the document with the inaccuracies, revise it, or delete it from the website. Judge Marinella clarified that the cost to AOC would be in resources and time because the AOC does not own the original flyer. Ms. Dietz informed that the

original flyer was created by a graphic artist not related to the Administrative Office of the Court, thus, the AOC does not have the document and would have to create it from scratch. In light of the limited resources at AOC and the necessity to have accurate information on Inside Courts, the Board decided by general consensus to request that the AOC issue a disclaimer on the website indicating the inaccuracies on the Separation of Powers flyer. The project will be sent to the AOC to complete at its convenience.

**E. Funding Request: Additional Funding for YMCA Youth & Government Program**

The Board discussed whether to provide additional funding for the YMCA Youth and Government Program. In October 2016, the Board voted to contribute \$1600 to the YMCA fundraising campaign. The Board budgeted \$1600 for the Program at its 2016 Board Retreat. In 2016, the YMCA requested a modest increase in funding in order to help support YMCA program expansion efforts. Funding for the YMCA program is taken from the Judicial Community Outreach line item. The Public Outreach Committee also uses funds from the Judicial Community Outreach line item. Judge Gehlsen, Public Committee Outreach Chair, reported that she is uncertain of the amount of funding needed for the Committee because it is newly created. The Board, therefore, decided to address the issue at the next Board Retreat in May 2017 in order to budget for an increase in YMCA funding.

**F. DMCJA General Dues Rate – Whether to Retain the 2016 Rate**

The Board discussed whether to increase the General Dues Rate, which has remained unchanged since 2008. The current DMCJA dues assessment rate is as follows:

Judges:	$\frac{3}{4}$ - full time (\$750); $\frac{1}{4}$ - $\frac{3}{4}$ (\$375); $< \frac{1}{4}$ (\$187)
Commissioners/Magistrates:	$\frac{3}{4}$ - full time (\$600); $\frac{1}{4}$ - $\frac{3}{4}$ (\$300); $< \frac{1}{4}$ (\$150)
Associate Members:	\$25

The Board discussed programs such as court education for which the dues may be used. Judge Robertson expressed concern regarding the diminishing of the DMCJA reserve account, which is down to approximately seventy-thousand dollars (\$70,000). She then informed that she will get information from the DMCJA bookkeeper regarding how much an association the size of the DMCJA should have in its reserve account. This information will provide the information needed to determine whether to increase annual dues. This topic will be an action item at the December Board meeting.

**G. Legislative Proposal: RCW 12.40, Small Claims**

Judge Garrow proposed an amendment to the small claims statute, RCW 12.40, which would allow a small claims judgment to automatically become a civil judgment. She informed that the current law requires that a small claims order be certified as a civil judgment before a party can enforce collection on the judgment. Judge Garrow also noted that a small claims judgment must become a civil judgment before the court may close the case. The small claims amendment would increase the filing fee from \$14 to \$34. This fee, however, is less than the total amount typically paid by a party seeking to collect on a small claims judgment. The Board discussed concerns regarding the increase of fees in courts of limited jurisdiction. The Board further discussed access to justice issues regarding a party's ability to collect on a judgment. There was also discussion regarding whether the DMCJA should join in support of AOC proposed legislation similar to the small claims proposal.

Judge Meyer, DMCJA Legislative Committee Chair, reported that he spoke with Melanie Stewart, Esq., DMCJA Lobbyist, and she recommended that the Board move forward with the small claims proposal as a "concept." The association could, therefore, educate the Legislature on the issue. Judge Meyer further suggested that the DMCJA work with the District and Municipal Court Management Association (DMCMA) regarding the impact of the bill to court managers. Ms. Ly agreed to get the input of the DMCMA. Judge Marinella also suggested that obtaining a fiscal note may be beneficial.

**INFORMATION**

Judge Marinella informed the Board of the following events:

- A. *DMCJA Follow-Up Letter regarding Annual DOL/DMCJA/DMCMA/AOC Joint Leadership meeting is enclosed in the Board Agenda Packet.*
- B. *The Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Steering Committee selected Requests for Proposal (RFP) Evaluators at their November 1, 2016 Meeting.*
- C. *BJA Public Trust and Confidence Committee Vacancy*
- D. *Presiding Judge and Administrator Education Committee Vacancy*
- E. *Judge Stephen Holman, Kitsap County District Court, is retiring from the Washington Pattern Forms Committee*

Judge Marinella requested that Board members either consider volunteering for a vacant position or encourage a colleague to apply for a position.

#### **OTHER BUSINESS**

The next DMCJA Board Meeting is December 9, 2016, 12:30 a.m. to 3:30 p.m., in AOC Office, SeaTac.

**ADJOURNED** at approximately 2:22 p.m.

#### **EXECUTIVE SESSION**

- A. Agreement Between Administrative Office of the Courts and Superior Court Judges' Association
  - 1. DMCJA Outline of Concerns Regarding the SCJA Settlement

The Board called an Executive Session to discuss a confidential matter regarding the AOC and SCJA Agreement related to the Office of Superior Court.