



DMCJA Board of Governors Meeting
Saturday, May 14, 2016, 11:10 a.m. – 1:00 p.m.
Best Wester
Dayton, WA

MEETING MINUTES

Members Present:

Chair, Judge David Steiner
Judge Scott Ahlf
Judge Joseph Burrowes
Judge Linda Coburn
Judge Karen Donohue
Judge Douglas Fair
Judge Janet Garrow (non-voting)
Judge Michelle Gehlsen
Judge Michael Lambo (non-voting)
Judge G. Scott Marinella
Judge Samuel Meyer
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Charles Short
Judge David Svaren
Judge Tracy Staab

Guests:

Judge Sean P. O'Donnell, SCJA
Lloyd Willaford, Esq., WSAJ

AOC Staff:

Ms. Sharon R. Harvey, Primary DMCJA Staff

Members Absent:

Judge Judy Jasprica (non-voting)
Commissioner Rick Leo

CALL TO ORDER

Judge David Steiner, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 10:50 AM. Judge Steiner asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the Board Minutes for April 8, 2016.

B. Treasurer's Report

M/S/P to approve the Treasurer's Report. Judge Burrowes reported that business accounts and checking account statements are located in the Board packet.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Ahlf reported that a significant percentage of the membership has not paid their dues and inquired on what to do with those who have not paid their dues. The Board voted to extend the payment deadline to May 31, 2016.

D. Standing Committee Reports

1. Rules Committee Minutes for March 23, 2016

Judges Robertson and Garrow reported on the Rules Committee (Committee) meeting on March 23, 2016. The Committee discussed issues regarding General Rule (GR) 26 relating to mandatory education for court

administrators; Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 3.5, Decision on Written Statements, that was proposed by the Technology Subcommittee; and ACLU-WA proposed new General Rule 35, pertaining to jury selection.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported that the TCAB discussed local funding and working on state funding at its last meeting. Justice in Jeopardy initiatives were also addressed. The TCAB further discussed Senate Bill (SB) 5454, *An act relating to court operations*, which passed the legislature in 2005. The bill was to provide state funding to trial courts, however, this has not yet been actualized. Monies for the bill were to be located in a separate account so that it would be protected from road funding or building a bridge funds. The promises of SB 5454 would benefit both trial court levels.

LIAISON REPORTS

A. Board for Judicial Administration (BJA)

Judge Garrow, BJA Policy and Planning Committee Chair, reported that the Policy and Planning Committee will submit five proposals to the BJA at its next meeting on May 20, 2016. Judge Ringus reported that the BJA, which did not meet in April, will extend the time of its May meeting. Mr. Ramsey Radwan, AOC Management Services Division Director, will provide a revenue update at the next meeting. Judge Garrow will discuss the Policy and Planning Committee's strategic issue management initiative. Mr. Eric Johnson, Washington State Association of Counties (WSAC), will discuss WSAC's legislative agenda and fiscal sustainability initiative. The BJA will also address a resolution regarding the BJA having hiring authority over the Office of Judicial and Legislative Relations position. The BJA will further discuss proposed rule changes from the Court Management Council.

B. Superior Court Judges' Association (SCJA)

Judge O'Donnell reported that the SCJA, via its leadership, continues to speak with Ms. Callie Dietz, State Court Administrator, regarding mediation. Judge O'Donnell mentioned that the Board had a discussion about the vacant BJA lobbyist position, which is also known as the Association Director for the Office of Judicial and Legislative Relations. He further reported that the SCJA Board voted to continue to pursue legislation regarding the Office of the Superior Courts. Judge Steiner inquired about SCJA's position regarding mediation and how and whether it will occur. Judge O'Donnell informed that Judge Downes will meet with Ms. Dietz face to face regarding the issue of mediation. He then expressed that the SCJA leadership will keep details regarding the mediation confidential. At present, there is nothing concrete regarding the hiring of a mediator.

C. Washington State Association for Justice (WSAJ)

Mr. Willaford reported that the WSAJ met and discussed the DMCJA proposed amendments to Civil Rules of Courts of Limited Jurisdiction (CRLJ) 26, Time for Discovery, and opposed it because of concerns regarding the limited discovery deadline. Mr. Willaford further informed that the WSAJ is still gathering its concerns and comments regarding civil education. He will submit these concerns to Judge Burrowes upon completion.

ACTION

A. *Whether to adopt the DMCJA Rules Committee's Recommendation regarding ACLU's Proposed Amendments to General Rule 35, Jury Selection*

This issue relates to an ACLU proposed amendment to General Rule 35 regarding peremptory challenges. The amendment addresses potential bias in peremptory juror exclusions. The Committee recommends that the Board not endorse the ACLU's proposed Rule because the Washington Supreme Court is continuing to closely review this important area of law. A Board member requested that the vote regarding whether to endorse the proposed Rule be delayed in order for the Board member to prepare a memo on major factors regarding the proposed Rule.

M/S/P to postpone a vote on whether to endorse the ACLU's proposed Rule until Board members are presented with additional materials on the subject.

B. DMCJA National Leadership Grant Applications

The Board discussed the four applications for the National Leadership Grant. After careful consideration, the Board voted to award grants as follows: (1) Judge Marilyn Paja, Kitsap County District Court, was awarded \$1,050 to attend the National Association of Women Judges (NAWJ) Annual Conference; (2) Judge Janet Garrow, King County District Court, was awarded \$600 to attend the NAWJ Annual Conference; Judge Karen Donohue, Seattle Municipal Court, was awarded \$985 to attend the NAWJ Annual Conference. Judge Kayne, Medical Lake Municipal Court, was not awarded grant funding this year.

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

The Board discussed whether to appoint the DMCJA Vice-President to serve on the BJA Policy and Planning Committee (Committee) for a two-year term. Judge Garrow, Committee Chair, informed that the Committee Charter had been amended in order to create continuity and leadership opportunities. Judge Marinella, who currently serves on the BJA Policy and Planning Committee, expressed that selecting the DMCJA Vice-President not only creates continuity but is also beneficial because the Vice-President serves as the DMCJA Long Range Planning Committee Chair. M/S/P for the DMCJA Vice-President to serve as a member of the BJA Policy and Planning Committee.

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

This topic relates to a request regarding mandatory education for court administrators. There was discussion regarding whether the District and Municipal Court Management Association (DMCMA) supports the proposed amendment to General Rule (GR) 26. Judge Garrow informed that the DMCJA Rules Committee requested a GR 9 form from the rule's proponents. The Rules Committee will address the Rule upon receipt of the GR 9 form and provide a recommendation to the Board regarding whether to endorse GR 26.

E. Whether the DMCJA Should Reconsider its Proposed Amendment to CrRLJ 3.2

The Board voted to make this issue an action item. M/S/P to adopt the Rules Committee's recommendation to request that the Supreme Court Rules Committee delay consideration of the proposed amendment to CrRLJ 3.2.

F. DMCJA Bylaws – Interpretation of Bylaw regarding BJA Representative Term Limits

The Board voted to make this issue an action item. M/S/P that Judge Ringus is eligible to serve an additional term as a DMCJA Representative on the BJA.

G. Request for DMCJA Representative on Traffic-Based Financial Obligations Workgroup

The Board voted to make this issue an action item. M/S/P to appoint Judge Elizabeth Cordi-Bejarano, SeaTac Municipal Court, to represent the DMCJA on the Senate Bill (SB) 6360 Workgroup.

DISCUSSION

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

Judge Steiner informed that the DMCJA Long Range Planning Committee will identify issues for WSCCR to research. Drs. Carl McCurley and Andrew Peterson attended the February 2016 Board meeting and were informed that courts of limited jurisdiction judges are concerned with the drug epidemic's impact on trial courts.

Dr. Carl McCurley, WSCCR Director, recommended that Dr. Michael McDonnell address the group on the subject. Thus, the Board discussed whether to invite Dr. McDonnell to speak to the Board regarding methods for the courts to address drug addiction. The Board decided to task the DMCJA Education Committee with contacting Dr. McDonnell for him to speak to the entire DMCJA membership at an Annual Conference.

B. Whether the DMCJA Should Reconsider its Proposed Amendment to CrRLJ 3.2

Judge Steiner informed that the DMCJA Rules Committee recommends that the Board request the Supreme Court delay its decision regarding the DMCJA's proposed amendment to CrRLJ 3.2. The DMCJA proposed that CrRLJ 3.2 (b)(4) be deleted to be consistent with the corresponding Superior Court Rule. After receiving comments that the Rule would adversely impact low-income defendants, the DMCJA now would like to work with the SCJA to develop a solution to the concerns outlined in comments regarding the issue.

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

C. Judge Sean O'Donnell's Request that the BJA have final hiring authority for the new Judicial Lobbyist (Departure of Mellani McAleenan, Esq.)

Judge O'Donnell informed that the SCJA has proposed a resolution regarding the vacant Associate Director, Office of Judicial and Legislative Relations position. This position was formerly held by Ms. Mellani McAleenan. The SCJA's proposed resolution states, "It is the position of the Board for Judicial Administration that the Administrative Office of the Courts should delegate its authority for final hiring approval of the new lobbyist to the BJA." The DMCJA Board did not support the proposed resolution.

D. DMCJA Bylaws – Interpretation of Bylaw regarding BJA Representative Term Limits

This issue relates to Article VIII, Section 1 of the DMCJA Bylaws, which states in relevant part, "Representatives shall not serve more than two terms consecutively." The Board discussed whether Judge Ringus was eligible for an additional term as a DMCJA Representative on the BJA. After thorough discussion, the Board determined that Judge Ringus is eligible to serve an additional term on the BJA in light of historical precedence in which a former DMCJA judge was considered eligible to serve an additional term with a similar fact pattern. Here, Judge Ringus served a two-year term and a subsequent four-year term.

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

E. Request for DMCJA Representative on Traffic-Based Financial Obligations Workgroup

Judge Steiner recommended that Judge Elizabeth Cordi-Bejarano, SeaTac Municipal Court, serve as the DMCJA Representative on the workgroup developed from Senate Bill (SB) 6360, *Developing a plan for the consolidation of traffic-based financial obligations*.

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

INFORMATION

Judge Steiner informed that the Annual Spring Conference will be held June 5-8, 2016, at the Campbell's Resort, in Chelan, WA. The DMCJA sent flowers to a memorial service for Mr. Don Dietz, husband of State Court Administrator, Ms. Callie Dietz. He further informed that the DMCJA submitted a letter of support for a Minority and Justice Commission grant application regarding legal financial obligation reform.

OTHER BUSINESS

The Board was informed that the next Board meeting is Sunday, June 5, 2016, from 9:00 am to 12:00 pm, at the Campbell's Resort, in Chelan, WA.

ADJOURNED at 1:00 PM.